

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  
ST. PETERSBURG, FLORIDA  
2014 DEC 11 AM 8:47  
KEN BURKE  
CLERK OF CIRCUIT COURT

Not  
filed

**[PROPOSED] ORDER DECLINING TO ADOPT OCTOBER 20, 2014  
REPORT AND RECOMMENDATION**

This cause came before Special Discovery Magistrate James Case on July 18, 2014, on the Motion for Sanctions (the "Motion") filed by defendants Gawker Media, LLC and A.J. Daulerio (collectively, "Defendants"). At that hearing, Judge Case recommended that the Motion should be DENIED except that plaintiff shall submit to a limited deposition to answer questions on certain enumerated topics. On October 20, 2014, Judge Case issued a REPORT & RECOMMENDATION memorializing that recommendation. Defendants filed Exceptions to Judge Case's REPORT & RECOMMENDATION.

After reviewing and considering the REPORT & RECOMMENDATION of the Special Discovery Magistrate, the parties' briefs on the Motion and on Defendants' Exceptions, and the transcript of the hearing before Judge Case, and being fully advised of the premises, IT IS HEREBY ORDERED AND ADJUDGED that:

1. This Court declines to adopt the REPORT & RECOMMENDATION dated October 20, 2014;
2. Defendants' Motion is GRANTED as follows:
  - a. \_\_\_\_\_ The Amended Complaint is DISMISSED as to Defendants; OR

- b. \_\_\_\_\_ Plaintiff is held in contempt for his failure to comply with multiple orders of the Court; AND/OR
- c. \_\_\_\_\_ Plaintiff is precluded from seeking to shield from the Court or jury the information and documents that he improperly withheld; AND/OR
- d. \_\_\_\_\_ The Court shall give an “adverse inference” instruction with respect to each category of documents or information that Plaintiff and his counsel failed to preserve; AND/OR
- e. \_\_\_\_\_ Plaintiff is required to pay the fees and costs associated with the above-described misconduct as requested in the Motion, and Defendants are directed to submit an affidavit detailing such fees and costs.

3. Plaintiff shall submit to a limited deposition solely pertaining to the matters raised by the records pertaining to the FBI investigation produced by plaintiff after March 7, 2014; any records produced by the government after March 7, 2014 pursuant to a FOIA request submitted by Gawker or its counsel; Bollea’s telephone records produced in discovery after March 7, 2014; EJ Media and Elizabeth Traub records produced in discovery after March 7, 2014, pursuant to the subpoenas served by Gawker prior to March 7, 2014; and texts produced by plaintiff on October 15, 2014, and no other areas of inquiry, unless otherwise ordered by the Court.

DONE AND ORDERED in Chambers at Pinellas County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

*Not prepared*  
\_\_\_\_\_  
Pamela A.M. Campbell  
Circuit Court Judge

Copies furnished to:  
Counsel of Record