

EXHIBIT 10

to the

**MOTION FOR AN ORDER DECLARING THAT
PLAINTIFF HAS IMPROPERLY DESIGNATED CERTAIN
DISCOVERY MATERIALS AS “ATTORNEYS’ EYES ONLY”**

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

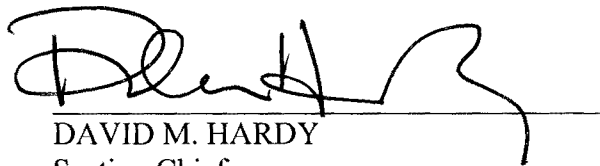
GAWKER MEDIA, LLC et al,)
)
Plaintiff,)
)
v.)
)
THE FEDERAL BUREAU OF)
INVESTIGATION and THE EXECUTIVE)
OFFICE OF UNITED STATES)
ATTORNEYS,)
)
Defendant.)
)
)

Case No. 8:15-CV-01202-SCB-EAJ

DECLARATION OF DAVID M. HARDY

I, David M. Hardy, declare as follows:

(1) I am currently the Section Chief of the Federal Bureau of Investigation (“FBI”) Record/Information Dissemination Section (“RIDS”), Records Management Division (“RMD”), in Winchester, Virginia. I have held this position since August 1, 2002. Prior to joining the FBI, from May 1, 2001 to July 21, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information Act (“FOIA”) policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the state of Texas since 1980.

A handwritten signature in black ink, appearing to read "D Hardy", is written over a horizontal line.

DAVID M. HARDY
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, Virginia

EXHIBIT 4

Kristy Rosser

From: Shearn, Jason R. <Jason.Shearn@ic.fbi.gov>
Sent: Tuesday, September 03, 2013 8:28 AM
To: David Houston
Cc: Sweeney, Sara (USAFLM) 1
Subject: FW: Davidson investigation
Attachments: l_evidence_Houston 8 28 2013.pdf

Dave-

Please see the attached e-mail from AUSA Sara Sweeney. She attempted to send to your but it was returned undeliverable.

Regards,

SA Jason R. Shearn
Tampa Division, Pinellas RA
Office 727-796-7055

-----Original Message-----

From: Sweeney, Sara (USAFLM) 1 [<mailto:Sara.Sweeney@usdoj.gov>]
Sent: Tuesday, September 03, 2013 10:58 AM
To: dhouston@houstonatlaw.com
Subject: Davidson investigation

Mr. Houston,
Attached please find a letter regarding the property in the above investigation. You will also receive a copy via U.S. mail.

Thanks,
Sara

Sara C. Sweeney
Assistant United States Attorney
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, Florida 33602
Tel: (813) 274-6145
Fax: (813) 274-6178

2110 First Street, Suite 3-137
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239/461-2300
239/461-2219 (Fax)



300 N. Hogan Street, Room 700
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904/301-6300
904/301-6310 (Fax)

35 SE 1st Avenue, Suite 300
Ocala, Florida 34471
352/547-3600
352/547-3623 (Fax)

**U.S. Department of Justice
United States Attorney
Middle District of Florida**

400 West Washington Street, Suite 3100
Orlando, Florida 32801
407/648-7500
407/648-7643 (Fax)

Main Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
813/274-6000
813/274-6358 (Fax)

Reply to: Tampa, FL

SCS

September 3, 2013

VIA EMAIL AND U.S. MAIL
Mr. David R. Houston, Esq.
432 Court Street
Reno, Nevada 89501

Re: Keith M. Davidson, USAO No. 2012R02418

Dear Mr. Houston:

I am writing regarding the disposition of the following pieces of evidence from the above-stated investigation:

- The following documents: an assignment and transfer of copyright; a Settlement agreement and mutual release; Exhibit B to settlement agreement; and a side letter agreement to the settlement agreement;
- Check #1127 in the amount of \$150,000.00 made out to Keith Davidson from David R. Houston, LTD, a professional corporation; and
- A silver/black case with key containing 3 DVD recordings labeled as follows: (1) DVD-R - Hogan 7-13-07; (2) DVD-R - Hootie 7-13-07; (3) DVD-R - Hootie.

As to the documents and the check (items # 1 & 2 above), possession of these items will be turned over to you, with a copy provided to Mr. Davidson.

As to the case and the DVDs within (item # 3 above), the government intends to retain possession of this evidence pending the outcome in *Terry Gene Bollea v. Heather Clem et al*, case no. 12-012447-CI, currently pending in the Sixth Judicial Circuit Court of Florida, in and for Pinellas County, Florida. The evidence will be provided to whichever party is found to be the rightful possessor of the recordings in that suit.

CONFIDENTIAL-ATTORNEY'S EYES ONLY

BOLLEA001351

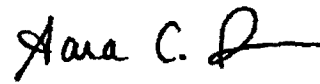
Mr. David R. Houston, Esq.
September 3, 2013
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Please let me know by September 13, 2013, if you object to the above resolution. If you have any questions, please contact me at (813) 274-6000.

Sincerely,

A. LEE BENTLEY, III
Acting United States Attorney

By:



Sara C. Sweeney
Assistant United States Attorney

WUSAFLMSFILE21\Users\Criminal Cases\Davidson, Keith_2012R02418_SCB_evidence_Houston 8 28 2013.wpd

~~CONFIDENTIAL-ATTORNEY'S EYES ONLY~~

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