

Exhibit 45_C

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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.

CONFIDENTIAL

VIDEOTAPED

DEPOSITION OF: HEATHER COLE,
formerly known as
HEATHER CLEM

DATE: January 26, 2015

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

PLACE: Bajo, Cuva, Cohen & Turkel, P.A.
100 North Tampa Street
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

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ALSO PRESENT:

Mike Byrd, videographer
Terry Gene Bollea
Judge James R. Case

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CONTINUED:

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EXHIBITS

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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?

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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?

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1 A. Yes.
2 Q. At some point during the time you knew
3 Mr. Bollea, did either you or Bubba Clem, to your
4 knowledge, raise the issue of you having sexual
5 relations with Mr. Bollea?
6 A. Can you repeat the question, please?
7 Q. Sure.
8 At some point in time when you knew
9 Mr. Bollea, do you recall that either yourself or Bubba
10 Clem raised an issue with Terry Bollea that possibly
11 you and Mr. Bollea would have sexual relations?
12 A. I was asked if I would by Mr. Clem.
13 Q. And can you describe that conversation?
14 A. I don't recall the specific details.
15 Q. Bubba Clem asked you. And do you recall what
16 your answer was?
17 A. I said I would.
18 Q. Do you recall Bubba Clem communicating with
19 Terry Bollea to say this should be set up?
20 A. I do not.
21 Q. Do you have any recollection of occasions
22 where Bubba Clem and Terry Bollea spoke and it was
23 discussed that Bubba wanted you and Terry Bollea to
24 have sexual relations?
25 A. Not that I'm aware of.

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1 Q. Do you recall the period of time -- well,
2 strike that.
3 Did you have an interest in having sexual
4 relations with Terry Bollea before it occurred?
5 A. No.
6 Q. It was Bubba's desire?
7 A. I can't answer that for him.
8 Q. But Bubba stated that that was his desire?
9 A. He asked a question.
10 Q. Do you recall how many occasions Bubba
11 discussed with you this issue of you having sexual
12 relations with Terry Bollea?
13 A. I do not recall.
14 Q. Can you give me an estimate? Was it more
15 than five times?
16 A. I would estimate five or less.
17 Q. You eventually had sexual relations with
18 Mr. Bollea?
19 A. Yes.
20 Q. Do you recall the number of the encounters
21 that you had with him?
22 A. To the best of my knowledge, I can think of
23 three times that I remember.
24 Q. Do you recall where those sexual encounters
25 occurred?

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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?

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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

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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.

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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

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1 A. I don't know.
2 Q. Did you have anything to do with it?
3 A. No.
4 Q. I assume you were upset when you learned that
5 Gawker had posted the sex video?
6 A. Very.
7 Q. Can you describe how you felt when you
8 learned that it had happened?
9 A. Humiliated, sad, and angry.
10 Q. Do you still feel that way about the
11 publication of the sex video?
12 A. Yes.
13 Q. Do you believe it was wrong for Gawker to
14 have posted the sex video on its website?
15 A. Can you be more specific?
16 MR. GAINES: Are you asking for her personal
17 opinion?
18 BY MR. HARDER:
19 Q. Your personal opinion, do you believe that it
20 was wrong for gawker.com to have posted the sex video
21 of you and Mr. Bollea on its website?
22 A. In my personal opinion, yes.
23 Q. Other than the e-mail exchange that you
24 described with Mr. Clem, do you have any other written
25 communications pertaining to the sex video between you

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1 Q. What discussions do you recall?
2 A. One day I was, I think, making lunch, and I
3 asked Mr. Bollea if he would like some, and we
4 discussed how long it had been since he'd had a
5 home-cooked meal, and he was sad.
6 Q. Do you recall any other discussions with
7 Mr. Bollea at that time that he was living there?
8 A. I think I asked him if he would like me to do
9 his laundry once.
10 Q. At the time that Mr. Bollea was living at
11 your house, is it correct that there were no
12 conversations about the sexual encounters that you had
13 in the past?
14 A. There were none.
15 Q. And there were no communications regarding
16 sex at all; is that right?
17 A. Not with him, no.
18 Q. There were never any discussions with
19 Mr. Bollea at the time that he lived at your house that
20 the encounter that he'd had in the past with you had
21 been filmed?
22 A. There was no discussion.
23 MR. HARDER: Let's take a break. I think I'm
24 at the end of my questions, but I just want to
25 circle with my group here.

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1 and Mr. Bollea?
2 A. No.
3 Q. To the best of your knowledge, Mr. Bollea had
4 no idea there was a camera in the room at the time of
5 your sexual encounter; is that correct?
6 A. Yes.
7 Q. There was no camera that was visible in the
8 bedroom at the time of the sexual encounter; is that
9 correct?
10 A. Not that I'm aware of.
11 Q. You didn't see a camera?
12 A. No.
13 Q. Do you recall a time after your sexual
14 encounters with Mr. Bollea where he lived in a part of
15 your house for a few weeks?
16 A. Yes.
17 Q. Do you recall any discussions that you had
18 with Mr. Bollea at the time that he was living in your
19 house?
20 A. Yes.
21 MR. GAINES: Discussions? I'm sorry. Just
22 an objection. Discussions regarding what?
23 MR. HARDER: Anything.
24 THE WITNESS: Yes.
25 BY MR. HARDER:

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1 THE VIDEOGRAPHER: Going off the record at
2 10:54.
3 (A recess was taken.)
4 THE VIDEOGRAPHER: On the record at 11:05.
5 BY MR. HARDER:
6 Q. Ms. Cole, you're still under oath, just to
7 remind you. I just have a couple follow-up questions,
8 and then I'm going to turn it over.
9 Just to be ultra clear, you have no knowledge
10 regarding who sent the sex video to gawker.com or any
11 other third party, correct?
12 A. I have no knowledge.
13 Q. And you have no knowledge why the video was
14 sent to anyone, correct?
15 A. Correct.
16 Q. Do you have any ownership of the video, to
17 your knowledge?
18 A. No.
19 MR. GAINES: I'm sorry. Just ownership?
20 BY MR. HARDER:
21 Q. Ownership of copyright or anything like that,
22 any intellectual property right, any --
23 MR. GAINES: Thank you.
24 BY MR. HARDER:
25 Q. -- any property type of right that you might