

Exhibit 4_C

1 IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
2 IN AND FOR PINELLAS COUNTY, FLORIDA
3 CIVIL DIVISION

4 TERRY GENE BOLLEA,
5 professionally known as HULK
6 HOGAN,

7 Plaintiff,

8 Case No.
9 12-012447-CI-011

10 vs.

11 HEATHER CLEM; GAWKER MEDIA,
12 LLC, aka GAWKER MEDIA, et
13 al.,

14 Defendants.

15 _____/
16 CONFIDENTIAL

17 VIDEOTAPED
18 DEPOSITION OF: HEATHER COLE,
19 formerly known as
20 HEATHER CLEM

21 DATE: January 26, 2015

22 TIME: 10:07 a.m. to 1:59 p.m.

23 PLACE: Bajo, Cuva, Cohen & Turkel, P.A.
24 100 North Tampa Street
25 Suite 1900
Tampa, Florida

PURSUANT TO: Notice by counsel for Defendant
Gawker Media, LLC, 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

Pages 1 to 125

1 the last 24 hours that you feel would affect your
2 ability to recall events or answer truthfully?

3 A. No.

4 Q. When did you first meet Bubba Clem?

5 A. 2002, I think.

6 Q. And when did you marry Bubba Clem?

7 A. January 2007.

8 Q. And you eventually got divorced?

9 A. Correct.

10 Q. And when was that?

11 A. Three and a half years ago.

12 Q. Do you recall the year?

13 A. I think 2012.

14 Q. Do you recall when you first met Terry

15 Bollea?

16 A. Yes.

17 Q. And when was that?

18 A. At a 4th of July celebration.

19 Q. Do you recall the year or approximately?

20 A. Within two years of meeting Bubba.

21 Q. So maybe 2004, you think?

22 A. Possibly.

23 Q. How would you describe your relationship with

24 Terry Bollea during the first, say, two years that you

25 knew him?

1 A. He was Bubba's best friend.

2 Q. And approximately how many times would you
3 see him in a given year, would you estimate? I'm --
4 and the time frame is 2004 to 2006, somewhere around
5 there.

6 A. To the best of my knowledge, maybe five or
7 less times a year.

8 Q. Do you recall either you or Bubba Clem ever
9 telling Terry Bollea that you and Bubba had an open
10 marriage or an open relationship?

11 A. No, I do not recall.

12 Q. Did you and Bubba Clem have an open
13 relationship?

14 A. Can you be more specific, please?

15 Q. At the time prior to your marriage, did you
16 and Bubba Clem have sexual relations with anyone other
17 than you and Bubba Clem?

18 A. Occasionally.

19 Q. Do you refer to that as an open relationship
20 or another term?

21 A. For the purpose of this, I can refer to it as
22 an open relationship.

23 Q. Okay. And then when you were married to
24 Bubba Clem, did you have an open marriage in the same
25 context that I just described?

1 Prior to the third sexual encounter, do you
2 recall any communications that you had with either
3 Mr. Clem or with anyone else regarding having sex with
4 Terry Bollea a third time?

5 A. No, I do not recall.

6 Q. What do you recall about the third sexual
7 encounter that you had with Terry Bollea?

8 A. That we had sex.

9 Q. Do you recall anything else during the time
10 that you had sex -- well, strike that.

11 Other than the fact that you had sex, do you
12 recall anything else about the third sexual encounter
13 with Terry Bollea?

14 A. No.

15 Q. Do you recall any communications that you had
16 with Bubba Clem or Terry Bollea or anyone else after
17 the third sexual encounter regarding the third sexual
18 encounter?

19 A. Yes.

20 Q. What do you recall?

21 A. At some point after the encounter at our
22 house with Mr. Bollea, Mr. Clem showed me a videotape
23 of myself and Mr. Bollea having sex.

24 Q. How long did you watch that footage? Was it
25 a few seconds or a few minutes or the whole thing?

1 A. I did not watch it. It was brief.

2 Q. What was your response to Mr. Clem when he
3 showed you that?

4 A. I was upset.

5 Q. Do you recall what you said to Mr. Clem or
6 what Mr. Clem said to you?

7 A. I recall being upset.

8 Q. Did you shout?

9 A. I don't recall.

10 Q. I assume that you had no idea before the
11 third sexual encounter that it was going to be filmed?

12 A. Can you ask me that in a question?

13 Q. Sure.

14 Did you have any idea before the sexual
15 encounter happened that it was going to be filmed?

16 A. No.

17 Q. The first time that you learned of the
18 filming of any sexual encounter with Terry Bollea was
19 after the third encounter, correct?

20 A. Yes.

21 Q. Did you ever have any communications with
22 Terry Bollea regarding sex after the third sexual
23 encounter?

24 A. Not that I recall.

25 Q. You never told Terry Bollea that the

1 encounter had been filmed?

2 A. No.

3 Q. To the best of your knowledge, was there only
4 one sexual encounter that you had with Terry Bollea
5 that was filmed?

6 A. To the best of my knowledge, yes.

7 Q. To the best of your knowledge, did Bubba Clem
8 ever tell Terry Bollea that he had been filmed having
9 sex with you?

10 A. I don't know.

11 Q. Did you ever have any conversations at all
12 with Terry Bollea regarding the subject of filming of
13 sex?

14 A. No.

15 Q. The first sexual encounter that you had with
16 Mr. Bollea at his house, was that in a private bedroom?

17 A. Yes.

18 Q. And was the door closed?

19 A. I don't recall.

20 Q. Was there anyone else who was in the room
21 besides you and Mr. Bollea?

22 A. Not that I'm aware of.

23 Q. Did you believe it was a private encounter,
24 the first sexual encounter?

25 A. Yes.

1 Q. The second sexual encounter at the hotel room
2 in Tennessee, to your knowledge, it was just you and
3 Mr. Bollea in the room?

4 A. Correct.

5 Q. And was it your understanding that it was a
6 private sexual encounter just between you and
7 Mr. Bollea?

8 A. Yes.

9 Q. And the third sexual encounter in your
10 bedroom, it was just you and Mr. Bollea in the room,
11 correct?

12 A. To the best of my knowledge.

13 Q. And to the best of your knowledge, it was a
14 private sexual encounter between you and Mr. Bollea and
15 no one else was watching and no one was filming it,
16 correct?

17 A. Can you restate the question, please?

18 Q. Sure.

19 The third sexual encounter that you had with
20 Mr. Bollea, to the best of your knowledge at the time
21 of the encounter, it was a private encounter between
22 you and Mr. Bollea and, to your knowledge, nobody was
23 watching and nobody was filming?

24 A. Correct.

25 Q. After the third sexual encounter, did

1 divorce.

2 Q. And do you recall the month and year of your
3 divorce?

4 A. No.

5 Q. To the best of your knowledge, did Bubba Clem
6 ever inform Mr. Bollea that a sexual encounter that you
7 had with him had been filmed?

8 A. I'm not aware of any conversation.

9 Q. Did you ever have a conversation with Bubba
10 Clem or anyone else regarding the whereabouts of the
11 sex video?

12 A. Not that I'm aware of.

13 Q. Did you ever have a conversation with
14 Mr. Clem or anyone else regarding how the sex video was
15 stored, for example, on a disk or on a computer or some
16 other type of device?

17 A. When I was shown the encounter, it was on a
18 CD.

19 Q. Did Mr. Clem ever tell you where he kept that
20 CD?

21 A. No.

22 Q. Did you have an understanding about where he
23 kept that CD?

24 A. No.

25 Q. Do you recall that in the spring of 2012

1 MR. GAINES: Thank you.

2 THE VIDEOGRAPHER: Off the record at 12:03.

3 (A recess was taken.)

4 THE VIDEOGRAPHER: On the record at 12:23.

5 BY MR. BERRY:

6 Q. Earlier, Charles had asked you some questions
7 about cameras in the house that you and Bubba lived in.

8 Were you aware that there were cameras in the
9 house?

10 A. I had been told there were cameras outside
11 the house. I was aware of a security camera inside the
12 house.

13 Q. Were you aware that there was a security
14 camera inside the bedroom?

15 A. That's where it was.

16 Q. When was that camera installed?

17 A. On or about the year that Julie and I moved
18 into the house.

19 Q. Why was it installed?

20 A. Bubba had told me that his attorney said it
21 might be a good idea to have a camera in case something
22 ever happened.

23 Q. Inside your bedroom?

24 A. Yes.

25 Q. What was he concerned about?