

**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. 12012447 CI-011

HEATHER CLEM; GAWKER MEDIA, LLC  
aka GAWKER MEDIA; GAWKER MEDIA  
GROUP, INC. aka GAWKER MEDIA;  
GAWKER ENTERTAINMENT, LLC;  
GAWKER TECHNOLOGY, LLC; GAWKER  
SALES, LLC; NICK DENTON; A.J.  
DAULERIO; KATE BENNERT, and  
BLOGWIRE HUNGARY SZELLEMI  
ALKOTAST HASZNOSITO KFT aka  
GAWKER MEDIA,

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"), Plaintiff Terry Gene Bollea, by and through his undersigned counsel, hereby moves to determine the confidentiality of his Opposition to Heather Cole's (Sued as Heather Clem) Motion for Summary Judgment, Confidential Affidavit of Charles J. Harder, and exhibits thereto. As grounds for this motion, Plaintiff states 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, Plaintiff is filing his Opposition to Heather Cole’s (Sued as Heather Clem) Motion for Summary Judgment, Confidential Affidavit of Charles J. Harder, and exhibits thereto, which include transcripts and other documents that have been produced during the discovery in this case and have previously been marked confidential by the parties or non-party witnesses.

4. Counsel for Plaintiff 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 that are attached to the Confidential Affidavit have been properly designated as “Confidential” by the other parties or by the non-party witnesses making those designations, Plaintiff is filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Opposition to Heather Cole’s (Sued as Heather Clem) Motion for Summary Judgment, Confidential Affidavit of Charles J. Harder, and exhibits thereto, 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: May 11, 2015

Respectfully submitted,

/s/ Kenneth G. Turkel  
Kenneth G. Turkel, Esq.  
Florida Bar No. 867233

Shane B. Vogt  
Florida Bar No. 0257620  
BAJO | CUVA | COHEN | TURKEL  
100 North Tampa Street, Suite 1900  
Tampa, Florida 33602  
Tel: (813) 443-2199  
Fax: (813) 443-2193  
Email: [kturkel@bajocuva.com](mailto:kturkel@bajocuva.com)  
Email: [svogt@bajocuva.com](mailto:svogt@bajocuva.com)

-and-

Charles J. Harder, Esq.  
PHV No. 102333  
Douglas E. Mirell, Esq.  
PHV No. 109885  
Sarah E. Luppen, Esq.  
PHV No. 113729  
HARDER MIRELL & ABRAMS LLP  
1925 Century Park East, Suite 800  
Los Angeles, CA 90067  
Tel: (424) 203-1600  
Fax: (424) 203-1601  
Email: [charder@hmafirm.com](mailto:charder@hmafirm.com)  
Email: [dmirell@hmafirm.com](mailto:dmirell@hmafirm.com)  
Email: [sluppen@hmafirm.com](mailto:sluppen@hmafirm.com)

**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 11th day of May, 2015 to the following:

Barry A. Cohen, Esquire  
Michael W. Gaines, Esquire  
The Cohen Law Group  
201 E. Kennedy Blvd., Suite 1950  
Tampa, Florida 33602  
[bcohen@tampalawfirm.com](mailto:bcohen@tampalawfirm.com)  
[mgaines@tampalawfirm.com](mailto:mgaines@tampalawfirm.com)  
[jhalle@tampalawfirm.com](mailto:jhalle@tampalawfirm.com)  
[mwalsh@tampalawfirm.com](mailto:mwalsh@tampalawfirm.com)  
*Counsel for Heather Clem*

David R. Houston, Esquire  
Law Office of David R. Houston  
432 Court Street  
Reno, NV 89501  
[dhouston@houstonatlaw.com](mailto:dhouston@houstonatlaw.com)  
[krosser@houstonatlaw.com](mailto:krosser@houstonatlaw.com)

Michael Berry, Esquire  
Levine Sullivan Koch & Schultz, LLP  
1760 Market Street, Suite 1001  
Philadelphia, PA 19103  
[mberry@lskslaw.com](mailto:mberry@lskslaw.com)  
*Pro Hac Vice Counsel for  
Gawker Defendants*

Gregg D. Thomas, Esquire  
Rachel E. Fugate, Esquire  
Thomas & LoCicero PL  
601 S. Boulevard  
Tampa, Florida 33606  
[gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com)  
[rfugate@tlolawfirm.com](mailto:rfugate@tlolawfirm.com)  
[kbrown@tlolawfirm.com](mailto:kbrown@tlolawfirm.com)  
[pmegonigle@tlolawfirm.com](mailto:pmegonigle@tlolawfirm.com)  
*Counsel for Gawker Defendants*

Seth D. Berlin, Esquire  
Paul J. Safier, Esquire  
Alia L. Smith, Esquire  
Michael D. Sullivan, Esquire  
Levine Sullivan Koch & Schulz, LLP  
1899 L. Street, NW, Suite 200  
Washington, DC 20036  
[sberlin@lskslaw.com](mailto:sberlin@lskslaw.com)  
[psafier@lskslaw.com](mailto:psafier@lskslaw.com)  
[asmith@lskslaw.com](mailto:asmith@lskslaw.com)  
[msullivan@lskslaw.com](mailto:msullivan@lskslaw.com)  
*Pro Hac Vice Counsel for  
Gawker Defendants*

*/s/ Kenneth G. Turkel*  
\_\_\_\_\_  
Kenneth G. Turkel