

**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.

\_\_\_\_\_ /

**CONFIDENTIAL AFFIDAVIT OF CHARLES J. HARDER**

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

Charles J. Harder, Esq. being duly sworn, deposes and says:

1. I am a resident of Los Angeles, California, over the age of 18 years. I am an attorney duly licensed to practice before all courts of the State of California, the State of New York and the District of Columbia, among other courts. I am admitted *pro hac vice* to this court for the captioned action, and am a partner of the law firm Harder Mirell & Abrams LLP, lead

counsel for Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan (“Mr. Bollea”).  
The statements made herein are based on my personal knowledge.

2. In or about January 2013, and during the litigation in the above-captioned lawsuit, Seth Berlin, Esq., lead counsel for the Gawker Defendants herein, informed me in a telephone conversation that his clients continued to possess a substantial amount of footage of Mr. Bollea having sex, and that his clients intended to publish additional footage from that sex tape in the future.

By way of background, discovery in this case has revealed that in late September 2012, Gawker Defendants received a DVD containing 30 minutes of footage of Mr. Bollea in a private bedroom, which contained a substantial amount of footage of Mr. Bollea fully naked and having sex with defendant Heather Clem. Gawker Defendants then created a 1 minute 41 second video showing Mr. Bollea naked and having sex – something Gawker’s then-Editor-in-Chief, defendant A.J. Daulerio referred to as a “highlight reel.” In discovery, my office received a copy of the full 30-minute version of the sex tape, which showed approximately 28 minutes of footage that had not previously been published, which depicted Mr. Bollea naked and having sex (the “Unpublished Footage”).

In or about March 2015, Gawker’s former Managing Editor, Emma Carmichael, testified at deposition that in or about late October 2012 – approximately one week **after** Mr. Bollea filed suit against the Gawker Defendants regarding publication of the sex video – the Gawker.com staff edited a **second sex video** of Mr. Bollea, comprised of some of the Unpublished Footage.

It is my understanding, based on my conversation with Mr. Berlin in or about January 2013, and Ms. Carmichael’s deposition testimony, that the Gawker Defendants have the physical ability to edit and publish many more sex videos depicting Mr. Bollea, from the Unpublished

Footage. At no time from October 2012, until present, did Gawker or its counsel ever state or imply to me, or to Mr. Bollea or anyone else on his behalf (to my knowledge), that Gawker does **not** intend to publish additional sex videos of Mr. Bollea from the Unpublished Footage. Thus, based on the foregoing, it is my understanding that Gawker **does** still intend to publish some, much, or all of the Unpublished Footage of Mr. Bollea naked, having sex, etc.


I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed this 11th day of May, 2015.

  
\_\_\_\_\_  
CHARLES J. HARDER

Sworn to and subscribed before me this ~~\_\_\_~~ day of \_\_\_\_\_, 2015 by \_\_\_\_\_ who is personally known to me or \_\_\_\_\_ who has produced \_\_\_\_\_ (type of I.D.) as identification (check one).

*See Attached*

  
\_\_\_\_\_  
(Signature)  
*Sharon Savage*  
\_\_\_\_\_  
(Type or Print Name)

Notary Public  
My Commission Expires: 10/28/15  
Commission No.: 1958541

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

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Signature of Document Signer No. 1 \_\_\_\_\_

Signature of Document Signer No. 2 (if any) \_\_\_\_\_

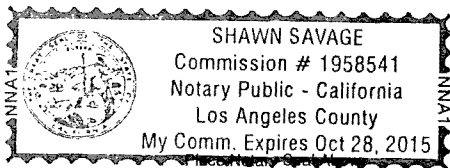
State of California  
 County of Los Angeles

Subscribed and sworn to (or affirmed) before me  
 on this 14<sup>th</sup> day of May, 2015,  
Date Month Year  
 by Charles Hinder,  
Name of Signer

proved to me on the basis of satisfactory evidence  
 to be the person who appeared before me (.) (.)  
 (and  
 (2) \_\_\_\_\_,  
Name of Signer

proved to me on the basis of satisfactory evidence  
 to be the person who appeared before me.)

Signature \_\_\_\_\_  
Signature of Notary Public



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**RIGHT THUMBPRINT OF SIGNER #1**

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**RIGHT THUMBPRINT OF SIGNER #2**

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