

# EXHIBIT A

\*\*ELECTRONICALLY FILED 4/4/2014 5:26:02 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY\*\*

**From:** Alia Smith <ASmith@lskslaw.com>  
**Sent:** Friday, February 07, 2014 7:24 AM  
**To:** Charles Harder  
**Cc:** Seth Berlin; gthomas@tlolawfirm.com  
**Subject:** RE: Bollea v. Gawker, Clem

I don't think any good purpose would be served by continuing this exchange, as I believe our position is clear. I would, however, call your attention to Florida Rule of Judicial Administration 2.514(b).

Alia

Alia L. Smith

 LEVINE SULLIVAN  
KOCH & SCHULZ, LLP  
(202) 508-1125 | Phone

**From:** Charles Harder [mailto:charder@hmafirm.com]  
**Sent:** Thursday, February 06, 2014 6:51 PM  
**To:** Alia Smith  
**Cc:** Seth Berlin; gthomas@tlolawfirm.com  
**Subject:** RE: Bollea v. Gawker, Clem

Alia: Documents that you acquire, as counsel acting for your clients, are within the legal control of your clients and therefore must be produced. Unless you produce your responsive documents on the original due date, I will object to the introduction of all such documents at the time of the deposition. I calculate Feb. 27 being the due date – 30 days after service of the Supplemental Document Requests. Your obvious intent of sandbagging by client at his deposition are improper and will be addressed at the time of the depositions.

Charles

**From:** Alia Smith [mailto:ASmith@lskslaw.com]  
**Sent:** Thursday, February 06, 2014 3:23 PM  
**To:** Charles Harder  
**Cc:** Seth Berlin; gthomas@tlolawfirm.com  
**Subject:** RE: Bollea v. Gawker, Clem

Charles,

Thank you for agreeing to the extension.

As for your other point, we do not anticipate using any documents that either Gawker or A.J. Daulerio created or received since the last production. We do reserve the right to use documents that we as their counsel have gathered in preparing our case – i.e., our work product, particularly those documents that are equally available to the plaintiff. Indeed, your partner Doug Mirrell did just that at the depositions of Gawker's witnesses, when he asked about a number of documents that plaintiff's counsel gathered, that were not produced before the depositions, and that were subsequently produced in a supplemental production AFTER the depositions.

In addition, your assertion that our responses would otherwise be due to be served on February 27 is incorrect. The due date prior to your extension was March 4, after Bubba Clem's deposition and only two days before your client's, such that even without an extension there is no requirement that you receive the documents before plaintiff's deposition.

In light of the foregoing, there is no reasonable argument that Gawker is precluded from asking these key witnesses questions about documents we have gathered. We expect that you will not choose to disrupt depositions that took months to schedule – and for which we are collectively paying a special discovery magistrate to preside over – on this basis. To the extent you elect to proceed otherwise, we must obviously reserve all rights. Thank you.

Best,  
Alia

Alia L. Smith



(202) 508-1125 | Phone

**From:** Charles Harder [<mailto:charder@hmafirm.com>]  
**Sent:** Wednesday, February 05, 2014 4:53 PM  
**To:** Alia Smith  
**Cc:** Seth Berlin; [gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com)  
**Subject:** RE: Bollea v. Gawker, Clem

Alia:

I will give your clients an extension until March 20, but your office and Gregg's office cannot use at the March 2-7 depositions any documents responsive to the Supplemental Document Requests (that is, after-acquired documents responsive to our prior document requests) unless you produce the documents by Feb. 27 (30 days after service of the supplemental document requests). This is to ensure that there is full and fair disclosure of responsive documents *prior to* questioning witnesses, at the time of their depositions. I will object to the use of any documents at deposition that have not been produced to all parties in advance of the depositions (ie, by Feb. 27). This assumes, of course, that the documents used are responsive to the earlier document requests propounded by Bollea to Gawker Media LLC and Daulerio.



**CHARLES J. HARDER**  
[CHarder@HMAfirm.com](mailto:CHarder@HMAfirm.com)  
(424) 203-1600

**From:** Alia Smith [<mailto:ASmith@lskslaw.com>]  
**Sent:** Wednesday, February 05, 2014 1:18 PM  
**To:** Charles Harder  
**Cc:** Seth Berlin; [gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com)  
**Subject:** RE: Bollea v. Gawker, Clem

Charles,

We have repeatedly extended deadlines for you on discovery, including on the most recent set which comprised only a few requests for production and a few interrogatories. You have asked us to supplement a total of 200 requests (116 for Gawker and 84 for Daulerio), and, especially given the upcoming depositions, we need a brief extension to respond for

such a large number of requests. While we do not believe we would be required to produce any documents themselves on the due date in any event (as was the case, for example, with plaintiff's initial document production), we thought it better to coordinate an agreed-upon date with you. In addition, we cannot see how any documents of GAWKER's or DAULERIO's since the initial responses (if any) would be relevant to the depositions of PLAINTIFF or the CLEMS.

We think our request for a brief extension is reasonable and, consistent with the Court's guidelines about professional courtesy among counsel, ask you to reconsider. Thank you.

Best,  
Alia

Alia L. Smith

 LEVINE SULLIVAN  
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**From:** Charles Harder [mailto:charder@hmafirm.com]  
**Sent:** Tuesday, February 04, 2014 4:26 PM  
**To:** Alia Smith  
**Cc:** Seth Berlin; gthomas@tlolawfirm.com  
**Subject:** RE: Bollea v. Gawker, Clem

Regarding the document requests, I assume that you are referring to the First Supplemental Document Requests – asking Gawker and Daulerio to produce their later-acquired documents. I would think that such documents could be located and produced within 30 days of the date of service of the requests. In any event, the documents are relevant to the depositions in early March. Thus, we would prefer to have these documents produced prior to the depositions. Thank you.

**From:** Charles Harder  
**Sent:** Tuesday, February 04, 2014 11:51 AM  
**To:** 'Alia Smith'  
**Cc:** 'Seth Berlin'; 'gthomas@tlolawfirm.com'  
**Subject:** RE: Bollea v. Gawker, Clem

For #3: I would like Judge Case's recommendation to reflect that the parties have 10 days to file with the Court an objection to the recommendation. The proposed order should not be filed until 10 days after the date of the recommendation.

For #1: I will check the requests and current deadline. Given that we have a week of depositions the first week of March, I was hoping to get document production before the depositions, but I will check the specific requests to see if the documents are expected to yield information pertinent to any of the depositions schedule for early March.

For #2: I am checking, and will let you know.

**From:** Alia Smith [mailto:ASmith@lskslaw.com]  
**Sent:** Tuesday, February 04, 2014 11:44 AM  
**To:** Charles Harder  
**Cc:** Seth Berlin; gthomas@tlolawfirm.com  
**Subject:** Bollea v. Gawker, Clem

Charles,

A few housekeeping items:

(1) Would you please give Gawker and Mr. Daulerio a brief extension – until March 20 – to respond to the most recent set of document requests?

(2) Please let me know whether plaintiff will agree to hold his deposition in Tampa, so that we may send out amended deposition notices.

(3) Please let us know your comments on the draft proposed report and recommendation and order on Gawker's motion to compel the FBI records release that I circulated on Friday.

Thank you very much.

Best,  
Alia

Alia L. Smith



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