

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

TERRY GENE BOLLEA,  
professionally known as HULK  
HOGAN,

Plaintiff,

Case No.  
12-012447-CI-011

vs.

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

Defendants.

TELEPHONIC HEARING  
BEFORE THE HONORABLE JAMES R. CASE

DATE: August 29, 2014

TIME: 2:08 p.m. to 2:51 p.m.

PLACE OF COURT REPORTER: Riedsorph Reporting Group  
601 Cleveland Street  
Suite 600  
Clearwater, Florida

REPORTED BY: Aaron T. Perkins, RPR  
Notary Public, State of  
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Pages 1 to 41

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**EXHIBIT**

**B**

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## I N D E X

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PROCEEDINGS

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REPORTER'S CERTIFICATE

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1 realize it's a narrow issue. That's why I said I  
2 will try, but I would just ask, if I need to, in  
3 exchange for, you know, stretching that out by a  
4 few days on the FBI side and stretching out the  
5 briefing time a few days if we need to. But I  
6 will try to get that done.

7 JUDGE CASE: Say September 20th. Okay?

8 MR. BERLIN: September 20th is certainly no  
9 problem.

10 JUDGE CASE: All right. Okay. Charles, your  
11 45 minutes is about up.

12 MR. HARDER: Yes, Your Honor. We had one  
13 more request to -- for leave to be able to  
14 propound up to the additional 30 interrogatories  
15 to Gawker media. I think that we propounded 28 so  
16 far. It's a fairly well-complicated case, as I  
17 think you know. And we just wanted to be able to  
18 ask some additional interrogatories.

19 The defense has propounded a lot of  
20 interrogatories to us. And since there are  
21 multiple defendants, they had one defendant use up  
22 their 30, and another defendant had a whole bunch  
23 more, and then another defendant sent a whole  
24 bunch more.

25 All of those interrogatories -- the

1       interrogatories pertain to the case in general,  
2       but -- and the responses benefit all the  
3       defendants, but it goes -- there is a little bit  
4       of an uneven playing field there. But we have  
5       propounded a few interrogatories to Nick Denton,  
6       who is a defendant, just specific as to him and a  
7       few other interrogatories as to Mr. Daulerio that  
8       are specific as to him. But as to --

9               JUDGE CASE: Hello?

10              MR. BERLIN: I think we lost Mr. Harder. Do  
11       we want to give him a minute to --

12              MR. HARDER: I'm still here.

13              JUDGE CASE: Okay. Can with you hear me?

14              MR. BERLIN: The last couple of words that  
15       you were saying did not come out.

16              MR. HARDER: Oh, I'm sorry. I was just  
17       wrapping up and saying that we would appreciate  
18       leave to receive an additional 30 interrogatories.

19              JUDGE CASE: All right. Seth?

20              MR. BERLIN: Well, Your Honor, to date the  
21       defendants have answered 318 written discovery  
22       requests and produced more than 25,000 pages of  
23       documents. And that's not including this  
24       discovery request that we've served on Blogwire  
25       Hungary, which are pending. This includes 41

1       interrogatories to Gawker, many of which had  
2       multiple subparts and a number of which resulted  
3       in lengthy substantive answers that went on for a  
4       number of pages.

5             The subject of these have gotten farther and  
6       farther afield from the substance of the case.  
7       The most recent batch of them, Your Honor, was a  
8       set of interrogatories, a set of document  
9       requests, and a set of requests for admission  
10      concerning Nick Denton's wedding and his  
11      honeymoon. Although they were obviously far  
12      afield, we answered them. The plaintiff is  
13      asking, essentially, to double the number of  
14      interrogatories that they can serve on Gawker.  
15      And they have not indicated what else they could  
16      possibly need us to answer in making the request.

17            I have not had a chance, frankly, Your Honor,  
18      to look into this in detail in the past 36 hours,  
19      but in my experience of other jurisdictions, you  
20      have to make some showing of why the discovery  
21      that exceed the limits provided by the rules is  
22      needed.

23            You know, here if they want to do so, again,  
24      I think they should file a properly noticed motion  
25      so we can evaluate a request to double the number

1 of the interrogatories served on several  
2 defendants. Now, having said all that, we've  
3 tried to work cooperatively with them. So before  
4 we get to that, if there is something specific  
5 that they need -- and this is why I'm talking  
6 about, you know, not just a blanket request to  
7 serve 30 more interrogatories -- but if there is  
8 something specifically that they need -- and I  
9 can't imagine that they would need 30  
10 interrogatories to get that information -- we  
11 certainly are happy to help them before they take  
12 that step. That's really, I think, where we would  
13 come out on that.

14 JUDGE CASE: Charles?

15 MR. HARDER: I'm happy to put this into a  
16 motion if there is need to have a lengthy showing  
17 of good cause as to why we should be permitted to  
18 propound 30 more interrogatories. It seemed to me  
19 to be just kind of a pretty basic request. I  
20 didn't know that we had to have full-blown  
21 litigation over it, but I'm happy to do that.

22 It's my understanding that we've only  
23 propounded 28 to Gawker Media, and, Seth, it's  
24 only been thirty-something to all of the  
25 defendants. We've been trying -- we've tried as



1 best we can, and I think that we've succeeded in  
2 being very efficient in how we propound  
3 interrogatories.

4 But it's a fairly complicated case, and we  
5 have questions on an ongoing basis. And we have  
6 determined that we need at least another 15 to 20.  
7 And we wanted to give ourselves room for an  
8 additional 10 for discovery without having to  
9 bother everybody with another request, so that we  
10 don't have to keep asking for permission every  
11 time we want to propound another interrogatory,  
12 given that we're up against the defendants' 30  
13 initial. But if Your Honor would prefer that we  
14 put it into a motion and show good cause, we're  
15 happy to do that.

16 JUDGE CASE: Well, let me ask you this: Is  
17 this the first time that you have asked for any  
18 additional?

19 MR. HARDER: Yes.

20 JUDGE CASE: All right. My inclination would  
21 be to grant the request for 30 interrogatories.

22 MR. HARDER: Thank you.

23 JUDGE CASE: All right. If you will put that  
24 in the form of a recommendation to Judge Campbell,  
25 she will probably sign it.

1 MR. HARDER: Thank you.

2 JUDGE CASE: All right. Anything else? If  
3 not --

4 MR. BERLIN: Your Honor, excuse me. Could I  
5 just go back for a second, Your Honor? You would  
6 sign a report and recommendation --

7 JUDGE CASE: Yes.

8 MR. BERLIN: -- and then we have 10 days to  
9 seek review by Judge Campbell --

10 JUDGE CASE: That's true.

11 MR. BERLIN: -- which we will do.

12 JUDGE CASE: Okay. Good enough.

13 MR. BERLIN: Your Honor, I want to give you  
14 insight about one last thing just so you're aware  
15 of it. Some of the telephone records that were  
16 ordered to be produced were not able to be  
17 obtained from Bright House, which is the phone  
18 vendor for the plaintiff. And we got a court  
19 order. And so Mr. Barry or Mr. Harder have worked  
20 together on a -- are working together -- I think  
21 we're close -- on an order that will be submitted  
22 to Judge Campbell requiring the production of  
23 those. And since something has to be signed by  
24 Judge Campbell, we would submit it to her. But I  
25 just wanted you -- you're involved in discovery

1 in, obviously, a hands-on way. I wanted to make  
2 sure that you were aware or if you wanted us to  
3 proceed differently to raise that question.

4 JUDGE CASE: No. I think if you send a  
5 stipulation and an order over to Judge Campbell  
6 from both sides, she will just routinely sign it  
7 and send it back to you.

8 MR. BERLIN: I assumed that to be the case.  
9 I just didn't want there to be something going on  
10 in the discovery, and especially with respect to  
11 phone records, which I know you have been involved  
12 in, that you weren't aware of.

13 JUDGE CASE: I appreciate that. Thank you.  
14 Anything else? All right. Well, you-all  
15 have a nice Labor Day weekend.

16 (Hearing concluded at 2:51 p.m.)  
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## 1 REPORTER'S CERTIFICATE

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3  
4 STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

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7 I, Aaron T. Perkins, Registered Professional  
Reporter, certify that I was authorized to and did  
8 stenographically report the above hearing and that  
the transcript is a true and complete record of my  
9 stenographic notes.

10  
11 I further certify that I am not a relative,  
employee, attorney, or counsel of any of the  
12 parties, nor am I a relative or employee of any of  
the parties' attorney or counsel connected with  
13 the action, nor am I financially interested in the  
action.

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15  
16 Dated this 11th day of September, 2014.

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23 Aaron T. Perkins, RPR

