

**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. 12012447 CI-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.

**PLAINTIFF TERRY GENE BOLLEA’S OPPOSITION TO GAWKER MEDIA, LLC’S
MOTION FOR THIRTY-DAY EXTENSION TO RESPOND TO PLAINTIFF’S
WRITTEN DISCOVERY REQUESTS**

Defendant Gawker Media, LLC has declined to respond to any of the initial written discovery served by Plaintiff Terry Gene Bollea (professionally known as Hulk Hogan) concerning the central issues of this case, and has provided no reason why it requires more time to answer each and every discovery request. Bollea offered to work with Gawker Media with respect to extending time to respond to particular requests, but Gawker Media declined to provide any information to Bollea regarding which discovery requests will require a longer response time and why, instead rushing into court to seek an extension. Gawker Media’s request should be denied.

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The determination as to whether to grant or deny a motion to extend time to respond to discovery is entirely discretionary. Fla R. Civ. Proc. 1.340(a) (with respect to interrogatories, “[t]he court **may** allow a shorter or longer time”) (emphasis added); Fla. R. Civ. Proc. 1.350(b) (same language with respect to document demands); Fla. R. Civ. Proc. 1.370(a) (similar language with respect to requests for admission).

The Sixth Judicial Circuit’s Standards of Professional Courtesy provide that scheduling changes be requested only **when necessary** and never solely for the purpose of delay. Sixth Judicial Circuit Administrative Order No. 2009-066 ¶ B.5. Gawker Media has not shown the necessity either for extending the time period to respond to every single portion of the written discovery (as opposed to certain requests where Gawker Media can demonstrate a need to gather information or documents) or for extending the response date a full month. This case has already been pending since October 2012, and Gawker Media proposes to delay initial written discovery responses by an additional month.

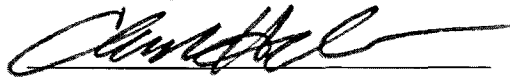
Bollea continues to stand ready to work with Gawker Media if particular requests require additional time for response, or if some of the document demands require a production schedule. However, Gawker Media has yet to make a particularized showing of any kind that it cannot respond to the discovery requests within the statutory 30-day period.

In fact, the justification for Gawker Media’s request has shifted over time. On May 29, 2013, Gawker Media stated that it wished to delay responding to any discovery for 30 days due to potential settlement negotiations. However, on June 5, Gawker Media stated that it needed to delay responding to discovery due to the fact that it hired a new in-house counsel. Whatever the actual justification for Gawker Media’s request, it has made no showing that **none** of Bollea’s written discovery can be responded to in any fashion for another month, and Bollea’s counsel

specifically and repeatedly informed Gawker Media that it would entertain a request for an extension of time to respond to discovery if Gawker Media provided more specific and particularized information regarding which requests required additional time to respond and why. Gawker Media has failed to provide such information.

The Standards of Professional Courtesy do, as Gawker Media points out, indicate that first requests for extensions of time should generally be agreed to by counsel. Sixth Judicial Circuit Administrative Order No. 2009-066 ¶ B.8. However, this must be read in conjunction with Paragraph B.5 of the same document; Gawker Media is expected to make a showing of necessity, and Bollea indicated to Gawker Media that he was willing (and still is willing) to agree to extensions for particular discovery requests so long as Gawker Media makes an adequate showing of necessity. Because Gawker Media has made no showing whatsoever, nor has attempted to do so, this Court should deny Gawker Media's motion.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail and U.S. First Class Mail this 13th day of June, 2013 to the following:

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A handwritten signature in black ink, appearing to read 'D. Houston', written over a horizontal line.

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