

## **EXHIBIT 9**

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 FOURTH 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 Fourth Requests for Production of Documents dated May 23, 2014.

**REQUESTS AND RESPONSES**

**SECOND REQUEST NO. 113:**<sup>1</sup> All DOCUMENTS that constitute or RELATE TO YOUR "Media Kit" for each GAWKER WEBSITE, including but not limited to YOUR advertising rates, sizes, formats, targeting options, audience profiles, case studies and web traffic information, and which were created or were in effect at any time during the period January 1, 2011, through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that, by seeking not only those documents that "constitute" its Media Kit, but also "all documents" that "relate to"

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<sup>1</sup> Plaintiff previously served, and Gawker responded to, Requests for Production Nos. 113-116. *See* Defendant Gawker Media, LLC's Responses to Plaintiff's Third Request for Production of Documents, served December 20, 2013. Although plaintiff has served new requests for production with these same numbers in his Fourth Request for Production of Documents, Gawker has, to minimize further confusion, responded herein using these duplicate request numbers. All told, therefore, plaintiff has served 130 requests for production on Gawker.

**SECOND REQUEST NO. 116:** All DOCUMENTS and COMMUNICATIONS that RELATE TO any proposed equity, debt or other security offering by YOU during the period January 1, 2011, through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that by requesting “all documents and communications” related to this subject, the Request (1) seeks documents protected by the attorney-client privilege and under the work product doctrine, and (2) is overbroad and unduly burdensome.

Gawker further objects to this Request to the extent that it purports to incorporate the definition of “YOU,” “YOUR,” and “GAWKER” set forth in the introductory section of Plaintiff’s Fourth Request for Production of Documents. Gawker’s response is limited to documents as to which it, as the responding party, has within its possession, custody and control.

Gawker further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Gawker further objects to this Request on the grounds that it seeks information Gawker has already provided in response to Interrogatory No. 12 and in the sworn deposition testimony of Gawker’s corporate designee, both of which disclosed that (1) GMGI owns 100% of Gawker Media, LLC (Resp. to Interrog. No. 12; Kidder Dep. Tr. at 44:22-44; 60:19-21) and 100% of Blogwire Hungary Szellemi Alkotást Hasznosító, KFT, now known as “Kinja, KFT” (“Blogwire Hungary”) (Resp. to Interrog. No. 12; Kidder Dep. Tr. 47:21-24; 48:21-24), and (2) GMGI is not publicly traded (Kidder Dep. Tr. at 59:6 – 60:10).

**REQUEST NO. 117:** All DOCUMENTS that constitute or RELATE TO the cost per user, cost per acquisition and/or cost per action charged or incurred by GAWKER for each of the GAWKER WEBSITES, including the home page or any page, article or audiovisual material

Gawker further objects to this Request on the grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Gawker objects to this Request to the extent that it seeks information about websites other than gawker.com, because the Court has already sustained Gawker's objection to providing such information. *See* Order dated February 26, 2014 at ¶ 5 (sustaining Gawker's objections to producing documents concerning revenue generated by websites other than gawker.com).

Subject to and without waiving these objections, Gawker states that it does not measure "average revenue per user," and thus does not believe that it has any documents responsive to this Request in its possession, custody or control.

**REQUEST NO. 119:** All DOCUMENTS and COMMUNICATIONS that RELATE TO all revenue generated by each of the GAWKER WEBSITES from January 1, 2011, to the present, including the websites GAWKER.COM, DEADSPIN.COM, GIZMODO.COM, IO9.COM, JALOPNIK.COM, JEZEBEL.COM, KOTAKU.COM and LIFEHACKER.COM and any of their respective sub-sites.

**RESPONSE:** Gawker objects to this Request on the grounds that by requesting "all documents and communications" that "relate to all revenue," this Request (1) seeks information protected by the attorney-client privilege and under the work product doctrine, and (2) is overbroad and unduly burdensome.

Gawker further objects to this Request on the grounds that it is duplicative of plaintiff's Request Nos. 38, 40 and 93. To the extent that this Request seeks the production of documents relating to revenue for websites other than gawker.com, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In that regard, Gawker objects because the Court has already sustained Gawker's

objection to providing such information, including in response to plaintiff's Request No. 40. *See* Order dated February 26, 2014 at ¶ 5 (sustaining Gawker's objections to producing documents concerning revenue generated by websites other than gawker.com).

To the extent that this Request seeks revenue information for gawker.com and for Gawker Media, LLC generally, Gawker further objects to this Request on the grounds that it seeks documents Gawker has already produced in response to Request Nos. 38 and 93, including without limitation:

- GAWKER 1147\_C (statement of monthly revenue for gawker.com);
- GAWKER 18321\_C (updated statement of monthly revenue for gawker.com);
- GAWKER 1430\_C (income statement for Gawker Media, LLC);
- GAWKER 18323\_C (updated income statement for Gawker Media, LLC);
- GAWKER 1431\_C to 1434\_C (balance sheets for Gawker Media, LLC);
- GAWKER 18319\_C to 18320\_C (updated balance sheets for Gawker Media, LLC);
- GAWKER 1439\_C (statement of monthly revenue for Gawker Media, LLC);
- GAWKER 18322\_C (updated statement of monthly revenue for Gawker Media, LLC);
- GAWKER 1608\_C to GAWKER 16708\_C (more than 15,000 pages of advertising insertion orders for period from 2009 through mid-March 2014).

Plaintiff's repeated requests for supplemental revenue data (this is now the third such request) are unduly burdensome, given the minimal relevance of the company's or the gawker.com site's revenues for a time period some 18 months after the post at issue was published.

Subject to and without waiving these objections, Gawker states that it will produce an updated balance sheet, income statement, and statement of monthly revenue for both Gawker Media, LLC and gawker.com for 2014 (*i.e.*, through June 30, 2014).

**REQUEST NO. 120:** All financial statements, including but not limited to balance sheets, income statements (which shall include identification of all revenue sources and expenses), statements of retained earnings and cash flows, and statements of changes in financial position, for Gawker Media, LLC, including each of the GAWKER WEBSITES, covering all periods from January 1, 2011 through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that by requesting “all financial statements,” this Request is unduly burdensome and overbroad.

Gawker further objects to this Request on the grounds that it is duplicative of plaintiff’s Request Nos. 38, 40 and 93. To the extent that this Request seeks the production of documents relating to revenue for websites other than gawker.com, Gawker objects on the grounds that such documents are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In that regard, Gawker objects because the Court has already sustained Gawker’s objection to providing such information, including in response to plaintiff’s Request No. 40. *See* Order dated February 26, 2014 at ¶ 5 (sustaining Gawker’s objections to producing documents concerning revenue generated by websites other than gawker.com).

To the extent that this Request seeks revenue information for gawker.com and for Gawker Media, LLC generally, Gawker further objects to this Request on the grounds that it seeks documents Gawker has already produced in response to Request Nos. 38 and 93, including without limitation:

- GAWKER 1147\_C (statement of monthly revenue for gawker.com);

- GAWKER 18321\_C (updated statement of monthly revenue for gawker.com);
- GAWKER 1430\_C (income statement for Gawker Media, LLC);
- GAWKER 18323\_C (updated income statement for Gawker Media, LLC);
- GAWKER 1431\_C to 1434\_C (balance sheets for Gawker Media, LLC);
- GAWKER 18319\_C to 18320\_C (updated balance sheets for Gawker Media, LLC);
- GAWKER 1439\_C (statement of monthly revenue for Gawker Media, LLC);
- GAWKER 18322\_C (updated statement of monthly revenue for Gawker Media, LLC);
- GAWKER 1608\_C to GAWKER 16708\_C (advertising insertion orders for period from 2009 through mid-March 2014).

Plaintiff's repeated requests for supplemental revenue data (this is now the third such request) is unduly burdensome, given the minimal relevance of the company's revenues some 18 months after the post at issue was published.

Subject to and without waiving these objections, Gawker states that it will produce an updated balance sheet, income statement, and statement of monthly revenue for both Gawker Media, LLC and gawker.com for 2014 (*i.e.*, through June 30, 2014).

**REQUEST NO. 121:** All financial statements, including but not limited to balance sheets, income statements (which shall include identification of all revenue sources and expenses), statements of retained earnings and cash flows, and statements of changes in financial position, for Kinja KFT f/k/a Blogwire Hungary Szellemi Alkotast Hasznosito KFT, covering all periods from January 1, 2011, through the present.

**RESPONSE:** Gawker objects to this Request on the grounds that it seeks financial statements related to Blogwire Hungary, a separate entity that is not the party to which these Requests are directed or the party responding to them. For the avoidance of doubt, Gawker further objects to this Request on the grounds that (1) by requesting “all financial statements,” this Request is unduly burdensome and overbroad, (2) financial statements for an entity that played no role in the allegedly tortious conduct at issue are not relevant to this action or likely to lead to the discovery of admissible evidence, and (3) the exercise of this court’s jurisdiction over Blogwire Hungary is currently on appeal to the Second District Court of Appeal.

**REQUEST NO. 122:** All DOCUMENTS that constitute or RELATE TO the number of visitors to each of the GAWKER WEBSITES from January 1, 2011, to the present, including the websites GAWKER.COM, DEADSPIN.COM, GIZMODO.COM, IO9.COM, JALOPNIK.COM, JEZEBEL.COM, KOTAKU.COM and LIFEHACKER.COM and any of their respective sub-sites, who used YOUR discussion/publishing platform, “Kinja,” including the resulting conversion rate (which, for this purpose, shall be defined as the proportion of visitors to the GAWKER WEBSITES who “join[ed] the discussion on Kinja” through third party websites, including Facebook, Twitter and/or Google).

**RESPONSE:** Gawker objects to this Request on the grounds that it is vague and confusing, and Gawker is unable to determine precisely what documents plaintiff is seeking, including without limitation because of (1) the Request’s use and definition of the term “conversion rate,” which, as best as Gawker understands the term, Gawker does not use or measure in its day-to-day operations, and (2) its reference to “visitors to the GAWKER WEBSITES who ‘join[ed] the discussion on Kinja’ through third party websites, including Facebook, Twitter and/or Google,” since visitors may register as users of Gawker’s websites



Gawker further objects to this Request to the extent that it purports to incorporate the definition of “YOU,” “YOUR,” and “GAWKER” set forth in the introductory section of Plaintiff’s Fourth Request for Production of Documents. Gawker’s response is limited to documents as to which it, as the responding party, has within its possession, custody and control.

Gawker further objects on the grounds that the Request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including without limitation because any steps taken by Gawker to protect the confidentiality of internal business affairs is not relevant to the publication of content relating to a matter of public concern by a news organization.

Subject to and without waiving these objections, Gawker will produce its standard independent contractor agreement, its standard employment agreement, its standard employee termination certificate, and its standard non-disclosure agreement, all of which contain confidentiality provisions.

Dated: July 11, 2014

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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