

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC
aka GAWKER MEDIA; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.

**PLAINTIFF TERRY GENE BOLLEA'S RESPONSES TO GAWKER MEDIA, LLC'S
SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff TERRY GENE BOLLEA (herein "Responding Party") hereby responds to Request for Production of Documents (Set Six) ("Request" or "Requests") propounded by defendant GAWKER MEDIA, LLC (herein "Propounding Party") as follows:

PRELIMINARY STATEMENT

Responding Party responds to the Requests for Production subject to, without waiver of, and expressly preserving: (a) any objections as to the competency, relevance, materiality, privilege or admissibility of any of the responses or any of the documents identified in any response hereto; and (b) the right at any time to revise, correct, supplement or clarify any of the responses herein.

These responses are based upon a diligent investigation undertaken by Responding Party and his counsel since the service of these Requests. These responses reflect only Responding

Party's current understanding, belief and knowledge regarding the matters about which inquiry was made. Responding Party has not yet had sufficient opportunity to depose or interview all persons who may have knowledge of relevant facts, or to discover or otherwise obtain and review all documents which may have some bearing on this case.

Consequently, there may exist further information, documents and persons with knowledge relevant to these Requests of which Responding Party is not currently aware. As this action proceeds, Responding Party anticipates that further facts, witnesses and documents may be discovered or identified. Without in any way obligating it to do so, Responding Party reserves the right to offer further or different documents, evidence, or information at trial or at any pretrial proceeding. These responses are not in any way to be deemed an admission or representation that there are no further facts, documents or witnesses having knowledge relevant to the subject matter of these Requests.

GENERAL OBJECTIONS

1. The following Responses, and each of them, are based upon information and writings presently available to, and located by, Responding Party and his attorneys. Responding Party has not completed an investigation of the facts or discovery proceedings in this case and has not completed his preparation for trial. The following Responses, and each of them, are made without prejudice to Responding Party's right to produce evidence based on subsequently discovered facts or documents, and to offer such facts or documents in evidence at the time of trial. The fact that Responding Party has responded to a Request should not be taken as an admission that Responding Party accepts or admits the existence of any facts set forth in or assumed by such Request, or that such Response constitutes admissible evidence. The following Responses, and each of them, are made without prejudice to the rights of Responding Party to

introduce evidence of any subsequently discovered facts or documents which Responding Party may later obtain, discover or recall.

2. The documents and information which could or would form the basis of responses to the instant Request for Production, in whole or in part, are still in the process of being identified by Responding Party, and all such relevant documents have not yet been identified, examined or produced. In addition, the significance of documents which may now be in the possession of Responding Party may only become apparent upon further discovery and review of those documents in the context of other documents which have not yet been identified or obtained in the context of later testimony or discovery which may establish their relevance.

3. These Responses are made, and any and all documents are being produced, solely for the purposes of this litigation. Any documents supplied in response to the Requests are being supplied by Responding Party subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any ground that would require the exclusion of any document or portion thereof, if such document were offered in evidence in Court, all of which objections and grounds are expressly reserved and may be interposed at the time of trial.

4. Responding Party, accordingly, reserves the right to alter or modify any and all Responses set forth herein as additional facts may be ascertained, documents discovered, analyses made, witnesses identified, additional parties identified, legal research completed, and contentions made or expanded.

5. Responding Party objects generally to each and every Request to the extent it calls for information that is protected by the attorney-client privilege and/or the attorney work product doctrine.

6. Responding Party objects generally to each and every Request to the extent it requests any information concerning the content of conversations of any other party to this action or documents in the possession of any other party to this action, other than the Responding Party, in that such information is equally accessible to all parties.

7. Responding Party objects to producing any private and/or confidential business or proprietary information or trade secrets.

8. Responding Party objects to the definition of the word “documents” to the extent that Propounding Party seeks documents not in Responding Party’s possession, custody or control.

9. Responding Party objects to these Requests, and each of them, to the extent they are not limited to the subject matter of this action and thus are irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

10. Responding Party objects to these Requests, and each of them, to the extent they are unduly burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

11. Responding Party objects to these Requests, and each of them, to the extent they seek information to which Propounding Party has equal access.

RESPONSES TO REQUESTS FOR PRODUCTION

The Preliminary Statement and General Objections are incorporated into each response below, regardless of whether specifically mentioned. The specific objections set forth below are not a waiver, in whole or in part, of any of the foregoing General Objections. Subject to and without waiver of these objections, Responding Party responds below.

REQUEST NO. 74: For each request for production of documents previously propounded to you by Gawker or any of the other defendants in this action, produce any responsive documents within your possession, custody, and control that have not previously been produced.

RESPONSE TO REQUEST NO 74:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff further incorporates by reference each and every objection made by Plaintiff to each request for production of documents previously propounded on him by any defendant in this action. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request on the ground that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request to the extent that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party. Plaintiff further objects to this Request to the extent that it seeks documents that are not relevant to the claims,

defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 75: To the extent not produced previously in this litigation, all documents reflecting, referring, or relating to statements concerning this action or its subject matter made by you, any party to this action, or any witness identified in any of the parties' initial witness lists filed on March 2, 2015.

RESPONSE TO REQUEST NO 75:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request to the extent that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party. Plaintiff further objects to this Request to the extent that it seeks documents that are not relevant to the claims,

defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 76: To the extent not produced previously in this litigation, all documents you intend to introduce at the trial of this case.

RESPONSE TO REQUEST NO 76:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request to the extent that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party.

Without waiving or otherwise limiting the above objections, Responding Party responds as follows: Responding Party objects to this Request on the ground that the request calls for Responding Party to serve upon Propounding Party his final exhibit list and copies of all exhibits

he intends to rely on at trial at a date earlier than specified by the Court for such disclosures. Such disclosures are currently protected by the attorney work product doctrine. Such disclosures will be made in compliance with, and at the time specified by, the Court's order.

REQUEST NO. 77: All documents and communications referring or relating to the video previously posted at https://www.youtube.com/watch?v=RslL8bLD6yw&desktop_uri=%2Fwatch%3Fv%3DRslL8bLD6yw&app=desktop and the copyright claim referenced on that website as reflected in the document attached as Exhibit A, including, but not limited to, the video and the copyright claim you sent.

RESPONSE TO REQUEST NO 77:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request on the ground that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request to the extent that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff further objects to this Request to the extent that it seeks documents that are not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 78: All documents referring to, relating to, or reflecting communications

between you and any reporter, journalist, producer, photographer, television or radio booker, or any other person employed by or working on behalf of any media referring or relating to the lawsuit or the subject matter of the lawsuit.

RESPONSE TO REQUEST NO 78:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request to the extent that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party. Plaintiff further objects to this Request to the extent that it seeks documents that are not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving or otherwise limiting the above objections, Responding

Party responds as follows: To the extent that such documents are within his possession, custody or control and not previously produced or equally available to Propounding Party, Responding Party will produce responsive non-privileged documents pursuant to a reasonably diligent search.

REQUEST NO. 79: All press releases, media alerts, and statements to the media referring or relating to the lawsuit or the subject matter of the lawsuit sent or distributed by you, as well as documents sufficient to show all people or entities who received the press release, media alert, or statement to the media.

RESPONSE TO REQUEST NO 79:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request to the extent that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party. Plaintiff further

objects to this Request to the extent that it seeks documents that are not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: Responding Party refers Propounding Party to the documents produced by non-parties Elizabeth Rosenthal Traub, Jules Wortman, and TNA. Responding Party is not presently aware of any other responsive, non-privileged documents.

REQUEST NO. 80: To the extent not produced previously, all documents that reflect, refer, relate, pertain, support or refute your claimed damages in this lawsuit.

RESPONSE TO REQUEST NO 80:

Plaintiff incorporates by this reference each and every general objection as though fully set forth herein. Plaintiff objects to this Request to the extent that it seeks the production of documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Plaintiff further objects to this Request to the extent that it seeks the production of documents containing private, confidential, and/or proprietary information or trade secrets. Plaintiff objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Plaintiff objects to this Request on the ground that the requested documents are unlimited as to time and scope. Plaintiff objects to this Request on the ground that the Request is overbroad, unduly burdensome, and harassing. Plaintiff objects to this Request to the extent that it is made to cause annoyance, oppression, and undue burden and expense to Plaintiff and/or the Responding Party. Plaintiff further objects to this Request to the extent it is duplicative and/or identical of other discovery propounded and/or issued by defendants in this case to which Plaintiff has already objected and/or responded. Plaintiff objects

to this Request to the extent that it seeks documents already in the Propounding Party's possession, custody or control or equally available to Propounding Party. Plaintiff further objects to this Request to the extent that it seeks documents that are not relevant to the claims, defenses, or subject matter of the instant action, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving or otherwise limiting the above objections, Responding Party responds as follows: To the extent that such documents are within his possession, custody or control and not previously produced or equally available to Propounding Party, Responding Party will produce responsive, non-privileged documents pursuant to a reasonably diligent search.

DATED: April 9, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 9th day of April, 2015 to the following:

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