

CONFIDENTIAL EXHIBIT 3-C

to the

**JOINT OPPOSITION OF THE GAWKER DEFENDANTS AND THEIR
COUNSEL TO PLAINTIFF'S EMERGENCY MOTION TO CONDUCT
DISCOVERY CONCERNING POTENTIAL VIOLATION OF
PROTECTIVE ORDER, TO COMPEL TURNOVER OF CONFIDENTIAL
DISCOVERY MATERIALS AND FOR ORDER TO SHOW CAUSE**

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:

2

CHARLES J. HARDER, ESQUIRE
Harder Mirell & Abrams, LLP
1925 Century Park East
Suite 800
Los Angeles, California 90067

5

6 Attorney for Plaintiff

7

8 MICHAEL BERRY, ESQUIRE
Levine Sullivan Koch & Schulz, LLP
9 1760 Market Street
Suite 1001
10 Philadelphia, PA 19103

11 - and -

12 GREGG D. THOMAS, ESQUIRE
Thomas & LoCicero, PL
13 601 South Boulevard
Tampa, Florida 33606

14

15 Attorneys for Defendant Gawker Media, LLC,
et al.

16

17 J. ARMANDO EDMISTON, ESQUIRE
The Law Office of J. Armando Edmiston, P.A.
18 609 W. DeLeon Street
Tampa, Florida 33602

19

20 Attorney for Richard D. Peirce

21

22

ALSO PRESENT:

23

Judge James R. Case

24

25

1 sleeping with other men?

2 A. No.

3 Q. For the time period after you left the radio
4 show but before the images from the sex tape came out
5 on the Internet, did you hear anything about Heather
6 sleeping with men other than Bubba?

7 A. I believe before the screen caps came out, I
8 started hearing that there was a sex tape that she was
9 in. And then when he they came out, I was like, Okay,
10 it's true.

11 Q. When you talk about screen caps, you mean the
12 still images from the sex tape involving her and
13 Hulk Hogan?

14 A. Yes.

15 Q. When did you hear those rumors?

16 A. I don't remember exactly when. I would guess
17 within a couple months of them coming out, because I
18 heard it for awhile. It was just gossip, like, There
19 is a sex tape out there with them. And, again, radio
20 people are gossipers, so you get on the phone and
21 you're like, Hey, do you know anything about this?
22 Have you heard anything about that? Have you seen
23 them?

24 And then I was always saying there is no way
25 that's possible. And then when they came out, that's

1 when I was like, Oh, it's possible.

2 Q. Who did you hear the gossip from?

3 A. I don't remember. I think a lot of it was on
4 the message boards and things like that. There were a
5 lot of boards dedicated to the show. I think it was on
6 there.

7 Q. Did you ever have a discussion with anybody
8 the possibility of a sex tape being out there prior to
9 anything being published on the Internet?

10 A. Discussing rumors about it, I'm sure I did.

11 Q. With who?

12 A. I think Matt Calta was one. I think just
13 some people I used to work with in radio. One girl
14 name Lana, that I would go see. She had dogs, so we'd
15 go to the dog park. We talked about it, because,
16 again, it spread through radio pretty quick.

17 And people who still worked local, they would
18 ask me whenever they would see me, Do you know anything
19 about it.

20 And I was like, No, just what you hear.

21 Q. So it sounds like you had multiple
22 conversations with people around this time about rumors
23 of there being a sex tape?

24 A. I probably had two to four.

25 Q. In addition to Calta or Lana?

1 A. No, they're included.

2 Q. Did you have any e-mails or texts with people
3 about those rumors?

4 A. I had an instant message sent to me with a
5 timeline of the tapes.

6 And when that happened, I sent it to Mike
7 saying, I guess it's real, or said something like, Hey,
8 it's true, or, This is what's out there. I don't
9 remember I said to him. But I know I had the timeline
10 instant-messaged to me.

11 Q. Who you did you get the instant message from?

12 A. I don't know. It was one of the weird radio
13 board names. It was something -- our show had a lot of
14 strange sayings, like McGillicutty and weird things.
15 So a lot of the fans, the Bubba Army would take those
16 names as handles and post. And I would get things like
17 the hate, saying, I can't believe you're off the show,
18 just unanimous people. We'd call them keyboard tough
19 guys. And it was something like that, but I don't
20 remember the name or handle.

21 Q. So it was not somebody that you knew?

22 A. Not by the name, no.

23 Q. Did you communicate back with him?

24 A. I don't remember, because I think it was sent
25 to me when I wasn't at my machine. And when I came

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 MR. BERRY: This is an e-mail sent from your
2 e-mail address to Mr. Cowhead that was sent on
3 March 12th, 2012, at 4:00 p.m., subject, DVD
4 details, with an attachment, which is attached
5 here.

6 As you can see, it's been marked
7 "confidential, attorney's eyes only." We've
8 redacted a couple of things from it. It's Bates
9 numbered -- which is part of the redaction -- 53
10 and 54. Certain information has also been
11 redacted by the plaintiff in this, as well. And
12 I'm giving you the redacted copies, but it cannot
13 leave this area.

14 THE COURT: Cannot leave the room. If you
15 would --

16 MR. EDMISTON: I understand. So can I take
17 it with me just in this room just so I can discuss
18 it?

19 MR. BERRY: Yeah, that's fine.

20 MR. EDMISTON: Or you guys can go out.

21 THE COURT: Why don't we leave.

22 (A recess was taken.)

23 BY MR. BERRY:

24 Q. So you had a chance to consult with the
25 Mr. Edmiston?

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

1 level.

2 MR. THOMAS: How do we know for sure the part
3 that's redacted was the part he's talking about?

4 BY MR. BERRY:

5 Q. When you're talking about what is redacted --

6 A. It was [REDACTED WORD]. Does that work?

7 (The above redacted word was done pursuant to
8 a protective order and by stipulation of counsel,
9 subject to the reservation of rights to reopen.)

10 MR. THOMAS: Yeah.

11 THE WITNESS: Okay.

12 MR. BERRY: I would just like to reserve our
13 rights to revisit this later should it be deemed
14 appropriate.

15 THE COURT: Let the witness's response be
16 struck.

17 MR. BERRY: Or redacted from the transcript.
18 Let's go off the record, but I would like to put
19 on the record that we reserving our right to
20 return this should it be deemed relevant later.

21 THE COURT: That's fine.

22 MR. BERRY: Go off the record for one second.

23 (Discussion off the record.)

24 BY MR. BERRY:

25 Q. Other than what was redacted, what did you

1 and Mike Calta discuss?

2 A. The content.

3 Q. The content meaning the timeline of events?

4 A. Yes.

5 Q. Reflected in this attachment?

6 A. Yes.

7 Q. Was this the only time that you received any
8 information about the content of sex tapes involving
9 Hulk Hogan?

10 A. Yes.

11 MR. HARDER: I'm just going to object. It
12 lacks foundation that the second page of Exhibit
13 112 is a timeline or reflects the content of
14 anything. It lacks foundation. There is no
15 foundation of that. I just want that on the
16 record.

17 THE COURT: So noted.

18 BY MR. BERRY:

19 Q. Your understanding was that --

20 A. We discussed the text of the e-mail.

21 MR. EDMISTON: Hold on a second. Let him
22 finish his question. Okay?

23 THE WITNESS: Okay. Sorry.

24 MR. EDMISTON: That's all right.

25 BY MR. BERRY:

1 Q. What was your understanding of what the
2 second page of Exhibit 112 was?

3 A. My understanding was that is what took place
4 on the said sex tape -- tapes.

5 Q. Just for clarification, your understanding
6 was that these -- this timeline on page 54 was a
7 summary of what occurred on two separate sex tapes
8 involving Hulk Hogan and Heather Clem?

9 MR. HARDER: I will object. It lacks
10 foundation.

11 BY MR. BERRY:

12 Q. Your understanding.

13 A. It appears that's what it was, yes.

14 Q. Other than this timeline, have you received
15 or seen anything relating to contents of sex tapes
16 involving Hulk Hogan and Heather Clem?

17 A. Just what was online.

18 Q. When you say "what was online," what are you
19 referring to?

20 A. There were screen caps, and there was a short
21 video clip.

22 Q. Do you recall where you saw those things?

23 A. One was Gawker, and the other one was
24 thedirty.com.

25 Q. Did you ever see them anywhere else?

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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

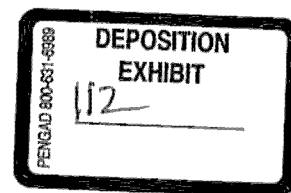
CONFIDENTIAL-ATTORNEY'S EYES ONLY

REDACTED

Subject:
Attachments:

Fwd: DVD details
Hulk_Hogan_Sex_Tapes.doc

-----Original Message-----
From: richpeirce@aol.com
To: MRCOWHEAD
Sent: Mon, Mar 12, 2012 4:00 pm
Subject: DVD details



CONFIDENTIAL-ATTORNEY'S EYES ONLY

Hulk Hogan/Heather Clem Sex Tape from July 2007

00:01 Hogan on bed, performing oral sex on Heather
00:17 Bubba the Love Sponge Clem heard in background saying, "You guys do your thing...I'll be in my office if you need me."
01:27 Heather performs oral sex on Hogan
04:56 Hogan asks for a condom
06:50 Heather gets on top of Hogan, they have intercourse
08:50 Hogan has orgasm
10:40 Heather runs shower for Hogan
12:20 Heather comes back in bedroom, lays in bed under covers
13:34 Hogan re-enters room says, "Put my Bubba shirt back on."
14:40 States Nick Hogan's age is 16, talks about his behavior
15:20 Comments how Nick was driving his truck wildly (Graziano accident 8/26/2007)
15:45 Comments on Nick's dating life
17:20 Hogan makes comment about one of Nick's friends, "If you are getting divorced I want to go out with you." (tape made before Bollea divorce announced 11/2008)
19:15 Hogan tells story of Coast Guard members giving him a hard time at the Oz Gentleman's Club. Police covered up a possible crime. Allegedly USCG members put a lit cigarette in his gas cap. Oz pulled video footage, police arrested guys, no media coverage.
22:40 Heather dates session, her parents house was broken into on the same day. (7/27/2007)
23:20 Hogan leaves, shot of empty bedroom
30:17 DVD ends

DVD 2 (estimate late June, Early July 2008)

00:01 Heather and Hogan small talk
01:45 Bubba says he will be in his office, tells them to have fun
02:50 Hogan, "I started working out again."
04:00 Heather on knees, performing oral sex
08:00 Intercourse
10:00 Heather dirty talk
10:50 Orgasm
11:21 Hogan sprawls naked on Bubba's bed (Bubba fantasizes)
11:56 Heather wipes him clean
12:30 Boring pillow talk
17:00 Talk about Brooke, her career
18:00 Hogan leaves to shower, Heather dresses
22:00 Hogan comes back in, Heather talks about furniture
23:20 Talk of Linda she sent a text saying Happy Father's Day (taped in June '08?)
24:00 Bubba enters room
24:01 Talk of Linda, using the divorce in the reality show, Brooke's career
28:50 Hogan explains how he is to point, talks about Brooke "fucking "
29:12 real comment
32:00 Story of Brooke telling Hogan to fuck off, leads to realty TV stories
38:57 Bubba tells Hogan he is his best fucking buddy, gives him Oakleys
40:30 Hogan tells Bubba to never let Linda near Hogan on his death bed
41:20 Bubba sucking up how he has a great picture of Ruthie (Hogan's mom)
43:53 Hogan leaves, Bubba walks him out. Heather in bed watching TV
51:46 Bubba says, "If we ever did want to retire all we have to do is use that footage of him talking about people."
52:45 DVD ends

REDACTED

REDACTED

0054