

# EXHIBIT A

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

TERRY GENE BOLLEA,  
professionally known as HULK  
HOGAN,

Plaintiff,

Case 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 A.M. CAMPBELL

DATE: July 1, 2015

TIME: 1:36 p.m. to 5:10 p.m.

PLACE: Pinellas County Courthouse  
545 1st Avenue North  
Third Floor  
St. Petersburg, Florida

REPORTED BY: Aaron T. Perkins, RPR  
Notary Public, State of  
Florida at Large

Volume 2  
Pages 123 to 301

## 1 APPEARANCES:

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23 ALSO PRESENT:  
24

25 Heather L. Dietrick,  
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1 ahead of it, so then you're going to argue, Well,  
2 let's see the whole thing --

3 MR. HARDER: That's fine.

4 THE COURT: -- or do whatever. So we'll have  
5 all that worked out ahead of time.

6 MR. HARDER: Thank you.

7 THE COURT: So if there is specific  
8 objections, Mr. Harder, because you think there  
9 are too many, then you will speak up --

10 MR. HARDER: Okay. Thank you.

11 THE COURT: -- and I will at that point rule.

12 Okay. So I think that No. 10, then, is  
13 generally denied in part and granted in part. I'm  
14 not really sure how you actually call it, but a  
15 limited amount.

16 Let's go to No. 11, which is plaintiff's  
17 motion in limine to exclude irrelevant and  
18 inadmissible Bubba Clem radio broadcast  
19 disparaging the plaintiff and his family. These,  
20 I think, specifically go to the time that was  
21 after the lawsuit was filed, and apparently  
22 Mr. Clem is upset because he got sued.

23 MR. VOGT: Yes, Your Honor. I think, quite  
24 frankly, that one is going to have to be deferred  
25 in connection with your ruling on settlement.

1 MR. BERRY: I mean, I'm prepared to argue it.  
2 There are some things related to the settlement  
3 that may fold into the back end of it. But the  
4 reason why it's relevant is clear without that.  
5 But I prefer to deal with it on the front end,  
6 because if we need to talk about some of the  
7 settlement stuff, I will just refer to our papers  
8 on the settlement. But having some guidance on  
9 what we can do with these shows, I think, is  
10 critical for both sides. I don't really know that  
11 it has a whole lot to do with the settlement.

12 THE COURT: I would be inclined to agree it's  
13 not even relevant. There are many, many rabbit  
14 trails that this trial can go down. This could  
15 potentially be one of them. In some regards, I  
16 almost feel as though I will need to reserve on it  
17 to hear what all the rest of Mr. Clem's testimony  
18 is going to be.

19 For example, if he comes in and says, No,  
20 we're great buddies; we have made up, you know,  
21 something in that regard, clearly at some point  
22 then that may open the door to some of this  
23 other --

24 MR. VOGT: Judge, if the settlement comes in,  
25 it may become relevant to us. That why I'm saying

1 we would prefer the Court to rule on it, because  
2 we may want some of this to come if evidence of  
3 the settlement comes in.

4 MR. BERRY: Your Honor, may I just explain  
5 why from the outset it's just relevant, period,  
6 with respect to the settlement?

7 Basically, on October 15th, plaintiff filed  
8 suit against Gawker, filed suit against Bubba  
9 Clem, and filed against Heather Clem. Prior to  
10 that time, Mr. Clem and the plaintiff had been  
11 exchanging text messages back and forth. And on  
12 the 16th and 17th, Mr. Clem went on the radio and,  
13 for numerous hours both days, he devoted his  
14 program to rebutting Mr. Bollea's public  
15 statements that he had been making about the  
16 nature of his videotape.

17 First, Mr. Clem said that plaintiff pursued  
18 Heather. Second, he said that Mr. Bollea knew of  
19 the taping. Third, he suggested Mr. Bollea may  
20 have released the tape. He talked about -- it's  
21 unclear from their motion exactly what they're  
22 trying to exclude from this footage. But he  
23 talked about what he called the typical Hulk Hogan  
24 MO. And he went on to give a series of examples  
25 from Mr. Bollea's life about how this context of

1           how Mr. Bollea was lying to the public about this  
2           was just like a series of other incidents.

3           And he goes through them, and he proves it  
4           point by point by talking about other things that  
5           he has knowledge of based on what Mr. Bollea had  
6           told him. Again, it's not clear to me what it is  
7           they want to exclude. But most of these shows  
8           dealt with it. All of this evidence is relevant  
9           because what you will hear when Mr. Clem gets up  
10          is that, Well, it wasn't true that plaintiff  
11          pursued Ms. Clem. It wasn't true that he knew  
12          about the taping. It wasn't true that he might  
13          have released it.

14          And we are allowed to use those -- what he  
15          said at that time as impeachment as prior  
16          inconsistent statements. This is classic  
17          credibility questions. He's made numerous  
18          statements that are going to contradict what his  
19          testimony was.

20          And the fact that he now says that none of  
21          this is true, we believe, may be a lie, and we're  
22          allowed to show that. And we're allowed to show  
23          it even with respect to statements that don't deal  
24          with this taping, because those statements were  
25          true as established through other evidence in the



1 case that Mr. Clem -- that we can't get into for  
2 confidentiality reasons.

3 And the jury should be able to decide whether  
4 Mr. Clem is going to be sitting in the chair lying  
5 to them then or whether he was lying to his radio  
6 audience on October 16th and 17th. And they're  
7 the ones that will make that decision.

8 THE COURT: Here is the thing: I think what  
9 you're trying to get at, though, is whether or not  
10 Mr. Bollea is telling the truth about whether he  
11 knew or didn't know that he was being recorded,  
12 right, not Mr. Clem?

13 MR. BERRY: Right. If I misspoke -- but what  
14 Mr. Clem said is that Mr. Bollea first pursued  
15 Ms. Clem, then Mr. Bollea knew about the taping,  
16 and that Mr. Bollea might have released the tape.  
17 He said all those things on the radio. And when  
18 he gets up on the witness stand --

19 THE COURT: Okay. Let's take that one at a  
20 time. Mr. Clem is saying all that, right?

21 MR. BERRY: Correct.

22 THE COURT: That Mr. Bollea knew about the  
23 taping, and what was the second one?

24 MR. BERRY: That he pursued Ms. Clem, that he  
25 knew about the taping, and that he might have

1 released it. And what you will hear when he  
2 testifies, I believe, is the opposite, that he and  
3 Ms. Clem pursued the plaintiff, that Mr. Bollea  
4 didn't know about the taping, and that he thinks  
5 now that Mr. Bollea did not release it. We're  
6 allowed to impeach him with his prior inconsistent  
7 statements. And beyond that --

8 THE COURT: Impeach Mr. Clem?

9 MR. BERRY: Correct. And we're allowed to --  
10 and when he says, Everything I said on that show  
11 was a lie, which is what they have said in their  
12 motion, we're allowed to impeach him on that too,  
13 because we have evidence that it was not. And the  
14 jury can ultimately determine whether Mr. Clem,  
15 who is one of the three participants in this, was  
16 lying on the show, is lying to them now, is lying  
17 in his deposition, was lying when he and  
18 Mr. Bollea were communicating about this before he  
19 was sued.

20 THE COURT: Isn't the critical part  
21 Mr. Bollea?

22 MR. BERRY: It is. But he's one of three --  
23 Mr. Clem is one of three people who knows the  
24 truth. The only reason they want to call Mr. Clem  
25 is to say that Mr. Bollea was taped without his

1 knowledge and that, as far as he knows, Mr. Bollea  
2 had nothing to do with the release of the tape. I  
3 suspect that that's what they're going to ask him.  
4 That's what he's going to come in here and testify  
5 about.

6 We should be able to cross-examine him fully  
7 with the hours and hours -- and we won't go on for  
8 hours and hours. But he went on for hours and  
9 hours and hours saying again and again and again,  
10 Mr. Bollea pursued Ms. Clem; Mr. Bollea knew about  
11 the taping; he might have been the one to release  
12 it; this is the Hulk Hogan MO. And goes through a  
13 series of examples. And whether he walks away  
14 from those things now or not, we're allowed to  
15 cross-examine him, because it's the core  
16 credibility one of three percipient witnesses or  
17 fact witnesses.

18 THE COURT: He's not an expert?

19 MR. BERRY: He's an expert in some things,  
20 but not in --

21 MR. VOGT: May I respond, Your Honor?

22 THE COURT: Yes.

23 MR. VOGT: Mr. Berry said several times he  
24 believes or he suspects. There is nothing to  
25 believe or suspect. Mr. Clem has been deposed.

1 Under oath at his deposition he said, I lied on  
2 the radio; I lied on the radio because I was in  
3 cover my (Indicating) mode.

4 THE COURT: So why would you call him as a  
5 witness?

6 MR. VOGT: Because he's going to testify, as  
7 he did in his deposition, that the truth was that  
8 Mr. Bollea had no idea he was being taped and I  
9 did it without his knowledge.

10 THE COURT: But if he's going to testify to  
11 those things, they have the opportunity to impeach  
12 him on it.

13 MR. VOGT: I don't disagree with that  
14 necessarily, Your Honor. This motion relates to a  
15 few other things. But I want the record to be  
16 clear about this. Heather Clem has also been  
17 deposed and testified that he had no idea that he  
18 was being taped. So it's not like guessing or  
19 speculation. I mean, they have the evidence on  
20 this. They know it's going to take place.

21 But the reason why I think that it's  
22 important that this motion be addressed in  
23 connection with the settlement argument on the  
24 motion in limine is the fact that this motion in  
25 particular goes to more than just that one

1 particular discussion on the radio. There are  
2 other attacks that Mr. Clem was making on  
3 Mr. Bollea's family.

4 THE COURT: Well, I think -- you will have to  
5 just wait, though, and see who opens what door  
6 when he's testifying.

7 MR. VOGT: Right. And that's what I was  
8 saying. We should defer this, because it becomes  
9 much more relevant to our case. Quite frankly, if  
10 the settlement agreement does come in, this  
11 evidence can help explain that.

12 MR. BERRY: Just to be clear --

13 MR. VOGT: This was a consideration. When a  
14 man's family is being destroyed on the radio by  
15 Bubba Clem, there can be some impacts on that.

16 MR. BERRY: Your Honor, two points, if I may.  
17 One with respect to the settlement, I'll refer to  
18 our papers, that there is every incentive for  
19 Mr. Clem to get up there and tell the story that  
20 he's going to based on that settlement agreement.

21 But, second, what I would say to you is if  
22 they don't call Mr. Clem, then we will. And the  
23 reason we're going to put him on the stand is to  
24 have him say the same things that he said on the  
25 radio. And if he doesn't say them, then we'll

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REPORTER'S CERTIFICATE

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, Aaron T. Perkins, Registered Professional Reporter, certify that I was authorized to and did stenographically report the above hearing and that the transcript is a true and complete record of my stenographic notes.

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' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 2nd day of July, 2015.

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Aaron T. Perkins, RPR