

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

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,

Case No. 12012447 CI-011

Plaintiff,

vs.

GAWKER MEDIA, LLC aka GAWKER  
MEDIA; NICK DENTON; A.J. DAULERIO,

Defendants.

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**EX PARTE MOTION FOR PROCEEDINGS SUPPLEMENTARY**

Plaintiff, Terry Bollea known professionally as Hulk Hogan (“Mr. Bollea”), by counsel, moves for commencement of proceedings supplementary pursuant to F.S. 56.29, only as to Defendants, Nick Denton and A.J. Daulerio,<sup>1</sup> on the following grounds:

1. Mr. Bollea has obtained a valid Final Judgment against Defendants, Nick Denton (“Denton”) and Alfred J. (“A.J.”) Daulerio (“Daulerio”), entered by the Sixth Judicial Circuit in and for Pinellas County, Florida on June 7, 2016. The case number is 12-012447-CI-011.

2. The unsatisfied amount of the Final Judgment as to Defendant, Nick Denton, is \$125,000,000, which includes \$115,000,000, for which Mr. Denton is jointly and severally liable, and \$10,000,000 in punitive damages, for which Mr. Denton is individually liable.

3. The unsatisfied amount of the Final Judgment as to Defendant, A.J. Daulerio, is \$115,100,000, which includes \$115,000,000, for which Mr. Daulerio is jointly and severally liable, and \$100,000 in punitive damages, for which Mr. Daulerio is individually liable.

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<sup>1</sup> Mr. Bollea does not seek any relief in this motion as to Defendant, Gawker Media, LLC, nor as to non-parties, Gawker Media Group, Inc. and Kinja, Kft., due to their pending bankruptcy proceedings; with full reservation of rights.

4. The Final Judgment is recorded in Official Records Book 19224, page 1232, of the Public Records of Pinellas County, a certified copy of which is attached as **Exhibit A**.

5. The Final Judgment was registered as a Judgment Lien against Defendant, Nick Denton, at 2:35 p.m. on June 10, 2016. A copy of the Judgment Lien Certificate is attached as **Exhibit B**.

6. The Final Judgment was registered as a Judgment Lien against Defendant, A.J. Daulerio, at 2:43 p.m. on June 10, 2016. A copy of the Judgment Lien Certificate is attached as **Exhibit C**.

7. Mr. Bollea has not received any satisfaction of the Final Judgment, in full or in part, and the judgment is valid and outstanding.

8. Some of Mr. Denton's assets and property potentially available for execution were identified in his June 9, 2016 Affidavit, attached hereto as **Exhibit D**, which listed the following:

- a. Fidelity retirement account (Gawker Media 401(k) Plan);
- b. Fidelity Investments Brokerage Account;
- c. J.P. Morgan bank accounts;
- d. J.P. Morgan joint bank account with his husband, Derrence Washington (JTWROS);
- e. Condominium located at 76 Crosby Street, Unit #2B, New York, NY 10012; and
- f. 45,024,060 shares and options of Gawker Media Group, Inc.

9. Mr. Denton also disclosed in his June 2015 Responses to Financial Worth Interrogatories, attached as **Exhibit E**, that he owned 5,000 shares of Vox, Inc. stock.

10. In addition, as set forth in the June 10, 2016 Declaration of William Holden, attached hereto as **Exhibit F**, and although not identified in his June 2015 interrogatory answers

and June 2016 Affidavit, Mr. Denton holds “broad” indemnity rights and/or choses in action against Gawker Media, LLC and Gawker Media Group, Inc., pursuant to: (1) an Indemnity Agreement, dated as of December 31, 2009, by and between Gawker Media Group, Inc. and Mr. Denton (the “Indemnity Agreement”); (2) the Fourth Amended and Restated Memorandum and Articles of Association of Gawker Media Group, Inc. (the “GMGI Articles”); and (3) the Second Amended and Restated Operating Agreement of Gawker Media, LLC, dated as of August 21, 2012 (the “Gawker Operating Agreement”).

11. Mr. Denton and the President and General Counsel of Gawker Media Group, Inc. and Gawker Media, LLC, Heather Dietrick, have testified under oath that Ms. Dietrick confirmed to Mr. Denton, before and after the trial in this cause, that GMGI and Gawker Media, LLC will honor their obligations to indemnify Mr. Denton for and pay the entire amount of his liability under the Final Judgment obtained by Mr. Bollea.

12. Some of Mr. Daulerio’s assets and property potentially available for execution were identified in his June 9, 2016 Affidavit, attached hereto as **Exhibit G**, which listed the following:

- a. 44.7% ownership in RGFree, Inc.;
- b. 5,900 shares in Gawker Media Group, Inc.; and
- c. checking and savings accounts.

13. According to the Declaration of William Holden (**Exhibit F**), Gawker Media, LLC and/or Gawker Media Group, Inc., also have indemnity obligation(s) to Mr. Daulerio, because he is subject to a practice and policy of indemnification, by which he is indemnified for lawsuits, including the Final Judgment obtained by Mr. Bollea.

14. Under Florida law, indemnity rights and choses in action are assets or property which a judgment creditor, such as Mr. Bollea, can reach through proceedings supplementary.

*See Puzzo v. Ray*, 386 So.2d 49, 51 (Fla. 4th DCA 1980); *General Guaranty Ins. Co. of Fla. v. DaCosta*, 190 So.2d 211, 213-14 (Fla. 3d DCA 1966).

15. Through this motion, Mr. Bollea seeks to reach Mr. Denton's and Mr. Daulerio's indemnity rights and choses in action, but does not seek to enforce those rights at this time against Gawker Media, LLC and Gawker Media Group, Inc., because of their pending bankruptcy proceedings.

16. For the reasons set forth in Mr. Bollea's July 25, 2016 Emergency Motion to Vacate, which is incorporated herein by reference, good cause exists under § 56.29(2), *Fla. Stat.*, to shorten Defendants, Mr. Denton's and Mr. Daulerio's, time to provide an affidavit stating why their assets, property, indemnity rights and choses in action which are not exempt from execution should not be applied to satisfy the Final Judgment.

17. Mr. Bollea has incurred and is obligated to pay the undersigned counsel reasonable attorneys' fees and costs, for which Mr. Denton and Mr. Daulero are liable under F.S. 56.29(11) and 57.115.

**Basis for Ex Parte Relief**

18. The granting of the relief requested in this Motion is ministerial and does not require an opportunity for a hearing or opposition.

19. Once a judgment creditor files an affidavit attesting that he or she holds an unsatisfied judgment, identifies the issuing court and case number, states the unsatisfied amount of the judgment, and confirms that the execution is valid and outstanding, the creditor is "entitled to these proceedings supplementary to execution." *B&I Contractors, Inc. v. Mel Re Const. Management*, 66 So.3d 1035, 1037 (Fla. 2d DCA 2011). Upon the showing of these statutory

requirements under § 56.29, *Fla. Stat.*, a court has no discretion to deny the motion. *Biloxi Casino Corp. v. Wolf*, 900 So.2d 734 (Fla. 4th DCA 2005).

WHEREFORE, Mr. Bollea respectfully requests that this Court:

- a. order Defendants, Nick Denton and A.J. Daulerio, to appear for Pre-Trial conference on a date and time certain, and to show cause as to why their known available assets and property, including their indemnity rights and choses in action, not exempt from execution, should not be applied to satisfy the Final Judgment;
- b. order Defendants, Nick Denton and A.J. Daulerio, to file an affidavit within five (5) business days, stating why the property, assets, indemnity rights and choses in action identified herein should not be applied to satisfy the Final Judgment;
- c. order Defendants, Nick Denton and A.J. Daulerio, to appear and be examined concerning their property, assets, indemnity rights and choses in action available to satisfy the Final Judgment;
- d. order any assets, property, indemnity rights and/or choses in action shown to be that of Defendants, Nick Denton or A.J. Daulerio, to be applied to the satisfaction of the Final Judgment; and
- e. tax court costs, incidental costs, and reasonable attorneys' fees against Defendants, Nick Denton and A.J. Daulerio.

/s/ Kenneth G. Turkel

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing will be furnished by e-mail via the e-portal, once the Notice to Appear and Order to Show Cause is issued, to the following:

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