

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 FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant Gawker Media, LLC ("Gawker") hereby provides this response to Plaintiff's First Requests for Production of Documents ("Plaintiff's Document Requests") dated May 21, 2013.

REQUESTS AND RESPONSES

REQUEST NO. 1: All documents that relate to Plaintiff and which were created or are dated after January 1, 2012.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.¹ To the extent that this Request seeks the production of documents related to websites other than gawker.com which are published by

¹ In connection with Gawker's Responses to Plaintiff's Document Requests, Gawker will provide a log of documents that have been either withheld or redacted as privileged. The log will include all documents responsive to Plaintiff's Document Requests that are (a) protected by the attorney client privilege and/or work-product doctrine and created prior to the commencement of the Lawsuit, as that term is defined in Plaintiff's Document Requests, or (b) protected by the reporter's privilege, including N.Y. Civil Rights L. § 79-h, Fla. Stat. § 90.5015, and the reporters' privilege recognized by the First and Fourteenth Amendments to the U.S. Constitution, by the common law, and by other applicable reporters' privilege laws. In addition, Gawker's production will omit pleadings and other papers filed in the Lawsuit, and communications among all counsel after the filing of the Lawsuit, as all such documents are already in the possession of Plaintiff and his counsel.



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Gawker but not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request and related to Gawker.com in its possession, custody or control.

REQUEST NO. 2: All audio and/or video recordings of Plaintiff.

RESPONSE: Gawker will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 3: All documents that relate to audio and/or video recordings of Plaintiff.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 4: All audio and/or video recordings of Heather Clem.

RESPONSE: Gawker will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 5: All documents that relate to audio and/or video recordings of Heather Clem.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection,

Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 6: All audio and/or video recordings of Bubba Clem.

RESPONSE: Gawker will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 7: All documents that relate to audio and/or video recordings of Bubba Clem.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 8: The full-length Video and all versions of it.

RESPONSE: Gawker will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 9: All excerpts of the Video prepared or generated by you, and all versions thereof, whether or not published.

RESPONSE: Gawker will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 10: All documents that relate to the Video and all versions of it.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection,

Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 11: All documents that relate to the Sex Tape, including without limitation the preparation, editing, subtitling, posting and/or broadcast of the Sex Tape.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 12: All documents that relate to the Webpage.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is overly broad in that it seeks the production of “all documents” that relate in any way to the Webpage. Subject and without waiving these objections, Gawker will produce non-privileged documents responsive to this Request that relate to the *content* of the Webpage in its possession, custody or control. Gawker will produce documents related to *traffic* to the Webpage in its possession, custody or control as set forth in Gawker’s Response to Plaintiff’s Document Request No. 13.

REQUEST NO. 13: All documents that relate to internet traffic to, including page views of, the Webpage.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client

privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is overly broad in that it seeks the production of “all documents” relating to internet traffic to the Webpage. Gawker tracks and analyzes traffic on a daily basis through a variety of different methods and using a variety of different services. Producing “all” traffic-related documents generated since the Webpage was posted would be unduly burdensome and is not necessary to understanding the traffic to the Webpage. Subject to and without waiving these objections, and without certifying the accuracy of third-party data, Gawker will produce the following:

- (a) reports from Google Analytics, one of the traffic-tracking services it uses, sufficient to show (1) the total number of “page views” of the Webpage between October 4, 2012 (the date it was posted), and June 30, 2013, and (2) the number of “unique page views” of the Webpage from October 4, 2012 to June 30, 2013. According to Google Analytics, its “page views” report shows the number of instances in which a specific web page was loaded by an internet browser, and its “unique page views” report shows the aggregate number of page views “that are generated by the same user during the same session.” Gawker will also produce a report from Google Analytics showing “page views” and “unique page views” from the five top posts of 2012.
- (b) spreadsheets compiled from Gawker’s internal website tracking that show (1) the top 500 Gawker.com stories from the inception of the site through June 21, 2013, and (2) the top Gawker.com posts for each month of 2012. For purposes of its internal website tracking, “page views” are the number of instances in which a specific web page was loaded by an internet browser, and a “new unique visitor” is registered the first time that a browser has

visited the site within past 365 days. The data in these documents concerning “new unique visitors” may not be reliable due to system issues.

(c) print-outs of data collected from <https://www.quantcast.com/gawker.com> (which is publicly accessible) showing traffic to Gawker.com during 2012 and 2013.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the production of documents relating to practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com, it has no non-privileged documents responsive to this request.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the

production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com, Gawker has no non-privileged documents responsive to this Request.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that this Request seeks the production of documents relating to Gawker's policies or practices on copyright, trademark, or other intellectual property clearances, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, given that this case does not involve any copyright, trademark, or other intellectual property claims. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after

diligent search for documents related to Gawker.com and unrelated to copyright, trademark or other intellectual property clearances, Gawker has no non-privileged documents responsive to this request.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. To the extent that this Request seeks the production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request on the grounds that documents relating to fact-checking are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, given that Plaintiff's complaint contains no allegations that the Gawker Story was false.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the

production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com, it has no non-privileged documents responsive to this request.

REQUEST NO. 19: 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 copyright, trademark, right of publicity, or other intellectual property clearances.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. To the extent that this Request seeks the production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request because it seeks the production of documents relating to Gawker's policies or practices on copyright, trademark, or other intellectual property clearances, because such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, given that this case does not involve any copyright, trademark, or other intellectual property claims.

REQUEST NO. 20: 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 hidden camera footage surveillance, voyeurism, eavesdropping and/or wiretapping laws.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com, it has no non-privileged documents responsive to this request.

REQUEST NO. 21: 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 the company's publishing decisions, including the company's decisions relating to which articles are posted on Gawker website(s).

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work product doctrine. To the extent that this Request seeks the production of documents relating to policies or practices for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request on the grounds that the term "publishing decisions" is vague and ambiguous. Subject to and without waiving these

objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com (and other than general mission statements which are publicly available on Gawker.com, *see, e.g.*, <http://gawker.com/5951868/the-purpose-of-gawker>, and which do not appear to constitute specific policies or practices for Gawker's decisions about what articles to post on Gawker.com), it has no non-privileged documents responsive to this request.

REQUEST NO. 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 documents preservation notices.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. To the extent that this Request seeks the production of documents relating to policies for websites published by Gawker Media that are not Gawker.com and which are not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gawker states that, to the best of its knowledge after diligent search for documents related to Gawker.com, it has no non-privileged documents responsive to this request.

REQUEST NO. 23: All documents that relate to your document preservation policies and/or practices with regard to this lawsuit.

RESPONSE: To the extent that this Request seeks the production of documents related to specific actions taken in response to the Lawsuit, Gawker objects to the Request on the grounds that such documents are subject to the attorney client privilege and attorney work

product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 22. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 22.

REQUEST NO. 24: All documents, including communications, that refer or relate to the Lawsuit.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Gawker further objects to this Request to the extent that it seeks the production of pleadings or other papers filed in court in the Lawsuit and/or communications among all counsel in the Lawsuit (the "Previously Exchanged Lawsuit Documents"), all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 25: All documents, including communications, that refer or relate to the facts or alleged facts underlying each of the claims in the Lawsuit.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Gawker further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Gawker will produce any non-privileged documents

responsive to this Request in its possession, custody or control, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Gawker further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See note 1 supra.* Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control, except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving the foregoing objections, Gawker will produce any non-privileged documents related to the “cease and desist” letters received from Plaintiff or persons working on his behalf.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine.

REQUEST NO. 29: All documents that relate to the formation of Gawker or any affiliated company.

RESPONSE: Gawker objects to this Request on the grounds that it (1) seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, (2) is overly broad and unduly burdensome in that it requests the production of “all documents” related to the formation of Gawker and any affiliated company(ies), and (3) seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving these objections, Gawker will produce its Certificate of Formation, its Certificate of Good Standing, and its Certificate of Foreign Qualification.

REQUEST NO. 30: All documents that relate to the identity of the owners of Gawker or any affiliated company.

RESPONSE: Gawker objects to this Request on the grounds that it (1) seeks the production of documents that are neither relevant nor reasonably calculated to lead to the

discovery of admissible evidence, (2) is overly broad and unduly burdensome in that it requests the production of “all documents” related to owners of multiple companies, including companies other than Gawker Media, LLC, and (3) seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving these objections, Gawker refers Plaintiff to the Corporate Disclosure Statements previously filed in the Lawsuit, which confirm that Gawker Media, LLC is wholly owned by Gawker Media Group, Inc.

REQUEST NO. 31: All documents that contain or constitute organization charts for Gawker and/or its affiliated companies and/or corporate family.

RESPONSE: Gawker objects to this Request on the grounds that it seeks documents not relevant to the claims and defenses at issue in this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Gawker states that it has no current corporate organizational charts.

REQUEST NO. 32: All documents, including all communications, that refer or relate to any or all versions of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff’s Document Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff’s Document Request No. 10.

REQUEST NO. 33: All documents, including all communications, that refer or relate to any or all version of the Sex Tape.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 11. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 11.

REQUEST NO. 34: All documents that relate to any and all decisions as to what content to include or not to include in the Sex Tape.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 11. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 11.

REQUEST NO. 35: All documents that relate to any decision as to whether to block obscure, or edit any explicit content in the Sex Tape.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 11. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 11.

REQUEST NO. 36: All documents that relate to website traffic, clicks, hits, visitors and/or page views of the Webpage and/or the revenue associate therewith.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

With respect to the portion of the Request seeking the production of documents related to “website traffic, clicks, hits, visitors and/or page views,” Gawker objects on the grounds that it is overly broad and unduly burdensome. Gawker tracks and analyzes traffic on a daily basis through a variety of different methods, and producing “all” traffic-related documents generated since the Webpage was posted would be unduly burdensome and is not necessary to understanding the traffic to the Webpage. Gawker also objects to this portion of the Request on the grounds that it is duplicative of Request No. 13. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff’s Document Request No. 13.

With respect to that portion of the Request seeking the production of documents that relate to revenue associated with the Webpage, Gawker objects on the grounds that it is overly broad and unduly burdensome to the extent that it potentially calls for “all documents” relating to revenue generated by Gawker.com and, to the extent the Request was so intended, further objects to the request as duplicative of Request No. 38, the response to which Gawker incorporates herein by reference. Subject to and without waiving these objections, Gawker will produce any non-privileged documents in its possession, custody or control that relate to revenue (or lack thereof) generated from the Webpage.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent that it seeks the production of “all documents” relating to website traffic. Gawker tracks and analyzes traffic on a daily basis through a variety of different methods using several different services. Producing “all” traffic-related documents generated in a three-and-a-half year period would be unduly burdensome and is not necessary to understanding the traffic to gawker.com. Subject to and without waiving the these objections, Gawker states that data concerning traffic to Gawker.com can be found at <https://www.quantcast.com/gawker.com> and that, as noted in Gawker’s Response to Document Request No. 13, Gawker will produce print-outs of data collected from <https://www.quantcast.com/gawker.com> showing traffic to Gawker.com during 2012 and 2013.

REQUEST NO. 38: All documents that relate to all revenue generated by Gawker.com from January 1, 2010 to the present.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects on the grounds that the Request is overly broad and unduly burdensome in that it calls for “all documents” related to revenue for a three-and-a-half year period. Subject to and without waiving these objections, Gawker will provide a report indicating the monthly revenue generated by gawker.com from

January 1, 2010, to the present, pursuant to an Agreed Protective Order for confidential information once such an order is entered in this case.

REQUEST NO. 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 Lifehacker.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

To the extent that this Request seeks the production of documents related to traffic at gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff's Document Request No. 37. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 37.

To the extent that this Request seeks the production of documents relating to traffic at other websites published by Gawker, which are at not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects on the grounds that the Request is overly broad and unduly burdensome in that it calls for "all documents" related to traffic for at least seven different websites for a three-and-a-half year period.

REQUEST NO. 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 Lifehacker.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

To the extent that this Request seeks the production of documents related to revenue generated by to gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff's Document Request No. 38. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 38.

To the extent that this Request seeks the production of documents relating to revenue generated by other websites, which are at not at issue in this lawsuit, Gawker objects on the grounds that such documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to the Request on the grounds that it is overly broad and unduly burdensome in that it calls for "all documents" related to revenue generated by at least seven different websites for a three-and-a-half year period.

REQUEST NO. 41: All documents that relate to communications with advertisers and/or potential advertisers regarding the Webpage.

RESPONSE: Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 42: All documents that relate to communications with advertisers and/or potential advertisers regarding Plaintiff.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection,

Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 43: All documents that relate to communication with advertisers and/or potential advertisers regarding Heather Clem.

RESPONSE: Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 44: All documents that relate to communications with advertisers and/or potential advertisers regarding Bubba Clem.

RESPONSE: Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 45: All documents that relate to communications with advertisers and/or potential advertisers regarding the Lawsuit.

RESPONSE: Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 46: All documents contained in the personnel file of A.J. Daulerio.

RESPONSE: Gawker will produce documents responsive to this Request pursuant to an Agreed Protective Order for confidential information once such an order is entered in this case.

REQUEST NO. 47: All documents contained in the personnel file of Kate Bennert.

RESPONSE: Gawker will produce documents responsive to this Request pursuant to an Agreed Protective Order for confidential information once such an order is entered in this case.

REQUEST NO. 48: All documents that relate to the departure of A.J. Daulerio from Gawker in or about January 2013.

RESPONSE: Gawker objects to this Request on the grounds that it is not relevant to any of the legal issues in this action nor likely to lead to the discovery of admissible evidence. Gawker further objects to this Request on the grounds that it is overly broad to the extent that it seeks the production of “all documents” related to this topic. Subject to and without waiving this objection, Gawker will produce documents responsive to this request sufficient to describe the circumstances of Mr. Daulerio’s departure from Gawker.

REQUEST NO. 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.

RESPONSE: Gawker states that, other than general mission statements which are publicly available at Gawker.com (such as that found at <http://gawker.com/5951868/the-purpose-of-gawker>), Gawker has no documents responsive to this Request.

REQUEST NO. 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.

RESPONSE: To the extent that this Request seeks the production of documents related to standards for posting content at gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff’s Document Request No. 49. Subject to and without waiving this objection, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff’s Document Request No. 49.

To the extent that this Request seeks the production of documents relating to standards for posting content at websites other than gawker.com, which are at not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 51: All documents that relate to the source or origin of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 10.

REQUEST NO. 52: All documents that relate to your acquisition of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 10.

REQUEST NO. 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.

RESPONSE: Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 54: All documents that relate to negotiations surrounding your acquisition of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker objects to this Request on the grounds

that it is duplicative of Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 10.

REQUEST NO. 55: All documents that relate to the Video being offered for sale prior to October 4, 2012.

RESPONSE: Gawker states that it will produce any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 56: All documents that relate to your contention that the Webpage or any part of it, including the Sex Tape, is a matter of legitimate public concern.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 60: All documents that relate to whether Plaintiff consented to the recording of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 61: All documents that relate to whether Plaintiff consented to the posting of the Sex Tape.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 62: All documents that relate to whether Plaintiff consented to the posting of any portion of the Webpage.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 63: All documents that relate to any attempt made by you to determine if Plaintiff consented to the recording of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 64: All documents that relate to any attempt made by you to determine if Plaintiff consented to the posting of the Sex Tape.

RESPONSE: Gawker states that it does not have any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker states that it does not have any documents responsive to this Request in its possession, custody or control.

REQUEST NO. 66: All documents that constitute and relate to all cease and desist communications between Gawker and Plaintiff.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to the Request on the grounds that it is duplicative of Document Request No. 27. Subject to and without waiving these objections, Gawker refers Plaintiffs to, and incorporates by reference, its Response to Document Request No. 27.

REQUEST NO. 67: All documents that constitute and/or relate to any and all communications between you and Heather Clem.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request to the extent that it seeks the production of the Previously Exchanged Lawsuit Documents, all of which are already in the possession of Plaintiff and his counsel. *See* note 1 *supra*. Subject to and without waiving these objections, Gawker states that it will produce any non-privileged

documents responsive to this Request in its possession, custody or control except for the Previously Exchanged Lawsuit Documents.

REQUEST NO. 68: All documents that constitute and/or relate to any and all communications between you and Bubba Clem.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request.

REQUEST NO. 69: All documents that constitute and/or relate to any and all communications regarding the Webpage.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Request No. 12. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 12.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 71: All documents that relate to whether Heather Clem consented to the recording of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 72: All documents that relate to whether Heather Clem consented to the posting of the Sex Tape.

RESPONSE: Gawker states that it does not have any documents responsive to this Request in its possession, custody or control, other than as may be reflected in the Previously Exchanged Lawsuit Documents.

REQUEST NO. 73: All documents that relate to whether Heather Clem consented to the posting of any portion of the Webpage.

RESPONSE: Gawker states that it does not have any documents responsive to this Request in its possession, custody or control, other than as may be reflected in the Previously Exchanged Lawsuit Documents.

REQUEST NO. 74: All documents that relate to any attempt made by you to determine if Heather Clem consented to the recording of the Video.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 71. Subject to and without

waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 71.

REQUEST NO. 75: All documents that relate to any attempt made by you to determine if Heather Clem consented to the posting of the Sex Tape.

RESPONSE: Gawker objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 72. Subject to and without waiving this objection, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 72.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 73. Subject to and without waiving this objection, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 73.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Gawker further objects on the grounds that the Request seeks the production of documents that not relevant nor reasonably calculated to lead to the discovery of admissible evidence because Plaintiff has abandoned his claim for copyright

infringement. Subject to and without waiving the foregoing objections, Gawker states that it has no non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker states that it has no documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 80: All documents that support your contention that the persons depicted in the Video are Plaintiff and Heather Clem.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection,

Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 81: All documents that you relied on in making a good faith determination that posting the Webpage, including the Sex Tape, was legal.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 82: All documents that you relied on in making a good faith determination that posting the Webpage, including the Sex Tape, was not tortious.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

REQUEST NO. 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.

RESPONSE: Gawker will produce documents responsive to this Request pursuant to an Agreed Protective Order for confidential information once such an order is entered in this case.

REQUEST NO. 84: All documents requested to be identified in Plaintiff's Interrogatory Number 1, propounded concurrently.

RESPONSE: Gawker objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 83. Subject to and without waiving this objection, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 83.

REQUEST NO. 85: All written communications and other documents requested to be identified in Plaintiff's Interrogatory Number 6, propounded concurrently.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 10.

REQUEST NO. 86: All documents requested to be identified in Plaintiff's Interrogatory Number 8, propounded concurrently.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 59. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 59.

REQUEST NO. 87: All documents requested to be identified in Plaintiff's Interrogatory Number 9, propounded concurrently.

RESPONSE: Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery 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 it is duplicative of Plaintiff's Document Request No. 60. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 60.

REQUEST NO. 88: All documents requested to be identified in Plaintiff's Interrogatory Number 10, propounded concurrently.

RESPONSE: Gawker objects to this Request to the extent that it is duplicative of other Requests and seeks documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. Subject to and without waiving these objections, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

Dated: July 25, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July 2013, I caused a true and correct copy of the foregoing to be served by email upon the following counsel of record:

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