

Exhibit 4

to

GAWKER'S EXCEPTIONS TO THE SPECIAL DISCOVERY
MAGISTRATE'S REPORT AND RECOMMENDATION TO
GRANT PLAINTIFF'S MOTION TO COMPEL

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; GAWKER MEDIA
GROUP, INC. aka GAWKER MEDIA;
GAWKER MEDIA ENTERTAINMENT, LLC;
GAWKER TECHNOLOGY, LLC; GAWKER
SALES, LLC; NICK DENTON; A.J.
DAULERIO; KATE BENNERT; BLOGWIRE
HUNGARY SZELLEMI ALKOTAST
HASZNOSITO KFT aka GAWKER MEDIA,

Defendants.

HEARING
BEFORE THE HONORABLE PAMELA A.M. CAMPBELL
(Pages 1 through 70)

Wednesday, October 22, 2014
1:29 p.m. - 2:40 p.m.
St. Petersburg Judicial Building
545 First Avenue North
Room 300
St. Petersburg, Florida 33701

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EXHIBITS

NO. DESCRIPTION	PAGE
(No exhibits marked.)	

1 even been any jurisdictional discovery -- the
2 Court of Appeals is going to make a ruling, and
3 if they agreed with Your Honor that Kinja is
4 brought back here, then we are going to have
5 jurisdictional discovery over Kinja. And then
6 Kinja could have the ability, if it so chooses,
7 and if the Court of Appeals is receptive to it,
8 to take any further rulings to the Court of
9 Appeals.

10 For example, if Your Honor denies their
11 motion and says there is minimum contact with
12 the state of Florida such that Florida has
13 jurisdiction over Kinja, they will take --
14 presumably they have the potential to take that
15 to the Court of Appeals, and that could delay
16 things by another year or so.

17 And then if the Court of Appeals says "No,
18 Judge Campbell was right, there is enough
19 minimum contact for there to be jurisdiction,"
20 then Kinja is right back to where we are.

21 We can't afford to have our case against
22 the Gawker defendants, which are the main
23 defendants -- they are the ones --
24 Gawker Media, LLC; Nick Denton; and A.J.
25 Daulerio, the other Gawker defendants -- they

1 are the ones who received the sex video that's
2 at issue, they edited it, they put a -- what do
3 you call it -- an English translation -- an
4 English subtitle to it, and they posted the
5 video to their site.

6 Mr. Bollea's counsel demanded repeatedly
7 it be taken down right off the bat. Gawker
8 said no, we are going to keep it up. It stayed
9 up for six months. Millions of people flocked
10 to the website, saw it. Tremendous amounts of
11 advertising revenue have flowed to
12 Gawker Media, LLC. And because the case has
13 been two years so far, it's very important for
14 us to bring that case to a trial.

15 If along the way the appellate court
16 agrees with Kinja that Kinja shouldn't be part
17 of the case or if Your Honor, after receiving
18 jurisdictional discovery, agrees with Kinja
19 that Kinja -- there is no jurisdiction over
20 Kinja, Kinja is going to go away from this
21 case, and that will allow us to take our case
22 against Gawker Media to trial. And we ask that
23 it not be delayed by an additional two years or
24 so while we are waiting for Kinja and the Court
25 of Appeals to go through this lengthy, lengthy

1 trial against Kinja separately, because they
2 are proceeding that way right now. So this
3 motion to sever out Kinja is actually
4 consistent with the position that the two
5 parties have taken.

6 Also, their claims are not so intertwined
7 that we can't have a trial of one and not the
8 other. Kinja did different things. Kinja owns
9 a software platform. It owns the domain name
10 Gawker.com. It owns the trademark to Gawker.
11 And we are suing Kinja in connection with
12 Kinja's supplying of those assets and knowing
13 that the Hulk Hogan sex tape was at Gawker.com,
14 which it owns, Kinja owns.

15 We are suing Gawker Media in connection
16 with a separate set of activities. Those
17 activities are receiving a tape, editing it in
18 length, adding subtitles, posting it to the
19 website that is operated by Gawker Media, and
20 keeping it up online for six months.

21 So the activities are not so intertwined.
22 It's not that Kinja was editing or Kinja was
23 posting, and the allegations are not that Kinja
24 was engaged in those activities. And obviously
25 any allegations when we go to a trial would be

1 consistent with whatever discovery shows.

2 Discovery has shown so far that Kinja was
3 providing IT access, as I described, whereas
4 Gawker Media was providing the employees who
5 did the editing and the posting and received
6 the advertising revenues. So the two are not
7 so intertwined that there can't be a trial of
8 one with regard to its activities and a trial
9 of the other with regard to its separate
10 activities.

11 I'm anticipating Gawker is going to oppose
12 and say, well, we have said that the companies
13 are close, that they are closely related. And
14 that's true, and so I'll just explain. They
15 are sister companies and they are owned by the
16 same parent.

17 In some sense, if you look at the books
18 and records, it appears that the companies are
19 structured so that Kinja owns a great deal of
20 the assets of this enterprise and Gawker owns a
21 great deal of the liabilities of the
22 enterprise.

23 Gawker has the lease, Gawker has
24 obligations to pay employees, Gawker has
25 obligations to vendors, whereas Kinja has been

1 apply to Kinja. For example, a First Amendment
2 defense, if a First Amendment defense applies,
3 then our claims as to both are going to be
4 affected similarly.

5 But that's not to say that the claims are
6 intermingled. There are two different things.
7 The claims are not intermingled. The claims as
8 to Gawker are as to Gawker's activities. The
9 claims as to Kinja are as to Kinja's
10 activities. And they were separate activities.

11 With respect to the issue of what
12 Mr. Berry was saying that the Plaintiff wants
13 to chase after the money and the money flowed
14 to Kinja, so they want to chase after that,
15 well, we can have that trial of that issue
16 after we have already had a trial of
17 Gawker Media, and if there's been any
18 determination of damages to Gawker Media, if
19 Gawker Media files for bankruptcy to expunge
20 liability and we have to chase after the
21 assets, we can have that trial with Your Honor.

22 Nothing that we are asking for today is
23 inconsistent. In fact, it is consistent. To
24 sever out Kinja at this time and allow a trial
25 with Gawker Media is consistent with that.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Lori K. Ash, RPR-CP, certify that I was authorized to and did stenographically report the foregoing proceedings and that the foregoing pages, numbered 1 through 69, are a true and complete record of my stenographic notes taken during said proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 24th of October, 2014.

Lori K Ash

LORI K. ASH, RPR-CP

