

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
Civil Division Case No. 12012447CI-011

FILED  
ST. PETERSBURG CHAMBER  
2015 MAR -9 PM 2:40  
KEN BURKE  
CLERK OF CIRCUIT COURT

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,  
  
Plaintiff,  
  
vs.  
  
HEATHER CLEM; GAWKER MEDIA, LLC  
akà GAWKER MEDIA; NICK DENTON; A.J.  
DAULERIO; and BLOGWIRE HUNGARY SZELLEMI  
ALKOTÁST HASZNOSÍTÓ KFT,  
  
Defendants.

**ORDER SETTING PRE-TRIAL CONFERENCE AND  
JURY TRIAL**

**Pre-Trial Conference Date:** June 29, 2015 (9:30 a.m. to 12:00 p.m.)  
  
**Jury Trial Date:** JULY 6, 2015  
(TWO WEEK DOCKET)  
545 First Ave., North, Room 400  
St. Petersburg, Florida 33701

I hereby certify that a copy of this Order has been furnished by U.S. Mail this FEB 18 2015 day of \_\_\_\_\_, 2015, to:

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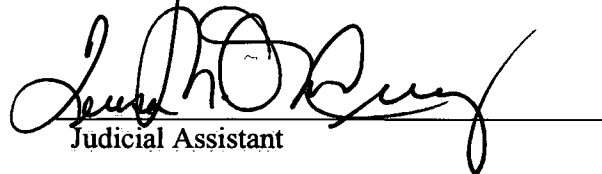
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*Counsel for Plaintiff*

  
 Judicial Assistant

**THIS CAUSE** being at issue and the Court being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows<sup>1</sup>:

**PRE-TRIAL CONFERENCE**

1. A Pre-Trial Conference shall be held as noticed on the preceding cover page.

**JURY TRIAL**

2. A jury trial shall be held as noticed on the preceding cover page.

**STATUS AND CASE MANAGEMENT CONFERENCES**

3. Status and case management conferences shall be held as follows:

- **March 19, 2015** – 9:30 a.m. to 12:00 p.m.
- **April 22, 2015** – 1:30 p.m. to 4:00 p.m.
- **July 1, 2015** – 9:30 a.m. to 4:00 p.m.

**WITNESS & EXHIBIT DISCLOSURES**

4. No later than **March 2, 2015**, counsel for all parties, and any unrepresented party, shall serve opposing counsel and any unrepresented party and **file directly** with the clerk:
  - An initial list of the names and addresses of all lay witnesses who are expected to testify at trial, whether for substantive, corroborative, impeachment or rebuttal purposes.
5. No later than **June 8, 2015**, counsel for all parties, and any unrepresented party, shall serve opposing counsel and any unrepresented party and **file directly** with the clerk:
  - An updated list of the names and addresses of all lay and expert witnesses (as previously disclosed as provided in paragraphs 7-10 below) who are expected to testify at trial, whether for substantive, corroborative, impeachment or rebuttal purposes.

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<sup>1</sup> Consistent with this Court's Order dated November 4, 2014 (and without any party intending to waive their position with respect to the entry of that order or of this order), this Order Setting Pre-Trial Conference and Jury Trial applies only to plaintiff's claims against defendants Heather Cole f/k/a Heather Clem, Gawker Media, LLC, Nick Denton, and A.J. Daulerio, which have been set for trial beginning on July 6, 2015.

- A list of all exhibits which are expected to be admitted at trial whether for substantive, demonstrative, corroborative, impeachment or rebuttal purposes.
  - The parties also shall serve on each other copies of all exhibits, other than demonstrative exhibits, that each party intends to use at trial. The exhibits may be delivered via disk, flashdrive, or other electronic means. These exhibits shall not be filed with or served on the Court or clerk.<sup>2</sup>
6. Witnesses and exhibits which are not listed as described above may provide testimony or be admitted at trial only upon stipulation of all parties or as allowed by order of the Court at or before the pre-trial conference.

### EXPERT DISCLOSURES

7. No later than **March 6, 2015**, counsel for all parties, and any unrepresented party, shall serve upon opposing counsel and any unrepresented party and **file directly** with the clerk:
- A list of the names and addresses of all expert witnesses who are expected to testify at trial on any issue.
8. No later than **March 27, 2015**, counsel for all parties, and any unrepresented party, shall serve upon opposing counsel and any unrepresented party and **file directly** with the clerk:
- A list of the names and addresses of all rebuttal expert witnesses who are expected to testify at trial.
9. In addition to names and addresses of each expert who is expected to testify at trial, the parties shall provide to each other no later than the dates listed in paragraphs 7 and 8 respectively:
- the subject matter about which the expert is expected to testify;
  - the substance of the facts and opinions about which the expert is expected to testify;
  - a summary of the grounds for each opinion;
  - a copy of written reports issued by the expert regarding this case;
  - a copy of the expert's curriculum vitae, as well as citations to all cases in which the person has testified at any deposition, hearing, or trial as an expert, going back three years;

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<sup>2</sup> The parties shall exchange copies of demonstrative aids intended for use during opening statements prior to trial, and no later than July 3, 2015.

- the scope of the expert's employment in the pending case and the compensation for such service;
- the expert's general litigation experience as an expert, including the percentage of work performed for plaintiffs and defendants;
- an approximation of the portion of the expert's involvement as an expert witness, which may be based on the number of hours, percentage of hours, or percentage of earned income derived from serving as an expert witness; however, the parties shall not be required to disclose the expert's earnings as an expert witness or income derived from other services, except to note the expert's compensation for his/her service in this case as noted above; and
- a list of all documents relied upon by the expert in forming his/her opinions (including bates-numbers for documents previously produced in this litigation), and copies of any of those documents that are not pleadings in this case, transcripts of deposition testimony taken in this case, or documents previously produced by a party in this case.

All previously served interrogatories and document requests directed to taking discovery concerning experts expected to testify at trial are hereby deemed withdrawn.

10. Expert witnesses who are not listed as described in paragraphs 7 through 9 may provide testimony only upon stipulation of all parties or as allowed by order of the Court at or before the pre-trial conference.

#### **COMPLETION OF DISCOVERY**

11. All depositions of lay witnesses and all fact discovery must be completed no later than **April 10, 2015**. Depositions of lay witnesses and fact discovery after April 10, 2015 shall be permitted only as allowed by the Special Discovery Magistrate, by the Court, or by stipulation of the parties.
12. All depositions of expert witnesses and all expert discovery must be completed no later than **April 13, 2015**.
13. Any discovery requiring a response from the adverse party must be served in time for the response to be due prior to the deadline date established herein. Unavailability of hearing times on motions prior to the Pre-Trial Conference shall not be grounds for extension of deadlines or continuation of the Pre-Trial Conference or Trial, absent exceptional circumstances, as determined by the Court.
14. Pursuant to Fla. R. Civ. P. 1.280(b)(4)(C), the party seeking the expert discovery shall pay experts a reasonable fee for the time spent in responding to discovery requests and the time attending depositions, such payment to be made after an expert deposition or service of expert interrogatory answers.

### SUMMARY JUDGMENT

15. The briefing schedule for motions for summary judgment shall be as follows:

- Motion – **April 20, 2015**
- Opposition – **May 11, 2015**
- Reply – **May 22, 2015**
- Hearing – **May 29, 2015** (9:30 a.m. to 4:00 p.m.)

### DEPOSITION DESIGNATIONS

16. No later than **June 8, 2015**, each party shall serve designations of depositions (video or otherwise) each party intends to offer as testimony in their case-in-chief.
17. No later than **June 15, 2015**, each opposing party shall serve counter designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated.
18. No later than the Pre-Trial Conference, each party shall serve its objections to counter designations served by an opposing party.
19. All such objections **must** be resolved prior to the first day of trial or will be considered waived. Video depositions to be shown at trial must be appropriately edited **prior to trial**.

### MOTIONS

20. All motions, except motions *in limine*, shall be filed and heard prior to the Pre-Trial Conference unless good cause exists why the motions were not heard prior to the Pre-Trial Conference. If such good cause exists, the Court will hear such motions at the Pre-Trial Conference or at a separate hearing following the Pre-Trial Conference.
21. The briefing schedule for motions *in limine* shall be as follows:
- Motions – **June 12, 2015**
  - Oppositions – **June 19, 2015**
  - Replies – **June 25, 2015**
  - Hearing – **June 29, 2015** (9:30 a.m. to 12:00 p.m.) and **July 1, 2015** (9:30 a.m. to 4:00 p.m.)
22. All motions *in limine* must relate to specific evidence to be adduced at trial. The Court will not hear or consider “boiler-plate” motions *in limine*. Examples of “boiler-plate” motions *in limine* are motions seeking the exclusion of “golden rule” arguments in

closing, motions seeking to prevent counsel from expressing personal beliefs, etc. The Court will assume that all trial counsel are aware of the rules of evidence.

23. Any party seeking to exclude evidence under a *Daubert* analysis shall file a motion identifying the specific basis for the *Daubert* challenge. The briefing schedule for *Daubert* motions shall be as follows:

- Motions – **May 18, 2015**
- Oppositions – **June 1, 2015**
- Replies – **June 12, 2015**
- Hearing – **June 29, 2015** (9:30 a.m. to 12:00 p.m.)

#### TRIAL WITNESSES

24. The parties shall, **prior to the Pre-Trial Conference**, contact each witness they will call at trial to determine their availability to appear at trial.

25. A copy of the Notice titled “Notice Regarding Scheduling of Experts for Trial Testimony” shall be provided to any expert witness subpoenaed as an expert witness for trial, no later than **June 26, 2015**.

#### PRE-TRIAL CONFERENCE

26. No later than three days before the Pre-Trial Conference, the parties must submit directly to the Court a joint proposed Pre-Trial Conference Order, using the form provided by the Court. In the event the parties are unable to agree on any matter in the Pre-Trial Conference Order, they shall leave the matter blank and the Court will resolve the dispute at the Pre-Trial Conference.

27. The parties are directed to meet together by agreement instigated by counsel for the Plaintiff to draft the proposed Pre-Trial Conference Order, and also:

- Discuss the possibility of settlement;
- Stipulate to as many facts and issues as possible;
- Examine all exhibits;
- Review all video depositions; and
- Complete all other matters which may expedite both the Pre-Trial Conference and the Jury Trial of this case.
- **This meeting is mandatory and cannot be waived by agreement of the parties.**

28. The Court will consider all matters as may be appropriate as set forth in Fla. R. Civ. P. 1.200.
29. At the Pre-Trial Conference, each *pro se* litigant will appear and each represented party will be represented by lead trial counsel or at least one of the attorneys who will participate in the trial and is authorized to make binding decisions. Any attorney or party having conflicts with the trial date set forth above must provide the Court and opposing counsel/party with written notification of such conflict (including, at a minimum, the court, case number and the date any conflicting trial was set), as soon as practicable but, in no event later than the pre-trial conference. The Court and opposing counsel shall be provided written notification immediately in the event any such conflicts are resolved.
30. At the Pre-Trial Conference, counsel and *pro se* litigants shall be prepared to negotiate settlement. Counsel shall have full authority to make stipulations and to settle the case or have available by telephone, or in person, a party or representative who does have full authority to make stipulations and to settle the case.

**MANDATORY MEETING OF COUNSEL PRIOR TO TRIAL**

31. The attorneys for the parties and all *pro se* litigants are directed to meet on **June 30, 2015**, to:
- Mark all exhibits for identification and prepare a chronological exhibit list for use of clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);
  - Admit or not admit items as evidence and list specific objections, if any;
  - Stipulate as to any matter of fact and/or law about which there is no issue, to avoid unnecessary proof;
  - Review all depositions which are to be offered for any purpose other than impeachment, to resolve objections to the portions to be offered in evidence;
  - Discuss the possibility of settlement;
  - Submit an itemized statement of special damages plaintiff expects to prove;
  - Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its pre-trial conference and trial.
32. At the meeting prior to commencement of trial, each party will be represented by one of the attorneys who will participate in the trial and all *pro se* litigants. Such attorney or individual shall be vested with full authority to make all inspections, stipulations, agreements and admissions as described above.



### JURY INSTRUCTIONS

33. No later than **June 8, 2015**, the Plaintiff shall provide to the Court a complete set of proposed jury instructions and verdict form(s), with a copy to opposing counsel and any *pro se* litigant.
34. No later than **June 15, 2015**, the Defendant(s) shall provide only special instructions or those standard instructions not included in the proposal submitted by Plaintiff, together with any specific objections to the instructions submitted by Plaintiff, as well as a proposed verdict form, if Defendant(s) object to Plaintiff's proposed form.
35. All instructions submitted to the Court shall be by email or by disc or flash-drive and shall be in Microsoft Word format. All instructions shall be in a form suitable for submission to the jury and, in the case of standard instructions, shall bear the number and title assigned in the standard instructions approved by the Florida Supreme Court. The jury instructions electronically submitted to the Court are for purposes of permitting the Court to provide the jury with written instructions for their use during deliberations and should be "clean," *i.e.*, they should make no reference to the party submitting the instructions or citations to supporting authority. All instructions shall be submitted with one jury instruction per page. Each page shall be numbered. These requirements are completely separate from anything the parties intend to submit to the Clerk for purposes of any appellate record. This paragraph shall not foreclose the right of each party to seek to modify instructions up to and including the instruction conference at the close of evidence.

### TRIAL

36. The parties shall be prepared to discuss the time required for voir dire at the pre-trial conference keeping in mind that voir dire is for selection of a fair and impartial jury, not for argument or "conditioning" the jurors. The parties should attempt to agree on a reasonable time for voir dire, however, it must be understood that the Court will have the final decision on the length of voir dire.
37. The parties shall be prepared to discuss the time required for opening statements at the pre-trial conference. The parties should attempt to agree on a reasonable time for opening statements; however, it must be understood that the Court will have the final decision on the length of opening statements.
38. The parties shall be prepared to discuss the time required for closing arguments at the pre-trial conference. The parties should attempt to agree on a reasonable time for closing arguments; however, it must be understood that the Court will have the final decision on the length of closing arguments.

### NOTICE OF SETTLEMENT

39. Counsel and *pro se* litigants shall immediately notify the Court in the event of settlement, and submit a stipulation for an order of dismissal and a final disposition form.

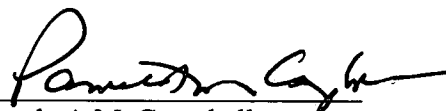
**SANCTIONS**

40. Failure to comply with the requirements of this Order shall subject counsel and *pro se* litigants to such sanctions as the Court shall determine just and proper under the circumstances.

FEB 18 2015

DONE AND ORDERED in Chambers at Pinellas County, Florida this \_\_\_\_ day of

\_\_\_\_\_, 2015.

  
\_\_\_\_\_  
Pamela A.M. Campbell  
Circuit Court Judge

Copies furnished to:  
Counsel of Record