

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
COMBINED MOTION TO COMPEL AND OPPOSITION TO PROTECTIVE ORDER
RE: SUBPOENA DIRECTED AT NON-PARTY TODD CLEM**

I. INTRODUCTION

Plaintiff Terry Gene Bollea files this statement regarding the motion of Gawker Media LLC seeking an order compelling non-party Todd “Bubba the Love Sponge” Clem, to make a further response to Gawker Media’s subpoena and opposing Mr. Clem’s motion for a protective order. 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 subpoena that implicates Bollea’s privacy rights. On that basis, Bollea urges that Gawker Media’s motion to compel a further response from Mr. Clem be denied in part.

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II. ARGUMENT

Bollea has moved for a protective order with respect to discovery of his private sex life. Some of Gawker's discovery requests from its subpoena directed to Mr. Clem seek information that would fall within the scope of such a protective order:

Demand Number 3: all documents which relate to any sex video other than the Sex Tape published by Gawker Media (this could potentially include other private sexual encounters involving Bollea, which are not relevant to this litigation).

Demand Number 4: all documents which relate to communications regarding any sex video other than the Sex Tape published by Gawker Media.

Demand Number 5: all documents which relate to any communications between Bollea and Mr. Clem between January and October 2012.

Second Demand Number 7¹: all documents which relate to any sexual relations (not just the encounter depicted on the Sex Tape published by Gawker Media) between Bollea and Heather Clem.

Demand Number 14: copies of **any** video that shows Bollea having sexual relations, not just the Sex Tape published by Gawker Media.

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.

¹ Gawker Media inadvertently included two document demands numbered "7" in its subpoena.

Accordingly, Gawker Media's motion to compel should be denied with respect to Demands 3-5, the Second Demand 7, and Demand 14 of Gawker Media's subpoena directed to Todd Clem.²

DATED: October 24, 2013

/s/Charles J. Harder

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² Bollea also notes that Gawker Media is purporting to move to compel Todd Clem, a non-party to this action, to open his home for inspection. Bollea is aware of **no** authority that allows this Court to enter such an order against a non-party, and Gawker Media has cited none. It is obviously Mr. Clem's prerogative to make any objections necessary to protect his own privacy rights (as he has already done), but this request is illustrative of Gawker Media's disregard of privacy rights in this litigation, and otherwise.

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:

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