EXHIBIT C to
Plaintiff's Notice of Filing
Amended Motions in Limine #7, 8, 9 and 18

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally known as HULK HOGAN,

Plaintiff,

vs. Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC aka GAWKER MEDIA; GAWKER MEDIA GROUP, INC. aka GAWKER MEDIA; GAWKER ENTERTAINMENT, LLC; GAWKER TECHNOLOGY, LLC; GAWKER SALES, LLC; NICK DENTON; A.J. DAULERIO; KATE BENNERT, and BLOGWIRE HUNGARY SZELLEMI ALKOTAST HASZNOSITO KFT aka GAWKER MEDIA,

Defendants.
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PLAINTIFF TERRY BOLLEA'S AMENDED MOTION IN LIMINE NO. 9 TO EXCLUDE EVIDENCE OR ARGUMENT RELATED TO PLAINTIFF'S MEDIA APPEARANCES

Plaintiff Terry Bollea, professionally known as "Hulk Hogan" ("Mr. Bollea"), hereby moves this Court in limine under Fla. Stat. § 90.104 for an Order prohibiting Defendants from introducing evidence or argument, during any portion of the trial, relating to various television and media appearances by Mr. Bollea which are unrelated to the video at issue in this case.

In support of his motion, Mr. Bollea states the following:

1. Mr. Bollea's claims in this case arise out of Defendants' publication of a secretly filmed recording of Mr. Bollea naked and engaged in sexual relations with Heather Clem (the "Sex Video"). Mr. Bollea has brought claims for invasion of privacy and related torts. Gawker's central defense is that the publication of the Sex Video is protected by the First Amendment as a matter of "legitimate public concern."

2. Gawker intends to introduce evidence or reference Mr. Bollea's television and media appearances that are totally unrelated to the Sex Video. In particular, Gawker has identified and may attempt to introduce evidence, argue about, or make reference to the following:

a. Video files on Flash Drive Bates-Labeled GAWKER 23420, the following files:
   i. 004 – 7/6/2007 Bubba Raw show [Gawker Trial Exhibit #220]
   ii. 010 – 10/17/2008 Bubba Raw Show [Gawker Trial Exhibit #221]
   iii. 013 – 6/18/2009 Bubba Raw Show [Gawker Trial Exhibit #222]
   iv. 014 – 9/13/2009 Bubba Raw Show [Gawker Trial Exhibit #223]
   v. 015–017 – Larry King Parts 1–3 [Gawker Trial Exhibit #224]
   vi. 018 – 1/7/2010 Bubba Raw Show [Gawker Trial Exhibit #225]
   vii. 021 – "Finding Hulk Hogan" on A&E [Gawker Trial Exhibit #226]
   viii. 022 – Good Morning America [Gawker Trial Exhibit #227]
   ix. 023 – Wendy Williams Show [Gawker Trial Exhibit #228]
   x. 030 – Hostamania commercial [Gawker Trial Exhibit #232]
   xi. 032 – Hogan's Beach commercial [Gawker Trial Exhibit #234]
   xii. 033 – Radio Shack commercial [Gawker Trial Exhibit #235]
b. Video files on Disk Bates-Labeled GAWKER 24323, the following files:
   i. 04 – 5/23/13 Mike Calta radio show [Gawker Trial Exhibit #261]
c. Video files on Flash Drive Bates-Labeled GAWKER 25000, file 002 ("Hulk Hogan Rocks TMZ") [Gawker Trial Exhibits #263, #509][1]

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[1] Gawker also produced additional audio and video files of Mr. Bollea and has relied upon them in this case, and may attempt to rely upon or reference them at trial (even though the documents are not currently listed on Gawker's trial exhibit list), including without limitation:

1. GAWKER 23420-001 – March 1985 media appearance
2. GAWKER 23420-002 – Arsenio Hall show
3. GAWKER 23420-003 – 10/4/2006 Bubba Raw show
4. GAWKER 23420-005 – video of Maxim photo shoot
5. GAWKER 23420-006 – 2/13/2008 Bubba Raw Show (Part 1)
6. GAWKER 23420-007 – 2/13/2008 Bubba Raw Show (Part 2)
7. GAWKER 23420-008 – Inside Edition
8. GAWKER 23420-009 – Larry King
9. GAWKER 23420-011 – 3/19/2009 Bubba Raw Show
10. GAWKER 23420-012 – 4/13/2009 Bubba Raw Show
11. GAWKER 23420-019 – 2/5/2010 Bubba Raw Show
12. GAWKER 23420-020 – 9/15/2010 Bubba Raw Show
13. GAWKER 24323-01 – Bubba Raw Show
14. GAWKER 23418-124 – 12/15/11 Bubba the Love Sponge Show uncensored, Hour 1
15. GAWKER 23418-129 – 9/4/12 Bubba the Love Sponge Show uncensored

3. Mr. Bollea's television and media appearances that are not directly related to the Sex Video are completely irrelevant to the claims and defenses of this litigation. Fla. Stat. §§ 90.401, 90.402. The central issues in this case are the elements of Mr. Bollea's privacy claims, the elements of Gawker's First Amendment defense, and Mr. Bollea's damages. Mr. Bollea's television and media appearances unrelated to this case have no tendency to prove any material fact at issue. *See* §§ 90.401, 90.402, Fla. Stat.

4. For example, Gawker intends to introduce a "Hostamania" commercial in which "Hulk Hogan" parodies a famous music video made by Miley Cyrus for the song "Wrecking Ball." Hulk Hogan" is not naked or engaged in sexual intercourse in a private bedroom in the Hostamania commercial. As such, this parody commercial has no probative value in this case.

5. Gawker also likely will argue that various television and media appearances by Mr. Bollea are relevant to illustrate Mr. Bollea's discussion of sex in the media. This argument is a red herring. Mr. Bollea did not appear naked, expose his penis, nor engage in sexual intercourse in any of these media appearances. Therefore, they are irrelevant to the jury's determination as to whether secretly-recorded footage of Mr. Bollea naked and having sex in a private bedroom with Heather Clem in 2007 was a matter of legitimate public concern in October 2012.

6. Gawker's strategy to use this highly prejudicial and inflammatory evidence will be to argue that it somehow justifies Gawker's publication of the Sex Video, in which Mr. Bollea was secretly filmed in a private bedroom while fully naked and engaged in consensual sex, as a matter of legitimate public concern.

7. None of the aforementioned evidence relates to the contents of the video Gawker published. None of the aforementioned evidence depicts images of Mr. Bollea naked or engaged

in sexual intercourse with Heather Clem. None of the aforementioned evidence is in any way related, temporally or proximally, to the events depicted in the video.

8. Accordingly, none of the aforementioned evidence tends to prove or disprove whether images of Mr. Bollea naked and engaged in sexual intercourse were a matter of legitimate public concern. Fla. Stat. §§ 90.401-402.

9. The purpose for which Gawker actually intends to use these statements is to inflame and prejudice the jury by attacking Mr. Bollea's character. This improper use of character evidence is prohibited. *See* Fla. Stat. §§ 90.404, 90.609.

10. A number of the statements in the aforementioned evidence also are hearsay and inadmissible under Fla. Stat. §§ 90.801, 90.802.

11. The aforementioned evidence has no bearing on, and no tendency to prove, whether images of Mr. Bollea naked and engaged in sexual intercourse were themselves newsworthy. The issue for the jury to decide in this case will be whether Gawker's posting of a video containing images and audio of Mr. Bollea naked and engaged in sexual intercourse ceased to be the giving of information to which the public is entitled, and became a morbid and sensational prying into Mr. Bollea's private life for its own sake. *Toffoloni v. LFB Publ'g. Group*, 572 F.2d 1201, 1210 (11th Cir. 2009). The aforementioned evidence has no bearing on this issue.

12. Assuming arguendo there is some relevance to Mr. Bollea's unrelated television and media appearances, any probative value they might have is substantially outweighed by the substantial prejudice of putting these matters before the jury and the high likelihood of confusion and inflaming the jury. Fla. Stat. § 90.403. Any mention of Mr. Bollea's television and media appearances will do nothing more than confuse the jury and potentially prejudice Mr. Bollea.

Perper v. Edell, 44 So. 2d 78, 80 (Fla. 1949) (stating that "if the introduction of the evidence tends in actual operation to produce a confusion in the minds of the jurors in excess of the legitimate probative effect of such evidence—if it tends to obscure rather than illuminate the true issue before the jury—then such evidence should be excluded").

13. In the event Gawker is permitted to introduce some or all of this evidence, the jury should be provided with an instruction detailing the limited purpose for which it is admitted, and further advising them that it must not be considered for any other purpose, including, without limitation, attacking Mr. Bollea's credibility and character.

For the foregoing reasons, Mr. Bollea requests that the Court enter an Order prohibiting defendants from introducing evidence or argument at trial relating to Mr. Bollea's unrelated media appearances.

Respectfully submitted,

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail via the e-portal system this 18th day of June, 2015 to the following:

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