

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 VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rules 1.310(b)(6) of the Florida Rules of Civil Procedure and Section 2020.510 of the California Code of Civil Procedure, Defendant Gawker Media, LLC, by and through the undersigned attorneys, will take the deposition testimony of the following:

DEPONENT: Corporate Representative of Keith M. Davidson and Associates, P.L.C. with the most knowledge regarding the matters listed on Schedule A (attached hereto)

DATE: March 17, 2015

TIME: 2:00 p.m., until completion

PLACE: Esquire Solutions
1990 South Bundy
Suite 540
Los Angeles, CA 90017

upon oral examination, before an officer duly authorized to administer oaths by the laws of the State of California, 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.

Keith M. Davidson and Associates, P.L.C. shall designate one person to give testimony regarding the topics identified in Schedule B. At the time of the deposition, the deponent is to bring all documents described in Schedule A (attached hereto). The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

The oral examination will be videotaped by an operator from Esquire Solutions, 1990 South Bundy, Suite 540, Los Angeles, CA 90017, and Defendant Gawker Media, LLC shall bear the initial cost of the videotaping.

December 22, 2014

Respectfully submitted,

THOMAS & LOCICERO PL

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Counsel for Defendant Gawker Media, LLC

SCHEDULE A

INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” means Keith M. Davidson and Associates, P.L.C., Keith Davidson, Vilma Duarte, and any employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert with you. When documents or things are requested, such request includes materials in the possession, custody or control of your agents, attorneys or other persons acting on your behalf.
2. “Terry Bollea” means Terry Gene Bollea (professionally known as “Hulk Hogan”).
3. “Hulk Hogan” means the character played by Terry Bollea.
4. “Bubba Clem” means Bubba the Love Sponge Clem.
5. “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.
6. “Gawker” means Gawker Media, LLC and www.gawker.com.
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. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.
9. “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. References to the Sex Tapes refers to one or more of them.

10. “Communication” includes any type of correspondence, electronic mail, instant messages, text 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.

11. “Correspondence” when used herein includes letters, emails, telegrams, mailgrams, telexes, memoranda, and any other documents used to make or to record communications.

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

13. “David Houston” means the person by that name who is an attorney representing Terry Bollea and/or Hulk Hogan.

14. “K.C. Rosser” means the person by that name who was employed by David Houston and/or the Law Office of David Houston.

15. “Vilma Duarte” means the person by that name who was employed by you or your law firm in or about 2012.

16. “Documents sufficient to show” means that you are to produce documents sufficient to establish the subject of the document request and does not necessarily mean all documents relating to such a request.

17. The words “and” and “or” also have the meaning “and/or.”

18. The terms “all” and “any” shall be considered to include “each” and every.” Use of any of these terms incorporates them all.

19. The term “person” means all individuals and entities.

20. The term “document(s)” means all writings and recordings, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including but without limitation to, email and attachments, text messages, “instant” messages or “IM” messages, “wall” postings on Facebook, Myspace postings, Twitter postings or “tweets,” correspondence, memoranda, notes, diaries, minutes, statistics, letters, telegrams, contracts, reports, studies, checks, statements, tags, labels, invoices, brochures, periodicals, telegrams, receipts, returns, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, working papers, applications, permits, file wrappers, indices, telephone calls, meetings or printouts, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural representations of any kind (including without limitation, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys), and electronic, mechanical, magnetic, optical or electric records or representations of any kind (including without limitation, computer files and programs, tapes, cassettes, discs, recordings), including metadata.

21. Throughout this request, the singular shall include the plural and the plural shall include the singular.

22. The following terms should be read as if they were synonymous, and each should be taken to include the meaning of all of the others: related to, related in any manner to, concerning, referring to, alluding to, responding to, connected with, with respect to, commenting on, about, regarding, announcing, explaining, discussing, showing, describing, studying, reflecting, analyzing or constituting.

23. If you contend that it would be unreasonably burdensome to produce all the documents called for in response to any request, you should:

- (a) produce all documents that are available without unreasonable burden; and
- (b) describe with particularity the reasons why production of the remaining documents would be unreasonably burdensome.

24. In the event that any responsive document cannot be produced in its entirety, you are requested to produce the document to the fullest extent possible, specifying the reasons for your inability to produce the remainder and describing to the fullest extent possible the contents of the unproduced portion.

25. With respect to your responses to the following request for production, if any document or any portion of any document is withheld because of a claim of privilege, please state the basis for your claim of privilege with respect to such document or portion of any document and the specific ground(s) on which the claim of privilege rests, and including, with respect to documents: the date appearing on the document, or if no date appears, the date on which the document was prepared; the name of the person(s) to whom the document was addressed; the name of each person, other than addressee(s), to whom the document, or a copy thereof, was sent or with whom the document was discussed; the name of the person(s) who signed the document, or if not signed, the name of the person(s) who prepared it; the name of each person making any contribution to the authorship of the document; and the general nature or description of the document and the number of pages of which it consists.

26. In the event that any documents or things that would have been responsive to this request have been destroyed, discarded or lost, please identify each such document or thing, including: the nature of the document or thing; the author(s) and addressee(s) of any document;

any indicated or blind copies of any document; the document's subject matter, number of pages and attachments or appendices; all persons to whom the document was distributed or persons who have seen the thing; the date of destruction, discard or loss; and, if destroyed or discarded, the reasons therefore and the identity of the person(s) authorizing or carrying out any such destruction or discard.

DOCUMENTS TO BE PRODUCED

Request No. 1: All documents referring or relating to the Sex Tapes.

Request No. 2: All documents reflecting, referring, or relating to communications about the Sex Tapes.

Request No. 3: All documents referring or relating to the Gawker Story.

Request No. 4: Copies of any Sex Tape.¹

Request No. 5: For the period from January 1, 2012 through the present, all documents referring or relating to Terry Bollea or Hulk Hogan. Please note, this request does not seek the medical records or financial records of Terry Bollea/Hulk Hogan or information about sexual or romantic relationships of Terry Bollea/Hulk Hogan, with the sole exception of the sexual and/or romantic relationship between Terry Bollea/Hulk Hogan and Heather Clem.

Request No. 6: For the period from January 1, 2012 to the present, all documents referring or relating to one or more of the following: Heather Clem, the Sex Tapes, Bubba Clem, Gawker, or the Gawker Story.

¹ If you have copies of the Sex Tapes or any of the Sex Tapes, DO NOT send any copy(ies) and/or original(s) to counsel for Gawker. Instead, you are instructed to notify counsel for Gawker (Michael Berry at MBerry@lskslaw.com) and counsel for Mr. Bollea (Charles Harder at CHarder@hmafirm.com) in writing, retain and preserve such copy(ies) and/or original(s), and await instruction for transmittal of the copy(ies) and/or original(s) to the Special Discovery Magistrate in this case, the Honorable James R. Case.

Request No. 7: All documents reflecting, referring, or relating to communications with, to, or from Terry Bollea or Hulk Hogan, as well as any agents, representatives, or attorneys representing Terry Bollea or Hulk Hogan concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

Request No. 8: All documents reflecting, referring, or relating to communications with, to, or from David Houston concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

Request No. 9: All documents reflecting, referring, or relating to communications with, to, or from K.C. Rosser concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

Request No. 10: For the period from January 1, 2012 to the present, all documents reflecting, referring, or relating to communications with any employee or agent of any Media outlet, including, but not limited to TMZ, *The Dirty*, and Gawker, concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

Request No. 11: All documents reflecting, referring, or relating to communications with law enforcement authorities and/or prosecutors (whether connected with federal, state, or local government and including, but not limited to, employees of the Federal Bureau of Investigation, the United States Department of Justice, or the United States Attorney's Office for the Middle District of Florida) relating to the Sex Tapes, Terry Bollea, or Hulk Hogan.

SCHEDULE B

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 this 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 this Subpoena.
4. All facts relating to the Sex Tapes.
5. All facts relating to the Gawker Story.
6. All facts relating to communications with, to, from, or about one or more of the following: Terry Bollea, Hulk Hogan, Heather Clem, the Sex Tapes, Bubba Clem, Gawker, or the Gawker Story.
7. All facts relating to communications with, to, or from Terry Bollea or Hulk Hogan, as well as any agents, representatives, or attorneys representing Terry Bollea or Hulk Hogan concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.
8. All facts relating to communications with, to, or from David Houston concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.
9. All facts relating to communications with, to, or from K.C. Rosser concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

10. All facts relating to communications with, to, or from any Media outlet, including, but not limited to TMZ, *The Dirty*, and Gawker, concerning one or more of the following: Terry Bollea, Hulk Hogan, Bubba Clem, Heather Clem, the Sex Tapes, Gawker, or the Gawker Story.

11. All facts relating to communications with law enforcement authorities and/or prosecutors (whether connected with federal, state, or local government and including, but not limited to, employees of the Federal Bureau of Investigation, the United States Department of Justice, or the United States Attorney's Office for the Middle District of Florida) relating to the Sex Tapes, Terry Bollea, or Hulk Hogan.

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 electronically upon the following counsel of record at their respective email addresses via the Florida Courts E-Filing Portal:

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