

# EXHIBIT 4

\*\*\*ELECTRONICALLY FILED 3/14/2014 4:35:21 PM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY\*\*\*

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

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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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TELEPHONIC HEARING BEFORE  
THE HONORABLE JAMES CASE

DATE: January 31, 2104  
TIME: 3:34 p.m. to 4:05 p.m.  
PLACE: 201 East Kennedy Boulevard  
Suite 712  
Tampa, Florida  
REPORTED BY: Susan C. Riesdorff, RPR, CRR  
Notary Public, State of  
Florida

Pages 1 - 26

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I N D E X

PROCEEDINGS	Page 3
REPORTER'S CERTIFICATE	Page 26

## P R O C E E D I N G S

1  
2 MR. BERLIN: This is Seth Berlin. You have  
3 on the line Gregg Thomas and Susan Riesdorph, the  
4 court reporter.

5 MS. SMITH: And this is Alia Smith.

6 MR. THOMAS: I'm in Ann Arbor, Michigan.  
7 It's cold here.

8 MR. HARDER: Charles Harder.

9 THE COURT: This is Judge Case. How are you?

10 MR. HARDER: I'm doing well. Mr. Turkel is  
11 at home sick but will be calling in.

12 THE COURT: All right.

13 (Discussion off the record.)

14 (Mr. Turkel joined the conference call.)

15 THE COURT: Welcome, Mr. Turkel. We  
16 understand you are ill.

17 MR. TURKEL: I'm at home fighting through it,  
18 but thank you. It was not enough that I had to  
19 miss a trial in bankruptcy court, which I'm not  
20 sure if that's a good thing or a bad thing.

21 THE COURT: Understood. I think we have  
22 everybody. Everyone in agreement?

23 MR. HARDER: Yes, Your Honor.

24 THE COURT: Susan, for your benefit, I have  
25 Seth Berlin. I have Alia Smith. I have Gregg

1 Thomas. And I have Charles Harder, Ken Turkel,  
2 and myself.

3 That being said, Seth, this is basically your  
4 motion. I've reviewed it and also the  
5 supplemental authority that you e-mailed today.  
6 So you may go ahead.

7 MR. BERLIN: Understanding you have reviewed  
8 all that, Your Honor, I'll try and be brief, if I  
9 may. There's really two sets of issues in our  
10 case. The first set of issues is really primarily  
11 a legal question, which is whether Gawker's story  
12 accompanied by brief excerpts involved a matter of  
13 public concern that are protected against under  
14 the First Amendment. I think the Court has a copy  
15 of the Second DCA's opinion that spoke to that  
16 issue in the January 17th ruling, but the second  
17 issue is --

18 THE COURT: Yes --

19 MR. BERLIN: Sorry, Your Honor.

20 THE COURT: Yes, I did.

21 MR. BERLIN: Okay. Good. The central  
22 question here is, do plaintiffs factual  
23 allegations about what happened here hold up? And  
24 I talked at length about this at the October 29th  
25 hearing. I think we attached some pages from the

1 transcript about why there seems to be a growing  
2 body of evidence calling into question the  
3 plaintiff's version of events. And since that  
4 hearing, we've been -- continued to gather  
5 evidence. The primary reason for requesting  
6 information from the FBI relates to the second  
7 factual issue, which is whether the allegations of  
8 the complaint are true and will ultimately match  
9 the evidence. We tried to do this in a  
10 streamlined way, which was to do a formal request.  
11 I'll speak about that in a minute. The FBI's  
12 focus on this very set of events is obviously  
13 relevant as far as the plaintiff and his counsel's  
14 communications to the FBI because it speaks  
15 directly to what's their story. In this case,  
16 we've had several different stories. In this  
17 case, in our case here in state court against  
18 Gawker, the plaintiff said he didn't know about  
19 the use of cameras. He said he didn't know that  
20 he was being recorded. He said that he didn't  
21 know about this tape until Gawker posted it. He  
22 says he wasn't involved in the dissemination. He  
23 says this is outrageous and he's going to the FBI.  
24 He says he's going to the FBI because the  
25 defendant's actions violated two criminal

1 statutes, the Video Voyeurism Act of Florida and  
2 the Florida Wiretap Act. And then in his  
3 complaint, he contends that Heather Clem was  
4 responsible for giving Gawker the tape -- and this  
5 is before Your Honor's involvement, but when the  
6 case was first filed in federal court, Gawker  
7 filed to have it removed from federal court. And  
8 the primary reason for that was allegations  
9 against Heather Clem.

10 Since we filed our motion, we've learned that  
11 the plaintiff and his lawyer, not Mr. Harder or  
12 Mr. Turkel, but I think it was Mr. Houston, who is  
13 his primary personal litigation lawyer in a number  
14 of cases, attempted to press the FBI to press  
15 criminal charges against folks. And there's some  
16 suggestion that they may have done so against  
17 other people, not Heather Clem. They appeared to  
18 have done so not only in October when Gawker  
19 published its story, but about six months earlier,  
20 long before Gawker came on the scene. We've  
21 requested -- in discovery, we've asked for  
22 documents related to these events, and we've  
23 received absolutely nothing from the plaintiff  
24 regarding his communications with the FBI either  
25 in his production of documents or interrogatory

1 responses that would seek the same kind of  
2 information. Given this, we believe that his  
3 counsel -- his and his counsel's official  
4 statements to the FBI and additional facts  
5 provided to the FBI, which may not otherwise be  
6 known to Gawker but would be known to the  
7 plaintiff, go to the core issues in this case.  
8 It's for that reason that we made what is a  
9 somewhat routine request to produce -- a records  
10 request. You do that for medical records. You do  
11 that for other types of records. After waiting  
12 for several weeks, we finally got a response  
13 objecting, so we filed this motion. It's pretty  
14 clear that under Florida Supreme Court  
15 precedent -- we cited a case called Rojas -- the  
16 Court is authorized to require plaintiff to sign a  
17 release for records. The primary grounds for  
18 plaintiff's objection appears -- which were not  
19 stated earlier, but were in opposition to the  
20 motion -- to be that the records are shielded from  
21 disclosure by law enforcement privilege. As we  
22 said in the supplemental brief, or reply brief  
23 that we filed earlier, the law enforcement  
24 privilege is limited and does not apply to all  
25 facts involved in an investigation. Second,



1 perhaps even more importantly, if there is a  
2 privilege, it's not the plaintiff's privilege.  
3 It's the privilege of the FBI. It's not up to the  
4 plaintiff. He's not the one who determines  
5 whether the investigation is opened or closed.  
6 He's not the one that knows whether any  
7 confidential informants were involved and so on.  
8 If the FBI has these concerns, it can -- and I  
9 think it probably will -- raise those in  
10 responding to Gawker. As you can see on page 4 of  
11 his brief, any such order that Your Honor would  
12 make would not guarantee production of the  
13 documents because the FBI still may assert this  
14 privilege. So this is sort of jumping ahead on  
15 the plaintiff's part.

16 Third, Hogan has alleged that Gawker may be  
17 the target of the investigation and it would be  
18 unwise for the FBI to give a target such records.  
19 I will say that in 18 months, Gawker has not in  
20 any way been contacted by the FBI or any of its  
21 employees that I know of. We have no information  
22 suggesting that the investigation is even open  
23 some 18 months later. Again, if the FBI is  
24 concerned that Gawker is nevertheless in the FBI  
25 sights and there is still an ongoing

1 investigation, we expect that the FBI will tell us  
2 that they can't respond to our request. And the  
3 Florida statute, I'm sure as Your Honor is  
4 familiar with, is -- there is an exemption for  
5 materials -- it's a narrow exemption -- for  
6 materials that are related to law enforcement or  
7 confidential informants and things that have to do  
8 with an ongoing criminal investigation. And if  
9 the FBI wants to assert that, it probably would.

10 Lastly, the plaintiff questions whether all  
11 this information is really relevant, asserting --  
12 pure speculation are the words that were in the  
13 brief, but the FBI investigation is relevant. I  
14 don't know what the FBI has in its files or what  
15 it might give us, but I think it's a fanciful  
16 suggestion to say that Hogan and his counsel  
17 complained to the FBI, are pressing the FBI to  
18 investigate under the very circumstances in this  
19 case, which is the recording and dissemination of  
20 a sex tape, to then say that they're not relevant  
21 to a lawsuit that seeks a hundred million dollars  
22 from us for the publication of the excerpts of a  
23 sex tape. That seems to be -- that seems like a  
24 hard argument to swallow.

25 Then lastly, I would just say -- I'll be

1           brief on this point because it's my hope that we  
2           would prevail on the request to get a release so  
3           the FBI, if it chooses, can release documents to  
4           us, but if for any reason the Court concludes it  
5           cannot compel the plaintiff to sign a release  
6           where the FBI will assert a privilege, then the  
7           Court should not allow the plaintiff to rely on  
8           the facts related to his FBI complaint where he's  
9           saying this is criminal and this is a violation of  
10          criminal statutes, that he's prosecuting certain  
11          people and then argue that these principles of due  
12          process preclude him from giving us the requested  
13          information or otherwise and to keep us from doing  
14          that while at the same time trying to rely on his  
15          version of those events.

16                 With that, unless Your Honor has any  
17          questions, I'll stop and just preserve a minute or  
18          two for rebuttal after Mr. Harder or Mr. Turkel  
19          reply.

20                 THE COURT: Thank you. Mr. Harder.

21                 MR. HARDER: Yes, Your Honor. Thank you.  
22          There's a threshold issue here, which is legal  
23          authority to be bringing this motion in the first  
24          place. And Gawker filed its motion to compel and  
25          then it filed a supplemental brief, and there is

1 not a single legal authority in either of those  
2 briefs that says that they're allowed to force --  
3 I'm sorry. Can you hear me?

4 THE COURT: Yes.

5 MR. HARDER: There's not a single authority  
6 in either of those briefs that says that a civil  
7 litigant can force another civil litigant to  
8 authorize access to criminal investigation  
9 documents, not a single one. It's -- there's no  
10 dispute here that the documents that are at issue  
11 are privileged. We cited to a case called "In Re:  
12 United States Department of Homeland Security."  
13 If you read that case, it goes on and on and on  
14 about all the different circuits in the United  
15 States that all say there is a law enforcement  
16 privilege where law enforcement can hold a  
17 privilege as to documents relating to its  
18 investigation. So we're dealing with privileged  
19 documents. Gawker does not cite a single legal  
20 authority that says that a Court can order a civil  
21 litigant to authorize privileged documents of any  
22 kind. They cite to one case called Rojas. Rojas  
23 did not involve privileged documents. It involved  
24 nonprivileged medical records that were  
25 discoverable if they happened to be located in the

1 State of Florida, regarding a Florida litigation.  
2 Those documents happened to be in Massachusetts.  
3 Massachusetts happened to have a rule that said  
4 the person who is a patient needs to sign a  
5 waiver. And so because it was a nonprivileged  
6 document, the Court said the person had to sign a  
7 waiver. That case involved a car accident. It  
8 did not involve anything that related to law  
9 enforcement. It did not involve anything related  
10 to the Freedom of Information Act, which is what  
11 we're dealing with here, and it did not involve  
12 privileged communications.

13 And then we cited a case called Franco. In  
14 Franco, the Florida trial court got it wrong. And  
15 it was relying on Rojas, and it said that a wife  
16 in a divorce case had to authorize access to some  
17 privileged medical records and it was citing to  
18 the Rojas case. And the party in that action took  
19 it up on a writ to the Florida District Court of  
20 Appeal, and the Florida District Court of Appeal  
21 granted the writ and vacated the order and said  
22 the difference between this case, the Franco case,  
23 and the Rojas case, is that Rojas did not involve  
24 privileged documents. Franco did involve  
25 privileged documents. And the Florida DCA

1 basically said there is no authority whatsoever  
2 that a court has authority to force a civil  
3 litigant to give access to privileged documents.  
4 And that's -- and that was what happened in  
5 Franco.

6 So what we have here is a situation where  
7 without any legal authority whatsoever, Gawker is  
8 asking Hulk Hogan to be forced to sign a waiver as  
9 to law enforcement records. And, again, there's  
10 no legal authority that supports that. It's  
11 not -- there's no legal authority cited in any of  
12 these briefs from Gawker. And we, Your Honor,  
13 have cited lots of legal authority that said these  
14 are privileged documents and there is no authority  
15 to force us to sign an acknowledgement allowing  
16 privileged documents to become discoverable in a  
17 civil action.

18 Gawker says in one of its briefs, the recent  
19 one, well, Hulk Hogan doesn't own the privilege  
20 and so, therefore, he can't assert the privilege.  
21 Well, it doesn't matter. We don't have to assert  
22 a privilege. There's no legal authority that says  
23 that they can force us to authorize access to  
24 privileged documents. And here's an analogy, the  
25 attorney/client privilege. I'm an attorney. I

1           have a client. We have communications, and that's  
2           an attorney/client communication. The client owns  
3           the privilege. The attorney doesn't. The client  
4           does. Well, no court can tell me, an attorney,  
5           that I have to authorize access to attorney/client  
6           communications on the basis that I'm the attorney  
7           and I don't own the privilege. It's really the  
8           client. No, that's not how it works. The way it  
9           works is if there's a privileged communication,  
10          it's privileged. You can't get at it, period.  
11          And all of the legal authority that we've cited is  
12          supportive of that. Nothing in the Gawker briefs  
13          says otherwise.

14                 One of the purposes of a privilege is so that  
15                 people can speak freely about an important issue.  
16                 If you analogize to other privileges that exist,  
17                 attorney/client being one, clients need to be able  
18                 to talk to their lawyers freely without a chilling  
19                 effect. Lawyers need to be able to talk to their  
20                 clients. Other privileges like the spousal  
21                 privilege, spouses need to be able to talk to each  
22                 other. It's part of the institution of marriage  
23                 that they communicate, so you have a privilege.  
24                 You can't get at those communications. The  
25                 psychotherapist/patient privilege, which was the

1 privilege that was at issue in the Franco case, a  
2 patient needs to be able to talk to their  
3 psychotherapist about what's going on and vice  
4 versa with the psychotherapist speaking to the  
5 patient. That privilege is this cocoon of  
6 protection so that people can speak freely. The  
7 mediation privilege, litigants should be able to  
8 freely communicate to try to settle a case so that  
9 they don't have a chilling effect and end up in  
10 litigation forever because they can't speak freely  
11 about the case.

12 Law enforcement privilege, same thing. Law  
13 enforcement needs to be able to communicate freely  
14 with people about whom the investigation pertains.  
15 And by the same token, people speaking to law  
16 enforcement need to have the freedom to speak  
17 freely. If civil litigants could invade that  
18 privilege and get into it, people aren't going to  
19 talk to the police. The police aren't going to be  
20 able to get the information. Law enforcement is  
21 going to be compromised. That's why that  
22 privilege exists.

23 I've been practicing law for over 17 years.  
24 I've had civil litigation after civil litigation.  
25 I've never heard of anyone trying to get into a



1 criminal investigation, and I've had cases that  
2 involve criminal investigations through a civil  
3 litigation. I've never seen it. I've never heard  
4 of it. We've scoured the law. I assume Gawker  
5 has scoured the law. They haven't provided  
6 Your Honor with a single legal authority saying  
7 that this is permissible because the legal  
8 authority is that it's privileged. You can't get  
9 at it. Gawker being the moving party has the  
10 burden of proof. They have not come anywhere  
11 close to meeting the burden to prove that they're  
12 entitled to get into this privilege, and for that  
13 matter, to have a court force Hulk Hogan to sign  
14 an authorization allowing Gawker, a civil  
15 litigant, to get into these documents or to give  
16 authorization to get them.

17 I'm just checking my notes here.

18 Gawker says we didn't identify communications  
19 on a log. Well, we're not in possession of these  
20 documents. It's law enforcement that's in  
21 possession. Gawker's trying to flip the issue on  
22 us and say, well, we need to show that these are  
23 privileged. We need to provide a privilege log.  
24 That's not how it works, not in this instance,  
25 because we're not the ones who possess the

1 documents. It's the FBI here. The brief -- the  
2 response brief that came in today does not address  
3 the sword and shield position, which is sword and  
4 shield does not apply to impeachment, to -- the  
5 situation is this. The sword and shield doctrine  
6 applies if a party wants to try to prove its case  
7 by introducing privileged documents but it refuses  
8 to disclose -- to produce those documents in  
9 discovery. It wants to save them until the trial.  
10 Well, the sword and shield doctrine says, no, you  
11 can't do that. If you're going to use documents  
12 at trial, you have to disclose those in discovery.  
13 Well, that is not applicable to our situation.  
14 We're not going to use anything that's in the  
15 FBI's files for purposes of our civil litigation.  
16 We don't even know what's in those files. But  
17 we're certainly not going to use those. So,  
18 therefore, the sword and shield doctrine that  
19 would allow a preclusion order does not exist  
20 here.

21 That's pretty much what I have, Your Honor.  
22 I'm happy to answer any questions.

23 THE COURT: Okay. Seth?

24 MR. BERLIN: Very well, Your Honor. Let's  
25 start with the privilege question because that's

1           what we've heard the most about. The privilege,  
2           as I understand Mr. Harder's argument and his  
3           papers, he concedes that if the documents are not  
4           privileged, a case like Rojas, which is a Florida  
5           Supreme Court case that's been followed by a lot  
6           of other cases, it would allow Your Honor to  
7           compel him to provide a release so that we can get  
8           those records. That I think is a settled piece in  
9           Florida law.

10                 So the question is, does a case like Franco  
11           otherwise affect the privilege? I'm going to do  
12           that in two pieces. The first is the privilege  
13           itself. The law enforcement privilege is a narrow  
14           privilege. It does not protect every case and  
15           every piece of information that the government has  
16           about an investigation. That's not how Florida  
17           law works. That's not how the exemptions under  
18           Florida law work. So what I understand the  
19           plaintiff to be saying is because some of these  
20           documents arguably could be subject to privilege  
21           and because none of us know what they are, you  
22           can't make us give you an authorization to get any  
23           of them. The smart thing to do is to ask, get a  
24           release, go to the FBI. The FBI will tell us if  
25           these documents are or are not privileged, if

1           these are or are not subject to the Florida  
2           exemption or otherwise protected and we're not  
3           giving them to you. That's -- with an argument  
4           that starts with the premise that only privileged  
5           documents can be even arguably not subject to  
6           Rojas, that's what we ought to do, because we  
7           don't know whether the documents are privileged or  
8           not. They may say our investigation is closed and  
9           you can have all of them. I suspect that's not  
10          likely. The FBI in my experience -- and I have  
11          had experience as we represent a lot of different  
12          news media outlets, so we do periodically send  
13          requests to the FBI and to other federal agencies.  
14          They are quite adept at telling us this is  
15          something that you can't have because we object to  
16          it.

17                 And for what it's worth, speaking to the  
18          institutional purposes of a privilege, the other  
19          privilege is talking to your psychotherapist,  
20          talking to your priest, talking to your attorney,  
21          those are designed in a different way. The law  
22          enforcement privilege is not -- except with the  
23          exception of a confidential informant, it is very  
24          much just protecting things like, you know, law  
25          enforcement methods, confidential informants, and

1 the like. They'll tell us this will interfere  
2 with future investigations. And they're in a  
3 position to know that and not -- we certainly  
4 aren't. And with respect to the plaintiff,  
5 frankly neither is he or his counsel.

6 The second thing is I want to speak about  
7 this Franco case, which was a case in which --  
8 what happened there -- it did involve the  
9 psychotherapist privilege. What happened there is  
10 the psychotherapist was sent a subpoena and sent  
11 back an objection. All right? And the -- part of  
12 the objection said, we can't release these  
13 without -- we think they're confidential and we  
14 can't release the records without a release from  
15 the patient in any event. Then the other side,  
16 the husband, went to court and said, okay, I want  
17 a release. And what the District Court of Appeals  
18 was objecting to was the fact that the court  
19 ordered -- the trial court had ordered the release  
20 signed without addressing the privilege issue that  
21 had been raised by the psychotherapist.

22 If this was a case where we had sent the  
23 subpoena to the FBI and they objected where they  
24 would have had to produce the records if there was  
25 a release, which is not true of the FBI as it is

1 with a psychotherapist, then, you know, Your Honor  
2 would have before you the privilege issue, but  
3 that's not before you in the way that it was  
4 before the trial court in Franco. And what the  
5 court in Franco is essentially saying is that  
6 where this privilege has been properly asserted by  
7 the psychotherapist, you had to address that  
8 before you could order a records release.

9 This is a different situation obviously.  
10 First of all, the FBI hasn't objected because  
11 there's been -- we haven't submitted a release  
12 yet. And, second, even if we do submit a release,  
13 the FBI is not obliged in the way a doctor's  
14 office would be or a psychotherapist's office  
15 would be to release records. It operates  
16 completely differently.

17 So the concerns that were annotated in the  
18 Franco case, which recognize that Rojas was  
19 settled law but just thought it didn't apply in  
20 that unique set of circumstances, don't really  
21 apply here.

22 So having talked about the privilege issues,  
23 I do think that, you know -- we cited a Florida  
24 Supreme Court authority on this, and the only  
25 argument in response is, you can't get any

1 documents which are privileged, which begs the  
2 question, are these documents privileged or not?  
3 We don't know. And since we don't know, you ought  
4 to be able to get a release and preserve for some  
5 other day the privilege issue. But if there is  
6 one, the FBI will assert it.

7 And the -- excuse me. The fact of the matter  
8 is that the plaintiff and his lawyer know what  
9 they sent to the FBI. The plaintiff and his  
10 lawyer probably kept a copy of any documents they  
11 submitted to the FBI. We have asked for those  
12 things. We have not gotten them. And so to  
13 simply say this is something that is not  
14 privileged because they didn't claim a privilege,  
15 it is raising the additional specter that the  
16 information that's being sent to the FBI is  
17 different than the information that's being sent  
18 to this Court, and that's something that we, in a  
19 matter of fairness to us, need to be able to get  
20 to the bottom of. We should not be asked to  
21 defend this litigation, at the end of which we're  
22 asked to pay a hundred million dollars, but that's  
23 what's gone on. That's why we're asking for this  
24 release and, again, reserving for another day the  
25 question of whether there is a privilege that the

1 FBI may assert and what records it may apply to.  
2 And really that's where we are.

3 In terms of the preclusion order, because we  
4 have, I think, explained -- and I won't rehearse  
5 this again, Your Honor, but because we have  
6 explained, I think in a fair bit of detail, why it  
7 is that the statements to the FBI are the core --  
8 the case's core of the public statements, the  
9 public narrative that the plaintiff engaged in  
10 over and over and over again was, you know, if you  
11 don't do this, you better watch out because I'm  
12 pursuing criminal charges. My lawyer and I are  
13 meeting with the FBI, etcetera, etcetera,  
14 etcetera. Those are all things that are part -- a  
15 central part of the narrative that the plaintiff  
16 is telling about what happened here, which we've  
17 called into serious question. It can't be that he  
18 can get up and testify that that's what he did and  
19 then we can't even find out -- we don't even know  
20 if he did that. Maybe he didn't do that at all.  
21 I don't think that's true, because I think if that  
22 were true, they would have come and said this  
23 motion is unnecessary because we didn't initiate  
24 an FBI investigation. But we can't have a  
25 situation where we go to a trial and the plaintiff



1 is allowed to get up and say all those things and  
2 we can't even get information, some of which may  
3 not be the subject of any privilege and would be  
4 disclosable if we get a release from him. I think  
5 with that, unless the Court has any questions, I  
6 think I'll stop.

7 THE COURT: I don't think so. You all have  
8 done an excellent job of outlining the issues. I  
9 have, again, reviewed the motion. And having  
10 considered the oral argument that has been  
11 presented here today, as the general master that's  
12 been appointed in this case, it is my  
13 recommendation and my finding that Gawker has made  
14 a sufficient basis for the granting of the motion  
15 to compel for the authorization. And it would be  
16 my recommendation to the judge in this case that  
17 an order be constructed directing Mr. Hogan to  
18 provide the authorization. And I'm -- so that  
19 perhaps we can get the information if it's  
20 available within the time before these  
21 depositions, I'm going to suggest that three days  
22 ought to be allowed.

23 THE COURT REPORTER: I'm sorry, Judge. Three  
24 days?

25 THE COURT: Three days, yes, ma'am.

1 MR. HARDER: Your Honor, may I ask a point of  
2 clarification? I apologize for not having covered  
3 this with Mr. Thomas in advance. But as you know,  
4 I'm not from Florida and a little bit less  
5 familiar with the intricacies of the Florida  
6 procedure. How does that work with you as a  
7 special discovery magistrate in terms of actually  
8 turning this into an order? What exactly  
9 procedurally happens, if I might ask?

10 THE COURT: Gregg can probably tell you, but  
11 what would happen from here is that you and Gregg  
12 would create a report and recommendation from the  
13 general master for me to sign to the judge  
14 together with a proposed order for the judge to  
15 sign consistent with what I have recommended, not  
16 unlike what you might find in the federal  
17 magistrate system.

18 MR. HARDER: Very well. Understood. We will  
19 do that.

20 THE COURT: Okay. Thank you all very much.  
21 I appreciate it.

22 MR. BERLIN: Thank you, Your Honor.

23 MR. THOMAS: Thank you, Judge.

24 (Proceedings concluded at 4:05 p.m.)  
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REPORTER'S CERTIFICATE

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STATE OF FLORIDA :  
COUNTY OF HILLSBOROUGH :

I, Susan C. Riedsorph, RPR, CRR certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

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

Dated this 12th day of February, 2014, IN THE CITY OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF FLORIDA.

Susan C. Riedsorph, RPR, CRR, CLSP