

EXHIBIT 1

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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APPEARANCES:

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21 Attorneys for Defendant Gawker Media, LLC,
22 et al.

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: They have already given it to
2 you. Very generous.

3 MR. SAFIER: All that was produced in
4 discovery.

5 MR. TURKEL: I'm not saying it wasn't. What
6 I'm trying to do is figure out whether you guys
7 did Exhibit 20 and it's 20A through Z, and it's
8 got a pleading from the case in every -- it's
9 just --

10 THE COURT: It's specific. They're being
11 generous. No gotchas. That's good. Thank you.

12 All right. So No. 17, criminal, this is sort
13 of the FBI issue, right? Is there anything
14 specific that I needed to rule on this? Number
15 17, FBI, continuing to --

16 MR. HARDER: One moment, Your Honor.

17 THE COURT: Are you guys getting tired?

18 MR. BERLIN: The hardest part of the job is
19 keeping track of who is supposed to speak to which
20 motion.

21 THE COURT: This is way too early in the game
22 to be getting tired.

23 MR. TURKEL: I'm not tired necessarily,
24 Judge. That's the wrong word for it.

25 THE COURT: Seventeen.

1 MR. TURKEL: Yes.

2 THE COURT: Criminal investigation, I think
3 this is more of the FBI.

4 MR. TURKEL: Yeah. I mean, I don't know how
5 far they intend to go with references to it or
6 what those references would be. I mean, now the
7 tapes have been given and have shown to be what
8 they are. I probably need to hear from how far
9 they intend to go with this, and then I can frame
10 it better. I think as a general proposition,
11 talking about the investigation in and of itself
12 and --

13 THE COURT: Well, maybe we just need to wait
14 and see what happens in the trial.

15 MR. TURKEL: I don't know. I don't know what
16 their intentions are with it. Maybe they can
17 clarify, because I haven't read the opposition, to
18 be honest with you.

19 THE COURT: There is not one.

20 MR. BERRY: Yeah.

21 MR. TURKEL: Yes. So you can see --

22 MR. BERRY: One, I think some of this is
23 premature, because we don't know what's in the
24 papers. But what I understood the motion to do
25 was to seek to preclude any mention or argument

1 concerning the investigation. And we think that
2 this is relevant, potentially, for a couple
3 reasons.

4 First, beginning in March of 2012, when the
5 news of the sex tape first came out, plaintiff and
6 counsel, David Houston, went public, starting with
7 TMZ on the very first day, saying, We're going to
8 the authorities; we're going to the authorities.
9 And you'll see evidence come up at trial that at
10 each stage they're: We're going to the
11 authorities; we're going to the authorities; we're
12 going to the authorities. And the evidence will
13 show, again, tying back to the last person, that
14 they didn't go to the authorities. They didn't
15 file suit until that time of the text message that
16 we alluded to earlier.

17 What we have with respect to the FBI
18 investigation, we should -- to the extent that
19 they're going to put on that testimony and it's
20 replete in all the documents and all the audio
21 visuals that we are going to see at trial, we
22 should be able to say, again, with respect to
23 damages, they didn't do anything when this came
24 up. And it shows that he was not harmed
25 emotionally.

1 Second, the stuff that they're trying to keep
2 out pertains to e-mail communications that
3 Mr. Houston had with people prior to and
4 immediately following the lawsuit, which we
5 believe is relevant to show what they knew and
6 when they knew it. And, again, it bears on why
7 they brought this lawsuit.

8 I'm not -- they make an argument in the paper
9 concerning prejudice, and it's not clear to me
10 what the prejudice is of saying that they did,
11 ultimately, go to the authorities. In my mind, it
12 casts Mr. Bollea in a more sympathetic light.
13 But, again, we think that the reason they went to
14 the authorities had nothing to do with the reason
15 that we're standing in this courtroom and no
16 reason that he filed the suit. It was different
17 than what he's been telling us.

18 The materials that we're going to be using
19 also would not be hearsay, because they are
20 statements that either Mr. Houston wrote or
21 dictated or that were communications to him that
22 show what he knew and when he knew it. Those are
23 the three things that I would like to say, and
24 that's why it's admissible to mention the FBI
25 investigation and why various components of this

1 would be admissible as evidence.

2 MR. TURKEL: Okay. Well, I'm glad I asked,
3 because the absence of that in the response, I
4 would have never thought in a million years that
5 is what they were going to try to do.

6 Judge, I don't even know where to start, but
7 I can start with the premise that after this tape
8 was published -- I think Mr. Harder's dates were
9 correct -- we filed a lawsuit within seven days.

10 MR. HARDER: The Gawker tape was published.
11 The next day, two cease-and-desist letters went
12 out. About three days later, the response came
13 back that they were not going to take it down.
14 And about eight days later we filed two lawsuits
15 and a TRO application and a preliminary injunction
16 motion.

17 THE COURT: I think Mr. Berry's comments go
18 back to TMZ.

19 MR. TURKEL: Right.

20 MR. HARDER: Right, when there was no tape.
21 TMZ published nothing but words.

22 THE COURT: Okay. Well, this is about the
23 FBI. So let's just look at the words on the
24 motion. So for the motion at this point in time,
25 I think I just need to reserve, and let's see

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