

EXHIBIT 1

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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.

CONTINUED
VIDEOTAPED
DEPOSITION OF: BUBBA THE LOVE SPONGE CLEM

DATE: March 4, 2014
TIME: 12:07 p.m. to 3:10 p.m.
PLACE: Thomas & LoCicero, P.L.
601 South Boulevard
Tampa, Florida

PURSUANT TO: Notice by counsel for Defendants
for purposes of discovery, use at
trial or such other purposes as
are permitted under the Florida
Rules of Civil Procedure

REPORTED BY: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large
Volume 3
Pages 346 to 519

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13
14 ALSO PRESENT:

15
16 Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

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1 just a minute. After that, we'll get to that and the
2 texts. I'll tell you now that the texts were from the
3 time period after Gawker posted the story in October
4 2012. So if that -- just taking my word here --

5 A. Okay.

6 Q. -- if that were the point -- and, again,
7 using this April time period as an anchor, between
8 those two time periods -- was this something that
9 you-all continued to discuss, or did it basically go
10 away?

11 A. I remember recollecting that it kind of died
12 down a little bit and that you guys are the ones --
13 Gawker are the ones that re-irritated it and brought it
14 back up. For whatever reason, I don't know. But I
15 don't -- I can't testify to what Terry and I's mindset
16 were at a particular month because it's been so long
17 since we've spoke.

18 So I know -- I can just testify now that
19 through those months, through October and until --
20 until Terry knew that I was full of shit, I was
21 continuing to assure Mr. Hogan that I didn't have
22 anything to do with it and I was completely lying to
23 him.

24 Q. But during that time period, you remained
25 best friends, right?

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1 A. Yes.

2 Q. And at that point, this wasn't affecting your
3 friendship, then, over that summer?

4 A. Not that -- not that I can recall. He -- he
5 believed me.

6 Q. Do you recall ever joking around with him
7 about it?

8 A. No. This is not a joking matter at all.

9 Q. Okay. Did you ever recall joking around with
10 him about having sex with Heather during that time
11 period?

12 A. Well, obviously, we've had some parody
13 elements here.

14 Q. During this time period.

15 A. I can't recall what we joked around about. I
16 would probably say no.

17 Q. Going back to the -- well, have you ever
18 heard the Hulk use the "N" word when talking about
19 African-Americans?

20 MR. HARDER: I will object.

21 MR. DIACO: Join.

22 MR. HARDER: I think that's outside the
23 scope, Your Honor. I don't think this has
24 anything to do with this case, which is about
25 Gawker posting a sex tape. And I think it's

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1 highly inflammatory, and I think the motivation on
2 the other side to get at this information is
3 calculated to do more harm to Mr. Hogan, when
4 enough harm has already been done to him.

5 MR. BERRY: I will try it a different way and
6 we'll see if we get -- we'll address this without
7 the objection.

8 THE COURT: Okay.

9 BY MR. BERRY:

10 Q. Looking back at this exhibit here, which was
11 the April 26th publication of The Dirty, it says at the
12 bottom: Terry, do you remember what you said about
13 black people on the sex tape? You are not Dog the
14 Bounty Hunter.

15 Having seen that, do you recall whether Hulk
16 Hogan ever used the "N" word?

17 MR. HARDER: Again, Your Honor, I'm objecting
18 on the same grounds. That has nothing to do with
19 whether Mr. Hogan knew or didn't know that he was
20 being filmed, knew or didn't know about the
21 distribution of the tape, was involved in
22 anything. Those are the subjects of the case.

23 The subject of the case is not a witch hunt about
24 whether he ever used a racial comment or not.

25 MR. DIACO: Judge, I would just also add that

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1 in the wake of what's happened in the Paula
2 Deen recently, with the leak of one time using the
3 "N" word inappropriately, albeit in a confidential
4 communication with her husband, and seeing what
5 that did to her career, I just think that this
6 needs to be treaded around very lightly,
7 especially when this is not a quote from either
8 Mr. Hogan, nor from Mr. Clem, that's referenced on
9 Exhibit No. 63. It's an anonymous quote. I don't
10 think it's fair game.

11 MR. HARDER: Your Honor, on the Paula Deen
12 issue, that was in a videotaped deposition.
13 That's where it ended up coming out and became an
14 issue at trial when it ended up costing her dearly
15 financially.

16 So what we're trying to do is prevent Gawker
17 from doing the same thing that happened to Paula
18 Deen when there is zero relevance to that in this
19 case.

20 MR. BERLIN: Your Honor, if I can be heard on
21 that?

22 THE COURT: Certainly.

23 MR. BERLIN: One of the issues that
24 Mr. Harder omitted from his list of issues that
25 are at issue in this case is whether what's on

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1 this tape, and if there are other tapes, is
2 newsworthy. We've had a whole bunch of litigation
3 about that. That's been up to the court of
4 appeals, which has ruled on this subject.
5 The question that's being asked is,
6 obviously, something that would go to whether it's
7 being newsworthy. The subject -- we have a whole
8 bunch of litigation in this case about whether
9 this deposition can be recorded, whether it would
10 be under seal, or the recording needs to be under
11 seal. There is a series of protections that are
12 in place to protect that.
13 But to be able to get at what's actually
14 going on here, including the motivations for
15 various people about disseminating or not
16 disseminating what's on this tape is key. And
17 that, coupled with somebody who would be a
18 celebrity making what would obviously be
19 newsworthy comments, is something that we need to
20 be able to explore.
21 And it's not something that we're just making
22 up. It's something that's based on published
23 reports that came -- that were already in the
24 public discussion long before Gawker came on the
25 scene.

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1 MR. HARDER: Your Honor, about the content of
2 the tape. There is two tapes. One is the minute
3 40 seconds that Gawker posted on the Internet.
4 There is nothing about anything racial at all in
5 that. And they produced to us a 30-minute video.
6 There is nothing racial that has to do with that.
7 What we're talking about here is
8 thedirty.com, which is making some sort of an
9 allegation about the content of the tape, that I
10 assume that they are talking about the tape that
11 they provided to us that doesn't have any of this.
12 So now it's become this -- this effort to try
13 to find something to pin on him that's outside of
14 the scope of the case, has nothing to do with
15 newsworthiness, because if they are claiming that
16 something in that tape is newsworthy, they never
17 put it up on their website and they never produced
18 it to us.
19 So this is something that's outside of that
20 scope.
21 MR. BERLIN: We -- we don't know what's on
22 the full tape. We know what's on the tape that
23 was provided to us, which is not necessarily the
24 full tape. And we're trying to get to the bottom
25 of this.

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1 THE COURT: If you don't know, then we don't
2 know.
3 MR. BERLIN: One of the questions -- that's
4 why we're asking the question. If there is
5 nothing there, then let the witness answer the
6 question and say, There is no air there.
7 MR. BERRY: And, Judge Case, if I may just
8 interject. These images on The Dirty are not the
9 images that are on the full DVD.
10 THE COURT: Okay. Objection sustained.
11 MR. HARDER: Thank you.
12 MR. BERRY: This would be a good place to
13 break.
14 THE VIDEOGRAPHER: Off the record at 1:33.
15 (A recess was taken.)
16 THE VIDEOGRAPHER: On the record at 1:47.
17 BY MR. BERRY:
18 Q. Before the break, we were talking about the
19 time period following the April Internet reports on The
20 Dirty and on TMZ. You talked a little bit about the
21 summer period.
22 I'd like to fast forward now, if we could, to
23 the October 2012, when Gawker posted the -- its story
24 and the excerpts from the sex tape. How did you find
25 out that Gawker has published those excerpts?

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1 A. Well, I -- I was told to look, so I went to
2 gawker.com and looked at them.
3 Q. Who told you?
4 A. Probably my guy, Brent. Probably Brent or --
5 probably Brent.
6 Q. Do you recall specifically that conversation?
7 A. No.
8 Q. And after that person told you, what's the
9 next thing that you did?
10 A. Oh, I don't know other than I was probably
11 frantic, you know, freaked out. I'm just speculating.
12 I don't remember that specific day. It wasn't a very
13 good day for me.
14 Q. Did you go -- this is from that person
15 telling you -- did you go straight to a computer to
16 look at it?
17 A. Again, I start preparing for my show at 4:45
18 in the morning. I don't know if it was the night
19 before that it -- I don't know the chain of events
20 subsequently on how -- when and how and by what means I
21 looked at it, whether it was my iPad or where. But,
22 you know, I get to the station at 4:45 a.m. We go on
23 at 6:00. I don't know if it was during that
24 preparatory period or not that I saw it.
25 Q. Do you recall seeing the posting before you