

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

HEATHER CLEM; GAWKER MEDIA,
LLC aka GAWKER MEDIA; et al.,

Defendants.

_____ /

**DEFENDANT GAWKER MEDIA, LLC'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

Pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, defendant Gawker Media, LLC, ("Gawker") by its undersigned counsel, hereby requests that plaintiff Terry Gene Bollea serve upon Gawker's counsel answers, in writing and under oath, to the following interrogatories within thirty (30) days after service hereof.

Instructions and Definitions

1. "You" and "your" mean the plaintiff Terry Gene Bollea, and any agents, attorneys, or other persons or entities acting for or on behalf of him or in concert with him, including without limitation any personal services corporations that make available or license services of plaintiff. Each interrogatory seeks all information in the possession, custody or control of all such persons and/or entities.

2. The "Gawker Defendants" means defendants Gawker Media, LLC, Gawker Media Group, Inc., Gawker Entertainment, LLC, Gawker Technology, LLC, Gawker Sales, LLC, Nick Denton, A.J. Daulerio, and Kate Bennert.

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3. The “Video” means the video and audio footage depicting Mr. Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.

4. The “Gawker Story” means the story entitled ‘Even For a Minute, Watching Hulk Hogan Have Sex on a Canopy Bed is Not Safe For Work, But Watch It Anyway’ published on www.gawker.com on or about October 4, 2012.

5. “Complaint” means the Amended Complaint filed by you on or about December 28, 2012, to commence this action against the Gawker Defendants.

6. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.

7. The words “and” and “or” also have the meaning “and/or.”

8. The terms “all” and “any” shall be considered to include “each” and every.” Use of any of these terms incorporates them all.

9. The term “person” means all individuals and entities.

10. “Communication” shall be construed in its broadest sense and shall mean every manner or means of disclosure, transfer or exchange, and every disclosure, transfer or exchange of information, whether orally, or face-to-face or by telephone, mail, personal delivery, document, or otherwise.

11. Unless otherwise specified, the term “Relevant Time Period” means the period from 2002 to the present.

12. Where you are asked to “name” or “identify” or to provide the “identity” of a person, you are being asked to state the full name, an address where service of process may be had, telephone number, and job title or job description of that person.

13. Where you are asked to “describe” or “identify” a document, fact, conversation, communication, or other tangible or intangible thing (collectively “thing”), you are being asked to state the nature of the thing including its component parts and their interrelationship, the substance of the thing including its contents, the identity of the creator of the thing, the identity of those who had or have access to or received the thing, and the present location and custodian of the thing if it is tangible or has been reduced to tangible form.

14. Throughout these requests, the singular shall include the plural and the plural shall include the singular.

15. The following terms should be read as if they were synonymous, and each should be taken to include the meaning of all of the others: related to, related in any manner to, concerning, referring to, alluding to, responding to, connected with, with respect to, commenting on, about, regarding, announcing, explaining, discussing, showing, describing, studying, reflecting, analyzing or constituting.

16. If you contend that it would be unreasonably burdensome to obtain and provide all the information called for in response to any interrogatory or subpart, you should:

(a) set forth all information that is available without unreasonable burden; and

(b) describe with particularity the efforts made to secure any information the provision of which you claim would be an unreasonable burden.

17. With respect to your responses to the following interrogatories, if any answer to an interrogatory, or portion thereof, is withheld because of a claim of privilege,

please state the basis for your claim of privilege with respect to such information and the specific ground(s) on which the claim of privilege rests.

18. If an interrogatory is objected to, but an answer or partial answer is provided without waiver of the objection, such answer should clearly define what is being answered. For example, if an interrogatory is alleged to be ambiguous, an answer should set forth the understanding of the ambiguity upon which the answer is based. Or, if the answer is limited to avoid an alleged overbreadth, undue burden or expense, the limitation should be set forth.

Interrogatories

Interrogatory No. 1: Identify any and all contracts entered into by you during the Relevant Time Period relating to the alleged “commercial value” of your name, image, identity and persona as referenced in paragraph 32 of the Complaint.

Interrogatory No. 2: Identify any and all contracts that you claim were canceled or not renewed as a result of alleged actions by the Gawker Defendants, or any of them, and any and all communications relating to any such purportedly canceled or non-renewed contract.

Interrogatory No. 3: Identify any and all commercial opportunities you claim were lost by you as a result of alleged actions by the Gawker Defendants, and any and all communications relating to any such purportedly lost commercial opportunities.

Interrogatory No. 4: Identify any and all videotapes or other recordings of any type you have made of yourself engaged in Sexual Relations during the Relevant Time Period.

Interrogatory No. 5: Identify any and all videotapes or other recordings of any type made of you having Sexual Relations during the Relevant Time Period.

Interrogatory No. 6: Identify any and all writings authored by you during the Relevant Time Period regarding any Sexual Relations in which you engaged.

Interrogatory No. 7: Identify any and all statements made by you during the Relevant Time Period regarding any Sexual Relations in which you engaged.

Interrogatory No. 8: Identify any and all persons with whom you had Sexual Relations during the years 2002 to 2006, inclusive.

Interrogatory No. 9: Identify any and all times you had Sexual Relations with Heather Clem during the Relevant Time Period, stating for each time the date, approximate time, and location of the occurrence.

Interrogatory No. 10: Identify any and all times you discussed having Sexual Relations with Heather Clem with her husband, Todd Alan Clem, during the Relevant Time Period, stating for each time the date, approximate time, location and substance of the discussion.

Interrogatory No. 11: Identify the “market value” of the use of your publicity rights as alleged in paragraph 82 of the Complaint, explaining with particularity the basis for your calculation of such purported “market value.”

Interrogatory No. 12: Identify any and all damages purportedly suffered by you as a result of alleged actions by the Gawker Defendants or any of them, explaining with particularity the basis for your calculation of such alleged damages.

Interrogatory No. 13: With respect to each of the actions you allege in the Complaint violated your privacy rights, identify each and every communication (including each conversation, item of correspondence sent or received, or any other form of communication, whether or not initiated by you) you have had with persons other than your attorney(s) regarding the subject matter of this action, including the date of each such communication, the identity of all persons participating in each such communication, and any and all documents that reflect each such communication.

Interrogatory No. 14: Identify all facts supporting your claim in paragraph 39 of the Complaint that Heather Clem disclosed the Video to third parties, and identify all documents relating to such claim, and all persons having knowledge of the facts relating to such claim.

Interrogatory No. 15: Identify the number of times you were at the residence of Todd Alan Clem and/or Heather Clem that is depicted in the Video during the period from 2002 to 2006, inclusive, and for each, state the purpose of the visit and the duration of the visit.

Interrogatory No. 16: Identify the number of times you were in the bedroom of Heather Clem and/or Todd Alan Clem that is depicted in the Video during the period from 2002 to 2006, inclusive, and for each, state the duration of the visit.

Interrogatory No. 17: Identify each date on which you slept at the house of Heather Clem and/or Todd Alan Clem that is depicted in the Video during the period from 2002 to 2006.

Interrogatory No. 18: Identify all facts supporting your claim in paragraph 26 of the Complaint that you believed the sexual activities in which you engaged with Heather Clem were “completely private,” and identify all documents relating to such claim, and all persons having knowledge of the facts relating to such claim.

Interrogatory No. 19: Identify all facts supporting your claim in paragraph 31 of the Complaint that you have suffered, and continue to suffer, “tremendous emotional distress” as a result of Defendants’ alleged actions, and identify all documents relating to such claim, and all persons having knowledge of the facts relating to such claim.

Interrogatory No. 20: Identify any and all facts supporting your claim in paragraph 33 of the Complaint that the commercial value of your “name, image, identity and persona has been, and continues to be, substantially diminished” by defendants’ actions, and identify all documents relating to such claim, and all persons having knowledge of the facts relating to such claim.

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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Counsel for Gawker Media, LLC

VERIFICATION

I verify under penalty of perjury that the foregoing is true and correct. Executed on this _____ day of _____, 2013.

Signature: _____

Printed Name: Terry Gene Bollea

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared Terry Gene Bollea, who, being first duly sworn and being personally known to me or having produced _____ as identification, deposes and says that he has read and signed the foregoing interrogatory answers and that the answers are true and correct to the best of his knowledge, information, and belief.

SWORN TO and subscribed before me this _____ day of _____, 2013.

SEAL

Notary Public State of Florida
Printed Name: _____
Commission No.: _____
My Commission Expires: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June 2013, I caused a true and correct copy of the foregoing to be served by email upon the following counsel of record:

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