

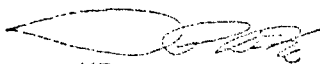
1899 L Street, NW
Suite 200
Washington, DC 20036
(202) 508-1100 | Phone
(202) 861-9888 | Fax

Seth D. Berlin
(202) 508-1122
sberlin@lskslaw.com

Alia L. Smith
(202) 508-1125
asmith@lskslaw.com

FILED
ST. PETERSBURG BRANCH

2014 FEB 27 PM 3:30



KEN BURKE
CLERK OF CIRCUIT COURT

February 10, 2014

BY FED EX

The Honorable Pamela A.M. Campbell
Sixth Judicial Circuit
545 First Avenue N., Room 300
St. Petersburg, FL 33701

RECEIVED

FEB 11 2014

Pamela A.M. Campbell
Circuit Judge

Re: *Bollea v. Clem, Gawker Media, LLC, et al.*, No. 12012447-CI-011

Dear Judge Campbell,

We write to submit to you Gawker's proposed orders from the hearing held on November 25, 2013. We understand that plaintiff has already submitted to you his own version of a proposed order, and we apologize that the parties were not able to settle on a version that could be submitted jointly.

By way of brief explanation of the enclosed: After an initial exchange of drafts, plaintiff submitted a proposal to Gawker on January 16, 2014, which is attached hereto as Exhibit A. Shortly thereafter, Gawker proposed minor revisions, including to address the motion for reconsideration regarding production of "cease and desist" communications," or for a stay pending appeal, which was heard on January 17, 2014 and which the Court advised should be addressed in the order from the November 25, 2013 hearing. Accordingly, Gawker proposed two alternatives, one granting that motion and the other denying it (with the latter affording the Court the option of either granting or denying the request for a stay pending appeal). Both of these alternative proposals are attached hereto as Exhibit B. The differences between Exhibits A and B should be self-explanatory, including small changes such as removing a reference to the "full-length tape" in Interrogatory No. 15 (since Gawker never posted the full length tape), adding the above-described references to the Motion for Reconsideration for RFP No. 28, and limiting the scope of the search for "standards for content" at websites other than *gawker.com* (RFP No. 50) or the role and function of the various Gawker entities (RFP No. 89-90), as discussed at the hearing.

Last week, plaintiff proposed to Gawker, and then submitted to the Court, a different proposal which significantly retreated from the language he had earlier proposed in Exhibit A, language with which Gawker had largely agreed. Given that there were previously only minor areas of disagreement, we regret that the plaintiff elected to unilaterally submit a new order differing markedly from his earlier proposal. Because there was no reporter present for the

Hon. Pamela A.M.
Campbell
February 10, 2014
Page 2

November 25, 2013 hearing, we would be pleased to address any areas of concern at a future appearance before the Court if that would be helpful.

Otherwise, Gawker respectfully requests that the court enter one of the proposed orders attached hereto as Exhibit B. Should you have any questions, please do not hesitate to contact us. Thank you.

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 

Seth D. Berlin
Alia L. Smith

Enclosures

cc: All Other Counsel of Record
(all by email)

Exhibit A

(Plaintiff's proposed order of January 16, 2014)

Alia Smith

From: Ken Turkel <KTurkel@bajocuva.com>
Sent: Thursday, January 16, 2014 11:32 AM
To: Alia Smith; Seth Berlin; gthomas@tlolawfirm.com
Cc: 'Charles Harder'; Christina K. Ramirez
Subject: Revised Proposed Order (00028670xCE2FC).docx
Attachments: Revised Proposed Order (00028670xCE2FC).docx

Alia,

Attached is our revised proposed Order. My red line got a little confusing through the internal edits, so I am sending a clean version. It should not be hard to follow.

Please let me know if it is acceptable and we can submit it for rendition tomorrow.

Ken

Bajo|Cuva|Cohen|Turkel
ATTORNEYS AT LAW

Kenneth G. Turkel, Esq.
Bajo, Cuva, Cohen, & Turkel, P.A.
100 N. Tampa Street
Suite 1900
Tampa, FL 33602
(813)443-2199 (telephone)
(813)443-2193 (fax)
(813)924-2732 (cell)
kturkel@bajocuva.com
www.bajocuva.com

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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, *et al.*,

Defendants.

**ORDER ON PLAINTIFF'S MOTION TO COMPEL
FURTHER RESPONSES FROM GAWKER MEDIA, LLC**

This cause came before the Court on November 25, 2013 at 9:30 a.m. on Plaintiff's Motion to Compel Further Responses to Discovery Requests (the "Motion") against defendant Gawker Media, LLC ("Defendant"). The Court has reviewed the Court file, reviewed and considered the Motion and response papers, heard argument of counsel, and is otherwise fully advised. Accordingly,

IT IS ORDERED AND ADJUDGED:

Interrogatories

1. As to Interrogatory number 5, the Motion to Compel is withdrawn as moot because the parties have resolved the issue through their meet and confer dialogue.
2. As to Interrogatory number 13, Defendant's objections are sustained in part and overruled in part. Defendant's response may be limited to identifying any individual or entity who, directly or indirectly, received money or other compensation flowing from the publication of the article, the full-length tape itself or excerpts from the full-length tape, which are at issue in this lawsuit, on gawker.com ("publication of the Gawker Story"). Defendants' response may exclude individuals or entities such as employees or vendors, who may have received compensation indirectly as a result of Defendant's use of revenues generated from the publication of the Gawker Story to pay usual and customary obligations, however, shall not exclude the identification of principals or other personnel whose compensation arose from or related to, in whole or part, revenues generated from the publication of the Gawker Story.

Requests for Production

3. As to Request for Production number 28, Defendant's objections are overruled, but the duration of the request is limited to the production of all responsive documents from October 1, 2009 through the present, and Defendant shall produce all responsive documents within its possession, custody or control within that time period.
4. As to Request for Production number 30, Defendant's objections are sustained without prejudice.
5. As to Request for Production numbers 39 and 40, Defendant's objections are sustained without prejudice.
6. As to Request for Production number 49, Defendant's objections are overruled, and Defendant shall produce its entire Editor Wiki.
7. As to Request for Production number 50, Defendant's objections are overruled, and Defendant shall produce all responsive documents within its possession, custody or control.
8. As to Request for Production numbers 89 and 90, Defendant's objections are overruled, and Defendant shall produce all responsive documents within its possession, custody or control as to Defendants Gawker Media Group, Inc. and Kinja, KFT.
9. As to Request for Production number 91, Defendant's objections are sustained without prejudice.
10. As to Request for Production number 92, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall determine whether it has any responsive documents not previously produced that reflect amounts of any financial transactions between or among Defendant Gawker Media Group, Inc. and Kinja, KFT. The Court will review this issue at the hearing currently scheduled in this case on January 17, 2014 to determine whether discovery disclosures and deposition testimony to date have provided sufficient information which would otherwise be available in the referenced documents.
11. As to Request for Production number 93, Defendant's objections are overruled, but, consistent with this Court's rulings on Interrogatory No. 13 and on Requests for Production numbers 101-104, Defendant's response may be limited to documents regarding advertising revenue flowing from the publication of the Gawker Story, and

Defendant shall produce the responsive documents within its possession, custody or control

12. As to Request for Production numbers 94 through 99, Defendant's objections are sustained without prejudice.
13. As to Request for Production numbers 101 through 104, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall be required to produce responsive documents regarding any revenue flowing from the publication of the Gawker Story.
14. As to Request for Production number 105, Defendant's objections are sustained without prejudice.
15. Defendant shall provide responsive documents and interrogatory answers as set forth above within 30 days of the date of this Order.

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

_____, 2014.

Pamela A.M. Campbell
Circuit Court Judge

Copies furnished to:
Counsel of Record

Exhibit B

(Gawker's proposed orders of January 22, 2014)

Alia Smith

From: Alia Smith
Sent: Wednesday, January 22, 2014 6:34 PM
To: 'Ken Turkel'
Cc: gthomas@tloiawfirm.com; Seth Berlin
Subject: Proposed order from 11/25 hearing
Attachments: Redline of proposed order (00694514).DOCX; Alternate proposed revisions to draft order from 11-25 (00694478).DOCX

Ken,

Thank you for your revision to the proposed order. I apologize for taking a few days to respond in light of the hearing on Friday, the holiday on Monday and the closure of our office yesterday due to inclement weather. Attached are our few proposed modifications, in redlining. As you will see, I think we are very close to agreement on most areas. A couple of points to note:

- (1) Paragraph 3: As Judge Campbell indicated she would address Gawker's motion for reconsideration in connection with this order, we have prepared two versions of the order – one in which Gawker's reconsideration motion is denied (which then gives the court the option to grant or deny the requested stay) and one in which Gawker prevails on that motion.
- (2) Paragraph 7: As we discussed by phone last month, Gregg and I are certain that Judge Campbell limited Gawker's obligation to search for all "standards" for posting content at non-gawker.com sites. (We already produced everything we have for gawker.com). Rather than requiring us to conduct extensive email searches, Judge Campbell stated that the search may be conducted by asking each of the editors of websites other than gawker.com whether they have any such standards and then producing anything that results. We have revised this paragraph accordingly and, although we object to such non-gawker.com discovery, are prepared to abide by that ruling.

The other changes are minor and self-explanatory. I should generally be available tomorrow (other than our call with Judge Case) if you would like to discuss. Thanks again for your cooperation.

Best,
Alia

Alia L. Smith



1899 L Street, NW
Suite 200
Washington, DC 20036
(202) 508-1125 | Phone
(202) 861-9888 | Fax
www.lskslaw.com

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

TERRY GENE BOLLEA professionally
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vs.

Case No. 12012447CI-011

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IT IS ORDERED AND ADJUDGED:

Interrogatories

1. As to Interrogatory number 5, the Motion to Compel is withdrawn as moot because the parties have resolved the issue through their meet and confer dialogue.
2. As to Interrogatory number 13, Defendant's objections are sustained in part and overruled in part. Defendant's response may be limited to identifying any individual or entity who, directly or indirectly, received money or other compensation flowing from the publication of the article or excerpts from the full-length tape, which are at issue in this lawsuit, on gawker.com ("publication of the Gawker Story"). Defendants' response may exclude individuals or entities such as employees or vendors, who may have received compensation indirectly as a result of Defendant's use of revenues generated

from the publication of the Gawker Story to pay usual and customary obligations, however, shall not exclude the identification of principals or other personnel whose compensation arose from or related to, in whole or part, revenues generated from the publication of the Gawker Story.

Requests for Production

3. As to Request for Production number 28, upon Defendant's Motion for Reconsideration, Defendant's objections are sustained.
4. As to Request for Production number 30, Defendant's objections are sustained without prejudice.
5. As to Request for Production numbers 39 and 40, Defendant's objections are sustained without prejudice.
6. As to Request for Production number 49, Defendant's objections are overruled, and Defendant shall produce its entire Editor Wiki.
7. As to Request for Production number 50, Defendant's objections are sustained in part and overruled in part. Having already produced the requested information for gawker.com, Defendant shall be required to ask the editors of each of its other websites whether any written "standards for posting content" exists, and, if so, Defendant shall produce any such written standards.
8. As to Request for Production numbers 89 and 90, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall produce documents within its possession, custody or control sufficient to provide the requested information as to Defendants Gawker Media Group, Inc. and Kinja, KFT.
9. As to Request for Production number 91, Defendant's objections are sustained without prejudice.
10. As to Request for Production number 92, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall determine whether it has any responsive documents not previously produced that reflect amounts of any financial transactions between or among Defendant Gawker Media Group, Inc. and Kinja, KFT. The Court will review this issue at the next hearing to be held in this case to determine whether discovery disclosures and deposition testimony to date have provided sufficient information which would otherwise be available in the referenced documents.
11. As to Request for Production number 93, Defendant's objections are overruled, but, consistent with this Court's rulings on Interrogatory No. 13 and on Requests for Production numbers 101-104, Defendant's response may be limited to documents regarding advertising revenue flowing from the publication of the Gawker Story, and

Defendant shall produce the responsive documents within its possession, custody or control.

12. As to Request for Production numbers 94 through 99, Defendant's objections are sustained without prejudice.
13. As to Request for Production numbers 101 through 104, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall be required to produce responsive documents regarding any revenue flowing from the publication of the Gawker Story.
14. As to Request for Production number 105, Defendant's objections are sustained without prejudice.
15. Defendant shall provide responsive documents and interrogatory answers as set forth above within 30 days of the date of this Order.

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

_____, 2014.

Pamela A.M. Campbell
Circuit Court Judge

Copies furnished to:
Counsel of Record

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

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Defendants.

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As to Interrogatory number 13, Defendant's objections are sustained in part and overruled in part. Defendant's response may be limited to identifying any individual or entity who, directly or indirectly, received money or other compensation flowing from the publication of the article or excerpts from the full-length tape, which are at issue in this lawsuit, on gawker.com ("publication of the Gawker Story"). Defendants' response may exclude individuals or entities such as employees or vendors, who may have received compensation indirectly as a result of Defendant's use of revenues generated

from the publication of the Gawker Story to pay usual and customary obligations, however, shall not exclude the identification of principals or other personnel whose compensation arose from or related to, in whole or part, revenues generated from the publication of the Gawker Story.

Requests for Production

2. As to Request for Production number 28, Defendant's objections are overruled, but the duration of the request is limited to the production of all responsive documents from October 1, 2009 through October 4, 2012, and Defendant shall produce all responsive documents within its possession, custody or control within that time period. Defendant's Motion for Reconsideration is denied. Defendant's motion for a stay of this ruling pending appeal is

___ granted.

___ denied.

3. As to Request for Production number 30, Defendant's objections are sustained without prejudice.
4. As to Request for Production numbers 39 and 40, Defendant's objections are sustained without prejudice.
5. As to Request for Production number 49, Defendant's objections are overruled, and Defendant shall produce its entire Editor Wiki.
6. As to Request for Production number 50, Defendant's objections are sustained in part and overruled in part. Having already produced the requested information for gawker.com, Defendant shall be required to ask the editors of each of its other websites whether any written "standards for posting content" exists, and, if so, Defendant shall produce any such written standards.
7. As to Request for Production numbers 89 and 90, Defendant's objections are sustained in part (without prejudice) and overruled in part. Defendant shall produce documents within its possession, custody or control sufficient to provide the requested information as to Defendants Gawker Media Group, Inc. and Kinja, KFT.
8. As to Request for Production number 91, Defendant's objections are sustained without prejudice.
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The Court will review this issue at the next hearing to be held in this case to determine whether discovery disclosures and deposition testimony to date have provided sufficient information which would otherwise be available in the referenced documents.

10. As to Request for Production number 93, Defendant's objections are overruled, but, consistent with this Court's rulings on Interrogatory No. 13 and on Requests for Production numbers 101-104, Defendant's response may be limited to documents regarding advertising revenue flowing from the publication of the Gawker Story, and Defendant shall produce the responsive documents within its possession, custody or control.
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13. As to Request for Production number 105, Defendant's objections are sustained without prejudice.
14. Defendant shall provide responsive documents and interrogatory answers as set forth above within 30 days of the date of this Order.

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

_____, 2014.

Pamela A.M. Campbell
Circuit Court Judge

Copies furnished to:
Counsel of Record