

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.

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**MOTION FOR LETTER ROGATORY AND COMMISSION
FOR OUT-OF-STATE SUBPOENA**

Defendant Gawker Media, LLC (“Gawker”), by and through its undersigned attorneys, moves this Honorable Court for a Letter Rogatory and Commission for the issuance of a subpoena for documents with deposition to World Wrestling Entertainment, Inc. (“WWE”), c/o CT Corporation System, One Corporate Center, Hartford, Connecticut, 06103-3220, to produce the documents listed in the subpoena annexed to Gawker’s motion as Exhibit A, and to provide deposition testimony on the topics listed in that subpoena as well. As grounds, Gawker states the following:

- 1) WWE is located in Stamford, Connecticut. WWE’s registered agent for service, The Corporation Trust Company, is located in Hartford County, Connecticut.
- 2) Section 52.155 of the Connecticut General Statutes Annotated allows out-of-state subpoenas of citizens and entities located in Connecticut.
- 3) Section 52.155(a) states the following:

Each commissioner, appointed according to the laws or usages of any other state or government, or by any court of

the United States or of any other state or government, to take testimony in this state to be used in any such court, may apply to a judge of any court of record, or to any justice of the peace, notary public or commissioner of the Superior Court, for a subpoena or to any such judge for a *capias*, to compel the appearance of any witness before such commissioner.

4) Section 52-148e of the Connecticut General Statutes Annotated similarly provides for discovery from Connecticut witnesses in connection with out-of-state litigation.

5) Obtaining a letter rogatory and commission from this Court is necessary to enable Gawker to effectuate its subpoena.

6) This case challenges a report and commentary (the “Gawker Story”) published on Gawker.com by Gawker Media, LLC, concerning an extramarital affair and sexual encounter that Plaintiff, the celebrity publicly known as Hulk Hogan (“Plaintiff” or “Hogan”), conducted with the wife of his then-best friend (Bubba Clem, himself also a celebrity), with Bubba Clem’s blessing. It also challenges the publication, along with the Gawker Story, of brief excerpts (the “Excerpts”) of a longer video (the “Video”) depicting the encounter. Based on the Gawker Story and the Excerpts, Plaintiff asserts claims against Gawker for invasion of privacy, for violation of his publicity rights, for negligent and intentional infliction of emotional distress, and for violation of the publication prong of Florida’s wiretap statute.

7) Gawker believes that WWE possesses information and/or records that are admissible or are likely to lead to the discovery of admissible evidence in this case, including without limitation information and/or records concerning Plaintiff’s public image, his expectation of privacy, the reasonableness of that expectation, the newsworthiness of the Gawker Story and Excerpts, Plaintiff’s claimed publicity rights, the value of those rights, and Plaintiff’s claims for damages arising out of an alleged violation of those rights.

8) Plaintiff initially established his celebrity as a wrestler while working in connection with WWE, had a more limited relationship with WWE at the time the Gawker Story and Excerpts were published, and thereafter expanded his relationship again with WWE. As a result, believes that WWE has information that is either relevant to the issues identified in Paragraph 7 above.

9) Without the opportunity to inspect any materials in the possession of WWE or to obtain the testimony of its corporate representative, Gawker would be prejudiced in its defense.

WHEREFORE, Gawker respectfully requests that this Honorable Court issue a Letter Rogatory and Commission requesting the issuance of a subpoena for documents with deposition to WWE c/o the Corporation Trust Company, compelling production of the documents and testimony on the topics listed in the subpoena annexed to Gawker's motion. A proposed Letter Rogatory and Commission is attached hereto as Exhibit B.

Dated: July 8, 2014

Respectfully submitted,
THOMAS & LOCICERO PL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July 2014, 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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