

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.

FILED
CIVIL COURT RECORDS DEPT
2014 NOV - 7 AM 11: 27
KEN BURKE
CLERK OF CIRCUIT COURT

**REPORT AND RECOMMENDATION OF SPECIAL DISCOVERY MAGISTRATE RE:
PLAINTIFF TERRY GENE BOLLEA'S AUGUST 19, 2014 MOTION TO COMPEL
FURTHER RESPONSES TO DISCOVERY AND RE: DEFENDANT GAWKER MEDIA,
LLC'S MOTION FOR STAY**

This cause came before Special Discovery Magistrate James Case on October 20, 2014, on Plaintiff Terry Gene Bollea's Motion to Compel Further Responses to Discovery (the "Motion to Compel"), filed on August 19, 2014. The Special Discovery Magistrate, having reviewed the moving, opposition, and reply papers, and having heard oral argument thereon, now recommends that, subject to any modifications by Judge Campbell in light of her prior rulings, the Court:

- (1) **grant** Mr. Bollea's Motion to Compel;
- (2) **compel** Defendant Gawker Media, LLC ("Gawker") to produce all documents that are responsive to Request Nos. 89, 90, 92, 93, 121, 119, 120 and 126, and Second Request No. 116, to the extent those documents are in Gawker's possession, custody or control as contemplated by the Florida Rules of Civil Procedure (*i.e.*, including documents that are within Gawker's power, that are available to Gawker, or that Gawker has the "right, authority, or practical ability to obtain . . . on demand" (*Costa v. Kerzner Intern. Resorts, Inc.*, 277 F.R.D. 468, 471 (S.D. Fla. 2011)));

(3) compel Gawker to provide complete, substantive responses to Interrogatory Nos. 18 and 19; and

(4) direct Gawker to produce the documents and interrogatory responses called for herein within 20 days of the Circuit Court's entry of an order ruling on and overruling any exceptions filed by Gawker, provided that Gawker is directed to provide documents and interrogatory answers responsive to any requests as to which it is not filing exceptions in the Circuit Court by no later than December 5, 2014, unless otherwise agreed by the parties.

Gawker's oral motion for a stay also came before the Special Discovery magistrate on October 20, 2014. Pursuant to the stipulation of counsel, the Special Discovery Magistrate recommends that: (a) the Court stay the enforcement of any order entered by the Circuit Court adopting the above-described ruling on Mr. Bollea's Motion to Compel for 45 days to permit Gawker to seek a stay and further review in the Second District Court of Appeal, should Gawker elect to do so, and, (b) if a stay is denied by the Court of Appeal, Gawker be required to produce responsive documents and information within 20 days of such denial.

The parties shall have 10 days from the date of this Report and Recommendation to file exceptions with the Circuit Court.

DATED: Nov 6, 2014


SPECIAL DISCOVERY MAGISTRATE