

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 Reply in Support of Motion for Protective Order Re: Certain Content in Documents Produced in Discovery and the exhibits thereto (“Confidential Reply”) 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.”

{BC00050838:1}

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 his Confidential Motion for Protective Order and the two exhibits thereto.¹

4. Contemporaneously with this motion, Plaintiff is filing under seal his Confidential Reply and the two exhibits thereto.² Plaintiff now seeks this Court’s determination of the confidentiality of the Confidential Reply pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) and the Confidentiality Order.

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

6. Pursuant to Rule 2.420(e)(2), Plaintiff requests that this Court set an expedited hearing to determine whether Plaintiff’s Confidential Reply is confidential.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Plaintiff’s Confidential Reply.

/s/ Kenneth G. Turkel
Kenneth G. Turkel, Esq.
Florida Bar No. 867233

¹Exhibit 1 is a Hearing Transcript dated January 17, 2014, Pages 43-51, and Exhibit 2 is Defendants’ Response to Plaintiff’s Exceptions Regarding Defendants’ Fifth Motion to Compel. Plaintiff does not deem these exhibits themselves confidential.

²Exhibit A is an exhibit from Scott Kidder’s deposition, and Exhibit B is the Protective Order dated 2/26/14. Plaintiff does not deem these exhibits themselves confidential.

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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 16th day of June, 2014 to the following:

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