

EXHIBIT 5

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

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INDEX

PAGE

Certificate of Reporter.....133

EXHIBITS

NO. DESCRIPTION PAGE

(No exhibits marked.)

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.

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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.
1920
21
22 
23 LORI K. ASH, RPR-CP