

Exhibit 1

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
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1 Q. How did you select him to be the best man at
2 your wedding?

3 A. He's my best friend. It's pretty much that
4 simple.

5 Q. Were there ever any things about Hulk that
6 you didn't admire?

7 A. No.

8 Q. Any qualities that you didn't like about him?

9 A. Uh-uh (Indicates negatively), no.

10 Q. Was he, during this time period that you-all
11 were best friends, was he very supportive of you?

12 A. Yes, very much.

13 Q. In what ways?

14 A. Well, in 2002 when I got fired from Clear
15 Channel, my radio career was very much in jeopardy.
16 And there were two -- two of my friends that stepped up
17 and -- and, you know, although it was a little bit of a
18 touch-and-go situation as to whether I was going to be
19 paid by Clear Channel -- I ended up being paid -- it
20 took a while to shake out.

21 But Mr. -- Mr. Bollea, his wife Linda, and
22 another good friend of mine, Richard Fabrizi, both made
23 contact with me and said, Listen, we won't let you go
24 without; if you need money for your car payment or for
25 your house payment or for Tyler, I gotcha. So, I mean,

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 bedroom was -- looked like a motion detector, And the
2 other cameras were very, you know, they were cameras
3 but they were not easily -- easily seen.

4 Q. So looking at your front door, where was the
5 camera?

6 A. It would have been, as you walk up to the
7 front door, it would have been in the back of you in a
8 little nook corner, a very small camera.

9 Q. And what did it look like?

10 A. It was just a little -- a little camera, like
11 a lipstick camera. If you didn't know what you were
12 looking for, you wouldn't necessarily see it.

13 Q. How big was it?

14 A. Teeny, tiny, like the size of a -- yeah,
15 something similar to that, something similar to like
16 that.

17 Q. Like a Sharpie highlighter?

18 A. Yeah. Painted it the general color of my
19 home.

20 Q. And what about the one in the back door?

21 A. The back door was the same. And then the
22 motion detector, one was in my bedroom and in the
23 garage.

24 Q. Okay. And what did those cameras -- the
25 camera in your bedroom look like?

1 A. They looked like a motion detector.

2 Q. Describe what you mean by that.

3 A. Well, they looked like -- like a -- like a
4 motion detector. It's like --

5 MR. DIACO: For a security system.

6 THE WITNESS: Yeah, like a security system.

7 BY MR. BERRY:

8 Q. How big was it?

9 A. Maybe the size of that coaster with a
10 little -- with a little motion detector screen on it.

11 Q. So three, four inches?

12 A. Yeah. I would say three and a half, four
13 inches.

14 MR. DIACO: Sort of like that.

15 THE WITNESS: Yeah. Very -- almost identical
16 to that.

17 BY MR. BERRY:

18 Q. Like the motion detector in the corner of
19 Thomas & LoCicero --

20 A. Right, yeah.

21 Q. -- conference room?

22 A. That's a very good example of it.

23 Q. Did people know that you had cameras in your
24 house?

25 A. No. For the most part, no.

1 A. Again, this was the day after when I'm
2 spewing venom in cover-your-ass mode and, you know,
3 everything -- there is no fact at all on that tape, on
4 that particular segment.

5 Q. Was Heather driving him insane to have sex
6 with her?

7 A. I don't know. You might want to ask her.

8 Q. In your presence?

9 A. I don't know. I think that she was flirty,
10 you know, and found him very attractive. But I
11 wouldn't say drive -- I can't really estimate what your
12 opinion of "drive crazy" is, but it certainly **was**
13 **absolutely, unequivocally not his idea, period.**

14 Q. Tell me about the conversations that you
15 recall prior to them having sex as between her, him,
16 and you, the three of you-all together having a
17 conversation?

18 A. I don't recall of any.

19 Q. Did you ever see her having any conversations
20 with him about having sex?

21 A. You would ask me to speculate that. I don't
22 know if -- what type of conversations they have. Terry
23 never, ever spoke to -- I don't know of any instances
24 that Terry spoke to Heather one on one unless it would
25 be calling the house to ask if I was there and to give

1 learned that it was filmed?

2 A. Probably when the TMZ -- I think in the
3 chronological, the way time -- the way things happened,
4 I think TMZ broke it that you guys had it, and it was
5 still images. And then I think the actual minute,
6 however long -- I have never seen the tape in its
7 entirety -- was broke by you guys shortly thereafter.
8 So I'm assuming Mr. Hogan knew about this when TMZ had
9 screen shots of it.

10 Q. Okay. When you download something from that
11 DVR recording device that you were talking about with
12 these cameras, do you need a monitor to do that?

13 A. Yes.

14 Q. And so at that point, did you -- when you
15 decided to download this, were you able to see them
16 having sex on the recording?

17 A. No, not per se. I -- I had a DVD burner that
18 had a small flip-up monitor to it. And all you'd have
19 to do is scroll through the hard drive, find time
20 points as to where it was and know approximately how
21 long it was. I mean, I guess if you physically stayed
22 in the room and watched it download and record real
23 time, you could watch the whole thing. I, obviously,
24 don't have that much time, so I -- when I captivated
25 this particular element, it had a start. And I could

1 have checked on it a few times to make sure it was done
2 or what have you. But I didn't watch it when it was
3 being transferred from hard drive to disk.

4 Q. And when -- and when Heather and Hulk had
5 sex, was it arranged that they would do it in the
6 bedroom to ensure that it was being taped?

7 A. No. I mean -- no. It wasn't prearranged,
8 no. Not like that, no.

9 Q. Was it ever discussed where they would have
10 sex?

11 A. No.

12 Q. Why did you burn the DVD?

13 A. I don't know. Obviously, you know, it was
14 very much an error in judgment, and so I can't
15 necessarily tell you why other than it's the biggest
16 mistake I have made in my life.

17 Q. But what were you thinking at that point?

18 A. I don't know. I don't know. Obviously, I
19 wasn't thinking clearly.

20 Q. Did you ever discuss it with anybody else?

21 A. Not to my knowledge.

22 Q. How soon after they had sex did you burn that
23 DVD?

24 A. You know, I can't recall what my time period
25 with the unit as to how many days before it recorded --

1 that it went over itself. So it was within, I would
2 say -- safely say within 14 days of it, because I
3 think -- the best I can recall, I think my DVR taped
4 over itself or hard-driven over itself 14 to 16 days.
5 So it was within that time period.

6 Q. But you don't have a better recollection of
7 whether it was that night, the next day --

8 A. No.

9 Q. -- two days later?

10 A. No. I don't have a recollection as to
11 actually within that time period. It would be safe to
12 say within two weeks.

13 Q. Did Heather know that you burned that DVD?

14 A. Yeah, I think so.

15 Q. At what point did she learn that?

16 A. I don't know when we had that discussion, but
17 she knew.

18 Q. Was it within that same two-week time frame?

19 A. Yes.

20 Q. And what was -- how did it come up that she
21 knew?

22 MR. GOLD: Objection to the extent it calls
23 for a discussion of a marital privilege
24 communication.

25 MR. DIACO: Join.

1 BY MR. BERRY:

2 Q. After you burned that DVD, you're in your
3 closet. You have the DVD in your hand, right? You
4 take it out of the machine?

5 A. Yes.

6 Q. What did you do with it?

7 A. I labelled it "Hogan" and put it in my
8 office.

9 Q. When you say you labelled it "Hogan," did
10 you, like, physically write on the disk?

11 A. Yes. With a Sharpie.

12 Q. And what office did you put it in?

13 A. My personal office at home.

14 Q. And where is that located in connection with
15 your bedroom?

16 A. Fairly close. It's the next room over.

17 Q. Where in your office did you keep it?

18 A. In my lower -- lower drawer where I keep, you
19 know, various stuff.

20 Q. The lower drawer of your desk?

21 A. Yes.

22 Q. Was that locked?

23 A. No.

24 Q. And why did you decide to keep it?

25 A. I don't know.

1 Q. After you burned the thing and you put it in
2 your desk, why did you decide to hold on to it?

3 A. I can't -- I don't know. Obviously, it was a
4 huge error in judgment.

5 Q. I assume I know the answer to this question,
6 but did Hulk ever watch the tape of him --

7 A. No.

8 Q. -- and Heather having sex?

9 A. No.

10 Q. Did Heather?

11 A. I don't know.

12 Q. But you never watched it with her?

13 A. No.

14 Q. You never saw her watch it?

15 A. No.

16 Q. And Hulk never had a copy of the tape?

17 A. Never.

18 Q. And when -- and just to clarify, when I say
19 "tape," I mean the disk.

20 A. Sure.

21 Q. And so the first time that you ever talked
22 about the existence of a sex tape was after the press
23 reports started coming out?

24 A. Yes.

25 Q. Did you ever talk about using the tape of

1 Heather and Hulk having sex to make money?

2 A. Never ever, ever.

3 Q. And I will show you a document. What are we
4 up to here? It will be Exhibit 56.

5 (Exhibit No. 56 was marked for
6 identification.)

7 BY MR. BERRY:

8 Q. And this is a website report from TMZ dated
9 October 9, 2012, titled, Bubba the Love Sponge Knew
10 Hulk Hogan Sex Tape Could be Worth a Fortune. Just
11 take a minute to review that.

12 A. I'm familiar with this.

13 Q. So you've read this?

14 A. I'm familiar with this.

15 Q. Okay.

16 A. Yeah.

17 Q. So in that second paragraph, it says that TMZ
18 has seen the last few minutes of Hulk's leaked sex
19 tape, and then it kind of goes on.

20 "Moments after the deed is done and Hulk
21 leaves, Bubba says to his wife, quote, If we ever did
22 want to retire, all we'd have to do is use this
23 footage.

24 "His wife shoots back, quote, You'd never do
25 that, closed quote. Bubba then tries to recover

1 saying, quote, I wouldn't do that. You'd be the
2 biggest rat. You'd be dead."

3 Do you recall that conversation?

4 A. No, I don't. And I, through discovery and
5 stuff, would love to see this or hear this, so I -- I
6 don't know if I can necessarily take TMZ's word for
7 this. I don't know why you guys haven't produced that.
8 It would certainly be interesting to hear.

9 Q. So you have no recollection of that?

10 A. No. I would like to -- to hear this
11 firsthand. And if I -- and if I did say it, obviously,
12 I'm speaking as a smart ass showing off. Secondly, I
13 wouldn't do that ever, which is evident by this
14 hearsay. And -- and, thirdly, I would love to be able
15 to validate that this indeed -- this is very important.
16 And I don't -- why you guys have not produced this
17 is -- it befuddles me. Again, I'm not in the legal
18 wranglings like you guys are, but this is, you know --
19 I would like love to be able to validate that, if
20 indeed I say that. And if I did, then, obviously, I
21 didn't sell it, nor would I ever. You guys didn't get
22 it from me.

23 Q. But you didn't hold onto the tape to try and
24 sell it?

25 A. Absolutely not.