

EXHIBIT P

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,

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 A.M. CAMPBELL

DATE: July 1, 2015
TIME: 9:02 a.m. to 11:57 a.m.
PLACE: Pinellas County Courthouse
545 First Avenue North
Courtroom E
St. Petersburg, Florida
REPORTED BY: Susan C. Riesdorff, RPR, CRR
Notary Public, State of
Florida

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1 We have the same issue here with Professor
2 John. Effectively the pitch that the plaintiff is
3 going to be making implicitly through John's
4 testimony and then in arguing to the jury is, what
5 would you value this invasion of privacy to be
6 worth? That's point one. And it should be
7 excluded under those grounds.

8 The second --

9 THE COURT: I don't know that we need to go
10 through any more.

11 MR. BERRY: Thank you.

12 THE COURT: Mr. Turkel, let me just cut to
13 the chase. What case law do you have that a
14 survey that asks, how much money do you think this
15 case is worth would say that this kind of evidence
16 should come in?

17 MR. TURKEL: Judge, I think looking at the
18 case we cited on page 5, the Cummins case which
19 was a First DCA case from 1989, where the court
20 found that the golden rule was not violated when a
21 lawyer in a negligence case asked jurors to judge
22 his client's action based on what they would have
23 done as reasonable people. If you look at the
24 methodology -- I understand the Court's inherent
25 skepticism. They're not attacking the methodology

1 of the survey in any way other than what you would
2 attack on cross. Our simple premise is this is
3 really weight, not an admissibility issue. I
4 think one of the things with all these Daubert
5 motions is they show up because you have Daubert
6 that just appeared a few years ago. If you read
7 the case Mr. Vogt gave you, that recent case from
8 the Middle District, when you're talking about
9 nonscientific evidence, you have a lot of
10 discretion. The premise of this, Judge, ties in
11 to the Toffoloni case. I apologize. I've made
12 everybody mispronounce it. It's Toffoloni.

13 The language in that case required the courts
14 engage in a factor test with an eye towards that
15 which is reasonable and which resonates with our
16 community morals in order to protect the
17 Constitution and this sort of general fact
18 question of where does it cross the line. So
19 if -- when get to the jury instructions -- and at
20 the very least, what I would ask you to do is
21 maybe reserve until we have the jury instructions,
22 because we believe there's some language in there
23 that puts the jury in the position of saying, you
24 know, where does this fall in the realm of
25 community reasonableness? So she went out using

1 these surveys and tried to monetize that
2 reasonableness.

3 THE COURT: So our jurors are all going to be
4 making over \$200,000 a year? The argument --

5 MR. TURKEL: That would be a problem with the
6 methodology, Judge. I would tell you that's
7 subject to cross.

8 THE COURT: Nice try, but I'm going to grant
9 that one.

10 MR. TURKEL: Thank you, Judge.

11 THE COURT: How about the Defendants' Motion
12 to Exclude Shanti Shunn? On this one, there's
13 motion to determine confidentiality of court
14 records. There's just so much pornography
15 contained within this motion. I don't know how
16 you ought to address that, but go ahead.

17 MR. SAFIER: In fairness, Judge, that was in
18 the report. That didn't come from us.

19 So Mr. Shunn has offered two reports, and we
20 have moved to exclude each on different grounds.
21 In the first report, which is his view count
22 report, Mr. Shunn did -- what happened is after
23 Gawker published the video excerpts, various third
24 party websites published them as well, not with
25 our permission, but they did so. By the time

REPORTER'S CERTIFICATE

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STATE OF FLORIDA :
COUNTY OF HILLSBOROUGH :

I, Susan C. Riedsorph, RPR, CRR certify that I was authorized to and did stenographically report the foregoing proceedings 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 outcome of the foregoing action.

Dated this 2nd day of July, 2015, IN THE CITY OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF FLORIDA.

Susan C. Riedsorph, RPR, CRR, CLSP