

# EXHIBIT D

to the

**PUBLISHER DEFENDANTS' MOTION FOR CONTINUANCE**

THOMAS &  
LOCICERO

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Reply to: Tampa

November 7, 2014

VIA ELECTRONIC MAIL

David M. Hardy, Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Department of Justice  
170 Marcel Drive  
Winchester, VA 22602-4843  
Phone: (540) 868-4500  
Fax: (540) 868-4997  
[foiparequest@ic.fbi.gov](mailto:foiparequest@ic.fbi.gov)

**Re: Freedom of Information / Privacy Act Request**

Dear Mr. Hardy:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

I am an attorney who represents Gawker Media, LLC in connection with a lawsuit filed against it by Terry Gene Bollea, known professionally as "Hulk Hogan," in Florida state court. *See Bollea v. Clem, et al.*, No. 12012447-CI-011 (Fla. Cir. Ct.).

I hereby request disclosure of any and all records in the possession, custody or control of the United States Department of Justice, including without limitation the agencies described

below, relating to an investigation, and complaints or requests for investigation, concerning recording(s) of Terry Gene Bollea a/k/a "Hulk Hogan" engaged in sexual relations with Heather Clem. This request includes, but is not limited to:

- records reflecting any communications with Mr. Bollea or his counsel;
- any statements made by Mr. Bollea or his counsel;
- any records relating to video recording(s) of Mr. Bollea engaged in sexual relations with Heather Clem;
- any records concerning such video recording(s), including the recording(s) themselves;
- any records relating to the source and distribution of such video recording(s); and
- records relating to any attempt to disseminate such video recording(s), including any attempt to sell such video recording(s) to Mr. Bollea or his counsel.

To assist you and your components in tailoring your searches, the following keyword search protocol is reasonably likely to return responsive records:

["Terry Bollea" OR "Terry Gene Bollea" OR "Hulk Hogan" OR "Hogan"  
OR "David Houston" OR "dhouston@houstonatlaw.com" OR "Charles  
Harder" OR "Charles J. Harder" OR "charder@HMAfirm.com" OR  
"charder@wrslawyers.com" OR "Ken Turkel" OR "Kenneth Turkel" OR  
"KTurkel@bajocuva.com"]

-AND-

["Gawker" OR "Sex Tape" OR "Todd Alan Clem" OR "Bubba Clem" OR  
"Bubba the Love Sponge Clem" OR "Heather Clem" OR "Heather Cole"  
OR "Keith Davidson" OR "Vilma Duarte" OR "Matt Lloyd" OR "Matt  
Lloyd"]

This request includes, but is not limited to, records maintained by the Federal Bureau of Investigation, both at its Headquarters in Washington, D.C. and its Tampa field office (the "FBI Records"). In connection with the FBI Records, we request that in addition to searching all files and communications in the records of its field offices reasonably likely to contain responsive records, the FBI perform the above-mentioned keyword searches in both the "main" and "cross-reference" files in its Central Records System. For your information, similar requests have been sent to the Executive Office for U.S. Attorneys and the Criminal Division of the Department of Justice.

I have enclosed Certifications of Identity and Authorization to Release Information (Form DOJ-361) that have been executed by Mr. Bollea and three of his lawyers, David Houston, Charles Harder, and Ken Turkel. *See* Exhibit A (Certifications). Please note, Mr. Bollea believes that records relating to the investigation are not relevant to his litigation against Gawker Media, but he and his counsel have provided the signed Certifications based on a court order in the above referenced action. *See* Exhibit B (Special Discovery Magistrate's Report and Recommendation ordering Certifications to be signed, Order of the Court adopting that Recommendation, and Order of the Second District Court of Appeal dismissing Mr. Bollea's petition for a writ of certiorari appealing from that Order).

I also have enclosed a Certification of Identity and Authorization to Release Information (Form DOJ-361) that has been executed by Heather Dawn Cole f/k/a Heather Clem. *See* Exhibit C (Certification).

Please produce copies of the records in the original form in which they are maintained. We consent in advance to pay search and duplication charges up to \$500. In order to avoid delay, if you have any questions about this request, please contact me by email, telephone or fax, rather than relying upon regular mail. You may reach me by email at [gthomas@tlolawfirm.com](mailto:gthomas@tlolawfirm.com), by telephone at (813) 984-3060, or by fax at (813) 984-3070.

Finally, in connection with the ongoing litigation in Florida, Gawker Media and Mr. Bollea have agreed, and the court has ordered, that any DVDs or other video footage that is provided in response to this request should be placed in a sealed envelope addressed to Judge James R. Case (Ret.), the Special Discovery Magistrate who is overseeing all discovery in this case. Consequently, please allow Judge Case to personally pick up the sealed envelope containing any DVDs or other video footage from either the FBI's Tampa field office or the office of the United States Attorney for the Middle District of Florida. All other documents can and should be provided directly to me.

When you complete your work on this request, please call me so that I can alert Judge Case that he can pick up any DVDs or other video footage and can arrange for a courier to pick up the other documents.

Thank you for your assistance with this request.

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas  
Gregg D. Thomas

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David M. Hardy  
November 7, 2014  
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Enclosures

cc: Hon. James R. Case, Special Discovery Magistrate, Circuit Court of the Sixth Judicial  
District, Florida  
Charles J. Harder, Esquire, Counsel for Terry Bollea  
Mr. Robert Mosakowski, Office of the U.S. Attorney for the Middle District of Florida  
Mr. Andrew Sekala, Federal Bureau of Investigation, Tampa Field Office