

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.

**PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT A. J. DAULERIO**

Pursuant to Florida Rules of Civil Procedure 1.350, Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan ("PLAINTIFF") hereby requests that Defendant A. J. Daulerio produce for inspection and copying each of the documents or categories of documents described hereafter numbered 85 at the law offices of Bajo Cuva Cohen & Turkel, P.A., 100 North Tampa Street, Suite 1900, Tampa, Florida 33602 within thirty days from the certificate of service.

Definitions and Instructions

As used in this Request for Production of Documents:

1. "YOU" or "YOUR" or "DAULERIO" means Defendant A. J. DAULERIO and

all other PERSONS acting on his behalf.

2. “BENNERT” means Kate Bennert, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on her behalf.

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

4. “COMMUNICATION(S)” means any correspondence, contact, discussion, or exchange between any two or more PERSONS. Without limiting the foregoing, “COMMUNICATION(S)” includes all DOCUMENTS (as defined below), telephone conversations or face to face conversations, meetings and conferences.

5. “DENTON” means Defendant Nick Denton, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

6. “DOCUMENT(S)” means 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.

7. “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 behalf of any and all such PERSONS.

8. “GAWKER WEBSITES” means all websites owned or controlled by GAWKER, including GAWKER.COM, DEADSPIN.COM, GIZMODO.COM, IO9.COM, JALOPNIK.COM, JEZEBEL.COM, KOTAKU.COM, LIFEHACKER.COM, and any of their respective sub-sites.

a. “GAWKER.COM” means the website located at www.gawker.com.

b. “DEADSPIN.COM” means the website located at www.deadspin.com.

c. “GIZMODO.COM” means the website located at www.gizmodo.com.

d. “IO9.COM” means the website located at www.io9.com.

e. “JALOPNIK.COM” means the website located at www.jalopnik.com.

f. “JEZEBEL.COM” means the website located at www.jezebel.com.

g. “KOTAKU.COM” means the website located at www.kotaku.com.

h. “LIFEHACKER.COM” means the website located at www.lifehacker.com.

9. “HEATHER CLEM” means Defendant Heather Clem, the ex-wife of BUBBA CLEM (also known as Heather Cole), as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on her behalf.

10. “LAWSUIT” means the action currently pending before the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, Case Number 12012447CI-011.

11. “PLAINTIFF” means Plaintiff Terry Gene Bollea, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

12. “PERSON” means any natural person, 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.

13. “POSTED NARRATIVE” means the story written by A.J. DAULERIO accompanying the “POSTED SEX VIDEO” available 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>.

14. “POSTED SEX VIDEO” means the one minute forty-one second long video available 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>.

15. “REFER TO” or “RELATE TO” means concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, delegating from, tending not to establish, evidencing, not evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. “SEX VIDEO” refers to any and all video footage of PLAINTIFF engaged in sexual activity with HEATHER CLEM, all excerpts therefrom, and all edited iterations thereof, including the POSTED SEX VIDEO.

17. “WEBPAGE” shall mean 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>, which contains the “POSTED SEX VIDEO” and “POSTED NARRATIVE” defined above.

18. 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.

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

REQUESTS FOR PRODUCTION OF DOCUMENTS

85. All DOCUMENTS, including COMMUNICATIONS, that REFER OR RELATE TO the posting on DEADSPIN.COM entitled “Bathroom Sex Pandemic Reaches The Damp Floor Of Indiana Sports Bar,” and which was later changed to “Bathroom Sex Pandemic Reaches The Damp Floor Of Indiana Sports Bar (UPDATE).”

DATED: May 23, 2014

/s/ Charles J. Harder
Charles J. Harder, Esq.
PHV No. 102333
HARDER MIRELL & ABRAMS LLP
1801 Avenue of the Stars, Suite 1120
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601
Email: charder@hmafirm.com

-and-

Kenneth G. Turkel, Esq.
Florida Bar No. 867233
Christina K. Ramirez, Esq.
Florida Bar No. 954497
BAJO CUVA COHEN & TURKEL, P.A.
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: cramirez@bajocuva.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 23rd day of May, 2014 to the following:

Barry A. Cohen, Esquire
Michael W. Gaines, Esquire
Barry Cohen, Esquire
Michael W. Gaines, Esquire
The Cohen Law Group
201 E. Kennedy Blvd., Suite 1000
Tampa, Florida 33602
bcohen@tampalawfirm.com
mgaines@tampalawfirm.com
jrosario@tampalawfirm.com
Counsel for Heather Clem

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501
dhouston@houstonatlaw.com

Julie B. Ehrlich, Esquire
Levine Sullivan Koch & Schultz, LLP
321 West 44th Street, Suite 1000
New York, NY 10036
jehlich@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com
psafier@lskslaw.com
asmith@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel
Attorney