

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.

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**MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS**

Pursuant to Rule 2.420 of the Florida Rules of Judicial Administration and this Court's Agreed Protective Order Governing Confidentiality dated July 25, 2013 (the "Confidentiality Order"), Defendants Gawker Media, LLC ("Gawker") and A.J. Daulerio ("Daulerio"), by and through undersigned counsel, hereby move to determine the confidentiality of Defendants' Confidential Statement of Violations of Court Orders and Misrepresentations by Plaintiff and Plaintiff's Counsel (the "Confidential Statement"). As grounds for this motion, Defendants state:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(iv) provides that certain court records are confidential if the Court determines that confidentiality is required in order to "obtain evidence to determine legal issues in a case."

2. On April 23, 2014, this Court ordered Plaintiff Terry Gene Bollea ("Bollea") to produce discovery related to an FBI investigation into the dissemination of sex tapes depicting Bollea and Heather Clem (the "FBI discovery"). The Court instructed that this discovery could be labeled "Attorneys' Eyes Only" and treated as confidential under the Confidentiality Order. As such, this Court has preliminarily determined that confidentiality of the FBI discovery is required to obtain evidence to determine legal issues in this case, consistent with Rule

2.4240(c)(9)(A)(iv). In addition, plaintiff has designated certain other discovery as “CONFIDENTIAL” under the Confidentiality Order.

3. Concurrent with this Motion, Defendants are filing a Reply Memorandum on Defendants’ Motion for Sanctions (the “Reply Memorandum”) and the Confidential Statement. The Reply Memorandum is not confidential. The Confidential Statement is being filed in support of the Reply Memorandum.

4. The Confidential Statement attaches and references confidential content from the FBI discovery materials as well as certain other discovery plaintiff has designated as “CONFIDENTIAL.” Consequently, the Confidential Statement and the exhibits to the Confidential Statement are being treated as confidential.

5. Counsel for Gawker certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without conceding that Plaintiff has properly designated the FBI discovery and/or the other materials described and attached to the Confidential Statement as either “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” Gawker is filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, Defendants respectfully request that this Court determine the confidentiality of Confidential Statement.

Dated: June 6, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of June 2014, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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