

EXHIBIT 5

BOLLEA
V.
GAWKER MEDIA
EXPERT REPORT

Presented by Shanti Shunn

April 04, 2015

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April 04, 2015

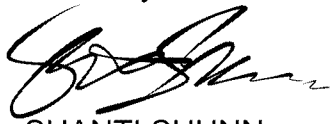
Dear Sarah Luppen:

I have been requested by Harder Mirell & Abrams (HMA) on behalf of Mr. Bollea, to compile and render an opinion confirming the accuracy of video view counters for websites captured displaying the Gawker.com edited version of a video of Mr. Bollea engaged in private, consensual sexual relations with Heather Clem (the "Video"), which Gawker.com originally posted on its website. The purpose my engagement is to compile and determine the accuracy of the view counts of the Video from these 3rd party websites.

The items examined and discussed herein are specific to the validation of the technologies and methods used by the various 3rd party sites to show video view counts to their users.

The opinions in this report are based on documents and information provided by Shanti Shunn, as well as his professional background, knowledge, training, education and more than 18+ years of experience in marketing and ecommerce/internet technology. This report contains my conclusions with supporting documentation.

Sincerely,



SHANTI SHUNN

I. EXECUTIVE SUMMARY

I have been retained to compile and determine the accuracy of online video view counters specific to the 3rd party sites that hosted the Gawker.com edited version of the Video (meaning the Video was available directly on the 3rd party website). I reviewed the known video view counting technology of the types of sites in question and, specifically, functionality that existed at the time of Gawker.com's release of the Video and its resulting proliferation on the internet. The purpose of my research is to validate the estimated video views for the Video on 3rd party websites. This report is presented as of April 04, 2015, and is based on research data from various resources and documents listed in Appendices of this report. I reserve the right to revisit my analysis and amend my conclusions should additional information or documents become available; and to respond to opinions and issues raised by any opposing experts.

Based on my professional background, knowledge, training, education and my more than 18+ years of experience in internet and ecommerce technology, I developed this report and reached the conclusions herein. Further sections of this report describe the methodology employed and the associated analysis and conclusions.

The Appendices to this report include:

Appendix A:

- Links to the online resources used to validate my findings
- Screenshots of resources used where a dependable link was not available
- Any other documentable resources used in my research

Appendix B:

- Summary of my background and qualifications

Video View Counter Validation Synopsis

I validated the accuracy of several different video view counter technologies, including those used on YouTube.com for the time period the Video was shared there (a video view counter is technology that counts video views and displays them on a webpage). This report includes my preliminary opinion as to the accuracy of these technologies based on the information available to me at this time.

I conclude within a reasonable degree of certainty that:

- Most of the view counters accurately represent the number of views of the Video and are notated as such even within the source code (a text listing of commands to be compiled or assembled into an executable computer program)
- YouTube video view counts of the Video are accurate based on the date (4/26/2013) of the screenshots capturing them except if they show under 301 views [1] which would result in an insufficient count of actual video reviews

(1) The count of the number of views of the Video is a conservative count based on how YouTube processed views during the relevant time period - batch view counts for the scrubbing of spam views

II. BACKGROUND AND SCOPE OF THE ASSIGNMENT

I have been retained by HMA as an independent outside consultant to provide an expert opinion to validate video view counter technology related to this case:

- To compile and validate the accuracy of the various video view counter technologies used across the websites on which the Video was hosted

My opinions are based on the following: 1) Information and documents produced in this case by HMA; 2) My professional background, knowledge, training, education and more than 18 years experience in online marketing and web technologies; and 3) Detailed research into the technology, with the time of Gawker.com's release of the Video.

III. METHODOLOGY

I performed detailed research on this assignment, including reviewing published works by other technology experts and companies as well as the timeline of events. I did this to ensure that the technology and methodologies were factual to the time period of the release of the Video.

This process included reviewing detailed history and changes associated with video view counter technologies and validation of the existing technologies being used on the sites flagged for the re-publishing the Video after its release on Gawker.com. This included identifying the type of technology being used to perform the video view counts to identify any and all potentially known factors, notations, etc. to validate their accuracy.

IV. ANALYSIS

During the course of my research and investigation into video view counters, I reviewed and used various online resources from other recognized industry professionals, as well as my own knowledge base. I reviewed and analyzed the data specific to:

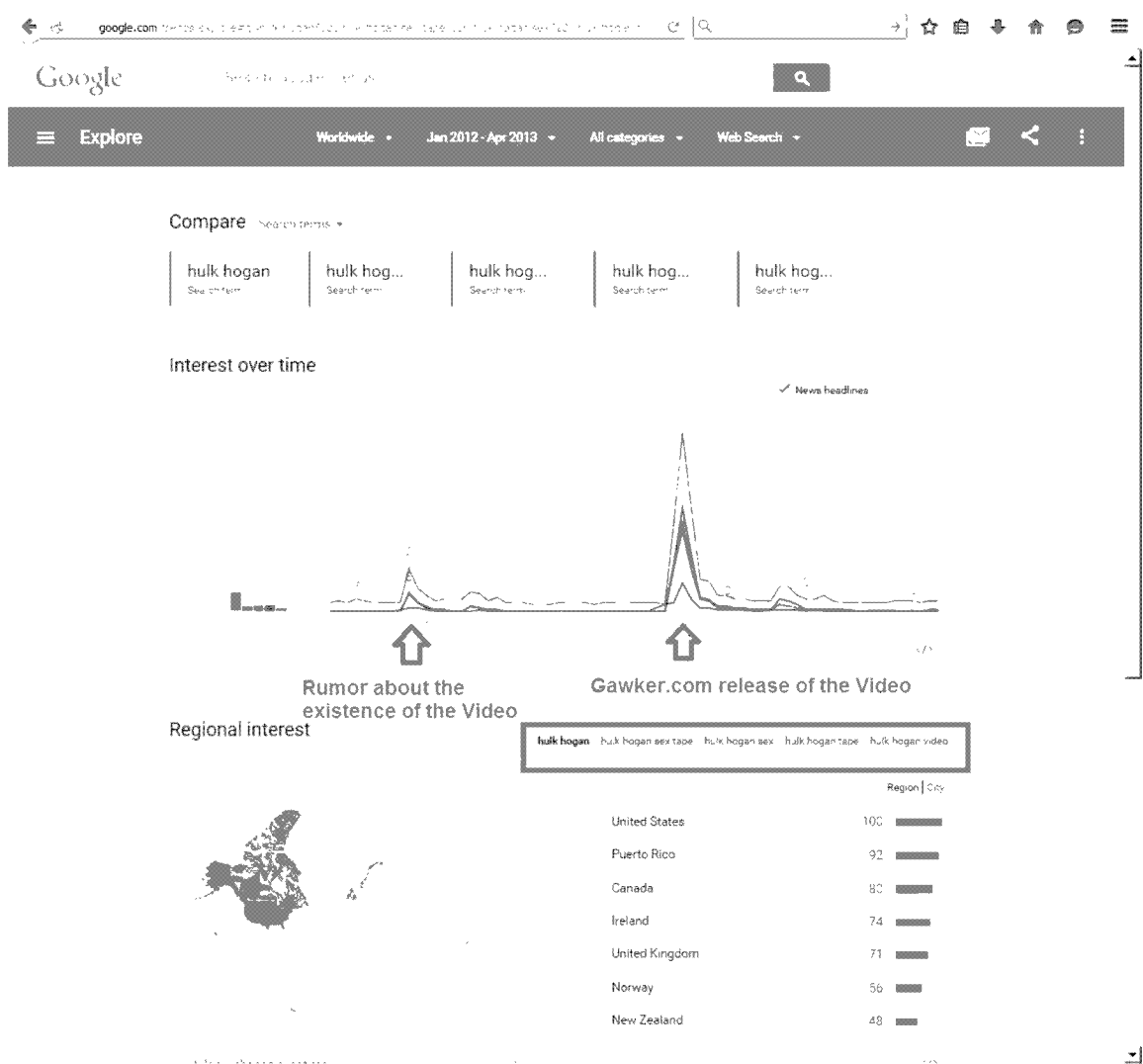
- Documentation of changes made by YouTube specific to their video view counter algorithms
- Details available specific to the individual video hosting sites and their video counter functionalities
- Technologies to independently count video views for embedded videos

A. Video Counter Specific Analysis

YouTube Video Counter:

YouTube made several changes to their video view counter over the past 3 years. Based on the time period of Gawker.com posting the Video and the subsequent re-posting that occurred on YouTube, the video views were not counted in real-time [1][2], but rather processed in batches in order to review the view history for 'counterfeit' views. As a result of this functionality at the time, there is potential that the video counts captured on April 26, 2013 may not have captured the complete number of views at that time. The newest change to YouTube's methodology for counting video views which may have resulted in a small percentage of video view count inflation occurred in 2014 [3] and is not pertinent to the sharing of the Video in question based on their time of capture/recording.

There were 2 timeframes when the Video created spikes in the general search trends. My analysis of the YouTube video view counters covers the entire time period of rumors about the existence of the Video and through the subsequent release and viral spread of the Video on the internet. This time period established the search trends for terms such as 'hulk hogan tape' and 'hulk hogan sex' below:



See [10]

My research validates that the total recorded YouTube video views of 76,664, based on the screen captures provided by HMA, are accurate and potentially represent a more conservative number of views based on the YouTube video view counter functionality at the time.

YouTube Video View Counts		
User	Video Views	Filename
MichelleFry58815	18,463	YouTube1.pdf
<not legible>	24,485	New Sites.pdf
Edward Dean	1,102	YouTube2.pdf
Phillip Barter	9,377	YouTube3.pdf
MyNiggahhh	13,466	YouTube4.pdf
KimNewsome55678a	4,125	YouTube5.pdf
daisy boben	3,340	YouTube6.pdf

EhMatteh	4,430	YouTube7.pdf
mikerants	6,588	YouTube8.pdf
Giacomo Cecchini	13,773	YouTube9.pdf
TOTAL VIEWS:	99,149	

[11]

Other Video Counter Technologies:

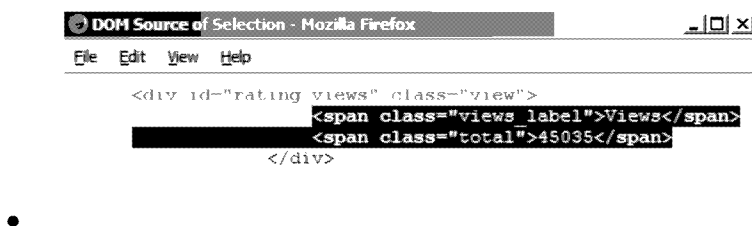
CrazyShit.com: The website's view counter is an actual count of video views as shown in the source code for the view counter.



```
<div id="content-right">  
EMAILED: 2<br>  
VIEWED: 9485<br>  
RATING:   
91 views </div>
```

- For further details and to see the URL used for reference, see [5]

DeviantClips.com: The website's view counter is an actual video views.



```
<div id="rating views" class="view">  
<span class="views_label">Views</span>  
<span class="total">45035</span>  
</div>
```

- For further details and to see the URL used for reference, see [6]

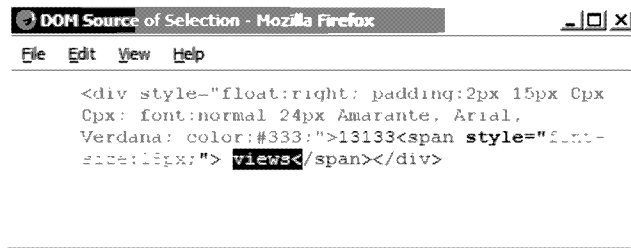
MyFreeBlack.com: The website's view counter also specifically references that it is counting 'video-views'.



```
DOM Source of Selection - Mozilla Firefox
File Edit View Help
<div id="video-views">593416 views</div>
```

- For further details and to see the URL used for reference, see [7]

MrPopat.com: The website's view counter also specifically references 'views' and allows for easy re-embedding of any listed video.



```
DOM Source of Selection - Mozilla Firefox
File Edit View Help
<div style="float:right; padding:2px 15px 0px; font:normal 24px Amarante, Arial, Verdana; color:#333;">13133<span style="font-size:18px;"> views</span></div>
```

- For further details and to see the URL used for reference, see [8]

My research into the various view counters used on the websites in question validates within a reasonable degree of certainty that the following video view counts of the Video are accurate, based on my knowledge of video view counters and the annotations included on the various websites both on the page and within their code. Below are the video view counts from the non-YouTube websites that hosted the Video:

Other Video View Counts		
Website	Video Views	Filename
CrazyShit	43,719	CrazyShit.jpg
DailyMotion 1	710,722	DailyMotion 1-4.pdf
DailyMotion 2	62,579	DailyMotion 1-4.pdf
DailyMotion 3	231,465	DailyMotion 1-4.pdf
DailyMotion 4	17,641	DailyMotion 1-4.pdf
DailyMotion 5	3,332	New Sites.pdf
DeviantClip	23,792	Deviant.pdf
HardSexTube	29,641	HardSex.pdf
Heavy-R	78,651	HeavyR.pdf
LiveLeak	910,433	Liveleak.pdf
MyFreeBlack	48,965	MyFreeBlack.jpg
NonkTube	3,829	NonkTube.pdf
Pornative	2,142	Pornative.pdf
PornHub 1	15,205	pornhub.pdf
PornHub 2	112,069	pornhub.pdf

ProChan	347,236	Prochan.pdf
ShooshTime	23,231	Shoosh.jpg
Slutload 1	5,049	Slutload 1.pdf
Slutload 2	2,095	Slutload 2.pdf
MrPopat 1	55,603	New Sites.pdf
Tube8	25,121	Tube8.jpg
WorldStarHipHop	1,640,214	WorldStarUncut.jpg
xHamster.com	59,532	XHamster.pdf
TOTAL:	4,452,266	

[11]

Embedded Video View Counters:

If the Video was an embedded video (to embed, or place, a video within the HTML code of the page you are posting on) from Gawker.com or another online video resource, the counts would still be accurate and unique as established through video view counters available to provide unique video view counts on views only occurring via the embedded video. This is accomplished via the use of an iframe (html function), JQuery (programming protocol) or AJAX (programming protocol) in the case of multiple videos on one page. [8] [9]

V. CONCLUSIONS

I conclude that within a reasonable degree of certainty that:

- YouTube video view counters for the Video are accurate and potentially could represent less views than actually happened due to the YouTube batch video view counting functionality used at the time of the screen captures
- The video view counters of the 3rd party websites captured displaying the Video are accurate
- Embedded versions of the Video would have also shown accurate video view counts

My opinions are based upon the documents and information reviewed as of the date of this report. I reserve the right to amend these conclusions should additional information and documents become available for review.

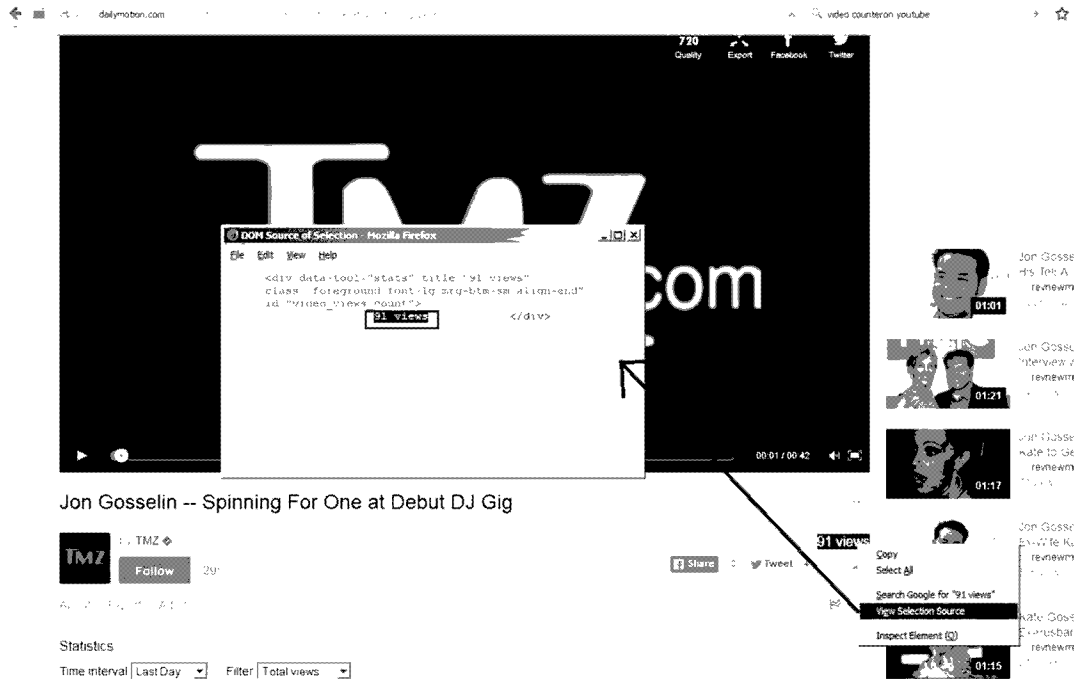
Sincerely,



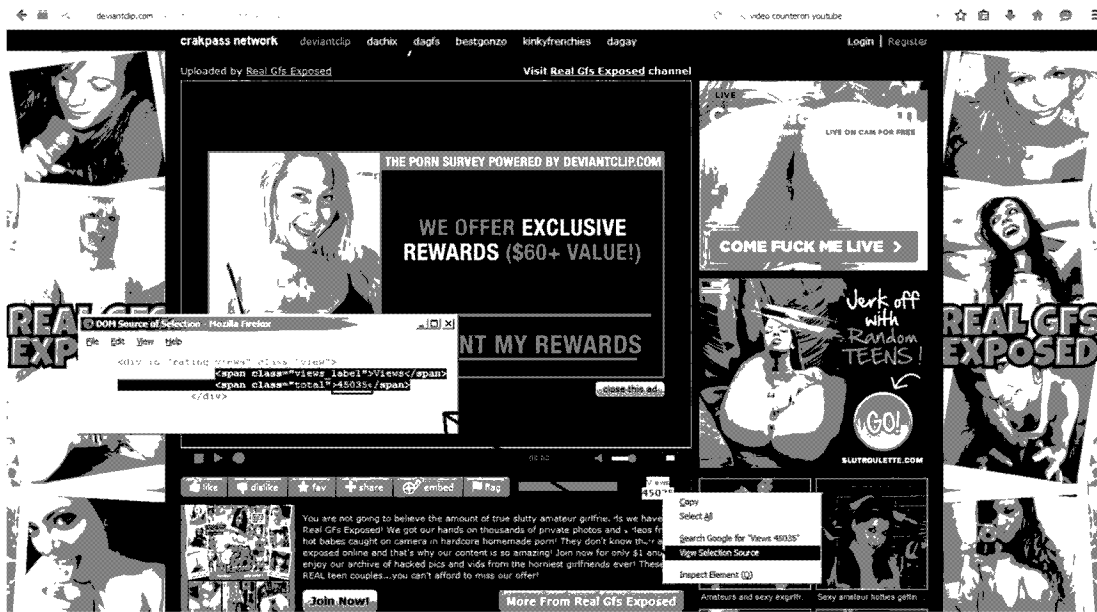
Shanti Shunn
eCommerce Expert

April 04, 2015

DATE



[6]-deviantclips.com_counters_page.png



[7]-myfreeblack.com_counters_page.png



[8]- http://mrpopat.in/video_detail.php?id=150791

[9]-<http://stackoverflow.com/questions/19378503/tracking-youtube-player-embedded-video-view-count>

[10]-<http://stackoverflow.com/questions/7260605/how-can-i-track-a-click-event-of-an-embedded-video-youtube-vimeo-etc-to-t>

[11]-
<http://www.google.com/trends/explore#q=hulk%20hogan%2C%20hulk%20hogan%20sex%20tape%2C%20hulk%20hogan%20sex%2C%20hulk%20hogan%20tape%2C%20hulk%20hogan%20video&date=1%2F2012%2016m&cmpt=q&tz=>

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<http://www.google.com/trends/explore#q=heather%20clem%2C%20bubba%20love%20sponge%2C%20clem%20sex%20tape%2C%20heather%20clem%20video%2C%20heather%20clem%20tape&date=1%2F2012%2037m&cmpt=q&tz=>

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<http://www.google.com/trends/explore#q=clem%20hogan%2C%20clem%20tape%2C%20hogan%20tape%2C%20gawker%20hogan&date=1%2F2012%2037m&cmp=t&tz=>

[12]-Consolidated View Counts.xlsx

Appendix B:

Summary of my background and qualifications

- 18+ years of internet marketing experience for companies like Guitar Center, Musician's Friend, Shoes.com, Brown Shoe Company, Harry & David, Oversee.net and others
- 12+ years of ecommerce analytics experience including validating analytical tracking methods for executive management
- 10+ years of ecommerce technology experience including a focus on tracking technologies specific to informing a business about site usage statistics
- 9+ years of project management for ecommerce development projects covering multiple platforms, development languages and site architectures as well as small, medium and large development teams