

# **EXHIBIT 36**

Page 1

1

2 IN THE CIRCUIT COURT OF THE

3 SIXTH JUDICIAL CIRCUIT

4 IN AND FOR PINELLAS COUNTY, FLORIDA

5 Case No. 12012447CI-011  
 -----)  
 6 TERRY GENE BOLLEA professionally  
 known as HULK HOGAN,  
 7  
 Plaintiff,  
 8  
 vs.  
 9

10 HEATHER CLEM, GAWKER MEDIA, LLC a/k/a  
 GAWKER MEDIA, GAWKER MEDIA GROUP, INC.  
 11 a/k/a GAWKER MEDIA, GAWKER ENTERTAINMENT,  
 LLC, GAWKER TECHNOLOGY, LLC, GAWKER SALES,  
 12 LLC, NICK DENTON, A.J. DAULERIO,  
 KATE BENNETT and BLOGWIRE HUNGARY SZELLEMI  
 13 ALKOTAST HASZNOSITO KFT a/k/a GAWKER MEDIA,  
 14  
 Defendants.  
 -----)

15

16 CONFIDENTIAL PORTION INCLUDED

17

18 VIDEOTAPED DEPOSITION OF

19 ALBERT JAMES DAULERIO

20 New York, New York

21 Monday, September 30, 2013

22

23

24 Reported by:  
 Toni Allegrucci  
 25 JOB NO. 337256

Page 2

1

2 September 30, 2013

3 10:58 a.m.

4

5 Videotaped Deposition of

6 ALBERT JAMES DAULERIO, held at the

7 offices of Esquire Deposition Solutions,

8 1384 Broadway, New York, New York 10018,

9 pursuant to Notice, before

10 Toni Allegrucci, a Notary Public of the

11 State of New York.

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Page 3

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

3

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19 BY: ALIA L. SMITH, ESQ.

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21

22

23 ALSO PRESENT:

24 ANDREW RITCHIE, Videographer

25 HEATHER L. DIETRICK, Counsel, Gawker Media

Page 4

1

2 THE VIDEOGRAPHER: This is tape

3 No. 1 to the videotaped deposition of

4 A.J. Daulerio being taken in the matter

5 of Terry Gene Bollea professionally

6 known as Hulk Hogan versus Heather Clem

7 and Gawker Media LLC, et al., being

8 heard in the Circuit Court of the sixth

9 judicial circuit in and for Pinellas

10 County in Florida,

11 Case No. 12012447CI-011.

12 This deposition is being held at

13 the offices of Esquire, 1384 Broadway,

14 New York, New York on September 30,

15 2013. The time is approximately 10:58

16 a.m. My name is Andrew Ritchie and I'm

17 the videographer. The court reporter is

18 Toni Allegrucci.

19 Counsel, will you please state your

20 affiliations and the witness will be

21 sworn.

22 MR. MIRELL: Douglas Mirell,

23 M-i-r-e-l-l of Harder Mirell & Abrams,

24 LLP, for the plaintiff.

25 MR. BERLIN: Seth Berlin,

Page 181

1 A.J. Daulerio  
2 Q. In reference to stories posted on  
3 the internet?  
4 A. Not specifically, no.  
5 Q. Okay. Well, let's put it this way.  
6 What would be the opposite of an NSFW story,  
7 would you have a term for it or have you ever  
8 coined or used a term for it?  
9 A. Not to my knowledge.  
10 Q. Was any consideration ever given to  
11 running a story about the Hulk Hogan sex tape  
12 without using any of the video footage?  
13 MR. BERLIN: Objection.  
14 You can answer.  
15 A. Without any of the video footage?  
16 Q. Correct?  
17 A. Not to my knowledge.  
18 Q. Why not?  
19 A. Just first time writing about the  
20 story was when we received the tape so the  
21 tape was actually part of the story.  
22 Q. That's what made the story an  
23 exclusive for you, right?  
24 A. Yes.  
25 Q. And nobody had aired the tape

Page 182

1 A.J. Daulerio  
2 itself before your story, correct?  
3 A. Not to my knowledge.  
4 Q. And so what you wanted to do is to  
5 run the NSFW footage, that was the whole  
6 point of the story, correct?  
7 MR. BERLIN: Objection.  
8 You can go ahead and answer.  
9 A. Okay. No, the whole point of the  
10 story was to, A, prove its existence and, B,  
11 for me to commentate on what I witnessed of  
12 that tape.  
13 Q. But you never considered running a  
14 story with just your commentary?  
15 MR. BERLIN: Objection, asked and  
16 answered.  
17 You can answer.  
18 A. The story as it pertains to this  
19 tape, no.  
20 Q. Okay. And if you had done that the  
21 number of page views and unique visitors  
22 would have been far less than what it  
23 actually was, correct?  
24 MR. BERLIN: Objection, calls for  
25 speculation. You can answer if you can.

Page 183

1 A.J. Daulerio  
2 A. I can speculate and probably say  
3 yes.  
4 Q. Okay. You'd get ignored basically,  
5 right, if that's all you did if it was just  
6 your commentary on the tape?  
7 MR. BERLIN: Objection, same  
8 objection. You can answer.  
9 A. No, I thought my commentary was  
10 very good.  
11 Q. Not commenting on the quality of  
12 the commentary, just commenting on how  
13 readers would have reacted if you had not  
14 posted the actual excerpts from the video  
15 that you actually did?  
16 MR. BERLIN: Same objection.  
17 You can answer the question.  
18 A. So probably would have been less.  
19 Q. Significantly less, right?  
20 MR. BERLIN: Same objection.  
21 You can answer the question.  
22 A. I would hope not.  
23 Q. What do you expect?  
24 A. I don't know, a little less.  
25 Q. Okay. You understood when you

Page 184

1 A.J. Daulerio  
2 watched the video that it was recorded from a  
3 hidden camera, correct?  
4 A. Yes.  
5 Q. And you never saw any footage where  
6 Hulk Hogan acknowledged that the camera was  
7 there or that the session was being taped,  
8 correct?  
9 A. Where he directly stated that, that  
10 fact, no, I did not.  
11 Q. And you've never seen any evidence  
12 that he knew at the time that the encounter  
13 was being taped?  
14 MR. BERLIN: Objection to the  
15 extent it calls for him to speculate  
16 what he knew, but you can answer the  
17 question.  
18 A. At the time of it being taped, no.  
19 But I did know that after I had received the  
20 tape that he knew of its existence and where  
21 he was staying at the time when it was taped.  
22 Q. Okay. Have you ever seen any  
23 evidence that Hulk Hogan knew at the time of  
24 the encounter that that encounter was being  
25 videotaped?

Page 185

1 A.J. Daulerio  
2 A. No.  
3 Q. Did you ever take any steps to  
4 determine if a camera was visible to him or  
5 to anyone else in the room?  
6 A. Well, I did take steps to the  
7 location where it was taped and whether or  
8 not that location was known to be, known to  
9 have security cameras or cameras for that  
10 matter.  
11 Q. All right. And what did you learn  
12 in that regard?  
13 A. That it seemed to be something that  
14 Bubba the Love Sponge had discussed actively  
15 on his radio show that he was a big fan of  
16 having his rooms wired with cameras.  
17 Q. Did you become aware of that before  
18 or after this story was published?  
19 A. I can't recall exactly when.  
20 Q. Do you have a specific recollection  
21 of knowing that fact at the -- prior to the  
22 publication of the story on the 4 of  
23 October 2012?  
24 MR. BERLIN: Objection, sorry,  
25 objection, asked and answered.

Page 186

1 A.J. Daulerio  
2 You can answer.  
3 A. No.  
4 Q. Did you take any steps to determine  
5 whether even if Hulk Hogan was aware of the  
6 camera that he knew it was operating and that  
7 there would be a video generated from it?  
8 MR. BERLIN: Objection to the  
9 extent that it calls for what Hulk Hogan  
10 knew or didn't know. You can answer the  
11 question if you can.  
12 A. I'm sorry, can you repeat the  
13 question?  
14 MR. MIRELL: Sure. Do you want to  
15 read it back.  
16 (Record read.)  
17 A. Prior to publishing?  
18 Q. Yes.  
19 A. No.  
20 Q. Is it your experience that if you  
21 have sex in a place where security cameras  
22 are located that those tapes somehow have a  
23 tendency to become public?  
24 MR. BERLIN: Objection, calls for  
25 all sorts of speculation, but you can go

Page 187

1 A.J. Daulerio  
2 ahead and answer that.  
3 A. Right. Me personally?  
4 Q. Yes.  
5 A. Oh, yes.  
6 Q. Is it your expectation that anyone  
7 who has sex in a place with a security camera  
8 automatically consents to release of a tape  
9 that's generated from that security camera?  
10 MR. BERLIN: Objection.  
11 You can answer.  
12 A. Well, I mean I have opinion on that  
13 when people have sex in public places where  
14 there are security cameras, or private for  
15 that matter, where there are security cameras  
16 and they are public figures that it is a good  
17 opportunity that that will get out publicly.  
18 Q. Is it your view that people in  
19 consent -- those who are videotaped in a  
20 location where security cameras exist that  
21 they have by being in that room consented to  
22 the publication of, of the video?  
23 MR. BERLIN: Objection. You can  
24 answer the question if you can.  
25 A. Yeah, I don't know if consent is

Page 188

1 A.J. Daulerio  
2 the right word, but I'm sure there is a risk  
3 involved.  
4 Q. Was there a reason why you asked  
5 Kate Bennert to edit the video given how new  
6 an employee she was?  
7 A. Was there a reason?  
8 Q. Yes.  
9 A. She was our video editor.  
10 Q. Okay. There was nobody else who  
11 was, who had the ability to do what you  
12 needed her to do?  
13 A. Well, she worked for our site so  
14 that was part of her job was to edit videos  
15 of this nature and of many other natures.  
16 Q. In your response, in the response  
17 to interrogatory No. 5 turning to Exhibit 6,  
18 page number No. 8.  
19 A. Exhibit 6, page what?  
20 Q. It's page 8.  
21 A. Okay.  
22 Q. The response, part of the response  
23 reads, and I'm reading from the last sentence  
24 of item No. 2 on that page, the editing of  
25 the video was deliberately designed to create

Page 193

1 A.J. Daulerio  
2 A. Not particularly, no.  
3 Q. You didn't think that that aspect  
4 of your story and of the excerpts that you  
5 helped create were going to drive traffic  
6 from other sites to Gawker.com?  
7 MR. BERLIN: Objection.  
8 You can answer.  
9 A. I didn't, I didn't take that as one  
10 particular part that would absolutely drive  
11 traffic to Gawker.com. No, I thought the  
12 story as a whole and the tape and consistency  
13 with that story, that was.  
14 Q. Do you know whether there are other  
15 websites that in fact talked about that  
16 aspect of your story?  
17 A. Not offhand, I don't.  
18 Q. Take a look at document we'll mark  
19 as Exhibit 14.  
20 (Exhibit 14, document, marked for  
21 identification, as of this date.)  
22 Q. Mr. Daulerio, this is a single  
23 page document Gawker 146. Do you recognize  
24 this document?  
25 A. No.

Page 194

1 A.J. Daulerio  
2 Q. Do you recall ever seeing a TMZ  
3 story in or about October the 6 of 2012?  
4 A. No.  
5 Q. Discussing the Hulk Hogan sex tape?  
6 A. No.  
7 Q. In editing the tape down from  
8 3 minutes to 1 minute 41 seconds you could  
9 have edited out all the explicit footage,  
10 could you not?  
11 A. Yes.  
12 Q. And the decision not to do that,  
13 was that your decision solely?  
14 A. Yes, for the most part. I mean, I  
15 did have a discussions with Gawker's legal  
16 team.  
17 MR. MIRELL: And any, any question  
18 that I would ask the witness about what  
19 was said by the legal team to him or  
20 that he said to that legal team you  
21 would object to and instruct?  
22 MR. BERLIN: Yes.  
23 Q. Okay. And you would take that  
24 instruction?  
25 A. Yes.

Page 195

1 A.J. Daulerio  
2 Q. Was the news hook here with respect  
3 to this story, the Hulk Hogan sex tape story,  
4 was the true news hook that Hogan was taped  
5 having sex with his best friend's wife?  
6 A. I wouldn't say that was  
7 particularly the true news hook.  
8 Q. What was the news hook?  
9 A. The news hook was essentially what  
10 I stated in the headline itself which was my  
11 own personal commentary about the Hulk Hogan  
12 sex tape that was in existence and me  
13 watching it.  
14 Q. With respect to the story and its  
15 news value, does it matter what position Hulk  
16 and Heather, Hulk Hogan and Heather Clem were  
17 having sex in?  
18 A. In terms of its news value?  
19 Q. Yes.  
20 A. I don't think so.  
21 Q. Does it matter what his penis  
22 looked like?  
23 A. In terms of news value?  
24 Q. Yes.  
25 A. I don't think so.

Page 196

1 A.J. Daulerio  
2 Q. Would it have been any more or less  
3 of a story if he had been on top of her  
4 instead of her being on top of him?  
5 A. Not, not, not to me.  
6 Q. And would it have been any more or  
7 less of a story if his penis had been other  
8 than what it appeared to be?  
9 A. Not to me.  
10 Q. So then can you tell me what the  
11 news value was, if any, of showing any  
12 explicit footage?  
13 MR. BERLIN: Asked and answered.  
14 You can answer.  
15 A. Yeah. As I stated before, I mean,  
16 it was the, the excerpts were picked more for  
17 length and duration and kind of to basically  
18 coincide with the commentary I was offering  
19 about the tape and to show some of the things  
20 that I had pinpointed as stuff that I was  
21 interested in discussing.  
22 Q. Did you have concerns that readers  
23 wouldn't believe your description of the sex  
24 tape without seeing the actual video?  
25 A. I don't know if it was necessarily

Page 205

1 A.J. Daulerio  
2 A. That was never a concern of mine,  
3 no.  
4 Q. Would that have been disappointing  
5 to you if someone did do that before you  
6 published your story?  
7 A. At the time, no, it would not have  
8 been disappointing to me.  
9 Q. Would it have been economically  
10 damaging to Gawker if that had occurred?  
11 A. Not at all.  
12 Q. Why not?  
13 A. Because there are plenty of other  
14 stories that have done, you know, better or  
15 worse throughout that time period and this  
16 was not something I was publishing for the  
17 sake of the economics of Gawker.  
18 Q. Does Gawker have any written  
19 policies concerning confirmation of stories  
20 prior to publication?  
21 A. Not to my knowledge.  
22 Q. Trying not to be duplicative here  
23 so give me just a moment.  
24 You were aware prior to the posting  
25 of your story on October 4, 2012 that still

Page 206

1 A.J. Daulerio  
2 photos from the sex tape had previously been  
3 published on other websites, correct?  
4 A. Yes, but I assumed at the time were  
5 of that tape. Yes.  
6 Q. So there was not a question then as  
7 of October 2012 that a sex tape existed,  
8 correct?  
9 A. Correct.  
10 Q. And so the existence of the tape  
11 then was not news as of that date?  
12 A. Correct.  
13 Q. And, Mr. Daulerio, if someone  
14 published a secretly recorded video of you  
15 having sex would you be embarrassed?  
16 A. Briefly.  
17 Q. Why would you be embarrassed and  
18 why only briefly?  
19 A. I don't know. It depends on what  
20 was shown on the sex tape I guess.  
21 Q. Why, what would cause you to be  
22 embarrassed?  
23 A. In the hypothetical sex tape?  
24 Q. Um-hm.  
25 A. I don't know. If something went

Page 207

1 A.J. Daulerio  
2 horribly wrong during such sex tape.  
3 Q. Okay. Would you be distressed by  
4 the publication of a sex tape even if  
5 everything went, right?  
6 A. No.  
7 Q. It wouldn't upset you in any way to  
8 have your, to have your sexual encounters  
9 appear on the internet?  
10 A. I somewhat expect that to happen at  
11 some point.  
12 Q. And that would not be upsetting or  
13 distressing to you in any way?  
14 A. Not probably as much as other  
15 people who would be in a similar situation,  
16 no.  
17 Q. Did you give any consideration  
18 prior to October 4, 2012 as to whether  
19 publishing the Hulk Hogan sex tape would  
20 distress Hulk Hogan?  
21 A. No.  
22 Q. You didn't care really, did you?  
23 A. No.  
24 MR. BERLIN: Objection.  
25 You can answer the question.

Page 208

1 A.J. Daulerio  
2 A. No.  
3 Q. Okay. Had you known that  
4 Hulk Hogan would be emotionally distressed by  
5 this publication you would have still  
6 published it, correct?  
7 MR. BERLIN: Objection.  
8 You can answer the question.  
9 A. Sure, yes.  
10 Q. So it's fair to say that whether he  
11 suffered emotional distress or not that  
12 played no part in your decision about whether  
13 and what to publish?  
14 A. Correct.  
15 Q. Is it your view that any celebrity  
16 sex tape is newsworthy?  
17 A. No.  
18 Q. What sort of celebrity sex tapes  
19 would not be newsworthy?  
20 A. I couldn't say specifically.  
21 Q. Well, can you imagine a situation  
22 where a celebrity sex tape would not be  
23 newsworthy?  
24 MR. BERLIN: Objection, calls for  
25 speculation, but you can answer.

Page 209

1 A.J. Daulerio  
2 A. If they were a child.  
3 Q. Under what age?  
4 A. Four.  
5 Q. No four-year-old sex tapes, okay.  
6 Let me ask you about this. What about a  
7 celebrity who says, look, I cheat on my wife  
8 all the time, there are lots of sex tapes of  
9 me out there, would that be newsworthy?  
10 A. It depends on the celebrity again.  
11 Q. Okay. So which celebrities, for  
12 which celebrities would it be newsworthy  
13 and/or what kinds of celebrities would it be  
14 newsworthy for and what would it not be  
15 newsworthy for?  
16 MR. BERLIN: Objection, calls for  
17 speculation, but you can answer if you  
18 can.  
19 A. Yeah, I really can't answer  
20 specifically. It would be on a  
21 story-by-story basis just like everything  
22 else, it's either newsworthy or not.  
23 Q. Let's run through a couple of  
24 hypotheticals here. What if it was a  
25 celebrity sex tape featuring Hulk Hogan and

Page 210

1 A.J. Daulerio  
2 his wife Linda, would that have been  
3 newsworthy?  
4 MR. BERLIN: Objection, calls for  
5 speculation. You can answer.  
6 A. So if I were editor of Gawker at  
7 the time --  
8 Q. Sure.  
9 A. -- and a sex tape of Hulk and his  
10 wife Linda?  
11 Q. Yes.  
12 A. Ex-wife Linda. I guess, yeah, I  
13 don't know. But I don't know, not sure.  
14 Q. Does it matter if the celebrity is  
15 cheating?  
16 A. No, not necessarily.  
17 Q. Does it matter if the celebrity is  
18 a hypocrite?  
19 A. I mean, I think that is in some way  
20 makes it a little more newsworthy, sure.  
21 Q. Well, what about a Miley -- what  
22 about this name, Miley Cyrus sex tape with a  
23 boyfriend, would that be newsworthy?  
24 MR. BERLIN: Objection, calls for  
25 speculation. You can answer it.

Page 211

1 A.J. Daulerio  
2 A. Was she under four at the time of  
3 the sex tape?  
4 Q. No, her current today. Assume,  
5 assume that this was a sex tape taken last  
6 night and you are still editor of, editor in  
7 chief of Gawker?  
8 MR. BERLIN: Objection, calls for  
9 speculation. Go ahead and answer if you  
10 can.  
11 A. I would review the tape and then  
12 judge it accordingly based on what was on the  
13 tape, if whether or not it was newsworthy.  
14 Q. What would, what would be the  
15 criteria you would use to determine whether  
16 it was newsworthy or not?  
17 A. I've --  
18 MR. BERLIN: Let me just object.  
19 Objection. This is a whole line of  
20 hypothetical questions that are calling  
21 for speculation, but you may answer.  
22 MR. MIRELL: I'll give you a  
23 standing objection if you like for this  
24 line.  
25 MR. BERLIN: I'm going to listen

Page 212

1 A.J. Daulerio  
2 carefully to the question.  
3 MR. MIRELL: Okay, that's fine.  
4 MR. BERLIN: If it's okay with you  
5 I'll just note the objections for the  
6 record.  
7 MR. MIRELL: Perfect.  
8 A. If it was, so if I got a sex  
9 tape --  
10 Q. Somebody sent you a brown paper  
11 envelope with a DVD of Miley Cyrus having sex  
12 with her boyfriend last night?  
13 A. With her current boyfriend or her  
14 ex-boyfriend?  
15 Q. Either.  
16 A. Both at the same time?  
17 Q. How about her current boyfriend?  
18 A. Her current boyfriend who is the  
19 producer guy or the Liam Hemsworth?  
20 Q. Pick your celebrity.  
21 A. Well, obviously it depends on which  
22 person it is.  
23 Q. Under what circumstances would it  
24 be newsworthy and what circumstances wouldn't  
25 it be?

Page 221

1 A.J. Daulerio  
2 Q. Okay. If you had known for a fact  
3 prior to the publication of your story that  
4 Hulk Hogan was taped without his knowledge  
5 and would never have authorized it, you would  
6 have still published the tape, correct?  
7 MR. BERLIN: Objection.  
8 You can answer the question.  
9 A. If I had direct knowledge from  
10 Hulk Hogan that he was taped without his  
11 consent?  
12 Q. If you knew for a fact that he was  
13 secretly taped and would not have authorized  
14 that, you would still have published the  
15 tape, would you not?  
16 A. Yes.  
17 Q. Okay. Let me ask you to take a  
18 look at a document we'll have the reporter  
19 mark as Exhibit 15.  
20 (Exhibit 15, document, marked for  
21 identification, as of this date.)  
22 Q. This is a single page document  
23 bearing Bates number Gawker 216. Do you  
24 recognize this document, Mr. Daulerio?  
25 A. Yes.

Page 222

1 A.J. Daulerio  
2 Q. Why was the sexy talk, in  
3 particular "Bubba fucked the shit out of me  
4 today," why was that important to the story?  
5 A. Why was that important to what  
6 story?  
7 Q. To your story.  
8 A. Isn't this in regards to another  
9 story that wasn't run though?  
10 Q. Is it?  
11 A. I believe so.  
12 Q. Okay.  
13 A. It's dated 10/23.  
14 Q. All right. So this was  
15 another -- what was this story about then? I  
16 may have missed the boat on this.  
17 Do you recall?  
18 A. I recall that there was a lot of  
19 interest in the original post, and we were  
20 debating whether or not to do a follow-up and  
21 if there were anything else that we could  
22 take from the tape to run on our site.  
23 Q. Okay. And was the determination  
24 ultimately made that you either would or  
25 would not do that?

Page 223

1 A.J. Daulerio  
2 A. Yeah, I think it was would not do  
3 that.  
4 Q. And when was that determination  
5 finally reached?  
6 A. Probably soon after these e-mails  
7 were sent.  
8 Q. Okay. And who was involved in that  
9 discussion?  
10 A. Probably the parties on this e-mail  
11 chain, but mostly myself and Emma.  
12 Q. And was there a disagreement among  
13 you about whether there should be a sequel?  
14 A. Not that I recall.  
15 Q. You both ultimately agreed that  
16 there should not be?  
17 A. I don't think it was whether or not  
18 it was about a sequel, it was whether we were  
19 willing to put effort into publishing another  
20 story of this nature, since by this point  
21 many other people were talking about it and  
22 it was something all of us wanted to kind of  
23 move past story-wise.  
24 Q. But you were still the only outlet  
25 that you were aware of that had the actual

Page 224

1 A.J. Daulerio  
2 DVD?  
3 A. Yeah.  
4 Q. Prior to publication of the  
5 excerpts of the video on Gawker.com are you  
6 aware of any public statement by Hulk Hogan  
7 discussing the shape of his penis?  
8 A. No.  
9 Q. Or the size of his penis?  
10 A. No.  
11 Q. Are you aware of any public  
12 statements by Hulk Hogan prior to publication  
13 of your story about sounds he makes when he  
14 is climaxing?  
15 A. No.  
16 Q. Are you aware of any public  
17 statements Hulk Hogan has ever made about the  
18 sexual positions that he engages in?  
19 A. No.  
20 Q. And you believed that all of those  
21 things were part of and parcel of the  
22 exclusive story that you had?  
23 A. That made it more, are you saying  
24 that those items made it more exclusive?  
25 Q. Yeah.



Page 253

1 A.J. Daulerio  
 2 MR. MIRELL: I concur in full with  
 3 that.  
 4 Thank you for your time,  
 5 Mr. Daulerio.  
 6 THE WITNESS: Thank you.  
 7 THE VIDEOGRAPHER: The time now is  
 8 5:53 p.m. This marks the end of tape  
 9 No. 5. Going off the record.  
 10 -o0o-  
 11  
 12 (Whereupon, the deposition of  
 13 ALBERT JAMES DAULERIO was adjourned at  
 14 5:53 p.m.)  
 15  
 16 \_\_\_\_\_  
 17 ALBERT JAMES DAULERIO  
 18  
 19 Subscribed and sworn to before me  
 20 this \_\_\_ day of \_\_\_\_\_, 2013.  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_  
 25 \_\_\_\_\_

Page 254

1  
 2 C E R T I F I C A T E  
 3 STATE OF NEW YORK )  
 4 : ss.  
 5 COUNTY OF NEW YORK )  
 6  
 7 I, Toni Allegrucci, a Notary Public  
 8 within and for the State of New York, do  
 9 hereby certify:  
 10 That ALBERT JAMES DAULERIO, the  
 11 witness whose deposition is hereinbefore  
 12 set forth, was duly sworn by me and that  
 13 such deposition is a true record of the  
 14 testimony given by the witness.  
 15 I further certify that I am not  
 16 related to any of the parties to this  
 17 action by blood or marriage, and that I  
 18 am in no way interested in the outcome  
 19 of this matter.  
 20 IN WITNESS WHEREOF, I have hereunto  
 21 set my hand this 9th day of October, 2013.  
 22  
 23 *Toni Allegrucci*  
 24 TONI ALLEGRUCCI  
 25

Page 255

1  
 2 ----- I N D E X -----  
 3 WITNESS EXAMINATION BY PAGE  
 4 ALBERT JAMES DAULERIO  
 5 MR. MIRELL 5  
 6 ----- INFORMATION REQUESTS -----  
 7 DIRECTIONS: 56, 76, 76, 76, 77, 194, 236  
 8 REQUESTS: 30, 41, 137, 137, 201, 249  
 9 ----- EXHIBITS -----  
 10 EXHIBITS DESCRIPTION FOR ID.  
 11 Exhibit 1  
 12 Confidential document A.J. Daulerio's  
 13 Employment agreement 29  
 14 Exhibit 2  
 15 Deadspin Brett Favre's Cellphone  
 16 Seduction of Jenn Sterger article 52  
 17 Exhibit 3  
 18 Gawker Middleton Topless Photos article 61  
 19 Exhibit 4  
 20 GQ article WorldWide Leader In Dong  
 21 Shots article 75  
 22 Exhibit 5  
 23 E-mail string between Mr. Daulerio  
 24 and Mr. Denton, Gawker 01426 and 01427 104  
 25

Page 256

1  
 2 ----- EXHIBITS -----  
 3 EXHIBITS DESCRIPTION FOR ID.  
 4 Exhibit 6  
 5 Defendant Gawker Media, LLC's  
 6 Responses to Plaintiff's First Set  
 7 Of Interrogatories 126  
 8 Exhibit 7  
 9 Multi-page document, Gawker 815  
 10 through Gawker 846 131  
 11 Exhibit 8  
 12 E-mail bearing Gawker Bates No. 61 149  
 13 Exhibit 9  
 14 E-mail bearing Gawker Bates No. 00157 150  
 15 Exhibit 10  
 16 Single page document bearing Bates  
 17 Gawker 228, e-mail from Mr. Daulerio  
 18 to Mr. Cook 151  
 19 Exhibit 11  
 20 Single page document dated 9/26/13,  
 21 left-hand corner containing a 10/8/2012  
 22 story and headlined Nick Denton Using His  
 23 Own Love Life to Plug Hulk Hogan Sex Tape,  
 24 story comes from New York Magazine 160  
 25

Page 257

1		
2	----- EXHIBITS -----	
3	EXHIBITS DESCRIPTION FOR ID.	
4	Exhibit 12	
5	E-mail chain bearing Gawker Bates	
6	Nos. 549, 550	173
7	Exhibit 13	
8	Two-page document bearing Bates	
9	Gawker 114 and 115, contains	
10	October 4, 2:09 e-mail which was	
11	six minutes before the Hulk Hogan video	
12	was actually posted	178
13	Exhibit 14	
14	Single page document bearing Bates	
15	Gawker 146, TMZ story in or about	
16	October 6, 2012 discussing the	
17	Hulk Hogan sex tape	193
18	Exhibit 15	
19	Single page document bearing Bates	
20	Gawker 216	221
21	Exhibit 16	
22	E-mail bearing Bates Gawker 188	228
23	Exhibit 17	
24	James King Hulk Hogan Sues Gawker article	
25	published October 16, 2012, 11:00 a.m.	229

Page 258

1		
2	----- EXHIBITS -----	
3	EXHIBITS DESCRIPTION FOR ID.	
4	Exhibit 18	
5	E-mail bearing Bates Gawker 00189	229
6	Exhibit 19	
7	E-mail bearing Bates Gawker 00197	235
8	Exhibit 20	
9	E-mail bearing Bates Gawker 00227	239
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Page 259

1 DEPOSITION ERRATA SHEET

2

3 Assignment No. 337256

4 Case Caption: BOLLEA vs. GAWKER

5

6

7 DECLARATION UNDER PENALTY OF PERJURY

8 I declare under penalty of perjury

9 that I have read the entire transcript of

10 my Deposition taken in the captioned matter

11 or the same has been read to me, and

12 the same is true and accurate, save and

13 except for changes and/or corrections, if

14 any, as indicated by me on the DEPOSITION

15 ERRATA SHEET hereof, with the understanding

16 that I offer these changes as if still under

17 oath.

18 \_\_\_\_\_

19 ALBERT JAMES DAULERIO

20

21 Subscribed and sworn to on the \_\_\_\_\_ day of

22 \_\_\_\_\_, 20\_\_\_\_ before me,

23 \_\_\_\_\_

24 Notary Public,

25 In and for the State of \_\_\_\_\_

Page 260

1 DEPOSITION ERRATA SHEET

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25 ALBERT JAMES DAULERIO



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ALBERT JAMES DAULERIO