

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.

_____ /

**DEFENDANT GAWKER MEDIA, LLC'S RESPONSES
TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**

Pursuant to Florida Rule of Civil Procedure 1.340, Defendant Gawker Media, LLC ("Gawker") hereby provides these responses to Plaintiff's Second Set of Interrogatories dated June 27, 2013.

DEFINITIONS

1. The "Video" means the video and audio footage depicting Plaintiff Terry Gene Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.
2. The "Gawker Story" means the story entitled "Even For a Minute, Watching Hulk Hogan Have Sex on a Canopy Bed is Not Safe For Work, But Watch It Anyway" published on www.gawker.com on or about October 4, 2012.
3. The "Excerpts" means the video file that was posted in connection with the Gawker Story, consisting of 101 seconds of footage excerpted from the Video.

RESPONSES

INTERROGATORY NO. 11: State all facts regarding Blogwire Hungary's role in the creation, editing, and/or posting of content on Gawker.com.



ELECTRONICALLY FILED 8/21/2013 2:39:03 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY

RESPONSE: Gawker objects to this interrogatory on the grounds that Plaintiff has exceeded the limit of interrogatories he may propound. *See* Fla. Rule 1.340(a) (“interrogatories shall not exceed 30, including all subparts”). Subject to and without waiving this objection, Gawker states that Blogwire Hungary (now known as “Kinja, KFT”) owns the intellectual property used by Gawker Media, LLC in connection with Gawker.com but has no “role in the creation, editing, and/or posting of content on Gawker.com.”

INTERROGATORY NO. 12: Describe the role and line of business of Gawker and each company affiliated in any way with Gawker throughout the period between January 1, 2010 and the present.

RESPONSE: Gawker objects to this interrogatory on the grounds that Plaintiff has exceeded the limit of interrogatories he may propound. *See* Fla. Rule 1.340(a) (“interrogatories shall not exceed 30, including all subparts”). Gawker further objects to this interrogatory on the ground that the phrase “affiliated with Gawker in any way” is vague and ambiguous. Gawker further objects to this interrogatory to the extent that it seeks information protected by privilege, including but not limited to the attorney-client privilege and the attorney work product doctrine. Gawker further objects to this request on the grounds that the operations of entities other than Gawker Media, LLC – which have not engaged in any conduct alleged to be at issue in this lawsuit – are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, and with the caveat that Gawker can speak only for itself and not on behalf of other entities, Gawker states as follows:

- 1. Gawker Media Group, Inc.:** Gawker Media Group, Inc. is a holding company whose sole assets are equity securities in its two subsidiaries, Gawker Media, LLC and Kinja, KFT. Gawker Media Group, Inc. has no employees or operations. It is

Gawker Media, LLC's understanding that, from time to time, Kinja, KFT has made distributions to Gawker Media Group, Inc. While Gawker Media, LLC could in theory make distributions to Gawker Media Group, Inc., to date it has not done so.

- 2. Kinja, KFT (formerly named "Blogwire Hungary Szellemi Alkotast Hasznosito KFT"):** Kinja, KFT is an intellectual property holding company and a software development company. Pursuant to an agreement with Gawker Media, LLC, Kinja, KFT owns and licenses to Gawker Media, LLC the intellectual property used by Gawker Media, LLC in connection with Gawker.com, Deadspin.com, Gizmodo.com, io9.com, Jalopnik.com, Jezebel.com, Kotaku.com, and Lifehacker.com (the "Gawker Media Websites"), including trademarks, domains and proprietary software. Kinja, KFT also creates content for cink.hu, a Hungarian website. Kinja, KFT does not create, edit, moderate or otherwise review content on Gawker.com.
- 3. Gawker Media, LLC:** Gawker Media, LLC is the publisher of the Gawker Media Websites, and employs writers, editors and administrative staff to create, edit and publish content on the Gawker Media Websites. As is pertinent to this action, Gawker Media, LLC is the publisher of the Gawker Story and the Excerpts, is solely responsible for writing, editing, and publishing the Gawker Story, and receiving and editing the Video from which the Excerpts accompanying the Gawker Story were derived. Gawker Media, LLC also employs software engineers who develop software and who ensure that the Gawker Media Websites operate effectively. Gawker Media, LLC additionally employs salespersons who sell advertising for the Gawker Media Websites.

Until December 2012, Gawker Media, LLC had three wholly owned subsidiaries, Gawker Technology, LLC, Gawker Entertainment, LLC and Gawker Sales, LLC (the “Former Subsidiaries”). In December 2012, Gawker Media completed a corporate restructuring to simplify its operations. In the restructuring, the Former Subsidiaries were liquidated, and Gawker Media, LLC began to conduct all the business activities previously undertaken by the Former Subsidiaries and to employ the employees of the Former Subsidiaries.

- a. **Gawker Sales, LLC:** Until December 2012, Gawker Sales, LLC was a wholly owned subsidiary of Gawker Media, LLC, which employed the persons who sold advertising for the Gawker Media Websites. Gawker Sales, LLC periodically made distributions to Gawker Media, LLC.
- b. **Gawker Entertainment, LLC:** Until December 2012, Gawker Entertainment, LLC was a wholly owned subsidiary of Gawker Media, LLC, which employed the persons who created content for Gawker.com, Deadspin.com, and Jezebel.com. Gawker Entertainment, LLC periodically made distributions to Gawker Media, LLC.
- c. **Gawker Technology, LLC:** Until December 2012, Gawker Technology, LLC was a wholly owned subsidiary of Gawker Media, LLC, which employed the persons who created content for Gizmodo.com, io9.com, Jalopnik.com, Kotaku.com, and Lifehacker.com. Gawker Technology, LLC periodically made distributions to Gawker Media, LLC.

INTERROGATORY NO. 13: Identify each entity and/or individual which directly or indirectly receives money or other compensation that is generated by or originated by Gawker.com or any content thereon.

RESPONSE: Gawker objects to this interrogatory on the grounds that Plaintiff has exceeded the limit of interrogatories he may propound. *See* Fla. Rule 1.340(a) (“interrogatories shall not exceed 30, including all subparts”). Gawker further objects to this Request on the grounds that it is extraordinarily overbroad, unduly burdensome, and requests information that is neither relevant nor likely to lead to the discovery of admissible evidence, in that it necessarily encompasses hundreds of individuals and entities, including Gawker’s employees, contractors, freelancers, vendors, and others. Subject to and without waiving the foregoing objections, and with the caveat that Gawker can speak only for itself and not on behalf of other entities, Gawker responds to this interrogatory by incorporating by reference Gawker’s Response to Plaintiff’s Interrogatory No. 12, which describes (a) the ownership of Gawker Media, LLC (the publisher of Gawker.com) and Kinja, KFT, as well as distributions (if any) to their parent company, Gawker Media Group, Inc., and, (b) in connection with the period through December 2012, the ownership of the Former Subsidiaries and distributions to their parent company, Gawker Media, LLC.

INTERROGATORY NO. 14: Identify any vendor engaged to connect, assist in, or otherwise participate in any electronic discovery, computer searches, or database management with respect to documents that are relevant to this action.

RESPONSE: Gawker objects to this interrogatory on the grounds that Plaintiff has exceeded the limit of interrogatories he may propound. *See* Fla. Rule 1.340(a) (“interrogatories shall not exceed 30, including all subparts”). Gawker further objects to this interrogatory to the

extent that it suggests that plaintiff might attempt to take discovery from Gawker's litigation support vendor(s), which would be improper given that Gawker's and its counsel's communications with such vendor(s) are protected from discovery by privilege, including without limitation the attorney client privilege and attorney work product doctrine. Gawker intends to preserve such privileges and expressly objects to any effort by any other party or its counsel to contact such vendor(s) directly. Subject to and without waiving the foregoing objections, and without conceding that any of the documents requested by Plaintiff and produced by Gawker are necessarily "relevant to this action," Gawker states that it has engaged the following company to assist it with the gathering and production of electronic documents in this action:

Integreon
622 3rd Avenue
New York, NY 10017
(212) 476-7960

Dated: August 12, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas
Gregg D. Thomas
Florida Bar No.: 223913
Rachel E. Fugate
Florida Bar No.: 0144029
601 South Boulevard
P.O. Box 2602 (33601)
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com

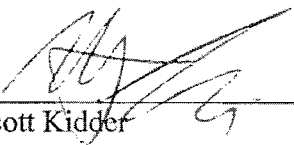
and

Seth D. Berlin
Pro Hac Vice Number: 103440
Alia L. Smith
Pro Hac Vice Application Pending
Paul J. Safier
Pro Hac Vice Number: 103437
LEVINE SULLIVAN KOCH & SCHULZ, LLP
1899 L Street, NW, Suite 200
Washington, DC 20036
Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
psafier@lskslaw.com

Counsel for Defendant Gawker Media, LLC

VERIFICATION

I, Scott Kidder, am the Vice President of Operations at Gawker Media, LLC ("Gawker"). I am authorized to submit this verification on Gawker's behalf in connection with Defendant Gawker Media, LLC's Responses to Plaintiff's Second Set of Interrogatories. I have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my knowledge, information, and belief.

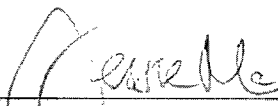


Scott Kidder

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of Scott Kidder was SWORN TO AND SUBSCRIBED before me this 12 day of August 2013.



Notary Public, State of New York

Jesse Ma Notary Public State of New York New York County Reg. No.: 02MA6225360 My Comm. Exp. 7-19-14
--

(Print, type, or stamp Commissioned name of Notary Public)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August 2013, I caused a true and correct copy of the foregoing to be served by email upon the following counsel of record:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Christina K. Ramirez, Esq.
cramirez@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Charles J. Harder, Esq.
charder@HMAfirm.com
Harder Mirell & Abrams LLP
1801 Avenue of the Stars, Suite 1120
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Barry A. Cohen, Esq.
bcohen@tampalawfirm.com
Michael W. Gaines
mgaines@tampalawfirm.com
Barry A. Cohen Law Group
201 East Kennedy Boulevard, Suite 1000
Tampa, FL 33602
Tel: (813) 225-1655
Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

/s/ Gregg D. Thomas
Attorney