

Exhibit 2

to the

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 23:
TO EXCLUDE, OR ALTERNATIVELY, TO STRIKE, ARGUMENTS OR
EVIDENCE SUBMITTED TO SHOW FRAUD ON THE COURT**

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.
-----/

PUBLIC TRANSCRIPT

HEARING BEFORE THE HONORABLE PAMELA A.M. CAMPBELL

DATE: January 13, 2016
TIME: 9:04 a.m. to 12:32 p.m.
PLACE: Pinellas County Courthouse
545 First Avenue North
Courtroom C
St. Petersburg, Florida

REPORTED BY: Susan C. Riesdorph, RPR, CRR
Notary Public, State of
Florida

Pages 1 - 87

1 APPEARANCES:

2 CHARLES J. HARDER, ESQUIRE
3 Harder Mirell & Abrams, LLP
4 132 South Rodeo Drive
5 Suite 301
6 Los Angeles, California 90212
7 - and -

8 KENNETH G. TURKEL, ESQUIRE
9 SHANE B. VOGT, ESQUIRE
10 Bajo Cuva Cohen & Turkel, P.A.
11 100 North Tampa Street
12 Suite 1900
13 Tampa, Florida 33602
14 Attorneys for Plaintiff

15 SETH D. BERLIN, ESQUIRE
16 MICHAEL D. SULLIVAN, ESQUIRE
17 Levine Sullivan Koch & Schulz, LLP
18 1899 L Street, N.W.
19 Suite 200
20 Washington, D.C. 20036
21 - and -

22 MICHAEL BERRY, ESQUIRE
23 Levine Sullivan Koch & Schulz, LLP
24 1760 Market Street
25 Suite 1001
Philadelphia, Pennsylvania
- and -

RACHEL FUGATE, ESQUIRE
Thomas & LoCicero, PL
601 South Boulevard
Tampa, Florida 33606

- and -
HEATHER DIETRICK, ESQUIRE
General Counsel
Gawker Media
210 Elizabeth Street
Third Floor
New York, New York 10012
Attorneys for Defendant Gawker Media, LLC

1 APPEARANCES (continued):

2 ALLISON M. STEELE, ESQUIRE
3 Rahdert, Steele, Reynolds & Driscoll, P.L.
4 535 Central Avenue
5 St. Petersburg, Florida 33701
6 Attorney for Intervenor Times
7 Publishing Company

8 ALSO PRESENT:

9 Terry Bollea

10 I N D E X

11	PROCEEDINGS	Page 4
12	CONFIDENTIAL PROCEEDINGS AT BENCH (11:16 a.m. to 11:40 a.m.)	Page 48
13	CONFIDENTIAL PROCEEDINGS AT BENCH (11:50 a.m. to 11:51 a.m.)	Page 53
14	REPORTER'S CERTIFICATE	Page 87

15
16
17
18
19
20
21
22
23
24
25

1 that they have about what they're trying to make
2 relevant in this case. I want to start at the
3 threshold, Your Honor. My statements are going to
4 be very much -- very limited. I'm not going to go
5 back through our brief.

6 THE COURT: Good.

7 MR. TURKEL: I can tell you about our brief.
8 I'm not going to be redundant. I'm not going to
9 answer tit for tat, differing interpretations of
10 evidence that have differing interpretations.
11 That's not your job as a judge, particularly on
12 this procedural vehicle. It's a job for six
13 people in Pinellas County. And that's something
14 that runs through all his argument.

15 Mr. Berlin at various times talked about the
16 essential need for the system to be predicated on
17 truth. Everything has to be based on the truth,
18 Judge. Then we pick a jury during voir dire,
19 which means to speak the truth.

20 The whole reason that this evidence is being
21 discussed and that they've brought this motion
22 started with their representation to you, and that
23 representation was seeking the extraordinary
24 relief, which you granted and Judge Case granted
25 before you, of having Mr. Bollea waive privacy

1 this case, throughout their papers what they did
2 is they omitted countervailing evidence, excerpts
3 in Mr. Houston's testimony, for instance, and
4 other like things. They just omit it. So in
5 their world, the way they argue fraud on the court
6 is if you accept how we look at everything, then
7 there's a fraud on the court. But to do that, you
8 can't listen to anything the other side says about
9 why certain things were said, the context of what
10 was said, explanations that were given. You have
11 numerous statements at numerous times. It
12 happens. You reconcile them at trial or you
13 impeach a witness. That's what we do. You don't
14 come to a judge and say, Judge, we don't like the
15 way their witnesses testified; therefore, they're
16 lying to you in their case. We all deal with it.
17 I've never tried a case where at least one witness
18 didn't have some kind of an issue on either side.
19 That's what this is. You take away their
20 hyperbole and the big city lawyer language and all
21 this stuff and you're left with guys that just
22 don't like witness statements. They don't like
23 what they said. How can you sit here and argue to
24 you that Terry Bollea had any knowledge of what
25 was happening as far as him being taped when you

1 thing. I was left at the end of it the same way I
2 felt today. We just disagree on the evidence.
3 Judge Case was in the exact same place. It's like
4 Kozel v. Ostendorf and its progeny. It's somebody
5 coming here complaining about a knee injury who
6 has 16 documented surgeries. That's fraud on the
7 court. Documented, not arguable. I repaired the
8 ACL. I repaired the meniscus. I repaired some
9 cartilage. I did an MCL operation. Then the
10 plaintiff is asked, did you ever have knee surgery
11 before? And they said no. So you spend three
12 years litigating the case. That's virtually in
13 every case. Judge, interestingly, virtually every
14 Second District case even against that background,
15 they've reversed almost every fraud on the court
16 finding a trial court's made anywhere. Florida
17 law clearly provides an inconsistency,
18 nondisclosure, poor recollection, dissemblance and
19 even a lie is insufficient to support dismissal
20 and in many cases may be well managed and best
21 resolved by bringing the issue to the jury's -- to
22 the jury's attorney through cross-examination.
23 That may be a typo. That's citing Perrine v.
24 Henderson, 85 So.3d 1210 at page 1212 and numerous
25 other cases on page 18 of our brief.

1 REPORTER'S CERTIFICATE

2
3 STATE OF FLORIDA :

4 COUNTY OF HILLSBOROUGH :

5
6
7 I, Susan C. Riedsorph, RPR, CRR certify that I
8 was authorized to and did stenographically report the
9 foregoing proceedings and that the transcript is a true
10 and complete record of my stenographic notes.11 I further certify that I am not a relative,
12 employee, attorney, or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the outcome of the foregoing
16 action.17 Dated this 14th day of January, 2016, IN THE
18 CITY OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF
19 FLORIDA.
2021 Susan C. Riedsorph, RPR, CRR, CLSP
22
23
24
25