

EXHIBIT 27

to the

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

DRAFT

12/17/2012

The following is a draft transcript of a consensual recording of a meeting on December 14, 2012 between DAVID HOUSTON, KEITH DAVIDSON, TERRY BOLLEA, [REDACTED]

b6 -2, 4
b7C -2, 4

[REDACTED]

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 8)

5

DRAFT

GAWKER-1477

JS: Special Agent JASON SHEARN
DH: DAVE HOUSTON
KD: KEITHER DAVIDSON
TB: TERRY BOLLEA

[REDACTED]
[REDACTED]

b6 -2, 4
b7C -2, 4

Typing Key:

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

(12/14/2012) (03:22:27)

JS: This is Special Agent JASON SHEARN. It's December 14th, 2012, approximately 9:35 a.m. DAVID HOUSTON and TERRY BOLLEA in a meeting with KEITH DAVIDSON and his unidentified client.

(UI voices in background)

TB: (IA) Do you want me to lock it? DAVID and I are about to be sitting here right now going over this document.

DH: Yeah sure. Do you want to look at it, really?

TB: Yeah I'd really like to look at it.

(Sound of movement, footsteps)

TB: (UI) they sponsor my show. We have a wrestling show.

DH: Mm hm.

7:25:00

DH: Same deal.

TB: Okay, love you, bye.

KD: Same, same deal.

KD: It's good to meet you. I'm sorry under these circumstances.

TB: Yeah.

KD: At the end of the day, I think and it's our intent that these things go away, they go away forever.

TB: Well that's, that's my intent too because I've, you know, just at the end of the day everything that's done, business wise and on a personal level, I just re, got remarried. I just want it to go away too.

KD: Great.

TB: So if that's the goal, we're, we're on the same page.

KD: Right.

TB: Plus, you know, just had enough. (Chuckles)

DH: The, yeah, the, the basic question and, and KEITH I'm not a tech guy so I mean I'll be the first to admit it, um, one of the things that I talked about is the fact that this stuff was streamed at one point and whether or not. I know it got streamed to TMZ. I don't know how it was transferred to the other entities but if it's streamed, does that mean, and the manner in which it was streamed, that these folks then had the ca, capability of copying it in its whole? Or was it only streamed in part? And that's the thing I don't know the answer to so obviously it GAWKER's got complete copies of all three, it doesn't do us any good, if TMZ does, etc. But if it's streamed in part so that essentially what GAWKER is showing is all that GAWKER has or what TMZ may have received is all that they have.

TB: Well my question on top of that is if it's on a computer how do we know they didn't copy it?

KD: Right, so here's what we know, alright? That what has been on GAWKER is the only thing that exists, is the only thing that anybody has seen. So there are three separate DVDs and we understand that these DVDs are the originals and that its BUBBA's handwriting on the CDs and that he labeled them with whatever he labeled them.

DH: Do you know his handwriting?

DH: No I, I think what he means if it was put on another computer, i.e. streamed, what you're telling us, just so I can be sure, is the only thing for instance being played on GAWKER, that's all they have, they don't have anything beyond that.

KD: That's all anybody has as far as GAWKER, TMZ, those people.

DH: Okay.

TB: How do we know that for sure?

KD: We don't but I guess that's, that's why the polygrapher is here.

DH: ^{11/06/20} Right and our thing TERRY, and you weren't a part of this, but I had the conversation regarding whether or not his person is the one that actually gave it to GAWKER. I think I mentioned that to you, gave it to TMZ. So in other words we don't have another person out there that's giving it to these web sources so this person that we're going to meet later.

TB: Today?

DH: Yeah, today, is the person who actually did that. Am I correct?

KD: **L** Yes.

DH: Okay and that way we don't have another person out there who's actually funneling this information to these websites so we're settling up to date with this person in hopes of keeping this off the Internet cause of the damage to be done to you and then in turn we've got somebody else popping up.

KD: Eighty five percent of the time that they've matched in talking about this it's all um basically DAVID saying how do I ensure my client, how do I ensure what my client (IA)

TB: Mm hm.

KD: And so a way that, that DAVID negotiated that was to spread out the payments, polygrapher, and then in order to (IA) if there's any kind of breach um which is.

TB: Well I guess if, I guess you know (IA) ^{throwing out there} there were other copies of the tape and somebody was trying to hurt me that'd already be out there then, somebody would have probably already released that.

DH: You'd think although you know, the, the reason that we have the polygraph is to verify as much as we can verify and hopefully the person can do that.

KD: That's my hope, that's why we got

b6 -4
b7c -4

DH: Um well in other words, you know, there's provisions built in and I'm going to go over this with your permission KEITH with her when she's here. I want to make sure she understands the import of the agreement as far as what it means, the damages, in other words the payments are structured in such a way that there, obviously the first payment is a substantial payment; but the rest of the payments follow; part of the reason being to make sure it's not released. Now that doesn't give us a great deal of control cause it's not over, you know, ten years. But the fact is if she releases or is party to any release, we're in a situation where she's gonna then be responsible for damages to you because everybody recognizes how harmful it will be to you and she's gonna have to recognize that as well. And you know our problem is we don't know whether she would have a proverbial pot to pee in so. So I can't tell you she's gonna have money to pay you back but I can tell you that we have the right to, of course, proceed against her. My worry is seeing it have it done. So what we're doing today is hopefully some assurance that they're not out there and they're going to float around again. Cause obviously if I'm hearing KEITH right she's, you know, well aware as to the damage that that one section can cause you, right?

KD: Yes.

DH: Okay um.

TB: So well my concern is five years from now all of a sudden BUBBA doesn't pull another copy of the tape out.

DH: Well.

KD: I think that's something you've got to deal with BUBBA. I mean we know, we know that these things came from him.

TB: Well we've already have BUBBA sign a settlement.

KD: Yeah.

DH: Right.

TB: That says he has nothing to do or no tapes or whatever, I can't remember what exactly it says.

DH: (UI)

KD: You know, you got two loose ends. My analysis you've got two loose ends, you've already wrapped him up and now you're wrapping up a second loose end and I would imagine it would go away now.

KD: Because don't hang me out to dry.

Correct.

b6 -2
b7C -2

KD: I'm not putting my name on this. Tell me the truth.

Exactly, exactly.

DH: Yeah and I'm assuming that is your real name?

yes.

DH:

(Laughs)

DH: I'm sorry. I read somewhere in my brain. Um okay. You know you're the one signing.

b6 -2
b7C -2

Yes, mm hm.

DH: Right? Um what's important to me is that you realize that the damage to be done here if these things were released is over the top.

b6 -2
b7C -2

I understand that and that's not any of my intent which is why you were contacted.

DH: Right but we were contacted after GAWKER posted it, right?

Right. Mm hm.

DH: And I think it was streamed to TMZ.

b6 -2
b7C -2

I, I believe that was a clip with TMZ, yes.

DH: Okay. Any place else that you know of? Cause I know of three websites that were active with it. One was TMZ. One was GAWKER and one was Sex Something Live. I, I can't even remember the name of it.

(Laughs) Yeah.

b6 -2
b7C -2

DH: But do you know how many of these folks were streamed?

Um I, I believe that some of them were picking up the clip that was already streamed by GAWKER so I can't really say oh this is all the ones that were streaming it because they were picking up the original, you know, clips.

DH: I see, yeah, makes sense. How did you guys pick GAWKER, just out of curiosity?

11:46:32

(Laughs) Um I, I, I'm not even really just sure to be honest. I just you know the easiest place to go basically.

b6 -2
b7C -2

DH:

Okay and that's the other important thing to us. We know there's somebody out there.

Mm hm.

DH:

That streamed it or gave it to GAWKER.

Mm hm.

b6 -2
b7C -2

DH:

And who in turn, maybe TMZ picked it up, GAWKER, maybe they didn't.

Mm hm.

DH:

But I think as, as you're saying, did they have their own? TMZ. In other words was GAWKER and TMZ given and then everybody else picked it up?

Ah yes, yes, exactly, GAWKER and TMZ, short clips that would be enough to bring light to it but not, not the worst part.

b6 -2
b7C -2

DH:

Was, honestly was the purpose to get his attention?

Um get his attention.

DH:

Meaning TERRY?

Yeah get, get his attention, also, um you know, to bring it back to light and different things like that.

b6 -2
b7C -2

DH:

Okay um when we deal with you.

Mm hm.

DH:

My concern is, again, we're dealing with folks that went to GAWKER, went to TMZ.

Mm hm.

b6 -2
b7C -2

DH:

So there's not some other person out there after we conclude business today. And I explained this to KEITH, my worst nightmare is we conclude business today and next week all of a sudden boom.

Exactly.

DH:

It's back out there.

Exactly (IA) *I understand that*

b6 -2
b7C -2

DH:

And so you're telling me that's not gonna happen.

That's not gonna happen.

DH:

Okay um.

TB:

11:49:53
So wait a minute, so what we're saying is that the person you're representing.

Mm hm.

b6 -2
b7C -2

TB:

Released this to GAWKER then?

Yes.

DH:

And you know that for sure?

Yes.

b6 -2
b7C -2

TB:

And to TMZ?

Yes.

TB:

Cause my fear is there's another person out there.

DH:

Right.

Mm hm, I mean.

b6 -2
b7C -2

TB:

That might have tapes that would have done this.

In, in all honesty, the, the, these are the originals, they've been stressed to me. They are the originals, the handwriting, all of that but I can't account for what else BUBBA might have stashed somewhere.

DH:

Right.

TB:

I know but my point being is, is you're representing this person.

Mm hm.

b6 -2
b7C -2

TB:

That has the originals. They're the ones that released this, released the clips to GAWKER and TMZ because if they're not.

Mm hm.

TB:

I've got a problem with buying these tapes because there could be one of BUBBA's friends that has a copy (IA).

[redacted]

Pretty much. (laughs)

b6 -2
b7C -2

DH: Yeah it, I'd never heard of GAWKER before this case.

[redacted]

Yeah.

DH: Had you?

[redacted]

Not, not really. (Laughs)

DH: I.

b6 -2
b7C -2

[redacted]

Just, I basically, shopping, so.

DH: Yeah if somebody told me hey you know I need an Internet site to release this on to get his interest, I, I don't even think I'd think. I'd never heard of GAWKER, swear.

[redacted]

Mm hm.

DH: But apparently GAWKER is pretty big-time, I guess. I don't know.

b6 -2
b7C -2

TB: My, my question is, cause my mind is rambling now. Did you release the tape to GAWKER or was it [redacted]

DH: Yeah.

[redacted]

It, it was [redacted] with discussion of us dealing with it together.

b6 -2, 4
b7C -2, 4

DH: Okay, okay um, it's all you. How much time do you need, do you think?

[redacted]

Well you know a typical polygraph takes an hour and a half. You know it could go more depending, you know, depending on ah how many issues are discussed but.

DH: And [redacted] as it goes.

b6 -2
b7C -2

[redacted]

Ballpark, hour and a half.

DH: We're not allowed to be here for a polygraph.

[redacted]

I'm nervous enough as it is (Laughs)

DH: Yeah and [redacted] can explain everything how that works. That's his deal but.

[redacted]

Okay.

b6 -2, 4
b7C -2, 4

DH: Alright. Shall we?

KD: If I write a letter tomorrow, or a declaration to you um that (IA) you have to think of that, that, that may help you.

DH: Well I'll tell you what I want. We've settled with BUBBA and he signed off all right, title and interest that he may have at one point had.

KD: Right.

DH: If that tape were stolen then obviously BUBBA never transferred it legally so theoretically he would have had the right, title and interest to sign off to us and if it's stolen property we can demand GAWKER remove it because the individual they received it from stole it and has no property (IA)

KD: She can declaration a permit from BUBBA saying this tape was mine. I possessed it. I owned and it was stolen from me and we could get a declaration from me, the attorney for JOHN DOE, saying you know we immediately demand that you cease and desist.

DH: Right.

KD: Um and that a the footage that was shown is ill-gotten and was stolen.

DH: If.

TB: We're not gonna go to BUBBA

DH: No, no, no, no, no. What we're, we already have that from BUBBA essentially. We don't have anything that says it was stolen from him obviously but if your guy would do that to the extent that we could then advise GAWKER cause as you know.

KD: (IA)

DH: Well yeah, we're in the brawl with GAWKER.

TB: (UI)

DH: No KEITH would do the affidavit saying that it's stolen property.

TB: You would do that today?

DH: I doubt he's got a computer but, I mean, you know, from the perspective that if something.

KD: We can ^{cooperate} operate (IA)

(Sound of toilet flushing in background)

KD: (IA) (Whispering) [redacted] and her wrapped up, it's, I think it's done.

b6 -2
b7C -2

DH: Well we've still got HEATHER. For whatever reason HEATHER has been offered a way out. She hasn't decided to take it.

KD: I think now you know. Now HEATHER, HEATHER can't say I didn't know what was happening.

DH: I know but.

KD: I was a victim too.

DH: You know what's troubling to me is HEATHER has been offered what amounts to a walk-away.

KD: Right.

DH: And she doesn't want to take it.

KD: Why?

DH: Good question.

TB: That's what we want to know.

DH: That's why it surprises me that, you know, I would have bet you dollars to dimes that HEATHER was in it with [redacted] as opposed to some anonymous guy mainly because HEATHER has been offered a way out of her lawsuit, no money, nothing, just basically sign off your rights and she refuses to do it.

b6 -2
b7C -2

KD: Well I think, I think you're wrong.

TB: Wrong?

KD: Wronged.

TB: Oh.

KD: Okay? Even watching this, you know I think I told you at breakfast. It was clear you were in a vulnerable spot. It was clear that they were baiting you and.

TB: Dude they were baiting me for two years to get me in there.

KD: Yeah so I'm not going anywhere um and to the extent that I can work as a conduit between you guys and whoever else, I'll do that. It's my understanding that HEATHER has nothing to do with me or my clients.

DH: Does that make sense to you? Now that I've told you that HEATHER has been offered a walk-away?

KD: No that doesn't make sense, I mean, but I can try to find out why.

TB: So maybe she's got copies of the tapes.

DH: Well either that or maybe [] is not telling us what's really going on.

KD: Well I don't think [], I don't think, I don't know if [] knows but its, its [] and I can deal with him.

DH: Do you think [] is tied in with her?

KD: No I don't.

DH: Well see and that's what strikes me as . . .

KD: I think [] is gonna act surprised with BUBBA.

DH: Why.

TB: Is [] black or white?

KD: (IA)

TB: You said you met him.

KD: Yeah.

TB: You said (IA)

KD: I know I, I'll help you as much as I can but I can't sell the guy out.

DH: I'm just curious.

TB: I mean there's, there's a couple of people that have been fired from BUBBA's that are white and there's a couple of guys that have been black that have been fired from BUBBA's.

DH: Well I, I still.

TB: Over the years.

b6 -2
b7c -2