

EXHIBIT 60

to the

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

IN THE FLORIDA SECOND DISTRICT COURT OF APPEAL

Fla. 2d DCA Case No. 2D15-4565
L.T. Case No. 12012447-CI-011

GAWKER MEDIA, LLC, NICK DENTON, A.J. DAULERIO,
Defendants/Petitioners,
and
BLOGWIRE HUNGARY SZELLEMI ALKOTAST HASZNOSITO, KFT,
Specially Appearing Defendant/Petitioner,

v.

TERRY GENE BOLLEA,
professionally known as HULK HOGAN,
Plaintiff/Respondent.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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works. Petitioners have the extremely high burden to show a rule of law which the trial court violated, and they have not met that burden.

B. It Was Entirely Proper for the Trial Court To Protect Audio Files Pursuant To the Same Protocol the Parties Already Agreed To With Respect to Video Footage

As part of the U.S. Government's production of documents in the FOIA litigation, it produced several audio recordings of staged phone calls between Houston and Davidson, and the choreographed sting operation. Petitioners seem to believe these recordings depict "real" conversations.

In any event, none of the audio recordings demonstrate Mr. Bollea knew he was being recorded at the Clems' home. However, the recordings do address Davidson's use of alleged offensive language to extort Mr. Bollea. The trial court logically and correctly extended the Stipulated Protocol which already covered video recordings to these audio recordings.

Although the stipulation is silent as to how audio files will be treated, the trial court did not cause irreparable harm by requiring the audio files to be reviewed by Judge Case for relevancy. In fact, binding precedent from this Court requires such a procedure. *See, Muller*, 164 So.3d at 750.

Petitioners' arguments as to why this was supposedly improper are without merit. First, Petitioners argue that this was some sort of impingement on the

materials are exempt from disclosure to Petitioners under FOIA. In fact, the U.S. District Court Judge in the federal Gawker FOIA litigation expressly indicated that the District Court is deferring to the trial court protective orders with respect to those issues.

Accordingly, Petitioners have no basis to invoke this Court's jurisdiction to consider this petition on the merits. If the merits are reached, there is no basis to grant relief. The petition should either be dismissed or denied.

Respectfully submitted,

/s/ Shane B. Vogt

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being electronically filed and will be furnished via CM/ECF via e-mail this 15th day of December, 2015 to the following:

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