

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.

**PLAINTIFF'S MOTION FOR A RULING TO SIMPLIFY ISSUES AT
TRIAL AND ORDER REQUIRING DEFENDANTS TO CLARIFY THEIR
AUDIO-VISUAL EXHIBITS**

Plaintiff Terry Bollea professionally known as Hulk Hogan ("Mr. Bollea"), moves this Court, pursuant to Fla. R. Civ. Pro 1.200(b), for a pre-trial ruling requiring the simplification of the issues by ordering Defendants Gawker Media, LLC, Nick Denton, and A.J. Daulerio (the "Gawker Defendants") to specify the audio-visual exhibits currently contained within their exhibit list that they intend to use at trial and, further, to specifically identify the portions of those (sometimes hours long) audio files that they actually intend to introduce at trial.

On January 28, 2016, Gawker Defendants filed their Third Supplemental Exhibit List, containing 847 exhibits. Within these exhibits are 52 audio files and 72 video files.¹ The total playback time for the 52 audio files is in excess of **23 hours** and the total playback time for the

¹ Plaintiff has not included in this number Defendants Exhibit D-310 which is the 1 minute 41 second sex video that was displayed on Gawker.com

72 video files is more the **37 hours**. Combined, this represents a total playback time of almost **61 hours**.²

Gawker Defendants should be ordered to identify, with specificity, the exact portions of these audio-visual exhibits that they intend to introduce at trial. Such an order is necessary to simplify the issues for trial, as well as for Plaintiff's and the Court's pre-trial preparations. It will be impossible for this Court to review all of these audio-visual exhibits for admissibility purposes before trial. Likewise, it will be impossible to complete the trial if Gawker Defendants use **more than one and a half weeks** of trial time to play these files. It is unfairly prejudicial to require Plaintiff to prepare for trial by reviewing every second of the 61 hours of material that has been designated by defendants, and to guess as to what portions of these files defendants actually intend to use. Florida does not permit trials by ambush.

Plaintiff therefore respectfully requests that Gawker Defendants be ordered to specifically identify by exhibit number each audio/visual file they intend to introduce into evidence at trial and, further, to specifically identify by time stamps the specific portions of those exhibits that they intend to introduce.

/s/ Kenneth G. Turkel

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² The precise playback time of all files combined, without D-310, is 60 hours, 59 minutes and 32 seconds

-and-

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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 12th day of February, 2016 to the following:

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/s/ Kenneth G. Turkel

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