

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

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

HEATHER CLEM; GAWKER MEDIA,  
LLC aka GAWKER MEDIA; et al.,

Defendants.

---

**GAWKER MEDIA, LLC'S MOTION FOR THIRTY-DAY EXTENSION  
TO RESPOND TO PLAINTIFF'S WRITTEN DISCOVERY REQUESTS**

Pursuant to Florida Rule of Civil Procedure 1.090, Defendant Gawker Media, LLC ("Gawker"), by and through the undersigned counsel, hereby moves for a thirty-day extension to respond to written discovery requests served by plaintiff. Gawker has not made any prior request to extend discovery in this action. As grounds for this motion, Gawker states as follows:

1. On May 21, 2013, Plaintiff Terry Gene Bollea, professionally known as "Hulk Hogan" ("Hogan"), through his counsel, served on Gawker 88 requests for production of documents, 22 requests for admission, and 10 interrogatories. The interrogatories include at least several dozen subparts.

2. Hogan also served that same day depositions notices for the first half of July for four deponents including a corporate designee of Gawker. The corporate deposition notice to Gawker enumerated 51 separate topics.

\*\*\*ELECTRONICALLY FILED 6/7/2013 11:26:43 AM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY\*\*\*

3. Five business days later, on May 28, 2013, Gawker's counsel requested a thirty-day extension to respond to the discovery, including given its voluminous nature, and, having not heard back, followed up by email on June 3, 2013.

4. On June 4, 2013, Hogan's counsel advised that, although he might be willing to agree to "a little more time" in connection with "particular requests," he would not agree to the requested thirty-day extension. Plaintiff also unilaterally re-scheduled the depositions of the four Gawker witnesses for July 15-19, 2013.

5. In an effort to avoid involving the Court in a routine request for extension, Gawker asked Hogan's counsel to reconsider. Following several more exchanges, he declined.

6. Gawker believes that the requested extension is appropriate for the following reasons:

- a. the discovery requests were not served until seven months into this dispute,<sup>1</sup>
- b. both sides have, without delay, actively litigated this dispute since it began, often on an emergency basis,
- c. Gawker has regularly consented to prior requests by plaintiff to postpone hearings or to move other deadlines, and the Court granted plaintiff's request for an additional 120 days to serve the Gawker defendants (only two have whom have been served to date),
- d. collecting information and documents within a corporate defendant like Gawker in order to provide responses to voluminous discovery is an involved and time-consuming exercise,

---

<sup>1</sup> Following removal, the case was remanded to this Court in late March, so the discovery requests were served only two months into this case's pendency in this Court.

- e. during this period Gawker has two appellate briefs due to be filed with the Second District Court of Appeal in this action,
- f. Gawker has a new in-house lawyer who will be assuming responsibility for this matter starting on Monday, June 10, 2013, and it is unrealistic to expect her to be up to speed and able to provide meaningful consultation with the company's outside counsel absent extension,
- g. the new in-house counsel has made responding to plaintiff's discovery a priority, and has scheduled meetings with witnesses and Gawker's outside counsel for June 11 and 12, 2013, her second and third day on the job,
- h. although plaintiff unilaterally scheduled deposition dates of Gawker defendants, Gawker's counsel is endeavoring to work out the schedules with the other counsel and the witnesses cooperatively, and
- i. Gawker would have no objection to a similar extension should plaintiff require it in connection with the discovery requests it will shortly serve on plaintiff.

7. In support of its motion, Gawker points to the Standards of Professional Courtesy in Florida's Sixth Judicial Circuit. Standard B.7 provides that counsel are expected to "grant reasonable requests for scheduling, rescheduling, cancellations, extensions, and postponements that do not prejudice [their] client's opportunity for full, fair and prompt consideration and adjudication of the client's claim or defense." Standard B.8 provides that "[f]irst requests for reasonable extensions of time to respond to litigation deadlines relating to pleadings, discovery, or motions, should be granted as a matter of courtesy unless time is of the essence or other

circumstances require otherwise.” These Standards were reaffirmed by the Court in Administrative Order No. 2009-066 PA/PI-CIR.

8. This motion is not filed for the purpose of delay, but for the efficient and effective use of the Court and the parties’ time and resources.

9. This is Gawker’s first request for an extension of time of discovery. The Plaintiff will not be prejudiced by the brief extension of time requested.

WHEREFORE, Defendant Gawker respectfully requests that the Court grant its Motion for a thirty-day extension to respond to plaintiff’s written discovery requests, together with any further relief that the Court deems just and proper.

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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](mailto:gthomas@tlolawfirm.com)

[rfugate@tlolawfirm.com](mailto:rfugate@tlolawfirm.com)

Seth D. Berlin (admitted *pro hac vice*)

Paul J. Safier (admitted *pro hac vice*)

LEVINE SULLIVAN KOCH & SCHULZ, LLP

1899 L Street, NW, Suite 200

Washington, DC 20036

Telephone: (202) 508-1122

Facsimile: (202) 861-9888

[sberlin@lskslaw.com](mailto:sberlin@lskslaw.com)

[psafier@lskslaw.com](mailto:psafier@lskslaw.com)

*Counsel for Defendant Gawker Media, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of June 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.  
[kturkel@BajoCuva.com](mailto:kturkel@BajoCuva.com)  
Christina K. Ramirez, Esq.  
[cramirez@BajoCuva.com](mailto:cramirez@BajoCuva.com)  
Bajo Cuva Cohen & Turkel, P.A.  
100 N. Tampa Street, Suite 1900  
Tampa, FL 33602  
Tel: (813) 443-2199  
Fax: (813) 443-2193

David Houston, Esq.  
Law Office of David Houston  
[dhouston@houstonatlaw.com](mailto:dhouston@houstonatlaw.com)  
432 Court Street  
Reno, NV 89501  
Tel: (775) 786-4188

Charles J. Harder, Esq.  
[charder@HMAfirm.com](mailto: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*

Barry A. Cohen, Esq.  
[bcohen@tampalawfirm.com](mailto:bcohen@tampalawfirm.com)  
Michael W. Gaines  
[mgaines@tampalawfirm.com](mailto:mgaines@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*

/s/ Gregg D. Thomas  
Attorney