

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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**GAWKER DEFENDANTS' NOTICE OF  
FILING OF CORRESPONDENCE TO COURT REGARDING  
PLAINTIFF'S "EMERGENCY" MOTION FOR CLARIFICATION**

Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (collectively, the "Gawker Defendants"), by and through their undersigned counsel, hereby file this Notice attaching correspondence to the Court, dated this same day, regarding the plaintiff's "emergency" motion for clarification and request for emergency hearing.

Dated: July 14, 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 14th day of July 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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July 14, 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**  
**Plaintiff's "Emergency" Motion for Clarification**

Dear Judge Campbell:

As you know, I serve as counsel for Gawker Media, LLC ("Gawker"), Nick Denton and A.J. Daulerio. I write concerning plaintiff's "Emergency" Motion for Clarification.

I intend to file a response to plaintiff's motion, but wanted to address his request for an emergency hearing on four days' notice. As an initial matter, we have previously advised we are unavailable on Friday (I will be in rural New York in a location with literally no cell service for the bulk of the day, and other members of my team are similarly unavailable). More to the point, however, this is simply not an emergency.

Gawker has scrupulously followed the protocol approved by Judge Case: First, after writing you and supplying you with a copy of the protocol, we arranged for the three DVDs to be provided directly to you (in Judge Case's absence), and will do so again with the new DVDs that the FBI has advised it will produce. We assume and expect that Your Honor is maintaining all such DVDs under seal. Second, we provided plaintiff with a copy of all the documents and audio files produced to us within two business days of receiving them, and will certainly do so with respect to any additional documents produced by the Government. Finally, we have treated the documents and audio files produced as "Highly Confidential – Attorney's Eyes Only" under the terms of the protocol, using the definition Your Honor previously approved at the April 23, 2014 hearing with respect to Mr. Bollea's own communications with the FBI and United States Attorney's Office. We will continue to do so, and plaintiff's suggestion that this requires emergency "clarification," when we have been operating that way for more than a year in connection with closely-related documents, is not well taken.

Plaintiff's two grounds for treating this as an emergency are without merit. First, plaintiff references a blog post by Mr. Denton noting that, moving forward, the case will likely center on "the additional recordings held by the FBI [and] the information in them that is Hulk Hogan's real secret." But plaintiff simply ignores the very next passage in which Mr. Denton makes clear that "this prediction is based on court filings, existing press reports, and publicly available information. Our external lawyers and in-house counsel are severely limited in what they can tell me." *See* Plaintiff's Motion Exhibit B. We have not shared with Mr. Denton the contents of documents received from the Government. Second, plaintiff references the FBI's production of additional DVDs to Your Honor, but the FBI's Notice that plaintiff attaches as Exhibit C makes clear that the DVDs "will be produced to the state court in the same manner as the initial production," and there is no need for emergency clarification.

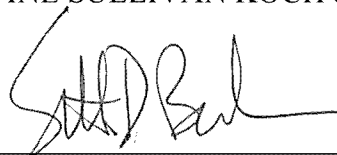
Although portions of plaintiff's motion are not controversial, we would like to be heard on this motion in the normal course to address our concerns with portions of the relief he is seeking, including, just by way of example, that his proposed order would (a) change the definition of "attorney's eyes only" previously put in place by Your Honor so that it would now exclude Heather Dietrick, Gawker's General Counsel, and leave us with no ability to consult with a client representative about significant aspects of this case or the federal FOIA case; (b) permanently treat all documents produced as "Highly Confidential" on a blanket basis, rather than the current procedure where they are treated that way for thirty days, for longer if so designated by plaintiff, and there is a procedure under the Agreed Protective Order and the Florida Rules to challenge the designation; and (c) limit the use of the documents to Mr. Thomas and not other members of the defense team, which is inconsistent with Your Honor's prior rulings, conflicts with the protocol to which plaintiff previously agreed, and makes no sense.

Given that the documents are in fact being treated as "Highly Confidential – Attorneys' Eyes Only," and other aspects of the protocol are being followed, we respectfully request that the Court hear plaintiff's motion at the October 1 case management conference, when we are scheduled to appear in person and the Court has allotted the full morning to this matter.

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

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 

Seth D. Berlin

cc: All counsel or record (via electronic mail)