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EXHIBIT "3"

1 IN RE: TERRY BOLLEA VS. GAWKER MEDIA, LLC

2 CASE NO.: 12012447C1011

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LONGFORM PODCAST OF

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AARON LAMMER AND A.J. DAULERIO

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1 (Thereupon:)

2 MAX: It's Max. Before we get
3 started, I want to tell you quickly about a
4 new sponsor we've got on the show. It's
5 the School of the Art Institute of Chicago,
6 specifically their masters in new arts
7 journalism program.

8 If you want to learn how to write
9 about the arts, if you want to learn how to
10 be a cultural critical, this is the program
11 for you. You're going to do it in Chicago,
12 land of fantastic art, and you're not just
13 going to learn how to write, they're going
14 to teach you how to use the full Adobe
15 Suite, you're going to get the basics on
16 HTML and CSS, you can build your own
17 websites, you can learn to write for the
18 internet, not a thing that everyone is
19 teaching you.

20 The application for this program is
21 February 1st. If you want some more
22 information, go to SAIC.EDU/longform.
23 That's SAIC.EDU/longform. Go spend a
24 couple of years in Chicago, learn how to
25 write about art, but for now, listen to the

1 podcast.

2 MR. LAMMER: Hey.

3 MAX: Hello, Aaron Lamer.

4 MR. LAMMER: Hi. Hi Max. Hello
5 from Detroit.

6 MAX: Welcome to your own podcast.

7 MR. LAMMER: Good to be back.

8 MAX: You were in Detroit, Michigan.
9 Evan is also on the road. I am all alone
10 in the studio. That's lonely, man. I'm
11 sad here.

12 MR. LAMMER: I'll tell you this,
13 when I pick up the call, and I hear you on
14 this line, Evan could have been sitting
15 there the whole time, I wouldn't know.

16 MAX: It's basically a normal intro.

17 MR. LAMMER: But actually I've been
18 trying to pick up an interview here and
19 there along my path, and this is the first
20 one I've done. I did it in Los Angeles,
21 and it was with A.J. Daulerio, a guest that
22 I know you've wanted to get on for some
23 time, Max.

24 MAX: I'm excited that A.J. is on
25 the show. Anyone who is listening to this

1 show probably knows about A.J.'s time as
2 the editor of Gawker, and he's been in the
3 news. He was the editor who decided to run
4 the Hulk Hogan sex tape. He's named in
5 Hulk Hogan's suit. He currently has a
6 massive lien against his bank account, and
7 it's really exciting to have him on the
8 show.

9 It sounds like, Aaron, he sort of
10 wanted to talk about what this has been
11 like for him.

12 MR. LAMMER: Yeah, I mean, I think
13 people who are interested in the purely
14 legal story, it's been pretty well
15 reported, but I think we're the first
16 people that he's talked to about the
17 personal side of what this has meant for
18 him and what it means for journalism and
19 other people who could end up involved in a
20 similar experience.

21 So it's a bit of a cautionary
22 episode, but I really appreciate him doing
23 it, I appreciate him choosing to do it with
24 us, and I'm really excited for who will
25 hear this.

1 MAX: I don't want to take too much
2 of their time, but quickly, Aaron, we have
3 a pair of sponsors.

4 MR. LAMMER: Tell me more.

5 MAX: It's that time of year again,
6 my friend. It's FIFA time.

7 MR. LAMMER: Oh, my God, it's my
8 favorite holiday. I was actually
9 wondering, because you'll notice that our
10 FIFA playing has trailed off a little bit.
11 We've been in the offseason here. Been
12 waiting for somebody to motivate us, get
13 back on the court, now -- now we're there.

14 MAX: We are there. The latest
15 version of FIFA from EA Sports, our
16 favorite video game for now, what, like --
17 how long were you playing this game, 15
18 years you and I have been playing FIFA.

19 MR. LAMMER: At least.

20 MAX: It's something absurd. The
21 latest version came out yesterday. I can't
22 really describe it to you. It's like --
23 it's FIFA, Aaron. The new FIFA is here.
24 It's great.

25 MR. LAMMER: They just keep making

1 it better and better. It's got the updated
2 players, all -- all the stuff you've come
3 to expect from what is in my opinion the
4 greatest video game sports franchise of all
5 time.

6 MAX: Absolutely. I can tell you
7 this, I have been playing. It's not the
8 same not being in the same room with you
9 and playing, but even by myself, it's
10 equally addictive. FIFA is back in my
11 life.

12 MR. LAMMER: How old does your son
13 have to be for us to get him on it, on the
14 controller?

15 MAX: I've been -- I've been handing
16 him the controller, and he just kind of
17 mashes the buttons, and he's like almost as
18 good as we are.

19 MR. LAMMER: Well, thank you FIFA,
20 supporters from the very beginning.
21 We really appreciate it. Go check that out
22 FIFA 17.

23 MAX: I'll tell you another --
24 another group of good people who have been
25 with us from the very beginning, Aaron,

1 it's MailChimp.

2 MR. LAMMER: Actually, I just sent
3 off a MailChimp email or a little project
4 I'm doing. I'm on a Canadian little Wi-Fi
5 download, it's very, very slow, and
6 I really have to think about every single
7 web page that I load, because I have to pay
8 by the megabyte for it. I was never
9 happier to be with MailChimp, they make
10 everything so simple, there was no hiccups,
11 there was no going back and fixing stuff.
12 Straight out the door best email provider
13 in the game. Thank you MailChimp.

14 MAX: Okay. Here's Aaron with A.J.
15 Daulerio.

16 MR. LAMMER: Feel good?

17 MR. DAULERIO: Yeah, yeah, I mean,
18 I have to like go through this process
19 where I'm like don't be glib, don't be
20 glib, don't be glib.

21 MR. LAMMER: Is that out of a
22 self-preservation -- is that -- is that
23 like a -- is that you don't want to be glib
24 or you don't want to come across as glib?

25 MR. DAULERIO: I don't want to come

1 across as glib. I mean, I -- I know that a
2 lot of the way I've answered things in the
3 past, I mean, it's a lot of
4 self-deprecation and sarcasm, so I'll try
5 to answer things as directly as possible.

6 MR. LAMMER: Well, I mean, I feel
7 like very few people end up in a position
8 where the glibness of their commentary can
9 have repercussions deep into their life
10 like this.

11 MR. DAULERIO: That's true. Yeah,
12 I definitely didn't anticipate this, this
13 is -- you never get presented with
14 something along those lines where how you
15 are, where you've worked, things that
16 you've said can, you know, bankrupt a
17 company and also just like leave you with
18 \$115 million in debt to a professional
19 wrestler at this point.

20 MR. LAMMER: Okay. So how many
21 years of your life has this been the
22 dominant theme of now?

23 MR. DAULERIO: Well, it's -- I left
24 Gawker in January 2013, but I think
25 it really started about September of 2013

1 where the invisible handcuffs started to
2 come on --

3 MR. LAMMER: Yeah.

4 MR. DAULERIO: -- and that any
5 conversations I would have with the lawyers
6 that were representing Gawker in this case,
7 it was always bad news, and it was always
8 there's another worse case scenario,
9 another bad day in court. And, you know,
10 the original defendant list which I believe
11 was eight or nine had gone down to just
12 myself and Nick and Gawker Media.

13 And, you know, then there was some
14 paranoia that had set in, I believe, at
15 that point, and this was always something
16 that was looming, and it wasn't something
17 that was constant, it was something that
18 every three weeks or so I would have a
19 conversation with the lawyers who would
20 tell me that they need more emails, they
21 need my computers, they need my phone, they
22 need me to remember things in a certain
23 way.

24 I mean, all the stuff that goes into
25 kind of at least constructing what would be

1 a -- a case, but also being a little bit on
2 the outside of it, because I was no longer
3 working at Gawker Media, and I think the
4 interpretation by some of the lawyers was
5 that I was a minor player in this.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: Especially if it's
8 something that's a civil suit, I don't have
9 a \$100 million. I was employed by this
10 company.

11 MR. LAMMER: At what point did you
12 realize that a person might be liable for
13 the journalistic actions of a company?

14 MR. DAULERIO: I -- I still don't
15 know the answer to that, because I'm --
16 because I'm still -- we're at the beginning
17 stages of another part for me, and it still
18 has this -- this creep factor to it,
19 somehow getting \$115 million is basically
20 falling squarely on my head, because, you
21 know, Gawker and Nick have both declared
22 bankruptcy, and I think the feeling was,
23 was that, well, they're not going to go
24 after me personally at this point.

25 MR. LAMMER: Yeah, because your

1 assets are not in the \$115 million range.

2 MR. DAULERIO: No, nor are Gawker's
3 or Nick's for that matter, but obviously,
4 I mean, there's more at play here. The
5 trial is kind of irrelevant into what's
6 happening now, because what's happening now
7 is obviously Peter Thiel is bank rolling
8 this revenge plot, and the lawyers on the
9 other side have to -- this is what
10 unlimited billable hours do, keep these
11 things tied up.

12 MR. LAMMER: Right.

13 MR. DAULERIO: They can do all these
14 things. All these things that are
15 happening to me in terms of just what
16 someone sees as harassment or bullying, I
17 mean, are perfectly legal. I mean, are --
18 are they ethical? I don't know, I can't
19 answer that, but --

20 MR. LAMMER: It's a technique that
21 actually could be applied outside
22 journalism also. It's sort of a dangerous
23 part of the American justice system, is
24 there's no real penalty for jamming it.

25 MR. DAULERIO: Yeah, and, you

1 know --

2 MR. LAMMER: A filibuster.

3 MR. DAULERIO: And you know, that's
4 the part of it that's extremely tough to
5 process, is that, you know, after going
6 through the theatricality of that trial and
7 the traumatic experience that was that
8 trial for, I think, everyone involved, and
9 then to try to move on, and I -- as soon as
10 I began to start to think about what would
11 be the next phase of my life, this whole
12 \$115 million judgment comes crashing down
13 on my head, and I don't know why.

14 I think the only reason why that
15 happens, and I'm sure the other side has
16 their theories as well, that is what's --
17 this money that is being bankrolled by
18 Peter Thiel is affording these guys to do,
19 which is to try to drive a wedge between
20 myself and Gawker, to try to just, you
21 know, pin what's happening to me on like
22 how Gawker betrayed me or how these guys
23 left you out to dry.

24 And -- and the one thing that's been
25 important to me and which was actually the

1 good part of this phase, if there is a good
2 part, is that I've also had to kind of take
3 on my own lawyers at this point, obviously
4 without any money, so there's been a lot of
5 pro bono work done on my behalf at this
6 point, but the first couple of lawyers that
7 I talked to, I told them, just like, look,
8 your job is to say no to these people.

9 Like I'm -- as much as they want to
10 kind of hold my life hostage right now and
11 any kind of settlement talks begin and end
12 for them with an NDA and confidentiality
13 agreement, and I won't do that.

14 MR. LAMMER: Confidentiality around
15 what?

16 MR. DAULERIO: What -- talking about
17 the case, talking about the trial.

18 MR. LAMMER: Okay.

19 MR. DAULERIO: Anything -- anything
20 that -- anything that --

21 MR. LAMMER: Like the very
22 conversation we're having right now --

23 MR. DAULERIO: Absolutely.

24 MR. LAMMER: -- would be -- would be
25 restricted by it.

1 MR. DAULERIO: Yeah, the way -- the
2 way this is set up is basically just like
3 maybe this will come back to bite me in the
4 ass.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: I mean, absolutely
7 will. My thought process at this point is
8 just like, okay, well, I have \$115 million
9 hanging over my head. They're treating
10 it like it's 10 grand and they're trying to
11 collect --

12 MR. LAMMER: Yeah.

13 MR. DAULERIO: -- and acting like,
14 yes, I -- I -- and of course, legal, I do
15 owe this money, and up until the appeals
16 process, they can do very, you know,
17 aggressive and invasive things in order to
18 try to collect on that.

19 MR. LAMMER: Have they done invasive
20 things to try to collect?

21 MR. DAULERIO: Yeah, of course.

22 MR. LAMMER: Yeah.

23 MR. DAULERIO: I went through a
24 whole, you know, what they call a financial
25 colonoscopy which, you know, required me to

1 go through my last four months of spending
2 habits, and anything over \$100 they then
3 grilled me about, trying to kind of what
4 I call like "dad me up" over like my
5 spending habits over the last six months.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: Like acting like,
8 well, you should have been saving for this
9 \$115 million judgment.

10 MR. LAMMER: Saving -- saving so you
11 can get another couple of thousand dollars
12 out toward them on the -- yeah.

13 MR. DAULERIO: Exactly, and he was
14 like, you know, well, jeez, you shouldn't
15 have spent \$100 on golf, and you should
16 have bought yourself a lawyer at this
17 point.

18 MR. LAMMER: Yeah.

19 MR. DAULERIO: And I'm like, you
20 know, that's the part that's frustrating.

21 MR. LAMMER: Yeah.

22 MR. DAULERIO: Because look, he's
23 doing his job, but his job right now is to
24 be an asshole to me.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: And that's the part
2 that obviously I got in trouble in my first
3 deposition in terms of not reacting well,
4 so I have to kind of go into that to kind
5 of be bullied in some capacity by attorneys
6 who have -- are trying to get information
7 that they're legally allowed to do, but I'm
8 waiting for logic to prevail. I'm waiting
9 to just like have him say, just like, oh,
10 well, this doesn't make any sense, you
11 clearly don't have \$115 million.

12 MR. LAMMER: Right.

13 MR. DAULERIO: And the appeals
14 process is coming, and we will wait until
15 that point.

16 MR. LAMMER: And declaring
17 bankruptcy would mean you don't get the
18 opportunity to make this appeal?

19 MR. DAULERIO: In order for me to
20 declare bankruptcy to protect my thousand
21 dollars that was in my checking account at
22 that time --

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: -- would cost me
25 about 30 grand to hire a bankruptcy

1 attorney, and every bankruptcy attorney,
2 I mean, was excellent in terms of being
3 very transparent about the fact that just
4 like, you know, you are against a very
5 aggressive plaintiff right now.

6 \$115 million judgment which could be
7 disputed in bankruptcy court, so you're
8 essentially going in to file for
9 bankruptcy, and then potentially have it
10 unblocked. You'll spend 100 grand to
11 protect your \$1,000 or this \$115 million
12 you still may owe, and you'll also lose
13 your representation in Florida.

14 That was what was -- I was told
15 really at last minute type of situation,
16 because I mean, ultimately I'm operating
17 under the assumption that because I am
18 indemnified by Gawker that -- and they're
19 not going to come after me personally for
20 this at this point, at this juncture, that
21 this was not something I necessarily had to
22 concern myself with, and, you know,
23 I was -- I may have been naive about that,
24 I don't know, I don't know --

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: -- it all happened so
2 quickly.

3 MR. LAMMER: I mean, they didn't
4 even offer you advice about this.

5 MR. DAULERIO: Exactly, there were
6 so many conflicts at that point.

7 MR. LAMMER: Oh, when I was sued for
8 \$115 million here was my game plan.

9 MR. DAULERIO: Well, that -- and
10 that -- and that was the part where it's
11 just like you're still having these
12 discussions with these attorneys, the
13 attorneys that have been representing
14 myself and Gawker throughout this whole
15 entire time whom I've gotten to know fairly
16 well, obviously, for the past three years,
17 and who are trying to explain to me, you
18 know, well, if you file for Chapter 7
19 bankruptcy -- filing for Chapter 7
20 bankruptcy, it's not easy. It's not
21 something --

22 MR. LAMMER: Yeah, it's not supposed
23 to be easy.

24 MR. DAULERIO: It's not something
25 where, you know, a Turbo Tax situation.

1 It's some pretty dense paperwork --

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: -- that, I mean,
4 if I screw up will then possibly come back
5 to haunt me, and I'm -- and I'm weighing
6 all these options, and I'm still like, you
7 know, why is this happening.

8 And then 24 hours, less than that,
9 I get an alert from Chase Bank, who is very
10 good about their alerts, that there is a
11 hold on my bank account for \$230 million,
12 which was put thereby Pinellas County
13 Courthouse courtesy of one Terry Bollea,
14 and I'm like, okay, now what do you do.

15 MR. LAMMER: Right.

16 MR. DAULERIO: And it was -- it was
17 funny, because Chase had like said
18 something in the lines, well, we're waiving
19 the processing fee, I'm like all right.
20 These guys are excellent, but at that point
21 when you're looking at this number, which
22 looks like a pinball score --

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: -- and there's --
25 well, do I get overdraft fees for -- how do

1 I -- do I stop banking there? Everything
2 just freezes.

3 MR. LAMMER: Yeah.

4 MR. DAULERIO: And so then I have no
5 access to kind of get any money to any
6 perspective lawyers, I have like
7 everything --

8 MR. LAMMER: And you were living in
9 Florida at the time.

10 MR. DAULERIO: I was living in
11 Florida at an Airbnb which I had rented and
12 paid in advance for, which was -- my lease
13 was running out soon, but it was not really
14 that was the problem, in was more that that
15 number, it was just like, okay, everything
16 that was told to me from the beginning
17 about that this would not actually impact
18 me personally --

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: -- was bullshit.

21 MR. LAMMER: Yeah.

22 MR. DAULERIO: And that at this
23 point this is what we see is what could
24 potentially happen to someone else.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: The one part that
2 I think that most -- I would be very happy
3 to be a journalist right now in this time
4 period, because you can see exactly where
5 the monsters are.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: Regardless of just
8 thinking of what you think of me or what
9 you think of Gawker, you can see that
10 Charles Harder who is basically the firm
11 that, you know, is representing Hulk Hogan,
12 his business is booming right now.

13 MR. LAMMER: Yeah, he's representing
14 all kinds of -- he's got --

15 MR. DAULERIO: Exactly.

16 MR. LAMMER: Yeah, he's got the
17 Trump's got -- got -- I mean --

18 MR. DAULERIO: Yeah, and this isn't
19 going to stop any time soon.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: And I think that most
22 people who are just going -- critical of
23 Gawker or any of (Inaudible), I hope it's
24 out of their system.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: Because, you know,
2 right now, I mean, especially just with the
3 hints that, you know, Roger Ailes is going
4 after Gabriel Sherman and New York Magazine
5 and stuff like that.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: It's clearly not just
8 a Gawker problem anymore.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: And that's the part
11 that -- it's worthwhile for people to know
12 that somebody has to stop it.

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: And the only way to
15 actually stop it is for journalists to do
16 their job at this point, but I also
17 understand how tough it is for publishers
18 in this environment who are going to kind
19 of just like actually have to make a
20 decision where it's just like, okay,
21 if we are going to say something negative
22 about someone who is powerful or actually
23 has access to Charles Harder's law firm at
24 this point, is that worth the risk, is that
25 worth the story, and that's something that

1 is, I think, has not been as black and
2 white as it is right now.

3 MR. LAMMER: Well, I think it would
4 be -- it's interesting, I didn't even draw
5 the connection. Gabriel Sherman was on the
6 show two weeks ago, three weeks ago.

7 MR. DAULERIO: Uh-huh, right.

8 MR. LAMMER: So we potentially have
9 two guests in a one-month span who are both
10 going to be the subjects of lawsuits from
11 the same law firm. It -- it shows you that
12 with enough money, these lawsuits can be an
13 exponential force. It's not a hard to
14 scale operation --

15 MR. DAULERIO: Yeah.

16 MR. LAMMER: -- suing people in
17 these sorts of situations. It doesn't
18 discriminate journalistically across a wide
19 spectrum of different forms of journalism.
20 I mean, the things that Gabriel Sherman is
21 reporting is that Ails probably had him
22 tailed, had him investigated.

23 MR. DAULERIO: Yeah.

24 MR. LAMMER: And may have discussed
25 killing him.

1 MR. DAULERIO: Right.

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: There's people -- all
4 the people who said there's a conversation
5 in the room where Ails talked about killing
6 him, that should be more on people's mind
7 as a sort of a check on who has more power
8 in this balance.

9 MAX: Hey, I'm going to pause things
10 here to give you a quick word from our
11 sponsor, Casper. Casper is a sleep brand
12 that created one perfect mattress and
13 sells it directly to consumers eliminating
14 the commission-driven inflated prices that
15 you probably have experienced in some kind
16 of a warehouse.

17 It's an award winning sleep surface
18 developed in house, has a sleek design, and
19 it's delivered in a small
20 how-did-they-do-that-sized box. In
21 addition to the mattress, Casper also
22 offers an adaptive pillow and soft
23 breathable sheets. This is a pack that
24 will have you sleeping better immediately.
25 It's a pack with latex and supportive

1 memory foam. It's a pack that costs a lot
2 less than you pay almost anywhere.

3 You're usually going to pay over
4 1,500 bucks for a mattress. Casper's range
5 from 500 for a twin up to 850 for a queen,
6 950 for a king. Anyway, buy a Casper
7 mattress. It's completely risk free. You
8 can keep it for one hundred nights with
9 absolutely no obligation.

10 If you don't it, they'll pick it up
11 for you, but I think you're really going to
12 like it, and I think it's going to change
13 the way you sleep. So I encourage you to
14 go to Casper.com/longform. You get 50
15 bucks off any mattress, and you'll be
16 supporting the show.

17 Again, Casper.com/longform. Use the
18 offer code "longform," support Longform and
19 sleep so much better today without the
20 hassle. Thank you, Casper.

21 Our next sponsor is Texture.
22 Texture has put all of the magazines you
23 love in one superconvenient place. Where
24 is that place? The Texture app. They let
25 you tap into the world's most popular

1 magazines anytime, anywhere using your
2 smart phone or tablet.

3 You can breeze through hundreds of
4 your favorite magazines including back
5 issues and pick the articles that interest
6 you most. I'm just browsing through this
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22 trial. It doesn't cost anything. Again,
23 [Texture.com/Longform](https://www.texture.com/longform), gain immediate entry
24 to all the top magazines and start binge
25 reading today. Thank you, Texture.

1 MR. LAMMER: How did you come to
2 Gawker in the first place?

3 MR. DAULERIO: I originally came to
4 Gawker back in 2005.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: And that was to --

7 MR. LAMMER: Simpler times.

8 MR. DAULERIO: Yeah, definitely,
9 and, you know, I was there to run a now
10 dead gambling blog called Odd Jack. Got
11 the job not based off of anything that
12 I knew about gambling or poker. I tried to
13 mimic what I thought was a Gawker voice at
14 the time, and Lockhart had offered me that
15 job, then he fired me six months later when
16 there was no traffic on that cite.

17 I mean, it was the total blogger in
18 Odd Jack. I mean, there was this thing
19 they used to do initially back in the 2005
20 era where mostly you were paid per post
21 (Inaudible) at the end of the month.
22 If you were under a certain threshold, you
23 got maybe half your pay.

24 So at the end of the month there
25 would always be this routine where there

1 would be three days left, and I would be
2 like 85 posts short. So then I would
3 frantically basically do lines on every
4 single college football game there was
5 between Division I and III and just throw
6 them up in this mad dash to basically get
7 paid that month.

8 And, yeah, I used to always get
9 those kind of just very bemused emails from
10 Lockhart at the end of the month, basically
11 just like, wow, you hit the quota right on
12 the nose again, which, you know, they let
13 me slide with.

14 But when I was at Deadspin the
15 second time around, I just had a vision for
16 Deadspin that just like we were going to
17 have a blog site, we were going to have a
18 longer form side. I mean, we had already
19 started to put those things together.

20 I knew I could get traffic, I knew
21 I could do the scummy stuff that Will
22 wouldn't touch --

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: -- and we would have
25 no qualms about it, because that was the

1 business part of it for me. The writing
2 part, we wanted to have a site where
3 basically those things could live in the
4 same world.

5 MR. LAMMER: Yeah, I was a Gawker
6 reader, I've always read this stuff.
7 I always kind of felt like the dirtier,
8 scummier stuff was going to like stain the
9 good work that was done.

10 MR. DAULERIO: Right.

11 MR. LAMMER: Not bring down the
12 whole ship in a -- in a -- you know, in a
13 flaming disaster. So as that duality was
14 something you were building --

15 MR. DAULERIO: Yeah.

16 MR. LAMMER: -- did you ever sort of
17 say -- like look at whether it's the tips
18 box and the stuff is going in, kind of, you
19 know, hunting for scandal really.

20 MR. DAULERIO: Right, yeah.

21 MR. LAMMER: Like, oh, God, we could
22 go too far, this could be a problem. Was
23 that even like in the room as that stuff
24 was building up?

25 MR. DAULERIO: Well, it's kind of

1 interesting you say that, because I think
2 that every Gawker editor at some point has
3 a moment where they're staring over a
4 cliff --

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: -- in terms of just,
7 you know, very hesitant about pushing the
8 "publish" button knowing that there's going
9 to be some blow back.

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: And either -- and
12 then there could be a story, especially,
13 and this was kind of at the -- at the time
14 I remember the moment when Gizmodo broke
15 the iPhone 4 story.

16 MR. LAMMER: Totally.

17 MR. DAULERIO: And I was in awe of
18 them. I was just like this is the greatest
19 thing I've ever seen in my entire life.
20 The news cycle has stopped and is
21 absolutely focusing on this story, and, you
22 know, obviously, they got a lot of flack
23 for it, too --

24 MR. LAMMER: Yeah.

25 MR. DAULERIO: -- and were

1 criticized for it, but everyone was talking
2 about it.

3 MR. LAMMER: Apple sent the police,
4 right, to --

5 MR. DAULERIO: Yeah, DC10, they
6 broke down his door.

7 MR. LAMMER: Yeah.

8 MR. DAULERIO: And, you know, as bad
9 as that was, I mean, I'm like sitting there
10 just like absolutely just like so envious.

11 MR. LAMMER: Yeah.

12 MR. DAULERIO: And I'm just like,
13 God, I wish I could do something that would
14 absolutely have that type of impact.

15 MR. LAMMER: It felt like sort of
16 breaking the journalistic fourth wall where
17 I was like --

18 MR. DAULERIO: Yeah.

19 MR. LAMMER: -- I thought this is
20 all supposed to be like --

21 MR. DAULERIO: Right.

22 MR. LAMMER: -- page view fun and
23 games here, no one was supposed to like
24 SWAT someone.

25 MR. DAULERIO: Exactly, and that

1 was -- and that was a part, but I mean,
2 it was just like, you know, all -- like all
3 of the publications that I had admired
4 going into it like always had that whiskey
5 feel to it.

6 I mean, just like I said, Jeff
7 Koyen's New York Press was so influential
8 just because of him, and I remember having
9 this moment where he took me up to Lit,
10 that bar on the Lower East Side at one
11 point, and he was about to publish, but
12 it was this full issue dedicated to the
13 assassination of George W. Bush, and the
14 whole issue was dedicated to if that had
15 happened.

16 And it was -- like my eyes lit up.
17 I was just like, man, this is like the
18 coolest thing I've ever seen in my entire
19 life, and like, I mean, it was just I love
20 that rush --

21 MR. LAMMER: Yeah.

22 MR. DAULERIO: -- kind of just like
23 I was getting from him talking about it,
24 and I was just like that's -- that's kind
25 of just the way I'm wired. I knew that

1 I was wired that way as an editor, and
2 I always -- I always loved that part, you
3 know, I used to call it the professional
4 wrestling of blogging.

5 MR. LAMMER: (Inaudible.)

6 MR. DAULERIO: Yeah.

7 MR. LAMMER: Yeah.

8 MR. DAULERIO: But I mean -- and
9 I always felt that just a good editor for
10 Gawker or any of the Gawker sites was
11 someone who kind of took on that role.

12 MR. LAMMER: Yeah.

13 MR. DAULERIO: But that I would take
14 on that role, and the rest of the staff
15 could actually be smart and great and do
16 the things that were actually just, you
17 know, the things that I love to read.

18 You know, my byline I always
19 considered was just ten percent of my job.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: And that ten percent
22 was always done for just kind of business
23 purposes. That's just like how
24 I considered it.

25 MR. LAMMER: The pro wrestling, I'm

1 sorry, it's a good analogy.

2 MR. DAULERIO: I know, but it sucks
3 now.

4 MR. LAMMER: The --

5 MR. DAULERIO: Yeah.

6 MR. LAMMER: That interplay among
7 the editors and the writers and the
8 readers, and that's sort of -- I think it's
9 some of the stuff that's made the tone of
10 this whole Gawker affair hard to read,
11 because, you know, the people who were
12 writing for Gawker and editing for Gawker
13 in that period were really talking to a
14 very specific audience that almost knew you
15 as characters.

16 MR. DAULERIO: Yeah.

17 MR. LAMMER: Like I never met you
18 before.

19 MR. DAULERIO: Yeah.

20 MR. LAMMER: Until you walked into
21 this room, I kind of had known you as like
22 a character.

23 MR. DAULERIO: Right.

24 MR. LAMMER: You played -- and you
25 play up a certain kind of like

1 scumbagginess and character, but then I'm
2 also sitting across the room from someone
3 who is basically sacrificing years of their
4 life toward a higher (Inaudible.)

5 MR. DAULERIO: Yeah.

6 MR. LAMMER: And I don't actually
7 find that incongruous, but I can see how to
8 a person sitting reading U.S.A. Today --

9 MR. DAULERIO: Yeah.

10 MR. LAMMER: -- the nuances of that
11 are easy to lose.

12 MR. DAULERIO: They are, and I think
13 that that's -- you know, a lot of the part
14 that also gets lost in this -- these
15 stories don't age well. Remember just like
16 also just like, you know, a lot of where
17 Gawker's nuance comes in is the speed of
18 it, too.

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: We're also in a very
21 different environment online --

22 MR. LAMMER: Yeah.

23 MR. DAULERIO: -- to where a lot of
24 these things that -- I mean, I think
25 would -- would clearly be jokes are done

1 for shock value are just kind of just put
2 to a different type of audience and kind of
3 just like scrutinized a lot differently as
4 well.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: The one part that
7 was -- like I mentioned a thing about, you
8 know, staring over a cliff --

9 MR. LAMMER: When I had Leah
10 Finnegan on this show, and she also -- the
11 way she described it was a finger hovering
12 over a button and falling off a cliff.
13 I think if we go back, she used both of
14 those exact phrase --

15 MR. DAULERIO: Oh, really.

16 MR. LAMMER: -- phrases to describe
17 that moment, so it must be --

18 MR. DAULERIO: Yeah, I didn't work
19 with her.

20 MR. LAMMER: It must be something
21 that haunts the dreams of editors who have
22 been in that position. Like I'm interested
23 in how you saw that line and whether you
24 had regrets prior to this, which I don't
25 know that you do regret this particular

1 thing.

2 MR. DAULERIO: Right.

3 MR. LAMMER: But, you know, among
4 the many times that your finger hovered
5 over the button and you hit or did not hit
6 "send."

7 MR. DAULERIO: Huh.

8 MR. LAMMER: Like what was that
9 experience like?

10 MR. DAULERIO: I mean, it's --
11 it's -- there -- there are certain stories
12 that you want back for different reasons
13 than -- none of them are because they were
14 published, let's put it that way.

15 MR. LAMMER: Yeah.

16 MR. DAULERIO: It's usually because
17 they're executed in a way that may have
18 fallen flat or may have kind of been
19 misinterpreted.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: Some things that
22 I had written that I wish I had the budget
23 to farm out to another writer.

24 MR. LAMMER: Right.

25 MR. DAULERIO: Those sort of things,

1 and one major story that I wish I had the
2 budget to farm out to another writer was
3 the Brett Farve story, actually.

4 MR. LAMMER: Which in some ways is
5 probably the most well-known story that you
6 are a part of prior to the Hulk Hogan
7 story.

8 MR. DAULERIO: I -- that was --
9 yeah, exactly. I mean, just it's one of
10 those things where I mean, I consider the
11 thing that I love the most is kind of being
12 the producer of websites in that kind of
13 role --

14 MR. LAMMER: Yeah.

15 MR. DAULERIO: -- and working with
16 writers that I love --

17 MR. LAMMER: Yeah.

18 MR. DAULERIO: -- and trying to
19 figure out a way for them to kind of enjoy
20 the job as much as I do in some ways, and
21 my byline is just filled with dicks. But
22 that's -- that's also the -- the role that
23 I took on. It's not -- I don't want to
24 kind of delegitimize those stories.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: The Brett Farve story
2 is not about his dick.

3 MR. LAMMER: Yeah.

4 MR. DAULERIO: What his dick did was
5 basically prove that the woman who told me
6 about this story about him sexually
7 harassing him was true.

8 MR. LAMMER: Right.

9 MR. DAULERIO: That's what that did.

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: But, you know, this
12 notion that because we paid for it, that
13 information, or that it was done for page
14 view purposes on clicks or however people
15 want to say it, all that did was kind of
16 just put nine months of work to bed and say
17 just like, yeah, she was not lying, she's
18 not an opportunist, and if we're not going
19 to hold Brett Farve accountable for his
20 personal life, why are we always kind of
21 talking about his wife's illness or his
22 father's death or his struggle with
23 Vicodin.

24 And every single person that
25 I talked to in main stream media who was

1 covering Brett Farve knew about this story.

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: Like, I mean, that's
4 the fight. And, you know, they obviously
5 couldn't do it in that way, because they
6 had just heard about it, they hadn't seen
7 any evidence of it.

8 MR. LAMMER: Right.

9 MR. DAULERIO: And Brett Farve was
10 the most famous quarterback on the planet
11 at that point. He was going into his last
12 year, and a lot of television companies and
13 the NFL had built a lot of the season
14 around his last year.

15 MR. LAMMER: It's interesting, a lot
16 of the way this stuff ends up getting
17 talked about is through pages and clicks as
18 if like doing a -- like in-depth, like
19 months-long investigation is like the
20 easiest cheapest way to get how many clicks
21 you got on that story.

22 MR. DAULERIO: Whatever, yeah.

23 MR. LAMMER: It's not -- it's not a
24 one-to-one relationship like that.

25 MR. DAULERIO: Yeah.

1 MR. LAMMER: But as you're going
2 after stories like this, was there ever
3 oversight from above about what you should
4 and shouldn't do?

5 MR. DAULERIO: Are we talking about
6 God or Nick Denton?

7 MR. LAMMER: Nick Denton or any --
8 or anyone else, but yeah, Nick Denton
9 (Inaudible.)

10 MR. DAULERIO: Like Nick and I,
11 we have the editorial DNA --

12 MR. LAMMER: Yeah.

13 MR. DAULERIO: -- ultimately, and
14 I think that's a lot of the reason why
15 we did get along mostly.

16 MR. LAMMER: Yeah.

17 MR. DAULERIO: And I think that
18 he felt like that I was probably the person
19 who was catering to his kind of instincts
20 more than anyone else.

21 MR. LAMMER: Yeah.

22 MR. DAULERIO: So I had a lot of
23 (Inaudible.)

24 MR. LAMMER: Yeah.

25 MR. DAULERIO: And, you know, that

1 was -- you know, that's a level of autonomy
2 that you can't -- it's irreplaceable in a
3 lot of ways.

4 MR. LAMMER: Yeah.

5 MR. DAULERIO: I mean, I knew that
6 I was in kind of a situation where just
7 like, wow, you know, here's a guy that is
8 supporting me on a lot of this stuff.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: Even though -- even
11 though there was a huge backlash from, you
12 know, readers or other publications --

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: -- or I have people
15 calling me an asshole or monster or
16 whatever and all this stuff, and this guy
17 was, you know, always the first in line to
18 basically say just, you know, how are you,
19 and then I'd be just like, man, I'm like
20 kind of just beaten up over this.

21 He's just like, all right, take a
22 day, but then get right back to it, because
23 you're -- there was never any question
24 about what we were doing was true.

25 MR. LAMMER: Right.

1 MR. DAULERIO: It was just -- it was
2 always a point where just, oh, is this --

3 MR. LAMMER: Is that like a loud
4 form of (Inaudible.)

5 MR. DAULERIO: Yeah and I think --
6 I think there's some of that, and I'm
7 like -- believe me, I mean, I'm the first
8 to admit that I -- I reveled in the heel
9 factor of some of the stuff I was doing.

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: I didn't have any
12 question about just like, you know,
13 whether -- if it was right, it was true,
14 I wasn't throwing shit against the wall
15 just to kind of start a reaction. I --
16 I made sure that all that stuff was pretty
17 airtight.

18 MR. LAMMER: Yeah.

19 MR. DAULERIO: And then I was going
20 to take the backlash anyway, because at
21 some point it's just like, you know, my --
22 my vantage point is just like the people
23 that matter the least for a publication are
24 the readers and other people in the media.

25 MR. LAMMER: Right.

1 MR. DAULERIO: The person -- the
2 people that I end up putting forward first
3 are the writers and that's it.

4 MR. LAMMER: Yeah.

5 MR. DAULERIO: And especially at an
6 operation like Gawker where you're on a
7 shoestring budget, per se, and you don't
8 have the same sort of, you know, cushion to
9 kind of, you know, have fact checkers and
10 all that other stuff like online. You --
11 you really kind of have to put yourself out
12 there as the last line of defense --

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: -- in terms of just
15 like, okay, if there's going to be an
16 asshole in this situation, it will be me.

17 MR. LAMMER: Yeah.

18 MR. DAULERIO: And everybody else
19 can look smart.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: And but when I edited
22 Deadspin and when I edited Gawker, I think
23 most people confused my byline with the
24 rest of the site.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: And, you know, that,
2 you know, Gawker 2012, which is always
3 probably going to be remembered for the
4 Hulk Hogan story, unfortunately.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: And, you know,
7 interesting enough in terms of just like,
8 like I said, stories that I stared over the
9 cliff about --

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: -- Hulk Hogan was not
12 one of them. What about the version that
13 people ended up with in court which was
14 also like -- you know, most people I think
15 that was just like, oh, that's going to
16 trial, wow, that's weird --

17 MR. LAMMER: Yeah.

18 MR. DAULERIO: -- and let's watch
19 this toilet fire happen.

20 MR. LAMMER: If I was suing Gawker
21 and I wanted a story to sue Gawker over,
22 it wouldn't have been my pick, right?

23 MR. DAULERIO: Um, yeah.

24 MR. LAMMER: It's not the -- it's
25 not the most out-there thing Gawker did,

1 it's not -- it didn't get the most traffic.

2 MR. DAULERIO: No.

3 MR. LAMMER: It's -- it's kind of a
4 random story in a way.

5 MR. DAULERIO: And it was kind --
6 it was -- what it was was a more -- it was
7 just an outgrowth of the way that I had
8 done Deadspin.

9 MR. LAMMER: Right.

10 MR. DAULERIO: I mean, I had become
11 known for doing those very splashy tabloid
12 sleazy, scumbaggy stories.

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: And that was
15 something that I embraced in some way, so
16 obviously people who like the gentleman who
17 sent me the Hulk Hogan tape are going to
18 come to me.

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: I understand that.

21 MR. LAMMER: Right.

22 MR. DAULERIO: What I never wanted
23 to do with that was present it as a sex
24 tape. It was more a story about a sex
25 tape.

1 MR. LAMMER: Right.

2 MR. DAULERIO: And more than
3 anything it was a meditative piece, and
4 I don't want to put too much of a halo
5 around it.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: But if you read the
8 way it's constructed, it's 1,400 words.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: It's a 33-minute tape
11 that's spliced down to a minute which is
12 basically just to show that, you know,
13 okay, the guy that was out there recently
14 just talking about this story in TMZ, and
15 this is already in the public sphere --

16 MR. LAMMER: Yeah.

17 MR. DAULERIO: -- I got ahold of it,
18 this is what this is all about.

19 MR. LAMMER: So has this experience
20 made you rethink anything about your
21 experience at Gawker, like what kind of a
22 lens do you see those years on now with
23 this removed?

24 MR. DAULERIO: Well, obviously
25 there's a part -- like when the first

1 judgment was handed down, especially the
2 punitive damages --

3 MR. LAMMER: Yeah.

4 MR. DAULERIO: -- that were handed
5 down.

6 MR. LAMMER: How long was that?

7 MR. DAULERIO: I guess March at this
8 point.

9 MR. LAMMER: March. Okay.

10 MR. DAULERIO: So the end of --
11 well, the verdict came on my birthday,
12 actually.

13 MR. LAMMER: Oh, happy birthday to
14 you.

15 MR. DAULERIO: That was wonderful,
16 but once the punitive damages came down,
17 and they wanted to give me \$100,000 in,
18 I believe, yard work for the State of
19 Florida for all eternity, it was obviously
20 something that seemed steep in its own way,
21 but at the same time I began to think of
22 that as, okay, that's a tax that I would be
23 willing to pay, because I loved that
24 experience at Gawker so much.

25 MR. LAMMER: Yeah.

1 MR. DAULERIO: You have to
2 understand that, you know, that site during
3 that year, there were four site leads on
4 that staff.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: Between Leah
7 Beckmann, Max Read, John Cook, and Emma
8 Carmichael.

9 MR. LAMMER: Right.

10 MR. DAULERIO: The rest of the staff
11 was Adrian Chen and Neetzan Zimmerman and
12 Rich Juzwiak and Camille Doderro and Cord
13 Jefferson.

14 MR. LAMMER: Yeah.

15 MR. DAULERIO: It's a site that will
16 never exist again with that caliber of
17 people.

18 MR. LAMMER: Yeah.

19 MR. DAULERIO: They were all people
20 who were really hitting their stride for
21 what they were going to do after Gawker --

22 MR. LAMMER: Yeah, I mean --

23 MR. DAULERIO: -- or at least after
24 that year.

25 MR. LAMMER: -- Adrian was, what, 23

1 or 24 years old at that point.

2 MR. DAULERIO: No, I don't I think
3 he was -- I mean, he was -- he was there
4 for three years at that point.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: But he was --

7 MR. LAMMER: He's a young man, and
8 now he's writing for the New Yorker.

9 MR. DAULERIO: Well, I mean, and
10 the -- and the system that I had put into
11 place was ultimately one that I wanted the
12 writers to kind of have the time to do the
13 things they really wanted to do.

14 MR. LAMMER: Yeah.

15 MR. DAULERIO: I didn't want them to
16 hate Gawker, I didn't want them to feel
17 like they were fulfilling some sort of
18 quota --

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: -- but this was all
21 about traffic for me. I -- traffic was a
22 business problem I needed to solve, so
23 I hired Neetzan.

24 MR. LAMMER: Right.

25 MR. DAULERIO: And it's like there's

1 your traffic.

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: And then the rest of
4 the staff, I said to them, just like go do
5 whatever the fuck you want --

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: -- and let's make the
8 site work for you as opposed to you working
9 for the site, because I mean, it's --
10 traffic is something that you inherit with
11 any Gawker property. It's there. Like,
12 you know, how you basically get other
13 people to take advantage of that audience,
14 that's -- that's what I think the job of
15 the editor is, is to basically just like
16 have the writers on that staff enjoy that
17 privilege of basically just having a huge
18 audience all the time, because it's very
19 interesting that once you either leave
20 Gawker, how that goes away real quickly.

21 That year was so special to me just
22 because of like the people that worked
23 there and the people that worked there, you
24 know, how close they were to one another
25 and how everyone really believed in this

1 style of doing Gawker, that, you know,
2 having -- having it kind of just completely
3 obliterated --

4 MR. LAMMER: Yeah.

5 MR. DAULERIO: -- by, you know, both
6 critics on the outside and then obviously
7 legally, it was -- it was something that
8 I was just like, oh, well, that's a
9 bittersweet ending in some ways.

10 MR. LAMMER: It's pretty rare that
11 anyone would say, oh, I would still feel
12 like that was worth it, that I worked that
13 job that year, even if my salary was --

14 MR. DAULERIO: Right.

15 MR. LAMMER: -- negative \$100,000
16 for it.

17 MR. DAULERIO: Well, you know,
18 that's -- that's the thing, it's just like
19 I did, and I actually written a story for
20 Max Read at Select All spelling that out
21 when I thought it was just a \$100,000 that
22 I owed.

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: Because at that point
25 once the Peter Theal came -- was revealed,

1 this was after --

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: I was just like, oh,
4 well, this is just like Nick and Peter
5 Theal.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: They're not going to
8 go after me.

9 MR. LAMMER: Yeah, this is going to
10 be like ended with like a charity --
11 charity boxing match or something.

12 MR. DAULERIO: Well, it was also one
13 of those things where before the trial
14 I was running a site called Ratter.

15 MR. LAMMER: Yeah.

16 MR. DAULERIO: I was doing it for
17 two years, and it was a startup and was
18 just at the precipice of basically were
19 we going to raise more money and continue
20 or were we going to shut it down. I wanted
21 to put it on hold until after the trial to
22 see where the trial left me.

23 Probably not the best time to raise
24 money for a website at that point that's
25 basically in the image of Gawker being run

1 by me.

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: I don't think anybody
4 was going to give me, the child
5 pornographer, like any sort of money at
6 that point, but what I did think initially
7 was that, well, all is lost, but I do still
8 have a copy of the sex tape, and it is
9 completely newsworthy at this point. I was
10 just like, okay, well, how about I do a
11 post on Ratter that says here's what \$140
12 million sex tape looks like, and then just
13 "peace out," and then just go to Miami, and
14 just like be on the lam and just do that.
15 And this is what I was planning on doing.

16 I was getting -- I was getting
17 phones, like, you know, I was basically
18 going to get burner phones, I was going to
19 do this all kind of covert and have, you
20 know, signals and all these people I was
21 working for, and thankfully some people
22 talked me off the ledge --

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: -- and just said, you
25 know, you're not out of this yet,

1 obviously, and Gawker is not out of this,
2 and I didn't want to do anything to
3 jeopardize Gawker more so than I already
4 had in trial, but that was my first
5 instinct was basically just like, you know,
6 that -- that much frustration and that much
7 kind of anger and that much sadness over
8 just like what had transpired.

9 It was just like I had that brief
10 sliver of a revenge fantasy so to speak,
11 and also at that time I said to myself,
12 well, what is a thing that we can do that
13 makes this a positive experience in some
14 ways for someone.

15 MR. LAMMER: Yes.

16 MR. DAULERIO: So I began making
17 monthly donations to the NAACP in the name
18 of Hulk Hogan, and then I told the lawyers
19 that, and they freaked out.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: Rightfully so, and,
22 you know, it's obviously something, too,
23 that I -- but my thought was just like,
24 okay, well, you know, obviously everybody's
25 an asshole out of this thing, but, you

1 know, let's not forget the racist guy.

2 MR. LAMMER: Yeah, yeah.

3 MR. DAULERIO: If I have to pay for
4 this, why don't I start paying it now, but
5 I'm going to start paying it in his name to
6 the NAACP.

7 MR. LAMMER: Yeah.

8 MR. DAULERIO: And I did do that,
9 and then my checking account got shut down,
10 so but also now that all my spending is
11 basically being kind of raked over the
12 coals and I'm being poked and prodded --

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: -- for every single
15 amount of spending that I do, because it's
16 all supposed to go toward him in some
17 capacity, it's not the best idea right now,
18 even though I think it's a great one and
19 I think it's obviously one that's necessary
20 in order for anyone to kind of come out of
21 this with somewhat clean hands.

22 MR. LAMMER: What's -- I mean,
23 what's your existence like right now?

24 MR. DAULERIO: I --

25 MR. LAMMER: Are you able to work,

1 are you able --

2 MR. DAULERIO: Yeah, I started --
3 I started a new job, I'm not able to
4 disclose at this point, but I did move out
5 here to L.A. to work.

6 MR. LAMMER: Here in lovely Downtown
7 Los Angeles.

8 MR. DAULERIO: I have a limited
9 amount of money that I can make at this
10 point.

11 MR. LAMMER: Got it.

12 MR. DAULERIO: And a limited amount
13 of money that I can take in and, you know,
14 a lot of friends and family have been
15 helping me out just until I get everything
16 straightened out legally, which is not
17 really kind of straightened out that this
18 is going to go away but what they are going
19 to take from me at this point, what
20 possessions of mine they can take.

21 You know, they have -- Hulk Hogan
22 I think owns 44.8 percent of Ratter and all
23 my Gawker stock and everything that he can
24 take at this point legally he's allowed to
25 take it.

1 And I still have to find a
2 collections attorney in California who will
3 let me know exactly what the exemptions are
4 here, but in the meantime, I will be
5 hassled for the \$115 million that I have to
6 pay back up until hopefully the appeals
7 process reverses it.

8 MR. LAMMER: I mean, what has this
9 been like for you personally? I mean, your
10 comments in the deposition are certainly
11 like the main thing that got recorded about
12 you in the trial --

13 MR. DAULERIO: I know, right.

14 MR. LAMMER: -- not so much that you
15 have spent years of your life fighting
16 against a unjust verdict. In my opinion,
17 and I don't really even feel like it's a
18 particularly arguable position, but, you
19 know, what is it like for people you know,
20 people who are not in the like New York
21 media journal -- journalism circle to have
22 this --

23 MR. DAULERIO: Well, I had two funny
24 experiences with that where it just like
25 was -- and I've had these experiences

1 before where stories blowup.

2 MR. LAMMER: Yeah.

3 MR. DAULERIO: And, you know, people
4 have from my past have reached out to me,
5 et cetera.

6 MR. LAMMER: Yeah.

7 MR. DAULERIO: And just like, you
8 know, what the hell are you doing with your
9 life, this is a strange existence. At the
10 time after the video deposition had
11 dropped, I was back in, you know, the hotel
12 in Florida just not paying attention to
13 anything, because you do this long enough,
14 you don't have to see what people are
15 saying on Twitter to just feel it, you
16 know.

17 MR. LAMMER: Yeah, it's a low hum,
18 yeah.

19 MR. DAULERIO: And the text messages
20 I was getting from people, I mean were --
21 from people that, you know, I was very
22 close to basically just like were showing
23 their support and obviously like that.

24 MR. LAMMER: Yeah.

25 MR. DAULERIO: And then I had a

1 friend of mine from high school who I
2 hadn't spoken to in four or five months,
3 and he was in London at the time, and
4 he Face Times me, and he's basically like
5 A.J., it seems like you're involved in a
6 child pornography ring. Just let me know
7 what I can do, no questions asked.

8 Just like -- I'm like, no, obviously
9 that's not it, but he was clearly reading
10 the scroll and my comments --

11 MR. LAMMER: Yeah.

12 MR. DAULERIO: -- about what was --

13 MR. LAMMER: Yeah.

14 MR. DAULERIO: -- I said in, you
15 know, that deposition, but yeah, that
16 was -- that was a -- a tough moment.
17 It was a tough moment to process on every
18 single level that you would think it would
19 be. I knew it was coming clearly for two
20 years.

21 Looking back on that day in that
22 deposition, I mean, ultimately what I was
23 thinking was that there was a person across
24 from me who was asking me the same question
25 time and time again who was trying to take

1 away a thing that I loved. I did my best
2 to basically not give them anything and
3 also just did my best to try to keep
4 control --

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: -- at that point, but
7 then there was that moment --

8 MR. LAMMER: Yeah.

9 MR. DAULERIO: - where it was hour
10 eight or so, and I -- there was also --
11 remember, there was no trial at this point,
12 this was just for the purposes of kind of
13 information gathering.

14 MR. LAMMER: It was a bunch of like
15 lawyers sitting in a conference room kind
16 of situation.

17 MR. DAULERIO: Yeah, I was a year
18 away from Gawker at that point, and, you
19 know, I came into that with a lot of
20 attitude and was there to basically mumble
21 and grunt and give them a hard time. That
22 was my thinking in my head, and never in a
23 minute thinking that this would come back
24 to haunt me in the way that it did, nor the
25 company in that way.

1 MR. LAMMER: Yeah.

2 MR. DAULERIO: But -- and after --
3 after I got out of that deposition,
4 I remember chatting with Tommy, and he was
5 just like -- I was just like, man, I did
6 great, I didn't give them shit, I didn't
7 give them anything. Well, there was this
8 one part.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: And, you know, but --
11 but never thinking that, A, people would
12 take it literally, and I understand just so
13 you know how it was edited and presented in
14 court and presented to a jury of six who
15 were not happy to be there --

16 MR. LAMMER: Yeah.

17 MR. DAULERIO: -- and obviously
18 think of the media some way as not me.

19 MR. LAMMER: And we're in Florida
20 just in general.

21 MR. DAULERIO: Well, but -- but
22 I think -- I think that, hey, you never do
23 consider that something like that can and
24 will be used against you in a court of law
25 --

1 MR. LAMMER: Yeah.

2 MR. DAULERIO: -- even though that
3 that is something that is basically
4 engrained in everyone's head, and that was
5 definitely something that I didn't -- this
6 was never going to go to trial in my mind.

7 MR. LAMMER: Right.

8 MR. DAULERIO: I mean, this was
9 something that was going to be settled.

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: And, you know, that
12 was the part of this where I knew something
13 was amiss was the fact that it was not,
14 because I didn't think that Hulk Hogan, who
15 had seemingly suffered all of this
16 embarrassment from this publication and who
17 has, you know, had his world turned upside
18 down over this would actually want to
19 suffer the indignity of revisiting it in a
20 trial format where like a lot more people
21 would potentially hear about it who may
22 have not.

23 MR. LAMMER: Yeah.

24 MR. DAULERIO: So that was the part
25 where I was just like this is something

1 that's kind of bigger than anything that's
2 happening -- going to happen in this
3 courtroom.

4 MR. LAMMER: Did you feel like
5 Gawker supported you in the ways they
6 should have?

7 MR. DAULERIO: It's a question I go
8 over in a lot of ways, and the short answer
9 is basically just I think everyone was in
10 over their head.

11 MR. LAMMER: Yeah.

12 MR. DAULERIO: I don't think anyone
13 knew exactly just like what the full scope
14 of this was going to be. I think that
15 Gawker at the time was also trying to
16 basically protect their company as best as
17 they possibly can.

18 MR. LAMMER: Yeah.

19 MR. DAULERIO: I think that I was in
20 a situation which, I mean, especially after
21 the Geithner story had run, that, you know,
22 Gawker was in this mode of being 20 percent
23 nicer, which I think was just ultimately a
24 protective way for Nick to kind of just
25 like distance, try to basically, you know,

1 have the -- the good Gawker kind of rise
2 above some of this stuff, even though that
3 this was the thing that was actually going
4 to trial.

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: I realized I did not
7 fit in that 20 percent nicer category in
8 any way, shape, or form.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: And I knew I was
11 going there, and they had told me this.
12 I mean, I entered into Florida never having
13 met some of the lawyers that were
14 representing me, them having not met me,
15 and I get presented with a manilla folder
16 with basically every single thing I've ever
17 done on the internet that could now be
18 presented in this Court to basically make
19 me look like an asshole.

20 MR. LAMMER: Yeah.

21 MR. DAULERIO: And I was just like,
22 well, how do I -- because you can't
23 apologize. Like, I mean, you smile, you're
24 an asshole, you are expressionless, which
25 is mostly what they told me to be the whole

1 time. You're a sociopath, that's how
2 you're going to be perceived.

3 And I knew that, and it was -- it
4 was something that everyday was basically
5 just, okay, you're going to get punched in
6 the face today, they're going to go hard on
7 you today. Just sit there and take it.
8 We're going to take this, and they
9 shouldn't be coming after you. They're
10 after the money, which is Gawker.

11 I -- I think that it was clear that
12 I was a major part of what the plaintiff
13 was trying to present as the story of who
14 Gawker was. Did I feel under prepared?
15 Yeah, but I don't think anybody can really
16 kind of prepare you for exactly what was
17 going on there, because it didn't seem
18 real.

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: It seemed at some
21 point someone would just kind of just like
22 either move on, or just like, okay, what's
23 the issue at hand here, but it wasn't,
24 it was -- it was troubling on all fronts.

25 I -- I -- I hated the way we were

1 going after Hulk Hogan and his family and
2 just like showing pictures of him and his
3 family at that time. I was just like this
4 is all dirty pool. This is basically like
5 an ugly situation.

6 MR. LAMMER: Right.

7 MR. DAULERIO: And then everyone
8 like after it was basically, well, that's
9 kind of what happens in trial.

10 MR. LAMMER: Yeah.

11 MR. DAULERIO: And just like, all
12 right. So there's no truth at all.

13 MR. LAMMER: Well, it's an ugly
14 situation that the stakes had no real
15 reason to exist. I mean, it's one thing,
16 you know, I don't know, the Pentagon papers
17 or something.

18 MR. DAULERIO: Yeah, yeah.

19 MR. LAMMER: You know, a legal
20 battle about an American atrocity or
21 something like that.

22 MR. DAULERIO: Right.

23 MR. LAMMER: This is about -- this
24 is an argument that only has stakes in --
25 through -- in the justice system, otherwise

1 it really is a totally meaningless,
2 frivolous chapter in human history --

3 MR. DAULERIO: Exactly.

4 MR. LAMMER: -- in almost every way.

5 MR. DAULERIO: Yeah, so I mean, like
6 I mean, my -- I was -- I was shell shocked
7 and just completely just defenseless in a
8 lot of ways, and that's how I felt. It was
9 the worst feeling in the world, and that
10 year was kind of -- I knew -- I knew it was
11 going to be bad, I didn't know it was going
12 to be apocalyptic in any sort of way,
13 because I didn't think that was possible of
14 happening. I don't think most people did.

15 MR. LAMMER: I mean, is it right to
16 say that this sets a precedent that a
17 writer on the internet or an editor on the
18 internet is equally liable --

19 MR. DAULERIO: Yeah.

20 MR. LAMMER: -- for what they
21 publish to the publisher even if the
22 publisher instructed them to publish that
23 sort of thing --

24 MR. DAULERIO: Yeah.

25 MR. LAMMER: -- and it was perhaps

1 even part of the terms of their employment?

2 MR. DAULERIO: Here's the thing,
3 they obviously did not instruct me to
4 publish that. I mean, I had a lot -- you
5 have -- I, like a lot of other Gawker
6 editors, had a lot of editorial freedom,
7 especially at that time.

8 MR. LAMMER: Sure.

9 MR. DAULERIO: I mean, Gawker was a
10 different company in 2012 than it is now or
11 was in 2015, 2014.

12 MR. LAMMER: And it was a company
13 set up by design to give editors that
14 editorial freedom.

15 MR. DAULERIO: Yes, and you make
16 those decisions basically just like never
17 about the -- the risking kind of just like
18 having the company fall into the ocean is
19 never -- like that's never a moment where
20 you're basically this is going to happen
21 with this story.

22 MR. LAMMER: Right.

23 MR. DAULERIO: I never felt that
24 with that story, especially since it was
25 vetted internally.

1 MR. LAMMER: Yeah.

2 MR. DAULERIO: I mean, there's a
3 reason it's a minute and 4 seconds.

4 MR. LAMMER: Right.

5 MR. DAULERIO: I mean, there's a
6 reason the snippets of sex that are shown
7 are there. There's a reason we linked back
8 to all of the stories that had already been
9 talking about this tape.

10 MR. LAMMER: Right.

11 MR. DAULERIO: So --

12 MR. LAMMER: And Gawker was fighting
13 off -- I mean, Gawker was used to lawsuits.

14 MR. DAULERIO: Right.

15 MR. LAMMER: Like part of the Gawker
16 business involved knowing that they would
17 be sued.

18 MR. DAULERIO: Of course.

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: And that's -- I think
21 any tabloid publication is basically just
22 like subjected to that. Everyone kind of
23 knows that end of it. It's not pleasant,
24 but -- and you definitely don't feel safe
25 one hundred percent of the time, but this

1 was one where it's like this was not an
2 option where I was presented with this,
3 it's just like, look, you're really
4 risking -- really putting the company as
5 risk by publishing this story.

6 That conversation never happened,
7 and I don't think many, many people have
8 had that conversation at Gawker, and that's
9 not to say that just like anything was
10 just -- it's not as reckless as that
11 sounds, but at the same time, the editors
12 had -- it was the editors' judgment in
13 terms of just like what was something that
14 people would read.

15 MR. LAMMER: Well, it's
16 impossible -- I mean -- okay. Here's a
17 scenario to throw at 2012 A.J. Daulerio.

18 MR. DAULERIO: Yeah.

19 MR. LAMMER: In four years you'll be
20 owing \$115 million to Hulk Hogan --

21 MR. DAULERIO: Yeah.

22 MR. LAMMER: -- as a result of a
23 lawsuit by Peter Thiel --

24 MR. DAULERIO: Right.

25 MR. LAMMER: -- who is being talked

1 about as a potential supreme court justice
2 under the presidency of Donald Trump.

3 MR. DAULERIO: Yes.

4 MR. LAMMER: That -- like how on
5 Earth do you plan for these kind of
6 eventualities.

7 MR. DAULERIO: Well, and that's the
8 thing is just like I had gone over that
9 scenario actually and prepared for that
10 question specifically in terms of just like
11 going back in time and, you know, this
12 is -- I hope this doesn't incriminate --
13 I mean, what the fuck is there to lose at
14 this point, obviously, but, you know, I'm
15 saying this -- like if I had that
16 conversation with Nick, and Nick and I are
17 sitting there basically just saying this
18 story will result in this culture war.

19 MR. LAMMER: Yeah.

20 MR. DAULERIO: If it smokes out
21 those enemies, yes, you absolutely do it.
22 I think Nick fights this one hundred
23 percent of the way. If it can potentially
24 like just end Gawker.com, no, nobody would
25 absolutely do that. And, you know, that

1 wasn't -- that wasn't -- that wasn't at
2 risk here, you know.

3 MR. LAMMER: Yeah.

4 MR. DAULERIO: But, you know,
5 ultimately, I mean, this is -- this is
6 something -- as -- as sleazy as the story
7 is, all this is, is basically just like me
8 catching a powerful person lying.

9 MR. LAMMER: Yeah.

10 MR. DAULERIO: That's it, and
11 that's -- you know, the -- the sex tape
12 factor of it, basically if people just want
13 to kind of just look at it and say, oh,
14 this is what you get for publishing a sex
15 tape, I also question basically just like
16 their interest in this story. Like I mean,
17 nobody is kind of interested in that case
18 if it's about a lien against Hulk Hogan's
19 house.

20 MR. LAMMER: Right.

21 MR. DAULERIO: So like, I mean,
22 I think a lot of people are getting kind of
23 self-righteous over something that, I mean,
24 they're basically participating in at the
25 same time.

1 MR. LAMMER: Right.

2 MR. DAULERIO: So the fact that
3 it is a story and it's still one hundred
4 percent a story --

5 MR. LAMMER: Yeah.

6 MR. DAULERIO: -- and will now be a
7 story forever, unfortunately --

8 MR. LAMMER: Yeah.

9 MR. DAULERIO: That is something
10 that was never in doubt for me.

11 MR. LAMMER: You bring up this idea
12 of smoking out the enemies.

13 MR. DAULERIO: Yeah.

14 MR. LAMMER: And now that it is
15 pretty clear that Gawker is not the end
16 target but --

17 MR. DAULERIO: Yeah.

18 MR. LAMMER: -- that there is a
19 larger target of suing journalists and
20 publishers out of business and using the
21 infinite resources of at least one person,
22 Peter Thiel, but it's a tactic that could
23 be replicated --

24 MR. DAULERIO: Absolutely.

25 MR. LAMMER: -- mostly by the rich

1 people, what do we do? What can be done
2 here?

3 MR. DAULERIO: Well, I mean, here's
4 the thing. Like I said, I am not -- I am
5 not going to settle at all. Like until
6 this thing gets to the appeals court, I'm
7 not settling. This is an inconvenience,
8 this is obviously something that's hanging
9 over my head, this is not something I wish
10 upon anyone else.

11 MR. LAMMER: Yeah.

12 MR. DAULERIO: I'm getting through
13 it by persevering, and that's it. I still
14 cannot for the life of me sign a piece of
15 paper that in any way puts me on that side
16 of the table. I just can't do it, and I --
17 I -- I think that more than ever, like
18 I said, this would be a really great time
19 to be a journalist.

20 Everybody talks about this chilling
21 effect, it's already happened. I guarantee
22 you that there are publishers that are
23 basically just absolutely backing off
24 things or --

25 MR. LAMMER: And there's

1 22-year-olds listening to this show who are
2 going do I want like a career in internet
3 writing where I'm liable, you know.

4 MR. DAULERIO: Yeah, and it's just
5 like -- remember also like this is not --
6 this is not about just whether or not
7 I publish a sex tape for why I got in
8 trouble. This was a thing that was picked
9 to basically set a company through this
10 kind of grinder, and if it wasn't this
11 case, there were five other ones coming
12 right after it.

13 I mean, this was -- this was a
14 tactical approach that will probably be
15 used against other people who piss off
16 powerful people on the side of the media.
17 I'm in a good position right now where it's
18 basically like I have no wife, I have no
19 kids, I have no house, I have none of the
20 assets and the trappings that can
21 ultimately kind of be -- I mean, I'm never
22 going to get a great mortgage rate on a
23 house, I don't think.

24 You know, ultimately, I mean,
25 that -- that's the thing that I had to kind

1 of just make that decision when I was
2 offered a settlement that was just
3 atrocious in my mind, which was essentially
4 just say basically, all right, you know,
5 it's sign away and say that you basically
6 just like this is all your fault, or it's
7 not all your fault, it's all Nick's fault,
8 or sign a piece of paper that basically
9 just like incriminates everyone, or
10 basically just like has to capitulate to
11 like the demands of people who are
12 absolutely just -- this has nothing to do
13 with Hulk Hogan at this point.

14 MR. LAMMER: Yeah.

15 MR. DAULERIO: He's just one guy
16 sitting at the other end of the table with
17 an uncashed lottery ticket --

18 MR. LAMMER: Yeah.

19 MR. DAULERIO: -- and I'm at the
20 other end, and the part -- the thing is, is
21 just like, you know, I'll be able to kind
22 of get through this hopefully for a year or
23 two. I'm not going to talk to a lot of
24 people about it, because it's just like one
25 of these things that is going to be

1 ongoing, and I have to kind of just --
2 I have good days and bad days about it.
3 I hope I wasn't yelling too much or
4 sounding too bitter about it this whole
5 time.

6 MR. LAMMER: Not at all.

7 MR. DAULERIO: Because that's the
8 part about this that's really hard is
9 definitely being trapped, and also that
10 feeling of being trapped and kind of just
11 not only being trapped but still I have a
12 hearing on October 31st where I'm basically
13 going to be sitting in front of that judge
14 who is going to kind of decide whether or
15 not I was lying on my financial affidavit
16 about these indemnity rights which
17 apparently are worth money, that I was
18 lying about them to cover up this fact, and
19 then she can fine me some more.

20 Like that's preposterous, but that's
21 the way the legal system works right now,
22 and that's the position that I'm in. And,
23 you know, the choices ultimately just like
24 they're giving me are kind of just like
25 take back everything you loved about Nick,

1 Gawker, and your job, and we'll give you
2 your thousand dollars back, or your ability
3 to make money, or you can walk away from
4 this, but you just can't talk about it ever
5 again.

6 I don't see there's any question for
7 me. I mean, I definitely thought long and
8 hard about it, and I've definitely talked
9 to a lot of people about it. It's just not
10 in me.

11 Some days I absolutely just like
12 wish I can say like is there a phone call
13 I can make to make this all go away,
14 because I want my life back.

15 MR. LAMMER: Yeah.

16 MR. DAULERIO: That's happened, but
17 for the most part I -- I just think I would
18 regret doing that. That's it.

19 MR. LAMMER: Well, thank you for
20 being so open about this. You're invited
21 back on if you ever want to talk about
22 it again. I'd love to know where you are
23 in a couple of years.

24 MR. DAULERIO: Yeah, I mean, I think
25 that -- hopefully, that's -- I mean, that's

1 the part about this, I would like to talk
2 about this in another capacity after Phase
3 17 of this happens.

4 MR. LAMMER: All right. Well,
5 I hope that people listening -- man, this
6 episode made me a little emotional, I'll be
7 honest.

8 MR. DAULERIO: Uh-huh.

9 MR. LAMMER: I got a little like
10 weird teary voice there. I hope you were
11 listening, guys, that if this is what can
12 be done to someone over a --

13 MR. DAULERIO: Blog post.

14 MR. LAMMER: -- meaningless blog
15 post, what are the stakes of the actually
16 important truths that many people who are
17 on this show are working on, and see you in
18 a couple of years.

19 MR. DAULERIO: Yeah.

20 MAX: And that was the Longform
21 Podcast. Thank you very much to A.J.
22 Daulerio for doing this. Thanks to my
23 cohost Max Linsky and Evan Ratliff for
24 holding down the fort in my absence. Thank
25 you to our editor, Mickey Capper. Thank

1 you to our intern, Courtney Perell. Thank
2 you to our sponsors, EA Sports FIFA 17,
3 MailChimp, School of the Art Institute of
4 the Chicago, yeah, Casper, Texture. Thank
5 you all. We'll be back here next week.

6 (End of recording.)

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CERTIFICATE

- - -

I, Matthew J. Haas, Court Reporter and
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Dated this 29th day of September,
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MATTHEW J. HAAS
Court reporter