

EXHIBIT 56-C

to the

**CONFIDENTIAL DECLARATION
OF GREGG D. THOMAS
IN SUPPORT OF PLAINTIFFS' OBJECTIONS**

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,

Case No.
12-012447-CI-011

vs.

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

Defendants.

CONTINUED VIDEOTAPED
DEPOSITION OF: BUBBA THE LOVE SPONGE CLEM

DATE: March 3, 2014

TIME: 3:21 p.m. to 6:02 p.m.

PLACE: Thomas & LoCicero, P.L.
601 South Boulevard
Tampa, 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: Aaron T. Perkins, RPR
Notary Public, State of
Florida at Large

Volume 2
Pages 183 to 345

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et al.

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Attorney for Bubba the Love Sponge Clem

ALSO PRESENT:

Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

1 recordings could come to?

2 A. All four cameras went to there.

3 Q. Was this recording device ever kept anywhere
4 other than the --

5 A. No.

6 Q. -- spot you marked?

7 A. No.

8 Q. You talked about -- you talked about how you
9 could get images off of the recording device. Did it
10 have a DVD burner on it? How -- how would you do that?

11 A. I had a DVD burner, because I do audible and
12 a lot of those things. I have a DVD burner that if I
13 had an instance and I wanted to download something I
14 would bring.

15 Q. And so you could just plug it right into
16 the --

17 A. Yes.

18 Q. -- recording device?

19 A. Yes.

20 Q. How many times did you burn a DVD off of the
21 recording device?

22 A. The best of my knowledge, three or four.

23 Q. Tell me what each of those instances were.

24 A. One instance is I wasn't successful. I --
25 some kids had egged my house, and I wasn't able to

1 get -- they didn't come close enough to the front door.
2 Another instance is I had a pool guy in the back area,
3 I felt as if stole some stuff. I, again, I didn't
4 captivate that either. Another instance was actually
5 my hot water heater broke in the -- in the middle of
6 the night, and I did get that footage from the garage,
7 and then Heather and Mr. Bollea's excursion.

8 Q. And when did the house egging happen?

9 A. Oh, I don't -- years, years ago. I don't
10 know what day.

11 Q. Prior?

12 A. It was, obviously, in Halloween. It was
13 probably early November, late October, but I can't tell
14 you what year.

15 Q. Was that before or after the Hulk and
16 Heather's --

17 A. Before.

18 Q. How about the pool guy?

19 A. Before.

20 Q. And the hot water heater?

21 A. Before.

22 Q. Any other times that you downloaded?

23 A. I can't remember of any, no. I can't
24 specifically recall. Those are the four that stick
25 out.

1 is a very private dad who -- whose family means very
2 much -- a lot to him and who doesn't necessarily enjoy
3 drama or -- or any type of fame other than just to do
4 his best.

5 Q. Well, how -- how is that different than the
6 Hulk Hogan character?

7 A. Well, when Mr. -- Mr. Hogan is in the four
8 corners of a wrestling ring, there is a time to be Hulk
9 Hogan and there is a time to be Terry Bollea. His
10 closest friends, his ex-wife, probably his current
11 wife, call him Terry. They don't call him Hulk. They
12 call him Terry. He's Terry. When he's not wrestling,
13 he's Terry. He doesn't -- if he was full of himself
14 and he wanted to be Hulk Hogan, he would tell you to
15 make sure you call me Hogan or Hulk. I never saw that.
16 People that knew him as Terry called him Terry. And
17 that's how -- that's how you could differentiate or how
18 people could differentiate whether he's -- the camera
19 is on or off, per se, with regards to working for the
20 wrestling industry or the entertainment business.

21 Q. And what did you call him?

22 A. Both. Terry and Hulk, I mean -- or Hogan or
23 Hootie. His nickname was Hootie to me, just kind of a
24 term of endearment, Hootie, kind of a play on words.

25 Q. And how did that come about?

1 Q. Well, no. I'm just curious.

2 A. It's just a play on words. It's just a big
3 contraceptive, walking thing, you know. I don't know.
4 It's just a play on words, Bubba the Love Sponge. It
5 doesn't really mean anything.

6 Q. But out of all the things you could have
7 picked, how did you pick that one?

8 A. I don't know, buddy. I don't know. I don't
9 know.

10 Q. Does anybody still call you Todd?

11 A. No.

12 Q. When you were married to Heather, did she
13 take the name Love Sponge Clem?

14 A. Uh-huh (Indicates affirmatively).

15 Q. Did -- did Hulk know that you had cameras in
16 your house?

17 A. No.

18 Q. Were there cameras in the house when you
19 lived there?

20 A. Yes. In those areas, yes.

21 Q. In the four areas we talked about earlier?

22 A. Yes.

23 Q. Did you ever discuss the cameras with him?

24 A. No.

25 Q. Did you ever point them out to him?

1 A. No.

2 Q. When he lived with you, was he ever in your
3 bedroom?

4 A. He may have. I mean, I specifically remember
5 one -- let me -- let me -- let me retract that. I
6 think there was one particular Thanksgiving that he
7 came over to -- to hang out with us, and we were
8 watching a movie. All of us together were watching a
9 movie in my bedroom, and so I -- that's the one
10 particular time I remember. But I don't think that --
11 that was certainly not during the time he lived with
12 me. But he had -- he could have very well been in my
13 bedroom when he lived with me, but I can't give you any
14 instances per se.

15 Q. When you say that all of us were in the
16 bedroom watching a movie, who is all of us?

17 A. Tyler, Julia, Heather, Terry, maybe my
18 sister. I forget what was on, maybe -- it might --
19 what was that movie with James Cameron, the special?
20 Avatar? It might have been Avatar, I think, maybe.

21 Q. Okay. And just to clarify, Julia is
22 Heather's daughter?

23 A. Heather's daughter, yes.

24 Q. Okay.

25 A. I think she's 12. I think she's 12 now.

1 THE VIDEOGRAPHER: Off the record at 5:36.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: On the record at 5:39.

4 BY MR. BERRY:

5 Q. When was the first time that Heather and Hulk
6 had sex?

7 A. Well, the first and only time was that time
8 that you guys have the videotape of.

9 Q. Do you recall what year that was?

10 A. No.

11 Q. And had they had any sexual contact before
12 that?

13 A. No, not -- not -- I don't think so.

14 Q. And so if I understand the chronology, you
15 mentioned this to Hulk, and then at some point -- at
16 some point shortly thereafter, they had sex?

17 A. Yes.

18 Q. And as far as you know, they only had sex one
19 time?

20 A. Yes.

21 Q. Do you know, just roughly, what year this
22 was?

23 A. No.

24 Q. Do you know whether they ever had any sexual
25 encounter at the radio station where you worked?

1 or not or it just was a spontaneous-type thing. I
2 don't -- I can't give you my mindset as to if I had
3 that mindset or not.

4 Q. Prior to them having sex, did you know that
5 it was going to be recorded?

6 A. No. Again, my testimony is I didn't have
7 that mindset per se at the time. It was a spontaneous
8 thing. And again, my room is under surveillance at all
9 times, so I had a certain amount of days, however long
10 my hard drive, whether it was 14 days or 18 days, to
11 captivate that and to save that particular thing. So
12 my testimony would be, no, it was not premeditated at
13 the time that I asked him. I -- I would never do that.

14 Q. Did Heather understand at that time that she
15 was being filmed?

16 MR. DIACO: Object to the form of the
17 question.

18 THE WITNESS: I don't know. I don't know.
19 You might want to ask her.

20 BY MR. BERRY:

21 Q. Did you think that she knew she was being
22 recorded?

23 A. I would assume that she did. I would say the
24 only person who didn't know would be Terry.

25 Q. And when did -- was the first time that he

1 MR. HARDER: Well, hopefully, it can be 30
2 days after I get the transcript.

3 MR. BERRY: Right, right, right. That's what
4 it --

5 MR. BERLIN: Yeah. Thirty days from the date
6 of receiving the transcript.

7 MR. BERRY: Yeah, yeah. Sorry.

8 JUDGE CASE: All right.

9 THE VIDEOGRAPHER: Off the record at 6:02.
10 (Deposition concluded at 6:02 p.m.)

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21 S T I P U L A T I O N

22 It is hereby stipulated and agreed upon by
23 and among the attorneys present and the witness
24 that reading and signing of the deposition by the
25 witness is waived.

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, the undersigned authority, certify that
BUBBA THE LOVE SPONGE CLEM, personally appeared before
me and was duly sworn.

WITNESS my hand and official seal this 14th day
of March, 2014.



Aaron T. Perkins, RPK
Notary Public - State of Florida
My Commission Expires: 2/27/2016
Commission No. EE173286



1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA
3 COUNTY OF HILLSBOROUGH

4
5 I, Aaron T. Perkins, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the deposition of
8 BUBBA THE LOVE SPONGE CLEM; that a review of the
9 transcript was not requested; and that the transcript
10 is a true and complete record of my stenographic notes.

11
12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17
18 Dated this 14th day of March, 2014.

19
20 
21 Aaron T. Perkins, RPK

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,

Case No.
12-012447-CI-011

vs.

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

Defendants.

CONTINUED
VIDEOTAPED

DEPOSITION OF: BUBBA THE LOVE SPONGE CLEM

DATE: March 4, 2014

TIME: 12:07 p.m. to 3:10 p.m.

PLACE: Thomas & LoCicero, P.L.
601 South Boulevard
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PURSUANT TO: Notice by counsel for Defendants
for purposes of discovery, use at
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Rules of Civil Procedure

REPORTED BY: Aaron T. Perkins, RPR
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Volume 3
Pages 346 to 519

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Attorney for Bubba the Love Sponge Clem

ALSO PRESENT:

Honorable James Case
Mike Byrd, videographer
Terry Gene Bollea

1 A. I don't recall. I could have spoke to
2 Mr. Houston. I have spoke to Mr. Houston on other
3 matters, not with this tape, so Mr. Houston and I are
4 friends. So I have spoke to Mr. Houston before. I
5 don't necessarily know if it was about this matter or
6 not, but I have spoke to Mr. Houston before.

7 Q. But you don't ever recall talking to
8 Mr. Houston about the sex tape?

9 A. I don't recall. It could have happened, but
10 I don't recall.

11 Q. Okay. Do you recall whether you got in touch
12 with Heather after the posting appeared on The Dirty?

13 A. No. I don't recall if I have -- if I did or
14 not.

15 Q. To the best of your recollection, did you
16 ever speak to her about it?

17 A. I can't recall having a conversation with
18 her.

19 Q. Just around the timeframe of this April 19th
20 posting on The Dirty, did you have any contact with law
21 enforcement officials?

22 A. Yes, I did. Well, no, I take that back. I
23 met with the FBI in November of -- right after you guys
24 released it in October, whatever that year is. I met
25 with the FBI in November. It was like the second week

1 or third week -- it was before Thanksgiving, I met with
2 them.

3 Q. How did that come about?

4 A. I met with the FBI.

5 Q. Right. Did you call them up?

6 A. Yes.

7 Q. Why did you call them up?

8 A. Well, I had something -- I needed -- I needed
9 to tell them where I thought -- who took it.

10 Q. Did anybody from the FBI contact you ahead
11 of -- before that?

12 A. It was all done through my attorneys, Mark
13 O'Brien. So I don't know the logistics of who
14 contacted who, but I met with the FBI in the presence
15 of my agent, Tom Bean, a representative from
16 Mr. Diaco's office, at Mark O'Brien's office.

17 MR. DIACO: And, Judge, if I may interject an
18 objection here. I wasn't present at that, and I
19 assume that the content of those discussions with
20 the FBI would be protected by some privilege, but
21 I'm -- I'm just waging -- or trying to place that
22 objection.

23 I know there has been some argument about
24 obtaining the FBI's file, and there has been some
25 preliminary rulings on that, and so I just wanted

1 to raise the issue, and, clearly, we will abide by
2 whatever your ruling is.

3 THE COURT: I think the argument was that if
4 there is a privilege, it probably belongs to the
5 FBI, and it's theirs to assert if they choose to
6 assert it.

7 MR. DIACO: Okay.

8 THE COURT: I think it's fair game right now.

9 MR. DIACO: Okay. There is no one here from
10 the FBI that is in a position to assert that
11 privilege on behalf of the -- of the federal
12 government, so that's why I'm raising it with you.

13 THE COURT: Okay.

14 BY MR. BERRY:

15 Q. And just to kind of go back. The people in
16 the meeting, you were there?

17 A. (Nods affirmatively).

18 Q. Mark O'Brien, who is a lawyer?

19 A. Yes.

20 Q. And he's not with Mr. Diaco's firm, right?

21 A. No. He's got his own firm.

22 Q. And then there was somebody from Mr. Diaco's
23 firm there?

24 A. Yes.

25 Q. Who was that?

1 A. Stephen Diaco.

2 Q. And then Tom Bean was there?

3 A. Yes.

4 Q. Who else was in the room?

5 A. Two agents, two FBI agents.

6 Q. Do you remember their names?

7 A. No, I do not.

8 Q. Do you remember where you met with them?

9 A. I told you Mark O'Brien's conference room.

10 Q. Oh, I apologize.

11 How long did the meeting last?

12 A. Probably an hour -- maybe an hour, hour and a
13 half.

14 Q. And tell me everything that you recall
15 telling them.

16 A. I just went through the chain of events with
17 the tape, and the chain of custody, and who I believed
18 took it.

19 Q. So you told them that you recorded Mr. Hogan?

20 A. Yes.

21 Q. You told them that you did that without his
22 knowledge?

23 A. I -- I don't specifically know if we got into
24 the logistics of the taping. I just know that I did
25 speak to them about where I had it, and who I think

1 took it, and how I think they took it, and who may have
2 distributed it. That's the -- the majority of our
3 conversations, as to who took it.

4 They weren't as necessarily -- I can't recall
5 getting into the dynamics as in-depth as I did with
6 you. They were more about the theft of it.

7 Q. And you don't recall discussing the recording
8 of it at all?

9 A. I do record -- I did talk about that. I just
10 can't give you a recollection as to the exact verbiage
11 that we used. I tried to give them a step-by-step
12 thing, like I did with you. It was -- it was, in my
13 opinion, probably very similar to what I told you.

14 Q. Do you recall -- and what you ultimately told
15 them was that you -- it was your belief that Matt Loyd
16 had taken the tape?

17 A. Yes. At that point, yes.

18 Q. Was there anything substantively that you
19 told the FBI that was different than what you testified
20 about yesterday and today?

21 A. I can't necessarily recall. Again, that was
22 a couple years ago. So I can't recall if I found out
23 stuff since then and been able to be more accurate
24 based on my investigation of finding things. But I
25 would assume that it was very close to what I spoke to

1 you about, because I'm telling the truth. So the truth
2 doesn't really variate that much, unless I've been able
3 to find details out since my meeting with them.

4 Q. Did you fill out any paperwork when you met
5 with him?

6 A. I don't know if I did or not.

7 Q. Do you recall signing any documents while you
8 were there?

9 A. No.

10 Q. Did you get any documents from them while you
11 were there?

12 A. We were given their business card and who we
13 had met with.

14 Q. But no other, like, paper documents?

15 A. No.

16 Q. Did you go into that meeting with any
17 understanding about whether you could be prosecuted for
18 a crime?

19 A. No. I didn't -- I didn't -- I wouldn't call
20 them to tell on myself. I was calling them to talk
21 about -- we called the meeting to talk about who took
22 it. I would have been, you know, not a -- I mean, I
23 wouldn't -- if I'm under investigation, I mean, I'm not
24 going to call the meeting. I was trying to give them
25 my recollection of who I thought stole my property.

1 Q. Had you been assured by the FBI or anybody
2 else from the federal government that you would not be
3 prosecuted prior to that meeting?

4 A. No.

5 Q. Were you --

6 A. Not that I recall. I don't specifically
7 remember that conversation. I wasn't worried about
8 that. I was worried about who took it, and why they
9 took it, and why would they do this to these people.

10 Q. Sitting here today, from the time of that
11 meeting until today, has anybody told you that you will
12 not be prosecuted --

13 A. No.

14 Q. -- for any crime in connection with this?

15 A. No. I have heard all kinds of scuttlebutt
16 that's happened in town, but I have not been -- I've
17 not been given any assurances or anything.

18 Q. Did Hulk know that you were going to meet
19 with the FBI?

20 A. No. I have not had a conversation with Terry
21 at all since -- since this went down. I reached out to
22 him a while back and then sent him a one-way text that
23 I didn't get a response back, nor did I think I would.
24 I just wanted to tell him that I was sorry.

25 Q. Did his lawyers know that you were going to

S T I P U L A T I O N

It is hereby stipulated and agreed upon by
and among the attorneys present and the witness
that reading and signing of the deposition by the
witness is waived.

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, the undersigned authority, certify that
BUBBA THE LOVE SPONGE CLEM, personally appeared before
me and was duly sworn.

WITNESS my hand and official seal this 15th day
of March, 2014.



Aaron T. Perkins, RPR
Notary Public - State of Florida
My Commission Expires: 2/27/2016
Commission No. EE173286



1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA
3 COUNTY OF HILLSBOROUGH4
5 I, Aaron T. Perkins, Registered Professional
6 Reporter, certify that I was authorized to and did
7 stenographically report the deposition of
8 BUBBA THE LOVE SPONGE CLEM; that a review of the
9 transcript was not requested; and that the transcript
10 is a true and complete record of my stenographic notes.11
12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.17
18 Dated this 15th day of March, 2014.19
20 
21 Aaron T. Perkins, RPK
22
23
24
25