

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.

_____ /

AFFIDAVIT OF HEATHER L. DIETRICK, ESQ.

I, Heather L. Dietrick, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge.

1. The statements made in this Affidavit are based on my personal knowledge.

Gawker’s Legal Department

2. I have been Counsel for Gawker Media, LLC (“Gawker”) since June 2012. Effective January 1, 2014, my title will change to “General Counsel.” I am responsible for the day-to-day operation of the company’s legal affairs, including its litigation. Prior to serving as Counsel for Gawker, I worked in the legal department of The Hearst Corporation, served as a law clerk to a federal district judge in New York, and was a litigation associate in two New York law firms.

3. In addition to myself, there are currently two junior lawyers assisting me in the legal department, Jesse Ma and Jamie Melendez. Mr. Ma, however, is leaving the company on December 31, 2013, and Ms. Melendez just started with the company in mid-November. Thus, for all intents and purposes, Gawker’s legal department is comprised of myself and one junior lawyer.

ELECTRONICALLY FILED 12/20/2013 3:26:01 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY

Gawker's Search for Records

4. In response to the Court's ruling at the November 25, 2013 hearing, directing Gawker to produce communications related to "cease and desist" letters it has received alleging intellectual property violations, I re-examined Gawker's files to begin the process of identifying and collecting responsive documents.

5. I found that, since October 2009, Gawker has received a significant number of "cease and desist" letters, and, accordingly, has a substantial amount of internal communications concerning those letters, even though the overwhelming majority of them led to no further action on the part of the sender. Given my experience, and my understanding of the experience of other media companies, this is not unusual. In Gawker's case, it publishes about 8,000 posts per month, so receiving a significant number of communications requesting that Gawker alter, revise or remove certain content is not surprising.

6. In addition, the documents related to "cease and desist" communications are not centrally located. They reside in email accounts belonging to a number of different individuals, and there is no single paper file in which the correspondence is collected.

7. To collect and review all the "cease and desist" letters, as well as the related internal communications, and to address privilege issues in connection with their production, would impose a substantial burden on Ms. Melendez and me. I estimate that it would take at least several days of my time, plus several days of Ms. Melendez's time (and likely more), to accomplish this task, diverting our attention from managing the company's legal affairs. Moreover, in order to adequately search for responsive electronic documents, we would need to re-engage Integreon, our litigation support vendor. I know from our earlier document collection efforts in this case that using outside support, though effective, is costly, time-consuming, and

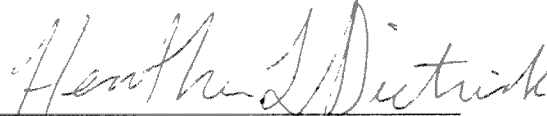
disruptive to Gawker's operations. In combination, Gawker's efforts to produce documents in response to this request (which is just one of more than 100 document requests plaintiff has served on Gawker) will substantially interfere with Gawker's operations – both generally and for its legal staff – and subject us to an unreasonable burden.

Plaintiff's Counsel's Other Claims Against Gawker

8. Finally, I have real concerns that plaintiff is not seeking the documents for any proper use in this litigation. His counsel, Charles Harder, regularly represents celebrities about whom Gawker reports. Since asserting claims on behalf of Mr. Bollea, Mr. Harder has sent Gawker "cease and desist" letters on behalf of two *other* clients, one of which asserted a copyright claim. Neither of these two letters, like the overwhelming majority of the "cease and desist" communications received by Gawker, has led to litigation.

9. Obviously, Gawker strenuously objects to providing information to an opposing party about unrelated and untested allegations of misconduct when it appears that such information is being gathered to use in connection with potential future claims.

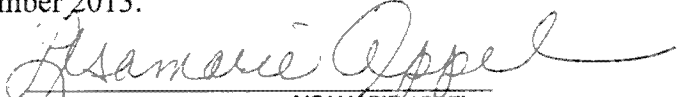
Executed this 20th day of December 2013.


Heather L. Dietrick

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Affidavit of Heather L. Dietrick, Esq. was SWORN TO AND SUBSCRIBED before more 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)