

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 Plaintiff’s Confidential Supplemental Opposition to Defendants’ Motion for Sanctions and Response to Evidence Raised by Gawker on the First Time on Reply and the affidavits and exhibits thereto (“Confidential Supplemental Opposition”) 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.”

{BC00051028:1}

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. Contemporaneously with this motion, Plaintiff is filing under seal his Confidential Supplemental Opposition, the Affidavit of Charles Harder and Exhibits A-J thereto, and the Affidavit of David Houston.¹ Plaintiff now seeks this Court’s determination of the confidentiality of the Confidential Supplemental Opposition and its affidavits and 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 Plaintiff’s Confidential Supplemental Opposition and its affidavits and exhibits are confidential.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Plaintiff’s Confidential Supplemental Opposition and its affidavits and exhibits.

/s/ Kenneth G. Turkel
Kenneth G. Turkel, Esq.

¹ Plaintiff does not deem the Affidavit of Charles Harder itself or Exhibits A or B thereto confidential but Exhibits C-J to the Harder Affidavit are confidential. The Affidavit of David Houston is also confidential.

Florida Bar No. 867233
Christina K. Ramirez, Esq.
Florida Bar No. 954497
BAJO | CUVA | COHEN | TURKEL
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: cramirez@bajocuva.com

-and-

Charles J. Harder, Esquire
PHV No. 102333
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601
charder@hmafirm.com
Counsel for Plaintiff

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 18th day of June, 2014 to the following:

Barry A. Cohen, Esquire
Michael W. Gaines, Esquire
Barry Cohen, Esquire
Michael W. Gaines, Esquire
The Cohen Law Group
201 E. Kennedy Blvd., Suite 1000
Tampa, Florida 33602
bcohen@tampalawfirm.com
mgaines@tampalawfirm.com
jrosario@tampalawfirm.com
Counsel for Heather Clem

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501
dhouston@houstonatlaw.com

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com

psafier@lskslaw.com
asmith@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Julie B. Ehrlich, Esquire
Levine Sullivan Koch & Schultz, LLP
321 West 44th Street, Suite 1000
New York, NY 10036
jehrich@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel

Attorney