

Exhibit 42_C

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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY

TERRY GENE BOLLEA, professionally
known as HULK HOGAN,
Plaintiff,

No. 12-012447-CI-011

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

Defendants.

VOLUME 1

VIDEOTAPED
DEPOSITION OF: TERRY GENE BOLLEA
DATE: March 6, 2014
TIME: 9:43 a.m. to 1:06 p.m.
PLACE: Riesdorff Reporting Group
601 Cleveland Street
Suite 600
Clearwater, 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: Susan C. Riesdorff, RPR, CRR
Notary Public, State of
Florida

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14 Family Life and Reality TV)
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1 the public?

2 A. No. I don't try to hide anything as far as
3 personality.

4 MR. BERLIN: I would like to just note an
5 objection to coaching the witness in the middle of
6 the deposition.

7 MR. HARDER: I'm not coaching the witness.
8 I'm allowed to talk to my witness in between
9 questions being asked and answered.

10 MR. BERLIN: I'm going to mark this as
11 Exhibit 77.

12 (Exhibit No. 77 marked for identification.)

13 MR. HOUSTON: 77, Counsel? I'm sorry.

14 MR. BERLIN: 77, that's correct.

15 THE WITNESS: Can we take a quick break,
16 please?

17 MR. BERLIN: Sure thing.

18 THE VIDEOTAPE SPECIALIST: Off the record at
19 10:16.

20 (Recess taken from 10:16 a.m. to 10:30 a.m.)

21 THE VIDEOTAPE SPECIALIST: On the record at
22 10:30.

23 BY MR. BERLIN:

24 Q. You understand you're still under oath?

25 A. Yes, sir.

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1 Q. And just before the break, we had marked this
2 book as Exhibit 77.

3 You've seen that before?

4 A. Yes, I have.

5 Q. And that's called "My Life Outside the Ring"
6 by Hulk Hogan?

7 A. Yes.

8 Q. And did you either write or cowrite that?

9 A. Cowrote it with -- I didn't write it. I
10 basically talked with Mark Dagostino, and then he took
11 the video -- or audiotapes and wrote the book from
12 having conversations with me.

13 Q. If I can direct your attention to Page 112 of
14 the book, please. And I'm going to direct your
15 attention to the fifth paragraph on that page. It
16 begins, it's also weird.

17 And it states, "It's also weird to think
18 about the fact that I was doing all of this and the
19 steroids while telling all of my young fans week after
20 week, train, say your prayers, and take your vitamins.
21 That one was like my own Bob Barker catch phrase. I
22 threw that sentiment out into the world day after day,
23 not that there's anything wrong with that message.
24 It's a great message. It was just a little bit
25 hypocritical that my activities behind the scenes

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1 didn't match the role model persona I was putting out
2 there."

3 Is that something you've done throughout your
4 time in the public eye?

5 MR. HARDER: Objection, vague and ambiguous,
6 calls for a narrative, argumentative.

7 THE WITNESS: Could you explain the question
8 to me.

9 BY MR. BERLIN:

10 Q. Well, the passage talks about your activities
11 behind the scenes not matching the role model persona
12 you were putting out there. I'm asking if you've done
13 that at other times during your career.

14 MR. HARDER: Same objections.

15 THE WITNESS: Done what?

16 BY MR. BERLIN:

17 Q. Put out a role model persona to the public
18 that's different than your activities behind the
19 scenes.

20 MR. HARDER: Same objections.

21 THE WITNESS: Yes and no. Sometimes the
22 persona and the message I put out there is exactly
23 perfect for being a role model and sometimes it's
24 not.

25 BY MR. BERLIN:

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1 Q. Can you give me some examples of when it's
2 not?

3 A. Yeah, last night drinking two bottles of
4 wine. It doesn't really fit with train -- well, I
5 split them with my wife and another friend, but it
6 doesn't exactly go along with the PG train, say your
7 prayers, and eat your vitamins. You know, you can't
8 say, well, train, say your prayers, eat your vitamins,
9 and drink two bottles of wine with your wife and her
10 friend. That doesn't really match the role model
11 persona. That is one example.

12 Q. Can you give me any more?

13 MR. HARDER: I object, argumentative and
14 potentially goes into the realm of invasion of
15 privacy and outside the scope of the case.

16 THE WITNESS: I don't recall any more at this
17 time.

18 BY MR. BERLIN:

19 Q. All right. What do you think made the
20 Hulk Hogan character successful?

21 A. Timing, luck, look, the political environment
22 at the time.

23 Q. Let's go through each of those. What do you
24 mean by -- well, let's go backwards.

25 What do you mean by the political environment

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1 A. Yes.

2 Q. How is that?

3 A. To the best of my recollection, he has a deal
4 that we are partners in that has to do with online
5 gaming. But I don't know if the deal is active or not.
6 We are trying to get -- through his resources trying to
7 get this deal going.

8 He also has been an executive producer
9 with Fresh Horses. It's a production company that Eric
10 and Jason Hervey -- that's the kid from the Wonder
11 Years where he was a kid actor. They have a production
12 company called Fresh Horses, and they do Celebrity
13 Championship Wrestling, a reality show I did, and Micro
14 Championship Wrestling, a reality show I did on Tru TV
15 about midget wrestling.

16 Q. When were each of those shows?

17 A. Probably six to seven years ago.

18 Q. And any other business dealings with
19 Eric Bischoff?

20 A. He came in -- I don't want to say it the
21 wrong way. He kind of came in with me when I went to
22 TNA Wrestling under my banner. I don't know if he was
23 part of my original deal to have him come in with me,
24 but I know within a year after being at TNA, he
25 renegotiated his own deal and we went separate ways

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1 Elizabeth Rosenthal. What did they do for you?

2 A. They booked appearances. If I had a
3 pay-per-view or if I had a reality TV show coming out
4 or something, Elizabeth would make calls in New York or
5 L.A. to such shows like Regis and Kelly or Jimmy Kimmel
6 or the Tonight Show. Elizabeth would do the ground
7 work to get me booked on those shows.

8 Q. What about in-person appearances?

9 A. No.

10 Q. Who does that?

11 A. In-person appearances, those mainly come from
12 Darren Prince, I mean like autograph signings and stuff
13 like that.

14 Q. Sure. And then Jewels at TNA, what did she
15 do for you?

16 A. I still haven't figured that out yet. That's
17 why she got fired.

18 Q. Okay. Can you think of anything she did do
19 for you?

20 A. Well, yeah. She basically tried to do the
21 publicity stuff. The Fox and Friends, the -- basically
22 it was the New York stuff. She went to the UK with me,
23 but it was -- it was like dragging an anchor around and
24 then cleaning up her mess. I just -- it just didn't
25 work. She was not -- not very much of a people person.

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1 business-wise. Other than that, I can't remember
2 anything else.

3 Q. Were you friends when you and he went to TNA
4 around the same time?

5 A. Oh, yeah. Yeah.

6 Q. Do you have anybody that handles your
7 publicity?

8 A. I have had people handle my publicity, yes.

9 Q. Who?

10 A. I had a company named Susan Blond in
11 New York. And then the lady I was working with,
12 Elizabeth Rosenthal, broke away from Susan Blond and
13 she started her own company. I worked with her for a
14 while.

15 Then at TNA, they had a lady named Jewels. I
16 don't know her last name. I worked with her for a
17 short while. Then Jewels got fired, and TNA had a new
18 publicity person. I don't know his or her name.

19 And now that I'm making appearances again
20 with the WWE, they have a whole publicity department,
21 but I haven't met any of those people yet.

22 Q. So you don't have a particular point of
23 contact at WWE for that?

24 A. No.

25 Q. And let me start with Susan Blond and

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1 Q. And how long did you work with her?

2 A. Year -- year, year and a half. I mean,
3 she -- I know she was there for a year, year and a
4 half. How long did I actually work with her? Probably
5 five or six days in total.

6 Q. And what about Susan Blond?

7 A. Probably five years. That's just a guess,
8 though.

9 Q. Do you know roughly when that five years
10 ended?

11 A. Probably around the end of '07, beginning of
12 '08.

13 Q. And then after that, you continued to work,
14 (it sounds like, with Elizabeth Rosenthal.)

15 A. Yes.

16 Q. At her own place?

17 A. Yes.

18 Q. Has that continued since the '07, '08 time
19 frame to the present?

20 A. No.

21 Q. When did that end?

22 A. Probably when I couldn't afford to pay her.
23 Probably about a year and a half, two years ago.

24 Q. So we're now in 2014. Somewhere in 2012?

25 A. Yeah.

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- (1) children?
- (2) A. Once in a while.
- (3) Q. So they did that once in a while.
- (4) What would you say the main focus of the show
- (5) was?
- (6) A. Over-the-top entertainment, going to dog
- (7) massenges and having your property exorcised by an
- (8) exorcist. I mean, just off-the-wall, crazy stuff that
- (9) wasn't us.
- (10) Q. Did they film it at your house?
- (11) A. One of the many locations, yes.
- (12) Q. Where else besides your house did they film
- (13) it?
- (14) A. They filmed it off the property. They filmed
- (15) it at businesses. They filmed it anywhere we could get
- (16) some type of entertainment value for the shock. The
- (17) crazier the better. Cape Canaveral, restaurants,
- (18) wrestling events, wherever we could get the biggest
- (19) bang for the buck.
- (20) Q. But there was some portion of it that was
- (21) filmed in your home?
- (22) A. Yes.
- (23) Q. Were you worried at all about giving up your
- (24) privacy?
- (25) A. No, because we told them we wouldn't give up

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- (1) our privacy. Anything on that show would be
- (2) entertainment.
- (3) Q. And what about, were you worried about giving
- (4) up your family's privacy?
- (5) A. Just their -- their -- I was worried because
- (6) it would be recognizable, and I was worried that the
- (7) kids and especially my wife might not have a normal
- (8) life. And we discussed that.
- (9) Q. But you concluded to go forward?
- (10) A. They made the decision to go forward, yes. I
- (11) tried to stop them.
- (12) Q. They, your kids or they, your wife?
- (13) A. My wife.
- (14) Q. Or they your wife and kids?
- (15) A. My wife and my son. I sat them down when
- (16) there was an opportunity to do the show. And I told
- (17) them that if you start doing a TV show, everything that
- (18) happens to me in public is going to start happening to
- (19) you, where when you're eating dinner, someone will come
- (20) up for an autograph and a pack of cigarettes will fall
- (21) on your food. You'll shake hands that are sweaty,
- (22) greasy, and sometimes have other things on them that
- (23) you may not have to shake. And I explained to them
- (24) that once you're on TV, once you walk out these doors,
- (25) you won't be Nick and Brooke anymore. You'll be Nick

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- (1) and Brooke that are recognizable. And when I said, is
- (2) that what you guys all want to do, all three of them
- (3) raised their hands. They all wanted to do it.
- (4) Q. And how old were your children when you
- (5) started doing that; do you remember?
- (6) A. I don't remember. They were young. Brooke
- (7) might have been, guessing, 16. Nick was probably 14,
- (8) 15, around that age.
- (9) Q. Were you concerned about exposing them to the
- (10) public?
- (11) A. Yes.
- (12) Q. And it sounds like they weren't so concerned.
- (13) A. Not at all.
- (14) Q. And I take it your wife Linda was not
- (15) concerned about bringing cameras into the house?
- (16) MR. HARDER: Calls for speculation.
- (17) BY MR. BERLIN:
- (18) Q. As best you understand.
- (19) A. As best I understand, no, she wasn't.
- (20) Q. And do you otherwise have any cameras in any
- (21) of your homes?
- (22) A. No, I don't.
- (23) Q. I take it from your earlier answers that
- (24) viewers were not seeing your real family life.
- (25) A. No, definitely not.

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- (1) Q. And the character that you were playing on
- (2) the show, was that the same character that is
- (3) Hulk Hogan, or is that a different character?
- (4) A. It's a different character.
- (5) Q. When the show ended, VH1 ran a spinoff called
- (6) Brooke Knows Best, right?
- (7) A. Yes.
- (8) Q. And you appeared on that show as well?
- (9) A. Yes.
- (10) Q. Have you regularly appeared on any reality
- (11) television shows since Brooke Knows Best?
- (12) A. Not regularly, no.
- (13) Q. How about occasionally?
- (14) A. Reality to me might mean something different
- (15) than you. So in my opinion, yes, occasionally.
- (16) Q. Has your son ever had his own reality show?
- (17) A. Not to my knowledge.
- (18) Q. Did you try and get him a reality show at one
- (19) point?
- (20) A. I was supportive of him. I did not try.
- (21) Q. What was the show about?
- (22) A. I don't recall.
- (23) Q. Do you know if -- what happened? Did it end
- (24) up working? Did it end up happening?
- (25) A. To my knowledge, my son doesn't have a

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1 I said, Bubba, it's not cool. Don't do it.
 2 I said, Bubba, you don't mess with kids and animals,
 3 you know. And I told him not to do that, and he did
 4 that anyway.
 5 Q. Did you ever express your views about
 6 anything Mr. Clem said about you on the radio?
 7 A. I don't recall.
 8 Q. Why did you attend Mr. Clem's deposition?
 9 A. I was real curious to see if he would tell
 10 the truth about me and what really happened.
 11 Q. And do you think that he told the truth about
 12 you and what really happened?
 13 MR. HARDER: Compound, calls for a narrative.
 14 He was deposed for two days.
 15 BY MR. BERLIN:
 16 Q. You can answer the question as best you can.
 17 A. Oh, well, I'm speaking specifically about the
 18 filming of me having sex with his ex-wife. I wanted to
 19 see if he would tell the truth about that, that I had
 20 no idea he was filming it. And I wanted to see if he
 21 would tell the truth about who gave the tape to Gawker
 22 or if he did that. And that's why I came.
 23 Q. Let's break those down into two things.
 24 Do you think he told the truth about the
 25 first one?

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1 A. Yes.
 2 Q. Do you think he told the truth about the
 3 second one?
 4 A. I don't know. He was very vague about that.
 5 I don't know if he knows. I don't. He said he didn't
 6 know. So I don't know.
 7 Q. Why did you come back for the second day of
 8 his deposition?
 9 A. I thought I needed to be here.
 10 Q. Were you hoping to reconcile with him?
 11 A. No, not at all. Never.
 12 Q. Did you want to see if he was telling us
 13 something different than he had told you?
 14 A. What do you mean told me?
 15 Q. You had -- had he talked to you -- he had
 16 talked to you previously. You talked about you had a
 17 phone conversation or multiple phone conversations
 18 about this.
 19 A. No. He -- well, he told me in multiple phone
 20 conversations that he didn't know who did this to me.
 21 He said he didn't film this. He said it must have been
 22 Heather. So he didn't even take responsibility for
 23 filming it. And I wanted to hear under oath what he
 24 was going to say. And under oath, he said he filmed
 25 me. Under oath, he said I didn't know I was being

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1 filmed.
 2 What was the rest of the question?
 3 Q. So I asked you if you wanted to see whether
 4 he was going to tell us something different than he had
 5 told you previously.
 6 A. Yes. Plus, he went on the air for two days
 7 and said the most demeaning and horrible things you
 8 could ever say about someone's children and stuff that
 9 I would -- I don't think I could handle it if my kids
 10 heard what he said about them, because they did love
 11 the guy. And I was here because I wanted to see if he
 12 would or if you would or your other partner would ask
 13 questions about what he said about my kids and tell the
 14 truth about my children. Because everything he said
 15 about my children on the radio for those two days when
 16 he went crazy, none of that was true about my children,
 17 not to mention everything he said about me was not
 18 true.
 19 Q. Did you want to see if he would disclose
 20 something embarrassing about you?
 21 A. No.
 22 Q. Did you want to see if he would disclose
 23 something secret about you?
 24 A. No.
 25 Q. Did you want to see if he would cry?

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1 A. Cry?
 2 Q. Yes.
 3 A. No. I told you why I came.
 4 Q. All right. Did you want to see if he would
 5 go off on you like he did on his radio show like you
 6 just described?
 7 A. I thought that might be a possibility, that
 8 he would be in cover his ass mode and lie again and
 9 start screaming, Terry, you know you know what you did,
 10 or whatever. But he told the truth. So it was a
 11 pleasant surprise.
 12 Q. Were you trying in any way to send him a
 13 message by being here?
 14 A. If there was a message that I tried to send
 15 him, that I'm dead serious about the truth, to a fault,
 16 and the lies and everything he said about me were --
 17 first off, it broke my heart when I found out he was
 18 lying to me. I physically almost had a breakdown when
 19 I found out. The moment I knew he lied to me, I had a
 20 real tough time making a recovery from that. And I
 21 wanted him to know how serious I was. If I had a
 22 reason to sit here, I wanted him to know that I was
 23 serious as -- as I could possibly be about -- and I
 24 couldn't convey this any other way than look at him to
 25 convey the message that I wanted to see if he would

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1 I've already forgiven myself for getting mad at him and
2 for hating him for a moment. And then I forgave him.
3 And I know, you know, just like everybody in here, in
4 my belief, we all have the spirit of Christ in us. So
5 I know who he is and I know the potential he has. But
6 to see him that far off track, you know, it -- it
7 didn't change anything. I've already -- I already know
8 who he is, and that's how it is. And I just pray for
9 him and hope that he can find out who he's really meant
10 to be.

11 Q. Was there anything he said that touched your
12 heart?

13 A. No, there wasn't. The only thing that
14 touched my heart was to see him actually be honest as
15 far as I'm concerned. And I would hope that when I saw
16 that, him being honest, it -- it -- that touched my
17 heart. Nothing he said touched my heart. But to see
18 him be honest, it made me realize that everyone, even
19 Bubba, has the potential for being accountable and
20 becoming that way all the time. It's much easier to be
21 that way all the time than it is to play hide the ball
22 or man up or cover my ass or whatever his cute cliches
23 are for not being honest.

24 Q. What was your reaction when he apologized to
25 you?

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1 A. It was as expected. It was not rehearsed,
2 but it was generic. It was just cut and dry, you know.
3 It's -- it almost sounded like he was reading a radio
4 spot again, the apology radio spot. It was pretty
5 much -- he's a professional.

6 Q. I'm talking about when he apologized to you
7 during the deposition.

8 A. Yeah, that's what I'm saying. It had the
9 same feel as the apology on the radio guy. He just
10 spewed it out there.

11 Q. So you don't think he was being sincere?

12 A. I don't think he's there yet. I don't think
13 he's accountable enough to understand what being
14 sincere is.

15 Q. Do you accept his apology?

16 A. Of course I do. But I also understand where
17 he's at. I mean, I've been there before. I've been in
18 cover my ass mode. I've, you know, not been
19 accountable. I've been exactly where he's going, you
20 know. And you're only going to track more insane to
21 you, you know, until you actually become accountable
22 and you become honest. It's the only way you're going
23 to attract good things and greatness and positivity,
24 because like attracts like, like I said earlier.

25 Q. Do you think you'll ever talk to him again?

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1 A. Well, you can never say never, you know. If
2 he was on his death bed, I would go there and let him
3 know how much I loved him. But in this lifetime, I
4 can't see me having any other reason to have dialogue
5 with him.

6 Q. So if he picked up -- if he -- if he called,
7 you wouldn't pick up the phone?

8 A. There's no reason to talk to him. I know who
9 he is now.

10 Q. And I take it just -- this is, I think,
11 obvious -- that you've had no communication with
12 Mr. Clem since the deposition on Tuesday?

13 A. That's a very good assumption.

14 Q. Prior to Mr. Clem's deposition, did he or
15 anyone acting on his behalf ever tell you that he
16 filmed you?

17 A. No.

18 Q. Do you know if he told -- if he or anybody
19 acting on his behalf ever told your lawyers that he
20 filmed you?

21 A. Not to my knowledge.

22 Q. Prior to his deposition, did he or anyone
23 acting on his behalf ever tell you that --

24 A. I'm sorry. Repeat that last question.

25 Q. Sure.

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1 A. I didn't understand what you said.

2 Q. Prior to his deposition -- just I'm putting
3 the time frame back in.

4 Prior to his deposition, did Mr. Clem or
5 anyone acting on his behalf ever tell your lawyers that
6 he filmed you?

7 MR. HARDER: I'm just going to object,
8 because if you learned of any information from
9 talking to your lawyers, then that's a privileged
10 communication, and I would instruct you not to
11 disclose privileged communications.

12 THE WITNESS: He signed an apology that's --
13 that -- I don't know what the words were because I
14 can't remember, but in so many words said,
15 Mr. Bollea had no knowledge of me being filmed.
16 But I don't recall him telling me or anyone that
17 he filmed me. I think that was the question.

18 BY MR. BERLIN:

19 Q. Yes.

20 A. No.

21 Q. And prior to Mr. Clem's deposition, did he or
22 anyone acting on his behalf ever tell you that he
23 burned the recording onto a DVD?

24 A. No.

25 Q. Prior to his deposition, did he or anyone

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1 always something every week.
 2 So because the house was in her name, I was
 3 advised to leave because it wouldn't be smart to stay
 4 there. And I happened to call Bubba, because I had
 5 everything in black -- in plastic bags and I was --
 6 told him what had just happened and I was going to go
 7 stay in a hotel. He says, oh, no, no. Come stay with
 8 us. So I went and stayed with him. But it was very
 9 uncomfortable there.
 10 Q. Why was it uncomfortable?
 11 A. Well, because I felt really bad about what
 12 had happened with Heather before, and it just made my
 13 skin crawl because it was at a really dark time when I
 14 made this ridiculous decision to participate in having
 15 sex with Heather. So I felt not good about that. And
 16 when I went to Bubba's house, I felt very
 17 uncomfortable. And my thought was -- my fear was that
 18 Heather was going to come on to me while I was at the
 19 house or Bubba was going to try to get me to have sex
 20 with Heather at the house. So I went there very
 21 tentatively not feeling comfortable.
 22 Bubba gave me my own end of the house. So
 23 Bubba would leave very early in the morning at 4:00 to
 24 go to work. So I made sure when the kids were getting
 25 ready for school, I came downstairs then. And Heather

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1 was busy with two kids and it was, hey, good morning,
 2 how you doing? And I would get my stuff ready and I
 3 would leave, and I wouldn't come home until later that
 4 night when Bubba was home.
 5 And my whole time I was there, it was very
 6 uncomfortable. And then I just moved out because I
 7 just -- I couldn't handle being there. It was very
 8 unsettling being there.
 9 Q. Where did you go after that?
 10 A. I went and rented an apartment on Belleair
 11 Beach.
 12 Q. Just so I have the timing right, you said it
 13 was shortly after you filed for divorce, which I -- or
 14 your wife filed for divorce, which I think you said was
 15 November of 2007?
 16 A. Yes.
 17 Q. And that period of time when you lived at
 18 the -- with Bubba, Heather was there?
 19 A. Yes.
 20 Q. And it was after you had had sex with her?
 21 A. Yes.
 22 Q. And were they married at the time?
 23 A. Yes.
 24 Q. Did you have access to Bubba's whole house
 25 when you stayed there?

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1 A. I stayed in my area. So I didn't even think
 2 about having access. I'm sure he would have let me go
 3 somewhere, but I didn't ever do that.
 4 Q. Is that the only time you ever lived with
 5 Bubba?
 6 A. Yes.
 7 Q. Is that the only time you ever stayed
 8 overnight at Bubba's house?
 9 A. Yes.
 10 Q. Aside from staying overnight, how often were
 11 you a guest in their house?
 12 A. Never, other than when I lived there with
 13 them.
 14 Q. I'm saying aside from staying overnight.
 15 A. No.
 16 Q. Did you ever go over for dinner or --
 17 A. Oh, a guest?
 18 Q. Yeah.
 19 A. Maybe twice.
 20 Q. How many times total would you say you have
 21 been in Bubba's house?
 22 A. Not counting living there?
 23 Q. Yeah, not counting living there.
 24 A. Been in Bubba's house, three, four maybe.
 25 Q. Three or four times?

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1 A. Yeah.
 2 Q. And how many times would you say that you've
 3 been in Bubba's bedroom?
 4 A. No more than three.
 5 Q. Did you ever notice security cameras in
 6 Bubba's house?
 7 A. No.
 8 Q. Did Bubba ever point his cameras out to you?
 9 A. Never.
 10 Q. Did Bubba -- I assume, therefore, that Bubba
 11 never explained to you how his security cameras worked.
 12 A. I never knew he had cameras.
 13 Q. Do you remember Bubba saying that people with
 14 maids or nannies should have security cameras in their
 15 homes?
 16 A. No.
 17 Q. Do you remember Bubba saying that following
 18 his child custody dispute, Tom Bean told him he should
 19 put cameras throughout his house so that no one could
 20 accuse him of doing anything improper?
 21 A. I don't remember that.
 22 MR. BERLIN: We're going to listen to an
 23 audio clip that is Exhibit 83.
 24 (Exhibit No. 83 marked for identification.)
 25 MR. BERLIN: This comes from the Bubba The

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1 and I realize we're being somewhat approximate here.
2 If we're talking about four occasions separated by at
3 most a couple of weeks, this occurred in probably like
4 about an eight-week period?

5 A. That would be fair. Or less. I would say
6 six to eight weeks.

7 Q. Okay. And did you see Bubba and Heather in
8 between these times?

9 A. I know I didn't see Heather in between those
10 times. I could have seen Bubba at the radio station,
11 but I don't recall. But I know I didn't see Heather in
12 between those times.

13 Q. You heard Bubba say -- testify under oath at
14 his deposition that it only happened one time.

15 A. Yes.

16 Q. That was incorrect?

17 A. Yes.

18 Q. Did Bubba not know about the other times?

19 A. To the best of my knowledge, he knew.

20 Q. Why do you say that? Like how would he know?

21 A. Because he was there.

22 Q. So from your point of view, Bubba was lying
23 when he said that?

24 MR. HARDER: Wait. I'm going to object. I
25 mean, if one person recalls something and another

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1 MR. BERLIN: Thank you.

2 BY MR. BERLIN:

3 Q. The -- Mr. Clem also stated during his
4 deposition that there was no sexual encounter between
5 you and Heather Clem at the radio station.

6 Do you remember that?

7 A. Yes, I do.

8 Q. Was he present for that one?

9 A. I don't know if he was or not.

10 Q. So he may not know about that one?

11 A. We pulled up to the radio station and he
12 unlocked the door and we all went in. And he left
13 Heather and I in the room where he does his radio show.

14 Q. The actual studio?

15 A. Yes. And he said, you guys have fun. I got
16 some stuff to do. So I don't know what he knows.

17 Q. How did the idea of you having sex with
18 Heather first come up?

19 A. To the best of my recollection, it was a
20 phone call from Bubba where he put Heather on the
21 phone. And she started asking me to have sex with her
22 on the phone.

23 Q. And how much before the first time that you
24 and she had sex was that?

25 A. To the best of my recollection, it would

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1 person recalls something else, it doesn't mean
2 that somebody is lying. I don't know what --

3 MR. BERLIN: I'm asking from his point of
4 view.

5 THE WITNESS: My point of view is if he
6 doesn't remember it, he's not lying. If he does
7 remember it, he is lying. I don't know which it
8 is.

9 BY MR. BERLIN:

10 Q. He also said that there was no sexual
11 encounter between you and Heather Clem at the radio
12 station. Was he present for that as well?

13 MR. HARDER: Wait. Objection, misstates
14 prior testimony. You just said no sexual
15 encounter at the radio station.

16 MR. BERLIN: I said that Bubba Clem testified
17 that there was no sexual encounter at the radio
18 station.

19 MR. HARDER: The question was, you also said
20 that there was no sexual -- maybe you meant to say
21 Bubba.

22 MR. BERLIN: It's possible that I misspoke.

23 MR. HARDER: Okay. I'm not trying to
24 interfere with you. I'm just trying to have a
25 clear record.

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1 probably be a year and a half to two years.

2 Q. And did you have subsequent conversations
3 with either Mr. Clem or Mrs. Clem about that subject?

4 A. Yes.

5 Q. How many such conversations would you say?

6 A. Over a year-and-a-half period, between -- on
7 the phone and between -- gosh, I wouldn't even know
8 where to go with this. Between 20 and 40 maybe, maybe
9 more. I don't know. Not more than 40, but between 20
10 and 40. They kept bringing it up.

11 Q. Did you ever talk about it with Mr. Clem in
12 person?

13 A. Yes.

14 Q. How many times did you talk about it with him
15 in person?

16 A. I recall a couple times in my gym, he kept
17 telling me that Heather really wanted to have sex with
18 me or Heather really wanted to see me naked. And I
19 just -- and it was in a joking way. I just kept
20 telling him, knock it off. It was -- you know, it was
21 (to the point it was almost like if you were to poke
22 somebody. He just kept poking me. Like it got to the
23 point of I thought they were serious at first, which
24 was a little weird. But then it got to be almost like
25 a joke, you know, like they would tease me all the

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1) time.

2) Q. And what kinds of things would they say?

3) A. Well, Heather would get on the phone and tell
4) me, you know, she wanted to see my penis and, you know,
5) just -- it just seemed like their ongoing gag to get to
6) me and screw with me.7) Q. And did you ever have a conversation with
8) Heather about this in person during that period of
9) time?

10) A. Not that I can remember.

11) Q. I'm trying to understand, because you said at
12) the beginning you thought they were serious, but after
13) a while, you thought they may be joking.

14) Did you take what they were saying seriously?

15) A. Well, you know, Bubba had bragged about him
16) having a swinging lifestyle, you know, where him and
17) Heather had an open marriage, you know. And so when
18) they first approached me, you know, I -- I heard on the
19) radio the talk about having parties in the Jacuzzi with
20) friends and buddies and, you know, different doctors
21) and lawyers and people being at his house.22) MR. GOLD: Your Honor, I've got to object to
23) this answer now. We're starting to get into the
24) protective order and discussing relations with
25) other men. He just said she had sex with lawyers

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1) either is or it isn't. I think it's black and
2) white.3) MR. BERLIN: I think that's not what
4) Judge Campbell said at the January hearing. I
5) think that's not what Judge Case ruled when we
6) were talking about it earlier this week. I'll try
7) and ask my questions and we can object. I don't
8) have many questions that are going to call for
9) that. So I think we're making a lot of nothing.

10) BY MR. BERLIN:

11) Q. Is it -- let me just ask you about your
12) understanding about how this was presented to you.13) Did you understand that -- did you have an
14) understanding of whether Bubba was initiating this or
15) Heather was initiating this?16) A. Bubba made me think that Heather was
17) initiating it.18) Q. Do you believe that that was, in fact, what
19) was going on?

20) A. I don't know what to believe.

21) Q. Okay. And it sounds like from what you've
22) said that when they raised this initially and for some
23) time thereafter, you told both of them no.

24) A. Yes, that's correct.

25) Q. Did you leave the door open?

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1) and doctors and --

2) JUDGE CASE: No names have come up.

3) MR. GOLD: It doesn't say anything about
4) names in the order, Your Honor. It just says
5) relationships with other --

6) JUDGE CASE: The objection is overruled.

7) MR. HARDER: Can I just explain to him what
8) the protective order is?9) MR. GOLD: I have the protective order right
10) here.11) MR. HARDER: There's a protective order that
12) says that sexual history of yours and Heather's --
13) of people other than you and Heather is out of
14) bounds in the case.

15) THE WITNESS: Okay.

16) MR. HARDER: So we're all trying to stick
17) with that protective order and not get into those
18) areas.

19) BY MR. BERLIN:

20) Q. In this instance, the question was about your
21) understanding. So that's sort of a different question.22) MR. GOLD: I disagree. Whether it's his
23) understanding or not, if it's discussing her
24) sexual relationships, then it is off limits. This
25) is not a question of labor or knowledge or -- it

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1) A. No.

2) Q. Why did you tell them no?

3) A. It was just somewhere I had never gone, never
4) dreamed I would go there and just -- it was weird. It
5) was just -- you know, I had never had a friend or
6) anybody that I was friends with that was married have
7) their wife or them ask me to have sex with them.8) Q. When Bubba first raised this idea, were you
9) and Linda living together in Florida?10) A. To the best of my recollection, she was in
11) Las Vegas.

12) MR. HARDER: Vague as to time.

13) THE WITNESS: Excuse me?

14) MR. HARDER: Vague as to time.

15) BY MR. BERLIN:

16) Q. Do you know if Hogan Knows Best was filming
17) at the time when they first raised this?

18) A. When they first raised this?

19) Q. Yeah, when Mr. Clem and Mrs. Clem first
20) raised this with you.

21) A. I don't recall. It could have been.

22) Q. When did you --

23) A. Can we close that door? I can't concentrate.
24) It's so loud I can't even think straight.

25) MR. BERLIN: It's very loud.

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1 THE WITNESS: Can we get them to be quiet?
 2 Is that -- do they work here?
 3 MR. BERLIN: Is the door open or --
 4 MS. DIETRICK: I'll go around. Just keep
 5 going.
 6 MR. BERLIN: Sorry. We'll try and get that
 7 taken care of. Sorry about that.
 8 BY MR. BERLIN:
 9 Q. When did you change your mind about whether
 10 you would have sex with Heather?
 11 A. It happened, to the best of my recollection,
 12 during one of the times where I tried to get Linda
 13 back. And it was one of the many times in talking with
 14 her that you were too old --
 15 MR. HARDER: Wait. It's spousal privilege,
 16 your communications with her.
 17 THE WITNESS: Okay. What was the question
 18 again?
 19 BY MR. BERLIN:
 20 Q. When did you change your mind about whether
 21 you would have sex with Heather?
 22 A. After I had been rejected from my wife on
 23 several occasions and the marriage was dysfunctional
 24 and I was under -- under the -- under the understanding
 25 that my marriage was over.

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1 Q. And after you changed your mind, did you come
 2 to Bubba and ask if the offer still stood?
 3 A. No.
 4 Q. How did it come up again?
 5 A. Somehow or another, I was just really
 6 depressed. And to the best of my recollection, Bubba
 7 talked me into coming over. And I went over to his
 8 house, and Heather pursued me while I was there. And I
 9 just let my guard down.
 10 Q. Why do you think Heather was willing to have
 11 sex with you?
 12 MR. HARDER: Calls for speculation.
 13 THE WITNESS: I'm not sure about that answer
 14 yet.
 15 BY MR. BERLIN:
 16 Q. Do you think it was out of loyalty to Bubba?
 17 MR. HARDER: Calls for speculation.
 18 THE WITNESS: I don't have all the facts yet.
 19 So I really would have to speculate. There are
 20 several things in my mind, several different
 21 answers for that question.
 22 BY MR. BERLIN:
 23 Q. What do you think it could be? What are some
 24 of the possibilities?
 25 MR. HARDER: Calls for speculation.

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1 THE WITNESS: At this point, I don't know who
 2 all the players are. So it could have been out of
 3 loyalty for Bubba. It could be her sexual
 4 appetite. It could be some type of perversion for
 5 watching tapes. It could be maybe wanted to make
 6 money on a tape. Could be all of the above or
 7 none of the above. I really don't know the answer
 8 to that yet.
 9 BY MR. BERLIN:
 10 Q. What did you think at the time about why she
 11 was willing to have sex with you?
 12 A. At the time, I just was under the
 13 understanding that it was an open marriage and that
 14 was okay with them.
 15 Q. Have you watched the full sex tape that was
 16 supplied to Gawker and provided to your attorneys in
 17 discovery?
 18 A. No.
 19 Q. Do you know whether what's on that tape was
 20 the first time or a later time?
 21 A. I've never watched it. So I would have no
 22 idea.
 23 Q. Without attempting to be graphic, the tape
 24 that we have starts essentially in mid act and Ms. Clem
 25 is already naked.

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1 Do you know how the encounter started?
 2 A. I don't recall.
 3 Q. Is there anything that you can recall about
 4 how you went from talking about this to actually
 5 engaging in sexual relations with Ms. Clem?
 6 A. No.
 7 Q. After the first time that you had sex with
 8 Mrs. Clem, who initiated the subsequent encounters?
 9 A. I don't recall.
 10 Q. Was it you?
 11 A. I don't recall.
 12 Q. Each of the times that you had sex with
 13 Heather, was it with Bubba's blessing?
 14 A. Yes.
 15 Q. So he knew each time?
 16 A. To the best of my recollection, yes.
 17 Q. And how did that work? Would you and Heather
 18 decide to have sex and then ask for Bubba's permission,
 19 or would you and Bubba discuss having sex with Heather
 20 and Bubba would then try and persuade Heather to do it?
 21 MR. HARDER: Compound.
 22 THE WITNESS: Explain the question to me, or
 23 questions.
 24 BY MR. BERLIN:
 25 Q. Sure.

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1 A. No. I just was inconsistent with the time
2 frames. When they ask you for dates or months, I'm not
3 real good about any of that stuff unless you box me in
4 with events that will make me narrow the time frame
5 down. As you can see, I've been wrong on several dates
6 until you completely give me pieces of the puzzle to
7 make me realize what time frame we're in.

8 Q. Let me ask you this along those lines. If
9 you met -- you met -- other than when you met her and
10 didn't remember her, you met Jennifer in late 2007, I
11 think you testified to earlier. Yes?

12 A. Yes.

13 Q. So if this happened in 2008, it would have
14 been after you met Jennifer, right?

15 A. Yes.

16 Q. So help me to understand why you believed and
17 stated under penalty of perjury that this happened in
18 2008, at a time after you met Jennifer.

19 MR. HARDER: Objection. It says in or about
20 2008.

21 BY MR. BERLIN:

22 Q. You can answer the question.

23 A. And the question was?

24 MR. BERLIN: Can you read the question back,
25 please.

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1 the words under perjury of law, whatever you said. I
2 thought you were trying to say why would you get the
3 date wrong when you could be lying or persecuted or
4 whatever you're trying to infer. I didn't understand
5 it.

6 But I keep trying to explain to you over and
7 over and over again that I'm not real good with dates
8 unless you give me book -- bookends of moments that
9 happened that will make me think closer to the right
10 time frame.

11 Q. Just so I understand, as you sit here now, is
12 it your best understanding that when these sexual
13 encounters with Mrs. Clem happened were in the late
14 spring and early summer of 2007?

15 A. About.

16 Q. About?

17 A. Yes.

18 Q. That's realizing that -- and accepting what
19 you've said about your -- that dates aren't your
20 strength --

21 A. Well, I know --

22 Q. -- that's -- that's sort of your best
23 understanding at this point?

24 A. Yes. And I know they were before the
25 accident. And I know they were before I started dating

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1 (The reporter read the last question.)

2 MR. HARDER: And the second objection is it's
3 been asked and answered already.

4 THE WITNESS: Once again, apparently I must
5 have misspoke, because the word "about" is in
6 there and I wasn't sure of the time frame. So
7 this is another inconsistency. And I didn't
8 perjure myself because about means I don't know
9 the exact time frame.

10 BY MR. BERLIN:

11 Q. I'm not asking if you perjured yourself. I
12 just want to be clear. I'm trying to understand --
13 because there has been some difference about the
14 dates -- just what the thinking was so that we can help
15 pin down when this happened.

16 What is your basis now for thinking this
17 occurred in 2007 and, in particular, in the spring or
18 early summer as opposed to in 2006 or 2008?

19 A. Well, we've talked about several events as of
20 late, the accident, the time frame of when -- when I
21 met my wife. And since those time frames and those
22 situations in my life have been made relevant to me,
23 I'm trying to make you understand consistently and
24 repeatedly that I'm not good with dates and time
25 frames. And I misunderstood you when you said under --

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1 my new wife, Jennifer. I know that for sure.

2 So if we can place it before that, that would
3 be more accurate than saying about 2008.

4 Q. And in that time frame, you were still
5 married to Linda?

6 A. Yes.

7 Q. And she filed for divorce in, I think you
8 said, November 2007?

9 A. Yes.

10 Q. Had you at that point told Linda you were
11 leaving her?

12 A. She had already left me.

13 Q. But she told you that she was leaving you?

14 A. No. She just left. She -- she told me the
15 marriage was over.

16 MR. HARDER: Wait. Wait. We're getting into
17 marital, spousal privilege.

18 THE WITNESS: Okay.

19 MR. HARDER: So if we could just lay out the
20 information without the communications, I think
21 that would be best.

22 BY MR. BERLIN:

23 Q. Did you understand that -- did you understand
24 that Linda was no longer wanting to be married to you?

25 A. Yes. She made it quite obvious to me that

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1 (the marriage was over many years before.)
 2 Q. Did you tell Linda that you were having
 3 sexual relations with Heather?
 4 A. We were to the point that she would not tell
 5 me who she was having sexual relations with. So we
 6 didn't communicate on that level.
 7 Q. So no?
 8 MR. HARDER: It's also privileged. You keep
 9 getting into what did you say to Linda, what did
 10 Linda say to you. It's spousal privilege. So if
 11 you can elicit the information without getting
 12 into the communications, that would be best. So a
 13 blanket objection to these questions.
 14 BY MR. BERLIN:
 15 Q. Did you understand from Linda -- did you
 16 understand that Linda was okay with your sleeping with
 17 Heather Clem?
 18 MR. HARDER: Calls for speculation.
 19 THE WITNESS: I don't know what Linda was
 20 okay with. I really don't at that point.
 21 BY MR. BERLIN:
 22 Q. Prior to 2012, who did you talk to about the
 23 fact that you had sex with Heather Clem?
 24 A. No one that I can recall.
 25 Q. Prior to 2012, who did you talk to about the

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1 Clems' marital arrangement as you understood it?
 2 A. No one that I can recall.
 3 Q. Prior to 2012, who other than you, Heather,
 4 or Bubba knew that you had had sex with Heather Clem?
 5 A. No one that I can recall.
 6 MR. BERLIN: Let's stop there.
 7 THE VIDEOTAPE SPECIALIST: Off the record at
 8 5:47.
 9 (Proceedings adjourned at 5:47 p.m.)
 10
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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA
 4 COUNTY OF HILLSBOROUGH
 5
 6 I, the undersigned authority, certify that TERRY
 7 GENE BOLLEA personally appeared before me and was duly
 8 sworn.
 9
 10 WITNESS my hand and official seal this 11th day of
 11 March, 2014.
 12
 13
 14 *Susan C. Riesdorff*
 15
 16 Susan C. Riesdorff, RPR, CRR, CLSP
 17 Notary Public - State of Florida
 18 My Commission Expires: 6/10/13
 19 Commission No.: DD 891977
 20
 21
 22
 23
 24
 25

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1 REPORTER'S CERTIFICATE
 2
 3 STATE OF FLORIDA :
 4 COUNTY OF HILLSBOROUGH :
 5
 6
 7 I, Susan C. Riesdorff, RPR, CRR certify that I
 8 was authorized to and did stenographically report the
 9 deposition of TERRY GENE BOLLEA; that a review of the
 10 transcript was requested and that the transcript is a
 11 true and complete record of my stenographic notes.
 12
 13 I further certify that I am not a relative,
 14 employee, attorney, or counsel of any of the parties,
 15 nor am I a relative or employee of any of the parties'
 16 attorney or counsel connected with the action, nor am I
 17 financially interested in the outcome of the foregoing
 18 action.
 19 Dated this 11th day of March, 2014, IN THE CITY
 20 OF TAMPA, COUNTY OF HILLSBOROUGH, STATE OF FLORIDA.
 21
 22 *Susan C. Riesdorff*
 23
 24 Susan C. Riesdorff, RPR, CRR, CLSP
 25

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- 1 besides Bound For Glory and the Spike television?
 2 A. Not that I recall.
 3 Q. Would you have been promoting Hogan Beach
 4 Shop?
 5 A. I may have mentioned it.
 6 Q. Okay. Who set up those media appearances?
 7 A. To the best of my recollection, it was this
 8 lady named Jules.
 9 Q. I think we talked about her yesterday.
 10 A. Right, that worked at TNA. And she possibly
 11 may have had help with Elizabeth Rosenthal, but I'm not
 12 sure of that.
 13 Q. Do you know when the tour was -- like how far
 14 in advance that tour would have been scheduled?
 15 A. It's a yearly thing, so they have it
 16 scheduled for the next year. It's not a tour; it's
 17 just one night.
 18 Q. No. I'm asking the media tour, how much --
 19 A. The media tour, that's scheduled -- it's a
 20 yearly thing, so, I mean, like next year, Bound For
 21 Glory 2015, they know that you want a media tour a week
 22 or two before. They already have those plans.
 23 Q. So sometime well in advance they start making
 24 those plans?
 25 A. Oh, yes, of course.

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- 1 Q. Do you know how many appearances in 2012 you
 2 were planning to do?
 3 A. Four.
 4 Q. Four in that -- for the Bound For Glory media
 5 tour?
 6 MR. HARDER: Vague as to time.
 7 THE WITNESS: I don't recall how many I had
 8 planned on. I pretty much tell them I will do
 9 anything to help you. I don't really plan it, so
 10 if they say you're going to New York on Monday and
 11 Tuesday, and L.A. on Thursday and Friday -- since
 12 I'm there, instead of just doing Howard Stern or
 13 the Today Show, since I'm there, if there is stuff
 14 that makes sense and you can get me on Sirius or
 15 any XM satellite stuff. I'm there to work so I
 16 would rather work. So it just -- I don't know
 17 what the question was now. I can't remember.
 18 BY MR. BERLIN:
 19 Q. I was just asking you how many appearances
 20 you were planning to do on that tour.
 21 A. Okay. I planned to do as many as they asked
 22 me to do.
 23 Q. Let me show you, if I could, what I'm going
 24 to mark as Exhibit 91, which is a series of documents
 25 produced to us in discovery, marked Bollea 001060

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- 1 through Bollea 001067.
 2 (Exhibit No. 91 was marked for
 3 identification.)
 4 BY MR. BERLIN:
 5 Q. Take a look at that, if you would, please.
 6 MR. HARDER: Take your time.
 7 BY MR. BERLIN:
 8 Q. You should feel free to read all of this.
 9 But I'm not going to ask you any questions at all about
 10 the last two pages, if that makes a difference.
 11 A. The last two pages?
 12 Q. Yeah. I'm going to ask only questions about
 13 things besides the last two pages, so you can skip
 14 those if you would like.
 15 A. Okay.
 16 Q. All right. If I could direct your attention
 17 to the first page of the document, marked Bollea
 18 001060. First page, sorry. Sorry. That's this one.
 19 If I could direct your attention to that.
 20 The top line refers to a Jules Wortman. Do
 21 you think that's the Jules you just referred to?
 22 A. Yes.
 23 Q. All right. And in the first line, again it
 24 has her e-mail, jwortman@wortmanworks.com.
 25 Do you know what wortmanworks.com is?

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- 1 A. No idea.
 2 Q. Okay. Then if you go below the line, there
 3 is a horizontal line. It says, From Jules Wortman, and
 4 then it has a different e-mail address,
 5 jwortman@tnawrestling.com.
 6 TNA Wrestling is the outfit that we just
 7 talked about?
 8 A. Yes.
 9 Q. And you understood that she worked for TNA
 10 Wrestling?
 11 A. Yes.
 12 Q. All right. And this comes to -- it's sent to
 13 Terry Bollea. That's the third line, where it says
 14 "to." Right here.
 15 A. Okay. Yes.
 16 Q. Would that have been to you at your e-mail
 17 address?
 18 A. I have no idea. This could have been handed
 19 to me in a hotel room.
 20 Q. So you have no recollection one way or
 21 another of receiving this e-mail?
 22 A. No. Usually with TNA, they are still
 23 scrambling at the end to get more media coverage for
 24 the Pay-per-view. And I usually wouldn't get a final,
 25 final until I checked in the hotel room. It was

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1 Q. Next one, just skipping down to maybe just
2 towards the bottom of the page, it says: Today Show
3 with KL and Hoda.

4 Were you on the Today Show as part of this
5 media tour?

6 A. Yes, I was.

7 Q. Okay.

8 A. To the best of my recollection, I was.

9 Q. Turning to the next page, it says: Marvel,
10 marvel.com. And then it says, Notes, on-camera
11 interview to discuss BFG and pictures with staff.

12 Were you on something for Marvel Comics, do
13 you know?

14 A. I don't know if I made that one or not. It's
15 possible. Right after this one, the Today Show, is
16 when I went back to the room and sometime during that
17 time, that's when TMZ called me. And I don't know if
18 we rescheduled that or if I made it, but I know I had a
19 short time period there where I really was in bad
20 shape.

21 Q. And to the best of your recollection, that
22 would have been after the Today Show appearance?

23 A. Yes, it was after the Today Show.

24 Q. All right. And after that TMZ appearance,
25 before the next media appearance that you actually went

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1 Q. Does it surprise you now that you look at
2 that to see that?

3 A. No, because sometimes people talk about the
4 divorce. Sometimes people will talk about my son's
5 accident. But we try not to focus on it, because a lot
6 of times people put this horrible picture up of my
7 son's accident. And usually when Elizabeth Rosenthal
8 is involved -- and I tried to bring Jules up to
9 speed -- I would say no personal questions about the
10 divorce or the fact that my wife was telling everybody
11 I was a homosexual at that time, or my son's accident.

12 And sometimes they will say, We have to touch
13 on it for -- to do the interview. There is some rules
14 made that we may just ask about how your son is doing
15 and move on. We may ask about, Do you talk to your
16 ex-wife? and move on. So anything personal like that
17 usually pertained to the problems I had with my wife
18 and my son.

19 Q. Do you -- so the fact that this says "Hulk
20 personal" may mean that there was some negotiation that
21 they could ask you some personal questions on the
22 CNN -- on the Piers Morgan?

23 MR. HARDER: Calls for speculation.

24 THE WITNESS: The personal, if it meant what
25 I'm trying to remember, it would be a limited

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1 to, did you have any communications with Bubba Clem?

2 A. No, I didn't. I did not.

3 Q. Okay. Turning to the next one, which is:
4 Huffington Post Live with Mark Hill interview, Pro
5 Wrestling is Alive and Well.

6 Did you do that appearance?

7 A. I don't recall if I did or not.

8 Q. All right. And then the bottom of the page
9 it refers to Hannity Fox -- sorry. Hannity Fox TV,
10 taped to air later, one on one.

11 Were you interviewed by Sean Hannity?

12 A. I don't recall that.

13 Q. Okay. And then turning to the next page, it
14 refers to an appearance on Piers Morgan on CNN Live.

15 Were you interviewed by Piers Morgan?

16 A. Yes, I was.

17 Q. And just let me ask you this. There is a
18 couple of references to this, but let me ask you about
19 this one. Just below the contact information from
20 Piers Morgan, it says: Discuss BFG tune-in, Spike, and
21 Hulk personal.

22 What did you understand it to mean, "Hulk
23 personal"?

24 A. I didn't know that personal notation was
25 there. I didn't -- don't remember seeing it.

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1 question, so we could move on, because they would
2 have to touch on it.

3 BY MR. BERLIN:

4 Q. Right.

5 A. And move on and not stay on it.

6 Q. And is this sort of some warning to you that
7 they are -- this is -- hey, this is one of the ones
8 where they may touch on something personal?

9 A. Yes.

10 Q. Okay. And speaking of that, can you -- is
11 there anything else about any ground rules about
12 talking about your personal life that either you or
13 Elizabeth Rosenthal would have imposed on your behalf
14 during this tour for TNA?

15 A. Yes.

16 Q. What would they have -- they have done?

17 A. Well, they would be to try to -- we're there
18 to talk about the wrestling events. And we need the
19 help, of course. And some people that would normally
20 not talk about the Pay-per-view at all and just want to
21 talk about the divorce, or the accusations of me being
22 gay, or my son's wreck, or anything else that was
23 personal, we would just make rules and parameters:
24 Okay, we'll do the interview, but you can only ask one
25 question about it, and you can't talk anymore about it.

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1 That would be -- that would be to let me know.

2 Q. All right. And then it says after that:
3 Some election questions.

4 Do you know what that means?

5 A. Yeah, I do.

6 Q. What does that mean?

7 A. Well, there was -- I made an announcement on
8 Jay Leno years ago that I was going to run -- I was
9 going to run -- to seek the office of the president of
10 the United States. And they had a couple test markets
11 where -- when Clinton was at the height of his
12 population. Right after, they did whatever they did to
13 find out he was at the height of his population. They
14 did two test markets with 10,000 people and I got 33 --
15 he got 33 and a third percent of the votes. I got 66
16 and two thirds percent of the votes. And it had
17 nothing to do with credibility. It had to do with
18 popularity. So I knew they were going to ask me about
19 that, and then what I thought about the current
20 environment -- yeah, the current environment of the
21 president and everything else.

22 Q. This was right before the presidential
23 election?

24 A. Yeah, yeah. It was -- I don't know if it was
25 or not, but for some reason, they wanted to talk to me

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1 Q. And then at the bottom, it says: Arrive at
2 VH1. And then it says: Green room interview.

3 And then you have to turn the page for the
4 next reference. It says: Viacom corporate blog.

5 Were you interviewed for the Viacom corporate
6 blog, if you recall?

7 A. Oh, my gosh. No, I don't recall that.

8 Q. All right.

9 A. I don't know who that lady is. I'm sure if I
10 saw her, I would recognize her. I'm not good with
11 names, as you know.

12 Q. And then were you -- were you interviewed on
13 the Big Morning Buzz Live with Carrie Keagan?

14 A. I remember going to the Sirius building, and
15 as I was in that building, they drug me probably from
16 five to ten different shows, because if I was there for
17 one -- and I do remember going to the building. There
18 is a hallway, a long skinny hallway with a bunch of
19 doors, and they just kept pulling me in different
20 rooms. Do country, do rhythm and blues, do this, do
21 talk, do hip hop. I just remember them pulling me into
22 a bunch of different rooms, all of a sudden, and doing
23 interviews.

24 Q. Sorry. I just -- I want to get to the Sirius
25 in just one moment --

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1 about me running -- putting my hat in the ring, because
2 I had said something about a flat tax, and something --
3 a bunch of other things.

4 Q. And then let me just ask you about that. You
5 thought about running for office again?

6 MR. HARDER: Objection.

7 THE WITNESS: I thought about leaving the
8 beach and having to live in the White House and
9 that wouldn't work. And I didn't want to do too
10 good a -- too good a job and get assassinated.
11 Sorry, it's not an option. I haven't really
12 pursued it after that. Plus, I couldn't take a
13 cut in pay.

14 BY MR. BERLIN:

15 Q. Let me move onto the next one. It says
16 that -- it refers to Imus radio, Fox business channel,
17 live TV.

18 Did you do that program?

19 A. Oh, gosh. I have no idea if I did or not.
20 Imus is an old friend, and usually we try to work him
21 in, because we have -- for some reason, him and I just
22 hit it off real well.

23 Q. You click well?

24 A. Yeah. There is chemistry with him. He's
25 a -- he's a straight shooter.

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1 A. I'm sorry.

2 Q. -- and I will ask you another question --
3 questions about that.

4 A. Sorry.

5 Q. Just above where it says SiriusXM rounds, at
6 the top of the page, it says VH1 -- let me point if I
7 could, right here.

8 A. Yes.

9 Q. VH1 Big Morning Buzz Live with Carrie Keagan.

10 A. Yes.

11 Q. Did you -- that would have been at the Viacom
12 building. Did you do that interview?

13 A. I don't recall if I did or not.

14 Q. Okay. Now, if we could move to the SiriusXM,
15 and then we'll go -- if you will look at the schedule
16 here.

17 A. Yeah. Okay.

18 Q. Yeah. Were you on a show called Shade 45
19 with Sway? Does that sound familiar?

20 A. Sounds familiar, but like I said, I was --
21 once I'm in that building, they pulled me into so many
22 interviews, like it's listed here. And it's usually
23 more than just this. I don't recall exactly what I did
24 that day.

25 Q. Do you know if TNA keeps copies of all your

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- 1 A. No, it doesn't.
- 2 Q. All right. Now, having looked at this and
- 3 having sort of talked about the kinds of places you
- 4 were appearing for TNA Wrestling, is this kind of media
- 5 tour typical for the other -- of the other ones that
- 6 you had done for TNA Wrestling?
- 7 A. It's typical, yes.
- 8 Q. Okay. Had you done tours like that for other
- 9 places, like WWE?
- 10 A. Yes.
- 11 Q. And was it typical of a -- like a tour for
- 12 WWE?
- 13 A. No.
- 14 Q. How is that one different?
- 15 A. WWE has more mainstream media more
- 16 consistently. They -- they target more of -- or they
- 17 have the ability to -- their product, the product that
- 18 they produce, is more openly accepted by larger shows.
- 19 I mean, because of my track record, I can usually get
- 20 on larger shows. But if I have TNA as a product,
- 21 sometimes that stops me from getting on larger shows.
- 22 So when you ask me if the WWE media tour was
- 23 typical, it's not, because with Hulk Hogan and the WWE
- 24 brand, we can get on larger shows than what was on
- 25 this.

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- 1 Q. So if I understand what you're saying, that
- 2 WWE would have more cache for the sort of bigger shows,
- 3 and you would be able to get on them more easily
- 4 with -- if WWE was the product that you were promoting
- 5 rather than TNA?
- 6 A. They have got a better appeal to shows that
- 7 draw larger numbers, as far as ratings.
- 8 Q. Did you ever go on a media tour for your
- 9 books?
- 10 A. Yes, I did.
- 11 Q. Was it sort of like this?
- 12 A. No.
- 13 Q. How was that one different?
- 14 A. The book, to the best of my recollection, was
- 15 a mixture of radio, some TV, and a lot of personal book
- 16 signings to generate awareness in different parts of
- 17 the country, more of a hands-on type, go, you know, do
- 18 the work, instead of just showing up and talking about
- 19 it. I actually spent hours and hours signing, and
- 20 meeting people, and looking them in the eye, and
- 21 thanking them for being fans, and thanking them. It
- 22 was more of a hands-on type tangible tour.
- 23 Q. And these media appearances that we just
- 24 looked at on this schedule, I take it that you don't
- 25 have copies of any of them for yourself?

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- 1 A. No, sir.
- 2 Q. When did you first learn that Gawker had
- 3 published an article about a sex tape involving you?
- 4 A. I don't recall.
- 5 Q. Do you recall if it was shortly after the
- 6 article was published?
- 7 A. Excuse me?
- 8 Q. Do you recall if it was shortly after the
- 9 article was published?
- 10 A. I don't recall. And "shortly" means a day, a
- 11 month? I mean --
- 12 Q. I was going to ask you, you know -- let me
- 13 ask you this. You were on this media tour. Did you
- 14 learn about the fact that Gawker had published a story
- 15 about a sex tape involving you before you went on this
- 16 media tour?
- 17 A. Yes.
- 18 Q. But you otherwise have no specific
- 19 recollection of how soon after the article was
- 20 published you learned about it?
- 21 A. It was in close proximity, because the media
- 22 tour was booked, whether it was booked a week before I
- 23 went or six months before I went. The media tour was
- 24 booked, but it seemed like it was closer to the time
- 25 when I was supposed to go.

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- 1 And I just remember it just being real
- 2 intense, and I just remember whenever the awareness
- 3 level grew to an all-time high, it was right before I
- 4 went on the media tour. So maybe it had been just
- 5 released then by Gawker, or maybe it was the first time
- 6 Gawker put it on the website.
- 7 I just remember the media tour was booked and
- 8 everything was fine, and all of the sudden, it was
- 9 like, oh, my gosh, the sex tape is available through
- 10 Gawker, and should I go or not go on the tour. That
- 11 was in my mind.
- 12 Q. What was your thinking there?
- 13 A. My thinking was, I'm not going to hide from
- 14 anything.
- 15 Q. So you decided to go on the media tour even
- 16 though you had to know people were going to ask about
- 17 the sex tape?
- 18 A. I didn't know if they would ask me or not,
- 19 but I was going to go and face whatever music I had to
- 20 face. I wasn't going to hide.
- 21 Q. Does it help you in terms of your
- 22 recollection if I represent to you -- which Mr. Harder
- 23 can tell you if I have got this wrong -- that the
- 24 Gawker story about the sex tape was posted on the 4th
- 25 of October of 2012?

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1 added to that tour after the Gawker story came out?
 2 A. I don't recall.
 3 Q. I think you did testify that the -- you
 4 talked to TMZ from the Parker Meridien. Was that added
 5 after?
 6 A. Like I testified earlier, until I get that
 7 final copy that's slid under the door, they were always
 8 trying to find more media opportunities.
 9 Q. Fair enough.
 10 A. So, I mean, you know -- when you say "added
 11 on," I -- you know, the TMZ thing wasn't added on. It
 12 just popped up, phone rang, and there I was. It wasn't
 13 added on to my schedule.
 14 Q. Was the amount of time you appeared on any of
 15 the programs that we've looked at on that schedule of
 16 media appearances extended after the Gawker story came
 17 out?
 18 A. I have no idea.
 19 Q. And you were aware going into those media
 20 appearances that you would be asked about the sex tape?
 21 MR. HARDER: Asked and answered before.
 22 THE WITNESS: I was not aware that I would be
 23 asked. I was -- I was aware that there may be a
 24 possibility that they could ask.
 25 BY MR. BERLIN:

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1 Q. Did you have -- well, let's do it this way:
 2 Did you or anybody on your behalf tell any of those
 3 media outlets that they were not allowed to ask you
 4 about the sex tape?
 5 MR. HARDER: Asked and answered before.
 6 THE WITNESS: I don't recall exactly what was
 7 said, but I'm sure it was addressed, if there was
 8 ongoing communications after -- from the
 9 publicist, Jules, or whoever was handling the
 10 appearances.
 11 BY MR. BERLIN:
 12 Q. Would you have had those communications
 13 directly with those media outlets?
 14 A. Never.
 15 Q. And would you -- do you know if Elizabeth
 16 Rosenthal -- Rosenthal was involved in that set of
 17 communications?
 18 A. I know Jules was for sure. I think, in my
 19 opinion, Elizabeth was not the lead publicist on that,
 20 so any work Elizabeth done -- did would have been way
 21 before the day of.
 22 Q. And did you have any conversation with Jules
 23 about what you wanted her to tell these media outlets
 24 about what they could or could not ask about with
 25 respect to the sex tape?

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1 A. I don't recall specifics.
 2 Q. Without -- putting aside the specifics, do
 3 you recall having any conversations with Jules about
 4 talking to media outlets about what they could and
 5 could not ask about the sex tape?
 6 A. No, I don't recall having that conversation,
 7 but proper protocol would be to say we're here to talk
 8 about TNA, and let's stay on that subject and not talk
 9 about anything else. If that didn't work, there could
 10 have been a compromise. And I don't know if it was
 11 like that on the Today Show. But on the Today Show,
 12 they said there is a white elephant in the room. Let's
 13 get it out of the room. Let's -- let's ask you about
 14 it.
 15 The proper protocol for a publicist would be,
 16 as you walk in, to say let's stay on the subject that
 17 we are booked here for. And if they were aggressive,
 18 they may have to talk about or ask that question. And
 19 then the proper protocol would be, We are going to do
 20 the interview, or, We're not going to do the interview,
 21 or, We'll do the interview if you just touch on it and
 22 don't stay on it and move on. But I don't know if any
 23 of that happened. But that's what in a normal
 24 situation like that what would have probably happened,
 25 but I don't know if it did.

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1 Q. And did you personally tell any of the
 2 producers for these programs when you were arriving
 3 that you did not want to talk about the sex tape?
 4 A. Never.
 5 Q. Okay.
 6 A. That's not my job.
 7 Q. Did you consider taking the position that you
 8 could not talk about the sex tape because it was going
 9 to be the focus of litigation?
 10 A. I don't recall that.
 11 Q. Were you embarrassed to be talking about
 12 these things in public?
 13 A. Very embarrassed.
 14 Q. Did you talk about the sex tape at all of the
 15 media appearances on the TNA tour?
 16 A. I don't recall.
 17 Q. Do you recall talking about the sex tape on a
 18 number of those appearances?
 19 A. Yes.
 20 Q. Were you concerned that by talking about it,
 21 you would keep the sex tape story in the news?
 22 A. No. My concern -- my concern was -- my
 23 concern was to stop the rumors and the lies and make
 24 people aware, if I could, that we were going to pursue
 25 the people that did this to me.

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1 merits, I will argue the merits. It's already
2 been argued. We have a protective order. No
3 movie ever put him in a sex tape against his
4 knowledge and his will, so it's apples to oranges.

5 MR. BERLIN: But the damages that he's
6 claiming are the value of a sex tape if he had
7 released one. So if he had released one, we need
8 to be able to assess what that value is. I don't
9 want to keep arguing --

10 THE WITNESS: I thought you were asking about
11 the damages that you've done to me.

12 MR. BERLIN: I'm asking about the damages
13 that you're seeking.

14 JUDGE CASE: If there is a protective order
15 in place, I think I have to respect that as well.

16 MR. BERLIN: This is -- this interrogatory
17 was served after that protective order, so I don't
18 know how that could have to do with this.

19 MR. HARDER: Well, you'd have to live with
20 the protective order.

21 MR. BERLIN: Let me put it to you this way.
22 Just let me be as blunt as I can. This is a fair
23 question. If we don't get an answer to it, we
24 will seek to exclude these kinds of damages. So
25 we can try to get an answer to the question, or

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1 A. That's correct.

2 Q. Did you have trouble sleeping as a result of
3 Gawker's publication?

4 A. I had some tough nights. I had some tough
5 nights staying in bed.

6 Q. Did you have any physical problems that would
7 also affect your ability to sleep?

8 MR. HARDER: I'm going to object. If you're
9 getting into his general medical and physical
10 health, that's part of the protective order. You
11 can't get into that. You know; you were there.

12 MR. BERLIN: It's -- the protective order
13 said I couldn't ask for doctors and look at
14 medical records. I'm asking --

15 MR. HARDER: Medical records.

16 MR. BERLIN: I'm not asking him for medical
17 records. I'm asking if he has other -- if he has
18 any physical problems that can -- help him have
19 trouble -- make trouble for him to sleep.

20 MR. HARDER: Okay. Go ahead.

21 THE WITNESS: Yes.

22 BY MR. BERLIN:

23 Q. Is part of that related to back and neck? I
24 think you talked about that on the record in terms of
25 sitting in a chair for a while.

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1 I'm happy to move on if the objection has been
2 sustained. But I want to make my -- with oomph,
3 the fact that we can't seek damages but then
4 refuse to answer questions about things that are
5 analogous to it.

6 MR. HARDER: You're -- it's not analogous.
7 We've already argued the issue. You are welcome
8 to seek to exclude information about his movie
9 contracts, but the judge has already ruled on the
10 protective order.

11 MR. BERLIN: I will. I will seek to exclude
12 this category of damages and we will move on.

13 MR. HARDER: Seek whatever you want.

14 BY MR. BERLIN:

15 Q. Are you seeking damages from Heather Clem?

16 A. Yes.

17 Q. What damages?

18 A. Damages that would involve what level of
19 participation she's played with -- from making the tape
20 to releasing the tape. And I'm going to have experts
21 move forward to find out what those damages are.

22 Q. Is it correct that did you not seek any
23 medical treatment or psychological counseling in
24 connection with the emotional distress you claim was
25 caused by the Gawker story and the excerpts?

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1 A. Are we talking about sitting or sleeping?

2 Q. I'm talking about -- I'm talking about
3 sleeping, but I'm alluding to something that you talked
4 about yesterday in terms of sitting.

5 A. Okay. What was the question, then?

6 Q. The question is, Do the back -- do the back
7 and neck problems that you talked about yesterday
8 affect your ability to sleep?

9 A. Yes. They limit what position I can be in,
10 and depending on that position, they limit how long I
11 can sleep in that position. And there are some
12 positions that I cannot sleep in at all.

13 Q. Is there anything else that affects your
14 ability to sleep?

15 A. The only thing that I have ever noticed that
16 would affect my ability to sleep other than the things
17 I have already talked about would be if I eat too much
18 food or if I'm stressed out over something.

19 Q. Do I take it that you would include your
20 reactions to the Gawker publications as something that
21 would be stressed out?

22 A. Yes.

23 Q. Did you lose your appetite as a result of
24 Gawker's publication?

25 A. For a while, yes.

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1 Q. Is that unusual for you?

2 A. Very unusual.

3 Q. Did you lose weight?

4 A. Whenever I don't eat, I lose weight, but it's
5 a situation I didn't weigh myself or monitor it when I
6 wasn't eating for the Gawker situation.

7 Q. How long did that last, your loss of
8 appetite?

9 A. I don't recall. It went on for a while,
10 though. I just felt sick. I just couldn't eat. As
11 soon as I would eat something, I would feel full.

12 Q. Is there anything that you can do to help me
13 understand, you know, how long a while is? Is that a
14 week?

15 A. Oh, no. It was longer than a week. It
16 was -- it was probably -- probably the first two months
17 for sure I couldn't keep anything down that would not
18 come right up. I was so stressed out just by the vibe
19 in my house and how it felt to be there.

20 THE VIDEOGRAPHER: Excuse me. I'm sorry.
21 Can we go off the record for a moment?

22 MR. BERLIN: Yes.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: On the record at 3:39.

25 THE WITNESS: Still under oath.

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1 her demeanor. It just totally rattled her.

2 So a lot of that had to do with why I
3 couldn't sleep. I mean, if I could get in a good
4 position, I would fall sleep, but I wouldn't stay
5 asleep long.

6 Q. This was nightly, or was this several times a
7 week or --

8 A. This was nightly and during the day, because
9 I kept trying to lay down during the day. I was so
10 tired, and I was -- I would just sit right back up,
11 compulsively thinking about this whole situation.

12 Q. And did your wife tell you that she was
13 getting up and leaving the bed because she was upset
14 about the Gawker publication?

15 A. It's between me and my wife.

16 MR. HARDER: Spousal privilege.

17 THE WITNESS: Thank you.

18 BY MR. BERLIN:

19 Q. Did you have any understanding of why she was
20 getting up and leaving the bed, without telling me what
21 you discussed?

22 A. My understanding was it rattled her to her
23 core. And to this day, it still has changed her.

24 MR. HARDER: Just one second. It's about the
25 spousal.

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1 BY MR. BERLIN:

2 Q. What I thought we would do since we had an
3 outage on the sound, is I'd ask our court reporter to
4 just read back the first -- the last question and
5 answer, and then we'll pick up.

6 (A portion of the record was read by the
7 reporter.)

8 BY MR. BERLIN:

9 Q. Do I understand your testimony when you say
10 you couldn't keep anything down that you were vomiting?

11 A. No. It would come back up in my throat and
12 it just made me not want to eat.

13 Q. And how long did you have trouble sleeping as
14 a result of Gawker's publication?

15 A. Well, it was a situation where it went on
16 probably -- probably until the time I could get my wife
17 settled back in, probably for five or six months, you
18 know. At first it was just -- I just couldn't lay
19 down. It just had me so rattled, I couldn't quit
20 thinking about it.

21 And then she was unsettled, and I physically
22 missed her presence. And I never talked with her about
23 why, but she would just get out of bed and disappear
24 and go sit downstairs or go in the other room, and it
25 was an ongoing thing. She was just -- it just changed

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1 (Discussion off the record.)

2 MR. BERLIN: I'll just ask the record to
3 reflect that Mr. Harder whispered to the witness.

4 BY MR. BERLIN:

5 Q. Are you someone who experiences stress this
6 way with -- in other situations with either the loss of
7 sleep or loss of appetite?

8 MR. HARDER: Compound.

9 THE WITNESS: I can only relate it to what I
10 have been through, and in my opinion, I have been
11 through hell and back again with the very horrible
12 divorce, you know, which was just out of control
13 and got played out in the media. I have been
14 through hell and back again worried about --
15 worrying about my children, and a couple really,
16 really bad situations that were played out in the
17 media.

18 But without a doubt, this is -- this has been
19 worse than all that stuff put together. To see
20 what it has done, you know, and continues to do to
21 someone that had nothing to do with this at all,
22 my wife, Jennifer. And just to know how she was
23 and to look at her now and just to -- it's like
24 the gift that keeps on giving. I don't know how
25 you fix something after you have broken somebody.

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1 And for someone that doesn't, you know, read the
2 newspaper or doesn't deal with any type of media,
3 to have to be exposed to this through word of
4 mouth through other family members and friends and
5 have to be told the situation of me with Heather,
6 I don't know what's to come.

7 I don't know how you could fix it or if
8 you're trying to put a money value on it, how much
9 money you could possibly come up with to fix it.
10 I don't know how you could ever fix that. So
11 it's -- compared to everything I have been
12 through, this is by far magnified a thousand times
13 over because it just doesn't ever quit, you know.

14 I walk in today, and even though she's not
15 here, I told her --

16 MR. HARDER: Whoa.

17 THE WITNESS: Okay.

18 MR. HARDER: Spousal privilege.

19 THE WITNESS: I'll walk home today and
20 because she knows where I am at, there is a
21 different demeanor when I walk in the house.

22 BY MR. BERLIN:

23 Q. Did you cry about it after the Gawker story?

24 A. To the best of my recollection, there has
25 been a lot of crying with me over this.

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1 Q. And in connection with the Gawker story, when
2 after the Gawker story did you contemplate suicide?

3 A. When I thought my new marriage might end
4 because of this.

5 Q. And was that immediately after the story was
6 published?

7 A. It was immediately after my wife found out
8 about this. And I don't know if it was the same day or
9 a month after the story was published, as she doesn't
10 read or go to dirty websites like yours.

11 Q. And she didn't find out about this sex tape
12 with you and Heather Clem from the TMZ report that was
13 about six months before the Gawker publication?

14 A. No.

15 Q. And she didn't find out about this sex tape
16 between you and Heather when there were stills
17 published?

18 A. No.

19 Q. So the first time she found out about it was
20 after the Gawker story was published?

21 A. Yes.

22 Q. And just so I -- I just want to make sure. I
23 think I asked this already. You didn't seek any
24 medical or psychiatric or psychological treatment as a
25 result of contemplating suicide?

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1 Q. When you say "crying with me," you mean
2 crying by you?

3 A. By me, yeah.

4 Q. Okay. Did you ever contemplate suicide as a
5 result of this?

6 A. Yes, I did.

7 Q. Have you ever contemplated suicide at any
8 other time in your life?

9 A. Yes, I have.

10 Q. When was that?

11 A. It was a long time ago when I was alone in my
12 house at Willadel, the old house that I used to live at
13 with my ex-wife. And things had bottomed out, and I
14 had about an hour or two where my ex-wife made --

15 MR. HARDER: Sorry. Don't get into spousal
16 communications, please.

17 THE WITNESS: It was quite clear that my
18 marriage was over, and she never wanted to see me
19 or be with me again. And she was 53 years old and
20 in love with an 18-year-old kid. And there was a
21 lot going on. He was living in a couple of my
22 other residences and driving my cars and bragging
23 about sleeping with the woman I was still married
24 to, and I hit a low point for a moment or two.

25 BY MR. BERLIN:

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1 A. Correct.

2 Q. Did the Gawker publication cause you
3 embarrassment?

4 A. Yes.

5 MR. BERLIN: Let me go to the next exhibit,
6 if I could, please.

7 THE WITNESS: Are we done with this?

8 MR. BERLIN: For now, yes.

9 (Discussion off the record.)

10 (Exhibit No. 99 was marked for
11 identification.)

12 BY MR. BERLIN:

13 Q. Have you seen this document before?

14 A. Yes, I have.

15 Q. What is it?

16 A. It's -- I'm not exactly sure, but it is an
17 attempt by myself and my attorneys to have Gawker take
18 the sex tape down so no one will see it anymore,
19 especially children, that it pops up on the website.

20 Q. Is this your statement? It's titled at the
21 top, Affidavit of Terry Gene Bollea.

22 A. I don't recall. I don't type up affidavits.
23 It would probably be my legal counsel that did that.

24 Q. Sir, I'm not asking if you typed it. I'm
25 asking if this is your affidavit.

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- 1 A. Well, I signed it, so --
- 2 Q. That was going to be my next question.
- 3 That's your signature at the end?
- 4 A. Yes, it is, so it's signed by me. And it
- 5 might be my attorney's affidavit and I signed it. I
- 6 don't know whose property this is.
- 7 Q. Did you review it before you signed it?
- 8 A. Yes, I did.
- 9 Q. And everything in it is true?
- 10 A. Yes.
- 11 Q. And when you signed it, you had not read the
- 12 Gawker story?
- 13 A. I have never read the Gawker story until
- 14 today.
- 15 Q. Right. And just for the avoidance of doubt,
- 16 when you signed this, you had not seen the excerpts
- 17 that were posted of the sex tape that were posted at
- 18 Gawker.com?
- 19 A. Correct.
- 20 Q. And you have never seen those?
- 21 A. Never seen them.
- 22 Q. Do you know if the excerpts of the sex tape
- 23 that were posted at Gawker.com are still published
- 24 there?
- 25 A. All I have is what my legal counsel has told

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- 1 me, and it's privileged.
- 2 Q. I don't want to ask you about communications
- 3 you've had with your legal counsel. But do you have
- 4 any other source of knowledge of whether the excerpts
- 5 of the sex tape that were posted at Gawker.com --
- 6 excuse me -- are posted there now?
- 7 A. They are the only source of knowledge I have.
- 8 Q. All right. Fair enough.
- 9 If I can ask you to turn to -- the pages are
- 10 not numbered -- but to paragraph 15, where it says:
- 11 Often when I'm in public, I'm confronted by strangers
- 12 who start to talk to me about the sex tape, which
- 13 remains up without permission at Gawker.com.
- 14 That was as of this -- this is signed,
- 15 looking at the back, on the 18th of April of last year.
- 16 Do you recall any specific instances where you were out
- 17 in public and strangers came up to you and started
- 18 talking to you about the sex tape?
- 19 A. There are too many to recall any specific
- 20 ones, because it's still -- it still happens all the
- 21 time.
- 22 Q. When was the last time it happened?
- 23 A. I can't remember if it was three or four
- 24 nights ago, I was at the Island Way Grill, and I had a
- 25 lady come up to me and said she saw the sex tape in

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- 1 front of my wife.
- 2 Q. And what did you say?
- 3 A. I didn't say anything.
- 4 MR. HARDER: Just one second. Question and
- 5 answer is over.
- 6 MR. BERLIN: Yeah.
- 7 (Discussion off the record.)
- 8 MR. BERLIN: Let the record reflect that
- 9 Mr. Harder is whispering to the witness.
- 10 BY MR. BERLIN:
- 11 Q. Moving on. Since the Gawker publication,
- 12 have you avoided being in public?
- 13 A. No.
- 14 Q. Have you turned down any public appearances
- 15 because you found it too embarrassing or uncomfortable
- 16 to talk about the sex tape?
- 17 A. Repeat the question.
- 18 Q. Let me shorten it. Since the Gawker
- 19 publication, have you turned down any public
- 20 appearances?
- 21 A. Not that I can recall.
- 22 Q. Can you tell me what Hulk Hogan Uncensored
- 23 is?
- 24 A. Not unless you refresh my memory.
- 25 Q. Okay.

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- 1 (Exhibit No. 100 was marked for
- 2 identification.)
- 3 BY MR. BERLIN:
- 4 Q. Let me show you what's been marked as Exhibit
- 5 100. This is an Internet printout of a newspaper
- 6 article from the Cape Breton Post, at
- 7 CapeBretonPost.com, dated August 12th, 2013. I'd like
- 8 you to take a look at that and see if that refreshes
- 9 your recollection of what Hulk Hogan Uncensored is.
- 10 A. To a point, yes.
- 11 Q. What --
- 12 A. Well, I have had a couple speaking
- 13 appearances that were either called Hulk Hogan
- 14 Uncensored or Hulk Hogan and Friends, and it could have
- 15 been one of those.
- 16 Q. What do you do at the ones that are called
- 17 Hulk Hogan Uncensored?
- 18 A. We usually talk to fans.
- 19 Q. Do you let them ask questions?
- 20 A. Yes.
- 21 Q. And do you answer the questions?
- 22 A. Yes.
- 23 Q. Are there any limits on the questions they
- 24 can ask?
- 25 A. We try to limit questions, but they pretty