

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.

_____ /

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

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, Rachel E. Fugate, being duly sworn according to law do depose and state as follows:

1. The statements made in this Affidavit are based on my personal knowledge.

2. I am an attorney at Thomas & LoCicero PL, counsel for Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (collectively, the "Publisher Defendants") in the above captioned matter. I submit this Affidavit in support of the Publisher Defendants' Motion for Summary Judgment.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Amended Complaint filed by Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan ("Hogan"), on December 28, 2012.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Affidavit of Terry Gene Bollea, which was filed in this proceeding on April 18, 2013.

5. Attached as Exhibit 3 are true and correct excerpts from Hogan's deposition testimony in this proceeding.

6. Attached as Exhibit 4 is a true and correct copy of a Complaint filed by Hogan in the United States District Court for the Middle District of Florida on May 20, 2010 in the proceeding captioned *Bollea v. Post Foods, LLC*, No. 8:10-CV-1161-T33tgu, bearing bates-numbers GAWKER 25288-25306.

7. Attached as Exhibit 5 are true and correct excerpts from the deposition testimony of Bubba the Love Sponge Clem in this proceeding.

8. Attached as Exhibit 6 are true and correct excerpts from the deposition testimony of Elizabeth Rosenthal Traub in this proceeding.

9. Attached as Exhibit 7 are true and correct excerpts from the deposition testimony of Heather Clem (also known as Heather Cole) in this proceeding.

10. Attached as Exhibit 8 are true and correct excerpts from the deposition testimony of Richard Peirce in this proceeding.

11. Attached as Exhibit 9 are true and correct excerpts from the deposition testimony of David Rice in this proceeding.

12. Attached as Exhibit 10 is a true and correct copy of the Complaint filed by Hogan in this proceeding on October 15, 2012.

13. Attached as Exhibit 11 are true and correct excerpts from the deposition testimony of A.J. Daulerio in this proceeding.

14. Attached as Exhibit 12 is a true and correct copy of the post "Even for a Minute Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe For Work but Watch it Anyway,"

which was posted at Gawker.com on October 4, 2012, and which was previously marked as Deposition Exhibit 92.

15. Attached as Exhibit 13 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 1” is a true and correct copy of *The Howard Stern Show* as broadcast on Howard TV on October 9, 2012. This file was produced in discovery in this action by *The Howard Stern Show*.

16. Attached as Exhibit 14 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 1” is a true and correct copy of an October 10, 2012 broadcast of the program *Sway’s Universe*, which is available at <https://www.youtube.com/watch?v=0kmuqSN59vQ>. This was produced as “GAWKER 23420: 029 - Sway in the Morning Appearance,” and previously marked Deposition Exhibit 222.

17. Attached as Exhibit 15 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 1” is a true and correct copy of an October 9, 2012 broadcast of the program *HuffPost Live*, which is available at <http://on.aol.com/video/hulkamania-lives---hulk-hogan-on-why-pro-wrestling-isnt-dead-517501506>. This was produced as “GAWKER 23416: *HuffPost Live* (October 9, 2012).”

18. Attached as Exhibit 16 are true and correct excerpts from Gawker Media, LLC’s Responses to Plaintiff’s First Set of Interrogatories, which were served on July 23, 2013.

19. Attached as Exhibit 17 are true and correct excerpts from plaintiff's book entitled *Hollywood Hulk Hogan*, which was published in 2002 and previously marked as Deposition Exhibit 82.

20. Attached as Exhibit 18 are true and correct excerpts from the book *Hulk Hogan: My Life Outside the Ring*, which was published in 2009 and previously marked as Deposition Exhibit 77.

21. Attached as Exhibit 19 on the DVD labeled "Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants' Motion for Summary Judgment: DVD 1" is a true and correct copy of Episode 1 from Season 2 of the VH1 television show *Hogan Knows Best*, which was produced as part of the collection of DVDs bates-labeled GAWKER 24320.

22. Attached as Exhibit 20 on the DVD labeled "Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants' Motion for Summary Judgment: DVD 1" is a true and correct copy of Episode 1 from Season 4 of the VH1 television show *Hogan Knows Best*, which was produced as part of GAWKER 24322.

23. Attached as Exhibit 21 is a true and correct copy of an article entitled "Hulk at Twilight," which was published in the April 30, 2009 edition of *Rolling Stone* and bears the bates-numbers GAWKER 23494-23501.

24. Attached as Exhibit 22 is a true and correct copy of an article entitled "Book Review – 'My Life Outside the Ring'" that was published by *The New York Times* on its website on November 5, 2009 and bears the bates-numbers GAWKER 23520-23522. The article is available at http://www.nytimes.com/2009/11/08/books/review/Itzkoff-t.html?_r=0.

25. Attached as Exhibit 23 is a true and correct copy of an article titled “Hulk Hogan sex tape being shopped around: report” that was published by *The New York Post* on *PageSix.com* on March 7, 2012, which bears bates-numbers GAWKER 23731-23734. The article is available at <http://pagesix.com/2012/03/07/hulk-hogan-sex-tape-being-shopped-around-report/>.

26. Attached as Exhibit 24 is a true and correct copy of an article titled “Hulk Hogan Mistress Revealed! Family Torn Apart!” that was published by *The National Enquirer* on its website on February 28, 2008, which bears bates numbers GAWKER 23440-23444 and was previously marked as Deposition Exhibit 115. The article is available at <http://www.nationalenquirer.com/celebrity/hulk-hogan-mistress-revealed-family-torn-apart>.

27. Attached as Exhibit 25 is a true and correct copy of an article titled “Hulk’s Other Woman SPEAKS!” that was published by Perez Hilton on the *Perez Hilton* website on March 8, 2008, which bears bates-numbers GAWKER 23445-23460. The article is available at <http://perez Hilton.com/2008-03-08-hulks-other-woman-speaks>.

28. Attached as Exhibit 26 is a true and correct copy of an article titled “Trouble on the Horizon” that was published in the March 10, 2008 edition of the *National Enquirer*, which bears bates-number GAWKER 24198.

29. Attached as Exhibit 27 is a true and correct copy of an article titled “Hulk Hogan Reeling After More Cheating Allegations” that was published in the March 17, 2008 edition of the *National Enquirer*, where bears bates-number GAWKER 24199.

30. Attached as Exhibit 28 is a true and correct copy of an article titled “Linda Hogan: Hulk’s Affair Killed Our Marriage” that was published by *E-Online* on November 6,

2008, which bears the bates-numbers GAWKER 23474-23478. The article is available at <http://www.eonline.com/news/67545/linda-hogan-hulk-s-affair-killed-our-marriage>.

31. Attached as Exhibit 29 is a true and correct copy of an affidavit, dated March 28, 1996, submitted by Kate Kennedy in the United States District Court for the District of Minnesota in the proceeding captioned *Bollea v. Johnson*, No. 4-96-9 (the “*Bollea-Kennedy Action*”), which bears bates-numbers GAWKER 25001-25004.

32. Attached as Exhibit 30 is a true and correct copy of an Answer and Reserved Counterclaim filed on June 28, 1996 by Kate Kennedy in the *Bollea-Kennedy Action*, which bears bates-numbers GAWKER 25005-25008.

33. Attached as Exhibit 31 is a true and correct copy of an affidavit, dated April 24, 1996, submitted by Hogan in the *Bollea-Kennedy Action*.

34. Attached as Exhibit 32 is a true and correct copy of the Complaint filed by Hogan on January 4, 1996 in the *Bollea-Kennedy Action*.

35. Attached as Exhibit 33 is a true and correct copy, bearing the bates-numbers GAWKER 25441-25443, of an article originally published by AP Online on January 5, 1996 entitled “People in the News,” as subsequently republished by the service Westlaw.

36. Attached as Exhibit 34 is a true and correct copy, bearing the bates-numbers GAWKER 25421-25423, of an article originally published by the *St. Paul Pioneer Press* on March 3, 1997 entitled “Hulk Hogan Wrestling With Legal System In Alleged Assault,” as subsequently republished by the service Westlaw.

37. Attached as Exhibit 35 is a true and correct copy, bearing the bates-numbers GAWKER 25430-25431, of an article originally published by the *South Florida Sun-Sentinel* on

January 6, 1996 entitled “Hulk Hogan Wrestles With Serious Charges,” as subsequently republished by the service Westlaw.

38. Attached as Exhibit 36 is a true and correct copy, bearing the bates-numbers GAWKER 25414-25415, of an article originally published by the *Chicago Tribune* on January 7, 1996 entitled “Hulk Hogan Sues Over Sex Charge,” as subsequently republished by the service Westlaw.

39. Attached as Exhibit 37 is a true and correct copy, bearing the bates-numbers GAWKER 25436-25437, of an article originally published by *USA Today* on January 5, 1996 entitled “Hogan, Acquaintance Wrestle Over Charges,” as subsequently republished by the service Westlaw.

40. Attached as Exhibit 38 are true and correct excerpts of the book *Wrestling the Hulk: My Life Against the Ropes*, which was published in 2011, bearing the bates-number GAWKER 27122.

41. Attached as Exhibit 39 is a true and correct copy of an article titled “Hulk Hogan Headed for Divorce” that was published by *E-Online* on November 25 2007, which bears the bates-numbers GAWKER 23432-23435. The article is available at <http://www.eonline.com/news/56811/hulk-hogan-headed-for-divorce>.

42. Attached as Exhibit 40 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of *The Howard Stern Show* as broadcast on Howard TV on October 12, 2011. This file was produced by *The Howard Stern Show*.

43. Attached as Exhibit 41 is a true and correct copy of an article entitled “Linda Hogan Suggests Hulk Hogan Had ‘Intimate Relationship’ With Brutus Beefcake” that was

published by *Radar Online* on August 16, 2011, which bears bates-numbers GAWKER 23582-23595. The article is available at <http://radaronline.com/exclusives/2011/08/linda-hogan-suggests-hulk-hogan-had-intimate-relationship-with-brutus-beefcake/>.

44. Attached as Exhibit 42 is a true and correct copy of an article entitled “Hulk Hogan Sues Ex-Wife Linda Bollea for Claiming Abuse, Gay Affair” that was published by *US Weekly* on its website on December 10, 2011, which bears bates-numbers GAWKER 23665-23682. The article is available at <http://www.usmagazine.com/celebrity-news/news/hulk-hogan-sues-ex-wife-linda-bollea-for-claiming-abuse-gay-affair-20111012>.

45. Attached as Exhibit 43 is a true and correct copy of an article titled “My Boy Hulk” that was published in the November 1982 issue of *Oui*, which bears bates-numbers GAWKER 23421-23429.

46. Attached as Exhibit 44 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of Hour 2 from the October 31, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 060 BTLS 10312006 Hour 2-S.”

47. Attached as Exhibit 45 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of Hour 3 from the February 9, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 008 - BTLS-02092006-Hour3-S,” and was previously marked as Deposition Exhibit 104.

48. Attached as Exhibit 46 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary

Judgment: DVD 2” is a true and correct copy of Hour 3 of the August 28, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 037 - BTLS-08282006-Hour3-S,” and was previously marked as Deposition Exhibit 106.

49. Attached as Exhibit 47 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of Hour 4 of the October 16, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 052 - BTLS-10162006-Hour4-S.”

50. Attached as Exhibit 48 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of Hour 3 of the October 17, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 053 - BTLS-10172006-Hour3-S.”

51. Attached as Exhibit 49 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of Hour 3 of the October 20, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 054 - BTLS-10202006-Hour3-S,” and was previously marked as Deposition Exhibit 105.

52. Attached as Exhibit 50 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 1” is a true and correct copy of Hour 3 of the November 1, 2006 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23417 – 062 - BTLS-11012006-Hour3-S,” and was previously marked as Deposition Exhibit 58.

53. Attached as Exhibit 51 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 2” is a true and correct copy of *The Howard Stern Show* as broadcast on Howard TV on October 23, 2006. This file was produced by *The Howard Stern Show*.

54. Attached as Exhibit 52 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of *The Howard Stern Show* as broadcast on Howard TV on April 29, 2010. This file was produced by *The Howard Stern Show*.

55. Attached as Exhibit 53 is a true and correct copy of an article entitled “Hulk Hogan – Sex Tape Being Shopped to Porn Companies” that was published by TMZ on its website on March 7, 2012, which bears the bates-numbers GAWKER 23743-23744 and was previously marked as Deposition Exhibit 59. The article is available at <http://www.tMZ.com/2012/03/07/hulk-hogan-sex-tape/>.

56. Attached as Exhibit 54 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape: Hogan Says He is Victim in a Setup” that was published by TMZ on its website on March 7, 2012, which bears the bates-numbers GAWKER 23710-23725. The article is available at <http://www.tMZ.com/2012/03/07/hulk-hogan-i-had-no-idea-sex-was-being-filmed/>.

57. Attached as Exhibit 55 is a true and correct copy of an article entitled “Hulk Hogan – I Have NO IDEA Who My Sex Tape Partner Is” that was published by TMZ on its website on March 7, 2012, which bears bates-numbers GAWKER 23745-23759. The article is available at <http://www.tMZ.com/2012/03/07/hulk-hogan-sex-tape-partner-tMZ-live/>.

58. Attached as Exhibit 56 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary

Judgment: DVD 3” is a true and correct copy of a video entitled “Hulk Hogan’s New Sex Tape” that was published by *TMZ* on its Youtube.com channel on March 7, 2012, and which is available at <https://www.youtube.com/watch?v=ZfxcpTkiY7k>. This file was produced as “GAWKER 25000: Hulk Hogan’s New Sex Tape – TMZ.mp4.”

59. Attached as Exhibit 57 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of a *TMZ Live* broadcast from March 7, 2012, which was produced as “GAWKER 23416 – *TMZ Live* (March 7, 2012) (long version),” and was previously marked as Deposition Exhibit 117. This file is available at <http://www.tMZ.com/2012/03/07/tMZ-live-hulk-hogan-sex-tape-jessica-simpson-nude-peyton-manning/>.

60. Attached as Exhibit 58 is a true and correct copy is a true and correct copy of an article entitled “Hulk Hogan Sex Tape: Shop It at Your Own Risk” that was published by *E-Online* on March 7, 2012, which bears the bates-numbers GAWKER 23705-23709. The article is available at <http://www.eonline.com/news/299470/hulk-hogan-sex-tape-shop-it-at-your-own-risk>.

61. Attached as Exhibit 59 is a true and correct copy of an article entitled “Hulk Hogan sex tape: Shop it at your own risk” that was published by NBC on the *Today Show* website on March 8, 2012, which bears GAWKER 23777-23778. The article is available at <http://www.today.com/entertainment/hulk-hogan-sex-tape-shop-it-your-own-risk-365222>.

62. Attached as Exhibit 60 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape Surfaces: Wrestler Claims He Was Filmed in Secret” that was published by the *Huffington Post* on March 7, 2012, which bears the bates-numbers GAWKER 24207-24212.

The article is available at http://www.huffingtonpost.com/2012/03/07/hulk-hogan-sex-tape-shopped-around_n_1327210.html.

63. Attached as Exhibit 61 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape Surfaces” that was published on the VH1 Access website on March 7, 2012, bearing bates-numbers GAWKER 24213-24217. The article is available at <http://vh1access.blogspot.com/2012/03/hulk-hogan-sex-tape-surfaces.html>.

64. Attached as Exhibit 62 is a true and correct copy of an article titled “Report: A Hulk Hogan Sex Tape Is Out There” that was published by VH1 on its website on March 7, 2012, bearing bates-numbers GAWKER 23735-23739. The article is available at <http://www.vh1.com/celebrity/2012-03-07/report-a-hulk-hogan-sex-tape-is-in-existence/>.

65. Attached as Exhibit 63 is a true and correct copy of an article entitled “Sextape Featuring Hulk Hogan with Another Woman Being Shopped Around” that was published on *TWNPnews.com* on March 7, 2012, bearing bates-numbers GAWKER 24224-24226. The article is available at <http://www.twnpnews.com/2012/03/sextape-featuring-hulk-hogan-with-another-woman-being-shopped-around/>.

66. Attached as Exhibit 64 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape” that was published by the *National Enquirer* on its website on March 7, 2012, bearing bates-numbers GAWKER 23697-23698. The article is available at <http://www.nationalenquirer.com/celebrity/hulk-hogan-sex-tape>.

67. Attached as Exhibit 65 is a true and correct copy of an article entitled “Pro Wrestling News: Hulk Hogan Sex Tape Surfaces: ‘I’m the Victim’” that was published on the *Bleacher Report* website on March 7, 2012, bearing bates-number GAWKER 23761-23763. The

article is available at <http://bleacherreport.com/articles/1094226-pro-wrestling-news-sex-tape-of-hulk-hogan-surfaces>.

68. Attached as Exhibit 66 is a true and correct copy of an article entitled “Finally, a Hulk Hogan Sex Tape” that was published by *The Daily Caller* on its website on March 7, 2012, bearing bates-numbers GAWKER 24891 – 24910. The article is available at <http://dailycaller.com/2012/03/07/finally-a-hulk-hogan-sex-tape/>.

69. Attached as Exhibit 67 is a true and correct copy of an article entitled “Hulk Hogan Urged by Porn Producer to Officially Release Sex Tape” that was published by *Digital Spy* on March 8, 2012, bearing bates-numbers GAWKER 24227-24243. The article is available at <http://www.digitalspy.com/celebrity/news/a370148/hulk-hogan-urged-by-porn-producer-to-officially-release-sex-tape.html#~p2HjYP8F3CLVcp>.

70. Attached as Exhibit 68 is a true and correct copy of an article entitled “Hulk Hogan on Sex Tape Partner Identity: Got Me!” that was published by *The Hollywood Gossip* on March 8, 2012, bearing bates-numbers GAWKER 23766-23776. The article is available at <http://www.thehollywoodgossip.com/2012/03/hulk-hogan-on-sex-tape-partner-identity-got-me/#!>.

71. Attached as Exhibit 69 is a true and correct copy of an article entitled “Wrestling great Hulk Hogan cannot recall women in sex tape as he slept with many after Linda Hogan marriage break-up” that was published by *The Daily Telegraph* on its website on March 8, 2012, bearing bates-numbers GAWKER 23799-23801. The article is available at <http://www.dailytelegraph.com.au/entertainment/wrestling-great-hulk-hogan-cannot-recall-women-in-sex-tape-as-he-slept-with-many-after-linda-hogan-marriage-break-up/story-e6frewyr-1226293983879?nk=575e0ee261d6fb602eb672891f97350e>.

72. Attached as Exhibit 70 is a true and correct copy of an article entitled “Hulk Hogan & His Lawyer Respond To Sex Tape (Audio)” that was published by *PWMania* on March 8, 2012, bearing bates-numbers GAWKER 23807-23812. The article is available at <http://www.pwmania.com/hulk-hogan-his-lawyer-respond-to-sex-tape-audio>.

73. Attached as Exhibit 71 is a true and correct copy of an article entitled “Hulk Hogan’s attorney issues sex tape warning” that was published by *USA Today* on its website on March 8, 2012, bearing bates-numbers GAWKER 23779-23782. The article is available at <http://content.usatoday.com/communities/gameon/post/2012/03/hulk-hogans-attorney-issues-sex-tape-warning/1#.VMkl3xZmbMI>.

74. Attached as Exhibit 72 is a true and correct copy of an article entitled “Hulk Hogan ‘appalled’ at mystery sex tape release” that was published by *The New Zealand Herald* on its website on March 9, 2012, bearing bates-number GAWKER 23822. The article is available at http://www.nzherald.co.nz/entertainment/news/article.cfm?c_id=1501119&objectid=10790827.

75. Attached as Exhibit 73 is a true and correct copy of an article entitled “Linda Hogan: I Want to See Hulk’s Sex Tape!” that was published by *TMZ* on its website on March 12, 2012, bearing bates-numbers GAWKER 25403-25406. The article is available at <http://www.tMZ.com/2012/03/12/hulk-hogan-sex-tape-linda-divorce/>.

76. Attached as Exhibit 74 is a true and correct copy of an article entitled “Hulk Hogan ex-wife Linda ‘wants sex tape to be released’” that was published by *Digital Spy* on March 12, 2012, bearing bates-numbers GAWKER 23829-23844. The article is available at <http://www.digitalspy.com/celebrity/news/a370672/hulk-hogan-ex-wife-linda-wants-sex-tape-to-be-released.html#~oPt6ozK521ZVtI>.

77. Attached as Exhibit 75 is a true and correct copy of an article entitled “Exclusive: Hulk Hogan Sex Tape” that was published by *The Dirty* on April 19, 2012, and was previously marked as Deposition Exhibit 60.

78. Attached as Exhibit 76 is a true and correct copy of an article entitled “Exclusive: Hulk Hogan Sex Tape Continued – Terry Gene Bollea Sex Tape” that was published by *The Dirty* on April 23, 2012, and was previously marked as Deposition Exhibit 63.

79. Attached as Exhibit 77 is a true and correct copy of an article entitled “WWE: Hulk Hogan Sex-Tape Images Leaked Online” that was published by *In Flex We Trust* on April 23, 2012, bearing bates-numbers GAWKER 23853-23866. The article is available at <http://www.inflexwetrust.com/2012/04/23/photos-nsfw-wwe-hulk-hogan-sex-tape-images-leaked-online>.

80. Attached as Exhibit 78 is a true and correct copy of an article entitled “Photos Released From Alleged Hulk Hogan Sex Tape” that was published on the *Wrestle Zone* website on April 23, 2012, bearing bates-numbers GAWKER 23867-23871. The article is available at <http://www.wrestlezone.com/news/253575-photos-releases-from-alleged-hulk-hogan-sex-tape>.

81. Attached as Exhibit 79 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape War” that was published by the *National Enquirer* on its website on April 26, 2012, bearing bates-numbers GAWKER 23887-23890. The article is available at <http://www.nationalenquirer.com/celebrity/hulk-hogan-sex-tape-war>.

82. Attached as Exhibit 80 is a true and correct copy of an article entitled “Hulk Hogan Alleged Sex Tape Pictures Are Still Online Despite His Demands” that was published on *The Examiner* on April 26, 2012, bearing bates-numbers GAWKER 24293-24294. The article is

available at <http://www.examiner.com/article/hulk-hogan-alleged-sex-tape-pictures-are-still-online-despite-his-demands>.

83. Attached as Exhibit 81 is a true and correct copy of an article entitled “Hulk Hogan Nude Photos Must Be Taken Down, Says Wrestler” that was published by *The Christian Post* on its website on April 27, 2012, bearing bates-numbers GAWKER 24306-24308. The article is available at <http://m.christianpost.com/news/hulk-hogan-tape-nude-photos-must-be-taken-down-says-wrestler-73989/>.

84. Attached as Exhibit 82 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape: If It Gets Out, Will It Help or Hurt His Image?” that was published on the *Bleacher Report* website on May 3, 2012, bearing bates-numbers GAWKER 23901-23906. The article is available at <http://bleacherreport.com/articles/1170799-hulk-hogan-sex-tape-if-it-gets-out-will-it-help-or-hurt-his-image>.

85. Attached as Exhibit 83 is a true and correct copy of an article entitled “Hulk Hogan Porn Video Revealed To Be Shot At Bubba The Love Sponge’s Bedroom” that was published by *The Dirty* on April 24, 2012, bearing bates-numbers GAWKER 23872-23878. The article is available at <http://thedirty.com/2012/04/hulk-hogan-porn-video-revealed-to-be-shot-at-bubba-the-love-sponges-bedroom-2/>.

86. Attached as Exhibit 84 is a true and correct copy of an article entitled “Shocking Details on the Hulk Hogan Sex-tape Revealed” that was published by *eWrestlingNews.com* on April 23, 2012, bearing bates-numbers GAWKER 24247-24264. The article is available at <http://www.ewrestlingnews.com/news/shocking-details-on-the-hulk-hogan-sex-tape-revealed>.

87. Attached as Exhibit 85 is a true and correct copy of an article entitled “Images Leak from Hulk Hogan’s Sextape” that was published by *TWNPnews.com* on April 23, 2012,

bearing bates-numbers GAWKER 24265-24266. The article is available at

<http://www.twnpnews.com/2012/04/images-leak-from-hulk-hogans-sextape-woman-identified/>.

88. Attached as Exhibit 86 is a true and correct copy of an article entitled “Linda Hogan Addresses the Hulk Hogan Sex Tape” that was published by *TNA Wrestling News* on April 23, 2012, bearing bates-numbers GAWKER 24291-24292. The article is available at <http://www.tnawrestlingnews.com/headlines/linda-hogan-addresses-the-hulk-hogan-sex-tape-more/>.

89. Attached as Exhibit 87 is a true and correct copy of an article entitled “Hulk Hogan and Bubba the Love Sponge’s Ex-wife Heather Clem: Is This the Infamous Musclemans’ Sex Tape?” that was published by *The Daily Telegraph* on its website on April 26, 2012, bearing bates-numbers GAWKER 24295-24296. The article is available at <http://www.dailytelegraph.com.au/hulk-hogan-and-bubba-the-love-sponges-ex-wife-heather-clem-is-this-the-infamous-musclemans-sex-tape/story-e6freuy9-1226338554739?nk=c68a3fc224566d2aaff1290c6411f21c..>

90. Attached as Exhibit 88 is a true and correct copy of an article entitled “Hulk Hogan Wants Sex Tape Stills Off the Internet” that was published by *The Blemish* on April 26, 2012, bearing bates-numbers GAWKER 24300-24305. The article is available at <http://theblemish.com/2012/04/hulk-hogan-wants-sex-tape-stills-off-internet/>.

91. Attached as Exhibit 89 is a true and correct copy of an article entitled “Hulk Hogan Sex Tape Shocker,” which was published in the May 21, 2012 edition of the *National Enquirer*, bearing bates-numbers GAWKER 24920-24921.

92. Attached as Exhibit 90 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary

Judgment: DVD 3” is a true and correct copy of Segment 4 of the May 15, 2012 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 25000 – 001 – *Bubba the Love Sponge FM* (May 15, 2012).”

93. Attached as Exhibit 91 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of Segment 4 of the July 18, 2012 broadcast of the *Bubba the Love Sponge Show*, which was produced as “GAWKER 23418 – 125 - 07182012-WED-BTLSFM-S1-Segment4.”

94. Attached as Exhibit 92 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of the video excerpts originally posted on Gawker.com on October 4, 2012, which were produced as GAWKER 01429.

95. Attached as Exhibit 93 is a true and correct copy of excerpts from Gawker Media, LLC’s Supplemental Response to Interrogatory No. 13, which was served on March 18, 2014.

96. Attached as Exhibit 94 are true and correct excerpts from the deposition testimony of Scott Kidder in this proceeding.

97. Attached as Exhibit 95 are true and correct excerpts from the deposition testimony of Emma Carmichael in this proceeding.

98. Attached as Exhibit 96 are true and correct excerpts from the deposition testimony of Nick Denton in this proceeding.

99. Attached as Exhibit 97 are true and correct excerpts from the deposition testimony of Jules Wortman in this proceeding (which are provisionally being filed as confidential, together

with my Confidential Supplemental Affidavit, because the thirty-day review period has not yet expired).

100. Attached as Exhibit 98 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of a *TMZ Live* broadcast from October 9, 2012, which was produced as “GAWKER 23500 – 011 – *TMZ Live – Hulk Hogan Sex Tape – A Friendly Betrayal.*” The file is available at http://www.tMZ.com/videos/0_5fb6e0hk/#!id=0_5fb6e0hk.

101. Attached as Exhibit 99 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of Hour 2, Track 1 of the October 16, 2012 broadcast of the *Bubba the Love Sponge Show*, which was produced by Bubba Clem and was previously marked as Deposition Exhibit 57.

102. Attached as Exhibit 100 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy of Hour 2, Track 2 of the October 16, 2012 broadcast of the *Bubba the Love Sponge Show*, which was produced by Bubba Clem and was previously marked as Deposition Exhibit 53.

103. Attached as Exhibit 101 on the DVD labeled “Collected Audio/Visual Exhibits to the Affidavit of Rachel E. Fugate in Support of the Publisher Defendants’ Motion for Summary Judgment: DVD 3” is a true and correct copy Hour 3, Segment 1 of the October 29, 2012 broadcast of the *Bubba the Love Sponge Show*, which was produced by Bubba Clem and was previously marked as Deposition Exhibit 74.

104. Attached as Exhibit 102 is a true and correct copy of excerpts from Plaintiff's Responses to Gawker Media, LLC's First Set of Interrogatories, which were served on August 21, 2013.

105. Attached as Exhibit 103 is a true and correct copy of the Order Re: Motions of Plaintiff for Protective Order and Motion of Gawker Media, LLC and A.J. Daulerio to Compel Further Responses to Written Discovery, which was issued by this Court on February 26, 2014.

106. Attached as Exhibit 104 are true and correct excerpts from Plaintiff's Opposition to Gawker's and Daulerio's Motion to Compel in this proceeding.

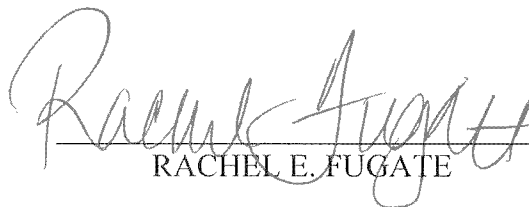
107. Attached as Exhibit 105 are true and correct excerpts from the transcript of the October 29, 2013 Hearing before the Hon. Pamela A.M. Campbell in this proceeding.

108. Attached as Exhibit 106 are true and correct excerpts from the Answer Brief filed by plaintiff in *Gawker Media, LLC v. Bollea*, 2D13-1951, in the Second District Court of Appeal for the State of Florida on June 3, 2013 in a prior appeal in this proceeding.

109. Attached as Exhibit 107 are true and correct excerpts from the transcript of the April 23, 2014 Hearing before the Hon. Pamela A.M. Campbell in this proceeding.

AFFIANT SAYS NOTHING FURTHER

Dated: April 20, 2015




RACHEL E. FUGATE

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was subscribed and sworn before me this 20th day of April, 2015
by Rachel E. Fugate, who is personally known to me has produced _____ as identification
and did take an oath.



Notary Public State of Florida
(SEAL)

