

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.

**JOINT MOTION TO DETERMINE CONFIDENTIALITY OF NOTICE OF FILING
CONFIDENTIAL EXHIBITS AND ATTACHED EXHIBITS**

Pursuant to Rule 2.420 of the Florida Rules of Judicial Administration and this Court's Agreed Protective Order Governing Confidentiality, dated July 25, 2013 (the "Confidentiality Order"), Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (collectively, "Gawker"), and their counsel – including the law firms of Levine Sullivan Koch & Schulz, LLP and Thomas & LoCicero PL – jointly move to determine the confidentiality of their Notice of Filing Confidential Exhibits (the "Notice") and the Exhibits attached thereto.

As grounds for this motion, Gawker and its counsel state as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(iv) provides that certain court records are confidential if the Court determines that confidentiality is required in order to "obtain evidence to determine legal issues in a case."

2. This Court's Confidentiality Order provides that both the parties and non-party witnesses may designate testimony and/or documents as "confidential" if their substance falls into certain enumerated categories.

3. On April 23, 2014, this Court ordered Plaintiff Terry Gene Bollea to produce discovery related to an FBI investigation into the dissemination of sex tapes depicting Plaintiff and Heather Clem (the “FBI discovery”). The Court instructed that this discovery could be labeled “Attorneys’ Eyes Only” and treated as confidential under the Confidentiality Order. As such, this Court has preliminarily determined that confidentiality of the FBI discovery is required to obtain evidence to determine legal issues in this case, consistent with Rule 2.4240(c)(9)(A)(iv).

4. Concurrent with this Motion, the Gawker and their counsel are filing the Notice, and the Exhibits attached thereto, which include both (a) transcripts and other documents that have been produced during the discovery and have previously been marked “Confidential” or “Confidential – Attorneys’ Eyes Only” by plaintiff, and (b) documents produced in the federal FOIA Action, which have also been designated “Confidential – Attorneys’ Eyes Only” by plaintiff.

5. Counsel for Gawker certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Without in any way conceding that all of the deposition testimony and documents that are attached to the Confidential Declaration have been properly designated as “Confidential” or “Confidential – Attorneys’ Eyes Only,” Gawker and its counsel are filing this motion in compliance with Rule 2.420 and this Court’s Confidentiality Order.

WHEREFORE, Gawker and its counsel respectfully request that this Court determine the confidentiality of the Notice of Filing Confidential Exhibits and the Exhibits attached thereto, including treating as confidential only that testimony and those documents that are properly treated as such under Rule 2.420 and this Court’s Confidentiality Order.

Dated: August 11, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

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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 upon the following counsel of record:

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