

EXHIBIT 71-C

to the

**CONFIDENTIAL DECLARATION
OF GREGG D. THOMAS
IN SUPPORT OF PLAINTIFFS' OBJECTIONS**

Confidential

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.

_____ /

CONFIDENTIAL -- ATTORNEY'S EYES ONLY

HEARING BEFORE THE HONORABLE JAMES R. CASE

DATE: July 18, 2014

TIME: 9:10 a.m. to 12:50 p.m.

PLACE: Riesdorph Reporting Group
601 Cleveland Street
Suite 600
Clearwater, Florida

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

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P R O C E E D I N G S

(Hearing proceedings called to order at
9:10 a.m.)

JUDGE CASE: Well, welcome back.

MR. HARDER: Thank you. And thanks for
scheduling and fitting us all in.

JUDGE CASE: It worked out absolutely fine.

On the amended notice of the hearing, I have
got a motion for sanctions by the defendants, in
which I think you want to take first; is that
right?

MR. BERLIN: Yes.

JUDGE CASE: Okay.

MR. HARDER: They filed it first.

JUDGE CASE: And then subsequent to that is
the protective -- the motion for protective order?

MR. HARDER: Right.

JUDGE CASE: Okay.

MR. HARDER: There may be some overlap when
we talk about them, so --

JUDGE CASE: That's fine.

MR. BERLIN: And we thought --

MR. BERRY: And time permitting at the end --
Charles and I had talked last week about
developing a schedule, perhaps, for discovery and

1 to point out is the similarity of this motion with
2 their February 12th motion. They brought a motion
3 to compel compliance with the Court's October 29
4 order and for sanctions. Your Honor heard it and
5 Your Honor denied it. The things that are in
6 their motion now, it's a lot of the same stuff
7 that was in that prior motion that you denied. It
8 was things that, We never got the date right. We
9 initially said that the sexual encounters happened
10 in or about 2006 and then later we said in or
11 about 2008 and then later on we said mid 2007.

12 They already brought a motion for sanctions
13 on that. It was denied. There is no reason for
14 sanctions for something like that. If somebody
15 makes an estimate and then they revise their
16 estimate, you don't sanction them because they
17 revised their estimate. And it was certainly not
18 concealing anything. We did not have the dates
19 quite right. We did not have records about the
20 dates.

21 He talks about a letter from the AUSA which
22 identified communications that came from an
23 extortionist. He talks about how there exists
24 certain other tapes. I have never seen any of
25 those tapes. They have never seen any of those

1 tapes. Mr. Bollea has never seen any of those
2 tapes. Nobody on either side of this table or
3 Your Honor or Judge Campbell has ever seen any of
4 these supposed tapes. We don't know if they exist
5 or not. Nobody has seen them. Maybe they exist
6 and maybe they don't.

7 An extortionist said they exist, an
8 extortionist who wanted money and wanted to make
9 certain representations of what was in the
10 supposed tapes, that there is racial comments,
11 that there is all kinds of other comments in
12 there, nobody has seen any of these things.

13 But yet Mr. Berlin says these tape exist. He
14 told you that about ten times. These tapes exist,
15 and I concealed that. Nobody has seen them. I
16 haven't concealed anything. I don't know if they
17 exist. When he asked for communications with the
18 FBI, we produced it. Those communications had in
19 there communications from an extortionist saying,
20 These are the -- these tapes exist, and these are
21 what's on them. We produced them. They have it.

22 I think the only potential prejudice here is
23 that -- it's not even a prejudice. If they had
24 wanted the FBI communications sooner -- they knew
25 that we were talking to the FBI. They waited a

1 never said they do. I didn't know. But there was
2 a discussion if other tapes existed -- and we were
3 going with the premise that there might exist
4 other tapes. And we discussed that if there are
5 other tapes in existence and if they have ever
6 come to any of our possession, Gawker was
7 concerned that they could become destroyed or
8 concealed or something like that.

9 And I did make the decision that I don't see
10 how other tapes are relevant to this case, because
11 this case is about the one tape that they got, not
12 any other tapes that might exist of other
13 incidents and encounters between Mr. Bollea and
14 Ms. Clem, because they did not publish those.
15 They didn't have them in their possession. They
16 don't have them in their possession now. We don't
17 have them. We have never seen them. Maybe they
18 exist. Maybe they don't exist.

19 But we had a conversation with Judge Campbell
20 about if there are tapes. And Judge Campbell
21 said, Well, if there are tapes, preserve them, and
22 they are going to go to Judge Case, and Judge Case
23 will review these tapes to determine if there is
24 relevant dialogue, such as Mr. Clem allegedly
25 saying, Now we can get rich. And, apparently, if

1 accurate information, or the AUSA made a typo. I
2 don't know. And then the third one has no date on
3 it.

4 And so it's possible that these were all from
5 July 13 and that maybe it's a first part, a second
6 part, and a third part. Maybe it's three copies
7 of the same thing. We don't know. We've never
8 seen it. But in the extortionist's effort to try
9 to get money and as much money as possible and to
10 scare Mr. Bollea into thinking that his life is
11 going to come to a screeching halt if he doesn't
12 pay them off, it makes all these allegations about
13 what are in these various tapes. And, again, we
14 redacted out a few words out of here based upon
15 the prior ruling.

16 This actually falls within Judge Campbell's
17 protocol that these things actually should be
18 going to you, to determine if any of these words
19 are relevant to the case, because -- I mean, there
20 is a lot of graphic words here. I'm about to read
21 it, but he's typing this in. Can we go off the
22 record one second so I can say some of these
23 words.

24 JUDGE CASE: I think the record can stand it.
25 Judge Campbell may not like it, though.

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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 22nd day of July, 2014.

Aaron T. Perkins, RPR