

EXHIBIT 47

to the

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

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:

6

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10 For the Defendant Gawker Media, LLC:

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13 Washington, DC 20036

14

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 Q All right. And did he indicate that the tapes
2 were of different lengths --

3 A I didn't ask him --

4 Q -- if he told that your client's on this
5 individ- --

6 A No.

7 Q -- with this individuals (verbatim) on the tape
8 for X minutes?

9 A No.

10 Q All right.

11 A I think that was something to be provided.
12 That's the best of my recollection. It wasn't
13 discussed, per se.

14 Q Uh-huh. Okay. Did he -- at this point in the
15 second call, did he say to you that one of the tapes
16 contained footage of Mr. Hogan using (redacted)
17 language?

18 A Never even came up.

19 MR. HARDER: Request to redact that word.

20 THE WITNESS: That was --

21 SPECIAL MASTER CASE: Yes.

22 (Comments off the record by the reporter.)

23 THE WITNESS: That was never the subject matter
24 of my discussions. He was selling a sex tape, and
25 that's what he -- he seemed to concentrate on.

1 putting out there?

2 A He referenced, I believe, three tapes, although
3 I'm not positive, but I believe so, two or three.

4 Q Okay. And in his effort to try to convince you
5 about the value of these tapes, did he say anything
6 about the tape, one of the tapes containing footage of
7 Mr. Hogan, using -- making (redacted) comments?

8 MR. HARDER: Again, same request that the word
9 (redacted) be redacted.

10 SPECIAL MASTER CASE: Correct.

11 MR. HARDER: Yes. Then in my question, same
12 thing. I'm not trying not to use the word because you
13 are redacting.

14 THE WITNESS: And I hesitate because I know it
15 came up at some point. I just don't know specifically
16 when. And it could have been not during the
17 conversations, but at the final meeting. I'm just not
18 sure.

19 Q MR. SULLIVAN: Okay. Okay. You don't have a
20 specific recollection to place it in time?

21 A I know it was toward the end, but I can't tell
22 you whether it was toward the end of final conversations
23 or whether it was actually at the Sand Pearl Hotel in
24 Clearwater, Florida, on the day everybody met. I think
25 it was December 12th.

1 polygrapher that if we were going to do the polygraph
2 examination, "we," meaning myself, Davidson, and
3 Mr. Bollea had to leave the room because he felt that
4 there shouldn't be any sort of distraction during the
5 course of his testing. We, of course, agreed to do so.

6 We then left, went downstairs to the restaurant
7 located in the Sand Pearl Hotel, again, engaged in
8 random small talk as we sat there. And it was fairly
9 awkward for obvious reasons. I think there was some
10 food purchased but certainly not full-course meals but
11 rather just attempting to kill time. We were waiting,
12 waiting.

13 At one point Mr. Davidson indicated "We might
14 as well get the authentication out of the way" because
15 apparently he did not bring anything with him to the
16 hotel room when he first arrived as far as what he was
17 peddling.

18 We then went to what amounted to a different
19 room, and I guess it was his room. I'm not certain.
20 But that's what I'm presuming. At which point he then
21 was willing to show us the particular DVDs for purposes
22 of authentication.

23 I know that Terry, I think, viewed a very brief
24 snippet before he understood, of course, that he was
25 present. From what I can recall, I believe he

1 attempted, then, to play each DVD, would show a brief
2 snippet that I then looked at. It seemed as though
3 Terry, frankly, had had enough and stepped back. It
4 was, again, very brief. It wasn't an actual viewing of
5 the videotapes but more along the lines of "Okay. Yep,
6 that's Terry. Next one. Oh, that's Terry. Next one,"
7 which, of course, in a real transaction you would never
8 do because they simply could have been copies of the
9 first one. You never knew.

10 At that point the polygrapher contacted, I
11 believe via text, although I'm not positive, may have
12 been a phone call, advised he was finished with his
13 examination and we could return to the room.

14 We returned to the room. The polygrapher
15 announced his result. It appeared as though
16 Ms. Burbridge -- and then we later learned her name --
17 was telling the truth, with the primary issue being "Are
18 these the originals? Are there any copies still in your
19 possession?" And as I understood it, Ms. Burbridge was
20 an intermediary for an individual known only as Mr. X.
21 And, of course, Ms. Burbridge being polygraphed was an
22 absolute waste of time because she wouldn't know whether
23 Mr. X had them or not.

24 There was, again, some random discussion with
25 Mr. Davidson. At that point the polygrapher has left or

1 Q Okay. In terms of the first DVD viewed, how
2 long did you spend viewing that DVD?

3 A That might have actually been the longest one.
4 I'd say maybe 10 or 15 seconds maximum.

5 Q Ten or 15 seconds?

6 A Yes.

7 Q Okay.

8 A It was, again, very brief. As I think I
9 indicated, Mr. Bollea looked at the video -- thinking
10 back to it, it -- it became obvious he was upset and
11 stepped away, saying "That's me." And that was pretty
12 much the end of video No. 1.

13 Q Okay.

14 A Video No. 2 and 3, as shown on disc, whether
15 they be independent videos, to this day, Mr. Sullivan, I
16 don't know. It could be the same video copied. I don't
17 know. What I do know is it appeared as though it
18 referenced the same character in each one. Whether they
19 were representative of separate videotapes would be up
20 to someone who's actually seen them.

21 Q All right. Or seen more of them.

22 A Sure.

23 Q All right. Now, what, if anything, was said
24 while the tapes were being watched?

25 A Not much.

1 I would suggest to you that my brief viewing,
2 of course, did indicate to me that it appeared to be
3 someone similar to Mr. Bollea.

4 Q All right.

5 A I did not see the female in what I observed,
6 literally, at all. I essentially saw the back of
7 Mr. Bollea and then a bit of a side profile on the last.

8 Q Okay. Did you see any other persons who
9 appeared on the tape other than Mr. Bollea?

10 A I don't remember.

11 Q Okay. Were you able to identify Heather Clem?

12 A You know, I wasn't familiar with Heather Clem.
13 It would be, to me, like seeing someone you don't know,
14 then someone later saying, "Were you able to identify
15 them as a specific person?"

16 I think -- I -- I didn't know her, certainly
17 facial features or otherwise, well enough to suggest
18 that a brief viewing could result in an identification.

19 Q All right. Were you -- were you able to
20 identify any of the persons who appeared on the video by
21 voice?

22 A I don't think the audio was turned up, now that
23 you mention it. I don't remember hearing the audio.

24 Q All right.

25 A I don't recall. And I think I'm safer with

1 you?

2 A Not by me.

3 Q Okay. Did you see a -- a man at any point
4 other than Mr. Hogan in the portion you viewed?

5 A I do not recall seeing a man. That's
6 something --

7 Q Okay.

8 A -- that I just don't remember seeing.

9 Q All right. On any tape that you viewed, did
10 you ever hear the voice of Bubba Clem or the voice of
11 who you believed to be Bubba Clem?

12 A No, I didn't hear any voices.

13 Q Okay. Mr. Houston, have you watched the entire
14 sex tape that was sent to Gawker?

15 A No.

16 Q Have you watched the excerpts that were posted
17 by Gawker on the Internet?

18 A And maybe I should clarify that. When you say
19 "the entire sex tape sent to Gawker," I don't know what
20 was sent to Gawker, and Gawker hasn't invited me in to
21 see. So I don't know how to answer that other than
22 "No."

23 Q Okay.

24 MR. HARDER: They produced a -- 30 minutes.

25 THE WITNESS: Right. I guess what I'm saying

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.

24 

25 KIMBERLY J. WALDIE, CSR No. 8696
NV CCR #720, RPR