

EXHIBIT B

ELECTRONICALLY FILED 2/24/2014 9:03:44 AM: KEN BURKE, CLERK OF THE CIRCUIT COURT, PINELLAS COUNTY

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
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1 sure if it's the next one or the one of the
2 other ones this morning -- but apparently there
3 was a -- Mr. Clem's voice was heard on the
4 beginning of the tape, and I'm not sure if that
5 was the one that Gawker published. I couldn't
6 really understand the distinction.

7 MR. DIACO: I believe it was.

8 THE COURT: Mr. Berlin?

9 MR. BERLIN: As far as we know,
10 Your Honor, that was not. And when we had this
11 hearing in October -- first of all, let me say
12 the subpoena was served at the end of August.
13 This is essentially encompassed within
14 Your Honor's ruling in October that pre-dated
15 that, and obviously we are not looking for
16 things that Your Honor has already ruled on.
17 But when we were here in October, if I may
18 refresh the Court's recollection, when we were
19 here, the reason why we limited it to -- we had
20 a long discussion of the facts, but the reason
21 why we limited it to videos involving Mr. Hogan
22 and Ms. Clem is because we believe on another
23 tape there was discussion from some of the
24 other people in the media that is not on
25 Gawker's tape -- there is a statement by

1 Mr. Clem and Mrs. Clem to the effect of "If we
2 ever needed to get rich, now we have this
3 tape." Because that obviously affects the
4 motivation of two of the three key people in
5 this case, that's why we asked for that.

6 To the extent Mr. Harder has concerns
7 about publication, we've already gone over
8 that. He's certainly aware it can be produced,
9 that information, either under protective order
10 which would restrict the dissemination or, if
11 there's a heightened concern, give it to the
12 lawyers only and Your Honor keep custody of the
13 tape. But when those two witnesses are
14 essentially saying we can use this to make a
15 lot of money if we disseminate it, it seems to
16 be very much relevant to what's going on in
17 this case and whether what they are saying is
18 exactly what went down.

19 Your Honor, I didn't want to contradict
20 what Your Honor just said, but the ruling that
21 you made in October was a little bit broader
22 and was for that reason. And if you're
23 concerned about it, then we can certainly
24 address the confidentiality concerns, but we've
25 got to get a copy of that so we can, you know,

1 MR. HARDER: Your ruling was as it
2 pertained to documentation and testimony. We
3 made a protective order motion that
4 Hulk Hogan's general sex life was not allowed;
5 but just words, testimony, documentation that
6 would pertain to the relationship between
7 Hulk Hogan and Heather Clem, you allowed that
8 discovery, but in order to contain what was a
9 much broader request for discovery. But
10 Your Honor never said that all video would have
11 to be produced.

12 THE COURT: Do you --

13 MR. BERLIN: I have a transcript,
14 Your Honor.

15 MR. HARDER: Your Honor, that motion was
16 between Hulk Hogan and Gawker. We don't have
17 anything at all except what they have given us
18 in terms of video. So they received a
19 30-minute video. We never had it until they
20 gave it to us. And there was 1 minute and 41
21 seconds that was on the Internet that obviously
22 we looked at, but if there happens to be more
23 video, that issue was never litigated, because
24 we don't have it and apparently they are
25 telling us they don't have it.

1 THE COURT: I guess so the credibility of
2 Mr. Bollea as far as his knowledge of the
3 Clems -- Mr. and Mrs. Clem's practices as far
4 as taping or any other -- the credibility of
5 Mr. Bollea, he's actually the one in question,
6 his knowledge, his sense of taping, those kinds
7 of things, I think that they are at least
8 appropriate for deposition and some discovery.

9 Am I asking at this point in time for any
10 other tapes to be turned over to the defense?
11 No. But I think that the topic is certainly
12 one that is appropriate.

13 MR. HARDER: I understand, Your Honor. I
14 would propose a compromise. If there happens
15 to be more footage, I would -- rather than
16 having Gawker or counsel get that footage,
17 perhaps Judge Case could get that footage and
18 look to see if it speaks to the issues that
19 they are saying, because I am very, very
20 confident that there is nothing on any videos
21 that would show that Hulk Hogan knew about
22 this, consented to this, any of that.

23 Now, I think what Mr. Berlin is saying, if
24 I understand him -- and I don't even -- I'm
25 operating in the dark here, because he's

1 talking about certain things that happened on
2 the video and yet they've never produced any
3 evidence of that to me and this is the first
4 time I've ever heard of it, that apparently
5 maybe the Clems were having a discussion that
6 they were going to get rich from this video,
7 then that's an issue that would pertain to the
8 Clems. It wouldn't pertain to Hulk Hogan
9 knowing about or consenting to, but it would
10 pertain to the Clems.

11 THE COURT: Mrs. Clem is still a defendant
12 in this case.

13 MR. HARDER: She is.

14 THE COURT: So it certainly would be
15 something that even your client would want to
16 know.

17 MR. HARDER: Probably, yes.

18 MR. THOMAS: Your Honor, what I would ask
19 as to that is today you ask Mr. Diaco if he
20 will agree to preserve all tapes that relate to
21 Ms. Clem and Mr. Hogan.

22 THE COURT: Yes. I think that's
23 appropriate.

24 So, Mr. Diaco, we don't want to later on
25 have any spoliation of evidence issues coming

1 up or anything for purposes of jury trial later
2 on and any issue of Valcin presumption.

3 So if you would please ask Mr. -- and I
4 would like to enter an order that requires
5 anybody that has any possession of anything --
6 and I'm going to say anything really broadly --
7 so anything, any written material, any audio,
8 any video, any text messages, anything that
9 pertains to the video that is the subject
10 matter of this lawsuit to be preserved.

11 Anybody have a problem with that?

12 MR. BERLIN: I would just add it may be
13 one longer tape or two shorter tapes. It could
14 be --

15 THE COURT: I said anything. Anything
16 means anything.

17 MR. BERLIN: I don't want --

18 THE COURT: If one tape is a minute and
19 one is 10 minutes, all of it gets preserved.

20 MR. BERLIN: I don't want anybody to come
21 back later and say, well, this isn't the tape
22 that Gawker had broadcast, it was a different
23 tape, so we didn't preserve it. That's all.

24 THE COURT: If you've got ten tapes,
25 preserve all ten tapes.

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


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3 CERTIFICATE OF REPORTER

4 STATE OF FLORIDA)

5 COUNTY OF HILLSBOROUGH)

6 I, Lori K. Ash, RPR-CP, certify that I was
7 authorized to and did stenographically report the
8 foregoing proceedings and that the foregoing pages,
9 numbered 1 through 132, are a true and complete
10 record of my stenographic notes taken during said
11 proceedings.12 I further certify that I am not a relative,
13 employee, attorney or counsel of any of the parties,
14 nor am I a relative or employee of any of the
15 parties' attorneys or counsel connected with the
16 action, nor am I financially interested in the
17 action.

18 Dated this 20th of January, 2014.

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21
22 
23 LORI K. ASH, RPR-CP