

Exhibit A

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

CASE NO. 12012447-CI-011

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs.

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

Defendants.

_____ /

HEARING
BEFORE THE HONORABLE PAMELA A.M. CAMPBELL
(Pages 1 through 133)

Friday, January 17, 2014
9:35 a.m. - 12:09 p.m.

St. Petersburg Judicial Building
545 First Avenue North
Courtroom E
St. Petersburg, Florida 33701

Stenographically Reported By:
Lori K. Ash, RPR
Notary Public, State of Florida
U.S. Legal Support, Inc.
(813) 876-4722

1 preserving that.

2 All right. So other than settlement
3 issues, anything else on the request to
4 Mr. Clem 1 through 21?

5 MR. HARDER: Your Honor, I would just
6 request that Your Honor's prior order -- the
7 protective order that limited the scope that
8 that apply to Bubba Clem.

9 THE COURT: I believe that it does. Yes.

10 MR. HARDER: Thank you.

11 THE COURT: I think that was the -- that's
12 when I was addressing Number 14.

13 MR. BERLIN: I have two questions,
14 Your Honor. I pulled the transcript from that
15 ruling. Do you want to go over that or not?
16 You don't need that information now?

17 THE COURT: Probably not.

18 MR. BERLIN: Do you want me to include in
19 the order that I'm preparing Mr. Harder's
20 proposal that to the extent somebody needs to
21 look at any additional sex tapes beyond what we
22 already have that that would be Judge Case?

23 THE COURT: Yes. Is that acceptable to
24 everybody?

25 MR. HARDER: If there is an order that it

1 needs to be seen by someone, then yes, I think
2 Judge Case would be appropriate and that it
3 would be within a protective order and only
4 Judge Case would look at it and Judge Case
5 would make the recommendations to Your Honor as
6 to what else should be done with that. But I
7 think the first step would be that there would
8 need to be an order that somebody would need to
9 send something to Judge Case, and there isn't
10 such an order at this time.

11 MR. BERLIN: I guess what I'm asking for,
12 Your Honor, picking up on Mr. Harder's
13 proposal, is that if there are -- whether the
14 Plaintiff has any in his possession, custody,
15 or control, we find out Ms. Clem has any in her
16 possession, custody, or control or Mr. Clem has
17 them, and again limit it just to things between
18 Mrs. Clem and Mr. Bollea, that if that comes up
19 we would send them to Judge Case --

20 THE COURT: Correct.

21 MR. BERLIN: -- so that he could tell us,
22 hey, there's something here that's relevant,
23 Your Honor.

24 THE COURT: Perfect.

25 MR. TURKEL: If I may, just to follow up

1 on Mr. Harder's point, I've been in court on
2 two of three of these discovery hearings and I
3 have heard -- just by way of example of what
4 Mr. Berlin seems to be talking about this
5 allegation, we've heard there's a tape where
6 Mr. Clem and his wife makes this comment about
7 getting rich. I do think to the extent that
8 they are going to seek this Court's leave to
9 provide something to Judge Case there needs to
10 be some evidentiary threshold for it beyond
11 just "we've heard." That's one example.

12 Secondly, you know, just by way of
13 example, they want Judge Case to look at the
14 tape to find the statements that occurred.
15 That's precisely the situation. Arguably it's
16 irrelevant past all the other contents of a
17 private sex tape, that all of this be geared
18 like that and the threshold be set there,
19 because that's why they are saying they want
20 it.

21 THE COURT: Here's the concern: Between
22 now and March when you are starting these
23 depositions, I have a two-week trial docket
24 with four trials that all seem to be going and
25 I have a three-week non-jury trial, so you are

1 request other than settlement issues we need to
2 discuss?

3 MR. THOMAS: No, Your Honor.

4 THE COURT: All right. At this point, I'm
5 going to the second motion, Gawker Media, LLC's
6 motion to compel Plaintiff to produce
7 communications related to his settlement with
8 Bubba the Love Sponge Clem. It's under
9 Plaintiff's tab 7 and the response is under
10 tab 8.

11 MR. THOMAS: Thank you, Your Honor. May
12 it please the Court. Your Honor, this is
13 Gawker's motion. Mr. Bollea's claims against
14 Gawker are based on the assertion that he was
15 filmed without his knowledge or consent while
16 engaged in a sexual encounter with Ms. Clem.

17 Mr. Clem publicly changed his version of
18 the facts in a totally radical fashion. It
19 appears from the privilege log of both
20 Mr. Diaco on behalf of Mr. Clem and Mr. Harder
21 on behalf of Mr. Bollea that those settlement
22 negotiations happened literally the day that
23 the lawsuit was filed.

24 The initial statements by Mr. -- by
25 Mr. Clem were that the whole claim of being

1 secretly taped was a stunt. That's what he
2 says. He said, "You can't play the victim like
3 that" and then goes on to say, "You are the
4 ultimate lying showman." So clearly
5 immediately after the lawsuit was filed his
6 position is clear and unequivocal that
7 Mr. Hogan knew exactly what was going on.

8 And then there are settlement
9 negotiations, Your Honor, and in those
10 settlement negotiations they result in a
11 radically different statement by Mr. Clem. The
12 one page, the one document Mr. Diaco produced
13 is that. He said -- and I quote -- "After
14 further investigation, I am now convinced that
15 Hulk was unaware of the presence of a recording
16 device in my bedroom. I'm convinced he had no
17 knowledge he was being taped," et cetera.

18 We've got a 180-degree change. The
19 settlement document I think is signed literally
20 two weeks after the lawsuit. Mr. Clem was
21 never even served in the case, Your Honor. He
22 is named, not served, doesn't file any
23 appearance, and all the sudden his position is
24 radically changed.

25 Your Honor, we think that the underlying

1 facts of what precipitated that change are
2 critical to our case. What made that change
3 happen, what were the offers, what were the
4 negotiations, what was the information he was
5 provided, what was the investigation he
6 conducted to find out whether to release him or
7 not.

8 Your Honor, the gist of this is that there
9 is no -- as Your Honor knows, there is no
10 settlement privilege in Florida. There's
11 attorney-client. There's work product.
12 There's parishioner and priest. There's a
13 media privilege. But there is no settlement
14 privilege.

15 Now, there is the rule of evidence,
16 Your Honor, and that rule of evidence is, if
17 you ever have to reach it, Your Honor can say
18 this is not admissible. Your Honor, we are
19 talking about discovery. We are talking about,
20 you know, what were the forces that changed
21 Mr. Clem's mind about this.

22 Now, I think that it's critical in this
23 case, Your Honor, it appears as if there were
24 10 or 12 exchanges between Mr. Diaco and
25 Mr. Harder about this that are not