

October 13, 2012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

** C O N F I D E N T I A L **
IN THE CIRCUIT COURT OF THE
SIXTH JUDICIAL CIRCUIT IN
AND FOR PINELLAS COUNTY, FLORIDA

-----X

TERRY GENE BOLLEA, Professionally
Known as HULK HOGAN,

Plaintiff,

-against-

Case No.

12012447-CI-011

HEATHER CLEM, GAWKER MEDIA, LLC
a/k/a GAWKER MEDIA, et al.,

Defendants.

-----X

DEPOSITION OF
ELIZABETH ROSENTHAL TRAUB

March 2, 2015

9:54 a.m.

Reported by:
Francine Sky, C.S.R.

1 Traub - Confidential

2 local bar number, do you see that?

3 A. Yes.

4 Q. At that point there was no Florida
5 local lawyer involved?

6 A. Not as far as I knew. I wouldn't
7 have known.

8 Q. There's nobody name?

9 A. Nobody's name is listed there.

10 Q. This complaint was going to be filed
11 on October 15, right, the Monday?

12 MR. HARDER: Calls for speculation.

13 THE WITNESS: As far as I knew.

14 Q. As far as you knew it was?

15 A. I mean, yeah, according to the --
16 yeah.

17 Q. Is it fair to say at this point
18 everything with the filing of the lawsuit, the
19 press conference, the press release, was all
20 being done very quickly?

21 A. I mean -- I mean honestly, not
22 necessarily in my world. Things happen --

23 Q. Can happen on a dime?

24 A. Yeah. This is...

25 Q. But you got pulled into it Saturday,

Traub - Confidential

1
2 right?

3 A. I'm assuming, yes.

4 Q. And at that time you started to pull
5 together the press strategy?

6 A. I started putting together --

7 Q. Just the strategy at this point?

8 MR. HARDER: Objection to the form.

9 A. I mean it was cut and dried. It
10 wasn't like grandiose strategy, if that's what
11 you're asking.

12 Q. Only at that point you began to put
13 the public relations effort together?

14 A. Correct.

15 Q. I'm now going to show you a document
16 that we'll mark as Exhibit 119.

17 (Deposition Exhibit 119, e-mail
18 string bearing Bates numbers Traub 153 to
19 156, was so marked for identification, as
20 of this date.)

21 Q. This is another e-mail string to and
22 from you that I guess the top e-mail is from
23 October 15, 2012, and this has been Bates labeled
24 Traub 153 to 56. This is another e-mail string
25 to and from you that you've produced, right?



From: Elizabeth Rosenthal Traub <elizabeth@ejmediagroup.com>
Sent: Sunday, October 14, 2012 3:56 PM
To: Jennifer Mendelsohn
Cc: Jaime Cassavechia
Subject: Fw: HH - Draft Press Release and draft Complaints (State and Federal)
Attachments: HH Press Release.docx; HH Federal Complaint (c).doc; HH State Complaint (b).docx

Fyi.. Release not final.

From: Charles Harder [<mailto:charder@wrslawyers.com>]
Sent: Saturday, October 13, 2012 06:12 PM
To: Elizabeth Rosenthal Traub
Subject: HH - Draft Press Release and draft Complaints (State and Federal)

Elizabeth,

It was great speaking with you. Attached is the draft Press Release and draft Complaints for Federal and State court. I will get you the address for the press conference as soon as I can. As I mentioned, I will be on a plane to Tampa starting at 9am PST, arriving at 7pm EST, and thus unavailable to communicate. I will be available after that time on Sunday evening and all day on Monday.

You have my cell #: 310-266-2657.

I also have you down for a drink at the W in Westwood at 8:00 pm on Tuesday.

Charles

Charles J. Harder, Esq., Partner
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
11400 W. Olympic Blvd., Ninth Floor
Los Angeles, California 90064
(310) 478-4100 x6605
(310) 479-1422 (fax)
E-Mail: CHarder@WRSlawyers.com
Web: www.WRSlawyers.com
Bio: <http://www.wrslawyers.com/attorneys/charles-harder.asp>

Editor, *ENTERTAINMENT LITIGATION*, Oxford University Press (2011)

This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive e-mails for the addressee), you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail to charder@wrslawyers.com, and delete the message. Thank you.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by U.S. Treasury Regulation Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

v.

GAWKER MEDIA, LLC aka GAWKER
MEDIA; GAWKER MEDIA GROUP, INC.
aka GAWKER MEDIA; GAWKER
ENTERTAINMENT, LLC; GAWKER
TECHNOLOGY, LLC; GAWKER SALES,
LLC; NICK DENTON; A.J. DAULERIO;
KATE BENNERT, BLOGWIRE HUNGARY
SZELLEMI ALKOTAST HASZNOSITO
KFT aka GAWKER MEDIA

Defendants.

Case No.

**COMPLAINT AND DEMAND FOR
JURY TRIAL WITH INJUNCTIVE
RELIEF SOUGHT**

Plaintiff Terry Gene Bollea (“Plaintiff” or “Bollea”), professionally known as “Hulk Hogan,” sues defendants Gawker Media, LLC aka Gawker Media, Gawker Media Group, Inc. aka Gawker Media, Gawker Entertainment, LLC, Gawker Technology, LLC, Gawker Sales, LLC, Nick Denton, A.J. Daulerio, Kate Bennert, Blogwire Hungary Szellemi Alkotast Hasznosito KFT aka Gawker Media (collectively, “Defendants”) and alleges as follows:

NATURE OF THIS ACTION

1. Defendants have engaged in outrageous, irresponsible and despicable conduct by posting to the Internet on or about October 4, 2012, excerpts (herein the

without limitation the Video Excerpts, in any and all formats and media, including all electronic and physical media.

8. For a constructive trust to be placed upon Defendants and all persons acting on their behalf or under their direction or control, as to all revenues and profits received by any such individuals, including Defendants, to be held for the benefit of Plaintiff, and to be disgorged in their entirety to Plaintiff.

9. For such other and further relief as to this court may deem and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. Rule 38 and the Seventh Amendment to the United States Constitution, plaintiff Terry Gene Bollea hereby demands a trial by jury on all issues so triable.

Respectfully Submitted,

DATED: October 15, 2012

Local counsel
Florida Bar No.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

DATED: October 15, 2012

Charles J. Harder, Esq.
California Bar No. 184593
(*Pro hac vice* application to be filed)
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
11400 W. Olympic Boulevard, 9th Floor
Los Angeles, Ca 90064-1582
T: (310) 478-4100
F: (310) 479-1422
charder@wrslawyers.com

DATED: October 15, 2012

David R. Houston, Esq.
Nevada Bar No.
(*Pro hac vice* application to be filed)
432 Court Street
Reno, Nevada 89501
T: (775) 786-4188
F: (775) 786-5091
dhouston@houstonatlaw.com

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

v.

BUBBA THE LOVE SPONGE CLEM aka
Todd Alan Clem; an individual; and
HEATHER CLEM aka Heather Cole, an
individual,

Defendants.

Case No.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

Plaintiff Terry Gene Bollea (“Plaintiff” or “Bollea”) professionally known as
“Hulk Hogan” sues defendants Bubba The Love Sponge Clem aka Todd Alan Clem, and
Heather Clem aka Heather Cole, and alleges as follows:

NATURE OF THIS ACTION

1. Defendants have engaged in outrageous, irresponsible and despicable
conduct that should be punished to the maximum extent under the law. Defendants
caused Plaintiff to be secretly videotaped (the “Video”) in or about 2006, without
Plaintiff’s knowledge or consent, while Plaintiff was engaged in private consensual
sexual relations in a private bedroom.

2. Plaintiff had no knowledge that the intimate matters depicted in the Video
were being recorded. To the contrary, Plaintiff had a reasonable expectation of his

DEMAND FOR JURY TRIAL

Plaintiff Terry Gene Bollea hereby demands a trial by jury on all issues so triable.

Respectfully Submitted,

Dated: October 15, 2012

FLORIDA LOCAL COUNSEL
Florida Bar No.

Dated: October 15, 2012

Charles J. Harder, Esq.
California Bar No. 184593
(*Pro hac vice* application to be filed)
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
11400 W. Olympic Boulevard, 9th Floor
Los Angeles, Ca 90064-1582
T: (310) 478-4100
F: (310) 479-1422
charder@wrslawyers.com

Dated: October 15, 2012

David R. Houston, Esq.
Nevada Bar No.
(*Pro hac vice* application to be filed)
432 Court Street
Reno, Nevada 89501
T: (775) 786-4188
F: (775) 786-5091
dhouston@houstonatlaw.com