

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.

HEATHER CLEM; GAWKER MEDIA,
LLC aka GAWKER MEDIA, et al.,

Defendants.

**BOLLEA'S OBJECTION TO DAULERIO'S CLAIM OF
EXEMPTION AND REQUEST FOR HEARING**

Plaintiff, Terry Bollea known professionally as Hulk Hogan ("Mr. Bollea"), by counsel and pursuant to Florida Statute § 77.041, objects to the Claim of Exemption filed by Defendant, A.J. Daulerio ("Mr. Daulerio"), on August 23, 2016, and requests a hearing to decide the validity of Mr. Daulerio's claim of exemption. In support, Mr. Bollea states as follows:

Introduction

Mr. Daulerio is a \$115.1 million judgment debtor who maliciously posted secretly recorded, explicit video of Mr. Bollea naked and having sex on the Internet without his consent. Five months after the verdict, Mr. Daulerio's debt remains unpaid. Now, he is trying to falsely portray himself as a destitute journalist who is being victimized by routine efforts to collect the money he owes. In reality, while refusing to pay a dime toward the judgment, Mr. Daulerio has been squandering substantial amounts of money traveling and pampering himself on a lavish full-time vacation in Florida. He is not entitled to exempt what little money and property he has not yet dissipated.

Factual Background

For years, Mr. Daulerio was well-compensated by Gawker for abusing the power of the Internet and First Amendment to bully and humiliate people by posting private images of them online against their will. His targets ranged from an NFL quarterback to a girl being raped in a bathroom; which earned him the title of the “Worldwide Leader in Dong Shots.”

In October of 2012, Mr. Daulerio picked a fight with someone who found the strength to endure four years of contentious litigation against Gawker’s team of lawyers, and the public humiliation that went along with it. Mr. Bollea fought back, and in March 2016 brought Mr. Daulerio before a jury to stand accountable for his actions.¹ That jury told Mr. Daulerio and others like him that he did not have the right to publish revenge porn under the guise of news to attract “shameless voyeurs and deviants” to Gawker.com. That jury also decided that Mr. Daulerio had a very heavy price to pay for trying to pass off explicit images from a nonconsensual sex tape as “journalism.”

Apparently, Mr. Daulerio thinks he should be able to just walk away from this debt. He also refuses to recognize that what he did was wrong. Instead, he continues to exhibit a defiant arrogance and lack of appreciation for the consequences of his choices. Immediately following his August 17, 2016 deposition in aid of execution, Mr. Daulerio lashed out in the press, referring to the court-ordered discovery as “ludicrous,” and claimed that he was being held “hostage” because \$1,500.00 in his bank account was frozen. (See, **Exhibit A**) Shortly thereafter, Mr. Daulerio had his counsel send a flippant letter (which was needlessly attached to

¹ Mr. Daulerio continues to raise litigation funding as a red-herring. The verdict and judgment in this case are based on the facts, not how Mr. Bollea found the financial wherewithal to stand-up against a multi-national media conglomerate so that he could try to ensure that the First Amendment would never again be abused by unscrupulous bloggers to generate millions of dollars by needlessly and gratuitously inflicting shame and humiliation on others by posting private images of them online against their will.

the Claim of Exemption so that it would be publicly available), in which they mock Mr. Bollea for trying to collect the money that the jury decided Mr. Daulerio owes.

Mr. Bollea is not to blame for Mr. Daulerio's financial situation. Likewise, Mr. Bollea bears no fault for Nick Denton's decision to cut Mr. Daulerio loose to face the consequences of the judgment alone; while Mr. Denton secured a \$200,000 loan for himself from Gawker before it filed bankruptcy so that he could retain independent counsel to file for bankruptcy protection. The fact that Mr. Denton abandoned Mr. Daulerio, and Mr. Daulerio's self-inflicted financial situation, do not excuse him from paying what he can toward the judgment.

Mr. Daulerio is Not Legally Entitled to Florida or New York Exemptions

As it now stands, Mr. Daulerio is not legally domiciled in Florida or New York. In May 2016, Mr. Daulerio decided to leave New York for an extended vacation in Florida. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

He is apparently about to leave Florida for a new job in California. (See, Ex. A to Claim of Exemption.)

Given these facts, Mr. Daulerio is not entitled to claim any personal property exemptions under New York or Florida law. These exemptions are only available to residents domiciled in those states. See *In re. Dixon*, 153 B.R. 594, 597 (M. D. Fla. 1993); *In re: Jewell*, 347 B.R. 120 (W.D. N.Y. 2006).

² Despite publicly discussing his current financial condition and some of his assets, Mr. Daulerio designated his entire August 17, 2016 deposition "Confidential." Accordingly, portions of this Objection have been redacted. Mr. Bollea has filed a Motion to Determine Confidentiality contemporaneously herewith. Thus, while Mr. Daulerio is publicly taunting Mr. Bollea and crying poor, Mr. Bollea cannot disclose the specific facts to refute that claim at this time.

Mr. Daulerio's Waste of Assets Should be Charged Against Him

Even if Mr. Daulerio could claim statutory exemptions under Florida or New York law, he is not entitled to exempt the garnished funds in his bank account (nor any of his other remaining property) because he has already wasted more money and property than such exemptions (if available) would allow. It is settled law that a debtor's exemptions may be charged with the value of property that he concealed or withheld from his creditors; and that the concealment of or failure to surrender property is treated as a selection *pro tanto* by the debtor of his property exemptions. *In re. Wallace*, 191 B.R. 929, 933 (M. D. Fla. 1996). When a debtor fails to account adequately for property, the court may also charge against the personal property exemptions allowed under law. *Id.* Notably, no specific finding of fraudulent or corrupt intent on the part of the debtor is necessary to charge against the personal property exemptions. *Id.*

Over the past several months, Mr. Daulerio has dissipated [REDACTED] of dollars³ on an extended vacation in Florida, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ Notably, much like his indemnity rights, Mr. Daulerio did not disclose any of this personal property █ in his June 9, 2016, Affidavit filed in support of his request to stay execution.

Mr. Daulerio has concealed, dissipated, failed to surrender and failed to account for a substantial amount of money and property. The value of this money and property must be charged against any valid exemptions which Mr. Daulerio could claim; but that value already far exceeds the limits of any exemptions available under New York and Florida law.

Mr. Daulerio chose to waste his potential exemptions on an extended vacation. He cannot protect the remaining assets he has not yet dissipated.

WHEREFORE, Mr. Bollea respectfully requests that the Court hold a hearing to determine the validity of Mr. Daulerio's claimed exemptions, deny Mr. Daulerio's Claim of Exemptions, and grant such other relief as the Court deems just and appropriate.

DATED: August 26, 2016.

/s/ Kenneth G. Turkel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the e-portal system this 26th day of August, 2016 to the following:

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