

# **EXHIBIT E**

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, *et al.*,

Defendants.

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**GAWKER MEDIA, LLC's OBJECTIONS TO PLAINTIFF'S NOTICE OF INTENT  
TO SERVE SUBPOENA IN ANOTHER STATE ON FASTLY, INC.**

Pursuant to Florida Rules of Civil Procedure 1.351(b) and 1.410, Defendant Gawker Media, LLC ("Gawker") hereby objects to plaintiff's Notice of Intent to Serve Subpoena for Documents in Another State, filed September 5, 2014, and its proposed subpoena to Fastly, Inc. (a California company) submitted therewith. In support of its objections, Gawker states as follows:

1. The discovery sought is not relevant to this litigation and is not likely to lead to the discovery of admissible evidence because, among other reasons, Fastly, a service which Gawker uses to host certain audio and video displayed on its websites, *did not host any of the content at issue in this litigation.*

2. The discovery sought is overbroad in scope and time, it is harassing, it would impose an undue burden on a non-party, and it is not reasonably calculated to lead to the discovery of admissible evidence. (*E.g.*, "all documents" concerning "analytics data" related in any way to Gawker, for an unlimited period of time; "all visitor logs" concerning "each of the Gawker websites" since January 1, 2011; "all communications" with Gawker for a nearly four-

year period; “all documents that mention, refer or relate to plaintiff” since January 1, 2011; “all documents that include the word(s) ‘Hogan,’ ‘Hulk’ or ‘Bollea’” since January 1, 2011).

3. To the extent that the requests seek information about Fastly’s relationship and financial transactions with Gawker (or any of the other defendants in the case), that information should be sought in a document request directed to those defendants (who may then object to its discoverability in the normal course). A non-party should not be burdened by such requests. Indeed, those requests seek information that is neither relevant nor reasonably calculated to lead to the discovery admissible evidence.

4. To the extent that the requests seek information in Fastly’s control about the relationships between the defendants (*e.g.*, “all documents” concerning “the business relationship between Gawker and Kinja,” “between Gawker and Denton,” and “between Denton and Kinja”), unrelated to Fastly (assuming Fastly even has any such documents), such requests exceed the permissible bounds of discovery imposed by this Court in its Order on Plaintiff’s Motion to Compel Further Responses from Gawker Media, LLC, dated February 26, 2014, and are the subject of ongoing motions practice. Moreover, information about the relationship between the defendants should be sought in a document request directed to those defendants (who may then object to its discoverability in the normal course).

5. To the extent that the requests seek information about websites other than gawker.com, such requests exceed the permissible bounds of discovery imposed by this Court in its Order on Plaintiff’s Motion to Compel Further Responses from Gawker Media, LLC, dated February 26, 2014 (“all documents that relate to website traffic, clicks, hits, visitors and/or page views at each of the Gawker websites from January 1, 2010 to the present, including the websites Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku, and Liferhacker” not required to be

produced). In addition, those requests seek information that is neither relevant nor reasonably calculated to lead to the discovery admissible evidence.

6. To the extent that the requests seek “visitor logs for any picture and videos,” or any other information that might identify individuals who visited any of Gawker’s websites, those requests implicate the interests of third parties who have nothing to do with this litigation and no means to object to the subpoena.

Pursuant to Rule 1.351(b) of the Florida Rules of Civil Procedure, “the documents or things” requested in the proposed subpoena “shall not be produced pending the resolution of the objection.”

Dated: September 22, 2014

Respectfully submitted,  
THOMAS & LOCICERO PL

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of September 2014, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal upon the following counsel of record:

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