IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR PINELLAS COUNTY, FLORIDA

GAWKER MEDIA, LLC,

Defendant/Appellant,

vs.

Case No.: 12012447-CI-011

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TERRY GENE BOLLEA professionally known as HULK HOGAN,

Plaintiff/Appellee.

NOTICE OF APPEAL OF A NON-FINAL ORDER

NOTICE IS GIVEN that pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(B), Gawker Media, LLC, Defendant/Appellant, appeals to the Second District Court of Appeal, the order of this court rendered April 25, 2013. A conformed copy of the order is attached in accordance with Rule 9.130(c). The nature of the order is an order granting a temporary injunction.

Respectfully submitted,

THOMAS & LOCICERO PL B

Gregg D. Thomas Florida Bar No.: 223913 Rachel E. Fugate Florida Bar No.: 0144029 601 South Boulevard P.O. Box 2602 (33601) Tampa, FL 33606 Telephone: (813) 984-3060 Facsimile: (813) 984-3070 gthomas@tlolawfirm.com rfugate@tlolawfirm.com <u>Of Counsel:</u> Seth D. Berlin (*pro hac vice* motion forthcoming) Paul J. Safier (*pro hac vice* motion forthcoming) LEVINE SULLIVAN KOCH & SCHULZ, LLP 1899 L Street, NW, Suite 200 Washington, DC 20036 Telephone: (202) 508-1122 Facsimile: (202) 861-9888 <u>sberlin@lskslaw.com</u> psafier@lskslaw.com

> *Counsel for Defendant Gawker Media, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April 2013, I caused a true and correct

copy of the foregoing to be served by mail and email upon the following counsel of record:

Kenneth G. Turkel, Esq. <u>kturkel@BajoCuva.com</u> Christina K. Ramirez, Esq. <u>cramirez@BajoCuva.com</u> Bajo Cuva Cohen & Turkel, P.A. 100 N. Tampa Street, Suite 1900 Tampa, FL 33602 Tel: (813) 443-2199 Fax: (813) 443-2193

Charles J. Harder, Esq. charder@HMAfirm.com Harder Mirell & Abrams LLP 1801 Avenue of the Stars, Suite 1120 Los Angeles, CA 90067 Tel: (424) 203-1600 Fax: (424) 203-1601

Attorneys for Plaintiff

David Houston, Esq. Law Office of David Houston dhouston@houstonatlaw.com 432 Court Street Reno, NV 89501 Tel: (775) 786-4188 Barry A. Cohen, Esq. bcohen@tampalawfirm.com Michael W. Gaines mgaines@tampalawfirm.com D. Keith Thomas dkthomas@tampalawfirm.com Barry A. Cohen Law Group 201 East Kennedy Boulevard, Suite 1000 Tampa, FL 33602 Tel: (813) 225-1655 Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA, professionally known as HULK HOGAN,

Plaintiff,

VS.

Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC aka GAWKER MEDIA; GAWKER MEDIA GROUP, INC. aka GAWKER MEDIA; GAWKER ENTERTAINMENT, LLC; GAWKER TECHNOLOGY, LLC; GAWKER SALES, LLC; NICK DENTON; A.J. DAULERIO; KATE BENNERT, and BLOGWIRE HUNGARY SZELLEMI ALKOTAST HASZNOSITO KFT aka GAWKER MEDIA,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY INJUNCTION

This cause came before the Court on Plaintiff's Motion for Temporary Injunction (the "Motion"). The Court having reviewed and considered the Motion and Response papers, all oral argument at the hearing, and the Court file, and being otherwise fully advised,

IT IS ORDERED:

The Motion is GRANTED for the reasons stated on the record at the hearing held on April 24, 2013.

For the duration of the captioned action and until judgment is entered, Defendants Gawker Media, LLC aka Gawker Media, Gawker Media Group, Inc. aka Gawker Media, Gawker Entertainment, LLC, Gawker Technology, LLC, Gawker Sales, LLC, Nick Denton, A.J. Daulerio, Kate Bennert, Blogwire Hungary Szellemi Alkotast Hasznosito KFT aka Gawker Media (collectively, the "Gawker Defendants") are hereby:

- Ordered to remove the audio and video recording of Plaintiff Terry Gene Bollea in a private bedroom with Heather Clem, which recording includes depictions of Mr. Bollea naked and engaged in sexual activity (the "Sex Tape"), which is currently posted at www.gawker.com ("Gawker.com");
- 2. Ordered to remove from their websites, including Gawker.com, the written narrative describing activities occurring during the private sexual encounter, including: (a) all descriptions of visual images and sounds captured on the Sex Tape or any other video of this private sexual encounter; and (b) all direct quotations of words spoken during this private sexual encounter and recorded on the Sex Tape or any other video of this private sexual encounter and recorded on the Sex Tape or any other video of this private sexual encounter;
- Enjoined from posting, publishing, exhibiting, or broadcasting the full-length video recording, from which the Sex Tape was derived, and all portions, clips, still images, audio, and transcripts of that video recording;
- 4. Ordered to turn over to Mr. Bollea's counsel of record, Charles J. Harder, Esq. of Harder Mirell & Abrams LLP, all versions and copies of the full-length video recording, from which the Sex Tape was derived, and all portions, clips, still images, audio, and transcripts thereof within ten (10) days of the date of this Order; and
- 5. Mr. Bollea is not required to post a bond.

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DONE AND ORDERED in Chambers at Pinellas County, Florida, this 25 day of

2013.

ORIGINAL SIGNED Circuit Court Pinellas County, Florida Pamela A. M. Campbell APRIL 25, 2013 Circuit Court Judge 12-012447 CI-11 Pamela A.M. Anpbell Circuit

Copies furnished to: Barry Cohen, Esq. D. Keith Thomas, Esquire Michael W. Gaines, Esquire Gregg D. Thomas, Esquire Seth D. Berlin, Esquire Paul J. Safier, Esquire Kenneth G. Turkel, Esq. Charles J. Harder, Esq. David Houston, Esq.