

# EXHIBIT 8

May 1, 2014

**VIA ELECTRONIC MAIL**

Charles J. Harder, Esq.  
Harder Mirell & Abrams LLP  
1925 Century Park East, Suite 800  
Los Angeles, CA 90067

**Re: *Bollea v. Clem, Gawker Media, LLC, et al.*,  
No. 12012447-CI-011**

Dear Charles:

I write to address plaintiff's numerous violations of the Court's April 23, 2014 Order, which required plaintiff to provide various additional discovery to us by yesterday.

First, plaintiff was ordered to serve a supplemental interrogatory response to Daulerio Interrogatory No. 10 and to produce all documents responsive to Gawker's Request for Production No. 54, both of which concern plaintiff's telephone records. He has not done so.

Second, plaintiff was ordered to produce all documents responsive to Gawker's Request for Production No. 51, concerning his media appearances. Save for one document produced just prior to plaintiff's deposition, he has not done so.

Third, plaintiff was ordered to serve a supplemental interrogatory response to Daulerio Interrogatory No. 9 and to produce all documents responsive to Gawker's Request for Production No. 52, concerning his communications related to any investigations by law enforcement agencies or officials, including the FBI. Plaintiff has failed to comply with this aspect of the April 23 Order in a number of respects:

- a. Plaintiff failed to serve a supplemental interrogatory response as ordered;
- b. Plaintiff identified 162 documents on his privilege log, but then served only 149 pages of documents;
- c. Plaintiff omitted from his production attachments to a number of documents, including without limitation attachments specifically referenced in emails dated 11/6/12, 11/26/12, 11/30/12, 12/4/12, 12/5/12, 12/10/12 (two different emails on that date each with separate attachments), 12/12/12 and 9/13/13;

Charles J. Harder, Esq.  
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- d. Plaintiff redacted certain documents without any authorization for doing so. *See, e.g.*, Bollea 001213-001214. Indeed, despite substantial motions practice concerning these requests before both Judge Case and Judge Campbell, plaintiff did not even *raise* a perceived need to redact documents let alone *secure an order* permitting him to do so. Rather, the April 23 Order expressly orders plaintiff to provide “*all* of the discovery requested,” including “*full and complete* responses” to the document requests at issue.

We hereby demand that plaintiff immediately comply with the Court’s April 23 Order by providing full and complete interrogatory responses and production of documents as directed. We reserve all rights in connection with plaintiff’s violations of the Court’s Order, including without limitation the right to raise additional concerns as our review continues.

Should you wish to discuss any aspect of the above, please do not hesitate to contact me.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 

\_\_\_\_\_  
Seth D. Berlin

cc: Other counsel of record



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LOS ANGELES, CA 90067  
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May 2, 2014

**VIA EMAIL AND U.S. MAIL**

Seth D. Berlin, Esq.  
Michael Berry, Esq.  
Paul J. Safier, Esq.  
Alia L. Smith, Esq.  
Levine Sullivan Koch & Schulz, LLP  
1899 L Street, NW  
Suite 200  
Washington, DC 20036

Gregg D. Thomas, Esq  
Rachel E. Fugate, Esq  
Thomas & LoCicero PL  
601 S. Boulevard  
Tampa, Florida 33606

Re: **Terry Gene Bollea v. Heather Clem, Gawker Media LLC, et al**  
Circuit Court of the Sixth Judicial Council in and for Pinellas County, Florida  
Case Number 12012447CI-011

Dear Seth:

This letter responds to yours of May 1, 2014. As an initial matter, my office does not have a copy of the April 23, 2014 Order referenced in your letter, or a record of having received it, and it is not available on the Court's online docket. Can you please provide me a copy? Also, you submitted the proposed order without first letting me discuss with you the terms, particularly the timing of the production. The phone records for 2012, in particular, take longer than one week to locate and produce. As to each of your other points:

We are in the process of obtaining Mr. Bollea's telephone records for 2012 and, subject to and without waiving any objections, intend to provide you with those records, as well as a supplemental response to Daulerio Interrogatory No. 10. We hope to be able to provide you these materials by the end of next week (May 9). We appreciate your patience as we work diligently to gather the information.

We have already confirmed to you on numerous occasions that Mr. Bollea has produced all documents in his possession, custody and control that are responsive to Gawker's Request for Production No. 51. *See, e.g.*, Plaintiff's Exceptions to Discovery Magistrate's Recommendation Re: Gawker Media, LLC and A.J. Daulerio's Fifth Motion to Compel at n.2 ("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.").

Regarding Daulerio Interrogatory No. 9 and Gawker's Request for Production No. 52:

- a. We are in the process of preparing a supplemental response to Daulerio Interrogatory No. 9. The production Bates stamped BOLLEA 001068 through BOLLEA 001216 reflects all occasions that Mr. Bollea or his representatives recall having communications with the Federal Bureau of Investigation and U.S. Attorney's Office. We are conferring with Mr. Bollea's representatives regarding their communications, if any, with other law enforcement agencies, and intend to serve the supplemental response very soon once that information has been obtained.
- b. The discrepancy in the number of documents identified in the privilege log was the result of making duplicate entries, in some instances, for all emails included within a single email chain. Thus, the same email was logged multiple times. We apologize for any confusion this may have caused. We can confirm that all of the documents reflected on the privilege log were produced to you. Enclosed herewith is an Amended Privilege Log with the duplicate entries removed, and a redlined version highlighting the entries that were removed. The Amended Privilege Log includes a column identifying the Bates range for the documents for your convenience.
- c. We are looking into the issue of attachments referenced in your letter and will get back to you shortly on that topic. My office has produced everything in our possession, and if there are attachments that are responsive and non-privileged, we will produce those once we obtain them ourselves.
- d. We disagree with your contention that we did not have authorization to make the redactions to BOLLEA 001213 and BOLLEA 001214. *See* Bubba Clem Tr. (3/4/14) at 423:10-436:10.

Should you wish to discuss any of the foregoing responses, I am available via telephone next week. Please contact my office if you have any questions or concerns.

Very truly yours,



CHARLES J. HARDER Of  
**HARDER MIRELL & ABRAMS LLP**

Enclosures

cc: Barry A. Cohen, Esq. (via email)  
Michael W. Gaines, Esq. (via email)  
Ken Turkel, Esq. (via email)  
Christina Ramirez, Esq. (via email)  
David Houston, Esq. (via email)

**From:** Seth Berlin  
**Sent:** Friday, May 02, 2014 5:35 PM  
**To:** Matthew Blackett  
**Cc:** Alia Smith; Michael Berry; Paul Safier; Julie Ehrlich; gthomas@tlolawfirm.com; rfugate@tlolawfirm.com; bcohen@tampalawfirm.com; mgaines@tampalawfirm.com; Ken Turkel; Christina K. Ramirez; David Houston (dhouston@houstonatlaw.com); Charles Harder; Seth Berlin  
**Subject:** Re: Bollea v. Gawker -- Correspondence  
**Attachments:** image001.png

Charles,

Judge Campbell physically handed you and me copies of her April 23 Order at the hearing (right at the end of the argument on plaintiff's exceptions at which point you and I were standing at the bench). Nevertheless, I will be happy to send you another copy when I am back at a computer. I will respond to the balance of your letter later as well.

Seth

Sent from my iPhone

> On May 2, 2014, at 4:32 PM, "Matthew Blackett" <[MBlackett@hmafirm.com](mailto:MBlackett@hmafirm.com)> wrote:

>

> Counsel –

>

> Please see attached correspondence.

>

> Sincerely,

>

>

> [[cid:image003.png@01CDEAA1.D0B7C0B0](#)]

>

>

> MATTHEW A. F. BLACKETT

> ATTORNEY AT LAW

> (ADMITTED IN NEW YORK ONLY)

> 1925 CENTURY PARK EAST

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> \_\_\_\_\_  
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> <image001.png>

> <Amended Privilege Log - Clean with Bates (00034892xCE2FC).pdf>

> <Amended Privilege Log - FBI Files Redlined with Bates

> (00034891xCE2FC).pdf> <CJH-Berlin 05.02.14 Meet and Confer Response

> (00034893xCE2FC).pdf>

**From:** Seth Berlin  
**Sent:** Friday, May 02, 2014 6:08 PM  
**To:** Harder Charles J.  
**Cc:** Turkel Ken (KTurkel@bajocuva.com); cramirez@BajoCuva.com; Thomas Gregg; Fugate Rachel E.; Alia Smith; Paul Safier; Michael Berry; Julie Ehrlich; dhouston@houstonatlaw.com; Gaines Michael W.; bcohen@tampalawfirm.com; Seth Berlin  
**Subject:** Fwd: Here is the Order.  
**Attachments:** Order.pdf; ATT00001.htm

Here you go. Thanks, Gregg.

Sent from my iPhone

Begin forwarded message:

**From:** "Gregg D. Thomas" <[gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com)>  
**Date:** May 2, 2014 at 5:37:03 PM EDT  
**To:** Seth Berlin <[SBerlin@lskslaw.com](mailto:SBerlin@lskslaw.com)>  
**Subject:** Here is the Order.

**Gregg D. Thomas**  
**Thomas & LoCicero PL**  
*Focused on Business Litigation, Media and IP Law*

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May 6, 2014

**VIA ELECTRONIC MAIL**

Charles J. Harder, Esq.  
Harder Mirell & Abrams LLP  
1925 Century Park East, Suite 800  
Los Angeles, CA 90067

**Re: *Bollea v. Clem, Gawker Media, LLC, et al.*,  
No. 12012447-CI-011**

Dear Charles:

I write to respond to your letter dated May 2, and to address plaintiff's ongoing violations of the Court's April 23, 2014 Order. For the avoidance of doubt, Gawker does not consent to plaintiff's unilateral violation of the Court's order or the deadlines set forth in that order.

With respect to plaintiff's telephone records and account information, it should not take more than two weeks to gather twelve monthly telephone bills, or to prepare an interrogatory disclosing the pertinent provider and account information, particularly since this information was initially requested some five months ago, and was already the subject of a recommendation by Judge Case, entered at the end of February, that it be produced.

With respect to plaintiff's media appearances, plaintiff already asserted at the hearing before Judge Case that he had made a full production, and Judge Case rejected that argument in ordering further production. Indeed, it remains inconceivable that plaintiff and his agents have no information or documents (no email, no calendar entries, no texts, no talking points, no logistics sheets, no travel receipts or reimbursements, no notes, no correspondence with his publicist(s), etc.) about his many media appearances discussing the Gawker Story. Just by way of example, his schedule of media appearances was sent to plaintiff's email address, and he testified at his deposition that he did not search his email in connection with his responses to Gawker's document requests. Similarly, he testified that he searched his texts in a haphazard fashion, and had no explanation for why one clearly responsive text was produced just before the deposition began. Moreover, plaintiff testified that he at one time possessed but did not retain documents relating to his numerous media appearances in the days following the publication of the Gawker Story (appearances in which he and his counsel expressly described plans to initiate this litigation); he has not explained why he failed to preserve documents clearly related to his claims.

With respect to the law enforcement communications:

- a. Your letter asserts that plaintiff's document production "reflects all occasions that Mr. Bollea or his representatives recall having communications with the Federal Bureau of Investigation and U.S. Attorney's Office." However, the production itself confirms that, in addition to the written communications reflected therein, he and/or his counsel had both telephone conversations and in-person meetings with law enforcement officials. Each such communication must be fully described in plaintiff's supplemental response.
- b. We are reviewing the revised privilege logs, and comparing them to the documents supplied. Given the concerns identified in paragraphs a and c, however, we remain concerned that plaintiff's production is materially incomplete.
- c. We renew our request for all attachments, and more generally for plaintiff to ensure that his document production is complete. As you know, plaintiff's obligation to produce documents is not limited to documents in the possession of your office, but includes information and documents in the possession of his other representatives. Particularly since the information and documents were requested five months ago, were the subject of motions practice and a privilege log, it is of particular concern that such documents have not even been identified previously.
- d. Finally, Gawker strongly disagrees that plaintiff was entitled to redact documents, particularly, as is the case here, those created by a third party. Judge Case's recommendation concerning a *deposition question* cannot trump Judge Campbell's written order in connection with this *request for production of pre-existing evidence*, a ruling that ordered plaintiff to provide "all of the discovery requested," including "full and complete responses" to the document requests at issue. This is especially true given that plaintiff failed to raise this issue *in any way* in connection with the document requests at issue.

Indeed, at the April 23 hearing, plaintiff requested and the Court agreed to permit production on an "attorneys eyes only" basis, adding a level of protection beyond the standard "confidential" designation under the protective order. If plaintiff wanted to proceed differently, he could have raised this objection in his responses, in his many briefs on Gawker's motion to compel and plaintiff's exceptions, or at argument on the motion before either Judge Case or Judge Campbell. Having not done so, plaintiff has waived any objection. (For similar reasons, plaintiff's unilateral redaction of similar content in documents produced by Don Buchwald & Associates is even more beyond the pale. We are aware of no authority permitting a party to do so; rather, a party is under an obligation to produce documents obtained by subpoena without alteration.) More to the point, now that we have the benefit of the other documents that plaintiff has belatedly produced, it is clear that the redacted information is of

Charles J. Harder, Esq.  
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central relevance to many issues in the case and must be produced. Please produce these pages in unredacted form by the close of business tomorrow.

We have sought these documents in discovery for almost a year, and we simply will not allow plaintiff to continue to disregard court orders requiring him to produce them. If you wish to discuss the matter, I would urge that you do so immediately.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 

\_\_\_\_\_  
Seth D. Berlin

cc: Other counsel of record