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FAX Cover Sheet

July 31, 2008

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PAGES (including cover)

Susan Tillotson Bunch
TO

Sandy Weinberg, Esq.
FROM

RE:

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CLIENT/MATTER

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Comments

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MORRIS "SANDY" WEINBERG, JR.
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July 31, 2008

VIA FACSIMILE @ 727-582-6459Jaime Eagan, Esq.
Pinellas County Sheriff's Office
10750 Ulmerton Road
Largo, FL 33778-1703RE: *Bollea v. Coats*, Case No. 08-8133-CI-020

Dear Ms. Eagan:

I have received your letter of July 31, 2008 threatening to release the tapes unless we comply with your demand for a hearing on August 6. As I stated at the hearing yesterday, we were ready to argue your Motion for Judgment on the Pleadings at that hearing and remain ready to argue that motion when Judge Jirotko sets it for hearing. However, it is completely inappropriate for you to unilaterally set a hearing date in this fashion without discussing in advance proposed hearing times. This is especially true where you have no basis in law for your demand, the Judge has declared that he is taking the issue under advisement, and you purposely set your hearing for a date when you know I cannot attend.

I find your conduct in threatening to release the tapes if we do not agree to a hearing time chosen by you (while you know I am out of town) to be unprofessional. You agreed in your July 21, 2008 letter (copy attached) that you would not release further tapes until our lawsuit was judicially resolved. In my opinion, your threat in today's letter borders on extortion and is an affront to the judicial system. There is a pending lawsuit in which we are challenging your interpretation of the Public Records Act. By the Sheriff's rash action in releasing, without review, 26 hours of personal conversations between a child and his parents, the Sheriff has already done untold damage to the Bolleas. Now you threaten to do more damage by subverting the judicial process and essentially acting as the formal arbiter on these issues of first impression which are pending before the Court.

It is unclear what the hurry is for the Sheriff. Let me remind you that your office asked us for a three week extension of time to file your answer. We complied with your request. The Chief Deputy encouraged us to file discovery, which we did. Now, you accuse us of intentionally slowing down the process, which could not be further from the truth. As I told Judge Jirotko yesterday, these

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Jaime Eagan, Esq.
July 31, 2008
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are important issues that affect thousands of Florida citizens and it is important that the parties and the Court have a fully developed record in order to reach the right answer. Moreover, as you know, whatever the outcome before Judge Jirotko, it is likely that this case will be reviewed by the 2nd DCA and possibly the Florida Supreme Court.

Your implicit argument that the Sheriff needs an answer immediately for fear of further lawsuits is disingenuous at best. This is especially true in light of the fact that YOUR OFFICE requested an extension of time. Moreover, if you had done the research, you would be able to locate cases indicating that a public entity that does not release records based on the fact that a related lawsuit is pending is not liable for attorneys' fees because the decision not to release records is in good faith.

You have no right to release tapes while this lawsuit is pending. I believe any release of tapes without the authorization of the Court would be sanctionable. Please govern yourself accordingly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Morris Weinberg, Jr.', written over a horizontal line.

Morris Weinberg, Jr.

SW/vmc

cc: Erik R. Matheney, Esq. (via facsimile)
A.J. Barranco, Jr., Esq. (via facsimile)
Susan Tilletson Runch, Esq. (via facsimile)



Sheriff Jim Coats

Pinellas County Sheriff's Office

"Leading The Way For A Safer Pinellas"

July 21, 2008

Via Facsimile (813) 223-7961

Maegen P. Luka, Esquire
Zuckerman Spaeder LLP
101 East Kennedy Blvd, Suite 1200
Tampa, Florida 33602

Re: Bollea v. Coats

Dear Ms. Luka:

This letter is in response to your letter of July 17, 2008. As Mr. Gualtieri assured you and Mr. Fugate, we are not releasing any additional sound or video recordings of any of the conversations or visitations your client has had until we have a determination from the court regarding this matter. While we believe that the recordings are bona fide public records, as represented in our Answer to your Amended Complaint, in an abundance of caution we have made the decision to wait for a judicial determination prior to the release of any additional recordings. Nothing has changed with that decision. I do not believe a Stipulation is appropriate. I additionally do not believe that a hearing is necessary as we have advised you of our position and do not intend to change it. What I can do is assure you that if, for any reason, we are compelled to produce recordings or change our position in the matter, I will advise your firm prior to any distribution so that you may file any motion you feel is appropriate at that time. Hopefully that will alleviate whatever concerns have arisen.

As you are aware, the Public Records Act allows for an expedited hearing on questions involving the Act and we anticipated having a fairly quick answer to the question of whether the court agrees or disagrees with our position. We are hoping that all of this is resolved at the hearing on July 30, 2008. While I am confident that Media General is intending that their Motion to Intervene is sufficient to hear the case on its merits, I am not certain that it is. As such, enclosed is a copy of our Motion for Judgment on the Pleadings and Objection to Intervention which I intend to argue at the July 30, 2008, hearing and which I believe that all parties and interveners intended to argue when the one-hour hearing time was cleared.

If, for some reason, you still feel that you need to clear hearing time for any additional motions, please advise my legal secretary, Alice Marcott, of the chosen times and dates and we will attempt to accommodate them. As you are probably aware, I am in class through the end of

Maegen P. Luka, Esquire
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the week but could probably appear for a telephone hearing this week, if the court will allow it and if you still feel that a hearing is necessary.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jaime Eagan".

Jaime Eagan
Associate General Counsel