

# Exhibit 1

to the

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 24:  
TO EXCLUDE ARGUMENT OR EVIDENCE OF ILLEGALLY RECORDED AUDIO  
OF TERRY BOLLEA AND ANY EVIDENCE DERIVED THEREFROM**

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

**TERRY GENE BOLLEA professionally  
known as HULK HOGAN,**

Plaintiff,

**Case No. 12012447CI-011**

vs.

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

Defendants.

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## **JURY INSTRUCTIONS**

**Trial: March 7, 2016 – March 18, 2016**

**Presiding Judge:**

**Pamela A.M. Campbell  
Circuit Judge**

**BOLLEA’S PROPOSED INSTRUCTION # 29**

**VIOLATION OF FLORIDA SECURITY OF COMMUNICATIONS ACT**

The issues for you to decide on plaintiff Terry Bollea’s claim for violation of Florida’s Security of Communications Act are:

- (1) Whether Terry Bollea’s oral communications in the bedroom were recorded without Mr. Bollea’s knowledge or consent; and, if so,
- (2) Whether defendants knew or had reason to know Terry Bollea’s oral communications were recorded without his knowledge or consent; and, if so,
- (3) Whether defendants intentionally disclosed or used Terry Bollea’s recorded oral communications on the video on the website Gawker.com; and, if so,
- (4) Whether Terry Bollea had a reasonable expectation of privacy in his oral communications in the bedroom when they were recorded; and, if so,
- (5) Whether Terry Bollea suffered damages as a result of defendants’ disclosure or use of plaintiff’s oral communications on the Internet.

For a conversation to qualify as an “oral communication” under the statute, the speaker must have an actual subjective expectation of privacy, and society must be prepared to recognize

the expectation as reasonable under the circumstances. Where both elements are present, the statute has been violated whether the intercepted communication is private in nature or not. A significant factor in determining the reasonableness of the expectation of privacy is the location in which the conversation occurs. Conversations occurring inside an enclosed area or in a secluded area are more likely to be protected under the statute.

**Granted** \_\_\_\_\_

**Granted as Modified** \_\_\_\_\_

**Denied** \_\_\_\_\_

**Withdrawn** \_\_\_\_\_

**Authority:** Fla. Stat. Ann. § 934.10(1); *see Cohen Bros., LLC v. ME Corp., S.A.*, 872 So.2d 321, 324 (Fla. 3d DCA 2004) (per curiam ) (citing *State v. Smith*, 641 So.2d 849, 852 (Fla. 1994)); *Stevenson v. State*, 667 So.2d 410 (Fla. 1st DCA 1996).