

EXHIBIT 1

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.
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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 not going to be able to get back on my calendar
2 between now and this deposition. So through
3 those depositions if that information comes
4 out, I would like there to be a pathway to
5 Judge Case and so I appreciate Mr. Berlin's
6 suggestion that we include it in the order so
7 then you-all aren't trying to scramble and get
8 a hearing with me, which you won't be able to
9 until --

10 MR. TURKEL: I would just ask you to set
11 parameters and set the threshold so it's not
12 just this idea that, well, Judge Campbell
13 said -- well, we said we thought it was
14 relevant, you should look at it. We need
15 something a little more than that. That's all,
16 Judge.

17 THE COURT: Perhaps you can work with
18 Mr. Berlin on that suggested language.

19 MR. HARDER: If the tape goes to
20 Judge Case, that he would review it to
21 determine if there are any statements that
22 pertain to Heather and Bubba or Bubba and --
23 the participants in the tape having
24 conversations that are pertinent to the case
25 and then perhaps a transcript could be created

1 that's pertinent to the case, and hopefully
2 Judge Case would take possession of the video
3 so it doesn't go to any of the parties and it
4 stays where it came from and doesn't get out.
5 That's my concern.

6 THE COURT: Who would be writing that
7 transcript?

8 MR. DIACO: If I may just inquire, has the
9 tape that Gawker has been produced to the
10 Plaintiffs in this case?

11 MR. BERLIN: It has.

12 MR. DIACO: So this conversation that he's
13 alluding to, that's not contained on the
14 30-minute tape, I assume?

15 MR. HARDER: No.

16 MR. DIACO: I guess I don't understand
17 where such a representation comes from. This
18 is new to me.

19 THE COURT: Mr. Berlin.

20 MR. BERLIN: If I may explain, it's more
21 than just we've heard, Your Honor. The history
22 of this is that for two weeks when this case
23 was -- when this tape was published by Gawker,
24 Mr. Bollea was not at that time complaining
25 that Mr. and Mrs. Clem were involved, including

1 that that was not on the tape that Gawker had
2 and it was not reported by Gawker --

3 THE COURT: Were not involved in the
4 taping?

5 MR. BERLIN: Were not involved in the
6 taping and --

7 THE COURT: The dissemination, I guess?

8 MR. BERLIN: Right. And people asked
9 Mr. Bollea in public interviews, "Hey, don't
10 you think they might have been in on it?" And
11 he said, "I talked to Mr. Clem and Mr. Clem is
12 a very good friend of mine and he assures me he
13 had nothing to do with it."

14 Then he went on a program called TMZ,
15 which he and Mr. Houston went on TMZ, which is
16 sort of a Hollywood gossip program. And the
17 editor and one other person on that program
18 said, "We have seen the tape and at the end of
19 the tape this is what it says."

20 And thereafter Mr. Bollea basically became
21 outraged with Mr. Clem and Mrs. Clem and filed
22 suit against them in court. Gawker was later
23 added, but it was originally against them.
24 That's more than just a hunch that we have
25 heard. This was the subject of a public news

1 report. We've come to the conclusion there was
2 a longer version of the tape that we were sent
3 or there's a different tape from a different
4 day. I'm not interested for this -- I am
5 interested in the content of those
6 conversations. So it is important to the case
7 that -- you know, I hate to put this on
8 Judge Case -- but somebody go through it and
9 see if that's there.

10 And if Mr. Diaco's client, if Mr. Clem has
11 more footage where that might be, we would like
12 to be able to have Judge Case view that. I
13 would assume a portion of the conversation on
14 the sex tape would be short enough, without
15 burdening Judge Case, he might be able to write
16 down what they said and provide that to the
17 parties or, if you want, we can get a
18 court reporter to do that.

19 THE COURT: So I would think that that
20 would be important and I would like to put an
21 end to that conversation. Oftentimes people in
22 the media say things that aren't true. So
23 let's come to a conclusion one way or the
24 other, and I think the remedy of having
25 Judge Case review it and I would like to

1 include then also if those are to be
2 transcribed that they there be an official
3 court reporter that listens and transcribes
4 that as opposed to Judge Case trying to write
5 it down. So include it in the order Judge Case
6 and an official court reporter that can listen
7 and transcribe those particular sections, if
8 they exist.

9 MR. HARDER: Those sections that are
10 identified by Judge Case as being relevant?

11 THE COURT: Yes. And "relevant" is the
12 key word.

13 MR. BERLIN: And that would then -- and
14 that would be distributed to the parties?

15 THE COURT: Yes.

16 MR. HARDER: Assuming there are materials.

17 THE COURT: Assuming there are.

18 MR. DIACO: That's a pretty big assumption
19 to make when it is not contained on the actual
20 video in evidence in this case.

21 THE COURT: And that's Mr. Berlin's
22 representation.

23 Anything else, Mr. Turkel?

24 MR. TURKEL: No, Your Honor.

25 THE COURT: Anything else, though, in the

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