

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.

**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 "Protective Order"), Defendants Gawker Media, LLC ("Gawker"), Nick Denton, and A.J. Daulerio (collectively, the "Gawker Defendants") move to determine the confidentiality of their Notice of Filing Confidential Exhibits (the "Notice") and the Exhibits attached thereto, which are being filed in support of their Motion to Determine Confidentiality of Transcripts of Closed Court Proceedings (the "Motion").

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 Protective 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.

4. Concurrent with this Motion, the Gawker Defendants are filing the Notice, and the Exhibits attached thereto, which consist of transcripts of hearings at which the FBI discovery was addressed and plaintiff has designated as “Confidential.”

5. Counsel for the Gawker Defendants certifies that this motion is made in good faith and is supported by a sound factual and legal basis. Although the Gawker Defendants do not agree that these transcripts have been properly designated as “Confidential,” and, in fact, are challenging those designations in the Motion, the Gawker Defendants are filing this motion to comply with Rule 2.420 and the Protective Order entered in this case.

WHEREFORE, the Gawker Defendants 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 those materials that are properly treated as such under Rule 2.420 and this Court’s Protective Order.

Dated: August 20, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

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Nick Denton and A.J. Daulerio*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th 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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