

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.: 12012447 CI-011

vs.

GAWKER MEDIA, LLC aka GAWKER MEDIA; et
al.,

Defendants.

_____ /

NOTICE OF VIDEOTAPED DEPOSITION

PLEASE TAKE NOTICE, pursuant to Rules 1.300(b), 1.310(b)(1), 1.310(b)(4), and 1.310(b)(6) of the Florida Rules of Civil Procedure, that Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio, by and through the undersigned attorneys, will take the deposition testimony of the following:

DEPONENT: **Brett Goldenberg, Corporate Designee of MindGeek**

DATES: **February 18, 2016**

TIME: **2:00 p.m., until completion**

PLACE: **MindGeek**
 7777 Boulevard Décarie, Suite 600
 Montréal, QC H4P 2H2
 Canada

upon oral examination, before an officer duly authorized to administer oaths by the laws of the Province of Quebec, and a person who is neither a relative, nor attorney, nor counsel of any of the parties and who is neither a relative nor employee of such attorney or counsel, and who is not financially interested in the examination. The oral examination will be videotaped by an

operator from StenoFac Inc., 50 Rue de Brésoles, Montréal, Quebec, H2Y 1V5, Canada.

Counsel for the parties shall participate remotely via videoconference at Thomas & LoCicero PL, 601 South Boulevard, Tampa, Florida 33606, and Defendants shall bear the initial cost of the videotaping.

This deposition is being taken pursuant to the Subpoena directed to MindGeek dated June 24, 2015, a copy of which is attached hereto as Exhibit 1, and is limited to the topics identified in Schedule A therein. This deposition is for the purpose of discovery, and for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

Dated: February 10, 2016

Respectfully submitted,

THOMAS & LOCICERO PL

By: /s/ Gregg D. Thomas

Gregg D. Thomas

Florida Bar No.: 223913

Rachel E. Fugate

Florida Bar No.: 0144029

601 South Boulevard

P.O. Box 2602 (33601)

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

gthomas@tlolawfirm.com

rfugate@tlolawfirm.com

Seth D. Berlin

Pro Hac Vice Number: 103440

Michael D. Sullivan

Pro Hac Vice Number: 53347

Michael Berry

Pro Hac Vice Number: 108191

Alia L. Smith

Pro Hac Vice Number: 104249

Paul J. Safier

Pro Hac Vice Number: 103437

LEVINE SULLIVAN KOCH & SCHULZ, LLP

1899 L Street, NW, Suite 200

Washington, DC 20036

Telephone: (202) 508-1122
Facsimile: (202) 861-9888
sberlin@lskslaw.com
msullivan@lskslaw.com
mberry@lskslaw.com
asmith@lskslaw.com
psafier@lskslaw.com

*Attorneys for Defendants Gawker Media, LLC,
Nick Denton and A.J. Daulerio*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 2016, I caused a true and correct copy of the foregoing to be served via the Florida Courts' E-Filing Portal on the following counsel of record:

Kenneth G. Turkel, Esq.
kturkel@BajoCuva.com
Shane B. Vogt, Esq.
shane.vogt@BajoCuva.com
Bajo Cuva Cohen & Turkel, P.A.
100 N. Tampa Street, Suite 1900
Tampa, FL 33602
Tel: (813) 443-2199
Fax: (813) 443-2193

Attorneys for Plaintiff

David Houston, Esq.
Law Office of David Houston
dhouston@houstonatlaw.com
432 Court Street
Reno, NV 89501
Tel: (775) 786-4188

Attorney for Plaintiff

Timothy J. Conner
Holland & Knight LLP
50 North Laura Street, Suite 3900
Jacksonville, FL 32202
timothy.conner@hkllaw.com

Charles D. Tobin
Holland & Knight LLP
800 17th Street N.W., Suite 1100
Washington, D.C. 20006
charles.tobin@hkllaw.com

Attorneys for Intervenors First Look Media, Inc., WFTS-TV and WPTV-TV, Scripps Media, Inc., WFTX-TV, Journal Broadcast Group, Vox Media, Inc., Cable News Network, Inc., BuzzFeed and The Associated Press

Charles J. Harder, Esq.
charder@HMAfirm.com
Jennifer McGrath, Esq.
jmcgrath@hmafirma.com
Harder Mirell & Abrams LLP
132 South Rodeo Drive, Suite 301
Beverly Hills, CA 90212-2406
Tel: (424) 203-1600
Fax: (424) 203-1601

Attorneys for Plaintiff

Allison M. Steele
Rahdert, Steele, Reynolds & Driscoll, P.L.
535 Central Avenue
St. Petersburg, FL 33701
amnestee@aol.com
asteel@rahdertlaw.com
ncampbell@rahdertlaw.com

Attorney for Intervenor Times Publ'g Co.

/s/ Gregg D. Thomas
Attorney

Exhibit 1

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.: 12012447-CI-011

vs.

HEATHER CLEM; GAWKER MEDIA,
LLC aka GAWKER MEDIA; et al.,

Defendants.

SUBPOENA FOR TRIAL

THE STATE OF FLORIDA:

To: Custodian of Records or Designated Corporate Representative of MindGeek
705 Washington Avenue, 2nd Floor
Miami Beach, FL 33139

YOU ARE COMMANDED to appear before The Honorable Pamela A.M. Campbell, Judge of the Court, at the St. Petersburg Judicial Building, 545 First Avenue North, Room 300, St. Petersburg, Florida on July 6, 2015* at 9:00 a.m. to testify in this action. If you fail to appear, you may be in contempt of court. MindGeek shall designate its custodian of records – or one or more of its officers, directors, partners, managing agents or other persons – that is/are most qualified, knowledgeable, and competent to testify on behalf of MindGeek concerning the matters described in **Schedule A** attached hereto.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on 6/24/15



Rachel E. Fugate
For the Court

Rachel E. Fugate
Florida Bar No.: 0144029
Attorney for Gawker Media, LLC
Thomas & LoCicero, PL

601 South Boulevard
Tampa, FL 33606
Telephone: (813) 984-3060
Facsimile: (813) 984-3070
rfugate@tlolawfirm.com

**Please call Rachel Fugate at 813-984-3065 to receive updated information on when your testimony is required.*

Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interest of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

SCHEDULE A

TOPICS FOR TESTIMONY

1. The posting by Vivid and/or Vivid Celeb (hereinafter referred to as “Vivid”), or with Vivid’s consent, license, or permission, of the video titled “Kim Kardashian Sex Tape With Ray J,” which is posted at http://www.pornhub.com/view_video.php?viewkey=2006034279. *See* Ex. 1 (true and correct screenshot of http://www.pornhub.com/view_video.php?viewkey=2006034279, dated March 18, 2015).
2. The amount of money charged by MindGeek, PornHub, and Vivid for a person to be able to view the video titled “Kim Kardashian Sex Tape With Ray J,” which is posted at http://www.pornhub.com/view_video.php?viewkey=2006034279. *See* Ex. 1.
3. The meaning of the term “views” and the number associated with the term “views,” as that term and number relate to the video titled “Kim Kardashian Sex Tape With Ray J,” which is posted at http://www.pornhub.com/view_video.php?viewkey=2006034279. *See* Ex. 1.
4. The meaning of the term “subscribe,” the use of the “subscribe” button, and the number associated with the term “subscribe,” as that term, button, and number relate to the video titled “Kim Kardashian Sex Tape With Ray J,” which is posted at http://www.pornhub.com/view_video.php?viewkey=2006034279. *See* Ex. 1.