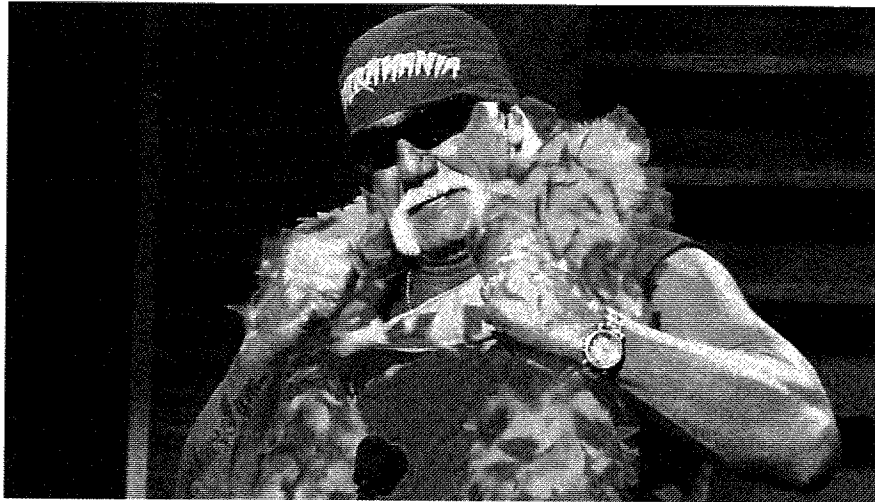


EXHIBIT A

Hulk Hogan sex tape trial could destroy Gawker

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By Tom Kludt @tomkludt



A lurid sex tape. A bombastic cultural icon. An upcoming court battle that could reveal even more salacious details.

It sounds like the type of story that Gawker might cover with gusto. This time, however, the gossip site finds itself a central player in the tawdry tale.

For more than a decade, Gawker.com has proudly courted controversy with unmerciful coverage of Hollywood celebrities and New York media elites.

But a \$100 million lawsuit, set for trial next month in Florida, is enough to make anyone a bit nervous, even Nick Denton, the swashbuckling Gawker Media founder.




Three years ago, a former Gawker editor-in-chief published a post headlined, "Even for a Minute, Watching Hulk Hogan Have Sex in a Canopy Bed is Not Safe For Work but Watch it Anyway." A 30-minute DVD had come from an anonymous source and what appeared online was edited down by Gawker to about a minute-and-a-half.

The tape, which was recorded in 2006, showed Hulk Hogan (real name: Terry Bollea) having sex with Heather Clem, who was married at that time to radio host "Bubba the Love Sponge Clem." Another man's voice, which many people believe is Bubba, can be heard in the recording. Hogan and Bubba were close friends before the sex tape leaked and the two men had a falling out.

After legal wrangling, Gawker was forced to remove the video. But Gawker refused to delete an article accompanying the footage and the story still exists on the site today (it has racked up more than 5 million clicks). Gawker's bid to get the case tossed failed and a jury trial is now set to begin July 6 in St. Petersburg.


Charles Harder, who is Hogan's lead trial counsel, said that Denton had received two cease and desist demands the day after the video was published. "Denton ignored those demands, and allowed the video to continue playing," Harder told CNNMoney. "Denton has only himself to blame."

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Terry Bollea, aka Hulk Hogan, stands beside his attorneys during a 2012 press conference to discuss legal action brought against Gawker Media.

What each side is saying: There is one central question that the jury will have to answer: Was the sex tape newsworthy? Florida law permits the publication of private material if it pertains to a matter of "legitimate public concern."

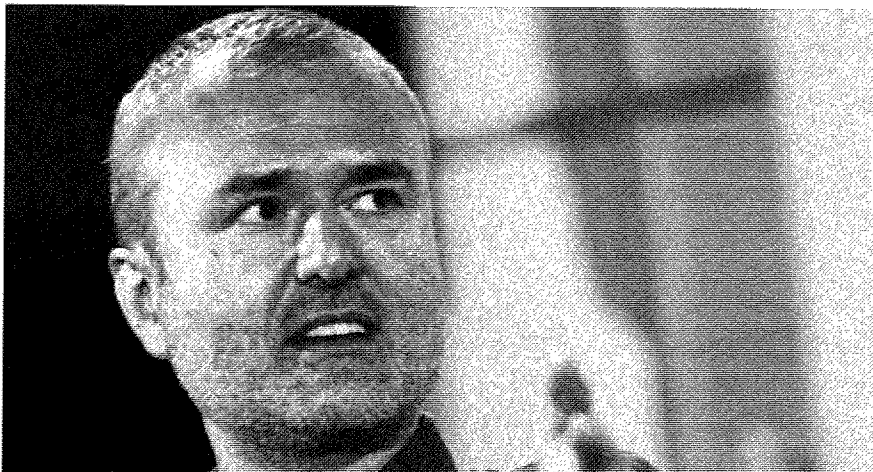
"Despite all attempts by the Gawker Defendants to obscure it, the law is clear that pornographic footage taken from sex tapes is the quintessential example of speech that is not a matter of legitimate public concern," Harder wrote in a recently filed brief.

Gawker counters that Hogan made his sexual exploits a public matter, noting his appearances on Howard Stern's radio program and elsewhere during which he delved into lurid details from his personal life.

During a 2011 interview with Stern, Hogan said flatly that he would never have sex with Heather Clem. "Man law, brother," Hogan told Stern. "Even if they were divorced for 10 years." In the same interview, Hogan opened up about the sexual chemistry with his wife.

Gawker is also highlighting the fact that the existence of the sex tape had been the subject of several news reports before it was posted on the site in 2012.

"It's difficult to think of a huge news story about a celebrity or a politician or someone people care about that didn't involve some information that that person did not want disclosed," Gawker president and general counsel Heather Dietrick told CNNMoney. "That's the job of a journalist."



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The stakes: Hogan is seeking \$100 million in damages, a penalty that could bring Gawker to its knees. Denton has been characteristically candid about the threat against the company, telling The New York Times, "We don't keep \$100 million in the bank, no."

If it were to lose in court and have to pay in full, Gawker might be forced to do something it has managed to avoid throughout its existence: rely on outside investors to keep the company humming.

The case could also hold implications for the First Amendment, with some in the legal community leery over the idea of a story's news value being determined by jurors, not editors.

But Harder, Hogan's attorney, asserts that the case poses "no potential danger whatsoever to the First Amendment."

"The First Amendment has limitations," Harder said. "In Florida, it is a crime of video voyeurism to film someone naked without their permission, or to publish that footage. Doing so is against the law and not protected by the First Amendment."

Outlook: Denton isn't ruling out a "disaster" scenario for the site. He has acknowledged that the jury, plucked from the Florida community that Hogan calls home, might well be unsympathetic to a sensationalist digital tabloid based in Manhattan and built on snark.

CNNMoney (New York) June 18, 2015: 2:34 PM ET

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DarthStewie 3 days ago

Wasn't Gawker in some fashion involved in the iPhone that was stolen/leaked/whatever a few years back? The story where they claimed they found the phone in a bar and that wasn't actually the case. Or was that a different site?

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briancmyers 3 days ago

If the site/company was based outside US-jurisdiction it would be harder to sue and collect. Why people launch these controversial sites within US borders is beyond me.

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DieselPower_ 4 days ago

Good luck to Gawker. They'll need it to try and beat Hogan in Florida. They'll be totally in his favor.

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radiofan54 5 days ago

I'd love to live in a world without Gawker

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Tj Khan 5 days ago

"That's the job of a journalist."

What a lying hypocrite. This from the man who threatened to fire/BLACKLIST journalists to prevent them from reporting on a MEDIA SCANDAL which Gawker was directly involved in.

<http://www.pxtthis.com/2014/12/ny-times-staffer-continues-to-harass-threaten-author/>

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Toby Brace 5 days ago

Dirty Denton goes broke. Please please please please.

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Carl Spears 5 days ago

Nick Denton is a money guzzling slime ball, I hope he loses everything.

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Jacob Snell 5 days ago

Gawker is going to lose; especially after they were up in arms themselves about the so called 'The Fappingen'. Good luck explaining the difference between the two to a jury.

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pcseller001 5 days ago

@Jacob Snell Exactly...Hogan won't get \$100m but it will be enough to hurt.

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NekoMouser 5 days ago

His lawyer looks like a native of the uncanny valley region.

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Igor Schmidlapp 4 days ago

@NekoMouser That lawyer looks like Nikki Lauda.. after the accident

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ice'oad9 5 days ago

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Do what everyone else does, declare bankruptcy. Let them take the company assets which are probably a couple of servers years old. Go across the street and call your self the new GM.

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Dcoronata 6 days ago

Yes, and this headline is no better than they are for generating irrational sensationalism.

"Could" destroy them; could also get them so much publicity that they can easily weather whatever weak settlement they come up with.

When is the last time any media company was successfully sued for 7 figures let alone 9.

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ProfNekko 5 days ago

@Dcoronata Well it's pretty safe to assume they're in trouble if they lose. Gawker's been under a pretty massive boycott campaign and has been hemorrhaging money for months, ad services have been pulling out left and right. If they lose the case here not only are they out a ton of money but a lot of companies see them as "toxic goods" and finding outside help may prove difficult

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NoTimeForTha 6 days ago

What'cha gonna do when this twenty-four inch python comes gunnin' for you, brother!?

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Kitkat123 5 days ago

@NoTimeForTha say COME HOME TO MOMMA DADDY !

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1 Like Reply



ga1bn7t 6 days ago

I have no idea if he's right or not, but I would enjoy the schadenfreude of seeing Gawker ruined. They've certainly done their part to further the race to the bottom in news quality and objectivity, not that the more prestigious outlets are that much better nowadays.

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