

## **EXHIBIT 5**

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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**DEFENDANT GAWKER MEDIA, LLC'S RESPONSES TO  
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant Gawker Media, LLC  
("Gawker") hereby provides this response to Plaintiff's First Requests for Production of  
Documents ("Plaintiff's Document Requests") dated May 21, 2013.

**REQUESTS AND RESPONSES**

**REQUEST NO. 1:** All documents that relate to Plaintiff and which were created or are  
dated after January 1, 2012.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production  
of documents protected from discovery by privilege, including but not limited to the attorney  
client privilege and attorney work-product doctrine.<sup>1</sup> To the extent that this Request seeks the  
production of documents related to websites other than gawker.com which are published by

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<sup>1</sup> In connection with Gawker's Responses to Plaintiff's Document Requests, Gawker will provide a log of documents that have been either withheld or redacted as privileged. The log will include all documents responsive to Plaintiff's Document Requests that are (a) protected by the attorney client privilege and/or work-product doctrine and created prior to the commencement of the Lawsuit, as that term is defined in Plaintiff's Document Requests, or (b) protected by the reporter's privilege, including N.Y. Civil Rights L. § 79-h, Fla. Stat. § 90.5015, and the reporters' privilege recognized by the First and Fourteenth Amendments to the U.S. Constitution, by the common law, and by other applicable reporters' privilege laws. In addition, Gawker's production will omit pleadings and other papers filed in the Lawsuit, and communications among all counsel after the filing of the Lawsuit, as all such documents are already in the possession of Plaintiff and his counsel.

**REQUEST NO. 28:** All documents that constitute, refer or relate to all cease and desist communications that you received from January 1, 2005 through the present that refer to alleged copyright, trademark and/or other intellectual property violations, including your response to such cease and desist communications, and your internal communications regarding same.

**RESPONSE:** Gawker objects to this Request on the grounds that it seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine.

**REQUEST NO. 29:** All documents that relate to the formation of Gawker or any affiliated company.

**RESPONSE:** Gawker objects to this Request on the grounds that it (1) seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, (2) is overly broad and unduly burdensome in that it requests the production of “all documents” related to the formation of Gawker and any affiliated company(ies), and (3) seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving these objections, Gawker will produce its Certificate of Formation, its Certificate of Good Standing, and its Certificate of Foreign Qualification.

**REQUEST NO. 30:** All documents that relate to the identity of the owners of Gawker or any affiliated company.

**RESPONSE:** Gawker objects to this Request on the grounds that it (1) seeks the production of documents that are neither relevant nor reasonably calculated to lead to the

discovery of admissible evidence, (2) is overly broad and unduly burdensome in that it requests the production of “all documents” related to owners of multiple companies, including companies other than Gawker Media, LLC, and (3) seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Subject to and without waiving these objections, Gawker refers Plaintiff to the Corporate Disclosure Statements previously filed in the Lawsuit, which confirm that Gawker Media, LLC is wholly owned by Gawker Media Group, Inc.

**REQUEST NO. 31:** All documents that contain or constitute organization charts for Gawker and/or its affiliated companies and/or corporate family.

**RESPONSE:** Gawker objects to this Request on the grounds that it seeks documents not relevant to the claims and defenses at issue in this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Gawker states that it has no current corporate organizational charts.

**REQUEST NO. 32:** All documents, including all communications, that refer or relate to any or all versions of the Video.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff’s Document Request No. 10. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff’s Document Request No. 10.

**REQUEST NO. 33:** All documents, including all communications, that refer or relate to any or all version of the Sex Tape.

January 1, 2010, to the present, pursuant to an Agreed Protective Order for confidential information once such an order is entered in this case.

**REQUEST NO. 39:** 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 Lifehacker.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

To the extent that this Request seeks the production of documents related to traffic at gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff's Document Request No. 37. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 37.

To the extent that this Request seeks the production of documents relating to traffic at other websites published by Gawker, which are at not at issue in this lawsuit, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects on the grounds that the Request is overly broad and unduly burdensome in that it calls for "all documents" related to traffic for at least seven different websites for a three-and-a-half year period.

**REQUEST NO. 40:** All documents that relate to all revenue generated by each of the Gawker websites from January 1, 2010 to the present, including the websites Deadspin, Gizmodo, io9, Jalopnik, Jezebel, Kotaku, and Lifehacker.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

To the extent that this Request seeks the production of documents related to revenue generated by to gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff's Document Request No. 38. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference its Response to Plaintiff's Document Request No. 38.

To the extent that this Request seeks the production of documents relating to revenue generated by other websites, which are at not at issue in this lawsuit, Gawker objects on the grounds that such documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Gawker further objects to the Request on the grounds that it is overly broad and unduly burdensome in that it calls for "all documents" related to revenue generated by at least seven different websites for a three-and-a-half year period.

**REQUEST NO. 41:** All documents that relate to communications with advertisers and/or potential advertisers regarding the Webpage.

**RESPONSE:** Gawker states that it has no documents responsive to this Request in its possession, custody or control.

**REQUEST NO. 42:** All documents that relate to communications with advertisers and/or potential advertisers regarding Plaintiff.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving this objection,

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work-product doctrine. Gawker further objects to this Request on the grounds that it is duplicative of Plaintiff's Document Request No. 60. Subject to and without waiving the foregoing objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff's Document Request No. 60.

**REQUEST NO. 88:** All documents requested to be identified in Plaintiff's Interrogatory Number 10, propounded concurrently.

**RESPONSE:** Gawker objects to this Request to the extent that it is duplicative of other Requests and seeks documents protected from discovery by privilege, including but not limited to the attorney client privilege and the attorney work product doctrine. Subject to and without waiving these objections, Gawker will produce any non-privileged documents responsive to this Request in its possession, custody or control.

Dated: July 25, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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HEATHER CLEM; GAWKER MEDIA,  
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**DEFENDANT GAWKER MEDIA, LLC'S RESPONSES TO  
PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Florida Rule of Civil Procedure 1.350, Defendant Gawker Media, LLC ("Gawker") hereby provides this response to Plaintiff's Second Request for Production of Documents dated June 27, 2013.

**DEFINITIONS**

1. The "Video" means the video and audio footage depicting Plaintiff Terry Gene Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.
2. The "Gawker Story" means the story entitled "Even For a Minute, Watching Hulk Hogan Have Sex on a Canopy Bed is Not Safe For Work, But Watch It Anyway" published on www.gawker.com on or about October 4, 2012.
3. The "Excerpts" means the video file that was posted in connection with the Gawker Story, consisting of 101 seconds of footage excerpted from the Video.

**REQUESTS AND RESPONSES**

**REQUEST NO. 89:** All Documents that describe the role, function and/or line of business of Gawker Media, LLC, Gawker Media Group, Inc., Gawker Entertainment LLC,

documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, as confirmed by Gawker's Responses to Plaintiff's Interrogatory Nos. 11 and 12 (explaining under oath the role and function of Gawker Media, LLC; that Gawker Media, LLC is the publisher of the Gawker Story; and that no other entity participated in any way in writing, editing or publishing the Gawker Story, or in receiving or editing the Video from which the Excerpts accompanying the Gawker Story were derived). Gawker further objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine. Subject to and without waiving these objections, Gawker directs Plaintiff to Gawker's Responses to Interrogatory Nos. 11 and 12, as well as publicly available documents describing Gawker Media, LLC, the publisher of Gawker.com, such as <http://advertising.gawker.com/about/>.

**REQUEST NO. 91:** All financial statements, including but not limited to balance sheets, income statements, and statements of changes in financial position, for Gawker Media, LLC, Gawker Media Group, Inc., Gawker Entertainment LLC, Gawker Technology, LLC, Gawker Sales, LLC, Blogwire Hungary Szellemi Alkotast Hasznosito KFT, and/or their affiliates, including any combined financial statements, covering all periods from January 1, 2010 through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that it is overly broad and unduly burdensome in that it seeks the production of "all financial statements" of six separate companies "and/or their affiliates" for a three-and-a-half year period. Moreover, to the extent that this Request seeks the production of documents related to companies other than Gawker Media, LLC, Gawker objects on the grounds that such documents are neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence, as confirmed by Gawker's Responses to Plaintiff's Interrogatory Nos. 11 and 12 (explaining under oath the role and function of Gawker Media, LLC; that Gawker Media, LLC is the publisher of the Gawker Story; and that no other entity participated in any way in writing, editing or publishing the Gawker Story, or in receiving or editing the Video from which the Excerpts accompanying the Gawker Story were derived). Subject to and without waiving these objections, Gawker will produce an income statement and balance sheet for Gawker Media, LLC from January 2010 through June 2013.

**REQUEST NO. 92:** All documents that relate to any and all financial transactions between or among Gawker Media, LLC, Gawker Media Group, Inc., Gawker Entertainment LLC, Gawker Technology, LLC, Gawker Sales, LLC, Blogwire Hungary Szellemi Alkotast Hasznosito KFT, and/or their affiliates, between January 1, 2010 through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that it (a) is overly broad and unduly burdensome in that it seeks the production of "all documents that relate to any and all financial transactions" among six separate companies "and/or their affiliates" for a three-and-a-half year period, and (b) seeks the production of documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, as confirmed by Gawker's Responses to Plaintiff's Interrogatory Nos. 11 and 12 (explaining under oath the role and function of Gawker Media, LLC; that Gawker Media, LLC is the publisher of the Gawker Story; that no other entity participated in any way in writing, editing or publishing the Gawker Story, or in receiving or editing the Video from which the Excerpts accompanying the Gawker Story were derived; and the distribution of revenue and/or profits among various affiliated entities). Gawker further objects to this Request to the extent that it seeks the production of documents protected

editing or publishing the Gawker Story, or in receiving or editing the Video from which the Excerpts accompanying the Gawker Story were derived; and the distribution of revenue and/or profits among various affiliated entities), and as such searching for and producing such documents presents an undue burden. Gawker objects to this Request to the extent that it seeks the production of documents protected from discovery by privilege, including but not limited to the attorney client privilege and attorney work-product doctrine.

**REQUEST NO. 99:** Documents sufficient to show all revenues received by Gawker Media, LLC, since January 1, 2012, and/or the basis for its receipt of such revenues.

**RESPONSE:** Gawker objects to this Request to the extent that it seeks the production of documents concerning the “basis” for Gawker’s receipt of “all revenues” on the grounds that the Request is overly broad, unduly burdensome, and requests information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

To the extent that this Request seeks the production of documents sufficient to show revenues generated by to gawker.com, Gawker objects on the grounds that it duplicative of Plaintiff’s Document Request No. 38. Subject to and without waiving these objections, Gawker refers Plaintiff to, and incorporates by reference, its Response to Plaintiff’s Document Request No. 38, including without limitation the document Bates numbered, Gawker 01147\_C (produced on July 25, 2013), which shows gawker.com’s monthly revenues for 2012.

To the extent that this Request seeks the production of documents relating to revenue generated by other websites, which are at not at issue in this lawsuit, Gawker objects on the grounds that (a) this Request is duplicative of Plaintiff’s Document Request No. 40, and (b) such documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Dated: August 12, 2013

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