

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

NIELSEN AUDIO, INC.,

Plaintiff,

vs.

Case No.: 8:15-cv-2435-JDW-AAS

BUBBA CLEM a/k/a BUBBA THE  
LOVE SPONGE and BUBBA RADIO  
NETWORK, INC.,

Defendants.

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***PLAINTIFF NIELSEN AUDIO, INC.'S  
MOTION IN LIMINE TO PRECLUDE CERTAIN EVIDENCE  
RELATING TO NON-PARTY NICHOLAS TABACHUK***

Plaintiff, Nielsen Audio, Inc. (“Nielsen”), by and through its undersigned counsel, respectfully moves the Court for an order pursuant to FRE 401, 402, 403, 404, 608, 609(c) and 611 to preclude Defendants Bubba Clem a/k/a Bubba the Love Sponge (“Bubba Clem”) and Bubba Radio Network, Inc. (“BRN”) (collectively “Defendants”) from introducing any evidence or argument, or from eliciting any testimony concerning criminal charges or convictions against non-party witness Nicholas Tabachuk, as well as his past addiction to prescription drugs. Mr. Tabachuk is the Cooperating Panelist referenced in Nielsen’s Amended Complaint who was in contact with Bubba Clem and who was instructed by and paid by Bubba Clem to distort the Nielsen ratings in Defendants’ favor. These topics are irrelevant to the issues in this case and can only create prejudice and confusion in the minds of the jury. This is especially true where, in this case, Mr. Clem has admitted that he was in communication with Mr. Tabachuk; paid him to listen to his program and his station; instructed him as to how to manipulate the PPM device and has publicly apologized for such conduct. *See, e.g.*, annexed portions of Clem Deposition, dated

August 9, 2017, attached as Exhibit A, at 157:14-158:23; 163:15-25; 168:11-24; 181:2-8; 182:12-20; 185:16-186:2; 188:14-189:4; 189:22-190:7; 192:20-193:8; 194:15-22; 320:20-321:2.

The Defendants only purpose in raising Mr. Tabachuk's prior convictions or drug use is to embarrass and humble the witness at trial and to prejudice the jury.

***Evidence of Mr. Tabachuk's Past Arrests and Convictions Should be Excluded***

Defendants' Trial Exhibit List (Dkt. 180-2) includes evidence that Mr. Tabachuk was arrested several times but not convicted of any of these offenses, and a record of a case filed against Mr. Tabachuk on September 4, 2008, which resulted in guilty pleas being entered on several counts of obtaining drugs from a physician by withholding information stemming from charges dating back to 2007. These exhibits include but are not limited to exhibits DX382 and DX383 (copies of which are annexed as Exhibit B).<sup>1</sup>

Defendants should be precluded from using any evidence of arrests that did not result in convictions to impeach Mr. Tabachuk because evidence of arrests, charges, and other allegations of unlawful acts that did not result in a conviction are not admissible for impeachment. *See Michelson v. U.S.*, 335 U.S. 469, 482 (1948). Evidence of Mr. Tabachuk's convictions are also inadmissible to impeach Mr. Tabachuk pursuant to FRE 609(c)(1) because Mr. Tabachuk completed a rehabilitation program and has not been convicted of a later crime punishable by imprisonment for more than one year. *See* annexed portions of Tabachuk Deposition dated July 19, 2017, attached as Exhibit C, at 44:8-47:2. *See also, Brown v. Frey*, 889 F.2d 159, 171 (8th Cir. 1989) (exclusion under Rule 609(c)(1) is mandatory, and affirming exclusion of evidence of perjury conviction due to pardon based on rehabilitation); *United States v. Pagan*, 721 F.2d 24 (2d Cir. 1983) (holding that a certificate setting a youthful offender's conviction pursuant to the

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<sup>1</sup> DX555 contains portions of the same materials in DX382 and DX383. DX372 also contains extensive references to these materials.

Youth Corrections Act, 18 U.S.C. §§ 5005–5026 (repealed 1987), was an “equivalent procedure” under FRE 609(c)).

In addition, under FRE 404, these arrests and convictions are inadmissible as evidence of Mr. Tabachuk’s character or to establish conformity with that character. *See, e.g., Allstate Ins. Co. v. Vizcay*, No. 8:11-CV-804-EAK-EAJ, 2014 WL 1293535, at \*1–2 (M.D. Fla. Mar. 31, 2014) (granting motion *in limine* with respect to evidence and cross examination of unrelated criminal activity and arrest of a defendant’s manager, finding that “danger of unfair prejudice and confusion of issues with respect to [the] criminal activity and arrest substantially outweigh any probative value”). Apart from one isolated arrest (without conviction) in 2011, Mr. Tabachuk’s alleged criminal acts occurred from 9-1/2 to 11 years ago, and had no relation to this case or to the ratings tampering by Bubba Clem in 2015. If presented to a jury, this information will be highly inflammatory and will create an undue prejudice by the jury against Mr. Tabachuk that is substantially greater than any probative value this evidence may have.

***Evidence of Mr. Tabachuk’s Past Drug Use Should be Excluded***

Defendants should also be precluded from introducing any evidence of Mr. Tabachuk’s past drug use. At deposition, Defendants’ counsel asked Mr. Tabachuk numerous questions about Mr. Tabachuk’s past addiction to prescription drugs. *See e.g.,* Exh. C at 15:4-5 (“So 2010 to current, you haven’t been taking any prescription pain killers?”); 15:13 (“[A]re you a drug addict?”). Mr. Tabachuk specifically denied that he was under the influence of any such drugs and explained that he is not using drugs. *See* Exh. C at 20:3-5 (Q: “Are you currently under the influence of any drugs as you sit here now? A: No”); *see also* annexed portion of Tabachuk Deposition dated July 27, 2017, attached as Exhibit D, at 251:4-6 (“I’m [a] **recovering** drug addict. And I’m continuing my counseling and substance abuse programs to this day . . . .”)

(emphasis added). Defendants' continued to question Mr. Tabachuk about drug related issues throughout the remainder of his deposition with the clear intent of embarrassing and harassing him. *See, e.g.*, Exh. C at 104:11-14 ("Q: So it's your testimony you never used drugs – you never used needles to inject drugs during 2015? A: No, I did not."); 67:2-4 ("You're dealing drugs to this person, aren't you?"); 67:11-13 ("Q: Are you a drug dealer? A: No, I am not. Q: Well, what do you call it?").<sup>2</sup>

Introduction of this evidence has no relevance to the claims or defenses in this case and would be highly prejudicial, and therefore should be precluded under FRE 403. The Eleventh Circuit has consistently held that, "[b]ecause of the extreme potential for unfair prejudice flowing from evidence of drug use, . . . such evidence may properly be limited to 'specific instances of drug use [during] relevant periods of trial and the transaction charged in the indictment.'" *United States v. Sellers*, 906 F.2d 597, 602 (11th Cir. 1990), quoting *United States v. Holman*, 680 F.2d 1340, 1353 (11th Cir.1982). *See also United States v. Silverman*, 745 F.2d 1386, 1398 (11th Cir. 1984) (evidence of history of prior cocaine use properly excluded as prejudicial under FRE 403 because there was no evidence that prior cocaine use had any effect on witness' perception of the event in issue or his ability to relate them accurately).

Evidence of prior instances of drug use is not relevant to truthfulness under FRE 608(b) which provides that "extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness." *See United States v. Rubin*, 733 F.2d 837, 841–42 (11th Cir.1984). Nor is this evidence admissible

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<sup>2</sup> Other questions from Defendants' counsel probed into Mr. Tabachuk's personal text messages with unrelated non-parties. *See, e.g.*, Exh. C at 66:19 ("What is X-A-N-A?"); 66:25 ("What is a 'sub'?"); 68:6-11 ("Q: Question to . . . Mr. Rogers, 'How many do you want to sell? I'll buy and get back.' . . . What are you looking to buy?"); 82:12-13 ("Did you ever have any drug-related business with Sam?"); 82:24-25 ("Did you ever have any drug dealings with DeAngelo?"); 83:9-10 ("Did you have any drug interactions with DeAngelo's brother?"); 103:2-3 ("Did you have any drug dealings with Jamie?"); 103:18-20 ("Q: Did you share needles with Jamie? A: No, I did not."). Mr. Tabachuk asserted his Fifth Amendment privilege in response to many of these harassing questions. *See, e.g.*, Exh. C at 66:20; 67:2; 67:5; 67:16; 68:12; 82:14; 83:1; 83:11; 103:4.

as proof of Mr. Tabachuk's character and that he acted in conformity with that past behavior during the time periods relevant to this case or to attack Mr. Tabachuk's credibility. *See Michelson*, 335 U.S. at 482. Defendants should also be precluded under FRE 611 from asking questions such as these which serve no legitimate purpose and are designed only to harass and embarrass, and to elicit testimony on inadmissible topics. *See United States v. Rizza*, No. 2:14-CR-2-FTM-38DNF, 2014 WL 3767603, at \*3 (M.D. Fla. July 31, 2014) (excluding evidence under FRE 403 and 611 "to protect witnesses from undue harassment").

Dated: February 23, 2018

/s/ Lawrence C. Drucker

Alfred R. Fabricant (*pro hac vice*)  
Lawrence C. Drucker (*pro hac vice*)  
Sarah G. Hartman (*pro hac vice*)  
Jessica T. Lu (*pro hac vice*)  
**BROWN RUDNICK LLP**  
7 Times Square  
New York, New York 10036  
Telephone: (212) 209-4800; Fax: (212) 209-4801  
E-mail: afabricant@brownrudnick.com  
ldrucker@brownrudnick.com  
shartman@brownrudnick.com  
jlu@brownrudnick.com

Mark J. Ragusa, Esq.  
Florida Bar No.: 0829633  
**GUNSTER, YOAKLEY & STEWART, P.A.**  
401 E. Jackson Street, Suite 2500  
Tampa, FL 33602  
(813) 222-6619; Fax: (813) 228-6739  
E-mail: mragusa@gunster.com

***Trial Attorneys for Plaintiff,  
Nielsen Audio, Inc.***

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 3.01(G)**

The undersigned certifies that on February 23, 2018, Lawrence Drucker, counsel for Nielsen, conferred with Richard Rodriguez, counsel for Defendants, in a good faith effort to resolve this motion without Court action. Counsel for Defendants advised that they oppose the motion and the requested relief.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served by electronic mail on counsel for all parties of record on February 23, 2018.

/s/ Lawrence C. Drucker

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

NIELSEN AUDIO, INC.,

Plaintiff,

vs.

Case No.:  
8:15-CV-2435-T-27AAS

BUBBA CLEM and BUBBA RADIO  
NETWORK, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF BUBBA CLEM

Taken on Behalf of the Plaintiff

DATE TAKEN: Wednesday, August 9, 2017  
TIME: 9:00 a.m. - 6:10 p.m.  
PLACE: Gunster, Yoakley & Stewart,  
P.A.  
401 East Jackson Street  
Tampa, Florida

STENOGRAPHICALLY REPORTED BY:  
NORA KELLY-MEOLA, RPR

1 Q. -- on July 30, 2015?

2 A. Line number 87, sir?

3 Q. Right.

4 A. Yes.

5 Q. It's a communication between Bubba the Love  
6 Sponge and Jay Fuller?

7 A. No. I can read it. Okay.

8 Q. It says: I may pay off his debt to you. I  
9 just want you to read them and then we're going to ask  
10 you questions about it. And then line --

11 A. Hold on.

12 Q. 87.

13 A. Okay. I got it. Okay.

14 Q. Okay. So first line 87: I may pay off his  
15 bill to you. 88: I'll see you guys at 1 p.m. 89: If  
16 his little friend is real, Nick can waive owing me  
17 anything. 90: Nick, do not forget that thing. 92:  
18 Need Nick, need to see that thing he got yesterday in  
19 person. 93: Guys, my afternoon freed up. Can we meet  
20 at CRI race shop soon.

21 A. Yeah.

22 Q. So my question is, does this refresh your  
23 recollection -- do you remember -- strike that.

24 Do you remember, Mr. Clem, that you were told  
25 that Nicholas Tabachuk had received PPMs, he was a



1 panelist, and you wanted him to meet with you?

2 MR. RODRIGUEZ: Objection to form.

3 Q. And you wanted him to bring his gimmick, the  
4 device to you? Do you remember that?

5 A. Not specifically, but I do remember texting or  
6 Mr. Fuller telling me that.

7 Q. Okay. And did you, in fact, meet with him at  
8 CRI as you suggest: My afternoon freed up, can we meet  
9 at CRI race shop soon?

10 A. Yes.

11 MR. RODRIGUEZ: Objection to form.

12 A. Sorry.

13 Q. You can answer.

14 A. Yes.

15 Q. And did you do that shortly after you  
16 discovered that Mr. Tabachuk had become a panelist?

17 A. I don't know the date that we met, but I think  
18 so. You may know that.

19 Q. Okay. And did he bring his one or more PPM  
20 devices to show you that he actually had them and they  
21 were real?

22 MR. RODRIGUEZ: Objection to form.

23 A. Yes.

24 Q. And at that meeting, did you say to  
25 Mr. Tabachuk in words or substance, I can't have

1 Q. I understand the qualifications that you're  
2 making. But you recall the events that you were told he  
3 had -- he had become a panelist, that he had his  
4 device --

5 MR. RODRIGUEZ: Objection to form.

6 Q. -- right? You were told that? Whether by him  
7 or by Jay Fuller, you were told that?

8 A. Yes. I was told that. It's -- it was -- I  
9 didn't make the initial contact with these people.

10 Q. That wasn't the question.

11 A. Well, earlier -- earlier there was a statement  
12 by you, sir, I just wanted to make sure I clarify.

13 Q. That's fine. We understand.

14 A. Thank you.

15 Q. The fact that he advised he had become a  
16 panelist, that he had the machines, and you said let's  
17 set up a meeting --

18 MR. RODRIGUEZ: Object to the form.

19 Q. -- let's set up a meeting at CRI; right?

20 A. I did.

21 Q. And bring the gimmick?

22 A. I did.

23 Q. And by the gimmick you were referring to the  
24 PPM device; correct?

25 A. I was.

1 stories and Cox is being invaded stories. And so he at  
2 that point was trying to get the show proper credit for  
3 him being an existing listener and being able to  
4 contribute for how nice Jay and I and Tom Bean had been  
5 to him in supporting his cause and to finding who was  
6 messing with his wife.

7 Q. He told you he wasn't a morning person and he  
8 doesn't get up early; correct?

9 A. He told me if he was going to get up early,  
10 he's going to be compensated. He needed to be paid.

11 Q. How could he be a Bubba listener, a loyal Bubba  
12 listener if he doesn't get up in the morning and he  
13 misses your show? How could that be?

14 MR. RODRIGUEZ: Objection to form.

15 A. Nick -- one, Nick, had intimated to me that he  
16 gets up around 9 or 8:30. My show starts at 6. Nick  
17 wanted to give my show as much credit as it could, so he  
18 asked me to compensate him in his way to contribute to  
19 make sure that our show got more credit so to speak.

20 Q. And then you agreed to pay him \$300 a month to  
21 get up early if he actually did so; is that true?

22 A. I agreed to compensate him to listen to the  
23 show to help better our position in the -- in the  
24 ratings.

25 Q. You agreed to pay him \$3 -- \$300 a month to get

1 and be properly credited for it.

2 Q. Mr. Clem, you not only told Mr. Tabachuk to get  
3 up early and listen to your show, but you told him what  
4 other stations he should listen to? You directed him to  
5 listen to specific other stations --

6 MR. RODRIGUEZ: Objection to form.

7 Q. -- as well, didn't you, Mr. Clem?

8 A. I did.

9 Q. You directed him to listen to your afternoon  
10 show with Ned, didn't you?

11 A. I suggested that he did so so that you --  
12 Nielsen wouldn't pull his meters like they do when  
13 anybody is a heavy Bubba listener. So I also asked him  
14 or suggested to listen to our competition as well  
15 because Nielsen at that point had already had a history  
16 of out of thin air my ratings would go down by sometimes  
17 as much as 50 percent in one week due to the fact that  
18 Cox or somebody complained that there was a heavy  
19 listener. And at the end of the day, sir, that's what  
20 every broadcaster wants.

21 Every broadcaster as you probably know, sir,  
22 wants heavy listeners. We want -- you know that one of  
23 the figures is time spent listening and a person  
24 listening -- listening longer sometimes means more than  
25 the amount of people. So every broadcaster that's ever

1 been on the air, regardless of format, wants obsessed P1  
2 listeners to listen as long as they possibly can.  
3 That's the nature of the business. And so when anybody  
4 shows large listening levels of my program during this  
5 time period, they would be pulled out or disqualified.  
6 And so I didn't want to get screwed again.

7 Q. So you were directing him what to listen to,  
8 what not to listen to, when to listen, those are the  
9 things you were telling him to do; right?

10 MR. RODRIGUEZ: Objection to form.

11 A. I was.

12 Q. Okay. Going on to 6122, we're on the same day,  
13 this is all July 31st, the day after you met him at CRI  
14 at 11:59 a.m.: Now make sure you listen to the radio  
15 this weekend, 93.3, 97.9, 101.5, 100.7, 95.7.

16 You were telling him what to listen to; right?

17 A. I was.

18 Q. With his meters?

19 A. If indeed his meters were working or he had  
20 them on his person or what -- so, yes.

21 Q. Then on 6126 at 12:01 on the same July 31st,  
22 you wrote -- sorry.

23 A. That's him to me.

24 Q. That's him. He wrote: Of course, have the  
25 oscillator rigged already. Do you see that?

1 among the deejays like yourself and others in the radio  
2 business that, you know, if you can keep the PPM moving,  
3 it would -- the data recorded would count in the  
4 ratings?

5 MR. RODRIGUEZ: Objection to form.

6 A. I can't speculate as to what other radio  
7 personalities. I mean, it was always discussed, you  
8 know, amongst radio personalities that -- that -- I  
9 don't -- I think they do shut down after a certain  
10 period of time. So whatever watch winder -- and Mike  
11 Calta by the way, you know, said some very disparaging  
12 and untrue stuff on -- on public airwaves that were  
13 never punished or never -- and just pretty much  
14 overlooked because I was the bad guy of which the stuff  
15 he said were very unflattering and not true.

16 Q. 6127, line 6127 from Bubba to Nick: Here are  
17 the stations you, and then all capitals, cannot listen  
18 to ever. Do you see that?

19 A. I do.

20 Q. Why did you tell him that there were stations  
21 he could never listen to? What did that have to do with  
22 your show?

23 A. Nothing.

24 Q. Why did you tell him that?

25 A. Well, I mean, obviously 102.5 is my

1 competition. And 94.1 is a -- is a Beasley property, so

2 I didn't want to, you know, alarm anybody.

3 Q. Why couldn't he listen to 94.1, a Beasley  
4 property ever?

5 A. Well, you know, I don't know the inner workings  
6 of Cox, but I am -- I've been told and I'm assuming that  
7 they have a very extensive ratings data department and  
8 if they see any heavy, heavy listening levels of their  
9 competition, or more specifically me, that they get a  
10 hold of you guys and start investigating. I think that  
11 we could probably think that that happens based on us  
12 being here today.

13 Q. Last line 6137 from Bubba the Love Sponge to  
14 Nick: Between all four of them be smart, mix it up.

15 Are you referring here to the four PPMs that he  
16 said he had?

17 A. I don't know what I was -- I don't know if I  
18 was referring to four stations or I don't -- I don't  
19 know what my -- I was referring to.

20 Q. The prior e-mail 6136 at 12:03 p.m. on 7/31:  
21 Okay. I will have it on daily, trust me, and I'm  
22 following their instructions otherwise so we can keep  
23 them, too.

24 A. That was -- that was from Nick to me.

25 Q. Right. And he wrote you that?

1 Mr. Clem, there were you referring about losing  
2 the PPMs that Mr. Tabachuk had in his -- in his  
3 household?

4 A. I think so.

5 Q. And by don't get lazy, are you referring here  
6 to mixing it up so that it doesn't ring any bells at the  
7 Nielsen company so that they pull the meters? Is that  
8 what you were referring to?

9 MR. RODRIGUEZ: Objection to form.

10 A. You know, I don't know what I was referring to  
11 on that. I think perhaps I was referring to the fact  
12 that he needed to take -- to, you know, get up and not  
13 be lazy.

14 Q. I direct your attention to 6181. You write to  
15 Mr. Tabachuk: Of course no one can know, nobody. And  
16 then Tabachuk writes back at 6182: All right, cool.  
17 Then 6183: You have to promise not to say a word. 6184  
18 from Bubba to Tabachuk: You have to promise not to say  
19 a word. 6185 from Tabachuk: I swear. Have I ever  
20 talked about anything we've discussed? And then 6186  
21 from you to Tabachuk: This could ruin me, B.

22 Do you see that?

23 A. Yes.

24 Q. Did you write that, this could ruin me?

25 A. I think so.



1 Q. And what did you mean by that when you wrote  
2 it?

3 A. Well, I mean, you know, I think it's pretty  
4 self-explanatory.

5 Q. Well, did you mean that if it got out in public  
6 that you had this contact going on with Mr. Tabachuk who  
7 is a Nielsen panelist, it could ruin you in the  
8 industry?

9 A. I don't know if I looked at it, you know,  
10 that -- that in-depth, you know. I just know it  
11 wouldn't be a good thing.

12 Q. Well, ruin is a strong word. You said that Cox  
13 has ruined you or Calta has ruined you. Why would it  
14 have ruined you if people knew that -- that you were  
15 dealing with Mr. Tabachuk and his PPM meters?

16 MR. RODRIGUEZ: Objection to form.

17 A. Well, you know, I don't necessarily know what  
18 people could -- or how people would form that, the word  
19 ruin. I just know that, you know, I wasn't -- Nick was  
20 an established Bubba Army listener and, you know, I  
21 wanted to get credit for his listening.

22 Q. 6245 from Bubba to Nick Tabachuk, 6245: Heavy  
23 on 93.3, 97.9, 100.7 this weekend and some 98.7.

24 These were stations and programs you were  
25 asking him to listen to; correct?

1 A. I think so.

2 Q. Okay. And this is -- by the way, I point out  
3 this is still 7/31/2015, all of these text messages  
4 between you and Mr. Tabachuk that we've run through were  
5 within a couple of days of him bringing the meters to  
6 your attention; correct?

7 A. Yes.

8 Q. Then in 6247 you write, according to the -- I'm  
9 sorry, that's to you.

10 A. That's from me. Yes, sir.

11 Q. 6304, you write: How are you doing?

12 A. I'm sorry, Mr. Fabricant.

13 Q. I'm sorry, 6304.

14 A. All right. 6304.

15 Q. How are you doing on the gimmicks? And the  
16 response: We all have over 260 points on each of them.  
17 We're told today we are doing very good for only three  
18 full days. You write: Not even. And he writes:  
19 Great.

20 And then what is he referring to there? How  
21 did you -- how did you take that message?

22 A. Well, Mr. Fabricant, it's my understanding that  
23 Nielsen has an incentive program that's a point system  
24 and based on discovering and my knowledge of it and that  
25 they reward people and -- on how many -- how often you

1 And so as Nick always from the start of my relationship  
2 with him, friendship in January of 2015, had always  
3 portrayed to be very IT savvy and such. So as he's  
4 telling me that he's doing this, this somewhat doesn't  
5 seem like -- I don't know if -- I don't know how that  
6 works. He indicated that he needed a radio to listen so  
7 that he didn't have to USB it and micro this and that.  
8 And so I sent him a radio. And we had discussed the  
9 oscillation at CRI the first day with regards to if he  
10 didn't have it on his -- on his person, that it would be  
11 moving. So I don't know if I answered it long-windedly  
12 or not, but I hope I did.

13 Q. Well, I understand that you sent him -- you  
14 wanted to send him radios so he had more radios to  
15 listen to; is that fair?

16 A. I don't think it is fair to say that.

17 Q. Okay. Why did you want to send him radios?

18 A. So that he didn't have to plug in through some  
19 USB charger tally system.

20 Q. You sent him two radios; did you not?

21 A. Yes. I believe so.

22 Q. And each radio could be sitting in front of a  
23 different PPM, is that what you had in mind?

24 A. I don't know the configuration I had in mind.

25 Q. And you sent him two little 7 inch oscillating

1 table fans; did you not?

2 A. I think so.

3 Q. That was so that the PPMs could be moved by the  
4 fan and, therefore, not sitting on a table where their  
5 data wouldn't be included in the survey; right?

6 MR. RODRIGUEZ: Objection to form.

7 A. Just to keep them moving so that we would get  
8 proper credit.

9 Q. We'll mark as the next Exhibit No. 10 I think  
10 we're up to, two pages, 4152 and 4153 both with the Clem  
11 Bates stamp orders from Amazon.

12 (Exhibit No. 10 marked for identification.)

13 Q. Does Exhibit 10 reflect orders that you made  
14 for purchases of two oscillating fans and two radios and  
15 batteries?

16 A. It appears so.

17 Q. And you shipped these to Mr. Tabachuk; is that  
18 true?

19 A. I believe so.

20 Q. And he gave you his address so that you would  
21 know where to ship them?

22 A. I think so.

23 Q. Did you ever send oscillating fans and radios  
24 to any other panelists or person you believe to be a  
25 Nielsen/Arbitron panelist?

1 MR. RODRIGUEZ: Objection to form.

2 A. I have.

3 Q. And who else did you send a fan or radio to?

4 A. Chuck Pellem.

5 Q. And when did you do that?

6 A. In 20 -- in 2015.

7 Q. At the time you sent him a fan and radio, you  
8 knew that he was a panelist at the time, an active  
9 panelist?

10 A. I had just found out.

11 Q. If you would go to 7309, Exhibit 7.

12 A. 7309, sir?

13 Q. 7309.

14 A. Okay.

15 Q. 7309 is actually August 9, 2015 at 1:58 p.m.  
16 from Bubba the Love Sponge to Nick Tabachuk: Got raw  
17 numbers today, we went down. It's so important you get  
18 up, please, Buddy, please. I'm paying you, you have to  
19 get up Monday to Friday, set them on fan, go back to  
20 bed, please.

21 Did you write that, Mr. Clem?

22 A. It appears I did.

23 Q. Okay. What raw numbers were you referring to?

24 A. Probably the raw numbers with what Nielsen  
25 provides for -- I think they're just out there, the

1 of that, which I guess would be inclusive to Calta's  
2 comments, moving backwards on that, from Terre Haute to  
3 the timeline that we walked through, I'm not familiar of  
4 being -- I'm not -- I'm not personally familiar of  
5 what -- that I've ever been accused by Nielsen or  
6 Arbitron. Competing radio stations could very well have  
7 made complaints behind my back that Nielsen either  
8 didn't warrant or didn't move further with or found  
9 unnecessary. So I don't -- I'm sorry if I  
10 misunderstood. If you think that Mike Calta thing is  
11 different from what my counsel asked me, I included that  
12 as part of this proceeding.

13 Q. You were also asked by Mr. Rodriguez about  
14 would you -- would you have done -- would you do it  
15 again, you know, and you answered the question. In  
16 fact, when you gave your apology --

17 A. I answered no.

18 Q. You said no, I understand.

19 A. Yes, sir.

20 Q. When you gave your apology that was broadcast  
21 which I think was October of '15, do you remember giving  
22 an apology which was broadcast?

23 A. I do.

24 Q. And in that apology you said you would take  
25 sole -- sole blame and responsibility for what had

1 happened; did you not?

2 A. I did.

3 Q. Were you being truthful when you said that?

4 A. That apology was, the way I understood it, a --  
5 a requirement from Beasley and that's prior to Nielsen  
6 filing a lawsuit on me. It was my understanding that if  
7 I manned up and accepted responsibility, that this would  
8 go away. And, in fact, I was sued and that was used as  
9 an admission of mine. I just tried to do the right  
10 thing and man up and take responsibility so that it  
11 would go away. And that was prior to the mountains and  
12 mountains of discovery that we got in lieu of this  
13 lawsuit so --

14 Q. You stood up in public on camera and you said  
15 you take full responsibility for what happened and  
16 subsequently the consequences? You said you took full  
17 responsibility for that, didn't you?

18 A. I did. And I said that at the direction of  
19 Beasley and I said that prior to the hundreds of  
20 thousands of -- tens of thousands of pages of how this  
21 all -- and I'm not trying to deflect any -- any  
22 responsibility that I've had and I'm not certainly  
23 trying to say I didn't have a hand in this. But I made  
24 that public announcement at the request of Nielsen,  
25 Beasley, and it's my understanding Nielsen told Beasley

# EXHIBIT B



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Location: Hillsborough County, FL Help

**CASE SUMMARY**  
**CASE No. 08-CF-017271-A**

STATE OF FLORIDA vs TABACHUK, NICHOLAS BASIL

§  
§  
§  
§  
§  
§  
§  
§

Case Type: **FELONY DRUG OFFENSE**  
 Date Filed: **09/04/2008**  
 Location: **Division Y**  
 Judicial Officer: **Corvo, Vivian T**  
 Case Number History: **08-CF-017271**  
 Uniform Case Number: **292008CF017271000AHC**

**PARTY INFORMATION**

**Defendant**     **TABACHUK, NICHOLAS BASIL**

**Attorneys**  
**LARRY SANDEFER, Esquire**  
*Court Appointed*  
 727-7265297 x0000(W)

**Plaintiff**     **STATE OF FLORIDA**

**JOHN P JOHNSON**  
*Court Appointed*  
 813-785-0146(W)

**CHARGE INFORMATION**

Charges: <b>TABACHUK, NICHOLAS BASIL</b>	Statute	Level	Date
1. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	04/16/2007
2. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	05/23/2007
3. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	07/12/2007
4. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	08/28/2007
5. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	10/03/2007
6. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	11/15/2007
7. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	12/24/2007
8. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	02/02/2007
9. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	03/05/2007
10. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING	893137A8	THIRD DEGREE FELONY	04/23/2007

**EVENTS & ORDERS OF THE COURT**

DISPOSITIONS	
09/22/2008	Disposition (Judicial Officer: Corvo, Vivian T) 10. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING NT - NO INFORMATION FILED
10/08/2008	Plea (Judicial Officer: Corvo, Vivian T) 1. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
10/06/2008	Plea (Judicial Officer: Corvo, Vivian T) 2. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
10/06/2008	Plea (Judicial Officer: Corvo, Vivian T) 3. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
10/06/2008	Plea (Judicial Officer: Corvo, Vivian T) 4. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
10/06/2008	Plea (Judicial Officer: Corvo, Vivian T) 5. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING

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1/9

9/25/2015

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WRITTEN PLEA OF NOT GUILTY

- 10/06/2008 **Plea** (Judicial Officer: Corvo, Vivian T)  
6. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
- 10/06/2008 **Plea** (Judicial Officer: Corvo, Vivian T)  
7. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
- 10/06/2008 **Plea** (Judicial Officer: Corvo, Vivian T)  
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- 10/06/2008 **Plea** (Judicial Officer: Corvo, Vivian T)  
9. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING WRITTEN PLEA OF NOT GUILTY
- 10/27/2008 **Disposition** (Judicial Officer: Corvo, Vivian T)  
1. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING NT - ADJUDGED GUILTY
- 10/27/2008 **Disposition** (Judicial Officer: Corvo, Vivian T)  
2. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING NT - ADJUDGED GUILTY
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- 10/27/2008 **Disposition** (Judicial Officer: Corvo, Vivian T)  
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- 10/27/2008 **Disposition** (Judicial Officer: Corvo, Vivian T)  
8. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING NT - ADJUDGED GUILTY
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- 10/27/2008 **Amended Plea** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
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- 10/27/2008 **Amended Plea** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON

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2/9

9/25/2015

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9. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING GUILTY

10/27/2008 CONVERTED SENTENCING EVENT (Judicial Officer: Corvo, Vivian T)

1. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Converted Disposition:

Charge Reopen Status (10/27/2008, OTHER, 1, Comment: FREOP-REOPEN CASE; )  
State Probation (24 Mo , Comment: DPROB-SENTENCED DRUG OFFENDER PROB; )  
Provisions (Provisions

ATTEND AA/NA MEETINGS,  
ATTEND CASE REVIEW,  
CONVERT COURT COSTS TO LIEN,  
DRUG TESTING FEE,  
EACH COUNT EACH COUNT CONCURRENT,  
NO DRUGS NO DRUG HOLES,  
NOT TO CONSUME ALCOHOL,  
OTHER COURT RESTRICTIONS,  
RANDOM DRUG SCREEN URINALYSIS,

Comment: \$100.00; \$1500.00 FINE CT 1; 2X WK TO INLCUDE OPIATES SCREENS @ PROGRAM SATISFY; 3X WK AFTER PAR WORK STEPS; OBTAIN SPONSOR W/IN 30 DAYS 5 YEARS CLEAN; ALL; NO NARCOTIC PAIN MEDS OR BENZO'S WITHOUT COURT APPROVAL, CONTINUE SABOXIN TREATMENT; REMAIN IN AND SUCCESSFULLY COMPLETE PAR RESIDENTIAL ON 1ST ATTEMPT AND AFTERCARE; VISIT ANY PLACE WHERE ALCOHOL IS PRIMARY PRODUCT SOLD

10/27/2008 CONVERTED SENTENCING EVENT (Judicial Officer: Corvo, Vivian T)

2. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Converted Disposition:

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10/27/2008 CONVERTED SENTENCING EVENT (Judicial Officer: Corvo, Vivian T)

3. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
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10/27/2008 CONVERTED SENTENCING EVENT (Judicial Officer: Corvo, Vivian T)

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3/9

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COMPLETE PAR RESIDENTIAL ON 1ST ATTEMPT AND AFTERCARE; VISIT ANY PLACE WHERE ALCOHOL IS PRIMARY PRODUCT SOLD

10/27/2008

**CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T)  
5. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Converted Disposition:

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10/27/2008

**CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T)  
6. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Converted Disposition:

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10/27/2008

**CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T)  
7. 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
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10/27/2008

**CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T)  
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COMPLETE PAR RESIDENTIAL ON 1ST ATTEMPT AND AFTERCARE; VISIT ANY PLACE WHERE ALCOHOL IS  
PRIMARY PRODUCT SOLD

- 10/27/2008 **CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T)  
9, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Converted Disposition:  
Charge Reopen Status (10/27/2008, OTHER, , Comment: FREOP-REOPEN CASE; )  
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COMPLETE PAR RESIDENTIAL ON 1ST ATTEMPT AND AFTERCARE; VISIT ANY PLACE WHERE ALCOHOL IS  
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- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
1, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, , Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,
- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
2, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, , Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,
- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
3, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 3, Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,
- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
4, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 4, Comment: FREOP-REOPEN CASE; )  
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- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
5, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 5, Comment: FREOP-REOPEN CASE; )  
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6, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 6, Comment: FREOP-REOPEN CASE; )  
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7, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 7, Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,
- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
8, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 8, Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,
- 12/10/2009 **Amended CONVERTED SENTENCING EVENT** (Judicial Officer: Corvo, Vivian T) Reason: CONVERTED AMENDMENT REASON  
9, 893137A8 OBTAINING DRUGS FROM PHYSICIAN BY WITHHOLDING  
Charge Reopen Status (10/27/2008, OTHER, 9, Comment: FREOP-REOPEN CASE; )  
Provisions (Provisions TERMINATE PROBATION,

**OTHER EVENTS AND HEARINGS**

- 09/04/2008 **CRIMINAL REPORT AFFIDAVIT**  
User ID=KIRKCONNELL  
Party: TABACHUK, NICHOLAS BASIL
- 09/04/2008 **WARRANT ISSUED**  
User ID=KIRKCONNELL  
Party: TABACHUK, NICHOLAS BASIL
- 09/11/2008 **WARRANT SERVED**  
User ID=GONZALZ  
Party: TABACHUK, NICHOLAS BASIL
- 09/15/2008 **WARRANT RETURNED EXECUTED**  
ISSUED 9-04-08 / OUTSIDE ARREST User ID=MEKOUAR  
Party: TABACHUK, NICHOLAS BASIL
- 09/16/2008 **DEACTIVATED WARRANT**  
WARI-01994-08 User ID=MEKOUAR

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5/9

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09/22/2008 Party: TABACHUK, NICHOLAS BASIL  
**INFORMATION FILED**  
**PINELLAS COUNTY ARREST** User ID=GONZALZ  
 Party: TABACHUK, NICHOLAS BASIL

09/24/2008 **ARRAIGNMENT SET AND NOTICE SENT**  
*Event Scheduled, ARGN, 06-OCT-2008, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = GONZALZ User ID=GONZALZ*  
 Party: TABACHUK, NICHOLAS BASIL

10/01/2008 **NOTICE OF INTENT**  
**DEFENDANT'S NOTICE OF ELECTION TO PARTICIPATE IN DISCOVERY** User ID=KIRKCONNELL  
 Party: TABACHUK, NICHOLAS BASIL

10/01/2008 **NOTICE OF APPEARANCE BY ATTORNEY**  
**LARRY SANDEFER, Esq., NOTICE OF APPEARANCE, DEMAND FOR COPY OF INFORMATION, PLEA OF NOT GUILTY AND REQUEST FOR DISPOSITION DATE** User ID=KIRKCONNELL  
 Party: TABACHUK, NICHOLAS BASIL

10/01/2008 **REQUEST FOR COPY OF THE INFORMATION**  
 User ID=KIRKCONNELL  
 Party: TABACHUK, NICHOLAS BASIL

10/03/2008 **COPY OF INFORMATION MAILED TO ATTORNEY**  
**LARRY SANDEFER, Esq. User ID=KIRKCONNELL**  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**RCR-COURT REPORTER** Text: CAROLINE FEBO - ELECTRONIC Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: COURT REPORTER  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**NOTE-NOTIFY DEFENDANT** Text: Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: NOTIFY DEFENDANT  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**NOTE-NOTIFY ATTORNEY** Text: Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: NOTIFY ATTORNEY  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**NONE-NO ONE PRESENT** Text: Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**CONT-CONTINUED** Text: 10/27/08 @ 8:30 Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: CONTINUED  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**ASSA-ASSISTANT STATE ATTORNEY** Text: JOHN JOHNSON Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **CONVERTED MINUTE CODE**  
**WPNG-WRITTEN PLEA NOT GUILTY** Text: FILED BY LARRY SANDEFER Hearing: ARGN-2008-10-06; Motion By: ; Ruling: Ruling Desc: WRITTEN PLEA NOT GUILTY  
 Party: TABACHUK, NICHOLAS BASIL

10/06/2008 **ARRAIGNMENT (8:30 AM) (Judicial Officer Corvo, Vivian T)**  
*Parties Present*  
 Result: Conversion Result

10/07/2008 **DISPOSITION SET AND NOTICE SENT**  
*Event Scheduled, DIS, 27-OCT-2008, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = ROACH User ID=ROACH*  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**ASSA-ASSISTANT STATE ATTORNEY** Text: JOHN JOHNSON Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**WICO-WITH COUNSEL** Text: LARRY SANDEFER Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: WITH COUNSEL  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**RCR-COURT REPORTER** Text: TRISTEN BRADSHAW- ELEC Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: COURT REPORTER  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**CONT-CONTINUED** Text: 1/26 CRC @ 8:30 AM Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: CONTINUED  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**PPFEE-PROBATION PAYMENT FEE \$12.00** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: PROBATION PAYMENT FEE \$12.00  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**SEGF-SENTENCING GUIDELINES FILED** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: SENTENCING GUIDELINES FILED  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**FPRF-FINGERPRINTS FILED** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: FINGERPRINTS FILED  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**PFF-PLEA FORM FILED** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: PLEA FORM FILED  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**FSTEP-\$1.00 PER MONTH FIRST STEP** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: \$1.00 PER MONTH FIRST STEP  
 Party: TABACHUK, NICHOLAS BASIL

10/27/2008 **CONVERTED MINUTE CODE**  
**ECEC-EACH CT EACH COUNT CONCURRENT** Text: Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: EACH CT EACH COUNT CONCURRENT

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6/9

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Party: TABACHUK, NICHOLAS BASIL  
 10/27/2008 CONVERTED MINUTE CODE  
 TEXT-SEE FREE FORM TEXT Text: MANDATORY COURT COST IMPOSED Hearing: DIS-2008-10-27; Motion By: ; Ruling: Ruling Desc: SEE  
 FREE FORM TEXT  
 Party: TABACHUK, NICHOLAS BASIL  
 10/27/2008 ORDER ASSESSING CHARGES COSTS FINE AND JUDGMENT  
 ORBK 18945 PG 1261-1262 User ID=LETD  
 Party: TABACHUK, NICHOLAS BASIL  
 10/27/2008 REOPEN CASE  
 User ID=TURNERTL  
 Party: TABACHUK, NICHOLAS BASIL  
 10/27/2008 DISPOSITION (8:30 AM) (Judicial Officer Corvo, Vivian T)  
 Parties Present  
 Result: Conversion Result  
 10/28/2008 REOPEN CASE REVIEW  
 Event Scheduled,CRC,26-JAN-2009,08:30, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = TURNERTL User  
 ID=TURNERTL  
 Party: TABACHUK, NICHOLAS BASIL  
 10/30/2008 REOPEN CASE  
 User ID=LYNN  
 11/05/2008 JUDGMENT AND SENTENCE  
 User ID=HAMMONDT  
 11/06/2008 EVENT MODIFIED  
 Event Change,CRC,21-JAN-2009,08:30:00, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = POSTERAR User  
 ID=POSTERAR  
 Party: TABACHUK, NICHOLAS BASIL  
 11/07/2008 ORDER OF PROBATION  
 10-27-08 VTC User ID=MEKOUAR  
 Party: TABACHUK, NICHOLAS BASIL  
 12/17/2008 EVENT MODIFIED  
 Event Change,CRC,22-JAN-2009,08:30:00, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = POSTERAR User  
 ID=POSTERAR  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CONVERTED MINUTE CODE  
 ASSA-ASSISTANT STATE ATTORNEY Text: JAMES ROBERTS FOR JOHN JOHNSON Hearing: CRC-2009-01-22; Motion By: ; Ruling: Ruling  
 Desc: ASSISTANT STATE ATTORNEY  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CONVERTED MINUTE CODE  
 WOCO-WITHOUT COUNSEL Text: Hearing: CRC-2009-01-22; Motion By: ; Ruling: Ruling Desc: WITHOUT COUNSEL  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CONVERTED MINUTE CODE  
 RCR-COURT REPORTER Text: CAROLINE FEBO Hearing: CRC-2009-01-22; Motion By: ; Ruling: Ruling Desc: COURT REPORTER  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CONVERTED MINUTE CODE  
 CONT-CONTINUED Text: 3/23 CRC @ 8:30 AM Hearing: CRC-2009-01-22; Motion By: ; Ruling: Ruling Desc: CONTINUED  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CONVERTED MINUTE CODE  
 NODE-NOTIFY DEFENDANT Text: Hearing: CRC-2009-01-22; Motion By: ; Ruling: Ruling Desc: NOTIFY DEFENDANT  
 Party: TABACHUK, NICHOLAS BASIL  
 01/22/2009 CASE REVIEW-CLOSED (8:30 AM) (Judicial Officer Corvo, Vivian T)  
 Parties Present  
 Result: Conversion Result  
 01/23/2009 REOPEN CASE REVIEW  
 Event Scheduled,CRC,23-MAR-2009,08:30, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = TURNERTL User  
 ID=TURNERTL  
 Party: TABACHUK, NICHOLAS BASIL  
 01/26/2009 EVENT MODIFIED  
 Event Change,CRC,22-MAR-2009,08:30:00, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = POSTERAR User  
 ID=POSTERAR  
 Party: TABACHUK, NICHOLAS BASIL  
 01/26/2009 EVENT MODIFIED  
 Event Change,CRC,23-MAR-2009,08:30:00, Judge:CORVO, VIVIAN T., Room:CR23, Room Location:NT, User ID = POSTERAR User  
 ID=POSTERAR  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CONVERTED MINUTE CODE  
 ASSA-ASSISTANT STATE ATTORNEY Text: JOHN JOHNSON Hearing: CRC-2009-03-23; Motion By: ; Ruling: Ruling Desc: ASSISTANT  
 STATE ATTORNEY  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CONVERTED MINUTE CODE  
 WOCO-WITHOUT COUNSEL Text: Hearing: CRC-2009-03-23; Motion By: ; Ruling: Ruling Desc: WITHOUT COUNSEL  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CONVERTED MINUTE CODE  
 RCR-COURT REPORTER Text: CAROLINE FEBO & SHANICIA WILLIAMS Hearing: CRC-2009-03-23; Motion By: ; Ruling: Ruling Desc:  
 COURT REPORTER  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CONVERTED MINUTE CODE  
 CONT-CONTINUED Text: 6/1 CRC @ 8:30 AM Hearing: CRC-2009-03-23; Motion By: ; Ruling: Ruling Desc: CONTINUED  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CONVERTED MINUTE CODE  
 NODE-NOTIFY DEFENDANT Text: Hearing: CRC-2009-03-23; Motion By: ; Ruling: Ruling Desc: NOTIFY DEFENDANT  
 Party: TABACHUK, NICHOLAS BASIL  
 03/23/2009 CASE REVIEW-CLOSED (8:30 AM) (Judicial Officer Corvo, Vivian T)

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7/9

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Parties Present  
 Result: Conversion Result  
 03/24/2009 **REOPEN CASE REVIEW**  
*Event Scheduled, CRC, 01-JUN-2009, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = TURNERTL User ID=TURNERTL*  
 Party: TABACHUK, NICHOLAS BASIL  
 06/01/2009 **CONVERTED MINUTE CODE**  
*RCR-COURT REPORTER Text: C. FEBO Hearing: CRC-2009-06-01; Motion By: ; Ruling: Ruling Desc: COURT REPORTER*  
 Party: TABACHUK, NICHOLAS BASIL  
 06/01/2009 **CONVERTED MINUTE CODE**  
*WOCO-WITHOUT COUNSEL Text: Hearing: CRC-2009-06-01; Motion By: ; Ruling: Ruling Desc: WITHOUT COUNSEL*  
 Party: TABACHUK, NICHOLAS BASIL  
 06/01/2009 **CONVERTED MINUTE CODE**  
*ASSA-ASSISTANT STATE ATTORNEY Text: JOHN JOHNSON Hearing: CRC-2009-06-01; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY*  
 Party: TABACHUK, NICHOLAS BASIL  
 06/01/2009 **CONVERTED MINUTE CODE**  
*CONT-CONTINUED Text: 9/21-CRC @8:30 Hearing: CRC-2009-06-01; Motion By: ; Ruling: Ruling Desc: CONTINUED*  
 Party: TABACHUK, NICHOLAS BASIL  
 06/01/2009 **CASE REVIEW-CLOSED (8:30 AM)** (Judicial Officer Corvo, Vivian T)  
Parties Present  
 Result: Conversion Result  
 06/02/2009 **REOPEN CASE REVIEW**  
*Event Scheduled, CRC, 21-SEP-2009, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = TURNERTL User ID=TURNERTL*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CONVERTED MINUTE CODE**  
*ASSA-ASSISTANT STATE ATTORNEY Text: JOHN JOHNSON Hearing: CRC-2009-09-21; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CONVERTED MINUTE CODE**  
*WOCO-WITHOUT COUNSEL Text: Hearing: CRC-2009-09-21; Motion By: ; Ruling: Ruling Desc: WITHOUT COUNSEL*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CONVERTED MINUTE CODE**  
*RCR-COURT REPORTER Text: CAROLINE FEBO Hearing: CRC-2009-09-21; Motion By: ; Ruling: Ruling Desc: COURT REPORTER*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CONVERTED MINUTE CODE**  
*CONT-CONTINUED Text: 11/2 CRC @ 8:30 AM Hearing: CRC-2009-09-21; Motion By: ; Ruling: Ruling Desc: CONTINUED*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CONVERTED MINUTE CODE**  
*NODE-NOTIFY DEFENDANT Text: Hearing: CRC-2009-09-21; Motion By: ; Ruling: Ruling Desc: NOTIFY DEFENDANT*  
 Party: TABACHUK, NICHOLAS BASIL  
 09/21/2009 **CASE REVIEW-CLOSED (8:30 AM)** (Judicial Officer Corvo, Vivian T)  
Parties Present  
 Result: Conversion Result  
 09/22/2009 **REOPEN CASE REVIEW**  
*Event Scheduled, CRC, 02-NOV-2009, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = TURNERTL User ID=TURNERTL*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CONVERTED MINUTE CODE**  
*ASSA-ASSISTANT STATE ATTORNEY Text: JOHN JOHNSON Hearing: CRC-2009-11-02; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CONVERTED MINUTE CODE**  
*WOCO-WITHOUT COUNSEL Text: Hearing: CRC-2009-11-02; Motion By: ; Ruling: Ruling Desc: WITHOUT COUNSEL*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CONVERTED MINUTE CODE**  
*RCR-COURT REPORTER Text: CAROLINE FEBO Hearing: CRC-2009-11-02; Motion By: ; Ruling: Ruling Desc: COURT REPORTER*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CONVERTED MINUTE CODE**  
*NODE-NOTIFY DEFENDANT Text: Hearing: CRC-2009-11-02; Motion By: ; Ruling: Ruling Desc: NOTIFY DEFENDANT*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CONVERTED MINUTE CODE**  
*CONT-CONTINUED Text: 12/10 CRC @ 8:30 AM Hearing: CRC-2009-11-02; Motion By: ; Ruling: Ruling Desc: CONTINUED*  
 Party: TABACHUK, NICHOLAS BASIL  
 11/02/2009 **CASE REVIEW-CLOSED (8:30 AM)** (Judicial Officer Corvo, Vivian T)  
Parties Present  
 Result: Conversion Result  
 11/03/2009 **REOPEN CASE REVIEW**  
*Event Scheduled, CRC, 10-DEC-2009, 08:30, Judge: CORVO, VIVIAN T., Room: CR23, Room Location: NT, User ID = MILLRK User ID=MILLRK*  
 Party: TABACHUK, NICHOLAS BASIL  
 12/03/2009 **RECEIPT**  
*03-DEC-2009, \$28.42, User Id = LIVELY, Receipt No = 1712289 User ID=LIVELY*  
 Party: TABACHUK, NICHOLAS BASIL  
 12/10/2009 **CONVERTED MINUTE CODE**  
*ASSA-ASSISTANT STATE ATTORNEY Text: AARON HUBBARD Hearing: CRC-2009-12-10; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY*  
 Party: TABACHUK, NICHOLAS BASIL  
 12/10/2009 **CONVERTED MINUTE CODE**  
*WOCO-WITH COUNSEL Text: LARRY SANEFER Hearing: CRC-2009-12-10; Motion By: ; Ruling: Ruling Desc: WITH COUNSEL*  
 Party: TABACHUK, NICHOLAS BASIL

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8/9



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12/10/2009 **CONVERTED MINUTE CODE**  
*RCR-COURT REPORTER Text: REKESIA WILLIAMS Hearing: CRC-2009-12-10; Motion By: ; Ruling: Ruling Desc: COURT REPORTER*  
 Party: TABACHUK, NICHOLAS BASIL

12/10/2009 **CONVERTED MINUTE CODE**  
*CONCC-CONVERT COURT COST Text: BALANCE TO A LIEN Hearing: CRC-2009-12-10; Motion By: ; Ruling: Ruling Desc: CONVERT COURT COST*  
 Party: TABACHUK, NICHOLAS BASIL

12/10/2009 **CASE REVIEW-CLOSED (8:30 AM) (Judicial Officer Corvo, Vivian T)**  
*Parties Present*  
 Result: Conversion Result

12/11/2009 **CASE STATUS UPDATED**  
*User ID=TURNERJE*

12/14/2009 **RECEIPT**  
*14-DEC-2009, \$28.42, User Id = LIVELY, Receipt No = 1719399 User ID=LIVELY*  
 Party: TABACHUK, NICHOLAS BASIL

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**FINANCIAL INFORMATION**

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<p><b>Defendant TABACHUK, NICHOLAS BASIL</b></p> <p>Total Financial Assessment</p> <p>Total Payments and Credits</p> <p><b>Balance Due as of 09/25/2015</b></p>	<p>2,252.00</p> <p>56.84</p> <p><b>2,195.16</b></p>
<p>10/27/2008 Transaction Assessment</p> <p>10/30/2008 Transaction Assessment</p> <p>12/03/2009 CHECK Mail in payment Receipt # 1712289</p> <p>12/14/2009 CHECK Mail in payment Receipt # 1719399</p>	<p>2,240.00</p> <p>12.00</p> <p>FLORIDA DEPARTMENT OF CORRECTIONS (28.42)</p> <p>FLORIDA DEPARTMENT OF CORRECTIONS (28.42)</p>

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**Unofficial Record**

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02/23/2018

NICHOLAS M TABACHUK MUGSHOT - NICHOLAS M TABACHUK ARREST - PINELLAS COUNTY, FL

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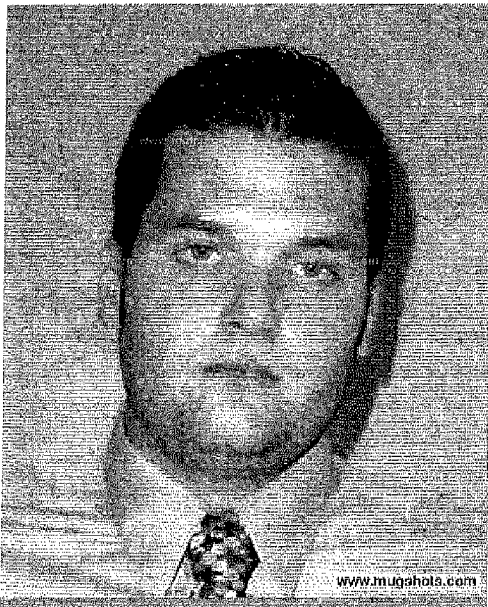
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Nicholas M Tabachuk

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Who is Nicholas M Tabachuk? Was Nicholas M Tabachuk arrested? When was Nicholas M Tabachuk arrested? What was Nicholas M Tabachuk arrested for?

Nicholas M Tabachuk was booked in Pinellas County, FL.

The following Official Record of Nicholas M Tabachuk is being redistributed by Mugshots.com and is protected by constitutional, publishing, and other legal rights. This Official Record was collected from a Law Enforcement agency on 7/01/2011. Address herein provided within Official Records, visualization provided by Google Maps.

Mugshots.com ID: 2253354  
 DC Number: R54722  
 Name: TABACHUK, NICHOLAS M  
 Race: WHITE  
 Gender: MALE  
 Hair Color: BROWN  
 Eye Color: HAZEL  
 Height: 6' 0" (1.83 m)  
 Weight: 225 lb (102 kg)  
 Birth date: 7/13/1986  
 Supervision Begin Date: 9/24/2008  
 Current Status: ACTIVE

Addresses:

- 2345 KINGS POINTE DR
- LARGO, FL 33774

Current Community Supervision History:

Offense Date	Offense	Sentence Date	County
01/15/2008	OBT.SUB BY FRAUD OR ATT.	09/24/2008	PINELLAS
01/15/2008	OBT.SUB BY FRAUD OR ATT.	09/24/2008	PINELLAS
06/19/2007	POSS.CONTROL.SUBS/OTHER	09/24/2008	PINELLAS
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH

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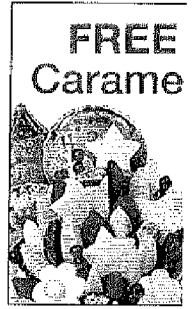
Teresa Giudice Gets Early Release Date

3/20/2018

NICHOLAS M TABACHUK Mugshot - NICHOLAS M TABACHUK Arrest - PINELLAS COUNTY, FL

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03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH
03/05/2007	W/H INFO.FROM PRESCRIBER	10/27/2008	HILLSBOROUGH

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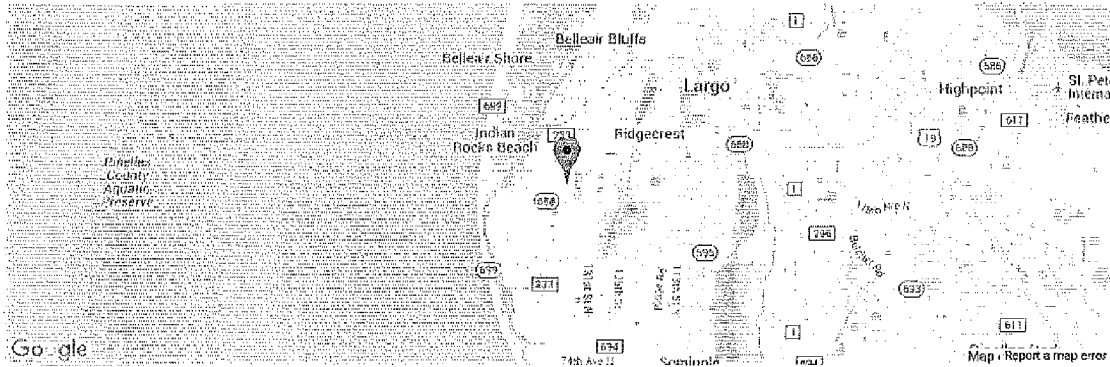


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Approximate Address: Largo, FL 33774, USA



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MONIQUE BOURGEOIS: Nydailynews.Com Reports Naked Mom Striking Down Louisiana Beach Arrested After #mugshots mugshots.com/s/1B5XF
- Mugshots Dot Com** @Mugshotsdotcom 2h  
CODY BOURGEOIS: According To Nydailynews.Com Naked Dad Striking Down  
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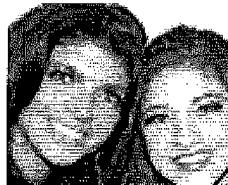
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Teresa Giudice Gets Early Release Date  
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NICHOLAS M TABACHUK MUGSHOT - NICHOLAS M TABACHUK ARREST - PINELLAS COUNTY, FL



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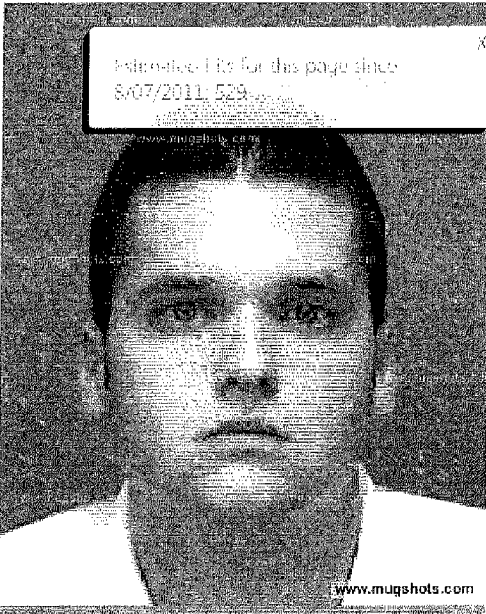
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Who is Nicholas Tabachuk? Was Nicholas Tabachuk arrested? When was Nicholas Tabachuk arrested? What was Nicholas Tabachuk arrested for?

Nicholas Tabachuk was booked in Pinellas County, FL.

The following Official Record of Nicholas Tabachuk is being redistributed by Mugshots.com and is protected by constitutional, publishing, and other legal rights. This Official Record was collected from a Law Enforcement agency on 8/07/2011. Address herein provided within Official Records: visualization provided by Google Maps.

Mugshots.com ID: 3339776  
 Name: TABACHUK, NICHOLAS  
 Birth date: 7/13/1986  
 Docket No: 1321011  
 Arrest Date: 9/11/2008  
 Race: WHITE  
 Gender: MALE  
 Height: 5' 11" (1.80 m)  
 Weight: 200 lb (91 kg)  
 Eye Color: BRO  
 Hair Color: BLK  
 Complexion: MED  
 Birth Place: NJ  
 Arrest Age: 22  
 Arresting Agency: LARGO POLICE DEPT.  
 Address: 2345 KINGS POINT DR  
 City: LARGO  
 State: FL  
 Zip: 33774

Scars / Marks / Tattoos:

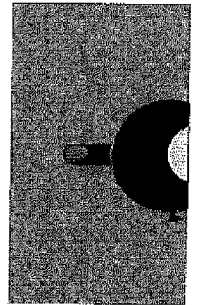
- tattoo on left arm of two skulls t/t skulla, skeleton, skulls

Arrest Information:

Cell Location/Status	Commissary Account Balance	SPIN	Booking Type
RELEASED - 9/12/2008 7 20 PM ROR SUPV	\$0.00	2126711	FELONY

Names / Aliases:

- TABACHUK, NICHOLAS BASIL



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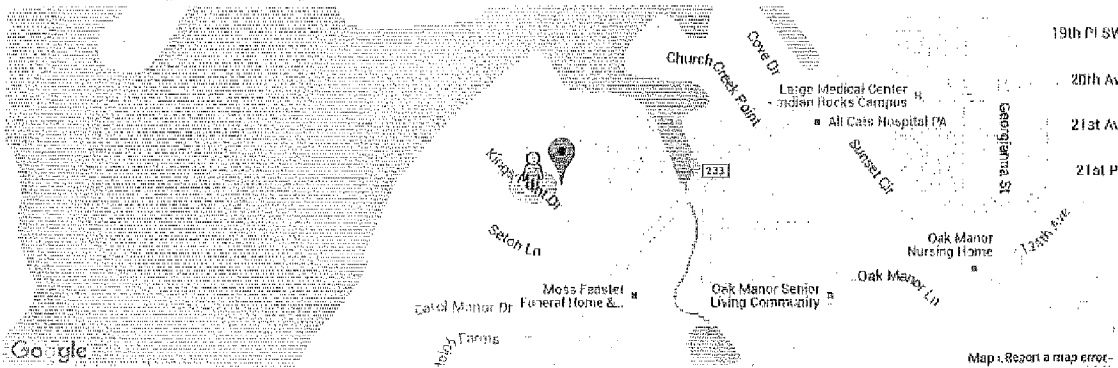
Charge Number	Agency Report Number	Offense Description	Statute	Court Case Number	Bond Asse
1	LA08010797	HILLS #0817271CF WITHHOLD INFO FRM DOCTOR	901.04/F	CRCAB73799CFANO	

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NICHOLAS BASIL TABACHUK MUGSHOT - NICHOLAS BASIL TABACHUK ARREST - PINELLAS COUNTY, FL

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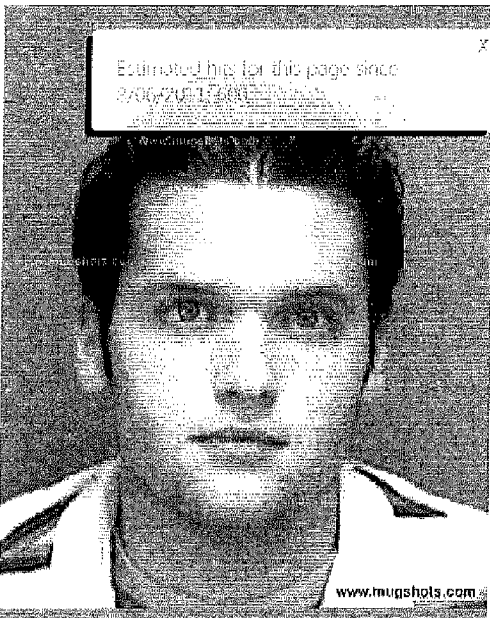
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Who is Nicholas Basil Tabachuk? Was Nicholas Basil Tabachuk arrested? When was Nicholas Basil Tabachuk arrested? What was Nicholas Basil Tabachuk arrested for?

Nicholas Basil Tabachuk was booked in Pinellas County, FL.

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Mugshots.com ID: 3266653  
 Name: TABACHUK, NICHOLAS BASIL  
 Birth date: 7/13/1986  
 Docket No: 1254226  
 Arrest Date: 6/19/2007  
 Race: WHITE  
 Gender: MALE  
 Height: 5' 11" (1.80 m)  
 Weight: 200 lb (91 kg)  
 Eye Color: BRO  
 Hair Color: BLK  
 Complexion: MED  
 Birth Place: NJ  
 Arrest Age: 20  
 Arresting Agency: LARGO POLICE DEPT.  
 Address: 2345 KINGS PT DR  
 City: LARGO  
 State: FL  
 Zip: 33774  
 Scars / Marks / Tattoos:  
 • skulls

Arrest Information:

Cell Location/Status	Commissary Account Balance	SPIN	Booking Type
RELEASED - 6/20/2007 12 51 AM ROR SUPV	\$0.00	2126711	FELONY

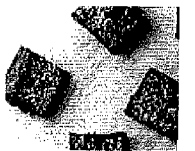
Names / Aliases: N/A



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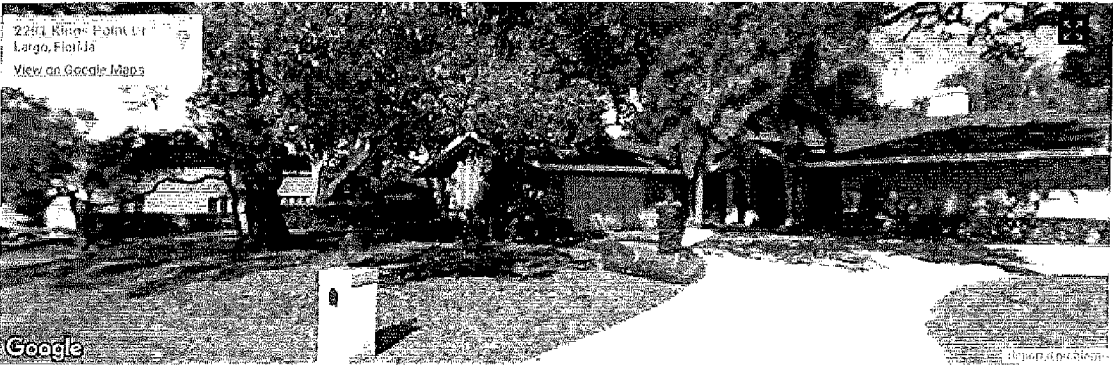
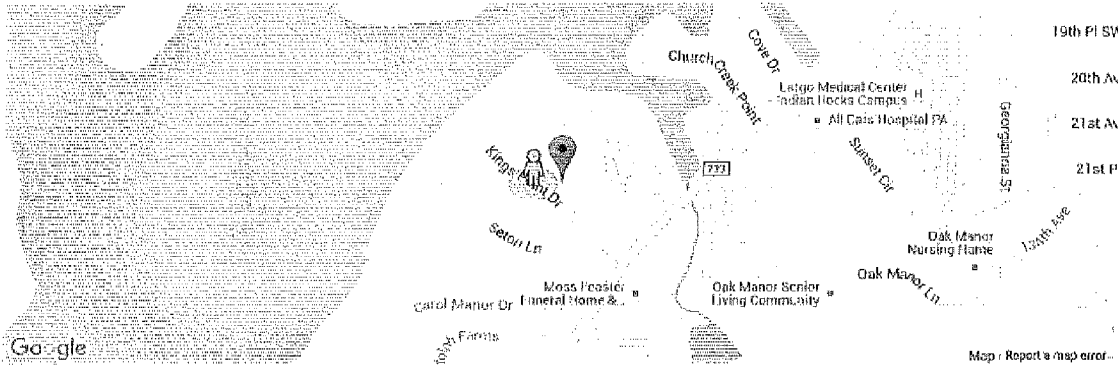
Charge Number	Agency Report Number	Offense Description	Statute	Court Case Number
1	LA07007311	POSSESSION OF CONTR/SUBSTANCE (OXYCOTIN)	893.13(5) (A)/F	CRC0713342CFAN

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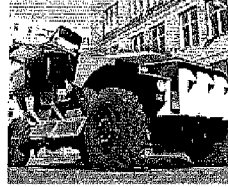
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NICHOLAS BASIL TABACHUK MUGSHOT - NICHOLAS BASIL TABACHUK ARREST - PINELLAS COUNTY, FL

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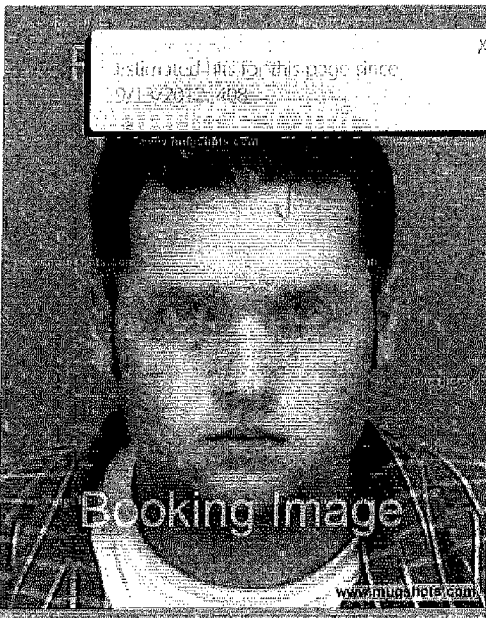
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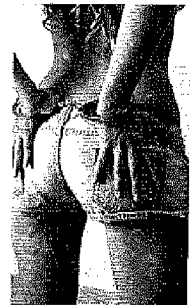


### Who is Nicholas Basil Tabachuk? Was Nicholas Basil Tabachuk arrested? When was Nicholas Basil Tabachuk arrested? What was Nicholas Basil Tabachuk arrested for?

Nicholas Basil Tabachuk was put under arrest because of Possession Of Drug Paraphernalia, Vop Obtaining Prescription By Fraud and Vop Possession Of Controlledsubstance which he had been accused with. Nicholas Basil Tabachuk was arrested and booked on 9/02/2011 by the Largo Police Dept. and released on. He has black hair and hazel eyes, his build is slim and he weights 201 pounds. Nicholas Basil Tabachuk was born on 7/13/1986.

The following Official Record of Nicholas Basil Tabachuk is being redistributed by Mugshots.com and is protected by constitutional, publishing, and other legal rights. This Official Record was collected from a Law Enforcement agency on 9/13/2012. Last updated on 12/23/2013. Address herein provided within Official Records, visualization provided by Google Maps.

Mugshots.com ID: 20964916  
DOB: 7/13/1986  
Race: WHITE  
Gender: MALE  
Address: 2345 KINGS POINT DR  
City: LARGO  
State: FL  
Zip: 33774  
Birth Place: NJ  
Eye Color: HAZ  
Hair Color: BLK  
Complexion: MED  
Height: 6' 0" (1.83 m)  
Weight: 200 lb (91 kg)  
Scars, Marks and Tattoos: tattoo on left arm of two skulls  
Docket No: 1469204  
Arrest Date: 9/02/2011 at 12:00  
Booking Date: 9/02/2011 at 12:00  
Arrest Age: 25  
Arresting Agency: LARGO POLICE DEPT.  
Cell Location / Status: RELEASED - 9/3/2011 3:09 PM; ROR UNSUP  
Commissary Account Balance: \$0.00  
SPIN: 2126711



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NICHOLAS BASIL TABACHUK MUGSHOT - NICHOLAS BASIL TABACHUK ARREST - PINELLAS COUNTY, FL

Booking Type: FELONY

Aliases:

- TABACHUK, NICHOLAS BASIL

Charges:

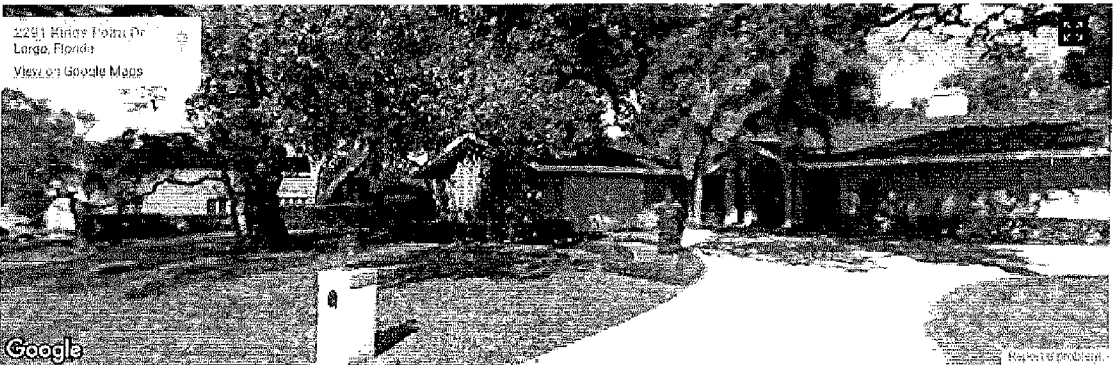
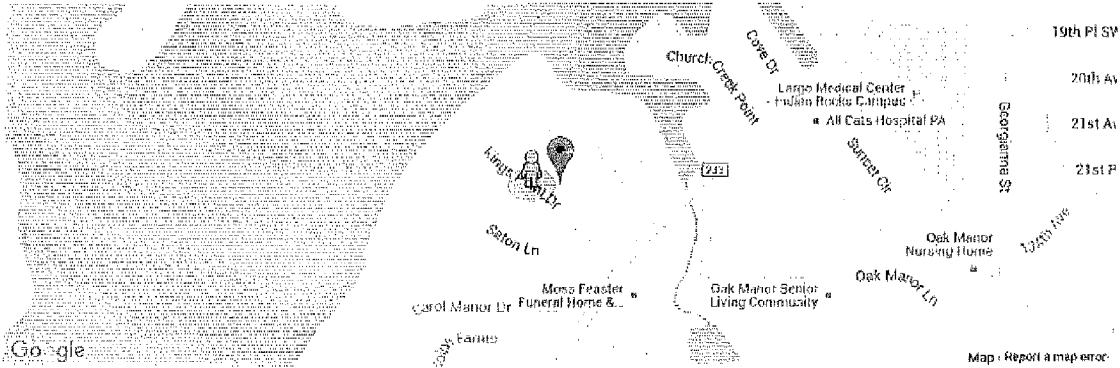
Charge Number	Agency Report Number	Offense Description	Statute	Court Case
1	LA11009183	POSSESSION OF DRUG PARAPHERNALIA	893.147(1)(B)/M	CTC11213
2	LA11009183	VOP OBTAINING PRESCRIPTION BY FRAUD	948.06/F	CRC08010
3	LA11009183	VOP POSSESSION OF CONTROLLED SUBSTANCE	948.06/F	CRC07133

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NICHOLAS TABACHUK

### Nicholas Tabachuk

# Nicholas Tabachuk



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## Arrest Information

Arrest Date  
September 11, 2008 6:00 PM

Booking Date  
September 11, 2008 6:02 PM

Arrest Age  
22

Current Age  
29

Charges  
1

Arrest Agency  
LARGO POLICE DEPT.  
SPIN  
2126711

Booking Type  
FELONY

## Personal Information

**Public Records Search**

First Name	Last Name	Location
<input type="text" value="Nicholas"/>	<input type="text" value="Tabachuk"/>	<input type="text" value="Nationwide"/>

## Other Aliases

Arrests

News

Your Friends

02/23/2018

INVESTIGATION

**1. HILLS #0817271CF WITHHOLD INFO FRM DOCTOR**

Statute

901.04/F

Charge Status

RELEASED ON OWN RECOGNIZANCE

Arrest Type

OTHER

Report Number

LA08010797

OBTS Number

5206035302

Court Case Number

CRCAB73799CFANO



8/20/2013

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Nicholas M Tabachuk

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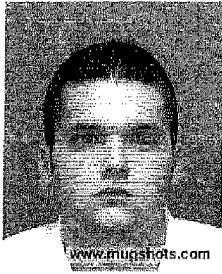


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Listing view



Nicholas Tabachuk
Mugshots.com ID: 3339776
Name: TABACHUK, NICHOLAS
Birth date: 7/13/1986
Docket No: 1321011
Arrest [...] \$0.00 2126711 FELONY
Names / Aliases: Aliases
TABACHUK, NICHOLAS BASIL
Charges: Charge Number Agency [...] Date: 9/11/2008
Race: WHITE
Gender: MALE
Height: 5' 11" (1.80 m)
Weight: 200 lb (91 kg)
Eye Color

\$750
+\$1,000
Up To
\$1,
Total \$

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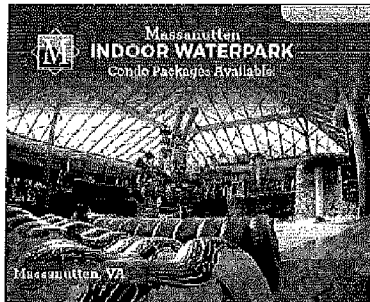
10 Harry Potter Stars: Then And Now Refinery29



10 houseboats that will make you want to



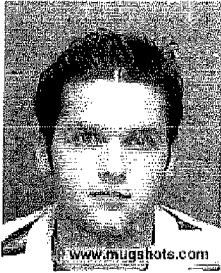
Nicholas M Tabachuk
Mugshots.com ID: 2253354
DC Number: R54722
Name: TABACHUK, NICHOLAS M
Race: WHITE
Gender: MALE
Hair [...] Color: BROWN
Eye Color: HAZEL
Height: 6' 0" (1.83 m)
Weight: 225 lb (102 kg)
Birth date: 7/13/1986



3/20/2013

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**Nicholas Basil Tabachuk/3266653**  
Mugshots.com ID: 3266653  
Name: TABACHUK, NICHOLAS BASIL  
Birth date: 7/13/1986  
Docket No: 1254226 [...]  
Arrest Date: 6/19/2007  
Race: WHITE  
Gender: MALE  
Height: 5' 11" (1.80 m)  
Weight: 200 lb (91 kg)  
Eye

chico's



**Nicholas Basil Tabachuk/3300483**  
Mugshots.com ID: 3300483  
Name: TABACHUK, NICHOLAS BASIL  
Birth date: 7/13/1986  
Docket No: 1285191 [...]  
Names / Aliases: Aliases  
TABACHUK, NICHOLAS BASIL  
Charges: Charge Number Agency Report Number [...]  
Arrest Date: 1/15/2008  
Race: WHITE  
Gender: MALE  
Height: 5' 11" (1.80 m)  
Weight: 200 lb (91 kg)  
Eye [...] PARAPHERNALIA -POSS OR USE 893.147(1)(B)/M CTC0801453MMANO \$250.00 \$0.00  
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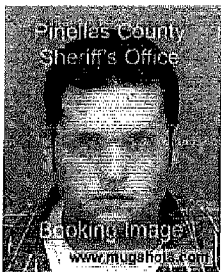
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**Nicholas Basil Tabachuk/20964916**  
Commissary Account Balance: \$0.00  
SPIN: 2126711  
Booking Type: FELONY  
Aliases: Aliases  
TABACHUK, NICHOLAS [...] : 6' 0" (1.83 m)  
Weight: 200 lb (91 kg)  
Scars, Marks and Tattoos: tattoo on left arm of two skulls [...] Bond Assessed Bond Amount Due  
OBTS  
1 LA11009183 POSSESSION OF DRUG PARAPHERNALIA 893.147(1)(B)/M

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Arrest or booked: An arrest is the act of depriving a person of his or her liberty usually in relation to the purported investigation or prevention of crime and presenting (the arrestee) to

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criminal justice system. The term is Anglo-Norman in origin and is related to the French word arrêt, meaning "stop".

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The mere questions and/or reports presented on this website about a possible arrest of a person are not an implication of an actual arrest.

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# EXHIBIT C

Nicholas Tabachuk

July 19, 2017

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
CASE NO. 8:15-CV-2435-T-27AAS

NIELSEN AUDIO, INC.,

Plaintiff,

vs.

BUBBA CLEM and  
BUBBA RADIO NETWORK, INC.,

Defendant.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF NICHOLAS TABACHUK

Wednesday, July 19, 2017

10:19 a.m. - 5:32 p.m.

Gunster, Yoakley & Stewart, P.A.  
401 East Jackson Street  
Suite 2500  
Tampa, Florida 33602

Reported by:  
Yvonne P. Habis  
Stenographic Court Reporter

1 prescription painkillers.

2 Q In 2010?

3 A Yes.

4 Q So 2010 to current, you haven't been taking  
5 any prescription painkillers?

6 A Not painkillers, no, sir. I am on -- it's  
7 called Suboxone, and it has naloxone in it, and that  
8 actually blocks opiate use. So -- it also helps with  
9 the pain. So the -- that's -- I stay current with that  
10 to --

11 Q Okay.

12 A -- stay away from the opiates.

13 Q So you -- are you a drug addict?

14 A Yes.

15 Q Okay. Who -- who prescribes you the Suboxone?

16 A It's Recovery Resources. It's Dr. Friedman.

17 Q Is that in St. Petersburg?

18 A It's Pinellas Park.

19 Q Is Dr. Friedman your -- currently prescribing  
20 for you?

21 A Correct.

22 Q Was Dr. Friedman prescribing for you in 2014,  
23 2015?

24 A No.

25 Q Okay. Was anybody prescribing for you in

1 question?

2 A Please.

3 Q Are you currently under the influence of any

4 drugs as you sit here now?

5 A No.

6 MR. FOSTER: There you go.

7 MR. PERSANTE: Okay. But all right. But that  
8 wasn't the original question.

9 MR. FOSTER: Well, thank you for narrowing it.

10 MR. PERSANTE: Thank you.

11 Q (By Mr. Foster) All right. Now, these -- have  
12 you met with Mr. Drucker before?

13 A I don't believe so, no.

14 Q Okay. Have you met with any of the lawyers  
15 from Nielsen before?

16 A I -- yes, I have.

17 Q Okay. Which lawyers from Nielsen did you meet  
18 with?

19 A Mark Ragusa.

20 Q How many times?

21 A I think it was twice.

22 Q Where?

23 A Actually, it -- it would be once. It was  
24 here. It was -- it was here at the offices.

25 Q When -- did you consent to the interview with

1 cases?

2 A Yes.

3 Q What was that drug?

4 A Oxycodone.

5 Q Did you go to jail?

6 A I went to jail after the arrest. Did I serve  
7 time? Which --

8 Q Well, you're -- yes.

9 Did you serve time?

10 A No, I did not serve time. I went -- I went to  
11 a rehab program.

12 Q How many times?

13 A I went for -- first, for a detox, which did  
14 not work, and then I went into PAR for 16 months.

15 Q Okay. Was that the first case, the second  
16 case, or the third case, or the fourth case that you  
17 were describing the detox and PAR?

18 MR. PERSANTE: Object to the form.

19 MR. DRUCKER: Join the objection.

20 A It was the -- it was actually after the final  
21 conviction and during the final conviction. So  
22 the -- all the -- was prior to. I was in rehab after  
23 the convictions.

24 Q (By Mr. Foster) When was your last conviction?

25 A I believe 2009.



1 A \$10 per phone.

2 Q You told us earlier during this year, you made  
3 a total of \$500 doing this.

4 How much of that \$500 came from Jerry?

5 A I couldn't give a direct amount.

6 Q Okay. Take a look at 2854.

7 (The witness reviewed exhibit.)

8 Q (By Mr. Foster) You see that?

9 A Yeah. I plead the Fifth.

10 Q Okay. I didn't ask a question yet.

11 But -- so what is being discussed there?

12 A I plead the Fifth.

13 Q Take a look at 3684.

14 (The witness reviewed exhibit.)

15 Q (By Mr. Foster) You see that?

16 A 3648, yes, I see it.

17 Q That's from Mr. Rogers to you; correct? Yes?

18 A Yes, it's from Mr. Rogers.

19 Q What is X-A-N-A?

20 A I plead the Fifth.

21 Q 3686, from Mr. Rogers to you, "If you could do  
22 me one whole sub, I'll give you five out mine Monday."

23 "Ok."

24 "Gill's not driving right."

25 What is a "sub"?

1 (The witness reviewed exhibit.)

2 A I plead the Fifth.

3 Q (By Mr. Foster) You're dealing drugs with this

4 person, aren't you?

5 A I plead the Fifth.

6 MR. DRUCKER: Objection.

7 Q (By Mr. Foster) This person's not doing work

8 on cell phones at all, is he?

9 MR. DRUCKER: Objection.

10 MR. PERSANTE: Same objection.

11 Q (By Mr. Foster) Are you a drug dealer?

12 A No, I am not.

13 Q Well, what do you call it?

14 MR. DRUCKER: Objection.

15 MR. PERSANTE: Objection to form.

16 A I plead the Fifth to this.

17 Q (By Mr. Foster) Let's go into August.

18 8621, August 18th.

19 Tell me when you're there.

20 MR. PERSANTE: Did you say 8621?

21 MR. FOSTER: Yes, August 18th.

22 MR. DRUCKER: I don't see 8621 on my copy.

23 MR. FOSTER: 8821. I apologize. That's why

24 I'm going to the eye doctor.

25 MR. PERSANTE: I'm over here.

1 MR. FOSTER: Is that you? Hi, Larry.

2 Q (By Mr. Foster) Are you there, sir?

3 A Yes.

4 Q Question to you -- question 2 --

5 MR. FOSTER: What? Okay.

6 Q (By Mr. Foster) Question to Larry -- excuse

7 me -- to Mr. Rogers, "How many do you want to sell?

8 I'll buy and get back."

9 You see that?

10 A I see it.

11 Q What are you looking to buy?

12 A I plead the Fifth.

13 Q Last one, look at 8841.

14 (The witness reviewed exhibit.)

15 Q (By Mr. Foster) You see that, 8841?

16 A I do.

17 Q This is you texting Mr. Rogers; correct?

18 A Yes.

19 Q Okay. What is "four subs"?

20 A I plead the Fifth.

21 MR. FOSTER: Okay. We're going to switch the  
22 tape now, so we'll take a short break.

23 THE VIDEOGRAPHER: We're going off the video  
24 record. It's 11:48 a.m.

25 (Recess taken from 11:48 a.m. to 11:50 a.m.)

1 Do you know who Allen is?

2 A This is a few years ago. Don't remember  
3 everybody in text messages.

4 Q So do you -- is it your testimony you do know  
5 or you don't know who Allen is?

6 A Not to my recollection.

7 Q Who is Sam, (727) 510-6987?

8 A It's a -- a neighbor of Mr. Rogers.

9 Q Okay. Did you ever have any business dealings  
10 with Sam?

11 A I unlocked a phone for him.

12 Q Did you ever have any drug-related business  
13 with Sam?

14 A I plead the Fifth.

15 Q Who is DeAngelo, (727) 276-5684?

16 A I -- he is a -- I know a couple of DeAngelos.  
17 Repeat the phone number.

18 Q (727) 276-5864 [sic].

19 A He's an acquaintance.

20 Q Sir?

21 A An acquaintance.

22 Q What type of acquaintance?

23 A Friend.

24 Q Did you ever have any drug dealings with  
25 DeAngelo?

1 A Plead the Fifth.

2 Q There was a notation on your phone, Dee,  
3 D-E-E, brother, (727)342-3045.

4 Who is that?

5 A I -- I would have to -- I don't know. I would  
6 have to see a Dee -- repeat the question, please.

7 Q Who is Dee, brother, (727) 342-3045?

8 A I believe it is his -- DeAngelo's brother.

9 Q Did you have any drug interactions with  
10 DeAngelo's brother?

11 A Plead the Fifth.

12 MR. DRUCKER: I'm going to object to this line  
13 of questioning. It's not relevant. It's harassing  
14 the witness.

15 MR. FOSTER: Okay. I'm almost done.

16 Q (By Mr. Foster) Who is Jamie, (727) 906-6592?

17 A Someone who fixed my car and we did cellular  
18 work together as well.

19 Q You did some what work?

20 A Cellular work.

21 Q Did you ever have any drug interaction with  
22 Jamie?

23 A Plead the Fifth.

24 Q Did you say you fixed his phone or he fixed  
25 your phone?

1 MR. FOSTER: Will you mark this, please?

2 Q (By Mr. Foster) Did you have any drug dealings  
3 with Jamie?

4 A Plead the Fifth.

5 (The referred-to document was marked for  
6 identification as Defendants' Exhibit 7.)

7 Q (By Mr. Foster) Take a look at what's in front  
8 of you as Exhibit --

9 MR. FOSTER: What's the exhibit number?

10 MS. REPORTER: 7.

11 Q (By Mr. Foster) 7.

12 Take a look at line 8048.

13 Are you there?

14 A Which line is it?

15 Q 8048.

16 (The witness reviewed exhibit.)

17 A Okay.

18 Q (By Mr. Foster) Okay. Did you share needles  
19 with Jamie?

20 A No, I did not.

21 Q Have you ever injected drugs using a needle --

22 MR. DRUCKER: Objection.

23 Q (By Mr. Foster) -- during this time frame?

24 A No, I did not.

25 Q So where Jamie says to you here, "I'm" --

1 middle of 8048 -- "now I go to the hospital because I'm  
2 sick, you're the only person I ever shared with, if you  
3 know what I'm saying," you deny --

4 A Yeah.

5 Q -- ever sharing needles with him?

6 A Yeah. He's -- I did not. He's -- he's  
7 actually -- we've had to completely remove him from our  
8 lives because he's -- he's not -- I can't explain it,  
9 but he's not fully there. And he -- this was during a  
10 period of time, I think, I was ignoring him.

11 Q Uh-huh. Okay. So it's your testimony you  
12 never used drugs -- you never used needles to inject  
13 drugs during 2015?

14 A No, I did not.

15 Q Take a look at line 80- -- 8060.

16 (The witness reviewed exhibit.)

17 A Uh-huh.

18 Q (By Mr. Foster) Text from you to Jamie, do you  
19 see that?

20 A Yes.

21 Q "Went from methadone to subs."

22 Do you see that?

23 A Yes, I do.

24 Q What does that mean?

25 MR. PERSANTE: I'm going to move for a

# EXHIBIT D



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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

NIELSEN AUDIO, INC.,

Plaintiff,

vs.

Case No.:

8:15-CV-2435-T-27AAS

BUBBA CLEM and BUBBA RADIO  
NETWORK, INC.,

Defendant.

VIDEOTAPED DEPOSITION OF NICHOLAS TABACHUK

Taken on Behalf of the Plaintiff  
(VOLUME TWO)

DATE TAKEN: Thursday, July 27, 2017

TIME: 8:30 a.m. - 10:20 a.m.

PLACE: Gunster, Yoakley & Stewart,  
P.A.  
401 East Jackson Street  
Tampa, Florida

STENOGRAPHICALLY REPORTED BY:  
NORA KELLY-MEOLA, RPR

1 Q. Can you explain what you meant by that. Did  
2 you mean anything --

3 A. Yeah. I mean, in -- in my head, once a drug  
4 addict, always a drug addict, but I'm recovering drug  
5 addict. And I'm continuing my counseling and substance  
6 abuse programs to this day so --

7 Q. Okay.

8 A. -- that's -- that would be my clarification,  
9 you know.

10 Q. Okay. You also gave some testimony about an  
11 attorney that was -- that you believed was being  
12 provided for you by Mr. Clem. Do you remember that?

13 A. If you're speaking of John Morgan?

14 Q. Yes.

15 A. There was a time when Bubba had mentioned that  
16 he was going to bring John Morgan into the case when we  
17 weren't getting anywhere with our -- the detective that  
18 was put on the case and she was from the sheriff's  
19 department. So he said he was going to bring John  
20 Morgan into it to help.

21 Q. So this was after you made your initial police  
22 report in January 2015?

23 A. Correct.

24 Q. Did Mr. Clem actually bring John Morgan on to  
25 help?