

CONFIDENTIAL
EXHIBIT 114-C

to the

**SUPPLEMENTAL CONFIDENTIAL AFFIDAVIT OF RACHEL E. FUGATE IN
SUPPORT OF THE PUBLISHER DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

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** CONFIDENTIAL - ATTORNEYS' EYES ONLY **
IN THE CIRCUIT COURT OF THE
SIXTH JUDICIAL CIRCUIT IN
AND FOR PINELLAS COUNTY, FLORIDA

-----X

TERRY GENE BOLLEA, Professionally
Known as HULK HOGAN,

Plaintiff,

-against-

Case No.

12012447-CI-011

HEATHER CLEM, GAWKER MEDIA, LLC
a/k/a GAWKER MEDIA, et al.,

Defendants.

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DEPOSITION OF
TONY BURTON
March 2, 2015
3:04 p.m.

Reported by:
Francine Sky, C.S.R.

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March 2, 2015

3:04 p.m.

Deposition of TONY BURTON, taken by Defendants,
pursuant to Subpoena, before Judge James R. Case,
Senior Circuit Judge, Sixth Judicial Circuit,
Florida, held at the offices of Levine Sullivan
Koch & Schulz, LLP, 321 West 44th Street, Suite
1000, New York, New York, before Francine Sky, a
Certified Shorthand Reporter and Notary Public
within and for the State of New Jersey.

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

HARDER MIRELL & ABRAMS, LLP
Attorneys for Plaintiff
1925 Century Park East
Los Angeles, California 90067
By: CHARLES HARDER, ESQ.

LEVINE SULLIVAN KOCH & SCHULZ, LLP
Attorneys for Defendants Gawker Media,
A.J. Daulerio and Nick Denton
1760 Market Street
Suite 1001
Philadelphia, Pennsylvania 19103
By: MICHAEL BERRY, ESQ.
PAUL J. SAFIER, ESQ.

DON BUCHWALD & ASSOCIATES, INC.
For the Witness
10 East 44th Street
New York, New York 10017
By: RICHARD BASCH,
Executive Vice President Business
Affairs

Also Present:

ERIC WINCHEL,
Don Buchwald & Associates, Inc.,
Broadcast Agent and Business Affairs
DEVERELL WRITE,
Videographer, Veritext Legal Solutions

1 Burton - Confidential - Attorneys' Eyes Only

2 Q. What do you do for these folks as
3 their agent?

4 A. We look for jobs for them and we take
5 care of the contracts and do the negotiation of
6 the deal, and that's where the primary part of
7 the job comes in. The day in, day out part of
8 the job. Even once the deal is closed, we talk
9 to all of our clients on a daily or weekly basis
10 and really manage them and work with them.

11 Q. To help them in their career?

12 A. Yeah.

13 Q. Did there come a time when you
14 contacted A.J. Daulerio about a Hulk Hogan sex
15 tape?

16 A. I contacted A.J. Daulerio, yes.

17 Q. Do you recall generally when that
18 was?

19 A. It was roughly two years ago.

20 Q. The fall of 2012?

21 A. I think that's right.

22 Q. At that time Mr. Daulerio worked at
23 Gawker, correct?

24 A. Correct.

25 Q. Prior to the time that you contacted

1 Burton - Confidential - Attorneys' Eyes Only
2 Mr. Daulerio, were you aware of media reports
3 about a Hulk Hogan sex tape?

4 A. I don't recall what I was aware of,
5 you know, from reports.

6 Q. Do you recall seeing news reports
7 about a Hulk Hogan sex tape prior to getting in
8 touch with Mr. Daulerio?

9 MR. HARDER: Asked and answered.

10 A. No.

11 Q. I'm going to show you a document that
12 we'll mark as Exhibit 134.

13 (Deposition Exhibit 134, e-mail of
14 Thursday, September 27th at 2:36 p.m. from
15 Mr. Burton to A.J. Daulerio, was so marked
16 for identification, as of this date.)

17 Q. Do you recognize this document?

18 A. I do.

19 Q. What is it?

20 A. It's an e-mail I sent to A.J.
21 Daulerio.

22 Q. It was an e-mail sent on Thursday,
23 September 27th at 2:36 p.m.

24 A. A-ha. Correct.

25 Q. Can you please read just the text of

1 Burton - Confidential - Attorneys' Eyes Only
2 the e-mail.

3 A. "Hi A.J. I have a client that has a
4 very significant DVD they want to send to you but
5 they're asking to mail it to you for anonymity
6 purposes. Can you provide me with an address or
7 P.O. box that you can send me."

8 Q. What was the DVD?

9 A. At the time I didn't know exactly
10 what the DVD was.

11 Q. But you knew it was significant?

12 A. I was told it was significant, yes.

13 Q. Who was your client?

14 A. Mike Calta.

15 Q. Who is Mike Calta?

16 A. A radio personality in Tampa,
17 Florida.

18 Q. And he works on The Bone?

19 A. He works 102.5, The Bone.

20 Q. Did your client actually have the DVD
21 to send to Mr. Daulerio?

22 A. No.

23 Q. Who had the DVD?

24 A. I don't know who had it. I know from
25 my client that he did not and someone was

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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, FRANCINE SKY, a Certified Shorthand Reporter and Notary Public within and for the State of New Jersey, do hereby certify:

That TONY BURTON, the witness whose deposition is hereinbefore set forth, was sworn and that such deposition is a true record of the testimony given by such 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 6th day of March, 2015.



Francine Sky