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VIRGINIA:

IN CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN C. DEPP, II

Plaintiff,

Civil Action No.

v.

CL 2019-0002911

AMBER LAURA HEARD,

Defendant.

-----x

DEPOSITION OF ELLEN BARKIN

New York, New York

November 22, 2019

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 172179

1 E. Barkin
2 reporter please swear in the witness.

3 ELLEN BARKIN,
4 called as a witness by the parties,
5 having been duly sworn, testified as
6 follows:

7 EXAMINATION BY

8 MS. KAPLAN:

9 Q. Good morning, Ms. Barkin.

10 A. Good morning.

11 Q. I'm actually a little hoarse
12 today, so this shouldn't be a problem, but
13 I have a terrible tendency to speak
14 incredibly quickly. I'm actually from
15 Cleveland, Ohio, but everyone in the world
16 who meets me thinks I'm from New York
17 because I speak so fast.

18 I will try very hard not do that
19 today. But if for any reason I ask a
20 question that's too quick or you don't
21 understand me, please don't hesitate to let
22 me know.

23 A. Thank you.

24 Q. And, two, this is not intended in
25 any way to be an endurance contest or a

1 E. Barkin

2 torture chamber. I actually don't think
3 this will take very long at all. But if
4 for any reason you want to take a break,
5 please let me know and we will obviously
6 accommodate that.

7 A. Thank you.

8 **Q. I think the first thing that**
9 **would be very short but very simple and**
10 **clean for the record is if you could just**
11 **describe your career background. I know**
12 **it's very lengthy, but just give a brief**
13 **summary of kind of when you started working**
14 **and what you've done during your career.**

15 **A. I started acting professionally**
16 **about 26 or 7 and I did theater,**
17 **television, movies. Lots of them. That's**
18 **what I did for 40 years.**

19 **Q. And in the course of your career**
20 **acting in theater, television, movies, et**
21 **cetera, did you come to meet a person by**
22 **the name of Johnny Depp?**

23 **A. Yes.**

24 Q. Can you explain how you met him?

25 A. No. I do not remember.

1 E. Barkin

2 Q. Can you specify in time,

3 Ms. Barkin, when you met him?

4 A. I would say 1990.

5 Q. And upon or after meeting him,

6 did there come a time when you became

7 friends?

8 A. Yes.

9 Q. Can you describe how that

10 happened?

11 A. We just developed a friendship

12 over time that lasted -- I guess if we met

13 in the '90s, maybe ten years, a little

14 less.

15 Q. And fair to say that Mr. Depp at

16 the time was also an actor, professional

17 actor?

18 A. Yes.

19 Q. Were you -- did you act in any

20 films, stage or TV productions with

21 Mr. Depp?

22 A. Yes, I was in Fear and Loathing

23 in Las Vegas.

24 Q. Other than Fear and Loathing in

25 Las Vegas, anything else?

1 E. Barkin

2 A. No.

3 Q. When you say at a certain point
4 you became friends, how often
5 approximately -- because it's a long time
6 ago -- but **how often would you see**

7 **Mr. Depp?**

8 A. **When I lived in New York, usually**
9 **whenever I go to LA. If I were in LA, I**
10 **would see him once a week, maybe more. I**
11 **mean, the friendship went up and down,**
12 **living on different coasts.**

13 Q. **Did there come a time when your**
14 **friendship with Mr. Depp became more than**
15 **that, became romantic in nature?**

16 A. **Yes.**

17 Q. When do you recall that
18 happening?

19 A. I would say around I was 43, 44,
20 so 19 -- what is that? What is it? 19 --
21 43 -- 53 -- 63 --

22 Q. I became a lawyer because I can't
23 do math.

24 A. I can't -- what did I say?

25 Q. When you were 43 or 44.

1 E. Barkin

2 A. Yeah.

3 Q. OK.

4 A. Ask the question again.

5 **Q. At what point --**

6 A. Sorry.

7 Q. **-- in time,** to the best you can
8 recall, **did your relationship with Mr. Depp**
9 **take a romantic turn?**

10 A. **After I had moved to Hollywood,**
11 **and he, you know, switched the buttons.**

12 Q. I will ask you two questions.
13 One, **do you recall what year you moved to**
14 **Hollywood?**

15 A. **Yes. 1994.**

16 Q. And again, I'm not trying to ask
17 for any kind of details of intimate things,
18 but **when you say switched the buttons,**
19 **could you tell me what you meant by that?**

20 A. **The friendship went from a purely**
21 **platonic friendship to a romantic one.**

22 Q. **At that point in 1994, when the**
23 **relationship turned romantic --**

24 A. **Can I change that to sexual?**

25 Q. **Sexual.**

1 E. Barkin

2 **A. Thank you.**

3 Q. At that point in 1994 when the
4 relationship turned sexual, to your
5 knowledge, at that time, was Mr. Depp
6 seeing anyone else? In any sexual way?

7 A. Not that I was aware of.

8 Q. And were you seeing anyone else
9 in a sexual way?

10 A. No.

11 **Q. For how long did your**
12 **relationship with Mr. Depp remain sexual?**

13 **A. Several months. Anywhere between**
14 **three and five, six.**

15 **Q. And during that period, how often**
16 **would you see Mr. Depp, that period when it**
17 **was sexual?**

18 **A. I would say I would see him three**
19 **or four times a week.**

20 **Q. And again, I'm not looking to pry**
21 **into private details, but could you tell me**
22 **like where you would see him? Give me some**
23 **sense of that.**

24 **A. Yeah, he would come to my house**
25 **or I would go to his house.**

1 E. Barkin

2 **Q. Both houses in LA?**

3 **A. Yes, about ten-minute drive apart**
4 **from each other.**

5 Q. And would either of you stay over
6 each other's homes?

7 A. No. I had two children.

8 Q. Mr. Depp -- I know our society
9 obsesses about these things --

10 A. Yes, I did stay over.

11 Q. His house?

12 A. Yes.

13 Q. More than once or --

14 A. Maybe -- yeah.

15 Q. And his house at that time, what
16 was -- do you remember where it was?

17 A. Yes, it was above a something
18 called Sweetzer Avenue and rumor had it, it
19 was like the Bela Lugosi's house or
20 something. It was a big house.

21 **Q. And either when you were at his**
22 **house, where you didn't stay the night or**
23 **where you were at his house where you did**
24 **stay the night, were there other people in**
25 **the house who saw you there?**

1 E. Barkin

2 A. Yes.

3 Q. Who would those people be?

4 A. He had an assistant. His sister.

5 That is all I can remember now.

6 Q. And I bet you don't, because it
7 is a long time ago, but do you recall the
8 name of the assistant?

9 A. I don't know his name. He was
10 referred to as Pig.

11 Q. He was referred to by whom as
12 Pig?

13 A. Johnny Depp.

14 Q. Was this assistant overweight?

15 A. Honestly, I don't remember.

16 Q. Do you have any understanding,
17 sitting here today, as to why Mr. Depp
18 referred to the assistant as Pig?

19 A. I can't hypothesize on his
20 motives.

21 Q. And when Mr. Depp, from time to
22 time, would come to your house, did anyone
23 else see him there?

24 MR. CHEW: Objection to form of
25 the question. Calls for speculation.

1 E. Barkin

2 Q. You can answer.

3 A. No.

4 Q. Did your children have any
5 relationship with Mr. Depp either when you
6 were friends or when you were --

7 A. Yes.

8 Q. You have two children?

9 A. Yes.

10 Q. Were they both living at your
11 home at that time?

12 A. Yes.

13 Q. Can you describe for me again --
14 I'm a huge prude, so I really don't want to
15 know sexual details because I will turn a
16 color that you don't want to see, but **can**

17 you describe for me how it came about that

18 the relationship turned sexual in a sense?

19 Did Mr. Depp kind of come on to you? Did

20 he profess love?

21 MR. CHEW: Objection, lack of
22 relevance.

23 Q. You can answer.

24 **A. He came on to me in the living**
25 room of my house, pulled me on his lap.

1 E. Barkin

2 **And said like something, oh, come on,**
3 **Ellen, whatever. I protested a little and**
4 **then -- not too much. And that was that.**

5 Q. **During at least the early part**
6 **when your relationship was sexual, was**
7 **Mr. Depp -- again, these are very broad**
8 **general words -- was he romantic with you?**

9 A. **Yes, I would say so.**

10 Q. **If you can describe, if you can,**
11 **I know it was a long time ago, what that**
12 **was like?**

13 A. **He was loving. He was**
14 **demonstrative. He seemed -- he seemed like**
15 **someone who took care of the people around**
16 **him. I saw that.**

17 Is there anything more to that
18 question? Sorry.

19 Q. No.

20 During that period, did he have
21 any interactions -- obviously not sexually
22 in any way -- but any interactions with
23 either of your children?

24 A. Yes.

25 Q. Was he kind to them?

1 E. Barkin

2 A. Very kind.

3 Q. Could you put a little meat on
4 those bones?

5 A. He used to come over and my son
6 at the time liked the movie Gilbert Grape
7 and Johnny would play the part out for him
8 and make them laugh. He was lovely with my
9 children.

10 **Q. And at any point that you were**
11 **either initially friends and then sexual**
12 **with Mr. Depp, were you -- did you become**
13 **aware that he drank to excess?**

14 MR. CHEW: Objection, lack of
15 foundation, assumes facts not in
16 evidence, calls for speculation.

17 MR. BUCHDAHL: You can answer.

18 A. Say it again.

19 MR. CHEW: Leading, also.

20 (Record read)

21 MR. CHEW: I will restate the
22 objection. Assumes facts not in
23 evidence, lack of foundation and
24 clearly leading.

25 MS. KAPLAN: Ben, you are in New

1 E. Barkin

2 York now and all of those objections
3 are completely improper under New York
4 law.

5 All objections like that are
6 preserved for the record. You are
7 entitled to object on basis of
8 privilege, of which there is none, or
9 object to form.

10 MR. CHEW: This is trial
11 testimony and Chief Judge White --

12 MS. KAPLAN: Also improper under
13 Virginia rules.

14 MR. BUCHDAHL: Well, thank you
15 Virginia Professor Kaplan.

16 Q. I am sorry, Ellen, that's the
17 last time I am going to do that, I promise.

18 Do you still have the question in
19 your head?

20 A. No.

21 If you wouldn't mind.

22 (Record read)

23 MR. CHEW: Same objections.

24 **A. I was always aware.**

25 Q. And can you explain how you were

1 E. Barkin

2 **aware of that?**

3 **A. He was drunk all the time --**

4 **most -- a lot of the time.**

5 **Q. And that would apply both to when**

6 **you were initially friends and then later**

7 **when it became sexual?**

8 **A. Yeah.**

9 **Q. And what was he drunk -- what --**

10 **your understanding, what had he drunk to**

11 **become drunk?**

12 MR. CHEW: Objection, calls for
13 speculation.

14 Q. You can answer.

15 **A. He was a red wine drinker.**

16 **Q. In addition to alcohol, were you**

17 **aware at that time that Mr. Depp was taking**

18 **any prescription medications?**

19 MR. CHEW: Objection, leading.

20 **A. No.**

21 **Q. Same question, Mr. Barkin, for**

22 **illegal substances?**

23 MR. CHEW: I think it is
24 Ms. Barkin and I will object on
25 leading.

1 E. Barkin

2 **A. Yes.**

3 **Q. Same question, what illegal**
4 **substances?**

5 MS. KAPLAN: I think I said
6 Ms. Barkin.

7 MR. CHEW: No, you said Mr.
8 Barkin.

9 **A. Hallucinogenics, cocaine,**
10 **marijuana.** That is all I can --

11 MR. CHEW: Move to strike, lack
12 of relevance, more prejudicial than
13 relevance.

14 **Q. Hallucinogenics, can you say**
15 **specifically what those were?**

16 MR. CHEW: Same objections.

17 Q. If you know.

18 MR. CHEW: Lack of relevance,
19 more prejudicial than probative.

20 **A. I don't really know. He called**
21 **me and told me he was tripping.**

22 **Q. With respect to any of that,**
23 **hallucinogenics, cocaine or marijuana, did**
24 **he do any of that in your presence?**

25 MR. CHEW: Objection, irrelevant.

1 E. Barkin

2 A. Yes.

3 Q. More than once?

4 A. All the time.

5 Q. When you say all the time, how
6 many times -- again in the period that you
7 were both first friends and then sexual --
8 with Mr. Depp do you think --

9 A. I couldn't tell you, I just know
10 he was always drinking and -- or smoking a
11 joint.

12 MR. CHEW: Move to strike,
13 irrelevant.

14 Q. Would it be fair to say --
15 obviously no one remembers how many times
16 they saw someone years later -- but would
17 it be fair to say more than -- at least
18 dozens of time?

19 A. Yeah, over the full course, oh,
20 yeah.

21 Q. Now, did you ever observe,
22 Ms. Barkin, Mr. Depp's behavior change when
23 he drank more or used more drugs?

24 MR. CHEW: Objection, leading.

25 A. I did not.

1 E. Barkin

2 **Q. So he was kind of the same all**
3 **the time, fair to say?**

4 MR. CHEW: Objection, leading.

5 **A. He was not the same. He was**
6 **high.**

7 Q. Fair point. So all the time you
8 knew him he was high and his behavior
9 was --

10 MR. CHEW: Objection,
11 mischaracterizes, mischaracterizes the
12 testimony.

13 A. I can't answer that.

14 **Q. I've heard it said, Ms. Barkin,**
15 **that Mr. Depp** -- and I've watched the movie
16 so I have seen it -- **could be incredibly**
17 **charming and charismatic. What is your**
18 **reaction to that?**

19 A. I would agree --

20 MR. CHEW: That question is
21 ridiculous.

22 MS. KAPLAN: Ben, stop. Please.

23 **A. I would agree with that. Most**
24 **abusers are.**

25 MR. CHEW: Move to strike the

1 E. Barkin

2 second part of her answer. Gratuitous
3 and not responsive to anything.

4 **Q. In your last sentence, when you**
5 **said abusers, did you mean drug abusers?**

6 **A. I meant the big umbrella term of**
7 **abusers.**

8 **Q. Did there come a time,**
9 **Ms. Barkin, when Mr. Depp acted in a way**
10 **that was out of control with you?**

11 MR. CHEW: Objection. Vague and
12 leading.

13 **A. Yes. Mr. Depp threw a wine**
14 **bottle across the room, the hotel room in**
15 **one instance in Las Vegas while we were**
16 **shooting Fear and Loathing in Las Vegas.**

17 MR. BUCHDAHL: I want to note
18 here that it is my understanding that
19 there is not a protective order in this
20 case. And Ms. Barkin has agreed to
21 appear in response to the subpoena.
22 Therefore, there is not -- part of the
23 discussions around a protective order,
24 and I would ask counsel as a matter of
25 professional courtesy, that if anyone

1 E. Barkin
2 seeks to make use of a portion of
3 Ms. Barkin's testimony -- and I'm not
4 sure why you would -- that you contact
5 me beforehand so that at a minimum, we
6 have notice and we can take any action
7 that may be necessary in connection
8 with that testimony.

9 Can I get counsel's agreement
10 with that?

11 MR. CHEW: You can react.

12 MS. KAPLAN: Yes, on behalf of
13 Ms. Heard, you have my representation
14 that we will do that.

15 MR. CHEW: Mr. Buchdahl, it is
16 not entirely accurate that there is no
17 protective order. There is a limited
18 protective order involved in the case
19 and I would have to get authority from
20 my client as to any representations.
21 But I suspect we will break before I
22 examine your client and I'll endeavor
23 to consult on that.

24 MR. BUCHDAHL: And I appreciate
25 that. Thank you.

1 E. Barkin

2 MR. CHEW: You're welcome.

3 THE WITNESS: Can I understand
4 that better?

5 MR. BUCHDAHL: We will talk about
6 it at a break.

7 Q. So the last answer before the
8 lawyers started talking, Ms. Barkin, that
9 you gave me was that you said Mr. Depp
10 threw a wine bottle across the room, the
11 hotel room in one instance in Las Vegas
12 while we were shooting Fear and Loathing in
13 Las Vegas. So I'm going to ask you some
14 questions about that.

15 First of all, sitting here
16 today -- and I appreciate there has been a
17 significant passage of time -- **what's your**
18 **recollection of what prompted Mr. Depp to**
19 **do that?**

20 MR. CHEW: Objection, relevance.
21 Lack of relevance.

22 Q. You can answer.

23 **A. I have no recollection.**

24 **Q. Were you -- was something about**
25 **to happen?** Was something --

1 E. Barkin

2 A: A fight was going on.

3 Q: Between you and Mr. Depp?

4 A: No.

5 Q: Who was the fight between?

6 A: Between Johnny Depp and his

7 friends in the room, the assistant.

8 Honestly, I don't remember.

9 MR. CHEW: Move to strike for
10 lack of -- it's speculation.

11 Q: And the bottle that -- do you
12 remember, sitting here today, Ms. Barkin,
13 whether the bottle was full of wine or
14 empty?

15 A: I don't.

16 Q: Sitting here today, Ms. Barkin,
17 do you remember whether the bottle hit you?

18 A: No, it did not.

19 Q: Did the bottle hit anyone else?

20 A: No, it did not.

21 Q: Approximately how far away from
22 you was Mr. Depp when he threw the bottle?

23 A: Across the room. So maybe by
24 that break in the table or a little further
25 down. It was a toss. A throw.

1 E. Barkin

2 Q. And sitting here today, if the
3 bottle had hit you, would it have injured
4 you?

5 A. Sure.

6 MR. CHEW: Objection, calls for
7 speculation. Move to strike.

8 Q. Why, Ms. Barkin, do you believe
9 that he was throwing the bottle at you?

10 MR. CHEW: Mischaracterizes,
11 objection, mischaracterizes her
12 testimony. She didn't say he was
13 throwing the bottle at her. She said
14 the opposite.

15 Q. Ms. Barkin, was it your
16 understanding back then that he was
17 throwing the bottle at you?

18 A. I don't know why he threw the
19 bottle.

20 Q. When he threw it, was it in your
21 direction?

22 A. Yes.

23 Q. Were there other people standing
24 around you?

25 A. Yes.

1 E. Barkin

2 **Q. So he threw it in your direction**
3 **at a group of people?**

4 **A. Yes.**

5 Q. After Mr. Depp threw the bottle,
6 did you say anything?

7 A. No.

8 Q. Did you do anything?

9 A. No.

10 Q. Did anyone else say anything?

11 A. No.

12 Q. Did anyone else do anything?

13 A. No.

14 Q. How long after Mr. Depp threw the
15 bottle did you leave the hotel room?

16 A. I don't recall.

17 **Q. Whose hotel room was it?**

18 **A. His, Johnny Depp's.**

19 **Q. What was your reaction to**

20 **Mr. Depp throwing the bottle in your**
21 **direction?**

22 **A. I wasn't shocked.**

23 **Q. Why weren't you shocked?**

24 **A. There is always an air of**
25 **violence around him. He's a yeller. He is**

1 E. Barkin

2 **verbally abusive. And those things you can**
3 **see.**

4 MR. CHEW: Move to strike,
5 complete lack of personal knowledge,
6 purporting to give medical opinion.

7 **Q. You used the phrase in your last**
8 **answer, Ms. Barkin, verbally abusive, and**
9 **your prior testimony you referenced him**
10 **calling his assistant Pig.**

11 **Is that what you had in mind when**
12 **you were talking about being verbally**
13 **abusive or was it something else?**

14 **A. That's part of it. There was**
15 **just a lot of yelling. A lot of yelling.**

16 Q. Did Mr. Depp yell at you?

17 A. Not that I can recall.

18 **Q. And who did he yell at that you**
19 **witnessed?**

20 **A. His assistant. People who would**
21 **work on the film maybe in what he would**
22 **view as a lower capacity than he functions**
23 **at. There is just a world of violence.**

24 Q. Now, I think I know what it's
25 about, but **what was the movie Fear and**

1 E. Barkin

2 **Loathing in Las Vegas about it?**

3 MR. CHEW: Completely irrelevant,
4 objection, completely irrelevant.

5 MS. KAPLAN: Relevance is not a
6 proper objection.

7 MR. CHEW: Well, I'm making it
8 anyway.

9 A. It was written -- **it was from a**
10 **book written by Hunter Thompson about --**
11 **what the -- it was about Hunter Thompson**
12 **and his lawyer and a drug -- a trip they**
13 **took to Las Vegas while on heavy drugs.**

14 **Q. Did -- when you knew Mr. Depp,**
15 **did Mr. Depp know Mr. Hunter Thompson?**

16 **A. Yes.**

17 Q. What was -- what were -- based on
18 your knowledge, I don't want you to
19 speculate, **but what was your understanding**
20 **of what Mr. Depp thought of Mr. Thompson?**

21 MR. CHEW: Objection, calls for
22 speculation.

23 Q. Go ahead, you can answer.

24 **A. As a good friend, very good**
25 **friend.**

1 E. Barkin

2 Q. At that point, had Mr. Depp known
3 Mr. Thompson for a long time?

4 A. I don't know.

5 Q. Did they, at that time, do you
6 know whether they hung out together?

7 A. Yes, they did.

8 Q. Were you -- did you ever hang out
9 with the two of them?

10 A. No, I did not.

11 Q. When you were in a sexual
12 relationship or even in a friendship with
13 Mr. Depp, did he have occasion to write you
14 letters?

15 A. Yes.

16 Q. I assume you don't have those
17 letters today?

18 A. I do not.

19 Q. I would be surprised if you had
20 them.

21 MR. CHEW: Move to strike
22 gratuitous comments. Ask her some
23 questions.

24 Q. Sitting here today, Ms. Barkin,
25 do you recall what -- did you write letters

1 E. Barkin

2 back to him?

3 A. Yes, I did.

4 Q. Do you recall what you guys spoke
5 about in those letters?

6 A. Once I wrote him the lyrics of a
7 Bob Dylan song. It was usually a love
8 thing, little --

9 Q. Did there come a time when you
10 broke off your relationship with Mr. Depp?

11 A. I did not break off the
12 relationship.

13 **Q. Who broke off the relationship?**

14 **A. He did.**

15 Q. Can you tell us a little bit
16 about how that happened?

17 A. Yes, I was in Las Vegas doing
18 Fear and Loathing and I was there for two
19 weeks. I went to get -- to go home -- say
20 the question again?

21 **Q. How did it come about that**
22 **Mr. Depp broke off your relationship?**

23 **A. I went to go home. There was a**
24 **big goodbye, crying, a lot of jealous and**
25 **don't do this, don't do that, and I never**

1 E. Barkin

2 **heard from him again after that.**

3 **Q. And did Mr. Depp not want you to**
4 **go back to Los Angeles at the time?**

5 **A. There -- yes, he didn't want me**
6 **to go. I was only supposed to be there for**
7 **two days. I stayed for longer.**

8 **Q. You just referenced -- used the**
9 **word "jealous." How did that come up?**
10 **What did he say that indicated to you that**
11 **he was jealous?**

12 **A. He's just a jealous man,**
13 **controlling; where are you going, who are**
14 **you going with, what did you do last night.**

15 MR. CHEW: Move to strike as
16 irrelevant.

17 Q. You can keep answering.

18 **A. I had a scratch on my back once**
19 **that got him very, very angry because he**
20 **insisted it came from me having sex with a**
21 **person who wasn't him.**

22 Q. And did you tell him -- what did
23 you tell him in response to a accusation?

24 A. We were not in a monogamous
25 relationship.

1 E. Barkin

2 Q. How did he respond to that?

3 A. He did not.

4 Q. So in addition -- **during the time**
5 **that you were in a sexual relationship with**
6 **Mr. Depp, was it common for him to say**
7 **things to you about being controlling, to**
8 **use your words, or being jealous of you?**

9 **A. Yeah, very common.**

10 Q. And again, appreciating the fact
11 that it's a long time ago, can you remember
12 anything specifically that he said?

13 A. No. I can't.

14 **Q. And when, in these instances when**
15 **Mr. Depp became jealous or controlling, did**
16 **he also become angry?**

17 **A. Yeah. And demanding.**

18 MS. KAPLAN: Just give me one
19 minute. Actually, why don't we take a
20 very short break. I'll see if I have
21 anything else. I'm not sure that I do.

22 THE VIDEOGRAPHER: Going off the
23 record at 11:39 a.m.

24 (Recess)

25 THE VIDEOGRAPHER: Back on the

1 E. Barkin

2 record at 11:51 a.m.

3 BY MS. KAPLAN:

4 Q. Couple more questions and then,
5 I'm done, Ms. Barkin.

6 At the hotel room that you were
7 staying in Vegas, **at the hotel that you**
8 **were staying in Vegas, were you staying in**
9 **the same room as Johnny, were you staying**
10 **in a different room and what was the**
11 **relationship between your rooms?**

12 A. It was one of those big Las Vegas
13 hotels and I don't even remember the name
14 now. It was a famous one. We were all in
15 the same hotel. **My room was on the other**
16 **side of the hotel from Johnny Depp's. And**
17 **after my first day there, he told -- Johnny**
18 **told me that he had my room changed and now**
19 **I'm next door to him.**

20 **So basically I stayed in his room**
21 **for the two weeks going to my room to**
22 **shower.**

23 Q. And when is the last time you saw
24 Mr. Depp -- withdrawn.

25 **When was the last time you saw**

1 E. Barkin

2 **Mr. Depp?**

3 A. Sometime between -- after 2008
4 and before -- I can't remember. I know
5 where it was.

6 Q. Just if you could just describe
7 for me?

8 **A. I saw him at the Cannes Film**
9 **Festival at the end of the evening in the**
10 **bar.**

11 **Q. And did you speak to him?**

12 **A. I did. He called me from across**
13 **the room. He brought me a glass of**
14 **champagne. We sat on the steps and spoke,**
15 **and I told him how awful he had treated me**
16 **and he was clearly making some kind of**
17 **sexual move which I just left his villa.**

18 **Q. And that's the last time you**
19 **spoke to him?**

20 **A. That was the last time which I'm**
21 **going to say was maybe 2010.**

22 **Q. Was that the first time you had**
23 **spoken to him since Las Vegas?**

24 **A. Correct.**

25 **No, I ran into him once in a**

1 E. Barkin

2 **restaurant in New York. He tried to say**
3 **hello to me. My brother asked him to leave**
4 **the table.**

5 **Q. Why did you your brother ask him**
6 **to leave the table?**

7 **A. Because he knew how he had hurt**
8 **me, mistreated me.**

9 MS. KAPLAN: I have no further
10 questions.

11 EXAMINATION BY

12 MS. CHEW:

13 Q. I appreciate you being here
14 today. It wasn't Mr. Depp who called you
15 here today, I just wanted you to know that.

16 I just have a few questions on
17 behalf of Mr. Depp and if I am
18 mischaracterizing what you said, please
19 correct me. It's not intentional.

20 A. Thank you.

21 Q. You're welcome.

22 I believe you testified -- and
23 correct me if I am wrong -- that you
24 thought it seemed like Johnny was someone
25 who took care of people around him. Do you

1 E. Barkin

2 remember that?

3 A. Yes.

4 Q. In light of that, **is it possible**

5 **that when he called his assistant Pig, it**

6 **could have been an affectionate name?**

7 **A. Pig? No.**

8 Q. You don't know whether the person
9 he called Pig was overweight or not, do
10 you?

11 A. I think it was a little chubby.

12 Q. You also testified, Ms. Barkin,
13 that Mr. Depp was very kind to your
14 children, correct?

15 A. Kind.

16 Q. If you thought he was dangerous
17 or were dangerous, you wouldn't have let
18 him anywhere near your children, would you?

19 A. I was there.

20 Q. You testified, Ms. Barkin, that
21 when you first engaged in a romantic
22 physical relationship with Mr. Depp, that
23 you protested a little. You're not saying
24 that he sexually assaulted you, are you?

25 A. He did not. He gave me a

1 E. Barkin

2 Quaalude and asked me if I wanted to fuck.

3 Q. And for what period of time after
4 that first time did you continue to have
5 sex with Johnny Depp?

6 A. Several months. Three, four,
7 five.

8 Q. Did Mr. Depp ever hit you?

9 A. No, he did not.

10 Q. Did he ever kick you?

11 A. No. He did not.

12 Q. Did he ever cause anything to
13 physically touch you in an assaulted way,
14 to actually touch you?

15 A. No, he did not.

16 Q. I just want to show you -- I had
17 to do this because Ms. Kaplan said that she
18 was sure I had no exhibits, so that being
19 as an immature as I am --

20 A. A man, go ahead.

21 Q. Exactly. **I would like to mark**

22 please for identification Exhibit 1.

23 (Exhibit 1, photograph marked for
24 identification, as of this date.)

25 Q. Who are the three women -- and I

1 E. Barkin

2 apologize, it's cropped off. **Who are the**
3 **three women in this photograph?**

4 **A. Myself, Amber Heard and a woman**
5 **named Cristina Erlich.**

6 **Q. Is Amber Heard a friend of yours?**

7 **A. No, she is not. This was the**
8 **only time I met her.**

9 MR. CHEW: If we could go off the
10 record just for a minute.

11 THE VIDEOGRAPHER: Going off the
12 record 11:57 a.m.

13 (Pause)

14 THE VIDEOGRAPHER: We are back on
15 the record, 11:58 a.m.

16 Q. Ms. Barkin, after the incident in
17 which a bottle came in your direction, did
18 you continue to see Mr. Depp?

19 A. Yes.

20 Q. For how long a period?

21 A. Until I left Las Vegas and I
22 don't know in the two-week time I was there
23 at which point he threw the bottle.

24 Q. But the question was how -- for
25 how long a period after the bottle came in

1 E. Barkin

2 your direction did you continue to see him
3 romantically?

4 A. Until I left Las Vegas which
5 could have been three days later or two
6 days later.

7 Q. Thank you very much. It's a
8 pleasure to have met you and that is all
9 the questions I have.

10 A. Thank you, thank you.

11 THE VIDEOGRAPHER: This concludes
12 today's testimony of Ellen Barkin. Off
13 after the record at 1 --

14 MR. BUCHDAHL: Can I just say, so
15 we understand, this deposition is now
16 closed and we will follow up with
17 counsel as we discussed earlier.

18 MR. CHEW: I will have to -- yes,
19 I will definitely do that, try to do
20 that on the way to the airport.

21 THE VIDEOGRAPHER: This concludes
22 today's testimony of Ellen Barkin.
23 Going off the record at 11:59 a.m.
24 This concludes media 1.

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E. Barkin

CERTIFICATE

STATE OF NEW JERSEY)

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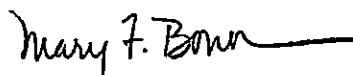
COUNTY OF UNION)

I, MARY F. BOWMAN, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public within and for the State of New Jersey, do hereby certify:

That ELLEN BARKIN, 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 such 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 22nd day of November, 2019.



MARY F. BOWMAN, RPR, CRR