

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 RESPONSES TO GAWKER MEDIA, LLC'S
SECOND REQUEST FOR ADMISSIONS**

Plaintiff TERRY GENE BOLLEA (herein "Responding Party") hereby responds to Request for Admissions (Set Two) ("Request" or "Requests") propounded by defendant GAWKER MEDIA, LLC (herein "Propounding Party"), without conceding that any matters admitted are relevant or material, as follows:

PRELIMINARY STATEMENT

Responding Party responds to the Request for Admissions subject to, without waiver of, and expressly preserving: (a) any objections as to the competency, relevance, materiality, privilege or admissibility of any of the responses or any of the documents identified in any response hereto; and (b) the right at any time to revise, correct, supplement or clarify any of the responses herein.

These responses are based upon a diligent investigation undertaken by Responding Party

and his counsel since the service of these Requests. These responses reflect only Responding Party's current understanding, belief and knowledge regarding the matters about which inquiry was made. Responding Party has not yet had sufficient opportunity to depose or interview all persons who may have knowledge of relevant facts, or to discover or otherwise obtain and review all documents which may have some bearing on this case.

Consequently, there may exist further information, documents and persons with knowledge relevant to these Requests of which Responding Party is not currently aware. As this action proceeds, Responding Party anticipates that further facts, witnesses and documents may be discovered or identified. Without in any way obligating it to do so, Responding Party reserves the right to offer further or different documents, evidence, or information at trial or at any pretrial proceeding. These responses are not in any way to be deemed an admission or representation that there are no further facts, documents or witnesses having knowledge relevant to the subject matter of these Requests.

GENERAL OBJECTIONS

1. The following Responses, and each of them, are based upon information and writings presently available to, and located by, Responding Party and his attorneys. Responding Party has not completed an investigation of the facts or discovery proceedings in this case and has not completed his preparation for trial. The following Responses, and each of them, are made without prejudice to Responding Party's right to produce evidence based on subsequently discovered facts or documents, and to offer such facts or documents in evidence at the time of trial. The fact that Responding Party has responded to a Request should not be taken as an admission that Responding Party accepts or admits the existence of any facts set forth in or assumed by such Request, or that such Response constitutes admissible evidence. The following

Responses, and each of them, are made without prejudice to the rights of Responding Party to introduce evidence of any subsequently discovered facts or documents which Responding Party may later obtain, discover or recall.

2. The documents and information which could or would form the basis of responses to the instant Request, in whole or in part, are still in the process of being identified by Responding Party, and all such relevant information has not yet been identified, examined or produced. In addition, the significance of documents or information which may now be in the possession of Responding Party may only become apparent upon further discovery and review of those documents and that information in the context of other documents and/or information which have not yet been identified or obtained in the context of later testimony or discovery which may establish their relevance.

3. These Responses are made solely for the purposes of this litigation. Any responses to the Requests are being supplied by Responding Party subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any ground that would require the exclusion of any response or portion thereof, if such response was offered in evidence in Court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

4. Responding Party, accordingly, reserves the right to alter or modify any and all Responses set forth herein as additional facts may be ascertained, documents discovered, analyses made, witnesses identified, additional parties identified, legal research completed, and contentions made or expanded.

5. Responding Party objects generally to each and every Request to the extent it calls for information that is protected by the attorney-client privilege and/or the attorney work

product doctrine.

6. Responding Party objects generally to each and every Request to the extent it requests any information concerning the content of conversations of any other party to this action or documents in the possession of any other party to this action, other than the Responding Party, in that such information is equally accessible to all parties.

7. Responding Party objects to producing any private and/or confidential business or proprietary information or trade secrets.

8. Responding Party objects to these Requests, and each of them, to the extent they are not limited to the subject matter of this action and thus are irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

9. Responding Party objects to these Requests, and each of them, to the extent they are unduly burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

10. Responding Party objects to these Requests, and each of them, to the extent they seek information to which Propounding Party has equal access.

RESPONSES TO REQUEST FOR ADMISSIONS

The Preliminary Statement and General Objections are incorporated into each response below, regardless of whether specifically mentioned. The specific objections set forth below are not a waiver, in whole or in part, of any of the foregoing General Objections. Subject to and without waiver of these objections, Responding Party responds below.

REQUEST NO. 22: Admit that each of the documents identified in the attached Exhibit A is authentic. Please note that this request for admission excludes those documents that have been stricken through (*i.e.*, Documents Nos. 19 and 59 under the heading “ARTICLES,” No. 3 under the heading “VIDEO FILES ON FLASH DRIVE BATES-LABELED GAWKER 23420,” and

Nos. 10 and 15 under the heading “AUDIO FILES ON FLASH DRIVE BATES-LABELED GAWKER 23417”).

RESPONSE TO REQUEST NO. 22:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff further objects to this Request to the extent that it seeks information that is not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request to the extent that it calls for a legal conclusion.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: The parties have agreed that, at the close of fact discovery, they will work to stipulate as to the authenticity of certain documents, audio and video files, based on affidavits provided by the relevant persons involved in obtaining and/or preserving such documents. As that process is ongoing, and not all affidavits have been exchanged, Responding Party lacks sufficient information to admit or deny this Request.

REQUEST NO. 23: Admit that each of the documents identified in the attached Exhibit B is authentic.

RESPONSE TO REQUEST NO. 23:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it is made to cause annoyance,

oppression, and undue burden and expense to Plaintiff. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff further objects to this Request to the extent that it seeks information that is not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request to the extent that it calls for a legal conclusion.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: The parties have agreed that, at the close of fact discovery, they will work to stipulate as to the authenticity of certain documents, audio and video files, based on affidavits provided by the relevant persons involved in obtaining and/or preserving such documents. As that process is ongoing, and not all affidavits have been exchanged, Responding Party lacks sufficient information to admit or deny this Request.

REQUEST NO. 24: Admit that for each Asterisked File, the person or voice identified in the audio and/or video file as being “Hulk Hogan” or “Terry Bollea” is you or your voice.

RESPONSE TO REQUEST NO. 24:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff further objects to this Request to the extent that it seeks information that is not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the

discovery of admissible evidence.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: The parties have agreed that, at the close of fact discovery, they will work to stipulate as to the authenticity of certain documents, audio and video files, based on affidavits provided by the relevant persons involved in obtaining and/or preserving such documents. As that process is ongoing, and not all affidavits have been exchanged, Responding Party lacks sufficient information to admit or deny this Request.

REQUEST NO. 25: Admit that BOLLEA002016 through BOLLEA002639 are business records under Fla. Stat. § 90.803(b).

RESPONSE TO REQUEST NO. 22:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff further objects to this Request to the extent that it seeks information that is not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Request to the extent that it calls for a legal conclusion. Responding Party further objects on the ground that this Request is overbroad.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: The parties have agreed that, at the close of fact discovery, they will work to stipulate as to whether certain documents are business records pursuant to Fla. Stat. §

90.803(b). As that process is ongoing, Responding Party lacks sufficient information to admit or deny this Request.

DATED: April 9, 2015

Respectfully submitted,

Charles J. Harder, Esq.
PHV No. 102333
Douglas E. Mirell, Esq.
PHV No. 109885
Sarah E. Luppen, Esq.
PHV No. 113729
HARDER MIRELL & ABRAMS LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601
Email: charder@hmafirm.com
Email: dmirell@hmafirm.com
Email: sluppen@hmafirm.com

-and-

/s/ Kenneth G. Turkel
Kenneth G. Turkel, Esq.
Florida Bar No. 867233
Shane Vogt, Esq.
Florida Bar No. 0257620
BAJO CUVA COHEN & TURKEL, P.A.
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: svogt@bajocuva.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail via the e-portal system this 9th day of April, 2015 to the following:

Barry A. Cohen, Esquire
Michael W. Gaines, Esquire
The Cohen Law Group
201 E. Kennedy Blvd., Suite 1950
Tampa, Florida 33602
bcohen@tampalawfirm.com
mgaines@tampalawfirm.com
jhalle@tampalawfirm.com
mwalsh@tampalawfirm.com
Counsel for Heather Clem

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501
dhouston@houstonatlaw.com
krosser@houstonatlaw.com

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
pmcgonigle@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Michael D. Sullivan, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com
psafier@lskslaw.com
asmith@lskslaw.com
msullivan@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel

Attorney