

# EXHIBIT 2

to the

**PUBLISHER DEFENDANTS'  
OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 21  
TO EXCLUDE TESTIMONY OF GAWKER WITNESSES ON  
ISSUES ABOUT WHICH THEY LACK PERSONAL KNOWLEDGE**

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IN THE CIRCUIT COURT OF THE  
SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

Case No. 12012447CI-011

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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 describing her involvement with this matter  
3 the, the sentence reads, this witness is  
4 knowledgeable about the fact that Gawker did  
5 not post any advertisements on the web page,  
6 therefore, derived no revenue directly from  
7 publication of the web page and/or the  
8 excerpts.

9 What I'd like to focus you on in  
10 that sentence is the word "directly" and ask  
11 you whether there is any revenue stream that  
12 resulted to Gawker Media, LLC or to any of  
13 its related entities as a result of the  
14 posting of the Hulk Hogan sex tape video?

15 A. There's -- as, as we described in  
16 the interrogatory, there's no direct revenue.  
17 It's impossible to know if there's any  
18 indirect revenue. The various indirect  
19 revenue streams we have generally can't be  
20 measured with that level of granularity.

21 Q. Okay. All right. I'd like to  
22 review with you then before we take our lunch  
23 break what indirect revenue streams could  
24 have benefited from the posting of the Hulk  
25 Hogan sex tape video?

1 S. Kidder

2 Gawker.com that contained the Hulk Hogan sex  
3 tape video, that story was licensed. Was  
4 that story licensed to any other entities who  
5 posted it on other websites?

6 A. Not that I'm aware of, no.

7 Q. What are the other potential  
8 indirect streams of revenue?

9 A. There's, there's, there's none  
10 others that come to my mind.

11 Q. So if I'm understanding you  
12 correctly, what could have happened in this  
13 case is that individuals who, who searched  
14 for and located the Hulk Hogan sex tape web  
15 page could have clicked from that web  
16 page onto other web pages which contained  
17 advertising?

18 A. Yes.

19 Q. Does the act of clicking onto  
20 another web page that contains advertising  
21 result in any revenue to Gawker Media?

22 A. Yes.

23 Q. And how, how does that work?

24 A. We sell advertising based on what's  
25 called a CPM basis, costs per thousand

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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

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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