

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.

HEATHER CLEM, *et al.*,

Defendants.

Case No. 12012447CI-011

FILED
2014 JUN - 9 AM 11:50
CLERK OF CIRCUIT COURT
KEN BURKE

**REPORT & RECOMMENDATION ON PLAINTIFF'S MOTION
FOR SANCTIONS ORDER PRECLUDING DEFENDANTS FROM
USING EXHIBITS NOT DISCLOSED IN DISCOVERY AS EVIDENCE
AND STRIKING DEPOSITION TESTIMONY BASED ON SUCH EXHIBITS**

This cause came before Special Discovery Magistrate James Case on May 12, 2014, on the Motion of Plaintiff Terry Gene Bollea for Sanctions Order Precluding Defendants from Using Exhibits Not Disclosed in Discovery As Evidence and Striking Deposition Testimony Based on Such Exhibits (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 plaintiff's Motion be DENIED.

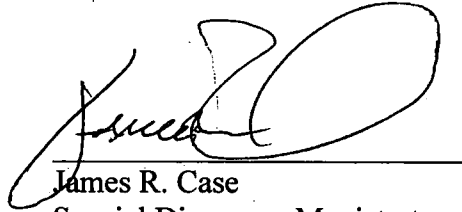
The Special Discovery Magistrate FURTHER RECOMMENDS that the denial be without prejudice to plaintiff's ability to raise the issues addressed by the Motion in a motion *in limine* prior to trial.

The Special Discovery Magistrate FURTHER RECOMMENDS that, for all future depositions, all counsel be (a) ordered to produce to counsel for the plaintiff and defendants, no later than five (5) days in advance of such deposition, any documents that have not previously been produced and that will be used as deposition exhibits, unless mutually agreed by counsel for plaintiff and defendants in advance or otherwise authorized by the Special Discovery Magistrate,

and (b) cautioned that any failure to do so may result in any such documents being disallowed as exhibits at the deposition or other sanctions.

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

Dated: ^{June} May 6, 2014



James R. Case
Special Discovery Magistrate

Copies furnished to: Counsel of Record