

Exhibit 6  
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.  
-----)  
CONFIDENTIAL PORTION INCLUDED  
VIDEOTAPED DEPOSITION OF  
ALBERT JAMES DAULERIO  
New York, New York  
Monday, September 30, 2013  
Reported by:  
Toni Allegrucci  
JOB NO. 337256

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September 30, 2013  
10:58 a.m.

Videotaped Deposition of  
ALBERT JAMES DAULERIO, 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:

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 A.J. Daulerio

2 It was a combination of both.

3 Q. Okay. And why did you leave  
4 Philadelphia Magazine?

5 A. I went back to Deadspin to work  
6 full-time as a staff writer around, I  
7 believe, late 2007, maybe early 2008.

8 Q. Okay. And what did you do as a  
9 staff writer at Deadspin?

10 A. I did various stories about sports  
11 and sports culture.

12 Q. Okay. And Deadspin is one of the  
13 Gawker Media websites, correct?

14 A. Yes.

15 Q. And how long did you stay as a  
16 staff writer?

17 A. I believe six or seven months.

18 Q. And then what was your next job?

19 A. Editor in chief of Deadspin.

20 Q. And when did you assume that role?

21 A. Around June of 2008, I believe.

22 Q. Incidentally, when you were a staff  
23 writer at Deadspin did you receive  
24 compensation based upon page views?

25 A. Yes.

1 A.J. Daulerio

2 Q. Okay. And you did as well when you  
3 were editor in chief, correct?

4 A. At that time I don't recall.

5 Q. Okay. We'll come back. All right.  
6 And how long did you remain as editor in  
7 chief of Deadspin?

8 A. Up until November of 2011.

9 Q. Okay. And during that time were  
10 you writing for any of the other websites of  
11 Gawker Media?

12 A. I probably contributed a post or  
13 two here and there throughout the years, but  
14 nothing that I was compensated for.

15 Q. Okay. All right.

16 And then you left Deadspin in  
17 November of 2011?

18 A. Yes.

19 Q. Why?

20 A. I was about to take another job  
21 with another publication.

22 Q. And what was that?

23 A. Animal New York, A-n, you know,  
24 Animal NY.

25 Q. Okay. What kind of publication is

1 A.J. Daulerio

2 that?

3 A. It's a street art and culture  
4 magazine which is now online.

5 Q. Was it at the time?

6 A. It was online and it is, was in  
7 print originally.

8 Q. Okay. At the time you joined was  
9 it, was it wholly online or --

10 A. Yes.

11 Q. -- or was it in print.

12 A. But I never took that job.

13 Q. Oh, okay. Why not?

14 A. Because Nick Denton asked me if I  
15 wanted to be editor of Gawker.com.

16 Q. And when did he do that?

17 A. About November 2001.

18 Q. And what was your job as editor of  
19 Gawker.com?

20 A. Can you -- how would you like me to  
21 answer that?

22 Q. Can you tell me what were your  
23 responsibilities as editor?

24 A. Oversee the staff, hiring, firing,  
25 story planning, interacting with other parts

1 A.J. Daulerio

2 of the company, writing, editing.

3 Q. Okay. Editors at Gawker.com did  
4 not only edit they write as well, correct?

5 A. Yes, some.

6 Q. And -- okay, well, can you -- well,  
7 let me ask you this. How long did you serve  
8 as editor of Gawker.com?

9 A. Up until January of 2013.

10 Q. And within that period of time,  
11 what percentage of your time was spent  
12 writing would you estimate?

13 A. Estimate less than ten.

14 Q. Were there any particular stories  
15 you wrote during that period of time that you  
16 are particularly proud of?

17 A. Nothing springs to mind.

18 Q. All right. And why did you leave  
19 Gawker.com in January of 2013?

20 A. Because I was -- had fulfilled my  
21 year at Gawker and I thought the site was in  
22 very good shape and wanted to go out and do  
23 other things.

24 Q. Had you made a specific commitment  
25 to remain for only a year as editor?



1 A.J. Daulerio

2 A. I did not.

3 Q. Okay. Why, why did you feel that  
4 you fulfilled your year then? Did you have  
5 in mind unexpressed that you would only  
6 remain there for a year?

7 A. No.

8 Q. Okay. Is there a reason why you  
9 felt that a year was enough?

10 A. I thought the site was in good  
11 shape and I was in good standing with my  
12 boss, Nick Denton, and had been with the  
13 company for, you know, off and on for almost  
14 five years and wanted to go out on a good  
15 note.

16 Q. Okay. Then what did you do after  
17 you left Gawker.com?

18 A. I freelanced a little bit for  
19 Gawker and then I was consulting for  
20 SpinMedia.

21 Q. Starting when?

22 A. March of 2013, late March.

23 Q. Are you still consulting for  
24 SpinMedia or do you --

25 A. No, I'm full-time.

1 A.J. Daulerio

2 Q. Okay. When did that begin?

3 A. Full-time began the first week in  
4 September.

5 Q. And what is SpinMedia?

6 A. SpinMedia is a publishing company  
7 that serves mostly online publications, but  
8 did recently acquire Vibe Magazine, which I  
9 believe is still in print circulation.

10 Q. What's your title at SpinMedia  
11 right now?

12 A. Editorial director.

13 Q. What are your responsibilities as  
14 editorial director?

15 A. To overhaul the editorial direction  
16 of some of the properties that they have.

17 Q. And other than Vibe what other  
18 properties does SpinMedia have?

19 A. Spin Magazine, it's a site called  
20 the Frisky, and a site called Celebuzz and  
21 those are the ones that are my primary focus.

22 Q. Okay. At the time you left  
23 Gawker.com what was your compensation?

24 MR. BERLIN: Let me just object.

25 You can go ahead and answer.

1 A.J. Daulerio

2 recollection.

3 A. My best recollection is I don't  
4 know what the stories were at the time that I  
5 was Gawker.com editor, what were the most  
6 heavily trafficked or if it had anything to  
7 do with sex.

8 Q. Is your answer the same about  
9 stories that appeared on Deadspin when you  
10 were its editor in chief?

11 A. Yes.

12 Q. Okay. In 2009, do you recall  
13 Gawker Media publishing a story that posted a  
14 link to Erin Andrews peephole video?

15 A. Yes.

16 Q. And as best you recall, what was  
17 that video about?

18 A. Referring to the video itself?

19 Q. Yeah.

20 A. The video was of Erin Andrews being  
21 illegally taped by a person through a  
22 peephole.

23 Q. Okay. Did you speak to anyone  
24 before posting the link to that video?

25 A. I didn't post actually a link to

1 A.J. Daulerio

2 the video, I posted to the site that at one  
3 point posted the link to the video.

4 Q. Okay. Did you speak to anyone  
5 before doing so?

6 A. Posting a link to the site that --

7 Q. Yeah.

8 A. Yes, the proprietor of the site.

9 Q. Did you speak to anyone internally  
10 at Gawker Media about doing so?

11 A. I did not.

12 Q. That includes Ms. Darbyshire?

13 A. Yeah, I don't recall.

14 Q. You don't recall speaking to her  
15 before post --

16 A. I don't recall speaking to her  
17 about that.

18 Q. Okay. Were you asked to sign any  
19 documents in connection with taking  
20 responsibility for posting that link?

21 A. No.

22 Q. Did it matter to you in connection  
23 with posting that link that Ms. Andrews did  
24 not want the video to be publicly seen?

25 A. Yes, but I wasn't posting a video.

1 A.J. Daulerio

2 you can recall, similar to that?

3 A. Not that I can recall, no.

4 Q. And by similar to that, I mean  
5 instances where you and Mr. Denton disagreed  
6 about what was publishable and what shouldn't  
7 be published?

8 A. Nothing specifically, no.

9 Q. And the Hulk Hogan sex tape video  
10 story was not one of those about which you  
11 disagreed about publishability?

12 A. No, I don't believe we even had a  
13 conversation about it until after the fact.

14 Q. Okay. When did you first hear  
15 about the Hulk Hogan sex video?

16 A. I believe it was when it was a  
17 story on TMZ, on TMZ.

18 Q. And when did that story appear?

19 A. That, I don't know.

20 Q. Did the story indicate that there  
21 was a sex video or do you recall the  
22 substance of the story on TMZ?

23 A. Yeah, I believe it was discussing  
24 about the existence of a sex video.

25 Q. When -- what did you do when you

1                   A.J. Daulerio  
2       had a subsequent follow-up phone call, as to  
3       which he hinted that the, the contents of  
4       that package that he wanted to mail to me had  
5       something to do with the Hulk Hogan sex tape  
6       that had been talked about on TMZ and other  
7       sites.

8           Q.     Okay.  What happened then after  
9       that?

10          A.     I don't recall the exact details,  
11       but there was a follow-up and I had given him  
12       my address, or, the Gawker Media address at  
13       work, and depending on the time frame, and I  
14       don't remember exact timing of it, but I was  
15       going on vacation, and I believe the package  
16       arrived while I was on vacation and I had  
17       asked the managing editor to view the  
18       contents of that package.

19          Q.     And the managing editor being?

20          A.     Emma Carmichael.

21          Q.     And did she do so?

22          A.     Yes.

23          Q.     Did she report back to you?

24          A.     Yes, via text message.

25          Q.     What did she say?

1 A.J. Daulerio

2 A. I don't remember the exact phrasing  
3 of it but...

4 Q. What was the substance?

5 A. I believe she said thank you.

6 Q. Thank you to you?

7 A. Yes.

8 Q. For what?

9 A. For her next few minutes of viewing  
10 the sex tape.

11 Q. Did she view the sex tape while you  
12 were out of the office on vacation?

13 A. Yes.

14 Q. And then did she report back to you  
15 about what the tape contained?

16 A. Briefly. But I mean it was, it  
17 was, you know, the general gist of it. I  
18 mean, I think that's what she reported back  
19 was the general gist of it. I don't know how  
20 long she watched the tape, or the disk,  
21 sorry, I guess that's what it was at that  
22 point.

23 Q. It was a DVD?

24 A. Yes.

25 Q. And where were you on vacation at

1 A.J. Daulerio

2 the time?

3 A. I was on the west coast. I was at  
4 both Portland, Montana and Seattle.

5 Q. And during what time frame is that?

6 A. I believe it was the end of  
7 September, it was about last year at this  
8 time.

9 Q. And do you recall when you returned  
10 to New York?

11 A. Not the exact date.

12 Q. Roughly?

13 A. I would say early October.

14 Q. And what did you do when you  
15 returned to New York with respect to this DVD  
16 that you now had in your possession?

17 A. I watched it and watched it one or  
18 two times and then, then decided whether or  
19 not we were going to publish some of the  
20 contents of it, and was discussing how we  
21 could possibly share some of the footage on  
22 Gawker.com.

23 Q. Let me just stop you there. I  
24 appreciate the narrative and I want to go  
25 back to it but let me ask you this. With



1 A.J. Daulerio

2 A. No.

3 Q. This was not a tape that aired,  
4 that was published on Deadspin?

5 A. No, it was published on Gawker.com.

6 Q. Do you know who the author of the  
7 article was?

8 A. I don't.

9 Q. All right. So back to the Hulk  
10 Hogan sex tape. You made the determination  
11 that you wanted to publish at least some  
12 portion of it?

13 A. Yes.

14 Q. Okay. Then what did you do?

15 A. Then I turned the tape and/or disk  
16 over to our video editor and, you know,  
17 selected various spots of the tape that I  
18 considered both newsworthy in the context of  
19 our story and had her twiddle it down to  
20 whatever the time frame was, I believe it was  
21 close to two minutes of footage.

22 Q. Okay. Then what?

23 A. Then there was probably a back and  
24 forth about the footage, and then I was going  
25 to write the commentary about both the Hogan

1 A.J. Daulerio

2 tape and celebrity sex tapes in general, and  
3 using the Hogan tape as kind of the catalyst  
4 for that commentary.

5 Q. All right. And then do you recall  
6 there having been a -- well, let me go back.  
7 You said you turned the disc over to your  
8 video editor, who was that at the time?

9 A. It was Kate Bennert.

10 Q. Was Ms. Bennert involved in the  
11 Eric Dane sex tape?

12 A. No, she was not employed there at  
13 the time.

14 Q. She was a new hire, a relatively  
15 new hire at the time?

16 A. Relatively new hire at the time.

17 Q. And do you have a recollection of  
18 having had her do two sets of edits, one a  
19 longer one and one a shorter one that  
20 ultimately was uploaded onto the site?

21 A. Yeah, I believe there were a couple  
22 different versions based on length.

23 Q. And why were there two different  
24 versions?

25 A. We usually go through a simple

1                   A.J. Daulerio  
2     editing process of any tape, even not of a  
3     sex tape nature, just based on what we think  
4     the readers will, like, devote enough time to  
5     and to just give a -- in regard to this it  
6     was just to give a brief overview of the  
7     content to both verify its existence and to  
8     also just tie into the commentary.

9           Q.     Okay. So what did you want to be  
10    sure to include within the edited version  
11    that was ultimately published?

12          A.     You know, some of the innocuous  
13    back and forth between Hulk and the woman in  
14    the tape that was supposed to be Heather  
15    Clem, his best friend's wife at the time, and  
16    some of the substance of that conversation in  
17    showing how not sexy it was.

18          Q.     Okay. Anything else other than  
19    innocuous back and forth that you wanted your  
20    readers to see?

21          A.     Yeah. Well, we wanted to verify  
22    the fact that they were actually having sex,  
23    so I believe we did small snippets of those  
24    two having intercourse.

25          Q.     Anything else you wanted to be sure

1 A.J. Daulerio

2 Q. Is the same true with respect to  
3 showing the actual sex act between Heather  
4 Clem and Hulk Hogan?

5 A. That, you know, as I previously  
6 stated, was done to actually show that they  
7 were having sex in regard to the sex tape  
8 that had already been talked about publicly  
9 at that point.

10 Q. Right. So it was a matter of  
11 public record already prior to your  
12 publication of this story that, that there  
13 was a sex tape and that the two had been  
14 having sex, correct?

15 A. I believe that, you know,  
16 Hulk Hogan had verified that there was a sex  
17 tape in existence and that it was published  
18 on TMZ. Who it was with, that I found out,  
19 you know, later was discussed publicly and  
20 that it was just based on some of the rumors  
21 about whether or not it was Bubba the  
22 Love Sponge's wife, Heather Clem.

23 Q. Right. But the fact of them having  
24 sex was a matter of public record. The fact  
25 that he had -- that there was this sex tape

1 A.J. Daulerio

2 and that he was having sex with someone --

3 MR. BERLIN: Objection.

4 A. Yeah.

5 Q. -- was a matter of public record at  
6 the time?

7 MR. BERLIN: Let me object.

8 Object, asked and answered. You can  
9 answer the question.

10 A. Yes, based on my understanding of  
11 public record and its news value.

12 Q. Right. But, but that fact was not  
13 newsworthy, that was, that was already a  
14 known fact, correct?

15 A. Well, it was --

16 MR. BERLIN: Let me object.

17 Objection, that's already been asked and  
18 answered. It's argumentative and it  
19 calls for a legal conclusion.

20 To the extent that you want to  
21 answer based on your understanding  
22 please go ahead and do so.

23 A. Yeah, based on my understanding the  
24 existence of the sex tape, you know, was out  
25 there, the actual contents of that sex tape

1                   A.J. Daulerio  
2       were not out there and this was the best way  
3       of at least giving, showing some of that.

4           Q.     Yeah, so that's what I'm sort of  
5       getting at. I mean, what, what did you  
6       regard as newsworthy about the sex tape that  
7       wasn't already known and that was shown by  
8       having the sex tape posted as opposed to  
9       simply your description of what was --

10          A.     Right.

11          Q.     -- contained?

12                 MR. BERLIN: Same objection.

13                 Sorry, same objection. You can answer.

14          A.     You know, that's really done by a  
15       story by story basis. But, you know, at the  
16       time I was thinking that as we can show some  
17       of the sex that was taking place it would  
18       give a little more insight into the stuff  
19       that was already in the public record and  
20       also show some inconsistencies in what Hulk  
21       had stated publicly and what there was as  
22       visual evidence.

23          Q.     Okay. Well, was there anything  
24       that was added to the store of public  
25       knowledge about those subjects by uploading

1 A.J. Daulerio  
2 record can be clear on this subject, I think  
3 the reference to April 25 at the top and  
4 bottom of page 9 is meant to be 2013 rather  
5 than 2012.

6 A. Yeah.

7 MR. BERLIN: That is correct.

8 Q. Okay. All right.

9 MR. BERLIN: In fact it says it.

10 MR. MIRELL: Okay.

11 Q. That's no -- make no mind about  
12 that. Just so we're clear on the record and  
13 everybody is on the same page --

14 A. Okay.

15 Q. -- literally and figuratively.  
16 All right. So let me ask you a  
17 couple of follow-up questions about this.

18 Who at Gawker did Tony Burton  
19 initially contact?

20 A. That was me.

21 Q. And how did he do that?

22 A. Via e-mail.

23 Q. And do you recall what he said in  
24 that e-mail?

25 A. Not specifically other than that he

1 A.J. Daulerio

2 A. No.

3 Q. And did you respond to him?

4 A. I did.

5 Q. And what did you say?

6 A. I believe I asked what it was about  
7 or could he give me any idea what was being  
8 sent.

9 Q. And what was the response from  
10 Mr. Burton?

11 A. I believe then we had a phone  
12 conversation after that.

13 Q. Okay. What was discussed during  
14 that phone conversation?

15 A. It was discussed about whether or  
16 not I was familiar with the Hulk Hogan sex  
17 tape story.

18 Q. Okay. And what did you say?

19 A. I said I remember vaguely about it,  
20 but nothing too specific.

21 Q. And when was this e-mail received,  
22 or -- strike that.

23 When was, when was the conversation  
24 you had with him?

25 A. I'd say soon after the e-mail, so I



1 A.J. Daulerio

2 exchange for publishing the videotape?

3 A. No.

4 Q. Did you feel obligated in any way  
5 to the source of this sex tape?

6 A. Not knowing who the source was  
7 exactly, no.

8 Q. Had they -- had you known who the  
9 source was would you have felt any sort of  
10 obligation toward that individual?

11 A. No.

12 Q. By publishing the story that you  
13 did, we previously discussed this part of  
14 Exhibit 7, did you -- was this something that  
15 you were excited about publishing?

16 A. This particular story?

17 Q. Um-hm.

18 A. The original story?

19 Q. Yes.

20 A. I was very enthusiastic about  
21 writing about it, yes.

22 Q. And why was that?

23 A. Because I enjoyed watching the  
24 video.

25 Q. Okay. And the reason you enjoyed

1 A.J. Daulerio

2 it?

3 A. Because I found it very amusing.

4 Q. Any other reason?

5 A. I thought it was newsworthy and it  
6 was something that was worth discussing and  
7 putting up on the site.

8 Q. Did you believe that publishing the  
9 video would generate traffic to the site?

10 A. I believed that it would be  
11 somewhat popular, yes.

12 Q. Was it?

13 A. Eventually.

14 Q. I'm sorry, your answer eventually?

15 A. Eventually, yes.

16 Q. Why do you say eventually?

17 A. Because initially I don't think it  
18 was one of the top stories on the site. And  
19 I was curious as to actually why that was the  
20 case and then it became a lot more popular a  
21 couple days afterwards.

22 Q. Do you know what caused that?

23 A. I believe it became national news  
24 at that point. And Hulk Hogan was doing a  
25 very good job promoting it.

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

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.

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.

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.

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

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.



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

1                   A.J. Daulerio  
2       justified it being newsworthy to begin with  
3       and its newsworthiness at that point was both  
4       with the existence of the tape and verifying  
5       its existence and then my own personal  
6       commentary about celebrity sex tapes and the  
7       one in particular involving Hulk Hogan and  
8       Heather Clem.

9           Q.     Okay.  If Hulk Hogan had -- strike  
10       that.

11                   If the Hulk Hogan sex tape had not  
12       existed, but Hulk Hogan had talked about his  
13       wife's infidelity while he was having affairs  
14       of his own, you could have reported about  
15       that as hypocrisy, correct?

16                   MR. BERLIN:  Let me object on the  
17       basis that it calls for speculation, but  
18       go ahead, answer it.

19           A.     If, if that was something that I  
20       wanted to report about or wanted the site to  
21       report about, sure.

22           Q.     Okay.  And that conduct is  
23       hypocritical whether or not a sex tape ever  
24       was made?

25           A.     Between?

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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 ALBERT JAMES DAULERIO, 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 9th day of October, 2013.



TONI ALLEGRUCCI