

# EXHIBIT 19

IN THE DISTRICT COURT OF APPEAL  
SECOND DISTRICT, STATE OF FLORIDA

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CASE NO. 2D14-1079

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TERRY GENE BOLLEA, professionally known as HULK HOGAN

Petitioner

v.

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,

Respondents

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE CIRCUIT COURT FOR THE SIXTH JUDICIAL  
CIRCUIT IN AND FOR PINELLAS COUNTY, FLORIDA**  
(Lower Tribunal Case No. 12012447CI-011)

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**TERRY BOLLEA'S REPLY BRIEF FILED IN SUPPORT OF  
PETITION FOR WRIT OF CERTIORARI**

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cameras in the Clems' house. The so-called "evidence in the record" that purportedly "casts doubt" on those claims (Opp. at 6) is, in fact, statements made by Gawker's counsel, Seth Berlin, during an unrelated hearing (Opp. Pet. at 71–82). Mr. Berlin's statements refer to inadmissible hearsay that was refuted by the declarant when the declarant testified under oath. Gawker's counsel cannot rely on his own *ipse dixit* as "evidence."

3. Regarding the timing of Mr. Bollea's sexual relationship with Ms. Clem:

At the beginning of this case, Mr. Bollea had difficulty remembering the exact time period when he had a sexual relationship with Ms. Clem, which occurred several years before Gawker published the sex video and Mr. Bollea filed suit. Mr. Bollea has diligently sought to accurately recall this time period and has updated his discovery responses to reflect his refreshed recollection.<sup>5</sup>

4. Regarding Mr. Bollea's responses to Gawker's discovery concerning the FBI investigation:

Gawker devotes four pages of its Opposition to detailing a discovery timeline regarding the FBI investigation. Throughout that time, Mr. Bollea was following instructions from law enforcement. Mr. Bollea made objections and responses to Gawker's initial discovery requests in and around August 2013. As of that date, Mr. Bollea's instruction from law enforcement was not to discuss or

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<sup>5</sup> In addition, it is unclear why Gawker suggests that Mr. Bollea has been inconsistent in his explanation of the number of times he remembers having had sexual relations with Ms. Clem. Mr. Bollea's recollection on this subject has been consistent.

disclose any aspect of the investigation with anyone. Mr. Bollea and his counsel were not informed of the government's allegedly changed position regarding the documents within Mr. Bollea's possession until very recently.

5. Regarding who distributed the sex video at issue:

Gawker contends that Mr. Bollea's complaint repeatedly accuses Ms. Clem of distributing the sex video at issue. Opp. at 9. In truth, Mr. Bollea's complaint alleges that all of the defendants are responsible for the sex video's distribution. *See, e.g.*, Pet. App. at 10 (FAC ¶39), 14 (FAC ¶ 61). Discovery has yet to reveal precisely who was responsible for sending the sex video to Gawker.

**IV. CONCLUSION**

For the foregoing reasons, the Court should issue a writ of certiorari and direct the trial court to reverse its order compelling Mr. Bollea to sign a waiver permitting disclosure of the FBI records.

DATED: May 1, 2014

*/s/ Charles J. Harder*

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-Mail via the Florida E-Portal system this 1st day of May, 2014 to the following:

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