

# EXHIBIT 16

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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HEARING BEFORE THE HONORABLE PAMELA CAMPBELL

DATE: October 29, 2013  
TIME: 10:22 a.m. to 12:31 p.m.  
PLACE: Pinellas County Courthouse  
545 First Avenue North  
St. Petersburg, Florida  
REPORTED BY: Susan C. Riesdorph, RPR, CRR  
Notary Public, State of  
Florida

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1           celebrity sex tape. Some celebrities -- or some  
2           sex -- celebrity sex tapes make \$10 million,  
3           \$15 million, \$20 million from the tape itself  
4           because so many people go to a site and plunk down  
5           money and want to watch it.

6           What we're saying is, they got the value of  
7           five million plus people who were unique to Gawker  
8           Media, unique viewers, went there, and their --  
9           their company was enhanced financially because of  
10          it and the value that they got is the value of a  
11          celebrity sex tape in which Hulk Hogan is the  
12          star. So we want the value rather than allowing  
13          them to have it. It has nothing to do with  
14          whether his career was harmed or not.

15          Mr. Berlin went for a while trying to -- it  
16          sounded like he was saying that Hulk Hogan has  
17          been inconsistent in his allegations in this case.  
18          The only thing -- and I will admit to this -- the  
19          only thing that was inconsistent is the 2006  
20          versus 2008. When Hulk Hogan first said this  
21          happened six years ago, I think that my office  
22          took it literally rather than figuratively. I  
23          think when he said it happened six years ago, he  
24          was meaning it happened many years ago. And so  
25          when we initially prepared the papers, we made a

1           mistake and we said, okay, it's 2012, and then we  
2           go back six years, so that's 2006. And then in  
3           further talking to him about this, we got down the  
4           actual timeline based upon other things that were  
5           happening in his life, including his separation.  
6           He did live with the Clems for a short period of  
7           time, I think two weeks or two months or somewhere  
8           in between there. I never said that he didn't.  
9           But that was part of the timeline. So once we got  
10          him down on the timeline, it turns out it happened  
11          to be in 2008 rather than 2006. And I apologize,  
12          but that was an inadvertent error. That doesn't  
13          mean you open up the floodgates to discovery. It  
14          means we goofed and we unfortunately had our  
15          client sign something that was under penalty of  
16          perjury that was off by two years. And I  
17          apologize for that. But, again, it doesn't lead  
18          to this opening of the floodgates.

19                 In terms of what Mr. Berlin was presenting to  
20          the Court -- and I can talk about the public  
21          statement. When Bubba Clem was sued, he went on  
22          the radio and he told things that weren't true.  
23          He said Hulk Hogan was in on this. That wasn't  
24          true. And it was, I suppose, the passion of the  
25          moment after having just been sued and his

1 search. Lexis-Nexis has a database. Google has a  
2 database. They're a news organization. I assume  
3 they know how to get news stories. And we're not  
4 hiding anything. It's -- those types of things  
5 are available.

6 I think a key point here is that when they're  
7 asking for discovery, that discovery either has to  
8 be relevant to what the case is about or it has to  
9 lead to -- be reasonably calculated to lead to  
10 admissible evidence. I just don't see how the  
11 great majority of things that they've moved to  
12 compel on are going to lead to admissible  
13 evidence. They want everything about his sex  
14 life. They want everything about his finances.  
15 They want everything about a great number of  
16 things, everything about his divorce. Well, it  
17 has to lead to admissible evidence. I don't see  
18 how any of these things are admissible.

19 In terms of privilege, we haven't done a  
20 privilege log because I don't have any  
21 privilege -- there are no privileged  
22 communications that I'm aware of -- and I've asked  
23 for them and I've done everything I can to find  
24 them -- other than communications that happened  
25 after litigation counsel was retained to fight

1           this case.  So -- and Mr. Berlin and I have an  
2           agreement that we're not going to put every  
3           communication, because it's endless, on a  
4           privileged log.  If what they're asking for is  
5           communications between Bubba Clem's counsel and my  
6           office regarding the settlement, we'll put those  
7           on a privilege log.  It's already been put on a  
8           privilege log by Bubba's counsel.  I'm happy to do  
9           it.  I wasn't aware that they were seeking that,  
10          but I'm happy to do it if they're seeking it.

11                 One of the things, documents relating to  
12          Hulk Hogan's public appearances, well, he's a  
13          public person and he goes out in public.  So every  
14          time he walks down the street or drives somewhere,  
15          I mean, I'm not going to produce documents of  
16          every time he goes anywhere, every time he talks  
17          to anyone, every time he's interviewed.  I mean,  
18          sometimes he's interviewed probably six -- six  
19          times in a day.  Again, we don't keep these  
20          documents.  A lot of this stuff is not reasonably  
21          calculated to lead to admissible evidence.

22                 Mr. Berlin said that Jennifer Bollea  
23          submitted a declaration that said a variety of  
24          things, a lot of information, and she lived  
25          through this.  She had a very short paragraph, and

## 1 REPORTER'S CERTIFICATE

2  
3 STATE OF FLORIDA :

4 COUNTY OF HILLSBOROUGH :

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7 I, Susan C. Riesdorff, RPR, CRR certify that I  
8 was authorized to and did stenographically report the  
9 foregoing proceedings and that the transcript is a true  
10 and complete record of my stenographic notes.11 I further certify that I am not a relative,  
12 employee, attorney, or counsel of any of the parties,  
13 nor am I a relative or employee of any of the parties'  
14 attorney or counsel connected with the action, nor am I  
15 financially interested in the outcome of the foregoing  
16 action.17 Dated this 31st day of October, 2013, IN THE  
18 CITY OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF  
19 FLORIDA.20  
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22  
23  
24  
25  
Susan C. Riesdorff, RPR, CRR, CLSP