

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, *et al.*,

Defendants.

MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS

Pursuant to Rule 2.420 of the Florida Rules of Judicial Administration and this Court's Agreed Protective Order Governing Confidentiality, dated July 25, 2013 (the "Confidentiality Order"), Defendants Gawker Media and A.J. Daulerio (collectively, "Defendants"), by and through their undersigned counsel, hereby move to determine the confidentiality of Exhibits A and B of their Exceptions to Report and Recommendation Denying Motions for Sanctions ("Exceptions"). As grounds for this motion, Defendants state as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(iv) provides that certain court records are confidential if the Court determines that confidentiality is required in order to "obtain evidence to determine legal issues in a case."

2. On April 23, 2014, this Court ordered Plaintiff Terry Gene Bollea to produce discovery related to an FBI investigation into the dissemination of sex tapes depicting Plaintiff and Heather Clem (the "FBI discovery"). The Court instructed that this discovery could be labeled "Attorneys' Eyes Only" and treated as confidential under the Confidentiality Order. As such, this Court has preliminarily determined that confidentiality of the FBI discovery is required to obtain evidence to determine legal issues in this case, consistent with Rule

2.4240(c)(9)(A)(iv). In addition, Plaintiff has designated certain other discovery as “CONFIDENTIAL” under the Confidentiality Order.

3. Concurrent with this Motion, Defendants are filing their Exceptions.

4. Exhibit A to those Exceptions consists of excerpts from a July 19, 2014 hearing before the Special Discovery Magistrate at which the FBI discovery, as well as other discovery materials that Plaintiff has designated as “CONFIDENTIAL,” were referenced. Consequently, Exhibit A is being treated as confidential.

5. Exhibit B to those Exceptions consists of a letter that references discovery materials that Plaintiff has designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Consequently, for the avoidance of doubt, Exhibit B is being treated as confidential.

6. Counsel for Defendants certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without conceding that Plaintiff has properly designated the FBI discovery and/or the other materials referenced in Exhibits A and B as either “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” Defendants are filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, the Defendants respectfully request that this Court determine the confidentiality of Exhibits A and B to their Exceptions.

Dated: October 30, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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*Counsel for Defendants Gawker Media, LLC
and A.J. Daulerio*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October 2014, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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