

EXHIBIT D

*(to Plaintiff's Motion for Entry of Final
Judgment and Permanent Injunction)*




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liars, and we're bad actors," the 41-year-old Daulerio told The Daily Beast on Tuesday evening, the day after the six-member jury slapped him with a \$100,000 personal fine for posting the grainy video snippet from a 30-minute recording; they exacted their punishment hours after hearing in court that Daulerio has zero material assets and \$27,000 in unpaid college loans.



"Not that Hulk Hogan is going to win an Academy Award anytime soon. But he's an actor," Daulerio added. "This was unsettling in so many different ways."

The jury's verdict against the gossip site—which Gawker's legal team predicts will be overturned on appeal—is the latest step in litigation that has dragged on for more than three years since October 2012,

when Daulerio published the video and mocking commentary regarding the amatory antics of Terry Gene Bollea (Hogan's real name) with Heather Clem, the then-wife of his former best friend, a radio shock jock named Bubba "The Love Sponge" Clem.

"Coming into this trial, I knew what this was going to be about," Daulerio said. "You can't have a First Amendment-type argument in front of a jury trial, and then have it come down to decency. For better or worse, I don't have most of that going for me—at least in public. But I know I'm a helluva lot more decent than those people on the other side, I'll tell you that much."

Pennsylvania native Daulerio—a defendant in the case along with Gawker Media's Nick Denton and the privately held online company Denton launched in 2004—spoke by phone after watching his favorite baseball team, the Philadelphia Phillies, lose to the Toronto Blue Jays at the Phillies' spring training venue in Clearwater, Florida. It was arguably his third defeat in less than a week.

On Friday, the jurors in St. Petersburg's Pinellas County Circuit Court—before a trial judge, Jeb Bush appointee Pamela A.M. Campbell, who seemed to have only passing familiarity with First Amendment legal precedent and consistently ruled in Hogan's favor—gave the 62-year-old pop culture icon a gasp-inducing \$115 million. It was \$15 million more than he'd demanded in the first place.

On Monday, they added \$25,100,000 in punitive damages to the pot—including a \$15 million charge against Gawker Media, a personal assessment of \$10 million against Denton, and that relatively small if impossible-to-pay fine leveled against Daulerio.

Apparently referring to the pauper-ish Daulerio, one of the jurors asked Judge Campbell on Monday if they could impose a penalty of community service—not in a civil trial, the judge answered—evoking the image of the former Gawker editor trudging up and down Florida's I-4 Corridor, picking up road kill.

The judge, whose pre-trial rulings were reversed on a regular basis by both the state

appeals and federal courts, suppressed evidence that would have been harmful, and possibly fatal, to Hogan's case—especially material from an FBI investigation of an alleged extortion scheme, in which video of the wrestler showed him uttering ugly racial slurs about his daughter Brooke's African-American boyfriend.

Hogan's attempt to suppress that racially charged video, Team Gawker says, was the real reason he filed the lawsuit, not supposed embarrassment over video of a sex romp, which Hogan happily promoted on the *Howard Stern Show* and TMZ, among other venues; indeed when the *National Enquirer* published a leak of Hogan's racist rant, he was immediately dropped as a featured performer by World Wrestling Entertainment.

Hogan's team had placed into evidence—via a video deposition of Daulerio—an incident in which, as editor of Gawker Media's Deadspin site, he posted a video of a young woman having sex in the bathroom of an Indianapolis sports bar, and initially refused to take it down when the distraught woman begged him, relenting only when he decided that the video “wasn't funny” and might have depicted rape.

Did it bother Daulerio to be the object of so much loathing by a jury of his peers?

“No, not at all,” he told The Daily Beast. “I expected it. I've never really been a media darling. I know what my role is. I don't often feel bad about answering honestly what were ludicrous questions and being a smart ass. I was not that way in court”—when a somewhat chastened Daulerio tried to rehabilitate himself in the trial's second week during in-person testimony—“but the damage was already done.”

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Indeed, Team Hogan's best moment was a [devastating exchange](#) between Daulerio and Hogan attorney Douglas Mirell in a deposition videotaped in 2013.

In contrast to his jacket-and-tie and sober-seeming appearance in the courtroom, Daulerio looked scruffy, sleep-deprived and bored, and occasionally came across as arrogant and supercilious, as he fielded Mirell's questions.

Daulerio told Hogan's lawyer that he “enjoyed watching the video... because I found it very amusing,” and was “proud” to have published it.

“Can you imagine a situation where a celebrity sex tape would not be newsworthy?” Mirell pressed.

“If they were a child,” Daulerio replied.

“Under what age?” Mirell asked.

“Four,” Daulerio answered.

“No 4-year-old sex tapes, OK,” Mirell said.

The jurors, four of whom were spotted furiously taking notes, clearly weren't amused.

“When you’re being peppered with stupidly precise questions for eight hours, over what I considered basically a nonsense and completely ludicrous formal fucking deposition over something we had already won, I reacted,” Daulerio said about his ill-judged quip.

At the time the deposition was taken, the federal and state appeals had already ruled that Gawker’s posting of the Hogan video had met the legal standard of newsworthiness.

“So for 95 percent of the deposition, I gave them nothing,” Daulerio continued. “And then I gave them something which, under normal circumstances, every person on the planet would understand where I was coming from on that. And for whatever reason that won it for them. That’s a scary thought.”

The lesson: “Sarcasm does not play well in front of a jury.”

Daulerio acknowledged that the trial was “stressful and actually emotionally distressing, but there are worse things.”

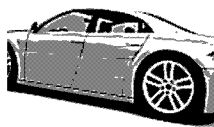
On the bright side, he said it made him feel nostalgic for his stint leading Gawker.com from 2012 to 2013, a happy time in his professional life.

“I’m definitely going to take some time off,” he said, adding that he isn’t sure how quickly he’ll return to running his own site, Ratter.com, dedicated to “The Underbelly of Everything.”

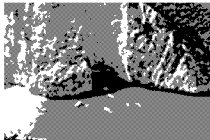
He continues to believe in Gawker.

“If anything,” Daulerio said, “this whole trial has made me more loyal and faithful to Nick and to that company.”

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Is This Frenchman Running ISIS Terror Networks in the West?



A French national who allegedly conceived and planned last November's horrific terror attacks in Paris has been promoted to a top position in the so-called Islamic State's foreign intelligence branch, according to a former ISIS intelligence operative who has since defected.



Abu Suleyman al-Firansi, the *nom de guerre* of this rising star in terrorist ranks, is believed to be the first West European ever to attain such an elite rank in ISIS—an indication of the emphasis the group is putting on attacks in the West and its reliance on people with European backgrounds to spearhead them.

His precise role and identity are a matter of debate in Western intelligence and counter-terror circles. But French and other U.S. officials who asked not to be named have confirmed his importance to the organization.

In the meantime, certain biographical details about Abu Suleyman have been relayed to The Daily Beast by "Abu Khaled," an ISIS spy who defected and whose granular account of the inner workings of the organization we [published last November](#).

According to Abu Khaled, Abu Suleyman started out as a low-level agent in the ISIS security services before becoming a central figure behind the Paris attacks.

He presented the plan for hitting the French capital to ISIS leader Abu Bakr al-Baghdadi, most likely through al-Baghdadi's spokesman and the emir in charge of all of Syria, Abu

Mohammed al-Adnani. Baghdadi then authorized the coordinated gun and bomb massacre in the heart of Europe.

Because of its stunning “success”—an organizational game-changer for ISIS—Baghdadi then “rewarded” Abu Suleyman with the promotion.

There are also some sketchy reports that Abu Suleyman, “[the French emir of Daesh](#),” may have had a hand in last month’s Brussels airport and metro bombings, which has not yet been substantiated.

“He is smart, disciplined, and well respected,” Abu Khaled told The Daily Beast, citing what informants in Syria, including one still within ISIS, have said of the new intel chief. “A big improvement on his predecessor, Abu Abdelrahman. More sophisticated.”

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The previous foreign operations chief, was born in Tunisia, while Abu Suleyman “was born, raised, and educated in France,” Abu Khaled said. “He knows Western culture very well, its strengths and its weaknesses.”

In his thirties, and of North African heritage, Abu Suleyman is the son of an imam and often mistaken for a white convert owing to his light-skinned appearance. He apparently ran athletic clubs back in Paris before becoming a jihadist and migrating to Syria at an unknown point in the course of the civil war. He is there along with his wife, who is also a French citizen, and their two children. His wife is now pregnant with their third child. The family lives in al-Bab, one of the main towns in the Aleppo district controlled by ISIS, and site of the *Amn al-Kharji*, foreign intelligence, headquarters.

Abu Suleyman also is on the radar of at least two Western intelligence services.

A French security source described him to The Daily Beast as the “head of overall operations for Europe.” And a senior U.S. intelligence official has said that while Langley is not yet able to confirm the foregoing with total certainty, there is “good” intelligence that would appear to corroborate both Abu Suleyman’s identity and role in ISIS. The French, that U.S. official added, are not being completely forthcoming or transparent about a native son who may be one of the most important operational figures in ISIS.

Part of the confusion about his identity may owe to the fact that this is the *second* Abu Suleyman al-Firansi affiliated with ISIS to be implicated in European terrorism. A prior French national with that same nom de guerre (the last part of which merely identifies him as coming from France), was Charaf al-Mouadan, who was killed in a U.S. airstrike on Dec. 24.

Al-Mouadan, according to Col. Steve Warren, the spokesman for the anti-ISIS coalition, had a “[direct link](#)” to the ringleader of the Paris operation, Abdelhamid Abaaoud, who was killed in a French raid in the Paris suburb of Saint-Denis on Nov. 18, and was actively planning additional attacks against the West at the time of his death.

Survivors of the Bataclan theater siege in Paris, scene of the worst carnage in the attacks, remember two of the ISIS bombers there talking to an “Abu Suleyman” on their cell

phones, but it is not clear what Abu Suleyman this was, since that is a common pseudonym among ISIS partisans. According to group's propaganda magazine, *Dabiq*, one of the brothers who blew themselves up in the Brussels attacks also used the pseudonym Abu Suleyman (father of Solomon), in his case Abu Suleyman al-Baljiki (the Belgian).

Though it is unprecedented for a European to run such a sensitive portfolio, if Abu Khaled's information is accurate, the Abu Suleyman al-Firansi in question clearly succeeded where others before him failed. As *The New York Times* reported in late March, in the two-year period before Paris, and following Adnani's public call in September 2014 for Muslims to murder Europeans by any means necessary, ISIS had sent multiple teams of agents trained up in Syria "to carry out small attacks meant to test and stretch Europe's security apparatus" as a prelude to the coming spectacles.

Abaaoud vetted the men assigned to carry out these abortive operations, including one disrupted in a Belgian counterterrorism raid in the town of Verviers in January last year and another aboard a high-speed Thalys train in August.

In fact, with the exception of Mehdi Nemmouche, the ISIS fighter who shot up the Jewish Museum in Brussels on May 24, 2014, killing four, and who was born in France, most of those smaller attacks committed by returnees from the caliphate failed completely due to incompetence (in another case, a would-be killer near Paris accidentally shot himself in the leg and called for an ambulance), or because they were interdicted in advance by Western authorities.

Notably, all of the known ISIS operatives sent back to Europe and positively identified have been French speakers, the majority of them from France and Belgium. Judging by a posthumous propaganda reel put out by ISIS to celebrate the "martyrdom" of the murderers in Paris, at least eight of the 10 spent some time in Syria or Iraq.

Among other Francophone jihadists now thought to be in ascendance within ISIS is Selim Bughalem, whom Abu Khaled knew personally as the ISIS "police chief" in al-Bab.

U.S. counterterrorism officials have called Bughalem the organization's "chief executioner," while French counterparts have implicated him in the capture, torture, and murder of several Western hostages. Originally from the Paris suburb of Cachan, Bughalem worked alongside Mehdi Nemmouche as an ISIS jailer. He was also a childhood friend of Cherif Kouachi, one of the gunmen who massacred the journalists of satirical newspaper *Charlie Hebdo* in January 2015.

Another sought-after Frenchman is Fabien Clain, a convert to Islam, who served three years in prison for recruiting foreign fighters to join the Iraqi insurgency in the mid-2000s. ISIS's first official claim of responsibility for the Paris attacks was via an audio message narrated by Clain, and his possible role as a target scout has been floated, given his history of making threats against the Bataclan because the former owner, who was Jewish, used it to promote Zionist causes. The longtime Toulouse resident is seen as a kind of elder statesman to the younger generation of Francophone members in ISIS.

The nature of Bughalem and Clain's relationship to Abu Suleyman is unknown, although

Abu Khaled said Benthalem is still alive and residing in al-Bab. He survived a coalition airstrike and suffered injuries to his legs. Following the publicity his name and photograph received in The Daily Beast and other international news outlets after the Paris attacks, Benthalem has now taken to wearing a mask in public, Abu Khaled said.

While the number of foreign fighters flowing into Syria and Iraq has plummeted by 90 percent within the past year as a result of better international security efforts and border controls, according to the Pentagon, the *Times* has estimated at least 21 trained ISIS fighters have been sent back into Europe.

Abu Khaled believes this figure to be much higher. During his time as a member of *Amn al-Dawla*, ISIS's internal intelligence branch, he says, he personally trained two French nationals who then went back to France. Their whereabouts and fates are unknown.

The rise of Europeans within ISIS intelligence appears to signal a shift in an organization founded 12 years ago by Jordanian ex-con Abu Musab al-Zarqawi, who brought with him to occupied Iraq a contingent of fellow foreign fighters. Al Qaeda in Iraq then evolved from a small but powerful foreign-led jihadist force into one run by native Iraqis, eventually taking the name of ISIS and of the Islamic State. Many of the Iraqi members either were lifelong Islamists, such as Abu Ali al-Anbari, the ISIS number two taken out by an airstrike in late March, or former members of Saddam Hussein's Baath Party regime like Hajji Bakr, the man who helped create the ISIS network in northern Syria before his demise at the hands of anti-Assad rebels in 2014.

At least one Georgian national, the red-bearded, ethnically Chechen Abu Omar al-Shishani, who is also believed to have been killed in a U.S. air strike in March, became a powerful military commander for ISIS as well as the sole non-Arab member of its Shura Council, the group's politburo. Yet Shishani was always seen as an outlier: a minority tolerated because of his battlefield prowess.

In essence, the terror army is now splitting into organically connected but distinct entities. There is still the domestic state-building apparatus, whose main hubs are in the provincial capitals of Mosul and Raqqa. And former Baathist officers continue to play an important role on the battlefield. But there is now an increasingly significant foreign operations division, whose far-flung legionaries are commanded by people with Western backgrounds, and who are, in fact, domiciled in the West.

Under Abu Suleyman's leadership, and because of an ever-expanding dragnet for European jihadists hiding out and plotting further acts of mass murder in Europe, the *Amn al-Kharji* continues to evolve, according to Abu Khaled's informants.

The organization clearly directed the Brussels attacks in March, and "is now preparing to use women suicide bombers," Abu Khaled says, adding without elaboration, "Their target is Germany."

Since Paris and Brussels there has been a profound sense of urgency in Western security circles trying to prevent the next ISIS attack. A major challenge is that the target countries do not adequately share their intelligence with the each other, and may even

stonewall efforts at closer international cooperation, be it out of a sense of territoriality, concern that leaks will compromise efforts to eliminate targeted terror leaders, or embarrassment that one of their own citizens slipped their grasp.

This frustration was reiterated to The Daily Beast by a U.S. intelligence official who said, speaking of apparent French reluctance to discuss the Abu Suleyman case in more detail, "Intel agencies clam up when something is behind or embarrassing."

James Clapper, the U.S. director of national intelligence, talked on Monday once again about the need "to promote more sharing between and among the nations in Europe." He warned that "we continue to see evidence of plotting" by ISIS cells in Britain, Germany, and Italy.

—with additional reporting by Christopher Dickey