

EXHIBIT G

Bajo | Cuva | Cohen | Turkel
ATTORNEYS AT LAW

July 15, 2015

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Michael D. Sullivan, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, FL 33606

Re: Designation of All Documents and Records Produced Under FOIA as "Highly Confidential—Attorneys Eyes Only" and Subject to Protective Order

Counsel:

This letter shall confirm that Mr. Bollea has designated **ALL** documents, records, recordings, footage, and similar materials (the "Records") which have been and/or are being produced by the United States Government, including the FBI and/or EOUSA (the "United States Government"), pursuant to any FOIA requests and/or Orders entered by Judge Bucklew in the case styled *Gawker Media, LLC & Gregg Thomas v. FBI, et. al*, Case No 8:15-cv-01202-SCB-EAJ, as **CONFIDENTIAL—ATTORNEYS EYES ONLY**, pursuant to Judge Campbell's July 25, 2013 Agreed Protective Order Governing Confidentiality (attached as Exhibit A). Accordingly, none of these Records nor their contents can be disclosed to anyone other than counsel of record.

Moreover, **ALL** Records that have been and/or are being produced to you by the United States Government pursuant to any FOIA requests and/or Orders entered by Judge Bucklew, are subject to the limited Certifications of Identity executed by Mr. Bollea and his counsel pursuant to Judge Campbell's February 26, 2014 Order (attached as Exhibit B) affirming Judge Case's February 5, 2014 Report & Recommendation (attached as Exhibit C), under the protocol established in the Stipulated Report and Recommendation dated October 20, 2014 (attached as Exhibit D). Again, Mr. Bollea designates all such Records **CONFIDENTIAL—ATTORNEYS EYES ONLY**.

100 North Tampa Street, Suite 1900, Tampa Florida 33602
Telephone: (813) 443-2199 / Facsimile: (813) 443-2193
www.BajoCuva.com

{BC00071150:1}

Levine Sullivan
July 14, 2015
Page 2

Please confirm your receipt of this letter immediately and confirm that the Records have been maintained "**CONFIDENTIAL—ATTORNEYS EYES ONLY.**"

Sincerely,

BAJO | CUVA | COHEN | TURKEL



Kenneth G. Turkel

Enclosures

cc: Counsel of record via email

100 North Tampa Street, Suite 1900, Tampa Florida 33602

Telephone: (813) 443-2199 / Facsimile: (813) 443-2193

www.BajoCuva.com

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

HERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

HEATHER CLEM; GAWKER MEDIA,
LLC aka GAWKER MEDIA; et al.,

Defendants.

AGREED PROTECTIVE ORDER
GOVERNING CONFIDENTIALITY

Upon motion of all the parties for a Protective Order, pursuant to Rule 1.280 of the Florida Rules of Civil Procedure, it is hereby **ORDERED** that:

1. All Confidential Information produced or exchanged in the course of this litigation shall be used solely for the purpose of preparation and trial of this litigation and for no other purpose whatsoever and shall not be disclosed to any person except in accordance with the terms hereof.

2. "Material" means information in written, oral, graphic/pictorial, audiovisual, digital, electronic, or other form, whether it be electronically stored information, a document, information contained in a document, document metadata, information revealed during a deposition, information revealed in an interrogatory answer, or otherwise disclosed and or any copies or reproductions, excerpts, summaries or other electronically stored information, documents or media that excerpt, contain, or otherwise reveal the substance of such information.

3. "Confidential Information," as used herein, means any information of any type,



kind or character which is designated as "Confidential" by the supplying party, whether it be electronically stored information, document metadata, a document, information contained in a document, information revealed during a deposition, information revealed in an interrogatory answer or otherwise.

A party (including a third party witness) may designate the following types of Material as "Confidential:"

- (a) Medical and financial records of any nature from hospitals, physicians, physical therapists, psychologists, psychiatrists, and any other health care provider any individual has seen, consulted, or from whom he or she has sought treatment;
- (b) The Parties' financial information or sensitive business or proprietary information, provided the information is not otherwise available to the public through other means; or
- (c) Other information in which the party from which discovery is sought has a reasonable expectation of privacy or confidentiality.

Material that does not fall within any of these categories may not be designated "Confidential."

In addition, none of the following types of Material shall be designated as Confidential:

- (a) Information that is in the public domain at the time of disclosure;
- (b) Information that becomes part of the public domain through no fault of the other parties in this action;
- (c) Information that was in the rightful and lawful possession of the receiving party at the time of disclosure; or
- (d) Information the receiving party lawfully receives at a later date from a third party without restriction as to disclosure.

Nothing herein is intended to waive the parties' respective positions with respect to, and or to govern or to adjudicate, the possession or dissemination of the video footage at issue in

this action, or the full video from which such footage was excerpted.

4. "Qualified Persons," as used herein means:

(a) Attorneys of record for the parties in this litigation, in-house attorneys for the corporate defendants, and staff of such attorneys to whom it is necessary that the material be shown for purposes of this litigation;

(b) Stenographic and videographic reporters, bonded outside copy services, and other litigation support vendors;

(c) The Court and its staff; any arbitrator, mediator or case evaluator in this action;

(d) Actual or potential independent experts or consultants who have signed a document agreeing to be bound by the terms of this Protective Order;

(e) A party, or his, her, or its agent, employee, insurer or representative, provided that such agent, employee, insurer or representative agrees in writing to be bound by the terms of this Protective Order;

(f) Any witness or potential witness provided that such person is advised in advance that the information is governed by the terms of this Protective Order; and

(g) If this Court so elects, any other person may be designated as a Qualified Person by order of this Court after notice to all parties and an opportunity to be heard.

5. Documents produced in this action may be designated by any party or parties as "Confidential" by marking each page of the document(s) so designated with a stamp or label stating "Confidential."

In lieu of marking the original of a document, if the original is not produced, the designating party may mark the copies that are produced or exchanged. Originals shall be

preserved for inspection.

To the extent that electronically stored information is produced in electronic form, the producing party may designate such material as "Confidential" by cover letter referring as specifically as practicable to such matter and by affixing (where practicable) a label on the electronically stored information, its storage media, or casing indicating such designation.

6. Information disclosed at (a) the deposition of a party or one of its present or former officers, directors, employees, agents or independent experts retained by counsel for the purpose of this litigation, or (b) the deposition of a third party (which information pertains to a party) may be designated by any party as "Confidential" as follows: The designating party shall clearly identify those portions of the testimony that should be designated "Confidential" either on the record during the deposition and/or in a written notification made within thirty (30) days after receipt by the designating party of the transcript of the testimony. Each party shall attach a copy of such written notice or notices to the face of the transcript and each copy thereof in his possession, custody or control. All deposition transcripts and testimony shall be treated as if designated confidential until the expiration of that thirty (30) day period. The parties may not issue blanket designations for depositions and must instead clearly identify the specific testimony and/or page and line numbers containing Confidential Information.

7. Confidential Information shall not be disclosed or made available by the receiving party to persons other than Qualified Persons.

8. Documents unintentionally produced without designation as "Confidential" may be retroactively designated in the same manner and shall be treated appropriately from the date written notice of the designation is provided to the receiving party.

9. Nothing herein shall prevent disclosure beyond the terms of this Order if each

party designating the information as "Confidential" consents to such disclosure or, if the Court, after notice to all affected parties, orders such disclosures. Nor shall anything herein prevent any counsel of record from utilizing "Confidential" information in the examination or cross-examination of any person who is indicated on the document as being an author, source or recipient of the Confidential Information, irrespective of which party produced such information.

10. A party shall not be obligated to challenge the propriety of a designation as "Confidential" at the time made, and a failure to do so shall not preclude a subsequent challenge thereto. In the event any party to this litigation disagrees at any stage of these proceedings with the designation by the designating party of any information as "Confidential," or the designation of any person as a Qualified Person, the parties shall first try to resolve such dispute in good faith on an informal basis. If the dispute cannot be resolved, the objecting party may invoke this Protective Order by objecting in writing to the party who has designated the document or information as "Confidential." Either party may then move the Court for an order adjudicating the designated status of such information or document. At all times, the burden of proving that discovery material has been properly designated as Confidential Information shall remain with the designating party.

The parties may, by stipulation, provide for exceptions to this Order and any party may seek an order of this Court modifying this Protective Order.

11. In the event a party wishes to use any Confidential Information in any affidavits, briefs, memoranda of law, or other paper filed in Court in this litigation, such Confidential Information used therein shall be filed under seal with the Court consistent with Florida Rule of Judicial Administration 2.420.

12. Consistent with Florida Rule of Judicial Administration 2.420, unless otherwise

ordered by the Court, the Clerk of this Court is directed to maintain under seal all documents and transcripts of deposition testimony and answers to interrogatories, admissions and other pleadings filed under seal with the Court in this litigation which have been designated, in whole or in part, as "Confidential" by a party to this action.

13. Unless otherwise agreed to in writing by the parties or ordered by the Court, all proceedings involving or relating to documents or any other information shall be subject to the provisions of this Order. The Court will determine the use of Confidential Information at trial.

14. Within thirty (30) days after conclusion of this litigation and any appeal thereof, all documents and reproduction thereof containing Confidential Information produced by a party in the possession of any Qualified Persons shall be returned to the producing party or destroyed (in the case of attorney work product) and counsel shall submit a certificate certifying to the full and complete return and/or destruction thereof, except as this Court may otherwise order or to the extent such information was used as evidence at the trial. To the extent that any protective orders entered in this action restrict the communication and use of Confidential Information, including without limitation this Agreed Protective Order Governing Confidentiality, such orders shall continue to be binding after the conclusion of this litigation, except that (a) there shall be no restriction on documents that are used in Court, unless such documents were filed under seal, or were filed in violation of this or other protective order and (b) a party may seek either the written permission of the producing party or order of the Court with respect to dissolution or modification of such protective orders. Notwithstanding the foregoing, Counsel for each party may maintain a litigation file of all documents filed with the Court, including documents filed under seal that remain under seal and have not been returned by the Court to the party that lodged, filed or attempted to file them.

15. Pursuant to 45 C.F.R. § 164.512(e), the parties are prohibited from using or disclosing any "protected health information" (as that term is defined in HIPAA and its corresponding regulations) for any purpose other than this litigation and the parties are ordered to destroy all protected health information, including any copies made of the information at the conclusion of this litigation. As a result, the parties acknowledge and agree that this Agreed Protective Order Governing Confidentiality is also a Qualified Protective Order pursuant to HIPAA and 45 C.F.R. § 164.512(e). A party, or non-party, who believes that he, she, or it is producing "protected health information" should designate it as such at the time it is produced, consistent with the procedures outlined in this Order for Confidential Information.

16. This Order shall survive the termination of the Action and shall continue in full force and effect until otherwise ordered by the Court. The Court shall retain jurisdiction to enforce or modify this Order.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County,
Florida, this 25th day of July 2013.


PAMELA A.M. CAMPBELL
Circuit Court Judge

cc: Counsel of Record

RECEIVED

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TFRRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs

Case No. 12012447CI-011

HEATHER CLEM, *et al.*,

Defendants.

ORDER

This cause came before Special Discovery Magistrate James Case on January 31, 2014, on the Motion of Gawker Media, LLC ("Gawker") to Compel FBI Authorization or, in the Alternative, for an Order of Preclusion. After reviewing and considering the REPORT & RECOMMENDATION of the Special Discovery Magistrate, IT IS HEREBY ORDERED AND ADJUDGED that Gawker's Motion is GRANTED and that Plaintiff (and any counsel acting on his behalf) must provide the requested release to Gawker within three days.

Report and Recommendation dated February 5, 2014 is affirmed.

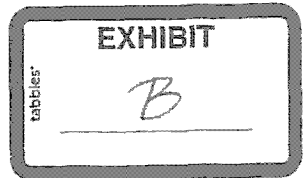
DONE AND ORDERED in Chambers at Pinellas County, Florida this 26 day of

February, 2014.

Pamela A.M. Campbell
Circuit Court Judge

Original Signed
FEB 17 2014
Pamela A.M. Campbell
Circuit Judge

Copies furnished to:
Counsel of Record



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.

_____ /

REPORT & RECOMMENDATION

This cause came before Special Discovery Magistrate James Case on January 31, 2014, on the Motion of Gawker Media, LLC ("Gawker") to Compel FBI Authorization or, in the Alternative, for an Order of Preclusion. After reviewing the Court file, reviewing and considering the Motion and response papers, and hearing the argument of counsel, the Special Discovery Magistrate RECOMMENDS that Gawker's Motion be GRANTED and that Plaintiff (and any counsel acting on his behalf) be compelled to provide the requested release to Gawker within three days.

The parties shall have 10 days from the date of this Report and Recommendation to file objections with the Circuit Court.

Dated: 2-5, 2014

/s/ JAMES R. CASE
James R. Case
Special Discovery Magistrate

Copies furnished to:
Counsel of Record



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.

STIPULATED REPORT & RECOMMENDATION

Plaintiff Terry Gene Bollea and Defendant Gawker Media, LLC jointly stipulate to the protocol for the Freedom of Information Act request to be made by Gawker's counsel as outlined in the correspondence attached hereto as Exhibit 1.

Dated: October 14, 2014

Respectfully submitted,

HARDER MIRELL & ABRAMS LLP

THOMAS & LOCICERO PLLC

By: 

By: 

Charles J. Harder
Pro Hac Vice Number: 102333
Douglas Mirell
Pro Hac Vice Number: 109885
HARDER MIRELL & ABRAMS LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Telephone: (424) 203-1600
Fax: (424) 203-1601
charder@hmafirm.com

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

and

and

Kenneth G. Turkel, Esq.
Florida Bar No. 867233
Christina K. Ramirez, Esq.
Florida Bar No. 954497
BAJO CUVA COHEN TURKEL

Seth D. Berlin
Pro Hac Vice Number: 103440
Michael Sullivan
Pro Hac Vice Number: 53347
Michael Berry



100 North Tampa Street, Suite 1900
Tampa, FL 33602
Telephone: (813) 443-2199
Fax: (813) 443-2193
kturkel@bajocuva.com
cramirez@bajocuva.com

Counsel for Plaintiff Terry Gene Bollea

Pro Hac Vice Number: 108191
Alia L. Smith
Pro Hac Vice Number: 104249
Paul J. Safier
Pro Hac Vice Number: 103437
Julie B. Ehrlich
Pro Hac Vice Number: 108190
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
jehlich@lskslaw.com

Counsel for Defendant Gawker Media, LLC

SO RECOMMENDED:

W/JR JAMES R. CASE
James R. Case
Special Discovery Magistrate

10-20-14

Copies furnished to: Counsel of Record



LEVINE SULLIVAN
KOCH & SCHULZ, LLP

1760 Market Street
Suite 1001
Philadelphia, PA 19103
(215) 988-9778 | Phone
(215) 988-9750 | Fax

Michael Berry
(215) 988-9773
mberry@skslaw.com

September 29, 2014

VIA E-MAIL

Charles J. Harder, Esq.
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067

Re: *Bollea v. Clem, et al.*
No. 12012447-CI-011 (Fla. Cir. Ct.)

Dear Charles:

I write to follow up our conversations about a mutually agreeable protocol for our Freedom of Information Act ("FOIA") request seeking records concerning the federal government's investigation relating to the sex tape(s) involving plaintiff.

As Seth, you, and I discussed, we understand that plaintiff firmly believes that these records are not relevant and that our request for this information is not reasonably calculated to lead to the discovery of admissible evidence. We, in turn, disagree with plaintiff's belief about the records' relevance and his position that Gawker and its counsel should not be able to review certain materials that might be in the government's files without the Court reviewing them first. Nevertheless, both sides recognize that the Court has issued rulings that bear on these issues, and, in the spirit of compromise and in an effort to move the process along, we have agreed to establish a protocol for facilitating the FOIA request and subsequent review of any records provided by the government, without intending to waive our respective positions in connection with earlier rulings by the Court.

Based on our discussion, I set out below what I understand we agreed to in principle. Both sides understand that this agreement is intended only to address the procedure with respect to the FOIA request. Each party is preserving its rights and positions concerning the discoverability, relevance, or admissibility of any material the government produces in response to the FOIA request, and each party is preserving its right to challenge Judge Case's rulings, including any rulings on a party's confidentiality designations:



Charles J. Harder, Esq.
September 29, 2014
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- Counsel for the Gawker defendants, along with counsel for plaintiff, will call the U.S. Attorney's office and/or FBI before Gawker's counsel makes the FOIA request to explain our agreed upon protocol and seek their guidance on how best to ensure the government's assistance in complying with it.
- Plaintiff and his counsel will provide signed authorizations for the release of records to the Gawker defendants. Gawker will treat the Social Security numbers on the authorizations as "Highly Confidential – Attorney's Eyes Only" and will not disseminate them to anyone other than in submitting the FOIA request to the government.
- Counsel for the Gawker defendants will make the FOIA request, copying plaintiff's counsel. The request will note that plaintiff believes that records relating to the investigation are not relevant to this litigation, but he and his counsel have provided signed FOIA waivers based on a court order. We will provide a draft of the request to you before submitting it to the government, for you to review and revise as it pertains to plaintiff's position. Alternatively, if plaintiff prefers, we will include a separate letter from you stating plaintiff's position.
- **Responsive Documents:** Any documents that Gawker's counsel receives from the government will be treated as "Highly Confidential – Attorney's Eyes Only" pending plaintiff's review of the documents. Gawker's counsel will FedEx copies of the documents to plaintiff's counsel within two business days of receiving them. Plaintiff then will have 30 days from the date of receipt to review the documents and decide whether to designate any of them as "Confidential" under the Protective Order or "Highly Confidential -- Attorney's Eyes Only" under Judge Campbell's April 23, 2014 ruling.
- **DVDs or Other Video Footage:** In the call with the government and in the FOIA request itself, counsel for Gawker will ask the government to provide any videos that the government agrees to produce in response to the request in a separate sealed envelope addressed to Judge James Case (Ret.), who will personally pick up the videos in Tampa. If the government inadvertently sends any video to Gawker's counsel, counsel will not open any sealed envelope containing videos and will not review any videos provided by the government, except as provided below. Gawker's counsel will send any videos to Judge Case within two business days of receiving them.



Charles J. Harder, Esq.
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- Prior to reviewing any video, Judge Case will provide the parties' counsel with an index of what he has received, describing the number of videos, their form (*i.e.*, DVD, tape, etc.), and any title that is on the video. Judge Case will preserve the videos until the final disposition of this case, including any appeals.
- Judge Case will review any videos provided to him, in their entirety, to determine if they contain any nudity, or any sexual content, or any material covered by the protective order plaintiff sought during the July 18, 2014 hearing (any and all of which is referred to herein as "Nudity, Sexual Content, or Protective Order Material"). If any videos do not contain any Nudity, Sexual Content, or Protective Order Material, then Judge Case will provide such videos to Gawker's counsel, and Gawker's counsel will then provide copies to plaintiff's counsel and will treat them as "Highly Confidential – Attorney's Eyes Only" until plaintiff's counsel has had 30 days to review them and make any confidentiality designations.
- With respect to videos that contain any Nudity, Sexual Content, or Protective Order Material, Judge Case will review them to determine whether the videos or any portions of the videos are relevant or reasonably calculated to lead to the discovery of admissible evidence. In connection with Judge Case's conducting that review and making his recommendations, Gawker might request of Judge Case to make a confidential, *ex parte* proffer to Judge Case about Gawker's theories on why content that might be on the recordings should be deemed to be relevant or reasonably calculated to lead to the discovery of admissible evidence. (Plaintiff opposes any *ex parte* communications between Gawker and Judge Case, or any protocol contemplating any such *ex parte* communications.) If Judge Case permits any *ex parte* proffer by Gawker's counsel: Judge Case will not provide Gawker's counsel with any information about the contents of any videos, except as provided below; any such proffer by Gawker will be treated as confidential and not shared with plaintiff or his counsel; and any such proffer will be made on the record and transcribed by a court reporter, in case it is needed for further review of Judge Case's recommendations concerning his review of the videos.
- If Judge Case recommends that any portion of the videos is not relevant or reasonably calculated to lead to the discovery of admissible evidence, he will provide the parties with something akin to a privilege log, generally describing any footage being withheld and the basis for withholding it, providing sufficient detail so that his recommendations could, if needed, be subject to further review, but while respecting the privacy interests of the plaintiff.



Charles J. Harder, Esq.
September 29, 2014
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- If Judge Case determines that any statements reflected on the videos containing Nudity, Sexual Content, or Protective Order Material or any portion thereof are relevant or reasonably calculated to lead to the discovery of admissible evidence, then he will arrange for a court reporter to transcribe those statements (at Gawker's expense). Each side retains the right to seek from Judge Case any portions of the videos, including any portions of the audio, that he finds to be relevant or reasonably calculated to lead to the discovery of admissible evidence in which there is no Nudity, Sexual Content, or Protective Order Material. Any transcript, audio recording, or video will be treated as "Highly Confidential – Attorney's Eyes Only" until plaintiff has had 30 days to review them and make any confidentiality designations.
- Prior to Gawker's counsel making the FOIA request, the parties will inform Judge Case of the agreed-upon protocol and provide him with a stipulation and proposed recommendation memorializing the proposed procedure for his receipt, review, and ruling on any videos.

Please confirm that plaintiff agrees to this protocol or let us know if he proposes any revisions. If you have any questions or would like to discuss the protocol, please call me or Seth. If this is otherwise agreeable, please provide us with the signed authorizations as directed by the Court.

We appreciate your working with us to develop a mutually agreeable procedure.

Very truly yours,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 

Michael Berry

cc: Seth D. Berlin, Esq.