

**CONFIDENTIAL**  
**EXHIBIT 2-C**

to the

**GAWKER DEFENDANTS' MOTION  
TO DETERMINE CONFIDENTIALITY OF  
TRANSCRIPTS OF CLOSED COURT PROCEEDINGS**

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

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,

Plaintiff,

vs.

Case No. 12012447 CI-011

HEATHER CLEM; GAWKER MEDIA, LLC  
a/k/a GAWKER MEDIA, et al.,

Defendants.

/

TRANSCRIPT OF: CONFIDENTIAL PROCEEDINGS  
BEFORE: Honorable Pamela A.M. Campbell  
DATE: April 23, 2014  
TIME: 3:20 p.m.  
PLACE: Pinellas County Courthouse  
545 First Avenue North  
Room 300  
St. Petersburg, Florida  
REPORTED BY: Natalie W. Breaux, RPR, CRR  
Notary Public  
State of Florida at Large



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## APPEARANCES:

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- and -

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Appeared for Plaintiff;

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- and -

PAUL J. SAFIER, ESQUIRE  
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GREGG D. THOMAS, ESQUIRE  
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LLC, Nick Denton, A.J. Daulerio and for  
specially appearing Defendant Blogwire  
Hungary Szellemi Alkotast Hasznosito, KFT  
(now known as Kinja, KFT).

1           The transcript of confidential  
2           proceedings, before Honorable Pamela A.M. Campbell,  
3           beginning at 1:30 p.m., taken on the 23rd day of  
4           April, 2014, at 545 First Avenue North, Room 300,  
5           St. Petersburg, Florida, reported by Natalie W.  
6           Breux, Registered Professional Reporter, Certified  
7           Realttime Reporter, and Notary Public in and for the  
8           State of Florida at Large.

9                           \* \* \* \* \*

10           MR. HARDER: It was an extortion attempt  
11           where somebody who had the video or a video  
12           wanted Mr. Bollea to pay them off, and so he  
13           reported this to the FBI, and the FBI --

14           THE COURT: This is the same tape?

15           MR. HARDER: I don't know if it's the  
16           same tape.

17           THE COURT: Same time frame?

18           MR. HARDER: It's the same time frame.

19           MR. BERLIN: It's the same time frame  
20           about an extortion, but it's a Sex Tape.

21           MR. HARDER: If I could just finish.

22           MR. BERLIN: I'm sorry. I thought you  
23           were.

24           MR. HARDER: I wasn't. So he reported  
25           it to the FBI. The FBI wanted to have a sting

1 operation, and they set up a sting operation,  
2 and there was an attorney from California  
3 named Davidson and a person called Mr. X. And  
4 Mr. X was supposed to show up with Mr.  
5 Davidson. Well, Mr. X -- we didn't know the  
6 identity of the person -- instead sent an  
7 intermediary and Mr. Davidson, and there was  
8 exchanges of information, there was a dummy  
9 check for \$150,000. And at the right moment,  
10 the FBI had numerous officers go from one room  
11 of the hotel into the room that Mr. Bollea and  
12 Mr. Houston were in and made arrests at that  
13 time.

14 The AUSA sent a letter to Mr. Berlin  
15 saying that Gawker is not in any way being  
16 investigated and it seems like they're at the  
17 end of the line in terms of the investigation  
18 and there is not going to be a prosecution.  
19 But these are documents that pertain to Mr. X  
20 and his attorney Davidson, and there was an  
21 intermediary who was present instead of Mr. X.  
22 And so these communications are communications  
23 between Mr. Houston and the FBI and the AUSA  
24 pertaining to this investigation. I think  
25 that if you look at this you'll see that it

1 has nothing to do with Gawker.

2 THE COURT: But I think it still has  
3 something to do with the tape.

4 MR. BERLIN: Your Honor, you asked us  
5 earlier in today's hearing if we knew the  
6 source of the tape, and I answered candidly,  
7 which I wasn't -- I don't know. This obviously  
8 seems like a useful piece of information for  
9 both sides in the case about this -- you know,  
10 in this hundred-million-dollar dispute to have  
11 access to it so we can figure out if that's the  
12 person who gave it to us and if that has  
13 something to do with the case, meanwhile,  
14 especially in a claim where they're otherwise  
15 asserting that we got it from Heather Clem.

16 THE COURT: You have other confidential  
17 orders in regard to this particular case.  
18 Right?

19 MR. BERLIN: We have other confidential  
20 -- we have a confidentiality order in place,  
21 and we've produced stuff in the confidence back  
22 and forth. And notwithstanding Mr. Harder's,  
23 you know, criticism of Gawker, Gawker has not  
24 published anything and -- that it's gotten in  
25 discovery in this case, not one thing.

1 THE COURT: You even included that in  
2 your papers. See, I do read them. So I think  
3 that they are relevant, so I'm not going to  
4 say that they're not relevant. I think they  
5 are relevant because that's one of the  
6 critical aspects I think of the case or at  
7 least in resolving the case, is how did Gawker  
8 get it and how did this all come about. So  
9 I'm going to order that it be discovered but  
10 that it be part of the confidentiality  
11 agreement between the parties.

12 MR. BERLIN: They can certainly mark it  
13 confidential and we will respect that.

14 MR. HARDER: I would request that Gawker  
15 -- it be an attorneys' eyes only designation so  
16 that Gawker itself doesn't get these documents,  
17 because it can post them.

18 THE COURT: If it posted them, what do  
19 you think I'm going to do with that?

20 MR. BERLIN: I think we're going to be  
21 in hot water.

22 MR. HARDER: I don't know what you're  
23 going to do with it, but they'll take it to  
24 the Court of Appeal and they'll say it's  
25 newsworthy.

1 THE COURT: I don't think so.

2 MR. BERLIN: I will say on the record  
3 that there was no First Amendment right to  
4 publish things that you got in discovery.  
5 There is a U.S. Supreme Court case on that  
6 called Seattle Times versus Rhinehart, and we  
7 filed it. So we understand it.

8 But, Your Honor, what I'd like to do is  
9 to get a -- I'd like to be not in a position  
10 where my client -- my direct client is a lawyer  
11 in the law department, is the general counsel  
12 for Gawker, and I would like them to be  
13 included in the attorneys' eyes only. We don't  
14 share anything on this case with anybody else  
15 at Gawker, precisely for the reason that if  
16 it's protected by a confidentiality order --

17 THE COURT: You're in trouble.

18 MR. BERLIN: -- they might do something.  
19 No, but they as a client could get it, but we  
20 don't do that. So I would like -- if she is  
21 included in that, that would be fine. But I  
22 would otherwise respect that.

23 THE COURT: I'm fine with that.

24 MR. HARDER: Okay.

25 THE COURT: Thank you.



1 MR. BERLIN: And you would like us to --

2 THE COURT: So he gets two of those.

3 Those are your envelopes to take back. The  
4 remainder of the people that aren't here, I'm  
5 going to mail them.

6 MR. BERLIN: Okay. So just --

7 THE COURT: They get two of those.

8 MR. BERLIN: They get two and I have the  
9 others. Thank you, Your Honor.

10 THE COURT: Great. Thank you.

11 (End of confidential proceedings.)

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## CERTIFICATE OF REPORTER

STATE OF FLORIDA:  
COUNTY OF HILLSBOROUGH:

I, Natalie W. Breaux, Notary Public in and for the State of Florida at Large, do hereby certify that I reported in shorthand the foregoing proceedings at the time and place therein designated; that the witness herein was duly sworn by me; that my shorthand notes were thereafter reduced to typewriting under my supervision; and that the foregoing pages are a true and correct, verbatim record of the aforesaid proceedings.

Witness my hand and seal April 25, 2014, in the city of Tampa, County of Hillsborough, State of Florida.

Natalie W. Breaux  
Notary Public  
State of Florida at Large