

# **EXHIBIT A**

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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.

1 S. Kidder

2 Q. And what was your responsibilities  
3 as director of editorial operations?

4 A. Overseeing the day-to-day  
5 operations of editorial, including finance,  
6 editorial focus, business development, social  
7 media and community and the like.

8 Q. Incidentally, in connection with  
9 your degree at NYU in individual studies,  
10 did you take any courses in journalism?

11 A. I took one, one or two classes in  
12 the general subject matter, not, not as much  
13 journalism as, as specific electives. One  
14 was on broadcast news. But no, no  
15 traditional classes in journalism and  
16 journalism school at NYU.

17 Q. Have you ever served as a writer or  
18 editor for Gawker Media?

19 A. Outside of, I think, literally a  
20 single day in which I edited one of our sites  
21 in 2007, no.

22 Q. Okay. What was -- what caused you  
23 to move from the position of manager of  
24 finance and business development to director  
25 of editorial operations?

1 S. Kidder

2 A. I was offered that position.

3 Q. Did that entail an increase in  
4 salary?

5 A. Yes.

6 Q. Who promoted you to this position?

7 A. Nick Denton.

8 Q. Can you recall what the salary  
9 differential was?

10 A. I think the salary was the \$90,000,  
11 but again that's a speculation.

12 Q. We're talking base salary?

13 A. Yes.

14 Q. And that was the salary in the new  
15 position?

16 A. That was the salary in the director  
17 of editorial operations.

18 Q. Okay.

19 A. Though I don't think it was a  
20 significant change from what my salary had  
21 been previously.

22 Q. Okay. And that salary has  
23 increased. Did that salary increase during  
24 the period of time that you were director of  
25 editorial operations?

1 S. Kidder

2 A. It's possible it did. But again  
3 I've been at Gawker for, for a while and that  
4 was several years ago and I don't recall the  
5 specific times when my compensation has  
6 changed.

7 Q. All right. What happened, what  
8 position did you assume in the summer of  
9 2012?

10 A. Executive director of operations.

11 Q. Is that the position you currently  
12 hold?

13 A. I now use the title vice president  
14 of operations. About six months ago, not  
15 even six months, some, some months ago we  
16 changed the way we handled titles internally  
17 but substantively my, my position has  
18 remained the same.

19 Q. Okay. And when did that, as best  
20 you can recall, when did that title change  
21 occur?

22 A. A few months ago.

23 Q. So July?

24 A. Maybe, maybe June, but again that's  
25 a speculation.

1 S. Kidder

2 Q. Okay. And your current title is  
3 vice president of operations?

4 A. Yes.

5 Q. Okay. And since that's  
6 the -- since you indicated that the positions  
7 are functionally the same, can you describe  
8 for me what you do or what you have done  
9 since the summer of 2012 in that position.

10 A. Yes. It's overseeing operations  
11 for the entire company, including finance,  
12 legal, human resources, facilities and a few  
13 other things.

14 Q. Such as?

15 A. I mean, I, I advise the other  
16 senior executives on, on various issues. I  
17 ultimately oversee staff entertainment.

18 Q. Anything else?

19 A. I mean, those are, those are  
20 certainly the primary responsibilities, but  
21 my job varies significantly from day-to-day.

22 Q. To whom do you report?

23 A. Nick Denton.

24 Q. And to -- and who reports to you?

25 A. There's a number of people that

1 S. Kidder

2 report to me.

3 Q. Can you describe those for me?

4 A. I wouldn't -- I can't guarantee I  
5 can give you a concrete list, but I can  
6 certainly name, name most of them.

7 Phil Vuong, who is our head of finance.

8 Q. Can you spell that last name?

9 A. V-u-o-n-g.

10 Q. Okay. And this is, he's head of  
11 finance for Gawker Media?

12 A. Yes.

13 Q. Okay.

14 A. I think he uses title director of  
15 finance but...

16 Q. Okay.

17 Who else reports to you?

18 A. Katie Puma.

19 Q. P-u-m-a?

20 A. Yeah, like the shoe.

21 Q. Okay.

22 A. People operations coordinator.

23 Q. Okay.

24 A. Julia Alvidrez.

25 Q. A-l-v-i-d-r-e-z?



1 S. Kidder  
2 identified in schedule A to your notices  
3 of deposition, including the operative  
4 second amended notice, and having  
5 memorialized that objection the witness  
6 can answer the question, if he can.

7 A. Okay. The editor of Gawker.com is  
8 current -- the editor in chief of Gawker.com  
9 is currently John Cook.

10 Q. C-o-o-k?

11 A. Yes. Nothing after. The editor in  
12 chief of Gizmodo.com is currently  
13 Jeff Manaugh, M-a-n-a-u-g-h.

14 Q. Okay.

15 A. The editor in chief of  
16 Lifehacker.com is currently Witson Gordon?

17 Q. W-i-t-s?

18 A. O-n.

19 Q. And Gordon as in commissioner?

20 A. I'm not sure the exact spelling of  
21 his last name.

22 Q. Okay.

23 A. The editor in chief of io9.com is  
24 currently Annalee Newitz.

25 Q. Can you spell that?

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 with Gawker Media, LLC and/or its affiliated  
3 company?

4 A. So you are asking me on behalf of  
5 Gawker Media, LLC.

6 MR. BERLIN: I, I -- my objection  
7 stands, but you may certainly go ahead  
8 and answer the question if you can.

9 A. Yes, I -- Gawker Media, LLC is  
10 aware of Gawker Media Group, Inc.

11 Q. What is Gawker Media Group, Inc.?

12 A. It's a holding company whose sole  
13 purpose is to facilitate ownership in  
14 Gawker Media, LLC and Kinja, which is a  
15 Hungarian company.

16 Q. Who are the officers of Gawker  
17 Media Group, Inc.?

18 A. So you are asking Gawker Media, LLC  
19 is aware of who --

20 MR. BERLIN: I'm just going to  
21 ask -- make the same objection and you  
22 can go ahead and answer the question if  
23 you can.

24 MR. MIRELL: And let me refer you,  
25 please, just so we can try to minimize

1 S. Kidder  
2 the number of objections, category 50 of  
3 the, of the deposition notice identifies  
4 ownership relationships, organizational  
5 charts, lines of business, corporate  
6 purposes, management, places of  
7 incorporation, principal place of  
8 business, and activities of  
9 Gawker Media, LLC and its affiliated  
10 parent subsidiary and/or related  
11 companies?

12 MR. BERLIN: Right, but  
13 that's -- you have separately sued  
14 Gawker Media Group, Inc., so if you want  
15 to take their deposition that can be  
16 noticed but...

17 MR. MIRELL: Well, you know, I am  
18 attempting to determine whether that's  
19 going to be necessary or not and to the  
20 extent the companies are not, are or are  
21 not, do or do not fall within the  
22 definition of category 50 that will help  
23 me make that determination.

24 MR. BERLIN: We will try and answer  
25 the questions, have the witness answer

1 S. Kidder

2 the questions to the best of his  
3 ability.

4 MR. MIRELL: Okay. Thank you very  
5 much.

6 A. The officers of Gawker Media Group,  
7 Inc. are Nicholas Denton and Scott Kidder.

8 Q. And when was Gawker Media Group  
9 formed?

10 A. I don't know the specific date, but  
11 it was, I can speculate it was around 2009 as  
12 part of a restructuring.

13 Q. And what is your title within  
14 Gawker Media Group?

15 A. You are asking me personally?

16 Q. Yeah.

17 A. Vice president of operations.

18 Q. Can you describe for me the  
19 relationship between Gawker Media Group, the  
20 functional relationship between Gawker Media  
21 Group, Inc. and Gawker Media, LLC?

22 A. Gawker Media Group, Inc. owns  
23 100 percent of the equity of Gawker Media,  
24 LLC.

25 Q. And where is it incorporated?



1 S. Kidder

2 A. Cayman Islands.

3 Q. Does it have an agent for service  
4 of process?

5 A. I would imagine so. I would  
6 speculate that, that it does but I'm not  
7 familiar with the service of process process  
8 in Cayman Islands.

9 Q. Are there any other officers of  
10 Gawker Media Group, Inc. other than yourself  
11 and Mr. Denton?

12 A. Not that I'm aware of.

13 Q. Are there any directors of the  
14 entity?

15 A. Yes.

16 Q. Who are the directors?

17 A. There are three directors, Nick,  
18 Nick Denton, Gaby Darbyshire and Adrian  
19 Weinbrecht.

20 Q. Can you spell Adrian Weinbrecht's  
21 name?

22 A. A-d-r-i-a-n, W-e-i-n-b-r-e-c-h-t.

23 Q. And Ms. Darbyshire remains a  
24 director of this entity even though she's no  
25 longer employed by Gawker Media, LLC?

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 counsel.

3 Q. And what was the function before  
4 its dissolution of Gawker Entertainment, LLC?

5 A. It operated specific sites under  
6 Gawker Media, LLC.

7 Q. Which sites did it then operate?

8 A. I don't know the specific sites off  
9 the top of my head but it was sites that are  
10 entertainment focused in nature such as  
11 Gawker.com.

12 Q. Were you -- who were the officers  
13 and directors of Gawker Entertainment, LLC at  
14 the time of its dissolution?

15 A. I, I don't know.

16 Q. Were you an officer?

17 A. No.

18 Q. And so the functions of  
19 Gawker Entertainment, LLC have now all been  
20 subsumed by Gawker Media, LLC?

21 A. Yes.

22 Q. And Gawker Technology, LLC, is that  
23 an entity with which you are familiar?

24 A. Yes.

25 Q. And what is that, what, what is

1 S. Kidder  
2 called Blogwire Hungary, and I'll spell the  
3 next name, S-z-e-l-l-e-m-i, new word  
4 A-l-k-o-t-a-s-t, new word  
5 H-a-s-z-n-o-s-i-t-o, KFT?

6 A. Yes.

7 Q. And what is that entity?

8 A. Blogwire Hungary has been renamed  
9 to Kinja KFT.

10 Q. When did that renaming occur?

11 A. Earlier this year.

12 Q. To your enormous relief, I hope?

13 A. Yes; I can't pronounce it either.

14 Q. And why was it renamed, do you  
15 know?

16 A. Because Kinja is the name of our  
17 platform which is owned and development --  
18 and developed in Hungary and so it was  
19 decided to rename it with a name more  
20 consistent with its activities. I'm not sure  
21 what a Blogwire is.

22 Q. Okay. Aside from the entities we  
23 have already discussed are there any other  
24 affiliated, parent, subsidiary or related  
25 companies to Gawker Media, LLC?



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 Gawker Media Group Incorporated.

3 Q. And any other entity?

4 A. None of the other entities  
5 discussed today.

6 Q. Who else within the broader  
7 Gawker Media family have stock or stock  
8 option rights?

9 A. Gawker --

10 MR. BERLIN: Let me object. This I  
11 think is, A, beyond the notice and, B,  
12 is now venturing into something that's  
13 improper. I'm not sure where we're  
14 headed with this, but this is not  
15 something that is a proper subject of  
16 questioning at this time in this case.

17 MR. MIRELL: Well, this is my last  
18 question in this line so...

19 MR. BERLIN: Well, if you can try  
20 and answer the question, I will try and  
21 afford you some courtesy and latitude.  
22 But I do want to note I want the  
23 question marked as objected to, and you  
24 can answer the question if you can.

25 A. Gawker Media, LLC allows all

1 S. Kidder

2 sex tape, ever been licensed?

3 A. Not to my knowledge, no.

4 Q. Okay. Ms. Pettigrew held  
5 this -- I'm sorry, is there anything else  
6 that Ms. Pettigrew currently does as vice  
7 president of business development for  
8 Gawker Media, LLC?

9 A. Not primarily, no.

10 Q. Now, are there any ancillary  
11 functions that she performs?

12 A. I'm sure. For example, she might  
13 advise Andrew Gorenstein on specific matters  
14 but similar to my position it's impossible to  
15 give an exhaustive job description.

16 Q. And in addition to Mr. Gorenstein  
17 who else reports to Ms. Pettigrew?

18 A. No, Erin reports to Andrew  
19 Gorenstein.

20 Q. Oh, okay.

21 A. Andrew Gorenstein's the chief  
22 revenue officer, one of his direct reports is  
23 Erin Pettigrew.

24 Q. Okay. Before June of 2013 when the  
25 vice president title came into use

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

1                   S. Kidder  
2     describing her involvement with this matter  
3     the, the sentence reads, this witness is  
4     knowledgeable about the fact that Gawker did  
5     not post any advertisements on the web page,  
6     therefore, derived no revenue directly from  
7     publication of the web page and/or the  
8     excerpts.

9                   What I'd like to focus you on in  
10    that sentence is the word "directly" and ask  
11    you whether there is any revenue stream that  
12    resulted to Gawker Media, LLC or to any of  
13    its related entities as a result of the  
14    posting of the Hulk Hogan sex tape video?

15                  A.    There's -- as, as we described in  
16    the interrogatory, there's no direct revenue.  
17    It's impossible to know if there's any  
18    indirect revenue. The various indirect  
19    revenue streams we have generally can't be  
20    measured with that level of granularity.

21                  Q.    Okay. All right. I'd like to  
22    review with you then before we take our lunch  
23    break what indirect revenue streams could  
24    have benefited from the posting of the Hulk  
25    Hogan sex tape video?

1                   S. Kidder  
2           you answer. There is no copyright  
3           infringement claim in this case and,  
4           therefore, this question and any  
5           follow-up questions about copyright  
6           infringement are irrelevant.

7                   The witness, I'm happy to have the  
8           witness try and answer the questions,  
9           but I want to caution counsel that we've  
10          had that, we've had a number of topics  
11          that are not really related to what's  
12          been noticed today. And, you know, when  
13          we get to the end of the day if we're --  
14          you know, we're not through the topics  
15          that we actually need to cover then that  
16          will be the consequence of pursuing  
17          irrelevant lines of questioning. But  
18          having said that, and having tried to  
19          give ample warning of that I'm happy to  
20          have the witness answer any questions  
21          you like.

22           Q.     Okay.

23           A.     You'd have to ask your partner  
24          Charles Harder why he sent it to MarkMonitor.

25           Q.     Well, is the Gawker.com -- let me

1                   S. Kidder  
2 ask you this. Do copyright infringement  
3 claims that are sent to Gawker.com, are those  
4 claims handled by MarkMonitor?

5           A. MarkMonitor is our domain  
6 registrar. We -- on our website we provide  
7 details of how people should submit DMCA  
8 takedown requests. However, sometimes if  
9 they don't like the response they get from us  
10 they try and go down other avenues as well,  
11 such as MarkMonitor. But as MarkMonitor  
12 explains in this e-mail they are merely the  
13 domain registrar and have no real ability to,  
14 to do anything.

15           Q. But in the e-mail at the top of  
16 page 806 MarkMonitor appears to be advising  
17 someone or some department at Blogwire.com of  
18 that fact.

19                   Do you see that?

20           A. Yes.

21           Q. And Blogwire.com is the domain name  
22 for Kinja KFT, correct?

23           A. It's the domain name for what is  
24 now called Kinja KFT, yes.

25           Q. Was it the domain name of Kinja KFT

1 S. Kidder

2 at the time?

3 A. The company was called Blogwire  
4 Hungary still at the time.

5 Q. Okay. And is the reason why  
6 MarkMonitor is advising Kinja KFT of this  
7 claim because Kinja KFT holds the  
8 intellectual property rights including the  
9 copyrights in the works created for  
10 Gawker.com?

11 A. Kinja KFT owns the brands, meaning  
12 the domain names and the intellectual  
13 property. The content itself and the  
14 copyright and the content is owned by  
15 Gawker Media, LLC.

16 Q. Okay. So you -- when we earlier  
17 spoke about this I guess I was not clear and  
18 let me follow-up now. Copyrights in and to  
19 the stories that are posted on Gawker.com  
20 are, are held by whom?

21 A. Gawker Media, LLC.

22 Q. Okay. And is the same true with  
23 respect to all the other Gawker Media  
24 websites?

25 A. Yes.

1 S. Kidder

2 Q. Okay. Does the Gawker.com website  
3 hold any copyrights of its own?

4 A. I'm not sure I understand the  
5 question.

6 Q. Does -- are copyrights registered  
7 under Gawker. -- are any copyrights for  
8 content that appears on Gawker.com registered  
9 under Gawker.com as opposed to the  
10 Gawker Media, LLC?

11 A. I don't believe Gawker.com is an  
12 entity.

13 Q. Is Gawker.com listed as an author  
14 of any articles that have ever been  
15 registered with the copyright office by  
16 Gawker Media, LLC?

17 A. I personally am not aware of any  
18 articles appearing on Gawker.com that have  
19 ever been registered with the copyright  
20 office.

21 Q. Okay. In any event, though, Kinja  
22 KFT does not today hold any, hold the  
23 copyright to any content that has appeared on  
24 any Gawker Media websites?

25 A. That's correct.

1 S. Kidder

2 MR. BERLIN: Can I just interject  
3 so that there's -- for clarity. I  
4 understood the witness to say that the  
5 trademarks are owned by Kinja KFT,  
6 obviously to the extent that a  
7 trademark, for example, in Gawker.com is  
8 owned by Kinja KFT that trademark does  
9 appear on the Gawker.com website. I  
10 don't think that was your question. I  
11 think your question was about the  
12 stories --

13 MR. MIRELL: Yes, correct.

14 MR. BERLIN: -- and photos and the  
15 videos.

16 MR. MIRELL: Correct.

17 MR. BERLIN: But I just want, I  
18 don't want there to be -- it's -- I  
19 don't think you're trying to  
20 intentionally try and trip up the  
21 witness --

22 MR. MIRELL: I am not.

23 MR. BERLIN: -- with legal  
24 concepts, but I just wanted to make sure  
25 we're all on the same page.