

# EXHIBIT 4

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 SET OF INTERROGATORIES**

Pursuant to Florida Rule of Civil Procedure 1.340, Defendant A.J. Daulerio hereby provides these responses to Plaintiff's First Set of Interrogatories dated November 1, 2013 ("Plaintiff's Interrogatories").

**DEFINITIONS**

1. The "Video" means the video and audio footage depicting Mr. Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.
2. 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" published on www.gawker.com on or about October 4, 2012.
3. The "Excerpts" means the video file that was posted in connection with the Gawker Story, consisting of 101 seconds of footage excerpted from the Video.

**RESPONSES**

**INTERROGATORY NO. 1:** With respect to each insurance policy which YOU contend covers or may cover YOU for the allegations set forth in PLAINTIFF'S First

Amended Complaint in this LAWSUIT, state the name of the insurer, number of the policy, effective dates of the policy, coverage limits, and the name, address, and phone number of the custodian of the policy.

**RESPONSE:** Pursuant to Florida Rule 1.340(c), Daulerio refers Plaintiff to the documents provided in response to Plaintiff's Document Request No. 83 to Gawker Media, LLC ("Gawker").

**INTERROGATORY NO. 2:** STATE ALL FACTS regarding the making, editing, subtitling, dissemination, transmission, distribution, publication, sale and/or offering for sale of the VIDEO, including without limitation the name, company, title, all addresses and all telephone numbers of each PERSON who was involved in such activities, and the specific involvement that each such PERSON had in connection with such activities.

**RESPONSE:** Daulerio objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome (calling for "all facts" on some nine separate topics, each of which was previously addressed by Gawker in its responses to interrogatories) and that it seeks information protected by the attorney-client privilege and attorney work product doctrine. Subject to and without waiving the foregoing objections, Daulerio adopts as his own, and incorporates by reference, Gawker's responses to Plaintiff's Interrogatory Nos. 2 and 5 directed to Gawker.

**INTERROGATORY NO. 3:** STATE ALL FACTS regarding YOUR acquisition of the VIDEO including, without limitation, the date YOU acquired it, the identity of the PERSON(s) from whom you acquired it (including each such person's name, company, title, and all contact information (addresses, telephone numbers, email addresses, etc.)), the consideration that YOU paid for the VIDEO, the terms of any agreements relating to YOUR

acquisition of the VIDEO, and all COMMUNICATIONS that constitute, refer or RELATE TO YOUR acquisition of the VIDEO.

**RESPONSE:** Daulerio objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome (calling for “all facts” on some five separate topics, each of which was previously addressed by Gawker in its responses to interrogatories) and that it seeks information protected by the attorney-client privilege and attorney work product doctrine. Subject to and without waiving the foregoing objections, Daulerio adopts as his own, and incorporates by reference, Gawker’s responses to Plaintiff’s Interrogatory Nos. 2 and 6 directed to Gawker.

**INTERROGATORY NO. 4:** STATE ALL FACTS that support YOUR contention that the content of the WEBPAGE, including the excerpts of the VIDEO, quotations from the VIDEO, and descriptions of the participants in the VIDEO, are matters of legitimate public concern.

**RESPONSE:** Daulerio objects to this Interrogatory as overly broad and burdensome in that it seeks the identification of “all facts” related to his contention that the Gawker Story and Excerpts involved a matter of public concern, which by definition includes (a) facts related to Plaintiff’s efforts to cultivate a public persona, including without limitation as alleged in the Complaint and in the declarations he submitted in the Lawsuit, as that term is defined by Plaintiff’s Interrogatories; (b) the extent to which Plaintiff’s actual conduct corresponded to the public persona Plaintiff attempted to cultivate, as well as public statements Plaintiff made about such conduct, including without limitation with respect to his marriages, his marital infidelities, his professional life, and his interactions with his family; (c) the public’s interest in celebrities’ romantic and sex lives generally (as well as Hogan’s specifically); (d) the ongoing public

discussion of the Video and its contents at the time the Gawker Story and Excerpts were published, and (e) Plaintiff's potential knowledge of or involvement in the creation and/or dissemination of the Video. Daulerio further objects on the grounds that whether a publication involves a matter of public concern is a legal determination, not a factual question susceptible to discovery. Subject to and without waiving the foregoing objections, and reserving his right to supplement his Response at a later date, Daulerio states that the content of the Gawker Story, including without limitation the Excerpts, involves a matter of legitimate public concern for the reasons stated by Gawker in its response to Interrogatory No. 7 directed to Gawker, which Daulerio adopts as his own and incorporates by reference.

**INTERROGATORY NO. 5:** For each response to the Requests for Admission propounded concurrently by PLAINTIFF that is other than an unqualified admission, STATE ALL FACTS, IDENTIFY all DOCUMENTS, and IDENTIFY all PERSONS with knowledge of facts that support YOUR response.

**RESPONSE:** Daulerio responds as follows:

RFA 1	This Request was admitted.
RFA 2	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 3	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 4	Daulerio adopts, and incorporates by reference, Gawker's Response to Plaintiff's Interrogatory No. 8 directed to Gawker.
RFA 5	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.

RFA 6	Daulerio adopts, incorporates by reference, Gawker’s Response to Plaintiff’s Interrogatory No. 8 directed to Gawker.
RFA 7	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 8	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 9	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 10	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 11	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 12	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 13	Other than objecting to the description of the Excerpts in the Request for Admission, this Request was admitted.
RFA 14	Daulerio incorporates by reference Gawker’s Response to Plaintiff’s Interrogatory No. 7 directed to Gawker. Daulerio has never been of the view that publication of a brief video (including just nine seconds of actual sex) about Hulk Hogan – a public figure with a television reality show, who wrote a book detailing his infidelity, and who spoke frequently about sex and relationship issues – would cause him legally cognizable emotional distress.

Dated: December 20, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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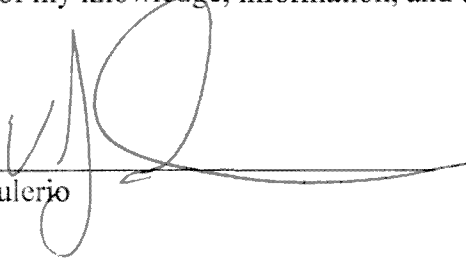
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*Counsel for Defendant A.J. Daulerio*

**VERIFICATION**

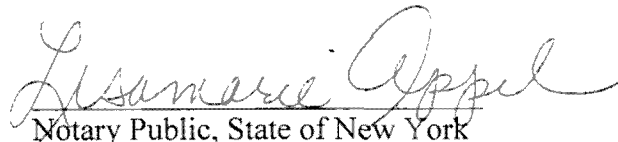
I, A.J. Daulerio, have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my knowledge, information, and belief.

  
A.J. Daulerio

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of A.J. Daulerio was SWORN TO AND SUBSCRIBED before me this 20<sup>th</sup> day of December, 2013.

  
Notary Public, State of New York  
LISAMARIE APPEL  
Notary Public, State of New York  
No. 01AP4869703  
Qualified in Richmond County  
Certificate Filed in New York County  
Commission Expires Sept. 2, 2014

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(Print, type, or stamp Commissioned name of Notary Public)



**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 by email upon the following counsel of record:

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