

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.

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 Opposition to Plaintiff's Motion *in Limine* No. 6 to Exclude Evidence Relating to Additional Videos ("Opposition"). 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 Opposition attaches and references confidential content from the FBI discovery materials as well as certain other discovery plaintiff has designated as “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Consequently, the Opposition 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 Opposition 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 Opposition and exhibits attached thereto.

Dated: June 26, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

Gregg D. Thomas

Florida Bar No.: 223913

Rachel E. Fugate

Florida Bar No.: 0144029

601 South Boulevard

P.O. Box 2602 (33601)

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

gthomas@tlolawfirm.com

rfugate@tlolawfirm.com

Seth D. Berlin

Pro Hac Vice Number: 103440

Michael D. Sullivan
Pro Hac Vice Number: 53347
Michael Berry
Pro Hac Vice Number: 108191
Alia L. Smith
Pro Hac Vice Number: 104249
Paul J. Safier
Pro Hac Vice Number: 103437
LEVINE SULLIVAN KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200
Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com

*Counsel for Defendants Gawker Media, LLC,
Nick Denton, and A.J. Daulerio*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th 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:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Shane B. Vogt, , Esq.
shane.vogt@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Charles J. Harder, Esq.
charder@HMAfirm.com
Douglas E. Mirell, Esq.
dmirell@HMAfirm.com
Sarah E. Luppen, Esq.
sluppen@HMAfirm.com
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Barry A. Cohen, Esq.
bcohen@tampalawfirm.com
Michael W. Gaines, Esq.
mgaines@tampalawfirm.com
Barry A. Cohen Law Group
201 East Kennedy Boulevard, Suite 1000
Tampa, FL 33602
Tel: (813) 225-1655
Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

/s/ Gregg D. Thomas
Attorney