

EXHIBIT 5

to the

**AFFIDAVIT OF RACHEL E. FUGATE IN SUPPORT OF THE PUBLISHER
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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
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 1
Pages 1 to 182

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ALSO PRESENT:

Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

1 DIRECT EXAMINATION

2 BY MR. BERRY:

3 Q. Good afternoon, Mr. Clem.

4 A. How are you?

5 Q. Good. My name is Mike Berry. And, I guess,
6 as we went around the table earlier, I'm with the law
7 firm called Levine Sullivan Koch & Schulz and work in
8 the Philadelphia office and will be down here for the
9 week.

10 What's your full name?

11 A. Bubba the Love Sponge Clem.

12 Q. And that's your legal name?

13 A. Yes.

14 Q. Have you ever been deposed before?

15 A. Yes.

16 Q. When have you been deposed?

17 A. Oh, hundreds of times.

18 Q. What, literally hundreds of times?

19 A. Probably. I mean, a lot. A lot. Most
20 recently I had a lawsuit with a radio personality in
21 town that went five years, so that was a pretty --22 MR. DIACO: I think he was probably deposed
23 maybe a half dozen times in that case.

24 BY MR. BERRY:

25 Q. Okay.

1 A. Yes, sir.

2 Q. When did you move in there?

3 A. In November of, I think, 2000. Actually, I
4 take that back. I think it was '99.

5 Q. And where had you lived previously?

6 A. I lived in a community called Pinellas Park,
7 a little rental home, until this house got done being
8 built. I lived there approximately two years.

9 Q. Have you ever been married?

10 A. Yes.

11 Q. How many times?

12 A. Two times.

13 Q. When was the first marriage?

14 A. 1988, October 28th, 1988.

15 Q. Who were you married to?

16 A. A woman named Jill Fox.

17 Q. And how long were you married to Ms. Fox?

18 A. Six months.

19 Q. So you got divorced in '88, '89?

20 A. June of '89.

21 Q. And have you been married -- you said you
22 have been married one other time? Was that --

23 A. Yeah. To Ms. -- to Heather.

24 Q. And when did you-all get married?

25 A. January of 2007.

1 worked four years and made a transfer over to mornings
2 on our -- on a sister station of WFLZ, which is WXTB.
3 I then started mornings on WXTB December 3rd of 1996
4 until 2002. And then from '02 to '06, I was out of
5 radio. And then in 2006, I started doing afternoon
6 drive for Howard Stern on SiriusXM. I did that for two
7 years exclusively from '06 to '08. And then in '08 I
8 started doing double duty where I did afternoons for
9 Howard and mornings at WHPT locally, syndicated in
10 several different other places. And I have been at
11 WHPT since January of 2008.

12 Q. At what point did you switch from doing a mix
13 of music and talk to mostly talk?

14 A. December of two thousand -- December of 1996
15 when I first started doing mornings on 98 Rock, it was
16 more of a talk show at that point. So that's the
17 switch kind of -- the switch where I turned from doing
18 Top 40 nights and to pretty much all monologue,
19 opinion-based radio in the morning.

20 Q. So about the past 17, 18 years that's --

21 A. Yes.

22 Q. -- basically what you've been doing?

23 A. Sure.

24 Q. We'll come back and we'll talk about some of
25 this stuff here later. I appreciate you laying it out

1 A. No.

2 Q. Describe Hulk at the time that you first met
3 him. What qualities he had, what you admired about
4 him.

5 A. Well, I first admired that he's a great
6 father, you know. He's -- he's had a lot of titles in
7 his life. And, you know, one thing that I -- I don't
8 mean to get too philosophical here. But the one thing
9 that I tell -- you know, it's very sad that him and I
10 aren't friends anymore. But the one -- the greatest
11 title that he's ever had -- I remember one day
12 specifically we were in the weight room, and he told me
13 that he's had a lot of titles and a lot of accolades
14 over the years in his career. But the best title a man
15 could have would be father. And that's really stuck
16 with me for a long, long time.

17 So I really admired how much of a good father
18 he was. He put -- he puts his children first. He
19 would do anything for his kids. And so that's the
20 first thing. And then -- and then I saw how good of
21 a -- how good of a man he was and how charitable he
22 was. And it was very -- all his qualities were very
23 attractive to me with regards to doing the right thing
24 in life and -- and being a good person.

25 He was one of the biggest celebrities in the

1 world that really was a regular guy, very approachable.
2 Any time we would go out to dinner or any time -- I
3 never saw -- he never was rude. I have seen -- I have
4 hung out with a lot of people, and some of them are
5 less than charitable when they're approached. And
6 Terry is the furthest thing from that.

7 So I really admired that -- that ability to
8 be able to be just a regular guy and not believe the
9 hype. And, you know, all the arenas he's sold out and
10 money he's made over the years didn't really go to his
11 head at all.

12 Q. And it sounds like, then, as -- from the time
13 that you-all first really reconnected like that, you
14 grew to admire him more and more over time?

15 A. Yeah. This whole situation is very sad to
16 me, that -- that we aren't friends anymore. This is --
17 it's very, very -- it's really been trying to me.

18 Q. Is it fair to say that, then, that you-all
19 were best friends at one point?

20 A. Very much so.

21 Q. For how long, do you think?

22 A. Shortly thereafter we met, we became best
23 friends. He's the godfather of my son; he was the best
24 man at my wedding.

25 Q. How did you choose him to be the godfather of

1 refresh my recollection again, who broadcast your show?

2 A. Specifically what time? What --

3 Q. Starting back --

4 A. What year?

5 Q. -- say 2000.

6 A. Clear Channel Communications was the
7 flagship, and it was affiliated -- it was heard in
8 various different markets.

9 Q. Around the country?

10 A. Yes.

11 Q. And then after Clear Channel?

12 A. There was that 2002 to 2006 hiatus, and then
13 SiriusXM in '06.

14 Q. So between 2002 and 2006, you didn't -- you
15 weren't on the radio at all?

16 A. No.

17 Q. And then picking up in 2006, you were on
18 Sirius?

19 A. SiriusXM, yes.

20 Q. Did you have your own station?

21 A. No. I was on Howard's station. I did
22 afternoon drive on Howard 101.

23 Q. And afternoon drive, what hours were you on?

24 A. 3:00 to 7:00 p.m. eastern -- eastern.

25 Q. And that was the only radio show you had

1 during that period?

2 A. For that two-year period, yes, from '06 to
3 '08, yes.

4 Q. And then after '08, what was the next thing?

5 A. Excuse me. In '08, then I started doing
6 double duty where I had -- where I was in -- heard
7 terrestrially on WHPT here locally, also Miami,
8 Orlando, and a few other affiliates terrestrially. And
9 then after -- that show was repurposed on afternoon
10 drive on SiriusXM.

11 Q. And how long did that last?

12 A. Until 2011, I think it was, and then I became
13 exclusively terrestrial, dropping the SiriusXM replay
14 in, I think, in 2011. It might have been '10, but it
15 might have been '11.

16 Q. And just to clarify, when you talk about
17 something being broadcast terrestrially, you mean like
18 over the radio, airwaves?

19 A. Well, terrestrially is heard through
20 conventional FM signals, and satellite can -- is heard
21 through satellite. So terrestrially is FM, regular
22 radio, free radio; and satellite is satellite, and it's
23 a pay per -- it's a pay service.

24 Q. Okay. Other than the terrestrial and -- and
25 Sirius, do you also broadcast over the Internet?

1 A. I did. I don't anymore, but I did.

2 Q. When did you do that?

3 A. Up until a year ago.

4 Q. How long did you broadcast over the Internet?

5 A. From like two -- like three years.

6 Q. And who did you do that through?

7 A. Radioio.com.

8 Q. And you -- you no longer do it through

9 RadioIO?

10 A. No. I think they replay the show. I just
11 don't do an exclusive live show.

12 Q. Okay. When you -- your terrestrial show,
13 then, during the time after '08, is it broadcast -- has
14 it been just broadcast here in Florida or broadcast in
15 other markets?

16 A. Other markets.

17 Q. Around the country?

18 A. (Nods affirmatively).

19 Q. How far away?

20 A. As far away as St. Louis, Missouri, and as
21 close as Ft. Myers, Naples, and a lot of places in
22 between.

23 Q. And when you were on Sirius, anybody who had
24 Sirius could hear that?

25 A. Yeah. It was a northern hemisphere thing.

1 don't know what they are.

2 Q. And who is Arbitron?

3 A. I know that -- Arbitron is the rating service
4 that -- that collects the ratings data for television
5 and for radio.

6 Q. And who is Cox?

7 A. Cox Communications is my flagship corporate
8 sister -- or main station here in Tampa.

9 Q. So does Cox -- Cox is the one who broadcasts
10 your terrestrial --

11 A. Yeah. They carry my show here locally, yes.

12 Q. Do you know where you're ranked locally on
13 your -- on your times?

14 A. What demographic?

15 Q. In general.

16 A. Well, you have to give me a demographic, sir.
17 There is six-plus, 12-plus, 18-34, 18-49, 25-54, men,
18 women. You have to give me a specific demographic.

19 Q. Okay. What's your target demographic?

20 A. Men, 25 to 54.

21 Q. What are you ranked?

22 A. Number 1.

23 Q. How about for women 25 to 54?

24 A. Last.

25 Q. Is that -- that's what it was in 2012?

1 A. Safe to say, yes.

2 Q. And what it is --

3 A. I'm not last, but I'm not, you know, I'm
4 not lighting the fire -- the world on fire.

5 Q. But you are first among men in that age
6 range?

7 A. If you -- if you -- there is three -- there
8 is three -- I feel like I'm giving you a lesson now.
9 There is three ways. There is men, women, and persons.
10 And the more coveted demographic is persons. It's when
11 everybody is considered together. Persons 25 to 54,
12 I'm still -- still No. 1 by a convincing margin.

13 Q. How convincing?

14 A. That's men and women combined --

15 Q. Right.

16 A. -- persons.

17 Q. How convincing?

18 A. Double.

19 Q. What's the format of your show?

20 A. Talk, opinionated talk.

21 Q. For the whole time that you're on?

22 A. For the four hours I'm on the air, 6:00 to
23 10:00 a.m., yes.

24 Q. And going back to our discussion earlier, it
25 sounds like since you've come back on in 2006 --

1 A. 2008 terrestrially; 2006 with SiriusXM.

2 Q. Sorry. I wasn't --

3 A. I didn't mean to correct you, sir.

4 Q. I appreciate you correcting me.

5 Going back to 2006 when you came back on the
6 radio, both on satellite and terrestrially --

7 A. I didn't come back terrestrially in '06; I
8 came back in '08.

9 Q. Since the time that you came back onto radio
10 at all, the format of your show has been the same?

11 A. Yes, sir.

12 Q. And what's the nature of your show?

13 A. Opinionated talk, guy-skewing opinionated
14 talk.

15 Q. What's your show known for?

16 A. Saying it like it is and giving my opinion,
17 the world according to Bubba, so to speak, very honest,
18 forthright. Usually, I'm the brunt of most jokes. I
19 would say that that's loosely -- very Howard Stern-Ish.
20 That's why I worked for Howard, very Howard-like.

21 Q. In what way are you like Howard?

22 A. Well, we're very opinionated. We're somewhat
23 shocking. I have been deemed a shock jock. And, you
24 know, just kind of an opinion -- not very much a
25 newsworthy-type situation, more of an opinionated guy

1 particular instances, and I'd be able to validate them
2 or not.

3 Q. But you-all aren't making special effects on
4 the video. I mean, the video is --

5 A. Some of -- some of -- some of which we are,
6 yeah.

7 Q. What kind of special effects?

8 A. Well, we did, instead of "Rock Me Amadeus,"
9 we did "Fuck me Major" -- or "General Petraeus." And
10 we Photoshopped General Petraeus' head on a bunch of
11 male strippers. So that was photo shopped. That's not
12 real. So we do some things like that in parody.

13 Q. But --

14 A. The Judge [sic] Petraeus, Jill Kelley scandal
15 that came here, we made a parody song about it, of
16 which we didn't have General Petraeus. We Photoshopped
17 him. That's not real per se.

18 Q. Uh-huh (Indicates affirmatively). Now --

19 A. It was a parody that we did.

20 Q. Like the stunts that you were talking about,
21 those are real?

22 A. Some of them.

23 Q. Are there any --

24 A. Sir, if you would give me instances, I could
25 tell you -- I could validate them. You're being overly

1 Q. But Howard Stern came to your wedding?

2 A. Yes.

3 Q. Why did he come to your wedding?

4 A. Because he was my friend. You might want to
5 ask him.

6 Q. Do you know what Cowhead Calta's relationship
7 is like with Hulk?

8 A. Well, I'm kind -- you're asking me to
9 speculate, so I'm not --

10 MR. DIACO: Object to the form of the
11 question.

12 BY MR. BERRY:

13 Q. I'm asking you to speculate. Speculate.

14 A. I don't -- I don't know. I heard Terry
15 recently on his show about a year ago, so I don't know
16 if they've -- if they're friendly or not.

17 Q. What were they talking about on the show when
18 you heard them?

19 A. I didn't hear it per se.

20 Q. You just told me that you heard him and he
21 was on his show?

22 A. I heard -- well, I'm the morning drive guy,
23 so I know what is happening on the -- I don't
24 necessarily have to hear it. I had heard that Terry
25 had made an appearance on his show. I didn't hear it

REDACTED

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4 Q. Does your show ever focus on sexual topics?

5 A. At times.

6 Q. In what ways?

7 A. In -- in very broad different ways. Whether
8 it be homosexual, heterosexual, we -- we address it
9 sometimes.

10 Q. Do you have porn stars as guests?

11 A. Occasionally.

12 Q. Do you have strippers as guests?

13 A. Occasionally.

14 Q. Do you have prostitutes as guests?

15 A. Not that I know of.

16 Q. How often does sex come up on your show?

17 A. Sir, I do five shows a week, you know. I do
18 25 hours a week of broadcast. I can't give you per se.
19 I don't think I have talked about sex in a while, but I
20 could talk about sex every day, so I can't give you an
21 answer on that.

22 Q. Why do you talk about sex on the show?

23 A. If it's -- if it's a topic that needs to be
24 talked about, we'll talk about it. Sometimes it's my
25 opinion; sometimes it's in the news; but I -- I

1 intermix both. Sometimes it will be an opinion-based
2 sex talk and sometimes it will be newsworthy, like a
3 teacher sleeps with a kid type deal.

4 Q. Do you ever ask guests information about
5 their sex lives?

6 A. I would -- I would say that would be fair
7 game. I can't tell you the last time I did, but that
8 could possibly be fair game.

9 Q. Why would you ask those questions?

10 A. Because they are on my show in a very public
11 manner, and they have elected to be interviewed, or
12 they have willfully called my show. It's not a private
13 matter; it's a public matter because they are a guest
14 on my show. So at that point, I'm an interviewer and
15 they are an interviewee.

16 Q. I understand that. Why do you ask them about
17 sex?

18 A. Because -- because I'm interviewing them.

19 Q. But why do you choose to interview them about
20 sex?

21 A. I'm doing an interview. And if -- if they
22 are in the sex business or they're a porn star or
23 they're a stripper, well, then that's relevant.

24 Q. What about people who aren't strippers, porn
25 stars?

1 A. If it's a private matter or a public matter,
2 I think, has a lot to do with whether I -- with where I
3 go.

4 Q. Will you ask people about sex if
5 their sexuality isn't -- hasn't been out in the public
6 in any way?

7 A. If somebody elects to pick up the phone and
8 call my show and I have not cold called them, which is
9 illegal, and I have not -- and they have entered into
10 my public arena, well, then, at that point I can ask
11 pretty much any question I want.

12 Q. Right. And why do you want to ask about sex
13 sometimes?

14 A. Well --

15 MR. DIACO: Object to the form of the
16 question.

17 THE WITNESS: -- I can't speculate, sir, on
18 what my particular mindset is about a particular
19 guest. I certainly wouldn't ask a nun about sex,
20 but I would ask Stormy Daniels about sex. So it
21 certainly is -- has to do with the type of person
22 I'm talking to.

23 BY MR. BERRY:

24 Q. Who is Stormy Daniels?

25 A. I had Charlie Crist on a couple weeks ago.

1 I'm not going to ask the possible governor of our state
2 about sex.

3 Q. Who is Stormy Daniels?

4 A. She's a triple X star, so I would ask her
5 about that.

6 Q. When was she on?

7 A. A while back, about a month ago.

8 Q. Is your show known for its willingness to
9 talk about sex?

10 MR. DIACO: Object to the form of the
11 question.

12 THE WITNESS: My show is the willingness to
13 talk about anything that I find entertaining or
14 could possibly be content, good content.

15 BY MR. BERRY:

16 Q. Do you want your show to be known about its
17 willingness to talk about sex?

18 A. I want my show to be its willingness to talk
19 about anything that's important or topical or funny.
20 So that doesn't have to be sex at all. At times it
21 could be, but not necessarily.

22 Q. Do you think it's important for people to be
23 honest about sex?

24 MR. DIACO: Object to the form of the
25 question.

1 BY MR. BERRY:

2 Q. Do you believe that you should be honest
3 about your sex life?

4 A. At times, yeah. But, then again, my show
5 isn't necessarily all about a newsworthy -- you know,
6 my show has a lot to do about parody, as well, so --
7 and making fun of myself. So within that realm, at
8 times.

9 Q. On your show, do you try to be honest about
10 sex?

11 A. Again, if the situation would warrant, at
12 times. Sometimes we will live in this hyperbolic,
13 parody exaggeration, you know. It certainly has to do
14 with the content and how we're framing a particular
15 topic.

16 Q. Do you have people perform sex acts on your
17 radio show?

18 A. No.

19 Q. Have you ever?

20 A. Yes.

21 Q. Why?

22 A. When I was in uncensored SiriusXM, that was
23 allowed. Howard had girls ride the Sybian, and we
24 would do things as well. There is certainly a time and
25 place for that, and it's not in today's environment.

1 Q. But why did you choose to have people perform
2 sex acts on your radio show?

3 MR. DIACO: Object to the form of the
4 question.

5 THE WITNESS: I can't speculate as to what my
6 mindset was at that particular time. We had --

7 BY MR. BERRY:

8 Q. I'm not asking you to speculate. It was your
9 mindset at the time.

10 A. I'm giving you my opinion. I can't speculate
11 to what my mindset was then. But, obviously, we had --
12 or were interviewing girls that were in that particular
13 genre, so it might be conducive. And they're,
14 obviously, not -- it's not a private matter. Either
15 they're porn stars or they're strippers, and they are
16 in that industry. And so in the preinterview process
17 of them being a guest, they may have been asked by a
18 producer or have forthright have come and offered that
19 they will do various situations. So in saying that, we
20 could possibly -- could possibly go there.

21 Q. And so that was all cleared in advance,
22 right?

23 A. Yes.

24 Q. And you got releases for all those things?

25 A. Yes. We have 2257s for everybody that's ever

1 A. I think a short time thereafter, maybe June
2 of '04, something like -- no. Maybe '03, in that area.
3 I could be wrong.

4 Q. When did you-all start living together?

5 A. Maybe in '06, latter part of '05, early '06.

6 Q. So you dated for a couple years before
7 you moved in together?

8 A. Yeah.

9 Q. And then how long did you date before you-all
10 actually got engaged?

11 A. Maybe a year and a half or so.

12 Q. Do you remember how you asked her to marry
13 you?

14 A. No.

15 Q. What were you looking forward to in your
16 marriage with her?

17 A. Just being with another person that could be
18 positive and -- and a good -- and a good -- she was a
19 great mother. She is -- she is a good mother and just,
20 you know, a very positive, smart girl.

21 Q. Did your wedding get a lot of publicity?

22 A. Yes.

23 Q. Why was that?

24 A. Well, Terry was there and Hogan -- and Howard
25 was there, so, you know, there was a lot of cool people

1 there.

2 Q. And you did that by design?

3 A. Not necessarily. I mean, I -- I -- I mean,
4 invited them, and they showed up. The media found out,
5 so --

6 Q. When did you end up getting divorced from
7 Heather?

8 A. I don't know when it was finalized. I
9 think -- I think we separated in September of maybe '10
10 or '11. I don't know. I don't remember. I don't
11 know.

12 Q. But you --

13 A. It was either -- it was in -- it was
14 either -- we separated in either two thousand --
15 September 2010 or 2011.

16 Q. In September of one of those two years?

17 A. Uh-huh (Indicates affirmatively).

18 Q. Could we put another blank in the transcript
19 that you could -- if you have --

20 A. Sure.

21 Q. -- something to figure it out?

22 A. Unless maybe Jay knows.

23 MR. DIACO: Let me see if I can -- it may be
24 in the marital settlement agreement, but I will
25 see if I can find it.

1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA
3 COUNTY OF HILLSBOROUGH4
5 I, Aaron T. Perkins, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the deposition of
8 BUBBA THE LOVE SPONGE CLEM; that a review of the
9 transcript was not requested; and that the transcript
10 is a true and complete record of my stenographic notes.11
12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.17
18 Dated this 15th day of March, 2014.19
20 
21 Aaron T. Perkins, RPK
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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 3, 2014

TIME: 3:21 p.m. to 6:02 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
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Volume 2
Pages 183 to 345

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et al.

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Attorney for Bubba the Love Sponge Clem

ALSO PRESENT:

Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

1 ask you what one of the subjects of the question
2 was?

3 THE WITNESS: I'm just asking. I don't know.
4 I'm befuddled by -- if I am connecting the dots,
5 I'm a little freaked out on the deal.

6 BY MR. BERRY:

7 Q. Have you ever had any cameras or recording
8 systems in your radio station?

9 A. My -- our show has a camera crew that we
10 take, based on events that happen.

11 Q. Stationary cameras, though?

12 A. No. Well, I take that back. I take that
13 back. Now, in our old studio, we did have some
14 stationary cameras. We did on Lemon Street. And then
15 we do have some outside surveillance stuff, so those
16 are stationary at our new place, nothing inside.

17 Q. In the old studio, how long were you
18 broadcasting there?

19 A. From 2006 to 2010 or '11.

20 Q. Okay. Just talking about that old studio,
21 did you have stationary cameras inside the building
22 anywhere?

23 A. Yes.

24 Q. Where?

25 A. Like one at the entry, one outside the

1 engineering, one towards the back. I would say there
2 is probably four of them, nothing in the studio.

3 Q. Did you have one in the green room?

4 A. Yes.

5 Q. Did you have one in the bathroom?

6 A. No.

7 Q. Are you sure?

8 A. Yes.

9 Q. Why were they -- the one in the green room --
10 why was the camera in the green room installed?

11 A. Once a guest had signed in, we could listen
12 in on what they were saying, and, hopefully, we would
13 get them, you know, talking bad about us, and it would
14 be for some -- it would be good radio.

15 Q. Who installed them?

16 A. My engineer, David Rice.

17 Q. And were they installed at the time that
18 you-all moved into that studio?

19 A. The first studio or the second one?

20 Q. Well, you don't have any in them now, right?

21 A. No. We do -- we do have some out -- some --

22 Q. Sorry. Just talking about that time period
23 where you had them inside your studio between 2006
24 and 2007.

25 A. So the '06 studio?

1 compared to the building.

2 Q. That's a fair point.

3 A. Thank you.

4 Q. Let's just talk about the green room. The
5 camera in the green room, did any of the shows -- did
6 anything that was filmed on that camera get used on the
7 show?

8 A. Well, we are an audio medium, so we don't --
9 we are in the audio business, so it would have to be
10 heard on the show, not seen on the show.

11 Q. Was it used on the show?

12 A. We did -- we would sometimes go to the green
13 room when we had guests or we were doing various
14 stunts, and we would use -- use that audio portion,
15 yes.

16 Q. Can you think of any example?

17 A. I think we had a guy named LummoX who got
18 drunk and had a meltdown, and he was in there flipping
19 out, and so -- and so I can think of a couple things
20 like that.

21 Q. Now, did you tell folks that you had a camera
22 in the green room?

23 A. Yes and no. I mean, at times -- at times
24 they knew they were there and at times they didn't.

25 Q. When a guest walked into the green room, would

1 they know that there was a camera -- a camera or
2 recording device in the green room?

3 A. By the time that they signed their 2257 form,
4 it stated that we owned their likeness in the entire
5 building, and we had the option to record them.

6 Q. But it didn't specifically say that there was
7 a camera in the green room?

8 A. We had some general signage in various areas
9 that said that you were being recorded in -- in any
10 broadcast building.

11 Q. Have you ever had any cameras or recording
12 systems in your house?

13 A. Yes.

14 Q. When?

15 A. I got a Sam's -- like a four-camera Sam's
16 Club camera, and I think -- and I think I installed it
17 in 2003 or '4. And it was a basic, four- or five-cam
18 system that had surveillance in my bedroom, front and
19 back doors, and garage.

20 Q. And that camera system was in place, then,
21 from around 2003?

22 A. Yes, 2003, 2004.

23 Q. Until when?

24 A. Until fairly recently, a couple years ago.

25 Q. And so there were four cameras. One in your

1 bedroom?

2 A. One in my bedroom, one in the front door, one
3 in the rear, and one in the garage.

4 Q. Okay. Any others?

5 A. Not -- as I recall, it was a four-camera
6 system. That's what -- that's what I can -- the best
7 that I can recall.

8 Q. And --

9 A. We're talking about something that is 12
10 years old upon purchase.

11 Q. And you installed them personally?

12 A. I think I did. I don't know if I had help
13 with one of my workers or not, but I -- but I remember
14 doing the majority of it myself.

15 Q. All right. Do you recall who might have
16 helped you?

17 A. No, I don't.

18 Q. Why were those cameras installed?

19 A. I wanted to protect, you know, myself and
20 protect my house. And -- and my reasoning for the
21 front and rear entrances are, obviously, you know, so
22 people don't break in, my garage, then, where I had my
23 cars and then my bedroom where I have valuables.

24 Q. And were those cameras visible?

25 A. No, not per se, no. The -- the camera in the

1 specifically know of any instances that Terry objected
2 to particular content, although I'm sure he did a few
3 times. But I cannot give you any instances off the top
4 of my head. It's been a while since he's been on the
5 air.

6 Q. Well, while we're sitting here for the rest
7 of today and tomorrow, if you think of anything, will
8 you let me know?

9 A. I will get right back to you.

10 Q. Okay. So your actual name is Bubba the Love
11 Sponge Clem, right?

12 A. Yes.

13 Q. Is that -- that's your legal name?

14 A. Do you want to see my driver's license? I
15 have it.

16 Q. Well, if you --

17 A. Sure.

18 Q. I'll take your word for it, but that's your
19 legal name?

20 MR. DIACO: You don't have -- you don't have
21 to --

22 BY MR. BERRY:

23 Q. You don't have -- you don't have to do it.

24 MR. DIACO: You don't have to pull it out,
25 Bubba.

1 THE WITNESS: I'll just give it to him.

2 MR. DIACO: That's okay. You don't have to.

3 BY MR. BERRY:

4 Q. Well, while you're looking for it, what was
5 the -- your name before that?

6 A. Todd Clem.

7 Q. When did you change it?

8 A. Here is my gun card and my driver's license.

9 I --

10 Q. And --

11 A. Here you go.

12 Q. -- I trust you.

13 A. That's so I can carry a handgun.

14 Q. When did you change it?

15 A. I think 1998 maybe.

16 Q. Why did you change it?

17 A. Because I was running for sheriff in Pinellas
18 County, and I wanted my name to be on the ballot like
19 that.

20 Q. Like Bubba the Love Sponge Clem?

21 A. Yeah. I got 33 percent too.

22 Q. So you did it -- well, what is a love sponge?
23 How did you pick that name?

24 A. Oh, I don't know. Do we have to get into
25 that? I mean, that's not relevant to this case.

1 Q. Well, no. I'm just curious.

2 A. It's just a play on words. It's just a big
3 contraceptive, walking thing, you know. I don't know.
4 It's just a play on words, Bubba the Love Sponge. It
5 doesn't really mean anything.

6 Q. But out of all the things you could have
7 picked, how did you pick that one?

8 A. I don't know, buddy. I don't know. I don't
9 know.

10 Q. Does anybody still call you Todd?

11 A. No.

12 Q. When you were married to Heather, did she
13 take the name Love Sponge Clem?

14 A. Uh-huh (Indicates affirmatively).

15 Q. Did -- did Hulk know that you had cameras in
16 your house?

17 A. No.

18 Q. Were there cameras in the house when you
19 lived there?

20 A. Yes. In those areas, yes.

21 Q. In the four areas we talked about earlier?

22 A. Yes.

23 Q. Did you ever discuss the cameras with him?

24 A. No.

25 Q. Did you ever point them out to him?

1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA
3 COUNTY OF HILLSBOROUGH4
5 I, Aaron T. Perkins, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the deposition of
8 BUBBA THE LOVE SPONGE CLEM; that a review of the
9 transcript was not requested; and that the transcript
10 is a true and complete record of my stenographic notes.
1112
13 I further certify that I am not a relative,
14 employee, attorney, or counsel of any of the parties,
15 nor am I a relative or employee of any of the parties'
16 attorney or counsel connected with the action, nor am I
17 financially interested in the action.
1819
20 Dated this 14th day of March, 2014.
21
22
23
24
25
Aaron T. Perkins, RPK

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

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Volume 3
Pages 346 to 519

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Attorney for Bubba the Love Sponge Clem

ALSO PRESENT:

Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

1 within the marketplace.

2 Obviously, I'm doing quite well. I've been
3 number one for nine years, 39 straight Arbitron books.
4 Funny, not funny, factual, not factual, don't insult my
5 intelligence and/or my listener's intelligence based on
6 who is going to determine what's real and not real.
7 People can differentiate what's real and not real.

8 Q. As the host of the show, what do you do to
9 convey that you're telling the truth?

10 A. I think that -- I think it's very obvious
11 based on topic and subject matter. If I'm going to do
12 a story about black fish, for instance, in Sea World,
13 that latest thing, it's a very factual thing. If I'm
14 going to do, obviously, a hyperbolic parody satire
15 event like that -- first of all, it's Clem's Creek,
16 taken from Dawson's Creek, so the whole context of the
17 thing in itself is a parody. There is no Clem's Creek.
18 It's a rip-off of Dawson's Creek, So -- since that
19 initially sets up the parody element itself, and people
20 can use their intelligence from that point forward.

21 If I put, Hey, live on Fox News today, well,
22 that's Fox News, and I pod up Tucker Carlson. We had
23 Tucker Carlson today from Fox News and the Daily Caller
24 talking about the problems in the Ukraine. There's --
25 that wasn't a parody element. We had a legitimate news

1 it, thinking that, you know, it would go away. Well,
2 obviously, it didn't, and it became even a bigger
3 issue.

4 Q. Right. To the best of your recollection, you
5 never said to anybody else, other than Tom Bean --

6 A. My testimony is, I can't recall. I don't
7 want you guys to have some hidden gun where I did talk
8 to somebody. In my best estimations, I didn't speak to
9 anybody, as I can recall.

10 Q. Just going back to the time period of these
11 initial Internet reports, did anybody ever contact you
12 about giving the tape back to you?

13 A. No.

14 Q. Did anybody ever try and sell a tape back to
15 you?

16 A. No.

17 Q. All right. I would like to show you a couple
18 of these Internet reports that we've been talking
19 about. The first one -- you had mentioned TMZ, so I
20 will show you this one first. We'll mark it as Exhibit
21 59.

22 (Exhibit No. 59 was marked for
23 identification.)

24 BY MR. BERRY:

25 Q. I will just tell you, this is a TMZ report

1 dated March 7, 2012, and the title of it is: Hulk
2 Hogan Sex Tape Being Shopped to Porn Companies. Just
3 take a second and read over it, if you would.

4 A. I'm familiar with it.

5 Q. Okay. So you've -- so you've read this
6 report before?

7 A. Yes.

8 Q. Did you discuss this report with anybody at
9 the time it came out?

10 A. Well, you know, I may have talked about it on
11 the show. I don't -- I don't know. I don't recall. I
12 mean, I certainly didn't -- I certainly wasn't shopping
13 it, and I certainly wish I could have found out who was
14 shopping it.

15 Q. At that point, though, this does not have
16 images on it, right, from the tape?

17 A. No. But, obviously, somebody is shopping it.
18 Somebody is shopping -- they're reporting that somebody
19 is shopping a Hogan sex tape.

20 Q. But at this point, did you know that it was
21 yours?

22 A. With all due respect, sir, I don't know if
23 this came out before or after the screen shots of the
24 act, so I can't validate what my mindset was, because I
25 don't know the chain of events.

1 Q. All right. Why don't we do it that way,
2 then. I will show you -- this is what we will mark as
3 Exhibit 60.

4 (Exhibit No. 60 was marked for
5 identification.)

6 BY MR. BERRY:

7 Q. What Exhibit 60 is, is an Internet posting
8 from a website called The Dirty. And the title of it
9 is, Exclusive: Hulk Hogan Sex Tape, and it's dated
10 April 19th, 2012.

11 A. Uh-huh (Indicates affirmatively).

12 Q. And this one -- this Exhibit 60 has an image
13 of it on that -- from the sex tape, right?

14 A. Yeah.

15 Q. Okay. So these two articles were published
16 on the Internet roughly a month apart, right?

17 A. Yes.

18 Q. Using these two items -- and you're
19 familiar -- you've seen The Dirty one before, right?

20 A. Yes.

21 Q. Okay. Looking at these two Internet postings
22 and thinking about the conversation we just had, at
23 what point did you realize that it was your sex tape?

24 A. Well, obviously, in the April one I knew it
25 was my sex tape because they have an image, and I'm

1 familiar with that bed. And so I knew it was that
2 then. I can't tell you what my mindset was in the --
3 March. I was probably hoping it wasn't mine, then
4 knowing Terry, that he wouldn't have done this -- you
5 know, he's probably only done one sex tape in his
6 entire life, and it was unbeknownst to him. I wouldn't
7 think that there's any more of them out there.

8 So I was hoping and praying, to give you my
9 opinion, my mindset, I was -- in 3/7/12, I was hoping
10 to God that it wasn't going to go any further than just
11 people talking about it. But I was very concerned
12 about who had gotten it, from where.

13 Q. And so when this TMZ article came out that
14 didn't have the image, at that point, did you look in
15 your desk drawer?

16 A. Yes.

17 Q. And so prior to the actual images getting on
18 The Dirty -- or this one image, I guess, getting on The
19 Dirty, you knew that your tape was missing, right?

20 A. Yes.

21 Q. Going back to the discussion we had about
22 your conversation with Tom Bean, do you think that was
23 before or after the image appeared on The Dirty?

24 A. I can't give you the exact -- we're talking
25 about two years ago, and -- and, obviously, I was

1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA
3 COUNTY OF HILLSBOROUGH

4
5 I, Aaron T. Perkins, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the deposition of
8 BUBBA THE LOVE SPONGE CLEM; that a review of the
9 transcript was not requested; and that the transcript
10 is a true and complete record of my stenographic notes.

11
12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17
18 Dated this 15th day of March, 2014.

19
20 
21 Aaron T. Perkins, RPK