

EXHIBIT 3

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.

-----/

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. Riesdorff, RPR, CRR
Notary Public, State of
Florida

Pages 1 - 107

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

CHARLES J. HARDER, ESQUIRE
Harder Mirell & Abrams, LLP
1801 Avenue of the Stars
Suite 1120
Los Angeles, California 90067

- and -

KENNETH G. TURKEL, ESQUIRE
Bajo Cuva Cohen & Turkel, P.A.
100 North Tampa Street
Suite 1900
Tampa, Florida 33602
Attorneys for Plaintiff

SETH D. BERLIN, ESQUIRE
ALIA L. SMITH, ESQUIRE
Levine Sullivan Koch & Schulz, LLP
1899 L Street, N.W.
Suite 200
Washington, D.C. 20036

- and -

GREGG D. THOMAS, ESQUIRE
Thomas & Locicero, PL
601 South Boulevard
Tampa, Florida 33606
Attorneys for Defendant Gawker Media, LLC

BARRY A. COHEN, ESQUIRE
Barry A. Cohen Law Group
201 East Kennedy Boulevard
Suite 1000
Tampa, Florida 33602
Attorney for Defendant Heather Clem

I N D E X

PROCEEDINGS	Page 3
REPORTER'S CERTIFICATE	Page 107

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 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