

Exhibit 10  
to the Affidavit of  
Alia L. Smith

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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 earlier this year.

3 Q. Does the Interviews subsite contain  
4 any interviews that address any aspect of the  
5 Hulk Hogan sex tape matter?

6 A. Not that I'm aware of.

7 Q. I'd like to direct your attention  
8 now to Gawker.com specifically and have you  
9 first confirm that the current editor in  
10 chief is John Cook?

11 A. Yes.

12 Q. And who was his predecessor?

13 A. A.J. Daulerio.

14 Q. And how long was Mr. Daulerio at  
15 Gawker.com?

16 A. Little over a year, I believe.

17 Q. And who preceded Mr. Daulerio as  
18 editor in chief of Gawker.com?

19 MR. BERLIN: Objection, relevance.

20 You can answer the question.

21 A. Remy Stern.

22 Q. Is that a man or woman?

23 A. It's a man.

24 Q. And how long was he editor in  
25 chief?

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S. Kidder  
guess specifically as to why that was, that  
was the case, other than to say I guess that  
advertising revenue by site generally is, can  
be volatile.

Q. Well, you are aware, are you not,  
that the Hulk Hogan sex tape video was  
labeled NSFW, correct?

A. Yes.

Q. And what does NSFW stand for?

A. Not safe for work.

Q. And are you aware of the policy  
within Gawker Media that NSFW articles should  
run without ads?

A. Yes.

Q. And does the drop in revenue then  
indicate that, indicate to you, that at least  
one of the reasons for this phenomenon is  
that the web page that people were clicking  
on that month was a web page that contained  
no ads because it was the web page containing  
the Hulk Hogan sex video?

A. That could be one reason it's not  
say higher than it was. But there's not a  
finite amount of impressions available to

1 S. Kidder

2 would -- what is your best understanding of  
3 how Google Analytics defines unique page  
4 views?

5 A. Again, I'm guessing, but I'd  
6 imagine it's some hybrid of, of unique  
7 visitors and page views. I would guess that,  
8 for example, if I sit here and reload the  
9 same page ten times that would count for ten  
10 page views, but only one unique page view.

11 Q. And the third column over is  
12 average time on the page. And in that regard  
13 the time shown is, I believe this is read as  
14 one minute 47 seconds?

15 A. That's my belief, yes.

16 Q. And do you happen to know the  
17 length of the video clip that was part of the  
18 Hulk Hogan story?

19 A. I don't off the top of my head. I  
20 know it's been identified both in the post  
21 and, and some documents that we provided to  
22 you.

23 Q. If I told you that it was a minute  
24 forty-one seconds, would that refresh your  
25 recollection?

1 S. Kidder

2 Q. The "previous week" meaning the  
3 last week in September?

4 A. Correct.

5 Q. Of 2012?

6 A. Yes.

7 Q. And what does the visits number  
8 represent?

9 A. The visits is the number of  
10 sessions to Gawker.com irrespective of the  
11 number of page views that they visited.

12 Q. And page views?

13 A. Is again, as I've said among the  
14 simpler, simplest metrics in every unique  
15 loading of a specific page.

16 Q. Is this information available to  
17 the public --

18 A. Yes.

19 Q. -- that appears on Exhibit 30?

20 A. Yes.

21 Q. Okay. Through the Quantcast  
22 website?

23 A. Correct. The URL's at the bottom  
24 there.

25 Q. Right. All right. I have another



1 S. Kidder

2 Hulk -- on which the Hulk Hogan sex tape  
3 appeared, was Gawker excited to receive that  
4 video?

5 A. I'm not sure if I understand. Was  
6 Gawker Media, LLC excited to receive the  
7 video?

8 Q. Yeah.

9 A. I don't -- I mean, I don't often  
10 associate emotion with entities.

11 Q. Were you as a representative of  
12 Gawker Media, LLC excited to receive it?

13 A. I wasn't even aware that it was  
14 received at the time it was received.

15 Q. Okay. Did Gawker Media feel that  
16 publishing the video would generate traffic?

17 A. I think Gawker Media felt that,  
18 that the video along with the narrative was  
19 extremely newsworthy and that was the primary  
20 motivation in publishing it.

21 Q. And what, from your perspective,  
22 was the newsworthiness?

23 A. The, the video when taken with the  
24 post looked at a well-known American  
25 celebrity who had put himself out there by

1                   S. Kidder  
2     appearing in television shows, showing  
3     himself as a 1950s style father, had written  
4     at length in a book about, about his  
5     marriage, contemplating suicide, cheating,  
6     cheating on his wife. The video had been  
7     rumored on line, but there was no, no  
8     evidence that it, that it truly exists. And  
9     in addition to that A.J.'s narrative  
10    described how celebrity sex at the end of the  
11    day is rather boring and pedestrian just like  
12    many other people believe or may believe  
13    their sex is as well.

14           Q.    You are aware that the existence of  
15    the sex tape had been made known prior to its  
16    appearance in excerpted form on the  
17    Gawker.com website, correct?

18           A.    I'm aware it had been reported on,  
19    yes.

20           Q.    Okay. So it wasn't news that, that  
21    the sex tape existed, correct?

22           A.    I, I don't believe that the sex  
23    tape was verified previously.

24           Q.    Are you aware of the fact that  
25    still images from the videotape appeared on

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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