

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.

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**DEFENDANT GAWKER MEDIA, LLC'S  
SECOND REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO DEFENDANT HEATHER CLEM**

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, defendant Gawker Media, LLC, ("Gawker") by its undersigned counsel, hereby requests that defendant Heather Clem 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 defendant Heather Clem ("Mrs. Clem"), and any agents, attorneys, or other persons or entities acting for or on behalf of her or in concert with her. 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.

2. "Plaintiff" means Plaintiff Terry Gene Bollea (professionally known as Hulk Hogan), as well as any agents, attorneys and consultants acting on his behalf.

3. "Mr. Clem" means your former husband, Todd Alan Clem.

4. "Recording" shall mean any audio and/or visual recording in any medium.

5. "Sex Video" means any video or audio footage created during the period in which Mrs. Clem was married to Todd Alan Clem ("Mr. Clem") that depicts Mrs. Clem having sexual relations with someone other than Mr. Clem, or Mr. Clem having sexual relations with a person or persons other than Mrs. Clem. For the avoidance of doubt, "Sex Video" includes any video and/or audio footage depicting Mrs. Clem having sexual relations with Plaintiff Terry Gene Bollea (professionally known as "Hulk Hogan") ("Mr. Bollea") including the Bollea Video as that term is defined below.

6. The "Bollea Video" means the Sex Video that is at issue in this lawsuit and the subject of the Gawker Story as that term is defined below and excerpts of which were posted on [www.gawker.com](http://www.gawker.com) to accompany the Gawker Story.

7. "Gawker" means Defendant Gawker Media, LLC.

8. 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](http://www.gawker.com) on or about October 4, 2012.

9. "Sexual Relations" means sexual intercourse, anal intercourse, fellatio, or cunnilingus.

10. The words "and" and "or" also have the meaning "and/or."

11. The terms "all" and "any" shall be considered to include "each" and every." Use of any of these terms incorporates them all.

12. The term "person" means all individuals and entities.

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

14. 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.

15. “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.

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

17. 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.

18. 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.

19. 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.

20. 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.

21. 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 in any manner related to the Gawker Story and/or the excerpts of the Bollea Video accompanying the Gawker Story.

**Request No. 2:** Any and all documents in any manner related to any communications you had about the Gawker Story and/or the excerpts of the Bollea Video accompanying the Gawker Story.

**Request No. 3:** Any and all documents in any manner related to any communications with Mr. Bollea during the Relevant Time Period.

**Request No. 4:** Any and all documents concerning the ownership of any Sex Video, including, but not limited to, the Bollea Video.

**Request No. 5:** Any and all documents related to any steps taken to maintain the confidentiality of any Sex Video, including, but not limited to, the Bollea Video.

**Request No. 6:** Any and all documents concerning the dissemination, transmission, distribution, publication, sale and/or offering for sale of any Sex Video, including, but not limited to, the Bollea Video.

**Request No. 7:** Any and all documents concerning the storage or disposal of any Sex Video, including, but not limited to, the Bollea Video.

**Request No. 8:** Any and all documents concerning any public statements made by you about the Bollea Video, including without limitation any statements made through any social media accounts (e.g., twitter or Facebook), even if such accounts have since been closed or deleted.

**Request No. 9:** Any and all documents concerning any public statements made by you about the Gawker Story and/or the excerpts of the Bollea Video accompanying the Gawker Story, including without limitation any statements made through any social media accounts (e.g., twitter or Facebook), even if such accounts have since been closed or deleted.

Respectfully submitted,

THOMAS & LOCICERO PL

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of August 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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