

**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.

FILED

MAR 21 2016

**KEN BURKE
CLERK CIRCUIT COURT**

JURY INSTRUCTIONS

**Trial: March 21, 2016
Punitive Damages Phase**

Presiding Judge:

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

INSTRUCTION # 1

OPENING INSTRUCTION

Members of the jury, I am now going to tell you about the rules of law that apply to determining what amount of punitive damages, if any, should be assessed. When I finish with these instructions, the parties will present additional evidence. You should consider this additional evidence along with the evidence already presented, and you should decide any disputed factual issues by the greater weight of the evidence. "Greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence in the case.

INSTRUCTION # 2

PUNITIVE DAMAGES – DETERMINATION OF AMOUNT

You are to decide the amount of punitive damages, if any, to be assessed as punishment against Defendants and as a deterrent to others. This amount would be in addition to the compensatory damages you have previously awarded. In making this determination, you should consider the following:

- (A) the nature, extent and degree of misconduct and the related circumstances, including the following:**

- i. whether the wrongful conduct was motivated solely by unreasonable financial gain;
 - ii. whether the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by Gawker Media, LLC; Nick Denton and/or A.J. Daulerio;
 - iii. whether, at the time of loss, injury or damage, Gawker Media, LLC; Nick Denton and/or A.J. Daulerio had a specific intent to harm Terry Bollea and the conduct of Gawker Media, LLC; Nick Denton and/or A.J. Daulerio did in fact harm Terry Bollea, and
- (B) the financial resources of Gawker Media, LLC; Nick Denton and/or A.J. Daulerio; and
- (C) the degree of reprehensibility of Defendants' actions including the following factors:
 - i. whether the harm was physical, as opposed to economic;
 - ii. whether the conduct evinced an indifference to or reckless disregard of the health or safety of others;
 - iii. whether the target of the conduct had financial vulnerability;

- iv. **whether the conduct at issue involved repeated actions or was an isolated incident; and**
- v. **whether the harm was the result of intentional malice.**

You may in your discretion decline to assess punitive damages. You may assess punitive damages against one Defendant and not the others or against more than one Defendant. Punitive damages may be assessed against different defendants in different amounts.

INSTRUCTION # 3

PUNITIVE DAMAGES (AMOUNT) – NO PUNISHMENT FOR HARM TO OTHERS

When determining the amount, if any, of punitive damages to be awarded, you may impose punitive damages to punish Defendants only for the specific conduct that you have concluded caused Plaintiff harm. You may not award punitive damages to punish Defendants for any injury it may have inflicted upon anyone other than Plaintiff.

INSTRUCTION # 4

PUNITIVE DAMAGES (AMOUNT) – REASONABLE RELATIONSHIP

The amount of punitive damages you award, if any, must not be unreasonably large when considered in relation to the amount of compensatory damages you have awarded to Plaintiff.

INSTRUCTION # 5

PUNITIVE DAMAGES (AMOUNT) – NO GREATER AWARD THAN NECESSARY

If you decide to award punitive damages against Defendants, the award should be no greater than the amount that you find necessary to punish Defendants for the conduct you have concluded caused harm to Plaintiff, and to deter Defendants and others similarly situated from engaging in such conduct in the future.

INSTRUCTION # 6

PUNITIVE DAMAGES (AMOUNT) – MITIGATING EVIDENCE

You should also take into consideration any mitigating evidence. Mitigating evidence is evidence that may demonstrate that there is no need for punitive damages, or that a reduced amount of punitive damages should be imposed against Defendants.

INSTRUCTION # 7

PUNITIVE DAMAGES (AMOUNT) – FINANCIAL CONDITION

You may not award an amount in punitive damages that would financially destroy or bankrupt any of the Defendants.

INSTRUCTION # 8

CLOSING INSTRUCTION

Members of the jury, you have now heard and received all of the evidence on the issue of punitive damages. Your verdict on the issues raised by the punitive damages claim of Terry Bollea against Gawker Media, LLC; Nick Denton and A.J. Daulerio must be based on the evidence that has been received during the trial of the first phase of this case and on the evidence that has been received in these proceedings and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice or sympathy for or against any party.

Your verdict must be unanimous, that is, your verdict must be agreed to by each of you.

You will be given a form of verdict, which I shall now read to you:

When you have agreed on your verdict, the foreman or forewoman, acting for the jury, should date and sign the verdict. You may now retire to consider your verdict.