

EXHIBIT 2

to the

**PUBLISHER DEFENDANTS' MOTION *IN LIMINE*
TO PRECLUDE PLAINTIFF FROM CALLING GAWKER'S
GENERAL COUNSEL AS A TRIAL WITNESS**

LOGIN

MENU

Search foxnews.com



IT'S THE PERFECT TIME

[\[FOX411\] HOME](#) [CELEBRITY NEWS](#) [MOVIES](#) [TV](#) [MUSIC](#) [STYLE](#) [VIDEO](#)

IN COURT

Hulk Hogan, Gawker prepare to head to trial over sex tape

By **Blanche Johnson**

15 128 8

Published June 19, 2015

FoxNews.com



NOW PLAYING

Hulk Hogan returns to the ring

Never autoplay videos

Terry “Hulk Hogan” Bollea is in final preparations to take the gossip website Gawker to court over a leaked sex tape. The trial, set for July 6 in Florida, is unprecedented, since it will be the first time a celebrity suing over a leaked sex tape is getting his or her case to a jury.

Bollea is suing Gawker for \$100 million after a 2006 video of him having sex with Heather Clem, then-wife of radio host and his friend “Bubba the Love Sponge” Clem, was posted on Gawker.com. Gawker’s founder Nick Denton claimed the tape, which garnered over 2.5 million views, was newsworthy.

Bollea disagrees. His attorney Charles Harder says publishing the video violated his client’s right to privacy, especially since Bollea claims he was not aware he was being filmed.

“He has the right to be naked in a private bedroom without the world being permitted to watch,” Harder told FOX411. “The First Amendment does not allow cameras into private [bedrooms] when the subject is not aware of it and does not consent to it—as happened to Mr. Bollea. Gawker and Denton do not have the right to turn bedroom walls into windows.”

According to court documents, Bollea, 61, has suffered “injury, damage, loss, harm, anxiety, embarrassment, humiliation, shame and severe emotional distress.” Another lawyer for Bollea, David Houston, says they want to teach Gawker a lesson about decency and privacy.

BOLLEA 006948

"We have fought them and will continue to fight them to protect the basic values we all hold so important," Houston said. "It is time to put an end to the immoral bullies hiding behind the First Amendment."

But President and General Counsel for Gawker Heather Dietrick says the site is just doing its job.

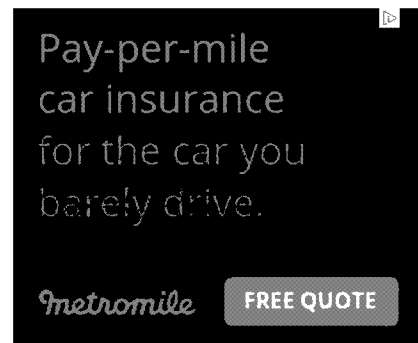
"Here is this tape of this guy having sex with another man's wife, with his blessings. No judgment from us," Dietrick told FOX411 with a chuckle. "Gawker doesn't care what you do in regard to that. But people should be able to know and make their own decisions as to what is going on in the whole world."

Dietrick acknowledged that Gawker faces some serious hurdles, but says they have the First Amendment on their side.

"We are facing a trial in Hulk Hogan's hometown, which is obviously difficult, like them having a home court advantage, but I think that we will be able to tell our story in a persuasive way," she told us. "I don't think you have to be a First Amendment scholar to understand the importance of the story, whether or not it's about a sex tape or some other piece of leaked info – it is important for a reporter to tell a real story in the face of misinformation out there."

Entertainment lawyer Julian Chan, who doesn't represent either side, says the case could go either way, depending primarily on how Gawker obtained the video.

"If it was obtained illegally, it will fall on the side of Hogan," Chan said. "If it was properly received—or even if it was obtained from someone else who stole it— as long as Gawker did not encourage them in wrongdoing, then they have a good chance to prevail."



Pay-per-mile
car insurance
for the car you
barely drive.

metromile **FREE QUOTE**

ON OUR RADAR



Caitlyn Jenner pics
TMZ



Hottest WAGs in
golf
TMZ



Alba's steamy
photo shoot
TMZ



Bam Margera
Knocked Out After
Brutal Attack
ZERGNET

