

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 BENNERT, and
BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT aka
GAWKER MEDIA,

Defendants.

**PLAINTIFF TERRY BOLLEA'S MOTION IN LIMINE NO. 2 TO EXCLUDE
REFERENCES TO DEFENDANTS AS "PUBLISHER" DEFENDANTS**

Plaintiff Terry Bollea, professionally known as "Hulk Hogan" ("Mr. Bollea"), hereby moves this Court in limine under Fla. Stat. §§ 90.104 and 90.403, for an Order prohibiting Defendants from referring to themselves as the "Publisher Defendants" during any portion of the trial.

In support of his motion, Mr. Bollea states the following:

1. Over recent months, presumably to cast themselves in a more favorable light, Defendants have insisted on referring to themselves as the "Publisher Defendants."
2. The label "Publisher Defendants" is a clear effort to curry favor and persuade the jury that Defendants are legitimate news publishers.
3. The moniker is inappropriate, misleading and prejudicial, resulting in unfair prejudice to Mr. Bollea that substantially outweighs any probative value (which is none). Fla.

Stat. § 90.403. The same would hold true if Mr. Bollea elected to refer to Defendants as the “Pornographer Defendants.” Whether defendants publish news, and in particular whether the publication of the video at issue was news, is the central fact issue the jury will decide. Allowing Defendants to refer to themselves as “Publisher Defendants” would mislead the jury and give them the impression that Defendants are entitled to First Amendment protection because the Court acknowledges they are “publishers.” *See Shaw v. Jain*, 914 So. 2d 458, 461 (Fla. 1st DCA 2005) (holding that any marginal probative value of repeated reference to plaintiff’s marijuana use in opening statement, during testimony, and in closing argument was clearly outweighed by the danger of unfair prejudice, confusion of issues, and misleading the jury because the marijuana use “became a feature of the trial”).

For the foregoing reasons, Mr. Bollea requests that the Court enter an Order prohibiting Defendants from referring to or calling themselves the “Publisher Defendants.”

Respectfully submitted,

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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 12th day of June, 2015 to the following:

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