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

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ALSO PRESENT:

ANDREW RITCHIE, Videographer

HEATHER L. DIETRICK, Counsel, Gawker Media

1                   S. Kidder  
2 viewed basis not, say, a click basis,  
3 correct.

4           Q.    Okay. Does Gawker Media receive  
5 any revenue in addition to the revenue it  
6 received, it receives from a view when an  
7 individual clicks on to a specific ad that  
8 appears on that web page?

9           A.    Generally not. There's some ways  
10 that we generate revenue. For example, the  
11 commerce example I gave earlier where if you  
12 buy a product through a site we might get a  
13 percentage of that. Sometimes we display  
14 house ads that we're not -- no one pays us  
15 for it on an impression basis, but we make  
16 money if we, if we click or if the reader  
17 clicks, but generally with direct display  
18 advertising sold by our ad sales team to  
19 advertisers there's no additional revenue  
20 received for, for a click. Excuse me.

21           Q.    How do house -- how does someone  
22 clicking onto a house ad result in revenue to  
23 Gawker Media?

24           A.    Well, if the house ad is, say for a  
25 product that we'd like you to purchase

1 S. Kidder  
2 through Amazon.com, we won't receive revenue  
3 merely for clicking on the ad, but we will  
4 receive should you ultimately make the  
5 purchase at Amazon.com, for example.

6 Q. Gawker Media maintains a lot of  
7 information about how its viewers, readers  
8 behave. You indicated in your initial answer  
9 to this series of questions, though, that you  
10 did not maintain records with sufficient  
11 granularity to permit you to quantify, I  
12 suspect, the ways in which Gawker might have  
13 obtained revenue from the appearance of the  
14 Hulk Hogan sex tape video; is that accurate?

15 A. Yes.

16 Q. Is there, is there no resource that  
17 could be tapped to identify how many  
18 individuals who viewed the Hulk Hogan sex  
19 tape video in its original iteration clicked  
20 from that page to another page within  
21 Gawker Media?

22 A. No.

23 Q. That information does not exist at  
24 all?

25 A. We undertook a review of the

1 S. Kidder

2 various analytic systems, both internal and  
3 external, that we use as part of the  
4 discovery process and we, we produced,  
5 produced what was possible but that was not  
6 able -- that was not something we were able  
7 to ascertain.

8 Q. Okay. Has there never been a  
9 need -- well, is it impossible to obtain that  
10 information, or is it -- or has the  
11 technology simply not been employed in order  
12 to ascertain that?

13 A. We again, between our internal and  
14 external analytics systems, we don't record  
15 the data that would permit us to make that  
16 finding.

17 Q. Are you aware of whether that is a  
18 common practice within the internet industry,  
19 whether, and by that I mean the ability  
20 to -- the inability to ascertain whether a  
21 particular reader of a web page has clicked  
22 onto another web page of the same, on the  
23 same site?

24 MR. BERLIN: Let me object to that,  
25 given that the witness is here

1 S. Kidder

2 testifying about what Gawker Media  
3 knows, not what common practice is other  
4 places. But you can answer if you can.

5 A. We use many of the same analytics  
6 programs that many other websites do such as  
7 Google Analytics, and I'm not aware of any  
8 way to track that information.

9 Q. All right. So sitting here today,  
10 then, there's no way for you or us to know  
11 whether or how many individuals may have  
12 clicked from the Hulk Hogan sex tape web  
13 page onto another page within the  
14 Gawker Media family?

15 A. That's correct.

16 Q. And the same is true with respect  
17 to -- and there's no distinction that you are  
18 drawing between the inability to know that  
19 information vis-a-vis a click from the  
20 Hulk Hogan web page to another web  
21 page within Gawker.com, correct?

22 A. No, I'm not, I'm not drawing any  
23 distinction. Are you asking Gawker.com as  
24 opposed to another Gawker Media site?

25 Q. As opposed to, yeah, any of the



1 S. Kidder

2 other sites that we talked about earlier?

3 A. No, that's not a distinction I'm  
4 making.

5 Q. All right. But you do understand,  
6 and it is true, that from the Gawker.com  
7 web page that included the Hulk Hogan sex  
8 tape video one could have clicked not only to  
9 any of the subsites of the Gawker.com but  
10 could also have clicked to any of the other  
11 sites that are controlled by Gawker Media,  
12 correct?

13 A. Yes. That's the exhibit we  
14 reviewed earlier, there's that function  
15 there, I think the design was different in  
16 20 -- in 2012 but, yes, there's always been  
17 other content that one can get to from any  
18 specific story.

19 Q. Okay, great.

20 MR. MIRELL: Now might be an  
21 appropriate time to break if you'd like.

22 MR. BERLIN: Why don't we go off  
23 the record and figure out what our  
24 schedule will be.

25 THE VIDEOGRAPHER: The time now is

1 S. Kidder

2 12:40 p.m. Going off the record.

3 (Recess taken 12:40 p.m. until  
4 12:46 p.m.)

5 THE VIDEOGRAPHER: The time now is  
6 12:46 p.m. We're back on the record.

7 Q. Mr. Kidder, you understand you are  
8 still under oath, correct?

9 A. Yes.

10 Q. In October of 2012 did the  
11 employees of Gawker.com received -- strike  
12 that.

13 In October of 2012 were the  
14 employees of Gawker.com entitled to receive  
15 bonus payments based upon a traffic to the  
16 Gawker.com website?

17 A. Yes.

18 Q. Who was eligible to receive such  
19 payments in October 2012?

20 A. Bonus payments or the distribution  
21 of the site bonus pool was at the discretion  
22 of the site's editor in chief, all editorial  
23 employees and free-lancers are eligible.

24 Q. Would that have included Kate  
25 Bennert at the time?

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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*

TONI ALLEGRUCCI