

Exhibit 5

to the

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE* NO. 24:
TO EXCLUDE ARGUMENT OR EVIDENCE OF ILLEGALLY RECORDED AUDIO
OF TERRY BOLLEA AND ANY EVIDENCE DERIVED THEREFROM**

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)

2/4/13
Terry Bollea

1 JS: Special Agent JASON SHEARN
2 DH: DAVE HOUSTON
3 KD: KEITHER DAVIDSON
4 TB: TERRY BOLLEA

5 [REDACTED]
6 [REDACTED]

b6 -2, 4
b7C -2, 4

7 Typing Key:

8 AV: Automated Voice
9 Auto: Automated Message
10 UI: Unintelligible
11 PH: Phonetic
12 IA: Inaudible
13 PH: Phonetic
14 ///: Speaking simultaneously

15 -----

16 (12/14/2012) (03:22:27)

17 JS: This is Special Agent JASON SHEARN. It's December 14th, 2012, approximately
18 9:35 a.m. DAVID HOUSTON and TERRY BOLLEA in a meeting with KEITH
19 DAVIDSON and his unidentified client.

20 (UI voices in background)

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

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

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

25 (Sound of movement, footsteps)

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

27 DH: Mm hm.

2580 just ask you yes or no questions. Is it true that every copy, to the best of your
2581 knowledge, that every copy of this material.

2582 DH: (Coughs)

2583 KD: Is now in the possession of your attorney is that true, she'll say yes.

2584 DH: Do you know where [] stole them from as far as whether he would have
2585 access to the copies if BUBBA had copies at that point?

2586 KD: Um

2587 DH: I mean physically their location?

2588 KD: Nah I, I don't know that. I, I assumed that it was. . .

2589 (IA voices from video in background)

2590 KD: At his office.

2591 DH: Okay so I mean possible that [] access to wherever it was would have
2592 included copies if BUBBA would have had them?

2593 KD: Yes.

2594 (IA voices from video in background)

2595 KD: A little baby wife, huh?

2596 DH: Mm. Nice body.

2597 TB: Definitely me.

2598 DH: Working out.

2599 (IA voices from video in background)

2600 DH: I mean that's a set stage, right there under the candles.

2601 KD: Hidden behind, you know, a plant.

2602 DH: Yeah.

2603 TB: Hm.

2604 DH: Yeah but really it's a set stage, nobody.

2605 (IA voices from video in background)

b6 -2
b7C -2

b6 -2
b7C -2

2606 DH: Normally has their room like that.
2607 (IA voices from video in background)
2608 KD: So I don't think this is the one where he comes in.
2609 DH: Mm. I'd like to be able to at least the more damaging part of the tape with the
2610 language (IA) so I know that's actually on there.
2611 KD: (Clears throat)
2612 DH: Is that ^{or} ~~a~~ number two or three? ✓
2613 KD: I thought it was two. Of course these, I don't know if we're playing these in order.
2614 DH: Yeah I was gonna say we all know which is which but.
2615 KD: That would have been the third tape that was undated.
2616 DH: Right, third tape.
2617 KD: That's the one we haven't seen yet.
2618 DH: Okay. Well we can talk to her depending on how well she does on polygraph
2619 TERRY about this copy issue thing and ah you know ask her if she didn't make
2620 copies, why and wasn't she worried about it and things like that, just try to get
2621 (IA) that's all we can do. Cause we get back to that original thing about
2622 not giving a damn about her and that's what worries me.
2623 KD: This is two on it, lasts eighteen seconds, we'll just skip over that one. Right this is
2624 fifty two minutes. This is tape three.
2625 DH: So That's. ✓
2626 (IA voices from video in background)
2627 DH: Here's BUBBA.
2628 (IA voices from video in background)
2629 KD: (IA)
2630 (IA voices from video in background)
2631 DH: How do we run that?
2632 KD: Do you want to fast forward it?

b6 -2
b7c -2

2633 DH: No I just wanted (IA) I don't know where it is.
2634 (IA voices from video in background)
2635 KD: I'll fast forward it to. . .
2636 (IA voices from video in background)
2637 KD: Alright this is where he says BUBBA (IA)
2638 DH: Yeah BUBBA walks you out TERRY.
2639 (IA voices from video in background)
2640 KD: I think she's just watching TV.
2641 DH: Oh I was gonna say, who's that?
2642 KD: In, in a second BUBBA is gonna come back in.
2643 (IA voices from video in background)
2644 KD: See this is where up until this point you never really knew that she was in on it.
2645 DH: Yeah.
2646 KD: And then he sees I want to watch the tape, she says you'll probably see my face in
2647 pain.
2648 TB: Hm.
2649 DH: Yeah I'd say she's in on it.
2650 TB: Wow. Can I use your bathroom?
2651 KD: Yep.
2652 DH: My God.
2653 TB: Gee.
2654 DH: That's bad.
2655 TB: That's hard for me to watch thinking that that guy was my friend all those years.
2656 DH: Yeah. It's one thing to hear about it and it's one thing to.
2657 TB: I mean it's just like.

2658 DH: To (IA)

2659 TB: And he was there when my father passed away, leaning over the bed with me. I
2660 mean just, it just totally blows my mind to see that.

2661 DH: I know. That's just the absolute man.

2662 TB: Whew, crazy.

2663 DH: There was ah (whispering) TERRY wouldn't even believe after TMZ reported it
2664 that BUBBA had done that. I mean he wouldn't believe it and he said I won't
2665 believe it until I've seen it. I think that's what. It's one thing to hear about it.

2666 KD: (IA)

2667 DH: So did she know uh I mean was [redacted] at any of these viewing parties? I mean
2668 how did he know that he could glom on to these, I mean, where is that coming
2669 from?

2670 KD: How did [redacted].

2671 DH: Yeah in other words, like if I'm talking to a friend of mine or somebody I work
2672 for.

2673 KD: Right.

2674 DH: I don't necessarily know that in their office, in a secret stash they got a bunch of
2675 sex tapes.

2676 KD: Yeah he was shown, he, BUBBA invited him to watch.

2677 DH: How did he know he kept it there?

2678 (Chiming sound)

2679 KD: (IA)

2680 DH: Yeah (IA)

2681 KD: I don't think they, I don't think they were, I think they were pretty close.

2682 DH: Yeah okay because that's what I'm kind of going with.

2683 KD: I mean close enough to say hey come on and watch my wife (IA)

2684 DH: Well wouldn't BUBBA know it got stolen? I mean it's not there anymore. I,
2685 you've gotta believe that BUBBA's guarding it.

b6 -2
b7C -2

b6 -2
b7C -2