

# M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

## SECOND DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL, AND  
AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS  
BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF  
THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER,  
AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE CRAIG C. VILLANTI CHIEF JUDGE OF THE  
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND  
THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: May 8, 2015

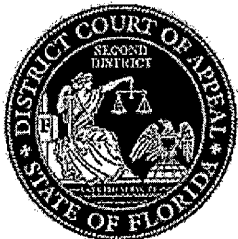
SECOND DCA CASE NO. 2D14-2630

COUNTY OF ORIGIN: Pinellas

LOWER TRIBUNAL CASE NO. 2012CA-012447XXCI

CASE STYLE: BLOGWIRE HUNGARY  
SZELLEMI ALKOTAST  
HASZNOSITO K F T

v. TERRY GENE BOLLEA P/ K/ A  
HULK HOGAN



*James Birkhold*  
James Birkhold  
Clerk

cc: (Without Attached Opinion)

Gregg D. Thomas, Esq.  
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FILED  
CIVIL COURT REC. DEPT.  
2015 MAY 11 AM 11:21  
CLERK DEN BURKE  
OF CIRCUIT COURSE

Charles J. Harder, Esq.

Douglas E. Mirell, Esq.

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NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BLOGWIRE HUNGARY SZELLEMI	)
ALKOTÁST HASZNOSÍTÓ, KFT, a/k/a	)
GAWKER MEDIA,	)
	)
Appellant,	)
	)
v.	)
	)
TERRY GENE BOLLEA, p/k/a HULK	)
HOGAN; HEATHER CLEM; GAWKER	)
MEDIA, LLC, a/k/a GAWKER MEDIA;	)
NICK DENTON; A.J. DAULERIO; and	)
GAWKER MEDIA GROUP, INC., a/k/a	)
GAWKER MEDIA,	)
	)
Appellees.	)
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Case No. 2D14-2630

Opinion filed April 17, 2015.

Appeal pursuant to Fla. R. App. P. 9.130  
from the Circuit Court for Pinellas County;  
Pamela A.M. Campbell, Judge.

Gregg D. Thomas and Rachel E. Fugate of  
Thomas & LoCicero, P.L., Tampa, for  
Appellant.

Seth D. Berlin and Alia L. Smith, of Levine,  
Sullivan, Koch & Schulz, LLP, Washington,  
District of Columbia, for Appellant.

Kenneth G. Turkel and Christina K. Ramirez,  
of Bajo, Cuva, Cohen & Turkel, P.A., Tampa,  
for Appellee Bollea.

Charles J. Harder and Douglas E. Mirell of  
Harder, Mirell & Abrams, LLP, Los Angeles,  
California, for Appellee Bollea.

No appearance for remaining Appellees.

WALLACE, Judge.

Terry Gene Bollea, who is better known by his ring name as "Hulk Hogan," filed an action against multiple defendants asserting various claims arising out of the publication and distribution of a narrative about his extramarital sexual encounter, including excerpts of a video recording of the event.<sup>1</sup> A Hungarian limited liability company, Blogwire Hungary Szellemi Alkotást Hasznosító, KFT, now known as Kinja, KFT (Kinja), is one of the defendants named in the action. Kinja filed a motion to dismiss Mr. Bollea's first amended complaint on two grounds: (1) the failure to state a cause of action against Kinja; and (2) the lack of personal jurisdiction over Kinja.

On January 17, 2014, the circuit court conducted a hearing on Kinja's motion to dismiss. Four months later, on May 14, 2014, the circuit court entered an order memorializing the ruling made at the January hearing. In that order, the circuit court ruled as follows: "IT IS ORDERED AND ADJUDGED that Kinja's motion to dismiss for failure to state a claim (regarding jurisdiction) and for lack of personal jurisdiction is DENIED WITHOUT PREJUDICE. Kinja may renew its motion after [Bollea] has an opportunity to take additional jurisdictional discovery."

At a subsequent hearing held on April 23, 2014, the circuit court once again considered Kinja's motion to dismiss. The transcript of the circuit court's ruling at

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<sup>1</sup>This court's opinion in Gawker Media, LLC v. Bollea, 129 So. 3d 1196 (Fla. 2d DCA 2014), further describes the background of the underlying litigation. We will not detail this information again here.

that hearing reflects that the court decided to deny the first ground of Kinja's motion to dismiss, i.e., the failure to state a cause of action, but once again deferred a definitive ruling on the second ground, i.e., the lack of personal jurisdiction. Unfortunately, the written order entered after the hearing does not differentiate between the two separate grounds on which Kinja's motion is based. Instead, the order, which was also entered on May 14, 2014, simply declares: "[The] [m]otion to dismiss of Defendant Kinja, KFT is DENIED."<sup>2</sup> Kinja has appealed both of the May 14 orders.

As the foregoing procedural history demonstrates, neither of the parties has ever had an opportunity for a full hearing—whether non-evidentiary or evidentiary—on the merits of Kinja's jurisdictional objection in accordance with the procedures outlined in Venetian Salami Co. v. Parthenais, 554 So. 2d 499, 502-03 (Fla. 1989). In the absence of such a hearing, the circuit court erred in denying Kinja's motion to dismiss. Accordingly, we reverse the order denying Kinja's motion to dismiss and remand this case to the circuit court for further proceedings consistent with this opinion. See Canale v. Rubin, 20 So. 3d 463, 469 (Fla. 2d DCA 2009); Bellairs v. Mohrmann, 716 So. 2d 320, 323 (Fla. 2d DCA 1998).

Reversed and remanded.

NORTHCUTT and CRENSHAW, JJ., Concur.

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<sup>2</sup>Although the circuit court apparently intended once again to defer a ruling on the jurisdictional aspect of Kinja's motion to dismiss, the order denying the motion to dismiss does not incorporate such a reservation. On the contrary, the written order expressly denies the motion. Accordingly, we have jurisdiction to hear this matter under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(i).