

EXHIBIT 16

to the

**AFFIDAVIT OF RACHEL E. FUGATE IN SUPPORT OF THE PUBLISHER
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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.

**DEFENDANT GAWKER MEDIA, LLC'S RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Florida Rule of Civil Procedure 1.340, Defendant Gawker Media, LLC ("Gawker") hereby provides these responses to Plaintiff's First Set of Interrogatories dated May 21, 2013 ("Plaintiff's Interrogatories").

DEFINITIONS

1. The "Video" means the video and audio footage depicting Mr. Bollea that he claims was made without his consent in or about 2006 at issue in this lawsuit.
2. 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" published on www.gawker.com on or about October 4, 2012.
3. The "Excerpts" means the video file that was posted in connection with the Gawker Story, consisting of 101 seconds of footage excerpted from the Video.

Pursuant to Florida Rule 1.340(c), Gawker further refers Plaintiff to the documents being produced in response to Plaintiff's Requests for Production of Documents, including without limitation persons identified therein.

INTERROGATORY NO. 3: State all facts regarding the web traffic, including the number of page views and unique viewers (first time visitors), of the Webpage since it was posted on or about October 4, 2012.

RESPONSE: Gawker objects to this Interrogatory because it is overly broad and unduly burdensome in that it seeks "all facts" concerning the web traffic for the Webpage. Subject to and without waiving the foregoing objection, Gawker responds to this interrogatory as follows: Pursuant to Florida Rule 1.340(c), Gawker refers Plaintiff to its response to Plaintiff's Document Request No. 13 and the documents to be produced in connection therewith.

INTERROGATORY NO. 4: State all facts regarding the advertising revenue received by Gawker for advertisements on the Webpage, including without limitation the total advertising revenue received and the cost per impression of each advertisement, from the date of posting on or about October 4, 2012.

RESPONSE: Gawker did not post any advertising on the Webpage, and thus did not receive any revenue in connection with advertising on the Webpage.

INTERROGATORY NO. 5: State all facts regarding the making, editing, subtitling, dissemination, transmission, distribution, publication, sale and/or offering for sale of the Video, including without limitation, the name, company, title, all addresses and all telephone numbers of each person who was involved in such activities, and the specific involvement that each such person had in connection with such activities.

RESPONSE: Gawker objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome (calling for “all facts” on some nine separate topics) and that it seeks information protected by the attorney-client privilege and attorney work product doctrine. Subject to and without waiving the foregoing objections, Gawker responds to this Interrogatory as follows, addressing both the Excerpts and the Video (even though the interrogatory is limited to the Video):

1. “Making”: Gawker did not make the Video and has no personal knowledge about its creation.
2. “Editing”: Gawker did not edit the Video and has no personal knowledge about whether and to what extent the Video was edited prior to its receipt by Gawker. At Gawker, between approximately September 27, 2012, and October 4, 2012, the Video was edited from roughly 30 minutes in length to approximately three minutes and then further edited to one minute and 41 seconds to become the Excerpts. The Video was edited by Kate Bennert, pursuant to directions from A.J. Daulerio. The editing of the Video was deliberately designed to create Excerpts that would show only enough sexual activity to establish to readers that the Video from which the Excerpts were derived was a sex tape and to otherwise include only conversation.
3. “Subtitling”: The Video was not subtitled by Gawker. After receipt of the Video, the Excerpts were subtitled by Kate Bennert at the direction of A.J. Daulerio.
4. “Dissemination”: The Video was not disseminated by Gawker. On or about October 4, 2012, the Excerpts were “disseminated” by Gawker in connection with the Gawker Story in the sense that they were posted at www.gawker.com. The Excerpts

were removed from www.gawker.com on or about April 25, 2012, pursuant to a temporary injunction issued by Judge Pamela A.M. Campbell in this action.

5. “Transmission”: The Video was not transmitted by Gawker. A DVD of the Video was transmitted to Gawker by an unknown person sometime between September 27, 2012, and October 2, 2012. On or about September 27, 2012, A.J. Daulerio was contacted by Tony Burton, an agent with Don Buchwald & Associates, Inc. Burton advised that a client had contacted him to obtain a suitable address to send a “significant DVD” anonymously. A package containing the DVD was thereafter sent to Mr. Daulerio’s attention at Gawker. Although the package contained no return address, Gawker does not believe the Video was sent to Gawker by Mr. Burton.

Although Gawker did not know this information at the time, Gawker has subsequently learned that Mr. Burton’s client, described above, was Mike “Cowhead” Calta, an on-air radio personality at radio station WHPT in Tampa/St. Petersburg, who Gawker understands was obtaining the address for an anonymous caller to the station. Gawker also does not believe the Video was sent to Gawker by Mr. Calta.

On or about October 4, 2012, the Excerpts were “transmitted” by Gawker in connection with the Gawker Story in the sense that they were posted on www.gawker.com. The Excerpts were removed from www.gawker.com on or about April 25, 2012 pursuant to a temporary injunction issued by Judge Pamela A.M. Campbell in this action.

6. “Distribution”: The Video was not distributed by Gawker. Other than as set forth in subparagraphs 4 and 5 of this Response to Plaintiff’s Interrogatory No. 5, the Excerpts were not distributed by Gawker.
7. “Publication”: The Video was not published by Gawker. On or about October 4, 2012, the Excerpts were “published” by Gawker in connection with the Gawker Story in the sense that they were posted on www.gawker.com. The Excerpts were removed from www.gawker.com on or about April 25, 2012 pursuant to a temporary injunction issued by Judge Pamela A.M. Campbell in this action.
8. “Sale”: Neither the Video nor the Excerpts were sold to or by Gawker.
9. “Offering for Sale”: Neither the Video nor the Excerpts were offered for sale to or by Gawker.

Pursuant to Florida Rule 1.340(c), Gawker refers Plaintiff to Gawker’s Responses to Plaintiff’s Document Request Nos. 2, 3, 8, 9, 10, and 11 and the documents to be produced in connection therewith, which in some instances will be produced pursuant to an Agreed Protective Order once such order is entered by the Court.

The contact information for the persons identified in Gawker’s Response to this Interrogatory is provided in Gawker’s Response to Plaintiff’s Interrogatory No. 2.

INTERROGATORY NO. 6: State all facts regarding your acquisition of the Video including, without limitation, the date you acquired it, the identity of the person(s) from whom you acquired it (including each such person’s name, company, title, and all contact information (addresses, telephone numbers, email addresses, etc.)), the consideration that you paid for the

RFA 20	This Request was denied for the reasons stated in Gawker's response to it.
RFA 21	This Request was denied for the reasons stated in Gawker's response to it.
RFA 22	Gawker incorporates by reference its Response to Plaintiff's Interrogatory No. 6.

Dated: July 25, 2013

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

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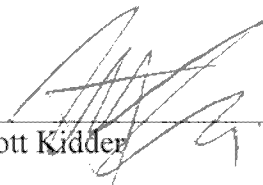
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Counsel for Defendant Gawker Media, LLC

VERIFICATION

I, Scott Kidder, am the Vice President of Operations at Gawker Media, LLC (“Gawker”). I am authorized to submit this verification on Gawker’s behalf in connection with Defendant Gawker Media, LLC’s Responses to Plaintiff’s First Set of Interrogatories. I have read the foregoing responses and objections and verify that the facts set forth therein are true and correct to the best of my the knowledge, information, and belief.



Scott Kidder

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing Verification of Scott Kidder was SWORN TO AND SUBSCRIBED before me this 25th day of July 2013.

Notary Public, State of New York

(Print, type, or stamp Commissioned name of Notary Public)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July 2013, I caused a true and correct copy of the foregoing to be served by email upon the following counsel of record:

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