

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

TERRY GENE BOLLEA professionally  
known as HULK HOGAN,

Plaintiff,

vs.

Case No. 12012447CI-011

HEATHER CLEM; GAWKER MEDIA, LLC  
aka GAWKER MEDIA; GAWKER MEDIA  
GROUP, INC. aka GAWKER MEDIA;  
GAWKER ENTERTAINMENT, LLC;  
GAWKER TECHNOLOGY, LLC; GAWKER  
SALES, LLC; NICK DENTON; A.J.  
DAULERIO; KATE BENNERT, and  
BLOGWIRE HUNGARY SZELLEMI  
ALKOTAST HASZNOSITO KFT aka  
GAWKER MEDIA,

Defendants.

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**AFFIDAVIT OF DAVID R. HOUSTON**

**FILED UNDER SEAL**

STATE OF NEVADA

COUNTY OF WASHOE

DAVID HOUSTON, Esq. being duly sworn, deposes and says:

1. I am a resident of Reno, Nevada, over the age of 18 years. I am an attorney duly licensed to practice before all courts of the States of Nevada and Colorado, among other courts, including the United States Supreme Court and the Ninth Circuit Court of Appeals. The statements made herein are based on my personal knowledge.

2. I have been Mr. Bollea's personal attorney for approximately six years. I am counsel (admitted *pro hac vice*) for Plaintiff Terry Gene Bollea, professionally known as Hulk Hogan, in the above-captioned matter. Day-to-day operation of the matter, however, is controlled by Mr. Bollea's trial attorneys, Harder Mirell & Abrams LLP (the "Harder Firm") and Bajo Cuva Cohen & Turkel P.A. (the "Turkel Firm").

3. In my capacity as personal attorney to Mr. Bollea, I have assisted and provided legal counsel to Mr. Bollea on a variety of matters. In late 2012, I assisted Mr. Bollea in taking action to identify and detain an individual who was attempting to extort Mr. Bollea for money in exchange for providing Mr. Bollea with alleged videos of Mr. Bollea engaged in sexual activities with Heather Clem. I worked with the Federal Bureau of Investigation ("FBI") in connection with that matter and assisted in the resulting sting operation that took place in or about December 2012. The investigation was initiated after Mr. Bollea filed his original complaint against Gawker in October 2012.

4. During the period in and around the latter part of 2012, when Mr. Bollea and I initiated our contact with the FBI to discuss the commencement of the investigation, various FBI representatives repeatedly told Mr. Bollea and me that, under no circumstances, was anyone affiliated with the investigation allowed to disclose anything about the FBI's investigation to anyone.

5. To the best of my recollection on or about March 5, 2014, I spoke by telephone with Sara Sweeney, an attorney in the United States Attorney's Office for the Middle District of Florida. On this same date, I also spoke by telephone with Jason Shearn, a representative of the FBI. As of that date, both confirmed that the FBI's investigation into that matter remained open.

Also, to the best of my recollection, as of that date, neither Ms. Sweeney nor Mr. Shearn advised me it would be permissible to discuss the FBI investigation with third parties.


6. As part of the investigation by the FBI, I received documents and participated in telephone conversations and meetings relating to the investigation (the "FBI Documents"). I did not immediately turn over any of the FBI Documents to the Harder or Turkel Firms because I was not actively involved in the litigation matter at that time and considered the FBI investigation to be a separate matter from the lawsuit against Gawker. I still consider the FBI investigation to be a separate matter from the lawsuit against Gawker, because the FBI investigation related to an extortion attempt by an unknown third party, while the Gawker matter pertains to Gawker's unlawful publication of a one minute and forty-one second "highlight reel" of a sex vide of Mr. Bollea and Ms. Clem in a private bedroom—without Mr. Bollea's permission and against my repeated demands on behalf of Mr. Bollea that Gawker immediately remove the video from the Internet.

7. At all times, I maintained and preserved all relevant documents making up the FBI Documents.

8. Upon becoming aware that discovery had been served on Mr. Bollea that specifically requested the FBI Documents, I provided those materials to the Harder Firm. It is my belief that this would have been the first time that either the Harder Firm or the Turkel Firm saw the FBI Documents and/or became aware of their specific contents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17 day of June, 2014.

  
DAVID R. HOUSTON

Sworn to and subscribed before me this 17 day of June, 2014 by David R Houston who is personally known to me or \_\_\_\_\_ who has produced \_\_\_\_\_ (type of I.D.) as identification (check one).



Kristy Rosser  
(Signature)  
Kristy Rosser  
(Type or Print Name)

Notary Public  
My Commission Expires: 2-13-2018  
Commission No.: 02-73786-2  
STATE OF NEVADA  
COUNTY OF WASHOE