

**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. 12012447 CI-011

HEATHER CLEM; GAWKER MEDIA, LLC
aka GAWKER MEDIA; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.

**PLAINTIFF TERRY BOLLEA'S MOTION TO DETERMINE CONFIDENTIALITY OF
COURT RECORDS RE: AFFIDAVIT OF CHARLES J. HARDER**

Pursuant to Florida Rule of Judicial Administration 2.420 and the Agreed Protective Order Governing Confidentiality entered by this Court on July 25, 2013 ("Confidentiality Order"), Plaintiff Terry Bollea, by and through his undersigned counsel, hereby moves to determine the confidentiality of the Affidavit of Charles J. Harder in Support of Plaintiff Terry Gene Bollea's Motion to Compel Complete Production of Documents in Response to Financial Worth Discovery and Reconsideration of Ruling Regarding Additional Financial Worth Depositions; Request for Sanctions and states as follows:

1. Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) provides that certain court records are confidential if the Court determines that confidentiality is required in order to

“avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed.”

2. On July 25, 2013, this Court entered the Confidentiality Order pursuant to which the parties could designate as “confidential” “information in which the party from which discovery is sought has a reasonable expectation of privacy or confidentiality.” Confidentiality Order at ¶ 3(c). The Confidentiality Order also provides that “[i]n 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.” *Id.* at ¶ 11.

3. On October 9, 2015, Plaintiff filed his Motion to Compel Complete Production of Documents in Response to Financial Worth Discovery and Reconsideration of Ruling Regarding Additional Financial Worth Depositions; Request for Sanctions.

4. Contemporaneously with this motion, Plaintiff is filing under seal the Confidential Affidavit of Charles J. Harder in support of Plaintiff Terry Gene Bollea’s Motion to Compel Complete Production of Documents in Response to Financial Worth Discovery and Reconsideration of Ruling Regarding Additional Financial Worth Depositions; Request for Sanctions. Plaintiff now seeks this Court’s determination of the confidentiality of the Confidential Affidavit of Charles Harder pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) and the Confidentiality Order, including its Exhibits A and B.

5. Plaintiff’s counsel certifies that this motion is made in good faith and is supported by a sound factual and legal basis.

6. Pursuant to Rule 2.420(e)(2), Plaintiff requests that this Court set an expedited hearing to determine whether Plaintiff’s Confidential Affidavit is confidential.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Plaintiff's Confidential Affidavit of Charles Harder.

Dated: October 9, 2015

Respectfully submitted,

/s/ Kenneth G. Turkel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail via the e-portal system this 9th day of October, 2015 to the following:

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