

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

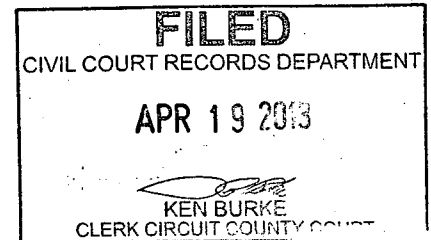
Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC
aka GAWKER MEDIA; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.



AFFIDAVIT OF TERRY GENE BOLLEA

STATE OF FLORIDA

COUNTY OF PINELLAS

TERRY GENE BOLLEA, being duly sworn, deposes and says:

1. I am a resident of Tampa, Florida over the age of 18 years. I am the plaintiff in this action. The statements made herein are based on my personal knowledge.
2. I am professionally known as Hulk Hogan. I started wrestling in the late 1970s. I wrestled as the character Hulk Hogan in the World Wrestling Federation ("WWF"). I was inducted into the WWF Hall of Fame in 2005. I am a 12-time world WWF champion.

3. I have also been a motion picture actor, having appeared in such films as *Rocky III*, *Suburban Commando*, and *Mr. Nanny*. I also appeared in a television series and starred in the reality television series *Hogan Knows Best*.

4. I have spent considerable time and effort developing my career as a professional champion wrestler and in developing my brand. My name and image have been used, with my permission, in numerous commercial endorsement opportunities, including for a blender known as the Hulk Hogan Thunder Mixer, an indoor grill known as The Hulk Hogan Ultimate Grill, and an energy drink known as Hogan Energy, distributed by Socko Energy. My name and image also have been used in a line of microwavable hamburgers, cheeseburgers, and chicken sandwiches sold at Wal-Mart called "Hulkster Burgers." In or about November 2011, I launched a new website called Hogan Nutrition, which features many nutritional and dietary products. Through years of hard work, I have developed skill, reputation, and international notoriety to create substantial value in my identity.

5. Approximately six years ago, I had private consensual sexual relations with a woman named Heather Clem in her private bedroom. I had no knowledge at the time that anyone was recording that encounter, and I would have strenuously objected to any audio or video recording thereof. In 2012, shortly before I filed this lawsuit, I learned that Ms. Clem and/or her ex-husband, Bubba the Love Sponge Clem aka Todd Alan Clem, recorded my sexual encounter with Ms. Clem without my knowledge or permission. I had a reasonable expectation of privacy at all times in connection with that sexual encounter with Ms. Clem in a private bedroom.

6. On or about October 4, 2012, the website, www.Gawker.com ("Gawker.com"), posted excerpts of the videotape showing Ms. Clem and me engaged in private consensual sex

(the "Sex Tape"). The Sex Tape was and is posted at Gawker.com without my knowledge or permission.

7. When I learned about the Sex Tape, I immediately contacted my attorney, David R. Houston, who sent a cease and desist letter to the Gawker Defendants dated October 5, 2012, demanding the removal of the Sex Tape from Gawker.com, and threatening a lawsuit if they did not comply. A true copy of Mr. Houston's letter is attached hereto as **Exhibit A**. Mr. Houston then followed that letter with an email dated October 5, 2012, to defendant Nick Denton, whom I understand owns Gawker.com, again demanding the removal of the Sex Tape, a true copy of which is attached hereto as **Exhibit B**.

8. Gawker.com did not remove the Sex Tape, and it still remains at that website to this day. The Gawker Defendants responded to Mr. Houston's letter and email with an email dated October 9, 2012, a true copy of which is attached hereto as **Exhibit C**, stating that they will not remove the Sex Tape.

9. When I first learned about Gawker.com's posting of the Sex Tape, I felt extremely embarrassed, uncomfortable, shamed, stressed, distressed, and devastated. Every single day that the Sex Tape remains online, I feel that same extreme embarrassment, discomfort, shame, stress, distress, and devastation. My family and I will not be able to move on and heal from this egregious invasion of our privacy until the Sex Tape is taken down from Gawker.com.

10. The audience of people that can view the Sex Tape grows with each day that the Sex Tape remains online. As a result, the interest in the Sex Tape strengthens rather than lessens.

11. Since October 4, 2012, when Gawker.com first posted the Sex Tape, almost every one of my media interviews, including TV and radio appearances, includes questions about the Sex Tape that is still up at Gawker.com. Often, the questions pertain to the details within the

video, rather than merely the existence of the Sex Tape or the affair. It is reasonably clear to me that the interviewers watch the Sex Tape at Gawker.com shortly before interviewing me because the details are fresh in their minds when they ask their questions.

12. Very frequently, people post comments at my Twitter account about the Sex Tape, including that they had just watched it. Moreover, people comment at my Twitter account that their Google searches beginning with "HUL" bring up the search result, "Hulk Hogan Sex Tape," with a link to the Sex Tape at Gawker.com. A true copy of a sampling of recent Twitter posts about the Sex Tape is attached hereto as **Exhibit D**.

13. A posting on April 7, 2013, which is within the attached Exhibit E, states, "when I start typing hulu on my laptop, hulk hogan's sex tape pops up."

14. This is particularly distressing to me because I know that children go to Hulu.com to watch Nickelodeon and PBS cartoons like "SpongeBob SquarePants" and "Arthur." It is disturbing to think that children may be directed to the Sex Tape of me at Gawker.com instead of their cartoon shows at Hulu.com.

15. Often when I am in public, I am confronted by strangers who start to talk to me about the Sex Tape, which remains up, without my permission, at Gawker.com. This causes great distress and embarrassment to me. It also causes great embarrassment to my wife, my children, and my friends who are with me.

16. The public posting of the Sex Tape at Gawker.com, which remains up at that website, has completely flipped my life upside down, has rattled my current marriage, has been devastating to me and my family, and has caused me severe emotional distress. It has changed my quality of life and has put a strain on my relationship with my wife, Jennifer Bollea. She has

nightmares about the Sex Tape and asks me weekly if the tape has been taken off of Gawker.com yet.

17. I will not be able to begin to heal, the media attention that surrounds this issue will not begin to go away, and the number of people who have seen the Sex Tape will not stop growing until the Sex Tape is taken down from Gawker.com. If the Sex Tape remains publicly posted and disseminated, it will continue to have a substantial adverse and detrimental effect on my personal and professional life, including irreparable harm to both.

18. Based on these facts, I respectfully request that the Court grant the requested temporary injunction to prevent the Gawker Defendants from continuing to violate my privacy rights. Specifically, I request that the Court order the Gawker Defendants to remove the Sex Tape, and all portions and content therein, from off their websites. I request that the written narrative describing the private sexual encounter be ordered removed as well, including the quotations from the private sexual encounter. I also request that the Gawker Defendants be enjoined from posting, publishing, exhibiting, or broadcasting any other portions of the full-length video recording, which they have threatened to do as recently as a month ago, and all clips, still images, audio, and transcripts of that video recording. I request that the Court order the Gawker Defendants to comply with the foregoing requests for the duration of the above-entitled action until judgment is entered.

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19. I also request that the Gawker Defendants be ordered to turn over to my attorneys all copies of the full-length video recording, and all content therein, including all clips, still images, and audio taken therefrom, and all transcripts prepared of the audio contained within the videotape.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.


Executed this 18 day of April, 2013.


TERRY GENE BOLLEA

Sworn to and subscribed before me this 18 day of April, 2013 by Terry Gene Bollea who is personally known to me or _____ who has produced _____ (type of I.D.) as identification (check one).



PATRICIA J. HOARD
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE846881
Expires 10/28/2016


(Signature)
PATRICIA J. HOARD
(Type or Print Name)

Notary Public
My Commission Expires: 10/28/2016
Commission No.: