

EXHIBIT 5

to the

**PUBLISHER DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION *IN LIMINE* NO. 6 TO EXCLUDE EVIDENCE
RELATING TO ADDITIONAL VIDEOS**

Case No. 12012447-CI-011

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

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TERRY GENE BOLLEA professionally known as
HULK HOGAN,

Plaintiff,

vs.

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

Defendants.

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CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF
DAVID HOUSTON

FRIDAY, APRIL 10, 2015

Reno, Nevada

Reported by: KIMBERLY J. WALDIE, NV CCR #720, RPR
CALIFORNIA CSR #8696

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3 APPEARANCES OF COUNSEL:

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5 For the Plaintiff Terry Gene Bollea
and Deponent David Houston:

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Also Present:

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James Case, Special Master

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17 Videographer:

18 Jeff Waldie, CCVS

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1 Q Okay. And then you indicated at some point you
2 went to Davidson's room or what you thought to be
3 Davidson's room.

4 A Yeah, I believe. It was somewhere else, a
5 room.

6 Q Okay. But actual hotel room?

7 A Yes.

8 Q Like a guest room?

9 A Yes.

10 Q Okay. I take it there's a bed in the room, not
11 like a conference room or something like that?

12 A No, no, it was a hotel room.

13 Q Okay. And how long were you in Mr. Davidson's
14 room?

15 A Not a great period of time, 20 minutes,
16 30 minutes maybe. Very brief. His purpose was
17 essentially, as he said, "Let's get this out of the
18 way," referencing the authentication, because otherwise,
19 of course, we're going to have to do it later after the
20 polygraph. So he came up to the bright notion of
21 getting it done right away.

22 Q Okay. All right. And then you indicated that
23 after that, you went back up to the additional room
24 where you all met.

25 A After the polygrapher contacted us.

1 that. I don't recall.

2 Q Okay. All right. Now, did you later watch any
3 of the DVDs obtained from Mr. Davidson with the FBI?

4 A No.

5 Q Did they ever call you in and ask you to view
6 portions of this and identify it?

7 A They never called me in to review the
8 videotapes.

9 Q Okay. Did they call you in for any other
10 purposes related to this investigation?

11 A There was a telephone call made as to whether
12 I'd be willing to go to the FBI office in Tampa for the
13 purposes of assisting in the transcription of the stated
14 word as it pertained to the videotape. Their
15 transcriber was having difficulty making out certain
16 words at certain times. I had agreed to do so. That
17 was to be planned for in the future, and it never came
18 to fruition.

19 Q So you never actually went over --

20 A No.

21 Q -- and participated in the transcription?

22 A No.

23 Q All right. When you were there in
24 Mr. Davidson's room that day, were three DVDs placed in
25 a DVD player and portions played?

1 A There appeared to be three DVDs, not all at
2 once placed in a player, but individually one at a time.
3 Whether they were different DVDs or one DVD and two
4 copies remains to be seen, I guess.

5 Q Okay. What --

6 A I don't know.

7 Q Okay. What order did you view the three tapes
8 in?

9 A First one was first.

10 Q No.

11 A There's no time, date stamp on the DVDs for me
12 to draw reference points.

13 Q No. I understand that. But the reason I ask
14 you is because he gives you this Exhibit B, and it says
15 first tape, second tape. You know what I mean? It
16 purports --

17 A Right.

18 Q -- to provide contents to three different
19 tapes.

20 A Right.

21 Q Did he then say to you when you were in his
22 room, "Okay. I'm going to show you an excerpt of the
23 first tape"?

24 A No. I think the idea was at that point in time
25 not to verify everything that he claimed was on the

1 tapes was on the DVD. Literally, that would require us
2 to sit and go through each DVD in their entirety.

3 Quite to the contrary, our goal was to simply
4 provide verification that it was Terry on the DVD, and
5 as such -- and this sounds silly when you are doing a
6 business deal, but under the circumstances, Mr. Davidson
7 then would be apparently believed as to what he was
8 saying.

9 Our goal was not to sit and verify content. It
10 was simply to authenticate the fact that Mr. Bollea was
11 on there. But, again, remember, this is all part of a
12 sting, and so, therefore, we're playing a role where
13 we're attempting to have Mr. Davidson believe that we're
14 bona fide purchasers for this material, which requires
15 us to do something, which at that point was "Okay.
16 Well, Terry, does that look like you?" which leads Terry
17 to walk away, signaling to me he's very upset, which
18 leads me to want to just simply get through the process.

19 Q All right. If you would look, please, back at
20 Defendant's Exhibit 259.

21 A Got it.

22 Q And if you would turn to page 1210, which is --

23 A 1210 in 259?

24 Q Yes, sir.

25 A Okay. Hang on. I've got it.

1 I, KIMBERLY J. WALDIE, a Certified Shorthand
2 Reporter licensed in the State of California and the
3 State of Nevada, do hereby certify:

4 That on FRIDAY, APRIL 10, 2015, at the offices
5 of Hoogs Reporting Group, 435 Marsh Avenue, Reno,
6 Nevada, personally appeared DAVID HOUSTON, who was duly
7 sworn to testify and deposed in the matter entitled
8 herein; that, before the proceedings' completion, the
9 reading and signing of the deposition were not requested
10 by the parties; that said deposition was taken in
11 verbatim stenotype notes by me, a Certified Shorthand
12 Reporter, and thereafter transcribed into typewriting as
13 herein appears;

14 That the foregoing transcript, consisting of
15 pages 1 through 229, is a full, true and correct
16 transcription of my stenotype notes of said deposition
17 to the best of my knowledge, skill and ability.

18 I further certify that I am not a relative or
19 employee of counsel of any of the parties, nor
20 a relative or employee of any party involved in said
21 action, nor financially interested in the action

22 Dated at Reno, Nevada, this 14th day of April,
23 2015.

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25 KIMBERLY J. WALDIE, CSR No. 8696
NV CCR #720, RPR