

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.

SUPPLEMENTAL AFFIDAVIT OF SETH D. BERLIN

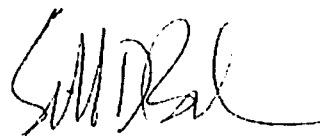
I, Seth D. Berlin, hereby affirm under penalty of perjury that the following is true and correct:

1. The statements made in this affidavit are based on my personal knowledge.
2. I submit this supplemental affidavit to respond to plaintiff's reply in support of his Motion to Stay this Court's February 26, 2014 order, directing plaintiff and his counsel to provide authorizations for use in requesting records from the FBI.
3. In my prior affidavit, dated March 14, 2014, I described my conversations with the FBI and the U.S. Attorney's Office. In response, plaintiff filed a reply brief arguing, at pages 2-4, that my prior affidavit "should be rejected" because it was "based on inadmissible hearsay statements supposedly made by the U.S. Attorney's Office," and because it "fail[ed] to present an Affidavit or letter . . . regarding the government's assertion of the law enforcement privilege."
4. While I believe that, as an officer of the Court, my representation about my conversations with government officials should be more than sufficient to be considered by the Court, for the avoidance of any doubt I attach hereto as Exhibit A an email exchange dated

March 18 and 19, 2014 with Sara Sweeney of the United States Attorney's Office concerning the Government's position. In that email exchange, Ms. Sweeney confirms that:

- (a) "The Government is not asserting any privilege with respect to documents that Terry Gene Bollea or his counsel have in their possession, including the documents on the privilege log supplied to" the Government;
- (b) the Government "so informed Mr. Bollea's counsel";
- (c) Gawker "would not be interfering in any way with any investigation if those documents were disclosed or if [it] contact[s] witnesses who may have provided information to the Government"; and
- (d) while "it is possible that someone may have [so] requested of Mr. Bollea or his counsel in the past," it is currently the case that "Mr. Bollea and his counsel have not been instructed by the Government not to speak about these subjects or any investigation."

5. In light of the foregoing, and the fact that both Judge Case and this Court concluded that the FBI authorization was warranted, the Court should deny the motion for a stay.



Seth D. Berlin

Sworn before me this 10 day of March 2014:



Notary Public

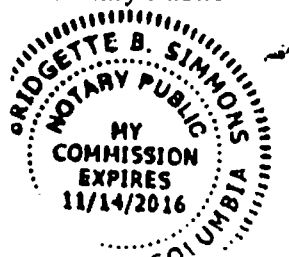


EXHIBIT A

From: Sweeney, Sara (USAFLM) 1 <Sara.Sweeney@usdoj.gov>
Sent: Wednesday, March 19, 2014 12:53 PM
To: Seth Berlin
Subject: RE: Contact information

Hi Seth,

I confirm everything you wrote below, with one addition: on subpoint (c), it is possible that someone may have said requested that of Mr. Bollea or his counsel in the past. But that request, if given, is no longer in force.

Thanks,
Sara

Sara C. Sweeney
Assistant United States Attorney
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, Florida 33602
Tel: (813) 274-6145
Fax: (813) 274-6178

From: Seth Berlin [<mailto:SBerlin@lskslaw.com>]
Sent: Tuesday, March 18, 2014 4:33 PM
To: Sweeney, Sara (USAFLM) 1
Cc: Seth Berlin
Subject: RE: Contact information

Ms. Sweeney,

Thank you very much for the letter. Following our conversation last week, I also just wanted to confirm my understanding that (a) the Government is not asserting any privilege with respect to documents that Terry Gene Bollea or his counsel have in their possession, including the documents on the privilege log supplied to you (and so informed Mr. Bollea's counsel), (b) we would not be interfering in any way with any investigation if those documents were disclosed or if we contact witnesses who may have provided information to the Government, and (c) Mr. Bollea and his counsel have not been instructed by the Government not to speak about these subjects or any investigation. Could you please confirm that I have that correct? Thank you.

Seth

Seth D. Berlin

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(202) 861-9888 Fax
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From: Sweeney, Sara (USAFLM) 1 [<mailto:Sara.Sweeney@usdoj.gov>]
Sent: Tuesday, March 18, 2014 8:01 AM
To: Seth Berlin
Subject: RE: Contact information

Hi Seth,
Attached is the letter you requested.

Thanks,
Sara

Sara C. Sweeney
Assistant United States Attorney
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, Florida 33602
Tel: (813) 274-6145
Fax: (813) 274-6178

From: Seth Berlin [<mailto:SBerlin@lskslaw.com>]
Sent: Friday, March 14, 2014 10:28 AM
To: Sweeney, Sara (USAFLM) 1
Cc: Seth Berlin
Subject: Contact information

Ms. Sweeney -- As requested, my contact information is below. Thank you for your assistance.

Seth Berlin

Seth D. Berlin

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