

Exhibit 10

(Defendants' Trial Exhibit D-747)

10/22/2012

The following is a draft transcript of a consensual recording of a telephone call on October 22, 2012 between Dave Houston and Keith Davidson.

This draft transcript, in its current form, is for the sole purpose of review by the prosecuting attorneys and should not be construed as a final verbatim transcript. Further review may be necessary for trial purposes.

(ID 1)

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DRAFT

GAWKER-1627

DH: Dave Houston
KD: Keith Davidson
UF: Unknown Female
VM: Voice Mail

Typing Key:

AV: Automated Voice
Auto: Automated Message
UI: Unintelligible
IA: Inaudible
PH: Phonetic
-////: Speaking simultaneously

10/22/2012) (00:42:26)

UF:

[REDACTED]

b6 -2
b7C -2

DH: Hi. This is Dave Houston calling for um Mr. Davidson.

UF: One second please Mr. Houston.

(Hold music plays)

KD: Hey David.

DH: Hello Keith. How are you?

KD: Fine thanks.

DH: Um.

KD: Um.

DH: Go ahead.

KD: You called me in my car so if there's a little background that's why:

DRAFT

DH: Right.

KD: And that was pretty much the gist of that conversation.

DH: Yeah that would not be a good thing.

KD: So (pause) so there it is. I mean other and you know other than the methods I spoke about earlier as far as assurance um I don't have any other ideas.

DH: Right.

KD: And the tape is, you know, it is what it is.

DH: Well a couple of things come to mind. I mean referencing and assurances, you now, I and I haven't talk to you about money but I do want to talk to you about that because it may be so far out of our bar, our, our ballpark that you know it's just something I may have to say you know let you guys roll with it and do what they do with it but if we're in a situation where money is paid up then obviously we want to be in a situation to know that they're not going to be leaking other information from other tapes that we haven't bought. That would certainly be one concern and I, I need some assurance from them that as, as far as what they possess, they possess these three, that's only these three. They've got no more, we're not gonna hear about a fourth one that inadvertently showed up later after we cut some sort of a deal, that this would have to be. you know, all inclusive as referenced anything they have now or anything they get in the future cause I really don't want to be in that situation where somebody held one back or said oh no we just found this or this one just came up. And the other issue of course would be if, if we're talking money I know that ah there's a value to these. I just don't know in your mind what that value is. I haven't seen them, you have. I haven't had the luxury of being able to access the potential damage impact if these things get out and certainly you have and I'm assuming if there's conversation such as what we just talked about referencing [redacted] and you know who she's dating, that the racial issue certainly could cost him a great deal as far as sponsorships. I mean he's a national guy and he's got a certain image to maintain so I guess what I'm looking for here is what are we talking about money to make sure that doesn't happen.

KD: Look I, I don't care how you respond to my next question but I need you to start, start the negotiation off.

DH: (Chuckles) Well then I'm negotiating against myself Keith. I mean there's no

b6 -4
b7C -4