

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 SIXTH 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 Sixth Request for Production of Documents, dated March 11, 2015.

**REQUESTS AND RESPONSES**

**REQUEST NO. 150:** 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:** Gawker objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege or work product doctrine (such as, for example, communications between Gawker's attorneys and its own journalists concerning the defense of this lawsuit).

Gawker further objects to this Request to the extent that it purports to incorporate the definition of “YOU” set forth in the “Definitions and Instructions” section of Plaintiff’s Sixth 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.

Subject to and without waiving these objections, Gawker states that it has no documents responsive to this Request, other than what is being produced in response to Request No. 151.

**REQUEST NO. 151:** All DOCUMENTS REFERRING TO, RELATING TO, or reflecting COMMUNICATIONS between DENTON 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:** Gawker objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege or work product doctrine.

Subject to and without waiving this objection, Gawker states that it will produce non-privileged documents responsive to this Request, and further states that the Lawsuit was mentioned when Nick Denton was interviewed at a Re/Code conference in February 2015. Video of that interview can be found here: <http://recode.net/2015/02/27/gawker-medias-nick-denton-goes-it-alone-the-codemedia-interview-video/>.

**REQUEST NO. 152:** 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 PERSONS or ENTITIES who received the press release, media alert, or statement to the media.

**RESPONSE:** Gawker objects to this Request to the extent that it purports to incorporate the definition of “YOU” set forth in the “Definitions and Instructions” section of Plaintiff’s Sixth 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.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 153:** 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 DENTON, as well as DOCUMENTS sufficient to show all PERSONS or ENTITIES who received the press release, media alert, or statement to the media.

**RESPONSE:** Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 154:** All DOCUMENTS, including but not limited to video recordings, audio recordings, interviews, and/or notes, REFERRING or RELATING TO BLATT.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks information protected by privilege, including the attorney-client privilege and work product doctrine (for example, communications among Gawker and its lawyers “referring or relating to Blatt”).

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

**REQUEST NO. 155:** All DOCUMENTS, for the time period January 1, 2003 to present, which constitute contracts or agreements signed, negotiated or brokered by BLATT, and which REFER or RELATE TO any sex video.

**RESPONSE:** Gawker objects to this Request on the grounds that it exceeds the discovery allowed from an expert under Florida Rule of Civil Procedure 1.280(b)(5), as well as the Court's February 18, 2015 pretrial order in this case. Gawker further objects to this Request on the grounds that is overbroad, in that it seeks documents covering a period of more than 12 years. Gawker further objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege, the work-product doctrine and the settlement privilege.

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

**REQUEST NO. 156:** All DOCUMENTS, for the time period January 1, 2003 to present, constituting, REFERRING, or RELATING TO any agreement RELATING TO the settlement of a lawsuit arising out of or associated with the publication, sale, distribution, exhibition or any other exercise of the rights in a sex video or nude photograph of a celebrity, which BLATT was involved in, either directly or indirectly.

**RESPONSE:** Gawker objects to this Request on the grounds that it exceeds the discovery allowed from an expert under Florida Rule of Civil Procedure 1.280(b)(5), as well as

the Court's February 18, 2015 pretrial order in this case. Gawker further objects to this Request on the grounds that is overbroad, in that it seeks documents covering a period of more than 12 years. Gawker further objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege, the work-product doctrine and the settlement privilege.

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

**REQUEST NO. 157:** All DOCUMENTS which constitute contracts or agreements involving the rights to any celebrity sex video upon which GAWKER or BLATT bases the theoretical value of a sex video featuring PLAINTIFF.

**RESPONSE:** Gawker objects to this Request on the grounds that it exceeds the discovery allowed from an expert under Florida Rule of Civil Procedure 1.280(b)(5), as well as the Court's February 18, 2015 pretrial order in this case.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 158:** All DOCUMENTS, for the time period January 1, 2003 to present, which constitute, REFER or RELATE TO consent or waiver forms signed by a participant in a sex video, the distribution and/or sale of which was brokered by BLATT.

**RESPONSE:** Gawker objects to this Request on the grounds that it exceeds the discovery allowed from an expert under Florida Rule of Civil Procedure 1.280(b)(5), as well as the Court's February 18, 2015 pretrial order in this case. Gawker further objects to this Request

on the grounds that is overbroad, in that it seeks documents covering a period of more than 12 years. Gawker further objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege, the work-product doctrine and the settlement privilege.

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

**REQUEST NO. 159:** DOCUMENTS sufficient to show the amount of money paid to Rick Salomon in connection with the publication, sale, distribution, exhibition or any other exercise of the rights in the sex video of Rick Salomon and Paris Hilton.

**RESPONSE:** Gawker objects to this Request on the grounds that it exceeds the discovery allowed from an expert under Florida Rule of Civil Procedure 1.280(b)(5), as well as the Court's February 18, 2015 pretrial order in this case.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 160:** All COMMUNICATIONS, for the time period January 1, 2013 to present, between GAWKER, its counsel, and/or BLATT, which REFER or RELATE TO any conversations between BLATT and PLAINTIFF'S counsel, including without limitation Charles Harder, regarding this LAWSUIT or any fact or issue related to this LAWSUIT.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege and work-product doctrine (such as, for example, communications between Gawker and its counsel).

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

**REQUEST NO. 161:** A copy of every article published by GAWKER, for the time period January 1, 2011 to present, which includes nude pictures of, or sex videos involving, any celebrity.

**RESPONSE:** Gawker objects to this Request on the grounds that the term “sex video” is undefined, and is therefore vague and ambiguous. Gawker further 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 because, among other reasons, every post published by Gawker arises in a different context. Gawker further objects on the grounds that combing through its archives of approximately 100,000 posts per year for a more-than four year period is overbroad and unduly burdensome, particularly given that this task can just as easily be accomplished by plaintiff himself (and indeed, he has already produced to Gawker some documents that would be responsive to this Request).

**REQUEST NO. 162:** All DOCUMENTS, for the time period January 1, 2011 to present, constituting, REFERRING, or RELATING TO settlement agreements to which GAWKER is a party and which RELATE to any lawsuit or claim REFERRING or RELATING TO any video or photograph depicting sexual activity or nudity of a celebrity.

**RESPONSE:** Gawker object to this Request to the extent that it seeks documents that are protected from disclosure by privilege, including the attorney-client privilege, the work-product doctrine, and the settlement privilege. Gawker further objects to this Request on that

grounds that it calls for documents that are neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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

**REQUEST NO. 163:** All DOCUMENTS that REFER or RELATE TO any monetary payment by GAWKER in exchange for any nude photographs of, or sex videos involving, any celebrity, for the time period January 1, 2011 to present.

**RESPONSE:** Gawker objects to this Request on the grounds that it calls for documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 164:** All DOCUMENTS that constitute, REFER or RELATE TO any consideration, fiscal or otherwise, provided to GAWKER in return for not publishing a sex video or nude image of a celebrity.

**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.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.



**REQUEST NO. 165:** All DOCUMENTS, including without limitation any videos, photographs, files or other DOCUMENTS or intangible items, which REFER or RELATE TO, or are the product of, any private investigation conducted by YOU, or done at YOUR direction, concerning PLAINTIFF, Heather Clem, Bubba Clem or any other witness or party in this lawsuit.

**RESPONSE:** Gawker objects to this Request on the grounds that it seeks information protected from disclosure by the attorney-client privilege and work product doctrine.

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

**REQUEST NO. 166:** All DOCUMENTS constituting GAWKER's written responses to discovery (including without limitation responses to all Interrogatories, Requests for Admission, Requests for the Production of Documents and third party subpoenas) in the matter, Nautilus Insurance Company v. Gawker Media, LLC et al. (S.D.N.Y. Case No. 14-Civ-5680).

**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.

Subject to and without waiving the foregoing objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 167:** All DOCUMENTS produced by GAWKER in the matter, Nautilus Insurance Company v. Gawker Media, LLC et al. (S.D.N.Y. Case No. 14-Civ-5680).

**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.

Subject to and without waiving the foregoing objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 168:** For the time period January 1, 2011 to present, all statements, made in any form, by any GAWKER employee, officer or agent, regarding the value of monthly unique users.

**RESPONSE:** Gawker objects to this Request on the grounds that by seeking “all statements, made in any form” on this subject, by any of Gawker’s more than 200 employees for a period of more than four years, it is overbroad and unduly burdensome.

Subject to and without waiving this objection, Gawker states that, to the best of its knowledge, it has no documents responsive to this Request.

**REQUEST NO. 169:** All DOCUMENTS constituting, REFERRING or RELATING TO any private placement offerings of GAWKER, for the time period January 1, 2011 to present.

**RESPONSE:** Gawker objects to this Request on the grounds that the term “private placement offerings” is vague and ambiguous. To the extent that the aim of this Request is to obtain documents relating to efforts, in 2015, to secure debt financing with the assistance of Young America Capital, Gawker objects on the grounds that the Request exceeds the permissible bounds of discovery, as this Court held in hearings on December 17, 2014 and March 19, 2015.

Gawker further objects to this Request on the grounds that (a) it appears to seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and (b) it is duplicative of plaintiff's Second Request for Production No. 116.

Gawker also objects to this Request to the extent that it seeks information protected by privilege, including the attorney-client privilege and the work product doctrine.

Subject to and without waiving these objections, and interpreting the Request to seek documents pertaining to efforts to secure debt financing, Gawker states that it has previously produced all documents on this subject that were required by the Court's December 17, 2014 order.

**REQUEST NO. 170:** All DOCUMENTS constituting, REFERRING or RELATING TO any private placement offerings of KINJA KFT, for the time period January 1, 2011 to present.

**RESPONSE:** Gawker objects to this Request on the grounds that the term "private placement offerings" is vague and ambiguous. To the extent that the aim of this Request is to obtain documents relating to efforts, in 2015, to secure debt financing with the assistance of Young America Capital, Gawker objects on the grounds that the Request exceeds the permissible bounds of discovery, as this Court held in hearings on December 17, 2014 and March 19, 2015.

Gawker further objects to this Request on the grounds that (a) it appears to seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and (b) it is duplicative of plaintiff's Second Request for Production No. 116.

Gawker also objects to this Request to the extent that it seeks information protected by privilege, including the attorney-client privilege and the work product doctrine.

Subject to and without waiving these objections, and interpreting the Request to seek documents pertaining to efforts to secure debt financing, Gawker states that it has previously produced all documents on this subject that were required by the Court's December 17, 2014 order.

**REQUEST NO. 171:** DOCUMENTS sufficient to show any offers to purchase GAWKER, in whole or in part, for the time period 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.

Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

**REQUEST NO. 172:** All DOCUMENTS constituting, REFERRING or RELATING TO GAWKER'S year-end revenue and trends reports for the years 2011 to present.

**RESPONSE:** Gawker objects to this Request on the grounds that by seeking "all documents" that "refer" or "relate" to revenue and trend reports, it is overbroad and unduly burdensome. Gawker further objects to the extent that the Request seeks information protected from disclosure by privilege, including without limitation the attorney-client privilege and work product doctrine.

Subject to and without waiving these objections, Gawker will produce any year-end revenue and trends reports for the referenced period.

**REQUEST NO. 173:** For each request for production of documents previously propounded to YOU by PLAINTIFF, produce any responsive DOCUMENTS within YOUR possession, custody, and control that have not previously been produced.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks information protected from disclosure from privilege, including the attorney-client privilege, the work-product doctrine, the journalist's privilege, and the settlement privilege. Gawker further objects to the Request on the grounds that requiring Gawker to re-search for documents responsive to 149 prior requests is unduly burdensome, which it respectfully declines to do.

Subject to and without waiving the foregoing objections, Gawker incorporates by reference its response, dated March 14, 2014, to plaintiff's First Supplemental Request for the Production of Documents and notes that it has continued to produce documents regularly since that time.

**REQUEST NO. 174:** 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:** Gawker objects to this Request to the extent that it seeks information that is protected from disclosure by privilege, including the attorney-client privilege and work-product doctrine.

Gawker further objects to this Request to the extent that it purports to incorporate the definition of "YOU" set forth in the "Definitions and Instructions" section of Plaintiff's Sixth

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.

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

**REQUEST NO. 175:** To the extent not produced previously, all DOCUMENTS that reflect, REFER, RELATE, pertain, support or refute YOUR defense of this LAWSUIT.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks information that is protected from disclosure by privilege, including the attorney-client privilege and work-product doctrine.

Subject to and without waiving this objection, Gawker states that it will produce non-privileged documents responsive to this Request.

**REQUEST NO. 176:** To the extent not produced previously in this litigation, all DOCUMENTS YOU intend to introduce at the trial of the LAWSUIT.

**RESPONSE:** Gawker will produce all documents it intends to introduce at trial, to the extent such documents have not already been produced in discovery, in accordance with the deadlines set forth in the Order Setting Pretrial Conference and Jury Trial, dated February 18, 2015.

Dated: April 10, 2015

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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*Counsel for Defendant Gawker Media, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10th day of April 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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