

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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**FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT GAWKER MEDIA, LLC**

Pursuant to Florida Rules of Civil Procedure 1.350, Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan (“PLAINTIFF”) hereby requests that Defendant Gawker Media, LLC produce for inspection and copying each of the documents or categories of documents described hereafter at the law offices of Bajo Cuva Cohen & Turkel, P.A., 100 North Tampa Street, Suite 1900, Tampa, Florida 33602, on June 25, 2013, at 10:00 a.m.

Pursuant to the provisions of Florida Rule of Civil Procedure 1.350, you are required to produce the documents requested below, numbered 1 though 88, within thirty days from the certificate of service.



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

### **Definitions and Instructions**

As used in this Request for Production of Documents:

(a) “YOU” or “YOUR” or “GAWKER” means Defendant Gawker Media, LLC 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.

(b) “GAWKER.COM” means the website located at [www.gawker.com](http://www.gawker.com), as well as any agents, attorneys, and consultants therefor, and all other PERSONS acting or purporting to act on its behalf.

(c) “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.

(d) “HEATHER CLEM” 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.

(e) “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.

(f) “A.J. DAULERIO” means Defendant A.J. Daulerio as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

(g) “KATE BENNERT” means Defendant Kate Bennert, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on her behalf.

(h) “NICK DENTON” means Defendant Nick Denton, as well as any agents, attorneys and consultants therefor, and all other PERSONS acting or purporting to act on his behalf.

(i) “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.

(j) “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, meetings and conferences.

(k) “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.

(l) “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.

(m) “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.

(n) “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>.

(o) “VIDEO” refers to the full-length video of PLAINTIFF engaged in sexual activity with HEATHER CLEM, all excerpts therefrom, and all edited iterations thereof.

(p) “SEX TAPE” means the 101 second long video posted at the WEBPAGE.

(q) The “LAWSUIT” means 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-TBM; 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.

(r) 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.

(s) A separate answer shall be furnished for each request.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All DOCUMENTS that RELATE TO PLAINTIFF and which were created or are dated after January 1, 2012.
2. All audio and/or video recordings of PLAINTIFF.
3. All DOCUMENTS that RELATE TO audio and/or video recordings of PLAINTIFF.
4. All audio and/or video recordings of HEATHER CLEM.
5. All DOCUMENTS that RELATE TO audio and/or video recordings of HEATHER CLEM.
6. All audio and/or video recordings of BUBBA CLEM.
7. All DOCUMENTS that RELATE TO audio and/or video recordings of BUBBA CLEM.
8. The full-length VIDEO and all versions of it.
9. All excerpts of the VIDEO prepared or generated by YOU, and all versions thereof, whether or not published.
10. All DOCUMENTS that RELATE TO the VIDEO and all versions of it.
11. All DOCUMENTS that RELATE TO the SEX TAPE, including without limitation the preparation, editing, subtitling, posting and/or broadcast of the SEX TAPE.
12. All DOCUMENTS that RELATE TO the WEBPAGE.
13. All DOCUMENTS that RELATE TO internet traffic to, including page views of, the WEBPAGE.

14. All DOCUMENTS that REFER or RELATE TO GAWKER's record-keeping practices, including but not limited to intake notes, drafts of articles, revisions to articles, research, and memoranda.

15. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO any policies or practices of GAWKER with respect to the privacy or publicity rights of subjects of GAWKER articles or postings.

16. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO any policies or practices of GAWKER with respect to acquiring or receiving information used in articles, including but not limited to photographs, videos, songs, links, or other articles.

17. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to fact-checking its articles or postings.

18. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO policies or practices of GAWKER with respect to obtaining the consent of subjects of articles prior to publication.

19. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that

RELATE TO polices or practices of GAWKER with respect to copyright, trademark, right of publicity, or other intellectual property clearances.

20. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO polices or practices of GAWKER with respect to hidden camera footage, surveillance, voyeurism, eavesdropping and/or wiretapping laws.

21. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO polices or practices of GAWKER with respect to the company's publishing decisions, including the company's decisions RELATING TO which articles are posted on GAWKER website(s).

22. All DOCUMENTS constituting handbooks, policies, manuals, educational materials, training materials, internal emails, internal memos, and internal letters, that RELATE TO YOUR document preservation policies generally, including but not limited to document preservation notices.

23. All DOCUMENTS that RELATE TO YOUR document preservation policies and/or practices with regard to this LAWSUIT.

24. All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the LAWSUIT.

25. All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the facts or alleged facts underlying each of the claims in the LAWSUIT.



26. All DOCUMENTS, including COMMUNICATIONS, that REFER or RELATE TO the facts or alleged facts underlying each of YOUR defenses to each of the claims in the LAWSUIT.
27. All DOCUMENTS that constitute, REFER or RELATE to all cease and desist COMMUNICATIONS that YOU received from January 1, 2005 through the present that REFER TO publicity rights and/or privacy rights, including YOUR response to such cease and desist COMMUNICATIONS, and YOUR internal COMMUNICATIONS regarding same.
28. All DOCUMENTS that constitute, REFER or RELATE to all cease and desist COMMUNICATIONS that YOU received from January 1, 2005 through the present that REFER TO alleged copyright, trademark and/or other intellectual property violations, including YOUR response to such cease and desist COMMUNICATIONS, and YOUR internal COMMUNICATIONS regarding same.
29. All DOCUMENTS that RELATE TO the formation of GAWKER or any affiliated company.
30. All DOCUMENTS that RELATE TO the identity of the owners of GAWKER or any affiliated company.
31. All DOCUMENTS that contain or constitute organization charts for GAWKER and/or its affiliated companies and/or corporate family.
32. All DOCUMENTS, including all COMMUNICATIONS, that REFER or RELATE TO any or all versions of the VIDEO.
33. All DOCUMENTS, including all COMMUNICATIONS, that REFER or RELATE TO any or all versions of the SEX TAPE.

34. All DOCUMENTS that RELATE TO any and all decisions as to what content to include or not to include in the SEX TAPE.
35. All DOCUMENTS that RELATE TO any decision as to whether to block, obscure, or edit any explicit content in the SEX TAPE.
36. All DOCUMENTS that RELATE TO website traffic, clicks, hits, visitors and/or page views of the WEBPAGE and/or the revenue associated therewith.
37. All DOCUMENTS that RELATE TO website traffic, clicks, hits, visitors and/or page views at GAWKER.COM from January 1, 2010 to the present.
38. All DOCUMENTS that RELATE TO all revenue generated by GAWKER.COM from January 1, 2010 to the present.
39. All DOCUMENTS that RELATE TO website traffic, clicks, hits, visitors and/or page views at each of the GAWKER websites from January 1, 2010 to the present, including the websites Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku, and Lifestacker.
40. All DOCUMENTS that RELATE TO all revenue generated by each of the GAWKER websites from January 1, 2010 to the present, including the websites Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku, and Lifestacker.
41. All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding the WEBPAGE.
42. All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding PLAINTIFF.
43. All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding HEATHER CLEM.

44. All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding BUBBA CLEM.
45. All DOCUMENTS that RELATE TO COMMUNICATIONS with advertisers and/or potential advertisers regarding the LAWSUIT.
46. All DOCUMENTS contained in the personnel file of A.J. DAULERIO.
47. All DOCUMENTS contained in the personnel file of KATE BENNERT.
48. All DOCUMENTS that RELATE TO the departure of A.J. DAULERIO from GAWKER in or about January 2013.
49. All DOCUMENTS authored by NICK DENTON or any officer or director of GAWKER MEDIA that RELATE TO any standards for posting content at GAWKER.COM.
50. All DOCUMENTS authored by NICK DENTON or any officer or director of GAWKER MEDIA that RELATE TO any standards for posting content at any and/or all GAWKER MEDIA websites.
51. All DOCUMENTS that RELATE TO the source or origin of the VIDEO.
52. All DOCUMENTS that RELATE TO YOUR acquisition of the VIDEO.
53. All DOCUMENTS that RELATE TO the consideration paid by YOU or offered by YOU or requested to be paid by YOU to acquire the VIDEO.
54. All DOCUMENTS that RELATE TO negotiations surrounding YOUR acquisition of the VIDEO.
55. All DOCUMENTS that RELATE TO the VIDEO being offered for sale prior to October 4, 2012.

56. All DOCUMENTS that RELATE TO YOUR contention that the WEBPAGE or any portion of it, including the SEX TAPE, is a matter of legitimate public concern.
57. All DOCUMENTS that RELATE TO YOUR contention that YOU acted in good faith and had a reasonable belief that the WEBPAGE was legally permissible and not actionable.
58. All DOCUMENTS that RELATE TO YOUR contention that YOU acted in good faith and had a reasonable belief that YOUR posting of the SEX TAPE was legally permissible and not actionable.
59. All DOCUMENTS that RELATE TO whether PLAINTIFF had any knowledge that the VIDEO was being recorded at the time of the recording of the VIDEO.
60. All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the recording of the VIDEO.
61. All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the posting of the SEX TAPE.
62. All DOCUMENTS that RELATE TO whether PLAINTIFF consented to the posting of any portion of the WEBPAGE.
63. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the recording of the VIDEO.
64. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the posting of the SEX TAPE.
65. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if PLAINTIFF consented to the posting of any portion of the WEBPAGE.

66. All DOCUMENTS that constitute and RELATE TO all cease and desist COMMUNICATIONS between GAWKER and PLAINTIFF.
67. All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS between YOU and HEATHER CLEM.
68. All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS between YOU and BUBBA CLEM.
69. All DOCUMENTS that constitute and/or RELATE TO any and all COMMUNICATIONS regarding the WEBPAGE.
70. All DOCUMENTS that RELATE TO whether HEATHER CLEM had any knowledge that the VIDEO was being recorded at the time of the recording of the VIDEO.
71. All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the recording of the VIDEO.
72. All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the posting of the SEX TAPE.
73. All DOCUMENTS that RELATE TO whether HEATHER CLEM consented to the posting of any portion of the WEBPAGE.
74. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the recording of the VIDEO.
75. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the posting of the SEX TAPE.
76. All DOCUMENTS that RELATE TO any attempt made by YOU to determine if HEATHER CLEM consented to the posting of any portion of the WEBPAGE.

77. All DOCUMENTS that RELATE TO any attempt made by YOU to determine who held the copyright in the VIDEO before the WEBPAGE was posted on GAWKER.COM on or about October 4, 2012.

78. All DOCUMENTS that RELATE TO any attempt made by YOU to confirm the authenticity of the VIDEO before the WEBPAGE was posted on GAWKER.COM on or about October 4, 2012.

79. All DOCUMENTS that RELATE TO any attempt made by YOU to confirm the identity of any of the participants in the VIDEO before the WEBPAGE was posted on GAWKER.COM on or about October 4, 2012.

80. All DOCUMENTS that support YOUR contention that the PERSONS depicted in the VIDEO are PLAINTIFF and HEATHER CLEM.

81. All DOCUMENTS that YOU relied on in making a good faith determination that posting the WEBPAGE, including the SEX TAPE, was legal.

82. All DOCUMENTS that YOU relied on in making a good faith determination that posting THE WEBPAGE, including the SEX TAPE, was not tortious.

83. A complete copy of each of YOUR insurance policies that cover, or might cover, one or more claims in the operative Complaint in the captioned lawsuit.

84. All DOCUMENTS requested to be identified in PLAINTIFF'S Interrogatory Number 1, propounded concurrently.

85. All written communications and other DOCUMENTS requested to be identified in PLAINTIFF'S Interrogatory Number 6, propounded concurrently.

86. All DOCUMENTS requested to be identified in PLAINTIFF'S Interrogatory Number 8, propounded concurrently.

87. All DOCUMENTS requested to be identified in PLAINTIFF'S Interrogatory Number 9, propounded concurrently.

88. All DOCUMENTS requested to be identified in PLAINTIFF'S Interrogatory Number 10, propounded concurrently.

DATED: May 21, 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 \_\_\_\_ day of May, 2013 to the following:

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D. Keith Thomas, Esquire  
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