

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,

Case No. 12012447 CI-011

Plaintiff,

vs.

GAWKER MEDIA, LLC aka GAWKER  
MEDIA; NICK DENTON; A.J. DAULERIO,

Defendants.

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**PLAINTIFF TERRY BOLLEA'S MOTION IN LIMINE NO. 23 TO  
EXCLUDE, OR ALTERNATIVELY, MOTION TO STRIKE, ARGUMENTS  
OR EVIDENCE SUBMITTED TO SHOW FRAUD ON THE COURT**

Plaintiff Terry Bollea, professionally known as "Hulk Hogan" ("Mr. Bollea"), hereby moves this Court in limine under Fla. Stat. §§ 90.104 and 90.403 and the Court's Second Order Setting Trial and Pre-Trial, for an Order prohibiting Defendants from introducing any argument or evidence, during any portion of the trial, concerning their allegations that Mr. Bollea committed an alleged "fraud on the court."

In support of his motion, Mr. Bollea states the following:

1. On December 22, 2015, Defendants filed a Motion to Dismiss the instant case (the "Motion"), alleging that Mr. Bollea had committed "fraud on the court".
2. On January 12, 2016, Mr. Bollea filed his Omnibus Opposition to the Defendants' Motion showing both that no such "fraud" had occurred.
3. As outlined in Mr. Bollea's Omnibus Opposition, many of the events that Gawker Defendants label as "fraud" were nothing of the sort, and in fact were not even misrepresentations, and certainly did not constitute any sort of "fraud" proven by the required standard of clear and convincing evidence..

4. The Court heard argument from the parties on Defendants’ Motion on January 13, 2015, reviewed the evidence presented, and denied the Motion, stating that there is “insufficient evidence to show a fraud on the Court.” (January 13, 2016 Hearing, 86:17—18) The ruling was memorialized in the Court’s January 27, 2016, Order.

5. Fraud on the court is not an affirmative defense, and has no relevance to the issues being tried in this case. Accordingly, it should not be raised or discussed in the presence of the jury.

6. Assuming *arguendo* there is some relevance to Gawker Defendants’ arguments, any probative value is substantially outweighed by the prejudice of putting these matters before the jury. Fla. Stat. § 90.403.

For the foregoing reasons, Mr. Bollea requests that the Court enter an Order prohibiting Defendants from introducing any argument or evidence, during any portion of the trial, concerning their allegations that Mr. Bollea allegedly committed “fraud” on the Court.

Respectfully submitted,

/s/ Kenneth G. Turkel

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail via the e-portal system this 1st day of February, 2016 to the following:

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