

EXHIBIT A

to the

**GAWKER DEFENDANTS' MOTION FOR ACCESS TO CORRECTED AND
UNREDACTED DVDS PRODUCED BY THE FBI**

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GAWKER MEDIA, LLC, and GREGG)	Tampa, Florida
D. THOMAS,)	
)	
Plaintiffs,)	No. 8:15-cv-1202-T-24EAJ
)	
vs.)	December 8, 2015
)	
FBI and EXECUTIVE OFFICE OF)	10:57 a.m.
UNITED STATES ATTORNEYS,)	
)	
Defendants,)	Courtroom 15B
)	
vs.)	
)	
TERRY GENE BOLLEA,)	
)	
Intervenor Defendant.)	
)	
)	

TRANSCRIPT OF MISCELLANEOUS HEARING
BEFORE THE HONORABLE SUSAN C. BUCKLEW
UNITED STATES DISTRICT JUDGE

Official Court Reporter:

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*(Proceedings reported by stenotype; Transcript produced by
computer-aided transcription.)*

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- - -

1 MR. BERLIN: I'll talking about, yes, the December
2 14th, 2012 video of the sting operation.

3 THE COURT: Okay.

4 MR. BERLIN: When Mr. Stegeby called to say, "I
5 have these disks. They are ready to be picked up. Can you
6 please arrange for Judge Case to do that?"

7 We, then, sent the e-mail with the information,
8 here is how you reach Judge Case and so forth.

9 But he called me and said, "That video does not
10 appear to play."

11 THE COURT: Judge Case?

12 MR. BERLIN: Mr. Stegeby called me and said --
13 it's actually two disks. He said, "One of two disks does not
14 appear to play."

15 "I don't know" -- this is a question -- "whether
16 that disk was fixed, essentially, before it was turned over
17 to Judge Case. We don't have it because it doesn't come to
18 us; it comes to him."

19 THE COURT: Listen, I cannot remember what the
20 state court judge's order said. Why is a video of the sting
21 operation going to Judge Case?

22 MR. BERLIN: Well, Your Honor, this may be more
23 information than the Court wants. When that order was --
24 when that protocol was agreed upon, which is the video
25 footage was supposed to go to Judge Case, it was our

1 understanding, speaking for the Gawker defendants, that the
2 videos we were talking about were sex tapes, and that that
3 was consistent with an order of the state court that said --

4 THE COURT: That was my understanding.

5 MR. BERLIN: -- if they are sex tapes, you are
6 supposed to review those.

7 When the -- and, in fact, what happened is that
8 Mr. Stegeby first provided in a stack of materials that disk
9 to us; but when we realized it was video footage and we
10 review the protocol, we realized that as a technical matter,
11 that applied to DVDs, period. And part of that was because
12 we did not have a complete understanding of what we are
13 talking about.

14 THE COURT: Okay.

15 MR. BERLIN: I'm not sure that's necessarily true
16 of Mr. Bollea. And we, in an effort to strictly comply with
17 that and not be charged with violating the court order, sent
18 it back to Mr. Stegeby and said we believe that -- although
19 we think it's a little silly, given that this is not a sex
20 tape, but videotape footage of three people sitting in
21 their -- you know, fully dressed in a room, having a
22 conversation is not something that a state court magistrate
23 needs to review, but we will take that up with the state
24 court.

25 THE COURT: So it was turned over. So you don't

