

# EXHIBIT 39

to the

**GAWKER DEFENDANTS' MOTION TO COMPEL  
PLAINTIFF TO PRODUCE IMPROPERLY WITHHELD DOCUMENTS**

**From:** [Michael Berry](#)  
**To:** [Charles Harder](#)  
**Cc:** [Ryan Relyea](#); [kturkel@BajoCuva.com](#); [Shane.Vogt@bajocuva.com](#); [Jennifer McGrath](#); [dhouston@houstonatlaw.com](#); [Seth Berlin](#); [Michael Sullivan](#); [Alia Smith](#); [Paul Safier](#); [gthomas@tlolawfirm.com](#); [Rachel E. Fugate](#)  
**Subject:** Re: Bollea v. Clem, et al. - Case No. 12012447-CI-011  
**Date:** Saturday, August 15, 2015 8:19:41 AM  
**Attachments:** [image002.png](#)  
[image003.jpg](#)  
[image003.jpg](#)

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Thanks, Charles. We appreciate your looking into these issues and look forward to your response.

Thanks,  
Mike

Michael Berry  
Levine Sullivan Koch & Schulz, LLP  
215.988.9773

On Aug 14, 2015, at 5:25 PM, Charles Harder <[charder@hmafirm.com](mailto:charder@hmafirm.com)> wrote:

Mike:

This email responds to your letter of today's date. The issues below are ordered the same as in your letter.

1. I am looking into your claims and will get back to you, likely by next week. (I note that you sent your letter on a Friday afternoon.) Pending my review, we generally deny the many accusations in your letter. Having litigated with you and your clients for nearly 3 years now, your firm and your clients have very little credibility with us; much of what you both say is half-truth and spin, and often outright untrue.
2. Same
3. There was no waiver of the settlement privilege and this issue was already litigated and decided by Judge Campbell – in favor of Bollea and against Gawker Defendants. We will not be producing any such documents, as you have requested. All of your accusations are denied.
4. There was no waiver of the attorney-client privilege. We will not be producing any such documents, as you have requested. All of your accusations are denied.

I will add that, regarding #3 and #4 (and possibly also for the other issues, though I am still investigating) the communications from your law firm never seek to amaze me. We look forward to litigating these issues, if you are going to be bold enough to bring motions on them. We will seek 100% of our legal fees to oppose any such motions. You and your clients are officially on notice.

Sincerely,

Charles Harder

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<image002.png>

**CHARLES J. HARDER**

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**From:** Ryan Relyea [<mailto:RRelyea@lskslaw.com>]

**Sent:** Friday, August 14, 2015 1:05 PM

**To:** Charles Harder; '[kturkel@BajoCuva.com](mailto:kturkel@BajoCuva.com)'; '[Shane.Vogt@bajocuva.com](mailto:Shane.Vogt@bajocuva.com)'; Jennifer McGrath; '[dhouston@houstonatlaw.com](mailto:dhouston@houstonatlaw.com)'

**Cc:** Michael Berry; Seth Berlin; Michael Sullivan; Alia Smith; Paul Safier; '[gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com)'; Rachel E. Fugate

**Subject:** Bollea v. Clem, et al. - Case No. 12012447-CI-011

See attached.

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Paralegal



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