

EXHIBIT 18

to the

**GAWKER DEFENDANTS' MOTION TO COMPEL
PLAINTIFF TO PRODUCE IMPROPERLY WITHHELD DOCUMENTS**

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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10 For the Defendant Gawker Media, LLC:

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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 Hey, gentlemen, real clearly, if it's on the tape, then
2 I think Hulk made clear -- pardon me -- Hulk made
3 himself clear there was never a friendship. We've given
4 Bubba every opportunity to tell the truth and to avoid
5 what's obviously coming. And for whatever reason
6 Bubba's chosen not to do so, and I'll certainly be happy
7 to talk to you off air to try to get a time when I might
8 be able to view that personally, closed quote.

9 Do you recall that --

10 A Yes, sir.

11 Q -- being said? Okay.

12 Did you subsequently speak with TMZ off air
13 about the sex tapes?

14 A Yes, sir.

15 Q And who did you speak to?

16 A I believe it was Mike Walters.

17 Q All right. And when did you speak to
18 Mr. Walters?

19 A It would have been immediately thereafter.

20 Q Okay. And what was said in that discussion?

21 A I had a desire to personally view the videotape
22 and had requested an opportunity to do so, number one.
23 I was also attempting to gather additional information
24 as to who the source of the videotape may have been and
25 as a consequence, of course, hopefully receive some

1 identifiers to better know who may have been
2 responsible.

3 Q All right. How long did the conversation last?

4 A Fairly brief. Less than five minutes.

5 Q Okay. And what did you say -- explain what you
6 were seeking.

7 A "I want to see a videotape."

8 Q All right. What -- what did Mr. Walters say?

9 A "Well, that's really a problem," and then
10 started to go into some sort of techie explanation as to
11 how the tape was presented to them. And when I say
12 "tape," I think that's really confusing. It's a
13 misnomer to what actually occurred.

14 According to my conversation, apparently TMZ
15 received some sort of e-mail that contained a snippet in
16 reference to a representation that was part of a larger
17 tape, the consequence of which is it could be viewed one
18 time and then you couldn't view it again. And it
19 sounded a bit Mission Impossible-ish to me. But, then,
20 again, there's not much you can do if a person tells you
21 "That's the way it is, and we can't show it to you."

22 And I think if you note, when that discussion
23 is occurring throughout the course of that interview,
24 they're very careful how they catch their phrases -- or
25 cache their phrases in reference to "Can we come and see

1 it?" and they continually respond, "Well, we've seen
2 it." "Can Dave Houston come down and look at the tape?"
3 "Well, we've seen it." And that seemed to be, honestly,
4 consistent with what he was telling me as far as why
5 they couldn't allow me to come down, sit down and look
6 at a videotape. I accepted the explanation and moved
7 on.

8 Q All right. So he -- did he say he couldn't
9 forward you the e-mail --

10 A Exactly.

11 Q -- they received because it could only be
12 viewed once?

13 A Yes. And I'm not computer literate to any
14 extent, let alone to understanding the technical, to me,
15 white noise garble that was being discussed.

16 Q All right. What else -- what else did you say?

17 A "Thank you." Not much I could say.

18 Q Was that pretty much the end of the
19 conversation?

20 A Yeah. That's what I said. It was relatively
21 brief.

22 Q Okay. Did he say anything else?

23 A No.

24 Q Any other subjects discussed?

25 A I did not really discuss a lot of other

1 subjects. You can imagine this was probably primary. I
2 didn't have much else going on with TMZ, so --

3 Q No. I'm sorry. I meant did you pursue, like,
4 "Hey, listen, how did you get this thing?"

5 A Oh, of course. I had pursued that in the
6 original portion of the conversation, wanting to know
7 their sources, wanting to know how it was received.

8 We then discussed how it was received, why I
9 couldn't really come and see it and, "Gee, we're so
10 sorry."

11 My goal was to try to keep TMZ in a position to
12 where they wouldn't want to necessarily cause Mr. Bollea
13 additional damages, and, quite frankly, I was doing
14 everything I could to preserve what we could preserve as
15 our relationship with them at that point to avoid the
16 obvious. I didn't want them out there for giggles
17 deciding to run or rerun various aspects of that story.
18 I just was hopeful that it would not continue.

19 Q All right. In the conversation with
20 Mr. Walters, were you told that the full quote about
21 retirement was, quote: If we ever did want to retire,
22 all we'd have to do is use this footage of him, talking
23 about (redacted) people.

24 MR. HARDER: Wait, excuse me --

25 THE WITNESS: No, sir.

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CERTIFICATE OF WITNESS

I hereby certify under penalty of perjury that I have read the foregoing deposition, made the changes and corrections that I deem necessary, and approve the same as now true and correct.

Dated this ____ day of _____
20__.

DAVID HOUSTON

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

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OFFICER'S ACTIONS RE SIGNING OF DEPOSITION
PURSUANT TO NEVADA RULES OF CIVIL PROCEDURE

DATE

4-14-15

AT DIRECTION OF COUNSEL A RULE 30 LETTER
WAS SENT TO THE WITNESS, DAVID HOUSTON

WITNESS SIGNED DEPO

ORIGINAL SENT TO

OTHER ACTIONS

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