

EXHIBIT D

to the

**GAWKER DEFENDANTS' MOTION FOR ACCESS TO CORRECTED AND
UNREDACTED DVDS PRODUCED BY THE FBI**

File Number 9B-TP-2534791 - 1A23

Field Office Acquiring Evidence TP

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From Terry Bollea
(Name of Contributor/Interviewee)

(Address)

(City and State)

By SA Shearn

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Yes No

Title: Keith Davidson;
Extortion

Reference: _____
(Communication Enclosing Material)

Description: Original notes re interview of

- 1pg transcript with corrections signed and
dated by Terry Bollea

- Interview notes of Terry Bollea

1A23

QB-TP-2534791-1A23

12/17/2012

The following is a draft transcript of a consensual recording of a meeting on December 14, 2012 between DAVID HOUSTON, KEITH DAVIDSON, TERRY BOLLEA, [REDACTED]

b6 -2, 4
b7C -2, 4

[REDACTED]

This draft transcript, in its current form, is for the sole purpose of review by the prosecuting attorneys and should not be construed as a final verbatim transcript. Further review may be necessary for trial purposes.

(ID 8)

2/4/13
Terry Bollea

1 JS: Special Agent JASON SHEARN
2 DH: DAVE HOUSTON
3 KD: KEITHER DAVIDSON
4 TB: TERRY BOLLEA

5 [REDACTED]
6 [REDACTED]

b6 -2, 4
b7C -2, 4

7 Typing Key:

8 AV: Automated Voice
9 Auto: Automated Message
10 UI: Unintelligible
11 PH: Phonetic
12 IA: Inaudible
13 PH: Phonetic
14 ///: Speaking simultaneously

15 -----
16 (12/14/2012) (03:22:27)

17 JS: This is Special Agent JASON SHEARN. It's December 14th, 2012, approximately
18 9:35 a.m. DAVID HOUSTON and TERRY BOLLEA in a meeting with KEITH
19 DAVIDSON and his unidentified client.

20 (UI voices in background)

21 TB: (IA) Do you want me to lock it? DAVID and I are about to be sitting here right
22 now going over this document.

23 DH: Yeah sure. Do you want to look at it, really?

24 TB: Yeah I'd really like to look at it.

25 (Sound of movement, footsteps)

26 TB: (UI) they sponsor my show. We have a wrestling show.

27 DH: Mm hm.

255 DH: So we'll see what happens with that but the, the part I think. Which tape has the
256 issues? Is it tape two or tape three, or is it tape one, do you see it?

257 KD: Alright so tape two talks about ah the only thing of real interest is apparently
258 [redacted] had a girlfriend whose sister wanted to date you.

b6 -4
b7C -4

259 TB: That was, that was ^{or}GAWKER. ✓

260 KD: Okay, that's tape two.

261 DH: Right.

262 KD: The other thing on tape two is ah you telling a story about um some Coast Guard
263 guys and there was some altercation at a, at a bar.

264 TB: Yep.

265 KD: Alright, tape three I think is the one where you're talking

266 (Sounds of papers being moved)

267 KD: There's a lot of talk about the MTV show, [redacted] jumped sides on
268 me um [redacted] is dating this black guy, billionaire, talks about you know the N
269 word and if she's gonna date someone like that. You can read it if you want.

b6 -4
b7C -4

270 TB: Yeah I'd love to read it.

271 DH: Yeah it's pretty much right here.

272 (Sound of movement)

273 KD: (UI)

274 DH: Pretty much right down in here. That's the part that's been referred to as the
275 racially charged part so obviously that's, I think, what they're (UI)

276 (Sound of movement)

277 DH: Is that the part KEITH?

278 KD: Yes.

279 DH: Correct?

280 (Beeping machinery sound in background)

281 (Sound of papers being shuffled)

1024 Mm hm.

1025 **TB:** So you're telling me that the person you're representing has control or they did
1026 release it to GAWKER?

1027 Yes.

1028 **DH:** Okay. What.

1029 **TB:** So then that's why then the racial stuff wasn't released probably.

1030 **DH:** Why wasn't the racial stuff released?

1031 The intent wasn't to harm you. It wasn't to um thrown you under the bus. It
1032 wasn't, you know, there, it, it wasn't in all honesty business-wise if that was
1033 released then what is it worth to you as well.

1034 **TB:** Nothing.

1035 **DH:** Right.

1036 (Snickers) You know what I mean? So.

1037 **DH:** Yeah well in other words if the most damage is done it doesn't matter.

1038 Exactly.

1039 **DH:** Okay. Question for ya and this is just kind of me talking as well. Why would you
1040 be willing to act as an intermediary?

1041 Honestly?

1042 **DH:** Okay so in other words you've got a financial stake as well?

1043 Mm hm.

1044 **DH:** And the reason I bring that up goes into my second area of concern. I want to
1045 make really sure you understand what the consequence would be in the event you
1046 chose to violate this agreement and.

1047 I have no reason to violate. (Chuckles)

1048 **DH:** Well but people do things, look, today I don't have reasons to do a lot of things
1049 that I might have tomorrow, right?

1050 Mm hm. I won't have a reason (UI)

1051 **DH:** But if you violate it, you're the one signing it.

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

2606 DH: Normally has their room like that.
2607 (IA voices from video in background)
2608 KD: So I don't think this is the one where he comes in.
2609 DH: Mm. I'd like to be able to at least the more damaging part of the tape with the
2610 language (IA) so I know that's actually on there.
2611 KD: (Clears throat)
2612 DH: Is that ^{or} number two or three? ✓
2613 KD: I thought it was two. Of course these, I don't know if we're playing these in order.
2614 DH: Yeah I was gonna say we all know which is which but.
2615 KD: That would have been the third tape that was undated.
2616 DH: Right, third tape.
2617 KD: That's the one we haven't seen yet.
2618 DH: Okay. Well we can talk to her depending on how well she does on polygraph
2619 TERRY about this copy issue thing and ah you know ask her if she didn't make
2620 copies, why and wasn't she worried about it and things like that, just try to get
2621 (IA) that's all we can do. Cause we get back to that original thing about
2622 not giving a damn about her and that's what worries me.
2623 KD: This is two on it, lasts eighteen seconds, we'll just skip over that one. Right this is
2624 fifty two minutes. This is tape three.
2625 DH: So That's. ✓
2626 (IA voices from video in background)
2627 DH: Here's BUBBA.
2628 (IA voices from video in background)
2629 KD: (IA)
2630 (IA voices from video in background)
2631 DH: How do we run that?
2632 KD: Do you want to fast forward it?

b6 -2
b7c -2

2633 DH: No I just wanted (IA) I don't know where it is.
2634 (IA voices from video in background)
2635 KD: I'll fast forward it to...
2636 (IA voices from video in background)
2637 KD: Alright this is where he says BUBBA (IA)
2638 DH: Yeah BUBBA walks you out TERRY.
2639 (IA voices from video in background)
2640 KD: I think she's just watching TV.
2641 DH: Oh I was gonna say, who's that?
2642 KD: In, in a second BUBBA is gonna come back in.
2643 (IA voices from video in background)
2644 KD: See this is where up until this point you never really knew that she was in on it.
2645 DH: Yeah.
2646 KD: And then he sees I want to watch the tape, she says you'll probably see my face in
2647 pain.
2648 TB: Hm.
2649 DH: Yeah I'd say she's in on it.
2650 TB: Wow. Can I use your bathroom?
2651 KD: Yep.
2652 DH: My God.
2653 TB: Gee.
2654 DH: That's bad.
2655 TB: That's hard for me to watch thinking that that guy was my friend all those years.
2656 DH: Yeah. It's one thing to hear about it and it's one thing to.
2657 TB: I mean it's just like.

2658 DH: To (IA)

2659 TB: And he was there when my father passed away, leaning over the bed with me. I
2660 mean just, it just totally blows my mind to see that.

2661 DH: I know. That's just the absolute man.

2662 TB: Whew, crazy.

2663 DH: There was ah (whispering) TERRY wouldn't even believe after TMZ reported it
2664 that BUBBA had done that. I mean he wouldn't believe it and he said I won't
2665 believe it until I've seen it. I think that's what. It's one thing to hear about it.

2666 KD: (IA)

2667 DH: So did she know uh I mean was [redacted] at any of these viewing parties? I mean
2668 how did he know that he could glom on to these, I mean, where is that coming
2669 from?

2670 KD: How did [redacted].

2671 DH: Yeah in other words, like if I'm talking to a friend of mine or somebody I work
2672 for.

2673 KD: Right.

2674 DH: I don't necessarily know that in their office, in a secret stash they got a bunch of
2675 sex tapes.

2676 KD: Yeah he was shown, he, BUBBA invited him to watch.

2677 DH: How did he know he kept it there?

2678 (Chiming sound)

2679 KD: (IA)

2680 DH: Yeah (IA)

2681 KD: I don't think they, I don't think they were, I think they were pretty close.

2682 DH: Yeah okay because that's what I'm kind of going with.

2683 KD: I mean close enough to say hey come on and watch my wife (IA)

2684 DH: Well wouldn't BUBBA know it got stolen? I mean it's not there anymore. I,
2685 you've gotta believe that BUBBA's guarding it.

b6 -2
b7C -2

b6 -2
b7C -2

3050 (Sound of papers being shuffled)

3051 TB: (Clears throat)

3052 DH: Okay. TERRY this is the side letter agreement. Let's get all this signed now and
3053 you've got, your tapes are actually in that case KEITH? Sorry

3054 KD: So um we're good, huh?

3055 DH: Mm hm, yeah.

3056 KD: No questions.

3057 TB: Can we, DAVE do you have a way to carry these DVD's or can we keep that
3058 case?

3059 KD: Keep it.

3060 DH: They're all still in here right?

3061 KD: (Laughs)

3062 TB: Well (Laughs)

3063 DH: Thank you for the case, very expensive.

3064 TB: (IA) three of them.

3065 DH: There's, yeah, it looked like three to me.

3066 TB: (UI) looking at the signatures, one of the signatures is different from the two of
3067 'em.

3068 DH: Yeah did you notice that on the *HOOTIE ✓* (phonetic) the E is different, kind of.

3069 TB: No it's completely different.

3070 DH: It's a wild flourish

3071 TB: This one. . .

3072 DH: Compared to the block letter.

3073 Oh.

3074 TB: . . . are exactly alike. These two are exactly alike.

3075 Maybe one was HEATHER and one was BUBBA.

b6 -2
b7c -2

3076 TB: That's what I said.

3077 (Laughs) b6 -2
b7C -2

3078 TB: Then this one doesn't look anything like the others.

3079 No.

3080 DH: (UI)

3081 TB: Yeah sign here.

3082 DH: You're gonna sign this, what you signed before was the general agreement but it
3083 didn't have the two names in it. And you're TERREN as you know and has b6 -2
b7C -2
3084 already signed, so I need you to sign right where.

3085 TB: Wh, where is your signature on there?

3086 (Someone coughs)

3087 TB: (UI) sign this this morning.

3088 KD ✓ Yes. KD b6 -2
b7C -2

3089 TB: (IA) I mean this.

3090 DH: Yeah, hold on TERRY.

3091 TB: No I just.

3092 DH: Do you have a regular pen?

3093 TB: Doesn't (IA)

3094 KD: Yeah (UI) right here.

3095 (Sound of footsteps)

3096 (Zipping sound)

3097 DH: TERRY, do you need a regular ballpoint pen or you, it's not working?

3098 TB: No I just didn't know if you wanted to sign with a marker.

3099 DH: (IA)

3100 (Zipping sound)

3101 DH: Okay I'm just going through it again [redacted] This is something to us and I think
3102 everybody has to initial this. This stuff is very serious. I'm sure you understand
3103 that. I just want to stress again. I mean you mean you know it's easier today to
3104 be..

3105 [redacted] Oh no.

3106 DH: ... cordial and.

3107 [redacted] Today is not easy. (Laughs)

3108 DH: Well I just meant to the extent that nobody is adversarial and there's one thing
3109 that I do have to change here KEITH. For some reason my office had ah thought
3110 that the initial payment was one fifty, not one twenty five.

3111 KD: Mm hm.

3112 DH: And they thought it was one fifty, fifty and then with the final about due so this
3113 actually shows one twenty five on the first payment.

3114 KD: (IA)

3115 DH: So can we change that to one fifty and initial it.

3116 KD: Sure.

3117 DH: And then we'll change the numbers accordingly.

3118 KD: We have two sets, this is my set over here.

3119 DH: So we'll make it one fifty and fifty as opposed to seventy five and then one
3120 hundred with the final, which is on the fourteen month anniversary.

3121 KD: Oh fine.

3122 [redacted] (IA) celebrate your anniversary.

3123 TB: Well today is my two year anniversary.

3124 DH: Yeah.

3125 [redacted] It's your anniversary?

3126 TB: The fourteenth, yeah so he's making jokes.

3127 [redacted] (IA)

3128 TB: Oh.

b6 -2
b7C -2

b6 -2
b7C -2

b6 -4
b7C -4

b6 -2, 4
b7C -2, 4

3129 [] (IA) b6 -2
3130 DH: Yeah you want to use that felt tip pen or. b7C -2
3131 (Sound of papers being shuffled)
3132 DH: [] would you initial and TERRY and I will initial this as well.
3133 (Zipping sound)
3134 TB: There's only two copies of this?
3135 KD: Yep.
3136 DH: And we need a.
3137 TB: Where's the other one?
3138 DH: Okay and then we have this one, hold on. This one was the copy TERRY that (IA)
3139 This one, this will be for our records.
3140 KD: (IA) so that'll make this a complete set.
3141 DH: Yeah now I should have a complete set as well and this, is that my copy?
3142 KD: You have the, you have (IA) the release (IA)
3143 DH: Okay.
3144 KD: (IA)
3145 DH: Here's your check.
3146 KD: (IA)
3147 (Sound of footsteps)
3148 (Zipping sound)
3149 (Someone coughs)
3150 DH: You're welcome.
3151 KD: Do you work with anyone in Los Angeles in ah polygraph matters?
3152 [] Ah yeah. b6 -4
3153 (Sound of door opening) b7C -4

3154 JS: Mr. DAVIDSON, FBI.

b6 -2
b7C -2

3155 UF: Want to step outside?

3156 (Sound of footsteps)

3157 (UI voices in background)

3158 (Sound of footsteps)

3159 DH: You didn't leave anything in the room did you?

3160 TB: No I'm good.

3161 DH: (IA) have to come back (IA)

3162 (UI voices in background)

3163 TB: He kept sitting, he kept sitting in front (IA) he kept putting his ass right on the
3164 table. . .

3165 (End of recording)

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