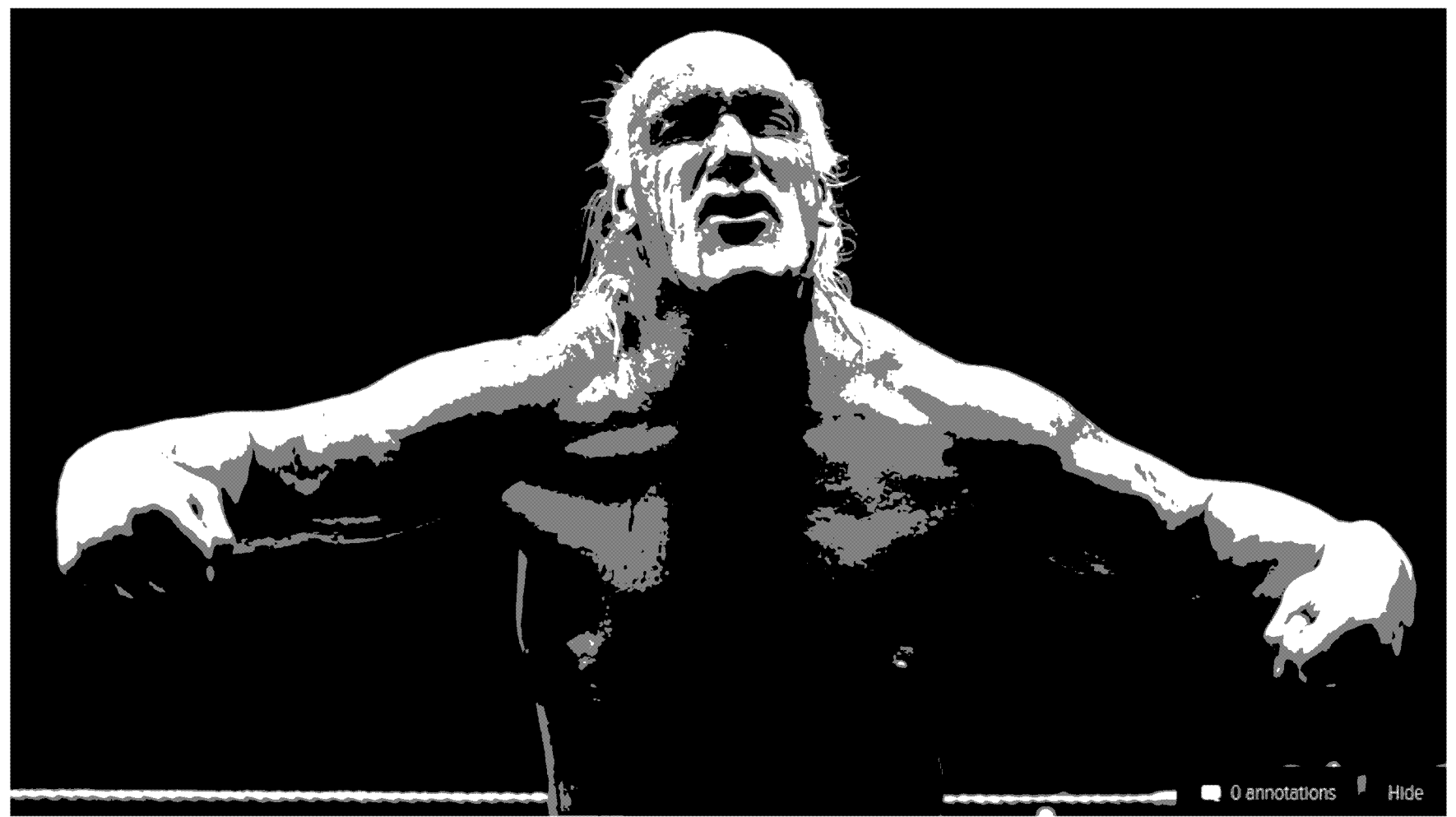


# Exhibit B



## A Judge Told Us to Take Down Our Hulk Hogan Sex Tape Post. We Won't.



JOHN O'CONNELL

Like 453

Yesterday the Hon. Pamela A.M. Campbell, a circuit court judge in Pinellas County, Fla., issued an order compelling Gawker to remove from the internet a video of Hulk Hogan fucking his friend's ex-wife, as well as a 1,400-word narrative of the video written by former Gawker editor A.J. Daulerio and 466 user-submitted comments. Here is why we are refusing to comply.

Campbell made the command at the request of Charles J. Harder, an attorney for Hogan. Hogan is suing Gawker Media and a variety of other parties in Florida state court for, among other things, invasion of privacy stemming from publication of the video of him fucking his



Even for a Minute, Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe For Work but Watch it



other parties in Florida state court for, among other things, invasion of privacy stemming from publication of the video of him fucking his friend's ex-wife and its accompanying narrative. Hogan initially brought a copyright claim against us in federal district court, but after a judge issued a series of preliminary rulings disadvantageous to his case, he dropped the matter and shifted his focus to the state invasion of privacy claim.

Thumbnail image of a couple in a canopy bed. Text: 'watching hulk hogan Have Sex in a Canopy Bed is Not Safe For Work but Watch it Anyway' Update: The video posted here has been ordered removed by Hon. Pamela A.M. Campbell. a circuit... Read...

Yesterday, Campbell held a hearing to consider Harder's motion for a temporary injunction against our continued publication of the video and accompanying text. This is what Campbell ordered at the hearing's end, from a transcript of the proceedings provided by Gawker's in-house counsel:

*I'm ordering that the Gawker.com remove the sex tape and all portions and content therein from their websites, including Gawker.com. Ordering to remove the written narrative describing the private sexual encounter, including the quotations from the private sexual encounter from websites and including Gawker.com.*

This afternoon, she released a written order saying, in substance, the same thing. It requires us to remove the video as well as "the written narrative describing activities occurring during he private sexual encounter, including: (a) all descriptions of visual images and sounds captured on the Sex Tape or any other video of this private sexual encounter, and (b) all direct quotations of words spoken during this private sexual encounter and recorded on the Sex Tape or any other video of this private sexual encounter." Campbell, who represented the parents of Terri Schiavo in their effort to portray their daughter as conscious and alert and was appointed to the bench by former Florida Gov. Jeb Bush, described her order as serving "the public interest." She stated very clearly during the hearing that she had never watched, and did not intend to watch, the video that she was ordering us to remove: "I'm not going to look at the tape. I don't think at this point in time I need to look at the tape."

We publish all manner of stories here. Some are serious, some are frivolous, some are dumb. I am not going to make a case that the future of the Republic rises or falls on the ability of the general public to watch a video of Hulk Hogan fucking his friend's ex-wife. But the Constitution does unambiguously accord us the right to publish true things about public figures. And Campbell's order requiring us to take down not only a very brief, highly edited video excerpt from a 30-minute Hulk Hogan fucking session but also a lengthy written account from someone who had watched the entirety of that fucking session, is risible and contemptuous of centuries of First Amendment jurisprudence.

Campbell's grasp on the ramifications of that jurisprudence, such as it is, can be gleaned from a moment in the transcript of yesterday's hearing wherein she seemed to fail to understand the



Campbell's grasp on the ramifications of that jurisprudence, such as it is, can be gleaned from a moment in the transcript of yesterday's hearing wherein she seemed to fail to understand the basic First Amendment principle that "speech" includes forms of communication beyond word-sounds coming out of people's mouths. This is a moment when Gawker Media's attorney, Gregg Thomas, is interrupted by Campbell to attempt to clarify a point:

*THOMAS: Since 1789, we've had a Constitution that honors speech. And I'm the last person here, Your Honor, to tell you that this is the speech of the highest quality or tenor, but the cases seem to say Your Honor can't make that judgment. You can't —*

*CAMPBELL: Let me ask you this. I'm sorry for interrupting, but directly on that point. This is the part that was irritating to me in the lawyers' pleading, where they are describing comments that are made allegedly during this tape. So is that the speech that you are trying to protect? The speech that was made during the scope of this videotape between these two consenting adults having sex in a private setting with allegedly no notice to the plaintiff? I'm not sure what speech you're trying to protect.*

*THOMAS: Your Honor, I'm trying to protect multiple parts of speech. The first part is the printed version of the story. This is not a sex tape by itself, Your Honor. There is a printed version...and a sex tape that goes with it. It's not a sex tape alone. Yes, Your Honor, I'm trying to protect that speech. I'm also trying to protect the speech that's there....*

*CAMPBELL: I'm thinking this injunction is only about the tape.*

*THOMAS: Yes, Your Honor. I understand that. But I also think, Your Honor, when we think of the history of the First Amendment, we think of the Pentagon papers, maybe because I'm a First Amendment lawyer. There, a top secret document that was clearly stolen that could have injured men in war in Vietnam was considered by the United States Supreme Court. And they said we're not going to stop its publication. The analogy perhaps is not appropriate.*

*CAMPBELL: It doesn't even have any — it's apples and oranges, worse than that actually.*

*THOMAS: Well, Your Honor, I don't think I'm out of order when I say speech is speech.*

Despite her misapprehension that the issue at hand was "only about the tape," Campbell has seen clear to order us to disappear a 1,400-word article—words composed and published by Gawker Media editorial employees—simply because Hulk Hogan didn't like it.

A lawful order from a circuit court judge is a serious thing. While we vehemently disagree with



Gawker Media editorial employees—simply because Hulk Hogan didn't like it.

A lawful order from a circuit court judge is a serious thing. While we vehemently disagree with Campbell's order with respect to the video itself, we have chosen to take it down pending our appeal.

But the portion of the order compelling us to remove the entirety of Daulerio's post—his words, his *speech*—is grossly unconstitutional. We won't take it down.

You can read the transcript of yesterday's hearing, as well as Campbell's ruling, below. And go here to read Daulerio's account of watching Hulk Hogan fuck his friend's ex-wife for 30 minutes, as is your right. And if you'd really like to watch the tape for some reason, it's online here.

DOCUMENT PAGES Zoom

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1 IN THE CIRCUIT COURT SIXTH JUDICIAL CIRCUIT  
 2 IN AND FOR PINELLAS COUNTY, FLORIDA  
 3  
 4 TERRY GOME BOLLEA, professionally  
 known as HULK HOGAN,  
 5  
 Plaintiff,  
 6 vs. CASE NO. 12912447 CI-011  
 7 HEATHER LEEB, GAWKER MEDIA, LLC,  
 a/k/a GAWKER MEDIA, GAWKER  
 8 MEDIA GROUP, INC. a/k/a GAWKER  
 MEDIA, GAWKER ENTERTAINMENT, LLC,  
 9 GAWKER TECHNOLOGY, LLC, GAWKER  
 SALES, LLC, NICK DINIEN, A.J.  
 10 DAULERIO, KATE BENNETT, and  
 BLOOMER HUNGARY SALLEMI  
 11 ALKOSTAS HASZ/NOSTO KET a/k/a  
 GAWKER MEDIA,  
 12  
 Defendants  
 13  
 14  
 15 PROCEEDINGS MOTION FOR TEMPORARY INJUNCTION  
 16 BEFORE HONORABLE PAMELA A.N. CAMPBELL  
 17  
 18 DATE: April 24, 2013  
 19  
 20 PLACE St. Petersburg Judicial Building  
 545 First Avenue North  
 St. Petersburg, Florida  
 21  
 22 REPORTED BY Stacy D. Miller, Court Reporter  
 Notary Public  
 23 State of Florida at Large  
 24  
 25



Bollea v Clem at AJ Hearing Before Judge Campbell 04 24 13 (PDF)  
Bollea v Clem at AJ Hearing Before Judge Campbell 04 24 13 (Text)

p. 1

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 BENNETT, and  
BLOGWIRE HUNGARY SZELLEMI  
ALKOTAST HASZNOSITO KFT aka  
GAWKER MEDIA.

Defendants

**ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY INJUNCTION**

This cause came before the Court on Plaintiff's Motion for Temporary Injunction (the "Motion"). The Court having reviewed and considered the Motion and Response papers, all oral argument at the hearing, and the Court file, and being otherwise fully advised,

IT IS ORDERED:

The Motion is GRANTED for the reasons stated on the record at the hearing held on April 24, 2013.

For the duration of the captioned action and until judgment is entered, Defendants 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



**ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY INJUNCTION**

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For the duration of the captioned action and until judgment is entered, Defendants 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.

[Order Granting Temporary Injunction \(PDF\)](#)  
[Order Granting Temporary Injunction \(Text\)](#)  
*[Image via Getty]*

★ Discuss

17 discussions displayed because an author is participating or following a participant. 133 additional replies awaiting review.

★ Author is participating

thetexasgunowner

You don't have a right to defame other people, Gawker. Libel and slander have never been legal in this country. Funny how your incorrect interpretation can be used to protect your own crimes but you won't use the Constitution to protect my right to own a gun. Take it down, citizen. Follow the law.

myrt'trees

Where is the libel or slander here? Words have, like, actual meanings.

ARFox

37 participants

ViamirVeriam

you guys are gross. take it down it's gross.

CommonVices

The remedy for you not liking something someone is saying/writing/posting isn't them being forced to shut up and/or shut it down.

It's you not listening/reading/watching.

The world is under no obligation to cater to your delicate sensibilities.

Jan'isonP