IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally known as HULK HOGAN,

Plaintiff,

vs. Case No. 12012447CI-011

GAWKER MEDIA, LLC, *et al.*,

Defendants.

DEFENDANTS' MOTION FOR A DIRECTED VERDICT NO. 2: IN FAVOR OF ALL DEFENDANTS ON INDIVIDUAL CLAIMS AND DAMAGES ISSUES

Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio hereby move for a directed verdict under Fla. R. Civ. P. 1.480 on particular claims and various issues as to damages in this action. Based on the evidence adduced during Plaintiff's case-in-chief, a directed verdict should be entered in favor of Defendants:

1. On Plaintiff's intrusion claim because Defendants did not intrude, physically or electronically, into Plaintiff's "private quarters" or any other private *place*;

2. On Plaintiff's commercial misappropriation claim because Defendants did not use Plaintiff's name or likeness for a commercial purpose;

3. On Plaintiff's claim under the Security of Communications Act because Plaintiff did not have a reasonable expectation of privacy when his liaison with Heather Clem was recorded, and because Defendants published excerpts of that recording in good faith reliance on a good faith determination that their conduct was lawful;

4. On Plaintiff's intentional infliction of emotional distress claim because Plaintiff put forward no evidence that he suffered any "severe" emotional distress, that Defendants engaged in "extreme and outrageous" conduct, or that Defendants' conduct was "intentional or reckless" as to Plaintiff's alleged emotional distress; and

5. On Plaintiff's right to an award of punitive damages because Plaintiff did not put forward clear and convincing evidence of intentional misconduct on the part of Defendants.

STANDARD OF REVIEW

"Before granting a directed verdict, the trial court must view the evidence and testimony in the light most favorable to the nonmoving party. Having done that, if the court determines that no reasonable jury could render a verdict for the nonmoving party, a directed verdict is appropriate." *Howell v. Winkle*, 866 So. 2d 192, 195 (Fla. 1st DCA 2004). When Defendants are "moving for a directed verdict, the plaintiff is entitled to all conflicts in the evidence or inconsistencies being resolved in his favor, together with all reasonable inferences logically deducible from the evidence viewed in a light most favorable to him." *Wilson v. Bailey-Lewis-Williams, Inc.*, 194 So. 2d 293, 294 (Fla. 3d DCA 1967).

ARGUMENT

I. The Court Should Enter a Directed Verdict for Defendants on Particular Claims.

A. Intrusion Upon Seclusion

Florida law is clear that, to prevail on a claim of intrusion upon seclusion, Plaintiff must prove that Defendants engaged in conduct actually consisting of "physically or electronically intruding into one's private quarters." *Allstate Ins. Co. v. Ginsberg*, 863 So. 2d 156, 162 (Fla. 2003). In other words, the relevant intrusion must be intrusion into some physical "'place' in which there is a reasonable expectation of privacy," not an abstract or merely metaphorical intrusion. *Id.*; *see also* Jury Instruction No. 23 (reciting same).

Applying this analysis to the facts adduced during Plaintiff's case-in-chief – viewed in the light most favorable to Plaintiff – no reasonable jury could find that Defendants intruded, physically or electronically, into Plaintiff's "private quarters" or any other private space. Plaintiff and Mr. Houston maintained that Bubba Clem was solely responsible for recording his encounter with Heather Clem, and no facts adduced during Plaintiff's case-in-chief suggest

otherwise. *See* Trial Tr. 1993:3-20 (testimony of Mr. Houston); *see also* First Am. Compl. ¶¶ 1, 26. Accordingly, Defendants are entitled to entry of a directed verdict in their favor on Plaintiff's intrusion claim.

B. Commercial Misappropriation of the Right of Publicity

Florida law is clear that, to prevail on a claim for commercial misappropriation of the right of publicity, a plaintiff must show that his or her name or likeness was used without authorization specifically for a "commercial purpose." *See Tyne v. Time Warner Entm't Co.*, 901 So. 2d 802, 805 (Fla. 2005); *Loft v. Fuller*, 408 So. 2d 619, 622-23 (Fla. 4th DCA 1981); Fla. Stat. § 540.08.[1] Significantly, "commercial purpose" is a legal term of art that is *not* equivalent simply to obtaining a "benefit," or, for internet publishers, a "benefit to [one's] website." Rather, for a misappropriation claim, an unauthorized use of another's name or likeness is only for a "commercial purpose" when the name or likeness is used "to directly promote a product or service" distinct from the publication in which the name or likeness appears. *Tyne*, 901 So. 2d at 808. Unauthorized use of a plaintiff's name or likeness in news reporting, commentary, entertainment, films, works of fiction or nonfiction, or even advertising incidental to such uses is not a "commercial purpose" and is not actionable – even though such works are for profit and

---

[1] Plaintiff has asserted a common law, rather than statutory, claim for commercial misappropriation of his right of publicity, but it makes no difference for the analysis. In *Loft*, the court explained that the only effect of the statute is to "amplif[y] the *remedies* available for" a right of publicity claim. *Loft*, 408 So. 2d at 622 (emphasis added). Since that time, courts in Florida have consistently found that the common law right of publicity is "substantially identical" to the statutory right under Fla. Stat. § 540.08. *See Almeida v. Amazon.com, Inc.*, 456 F.3d 1316, 1320 n.1 (11th Cir. 2006); *Fuentes v. Mega Media Holdings, Inc.*, 721 F. Supp. 2d 1255, 1257-60 (S.D. Fla. 2010) (employing § 540.08 analysis to reject common law right of publicity claim); *Lane v. MRA Holdings, LLC*, 242 F. Supp. 2d 1205, 1212-15 (M.D. Fla. 2002) (same); 19A FLA. JUR. 2D, DEFAMATION & PRIVACY § 225 (2015) ("The elements of common law invasion of privacy based on the commercial misappropriation of a person's likeness coincide with the elements of the unauthorized publication of a name or likeness in violation of the statute, and are substantially identical.").

therefore provide a benefit to the publisher. *Id.* at 806-08. *See also Restatement (Third) of Unfair Competition* § 47 (the term does "not ordinarily include the use of a person's identity in news reporting, commentary, entertainment, works of fiction or nonfiction, ***or in advertising incidental to such uses***") (emphasis added).

Applying this analysis to the facts adduced during Plaintiff's case-in-chief – viewed in the light most favorable to Plaintiff – no reasonable jury could find that Defendants used Plaintiff's name or likeness for a "commercial purpose." All the evidence indicates the opposite – the Video was part of a post that was not used to promote anything except the Gawker site.[2]

C. Intentional Infliction of Emotional Distress

1. Plaintiff Did Not Suffer "Severe Emotional Distress"

Florida law is clear that, to prevail on a claim of intentional infliction of emotional distress, Plaintiff must establish that he suffered "severe" emotional distress. *See Clemente v. Horne*, 707 So. 2d 865, 866-67 (Fla. 3d DCA 1998) (an intentional infliction of emotional distress claim requires emotional distress that is "severe"); *see also Kraeer Funeral Homes, Inc. v. Noble*, 521 So. 2d 324, 325 (Fla. 4th DCA 1988) (a plaintiff can only establish this tort by proving "emotional distress of such a substantial quality or enduring quality, that no reasonable

[2] In addition, the misappropriation tort Plaintiff asserts is triggered solely by the use of his name and image, and is therefore a content-based regulation of speech. *Sarver v. Chartier*, --- F.3d ----, 2016 WL 625362, at *10 (9th Cir. Feb. 17, 2016); *Cardtoons, L.C. v. Major League Baseball Players Ass'n*, 95 F.3d 959, 971 (10th Cir. 1996) ("Restrictions on the words or images that may be used by a speaker, therefore, are quite different than restrictions on the time, place, or manner of speech."). "'Content-based laws – those that target speech based on its communicative content – are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.'" *Sarver*, 2016 WL 625362, at *8 (quoting *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2226 (2015)). Because defendants simply conveyed accurate facts, there is no compelling interest in restricting Defendants' speech in this instance, and so entry of a directed verdict in favor of Defendants is required on Plaintiff's claim of commercial misappropriation.

person in a civilized society should be expected to endure it"). Plaintiff has not established that level of *severe* emotional distress for two reasons.

First, in his sworn interrogatory responses, Plaintiff expressly limited his claim of emotional distress to a claim for "'garden variety' emotional distress." Plaintiff's concession was memorialized in an Order by this Court, having been offered by him to limit Defendants' discovery. *See* Feb. 26, 2014 Order at ¶ 4 (limiting discovery that could be taken by Defendants as to Plaintiff's claims for emotional distress and indicating that "[t]his portion of the Court's ruling is based on the representations of [Plaintiff's] counsel at the hearing that . . . [Plaintiff] is not asserting claims for any physical injury and is limiting claims for emotional injuries to 'garden variety emotional distress damages'"). This concession precluded him as a matter of law from establishing that he suffered "severe" emotional distress, which is a required element of his intentional infliction of emotional distress claim. *See Chase v. Nova Se. Univ., Inc.*, 2012 WL 1936082, at *3-4 (S.D. Fla. May. 29, 2012) ("[g]arden variety" emotional distress is defined as "ordinary or commonplace emotional distress," and "simple or usual," and does not rise to the level of severe emotional distress) (internal quotation marks and citations omitted); *Wheeler v. City of Orlando*, 2007 WL 4247889, at *3 (M.D. Fla. Nov. 30, 2007) (claim for intentional infliction of emotional distress requires asserting more than "garden variety claim of emotional distress").

Second, plaintiff has not in any event established severe emotional distress of the type required to establish this claim. His trial testimony – viewed in the light most favorable to him – was limited to loss of sleep, loss of appetite, and one instance where he became teary-eyed when talking to the host of a television program. Plaintiff has conceded that he did not seek medical or other treatment as a result of the publication at issue, which, on its own, takes his asserted

"emotional distress" out of the "severe" category. *See* Trial Tr. 1607:3-19 (testimony of Plaintiff); *see also Mixon v. K Mart Corp.*, 1994 WL 462449, at *3 (M.D. Fla. Aug. 2, 1994) (granting summary judgment on intentional infliction of emotional distress claim where plaintiff claimed to have suffered emotional problems, but offered no evidence of medical or psychiatric treatment for his condition); *Murdock v. L.A. Fitness Int'l, LLC*, 2012 WL 5331224, at *4 n.8 (D. Minn. Oct. 29, 2012) (dismissing intentional emotional distress claim where all that was claimed was "'garden variety' emotional distress" supported by plaintiff's testimony that he suffered from, *inter alia*, "[d]epression, chronic fatigue, irritability, sleep abnormalities, insomnia, tiredness throughout the day, [and] malaise").

Viewing the facts brought out during Plaintiff's case-in-chief in the light most favorable to him, no reasonable jury could find that Plaintiff suffered severe emotional distress, and thus no reasonable jury could find Defendants liable for intentional infliction of emotional distress.

2. Defendants Did Not Cause Severe Emotional Distress

Even if a reasonable jury could find that Plaintiff suffered "severe" emotional distress based on the evidence adduced, it could not find that Defendants caused that severe distress by the conduct complained of. On the contrary, Plaintiff testified that he has never viewed the Video posted on gawker.com. The content of that Video, therefore, cannot be the cause of any emotional distress he has suffered. In addition, Plaintiff testified that he has been distressed since July 2007 – when the sex tape was recorded – which was more than five years *before* Defendants engaged in the conduct complained of.

3. Defendants Did Not Engage in "Extreme and Outrageous" Conduct

Plaintiff did not bring out any evidence in his case-in-chief to show that Defendants engaged in "extreme and outrageous" conduct, which Plaintiff must prove to prevail on his claim

of intentional infliction of emotional distress. *See LeGrande v. Emmanuel*, 889 So. 2d 991, 995 (Fla. 3d DCA 2004) (stating that "extreme and outrageous conduct" is required to satisfy element of intentional infliction of emotional distress claim); *see also* Jury Instruction No. 25 (reciting same). For one, the publication of the video excerpts cannot qualify as "extreme and outrageous" in light of plaintiff's expansive public discussions of his sex life. *See, e.g.*, Trial Tr. 1623:7-1624:8 (testimony of Plaintiff as to portion of his autobiography describing affair); *see also Moore v. Wendy's Int'l, Inc.*, 1994 WL 874973, at *3-4 (M.D. Fla. Aug. 25, 1994) (granting motion to dismiss based on finding that, although allegations of extreme sexual harassment were "totally inexcusable and unacceptable," they did not qualify as "outrageous" conduct required to establish intentional infliction of emotional distress). For another, Defendants' conduct – posting a news commentary accompanied by video excerpts – mirrored conduct approved by the court in *Michaels v. Internet Entm't Grp., Inc.*, 1998 WL 882848 (C.D. Cal. Sept. 11, 1998) ("*Michaels II*"), so no reasonable jury could find that such conduct was "extreme and outrageous." For this reason as well, the court should enter a directed verdict in favor of Defendants on the intentional infliction of emotional distress claim.

4. Defendants Did Not Engage in "Intentional or Reckless" Conduct With Respect to Plaintiff's Alleged Emotional Distress

Plaintiff did not bring out any evidence whatsoever during his case-in-chief to establish that Defendants' conduct was "intentional or reckless" with respect to his alleged emotional distress, which is an element of his intentional infliction of emotional distress claim. *See Gallogly v. Rodriguez*, 970 So. 2d 470, 471 (Fla. 2d DCA 2007); *see also* Jury Instruction No. 25 (reciting this requirement). Indeed, even viewing the evidence in the light most favorable to Plaintiff, none of the conduct that Defendants engaged in here comes anywhere close to the kind of conduct that Florida courts have found to qualify as intentionally or recklessly causing severe

emotional distress.[3] Plaintiff's evidence demonstrated that Gawker journalists did not set out to cause Plaintiff emotional distress, and indeed did not even consider that possibility. *See, e.g.*, Trial Tr. 1888:21-1889:11 (testimony of Mr. Daulerio). Plaintiff's apparent claim that they *should have* done so is at most a claim of negligence, not the intentional or deliberately reckless conduct required. As the Florida Supreme Court has explained:

> It has not been enough that the defendant has acted with an intent which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by "malice," or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort. Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Generally, the case is one in which the recitation of the facts to an average member of the community would arouse his resentment against the actor, and lead him to exclaim, "Outrageous!"

Metro. Life Ins. Co. v. McCarson, 467 So. 2d 277, 278-79 (Fla. 1985) (emphasis added) (quoting *Restatement (Second) of Torts* § 46 cmt. d). The Court should enter a directed verdict in favor of Defendants on the intentional infliction claim for this reason as well.

D. Florida's Security of Communications Act

1. Good Faith

The Florida Wiretap Act, Fla. Stat. § 934, provides a "complete defense" based on a "good faith reliance" on a "good faith determination that Florida or federal law . . . permitted the conduct complained of." *Id.* § 934.10(2)(c); *see also Brillinger v. City of Lake Worth*, 978 So. 2d 265, 268 (Fla. 4th DCA 2008) (describing good-faith defense under statute). The evidence brought out during Plaintiff's case-in-chief conclusively establishes that Defendants had a good-

[3] *See, e.g.*, *Nims v. Harrison*, 768 So. 2d 1198, 1200-01 (Fla. 1st DCA 2000) (defendant threatened to kill teacher and rape her children in student newsletter); *Williams v. City of Minneola*, 575 So. 2d 683, 686, 690 (Fla. 5th DCA 1991) (police officers viewed videotape of autopsy of man who died of an apparent drug overdose at officer's home in a "party atmosphere").

faith belief that the publication addressed a matter of public concern, and that its publication could therefore not give rise to liability. *See, e.g.*, Trial Tr. 1888:14-16 (testimony of Mr. Daulerio that he "thought it was newsworthy and it was something that was worth discussing and putting up on the site"). That Defendants held this belief in good faith is further confirmed by the fact that both Judge Whittemore and a unanimous panel of the Court of Appeals subsequently came to the same belief, with the appeals court specifically holding that the publication was protected under *Bartnicki*. *See Gawker Media, LLC v. Bollea*, 129 So. 3d 1196, 1203 (Fla. 2d DCA 2014) ("As the speech in question here is indeed a matter of legitimate public concern, the holding in *Bartnicki* applies."); *see also Bollea v. Gawker Media, LLC*, 913 F. Supp. 2d 1325, 1328-29 (M.D. Fla. 2012) (publication commented on matter of public concern).

Given that all the evidence brought out during Plaintiff's case-in-chief shows that Defendants reached the same conclusion that four distinguished jurists themselves reached, Defendants are entitled to entry of a directed verdict on Plaintiff's Wiretap Act claim..

2. Reasonable Expectation of Privacy

To establish that the Wiretap Act applies to the video excerpts in the first place, Plaintiff was required to show that he had a reasonable expectation of privacy in his oral communications with the Clems. Under the Wiretap Act, an oral communication is protected only if "'the speaker [has] an actual subjective expectation of privacy' in his oral communication, and society [is] prepared to recognize the expectation as reasonable under the circumstances." *Stevenson v. State*, 667 So. 2d 410, 412 (Fla. 1st DCA 1996) (quoting *State v. Smith*, 641 So. 2d 849, 852 (Fla. 1994)). Thus, to prevail on his claim under the Wiretap Act, Plaintiff was required to put forward sufficient evidence to prove that he had just such an expectation of privacy in those communications. However, Plaintiff adduced no such evidence during his case-in-chief.

To the contrary, Plaintiff repeatedly testified at trial that "whenever I leave my house, I'm not Terry Bollea; I'm Hulk Hogan. I'm the character, and that's Hulk Hogan." Trial Tr. at 1471:5-7. But his sexual encounter with Heather Clem did not take place in his house, and thus Plaintiff's own experience supports what Justice Overton wrote in his concurrence in *State v. Inciaranno*, 473 So. 2d 1272 (Fla. 1985): "I concur and write to emphasize that when an individual enters someone else's home or business, he has no expectation of privacy in what he says or does there, and chapter 934 does not apply. It is a different question, however, when the individual whose conversation is being recorded is in his own home or office." *Id.* at 1276 (Overton, J., concurring). Therefore, even viewing the evidence in the light most favorable to Plaintiff, no reasonable jury could find that Plaintiff had a reasonable expectation of privacy at the time the recording was made.

II. The Court Should Enter a Directed Verdict in Favor of Defendants on Various Issues Concerning Damages.

A. Economic Damages on Plaintiff's Misappropriation Claim

In *Cason v. Baskin*, 20 So. 2d 243 (Fla. 1944), the Florida Supreme Court affirmed a demurrer to a common law misappropriation claim that sought recovery of defendant's proceeds from sale of a book about the plaintiff. The Court held "that the publication of a book containing a biographical sketch of a person does not legally entitle[] such person to share whatever profit is realized from the sale of such book." *Id.* at 254. Instead, consistent with *Cason*, Florida law restricts the recovery available for a misappropriation claim to "damages for *any loss or injury* sustained" by the plaintiff "by reason" of an unauthorized use of his name or likeness, "including an amount which would have been *a reasonable royalty*." Fla. Stat. § 540.08(2) (emphases added). In other words, the economic damages that Plaintiff can recover for his claim of

misappropriation are limited to recovery of the loss of a licensing fee for the rights to his name and likeness.[4]

In his case-in-chief, Plaintiff completely failed to put forward evidence about a reasonable licensing fee for the use of his name or likeness as a result of Defendants' alleged commercial misappropriation of his name and likeness. Accordingly, no reasonable jury could find that Plaintiff is entitled to recover economic damages on his right of publicity claim.

B. Punitive Damages

As set forth in the Jury Instructions, to establish an entitlement to punitive damages, Plaintiff must show that defendants engaged in the conduct complained of with a state of mind consisting of "intentional misconduct." Jury Instruction No. 34. In this context, that means that, to establish an entitlement to punitive damages, Plaintiff must show – by clear and convincing evidence – that Defendants published the Video at issue knowing that it did not relate to a matter of public concern. *See Toffoloni v. LFP Publ'g Grp.*, 483 F. App'x 561 (11th Cir. 2012) (even though publication of nude photographs of deceased model in *Hustler* magazine was actionable, award of punitive damages was vacated because defendants subjectively believed photographs were newsworthy).[5] The evidence brought out during Plaintiff's case-in-chief reflects only that

---

[4] As a technical matter, damages for harm to the plaintiff's reputation are also available for a claim for commercial misappropriation of the right of publicity, as they would constitute loss or injury to the plaintiff. However, Plaintiff has, consistently throughout this case, specifically disclaimed any right to such damages. *See* July 1, 2015 Hrg. Tr. at 173:13-19 (Counsel for Plaintiff stating that "I think about two years ago we told Your Honor we were not seeking damages for harm to career, harm to reputation, any of that").

[5] *See, e.g.*, *Cape Publ'ns, Inc. v. Bridges*, 423 So. 2d 426, 428 (Fla. 5th DCA 1982) (overturning award of punitive damages based on invasion of privacy claim for publishing nearly nude photograph of private figure plaintiff, when photograph was newsworthy); *Genesis Publ'ns, Inc. v. Goss* , 437 So. 2d 169, 170 (Fla. 3d DCA 1983) (publishing nude photograph of plaintiff with belief that it was lawful did not support claim for punitive damages because "plaintiff must show more than an intent to commit a tort or violate a statute to justify punitive damages").

Defendants had a genuine belief in the publication's newsworthiness. *See, e.g.*, Trial Tr. 1888:14 (testimony of Mr. Daulerio that he "thought it was newsworthy and it was something that was worth discussing and putting up on the site."). There is literally no evidence to suggest that Defendants in any way doubted the propriety of their conduct. Accordingly, no reasonable jury could find intentional misconduct on Defendants' part.

Under these circumstances, Plaintiff has failed to establish at all – let alone by clear and convincing evidence – that Defendants published with "actual knowledge" that their conduct was unlawful or "conscious" disregard or indifference to Plaintiff's rights, as is required to establish a claim for punitive damages. Accordingly, no reasonable jury could find that Plaintiff is entitled to an award of punitive damages from any Defendant in this action.

CONCLUSION

For the foregoing reasons, Defendants respectfully request entry of a directed verdict in their favor as to the claims and issues related to damages raised in this motion.

March 11, 2016

Respectfully submitted,

THOMAS & LOCICERO PL

By: */s/ Gregg D. Thomas*
Gregg D. Thomas
Florida Bar No.: 223913
Rachel E. Fugate
Florida Bar No.: 0144029
601 South Boulevard, P.O. Box 2602 (33601)
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com

Seth D. Berlin
Pro Hac Vice Number: 103440
Michael D. Sullivan
Pro Hac Vice Number: 53347
Michael Berry
Pro Hac Vice Number: 108191

Alia L. Smith
Pro Hac Vice Number: 104249
Paul J. Safier
Pro Hac Vice Number: 103437
LEVINE SULLIVAN KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200
Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2016, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal on the following counsel of record:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Shane B. Vogt, Esq.
shane.vogt@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

Attorneys for Plaintiff

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Attorney for Plaintiff

Timothy J. Conner
Holland & Knight LLP
50 North Laura Street, Suite 3900
Jacksonville, FL 32202
timothy.conner@hklaw.com

Charles D. Tobin
Holland & Knight LLP
800 17th Street N.W., Suite 1100
Washington, D.C. 20006
charles.tobin@hklaw.com

Attorneys for Intervenors First Look Media, Inc., WFTS-TV and WPTV-TV, Scripps Media, Inc., WFTX-TV, Journal Broadcast Group, and The Associated Press

Charles J. Harder, Esq.
charder@HMAfirm.com
Jennifer McGrath, Esq.
jmcgrath@hmafirm.com
Harder Mirell & Abrams LLP
132 S. Rodeo Drive, Suite 301
Beverly Hills, CA 90212
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Allison M. Steele
Rahdert, Steele, Reynolds & Driscoll, P.L.
535 Central Avenue
St. Petersburg, FL 33701
amnestee@aol.com
asteele@rahdertlaw.com
ncampbell@rahdertlaw.com

Attorney for Intervenor Times Publ'g Co.

/s/ Gregg D. Thomas
Attorney