

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

TERRY GENE BOLLEA professionally
known as HULK HOGAN,

Plaintiff,

Case No.: 12012447-CI-011

vs.

GAWKER MEDIA, LLC aka
GAWKER MEDIA; et al.,

Defendants.

AFFIDAVIT OF MIA LIBBY

I, Mia Libby, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief.

1. I am the Senior Vice-President of Global Sales and Partnerships at Gawker Media.
2. On March 15, 2016 at approximately 1:30 pm I testified as a witness in the above-captioned matter.
3. During my testimony, the following exchange occurred:
 - 7 Q. Gawker is running a live stream of this
 - 8 trial, isn't it?
 - 9 A. Correct.
 - 10 Q. Are there ads on the page where that live
 - 11 stream appears?
 - 12 A. I don't know for sure, but I would say no.
 - 13 Likely, no.

Transcript Vol. 23, Page 3117:7-13.

4. At the time of my testimony, I was aware that Gawker.com had embedded on its website a live video feed of the proceedings in this case. That live video feed is provided by a

third party, Livestream. Livestream provides free public video feeds of court proceedings. *See* <http://livestream.com/wildabouttrial/events/4901523>. Livestream also permits any website to link to or embed their video feeds on their websites. Other news organizations, including, for example, the Tampa Bay Times, also have embedded Livestream's video feed of this trial onto their websites. Attached as Exhibit A are screen shots of other websites and news organizations, displaying the embedded video feed from Livestream.

5. "Embedding" means that a website hosts a computer code that results in the display of content provided by another. In other words, Gawker.com neither created nor has control over Livestream's video feed, but simply enables it to appear within a Gawker.com webpage.

6. Because I was sequestered prior to my appearance as a witness in this case, I had not personally viewed the Gawker.com web page where the Livestream video feed was embedded. Consequently, as I testified, I did not know what was on that web page. I could only speculate as to whether display ads appeared on that webpage.

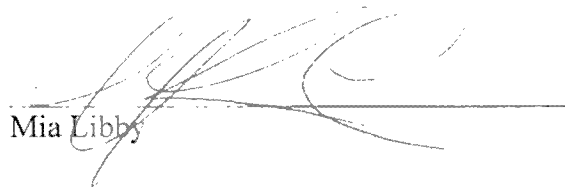
7. After my testimony, I learned that display ads did appear on the Gawker.com website where the Livestream video feed is embedded. Advertisements have since been removed from that page as a result of plaintiff's counsel's questions about them and the implication that the advertising was improper for some reason. Attached as Exhibit B is a screen shot of the Gawker.com website, showing the embed of the Livestream video feed.

8. Livestream displays its own advertising within its live video feed. Gawker.com does not have any control over the advertisements appearing within Livestream's video feed and derives no benefit from those advertisements.

9. I understand that on March 17, 2016 my testimony was discussed in court and that plaintiff's counsel suggested that Gawker had removed or disabled the live video feed of these proceedings during my testimony on March 15, 2016.

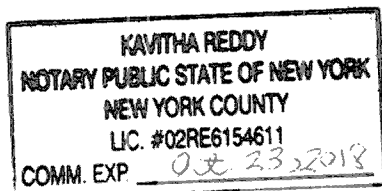
10. That is not correct. I learned after I testified that Livestream experienced technical difficulties on the morning of March 15, 2016, beginning at approximately 11:00 am and lasting until approximately 4:00 pm that day. Attached as Exhibit C are statements issued by Livestream regarding those technical difficulties.

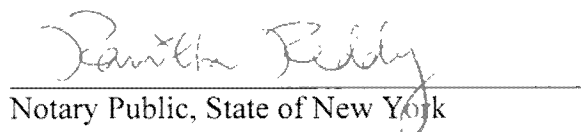
11. I also learned later that the Livestream video feed remained embedded on the Gawker.com website that day but no live video appeared for much of that day due to Livestream's technical difficulties. Attached as Exhibit D is a screen shot of the Gawker.com website on the morning of March 15, 2016, showing the error message communicated from Livestream, which someone unconnected to Gawker posted to Twitter.com on March 15, 2016. That message stated, "Service Unavailable – Sorry we are experiencing technical difficulties. We are working on the problem and service should return shortly. For status updates please visit status.livestream.com." I understand that other websites that embedded Livestream's video feed, as well as Livestream's own website, experienced the same problems that day.


Mia Libby

STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing Affidavit of Mia Libby was SWORN TO AND SUBSCRIBED before me this 18th day of March 2016.




Notary Public, State of New York