

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

GAWKER MEDIA, LLC
aka GAWKER MEDIA, *et al.*,

Defendants.

_____ /

**DEFENDANTS' PROPOSED
JURY VERDICT FORM**

Trial: March 7, 2016

Presiding Judge:

**Pamela A.M. Campbell
Circuit Judge**

CLAIM FOR PUBLICATION OF PRIVATE FACTS

1. Did Plaintiff prove that any of the Defendants, by publishing the Video, disclosed to the public private information about him that a reasonable person would find highly offensive?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 1 is “YES” for any Defendant, please proceed to Question 2.

If your answer to Question 1 is “NO” for each Defendant, please proceed to Question 5.

2. Did Plaintiff prove that the Video was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 2 is “YES,” please proceed to Question 3.

If your answer to Question 2 is “NO,” please proceed to Question 5.

3. Did Plaintiff prove that he suffered emotional distress as a result of the publication of private facts?

YES ___ NO ___

If your answer to Question 3 is “YES,” please proceed to Question 4.

If your answer to Question 3 is “NO,” please proceed to Question 5.

4. Do you find that Plaintiff is entitled to more than nominal damages for this claim?

YES ___ NO ___

Please proceed to Question 5.

CLAIM FOR INTRUSION UPON SECLUSION

5. Did Plaintiff prove that any of the Defendants intentionally intruded, through physical or electronic means, into a place where Plaintiff had a reasonable expectation of privacy?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 5 is “YES” for any Defendant, please proceed to Question 6.

If your answer to Question 5 is “NO” for each Defendant, please proceed to Question 9.

6. Was the Defendants’ intrusion the kind of conduct that would outrage, or cause mental suffering, shame or humiliation to, a person of ordinary sensibilities?

YES ___ NO ___

If your answer to Question 6 is “YES,” please proceed to Question 7.

If your answer to Question 6 is “NO,” please proceed to Question 9.

7. Did Plaintiff prove that he suffered emotional distress as a result of Defendants’ intrusion?

YES ___ NO ___

If your answer to Question 7 is “YES,” please proceed to Question 8.

If your answer to Question 7 is “NO,” please proceed to Question 9.

8. Do you find that Plaintiff is entitled to more than nominal damages for this claim?

YES ___ NO ___

Please proceed to Question 9.

**CLAIM FOR MISAPPROPRIATION
OF THE RIGHT OF PUBLICITY**

9. Did Plaintiff prove that, by publishing the Video, any of the Defendants used his name or likeness for a commercial or advertising purpose?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 9 is “YES” for any Defendant, please proceed to Question 10.

If your answer to Question 9 is “NO” for each Defendant, please proceed to Question 11.

10. Did Plaintiff prove that, by publishing the Video, the Defendants made unauthorized use of his name or likeness?

YES ___ NO ___

Please proceed to Question 11.

**CLAIM FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS**

11. Did Plaintiff prove that any of the Defendants, by publishing the Video, engaged in extreme and outrageous conduct?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 11 is "YES" for any Defendant, please proceed to Question 12.

If your answer to Question 11 is "NO" for each Defendant, please proceed to Question 14.

12. Did Plaintiff prove that any of the Defendants, by publishing the Video, intentionally or knowingly caused him to suffer severe emotional distress?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 12 is "YES" for any Defendant, please proceed to Question 13.

If your answer to Question 12 is "NO" for each Defendant, please proceed to Question 14.

13. Did Plaintiff prove that he suffered severe emotional distress as a result of the publication of the Video?

YES ___ NO ___

Please proceed to Question 14.

**CLAIM UNDER FLORIDA'S SECURITY OF COMMUNICATIONS
ACT**

14. Did Plaintiff prove that any of the Defendants, by publishing the Video, disclosed intercepted oral communications, in which Plaintiff had a reasonable expectation of privacy?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 14 is "YES" for any Defendant, please proceed to Question 15.

If your answer to Question 14 is "NO" for each Defendant, please proceed to the instructions before Question 17.

15. Did Plaintiff prove that any of the Defendants published the Video knowing or having reason to know that the communications were recorded without Plaintiff's knowledge or consent?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

If your answer to Question 15 is "YES" for any Defendant, please proceed to Question 16.

If your answer to Question 15 is "NO" for each Defendant, please proceed to the instructions before Question 17.

16. Do you find that any of the Defendants did not act in good faith reliance on a good faith determination that the publication was related to a matter of public concern or otherwise lawful?

GAWKER MEDIA YES ___ NO ___

NICK DENTON YES ___ NO ___

A.J. DAULERIO YES ___ NO ___

Please proceed to Question 17.

LEGITIMATE PUBLIC CONCERN

17. Did Defendants prove that the Video was related to a matter of public concern?

YES ___ NO ___

If your answer to Question 17 is “YES,” please proceed to the last page [FOREPERSON SIGNATURE].

If your answer to Question 17 is “No,” please proceed to the instructions before Question 18.

COMPENSATORY DAMAGES

If your final answer under the Claims for Publication of Private Facts (Question No. 4), Intrusion Upon Seclusion (Question No. 8), Intentional Infliction of Emotional Distress (Question No. 13), and/or violation of the Florida Security of Communications Act (Question No. 16) was “YES,” please proceed to Question 18.

If your final answer under the Claims for Publication of Private Facts (Question No. 4), Intrusion Upon Seclusion (Question No. 8), Intentional Infliction of Emotional Distress (Question No. 13), and/or violation of the Florida Security of Communications Act (Question No. 16) was “NO,” please proceed to the instructions before Question 19.

18. What amount do you award Plaintiff to compensate him for emotional distress caused by Defendants?

EMOTIONAL DISTRESS DAMAGES \$_____

If your final answer under the Claim for Misappropriation of the Right of Publicity (Question No. 10) was “YES,” please proceed to Question 19.

If your final answer under the Claim for Misappropriation of the Right of Publicity (Question No. 10) was “NO,” please proceed to the instructions before Question 20.

19. What amount do you award Plaintiff in economic damages relating to the publication of the Video?

ECONOMIC DAMAGES \$_____

Please proceed to the instructions before Question 20.

PUNITIVE DAMAGES

[PHASE I]

If you awarded compensatory damages to Plaintiff pursuant to Questions 18 and/or 19, please proceed to Question 20.

If you did not award any compensatory damages to Plaintiff, please proceed to the last page [FOREPERSON SIGNATURE].

20. For just those claims for which you awarded compensatory damages, do you find by clear and convincing evidence that Defendants were guilty of intentional misconduct, which was a substantial cause of damage to Plaintiff?

YES ___ NO ___

If your answer to Question 20 is "YES," please proceed to Question 21.

If your answer to Question 20 is "NO," please proceed to the last page [FOREPERSON SIGNATURE].

21. You may in your discretion decline to assess punitive damages. Do you find that punitive damages are warranted?

YES ___ NO ___

If your answer to Question 21 is "YES," please proceed to Question 22.

If your answer to Question 21 is "NO," please proceed to the last page [FOREPERSON SIGNATURE].

22. For which claim(s) do you believe punitive damages are warranted? Please list the claim(s) below.

Please proceed to the last page [FOREPERSON SIGNATURE].

PUNITIVE DAMAGES

[PHASE II]

23. In your discretion, what amount of punitive damages is warranted? You may enter (0) as the amount of punitive damages for any or all defendants.

FROM GAWKER MEDIA \$_____

FROM NICK DENTON \$_____

FROM A.J. DAULERIO \$_____

SO SAY WE ALL, this _____ day of _____, 2016.

FOREPERSON

FOREPERSON SIGNATURE

SO SAY WE ALL, this _____ day of _____, 2016.

FOREPERSON