

# EXHIBIT 5

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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**REPORT & RECOMMENDATION ON MOTION TO COMPEL  
COMPLIANCE WITH OCTOBER 29, 2013 RULINGS AND FOR SANCTIONS**

This cause came before Special Discovery Magistrate James Case on February 24, 2014, on the Motion of Gawker Media, LLC (“Gawker”) to Compel Plaintiff’s Compliance with October 29, 2013 Discovery Rulings and for Sanctions (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 Gawker’s Motion be DENIED. The Special Discovery Magistrate bases this recommendation on the representations by plaintiff’s counsel that plaintiff does not have in his possession, custody or control any of the additional information or documents requested in the Motion. Plaintiff and his counsel are cautioned that, if it is later determined that they have been less than candid in these proceedings and with the Court, the Special Discovery Magistrate will make an appropriate recommendation to the Court, which would likely include a strong recommendation of a preclusion order with respect to the discovery Gawker sought in connection with the Motion.

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

JR/ JAMES R. CASE

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James R. Case  
Special Discovery Magistrate

Copies furnished to: Counsel of Record