

CONFIDENTIAL EXHIBIT B



1925 CENTURY PARK EAST, SUITE 800
LOS ANGELES, CA 90067
424.203.1600 • WWW.HMAFIRM.COM

October 15, 2014

VIA EMAIL & FEDEX

The Honorable James R. Case
205 Palm Island NW
Clearwater, FL 33767

Seth D. Berlin, Esq.
Michael D. Sullivan, Esq.
Alia L. Smith, Esq.
LEVINE SULLIVAN et al.
1899 L. Street, NW, Suite 200
Washington, DC 20036

Gregg D. Thomas, Esq.
Rachel E. Fugate, Esq.
THOMAS & LOCICERO PL
601 S. Boulevard
Tampa, Florida 33606

Michael Berry, Esq.
Paul J. Safier, Esq.
LEVINE SULLIVAN et al.
1760 Market Street
Suite 1001
Philadelphia, PA 19103

Julie Ehrlich, Esq.
LEVINE SULLIVAN et al.
321 West 44th Street
Suite 1000
New York, NY 10036

Re: **Terry Gene Bollea v. Heather Clem, Gawker Media, LLC, et al**
Circuit Court of the Sixth Judicial Council in and for Pinellas County, Florida
Case Number 12012447CI-011

Dear Judge Case and Counsel:

In preparing our responses to Gawker's and Nick Denton's most recent round of discovery requests, Mr. Bollea met with his counsel to discuss his phone calls. We brought an information technology ("IT") specialist to extract responsive texts, iMessages, contact information and other documents requested in the discovery. The responsive messages are enclosed herewith, designated Highly Confidential—Attorneys' Eyes Only, and Bates numbered BOLLEA 002654 to BOLLEA 002667. The IT expert is satisfied that all responsive information has been recovered from Mr. Bollea's phone.

Messages Bates numbered BOLLEA 002658 to BOLLEA 002663 are messages between Mr. Bollea and Bubba Clem that were recovered by the IT specialist, but which Mr. Bollea was

not able to see when he personally searched his phone for responsive documents. As you will see, much of the content of the messages is redundant of other documents and deposition testimony already provided, or relates to matters not relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. For example, it has already been disclosed that, in or around mid-October 2012, an extortionist told Mr. Bollea's counsel that multiple videos of Mr. Bollea and Heather Clem allegedly existed (*see* BOLLEA 001070), but Bubba Clem confirmed at his deposition that he was aware of only one recording (*see* Bubba Clem Tr. at 128). The attached texts relate to this alleged discrepancy. Moreover, there is only one video that has any relevance to this lawsuit: the video that Gawker published at its website for six months. The newly-discovered texts encloses are simply variations on the same theme of the messages previously produced in August 2013—*e.g.*, Mr. Bollea questioning Bubba Clem about why he lied about filming him and Bubba Clem making threats in defending himself.

In response to what we anticipate will be Gawker's reaction to the production of these messages now, we will allow Mr. Bollea to be questioned about the content of the enclosed newly-produced text messages during the third day of his deposition, which has not yet been scheduled. As such, and given that there still is no trial date in this case (notwithstanding the fact that the lawsuit is two years old this week), Gawker cannot argue that the production of the newly-discovered (and largely duplicative) texts has resulted in any prejudice to Gawker.

For the purpose of providing all of Mr. Bollea's and Bubba Clem's relevant text communications in one place, we also enclose:

- BOLLEA 002654 to BOLLEA 002658, which contain text messages previously produced on August 28, 2013 (BOLLEA 000645 to 000663);
- BOLLEA 002664 to BOLLEA 002665, which contains the text message previously produced on March 3, 2014 (BOLLEA 001059). It appears that the identical message was sent twice, so we enclose both here; and
- BOLLEA 002665 to BOLLEA 002667, which contain text messages between Mr. Bollea and Bubba Clem from March 25, 2014 through the present. The messages are not responsive to any pending discovery requests, but we produce them here for purposes of completeness.

October 15, 2014
Hon. James R. Case et al.
Page 3

If Judge Case or counsel would like to discuss the contents of this letter further, we are happy to do so at the conclusion of the telephonic hearing scheduled for October 20, 2014.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Charles J. Harder", written in a cursive style.

**CHARLES J. HARDER Of
HARDER MIRELL & ABRAMS LLP**

cc: Ken Turkel, Esq. (via email w/ encls.)
Christina Ramirez, Esq. (via email w/ encls.)
David Houston, Esq. (via email w/ encls.)