

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.

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**PLAINTIFF’S REQUESTS FOR ADMISSION  
TO DEFENDANT GAWKER MEDIA, LLC**

Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan (“PLAINTIFF”), by counsel and pursuant to Florida Rule of Civil Procedure 1.370, requests Defendant Gawker Media (“GAWKER”) to admit the truth of the following matters of fact within 30 days from the certificate of service.

**I. INSTRUCTIONS and DEFINITIONS**

A. In answering these requests for admission, you are to respond truthfully and in good faith on the basis of all information that is presently available to you, regardless of whether such information was obtained directly by you, by your attorneys, their agents, employees or investigators.

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B. If good faith requires that you deny only a portion of any matter as to which an admission is requested, or that you qualify your response to any given request for admission, specify and admit so much of the request as is true and deny or qualify only that portion of the request as to which good faith requires a denial or qualification.

C. Each request shall be answered fully unless it is in good faith objected to, in which event the reasons for your objection shall be stated in detail. If an objection pertains to only a portion of a request, or a word, phrase, or clause contained within it, you are required to state your objection to that portion only and to respond to the remainder of the request, using your best efforts to do so. Your response hereto is to be signed and verified by the person making it, and the objections signed by the attorney making them.

D. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state in writing that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

E. Should you discover that any response to the requests for admission propounded herein was incorrect when made, you shall upon such discovery or determination amend such response.

F. “YOU” or “YOUR” or “GAWKER” means Defendant Gawker Media, LLC and its parent company, subsidiaries, affiliated companies, and all of their members, shareholders, managers, executives, officers, board members, employees, agents, representatives, attorneys, and all other PERSONS acting on any of their respective behalves.

G. “GAWKER.COM” means the website located at [www.gawker.com](http://www.gawker.com), as well as any agents, attorneys, and consultants therefor, and all other persons acting or purporting to act on its behalf.

H. “PLAINTIFF” means Plaintiff Terry Gene Bollea (professionally known as Hulk Hogan), as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

I. “HEATHER CLEM” means Defendant Heather Clem aka Heather Cole, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on her behalf.

J. “BUBBA CLEM” means Bubba the Love Sponge Clem aka Todd Alan Clem, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

K. “PERSON” means any individual, firm, partnership, association, proprietorship, joint venture, corporation, governmental agency, or other organization or legal or business entity, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on its behalf.

L. “WEBPAGE” means the webpage located at <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>.

M. “VIDEO” refers to the full-length video of PLAINTIFF engaged in sexual activity with HEATHER CLEM, all excerpts therefrom, and all edited iterations thereof.

N. “SEX TAPE” means the 101 second long video posted at the WEBPAGE.

O. In the event any request herein calls for information or for the identification of a document which you deem to be privileged, in whole or in part, the information should be given or the document identified to the fullest extent possible consistent with such claim of privilege,

and you should state the nature of the privilege claimed and specify the grounds relied upon for the claim of privilege.

P. A separate answer shall be furnished for each request.

## **II. REQUESTS FOR ADMISSION**

1. At the time YOU posted the SEX TAPE, YOU were aware of no facts that established that PLAINTIFF knew he was being recorded at the time of the recording.

2. At the time YOU posted the SEX TAPE, YOU were aware of no facts that established that PLAINTIFF consented to being recorded prior to or at the time of the recording of the VIDEO.

3. YOU took no steps to confirm that PLAINTIFF ever consented to the recording of the VIDEO before posting the SEX TAPE to the WEBPAGE.

4. YOU are aware of no facts that establish that PLAINTIFF has ever consented to the recording of the VIDEO.

5. YOU took no steps to confirm that PLAINTIFF had consented to the public dissemination of the VIDEO before posting the SEX TAPE to the WEBPAGE.

6. YOU are aware of no facts that establish that PLAINTIFF has ever consented to the public dissemination of the VIDEO.

7. YOU posted the WEBPAGE without first obtaining PLAINTIFF'S consent to publish the SEX TAPE.

8. YOU posted the WEBPAGE without first obtaining HEATHER CLEM'S consent to publish the SEX TAPE.

9. YOU posted the WEBPAGE without first obtaining BUBBA CLEM'S consent to publish the SEX TAPE.
10. PLAINTIFF never communicated to YOU any consent to publish the SEX TAPE.
11. HEATHER CLEM never communicated to YOU any consent to publish the SEX TAPE.
12. BUBBA CLEM never communicated to YOU any consent to publish the SEX TAPE.
13. At the time YOU posted the SEX TAPE, YOU were not aware of any other media outlet that had posted the full-length VIDEO, or any excerpts therefrom, or the SEX TAPE.
14. At the time YOU posted the SEX TAPE, YOU knew that publishing the SEX TAPE was likely to result in emotional distress to PLAINTIFF.
15. The WEBPAGE generated the second-most page views of any GAWKER.COM story in 2012.
16. The WEBPAGE generated the second-most page views of any GAWKER.COM story from the inception of GAWKER.COM through the present.
17. YOU received revenue, earnings, income, profit, pay, remuneration, or other monies because of the publication of the WEBPAGE.
18. YOU received revenue, earnings, income, profit, pay, remuneration, or other monies because of the publication of the SEX TAPE.
19. Some individuals whose first visit to GAWKER.COM was to the WEBPAGE returned to GAWKER.COM to visit other content thereat.
20. Web traffic, including clicks, hits, visitors and/or page views, to GAWKER.COM increased following YOUR posting of the SEX TAPE.
21. Web traffic, including clicks, hits, visitors and/or page views, to GAWKER MEDIA increased following YOUR posting of the SEX TAPE.

22. YOU paid consideration, a fee, remuneration, or other form of payment in exchange for the VIDEO.

DATED: May 21, 2013

/s/ Christina Ramirez  
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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail this 21st day of May, 2013 to the following:

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