

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.

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**DEFENDANT A.J. DAULERIO'S RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant A.J. Daulerio ("Daulerio") hereby provides this response to Plaintiff's First Request for Production of Documents dated November 1, 2013.

REQUESTS AND RESPONSES

REQUEST NO. 1: All DOCUMENTS that RELATE TO PLAINTIFF and which were created or are dated after January 1, 2012.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.¹ Subject to and without waiving this

¹ Daulerio does not possess any documents protected by the attorney-client privilege and/or work product doctrine that were created prior to the commencement of the Lawsuit, as that term is defined in Plaintiff's Document Requests. Consistent with the prior practice of the parties, documents protected by attorney-client privilege and/or the work product doctrine do not need to be logged. Daulerio possesses one document protected by the reporter's privilege (*i.e.*, N.Y. Civil Rights L. § 79-h, Fla. Stat. § 90.5015, and the reporters' privilege recognized by the First and Fourteenth Amendments to the U.S. Constitution, by the common law, and by other applicable reporters' privilege laws), which he will redact and log. In addition, Daulerio's production will omit pleadings and other papers filed in the Lawsuit, and communications among all counsel after the filing of the Lawsuit, as all such documents are already in the possession of Plaintiff and his counsel.

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objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 2: All audio and/or video recordings of PLAINTIFF.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 3: All DOCUMENTS that RELATE TO audio and/or video recordings of PLAINTIFF.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 4: All audio and/or video recordings of HEATHER CLEM.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 5: All DOCUMENTS that RELATE TO audio and/or video recordings of HEATHER CLEM.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 6: All audio and/or video recordings of BUBBA CLEM.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 7: All DOCUMENTS that RELATE TO audio and/or video recordings of BUBBA CLEM.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 8: The full-length VIDEO and all versions of it.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 9: All excerpts of the VIDEO prepared or generated by YOU, and all versions thereof, whether or not published.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 10: All DOCUMENTS that RELATE TO the VIDEO and all versions of it.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 11: All DOCUMENTS that RELATE TO the SEX TAPE, including without limitation the preparation, editing, subtitling, posting and/or broadcast of the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 12: All DOCUMENTS that RELATE TO the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 13: All DOCUMENTS that RELATE TO internet traffic to, including page views of, the WEBPAGE.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 14: All DOCUMENTS that REFER or RELATE TO GAWKER'S record-keeping practices, including but not limited to intake notes, drafts of articles, revisions to articles, research, and memoranda.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states

that he has no non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 15: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO any policies or practices of GAWKER with respect to the privacy or publicity rights of subjects of GAWKER articles or postings.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 16: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO any policies or practices of GAWKER with respect to acquiring or receiving information used in articles, including but not limited to photographs, videos, songs, links, or other articles.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 17: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to fact-checking its articles or postings.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 18: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to obtaining the consent of subjects of articles prior to publication.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states he has no non-privileged documents responsive to this request.

REQUEST NO. 19: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to copyright, trademark, right of publicity, or other intellectual property clearances.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 20: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to hidden camera footage surveillance, voyeurism, eavesdropping and/or wiretapping laws.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states he has no non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 21: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to the company's publishing decisions, including the company's decisions RELATING TO which articles are posted on GAWKER website(s).

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states he has no non-privileged documents responsive to this request.

REQUEST NO. 22: All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO GAWKER's document preservation policies generally, including but not limited to documents preservation notices.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states he has no non-privileged documents responsive to this request.

REQUEST NO. 23: All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the LAWSUIT.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney

client privilege and the attorney work product doctrine. Daulerio further objects to this Request to the extent that it seeks the production of pleadings or other papers filed in court in the Lawsuit and/or communications among all counsel in the Lawsuit (the “Previously Exchanged Lawsuit Documents”), all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Daulerio states that he will produce non-privileged documents responsive to this Request, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 24: All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the facts or alleged facts underlying each of the claims in the LAWSUIT.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Daulerio will produce any non-privileged documents responsive to this Request in its possession, custody or control, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 25: All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the facts or alleged facts underlying each of YOUR defenses to each of the claims in the LAWSUIT.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request

to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Daulerio will produce any non-privileged documents responsive to this Request in its possession, custody or control, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 26: All DOCUMENTS that constitute, REFER or RELATE to all cease and desist COMMUNICATIONS that YOU received from January 1, 2005 through the present that REFER TO publicity rights and/or privacy rights, including YOUR response to such cease and desist COMMUNICATIONS, and YOUR internal COMMUNICATIONS regarding same.

RESPONSE: Daulerio objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Daulerio further objects to this Request to the extent that it seeks documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine.

REQUEST NO. 27: All DOCUMENTS that constitute, REFER or RELATE to all cease and desist COMMUNICATIONS that YOU received from January 1, 2005 through the present that REFER TO alleged copyright, trademark and/or other intellectual property violations, including YOUR response to such cease and desist COMMUNICATIONS, and YOUR internal COMMUNICATIONS regarding same.

RESPONSE: Daulerio objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Daulerio further objects to this Request to the extent that it

seeks documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine.

REQUEST NO. 28: All DOCUMENTS, including all COMMUNICATIONS, that REFER or RELATE TO any or all versions of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 10 to Daulerio. Subject to and without waiving these objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 10.

REQUEST NO. 29: All DOCUMENTS, including all COMMUNICATIONS, that REFER or RELATE TO any or all versions of the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 11 to Daulerio. Subject to and without waiving these objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 11.

REQUEST NO. 30: All DOCUMENTS that RELATE TO any and all decisions as to what content to include or not to include in the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request

on the grounds that it is duplicative of Plaintiff's Document Request No. 11 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 11.

REQUEST NO. 31: All DOCUMENTS that RELATE TO any decision as to whether to block, obscure, or edit any explicit content in the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 11 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 11.

REQUEST NO. 32: All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding the WEBPAGE.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 33: All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding PLAINTIFF.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 34: All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding HEATHER CLEM.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 35: All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding BUBBA CLEM.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 36: All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding the LAWSUIT.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 37: All DOCUMENTS that RELATE TO YOUR departure from GAWKER in or about January 2013.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 38: All DOCUMENTS authored by NICK DENTON or any officer or director of GAWKER MEDIA that RELATE TO any standards for posting content at GAWKER.COM.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 39: All DOCUMENTS authored by NICK DENTON or any officer or director of GAWKER MEDIA that RELATE TO any standards for posting content at any and/or all GAWKER MEDIA websites.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 40: All DOCUMENTS that RELATE TO the source or origin of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 3 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 3.

REQUEST NO. 41: All DOCUMENTS that RELATE TO YOUR acquisition of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 3 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 3.

REQUEST NO. 42: All DOCUMENTS that RELATE TO the consideration paid by YOU or offered by YOU or requested to be paid by YOU to acquire the VIDEO.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 43: All DOCUMENTS that RELATE TO negotiations surrounding YOUR acquisition of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 3 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 3.

REQUEST NO. 44: All DOCUMENTS that RELATE TO the VIDEO being offered for sale prior to October 4, 2012.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 45: All DOCUMENTS that RELATE TO YOUR contention that the WEBPAGE or any portion of it, including the SEX TAPE, is a matter of legitimate public concern.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this

objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 46: All DOCUMENTS that RELATE TO YOUR contention that YOU acted in good faith and had a reasonable belief that the WEBPAGE was legally permissible and not actionable.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 47: All DOCUMENTS that RELATE TO YOUR contention that YOU acted in good faith and had a reasonable belief that YOUR posting of the SEX TAPE was legally permissible and not actionable.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 48: All DOCUMENTS that RELATE TO whether PLAINTIFF had any knowledge that the VIDEO was being recorded at the time of the recording of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this

objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 49: All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the recording of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 50: All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the posting of the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 51: All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the posting of any portion of the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 52: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the recording of the VIDEO.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 53: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the posting of the SEX TAPE.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 54: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the posting of any portion of the WEBPAGE.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 55: All DOCUMENTS that constitute and RELATE TO all cease and desist COMMUNICATIONS between GAWKER and PLAINTIFF.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 56: All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS between YOU and HEATHER CLEM.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See note 1 supra.* Subject to

and without waiving these objections, Daulerio states that he does not have any documents responsive to this Request in his possession custody or control, except those exchanged between his counsel and counsel for Heather Clem.

REQUEST NO. 57: All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS between YOU and BUBBA CLEM.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Daulerio states that he does not have any documents responsive to this Request in his possession custody or control, except those exchanged between his counsel and counsel for Bubba Clem concerning discovery in this action, which Daulerio understands plaintiff and his counsel already have in their possession.

REQUEST NO. 58: All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS regarding the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 12 to Daulerio. Subject to and without waiving these objections, Daulerio refers Plaintiff to, and incorporates by reference his Response to Plaintiff's Document Request No. 12.

REQUEST NO. 59: All DOCUMENTS that RELATE TO whether HEATHER CLEM had any knowledge that the VIDEO was being recorded at the time of the recording of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 60: All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the recording of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 61: All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the posting of the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 62: All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the posting of any portion of the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 63: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the recording of the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 60 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 60.

REQUEST NO. 64: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the posting of the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 61 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 61.

REQUEST NO. 65: All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the posting of any portion of the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Daulerio objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 62 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 62.

REQUEST NO. 66: All DOCUMENTS that RELATE TO any attempt made by YOU to determine who held the copyright in the VIDEO before the WEBPAGE was posted on GAWKER.COM on or about October 4, 2012.

RESPONSE: Daulerio objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because Plaintiff has abandoned his claim for copyright infringement. Subject to and without waiving the foregoing objection, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 67: All DOCUMENTS that RELATE TO any attempt made by YOU to confirm the authenticity of the VIDEO before the WEGPAGE was posted on GAWKER.COM on or about October 4, 2012.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 68: All DOCUMENTS that RELATE TO any attempt made by YOU to confirm identity of any of the participants in the VIDEO before the WEBPAGE was posted on GAWKER.COM on or about October 4, 2012.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 69: All DOCUMENTS that support YOUR contention that the PERSONS depicted in the VIDEO are PLAINTIFF and HEATHER CLEM.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 70: All DOCUMENTS that YOU relied on in making a good faith determination that posting the WEBPAGE, including the SEX TAPE, was legal.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 71: All DOCUMENTS that YOU relied on in making a good faith determination that posting THE WEBPAGE, including the SEX TAPE, was not tortious.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney

client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 72: A complete copy of each of YOUR insurance policies that cover, or might cover, one or more claims in the operative Complaint in the captioned lawsuit.

RESPONSE: Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 73: All DOCUMENTS constituting communications between YOU and any insurance company regarding coverage or potential for this lawsuit.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 74: All DOCUMENTS constituting or reflecting employment, consultancy, or other agreements between you and GAWKER under which you did or were contemplated to provide services to GAWKER.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 75: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to Terry Gene Bollea aka Hulk Hogan.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 1 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 1.

REQUEST NO. 76: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to the VIDEO.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 10 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 10.

REQUEST NO. 77: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to the SEX TAPE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request

on the grounds that it is duplicative of Plaintiff's Document Request No. 11 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 11.

REQUEST NO. 78: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to Heather Clem.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege, the attorney work-product doctrine and the reporters' privilege (including N.Y. Civil Rights L. § 79-h, Fla. Stat. § 90.5015, and the reporters' privilege recognized by the First and Fourteenth Amendments to the U.S. Constitution, by the common law, and by other applicable reporters' privilege laws). Daulerio further objects to this Request on the grounds that it is duplicative of numerous of Plaintiff's Document Requests to Daulerio. Subject to and without waiving the foregoing objections, Daulerio states that he will produce any non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 79: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to Todd "Bubba" Clem.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege, the attorney work-product doctrine and the reporters' privilege (including N.Y.

Civil Rights L. § 79-h, Fla. Stat. § 90.5015, and the reporters' privilege recognized by the First and Fourteenth Amendments to the U.S. Constitution, by the common law, and by other applicable reporters' privilege laws). Daulerio further objects to this Request on the grounds that it is duplicative of numerous of Plaintiff's Document Requests to Daulerio. Subject to and without waiving the foregoing objections, Daulerio states that he will produce non-privileged documents responsive to this Request in his possession, custody or control.

REQUEST NO. 80: All DOCUMENTS that constitute or RELATE TO COMMUNICATIONS between, among, or involving any GAWKER officers, managers, or employees, including without limitation via email, Instant Message, text message, Twitter direct message, online chatroom, and/or Campfire, RELATING to the WEBPAGE.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 12 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Response to Plaintiff's Document Request No. 12.

REQUEST NO. 81: All DOCUMENTS that constitute, REFER or RELATE to all COMMUNICATIONS that YOU received from January 1, 2005 through the present that request the removal of photos, video or other content containing nudity and/or sexual content, including YOUR response to such takedown COMUNICATIONS, and YOUR internal COMMUNICATIONS regarding same.

RESPONSE: Daulerio objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney

client privilege and the attorney work-product doctrine. Daulerio further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request Nos. 26 and 27 to Daulerio. Subject to and without waiving the foregoing objections, Daulerio refers Plaintiff to, and incorporates by reference, his Responses to Plaintiff's Document Request Nos. 26 and 27.

REQUEST NO. 82: All DOCUMENTS that constitute or contain minutes of any meeting of any directors, managers, officers, shareholders and/or website editors RELATING to content posted on any GAWKER website from January 1, 2012 to the present.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 83: All DOCUMENTS that constitute or contain minutes of any meeting of any directors, managers, officers, shareholders RELATING to advertising revenue of GAWKER or any GAWKER website or affiliate from July 1, 2009 to the present.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

REQUEST NO. 84: All DOCUMENTS that constitute or contain minutes of any meeting of any directors, managers, officers, shareholders and/or website editors RELATING to traffic statistics of GAWKER or any GAWKER website or affiliate from July 1, 2009 to the present.

RESPONSE: Without conceding that this Request seeks documents that are properly within the scope of discovery in this action or waiving any objections thereto, Daulerio states that he has no documents responsive to this Request in his possession, custody or control.

Dated: December 20, 2013

THOMAS & LOCICERO PL

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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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