

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

TERRY GENE BOLLEA professionally known
as HULK HOGAN,

Case No.: 16-002861-CI

Plaintiff,

vs.

DON BUCHWALD & ASSOCIATES, INC.;
TONY BURTON; MICHAEL CALTA a/k/a
“Cowhead”; MATTHEW CHRISTIAN LOYD
a/k/a “Matt Loyd” aka “Spice Boy”; KEITH M.
DAVIDSON; KEITH M. DAVIDSON &
ASSOCIATES, P.L.C.; COX RADIO, INC.,
TASHA NICOLE CARREGA; and LORI
BURBRIDGE,

Defendants.

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Terry Gene Bollea, professionally known as “Hulk Hogan” (“Plaintiff” or “Bollea”), sues Defendants, Don Buchwald & Associates, Inc., Tony Burton, Michael Calta (a/k/a “Cowhead”), Matthew Christian Loyd (a/k/a “Matt Loyd” aka “Spice Boy”), Cox Radio, Inc., Keith M. Davidson, Keith M. Davidson & Associates, P.L.C., Tasha Nicole Carrega and Lori Burbridge, (together collectively, “Defendants”), and alleges as follows:

NATURE OF THIS ACTION

1. Bollea is a 63-year-old former professional wrestler who through his talent and decades of personal sacrifice and hard work achieved mainstream popularity as the character “Hulk Hogan.”

2. During his career, Bollea played a central role in making professional wrestling the world-wide phenomenon it is today. He earned his iconic status in the entertainment industry while wrestling and entertaining fans around the globe for decades.

3. In the later part of his career, Bollea was fortunate enough to have been enshrined in the World Wrestling Entertainment (“WWE”) Hall of Fame, secured a lucrative contract working with the WWE, and had several profitable projects as a professional spokesperson, television personality and product endorser.

4. No longer able to wrestle, Bollea depended upon his WWE contract and endorsement deals to make a living.

5. Simply stated, Bollea’s livelihood depended upon his public image.

6. In 2012, everything Bollea worked so hard to achieve slowly started being ripped away from him when, because of his celebrity status and then-friendship with Bubba “The Love Sponge” Clem (“Bubba”), the Defendants engaged in an ongoing scheme to injure and harm Bollea and use him as a pawn—an unwitting, innocent bystander—in a personal and professional vendetta between and amongst the Defendants and Bubba; which culminated in the July 2015 destruction of Bollea’s career.

7. In hopes of exacting revenge against Bubba, furthering their own careers, and profiting off of Bollea’s iconic status and legacy, the Defendants repeatedly victimized Bollea by obtaining, using, disclosing, disseminating and exploiting surreptitiously recorded and illegally obtained video footage of Bollea naked, engaged in sexual activity, and having private conversations in a private bedroom (the “Footage”).

8. Defendants knew that Bubba had secretly recorded this Footage of Bollea without Bollea’s knowledge or consent; yet, they each played a role in the use, public dissemination and disclosure, and exploitation of the contents of this illegal Footage.

9. Defendants' actions violated Bollea's privacy rights and Florida's Security of Communications Act and ultimately destroyed Bollea's career, legacy, lifelong work and income streams.

10. The Defendants, most of whom are veterans to and/or insiders in the entertainment industry, worked in concert with, aided, abetted and/or conspired with one another to obtain and leak the secretly recorded Footage of Bollea to various tabloids.

11. First, Matt Loyd sold information about and excerpts from the Footage to TMZ and *TheDirty.com*.

12. Then, Mike Calta and Tony Burton worked in concert and conspired with one another to "anonymously" send a DVD containing some of the Footage to A.J. Daulerio, then-editor of Gawker.com—a website notorious for posting salacious images of celebrities online in order to destroy their careers—while intending and knowing that Daulerio would post the Footage online.

13. Indeed, Gawker posted a "highlight reel" of some of the Footage—which enabled over seven million people to watch Bollea naked and having sex (the "Gawker.com Posting").

14. As that tragedy was unfolding, Matt Loyd, Tasha Carrega and Lori Burbridge enlisted the services of Los Angeles attorney, Keith Davidson, to help them extort Bollea with more of the illegally recorded Footage. They demanded money in exchange for three DVDs, one of which they claimed contained recordings in which Bollea could be heard making racially insensitive comments.

15. Refusing to allow himself to be victimized, Bollea filed lawsuits over the Gawker.com Posting and enlisted the help of the FBI to try to stop the extortion. The FBI

opened an investigation, which culminated in a sting operation in December 2012, at which three DVDs were seized.

16. Then, in July 2015, in the midst of the litigation over the Gawker.com Posting, while Mike Calta and Cox Radio were embroiled in a ratings war with Bubba, and while Matt Loyd was being criminally investigated for his role in obtaining and using video recordings (including the Footage of Bollea) stolen from Bubba, racially insensitive comments from the illegal Footage of Bollea were leaked to *The Enquirer* and *Radar Online*. The aftermath was immediate and devastating: all of Bollea's contracts were terminated, he was erased from the WWE Hall of Fame and website, and he was branded as a racist in the media.

17. In March, 2016, Bollea partially was vindicated when a Pinellas County Jury rendered a \$140.1 million verdict against Gawker Media, LLC, Nick Denton and A.J. Daulerio for the Gawker.com Posting. Following bankruptcy proceedings, Bollea agreed to resolve his judgment against Gawker, Denton and Daulerio for \$31 million.

18. Bollea filed this lawsuit to hold the remaining offenders liable for their roles in the use, public disclosure and dissemination, and exploitation of the illegally recorded Footage and recover the balance of the damages Defendants caused, such as the economic damages Bollea suffered to his career, reputation, legacy and earning ability.

19. Bollea seeks redress for the damages and injuries caused by the Defendants' use, disclosure, exploitation and public dissemination of the contents of the illegally recorded Footage, including the willful and malicious conspiracy to extort Bollea, invade his privacy, profit from his name and likeness and the contents of the illegally recorded Footage, and to destroy Bollea economically and emotionally.

20. The Defendants' nefarious roles in the attacks against Bollea are undeniable—and in most cases already confirmed through law enforcement investigations and prior discovery.

21. Unfortunately, the United States Government and the State of Florida declined to prosecute anyone involved in the improper use and disclosure of the contents of the illegal Footage of Bollea.

22. Consequently, Bollea brought this action to ensure that those who used, exploited, disclosed and disseminated the contents of the Footage are brought to justice.

JURISDICTION

23. This Court has subject matter jurisdiction because Plaintiff seeks relief in an amount greater than \$15,000, exclusive of interest, attorneys' fees and costs.

24. As more specifically set forth below, this Court has personal jurisdiction over Defendants under § 48.193, Florida Statutes, because they each personally, in concert with one another and/or through an agent or co-conspirator, engaged in one or more of the following acts:

- a. committing tortious acts within the State of Florida;
- b. committing intentional torts expressly aimed at Bollea, the effects of which were suffered in Pinellas County, Florida;
- c. operating, conducting, engaging in, or carrying on a business or business venture within the State of Florida, or having an office in this State;
- d. engaging in substantial and not isolated activity within the State of Florida; and/or
- e. engaging in a conspiracy to commit tortious acts against Bollea within the State of Florida and/or engaging in overt acts in furtherance of that conspiracy within the State of Florida.

25. As more specifically set forth below, sufficient minimum contacts exist between each Defendant and the State of Florida to satisfy the Due Process under the U.S. Constitution because Defendants have engaged in substantial and not isolated activity within the State of Florida, reside or maintain offices in the State of Florida, and/or committed or conspired to commit intentional torts expressly aimed at Bollea, the effects and harms of which were calculated to and did cause injury to Bollea in the State of Florida; such that Defendants should have reasonably anticipated being sued by Bollea in the State of Florida.

26. Venue is proper in this Court pursuant to section 47.011, Florida Statutes because, among other things, the claims at issue accrued within Pinellas County, Florida.

PARTIES

27. Bollea is a resident and citizen of the State of Florida, and resident of Pinellas County.

28. At all relevant times, Defendant, Don Buchwald & Associates, Inc. (“Buchwald & Associates”), was and is a corporation organized and operating under the laws of the State of New York, with its principal place of business in the City of New York, County of New York, State of New York. Buchwald & Associates is a talent agency that represents clients in, among other areas, the radio broadcasting industry; including clients within the State of Florida.

29. At all relevant times, Defendant, Tony Burton (“Burton”), was and is a citizen, resident and domiciliary of the State of New York, and was and is a talent agent acting within the course and scope of his employment by Buchwald & Associates. Burton’s clients have included, and currently include, among others, Tampa radio personality, Defendant, Michael Calta aka “Cowhead.”

30. At all relevant times, Defendant, Michael Calta aka “Cowhead” (“Calta”), was and is a citizen, resident and domiciliary of Pasco County, Florida. Calta was and is a radio

personality in the Tampa Bay area, who hosts a radio show on “The Bone” 102.5 FM. At all relevant times, Calta was acting within the course and scope of his employment by Defendant, Cox Radio, Inc.

31. At all relevant times, Defendant, Matthew Christian Loyd aka “Matt Loyd” aka “Spice Boy” aka “Jim Janerro” (“Loyd”), was and is a citizen, resident and domiciliary of Hillsborough County, Florida. At certain times relevant hereto, Loyd was a radio personality in the Tampa Bay area, and was acting within the course and scope of his employment by Defendant, Cox Radio, Inc.

32. At all relevant times, Defendant, Cox Radio, Inc. (“Cox”), was and is a corporation organized and operating under the laws of the State of Delaware, registered to do business in the State of Florida, with its principal place of business in the City of Atlanta, State of Georgia. At all material times, Cox owned and operated several terrestrial radio stations broadcasting in the Tampa Bay area, including “The Bone” 102.5 FM, which operates in and from offices located in Pinellas County, Florida.

33. At all relevant times, Defendant, Keith M. Davidson (“Davidson”), was and is a citizen, resident and domiciliary of the State of California, and a resident of Los Angeles County, California. Davidson is an attorney at law, licensed to practice in the State of California, with a record of discipline by the State Bar of California. Davidson was retained to assist and facilitate in the extortion of Bollea using the illegally obtained surreptitious video Footage within Pinellas County, Florida.

34. At all relevant times, Defendant, Keith M. Davidson & Associates, P.L.C. (“Davidson & Associates”), was and is a professional corporation organized and existing under the laws of the State of California, with its principal place of business in the State of California,

County of Los Angeles. At all relevant times, Davidson was acting within the course and scope of his employment by Davidson & Associates.

35. At all relevant times, Defendant, Tasha Nicole Carrega (“Carrega”), was the wife of Defendant, Loyd, and a citizen, resident and domiciliary of Hillsborough County, Florida.

36. At all relevant times, Defendant, Lori Burbridge (“Burbridge”), was a close friend of Carrega and a citizen, resident and domiciliary of Pasco County, Florida.

37. At all relevant times, the Defendants were the agents, licensees, employees, partners, joint-venturers, co-conspirators, masters, and/or employers of one another, and each of them are, and at all material times herein mentioned were, acting within the course and scope of that agency, license, partnership, employment, conspiracy, ownership, or joint venture. At all relevant times, the acts, failures to act and misconduct herein alleged of each Defendant were known to, authorized, approved and/or ratified by the other said Defendants, and each of them, and/or such acts, omissions and misconduct were engaged in by the Defendants in concert or active participation with one another, or in order to aid or abet one another.

38. The actions, failures to act and misconduct herein alleged of each Defendant produced and/or contributed substantially to producing the damages, injuries and harms Bollea seeks to recover through this action.

OPERATIVE FACTS

Tampa’s Shock Jock Culture

39. The sordid history between and amongst Bubba, Calta, Loyd, Cox and Burton includes a significant amount of personal and professional animosity, misconduct and unlawful activity that provides the backdrop for the victimization of Bollea.

40. Loyd, Calta, and Bubba have a troubled and well-known past as “shock jocks” in the radio broadcasting industry, dating back to the late 1990s. At various times, Calta and Loyd

worked on Bubba's radio shows; and at various times, Bubba had falling outs with each of them, culminating in deep-seeded resentment, hostility and the desire for revenge.

41. Calta and Loyd began working for Clear Channel Communications ("Clear Channel") on Bubba's radio show in Tampa in 1996-97. By 2000, Calta and Loyd were working on Bubba's morning show on Tampa radio station WXTB-FM "98 Rock."

42. However, Bubba had a falling out with and fired Calta when Calta was expecting his first child. Calta has since publicly expressed his antipathy toward of Bubba over this betrayal.

43. In 2001, Bubba gained notoriety after he was arrested and charged with animal cruelty following a live segment during which a wild hog was slaughtered as sound effects were played to give the impression the hog was being harassed or abused.

44. In early 2004, Clear Channel fired Bubba after the FCC levied a \$755,000 fine against Clear Channel for Bubba's radio segments that included graphic discussions about sex and drugs that were "designed to pander to, titillate and shock listeners." Bubba then began hosting his show on satellite radio.

45. Eventually, Clear Channel hired Calta as Bubba's replacement. Calta hosted "The Cowhead Show" on the 98 Rock morning drive (with co-host, Loyd). This was Calta's first big break in the radio industry.

46. However, just a few months after being hired, Calta and Loyd were fired over indecent comments made on their show. Calta blamed their firing on a "competitor" who edited Calta's bits to contain expletives and sent them to the station's advertisers. Calta's suspicions that Bubba was responsible are well-known.

47. In July 2006, Cox hired Calta to host the morning drive on 102.5 FM "The Bone."

48. In October 2006, Bubba faced more trouble when he was sued by a pornographic actress, who alleged that while appearing on a radio program together with another actress, she was penetrated with an oversized sex toy against her will at Bubba's demand.

49. In January 2008, despite actual knowledge of Bubba's checkered past in the radio industry and the animosity between Bubba and Calta, Cox hired Bubba to take over the morning drive on 102.5. Bubba brought Loyd (as "Spiceboy") back into the fold on his show, while Calta was relegated to the afternoon time slot on 102.5.

50. Radio morning drive time slots are coveted because they are when the number of listeners is at its peak, and when commercial radio can get paid the most for advertising. Radio hosts and their agents, such as Burton, covet these morning slots because they can lead to syndication, which greatly increases the money the radio host, his agent and his station can make.

51. Burton started representing Calta while he was working for Cox. Burton and his agency, Buchwald, are well-known for representing nationally recognized shock-jock Howard Stern, who at one time had a working relationship with Bubba on satellite radio.

52. By the time Cox hired Bubba, Loyd and Calta, they all were well known in the radio industry and Tampa Bay community for their "shock-jock" roles and propensities for misconduct. Cox knew about the various controversies each of the men were involved in over their careers, and their tendencies to test and cross-over the boundaries of decency, obscenity and legality.

53. In fact, this is the reason broadcasters such as Cox hire shock jocks such as Bubba, Calta and Loyd. Cox's motivation to boost ratings and revenues trumped the obvious

risks of employing Bubba, Calta and Cox. Cox even encouraged, participated in and approved of their outrageous behavior in order to win ratings wars.

54. From 2012 through 2015, Cox knew that significant hostility existed between Bubba, Calta and Loyd, and knew that Bubba, Calta and Loyd had a propensity for harming other people.

55. Although in 2011 Bubba, Calta and Loyd were all working together for Cox at 102.5 The Bone, the personal and professional animosity amongst them was boiling over. Bubba is notorious for treating the people worked on his show poorly (*i.e.*, Calta's 2000 firing) and for being vindictive against former associates (*i.e.*, Calta and Loyd's 2006 firing after replacing Bubba), and Calta was bitter over being demoted upon Bubba's arrival at 102.5. Calta and Loyd also aspired to further their own careers and to get out from under Bubba's shadow, a goal which Bubba did not share with them. Stated simply, Calta and Loyd shared a bitter enemy in Bubba.

56. In late 2011, Bubba and his then-wife, Heather Clem (a/k/a "Heather Cole") ("Cole") were going through a nasty divorce. During this time, their relationship was contentious, and the existence of several homemade DVDs depicting consensual sexual activity between Cole and other people (the "Cole DVDs") was of primary concern to Bubba because of the impact it could have on his career and reputation. As a result, Bubba moved the Cole DVDs from his home to his studio office.

57. In or about December 2011 through January 2012, Bubba and his staff (including Loyd) moved Bubba's equipment and property to a new radio studio. Bubba moved the Cole DVDs to an upstairs office/storage area designated for his own personal items. At that time, Loyd was still working for Bubba's show on 102.5 The Bone and had access to the Cole DVDs.

58. It was during this time that, according to a law enforcement investigation, Loyd stole the Cole DVDs from Bubba's office/storage area; after which copies of DVDs containing Footage of Bollea began circulating amongst Cox employees and agents. Cox's employees and agents were aware of the existence of these DVDs and their circulation, knew that materials such as these inevitably would be publicly disclosed by its shock jock employees with a propensity for harming others and grudges against Bubba. However, Cox failed to take any reasonable steps to stop them.

59. In early 2012, Calta still coveted Bubba's morning drive slot on 102.5 The Bone and Loyd began lobbying Cox executives to host his own show.

60. In April 2012, Loyd's efforts succeeded, and he abruptly quit Bubba's show to host his own radio program on 102.5. During that same time, Loyd leaked information about and sold the contents of some of the illegally recorded Footage of Bollea to tabloid websites.

61. Calta, Loyd and other Cox agents and employees knew that Bubba's friendship with Bollea was a soft-spot, that the secretly recorded Footage of Bollea could be exploited to exert pressure on and instill fear in Bubba, and that exposing the secretly recorded Footage could destroy Bubba and Bollea's friendship, get Bubba fired and/or possibly result in criminal charges against Bubba.

62. By the fall of 2012, Calta was expecting his second child and facing yet another significant controversy of his own, after Calta's show posted on its website a photo of a developmentally disabled child holding a doctored sign changed to read "RETARDED NEWS." That stunt eventually led to a multi-million dollar lawsuit against Cox and significant public backlash.

63. As Calta's and Cox's 2012 "RETARTED NEWS" scandal was unfolding, surreptitious Footage of Bollea again surfaced. This time, in September 2012, Calta and Burton, who was acting in his capacity as Calta's agent and an employee of Buchwald & Associates, worked in concert with one another to deliver a 30 minute "Hogan Sex Tape" to A.J. Daulerio and Gawker.com.

64. Shortly after that Footage was leaked to Gawker, Bubba started receiving anonymous messages about other DVDs featuring Cole. These messages included photos of DVDs and threats about releasing them.

65. In the fall of 2013, Cox fired Loyd. Shortly after his departure, Loyd tweeted, "Revenge is the best revenge... right Bubba? Just checking..."

66. In August 2014, Cox declined to renew Bubba's contract and promoted Calta to host the 102.5 The Bone morning drive. Bubba's firing coincided with Burton negotiating a new five-year contract for Calta, as Calta subsumed Bubba's morning drive-time slot.

67. However, in early 2015, Bubba returned to the Tampa airwaves and commenced a vicious radio war against Calta and Cox, including attacks against several Cox employees/executives.

68. Bubba unveiled his "Bubba Radio Network" on WBRN-FM 98.7, and lashed out at Calta and Cox, vowing to "Bury the Bone." Bubba attacked Calta, Loyd and Cox employees/executives by name on a regular basis, often in very derogatory and humiliating ways.

69. After Bubba's morning show premiered on his new station, his ratings war with Cox and Calta escalated. According to Bubba, "Cox's management team in the Tampa Market was extremely disappointed that [102.5] could not maintain the ratings success it had when

[Bubba] was host of its morning drive show. In an effort to reclaim [102.5's] No. 1 status in the Tampa Market, Cox, acting through its agents, sought ways to eliminate [Bubba] as a competition in the Tampa Market.”

70. Bubba eventually was fired from 98.7 FM, after allegations of tampering with ratings. Nielsen Audio, Inc. (“Nielsen”) eventually sued Bubba in Tampa Federal Court. Bubba filed a Counterclaim against Nielsen in that lawsuit, which includes allegations of a mid-2015 conspiracy involving Cox and Calta, the goal of which was to eliminate Bubba as competition.

71. Around this same time, a Tampa Police Department (“TPD”) investigation into Loyd’s involvement in using and disseminating the Cole DVDs stolen from Bubba also was coming to a head, including TPD interviews of Loyd’s wife, Carrega, and other key witnesses.

72. Also around this same time, Bubba had begun routinely discussing on his radio show the roles of Calta, Cox and Loyd in releasing the Bollea Footage.

73. Yet again, more illegal Footage of Bollea surfaced. This time, in July 2015, when the animosity between Calta, Loyd, Cox and Bubba was at its peak, the most damaging—racially insensitive—portions of the illegally recorded Footage were leaked to *The Enquirer*.

The Victimization of Bollea

74. In the summer of 2007, Bollea was at a particularly low point in his life, dealing with several personal tragedies, and his body was feeling the effects of decades of work inside the ring. His wrestling career was nearing its end, and his first wife, Linda, left him and was moving to California after 24 years of marriage.

75. Bollea had a very hard time dealing with the failure of his marriage and allowed himself to be manipulated by his then-best friend, Bubba, who convinced Bollea (after years of

pressure) to have sex with Cole. Bubba and Cole had an open marriage, and had been pressuring Bollea to have sex with Cole for years.

76. Unbeknownst to Bollea, Bubba had installed a hidden camera in his bedroom, which was disguised as a motion detector and hidden above some cabinets. Bubba secretly recorded Bollea naked and engaged in sexual activity with Cole, as well as Bollea's private conversations with Bubba and Cole before and after these encounters (the "Footage").

77. Bollea understood, believed and expected that his activities and conversations were private and would not be viewed, heard by other persons or recorded. Had Bollea known that his private activities and conversations were being recorded, he never would have engaged in any such activities or conversations.

78. Nearly *five years later*, on March 7, 2012, the tabloid website *TMZ.com* first reported on the possibility of a "Hulk Hogan Sex Tape." At that time, Bollea and his attorney, David Houston, gave an interview to *TMZ* and publicly stated that Bollea never consented to being taped having sex and would prosecute anyone who distributed such a tape. The Defendants all were aware of Bollea's statements.

79. As set forth above, in March 2012, Bubba, Calta and Loyd were all working for Cox at 102.5 The Bone, Loyd was pushing Cox executives for his own show, and Calta wanted his morning drive time slot back from Bubba.

80. FBI and TPD investigations later confirmed that Loyd admitted to leaking information about the "Hogan Sex Tape" to *TMZ* in early March 2012.

81. At that same time, on March 13, 2012, Calta forwarded an e-mail from Richard Peirce¹ to Calta's agent, Burton, with an attached "DVD Details" summary. The "DVD Details" attachment to this e-mail included an overview of two DVDs containing illegally recorded Footage of Bollea. According to Burton, Calta was considering talking about the DVDs on air. Peirce later testified that the DVD Details Summary was messaged to him anonymously and denied under oath that he ever possessed a copy of the Footage.

82. At that point, Calta and Burton knew that Bollea had been secretly recorded, and knew that the Footage described in the "DVD Details" summary could be devastating to Bollea's career if publicly disclosed.

83. However, at that time, neither Calta nor Burton took any steps to notify Bollea or Houston about the information Calta forwarded to Burton.

84. On April 19, 2012, the website *TheDirty.com* published screen shots from the "Hulk Hogan Sex Tape." Again, FBI and TPD investigations later confirmed that Loyd admitted to leaking these screen shots to *TheDirty.com*.

85. *That same day*, April 19, 2012, Cox promoted Loyd and announced that Loyd now would be hosting his own show on 102.5 The Bone. Loyd abruptly quit working for Bubba's show.

86. Once screen shots from the Footage surfaced on *TheDirty.com* and Loyd quit Bubba's show and was promoted by Cox, the illegally recorded Footage and its source was a topic of discussion with Cox; and Cox agents and employees knew about, openly discussed and viewed the Bollea Footage that had been stolen from Bubba's studio and circulated at Cox's facilities.

¹ Mr. Peirce also worked on and off for Bubba's radio shows from the late 1990s until December 2010.

87. However, neither Cox, Calta, Loyd or Burton, nor any of Cox's or Buchwald's other employees and agents, took any steps to notify or warn Bollea or Houston about the Footage or to prevent the Footage from being disseminated, used and/or exploited.

88. Cox, Calta, Loyd, Burton and Buchwald also failed to take any steps to prevent any further disclosure, dissemination or use of the Footage despite their ability to do so.

89. To the contrary, in late September 2012, Burton, acting at the behest of and in concert with Calta, and in his capacity as Calta's agent and an employee of Buchwald, reached out to A.J. Daulerio ("Daulerio"), then-Editor-in-Chief of New York-based website, *Gawker.com*. Daulerio had made a name for himself by publishing salacious images of celebrities, and *Gawker.com* was infamous for attacking people in the entertainment and sports industries and trying to ruin their careers.

90. As a New York based talent agent, Burton was well aware of Daulerio's and Gawker's reputations when he decided to contact Daulerio to arrange the "anonymous" delivery of some of the Bollea Footage. Burton also also was aware of the animosity between Calta and Bubba, and shared Calta's goal of getting Bubba out of the way of Calta's career.

91. Burton e-mailed Daulerio that he had "a client that has a very significant DVD they want to send you." Burton's "client" was Calta.

92. Burton asked Daulerio for an address to send the DVD by mail for "anonymity" purposes. A DVD was then sent to Daulerio which contained a little more than 30 minutes of the surreptitious Footage of Bollea, including video images of him fully naked and engaged in consensual sexual activity with Cole, and also including audio recordings of conversations between Bollea, Cole and Bubba (the "30 Minute Video").

93. As Calta's agent, Burton exercised control over Calta, particularly with respect to choices that could impact Calta's career. In that capacity, Burton already knew about the "Hogan Sex Tape" from Calta's March 13, 2012 e-mail, and certainly would have—as a responsible and successful talent agent—discussed what it was that Calta wanted to send to Daulerio and why Calta wanted to send it, before Burton agreed to help facilitate the "anonymous" delivery of a "significant DVD" to *Gawker.com* for Calta.

94. Consequently, Burton had actual or constructive control over Calta such that he could have and should have stopped Calta from sending or procuring the delivery of Footage to Daulerio or, at a minimum, could have and should have warned Bollea about the existence of the Footage, the "significant DVD," and/or the imminent delivery of the Footage to *Gawker.com*.

95. Instead, Burton chose to actively participate in the dissemination and disclosure of the Footage, placing his self-interests and those of his client, Calta, above Bollea's fundamental right to privacy, his emotional well-being, and his legacy and career.

96. The 30 Minute Video sent to Gawker was one of the two DVDs summarized in the "DVD Details" attachment to Calta's March 2012 e-mail to Burton.

97. On October 2, 2012, Burton even followed up with Daulerio to make sure that he received the 30 Minute Video.

98. Far from being a mere conduit for an address that Calta easily could have obtained himself on the Internet, Burton actively participated with Calta to send the 30 Minute Video to Daulerio, because Burton admittedly had a relationship with Daulerio and—being based in New York—knew what Daulerio and Gawker were going to do with the Footage. Burton also played a key role in trying to cover-up the leaking of the Footage to Daulerio, by

ensuring its sender would be kept “anonymous.” Moreover, Burton failed to prevent Calta from procuring and sending the Footage of Bollea to Daulerio.

99. Going even further, on October 3, 2012, after confirming for Calta that the “significant DVD” was received, Burton e-mailed Daulerio and stated “I hear there’s a second DVD of the same but has more racist comments by Hogan.”

100. Burton’s reference to audio portions of the Footage coincides with references in the summary of the second DVD in the “DVD Details” summary, which Calta forwarded to Burton on March 13, 2012.

101. Daulerio responded to Burton, “[s]o... we’re gonna slice this up into a highlight reel then do some commentary on the stills. I just say this ‘came across our desk’ right?”

102. At that time, Burton did not say or do anything to stop Daulerio from publicly disclosing the contents of the 30 Minute Video.

103. Instead, Burton replied, “[h]owever you say you want to got it [*sic.*]. All I know is it was sent to you anonymously. Work for you?”

104. Burton knew the implications of what he was doing, and knew that what he and his client were doing was wrong and would harm and injure Bollea.

105. In fact, this is why Burton actively participated in and helped cover-up his and Calta’s nefarious activities.

106. Burton admittedly knew before the Footage was published by Gawker.com that the significant DVD was the “Hulk Hogan Sex Tape.” Burton also knew and understood that Calta had animosity against Bubba and Bollea, that they had a “radio war,” and that Bubba needed to be fired to further Calta’s career.

107. As an experienced agent, Burton also knew that the Footage he was actively involved in sending Daulerio would have a devastating impact on Bollea's life and career.

108. Burton later revealed that Calta pointed the finger at Loyd as being the person who gave the "Hulk Hogan Sex Tape" to Gawker, which confirms a conspiracy amongst them.

109. Certainly, Calta, Loyd and Burton all played a role in publicly disclosing, disseminating and exploiting the illegal Footage of Bollea.

110. Daulerio edited the surreptitious Footage within the 30 Minute Video into a one-minute and forty-second "highlight reel" video (the "1:41 Video"), which showed Bollea fully naked, receiving oral sex, and engaged in sexual intercourse. The 1:41 Video also included Bollea's private conversations with Cole, as well as subtitles to ensure that viewers understood every word spoken.

111. On October 4, 2012, Gawker posted the 1:41 Video to the Internet, along with a graphic narrative description of portions of the 30 Minute Video not contained in the 1:41 Video (the "Gawker.com Posting"). At least 7 million people watched the 1:41 Video on the Internet.

112. That same day, Loyd (using the alias "Jim Jannero") messaged Daulerio. Loyd subsequently spoke with Daulerio on the phone, and told him about the contents of supposed additional Cole DVDs.

113. Over the ensuing days, Loyd continued discussions with Daulerio as well as *TMZ* about the "Hogan Sex Tape."

114. On October 9, 2012, *TMZ* revealed to Bollea and Houston that Bubba could be heard at the end of an excerpt of the Footage talking about using the tapes for "retirement." These statements were not on the 30 Minute Video sent to Gawker.

115. The TPD investigation of Loyd later confirmed that, between March 7, 2012 and October 16, 2012, Loyd had 38 phone calls with *TMZ*. During one of those calls, *TMZ* referred Loyd to Davidson as someone who may be able to help sell the Footage.

116. *TMZ* paid Loyd (between \$8,500-\$10,000) for the information he provided about the Footage. In order to cover his tracks, Loyd directed *TMZ* to send that check to Burbridge (at the behest of Loyd's wife, a long-time friend of Burbridge), and Burbridge cashed the check, took a fee, and then gave the rest to Loyd and Carrega.

117. On October 10, 2012, Loyd contacted Davidson about selling the Footage. Later that day, Davidson e-mailed Houston about the "Hulk Hogan" sex tape.

118. Davidson, who eventually represented and acted on behalf of and in concert with Loyd, Carrega, and Burbridge, spoke to Houston and told him that his client possessed surreptitious recordings of Bollea, one of which contained insensitive racial remarks which could have the effect of causing great economic harm to Bollea if released publicly. Initially, Davidson requested \$1 million for the DVDs. Davidson also said that the 30 Minute Video was sent to Gawker as a "shot across the bow."

119. Even though they knew Bollea had been secretly recorded, Loyd, Carrega, Burbridge and Davidson did not just turn over the illegally recorded Footage to Bollea.

120. Instead, over the ensuing weeks, Davidson exchanged numerous e-mails and calls with Houston to negotiate a "settlement agreement" requiring Bollea to buy the Footage from Davidson's then-undisclosed clients. Meanwhile, Houston had already reported the threat to the Tampa, Florida office of the FBI.

121. Eventually, in December 2012, the FBI set up a sting operation at a hotel in Clearwater Beach. Davidson and Burbridge, acting at the behest of and in concert with Loyd and

Carrega, met Houston and Bollea and turned over what they represented were all copies of the surreptitious Footage of Bollea in exchange for a check in the amount of \$150,000 and a commitment to make subsequent payments of an additional \$150,000, for a total extortion payment of \$300,000. The parties exchanged a “Settlement Agreement,” attached to which is a “transcript” summarizing three DVDs.

122. The FBI recorded the activities of the participants (Bollea, Houston, Davidson, Burbridge and a polygraph examiner who was working undercover for the FBI) in a room at the hotel. When Houston handed the check to Davidson and Burbridge, several FBI agents entered the room with guns drawn, took Davidson and Burbridge into custody, and immediately removed Bollea and Houston from the room. The FBI seized three DVDs.

123. The FBI interviewed Burbridge and confirmed that Loyd leaked stills from surreptitious Footage to *TheDirty.com* and was paid by TMZ for leaking information about the Footage.

124. Burbridge explained to the FBI how she, Carrega and Loyd watched the Footage on Veterans Day 2012 at Loyd’s house on Loyd’s computer, and later had a conference call and meeting with Davidson in Pinellas County, Florida to plan out their exchange with Bollea.

125. Burbridge also maintained that they (her, Loyd and Carrega) were not the ones who sent the 30 Minute Video to Gawker; but insisted that Davidson instructed her that she needed to lie to Bollea and say that they did leak the Footage to Gawker in order for the deal with Bollea to go through.

126. Over the next several years, Bollea’s lawsuit against Gawker, Denton and Daulerio over the Gawker.com Posting progressed (the “Gawker Litigation”).

127. Meanwhile, unbeknownst to Bollea, Bubba filed a complaint with TPD in May 2014, after a photo of another of the Cole DVDs with “Denzel”² written on it was tweeted to Bubba from an alias twitter account. TPD opened an investigation, and traced the tweet to Loyd.

128. On August 20, 2014, TPD interviewed Loyd and confirmed that Loyd was the one who sent the tweet, which Loyd claims to have sent to “make Bubba squirm.”

129. TPD continued its investigation over the next 15 months, including subpoenaing phone records and interviewing critical witnesses. In early 2015, TPD and the Hillsborough County State Attorneys’ Office (“HCSAO”) interviewed Burbridge, Bubba and Broderick Epps (a/k/a “25 Cent,” who works on Bubba’s show).

130. Epps affirmed to TPD that Loyd was always looking for “dirt” on Bubba, and that Epps had never seen any sex videos with Cole and did not remember Bubba ever saying he had them prior to them being exposed in the tabloids.

131. In April 2015, TPD and the HCSAO interviewed Cole, and attempted to interview Calta. Calta refused to meet.

132. In May 2015, TPD and the HCSAO interviewed Carrega.

133. Also, in May 2015, Gawker filed a separate federal lawsuit against the FBI under the Freedom of Information Act (“FOIA”), to obtain documents and information relating to the aforementioned FBI investigation and operation, styled *Gawker Media, LLC, et al, v. Federal Bureau of Investigation*, U.S. District Court, Middle District of Florida, Case No. 8:15-cv-01202-SCB-EAJ (the “Gawker-FBI Action”). In particular, Gawker sought and eventually gained access to other portions of the surreptitiously recorded Footage of Bollea, even though they were

² TPD later confirmed that “Denzel” was Denzil Lewis, a friend of Bubba who also was recorded having sex with Cole.

not at issue in nor relevant to the Gawker Litigation—namely, the DVDs Loyd, Carrega, Burbridge and Davidson tried to sell to Bollea.

134. Gawker used the threat of the potential public release of the racially insensitive remarks from the illegally recorded Footage as leverage to try to force Bollea to settle the Gawker Litigation. Bollea did not cave-in to these threats. Bollea sought and obtained a Protective Order, prohibiting the release of these materials.

135. Bollea originally was scheduled for trial against Gawker to commence the first week of July 2015. In the days leading up to the trial, Bubba’s on-air attacks against Loyd, Calta and Cox, including statements about their involvement in publicly releasing the surreptitious Footage of Bollea, escalated. However, due to an appellate decision by the Second DCA, the Gawker Litigation trial was cancelled on the eve of its commencement.

136. During this same time period (as explained in detail above), Bubba, Cox and Calta were involved in their own battle. Bubba was trying to overtake Calta’s show in key ratings and, according to Bubba, Cox was looking for ways to eliminate Bubba as competition.

137. On July 16, 2015, TPD interviewed Patrick Fowler (a/k/a “Tuddle”), who also worked for Bubba on his show. Fowler recalled seeing Loyd and Calta together in 2012 watching a video of Bollea and Cole having sex, which they were viewing on a desktop computer at Cox’s office in St. Petersburg.

138. One week after Fowler’s TPD interview, *The National Enquirer* and its sister publication *RadarOnline.com* (collectively, the “*Enquirer*”), gave notice to Bollea’s counsel that the *Enquirer* intended to publish excerpts from what they claimed was a confidential “sealed” transcript from the Gawker Litigation. On July 24, 2015, the *Enquirer* published its story

quoting excerpts from the surreptitious Footage of Bollea, which they described as coming from a court-protected, confidential transcript.

139. On July 24, 2015, the *Enquirer's* Lachlan Cartwright also tweeted that Gawker was not its source for its story, and that the *Enquirer* was provided with a “transcript” of Footage.

140. Although, based on the hostile nature of the Gawker Litigation, Bollea initially believed that Gawker may have been behind the *Enquirer* leak, Daulerio, Denton and Gawker’s in-house counsel, Heather Dietrick, all have declared under penalty of perjury that they had no involvement in the *Enquirer* leak.

141. However, Defendants each at various times possessed, had access to and/or control over the material that was leaked to the *Enquirer*, and all of them had motive and opportunity to leak this material.

142. Ultimately, the actions of all of the Defendants set forth herein substantially contributed to the *Enquirer's* publication of content from the illegally recorded Footage of Bollea, which caused Bollea to be immediately terminated by the WWE and erased from WWE’s Hall of Fame, network and website. Hundreds of articles and reports were published by news organizations immediately thereafter, accusing Bollea of being a “racist.”

143. Bollea promptly issued a public apology for the offensive language that was illegally in 2007 recorded during a momentary lapse in judgment at a very difficult time in his life, while he was having a private conversation in his then-best friend’s bedroom. However, the damage was already done and irreversible.

144. Defendants, in doing the things alleged herein, acted with actual malice and reckless disregard of Bollea’s rights. Moreover, although none of the Defendants were acting in

the capacity of a member of the “press” while engaging in the conduct forming the basis of this action, the actions of each of the Defendants, alleged herein, still served no legitimate public interest.

145. All conditions precedent to the bringing and maintenance of this action and the granting of the relief requested have been performed, have occurred, or have been waived.

146. Bollea has retained the undersigned attorneys to represent him in this action and is obligated to pay them a reasonable fee for their services.

FIRST CAUSE OF ACTION

(Invasion of Privacy and/or Aiding and Abetting Invasion of Privacy)

147. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 146, inclusive, as though fully set forth herein.

148. Defendants, in engaging in the conduct alleged herein, grossly invaded Bollea’s protected rights of privacy as recognized under the United States Constitution, Florida Constitution, and Florida common law.

149. Among other things, Defendants used, exploited and publicly disclosed intimate details of Bollea’s private life by actively participating in, providing substantial assistance to and/or ratifying or approving the public disclosure and dissemination of surreptitious Footage of Bollea to tabloids including TMZ.com, *TheDirty.com*, *Gawker.com* and *Enquirer*, and/or acting in concert with and/or aiding and abetting one another to accomplish such public disclosure and dissemination, for their own economic gain and self interests, and to harm Bollea.

150. The unauthorized use, exploitation, disclosure and dissemination of the surreptitious Footage of Bollea was highly offensive and objectionable to Bollea and to any reasonable person of ordinary sensibilities, and was not of legitimate public concern.

151. Defendants knew or should have known that: (1) the surreptitious Footage of Bollea contained private and confidential information about Bollea; (2) Bollea had a reasonable expectation of privacy in being fully naked and engaged in consensual sexual activity, and having private conversations, in a private bedroom; (3) the Footage was taken without Bollea's knowledge or consent; (4) disclosure of the surreptitious Footage would reveal private and personal things about Bollea which Defendants had no right or authorization to use, disseminate, disclose or exploit; (5) the publication of these private facts about Bollea would be offensive and objectionable to a reasonable person of ordinary sensibilities; and, (6) the publication of these private facts constitutes a substantial violation of Bollea's right of privacy.

152. Defendants had no reasonable or legitimate purpose for their acts of participation in and assistance provided in using, distributing, disseminating, disclosing and/or exploiting the surreptitious Footage of Bollea, and/or for acting in concert with, aiding and abetting other Defendants to accomplish the same. Bollea had a reasonable expectation of privacy when he was fully naked and engaged in private consensual sexual activity and having private conversations in a private bedroom, and had no knowledge of, and did not consent to, the recording or public disclosure of any such private activities.

153. The intimate details of Bollea's private life that were illegally recorded, illegally obtained and then used, distributed, disseminated, disclosed and/or exploited by and as a result of the actions of the Defendants were in fact published and would not have been published but for the Defendants' actions of procuring, actively participating in, providing substantial assistance for, and/or ratifying or approving the use, distribution, dissemination, disclosure, and/or exploitation of such private facts, or Defendants acting in concert with, aiding and abetting such misconduct.

154. Defendants violated Bollea's fundamental privacy rights by the conduct alleged herein, including the intrusion into Bollea's privacy and the outrageous use, distribution, dissemination, disclosure and/or exploitation of the surreptitious recordings of Bollea to tabloid websites and others, and/or acting in concert with, providing substantial assistance for, ratifying, approving, aiding, and/or abetting of the same, in an unprivileged manner calculated to financially capitalize therefrom and/or cause substantial harm to Bollea and others, in conscious disregard of Bollea's rights.

155. Defendants acted with actual malice and reckless disregard of Bollea's rights.

156. As a direct and proximate result of the aforementioned acts by each of the Defendants, Bollea has suffered economic and emotional injury, damage, loss and harm, damage to reputation, loss of income, anxiety, embarrassment, humiliation, shame, and severe emotional distress in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

157. Bollea also is entitled to preliminary and permanent injunctive relief enjoining the use, distribution, dissemination and disclosure of the surreptitious Footage, and any portions and content thereof; mandating the delivery of all originals, reproductions, copies, and portions of same and all content derived therefrom to Bollea; and transferring to Bollea all right, title and interest in and to all originals, reproductions, copies, and portions of same and all content derived therefrom.

158. The aforementioned acts of the Defendants were done intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

SECOND CAUSE OF ACTION

(Public Disclosure of Private Facts and/or Aiding and Abetting Public Disclosure of Private Facts)

159. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 146, inclusive, as though fully set forth herein.

160. Defendants actively participated in, provided substantial assistance to and/or ratified, approved, aided and/or abetted the disclosure and dissemination of Footage and the contents of Footage to tabloid websites, and thus to the public, private facts concerning Bollea contained within the contents of the surreptitious Footage which depicted Bollea fully naked, engaged in private consensual sexual activity in a private bedroom, and engaged in private conversations, and/or Defendants acted in concert with, aided and abetted one another in connection with such public disclosure, for their own economic gain and self interests and to harm Bollea.

161. Defendants knew or should have known that: (1) the surreptitious Footage of Bollea contained private and confidential information about Bollea; (2) Bollea had a reasonable expectation of privacy in being fully naked and engaged in consensual sexual activity, and having private conversations in a private bedroom; (3) the recordings were taken without Bollea's knowledge or consent; (4) the disclosure of the surreptitious Footage would reveal private and personal things about Bollea which said Defendants had no right or authorization to use, disseminate, disclose or exploit; (5) the publication of these private facts about Bollea would be offensive and objectionable to a reasonable person of ordinary sensibilities; and, (6) the publication of these private facts constitutes a substantial violation of Bollea's right of privacy.

162. Defendants had no reasonable or legitimate purpose for their acts of participation in and assistance provided in using, distributing, disseminating, disclosing and/or exploiting the

surreptitious recordings of Bollea and/or for acting in concert with, aiding, and abetting other Defendants in committing these acts. Bollea had a reasonable expectation of privacy when he was fully naked, engaged in private consensual sexual activity, and having private conversations, in a private bedroom, and had no knowledge of, and did not consent to, the recording of any such private activities.

163. The private facts that were illegally recorded, illegally obtained, and then used, distributed, disseminated, disclosed and/or exploited by and as a result of the actions of the Defendants were in fact published, and would not have been published but for Defendants' actions of procuring, actively participating in, providing substantial assistance for and/or ratifying or approving the use, distribution, dissemination, disclosure and/or exploitation of such private facts, or Defendants' actions in concert with, or acts of aiding and abetting such misconduct.

164. The actions of the Defendants as alleged herein are highly offensive and objectionable to Bollea, as well as to any reasonable person of ordinary sensibilities, and are not of legitimate public concern. Bollea did not consent to nor authorize any use, distribution, dissemination, disclosure or exploitation of the surreptitious Footage of him, or any portions or content thereof, whatsoever, or of the publication of same by anyone.

165. Defendants violated Bollea's fundamental privacy rights by the conduct alleged herein, including the intrusion into Bollea's privacy and the outrageous use, distribution, dissemination, disclosure and/or exploitation of the private facts contained within surreptitious Footage of Bollea to tabloid websites and the public, and/or acting in concert, providing substantial assistance for, ratifying, approving, aiding and/or abetting of same, in an unprivileged

manner calculated to financially capitalize therefrom and/or cause substantial harm to Bollea and others, in conscious disregard of Bollea's rights.

166. Defendants acted with actual malice and reckless disregard for Bollea's rights.

167. As a direct and proximate result of the aforementioned acts by each of the Defendants, Bollea has suffered economic and emotional injury, damage, loss and harm, damage to reputation, loss of income, anxiety, embarrassment, humiliation, shame and severe emotional distress in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

168. Bollea also is entitled to preliminary and permanent injunctive relief enjoining the use, distribution, dissemination and disclosure of the surreptitious Footage of Bollea, and any portions and content thereof; mandating the delivery of all originals, reproductions, copies, and portions of same and all content derived therefrom to Bollea; and transferring to Bollea all right, title and interest in and to all originals, reproductions, copies, and portions of same and all content derived therefrom.

169. The aforementioned acts of Defendants were done intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

THIRD CAUSE OF ACTION

(Invasion of Privacy by Intrusion Upon Seclusion and/or Aiding and Abetting Invasion of Privacy by Intrusion Upon Seclusion)

170. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 146, inclusive, as though fully set forth herein.

171. Defendants, without Bollea's consent and against Bollea's will, grossly invaded Bollea's protected rights of privacy as recognized under the United States Constitution, Florida

Constitution, and applicable common law, by actively participating in, providing substantial assistance for and/or ratifying or approving, obtaining, using, watching, distributing, disseminating, disclosing and/or exploiting the surreptitious Footage of Plaintiff which depicted him fully naked, engaged in private intimate consensual sexual activity, and included his private conversations, in a private bedroom, and/or acting in concert with, aiding, and abetting one another to accomplish such misconduct.

172. Defendants, through electronic means, enabled the general public to intrude into a place in which Bollea had a reasonable expectation of privacy and watch Bollea when he was fully naked, engaged in private sexual activity, and engaged in private conversations, in a private bedroom, without Bollea's knowledge, authorization or consent.

173. The activities of the Defendants were not carried out for reasonable or legitimate purposes, but rather to reap financial rewards at the expense of Bollea and others and/or to cause substantial harm to Bollea and others.

174. Bollea had a reasonable expectation of privacy in the location in which the surreptitious Footage was secretly recorded, and a reasonable expectation he was not being recorded while engaging in the private activities in which he was engaged; appearing fully naked, engaged in private consensual sexual activity, and having private conversations, in a private bedroom. Bollea had no knowledge of, and did not consent to, the recording or disclosure and dissemination of such private activities.

175. The actions by the Defendants are offensive and objectionable to Bollea, and would outrage or cause mental suffering, shame, humiliation or hurt feelings to a person of ordinary sensibilities.

176. Defendants knew or should have known that: (1) the surreptitious Footage of Bollea contained private and confidential information about Bollea; (2) Bollea had a reasonable expectation of privacy in being fully naked and engaged in consensual sexual activity, and having private conversations, in a private bedroom; (3) the recordings were taken without Bollea's knowledge or consent; (4) the disclosure of the surreptitious Footage would reveal private and personal things about Bollea which Defendants had no right or authorization to use, disseminate, disclose or exploit; (5) the publication of these private facts about Bollea would be offensive and objectionable to a reasonable person of ordinary sensibilities; and, (6) the publication of these private facts constitutes a substantial violation of Bollea's right of privacy.

177. Defendants violated Bollea's fundamental privacy rights by the conduct alleged herein in an unprivileged manner, calculated to financially gain therefrom, at the expense of Bollea and others, and/or to cause Bollea to suffer substantial harm therefrom, in conscious disregard of Bollea's right of privacy.

178. Defendants acted with actual malice and reckless disregard of Bollea's rights.

179. As a direct and proximate result of the aforementioned acts by each of the Defendants, Bollea has suffered economic and emotional injury, damage, loss and harm, damage to reputation, loss of income, anxiety, embarrassment, humiliation, shame, and severe emotional distress in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

180. Bollea also is entitled to preliminary and permanent injunctive relief enjoining the use, distribution, dissemination and disclosure of the surreptitious Footage of Bollea, and any portions and content thereof; mandating the delivery of all originals, reproductions, copies, and portions of same and all content derived therefrom to Bollea; and transferring to Bollea all right,

title and interest in and to all originals, reproductions, copies, and portions of same and all content derived therefrom.

181. The aforementioned acts of the Defendants were done intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

FOURTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

182. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in paragraphs 1 through 146, inclusive, as if fully set forth herein.

183. At all times herein, the Defendants acted intentionally, maliciously and without justification, actively participated in, provided substantial assistance to, and/or ratified or approved misconduct that caused the surreptitious Footage of Bollea to be publicly disseminated, disclosed and used to third parties, including tabloid websites, and/or by acting in concert with, aiding and abetting in such activities and a civil extortion scheme, when Defendants knew or should have known that Bollea would suffer severe emotional distress as a result.

184. The conduct by the Defendants was intentional and malicious and done for the purpose of causing, or was known by Defendants to be likely to cause, Bollea to suffer humiliation, mental anguish and severe emotional distress, and was done with the wanton and reckless disregard of the consequences to Bollea.

185. In doing the acts alleged hereinabove, the Defendants acted outrageously and beyond all reasonable bounds of decency, and intentionally inflicted severe emotional distress upon Bollea, to his detriment.

186. Defendants acted with actual malice and reckless disregard of Bollea's rights.

187. As a direct and proximate result of the aforementioned acts by each of the Defendants, Bollea has suffered emotional injury, damage, loss, harm, anxiety, embarrassment, humiliation, shame, and severe emotional distress in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

188. The aforementioned acts of the Defendants were done intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

FIFTH CAUSE OF ACTION

(Intentional Interference with Contractual Relations and Advantageous Business Relationships)

189. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 146, inclusive as though fully set forth herein.

190. At all times herein, the Defendants were aware that Bollea had specific employment, endorsement and other contracts, including without limitation, his WWE contract/relationship, and Defendants acted intentionally, maliciously and without justification in their wrongful acts described herein, when Defendants knew or should have known that their actions would cause or were likely to cause substantial interference with Bollea's existing contracts and his advantageous business relationships.

191. Defendants' conduct was intentional and malicious and done for the purpose of causing, or was known by them to be likely to cause, the termination of and substantial interference with Bollea's contracts and his advantageous business relationships.

192. In doing the acts alleged hereinabove, the Defendants acted outrageously and beyond all reasonable bounds of decency.

193. As a direct and proximate result of the aforementioned wrongful conduct by the Defendants, Bollea has suffered substantial economic injury, loss, damages and harm from the actual interference with Bollea's contracts and advantageous business relationships, in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

194. Defendants acted with actual malice and reckless disregard of Bollea's rights.

195. Defendants acted intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

SIXTH CAUSE OF ACTION

(Violation of Section 934.10, Florida Statutes and/or Aiding and Abetting of Violation of Section 934.10, Florida Statutes)

196. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 146, inclusive as though fully set forth herein.

197. Bollea had a reasonable expectation of privacy in engaging in private oral communications in a private bedroom, and a reasonable expectation that his oral communications would not be recorded, and did not know about, nor consent to, the recording of such oral communications.

198. Defendants intentionally, either directly or in active participation or concert with one another, or by providing substantial assistance to one another, violated, or aided and abetted in the violation of Plaintiff's rights under Section 934.10, Florida Statutes, by using, disseminating, disclosing and/or distributing to third parties, or procuring another to use, disseminate, disclose or distribute to third parties, the contents of Bollea's private oral communications.

199. Defendants knew or should have known that: (1) the surreptitious Footage of Bollea contained private and confidential information about Bollea; (2) Bollea had a reasonable expectation of privacy while having private conversations, in a private bedroom; (3) the recordings were made without Bollea's knowledge or consent; (4) the disclosure of the surreptitious Footage would reveal private and personal things about Bollea which said Defendants had no or authorization to use, disseminate, disclose or exploit; (5) the use or disclosure of Bollea's oral communications or the contents thereof would be offensive and objectionable to a reasonable person of ordinary sensibilities; and, (6) the use and disclosure of Bollea's oral communications was unlawful.

200. Defendants' actions have not served any legitimate public interest.

201. Defendants acted with actual malice and reckless disregard of Bollea's rights, including his right to privacy.

202. As a direct and proximate result of the aforementioned acts by the Defendants, Bollea has suffered substantial actual damages; which are continuing in nature and will be suffered in the future. in an amount subject to proof.

203. The aforementioned acts of the Defendants were done intentionally or with a conscious and/or reckless disregard of Bollea's rights, and with the intent to vex, injure or annoy, such as to constitute oppression, fraud or malice.

SEVENTH CAUSE OF ACTION

(Civil Conspiracy)

204. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 203, inclusive, as if fully set forth herein.

205. Defendants entered into an agreement or agreements with one another as part of an ongoing scheme to commit an unlawful act or acts and/or perform lawful act(s) by unlawful means.

206. Defendants, as more specifically set forth above, each performed overt acts in pursuance of their conspiracy.

207. As a direct and proximate result of Defendants' acts, Bollea suffered substantial economic and emotional injury, damage, loss and harm, anxiety, embarrassment, humiliation, shame, damage to reputation, loss of income, severe emotional distress, in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

EIGHTH CAUSE OF ACTION

(Negligent Retention – Cox & Buchwald)

208. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in paragraphs 1 through 203, inclusive, as if fully set forth herein.

209. During the course of Cox's employment of Calta and Loyd, and Buchwald's employment of Burton, Cox and Buchwald became aware or should have become aware of conduct and/or misconduct of Calta, Loyd and Burton that demonstrated their unfitness.

210. Cox and Buchwald knew or should have known that Calta and Loyd and Burton, respectively, were predisposed to committing wrongs, harming others, and/or had a propensity for engaging in the misconduct alleged herein.

211. Cox and Buchwald failed to take reasonable actions to investigate, prevent and/or avoid the misconduct alleged herein, thereby breaching a duty owed to Bollea.

212. Cox and Buchwald also had the ability to control Calta, Loyd and Burton, such as to substantially reduce the probability of harm to others, specifically including Bollea.

213. Bollea was injured by the acts of Calta, Loyd and Burton, which could reasonably have been anticipated by Cox and Buchwald and which, by exercising due diligence and authority over Calta, Loyd and Burton, could have been avoided.

214. As a direct and proximate result of Cox and Buchwald's actions, Bollea has suffered economic and emotional injury, damage, loss and harm, damage to reputation, loss of income, anxiety, embarrassment, humiliation, shame, and severe emotional distress in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

NINTH CAUSE OF ACTION

(Negligence – Cox)

215. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in paragraphs 1 through 203, inclusive, as if fully set forth herein.

216. As set forth above, Cox had actual or constructive control of the instrumentality, premises and/or tortfeasors that caused injury to Bollea.

217. While engaged in the misconduct alleged herein, Calta and Loyd were acting within the course and scope of their employment as “shock jocks” for Cox, engaged in conduct of the kind they were hired to perform, within the time and space limits of their employment, and while motivated at least in part by a purpose to serve Cox.

218. Alternatively, Cox's hiring, employment, promotion, and approval of misconduct of Calta and Loyd was calculated to, incited and encouraged imminent reckless behavior, such as the torts committed against Bollea.

219. Cox had actual, constructive and/or implied knowledge of the imminent harm to Bollea, and owed Bollea a duty of care to prevent the misconduct of Cox's agents and employees, as well as misconduct on its premises and/or misconduct accomplished on or using its equipment and facilities.

220. Cox breached its duty of care by failing to prevent its agents and employees from actively participating in, providing substantial assistance to, conspiring to, and acting in concert with others in procuring, disclosing, using, exploiting and disseminating the Footage, aiding and abetting others in doing the same, and otherwise failing to warn Bollea.

221. As a direct and proximate result, Bollea has suffered damages, emotional injury, substantial economic injury, loss of income, harm, anxiety, shame, humiliation, emotional distress, embarrassment, and damage to reputation, in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

TENTH CAUSE OF ACTION

(Negligence – Buchwald)

222. Bollea repeats, re-alleges, adopts and incorporates each and every allegation contained in paragraphs 1 through 203, inclusive, as if fully set forth herein.

223. As set forth above, Buchwald had actual or constructive control of the instrumentality, premises and/or tortfeasors that caused injury to Bollea.

224. While engaging in the misconduct alleged herein, Burton was acting within the course and scope of his employment as an agent for Buchwald, engaged in conduct of the kind he was hired to perform, within the time and space limits of his employment, and while motivated at least in part by a purpose to serve Buchwald.

225. Alternatively, Buchwald's employment and approval of the behavior of Burton was calculated to, incited and encouraged Burton's imminent reckless behavior, such as the torts committed against Bollea.

226. Buchwald had actual, constructive and/or implied knowledge of the imminent harm to Bollea, and owed Bollea a duty of care to prevent the misconduct of Buchwald's agent

and employee, as well as misconduct on its premises and/or misconduct accomplished or using its equipment and facilities.

227. Buchwald breached its duty of care by failing to prevent its agent and employee from actively participating in, providing substantial assistance to, conspiring to, and acting in concert with others in procuring, disclosing, using, exploiting and disseminating the Footage, aiding and abetting others in doing the same, and otherwise failing to warn Bollea.

228. As a direct and proximate result, Bollea has suffered damages, emotional injury, substantial economic injury, loss of income, harm, anxiety, shame, humiliation, embarrassment, emotional distress, and damage to reputation, in an amount subject to proof; which damages are continuing in nature and will be suffered in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Terry Gene Bollea, prays for judgment against each of the Defendants as follows:

1. For an award of general and special damages in an amount in excess of the minimum jurisdictional limits of this Court in accordance with proof at trial together with interest thereon at the maximum legal rate;
2. For costs of suit incurred herein;
3. For reasonable attorneys' fees;
4. For a permanent injunction against Defendants, including all persons acting under their discretion or control or in active concert with them, prohibiting any and all activity that would cause the distributing, disseminating, disclosing, publishing, displaying, use, posting for view or access on or through the Internet or any other manner or media outlet, broadcasting, transferring, licensing, selling, offering to sell or license, or otherwise using, exploiting or

attempting to exploit, the surreptitious Footage of Bollea, or any portions or content thereof or any copies thereof, in any and all formats and media, including all electronic and physical media;

5. For an Order and Judgment requiring Defendants to turn over to Bollea all surreptitious Footage of Bollea, or any portions or content thereof or any copies thereof, in any and all formats and media, including all electronic and physical media; and

6. For such other and further relief as to this Court may deem and proper.

DEMAND FOR JURY TRIAL

Plaintiff, Terry Gene Bollea, hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: May 12, 2017.

/s/ Shane B. Vogt

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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 May, 2017 to the following:

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