

EXHIBIT D

Motion for Final Judgment on Writ of Garnishment

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.

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

Defendants,

and

JP MORGAN CHASE BANK, N.A.,

Garnishee.

**DEFENDANT A.J. DAULERIO'S RESPONSE TO
PLAINTIFF'S OBJECTION TO CLAIM OF EXEMPTION
AND MOTION TO DETERMINE CONFIDENTIALITY AND NOTICE OF
WITHDRAWAL OF CLAIM OF EXEMPTION**

Defendant A.J. Daulerio hereby responds to Plaintiff Terry Bollea's Objection to Mr. Daulerio's Claim of Exemption concerning his account at JP Morgan Chase Bank, N.A. (the "Account") and Plaintiff's Motion to Determine Confidentiality. Mr. Daulerio hereby gives notice that he will withdraw his claim of exemption in an effort to help bring what he respectfully submits are these voluminous post-judgment proceedings to a close, as explained more fully below:

1. On August 15, 2016, Plaintiff proposed an order from this Court transferring Mr. Daulerio's shares of stock based on the finding that Mr. Daulerio "is currently residing in Palm Beach, County Florida," an order this Court entered the next day. Order on Proceedings Supplementary at ¶ 5, Aug. 16, 2016; *see also id.* at ¶ 8 ("Mr. Daulerio's personal property,

including his RGFree stock, is subject to the jurisdiction of this Court by virtue of his current residency in Florida, and therefore subject to Mr. Bollea's June 10, 2016 Judgment Lien."'). Now, just a few days later, without seeking any revision of that order, Plaintiff asserts that Mr. Daulerio is merely on "an extended vacation" in Florida, and, therefore, supposedly has no right to exempt roughly \$1,500 in his bank account from collection under Florida law. *See* Pl.'s Obj. to Daulerio's Claim of Exemption ("Pl.'s Obj.") at 3, Aug. 26, 2016. In fact, Mr. Daulerio has been unemployed for many months and has now secured employment in California, which he will begin shortly.

2. Plaintiff also claims that, in an affidavit listing his material assets, Mr. Daulerio failed to disclose that he had roughly \$8,000 worth of personal property. Pl.'s Obj. at 5. That personal property includes a cell phone, three laptops,¹ books, clothing, street graffiti art, some old furniture, a rice cooker, dishes, a golf club, baseball cards, and a few signed baseballs. None of this property is a material asset; moreover, even accepting at face value Mr. Daulerio's guesses at his deposition about the possible resale value of those items, the property represents less than 0.007% of the verdict amount. Pl.'s Obj. at 5.

3. Plaintiff also claims that "[o]ver the past several months, Mr. Daulerio has dissipated tens of thousands of dollars." Pl.'s Obj. at 4. The reality is that at the start of May, Mr. Daulerio had approximately \$18,000 in his Account. *See* Pl.'s Obj. at Attach. 4 (Ex. 5 to the Aug. 17, 2016 dep. Of A.J. Daulerio). Now, he has roughly \$1,500. During that time, he has prepaid four months' rent and a security deposit (totaling more than \$5,000), traveled to New York and California, and found a new job, which begins next month. In short, by "dissipated,"

¹ In fact, a significant portion of these supposed "assets" – two of his laptops – is being held by Defense counsel in accordance with this Court's August 6, 2015 Order for Defendants to Preserve Electronically Stored Materials, which directed defendants to preserve electronic data and devices. That is why Mr. Daulerio was required to purchase an additional laptop.

Plaintiff primarily means that Mr. Daulerio has spent money on living expenses, including primarily before there was any collectible judgment in this case, which did not occur until June 7, 2016, when this Court, following denial of defendants' various post-trial motions, entered judgment. What Plaintiff appears to really complain about is that, once again largely before any judgment was entered in this case, Mr. Daulerio paid for 3 massages and 3 rounds of golf, for a few brief opportunities to experience some physical and mental relief during what is obviously a highly stressful time. The total cost of that was \$587.90 – in other words, less than 0.0005% of the outstanding judgment against him.

4. By contrast, Plaintiff, presumably because he is using the unlimited funds of a Silicon Valley billionaire, has undoubtedly spent vastly more money in attorneys' fees initiating execution proceedings, deposing Mr. Daulerio, and objecting to the claimed \$1,500 exemption than the "substantial amount of money and property" that he (wrongfully) accuses Mr. Daulerio of "conceal[ing]" and "dissipat[ing]." Pl.'s Obj. at 5.

5. Nevertheless, despite what Plaintiff wrote in his Objection, Mr. Daulerio understands that the jury has rendered a verdict saying he owes \$115,100,000 to Plaintiff. While Mr. Daulerio looks forward to challenging that verdict on appeal, he recognizes that in the meantime he owes a debt.

6. To try to bring these voluminous proceedings to a close, Mr. Daulerio has repeatedly offered to resolve these execution proceedings by simply giving Plaintiff his non-exempt assets. Moreover, as the August 23, 2016 letter from defense counsel that Plaintiff references in his Objection demonstrates, Mr. Daulerio has literally offered to provide him with all of his physical possessions, except some clothing, his cell phone, and his laptop computers (one of which he will need for his new job, while the others are being preserved pursuant to a

prior order of this Court), subject of course to his right to recoup their value in the event the Judgment is reversed. In response, Plaintiff has informed Mr. Daulerio that he will insist that Mr. Daulerio hand over possessions such as a rice cooker, pots and pans, and a single golf club. Rather than continue going around and around about these sums – tiny in comparison to what is owed on the judgment, but all that Mr. Daulerio owns – Mr. Daulerio is hereby withdrawing his claim of exemption for the \$1,500 in a further effort to bring closure to this chapter of this case, until its ultimate merits are resolved on appeal.

7. With respect to Plaintiff's motion to determine the confidentiality of the exhibits he attached to his Objection, Mr. Daulerio objects to Plaintiff's gratuitously attaching an entire deposition transcript and several exhibits from that deposition, much of which have nothing to do with the claim of exemption or the Objection. Indeed, while Plaintiff attached Exhibits 1, 2, 5, and 6 from Mr. Daulerio's deposition to his Objection – which consist, respectively, of Mr. Daulerio's present lease agreement, his completed Fact Information Sheet, his bank statements going back to May of this year, and his latest tax return – the only exhibits actually referenced in his Objection are Exhibit 1 (lease agreement) and Exhibit 5 (bank statements), and, even then, he just cites generally to the exhibit, rather than to any particular page or item, and does so just to bolster information already contained in the cited portions of Mr. Daulerio's deposition testimony. Thus, while Mr. Daulerio agrees that the specific pages from the transcript of his deposition testimony that are cited in Plaintiff's Objection (pp. 5-8, 23-28, 34, 38-48), and the redacted portions of the Objection, are relevant and should, accordingly, be made public, (provided that the names, addresses, and identifying information of any third parties are redacted as indicated in Exhibit A to this Response), there is no basis for making the rest of the transcript, and the exhibits to that transcript, public. That additional material, which contains Mr.

Daulerio's financial information, is not integral to any issue presented to the Court, either in Mr. Daulerio's (now withdrawn) claim of exemption or in Plaintiff's Objection to that Claim of Exemption.

CONCLUSION

For the foregoing reasons, Mr. Daulerio withdraws his claim for exemption concerning the Account and respectfully requests that the Court make public the entirety of the Plaintiff's Objection and pages 5-8, 23-28, 34, and 38-48 of his deposition testimony (with the names, addresses, and identifying information of all third parties redacted as set forth in Exhibit A), while maintaining the confidentiality of the remaining portions of his deposition and Exhibits 1, 2, 5, and 6 to that deposition.

Dated: August 31, 2016

Respectfully submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August 2016, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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