

EXHIBIT B – DEPOSITION OF MICHAEL KUNTZ (MARCH 3, 2015)

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

10:04 a.m.

Videotaped Deposition of MICHAEL KUNTZ,
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 MICHAEL KUNTZ

2 A. Really that's not part of my 10:22:52
3 job to figure that out or even 10:22:54
4 necessarily know all of the specifics 10:22:56
5 there. The piece for me selfishly that I 10:22:58
6 was most interested in is if there were 10:23:01
7 opportunities to grow the platform, in a 10:23:03
8 nutshell that means bringing more writers 10:23:06
9 on to the platform which we would in turn 10:23:08
10 hope generates a larger audience which in 10:23:10
11 turn we would then hope introduces new 10:23:12
12 advertising opportunities for myself and 10:23:16
13 my team. 10:23:17

14 Q. When did you start at Gawker 10:23:18

15 Media? 10:23:20

16 A. February of 2014. 10:23:20

17 Q. And have you found that the 10:23:23
18 platform has grown and readers have grown 10:23:25
19 and writers have grown and ad partners 10:23:27
20 have grown? 10:23:29

21 MR. BERLIN: Objection, 10:23:30
22 compound. You can answer the 10:23:31
23 question if you can. 10:23:34

24 A. In my experience, yes, there's 10:23:35
25 been progress there. 10:23:36

1 MICHAEL KUNTZ

2 been a part of conversations where, you 10:33:48
3 know, some of our past advertising 10:33:52
4 opportunities have entered into the 10:33:56
5 conversation. But my focus really has 10:33:57
6 been from 2014 and the point that I was 10:34:00
7 hired. 10:34:02

8 Q. Do you have any personal 10:34:05
9 knowledge of how advertising was done at 10:34:06
10 Gawker in 2013 or is it just by way of 10:34:12
11 talking to people at Gawker who were 10:34:16
12 there at the time? 10:34:18

13 A. Yes, again I mean my having 10:34:20
14 seen different ad revenue numbers from 10:34:25
15 2013 is pretty much to the extent that I 10:34:28
16 paid attention to anything before I 10:34:33
17 entered into the company. There were 10:34:35
18 probably opportunities where we sold 10:34:38
19 advertising to a specific client that I 10:34:41
20 needed to be aware of in advance of 10:34:43
21 meeting with that advertiser to try and 10:34:46
22 sell them on future ad program. Beyond 10:34:48
23 that, not so much. I haven't really done 10:34:54
24 any sort of lookback into what the 10:34:56
25 business looked like back then. 10:34:58

1 MICHAEL KUNTZ

2 Q. And I have the same question 10:34:59

3 as to 2013 -- I'm sorry, 2012. Do you 10:35:01

4 have any personal knowledge of how 10:35:03

5 advertising was done at Gawker in 2012, 10:35:05

6 other than by talking to people at Gawker 10:35:08

7 who were at the company in 2012? 10:35:10

8 A. I would have very little 10:35:13

9 knowledge, if any at all, as to what 10:35:14

10 things looked like in 2012 with respect 10:35:16

11 to Gawker's advertising. 10:35:18

12 Q. Are you aware of how Gawker 10:35:20

13 generates revenue other than by the three 10:35:34

14 types of ads that you mentioned before, 10:35:35

15 display ads, sponsored posts and 10:35:37

16 programmatic advertising? 10:35:42

17 MR. BERLIN: I want to object 10:35:43

18 because this is outside the scope 10:35:44

19 of his area of expertise and what 10:35:45

20 he does and that's what was called 10:35:47

21 for by the subpoena. But if you 10:35:48

22 can answer it, you can go ahead and 10:35:50

23 do that. 10:35:52

24 MR. HARDER: I think we just 10:35:52

25 subpoenaed him. So I'm just trying 10:35:53

1 MICHAEL KUNTZ

2 Q. Do you have any personal 11:43:07

3 knowledge of CPM rates at Gawker Media in 11:43:08

4 2013? 11:43:15

5 A. That information may have come 11:43:19

6 across my desk at some point. I couldn't 11:43:21

7 tell you offhand what those numbers were. 11:43:23

8 Q. Do you have any personal 11:43:25

9 knowledge of CPM rates at Gawker Media in 11:43:26

10 2012? 11:43:31

11 A. I don't, no. 11:43:32

12 Q. Before your time? 11:43:33

13 A. Yeah. 11:43:40

14 Q. Do you know if Gawker Media 11:43:55

15 generates any revenue from selling user 11:43:57

16 data? 11:43:59

17 A. Can you define what you mean 11:43:59

18 by user data? 11:44:04

19 Q. Time to click, time spent 11:44:08

20 viewing, conversions, clicking on related 11:44:10

21 sites and content elements? 11:44:13

22 A. To my knowledge, no. 11:44:16

23 Q. Is any revenue generated at 11:44:17

24 Gawker from the sale of user data from 11:44:32

25 the placement of tracking cookies? 11:44:34

1 MICHAEL KUNTZ

2 12:24 p.m.

12:24:48

3 Q. Before we took a break I asked

12:24:50

4 you if revenue information is tracked for

12:24:53

5 each advertiser and you said that it was.

12:24:55

6 That's true for 2014, right?

12:25:00

7 A. Yes.

12:25:02

8 Q. And is it also true for 2013

12:25:02

9 and 2012?

12:25:04

10 A. Yes, for 2013. I don't have

12:25:31

11 any knowledge of 2012.

12:25:32

12 Q. And that revenue information

12:25:35

13 includes CPM data; is that right?

12:25:37

14 A. Comments on behalf of 2014,

12:25:40

15 yes. 2013, I'm not -- I don't recall.

12:25:45

16 Q. It's possible though?

12:25:47

17 A. Sure.

12:25:49

18 Q. It's possible the same types

12:25:50

19 of information is tracked for 2012, that

12:25:52

20 was just before your time so you're not

12:25:54

21 sure?

12:25:56

22 A. Yeah, if the question is it

12:25:57

23 possible, then the answer is yes, but I

12:25:59

24 absolutely am not sure.

12:26:01

25 Q. Who would be the person to ask

12:26:08

1 MICHAEL KUNTZ

2 sites. 12:36:14

3 Q. Although Gawker uses 12:36:15

4 third-party platforms as well, you've 12:36:19

5 mentioned a few today, the billing one, 12:36:21

6 Krux, there was another one that starts 12:36:23

7 with an R, right? 12:36:27

8 MR. BERLIN: Rubicon. 12:36:31

9 A. Rubicon. 12:36:32

10 Q. Right. 12:36:33

11 A. So those vendors are all from 12:36:33

12 an advertising perspective, ad technology 12:36:36

13 companies. 12:36:38

14 Q. Have you heard the term not 12:36:39

15 safe for work? 12:37:25

16 A. Yes, I have. 12:37:26

17 Q. What's your understanding? 12:37:28

18 A. Not safe for work, my 12:37:29

19 understanding is that if a particular 12:37:36

20 page is, is deemed to be not safe for 12:37:37

21 work, that means there's some sort of 12:37:41

22 graphic imagery on that page and/or 12:37:46

23 language that wouldn't be deemed 12:37:52

24 appropriate to view at a workplace. 12:37:54

25 Q. And in terms of advertising, 12:38:00

1	MICHAEL KUNTZ	
2	is there a policy relating to advertising	12:38:02
3	with regard to not safe for work content?	12:38:06
4	A. There is a policy, yes.	12:38:09
5	Q. And what's that policy?	12:38:10
6	A. That policy is that we do not	12:38:11
7	serve advertising next to any sort of	12:38:13
8	content that's deemed to be not safe for	12:38:16
9	work.	12:38:19
10	Q. That's the case, was the case	12:38:19
11	for 2014, correct?	12:38:23
12	A. For 2014, yes.	12:38:24
13	Q. Do you have personal knowledge	12:38:26
14	regarding what the company's policy was	12:38:29
15	in 2013 regarding advertising and not	12:38:31
16	safe for work content?	12:38:34
17	A. I do not, no.	12:38:36
18	Q. And do you have any personal	12:38:37
19	knowledge regarding what the company's	12:38:39
20	policy was in 2012 regarding advertising	12:38:41
21	and not safe for work content?	12:38:44
22	A. I do not, no.	12:38:46
23	Q. Are you familiar with the	12:38:48
24	company servers?	12:39:14
25	A. No.	12:39:16

1 MICHAEL KUNTZ

2 Q. Do you know where they're 12:39:17
3 located? 12:39:19

4 A. I do not, no. 12:39:20

5 Q. That's not something you ever 12:39:21
6 deal with? 12:39:23

7 A. Thankfully, no. 12:39:24

8 Q. What -- do you know what 12:39:25
9 departments deal with the company 12:39:28
10 servers? 12:39:30

11 A. I really don't. No. 12:39:31

12 Q. Is it your understanding that 12:39:52
13 Gawker -- strike that. 12:39:53

14 Do you have any personal 12:40:15

15 knowledge regarding how much money Gawker 12:40:15

16 Media may have made from any sort of 12:40:18

17 content that was posted in 2012? 12:40:19

18 A. No. 12:40:26

19 Q. Do you have any sort of 12:40:27

20 personal knowledge regarding how much 12:40:28

21 money Gawker may have earned in 12:40:29

22 connection with content posted in 2013? 12:40:32

23 A. No. 12:40:34

24 Q. With respect -- have you ever 12:40:36

25 heard of the Hulk Hogan sex tape? 12:40:39

1 MICHAEL KUNTZ

2 A. Yes. 12:40:40

3 Q. What's your understanding of 12:40:41

4 the Hulk Hogan sex tape? 12:40:45

5 A. First of all, I've never seen 12:40:48

6 it. My understanding is that it was a 12:40:50

7 tape that was leaked somewhere during 12:40:54

8 2011, 2012 and posted on one of our 12:40:59

9 sites, and I believe other sites, but I 12:41:03

10 could be mistaken. That's my knowledge 12:41:05

11 of it. 12:41:06

12 Q. Do you have any knowledge 12:41:07

13 whatsoever regarding whether Gawker Media 12:41:09

14 did or did not earn any revenue in 12:41:12

15 connection with the Hulk Hogan sex tape? 12:41:14

16 A. I have no knowledge of it, no. 12:41:17

17 Q. If five million people go to 12:41:20

18 the Gawker website today, do you have an 12:41:48

19 understanding of what sort of revenue 12:41:50

20 gawk media would stand to make? 12:41:52

21 A. Yes. 12:41:56

22 Q. How much? Or how would you 12:41:57

23 come to that determination? 12:42:00

24 A. Well, so you'd have to define 12:42:01

25 why do they come to the site, for what 12:42:04

1 MICHAEL KUNTZ

2 purpose. 12:42:07

3 Q. Let's say they were there to 12:42:08

4 view a story. 12:42:09

5 A. What type of story? 12:42:10

6 Q. Is it -- does it matter? 12:42:12

7 A. It absolutely matters, yes. 12:42:15

8 Q. Okay, why? 12:42:16

9 A. If it is a story that is 12:42:17

10 appropriate for advertising adjacency 12:42:21

11 then that's an opportunity for us to 12:42:27

12 potentially monetize that particular page 12:42:30

13 and/or story. If it is a story that is 12:42:32

14 deemed to be not appropriate we don't 12:42:35

15 serve advertising next to it. 12:42:36

16 Q. Is it your understanding -- is 12:42:45

17 it -- well, strike that. 12:42:46

18 Is it your testimony that if 12:42:48

19 somebody goes to a -- strike that also. 12:42:49

20 Is it your testimony that if 12:42:53

21 five million people go to Gawker.com and 12:42:56

22 among other things visit a page that has 12:43:00

23 no advertising, then the value of five 12:43:03

24 million people going to Gawker.com is 12:43:07

25 zero? 12:43:09

1 MICHAEL KUNTZ

2 MR. BERLIN: I want to just 12:43:10

3 interpose an objection to the 12:43:11

4 question as vague including because 12:43:12

5 it suggests that the people are 12:43:16

6 visiting one page and maybe other 12:43:18

7 pages. I don't want the witness to 12:43:20

8 get tripped up on that. 12:43:23

9 Q. Do you understand the 12:43:24

10 question? 12:43:25

11 A. Can you repeat it. 12:43:26

12 MR. HARDER: Would you mind, 12:43:28

13 please. 12:43:29

14 (The requested portion of the 12:43:48

15 record was read.) 12:43:49

16 A. I don't know if the number 12:43:49

17 would be zero, but I think it would be 12:43:52

18 pretty close to that. But I couldn't 12:43:55

19 tell you for sure. 12:43:57

20 Q. So Gawker Media has no -- 12:43:58

21 strike that. 12:44:02

22 So Gawker Media sees no value 12:44:02

23 in five million people coming to its 12:44:06

24 website unless they are visiting a 12:44:08

25 specific advertising served page at that 12:44:12

1 MICHAEL KUNTZ

2 moment?

12:44:16

3 MR. BERLIN: Objection to the

12:44:17

4 use of the term they. You can

12:44:18

5 answer the question if you'd like.

12:44:19

6 A. Right, so that's, that was

12:44:21

7 going to be my sort of -- I would ask for

12:44:23

8 further clarification on that. So value

12:44:25

9 from an editorial, or advertising

12:44:27

10 perspective or editorial perspective? In

12:44:32

11 my case I'm just focused on advertising.

12:44:34

12 Q. Either way.

12:44:36

13 A. From an advertising

12:44:36

14 perspective, if I knew that those five

12:44:37

15 million people that visited the site were

12:44:40

16 ultimately going to be people that came

12:44:43

17 back to the site time and time again is

12:44:45

18 what we call repeat visitors or readers

12:44:48

19 and they visit certain sections of the

12:44:51

20 site that we have an opportunity to

12:44:53

21 monetize, then yes, there could be some

12:44:56

22 value there. But I have no way of -- or

12:45:00

23 I have no knowledge as to how we would be

12:45:03

24 able to track that.

12:45:04

25 MR. HARDER: I have no further

12:45:28

1 MICHAEL KUNTZ

2 questions. We will end. Thank 12:45:28

3 you. 12:45:30

4 MR. BERLIN: We ended early. 12:45:30

5 THE VIDEOGRAPHER: Stand by. 12:45:31

6 Here marks the end of file number 3 12:45:33

7 -- 12:45:34

8 MR. BERLIN: I just have to 12:45:35

9 say I have no questions for this 12:45:36

10 witness. You may now do your 12:45:37

11 magic. 12:45:40

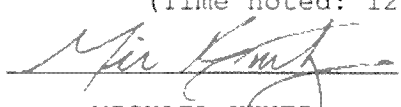
12 THE VIDEOGRAPHER: Sorry about 12:45:41

13 that. Here marks the end of file 12:45:42

14 number 3, we are going off the 12:45:43

15 record, the time is 12:45 p.m. 12:45:44

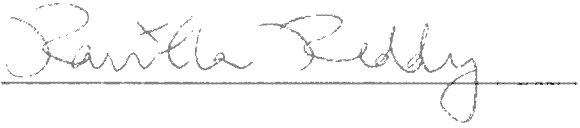
16 (Time noted: 12:45 p.m.) 12:45:46

17 

18 MICHAEL KUNTZ

19 Subscribed and sworn to before me

20 this 16th day of April, 2015.

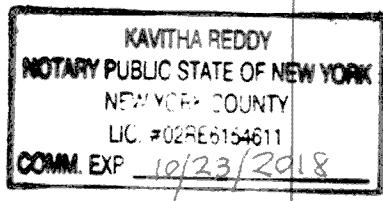
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C E R T I F I C A T E

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 MICHAEL KUNTZ, 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 17th day of March, 2015.

Mark Richman
MARK RICHMAN, C.S.R., C.R.R.