

EXHIBIT 35

to the

**THE GAWKER DEFENDANTS' MOTION TO DISMISS
ON THE GROUNDS OF FRAUD ON THE COURT**

Sweeney, Sara [redacted]

From: Shearn, Jason R. [redacted]
Sent: Thursday, October 25, 2012 5:46 PM
To: Sweeney, Sara [redacted]
Subject: Fw: 10.25.12 Final Settlement Agreement
Attachments: Settlement Agreement w Bubba v 6.pdf

b6 -1, 3
b7C -1, 3

From: Kristy Rosser [redacted]
To: Shearn, Jason R.
Sent: Thu Oct 25 17:32:35 2012
Subject: 10.25.12 Final Settlement Agreement

10/25/2012 2:32 PM
Here you go
Kc

b6 -4
b7C -4

From: [redacted]
Sent: Thursday, October 25, 2012 12:42 PM
To: David Houston; [redacted]
Subject: Final Settlement Agreement

David and Stephen:

Attached is what I believe is the final draft of the Settlement Agreement between Terry and Bubba. Please note the following last minute changes:

1. The settlement payment was reduced from \$8,000 to \$5,000;
2. Bubba will read the apology twice, in two mornings, rather than 4 times in two mornings;
3. Terry may not seek to criminally prosecute Bubba "directly or indirectly" [this was never an issue];
4. The rights transfer does not include footage of Terry in currently existing commercially-released videos/DVDs previously published by Bubba. Notwithstanding, all rights in the sex tapes are being transferred to Terry, and all other footage of Terry not contained in commercially-released videos/DVDs.

Obviously these changes are subject to Terry's approval. I have not spoken to him or David about these.

David, please confirm to me that these changes are acceptable to Terry, and Stephen, please confirm the same from Bubba. Once everyone has given final approval, please get the signatures of Terry and Bubba, so that we can finalize this agreement by close of business tomorrow. Thank you both for your cooperation.

[redacted]

b6 -4
b7C -4

[redacted]

Los Angeles, California 90064

[Redacted]

E-Mail: [Redacted]
Web: [Redacted]
Bio: [Redacted]

b6 -4
b7C -4

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