

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

v.

HEATHER CLEM; GAWKER MEDIA, LLC;
et al.,

Defendants.

Case No. 12012447-CI-011

FILED
ST. PETERSBURG, FLORIDA
2015 JUN 22 PM 4:51
NEW BURKE
SIXTH JUDICIAL CIRCUIT COURT

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND TO ADD
CLAIM FOR PUNITIVE DAMAGES AND DENYING GAWKER DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES**

THIS CAUSE came before the Court on May 29, 2015 upon Plaintiff Terry Gene Bollea's, professionally known as Hulk Hogan ("Mr. Bollea"), Motion for Leave to Amend to Add Claims for Punitive Damages dated April 3, 2015 (the "Plaintiff's Motion"); as well as Defendants Gawker Media, LLC's, Nick Denton's, and A.J. Daulerio's (collectively, "Gawker Defendants"), Motion for Summary Judgment on Punitive Damages, dated May 8, 2015 (the "Gawker Defendants' Motion").

The Court reviewed and considered Plaintiff's Motion and exhibits thereto; the Gawker Defendants' Combined Brief on Punitive Damages, dated May 8, 2015; the Gawker Defendants' Statement of Undisputed Materials Facts on Punitive Damages, dated May 8, 2015, the Affidavit of Alia L. Smith and exhibits thereto, dated May 8, 2015; Plaintiff's Combined Opposition to Motion for Summary Judgment on Proposed Claim for Punitive Damages and Reply in Support of Leave to Add Claim for Punitive Damages, dated May 22, 2015; the Affidavit of Kenneth G. Turkel and exhibits thereto, dated May 22, 2015; the Reply in Support of the Gawker

Defendants' Motion for Summary Judgment on Punitive Damages, dated May 27, 2015. The Court also considered the Court file, and heard argument of counsel, and is otherwise fully advised. Accordingly, the Court FINDS:

(1) Pursuant to section 768.72, Florida Statutes, Mr. Bollea seeks leave of Court to add claims for punitive damages against Gawker Defendants by interlineation to his First Amended Complaint.

(2) Mr. Bollea filed his Motion for Leave to Add a Claim for Punitive Damages on April 3, 2015. In support, on April 3, 2015, Mr. Bollea filed 42 exhibits, including deposition testimony, responses to requests for admissions, and other documentary evidence.

(3) On May 8, 2105, Gawker Defendants filed their Motion for Summary Judgment on Mr. Bollea's Proposed Claim for Punitive Damages, as well as a Combined Brief on Punitive Damages and a Statement of Undisputed Material Facts on Punitive Damages.

(4) Pursuant to Rule 1.190(f), Fla. R. Civ. P., the hearing on Mr. Bollea's Motion for Leave to Add Claim for Punitive Damages was held more than twenty (20) days after Mr. Bollea's Motion for Leave to Amend to Assert a claim for Punitive Damages and supporting evidence were filed and served.

(5) In order to add a claim for punitive damages, Mr. Bollea must make a "reasonable showing" through evidence in the record or proffered that would provide a "reasonable basis" for recovery of such damages. See Fla. Stat. §768.72(1).

(6) On April 3, 2015, Mr. Bollea filed evidence in the record, which this Court has carefully reviewed, which establishes a reasonable basis for the recovery of punitive damages against Gawker Defendants.

(7) Mr. Bollea made a reasonable showing by evidence in the record or proffered, to establish a reasonable basis upon which a reasonable jury could find clearly and convincingly that punitive damages are warranted in this case.

It is thereupon, ORDERED and ADJUDGED that:

(1) Mr. Bollea's Motion for Leave to Add a Claim for Punitive Damages is **GRANTED**.


(2) Mr. Bollea may re-file his First Amended Complaint containing a claim for punitive damages through interlineation in the Prayer for Relief.

(3) No further pleading by Defendants in response to plaintiff's Amended Complaint, as amended by interlineation, is required, and Gawker Defendants are deemed to have denied Mr. Bollea's claim for punitive damages.

(4) The Gawker Defendants' Motion for Summary Judgment on Punitive Damages is **DENIED**.

DONE AND ORDERED in Chambers at Pinellas County, Florida this 19 day of

June, 2015.


Hon. Pamela A.M. Campbell
Circuit Court Judge

Copies furnished to:
Counsel of Record