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and Debtor in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

Gawker Media, LLC.,¹

Debtor.

Gawker Media, LLC,

Plaintiff,

v.

Meanith Huon; Ashley Terrill; Teresa Thomas; Shiva
Ayyadurai; Terry Gene Bollea; Charles C. Johnson; and
Got News LLC,

Defendants.

Chapter 11

Case No. 16-11700 (SMB)

Adv. Proc. No. 16-_____ ()

DEBTOR'S *EX PARTE* MOTION FOR A TEMPORARY RESTRAINING ORDER

1. Pursuant to sections 105 and 362(a) of title 11 of the United States Code, Rule 65 of the Federal Rules of Civil Procedure, made applicable hereto by Rule 7065 of the Federal Rules of Bankruptcy Procedure, and Rule 7001(7) of the Federal Rules of Bankruptcy Procedure, the Debtor in the above-captioned Chapter 11 proceeding and Plaintiff in the above-captioned

¹ The last four digits of the taxpayer identification number of the Debtor, Gawker Media, LLC, are 0492. The Debtor's corporate headquarters is located at 114 Fifth Avenue, 2d Floor, New York, New York 10011.

Adversary Action respectfully moves this Court (the “TRO Motion”) for a temporary restraining order, pending the Court’s hearing and ruling on the Debtor’s Motion for a Preliminary Injunction and/or Extension of the Automatic Stay, concurrently filed herewith:

a. temporarily restraining and enjoining the Action captioned *Bollea v. Gawker Media, LLC, et al.*, No. 12012447-CI-011 (Fla. 6th Jud. Cir. Pinellas Cty.) (the “Bollea Litigation”) as against (A) Nick Denton, and (B) A.J. Daulerio;

b. temporarily restraining and enjoining Defendant Terry Gene Bollea, the plaintiff in the Bollea Litigation, from taking further action in the Bollea Litigation as against (A) Mr. Denton, or (B) A.J. Daulerio, or from otherwise seeking to enforce any judgment entered in the Bollea Litigation as against (A) Mr. Denton, or (B) A.J. Daulerio; and/or

c. extending the automatic stay imposed by section 362(a) of the Bankruptcy Code to the Bollea Litigation as against (A) Mr. Denton, and (B) A.J. Daulerio.

2. As set forth more fully in the accompanying memorandum of law in support of this TRO Motion and the supporting declarations filed therewith, a temporary restraining order is urgently needed. As of *today*, the \$140.1 million of judgments in the *Bollea* against Gawker Media, Mr. Denton and Mr. Daulerio may be executed. The Final Judgment provides, “*let execution issue forthwith.*” See Final Judgment issued in Bollea Litigation (emphasis in original).

3. Plaintiff in the Bollea Litigation has refused to agree even to a brief temporary stay of execution of the judgments. Meanwhile, Peter Thiel, the driving force and financier of the Bollea Litigation, has repeatedly stated publicly that he is bent on destroying Gawker Media and Mr. Denton. For example, on May 25, Mr. Thiel, gave a lengthy interview to *The New York*

Times in which he admitted that he has funded the Bollea Litigation, and other lawsuits against Gawker to (as the *Times* reports) “try to put the media company out of business.

4. There is no question that Mr. Bollea will seek to have the judgments against Gawker Media, Mr. Denton and Mr. Daulerio perfected as urgently as possible. As set forth in accompanying memorandum of law, execution of those judgments will set off a chain of immediate, irreparable harms: (i) it will lead to crippling indemnification obligations for the Debtor; (ii) it will drive Mr. Denton to file for personal bankruptcy, thereby significantly distracting him from his central and vital role in the Debtor’s ongoing efforts to successfully reorganize, including through the sale of its assets; and (iii) it will cause a chilling effect amongst the Debtor’s writers and editors, who are critical to the Debtor’s revenue and efforts to reorganize. The requested Temporary Restraining Order is therefore urgently needed to avoid imminent irreparable harm to the Debtor’s sale and reorganization efforts.

5. The purpose of the Debtor’s request for this Temporary Restraining Order would be vitiated if advance notice were provided to Mr. Bollea. As explained above, it is our firm belief that upon notice of this adversary action, Mr. Bollea would seek to even further accelerate his perfection of the judgments against Mr. Denton and Mr. Daulerio in the Bollea Action.

Dated: June 10, 2016
New York, New York

/s/ Gregg M. Galardi

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