

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; GAWKER MEDIA, LLC
aka GAWKER MEDIA; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.

MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS

Pursuant to Florida Rule of Judicial Administration 2.420 and the Agreed Protective Order Governing Confidentiality entered by this Court on July 25, 2013 (“Confidentiality Order”), Plaintiff Terry Bollea, by and through his undersigned counsel, hereby moves to determine the confidentiality of the Affidavit of Charles J. Harder filed in Opposition to Gawker Media, LLC’s Motion for Sanctions and the exhibits thereto (“Harder Affidavit”) and states as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) provides that certain court records are confidential if the Court determines that confidentiality is required in order to “avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed.”

{BC00050758:1}

2. On July 25, 2013, this Court entered the Confidentiality Order pursuant to which the parties could designate as “confidential” “information in which the party from which discovery is sought has a reasonable expectation of privacy or confidentiality.” Confidentiality Order at ¶ 3(c). The Confidentiality Order also provides that “[i]n the event a party wishes to use any Confidential Information in any affidavits, briefs, memoranda of law, or other paper filed in Court in this litigation, such Confidential Information used therein shall be filed under seal with the Court consistent with Florida Rule of Judicial Administration 2.420.” *Id.* at ¶ 11.

3. On May 27, 2014, Plaintiff filed under seal the Harder Affidavit and the two exhibits thereto.¹ Plaintiff now seeks this Court’s determination of the confidentiality of the Harder Affidavit and its exhibits pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) and the Confidentiality Order.

4. Plaintiff’s counsel certifies that this motion is made in good faith and is supported by a sound factual and legal basis.

5. Pursuant to Rule 2.420(e)(2), Plaintiff requests that this Court set an expedited hearing to determine whether the Harder Affidavit is confidential.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of the Harder Affidavit.

/s/ Kenneth G. Turkel
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¹Exhibit 1 is pages 430-437 of the Bubba Clem deposition transcript dated March 4, 2014, and Exhibit 2 is the meet-and-confer letter dated May 7, 2014.

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-and-

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 11th day of June, 2014 to the following:

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