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; 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 EXCEPTIONS TO DISCOVERY MAGISTRATE'S RECOMMENDATION RE: GAWKER MEDIA, LLC AND A.J. DAULERIO'S FIFTH MOTION TO COMPEL

I. INTRODUCTION

In this proceeding, the discovery magistrate recommended that Plaintiff Terry Bollea ("Mr. Bollea" or "Plaintiff") be ordered to comply with Defendants Gawker Media LLC and A.J. Daulerio's Fifth Motion to Compel, which sought: (1) all of Mr. Bollea's personal telephone records from the year 2012, (2) all of his and his representatives' communications with law enforcement, and (3) documents referring or relating to Mr. Bollea's media appearances.[1] Mr. Bollea files these Exceptions to the discovery magistrate's recommendation as to subjects (1)

[1] The discovery magistrate's recommendation is attached hereto. Mr. Bollea submits, concurrently herewith, a binder containing the briefing of both parties directed to the discovery magistrate, for the Court's convenient reference.

and (2), only—the recommendation that Mr. Bollea produce his personal telephone records from 2012, and all of his communications with law enforcement. Mr. Bollea objects to the production of these documents on grounds that the discovery is overbroad, not relevant or reasonably calculated to lead to the discovery of admissible evidence, an invasion of Mr. Bollea's privacy, a violation of the Law Enforcement Privilege, and inconsistent with this Court's October 29, 2013, Order regarding the scope of discovery in this case. [2]

The Circumstances Surrounding the Discovery Magistrate's Recommendation

The discovery magistrate's recommendation as to the first subject of these Exceptions—Mr. Bollea's personal telephone records—was made on an expedited basis, amid Gawker's filing of two additional motions (one in Florida and one in New York), all served the Thursday afternoon before Presidents' Day weekend, and without the discovery magistrate receiving applicable authority providing that **telephone records are protected by the right to privacy under Florida law and the party seeking such information must establish the absolute necessity of obtaining it**. *See Berkeley v. Eisen*, 699 So.2d 789 (Fla. 4th DCA 1997). Specifically, on February 13, 2014, Gawker filed its fourth and fifth motions to compel before the discovery magistrate, and additionally served a petition in New York state court to enforce subpoenas demanding production of privileged documents from Mr. Bollea's publicist. **After** Gawker filed its motions, on Tuesday, February 18, counsel had their **first** meet and confer conference on the topics in the motions to compel. Even so, Gawker requested that the motions

[2] Though Mr. Bollea contends that documents referring or relating to his media appearances are irrelevant and not likely to lead to the discovery of admissible evidence, he does not file Exceptions to this part of the discovery magistrate's recommendation. Mr. Bollea has conducted a diligent search for responsive documents and, on March 5, 2014, produced documents Bates stamped BOLLEA 001060–67, consisting of an email with attachments regarding an October 2012 media tour, that Mr. Bollea voluntarily obtained from TNA Impact Wrestling. There are no further non-privileged, responsive documents in Mr. Bollea's possession, custody or control.

be heard on an expedited basis; they were scheduled for hearing less than one week after the meet and confer conference, on February 24.

Importantly, in its fifth motion to compel (the subject of these Exceptions) **Gawker did not cite any legal authorities** to support its position that an individual's personal phone records are discoverable. They are not, as discussed herein, which presumably explains why Gawker failed to cite, or purposely omitted citation, to **any legal authorities** on this topic in its motion. Because Gawker cited no legal authority in its motion, and also because of the expedited nature of the motion, and the flurry of other motions being filed and heard at that same time, Mr. Bollea did not include legal authorities in his opposition. It was only in Gawker's reply, filed **the morning of the hearing** on February 24th, that Gawker cited any cases purporting to support its position that personal telephone records are discoverable. Those cases are distinguishable, but Mr. Bollea did not have the opportunity to respond to them. These Exceptions, for the first time, distinguish those cases for the Court.

Gawker's fifth motion to compel implicates important privacy concerns, especially where Mr. Bollea's privacy is at the heart of this case. Gawker has shown (time and again) its disregard for Mr. Bollea's and others' privacy rights. Therefore, the Court should review the discovery magistrate's recommendation with the benefit of the legal authority provided in these Exceptions, which the discovery magistrate never received or considered. That authority expressly holds that telephone records are protected by Florida's right of privacy, and such records should not be compelled unless the moving party establishes a clear **necessity** for the documents.

This Court's October 29, 2013 Order Regarding the Scope of Discovery

On October 29, 2013, with the purpose of "narrow[ing] the focus" of the parties'

discovery, the Court denied Gawker's discovery regarding: (1) Mr. Bollea's financial dealings, including all of his employment contracts; (2) Mr. Bollea's medical records; (3) Mr. Bollea's divorce proceeding; and (4) Mr. Bollea's sex life (other than his relationship with Heather Clem). Tr. (10/29/13) at 59:17–18. Gawker's attempts to justify its discovery into the foregoing topics were each rejected by this Court, including the arguments that such discovery **might** show that Mr. Bollea was a hypocrite, did not value his own privacy, or consented to recordings of his sexual relationships. The Court held:

> "[T]he medical records of Mr. Bollea, the objection is sustained. For purposes of financial records of the plaintiff..., the plaintiff's objection is sustained.... [I]nformation regarding the divorce proceeding, as far as Mr. Bollea, the plaintiff's objections are sustained. As it pertains to Mr. Bollea..., the questions that the Court would determine to be relevant are only as it relates to the sexual relations between Mr. Bollea and Ms. Clem for the time frame 2002 to the present...."

Tr. (10/29/13) at 91:21–92:14.

* * *

As this Court already has found, **discovery in this case should not extend to collateral areas of dubious relevance that compound the invasion of privacy already suffered by Mr. Bollea**. The discovery sought in Gawker's Fifth Motion to Compel seeks information that is irrelevant to the case and is not reasonably calculated to lead to admissible evidence; is vastly overbroad; seeks to invade Mr. Bollea's privacy; seeks to invade the Law Enforcement Privilege; extends discovery beyond the bounds of this Court's order; and disrupts the carefully balanced rulings already made by this Court. Accordingly, Mr. Bollea respectfully requests that the Court reject the discovery magistrate's recommendation.

II. THE DISCOVERY MAGISTRATE ERRED IN RECOMMENDING THAT GAWKER BE PERMITTED TO INVADE MR. BOLLEA'S PRIVACY BY TAKING BLANKET DISCOVERY OF HIS PHONE RECORDS.

This Court should decline to adopt the discovery magistrate's recommendation that Mr. Bollea be required to produce his personal telephone records (both mobile phone records and landline phone records) for the **entire year of 2012**. It is well-established that telephone records are protected by the right to privacy under Florida law and the party seeking such information must establish the **necessity** of obtaining them, as opposed to using a less intrusive form of discovery. "The party seeking discovery of confidential information must make a showing of necessity which outweighs the countervailing interest in maintaining the confidentiality of such information." *Berkely v. Eisen*, 699 So.2d 789, 791 (Fla. 4th DCA 1997); *see also Higgs v. Kampgrounds of America*, 526 So.2d 980, 981 (Fla. 3d DCA 1988 (Fla. 3d DCA 1988). In *Berkeley v. Eisen*, the Florida Court of Appeal held that in a suit against an investment advisor for fraud, the plaintiffs **could not obtain discovery of the telephone numbers of other investors** who utilized the advisor's services. 699 So.2d at 791. "There is no indication that the non-party clients gave their permission to be identified, or otherwise took any steps inconsistent with a reasonable expectation of privacy." *Id.* at 791. Similarly, here, not only would it be an invasion of Mr. Bollea's privacy to release his phone records, but it would also invade the privacy of the many hundreds (if not thousands) of people with whom he communicated during the entire year of 2012. Additionally, the Colorado Supreme Court recently recognized that "[i]ndividuals also have a personal privacy interest in the telephone numbers they dial." *Gateway Logistics, Inc. v. Smay*, 302 P.3d 235, 240 (Colo. 2013) (**reversing order** compelling production of three years worth of telephone records in civil case). Thus, both Mr.

Bollea **and** all of the people with whom he communicated during all of 2012 have **vital and important privacy interests** that far outweigh Gawker's desire to delve into Mr. Bollea's communications with all persons, relating to all of his business and personal dealings, throughout 2012.

The reasoning in *Berkeley* controls here—the many hundreds of people who called or were called by Mr. Bollea have **never waived their privacy rights** or authorized discovery of their phone numbers. Gawker is not entitled to discovery of their phone numbers unless it can show that there are no "means less intrusive than the release of confidential information" to obtain the discovery. *Berkeley*, 699 So.2d at 792. Gawker has not and cannot make this showing. On the contrary, Gawker already has used less intrusive means of discovery—it has asked Mr. Bollea for his communications regarding the sex tape in 2012, and Mr. Bollea has provided all responsive non-privileged information he has, including text messages between Mr. Bollea and Bubba Clem regarding the sex tape. Gawker is not entitled to much more intrusive discovery of a list of everyone Mr. Bollea called and everyone who called Mr. Bollea. *Accord Colonial Medical Specialties v. United Diagnostic Laboratories, Inc.*, 674 So.2d 923 (Fla. 4th DCA 1996) (granting extraordinary writ **quashing** trial court's order directing medical offices being sued by laboratory for breach of contract to produce telephone numbers of patients who received the laboratory's services).

In its reply brief filed the morning of the hearing before the discovery magistrate, Gawker cited *Kamalu v. Walmart Stores, Inc.*, 2013 WL 4403903 (E.D. Cal. Aug. 15, 2013), to support its position, but *Kamalu* is distinguishable. There, the plaintiff sued for wrongful termination after Walmart fired her for using her cell phone during work hours. Thus, her cell phone records were directly at issue in the case—they either would show that Walmart had cause to fire her or

that it had fabricated a justification. *Id.* at *2. Mr. Bollea's phone records, by contrast, are not at all relevant to this matter or, at most, are of very limited relevance to discovery on the tangential issue of who he talked with around the time of Gawker's publication of the sex tape. *Kamalu* offers no support for Gawker's position.

Gawker also cited an unpublished federal case, *Gower v. JPMorgan Chase Bank*, 2007 WL 3202463 (M.D. Fla. Oct. 29, 2007), which was another wrongful termination of employment case that apparently determined that a party's telephone records were relevant and permitted production of phone records in discovery. However, the opinion contains no discussion of why the discovery of phone records was warranted in that case, beyond the general statement that they contained "relevant" information, without further explanation. *Id.* at *3. *Gower* cannot override published authority from the Florida District Court of Appeal, and is not persuasive, because it lacks any discussion of the privacy rights established under Florida law, and it also lacks any discussion relating to the phone records at issue, and why they were relevant to the facts in that particular employment termination case. If the justification was similar to the facts in the *Kamalu* case (termination for personal use of cell during work hours), then *Gower* is even further distinguishable from the case at bar.

Gawker has **not** shown the **necessity** for Mr. Bollea's personal telephone records from 2012. It is unclear how those records could bear on **any** of the matters at issue in this case (other than, perhaps, the fact that no one at Gawker called or texted Mr. Bollea to confirm whether he consented to the taping and release of the sex tape, before it posted the tape to the Internet for several million people to watch). Telephone records will show the date and time of a call or text message, the phone number and the call's duration. Telephone records will **not** show the substance of the call or text. Thus, telephone records will not have any bearing on whether

Gawker's conduct in posting the sex tape without Mr. Bollea's approval was tortious, whether that conduct was constitutionally protected, or Mr. Bollea's resulting damages from Gawker's conduct.

Further, the request for all phone records for an entire year—**without narrowing the request** to exchanges between particular persons, and without narrowing the time period to that immediately following Gawker's unauthorized posting of the video—is impermissibly broad. In August 2013, **Mr. Bollea produced all of his relevant text communications with Bubba Clem**—namely, their text messages in October 2012 relating to Gawker's posting of the sex tape. A phone records production will not yield the **content** of text messages, only the phone number, date and time of each message.

Providing Gawker with a record of every person who Mr. Bollea ever spoke with or texted, over the course of an entire year, is unnecessary. Moreover, it likely would result in yet another irreversible invasion of Mr. Bollea's privacy—in addition to the irreversible invasion of his privacy that is the subject of this lawsuit, pursuant to which Gawker posted a surreptitiously-recorded sex tape of him, which at least 5.35 million people saw.

Gawker makes its living by posting intrusive, embarrassing, salacious and private details of celebrities. Gawker has written stories about this very lawsuit, and has shown a proclivity for disobeying this Court's orders. For example, on April 25, 2013, Gawker wrote the article, "A Judge Told Us to Take Down Our Hulk Hogan Sex Tape Post. **We Won't.**" (emphasis added), pursuant to which Gawker stated: "Yesterday the Hon. Pamela A.M. Campbell, a circuit court judge in Pinellas County, Fla., issued an order compelling Gawker to remove from the internet a video of Hulk Hogan f***ing his friend's ex-wife.... **Here is why we are refusing to comply.**" (Asterisks added.) That article is still posted at Gawker and can be found by a Google search

using keywords: "April 2013 Hulk Hogan Sex Tape We Won't."

If Mr. Bollea's phone records are produced, Gawker would learn the identity of **everyone** who Mr. Bollea contacted for any reason whatsoever, and **everyone** who contacted him, including virtually all of his business or personal dealings—for the entire year of 2012. At least 99% of those communications have nothing whatsoever to do with this case. Of the less than 1% that do, all or nearly all of them are Mr. Bollea's privileged calls and texts with his legal counsel relating to the sex tape. There simply is no justification for Gawker to obtain thousands of calls and texts, when at least 99% of them are completely irrelevant and not reasonably calculated to lead to admissible evidence, and all or nearly all of the less than 1% remaining are privileged.

Moreover, Gawker might use this information for improper purposes. As one example, Gawker would have the ability to place calls to **every single person** in Mr. Bollea's life—both business and personal—for the purpose of conducting a "fishing expedition" that would serve to allow Gawker to interfere with every aspect of Mr. Bollea's business and personal relationships, so as to make this litigation so costly to his life (not just because of legal fees and costs, but because of Gawker's further invasions of his privacy and interference with his professional and personal life). Also, Gawker's access to his phone records would allow Gawker to compile more personal information about Mr. Bollea, which could be the subject of even more invasive articles about him. Gawker already has written articles about this case and shown a propensity for not complying with this Court's orders. *See id.* (4/25/13 article). Gawker presumably will not hesitate to continue to do so.

Gawker's CEO, Nick Denton (a defendant in this action) was recently interviewed by *Playboy* magazine, where he reiterated his total disdain for people's privacy rights:

PLAYBOY: Is it possible you set a lower value on privacy than most people do?

> **DENTON:** I don't think people give a f*ck, actually. There was a moment when I thought some sex pictures of me were about to land. Someone claimed to have some and to be marketing them. I even thought I knew where they'd come from—I'd lost a phone. But it turned out to be a hoax.
>
> **PLAYBOY:** And you weren't freaked out?
>
> **DENTON:** It would have been mortifying, but every infringement of privacy is sort of liberating. Afterward, you have less to lose; you're a freer person. Shouldn't we all want to own our own story?

Kinja KFT (a defendant herein and Gawker affiliate owned by Denton) even proudly posted the interview to its online platform, found at http://Playboysfw.Kinja.com/the-playboy-interview-a-candid-conversation-with-gawke-1527302145.

In sum, Gawker is highly unlikely to obtain any information from Mr. Bollea's telephone records from the entire year of 2012. Instead, the probability of abuse is enormous. In seeking Mr. Bollea's phone records, Gawker potentially will gain what it is really after: **leverage**. Gawker is determined to make this lawsuit so unbearably invasive to Mr. Bollea that he will simply drop it. Such bad faith litigation practices that intrude upon Mr. Bollea's privacy should not be countenanced, especially when weighed against the absence of any likelihood of obtaining relevant information.

Respectfully, the Court should reject the recommendation of the discovery magistrate, deny Gawker's motion, and maintain the careful balance struck in previous rulings.

III. GAWKER SHOULD NOT BE PERMITTED TO USE CIVIL DISCOVERY TO INTERFERE WITH A CRIMINAL INVESTIGATION.

The discovery magistrate recommends that Mr. Bollea be required to answer interrogatories and produce documents concerning every communication that Mr. Bollea or someone acting on his behalf has had with law enforcement concerning any recording of Mr. Bollea having sexual relations with Heather Clem. The recommendation, however, is not

supported by the law. Documents generated as part of an ongoing law enforcement investigation are **not discoverable**. In *In re United States Department of Homeland Security*, 459 F.3d 565 (5th Cir. 2006), the court held: "[H]owever it is labeled, **a privilege exists to protect government documents relating to an ongoing criminal investigation.**" *Id.* at 570, n. 2 (emphasis added). "The federal law enforcement privilege is a qualified **privilege** designed to **prevent disclosure** of information that would be **contrary to the public interest in the effective functioning of law enforcement**. [It] serves to **preserve the integrity of law enforcement techniques and confidential sources, protects witnesses and law enforcement personnel, safeguards the privacy of individuals under investigation, and prevents interference with investigations**." *Id.* at 570, n. 1 (emphasis added; citation omitted). Florida law recognizes the same privilege. In *State v. Maier*, 366 So.2d 501 (Fla. 1st DCA 1979), for example, the Florida Court of Appeal held that a law enforcement agency could refuse to disclose the identity of a confidential informant.

Gawker's discovery requests represent, at worst, a dangerous attempt to use the civil discovery process to interfere with a criminal investigation and, at best, an attempt to invade the Law Enforcement Privilege, and also to circumvent the proper channels for seeking documents concerning law enforcement investigations.

As the Court is aware, Gawker sought an order compelling Mr. Bollea to sign a Freedom of Information Act ("FOIA") waiver so that Gawker might try to obtain documents from the FBI relating to its ongoing criminal investigation regarding the dissemination of the sex tape. On February 26, 2014, the Court affirmed the discovery magistrate's recommendation that Mr. Bollea be required to sign an FOIA waiver. A motion to stay that February 26 Order pending writ of certiorari review was filed on March 5, 2014, and the writ of certiorari is being filed

concurrently with these Exceptions. Mr. Bollea incorporates by reference his Motion to Stay, the accompanying Affidavit of David Houston, and the Exceptions re FBI Files/FOIA Waiver filed by Mr. Bollea on February 12; therefore, he will not repeat those same points and authorities within the instant Exceptions to the recommendation regarding Gawker's Fifth Motion to Compel.

Mr. Bollea's statements to law enforcement are not relevant to this litigation, and are not reasonably calculated to lead to the discovery of admissible evidence. Gawker's stated reason for requesting the information is found in footnote 3 of its underlying Motion to Compel, where Gawker accuses Mr. Bollea of having "several different versions" of the events in this case. Yet despite repeatedly quoting press reports of Mr. Bollea's alleged statements regarding this case in its legal briefs and papers, Gawker has never once identified a single statement by Mr. Bollea (within this proceeding, to the media, or otherwise) where he expresses or even implies that he knew that he was being recorded having sex, or ever authorized the dissemination of the recording. To the contrary, and as Gawker is well aware, Mr. Bollea has **consistently maintained**, since the inception of this case, and even before this case was filed, that he had **no knowledge** that he was being clandestinely recorded, and gave **no authorization** for its dissemination. Moreover, Mr. Bollea sent, through counsel, **multiple cease and desist demands** immediately after the tape was posted, followed shortly by **the filing of this lawsuit** and a **motion for temporary injunction** to remove the sex tape from the Internet. Therefore, Gawker's stated basis for seeking the law enforcement records is completely contrary to and unsupported by the factual record.

Gawker also **misled the discovery magistrate** when Gawker asserted that, under Florida law, a failure to serve a privilege log supposedly waives all privilege objections, no matter how

meritorious the objection. This is incorrect. In *State Farm Florida v. Coburn*, 2014 WL 539874 at *1 (Fla. 2d DCA 2014), the Florida Court of Appeal held: "[A] party is required to file a [privilege] log only if the information is otherwise discoverable, and until a circuit court rules on the scope of discovery objection, the party responding to the discovery does not know what will fall into the category of discoverable documents.... Thus, prior to a ruling on a scope of discovery objection, "the obligation to file a privilege log does not arise." (Citations omitted.) The documents requested are not discoverable, and therefore a privilege log is not required and privilege objections were not waived. Nevertheless, on February 28, 2014, Mr. Bollea served all parties with a privilege log of his communications relating to the FBI's pending criminal investigation. A copy of the log, which has been marked "Confidential" pursuant to the Court's Protective Order, can be filed with the Court **under seal** upon the Court's request.

IV. GAWKER MADE SUBSTANTIAL MISREPRESENTATIONS OF KEY FACTS TO THE DISCOVERY MAGISTRATE

Gawker made the following two misrepresentations of key facts in its briefing before the discovery magistrate, which bear on this Court's review of the recommendation at issue:

First, Gawker alleged that Mr. Bollea violated this Court's Order of October 29, 2013, regarding the first round of discovery. That is not true. The Court never ordered Mr. Bollea to serve a supplemental response to any discovery at issue in the discovery motions before the discovery magistrate. The Court ordered Mr. Bollea to serve a further response to Interrogatory No. 12 (not at issue in any later discovery motion), and Mr. Bollea timely served a supplemental response to that interrogatory. Mr. Bollea has produced **all responsive documents and information within his possession**, except for privileged communications (which he has logged) and except for the categories of information and documents that the Court ruled he was not

required to provide, when the Court granted Mr. Bollea's motion for protective order (namely, information regarding his general finances, medical history, divorce proceeding, and general sexual history, other than sexual relations with Heather Clem).

Second, Gawker incorrectly characterized the extraordinary procedure of seeking privileged criminal law enforcement records as "routine." That also is not true. As demonstrated in Mr. Bollea's Motion to Stay filed March 5, 2014, and his Exceptions re FBI Files/FOIA Waiver filed February 12, 2014, the law **supports** Mr. Bollea's position, and does **not** support Gawker's. Indeed, Gawker has not cited a single legal authority for the proposition that a civil litigant is permitted to obtain privileged criminal law enforcement records in a civil action. Far from "routine," as Gawker claims, the procedure is **not allowed**. In any event, Mr. Bollea's filing of Exceptions to the discovery magistrate's recommendation on this issue hardly constitutes "obstruction" to discovery, as Gawker represented to the discovery magistrate in its Fifth Motion to Compel.

CONCLUSION

For the foregoing reasons, Mr. Bollea respectfully requests that the Court **decline** to adopt the discovery magistrate's recommendation, and that Gawker's Fifth Motion to Compel be **denied** on the two issues of Mr. Bollea's telephone records from the entire year of 2012, and Mr. Bollea's communications with law enforcement (FBI, etc.) regarding their **open and pending** criminal investigation.

DATED: March 6, 2014

/s/ Charles J. Harder

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Service via the e-portal system this 6th day of March, 2014 to the following:

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

TERRY GENE BOLLEA professionally
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Plaintiff,

vs. Case No. 12012447CI-011

HEATHER CLEM, *et al.*,

Defendants.
_____/

REPORT & RECOMMENDATION ON THE FIFTH MOTION TO COMPEL DISCOVERY FROM PLAINTIFF

This cause came before Special Discovery Magistrate James Case on February 24, 2014, on the Fifth Motion of Gawker Media, LLC ("Gawker') and A.J. Daulerio to Compel Discovery from Plaintiff (the "Motion"). After reviewing the Court file, reviewing and considering the Motion, opposition and reply papers, and hearing the argument of counsel, the Special Discovery Magistrate RECOMMENDS that the Motion be GRANTED, and that, in light of depositions commencing March 3, 2014, plaintiff be required to furnish all of the discovery requested in the Motion to counsel for movants by no later than 4:00 p.m. on Thursday, February 27, 2014, including specifically full and complete responses to Daulerio Interrogatory Nos. 9 and 10 and Gawker Requests for Production Nos. 51, 52 and 54.

The parties shall have 10 days from the date of this Report and Recommendation to file objections with the Circuit Court.

Dated: February 28, 2014

/s/ JAMES R. CASE

James R. Case
Special Discovery Magistrate

Copies furnished to:
Counsel of Record