

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 AKA Heather Cole, an
Individual, and BUBBA THE LOVE
SPONGE CLEM aka Todd Alan Clem,

Defendants
_____ /

ANSWER AND DEFENSES OF HEATHER COLE

Defendant, HEATHER COLE (fka Heather Clem), by and through her undersigned attorneys, answers the Complaint in the above-styled matter as follows:

1. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
2. Without knowledge.
3. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
4. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
5. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
6. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

7. Without knowledge.
8. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
9. Without knowledge.
10. Without knowledge.
11. Admitted.
12. Without knowledge.
13. Without knowledge.
14. Without knowledge.
15. Without knowledge.
16. Without knowledge.
17. Without knowledge.
18. Without knowledge.
19. Without knowledge.
20. Without knowledge.
21. Without knowledge.
22. Without knowledge.
23. Without knowledge.
24. Without knowledge.
25. Without knowledge.
26. Denied that this Defendant had any involvement with the filming and otherwise without knowledge.

27. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
28. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
29. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
30. Without knowledge.
31. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
32. Without knowledge.
33. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
34. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
35. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
36. Without knowledge.

FIRST CAUSE OF ACTION

37. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
38. Denied as to any actions by this Defendant and otherwise without knowledge.
39. Denied.
40. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
41. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

42. Denied.

43. Denied.

44. Denied.

45. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

46. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

47. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

48. Denied.

SECOND CAUSE OF ACTION

49. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.

50. Denied.

51. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

52. Denied.

53. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

54. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

55. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

THIRD CAUSE OF ACTION

56. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
57. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
58. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
59. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
60. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
61. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
62. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
63. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
64. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
65. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

FOURTH CAUSE OF ACTION

66. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
67. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
68. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

69. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
70. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
71. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
72. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
73. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
74. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
75. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

FIFTH CAUSE OF ACTION

76. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
77. Without knowledge.
78. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
79. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
80. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
81. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

82. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

83. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

84. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

SIXTH CAUSE OF ACTION

85. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.

86. Denied as to this Defendant; otherwise without knowledge.

87. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

88. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

89. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

90. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

91. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

92. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

93. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

SEVENTH CAUSE OF ACTION

- 94. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
- 95. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 96. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 97. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 98. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 99. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

EIGHTH CAUSE OF ACTION

- 100. Defendant repeats, re-alleges and adopts her responses to Paragraphs 1 through 36.
- 101. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 102. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 103. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 104. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.
- 105. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

106. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

107. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

108. Denied that any actions by this Defendant are applicable to the allegations of this Paragraph and otherwise without knowledge.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a cause of action upon which relief can be granted against this Defendant.

SECOND AFFIRMATIVE DEFENSE

This Defendant had no knowledge or involvement whatsoever with respect to the transmission, dissemination, or publication of the video and did not authorize, consent or approve of any such actions in relation to the video. As to the allegations relating to the Defendant's participation in the actions depicted in the video, any damages claimed by the Plaintiff are barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

This Defendant had no knowledge or involvement whatsoever with respect to the transmission, dissemination, or publication of the video and did not authorize, consent or approve of any such actions in relation to the video. As to the allegations relating to the Defendant's participation in the actions depicted in the video, Plaintiff's action is barred by the doctrine of implied consent.

FIFTH AFFIRMATIVE DEFENSE

This Defendant had no knowledge or involvement whatsoever with respect to the transmission, dissemination, or publication of the video and did not authorize, consent or approve of any such

actions in relation to the video. As to the allegations relating to the Defendant's participation in the actions depicted in the video, Plaintiff's action is barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claim for damages is subject to any failure to mitigate.

Respectfully submitted,

THE COHEN LAW GROUP

/s/ Michael W. Gaines

BARRY A. COHEN
FBN: 0096478
MICHAEL W. GAINES
FBN: 775614
THE COHEN LAW GROUP
201 East Kennedy Boulevard, Suite 1950
Tampa, FL 33602
(813) 225-1655; Fax (813) 225-1921
Attorneys for Plaintiff
mgaines@tampalawfirm.com
bcohen@tampalawfirm.com
mwalsh@tampalawfirm.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December (and refiled from the 11th day of November 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:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Christina K. Ramirez, Esq.
cramirez@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602

David Houston, Esq.
Law Office of David Houston
dhoustan@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Tel: (813) 443-2199 Fax: (813) 443-2193

Charles J. Harder, Esq.
charder@HMAfirm.com
Douglas E. Mirell
dmirell@HMAfirm.com
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Gregg D. Thomas
Florida Bar No.: 223913
Rachel E. Fugate
Florida Bar No.: 0144029
THOMAS & LOCICERO PL
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

Seth D. Berlin (Pro Hac Vice Number: 103440)
Michael Berry (Pro Hac Vice Number: 108191)
Alia L. Smith (Pro Hac Vice Number 104249)
Julie B. Ehrlich (Pro Hac Vice Number 108190)
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
mberry@lskslaw.com
asmith@lskslaw.com
jehlich@lskslaw.com

Counsel for Defendants

/s/ Michael W. Gaines
MICHAEL W. GAINES