

EXHIBIT 2

to the

**MOTION FOR AN ORDER DECLARING THAT
PLAINTIFF HAS IMPROPERLY DESIGNATED CERTAIN
DISCOVERY MATERIALS AS “ATTORNEYS’ EYES ONLY”**

August 17, 2015

VIA EMAIL

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Shane B. Vogt, Esq.
shane.vogt@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602

Charles J. Harder, Esq.
charder@HMAfirm.com
Jennifer McGrath, Esq.
jmcgrath@hmafirma.com
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501

Re: *Terry Gene Bollea v. Clem, Gawker Media, LLC, et al.*
Case No.: 12012447-CI-011

Dear Counsel:

I write pursuant to paragraph 10 of the Agreed Protective Order in the above-referenced case to object to plaintiff's designation as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" all of the documents and information produced and provided by Mr. Bollea, Mr. Houston, and other third parties relating to the federal government's criminal investigation and Mr. Bollea's use of offensive language, including, but not limited to, all documents and materials produced by the federal government in the ongoing FOIA litigation.

Given plaintiff's recent admission concerning his "offensive language," the numerous public statements and filings from plaintiff relating to the nature of the investigation, and the very public accusation that our clients, Thomas LoCicero, or our law firm might have leaked protected material, we believe that plaintiff's stated bases for designating those documents and information as confidential no longer exist. Moreover, because plaintiff has designated them "ATTORNEYS' EYES ONLY," and has provisionally had Gawker's General Counsel Heather Dietrick, Esq., excluded from the attorneys who are able to view materials produced by the federal government going forward, we are unable to discuss with our clients the very evidence that disproves plaintiff's baseless accusations and the significance of those documents to this litigation. And, we are otherwise unable to effectively litigate this action or the FOIA action on


Gawker's behalf without being able to discuss with our clients or Gawker's in-house counsel the documents produced in connection therewith. As just one example, the Court has directed us to appear for mediation in the coming weeks, and we are unable to properly prepare for or participate in that mediation without being able to address these materials with our clients.

We understand from correspondence and emails sent by Mr. Harder, Mr. Turkel, and Mr. Vogt over the past month, as well as plaintiff's recent motions and the positions he took at the July 30, 2015 hearing, that plaintiff is unlikely to reconsider his position. Nevertheless, we ask that he remove the confidentiality designations on all documents marked "ATTORNEYS' EYES ONLY" or, at a minimum, to re-designate all such documents only as "CONFIDENTIAL." If plaintiff does not reconsider his position by 12:00 p.m. EDT on Wednesday and remove the confidentiality/"ATTORNEYS' EYES ONLY" designations from these documents, we intend to file a motion with the Court asking it for an order adjudicating the designated status of all documents and information so designated.

If you have any questions or would like to discuss this matter, please call me. In the meantime, we reserve all rights.

Very truly yours,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 
Michael Berry

cc: All Counsel of Record