

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No. 12012447 CI-011

vs.

GAWKER MEDIA, LLC aka GAWKER
MEDIA; NICK DENTON; A.J. DAULERIO,

Defendants.

**JOINT MOTION TO VACATE ORDER FOR DEFENDANTS
TO PRESERVE ELECTRONICALLY STORED MATERIALS**

Plaintiff, Terry Gene Bollea, professionally known as Hulk Hogan (“Bollea”), and Defendants, Gawker Media, LLC (“Gawker”), Nick Denton (“Denton”) and A.J. Daulerio (“Daulerio”), by and through their undersigned counsel, file this Joint Motion to Vacate Order for Defendants to Preserve Electronically Stored Materials and, in support, state as follows:

1. On August 6, 2015, the Court entered its Order for Defendants to Preserve Electronically Stored Materials (the “Preservation Order”), a copy of which is attached as **Exhibit A**.

2. The Preservation Order requires Defendants to “preserve and store all relevant information from June 26, 2015 through August 6, 2015 as to the Computer Network, systems, servers, tablets, and smart phones, and any other electronic equipment of Defendants, Gawker, Denton and Daulerio, and any respective agents or attorney for any and all data, files, emails, messages, texts, phone records and similar electronically stored information concerning Plaintiff, Terry Bollea, professionally known as Hulk Hogan, or this lawsuit [including the lawsuit filed in the United States District Court, Middle District of Florida, Tampa Division styled, *Gawker*

Media, LLC and Gregg Thomas v. The Federal Bureau of Investigation and The Executive Office of United States Attorneys, Case No. 8:15-cv-01202-SCB-EAJ].”

3. On December 9, 2016, the Parties entered into Settlement Agreements which, among other things, call for the resolution of all pending litigation between them. The Settlement Agreements also require Gawker, Denton and Daulerio to return to Bollea and/or delete, and to demand that their counsel return to Bollea and/or delete, all video or audio recordings (including portions and excerpts), and any written transcripts, summaries, audio recordings or other recordings of Bollea that emanated from recordings of Bollea in the bedroom of Bubba Clem and Heather Clem (a/k/a Heather Cole) in the possession, custody or control of the Gawker entities, Denton or Daulerio be delivered to Bollea, in care of his counsel Charles J. Harder, Esq., and thereafter deleted from all electronic systems and storage devices (including without limitation websites, social media accounts, servers, hard drives, backup tapes, disks, drives, devices and files of all kinds).

4. In order to comply with these obligations under the Settlement Agreements, the parties must have the Preservation Order vacated.

WHEREFORE, the Parties respectfully requests that this Honorable Court enter an Order vacating the Order for Defendants to Preserve Electronically Stored Materials dated August 6, 2015, for the purpose of concluding items set forth in their Settlement Agreements.

[Signatures follow on next page]

Dated: February 7, 2017, by:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 7th day of February, 2017 to the following:

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