

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.

NOTICE OF TAKING DEPOSITION

PLEASE TAKE NOTICE, pursuant to Florida Rules of Civil Procedure 1.310(b)(6),
Defendant Gawker Media, LLC, by and through the undersigned attorneys, will take the
deposition testimony of the following:

DEPONENT: Corporate Representative of Bay Harbor Hotel & Convention Center
with the most knowledge regarding the matters listed on Schedule A
(attached hereto)

DATE: February 23, 10:00 am

TIME: 10:00 a.m., until completion

PLACE: Riesdorff Reporting Group
Northern Trust
100 Second Avenue South, Suite 104-S
St. Petersburg, FL 33701
(813) 222-8963

upon oral examination, before an officer duly authorized to administer oaths by the laws of the
State of Florida, and a person who is neither a relative, nor attorney, nor counsel of any of the
parties and who is neither a relative nor employee of such attorney or counsel, and who is not
financially interested in the examination. The oral examination will be taken by an operator

from Riedsorph Reporting Group, , Northern Trust, 100 Second Avenue South, Suite 104-S, St. Petersburg, FL 33701, and Defendant Gawker Media, LLC shall bear the initial cost of the deposition.

Bay Harbor Hotel & Convention Center shall designate one or more officers, directors, managing agents or other persons to testify on its behalf on the topics listed on Schedule A.

This deposition is being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing rules.

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

Gregg D. Thomas

Florida Bar No.: 223913

Rachel E. Fugate

Florida Bar No.: 0144029

601 South Boulevard

P.O. Box 2602 (33601)

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

gthomas@tlolawfirm.com

rfugate@tlolawfirm.com

Seth D. Berlin

Pro Hac Vice Number: 103440

Michael Sullivan

Pro Hac Vice Number: 53347

Michael Berry

Pro Hac Vice Number: 108191

Alia L. Smith

Pro Hac Vice Number: 104249

Paul J. Safier

Pro Hac Vice Number: 103437

LEVINE SULLIVAN KOCH & SCHULZ, LLP

1899 L Street, NW, Suite 200

Washington, DC 20036

Telephone: (202) 508-1122

Facsimile: (202) 861-9888

sberlin@lskslaw.com

msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com

Counsel for Defendant Gawker Media, LLC

SCHEDULE A

INSTRUCTIONS AND DEFINITIONS

1. “Restaurant” means Hogan’s Beach and any person who owns or operates Hogan’s Beach, as well as any of its employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert with Hogan’s Beach.
2. “Document Subpoena” means the Subpoena Duces Tecum Without Deposition served upon the Restaurant by Gawker Media, LLC in connection with this lawsuit.
3. “Terry Bollea” means Terry Gene Bollea (professionally known as “Hulk Hogan”).
4. “Hulk Hogan” means the character played by Terry Bollea.
5. “Bubba Clem” means Bubba the Love Sponge Clem.
6. “Heather Clem” means Defendant Heather Clem, former wife of Bubba Clem and the woman who appears in the video that accompanied the Gawker Story, as that term is defined below.
7. 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,” as well as the accompanying video, published on www.gawker.com on or about October 4, 2012.
8. The “Lawsuit” means any legal proceeding instituted against Gawker Media, LLC, Bubba Clem, or Heather Clem by Terry Bollea relating to the Gawker Story.
9. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.

10. “Sex Tape” means any video, audio and/or audio/video footage featuring Terry Bollea or Hulk Hogan engaged in Sexual Relations with Heather Clem, including excerpts of any such footage. Sex Tapes refers to one or more of them.

11. “Communication” includes any type of correspondence, electronic mail, instant messages, voicemail, and any oral conversation, interview, discussion, negotiation, agreement, understanding, meeting or telephone conversation, as well as every kind of written or graphic communication.

12. “Media” includes television, radio, newspapers, magazines, websites, mobile apps, and any other form of mass communication.

TOPICS FOR DEPOSITION

1. All facts relating to your record-keeping and document retention policies.
2. All facts relating to the documents provided in response to the Document Subpoena, including, where applicable, the date sent, date received, and the identities of all persons who reviewed each document.
3. All facts relating to the authenticity of documents provided in response to the Document Subpoena.
4. All facts relating to the Sex Tapes.
5. All facts relating to the Gawker Story.
6. All facts relating to the Lawsuit.
7. All facts relating to any Media report about the Sex Tapes.
8. All facts relating to communications with any person about the Gawker Story, the Sex Tapes, or this Lawsuit.
9. The date on which planning for the Restaurant began.
10. The date the Restaurant opened.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December 2014, I caused a true and correct copy of the foregoing to be served by email upon the following counsel of record:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Christina K. Ramirez, Esq.
cramirez@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Charles J. Harder, Esq.
charder@HMAfirm.com
Douglas E. Mirell, Esq.
dmirell@HMAfirm.com
Sarah Luppen, Esq.
sluppen@HMAfirm.com
Harder Mirell & Abrams LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Barry A. Cohen, Esq.
bcohen@tampalawfirm.com
Michael W. Gaines
mgaines@tampalawfirm.com
Barry A. Cohen Law Group
201 East Kennedy Boulevard, Suite 1950
Tampa, FL 33602
Tel: (813) 225-1655
Fax: (813) 225-1921

Attorneys for Defendant Heather Clem

Gregg D. Thomas
Attorney