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Presentment Date and Time: December 26, 2017 at 12:00 p.m. (Eastern)

Counsel to Pregame LLC and Randall James Busack

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
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	:
Gawker Media LLC, <i>et al.</i> ,	:
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	:
Debtors.	:
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Chapter 11
Case No. 16-11700 (SMB)
(Jointly Administered)

**OBJECTION TO PROPOSED ORDER OF
GIZMODO MEDIA GROUP, LLC [DKT. NO. 1065]
AND PLAINTIFFS' PROPOSED COUNTER-ORDER**

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 (i) file this objection (the "**Objection**") to the Notice of Settlement of an order (the "**Proposed Order**") [Dkt. No. 1065] by Gizmodo Media Group, LLC ("**Gizmodo**") with respect to the Motion to Enforce the Sale Order and to Bar Certain Plaintiffs from Prosecuting their State Court Action dated August 21, 2017 [Dkt. No. 985] (the "**Motion**"), and (ii) propose the counter-order annexed hereto as Exhibit A (the "**Proposed Counter-Order**").

1. On December 17, 2017, the Court issued its Memorandum Decision Regarding Motion to Enforce the Sale Order of this Court dated December 17, 2017 [Dkt. No. 1063] (the "**Decision**"). The basic holding of the Decision is contained in the final paragraph thereof.

2. Plaintiffs' Proposed Counter-Order provides that the Motion is granted in part and denied in part "in accordance with and for the reasons set forth in the Decision." Gizmodo's Proposed Order adds to this a paraphrase of the language in the last paragraph of the Decision that implements the "granted in part" portion of the holding but leaves out the balance of the last paragraph, which, *inter alia*, implements the "denied in part" portion of the holding.¹

3. Plaintiffs respectfully submit that letting the Decision speak for itself is a simpler and more fair approach, which is reflected in the Proposed Counter-Order. To the extent, however, that any of the last paragraph of the Decision is to be included in the order, then the entire last paragraph should be quoted in the order.

WHEREFORE, Plaintiffs respectfully request that this Court (i) enter the Proposed Counter-Order and (ii) provide such other relief as is just.

Dated: New York, New York
December 22, 2017

GOLENBOCK EISEMAN ASSOR BELL
& PESKOE LLP
Counsel to Plaintiffs
711 Third Avenue
New York, New York 10017
(212) 907-7300

By: /s/ Jonathan L. Flaxer
Jonathan L. Flaxer
Michael S. Weinstein

¹ Annexed as Exhibit B hereto is a comparison between the Proposed Order and the Proposed Counter-Order.

EXHIBIT A

Proposed Counter-Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
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Gawker Media LLC, <i>et al.</i> , ¹	:
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Debtors.	:
-----X	

Chapter 11
Case No. 16-11700 (SMB)
(Jointly Administered)

**ORDER GRANTING IN PART AND DENYING IN PART THE MOTION OF
GIZMODO MEDIA GROUP, LLC TO ENFORCE THE SALE ORDER**

Upon the motion (the "**Motion**") dated August 21, 2017 of Gizmodo Media Group, LLC ("**Gizmodo**") to Enforce the Sale Order and to Bar Certain Plaintiffs from Prosecuting their State Court Actions [Dkt. No. 985]; and upon the objection to the Motion by Pregame LLC d/b/a Pregame.com and Randall James Busack, professionally known as RJ Bell dated September 15, 2017 [Dkt. No. 1006] (the "**Objection**"); and upon Gizmodo's reply to the Objection dated September 25, 2017 [Dkt. No. 1015]; and upon the record of the hearing on the Motion held on September 28, 2017; and upon the Memorandum Decision Regarding Motion to Enforce the Sale Order of this Court dated December 17, 2017 [Dkt. No. 1063] (the "**Decision**");² and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is granted in part and denied in part in accordance with and for the reasons set forth in the Decision.

¹ The last four digits of the taxpayer identification number of the debtors are: Gawker Media LLC (0492); Gawker Media Group, Inc. (3231); and Gawker Hungary Kft. (f/k/a/ Kinja Kft.) (5056). Gawker Media LLC and Gawker Media Group, Inc.'s mailing addresses are c/o Opportune LLP, Attn: William D. Holden, Plan Administrator, 10 East 53rd Street, 33rd Floor, New York, NY 10022. Gawker Hungary Kft.'s mailing address is c/o Opportune LLP, Attn: William D. Holden, 10 East 53rd Street, 33rd Floor, New York, NY 10022.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Decision.

Dated: New York, New York
December __, 2017

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT B

Comparison of Proposed Counter-Order and Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
	:
Gawker Media LLC, <i>et al.</i> , ¹	:
	:
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	:
Debtors.	:
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Chapter 11
Case No. 16-11700 (SMB)
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ORDERED that the Motion is granted in part and denied in part in accordance with and for the reasons set forth in the Decision, ~~and, therefore, the Plaintiffs are enjoined from asserting any claims against Gizmodo, including in any state court, arising from the publication of the allegedly defamatory Article on June 23, 2016.~~

¹ The last four digits of the taxpayer identification number of the debtors are: Gawker Media LLC (0492); Gawker Media Group, Inc. (3231); and Gawker Hungary Kft. (f/k/a/ Kinja Kft.) (5056). Gawker Media LLC and Gawker Media Group, Inc.'s mailing addresses are c/o Opportune LLP, Attn: William D. Holden, Plan Administrator, 10 East 53rd Street, 33rd Floor, New York, NY 10022. Gawker Hungary Kft.'s mailing address is c/o Opportune LLP, Attn: William D. Holden, 10 East 53rd Street, 33rd Floor, New York, NY 10022.¹

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Decision.¹

Dated: New York, New York
December __, 2017

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

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