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Transcript of Richard E. Marks, Esquire

Date: March 21, 2022
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN C. DEPP, II, :

Plaintiff and :

Counterclaim Defendant, : Civil Action No.:

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counterclaim Plaintiff. :

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VIDEOTAPED DEPOSITION

RICHARD E. MARKS, ESQ.

CONDUCTED VIRTUALLY

MONDAY, MARCH 21, 2022

12:03 p.m. EST

Job No.: 440298

Pages 1 - 121

Reported by: APRIL REID

1 Videotaped Deposition of RICHARD E. MARKS,
2 ESQ. held virtually. All appeared remotely.

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4 A P P E A R A N C E S

5
6 ON BEHALF OF THE PLAINTIFF AND
7 COUNTERCLAIM DEFENDANT JOHN C. DEPP, II:

8 BENJAMIN G. CHEW, ESQ.

9 BROWN RUDNICK, LLP

10 601 Thirteenth Street, N.W.

11 Suite 600

12 Washington, D.C. 20005

13 (202) 536-1700

14 and

15 STEPHANIE CALNAN, ESQ.

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A P P E A R A N C E S cont'd

ON BEHALF OF DEFENDANT AND COUNTERCLAIM
PLAINTIFF AMBER LAURA HEARD:

CLARISSA K. PINTADO, ESQ.

CHARLSON BREDEHOFT COHEN & BROWN, P.C.

11260 Roger Bacon Drive

Suite 201

Reston, VA 20190

(703) 318-6800

ALSO PRESENT:

CATHERINE GONZALEZ, Remote Technician

ARMANDO FORTE, Videographer

- - - - -

1 something that he's claiming is defamatory. 01:59:31

2 Q. You're aware that the UK High Court 01:59:37

3 found against Mr. Depp in his trial there; 01:59:42

4 correct? 01:59:46

5 A. What I'm aware of is that the judge 01:59:46

6 ruled that the -- that The Sun article had not 01:59:53

7 defamed him. 01:59:59

8 Q. Because the allegations in the article 02:00:03

9 that he was a wife beater were substantially true; 02:00:06

10 correct? 02:00:10

11 MR. CHEW: Objection, argumentative, 02:00:10

12 assumes facts not in evidence, lack of 02:00:12

13 foundation. 02:00:14

14 A. I have not read the UK judgment or 02:00:16

15 studied it. 02:00:19

16 Q. But you're aware that it exists, right? 02:00:25

17 A. I'm aware that it exists and that that 02:00:28

18 was the -- appeared to be the last straw for 02:00:33

19 Warner Bros. on Fantastic Beasts. 02:00:36

20 Q. And Mr. Depp lost on appeal as well; 02:00:44

21 correct? 02:00:46

22 A. Again, I don't know the status of the UK 02:00:46

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1 NOTICE

2 This transcript is an UNCERTIFIED ROUGH DRAFT
3 TRANSCRIPT ONLY. It contains raw output from the
4 court reporter's stenotype machine translated into
5 English by the court reporter's computer software,
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15 assist attorneys in their case preparation and is
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17 is not to be read by the witness or quoted in any
18 pleading or for any other purpose and may not be
19 filed with any court.

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1 PROCEEDINGS

2 THE VIDEOGRAPHER: We're now on the
3 record. Here begins tape number 1 in the
4 Videotaped Deposition of Richard Marks. It's
5 taken in the matter of Depp versus Heard.
6 Today's date, March 21st, 2022. The time on
7 the video monitor is 12:04 p.m. Eastern
8 Standard Time.

9 My name is Armando Forte, I'm the
10 videographer representing Planet Depos.

11 All parties are attending this
12 deposition remotely.

13 Will counsel please identify themselves
14 and who they represent.

15 Ms. Pintado.

16 MS. PINTADO: Clarissa Pintado for Amber
17 Laura Heard.

18 MR. CHEW: Ben Chew and Stephanie Calnan
19 for plaintiff, John C. Depp II.

20 THE VIDEOGRAPHER: Thank you, Counsel.

21 Our court reporter for today is April
22 Reid, representing Planet Depos. She will

1 now swear in the witness and we will proceed.

2 THE COURT REPORTER: Mr. Marks, will you
3 please raise your right hand.

4 THEREUPON:

5 RICHARD E. MARKS, ESQ.

6 being first duly sworn or affirmed to
7 testify to the truth, the whole truth, and
8 nothing but the truth, was examined and
9 testified as follows:

10 THE COURT REPORTER: Thank you.

11 EXAMINATION

12 BY MS. PINTADO:

13 Q. Mr. Marks, I represent Ms. Heard. My
14 name is Clarissa Pintado.

15 Can you please provide your full name,
16 for the record.

17 A. My full legal name is Richard Edward
18 Marks, M-A-R-K-S.

19 Q. Thank you.

20 And what is your business address?

21 A. My business address right now is at my
22 home and -- but I -- the business address I'm

1 using is a post office box down the block,
2 10573 West Pico, P-I-C-O, Boulevard, Suite 221,
3 Los Angeles, California 90064-2333.

4 Q. And you understand that you're here to
5 testify about the opinions that you provided in
6 this case; correct?

7 A. I -- I think my opinions were included
8 in documents called designations and, yes, I do
9 understand that.

10 Q. And do you have any notes or any
11 documents, either, you know, on your desk or on
12 the screen, that you're going to be referring to
13 during this deposition?

14 A. I don't have anything on the screen. I
15 did pull out copies of the designations which I
16 have right here.

17 Q. Okay.

18 A. Because they include my opinions, if you
19 will.

20 Q. And you've been deposed; correct --
21 deposed before; correct?

22 A. Yes.

1 Q. Did you review any testimony from the
2 ACLU?

3 A. Not that I recall right now.

4 Q. Do you know who drafted the title of
5 this op-ed?

6 A. I don't. It's -- it's an opinion. It

7 says that it's written by Amber Heard. **From my**

8 little knowledge of the newspaper business, they

9 usually have someone on staff write the -- the

10 headline, if you will. But the opinion is by

11 Amber Heard.

12 Q. Would you agree that Aquaman was a
13 breakthrough role for Amber?

14 MR. CHEW: Objection, argumentative,

15 lack of foundation, assumes facts not in

16 evidence.

17 A. From what I've read, Amber Heard

18 auditioned with many, many other actors and then

19 tested and then was chosen to play this role -- I

20 believe it's Mera -- and she entered into an

21 option -- test option agreement. And this was

22 definitely a breakthrough role for her.

1 of it, but -- but again, my -- my clientele is
2 normally producers, and they are -- I think, even
3 though they -- they produce advertising, they're
4 engaging me in terms of production and
5 development.

6 Q. All right. And looking at G, paragraph
7 G, it says, "The positive and significant impact
8 of a jury verdict in Mr. Depp's favor on his
9 career and reputation in the film industry going
10 forward."

11 Is that still your opinion today?

12 A. Yes, I have an opinion on that. Yes,
13 absolutely.

14 Q. What is your --

15 A. That's still my opinion.

16 Q. What is your opinion on that?

17 A. That if there is a -- if -- if Mr. Depp
18 can obtain repudiation of these statements, in
19 effect, prove defamation, that it will have a
20 positive and significant impact on his career and
21 reputation on a go-forward basis. In effect,
22 he'll be reclaiming his -- his good name from

20 MS. PINTADO: Let's take another break.

21 Just five minutes, if that's -- unless you

22 need longer.

♀

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1 THE WITNESS: No. Five -- again, I -- I

2 don't know what Mr. Chew needs, but if you

3 say five minutes, I'll be back in

4 five minutes.

5 MR. CHEW: Yeah, that -- that -- that's

6 fine with me.

7 MS. PINTADO: Okay.

8 MR. CHEW: That way we can move it

9 along.

10 MS. PINTADO: Okay. Fine with me.

11 2:10.

12 THE WITNESS: Okay. Great. Going off

13 the record at 2:04.

14 (Recess in proceedings.)

15 THE VIDEOGRAPHER: We're back on the

16 record, 2:14.

17 Please continue.

18 BY MS. PINTADO:

19 Q. Mr. Marks, are you aware of any actors
20 accused of abuse who have had a jury verdict on
21 the issue?

22 A. As I sit here right now, I can't think

♀

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1 of a jury verdict, no.

2 Q. What about any verdict -- or any

3 judgment, I should say, other than Mr. Depp?

4 A. When you say jury -- "verdict," what are

5 you talking about?

6 Q. Let me rephrase.

7 Are you aware of any actors accused of

8 domestic abuse who have had a judgment issued by a

9 court on the issue?

10 A. As I sit here now, I can't recall a

11 judgment on domestic abuse.

12 Q. Are any of your opinions in this case

13 based on statistical analyses?

14 A. My -- my opinions -- I'm not a

15 statistician. I know there are other experts in

16 this case that are. But I'm not basing my

17 opinions on statistics. I'm basing them on my