

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; 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 Florida Rule of Judicial Administration 2.420 and the Agreed Protective Order Governing Confidentiality entered by this Court on July 25, 2013 (“Confidentiality Order”), Plaintiff Terry Bollea, by and through his undersigned counsel, hereby moves to determine the confidentiality of portions of Plaintiff’s Motion to Exclude Opinions and Testimony of Peter Horan, and certain of the exhibits thereto (“*Daubert* Motion”) and states as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) provides that certain court records are confidential if the Court determines that confidentiality is required in order to “avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed.”

2. On July 25, 2013, this Court entered the Confidentiality Order pursuant to which the parties could designate as “confidential” “information in which the party from which discovery is sought has a reasonable expectation of privacy or confidentiality.” Confidentiality Order at ¶ 3(c). The Confidentiality Order also provides that “[i]n the event a party wishes to use any Confidential Information in any affidavits, briefs, memoranda of law, or other paper filed in Court in this litigation, such Confidential Information used therein shall be filed under seal with the Court consistent with Florida Rule of Judicial Administration 2.420.” *Id.* at ¶ 11.

3. Contemporaneously with this motion, Plaintiff is filing his Motion to Exclude Opinions and Testimony of Peter Horan, whose deposition was taken on April 23, 2015, within the thirty-day period in which all deposition testimony must be treated as “Confidential.”

4. The Exhibits to the *Daubert* Motion consist of the transcript of Horan’s deposition testimony and his expert report and an excerpt of the transcript of Jeff Anderson. Plaintiff now seeks this Court’s determination of the confidentiality of the confidential portions of its *Daubert* Motion pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) and the Confidentiality Order.

4. The specific portions of the *Daubert* Motion and exhibits Plaintiff seeks to have determined as confidential are identified in the Notice of Confidential Information Within Court Filing filed contemporaneously herewith.

5. Plaintiff’s counsel certifies that this motion is made in good faith and is supported by a sound factual and legal basis.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Plaintiff's Motion to Exclude Opinions and Testimony of Peter Horan and its exhibits.

/s/ Kenneth G. Turkel

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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 18th day of May, 2015 to the following:

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