

**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 the following documents (hereinafter, the "Documents"):

- A. Opposition to Gawker's, Denton's, and Daulerio's Motion for Summary Judgment
- B. Confidential Statement of Disputes and Undisputed Facts in Opposition to Gawker Defendant's Motion for Summary Judgment; and
- C. 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 the Documents, which include transcripts and other documents that have been produced during the discovery in this case and have previously been marked confidential by the defendants 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 the Documents, 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: 11 May, 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
Email: 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
Email: dmirell@hmafirm.com
Email: 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 11 th 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
mgaines@tampalawfirm.com
jhalle@tampalawfirm.com
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
krosser@houstonatlaw.com

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
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
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
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
psafier@lskslaw.com
asmith@lskslaw.com
msullivan@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel

Kenneth G. Turkel