

EXHIBIT 3

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY

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 MR. BERLIN: I'm sorry to interrupt.

2 THE COURT: That's all right. I think you're
3 right. When you read them all at once, they all
4 blend after a while. But I appreciate it.

5 Why don't we go over the financial.

6 MR. HARDER: Thank you, Your Honor. I wasn't
7 going to take up a lot of time on this.

8 If Mr. Bollea lost a business opportunity, if
9 a contract was cancelled on him because of what
10 happened with regard to the sex tape being posted,
11 obviously -- and we make that as part of our
12 damages, obviously we will produce all of the
13 nonprivileged documents that pertain to that lost
14 opportunity, lost contract, whatever it happens to
15 be. We haven't alleged any of that yet. I don't
16 expect that we will. We're still in the process
17 of trying to determine the effects of everything,
18 and we want to make sure that there's causation
19 before we allege something. We don't feel that
20 we've gotten there yet. It may be that it never
21 happens. But that doesn't mean that his tax
22 returns, his loan applications, all financial
23 statements of every type, all financial documents
24 of every type are now fair game.

25 THE COURT: I guess, though, you filed a

1 complaint. So --

2 MR. HARDER: Right.

3 THE COURT: -- here we are. So we're a year
4 into the complaint almost. And at what point in
5 time do you say, well, this is what we're -- at
6 some point in time, we'll let you know. No. The
7 time to let them know is now. We're doing the
8 discovery now.

9 MR. HARDER: I understand, Your Honor. Our
10 damages are twofold in terms of the economic
11 damages. One is Gawker Media's unjust enrichment.
12 Gawker Media received upwards of five million
13 unique viewers because of this sex tape. They
14 posted it. Millions and millions of people went
15 to their websites, and they gained a large number
16 of new viewers. And ad revenues were generated
17 because of that, both short-term ad revenues and
18 long-term ad revenues because now they have
19 potentially five million new people who come to
20 their websites. Perhaps they never knew about
21 Gawker and or their other websites and now they do
22 and now they frequent those websites.

23 So what we're undertaking is an analysis --
24 and our motion to compel is seeking this
25 information -- an analysis of where Gawker was

1 well. There is an interrogatory -- I think
2 No. 12, but I may be mis-recalling that -- that
3 asked for the plaintiff to set forth his theories
4 of damages. We have no sort of meaningful answer
5 to that. It would seem to me that the first step
6 in going down the road that Your Honor just
7 outlined would be to do that.

8 THE COURT: I think that's a good idea.

9 MR. BERLIN: Then we can bring the motion
10 that you just described so that we're all on the
11 same page and we won't have these problems.

12 THE COURT: I think you're right. In
13 interrogatory No. 12, it says, identify any and
14 all damages purportedly suffered by you as a
15 result of alleged actions by the Gawker defendant
16 and then explain with particularity the basis for
17 your calculation of such alleged damages. So I'm
18 thinking that --

19 MR. HARDER: We gave them a supplemental
20 response to that.

21 THE COURT: You did?

22 MR. BERLIN: I don't believe there's any
23 supplemental response to that, Your Honor. We got
24 a supplemental response to document requests. We
25 have no supplemental response to that.

1 MR. HARDER: I may be mistaken.

2 THE COURT: Mr. Harder will look at it. If
3 he can give that to you let's say prior to
4 November 11th or whenever the deposition is
5 scheduled, that would be helpful. Is his
6 scheduled on the 11th?

7 MR. BERLIN: I believe he's the 12th,
8 Your Honor.

9 THE COURT: Okay. So perhaps you could give
10 that response by the 8th, which is the Friday
11 before.

12 MR. HARDER: I will.

13 THE COURT: Okay. Anything else that I can
14 give clarification on?

15 MR. COHEN: Yes, Your Honor. The deposition
16 of Mr. Clem, is it my understanding that he's not
17 going to show up on the 11th or is he --

18 MR. BERLIN: His lawyer is saying he's not
19 available, but we have for two months asked for a
20 different day and said, look, we'll release you on
21 that day if you give us a different day. We
22 haven't. I would ask the Court to authorize us to
23 proceed because we have counsel coming in from all
24 over the country.

25 THE COURT: It seems to me like it's

1 REPORTER'S CERTIFICATE

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3 STATE OF FLORIDA :

4 COUNTY OF HILLSBOROUGH :

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6
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 Susan C. Riesdorff, RPR, CRR, CLSP
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