

EXHIBIT 15

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

TERRY GENE BOLLEA, professionally
known as HULK HOGAN,

Plaintiff,

No. 12-012447-CI-011

vs.

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

Defendants.

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HEARING BEFORE THE HONORABLE PAMELA CAMPBELL

DATE: October 29, 2013
TIME: 10:22 a.m. to 12:31 p.m.
PLACE: Pinellas County Courthouse
545 First Avenue North
St. Petersburg, Florida
REPORTED BY: Susan C. Riesdorph, RPR, CRR
Notary Public, State of
Florida

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1 seek garden variety emotional distress damages
2 because of that, and it doesn't open the door to
3 everything that happened in their life.

4 THE COURT: Okay.

5 MR. HARDER: Another aspect of discovery that
6 we're seeking to preclude are financial -- general
7 finances. They've asked for Mr. Bollea's tax
8 records. They've asked for all of his loan
9 applications and mortgage applications. They've
10 asked for all of his contracts that he's ever
11 signed during the course of many, many years;
12 every aspect of his finances.

13 MR. BERLIN: I'm sorry to interrupt,
14 Your Honor. I have no objection to Mr. Harder
15 addressing that now, but that actually is not part
16 of the motions for protective order.

17 THE COURT: I thought that it was.

18 MR. HARDER: This is something that we are
19 opposing in terms of their --

20 THE COURT: We have the motion for protective
21 order. Then we've also got interrogatories and
22 requests to produce and there's objections. It
23 seems to me that in the motion for protective
24 order that the objections are sort of --
25 objections to the discovery were all rolled into

1 MR. BERLIN: I'm sorry to interrupt.

2 THE COURT: That's all right. I think you're
3 right. When you read them all at once, they all
4 blend after a while. But I appreciate it.

5 Why don't we go over the financial.

6 MR. HARDER: Thank you, Your Honor. I wasn't
7 going to take up a lot of time on this.

8 If Mr. Bollea lost a business opportunity, if
9 a contract was cancelled on him because of what
10 happened with regard to the sex tape being posted,
11 obviously -- and we make that as part of our
12 damages, obviously we will produce all of the
13 nonprivileged documents that pertain to that lost
14 opportunity, lost contract, whatever it happens to
15 be. We haven't alleged any of that yet. I don't
16 expect that we will. We're still in the process
17 of trying to determine the effects of everything,
18 and we want to make sure that there's causation
19 before we allege something. We don't feel that
20 we've gotten there yet. It may be that it never
21 happens. But that doesn't mean that his tax
22 returns, his loan applications, all financial
23 statements of every type, all financial documents
24 of every type are now fair game.

25 THE COURT: I guess, though, you filed a

1 complaint. So --

2 MR. HARDER: Right.

3 THE COURT: -- here we are. So we're a year
4 into the complaint almost. And at what point in
5 time do you say, well, this is what we're -- at
6 some point in time, we'll let you know. No. The
7 time to let them know is now. We're doing the
8 discovery now.

9 MR. HARDER: I understand, Your Honor. Our
10 damages are twofold in terms of the economic
11 damages. One is Gawker Media's unjust enrichment.
12 Gawker Media received upwards of five million
13 unique viewers because of this sex tape. They
14 posted it. Millions and millions of people went
15 to their websites, and they gained a large number
16 of new viewers. And ad revenues were generated
17 because of that, both short-term ad revenues and
18 long-term ad revenues because now they have
19 potentially five million new people who come to
20 their websites. Perhaps they never knew about
21 Gawker and or their other websites and now they do
22 and now they frequent those websites.

23 So what we're undertaking is an analysis --
24 and our motion to compel is seeking this
25 information -- an analysis of where Gawker was

1 financially in terms of web traffic, in terms of
2 ad revenues before the sex tape and immediately
3 after the sex tape and on a going-forward basis so
4 that we can determine what sort of a bump Gawker
5 Media, LLC received as a result of having
6 wrongfully published this sex tape.

7 And a second area of damages is the market
8 value of the sex tape of Hulk Hogan. There is
9 inherent value in a sex tape of a celebrity. In
10 fact, there's a marketplace for it, unfortunately.
11 And Paris Hilton and Kim Kardashian and folks like
12 that have sex tapes that are out there that have
13 made millions and millions of dollars. And we
14 intend to present evidence of what the value is
15 because that's what Gawker Media took. They took
16 something that they shouldn't have had, which is
17 the value of a -- market value of a sex tape of
18 Hulk Hogan. And that's how they have been
19 enriched and Mr. Bollea has been damaged.

20 Gawker Media is seeking all documents
21 pertaining to Mr. Bollea's divorce proceeding.
22 It's irrelevant. It has nothing to do with the
23 sexual encounter in this case. It should be
24 prohibited.

25 They've asked for every deposition

1 business opportunities that Bollea is claiming
2 damages in this litigation. So his deposition is
3 in two weeks. We need an answer. When we had our
4 meet and confer about this in late August, one of
5 the things we agreed on -- and there's an e-mail
6 that's attached to one of the many pieces of paper
7 that you've gotten, Your Honor, that confirms
8 this, that says, look, one of the interrogatories,
9 interrogatory No. 12, says, tell us what your
10 theories of damages are, right? And two months
11 later, and even with some supplemental discovery
12 that was served last week, we don't have an answer
13 to that question. And I would submit that, you
14 know, we're now at a point where if I'm going to
15 take this gentleman's deposition and I'm going to
16 try and do it efficiently, I would like to have
17 the materials so that I can do that. And I think
18 the case law in Florida and elsewhere is quite
19 clear that if you are claiming economic damages,
20 you have to allow some scrutiny.

21 I'm not asking for a forensic exam of his
22 finances. I don't want his checkbook balance, his
23 checkbooks or cancelled checks or his bank
24 statements. What I'm trying to do is get a big
25 picture so that I understand, did you suffer

1 harm to his career. That's not what we're
2 seeking.

3 THE COURT: But, see, they don't know. So
4 that's why --

5 MR. HARDER: Well, I've told him. We had a
6 three-hour phone conversation and I told him that.
7 I said if he happens to have lost a contract or an
8 opportunity, then we'll produce that contract or
9 opportunity. I don't know of any. And I've asked
10 my client many times. And if Your Honor wants to
11 just say, okay, you have until X day to produce
12 any contracts that you claim were lost, that's
13 fine. I'm happy to have a deadline, because I
14 don't think we're going to end up producing
15 anything because I don't think that he lost any
16 contracts as a result of what Gawker Media did.

17 We're not seeking damages to his career. I
18 think Mr. Berlin said, well, sometimes a
19 celebrity's career goes up rather than down
20 because of a celebrity sex tape. Maybe that's the
21 case. It's not a point that's being made by us in
22 this case. We're not saying that his career went
23 down or his career went up because of this sex
24 tape. What we're saying is that there is a
25 tremendous amount of commercial value in a

1 celebrity sex tape. Some celebrities -- or some
2 sex -- celebrity sex tapes make \$10 million,
3 \$15 million, \$20 million from the tape itself
4 because so many people go to a site and plunk down
5 money and want to watch it.

6 What we're saying is, they got the value of
7 five million plus people who were unique to Gawker
8 Media, unique viewers, went there, and their --
9 their company was enhanced financially because of
10 it and the value that they got is the value of a
11 celebrity sex tape in which Hulk Hogan is the
12 star. So we want the value rather than allowing
13 them to have it. It has nothing to do with
14 whether his career was harmed or not.

15 Mr. Berlin went for a while trying to -- it
16 sounded like he was saying that Hulk Hogan has
17 been inconsistent in his allegations in this case.
18 The only thing -- and I will admit to this -- the
19 only thing that was inconsistent is the 2006
20 versus 2008. When Hulk Hogan first said this
21 happened six years ago, I think that my office
22 took it literally rather than figuratively. I
23 think when he said it happened six years ago, he
24 was meaning it happened many years ago. And so
25 when we initially prepared the papers, we made a

1 let's say five-hour time frame.

2 MR. HARDER: Half day?

3 THE COURT: If I say half day, some people
4 may think that's 9:00 to 12:00.

5 MR. HARDER: I understand, but --

6 THE COURT: That's why I'm saying five.

7 MR. HARDER: You said half hour.

8 THE COURT: Oh, okay. I'm sorry. I'm sorry.
9 Five hours. So no more than five hours. The same
10 with Linda Bollea; it should be no more than five
11 hours without either agreement of the parties or
12 further Court order.

13 The deposition of Heather Clem, no one has
14 really addressed has aspect of it. Perhaps when I
15 sort of narrow some of the scope, that may be an
16 aspect. So why don't we just get the -- if
17 there's an issue pertaining to Heather Clem, then
18 I'll address that.

19 For purposes of the deposition, interrogatory
20 responses, requests for production, and any other
21 kind of discovery, the medical records of
22 Mr. Bollea, the plaintiff's objection is
23 sustained.

24 For purposes of financial records of the
25 plaintiff, tax returns, whoever -- the names of

1 the people that prepare his taxes, any of those,
2 the plaintiff's objection is sustained.

3 Let me back up. As far as the medical
4 records, that includes the names of all of
5 Mr. Bollea's physicians.

6 The divorce proceeding, information regarding
7 the divorce proceeding, as far as Mr. Bollea, the
8 plaintiff's objections are sustained.

9 As it pertains to Mr. Bollea, or for that
10 matter, Ms. Clem's sex life, the questions that
11 the Court would determine to be relevant are only
12 as it relates to the sexual relations between
13 Mr. Bollea and Ms. Clem for the time frame 2002 to
14 the present, which was the time frame related I
15 believe in the request, 2002 to the present, but
16 the other additional -- for example, interrogatory
17 No. 4, interrogatory No. 5, No. 6, No. 7, No. 8,
18 No. 9, the objections by the plaintiff are being
19 sustained. So questions pertaining to like, for
20 example, interrogatory No. 10, identify any and
21 all times you discussed having sexual relations
22 with Heather Clem and her husband, Todd Alan Clem,
23 during the relevant time period stating for each
24 time the date, approximate time, location, and
25 substantive discussion, the objections would be

1 overruled. Plaintiff's objections would be
2 overruled. So as it pertains to the three -- and
3 I guess we really need to include Mr. Clem in that
4 aspect -- those three parties are fair game for
5 questions as it pertains to each other.

6 Is that pretty clear? I think that pretty
7 much gives guidance as to all the different
8 interrogatories globally as to the sex life aspect
9 of it.

10 Do you think so, Mr. Berlin?

11 MR. BERLIN: If I may ask just a clarifying
12 question. In the questioning you had an exchange
13 with Mr. Harder about, if we're going to limit
14 proof on emotional distress and we're going to
15 limit proof on economic damages, which I
16 understand your ruling to do, then there would be
17 limits on proof at trial. I wanted to -- in an
18 effort not to run afoul of the Court's ruling and
19 to understand how we should prepare our case, I
20 want to understand what the appropriate -- you
21 know, what that would look like at trial so that
22 we can prepare and get the information we need,
23 but not overstep the bounds of the Court's ruling.

24 THE COURT: I think some of that is going to
25 have to come up later on and maybe even more

1 specific, because you mentioned a number of things
2 today that I think would be fair game for you to
3 know, especially for purposes of trial. But --
4 and I guess maybe, Mr. Harder, you made the offer
5 to give you a deadline for any contracts or
6 events. It seems as though today in your oral
7 presentation, you have significantly eliminated a
8 number of theories of damages. So with that being
9 said, that then sort of eliminates a lot of the
10 areas of inquiry on the -- for the defense. So
11 I'm thinking that maybe comes about later on in a
12 motion for limine. They don't give you any of the
13 information, so therefore, they're not allowed to
14 now bring it up during trial. But, on the other
15 hand, if Mr. Bollea is saying, I was under severe
16 stress because of this, and, Mr. Berlin, you find
17 out, well, yeah, he was under stress because he
18 was also going through a divorce and some of these
19 other areas, I think I would rather see those more
20 accurately framed in a motion that I could
21 specifically rule on prior to a trial.

22 Does that make sense?

23 MR. BERLIN: I think it makes a lot of sense,
24 Your Honor. And perhaps it's implicit in the
25 Court's ruling, but I want to clarify this as

1 well. There is an interrogatory -- I think
2 No. 12, but I may be mis-recalling that -- that
3 asked for the plaintiff to set forth his theories
4 of damages. We have no sort of meaningful answer
5 to that. It would seem to me that the first step
6 in going down the road that Your Honor just
7 outlined would be to do that.

8 THE COURT: I think that's a good idea.

9 MR. BERLIN: Then we can bring the motion
10 that you just described so that we're all on the
11 same page and we won't have these problems.

12 THE COURT: I think you're right. In
13 interrogatory No. 12, it says, identify any and
14 all damages purportedly suffered by you as a
15 result of alleged actions by the Gawker defendant
16 and then explain with particularity the basis for
17 your calculation of such alleged damages. So I'm
18 thinking that --

19 MR. HARDER: We gave them a supplemental
20 response to that.

21 THE COURT: You did?

22 MR. BERLIN: I don't believe there's any
23 supplemental response to that, Your Honor. We got
24 a supplemental response to document requests. We
25 have no supplemental response to that.

1 MR. HARDER: I may be mistaken.

2 THE COURT: Mr. Harder will look at it. If
3 he can give that to you let's say prior to
4 November 11th or whenever the deposition is
5 scheduled, that would be helpful. Is his
6 scheduled on the 11th?

7 MR. BERLIN: I believe he's the 12th,
8 Your Honor.

9 THE COURT: Okay. So perhaps you could give
10 that response by the 8th, which is the Friday
11 before.

12 MR. HARDER: I will.

13 THE COURT: Okay. Anything else that I can
14 give clarification on?

15 MR. COHEN: Yes, Your Honor. The deposition
16 of Mr. Clem, is it my understanding that he's not
17 going to show up on the 11th or is he --

18 MR. BERLIN: His lawyer is saying he's not
19 available, but we have for two months asked for a
20 different day and said, look, we'll release you on
21 that day if you give us a different day. We
22 haven't. I would ask the Court to authorize us to
23 proceed because we have counsel coming in from all
24 over the country.

25 THE COURT: It seems to me like it's

1 the court reporter and adjust the time when the
2 record is not to be sealed when we stop talking
3 about the document I handed up because I forgot to
4 do that during the hearing.

5 THE COURT: So what are you asking me?

6 MR. BERLIN: We essentially over designated
7 what was under seal. So it is to go back with
8 Mr. Harder's agreement on the specific page and
9 just correct where it should be -- what should be
10 sealed.

11 THE COURT: That's fine.

12 MR. HARDER: You and I can work on that.

13 THE COURT: I don't have any objection to
14 that.

15 MR. BERLIN: Thank you, Your Honor.

16 THE COURT: And I'll enter an order on Judge
17 Case that has all of his information, and then
18 Teresa will be sending that all to you
19 electronically. Is that okay?

20 MR. BERLIN: Yes. Thank you very much.

21 MR. HARDER: Thank you, Your Honor.

22 (Proceedings concluded at 12:31 p.m.)
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1 REPORTER'S CERTIFICATE

2
3 STATE OF FLORIDA :

4 COUNTY OF HILLSBOROUGH :

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6
7 I, Susan C. Riesdorff, RPR, CRR certify that I
8 was authorized to and did stenographically report the
9 foregoing proceedings and that the transcript is a true
10 and complete record of my stenographic notes.11 I further certify that I am not a relative,
12 employee, attorney, or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the outcome of the foregoing
16 action.17 Dated this 31st day of October, 2013, IN THE
18 CITY OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF
19 FLORIDA.20
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26 Susan C. Riesdorff, RPR, CRR, CLSP