

EXHIBIT 10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S. Kidder
identified in schedule A to your notices
of deposition, including the operative
second amended notice, and having
memorialized that objection the witness
can answer the question, if he can.
A. Okay. The editor of Gawker.com is
current -- the editor in chief of Gawker.com
is currently John Cook.
Q. C-o-o-k?
A. Yes. Nothing after. The editor in
chief of Gizmodo.com is currently
Jeff Manaugh, M-a-n-a-u-g-h.
Q. Okay.
A. The editor in chief of
Lifehacker.com is currently Witson Gordon?
Q. W-i-t-s?
A. O-n.
Q. And Gordon as in commissioner?
A. I'm not sure the exact spelling of
his last name.
Q. Okay.
A. The editor in chief of io9.com is
currently Annalee Newitz.
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

MR. MIRELL: Well --

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

MR. MIRELL: Well, let's, let's,
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S. Kidder
Gawker Media Group Incorporated.
Q. And any other entity?
A. None of the other entities
discussed today.
Q. Who else within the broader
Gawker Media family have stock or stock
option rights?
A. Gawker --
MR. BERLIN: Let me object. This I
think is, A, beyond the notice and, B,
is now venturing into something that's
improper. I'm not sure where we're
headed with this, but this is not
something that is a proper subject of
questioning at this time in this case.
MR. MIRELL: Well, this is my last
question in this line so...
MR. BERLIN: Well, if you can try
and answer the question, I will try and
afford you some courtesy and latitude.
But I do want to note I want the
question marked as objected to, and you
can answer the question if you can.
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S. Kidder

Ms. Pettigrew was employed by Gawker Media?

A. Yes.

Q. What was her title at that time?

A. Executive director of business development.

Q. And how long did she hold that title?

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

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

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. He oversees all the engineers and 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

Q. Okay.

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

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.