

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 ALIA L. SMITH IN SUPPORT OF THE
PUBLISHER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

WASHINGTON)
)
DISTRICT OF COLUMBIA)

I, Alia L. Smith, 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 a partner in the law firm of Levine Sullivan Koch & Schulz, LLP, 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' Opposition to Plaintiff's Motion for Leave to Amend to Assert a Claim for Punitive Damages and their Motion for Summary Judgment on Punitive Damages.

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

4. Attached as Exhibit 2 is a true and correct copy of reports showing the numbers of posts published by each of Gawker Media's websites during 2012 and 2013, which bears bates-number GAWKER 25840.

5. Attached as Exhibit 3 are true and correct print-outs from Google Analytics, showing traffic data for Gawker Media's websites for 2012 and 2012, and bearing bates-numbers GAWKER 25841, GAWKER 25844-25852, and GAWKER 27613-27616.

6. Attached as Exhibit 4 are true and correct excerpts from the deposition testimony of Emma Carmichael in this proceeding.

7. Attached as Exhibit 5 are true and correct excerpts from the deposition testimony of Nick Denton in this proceeding.

8. Attached as Exhibit 6 are true and correct excerpts from the deposition testimony of A.J. Daulerio in this proceeding.

9. Attached as Exhibit 7 is a true and correct copy of the web posting at issue in this lawsuit.

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 Gawker Media, LLC's Responses to Plaintiff's First Set of Interrogatories, which were served on July 23, 2013.

12. Attached as Exhibit 10 are true and correct excerpts from the deposition testimony of Scott Kidder in this proceeding.

13. Attached as Exhibit 11 is a true and correct print-out of the web page found at https://support.google.com/analytics/answer/1257084?hl=en#pageviews_vs_unique_views, which provides Google Analytics' definition of "page view" and "unique page view."

14. Attached hereto as Exhibit 12 is a true and correct copy of a page contained in Gawker's Media Kit, showing Gawker's advertisers, bearing bates-number GAWKER 23175.

15. Attached as Exhibit 13 are true and correct excerpts from the deposition testimony of Andrew Gorenstein in this proceeding.

16. Attached as Exhibit 14 is a true and correct copy of correspondence from counsel for Gawker to David Houston, counsel for plaintiff, dated October 9, 2012.

17. Attached as Exhibit 15 are true and correct excerpts from the deposition testimony of John Cook in this proceeding.

18. Attached as Exhibit 16 is a true and correct copy of an order issued by the Second District Court of Appeal on May 15, 2013 in an appeal from this proceeding, No. 2D13-1951.

19. Attached as Exhibit 17 is a true and correct copy of an information sheet provided by Nick Denton to guests of his wedding, bearing bates-numbers DENTON 001-006.

20. Attached as Exhibit 18 is a true and correct copy of an article published on deadspin.com entitled "ESPN Lawyers Try to Smoke Out Creepy Amateur Peephole Videographer (Update)." It can be found online at <http://deadspin.com/5317084/espn-lawyers-try-to-smoke-out-creepy-amateur-peephole-videographer-update>.

AFFIANT SAYS NOTHING FURTHER.

Dated: May 7, 2015

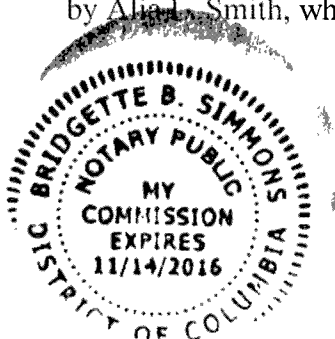


ALIA L. SMITH

WASHINGTON

DISTRICT OF COLUMBIA

The foregoing instrument was subscribed and sworn before me this 7th day of May, 2015 by Alia L. Smith, who is personally known to me and did take an oath.



Notary Public
(SEAL)