

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.

**MOTION FOR SUPPLEMENTAL RELIEF
ON PROCEEDINGS SUPPLEMENTARY**

Plaintiff, Terry Bollea known professionally as Hulk Hogan (“Mr. Bollea”), by counsel, moves for supplemental relief in the Proceedings Supplementary commenced against Defendant, A.J. Daulerio (“Mr. Daulerio”), pursuant to this Court’s August 1, 2016, Notice to Appear on Proceedings Supplementary and Order to Show Cause, in order to obtain ownership of Mr. Daulerio’s recently revealed rights to have Kinja, Kft (“Kinja”) pay all or part of this Court’s June 7, 2016 Final Judgment against Mr. Daulerio, and to apply said rights toward satisfaction of Mr. Bollea’s Final Judgment, and states in support as follows:

1. Mr. Bollea has obtained a valid Final Judgment against Mr. 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 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.

3. On August 1, 2016, this Court entered its Notice to Appear for Pre-Trial Conference on Proceedings Supplementary and Order to Show Cause as to Why Property Should Not Be Applied to Satisfy Judgment (the “Notice to Appear”), a copy of which is attached as **Exhibit A**.

4. The Notice to Appear and Mr. Bollea’s underlying motion make reference to Mr. Daulerio’s indemnity rights from Gawker Media, LLC (“Gawker”) and Gawker Media Group, Inc. (“GMGI”).

5. At that time, neither Mr. Bollea nor the Court were aware that Mr. Daulerio also held indemnity rights from Kinja.

6. On August 9, 2016, Mr. Daulerio filed his Response to the Notice to Appear (**Exhibit B**) and a supporting Affidavit (**Exhibit C**). In these filings, Mr. Daulerio makes no mention of indemnity rights against Kinja.

7. Following a hearing held on August 11, 2016, this Court entered its August 16, 2016 Order on Proceedings Supplementary, a copy of which is attached hereto as **Exhibit D**.

8. At the hearing on August 11, 2016, Mr. Daulerio again made no mention of indemnity rights against Kinja.

9. In the August 16, 2016 Order on Proceedings Supplementary, the Court transferred and assigned to Mr. Bollea “Mr. Daulerio’s rights to have Gawker Media, LLC and Gawker Media Group, Inc. pay any or all of the Final Judgment.” (*See* 8/16/16 Order at p. 3, ¶ 1)

10. At that time, Mr. Bollea had only recently become aware of the indemnity rights Mr. Daulerio held against Gawker and GMGI. In fact, these Gawker and GMGI indemnity rights were concealed from Mr. Bollea before, during and after trial; and as such are one of the

subjects of Mr. Bollea's Renewed Motion for Sanctions scheduled for hearing on October 31, 2016.

11. Pursuant to Court order in paragraph 4 (p. 4) of the Order on Proceedings Supplementary, Mr. Daulerio was required to deliver a fully completed Fact Information Sheet. Pursuant to paragraph 5 (p. 4) of the same Order, Mr. Daulerio was required to appear for the taking of his deposition.

12. Pursuant thereto, Mr. Daulerio was deposed on August 17, 2016. At that deposition, he was specifically asked if anyone owed him indemnity rights. He did not, at any time, disclose indemnity rights against Kinja.

13. On September 29, 2016, Mr. Daulerio filed Proofs of Claim against Gawker and GMGI in their respective bankruptcy proceedings, which are based on Mr. Daulerio's indemnity rights in connection with this case.

14. However, also on September 29, 2016, Mr. Daulerio filed a Proof of Claim against Kinja in its bankruptcy proceeding, a copy of which is attached hereto as **Exhibit E**.

15. In this Verified Proof of Claim against Kinja, Mr. Daulerio states under oath that Kinja has a duty to indemnify him for the Final Judgment, future judgments and settlements in connection with this case. (*See* Supplement pp. 10-11.)

16. Given that Mr. Bollea had already filed his renewed motion seeking sanctions against Mr. Daulerio and his counsel for (among other things) concealing Mr. Daulerio's Gawker and GMGI indemnity rights, it is astonishing that Mr. Daulerio's indemnity rights against Kinja were also concealed from this Court and from Mr. Bollea before, during and after the August 11, 2016, Court ordered hearing to address Mr. Daulerio's assets and liabilities.

17. As set forth in Mr. Bollea's prior filings, 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).

18. Through this motion, Mr. Bollea seeks supplemental relief in the pending proceedings supplementary, including the transfer and assignment of Mr. Daulerio's rights to have Kinja pay all or part of the Final Judgment.

19. Mr. Bollea seeks to obtain Mr. Daulerio's rights to have Kinja pay all or part of the Final Judgment (not Mr. Daulerio's right to enforce Kinja's duty to defend him), but must enforce those specific rights against Kinja through its pending bankruptcy proceeding. Accordingly, this motion does not adjudicate the validity or enforceability of Mr. Daulerio's rights against Kinja, nor does it require any action against Kinja or compel any action by Kinja. By this motion, Mr. Bollea seeks only to take ownership of Mr. Daulerio's above-referenced rights against Kinja. Mr. Bollea would then either seek to obtain stay relief in the bankruptcy proceeding authorizing him to implead Kinja in this proceeding supplementary, or seek enforcement of those rights against Kinja in its pending bankruptcy proceeding.

WHEREFORE, Mr. Bollea respectfully requests that this Court order supplemental relief on proceedings supplementary and rule that Mr. Daulerio's rights to have Kinja pay part or all of

the Final Judgment are transferred and assigned to Mr. Bollea, to be applied to the satisfaction of the Final Judgment, and grant such other relief as the Court deems just and appropriate.

/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, this 6th day of October, 2016., to the following:

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