

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.

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**PLAINTIFF’S REQUESTS FOR ADMISSION
TO DEFENDANT HEATHER CLEM**

Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan (“PLAINTIFF”), by counsel and pursuant to Florida Rule of Civil Procedure 1.370, requests Defendant Heather Clem to admit the truth of the following matters of fact within 30 days from the certificate of service.

I. INSTRUCTIONS and DEFINITIONS

A. In answering these requests for admission, you are to respond truthfully and in good faith on the basis of all information that is presently available to you, regardless of whether such information was obtained directly by you, by your attorneys, their agents, employees or investigators.

B. If good faith requires that you deny only a portion of any matter as to which an admission is requested, or that you qualify your response to any given request for admission,

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specify and admit so much of the request as is true and deny or qualify only that portion of the request as to which good faith requires a denial or qualification.

C. Each request shall be answered fully unless it is in good faith objected to, in which event the reasons for your objection shall be stated in detail. If an objection pertains to only a portion of a request, or a word, phrase, or clause contained within it, you are required to state your objection to that portion only and to respond to the remainder of the request, using your best efforts to do so. Your response hereto is to be signed and verified by the person making it, and the objections signed by the attorney making them.

D. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state in writing that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.

E. Should you discover that any response to the requests for admission propounded herein was incorrect when made, you shall upon such discovery or determination amend such response.

F. "GAWKER" means Defendant Gawker Media, LLC and its parent company, subsidiaries, affiliated companies, including but not limited to Gawker Media Group, Inc., Gawker Entertainment, LLC, Gawker Technology, LLC, Gawker Sales, LLC, and/or Blogwire Hungary Szellemi Alkotast Hasznosito KFT, and all of their members, shareholders, managers, executives, officers, board members, employees, agents, representatives, attorneys, and all other PERSONS acting on any of their respective behalves.

G. "GAWKER.COM" means the website located at www.gawker.com, as well as any agents, attorneys, and consultants therefor, and all other PERSONS acting or purporting to act on its behalf.

H. “BLOGWIRE HUNGARY” means Defendant Blogwire Hungary Szellemi Alkotast Hasznosito KFT and its parent company, subsidiaries, affiliated companies, and all of their members, shareholders, managers, executives, officers, board members, employees, agents, representatives, attorneys, and all other PERSONS acting on any of their respective behalves.

I. “PLAINTIFF” means Plaintiff Terry Gene Bollea (professionally known as Hulk Hogan), as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

J. “HEATHER CLEM” or “YOU” means Defendant Heather Clem aka Heather Cole, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on her behalf.

K. “BUBBA CLEM” means Bubba Clem aka Todd Clem (professionally known as Bubba the Love Sponge), as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

L. “PERSON” means any individual, firm, partnership, association, proprietorship, joint venture, corporation, governmental agency, or other organization or legal or business entity, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on its behalf.

M. “WEBPAGE” means the webpage located at <http://gawker.com/5948770/even-for-a-minute-watching-hulk-hogan-have-sex-in-a-canopy-bed-is-not-safe-for-work-but-watch-it-anyway>.

N. “RECORDING” shall mean any audio and/or visual recording, in any medium, analog or digital.

O. “VIDEO” refers to the full-length RECORDING of PLAINTIFF engaged in sexual activity with HEATHER CLEM from which the SEX TAPE was excerpted, all excerpts therefrom, and all edited iterations thereof.

P. “SEX TAPE” means the 101 second long RECORDING posted at the WEBPAGE.

Q. “COMMUNICATION” means any correspondence, contact, discussion, or exchange between any two or more PERSONS. Without limiting the foregoing, “COMMUNICATION” includes all DOCUMENTS, telephone conversations or face-to-face conversations, electronic messages (including e-mails, texts, internet postings, and/or any other form of electronic communication), meetings and conferences.

R. “DOCUMENT” means the original and any copy (except for identical copies) of any document or thing subject to production under the Florida Rules of Civil Procedure, that is in your actual or constructive possession, custody, or CONTROL, including any written, printed, recorded, typed, mechanical, electronic, computer stored or graphic matter of any kind however produced or reproduced and all drafts thereof. Any copy containing thereon or attached thereto any alterations, notes, comments, or other material not included in any original or other copy shall not be deemed an identical copy but shall be deemed a separate document within the foregoing definition.

S. “CONTROL” shall mean the right to secure, or a reasonable likelihood of securing, the DOCUMENT or a copy thereof from another PERSON having actual physical possession thereof. If any DOCUMENT requested was, but is no longer in YOUR possession or subject to YOUR CONTROL as defined herein, YOU are instructed to state what disposition

was made of it and the date or dates, or approximate date or dates, on which such disposition was made.

T. “RELATE TO” or “REFER TO” means concerning, respecting, summarizing, digesting, embodying, reflecting, establishing, tending to establish, delegating from, tending not to establish, evidencing, not evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including, or having any connection with.

U. “IDENTIFY,” when used in reference to an individual, means to state his or her full name, present address, if known, telephone number, e-mail address, and present employment position and business affiliation. When used in reference to an ENTITY, “IDENTIFY” means to state whether that ENTITY is a corporation, partnership, limited liability company, limited liability partnership, or other organization, and the name, present and last known address of its principal place of business. “IDENTIFY,” when used in reference to a DOCUMENT, means to state the date, the author, the addressee, type of document, and any other means of identifying with sufficient particularity to meet the requirements for its inclusion in a request for production of documents pursuant to the Florida Rules of Civil Procedure.

V. “STATE ALL FACTS” means: Please set out every aspect of every fact, circumstance, omission, or course of conduct known to YOU relating in any way to the matter inquired about, including without limitation, the date(s), time(s), and place(s), and/or the geographical location(s) thereof; the identity(ies) of each PERSON thereat, connected therewith, or who has knowledge thereof, and the identity of all DOCUMENTS relating thereto; if anything was said by any PERSON, the identity of each such PERSON and each such oral statement; and if the oral statement, in whole or in part, was contained, reported, summarized, or referred to in

any DOCUMENTS, the identity of each such DOCUMENT.

W. The “LAWSUIT” means collectively the action currently pending before the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, Case Number 12012477CI-011; the lawsuit that was pending in the United States District Court, Middle District of Florida, Tampa Division, Case Number 8:12-cv-02348-JDW-TB; the lawsuit that was pending in the United States District Court, Middle District of Florida, Tampa Division, Case Number 8:13-cv-00001-T-JDW-AEP; and the lawsuit that was pending in the United States Court of Appeals for the Eleventh Circuit, Case Number 12-15959-C.

X. In the event any request herein calls for information or for the identification of a document which you deem to be privileged, in whole or in part, the information should be given or the document identified to the fullest extent possible consistent with such claim of privilege, and you should state the nature of the privilege claimed and specify the grounds relied upon for the claim of privilege.

Y. A separate answer shall be furnished for each request.

II. REQUESTS FOR ADMISSION

1. PLAINTIFF was not aware that he was being recorded at the time the VIDEO was made.
2. PLAINTIFF never consented, contracted, agreed, or authorized YOU or any other PERSON to disseminate, transfer, publish, sell, or release the VIDEO.
3. YOU never informed PLAINTIFF of the existence of the recording system that was used to record the VIDEO.

4. YOU never informed PLAINTIFF of the existence of the VIDEO prior to January 1, 2012.
5. There is at least one RECORDING, other than the VIDEO, of YOU engaging in sexual conduct with someone other than BUBBA CLEM recorded during the time you were married to BUBBA CLEM.
6. YOU were involved in the distribution, dissemination or transfer of the VIDEO to GAWKER and/or other media outlet.
7. YOU are aware of the names of at least some of the PERSONS who distributed, disseminated or transferred the VIDEO to GAWKER.
8. YOU received money or other compensation in connection with the VIDEO.
9. YOU received money or other compensation from GAWKER in connection with the VIDEO.

DATED: July 18, 2013



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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail this 18th day of July, 2013 to the following:

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