

EXHIBIT O

Shane B. Vogt

From: Seth Berlin <SBerlin@lskslaw.com>
Sent: Wednesday, July 22, 2015 4:58 PM
To: 'Charles Harder'
Cc: Alia Smith; Paul Safier; Jennifer McGrath; Ken Turkel; Shane B. Vogt; Michael Sullivan; Michael Berry; Paul Safier; Seth Berlin; gthomas@tlolawfirm.com; Rachel E. Fugate; dhouston@houstonatlaw.com
Subject: RE: Meet and Confer re motion to Judge Case

Charles,

Thank you for your email. First, the FOIA protocol, negotiated and agreed to by counsel for both parties, is quite clear. As your email notes, the protocol states that only video is to be provided originally to Judge Case and now, by the parties' agreement and court order, to Judge Campbell. The audio recordings, which plaintiff knew about long ago, are not covered by that provision of the protocol, and we do not believe that there is any basis for your request to transfer copies of any audio recordings to the Court.

With respect to your second request, we will, as we are required to do, comply with the protective order reflected in the October 20, 2014 Report and Recommendation and adopted in Judge Campbell's April 22, 2015 Order regarding the redaction and maintenance of the documents referenced therein. To that end, we will redact the terms from the documents that the FBI bates labeled GAWKER-178 and GAWKER-179 and will retain an unredacted copy of those document(s) in a sealed envelope in our firm's safe. That said, given the new information revealed in the FBI's documents, we reserve our right to seek a modification of the ruling and other appropriate relief.

Finally, in response to Ken Turkel's recent correspondence, this will confirm that, although we believe that a number of plaintiff's designations are not appropriate, we will maintain all materials produced by the FBI and U.S. Attorney's office "Confidential – Attorney's Eyes Only" and will move to file any such documents under seal.

If you would like to discuss any of these matters, please do not hesitate to give me a call.

Seth

Seth D. Berlin



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From: Charles Harder [mailto:charder@hmafirm.com]
Sent: Tuesday, July 21, 2015 1:20 PM
To: Seth Berlin; Michael Sullivan; Michael Berry
Cc: Alia Smith; Paul Safier; Jennifer McGrath; Ken Turkel; Shane B. Vogt
Subject: Meet and Confer re motion to Judge Case

Dear Counsel,

As you know, on October 14, 2014 the parties stipulated to Report and Recommendation re FOIA Protocol, pursuant to which the parties agreed that all copies of any videos depicting Terry Bollea and Heather Clem produced by the U.S. government would be forwarded to Judge Case, who would review the videos and transcribe any relevant content. Judge Case further recommended, in his Report and Recommendation dated October 20, 2014, that documents produced in discovery containing certain offensive content be redacted, and permitting your firm to retain only one unredacted copy of those material, which would be kept in a sealed envelope in a secure place at your law firm. Gawker did not file exceptions to either of these reports and recommendations.

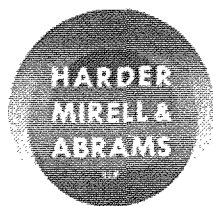
It has come to our attention that the U.S. government has produced materials to Gawker in the Gawker-FBI litigation that should be subject to Judge Case's protocols. First, an audio recording was produced by the U.S. government which appears to contain audio from a recording of Mr. Bollea and Ms. Clem in her bedroom. Second, documents were produced that contain the same content that Gawker was previously subject to redaction and secure treatment pursuant to Judge Case's report and recommendation dated October 20, 2014.

We request that Gawker stipulate that (1) that any audio content that appears to be an audio recording of Mr. Bollea and Ms. Clem in her bedroom or other private place be treated in the same manner as video footage, with all copies sent to Judge Case for review and transcription of any relevant content, and (2) that documents produced by the U.S. government containing the same content covered by the October 20, 2014 report and recommendation be redacted, with your firm retaining only one unredacted copy in a sealed envelope, and kept in the same secure location at your law firm. Separately, we also are requesting of Judge Campbell that she transfer all DVDs delivered from the U.S. government to Judge Case, pursuant to the Protocol.

If you are amenable to stipulate to the matters set forth above, we will prepare a draft stipulation for your review. If you will not stipulate, please let me know by 5 p.m. Eastern time on July 22, 2015, and we will file an appropriate motion seeking a recommendation from Judge Case with respect to the requested relief (Items #1 and #2, above).

Sincerely,

Charles Harder



CHARLES J. HARDER

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