

EXHIBIT A

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: Bubba the Love Sponge Clem
5264 61st Street South
St. Petersburg, FL 33715**

YOU ARE COMMANDED by Defendant Gawker Media, LLC, to produce the documents described in Schedule A at the office of Riesdorff Reporting Group, Inc., 100 2nd Avenue South, Suite 104-S, St. Petersburg, FL 33701 twenty (20) days after this Subpoena Duces Tecum is served upon you.

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 _____.

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

SCHEDULE A

INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” mean Bubba the Love Sponge Clem (“Mr. Clem”), and any agents, attorneys, or other persons or entities acting for or on behalf of him or in concert with him, including without limitation any personal services corporations that make available or license his services. 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 their or your behalf.
2. “Plaintiff” means Plaintiff Terry Gene Bollea (professionally known as “Hulk Hogan”), as well as any agents, attorneys and consultants acting on his behalf.
3. “Heather Clem” means Defendant Heather Clem, former wife of Mr. Clem and the woman who appears in the video that accompanied the Gawker Story, as that term is defined below.
4. “David Houston” means the person by that name who is Terry Bollea’s attorney.
5. “Gawker” means Gawker Media, LLC and www.gawker.com.
6. 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 on or about October 4, 2012.
7. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.
8. “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. References to the Sex Tapes refers to one or more of them.
9. “The Dirty” refers to the website by that name located at the web address www.thedirty.com.

10. “TMZ” refers to the celebrity news company that owns and operates the website www.TMZ.com.

11. “Cox” means Cox Media Group, and any employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert with Cox Media Group

12. The “Lawsuit” means any legal proceeding instituted against Gawker Media, LLC, Bubba Clem, or Heather Clem by Terry Bollea relating to the Gawker Story.

13. “Communication” includes any type of correspondence, electronic mail, text message, iMessage, 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.

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

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

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

17. The term “document(s)” means all materials within the full scope of Rule 1.350, including but not limited to: 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, telefax, 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.

18. Throughout these requests, the singular shall include the plural and the plural shall include the singular.

19. 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.

20. 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.

21. 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.

22. With respect to your responses to the following requests 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.

23. In the event that any documents or things that would have been responsive to these requests 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: Documents sufficient to show the person associated with the cell phone number (813) 260-0299 in 2012, including the person whose name appeared on the bills for that phone number and the person who used that phone number for telephone calls and text messages in 2012.

Request No. 2: All text messages and iMessages sent to plaintiff from the phone number (813) 260-0299 in March, April, and October 2012 concerning any of the following: the Sex Tapes, the Gawker Story, the Lawsuit, Heather Clem, TMZ, The Dirty, or any publication, report, broadcast, or Internet posting referring or relating to any of the Sex Tapes.

Request No. 3: All text messages and iMessages sent by plaintiff to the phone number (813) 260-0299 in March, April, and October 2012 concerning any of the following: the Sex Tapes, the Gawker Story, the Lawsuit, Heather Clem, TMZ, The Dirty, or any publication, report, broadcast, or Internet posting referring or relating to any of the Sex Tapes.

Request No. 4: All text messages and iMessages you sent to or received from David Houston in March, April, and October 2012 referring or relating to the Sex Tape, the Gawker Story, Gawker, TMZ, the Dirty, or Heather Clem. This request is not intended to seek – and expressly does not ask you to produce – any communications with your attorneys that are protected by the attorney-client privilege or the work-product doctrine, or any communications with David Houston that are protected by the settlement privilege. If any documents are withheld as privileged, please provide a privilege log as instructed in Instruction No. 22.

Request No. 5: All documents reflecting, referring, or relating to communications with Matt Loyd concerning any of the following: the Sex Tapes, the Gawker Story, the Lawsuit, Heather Clem, any report published or broadcast by TMZ referring or relating to any of the Sex Tapes, or any image or text posted on The Dirty referring or relating to any of the Sex Tapes.

Request No. 6: All documents reflecting, referring, or relating to communications with Mike Calta concerning any of the following: the Sex Tapes, the Gawker Story, the Lawsuit, Heather Clem, any report published or broadcast by TMZ referring or relating to any of the Sex Tapes, or any image or text posted on The Dirty referring or relating to any of the Sex Tapes.

Request No. 7: All documents reflecting, referring, or relating to communications with Cox concerning any of the following: the Sex Tapes, the Gawker Story, the Lawsuit, Heather Clem, any report published or broadcast by TMZ referring or relating to any of the Sex Tapes, or any image or text posted on The Dirty referring or relating to any of the Sex Tapes.