

EXHIBIT 38

to the

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

From: [Charles Harder](#)
To: [Ryan Relyea](#); "[kturkel@BajoCuva.com](#)"; "[Shane.Vogt@bajocuva.com](#)"; [Jennifer McGrath](#); "[dhouston@houstonatlaw.com](#)"
Cc: [Michael Berry](#); [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: Friday, August 14, 2015 5:25:43 PM
Attachments: [image002.png](#)
[image003.jpg](#)

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

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'; 'Shane.Vogt@bajocuva.com'; Jennifer McGrath; 'dhouston@houstonatlaw.com'
Cc: Michael Berry; Seth Berlin; Michael Sullivan; Alia Smith; Paul Safier; 'gthomas@tlolawfirm.com'; Rachel E. Fugate
Subject: Bollea v. Clem, et al. - Case No. 12012447-CI-011

See attached.

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