

EXHIBIT 3

to the

PUBLISHER DEFENDANTS' MOTION IN LIMINE ON EVIDENCE
RELATING TO PLAINTIFF'S ADMISSION THAT HE BELIEVED
THE SEX TAPE(S) SHOWED HIM MAKING STATEMENTS THAT
HAVE BEEN MARKED AS CONFIDENTIAL

Confidential - For Attorney's Eyes Only

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

DEPOSITION OF: RICHARD D. PEIRCE
DATE: January 27, 2015
TIME: 3:10 p.m. to 5:35 p.m.
PLACE: Riesdorph Reporting Group
100 Second Ave. S.
Suite 104-S
St. Petersburg, Florida
PURSUANT TO: Notice by counsel for Defendants
Gawker Media, LLC, et al., for
purposes of discovery, use at
trial or such other purposes as
are permitted under the Florida
Rules of Civil Procedure
REPORTED BY: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large

Pages 1 to 117

1 APPEARANCES:

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8 MICHAEL BERRY, ESQUIRE
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11 - and -

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et al.

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20 Attorney for Richard D. Peirce

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22

ALSO PRESENT:

23

Judge James R. Case

24

25

1 Q. Were the rumors that you heard and read on
2 the message board prior to March 7th, 2012?

3 A. I don't remember.

4 Q. After this point, you do recall, though,
5 talking about it and discussing the --

6 A. I don't know if it was after March 7th, if
7 that was the first one. I don't -- I don't know when.
8 No, I didn't record those dates.

9 Q. Okay. I'm going to -- but it's possible that
10 it preceded this?

11 A. I don't know.

12 Q. I'm going to show you another document which
13 we'll mark as 112.

14 (Exhibit No. 112 was marked for
15 identification.)

16 BY MR. BERRY:

17 Q. And this document, has been marked
18 "confidential, attorney's eyes only." That's --

19 MR. EDMISTON: Can I have a minute? I just
20 want to talk to him. I have not seen this. I
21 need a minute to talk to him, if I can have two
22 minutes.

23 MR. BERRY: Before you go, let me just put on
24 the record what it is.

25 MR. EDMISTON: Sure.

1 A. Uh-huh (Indicates affirmatively).

2 Q. Yes?

3 A. Yes.

4 Q. Okay. You sent this e-mail, right?

5 A. Yes.

6 Q. Do you recall sending it?

7 A. Yes.

8 Q. Did you see any of the tapes involving
9 Hulk Hogan and Heather Clem?

10 A. Only the clip that was online.

11 Q. But not anything else?

12 A. No, I didn't see any of that, no.

13 Q. And is this attachment that's on page 54, is
14 this what you received from the instant message that
15 you mentioned earlier?

16 A. It looks like it is, yes.

17 MR. EDMISTON: Subject to some redactions. I
18 think there was some redactions.

19 BY MR. BERRY:

20 Q. Right. Other than the stuff that the
21 plaintiff had redacted --

22 A. Yeah.

23 Q. -- this is what you received from the instant
24 message?

25 A. Yes.

1 Q. Did it come to you as a Word document?

2 A. I don't remember if it was just text or a
3 Word document.

4 Q. Do you recall whether you put it into a Word
5 document?

6 A. I don't remember what I did. I just know I
7 sent it off.

8 Q. The e-mail that you sent is dated March 12 at
9 4:00 p.m.?

10 A. Uh-huh (Indicates affirmatively).

11 Q. When relative to that time did you receive
12 the timeline?

13 A. Oh, it was that day.

14 Q. It was the same day?

15 A. It was the same day.

16 Q. Within hours?

17 A. It probably was, yes.

18 Q. Do you know if the person who sent this to
19 you provided this timeline to anyone other than you?

20 A. No, I do not.

21 Q. Did you ever discuss this timeline with
22 anybody else?

23 A. I discussed with Mike Calta. I know that. I
24 don't recall ever discussing it with anyone else.

25 Q. Why did you send it to Calta?

1 A. Because we were both in disbelief that it
2 happened. I was always telling him, There is no way.

3 And he said it was possible, because he knew
4 Bubba in a bad way more than I did.

5 And I was like, No, it's not possible.

6 And then that came out, and I said -- it was
7 more like, Okay, you're right; it's possible.

8 Q. How often prior to this time were you in
9 touch with Mike Calta?

10 A. We would go to lunch every once in a while.

11 Q. When prior to this time had you discussed the
12 sex tape involving Hulk Hogan with Mike Calta?

13 A. I don't know.

14 Q. Do you think it was between the time of the
15 TMZ report that I showed you a couple minutes ago and
16 this or prior to the TMZ report coming out?

17 A. I don't remember if that's how I first found
18 out, that being TMZ, if that's how I heard about it
19 first. I don't remember when our first conversation
20 was about it, no.

21 Q. When you sent this e-mail to Mike Calta, was
22 there any text in the e-mail?

23 A. I don't remember.

24 Q. Did you -- did he know to be expecting this
25 e-mail?

1 A. I don't know if I told him in a text to check
2 his e-mail or if I just sent it. I don't know. He
3 would have been on air then, Monday. If he was on air
4 or not, or on best of, I don't know what his schedule
5 was then. But if it was a normal broadcast day, he was
6 on air.

7 Q. All right. And did you discuss it with him
8 afterwards?

9 A. I can't say for certain, but we probably did.

10 Q. What do you recall about any communications
11 that you had with Mike Calta about the sex tape
12 involving Hulk Hogan?

13 A. I just said I'm not certain of what we talked
14 about. I don't know.

15 Q. Did Calta respond to this e-mail?

16 A. I don't believe so. I think we just talked
17 about it.

18 Q. What did you say during that discussion?

19 A. Can you -- it was disbelief. And I remember
20 what was redacted. That came up.

21 Q. Am I permitted to ask him about that?

22 MR. HARDER: I'm going to object. It's part
23 of the protective order. We had to file a motion
24 for protective order, and it was granted, so --

25 THE COURT: I think we need to stop on that

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REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 30th day of January 2015.

Aaron T. Perkins, RPR