

# **EXHIBIT A**

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

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TERRY GENE BOLLEA, professionally)  
known as HULK HOGAN )  
Plaintiff, )

vs. )

Case No.  
12012447-C1-011

HEATHER CLEM; GAWKER MEDIA, LLC)  
a/k/a GAWKER MEDIA, et al. )  
Defendant. )  
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 ORIGINAL

DEPOSITION OF DAVID RICE  
taken on March 9, 2015, at 2:00  
at the offices of Dinse, Knapp &  
McAndrew, Burlington, Vermont.

APPEARANCES: (via telephone)

PAUL SAFIER, ESQ., and MICHAEL BERRY, ESQ., of the  
firm of Levin, Sullivan, Koch & Shultz, 1780  
Market Street, Philadelphia, Pennsylvania, 19103,  
on behalf of the defendant;

CHARLES J. HARDER, ESQ., of the firm of  
Harder, Mirell & Abrams, 1925 Century Park East,  
Suite 800, Los Angeles, California, 90067, on  
behalf of the plaintiff.

Reported by: Christina L. Boerner, RPR

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WITNESS

PAGE

David Rice

Examination by Mr. Safier

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E X H I B I T S

No.

Page

(No exhibits marked.)

1 THE REPORTER: Will there be any  
2 stipulations governing the deposition  
3 today?

4 MR. HARDER: Paul?

5 MR. SAFIER: No, not that I know  
6 of. No.

7 MR. HARDER: None.

8 MR. SAFIER: I am joined here by  
9 Michael Berry.

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DAVID RICE  
having been first duly sworn,  
testified as follows:

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EXAMINATION BY MR. SAFIER:

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Q. Good afternoon, Mr. Rice. My name is Paul Safier; I represent the Gawker defendants in this case: Gawker Media, LLC, Nick Denton and A.J. Delario. I appreciate you taking time out of your afternoon to sit for the deposition. I don't think I am going to be here for very long.

Before I get into the substance, I want to talk a little bit about the mechanics of the deposition, which are a little odd in this case, since you are not in the same room with the attorneys asking questions.

1                   Mr. Rice, have you ever been deposed  
2                   before?

3                   A.           Yes.

4                   Q.           What was the case?

5                   A.           The case involved a traffic accident.  
6                   I was a bike rider, pedestrian, in a  
7                   crosswalk, and a vehicle hit me.

8                   Q.           Do you recall when that was?

9                   A.           I would say 1992, because I was still  
10                  in high school; so pretty easy to remember.

11                  Q.           So I assume that depositions roughly  
12                  work now the way they did then, but I want to  
13                  go over a little bit of the details. What is  
14                  going to happen is, I'm going to ask you some  
15                  questions, and Charles Harder, who is a  
16                  plaintiff's attorney, might ask you some  
17                  questions after I'm done.

18                  Chris, you have met, is the court  
19                  reporter, is taking down a written  
20                  transcript, and that is going to be the  
21                  record for the deposition. To keep that  
22                  record clean, we need to make sure we don't  
23                  interrupt or talk over each other. Can you  
24                  do that for me?

25                  A.           Absolutely. I am very familiar with

1 speakerphones.

2 Q. Indeed, I'm sure you are.

3 If you don't understand a question  
4 because I mumbled, or because the question  
5 was badly phrased, just let me know, and I  
6 will try to be more clear, and take another  
7 shot at it. Does that sound good?

8 A. Okay. Thank you, Paul.

9 Q. Okay. If at any point during the  
10 conversation you remember something later,  
11 you know, we are talking about something, you  
12 don't remember it, but you remember it later,  
13 and you want to clarify an answer, add to it,  
14 just let me know, and we will go back to it.

15 A. Very good.

16 Q. Okay. Mr. Rice, are you taking any  
17 medications or any other substances that  
18 would affect your ability to understand me or  
19 testify truthfully?

20 A. No, I am not.

21 Q. Is there any reason at all that you  
22 can't testify truthfully?

23 A. No.

24 Q. Okay. One thing I wanted to flag to  
25 you before we go on, I don't anticipate

1 anything like this coming up, but I wanted to  
2 let you know that there is a protective order  
3 that governs this case. The way that works  
4 is for 30 days after this deposition, the  
5 whole transcript will be designated as  
6 confidential. During that period you or  
7 counsel for any of the parties will have the  
8 opportunity to designate specific parts as  
9 confidential. I don't think that is going to  
10 be an issue, but I want to let you know about  
11 that process. Does that all make sense?

12 A. Okay. Very good.

13 Q. Okay. Mr. Rice, did you at one point  
14 work on the Bubba the Love Sponge show?

15 A. Yes, I did.

16 Q. When did you work on the Bubba the  
17 Love Sponge show?

18 A. Rough dates would be May of 2005 to  
19 October -- very end of October, November  
20 2010. So roughly five years working for the  
21 Bubba the Love Sponge show.

22 Q. Why did you stop working on the show?

23 A. My family had decided to make a move  
24 to an entirely different part of the country.  
25 So although I walked away from a decent

1 salary and a good job, we wanted to relocate,  
2 for a couple of years.

3 Q. Where did you move to?

4 A. We moved to Vermont.

5 Q. Was Bubba the Love Sponge your boss  
6 while you worked on the show?

7 A. Yes. He hired me and paid the  
8 paychecks.

9 Q. What was your position on the show?

10 A. I was the chief broadcast engineer,  
11 and did maintenance of his studio facilities.

12 Q. What was your specific title?

13 A. Specific title would be Chief  
14 Engineer.

15 Q. Did your position stay the same the  
16 whole five years you were there?

17 A. Yes, it did.

18 Q. Or did it change?

19 A. It did stay the same, the whole five  
20 years.

21 Q. And as Chief Engineer, what kind of  
22 specific work did you do for the show?

23 A. I will try to keep it somewhat  
24 simple, but we started out with an empty  
25 building, and turned it into radio and



1 production facilities, so they could  
2 broadcast his show for Sirius satellite  
3 radio. And I believe we -- at that time it  
4 was just satellite radio. So basically took  
5 an empty building and turned it into a full  
6 recording, production and broadcast facility.

7 Q. And then the actual shows, what were  
8 your responsibilities? Did you have any  
9 responsibilities to get the show ready for  
10 air?

11 A. Yes. Basically because I don't like  
12 sitting around waiting for stuff to break, I  
13 got very involved in transcribing the show;  
14 in recording the show; archiving the show  
15 content; editing the show for playback;  
16 creating best of shows, for weeks that we  
17 were on vacation, which benefitted myself;  
18 because if I made a best of show for a week,  
19 then I didn't have to come in that week. So  
20 I got very involved in just basically  
21 handling the content for the show, and making  
22 sure that the distribution was as it should  
23 be.

24 Q. Part of your job would be to review  
25 what was played out of the air, right?

1           A.           Some of the content. I would  
2 possibly get some news content that was  
3 requested or from a television program that  
4 was going to be played back. But it wasn't  
5 review -- I mean, Bubba had final say over  
6 what went on the air. And if he brought in  
7 some that we weren't aware of, I wouldn't be  
8 reviewing that.

9           Q.           I don't think my question was clear.  
10 What I meant was, after a show was aired, you  
11 would then sort of review what was played,  
12 for possible inclusion in a best of, or the  
13 archives, is that correct?

14          A.           That would be correct.

15          Q.           Okay. What would you do while the  
16 show was on the air?

17          A.           While the show was on the air I sat  
18 at my desk, for the four to eight hours that  
19 we were live per day, and I would monitor the  
20 recordings. I would have the show piped into  
21 one of my ears, and I would be able to  
22 communicate with the remaining crew with my  
23 other ear.

24                       And I was literally taking notes on  
25 every guest; keeping a log of dates and

1 times, and who was there, what the subject  
2 was, because quite frequently we would need  
3 to go back to something; and it was very  
4 handy to have someone sitting, listening and  
5 taking notes.

6 Q. When you were working on Bubba's  
7 show, did you ever appear on the air?

8 A. Unfortunately, yes. That was not my  
9 favorite thing to do; but everybody in the  
10 building would get sucked in on air, whether  
11 you liked it or not.

12 Q. Were you like sort of a recurring  
13 character on the show?

14 A. No. Not a character; used my actual  
15 name. In fact, I was probably one of the  
16 only people on the show that retained my  
17 actual name. So I guess recurring voice on  
18 the show, possibly, but not so much a  
19 character.

20 Q. And that was something everyone on  
21 Bubba's crew would do, eventually?

22 A. Yes. Most people would be in within  
23 their first several hours in the building, be  
24 it an intern or new hire, would be on air  
25 almost immediately, because that can be very

1 good content.

2 Q. I think you mentioned this before,  
3 but I just want to go over it again. During  
4 the time you worked for the show, how was it  
5 broadcast? Was it on satellite radio?

6 A. So for the five years that I worked  
7 for Bubba, the show started out as satellite  
8 radio exclusively. Within possibly two years  
9 it was picked up again by terrestrial  
10 markets. Then from that point on, they  
11 continued to expand the terrestrial markets  
12 that it was covered in, while maintaining the  
13 satellite program; so would be occasions  
14 where we were live for up to eight hours a  
15 day.

16 Since then I believe things have  
17 changed. They moved to Internet streaming;  
18 still hold several terrestrial markets; and I  
19 don't believe the satellite is continuing.

20 Q. Was the same content broadcast over  
21 satellite radio as was broadcast for the  
22 terrestrial stations?

23 A. No, it was not. It was actually  
24 either an entirely new show, or bits and  
25 pieces cut from the satellite show, due to

1 FCC regulation and things that would have to  
2 be censored for playback on terrestrial air.

3 Q. How did the satellite show differ  
4 from the terrestrial show?

5 A. They were very, very similar, but the  
6 obscenities had to be removed; or just not  
7 used. Music that was played leading in and  
8 out of the program had to be scrubbed or  
9 cleaned, or radio-friendly edits. And the  
10 guests and topics would frequently be very  
11 different.

12 The satellite show offered pretty  
13 much no-holds-barred radio, with no FCC  
14 limitations. And the terrestrial show had to  
15 be as clean as possible.

16 Q. Speaking generally, how would you  
17 describe Bubba's show?

18 A. If I were to do a quick comparison  
19 with a name everyone would probably know, I  
20 would say it's a shock jock morning show,  
21 very similar to a Howard Stearn; but when  
22 listeners would compare the two, they would  
23 realize that it was entirely different. But  
24 that is what most people would tend to  
25 describe it as.

1                   This is a host-run show, with a cast  
2 of characters around him that talks about  
3 current events; personal stories in their  
4 life; sports; news; pretty much anything that  
5 comes up when you are trying to fill four  
6 hours.

7           Q.        The show was on celebrity news at  
8 all?

9           A.        Sure; there would definitely be parts  
10 of that. They tended to focus more on  
11 celebrities that were friends of the show.  
12 So if a celebrity came up on the news, they  
13 would try to get them to the phone, get them  
14 on the air; get their side of the story.

15                   It wasn't so much talk about everybody  
16 who is out there; it was more people they  
17 knew. As people came on the show, they  
18 became friends of the show, then they might  
19 get talked about, if they became part of the  
20 news.

21           Q.        Did the show focus on sexual topics?

22           A.        I would say that was a pretty high  
23 percentage of the content. Even on the  
24 terrestrial show, they would try and find  
25 ways to fit that sort of content in, without

1 going over the line. And that is probably  
2 one of their specialties.

3 Q. And was that the case with the guests  
4 that would appear on the show, that they  
5 would be asked about sexual topics?

6 A. The topic, the conversation would  
7 tend to go that way; however, I believe Bubba  
8 was definitely intelligent enough to know  
9 when that wasn't going to fly with a guest.

10 For instance, the Governor of  
11 Florida would not be asked about his sexual  
12 preferences; that was something that was  
13 saved more for maybe sports players or  
14 athletes or musicians.

15 Q. Talking about Charlie Crist or Jeb  
16 Bush?

17 A. I believe we had them both on the  
18 phone, at some point. But Charlie Crist had  
19 probably been in studio; so it would have  
20 been Charlie Crist more frequently than Jeb  
21 Bush.

22 Q. Is that something Bubba would know,  
23 whether it was a guest you could get into  
24 sexual topics with?

25 A. He would definitely know that. But I

1 think sometimes, depending how the interview  
2 would go, he may try to bring up a subject or  
3 two with someone that he wasn't really sure  
4 where it might go. Maybe a musician he had  
5 never met before he would ask questions that,  
6 if he felt they were leading to a good  
7 conversation, they would keep pressing; if  
8 not, he would let it go.

9 Q. Did you leave the Bubba show on good  
10 terms?

11 A. Yes, I did.

12 Q. When you were on the show, you said  
13 earlier that Bubba was your boss. Did you  
14 work directly with him?

15 A. Yes. Daily.

16 Q. Closely with him?

17 A. Very closely.

18 Q. And you spent a lot of time with him  
19 on the show, correct?

20 A. The only time I spent with him was  
21 during the show.

22 Actually, outside of the show, I think  
23 we lead two very different personal lives.  
24 One of the stipulations of me coming on board  
25 when he hired me was that he knew that I was



1 a family guy, with a wife and kids, and a lot  
2 of the show content wasn't necessarily my  
3 bag. So he made pretty much a deal with me,  
4 and one other employee on the show, that I am  
5 aware of, that we did not have to participate  
6 in anything outside the show, or even during  
7 the show, that we were not comfortable with.  
8 So our relationship was pretty much kept to  
9 business hours.

10 Q. But you two were friendly?

11 A. Yes; very much so.

12 Q. Are you still in touch with him?

13 A. Not frequently. Once in a while. I  
14 would say probably within the last twelve  
15 months we may have had one or two text chats  
16 back and forth.

17 Q. During the time that you worked for  
18 Bubba's show, was he married to Heather Clem?

19 A. Yes, he was. Actually attended their  
20 wedding.

21 Q. Did you know Heather at all before  
22 she married Bubba?

23 A. Very, very -- met her very briefly,  
24 when she would visit the studio. I believe  
25 they had been dating for a couple of years,

1 so I had seen her as she would come by and  
2 visit; but I didn't know her personally.

3 Q. At the time that you worked for the  
4 show, did you know whether Bubba and Heather  
5 had an open marriage?

6 A. So this is going to be speculation,  
7 because I don't actually have any evidence to  
8 this at all. Are you interested in  
9 speculation, or no?

10 Q. No.

11 A. You are not.

12 Q. Do you have any specific knowledge of  
13 whether they had an open marriage?

14 A. No, I do not.

15 Q. On the radio show did Bubba ever  
16 discuss whether he and Heather had an open  
17 marriage?

18 A. Yes. And that would be where my  
19 speculation would come from, because I don't  
20 have evidence to substantiate claims made on  
21 the show.

22 Q. What do you recall them saying on the  
23 radio show?

24 A. Well, without my exact notes in front  
25 of me I just would recall that the

1 conversation would come up on the air that --  
2 they would call them mix-ins, if they could  
3 mix someone in. So if she had someone that  
4 she would want to mix in, or he would have  
5 someone that he would want to mix in.

6 I don't have any names; names were  
7 something that they are pretty good at  
8 leaving out, on the air. But that would be  
9 the extent of my knowledge, would be what he  
10 discussed on the air.

11 Q. Based on what you have heard on the  
12 air, what was your understanding of what the  
13 arrangement was?

14 A. I don't know so much that there was  
15 an arraignment; just the discussion of him  
16 wanting to be able to continue to have  
17 mix-ins.

18 And I don't know if the same held  
19 true -- I believe at one point the discussion  
20 was, Well, would that hold true for Heather  
21 as well; would she be able to do that? That  
22 always turned into a bit of comedy; of  
23 course, he doesn't have the same standards  
24 for her as he holds for himself; so that  
25 would be generally how the discussion would

1 go. No details as to who --

2 Q. Sorry. Can you go on? I interrupted  
3 you.

4 A. Sure. I was just going to say, there  
5 was never any details on air as to when, or  
6 who, or how frequently.

7 Q. So these mix-ins; your understanding  
8 of what Bubba was talking about was that he  
9 was talking about circumstances where he  
10 would be with women other than Heather,  
11 correct?

12 A. That's what my impression would be,  
13 from the discussions. I think that that is  
14 the way -- I think that is how he was leading  
15 the conversation to appear to the listeners.

16 Q. You do not remember him saying on the  
17 radio show that Heather would be with other  
18 men?

19 A. No. Actually, I don't. I recall  
20 quite the opposite, actually. I recall the  
21 conversation that -- the other members of the  
22 show kind of ganging up on him and saying,  
23 What would happen if your wife -- would she  
24 still be able to participate in these type of  
25 activities? He would say, Of course not. So

1           whether or not this is legitimate or show  
2           schtick, that is hard for me to say, because  
3           I don't have that experience with him outside  
4           of the show; but it is certainly something I  
5           have heard while listening.

6           Q.           Talking now about what was said off  
7           the air. Do you remember Bubba saying off  
8           the air, while you were working there, that  
9           Heather would have sex with other men, while  
10          they were married?

11          A.           No, I do not.

12          Q.           Do you remember other people at the  
13          radio station telling you that Heather would  
14          have sex with other men, while she was  
15          married to Bubba?

16          A.           No, I do not.

17          Q.           Was Heather ever on the air, on the  
18          radio show?

19          A.           Yes.

20          Q.           Do you remember her ever discussing  
21          or ever saying on the radio show that she was  
22          having sex with other men while she was  
23          married to Bubba?

24          A.           I can say pretty clearly that I don't  
25          ever recall her stating anything like that.

1 In fact, quite the opposite; I think that  
2 that would have caused quite a bit of heat,  
3 some attention, if you will; because the -- I  
4 don't know if Bubba would have enjoyed that  
5 conversation going that route. And I can say  
6 pretty clearly, I don't think I have ever  
7 heard her saying that on the air.

8 Q. Did there come a time when you  
9 installed security cameras in Bubba's house?

10 A. Yes.

11 Q. When was that?

12 A. I did a little bit of digging after  
13 speaking with you briefly, when you mentioned  
14 that I would come here, to figure out if I  
15 had any receipts or anything like that. The  
16 best I can tell you, some time in 2006 I  
17 would have purchased the system. Reason I  
18 would have purchased it is just because I did  
19 the majority of equipment purchasing; so  
20 receipts and things like that were something  
21 that I had available to me.

22 But where I am a little confused  
23 would be, I also installed multiple versions  
24 of security systems at the studio, as well as  
25 Bubba's private gym; so I'm not exactly sure

1           when which system went where. But based on  
2           the best of my recollection, I would say some  
3           time in the dead of summer in 2006 would be  
4           when I installed one in his house.

5           Q.           How did it come to be the case that  
6           that job fell to you, to install security  
7           cameras in his house? Do you know why he  
8           didn't hire a contractor or handyman?

9           A.           Yes. He actually had one or two  
10          personal handymen, who were extraordinarily  
11          handy, and would take care of a lot of  
12          things, from drywall; to yard work; to fix  
13          something with the car; to pick up the  
14          children at school. And they were quite  
15          busy. And I'm pretty sure one or both of  
16          them were more than capable of doing this;  
17          however, since it was sort of my expertise,  
18          running wires, setting up cameras, and Bubba  
19          was happy with the system at the studio, he  
20          just asked if I would do that; if it wouldn't  
21          be a problem, and would I be able to come by  
22          and do that. I said, no, not a problem.

23          Q.           Was that typical, that Bubba would  
24          ask people to work for him, to do personal  
25          errands?

- 1 A. Yes. Quite typical.
- 2 Q. Just with you, or with other people  
3 as well?
- 4 A. With the majority of the staff. I  
5 believe that he treated most of the staff as  
6 though they were his buddies and friends, and  
7 it would not be a big deal if he went and  
8 asked them to do something.
- 9 Q. Other than your experience with the  
10 cameras, can you think of a specific example  
11 of a personal errand Bubba had an employee  
12 run?
- 13 A. Oh, sure. Frequently, this is  
14 something that he would say on air, would be  
15 one of the staff known on the air as 25 Cent,  
16 real name Broderick Epps, he would frequently  
17 send him through a command issued on the end,  
18 run to my house, go get my bag, I forgot my  
19 wallet. If you wouldn't mind going and  
20 picking up this particular item; or run to  
21 the store and get this; that would be one  
22 example, and one staff member.
- 23 Q. How many cameras did you install in  
24 Bubba's house?
- 25 A. I installed a camera system that came



1 with four indoor/outdoor cameras. And these  
2 cameras went to a digital recorder, with a  
3 hard drive. And they would record, I believe  
4 continuously; if not continuously, then they  
5 would record when there was motion detected  
6 in front of those cameras.

7 Since I spoke with you last, I have  
8 remembered that the camera that I believe you  
9 are about to ask me about was actually not  
10 connected to that system; it was connected to  
11 a Sony DVD recorder; so it was not something  
12 recording at all times. And this would be a  
13 fifth, independent camera from the security  
14 system I installed in the summer of 2006.

15 Q. So I take it you are referring to the  
16 camera you installed in Bubba Clem's bedroom,  
17 correct?

18 A. That's correct.

19 Q. And that is the one that was hooked  
20 up to the Sony DVD player?

21 A. Right. So initially I couldn't  
22 recall if that was just into the regular  
23 house system, because it had several inputs.  
24 But then, like I mentioned, I started  
25 thinking a little more about it, after

1            talking to you; and I actually went through a  
2            bit of searching to find a recorder that  
3            would record to a DVD; had a screen on it;  
4            and was small and impact. And I don't recall  
5            the model or anything like that. I could  
6            probably find it. But so that one camera  
7            went to this system, that could not record  
8            unless the DVD was inserted, and someone  
9            physically hit the record button.

10          Q.            Where in the bedroom did you install  
11          the camera?

12          A.            The camera was above a set of  
13          cabinets. Bubba's bedroom was quite large;  
14          the entire house was pretty big. And one  
15          section of the bedroom had a countertop and  
16          cabinets similar to what you might have in a  
17          kitchen, if my memory serves correctly, and  
18          it went up above the top of the cabinets.

19          Q.            And that camera did not record  
20          continuously, correct?

21          A.            That's correct.

22          Q.            Did not; someone had to specifically  
23          press record to get it to record, correct?

24          A.            Correct. The DVD recorder was on the  
25          opposite side of a wall, in a shared closet,

1 a walk-in closet. And the device would have  
2 to be wired up. A blank DVD would have to be  
3 inserted, and you would have to hit record,  
4 in order to make that camera function.

5 Q. Why did you install a different kind  
6 of camera in the bedroom, as opposed to the  
7 other cameras that you installed in the  
8 house?

9 A. The request for the camera placed at  
10 the bedroom was at a different time. So  
11 after the house security system was installed  
12 for a while, maybe a matter of weeks, maybe a  
13 matter of months, Bubba made a request, could  
14 I put in one more camera in the bedroom. I  
15 chuckled; I did not necessarily ask why. I  
16 didn't necessarily feel that it would be my  
17 position to say no; I had just installed the  
18 other cameras. And so it was not something  
19 that was tied into the other portion of it.

20 I remember some discussion of, Well,  
21 how can I get it to record? I said, Well,  
22 you are probably not going to want this  
23 recording all the time; he said no. So I did  
24 the research, and found the DVD recorder that  
25 we just discussed.

1 Q. What did the camera in the bedroom  
2 look like?

3 A. I believe it looked -- it was very  
4 small. I believe it looked like a motion  
5 detector or smoke alarm.

6 Q. Was there anything on the camera that  
7 would indicate when it was recording?

8 A. There was not anything that would  
9 indicate when it was recording. I believe it  
10 had a flashing red light at all times,  
11 similar to a smoke detector.

12 Q. Did it have the capability to record  
13 in the dark?

14 A. Not very well. I don't believe that  
15 I had any light vision. It would just use  
16 whatever light was naturally available. In  
17 other facilities like the gym and studio we  
18 had night vision, infrared cameras that were  
19 very -- well, actually, successfully helped  
20 solve a car break-in in our parking lot. But  
21 this camera was very low tech.

22 Q. Do I understand your testimony from  
23 earlier that the bedroom camera would  
24 automatically record on a disk, once it was  
25 set to record?

1           A.        It would not do anything  
2                    automatically.  It actually required a user  
3                    to -- a human being to go and push the record  
4                    button.  This could not be set for timer  
5                    record; this could not be set to automate, in  
6                    any way.

7           Q.        Did you show Bubba how to use the  
8                    bedroom camera?

9           A.        I believe that I did.  One of my --  
10                    trying to think of the word to use here.  One  
11                    of my requirements when picking equipment  
12                    that was going to be operated by any of the  
13                    show's staff, including Bubba, was to have it  
14                    be as simple as possible, so I wouldn't get  
15                    calls in the middle of the night, or in the  
16                    morning or afternoon, asking how to use it.  
17                    So the DVD recorder in question was  
18                    extraordinarily simple, with stop and start  
19                    controls and record controls very similar to  
20                    a tape deck.

21          Q.        And Bubba wouldn't have to do  
22                    anything to get the recording going,  
23                    external; he could put in a DVD; once he hit  
24                    record, it would end up on a DVD, correct?

25          A.        The recording media was a DVD.  That

1 was the final result.

2 Q. Okay. Did Bubba ever tell you not to  
3 tell anyone that he had a security camera in  
4 his bedroom?

5 A. No. Actually, he did not. I assumed  
6 some people were likely to see it, because it  
7 was sitting right in his walk-in closet,  
8 which was not necessary a -- an off-limits  
9 area of his home.

10 Q. Mr. Rice, when did you first learn  
11 that there was a sex tape involving Hulk  
12 Hogan and Bubba's ex-wife Heather?

13 A. To be completely frank, when I saw a  
14 link in Drudge Report, the news aggregation  
15 site that I check daily.

16 Q. Were you working for Bubba's show at  
17 the time?

18 A. No, I was not. I had been -- I don't  
19 remember the date that I saw this, but I had  
20 been working in Vermont for at least two  
21 years.

22 Q. Do you have any specific recollection  
23 what story Drudge went to?

24 A. Drudge linked to I believe the  
25 Gawker.com page, that hosted a video clip.

1 Q. Were you surprised to learn about the  
2 existence of a sex tape?

3 A. Yes, I was.

4 Q. How so?

5 A. Well, there are some of the text on  
6 the Gawker page that was connected to the  
7 video portion, video snippet, I should say,  
8 because I believe it was only a few seconds  
9 long, mention that they had Bubba's voice,  
10 was included on the tape. And that shocked  
11 me right off the bat, because that meant that  
12 he was aware of what was going on, and I just  
13 had never really considered that that was  
14 going on; so that was all kind of a shock to  
15 me.

16 Q. Have you heard anything about who  
17 might have leaked the sex tape?

18 A. No. I have read a couple of comments  
19 underneath some news stories, as to people  
20 speculating, listeners speculating as to who  
21 might have done it. I have even seen my name  
22 come up in a comment, at the end of a news  
23 story. So I have not heard anybody --

24 Q. Did you leak the sex tape?

25 A. I am sorry?

1 Q. Did you leak the sex tape?

2 A. No, Paul, I did not leak the sex  
3 tape.

4 Q. So prior to seeing this Gawker story,  
5 had you ever heard anything from Bubba about  
6 he and Heather having a relationship where  
7 Heather would sleep with other people? Have  
8 sex with other people?

9 A. No. No, I had not.

10 Q. When you first heard about the sex  
11 tape, did you have any theory about who might  
12 have leaked it?

13 A. Sure. Again, speculation; I don't  
14 have any evidence. My initial gut reaction  
15 was that, and this may sound bizarre, but the  
16 business we are in, sometimes any media,  
17 press attention can be good press attention,  
18 especially if your name has not been out  
19 there. Or maybe you are ahead of a contract  
20 negotiation.

21 Initially I thought this could have  
22 possibly be a partnership between Bubba and  
23 Mr. Bollea, saying, Let's throw this out  
24 there; we will get some press. But that --

25 MR. HARDER: Go ahead and finish



1           your answer; I am going to interpose an  
2           objection, once you have finished.

3           A.       Yes, sir.    So immediately after  
4           having that thought, I thought, the  
5           relationship between Bubba and Terry is too  
6           mutually beneficial; and I did not see this  
7           benefitting Mr. Bollea in any way.  And I saw  
8           that the results in media attention that  
9           Bubba could have gotten from something like  
10          this immediately being squashed by the loss  
11          of what I would imagine would be the loss of  
12          the relationship between Bubba and Terry.

13                 So at that point my brain started  
14           thinking in the same manner as the comments  
15           that I saw under news articles:  Well, this  
16           must be some disgruntled employee.

17                 Since then I have had more time to  
18           think about it, and I have a different  
19           theory; but I will break here, and allow Mr.  
20           Harder to put in his objection.

21                 MR. HARDER:  I'm actually not going  
22           to object; but thank you.

23           A.       Okay.

24           Q.       Do you want to share your more recent  
25           theory?

1           A.           My more recent theory, and I don't  
2 know the details, if Gawker paid any money  
3 for the video, or if they just received it  
4 somehow anonymously; that, I do not know.  
5 That may have been in the article; I don't  
6 recall reading anything like that.

7                       Initially when I think someone  
8 dropping something this devastating or this  
9 potentially popular, as far as Web hits, I  
10 would expect someone would want to be paid  
11 for something like that; they wouldn't just  
12 give it up for free.

13                      If indeed someone did give this up for  
14 free, then I would expect that they would  
15 have some sort of return on the back end of  
16 that.

17                      I don't believe Terry Bollea would  
18 have any return positively on the back end of  
19 this video being released. I don't believe  
20 Bubba would benefit in any way from the loss  
21 of the relationship with Mr. Bollea, due to  
22 the release of this video.

23                      The only other party involved in the  
24 video I believe has just gone through a  
25 divorce, I don't know the details, with

1 Bubba. So Heather Clem and Bubba going  
2 through a divorce, I believe right before the  
3 time this video came out; so part of me has  
4 to speculate if she would not potentially  
5 release a video that she sounds like she knew  
6 existed, based on the comments heard on the  
7 video. And would potentially imagine that  
8 that would somehow bring her some notoriety;  
9 whether it be through interviews or potential  
10 photo shoots, I don't know.

11 But if you had to ask me, which you  
12 just did, what would my speculation be, she  
13 would stand to potentially think she would  
14 gain the most from this, whether it be  
15 through revenge, or actual monetary gain from  
16 interviews and such, after the fact.

17 Q. This is completely speculation?

18 A. This is complete speculation. I have  
19 zero evidence to base this. You asked what  
20 my theory may be, and that would be my  
21 theory.

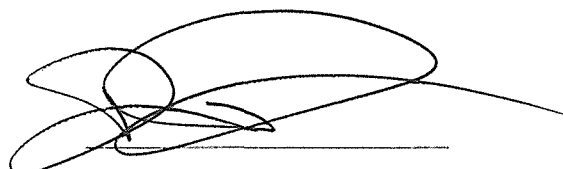
22 MR. SAFIER: Thanks. Great; thanks  
23 very much. I have nothing further for  
24 you.

25 MR. HARDER: I have no questions.

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A. Thank you.  
(2:36 p.m., deposition concluded.)

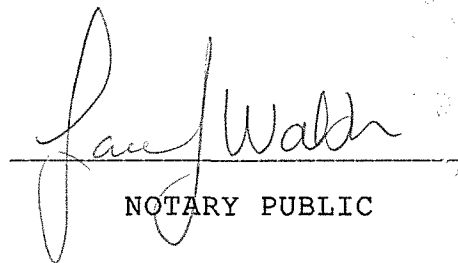
I have carefully read the foregoing deposition, and the answers made by me are true.



DAVID RICE

STATE OF VERMONT  
COUNTY OF CHITTENDEN

At Colchester, in said county this 1 day of April, 2015, personally appeared the above-named DAVID RICE, and made oath that the foregoing answers are true.

  
NOTARY PUBLIC

C E R T I F I C A T E

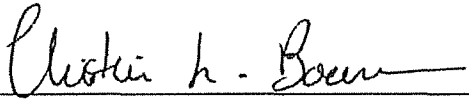
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STATE OF VERMONT  
COUNTY OF CHITTENDEN

I, CHRISTINA L. BOERNER, Court Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of DAVID RICE; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 10th day of March,  
2015.

  
\_\_\_\_\_

Christina L. Boerner, RPR