

EXHIBIT 50

to the

**THE GAWKER DEFENDANTS' MOTION TO DISMISS
ON THE GROUNDS OF FRAUD ON THE COURT**

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

TERRY GENE BOLLEA,
professionally known as HULK
HOGAN,

Plaintiff,

Case No.
12-012447-CI-011

vs.

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

Defendants.

_____ /

HEARING BEFORE THE HONORABLE PAMELA A.M. CAMPBELL

DATE: July 1, 2015

TIME: 1:36 p.m. to 5:10 p.m.

PLACE: Pinellas County Courthouse
545 1st Avenue North
Third Floor
St. Petersburg, Florida

REPORTED BY: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large

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21 Attorneys for Defendant Gawker Media, LLC,
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23 ALSO PRESENT:

24 Heather L. Dietrick,
25 President and General Counsel for The Gawker
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Alison Steele, Esquire (for Media Outlets)
Rahdert, Steele Reynolds & Driscoll, P.L.
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1 were to be on them, the audio problems call into
2 question all of that.

3 THE COURT: The three that you saw are the
4 three that I saw?

5 MR. HARDER: Yes. And even if there is
6 another third DVD which allegedly has the things
7 that they have been speculating might be on there,
8 it could be an extortionist manipulating the audio
9 through an impersonator, or who knows what, and
10 adding things. And there is nobody around to
11 testify about what these DVDs are.

12 THE COURT: All right. Mr. Berlin, are you
13 responding?

14 MR. BERLIN: Let me speak to the issue of the
15 DVDs, first, and then on the motions I may
16 actually turn that over to one my colleagues.

17 On the DVDs, Your Honor, I think it's fair to
18 say that this is -- let me just take the podium,
19 if I may.

20 This is quite perplexing because we have been
21 chasing these DVDs for a long time, along with
22 other materials from the FBI, some of which were
23 being delivered this afternoon. So I can't tell
24 you yet what's in them, and some of which I think
25 that we're still probably going to be chasing, if

1 two reasons that we would like to use this. The
2 time line that we laid out in part in that motion
3 explains exactly how this went down. For numerous
4 days --

5 THE COURT: Your interpretation, what you're
6 alleging.

7 MR. BERRY: But we're allowed to make that
8 argument to the jury, because it's a fact
9 question. For numerous days he did nothing. He
10 only came to court after making the statements
11 that we referred to and at that point, started
12 seeking an injunction. And in our experience --
13 all our firm does is First Amendment work. And
14 when people are concerned about something that's
15 been published or about to be published, they run
16 to the court immediately.

17 In this case that didn't you happen. The
18 plaintiff didn't go to court for almost two weeks.
19 And the reason that he waited was because he
20 wasn't concerned. And they can argue that he was,
21 but we believe that he was not. And when he came
22 into court and he did it so quickly, there was one
23 reason, and that reason is the one that we should
24 be able to argue to the jury.

25 THE COURT: Okay. Thank you. So the Court

1 is going to grant Plaintiff's No. 4, grant
2 Plaintiff's No. 6, deny publisher's contained at
3 tab 23.

4 MR. BERRY: Can that be without prejudice
5 based on what we learn from the FBI?

6 THE COURT: Yeah. If you learn something
7 else from the FBI -- and that's why I was saying
8 this is based on what we know now.

9 MR. BERRY: Thank you, Your Honor.

10 THE COURT: I appreciate Mr. Harder is going
11 to argue as to the timeliness of this discovery,
12 and we'll deal with whatever happens and whatever
13 comes at this point. Ms. Steele wants to know
14 what about the motion to determine confidentiality
15 contained under Plaintiff's Tab 6. And I'm going
16 to grant them. The FBI information that I have
17 seen, I think -- were you here on Monday --

18 MS. STEELE: I was.

19 THE COURT: -- when we got the three DVDs?
20 So since then I have the reviewed the three DVDs.
21 The authenticity -- there are so many other issues
22 that are problematic with it that I think they
23 should just remain sealed.

24 MS. STEELE: And I understand the Court has
25 received materials for in camera review. I'm

1 where we go according to the --

2 MR. TURKEL: I just have one comment, and
3 it's not -- I think what I'm hearing is this: I
4 think they're tying this into the idea that there
5 was this thought on behalf of Mr. Bollea relating
6 to these allegations of what was supposed to be on
7 these tapes, and that's what motivated all of
8 this, which you have already -- you have already
9 dealt with it, Judge.

10 And the point is, you know, we have already
11 vetted that, the idea that the motivation for
12 filing a lawsuit is, you know, legally irrelevant.
13 But beyond that, I don't know whether you open up,
14 you know, every trial now to the work product of
15 attorney-client communications between a lawyer
16 and his client about why they would have -- might
17 have waited to file something, anyway. The bigger
18 point, Judge, is all of these things they have
19 contended motivated the filing that were supposed
20 to be on these tapes.

21 These tapes -- and I will be a little bit
22 more pointed than Mr. Harder was vis-à-vis their
23 technical constitution. There is literally no
24 way. I think Mr. Berlin dressed it up a little
25 bit: The audio changes. It doesn't look like

1 it's changed. It looks like these things were
2 manipulated. Okay? And they don't say what they
3 said they were going to say, anyway.

4 And now we're going to talk about an FBI
5 investigation that's predicated on these tapes
6 purportedly saying something they don't say that
7 we can't authenticate, anyway, even though we
8 filed a lawsuit within, like, ten days after these
9 tapes went up. I mean, it's just irrelevant.

10 So I'm done. And I don't think -- they
11 certainly shouldn't be able to talk about this in
12 opening statement. So if they want to try to
13 bring it up later on in the case --

14 THE COURT: So at this point in time no one
15 can mention those things in opening statement
16 based on my rulings today. If something happens
17 over the weekend, tomorrow with Judge Bucklew,
18 then somebody will bring it to my attention, but,
19 otherwise, it's not coming into evidence.

20 Okay. So No. 18, this is evidence or
21 argument related to undisclosed exhibits used to
22 ambush plaintiff at his deposition, you know. I
23 have to tell you, these are very difficult to
24 follow along.

25 MR. BERLIN: Your Honor, can I try and give

REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Aaron T. Perkins, Registered Professional Reporter, certify that I was authorized to and did stenographically report the above hearing 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 action.

Dated this 2nd day of July, 2015.

Aaron T. Perkins, RPR