

**EXHIBIT 3**

**to**

**PUBLISHER DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE*  
NO. 18 TO EXCLUDE EVIDENCE OR ARGUMENT RELATED TO DOCUMENTS  
WITHHELD AS WORK PRODUCT PRIOR TO DEPOSITION OF PLAINTIFF**

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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.  
-----)

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 Q. Okay. Mr. Kidder, we're back on  
3 the record and you understand you are still  
4 under oath?

5 A. I do.

6 Q. Let me ask the reporter to mark as  
7 Exhibit 23 a single page document that I will  
8 represent to you is a document that our firm  
9 created on the 9th of -- I'm sorry, on the  
10 26th of September of this year by logging on  
11 to the Gawker.com website.

12 (Exhibit 23, document, marked for  
13 identification, as of this date.)

14 Q. And are you familiar with the  
15 appearance of the Gawker.com website?

16 A. Yes.

17 Q. Let me represent to you that what  
18 appears in the box in the upper right-hand  
19 corner is a, is what appears as the drop-down  
20 menu when one clicks onto the contents icon  
21 in the upper right-hand corner. You  
22 understand what I'm referring to?

23 A. Yes, by contents icon you mean the  
24 three lines.

25 Q. Correct.

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S. Kidder

commercial, commercial success or viability,  
so no, especially given that it's capped at  
20 percent in any given month.

Q. It could be a recipe for disaster  
if one were to carry that forward, I mean,  
one does need to -- these are profit-making  
enterprises, correct?

A. Yes. You know, making a profit is  
not Gawker's first and foremost mission.

Q. Let me show you a document that  
I'll ask you to take a look at. We'll ask  
the reporter to mark this as Exhibit 24.

(Exhibit 24, document, marked for  
identification, as of this date.)

Q. This is, I'll represent to you, a  
story that our firm pulled off of the Digiday  
website from July of 2013. And what I'd like  
to direct your attention to, it purports to  
be an interview of Nick Denton by BuzzFeed.  
And what I'd like to direct your attention is  
the question and answer that begins at the  
bottom of the page which reads, so how much  
money are you making from alternative revenue  
sources like affiliates, and the response is,

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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*

TONI ALLEGRUCCI

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DEPOSITION ERRATA SHEET

Assignment No. 10069

Case Caption: BOLLEA vs. GAWKER

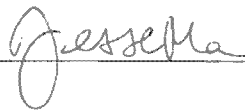
DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

  
SCOTT KIDDER

Subscribed and sworn to on the 4 day of

November, 2013 before me,



Jesse Ma  
Notary Public State of New York  
New York County  
Reg. No.: 02MA6225360  
My Comm. Exp. 7-19-14

Notary Public,

In and for the State of New York



Case Title: Bollea v. Clem, et al.  
 Date of Deposition: October 1, 2013  
 Witness's Name: Scott Kidder

DEPOSITION ERRATA SHEET

<u>PAGE</u>	<u>LINE(S)</u>	<u>CHANGE</u>		<u>REASON</u>
		<u>From</u>	<u>To</u>	
26	17	label	legal	mis-transcription
26	19	Caity's	Katie's	mis-spelling
27	11	Sampson	Samson	Mis-spelling
37	13	Jeff	Geoff	Mis-spelling
37	16	Witson	Whitson	Mis-spelling
38	25	Cohen	Coen	mis-spelling
77	14	Lane	Layne	Mis-spelling
119	2	received	referred	mis-transcription
138	24	Aaron	Erin	mis-spelling
158	13	Bertolino	Bertolini	Mis-spelling
163	12	you as	U.S.	mis-transcription
173	24	GawkerMedia.com	Gawker.com	mis-identification
179	24	it's	is	mis-transcription
160	20	Bertolino	Bertolini	Mis-spelling
163	21	GO location	Geo-location	Mis-transcription
187	20	October 14, 2012	October 4, 2012	mis-identification
187	20	June 30, 2012	June 30, 2013	mis-identification
193	15-16	[blank]	Exhibit 29 reflects the top Gawker posts of all time	
261	14	certain sizes in bad video	certain sizes, embed video	mis-transcription
270	12	Bertolino	Bertolini	Mis-spelling

## CONFIDENTIALITY DESIGNATIONS

Pages 80-82 (already marked in transcript)

Page 156, lines 17-21

Page 204 is marked confidential in the transcript, and need not be

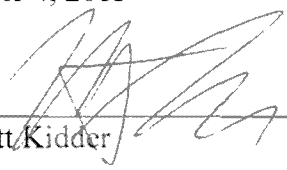
Pages 205-210 (already marked in transcript)

Pages 211-212

Date: November 4, 2013

Signature: \_\_\_\_\_

Scott Kidder

A handwritten signature in black ink, appearing to read 'Scott Kidder', is written over a horizontal line. The signature is stylized and somewhat cursive.

JAN BREWER · By LACEY DONOHUE

### Watching Jan Brewer Mispronounce "Tusk"



Here's Arizona's gun-lover governor at a Thursday think a smart, worldly Read... 6 minutes ago

FLYING · By LACEY DONOHUE

A Federal Aviation Administration committee allowed to use smartphones, iPads, Kindles, etc switched to airplane mode. It's now up to FAA will—the committee's recommendations. Read

KANYE WEST · By LACEY DONOHUE

### Here's the Kimmel Skit That Has Kanye West



Apparently angry over night Twitter, attacking mean, unfunny, and la

GEORGE ZIMMERMAN · By LACEY DONOHUE

### George Zimmerman's Wife: "I Have Doubts"

George Zimmerman's estranged wife Shellie Zimmerman, 26, spoke to Matt Lauer about her husband Thursday morning on Today, revealing that she might have misjudged his character. Just a little bit. "This person that I'm married to, that I'm divorcing, I've kind of realized now that I don't know him," she told Lauer.... Read... Today 8:24pm

THINGS WE LIKE · By CAMILLE DODERO

Today's gossip is tomorrow's news.  
CULTURE · TRUE STORIES · JOURNALISM  
RANTS · VALLEYWAG · DEFAMER

#### TOP STORIES

Jimmy Fallon's Latest Lip Sync-Off Was Actually Epic

Here's the Kimmel Skit That Has Kanye West SCREAMING on Twitter

Guy Breaks Up with Girl by Text, Girl Publicly Shames Guy on Her Blog

Girl Who Lost It Over Breakup Text: 'He Knew What He Was Getting Into'

Thatz Not Okay: Boinking in a Shared Shower; A Sex-Librarian's Scorn

Adorable Little Girl Duets With Father Amidst Imaginary Fireworks

These Two Brothers Just Took Wedding Toasts to the Ultimate Level

George Zimmerman's Wife: "I Have Doubts"

Zach Galifianakis Snarks Justin Bieber Roth

INTERVIEWS

W VALLEYWAG

DODGE & BURN

DEFAMER

KINJA

DEADSPIN

GAWKER

GZMODO

109

JALOPNIK

JEZEBEL

KOTAKU

LIFEHACKER

Search Gawker

Exhibit  
23  
TA 10-1-13



Shellie Zimmerman's 911 Call: "He Continually Has His Hand on His Gun"

Captured by HMA at 19:28:19, 26-09-2013.  
Gawker - Today's gossip is tomorrow's news  
[http://gawker.com/]

Exhibit

24

TA 10-1-13

## Nick Denton's Beef With BuzzFeed

Josh Sternberg | July 25, 2013

Digiday recently spoke with Gawker founder and proprietor Nick Denton about reviving Valleywag, native ads, BuzzFeed, and the British media invasion.

Excerpts:

### **What's your take on native ads: good, bad, or don't care?**

Native ads are like any other ad: good when they're good, bad when they're bad, and usually indifferent.

### **Are social ads or native ads the future?**

To the extent that the Web is a social or interactive medium, a truly native ad should be social or interactive. Unfortunately, most just pretend to be. I don't believe that a sponsored tweet or sponsored story is in itself very novel or interesting at all. How is that different from the advertorial that has always been a feature of print news?

### **You've said in the past that the days of banner ads are numbered.**

#### **Will Gawker ever get rid of them completely?**

I have made my peace with the banner. You can't fight against an entire industry. And you can't ignore the clients who want to convey mood rather than information. The real challenge is to align banners more closely with stories – and custom content.

### **So how much money are you making from alternative revenue sources, like affiliates?**

We don't make many commercial bets. But affiliate revenue from Amazon and

others – the original business model of Gawker Media – is finally coming into its own. We drove \$15 million in transactions on Amazon in the last 12 months – and that number will more than double in the next.

### **Will you ever open the Gawker commenting platform Kinja to brands?**

Our ambition is to turn at least half our advertisers into publishers. Our role should be that of impresario, bringing brand advocates into real contact with influential readers.

### **What's the most important thing you've learned from starting Studio@Gawker, your brand content studio?**

We've learned how hard but rewarding it is to market a client effectively online. There are no shortcuts.

### **Speaking of shortcuts, last year you made some waves by saying, "BuzzFeed will collapse under the weight of its own contradictions."**

#### **Still think BuzzFeed has too many contradictions to succeed?**

I thought that the appeal of reality television would burn out, and here we are 10 years later and it's going strong. Listicles could prove equally enduring. BuzzFeed has gamed the Facebook system as artfully as Demand Media and Associated Content gamed Google. But they are rather dependent – as those companies were – on the goodwill of their distribution partners, the dictatorship of the algorithm, and the fatigue of the audience.

#### **Biggest regret with Gawker?**

I wish we had started Kinja earlier instead of fussing around with one-off initiatives.

#### **Such as?**

The Gawker Stalker map. It propelled Gawker forward, won us notoriety, drew in advertisers even. But discipline is much more rewarding: we have only one goal, to create the venue for intelligent discussion on the Web. Now pretty much everything and everyone is dedicated to that task.

**What's your most favorite piece of content you've read on Gawker?**

Cord Jefferson's piece after the Trayvon verdict: That was the first recent piece that sprang to mind. Gawker was one of the very few places one could have an intelligent discussion about the case. That's partly the discussion software doing its work – but the writers set the tone of the conversation.

**You did get a lot of pushback, though, from running the photo of Trayvon's body.**

If a story is worthwhile, it generates pushback. Everything else is stenography.

**What do you have to say to critics of the crack starter campaign?**

That falls into the category of a worthwhile story that generated pushback. The pushback was led by a crack-smoking mayor and the respectful press: We feed off that kind of criticism.

*Image via [Wikimedia Commons](#)*



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Disqus seems to be taking longer than usual. Reload?

Captured by HMA at 19:10:01, 26-09-2013.  
Nick Denton's Beef With BuzzFeed | Digiday  
[<http://digiday.com/publishers/nick-denton-makes-peace-with-the-banner-ad/>]