

Exhibit 13  
to the Affidavit of  
Alia L. Smith

**In The Matter Of:**

***TERRY GENE BOLLEA***

***v.***

***HEATHER CLEM***

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***GORENSTEIN, ANDREW***

***March 3, 2015***

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**MERRILL CORPORATION**

**Legalink, Inc.**

20750 Ventura Boulevard  
Suite 205  
Woodland Hills, CA 91364  
Phone: 818.593.2300  
Fax: 818.593.2301

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,

Case No. 12012447 CI-011

-against-

HEATHER CLEM, GAWKER MEDIA, LLC AKA GAWKER  
MEDIA; GAWKER MEDIA GROUP, INC. AKA GAWKER  
MEDIA; et al.,

Defendants.  
-----x

March 3, 2015

2:12 p.m.

Videotaped Deposition of ANDREW GORENSTEIN,  
pursuant to notice, at the offices of Merrill  
Corporation, 1345 Avenue of the Americas, 17th  
Floor, New York, New York, before Mark Richman,  
a Certified Shorthand Reporter, Registered  
Professional Reporter and Notary Public within  
and for the State of New York.

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

2

3 HARDER MIRELL & ABRAMS LLP  
4 Attorneys for Plaintiff  
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6 Los Angeles, CA 90067

5

6 BY: CHARLES J. HARDER, Esq.  
7 (charder@hmafirm.com)

7

8

9 LEVINE SULLIVAN KOCH & SCHULZ, LLP  
10 Pro Hac Vice Counsel for Gawker Defendants  
11 and the Witness  
12 1899 L. Street, NW, Suite 200  
13 Washington, DC 20036

14 BY: SETH D. BERLIN, ESQ.  
15 AND: ALIA L. SMITH, ESQ.  
16 (sberlin@lskslaw.com)  
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13

14

15 ALSO PRESENT:  
16 HON. JAMES R. CASE,  
17 Federal and State Certified Civil Mediator  
18 205 Palm Island  
19 Clearwater, FL 33767  
20 (jimcase@tampabay.rr.com)

18

19 HEATHER L. DIETRICK, Esq.  
20 President and General Counsel  
21 Gawker Media Group

22 ADAM KOWALCZYK, Videographer,  
23 Merrill Legal Solutions

22

23

24

25

1 ANDREW GORENSTEIN

2 was saying is depending on what you 16:39:26

3 individually would be, would feel 16:39:27

4 uncomfortable having a supervisor or 16:39:29

5 colleague watch you consume, different 16:39:32

6 than how we would tag that content. 16:39:34

7 Q. How is it different? 16:39:38

8 A. You're free to consume 16:39:40

9 whatever you want on your computer at 16:39:41

10 your place of work. I can tag it, don't 16:39:43

11 ever show your mom this or you'll be 16:39:46

12 really embarrassed, you know, we can tag 16:39:48

13 it any way we want from our perspective. 16:39:51

14 You can consume it, you're free to, 16:39:53

15 you're free to do that. But, you know. 16:39:56

16 Q. But Gawker is making a 16:39:58

17 determination as to what Gawker considers 16:40:00

18 to be not safe for work, correct? 16:40:02

19 A. In those capacity -- in that 16:40:03

20 capacity, sure. 16:40:06

21 Q. It has nothing to do with what 16:40:06

22 I consider to be safe or not safe, 16:40:08

23 correct? 16:40:10

24 A. Yes. 16:40:10

25 Q. Is not safe for work content 16:40:11

1 ANDREW GORENSTEIN

2 treated differently in terms of your 16:40:18

3 business end of it? 16:40:21

4 A. Absolutely. 16:40:22

5 Q. How? 16:40:22

6 A. Well, one, we don't want to 16:40:23

7 create embarrassing situations for our 16:40:26

8 clients who don't want to be associated 16:40:28

9 or adjacent to that type of content. So 16:40:30

10 the tag helps us -- 16:40:32

11 Q. Advertisers like State Farm or 16:40:34

12 Microsoft or -- 16:40:37

13 A. Sure, of course. 16:40:37

14 Q. And how else? How else is not 16:40:38

15 safe for work content relevant to your 16:40:42

16 department? 16:40:45

17 A. How is it not relevant? 16:40:47

18 Q. How is it relevant to your 16:40:49

19 department? 16:40:51

20 A. From a business perspective? 16:40:51

21 Q. Yes. 16:40:53

22 A. It's the adjacencies, first 16:40:53

23 and foremost. I mean that would be -- 16:40:57

24 that's my number one. 16:41:00

25 Q. Have you ever had an 16:41:02

1 ANDREW GORENSTEIN

2 advertiser complain that their content 16:41:05

3 was served next to something that was 16:41:08

4 objectionable in some way, whether it was 16:41:12

5 nudity or violence? 16:41:13

6 A. Sure. 16:41:14

7 Q. Or explicit language? 16:41:15

8 A. Sure. 16:41:17

9 Q. Does it happen frequently? 16:41:17

10 A. No. And I think the last time 16:41:19

11 was a few years ago and it had to do with 16:41:22

12 a liquor advertiser being adjacent to 16:41:26

13 some content where there was a drunk 16:41:28

14 driving piece. Obviously there's 16:41:31

15 sensitivities around that. 16:41:32

16 Q. Sure. 16:41:33

17 A. It's a primary concern. Or 16:41:34

18 let me say it's a primary service element 16:41:38

19 that we need to provide our clients with 16:41:40

20 the peace of mind to know that they won't 16:41:43

21 have that happen to them. And there's -- 16:41:47

22 I can't even technically explain it but 16:41:49

23 there's a very complex infrastructure 16:41:51

24 that allows us to pull advertising, block 16:41:54

25 advertising, collapse advertising to be 16:41:59

1 ANDREW GORENSTEIN

2 sure that doesn't happen just because of 16:42:02  
3 the amount and volume in which we publish 16:42:03  
4 it has to be automated otherwise you 16:42:05  
5 wouldn't be able to control that 16:42:07  
6 manually. 16:42:08

7 Q. What does it mean to collapse 16:42:09  
8 advertising? 16:42:11

9 A. There would be no advertising 16:42:11  
10 on the particular page. 16:42:12

11 Q. On the page, but there's other 16:42:13  
12 pages all around the page, aren't there? 16:42:16

13 A. I'm not sure I follow. 16:42:19

14 Q. Well a blog has numerous 16:42:20  
15 entries on it, correct? And there may be 16:42:22  
16 one or two -- 16:42:26

17 A. Well a home page would. 16:42:27

18 Q. A home page? 16:42:29

19 A. Well if you go to be a article 16:42:30  
20 page you're on the article this is -- 16:42:32  
21 sorry; I assume you were talking about 16:42:35  
22 like the scroll function. 16:42:37

23 Q. The scroll function. 16:42:38

24 A. Yeah. 16:42:39

25 Q. And if I'm on one page, can I 16:42:40



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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, MARK RICHMAN, a Certified  
Shorthand Reporter, Certified Realtime Reporter  
and Notary Public within and for the State of  
New York, do hereby certify:

That ANDREW GORENSTEIN, 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 12<sup>th</sup> day of March, 2015.

Mark Richman

MARK RICHMAN, C.S.R., C.R.R.