

EXHIBIT 12

to the

**THE GAWKER DEFENDANTS' MOTION TO DISMISS
ON THE GROUNDS OF FRAUD ON THE COURT**

10/22/2012

The following is a draft transcript of a consensual recording of a telephone call on October 22, 2012 between Dave Houston and Keith Davidson.

This draft transcript, in its current form, is for the sole purpose of review by the prosecuting attorneys and should not be construed as a final verbatim transcript. Further review may be necessary for trial purposes.

(ID 1)

②

DRAFT

GAWKER-1627

DH: Dave Houston
KD: Keith Davidson
UF: Unknown Female
VM: Voice Mail

Typing Key:

AV: Automated Voice
Auto: Automated Message
UI: Unintelligible
IA: Inaudible
PH: Phonetic
-////: Speaking simultaneously

10/22/2012) (00:42:26)

UF:

[REDACTED]

b6 -2
b7C -2

DH: Hi. This is Dave Houston calling for um Mr. Davidson.

UF: One second please Mr. Houston.

(Hold music plays)

KD: Hey David.

DH: Hello Keith. How are you?

KD: Fine thanks.

DH: Um.

KD: Um.

DH: Go ahead.

KD: You called me in my car so if there's a little background that's why:

DRAFT

DH: Okay. And, and again I mean I'm going back to the Bubba thing. For, for instance.

KD: Yep.

DH: We know that the original came from that location. I don't know who did what there. Obviously there's a bunch of different stories flying around but what I do know is the original starts there. Now from that point.

KD: Right.

DH: Whoever got hold of it that you represent either did or didn't make copies but what you're telling me essentially is your client can't tell me that there are no other copies out there so what are we buying? I guess that's the point then.

KD: Yeah nah I think that's, that's appropriate. Um what, I think what you're buying is you're, I think, you're either buying the original or you're buying a copy that was made by Bubba. Um and you'll have to talk to Bubba whether or not he made any copies.

DH: Um.

KD: I don't know if he did or not. I only know what my client did and my client made no copies.

DH: Are these three separate events or are they just three separate CDs or do you know, or DVDs?

KD: They are, they are three, three separate events um from beginning to end and the files on the DVDs are dated.

DH: Right.

KD: And there are three separate.

DH: I've never seen these obviously Keith and I've heard people tell me that they have seen them, Mike Walters of TMZ in particular. Well what are we dealing with on, on these tapes and you know I ask that only because I think, as you're pretty much aware if you've seen the news or the reporting on this, that a lot of damage has already been done as far as Terry's reputation is concerned. I think we've dropped some sponsors already, the whole story. What are we dealing with? Are these just straight up sex videos or are we dealing with something, I've heard there's one with racial epithets involved and the whole story.

KD: Yeah there are three, there's three.