

**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

GAWKER MEDIA, LLC aka GAWKER
MEDIA; NICK DENTON; A.J.
DAULERIO,

Defendants.

**PLAINTIFF TERRY BOLLEA'S NOTICE OF FILING AFFIDAVIT AND
CONFIDENTIAL EXHIBIT AND INCORPORATED MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS**

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 gives notice of filing and, pursuant to Fla. R. Jud. Admin. 2.420, moves to determine the confidentiality of Exhibit 1 to the Affidavit of James Donohue concerning Gawker Defendants' financial worth and transfer pricing study, 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. Attached to this Notice/Motion, Plaintiff is filing under seal the following CONFIDENTIAL materials:

A. Exhibit 1 to the Affidavit of James Donohue.

4. Exhibit 1 was produced with Gawker Defendants’ “Financial Worth Discovery,” which Gawker Defendants have designated “Confidential” under the Confidentiality Order.

5. Plaintiff now seeks this Court’s determination of the confidentiality of Exhibit 1 to the Affidavit of James Donohue, pursuant to Fla. R. Jud. Admin. 2.420(c)(9)(A)(vi) and the Confidentiality Order.

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

7. Pursuant to Rule 2.420(e)(2), Plaintiff requests that this Court consider this matter at the Case Management and Status Conference to be held on January 13, 2015 at 9:00 a.m. to determine whether Exhibit 1 to the Affidavit of James Donohue is confidential.

WHEREFORE, Plaintiff respectfully requests that this Court determine the confidentiality of Exhibit 1 to the Affidavit of James Donohue.

Dated: December 11, 2015

Respectfully submitted,

/s/ Kenneth G. Turkel

Kenneth G. Turkel, Esq.

Florida Bar No. 867233

Shane B. Vogt

Florida Bar No. 0257620

BAJO | CUVA | COHEN | TURKEL
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: svogt@bajocuva.com

-and-

Charles J. Harder, Esq.
PHV No. 102333
Douglas E. Mirell, Esq.
PHV No. 109885
Jennifer J. McGrath, Esq.
PHV No. 114890
HARDER MIRELL & ABRAMS LLP
132 South Rodeo Drive, Suite 301
Beverly Hills, CA 90212-2406
Tel: (424) 203-1600
Fax: (424) 203-1601
Email: charder@hmafirm.com
Email: dmirell@hmafirm.com
Email: jmcgrath@hmafirm.com

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 11th day of December, 2015 to the following:

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
abeene@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Michael D. Sullivan, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com
psafier@lskslaw.com
asmith@lskslaw.com
msullivan@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

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

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel

Kenneth G. Turkel