

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.

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**PLAINTIFF TERRY BOLLEA'S MOTION IN LIMINE NO. 12 TO EXCLUDE  
PREJUDICIAL, IRRELEVANT AND IMPROPER CHARACTER EVIDENCE  
REGARDING TERRY BOLLEA'S SEXUAL RELATIONSHIPS**

Plaintiff Terry Bollea, professionally known as "Hulk Hogan" ("Mr. Bollea"), hereby moves this Court in limine under Fla. Stat. §§ 90.104, 90.401, 90.402, 90.403, 90.404, and 90.609 for an Order prohibiting Defendants from introducing evidence or argument, during any portion of the trial, concerning Mr. Bollea's sexual relations, with the exception of those between Mr. Bollea and defendant Heather Clem.

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

1. Mr. Bollea's claims in this case arise out of defendant Gawker Media, LLC's ("Gawker") publication of a secretly filmed recording of Mr. Bollea naked and engaged in sexual relations with Heather Clem (the "Sex Video"). Mr. Bollea has brought claims for invasion of

privacy and related torts. Gawker's central defense is that the publication of the Sex Video is protected by the First Amendment as a matter of "legitimate public concern."

2. Gawker intends to introduce evidence or argue about Mr. Bollea's alleged sexual relations other than those depicted on the video at issue in this case involving Heather Clem. Gawker's invasive discovery requests reveal the broad scope of prejudicial and irrelevant evidence or argument they may elicit:

- a. Demands that Mr. Bollea identify all writings and statements he ever made discussing his sex life (Gawker Interrogatories to Bollea, Interrogatories 6 and 7);
- b. Demands that Mr. Bollea list every person with whom he engaged in sexual activity (Gawker Interrogatories to Bollea, Interrogatory 8); and
- c. Demands for all documents concerning sex Mr. Bollea had with anyone other than his wife between 2002 and 2006 (Gawker Requests for Production to Bollea, Requests 7, 21 and 22).

3. Mr. Bollea objected to the above requests and filed a Motion for Protective Order with the Court. His Motion was heard on October 29, 2013, and granted. The Court stated, in relevant part: "the questions that the Court would determine to be relevant are only as it relates to the sexual relations between Mr. Bollea and Ms. Clem for the time frame 2002 to the present." (Oct. 29, 2013 Trans. 92:10-14).

4. The Court subsequently entered an Order, signed on February 26, 2014 (the "February 26 Order"), stating that "inquiry into . . . all sexual and romantic relationships of Terry Bollea and Heather Clem, respectively, with the sole exception of the sexual and/or romantic relationship between Terry Bollea and Heather Clem (as to the time period of January 1, 2002 to the present), is hereby prohibited." (Order, Feb. 26, 2014).

5. Despite the Court's prior rulings, Gawker has identified numerous exhibits it intends to use at trial, which are completely irrelevant and concern Mr. Bollea's sex life

generally and alleged prior relationships with people other than Heather Clem (including without limitation Gawker Trial Exhibit #366-385, 451-454, 473-480, 503-507, 586) and multiple excerpts of Plaintiff's deposition testimony (including without limitation Bollea Tr. 14:15-17:7, 591:24-598:9, 607:23-612:10, 612:14-618:11).

6. Mr. Bollea's sexual relationships have no bearing on any material issue in this case, and therefore are irrelevant and inadmissible. Fla. Stat. §§ 90.401, 90.402. Rather, Gawker's true intent in offering such evidence is to improperly attack Mr. Bollea's character and reputation, while inflaming the jury and prejudicing Mr. Bollea. Fla. Stat. §§ 90.404, 90.609.

7. Assuming arguendo that there is any relevance to such evidence, its probative value is substantially outweighed by the prejudice of putting these matters before the jury. Fla. Stat. § 90.403. Any mention of other alleged sexual relationships will do nothing more than confuse and inflame the jury, prejudicing Mr. Bollea. *Perper v. Edell*, 44 So. 2d 78, 80 (Fla. 1949) (stating that "if the introduction of the evidence tends in actual operation to produce a confusion in the minds of the jurors in excess of the legitimate probative effect of such evidence—if it tends to obscure rather than illuminate the true issue before the jury—then such evidence should be excluded").

For the foregoing reasons, Mr. Bollea requests that the Court enter an Order prohibiting Defendants from introducing any evidence or argument at trial referencing Mr. Bollea's other actual or alleged sexual relationships, other than with Heather Clem, as already decided in the Court's February 26, 2014 Order.

Respectfully submitted,

/s/ Kenneth G. Turkel

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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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