

Exhibit 5
to the Affidavit of
Alia L. Smith

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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

NICK DENTON

New York, New York

Wednesday, October 2, 2013

Reported by:
Toni Allegrucci
JOB NO. 10071

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October 2, 2013

10:01 a.m.

Videotaped Deposition of
NICK DENTON, 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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A P P E A R A N C E S:

HARDER MIRELL & ABRAMS, LLP

Attorneys for Plaintiff

1801 Avenue of the Stars Ste. 1120

Los Angeles, California 90067

BY: DOUGLAS E. MIRELL, ESQ.

(424) 203-1603

dmirell@hmafirm.com

LEVINE SULLIVAN KOCH & SCHULZ, LLP

Attorneys for Defendants

1899 L Street Ste. 200

Washington, D.C. 20036

BY: SETH D. BERLIN, ESQ.

(202) 508-1122

sberlin@lskslaw.com

BY: ALIA L. SMITH, ESQ.

asmith@lskslaw.com

ALSO PRESENT:

ANDREW RITCHIE, Videographer

HEATHER L. DIETRICK, Counsel, Gawker Media

1 N. Denton

2 courses at University College School.

3 A. No. They didn't exist.

4 Q. All right. And what did your job
5 as an editor at The Economist Books entail?

6 A. I was business guide, businessman's
7 guide to the U.K., I think. It was a long
8 time ago.

9 Q. Yeah.

10 A. I don't remember exactly. These
11 were, these were guidebooks for business
12 travelers particular, particularly.

13 Q. Okay. Then in August of '89 you
14 became a freelancer?

15 A. Um-hm.

16 Q. For whom did you freelance?

17 A. I worked, first of all, for the
18 Scotsman newspaper and then for the
19 Daily Telegraph newspaper and then finally
20 for the Financial Times.

21 Q. And you did all of this as a
22 freelancer rather than as a full-time staff
23 writer?

24 A. Initially yes.

25 Q. And --

1 N. Denton

2 A. I was what they call, at the
3 Telegraph and Financial Times, I was what
4 they call a stringer.

5 Q. Sure.

6 A. It's a permanent freelance
7 arrangement so...

8 Q. And were you assigned stories or
9 did you, did you pitch stories to those?

10 A. It would have been a mixture.

11 Q. And how long were you a stringer
12 for those papers?

13 A. For Scotsman, the Scotsman and
14 Telegraph, that would have been month or
15 months. I moved pretty rapidly to the
16 Financial Times.

17 Q. Okay. When did you begin working
18 as a freelancer for the Financial Times
19 roughly?

20 A. In January of 1990.

21 Q. All right. Then I take it from
22 your last answer that you then became a
23 full-time employee of the Financial Times?

24 A. When I returned to the U.K. for
25 them, yes.

1 N. Denton

2 Q. Okay. And when you were in Eastern
3 Europe were you anywhere other than in
4 Hungary?

5 A. Yes. I was in Bucharest during the
6 revolution in Romania.

7 Q. Okay. All right. And then --

8 A. And various other places.

9 Q. All right. You began working for
10 the Financial Times in what year, I'm sorry,
11 full-time?

12 A. Sorry?

13 Q. You began full-time work at the
14 Financial Times?

15 A. I was also writing for
16 The Economist magazine.

17 Q. Okay.

18 A. They call it a newspaper, but it's
19 a magazine. It's another English thing.

20 Q. And were you doing that
21 simultaneously?

22 A. I was.

23 Q. Okay. And the focus at
24 The Economist knew you were writing for the
25 Financial Times and vice versa?

1 N. Denton

2 A. Yes. Though they have some shared
3 corporate parentage.

4 Q. Okay. When were you -- when
5 did you begin that work full-time?

6 A. For?

7 Q. Both the Financial Times and
8 The Economist?

9 A. Well, worked for the
10 Financial Times, like I said, was
11 January 1990. Could possibly have been
12 February, but I don't suppose a month matters
13 here or there. The Economist would have been
14 after that.

15 Q. Roughly how long?

16 A. I can't remember exactly.

17 Q. Okay. Sometime in 1990 though
18 approximately?

19 A. Could have been 1991. I'm not
20 sure.

21 Q. And what was your -- did you have a
22 title at either of these publications?

23 A. Budapest correspondent.

24 Q. For?

25 A. The Financial Times. The Economist

1 N. Denton
2 doesn't have bylines so...

3 Q. Still?

4 A. Unless it's a special report, yes,
5 still. I always admired them for that.

6 Q. How long did you serve as Budapest
7 correspondent for the Financial Times?

8 A. Four years.

9 Q. And ending when, when in
10 1990 -- would that be 1993 or '94?

11 A. 1994.

12 Q. Okay. How long did you continue
13 writing for The Economist?

14 A. That same period, well, until 1994.

15 Q. And what did you then do next?

16 A. I went on staff at the
17 Financial Times to cover investment banking
18 based out of London.

19 Q. And that was from 1994 until when?

20 A. There was a little overlap, but two
21 years.

22 Q. 1996?

23 A. Yes, I think so.

24 Q. And during that period of time that
25 you were staff writer for the Financial Times

1 N. Denton
2 did you at that point cease working for
3 The Economist?

4 A. I did.

5 Q. Okay. And what were your -- were
6 all of the stories that you wrote for the
7 Financial Times during that period as a staff
8 writer involving the investment banking
9 industry?

10 A. Were all of them?

11 Q. Yes.

12 A. Probably not, no. Most of them.

13 Q. Do you recall generically what
14 other subjects you might have written about
15 at that time?

16 A. No.

17 Q. What did you do -- there came a
18 point in time where you left the
19 Financial Times?

20 A. That was in 1997.

21 Q. Okay. Did you have another job at
22 the Financial Times then after you were staff
23 writer?

24 A. I had a job as San Francisco
25 correspondent, or, I forget what my exact

1 N. Denton

2 A. I started, I started a site called
3 Gizmodo, which is a gadget site, in August of
4 2002. For some reason I remember things in
5 August.

6 Q. Okay. Did you -- had you invested
7 in any other internet or technology companies
8 prior to starting Gizmodo, other than the
9 ones we've discussed already?

10 A. Prior to starting Gizmodo?

11 Q. Yes.

12 A. It's possible, but not that I
13 remember during that period.

14 Q. Okay. And what -- did you have a
15 title when you began Gizmodo?

16 A. Did I have a title?

17 Q. Yeah.

18 A. I don't think I gave myself a
19 title, no.

20 Q. Okay. And when you say you started
21 Gizmodo, exactly what did you do?

22 A. I hired somebody called Peter Rojas
23 to write the site. Oh, I actually forgot.
24 At the time I was also working on an
25 internet, an internet news aggregation

1 N. Denton
2 inventory"? What do you mean by "a shortage
3 of ad inventory"?

4 A. Th site was very popular amongst
5 advertisers and we couldn't satisfy all the
6 advertiser business and so we incentivized
7 the writers more strongly.

8 Q. Okay. Given the metric that you've
9 chosen, to what extent are you able to
10 correlate ad revenue received in a given
11 month to the unique visitors for the site?

12 A. We don't really.

13 Q. Okay. You've never attempted to,
14 to correlate those two measures?

15 A. There's a correlation in the most
16 general of senses, which is that we have done
17 well by satisfying our readers, we're
18 profitable and growing and we do satisfy our
19 readers. If you look at the, if you look at
20 those metrics and those two phenomena, reader
21 satisfaction, our reputation amongst readers
22 for, for telling the truth, for being
23 authentic, for being conversational, for
24 being real, that's been correlated with
25 financial success, yes.

1 N. Denton

2 Q. Okay. So the sentence reads, the
3 stories they can't publish because they are
4 too sensitive or because they have been told
5 off the record or because they have only one
6 source, but they can't be stood up.

7 I would like to parse that a little
8 bit. So first, are you -- is what you are
9 meaning to say is that Gawker Media generally
10 or Gawker.com in particular will publish
11 stories regardless of their sensitivity?

12 A. We are less sensitive to
13 sensitivity than traditional newspapers.

14 Q. Okay.

15 A. Our site Deadspin has a tag line, I
16 don't know whether you've seen it, it says
17 without access, favor or discretion. That
18 pretty much captures the essence of
19 Gawker Media.

20 Q. And that's a tag line that, though
21 it appears on the Deadspin website, is
22 applicable more or less across the board?

23 A. Yes, I would own those words.

24 Q. Okay. And you'd certainly own them
25 with respect to a description of Gawker.com?

1 N. Denton
2 The Guardian piece, you know, that was
3 actually a pretty, that was a pretty perfect
4 example actually because, you know, here you
5 had something which is entirely unanticipated
6 by us, and most things are unanticipated by
7 us, I'm quite happy with the high degree of
8 kind of risk and uncertainty, unanticipated
9 by us, absolutely worked to our advantage.

10 It was, it was actually a
11 ridiculous complaint on, on his part I think,
12 yeah.

13 Q. Did you anticipate -- well, let me,
14 let me ask you this. With respect to
15 Gawker.com what supervisory role do you
16 currently hold?

17 A. Well, I am the president of
18 Gawker Media. I appoint the editors of each
19 site under our control and I would terminate
20 them, I determine their salary levels, the
21 budgets for the sites.

22 Q. And you were in that capacity made
23 aware of the Hulk Hogan story, the sex tape
24 story before it was published, correct?

25 A. Yes.

1 N. Denton
2 absolute certainty. But I think that I had a
3 conversation with A.J. Daulerio on the fire
4 escape outside the 4th floor of the Gawker
5 office. Well, that's where we would normally
6 have these kind of conversations.

7 Q. This is not a place where you were
8 intending to do away with him or throw him
9 over?

10 MR. BERLIN: On behalf of
11 Mr. Daulerio, I object.

12 A. Did you find him charming?

13 Q. Lovely, lovely. But he smokes a
14 lot, is that why the fire escape is the
15 chosen locale, or?

16 A. I think he prefers informal
17 environments.

18 Q. Okay. All right. So tell me about
19 the conversation you had on the fire escape?

20 A. I have a recollection of a degree
21 of excitement on his part, excitement about
22 the story.

23 Q. Did he tell you what the nature of
24 the story was?

25 A. I don't think he went into any kind

1 N. Denton

2 of great detail.

3 Q. Did he talk to you about having
4 obtained the sex tape DVD?

5 A. I presume so, but I can't remember
6 any distinct conversation.

7 Q. Did you review the sex tape video
8 either in whole or in part prior to the
9 publication of Mr. Daulerio's story?

10 A. No. I actually still haven't seen
11 it.

12 Q. Okay. And what did you as best you
13 recall say to him in response to his
14 excitement?

15 A. I actually can't tell you
16 specifically. I can tell you what I was
17 likely to have said to him based on other
18 stories.

19 Q. All right.

20 A. I would have encouraged him to
21 avoid gratuitous, gratuitous representation
22 of the tape by which I mean, for instance,
23 putting out the whole tape without making a
24 point. I don't like that. And I would have
25 advised him to consult with our counsel.

1 N. Denton
2 to be particularly on the lookout for it
3 ourselves. Does that, does that make sense?

4 Q. Yes, it does. And my question then
5 following on that is whether you think that,
6 that the excerpts of the video or the
7 narrative that Mr. Daulerio wrote that
8 accompanied the video crossed any lines of
9 with respect to how you perceive the way in
10 which matters like this should be treated?

11 A. It was as I understand a roughly
12 short excerpt of the video. As I said, I
13 haven't seen it. The text I actually read
14 for the first time last week and having read
15 it last week I thought its tone was, it was
16 sweet, as sweet as in sympathetic.

17 I didn't, I didn't feel it was
18 gratuitous. I was not embarrassed by it.

19 Q. The narrative went into some great
20 detail about what was depicted on the
21 entirety of the 30 minute videotape, correct?

22 A. It's --

23 MR. BERLIN: Objection. The
24 witness has already testified he hasn't
25 watched the 30 minute tape, but subject

1 N. Denton

2 to that objection you can answer the
3 question.

4 Q. Is that your recollection or
5 understanding?

6 A. It was a well written story with as
7 much detail as the story needed.

8 Q. And do you believe that the detail
9 depicted in the excerpts that were included
10 with the story were necessary?

11 A. I think, I think every story, you
12 know, whether it's children's book or the
13 bible or an article requires a certain amount
14 of, you know, anecdote and description in
15 order for it to, in order for it to work, to
16 communicate. In a children's book the color
17 of the ball would be described. The
18 descriptions are essential to a story and so,
19 yes, I believe that this particular story had
20 about as much description as was, was needed
21 for the communication of the broad idea.

22 Q. And given that fact, then, the use
23 of the excerpts themselves was superfluous
24 and gratuitous, was it not?

25 MR. BERLIN: Objection.

1 N. Denton
2 you would have characterized it or not, do
3 you believe it's accurate or not?

4 A. I think it's --

5 MR. BERLIN: Objection, objection.

6 You can answer.

7 A. -- incomplete.

8 Q. And what would be necessary to
9 complete it?

10 MR. BERLIN: Objection.

11 You can answer.

12 A. Probably the last five minutes of
13 this conversation.

14 Q. Okay.

15 A. Which I am enjoying by the way.

16 Q. Me too, me too.

17 A. It's a great experier -- it's a great
18 opportunity to, to remind myself of our core
19 values.

20 Q. Okay, good. Give me just one
21 moment, let me just see if there's anything
22 else we need to address with this.

23 Does the term traffic whoring mean
24 anything to you?

25 A. Yes.

1 N. Denton

2 Q. What is that?

3 A. How would I characterize that? An
4 article that is cheap, that is gratuitous,
5 that seeks only to, to provoke without truly
6 informing. Empty calories would probably be
7 the kind of closest metaphor would probably
8 capture it best.

9 Q. Okay. On page 4 of The Guardian
10 story, Exhibit 40, there's a quote from an
11 unidentified writer which ends with the
12 sentence, we are paid to get traffic and that
13 dictates what stories you do.

14 Do you see that, that's the end of
15 the second full paragraph on the fourth page?

16 A. Yeah.

17 Q. Do you agree with that writer's
18 characterization?

19 MR. BERLIN: Objection.

20 You can answer.

21 A. No.

22 Q. Why not?

23 A. The, the bonuses which are
24 dependant on traffic only represent a maximum
25 of 20 percent of the site budget and the

1 N. Denton

2 excerpts that were published with it?

3 A. I can't remember my full list.

4 Q. I'll try to refresh your
5 recollection: Unnecessary, gratuitous or
6 slut-shaming.

7 MR. BERLIN: There were -- let me
8 object because there were other things
9 on the list. But let me also object to
10 the extent the witness has testified
11 already that he has not watched the
12 video and to the extent that you can you
13 can answer the question.

14 A. I don't think there's anything
15 slut-shaming about it. And I think the
16 concept of slut-shaming is actually probably
17 rather unfairly -- women are given more
18 protection than men are in the court of
19 public opinion, reader opinion, certainly
20 amongst more progressive readers.

21 Q. Mr. Berlin is correct. Well, first
22 let me ask you to just respond to the
23 question in terms of whether you believe that
24 the Hulk Hogan sex tape video and the story
25 that accompanied it was in any way

1 N. Denton
2 unnecessary or gratuitous?

3 MR. BERLIN: I have the same
4 objection. You can answer.

5 A. I was -- I thought, I thought the
6 tone of the piece was actually was almost
7 perfectly judged. It was human and
8 humanizing. I don't believe there was any,
9 any real judgment. It showed, as far as I
10 can tell from the description that I read
11 last week, it showed Hulk Hogan as a person,
12 a celebrity.

13 You know, we have very distorted
14 views of celebrities, we have very distorted
15 views of their, of their importance as role
16 models. I think they are held up to a
17 ridiculous, a ridiculous standard, you know,
18 both of looks and morality. And I think the
19 general phenomena, not just on the internet
20 but it's something you can also see it in the
21 celebrity weekly, you know, they're people
22 like us, celebrities are just, they're just
23 like us.

24 You know, I think it's in Us Weekly
25 section. That's sort of the embodiment of

1 N. Denton
2 tells his readers to go ahead and watch it
3 anyway, do you know why he did that?

4 MR. BERLIN: Objection, calls for
5 speculation. You can answer.

6 A. I mean, I think he's being funny.
7 I think the meaning is relatively
8 transparent. I don't think I can translate
9 it.

10 Q. Do you think he was -- if someone,
11 if a hypothetical reader had accosted
12 Mr. Daulerio in the street with this article
13 and said gee, A.J., do you want me, do you
14 want me to watch this at work or don't you,
15 seem a little schizophrenic here, what do you
16 think he'd say?

17 MR. BERLIN: Objection, calls for
18 speculation. You can answer.

19 A. I think we're all a little
20 schizophrenic. We are all interested and
21 we're all a little bit embarrassed about our
22 interests. And I think he would probably
23 say, say that like you know you want to watch
24 it, you know you want to read this piece, so
25 don't pretend. That's I'm speculating wildly

1 N. Denton

2 as to what he would say.

3 Q. Did you ever give any consideration
4 to whether or not the publication of the
5 Daulerio posting including the excerpts from
6 the sex video would be embarrassing to
7 Hulk Hogan?

8 A. No, I didn't.

9 MR. BERLIN: Objection.

10 You can answer.

11 A. Sorry. No, I didn't.

12 Q. And why not?

13 A. Because my job is to disseminate
14 information and to manage an organization
15 that disseminates information and that's our
16 social function, to satisfy readers'
17 interest, to inform and entertain them and
18 it's up to others to determine the boundaries
19 of accepted social journalistic and legal
20 norms.

21 Q. Did you ever give any consideration
22 to whether or not publication of this posting
23 would be upsetting to Mr. Hulk Hogan?

24 MR. BERLIN: Objection.

25 You can answer.

1 N. Denton

2 A. For the reasons I just explained,
3 no, I didn't. I was focusing on our function
4 as journalists and transmitters of
5 information.

6 Q. Did you ever give any consideration
7 to whether this posting would cause, cause
8 Hulk Hogan to suffer emotional distress?

9 MR. BERLIN: Objection.

10 You can answer.

11 A. Can we take as read that that would
12 be my answer to most of these questions?

13 Q. Just say yes, just, if you would
14 answer the question no then we could move on,
15 for the reasons you indicated?

16 A. We are journalists, that is our
17 role in society. It is up to others to have
18 regard for their own emotional well-being and
19 up to others to, to decide and determine
20 social, legal and other norms.

21 MR. BERLIN: I don't know if
22 there's more of these questions, but if,
23 if your answer is similar it's okay to
24 say "no, for the same reasons."

25 I think that's consistent with what

1 N. Denton

2 you were --

3 MR. MIRELL: That's fine.

4 MR. BERLIN: Okay. I'm trying to,
5 you know, help us here.

6 Q. So just one last question. Had you
7 known for certain that Hulk Hogan would have
8 suffered emotional distress as a result of
9 this posting you still would have published
10 it, correct?

11 MR. BERLIN: Objection.

12 A. For the same reasons as I
13 elucidated earlier, I focus on our role as
14 disseminators of information, our service to
15 readers and to the cause of transparency in
16 public life in America.

17 Q. The answer to my question is yes,
18 for that reason?

19 A. Yes, for that reason.

20 Q. Do you think that any celebrity sex
21 tape is newsworthy?

22 MR. BERLIN: Let me, let me object
23 and then go ahead and answer.

24 A. There's a spectrum. And the, the
25 more somebody holds themselves up as a pillar

1 N. Denton

2 the question.

3 MR. MIRELL: Okay.

4 MR. BERLIN: But I want to object
5 strongly to this line of questions.

6 A. He objects strongly so...

7 MR. BERLIN: But no, but you may
8 answer the question.

9 Q. He's not instructing you not to
10 answer.

11 MR. BERLIN: I'm not instructing
12 you not to answer. You are free to
13 answer the question.

14 A. If someone like Hulk Hogan had an
15 open relationship, or no relationship, and
16 had broadcasts on the radio that he had lots
17 of sex and there were lots of videos of him
18 having sex, that would reduce the interest in
19 the video itself.

20 Q. Okay. So depending upon the
21 circumstances under that hypothetical it
22 might or might not be newsworthy?

23 A. It would be less newsworthy if he
24 was more honest, yes.

25 Q. Okay. Let's -- what about a

1 N. Denton
2 celebrity sex tape that featured a sexual
3 encounter between Hulk Hogan and his wife
4 while the two of them were married?

5 MR. BERLIN: Same objection.
6 You can answer.

7 Q. Would that be newsworthy?

8 MR. BERLIN: Same objection.
9 You can answer.

10 A. It would be less newsworthy than a
11 tape of him having sex with a woman who was
12 not his wife.

13 Q. Okay. But it would still -- so the
14 cheating aspect of this isn't necessarily
15 what makes this newsworthy, celebrities
16 having sex is newsworthy in and of itself; is
17 that what you are saying?

18 MR. BERLIN: Objection.
19 You can answer.

20 A. I assume that most, I hope most
21 celebrities have sex because otherwise what
22 would the point of being a celebrity be. But
23 I don't think the fact of somebody having sex
24 alone is that interesting to me. I know
25 everyone has voyeuristic impulses, but

1 N. Denton

2 we -- I don't particularly, and I hope that
3 that's reflected in the company's editorial
4 policy.

5 Q. Okay. Let me just try a couple of
6 other hypotheticals with you. Would it be
7 newsworthy to you if you were provided a sex
8 tape of Miley Cyrus having sex with a current
9 boyfriend?

10 MR. BERLIN: Objection, same, same
11 objection. You can answer.

12 A. Given the gossip that's going
13 around about her there would be another tape
14 that I would be more interested in.

15 Q. How about that one?

16 A. What?

17 Q. How about the one I just described?

18 A. Oh, that one. Her performance at
19 the -- it was the VMAs, wasn't it, I think.
20 Her performance at the VMAs was pretty sexual
21 and as a result of that I would assume, this
22 would be my best guess, there's no kind of
23 current, there's no kind of current story,
24 but I would guess that there would be more
25 interest in her sex life as a result.

1 N. Denton

2 Q. Okay. What about a sex tape of
3 Hillary Clinton having sex with Bill Clinton?

4 MR. BERLIN: Objection, same
5 objection. You can answer.

6 A. I don't believe that they have sex
7 so that question --

8 Q. These questions are purely
9 hypothetical.

10 A. But now you are getting into realms
11 of absurdity.

12 Q. Do you believe that Barack Obama
13 has sex with Michelle?

14 A. I do.

15 Q. Do you believe if you had a sex
16 tape of the two of them, would that be
17 newsworthy?

18 MR. BERLIN: Objection.

19 You can answer.

20 A. I would have problems with that
21 one. I, I, I confess I would have problems
22 with that one, because I know that there
23 would be a lot of public interest, but I
24 wouldn't, I wouldn't like the story, not for
25 any reasons of political affiliation but just

1 N. Denton
2 because there is no, there's no hypocrisy.
3 There's -- they seem like a loving couple and
4 if the tape does nothing but establish the
5 fact that they are a loving couple, I don't
6 see that it would have any real value in
7 changing perceptions or establishing any
8 truth. I would be torn.

9 Q. Okay.

10 A. I'd hope I do the right thing.

11 Q. Well, I'm not offering such a tape
12 so we don't have to worry about that issue at
13 the moment.

14 If Hulk Hogan had never made a sex
15 tape at all, had never been photographed in
16 that way --

17 A. Yeah.

18 Q. -- but had publicly criticized his
19 wife because of her alleged infidelity, while
20 he was having affairs of his own, you would
21 have viewed that as hypocrisy, right?

22 MR. BERLIN: Objection.

23 You can answer.

24 A. Adhering to one set of morale
25 standards while lecturing others on theirs --

1 N. Denton

2 Q. Is hypocritical?

3 A. -- is hypocritical, yeah.

4 Q. And it's hypocritical whether or
5 not there's a sex tape, correct?

6 A. Yes, it is.

7 Q. And if someone made a sex tape with
8 his wife and never slept around, that person
9 would not be a hypocrite?

10 A. I'm getting a little --

11 MR. BERLIN: Let me just object and
12 then you can answer.

13 A. I mean, it's like a fun puzzle.
14 But I don't think they would be a hip -- so
15 let's get this straight. So he's faithful?

16 Q. Yes.

17 A. He makes a sex tape?

18 Q. Right. There's no hip --

19 A. This would be the Barack Obama,
20 Michelle Obama scenario.

21 Q. Sure.

22 A. So they seem like a loving couple,
23 they are a loving couple, this tape
24 establishes the fact that they are a loving
25 couple.

1 N. Denton

2 Q. And there's no hypocrisy there?

3 A. There's no hypocrisy. There's
4 voyeuristic interest, but not much news
5 interest.

6 Q. Okay. So isn't it then the
7 reporting of the story rather than the
8 publication of the sex tape that exposes the
9 hypocrisy that you believe to be newsworthy?

10 MR. BERLIN: Let me object and you
11 can answer.

12 A. I think we touched on this earlier
13 on. The story is made up of an argument and
14 a description and the description is part of
15 every single story whether it's novel or the
16 bible or a, an article in a, in a newspaper
17 or in a blog. We describe, people visualize,
18 that's how we all communicate.

19 So I would say the video, at least
20 a portion of the video, is an essential part
21 of the whole story.

22 Q. All right. But if your goal were
23 to, were to inform your readers about
24 celebrity hypocrisy, one could write a story
25 about that fact without in this case having

1 N. Denton
2 having ever seen this letter before today?

3 A. I don't recall it.

4 Q. Okay. Did you become aware at some
5 point of a cease -- excuse me -- a cease and
6 desist letter from counsel for Hulk Hogan had
7 been received by Gawker?

8 A. I don't recall specifically.

9 Q. You don't recall the specifics, but
10 you are aware that that occurred?

11 A. I have no reason to believe it
12 didn't occur.

13 Q. Okay. After this letter was
14 received why did Gawker not remove the sex
15 tape from its site?

16 A. Because we continued to believe in
17 its newsworthiness.

18 Q. Is there any reason why the
19 genitalia or other private parts of the
20 participants were not blurred by you after
21 receipt of this letter?

22 MR. BERLIN: Objection.

23 Go ahead and answer.

24 Q. There's a question pending. Do
25 you --

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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 NICK DENTON, 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 3rd day of October, 2013.



TONI ALLEGRUCCI