

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 OPPOSITION TO
NICK DENTON'S MOTION TO DISMISS

Defendant Nick Denton moves to dismiss on two grounds. The substantive grounds for the motion are identical to Gawker Media, LLC's motion to dismiss, and Plaintiff Terry Bollea hereby incorporates by reference its opposition to that motion. For the Court's convenience, a copy is attached as **Exhibit A** to the accompanying Affidavit of Charles J. Harder ("Harder Affidavit").

Denton also argues he was not properly served. **Exhibit B** to the Harder Affidavit is a copy of the proof of service of Nick Denton stating the date and time of service. Accordingly, service is presumed to be valid and the burden shifts to Denton to show that he was not properly served. *Re-Employment Services, Ltd. v. National Loan Acquisitions Co.*, 969 So.2d 467, 471 (Fla. 5th DCA 2007).


Denton has adduced **no** evidence of improper service. Denton contends that he did not receive an original summons bearing the stamp and signature of the Court, but he does not provide any competent, admissible evidence to support that claim. Thus, he has not rebutted the presumption that service was properly made.

In fact, Denton did receive an alias summons bearing the stamp and signature of the Court. A true copy of that summons is attached as **Exhibit C** to the Harder Affidavit. The stamp and signature of the Court can be seen thereon.

The cases cited by Denton do not establish invalid service. *Ball v. Jones*, 65 So. 2d 3 (Fla. 1953), held that service of an **unsigned** summons was invalid. The summons served on Denton was **signed**. *Woide v. Fannie Mae*, 116 So.3d 1281 (Fla. 5th DCA 2013), invalidated service of an **unsigned, un-stamped** summons. The summons served on Denton was **signed and stamped**. *Schofield v. Wells Fargo Bank, N.A.*, 95 So.3d 1051 (Fla. 5th DCA 2012), invalidated service where the proof of service did not indicate the date and time of service. The proof of service in this case does note the date and time of service.

Denton received full notice of this lawsuit, has engaged counsel, and received a signed, stamped summons. That is all that is required. Moreover, Nick Denton was deposed in this action in New York City on October 2, 2013 and he filed a substantive motion seeking to dismiss the First Amended Complaint. There can be no question that Mr. Denton has received notice of this action, including a copy of the summons and complaint. His motion to dismiss therefore should be denied.

DATED: January ^{7th}, 2014



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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email this 7th day of January, 2014 to the following:

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