

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.

HEATHER CLEM et al.

Defendants.

Case No. 12012447CI-011

FILED
2014 NOV 12 AM 9:35
CIVIL COURT RECORDS DEPT
NEN BURKE
CLERK OF CIRCUIT COURT

**REPORT AND RECOMMENDATION OF SPECIAL DISCOVERY MAGISTRATE RE:
DEFENDANT GAWKER MEDIA LLC'S MOTION TO OVERRULE OBJECTIONS TO
THIRD-PARTY SUBPOENAS AND PLAINTIFF'S MOTIONS FOR PROTECTIVE
ORDERS**

This cause came before Special Discovery Magistrate James Case on October 20, 2014, on Defendant Gawker Media, LLC's Motion to Overrule Objections to Third-Party Subpoenas (which included the Motions for Commissions for Out-of-State Subpoenas to Prince Marketing Group and Darren Prince and the Motion for a Letter Rogatory and Commission for an Out-of-State Subpoena to World Wrestling Entertainment, Inc.) and Plaintiff's Motion for Protective Orders. The Special Discovery Magistrate, having reviewed the moving, opposition, and reply papers, and having heard oral argument thereon, now recommends as follows:

(1) The Court **deny** the Motion to Overrule Objections and **grant** Plaintiff's Motion for Protective Orders;

(2) Plaintiff's objections to the following subpoena requests (as numbered in the subpoenas attached to Defendant's motion) be sustained:

- World Wrestling Entertainment, Inc.: Request Nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 (Schedule A) and Topics for Deposition Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 (Schedule B)

- TNA Entertainment, LLC: Request Nos. 10, 12, 18, 19, 20, 21, 22, 23
- Bay Harbor Hotel and Convention Center, LLC: Request Nos. 6, 7, 8, 9, 10, 11, 12
- Ben Mallah: Request Nos. 6, 7, 8, 9, 10, 11, 12
- Tech Assets: Request Nos. 6, 7, 8, 9, 10, 11, 12, 13
- Marc Hardgrove: Request Nos. 6, 7, 8, 9, 10, 11, 12, 13
- Peter Young, Sovereign Talent Group: Request Nos. 6, 7, 8, 9, 10, 11, 12
- Prince Marketing Group: Request Nos. 6, 7, 8, 9, 10, 11, 12 (Schedule A) and Topics for Deposition Nos. 9, 10, 11, 12, 13, 14, 15, 16 (Schedule B)
- Darren Prince: Request Nos. 6, 7, 8, 9, 10, 11, 12¹

(3) Consistent with this recommendation, the defendants may not take discovery from plaintiff or any third parties of any financial information pertaining to (a) plaintiff, (b) plaintiff's commercial affairs, or (c) the use of plaintiff's image, name, or likeness. This prohibition does not extend to any record that expressly addresses the value of a sex tape involving plaintiff and Heather Clem.

(4) Defendant be permitted to serve the subpoenas on Bay Harbor Hotel and Convention Center, LLC; Ben Mallah; Tech Assets; Marc Hardgrove; and Peter Young, Sovereign Talent Group with the aforementioned requests removed.

(5) Defendant be permitted to serve the subpoena on TNA Entertainment, LLC with the aforementioned requests removed and with the following requests revised, as agreed by the parties:

- Request No. 7: All documents reflecting, referring, or relating to

¹ In addition, prior to filing its Motion to Overrule Objections, defendant agreed to not include Request No. 5 in the subpoenas to World Wrestling Entertainment, Inc.; Bay Harbor Hotel and Convention Center, LLC; Ben Mallah; Tech Assets; Marc Hardgrove; Peter Young, Sovereign Talent Group; Prince Marketing Group; and Darren Prince. For the avoidance of doubt, such request may not be included in the foregoing subpoenas.

communications with Jules Wortman or Wortman Works concerning Terry Bollea or Hulk Hogan for the period from March 1, 2012 through November 30, 2012 to the extent that the communications refer or relate to the Sex Tapes, Gawker Story, Lawsuit, Bubba Clem, Heather Clem, or the appearance or potential appearance of Terry Bollea or Hulk Hogan on or in any Media. Please note that to the extent any record responsive to this request includes a disparaging comment by Terry Bollea or Hulk Hogan about a person, that comment can be redacted if the comment does not also refer or relate to the Sex Tapes, Lawsuit, Bubba Clem, Heather Clem, or Gawker.

- Request No. 9: All communications referring or relating to Terry Bollea or Hulk Hogan during October 2012 to the extent that the communications refer or relate to the Sex Tapes, Gawker Story, Lawsuit, Bubba Clem, Heather Clem, or the appearance or potential appearance of Terry Bollea or Hulk Hogan on or in any Media. Please note that to the extent any record responsive to this request includes a disparaging comment by Terry Bollea or Hulk Hogan about a person, that comment can be redacted if the comment does not also refer or relate to the Sex Tapes, Lawsuit, Bubba Clem, Heather Clem, or Gawker.

(6) Defendant's motions for commissions and/or letters rogatory to World Wrestling Entertainment, Inc.; Prince Marketing Group; and Darren Prince be granted with the aforementioned requests and topics for deposition removed.

Pursuant to Florida Rule of Civil Procedure 1.380(a)(4), the Special Discovery Magistrate will take Plaintiff's request for his expenses and attorney's fees incurred in opposing the Motion under advisement, and will address that issue at a later time.

The parties shall have 10 days from the date of this Report and Recommendation to file objections with the Circuit Court.

DATED: Nov 11, 2014


SPECIAL DISCOVERY MAGISTRATE