

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

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

Defendants.

**PLAINTIFF'S REPLY TO DAULERIO'S RESPONSE AND OPPOSITION
TO EMERGENCY MOTION TO ENFORCE PERMANENT INJUNCTION**

Plaintiff Terry Bollea known professionally as Hulk Hogan ("Mr. Bollea") by counsel, replies to the Response and Opposition to Emergency Motion to Enforce Permanent Injunction (the "Response") filed by Defendant A.J. Daulerio ("Mr. Daulerio"), and states as follows:

At trial, Mr. Daulerio's counsel referred to a witness as "pathological[ly] untrustworthy." (See Trial Trans. p. 2816: 22) Ironically, Mr. Daulerio has proven himself to be of the same ilk. A quote from Thomas Jefferson says it best:

He who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

Stated simply, Mr. Daulerio has deceived this Court and Mr. Bollea so often that he cannot be trusted—regardless of whatever good intentions his newly retained counsel may express. As we have seen over the past several months, Mr. Daulerio does indeed have a proclivity to deceive. The facts set forth in Mr. Bollea's October 13, 2016, Amended Motion for

Sanctions paint a vivid picture of a man who, in practice, places very little value on being truthful. His Response to the emergency motion is more of the same.

Mr. Daulerio voluntarily chose to give an interview in which he stated in no uncertain terms, “*I do still have a copy of the sex tape.*” (9/28/2016 Trans. p. 54: 7-8) He has yet to retract or correct his statement—which reverberated through the press, giving Mr. Bollea and the public the impression that Mr. Bollea could fall victim to revenge porn and video voyeurism at Mr. Daulerio’s whim, while striking a blow to the deterrent effect of this Court’s Final Judgment and Permanent Injunction.

If what Mr. Daulerio appears to be inferring in his Response is true—that he doesn’t have a copy of the tape—then he lied in an interview. Given that fact, this Court cannot trust his assurances that he does not possess a copy. If the Court does not enter the requested relief, Mr. Bollea and the Court will be relying on a known dissembler to keep his word.

Given Mr. Daulerio’s track record, his counsel’s offer to forensically image and then scrub Mr. Daulerio’s laptop and phone to completely resolve this situation holds very little water. This proposal requires the Court and Mr. Bollea to blindly accept the notion that, even though according to Mr. Daulerio he was lying when he said he still has a copy of the video, we should nevertheless take him at his word, and believe the proposition that Mr. Daulerio does not have any copies of the video saved on discs, flash drives, or even cloud-based services. That leap of faith is, in a word, absurd.

It is apparently easy for Mr. Daulerio and his counsel to continue to discount and downplay the seriousness of a threat to release more illegally recorded footage of Mr. Bollea naked and having sex, and to pass Mr. Daulerio’s public comments off as being just talk with no real risk of action. However, the “just talk” defense doesn’t fly when it comes from the man who

has *already* posted illegally recorded, sexually explicit images of Mr. Bollea on the Internet, and still maintains that he had every right to do so.

For the victim of Mr. Daulerio's threat, the seriousness of this situation is indeed significant and cannot be taken lightly or ignored. Mr. Daulerio cannot be trusted not to attempt to turn his "fantasies" into reality.

WHEREFORE, Mr. Bollea respectfully requests that this Court order that Mr. Daulerio shall not be permitted to retain any copies or excerpts of any sexually explicit footage, images or recordings of Mr. Bollea, including, but not limited to, the Gawker Video and 30-Minute Video; and that Mr. Daulerio be required to appear before this Court and verify under oath that he: (1) has turned over to Mr. Bollea's counsel any and all hard copies (*i.e.*, CDs, DVDs, thumb drives) of sexually explicit video and audio recordings (including all excerpts thereof and still images) of Mr. Bollea which he possesses; (2) has permanently deleted or otherwise destroyed any and all electronically stored (*i.e.*, computer files, files stored on the cloud) copies of such recordings, excerpts and images within his possession or control; (3) has no access, or ability to access, any such recordings, excerpts and images; and (4) verify before this Court the identity of every person to whom he has ever personally transmitted or afforded access to such recordings, excerpts and images.

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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 14th day of October, 2016, to the following:

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