

# EXHIBIT 53

to the

**THE GAWKER DEFENDANTS' MOTION TO DISMISS  
ON THE GROUNDS OF FRAUD ON THE COURT**

**Kristy Rosser**

---

**From:** Shearn, Jason R. <Jason.Shearn@ic.fbi.gov>  
**Sent:** Wednesday, July 24, 2013 10:32 AM  
**To:** Kristy Rosser  
**Subject:** RE: 7.23.13 Terry

Dave-

I have passed this on to the USAO. We are working toward accomplishing your below suggestions as we speak. It may take some time, but it is our intention to bring the best case resolution forward.

We will be in touch.

SA Jason R. Shearn  
Tampa Division, Pinellas RA  
Office 727-796-7055

---

**From:** Kristy Rosser [<mailto:krosser@houstonatlaw.com>]  
**Sent:** Tuesday, July 23, 2013 7:03 PM  
**To:** Shearn, Jason R.  
**Subject:** 7.23.13 Terry

Dear Jason:

To say the news received was disappointing would be an understatement. Certainly Terry and I had put in a lot of work and effort in order to try and prevent this type of thing from occurring but obviously the US Attorney's Office does not agree with us in reference to our success.

As a consequence of the USA's failure to prosecute, I am concerned as to the disposition of the tapes. It certainly was not purpose to go through all of this so the tapes would be returned to Mr. Davidson for the purpose of then marketing them once again. Hopefully the Government is likeminded. My suggestion is as follows:

The tapes should be returned to Mr. Bollea. As you know, Bubba Clem signed off on all right, title and interest as it concerned the tapes when he settled his litigation with Terry Bollea.

Terry therefore is the lawful owner. Heather Clem has never expressed an interest at it concerns the tapes nor claimed ownership. Further, the individual, Mr. Davidson obviously was acting only as an agent and therefore the tapes should not be returned to him.

Finally, the young lady present during the course of negotiations with Davidson, admitted she was only an intermediary and therefore the tapes could not be returned to her.

This leaves only the infamous Mr. X. Obviously, we do not how Mr. X may be, and therefore absent coming forward Mr. X certainly cannot make a claim. It is my suggestion the tapes be returned to Mr. Bollea immediately and therefore avoid any further embarrassment and emotional strife to be suffered in the event the Government allows them to be literally auctioned off to the highest bidder.

I am hopeful you will pass my thoughts to Assistant US Attorney so as avoid any further expense or litigation in reference to our efforts to recover these tapes from the Government.

Sincerely,  
David R. Houston  
DICTATED BUT NOT READ  
/kc