

Exhibit B

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.

VIDEOTAPED

DEPOSITION OF: BUBBA THE LOVE SPONGE CLEM

DATE: March 3, 2014

TIME: 12:09 p.m. to 3:07 p.m.

PLACE: Thomas & LoCicero, P.L.
601 South Boulevard
Tampa, Florida

PURSUANT TO: Notice by counsel for Defendants
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are permitted under the Florida
Rules of Civil Procedure

REPORTED BY: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large

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1 what-I-have-done-to-my-best-friend-type deal. So I
2 don't know per se what our conversation was, but I'm
3 sure it was one not of me being honest.

4 Q. Just to make sure that we're talking about
5 the same time frame here: Was this before or after
6 the -- Gawker posted the excerpts?

7 A. I don't know the chain of events with you
8 guys and when you guys posted what. But I just know
9 that all along I was assuring Terry that I had nothing
10 to do with it and -- and that we'd been double crossed
11 when -- because I was frantically freaked out that I
12 had just ruined my best friend's life. And so I don't
13 know -- I don't know if TMZ reported it first or you
14 guys reported it first. I don't know those time --
15 you, obviously, who represent Gawker might be able to
16 give me a better time frame that I can validate, but it
17 was in that era.

18 Q. Since he filed the lawsuit against you, have
19 you spoken to him?

20 A. No.

21 Q. Okay. So the -- he filed that lawsuit in
22 October of 2012, right? So about a year and a half
23 ago?

24 A. (Nods affirmatively).

25 Q. Have you spoken during that year and a half

1 time period?

2 A. No.

3 Q. The text that was produced to us, I believe,
4 was from June of 2013.

5 A. Uh-huh (Indicates affirmatively).

6 Q. Did you talk to him --

7 A. No.

8 Q. -- in 2013?

9 A. I sent him a text telling him how sorry I was
10 and -- if that's what was produced today. And I never
11 got any response back, which just solidifies that
12 I'm -- you know, that he hates me.

13 Q. And prior to that point, like between the
14 time he filed the lawsuit against you and the time you
15 sent that text, you had not spoken with him?

16 A. No.

17 Q. After the time you sent that text to the time
18 he's sitting here today, you have not spoken to him?

19 A. Absolutely not.

20 Q. Other than that one text, have you
21 communicated with him in any way?

22 A. No. Unfortunately, no. I wish I could have.

23 Q. Okay. Has he communicated to you in any way?

24 A. No.

25 Q. Do you miss him?

1 A. Yeah. I -- I miss him. And, more
2 importantly, I would like to tell him and look at him
3 as a man and tell him I am so sorry. This is all --
4 you know, this is the most biggest nightmare I have
5 ever gone through in my life because I look like a rat
6 and I look like a complete horse's ass on something
7 that was wrong from the beginning and -- and totally
8 victimized him. He doesn't deserve this. What did he
9 do to deserve this. This was a bad situation on top of
10 a bad situation on top of somebody stealing it and
11 giving it to you guys, and it's -- and it's horrible.
12 It's -- there is no way to slice this as good for
13 anybody, specifically him. He's the biggest victim of
14 all. I mean, I look like a horse's ass, but that guy
15 didn't do anything wrong.

16 Q. Why do you look like a horse's ass?

17 A. Because I double-crossed my best friend in
18 the whole entire world.

19 Q. How did you double-cross him?

20 A. Because I taped him unbeknownst to him
21 knowing.

22 Q. And --

23 A. Not that it was ever going to get out, but
24 it's still a wrong in every shape or form. And then
25 in -- in connection with whomever you guys got it from

1 that stole it from me, I mean, the person that's
2 getting the avalanche of everything is him. I mean, I
3 wasn't married at the time when it all came out; he
4 was. I mean, there is just so many issues for him, and
5 it just -- I would do anything in this world to unwind
6 this mess, anything.

7 Q. And you'd also said that you didn't think he
8 did anything wrong?

9 A. No.

10 Q. And why is that?

11 A. What did he do wrong?

12 Q. No. I'm asking you, Why did you make that
13 statement?

14 A. Because it's how I feel.

15 Q. Okay. You miss being best friends with him?

16 A. Yeah, very much so.

17 Q. You miss talking to him?

18 A. I miss everything about our friendship and
19 our camaraderie. And I -- and I did him worse than
20 anybody -- I'm probably his best friend and have done
21 more for him as a friend, but I also screwed him over
22 bigger than anybody who are not good friends have
23 screwed him over, and so it cuts me to the core. It
24 absolutely cuts me to the core as a man, because that's
25 not what I'm about.

1 Q. And just, again, the way that you screwed him
2 over was what?

3 A. I --

4 MR. DIACO: Object to the form of the
5 question. Asked and answered.

6 THE WITNESS: I answered that earlier.

7 MR. BERRY: This might be a good time to
8 break.

9 THE VIDEOGRAPHER: Off the record at 1:30.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: On the record at 1:46.

12 THE WITNESS: I'd like to open up by, I -- I
13 found my phone number, my home number. It's
14 (727) 906-4609. That's my home phone number on
15 61st Avenue.

16 BY MR. BERRY:

17 Q. I appreciate that.

18 A. Thank you.

19 Q. So, earlier, we were talking about you being
20 a radio host.

21 A. Uh-huh (Indicates affirmatively).

22 Q. And I just want to go back and talk about
23 those things.

24 Going back -- my notes are a bit rough here.
25 But going back to that time period in the early 2000s,

1 And I -- and I certainly wish that -- this
2 whole situation, one, had -- would have never been
3 recorded; and, two, you guys not obtained a tape that
4 was solely never meant to ever leave -- leave my
5 closet, let alone, you know, I should have never taped
6 it to begin with. It was completely, completely wrong
7 in every way, shape, or form of how you can slice it.

8 Q. Tell me --

9 A. This -- this thing has ruined people's lives.
10 There is no -- there is no upside to Mr. Hogan. There
11 is no upside to me. There is no upside to Heather.
12 Poor Heather looks like crap. I mean, this was a very
13 private matter that was done unbeknownst to him. And
14 we've all suffered tremendously. The only people that
15 have gained are you guys, period.

16 Q. Tell me about your conversation with Tom Bean
17 about that.

18 A. Well, I admitted to Tom that I had -- I had
19 to be truthful with Tom and say -- you know, Tom is,
20 next to Terry, was probably one of my best friends, and
21 it certainly has put a strain on our relationship and
22 put a strain with -- with a lot of great friends that I
23 have had. And they think that I'm this piece of shit
24 now, and that, you know -- whereas, I'm not that kind
25 of guy. I did, you know, make a mistake, and so

1 Tom Bean was less than happy with me. It's taken a
2 long time to be able to gain trust back from a lot of
3 my close friends because of this breach.

4 Q. Did you talk to Tom Bean before you went on
5 the air that day?

6 A. I think I spoke to Tom as they -- literally,
7 a few minutes after they had the conference on the
8 courthouse steps, and I had to be, you know, honest
9 with him and say, No, Terry didn't know about it,
10 not -- had no inkling of this. And, you know, Tom did
11 not advise me on how to play it, you know. I would say
12 that Tom being a little more worldly and calculated
13 than me probably would have not given me the "puff your
14 chest out and be a dick" type scenario as I did.

15 Q. Did you talk to him again after the October
16 16th broadcast?

17 A. I don't recall per se any conversations we've
18 had. We talked -- Tom and I talk daily.

19 Q. Did he tell you any concerns that he had with
20 this broadcast?

21 A. Yeah. I mean, there is a lot of concerns
22 about this. I had done something against my best
23 friend that -- that borders on being very unethical.
24 And there is a lot of things wrong with this, yes. I'm
25 very concerned about this matter.

1 Q. Right.

2 But -- and my question was a little
3 different, I guess. Did Tom Bean talk to you after
4 this October 16th broadcast about what -- what you
5 broadcast?

6 A. Well, you know, Tom Bean doesn't control what
7 I say, but he certainly is my confidant and my agent.
8 And he was concerned that I was not being honest.

9 Q. And so what did he say to you?

10 A. I don't recall the specific conversation, you
11 know, but I -- I quickly -- I quickly, you know, wanted
12 to correct this issue. And I think Tom had some
13 conversations with Terry's people. And -- and I
14 needed -- I needed to -- I needed to man up and do the
15 right thing. And I think that my being here today,
16 telling the truth under sworn testimony, having raised
17 my right hand and the disclaimer that I said on the air
18 brings an ounce of credibility back to me somewhat. I
19 still can never repair what I did to my best friend,
20 ever.

21 Q. And everything you're testifying about here
22 today is truth?

23 A. Absolutely.

24 Q. Okay.

25 A. The best that I can recall things, yes.

1 Q. But short of that, it's the absolute truth?

2 A. Everything you've asked me I'm being
3 truthful, if I can recall something and I have
4 knowledge of something, yes.

5 Q. Okay. Why don't we listen to another
6 broadcast here, which we'll mark as Exhibit 53.

7 (Exhibit No. 53 was marked for
8 identification.)

9 BY MR. BERRY:

10 Q. This is -- and I will try and get this better
11 this time. This is your show. And I forget how it was
12 produced to us, but it's BTLS October 16, 2012, hour 2,
13 track 2. I don't know what that means, but --

14 A. Sure.

15 Q. -- that's how it came to us.

16 MR. DIACO: I think I can -- I think that
17 means it was during a regular terrestrial
18 broadcast, and I believe this is the --

19 MR. BERRY: Uncensored Internet.

20 MR. DIACO: -- Internet broadcast, Internet.

21 MR. BERRY: Okay.

22 MR. DIACO: So I think it's the same day,
23 hour 2 of the four-hour broadcast.

24 MR. BERRY: Okay.

25 MR. DIACO: Is that right, Bubba?

1 THE WITNESS: Sounds good to me.

2 MR. BERRY: And what we'll do here is --

3 MR. HARDER: Well, I guess this is just the
4 excerpt --

5 MR. BERRY: No.

6 MR. HARDER: -- or is this the whole thing?

7 MR. BERRY: No. This is the full broadcast.

8 MR. HARDER: Well, I have them all.

9 THE WITNESS: Do we have to sit through the
10 whole thing?

11 MR. BERRY: No, no, no. Just -- what I want
12 to do for clarity's sake is just mark as exhibits
13 the full broadcast so they're exhibits to the
14 deposition. I am going to ask him only about
15 certain portions of the broadcast so that we can
16 speed things along, but I'll mark the whole thing
17 as an exhibit.

18 MR. DIACO: Fair enough. And then you'll
19 just highlight which portion like you did last
20 time, 30 minutes and 59 seconds?

21 MR. BERRY: Exactly the same, yeah.

22 BY MR. BERRY:

23 Q. So on this Exhibit 53, we're going to be
24 playing from 13 minutes and 16 seconds, give or take a
25 second or two, to 14 minutes and nine seconds.

1 A. So 13, 16?

2 Q. And you'll get a copy of the transcript.

3 A. Okay.

4 (Whereupon, an audio clip was played as
5 follows:)

6 MR. CLEM: With everything going on, don't
7 play like you don't know now, Hogan, just to cover
8 your ass. You have a long history of covering
9 your ass. And this scandal really accentuates
10 what you're all about. You're one way and you're
11 a user. You know what, if all the wrestling guys
12 can get by the fact that they think that I have --
13 that I have broken man code -- did I really break
14 man code? Did I really break man code? Did I
15 really break man code? When you have, as my best
16 friend, has driven me insane to have sex with my
17 then-wife, I say, yeah, fine. You know. You
18 lived in my home for three months. You know I
19 have surveillance. You knew of everything going
20 on.

21 (Audio clip concluded.)

22 BY MR. BERRY:

23 Q. So that was your voice the whole time, right?

24 A. Yes.

25 Q. The last thing you said, "You know. You

1 lived in my home for three months. You know I have
2 surveillance. You knew of everything going on."

3 How did he know?

4 A. He didn't.

5 MR. DIACO: Object to the form of the
6 question.

7 THE WITNESS: He didn't.

8 BY MR. BERRY:

9 Q. So he did live in your house?

10 A. For three or four months, yes. I testified
11 to that earlier.

12 Q. Okay. But the other stuff, not true?

13 A. He did not bug me to have sex with my wife.
14 It was opposite of that. We initiated it. It was not
15 his idea; it was ours. And this is Bubba freaked out,
16 lie at all expense to the detriment of Terry. And
17 there is not -- there is nothing -- except for the time
18 frame as to where he lived with me, there is not an
19 ounce of truth on that broadcast.

20 MR. BERRY: This may be a good time to take a
21 quick break, and then we'll go on.

22 THE VIDEOGRAPHER: Okay. Off the record at
23 4:30.

24 (A recess was taken.)

25 THE VIDEOGRAPHER: On the record at 4:47.

1 BY MR. BERRY:

2 Q. Did you and Heather have an open marriage?

3 MR. DIACO: Object to the form --

4 MR. GOLD: Object to the form.

5 MR. DIACO: -- of the question. That
6 violates Judge Campbell's ruling. She ruled that
7 it would only relate to any encounters between
8 Mr. Bollea and Mrs. Cole, formerly known as
9 Mrs. Clem.

10 JUDGE CASE: I think that is the language in
11 the order.

12 MR. BERLIN: Your Honor, if I could be heard
13 on that --

14 JUDGE CASE: All right.

15 MR. BERLIN: -- because I was actually at
16 these hearings.

17 The nature of the objection was about the
18 specifics of other people that she may have had
19 relations with.

20 JUDGE CASE: All right.

21 MR. BERLIN: And we don't intend to ask about
22 that. But when this issue came up at the January
23 17th hearing, which -- at which Mr. Diaco was
24 present, Judge Campbell in the context of
25 addressing other tapes, said: "I guess so -- I

1 paraphrasing. I'm just reading this. Okay?

2 SPEAKER: Yeah.

3 MR. CLEM: She says he assaulted her. He
4 alleges extortion. Wrestler Hulk Hogan filed a
5 lawsuit Thursday in Minneapolis in an effort to
6 silence a woman's allegation that he sexually
7 assaulted her over Labor Day Weekend. However,
8 the lawsuit has backfired -- and this is
9 interesting -- and turned what had been a quiet
10 dispute into a very public battle. While Hogan's
11 lawsuit filed in the U.S. District Court of
12 Minneapolis under his name, Terry Bollea, does not
13 mention what he's accused of, the woman's lawyer
14 now feels free to go public with details.

15 Well, this is -- this is oddly, strangely,
16 very similar.

17 My client was sexual assaulted by --

18 (Audio clip concluded.)

19 MR. BERRY: I will stop it there for a
20 minute.

21 BY MR. BERRY:

22 Q. Why was that strangely familiar?

23 A. Well, it was strangely shitty in the fact
24 that I'm bringing something up that happened a long,
25 long time ago that really had no relevance to anything

1 at all. At this point I'm just in cover-my-ass mode,
2 make-Terry-look-bad mode. So it really had no
3 relevance, honestly.

4 Q. But why at that moment were you saying it
5 sounded strangely familiar?

6 MR. DIACO: Object to form. You just asked
7 and answered that.

8 THE WITNESS: I just -- I just answered it.
9 At this point, I don't know how relevant it was.
10 I think it's just a piece of information that I
11 was privy to that I could use to make Terry look
12 bad, and that was my mission. It really is not
13 similar in any way, shape, or form.

14 BY MR. BERRY:

15 Q. Had he filed suit against you to bring a
16 private matter and make it public?

17 A. I don't know what his reasoning was. He
18 filed a suit to -- to make sure that people knew that
19 he didn't have anything to do with this and he had been
20 wronged. I'm not a lawyer as to what -- why people
21 file suits, but Terry had been wronged, and he should
22 file.

23 Q. Okay. And so your comments there were,
24 again, not truthful?

25 A. Let me just -- I know we're going to listen

1 to all the tapes. But everything I said the day after,
2 everything for the most part, was to cover my ass and
3 to make Terry look bad, because I knew that Terry was
4 right and that I was a horse's ass. So bringing up old
5 matters that have no relevancy, bringing up stupid shit
6 that I talked about was desperation on my behalf. So
7 we can listen to it all, which I'm sure we will, but
8 that's pretty much under the umbrella of all of it.

9 Q. If it's all right, you go on and talk about
10 this whole situation, that lawsuit for -- for, as it
11 said --

12 A. Which has no relevance to this at all.

13 Q. Right. But you go on for about four minutes
14 or so.

15 A. Yeah.

16 Q. And most of it is reading this news article.

17 A. Yeah. I mean, if you guys want to see the
18 news articles, you can print it out yourself. I
19 mean --

20 Q. If you don't mind, I'm going to fast forward
21 through this towards the very end, but --

22 A. That would be great.

23 MR. HARDER: It's your depo. Go ahead.

24 BY MR. BERRY:

25 Q. Okay. We'll go to a point which is about

1 about Jennifer being upset?

2 A. Other than the question that I asked him via
3 the text, is if she's freaked. I don't necessarily
4 know that he answered that or not. I'm assuming she
5 would be. I would be.

6 Q. At that point -- all right. We're going to
7 play something else from this segment that's at 44
8 minutes and eight second to 44 minutes and 53 seconds.

9 (Whereupon, an audio clip was played as
10 follows:)

11 MR. CLEM: I have done --

12 SPEAKER: He's mad about that.

13 MR. CLEM: I have done your dirty work for
14 years, buddy. It's over. I don't have a bunch of
15 spiritual tattoos on my -- I'm not a fake or a
16 fraud. You are. You're a scum. You're a
17 scumbag. You're not Hulk Hogan, immortal. I'll
18 ruin your life. You didn't see my fat ass propped
19 up in front of the -- in front of the courthouse
20 steps and -- and throwing my ex-wife to the wolves
21 and throwing me to the wolves so that you can,
22 what, save your marriage for a woman that you
23 didn't meet at the health food store?

24 (Audio clip concluded.)

25 BY MR. BERRY:

1 Q. Where did they meet?

2 A. I don't know. Again, I'm spewing venom at
3 this point. I'm the fake. I'm the fraud at this
4 point; he's not. I'm projecting. I'm guilty. I'm
5 busted. And I'm just spewing out anything that comes
6 off the top of my mind to keep people's eyes off the
7 truth and the ball.

8 Q. So you don't --

9 A. And I had the luxury of being on this bully
10 pulpit and him not being able to respond back. It's --
11 it's totally irresponsible and not fair.

12 Q. So why did you say that he didn't meet her at
13 a health food store?

14 A. I told you I was spewing venom at this point.
15 I'm -- I have blinders on. I'm trying to hurt him.
16 I'm trying to say anything that will hurt him, to
17 humiliate him, to better my position with my listeners
18 and save face.

19 Q. Why -- why would that humiliate him?

20 A. Well, it --

21 MR. DIACO: Object to the form of the
22 question.

23 THE WITNESS: All of it is bad no matter how
24 you cut it.

25 BY MR. BERRY:

1 Q. About where he met his wife?

2 A. Well, I mean, your wife should be very
3 coveted and a very sacred part of anybody, and
4 especially his relationship with Jennifer was a very
5 healthy one. Who am I to speculate?

6 Q. But that's what I'm wondering. Like, it does
7 seem, like, relatively innocuous where you meet your
8 wife. Why -- why is that spewing venom?

9 A. I can't give you an explanation as to why
10 I -- why I spewed venom. I can't give you -- I wish I
11 could tell you the reasoning behind that, but I don't
12 necessarily have a reasoning behind it.

13 Q. So everything you were saying that day was --
14 was not truthful, right --

15 MR. DIACO: Objection.

16 BY MR. BERRY:

17 Q. -- on the radio?

18 MR. DIACO: Objection.

19 MR. HARDER: Objection. It's a compound
20 question. He said about four hours worth.

21 BY MR. BERRY:

22 Q. All right. I am going to play another clip
23 here from that same day. I think it's roughly 42
24 minutes and eight seconds in to 43 minutes and 29
25 seconds in. Oh, sorry. Sorry. Yeah, I apologize.

1 newsworthy incident.

2 Q. As long as it's positive and neutral, right?

3 MR. DIACO: Objection. The document speaks
4 for itself.

5 BY MR. BERRY:

6 Q. Okay. Were you at all concerned that this
7 would interfere with your integrity as a broadcaster?

8 A. No.

9 Q. Have you complied with this term of the
10 agreement?

11 A. I think so.

12 Q. Do you understand that this provision here,
13 paragraph 1, to affect your ability to testify
14 truthfully during this deposition?

15 A. No, not at all.

16 Q. Not at all in that it doesn't impede your
17 ability to testify truthfully?

18 A. No.

19 MR. DIACO: Correct?

20 BY MR. BERRY:

21 Q. Correct?

22 MR. DIACO: Is that correct?

23 THE WITNESS: Correct.

24 BY MR. BERRY:

25 Q. All right.

1 A. You're correct in your assumption.

2 Q. Okay. Turning to paragraph 3 --

3 MR. DIACO: Do you want to mention the
4 Exhibit B in the paragraph. I didn't know if --

5 MR. BERRY: No.

6 MR. DIACO: No? Okay.

7 MR. BERRY: We'll get to that.

8 BY MR. BERRY:

9 Q. Exhibit -- or paragraph 3. Have you had a
10 chance to read that?

11 A. Yes.

12 Q. What does that mean to you?

13 A. That I am not to speak about any of those
14 topics.

15 Q. Okay. So you're giving up your right to
16 speak freely about those things, right?

17 A. Listen, I had said a lot of bad stuff about
18 Terry that wasn't true. If I need to do -- First
19 Amendment is out the window when I have wronged him in
20 the manner that I did. I certainly don't have a
21 problem with being truthful and honest in this
22 document.

23 Q. Right. But you're agreeing to maintain total
24 confidentiality. You're not going to speak about it at
25 all, correct?

1 A. That's what it says, yeah.

2 Q. Okay. But he's allowed to talk about your
3 family, right?

4 A. Sure.

5 Q. And he can talk about your personal life?

6 A. He wouldn't, but he could.

7 Q. Your career?

8 A. Sure.

9 Q. Finances?

10 A. Absolutely.

11 Q. Health issues?

12 A. So be it.

13 Q. Whatever he wants to, right?

14 A. Yeah. He didn't show his ass like I did.

15 Q. Okay. Does this provision in any way affect
16 your ability to provide truthful and accurate testimony
17 during this deposition?

18 A. No.

19 Q. All right. Then going, I guess, to what
20 Mr. Diaco had pointed out here, that last sentence of
21 paragraph 1, it talks about a statement that sets forth
22 in paragraph 8, which we'll get to in the Exhibit B
23 attached hereto, will be Bubba's only statement
24 regarding Terry and the sex tape scandal. Bubba will
25 not make any other public statements regarding that