

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
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, defendant Gawker Media, LLC, ("Gawker") by its undersigned counsel, hereby requests that plaintiff Terry Gene Bollea produce for inspection and copying the following documents and things within thirty (30) days after service of this request.

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. When documents or things are requested, such request includes materials in the possession, custody or control of your agents, attorneys or other persons acting on their or your behalf.

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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.
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 to commence this action against the Gawker Defendants on or about December 28, 2012.
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. Unless otherwise specified, the term “Relevant Time Period” means the period from 2002 to the present.
11. The term “document(s)” means all materials within the full scope of Rule 1.350, including but not limited to: all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, “instant” messages or “IM” messages, “wall” postings on Facebook,

Myspace postings, Twitter postings or “tweets,” correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings), including metadata.

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

13. 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.

14. If you contend that it would be unreasonably burdensome to produce all the documents called for in response to any request, you should:

- (a) produce all documents that are available without unreasonable burden; and

(b) describe with particularity the reasons why production of the remaining documents would be unreasonably burdensome.

15. In the event that any responsive document cannot be produced in its entirety, you are requested to produce the document to the fullest extent possible, specifying the reasons for your inability to produce the remainder and describing to the fullest extent possible the contents of the unproduced portion.

16. With respect to your responses to the following requests for production, if any document or any portion of any document is withheld because of a claim of privilege, please state the basis for your claim of privilege with respect to such document or portion of any document and the specific ground(s) on which the claim of privilege rests, and including, with respect to documents: the date appearing on the document, or if no date appears, the date on which the document was prepared; the name of the person(s) to whom the document was addressed; the name of each person, other than addressee(s), to whom the document, or a copy thereof, was sent or with whom the document was discussed; the name of the person(s) who signed the document, or if not signed, the name of the person(s) who prepared it; the name of each person making any contribution to the authorship of the document; and the general nature or description of the document and the number of pages of which it consists.

17. In the event that any documents or things that would have been responsive to these requests have been destroyed, discarded or lost, please identify each such document or thing, including: the nature of the document or thing; the author(s) and addressee(s) of any document; any indicated or blind copies of any document; the document's subject matter, number of pages and attachments or appendices; all persons

to whom the document was distributed or persons who have seen the thing; the date of destruction, discard or loss; and, if destroyed or discarded, the reasons therefore and the identity of the person(s) authorizing or carrying out any such destruction or discard.

Requests for Production

Request No. 1: Any and all documents identified in your responses to Defendant Gawker Media, LLC's First Set of Interrogatories to Plaintiff (the "Interrogatories") or consulted by you in connection with the preparation of your responses to the Interrogatories.

Request No. 2: Any and all documents in any manner related to the Gawker Defendants, or any of them.

Request No. 3: Any and all documents in any manner related to the Video.

Request No. 4: Any and all documents in any manner related to any communications you had about the Video.

Request No. 5: Any and all documents in any manner related to the Gawker Story.

Request No. 6: Any and all documents concerning any employment by you during the Relevant Time Period.

Request No. 7: Any and all documents concerning any Sexual Relations you had with any person not your then-wife during the years 2002 to 2006, inclusive.

Request No. 8: Any and all documents concerning any Sexual Relations you had with Heather Clem during the Relevant Time Period.

Request No. 9: Any and all documents concerning any communications about Sexual Relations between you and Heather Clem during the Relevant Time Period.

Request No. 10: Any and all documents concerning any communications with Todd Alan Clem about Sexual Relations during the Relevant Time Period.

Request No. 11: Any and all documents concerning any communications with Todd Alan Clem about Sexual Relations between you and Heather Clem during the Relevant Time Period.

Request No. 12: Any and all documents concerning any videotapes you have made of yourself engaged in Sexual Relations during the Relevant Time Period.

Request No. 13: Any and all documents concerning any videotapes made of you engaged in Sexual Relations during the Relevant Time Period.

Request No. 14: Any and all documents relating to the purported “commercial value” of your name, image, identity, and persona as referenced in paragraph 32 of the Complaint during the Relevant Time Period.

Request No. 15: Any and all documents concerning any contracts that you claim were canceled or not renewed as a result of alleged actions by the Gawker Defendants or any of them.

Request No. 16: Any and all documents concerning any commercial opportunities you claim were lost by you as a result of alleged actions by the Gawker Defendants or any of them.

Request No. 17: Any and all documents concerning the “market value” of your publicity rights as alleged in paragraph 82 of the Complaint.

Request No. 18: Any and all documents concerning your place of residence during the years 2002 to 2006, inclusive, including any temporary or part-time residences.

Request No. 19: Any and all documents concerning any contract or other agreement between you and a third party for which you received compensation during the Relevant Time Period.

Request No. 20: Any and all documents concerning your claim that you were set up in the Video, including without limitation as reported at <http://www.t TMZ.com/2012/03/07/hulk-hogan-sex-tape>.

Request No. 21: Any and all documents concerning your statement that “During that time, I don’t even remember people’s names, much less girls,” including without limitation as reported at <http://www.t TMZ.com/2012/03/07/hulk-hogan-sex-tape-partner-tmz-live/>.

Request No. 22: Any and all documents concerning the affair you had while married to Linda Hogan as recounted in your autobiography, *My Life Outside the Ring*.

Request No. 23: Any and all documents concerning any and all efforts by you to remove the Video or any portion thereof, from other sites on the Internet besides Gawker.com.

Request No. 24: Any and all documents relating to attempts by you to prevent dissemination or publication of the Video, or any portion thereof, in any form or media prior to the publication of the Gawker Story.

Request No. 25: Any and all documents concerning any public statements made by you about the Video.

Request No. 26: Any and all documents concerning any public statements made by you about the Gawker Story.

Request No. 27: Any and all documents concerning any damages you believe you have suffered as a result of the publication at www.gawker.com of excerpts of the Video and the Gawker Story.

Request No. 28: Any and all documents concerning any security system at the home of Heather and Todd Alan Clem, depicted in the Video, during the Relevant Time Period.

Request No. 29: Any and all documents concerning any emotional distress purportedly suffered by you arising from the alleged actions of the Gawker Defendants or any of them.

Request No. 30: Any and all documents concerning any medical providers or health care professionals you have seen from January 1, 2006 to the present.

Request No. 31: Any and all documents concerning the time and effort you have devoted to developing your career “as a professional champion wrestler, motion picture actor, and television personality” as alleged in the Complaint.

Request No. 32: Any and all documents concerning your reputation, goodwill, and brand as alleged in the Complaint.

Request No. 33: Any and all documents concerning your purported acquisition of the copyright to the Video.

Request No. 34: Any and all documents concerning the settlement of your claims against Todd Alan Clem, including any documents containing communications between you or your agents or attorneys and the agents or attorneys of Todd Alan Clem.

Request No. 35: Any and all documents published about you in any newspaper, magazine, book, or other hard-copy or electronically published publication during the Relevant Time Period.

Request No. 36: Any and all audio recordings, video recordings, transcripts, notes, or other documents that relate in any manner to the Video or the Gawker Story.

Request No. 37: Any and all documents related in any manner to any damages you claim to have suffered as the result of the alleged conduct of the Gawker Defendants or any of them.

Request No. 38: Any and all documents related in any manner to any special damages you claim to have suffered as the result of the alleged conduct of the Gawker Defendants or any of them.

Request No. 39: Any and all documents related in any manner to your claim in your Complaint that Gawker Defendants, or any of them, acted with “actual malice.”

Request No. 40: Your tax returns, state and federal, including all related schedules and attachments or similar forms reflecting the receipt of income and the payment of taxes, during the Relevant Time Period.

Request No. 41: Any and all documents concerning your financial condition during the Relevant Time Period including, but not limited to, financial statements, financial summaries, financial reports, and statements of financial condition.

Request No. 42: Any and all documents reflecting any testimony provided by you in connection with any judicial or administrative proceeding to which you were a party or witness.

Request No. 43: Any and all documents related to any criminal, civil or administrative proceeding to which you were a party, subject or target, including without limitation any divorce proceeding (including without limitation from Linda Hogan).

Request No. 44: Any loan or mortgage application signed by you during the Relevant Time Period.

Request No. 45: To the extent not produced in response to the foregoing requests, any and all documents that refer or relate in any manner to the privacy interests you claim were violated by the Gawker Defendants or any of them.

Request No. 46: To the extent not produced in response to the foregoing requests, any and all documents that relate in any manner to the conduct of Gawker Defendants that you have challenged in your Complaint.

Request No. 47: To the extent not produced in response to the foregoing requests, any and all documents that relate in any manner to the conduct of Heather Clem that you have challenged in your Complaint, including without limitation any documents relating to your claim that Heather Clem participated in creating the Video and your claim that Heather Clem was involved in disclosing the Video to the Gawker Defendants, or any of them.

Request No. 48: To the extent not produced in response to the foregoing requests, any and all documents that support, refute, contradict, or otherwise in any manner relate to the allegations in your Complaint.

Request No. 49: Any and all documents related to any person that you intend to or may call to testify as an expert witness at trial of this matter, including without limitation documents relating to the qualifications of such person, documents on

which such person will rely to formulate his or her expert opinion, and documents that embody any form of such person's expert opinion.

Request No. 50: To the extent not produced in response to the foregoing requests, any and all documents that you intend to or may rely upon during trial of this action, either as evidence or for purposes of impeachment, or for refreshing the recollection of a witness.

Respectfully submitted,

THOMAS & LOCICERO PL

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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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