

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; 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.

**PLAINTIFF'S NOTICE THAT ACTION IS AT ISSUE,
MOTION TO GRANT PRIORITY STATUS AND MOTION TO SPECIALLY
SET CAUSE FOR TRIAL ON SEPTEMBER OR OCTOBER 2015 DOCKET**

Plaintiff Terry Bollea, professionally known as Hulk Hogan, by counsel and pursuant to Rule 1.440, Florida Rules of Civil Procedure, and Rule 2.545, Florida Rules of Judicial Administration, hereby gives notice that this action is at issue and ready to be set for trial; moves for the entry of an order granting this case priority status; and moves this Court for the entry of an order re-setting this action for trial on the Court's September or October 2015 trial docket, and states as follows:

Introduction

1. This 2012 case involves a matter of great public importance in the digital age of online publishing: the line to be drawn when publicity ceases to be the giving of information to

which the public is entitled, and becomes a morbid and sensational prying into the private lives for its own sake, with which a reasonable member of the public, with decent standards, would say that he had no concern. *Toffoloni v. LFP Publishing Group, LLC*, 572 F.3d 1201, 1211 (11th Cir. 2009)

2. The balancing of the equally important fundamental constitutional rights at issue in this case warrants the designation of this case as a “priority” under Rule 2.545, Fla. R. Jud. Admin., and its advancement on the Court’s trial docket.

3. While Mr. Bollea is certainly mindful of the Court’s docket and the other parties seeking justice before this Court, he respectfully requests that this Court specially set this case for trial on its September or October 2015 trial docket so that his claims, Gawker’s defenses, and the issues of great public importance involved in this nearly three-year-old case can be tried and resolved as expeditiously as possible. (The case was filed on October 15, 2012, and thus will become three years old this October.)

Procedural Status

4. The jury trial of this matter was originally scheduled on the two-week trial docket set to commence on July 6, 2015, pursuant to this Court’s Order Setting Pre-Trial Conference and Jury Trial dated February 18, 2015 (the “Pretrial Order”).

5. On May 7, 2015, the Second District Court of Appeal entered an Order quashing this Court’s November 4, 2014 Order severing Plaintiff’s claims against Kinja, KFT (f/k/a Blogwire Hungary Szellemi Alkotast Hasznosito KFT), and quashing this Court’s Pretrial Order.

6. On June 18, 2015, Plaintiff filed his First Amended Complaint asserting a claim for punitive damages through interlineation.

7. On June 18, 2015, in response to the Second District Court of Appeal's Order, Plaintiff filed a notice of voluntary dismissal of Kinja, as well as a notice that action is at issue, and motion to set cause for trial.

8. The Court held a Case Management and Status Conference on June 19, 2015, during which the Court re-set the trial in this matter to commence on July 6, 2015.

9. On June 29, 2015, Defendants Gawker Media, LLC, Nick Denton and A.J. Daulerio (collectively, "Gawker Defendants"), filed their Answers and Affirmative Defenses to Plaintiff's June 18, 2015 First Amended Complaint.

10. On July 2, 2015, after all pre-trial motions had been heard, and on the last business day before trial was set to commence, the Second District Court of Appeal entered an Order quashing this Court's June 19, 2015 Order Setting Jury Trial. The Second DCA held that, pursuant to Rule 1.440, Florida Rules of Civil Procedure, the matter was not at issue until 20 days after the defendants' answers to Plaintiff's First Amended Complaint adding punitive damages claim by interlineation were filed.

11. On July 17, 2015, Gawker Defendants filed their Amended Answers and Affirmative Defenses.¹

12. On July 20, 2015, Mr. Bollea filed his Reply.

13. Accordingly, this case is now at issue under Rule 1.440, Fla. R. Civ. P. Pursuant to Rule 1.440(a), Mr. Bollea waives the right to serve motions directed to Gawker Defendants' last pleading.

14. The case is ready to be set for trial on any date after August 19, 2015.

¹ Gawker Defendants added two additional affirmative defenses based on Florida Statute §768.295 and "fraud on the court."

15. Plaintiff requests that this case be granted priority status and that the trial be re-set for the Court's two-week trial docket in September or October 2015. This case has been pending for nearly three years, discovery closed in April 2015, and all pre-trial motions have been heard by the Court. The parties were ready to proceed to trial on July 6, 2015, and continue to be ready to proceed to trial in September or October.

16. Plaintiff estimates that two weeks will be needed for the trial. The trial is on the original action and will be a jury trial.

DATED: July 20, 2015

/s/ Kenneth G. Turkel

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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 20th day of July, 2015 to the following:

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