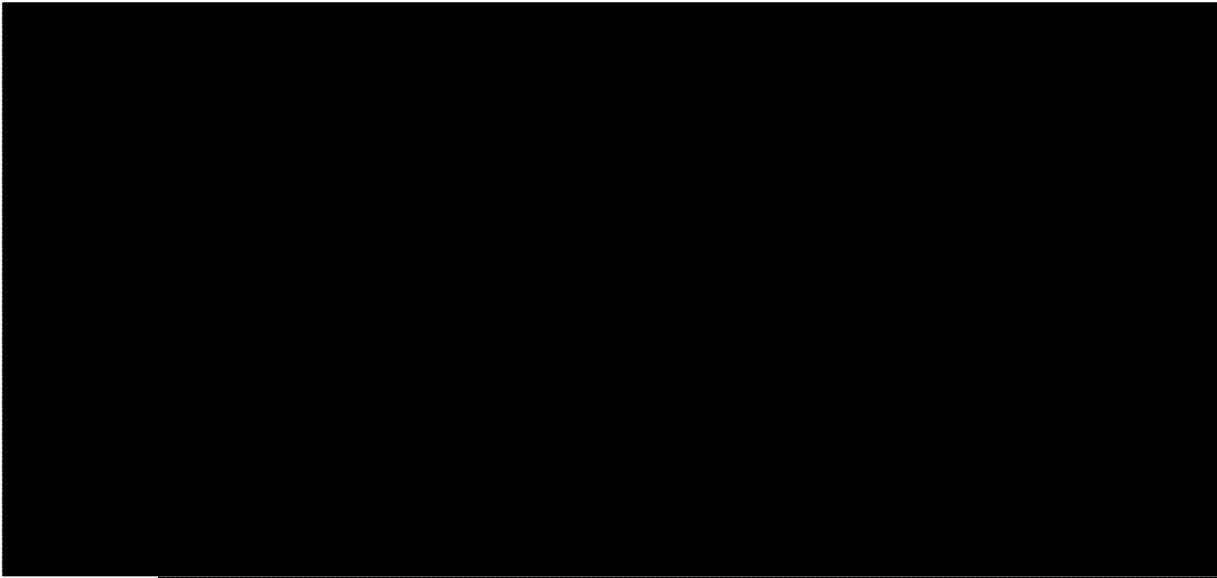


# EXHIBIT D

(Plaintiff's Trial Exhibit 585)



THE **VICE** CHANNELS

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# Sex Tapes and the First Amendment

Written by **ADRIANNE JEFFRIES**

July 10, 2015 // 08:43 AM EST

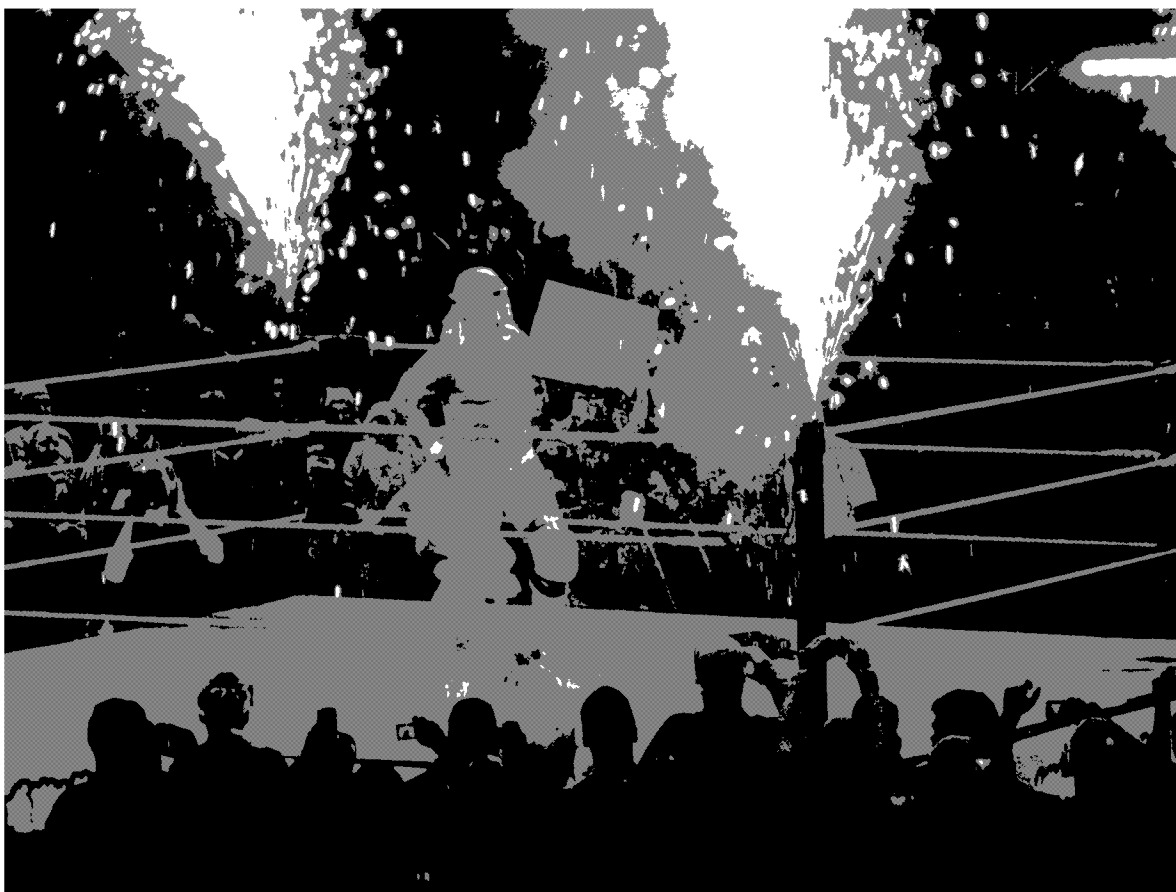


Image: Matthew Glover/Flickr

Last week, we wrote that a high profile lawsuit between the former pro-wrestler Hulk Hogan and the gossip site Gawker Media was about to go to trial. Boy, were we wrong! As is not uncommon, the trial has been indefinitely postponed—more about that later. But that doesn't change the fact that this is a significant case for anyone interested in the First Amendment, freedom of the press, sex tapes, and journalism on the internet.

The case: In October 2012, Gawker received a copy of a video of Hulk Hogan having sex with Heather (nee Cole) Clem, the wife of his then-best friend Bubba “The Love Sponge” Clem. Gawker edited the tape down to 101 seconds and ran it with an article about celebrity intrigue and the mundanity of sex.

In response, Hogan sued Gawker in federal court, but withdrew his case after the judge ruled in favor of Gawker. He was also suing Bubba and Heather (now divorced) in a Florida court, so he tacked Gawker Media on as a defendant. Hogan eventually dropped Bubba, and then Heather, from that suit, leaving only Gawker. He's asking for \$100 million in damages for invasion of privacy, among other things. That's the case that will go to trial soon(ish).

The next hearing in the case is slated for October, and the trial will probably occur late in the year or even in 2016. As Maria Bustillos, a freelance reporter who is covering the case for Motherboard, wrote:

It's up to a Florida judge and a six-person jury to decide: was Hulk Hogan's privacy invaded by Gawker? Does Hogan (who will have to go by his real name, Terry Gene Bollea, during the trial) have a legitimate claim to have suffered emotional distress, and did Gawker inflict that distress intentionally? Was the Hogan/Clem sex tape already newsworthy and a matter of public concern by the time of Gawker's publication? And if Gawker has harmed Terry Bollea, what damages should he be awarded?

For this week's Radio Motherboard, we spoke to Bustillos, and Tommy Craggs, executive editor of Gawker, about journalism, revenge porn, obscenity, and what this case means for the freedom of the press.

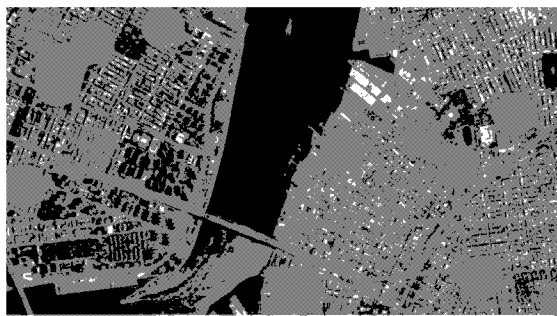
**TOPICS:** Radio Motherboard, gawker, gawker media, hulk hogan, terry bollea, Florida, Law, first amendment, freedom of the press, revenge porn

### Contact the author by email or Twitter.

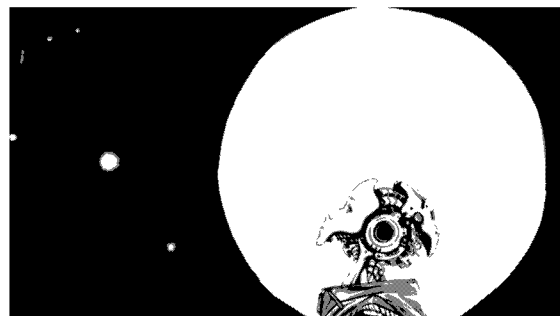
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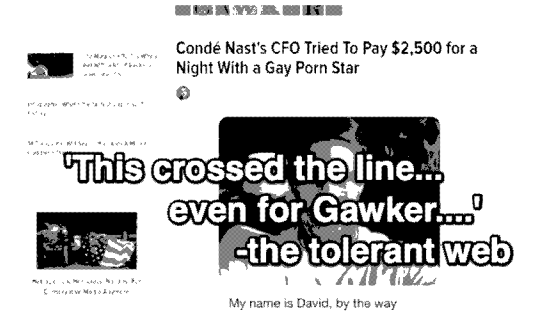
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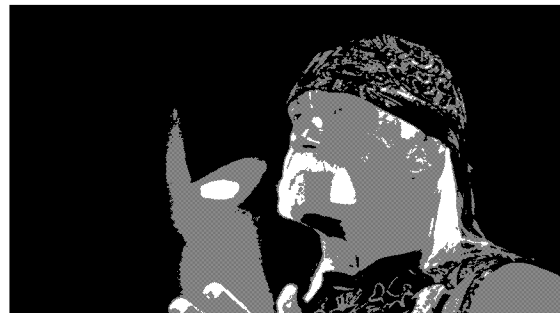
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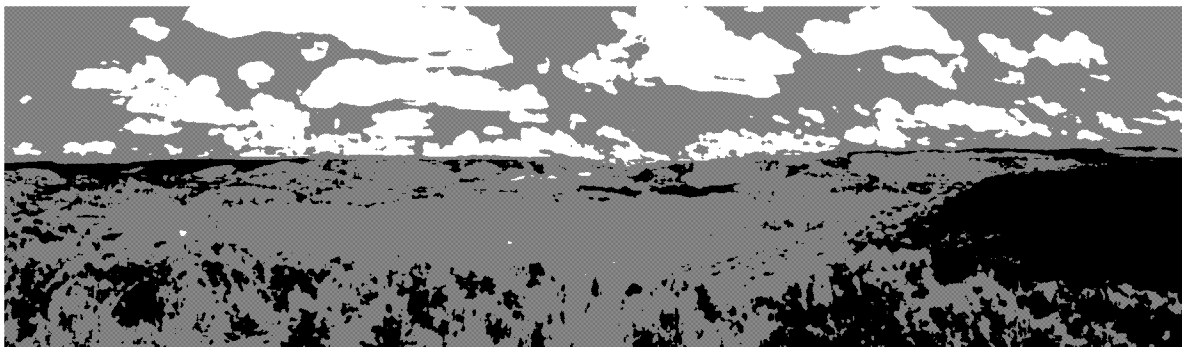
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```
9  /* Hello World program */
10
11  #include<stdio.h>
12
13  main(){
14      printf("Hello World");
15  }
```

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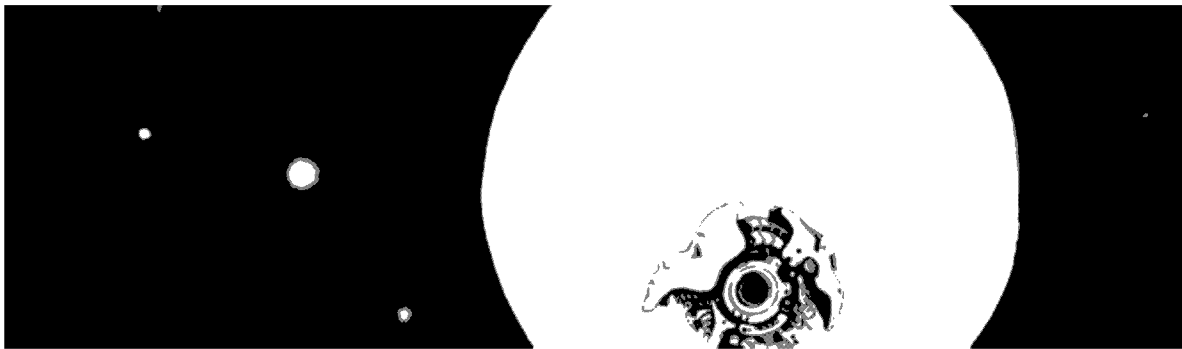
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