

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.

**DEFENDANT GAWKER MEDIA, LLC'S RESPONSES TO
PLAINTIFF'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant Gawker Media, LLC ("Gawker") hereby provides this response to Plaintiff's Fifth Requests for Production of Documents dated December 29, 2014.

PRELIMINARY STATEMENT

On December 17, 2014, the Court heard two hours of oral argument focused largely on discovery that plaintiff would be permitted to obtain from Gawker concerning Kinja, KFT, formerly known and sued herein as Blogwire Hungary Szellemi Alkotást Hasznosító, KFT ("Kinja"). At the conclusion of that hearing, Judge Campbell carefully delineated the scope of permissible discovery, allowing discovery in some areas and prohibiting discovery into others. Nevertheless, within a few days of that hearing, plaintiff served voluminous additional discovery requests relating to those very same areas, substantial portions of which had already been ruled out of bounds by the Court or already answered in response to the hundreds and hundreds of prior discovery requests plaintiff has served on defendants. Particularly given the overwhelming discovery already taken and the significant jurisdictional questions now before the District Court

of Appeals, if plaintiff wished to obtain additional discovery concerning Kinja, he should have raised that issue with Judge Campbell when the parties were before her and when the Court was adjudicating the proper scope of discovery on that very topic. It is entirely inappropriate for him now, after the fact, to request *still more* discovery about this foreign entity with a personal jurisdiction appeal pending. Gawker objects in the strongest possible terms to such tactics.

REQUESTS AND RESPONSES

REQUEST NO. 127: All oral and/or written agreements, arrangements and/or transactions (including but not limited to license agreements and lending agreements) between and among KINJA, GAWKER, and/or GMGI from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) Gawker Media Group, Inc. (“GMGI”) is no longer a defendant in this case and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that (a) the Request is duplicative of, *inter alia*, Request for Production Nos. 92, 94 and 95; (b) the Request violates the Court’s May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker) and which denied discovery related to GMGI as a result; and (c) the Request violates the Court’s December 17, 2014 Order, which limited discovery on this topic as it relates to Kinja to documents in Gawker’s possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that

it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine.¹

Subject to and without waiving the foregoing objections, Gawker states that (a) it has no non-privileged documents responsive to this Request as between Gawker and GMGI, or between GMGI and Kinja, and (b) it has already provided the documents required to be produced on this topic as it relates to Gawker and Kinja pursuant to the Court's December 17, 2014 Order.

REQUEST NO. 128: All financial statements, transaction summaries and/or any other DOCUMENTS that compile, tally, catalog, list, or otherwise document any and all agreements, arrangements, transactions, licenses and/or payments between KINJA, GMGI and/or GAWKER, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that (a) the Request is duplicative of, *inter alia*, Request for Production Nos. 92, 94 and 95; (b) the Request violates the Court's May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker) and which denied discovery related to GMGI as a result; and (c) the Request violates the Court's

¹ The attorney-client privilege and work product doctrine apply to the extent that plaintiff's requests may call for communications exchanged between client and counsel in connection with preparing these responses. Consistent with the past practice of the parties, such documents will not be logged. Gawker also asserts a privilege objection to the extent that plaintiff's requests are duplicative of earlier requests, in response to which documents have been produced and privileged documents logged, and respectfully refers plaintiff to those earlier logs.

December 17, 2014 Order, which limited discovery on this topic as it relates to Kinja to documents in Gawker's possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that (a) it has no non-privileged documents responsive to this Request as between Gawker and GMGI, or between GMGI and Kinja, and (b) it has already provided the non-privileged documents required to be produced on this topic as it relates to Gawker and Kinja pursuant to the Court's December 17, 2014 Order.

REQUEST NO. 129: All DOCUMENTS that constitute or RELATE TO negotiations with respect to any and all agreements, arrangements, transactions licenses and/or payments between KINJA, GMGI and/or GAWKER, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that (a) the Request is duplicative of, *inter alia*, Request for Production Nos. 92, 94 and 95; (b) the Request violates the Court's May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker)

and which denied discovery related to GMGI as a result; and (c) the Request violates the Court's December 17, 2014 Order, which limited discovery on this topic as it relates to Kinja to documents in Gawker's possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request on the grounds that, by asking for "all documents" that "relate to" "negotiations" over a four-year period, it is overbroad and unduly burdensome. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that (a) it has no non-privileged documents concerning negotiations between Gawker and GMGI, or between GMGI and Kinja, and (b) it has already provided the non-privileged documents required to be produced on this topic as it relates to Gawker and Kinja pursuant to the Court's December 17, 2014 Order.

REQUEST NO. 130: DOCUMENTS sufficient to show the valuation of any and all rights transferred and/or licensed between KINJA, GMGI and/or GAWKER, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that

(a) the Request is duplicative of, *inter alia*, Request for Production Nos. 92, 94 and 95; (b) the Request violates the Court's May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker) and which denied discovery related to GMGI as a result; and (c) the Request violates the Court's December 17, 2014 Order, which limited discovery on this topic as it relates to Kinja to documents in Gawker's possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 131: All DOCUMENTS that RELATE TO the business decision to form KINJA as a business entity and/or to incorporate it in Hungary.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature; (b) the decisions to establish a software company or to incorporate it in Hungary are not relevant to any of the legal issues in this action; and (c) Kinja was established long before the post at issue, such that any decisions regarding its formation cannot, by definition, have any bearing on claims arising from the publication of a post years later. Gawker further objects on the grounds that the Request is

duplicative of Request for Production No. 29. Gawker further objects to this Request on the grounds that by asking for “all documents” (from an unlimited time period) that “relate to” a business decision, it is overbroad and unduly burdensome. Gawker further objects to this Request on the grounds that the Request violates the Court’s December 17, 2014 Order, which limited discovery concerning Kinja to documents in Gawker’s possession and custody and for the period from 2011 through 2014. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See also* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 132: All DOCUMENTS that RELATE TO the business decision to form GMGI as a business entity and/or to incorporate it in the Cayman Islands.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case, (b) the decisions to establish a holding company or to incorporate it in the Cayman Islands are not relevant to any of the legal issues in this action, and (c) GMGI was established long before the post at issue, such that any decisions regarding its formation cannot, by definition, have any bearing on claims arising from the publication of a post years later. Gawker further objects on the grounds that the Request is duplicative of Request for Production No. 29. Gawker further objects to this Request on the grounds that by asking for “all documents” (from an unlimited time period) that “relate to” a business decision, it is overbroad and unduly burdensome. Gawker further objects to this Request on the grounds that the Request violates the Court’s

May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker) and which denied discovery related to GMGI as a result. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See also* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 133: DOCUMENTS sufficient to show the identities of the shareholders of GAWKER, KINJA and/or GMGI, their location, and the percentage of outstanding shares owned during all times from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case, (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature, and (c) the ownership of the defendants does not bear on any of the legal issues in the case. Gawker further objects to this Request on the grounds that (a) the Request is duplicative of Request for Production No. 30 and Second Request for Production No. 116, as well as Interrogatory No. 12 (in response to which Gawker stated under oath that Gawker and Kinja were wholly-owned subsidiaries of GMGI); (b) the Request violates the Court's February 26, 2014 Order, which sustained Gawker's objection to plaintiff's Request No. 30, seeking "documents that relate to the identity of the owners of Gawker or any affiliated company"; (c) the Request violates the Court's May 14, 2014 Order, which dismissed GMGI for

lack of jurisdiction (including without limitation because there were no transactions between GMGI and Gawker) and which denied discovery related to GMGI as a result; and (d) the Request violates the Court's December 17, 2014 Order, which limited discovery concerning equity offerings to documents in Gawker's possession and custody sufficient to show financial representations to lenders or investors for 2011, 2012 and 2013, documents which have already been produced in response to that order. Gawker further objects to this Request (a) to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product documents, *see* note 1 *supra*, and (b) on the grounds that it is overly broad and unduly burdensome, particularly in light of the Court's prior rulings.

REQUEST NO. 134: All of GAWKER'S, KINJA'S and GMGI'S statements of assets, liabilities, profits and losses for each calendar year beginning January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) GMGI is no longer a defendant in this case and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that (a) the Request is duplicative of, *inter alia*, Request for Production Nos. 91, 99, 100, 104, 119, 120, and 121; (b) Gawker has already produced multiple years of its financial statements, including its income statements, balance sheets, and revenues by month (both for the company as a whole and broken down for each of Gawker's eight websites), and has repeatedly updated that production; (c) the Request violates the Court's February 26, 2014 Order, at ¶ 9, which sustained Gawker's objection to producing additional financial statements for itself, as well as financial statements

for Kinja and GMGI; (d) the Request violates the Court's May 14, 2014 Order, which dismissed GMGI for lack of jurisdiction and which denied discovery related to GMGI as a result; and (e) the Request violates the Court's December 17, 2014 Order, which limited discovery on this topic as it relates to Kinja to documents in Gawker's possession and custody for 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

REQUEST NO. 135: All DOCUMENTS that RELATE TO the business decision for KINJA to own the intellectual property (including without limitation trademarks, copyrights, patents and domain names) associated with GAWKER.COM, and each of the GAWKER WEBSITES, and all other businesses associated with GAWKER.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature; and (b) Kinja's ownership, and license to Gawker, of intellectual property well prior to the post at issue and cannot, by definition, have any bearing on claims arising from that post.² Gawker further objects to this Request on the grounds that the Request violates the Court's December 17, 2014 Order, which limited discovery concerning Kinja's licensure of intellectual property to Gawker to documents sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents

² As Gawker explained in its sworn response to Interrogatory No. 12, Kinja owns and licenses to Gawker certain "trademarks, domains and proprietary software." Kinja does not license to Gawker any copyrighted publishing content or patented materials; Gawker directly owns all of the copyrights in the content it produces.

which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine *see* note 1 *supra*, and (b) on the grounds that it is overly broad and unduly burdensome, particularly in light of the Court's prior rulings.

Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 136: DOCUMENTS sufficient to show KINJA's ownership of intellectual property used by and/or licensed to GAWKER from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that it violates the Court's December 17, 2014 Order, which limited discovery concerning Kinja's licensure of intellectual property to Gawker to documents in Gawker's possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that it will produce non-privileged documents in Gawker's possession and custody sufficient to show ownership and registration of trademarks used by Gawker.

REQUEST NO. 137: DOCUMENTS sufficient to show all agreements, arrangements and/or transactions that directly or indirectly license or transfer any intellectual property, compensation or other benefits between KINJA and GAWKER, including any amendments to any such agreement, arrangement and/or transaction, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it is duplicative of (and subsumed within) that portion of Request for Production No. 127 as it relates to Gawker and Kinja. In response to Request No. 137, Gawker refers plaintiff to, and incorporates by reference, its response to Request No. 127, including without limitation each and every objection set forth therein.

REQUEST NO. 138: DOCUMENTS sufficient to show all agreements, arrangements and/or transactions that directly or indirectly license or transfer any intellectual property, compensation or other benefits between KINJA and any PERSON or ENTITY other than GAWKER, including amendments to any such agreement, arrangement and/or transaction from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because (a) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature and (b) transactions between Kinja and third parties other than Gawker have no bearing on claims related to the post at issue in this action. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See note 1 supra.*

REQUEST NO. 139: DOCUMENTS sufficient to show the calculation of royalty payments, license fees, and/or other monetary or non-monetary consideration paid by (and/or to be paid by) GAWKER to KINJA (or KINJA to GAWKER) under any agreement licensing intellectual property, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that additional discovery related to it is at the very least premature. Gawker further objects to this Request on the grounds that the Request violates the Court's December 17, 2014 Order, which limited discovery concerning Kinja's licensure of intellectual property to Gawker to documents in Gawker's possession and custody sufficient to show transactions between Gawker and Kinja from 2011 through 2014, documents which have already been produced in response to that order. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

REQUEST NO. 140: All DOCUMENTS that constitute any and all transfer pricing studies conducted on YOUR behalf from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that the term "transfer pricing studies" is vague and ambiguous, and thus it is impossible to respond to this Request with any degree of certainty, particularly without any indication of what is being transferred or to whom. Gawker further objects to this Request on the grounds that it is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence, including because documents which arguably evaluate the economics of the transfer of any item, whether tangible or intangible, to anyone has nothing to do with the claims at issue in this case. Gawker further objects to this Request to the extent that it purports to incorporate the definition of “YOUR” set forth in the introductory section of Plaintiff’s Fifth Request for Production of Documents. Consistent with the Court’s December 17, 2014 order, Gawker’s response is limited to documents as to which it, as the responding party, has within its possession and custody. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving these objections, and subject to Gawker’s understanding of the term “transfer pricing studies,” Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 141: All DOCUMENTS that constitute any and all transfer pricing studies conducted on KINJA’s behalf from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that the term “transfer pricing studies” is vague and ambiguous, and thus it is impossible to respond to this Request with any degree of certainty, particularly without any indication of what is being transferred or to whom. Gawker further objects to this Request on the grounds that it is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including because (a) documents which arguably evaluate the economics of the transfer of any item, whether tangible or intangible, to anyone has nothing to do with the claims at issue in this case, and (b) Kinja played no role in the allegedly tortious conduct at issue in this case, is challenging the exercise of jurisdiction over it, and has been severed such that

additional discovery related to it is at the very least premature. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See note 1 supra.*

Subject to and without waiving these objections, and subject to Gawker's understanding of the term "transfer pricing studies," Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 142: DOCUMENTS sufficient to show any and all efforts by GAWKER to encourage, induce, or otherwise cause first-time visitors to GAWKER WEBSITES to click-through to additional content on any and/or all of the GAWKER WEBSITES, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence including because any documents reflecting in some way a generalized "effort" to encourage readers to view other content have no bearing on any issue in this case and, although Gawker does not have any such documents, any documents concerning any efforts specific to the publication of the post at issue would already have been produced in response to plaintiff's many prior requests for such documents. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See note 1 supra.*

Subject to and without waiving these objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 143: All DOCUMENTS that RELATE TO any and all discussions of how to use the commenting systems and/or software on GAWKER WEBSITES to encourage users to view additional GAWKER content, from January 1, 2011 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence including because any documents reflecting in some way generalized “discussions” about using comments to encourage readers to view other content have no bearing on any issue in this case and, although Gawker does not have any such documents, any documents concerning any efforts specific to the publication of the post at issue would already have been produced in response to plaintiff’s many prior requests for such documents. Gawker further objects to this Request on the grounds that this Request seeks “all documents” that “relate to” “all discussions” regarding “how to use the commenting systems and/or software on Gawker websites to encourage users to view additional Gawker content” is (a) vague and ambiguous, (b) overbroad, and (c) unduly burdensome. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See note 1 supra.*

Subject to and without waiving these objections, and subject to Gawker’s understanding of the Request, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 144: All DOCUMENTS that preserve, copy, constitute and/or contain a whole or partial screenshot or other portrayal of the GAWKER.COM homepage between October 1, 2012 and May 1, 2013.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence

including because screenshots of the Gawker.com homepage at times when either the post at issue or a link to the post at issue did not appear on the Gawker.com homepage have no bearing on any issue in this lawsuit. Gawker further objects to this Request on the grounds that it is duplicative of, *inter alia*, Request for Production Nos. 1, 3, 5, 7, and 10-12. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 145: All DOCUMENTS that constitute, contain, and/or RELATE TO agreements between GAWKER and any PERSON or ENTITY relating to the provision of content delivery network services for the time period between January 1, 2012 and the present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request as overly broad and unduly burdensome to the extent it seeks “all documents” that “relate to” agreements for content delivery network services. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving these objections, Gawker will produce any agreements with providers of content delivery network services in its possession and custody.

REQUEST NO. 146: All DOCUMENTS that RELATE TO website traffic, clicks, hits, visitors and/or page views of the web page located at <http://gawker.com/a-judge-told-us-to-take-down-our-hulk-hogan-sex-tape-po-481328088> and/or the revenue associated therewith.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including because the referenced post is not the subject of plaintiff’s claims in this action – nor could it be. Gawker further objects to this Request as overly broad and unduly burdensome to the extent it seeks “all documents” that “relate to” traffic to the referenced post. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving these objections, Gawker states that it has no documents related to the revenue associated with the referenced post, because no advertising was or is currently displayed on the post, and thus Gawker realized no revenue from it.

REQUEST NO. 147: All DOCUMENTS that RELATE TO the publication of the POSTED SEX VIDEO on any and all websites not owned or operated by GAWKER, including but not limited to screenshots, preservations, cease and desist communications, requests for credit or attribution, and/or information regarding traffic to that website.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request on the grounds that it is duplicative of, *inter alia*, Request for Production Nos. 1, 3-7, and 10-12. Gawker further objects to this Request to the extent that it seeks documents protected by privilege, including the attorney-client privilege and attorney work-product doctrine. *See* note 1 *supra*.

Subject to and without waiving these objections, Gawker states that it has no non-privileged documents responsive to this Request.

REQUEST NO. 148: All DOCUMENTS and COMMUNICATIONS with VIDDLER RELATING TO the POSTED SEX VIDEO.

RESPONSE: Gawker objects to this Request on the grounds that it is duplicative of, *inter alia*, Request for Production Nos. 1, 3-7, and 10-12.

Subject to and without waiving this objection, Gawker states that it has no non-privileged documents responsive to this Request that have not previously been produced.

REQUEST NO. 149: All DOCUMENTS and COMMUNICATIONS with VIDDLER that contain or RELATE TO web traffic statistics for any and all GAWKER WEBSITES, from January 1, 2012 to present.

RESPONSE: Gawker objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request as overly broad and unduly burdensome to the extent it seeks “all documents” that “relate to” more than three years of traffic statistics for eight websites and thousands of videos all of which are unrelated to the post at issue in this action.

Dated: February 2, 2015

THOMAS & LOCICERO PL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February 2015, 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:

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