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FILED  
ST. PETERSBURG  
2015 JUN 11 AM 8:33  
KEN BURKE  
CLERK OF CIRCUIT COURT

June 10, 2015

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

The Honorable Pamela A.M. Campbell  
Sixth Judicial Circuit  
St. Petersburg Judicial Building  
545 First Avenue N., Room 300  
St. Petersburg, FL 33701

**Re: *Terry Gene Bollea v. Clem, Gawker Media, LLC, et al.*  
Case No.: 12012447-CI-011**

**RECEIVED**  
JUN 10 2015  
Pamela A.M. Campbell  
Circuit Judge  
Pinellas County, Florida

Dear Judge Campbell:

I write on behalf of Gawker Media, LLC, Nick Denton and A.J. Daulerio (the "Publisher Defendants") concerning the trial and related pre-trial issues in the above-referenced matter.

As Your Honor knows, in a ruling dated May 7, 2015, the District Court of Appeal granted two writ petitions filed by the Publisher Defendants and quashed the Court's November 4, 2014 and February 18, 2015 orders that, respectively, severed Kinja, KFT for trial and set a trial and various pre-trial deadlines for the remaining defendants. The DCA indicated that an opinion would follow, but no opinion has yet been issued.

Following that May 7 Ruling, counsel for Mr. Bollea advised the Court, both in correspondence dated May 19, 2015 and during the Case Management Conference on May 29, 2015, that he planned to dismiss Kinja and would then ask the Court to reissue a trial order resetting the various deadlines therein. Despite those representations, now close to two weeks later, he has not dismissed Kinja, still apparently hoping that something in the forthcoming opinion would allow him to still keep Kinja in the case *and* keep the original trial date – in effect, trying to have his cake and eat it too. As such, the Publisher Defendants have been left twisting in the wind for more than a month, and Kinja – which is now back in the case – has watched from the sidelines as the other parties have exchanged exhibit lists, witness lists and the like because its jurisdictional challenge has not yet been adjudicated. All of this is both fundamentally unfair, and in our view violates the DCA's May 7 Ruling.



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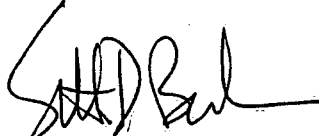
To date, the Publisher Defendants relied on Mr. Bollea's representations to this Court that he would in fact dismiss Kinja, and we followed up with his counsel about them following the May 29 hearing. We also advised that before Your Honor could issue a new pretrial/trial order, plaintiff would, in addition to dismissing Kinja, need to ask the appeals court to return jurisdiction over that issue to the Circuit Court. Instead of dismissing Kinja, however, late on Monday and more than a month after the DCA's May 7 Ruling, he filed a motion for clarification with the Court of Appeal asking whether, *if* he dismissed Kinja, he could still proceed to trial on July 6. With respect, this simply continued to leave the defendants in limbo, including Heather Clem, who, despite plaintiff's representation at the May 29, 2015 hearing that her dismissal was imminent, has also not been dismissed, further complicating matters.

Given plaintiff's repeated delays, it is simply now too late for the Court to re-set the July 6 trial date or the June 29 pretrial date under Florida Rules of Civil Procedure 1.440 and 1.200, respectively. Moreover, the defendants can no longer be expected to comply with a schedule set forth in an order that has been quashed and that cannot now be replaced based on plaintiff's indecision over how he wants to proceed. Accordingly, the Publisher Defendants respectfully request that, once the Court of Appeal issues its opinion and mandate and Kinja has either been dismissed or had its jurisdictional challenge fully adjudicated (the hearing on that motion is scheduled for October 20, 2015 at 1:30 p.m.), this Court schedule a Case Management Conference at which (a) a new trial date can be selected on a future two-week trial docket on which the Court and counsel are available, (b) a new pretrial conference and pretrial motions hearing can be scheduled based on that new trial date, and (c) the parties can propose new deadlines for various pretrial matters, including serving exhibit lists, witness lists, deposition designations, jury instructions, verdict forms, and briefing motions *in limine* and *Daubert* motions. We will be happy to assist in coordinating the scheduling of such a case management conference with Mrs. McCreary and counsel for the other parties once the DCA has returned the matter to Your Honor and Kinja has either been dismissed or has answered.

As always, thank you for your time and attention to this matter.

Respectfully submitted,

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By: 

Seth D. Berlin

cc: All counsel of record (by electronic mail)