

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,

vs.

Case No. 12-012447-CI-011

HEATHER CLEM; GAWKER MEDIA, LLC,
aka GAWKER MEDIA, et al.,

Defendants.

_____ /

HEARING BEFORE THE HONORABLE PAMELA A.M. CAMPBELL

DATE: May 29, 2015

TIME: 1:30 p.m. to 4:27 p.m.

PLACE: Pinellas County Courthouse
545 First Avenue North
Courtroom C
St. Petersburg, Florida

BEFORE: Valerie A. Hance, RPR
Notary Public, State of
Florida at Large

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1 because I don't think there is something that's
2 that -- we're not that far apart on this.

3 But would that mean then you next want to take
4 up the discovery objections?

5 THE COURT: Yes.

6 MR. BERLIN: On the discovery -- Your Honor, as
7 you may remember when we were here last in April, in
8 an effort to streamline things, I came up with a
9 suggestion that we would deal with the -- we'd get
10 the financial work discovery requests and we would
11 send out our objections. In the wake of that court
12 conference, we were served with 334 discovery
13 requests.

14 I have to say, I asked both Mr. Davis and
15 Mr. Thomas about this, and they both said that this
16 is unheard of. It seemed rather striking to me and
17 certainly not the kind of thing that if you were
18 trying to streamline things and get to a fair
19 evaluation of what each of the three publisher
20 defendants was worth you would need to do.

21 And what we tried to do in our objections was
22 to go through and say, look, we understand under
23 Florida law that if punitive damages are authorized
24 to be sought, that we are -- that we are going to
25 have to give over certain information that basically

1 speaks to our financial worth. It's not limited to
2 just, hey, here's an interrogatory, tell us what
3 you're worth. They're entitled to get some
4 documents to test it.

5 But we're in a situation here where the volume
6 of what's being asked and the volume of the number
7 of requests asking it and which are duplicative of
8 one another really is imposing an undue burden. And
9 it's a little frustrating, Your Honor, because we
10 proposed a procedure that we thought was designed to
11 streamline things rather than to wait until today
12 when this was ordered and let the discovery be
13 served and then we have to answer. And that we're a
14 little frustrated that that was met with such
15 voluminous discovery.

16 What we tried to do was to come up with a list
17 of things that we thought really fairly viewed and
18 answered these questions and probably then some.
19 And that appears in our objections starting at the
20 top of page 4. And it lists documents relating to
21 the publisher defendant's actual and estimated net
22 worth. It includes documents used in responding to
23 interrogatories, bank statements for the -- you
24 know, the end of each year, going back to the 2011
25 and the current one. Brokerage and investment

1 statements, same way, each year and then most recent
2 one. Financial statements including -- and we've
3 already given over a lot of financial statements of
4 Gawker, but they wanted an updated one, so we were
5 going to update them and give financial statements
6 provided the other two defendants have them.
7 Accounts receivables, cash receipt journals,
8 documents reflecting liabilities, debts, mortgages,
9 other obligations on the idea that if you -- part of
10 your net worth is determined by things that you
11 owed, that's deducing the net worth and they're
12 entitled to know that as well.

13 We give the defendant's ownership interest in
14 Gawker, whether Gawker has been sold to, merged
15 with, or consolidated with any other entity.

16 THE COURT: Can we just go through the list and
17 everybody make argument and I just make the ruling
18 on one by one?

19 MR. BERLIN: Yeah. I was going to say these
20 were the things that we were going to give, so --

21 THE COURT: Right.

22 MR. BERLIN: -- I don't know that there is, you
23 know, a dispute about those because we're going to
24 give those. And we have given federal tax returns
25 and so forth, and trusts. And then we're going to

1 do interrogatories that the publisher defendant
2 swear to the authenticity of the documents, that
3 they have identified the amount of financial worth,
4 that they identified material assets and
5 liabilities, and whether the publisher defendant's
6 maintain their right to bring any action or --
7 about, you know, recovering any debts. Somebody
8 owes you money, that's part of the net worth, and we
9 were going to give that information as well.

10 And we did this based on looking at Florida law
11 on the subject. And there is a series of cases that
12 deal with the scope of financial worth discovery.
13 And all of the other ones were just substantially
14 more narrow. One of them involved nine
15 interrogatories and one request for production. One
16 of them involved three interrogatories. One of them
17 involved a request for a three-year period for
18 income tax returns, personal or business profit and
19 loss statements and balance sheets. And that was
20 it.

21 There has to be a reasonable limit on this,
22 Your Honor, and this just isn't it. And we think
23 the proposal we've outlined here is reasonable.
24 It's a little larger than what we had anticipated we
25 would be doing when we were here in April. And I

1 know I said I would do this, if we needed to, by
2 Tuesday. I'd ask for a few more days into the next
3 week to get it done. But I think this is a
4 reasonable proposal, and I think that it should be
5 adopted by the Court rather than having to go
6 through and serving individual objections to what is
7 essentially 330 documents of a discovery request,
8 which is really, at this point in the case, busy
9 work.

10 I mean, I want to try and cut to the chase.
11 We're going to try and move this forward. That's
12 what I want to do. I think that's where I am on
13 this.

14 And so I'm not sure what the -- the technical
15 relief is if it's a motion for protective order or
16 if there are objections that you then rule on, but,
17 either way, we would ask for appropriate relief that
18 memorializes that.

19 And I guess I could let the plaintiff speak to
20 that. And then if -- you know, just reserve a
21 moment for rebuttal if there is anything that I feel
22 like I need to address. I tried to be brief on this
23 subject, so --

24 THE COURT: Thank you.

25 MR. BERLIN: Thanks.

1 THE COURT: This is your time, Mr. Vogt.

2 MR. VOGT: This is my time. I get to tell --

3 THE COURT: So, Mr. Vogt, tell me first why you
4 don't agree with, yeah, Mr. Berlin's proposal.

5 MR. VOGT: Well, first and foremost, he's wrong
6 on the laws that pertain to discovery in terms of
7 punitive damages cases.

8 If I can approach, Your Honor.

9 THE COURT: Did you give them a copy?

10 MR. VOGT: Yes, ma'am.

11 THE COURT: Okay.

12 MR. VOGT: And this is the Dokes v. Kennedy
13 case. It actually was a follow-up to the Donahue
14 case which is cited in the Tennant case that the
15 Gawker defendants are relying on to object to this
16 discovery.

17 And it says, "Broad latitude regarding
18 discovery and punitive damages claims has been
19 allowed by this Court." That was the Donahue case
20 and Tennant case.

21 Several areas of inquiry are permissible;
22 income, cash flow, expenses, anticipated income,
23 expensed diminutions in income, anticipated
24 casualties affecting the assessment of punitive
25 damages.

1 To that list, Judge, then I'm also adding
2 briefs about bank accounts, depositories, present
3 and recent ownership of property and its value, of
4 any interests in various business arrangements.

5 Interestingly, Your Honor, in this case, the
6 Court didn't find a problem with them using standard
7 family law interrogatories, which are incredibly
8 broad, much more broad than what we've served in
9 this case. And the Court said that that was
10 absolutely fine.

11 The reason they did that, Your Honor, was
12 because in the Donahue case -- may I approach?

13 And this actually dismisses with the notion
14 that what we've asked for here is busywork. And
15 there is a long quote on the second page of this
16 case, Your Honor. It says that -- discussed about
17 possibly just providing sworn statements to someone
18 and cut off any further aggressive inquiry into the
19 true financial capacity to respond to the issue of
20 punitive damages.

21 And the Court disagreed with that. You get
22 that aggressive ability to pursue financial
23 information. They said -- they recognized that
24 people have a tendency to overinflate or
25 underinflate their assets and their net worth, even

1 under oath. And they said, "It is the height of
2 naivete to suggest that a sworn statement of one's
3 net worth must be accepted as the final word on that
4 important subject. The search for a forgotten or
5 hidden assets is of the essence of the discovery
6 process. The whereabouts of assets disclosed by a
7 recent income tax return or shown in a recent
8 financial statement furnished in another situation
9 when the current litigation was not envisioned is a
10 very definitely appropriate inquiry as is the
11 bona fides of the recent disposition of assets."

12 This is where --

13 THE COURT: But they're giving you some of the
14 backup.

15 MR. VOGT: Pardon me?

16 THE COURT: They're giving you, though, the
17 backup. They're giving you the bank statements, the
18 broker investment account statements. They're
19 giving you more than just their view of what their
20 company is worth.

21 MR. VOGT: Correct, they have selectively
22 picked and chosen what they wanted to give. Our
23 requests really don't ask for anything outside the
24 scope of these cases, Your Honor.

25 THE COURT: Here is my concern.

1 MR. VOGT: And I'll be happy to go into them.

2 THE COURT: We may be set for a July trial.

3 MR. VOGT: Correct.

4 THE COURT: I appreciate the fact that they
5 were just getting a ruling a few minutes ago on
6 punitive damages. I appreciate the fact that the
7 defense is really trying to streamline the process
8 to get you everything that -- that at least they can
9 in an expedited basis, so -- because prior to just a
10 week or ten days ago, we were all going to trial on
11 July and I still had a standing trial order out
12 there.

13 MR. VOGT: And we understand that, Your Honor.

14 THE COURT: And so, I guess, for that reason, I
15 think it's a good compromise for now.

16 And so tell me why it wouldn't be or what
17 additional things that you think you want to get on
18 this expedited schedule that the defense has agreed
19 to.

20 MR. VOGT: And our response is, it basically
21 ties in with your concerns that there is not much
22 time left. So these requests necessarily had to be
23 very broad, because if we get responses, we're not
24 going to get a second chance to come back and ask
25 for more information.

1 So if the Court's inclined to grant this, this
2 request by the defense to initially limit the
3 inquiries to the issues that are set forth in this
4 letter, what we would ask is that that not be the
5 final order, but we have the ability to come back.
6 And if we see things in bank statements or financial
7 statements and we didn't get the documents or
8 information from those, that we -- there is proper
9 follow-up on, that we have the ability to do that.

10 THE COURT: All right. Thank you. I'm sorry.
11 This was your main presentation. I cut it short.

12 MR. VOGT: That's okay, Your Honor.

13 THE COURT: Mr. Berlin, would you agree with
14 that?

15 MR. BERLIN: I'm not sure what I'm agreeing to.

16 THE COURT: So here -- I think here -- I think
17 you've made an ore tenus motion for protective order
18 to limit it just to your response to these things on
19 this expedited basis that you've agreed to provide.

20 So Mr. Vogt has then said, well, would they
21 then -- if I was going to grant your ore tenus
22 motion for protective order just on these things,
23 would they have an additional -- after they've had
24 the opportunity to go through all of this, would
25 they have an additional opportunity later on to

1 further inquire.

2 MR. BERLIN: Your Honor, if I could say just
3 two things. One is that the cases that they have
4 presented, I actually think are consistent with what
5 I've just said. In the Donahue case, the
6 defendants -- involving 16 interrogatories, the
7 defendant answered six and objected to the other
8 ten. We're not talking about 334 requests.

9 And in the other one, it lists bank accounts,
10 depositories. We've giving this stuff. What we're
11 objecting to is if you get our bank accounts, you
12 don't need every deposit slip for every -- you know,
13 be just a bunch of paper. The bank has no incentive
14 to misstate what the deposit is. It's on the bank
15 account, so -- and the amounts that are there
16 reflect what's what.

17 So I think that -- I think it's consistent with
18 what I was saying. I generally think that if for
19 some reason -- I mean, remember that the discovery
20 that we're talking about here, Your Honor, is
21 answering one question: What are you worth, right?

22 And, realistically, if we give over all that
23 stuff, it would be very difficult to imagine that
24 they would not be able to formulate a reasonable
25 answer to that question. Right?

1 They've also now asked for depositions of each
2 of the people on that subject and we've scheduled
3 them for the end of June. And, you know, the
4 combination, while that would seem very unlikely.
5 But if for some reason they came and said we can't
6 answer the question what are you worth without some
7 additional piece of information, and we object to
8 that information, and they want to come back to
9 Your Honor, I have no objection to that. I think
10 that's -- that that's what you're here for --

11 THE COURT: Right.

12 MR. BERLIN: -- to resolve that dispute, so --

13 THE COURT: All right. Thank you.

14 So I'm granting defense's ore tenus motion for
15 protective order to limit the discovery to those
16 things that the defense has agreed to provide in the
17 May 22nd, 2015, letter to Mr. Harder. And that the
18 defense is going to provide this information -- was
19 it by next Thursday, the 4th? Is that what you
20 wanted?

21 MR. BERLIN: I think we had originally proposed
22 the 2nd. And if I could look at --

23 THE COURT: 3rd?

24 MR. BERLIN: If I could look at Ms. Smith and
25 find out.

1 MS. SMITH: I think, yes.

2 MR. TURKEL: When we cut the deal to do all
3 this today, I thought it was the 2nd.

4 THE COURT: But then I think that the defense
5 asked for a few days.

6 MR. BERLIN: I'm asking -- basically, this is
7 more than we thought it was going to be, and if I
8 had a couple extra days. If we can do Thursday or
9 Friday of next week, it's still before the
10 depositions. If I can get it done sooner, I will.

11 THE COURT: 5:00 on the 4th, is that good?

12 MS. SMITH: We'll make it.

13 THE COURT: Okay.

14 MR. BERLIN: Ms. Smith is bearing the burden of
15 that production, so --

16 THE COURT: I'm sorry.

17 MR. BERLIN: Yes, I'm sorry as well. I
18 apologize.

19 THE COURT: So -- all right. So by 5:00
20 Thursday. That's June 4th. All right? And with
21 the --

22 MR. BERLIN: 5:00 p.m. on the 4th, yes.

23 THE COURT: And if there is a problem after the
24 plaintiff has had the opportunity to review all of
25 that, there is more information and you guys can't

1 work it out, you're welcome to come back.

2 MR. BERLIN: Your Honor, I have one other
3 question about the punitive damages since Your Honor
4 has ordered that that go forward.

5 THE COURT: Yes.

6 MR. BERLIN: My understanding, again, this is
7 not -- I'm not an expert at this, so perhaps
8 Mr. Davis can speak to this if I get this wrong, but
9 my understanding is that under a case called
10 W.R. Grace, that when that -- when punitive damages
11 are issued, that it is the practice in Florida to
12 bifurcate the issue of net worth presentation to the
13 jury. And I would ask that we do that in this case.

14 THE COURT: So the first part of the trial is
15 going to go forward. The jury will make their
16 decision on the underlying complaint. And then at
17 that point in time, based on the verdict of the
18 jury, then they'll present the additional
19 information. The same jury will make additional
20 decision.

21 Do you agree with that, Mr. Turkel?

22 MR. TURKEL: I don't know that it's mandatory
23 to do it that way. Usually they file a motion to
24 bifurcate and you vet out whether it has to happen.

25 You know, it's, to me, something that we'll