

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, LLC, Nick Denton, and A.J. Daulerio (collectively, the "Publisher Defendants"), by and through their undersigned counsel, hereby move to determine the confidentiality of their Confidential Supplemental Statement of Undisputed Facts filed in support of their Motion for Summary Judgment. As grounds for this motion, the Publisher 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. This Court's Confidentiality Order provides that both the parties and non-party witnesses may designate testimony and/or documents as "confidential" if their substance falls into certain enumerated categories. In addition, that order provides that all deposition testimony and transcripts shall be treated as "Confidential" for the first thirty (30) days after the release of

the transcript, during which time the parties and the witness shall have the opportunity to review the transcript and to designate specific portions of the transcript as “Confidential.”

3. Concurrent with this Motion, the Publisher Defendants are filing their Confidential Supplemental Statement of Undisputed Facts, which contains references to, and quotations from, deposition testimony and discovery documents that have been designated as confidential either by plaintiff, defendant Heather Clem, or non-party witnesses.

4. Counsel for the Publisher Defendants certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without in any way conceding that all of the deposition testimony and discovery documents referred to and/or quoted in their Confidential Supplemental Statement of Undisputed Material Facts have been properly designated as “Confidential” by the other parties or by the non-party witnesses making those designations, the Publisher Defendants are filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, the Publisher Defendants respectfully request that this Court determine the confidentiality of the Confidential Supplemental Statement of Undisputed facts filed in Support of their Motion for Summary Judgment, including to treat as confidential only that testimony and those documents that are properly treated as such under Rule 2.420 and this Court’s Confidentiality Order.

Dated: April 20, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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*Counsel for Defendants Gawker Media, LLC,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April 2015, 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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