

# **Exhibit 1**

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

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TERRY GENE BOLLEA, professionally  
known as HULK HOGAN,

Plaintiff,

No. 12-012447-CI-011

vs.

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

Defendants.

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HEARING BEFORE THE HONORABLE PAMELA CAMPBELL

DATE: April 22, 2015  
TIME: 1:30 p.m. to 4:03 p.m.  
PLACE: Pinellas Count Courthouse  
545 First Avenue North  
Courtroom C  
St. Petersburg, Florida  
  
REPORTED BY: Susan C. Riesdorph, RPR, CRR  
Notary Public, State of  
Florida

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1 already been placed before Judge Case?

2 MR. TURKEL: Did we ever tee up the  
3 jurisdictional stuff?

4 MR. HARDER: No, we did not, because they  
5 went up to the court of appeal with the issue.

6 THE COURT: What about the financial issues,  
7 financial net worth issues?

8 MR. TURKEL: I'll let Charles speak to that.  
9 I think they've litigated some of those on  
10 financial worth.

11 MR. HARDER: Well, we've done some discovery  
12 of financial, but it wasn't in conjunction with  
13 punitive damages.

14 If I could just ask Ken, because it's a  
15 procedural issue.

16 THE COURT: Sure.

17 MR. BERLIN: I have a suggestion which may be  
18 helpful.

19 MR. HARDER: Your Honor, we -- based upon  
20 Your Honor's orders, we received financial  
21 information up until December 31, 2013, but we  
22 were cut off of 2014 and 2015. So we haven't  
23 gotten that.

24 MR. BERLIN: That's not right.

25 MR. HARDER: You even redacted out all the

1 2014 information out of your documents based on  
2 the last order.

3 MR. BERLIN: No. That's actually not right.  
4 Young American Capital -- remember this debt?  
5 Mr. Lester was on the phone. They redacted out  
6 '14 because you had asked for 2011 through 2013.  
7 We have produced financial data from 2014.

8 But let me -- can I make a suggestion which I  
9 think might be helpful? We're now -- we're apart  
10 approximately two weeks between the week of the  
11 12th of May and the 29th of May, two weeks give or  
12 take a couple of days. A reasonable concern is,  
13 hey, if we do it later, we might not have time to  
14 get all the financial discovery done. What I  
15 would -- and to resolve objections about it.

16 What I would propose that we do is to do the  
17 29th. But why don't we ask Mr. Harder and  
18 Mr. Turkel and Mr. Houston to serve the financial  
19 discovery that they would like, require us to tell  
20 them if this is preempted, here's what we would --  
21 you know, if we have any objections, here's what  
22 our objections are. At the end of the hearing, if  
23 there's a -- you know, we have 20 minutes, we can  
24 take it up, do this, don't do this. And we can  
25 even schedule -- I don't know what other

1           depositions they want. If they want to schedule  
2           depositions for like early June, we can block out  
3           the time so that if the discovery needs to go  
4           forward, we can go forward and we have the stuff  
5           ready to go so that there you have done several  
6           things. One is you've streamlined the process of  
7           getting the discovery done. Two is you've  
8           streamlined the process of getting summary  
9           judgment and the motion to amend heard together.  
10          And you can do that. It would seem to me that  
11          that would be a reasonable way to go.

12                 THE COURT: So in some ways the motion to  
13                 extend discovery deadline and shorten the response  
14                 deadlines for limited purpose of financial worth  
15                 discovery, it sounds to me, Mr. Berlin, that  
16                 you're suggesting go ahead and serve it now and  
17                 then we can rule -- the Court can rule on any  
18                 objections or anything else if I grant the motion  
19                 to amend to add punitive --

20                 MR. BERLIN: Right. We'll work out a  
21                 schedule. We want to serve objections before --  
22                 whatever objections we have for that discovery by  
23                 the time of that hearing, enough time so that they  
24                 can look at them and you can look at them. But it  
25                 seems to me that then you have a process teed up.

1           But the only thing I wanted to say was when --  
2           when this was served before we filed our  
3           objections -- if we hadn't filed objections, we  
4           probably would have filed a motion because we  
5           didn't have time in the last two weeks to deal  
6           with this taking five depositions and filing a  
7           summary judgment motion. So the fact that we  
8           filed it as objections is because it violated the  
9           rule as opposed to it being a discretionary thing  
10          where we would have been asking for more time.  
11          But we assumed that lawyers cooperating with each  
12          other wouldn't have jammed each other on the  
13          deadlines. So that's what we were doing.

14                 But when we wrote -- we wrote a letter before  
15          we filed that, and we said we would propose to do  
16          this just this way. Right? We would propose --  
17          this wasn't -- nobody is being surprised today  
18          that this is our position. We actually wrote and  
19          said, why don't we do it on the summary judgment  
20          hearing because that's already set up. And they  
21          said, no, we object. And that's why we filed the  
22          objection. If they had agreed, we wouldn't have  
23          filed objections. We would have just agreed --

24                 MR. TURKEL: Judge, today is April 22nd,  
25          correct?

1 MR. BERLIN: That's correct.

2 THE COURT: It is.

3 MR. TURKEL: Okay. I want us all to remember  
4 the date, because if we do this the way they say,  
5 when we ask Nick Denton individually for his  
6 financial net worth -- and I've asked many  
7 businessmen in their individual capacity when they  
8 are defendants for their net worth, including  
9 people like Donald Trump -- what is going to  
10 happen is he's going to object to all of it. He's  
11 not going to tell us how much money he has or  
12 where it is. We're going to have to do a lot of  
13 fighting to get it. And so I want to remember  
14 this date because when we come back in front of  
15 you after they object to every single one of those  
16 requests, I'm going to say to everybody, hopefully  
17 not smugly but with an air of civility and  
18 professionalism, I knew this was going to happen.

19 THE COURT: You mean you don't think you can  
20 get it done in 20 minutes?

21 MR. TURKEL: Judge, my point is, I like when  
22 these things are proposed, and they sound very  
23 good in concept. But I have never served  
24 financial worth discovery in support of a punitive  
25 damages claim on an individual owner of a business

1 where he did not hem and haw about every single  
2 thing we were asking him. And so in concept if  
3 they are going -- really going to play this and  
4 we're going to play it the right way, when I ask  
5 him for his bank accounts as of today that show  
6 what his liquid net worth is and where his stocks  
7 are, are they going to say they will be  
8 produced at a time and place of your choosing to  
9 the parties and counsel, or are they going to say  
10 objection? That's my concern. The history of  
11 this case is they're going to say objection.

12 MR. BERLIN: When we wrote the letter I just  
13 described, when we wrote and said, let's do this  
14 on the 29th of May and we will work with you to  
15 expedite financial discovery if you win your  
16 motion and it's required, before we did that --  
17 because I have clients. One of the clients is  
18 Gawker and I spend a lot of time dealing with the  
19 company, because that's where most of the  
20 discovery has been focused. But we contacted  
21 Mr. Denton and we -- not the majority owner, but a  
22 significant owner of the company -- or the parent  
23 company, I guess I should say. And we contacted  
24 him and said, we want you to understand that if we  
25 propose this that this is what we're committing



1 to. Are you okay with that? And you understand  
2 that if they win this motion, you're going to have  
3 to give over information about your finances? And  
4 he understands that. I will represent that to the  
5 Court right now.

6 THE COURT: So let me ask this.

7 MR. BERLIN: Yes.

8 THE COURT: Have you all reserved any time on  
9 Judge Case's calendar for like that week of  
10 June 1st?

11 MR. BERLIN: Not yet. He has not been coming  
12 to all of the depositions. So -- and personally  
13 in my judgment, if he were -- if we were going to  
14 have a deposition where they were going to come  
15 and ask Mr. Denton or Mr. Delaurio about their net  
16 worth, I'm not sure we would all need Judge Case  
17 for that, but we can talk about that after the  
18 hearing and, if so, reserve some time.

19 We did get an e-mail yesterday from Janice,  
20 who is his wife and assistant, saying that he has  
21 a number of days before he leaves to go out to  
22 Montana. I don't remember the exact date.

23 MR. HARDER: 17th.

24 MR. BERLIN: I think it was something like  
25 that. But we should have time -- if we need him,

1 we should have time to do it. And I think that's  
2 exactly the kind of thing we ought to be  
3 coordinating now.

4 THE COURT: Yes, because July 6th is on us.

5 MR. BERLIN: Right.

6 THE COURT: That's my hesitation of loading  
7 up May 29th. I have a few days available and, if  
8 we can, I'd like to use those days wisely. If we  
9 can't, we can't. But I guess my concern is we're  
10 loading up May 29th with too much and there's  
11 going to be lots of complaints and everybody is  
12 going to whine, I can't get this all done. And  
13 I'm going to have to say, I'm sorry. I gave  
14 you -- tried to give you some days earlier in May  
15 to get all this done.

16 MR. BERLIN: I completely understand what I'm  
17 proposing, Your Honor. We understand. I want to  
18 make this abundantly clear. It's being  
19 transcribed by Susan here. And we understand by  
20 asking for the other two weeks what we're getting  
21 for that is that we can collapse the inquiry on  
22 summary judgment into one hearing and that what  
23 we're giving on that is that -- because we have to  
24 have some give -- is if there's financial  
25 discovery, doing it, getting it ready, teed up,

1 and having it ready to go and doing it quickly.  
2 That's -- we made that proposal when we first  
3 wrote to them about this, and we understand.

4 MR. TURKEL: There is no if, Judge. When you  
5 get a claim for punitives, you get net worth  
6 discovery. The law is extremely clear on that.

7 THE COURT: Yes, but there's time frames.  
8 You would have to give them reasonable time  
9 frames. You want it to be in May. He's saying if  
10 we give up giving it -- if we cannot come back  
11 early in May to resolve that, we'll expedite and  
12 shorten -- he's agreeing to your -- shortening  
13 your response deadline for financial worth  
14 discovery.

15 MR. BERLIN: If, Your Honor, was to  
16 adjudicate that. That assumes that there's a  
17 motion that's granted. If the motion is not  
18 granted, they won't need the discovery. That's  
19 all we're saying.

20 THE COURT: But you're sort of waiving it at  
21 this point in time if they're going to go ahead  
22 and start serving it before the 29th.

23 MR. TURKEL: We're going to serve it ASAP.  
24 So that way, Judge, all the things that they're  
25 concerned about and you're concerned about, will

1 we have time to resolve objections -- which it  
2 sounds like we're not going to get, but I know  
3 we're going to get -- and will we have time to  
4 designate financials. We'll serve our financial  
5 worth discovery and we'll trade that for their  
6 request to have the motion to leave to amend heard  
7 with everything else on May 29th because I guess  
8 that's going to save time, as long as -- and I'm  
9 going to make it very clear in the proposed order  
10 what they're agreeing to. And what they're  
11 agreeing to is allowing us to serve financial  
12 worth discovery that would be relevant to a  
13 punitive damages claim before the Court has  
14 granted our leave to amend and to respond to it in  
15 the truncated time frame they've represented to  
16 the Court. That's fine. That solves my  
17 procedural problem with putting the hearing off.

18 MR. BERLIN: Judge, just so we're clear, I  
19 think we're in agreement, but I want to be clear  
20 so there's no question later. What I'm proposing  
21 is that they serve the discovery now and that we  
22 have the objections served -- any objections that  
23 we have we serve in advance so that they can  
24 resolve them. And then if the motion is granted  
25 so that they would be entitled to that discovery,

1 we then file the substantive responses and we  
2 already have deposition dates to do that. All of  
3 the objections and all of the stuff is ready to  
4 go. All of the documents are ready to produce.  
5 We have all that ready to go. You grant the  
6 motion, they get it. If you don't grant it,  
7 obviously they don't get it, but everything is  
8 ready to go. That's what I'm proposing. That way  
9 the first couple weeks in June, all of this is  
10 done if it needs to be.

11 MR. TURKEL: That's not what I was asking  
12 for. I was asking for financial worth discovery  
13 proceeding because --

14 THE COURT: He says he'll gather it all, put  
15 it all together. Any objections, if we can  
16 resolve them on the 29th, we resolve them on the  
17 29th, but he's going to have all that stuff ready  
18 so that on June 1st or 2nd, he's going to -- if  
19 it's granted, if the motion to amend is granted,  
20 objections are ruled on, 1st or 2nd, here's your  
21 information.

22 MR. TURKEL: I want him to bring them to the  
23 hearing on the 29th. Is that asking for too much,  
24 Judge?

25 MR. BERLIN: In all seriousness,

1 Your Honor --

2 THE COURT: Poor Ms. Fugate. She's going to  
3 have to carry all this stuff.

4 MR. TURKEL: She and I are peas and carrots,  
5 Judge. We're fine. We're five minutes away from  
6 each other.

7 MR. BERLIN: Your Honor, the 29th is a  
8 Friday. I think the first couple days of the next  
9 week ought to be sufficient.

10 MR. TURKEL: How about by Tuesday of the next  
11 week, can I put that in the order?

12 THE COURT: Sure. You can put that in the  
13 order.

14 MR. TURKEL: Okay. Thank you. We're fine.

15 THE COURT: We're going to figure out the  
16 objections, and then he's going to have all that  
17 already put together. You'll have it the next  
18 week. And between now and then, you're going to  
19 also have whatever your discovery is, any of those  
20 depositions or any of those things, you're going  
21 to already have those dates reserved for the first  
22 few weeks in June.

23 MR. BERLIN: If we need Judge Case, we'll  
24 have them on his calendar.

25 MR. TURKEL: That does it.

1 MR. BERLIN: I think that makes a lot more  
2 sense. I can live with this.

3 MR. HARDER: Your Honor, I guess my -- my  
4 only question, Your Honor --

5 THE COURT: Just a second. Did you finish?

6 MR. BERLIN: We were just making sure we have  
7 Mr. Denton's deposition availability, but there's  
8 a few days where his father is having a birthday  
9 in Hungary or --

10 THE COURT: Maybe you can have depositions  
11 over there.

12 MR. TURKEL: It's a beautiful time in  
13 Budapest, Judge.

14 MS. DIETRICK: I'm not sure what his  
15 commitment is, but there are a few days in the  
16 first few weeks of June that we can get this done.

17 MR. BERLIN: We think in the first couple  
18 weeks, there are enough dates that we ought to be  
19 able to schedule that without a problem.

20 THE COURT: Great.

21 MR. HARDER: My only question, Your Honor,  
22 was that if all the objections are ruled on on the  
23 29th, what do we need Judge Case for?

24 THE COURT: Just in case we don't have enough  
25 time. Mr. Berlin is suggesting 20 minutes is

1 enough for all the objections. I don't know.

2 MR. HARDER: It takes us 20 minutes to set a  
3 date.

4 MR. TURKEL: It takes us 20 minutes to  
5 introduce ourselves in this case.

6 MR. BERLIN: I'm eternally optimistic,  
7 Your Honor.

8 THE COURT: Let me just say this. I think  
9 that part is resolved. Mr. Turkel is going to  
10 work on what that order is going to say. He's  
11 going to send it to me pretty promptly.

12 MR. TURKEL: Yes, Judge.

13 THE COURT: A couple things. On the motion  
14 for summary judgment, please -- you're going to  
15 send me a notebook, right, with all the  
16 attachments and your case law? Also, on the  
17 punitive damages, if you have case law that you  
18 you're also relying on, if you can send me the  
19 case law as well so that I can cite the case law.

20 MR. BERLIN: We'll send you our binders in  
21 the next day or so. We just didn't get to it  
22 between the filing on Monday and coming here  
23 today.

24 THE COURT: I understand. I just have this  
25 one binder. I was feeling a little lonely for