

**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. 12012447 CI-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.

_____ /

**SECOND AMENDED NOTICE OF TAKING VIDEO DEPOSITION
OF CORPORATE REPRESENTATIVE OF GAWKER MEDIA, LLC**

TO:

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Pursuant to Rule 1.310(b) (6), Florida Rules of Civil Procedure, Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan (“Bollea”), will take the deposition by oral

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examination of the person or persons designated by Gawker Media, LLC at the following date, time and location:

Deponent: Corporate Representative of Gawker Media, LLC

Date and Time: Tuesday, October 1, 2013, 10:00 a.m.

Location: Esquire Solutions, 1384 Broadway, 19th Floor
New York, NY 10018
(212) 687-8010

upon oral examination before a member of Esquire Solutions, Official Court Reporters, and/or some other officer duly authorized by law to take depositions.

Pursuant to Rule 1.310(b)(6), Florida Rules of Civil Procedure, the Plaintiff shall designate one or more of its officers, directors or managing agents or other persons to give testimony regarding the issues specified in Schedule "A" attached hereto. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

The deposition shall continue from day to day until completed. The deposition may be recorded by video and/or using instant visual display of the testimony (*e.g.*, Live Note), as well as stenographically.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: September 26, 2013

/s/ Christina Ramirez
Charles J. Harder, Esq.
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-and-

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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 17th day of September, 2013 to the following:

Barry A. Cohen, Esquire
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Gawker Defendants

Charles J. Harder, Esquire
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Co-counsel for Plaintiff

/s/ Christina Ramirez
Attorney

**SCHEDULE “A”
TOPICS OF EXAMINATION**

1. All facts relating to the video recording of the sexual activity between Plaintiff and Heather Clem (herein, the “Sex Video”) by Gawker Media, LLC and/or its affiliated companies (collectively herein, “Gawker”).
2. The consideration paid for the Sex Video by Gawker.
3. The identity of persons and/or entities that provided the Sex Video to Gawker.
4. The date that Gawker acquired the Sex Video.
5. The date that Gawker was first made aware of the existence of the Sex Video.
6. Any and all communications between Gawker and the persons and/or entities that provided the Sex Video.
7. Any and all communications between Gawker and all persons and entities relating to the Sex Video.
8. The identity of any persons or entities who informed Gawker of the existence of the Sex Video.
9. The identity of the persons or entities who caused, assisted in and/or purportedly authorized the recording of the Sex Video.
10. The efforts, or lack of efforts, by Gawker to determine whether the Sex Video had been legally recorded.
11. The determination by Gawker as to whether Gawker had the right to publish portions of the Sex Video, and the factors considered by Gawker in making any such determination.
12. The efforts, or lack of efforts, by Gawker to determine whether Plaintiff had consented to the recording of the Sex Video.

13. The efforts, or lack of efforts, by Gawker to determine whether Heather Clem had consented to the recording of the Sex Video.
14. All facts relating to the editing of the Sex Video.
15. All facts relating to the creation of subtitles for the Sex Video.
16. All facts relating to the drafting, editing and publishing of the narrative at Gawker.com entitled “Even for a Minute, Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe For Work but Watch it Anyway” published on or about October 4, 2012, and all versions thereof (collectively, the “Sex Narrative”).
17. All facts relating to the content of the Sex Narrative.
18. The standards, policies and practices of Gawker with respect to the posting of material, including intellectual property clearances, right of privacy, right of publicity, defamation, consent by the subjects, and/or journalistic ethics issues.
19. The identity of persons at Gawker with the authority to decide whether to publish, or who are regularly and customarily consulted prior to publishing, material that may infringe on intellectual property rights, the right of privacy, or the right of publicity, or which may be defamatory.
20. The standards, policies, and practices of Gawker with respect to the editing, blocking, sanitizing or censoring of material that may infringe on intellectual property rights, the right of privacy, or the right of publicity, or which may be defamatory.
21. The standards, policies, and practices of Gawker with respect to what constitutes newsworthy material that is appropriate for publication.
22. The identity of persons at Gawker who wrote, contributed to, edited, fact-checked, or approved the publication of the excerpts of the Sex Video.

23. The process by which the excerpts of the Sex Video were approved for publication.
24. The efforts, or lack of efforts, by Gawker to determine the authenticity of the Sex Video.
25. The efforts, or lack of efforts, by Gawker to determine the identity of the subjects of the Sex Video.
26. The facts supporting Gawker's contention that the Sex Video, and/or the excerpts of it published at Gawker.com, were or are matters of legitimate public concern.
27. Any process by which Gawker determined that the Sex Video, and/or the excerpts of it published at Gawker.com, were matters of legitimate public concern.
28. The facts supporting Gawker's contention that it made a good faith and reasonable determination that its publication of the excerpts of the Sex Video and accompanying Sex Narrative were legally permissible and/or constitutionally protected.
29. The process by which the excerpts of the Sex Video were selected, including any video excerpts that were not ultimately published.
30. The identity of the persons who selected the excerpts of the Sex Video for publication or who edited such video excerpts prior to publication.
31. The process by which a determination was made not to block, blur or obscure explicit content in the published excerpts of the Sex Video.
32. The identity of the persons who made the determination not to block, blur or obscure explicit content in the published excerpts of the Sex Video.
33. The process by which the headline "Even for a Minute, Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe for Work but Watch it Anyway" was selected, including any other iterations of that headline, any other headlines proposed, and any reasons why that headline was chosen.

34. The identity of the persons involved in the drafting, editing, or selection of the headline
“Even for a Minute, Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe for Work but Watch it Anyway.”
35. The amount of website traffic, including clicks, hits, visitors and/or page views at 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> from October 4, 2012 to the present.
36. The revenues associated with the website traffic, including clicks, hits, visitors and/or page views, at 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> from October 4, 2012 to the present.
37. The manner in which advertising revenues were and are calculated or determined at Gawker.com during the period of January 1, 2010 to the present.
38. The manner in which advertising revenues were and are calculated or determined at all Gawker affiliated websites, including without limitation Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku and Lifehacker, during the period of January 1, 2010 to the present.
39. All advertising revenues, on a monthly basis, received by Gawker.com during the period of January 1, 2010 to the present.
40. All revenues and benefits received by Gawker as a result of or in connection with the posting of the portions of the Sex Video at Gawker.com on or about October 4, 2012.

41. All advertising revenues, on a monthly basis, received by all other Gawker affiliated websites, including without limitation Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku and Lifehacker, during the period of January 1, 2010 to the present.
42. All communications between Gawker and its advertisers or potential advertisers regarding Plaintiff from January 1, 2012 to the present.
43. All communications between Gawker and its advertisers or potential advertisers regarding the Sex Video and/or Sex Narrative.
44. All communications between Gawker and its advertisers or potential advertisers regarding the lawsuits arising out of the facts of this litigation, including the action currently pending before the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, Case Number 12012477CI-011, all related appeals, the lawsuits that were pending in the United States District Court, Middle District of Florida, Tampa Division, Case Numbers 8:12-cv-02348-JDW-TBM, and the related appeal to the United States Court of Appeals for the Eleventh Circuit, Case Number 12-15959-C (collectively, the “Lawsuits”).
45. All communications that refer or relate to the facts underlying the claims and defenses in the Lawsuits.
46. The existence of and location of all documents that refer or relate to the facts underlying the claims and defenses in the Lawsuits.
47. The identity of all persons with personal knowledge of the facts underlying the claims and defenses in the Lawsuits.
48. The existence of and location of all documents that refer or relate to the facts underlying or relating to each of the above-stated subject areas.

49. The identity of all persons with personal knowledge of the facts underlying or relating to each of the above-stated subject areas.
50. The ownership, relationships, organizational charts, lines of business, corporate purposes, management, places of incorporation, principal places of business, and activities of Gawker Media, LLC and its affiliated, parent, subsidiary, and/or related companies.
51. The record-keeping, document retention, and document preservation policies of Gawker Media, LLC and its affiliated companies, both in general and with respect to the Lawsuits.