

EXHIBIT D

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Alia Smith

From: Charles Harder <charder@hmafirm.com>
Sent: Monday, February 17, 2014 2:31 PM
To: Seth Berlin
Cc: James Case; Alia Smith; Paul Safier; Julie Ehrlich; Michael Berry; gthomas@tlolawfirm.com; Rachel E. Fugate; dhouston@houstonatlaw.com; Ken Turkel (KTurkel@bajocuva.com) (KTurkel@bajocuva.com); cramirez@BajoCuva.com; bcohen@tampalawfirm.com; Michael W. Gaines (mgaines@tampalawfirm.com); Seth Berlin
Subject: Re: Bollea v. Clem, Gawker - Discovery & Postponement of Mr. Bollea's Deposition

Dear Judge Case:

My office is closed today for the national holiday and I am not working, nor is my staff. Mr Berlin and I spoke for 90 mins on Friday about logistics, coming close to an agreement but apparently it was unsuccessful. We also agreed to speak on Tuesday (tomorrow) to finally have a meet and confer conference regarding the issues in the three discovery motions that his office filed last week (one of which was filed in New York) -- all filed on the eve of the three day weekend, and without the benefit of having a meet and confer conference.

I informed Mr Berlin on Friday that an opposition deadline of this week does not afford my office with sufficient time to oppose the motions, particularly because his office filed 3 motions all at one time, on the eve of the 3 day weekend, and when our meet and confer conference is scheduled for tomorrow.

We will agree to keep the depositions on schedule for March 6-7, but it should be noted that I gave Gawker the option of a short postponement of Terry Bollea's deposition (or all 3 depositions) to allow Gawker's discovery issues to be resolved BEFORE the deposition(s), but Gawker refuses to postpone (and even threatened to seek terminating sanctions if we sought to postpone the Bollea depo). Thus Gawker is taking the depositions knowing that further info/documents could be produced (including by non-parties) after the March 3-7 depositions. Therefore, Gawker should be precluded from recalling any of these witnesses back to deposition if documents are produced pursuant to any of the three discovery motions after these depositions.

It also should be noted that the vast majority of the discovery that is in dispute in the three pending motions was propounded by Gawker AFTER Mr Bollea had agreed to his March 6-7 deposition dates, and the remainder of the discovery in dispute is under submission before Judge Campbell. Regarding the later-propounded discovery, Gawker first noticed these depositions in August 2013, scheduled them all for November 2013, unilaterally postponed the depositions, then asked for and received new deposition dates March 3-7, then propounded the **new discovery** that is now the subject of the new discovery motions.

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Sent from my iPhone - Thus please excuse the inevitable typos.

On Feb 17, 2014, at 10:21 AM, "Seth Berlin" <SBerlin@lskslaw.com> wrote: