

Exhibit H

Case No. 12012447-CI-011

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

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TERRY GENE BOLLEA professionally known as
HULK HOGAN,

Plaintiff,

vs.

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

Defendants.

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CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF
DAVID HOUSTON

FRIDAY, APRIL 10, 2015

Reno, Nevada

Reported by: KIMBERLY J. WALDIE, NV CCR #720, RPR
CALIFORNIA CSR #8696

1 A I've told you in reference to your questions,
2 yes.

3 Q Okay. Can you recall any other conversations
4 with Bubba pertaining to the sex tape other than what
5 you've already related to us?

6 A If I had a conversation with Bubba during that
7 time frame, it would have been pertaining to the issues
8 at hand. I did not have a social relationship with
9 Mr. Clem.

10 Q Okay. Any other specifics of your discussions
11 with Bubba that come to mind that you haven't already
12 related to us?

13 A Other than what I previously answered, no, sir.

14 Q Okay. At one point in the interview Mike
15 Walters says to Mr. Hogan, quote: This is the end of
16 the tape. You leave and Bubba comes back in the room
17 and Heather's on the bed and Bubba says, I quote: If we
18 ever did want to retire, all we'd have to do is use this
19 footage of him. So I just kind of want your reaction to
20 that. I know you know that this might be in one of the
21 tapes. I can tell you a hundred percent that is what
22 Bubba says when you leave the room, closed quote.

23 Do you recall that discussion?

24 A Yes.

25 Q Okay. Was this interview on October 9, 2012,

1 -- was this the first time you had heard that Bubba Clem
2 allegedly said on one of the sex tapes something along
3 the lines of "If we ever did want to retire, all we'd
4 have to do is use the footage of him"?

5 A I believe so.

6 Q Okay. You hadn't heard that before, to the
7 best of your recollection?

8 A I do not think so, to the best of my
9 recollection.

10 Q Okay. Do you believe if you had, that would
11 have stuck in your mind?

12 A Just might have, yes, sir.

13 Q Okay. In the interview, Mr. Walters says to
14 Mr. Hogan, quote: I know you know that this might be in
15 one of the tapes, closed quote.

16 Mr. Houston, was it your understanding at that
17 time, October 9 of 2012, that there were multiple Hulk
18 Hogan sex tapes?

19 A No, sir.

20 Q Okay. Did Mr. Hogan ever indicate in the
21 presence of a third party, so not just you and him
22 talking, but when there was some third party present,
23 that he understood that there were multiple tapes?

24 A No, sir.

25 Q At the end of the interview you say, quote:

1 Hey, gentlemen, real clearly, if it's on the tape, then
2 I think Hulk made clear -- pardon me -- Hulk made
3 himself clear there was never a friendship. We've given
4 Bubba every opportunity to tell the truth and to avoid
5 what's obviously coming. And for whatever reason
6 Bubba's chosen not to do so, and I'll certainly be happy
7 to talk to you off air to try to get a time when I might
8 be able to view that personally, closed quote.

9 Do you recall that --

10 A Yes, sir.

11 Q -- being said? Okay.

12 Did you subsequently speak with TMZ off air
13 about the sex tapes?

14 A Yes, sir.

15 Q And who did you speak to?

16 A I believe it was Mike Walters.

17 Q All right. And when did you speak to
18 Mr. Walters?

19 A It would have been immediately thereafter.

20 Q Okay. And what was said in that discussion?

21 A I had a desire to personally view the videotape
22 and had requested an opportunity to do so, number one.
23 I was also attempting to gather additional information
24 as to who the source of the videotape may have been and
25 as a consequence, of course, hopefully receive some

1 identifiers to better know who may have been
2 responsible.

3 Q All right. How long did the conversation last?

4 A Fairly brief. Less than five minutes.

5 Q Okay. And what did you say -- explain what you
6 were seeking.

7 A "I want to see a videotape."

8 Q All right. What -- what did Mr. Walters say?

9 A "Well, that's really a problem," and then
10 started to go into some sort of techie explanation as to
11 how the tape was presented to them. And when I say
12 "tape," I think that's really confusing. It's a
13 misnomer to what actually occurred.

14 According to my conversation, apparently TMZ
15 received some sort of e-mail that contained a snippet in
16 reference to a representation that was part of a larger
17 tape, the consequence of which is it could be viewed one
18 time and then you couldn't view it again. And it
19 sounded a bit Mission Impossible-ish to me. But, then,
20 again, there's not much you can do if a person tells you
21 "That's the way it is, and we can't show it to you."

22 And I think if you note, when that discussion
23 is occurring throughout the course of that interview,
24 they're very careful how they catch their phrases -- or
25 cache their phrases in reference to "Can we come and see

1 Q Okay. In terms of the first DVD viewed, how
2 long did you spend viewing that DVD?

3 A That might have actually been the longest one.
4 I'd say maybe 10 or 15 seconds maximum.

5 Q Ten or 15 seconds?

6 A Yes.

7 Q Okay.

8 A It was, again, very brief. As I think I
9 indicated, Mr. Bollea looked at the video -- thinking
10 back to it, it -- it became obvious he was upset and
11 stepped away, saying "That's me." And that was pretty
12 much the end of video No. 1.

13 Q Okay.

14 A Video No. 2 and 3, as shown on disc, whether
15 they be independent videos, to this day, Mr. Sullivan, I
16 don't know. It could be the same video copied. I don't
17 know. What I do know is it appeared as though it
18 referenced the same character in each one. Whether they
19 were representative of separate videotapes would be up
20 to someone who's actually seen them.

21 Q All right. Or seen more of them.

22 A Sure.

23 Q All right. Now, what, if anything, was said
24 while the tapes were being watched?

25 A Not much.

1 Q Okay.

2 A I -- again, nothing specifically directed to
3 the tapes. It was more or less silence, put it on,
4 silence, take it off. "Do you want to see the other
5 one?"

6 "Yes, please." That sort of thing.

7 Q Okay.

8 A But nothing about content or length or anything
9 like that.

10 Q That's what I was going to ask you. Did
11 Davidson say anything --

12 A No.

13 Q -- or anything substantive?

14 A You have to remember he'd already provided us
15 with what he considered to be this document. So there
16 was really not a lot to talk about, if that makes sense.

17 Q Sure. All right.

18 What was -- in the portions you saw, could you
19 identify the persons who appeared on the tape?

20 A You have to understand I wasn't looking at it
21 to identify the people on the tapes. I was looking at
22 it only in a play acting sense to pretend. I was
23 concerned with what was on the tapes. I was really more
24 concerned with Mr. Bollea and his reaction to what he
25 had viewed the first time.

1 I would suggest to you that my brief viewing,
2 of course, did indicate to me that it appeared to be
3 someone similar to Mr. Bollea.

4 Q All right.

5 A I did not see the female in what I observed,
6 literally, at all. I essentially saw the back of
7 Mr. Bollea and then a bit of a side profile on the last.

8 Q Okay. Did you see any other persons who
9 appeared on the tape other than Mr. Bollea?

10 A I don't remember.

11 Q Okay. Were you able to identify Heather Clem?

12 A You know, I wasn't familiar with Heather Clem.
13 It would be, to me, like seeing someone you don't know,
14 then someone later saying, "Were you able to identify
15 them as a specific person?"

16 I think -- I -- I didn't know her, certainly
17 facial features or otherwise, well enough to suggest
18 that a brief viewing could result in an identification.

19 Q All right. Were you -- were you able to
20 identify any of the persons who appeared on the video by
21 voice?

22 A I don't think the audio was turned up, now that
23 you mention it. I don't remember hearing the audio.

24 Q All right.

25 A I don't recall. And I think I'm safer with

1 that. I don't recall.

2 Q Okay. All right. Now, did you later watch any
3 of the DVDs obtained from Mr. Davidson with the FBI?

4 A No.

5 Q Did they ever call you in and ask you to view
6 portions of this and identify it?

7 A They never called me in to review the
8 videotapes.

9 Q Okay. Did they call you in for any other
10 purposes related to this investigation?

11 A There was a telephone call made as to whether
12 I'd be willing to go to the FBI office in Tampa for the
13 purposes of assisting in the transcription of the stated
14 word as it pertained to the videotape. Their
15 transcriber was having difficulty making out certain
16 words at certain times. I had agreed to do so. That
17 was to be planned for in the future, and it never came
18 to fruition.

19 Q So you never actually went over --

20 A No.

21 Q -- and participated in the transcription?

22 A No.

23 Q All right. When you were there in
24 Mr. Davidson's room that day, were three DVDs placed in
25 a DVD player and portions played?

1 A There appeared to be three DVDs, not all at
2 once placed in a player, but individually one at a time.
3 Whether they were different DVDs or one DVD and two
4 copies remains to be seen, I guess.

5 Q Okay. What --

6 A I don't know.

7 Q Okay. What order did you view the three tapes
8 in?

9 A First one was first.

10 Q No.

11 A There's no time, date stamp on the DVDs for me
12 to draw reference points.

13 Q No. I understand that. But the reason I ask
14 you is because he gives you this Exhibit B, and it says
15 first tape, second tape. You know what I mean? It
16 purports --

17 A Right.

18 Q -- to provide contents to three different
19 tapes.

20 A Right.

21 Q Did he then say to you when you were in his
22 room, "Okay. I'm going to show you an excerpt of the
23 first tape"?

24 A No. I think the idea was at that point in time
25 not to verify everything that he claimed was on the

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1 tapes was on the DVD. Literally, that would require us
2 to sit and go through each DVD in their entirety.

3 Quite to the contrary, our goal was to simply
4 provide verification that it was Terry on the DVD, and
5 as such -- and this sounds silly when you are doing a
6 business deal, but under the circumstances, Mr. Davidson
7 then would be apparently believed as to what he was
8 saying.

9 Our goal was not to sit and verify content. It
10 was simply to authenticate the fact that Mr. Bollea was
11 on there. But, again, remember, this is all part of a
12 sting, and so, therefore, we're playing a role where
13 we're attempting to have Mr. Davidson believe that we're
14 bona fide purchasers for this material, which requires
15 us to do something, which at that point was "Okay.
16 Well, Terry, does that look like you?" which leads Terry
17 to walk away, signaling to me he's very upset, which
18 leads me to want to just simply get through the process.

19 Q All right. If you would look, please, back at
20 Defendant's Exhibit 259.

21 A Got it.

22 Q And if you would turn to page 1210, which is --

23 A 1210 in 259?

24 Q Yes, sir.

25 A Okay. Hang on. I've got it.

1 Q All right. Now, if you look at -- on that page
2 you'll see a bullet point that says "First tape."

3 A Okay.

4 Q All right. And then if you look at the looks
5 like tape counter marks there on the left side, do you
6 see that?

7 A I do.

8 Q Okay. If you look at the one that says 0:09.
9 All right?

10 A I see it.

11 Q And you see it says "TAC enters walks in."

12 "BOSTICK - Good grief Bubba."

13 "TAC - Isn't she beautiful?"

14 A I see it.

15 Q You see that? Okay. Did the portion of the
16 tape -- did the portion of one of the tapes that you saw
17 contain -- depict what we just read there?

18 A As I indicated, I don't think audio was turned
19 up. Secondly, no, not that I recall, but, rather it was
20 a situation where -- I don't know how best to explain it
21 other than the way I have. It would be to look at it to
22 see who's on it and then continue on. It wasn't there
23 to listen to audio or to verify the content of the these
24 Exhibit B items.

25 Q Okay. Let me ask you this: If you -- since