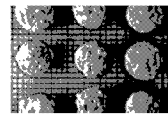


EXHIBIT 37

to the

**JOINT OPPOSITION OF THE GAWKER DEFENDANTS AND THEIR
COUNSEL TO PLAINTIFF'S EMERGENCY MOTION TO CONDUCT
DISCOVERY CONCERNING POTENTIAL VIOLATION OF
PROTECTIVE ORDER, TO COMPEL TURNOVER OF CONFIDENTIAL
DISCOVERY MATERIALS AND FOR ORDER TO SHOW CAUSE**



Gawker's Lawyer Implies Government Possibly Altered Hulk Hogan Sex Tapes

Meanwhile, in a separate court hearing Thursday, the July 6 sex tape trial pitting the wrestling legend against the media site was postponed. No new date was set.

Originally posted at 11:29, 2015 at 11:41 AM
Updated on Jul 2, 2015 at 7:53 AM



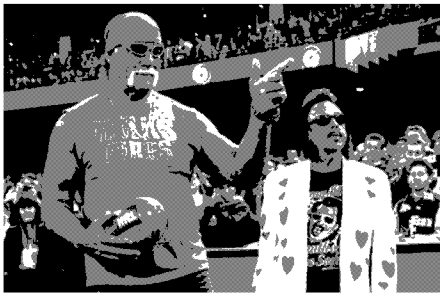
Mary Ann Georgantopoulos
BuzzFeed News Reporter



Tom Namako
BuzzFeed News Reporter

Reporting From

- St. Petersburg, Florida



Markus Dodge/Alamy Media/Getty Images

Lawyers for Gawker — which is in a legal battle with wrestler Hulk Hogan over its publication of his sex tape — implied in a federal court in Florida on Thursday that the federal government may have altered one of three DVDs of the encounter.

Hogan, whose real name is Terry Bollea, is suing Gawker for \$100 million in damages in Pinellas County court for publishing a portion of the sex tape between him and Heather Clem, the wife of his friend, Bubba The Love Sponge Clem.

The alteration issue came up in a separate federal court hearing on Thursday discussing Gawker's obtaining three videos shot before and during the encounter through Freedom of Information laws.

Hogan appears to have asked the FBI to investigate how his sex tapes were made public, according to the transcript.

Gawker lawyer Seth Berlin said he recently viewed the three tapes and compared them to transcripts of the tapes created while they were supposedly in FBI possession. When Berlin watched the tape later, a portion didn't match up to the transcripts, he told the judge.

Here Are The Top Stories

- Police shot and critically injured a young black man in Ferguson during protests marking the one-year anniversary of Michael Brown's death.
- Two assailants fired on the U.S. consulate building in Istanbul, Turkey, just hours after a bomb attack at a police station killed at least eight people.
- Pro Football Hall of Famer and sportscaster Frank Gifford has died at 84.

Get The News App

Connect With

USNews

Like Us On Facebook

Follow Us On Twitter

News moves fast. Keep up with the BuzzFeed News daily email.

Sign up

More News



Man "Critical" After Officer-Involved Shooting On Michael Brown Anniversary

“There is something that is particularly of sensitive and of interest to us in the case and that is the portion that has been overdubbed,” he said, “So we have two CDs with two different video and for a portion of it the audio is the same.”

“I want to understand how it is that between that moment when the FBI took possession of those DVDs and when I saw those tapes...on Tuesday, that audio got changed,” Berlin said, adding that “it smells like bad fish.”

When Berlin said he wasn’t trying to “impugn anybody at the FBI or in the U.S. Attorney’s Office,” the judge shot back “you are.”

Berlin then implied that Hogan may have worked with the FBI in some way.

“In my judgment Mr. Bollea has used the arms of the federal grand jury to try and suppress [evidence],” Berlin said. “I didn’t know that the FBI was in the business of doing that.”

“Of doing what?” the judge asked.

“Of trying to — of essentially trying to use arms of the federal government to help people,” Berlin said. “I didn’t know you could down to your local FBI office and say hey, can you prosecute this or investigate this to try and keep that from coming out. And that is what I think is going on here and that is wrong.”

The judge replied, “Well, I would be very surprised if that’s what’s going on here. I realize why it’s in your best interests to say something like that, but I would be very surprised to say that’s going on.”

Hogan’s lawyer, Charles Harder, told BuzzFeed News, “Gawker accused Mr. Bollea today of being ‘in cahoots’ with the FBI. Nothing could be further from the truth. The accusation is 100% false and outrageous. Gawker clearly is desperate and making up lies to try to cover up its own illegal activity.”

The FBI didn’t immediately return a request for comment.

The federal prosecutor, Kenneth Stegeby, explained that there were two different types of video files, and that officials has a hard time redacting one of those types of files in order to comply with privacy laws.

In one video, he said, officials’ “only option was to redact both the video and the audio and that is why the FBI left one minute and I believe 14, 15 seconds or so, and it’s only of the bed, there are no people there.”

“We have inquired of the FBI for more information about it, so we’re pushing hard to figure out what’s going on with this,” Stegeby said.

“OK. All right,” the judge said, adding it seemed like something they could “work out.”

Here’s a transcript of today’s proceedings:



Surveillance Video Shows Shooter Firing Rifle On Philadelphia Streets



Breitbart Staffers Believe Trump Has Given Money To Site For Favorable Coverage



Donald Trump: “I Do Not Want To Embarrass People”



A Facebook Status About Soccer Is At The Heart Of This Journalist’s Death

Two Killed In Knife Attack At Ikea Store In Sweden

Kids With Parents In Prison Often Deal With Untreated Trauma

1 IN THE UNITED STATES DISTRICT COURT
 2 MIDDLE DISTRICT OF FLORIDA
 3 TAMPA DIVISION
 4
 5 GAWKER MEDIA, LLD, et :
 6 al., :
 7 Plaintiff, :
 8 vs. : CIVIL 8:15-cv-1202-T
 9 FBI, et al., : NO.: 24EAJ
 10 Defendant. : DATE: July 2, 2015
 11 : TIME: 9:00 a.m.
 12 : PAGES: 1 - 94
 13 :
 14 ----- :
 15 :
 16 TRANSCRIPT OF MOTION HEARING
 17 BEFORE THE HONORABLE SUSAN C. BUCKLEW
 18 UNITED STATES DISTRICT JUDGE
 19
 20

In Arabic, The Huffington Post Takes A Stand Against Atheists, Gays, And Selfies

Scientists Are Terrified Of Talking About The Planned Parenthood Videos

Wave Of Attacks In Turkey Kills At Least Eight People

MORE NEWS

Meanwhile, an appeals court in Florida ruled in a 3-0 decision on Thursday to postpone the scheduled trial.

The trial was set to begin on Monday, July 6. No replacement date has been set.

The issue appears to stem when notice was served about the trial's start. From the opinion filed Thursday:

Now Buzzing

Here's What Happened When We Went To An "Elite" Dating App's Party

Gawker defendants emphatically opposed setting the case for trial. But the circuit court, persuaded by Bollea's side that it could disregard the opponents' objections as innocuous technicalities, entered a written order setting trial for July 6. Three days later, on June 22, the Gawker defendants filed the instant proceeding in this court.³

Although we easily understand why Bollea and the circuit court went to lengths to preserve the July 6 trial date, their efforts were futile from the outset—by the time the court entered its June 19 order scheduling the trial for July 6, the window for doing so had been closed for weeks. Rule 1.440(a) provides that an action is deemed at issue “after any motions directed to the last pleading served have been disposed of or, if no such motions are served, 20 days after service of the last pleading.”

Thereafter, under subsection (b) a party must serve a notice that the action is at issue and ready to be scheduled for trial. Per subsection (c), the court must then enter an order setting trial no fewer than thirty days hence. The rule thus prescribes a minimum interval of fifty days between service of the last pleading and commencement of trial.

Fifty days prior to July 6 was May 17, which was a Sunday. Therefore, to permit a trial on July 6, the last pleading in the case must have been served no later than Friday, May 15; Bollea's notice that the action was at issue must have been filed

U.S. District Court

“The delay of the trial provides us the important opportunity to find out more about the three Hulk Hogan video recordings obtained by the FBI that appear highly relevant to the facts of the case,” Heather Dietrick, Gawker's president and general counsel told BuzzFeed News. “We have the right to know the full story and are concerned because one of the tapes produced by the FBI today is incomplete while there is a serious irregularity in another tape.”

Read the full opinion here:

[We Can Tell If You Respect Pizza With Just One Question](#)

[How Crap Was Your School?](#)

[37 Important Messages You Have For Your Future Selves](#)

[Why It's Hard To Talk About My Bisexuality](#)

[Quench Your Thirst With 17 Photos Of Australian Rugby Players At The Beach](#)

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED
IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

GAWKER MEDIA, LLC; NICK DENTON;
and A.J. DAULERIO,)
Petitioners,)
v.) Case No. 2D15-2857
TERRY GENE BOLLEA, professionally)
known as HULK HOGAN,)
Respondent.)

Opinion filed July 2, 2015.

Petition for Writ of Mandamus to the Circuit
Court for Pinellas County; Pamela A.M.
Campbell, Judge.

Gregg D. Thomas and Rachel E. Fugate of
Thomas & LoCicero PL, Tampa; and Seth
D. Berlin and Alia L. Smith of Levine
Sullivan Koch & Schultz, LLP, Washington,
District of Columbia, for Petitioners.

David M. Caltagirone, of the Bar of Pinellas County, Florida, for Respondent.

Which "Friends" Character Are You Based On These "Would You Rather" Questions?

Are You More One Direction Or 5 Seconds Of Summer?

A Woman Ran A Marathon Without A Tampon To Take A Stand Against Period Shaming

Only The Jury Will See Hulk Hogan's Sex Tape In Court

buzzfeed.com

Sex-Tape Broker Says Hulk Hogan's Video Is Worth Nothing

buzzfeed.com

Gawker's Nick Denton Once Had Risqué Photos Stolen – And Says They're Fair Game For Publication

buzzfeed.com

Jennifer Lawrence Visited A Kids Hospital In Canada Over The Weekend And The Pictures Are Adorable

24 Heartwarmingly Terrible Social Media Fails From Radio Stations

MORE BUZZ

Mary Ann Georgantopoulos is a reporter for BuzzFeed News and is based in New York. Contact Mary Ann Georgantopoulos at maryann.g@buzzfeed.com.

Tom Namako is the deputy news director for BuzzFeed News and is based in New York. Contact Tom Namako at tom.namako@buzzfeed.com.



NEXT ON BUZZFEED NEWS ›
The Difference Between Porn And Sex

MORE BUZZ



Sex-Tape Broker Says Hulk Hogan's Video Is Worth Nothing

Gawker's Nick Denton Once Had Risqué Photos Stolen – And Says They're Fair Game For Publication
Only The Jury Will See Hulk Hogan's Sex Tape In Court
Hulk Hogan's Son Is The First Male Victim In The Celebrity Hacking Leak

Tagged: hulk hogan sex tape, cuban the love sponge, florida, gawker, postponed, trial

Facebook Conversations

1 Comment

Add a comment...



Lucina Sandoval-Gordon · Oakland, California

Unfortunately, now I know Hulk Hogan has a sex tape.

Like · Reply · 3 · Jun 3, 2015 6:00pm



Krystal Watanabe · Founder & Chairwoman (Vice, actually.) at The Pedantic So

Not as bad as actually seeing it. It's sad. Sad sex. Whatever you're imagining: Be

Like · Reply · 1 · Jun 3, 2015 8:33pm



Lucina Sandoval-Gordon · Oakland, California

Fay Turner Hello Ms. Spam.

Like · Reply · Jun 4, 2015 5:00pm

Facebook Comments Plugin

Advertise Jobs Mobile Newsletter

US Edition

About Press RSS Privacy User Terms Ad Choices Help Contact

2015 BuzzFeed Media, Inc.

