

EXHIBIT 34

to the

**AFFIDAVIT OF RACHEL E. FUGATE IN SUPPORT OF THE PUBLISHER
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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HULK HOGAN WRESTLING WITH LEGAL SYSTEM IN ALLEGED ASSAULT

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Minneapolis lawyers battling wrestler Hulk Hogan are trying for a reversal in their match against the celebrity, who is suing a lawyer and his client claiming extortion.

The lawyers are asking a federal judge to dismiss Hogan's lawsuit and are filing a countersuit, alleging the wrestler sexually assaulted a Minneapolis woman after a 1995 wrestling event in Bloomington. Hearings on the motions could occur as early as March.

"We're going to try to take him to the mat," said Ron Meshbesh, who is filing the countersuit on behalf of Kate Kennedy.

Geoffrey Jarpe, Hogan's lawyer in St. Paul, said he did not want to say too much about a pending case. Still, he said, he will raise issues such as when the countersuit should have been filed to prevent it from being allowed.

In addition, Hogan "always has" maintained that nothing occurred like what Kennedy has alleged, Jarpe said.

Papers filed in the Hogan lawsuit provide more details of the allegations. Hogan, whose real name is Terry Bollea, filed the suit in January 1996.

Hogan was in town over the 1995 Labor Day weekend to promote his Pastamania restaurant and wrestle in a World Class Wrestling event, both at the Mall of America.

Kennedy, age 29 at the time, was selling Hogan's wrestling and restaurant merchandise at a stand at the mall. Late in the evening of Sept. 1, Hogan asked her to bring some of the merchandise to his room so he could take it back to Florida with him, Meshbesh said.

According to court papers, Kennedy arrived at Hogan's room at the Bloomington Marriott after midnight. Then, despite her protests, Hogan allegedly lifted Kennedy off the floor in the hospitality suite and carried her to his bedroom. He threw her on the bed and forced her to perform oral sex, according to court documents.

Kennedy never reported the alleged attack to police. Meshbeshier said that is not surprising, because many women do not report sexual assaults, or don't until weeks or months have passed. She did call her ex-boyfriend, a Minneapolis police officer, and went to a therapist, Meshbeshier said.

Eventually, her friends said she had to do something, Meshbeshier said, and she hired lawyer Peter Johnson to represent her. Johnson composed a letter on Dec. 15, 1995, to Hogan and hired a process server to make sure he received it.

On Dec. 24, 1995, the letter was delivered to Hogan. In it, Johnson recounted Kennedy's accusations and said that she was willing to resolve the matter without publicity. He also said that if the matter goes to court, Kennedy would seek millions of dollars. If she goes to police, he wrote, a conviction could bring seven years in prison. He added that Hogan would not want to be compared with Mike Tyson, who was just finishing a prison term for raping a beauty pageant contestant in his hotel room.

Hogan contacted his lawyer, Henry Holmes in Beverly Hills, and decided to sue Johnson and Kennedy, alleging extortion and emotional distress.

Reading the letter left Hogan "shocked, distraught and confused," Hogan said in an affidavit filed in June.

"My professional image and reputation - one that I have lived my life in a way to deserve and maintain - is as a 'good guy' and family man," Hogan said. "I value that reputation highly. It has provided a good living for me and my family.

"But my reputation is one thing and my relationship with my wife and children is quite another. I value my family life, which has been wonderful, more than anything. My 8-year-old daughter and 5-year-old son love me and look up to me and I want them to always be proud of me.

"To say that the Dec. 15, 1995 letter, and all it stands for has placed a tremendous strain on my relationship with my wife and children would also be a gross understatement. Life has been very tough the past six months."

Hogan also said in the affidavit that the person delivering the letter told Hogan he had asked "them" to give Hogan a break and wait until after Christmas to deliver it, but they insisted it be delivered over the holidays.

In an earlier hearing in the case, Johnson testified there were about nine attempts to deliver the letter and it was Hogan who told the process server to meet with him.

"Christmas Eve was his idea," Meshbeshier said. "The process server didn't know what he had and it was his (Hogan's) idea to meet on Christmas Eve day at a shopping center."

Meshbeshier and Johnson see the lawsuit as an attempt by Hogan to disrupt the attorney-client relationship between Johnson and Kennedy and prevent her from filing a lawsuit against Hogan.

"I think he brought the suit primarily to drive a wedge ... to separate Kate Kennedy from me," Johnson said. "Part of the strategy, I'm sure was that we would be less vigorous in pursuing Miss Kennedy's claims if they tied us up. Kate Kennedy has had her claim pending for a year, and the system has worked against her because it (her allegation) hasn't been the focus."

Johnson, Meshbeshier and Arlo Vande Vegte, who is representing Johnson, are asking U.S. District Court Judge James Rosenbaum to dismiss Hogan's suit. They argue the letter is allowed under a judicial action privilege which gives a lawyer and his client the right to state a claim against another person.

"Assuming the facts are true, they have no legal leg to stand on," Meshbeshier said.

Jarpe disagreed, pointing out that Johnson and Meshbesher brought the same motion to dismiss in May ""and they lost that." Jarpe said he expects they will lose again.

Photo
Hogan

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