

# **EXHIBIT 8**

**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,

vs.

Case No.  
12-012447-CI-011

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

Defendants.

DEPOSITION OF: RICHARD D. PEIRCE

DATE: January 27, 2015

TIME: 3:10 p.m. to 5:35 p.m.

PLACE: Riesdorff Reporting Group  
100 Second Ave. S.  
Suite 104-S  
St. Petersburg, Florida

PURSUANT TO: Notice by counsel for Defendants  
Gawker Media, LLC, et al., 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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ALSO PRESENT:

Judge James R. Case

1 Q. Tell me a little bit about the show, how  
2 would you describe Bubba's show at that time?

3 A. On satellite?

4 Q. Yeah.

5 A. Insane, frat house, just fun. We were on  
6 this channel with Howard Stern, and, you know, we  
7 always -- I tell everyone now that the shows we did in  
8 2007 and 2008 were better than Howard's. We always --  
9 we put on a good show. We had a fun show. It was  
10 insanity.

11 Q. In what way?

12 A. A good way, organized chaos.

13 Q. Who did you-all try to appeal to?

14 A. Men. A big thing with satellite was  
15 truckers, because they would drive across the country  
16 and didn't have to worry about signals dropping. So a  
17 lot of listeners were truckers on the road and that --  
18 I don't want to stereotype -- but that mentality. And  
19 that's where we came from. We were definitely a dirty,  
20 juvenile show.

21 Q. During that 2006-to-2010 period, was Bubba's  
22 show controversial?

23 A. Oh, yeah. That's why it worked.

24 Q. In what way?

25 A. Which way? Every way. I don't think there

1 was a way we weren't.

2 Q. Give me an example.

3 A. Well, with satellite? Well, it's the type of  
4 the things we put on the air, the phone callers we  
5 would put on. I remember we put on a phone caller that  
6 said that he had an intercourse with cows, so we had a  
7 whole half-hour conversation with the guy about  
8 intercourse with a cow. Those are things you don't  
9 hear every day, and not many people could have a  
10 conversation like Bubba could about that.

11 Q. Right. But he also do some serious stuff  
12 too?

13 A. Absolutely.

14 Q. Some commentary?

15 A. Yes, absolutely. We covered news. We put a  
16 spin on it, but we would cover big news stories, and we  
17 were topical, but we were also juvenile and dirty.

18 Q. So I guess you-all talked about sex on the  
19 show?

20 A. Oh, yeah.

21 Q. Was that a big topic for Bubba?

22 A. You're asking me if it's a certain proportion  
23 of the show?

24 Q. Well, was it something that he regularly  
25 talked about?

1           A.    Oh, yes, absolutely.  We'd have people call  
2 in and have sex on the air.

3           Q.    So I take it some of these things were fairly  
4 graphic?

5           A.    Yes.  We were on satellite for a reason.

6           Q.    Do any examples stand out in your mind?

7           A.    No.

8           Q.    You-all had strippers for guests?

9           A.    Several times.

10          Q.    Porn stars?

11          A.    Several times.

12          Q.    Prostitutes?

13          A.    I don't know.  I'm sure some were, but no, I  
14 don't think anyone ever said, I'm a hooker.  No, we  
15 probably -- we talked to -- what was the big one in New  
16 York?  Eliot Spitzer when that thing all came out, I  
17 remember we had some escorts on the air discussing the  
18 business, so, yeah, we purposely talk to hookers as  
19 well.

20          Q.    Would Bubba and the other on-air talent talk  
21 about their own sex lives?

22          A.    Yes.

23          Q.    Bubba in particular?

24          A.    I can remember him talking about his sex  
25 life, usually making fun of himself, but he did bring

1 it up and talk about it.

2 Q. Why did the show focus on sex like this?

3 A. It's to our audience. That's what those --  
4 that's what guys wanted to hear.

5 Q. Was it something that the show became known  
6 for?

7 A. I don't think we would be known as just a sex  
8 show about sex, no. I think we were a show about  
9 controversy and being funny.

10 Q. But that was one the things within the  
11 constellation of stuff that you-all did that was  
12 controversial and funny?

13 A. Yes.

14 Q. So during this whole period of time Sirius  
15 was broadcasting -- sorry. Between the time that you  
16 came back in 2006 to the time you left in December  
17 2010, Sirius was broadcasting that whole time?

18 A. Yes.

19 Q. Was it also on Cox at that time?

20 A. Which started on Cox on January 8th of 2008,  
21 and that's when they were doing two shows. We did two  
22 shows, mornings on Cox, afternoon on Sirius. I think  
23 for two years they did that, and then the last year  
24 Sirius just replayed our shows from the morning, except  
25 for Fridays where we gave them a live show one day per

1 Q. What kind of content?

2 A. Well, we had porn stars as guests, so  
3 whatever they were talking about. We did quite a few  
4 graphic things that was filmed. We had one of our guys  
5 have a sex act with a rubber vagina. That was filmed  
6 for Bubba Raw. We did shockings with shock collars,  
7 dog shock collars to certain parts of the anatomy on  
8 Bubba Raw. We did some dating games sometimes for porn  
9 stars that were filmed Bubba Raw. I don't know if they  
10 ever had sex on those, but, yeah, it was part of it.  
11 It was never porn. We never showed anything that was  
12 pornographic --

13 Q. Right.

14 A. -- but definitely alluding to sex.

15 Q. But there was nudity on there at times?

16 A. Yes.

17 Q. Switching gears slightly, when you worked at  
18 the show, was it produced at his studio on Lemon  
19 Street?

20 A. Yes.

21 Q. Tell me a bit about the layout of the studio.

22 A. The on-air studio or the whole office?

23 Q. The whole office. It was like a separate  
24 little building?

25 A. Yeah. We had little -- it was the bottom



1 floor. It was a two-story building, and it was about  
2 2,500 square feet. And when you would walk in, and  
3 there was a hallway that was kind of angled. And right  
4 here was Bubba's office, and right there was the studio  
5 that kind of went along the front of the building. And  
6 then there were two more offices for the producers,  
7 Matt Loyd and Brent Hatley.

8 And then there was a kitchen area, a bullpen  
9 area where the phone screeners sat and some interns  
10 sat. And there was an engineering room where all the  
11 equipment routed to.

12 And then there was the office that I shared  
13 with -- his name was Steve Miller. He did the  
14 videography for Bubba Raw. In between the engineering  
15 team and my office was a studio, a production studio,  
16 for Carl Harris. I forget. I left that out. Then the  
17 back was just a couple of work stations and a studio  
18 for Manson to create parody elements.

19 Q. Okay.

20 A. And there was a green room too off the side  
21 where we would have guests sit and wait.

22 Q. Through the various offices, were there  
23 cameras -- or, I'm sorry, let me ask a different  
24 question.

25 Throughout that whole space, the

1 2,500-square-foot space, were there cameras, like video  
2 cameras?

3 A. The Bubba Raw video cameras that were  
4 filming?

5 Q. Or security cameras, mounted cameras.

6 A. There were both.

7 Q. Where were the mounted cameras?

8 A. I believe everywhere was under surveillance,  
9 except for my area because that was enclosed later and  
10 it was blocked off.

11 Q. But each of the other rooms --

12 A. The entrances had them. The green room had  
13 one. I believe one was in the on-air studio. There  
14 was some exterior ones as well.

15 Q. Was there any, like, in Bubba's office or in  
16 Matt Loyd and Brent Hatley's office?

17 A. No, no.

18 Q. Were there any in the bullpen area?

19 A. Yes.

20 Q. In the control room?

21 A. The control room being the on-air studio?

22 Q. Yeah.

23 A. I think there was -- there were two in there.

24 Q. What were those cameras used for?

25 A. I'm assuming they originally were installed

1 for security, but we would use them -- because our  
2 Bubba Raw wasn't nonstop constantly someone with a  
3 camera, sometimes you would miss things, so we would  
4 pull video from the security footage and put them in  
5 the bits that we would edit for on air.

6 One that comes to mind right now is one of  
7 our guys, his nickname was Pantera. His real name is  
8 Steve Petrick. He had a seizure, and it happened on  
9 camera, and we just, you know, we referred to that to  
10 show people, you know, Hey, he's having a seizure. So  
11 we did use it for things like that.

12 Q. And from what I understand, sometimes they  
13 were used for gags in the green room with guests?

14 A. Oh, yeah. We would always -- we secretly  
15 miked up the green room so they wouldn't know they were  
16 being listened to, and we would always do that. We  
17 would use that for bits.

18 Q. Tell me a little bit about the setup of  
19 Bubba's office and the office that Brent Hatley and  
20 Matt Loyd shared?

21 A. They didn't share an office.

22 Q. Did Brent and Matt Loyd share?

23 A. No, they didn't share an office.

24 Q. They were in separate offices?

25 A. They were right next to each other, in the

1 Q. Okay. Earlier, you had mentioned that you  
2 had been to Bubba's house?

3 A. Uh-huh (Indicates affirmatively).

4 Q. Did you know when you worked for him whether  
5 there were cameras at his house?

6 A. I knew that there were cameras at his house.  
7 I don't know when I found that out.

8 Q. What did you know about there being cameras  
9 in his house?

10 A. I knew he had surveillance cameras in his  
11 house similar to what we had at the studio.

12 Q. How did you know that?

13 A. I don't remember how I knew that.

14 Q. Was it something that Bubba would discuss?

15 A. He would talk about that all the time, nanny  
16 cams and stuff like that.

17 MR. HARDER: I'm sorry?

18 THE WITNESS: Nanny cams. He talked about  
19 cameras at his house. I remember it being  
20 mentioned, not every day, but I remember him  
21 mentioning it.

22 BY MR. BERRY:

23 Q. What kind of things would he say?

24 A. I don't remember the context of him  
25 discussing it.

1 with Heather?

2 A. A little bit. I seen her at the gym a couple  
3 times. We have the same gym. We used to, at least,  
4 here and there.

5 Q. Anything else?

6 A. No.

7 Q. Do you ever socialize with her?

8 A. She will say something on Facebook. Like, I  
9 have a puppy, so she likes pictures and things but, you  
10 know, cordial. I have nothing against her.

11 Q. While you were working at the show, were you  
12 aware the Clems had an open marriage?

13 A. No. But I did get an e-mail -- I used to go  
14 to the show e-mail to bring in to talk about on the  
15 radio. And one person one day sent me -- they sent the  
16 show an e-mail, show@btls.com. It was -- I don't think  
17 it was Craigslist, but it was a web ad about, Have sex  
18 with this girl, and it was a picture of her. And I  
19 just, you know, quietly was like, Hey, this is out  
20 there. I just -- I don't know if this fake or not.

21 And he looked at it and just kind of brushed  
22 it off.

23 And I was like, That's weird.

24 That's the one thing that -- maybe it's  
25 from everything being at least -- I remembered that,

1 sleeping with other men?

2 A. No.

3 Q. For the time period after you left the radio  
4 show but before the images from the sex tape came out  
5 on the Internet, did you hear anything about Heather  
6 sleeping with men other than Bubba?

7 A. I believe before the screen caps came out, I  
8 started hearing that there was a sex tape that she was  
9 in. And then when he they came out, I was like, Okay,  
10 it's true.

11 Q. When you talk about screen caps, you mean the  
12 still images from the sex tape involving her and  
13 Hulk Hogan?

14 A. Yes.

15 Q. When did you hear those rumors?

16 A. I don't remember exactly when. I would guess  
17 within a couple months of them coming out, because I  
18 heard it for awhile. It was just gossip, like, There  
19 is a sex tape out there with them. And, again, radio  
20 people are gossipers, so you get on the phone and  
21 you're like, Hey, do you know anything about this?  
22 Have you heard anything about that? Have you seen  
23 them?

24 And then I was always saying there is no way  
25 that's possible. And then when they came out, that's

1 when I was like, Oh, it's possible.

2 Q. Who did you hear the gossip from?

3 A. I don't remember. I think a lot of it was on  
4 the message boards and things like that. There were a  
5 lot of boards dedicated to the show. I think it was on  
6 there.

7 Q. Did you ever have a discussion with anybody  
8 the possibility of a sex tape being out there prior to  
9 anything being published on the Internet?

10 A. Discussing rumors about it, I'm sure I did.

11 Q. With who?

12 A. I think Matt Calta was one. I think just  
13 some people I used to work with in radio. One girl  
14 name Lana, that I would go see. She had dogs, so we'd  
15 go to the dog park. We talked about it, because,  
16 again, it spread through radio pretty quick.

17 And people who still worked local, they would  
18 ask me whenever they would see me, Do you know anything  
19 about it.

20 And I was like, No, just what you hear.

21 Q. So it sounds like you had multiple  
22 conversations with people around this time about rumors  
23 of there being a sex tape?

24 A. I probably had two to four.

25 Q. In addition to Calta or Lana?

1           A.    No, they're included.

2           Q.    Did you have any e-mails or texts with people  
3 about those rumors?

4           A.    I had an instant message sent to me with a  
5 timeline of the tapes.

6                    And when that happened, I sent it to Mike  
7 saying, I guess it's real, or said something like, Hey,  
8 it's true, or, This is what's out there. I don't  
9 remember I said to him. But I know I had the timeline  
10 instant-messaged to me.

11          Q.    Who you did you get the instant message from?

12          A.    I don't know. It was one of the weird radio  
13 board names. It was something -- our show had a lot of  
14 strange sayings, like McGillicutty and weird things.  
15 So a lot of the fans, the Bubba Army would take those  
16 names as handles and post. And I would get things like  
17 the hate, saying, I can't believe you're off the show,  
18 just unanimous people. We'd call them keyboard tough  
19 guys. And it was something like that, but I don't  
20 remember the name or handle.

21          Q.    So it was not somebody that you knew?

22          A.    Not by the name, no.

23          Q.    Did you communicate back with him?

24          A.    I don't remember, because I think it was sent  
25 to me when I wasn't at my machine. And when I came



1 recall the message boards having discussions about a  
2 sex tape involving Hulk Hogan and Heather?

3 A. I believe that's what I saw. I don't  
4 remember exactly where the rumor started, because it  
5 wasn't just people that were in the satellite world.  
6 Like I said, it was rumors in the terrestrial world  
7 too. It got around in radio to people kind of fast.

8 Q. Prior to receiving the instant message, how  
9 long had it been that you had been hearing the rumors?

10 A. I would say no more than a couple of months.

11 Q. While you were working at the show, were you  
12 aware of any video recordings of Heather engaging in  
13 sexual activity with men other than Bubba?

14 A. No.

15 Q. Had you heard any talk about that?

16 A. No.

17 Q. Between the time period that you stopped  
18 working on the show to seeing these postings on the  
19 message boards that you mentioned, did you hear any  
20 talk about video recordings of Heather engaging in  
21 sexual activity with men other than Bubba?

22 A. You said when I was with the show?

23 Q. Between the time when you left the show and  
24 then first seeing the stuff on the message boards?

25 A. Something started the rumor. I don't

1 remember what it was, what the content was.

2 Q. But you weren't aware of anything prior to  
3 those rumors coming out?

4 A. No, no, not at all.

5 Q. I'm going to show you a -- so I take it you  
6 haven't heard Bubba discussing any videos of Heather at  
7 the station?

8 A. No, not when I was there. I didn't listen to  
9 him a lot when I left.

10 Q. While you were there -- I'm sorry. That's  
11 all I'm asking about, is the time period you were there  
12 between '06 and '10.

13 A. I don't remember any conversations about  
14 that, no.

15 Q. Did he ever show videos to people at the  
16 station of Heather?

17 A. Yes.

18 Q. What kind of videos?

19 A. He'd show topless photos of her on his phone.  
20 He shot a wet T-shirt of video her in her shower that  
21 he had edited for -- I think we posted that on Bubba  
22 Raw, so there were -- we had all seen her naked.

23 Q. How often would he do that?

24 A. I can only speak for how often I saw them,  
25 and I saw a couple, maybe three over the course of --

1 they were married -- they got married when I first went  
2 back, so that was '08, I left in '10, so in that time  
3 frame.

4 Q. Were you aware of him ever sending those  
5 images or videos to people?

6 A. No.

7 Q. Did he ever ask anybody at the station to put  
8 those images or videos onto disks?

9 A. He never asked me.

10 Q. And you're not aware of him asking anybody  
11 else?

12 A. No.

13 Q. Tell me a little bit about the context in  
14 which he would show these pictures of Heather to you.

15 A. I remember one time I was telling me how to  
16 do the -- it's when you used to have to tap a bunch to  
17 text. It was an old phone; it wasn't a smart phone,  
18 you know. So I had to switch his phone where you could  
19 just type in letters instead of hitting like three  
20 times for "C" and things like that. And one popped up  
21 then.

22 And I was like, Oh, I don't want to see this.

23 And then he showed me a couple. And then he  
24 just -- he did it like a bragging thing. She's  
25 good-looking for him, especially.

1 Q. Do you know whether he showed them to people  
2 other than you?

3 A. I do not.

4 Q. Did he ever talk about having pictures of  
5 Heather naked to people other than you?

6 A. He would put pictures, pretty graphic  
7 pictures on -- we didn't do Twitter pictures then. But  
8 she would do photos shoots where she was practically  
9 nude all the time, and he put them on Bubba -- he put  
10 them on the website, bikini shots, and she did  
11 things -- she was big with pets. And there was some --  
12 she was posing in like lingerie with dogs, and he would  
13 put those photos up. She shot a calendar once too.

14 Q. But the pictures that you saw when he showed  
15 you individually were naked?

16 A. Yeah, just topless.

17 Q. Okay. He wasn't -- was he putting topless  
18 pictures on the Internet?

19 A. The ones from the pet things were pretty --  
20 you could see everything. So, I mean, was there  
21 something covering, yes. But were they completely  
22 nude? I don't remember them being completely nude, but  
23 there might have been her hand -- they were suggestive  
24 photos.

25 Q. Did he ever show you pictures of her being

1 Q. Do you recall a woman named Akira --

2 A. Yes.

3 Q. -- who is featured on the Bubba show?

4 A. Yes, I do.

5 Q. Who is she?

6 A. She was -- well, she's a porn star. Back  
7 then we called her "our show whore."

8 Q. Why was that?

9 A. Just what she was. She was -- she would come  
10 in and just -- she was just naked all the time and  
11 just -- she was at a website. Back then it was a solo  
12 site, and Bubba was a partner in that, I think, him and  
13 Hammil. He and Hammil were partners in that.

14 Q. Do you recall a couple incidents where Matt  
15 Loyd had sex with her?

16 A. They talked about that, yes.

17 Q. And do you recall that at least two of the  
18 sexual encounters were recorded?

19 A. They played audio from it on the show.

20 Q. Okay. You recall that being played?

21 A. Oh, yeah.

22 Q. And I want to play -- mark something as an  
23 exhibit. I think we're up to the Exhibit 111.

24 (Exhibit No. 111 was marked for  
25 identification.)

## CROSS-EXAMINATION

1  
2 BY MR. HARDER:

3 Q. Do you know who a Tony Burton?

4 A. That's Matt Calta's agent.

5 Q. Do you know who else Tony Burton represents  
6 as an agent?

7 A. Artie Lange, Ralph Macchio, I have heard that  
8 talked about. Those are two that come to mind.

9 Q. Does he or did he represent Bubba, do you  
10 know?

11 A. No.

12 Q. Does he or did he represent Howard Stern, do  
13 you know?

14 A. His boss, Don Buchwald, represents Howard  
15 Stern, his agency.

16 Q. Did you ever talk to Tony Burton?

17 A. No.

18 Q. Never in your life?

19 A. I think we were introduced once. We were at  
20 the same birthday party for Mike, but I don't remember  
21 any conversations with him.

22 Q. Did you ever talk to Mike Calta about Tony  
23 Burton?

24 A. I don't remember any conversations.

25 Q. Any conversations with Mike Calta relating to

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REPORTER'S CERTIFICATE

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, Aaron T. Perkins, Registered Professional Reporter, certify that I was authorized to and did stenographically report the deposition of RICHARD D. PEIRCE; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, 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 30th day of January 2015.

  
Aaron T. Perkins, RPK