

# 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.

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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.  
(813) 876-4722

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