

# EXHIBIT 3

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

Pursuant to Florida Rule of Civil Procedure 1.370, and without conceding that any matters admitted are relevant or material, Defendant Gawker Media, LLC ("Gawker") hereby provides these responses to Plaintiff's First Request for Admissions dated May 21, 2013.

**RESPONSES TO REQUESTS FOR ADMISSIONS**

**REQUEST NO. 1:** At the time you posted the Sex Tape, you were aware of no facts that established that Plaintiff knew he was being recorded at the time of the recording.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the "Gawker Story" (as that term is defined in Gawker's Responses to Plaintiff's First Set of Interrogatories) as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 2:** At the time you posted the Sex Tape, you were aware of no facts that established that Plaintiff consented to being recorded prior to or at the time of the recording of the Video.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 3:** You took no steps to confirm that Plaintiff ever consented to the recording of the Video before posting the Sex Tape on the Webpage.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 4:** You are aware of no facts that establish that Plaintiff has ever consented to the recording of the Video.

**RESPONSE:** Deny.

**REQUEST NO. 5:** You took no steps to confirm that Plaintiff had consented to the public dissemination of the Video before posting the Sex Tape on the Webpage.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 6:** You are aware of no facts that establish that Plaintiff has ever consented to the public dissemination of the Video.

**RESPONSE:** Deny.

**REQUEST NO. 7:** You posted the Webpage without first obtaining Plaintiff's consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 8:** You posted the Webpage without first obtaining Heather Clem's consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 9:** You posted the Webpage without first obtaining Bubba Clem's consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine

seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 10:** Plaintiff never communicated to you any consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 11:** Heather Clem never communicated to you any consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 12:** Bubba Clem never communicated to you any consent to publish the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to the label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Admit.

**REQUEST NO. 13:** At the time you posted the Sex Tape, you were not aware of any other media outlet that had posted the full-length video, or any excerpts therefrom, or the Sex Tape.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Deny.

**REQUEST NO. 14:** At the time you posted the Sex Tape, you knew that publishing the Sex Tape was likely to result in emotional distress to Plaintiff.

**RESPONSE:** Gawker objects to Plaintiff's attempt to label the Excerpts of the Video of Plaintiff and Heather Clem that were posted together with the Gawker Story as a "Sex Tape" since the footage at issue consists primarily of innocuous conversation and contains only nine seconds of sexual activity. Subject to that objection, Gawker responds to this Request as follows: Deny.

**REQUEST NO. 15:** The Webpage generated the second-most page views of any gawker.com story in 2012.

**RESPONSE:** Gawker objects to this Request on the grounds that "page views" is not defined in the Plaintiff's Requests. Subject to that objection, Gawker admits that the Webpage generated the second-most page views of any gawker.com story in 2012 according to data from Google Analytics and from Gawker's internal statistics, based on their respective definitions of "page views."

“following [the] posting,” and, as reflected in the documents produced in response to Plaintiff’s Requests for Production of Documents, “traffic” to Gawker.com fluctuates on a daily basis, both above and below levels pre-dating the publication of the Gawker Story and Excerpts. Subject to the foregoing objections, Gawker responds to this Request as follows: This Request cannot be admitted or denied without reference to a specific time frame, and on that basis is denied.

**REQUEST NO. 22:** You paid consideration, a fee, remuneration, or other form of payment in exchange for the Video.

**RESPONSE:** Deny.

Dated: July 25, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

Gregg D. Thomas

Florida Bar No.: 223913

Rachel E. Fugate

Florida Bar No.: 0144029

601 South Boulevard

P.O. Box 2602 (33601)

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

gthomas@tlolawfirm.com

rfugate@tlolawfirm.com

and

Seth D. Berlin

Pro Hac Vice Number: 103440

Paul J. Safier

Pro Hac Vice Number: 103437

LEVINE SULLIVAN KOCH & SCHULZ, LLP

1899 L Street, NW, Suite 200

Washington, DC 20036

Telephone: (202) 508-1122

Facsimile: (202) 861-9888

sberlin@lskslaw.com

psafier@lskslaw.com

*Counsel for Defendant Gawker Media, LLC*

VERIFICATION

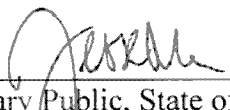
I, Scott Kidder, am the Vice President of Operations at Gawker Media, LLC ("Gawker"). I am authorized to submit this verification on Gawker's behalf in connection with Defendant Gawker Media, LLC's Responses to Plaintiff's Request for Admissions. I have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my knowledge, information, and belief.

  
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Scott Kidder

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of Scott Kidder was SWORN TO AND SUBSCRIBED before me this 29 day of July 2013.

  
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Notary Public, State of New York

Jesse Ma Notary Public State of New York New York County Reg. No.: 02MA6225360 My Comm. Exp. 7-19-14
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(Print, type, or stamp Commissioned name of Notary Public)