

EXHIBIT D



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VIA EMAIL AND U.S. MAIL

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VIA EMAIL AND U.S. MAIL

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Re: **Terry Gene Bollea v. Heather Clem, Gawker Media, LLC, et al**
Circuit Court of the Sixth Judicial Council in and for Pinellas County, Florida
Case Number 12012447CI-011

Dear Counsel:

This letter concerns defendant Gawker Media, LLC's ("Gawker") deficient responses to discovery served by plaintiff Terry Gene Bollea in this action. Specifically, Gawker has yet to produce documents that were compelled by the Court's February 26, 2014, Order and, more recently, has made incomplete or deficient responses to Mr. Bollea's third set of interrogatories and fourth set of requests for production of documents. This letter will serve as an attempt to informally resolve these issues as required by the Florida Rules of Civil Procedure.

I. Documents Compelled by the Court's February 26, 2014, Order

On or about June 27, 2013, Mr. Bollea served Gawker with the following Requests for Production relating to Kinja's involvement in the facts and circumstances that gave rise to this lawsuit:

1. All documents that describe Kinja's functions or line of business (Request 89).
2. All documents that describe Kinja's functions with respect to the delivery of content on Gawker.com (Request 90).
3. All documents that relate to financial transactions between Kinja and Gawker (or its affiliates) (Request 92).

4. Documents that relate to the direct or indirect receipt of advertising revenue by Kinja (Request 93).

Gawker refused to produce documents responsive to **any** of the foregoing Requests, forcing Mr. Bollea to bring a motion to compel the documents. That motion was heard on November 25, 2013. On February 26, 2014, the Court issued a written Order granting Mr. Bollea's motion to compel, as follows:

1. **Granted:** All documents that describe Kinja's functions or line of business (Request 89).
2. **Granted:** All documents that describe Kinja's functions with respect to the posting of content on Gawker.com (Request 90).
3. **Granted:** All documents that relate to financial transactions between Kinja and Gawker (denied as to Gawker's other affiliates) (Request 92).
4. **Granted:** Documents that relate to the direct or indirect receipt of advertising revenue by Kinja (Request 93).

Despite the Court's Order, Gawker has not produced **any** documents responsive to any of these four Requests.

Through other discovery, Gawker has disclosed the following information about Kinja, which confirms that **there do exist documents responsive to the categories the Court ordered** Gawker to produce in its February 26, 2014, Order:

1. Kinja is a sister company to Gawker (*i.e.*, a 100 percent owned subsidiary of Gawker's parent company, Gawker Media Group, Inc.). Kidder Depo. Tr. at 42:11–15; 44:18–24.
2. Kinja owns the software platform that Gawker utilizes for the operation of its website. Kidder Depo. Tr. at 39:12–40:7, 48:25–49:8.
3. Kinja owns the domain Gawker.com, which posted the sex video. Kidder Depo. Tr. at 48:25–49:8.
4. Kinja owns the trademarks and trade names for all of Gawker's websites, including Gawker.com. Kidder Depo. Tr. at 48:25–48:8.
5. Kinja has bank accounts in the United States as well as in Hungary. Kidder Depo. Tr. at 49:12–17.

6. Kinja licenses the trademarks that it owns to Gawker. Kidder Depo. Tr. at 103:25–105:11.
7. Kinja receives royalty payments from Gawker. Kidder Depo. Tr. at 57:15–23.

The foregoing deposition testimony demonstrates that documents must exist which relate to the following: the financial transactions and agreements between Gawker and Kinja; Kinja's receipt of revenues in connection with the usage of its proprietary technology, software and "platform" to run the Gawker.com website; and Kinja's receipt of revenues for the usage of the Gawker.com domain and Gawker-related trademarks. To date, however, Gawker has not produced **any** documents reflecting any of these subjects, even though Gawker's corporate designee admitted that Gawker paid Kinja royalties and utilized the Kinja software, platform and domain. Beyond Mr. Bollea's entitlement to the documents underlying the transactions between the two companies, the Court has **ordered** that such documents be produced.

Please confirm that Gawker will forthwith produce all non-privileged, responsive documents within its possession, custody or control. Mr. Bollea has already waited over a year for these documents and will have no choice but to seek appropriate relief for the disobedience of the Court's February 26th Order.

II. Gawker's Responses to Mr. Bollea's Third Set of Interrogatories

Gawker refuses to respond to Interrogatories 18 and 19 of Mr. Bollea's Third Set of Interrogatories, which ask Gawker to identify its sources of "Other Revenue" and to state all facts relating to Gawker's payment of "IP Royalty Expenses," including that which is referred to at lines 200 and 8300 of Gawker's Income Statement (GAWKER 18323_C). Beyond its boilerplate objections, Gawker's sole asserted basis for refusing to respond is irrelevance. This objections is without merit.

As to Interrogatory 18, Mr. Bollea is entitled to know each of Gawker's sources of revenue so he can determine if any of those revenue streams have been influenced by Gawker's publication of the sex video. As to Interrogatory 19, Mr. Bollea is entitled to trace the money paid by Gawker to Kinja or to any other IP licensors to determine, among other things, whether and to what extent others profited from and/or facilitated Gawker's publication of the sex video. Such information is relevant and reasonably calculated to lead to the discovery of admissible evidence.

Please confirm that Gawker will forthwith provide full and complete supplemental responses to Interrogatories 18 and 19.

III. Gawker's Responses to Mr. Bollea's Fourth Set of Requests for Production

Gawker's responses to Requests 119, 120 and 122 of Mr. Bollea's Fourth Set of Requests for Production, which seek documents relating to all of the Gawker websites, are insufficient. Request 119 seeks all documents and communications relating to all revenue generated by each of the Gawker websites from January 1, 2011, to the present. Request 120 seeks all financial statements for each of the Gawker websites, covering all periods from January 1, 2011, through the present. Request 122 seeks all documents constituting or relating to the number of visitors to each of the Gawker websites from January 1, 2011, to the present, who used the discussion/publishing platform known as "Kinja." As to each of the foregoing, Gawker produced its documents relating to Gawker.com, but refused to produce documents relating to Gawker's affiliated websites, including Deadspin.com, Gizmodo.com, IO9.com, Jalopnik.com, Jezebel.com, Kotaku.com and Lifehacker.com. This response is patently deficient.

Mr. Bollea is entitled to this information with respect to each of the Gawker websites in order to, among other things, determine whether Gawker.com's publication of the sex video resulted in any downstream benefit to Gawker's affiliated websites, links to which were included at the webpage featuring the sex video. Gawker's statement that the Court has already sustained Gawker's objection to providing such information is false. The Court sustained Defendant's objections "**without prejudice** to Plaintiff's right to request the subject documents in the future **based on Plaintiff's ability to obtain the requested information through publicly available resources.**" 2/26/14 Order on Plaintiff's Motion to Compel Further Responses from Gawker Media, LLC (emphasis added). The information sought by Requests 119, 120 and 122 is not publicly available and therefore must be produced by Gawker. Please confirm that Gawker will forthwith produce all non-privileged, responsive documents within its possession, custody or control.

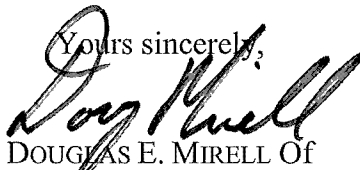
With respect to Second Request No. 116 [sic] of Mr. Bollea's Fourth Set of Requests for Production, Gawker's response that (1) Gawker Media Group, Inc. ("GMGI") owns 100% of Gawker Media, LLC and Kinja KFT, and (2) GMGI is not publicly traded, is not responsive to this Request. Mr. Bollea sought, and is entitled to, all documents and communications that relate to any proposed equity, debt or other security offering by GMGI, Gawker Media, LLC, Kinja KFT or any of their subsidiaries or affiliated companies. Please confirm that Gawker will forthwith produce all non-privileged, responsive documents within its possession, custody or control.

With respect to Request No. 121 of Mr. Bollea's Fourth Set of Requests for Production, which seeks all financial statements for Kinja KFT, Gawker's objections are without merit. First, so long as those financial statements are within Gawker's possession, custody or control, they are subject to discovery—notwithstanding that they concern an entity (Kinja KFT) other

than Gawker. Second, financial statements are created and kept in the ordinary course of business. It is not unduly burdensome to locate and produce such records. Nor is the request overbroad; it requests a particular kind of record kept for a defined time period—from January 1, 2011, through the present. Third, Gawker’s statement that Kinja KFT played no role in the tortious conduct at issue is false. Mr. Bollea has alleged that Kinja KFT was directly involved in the acts giving rise to Mr. Bollea’s claims. As discussed above, deposition testimony in this case has established that Kinja KFT owns the domain Gawker.com (where the surreptitiously-recorded sex video was published). Kinja KFT also owns the software platform from which the sex video was offered to the public at Gawker.com, and also owns all trademarks and trade names used by Gawker.com to “brand” the website to the public. Mr. Bollea is entitled to determine whether Kinja KFT profited from Gawker’s publication of the sex video. Such information is relevant and reasonably calculated to lead to the discovery of admissible evidence. Fourth, the pending appeal relating to jurisdiction over Kinja KFT has no effect on Gawker’s obligations to produce discovery within Gawker’s possession, custody and control. Please confirm that Gawker will forthwith produce all non-privileged, responsive documents within its possession, custody or control.

With respect to Request for Production No. 126 of Mr. Bollea’s Fourth Set of Requests for Production—which seeks all documents that constitute, refer to or relate to Gawker’s policies, notices and agreements relating to the protection of Gawker’s privacy or confidentiality—please confirm that Gawker has produced or will forthwith produce **all** responsive documents, including but not limited to all documents that refer or relate to the policies already produced.

If you wish to discuss any of these matters further, please call me or one of my colleagues.

Yours sincerely,

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