

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. 15 TO EXCLUDE
EVIDENCE OR ARGUMENT RELATED TO NICK BOLLEA CAR ACCIDENT**

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 and 90.403 for an Order prohibiting Defendants from introducing any evidence or argument, during any portion of the trial, concerning Mr. Bollea's son, Nick Bollea, being involved in a car accident and resulting legal proceedings.

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 may seek to introduce evidence or offer argument relating to Mr. Bollea's son, Nick Bollea. In particular, Gawker may attempt to introduce evidence, make argument, or make reference to a car accident involving Nick Bollea and the related legal proceedings. Previously in this case, Gawker relied upon certain statements in Mr. Bollea's book *My Life Outside the Ring*, published in 2009; an April 30, 2009 *Rolling Stone* article entitled "Hulk at Twilight"; and a November 5, 2009 *The New York Times* article entitled "Book Review – 'My Life Outside the Ring'" regarding Nick Bollea's car accident, resulting incarceration and legal proceedings.

3. Nick Bollea and his car accident are not relevant to the claims and defenses of this litigation. Fla. Stat. §§ 90.401, 90.402. The central issues in this case are the elements of Mr. Bollea's privacy claims, the elements of Gawker's First Amendment defense, and Mr. Bollea's damages. None of these issues turn on Nick Bollea.

4. Assuming *arguendo* that such argument or evidence has any relevance, its probative value is substantially outweighed by the prejudice of putting these matters before the jury. Fla. Stat. § 90.403. Any mention of Nick Bollea's unrelated car accident and resulting legal proceedings will do nothing more than confuse or inflame the jury, and unfairly prejudice 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 Nick Bollea's car accident, resulting incarceration and legal proceedings.

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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