

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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**PLAINTIFF TERRY GENE BOLLEA'S RESPONSES TO GAWKER MEDIA, LLC'S  
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff TERRY GENE BOLLEA (herein "Responding Party") hereby responds to  
Request for Production of Documents (Set One) propounded by defendant GAWKER MEDIA,  
LLC (herein "Propounding Party") as follows:

**PRELIMINARY STATEMENT**

Responding Party responds to the Requests for Production subject to, without waiver of,  
and expressly preserving: (a) any objections as to the competency, relevance, materiality,  
privilege or admissibility of any of the responses or any of the documents identified in any  
response hereto; and (b) the right at any time to revise, correct, supplement or clarify any of the  
responses herein.

These responses are based upon a diligent investigation undertaken by Responding Party  
and his counsel since the service of these Requests. These responses reflect only Responding

Party's current understanding, belief and knowledge regarding the matters about which inquiry was made. Responding Party has not yet had sufficient opportunity to depose or interview all persons who may have knowledge of relevant facts, or to discover or otherwise obtain and review all documents which may have some bearing on this case.

Consequently, there may exist further information, documents and persons with knowledge relevant to these Requests of which Responding Party is not currently aware. As this action proceeds, Responding Party anticipates that further facts, witnesses and documents may be discovered or identified. Without in any way obligating it to do so, Responding Party reserves the right to offer further or different documents, evidence, or information at trial or at any pretrial proceeding. These responses are not in any way to be deemed an admission or representation that there are no further facts, documents or witnesses having knowledge relevant to the subject matter of these Requests.

### **GENERAL OBJECTIONS**

1. The following Responses, and each of them, are based upon information and writings presently available to, and located by, Responding Party and his attorneys. Responding Party has not completed an investigation of the facts or discovery proceedings in this case and has not completed his preparation for trial. The following Responses, and each of them, are made without prejudice to Responding Party's right to produce evidence based on subsequently discovered facts or documents, and to offer such facts or documents in evidence at the time of trial. The fact that Responding Party has responded to a Request should not be taken as an admission that Responding Party accepts or admits the existence of any facts set forth or assumed by such Request, or that such Response constitutes admissible evidence. The following Responses, and each of them, are made without prejudice to the rights of Responding Party to

introduce evidence of any subsequently discovered facts or documents which Responding Party may later obtain, discover or recall.

2. The documents and information which could or would form the basis of responses to the instant Request for Production, in whole or in part, are still in the process of being identified by Responding Party, and all such relevant documents have not yet been identified, examined or produced. In addition, the significance of documents which may now be in the possession of Responding Party may only become apparent upon further discovery and review of those documents in the context of other documents which have not yet been identified or obtained in the context of later testimony or discovery which may establish their relevance.

3. These Responses are made, and any and all documents are being produced, solely for the purposes of this litigation. Any documents supplied in response to the Requests are being supplied by Responding Party subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any ground that would require the exclusion of any document or portion thereof, if such document were offered in evidence in Court, all of which objections and ground are expressly reserved and may be interposed at the time of trial.

4. Responding Party, accordingly, reserves the right to alter or modify any and all Responses set forth herein as additional facts may be ascertained, documents discovered, analyses made, witnesses identified, additional parties identified, legal research completed, and contentions made or expanded.

5. Responding Party objects generally to each and every Request to the extent it calls for information that is protected by the attorney-client privilege and/or the attorney work product doctrine.

6. Responding Party objects generally to each and every Request to the extent it requests any information concerning the content of conversations of any other party to this action or documents in the possession of any other party to this action, other than the Responding Party, in that such information is equally accessible to all parties.

7. Responding Party objects to producing any private and/or confidential business or proprietary information or trade secrets.

8. Responding Party objects to the definition of the word “documents” to the extent that Propounding Party seeks documents not in Responding Party’s possession, custody or control.

9. Responding Party objects to these Requests, and each of them, to the extent they are not limited to the subject matter of this action and thus are irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

10. Responding Party objects to these Requests, and each of them, to the extent they are unduly burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

11. Responding Party objects to these Requests, and each of them, to the extent they seek information to which Propounding Party has equal access.

### **RESPONSES TO REQUESTS FOR PRODUCTION**

The Preliminary Statement and General Objections are incorporated into each response below, regardless of whether specifically mentioned. The specific objections set forth below are not a waiver, in whole or in part, of any of the foregoing General Objections. Subject to and without waiver of these objections, Responding Party responds below.

#### **REQUEST 51:**

Any and all documents in any manner referring or relating to any media appearance at

which you discussed the Video and/or the Gawker Story, including, but not limited to, documents referring or relating to the scheduling of such appearances.

**RESPONSE TO REQUEST 51:**

Responding Party objects to this Request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine.

Responding Party objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Responding Party objects to this Request on the ground that it is vague and ambiguous.

**REQUEST 52:**

Any and all documents in any manner referring or relating to communications between you or anyone acting on your behalf and any law enforcement person or agency concerning any recording of you having sexual relations with Heather Clem, including without limitation any documents referring or relating to communications identified in Plaintiff's Response to A.J. Daulerio's Interrogatory No. 9.

**RESPONSE TO REQUEST 52:**

Responding Party objects to this Request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine.

Responding Party objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Responding Party objects to this Request on the ground that the documents sought are not reasonably likely to lead to the discovery of admissible evidence. Responding Party objects to this Request on the ground that the Request is overbroad and burdensome in that it potentially sweeps within its scope documents of little relevance to the case. Responding Party objects to this Request on the ground that it is so broad on its face that it

requires production of irrelevant documents and information. Responding Party objects to this Request on the ground that it is vague and ambiguous. Responding Party further objects to this Request on the ground of the law enforcement investigation privilege, and on the grounds of privacy.

**REQUEST 53:**

Any and all documents in any manner relating to photographs published in April 2012, including at the website thedirty.com, that purported to be from a video recording of you having sexual relations with a woman later identified as Heather Clem.

**RESPONSE TO REQUEST 53:**

Responding Party objects to this Request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Responding Party objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Responding Party further objects to this Request on the ground that it is not reasonably likely to lead to the discovery of admissible evidence, and on the ground of overbreadth. Responding Party further objects to this Request on the grounds that it is vague and ambiguous.

**REQUEST 54:**

All records from 2012 referring or relating to the cellular phone accounts and telephone landlines identified in Plaintiff's Response to A.J. Daulerio's Interrogatory No. 10, including without limitation monthly paper and/or online billing statements.

**RESPONSE TO REQUEST 54:**

Responding Party objects to this Request to the extent that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine.

Responding Party objects to this Request on the ground that the requested documents are not identified with reasonable particularity. Responding Party objects to this Request on the ground that it is not reasonably likely to lead to the discovery of admissible evidence. Responding Party objects to this Request on the ground that the Request is overbroad and burdensome.

Responding Party objects to this Request on the ground that it is so broad on its face that it requires production of irrelevant documents and information. Responding Party objects to this Request on the ground that it is vague and ambiguous. Responding Party further objects to this Request on the ground of privacy.

DATED: January 21, 2014

Respectfully submitted,

/s/ Charles J. Harder, Esq. \_\_\_\_\_  
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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-Service mail this 21st day of January, 2014 to the following:

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