

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 A.J. DAULERIO'S RESPONSES
TO PLAINTIFF'S REQUEST FOR ADMISSIONS**

Pursuant to Florida Rule of Civil Procedure 1.370, and without conceding that any matters admitted are relevant or material, Defendant A.J. Daulerio ("Daulerio") hereby provides these responses to Plaintiff's First Request for Admissions dated November 1, 2013.

RESPONSES

REQUEST NO. 1: At the time the WEBPAGE was published, YOU were aware of no facts that established that PLAINTIFF knew he was being recorded at the time of the recording.

RESPONSE: Admit.

REQUEST NO. 2: At the time the WEBPAGE and SEX TAPE were published, YOU were aware of no facts that established that PLAINTIFF consented to being recorded prior to or at the time of the recording of the VIDEO.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since

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the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:

Admit.

REQUEST NO. 3: YOU took no steps to confirm that PLAINTIFF ever consented to the recording of the VIDEO before posting the WEBPAGE and SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:

Admit.

REQUEST NO. 4: YOU are aware of no facts that establish that PLAINTIFF has ever consented to the recording of the VIDEO.

RESPONSE: Deny.

REQUEST NO. 5: YOU took no steps to confirm that PLAINTIFF had consented to the public dissemination of the VIDEO, or any portion thereof, before posting the WEBPAGE and SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds

of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 6: YOU are aware of no facts that establish that PLAINTIFF has ever consented to the public dissemination of the VIDEO, or any portion thereof.

RESPONSE: Deny.

REQUEST NO. 7: YOU posted the WEBPAGE and SEX TAPE without first obtaining PLAINTIFF’S consent to publish the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker’s Responses to Plaintiff’s First Set of Interrogatories) as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 8: YOU posted the WEBPAGE and SEX TAPE without first obtaining HEATHER CLEM’S consent to publish the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker’s Responses to Plaintiff’s First Set of Interrogatories) as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 9: YOU posted the WEBPAGE and SEX TAPE without first obtaining BUBBA CLEM’S consent to publish the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker’s Responses to Plaintiff’s First Set of Interrogatories) as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 10: PLAINTIFF never communicated to YOU any consent to YOUR publication of the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker’s Responses to Plaintiff’s First Set of Interrogatories) as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 11: HEATHER CLEM never communicated to YOU any consent to YOUR publication of the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker’s Responses to Plaintiff’s First Set of Interrogatories) as a “Sex Tape” since the footage at issue consists primarily of innocuous conversation and contains only nine seconds

of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 12: BUBBA CLEM never communicated to YOU any consent to YOUR publication of the SEX TAPE.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows:
Admit.

REQUEST NO. 13: At the time YOU posted the WEBPAGE and SEX TAPE, YOU were not aware of any other media outlet that had posted the VIDEO, or any video clips of it.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, and interpreting the phrase "video clips" to mean video footage rather than still photographs taken from the Video, Daulerio responds to this Request as follows: Admit.

REQUEST NO. 14: At the time YOU posted the WEBPAGE and SEX TAPE, you knew that publishing the SEX TAPE was likely to result in emotional distress to PLAINTIFF.

RESPONSE: Daulerio 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 that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Daulerio responds to this Request as follows: Deny.

Dated: December 20, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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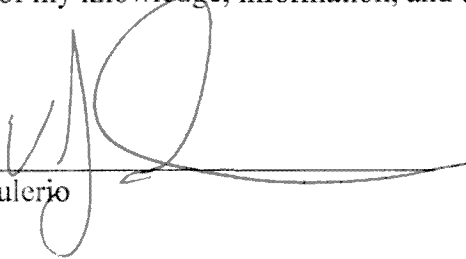
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Counsel for Defendant A.J. Daulerio

VERIFICATION

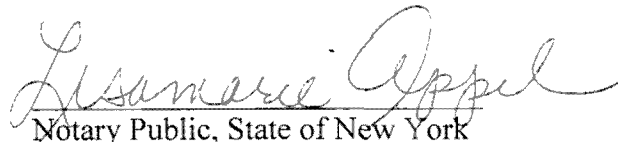
I, A.J. Daulerio, have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my knowledge, information, and belief.


A.J. Daulerio

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of A.J. Daulerio 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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