

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.

\_\_\_\_\_ /

**NOTICE OF INTENT TO SERVE SUBPOENA FOR PRODUCTION  
OF DOCUMENTS WITHOUT DEPOSITION IN ANOTHER STATE**

PLEASE TAKE NOTICE that pursuant to Rule 1.351 of the Florida Rules of Civil Procedure and Section 3119 of New York's Civil Practice Law and Rules, Gawker Media, LLC intends, after 15 days, to present the attached Subpoena directed to EJ Media Group LLC, a New York limited liability company that is a non-party to this action, to an authority competent to issue a New York subpoena with identical terms. That New York subpoena shall then be promptly served on EJ Media Group LLC.

Respectfully submitted,

THOMAS & LOCICERO PL

By: Gregg D. Thomas

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Florida Bar No.: 223913

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*Counsel for Gawker Media, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of December, 2013, I caused a true and correct copy of the foregoing to be served electronically upon the following counsel of record at their respective email addresses via the Florida Courts E-Filing Portal:

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\_\_\_\_\_ /

**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THE STATE OF FLORIDA:

**TO: EJ Media Group LLC, 349 Fifth Avenue, New York, NY 10016**

YOU ARE COMMANDED by Defendant Gawker Media, LLC, to produce the documents described in Schedule A to Seth D. Berlin, Esquire at the office of Levine Sullivan Koch & Schulz, LLP, 321 West 44th Street, Suite 1000, New York, New York, at 10:00 a.m. twenty (20) after this Subpoena duces tecum is served upon you. You may comply with this subpoena by mailing legible copies of the items to be produced for delivery to Gregg D. Thomas, Thomas & LoCicero PL, 601 South Boulevard, Tampa, FL 33606. If you fail to comply, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney, you shall respond to this subpoena as directed. You have a right to object to the production under Florida Rule of Civil Procedure 1.351 and you will not be required to surrender the documents or things requested. No testimony will be taken.

DATED on \_\_\_\_\_.

\_\_\_\_\_  
Gregg D. Thomas  
For the Court

Gregg D. Thomas  
Florida Bar No. 223913  
Attorney for Gawker Media, LLC  
Thomas & LoCicero, PL  
601 South Boulevard  
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(813) 984-3060 Telephone  
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## SCHEDULE A

### INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” mean EJ Media Group LLC, and any employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert EJ Media Group LLC. When documents or things are requested, such request includes materials in the possession, custody or control of your agents, attorneys or other persons acting on their or your behalf.
2. “Plaintiff” means Plaintiff Terry Gene Bollea (professionally known as “Hulk Hogan”), as well as any agents, attorneys and consultants acting on his behalf.
3. “Gawker” means the operator of the website [gawker.com](http://gawker.com).
4. “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](http://www.gawker.com) on or about October 4, 2012.
5. “Bubba Clem” means Bubba the Love Sponge Clem.
6. “Heather Clem” means the ex-wife of Bubba Clem (also known as Heather Cole).
7. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.
8. “Sex Tape” means any video, audio and/or audio/video footage featuring persons engaged in Sexual Relations.
9. The words “and” and “or” also have the meaning “and/or.”
10. The terms “all” and “any” shall be considered to include “each” and every.” Use of any of these terms incorporates them all.
11. The term “person” means all individuals and entities.
12. The term “document(s)” means all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any

notation made on such copies or otherwise (including but without limitation to, email and attachments, “instant” messages or “IM” messages, “wall” postings on Facebook, Myspace postings, Twitter postings or “tweets,” correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings), including metadata.

13. Throughout this request, the singular shall include the plural and the plural shall include the singular.

14. The following terms should be read as if they were synonymous, and each should be taken to include the meaning of all of the others: related to, related in any manner to, concerning, referring to, alluding to, responding to, connected with, with respect to, commenting on, about, regarding, announcing, explaining, discussing, showing, describing, studying, reflecting, analyzing or constituting.

15. If you contend that it would be unreasonably burdensome to produce all the documents called for in response to any request, you should:

- (a) produce all documents that are available without unreasonable burden; and
- (b) describe with particularity the reasons why production of the remaining documents would be unreasonably burdensome.

16. In the event that any responsive document cannot be produced in its entirety, you are requested to produce the document to the fullest extent possible, specifying the reasons for your inability to produce the remainder and describing to the fullest extent possible the contents of the unproduced portion.

17. With respect to your responses to the following request for production, if any document or any portion of any document is withheld because of a claim of privilege, please state the basis for your claim of privilege with respect to such document or portion of any document and the specific ground(s) on which the claim of privilege rests, and including, with respect to documents: the date appearing on the document, or if no date appears, the date on which the document was prepared; the name of the person(s) to whom the document was addressed; the name of each person, other than addressee(s), to whom the document, or a copy thereof, was sent or with whom the document was discussed; the name of the person(s) who signed the document, or if not signed, the name of the person(s) who prepared it; the name of each person making any contribution to the authorship of the document; and the general nature or description of the document and the number of pages of which it consists.

18. In the event that any documents or things that would have been responsive to this request have been destroyed, discarded or lost, please identify each such document or thing, including: the nature of the document or thing; the author(s) and addressee(s) of any document; any indicated or blind copies of any document; the document's subject matter, number of pages and attachments or appendices; all persons to whom the document was distributed or persons who have seen the thing; the date of destruction, discard or loss; and, if destroyed or discarded, the reasons therefore and the identity of the person(s) authorizing or carrying out any such destruction or discard.

## **DOCUMENTS TO BE PRODUCED**

**Request No. 1:** Any and all documents referring or relating to a Sex Tape in which Plaintiff and Heather Clem appear.

**Request No. 2:** Any and all documents referring or relating to actual or threatened legal claims (whether civil, criminal or administrative in nature) asserted by Plaintiff against Bubba Clem, Heather Clem and/or Gawker (or any of Gawker's officers, directors, employees, agents or affiliates).

**Request No. 3:** Any and all documents referring or relating to the Gawker Story.

**Request No. 4:** Any and all documents referring or relating to actual or potential media appearances by Plaintiff in October 2012.