

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, *et al.*,

Defendants.

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**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"), Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (collectively, the "Publisher Defendants"), by and through their undersigned counsel, hereby move to determine the confidentiality of their *Daubert* Motion to Exclude the Expert Testimony of Shanti Shunn ("*Daubert* Motion"), and the Exhibits attached thereto. As grounds for this motion, the Publisher Defendants state 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. The *Daubert* Motion, which is being filed concurrently with this Motion, summarizes and quotes from the deposition testimony of Shanti Shunn, whose deposition was taken on April 24, 2015, within the thirty-day period in which all deposition testimony must be treated as “Confidential.”

4. The Exhibits to the *Daubert* Motion primarily consist of excerpts from the transcript of Shunn’s testimony or exhibits marked during his deposition.

5. Counsel for the Publisher Defendants certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without conceding that any of the material should ultimately be treated as “Confidential,” the Publisher Defendants are filing this motion in order to comply with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, the Publisher Defendants respectfully requests that this Court determine the confidentiality of the *Daubert* Motion to Exclude the Expert Testimony of Shanti Shunn and the Exhibits attached 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 18, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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Nick Denton, and A.J. Daulerio*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of May 2015, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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