

EXHIBIT I

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.

VOLUME 1

VIDEOTAPED
DEPOSITION OF: TERRY GENE BOLLEA

DATE: March 6, 2014

TIME: 9:43 a.m. to 1:06 p.m.

PLACE: Riesdorff Reporting Group
601 Cleveland Street
Suite 600
Clearwater, 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: Susan C. Riesdorff, RPR, CRR
Notary Public, State of
Florida

Pages 1 - 154

1 Q. Since 2006, have you had a land line at your
2 house?

3 A. Yes.

4 Q. And what -- give your counsel a chance to
5 object. What is the phone number there?

6 A. - - - - -

7 MR. HARDER: Objection. And we'll deal with
8 that after the break.

9 MR. BERLIN: If I can ask the reporter to put
10 a blank in for that information as well.

11 BY MR. BERLIN:

12 Q. Who was the service provider at home?

13 A. 2006 on, I'm not sure.

14 Q. Do you know who it is currently?

15 A. Yes, Bright House.

16 Q. And do you know how long you've had Bright
17 House?

18 A. I know I've had it since my eighth or ninth
19 back surgery. So I would say probably since -- I would
20 say probably two years for sure.

21 Q. Would you remember who the provider was
22 before then?

23 A. No, I don't.

24 Q. Do you know if you had one provider between
25 2006 and having Bright -- Bright Source was it?

1 A. Excuse me?

2 Q. The current one is Bright Source?

3 A. Bright House.

4 Q. Bright House. I'm sorry. I can't read my
5 own handwriting correctly. Bright House.

6 Between 2006 and when you got Bright House,
7 did you only have one other provider?

8 A. I don't remember if there was more than one.

9 Q. You heard during Mr. Clem's deposition that
10 TMZ first reported on the existence of a Hulk Hogan sex
11 tape in March of 2012; is that correct?

12 A. I don't know the date.

13 Q. Okay. Since that report, have you deleted
14 any e-mails or texts?

15 A. Oh, I'm sure I have.

16 Q. How about any from Bubba?

17 A. I have no idea if they were from Bubba.

18 Q. How about from Heather Clem?

19 A. I've never got a text from Heather Clem.

20 Q. How about any texts relating to any sex
21 tapes?

22 MR. BERLIN: I'm very sorry.

23 MR. HARDER: Same ring tone.

24 THE WITNESS: Could you ask the question
25 again? I'm sorry.

1 MR. BERLIN: Can you read it back, please?

2 (The reporter read the pending question.)

3 THE WITNESS: Not that I can recall.

4 BY MR. BERLIN:

5 Q. How about any related to any public
6 appearances or interviews in which you discussed the
7 sex tape?

8 A. I misspoke. Can I re-answer that?

9 Q. Yeah, please.

10 A. I sent my attorneys a bunch of texts, and
11 I've also sent my attorneys -- every time something
12 comes up on Twitter about the sex tape or something,
13 because I don't deal with the negative stuff, you know,
14 on a consistent basis. I deal with it and I bracket it
15 and go back to where my heart's at. Anything like that
16 that -- a text that I would send to my attorneys, as
17 soon as I send it, I would erase it once I knew they
18 had it.

19 Q. So a text that came that dealt with this, you
20 may have sent to your attorneys; a tweet that dealt
21 with this, you might have sent to your attorneys?

22 A. Oh, I know I did.

23 Q. You did? And how about, have you deleted any
24 texts of this -- e-mails or texts. I'll come back to
25 tweets in a moment -- but e-mails or texts related to

1 public appearances or interviews in which you discussed
2 the sex tape?

3 A. Could you repeat the question again?

4 Q. Sure.

5 Since March of 2012, which is when TMZ first
6 reported the existence of a Hulk Hogan sex tape, have
7 you deleted any e-mails or texts related to public
8 appearances or interviews by you in which you discussed
9 the sex tape?

10 A. I don't remember any e-mails or texts from
11 public appearances at all, or I don't remember deleting
12 any.

13 Q. Since you brought this lawsuit, have you
14 deleted any e-mails or texts?

15 A. I'm sure I have.

16 Q. How about any from Bubba Clem?

17 MR. HARDER: That's a compound question.

18 THE WITNESS: How about any e-mails or texts
19 from Bubba Clem?

20 BY MR. BERLIN:

21 Q. Have you deleted any e-mails or texts from
22 Bubba Clem since this lawsuit was filed?

23 A. Yes. The ones I sent to my lawyers that I
24 knew they had from Bubba, I deleted.

25 Q. Do you know if you deleted -- let me just

1 break that down.

2 Do you know if you deleted any e-mails from
3 Bubba?

4 A. I don't recall ever getting an e-mail from
5 Bubba. I mean, he knows I don't know how to answer
6 them back. So I don't -- I can't remember ever
7 deleting one -- I mean, ever -- him ever sending me
8 one.

9 Q. All right. And where do you get your
10 e-mails?

11 A. Where?

12 Q. Where do you read your e-mails?

13 A. On my phone.

14 Q. On your phone.

15 Because I -- I was asking because I think
16 earlier you said you don't own a computer; is that
17 correct?

18 A. Right.

19 Q. And since this lawsuit was filed, have you
20 deleted any e-mails from Heather Clem?

21 A. I've never got an e-mail from Heather.

22 Q. And I assume -- I think you said this
23 earlier -- you've not gotten any texts from Heather?

24 A. Right.

25 Q. Since this lawsuit was filed, have you

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

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Case No.
12-012447-CI-011

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

Defendants.

CONTINUED
VIDEOTAPED

DEPOSITION OF: TERRY GENE BOLLEA

DATE: March 7, 2014

TIME: 9:41 a.m. to 12:48 p.m.

PLACE: Riesdorff Reporting Group
601 Cleveland Street
Suite 600
Clearwater, 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

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Pages 312 to 451

1 A. No.

2 Q. He was just throwing out other possibilities?

3 A. No. He shifted gears from Heather did this
4 to somebody stole the tape and gave it to Gawker, you
5 know. And he had nothing to do with anything, with
6 filming it or giving it to Gawker.

7 Q. Did he ever joke with you about the sex tape?

8 A. Not that I can recall.

9 Q. Did you ever joke with -- with him about it?

10 A. No.

11 Q. Did you ever talk to him about -- did you
12 ever talk to him about any offers to you to get the sex
13 tape back?

14 A. I never had any offers to me.

15 Q. Okay. Did you ever talk to Bubba about any
16 offers to you or anyone on your behalf to get the sex
17 tape back?

18 A. I don't recall that.

19 Q. Okay. Did you ever talk to Bubba about any
20 efforts to get any law enforcement agencies involved to
21 investigate how this happened?

22 A. I don't recall if we did or not.

23 Q. Did you ever have any communications with
24 Bubba other than talking to him about efforts to give
25 you -- to -- sorry. Let me start over again.

1 Did you ever talk to Bubba -- other than
2 talking to Bubba -- that was first set of questions.
3 Other than talking to Bubba, did you ever have any
4 communications with Bubba in other -- any other way,
5 e-mail, text, whatever, about any efforts to get law
6 enforcement involved in investigating how this
7 happened?

8 A. I already told you several times I don't do
9 e-mail.

10 Q. Fair enough.

11 A. But I don't recall any talks with him about
12 getting law enforcement involved.

13 Q. In October 2012, you had a media tour set up
14 to promote TNA Wrestling; is that right?

15 A. To the best of my recollection, yes.

16 Q. What specific event or events were you
17 promoting?

18 A. In October, it would have been Bound For
19 Glory. It was the biggest Pay-per-view that TNA has.
20 It's their Superbowl for them.

21 Q. It's an annual thing?

22 A. Yes.

23 Q. And were you also promoting something for
24 Spike Television?

25 A. The Bound For Glory Pay-per-view is something

1 that's predictable, because it's the same time every
2 year, so they set up the media tour at the same time
3 every year. And I had been told to always plug Spike
4 whenever I talked about TNA or any Pay-per-view in the
5 same train of thought. They always wanted me to
6 promote Spike, the network.

7 Q. And was there some -- there was a wrestling
8 connection with Spike, the network?

9 A. Yes, sir.

10 Q. What is that?

11 A. TNA is on Spike, the network. The wrestling
12 company show is on Spike.

13 Q. On Spike.

14 All right. And had you -- is the Bound For
15 Glory sort of comparable to WrestleMania?

16 A. No.

17 Q. How are they different?

18 A. Bound For Glory, in scale, probably would do
19 20- or 30,000 buys and WrestleMania does over a million
20 easily. They're not -- it's like comparing a tricycle
21 to NASCAR.

22 Q. Have you participated in promoting Bound For
23 Glory in prior years?

24 A. Yes.

25 Q. How many times?

1 A. Oh, boy. I have been there four times, four
2 years, so I had either promoted it three or four times.

3 Q. Do you know what media outlets you appeared
4 on in those prior years?

5 A. It's pretty much the same media. It's
6 usually the Howard Stern and Today Show and Fox and
7 Friends. And usually when Regis was in town, on the
8 air, I would do Regis, because I was good friends with
9 him and Imus. It was pretty much the same -- the same
10 media outlets, because TNA is kind of limited on who
11 they can -- who they have access to, and so I used my
12 resources.

13 But I didn't want to -- I know the
14 boundaries, you know, like if I'm going to promote a
15 movie or something, I will go on the Jay Leno Show.
16 But TNA isn't big enough. And instead of asking Jay
17 Leno -- that's kind of like your down card that you can
18 use once a year, so you don't want to go promote a TNA
19 show on Jay Leno when you can promote cancer awareness
20 or Make-A-Wish or something big like a TV series or a
21 movie. So the -- the -- what I'm trying to say is the
22 Bound For Glory media is limited to pretty much the
23 same thing every year.

24 Q. In the 2012 year, just turning back to that
25 one, were you promoting anything else on that tour

1 besides Bound For Glory and the Spike television?

2 A. Not that I recall.

3 Q. Would you have been promoting Hogan Beach
4 Shop?

5 A. I may have mentioned it.

6 Q. Okay. Who set up those media appearances?

7 A. To the best of my recollection, it was this
8 lady named Jules.

9 Q. I think we talked about her yesterday.

10 A. Right, that worked at TNA. And she possibly
11 may have had help with Elizabeth Rosenthal, but I'm not
12 sure of that.

13 Q. Do you know when the tour was -- like how far
14 in advance that tour would have been scheduled?

15 A. It's a yearly thing, so they have it
16 scheduled for the next year. It's not a tour; it's
17 just one night.

18 Q. No. I'm asking the media tour, how much --

19 A. The media tour, that's scheduled -- it's a
20 yearly thing, so, I mean, like next year, Bound For
21 Glory 2015, they know that you want a media tour a week
22 or two before. They already have those plans.

23 Q. So sometime well in advance they start making
24 those plans?

25 A. Oh, yes, of course.

1 Q. Do you know how many appearances in 2012 you
2 were planning to do?

3 A. Four.

4 Q. Four in that -- for the Bound For Glory media
5 tour?

6 MR. HARDER: Vague as to time.

7 THE WITNESS: I don't recall how many I had
8 planned on. I pretty much tell them I will do
9 anything to help you. I don't really plan it, so
10 if they say you're going to New York on Monday and
11 Tuesday, and L.A. on Thursday and Friday -- since
12 I'm there, instead of just doing Howard Stern or
13 the Today Show, since I'm there, if there is stuff
14 that makes sense and you can get me on Sirius or
15 any XM satellite stuff. I'm there to work so I
16 would rather work. So it just -- I don't know
17 what the question was now. I can't remember.

18 BY MR. BERLIN:

19 Q. I was just asking you how many appearances
20 you were planning to do on that tour.

21 A. Okay. I planned to do as many as they asked
22 me to do.

23 Q. Let me show you, if I could, what I'm going
24 to mark as Exhibit 91, which is a series of documents
25 produced to us in discovery, marked Bollea 001060

1 through Bollea 001067.

2 (Exhibit No. 91 was marked for
3 identification.)

4 BY MR. BERLIN:

5 Q. Take a look at that, if you would, please.

6 MR. HARDER: Take your time.

7 BY MR. BERLIN:

8 Q. You should feel free to read all of this.
9 But I'm not going to ask you any questions at all about
10 the last two pages, if that makes a difference.

11 A. The last two pages?

12 Q. Yeah. I'm going to ask only questions about
13 things besides the last two pages, so you can skip
14 those if you would like.

15 A. Okay.

16 Q. All right. If I could direct your attention
17 to the first page of the document, marked Bollea
18 001060. First page, sorry. Sorry. That's this one.
19 If I could direct your attention to that.

20 The top line refers to a Jules Wortman. Do
21 you think that's the Jules you just referred to?

22 A. Yes.

23 Q. All right. And in the first line, again it
24 has her e-mail, jwortman@wortmanworks.com.

25 Do you know what wortmanworks.com is?

1 A. No idea.

2 Q. Okay. Then if you go below the line, there
3 is a horizontal line. It says, From Jules Wortman, and
4 then it has a different e-mail address,
5 jwortman@tnawrestling.com.

6 TNA Wrestling is the outfit that we just
7 talked about?

8 A. Yes.

9 Q. And you understood that she worked for TNA
10 Wrestling?

11 A. Yes.

12 Q. All right. And this comes to -- it's sent to
13 Terry Bollea. That's the third line, where it says
14 "to." Right here.

15 A. Okay. Yes.

16 Q. Would that have been to you at your e-mail
17 address?

18 A. I have no idea. This could have been handed
19 to me in a hotel room.

20 Q. So you have no recollection one way or
21 another of receiving this e-mail?

22 A. No. Usually with TNA, they are still
23 scrambling at the end to get more media coverage for
24 the Pay-per-view. And I usually wouldn't get a final,
25 final until I checked in the hotel room. It was

1 usually slid under the door, usually.

2 Q. And this one is a -- you know, looks like
3 it's the media tour. The subject says: New York City,
4 i-t-i-n, which I assume is short for itinerary.

5 Does that seem right to you?

6 A. I don't see that, but yes.

7 Q. Sorry. Let me point to where I'm --

8 A. Okay, yes.

9 Q. Subject, right?

10 A. Yes.

11 Q. So the period of time is October 8th through
12 10th, and this is sent October 3rd. So it's pretty
13 soon -- just, you know, pretty close to the time,
14 right?

15 A. Yes.

16 Q. All right. And if we could -- just below
17 that, just below where it says to Terry Bollea, right
18 here, there is some cc's. One is to Jay Wortman at
19 Wortman Works?

20 A. Uh-huh (Indicates affirmatively).

21 Q. And then who is Bruce Prichard?

22 A. He was the talent coordinator there.

23 Q. "There" meaning at TNA?

24 A. Yes.

25 Q. And who is Chris Thomas?

1 A. I have no idea.

2 Q. And who is Bob Rider?

3 A. He's the travel agent.

4 Q. For TNA or --

5 A. Yes, for TNA.

6 Q. So it's not your personal travel agent?

7 A. No.

8 Q. If you could turn to the next page marked
9 Bollea 001061, it says: Hulk Hogan, NYC Media Tour,
10 Bound For Glory Go Home Tour.

11 What does the "Go Home Tour" mean?

12 A. I have no idea.

13 Q. Okay. Then it shows your accommodations at
14 the Parker Meridien. I think you mentioned yesterday
15 about having a phone conversation from the Parker
16 Meridien. Does that seem right that you stayed
17 there --

18 A. Yes.

19 Q. -- during this tour?

20 And then it says: Promote. It says, Jules;
21 Terry and Jennifer to arrive at NYC on October 8th.

22 I assume Jules is Jules Wortman?

23 A. Uh-huh (Indicates affirmatively).

24 Q. You have to answer yes or no, sir.

25 A. Oh, yes. I'm sorry.

1 Q. Terry would be you?

2 A. Yes.

3 Q. And Jennifer would be your wife?

4 A. Yes.

5 Q. All right.

6 A. She didn't go.

7 Q. She didn't end up going?

8 A. No.

9 Q. For any portion of this tour?

10 A. No. She stayed home.

11 Q. Do you know why she stayed home?

12 A. No. She just -- usually, you know, she will
13 pick and choose, you know, mainly because she didn't
14 want to leave our dogs at home. She doesn't like to
15 put the dogs in the kennel because Duke always loses
16 weight. He's the alpha male that's just skittish.

17 So if it's something that's really exciting
18 or something like a WrestleMania or the Bound For Glory
19 or something like that, she may want to go. But just a
20 media tour, usually she doesn't go. But I always, when
21 I make a reservation, include her just in case she
22 wants to go.

23 Q. Fair enough.

24 Under that, it says: Promote BFG tune-in.

25 What does that mean?

1 A. Bound For Glory.

2 Q. Okay. What does it mean, "tune-in"?

3 A. To tell people to watch, the time.

4 Q. Tell people to watch?

5 A. Or whatever.

6 Q. All right. The Spike tune-in?

7 A. Watch Spike.

8 Q. All right. And then this says: Spike
9 tune-in Thursday.

10 Was the program for TNA on Spike on Thursday?

11 A. Yes, sir.

12 Q. And then: Countdown to BFG on Spike.

13 What is that, if you know?

14 A. Tune in Thursday and count down Bound For
15 Glory. I assume the Thursday show was the countdown to
16 that Sunday Pay-per-view.

17 Q. Okay. What does it mean to be a countdown?

18 A. It's -- it's just their way of saying this is
19 the last show, hours away, days away from the big
20 Pay-per-view.

21 Q. Got it.

22 Then this shows media tour Tuesday, October
23 9th. The first listing is SiriusXM, Howard Stern.

24 Were you on Howard Stern for this media --

25 A. To the best of my recollection, yes.

1 Q. Next one, just skipping down to maybe just
2 towards the bottom of the page, it says: Today Show
3 with KL and Hoda.

4 Were you on the Today Show as part of this
5 media tour?

6 A. Yes, I was.

7 Q. Okay.

8 A. To the best of my recollection, I was.

9 Q. Turning to the next page, it says: Marvel,
10 marvel.com. And then it says, Notes, on-camera
11 interview to discuss BFG and pictures with staff.

12 Were you on something for Marvel Comics, do
13 you know?

14 A. I don't know if I made that one or not. It's
15 possible. Right after this one, the Today Show, is
16 when I went back to the room and sometime during that
17 time, that's when TMZ called me. And I don't know if
18 we rescheduled that or if I made it, but I know I had a
19 short time period there where I really was in bad
20 shape.

21 Q. And to the best of your recollection, that
22 would have been after the Today Show appearance?

23 A. Yes, it was after the Today Show.

24 Q. All right. And after that TMZ appearance,
25 before the next media appearance that you actually went

1 to, did you have any communications with Bubba Clem?

2 A. No, I didn't. I did not.

3 Q. Okay. Turning to the next one, which is:
4 Huffington Post Live with Mark Hill interview, Pro
5 Wrestling is Alive and Well.

6 Did you do that appearance?

7 A. I don't recall if I did or not.

8 Q. All right. And then the bottom of the page
9 it refers to Hannity Fox -- sorry. Hannity Fox TV,
10 taped to air later, one on one.

11 Were you interviewed by Sean Hannity?

12 A. I don't recall that.

13 Q. Okay. And then turning to the next page, it
14 refers to an appearance on Piers Morgan on CNN Live.

15 Were you interviewed by Piers Morgan?

16 A. Yes, I was.

17 Q. And just let me ask you this. There is a
18 couple of references to this, but let me ask you about
19 this one. Just below the contact information from
20 Piers Morgan, it says: Discuss BFG tune-in, Spike, and
21 Hulk personal.

22 What did you understand it to mean, "Hulk
23 personal"?

24 A. I didn't know that personal notation was
25 there. I didn't -- don't remember seeing it.

1 Q. Does it surprise you now that you look at
2 that to see that?

3 A. No, because sometimes people talk about the
4 divorce. Sometimes people will talk about my son's
5 accident. But we try not to focus on it, because a lot
6 of times people put this horrible picture up of my
7 son's accident. And usually when Elizabeth Rosenthal
8 is involved -- and I tried to bring Jules up to
9 speed -- I would say no personal questions about the
10 divorce or the fact that my wife was telling everybody
11 I was a homosexual at that time, or my son's accident.

12 And sometimes they will say, We have to touch
13 on it for -- to do the interview. There is some rules
14 made that we may just ask about how your son is doing
15 and move on. We may ask about, Do you talk to your
16 ex-wife? and move on. So anything personal like that
17 usually pertained to the problems I had with my wife
18 and my son.

19 Q. Do you -- so the fact that this says "Hulk
20 personal" may mean that there was some negotiation that
21 they could ask you some personal questions on the
22 CNN -- on the Piers Morgan?

23 MR. HARDER: Calls for speculation.

24 THE WITNESS: The personal, if it meant what
25 I'm trying to remember, it would be a limited

1 more than I was, and he said he was very uncomfortable,
2 too, after the interview.

3 Q. Did you finish the interview?

4 A. To the best of my recollection.

5 Q. You didn't -- you were uncomfortable, but you
6 didn't get up and walk out?

7 A. No. He was -- he was -- to the best of my
8 recollection, I remember telling him how good -- what a
9 professional he was and how well he conducted himself,
10 and he didn't, you know, cheap-shot me like a lot of
11 other people would have.

12 Q. So when you say he was in your face but he
13 was professional, is it fair to say he was asking you
14 tough questions but he did it --

15 A. Yes, he was.

16 Q. But he did it professional?

17 A. Yes, sir.

18 Q. All right. And then the -- if you turn to
19 the last -- the next page, marked Bollea 001065, it
20 says, Wallstreetjournal.com video.

21 Did you appear on that, do you know?

22 A. I don't recall that.

23 Q. It refers to an interviewer called Lee
24 Hawkins.

25 Does that name ring any bells to you?

1 A. No, it doesn't.

2 Q. All right. Now, having looked at this and
3 having sort of talked about the kinds of places you
4 were appearing for TNA Wrestling, is this kind of media
5 tour typical for the other -- of the other ones that
6 you had done for TNA Wrestling?

7 A. It's typical, yes.

8 Q. Okay. Had you done tours like that for other
9 places, like WWE?

10 A. Yes.

11 Q. And was it typical of a -- like a tour for
12 WWE?

13 A. No.

14 Q. How is that one different?

15 A. WWE has more mainstream media more
16 consistently. They -- they target more of -- or they
17 have the ability to -- their product, the product that
18 they produce, is more openly accepted by larger shows.
19 I mean, because of my track record, I can usually get
20 on larger shows. But if I have TNA as a product,
21 sometimes that stops me from getting on larger shows.

22 So when you ask me if the WWE media tour was
23 typical, it's not, because with Hulk Hogan and the WWE
24 brand, we can get on larger shows than what was on
25 this.

1 Q. So if I understand what you're saying, that
2 WWE would have more cache for the sort of bigger shows,
3 and you would be able to get on them more easily
4 with -- if WWE was the product that you were promoting
5 rather than TNA?

6 A. They have got a better appeal to shows that
7 draw larger numbers, as far as ratings.

8 Q. Did you ever go on a media tour for your
9 books?

10 A. Yes, I did.

11 Q. Was it sort of like this?

12 A. No.

13 Q. How was that one different?

14 A. The book, to the best of my recollection, was
15 a mixture of radio, some TV, and a lot of personal book
16 signings to generate awareness in different parts of
17 the country, more of a hands-on type, go, you know, do
18 the work, instead of just showing up and talking about
19 it. I actually spent hours and hours signing, and
20 meeting people, and looking them in the eye, and
21 thanking them for being fans, and thanking them. It
22 was more of a hands-on type tangible tour.

23 Q. And these media appearances that we just
24 looked at on this schedule, I take it that you don't
25 have copies of any of them for yourself?

1 A. No, sir.

2 Q. When did you first learn that Gawker had
3 published an article about a sex tape involving you?

4 A. I don't recall.

5 Q. Do you recall if it was shortly after the
6 article was published?

7 A. Excuse me?

8 Q. Do you recall if it was shortly after the
9 article was published?

10 A. I don't recall. And "shortly" means a day, a
11 month? I mean --

12 Q. I was going to ask you, you know -- let me
13 ask you this. You were on this media tour. Did you
14 learn about the fact that Gawker had published a story
15 about a sex tape involving you before you went on this
16 media tour?

17 A. Yes.

18 Q. But you otherwise have no specific
19 recollection of how soon after the article was
20 published you learned about it?

21 A. It was in close proximity, because the media
22 tour was booked, whether it was booked a week before I
23 went or six months before I went. The media tour was
24 booked, but it seemed like it was closer to the time
25 when I was supposed to go.

1 And I just remember it just being real
2 intense, and I just remember whenever the awareness
3 level grew to an all-time high, it was right before I
4 went on the media tour. So maybe it had been just
5 released then by Gawker, or maybe it was the first time
6 Gawker put it on the website.

7 I just remember the media tour was booked and
8 everything was fine, and all of the sudden, it was
9 like, oh, my gosh, the sex tape is available through
10 Gawker, and should I go or not go on the tour. That
11 was in my mind.

12 Q. What was your thinking there?

13 A. My thinking was, I'm not going to hide from
14 anything.

15 Q. So you decided to go on the media tour even
16 though you had to know people were going to ask about
17 the sex tape?

18 A. I didn't know if they would ask me or not,
19 but I was going to go and face whatever music I had to
20 face. I wasn't going to hide.

21 Q. Does it help you in terms of your
22 recollection if I represent to you -- which Mr. Harder
23 can tell you if I have got this wrong -- that the
24 Gawker story about the sex tape was posted on the 4th
25 of October of 2012?

1 MR. HARDER: And the sex tape. Not just the
2 article, but the tape.

3 BY MR. BERLIN:

4 Q. The article and excerpts of the tape were
5 posted on October 4th, 2012.

6 A. Does it help me what?

7 Q. Does it help you in your recollection of when
8 you first learned about the Gawker story?

9 A. No.

10 Q. Okay. In other words, this tour, which is
11 listed as October 8th, 9th, and 10th, Gawker -- the
12 Gawker post is October 4th, 2012, and so does that --
13 is that consistent with what you just testified, that
14 it was a fairly close timeframe for all of that?

15 A. Yes, that's consistent.

16 Q. All right. Do you know who you heard
17 about -- who first told you that Gawker had posted its
18 post?

19 A. No, I don't recall. It was just everywhere.
20 I don't remember who I first heard it from.

21 Q. Did you know that -- when Gawker came out
22 with the post, did you read the text of the article it
23 posted?

24 A. No.

25 Q. Okay. Have you ever read it?

1 A. Never read it.

2 Q. At the time that Gawker posted the video
3 excerpts, did you watch the video excerpts?

4 A. I have never watched the excerpts, never
5 watched.

6 MR. BERLIN: Let me have the next exhibit, if
7 I could, please.

8 THE WITNESS: Are you done with this?

9 MR. BERLIN: Yeah. Put that aside if you
10 like.

11 (Exhibit No. 92 was marked for
12 identification.)

13 BY MR. BERLIN:

14 Q. Let me show you what's marked as Exhibit 92,
15 which is the Gawker post from October 4th, 2012. And
16 I'm going to ask you to read it and -- so that we
17 are -- are you all right?

18 A. I'm fine, yeah.

19 Q. Okay.

20 A. More than fine.

21 Q. Good.

22 I just -- I'm going to ask you to read it and
23 let me know when you've had a chance to do so.

24 MR. HARDER: I'm just going to note for the
25 record that in the upper left-hand corner it's

1 A. I don't recall specifics.

2 Q. Without -- putting aside the specifics, do
3 you recall having any conversations with Jules about
4 talking to media outlets about what they could and
5 could not ask about the sex tape?

6 A. No, I don't recall having that conversation,
7 but proper protocol would be to say we're here to talk
8 about TNA, and let's stay on that subject and not talk
9 about anything else. If that didn't work, there could
10 have been a compromise. And I don't know if it was
11 like that on the Today Show. But on the Today Show,
12 they said there is a white elephant in the room. Let's
13 get it out of the room. Let's -- let's ask you about
14 it.

15 The proper protocol for a publicist would be,
16 as you walk in, to say let's stay on the subject that
17 we are booked here for. And if they were aggressive,
18 they may have to talk about or ask that question. And
19 then the proper protocol would be, We are going to do
20 the interview, or, We're not going to do the interview,
21 or, We'll do the interview if you just touch on it and
22 don't stay on it and move on. But I don't know if any
23 of that happened. But that's what in a normal
24 situation like that what would have probably happened,
25 but I don't know if it did.

1 Q. And did you personally tell any of the
2 producers for these programs when you were arriving
3 that you did not want to talk about the sex tape?

4 A. Never.

5 Q. Okay.

6 A. That's not my job.

7 Q. Did you consider taking the position that you
8 could not talk about the sex tape because it was going
9 to be the focus of litigation?

10 A. I don't recall that.

11 Q. Were you embarrassed to be talking about
12 these things in public?

13 A. Very embarrassed.

14 Q. Did you talk about the sex tape at all of the
15 media appearances on the TNA tour?

16 A. I don't recall.

17 Q. Do you recall talking about the sex tape on a
18 number of those appearances?

19 A. Yes.

20 Q. Were you concerned that by talking about it,
21 you would keep the sex tape story in the news?

22 A. No. My concern -- my concern was -- my
23 concern was to stop the rumors and the lies and make
24 people aware, if I could, that we were going to pursue
25 the people that did this to me.

1 Q. When you say -- you refer to rumors and lies.
2 What -- what lies are you referring to?

3 A. Lies that the media would ask me: Is it true
4 that you were knowledgeable that this was being filmed,
5 or is it true that this is just a publicity stunt to
6 get publicity so that you can make millions of dollars
7 on this sex tape? I just wanted to make sure everybody
8 knew that I was not part of anything ever like this.

9 Q. Did you tell the truth on the media tour when
10 you were asked questions about the sex tape?

11 MR. HARDER: Vague and ambiguous.

12 THE WITNESS: I don't -- I don't recall my
13 answers on the media tour for anything.

14 BY MR. BERLIN:

15 Q. That's a fair point. That's a lot of -- you
16 were on a number of media outlets. As you sit here
17 now, do you have any recollection? And I understand
18 you may not recall. Do you have any recollection of
19 anything you said on the media tour about the sex tape
20 that was not true?

21 A. I don't have any recollection of anything I
22 said about the sex tape on any media tour.

23 Q. Did you have any talking points going into
24 the media appearances for TNA?

25 A. Yes.

1 Q. And who would have prepared the talking
2 points?

3 A. The publicist.

4 Q. Would that have been Jules?

5 A. Yes.

6 Q. I take it you don't still have a copy of the
7 talking points?

8 A. No.

9 Q. What would you have done with the talking
10 points once you were -- I mean, how did you get from
11 having talking points to not having talking points;
12 what happened?

13 A. I probably threw the paper away.

14 Q. How long after having the media tour would
15 you have thrown away the paper of the talking points?

16 A. The day of. I pretty much knew the material.

17 Q. And did you get any talking points
18 specifically dealing with the sex tape?

19 A. No.

20 Q. Either from Jules or Elizabeth Traub?

21 A. Who is Elizabeth Traub?

22 Q. Elizabeth Rosenthal.

23 A. No.

24 Q. Did you come up with any talking points
25 yourself about the sex tape?