

EXHIBIT 10

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

Case No. 12012447CI-011

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TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

vs.

HEATHER CLEM, GAWKER MEDIA, LLC a/k/a
GAWKER MEDIA, GAWKER MEDIA GROUP, INC.
a/k/a GAWKER MEDIA, GAWKER ENTERTAINMENT,
LLC, GAWKER TECHNOLOGY, LLC, GAWKER SALES,
LLC, NICK DENTON, A.J. DAULERIO,
KATE BENNERT and BLOGWIRE HUNGARY SZELLEMI
ALKOTAST HASZNOSITO KFT a/k/a GAWKER MEDIA,

Defendants.

-----)

CONFIDENTIAL PORTION INCLUDED

VIDEOTAPED DEPOSITION OF

ALBERT JAMES DAULERIO

New York, New York

Monday, September 30, 2013

Reported by:
Toni Allegrucci
JOB NO. 337256

1
2 September 30, 2013

3 10:58 a.m.
4

5 Videotaped Deposition of
6 ALBERT JAMES DAULERIO, held at the
7 offices of Esquire Deposition Solutions,
8 1384 Broadway, New York, New York 10018,
9 pursuant to Notice, before
10 Toni Allegrucci, a Notary Public of the
11 State of New York.
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ALSO PRESENT:
ANDREW RITCHIE, Videographer
HEATHER L. DIETRICK, Counsel, Gawker Media



1 A.J. Daulerio

2 personal.

3 Q. That incident is prefaced in the GQ
4 article by the comment that this was an
5 incident that caused you to question your own
6 tactics.

7 A. Um-hm.

8 Q. Is that a fair characterization?

9 A. You know, that's the author's
10 words. I don't know if those were my direct
11 words. But I remember at the time of the
12 interview that he was asking for specific
13 incidents that may have gone, you know,
14 beyond the normal workday in terms of
15 interactions, or if there were any kind of
16 other repercussions that were, as you could
17 say, real world related.

18 Q. Well, I guess what I'm trying to
19 get at is do you, do you have regrets in any
20 sense about the tactics you used in reporting
21 this story?

22 A. Not at all.

23 Q. Do you have any regrets about
24 publishing any of the material you
25 published --

1 A.J. Daulerio

2 A. No.

3 Q. -- in connection with this story?

4 A. Not at all.

5 Q. Okay. So there are no tactics that
6 you employed in connection with obtaining
7 this story that you feel were, now feeling
8 retrospect were inappropriate?

9 A. No.

10 MR. BERLIN: Objection, asked and
11 answered.

12 Q. All right. Then let's, lastly, if
13 you take a look at the paragraphs, the four
14 paragraphs at the bottom of the same page.

15 A. Sure.

16 Q. And my question to you will be to,
17 as you just did with the Salisbury
18 incident --

19 A. Right.

20 Q. -- tell me what you recall about
21 this particular incident?

22 A. Perhaps Daulerio's darkest moment,
23 that paragraph?

24 Q. Yeah, that one, and the three
25 paragraphs that follow it.

1 A.J. Daulerio

2 A. Okay.

3 Okay. I'm done reading.

4 Q. Can you just summarize for me this
5 incident as you recall it?

6 MR. BERLIN: Objection, relevance.

7 You can answer the question.

8 A. Yeah. The -- this was a story
9 that, you know, as it's stated in the GQ
10 article was a video of a girl having sex in a
11 bathroom in Indiana, I believe, and I believe
12 the video was posted elsewhere prior to us
13 actually posting the link, so we actually
14 didn't have possession of this video by
15 ourselves, it was from another site. And
16 subsequently the interactions I had with both
17 the person involved in the tape and Gaby --

18 MR. BERLIN: Let me just interject.

19 THE WITNESS: Sure.

20 MR. BERLIN: You should not be
21 disclosing conversations or
22 communications you had with
23 Ms. Darbyshire as your counsel.

24 THE WITNESS: Sure.

25 A. You know, but it was, it was not

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A.J. Daulerio

something that was, I was very committed to keeping up for any reason at all and I happily obliged and took it down. And then the following day were the conversations with the father, he was referring to the video's existence on other sites, which is where it existed prior to being on Deadspin.

Q. The upshot of this incident, as reflected in the GQ story, is that the video was removed from the site, correct?

A. Yes.

Q. How long did it remain up?

A. I believe it was only less than a day.

Q. And why did you believe it was appropriate to take the video down?

A. She was a, not a public figure, and it was also a story that was not ours, nor did I work very hard to acquire it, it was more a, you know, as I said in here, it's basically a very failed series about people having sex in bathrooms that, you know, never really materialized anything, but maybe three or four posts of that type of material. And

1 A.J. Daulerio

2 this wasn't one I was really interested in
3 getting too involved in and was not very
4 concerned about what type of impact it would
5 have on the site negatively if it was taken
6 down.

7 Q. Okay. It wasn't getting very many
8 page views, is that what you are saying?

9 A. Not really what I'm saying at all.

10 Q. Okay. Well, if it wasn't going to
11 have an impact upon the site, how would it
12 not have an impact upon the site unless it
13 resulted in fewer page views?

14 A. Well, it could have an impact on
15 the site negatively in terms of just like
16 this type of notoriety about a video with a
17 private person having sex in a bathroom, that
18 was not something I was really willing to,
19 you know, get too involved in outside of, you
20 know, the initial post.

21 Q. Before posting this video had you
22 determined whether the sex depicted was
23 consensual?

24 A. As far as I knew it was consensual.

25 Q. Okay. Did you make any efforts to

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A.J. Daulerio

determine whether that was true or not before you posted it?

A. I don't know how I would make those determinations, actually.

Q. Did you contact the site where the video had been previously posted?

A. No, I did not.

Q. You can answer this question yes or no. You had conversations with Ms. Darbyshire about this video, correct?

MR. BERLIN: Again answer yes or no. Objection, but otherwise you can answer yes or no.

A. Yes.

Q. Did you have those conversations before posting it or after?

A. Best of my knowledge, after, after.

Q. Only after?

A. Yeah.

Q. And if, if I were to ask you what was said during those conversations?

MR. BERLIN: I would object on grounds of privilege.

A. I don't recall anyway.

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, Toni Allegrucci, a Notary Public within and for the State of New York, do hereby certify:

That ALBERT JAMES DAULERIO, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 2013.



TONI ALLEGRUCCI