

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, LLC'S RESPONSES
TO PLAINTIFF'S FIRST SUPPLEMENTAL REQUEST
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant Gawker Media, LLC ("Gawker") hereby provides this response to Plaintiff's First Supplemental Request for Production of Documents dated January 28, 2014.

SUPPLEMENTAL DEMAND AND RESPONSE

SUPPLEMENTAL DEMAND: For each request for production of documents previously propounded by Terry Bollea to Gawker Media, LLC in this action, produce any responsive documents within Gawker Media, LLC's possession, custody, and control which have not previously been produced.

RESPONSE: Having responded to 116 requests, and having produced all non-privileged documents related to the writing, editing and publication of the Gawker Story and the accompanying Excerpts at issue as well as a substantial number of documents on other topics, Gawker objects to plaintiff's Supplemental Demand, effectively seeking to renew each of those 116 requests, as unduly burdensome and unlikely to lead to the discovery of admissible evidence. Gawker further objects to plaintiff's Supplemental Demand to the extent it could be construed as

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requesting Gawker to undertake the substantial expense of conducting a renewed search of the email accounts and other documents of numerous Gawker employees and former employees; such a search is unduly burdensome and unlikely to lead to the discovery of admissible evidence, particularly given that (a) Gawker has no reason to believe that any non-privileged, relevant documents created since Gawker's previous document productions would be revealed by such a search and (b) documents related to the time period during which the Gawker Story and Excerpts were posted have already been produced previously. Gawker further objects to plaintiff's Supplemental Demand to the extent that it does not seek the production of documents related to the underlying events at issue, but instead seeks the production of documents gathered by Gawker's attorneys in preparation of Gawker's defense of this action; such documents are protected against discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.¹ Gawker further objects to plaintiff's Supplemental Demand on each of the grounds previously asserted in connection with each of plaintiff's prior requests for production, and incorporates such prior objections as if fully set forth herein in their entirety. Subject to and without waiving the foregoing objections, Gawker will produce any non-privileged, responsive documents responsive to plaintiff's Supplemental Demand of which it is aware.

¹ As noted in footnote 1 of Gawker's original responses, and by agreement of the parties, Gawker has previously provided a privilege log (enumerating its assertion of the attorney-client privilege, the work product doctrine and any other applicable privileges) for documents created or obtained *prior to* the commencement of the Lawsuit, as that term is defined in plaintiff's First Request for the Production of Documents to Defendant Gawker Media, LLC. Gawker has no additional pre-Lawsuit documents protected by privilege to add to that log. In addition, Gawker's production omits pleadings and other papers filed in the Lawsuit (and two related discovery petitions), 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.

Dated: March 4, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March 2014, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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