

# **EXHIBIT E**

**In The Matter Of:**

***TERRY GENE BOLLEA***

***v.***

***HEATHER CLEM***

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***COOK, JOHN***

***April 15, 2015***

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**MERRILL CORPORATION**

**Legalink, Inc.**

20750 Ventura Boulevard  
Suite 205  
Woodland Hills, CA 91364  
Phone: 818.593.2300  
Fax: 818.593.2301

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

-----x

TERRY GENE BOLLEA, professionally know as  
HULK HOGAN,

Plaintiff,

Case No.

-against-

12012447 CI-011

HEATHER CLEM, GAWKER MEDIA, LLC AKA  
GAWKER MEDIA; GAWKER MEDIA GROUP, INC.  
AKA GAWKER MEDIA; et al.,

Defendants.

-----x

April 15, 2015  
10:01 a.m.

Videotaped Deposition of JOHN COOK, taken by  
Plaintiff, pursuant to Notice, at the offices of  
Merrill Corporation, 1345 Avenue of the Americas, New  
York, New York, before William Visconti, a Shorthand  
Reporter and Notary Public within and for the State  
of New York.

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A P P E A R A N C E S:

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BY: ALIA L. SMITH, ESQ.  
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ALSO PRESENT:

ADAM KOWALCZYK, Videographer  
HEATHER L. DIETRICK, Gawker Media



	DESCRIPTION	PAGE
1		
2	E X H I B I T S	
3	(Exhibit 222A for	8
4	identification, amended notice	
5	of the taking of the videotape	
6	deposition of corporate	
7	representative of Gawker Media.)	
8	(Exhibit 223A for	17
9	identification, article entitled	
10	Gawker Hires John Cook from the	
11	Observer News and it is dated	
12	March 6th, 2009.)	
13	(Exhibit 224A for	31
14	identification, article entitled	
15	Muzzled Reporter says Maw of	
16	YaHoo is no place for journalism	
17	dated September 22nd, 2010)	
18	(Exhibit 225A for	112
19	identification, document Bates	
20	stamped 00142 through 00157.)	
21	(Exhibit 226A for	114
22	identification, document Bates	
23	stamped 01536 through 01572.)	
24		
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E X H I B I T S

DESCRIPTION	PAGE
(Exhibit 227A for identification, article by Mr. Cook dated April 25th, 2013.)	136
(Exhibit 228A for identification, article by Mr. Daulerio dated October 4th, 2012.)	154

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IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties herein that filing and  
sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form  
of the question, shall be reserved to the  
time of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed  
and sworn to before any officer authorized  
to administer an oath with the same force and  
effect as if signed and sworn to before the  
Court.

1		
2	THE VIDEOGRAPHER: Good morning.	10:01:09
3	This is the video operator speaking, Adam	10:01:16
4	Kowalczyk, of Merrill Legal Services, 20750	10:01:20
5	Ventura Boulevard Suite 2045 Woodland Hills,	10:01:24
6	California. Today's date is Wednesday, April	10:01:29
7	15th, 2015 the time is approximately 10:01	10:01:32
8	a.m. We are at the offices of Merrill	10:01:36
9	Corporation, 1345 Avenue Of The Americas, New	10:01:40
10	York, New York to take videotaped deposition	10:01:45
11	of John Cook in the matter of Terry Gene	10:01:46
12	Bollea professionally known as Hulk Hogan	10:01:51
13	versus Heather Clem, Gawker Media LLC et al.,	10:01:53
14	in the Circuit Court of the Sixth Judicial	10:01:58
15	Circuit in and for Pinellas County Florida.	10:02:02
16	Case number 12012447 CI-011.	10:02:05
17	Will all counsel present please	10:02:13
18	introduce themselves for the record and who	10:02:15
19	they represent.	10:02:17
20	MS. MC GRATH: Jennifer McGrath for	10:02:17
21	Plaintiff.	10:02:20
22	MS. SMITH: Alia Smith for Gawker	10:02:20
23	Media, Nick Denton, AJ Daulerio and the	10:02:23
24	Witness.	10:02:26
25	MS. DIETRICK: Heather Dietrick	10:02:27

1  
2 president and general counsel of Gawker 10:02:31  
3 Media. 10:02:33  
4 THE VIDEOGRAPHER: Will the court 10:02:33  
5 reporter, Bill Visconti, of Merrill Legal 10:02:34  
6 Services please swear the witness. 10:02:36  
7 J O H N C O O K, 10:02:37  
8 having been first duly sworn by the Notary Public, 10:02:37  
9 was examined and testified as follows: 10:02:37  
10 EXAMINATION CONDUCTED BY MS. MC GRATH: 10:02:39  
11 Q. Good morning, Mr. Cook. 10:02:39  
12 A. Good morning. 10:02:46  
13 Q. How are you? 10:02:47  
14 A. Well. How are you? 10:02:48  
15 Q. As you just heard I represent the 10:02:49  
16 Plaintiff Terry Gene Bollea professionally known 10:02:51  
17 as Hulk Hogan. I want to ask you before we get 10:02:55  
18 started have you ever been deposed before? 10:02:58  
19 A. I have not. 10:03:00  
20 Q. I want to go over a few, I'm sure 10:03:01  
21 your attorney spoke with you about this but a few 10:03:03  
22 ground rules just so that you understand how the 10:03:05  
23 process works. 10:03:08  
24 It is important that you let me 10:03:09  
25 finish my question before you begin to answer that 10:03:10

1 JOHN COOK

2 way there can be a clear record. If you can also 10:03:13  
3 say yes and no rather than moving your head back 10:03:17  
4 and forth or saying ah huh, again that makes for a 10:03:21  
5 very clear record. 10:03:23

6 If you need a break, this is not a 10:03:24  
7 marathon, let me know at any time. We would 10:03:27  
8 prefer that you not take a break while a question 10:03:31  
9 is pending, but just let me know otherwise if you 10:03:33  
10 need a break we could take that at any time. 10:03:36

11 Is there any reason that you can't 10:03:38  
12 give testimony this morning? Have you taken any 10:03:41  
13 drugs that might affect your ability to give 10:03:45  
14 testimony today? 10:03:47

15 A. I have not. 10:03:48

16 MS. MC GRATH: I'm going to mark as 10:03:52  
17 Exhibit 222A, this is the amended notice of 10:03:54  
18 the taking of the videotape deposition of 10:03:58  
19 corporate representative of Gawker Media. 10:04:00

20 (Exhibit 222A for identification, 10:04:05  
21 Amended notice of the taking of the videotape 10:04:05  
22 deposition of corporate representative of 10:04:05  
23 Gawker Media.) 10:04:33

24 Q. Mr. Cook, have you ever seen this 10:04:33  
25 document before? 10:04:35

1	JOHN COOK	
2	(Witness reviewing document.)	10:04:38
3	A. I have seen Schedule A of this	10:05:21
4	document before.	10:05:23
5	Q. If you could take a look for me at	10:05:23
6	Schedule A, the first topic is "John Cook's	10:05:25
7	writing and posting of the article entitled 'A	10:05:29
8	judge told us to take down our Hulk Hogan sex tape	10:05:32
9	post, we won't'."	10:05:36
10	Did you look for any documents in	10:05:40
11	connection with that topic?	10:05:43
12	A. I did.	10:05:51
13	Q. Did you review those documents in	10:05:52
14	preparation for today's deposition?	10:05:56
15	A. I did.	10:05:57
16	Q. What documents did you review in	10:05:58
17	preparation for today's deposition?	10:06:01
18	A. I reviewed e-mail exchanges with	10:06:03
19	counsel. And I reviewed I believe two e-mails	10:06:07
20	that I sent to reporters after the publication of	10:06:18
21	that post saying you guys should take a look at	10:06:21
22	this post.	10:06:25
23	Q. Who were those reporters that you	10:06:27
24	sent those e-mails to?	10:06:29
25	A. David Bowder of the Associated	10:06:30

1	JOHN COOK	
2	Press. And the other one I can't recall.	10:06:38
3	Q. Do you know if the e-mails to Mr.	10:06:40
4	Bowder was produced in this matter?	10:06:52
5	A. I don't know if it was produced.	10:06:53
6	Q. Did you give that document to your	10:06:55
7	counsel?	10:06:56
8	A. I did not.	10:06:56
9	Q. And the other reporter you can't	10:06:57
10	recall who that was?	10:07:00
11	A. It may have been Brian Stelter of	10:07:01
12	the New York Times.	10:07:08
13	Q. What is the last name?	10:07:10
14	A. Stelter. S-t-e-l-t-e-r.	10:07:11
15	Q. Do you remember with regard to the	10:07:20
16	e-mail to Mr. Stelter what the content of that	10:07:21
17	e-mail was?	10:07:24
18	A. The content of that e-mail and the	10:07:24
19	other e-mail was you should look at this post, a	10:07:28
20	judge issued this order which is pretty	10:07:31
21	extraordinary and it is newsworthy.	10:07:34
22	Q. When you say that the e-mail said	10:07:36
23	you should look at this post, you were directing	10:07:38
24	those two reporters to the article "A judge told	10:07:40
25	us to take down our Hulk Hogan sex tape post, we	10:07:44



1	JOHN COOK	
2	won't"?	10:07:48
3	A. Correct.	10:07:48
4	Q. If you just could take a look for	10:07:49
5	me at the second topic which is your written and	10:07:51
6	oral communications regarding the one minute 41	10:07:54
7	second long video and that topic continues, do you	10:07:59
8	see that?	10:08:03
9	A. Yes.	10:08:04
10	Q. Did you look for any documents	10:08:04
11	relating to that topic?	10:08:06
12	A. I was presented with documents that	10:08:07
13	had been produced in connection with this case and	10:08:16
14	I reviewed those.	10:08:19
15	Q. Do you recall what those documents	10:08:20
16	were?	10:08:22
17	A. Camp Fire chats, transcripts I	10:08:23
18	should say.	10:08:30
19	Q. What is a Camp Fire transcript?	10:08:30
20	A. Camp Fire is a chat tool that we	10:08:33
21	use at Gawker to communicate with one another.	10:08:38
22	Q. Is that similar to an IM type	10:08:46
23	system?	10:08:50
24	A. It is, but it's a group. So there	10:08:51
25	is a chat room that everybody can -- everybody who	10:08:53

1	JOHN COOK	
2	is authorized to enter the room can write into.	10:08:57
3	Q. Do you recall what Camp Fire chat	10:09:00
4	transcripts you looked at, what they related to?	10:09:04
5	A. They were discussions over a wide	10:09:06
6	variety of timeframes that mentioned Hulk Hogan	10:09:10
7	and that I participated in.	10:09:16
8	Q. Did you look at any other documents	10:09:17
9	relating to topic number 2?	10:09:19
10	A. No.	10:09:20
11	Q. With regard to topic number 3,	10:09:25
12	"Your observations and participation in	10:09:30
13	decision-making regarding the one minute 41 second	10:09:33
14	long video." And that topics continues. Did you	10:09:36
15	look for document as related to that topic?	10:09:40
16	A. I did not.	10:09:42
17	Q. Is there any reason that you did	10:09:42
18	not look for documents related to that topic?	10:09:45
19	A. I did not participate in the	10:09:46
20	decision-making around that post.	10:09:48
21	Q. You have indicated that you met	10:09:56
22	with counsel to prepare for the deposition today?	10:10:02
23	A. I have.	10:10:04
24	Q. Who did you meet with?	10:10:04
25	MS. SMITH: You can answer who you	10:10:07

1	JOHN COOK	
2	met with.	10:10:08
3	A. Alia and Heather.	10:10:08
4	Q. When did that meeting take place?	10:10:12
5	A. There was a meeting on Monday and	10:10:14
6	then there was a meeting yesterday as well.	10:10:20
7	Q. Approximately how long did those	10:10:24
8	meetings last?	10:10:26
9	A. An hour each, something like that.	10:10:27
10	Q. Other than the documents that we	10:10:33
11	mentioned with regard to these numbered topics,	10:10:34
12	did your counsel show you any other documents in	10:10:38
13	preparation for the deposition?	10:10:41
14	A. I believe the only document that I	10:10:43
15	was shown were the Camp Fire transcripts and the	10:10:48
16	Schedule A of this document that is in front of	10:10:50
17	me.	10:10:53
18	Q. When you looked at the Camp Fire	10:10:57
19	transcripts, did they refresh your recollection as	10:10:58
20	to the topics that are listed on Schedule A?	10:11:02
21	A. To the extent that number 2 on	10:11:14
22	Schedule A involves any written and oral	10:11:20
23	communications regarding that video, there were	10:11:25
24	written communications regarding that video that I	10:11:27
25	did not recall because they were passing comments	10:11:30

1 JOHN COOK

2 and references that I had made in Camp Fire about 10:11:33

3 the video, so, yes. 10:11:36

4 Q. Do you have an e-mail address at 10:11:37

5 Gawker? 10:11:46

6 A. Yes. 10:11:46

7 Q. What is that e-mail address? 10:11:47

8 A. John@Gawker.com. 10:11:48

9 Q. Did you do a search of that e-mail 10:11:52

10 address to locate any documents that might have 10:11:55

11 been related to the topics on Schedule A? 10:11:58

12 A. I did not conduct a search of the 10:12:02

13 e-mail address. I did not enter any search terms 10:12:08

14 into my inbox, no. 10:12:12

15 Q. Do you know if anyone may have done 10:12:13

16 that on your behalf? 10:12:15

17 A. Not to my knowledge, no. 10:12:16

18 Q. Do you ever use your personal 10:12:18

19 e-mail to transmit messages relating to your work 10:12:20

20 at Gawker? 10:12:26

21 A. No. 10:12:27

22 Q. Have you talked to anyone about 10:12:34

23 this case? 10:12:35

24 MS. SMITH: You can answer if you 10:12:36

25 have talked to counsel but don't disclose the 10:12:37

1	JOHN COOK	
2	substance of those conversations.	10:12:41
3	A. Have I talked to anyone about this	10:12:43
4	case, yes.	10:12:46
5	Q. Who have you spoken to about this	10:12:47
6	case?	10:12:50
7	A. I have spoken to counsel seated	10:12:51
8	here about this case. I have spoken to several	10:12:58
9	co-workers and colleagues about this case. I have	10:13:04
10	spoken to my wife about this case. I have spoken	10:13:07
11	to neighbors about this case.	10:13:10
12	Q. Can you identify for me the names	10:13:15
13	of the colleagues that you have spoken to about	10:13:21
14	the case?	10:13:24
15	A. Nicholas Denton, AJ Daulerio, Max	10:13:25
16	Reed, Thomas Craggs, Heather Dietrick, Scott	10:13:35
17	Kidder. Those are the people that immediately	10:13:52
18	that I have, you know, that I have immediate	10:13:57
19	recollections.	10:14:01
20	Q. You said you spoke with neighbors	10:14:01
21	about the case. Which neighbors did you speak	10:14:03
22	with about the case?	10:14:05
23	A. Alex Reinhardt. Betsey Ginsberg.	10:14:06
24	Q. When did those discussions with	10:14:12
25	Mr. Reinhardt and with Miss Ginsberg take place?	10:14:18

1 JOHN COOK

2 A. Last week. I mean, yes, I have a 10:14:31  
3 specific recollection of last week. I probably 10:14:34  
4 mentioned to them that we are being sued prior to 10:14:36  
5 that. 10:14:40

6 Q. And at any time earlier than last 10:14:40  
7 week did you mention to either Mr. Reinhardt or 10:14:44  
8 Miss Ginsberg anything about this lawsuit? 10:14:47

9 A. Again, the fact that we are being 10:14:50  
10 suit. 10:14:52

11 Q. Did you say anything to them beyond 10:14:52  
12 the fact that the suit is happening? 10:14:54

13 A. I told them that I was being 10:14:56  
14 deposed. 10:15:01

15 Q. Did you talk to them at all about 10:15:05  
16 your feelings about the case? 10:15:06

17 A. Not that I recall. 10:15:09

18 Q. Did you talk to them at all about 10:15:14  
19 your feelings about being deposed today? 10:15:15

20 A. Not that I recall. 10:15:18

21 Q. So you merely told them that you 10:15:20  
22 were being deposed in the matter? 10:15:23

23 A. Yes. 10:15:27

24 Q. Did they make any comments in 10:15:29  
25 response to your letting them know that you're 10:15:31

1	JOHN COOK	
2	being deposed in the case?	10:15:33
3	A. Alex Reinhardt asked me why the	10:15:34
4	case was -- had not been removed to federal court	10:15:40
5	and I answered that I did not know.	10:15:43
6	Q. Anything else that Mr. Reinhardt	10:15:45
7	said?	10:15:55
8	A. No.	10:15:55
9	MS. MC GRATH: I'm going to mark as	10:15:55
10	Exhibit 223A an article entitled Gawker Hires	10:15:57
11	John Cook. This is from the Observer News	10:16:03
12	and it is dated March 6th, 2009.	10:16:05
13	(Exhibit 223A for identification,	10:16:09
14	Article entitled Gawker Hires John Cook from	10:16:09
15	the Observer News and it is dated March 6th,	10:16:09
16	2009.)	10:16:16
17	MS. SMITH: I'm going to object to	10:16:16
18	this this is outside the topics, but I will	10:16:19
19	let the witness answer questions about it.	10:16:20
20	MS. MC GRATH: We need to get some	10:16:22
21	background about his job titles and --	10:16:23
22	MS. SMITH: That's fair, okay. So	10:16:27
23	this is 223A?	10:16:30
24	MS. MC GRATH: It is 223A.	10:16:32
25	Q. Before we look at Exhibit 223,	10:16:33

1 JOHN COOK

2 Mr. Cook, can you tell me where did you go to 10:17:03

3 college? 10:17:07

4 A. I attended George Mason University 10:17:08

5 for one year, and then I graduated from the 10:17:12

6 University of Wisconsin at Madison. 10:17:15

7 Q. What was your area of study at 10:17:19

8 either of those institutions? 10:17:21

9 A. I did not declare a major at George 10:17:22

10 Mason. At the University Of Wisconsin Madison I 10:17:26

11 graduated with a double major in English and 10:17:30

12 philosophy. 10:17:34

13 Q. What was first employment after 10:17:34

14 college? 10:17:36

15 A. I was an intern at Harpers 10:17:36

16 Magazine. 10:17:39

17 Q. What year did you graduate? 10:17:41

18 A. December of 1995. 10:17:43

19 Q. How long were you an intern at 10:17:47

20 Harpers? 10:17:50

21 A. I believe it was a six-month 10:17:52

22 internship, if I recall correctly. 10:17:54

23 Q. So that would have ended in the 10:17:57

24 middle of 1996? 10:18:00

25 A. Yes, summer of 1996. 10:18:03



1 JOHN COOK

2 Q. Where did you work next? 10:18:04

3 A. I was a freelance fact checker for 10:18:07

4 a month or two. 10:18:11

5 Q. Was that affiliated with any 10:18:13

6 company in particular or merely freelance? 10:18:16

7 A. It was merely freelance. 10:18:19

8 Q. What was your employment after 10:18:21

9 that? 10:18:25

10 A. I was an editorial assistant at 10:18:25

11 Mother Jones magazine. 10:18:27

12 Q. And that was beginning 10:18:30

13 approximately when? 10:18:31

14 A. I would say fall of 1996. 10:18:32

15 Q. Where did you go after Mother 10:18:43

16 Jones? 10:18:44

17 A. I was at Mother Jones until 1999 10:18:46

18 and after I left Mother Jones I was a freelance 10:18:50

19 reporter. 10:18:55

20 Q. How long were you a freelance 10:18:57

21 reporter at that time? 10:18:59

22 A. Roughly a year. 10:19:00

23 Q. Where did you go next? 10:19:04

24 A. After that I was an editor at a 10:19:06

25 magazine called Brill's Content. 10:19:13

1 JOHN COOK

2 Q. How long were you an editor at 10:19:22

3 Brill's Content? 10:19:24

4 A. Roughly a year. Maybe a little 10:19:27

5 longer. 10:19:30

6 Q. So we are now into 2001? 10:19:31

7 A. Yes. 10:19:34

8 Q. Where did you go next? 10:19:35

9 A. Summer of 2001 I became a freelance 10:19:37

10 reporter for a number of months. 10:19:44

11 Q. In the time period that we are 10:19:54

12 discussing, between your graduation in 10:19:56

13 approximately December of 1995 and 2001, were you 10:19:57

14 in New York that whole time or were you living 10:20:01

15 elsewhere? 10:20:03

16 A. I was living elsewhere. 10:20:04

17 Q. Where were you living? I don't 10:20:05

18 know if we need to break it down, but can you 10:20:09

19 answer where you were living at that time period? 10:20:11

20 A. I was living in New York from 1995 10:20:14

21 until 1996. Then I was living in San Francisco 10:20:18

22 from 1996 to 1999. And then I moved back to New 10:20:21

23 York in 1999. 10:20:26

24 Q. So after your stint as a freelance 10:20:28

25 reporter in 2001, where did you go? 10:20:33

1 JOHN COOK

2 A. So also in 2001 I moved to Chicago 10:20:37  
3 where I was a freelancer. At some point I think 10:20:41  
4 probably 2002 I became a staff reporter for the 10:20:45  
5 Chicago Tribune. 10:20:48

6 Q. Did you have a particular area of 10:20:52  
7 interest when you were at the Tribune in terms of 10:20:54  
8 what you were reporting on? 10:20:56

9 A. I was -- my beat was the television 10:20:58  
10 business. 10:21:01

11 Q. I mean, again, maybe we need to 10:21:04  
12 break it down. Your prior reporting jobs, did you 10:21:09  
13 have particular areas of interest or particular 10:21:14  
14 beats? 10:21:19

15 A. At Brill's Content I was editor and 10:21:19  
16 reporter. Brill's Content was a magazine that 10:21:22  
17 focused on the media and the journalism business. 10:21:24  
18 That was my beat there. Prior to that in my other 10:21:28  
19 reporting gigs, no, there was no specialization. 10:21:32

20 Q. How long were you at the Chicago 10:21:38  
21 Tribune? 10:21:41

22 A. I believe three years, maybe two. 10:21:41  
23 I can't recall off the top of my head. 10:21:45

24 Q. Where did you go next? 10:21:46

25 A. I moved -- well, in Chicago I 10:21:48

1	JOHN COOK	
2	became -- I left the Tribune and became a	10:21:53
3	contributing writer to a magazine called Radar in	10:21:56
4	around 2005.	10:22:01
5	Q. Is that a print magazine or an	10:22:03
6	online magazine or both?	10:22:05
7	A. Both.	10:22:06
8	Q. How long were you at Radar?	10:22:13
9	A. I was a contributing writer to	10:22:14
10	Radar for a number of months. Radar went under	10:22:20
11	and then it relaunched. I was with the relaunched	10:22:22
12	Radar until 2008.	10:22:34
13	Q. Where did you go in 2008?	10:22:39
14	A. I left -- Radar went under again in	10:22:44
15	2008 and then I was a freelancer for a number of	10:22:47
16	months.	10:22:53
17	Q. Did you have a beat at Radar?	10:22:53
18	A. No.	10:22:56
19	Q. Then what was your next employment	10:22:58
20	after you were a freelancer in 2008?	10:23:01
21	A. Spring of 2009 I joined Gawker.	10:23:05
22	Q. What was your job title when you	10:23:09
23	joined Gawker?	10:23:11
24	A. I believe it was investigative	10:23:12
25	editor for Gawker.com.	10:23:17

1	JOHN COOK	
2	Q. Who did you report to at Gawker at	10:23:23
3	that time?	10:23:27
4	A. Gabriel Schneider.	10:23:27
5	Q. What was his title?	10:23:30
6	A. Editor and chief.	10:23:32
7	Q. Did you have people working for you	10:23:43
8	at that time at Gawker?	10:23:45
9	A. I did not.	10:23:46
10	Q. Can you explain for me what an	10:23:48
11	investigative editor at Gawker at that time did?	10:23:50
12	A. I was a reporter. I wrote and	10:23:53
13	reported stories.	10:23:57
14	Q. Any particular areas of interest?	10:23:58
15	A. No, not really. Anything. It	10:24:01
16	could have been fallen under my purview.	10:24:09
17	Q. If I could ask you to look at	10:24:11
18	Exhibit 223 in the second paragraph about halfway	10:24:13
19	through that paragraph it is referring to you and	10:24:18
20	it states and "he will be digging through foyers	10:24:21
21	and courthouse documents for topics 'that align	10:24:25
22	with the stuff that Gawker does'." Do you see	10:24:28
23	that?	10:24:32
24	A. I'm going to read the whole thing	10:24:32
25	if you don't mind.	10:24:34

1	JOHN COOK	
2	Q. Sure.	10:24:34
3	(Witness reviewing document.)	10:25:49
4	A. Can you repeat the question?	10:25:49
5	Q. Paragraph 2 refers to that you at	10:25:52
6	Gawker would be digging through foyers and court	10:25:56
7	documents for topics that "align with what Gawker	10:26:00
8	does." Does that describe what you were doing at	10:26:06
9	Gawker in 2009?	10:26:08
10	A. Yes.	10:26:09
11	Q. Did you have a particular interest	10:26:11
12	in digging through foyers and courthouse	10:26:13
13	documents?	10:26:15
14	A. I did and I do.	10:26:16
15	Q. Why is that?	10:26:16
16	A. I enjoy document reporting.	10:26:17
17	Q. Was there a particular type of	10:26:19
18	lawsuit or foyer request that you were looking to	10:26:22
19	investigate?	10:26:27
20	A. No. I wouldn't say there was a	10:26:27
21	particular type.	10:26:30
22	Q. This quote about, that aligned with	10:26:30
23	the stuff that Gawker does, how would you describe	10:26:34
24	the stuff that Gawker does?	10:26:37
25	A. At the time I was just referring to	10:26:39

1 JOHN COOK

2 gossip, tabloid and gossip reporting. 10:26:42

3 Q. It there a particular reason that 10:26:48  
4 you decided to go and work at Gawker in 2009? 10:26:50

5 A. I was a fan of the site. I was 10:26:53  
6 admirer of Nick Denton and I thought it was a 10:26:59  
7 place where the kind of reporting that I do could 10:27:04  
8 be sort of well suited. 10:27:07

9 Q. At the time that you began working 10:27:09  
10 as a reporter at Gawker in 2009, were there ever 10:27:13  
11 any sexually explicit materials that were posted 10:27:18  
12 on the site? 10:27:21

13 MS. SMITH: Objection. You may 10:27:23  
14 answer. 10:27:24

15 A. At the time that I started working 10:27:25  
16 I don't have any specific recollection of any 10:27:33  
17 sexually explicit material that was posted on the 10:27:35  
18 site at the time that I began working at Gawker. 10:27:38

19 Q. But were you generally aware that 10:27:40  
20 Gawker was willing to post sexually explicit 10:27:43  
21 materials when you began working there in 2009? 10:27:47

22 MS. SMITH: I'm going to have a 10:27:50  
23 standing objection to this line of questions, 10:27:51  
24 but you can answer. 10:27:53

25 A. I was aware -- I don't recall at 10:27:54

1 JOHN COOK

2 the time that I began working at Gawker discussing 10:28:05  
3 the publication of sexually explicit material with 10:28:07  
4 anyone. I don't have a specific recollection. 10:28:11

5 Q. Right right and that is fine. But 10:28:13  
6 my question was, were you aware that that type of 10:28:16  
7 material was something that Gawker was willing to 10:28:19  
8 publish at the time that you began working there? 10:28:21

9 A. I know that Gawker was willing to 10:28:23  
10 publish newsworthy material and information and it 10:28:27  
11 was not sensorius in its approach to doing that. 10:28:30

12 Q. Did you view some of the posts that 10:28:35  
13 Gawker was willing to post at that time as 10:28:39  
14 sexually explicit? 10:28:41

15 A. I have no specific recollection of 10:28:42  
16 any sexually explicit material appearing on Gawker 10:28:45  
17 at the time that I started at Gawker? 10:28:48

18 Q. Right, I understand that. You 10:28:50  
19 don't have a specific recollection of any 10:28:51  
20 particular material. But I'm just asking you 10:28:53  
21 generally if you were aware when you accepted the 10:28:56  
22 position that Gawker had a willingness to post 10:28:58  
23 material that was sexually explicit? 10:29:02

24 A. I have worked at all manner of 10:29:04  
25 publications that have published material that 10:29:09



1 JOHN COOK

2 some people might regard as sexually explicit in 10:29:14

3 the course of reporting on newsworthy events and 10:29:18

4 stories. And I regard Gawker as in line with 10:29:20

5 those publications. So I certainly was aware that 10:29:25

6 if there it was a newsworthy story that we were 10:29:28

7 working on and it involved the publication of 10:29:32

8 material that some people might regard as sexually 10:29:36

9 explicit, that Gawker wouldn't shy away from doing 10:29:39

10 that. 10:29:41

11 Q. Did you have any concern at the 10:29:42

12 time that you became a reporter at Gawker about 10:29:44

13 the posting of what some people may believe to be 10:29:47

14 sexually explicit materials? 10:29:50

15 A. I did not. 10:29:51

16 Q. Is that because you felt it was 10:29:54

17 appropriate if an item was newsworthy for it to be 10:29:56

18 posted regardless of whether some people might 10:30:01

19 think it was sexually explicit or not? 10:30:03

20 A. I don't know what materials you're 10:30:05

21 referring to. If we could have a conversation 10:30:07

22 about specific posts I could tell you my feeling 10:30:08

23 about the publication of sexually specific 10:30:11

24 material under specific circumstances. If you're 10:30:14

25 asking me to comment in general on the posting of 10:30:16

1 JOHN COOK

2 something that you're calling sexually explicit 10:30:19  
3 material without me knowing what you're talking 10:30:21  
4 about, I don't feel comfortable in weighing in on 10:30:22  
5 what my feeling might be because I don't know. 10:30:28

6 Q. Regardless of what others might 10:30:30  
7 view as sexually explicit, do you have a personal 10:30:32  
8 feeling, definition of what is sexually explicit 10:30:35  
9 to you? 10:30:38

10 A. I would have to know what you're 10:30:38  
11 talking about. I mean I guess the Supreme Court's 10:30:40  
12 formulation is I know it when I see it. 10:30:44

13 Q. Do you believe that to be your 10:30:47  
14 personal formulation? 10:30:49

15 A. Yes, if you were to show me 10:30:49  
16 something I could tell you whether I regard it as 10:30:51  
17 sexually explicitly or not. 10:30:55

18 Q. Did you ever, before you became 10:30:56  
19 employed at Gawker, encounter any posts on the 10:30:58  
20 Gawker website that you personally felt were 10:31:02  
21 sexually explicit under your definition? 10:31:04

22 A. I have no recollection of 10:31:07  
23 encountering any post on Gawker prior to my 10:31:09  
24 employment that I would have regarded as sexually 10:31:12  
25 explicit. 10:31:15

1 JOHN COOK

2 Q. When you say you don't recall, does 10:31:16  
3 that mean that you think you did not or you simply 10:31:18  
4 don't remember one way or the other? 10:31:21

5 A. It means that I do not have a 10:31:22  
6 specific recollection of viewing anything on 10:31:23  
7 Gawker.com prior to my employment there that I 10:31:26  
8 would regard as sexually explicit. 10:31:29

9 Q. What is your personal definition of 10:31:32  
10 newsworthy? 10:31:35

11 A. Something that -- information that 10:31:36  
12 would be of interest to a wide variety, a number 10:31:42  
13 of readers. Information that exposes misdeeds, 10:31:48  
14 hypocrisy, the distance between official truth and 10:32:02  
15 actual truth. Information that is of interest to 10:32:05  
16 a large number of people. 10:32:16

17 Q. So and correct me if I'm 10:32:19  
18 mischaracterizing, your definition of newsworthy 10:32:23  
19 includes essentially anything that is of interest 10:32:26  
20 to readers, it is the subjective standard of what 10:32:29  
21 readers are interested in that makes an item 10:32:33  
22 newsworthy or not; is that correct? 10:32:37

23 A. No. It is not simply that. As a 10:32:47  
24 general matter that is one component. If we are 10:32:52  
25 going to discuss a standard of newsworthiness then 10:33:04

1 JOHN COOK

2 I would submit there are certainly stories that 10:33:07  
3 are newsworthy that not of interest to a wide 10:33:12  
4 variety of people. 10:33:16

5 In terms of definition of 10:33:17  
6 newsworthiness if we were to discuss specific 10:33:18  
7 stories I could tell you if they were or were not 10:33:22  
8 in my view newsworthy and if they were, why. So 10:33:24  
9 if you have a specific story you would like to 10:33:28  
10 talk about I could tell you. It would be easier 10:33:30  
11 for me to use an example to illustrate my personal 10:33:33  
12 view of newsworthiness. 10:33:36

13 Generally speaking something that 10:33:39  
14 is informative that brings new information to bear 10:33:45  
15 that people did not previous know and is of 10:33:51  
16 interest to a wide variety of people I think would 10:33:56  
17 qualify as newsworthy. 10:34:00

18 MS. SMITH: How many more questions 10:34:01  
19 on this line do you have? 10:34:04

20 MS. MC GRATH: I think that is it 10:34:05  
21 actually. I'm going to move on to your 10:34:07  
22 continued employment history. 10:34:08

23 Q. We were at I believe March of 2009. 10:34:10  
24 How long were you at Gawker after you began 10:34:17  
25 working there in March of 2009? 10:34:19

1	JOHN COOK	
2	A. I believe about a year, a little	10:34:21
3	over a year.	10:34:24
4	Q. Where did you go after that?	10:34:24
5	A. YaHoo News.	10:34:26
6	Q. How long did you work at YaHoo	10:34:30
7	News?	10:34:32
8	A. Somewhere around eight months.	10:34:32
9	Q. What was your title at YaHoo News?	10:34:34
10	A. Senior national reporter, if I	10:34:36
11	recall correctly.	10:34:39
12	Q. What duties did you have as senior	10:34:41
13	national reporter at YaHoo News?	10:34:45
14	A. I was a writer and reporter.	10:34:48
15	MS. MC GRATH: I'm going to mark as	10:34:51
16	Exhibit 224A an article entitled "Muzzled	10:34:54
17	Reporter says Maw of YaHoo is no place for	10:35:01
18	journalism." This is dated September 22nd,	10:35:05
19	2010.	10:35:09
20	(Exhibit 224A for identification,	10:35:09
21	Article entitled Muzzled Reporter says Maw of	10:35:09
22	YaHoo is no place for journalism dated	10:35:09
23	September 22nd, 2010)	10:35:44
24	MS. SMITH: I'm also going to object	10:35:44
25	to this, I feel like you can ask him about	10:35:47

1 JOHN COOK

2 his employment but let's see where it goes, 10:35:49

3 but I have an objection to this exhibit. 10:35:55

4 MS. MC GRATH: Okay. 10:35:57

5 Q. Where did you go, sir, after you 10:35:57

6 completed your stint at YaHoo News? 10:36:01

7 A. Gawker. 10:36:05

8 Q. So you went back to Gawker? 10:36:07

9 A. Correct. 10:36:08

10 Q. Why did you choose to do that? 10:36:09

11 A. I was -- I wanted to return to 10:36:13

12 Gawker and Nick offered me a job. 10:36:20

13 Q. And that occurred approximately 10:36:22

14 when? 10:36:25

15 A. Judging by the date of this story 10:36:26

16 it must have been around September of 2010. 10:36:35

17 Q. You don't have any reason to doubt 10:36:38

18 that that is the correct date? 10:36:40

19 A. I do not. 10:36:41

20 Q. If I could just direct your 10:36:44

21 attention to the fourth paragraph of this article 10:36:46

22 which states, "Cook offers a different 10:36:49

23 interpretation of his move saying that YaHoo's 10:36:52

24 corporate conservatism repeatedly got in the way 10:36:55

25 of his attempts to report the news." 10:36:59

1	JOHN COOK	
2	Does that accurately reflect your	10:37:02
3	opinion of your stint at Yahoo?	10:37:03
4	A. I'm going to read this.	10:37:05
5	Q. Okay. There is really no need. If	10:37:07
6	you feel you want to, there is really no need?	10:37:10
7	A. I would like to.	10:37:12
8	Q. Okay.	10:37:14
9	(Witness reviewing document.)	10:37:15
10	A. Can you repeat the question?	10:38:21
11	MS. MC GRATH: Could you read it	10:38:22
12	back.	10:38:23
13	(Requested portion of record read.)	10:38:23
14	A. Yes.	10:38:59
15	Q. So you viewed Yahoo as too	10:39:00
16	conservative for you?	10:39:02
17	A. I viewed the leadership that I was	10:39:04
18	working under at that time within Yahoo News as --	10:39:07
19	by conservative I'm not -- I did not use that term	10:39:13
20	or do not endorse the use of that term in its	10:39:17
21	political sense, but just simply frightened of	10:39:20
22	doing things that might be controversial.	10:39:24
23	Q. Can you give me some examples of	10:39:26
24	things that you view as controversial that Yahoo	10:39:28
25	would not do?	10:39:34

1 JOHN COOK

2 MS. SMITH: I object to that. That 10:39:35  
3 is outside the scope. 10:39:36

4 Q. You can answer. 10:39:38

5 MS. SMITH: There is a reporter's 10:39:42  
6 privilege on any stories you worked on at 10:39:44  
7 YaHoo and it is also beyond the scope of the 10:39:47  
8 deposition here today. 10:39:50

9 MS. MC GRATH: Are you instructing 10:39:54  
10 him not to answer? 10:39:55

11 MS. SMITH: How many questions do you 10:39:56  
12 have about this. 10:39:58

13 MS. MC GRATH: Three. 10:39:58

14 MS. SMITH: John, you are welcome to 10:40:01  
15 give examples, I don't want you to talk about 10:40:04  
16 your editorial process on other stories. 10:40:06

17 MS. MC GRATH: Let me withdraw the 10:40:09  
18 question and let me ask you about an example 10:40:10  
19 or two that is actually referenced in this 10:40:12  
20 article. 10:40:14

21 Q. If you look at that same paragraph 4 10:40:15  
22 for instance it says that you were prohibited from 10:40:19  
23 writing about the conservative website Free 10:40:22  
24 Republic being used to promote child pornography. 10:40:27  
25 Do you see that? 10:40:31



1	JOHN COOK	
2	A. Yes.	10:40:31
3	Q. Did you ever have an intent to	10:40:31
4	write about the website Free Republic being used	10:40:32
5	to promote child porn?	10:40:35
6	A. Can you repeat that?	10:40:37
7	Q. Sure. Did you ever have an intent	10:40:38
8	to write about the website Free Republic being	10:40:40
9	used to promote child pornography?	10:40:44
10	MS. SMITH: I object, but you may	10:40:47
11	answer.	10:40:48
12	A. I did.	10:40:48
13	Q. Did you investigate whether in fact	10:40:49
14	the website Free Republic was being used to	10:40:51
15	promote child porn?	10:40:54
16	MS. SMITH: I object. You can answer	10:40:56
17	whether you investigated.	10:40:59
18	A. I did.	10:40:59
19	Q. Did you wish to write an article	10:40:59
20	about that topic?	10:41:01
21	MS. SMITH: I object. You may answer	10:41:02
22	yes or no.	10:41:04
23	A. I did.	10:41:05
24	Q. And did Yahoo, your editors at	10:41:05
25	Yahoo refuse to allow you to write about that	10:41:09

1	JOHN COOK	
2	topic?	10:41:13
3	MS. SMITH: Objection, you can	10:41:13
4	answer to the extent that this information is	10:41:14
5	public and that it aligns with your	10:41:16
6	understanding.	10:41:19
7	A. Yes.	10:41:20
8	Q. If I could direct your attention to	10:41:24
9	the second page of this article, just one more,	10:41:26
10	couple of more questions for you. This is a	10:41:30
11	section that says correction, do you see that?	10:41:32
12	A. Yes.	10:41:33
13	Q. It says "Originally this story said	10:41:35
14	The Free Republic was hosting child pornography.	10:41:38
15	And according to the Salon article that I linked	10:41:42
16	to, Free Republic was not hosting it but was being	10:41:44
17	used to direct readers to an outside site that	10:41:47
18	hosted it."	10:41:50
19	Were you aware that during your	10:41:51
20	investigation of The Free Republic that they were	10:41:53
21	directing readers to an outside site that hosted	10:41:56
22	child porn?	10:42:00
23	MS. SMITH: I object to that. That	10:42:00
24	is a reporter's privilege issue and I	10:42:01
25	instruct you not to answer unless you intend	10:42:04

1 JOHN COOK

2 to waive the reporter's privilege. 10:42:05

3 A. I do not intend to waive that 10:42:07

4 privilege. 10:42:09

5 Q. You investigated the issue of 10:42:09

6 whether The Free Republic was posting child 10:42:11

7 pornography? 10:42:18

8 MS. SMITH: Objection, you may answer 10:42:19

9 yes or no. 10:42:20

10 A. No. 10:42:21

11 Q. What did your investigation entail 10:42:24

12 with regard to Free Republic and child pornography? 10:42:27

13 MS. SMITH: I object on reporter's 10:42:30

14 privilege grounds and instruct you not to 10:42:32

15 answer unless you intend to waive the 10:42:34

16 privilege. 10:42:36

17 A. I do not intend to waive the 10:42:36

18 privilege. 10:42:38

19 Q. If you had discovered that The Free 10:42:38

20 Republic was directing readers through a hyperlink 10:43:00

21 to a site that posted child pornography, would you 10:43:03

22 have written an article saying that they were in 10:43:07

23 fact promoting child porn? 10:43:09

24 MS. SMITH: I object to the extent 10:43:12

25 that that intrudes on his editorial thought 10:43:15

1 JOHN COOK

2 process. So I instruct him not to answer. 10:43:17

3 Q. You're going to follow that 10:43:23

4 instruction? 10:43:24

5 A. I will, yes. 10:43:24

6 Q. Do you think that there is any 10:43:25

7 difference between a journalistic site posting 10:43:28

8 materials directly itself versus directing readers 10:43:33

9 to click on a hyperlink to go to a different site 10:43:37

10 to view those same materials? 10:43:42

11 MS. SMITH: I object as outside the 10:43:45

12 topic, but you may answer. 10:43:46

13 A. The question is do I think there is 10:43:48

14 a difference between posting material on a website 10:43:50

15 and posting a link to another website that has -- 10:43:51

16 I do think there is a difference yes. 10:43:55

17 Q. Can you explain to me what that 10:43:57

18 difference is? 10:43:58

19 A. The difference is the difference 10:43:59

20 between publishing it and directing someone else 10:44:00

21 to where it could be found. 10:44:03

22 Q. Would you characterize a 10:44:04

23 journalistic site that directs readers to a 10:44:09

24 hyperlink that sends them to another site as 10:44:12

25 promoting the material that is on that other site? 10:44:15

1 JOHN COOK

2 A. I would not. 10:44:17

3 Q. You would not. Why is that? 10:44:18

4 A. Because there are many 10:44:20

5 circumstances under which one could direct someone 10:44:24

6 to another site without intending to promote the 10:44:26

7 material on that site. 10:44:29

8 Q. So in this instance if you made the 10:44:30

9 comment to the reporter who wrote this article in 10:44:35

10 Exhibit 224A that The Free Republic was promoting 10:44:38

11 child porn and you were not allowed to write about 10:44:43

12 that -- 10:44:45

13 A. I did not make that comment. 10:44:45

14 MS. SMITH: Let her finish the 10:44:47

15 question. 10:44:48

16 Q. I need to finish. In this instance 10:44:48

17 if you made the comment to the reporter that wrote 10:44:52

18 the article that The Free Republic was promoting 10:44:55

19 child porn and you weren't allow to write about 10:44:59

20 that, would you have made a distinction between 10:45:01

21 whether The Free Republic was itself posting the 10:45:02

22 child porn or directing readers to a hyperlink 10:45:05

23 that sent them to a different site? 10:45:08

24 MS. SMITH: I object to that because 10:45:10

25 there is no quote from Mr. Cook in this 10:45:11

1 JOHN COOK

2 article, but to the extent that you 10:45:14

3 understand the question you may answer. 10:45:16

4 A. I did not make that comment to that 10:45:17

5 reporter. I did I not use the word promoting. 10:45:18

6 Absolutely there is a difference 10:45:23

7 between Free Republic which is not a news site, it 10:45:24

8 does not have a journalistic mission or role. 10:45:29

9 There is a difference between The Free Republic 10:45:32

10 posting child pornography on its website and 10:45:36

11 linking to child porn. 10:45:42

12 Q. In terms of the portion of this 10:45:45

13 article that says that you wanted to write about 10:45:48

14 The Free Republic being used to promote child 10:45:51

15 pornography you were misquoted? 10:45:56

16 A. I wasn't quoted at all. Do you see 10:45:59

17 a quote? 10:46:01

18 Q. I'm assuming that you spoke to this 10:46:01

19 reporter; is that correct? 10:46:03

20 A. It is correct. 10:46:03

21 Q. I'm assuming that he wrote what you 10:46:06

22 told him; is that correct? 10:46:08

23 A. There is no verbatim repetition of 10:46:12

24 my words. Usually when a reporter is repeating 10:46:15

25 words verbatim they enclose those words in 10:46:17

1 JOHN COOK

2 quotation marks. The use of the word promote is 10:46:21

3 not within quotation marks. 10:46:24

4 Q. I understand that it is not a 10:46:26

5 direct quote, but did you ever tell him anything 10:46:27

6 similar to the words that you wanted to write 10:46:30

7 about The Free Republic being used to promote 10:46:34

8 child pornography? 10:46:37

9 A. I told him that I wanted to write 10:46:38

10 about The Free Republic being used as a way for 10:46:39

11 child pornographers to distribute links to their 10:46:44

12 websites. 10:46:48

13 Q. When you returned to Gawker after 10:46:53

14 your stint at YaHoo News, how long were you there? 10:46:55

15 A. From 2010 until March of 2013. 10:47:06

16 Q. During that time, forgive me if you 10:47:16

17 told me, what was your job title? 10:47:17

18 A. I believe at that time I was just a 10:47:19

19 reporter, senior reporter, something like that. I 10:47:24

20 don't think I was going by the investigations 10:47:28

21 editor, investigative editor moniker at that 10:47:30

22 point. Well, wait, yes, when I returned I was a 10:47:34

23 reporter and then I became editor and chief at 10:47:40

24 some point. 10:47:42

25 Q. Were you ever an editor before you 10:47:43

1	JOHN COOK	
2	became an editor and chief?	10:47:46
3	A. I think I got the title around I	10:47:47
4	think it was March, 2014 that I left.	10:47:50
5	Q. I'm sorry, just to answer my	10:47:56
6	previous question, were you ever an editor before	10:47:58
7	you became editor and chief?	10:48:01
8	A. Well, when I started the title was	10:48:02
9	investigative editor, but that -- the nomenclature	10:48:08
10	at Gawker was sort of such they would apply the	10:48:14
11	term editor to someone whose job was really	10:48:16
12	reporter. I was an editor nominally but my role	10:48:21
13	was not to edit anybody else's work generally but	10:48:25
14	just to be a reporter.	10:48:28
15	Q. Was there ever a time before you	10:48:29
16	became editor and chief that you were not just	10:48:31
17	nominally an editor but were actually editing	10:48:34
18	other people's work?	10:48:37
19	A. No.	10:48:38
20	Q. You went directly from being a	10:48:38
21	reporter to being the editor and chief?	10:48:40
22	A. Yes.	10:48:42
23	Q. Is that an unusual move?	10:48:42
24	A. No.	10:48:46
25	Q. Did you have any past experience in	10:48:48



1	JOHN COOK	
2	your career with editing other people's work?	10:48:52
3	A. I did.	10:48:54
4	Q. Where was that?	10:48:54
5	A. I was editor an at Brill's Content.	10:48:56
6	I it was an editor at Mother Jones.	10:48:58
7	Q. Did you have a particular beat	10:48:59
8	while you were an investigative editor at Gawker	10:49:09
9	in this time period?	10:49:12
10	A. No.	10:49:13
11	Q. Can you give me an idea generally	10:49:14
12	of the types of stories that you covered during	10:49:15
13	this time period?	10:49:17
14	A. They were about politics, I wrote	10:49:17
15	about media, I wrote about public figures, I wrote	10:49:20
16	about entertainment figures. I wrote about all	10:49:24
17	manners of stories.	10:49:26
18	Q. During the time in which you were	10:49:27
19	an investigative editor before you became the	10:49:29
20	editor and chief, who did you report to?	10:49:32
21	MS. SMITH: I want to make sure that	10:49:34
22	we are clear on the timing. I think he	10:49:35
23	testified he was an investigative editor	10:49:37
24	before he went to YaHoo and then a writer	10:49:39
25	after he returned before he became editor and	10:49:41

1 JOHN COOK

2 chief. I want to make sure we are clear on 10:49:44  
3 which timeframe you're asking about. 10:49:46

4 MS. MC GRATH: He had told me he was 10:49:48  
5 nominally an editor when he returned. 10:49:51

6 MS. SMITH: I think we have a 10:49:52  
7 miscommunication. Maybe you can clarify 10:49:53  
8 that. 10:49:56

9 A. When I was officially hired in 2009 10:49:56  
10 my title was investigative editor, but that was 10:50:00  
11 just a nominal title. I was a reporter and they 10:50:02  
12 used that term editor. I left for YaHoo. When I 10:50:05  
13 came back my recollection is that when my name was 10:50:09  
14 readded to the masthead, I was a reporter or 10:50:12  
15 senior reporter. But it was the same job 10:50:14  
16 description as the previous stint, but they -- by 10:50:18  
17 that time they had stopped the nomenclature of 10:50:22  
18 calling people editors when they were in fact 10:50:25  
19 writers or reporters. 10:50:28

20 Q. At any time after you returned from 10:50:29  
21 YaHoo before you became editor and chief, did you 10:50:31  
22 edit anyone else's work while you were at Gawker? 10:50:33

23 A. Prior to becoming editor and chief, 10:50:36  
24 probably. I don't have a specific recollection, 10:50:43  
25 but I would not be shocked if I had. 10:50:45

1	JOHN COOK	
2	Q. How many times would you say that	10:50:47
3	that happened that you edited other's work?	10:50:49
4	A. I couldn't answer that.	10:50:51
5	Q. Was it 10 times?	10:50:53
6	A. I don't know.	10:50:55
7	Q. You can't give me any kind of	10:50:56
8	estimate as to how many times that occurred?	10:50:58
9	A. I can't. I could tell you it	10:51:00
10	wasn't a frequent occurrence.	10:51:02
11	Q. Did it happen a hundred times?	10:51:03
12	A. No.	10:51:05
13	Q. Did it happen -- so 50 times?	10:51:06
14	A. Maybe.	10:51:10
15	Q. Whose work were you editing that	10:51:13
16	you recall?	10:51:16
17	A. I don't recall editing anyone's	10:51:16
18	work.	10:51:18
19	Q. I'm sorry, I just thought you	10:51:18
20	testified that maybe 50 times you edited others	10:51:21
21	work. I'm asking who those were that you edited	10:51:23
22	their work?	10:51:27
23	A. I don't have a specific	10:51:27
24	recollection of editing anyone's work. As I said	10:51:28
25	I would not be surprised if in my role as one of	10:51:31

1 JOHN COOK

2 the sort of senior members of the staff if someone 10:51:34  
3 had said, if the editor and chief had said can you 10:51:37  
4 take a look at this sorry, can you look this over. 10:51:39  
5 But I don't have a specific recollection of that 10:51:43  
6 happening. 10:51:45

7 Q. How many other reporters were 10:51:46  
8 working with you at Gawker at this time, approximately? 10:51:47

9 A. Which time? 10:51:49

10 Q. The time after you returned from 10:51:52  
11 YaHoo before you became editor and chief. 10:51:54

12 A. I mean I would have to look at the 10:51:56  
13 masthead, maybe 8 or 10. I don't recall, I don't 10:52:08  
14 have a very good recollection. 10:52:11

15 Q. Can you kind of, as you go through 10:52:12  
16 mentally tell me the names of those individuals? 10:52:15

17 A. Brian Moyland, Adrian Chen, Maureen 10:52:17  
18 O'Connor, Max Reed, Hamilton Nolan, Katie Weaver. 10:52:24  
19 Those are the names that are coming to mind from 10:52:48  
20 that time period. 10:52:50

21 Q. Can you give me an idea of sort of 10:52:50  
22 what the layout of the office space was? Did the 10:52:54  
23 reporters at that time have their own individual 10:52:57  
24 office, cubicle, what was the layout of the 10:53:00  
25 physical office? 10:53:05

1	JOHN COOK	
2	A. We all worked around a table.	10:53:05
3	Q. Did you say around a table?	10:53:07
4	A. Table.	10:53:09
5	Q. Did you have individual computers?	10:53:09
6	A. Yes.	10:53:11
7	Q. Was there a free flow of	10:53:14
8	information? Meaning, did you overhear what	10:53:17
9	others were working on? Did they discuss with you	10:53:19
10	what they were working on?	10:53:21
11	A. You could hear what other people	10:53:23
12	were talking about to the extent that you were in	10:53:26
13	physical proximity with them. In terms of what --	10:53:30
14	there was general office conversation, so sometimes	10:53:36
15	people would talk about what they were working on	10:53:39
16	and sometimes people would talk about other	10:53:40
17	things.	10:53:42
18	Q. But the individuals that you listed	10:53:43
19	for me, those, you did at some times have	10:53:45
20	discussion with them about articles that they were	10:53:49
21	working on?	10:53:51
22	A. Yes.	10:53:52
23	Q. And how frequent were those types	10:53:53
24	of discussions?	10:53:55
25	A. Daily.	10:53:56

1	JOHN COOK	
2	Q. Daily?	10:53:57
3	A. Daily.	10:53:57
4	Q. Did you read other reporters'	10:53:58
5	stories once they were posted?	10:54:06
6	A. Sometimes.	10:54:08
7	Q. How frequently did you do that?	10:54:08
8	A. Daily.	10:54:11
9	Q. Did you read them before they were	10:54:14
10	posted?	10:54:20
11	A. Sometimes.	10:54:20
12	Q. What would prompt you to read	10:54:20
13	another reporter's story before it was posted?	10:54:23
14	A. If I was interested in it. If I	10:54:29
15	was asked to read it.	10:54:31
16	Q. Were you ever asked to give input	10:54:32
17	into stories before they were posted that were	10:54:34
18	being written by other reporters?	10:54:35
19	A. I'm sure -- I would be -- I would	10:54:38
20	not be surprised if I was.	10:54:41
21	Q. Is there something in the newsroom	10:54:44
22	at Gawker called the big board?	10:54:49
23	A. Yes.	10:54:51
24	Q. What is the big board?	10:54:51
25	A. The big board is a television	10:54:52

1 JOHN COOK

2 screen that displays a list of stories organized 10:54:55  
3 by the number of concurrent users on each post 10:55:02  
4 with the post with the top number of concurrent 10:55:09  
5 users at the top and then the next 20 or so 10:55:13  
6 stories ranked by number of concurrent users. 10:55:16

7 Q. When you use the term users, does 10:55:19  
8 that mean viewers, readers to the website? 10:55:23

9 A. Yes. 10:55:27

10 Q. Is there a different definition 10:55:30  
11 that you were thinking of when you used the word 10:55:32  
12 users? 10:55:34

13 A. There is a variety of terms that 10:55:34  
14 people use when they talk about web analytics and 10:55:36  
15 traffic, but it means people reading the site 10:55:41  
16 right now is what concurrent users means. Reading 10:55:44  
17 a post right now. 10:55:48

18 MS. MC GRATH: We have been going for 10:55:50  
19 about an hour, do you want to take quick 10:55:51  
20 break. 10:55:53

21 MS. SMITH: Yes. 10:55:54

22 THE VIDEOGRAPHER: Here marks the end 10:55:54  
23 of file number one. We are going off the 10:55:57  
24 record the time is 10:55 a.m. 10:56:00

25 (Recess taken.) 10:56:03

1	JOHN COOK	
2	THE VIDEOGRAPHER: Here marks the	11:04:51
3	beginning of file 2 we are back on the	11:05:15
4	record. The time is 11:05 a.m.	11:05:18
5	BY MS. MC GRATH:	11:05:21
6	Q. Mr. Cook, you understand that	11:05:22
7	you're still under oath?	11:05:24
8	A. I do.	11:05:25
9	Q. Do you recall that in 2013 you	11:05:26
10	posted an article on Gawker entitled "Confessions	11:05:30
11	Of A Teenage Word Bully"?	11:05:34
12	MS. SMITH: I object but you can	11:05:36
13	answer if I recall that.	11:05:38
14	A. I recall that.	11:05:38
15	Q. Do you recall that the article	11:05:40
16	talked about a newspaper that you and some friends	11:05:43
17	had disseminated when were you in junior high	11:05:48
18	school?	11:05:51
19	MS. SMITH: Let me just object	11:05:52
20	although to the extent that you're confirming	11:05:54
21	what you wrote in a public article, that's	11:05:56
22	fine, go ahead.	11:05:59
23	A. I recall that.	11:05:59
24	Q. Do you recall that the newspaper	11:06:00
25	that you and your friends disseminated in junior	11:06:03



1 JOHN COOK

2 high school actually wrote about a female 11:06:06  
3 classmate named Jenny Greenwald, do you recall 11:06:11  
4 that? 11:06:14

5 A. That was not the classmate's name, 11:06:14  
6 but I recall that. 11:06:17

7 Q. Do you recall that the newspaper 11:06:18  
8 referred to this pseudonym Jenny Greenwald gave a 11:06:22  
9 false account of her sexual activity? 11:06:32

10 A. I recall that. 11:06:34

11 Q. Do you recall that this newspaper 11:06:34  
12 that you had disseminated with your friends also 11:06:36  
13 actually told this female classmate to kill herself? 11:06:39

14 A. I recall that. 11:06:45

15 Q. And do you recall that you later 11:06:45  
16 learned, according to your article that in fact 11:06:49  
17 the female classmate had tried to kill herself? 11:06:51

18 A. I recall that. 11:06:54

19 Q. And the newspaper that you 11:06:56  
20 disseminated also had a directive in it to kill 11:06:58  
21 this female classmate. Do you recall that? 11:07:03

22 A. I'm not disputing what you're 11:07:05  
23 saying, but I don't recall that. I'm not quite 11:07:10  
24 sure what you're referring to. I might just have 11:07:12  
25 a poor recollection of what I wrote. 11:07:16

1 JOHN COOK

2 Q. Do you recall that the news 11:07:19  
3 newspaper that you disseminated with some friends 11:07:20  
4 in junior high also referenced a classmate that 11:07:23  
5 you referred to the article as Holly W? 11:07:26

6 A. Yes. 11:07:29

7 Q. And you referred in the article to 11:07:31  
8 a conversation that you had with Holly W in 2013 11:07:34  
9 in which she stated to you that what you had 11:07:39  
10 written in your junior high newspaper had 11:07:43  
11 humiliated her. Do you recall that? 11:07:47

12 A. I do recall that. 11:07:48

13 Q. Do you recall that she said to you 11:07:49  
14 that her personal life had been made public 11:07:51  
15 property in a vulgar way? 11:07:55

16 A. I do recall that. 11:07:56

17 MS. SMITH: I'm going to lodge a 11:07:57  
18 continuing objection to this line of 11:07:59  
19 questioning as outside the scope, but you can 11:08:00  
20 finish with it. 11:08:03

21 Q. Do you feel that what you wrote in 11:08:05  
22 this junior high paper that you disseminated with 11:08:08  
23 your friends was hurtful to others? 11:08:11

24 MS. SMITH: I object. This is a 11:08:13  
25 corporate designee. What John Cook feels is 11:08:15

1	JOHN COOK	
2	utterly irrelevant, but you may answer the	11:08:19
3	question.	11:08:21
4	A. Can you repeat the question?	11:08:22
5	Q. Did you feel that what you wrote in	11:08:23
6	junior high school and disseminated with your	11:08:26
7	friends in the form of this newspaper was hurtful	11:08:28
8	to other students?	11:08:31
9	A. Yes, the material that I	11:08:32
10	distributed when I was 13 years old was hurtful to	11:08:34
11	my classmates, yes.	11:08:41
12	Q. Did you feel that it was bullying?	11:08:42
13	MS. SMITH: Objection, you can	11:08:46
14	answer.	11:08:47
15	A. Yes.	11:08:47
16	Q. Do you ever feel that some of what	11:08:49
17	Gawker publishes today is hurtful to the	11:08:51
18	individuals that Gawker writes about?	11:08:55
19	MS. SMITH: Objection, you can	11:08:57
20	answer.	11:08:58
21	A. Yes.	11:08:59
22	Q. Can you think of some specific	11:09:02
23	instances in which there have been hurtful items	11:09:03
24	that Gawker has published about other individuals?	11:09:06
25	A. I'm sure it was hurtful to Rob Ford	11:09:09

1 JOHN COOK

2 when I published that he smokes crack. I'm sure 11:09:12

3 it was hurtful to Manti Te'o when Dead Spin 11:09:15

4 published that he had concocted a fake girlfriend 11:09:19

5 that he established a huge elaborate tissue of 11:09:24

6 lies about it, I'm sure it was hurtful. 11:09:28

7 Q. Do you feel what some of what 11:09:31

8 Gawker publishes today could cause the individuals 11:09:33

9 that Gawker writes about emotional distress? 11:09:35

10 MS. SMITH: Objection to the extent 11:09:39

11 that emotion distress is a legal characterization 11:09:40

12 but you can answer the question as a lay 11:09:43

13 person. 11:09:45

14 A. Again, if I were Rob Ford I would 11:09:45

15 have been emotionally distressed when Gawker 11:09:49

16 published that he smoke crack. 11:09:51

17 Q. Do you ever have any concerns that 11:09:55

18 what Gawker publishes today could lead the 11:09:58

19 individuals that are written about could harm 11:10:02

20 themselves? 11:10:04

21 MS. SMITH: Objection. Again this a 11:10:04

22 corporate witness, you may answer. 11:10:05

23 A. That is -- any editor who is 11:10:07

24 reporting on the actions of individuals and 11:10:10

25 behaviors of those individuals might not want to 11:10:15

1	JOHN COOK	
2	be public, would in certain stories take that into	11:10:19
3	account and think about that, yes.	11:10:27
4	Q. Are you familiar with the term	11:10:28
5	revenge porn?	11:10:31
6	A. I am.	11:10:32
7	MS. SMITH: Objection. Outside the	11:10:33
8	scope.	11:10:35
9	Q. What is your definition of revenge	11:10:35
10	porn?	11:10:40
11	MS. MC GRATH: I'm just trying to	11:10:43
12	establish so we could have a line of	11:10:44
13	questioning.	11:10:46
14	MS. SMITH: I understand and I object	11:10:46
15	to the line of questioning, but you may	11:10:47
16	answer.	11:10:49
17	A. I suppose I would say that revenge	11:10:52
18	porn is the vindictive publication by an	11:10:55
19	individual who was in -- that had a sexual	11:10:59
20	relationship with someone else of pornographic	11:11:05
21	records of that sexual relationship and with an	11:11:08
22	intent to injure or hurt the other party.	11:11:11
23	Q. Do you think it is appropriate for	11:11:16
24	a website to post materials that constitute	11:11:20
25	revenge porn?	11:11:24

1	JOHN COOK	
2	MS. SMITH: Objection, you may	11:11:26
3	answer.	11:11:27
4	A. That depends on the context in	11:11:27
5	which the information is published.	11:11:31
6	Q. Can you explain to me what you mean	11:11:32
7	by that?	11:11:35
8	A. I can imagine a variety of	11:11:35
9	circumstances in which foreign pornographic images	11:11:38
10	that some might regard as revenge porn might be	11:11:41
11	newsworthy.	11:11:45
12	Q. Can you give me an example of what	11:11:46
13	you might be thinking about in that regard?	11:11:47
14	MS. SMITH: Objection, you may	11:11:49
15	answer.	11:11:50
16	A. If a public figure vindictively	11:11:50
17	published sexual images of a sexual partner on a	11:11:58
18	website, those images could be newsworthy if they	11:12:04
19	inform the character and behavior of the public	11:12:11
20	figure.	11:12:14
21	Q. If a private individual were to	11:12:19
22	post vindictively photos of a celebrity that you	11:12:23
23	would say constituted revenge porn, would it be	11:12:28
24	appropriate to post those on a website?	11:12:32
25	A. If a private individual posted	11:12:34

1	JOHN COOK	
2	records of their sexual activity with a public	11:12:38
3	figure?	11:12:42
4	Q. Correct.	11:12:42
5	A. I could see situations in which	11:12:44
6	that would be newsworthy, yes.	11:12:46
7	Q. Do you believe sitting here today	11:12:48
8	that Gawker publishes revenge porn photos?	11:12:51
9	A. I have no specific recollection of	11:12:55
10	Gawker publishing something that I would	11:13:01
11	characterize as revenge porn.	11:13:04
12	Q. Do you have a general recollection	11:13:05
13	of that?	11:13:07
14	MS. SMITH: I object as outside the	11:13:08
15	scope. You can answer.	11:13:10
16	A. I don't have a specific recollection.	11:13:11
17	I don't have a general recollection. We covered	11:13:25
18	revenge porn, in the course of covering revenge	11:13:28
19	porn we may have published images, but I doubt it.	11:13:30
20	I don't have a recollection of revenge porn.	11:13:37
21	Q. Are you familiar with a wrestler	11:13:39
22	known as Seth Rollins?	11:13:41
23	A. I am not.	11:13:43
24	Q. Are you familiar with an article on	11:13:44
25	deadspin.com relating to a wrestler named Seth	11:13:47

1	JOHN COOK	
2	Rollins?	11:13:53
3	A. No.	11:13:53
4	Q. If I were to represent to you that	11:13:54
5	Dead Spin published photos posted on Twitter by	11:13:56
6	Mr. Rollins's girlfriend of him naked in a sexual	11:14:00
7	situation, do you have any recollection of that	11:14:05
8	being posted on Dead Spin?	11:14:09
9	A. I don't.	11:14:11
10	MS. SMITH: I object but you may	11:14:11
11	answer.	11:14:13
12	A. I do not.	11:14:13
13	Q. Do you think it is appropriate for	11:14:16
14	Dead Spin to publish those photos and keep them on	11:14:19
15	the site?	11:14:22
16	MS. SMITH: I object you may answer.	11:14:22
17	A. I would have to read the story and	11:14:24
18	see the photos.	11:14:25
19	Q. If I represent to you that the	11:14:26
20	story recounts the fact that the girlfriend of	11:14:28
21	Mr. Rollins had posted the image on Twitter and	11:14:32
22	the deadspin.com item features those photos, would	11:14:37
23	you feel that that was an appropriate thing for	11:14:41
24	Dead Spin to post?	11:14:43
25	MS. SMITH: I object, you may answer.	11:14:44



1 JOHN COOK

2 A. I would have to read the story and 11:14:46  
3 see the photos. 11:14:47

4 Q. So you can't tell me in any 11:14:48  
5 hypothetical way whether you feel that Dead Spin 11:14:50  
6 posting sexually explicit pictures of Mr. Rollins 11:14:54  
7 is appropriate or not? 11:14:58

8 MS. SMITH: I object, you may answer. 11:15:00

9 A. I would be able to tell you if I 11:15:02  
10 thought it was appropriate or not if I could read 11:15:04  
11 the story that I was commenting on, yes. 11:15:06

12 Q. What would you be looking for in 11:15:08  
13 the story in order to enable you to decide whether 11:15:10  
14 it was appropriate or not? 11:15:12

15 A. The photographs and the context. 11:15:13

16 Q. If I were to represent to you that 11:15:15  
17 Dead Spin to this day has photographs of 11:15:17  
18 Mr. Rollins fully sexually aroused and naked, 11:15:20  
19 would you feel that was appropriate? 11:15:24

20 MS. SMITH: I object, you may answer. 11:15:26

21 A. I would have to see the photos and 11:15:28  
22 context in which they were published. 11:15:29

23 Q. Do you generally believe it is 11:15:30  
24 appropriate for a website to post photos of an 11:15:32  
25 individual who is naked and sexually aroused? 11:15:37

1	JOHN COOK	
2	MS. SMITH: I object you can answer.	11:15:43
3	A. It certainly could be, yes.	11:15:45
4	Q. Under what circumstances could that	11:15:47
5	be appropriate in your mind?	11:15:49
6	A. Playboy.com does it. There are	11:15:50
7	many circumstances. If it is newsworthy, if the	11:15:53
8	images have news value.	11:15:57
9	Q. In the instance that you mentioned	11:16:04
10	of playboy.com, presumably those that were	11:16:07
11	featured naked have given their consent to be	11:16:12
12	feature naked.	11:16:16
13	Do you think it is appropriate to	11:16:17
14	post sexually explicit naked photos of individuals	11:16:19
15	who have not given their consent?	11:16:24
16	MS. SMITH: Okay you can answer.	11:16:25
17	A. It can be appropriate.	11:16:26
18	Q. Under what circumstances can that	11:16:28
19	be appropriate.	11:16:30
20	MS. SMITH: Asked and answered. You	11:16:30
21	may answer.	11:16:32
22	A. When those images are newsworthy.	11:16:33
23	Q. In this context how would you	11:16:35
24	define newsworthy?	11:16:37
25	MS. SMITH: Objection, asked and	11:16:37

1	JOHN COOK	
2	answered. You may answer.	11:16:38
3	A. I would refer you to my previous	11:16:40
4	answer.	11:16:41
5	Q. I'm actually asking you something	11:16:42
6	more specific. In the specific instance of posting a photo	11:16:43
7	that is sexually explicit and depicts someone nude	11:16:48
8	and sexually aroused without their consent, can	11:16:53
9	you define for me how you would view that	11:16:58
10	newsworthy, if you would?	11:17:00
11	MS. SMITH: I object, you may answer	11:17:01
12	to you extent that you can.	11:17:02
13	A. If I had pictures of Bill Clinton	11:17:03
14	having sex with Monica Lewinski I would publish	11:17:05
15	them.	11:17:10
16	Q. Could you answer more specifically	11:17:10
17	about why that would be news newsworthy?	11:17:11
18	A. Because it was the incident of the	11:17:14
19	sexual relationship between Bill Clinton and	11:17:16
20	Monica Lewinski was the subject of intense public	11:17:20
21	scrutiny and a story that captivated millions of	11:17:23
22	people and if there were a substantive visual	11:17:29
23	record of the actual behaviors that had been the	11:17:33
24	subject of so many news accounts, that information	11:17:37
25	would be newsworthy and would add to the public	11:17:41

1 JOHN COOK

2 understanding of that relationship. 11:17:44

3 Q. If Gawker were to publish sexually 11:17:45

4 explicit naked photos of individuals about who 11:17:50

5 there is not intense public scrutiny, would you 11:17:55

6 think that is nonetheless newsworthy? 11:17:59

7 MS. SMITH: Objection. 11:18:00

8 A. Depends on the context. 11:18:01

9 Q. Can you give me more information 11:18:02

10 about what context that posting sexually explicit 11:18:04

11 nude photos of individuals who are not the subject 11:18:08

12 of intense public scrutiny would be appropriate? 11:18:11

13 A. I cannot. It would depend on the 11:18:13

14 context. 11:18:18

15 Q. Do you recall any discussions while 11:18:19

16 at Gawker about the issue of revenge porn? 11:18:21

17 MS. SMITH: I object to the revenge 11:18:22

18 porn line of questioning but you may answer. 11:18:23

19 A. I have a general recollection of 11:18:28

20 the topic being discussed. I have no specific 11:18:30

21 recollection of any conversations. 11:18:31

22 Q. Do you recall who you may have 11:18:34

23 discussed the topic with? 11:18:36

24 A. I probably discussed it with Adrian 11:18:37

25 Chen who wrote about it. I probably discussed it 11:18:40

1 JOHN COOK

2 with Camille Dedaro who wrote about it. 11:18:43

3 Q. Do you recall generally what 11:18:46

4 Mr. Chen wrote about revenge porn? 11:18:49

5 MS. SMITH: Objection, you can answer 11:18:53

6 to the extent of what he wrote publicly. 11:18:55

7 A. I have a general recollection of 11:18:57

8 posts that Adrian wrote. I do not have a specific 11:19:00

9 recollection of any of those posts. 11:19:04

10 Q. What your is general recollection 11:19:05

11 of Mr. Chen's posts? 11:19:09

12 A. He covered the issue and the fact 11:19:10

13 that it was a particular purveyor of revenge porn 11:19:13

14 named Hunter Moore that Adrian wrote about. 11:19:17

15 Q. Do you recall who Hunter Moore was? 11:19:22

16 A. Someone who had a website that 11:19:24

17 published revenge porn. 11:19:27

18 Q. Do you know why Mr. Chen wrote 11:19:31

19 about Mr. Moore? 11:19:34

20 A. He wrote stories about the website. 11:19:36

21 Hunter Moore was, I believe he was arrested and 11:19:43

22 prosecuted. I don't know if it was federally or 11:19:47

23 by state authorities, he covered the law 11:19:52

24 enforcement response to his website. 11:19:56

25 Q. Do you have a general sense for 11:19:59

1	JOHN COOK	
2	whether Mr. Chen's coverage of Mr. Moore was	11:20:01
3	favorable to Mr. Moore?	11:20:04
4	A. It was not favorable.	11:20:04
5	Q. It was unfavorable. Is there any	11:20:05
6	distinction in your mind between what Mr. Moore	11:20:09
7	was doing to the extent that you know what it was	11:20:12
8	and what Dead Spin for instance would do with	11:20:15
9	Mr. Rollins's photos?	11:20:18
10	MS. SMITH: I object. You may	11:20:19
11	answer.	11:20:21
12	A. I have not seen the posts that	11:20:21
13	you're referring to. I'm confident based on my	11:20:24
14	knowledge of Dead Spin and the people that work	11:20:27
15	that there is a vast gulf between what Mr. Moore	11:20:32
16	was doing and what Dead Spin was doing.	11:20:36
17	Q. Why are you so confident about	11:20:37
18	that?	11:20:39
19	A. Because Dead Spin would not	11:20:39
20	gratuitously publish photos of private individuals	11:20:41
21	with no news value to those images. So what	11:20:52
22	Hunter Moore was doing was publishing pornography	11:20:57
23	without context of people who were not public	11:21:01
24	figures. Who had not -- they were private	11:21:05
25	individuals. What Dead Spin does is publish	11:21:09

1 JOHN COOK

2 newsworthy information. 11:21:13

3 Q. So please let me know if I'm 11:21:14

4 mischaracterizing what you're testifying to. But 11:21:17

5 the distinction in your mind is that one between a 11:21:20

6 public figure and a private individual? 11:21:23

7 A. Not exclusively. I am talking 11:21:27

8 about something that I have not seen and have no 11:21:32

9 knowledge of and so you have printed out all of 11:21:35

10 these things for me, if you have a copy of a post 11:21:38

11 that I could look at then I could speak more. 11:21:40

12 Q. No no. I'm just making the 11:21:42

13 representation to you. Mr. Rollins is a wrestler 11:21:44

14 with the WWE, Dead Spin posted photos of him fully 11:21:47

15 aroused and nude and those photos remain on the 11:21:52

16 site and they were submitted to and posted on 11:21:57

17 Twitter by his girlfriend. I'm trying to understand the 11:21:59

18 distinction that you would make between that and 11:22:04

19 what Mr. Moore did? And I think from what you 11:22:06

20 testified that the distinction is that Mr. Moore 11:22:09

21 was publishing photos of private individuals; is 11:22:11

22 that correct? 11:22:11

23 A. It is partially correct. I can 11:22:17

24 imagine that there might be circumstances under 11:22:19

25 which photos of private individuals may in fact be 11:22:22

1 JOHN COOK

2 newsworthy. Depending on the context of the 11:22:26

3 images and the information that they convey. 11:22:32

4 Q. Can you give me an example of an 11:22:34

5 instance in which nude and sexually explicit 11:22:38

6 photos of a private individual would be newsworthy 11:22:41

7 in your mind? 11:22:43

8 MS. SMITH: I object, but if you have 11:22:44

9 an example you may answer. 11:22:46

10 A. Nothing comes to mind immediately. 11:22:48

11 If there were images that were taken by a public 11:23:00

12 figure that were inappropriate in some way, I 11:23:03

13 could see those -- you know, those might have news 11:23:05

14 value. 11:23:10

15 Q. So in your example those would be 11:23:10

16 images taken by a public figure of a private 11:23:12

17 individual? 11:23:16

18 A. Possibly, I would need to know the 11:23:21

19 context. I would need to know the exact 11:23:23

20 circumstance. I would need to know what image we 11:23:26

21 are talking about. 11:23:29

22 Q. Do you generally believe that 11:23:29

23 individuals are entitled to privacy of their naked 11:23:31

24 bodies? Should people be able to shield others 11:23:34

25 from seeing them naked? 11:23:37



1 JOHN COOK

2 MS. SMITH: I object. But you may 11:23:39

3 answer. 11:23:40

4 A. I have no -- I mean they can -- I 11:23:40

5 don't really know how to answer that question. 11:23:47

6 People can wear clothes and prevent other people 11:23:48

7 from seeing them naked. 11:23:52

8 Q. Do people have the right to protect 11:23:53

9 others from viewing them naked? 11:23:56

10 MS. SMITH: I object. You may 11:23:59

11 answer. 11:24:02

12 A. Is there a right, is there a right 11:24:02

13 under constitution that you're referring to? 11:24:07

14 Q. No. I'm asking you personally 11:24:09

15 whether you believe that individuals have a right 11:24:11

16 to shield their naked bodies from the view of 11:24:15

17 other individuals? 11:24:18

18 A. To my knowledge, there is not an 11:24:19

19 absolute right that affords people that authority. 11:24:21

20 Q. Were you at Gawker during the time 11:24:28

21 period July, 2010? I will go back through the 11:24:30

22 chronology. I think you started in March of 2009? 11:24:36

23 A. July, 2010, no, I was not, because 11:24:39

24 I returned from YaHoo in September of 2010 so I 11:24:45

25 would have been at YaHoo in July, 2010. 11:24:49

1 JOHN COOK

2 Q. Are you familiar with the fact that 11:24:53  
3 in July, 2010 Dead Spin posted a link to a 11:24:55  
4 third-party webpage that was hosting video of Erin 11:25:00  
5 Andrews in her hotel room? 11:25:04

6 MS. SMITH: I object as outside the 11:25:06  
7 scope, you may answer. 11:25:07

8 A. I recall the Erin Andrews story. I 11:25:11  
9 don't have a specific recollection of what Dead 11:25:15  
10 Spin published on this. 11:25:17

11 Q. You don't know one way or the other 11:25:18  
12 whether Dead Spin in fact published a link by 11:25:20  
13 which viewers could click on and view the secretly 11:25:22  
14 recorded videotape of Miss Andrews in her hotel 11:25:26  
15 room? 11:25:29

16 A. By my own knowledge, no. 11:25:29

17 Q. If I were to represent to you that 11:25:30  
18 in fact Dead Spin did have a link that would allow 11:25:33  
19 users or viewers to reach a site that had the 11:25:37  
20 illegally recorded video of Miss Andrews, would 11:25:41  
21 you think that that was appropriate for Dead Spin 11:25:44  
22 to publish? 11:25:46

23 MS. SMITH: I object, you may answer. 11:25:47

24 A. I would have to have the story in 11:25:49  
25 front of me. If it was information that was 11:25:52

1 JOHN COOK

2 public on the Internet that was the subject of 11:26:01  
3 discussion and interest by a wide variety of 11:26:06  
4 people, I would probably say yes. 11:26:13

5 Q. Are you familiar with the fact that 11:26:15  
6 Miss Andrews was surreptitiously recorded naked in 11:26:17  
7 her hotel room by a stalker? 11:26:24

8 MS. SMITH: I object, you may answer. 11:26:27

9 A. Yes. 11:26:28

10 MS. SMITH: Can I interrupt, how many 11:26:29  
11 more of these questions do you have? These 11:26:31  
12 are definitely not on the list of topics. 11:26:32

13 MS. MC GRATH: Well, I have a few, 11:26:34  
14 and maybe we could just resolve that later. 11:26:36  
15 It is not too much longer, but I certainly 11:26:39  
16 want to cover the topic of what is 11:26:41  
17 appropriate and not appropriate and that 11:26:43  
18 covers I think his personal views are 11:26:46  
19 informed by discussions at Gawker. 11:26:50

20 MS. SMITH: I'm happy to let him 11:26:54  
21 answer this line of questioning. This 11:26:57  
22 witness is supposed to be here on limited 11:26:58  
23 topics and I'm trying to be helpful in an 11:27:01  
24 effort to avoid more problems. Let's finish 11:27:03  
25 this and maybe reevaluate what your next line 11:27:06

1 JOHN COOK

2 questioning is. 11:27:09

3 MS. MC GRATH: It is sort of 11:27:10  
4 interrupting the flow of questioning at this 11:27:11  
5 point, so if I could just continue that would 11:27:13  
6 be great. 11:27:15

7 MS. SMITH: Please. 11:27:15

8 Q. So you are familiar with the fact 11:27:16  
9 that Miss Andrews was surreptitiously recorded in 11:27:18  
10 her hotel room by a stalker? 11:27:24

11 A. That is my understanding. 11:27:26

12 Q. It is your testimony sitting here 11:27:27  
13 today it could be appropriate under certain 11:27:29  
14 circumstances for Dead Spin to post a link showing 11:27:31  
15 that video that was surreptitiously recorded of 11:27:35  
16 Miss Andrews naked in her hotel room? 11:27:39

17 A. Absolutely. 11:27:41

18 Q. Why do you believe that is 11:27:42  
19 appropriate? 11:27:44

20 MS. SMITH: I object, you may answer. 11:27:45

21 A. The fact of the publication on the 11:27:46  
22 Internet of certain information or images or 11:27:52  
23 videos can itself be newsworthy. The fact that 11:27:57  
24 certain things are available to anybody in the 11:28:03  
25 world with an Internet connection can be 11:28:05

1 JOHN COOK

2 newsworthy. And if you are covering that news and 11:28:14  
3 if you are writing about the fact of certain 11:28:17  
4 information or videos or images being available 11:28:23  
5 widely on the Internet, if you were writing about 11:28:27  
6 that, then the actual thing that you are writing 11:28:33  
7 about is in and of itself an object of news. 11:28:35

8 Q. So you feel that it is appropriate 11:28:40  
9 not only to just write about the fact of what 11:28:44  
10 happened but in fact to link to the video itself 11:28:47  
11 which was illegally recorded? 11:28:49

12 MS. SMITH: I object, you may 11:28:53  
13 answer. 11:28:55

14 A. It can be. These are judgment 11:28:55  
15 calls. Every time you do this it's a judgment 11:28:58  
16 call. You survey the entire context of what 11:29:01  
17 you're doing, of the story, of what you need to 11:29:10  
18 direct readers to, what you don't need to direct 11:29:15  
19 readers to. I certainly believe it can be. 11:29:18

20 Q. Is part of your analysis about this 11:29:20  
21 particular example, the fact that Miss Andrews was 11:29:22  
22 publicly known as an ESPN reporter? 11:29:25

23 MS. SMITH: I object, you may answer. 11:29:27

24 A. Yes. 11:29:28

25 Q. If Miss Andrews had in fact been a 11:29:29

1	JOHN COOK	
2	private individual, would you believe that it was	11:29:33
3	appropriate for Dead Spin to post a link to a	11:29:35
4	surreptitiously recorded video of a private	11:29:40
5	individual naked in their hotel room?	11:29:44
6	MS. SMITH: Objection.	11:29:48
7	A. It depends on context, it depends	11:29:48
8	on, you know, I can't imagine why Dead Spin would	11:29:51
9	want to publish a link to such video. There are	11:29:56
10	videos like that I imagine all over the Internet	11:30:02
11	as we speak. They are not publishing links to	11:30:05
12	those right now. But there certainly could be	11:30:08
13	circumstances under which such videos might be	11:30:15
14	newsworthy.	11:30:20
15	Q. Did you ever have discussions at	11:30:31
16	Gawker about the standards for refusing to run a	11:30:34
17	story?	11:30:36
18	A. I don't know what you mean by	11:30:37
19	refusing to run a story.	11:30:38
20	Q. Well, did you ever discuss with	11:30:39
21	anyone kind of what the limits were on how graphic	11:30:41
22	a particular item could be before Gawker would	11:30:44
23	make the decision that it shouldn't be posted on	11:30:49
24	the site?	11:30:52
25	MS. SMITH: Objection, you can answer	11:30:52

1 JOHN COOK

2 in a general sense but not with respect to 11:30:53

3 any specific story. 11:30:56

4 A. I don't have a specific 11:30:57

5 recollection of any discussions like that. 11:30:58

6 Q. Did you in your time at Gawker ever 11:31:00

7 refuse to run a story because you thought it was 11:31:03

8 too graphic or explicit? 11:31:07

9 MS. SMITH: I object. It's a 11:31:10

10 reporter's privilege and intrudes into his 11:31:14

11 editorial thought process and decision 11:31:24

12 making. 11:31:27

13 A. I do not waive the privilege. 11:31:29

14 Q. You're going to follow your 11:31:30

15 attorney's instruction? 11:31:33

16 A. Yes. 11:31:33

17 Q. Are you aware of any instance in 11:31:35

18 which an item on any of the Gawker sites was ever 11:31:37

19 pulled off of the site because the individual in 11:31:41

20 the item had complained about the post? 11:31:44

21 MS. SMITH: I object. You may 11:31:47

22 answer. 11:31:49

23 A. Could you repeat the question? 11:31:49

24 Q. Sure. Are you aware of any 11:31:59

25 instance in which an item on any of the Gawker 11:32:01

1	JOHN COOK	
2	sites was ever pulled off the site because the	11:32:03
3	individual in the item complained about the post?	11:32:06
4	A. Yes.	11:32:09
5	Q. What item or items was that?	11:32:22
6	MS. SMITH: I object, you may answer.	11:32:23
7	A. There was an item about Arnold	11:32:24
8	Schwarzenegger child that was in the course of a	11:32:28
9	legal settlement. The story was replaced with a	11:32:34
10	retraction.	11:32:38
11	Q. Were you involved in writing that	11:32:39
12	story?	11:32:43
13	A. I was.	11:32:44
14	Q. What was the story about more	11:32:44
15	specifically?	11:32:48
16	MS. SMITH: You can answer what the	11:32:49
17	story was about.	11:32:50
18	A. The story was speculation about the	11:32:51
19	identity of Arnold Schwarzenegger's illegitimate	11:32:56
20	child.	11:33:02
21	Q. And the post was removed because	11:33:02
22	Mr. Schwarzenegger's legal counsel contacted	11:33:04
23	Gawker?	11:33:07
24	MS. SMITH: I object. To the extent	11:33:07
25	that the reason that the post was removed is	11:33:09



1 JOHN COOK

2 something that you discussed with your 11:33:11

3 counsel I don't want to answer that. 11:33:12

4 MS. MC GRATH: I'm not asking for his 11:33:13

5 actual discussions with the counsel. I'm 11:33:16

6 asking for his personal knowledge as to why 11:33:17

7 the post was removed. 11:33:19

8 MS. SMITH: If your knowledge about 11:33:20

9 why the post was removed is based on 11:33:23

10 information that you received from counsel, I 11:33:25

11 don't want you to answer that question. 11:33:30

12 A. My knowledge of the removal of that 11:33:31

13 post was based on conversations for which counsel 11:33:39

14 was present. 11:33:44

15 Q. Did you have any conversations 11:33:45

16 about the removal of the post outside of the 11:33:47

17 presence of counsel? 11:33:50

18 A. Yes. 11:33:53

19 Q. Who did you have those discussions 11:33:55

20 with? 11:33:56

21 A. The specific recollection I know 11:33:57

22 that I discussed it with -- I know there was 11:34:04

23 discussion of the removal of the post and I 11:34:06

24 discuss it with a reporter. 11:34:09

25 Q. So you discussed it with an outside 11:34:10

1	JOHN COOK	
2	reporter from another news organization?	11:34:14
3	MS. SMITH: You have to answer yes or	11:34:16
4	no.	11:34:17
5	A. Yes.	11:34:17
6	Q. Who was that?	11:34:17
7	A. I don't recall.	11:34:18
8	Q. Do you recall what publication that	11:34:19
9	person was affiliated with?	11:34:21
10	A. I brief it was the New York	11:34:22
11	Observer, but I could be wrong.	11:34:25
12	Q. How did you feel personally about	11:34:27
13	the removal of the post?	11:34:30
14	MS. SMITH: I object. This is a	11:34:31
15	corporate designee. You may answer.	11:34:34
16	A. Badly.	11:34:36
17	Q. Can you elaborate on that? Were	11:34:36
18	you angry about the post being removed?	11:34:39
19	A. I felt badly about the fact that I	11:34:40
20	had made an error that led to the removal of the	11:34:46
21	post.	11:34:51
22	Q. So the removal was based on an	11:34:56
23	error in the item?	11:34:58
24	A. The item was incorrect.	11:35:00
25	Q. Are there any articles that you	11:35:01

1	JOHN COOK	
2	have been involved with while you were employed at	11:35:05
3	Gawker that you regret posting on the site?	11:35:08
4	MS. SMITH: Objection. You may	11:35:12
5	answer.	11:35:13
6	A. Yes.	11:35:13
7	Q. Can you tell me any of those that	11:35:16
8	were publicly posted that you now regret having	11:35:19
9	posted?	11:35:21
10	A. The one that we were just	11:35:22
11	discussing.	11:35:24
12	Q. Anything else?	11:35:24
13	A. Are we discussing things that I	11:35:25
14	wrote or things that were published under my	11:35:32
15	tenure as editor and chief?	11:35:35
16	Q. We could take those one at a time.	11:35:37
17	How about the first thing that you wrote that you	11:35:39
18	regret in retrospect?	11:35:41
19	A. I mean there are components of	11:35:42
20	plenty of posts that I regret. I can't think of	11:36:00
21	any that I actually regret. I'm sure there are.	11:36:03
22	I published thousands of posts. I'm sure there	11:36:06
23	are ones that I regret. I don't have -- nothing	11:36:08
24	specific comes to mind of a particular post that I	11:36:13
25	wish I hadn't posted. But if I were to review all	11:36:16

1 JOHN COOK

2 the posts that I ever wrote I'm sure I would fine 11:36:18

3 dozens that I wish I hadn't posted. 11:36:23

4 Q. Have you ever posted an article 11:36:24

5 written by you that you subsequently came to 11:36:26

6 believe that was invasive of the privacy of 11:36:28

7 another individual? 11:36:30

8 MS. SMITH: I object, you may answer. 11:36:31

9 A. Not that I can recall. 11:36:37

10 Q. With regard to the second category 11:36:44

11 meaning posts that you oversaw the writing of when 11:36:46

12 you were editor and chief, are there any of those 11:36:48

13 posts that you regret? 11:36:51

14 A. Again I'm sure if you were to force 11:36:52

15 me to read all of Gawker.com from February, 2013 11:36:56

16 to March of 2014 I would probably identify some 11:37:01

17 that were misses, but nothing particularly comes 11:37:08

18 to mind. 11:37:12

19 Q. So you don't recall an instance in 11:37:12

20 which a post that you oversaw as editor and chief 11:37:16

21 you came to regret because it was invasive of the 11:37:20

22 privacy of the individuals featured in the post? 11:37:24

23 MS. SMITH: I object, you may answer. 11:37:26

24 A. No. 11:37:28

25 Q. Just returning to your job history. 11:37:36

1	JOHN COOK	
2	You were elevated as you just said in your	11:37:40
3	previous answer to editor and chief in February of	11:37:42
4	2013?	11:37:45
5	A. That's my recollection, yes.	11:37:45
6	Q. Have you been at Gawker	11:37:47
7	continuously since that time?	11:37:51
8	A. I have not.	11:37:52
9	Q. When did you leave Gawker?	11:37:52
10	A. Roughly March of 2014.	11:37:55
11	Q. Where did you go?	11:37:59
12	A. First Look Media.	11:38:00
13	Q. What was your title at First Look	11:38:04
14	Media?	11:38:06
15	A. I was the editor and chief of the	11:38:06
16	website called The Intercept.	11:38:08
17	Q. What kind of website was the	11:38:11
18	Intercept?	11:38:14
19	A. The Intercept was an investigative	11:38:14
20	website focusing on national security and criminal	11:38:16
21	justice.	11:38:20
22	Q. Why did you choose to leave Gawker	11:38:21
23	and go to -- if you in fact chose to do so?	11:38:23
24	A. I did choose to do so. They were	11:38:26
25	offering a lot of money and it was working with	11:38:28

1 JOHN COOK

2 Glenn Greenwald and Laura Portress, who are the 11:38:31

3 two people who had worked with Ed Snowden on the 11:38:34

4 leak of a vast cache of documents regarding the 11:38:41

5 NSA, they were working through those documents and 11:38:44

6 I was excited to work on those documents with 11:38:47

7 them. 11:38:49

8 Q. When did you leave your position at 11:38:49

9 Intercept? 11:38:53

10 A. December 31st, 2014. 11:38:53

11 Q. Where did you go? 11:38:58

12 A. Gawker. 11:39:01

13 Q. You have been working at Gawker 11:39:02

14 continuously since then? 11:39:07

15 A. Yes. 11:39:09

16 Q. What is your current title? 11:39:09

17 A. Executive editor for investigations 11:39:10

18 Gawker Media. 11:39:15

19 Q. What are your job duties? 11:39:18

20 A. I oversee investigative projects 11:39:21

21 and reporting projects for all of the Gawker Media 11:39:23

22 websites. 11:39:28

23 Q. Just so that I'm clear, you're now 11:39:29

24 overseeing items relating to all of the Gawker 11:39:33

25 Media websites. In your previous times of 11:39:39

1 JOHN COOK

2 employment at Gawker were you focused solely on 11:39:42  
3 the Gawker.com site or were you also involved in 11:39:46  
4 reporting on the other sites? 11:39:49

5 A. Prior to January 1st of this year 11:39:52  
6 all of my employment at Gawker was strictly within 11:39:54  
7 Gawker.com. 11:39:58

8 Q. Who do you currently report to? 11:40:00

9 A. Tommy Craggs. 11:40:02

10 Q. Who is Tommy Craggs? 11:40:04

11 A. The executive editor for Gawker 11:40:06  
12 Media. 11:40:15

13 Q. During the time that you were 11:40:15  
14 editor and chief, who were you reporting to? 11:40:25

15 A. For part of the time I was 11:40:28  
16 reporting to Nick Denton and for part of the time 11:40:29  
17 I was reporting to Joel Johnson. 11:40:32

18 Q. Can you identify for me the time 11:40:34  
19 periods in which you were reporting to Mr. Denton? 11:40:37

20 A. I was reporting to Nick Denton from 11:40:39  
21 my elevation to editor and chief until such a time 11:40:41  
22 Joel Johnson was hired as editorial director. I 11:40:45  
23 believe Joel was hired two months or so before I 11:40:49  
24 left, but I don't recall specifically when Joel 11:40:52  
25 was hired. 11:40:55

1	JOHN COOK	
2	Q. That is before you left for	11:40:55
3	Intercept in March, 2014?	11:40:57
4	A. Correct.	11:40:59
5	Q. When you returned you were	11:41:03
6	reporting to Mr. Craggs when you returned to	11:41:04
7	Gawker?	11:41:09
8	A. Correct.	11:41:10
9	Q. Can you describe your relationship	11:41:10
10	with Mr. Denton? Do you speak with him	11:41:12
11	frequently?	11:41:14
12	A. I speak with him frequently, yes.	11:41:14
13	Q. Has that been true during the	11:41:19
14	entirety of your tenure at Gawker?	11:41:22
15	A. Yes.	11:41:24
16	Q. We are using the word frequently,	11:41:26
17	can you define how often you speak with Mr. Denton?	11:41:30
18	A. We could go weeks without speaking.	11:41:32
19	But generally, you know -- I guess I would say we	11:41:36
20	would have conversations that would sort of	11:41:45
21	cluster around things. If there was a pretty good	11:41:46
22	story or particular project that I was working on	11:41:49
23	that was of interest to him, I would talk to him	11:41:52
24	frequently and I could go two or three weeks	11:41:54
25	without talking to him, but I was in frequent	11:41:57



1	JOHN COOK	
2	contact with him.	11:41:59
3	Q. Is he physically present often in	11:42:00
4	the Gawker newsroom as we have defined it?	11:42:03
5	A. Yes.	11:42:06
6	Q. Does he have a separate office	11:42:10
7	within the newsroom or does he hover around the	11:42:12
8	table as you described it in your previous	11:42:17
9	answers?	11:42:19
10	A. He has a seat at one of the tables	11:42:20
11	in the newsroom. Or he did at the time of -- at	11:42:22
12	some point after my departure for the Intercept he	11:42:29
13	moved his seat from the fourth floor of Gawker;s	11:42:37
14	offices where the editorial teams are located to	11:42:42
15	one of the other floors, I'm actually not quite	11:42:46
16	sure. Prior to that he was seated at the table on	11:42:48
17	the fourth floor where the editorial teams sit.	11:42:54
18	Q. Did he speak with you frequently	11:42:56
19	because of your seniority or does he to your	11:43:00
20	knowledge speak with the other reporters	11:43:03
21	frequently?	11:43:07
22	A. I can't really speak to that. I	11:43:07
23	don't know how often he speaks with other	11:43:12
24	reporters.	11:43:13
25	Q. Have you observed him during the	11:43:13

1 JOHN COOK

2 time in which he had a seat at the table speaking 11:43:15  
3 with other reporters frequently or not? 11:43:18

4 A. I think he speaks with the 11:43:21  
5 editorial staff relatively frequently. I should 11:43:24  
6 clarify, he did not actually sit at a table with 11:43:27  
7 other editorial staffers. He sat at a table 11:43:29  
8 located on the floor that the editorial team sat 11:43:34  
9 on. His particular table that he used to my 11:43:38  
10 recollection was where the operations staff -- 11:43:39  
11 where the business side people sat. 11:43:42

12 Q. So just so I can understand because 11:43:45  
13 it sounds like a bit of an unusual set up. The 11:43:47  
14 Gawker newsroom, if we could refer to it that way, 11:43:52  
15 is a large space with multiple tables at which 11:43:55  
16 people sit at their individual computer monitors? 11:43:58

17 A. Yes. That is by no means an 11:44:01  
18 unusual set up. That is very common for a 11:44:04  
19 newsroom. It is a newsroom. It is an open 11:44:07  
20 environment. People are not in offices. They are 11:44:10  
21 out in one large space on tables. Some news rooms 11:44:13  
22 may have cubicles, but... 11:44:20

23 Q. If I could direct your attention to 11:44:22  
24 the time period of October, 2012. I want to talk 11:44:24  
25 to you about when did you first hear that there 11:44:28

1	JOHN COOK	
2	was a sex video involving Mr. Bollea?	11:44:32
3	A. I don't have a specific	11:44:37
4	recollection of learning about the existence of	11:44:38
5	the video.	11:44:41
6	Q. Do you generally recollect when you	11:44:41
7	learned about the existence of the video?	11:44:43
8	A. When I learned about the existence	11:44:47
9	of videos is as generalized -- oh, I'm sorry, I	11:44:50
10	learned about the existence of the video sometime	11:44:53
11	around its publication.	11:44:55
12	Q. Well sometime around its	11:44:58
13	publication is a little broad. Did you learn	11:45:01
14	about it before it was published?	11:45:03
15	A. I did.	11:45:04
16	Q. Who did you learn about it from?	11:45:05
17	A. I do not recall who I learned about	11:45:07
18	it from.	11:45:09
19	Q. So just to understand that time	11:45:10
20	period, you were at that time working as a	11:45:12
21	reporter?	11:45:17
22	A. Correct.	11:45:17
23	Q. And you were nominally an editor or	11:45:18
24	you were not nominally an editor?	11:45:21
25	A. I was not nominally an editor.	11:45:26

1 JOHN COOK

2 Q. And you do not recall from whom you 11:45:30  
3 learned about the existence of the sex tape? 11:45:33

4 A. I have no specific recollection of 11:45:35  
5 anyone in particular telling me that the existence 11:45:36  
6 of the sex tape. 11:45:38

7 Q. Do you recall discussions that you 11:45:42  
8 may have overheard or participated in before the 11:45:43  
9 publication of the sex tape about the existence of 11:45:45  
10 a sex tape? 11:45:47

11 A. I do not recall any such 11:45:48  
12 discussions. I have seen documentary evidence of 11:45:50  
13 such discussions in the form of chat transcripts, 11:45:54  
14 but I don't recall having those discussions. 11:45:56

15 Q. Let me just ask you, generally 11:45:58  
16 speaking. During the time that you worked at 11:46:01  
17 Gawker, how often has a sex video come into the 11:46:03  
18 Gawker newsroom? Is that a frequent occurrence? 11:46:09

19 A. It is not unheard of. I can recall 11:46:14  
20 one other case where that happened. But I 11:46:21  
21 wouldn't call it a frequent occurrence. 11:46:30

22 Q. Was that other case, what was that? 11:46:32

23 A. It was a video -- it was not -- I 11:46:35  
24 don't think there was any sexual activity in the 11:46:41  
25 video. It was a video of the colloquial term for 11:46:44

1 JOHN COOK

2 the video is all I can recall. It got its sort of 11:46:51

3 Internet name of MacSteamy. 11:46:56

4 Q. Do you know who was featured in 11:46:57

5 MacSteamy? 11:46:59

6 A. Some actors and actresses, I don't 11:47:00

7 remember their names. It was Mac -- someone's 11:47:03

8 name began with Mac and that is how the name 11:47:08

9 MacSteamy. I think he was on a television called, 11:47:14

10 he was on a medical show the name of which I can't 11:47:16

11 recall. 11:47:19

12 Q. So it was fairly unusual that a sex 11:47:19

13 video comes into the offices of Gawker? 11:47:23

14 A. Yes. 11:47:26

15 Q. Despite the unusual nature of that 11:47:26

16 occurrence, you don't have any specific 11:47:28

17 recollection of how you became aware of the 11:47:30

18 existence of the Hulk Hogan Terry Bollea sex 11:47:32

19 video? 11:47:37

20 A. I do not. 11:47:38

21 Q. Do you recall whether you 11:47:38

22 personally viewed it before it was posted? 11:47:40

23 A. I did not personally view it before 11:47:42

24 it was posted. 11:47:45

25 Q. When did you first personally view 11:47:45

1 JOHN COOK

2 it if you in fact did? 11:47:48

3 A. I believe I personally first viewed 11:47:50

4 it in its entirety when I wrote -- when -- after 11:47:53

5 we received the verbal order from Judge Campbell 11:47:57

6 to remove the video. 11:48:02

7 Q. Do you recall when you personally 11:48:03

8 viewed any portion of it? 11:48:06

9 A. I don't have a specific recollection 11:48:07

10 of it. I believe that I probably watched some of it when 11:48:09

11 it was published initially. 11:48:13

12 Q. Do you know who at Gawker actually 11:48:15

13 received the video? 11:48:25

14 A. My recollection as it was told to 11:48:26

15 me was that the video was mailed to Gawker's 11:48:29

16 offices to AJ Daulerio's attention. That AJ was 11:48:34

17 out of the office when the video arrived. And 11:48:39

18 that he asked Emma Carmichael and Lea Beckmann to 11:48:42

19 view the video and describe it to him. 11:48:46

20 Q. Who told you this account of what 11:48:48

21 had happened? 11:48:53

22 A. My recollection is that AJ Daulerio 11:48:53

23 told me that. 11:48:56

24 Q. When did he tell you that? 11:48:57

25 A. I don't have a specific 11:48:58

1 JOHN COOK

2 recollection of when this conversation occurred, I 11:49:02  
3 imagine it would have been either shortly before 11:49:04  
4 or shortly after the publication of the video. 11:49:07

5 Q. So you can't recall whether that 11:49:14  
6 discussion with AJ happened before the video was 11:49:16  
7 posted or after? 11:49:19

8 A. I cannot recall. 11:49:20

9 Q. Did you generally take a look at 11:49:22  
10 the site every day? 11:49:30

11 A. Generally, but there were certainly 11:49:33  
12 days when I didn't. 11:49:35

13 Q. If you had come in on a particular 11:49:36  
14 day and looked at the site and seen a video of 11:49:40  
15 Mr. Bollea having sex, would it have surprised you 11:49:45  
16 that that had been posted? 11:49:49

17 A. If I had no foreknowledge that we 11:49:50  
18 were go going to do it, I would have been surprised in 11:49:56  
19 the sense that, hey, there is big story that I 11:49:59  
20 didn't know about. 11:50:02

21 Q. Does that refresh your recollection 11:50:02  
22 that perhaps you did know about the existence of 11:50:04  
23 the video before you saw it on the site? 11:50:07

24 A. There is documentary evidence that 11:50:08  
25 I knew about the existence before I saw it on the 11:50:10

1	JOHN COOK	
2	site.	11:50:13
3	Q. You don't have an independent	11:50:13
4	recollection of that?	11:50:14
5	A. No, I don't.	11:50:15
6	Q. Other than AJ telling you the story	11:50:18
7	about his receipt in his absence of the video, did	11:50:22
8	anyone peak speak to you about the circumstances	11:50:26
9	surrounding the receipt of the video?	11:50:29
10	MS. SMITH: Objection, you can answer	11:50:30
11	to the extent that you learned information	11:50:31
12	from your lawyers.	11:50:32
13	A. No.	11:50:33
14	Q. So you never had a discussion with	11:50:38
15	anyone at Gawker other than counsel and Mr. Daulerio	11:50:40
16	about how the circumstances surrounding the	11:50:45
17	receipt of the video?	11:50:48
18	A. No.	11:50:49
19	Q. Did you ever have a discussion with	11:50:54
20	Miss Carmichael about what she did when she	11:50:55
21	received the video?	11:50:59
22	A. Not to my recollection.	11:51:00
23	Q. Do you know now sitting here today	11:51:01
24	what Miss Carmichael did when she actually	11:51:04
25	received the video that had been intended for	11:51:07



1	JOHN COOK	
2	Mr. Daulerio?	11:51:09
3	A. Again, my understanding from my	11:51:09
4	conversation with AJ Daulerio was that she and Lea	11:51:11
5	Beckmann watched the video and described it to him	11:51:16
6	over the telephone.	11:51:20
7	Q. What else did he tell you about	11:51:24
8	that event?	11:51:30
9	A. That is all that I can recall him	11:51:31
10	telling me about that event.	11:51:32
11	Q. So in the discussion that you had	11:51:34
12	with Mr. Daulerio he recounted how Miss Carmichael	11:51:35
13	had described the video to him over the telephone.	11:51:41
14	Did he tell you what happened next with regard to	11:51:46
15	the video?	11:51:48
16	A. No.	11:51:49
17	Q. So that is one discrete	11:51:52
18	conversation that you recall having with	11:51:54
19	Mr. Daulerio either shortly before the posting or	11:51:56
20	after the posting?	11:51:58
21	A. Yes.	11:51:59
22	Q. Do you remember subsequent	11:52:00
23	conversations with Mr. Daulerio about the topic of	11:52:02
24	the Hulk Hogan sex video?	11:52:05
25	A. I recall one conversation.	11:52:07

1	JOHN COOK	
2	Q. When was that?	11:52:19
3	A. I don't recall when it was.	11:52:20
4	Q. Can you give me any sense for when	11:52:21
5	it was? Was it when you were still a reporter,	11:52:25
6	when you were editor and chief?	11:52:28
7	A. It would have been when I was still	11:52:30
8	a reporter when AJ was still there.	11:52:32
9	Q. What was the content of that?	11:52:35
10	A. I asked him what the source of the	11:52:36
11	video was and if we paid for the video. And he	11:52:40
12	wouldn't tell me who the source was and he said we	11:52:45
13	did not pay for the video.	11:52:49
14	Q. Did he ever indicate whether he	11:52:50
15	knew who the source was and wouldn't tell you or	11:52:53
16	he just didn't tell you?	11:52:56
17	A. He just didn't tell me.	11:52:57
18	Q. You don't know whether he knew who	11:52:58
19	the source was or not?	11:53:01
20	A. I do not.	11:53:01
21	Q. I'm so sorry, what you did -- you	11:53:02
22	said he indicated that Gawker did not pay for the	11:53:04
23	video?	11:53:07
24	A. Correct.	11:53:07
25	Q. Did he or anyone else for that	11:53:07

1	JOHN COOK	
2	matter ever discuss with you any investigations	11:53:12
3	that Gawker might have done to try to determine	11:53:16
4	the origin of the video, where it came from?	11:53:19
5	A. No.	11:53:21
6	Q. Do you think -- do you know of any	11:53:23
7	investigations being done by Gawker to try to	11:53:26
8	determine where the video came from?	11:53:28
9	A. No.	11:53:29
10	Q. Do you think that it would be	11:53:31
11	unusual if Gawker received a video of this nature	11:53:32
12	and did not attempt to investigate what the source	11:53:36
13	was?	11:53:39
14	A. No, I don't think that would be --	11:53:39
15	I don't know if AJ knows who the source was or	11:53:56
16	not. So he might know, I don't know.	11:54:01
17	Q. Did you ever have any discussions	11:54:04
18	with anyone else at Gawker regarding who the	11:54:06
19	source of the video was?	11:54:07
20	A. No.	11:54:09
21	Q. Did you ever have any discussions	11:54:12
22	with anyone else at Gawker regarding whether	11:54:13
23	Gawker paid for the video or not?	11:54:16
24	A. No.	11:54:19
25	Q. So in this time period in which you	11:54:20

1 JOHN COOK

2 were still a reporter, did you have any discussions with 11:54:22  
3 anyone other than AJ Daulerio about the Hulk Hogan 11:54:29  
4 sex video? 11:54:34

5 A. There is documentary evidence of my 11:54:35  
6 discussion with a number of colleagues in Camp 11:54:39  
7 Fire, other than that I have no specific 11:54:43  
8 recollection of discussing it with anybody. 11:54:44

9 Q. Do you have a general 11:54:49  
10 recollection? 11:54:50

11 A. I don't have a general 11:54:55  
12 recollection. 11:54:56

13 Q. Without looking at the Camp Fire 11:54:56  
14 documents, can you tell me who you discussed it 11:54:58  
15 with? 11:55:00

16 A. In the Camp Fire chats? 11:55:00

17 Q. Yes. 11:55:03

18 A. It would have been Brian Moylan, 11:55:03  
19 Maureen O'Connor. People show up in Camp Fire and 11:55:07  
20 leave Camp Fire, so I don't know that these people 11:55:12  
21 were present in the chats at the moment that I was 11:55:14  
22 discussing the video with people. But it would 11:55:19  
23 have been Brian Moylan, Maureen O'Connor, AJ 11:55:26  
24 Daulerio, Adrian Chen, Camille Doderro. 11:55:30

25 Q. Do you have any recollection of 11:55:36

1 JOHN COOK

2 having discussions other than the ones that we 11:55:43  
3 have discussed with AJ with anyone at Gawker not 11:55:45  
4 on the chat IM system? 11:55:49

5 A. I do not. 11:55:54

6 Q. Does that mean in your mind that it 11:55:56  
7 did not happen or you just don't recall? 11:55:58

8 A. It just means that I don't recall. 11:55:59

9 Q. Do you recall that when the video 11:56:02  
10 of Mr. Hogan having sex was posted that it 11:56:04  
11 received a lot of media attention? Is that your 11:56:08  
12 perception of what happened? 11:56:10

13 A. I actually don't have a specific 11:56:12  
14 recollection of the media attention. I gather 11:56:14  
15 that it did. 11:56:18

16 Q. So you don't recall discussing with 11:56:19  
17 anyone at Gawker the amount of attention that the 11:56:23  
18 story was getting? 11:56:27

19 A. I recall being aware of the 11:56:28  
20 traffic, that it was a widely viewed item. 11:56:29

21 Q. How did you gain that awareness? 11:56:33

22 A. We post our traffic numbers on the 11:56:36  
23 website. So you can look at the post. 11:56:39

24 Q. Was that also on the big board in 11:56:42  
25 the newsroom? 11:56:45

1 JOHN COOK

2 A. I don't have a specific 11:56:45  
3 recollection of looking at the big board and 11:56:47  
4 seeing that post, but I imagine that it was given 11:56:49  
5 the amount of traffic that it received. 11:56:51

6 Q. Do you know other than Emma 11:56:52  
7 Carmichael who at Gawker actually viewed the video 11:56:58  
8 before it was posted? 11:57:03

9 A. My understanding Lea Beckmann 11:57:03  
10 viewed it. 11:57:08

11 Q. Who is Lea Beckmann? 11:57:09

12 A. Lea Beckmann is currently the 11:57:10  
13 deputy editor of Gawker. At the time she was I 11:57:12  
14 believe her title was editorial assistant. 11:57:16

15 Q. Do you know of anyone else at 11:57:18  
16 Gawker who viewed the video before it was posted? 11:57:20

17 A. I would imagine Kate Bennert who 11:57:23  
18 edited the video. I imagine she viewed it in the 11:57:28  
19 course of editing it. 11:57:34

20 Q. You're using the term imagine, do 11:57:36  
21 you know, do you have specific knowledge that she 11:57:39  
22 in fact viewed it? 11:57:41

23 A. I have knowledge that she edited 11:57:42  
24 it. I did not watch her view the video. So I do 11:57:44  
25 not have direct knowledge of that. 11:57:49

1	JOHN COOK	
2	Q. Do you know if anyone other than	11:57:50
3	Miss Carmichael, Miss Beckmann and Miss Bennert	11:57:53
4	viewed the video before it was posted?	11:57:58
5	A. I do not. Pardon, AJ.	11:57:59
6	Q. Mr. Daulerio was out of town when	11:58:03
7	the video was received?	11:58:06
8	A. I do not know where he was.	11:58:08
9	Q. Do you know when he returned	11:58:09
10	relative to when the item was posted, the sex	11:58:12
11	video was posted?	11:58:16
12	A. I do not.	11:58:17
13	Q. Do you know if he viewed the sex	11:58:17
14	video before it was posted?	11:58:20
15	A. Based on his account of having	11:58:21
16	viewed it which he published along with the video,	11:58:25
17	I believe that he did, yes.	11:58:28
18	Q. And you mentioned that Miss Bennert	11:58:29
19	edited the video. Do you know of anyone else that	11:58:36
20	participated in the editing process?	11:58:39
21	A. I do not.	11:58:41
22	Q. Did you have any discussions with	11:58:41
23	Miss Beckmann or Miss Bennert about their viewing	11:58:44
24	of the video before it was posted at any time?	11:58:49
25	A. No.	11:58:50

1	JOHN COOK	
2	Q. Did you have any discussion with	11:58:52
3	Miss Bennert about the editing process?	11:58:54
4	A. I did not.	11:58:57
5	MS. SMITH: Are you done with that	11:59:11
6	line? Can we have a short break.	11:59:11
7	MS. MC GRATH: Absolutely.	11:59:15
8	THE VIDEOGRAPHER: Here marks the end	11:59:17
9	of file 2. We are going off the record the	11:59:19
10	team is 11:59 a.m.	11:59:22
11	(Recess taken.)	11:59:24
12	THE VIDEOGRAPHER: Here marks the	12:07:35
13	beginning of file number 3 we are back on the	12:07:39
14	record. The time is 12:07 p.m.	12:07:41
15	BY MS. MC GRATH:	12:07:47
16	Q. Mr. Cook, you understand that	12:07:47
17	you're still under oath?	12:07:48
18	A. I do.	12:07:49
19	Q. Do you recall during the time	12:07:50
20	before the Hulk Hogan sex video was posted that	12:07:52
21	anyone at Gawker advocated not publishing that	12:07:56
22	video?	12:07:59
23	A. I do not.	12:07:59
24	Q. Is that because you just don't	12:08:01
25	recall discussions regarding the video before it	12:08:04



1 JOHN COOK

2 was posted or you have a specific recollection of 12:08:10  
3 that didn't occur? 12:08:12

4 A. I don't have a specific 12:08:14  
5 recollection of something not occurring, but I 12:08:15  
6 don't recall being involved in any discussions 12:08:18  
7 prior to publication aside from the ones that -- I 12:08:21  
8 don't recall being involved in any, obviously I 12:08:24  
9 was involved in at least one. But I don't have 12:08:26  
10 any recollection of that. 12:08:29

11 Q. Are you aware that Gawker received 12:08:34  
12 notice before it published the video that the 12:08:36  
13 footage had been taken illegally? 12:08:38

14 A. No. 12:08:41

15 Q. Do you recall before the Hulk Hogan 12:08:45  
16 sex video was posted anyone discussing that Gawker 12:08:50  
17 could potentially be sued? I don't want you to 12:08:54  
18 talk about any discussions that you had with 12:08:57  
19 counsel. Other than counsel, do you have a 12:08:59  
20 recollection of anyone discussing that Gawker 12:09:01  
21 could be sued? 12:09:04

22 A. I do not. 12:09:04

23 Q. Shortly before the Hulk Hogan video 12:09:05  
24 was posted, do you recall anyone discussing that 12:09:38  
25 Gawker could potentially being sued? 12:09:41

1	JOHN COOK	
2	A. I do not.	12:09:43
3	Q. Before the sex video was posted do	12:09:44
4	you recall anyone discussing that Gawker could	12:09:48
5	face criminal prosecution?	12:09:50
6	A. I do not.	12:09:51
7	Q. Do you recall any discussions with	12:09:52
8	anyone advocating that the video just should not	12:09:57
9	be posted before it was posted?	12:10:00
10	A. I do not.	12:10:02
11	Q. Do you recall any discussions in	12:10:02
12	which anyone at Gawker advocated that the post be	12:10:05
13	taken down after it was posted?	12:10:10
14	MS. SMITH: Outside of discussions	12:10:19
15	with counsel.	12:10:20
16	A. I don't have any recollection of	12:10:20
17	any conversations about taking down the video	12:10:21
18	where counsel was not present.	12:10:24
19	Q. Were you aware at any time of the	12:10:34
20	length of the video that was received in the	12:10:37
21	anonymous package?	12:10:40
22	A. I believe the length was 30	12:10:40
23	minutes.	12:10:42
24	Q. Do you know the length of what was	12:10:42
25	actually posted on the website?	12:10:44

1	JOHN COOK	
2	A. I believe it was 1 minute 40	12:10:47
3	seconds.	12:10:50
4	Q. Was there ever any discussion to	12:10:50
5	your knowledge about posting additional portions	12:10:55
6	of the video that had not been posted in the	12:10:59
7	original one minute and 40 seconds?	12:11:02
8	A. I'm not aware of any such	12:11:04
9	discussions.	12:11:07
10	Q. Are you aware that anyone was	12:11:07
11	involved in actually editing the video in order to	12:11:09
12	create another video that would be posted?	12:11:12
13	A. I have no knowledge of anything	12:11:19
14	like that.	12:11:20
15	Q. Do you recall at some point finding	12:11:22
16	out that Hulk Hogan had filed a lawsuit against	12:11:25
17	Gawker?	12:11:28
18	A. I don't recall finding out. I	12:11:28
19	obviously did learn of the lawsuit but I don't	12:11:31
20	recall the moment of learning of it. No.	12:11:33
21	Q. You don't know who told you?	12:11:35
22	A. I do not, no.	12:11:36
23	Q. Do you know how close in time to	12:11:38
24	the filing of the lawsuit that you found out about	12:11:42
25	it?	12:11:44

1 JOHN COOK

2 A. I would imagine it would be very 12:11:45  
3 close in time to the filing. 12:11:48

4 Q. Do you remember who you spoke to 12:11:50  
5 about the lawsuit around the time that it was 12:11:53  
6 filed? 12:11:55

7 A. I do not. 12:11:55

8 Q. You never spoke with AJ Daulerio 12:11:56  
9 about the lawsuit? 12:11:59

10 A. I very well -- I'm sure I spoke to 12:12:00  
11 AJ Daulerio about the lawsuit. 12:12:03

12 Q. But you can't recall the content of 12:12:04  
13 the those discussions? 12:12:07

14 A. No, I mean I don't recall if I 12:12:08  
15 learned of the lawsuit from him or I learned about 12:12:26  
16 it from reading about it or someone dropped it in 12:12:28  
17 a Camp Fire. In general terms I recall talking to 12:12:31  
18 AJ maybe back in the office, maybe he would be 12:12:33  
19 there for deposition prep and I said you're 12:12:41  
20 getting deposed and he would say yes. But that is 12:12:44  
21 the most specific conversation that I remember 12:12:44  
22 having with him that dealt with the lawsuit. 12:12:48

23 Q. How did you personally feel when 12:12:48  
24 you received notice of the lawsuit or when you 12:12:51  
25 found out about it? 12:12:53

1	JOHN COOK	
2	MS. SMITH: I object on how you	12:12:54
3	personally felt, but you may answer.	12:12:56
4	A. I thought it was absurd.	12:12:57
5	Q. Why is that?	12:13:01
6	A. Because the tape was clearly	12:13:02
7	newsworthy. Hulk Hogan had spoken about it	12:13:10
8	publicly. Its existence had been reported and I	12:13:12
9	thought it was a weak claim.	12:13:17
10	Q. When you say that Hulk Hogan had	12:13:26
11	previously spoken about it publicly, can you tell	12:13:28
12	me what you mean?	12:13:30
13	A. My understanding that he called	12:13:31
14	into TMZ and discussed it after its publication.	12:13:34
15	He went on Howard Stern and discussed it.	12:13:40
16	Q. So prior to the time that it was	12:13:42
17	published were you aware of any public discussion	12:13:48
18	by Mr. Hogan of the tape?	12:13:52
19	A. I was not aware of it prior to the	12:13:54
20	publication, no.	12:13:56
21	Q. Earlier, a couple of hours ago in	12:14:00
22	the deposition you gave a definition of newsworthy	12:14:01
23	that included that something be informative. Do	12:14:06
24	you recall giving that testimony today?	12:14:09
25	A. I do.	12:14:10

1 JOHN COOK

2 Q. Do you feel that the Hulk Hogan sex 12:14:11

3 tape clip that was posted on Gawker is informative? 12:14:16

4 A. Absolutely. 12:14:18

5 Q. How so? 12:14:19

6 A. There was a -- the existence of the 12:14:20

7 tape, the circumstances under which it was made, 12:14:25

8 the identity of the participants of the tape had 12:14:28

9 been the subject of the intense scrutiny by TMZ 12:14:31

10 and other news organizations and it was something 12:14:35

11 circulating, it is my understanding, circulating 12:14:38

12 in the talk radio community or the radio business. 12:14:40

13 And it was of sufficient interest that Hulk Hogan 12:14:45

14 himself called in to TMZ to discuss it. 12:14:51

15 But the actual tape that we are 12:14:55

16 talking about was a lacuna, it was a missing 12:14:59

17 piece. No one knew what the actual tape was. No 12:15:01

18 one knew what they were talking about. The post 12:15:04

19 actually let people know what everyone was talking 12:15:06

20 about. It is informative in that context. 12:15:10

21 Q. You testified a few moments ago 12:15:12

22 that you're not aware of any conversations about 12:15:14

23 putting up additional portions of the tape. 12:15:16

24 A. No. 12:15:19

25 Q. Is there a reason that that 12:15:20

1 JOHN COOK

2 wouldn't be done if in fact the tape were 12:15:23

3 newsworthy and why not publish the whole tape? 12:15:26

4 A. I have no specific knowledge of 12:15:28

5 these discussions. I was actually not involved in 12:15:34

6 the publication of this post, but I would imagine 12:15:36

7 that when one -- when you get a post like this you 12:15:39

8 consult with counsel to find out what the best way 12:15:44

9 to edit this post is to do it in the lowest risk 12:15:46

10 manner. You wouldn't want to put a full 30 minute 12:15:52

11 video out. We are not in the business of 12:15:57

12 publishing full sex tapes. The point is to do a -- 12:16:00

13 publish a cut or an amount that transmits the 12:16:07

14 relevant knowledge that you're trying to get 12:16:13

15 across. 12:16:17

16 Q. When you were actually the editor 12:16:18

17 and chief, you became editor and chief in January 12:16:20

18 of 2013, was the sex tape clip still being 12:16:23

19 featured on the Gawker website at that time? 12:16:29

20 A. Yes. 12:16:32

21 Q. Did you ever consider at that time 12:16:33

22 after you were elevated to editor and chief 12:16:35

23 posting additional portions of the 30 minute tape? 12:16:37

24 A. No. 12:16:40

25 Q. You stated in your response a few 12:16:44

1 JOHN COOK

2 responses back that you were not involved in the 12:16:48  
3 publication of the tape. I'm just a little 12:16:50  
4 confused because you said that you can't recall 12:16:53  
5 the discussions that you may or may not have had 12:16:57  
6 relating to the tape but your recollection was 12:17:01  
7 refreshed by Camp Fire chat, but other than that 12:17:04  
8 you can't recall the discussions that you may or 12:17:08  
9 may not have had about the tape; is that correct? 12:17:10

10 A. Correct. 12:17:12

11 Q. It is possible that you had 12:17:12  
12 discussions that would constitute involvement in 12:17:13  
13 the publication of the tape, correct? 12:17:16

14 A. No. It is not correct. My role 12:17:17  
15 was not, at the time was not editorial. I wasn't 12:17:21  
16 overseeing anything. AJ was the editor and chief. 12:17:27  
17 This was his post. When I say I don't recall any 12:17:30  
18 conversations I'm saying I don't recall any like 12:17:32  
19 might I have had a passing conversation with AJ 12:17:36  
20 like, oh man, this sex tape is just unbelievable, 12:17:40  
21 I may have. I can't recall that. I could tell 12:17:46  
22 you affirmatively that I played no editorial role 12:17:47  
23 in the preparation of the post or of the video. 12:17:51

24 Q. I'm just asking though, if you 12:17:55  
25 can't specifically recall the discussions that you 12:17:57



1 JOHN COOK

2 had with regard to the tape, how can you tell us 12:17:59  
3 sitting here today that you had no discussions 12:18:02  
4 about whether or not it should be published? 12:18:05

5 A. Okay. I can tell you that I had no 12:18:07  
6 discussions about whether or not it should be 12:18:16  
7 published. 12:18:21

8 Q. Okay, so you -- 12:18:21

9 A. I don't remember that you ask -- 12:18:22

10 Q. I'm sorry, if you could let me 12:18:23  
11 finish and I will of course let you finish. 12:18:25

12 You have testified today that you 12:18:27  
13 don't recall specific discussions about the tape 12:18:28  
14 before it was published. But suddenly you're 12:18:31  
15 certain now that you did not participate in any 12:18:35  
16 discussions relating to whether or not it should 12:18:38  
17 be published. 12:18:41

18 A. If I gave the impression that I 12:18:43  
19 could not recall whether or not I was involved in 12:18:46  
20 any conversations about whether or not -- about 12:18:49  
21 question of whether or not to publish that tape, I 12:18:54  
22 was mistaken. I was not involved in any conversations 12:18:58  
23 over the question of whether or not to publish the 12:19:04  
24 tape. 12:19:07

25 Q. So I guess you do remember specific 12:19:08

1 JOHN COOK

2 conversations that you had about the tape before 12:19:11

3 the time that it was published? 12:19:13

4 MS. SMITH: Objection, let's let him 12:19:15

5 explain. 12:19:17

6 MS. MC GRATH: I don't think he did 12:19:20

7 actually. 12:19:21

8 A. I don't know how one has a specific 12:19:21

9 recollection of something not happening. But to 12:19:24

10 the extent that you can have a specific recollection of an 12:19:26

11 absence of a conversation, then I have that. 12:19:30

12 Q. Let me just -- 12:19:33

13 MS. SMITH: Let him finish. 12:19:34

14 A. What I was trying to communicate to 12:19:35

15 you is I have no specific recollections of passing 12:19:38

16 conversations of discussions about the tape prior 12:19:43

17 to its publication. There may have been, I can't 12:19:48

18 rule that out. It was a long time ago. It was 12:19:53

19 not something that I was intimately involved with 12:19:55

20 by any stretch of the imagination. But there 12:19:58

21 could have been conversations along the lines of, 12:20:04

22 wow, wait until you see this tape or something 12:20:09

23 like that. So I don't want to rule that out. But 12:20:12

24 I can rule out participation in discussions with a 12:20:15

25 question of whether to publish it or not was 12:20:20

1	JOHN COOK	
2	raise.	12:20:23
3	Q. So you don't recall specific	12:20:23
4	discussions as you have testified numerous times	12:20:24
5	today. And the only way in which you knew that	12:20:27
6	those discussions even took place was by reviewing	12:20:30
7	the Camp Fire chats; is that correct?	12:20:32
8	A. Correct.	12:20:36
9	Q. But yet you can rule out	12:20:36
10	definitively that you had any discussions that you	12:20:40
11	characterize as being involved in the publication	12:20:42
12	of the tape before it was published?	12:20:43
13	A. Yes. And the reason that I can do	12:20:46
14	that is that I'm certain --	12:20:48
15	Q. Actually that was just a yes or no	12:20:50
16	question. It was a yes or no question.	12:20:52
17	A. Okay.	12:20:54
18	Q. Is your answer yes?	12:20:54
19	A. Repeat the question, please.	12:20:55
20	MS. MC GRATH: Can you read that	12:20:57
21	back?	12:20:58
22	(Requested portion of record read.)	12:20:58
23	A. What I was specifically ruling out	12:21:43
24	was --	12:21:46
25	Q. It is actually a yes or no	12:21:46

1	JOHN COOK	
2	question.	12:21:48
3	MS. SMITH: He has not interrupted	12:21:48
4	you, let him finish.	12:21:49
5	MS. MC GRATH: It is a yes or no	12:21:51
6	question. I'm entitled to yes or no. He	12:21:52
7	testified earlier today that in fact he did	12:21:54
8	not recall specific discussions. The only	12:21:56
9	way in which he had any recollection of the	12:21:58
10	specific discussions was by reviewing Camp	12:22:01
11	Fire chats. But now I'm just trying to	12:22:04
12	confirm that he believes that he	12:22:06
13	affirmatively did not participate in any	12:22:08
14	discussions that would constitute being	12:22:11
15	involved in the publication of the tape and	12:22:14
16	I'm just interested in knowing how he can	12:22:16
17	make that determination if he can't remember	12:22:18
18	the specific conversations other than by	12:22:20
19	looking at the document.	12:22:22
20	MS. SMITH I think he is trying to	12:22:24
21	explain to you how and you're cutting him	12:22:25
22	off. Let finish the answer.	12:22:28
23	A. What I affirmatively said was that	12:22:30
24	I was not involved in any discussions where the	12:22:32
25	question of whether or not to publish the tape was	12:22:33

1 JOHN COOK

2 at issue. 12:22:40

3 I also can affirmatively tell you 12:22:40

4 that I played no role in the preparation of the 12:22:43

5 tape or of the story. Whether or not I was -- do 12:22:49

6 you mind if I read the -- the last question that 12:22:57

7 we just read was something along the lines of 12:22:59

8 whether or not I had any conversations or 12:23:02

9 participated in any conversations about the 12:23:05

10 publication of the tape. 12:23:09

11 I don't have any specific 12:23:12

12 recollection of any such conversations. 12:23:14

13 Q. But you cannot affirmatively say 12:23:16

14 that no such conversations took place since you 12:23:20

15 don't have a recollection of conversations other 12:23:22

16 than by being refreshed by looking at the Camp 12:23:25

17 Fire chats, is that yes or no? 12:23:28

18 MS. SMITH: I object. Asked and 12:23:30

19 answered. You may answer. 12:23:31

20 A. It depends on what such question -- 12:23:32

21 repeat the question. 12:23:36

22 Q. You cannot recall specifically 12:23:37

23 discussions that you had about the tape before it 12:23:40

24 was posted so you cannot make an affirmative 12:23:43

25 representation that you never had a conversation 12:23:45

1	JOHN COOK	
2	about whether or not the tape should be published?	12:23:48
3	A. That is not correct. I can make an	12:23:51
4	affirmative representation that I never had a	12:23:53
5	conversation about whether or not the tape can be	12:23:55
6	published.	12:23:58
7	MS. MC GRATH: Let me mark as	12:24:04
8	Exhibit 225A. This is an e-mail from Nick	12:24:05
9	Denton to AJ Daulerio dated October 5th,	12:24:11
10	2012. It is produced by Gawker as Gawker	12:24:14
11	00142 through 00157. And it also includes a	12:24:18
12	letter from David Houston to Gawker Media as	12:24:24
13	well as an e-mail at 00157 from Cameron	12:24:29
14	Stracher to David Houston.	12:24:35
15	(Exhibit 225A for identification,	12:24:38
16	Document Bates stamped 00142 through 00157.)	12:25:34
17	Q. Actually before you look at the	12:25:34
18	exhibit, sorry, I want to ask you, were you aware	12:25:35
19	that after the publication of the Hulk Hogan sex	12:25:38
20	video that Mr. Hogan's legal counsel sent a cease	12:25:42
21	and desist letter to Gawker?	12:25:46
22	A. I'm aware of that, yes.	12:25:47
23	Q. You're aware of it sitting here	12:25:48
24	today?	12:25:50
25	A. Yes.	12:25:50

1	JOHN COOK	
2	Q. When did you become aware of that?	12:25:51
3	A. I don't have a specific recollection of	12:25:53
4	when I became aware of it.	12:25:55
5	Q. Do you think you became aware of it	12:25:56
6	before Mr. Hogan's lawsuit was filed?	12:25:58
7	A. Yes, I do think that.	12:26:00
8	Q. Why do you think that?	12:26:02
9	A. Because I believe that I would have	12:26:03
10	become aware of it roughly around time that it was	12:26:08
11	received.	12:26:10
12	Q. Do you have any recollection of who	12:26:10
13	may have made you aware of it?	12:26:13
14	A. I don't have a specific recollection	12:26:14
15	of becoming aware of it, so, no.	12:26:15
16	Q. So you can identify the time period	12:26:18
17	in which you became aware of it but you're not	12:26:20
18	certain of any other facts about how you became	12:26:22
19	aware of it?	12:26:24
20	A. I can speculate as to the time	12:26:24
21	period that I became aware of it because of the	12:26:26
22	likely scenario is that I would have learned about	12:26:28
23	it roughly when it was received.	12:26:31
24	Q. I don't want you to speculate. I	12:26:32
25	want to know what you actually remember or do not	12:26:35

1 JOHN COOK

2 remember. So you do not remember specifically 12:26:37  
3 having been aware of a cease and desist letter 12:26:42  
4 having been issued after the sex tape was posted? 12:26:45

5 A. I do not have a specific 12:26:49  
6 recollection of becoming aware of the existence of 12:26:50  
7 the cease and desist letter. 12:26:53

8 Q. Do you recall discussions at any 12:26:54  
9 time with anyone about the cease and desist 12:26:56  
10 letter? 12:26:59

11 MS. SMITH: You can answer whether 12:27:00  
12 you recall having discussions. 12:27:01

13 A. I recall no discussions about the 12:27:02  
14 cease and desist letter. 12:27:04

15 MS. MC GRATH: I'm going to mark as 12:27:11  
16 226A. This is a document previously marked 12:27:12  
17 as Gawker 01536 through 01572. And it is the 12:27:16  
18 Camp Fire chats. 12:27:26

19 (Exhibit 226A for identification, 12:27:26  
20 Document Bates stamped 01536 through 01572.) 12:28:06

21 Q. Mr. Cook, before we look at 12:28:06  
22 Exhibit 226A, you may have testified as to this, I 12:28:09  
23 want to be clear. How did you feel when you heard 12:28:12  
24 that Hulk Hogan had filed suit? 12:28:13

25 A. I did testify to that. 12:28:16



1 JOHN COOK

2 Q. Can you just answer it one more 12:28:20  
3 time for my benefit? 12:28:22

4 A. I believe I said I thought the suit 12:28:23  
5 was absurd. 12:28:26

6 Q. Do you recall having discussions 12:28:28  
7 with others at Gawker about their feelings about 12:28:31  
8 the validity or invalidity of the lawsuit? 12:28:33

9 A. I have had numerous discussions 12:28:36  
10 with counsel over the years since the filing of 12:28:41  
11 the lawsuit. But I don't recall any -- I don't have 12:28:46  
12 any specific recollection of any conversations 12:28:51  
13 with anyone else about the lawsuit. I'm sure that 12:28:52  
14 I did communicate my feelings that I thought it 12:28:54  
15 was a weak claim. 12:28:57

16 Q. Did the filing of the lawsuit by 12:28:59  
17 Mr. Hogan make you angry? 12:29:00

18 A. No. 12:29:08

19 Q. Did you ever hear anyone at Gawker 12:29:09  
20 express anger about the filing of the lawsuit by 12:29:12  
21 Mr. Hogan? 12:29:15

22 MS. SMITH: Apart from lawyers. 12:29:16

23 A. Not that I recall, no. 12:29:22

24 Q. Did you feel that by Mr. Hogan 12:29:23  
25 filing his lawsuit he was trying to censor Gawker? 12:29:25

1 JOHN COOK

2 A. I believe that by filing multiple 12:29:33  
3 motions for seeking injunctions for the removal of 12:29:36  
4 the post and the video that that was an attempt to 12:29:43  
5 censor Gawker, yes. 12:29:45

6 Q. Did the motions seeking an 12:29:47  
7 injunction specifically make you angry? 12:29:52

8 A. The motions, no, they did not. 12:29:56

9 Q. Was there some aspect of the filing 12:30:01  
10 of those motions that made you angry? 12:30:03

11 A. There was no aspect of the filing 12:30:05  
12 of those motions that incited anger in me, no. 12:30:07

13 Q. Did the fact that you ultimately, 12:30:12  
14 and we will get to it, had to take the video and 12:30:14  
15 article down, did that anger you? 12:30:18

16 A. I won't quite say anger. I was 12:30:20  
17 irritated, displeased. 12:30:25

18 Q. Did you feel that it was a fair 12:30:27  
19 ruling by the court in granting the motion to have 12:30:30  
20 the article and the video taken down? 12:30:35

21 MS. SMITH: We are talking about just 12:30:37  
22 Campbell's order here? 12:30:40

23 MS. MC GRATH: Correct. 12:30:41

24 A. I thought the federal ruling which 12:30:42  
25 found that the motion was unconstitutional -- that 12:30:45

1 JOHN COOK

2 granting the motion would have been an 12:30:50  
3 unconstitutional prior restraint on free speech, I 12:30:53  
4 though that was a fair ruling. 12:30:56

5 I thought that Judge Campbell's 12:30:56  
6 ruling in which she ordered the removal of both 12:30:58  
7 the video and the text of AJ Daulerio's account 12:31:02  
8 and experience of watching the video that she did 12:31:06  
9 not see, I thought that was an unfair ruling. And 12:31:09  
10 I thought the Second Circuit Court Of Appeals 12:31:12  
11 ruling overturning that decision and that order 12:31:15  
12 and finding it to be an unconstitutional prior 12:31:20  
13 restraint on free speech, I thought that was a 12:31:24  
14 very good ruling. 12:31:27

15 Q. Let's take a look at what we 12:31:28  
16 marked, we are done with the one in front of, it 12:31:36  
17 is the following one, it is 226A. Do you know 12:31:38  
18 what this document is? 12:31:41

19 A. It appears to be transcripts of 12:31:43  
20 Camp Fire chats. 12:31:47

21 Q. Have you ever seen the Camp Fire 12:31:48  
22 chats printed out in this format before? 12:31:52

23 A. I have. I have seen Camp Fire 12:31:55  
24 chats. I don't know that I have seen these Camp 12:31:59  
25 Fire chats before. 12:32:01

1 JOHN COOK

2 Q. Understood. The first page which 12:32:02  
3 is Gawker 01536 at the top it says Camp Fire: 12:32:05  
4 Tuesday, January 3rd, 2012. Does that reflect the 12:32:12  
5 date that the Camp Fire chat was had by the people 12:32:16  
6 involved? 12:32:20

7 A. I don't know the answer to that 12:32:20  
8 question. I assume that it does, but I have no 12:32:22  
9 direct knowledge. 12:32:25

10 Q. Did you ever print Camp Fire chats 12:32:26  
11 in the course of your employment at Gawker? 12:32:28

12 A. I do not have any recollection of 12:32:30  
13 ever doing so. 12:32:34

14 Q. Do you have any reason to doubt 12:32:34  
15 that that date reflects the date that the Camp 12:32:36  
16 Fire chats actually took place? 12:32:40

17 A. I do not. 12:32:41

18 Q. I want to direct your attention on 12:32:43  
19 that first page, 1536, there is a item by Maureen O. 12:32:45  
20 Do you see that? It is about the fourth entry 12:32:52  
21 down. 12:32:55

22 A. I mean there are certain comments 12:32:55  
23 on this page from Maureen O. 12:32:59

24 Q. I am directing your attention to 12:33:01  
25 the fourth one, the first one is by Adrian C, do 12:33:04

1	JOHN COOK	
2	you see that?	12:33:07
3	A. Yes.	12:33:07
4	Q. Second one is Brian M?	12:33:07
5	A. Yes.	12:33:09
6	Q. And the fourth one is Maureen O, do	12:33:10
7	you see that one?	12:33:12
8	A. I do.	12:33:12
9	Q. Who is Maureen O?	12:33:12
10	A. Maureen O'Connor.	12:33:14
11	Q. What was Maureen O'Connor's job at	12:33:16
12	Gawker?	12:33:20
13	A. She was a reporter.	12:33:20
14	Q. And do you know what she is	12:33:21
15	referring to if you know by "Totillo: I have been	12:33:22
16	trying for a long time to get people to stop	12:33:28
17	thinking that creating Hulk Hogan's reality show	12:33:32
18	is the coolest item on any resume." Do you know	12:33:35
19	what that is a reference to?	12:33:39
20	A. I do not.	12:33:57
21	Q. If you could turn for me to the	12:33:59
22	next page which is Gawker 1537. Do you see at the	12:34:01
23	bottom of the page the second to last entry it	12:34:10
24	says John C?	12:34:15
25	A. I do.	12:34:17

1	JOHN COOK	
2	Q. What is that a reference to?	12:34:17
3	A. John Cook.	12:34:20
4	Q. And that is you?	12:34:21
5	A. It is.	12:34:21
6	Q. Do you have any idea, you're	12:34:22
7	writing says "WTF is The Daily Caller is supposed	12:34:26
8	to be" and then there is a link to a website. Do	12:34:30
9	you know what that was a reference to?	12:34:34
10	A. WTF is an acronym is what the fuck,	12:34:35
11	and the question is what the fuck is The Daily	12:34:40
12	Caller supposed to be. The link I presume -- I	12:34:42
13	don't know what the link is in reference to. I	12:34:47
14	presume it is in reference to a piece that The	12:34:49
15	Daily Caller published somehow referred to or made	12:34:55
16	a joke about or inferenced a Megan Fox sex tape.	12:34:58
17	Q. Adrian C replies to you "Whatever	12:35:06
18	they are, they got the Megan Fox sex tape while we	12:35:09
19	are about to post the Hulk Hogan sex tape." Do	12:35:14
20	you see that?	12:35:18
21	A. I do.	12:35:18
22	Q. Does that indicate to you that you	12:35:18
23	were in fact aware that Gawker was going to	12:35:20
24	publish the Hulk Hogan sex tape before in fact it	12:35:23
25	was published?	12:35:27

1	JOHN COOK	
2	A. It does.	12:35:28
3	Q. Then if we go down skipping the	12:35:28
4	middle section there is an entry by Kate B on	12:35:34
5	1538?	12:35:39
6	A. Yes.	12:35:39
7	Q. It says, "You guys don't even know	12:35:40
8	how good this Hulk Hogan tape is. F Megan Fox"	12:35:42
9	and then "Max R replies Hulk Hogan f-u-c-k Megan	12:35:47
10	Fox." Sorry, I don't really like to say the words	12:35:56
11	on record. And Katie W says "she wishes he gets	12:35:59
12	really tender at the end." Do you see that	12:36:05
13	section?	12:36:07
14	A. I do.	12:36:07
15	Q. Who is Kate B?	12:36:08
16	A. Kate Bennert.	12:36:09
17	Q. Who is Max R?	12:36:10
18	A. Max Reed.	12:36:11
19	Q. Max Reed's role at Gawker was?	12:36:13
20	A. I believe at the time he was news	12:36:16
21	editor.	12:36:21
22	Q. Katie W have we talked about who	12:36:21
23	she is?	12:36:27
24	A. I don't know if we have. It is	12:36:28
25	Katie Weaver.	12:36:30

1	JOHN COOK	
2	Q. Who is she?	12:36:32
3	A. She was a writer.	12:36:33
4	Q. In this exchange, Max R writes "a	12:36:34
5	really tender leg drop." Do you know what that is	12:36:37
6	a reference to?	12:36:40
7	MS. SMITH: Objection, I mean to the	12:36:41
8	extent that you can speculate on that you're	12:36:42
9	free to do so.	12:36:45
10	A. It's a joke.	12:36:46
11	Q. Is it joke about Mr. Hogan?	12:36:49
12	A. It is the extension of a joke about	12:36:50
13	the -- the joke is, I can -- I will explain the	12:37:00
14	joke.	12:37:10
15	Q. Sure, that's fine, thank you.	12:37:10
16	A. The Daily Caller which is a right	12:37:11
17	leaning conservative news and politics website	12:37:14
18	published something regarding the Megan Fox sex	12:37:17
19	tape, which I don't believe exists. I think it was a joke	12:37:22
20	or some kind of high concept commentary somehow.	12:37:25
21	But I put that in to Camp Fire because I found it	12:37:28
22	odd and wanted my colleagues to know about it.	12:37:32
23	Adrian referenced the fact that we	12:37:35
24	were about to publish a Hulk Hogan sex tape and	12:37:40
25	Kate had seen the Hulk Hogan sex tape and said in	12:37:47



1 JOHN COOK

2 a joking way the Hulk Hogan sex tape is better 12:37:52  
3 than the Megan Fox sex tape which I don't believe 12:37:56  
4 exists. 12:38:03

5 Max jokingly willfully misinterprets 12:38:06  
6 that to suggest that Hulk Hogan was engaging in 12:38:10  
7 sex with Megan Fox but as a joke to illustrate 12:38:14  
8 behaving stupidly. And then there is an ongoing 12:38:18  
9 discussion about what that sex tape that doesn't 12:38:21  
10 exist would be like. And because Hulk Hogan is a 12:38:25  
11 wrestler Max is making a joking reference to his, 12:38:27  
12 including wrestling moves in this fictitious 12:38:33  
13 liaison with a Megan Fox. 12:38:39

14 Q. Would you characterize this as 12:38:41  
15 making jokes about Mr. Hogan? 12:38:42

16 A. I would characterize it as 12:38:44  
17 workplace humor. It is talking in a jocular way 12:38:46  
18 about the work that we are doing. 12:38:52

19 Q. It is humor about Mr. Hogan? 12:38:53

20 A. It is humor about the fact that we 12:38:55  
21 are about to publish a sex tape of Mr. Hogan. It 12:39:00  
22 is workplace joking around. 12:39:04

23 Q. But there is specific references to 12:39:06  
24 wrestling moves that Mr. Hogan was famous for; is 12:39:11  
25 that correct? 12:39:11

1 JOHN COOK

2 A. Yes. There is specific reference 12:39:15  
3 to Megan Fox as well. 12:39:16

4 Q. Did anyone ever express any concern 12:39:20  
5 to you about Mr. Hogan's emotional distress 12:39:23  
6 relating to the publication of his sex video? 12:39:27

7 A. No. 12:39:30

8 Q. So you're not -- you do not recall 12:39:31  
9 any discussions with anyone at Gawker about the 12:39:34  
10 affect of the publication of the tape might have 12:39:36  
11 had on Mr. Hogan? 12:39:39

12 A. I don't recall any such discussions. 12:39:40

13 Q. Did you personally have any concern 12:39:41  
14 about the affect on Mr. Hogan emotionally of the 12:39:43  
15 publication of his sex tape? 12:39:49

16 A. I did not, but I had not seen the 12:39:50  
17 sex tape so nor had I read the story prior to the 12:39:53  
18 publication, so I wasn't aware of what kind of ... 12:39:56

19 Q. Do you feel that you would need to 12:39:59  
20 view the sex tape in order to cause yourself to 12:40:01  
21 consider that maybe Mr. Hogan would be emotionally 12:40:05  
22 distressed by its publication? 12:40:09

23 A. If I'm going to come to a 12:40:10  
24 conclusion or speculation or somehow assess the 12:40:19  
25 likelihood of someone's emotional response of 12:40:23

1 JOHN COOK

2 information I would need to see the information. 12:40:27

3 Q. I think you may be making my 12:40:28

4 question or maybe it was poorly phrased. You're 12:40:31

5 making it a little more complicated than it needs 12:40:33

6 to be. 12:40:36

7 I'm just asking you whether you 12:40:37

8 ever considered the fact that the publication of a 12:40:39

9 sex video of Mr. Hogan having sex in a private 12:40:44

10 bedroom could potentially cause emotional distress 12:40:47

11 to Mr. Hogan? 12:40:51

12 A. The answer to this question is no. 12:40:52

13 Q. If you can turn to the next page 12:40:55

14 which is 1539. If I could just direct your attention to 12:40:59

15 starting, I'm trying to go fast because we have 12:41:08

16 limited time today. There is an entry by AJ 12:41:12

17 Daulerio, AJD, about a third of the way down the 12:41:16

18 page and Mr. Daulerio says "His penis is also 12:41:22

19 wearing a little do rag too." Do you see that? 12:41:25

20 A. I do. 12:41:30

21 Q. Do you know if you participated in 12:41:30

22 that conversation? 12:41:32

23 A. It appears that I did. 12:41:33

24 Q. Do you have any recollection of it? 12:41:35

25 A. I do not have any recollection of 12:41:36

1	JOHN COOK	
2	it.	12:41:38
3	Q. Do you know why Mr. Daulerio --	12:41:38
4	A. Well, I mean reading this has	12:41:40
5	refreshed my recollection.	12:41:44
6	Q. What do you recall this	12:41:44
7	conversation is about?	12:41:47
8	A. Well based on the transcript in	12:41:48
9	front of me it was a discussion about -- it's a	12:41:55
10	discussion about AJ's experience of watching the	12:42:21
11	tape and some workplace humor about that.	12:42:28
12	Q. And the screen shot that is in the	12:42:32
13	middle of that page, that is something that you	12:42:35
14	posted?	12:42:37
15	A. It is.	12:42:37
16	Q. What is that a screen shot of?	12:42:38
17	A. That is a scene shot from Andrew	12:42:40
18	Sullivan's blog.	12:42:46
19	Q. What is the photo of?	12:42:47
20	A. The photo is a photograph that	12:42:48
21	Andrew Sullivan posted on his blog of an	12:42:50
22	uncircumcised penis.	12:42:55
23	Q. Is there a reason that you were	12:42:55
24	posting this on the Camp Fire system?	12:42:57
25	A. In a prior chat we had been joking	12:42:59

1 JOHN COOK  
2 about really what we found to be a rather odd and 12:43:05  
3 unpleasant image of an uncircumcised penis that 12:43:08  
4 Andrew Sullivan posted on the front page of his 12:43:08  
5 blog in the context of opposing the practice of 12:43:14  
6 male circumcision. It had become a topic of 12:43:19  
7 several sort of jokes and back and forth over why 12:43:24  
8 you would post an image like that on the front 12:43:27  
9 page of his website. 12:43:30

10 When AJ posted a joke about Hulk 12:43:32  
11 Hogan's penis wearing a little do rag which is a 12:43:36  
12 bandana like Mr. Hogan wears on his head, that 12:43:41  
13 called to mind this prior -- this image from a 12:43:44  
14 prior discussion which I think looked to perhaps 12:43:46  
15 to me a little bit like a penis wearing a do rag 12:43:49  
16 and I put that in as a joke sort of reference to 12:43:55  
17 AJ's joke. 12:43:58

18 Q. Was it on common at Gawker to share 12:44:00  
19 pictures of penises with colleagues? Is that 12:44:02  
20 something that happened on a regular basis? 12:44:06

21 A. No. 12:44:07

22 Q. Looking at this, it is obviously 12:44:07  
23 something I think many people might think a lot of 12:44:11  
24 workplaces that would not occur or would not be 12:44:15  
25 acceptable. Do you agree with that statement? 12:44:18

1	JOHN COOK	
2	A. Well --	12:44:20
3	Q. I'm just truing to make a point.	12:44:21
4	Do you agree with the statement that in a lot of	12:44:23
5	workplaces it would not be considered appropriate	12:44:26
6	to send a photo of a penis to colleagues?	12:44:28
7	MS. SMITH: Objection to that	12:44:31
8	question. You may answer.	12:44:32
9	A. I'm sure there are some workplaces	12:44:34
10	where that wouldn't be appropriate.	12:44:36
11	Q. I'm sorry, there are some where	12:44:38
12	that would be appropriate?	12:44:43
13	A. There are some where it would and	12:44:43
14	there are some where it wouldn't. I would imagine	12:44:43
15	at a urology office it would be quite appropriate	12:44:46
16	to send images of penises around to colleagues.	12:44:49
17	Q. Well, I'm sure that is true. At	12:44:49
18	Gawker was it -- that was considered appropriate	12:44:51
19	in your mind to send a colleague a picture of a	12:44:54
20	penis?	12:44:59
21	A. This was published on the Internet,	12:44:59
22	on one of the --	12:45:01
23	Q. I'm asking for a yes or no. I'm	12:45:01
24	not asking --	12:45:02
25	A. Was it appropriate for me to put	12:45:04

1 JOHN COOK

2 this image into Camp Fire as a joke, yes, I 12:45:06

3 believe it was. 12:45:10

4 Q. If you could just go down a few 12:45:10

5 lines below the picture of the penis that you 12:45:13

6 posted, AJ Daulerio says "Is that one of those 12:45:20

7 deep sea land freeze or something?" And then you 12:45:23

8 post a Wikipedia link to an article about a 12:45:27

9 Hagfish. Do you see that? 12:45:31

10 A. I do. 12:45:32

11 Q. Do you know what that is a 12:45:32

12 reference to? 12:45:33

13 A. The Hagfish is an underwater 12:45:34

14 creature like an eel that enters the orifices of 12:45:37

15 its prey and eats them from the inside. I posted 12:45:43

16 that in response to AJ's reference to a land prey 12:45:48

17 which again was a joke of sort of a rif on the 12:45:52

18 image that I posted. 12:45:55

19 The reason that I posted that is my 12:45:56

20 -- at the time I had or roughly around that time, 12:46:01

21 I believe it was prior to this, I had published a 12:46:03

22 story -- a post analogizing Tina Brown who was 12:46:07

23 editor of the Daily Beast when she took over 12:46:15

24 Newsweek because the owner of the Daily Beast 12:46:18

25 purchased Newsweek, she began to fire a lot of the 12:46:22

1	JOHN COOK	
2	Newsweek employees and replaced them with Daily	12:46:25
3	Beast employees.	12:46:29
4	So I analogized her role there	12:46:29
5	which was to enter into Newsweek and displace	12:46:32
6	those current staffers and replace them with her	12:46:36
7	own to our a Hagfish preys on fish, which is by	12:46:39
8	entering them and eating them out from the inside.	12:46:43
9	Q. Okay, so does that -- I'm sorry.	12:46:47
10	A. I wasn't done with my answer. So,	12:46:48
11	the post -- the Wikipedia entry on the Hagfish was	12:46:49
12	sort of a call back to that post and a photo of a	12:46:55
13	Hagfish that I had posted on Gawker.	12:46:59
14	Q. Did that particular exchange about	12:47:02
15	the Hagfish relate in any way to Mr. Hogan?	12:47:06
16	A. No, it did not.	12:47:07
17	Q. If you could turn several pages to	12:47:08
18	1552. Gawker 1552. And this is now the date at	12:47:14
19	the top says Wednesday, January 16th. There is	12:47:26
20	an entry very close to the bottom of that page	12:47:36
21	where Kate B says "Hulk Hogan is suing the whole	12:47:41
22	world." And then she gives a link to a katu.com	12:47:44
23	site. Rich J replies "Third career." Do you see	12:47:50
24	that?	12:47:53
25	A. I do.	12:47:53



1 JOHN COOK

2 Q. Do you recall any discussions at 12:47:54

3 Gawker about Hulk Hogan being litigious? 12:47:57

4 A. I do not. 12:48:01

5 Q. Do you know what Kate or Rich were 12:48:02

6 referring to in this exchange? 12:48:07

7 A. I do not. 12:48:08

8 Q. If you could turn a few more pages 12:48:16

9 to Gawker 1557. And this page the top of it is a 12:48:18

10 photograph of an item in a newspaper, I can't 12:48:34

11 identify it precisely, but it says "Hogan versus" 12:48:37

12 and then it is cut off. 12:48:41

13 A. I believe it says Hogan versus the 12:48:42

14 constitution. 12:48:47

15 Q. And then Lea B begins to comment, 12:48:47

16 you also comment in this exchange. Do you recall 12:48:49

17 having this exchange? 12:48:51

18 A. I don't have a direct recollection 12:48:52

19 of it, no. 12:48:54

20 Q. Do you recall discussing with 12:48:55

21 anyone any news items related to Hogan versus the 12:48:58

22 constitution? 12:49:01

23 A. I don't have a specific 12:49:02

24 recollection of those conversations, no. 12:49:04

25 Obviously I had it, I just don't recall. 12:49:06

1 JOHN COOK

2 Q. Did you believe at the time that 12:49:11  
3 the lawsuit was pending in May of 2013, that 12:49:13  
4 Mr. Hogan was taking the position that was 12:49:19  
5 contrary to the U.S. constitution? 12:49:22

6 A. Not quite. I thought he was 12:49:23  
7 seeking an attempt -- he was making arguments that 12:49:28  
8 were contrary or his counsel was making arguments 12:49:32  
9 that was contrary to the constitution. He was 12:49:35  
10 seeking redress in the court. What I found 12:49:37  
11 contrary to the constitution was an order from a 12:49:40  
12 Florida circuit court judge that we take down the 12:49:43  
13 post, that was contrary to the constitution and an 12:49:46  
14 appeals court agreed with me. 12:49:50

15 Q. If I could turn your attention to 12:49:51  
16 1568. And the second entry is John C and you give 12:49:56  
17 a link that appear to be these topless photos. 12:50:11  
18 And there is an exchange and you also later in the 12:50:16  
19 exchange say "awkward truth Hulk Hogan F's his 12:50:19  
20 friend's wife." Do you see that? 12:50:26

21 A. I do. 12:50:27

22 Q. The information about the woman in 12:50:27  
23 the video, how did you determine in fact that it 12:50:32  
24 was Mr. Hogan's friend's wife that was in the 12:50:35  
25 video with him? 12:50:37

1	JOHN COOK	
2	MS. SMITH: I think it assumes facts	12:50:38
3	not in evidence. I think you need to ask him	12:50:41
4	if he ever determined anything about that.	12:50:43
5	Q. Did you come to have an	12:50:44
6	understanding who was in the sex video with	12:50:52
7	Mr. Hogan?	12:50:55
8	A. Yes.	12:50:55
9	Q. How did you come to that	12:50:56
10	understanding?	12:50:57
11	A. I honestly don't recall. I do not	12:50:57
12	recall.	12:51:02
13	Q. Do you know if that was something	12:51:02
14	that you actually investigated personally or	12:51:04
15	something that someone told you?	12:51:07
16	A. It was not something that I	12:51:08
17	investigated personally.	12:51:10
18	Q. Do you have any idea of who may	12:51:12
19	have told it to you?	12:51:14
20	A. I do not.	12:51:14
21	Q. Do you know sitting here today who	12:51:15
22	the woman is in the video?	12:51:18
23	A. My understand it is Heather Clem.	12:51:20
24	Q. Who is Heather Clem?	12:51:24
25	A. The wife of the person who goes by	12:51:25

1	JOHN COOK	
2	the name of Bubba The Love Sponge.	12:51:28
3	Q. And you wrote this in this IM, so	12:51:32
4	you didn't personally have knowledge about who	12:51:36
5	Miss Clem was when you wrote this in the IM?	12:51:40
6	A. I certainly wouldn't personally	12:51:43
7	know. I have no personal knowledge of her at all.	12:51:50
8	Q. Are you aware of investigations, if	12:51:52
9	any, that Gawker did to find out who was in this	12:51:54
10	sex video with Mr. Hogan?	12:51:57
11	A. I am not.	12:51:58
12	Q. Do you know if such investigations	12:52:00
13	took place?	12:52:02
14	A. I'm aware of no such	12:52:03
15	investigations.	12:52:06
16	Q. Did you ever to your knowledge	12:52:07
17	publicly write on Gawker.com the identity of the	12:52:10
18	woman in the sex video with Mr. Hogan?	12:52:14
19	A. Did I write?	12:52:16
20	Q. Yes.	12:52:16
21	A. I do not recall if I reference her	12:52:18
22	identity in the post that I wrote about it. I	12:52:21
23	would have to review the post to answer that	12:52:23
24	question.	12:52:25
25	Q. To be clear, I don't mean	12:52:25

1 JOHN COOK

2 specifically her name, but her relationship to 12:52:27  
3 Mr. Hogan or his friend, that is what I mean. Do 12:52:29  
4 you have a recollection of actually writing about 12:52:32  
5 her relationship to Mr. Hogan? 12:52:34

6 A. I believe that I did in the post 12:52:36  
7 that I wrote about the unconstitutional order for 12:52:38  
8 us to remove the post, AJ's post. 12:52:45

9 Q. What was the basis for your making 12:52:47  
10 the public statement that it was a friend of his 12:52:50  
11 wife's? 12:52:53

12 A. It was not a friend of his wife's. 12:52:56  
13 It was the wife of his friend. 12:52:59

14 Q. I apologize, the wife of his 12:53:00  
15 friend. I switched that. 12:53:02

16 A. I cannot recall the basis. 12:53:03

17 Q. Is it general practice of yours to 12:53:09  
18 make reference to relationships and information in 12:53:12  
19 posts that you have not personally investigated? 12:53:15

20 A. Yes, absolutely. 12:53:19

21 Q. Is it general practice of yours to 12:53:21  
22 make reference to facts in a post when you do not 12:53:26  
23 have knowledge about whether they were 12:53:28  
24 investigated by anyone at Gawker? 12:53:31

25 A. Yes, absolutely. We rely on news 12:53:32

1	JOHN COOK	
2	accounts, we rely on court documents, we rely on	12:53:38
3	all manner of information that without personally	12:53:41
4	investigating or personally interviewing the	12:53:46
5	subjects. So, yes.	12:53:51
6	Q. Let me --	12:53:52
7	MS. MC GRATH: Could we take a	12:53:57
8	five-minute break?	12:53:58
9	MS. SMITH: Sure.	12:53:59
10	MS. MC GRATH: Could we go 20 more	12:54:01
11	minutes?	12:54:03
12	MS. SMITH: Sure.	12:54:04
13	THE VIDEOGRAPHER: Here marks the	12:54:05
14	end of file number 3. We are going off the	12:54:07
15	record the time is 12:54 p.m.	12:54:09
16	(Recess taken.)	12:54:13
17	THE VIDEOGRAPHER: Here marks the	12:59:54
18	beginning of file 4. We are back on the	13:00:04
19	record the time is one o'clock p.m.	13:00:06
20	MS. MC GRATH: I'm marking Exhibit	13:00:12
21	227A, an article by Mr. Cook entitled "A Judge Told	13:00:14
22	Us To Take Down Our Hulk Hogan Sex Tape Post.	13:00:17
23	We Won't." That was dated April 25th, 2013.	13:00:20
24	(Exhibit 227A for identification,	13:00:23
25	Article by Mr. Cook dated April 25th, 2013.)	13:00:55

1	JOHN COOK	
2	Q. Mr. Cook, you understand that	13:00:55
3	you're still under oath?	13:00:57
4	A. I do.	13:00:58
5	Q. Do you recall having written this	13:00:58
6	article on or about April 25th, 2013?	13:01:02
7	A. I do.	13:01:07
8	Q. What was your title at Gawker at	13:01:08
9	the time that you wrote this?	13:01:12
10	A. I was the editor and chief.	13:01:12
11	Q. Are you aware that the April 25th	13:01:14
12	date was the date following the issuance of the	13:01:19
13	order by Judge Campbell for Gawker to take down	13:01:21
14	the video of the Hulk Hogan sex tape and also to	13:01:24
15	take down the article by Mr. Daulerio?	13:01:28
16	A. My recollection is that the -- it	13:01:30
17	was the day after the oral order and it was the	13:01:33
18	day of the written order.	13:01:35
19	Q. Are you the only writer of this	13:01:37
20	article? Did anyone else contribute to it?	13:01:42
21	A. I'm the only writer.	13:01:44
22	Q. Were there discussions about	13:01:45
23	posting this article at Gawker?	13:01:47
24	MS. SMITH: You can answer yes or no.	13:01:50
25	A. Yes.	13:01:51

1 JOHN COOK

2 Q. Outside of any discussions that you 13:01:53  
3 may have had with counsel relating to the posting 13:01:54  
4 of this article, what discussions did you have? 13:01:56

5 A. None. 13:01:59

6 Q. So the sole discussions that you 13:02:01  
7 had relating to the posting of this article were 13:02:04  
8 with counsel? 13:02:07

9 A. Counsel was present at every 13:02:07  
10 discussion that I had about the publication of 13:02:10  
11 this article. 13:02:12

12 Q. Did you have a role in selecting 13:02:12  
13 the photo that is featured of Mr. Hogan in the 13:02:15  
14 article? 13:02:19

15 A. I believe I was -- Jim Cook is our 13:02:19  
16 illustrator and I don't his title but he was in 13:02:31  
17 charge of images and he present me with two photos 13:02:35  
18 and I selected that one, but because I think he 13:02:39  
19 said he liked it better. 13:02:40

20 Q. Did you give him any direction of 13:02:41  
21 what types of photos of Mr. Hogan he should look 13:02:44  
22 for to accompany your article? 13:02:47

23 A. I did not. 13:02:49

24 Q. Do you think that the article is 13:02:50  
25 appropriate in its tone? 13:02:51



1	JOHN COOK	
2	MS. SMITH: You're talking about this	13:02:54
3	article?	13:02:56
4	MS. MC GRATH: Yes, this article for	13:02:56
5	time being, yes.	13:02:57
6	A. I do.	13:03:01
7	Q. Were you expressing in writing this	13:03:02
8	article any animosity toward Mr. Hogan?	13:03:05
9	A. I don't think I was expressing any	13:03:09
10	animosity at all.	13:03:12
11	Q. You don't feel like you were	13:03:13
12	expressing any animosity with the court's	13:03:15
13	decision?	13:03:18
14	A. I was expressing my opposition to	13:03:18
15	the court's decision. It was not motivated by	13:03:20
16	animus. It was motivated by the incorrectness and	13:03:24
17	unconstitutionality of that decision which was	13:03:24
18	later vindicated by an appeals court.	13:03:29
19	Q. Do you feel that the tone of the	13:03:30
20	article is at all angry?	13:03:32
21	A. I do not feel it is angry. It	13:03:34
22	might be sanctimonious perhaps, but I would not	13:03:37
23	call it angry.	13:03:43
24	Q. Can you further define	13:03:44
25	sanctimonious for me?	13:03:46

1	JOHN COOK	
2	A. Inspired by rightist indignation.	13:03:48
3	Q. So you had some rightist	13:03:53
4	indignation towards Mr. Hogan for having pursued	13:03:56
5	an injunction which resulted in you having to	13:04:00
6	take down the video and article?	13:04:02
7	A. No, I had rightist indignation	13:04:04
8	directed at Judge Campbell for her unconstitutional	13:04:08
9	and incorrect order which was later overturned on	13:04:08
10	appeal for the reasons that I laid out in this	13:04:12
11	article.	13:04:12
12	Q. In the article if I could represent	13:04:15
13	this to you you describe the video again as	13:04:19
14	depicting Hulk Hogan f'ing his friend's ex-wife.	13:04:22
15	Is that correct?	13:04:22
16	A. That's correct.	13:04:28
17	Q. Why --	13:04:28
18	A. I use the word fucking, I did not	13:04:30
19	say f'ing.	13:04:32
20	Q. My mother does not like me to say	13:04:34
21	that. So I'm sorry	13:04:36
22	A. For the record I just wanted to be	13:04:36
23	clear for the record about what I wrote.	13:04:38
24	Q. That's completely fine. I like	13:04:39
25	that clarification and I'm glad you made it.	13:04:40

1	JOHN COOK	
2	Why did you choose to use those	13:04:43
3	words in that article?	13:04:46
4	MS. SMITH: Can you point me to the	13:04:46
5	part where we are so we are all clear.	13:04:47
6	MS. MC GRATH: Yes it is three lines	13:04:50
7	under the photo of Mr. Hogan. It just says	13:04:52
8	issued an order compelling Gawker to remove	13:04:55
9	the article -- actually I believe it appears	13:04:58
10	also on Bollea 5225 about four lines down. I	13:05:00
11	think are a couple of more references.	13:05:05
12	MS. SMITH: Okay, yes.	13:05:07
13	Q. Why did you choose those words?	13:05:07
14	A. My understanding is that is what	13:05:09
15	the video depicted.	13:05:11
16	Q. Is there a reason that you chose	13:05:12
17	the F word to describe it?	13:05:14
18	A. Perhaps to -- A, that is a word	13:05:16
19	that is describing the activity. And I was	13:05:23
20	perhaps being provocative or I guess I was	13:05:27
21	attempting to be blunt. I think that was the	13:05:32
22	intent, blunt.	13:05:38
23	Q. Was that a way of expressing your	13:05:39
24	rightist indignation?	13:05:41
25	A. Not particularly, no.	13:05:43

1 JOHN COOK

2 Q. So the choice of the F word wasn't 13:05:52  
3 really a way of showing that you were upset with 13:05:57  
4 the ruling? 13:06:02

5 A. No. That is not to say that I was 13:06:03  
6 not upset with the ruling. The word choice in 13:06:05  
7 those sentences was not related to my feelings 13:06:08  
8 about the ruling. I wanted to be blunt. I use 13:06:10  
9 that word quite often in print. 13:06:15

10 Q. Did the choice of that word reflect 13:06:17  
11 in any way your feelings toward Mr. Hogan? 13:06:19

12 A. I don't believe so, no. 13:06:22

13 Q. If I could direct your attention to 13:06:24  
14 Bollea 5226. It is just the third page of the 13:06:29  
15 article. It states that "The future of the 13:06:32  
16 republic does not rise or fall on the ability of 13:06:41  
17 the general public to watch a video of Hulk Hogan 13:06:44  
18 f'ing his friend's ex-wife." Do you see that? 13:06:47

19 A. I do. 13:06:50

20 Q. Do you agree with that statement as 13:06:51  
21 you wrote it? 13:06:52

22 A. I do. 13:06:53

23 Q. When you stated that Judge Campbell 13:06:53  
24 in the article lacked a grasp on the ramifications 13:06:58  
25 of First Amendment juris prudence, that is in the 13:07:02

1	JOHN COOK	
2	second full paragraph.	13:07:06
3	A. Where? The second full paragraph	13:07:07
4	where.	13:07:10
5	Q. The second paragraph on this same	13:07:10
6	page it says Campbell's grasp on the ramifications	13:07:12
7	of juris prudence.	13:07:16
8	MS. SMITH: Let him read the	13:07:17
9	paragraph if you don't mind.	13:07:19
10	A. Yes.	13:07:21
11	Q. So you believed when wrote this	13:07:22
12	that Judge Campbell lacked a grasp on the	13:07:23
13	ramifications of First Amendment juris prudence?	13:07:27
14	A. I believe that as, again, the	13:07:31
15	Second Circuit Court Of Appeals apparently	13:07:34
16	believes it as well.	13:07:36
17	Q. I wasn't asking about the Second	13:07:36
18	Circuit Court Of Appeals. I was asking about you.	13:07:39
19	You believe that you sit here today?	13:07:41
20	A. I do.	13:07:42
21	Q. If I could direct your attention to	13:07:43
22	the Bollea 5227, the next page. There is excerpt	13:07:45
23	which you selected of the oral arguments in the	13:07:49
24	motion for Mr. Hogan's injunction. And about five	13:07:53
25	paragraphs down there is a section which	13:07:59

1 JOHN COOK

2 Mr. Thomas said "yes, Your Honor I understand 13:08:02

3 that, but I also think, Your Honor, when we think 13:08:05

4 of the history of the First Amendment we think of 13:08:08

5 the pentagon papers maybe because I'm a First 13:08:10

6 Amendment lawyer, there a top secret document that 13:08:14

7 was clearly stolen that could have injured men in 13:08:17

8 war in Vietnam and considered by the United States 13:08:20

9 Supreme Court and they said we are not going to 13:08:24

10 stop the publication. The analogy perhaps is not 13:08:27

11 appropriate." Do you see that language. 13:08:28

12 A. I do. 13:08:30

13 Q. Why did you include that language 13:08:31

14 in your article? 13:08:32

15 A. I included the entirety of the 13:08:32

16 exchange because it illustrated the fact that 13:08:37

17 Judge Campbell seemed to not apprehend that the 13:08:40

18 video, the publication of the video constituted 13:08:45

19 speech under the First Amendment. So that entire 13:08:48

20 exchange I found interesting and worth pointing 13:08:51

21 out to our readers because it showed a lack of 13:08:54

22 understanding on the part of this judge about what 13:08:58

23 exactly she was doing. 13:09:00

24 Q. And did you believe when you wrote 13:09:01

25 this that there was -- that the protection 13:09:04

1	JOHN COOK	
2	afforded the pentagon papers by the First	13:09:07
3	Amendment was of comparable to the protection that	13:09:10
4	should be afforded to the Hulk Hogan sex video?	13:09:13
5	A. I believe that the publication of	13:09:16
6	both is protected under the first amend. Yes.	13:09:17
7	Q. If I could direct your attention to	13:09:19
8	the next page which is Bollea 5228. Actually I	13:09:21
9	apologize, go to the bottom of 5227. You state,	13:09:27
10	"Campbell has seen clear to order us to disappear	13:09:33
11	a 1400 word article words composed and published	13:09:37
12	by Gawker Media editorial employees simply because	13:09:41
13	Hulk Hogan didn't like it."	13:09:44
14	It was your belief when you wrote	13:09:45
15	this that a judge was acting just out of a belief	13:09:47
16	that Mr. Hogan didn't like the video being posted	13:09:50
17	on Gawker?	13:09:53
18	A. That continues to be my belief,	13:09:54
19	correct.	13:09:58
20	Q. And the next paragraph goes on "A	13:09:58
21	lawful order from a circuit court judge is a	13:10:00
22	serious thing."	13:10:04
23	Do you do you still believe that a	13:10:05
24	lawful order from a circuit court judge is a	13:10:09
25	serious thing?	13:10:12

1	JOHN COOK	
2	A. I do.	13:10:12
3	Q. You didn't follow Judge Campbell's	13:10:13
4	lawful order, did you?	13:10:21
5	A. I -- the order was to remove the	13:10:22
6	video and to remove the text. The accompanying	13:10:27
7	text. Gawker removed the text, but declined to	13:10:31
8	remove the text.	13:10:33
9	Q. So you chose to violate the court's	13:10:34
10	lawful order?	13:10:37
11	A. To the extent that it ordered us to	13:10:38
12	remove the text, yes.	13:10:41
13	Q. Why did you do?	13:10:42
14	A. It was an unconstitutional order.	13:10:42
15	Q. Did you have any discussions with	13:10:45
16	anyone other than counsel about defying that	13:10:47
17	portion of the order?	13:10:52
18	A. I did not have any discussions	13:10:54
19	about defying that portion of the order where	13:10:58
20	counsel was not present.	13:11:00
21	Q. If I could direct your attention to	13:11:01
22	the second to last paragraph, really the last	13:11:04
23	paragraph of text in the article. It starts out	13:11:07
24	"you can read the transcript of yesterday's	13:11:10
25	hearing as well as Campbell's ruling below." That	13:11:12



1	JOHN COOK	
2	second sentence says "And go here to read	13:11:16
3	Daulerio's account of watching Hulk Hogan F his	13:11:19
4	friend's ex-wife for 30 minutes as is your right."	13:11:24
5	Do you see that sentence?	13:11:27
6	A. Yes, I do	13:11:28
7	Q. Was there a link posted -- was the	13:11:30
8	word here a hyperlink allowing readers to go to	13:11:35
9	another site in order to view the full Hulk Hogan	13:11:40
10	sex video?	13:11:43
11	MS. SMITH: Can I object. Are you	13:11:44
12	asking about viewing the Hulk Hogan sex video	13:11:46
13	or viewing the Daulerio account.	13:11:48
14	MS. MC GRATH: I apologize.	13:11:50
15	Q. Was the word here a hyperlink	13:11:51
16	allowing the readers to go to Daulerio's account?	13:11:54
17	A. I don't recall on which word I put	13:11:57
18	the hyperlink but somewhere in there, yes, it was.	13:12:00
19	Q. And then the last sentence is "If	13:12:03
20	you would really like to watch the tape for some	13:12:05
21	reason, it is online here."	13:12:07
22	Did that sentence include a	13:12:10
23	hyperlink allowing readers to go to a site that	13:12:12
24	had the full Hulk Hogan sex video?	13:12:15
25	A. No.	13:12:18

1	JOHN COOK	
2	Q. No. Did it allow readers to go to	13:12:18
3	a site that had a portion of the Hulk Hogan sex	13:12:23
4	video?	13:12:26
5	A. My recollection is that it linked	13:12:26
6	to a site that had -- had the same edited copy	13:12:29
7	that we initially posted and they pulled it and	13:12:34
8	publish it there.	13:12:36
9	Q. The court had ordered you at least	13:12:38
10	orally on that day to take down the video from the	13:12:42
11	Gawker site; correct?	13:12:46
12	A. Correct.	13:12:48
13	Q. And you had done that; correct?	13:12:48
14	A. Correct.	13:12:50
15	Q. But you chose to leave a link, a	13:12:50
16	hyperlink for readers to be able to click on to	13:12:54
17	get to that same video in your article, correct?	13:12:57
18	A. Correct.	13:12:59
19	Q. Did you feel that that was in	13:13:00
20	effect defying the judge's order for you to take	13:13:07
21	down the video?	13:13:09
22	A. I did not, no.	13:13:10
23	Q. Why is that?	13:13:11
24	A. Because we weren't publishing the	13:13:11
25	video.	13:13:17

1 JOHN COOK

2 Q. You feel there is a distinction 13:13:17  
3 between publishing the video and publishing a link 13:13:20  
4 within your article which allows viewers to reach 13:13:22  
5 the video with one click? 13:13:25

6 A. I don't know how many clicks it 13:13:27  
7 would require for viewers to actually begin 13:13:31  
8 watching the video, but I do think there is a 13:13:33  
9 significant substantive difference between 13:13:36  
10 publishing material on our own website and 13:13:38  
11 publishing links to other websites that might 13:13:40  
12 publish all manner of material. 13:13:42

13 Q. Can you explain to me what that 13:13:47  
14 distinction is? 13:13:50

15 A. The distinction is between 13:13:50  
16 publication and not publication. It is not 13:13:52  
17 publication to include a link on a website. It is 13:13:55  
18 including a link that leads to somewhere else on 13:14:01  
19 the Internet which we don't control. We control 13:14:05  
20 what we publish on our website we don't control 13:14:07  
21 other people put on their websites. 13:14:09

22 Q. Would you say that providing a 13:14:12  
23 hyperlink for readers to be able to reach a 13:14:13  
24 website that was posting the sex video defied the 13:14:16  
25 spirit of the judge's order? 13:14:22

1	JOHN COOK	
2	A. I would not say that, no.	13:14:23
3	Q. Why would you not say that?	13:14:26
4	A. The spirit of the judge's order was	13:14:27
5	to unconstitutionally command Gawker to remove	13:14:30
6	material from its website with respect to the	13:14:45
7	video, we complied with that order.	13:14:49
8	Q. Do you think that the spirit of the	13:14:50
9	judge's order was intended to prevent the	13:14:52
10	dissemination of Mr. Hogan's video? By that I	13:14:57
11	mean do you think that a part of what the judge's	13:15:01
12	intent may have been to make it so people could	13:15:03
13	not access the video in order to protect	13:15:05
14	Mr. Hogan's right to privacy?	13:15:08
15	MS. SMITH: Objection as to if you	13:15:09
16	know the judge's intent but you're certainly	13:15:10
17	welcome do give your own interpretation.	13:15:13
18	A. I have to review the order which I	13:15:15
19	don't have it. But my recollection of the order	13:15:18
20	was that it was directed at the behavior by	13:15:20
21	Gawker. So, and also my recollection of the order	13:15:25
22	is that it did not direct Gawker not to link to	13:15:28
23	any such material. So in terms of intent I think	13:15:31
24	the intent of the order was to prevent Gawker	13:15:35
25	continuing -- unconstitutional intent of the order	13:15:39

1 JOHN COOK

2 was to prevent Gawker from continuing to publish 13:15:42

3 this video. 13:15:44

4 Q. Do you think that part of the 13:15:45

5 judges's intent was to protect Mr. Hogan from the 13:15:47

6 dissemination of the sex video to protect his 13:15:50

7 privacy? 13:15:52

8 A. I believe that the order was 13:15:52

9 motivated by the arguments that Hulk Hogan made to 13:15:56

10 the judge. So, yes. 13:16:00

11 Q. Do you feel that by posting a link 13:16:03

12 allowing viewers on your site to then go to a site 13:16:12

13 that posted the video, that that defied the spirit 13:16:17

14 of the judge's order in the sense that she wanted 13:16:21

15 to prevent people from being able to view the 13:16:24

16 video to protect Mr. Hogan's privacy? 13:16:27

17 A. I mean, the order -- 13:16:29

18 Q. It is really just a yes or no? 13:16:33

19 MS. SMITH: We are not going to do 13:16:35

20 this again. He gets to answer. 13:16:36

21 MS. MC GRATH: I think it's a yes or 13:16:37

22 no. 13:16:39

23 Q. If that was the motivation which 13:16:39

24 you have just testified to of the judge, do you 13:16:41

25 think that in posting a hyperlink allowing people 13:16:44

1 JOHN COOK

2 to go immediately to the video and thereby by the 13:16:48  
3 judge's standard invade the Mr. Hogan's privacy, 13:16:52  
4 do you that defied the spirit of the order? It is 13:16:56  
5 just a yes or a no. 13:17:00

6 MS. SMITH: You may answer as 13:17:00  
7 you desire. 13:17:01

8 A. The order was direct to Gawker 13:17:01  
9 Media and Gawker Media's behavior. With respect 13:17:04  
10 to the video we complied with that order. With 13:17:11  
11 respect to the text we did not comply with that 13:17:13  
12 order. Our continued publication of the text 13:17:15  
13 clearly defied the spirit of the judge's order and 13:17:18  
14 intent and again that was vindicated by the Court 13:17:21  
15 Of Appeals. 13:17:23

16 But we were ordered to -- Gawker 13:17:23  
17 was ordered to take down the video with respect to 13:17:28  
18 its own publication of that video. Gawker has no 13:17:34  
19 control over Daily Motion which I believe is the 13:17:39  
20 site that it was linked out to and its publication 13:17:39  
21 of that video. 13:17:42

22 Q. So in the sense, though, you're 13:17:44  
23 providing a hyperlink, would you agree with this 13:17:45  
24 statement, you're providing a hyperlink for 13:17:48  
25 readers really defeated one of purposes of the 13:17:48

1 JOHN COOK

2 judge's order, by that I mean protecting Mr. Hogan's 13:17:51  
3 privacy from allowing people to actually view his 13:17:54  
4 sex video? 13:17:57

5 A. I would say the Daily Motion's 13:17:57  
6 continue publication of the video would be defying 13:17:59  
7 the spirit of that order. Although, again, the 13:18:03  
8 order wasn't directed at Daily Motion and Daily 13:18:07  
9 Motion was not bound by Campbell's order, Judge 13:18:10  
10 Campbell's order to Gawker to stop publishing the 13:18:12  
11 video. 13:18:15

12 Q. Did you eventually take AJ 13:18:15  
13 Daulerio's article off of the website? 13:18:22

14 A. No. 13:18:24

15 Q. So that still remains on the 13:18:25  
16 website? 13:18:28

17 A. It does. My recollection is that 13:18:28  
18 Judge Campbell's order was stayed within days and 13:18:33  
19 overturned on appeal by the Second Circuit Florida 13:18:37  
20 Court Of Appeals because it was an unconstitutional 13:18:41  
21 prior restraint on protected speech. 13:18:44

22 MS. MC GRATH: I'm going to do one 13:18:48  
23 last exhibit and then we will conclude. I'm 13:18:50  
24 going to mark as Exhibit 228A, this is an 13:18:55  
25 article by Mr. Daulerio which I think I know 13:19:05

1	JOHN COOK	
2	the date of but cannot read it on there, I	13:19:11
3	think it is October 4th, 2012 entitled "Even	13:19:14
4	For A Minute Watching Hulk Hogan Have Sex In	13:19:17
5	A Canopy Bed Is Not Safe For Work But Watch	13:19:19
6	It Anyway."	13:19:23
7	(Exhibit 228A for identification,	13:19:24
8	Article by Mr. Daulerio dated October 4th,	13:19:24
9	2012.)	13:19:56
10	Q. So this is a copy of the article by	13:19:56
11	Mr. Daulerio describing the Hulk Hogan sex video	13:19:59
12	which we have been discussing; is that correct?	13:20:02
13	A. Correct.	13:20:06
14	Q. And right under the photo of the	13:20:06
15	bed there is a section that says update. Do you	13:20:11
16	see that?	13:20:14
17	A. I do.	13:20:14
18	Q. It says "The video posted here has	13:20:15
19	been removed pending litigation. See here for	13:20:19
20	details. If you would like it watch it elsewhere	13:20:21
21	you may do so here." Do you see that language?	13:20:25
22	A. I do.	13:20:27
23	Q. Is this the version of	13:20:28
24	Mr. Daulerio's article about the video that was	13:20:29
25	posted or was on the site after the judge's order	13:20:33



1	JOHN COOK	
2	was issued?	13:20:38
3	A. Yes.	13:20:39
4	Q. And so was the -- I'm trying to get	13:20:41
5	at this update. Do you know when the update	13:20:44
6	section was added to Mr. Daulerio's article?	13:20:46
7	A. I believe it was added	13:20:48
8	contemporaneously with my publication of our post	13:20:50
9	about Judge Campbell's order.	13:20:54
10	Q. When that second sentence it says	13:20:55
11	the video posted here has been removed pending	13:21:00
12	litigation, see here for details, was that a	13:21:02
13	hyperlink? It appears to be in a different color?	13:21:06
14	A. Yes.	13:21:08
15	Q. What did that hyperlink read --	13:21:08
16	I'm sorry, what did the hyperlink if a reader were	13:21:10
17	to click on that hyperlink where would they go?	13:21:16
18	A. I believe they would go to my post	13:21:18
19	headlined A Judge Told Us To Take Down Our Hulk	13:21:18
20	Hogan Sex Tape Post. We Won't.	13:21:23
21	Q. That second sentence "If you would	13:21:23
22	like to watch it elsewhere you may do so here."	13:21:24
23	The you may do so here appears to be in a	13:21:26
24	different color. Was that a hyperlink?	13:21:29
25	A. I believe it was, yes.	13:21:31

1 JOHN COOK

2 Q. Where did that hyperlink lead 13:21:32

3 readers? 13:21:34

4 A. I believe it led them to the Daily 13:21:35

5 Motion video of the Gawker edit of the Hulk Hogan 13:21:39

6 sex tape. 13:21:45

7 Q. Again, I mean is there -- did you 13:21:46

8 feel that this update and including the hyperlink 13:21:49

9 to the video complied with the judge's order? 13:21:53

10 A. Yes. The order was for us to take 13:21:55

11 down the video and we did. 13:21:59

12 Q. Is there a reason that you placed 13:22:00

13 the hyperlink to -- the hyperlink to the Hulk 13:22:05

14 Hogan sex video at the top of the article? 13:22:12

15 A. I thought the video was newsworthy, 13:22:14

16 I thought the video was newsworthy when we 13:22:17

17 published. And I thought it became even more 13:22:20

18 newsworthy when a Florida Circuit Court judge 13:22:22

19 unconstitutionally ordered us to remove it from 13:22:22

20 the internet and I thought people might want to 13:22:25

21 see what it actually was which Judge Campbell 13:22:26

22 didn't do. She didn't watch it before she ordered 13:22:29

23 us to take it down. 13:22:32

24 I thought the fact of the 13:22:33

25 unconstitutional order made it more newsworthy 13:22:39

1	JOHN COOK	
2	what a judge was trying to censor.	13:22:40
3	Q. Did you have any concern about	13:22:43
4	Mr. Hogan being emotionally distressed by the	13:22:45
5	continued ability of readers at your site to reach	13:22:49
6	the edit of his sex video?	13:22:52
7	A. No, I did not.	13:22:54
8	Q. By posting that hyperlink were you	13:22:58
9	intending to harm Mr. Hogan in any way?	13:23:03
10	A. I was not.	13:23:06
11	Q. With regard to Mr. Hogan's lawsuit,	13:23:07
12	were you aware that he was seeking damages of \$100	13:23:14
13	million?	13:23:17
14	A. I was.	13:23:17
15	Q. Do you know who made you aware of	13:23:18
16	that?	13:23:19
17	A. Probably reading the lawsuit.	13:23:20
18	Q. Did you have any fear that Gawker	13:23:22
19	would be financially damaged by Mr. Hogan's	13:23:27
20	lawsuit?	13:23:31
21	A. I did, yes.	13:23:31
22	Q. And do you continue to have that	13:23:32
23	fear?	13:23:35
24	A. I do.	13:23:35
25	Q. And that could possibly have an	13:23:36

1	JOHN COOK	
2	impact on your job?	13:23:38
3	A. It could, yes.	13:23:39
4	Q. And could it have an impact on the	13:23:39
5	jobs of others at Gawker?	13:23:42
6	A. It could.	13:23:44
7	Q. Did you ever hear any discussion in	13:23:44
8	which other Gawker employees expressed fear about	13:23:46
9	the possible financial ramifications of the	13:23:49
10	lawsuit?	13:23:52
11	MS. SMITH: Outside of any	13:23:53
12	discussions that counsel was present at.	13:23:54
13	A. In a general sense, yes.	13:23:56
14	Q. Do you recall who may have	13:24:01
15	mentioned that issue to you?	13:24:05
16	A. I believe I had a conversation with	13:24:06
17	Tommy Craggs about it.	13:24:08
18	Q. Did that cause Mr. Craggs to	13:24:10
19	express any animosity toward Mr. Hogan for having	13:24:14
20	brought \$100 million lawsuit?	13:24:18
21	A. No.	13:24:19
22	Q. Do you think Mr. Craggs feels any	13:24:20
23	upset or anger with Mr. Hogan?	13:24:22
24	MS. SMITH: I object. You can	13:24:28
25	answer.	13:24:29

1	JOHN COOK	
2	A. I do not think, I think -- I do not	13:24:29
3	think so.	13:24:32
4	Q. Did Mr. Craggs ever discuss with	13:24:33
5	you any anger or upset at the prospect of a \$100	13:24:36
6	million lawsuit from Mr. Hogan?	13:24:40
7	A. At the prospect? As I testified, I	13:24:41
8	think we both -- we had a conversation with Tommy	13:24:43
9	where we discussed the potential ramifications of	13:24:46
10	a significant judgment against Gawker Media.	13:24:50
11	Q. What were those -- what did those	13:24:53
12	discussions entail?	13:24:55
13	A. It is going to suck if we lose this	13:24:56
14	lawsuit.	13:25:01
15	Q. When did those discussions take	13:25:01
16	place?	13:25:02
17	A. Since my return in January.	13:25:02
18	Q. Let me just ask you a few final	13:25:04
19	questions. If the permanent injunction is not	13:25:09
20	issued, will the post go back up Gawker.com?	13:25:17
21	MS. SMITH: Objection, but you can	13:25:22
22	answer if you know.	13:25:24
23	A. The post is up on Gawker.com.	13:25:24
24	Q. Well, let me put it to you this	13:25:27
25	way. If the permanent injunction doesn't issue,	13:25:30

1	JOHN COOK	
2	will the sex video be put back on Gawker.com?	13:25:32
3	A. That is not my decision to make.	13:25:35
4	So I don't know the answer to that question.	13:25:37
5	Q. Do you have any reason to believe	13:25:38
6	that it will not be put back on Gawker.com?	13:25:40
7	A. I don't know the answer either way.	13:25:42
8	There are -- I don't know the answer.	13:25:44
9	Q. Would you advocate that it be put	13:25:46
10	back on Gawker.com?	13:25:50
11	A. In the absence of pending	13:25:51
12	litigation and in the absence of a lawful order	13:25:59
13	ordering us not to publish it, I would advocate,	13:26:06
14	if I were asked I would advocate for publishing	13:26:10
15	it.	13:26:13
16	Q. Have you ever been part of	13:26:14
17	discussions with anyone at Gawker regarding	13:26:16
18	whether or not the post would be -- I'm sorry,	13:26:21
19	whether the video would be put back up if in fact	13:26:25
20	the permanent injunction is not issued?	13:26:28
21	MS. SMITH: Let me just caution you	13:26:30
22	to only answer discussions that you had not	13:26:33
23	with counsel.	13:26:35
24	A. I have not had a discussion with	13:26:35
25	anybody about whether or not the video would be in	13:26:37

1 JOHN COOK

2 the future republished on Gawker if a permanent 13:26:42  
3 injunction is not issued. I have not had any 13:26:47  
4 discussions with anybody on that. 13:26:49

5 Q. Have you had any discussions about 13:26:51  
6 whether additional portions of the video would be 13:26:53  
7 published if the permanent injunction is not 13:26:55  
8 issued? 13:26:58

9 A. I have not. 13:26:58

10 Q. Do you think it is possible that 13:26:59  
11 Gawker would choose to publish additional portions 13:27:01  
12 other than the minute and 41 seconds that has been 13:27:06  
13 previously been posted on the site in the event 13:27:09  
14 that the permanent injunction does not issue? 13:27:12

15 A. I do not believe that that is in 13:27:14  
16 the realm of possibility. 13:27:18

17 Q. What is basis for believing that it 13:27:19  
18 is not in the realm of possibility? 13:27:21

19 A. There is no interest on the part of 13:27:22  
20 anybody at Gawker that I'm aware of in publishing 13:27:24  
21 any more of the video than we already published. 13:27:26

22 Q. Why is that? 13:27:29

23 A. We published what we thought was 13:27:30  
24 newsworthy. 13:27:37

25 Q. So it was taken -- the one minute 13:27:37

1 JOHN COOK

2 and 41 seconds was taken down under protest, would 13:27:41

3 you agree with that characterization? 13:27:44

4 MS. SMITH: Under protest by him? 13:27:49

5 Q. By the company. 13:27:50

6 A. I can't speak to the company. I 13:27:52

7 did not want to take it down. 13:27:56

8 MS. MC GRATH: I think that is just 13:28:01

9 about it. Do we have standard stipulations? 13:28:02

10 MS. SMITH: We haven't talk about 13:28:05

11 that but you know, in general whatever 13:28:06

12 Florida rules are. 13:28:10

13 MS. MC GRATH: Okay. Do you think 13:28:11

14 you could give me 30 seconds we could stay on 13:28:17

15 or off, I want to wrap up I want to see if 13:28:20

16 there is anything. I don't think there is. 13:28:22

17 Let me just skim a few items. 13:28:24

18 MS. SMITH: Okay. 13:28:26

19 MS. MC GRATH: I think we are 13:29:03

20 finished. 13:29:04

21 (CONTINUED ON NEXT PAGE.) 13:29:04

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THE VIDEOGRAPHER: Here marks the end  
of file number 4 in the videotape deposition  
of John Cook. We are going off the record  
the time is 1:29 p.m.

13:29:06  
13:29:08  
13:29:11  
13:29:14  
13:29:17

(TIME NOTED: 1:29 P.M.)

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JOHN COOK

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2015

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C E R T I F I C A T E

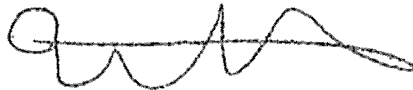
STATE OF NEW YORK )  
: ss.  
COUNTY OF NEW YORK )

I, WILLIAM VISCONTI, a Shorthand Reporter  
and Notary Public within and for the State of New  
York, do hereby certify:

That JOHN COOK, 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 23rd day of April, 2015.



WILLIAM VISCONTI

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