

EXHIBIT E

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

Volume 2
Pages 123 to 301

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21 Attorneys for Defendant Gawker Media, LLC,
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23 ALSO PRESENT:
24

25 Heather L. Dietrick,
President and General Counsel for The Gawker
Media Group
Alison Steele, Esquire (for Media Outlets)
Rahdert, Steele Reynolds & Driscoll, P.L.
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1 THE COURT: Okay. My tab 5 says, Publisher
2 defendant's motion in limine to preclude plaintiff
3 from introducing evidence related to other Gawker
4 articles. This is the
5 good-for-goose-good-for-gander ruling we talked
6 about earlier. So each side is going to try to
7 trash the other, and there is going to be
8 limits on it.

9 MR. BERLIN: It seems like that's consistent
10 with the ruling you gave earlier. And if you want
11 to hear more to that, we can speak to that.

12 THE COURT: I think everyone is going to
13 identify what kind of trash they want to bring in,
14 and it's going to be limited. So pick your best
15 shot, because I'm going to limit it.

16 MR. TURKEL: Judge, all I would say is this:
17 And I think the way to handle it right now,
18 because I think you will see the context much
19 better --

20 THE COURT: During the trial?

21 MR. TURKEL: Yeah, when we're crossing him.
22 But we're looking at the various exceptions under
23 404(b) that you're allowed to use other bad acts,
24 because this goes back to the idea that they don't
25 have their hard standards about publishing. We

1 asked them what their discussions about the
2 publication of the video was with counsel, and we
3 couldn't get that. And so one of the places we go
4 to discuss, you know, to try to establish what
5 does it mean for Gawker? What are the standards?
6 well, we have go to what they said publicly in
7 other situations.

8 So if they went out and said, We abhor the
9 idea that somebody would publish Erin Andrews,
10 surreptitiously taking nudity video, well, that
11 helps us understand what their mindset was and
12 shows intent and knowledge and all the things
13 you're allowed to. We're not just throwing much
14 out there about them; there is a specific reason.

15 Now, that's what we're coming from. We've
16 got the statements fairly well identified in our
17 other papers, and so it's not just this
18 free-for-all to show that they published a bunch
19 of stuff. It shows the hypocrisy of what they say
20 about other people publishing this stuff, but what
21 they do is completely antithetical to that.

22 THE COURT: Some of that is going to be
23 allowed.

24 MR. TURKEL: I would think it would be. It's
25 not like we're just throwing every article that's

1 been written about Gawker saying they're bad out
2 there. We have specific things that they have
3 said about specific types of videos.

4 THE COURT: So all of you are going to meet
5 at some point in time, midnight tonight or
6 sometime, and you'll go through and see which ones
7 you want to use.

8 MR. BERLIN: Yeah.

9 MR. TURKEL: If Mr. Sullivan is okay with us
10 taking the discrete statements and doing what
11 you're going to do with the other stuff and show
12 the ones we're going to use, are we going to try
13 to agree on it. Or we'll just wait until we cross
14 him, and you can deal with it then.

15 MR. SULLIVAN: I think the field will be
16 narrowed when we identify for each other the 50
17 real exhibits.

18 MR. TURKEL: Yeah. That's probably a good
19 starting point. I don't think the field will be
20 completely removed, but it will be narrowed.

21 MR. SULLIVAN: Yeah.

22 MR. TURKEL: But I wanted you to know, when
23 this comes up, perhaps, contemporaneously with the
24 witness examination, you know where we're coming
25 from on this.

1 MR. BERLIN: In that regard, Your Honor, as I
2 said, I thought your ruling on it was clear. I
3 just wanted to give one cautionary note, which
4 is -- well, maybe one and a half. The half is
5 that, you know, Gawker witnesses may also testify
6 about articles that they found more redeeming than
7 to other articles. And we'll put that in the 50
8 exhibits that we're doing.

9 The second is that one the issues -- and
10 this, really, is an issue in this case, -- that
11 each one of these articles is different in terms
12 of its circumstances. And as you may remember up
13 on the screen when I was here doing the summary
14 judgment argument, we had two parts of the
15 newsworthiness: content and context. And every
16 one of these is different. And we'll -- if we
17 don't limit that significantly, it's going to
18 lengthen the trial, because the witness will be
19 then entitled to explain: Well, in that
20 circumstance, I said this about Erin Andrews
21 because these were the circumstances there, and
22 those are different than the circumstances here.
23 And they need to be able to explain themselves.
24 And that's where we're going to go. We just need
25 to know that that's where we're headed.

1 THE COURT: Well, that's in the strategy that
2 the lawyers do. There is two weeks designated for
3 this trial, and that's all there is. So you're
4 going to have to work within the two weeks. The
5 third week I go back to my other 2000 cases.

6 So let's go on to the next one, which is
7 No. 7 -- or tab 7. Defendants motion in limine to
8 preclude plaintiff from introducing evidence
9 related to statements that Denton, Daulerio, and
10 current and former Gawker employees have made
11 about privacy unrelated to plaintiff or the
12 publication at issue.

13 Do you think they're irrelevant?

14 MR. BERLIN: Well, you know, again, this is
15 the same point that I just made, which is, you
16 know, a statement about somebody's privacy under a
17 particular set of facts. And they have been
18 consistent about this. The testimony from all the
19 witnesses when they get asked, Well, would you do
20 this?, Well, it depends on the circumstances, is
21 the answer.

22 And the risk here is just confusing the jury,
23 because what we're really doing is taking some
24 statement that's about apples and trying to import
25 it and say, Here is what it is about oranges. And

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