

EXHIBIT 9

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

TERRY GENE BOLLEA, professionally))
known as HULK HOGAN)
Plaintiff,)
)
vs.) Case No.)
) 12012447-C1-011)
)
HEATHER CLEM; GAWKER MEDIA, LLC))
a/k/a GAWKER MEDIA, et al.)
Defendant.)

DEPOSITION OF DAVID RICE
taken on March 9, 2015, at 2:00
at the offices of Dinse, Knapp &
McAndrew, Burlington, Vermont.

APPEARANCES: (via telephone)

PAUL SAFIER, ESQ., and MICHAEL BERRY, ESQ., of the
firm of Levin, Sullivan, Koch & Shultz, 1780
Market Street, Philadelphia, Pennsylvania, 19103,
on behalf of the defendant;

CHARLES J. HARDER, ESQ., of the firm of
Harder, Mirell & Abrams, 1925 Century Park East,
Suite 800, Los Angeles, California, 90067, on
behalf of the plaintiff.

Reported by: Christina L. Boerner, RPR

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1 This is a host-run show, with a cast
2 of characters around him that talks about
3 current events; personal stories in their
4 life; sports; news; pretty much anything that
5 comes up when you are trying to fill four
6 hours.

7 Q. The show was on celebrity news at
8 all?

9 A. Sure; there would definitely be parts
10 of that. They tended to focus more on
11 celebrities that were friends of the show.
12 So if a celebrity came up on the news, they
13 would try to get them to the phone, get them
14 on the air; get their side of the story.

15 It wasn't so much talk about everybody
16 who is out there; it was more people they
17 knew. As people came on the show, they
18 became friends of the show, then they might
19 get talked about, if they became part of the
20 news.

21 Q. Did the show focus on sexual topics?

22 A. I would say that was a pretty high
23 percentage of the content. Even on the
24 terrestrial show, they would try and find
25 ways to fit that sort of content in, without

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1 going over the line. And that is probably
2 one of their specialties.

3 Q. And was that the case with the guests
4 that would appear on the show, that they
5 would be asked about sexual topics?

6 A. The topic, the conversation would
7 tend to go that way; however, I believe Bubba
8 was definitely intelligent enough to know
9 when that wasn't going to fly with a guest.

10 For instance, the Governor of
11 Florida would not be asked about his sexual
12 preferences; that was something that was
13 saved more for maybe sports players or
14 athletes or musicians.

15 Q. Talking about Charlie Crist or Jeb
16 Bush?

17 A. I believe we had them both on the
18 phone, at some point. But Charlie Crist had
19 probably been in studio; so it would have
20 been Charlie Crist more frequently than Jeb
21 Bush.

22 Q. Is that something Bubba would know,
23 whether it was a guest you could get into
24 sexual topics with?

25 A. He would definitely know that. But I

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1 think sometimes, depending how the interview
2 would go, he may try to bring up a subject or
3 two with someone that he wasn't really sure
4 where it might go. Maybe a musician he had
5 never met before he would ask questions that,
6 if he felt they were leading to a good
7 conversation, they would keep pressing; if
8 not, he would let it go.

9 Q. Did you leave the Bubba show on good
10 terms?

11 A. Yes, I did.

12 Q. When you were on the show, you said
13 earlier that Bubba was your boss. Did you
14 work directly with him?

15 A. Yes. Daily.

16 Q. Closely with him?

17 A. Very closely.

18 Q. And you spent a lot of time with him
19 on the show, correct?

20 A. The only time I spent with him was
21 during the show.

22 Actually, outside of the show, I think
23 we lead two very different personal lives.

24 One of the stipulations of me coming on board
25 when he hired me was that he knew that I was

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1 whether or not this is legitimate or show
2 schtick, that is hard for me to say, because
3 I don't have that experience with him outside
4 of the show; but it is certainly something I
5 have heard while listening.

6 Q. Talking now about what was said off
7 the air. Do you remember Bubba saying off
8 the air, while you were working there, that
9 Heather would have sex with other men, while
10 they were married?

11 A. No, I do not.

12 Q. Do you remember other people at the
13 radio station telling you that Heather would
14 have sex with other men, while she was
15 married to Bubba?

16 A. No, I do not.

17 Q. Was Heather ever on the air, on the
18 radio show?

19 A. Yes.

20 Q. Do you remember her ever discussing
21 or ever saying on the radio show that she was
22 having sex with other men while she was
23 married to Bubba?

24 A. I can say pretty clearly that I don't
25 ever recall her stating anything like that.

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STATE OF VERMONT
COUNTY OF CHITTENDEN

I, CHRISTINA L. BOERNER, Court Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of DAVID RICE; and that the transcript is a true and complete record of my stenographic notes.

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

DATED this 10th day of March,
2015.

Christina L. Boerner, RPR

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