

# EXHIBIT 7

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.

---

**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THE STATE OF FLORIDA:

TO: **BEN MALLAH**  
**2268 Kings Point Drive**  
**Largo, FL 33774**

YOU ARE COMMANDED by Defendant Gawker Media, LLC, to produce the documents described in Schedule A at the office of Marilyn McCloskey and Associates, 405 6th Street South, Suite 102, St. Petersburg, FL 33701 on or before August 7, 2014 at 10:00 a.m.

**In the alternative, you may mail the requested documents, for delivery prior to the deadline above, to Gregg D. Thomas, Esquire, Thomas & LoCicero PL, 601 South Boulevard, Tampa, FL 33606.** If you fail to comply, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney, you shall respond to this subpoena as directed. You have a right to object to the production under Florida Rule of Civil Procedure 1.351 and you will not be required to surrender the documents or things requested. You have the right to designate as Confidential any applicable document as specified under the Agreed Protective Order Governing

Confidentiality, signed and ordered by the Court on July 25, 2013, a copy of which is attached hereto. No testimony will be taken.

DATED on \_\_\_\_\_.

*s/Rachel E. Fugate, Esquire*

\_\_\_\_\_  
Rachel E. Fugate, Esquire  
For the Court

Rachel E. Fugate  
Florida Bar No. 0144029  
Attorney for Gawker Media, LLC  
Thomas & LoCicero, PL  
601 South Boulevard  
Tampa, FL 33606  
(813) 984-3060 Telephone  
(813) 984-3070 Facsimile  
[rfugate@tlolawfirm.com](mailto:rfugate@tlolawfirm.com)

## SCHEDULE A

### INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” mean Ben Mallah. When documents or things are requested, such request includes materials in the possession, custody or control of your agents, attorneys or other persons acting on your behalf.
2. “Restaurant” means Hogan’s Beach and any person who owns or operates Hogan’s Beach, as well as any of its employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert with Hogan’s Beach.
3. “Terry Bollea” means Terry Gene Bollea (professionally known as “Hulk Hogan”).
4. “Hulk Hogan” means the character played by Terry Bollea.
5. “Bubba Clem” means Bubba the Love Sponge Clem.
6. “Heather Clem” means Defendant Heather Clem, former wife of Bubba Clem and the woman who appears in the video that accompanied the Gawker Story, as that term is defined below.
7. The “Gawker Story” means the story entitled “Even For a Minute, Watching Hulk Hogan Have Sex on a Canopy Bed is Not Safe For Work, But Watch It Anyway,” as well as the accompanying video, published on [www.gawker.com](http://www.gawker.com) on or about October 4, 2012.
8. The “Lawsuit” means any legal proceeding instituted against Gawker Media, LLC, Bubba Clem, or Heather Clem by Terry Bollea relating to the Gawker Story.
9. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.
10. “Sex Tape” means any video, audio and/or audio/video footage featuring Terry Bollea or Hulk Hogan engaged in Sexual Relations with Heather Clem, including excerpts of any such footage. Sex Tapes refers to one or more of them.

11. “Documents sufficient to show” means that you are to produce documents sufficient to establish the subject of the document request and does not necessarily mean all documents relating to such a request.

12. “Communication” includes any type of correspondence, electronic mail, instant messages, voicemail, and any oral conversation, interview, discussion, negotiation, agreement, understanding, meeting or telephone conversation, as well as every kind of written or graphic communication.

13. “Correspondence” when used herein includes letters, emails, telegrams, mailgrams, telexes, memoranda, and any other documents used to make or to record communications.

14. “Media” includes television, radio, newspapers, magazines, websites, mobile apps, and any other form of mass communication.

15. The words “and” and “or” also have the meaning “and/or.”

16. The terms “all” and “any” shall be considered to include “each” and every.” Use of any of these terms incorporates them all.

17. The term “person” means all individuals and entities.

18. The term “document(s)” means all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, “instant” messages or “IM” messages, “wall” postings on Facebook, Myspace postings, Twitter postings or “tweets,” correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes,

telex, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings), including metadata.

19. Throughout this request, the singular shall include the plural and the plural shall include the singular.

20. The following terms should be read as if they were synonymous, and each should be taken to include the meaning of all of the others: related to, related in any manner to, concerning, referring to, alluding to, responding to, connected with, with respect to, commenting on, about, regarding, announcing, explaining, discussing, showing, describing, studying, reflecting, analyzing or constituting.

21. If you contend that it would be unreasonably burdensome to produce all the documents called for in response to any request, you should:

- (a) produce all documents that are available without unreasonable burden; and
- (b) describe with particularity the reasons why production of the remaining documents would be unreasonably burdensome.

22. In the event that any responsive document cannot be produced in its entirety, you are requested to produce the document to the fullest extent possible, specifying the reasons for your inability to produce the remainder and describing to the fullest extent possible the contents of the unproduced portion.

23. With respect to your responses to the following request for production, if any document or any portion of any document is withheld because of a claim of privilege, please state the basis for your claim of privilege with respect to such document or portion of any

document and the specific ground(s) on which the claim of privilege rests, and including, with respect to documents: the date appearing on the document, or if no date appears, the date on which the document was prepared; the name of the person(s) to whom the document was addressed; the name of each person, other than addressee(s), to whom the document, or a copy thereof, was sent or with whom the document was discussed; the name of the person(s) who signed the document, or if not signed, the name of the person(s) who prepared it; the name of each person making any contribution to the authorship of the document; and the general nature or description of the document and the number of pages of which it consists.

24. In the event that any documents or things that would have been responsive to this request have been destroyed, discarded or lost, please identify each such document or thing, including: the nature of the document or thing; the author(s) and addressee(s) of any document; any indicated or blind copies of any document; the document's subject matter, number of pages and attachments or appendices; all persons to whom the document was distributed or persons who have seen the thing; the date of destruction, discard or loss; and, if destroyed or discarded, the reasons therefore and the identity of the person(s) authorizing or carrying out any such destruction or discard.

#### **DOCUMENTS TO BE PRODUCED**

- Request No. 1:** All documents referring or relating to the Sex Tapes.
- Request No. 2:** All documents referring or relating to the Gawker Story.
- Request No. 3:** All documents referring or relating to the Lawsuit.
- Request No. 4:** All documents referring or relating to any Media report about the Sex Tapes.
- Request No. 5:** All documents referring or relating to Terry Bollea's or Hulk Hogan's public image.

**Request No. 6:** All documents referring or relating to marketing and advertising the Restaurant using Terry Bollea's or Hulk Hogan's name and likeness from January 1, 2012 to the present.

**Request No. 7:** All documents referring or relating to licensing Terry Bollea's or Hulk Hogan's name, likeness, and/or any of his trademarks in connection with the Restaurant, including without limitation all documents referring or relating to any request or proposal by you, or by Terry Bollea or Hulk Hogan (or any person acting on behalf of Terry Bollea or Hulk Hogan) in connection therewith.

**Request No. 8:** All documents referring or relating to the image the Restaurant sought to convey through advertising and marketing using Terry Bollea's or Hulk Hogan's name and likeness.

**Request No. 9:** Copies of all video advertisements for the Restaurant featuring Terry Bollea, Hulk Hogan, or Terry Bollea's or Hulk Hogan's likeness.

**Request No. 10:** All market research referring or relating to Terry Bollea or Hulk Hogan from January 1, 2012 to the present, including any analysis, assessment, or evaluation of the value of Terry Bollea's or Hulk Hogan's name or likeness.

**Request No. 11:** Documents sufficient to show what characteristics, traits, or other aspects of Terry Bollea or Hulk Hogan that you sought to market or promote by using his name, likeness and any of his trademarks in connection with the Restaurant.

**Request No. 12:** All documents reflecting, referring, or relating to communications with Terry Bollea or Hulk Hogan (or any person representing Terry Bollea or Hulk Hogan) concerning marketing the Restaurant, advertising for the Restaurant, or the image the Restaurant seeks to convey to the public.

**Request No. 13:** All documents reflecting, referring, or relating to communications with any person about the Gawker Story, Sex Tapes, or this Lawsuit.