

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.

**PLAINTIFF TERRY GENE BOLLEA'S SUPPLEMENTAL REPLY RE:
GAWKER MEDIA GROUP, INC.'S MOTION TO DISMISS**

Plaintiff Terry Gene Bollea files this supplemental reply to correct a blatant misstatement in Gawker Media Group, Inc.'s ("GMGI") reply in support of its motion to dismiss. GMGI falsely states that *Dania Jai-Alai Palace, Inc. v. Sykes*, 450 So.2d 1114 (Fla. 1984), overruled the **pleading** holding of *Vantage View, Inc. v. Bali East Development Corp.*, 421 So.2d 728, 731 (Fla. 4th DCA 1982), and imposed a heightened pleading standard for veil piercing claims. This is not true. *Sykes* overruled a different part of *Vantage View*, which dealt with the substantive standards of proof required to pierce the corporate veil, and held that a plaintiff must show some sort of improper conduct by the defendants to pierce the corporate veil, not merely that the subsidiary was an instrumentality. Bollea acknowledged this in his brief.

The *Sykes* opinion was explicit, however, that *Vantage View*'s **pleading** holding was **correct**: "[The *Vantage View* court's] decision was correct because allegations of mere instrumentality and improper conduct clearly state a cause of action." *Sykes*, 450 So.2d at 1117.

A leading Florida treatise confirms that *Sykes* did not disturb *Vantage View*'s pleading standard: "Although *Vantage View* is no longer good law for other reasons [citing *Sykes*], the Supreme Court noted in the *Sykes* case that the *Vantage View* decision was nevertheless correct as to the elements of the cause of action 'because allegations of mere instrumentality and improper conduct clearly state a cause of action'." Bruce J. Berman, *Berman's Florida Civil Procedure* Section 110.3[2][1] n. 38 at 134 (2013).

GMGI's attempt to mislead this Court is improper. The Court should deny GMGI's motion to dismiss for failure to state a cause of action pursuant to *Vantage View*.

DATED: October 28, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail this 28th day of October, 2013 to the following:

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