

**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. 12012447 CI-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.

**PLAINTIFF'S EVIDENTIARY OBJECTIONS TO EVIDENCE PROFFERED BY
DEFENDANTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Plaintiff Terry Gene Bollea hereby submits the following objections to the Exhibits attached to the Affidavit, and Confidential Affidavit, of Rachel E. Fugate, submitted in support of Gawker Media, LLC's ("Gawker's), Nick Denton's, and A.J. Daulerio's Motion for Summary Judgment.

DISCUSSION

Rule 1.510(c) of the Florida Rules of Civil Procedure provides that a motion for summary judgment "shall specifically identify any affidavits, answers to interrogatories, admissions, depositions, and other materials **as would be admissible in evidence** . . . on which the movant relies." (Emphasis added.) "A trial court cannot consider inadmissible evidence in determining the disposition of a motion for summary judgment." *Rose v. ADT Sec. Servs., Inc.*, 989 So. 2d 1244, 1249 (Fla. 1st DCA 2008). Thus, the evidence must be relevant to the claims and defenses of the

case. *Food Fair Stores, Inc. v. Trusell*, 131 So. 2d 730, 732–33 (Fla. 1961). Testimonial evidence must be based on the personal knowledge of the witness offering the evidence. Fla. R. Civ. P. 1.510(e). *DeMesme v. Stephenson*, 498 So. 2d 673, 675 (Fla. 1st DCA 1986) (“the documents did not specifically allege they were based on personal knowledge and in no way established that the persons speaking therein were competent to testify to the matters stated”). Documentary evidence must be properly authenticated. *Id. Daeda v. Blue Cross & Blue Shield of Florida, Inc.*, 698 So. 2d 617, 618 (Fla. 2d DCA 1997) (“The documentation concerning the appellant's social security disability claim would not be admissible at trial because it was not properly authenticated. Therefore, the trial court could not properly consider that information in deciding a motion for summary judgment.”). “[A]n affidavit predicated upon inadmissible hearsay does not comply with the summary judgment rule and cannot be utilized either in support of or in opposition to summary judgment.” *Ham v. Heintzelman’s Ford, Inc.*, 256 So. 2d 264, 268 (Fla. 4th DCA 1971). In addition, “when an issue of credibility is present a summary judgment should not be granted.” *Id.*

The evidence submitted with the Fugate Affidavits fails to meet one or more of these required criteria, as specified below.

PROFFERED EVIDENCE	OBJECTION
<p>1. Fugate Affidavit, ¶5: Exhibit 3</p> <p>Excerpts of Terry Bollea deposition testimony:</p> <ul style="list-style-type: none"> • Testimony at 18:12–19:20 regarding a photo shoot for a men’s magazine that occurred thirty to forty years ago. 	<p><u>Fla. R. Evid. 90.410, 90.402</u></p> <p>Irrelevant—evidence does not tend to prove or disprove a material fact.</p>
<p>2. Fugate Affidavit, ¶7: Exhibit 5</p> <p>Excerpts of Bubba the Love Sponge Clem deposition testimony</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u></p> <p>Irrelevant—evidence does not tend to prove or disprove a material fact.</p>

<ul style="list-style-type: none"> • Testimony at 117:3–22 regarding a parody of General Petraeus that was shown on the Bubba the Love Sponge Show. • Testimony at 153:16–154:25 regarding whether people (not Mr. Bollea and/or the Clems) performed sex acts on the Bubba the Love Sponge show. • Testimony at 237:22–238:14 regarding the meaning of “love sponge.” 	
<p>3. Fugate Affidavit, ¶10: Exhibit 8</p> <p>Excerpts of Richard Peirce deposition testimony</p> <ul style="list-style-type: none"> • Testimony at 20:3–10 regarding an on-air conversation Bubba Clem had with someone who called into his radio show. • Testimony at 21:1–2 regarding what was said by person who called into Bubba Clem’s radio show. • Testimony at 21:20–22:1 regarding what Bubba Clem said on his radio show. • Testimony at 24:1–14 regarding the content of the Bubba Raw show. • Testimony at 72:14–25 regarding what Bubba Clem said to Richard Peirce about “nanny cams.” • Testimony at 74:13–25 regarding the content of an email sent to show@btl.com. • Testimony at 83:15–22, 84:13–25, 85:4–24 regarding the content of photos and videos Bubba Clem showed 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>

<p>to Richard Peirce.</p> <ul style="list-style-type: none"> • Testimony at 91:1–23 regarding the content of a Bubba the Love Sponge show featuring a porn star. 	
<p>4. Fugate Affidavit, ¶20: Exhibit 18</p> <p>Excerpts from Hulk Hogan: <i>My Life Outside the Ring</i>, published in 2009 (Deposition Exhibit 77)</p> <ul style="list-style-type: none"> • Pp. 158–159 regarding the Kate Kennedy allegations and lawsuit from 1996, and descriptions of Linda Bollea’s suspicions and accusations of Mr. Bollea having affairs. • Pp. 185–188, 252–254 regarding Mr. Bollea’s relationship with Christiane Plante, and including descriptions of intimate contact. • Pp. 276–278 regarding Nick Bollea’s car accident and his resulting incarceration and litigation. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>
<p>5. Fugate Affidavit, ¶21: Exhibit 19</p> <p>Season 2, Episode 1 of VH1 television show <i>Hogan Knows Best</i> (GAWKER 24320)</p> <ul style="list-style-type: none"> • Timecode 14:36–19:00 regarding Mr. Bollea’s and family’s discussion of birth control. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>6. Fugate Affidavit, ¶22: Exhibit 20</p> <p>Season 4, Episode 1 of VH1 television show <i>Hogan Knows Best</i> (GAWKER 24322)</p> <ul style="list-style-type: none"> • Timecode 3:43–6:05 regarding Mr. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>

<p>Bollea’s and Linda Bollea’s discussion with counselor of sexual problems in their marriage.</p>	
<p>7. Fugate Affidavit, ¶23: Exhibit 21 4/30/2009 <i>Rolling Stone</i> article, “Hulk at Twilight” (GAWKER 23494-23501)</p> <ul style="list-style-type: none"> • Gawker 23946 regarding: Nick Bollea’s car accident and his resulting incarceration and litigation; Mr. Bollea’s detailed description of the anger he felt at his wife having an affair with a 19-year-old. • Gawker 23500 quoting unsworn, out-of-court statements made by Vince McMahon and Bret Hart. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>8. Fugate Affidavit, ¶24: Exhibit 22 11/5/2009 <i>The New York Times</i> article, “Book Review – ‘My Life Outside the Ring’” (GAWKER 23520-23522)</p> <ul style="list-style-type: none"> • Portion of article regarding Nick Bollea’s car accident and his resulting incarceration and litigation. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>
<p>9. Fugate Affidavit, ¶26: Exhibit 24 2/28/2008 <i>The National Enquirer</i> article, “Hulk Hogan Mistress Revealed! Family Torn Apart!” (GAWKER 23440-23444; Deposition Exhibit 115)</p> <ul style="list-style-type: none"> • Article’s discussion of Mr. Bollea’s relationship with Christiane Plante, and quoting unsworn, out-of-court 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>

<p>statements allegedly made by Christiane Plante.</p>	
<p>10. Fugate Affidavit, ¶27: Exhibit 25 3/8/2008 <i>Perez Hilton</i> article, “Hulk’s Other Woman SPEAKS!” (GAWKER 23445-23460)</p> <ul style="list-style-type: none"> Article quotes extensively from an alleged letter written by Christiane Plante. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>11. Fugate Affidavit, ¶28: Exhibit 26 3/10/2008 <i>National Enquirer</i> article, “Trouble on the Horizon” (GAWKER 24198)</p> <ul style="list-style-type: none"> Article quotes extensively from an unnamed “insider.” 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>12. Fugate Affidavit, ¶29: Exhibit 27 3/17/2008 <i>National Enquirer</i> article, “Hulk Hogan Reeling After More Cheating Allegations” (GAWKER 24199)</p> <ul style="list-style-type: none"> Article quotes extensively from, and makes statements relying on, an unnamed “insider.” 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>13. Fugate Affidavit, ¶30: Exhibit 28 11/6/2008 <i>E-Online</i> article, “Linda Hogan:</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u></p>

<p>Hulk’s Affair Killed Our Marriage” (GAWKER 23474-23478)</p> <ul style="list-style-type: none"> Article quotes Gary Smith, Linda Bollea’s publicist. 	<p>Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>14. Fugate Affidavit, ¶31: Exhibit 29 3/28/1996 affidavit of Kate Kennedy, filed in <i>Bollea v. Johnson</i>, No. 4-96-9 (U.S.D.C. Minn.) (GAWKER 25001-25004)</p> <ul style="list-style-type: none"> Affidavit of Kate Kennedy filed in 1996 in Minnesota regarding allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>15. Fugate Affidavit, ¶32: Exhibit 30 6/28/1996 Answer and Reserved Counterclaim of Kate Kennedy, filed in <i>Bollea v. Johnson</i>, No. 4-96-9 (U.S.D.C. Minn.) (GAWKER 25005-25008)</p> <ul style="list-style-type: none"> Answer and Counterclaim filed on behalf of Kate Kennedy in 1996 in Minnesota regarding allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>16. Fugate Affidavit, ¶33: Exhibit 31 4/24/1996 affidavit of Terry Bollea, filed in <i>Bollea v. Johnson</i>, No. 4-96-9 (U.S.D.C.</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>

<p>Minn.)</p> <ul style="list-style-type: none"> Affidavit of Terry Bollea filed in 1996 regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	
<p>17. Fugate Affidavit, ¶34: Exhibit 32</p> <p>1/4/1996 Complaint of Terry Bollea, filed in <i>Bollea v. Johnson</i>, No. 4-96-9 (U.S.D.C. Minn.)</p> <ul style="list-style-type: none"> Complaint filed on behalf of Terry Bollea in 1996 regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>18. Fugate Affidavit, ¶35: Exhibit 33</p> <p>1/5/1996 AP Online article, “People in the News” (GAWKER 25441-25443)</p> <ul style="list-style-type: none"> 1996 article quotes lawyers and publicists regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>19. Fugate Affidavit, ¶36: Exhibit 34</p> <p>3/3/1997 <i>St. Paul Pioneer Press</i> article, “Hulk Hogan Wrestling With Legal System In Alleged Assault” (GAWKER 25421-25423)</p> <ul style="list-style-type: none"> 1997 Article quotes from lawyers and statements allegedly made in court filings regarding Kate Kennedy’s 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly</p>

allegations of sexual assault that were never substantiated or proven.	authenticated.
<p>20. Fugate Affidavit, ¶37: Exhibit 35</p> <p>1/6/1996 <i>South Florida Sun-Sentinel</i> article, “Hulk Hogan Wrestles With Serious Charges” (GAWKER 25430-25431)</p> <ul style="list-style-type: none"> 1996 Article quotes from lawyers regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>21. Fugate Affidavit, ¶38: Exhibit 36</p> <p>1/7/1996 <i>Chicago Tribune</i> article, “Hulk Hogan Sues Over Sex Charge” (GAWKER 25414-25415)</p> <ul style="list-style-type: none"> 1996 Article quotes from statements allegedly made in court filings regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>22. Fugate Affidavit, ¶39: Exhibit 37</p> <p>1/5/1996 <i>USA Today</i> article, “Hogan, Acquaintance Wrestle Over Charges” (GAWKER 25436-25437)</p> <ul style="list-style-type: none"> 1996 Article quotes from lawyers and statements allegedly made in court filings regarding Kate Kennedy’s allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>23. Fugate Affidavit, ¶40: Exhibit 38</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>

<p>Excerpts from <i>Wrestling the Hulk: My Life Against the Ropes</i>, published in 2011 (GAWKER 27122)</p> <ul style="list-style-type: none"> Pp. 105, 110 regarding Linda Bollea’s unsworn, out-of-court statements regarding her alleged conversations with Terry Bollea, as well as her alleged impressions, concerning Kate Kennedy’s 1996 allegations of sexual assault that were never substantiated or proven. 	<p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>24. Fugate Affidavit, ¶42: Exhibit 40 10/12/2011 copy of <i>The Howard Stern Show</i> as broadcast on Howard TV</p> <ul style="list-style-type: none"> Timecode 17:42–18:01 regarding discussion of Linda Bollea’s allegations of infidelity. Note that the discussion of Linda Bollea’s allegations did not include any allegation concerning a relationship of any kind with Heather Clem. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>25. Fugate Affidavit, ¶43: Exhibit 41 8/16/11 <i>Radar Online</i> article, “Linda Hogan Suggests Hulk Hogan Had ‘Intimate Relationship’ With Brutus Beefcake” (GAWKER 23582-23595)</p> <ul style="list-style-type: none"> Article quotes from and relies on out-of-court, unsworn statements made by Linda Bollea suggesting Mr. Bollea had a relationship with wrestler Brutus Beefcake. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>

<p>26. Fugate Affidavit, ¶44: Exhibit 42</p> <p>12/10/2011 <i>US Weekly</i> article, “Hulk Hogan Sues Ex-Wife Linda Bollea for Claiming Abuse, Gay Affair” (GAWKER 23665-23682)</p> <ul style="list-style-type: none"> Article quotes from and relies on out-of-court, unsworn statements made by Linda Bollea alleging abuse and suggesting Mr. Bollea had a relationship with wrestler Brutus Beefcake. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>27. Fugate Affidavit, ¶45: Exhibit 43</p> <p>11/1982 <i>Oui</i> article, “My Boy Hulk” (GAWKER 23421-23429)</p> <ul style="list-style-type: none"> 1982 article co-authored by Bill Belleville and Terry Bollea’s mother in men’s magazine, featuring photographs of Hulk Hogan with topless women. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>28. Fugate Affidavit, ¶46: Exhibit 44</p> <p>10/31/2006 broadcast of Hour 2 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 060 BTLS 10312006 Hour 2-S)</p> <ul style="list-style-type: none"> Timecode 13:35–13:50 regarding 2006 out-of-court, unsworn statement by Bubba Clem that Mr. Bollea had a threesome during the 1982 <i>Oui</i> magazine photo shoot. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>29. Fugate Affidavit, ¶47: Exhibit 45</p> <p>2/9/2006 broadcast of Hour 3 of the <i>Bubba the</i></p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u></p>

<p><i>Love Sponge Show</i> (GAWKER 23417 – 008 – BTLS-02092006-Hour3-S; Deposition Exhibit 104)</p> <ul style="list-style-type: none"> • Timecode 33:30–37:10 regarding 2006 conversation between Bubba Clem, Terry Bollea, and a <i>Penthouse</i> Pet, in which there is a joking discussion of their private parts. 	<p>Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>30. Fugate Affidavit, ¶48: Exhibit 46 8/28/2006 broadcast of Hour 3 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 037 – BTLS-08282006-Hour3-S; Deposition Exhibit 106)</p> <ul style="list-style-type: none"> • Timecode 48:20–49:16 regarding 2006 conversation between Bubba Clem and Terry Bollea, in which there is a joking discussion regarding where they prefer to ejaculate. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>31. Fugate Affidavit, ¶49: Exhibit 47 10/16/2006 broadcast of Hour 4 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 052 – BTLS-10162006-Hour4-S)</p> <ul style="list-style-type: none"> • Timecodes 24:20–25:45 and 28:15–29:35 regarding 2006 conversation between Bubba Clem, Terry Bollea, and Linda Bollea, in which there is a joking discussion regarding a specific sexual encounter between Mr. and Mrs. Bollea, and their general preferences and practices regarding oral sex. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>

<p>32. Fugate Affidavit, ¶50: Exhibit 48</p> <p>10/17/2006 broadcast of Hour 3 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 053 – BTLS-10172006-Hour3-S)</p> <ul style="list-style-type: none"> • Timecode 40:15–40:40 regarding 2006 conversation between Bubba Clem, Terry Bollea, and Linda Bollea, in which there is a joking discussion regarding Mrs. Bollea pleasuring Mr. Bollea in their car. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>33. Fugate Affidavit, ¶51: Exhibit 49</p> <p>10/20/2006 broadcast of Hour 3 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 054 – BTLS-10202006-Hour3-S; Deposition Exhibit 105)</p> <ul style="list-style-type: none"> • Timecodes 53:35–54:40, 56:00–56:30, and 56:50–57:45 regarding 2006 conversation between Bubba Clem and Terry Bollea, in which there is a joking discussion of Mr. Bollea having women in his hotel room before he was married to Linda Bollea, and a joking discussion about how to calculate penis size. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>34. Fugate Affidavit, ¶52: Exhibit 50</p> <p>11/1/2006 broadcast of Hour 3 of the <i>Bubba the Love Sponge Show</i> (GAWKER 23417 – 062 – BTLS-11012006-Hour3-S; Deposition Exhibit 58)</p> <ul style="list-style-type: none"> • Timecode 0:01–0:50 regarding 2006 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly</p>

<p>radio show in which Bubba Clem plays a parody of someone impersonating Hulk Hogan, Heather Clem, and Bubba Clem having a threesome.</p> <ul style="list-style-type: none"> • Timecode 34:30–36:00 regarding 2006 conversation between Bubba Clem and Terry Bollea, in which there is a joking discussion about Terry Bollea in a speedo-style bathing suit. • Timecode 42:49–43:08 in which Bubba Clem jokingly talks on air about Mr. Bollea’s penis size. 	<p>authenticated.</p>
<p>35. Fugate Affidavit, ¶53: Exhibit 51 10/23/2006 copy of <i>The Howard Stern Show</i> as broadcast on Howard TV</p> <ul style="list-style-type: none"> • Timecodes 8:49–9:20, 26:31–26:54, 30:50–32:20, 36:40–36:53, and 36:55–37:07 regarding 2006 conversation between Howard Stern, Terry Bollea, Linda Bollea, Brooke Bollea, and Nick Bollea, in which there is a joking discussion about each of their sex lives. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>36. Fugate Affidavit, ¶54: Exhibit 52 4/29/2010 copy of <i>The Howard Stern Show</i> as broadcast on Howard TV</p> <ul style="list-style-type: none"> • Timecodes 28:35–29:42, 33:25–34:42, 40:23–40:45, and 56:30–57:04 regarding 2010 conversation between Howard Stern, Terry Bollea, and Jennifer Bollea, in which there is a joking discussion regarding the details of their sex life. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p>
<p>37. Fugate Affidavit, ¶62: Exhibit 60</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>

<p>3/7/2012 <i>Huffington Post</i> article, “Hulk Hogan Sex Tape Surfaces: Wrestler Claims He Was Filmed in Secret” (GAWKER 24207-24212)</p> <ul style="list-style-type: none"> • Portion of article repeating allegations made by Linda Bollea that Mr. Bollea had a relationship with wrestler Brutus Beefcake. 	<p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>38. Fugate Affidavit, ¶69: Exhibit 67</p> <p>3/8/2012 <i>Digital Spy</i> article, “Hulk Hogan Urged by Porn Producer to Officially Release Sex Tape” (GAWKER 24227-24243)</p> <ul style="list-style-type: none"> • Portion of article repeating allegations made by Linda Bollea that Mr. Bollea had a relationship with wrestler Brutus Beefcake. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>39. Fugate Affidavit, ¶86: Exhibit 84</p> <p>4/23/2012 <i>eWrestlingNews.com</i> article, “Shocking Details on the Hulk Hogan Sex-tape Revealed” (GAWKER 24247-24264)</p> <ul style="list-style-type: none"> • Portion of article allegedly repeating statement by The Ultimate Warrior regarding Mr. Bollea and his ex-wife, Linda. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>40. Fugate Affidavit, ¶87: Exhibit 85</p> <p>4/23/2012 <i>TWNPnews.com</i> article, “Images Leak from Hulk Hogan’s Sextape” (GAWKER 24265-24266)</p> <ul style="list-style-type: none"> • Portion of article allegedly repeating 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u></p>

<p>statement by The Ultimate Warrior regarding Mr. Bollea and his ex-wife, Linda.</p>	<p>Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>41. Fugate Affidavit, ¶ 88: Exhibit 86 4/23/2012 <i>TNA Wrestling News</i> article, “Linda Hogan Addresses the Hulk Hogan Sex Tape” (GAWKER 24291-24292)</p> <ul style="list-style-type: none"> • Portion of article allegedly repeating statement by The Ultimate Warrior regarding Mr. Bollea and his ex-wife, Linda. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>42. Fugate Affidavit, ¶91: Exhibit 89 5/21/2012 <i>National Enquirer</i> article, “Hulk Hogan Sex Tape Shocker” (GAWKER 24920-24921)</p> <ul style="list-style-type: none"> • Portion of article quoting unnamed sources. 	<p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
<p>102. Fugate Conf. Affidavit, ¶3: Exhibit 108-C Confidential Excerpts of Terry Bollea deposition testimony</p> <ul style="list-style-type: none"> • Testimony at 160:25–161:16 regarding the Kate Kennedy allegations and lawsuit from 1996. • Testimony at 404:2–405:13 regarding Mr. Bollea’s statement made sometime in the 1990s that he might consider running for office. 	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or disprove a material fact.</p>
<p>106. Fugate Conf. Affidavit, ¶7: Exhibit</p>	<p><u>Fla. R. Evid. 90.410, 90.402</u> Irrelevant—evidence does not tend to prove or</p>

<p>112-C</p> <p>Confidential Excerpts of Heather Clem deposition testimony</p> <ul style="list-style-type: none"> • Testimony at 41:20–42:4 regarding Heather Clem’s memory of a lawsuit between Bubba Clem and Brooke Skye. 	<p>disprove a material fact.</p> <p><u>Fla. R. Evid. 90.802</u> Hearsay evidence that does not fall within any exception under the Rules.</p> <p><u>Fla. R. Evid. 90.604, 90.901</u> Evidence is not based on witness’s personal knowledge and therefore is not properly authenticated.</p>
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Plaintiff hereby reserves all other evidentiary objections to evidence relied upon by Defendants in support of their Motion for Summary Judgment, including that the evidence is not properly authenticated under Florida. Rules of Evidence 90.604 and 90.901.

Respectfully submitted,

/s/ Kenneth G. Turkel
Kenneth G. Turkel, Esq.
Florida Bar No. 867233
Shane B. Vogt
Florida Bar No. 0257620
BAJO | CUVA | COHEN | TURKEL
100 North Tampa Street, Suite 1900
Tampa, Florida 33602
Tel: (813) 443-2199
Fax: (813) 443-2193
Email: kturkel@bajocuva.com
Email: svogt@bajocuva.com

-and-

Charles J. Harder, Esq.
PHV No. 102333
Douglas E. Mirell, Esq.
PHV No. 109885
Sarah E. Luppen, Esq.
PHV No. 113729
HARDER MIRELL & ABRAMS LLP
1925 Century Park East, Suite 800
Los Angeles, CA 90067
Tel: (424) 203-1600
Fax: (424) 203-1601

Email: charder@hmafirm.com
Email: dmirell@hmafirm.com
Email: sluppen@hmafirm.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail via the e-portal system this 22nd day of May, 2015 to the following:

Barry A. Cohen, Esquire
Michael W. Gaines, Esquire
The Cohen Law Group
201 E. Kennedy Blvd., Suite 1950
Tampa, Florida 33602
bcohen@tampalawfirm.com
mgaines@tampalawfirm.com
jhalle@tampalawfirm.com
mwalsh@tampalawfirm.com
Counsel for Heather Clem

David R. Houston, Esquire
Law Office of David R. Houston
432 Court Street
Reno, NV 89501
dhouston@houstonatlaw.com
krosser@houstonatlaw.com

Michael Berry, Esquire
Levine Sullivan Koch & Schultz, LLP
1760 Market Street, Suite 1001
Philadelphia, PA 19103
mberry@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

Gregg D. Thomas, Esquire
Rachel E. Fugate, Esquire
Thomas & LoCicero PL
601 S. Boulevard
Tampa, Florida 33606
gthomas@tlolawfirm.com
rfugate@tlolawfirm.com
kbrown@tlolawfirm.com
pmcgonigle@tlolawfirm.com
Counsel for Gawker Defendants

Seth D. Berlin, Esquire
Paul J. Safier, Esquire
Alia L. Smith, Esquire
Michael D. Sullivan, Esquire
Levine Sullivan Koch & Schulz, LLP
1899 L. Street, NW, Suite 200
Washington, DC 20036
sberlin@lskslaw.com
psafier@lskslaw.com
asmith@lskslaw.com
msullivan@lskslaw.com
*Pro Hac Vice Counsel for
Gawker Defendants*

/s/ Kenneth G. Turkel

Kenneth G. Turkel