

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.

**NOTICE BY SPECIALLY-APPEARING DEFENDANT BLOGWIRE
HUNGARY SZELLEMI ALKOTÁST HASZNOSÍTÓ, KFT/KINJA, KFT**

PLEASE TAKE NOTICE that Defendant Blogwire Hungary Szellemi Alkotást Hasznosító, KFT, now known as “Kinja, KFT” (hereinafter “Blogwire Hungary”) specially appears for the limited purpose of preserving its objection to this Court’s exercise of jurisdiction over it and, in particular, the adoption of the Special Discovery Magistrate’s November 5, 2014 Report and Recommendation to the extent that it recommends that plaintiff’s motion to compel be granted and that Gawker Media, LLC (“Gawker”) be required to provide discovery from or related to Blogwire Hungary.

Blogwire Hungary asserts this objection because (1) the question of whether this Court may exercise personal jurisdiction, including whether it may direct discovery from or related to Blogwire Hungary, is currently pending before the Second District Court of Appeal; (2) under settled law, that appeal divests this Court of jurisdiction to order discovery from or related to Blogwire Hungary, *see Palma Sola Harbor Condo, Inc. v. Huber*, 374 So. 2d 1135 (Fla. 2d DCA 1979) (trial court may not take action which would “interfere with the power and authority of the appellate court or with the rights of a party to the appeal which are under consideration by the appellate court”); Philip J. Padovano, FLORIDA APPELLATE PRACTICE, § 24:6 (“Appeals from

orders determining personal jurisdiction are unlike appeals from most other nonfinal orders in the respect that almost all proceedings in the trial court, including discovery, will be suspended until resolution of the appeal.”); (3) plaintiff’s motion to compel Gawker to provide such discovery attempts to end-run that clear limitation; (4) such discovery is only relevant to this action if Blogwire Hungary is a defendant; and (5) there is no need to compel such discovery until after Blogwire Hungary’s appeal is resolved because this Court has severed Blogwire Hungary from the rest of the case by order dated November 4, 2014. *See also* Gawker’s Exceptions to Report and Recommendation to Grant Plaintiff’s Motion to Compel at 7-10. Blogwire Hungary respectfully submits that the Court should either decline to enter that portion of the Report and Recommendation or should defer doing so until after the pending jurisdictional appeal is resolved and then only in accordance with any ruling by the Court of Appeals.

Dated: November 17, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November 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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