

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, *et al.*,

Defendants.

_____ /

PUBLISHER DEFENDANTS'
PROPOSED JURY VERDICT FORM

Trial: July 6, 2015

Presiding Judge:

Pamela A.M. Campbell
Circuit Judge

CLAIM FOR PUBLICATION OF PRIVATE FACTS

1. Did Plaintiff prove that, by publishing the video excerpts, Defendants disclosed to the public private information about him, and that a reasonable person would find the disclosure highly offensive?

YES ___ NO ___

If your answer to Question 1 is "YES," please proceed to Question 2.

If your answer to Question 1 is "NO," please proceed to Question 5.

2. Did Plaintiff prove by clear and convincing evidence that Defendants' publication of the video excerpts was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 2 is "YES," please proceed to Question 3.

If your answer to Question 2 is "NO," please proceed to Question 5.

3. Do you find, by clear and convincing evidence, that Defendants, in publishing the video excerpts, knew that they were publishing material that did not relate to a matter of public concern, or entertained serious doubts about whether the material related to a matter of public concern, but published the video excerpts despite those doubts?

YES ___ NO ___

If your answer to Question 3 is "YES," please proceed to Question 4.

If your answer to Question 3 is "NO," please proceed to Question 5.

4. Did Plaintiff prove that he suffered emotional distress as a result of the publication of private facts?

YES ___ NO ___

Please proceed to Question 5.

CLAIM FOR INTRUSION UPON SECLUSION

5. Did Plaintiff prove that Defendants intentionally intruded, through physical or electronic means, into a place where Plaintiff had a reasonable expectation of privacy?

YES ___ NO ___

If your answer to Question 5 is "YES," please proceed to Question 6.

If your answer to Question 5 is "NO," please proceed to Question 9.

6. Do you find, by clear and convincing evidence, that Defendants' publication of the video excerpts was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 6 is "YES," please proceed to Question 7.

If your answer to Question 6 is "NO," please proceed to Question 9.

7. Do you find, by clear and convincing evidence, that Defendants, in publishing the video excerpts, knew that they were publishing material that did not relate to a matter of public concern, or entertained serious doubts about whether the material related to a matter of public concern, but published the video excerpts despite those doubts?

YES ___ NO ___

If your answer to Question 7 is "YES," please proceed to Question 8.

If your answer to Question 7 is "NO," please proceed to Question 9.

8. Did Plaintiff prove that he suffered emotional distress as a result of Defendants' intrusion?

YES ___ NO ___

Please proceed to Question 9.

**CLAIM FOR MISAPPROPRIATION
OF THE RIGHT OF PUBLICITY**

9. Did Plaintiff prove that, by publishing the video excerpts, Defendants made unauthorized use of his name or image for a commercial purpose?

YES ___ NO ___

If your answer to Question 9 is "YES," please proceed to Question 10.

If your answer to Question 9 is "NO," please proceed to Question 13.

10. Do you find, by clear and convincing evidence, that Defendants' publication of the video excerpts was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 10 is "YES," please proceed to Question 11.

If your answer to Question 10 is "NO," please proceed to Question 13.

11. Do you find, by clear and convincing evidence, that Defendants, in publishing the video excerpts, knew that they were publishing material that did not relate to a matter of public concern, or entertained serious doubts about whether the material related to a matter of public concern, but published the video excerpts despite those doubts?

YES ___ NO ___

If your answer to Question 11 is "YES," please proceed to Question 12.

If your answer to Question 11 is "NO," please proceed to Question 13.

12. Did Plaintiff prove that he suffered an economic injury or loss as a result of the unauthorized use of his name or image for a commercial purpose?

YES ___ NO ___

Please proceed to Question 13.

**CLAIM FOR INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS**

13. Did Plaintiff prove that, by publishing the video excerpts, Defendants engaged in extreme and outrageous conduct and intentionally or knowingly caused him to suffer severe emotional distress?

YES ___ NO ___

If your answer to Question 13 is "YES," please proceed to Question 14.

If your answer to Question 13 is "NO," please proceed to Question 17.

14. Do you find, by clear and convincing evidence, that Defendants' publication of the video excerpts was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 14 is "YES," please proceed to Question 15.

If your answer to Question 14 is "NO," please proceed to Question 17.

15. Do you find, by clear and convincing evidence, that Defendants, in publishing the video excerpts, knew that they were publishing material that did not relate to a matter of public concern, or entertained serious doubts about whether the material related to a matter of public concern, but published the video excerpts despite those doubts?

YES ___ NO ___

If your answer to Question 15 is "YES," please proceed to Question 16.

If your answer to Question 15 is "NO," please proceed to Question 17.

16. Did Plaintiff prove that he suffered severe emotional distress as a result of the publication of the video excerpts?

YES ___ NO ___

Please proceed to Question 17.

CLAIM UNDER FLORIDA'S WIRETAP ACT

17. Did Plaintiff prove that, by publishing the video excerpts, Defendants disclosed intercepted oral communications, in which Plaintiff had a reasonable expectation of privacy, knowing or having reason to know that the communications were recorded without Plaintiff's knowledge or consent?

YES ___ NO ___

If your answer to Question 17 is "YES," please proceed to Question 18.

If your answer to Question 17 is "NO," please proceed to the instructions before Question 21.

18. Do you find, by clear and convincing evidence, that Defendants' publication of the video excerpts was not related to a matter of public concern?

YES ___ NO ___

If your answer to Question 18 is "YES," please proceed to Question 19.

If your answer to Question 18 is "NO," please proceed to the instructions before Question 21.

19. Do you find, by clear and convincing evidence, that Defendants, in publishing the video excerpts, knew that they were publishing material that did not relate to a matter of public concern, or entertained serious doubts about whether the material related to a matter of public concern, but published the video excerpts despite those doubts?

YES ___ NO ___

If your answer to Question 19 is “YES,” please proceed to Question 20.

If your answer to Question 19 is “NO,” please proceed to the instructions before Question 21.

20. Do you find that Defendants did not have a good faith belief that the publication was related to a matter of public concern or otherwise lawful?

YES ___ NO ___

Please proceed to the instructions before Question 21.

COMPENSATORY DAMAGES

If your final answer under the Claims for Publication of Private Facts, Intrusion Upon Seclusion, and/or Intentional Infliction of Emotional Distress was “YES,” please proceed to Question 21.

If your final answer under the Claims for Publication of Private Facts, Intrusion Upon Seclusion, and Intentional Infliction of Emotional Distress was “NO,” please proceed to the instructions before Question 22.

21. What amount do you award Plaintiff to compensate him for emotional distress?

EMOTIONAL DISTRESS DAMAGES \$_____

If your final answer under the Claim for Misappropriation of the Right of Publicity was “YES,” please proceed to Question 22.

If your final answer under the Claim for Misappropriation of the Right of Publicity was “NO,” please proceed to the instructions before Question 23.

22. What amount do you award Plaintiff to compensate him for economic injury or loss?

ECONOMIC INJURY OR LOSS DAMAGES \$_____

If your final answer under the Claim under Florida's Wiretap Act was "YES," please proceed to Question 23.

If your final answer under the Claim under Florida's Wiretap Act was "NO," please proceed to the instructions before Question 24.

23. Damages for a violation of Florida's Wiretap Act are capped at \$1,000. If you find damages of less than \$1,000, please state the amount below. Otherwise, write "\$1,000" below.

WIRETAP ACT DAMAGES \$_____

Please proceed to the instructions before Question 24.

PUNITIVE DAMAGES

[IF BIFURCATION IS NOT GRANTED]

If you awarded compensatory damages to Plaintiff pursuant to Questions 21, 22, and/or 23, please proceed to Question 24.

If you did not award any compensatory damages to Plaintiff, please proceed to the last page [FOREPERSON SIGNATURE].

24. For just those claims for which you awarded compensatory damages, do you find by clear and convincing evidence that Defendants were guilty of intentional misconduct, which was a substantial cause of damage to Plaintiff?

YES ___ NO ___

If your answer to Question 24 is "YES," please proceed to Question 25.

If your answer to Question 24 is "NO," please proceed to the last page [FOREPERSON SIGNATURE].

25. You may in your discretion decline to assess punitive damages. Do you find that punitive damages are warranted?

YES ___ NO ___

If your answer to Question 25 is "YES," please proceed to Question 26.

If your answer to Question 25 is "NO," please proceed to the last page [FOREPERSON SIGNATURE].

26. For which claim(s) do you believe punitive damages are warranted? Please list the claim(s) below.

Please proceed to Question 27.

27. In your discretion, what amount of punitive damages is warranted? You may enter (0) as the amount of punitive damages for any or all defendants.

FROM GAWKER MEDIA \$_____

FROM NICK DENTON \$_____

FROM A.J. DAULERIO \$_____

Please proceed to the last page [FOREPERSON SIGNATURE].

PUNITIVE DAMAGES

[IF BIFURCATION IS GRANTED – PHASE I]

If you awarded compensatory damages to Plaintiff pursuant to Questions 21, 22, and/or 23, please proceed to Question 24.

If you did not award any compensatory damages to Plaintiff, please proceed to the last page [FOREPERSON SIGNATURE].

24. For just those claims for which you awarded compensatory damages, do you find by clear and convincing evidence that Defendants were guilty of intentional misconduct, which was a substantial cause of damage to Plaintiff?

YES ___ NO ___

If your answer to Question 24 is “YES,” please proceed to Question 25.

If your answer to Question 24 is “NO,” please proceed to the last page [FOREPERSON SIGNATURE].

25. You may in your discretion decline to assess punitive damages. Do you find that punitive damages are warranted?

YES ___ NO ___

If your answer to Question 25 is “YES,” please proceed to Question 26.

If your answer to Question 25 is “NO,” please proceed to the last page [FOREPERSON SIGNATURE].

26. For which claim(s) do you believe punitive damages are warranted? Please list the claim(s) below.

Please proceed to the last page [FOREPERSON SIGNATURE].

PUNITIVE DAMAGES

[IF BIFURCATION IS GRANTED – PHASE II]

27. In your discretion, what amount of punitive damages is warranted? You may enter (0) as the amount of punitive damages for any or all defendants.

FROM GAWKER MEDIA \$_____

FROM NICK DENTON \$_____

FROM A.J. DAULERIO \$_____

SO SAY WE ALL, this _____ day of _____, 2015.

FOREPERSON

FOREPERSON SIGNATURE

SO SAY WE ALL, this _____ day of _____, 2015.

FOREPERSON