

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

TERRY 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.

**GAWKER DEFENDANTS' WITHDRAWAL OF CONSENT  
TO PROCEEDING BEFORE SPECIAL DISCOVERY MAGISTRATE**

Pursuant to Florida Rule of Civil Procedure 1.490(c), defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (collectively, the "Gawker Defendants"), through their undersigned counsel, hereby give notice that they are withdrawing their consent to proceeding before a Special Discovery Magistrate. The Gawker Defendants respectfully submit that the use of a Special Discovery Magistrate is no longer warranted in this action and would result in duplicative efforts, unnecessary delay, and undue expense.

The initial appointment of the Special Discovery Magistrate already expired, and his involvement in this litigation already concluded. Indeed, by email dated April 21, 2015, the office of previously-appointed Special Discovery Magistrate James Case (Ret.) transmitted his final invoice and advised that it would "arrange to have all of the materials submitted to our office shredded and properly disposed." Ex. A (without invoice). In addition, although the protocol for production of video footage by the FBI contemplated review by the Special Discovery Magistrate, that protocol dates back to September 2014. By the time the FBI made its initial production nine months later, on June 29, 2015, the case was then one week away from

trial and the Court took over the review of the footage, after which it allowed the parties' counsel to review the footage directly.

At the hearing on July 30, 2015, the Court raised the possibility of a new referral to the Special Discovery Magistrate of (a) certain matters dealing with the treatment of documents designated as "Confidential" or "Confidential – Attorneys' Eyes Only" under the Protective Order, and (b) review of "re-processed" DVDs produced by the FBI on July 16 (even though the Court had reviewed the first set directly and allowed the parties to do so as well). Following the July 1 hearing, however, the Court also scheduled a half dozen dates for case management and hearings, most of them for a full day. Given the Court's availability to adjudicate directly the few remaining matters, the Gawker Defendants respectfully believe that new referrals to a Special Discovery Magistrate would be unnecessarily inefficient and impose undue expense. Indeed, as the experience of this litigation has shown, referring additional matters to the Special Discovery Magistrate will require the parties to incur additional expense and delay, only to have one party or the other file exceptions with the Circuit Court – as has been the case with respect to virtually every report and recommendation the Special Discovery Magistrate has issued previously.

While the Gawker Defendants' very much appreciate the Special Discovery Magistrate's willingness to serve, in light of the current circumstances, they hereby withdraw their consent for any current or future use of a Special Discovery Magistrate in this action, effective immediately.

August 11, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of August, 2015, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal on the following counsel of record:

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