

EXHIBIT F

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

Case No. 12012447CI-011

-----)
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.
-----)

VIDEOTAPED DEPOSITION OF

SCOTT KIDDER

New York, New York

Tuesday, October 1, 2013

Reported by:
Toni Allegrucci
JOB NO. 10069

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October 1, 2013

10:07 a.m.

Videotaped Deposition of
SCOTT KIDDER, held at the offices of
Esquire Deposition Solutions,
1384 Broadway, New York, New York 10018,
pursuant to Notice, before
Toni Allegrucci, a Notary Public of the
State of New York.

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2 A P P E A R A N C E S:

3
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5 Attorneys for Plaintiff

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19 BY: ALIA L. SMITH, ESQ.

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21
22
23 ALSO PRESENT:

24 ANDREW RITCHIE, Videographer

25 HEATHER L. DIETRICK, Counsel, Gawker Media

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THE VIDEOGRAPHER: This is tape No. 1 to the videotaped deposition of Scott Kidder appearing as a corporate designee for Gawker Media, LLC, being taken in the matter of Terry Gene Bollea, professionally known as Hulk Hogan, versus Heather Clem and Gawker Media, LLC, et al., being heard in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida.

Case No. 12012447CI-011.

This deposition is being held at the offices of Esquire, 1384 Broadway New York, New York on October 1, 2013. The time is approximately 10:07 a.m. My name is Andrew Ritchie and I'm the videographer. The court reporter is Toni Allegrucci.

Counsel, will you please state your name and affiliations and the witness will be sworn.

MR. MIRELL: Douglas Mirell of Harder, Mirell & Abrams, LLP for the

1 S. Kidder

2 plaintiff.

3 MR. BERLIN: Seth Berlin of Levine,
4 Sullivan, Koch & Schulz for the
5 defendants other than Heather Clem.

6 MS. SMITH: Alia Smith, also of
7 Levine Sullivan for defendants other
8 than Heather Clem.

9 MR. DIETRICK: Heather Dietrick,
10 inhouse counsel for Gawker Media.

11 THE VIDEOGRAPHER: Will the
12 Court Reporter please swear in the
13 witness.

14 S C O T T K I D D E R, called as a witness,
15 having been duly sworn by a Notary Public,
16 was examined and testified as follows:

17 EXAMINATION BY

18 MR. MIRELL:

19 Q. Good morning, Mr. Kidder.

20 A. Hi.

21 Q. Can you please state your full name
22 for the record.

23 A. Scott Kidder.

24 Q. Do you have a middle name?

25 A. Full-full name is Francis Scott Key

1 S. Kidder

2 A. Annalee, A-n-n-a-l-e-e, Newitz,
3 N-e-w-i-t-z.

4 Q. Okay.

5 A. The editor in chief currently of
6 Kotaku.com is Stephen Totilo.

7 Q. S-t?

8 A. E-p-h-e-n, Totilo, T-o-t-i-l-o.

9 Q. Okay.

10 A. Editor in chief of Deadspin.com is
11 Tommy Craggs.

12 Q. C-r?

13 A. A-g-g-s. Editor in chief of
14 Jalopnik.com is Matt Hardigree.

15 Q. And how does he spell his last
16 name?

17 A. H-a-r-d-i-g-r-e-e.

18 Q. Okay.

19 A. Can you name me the sites I've
20 just --

21 Q. We're missing one.

22 A. Did I give you eight?

23 Q. Jezebel I think we need.

24 A. Okay. Editor in chief of
25 Jezebel.com is Jessica Cohen.

1 S. Kidder

2 Q. And --

3 A. If I'd said nine, there's a site
4 called Front which, which I don't know how
5 one would define the site, but it's, it's a
6 Gawker Media editorial property that's not
7 connected to any other sites, and editor of
8 Front is currently Jesus Diaz. And again I
9 didn't prepare for this I'm speculating, but
10 I think that's everyone.

11 Q. What is, what is Front?

12 A. It's a site that collects and
13 promotes the best content across the
14 Gawker Media and broader Kinja network.

15 Q. Okay. Let me ask you this
16 question. You've just referred to
17 Gawker Media and the broader Kinja network.
18 Can you identify for me what you mean by, by
19 first Gawker, and second, the broader Kinja
20 network?

21 A. Sure. When I say Gawker Media I'm
22 saying the sites, editorial properties that
23 are operated by Gawker with, with
24 Gawker Media employees. Kinja is a -- the
25 proprietary platform that operates

1 S. Kidder
2 Gawker Media, LLC sites and it's owned by
3 Kinja, which is a Hungarian company, and so
4 the broader Kinja network refers to content
5 created on the Kinja network, on the Kinja
6 platform, that's not created by paid
7 employees of Gawker Media, LLC.

8 Q. Who creates content for the Kinja
9 platform other than Gawker Media employees?

10 MR. BERLIN: Let me object. I
11 don't see where this is anywhere covered
12 by the topics on which this witness has
13 been called. If I'm missing something
14 I'm happy to be corrected.

15 MR. MIRELL: Well --

16 MR. BERLIN: And I'm happy to have
17 him try and answer the question, but I,
18 I think we're fairly far afield and I
19 again want to caution, I don't want to
20 get to the end of the day and find out
21 we're, we haven't gotten to the ground
22 that you've actually noticed the witness
23 to cover.

24 MR. MIRELL: Well, let's, let's,
25 let's get an answer to that and then we

1 S. Kidder

2 can -- and I don't intend to explore
3 this in any detail.

4 A. Can you repeat the question?

5 MR. MIRELL: Can you read it back,
6 please.

7 (Record read.)

8 A. Kinja is an open platform, anyone
9 can create an account and create content.

10 Q. Let me direct your attention to
11 Exhibit 21 in front of you, the second
12 amended notice of taking deposition. The
13 entities that are listed as defendants, other
14 than Gawker Media, LLC, include an entity
15 called Gawker Media Group, Inc. Do you have
16 any knowledge of that entity?

17 MR. BERLIN: Objection. I don't
18 see where that is covered by the notice
19 either.

20 MR. MIRELL: Well, let me -- if we
21 can get a yes or no answer we can
22 perhaps move on from there.

23 A. Are you asking me personally or on
24 behalf of Gawker Media, LLC?

25 Q. Well, I'm asking you in connection

1 S. Kidder

2 A. Yes, currently.

3 Q. When did you become a director of
4 this entity?

5 A. I'm not a director, I'm an officer.

6 Q. I'm sorry. When did you become an
7 officer?

8 A. I don't recall the specific date,
9 but it would have been likely sometime last
10 summer in consultation with my, with my job
11 change.

12 Q. Okay.

13 Do you receive compensation from
14 Gawker Media Group, Inc.?

15 A. No.

16 Q. Do any of the individuals who
17 are -- who you've named who are affiliated
18 with it in any way receive compensation
19 through that entity?

20 A. Can you elaborate on compensation?

21 Q. Does that -- does Gawker Media
22 Group, Inc. pay money to Mr. Denton or
23 Ms. Darbyshire or Ms. Weinbrecht?

24 A. Not in the regular course of
25 business, no.

1 S. Kidder

2 Q. How does it do so not in any manner
3 other than in the regular course of business?

4 A. The sole purpose of Gawker Media
5 Group Incorporated is to facilitate ownership
6 in Gawker Media, LLC and Kinja Hungarian
7 Corporation, as part of that sometimes
8 Gawker Media Group, Incorporated undertakes
9 stock buybacks in which it will purchase back
10 some of its own stock from any shareholders.

11 Q. Okay. In your last response you
12 identified a Kinja Hungary entity?

13 A. Yes.

14 Q. What entity is that specifically?

15 A. Kinja KFT.

16 Q. What kind of an entity is that?

17 A. Kinja is an intellectual property
18 holding and technology development company.

19 Q. What is the relationship between
20 Kinja KFT and Gawker Media, LLC?

21 A. They are 100 percent fully owned by
22 Gawker Media Group Incorporated and they have
23 entered into various agreements between each
24 other.

25 Q. When was Kinja -- is Kinja KFT a

1 S. Kidder

2 corporation?

3 A. It's a Hungarian corporation.

4 Q. When was it incorporated?

5 A. I don't know the specific date, but
6 it would have been in the early 2000s.

7 Q. Who are the officers of that
8 entity?

9 A. I am -- Scott Kidder is the
10 managing director.

11 Q. Any other officers?

12 A. I'm, I'm not aware of any other
13 officers.

14 Q. Any directors?

15 A. I'm a managing director. I'm not
16 aware of any other directors.

17 Q. You indicated that Kinja KFT --
18 well, let me go back. What is the
19 relationship between Kinja KFT and -- strike
20 that.

21 So Kinja KFT then is in effect a
22 wholly-owned subsidiary of Gawker Media
23 Group, Inc.?

24 A. Yes.

25 Q. Okay. And when you say it holds

1 S. Kidder
2 the -- it's an IP holding and technology
3 company, does that mean that it, for example,
4 holds the trademark rights to Gawker and
5 its -- to any Gawker Media trademarks?

6 A. It owns trademarks and domain names
7 for all of the sites that Gawker Media, LLC
8 currently operates.

9 Q. Do you know whether Kinja KFT has
10 an agent for service process?

11 A. I do not.

12 Q. Does Kinja KFT maintain bank
13 accounts?

14 A. Yes.

15 Q. And where are those located?

16 A. In banks in Hungary and the
17 United States.

18 Q. Same question with respect to
19 Gawker Media Group, Inc., does it maintain
20 bank accounts?

21 A. It has a bank account in the
22 United States.

23 Q. Does it maintain bank accounts in
24 the Cayman Islands as well?

25 A. No.

1 S. Kidder

2 Q. Okay. All right. We have
3 identified also as another -- strike that.

4 Does Gawker Media Group, Inc. have
5 any other subsidiaries other than Kinja KFT?

6 A. And Gawker Media, LLC, no.

7 Q. All right. Are you familiar with
8 an entity by the name of
9 Gawker Entertainment, LLC?

10 A. Yes.

11 Q. What is Gawker Entertainment, LLC?

12 A. Gawker Entertainment, LLC is a
13 dissolved New York Limited Liability Company.

14 Q. When was it dissolved?

15 A. At the end of last year.

16 Q. And why was it dissolved?

17 A. Gawker Entertainment, LLC was a
18 wholly owned subsidiary of Gawker Media, LLC
19 and in the interest of simplification and in
20 consultation with discussion with counsel we
21 decided to dissolve all of Gawker Media,
22 LLC's wholly owned subsidiaries.

23 MR. BERLIN: Let me just caution
24 the witness not to disclose the
25 substance of communications with

1 S. Kidder

2 A. Can, can you define affiliated and
3 related?

4 Q. Well, I'm not -- since I don't know
5 your corporate structure I'm not sure that I,
6 I necessarily can. Are there any other
7 entities -- well, let's start it this way.
8 Are there any other entities of which you are
9 an officer or director?

10 A. No.

11 Q. Are there any other entities that
12 Ms. Darbyshire is a director of other than
13 Gawker Media Group, Inc.?

14 A. I can't speak to whether Gaby is or
15 isn't a director of any other entities. I'm
16 not aware of any other Gawker affiliated
17 entities to which she is a director.

18 Q. Are there any other entities which
19 derive revenue from the operation of
20 Gawker Media, LLC?

21 MR. BERLIN: Object, assumes facts
22 not in evidence. You can answer the
23 question.

24 A. I mean, Gawker Media, LLC pays
25 vendors tens if not hundreds of thousands of

1 S. Kidder
2 dollars every month so, yes, there are other
3 entities that derive revenue from
4 Gawker Media, LLC.

5 Q. Okay. That's a poor question. I
6 appreciate your response. Are there any
7 other entities who -- strike that.

8 Are there any entities who receive
9 profits from the rations of Gawker Media,
10 LLC?

11 MR. BERLIN: Again, same objection.

12 You can answer the question.

13 A. Outside of those discussed, no,
14 none that I'm aware of.

15 Q. Okay. And by those discussed we're
16 talking about Kinja KFT and Gawker Media
17 Group, Inc.?

18 A. Gawker Media, LLC has never made a
19 distribution to Gawker Media Group, Inc. and
20 Kinja KFT receives a royalty payment from
21 Gawker Media, LLC. I'm not aware of any
22 other companies or entities that have
23 received any profits from Gawker Media, LLC.

24 Q. You talked about, when we were
25 discussing Gawker Media Group, Inc. you

1 S. Kidder
2 talked about stock buy backs that it had
3 undertaken.

4 A. Yes.

5 Q. Do you recall that testimony? What
6 stock buy backs occurred and when?

7 A. I mean, Gawker Media --

8 MR. BERLIN: Let me just object.
9 This is, I think, fairly far afield from
10 anything that's covered by the notice,
11 but you can answer it if you can.

12 A. Gawker Media Group Incorporated has
13 made a number of stock buybacks. I don't
14 recall -- they're generally once every year
15 at the end of each year. I don't recall the
16 details of them.

17 Q. Have you, do you receive stock or
18 options for stock in any of the entities
19 we've discussed?

20 MR. BERLIN: Objection, relevance
21 and not covered by the notice. You can
22 answer the question.

23 A. Yes.

24 Q. Which entities are those?

25 A. I have stock and options in

1 S. Kidder

2 Ms. Pettigrew was employed by Gawker Media?

3 A. Yes.

4 Q. What was her title at that time?

5 A. Executive director of business
6 development.

7 Q. And how long did she hold that
8 title?

9 A. I'm not sure on the specific
10 timing, but if I had to guess a range it
11 would be somewhere between one and a half to
12 two years.

13 Q. So that was her title then, in or
14 about October of 2012?

15 A. Yes.

16 Q. Okay. And the other vice president
17 title is held by Peter Hausel?

18 A. Yes.

19 Q. His title is vice president of
20 engineering, I think?

21 A. Yes.

22 Q. What is that, what is his job
23 function?

24 A. He oversees all the engineers and
25 the development of, of software.

1 S. Kidder

2 Q. And to whom does Mr. Hausel
3 currently report?

4 A. Tom Plunkett, our chief technology
5 officer.

6 Q. Prior to June of 2013 what was
7 Mr. Hausel's title?

8 A. He was not employed at
9 Gawker Media.

10 Q. Okay. Who -- was there anyone
11 performing his function as of October 2012?

12 A. Not substantively.

13 Q. Not -- I'm sorry?

14 A. To the extent that his role -- to
15 the extent that he performs functions now
16 those functions were performed by Tom
17 Plunkett, our chief technology officer, in
18 October 2012.

19 Q. Let me just ask you this question.
20 In terms of when we were talking about
21 Ms. Pettigrew you mentioned that she, part of
22 her responsibilities include international ad
23 sales and brands?

24 A. Yes.

25 Q. Does Gawker.com license -- strike

1 S. Kidder

2 that.

3 Does Gawker Media license any
4 trademarks or brand names to international
5 entities?

6 A. Gawker Media, LLC does not own
7 trademarks or brand names so it does not
8 license any of them to international
9 entities.

10 Q. Okay. And the entity that does
11 hold those rights is Gawker, is Gawker Media
12 Group, Inc.; is that correct?

13 A. No, the entity that owns the
14 intellectual property is Kinja.

15 Q. I'm sorry, is Kinja KFT currently?

16 A. Correct.

17 Q. Okay. And that is the entity that
18 licenses Gawker trademarks or brand names
19 internationally?

20 A. Yes.

21 Q. And is it response -- does it do so
22 domestically as well?

23 A. I mean, Kinja KFT licenses the
24 Gawker brand names to Gawker Media, LLC in
25 the U.S.

1 S. Kidder

2 Q. Okay. Is there any entity other
3 than Gawker Media, LLC to which any of the
4 Gawker trademarks or brand names have been
5 licensed domestically?

6 A. No.

7 Q. So Gawker Media, LLC is the
8 exclusive licensee of those, of all Gawker
9 related trademarks and brand names in the
10 United States?

11 A. Correct.

12 Q. Thank you. If I can direct your
13 attention back again to page 6 of Exhibit 6.
14 I think the only other Gawker related
15 individual that we haven't talked about is
16 Diane Schwartz, I believe is listed as
17 director of account services Gawker Media.

18 Do you see that?

19 A. Yes.

20 Q. Does Ms. -- is Ms. Schwartz
21 currently employed by Gawker Media?

22 A. Yes.

23 Q. And is that her current title?

24 A. Yes.

25 Q. And what is her function as

1 S. Kidder
2 director of account services?

3 A. She oversees our account services
4 group which is responsible for liaising with
5 advertisers once the campaigns are running.

6 Q. Can you describe for me a little
7 bit more about what that entails?

8 A. So the salesperson is the person
9 who is the primary contact with the client
10 while a campaign's being sold but once it's
11 sold and it's running it's Diane's team that
12 takes over. There's a number of aspects,
13 there's a number of reasons there need to be
14 communication once a campaign has been sold,
15 whether it's getting the assets or the
16 specific banner ads, whether it's approving
17 copy for sponsored posts, whether it's
18 changing the advertising products on the
19 dates they display or a whole host of other
20 issues.

21 Q. Okay. So it's sort of care and
22 maintenance of, of existing advertisers then?

23 A. Care and maintenance of existing ad
24 campaigns.

25 Q. Okay. All right. And in the box

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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 SCOTT KIDDER, 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 3 day of October, 2013.



TONI ALLEGRUCCI