

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

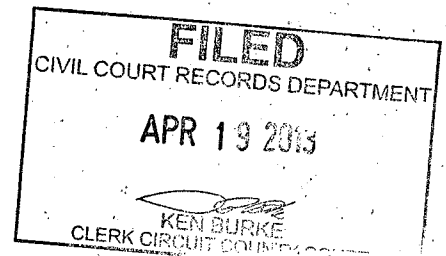
Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC
aka GAWKER MEDIA; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.



AFFIDAVIT OF CHARLES J. HARDER

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CHARLES J. HARDER, Esq. being duly sworn, deposes and says:

1. I am a resident of Los Angeles, California over the age of 18 years. I am an attorney duly licensed to practice before all courts of the State of California, among other courts. I am a partner at the law firm Harder Mirell & Abrams LLP, counsel (*pro hac vice* pending) for Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan ("Mr. Bollea" or "Plaintiff").

The statements made herein are based on my personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the webpage at the following URL address, as it existed on April 9, 2013 at 11:37 a.m.:
<http://gawker.com/5948770/even-for-a-minute-watching-hulk-hogan-have-sex-in-a-canopy-bed-is-not-safe-for-work-but-watch-it-anyway>. This page contains the "Sex Tape" described at Paragraph 6 of Plaintiff Terry Gene Bollea's Affidavit, filed concurrently herewith. Exhibit A indicates that this webpage had been viewed **4,188,339** times as of April 9, 2013 at 11:37 a.m.
3. Attached hereto as **Exhibit B** is a true and correct copy of the same webpage, as it existed on April 10, 2013 at 9:09 a.m. Exhibit B indicates that this webpage had been viewed **4,189,315** times as of April 10, 2013 at 9:09 a.m.
4. Attached hereto as **Exhibit C** is a true and correct copy of the same webpage, as it existed on April 11, 2013 at 9:32 a.m. Exhibit C indicates that this webpage had been viewed **4,190,325** times as of April 11, 2013 at 9:32 a.m.
5. Attached hereto as **Exhibit D** is a true and correct copy of the same webpage, as it existed on April 12, 2013 at 9:05 a.m. Exhibit D indicates that this webpage had been viewed **4,191,306** times as of April 12, 2013 at 9:05 a.m.
6. Attached hereto as **Exhibit E** is a true and correct copy of the same webpage, as it existed on April 13, 2013 at 9:38 a.m. Exhibit E indicates that this webpage had been viewed **4,192,072** times as of April 13, 2013 at 9:38 a.m.
7. Attached hereto as **Exhibit F** is a true and correct copy of the same webpage, as it existed on April 14, 2013 at 9:17 a.m. Exhibit F indicates that this webpage had been viewed **4,192,903** times as of April 14, 2013 at 9:17 a.m.

8. Attached hereto as **Exhibit G** is a true and correct copy of the same webpage, as it existed on April 15, 2013 at 10:30 a.m. Exhibit G indicates that this webpage had been viewed **4,193,758** times as of April 15, 2013 at 10:30 a.m.

9. The Gawker post containing the Sex Tape has been viewed more than **4,193,758** times since it was posted. In the week prior to the filing of these moving papers, the post has been viewed more than **5,400** times.

10. Attached hereto as **Exhibit H** is a true and correct copy of the webpage at the following URL address, as it existed on April 9, 2013 at 11:59 a.m.:
<http://gawker.com/5951868/the-purpose-of-gawker?popular=true&post=53533213>. This webpage contains a posting by Nick Denton entitled "The Purpose of Gawker," which is dated October 15, 2012. In this posting, Denton discusses how the posting of the Sex Tape at Gawker.com drove substantial traffic to the website, and concomitant advertising revenues. At the end of the article, Denton replies to a comment from one of the readers, stating that the Hulk Hogan sex tape story and video (along with another Gawker.com story that posted topless photographs of Kate Middleton taken while she was sunbathing at a private estate) "**pushed daily US audience over 1m [one million] – for the first time ever. . . . Those stories bring the site to new readers.**" Denton also discusses Gawker's ad revenue model regarding such provocative content, stating: "Gawker's sales and in-house creative teams do not simply land one-off banner campaigns wrapped in jargon and fads like other digital properties. . . . We aspire to real interactive advertising"

11. Attached hereto as **Exhibit I** is a true and correct copy of a webpage at the following URL address, as it existed on April 9, 2013 at 12:02 p.m.:
<http://www.businessinsider.com/gawker-switches-to-unique-numbers-recruits-new-users-2010-1>.

Attached hereto as **Exhibit J** is a true and correct copy of a webpage at the following URL address, as it existed on April 9, 2013 at 12:05 p.m.: <http://www.theawl.com/2010/01/gawker-media-moves-to-uniques-be-even-more-of-a-hustler-says-nick-denton>. Exhibits I and J contain articles, both dated January 5, 2010, which posted excerpts of a memo from Denton discussing a change in the way that Gawker will begin measuring its **writers' success** based upon the **number of unique views their stories obtain**. Moreover, Denton outright suggests that his editors may, for example, "decide to offer a bounty for a spy photo which would boost the site's uniques [unique views] that month."

12. Attached hereto as **Exhibit K** is a true and correct copy of a webpage at the following URL address, as it existed on April 9, 2013 at 12:34 p.m.: <http://meltaylormedia.com/gawker-media-dentons-revenue-strategy>. This page contains an article entitled "Gawker Media. Denton's Business Strategy" and a video interview of Denton discussing Gawker.com and his affiliated websites. According to this webpage, the interview was conducted at a Business Insider conference called IGNITION, and the person interviewing Denton was Henry Blodget, CEO of Business Insider. During the interview, Denton explains that his websites' shocking stories "bring in lots of people, and it's the most cost effective marketing you can possibly do." Denton also states that there is a lot of growth potential for Gawker Media and that they can "capture that growth by doing these shocking stories." These comments can be found at approximately 13 minutes and 20 seconds into the video.

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13. Later in the interview, Denton discusses Gawker Media's practice of paying money for information. As Denton explains, "I love paying for information . . . because it's a great investment." By way of example, Denton discusses an article posted on Gawker Media's website Deadspin.com involving a picture of former-NFL quarterback Brett Favre's private parts. Denton estimates that Gawker Media paid approximately "\$12,000" for the content and Denton described it as "an incredible investment," and that the resulting web traffic "probably added millions of dollars to the value of deadspin, and you don't usually see returns like that." These comments can be found at approximately 19 minutes and 30 seconds into the video.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed this 15th day of April, 2013.



CHARLES J. HARDER

~~Sworn to and subscribed before me this ___ day of _____, 2013 by _____ who is personally known to me or _____ who has produced _____ (type of I.D.) as identification (check one).~~

See attached California jurat.

(Signature)

(Type or Print Name)

Notary Public

My Commission Expires:

Commission No.:

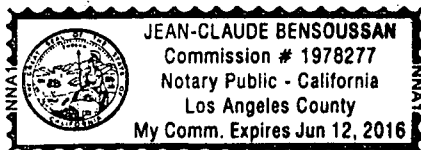
JURAT

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 15th day of April, 2013, by Charles J. Hander, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)



Signature

Jugentou

----- **OPTIONAL** -----

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Title or Type of Document: Affidavit of Charles Hander

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer – Title(s): _____
- Partner – Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

