

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 TERRY GENE BOLLEA’S STATEMENT RE: GAWKER MEDIA LLC’S
MOTION TO COMPEL FURTHER RESPONSES TO DISCOVERY DIRECTED
AT DEFENDANT HEATHER CLEM**

I. INTRODUCTION

Terry Gene Bollea files this statement regarding the motion of Gawker Media LLC seeking an order compelling its co-defendant, Heather Clem, to respond to discovery. Some of the discovery sought by Gawker Media LLC implicates the constitutional privacy rights of Bollea. Bollea timely moved for a protective order restricting the scope of discovery in this action, and objects to that portion of Gawker Media LLC’s discovery requests that implicates Bollea’s privacy rights. On that basis, Bollea urges that Gawker Media’s motion to compel discovery directed to Heather Clem be denied in part.

II. ARGUMENT

Bollea has moved for a protective order with respect to discovery of his private sex life.

ELECTRONICALLY FILED 10/24/2013 2:15:13 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY

Some of Gawker’s discovery requests from its First Set of Document Demands seek information that would fall within the scope of such a protective order:

Document Demand 2—all documents that relate to Bollea.

Document Demand 6—all documents that relate to any recordings of Heather Clem having sex with Bollea (i.e., not just the Sex Tape published by Gawker Media).

Document Demand 7—all documents that relate to any sex video.

Document Demand 9—all communications between Heather Clem that relate to any sex videos involving Bollea.

Document Demand 22—all documents relating to sexual relations between Bollea and Heather Clem.

Document Demand 23—all communications between Heather Clem and anyone else relating to sexual relations between Heather Clem and Bollea.

Document Demand 26—all recordings of sexual relations between Heather Clem and Bollea (not just the Sex Tape Gawker Media published).

These document demands would be barred by the protective order that Bollea has asked this Court to enter. They seek documents relating to sexual encounters involving Bollea **other** than the one that was recorded in the Sex Tape and published by Gawker Media. Bollea’s private sex life, including any other encounters he may or may not have had with Heather Clem, are not relevant to this case.

Accordingly, Gawker Media’s motion to compel should be denied with respect to Document Demands 2, 6, 7, 9, 22, 23, and 26 of Heather Clem’s First Set of Document Demands.

DATED: October 24, 2013

/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 via email this 24th day of October, 2013 to the following:

Barry A. Cohen, Esquire
Michael W. Gaines, Esquire
bcohen@tampalawfirm.com
mgaines@tampalawfirm.com
Counsel for Heather Clem

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Alia L. Smith, Esquire
Paul J. Safier, Esquire
sberlin@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com
Pro Hac Vice Counsel for
Gawker Defendants

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501

/s/Kenneth G. Turkel
Attorney