

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.

_____ /

**DEFENDANT GAWKER MEDIA’S RESPONSES
TO PLAINTIFF’S SECOND REQUEST FOR ADMISSIONS**

Pursuant to Florida Rule of Civil Procedure 1.370, and without conceding that any matters admitted are relevant or material, Defendant Gawker Media, LLC (“Gawker”) hereby provides these responses to Plaintiff’s Second Request for Admissions dated November 1, 2013.

DEFINITIONS

1. The “Video” means the video and audio footage depicting Mr. Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.
2. 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 on or about October 4, 2012.
3. The “Excerpts” means the video file that was posted in connection with the Gawker Story, consisting of 101 seconds of footage excerpted from the Video.

ELECTRONICALLY FILED 12/20/2013 3:29:46 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY

RESPONSES

REQUEST NO. 23: At the time YOU posted the SEX TAPE, YOU had the technological capability to blur the recording so that PLAINTIFF’S genitals were not visible.

RESPONSE: Gawker objects to Plaintiff’s attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Gawker further objects to this Request to the extent that it assumes that blurring fleeting images in the Excerpts would have made a material difference given the low quality of the surveillance camera footage that comprised the Video. Subject to the foregoing objections, Gawker responds to this Request as follows: Admit.

REQUEST NO. 24: At the time YOU posted the SEX TAPE, YOU had the technological capability to pixelate the recording so that PLAINTIFF’S genitals were not visible.

RESPONSE: Gawker objects to Plaintiff’s attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Gawker further objects to this Request to the extent that it assumes that pixelating fleeting images in the Excerpts would have made a material difference given the low quality of the surveillance camera footage that comprised the Video. Subject to the foregoing objections, Gawker responds to this Request as follows: Admit.

Dated: December 20, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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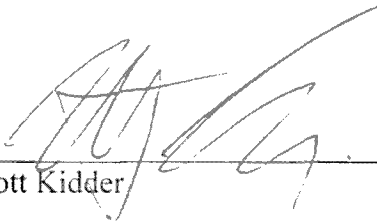
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Counsel for Defendant

Gawker Media, LLC

VERIFICATION

I, Scott Kidder, am the Vice President of Operations at Gawker Media, LLC (“Gawker”). I am authorized to submit this verification on Gawker’s behalf in connection with Defendant Gawker Media, LLC’s Responses to Plaintiff’s Second Request for Admissions. I have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my knowledge, information, and belief.

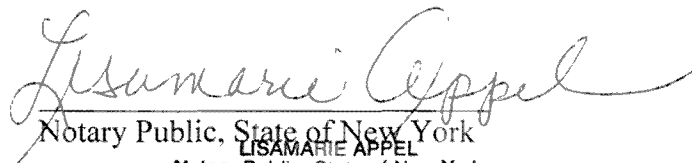


Scott Kidder

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of Scott Kidder was SWORN TO AND SUBSCRIBED before me this 20th day of December, 2013.



Notary Public, State of New York
LISAMARIE APPEL
Notary Public, State of New York
No. 01AP4869703
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires Sept. 2, 2014

(Print, type, or stamp Commissioned
name of Notary Public)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December, 2013, I caused a true and correct copy of the foregoing to be served electronically upon the following counsel of record at their respective email addresses via the Florida Courts E-Filing Portal:

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