

EXHIBIT 3

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 CASE,
without confidential sessions

DATE: February 24, 2014

TIME: 1:32 p.m. to 3:27 p.m.

PLACE: Riesdorph Reporting Group
601 Cleveland Street
Suite 600
Clearwater, Florida

REPORTED BY: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large

Pages 1 to 89

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
1925 Century Park East
Suite 800
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 -

RACHEL E. FUGATE, ESQUIRE
Thomas & Locicero, PL
601 South Boulevard
Tampa, Florida 33606

Attorneys for Defendant Gawker Media, LLC

1 I think it was around April-ish of 2012, and we
2 produced those. We're not holding back on
3 anything, except communications between Mr. Bollea
4 and litigation counsel, obviously. But I have an
5 agreement with Seth that neither side is going to
6 be logging litigation communications. We're
7 talking about things that happened before
8 litigation counsel was retained for this.

9 But this whole notion that Mr. Bollea or his
10 counsel -- myself, and maybe others -- are engaged
11 in some sort of a scheme or to try to hide the
12 ball, try to hide things, that's just not the
13 case. I mean, we have been fully producing
14 documents. There aren't a lot.

15 As you can probably imagine, if you're ever
16 in a bedroom and you're filmed without your
17 knowledge and then six years later you find out
18 that a highlight reel of the activity is up on the
19 Internet and you think back, Okay, what kind of
20 documents do I have relating to the things that
21 happened from the past six years about this sex
22 tape, you're not going to have much, if anything
23 at all. And that just happens to be the case. So
24 it's not that we're hiding anything or trying to
25 prevent anything. A lot of this stuff just

1 phone records, I would be happy to have Mr. Bollea
2 take a look at his phone records from 2012 and see
3 if it refreshes his recollection on communications
4 that he had with the Clems'. And I will
5 supplement it. And I think that that's the
6 appropriate way of addressing the phone records,
7 rather than to force him to produce an entire year
8 of phone records to Gawker, which is a media
9 company that publishes things about people.

10 THE COURT: Okay. With respect to
11 defendant's expedited motion to compel plaintiff's
12 compliance with the October 29th discovery rulings
13 and for sanctions, the recommendation to
14 Judge Campbell on this issue would be to deny the
15 motion with a very strong caveat. And, that is,
16 Mr. Harder, I'm taking you for your word and your
17 client's word that he does not have any of the
18 information, that you have represented that he
19 does not, and that he doesn't have access to it
20 and that he's incapable of furnishing any of the
21 discovery that you have represented.

22 Subsequently to today, if determined that he
23 has been less than candid or honest with these
24 proceedings and with this Court, I think you can
25 fully expect the recommendation from me to

1 Judge Campbell in the strongest of words that a
2 preclusion order would be entered with respect to
3 what the defendant is seeking here today. I'm not
4 going to do it today, because, as I said, I'm
5 taking you and your client's word with respect to
6 your abilities to provide the discovery and have
7 been completed as far as they can possibly be.

8 So that being said, the other sanction
9 request will be denied. Motion to compel the
10 discovery will be denied.

11 MR. BERLIN: Your Honor, if we might, to the
12 extent of doing an order, that Mr. Harder is going
13 to do what he said he was going to do with respect
14 to the phone records.

15 THE COURT: I think that's going to come up
16 next.

17 MR. BERLIN: Well, the next one actually asks
18 for them to be produced. What he was offering to
19 do was to have his client review them.

20 THE COURT: That was -- if I understand
21 Mr. Harder correctly, that offer was in lieu of
22 producing the records.

23 MR. HARDER: Correct.

24 THE COURT: And I don't --

25 MR. BERLIN: They're not going -- I'm sorry,