

Hearing Date: September 28, 2017 at 10:00 a.m. (EST)

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	
	:	Chapter 11
Gawker Media LLC, <i>et al.</i> ,	:	
	:	Case No. 16-11700 (SMB)
	:	(Jointly Administered)
Debtors.	:	
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**OBJECTION OF PREGAME LLC AND RANDALL JAMES BUSAK  
TO MOTION OF PROPOSED *AMICI CURIAE* SOCIETY OF PROFESSIONAL  
JOURNALISTS, REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AND  
19 OTHER MEDIA ORGANIZATIONS FOR LEAVE TO FILE MEMORANDUM OF  
LAW AS *AMICI CURIAE* [DKT. NO. 1010]**

Pregame LLC d/b/a Pregame.com (“**Pregame**”) and Randall James Busack,  
professionally known as RJ Bell (“**Bell**,” and together with Pregame, “**Plaintiffs**”), by and  
through their undersigned counsel, Golenbock Eiseman Assor Bell & Peskoe LLP, hereby files  
this objection (the “**Objection**”) to the Motion of Proposed *Amici Curiae* Society of Professional  
Journalists, Reporters Committee For Freedom of the Press, and 19 other media organizations  
(collectively, the “**Amici**”) for leave to file Memorandum of law as *Amici Curiae* [Dkt. No.  
1010].

**The Motion for Leave Should be Denied as Untimely<sup>1</sup>**

1. The Motions of Gizmodo and Goldberg were filed on August 21, 2017. They fixed the hearing for September 28, 2017 – nearly six weeks later. In accordance with the parties’ agreement, Plaintiffs filed their Objection on September 15, 2017. A lengthy set of papers filed by the Amici were filed on Friday, September 22 at 4:57 p.m. and e-mailed to the undersigned at 5:45 p.m.<sup>2</sup> This type of aggressive practice should not be countenanced and the Amici’s motion for leave should be denied for this reason alone. The Movants and the Amici had plenty of time to file these papers in a courteous and timely fashion, but chose to wait until late on Friday to surface. Moreover, as demonstrated below, the Amici add nothing to the issues before this Court. For these reasons, the motion for leave should be denied and/or the Amici’s memorandum of law should be disregarded.

**The Amici’s Papers Should be Disregarded as Irrelevant, Duplicative and Vexatious**

2. The Amici’s papers are addressed to the Goldberg Motion; basically repeating the same policy-type considerations that were made to this Court in connection with the Plan. Those considerations may have been taken into account in the formulation of the Plan’s release and injunction provisions on behalf of authors, and if so are embodied in the final version of those provisions. Neither the Amici nor Movants seek reconsideration of those Plan provisions, and at this point they are part of part of a Plan that has been confirmed by a final order. They say what they say. Regurgitating the same policy matters at this point is irrelevant and adds nothing. In this respect, all the Amici have accomplished is to add thoroughly unnecessary and duplicative material to the record. This vexatious conduct should be disregarded by the Court.

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<sup>1</sup> Defined terms herein shall have the same meaning as in the Plaintiff’s Objection [Dkt. No. 1006].

<sup>2</sup> Friday, September 22 was second day of the Jewish holiday of Rosh Hashanah.

**CONCLUSION**

The Amici's motion for leave should be denied and/or its papers should be disregarded,  
and the Court should grant such other relief as is just.

Dated: New York, New York  
September 27, 2017

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By: /s/ Jonathan L. Flaxer  
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