

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, *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 ("Gawker") and A.J. Daulerio ("Daulerio") (collectively, the "Publisher Defendants"), by and through undersigned counsel, hereby move to determine the confidentiality of their Motion *in Limine* on Evidence Relating to Plaintiff's Admission That He Believed the Sex Tape(s) Showed Him Making Statements That Have Been Marked as Confidential, and the exhibits attached thereto ("Motion in *Limine*"). 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. On April 23, 2014, this Court ordered Plaintiff Terry Gene Bollea ("Bollea") to produce discovery related to an FBI investigation into the dissemination of sex tapes depicting Bollea and Heather Clem (the "FBI discovery"). The Court instructed that this discovery could be labeled "Attorneys' Eyes Only" and treated as confidential under the Confidentiality Order.

As such, this Court has preliminarily determined that confidentiality of the FBI discovery is required to obtain evidence to determine legal issues in this case, consistent with Rule 2.4240(c)(9)(A)(iv). In addition, plaintiff has designated certain other discovery as “CONFIDENTIAL” under the Confidentiality Order.

3. The Motion *in Limine* attaches and references confidential content from the FBI discovery materials as well as certain other discovery plaintiff has designated as “CONFIDENTIAL.” Consequently, the Motion *in Limine* and the exhibits attached thereto are being treated as confidential.

4. Counsel for Gawker certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without conceding that Plaintiff has properly designated the FBI discovery and/or the other materials described and attached to the Motion *in Limine* as either “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” Gawker is filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, the Publisher Defendants respectfully request that this Court determine the confidentiality of their Motion *in Limine* and exhibits attached thereto.

Dated: June 12, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12th day of June 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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