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JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Michele Mulrooney

Date: March 1, 2021
Case: Depp, II -v- Heard

APPEALED TO THE COURT OF APPEALS
(ELECTRONIC APPEALS)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

30401

Transcript of Michele Mulrooney
Conducted on March 1, 2021

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----X 4 JOHN C. DEPP, II. : 5 Plaintiff, : 6 v. : Case No. 7 AMBER LAURA HEARD, : CL-2019-0002911 8 Defendant. : 9 -----X 10 11 12 Videotaped Deposition of 13 MICHELE MULROONEY 14 Conducted Virtually. 15 Monday, March 1, 2021 16 1:34 p.m. EST 17 18 19 20 Job No.: 349527 21 Pages: 1 - 85 22 Reported by: Marney Alena Mederos, RPR, CRR</p>	<p>1 A P P E A R A N C E S 2 ON BEHALF OF THE PLAINTIFF: 3 BENJAMIN G. CHEW, ESQUIRE 4 BROWN RUDNICK LLP 5 601 Thirteenth Street, N.W. 6 Suite 600 7 Washington, D.C. 20005 8 (202) 536-1700 9 -and- 10 CAMILLE M. VASQUEZ, ESQUIRE 11 BROWN RUDNICK LLP 12 2211 Michelson Drive 13 7th Floor 14 Irvine, California 92612 15 (949) 752-7100 16 17 18 19 20 21 22</p>
<p>1 Videotaped Deposition of MICHELE 2 MULROONEY, conducted virtually. 3 4 5 6 7 Pursuant to subpoena, before Marney Alena 8 Mederos, Registered Professional Reporter, 9 Certified Realtime Reporter, and Notary Public 10 in and for the State of Maryland. 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 A P P E A R A N C E S C O N T I N U E D 2 ON BEHALF OF THE DEFENDANT: 3 ELAINE CHARLSON BREDEHOFT, ESQUIRE 4 CHARLSON BREDEHOFT COHEN & BROWN, P.C. 5 11260 Roger Bacon Drive 6 Suite 201 7 Reston, Virginia 20190 8 (703) 318-6800 9 10 ON BEHALF OF WITNESS: 11 LEE S. BRENNER, ESQUIRE 12 VENABLE LLP 13 2049 Century Park East 14 Suite 2300 15 Los Angeles, California 90067 16 (310) 229-9900 17 18 19 ALSO PRESENT: 20 ALEX SUSSMAN, AV TECHNICIAN 21 GEORGE LARKINS, VIDEOGRAPHER 22</p>

Transcript of Michele Mulrooney
Conducted on March 1, 2021

5	7
1 C O N T E N T S	1 P R O C E E D I N G S
2 EXAMINATION OF MICHELE MULROONEY: PAGE	2 (Mulrooney Exhibits 3 through 11 were
3 By Ms. Bredehopt 8	3 marked for identification by the AV Technician and
4 By Mr. Chew 55	4 are attached to the transcript.)
5 By Ms. Bredehopt 77	5 THE VIDEOGRAPHER: Here begins Media
6	6 Unit Number 1 in the video deposition of Michele
7 E X H I B I T S	7 Mulrooney in the matter of John C. Depp, II, vs.
8 (Attached to transcript)	8 Amber Laura Heard. This matter is being heard in
9 MULROONEY DEPOSITION EXHIBIT PAGE	9 the Superior Court of California, County of
10 Exhibit 3 2/2/15 e-mail 7	10 Los Angeles, Case Number 19STCP04763.
11 Exhibit 4 2/3/15 e-mail string 7	11 Today's date is Monday, March 1st,
12 Exhibit 5 2/17/15 e-mail and 7	12 2021. The time on the video monitor is 1:33 p.m.
13 Confidentiality Agreement	13 Eastern Standard Time. My name is George Larkins,
14 Exhibit 6 2/17/15 e-mail 7	14 Notary and Certified Legal Video Specialist,
15 Exhibit 7 2/17/15 and 2/18/15 e-mail 7	15 representing Planet Depos. This video deposition
16 string	16 is taking place remotely.
17 Exhibit 8 2/17/15 and 2/18/15 e-mail 7	17 Counsel please voice identify
18 string	18 yourselves and state whom you represent at this
19 Exhibit 9 3/2/15 and 3/3/15 e-mail 7	19 time.
20 string	20 MS. BREDEHOFT: Good afternoon. My
21 Exhibit 10 3/4/15 e-mail string and 7	21 name is Elaine Bredehopt, and I represent Amber
22 Confidentiality Agreement	22 Heard.
6	8
1 E X H I B I T S C O N T I N U E D	1 MR. CHEW: Good afternoon. Ben Chew
2 (Attached to transcript)	2 for Plaintiff Johnny Depp.
3 MULROONEY DEPOSITION EXHIBIT PAGE	3 MS. VASQUEZ: Good afternoon. Camille
4 Exhibit 11 3/4/15 and 3/5/15 e-mail 7	4 Vasquez for Mr. Depp.
5 string	5 MR. BRENNER: And Lee Brenner for the
6	6 witness.
7	7 THE VIDEOGRAPHER: The court reporter
8	8 today Marney Mederos representing Planet Depos.
9	9 Will the court reporter please swear in
10	10 the witness.
11	11 THE REPORTER: Raise your right hand,
12	12 please.
13	13 Whereupon,
14	14 MICHELE MULROONEY
15	15 being first duly sworn or affirmed to testify to
16	16 the truth, the whole truth, and nothing but the
17	17 truth, was examined and testified as follows:
18	18 EXAMINATION BY COUNSEL FOR DEFENDANT
19	19 BY MS. BREDEHOFT:
20	20 Q Will you please state your name and
21	21 address for the record?
22	22 A Michele Mulrooney. 2049 Century Park

9
1 East, 23rd Floor, Los Angeles, California 90067.
2 Q Ms. Mulrooney, what is your occupation?
3 A I'm a partner at Venable LLP, an
4 attorney practicing.
5 Q Thank you.
6 Could you just please describe a
7 brief -- give me a brief description of your
8 educational background and work history?
9 A Okay. I attended USC and received my
10 undergraduate degree in 1982, and then I again
11 attended USC and received my law degree in 1985.
12 I then worked for Gibson, Dunn &
13 Crutcher until 1991; and then I worked for an
14 entertainment law firm that was originally called
15 Armstrong Hirsch when I joined it, then later
16 morphed into several names; and then in -- in
17 2011, I joined Venable LLP as a partner.
18 Q Thank you.
19 What are your areas of practice and
20 expertise?
21 A I'm an -- I'm head of the estate
22 planning -- the West Coast estate-planning group

10
1 for Venable.
2 Q And does that estate planning involve
3 any aspect of marital estate planning, such as
4 things like prenups and postnups, prenuptials,
5 postnuptials?
6 A Yes. We frequently do prenups,
7 cohabitation, and postnup agreements for our
8 clients.
9 Q Would you please briefly describe what
10 a prenuptial and a postnuptial is?
11 A A prenuptial agreement is where spouses
12 contract on the economics of their marriage before
13 they are married -- married, and they discuss
14 things as the nature -- and they contract to
15 things as the nature of the property, community
16 separate, et cetera, and also things like spousal
17 support.
18 And in a postnup, the clients do that
19 after they're married, the same -- they contract
20 on the same issues.
21 Q And if they didn't have a prenup or a
22 postnup, what would the implications be?

11
1 A Cal -- they just -- California law
2 governs. The marital property rules and the
3 spousal -- spousal support rules govern.
4 (The Reporter clarified the record.)
5 THE WITNESS: Okay. Can you repeat the
6 question?
7 MS. BREDEHOFT: Yes.
8 (The Reporter read the record as
9 follows: "Question: And if they
10 didn't have a prenup or a postnup, what
11 would the implications be?")
12 THE WITNESS: California law would
13 govern. Legal conclusion, expert testimony.
14 BY MS. BREDEHOFT:
15 Q And -- and what would that mean in
16 terms of the marital planning?
17 MR. CHEW: Objection. Vague and
18 ambiguous.
19 MS. BREDEHOFT: I'll withdraw it. I'll
20 move on.
21 BY MS. BREDEHOFT:
22 Q Do you regularly represent actors?

12
1 A Yes.
2 Q Okay. Did there come a time when Amber
3 Heard contacted you for representation respecting
4 a prenup or a postnup agreement?
5 MR. BRENNER: One second.
6 Although it's Ms. Heard's privilege, I
7 do think there's an attorney-client privilege
8 issue there.
9 You can answer that yes or no on the
10 subject of..
11 Can you -- can you repeat the question?
12 I just want to make sure we're covering it.
13 MS. BREDEHOFT: Yes. I'm asking very
14 narrowly, and I appreciate that.
15 BY MS. BREDEHOFT:
16 Q I'm asking very narrowly, did there
17 come a time when Amber Heard contacted you for
18 representation respecting a prenup or a postnup
19 agreement?
20 MR. BRENNER: Okay. She has a question
21 for me about privilege, so can we go off the
22 record for a second so I can talk to my client?

13
1 MS. BREDEHOFT: Sure.
2 MR. CHEW: Sure.
3 MR. BRENNER: She has a question for
4 me, so I want to ask.
5 MS. BREDEHOFT: Okay.
6 THE VIDEOGRAPHER: Going off the record
7 at 1:39 p.m.
8 (A recess was taken.)
9 THE VIDEOGRAPHER: We are back on the
10 video record at 1:40 p.m.
11 MR. BRENNER: You can answer that,
12 Michele.
13 THE WITNESS: At some point, I was
14 contacted about an Amber Heard prenup.
15 BY MS. BREDEHOFT:
16 Q Okay. And when approximately was this?
17 A I don't recall.
18 Q All right. I'm going to ask you to
19 take a look...
20 MS. BREDEHOFT: Alex, can you bring up
21 Exhibit Number 3, please.
22 AV TECHNICIAN: (Technician complies.)

14
1 BY MS. BREDEHOFT:
2 Q Ms. Mulrooney, I'm going to show you
3 what has been marked as Exhibit Number 3, and it's
4 an e-mail from you to a Dana Lowy.
5 Do you know who Dana Lowy is?
6 A Yes.
7 Q And could you please tell us who Dana
8 Lowy is?
9 A She's a family law attorney practicing
10 in Los Angeles.
11 Q And this is dated Monday, February 2,
12 2015 and says, "I look forward to working with
13 you. Please send me" -- this is from you.
14 "Please send me the bullet points for the
15 economics of the deal when you are back in the
16 office tomorrow. I will have Amber's business
17 manager get her financial information to me asap.
18 I also like to exchange two years of tax returns,
19 but not attach them. Is this your general
20 practice? Let me know. Thanks."
21 Does this help refresh your
22 recollection of when approximately you represented

15
1 Amber Heard in connection with a prenup or
2 postnup?
3 MR. CHEW: Objection. Leading.
4 MS. BREDEHOFT: All right. That's
5 fair. Let me -- let me rephrase that.
6 BY MS. BREDEHOFT:
7 Q Who did Dana Lowy represent?
8 MR. BRENNER: You can answer.
9 THE WITNESS: Johnny Depp.
10 BY MS. BREDEHOFT:
11 Q And do you have a recollection of when
12 this e-mail -- I take it -- let's do this: I take
13 it "Amber" in the actual document is Amber Heard;
14 is that correct?
15 A Yes.
16 Q Okay. And if I just direct your
17 attention to the top of the e-mail where it says
18 February -- sorry, I'm trying to get control
19 here -- February 2, 2015, what, if anything, does
20 this do to refresh your recollection on when
21 approximately you were contacted about
22 representing Amber Heard in connection with a

16
1 prenup?
2 A It makes the approximate date more
3 clear to me.
4 Q Okay. And based on this, when
5 approximately were you contacted to represent
6 Amber Heard in connection with a prenup or
7 postnup?
8 A The early part of Feb- -- the late part
9 of January or the early part of February 2015.
10 Q Okay. And it's -- the subject line
11 says, "Nice to meet you over the phone."
12 Do you have a recollection of speaking
13 with Dana Lowy over the phone?
14 A I -- I don't recall.
15 MS. BREDEHOFT: I'm going to -- we can
16 go ahead and take this down now, and I'm going to
17 ask you to bring up the next exhibit, which is
18 Exhibit Number 4, Alex.
19 AV TECHNICIAN: (Technician complies.)
20 BY MS. BREDEHOFT:
21 Q Ms. Mulrooney, I'm going to ask you to
22 take a look at what has been marked as Exhibit

R

17
1 Number 4, and it is an e-mail from you to Dana
2 Lowy, which was Mr. Depp's counsel, correct?
3 **A During this time period, correct.**
4 Q Okay. And it's dated Tuesday,
5 February 3.
6 I'm going to scroll down first so we
7 get the earliest part of it. And the first part
8 of it is an e-mail from Dana Lowy to you dated
9 February 3rd at 10:13 and says J/A Deal Points.
10 Did you know what "J/A" means?
11 MR. BRENNER: Counsel, may I ask -- I
12 don't know that Michele has seen these documents
13 in a while, so can we give her a minute to read
14 it? Is there --
15 MS. BREDEHOFT: Absolutely.
16 MR. BRENNER: -- an easy way to do
17 that?
18 MS. BREDEHOFT: Absolutely. Point well
19 taken.
20 BY MS. BREDEHOFT:
21 Q And you know what, Ms. Mulrooney, you
22 can actually take control of this screen if you'd

18
1 like, or I can start at the bottom -- I can start
2 at the lesser one, and you can tell me when to
3 move it so you can read everything, whichever
4 you'd prefer.
5 **A Okay. Thank you. I just need to read**
6 **it, okay?**
7 **Okay. I've read that body of that**
8 **e-mail, but can you go up? Yeah.**
9 Q Yep.
10 THE WITNESS: Excuse me.
11 MR. CHEW: Bless you.
12 MS. BREDEHOFT: Bless you.
13 THE WITNESS: Okay. I've now read it.
14 I'm good.
15 I don't think they can hear me.
16 MR. BRENNER: Can you folks hear us?
17 MR. CHEW: Yes.
18 MR. BRENNER: Oh, okay. She's done
19 reading.
20 THE REPORTER: I think we just lost
21 Elaine.
22 MS. BREDEHOFT: Yeah, I just -- yes, I

19
1 was looking, and Michele Mulrooney was looking
2 completely frozen on my screen, and then suddenly
3 I went out.
4 THE WITNESS: Okay.
5 MS. BREDEHOFT: So that must have been
6 my connection. I apologize for that.
7 Okay. So let me see if I can get this
8 back.
9 BY MS. BREDEHOFT:
10 Q So, Ms. Mulrooney, are you still there?
11 **A I am.**
12 Q And have you finished reviewing the
13 document?
14 **A I have.**
15 Q Okay. I'm going to take you, first of
16 all, to the bottom part, which is the J/A Deal
17 Points.
18 Do you have an understanding of what
19 "J/A" means?
20 **A I -- I believe it means Johnny/Amber**
21 **deal points.**
22 Q Okay. And it lists a number of

20
1 proposed terms for this prenuptial agreement, and
2 what -- I'm trying to figure out how to ask this.
3 Absent this prenuptial agreement with
4 these terms and if the parties did not enter into
5 a prenuptial agreement, what would be the
6 implications?
7 MR. CHEW: Objection. Improper
8 hypothetical to a fact witness.
9 MS. BREDEHOFT: Let me -- let me see if
10 I can ask it a little differently.
11 BY MS. BREDEHOFT:
12 Q What is the difference between a
13 prenuptial agreement and a postnuptial agreement?
14 **A There's not as much law in postnuptial**
15 **agreements, and the parties have a fiduciary duty**
16 **to each other once they're married.** Legal conclusion,
17 Q And what does that mean? expert testimony
18 **A It's just more problematic, and it**
19 **could be overturned easier if someone can prove a**
20 **breach of fiduciary duty.**
21 Q And what do you mean by "a breach of
22 fiduciary duty"?

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21

1 **A There's lot -- I mean, I could talk for**
2 **hours.**
3 MR. BRENNER: I was going to say -- I
4 mean, Counsel, I don't mind a few foundational
5 questions, but, you know, she's not here as an
6 expert witness today.
7 MS. BREDEHOFT: Okay.
8 MR. BRENNER: I -- I don't know if
9 there's -- if there's some foundational question
10 you want to, you know, ask, I don't want to get in
11 the way, but maybe you could ask that.
12 MS. BREDEHOFT: Okay. Let me try it a
13 little differently.
14 BY MS. BREDEHOFT:
15 Q Absent a prenuptial agreement or a
16 postnuptial agreement, is California what we call
17 a common law property state?
18 A **No.**
19 Q What is it?
20 A **It's a community property state.**
21 Q Okay. And what does that mean?
22 A **Again, I could go on forever.**

Expert
testimony

Legal
Conclusion

22

1 MR. BRENNER: Is there a way to answer
2 it in one sentence or less, because you're not
3 being paid as an expert witness today?
4 THE WITNESS: It generally means that
5 all earnings after the date of marriage are owned
6 50 -- each party has an undivided 50 percent
7 interest in those earnings.
8 BY MS. BREDEHOFT:
9 Q Of each spouse?
10 A **Correct, but there's lots of special**
11 **rules.**
12 Q Okay. And, generally, is California a
13 no-fault divorce state?
14 MR. CHEW: I would again object to the
15 extent that Ms. Bredehoft is calling for expert
16 testimony from a fact witness, albeit one who
17 obviously is expert in her -- in her practice.
18 She is being called as an expert, so we would
19 object -- I mean as a fact witness, so we would
20 object.
21 MR. BRENNER: I tend to believe you can
22 answer this last one, and we're not going to do --

Expert
testimony

Legal
Conclusion

23

1 I'm not going to let this go any further, but I
2 think --
3 THE WITNESS: I don't even recall the
4 question.
5 MR. BRENNER: Let's just have the last
6 one here, but I do want to put a limit on this for
7 the same reasons that counsel --
8 MS. BREDEHOFT: Understood, and I
9 appreciate that, okay, so I'll just ask it again.
10 MR. BRENNER: Maybe the court reporter
11 can just read it back --
12 MS. BREDEHOFT: Okay.
13 MR. BRENNER: -- so we get a --
14 otherwise, we'll end up with the same objections
15 and we'll have the same discussion, so...
16 THE REPORTER: Sure.
17 (The Reporter read the record as
18 follows: "Question: Okay. And,
19 generally, is California a no-fault
20 divorce state?")
21 THE WITNESS: Yes.
22 BY MS. BREDEHOFT:

24

1 Q I'm going to now draw your attention to
2 the top part of this Exhibit Number 4, and you're
3 responding back to Ms. Lowy and said, "I have
4 emailed these points to Amber and her
5 entertainment attorney. I don't know if she will
6 get back to me today since the plan is for them to
7 get married today. I assume that if they do
8 actually get legally married, these points are for
9 a post-nuptial agreement. I will get back to you
10 as soon as I can. Best, Michele."
11 Was it your understanding they actually
12 got married on February 3rd, 2015?
13 MR. CHEW: Objection. Leading.
14 MS. BREDEHOFT: I'll ask it separately.
15 BY MS. BREDEHOFT:
16 Q What, if any, understanding did you
17 have of whether Amber Heard and Johnny Depp were
18 married on February 3, 2015?
19 A **I don't recall.**
20 MS. BREDEHOFT: Okay. All right.
21 Let's go to Exhibit Number 5.
22 AV TECHNICIAN: (Technician complies.)

H

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1 BY MS. BREDEHOFT:
2 Q And this is an e-mail from Dana Lowy to
3 you on February 17, 2015, and it says, "Hi
4 Michele: I hope all is well. I will have a draft
5 Postnuptial Agreement to you in the next few days
6 for you to review with A. In the meantime, prior
7 to providing financial disclosures, I have
8 attached a Confidentiality Agreement for you to
9 sign and for A to sign and initial each page. As
10 you can see, J has already signed and initialed.
11 I look forward to working with you. Best regards,
12 Dana."
13 And then if I can take you past the
14 first page, there is attached to this what is
15 called a Confidentiality Agreement. And on each
16 page there is, if you can see this underlined here
17 (indicating), initials JCD and ALH.
18 What is your understanding those
19 initials represent?
20 A **Johnny Depp's initials and Amber**
21 **Heard's initials.**
22 Q Okay. And what was your understanding

26
1 of the purpose of the confidentiality agreement?
2 If you want to read through it all, you certainly
3 can. It's a -- but I'm not going to ask you very
4 specific questions about it. I just want just
5 generally what it was about.
6 A **It's very standard when you're doing a**
7 **prenuptial agreement or a postnuptial agreement**
8 **when either party is disclosing their assets that**
9 **they ask for a confidentiality agreement.**
10 Q And was this to be a mutual
11 confidentiality agreement or just one-sided?
12 A **I haven't read through it, so I don't**
13 **recall.**
14 Q Okay. Do you want to take a minute and
15 review it? Would that make you feel more
16 comfortable?
17 MR. BRENNER: Sure.
18 THE WITNESS: Sure.
19 BY MS. BREDEHOFT:
20 Q Okay. I'll start with the first page.
21 And if you -- if it's easier for you -- I don't
22 know what -- what setup you have in your office.

27
1 If it's easier for you to take control of the
2 screen --
3 MR. BRENNER: You can have control of
4 the screen.
5 THE WITNESS: Yeah, I'll take control.
6 BY MS. BREDEHOFT:
7 Q Okay, because it's a 12-page agreement,
8 and then it has some attachments.
9 A **Okay. So now I have control?**
10 Q I believe so.
11 A **Yeah, okay.**
12 **I can answer the question.**
13 MR. BRENNER: Oh, you can?
14 THE WITNESS: Yeah.
15 MR. BRENNER: You're ready to go?
16 THE WITNESS: I've read enough.
17 MR. BRENNER: Okay. She's ready to
18 answer questions. She said she's read enough.
19 BY MS. BREDEHOFT:
20 Q Okay. Was it your understanding that
21 this was a mutual confidentiality agreement for
22 both sides' financial information or one-sided?

28
1 A **Both sides.**
2 Q I'm sorry, I didn't understand that
3 answer.
4 A **Both sides, mutual.**
5 Q I'm sorry, I just couldn't hear it. I
6 didn't understand it. Thank you.
7 Okay. Now, this was sent to you on
8 February 17th, correct?
9 A **I guess I don't have -- oh, I -- I have**
10 **control. Sorry.**
11 (The Reporter clarified the record.)
12 THE WITNESS: The e-mail indicates that
13 it came from Dana on February 17th.
14 MS. BREDEHOFT: Okay. Great.
15 All right. I'm going to ask you, Alex,
16 if you can take this down, and let's go to Exhibit
17 Number 6.
18 AV TECHNICIAN: (Technician complies.)
19 BY MS. BREDEHOFT:
20 Q **Ms. Mulrooney, I'm going to show you**
21 **what has been marked as Exhibit Number 6.**
22 MS. BREDEHOFT: And I'm going to take

<p>29</p> <p>1 control, Alex, if I can. There you go. 2 BY MS. BREDEHOFT: 3 Q Okay. I'm going to start at the bottom 4 just so we have the orientation here, and it 5 starts with the same e-mail that we just saw with 6 the attached confidentiality agreement on 7 February 17 just for context here. 8 And then you respond on February 17, 9 "Dana - I have forwarded to Amber. She is filming 10 a movie but hope to connect with her by the end of 11 the week. I will keep trying to move forward." 12 Now, what, if anything, did you mean by 13 this? 14 A I actually don't understand that 15 question. 16 Q Okay. I guess what I -- yeah, that's 17 fair. 18 I'm asking you what you meant by, "I 19 will keep trying to move forward." 20 A I assume I meant that we're trying to 21 get a postnuptial agreement signed between the 22 parties, and that's what I was hired for.</p>	<p>31</p> <p>1 the same e-mail we've seen a couple times now 2 where she's attaching the confidentiality 3 agreement, telling you that you'll have a draft 4 postnup agreement, but she's getting the signed 5 confidentiality agreement first. 6 Let me ask you this: Did you 7 receive -- do you typically receive any financial 8 information before the confidentiality agreement 9 is fully executed? 10 A There's no typical answer. Sorry. 11 Q All right. Do you recall in this case 12 receiving any financial information from Mr. Depp 13 before Ms. Heard had signed the confidentiality 14 agreement? 15 A I don't recall. 16 Q Okay. Now, you indicated -- and this 17 is part of the same string we saw on the last one 18 that you forwarded on. 19 And then I'm going to direct your 20 attention to the very top part, and that is 21 Wednesday, February 18, and you're -- it's from 22 you to Dana Lowy, and it says, Amber is sending</p>
<p>30</p> <p>1 Q Okay. Thank you. 2 Now, do you have a recollection of 3 where Amber was filming the movie at that time? 4 A I do not. 5 Q Do you recall whether it was out of the 6 country, such as London or a place like that? 7 A I don't recall. 8 MR. CHEW: Objection. Leading. 9 THE WITNESS: I don't recall. 10 BY MS. BREDEHOFT: 11 Q Okay. All right. And then after you 12 responded, Dana Lowy said, "Thanks Michele," 13 correct? 14 A That's what it says on the screen. 15 MS. BREDEHOFT: All right. Let's take 16 this one down, and we'll go to Exhibit 7, please. 17 AV TECHNICIAN: (Technician complies.) 18 BY MS. BREDEHOFT: 19 Q I'm going to show you what has been 20 marked as Exhibit Number 7, and I'm going to start 21 again with going down to show you where the string 22 is here, and it says on -- on February 17, that's</p>	<p>32</p> <p>1 the signed confidentiality agreement to you -- to 2 me. I assume I will receive all the underlying 3 financials and a list of anticipated future 4 revenue streams and documentation pertaining 5 thereto after. 6 What did you mean by "underlying 7 financials and a list of anticipated future 8 revenue streams and documentation pertaining 9 thereto"? 10 A I mean, this is typical for an actor. 11 They have profit participations, back-ends. I 12 wanted to have a list of what his future revenue 13 would be. He might have had movies booked that he 14 would render services after marriage. I just 15 wanted to see the pro forma. 16 Q Could you explain that in a little bit 17 more detail, please, for those of us who aren't in 18 this particular area of expertise? 19 MR. BRENNER: Objection. Vague. 20 MS. BREDEHOFT: Yeah, that's fair. 21 Let me -- let me ask this differently. 22 BY MS. BREDEHOFT:</p>

33
1 Q What did you mean by "back-ends"?
2 A **Back-ends is either profit**
3 **participations or royalties, sometimes it's**
4 **box-office bonuses. You just have to look at the**
5 **underlying agreement on each movie, TV show,**
6 **et cetera, to -- to track what the revenue will be**
7 **from each project.**
8 Q And why is that relevant?
9 MR. BRENNER: Objection. Vague. I'm a
10 bit concerned about the expert testimony issue
11 again, so I'm not sure how she can answer how
12 that's relevant.
13 Can you answer that?

Expert testimony
14 THE WITNESS: I want to know what
15 they're going to make during the marriage. I want
16 to know the income during the marriage.
17 BY MS. BREDEHOFT:

Expert testimony
18 Q And those are all components of what
19 they make during the marriage?
20 A **Correct.**
21 Q Okay. Thank you.
22 All right. And then you said, "I can't

35
1 doing that.
2 THE WITNESS: I'm back.
3 MS. BREDEHOFT: Thank you.
4 BY MS. BREDEHOFT:
5 Q I'm going to show you what has been
6 marked as Exhibit Number 8. And just for the
7 context again, we have -- since we have various
8 e-mails, some of them have the same parts on it.
9 So it has the February 17 including it, and then
10 it also has yours saying you forwarded it, and
11 then it has that Amber is sending the signed
12 confidentiality agreement the next day, and then
13 it has Dana Lowy acknowledging that, "Thanks
14 Michele."
15 Do you see that?
16 A **I do.**

17 Q Okay. So just so that we have the --
18 so would you agree that this was a fairly quick
19 turnaround in terms of cooperating with the
20 confidentiality agreement and getting it executed?
21 A **It's a matter of opinion.**
22 Q Well, all right.

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1 really comment on the document until I get this
2 information."
3 What document were you referring to
4 there?
5 A **The postnup agreement that I**
6 **anticipated she would send.**
7 Q And then you also asked for a copy of
8 the marriage license.
9 Do you recall ever receiving a copy of
10 that?
11 A **I don't recall.**
12 Q Okay. Thank you.
13 MS. BREDEHOFT: All right. We can take
14 this one down.
15 Alex, are you there? I'm hoping I
16 didn't freeze again.
17 AV TECHNICIAN: (Technician complies.)
18 MR. BRENNER: She's just getting a
19 water.
20 MS. BREDEHOFT: Okay. That's fine.
21 Well, I'll tell you what, then let's go
22 ahead and put up Exhibit Number 8 while she's

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1 The day after, you are sent the
2 confidentiality agreement.
3 Doesn't -- isn't Amber sending you the
4 signed confidentiality agreement?
5 MR. CHEW: Objection. Argumentative
6 and leading.
7 THE WITNESS: Do I answer?
8 MR. BRENNER: You can answer.
9 MS. BREDEHOFT: Well, you know, I'll
10 rephrase it.
11 BY MS. BREDEHOFT:
12 Q How much time expired between when you
13 were sent the confidentiality agreement for Amber
14 Heard to sign and when you indicated back to
15 counsel for Mr. Depp that Amber is sending the
16 signed confidentiality agreement to you?
17 A **The next day.**
18 Q Okay. Thank you.
19 MS. BREDEHOFT: All right. We can take
20 this one down.
21 And if we can go to Exhibit 9, please.
22 AV TECHNICIAN: (Technician complies.)

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1 BY MS. BREDEHOFT:
2 Q Now, this one is a little bit on the --
3 this exhibit, it's labeled Number 9, and it's
4 comprised of two different pages. And the reason
5 that I have these together is because they have
6 kind of two e-mail strings not necessarily totally
7 connected, and so I just wanted to go through so
8 we have a full picture.
9 So I'm going to go to the bottom one
10 and show you first. This is Exhibit Number 9, and
11 you can see on this one it has an e-mail from Dana
12 Lowy to you on March 2nd. So this is close to
13 two weeks after the discussion about the
14 confidentiality agreements, and it says,
15 "Hi Michele: I would love to schedule a time to
16 talk with you. I can schedule a time today before
17 11:30," and then it gave some -- it gives some
18 more.
19 Do you have any recollection of whether
20 anything took place between February 18 and
21 March 2nd?
22 A I don't recall.

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1 Q All right.
2 MR. BRENNER: Can I -- Counsel, can I
3 suggest that we give her a chance to review the
4 document again? I just -- you never know.
5 MS. BREDEHOFT: Yeah, absolutely.
6 BY MS. BREDEHOFT:
7 Q You know what, in fact, what I'll do is
8 I'll take you through it, because some of this is
9 going to be the same on the next page. It's got
10 the -- "How about 11 today" is what you came back
11 with.
12 And then Dana Lowy on this one says on
13 March 3rd, "Hi Michele: are you available for a
14 brief call today? I am free now until 2 and then
15 4 to 5:30."
16 And then this one has -- it's on the
17 first page, so I'll take you up to it, and that
18 has the I would love to schedule a time to talk
19 with you in the 11:00, and that one you're coming
20 back with, "11:00 is fine."
21 Do you -- I suspect you're not going to
22 remember this so well, but do you know whether you

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1 connected on March 3rd or whether it was --
2 March 2nd or whether it ended up being March 3rd?
3 A I don't recall.
4 Q Okay. And then my next question, which
5 was my earlier question is: Do you have any
6 recollection of anything transpiring between
7 February 18 and March 2nd when you received this
8 e-mail from Dana Lowy?
9 A I don't recall.
10 MS. BREDEHOFT: Okay. All right. We
11 can take this one down.
12 And if we can now go to Exhibit
13 Number 10, please.
14 AV TECHNICIAN: (Technician complies.)
15 BY MS. BREDEHOFT:
16 Q I'm going to show you what has been
17 marked as Exhibit Number 10, and it has -- it's an
18 e-mail from Dana Lowy on Wednesday, March 4th to
19 you, Subject: A/J. And it says, "Hi Michele:
20 Thank you for forwarding the Confidentiality H
21 Agreement. I have now signed. Please sign and
22 also please date for Amber and forward a fully

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1 executed copy to me. We will be back in touch.
2 Best, Dana."
3 And then the attachment with this is a
4 confidentiality agreement which has initials on
5 each page in the spots for both Mr. Depp and Amber
6 Heard throughout, and then at the end has the
7 signatures of Mr. Depp and Amber Heard, but
8 there's not a date next to Amber Heard's, and then
9 it has Dana Lowy signing.
10 What, if any, recollection do you have
11 of whether Amber Heard dated this or forgot to
12 date it?
13 A I have no recollection.
14 Q Okay. That's fine. Thank you.
15 MS. BREDEHOFT: Then I'm going to ask
16 you to go ahead and -- we can take this one down,
17 Alex, and let's go to 11.
18 AV TECHNICIAN: (Technician complies.)
19 BY MS. BREDEHOFT:
20 Q And I'm going to show you what has been
21 marked as Deposition Exhibit Number 11.
22 And who is Dani Lespron; do you know?

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1 **A My assistant.**
2 **Q** Okay. And if I can take you down just
3 a little bit here on the e-mail, it's from Dani
4 Lespron to Dana Lowy saying, "Hi Dana, Michele
5 Mulrooney asked that I send you the attached
6 signed/dated pages. Please let me know if I can
7 be of further assistance."
8 Dana Lowy responds, "Thank you."
9 And then Dani confirms, "FYI - Dana
10 Lowy confirmed receipt of the signed/dated pages."
11 Do you see that?
12 **A I do.**
13 **Q** And then attached to that is a
14 confidentiality agreement that has the initials on
15 each page. And I'm going to go down to the
16 signature page, and it has a -- now it has a date
17 filled in for Amber of March 3rd.
18 Do you recognize that handwriting? Was
19 that you who put that in?
20 **A That's my handwriting, yes.**
21 **Q** Okay. And you have "London, England"
22 there.

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1 Does that help refresh your
2 recollection of where Amber was filming at the
3 time?
4 **MR. CHEW:** Objection. Leading.
5 **BY MS. BREDEHOFT:**
6 **Q** What, if any -- what, if any,
7 recollect- -- what, if anything, does that --
8 you're right.
9 Let me phrase it this way: What is the
10 location you wrote in for Amber's signature on
11 this?
12 **A London, England.**
13 **Q** Okay. And what, if any, recollection
14 do you have now of where Amber was filming?
15 **A I have no recollection, but I see it on**
16 **the page.**
17 **Q** Okay. And that means to you?
18 **A That I asked Amber where she signed it.**
19 **MR. BRENNER:** No. Wait. Hold on.
20 **THE WITNESS:** Sorry.
21 **MR. BRENNER:** So, again, I don't want
22 you to reveal --

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1 **THE WITNESS:** Okay.
2 **MR. BRENNER:** -- communications with
3 Ms. Heard unless, you know, Ms. Bredehoft wants
4 you to. It's her client.
5 **MS. BREDEHOFT:** No. I'll withdraw --
6 I'll withdraw the question. I don't think it's
7 necessary. Thank you.
8 **BY MS. BREDEHOFT:**
9 **Q** And then I'm going to ask you to go to
10 the next page, and that has the signature of Dana
11 Lowy, March 4.
12 And is that your signature there?
13 **A That is.**
14 **Q** And what's the date you have there?
15 **A March 4th, 2015.**
16 **Q** Okay. Thank you.
17 And now we're going to go back up. And
18 so on March 5th at 10:08 a.m., your assistant
19 confirmed that Dana Lowy had receipt of these.
20 **MR. BRENNER:** If you don't mind, I am
21 just going to state for the record that normally I
22 would at least look at this a little bit more and

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1 wonder if this top document -- this top exchange
2 with Ms. Mulrooney and her assistant is
3 privileged.
4 Having said that, if I were going to
5 provide a privilege log, it would have every
6 single thing on here, including -- so I see
7 privilege -- this as one of the privilege log
8 issues. So I imagine that if I were doing a
9 privilege log, it would say these exact same
10 things.
11 So I'm actually okay with asking about
12 this, but, again, Ms. Bredehoft, this is up to
13 you. This is your client's privilege. Again,
14 having said that, if I were to do a privilege log,
15 it would probably say all of these words, so --
16 **MS. BREDEHOFT:** You know, that's --
17 that's fair, Mr. Brenner, and that was kind of my
18 thinking process on that one as well. I don't
19 think that that waives the privilege on that one
20 because of the nature of the communication, but
21 thank you for that point.
22 **BY MS. BREDEHOFT:**

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1 Q So this is dated March 5, 2015 at
2 10:08 a.m.
3 Now, I'm going to take you to later in
4 the day on March 5, 2015.
5 Did you receive a telephone call from
6 Mr. Depp?
7 MR. CHEW: Objection. Leading.
8 BY MS. BREDEHOFT:
9 Q All right. What, if any, telephone
10 calls did you receive from Mr. Depp on or around
11 March 5, 2015?
12 MR. CHEW: Objection. Leading.
13 MR. BRENNER: And I'm just going to add
14 an objection. Actually, compound. I don't know
15 if you know the date. I don't know, so you
16 should...
17 You know, Counsel, I would rephrase,
18 because I actually think that's compound.
19 MS. BREDEHOFT: Okay.
20 BY MS. BREDEHOFT:
21 Q Ms. Mulrooney, what, if any,
22 communication did you receive from Mr. Depp in

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1 connection with the postnup agreement.
2 MR. CHEW: Objection. Leading.
3 MR. BRENNER: You can answer.
4 THE WITNESS: I received one telephone
5 call.
6 (The Reporter clarified the record.)
7 THE WITNESS: I received one telephone
8 call.
9 BY MS. BREDEHOFT:
10 Q And who did you receive that telephone
11 call from?
12 A Mr. Depp.
13 Q Can you please -- do you recall
14 approximately when that telephone call took place?
15 A No.
16 Q Do you recall whether it was in or
17 around the time of the signing of the
18 confidentiality agreement?
19 A No.
20 MR. CHEW: Objection. Leading.
21 BY MS. BREDEHOFT:
22 Q Do you recall whether you had

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1 received -- what, if anything, had you done beyond
2 signing the confidentiality agreement at the time
3 that you received the call from Mr. Depp?
4 MR. CHEW: Objection. Vague and
5 ambiguous.
6 MR. BRENNER: Do you understand the
7 question?
8 THE WITNESS: I don't recall.
9 BY MS. BREDEHOFT:
10 Q Okay. Please describe the telephone
11 call from Mr. Depp.
12 MR. CHEW: Objection. Hearsay.
13 MR. BRENNER: You can answer.
14 THE WITNESS: I don't know what that
15 means.
16 MR. BRENNER: What does what mean? Are
17 you asking what happened in the call?
18 MS. BREDEHOFT: Yes.
19 MR. BRENNER: Answer that.
20 MR. CHEW: And I would object on the
21 grounds that it calls for hearsay.
22 THE WITNESS: My recollection is that

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1 he was very mean, that he called me names, and
2 that he fired me on behalf of Amber. R, P, Improper
3 (The Reporter clarified the record.) character
4 MR. CHEW: Move to strike as hearsay. evidence
5 BY MS. BREDEHOFT:
6 Q When you say that he was very mean,
7 what did you mean?
8 A Well, my only exact recollection is he
9 called me a bitch. Same
10 Q Mr. Depp called you a bitch on that
11 telephone call?
12 MR. CHEW: Objection. Calls for
13 hearsay.
14 MR. BRENNER: My response would be I
15 don't think it's calling for the truth of the
16 matter asserted, but that's --
17 (The Reporter clarified the record.)
18 MR. BRENNER: Sorry.
19 I don't think it calls for hearsay,
20 because it is not being -- I assume it is not
21 being used to provide -- or to show the truth of
22 the matter asserted.

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1 I'm sorry, I didn't mean to interrupt,
2 though. Are you still -- I can't remember if
3 there's a question pending or --
4 THE WITNESS: No.
5 MR. BRENNER: Okay, no question.
6 MS. BREDEHOFT: Yeah, there is a
7 question pending. We didn't get an answer.
8 MR. BRENNER: What's the question?
9 I -- we're both -- I'm sorry.
10 MS. BREDEHOFT: Can you read it back,
11 Marney?
12 THE REPORTER: Sure.
13 (The Reporter read the record as
14 follows: "Question: Mr. Depp called
15 you a bitch on that telephone call?")
16 THE WITNESS: Yes.
17 MR. CHEW: Objection. Hearsay.
18 Leading.
19 BY MS. BREDEHOFT:
20 Q What, if anything, did Mr. -- how did
21 Mr. Depp sound on that telephone call?
22 MR. CHEW: Objection. Lack of

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1 foundation, calls for speculation, and hearsay,
2 and argumentative.
3 MS. BREDEHOFT: Let me ask it
4 differently.
5 BY MS. BREDEHOFT:
6 Q What, if any, observations did you make
7 during the telephone call from Mr. Depp during
8 which time he called you a bitch?
9 MR. CHEW: Objection. Argumentative.
10 Calls for hearsay. Assumes facts not in evidence.
11 THE WITNESS: I thought he was under
12 the influence.
13 BY MS. BREDEHOFT:
14 Q Why did you think that?
15 A He was slurring his words, and his
16 speech pattern was similar to my children's speech
17 pattern when they are -- when they were under the
18 influence.
19 Q I'm sorry, when they what? I didn't
20 hear the last --
21 A When they were under the influence.
22 Q Okay. What, if anything, did Mr. Depp

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1 say during that telephone call as to why he was
2 firing you on behalf of Amber?
3 MR. CHEW: Objection. Calls for
4 hearsay.
5 THE WITNESS: I don't recall.
6 BY MS. BREDEHOFT:
7 Q What, if anything, did Mr. Depp say to
8 you during that telephone call about your work
9 performance?
10 MR. CHEW: Objection. Calls for
11 hearsay.
12 THE WITNESS: I don't recall.
13 BY MS. BREDEHOFT:
14 Q What, if anything, did Mr. Depp say
15 during the telephone call about whether you found
16 the call or what he was saying to be amusing?
17 MR. CHEW: Objection. Calls for
18 hearsay. Assumes facts not in evidence.
19 Argumentative.
20 THE WITNESS: I don't recall.
21 MR. BRENNER: Can I cut to the chase?
22 Isn't -- I think the question is, can

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1 you just tell everybody what happened on the call?
2 THE WITNESS: I was extremely rattled
3 by the call.
4 MR. BRENNER: So what happened? Why
5 don't you just tell them what happened. See below
6 MR. CHEW: And I'll just make a
7 standing objection to hearsay, because it calls
8 for hearsay.
9 MR. BRENNER: So why don't you just --
10 if you can tell us what happened -- subject to
11 that objection, why don't you just tell the
12 parties what happened on that call.
13 THE WITNESS: I mean, I was on the
14 phone for a very short time with him because he
15 was represented by counsel, and I was -- I didn't
16 want to be rude and hang up, but I told him I had
17 to hang up, like, after two or three minutes after
18 I realized what was happening. It took me very
19 off-guard, and -- and I -- that's all I remember
20 is that it really shook me up.
21 BY MS. BREDEHOFT: R, P, improper
22 Q Why did it shake you up? character evidence

R, P

R, P, AF
Argumentative

R, P, AF
argu-
mentative

Same

Same

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R 1 A **Because I had never had anybody talk to**
P 2 **me like that about a case that I wasn't even**
Improper 3 **representing. I – I – I never met him.**
Char. 4 Q And what do you mean by never had
Evidence 5 anyone talk to you like that?
6 A **He was just extremely mean and nasty,**
7 **and I hadn't – it just rattled me. I don't know**
8 **what else to tell you.**
9 Q Okay. Did you have any reaction while
10 on the phone with Mr. Depp that maybe expressed
11 your nervousness or your discomfort?
12 MR. CHEW: Objection. Vague and
13 ambiguous and calls for hearsay.
14 THE WITNESS: Yes, I do remember a
15 nervous giggle, but I don't recall -- he said
16 something mean back, but I don't recall what he
17 said.

18 BY MS. BREDEHOFT:
R, P, AF, 19 Q All right. What, if anything, do you
Improper 20 recall about Mr. Depp saying so you think this is
Char. 21 funny or something like that?
Evidence 22 MR. CHEW: Objection. Calls for

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R 1 hearsay. Assumes facts not in evidence.
P 2 THE WITNESS: This was six years ago.
3 I remember the call, because I was rattled. I
4 remember him calling me a bitch, because that had
5 never happened to me before, but that is -- and I
6 remember him firing me. Those are the three
7 things I recall about that call.

8 BY MS. BREDEHOFT:
R 9 Q And you -- all right.
P 10 After that phone call, did you perform
11 any further services for Ms. Heard in connection
12 with the postnuptial agreement?
13 A **No.**
14 Q Do you recall whether you had any
15 subsequent communications with Dana Lowy?
16 A **I – I don't recall specifically.**
17 Q All right. Do you recall ever seeing a
18 postnuptial draft agreement?
19 A **No.**
20 Q Has either Ms. Heard or Mr. Depp
21 contacted you at any time after the call with
22 Mr. Depp respecting pursuing a postnuptial

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1 agreement?
2 A **No.**
3 Q Thank you. I have no further
4 questions.
5 MR. CHEW: Why don't we take a break.
6 I think I -- I will have some questions, but I
7 think I can probably shorten it based on this
8 examination.
9 Do you want to take 10 minutes?
10 MS. BREDEHOFT: Sure.
11 MR. BRENNER: That would be good.
12 THE WITNESS: Thank you.
13 THE VIDEOGRAPHER: We're going off the
14 record at 2:24 p.m.
15 (A recess was taken.)
16 THE VIDEOGRAPHER: We are back on the
17 video record at 2:35 p.m.
18 EXAMINATION BY COUNSEL FOR PLAINTIFF
19 BY MR. CHEW:
20 Q Good afternoon, Ms. Mulrooney. I will
21 just have a few questions to try to be respectful
22 of your time.

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1 Do you recall the testimony you gave a
2 few minutes ago about a conversation you had with
3 Johnny Depp? Do you recall that?
4 A **Yes.**
5 Q How did you know that it was Mr. Depp
6 on the line?
7 A **I don't recall how I knew.**
8 Q Was there anybody else on the line
9 other than you and Mr. Depp?
10 A **No.**
11 Q How do you know that?
12 A **I guess I don't really know. Nobody**
13 **was identified on the line.**
14 Q Isn't it possible that somebody could
15 have been listening in on the line?
16 MR. BRENNER: Objection. Calls for
17 speculation. Lacks foundation.
18 MS. BREDEHOFT: Join.
19 THE WITNESS: Yes.
20 BY MR. CHEW:
21 Q Had you ever spoken with Mr. Depp
22 before that telephone call?

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1 A No.
2 Q Do you have any idea how he would come
3 to know your telephone number?
4 MR. BRENNER: Objection. Lacks
5 foundation. Calls for speculation.
6 MR. CHEW: Well, fair objection. Let
7 me start again.
8 BY MR. CHEW:
9 Q Is it your testimony that Mr. Depp
10 called you?
11 A Yes.
12 Q And you wouldn't have called him,
13 because he was represented by Dana Lowy at the
14 time, correct?
15 A Correct.
16 Q And it would have been unethical for
17 you to initiate contact with a client you knew was
18 represented by counsel, true?
19 MR. BRENNER: Objection. Incomplete
20 hypothetical. Calls for a legal conclusion.
21 MS. BREDEHOFT: Yes, join.
22 THE WITNESS: Can I answer?

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1 MR. BRENNER: If you know.
2 THE WITNESS: True.
3 BY MR. CHEW:
4 Q How -- how would Mr. -- did -- did
5 Mr. Depp call you at your office number or on your
6 phone number -- or on your cell phone number?
7 A Office.
8 Q How would he have your office number?
9 MS. BREDEHOFT: Objection. Calls for
10 speculation. Foundation.
11 MR. BRENNER: Join.
12 THE WITNESS: I have no idea.
13 BY MR. CHEW:
14 Q Ms. Heard was your client at the time,
15 correct?
16 A Correct.
17 Q Who, if anyone, was paying your legal
18 services?
19 A I don't recall.
20 Q Was it your understanding that Mr. Depp
21 had the authority to fire you?
22 A No.

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1 Q Did you tell him that?
2 A I don't recall.
3 Q And isn't it true that he wouldn't have
4 had the authority to fire you even if he were
5 paying for your legal services, true?
6 MR. BRENNER: Objection. Lacks
7 foundation. Calls for a legal conclusion.
8 MS. BREDEHOFT: Join.
9 MR. BRENNER: Do you know?
10 THE WITNESS: True.
11 BY MR. CHEW:
12 Q What conversations, if any, did you
13 have with Ms. Heard after your conversation with
14 Mr. Depp?
15 MR. BRENNER: Objection. That --
16 MS. BREDEHOFT: Yeah, I'm going to
17 object. That --
18 (The Reporter clarified the record.)
19 MS. BREDEHOFT: Let me go first, if I
20 may.
21 I'm going to object because this calls
22 for attorney-client communications, and we are not

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1 waiving the privilege of attorney-client
2 communications. That's why I object to it.
3 MR. CHEW: I think you already did it.
4 I mean, you opened the door. You called this
5 witness, and you raised the subject. The only way
6 you could have known about it was from your
7 client, and we're entitled to find out the answers
8 to this. You can't -- you can't have it both
9 ways.
10 So I'll just state it for the record,
11 and if you want to instruct her not to answer, you
12 can, and we'll have a judge resolve it.
13 BY MR. CHEW:
14 Q But what, if any, conversations did you
15 have with Ms. Heard after your conversation with
16 Mr. Depp?
17 MR. BRENNER: Objection.
18 Attorney-client privilege. She can't answer that.
19 That's subject to the attorney-client privilege.
20 MS. BREDEHOFT: Right.
21 We have not opened the door. We have
22 not asked her of any of her communications with

F
F/A
H
P

R
H
F/A
P

<p style="text-align: right;">61</p> <p>1 Amber throughout this deposition. It's solely 2 what is not attorney-client communications, and we 3 are not -- 4 MR. CHEW: Well, let me just... 5 BY MR. CHEW: 6 Q Just to set a record, did you have any 7 communications, written or oral, with Amber Heard 8 after your telephone conversation with Johnny Depp 9 that evening? 10 MR. BRENNER: Wait. 11 BY MR. CHEW: 12 Q It's yes or no. 13 MR. BRENNER: Hold on. 14 She can answer it any way she wants 15 after I instruct her, not you. 16 Are you asking in connection about the 17 phone call? 18 MR. CHEW: No. I'm asking about -- 19 MR. BRENNER: Have you ever had another 20 conversation with Amber Heard ever again, that's 21 your question? 22 MR. CHEW: No, no. You make a good</p>	<p style="text-align: right;">63</p> <p>1 because that is far too general even for you to be 2 setting a record, Ben. If you were intending to 3 ask her if she had a communication with Ms. Heard 4 immediately after this call or shortly after this 5 call about this call to set your record, that 6 would be different, but you're asking any at all, 7 and I'm going to object on the grounds that it 8 calls for attorney-client communications. 9 BY MR. CHEW: 10 Q Did you have any communications with 11 Ms. Heard relating to the call shortly after the 12 call? 13 MR. BRENNER: Wait a second, please. 14 Ms. Bredehopt, it's your client's 15 privilege, so are you -- can she answer that one 16 yes or no? 17 MS. BREDEHOFT: I think she can answer 18 that yes or no. I do think he can ask that based 19 on it, but it has to be just limited to a yes or a 20 no. It cannot go into content at all. We're not 21 waiving the content. 22 MR. BRENNER: If you know.</p>
<p style="text-align: right;">62</p> <p>1 objection, so let me ask it both ways. 2 BY MR. CHEW: 3 Q What, if any, conversations -- strike 4 that. 5 What, if any, communications did you 6 have with Ms. Heard after the phone call with 7 Mr. Depp? 8 MR. BRENNER: Same objection. 9 MS. BREDEHOFT: I'm going to object, 10 and I'm going to assert the attorney-client 11 privilege on behalf of Ms. Heard, because it is 12 clearly calling for attorney-client 13 communications. 14 MR. BRENNER: We're going to follow 15 that -- the client is saying it's attorney-client 16 privilege. We're going to follow that. We're 17 going to follow that. 18 BY MR. CHEW: 19 Q Did you have any communications of any 20 kind whatsoever with Ms. Heard after that 21 conversation with Mr. Depp? 22 MS. BREDEHOFT: I'm going to object,</p>	<p style="text-align: right;">64</p> <p>1 THE WITNESS: Yes. 2 BY MR. CHEW: 3 Q How many communications -- well, strike 4 that. 5 Was that communication written or oral? 6 A I don't recall. 7 Q Did you have any -- what was the 8 substance of that communication? 9 MR. BRENNER: Objection. 10 MS. BREDEHOFT: I'm going to object and 11 assert the attorney-client communications and 12 instruct you not to -- I can't instruct the 13 client [sic]. I'm asserting the attorney-client 14 communication based on Ms. Heard. 15 MR. BRENNER: We're going to follow the 16 assertion of the attorney-client privilege. 17 BY MR. CHEW: 18 Q And just to set the record, after that 19 one communication, whether it was written or oral, 20 how many communications after that did you have 21 with Ms. Heard about this representation? 22 MS. BREDEHOFT: I'm -- I'm going to --</p>

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1 I'm going to assert the attorney-client privilege
2 there, because we have not gone into any of her
3 communications with Ms. Heard through this, and so
4 I will -- I will assert the attorney-client
5 privilege based on Ms. Heard.
6 MR. BRENNER: I'm going to also add an
7 objection. Vague and ambiguous. I actually don't
8 understand the question.
9 BY MR. CHEW:
10 Q What, if any, legal services did you
11 perform for Ms. Heard after the telephone call
12 with Mr. Depp?
13 MR. BRENNER: Objection.
14 MS. BREDEHOFT: Yeah, I'm going to
15 object on the basis of attorney-client
16 communications and assert the privilege on behalf
17 of Ms. Heard.
18 MR. BRENNER: We're going to follow
19 that as well.
20 BY MR. CHEW:
21 Q What, if any, communications did you
22 have with Dana Lowy after your call with Mr. Depp?

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1 MR. BRENNER: Objection. Do you mean
2 about the conversation? They're in the same
3 industry, so do you mean like for years have they
4 ever spoken again?
5 MR. CHEW: That's a good -- that's a
6 very good objection. Let me rephrase.
7 BY MR. CHEW:
8 Q What, if any, communications did you
9 have with Dana Lowy about your conversation with
10 Mr. Depp after the conversation with Mr. Depp?
11 A I don't recall specifically.
12 Q What do you recall generally, if
13 anything?
14 A I -- I do recall that I told her that I
15 was no longer representing Amber, but I don't know
16 if I did that in writing. Somehow she knew.
17 Q But I -- and correct me if I'm wrong,
18 but I believe you testified that Mr. Depp did not
19 have the authority to fire you, correct?
20 A Correct.
21 Q So was it Ms. Heard who fired you?
22 MR. BRENNER: Objection.

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1 MS. BREDEHOFT: Objection. I'm going
2 to say that calls for attorney-client
3 communications, and we are not waiving the
4 privilege.
5 MR. BRENNER: And assumes facts.
6 MS. BREDEHOFT: Not in evidence,
7 correct.
8 BY MR. CHEW:
9 Q And are you -- did the -- I'm not
10 trying -- I'm just trying to get -- get to the
11 truth here.
12 Did there come a time here when
13 Ms. Heard indicated to you in words or substance
14 that she was disengaging you with respect to the
15 engagement to try to negotiate a postnuptial
16 agreement?
17 MR. BRENNER: Objection.
18 MS. BREDEHOFT: Objection. Again, that
19 calls for attorney-client communications, and I am
20 going -- that's Ms. Heard's attorney-client
21 privilege, and we are asserting it.
22 MR. BRENNER: We're going to follow

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1 that assertion.
2 BY MR. CHEW:
3 Q Why did you stop -- understood.
4 Why did you stop work on the
5 engagement?
6 MR. BRENNER: Give me one second.
7 Can we -- can you answer that without
8 the attorney-client privilege?
9 Why don't we --
10 THE WITNESS: Can we go off the record?
11 MR. BRENNER: Why don't we -- do you
12 want me to see if I can get you an answer --
13 MR. CHEW: Sure.
14 MR. BRENNER: -- that doesn't invade
15 the attorney-client privilege?
16 MR. CHEW: Sure. Thank you.
17 MR. BRENNER: Ben, can you --
18 THE REPORTER: You're muted.
19 MR. CHEW: What we're trying to get at
20 is why your client ceased work on the engagement.
21 MS. BREDEHOFT: You can go off video
22 too, Lee, if you want. Both of you can go off

R, H, P
F/A, IR

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1 video, and that way you can have your
2 communication, because I think you might be able
3 to read your words otherwise.
4 THE VIDEOGRAPHER: Should we go off
5 record, folks? Yes?
6 Okay. Going off the record at
7 2:46 p.m.
8 (A recess was taken.)
9 THE VIDEOGRAPHER: We are back on the
10 video record at 2:50 p.m.
11 BY MR. CHEW:
12 Q Ms. Mulrooney, when did your
13 attorney-client relationship with Ms. Heard
14 relating to a potential postnuptial agreement
15 terminate?
16 A Shortly after that phone call.
17 Q When you say "shortly after that phone
18 call," can you give us a time frame of how long it
19 was after the phone call?
20 A Within a few days. It could be one.
21 It could be two. I don't recall.
22 Q So it's your understanding that your

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1 relationship -- your attorney-client relationship
2 with Ms. Heard survived the phone call with
3 Mr. Depp, correct?
4 MR. BRENNER: Objection. I think that
5 calls for her mental impression, so --
6 MR. CHEW: No, it was a bad question.
7 MR. BRENNER: Okay.
8 BY MR. CHEW:
9 Q Is it your understanding that Mr. Depp
10 terminated your attorney-client relationship with
11 Amber Heard on the phone call?
12 MR. BRENNER: Objection. Vague.
13 I guess I need you to know -- are you
14 asking for her analysis? Are you asking what he
15 said? Because I think her analysis is work
16 product. What he said definitely is not work
17 product. So are you asking -- we had real
18 testimony that he says you're fired. Are you
19 asking did he say those words, or that --
20 MR. CHEW: No, that's not what I'm
21 asking. I think everybody knows what I'm asking.
22 MR. BRENNER: Okay.

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1 BY MR. CHEW:
2 Q Was his purported firing of you
3 effective?
4 MS. BREDEHOFT: I'm going to object to
5 the form of that question.
6 BY MR. CHEW:
7 Q He didn't -- he didn't have -- he
8 didn't have the power to fire you, correct?
9 MR. BRENNER: That, you can answer.
10 THE WITNESS: Correct.
11 BY MR. CHEW:
12 Q So when you finished that conversation
13 with Mr. Depp, you knew you had not been fired,
14 correct?
15 MR. BRENNER: Objection. That calls
16 for her mental impression, so I'm going to assert
17 work product privilege on that.
18 BY MR. CHEW:
19 Q You hadn't been fired, right?
20 MR. BRENNER: What's the question?
21 What's the question?
22 BY MR. CHEW:

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1 Q You had not been fired during that
2 telephone call, correct?
3 MR. BRENNER: Objection. Calls for a
4 legal conclusion. I think she's already answered
5 this, so asked and answered. So I'm not sure what
6 you're asking then, because she's already answered
7 these questions.
8 BY MR. CHEW:
9 Q Another event had to happen for you to
10 be fired, correct?
11 MS. BREDEHOFT: Objection. Vague and
12 ambiguous, and I think it might call for attorney
13 work product.
14 BY MR. CHEW:
15 Q You haven't been instructed not to
16 answer.
17 MS. BREDEHOFT: Are you asking for
18 her -- are you asking for her expertise?
19 BY MR. CHEW:
20 Q How did your attorney-client
21 relationship with Ms. Heard end?
22 MS. BREDEHOFT: To the extent that that

R
H

R, H
F/A

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1 would call for attorney-client communications, I
2 will assert the privilege.
3 MR. BRENNER: We're going to follow
4 that -- we're going to follow that assertion.
5 BY MR. CHEW:
6 Q Mr. Depp didn't fire you, did he?
7 MR. BRENNER: Objection. Misstates
8 testimony, exactly what she said on the phone
9 call, so, again, I think this is vague and
10 ambiguous.
11 You can answer to the extent you
12 understand it.
13 THE WITNESS: He tried to.
14 BY MR. CHEW:
15 Q Right. But he didn't, did he?
16 MR. BRENNER: Objection. Vague and
17 ambiguous.
18 BY MR. CHEW:
19 Q He didn't fire you during the phone
20 call, because he did not have the legal authority
21 to fire you during the phone call, correct?
22 MR. BRENNER: Objection. Vague and

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1 ambiguous. I still think we're mixing up our
2 terms about what you're saying about fired you
3 versus the legal effect of firing you, and so I
4 think you're asking a few different questions in
5 there, so compound.
6 BY MR. CHEW:
7 Q He didn't -- you understood very well
8 that during the conversation with Mr. Depp that he
9 lacked the ability to terminate your
10 attorney-client privilege, correct?
11 MR. BRENNER: Objection. You're asking
12 for her mental impression and work product now, so
13 I instruct not to answer.
14 BY MR. CHEW:
15 Q What conversations did you have with
16 Ms. Lowy after your conversation with Mr. Depp
17 relating to the postnuptial negotiation you'd been
18 working on?
19 MR. BRENNER: You can answer that.
20 THE WITNESS: I don't recall. I don't
21 recall specifically.
22 BY MR. CHEW:

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1 Q Did you tell Ms. Lowy that Mr. Depp had
2 effectively fired you?
3 A No.
4 Q You told him -- isn't it true that you
5 told him that it was Ms. Heard who had disengaged
6 you?
7 MR. BRENNER: Objection. Misstates
8 testimony. Who's "him"?
9 THE WITNESS: Her, her.
10 MR. BRENNER: Who are you --
11 BY MR. CHEW:
12 Q Isn't it true that you told Ms. Lowy
13 that Ms. Heard had disengaged you subsequent to
14 your conversation with Mr. Depp, true?
15 MR. BRENNER: You can answer that if
16 you know.
17 THE WITNESS: I don't recall.
18 BY MR. CHEW:
19 Q But you didn't tell Ms. Lowy that
20 Mr. Depp had effectively fired you, correct?
21 MR. BRENNER: Objection. Asked and
22 answered about three questions ago.

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1 BY MR. CHEW:
2 Q You may answer.
3 A **Can you read back the question?**
4 MR. CHEW: Would you please read it
5 back?
6 THE REPORTER: Sure.
7 (The Reporter read the record as
8 follows: "Question: But you didn't
9 tell Ms. Lowy that Mr. Depp had
10 effectively fired you, correct?")
11 THE WITNESS: I don't recall.
12 BY MR. CHEW:
13 Q But you wouldn't have told her
14 something that wasn't true, correct?
15 A **I can answer that?**
16 Q Yes.
17 MR. BRENNER: You wouldn't have told
18 her something that wasn't true?
19 THE WITNESS: No.
20 BY MR. CHEW:
21 Q I didn't think you would either.
22 So I think that's all we have for right

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1 now. Thank you very much.
2 MS. BREDEHOFT: I just have a few
3 follow-ups.
4 FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT
5 BY MS. BREDEHOFT:
6 Q Did Ms. Lowy tell you that Johnny Depp
7 fired her as well?
8 A I don't recall.
9 Q When you say you don't recall, do you
10 recall that you had some communication with
11 Ms. Lowy after Mr. Depp called you?
12 A Yes.
13 MR. CHEW: Objection. Asked and
14 answered.
15 BY MS. BREDEHOFT:
16 Q Okay. And do you recall in your
17 conversation with Ms. Lowy whether you discussed
18 that either of you would be continuing with
19 discussions of a postnuptial agreement?
20 MR. CHEW: Objection. Leading.
21 THE WITNESS: I don't understand the
22 question.

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1 BY MS. BREDEHOFT:
2 Q Well, obviously -- so, first of all,
3 her client called you and told you that he was
4 firing you on behalf of your client, right, and
5 there's -- you -- you -- would it be fair to say
6 that you would have had a conversation with her to
7 tell her her client called you?
8 MR. CHEW: Objection. Argumentative.
9 Testifying.
10 MR. BRENNER: I'm going to add an
11 objection too, because she's testified a number of
12 times she doesn't remember any conversation or any
13 substance of any conversation with Ms. Lowy.
14 So if either of you want to set some
15 sort of foundation, feel free, but you've been
16 asking her questions about what did and did not
17 happen in a conversation she has now told you both
18 that she has no recollection of. So I'm not sure
19 this is a useful exercise, but you've both done
20 it. So feel free to continue, but it doesn't make
21 any sense.
22 MS. BREDEHOFT: All right. That's

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1 fair.
2 BY MS. BREDEHOFT:
3 Q Do you have any recollection of ever
4 receiving any more communications from Dana Lowy
5 furthering the postnuptial agreement after Johnny
6 Depp called you and told you he was firing you on R, P,
7 behalf of Amber and called you names? argumentative
8 MR. CHEW: Objection. Argumentative.
9 MR. BRENNER: You can answer.
10 THE WITNESS: No substantive. I recall
11 that there was no more substantive conversations. Same
12 BY MS. BREDEHOFT:
13 Q Okay. Now, Mr. Chew asked you how
14 Mr. Depp might get your telephone number.
15 Is your telephone number available on
16 your website -- your firm's website?
17 A Yes.
18 Q All right. If someone looked you up on
19 the Internet and put your name in and Attorney,
20 would your telephone number pop up?
21 A Yes.
22 Q All right. And I'm going to ask you

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1 also to take a quick real quickly...
2 MS. BREDEHOFT: Alex, if you can bring
3 back Exhibit Number 4.
4 AV TECHNICIAN: (Technician complies.)
5 BY MS. BREDEHOFT:
6 Q Ms. Mulrooney, I'm going to ask you to
7 just take a look near the top. It's an e-mail
8 from you to Dana Lowy on February 3rd, and you
9 have right on there, as part of your signature
10 block, your telephone and your contact
11 information, do you not?
12 A Yes.
13 Q And do you know whether Dana Lowy
14 forwarded any of your communications to Mr. Depp
15 in connection with your representation relating to
16 the postnup?
17 A No.
18 MR. CHEW: Objection. Calls for
19 speculation.
20 BY MS. BREDEHOFT:
21 Q Okay. Is there any question in your
22 mind that it was Mr. Depp who called you?

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<p>1 A No.</p> <p>2 MS. BREDEHOFT: All right. I have no</p> <p>3 further questions.</p> <p>4 MR. CHEW: I have no further questions.</p> <p>5 Thank -- thank you all.</p> <p>6 MR. BRENNER: Thanks, everybody. Have</p> <p>7 a good day.</p> <p>8 THE REPORTER: Hang on one second.</p> <p>9 Wait one moment.</p> <p>10 THE VIDEOGRAPHER: Here marks the end</p> <p>11 of the deposition of Michele Mulrooney. We are</p> <p>12 going off the record at 3:01.</p> <p>13 (Off the video record.)</p> <p>14 THE REPORTER: Elaine, do you need</p> <p>15 regular delivery or expedite?</p> <p>16 MS. BREDEHOFT: We've got a standing</p> <p>17 order, Marney, so we'll go ahead on that.</p> <p>18 MR. CHEW: I think regular is fine.</p> <p>19 MS. BREDEHOFT: And, Lee, I do think</p> <p>20 you need to -- for Virginia purposes, I think you</p> <p>21 need to indicate whether you're going to read or</p> <p>22 waive. I assume you're going to read, rather than</p>	<p>1 this, but that's as far as I'm willing to go,</p> <p>2 folks.</p> <p>3 MS. BREDEHOFT: Okay.</p> <p>4 THE REPORTER: So I need to put read or</p> <p>5 waive at the end of the transcript.</p> <p>6 MR. BRENNER: Not my problem.</p> <p>7 Guys, we will follow the California</p> <p>8 code. That's my answer.</p> <p>9 MR. CHEW: Understood.</p> <p>10 MR. BRENNER: All right.</p> <p>11 MR. CHEW: Thank you, Ms. Mulrooney.</p> <p>12 Thank you, Lee, very much.</p> <p>13 MS. BREDEHOFT: Thank you very much,</p> <p>14 Ms. Mulrooney. We appreciate it.</p> <p>15 Thank you, Mr. Brenner.</p> <p>16 THE REPORTER: So what should I do? I</p> <p>17 don't know what to do.</p> <p>18 MS. BREDEHOFT: I think put read on</p> <p>19 there.</p> <p>20 (Off the record at 3:04 p.m.)</p> <p>21</p> <p>22</p>
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<p>1 waive signature, once it's typed up, but I think</p> <p>2 in Virginia we're required to put that on the</p> <p>3 record.</p> <p>4 MR. BRENNER: I don't know anything</p> <p>5 about Virginia law, so I will defer to you folks.</p> <p>6 MS. BREDEHOFT: Okay. Well, once we</p> <p>7 have the transcript typed up, it will be sent to</p> <p>8 you, and Ms. Mulrooney will have the opportunity</p> <p>9 to review it. And if there's any kind of</p> <p>10 corrections, particularly like typos or things of</p> <p>11 that nature, you know, mishearing something or</p> <p>12 whatever, she has the opportunity to provide an</p> <p>13 errata sheet or just sign saying everything is</p> <p>14 correct, or she can waive signature and choose not</p> <p>15 to read it.</p> <p>16 MR. BRENNER: I just -- I don't know</p> <p>17 anything about Virginia law, so I'm just going</p> <p>18 to --</p> <p>19 MS. BREDEHOFT: Well, typically --</p> <p>20 typically, we read.</p> <p>21 MR. BRENNER: All right. I mean, I</p> <p>22 guess I'm willing to follow the California code on</p>	<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, MICHELE MULROONEY, do hereby</p> <p>3 acknowledge that I have read and examined the</p> <p>4 foregoing testimony, and the same is a true,</p> <p>5 correct and complete transcription of the</p> <p>6 testimony given by me and any corrections that</p> <p>7 appear on the attached Errata Sheet signed by</p> <p>8 me.</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 (DATE) (SIGNATURE)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

Transcript of Michele Mulrooney
Conducted on March 1, 2021

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Marney Alena Mederos, the officer
3 before whom the foregoing deposition was taken, do
4 hereby certify that the foregoing transcript is a
5 true and correct record of the testimony given;
6 that said testimony was taken by me
7 stenographically and thereafter reduced to
8 typewriting under my direction; that reading and
9 signing was requested; and that I am neither
10 counsel for, related to, nor employed by any of
11 the parties to this case and have no interest,
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 15th day
15 of March 2021.

16 My commission expires November 23, 2020
17 (Extended until 30 days after
18 State of Emergency has been lifted)

19 Marney Alena Mederos
20

21 NOTARY PUBLIC IN AND FOR
22 THE STATE OF MARYLAND

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