

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)(1) and 1.310(b)(4) of the Florida Rules of Civil Procedure and Rule 4:11-4 of the New Jersey Rules of Court, Defendant Gawker Media, LLC, by and through the undersigned attorneys, will take the deposition testimony of the following:

DEPONENT: Corporate Representative of Prince Marketing Group with the most knowledge regarding the matters listed on Schedule B (attached hereto)

DATE: March 9, 2015

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

PLACE: Rizman, Rappaport, Dillon & Rose
66 W. Mt. Pleasant Avenue
Livingston, NJ 07039

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

Prince Marketing Group 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 Rizman, Rappaport, Dillon & Rose, LLC, 66 W. Mt. Pleasant Avenue, Livingston, NJ 07039, and Defendant Gawker Media, LLC shall bear the initial cost of the videotaping.

January 20, 2015

Respectfully submitted,

THOMAS & LOCICERO PL

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SCHEDULE A

INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” mean Prince Marketing Group and any owners, employees, agents, attorneys, or other persons or entities acting for or on behalf of or in concert with Prince Marketing Group, including but not limited to Darren Prince. 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”).

2. “Hulk Hogan” means the character played by Terry Bollea.

3. “David Houston” means the person by that name who is Terry Bollea’s attorney.

4. “Charles Harder” means the person by that name who is Terry Bollea’s attorney.

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 defined below.

7. “Elizabeth Rosenthal Traub” means the woman by that name who has worked as a publicist and/or public relations consultant for Terry Bollea, and who is currently affiliated with E.J. Media Group.

8. “Jules Wortman” means the woman by the name Jules Wortman or Jules Wortman Pomeroy who has worked as a publicist and/or public relations consultant for TNA and/or Terry Bollea, and who has also been affiliated with a business called Wortman Works and/or Wortman Works Media & Marketing, Inc.

9. “Peter Young” means the man by that name who has worked as an agent for Terry Bollea.

10. 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.

11. The “Lawsuit” means any legal proceeding instituted against Gawker Media, LLC, Bubba Clem, or Heather Clem by Terry Bollea relating to the Gawker Story.

12. “The Dirty” refers to the website by that name located at the web address www.thedirty.com.

13. “TMZ” refers to the website by that name located at the web address www.TMZ.com, as well as all other media, including television shows, with TMZ in the title.

14. “TNA” refers to TNA Entertainment, LLC.

15. “WWE” refers to World Wrestling Entertainment, Inc.

16. “Sexual Relations” means sexual intercourse, anal intercourse, fellatio, or cunnilingus.

17. “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.

18. “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.

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

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

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

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

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

24. 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, “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.

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

26. 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.

27. 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.

28. 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.

29. 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.

30. 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 referring or relating to the Gawker Story.

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

Request No. 4: All documents referring or relating to any report, article, broadcast or commentary disseminated in any Media about the Sex Tapes.

Request No. 5: All documents reflecting, referring, or relating to communications with any person, including but not limited to communications with Terry Bollea, Hulk Hogan, Heather Clem, David Houston, Charles Harder, Elizabeth Traub, EJ Media, Jules Wortman, Wortman Works, TNA, WWE, and/or Peter Young, about the Gawker Story, the Sex Tapes, or the Lawsuit.

Request No. 6: All documents referring or relating to any report or posting disseminated on or by TMZ about Terry Bollea, Hulk Hogan, Heather Clem, or the Sex Tapes.

Request No. 7: All documents referring or relating to any report or posting disseminated on or by The Dirty about Terry Bollea, Hulk Hogan, Heather Clem, or the Sex Tapes.

SCHEDULE B

TOPICS FOR DEPOSITION

1. All facts relating to the record-keeping and document retention policies of Prince Marketing Group.

2. All facts relating to the documents provided in response to this Subpoena, including, where applicable, the date sent, date received, the identities of all principals or employees of Prince Marketing Group who reviewed each document, the identities of all principals or employees of Prince Marketing Group who maintained each document, and the identities of all principals or employees of Prince Marketing Group who had access to copies of 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 any report or posting disseminated on or by TMZ about Terry Bollea, Hulk Hogan, Heather Clem, or the Sex Tapes.

7. All facts relating to any report or posting disseminated on or by The Dirty about Terry Bollea, Hulk Hogan, Heather Clem, or the Sex Tapes.

8. All facts relating to the Lawsuit.

9. All facts relating to communications with any person, including but not limited to communications with Terry Bollea, Hulk Hogan, Heather Clem, David Houston, Charles Harder, Elizabeth Traub, EJ Media, Jules Wortman, Wortman Works, TNA, WWE, and/or Peter Young, about the Gawker Story, the Sex Tapes, Heather Clem, Bubba Clem or the Lawsuit.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January, 2015, 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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