

EXHIBIT 58

to the

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

T. Wilson

Sweeney, Sara (USAFLM) 1

From: Sweeney, Sara (USAFLM) 1
Sent: Monday, September 15, 2014 4:10 PM
To: 'Emily'
Cc: Shearn, Jason R. (FBI)
Subject: RE: Hogan

Mr. Houston,

Thank you for your note below. So far as I know, neither my office nor Agent Shearn's has yet received the FOIA request; I assume based on what you say below that it is directed at both the US Attorney's Office and the FBI?

In any event, as far as what will be released pursuant to a FOIA request, that is dependent on the content of the request and the applicable rules and regulations governing what our respective offices release pursuant to FOIA requests. Agent Shearn and I do not have authority over that decision, which is made by other counsel within our respective agencies. So, I cannot advise you on whether the videos will be considered responsive and will be released pursuant to the FOIA request filed by your client.

Sara

Sara C. Sweeney
Assistant United States Attorney
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, Florida 33602
Tel: [REDACTED]
Fax: (813) 274-6178

(B)(7)(c)

From: Emily [mailto:[REDACTED]] (B)(7)(c)
Sent: Monday, September 08, 2014 2:28 PM
To: Sweeney, Sara (USAFLM) 1
Cc: Shearn, Jason R. (FBI)
Subject: Re: Hogan

9.8.14

Dear Ms. Sweeny,

Please be advised, the Court has ordered us to have Mr. Bollea sign the FOIA Request. As a consequence, the attorneys representing Gawker will submit the same to both the FBI and you so that you apparently will be placed on notice.

Please be advised while Mr. Bollea is signing the FOIA, it is done so under order of the Court and not because he made a decision to do so of his own violation. It is further my understanding from our conversations that you will not be turning over any videos until such time as the true owner is determined by way of litigation.

As a consequence, I do not believe the FOIA request would require or in any way cause you to turn over the videos to anyone. If I am mistaken please advise so we may receive the necessary Court Order to protect the videos themselves. As you are aware, it has been our goal to prevent the dissemination of the videos and or any language as it concerns the videos whether it be audio or otherwise.

Please contact me if there are any difficulties or matters I must attend to prior to your honoring the freedom of information request.

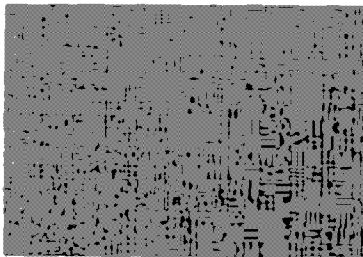
Sincerely,

Dictated But Not Read

David R. Houston

/eh/eah

Emily Heavrin
Legal Assistant to David R. Houston
Law Office of David R. Houston



(B)(7)(c)