

October 9, 2012

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

TERRY GENE BOLLEA)	
professionally known as HULK)	
HOGAN,)	
)	
Plaintiff,)	CASE NO.
)	12012447-CI-011
vs.)	
)	
HEATHER CLEM; GAWKER MEDIA,)	
LLC aka GAWKER MEDIA; et)	
al.,)	
)	
Defendants.)	

The Videotaped Deposition of:
JULES WORTMAN
April 7, 2015

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ANNE S. WILSON & ASSOCIATES
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Nashville, TN 37215
(615) 298-1992

1 Q. Over the next two days, October 9th and
2 October 10th, did you spend time with him?

3 A. Yes, sir.

4 Q. Like how did y'all spend time together?

5 A. We did a media tour.

6 Q. So you were with him?

7 A. I was with him pretty much all day except he
8 had a couple of breaks, we had a couple of breaks during the
9 day and he would go to his room and I would go to mine or I
10 would be out just going, meeting with some of my friends or
11 whatever. But I did not spend all day with him.

12 Q. But otherwise --

13 A. But most of the day when we were doing media.
14 We had a car service that would drive us around.

15 Q. And y'all were together in the car?

16 A. Uh-huh. [Affirmative.]

17 Q. And then you were with him during each of the
18 media appearances?

19 A. Correct.

20 Q. Did he --

21 A. I wasn't by his side during, when he was on
22 television. I was in the Green Room.

23 Q. Right. But otherwise, y'all were together?

24 A. Yeah.

25 Q. Did he follow your advice about handling the

1 sex tape issue?

2 A. He could have tried to. I don't know if he
3 did or not.

4 Q. Do you recall whether he did?

5 A. Do you have some of the TV clips?

6 Q. We do. We do.

7 A. Well then, we can watch those and you can
8 answer that.

9 Q. Sitting here, before looking at any clips, do
10 you have any recollection of whether he followed your advice?

11 A. He definitely talked about it, so I would say
12 he did not follow my advice.

13 Q. I'm going to show you another document that
14 we'll mark as Exhibit No. 220.

15 MR. VOGT: 21.

16 Q. (By Mr. Berry) Oh, sorry.

17 A. I only have 19.

18 Q. No. Shane is right.

19 A. Oh, you're right. I got 21 in front of me.

20 (String of e-mails of October 10 and 11, 2012,
21 Bates label TNA-G0042-43 was marked as Ex.
22 No. 221 and attached to the original of this
deposition.)

23 (Document handed to witness.)

24 Q. So I'll mark this as Exhibit 221. Sorry about
25 the confusion.

From: Cameron Stracher [cameron@gawker.com]
Sent: 10/9/2012 6:12:09 PM
To: dhouston@houstonatlaw.com
Subject: Claim of Terry Bollea
Attachments: gmg.png

Dear Mr. Houston:

I write in response to your undated letter to Nick Denton regarding a news article on Gawker.com about a video depicting Terry Bollea, aka Hulk Hogan, and an unidentified woman. You ask that Gawker disclose the identity of the person who provided the video and "refrain from becoming involved with any use of the video." Under the circumstances, we respectfully decline your request.

The existence and content of the video were widely reported prior to Gawker's publication. Indeed, various news outlets had already identified the woman in the video and her husband. Moreover, the video depicts Mr. Bollea having sex with a married woman in the woman's home, under circumstances and in a place where he has no reasonable expectation of privacy. (In fact, it appears that there was a surveillance camera in the bedroom from which the video was made). Finally, the one minute clip shows very little sexual activity and is clearly newsworthy given the public interest in Mr. Bollea's marriage, divorce, and his extramarital activities.

As for the specific claims you allege: 1) Given the wide disclosure of the content of the video prior to publication, the content actually posted, and the newsworthiness of the video, there can be no claim for publication of private facts; 2) given that the video was made by a third party, not Gawker, there can be no claim for intrusion upon seclusion; 3) no false light publicity claim may be maintained where the content of the video is true; 4) there can be no claim for appropriation of Mr. Bollea's name and likeness where the video is not being used for a "commercial" purpose (as the law defines it), is true, and is newsworthy. Your citations to the *Michaels* and *Eastwood* cases are not applicable here. In *Michaels*, the plaintiffs had an expectation of privacy in their own home, defendants had used plaintiffs images to promote the video at issue, and the video was significantly longer than the short clip posted by us. In *Eastwood*, the key issue was the alleged falsity of the publication, which is not relevant here.

If your client wishes to make a statement on the video or any matter related to it, we would be happy to post his response.

Regards,

Cameron Stracher
Litigation Counsel
Gawker Media

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THE GAWKER MEDIA GROUP
MEMBER JEBEL STRACHER & ASSOCIATES
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