

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM-PLAINTIFF
AMBER LAURA HEARD'S OPPOSITION TO PLAINTIFF AND
COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S MOTIONS *IN LIMINE*
(**CONFIDENTIAL UNDER SEAL**)**

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ARGUMENT

Ms. Heard followed the Court's directive and only filed one Motion and Memorandum containing all motions *in limine*. Att. 1, 2/9/22 Tr. Pre-Trial Conference, at 18:13-19. Despite Mr. Depp declining to do so, Ms. Heard again follows the Court's expressed preference by including all her Oppositions to Mr. Depp's 23 motions *in limine* in this one Opposition.

1. Mr. Depp's Motion *in Limine* No. 1 to Exclude Evidence and Argument Respecting the United Kingdom Judgment Should Be Denied

As both parties will quickly concede, the fact of the UK trial, Witness Statements and trial testimony are intertwined and interspersed throughout the testimony in this case and evidenced significantly in the deposition designations. Both parties intend to impeach and refresh recollections through UK Witness Statements and trial testimony, as well as UK trial exhibits. Thus, the fact of the UK trial, that Mr. Depp brought litigation in the UK for libel, and asserted damages overlapping with the damages he asserts in this litigation, necessarily will be introduced in this trial from both sides and Mr. Depp does not disagree. The defamatory impact of Ms. Heard's Op-Ed, which followed the Sun's Editorial calling Mr. Depp a "wife beater," as well as the damages suffered by Mr. Depp from an unfavorable Judgment in the UK, are solidly germane to the elements of proof of Mr. Depp's claims, as well as to Ms. Heard's defenses on liability and damages.

a. Mr. Depp Confuses the Concepts of Collateral Estoppel and Evidentiary Admissibility

Mr. Depp conflates the elements for collateral estoppel with the Rules of Evidence. The Virginia Rules of Evidence do not proscribe admissibility of a civil judgment in a civil trial. Instead, Virginia Law generally favors admission of all relevant evidence. *See Egan v. Butler*, 290 Va. 62, 72-73 (2015). Rule 2:402 provides, "All relevant evidence is admissible, except as

otherwise provided by the Constitution of the United States, the Constitution of Virginia, statute, Rules of the Supreme Court of Virginia, or other evidentiary principles....” Va. S. Ct. R. 2:402. Furthermore, judicial findings inadmissible under the doctrine of collateral estoppel may still be admissible under the less rigid rules of evidence in a civil proceeding. *See, e.g., Mikhaylov v. Sales*, 291 Va. 349, 356-57 (2016) (holding the trial court erred in applying judicial estoppel in the civil suit based upon the guilty plea that defendant made in the earlier criminal case prosecuted on behalf of the Commonwealth, but that the guilty plea was *still admissible* in evidence).

b. The UK Judgment is Germane to the Elements of Mr. Depp’s Defamation Claim and Damages

Mr. Depp brought a libel lawsuit in the UK in June 2018 against the Sun newspaper and the Editor in Chief, Dan Wooten, for calling Mr. Depp a “wife beater.” Ms. Heard’s Op Ed was published in December 2018. Mr. Depp sued Ms. Heard in this Court for Defamation based on the Op Ed in March 2019. After an extensive motions practice and highly public trial in July 2020, the UK Court issued its Judgment on November 2, 2020, finding against Mr. Depp, and further finding that Mr. Depp had committed acts of domestic abuse against Ms. Heard at least 12 times, including causing Ms. Heard to fear for her life. All appeals have been exhausted.

The UK Judgment is highly relevant to Ms. Heard’s defense to a key element of Mr. Depp’s claim: that the statements are “actionable.” *See Schaecher v. Bouffault*, 290 Va. 83, 91 (2015). To be actionable a statement must be both “false and defamatory.” *Id.* A statement qualifies as defamatory if it “tends to injure one’s reputation in the common estimation of mankind . . .” *Id.* at 92. The UK Judgment and its underlying facts concerning an article published prior to publication of the Op-Ed, are particularly relevant to whether the Op-Ed caused injury to Mr. Depp’s reputation—it was already widely reported that Mr. Depp was a

“wife beater,” so any statement regarding domestic abuse after the publication of the Sun article on April 28, 2018 would not “tend to injure his reputation,” which would have already been tarnished. Ms. Heard has stated in her Grounds of Defense that any of Plaintiff’s “alleged injuries were not caused by Defendant, but were instead caused by Plaintiff’s negligence, conduct, actions, or inactions, or were as a result of other alternative causes, or a combination thereof,” so the judgment will be key to Ms. Heard’s defenses. *Heard Answer and Grounds of Defense*, at 29, ¶ 6.

The UK Judgment is also extremely relevant to Mr. Depp’s alleged damages. Mr. Depp’s expert, Mr. Doug Bania, is expected to testify that “Mr. Depp is portrayed in a negative connotation during the eight largest Google Trends Spikes after Ms. Heard’s allegations of abuse in May 2016, including after the Op-Ed was published in December 2018.” According to Mr. Bania’s own data, the largest “Google Trend Spike” after the date of publication of Ms. Heard’s Op-Ed is associated with the UK Judgment. **Att. 3**. Mr. Depp’s publicist, agents, and expert have unequivocally testified that Mr. Depp’s loss of his role in *Fantastic Beasts* was caused by the UK Judgment—not the Op-Ed. **Att. 4**, Baum Tr. 105:7-14; **Att. 5**, Carino Tr. 151:2-11; **Att. 6**, Whigham Tr. 149:1-152:10; **Att. 7**, Marks Tr. 81:2-19. Mr. Carino also testified that Mr. Depp lost his role in the *Houdini TV* project due to the UK Judgment. **Att. 5**, at 151:11-16.

c. The UK Judgment Is Not Hearsay
Because it Would Not Be Offered to Prove the Truth of the Matters Asserted

“‘Hearsay’ is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Va. S. Ct. R. 2:801(c). “An out-of-court statement not admitted for ‘the truth of the matter asserted’ is not hearsay, and therefore is not barred by the general rule against the admissibility of hearsay.” *Hodges v. Commonwealth*, 272 Va. 418 (2006) (applying *Crawford v. Washington*, 541 U.S. 36,

59 n.9 (2004), and *Tennessee v. Street*, 471 U.S. 409 (1985)). The UK Judgment would be offered to show that the Op-Ed did not “tend to injure” Mr. Depp’s reputation and as an alternative cause of Mr. Depp’s alleged damage to his reputation and refute the opinions of Mr. Depp’s experts—not to prove that the statements contained therein are true.

d. The UK Judgment is Highly Probative of Ms. Heard’s Defenses and Not Substantially Outweighed by a Danger of Unfair Prejudice

“Evidence that is highly probative invariably will be prejudicial to the [opposing party].” *Egan*, 290 Va. at 72 (quoting *United States v. Grimmond*, 137 F.3d 823, 833 (4th Cir. 1998)). Virginia Rule of Evidence 2:403(a) only authorizes the trial court to exclude relevant evidence when the probative value is substantially outweighed by the danger of *unfair* prejudice. *Id.* (emphasis in original). The UK judgment has been widely publicized and is already public knowledge. *See, e.g., Att. 4, Baum Tr.* 102:15-104:18. So its admission in evidence will not have any more of a prejudicial effect than it has had already, and its prejudicial effect would not be “unfair.” It would be far more unfair to Ms. Heard to prevent her from using the Judgment to defend on the elements of causation and damages.

Moreover, if the concern is that the jury may be confused or misled by the fact of a Judgment against Mr. Depp in the UK (in a case brought by Mr. Depp), the Court can issue appropriate jury instructions that would resolve this issue. *See Buckley v. Mukasey*, 538 F.3d 306, 319 (4th Cir. 2008) (holding the lower court abused its discretion in a discriminatory retaliation case by refusing to allow plaintiff to describe prior litigation or its history, including any past findings of discrimination, and noting that “to the extent there is any danger of confusion of the issues, a limiting instruction could be utilized to caution the jury that the [] litigation evidence is to be considered only as evidence of retaliatory animus.”). Contrary to Mr.

Depp's assertion, jurors are capable of following instructions and understanding that the UK Judgment is not binding on this Court.

For all these reasons, Mr. Depp's Motion *in Limine* to Exclude Evidence and Argument Regarding Judgment in the United Kingdom should be denied.

**2. Mr. Depp's Motion *in Limine* No. 2 to
Bifurcate the Trial as to Liability and Damages Should Be Denied**

Mr. Depp's sudden eleventh-hour request to bifurcate liability and damages would result in gross inefficiencies at trial and be a massive waste of the Court's and the parties' resources. In asking the Court to bifurcate liability and damages, Mr. Depp does not cite a single Virginia case bifurcating a defamation trial. And for good reason: malice is an element of both liability and damages (including the anti-SLAPP inquiry and punitive damages). The majority of the factual evidence that will be presented to the jury in this case is highly relevant to the question of malice, and to both liability and damages issues generally. Bifurcating liability and damages will result in duplicative trials in which the same evidence would have to be put on twice.

This overlap in evidence counsels against bifurcation. *See* Wright and Miller, *Federal Practice and Procedure*, § 2390 (“[S]eparation has been denied when the evidence on the two subjects is overlapping or the liability and damages issues are so intertwined that efficiency will not be achieved or confusion may result from any attempt at separation.”); *Llerando-Phipps v. City of New York*, 390 F. Supp. 2d 372, 380 (S.D.N.Y. 2005) (finding that evidence of a plaintiff's alcohol and substance history pertained to both liability and damages in a § 1983 and malicious prosecution action and so bifurcation on liability and damages was not appropriate); *Hanwha Azdel, Inc. v. C&D Zodiac, Inc.*, 2013 WL 3989147, at *1 (W.D. Va. 2013) (“While this

is an important factor in favor of bifurcation, courts have found that the mere lack of overlap in evidence by itself does not justify separate trials.”¹

Mr. Depp’s request is made at the last minute on the eve of trial, after the parties have expended significant resources preparing deposition designations addressing both liability and damages, and engaged in other pretrial work product (motions *in limine*, jury instructions, and trial exhibits) in anticipation of a single trial on both liability and damages. The Court has prepared for a single trial on both liability and damages. To separate out this work product at this inexplicably late hour would be virtually impossible, and would require the parties to

¹ Although there is not much Virginia caselaw on bifurcation, cases are legion from courts all across the country that bifurcation is inappropriate when there is an overlap of liability and damages evidence. See *Ex parte Endo Health Solutions Inc.*, 2021 WL 5407584 (Ala. 2021) (finding the trial court abused its discretion in bifurcating trial of liability and damages when “the two trials will involve significant overlapping issues and evidence”); *Gaede v. District Court In and For Eighth Judicial Dist.*, 676 P.2d 1186, 1188 (Colo. 1984) (“Circumstances to be considered include the interrelationships of issues and claims, potential prejudice to any party, potential duplication of evidence, and possible delay in the ultimate resolution of the case.”); *Henricksen v. State*, 319 Mont. 307, 316 (Mont. 2004) (“It is not appropriate to bifurcate issues when the issues are so intertwined that if they are separated it will create confusion and uncertainty, or needless and endless litigation”); *Verner v. Nevada Power Co.*, 101 Nev. 551, 554 (Nev. 1985) (finding that the trial court abused its discretion in ordering bifurcation of trial when “the issues of liability and damages were inextricably interrelated”); *State ex rel. Perry v. Sawyer*, 262 Or. 610, 615-16 (Or. 1972) (finding that when “the issues of liability and damages were not separate and apart from one another” then “the trial judge had no discretion to exercise [bifurcation] in the first instance”); *Stevenson v. Gen. Motors Corp.*, 513 Pa. 411, 422 (Pa. 1987) (“In determining whether to bifurcate a trial, the trial judge should be alert to the danger that evidence relevant to both issues may be offered at only one-half of the trial. This hazard necessitates the determination that the issues of liability and damages are totally independent prior to bifurcation.”); *Enmix v. Clay*, 703 S.W.2d 137, 139 (Tenn. 1986) (“Above all, the issues at trial must not be bifurcated unless the issue to be tried is so distinct and separable from the others that a trial of it alone may be had without injustice.”); *Walker Drug Co., Inc. v. La Sal Oil Co.*, 972 P.2d 1238 (Utah 1998) (quoting *Angelo v. Armstrong World Indus.*, 11 F.3d 957, 964 (10th Cir. 1993) (“Regardless of convenience, however, an order to bifurcate trial ‘is an abuse of discretion if it is unfair or prejudicial to a party’ or if ‘the issues are [not] clearly separable.”); *Myers v. Boeing Co.*, 115 Wash. 2d 123, 146 (Wash. 1990) (J, Utter concurring) (“Where culpability and damages are interwoven, bifurcation is not appropriate even when both trials are held in one forum.”).

resubmit deposition designations and objections, trial exhibits, witness lists, motions *in limine*, jury instructions, and rework the entire scheduling matrix for the witnesses. There are simply not enough days remaining to create a separation of liability and damages, even if this late request were warranted. The Court should deny Mr. Depp's motion, choose the path that conserves its own and the parties' resources, and permit the trial to proceed in full.

a. There is a Substantial Overlap Between Liability and Damages Evidence

Much of the focus at trial will be on whether either party acted with actual malice. In Virginia, as elsewhere, actual malice is an element of liability because the parties are public figures. *Jordan v. Kollman*, 269 Va. 569, 576–77 (2005). This means that Mr. Depp for his claim, or Ms. Heard for her Counterclaim, must “demonstrate by clear and convincing evidence that the defendant realized that his statement was false or that he subjectively entertained serious doubt as to the truth of his statement.” *Id.* Therefore, the jury will have to weigh, as a whole, whether either party acted with actual malice. This will require the jury to consider the testimony of the majority of the dozens of witnesses, both fact and expert, who will testify at trial. Mr. Depp's suggestion of employing a separate jury for damages would necessarily duplicate a substantial portion of the first trial. Even if the Court were to try to bifurcate and employ the same jury, much of the evidence would need to be segregated out and would necessarily be duplicative on several points, only lengthening the trial time. There would need to be another set of conferences on Motions *in limine*, deposition designations, jury instructions, trial exhibits, and witness lists.

But actual malice is relevant at the damages phase as well. For example, “[t]o recover punitive damages, all defamation plaintiffs must show actual malice.” *Id.* And Ms. Heard's entitlement to attorney's fees from Virginia's anti-SLAPP similarly requires an assessment

whether her statements were “made with actual or constructive knowledge that they are false or with reckless disregard for whether they are false.” Va. Code § 8.01-223.2.

All these assessments should be made by the same jury at the same time. Because of this overlap in the evidence relevant both to liability and damages, defamation cases are particularly unsuited to bifurcation. This type of case stands in stark contrast to cases where bifurcation is particularly appropriate, such as personal injury or medical malpractice. Moreover, even setting aside the issue of malice, the majority of the evidence regarding Ms. Heard and Mr. Depp’s relationship will overlap with questions of whether Mr. Depp has suffered any damages. A key theme of Ms. Heard’s defense is that Mr. Depp abused her when he was high on alcohol and drugs and as a result of the dynamics those addictions created. Those same dynamics manifested themselves in Mr. Depp’s financial troubles, inability to remember his lines, tardiness to movie sets, and general unreliability as an actor, which in turn has impacted his career. And each of those failings fueled one another, which in turn exacerbated Mr. Depp’s abusive behavior toward Ms. Heard. Similarly, Mr. Depp will attempt to elicit evidence against Ms. Heard that bears both upon liability and damages issues relating to her Counterclaim.

Mr. Depp argues that the Court could, if necessary, simply set the damages trial for the time it has reserved for any necessary trial on Ms. Heard’s entitlement to attorney’s fees if she prevails. But as the Court discussed with the parties at the February 9 pretrial conference, any trial on fees would last approximately two days. In contrast, a trial on damages would likely last weeks due to the duplicative evidence the jury would have to consider both in the liability and damages phases. In addition, if Ms. Heard prevails, the jury trial on the Anti-SLAPP would still need to held, so there would be no “savings.”

b. No Prejudice Will Result from a Single Trial

Despite the overlap of liability and damages case, Mr. Depp contends that he will be prejudiced if the two are tried together, but he fails to explain how, why the last minute request after three years of litigation, and especially how he would be “unfairly” prejudiced. His worry about the “salacious press coverage” is ironic, (*Depp Motion No. 2*, at 4), given that Mr. Depp has been responsible for most of that press coverage designed to harm Ms. Heard. The case is going to generate press coverage regardless of whether the trial is bifurcated. The Court can mitigate the risk of outside influences through *voir dire* and through jury instructions regarding the reading of outside materials. Ms. Heard trusts the Court to choose and instruct the jury appropriately.

Mr. Depp’s concern that the jury will be tainted by hearing “[i]nflammatory evidence that is irrelevant to the issue of liability, but relevant to the issue of damages” is misplaced. *Depp Motion No. 2*, at 4. As discussed above, much of the evidence relevant to liability and damages, including sensitive and potentially inflammatory information about both parties, overlaps. But it was Mr. Depp’s choice to bring this lawsuit, and this is a defamation case in which matters such as character and the parties’ conduct are at issue, and Mr. Depp should not be permitted to pick and choose which evidence the jury hears. Indeed, juries weigh liability and damages together all the time. As with press coverage, the Court can instruct the jury appropriately regarding liability and damages. But bifurcating the trial would create a revolving door of mini trials and conferences on whether evidence is relevant to liability or damages, and the end result will likely be that much evidence is put on twice, lengthening these proceedings.

Mr. Depp’s citation of *Centra Health, Inc. v. Mullins* does not provide him any support. 277 Va. 59, 78 (2009). Although the Court there observed the general proposition that

bifurcation is appropriate in certain circumstances, Mr. Depp misleadingly alters the Court's words, suggesting that the Court held that bifurcation may avoid prejudice "[in certain cases]." *Depp Motion No. 2*, at 4. In fact, however, the Court did not express an open-ended view regarding numerous categories of cases in which bifurcation is appropriate, as Mr. Depp suggests. Rather, because the question was whether the circuit court had erred in not requiring an election of remedies between a survival claim and a wrongful death claim, the Court stated that bifurcation was "the most practical means" to avoid prejudice "in a case where there is any doubt as to when compelling an election would be proper[.]" *Centra Health*, 277 Va. at 78. This case, of course, is not a case involving an election of remedies.

Finally, Mr. Depp is wrong to suggest that bifurcation will serve the interests of judicial economy. As discussed above, bifurcation would result in many of the same witnesses and much of the same evidence being presented twice, would lengthen the initial trial because of the many anticipated disputes on whether the evidence relates to liability and/or damages, would be impossible to separate in time for trial in light of the late date and the Motions *in limine*, deposition designations, exhibit and witness lists, and jury instructions, all of which would have to be modified. It would extend both trials by, literally, weeks, particularly with the overlap of so many witnesses testifying on both issues. In contrast, a single trial has already been scheduled to last 6 weeks, which will be far shorter and will not stretch into the summer months.

Proceeding with a single trial is by far the most efficient way to proceed, particularly where there is so much overlap in liability and damages and witnesses. It is time for this litigation to end. The Court should deny Mr. Depp's request for bifurcation.

3. Mr. Depp's Motion in Limine No. 3 to Exclude Evidence and Argument Regarding Whether Four Los Angeles Police Officers Followed Procedure Should Be Denied

- a. Mr. Depp Seeks to Mislead the Jury by Excluding Evidence and Arguments that the Officers Responding to the May 21, 2016 Domestic Violence Calls for Service Failed to Follow LAPD Policy and Procedure And thereby Failed to Properly Investigate And Find Probable Cause that a Crime had been Perpetrated

Since the outset of this litigation, Mr. Depp's counsel have repeatedly relied on the testimony of Officers Saenz and Hadden, who first responded to a domestic violence call for service at the residence of Mr. Depp and Ms. Heard, to describe and *substitute for the truth* of what occurred between Mr. Depp and Ms. Heard on May 21, 2016. *See, e.g., Att. 64*, Hearing Tr. 18:18-19:4 (Nov. 15 2019) (White, J.), , (Mr. Depp's counsel stating: "For the truth of that, we have the depositions of the two police officers who came to the scene that were trained in domestic abuse, who were called. And they both testified ... that they examined both Mr. Depp and Ms. Heard. They interviewed them both.... They found no signs of any injury on either one of them. That's where we get the truth."); *see also Att. 83*, 12/13/19 Hearing Tr., at. 13:5-9, (White, J.) (relying on the Officers records to incorrectly assert there was only "a verbal confrontation").

Through his Motions *in Limine* Nos. 3 and 12, Mr. Depp seeks to solidify his effort to mislead the jury, in the hopes the jury will rely solely on Officer Saenz's and Hadden's conclusions and records and/or the conclusions and records of Officers Diener and Gatlin (the second set of Officers who responded to a duplicate call at the same address hours after the first set) to substitute for the "truth" of what occurred, without knowing or learning that these officers failed to conduct a thorough, complete, and documented field investigation, *as required by LAPD policy and procedure* (and California law), and "ignored evidence and failed to reasonably determine (or document their reasonable determination) that there was probable cause to

conclude that a domestic violence crime had been perpetrated upon Ms. Heard (by someone) on May 21, 2016 and that a further investigation was required and appropriate," *pursuant to LAPD policy and procedure. Depp Motion No. 12, Ex. A (Bercovici Expert Designation).*

Even Mr. Depp's expert, Rachael Frost, whom Mr. Depp put forward to "testify regarding whether the two set[s] of LAPD officers **followed policy, procedure and best practices based on California state law** regarding their dispatch and arrival to [Mr. Depp and Ms. Heard's residence] on May 21, 2016," testified that what the officers purportedly knew is misleading:

Q And you would agree with me that **what the officers knew at the time is misleading as to what occurred**, when you look at the record as a whole as you've seen it now; is that right?

THE WITNESS: If everyone's statement is to be believed, from Ms. Heard, Josh Drew, Ms. Pennington, Ms. Marz -- if everybody's statement is to be believed, if all the evidence is, you know, verified, et cetera, **yes, additional investigation had to be done.**

Att. 65, Frost Tr., 296:7-17 (emphasis added). Mr. Depp's police policy and procedure expert further testified:

A If everything Josh Drew says is true, and we're talking about the property damage, I could just stop right there on the property damage and say a crime occurred if -- let me take that back.

If I knew the totality of everybody's statements, **I could determine a crime occurred. If Josh Drew's statements only, I would need to do further investigation to continue further.**

...
THE WITNESS: I would agree that I needed to do further investigation to figure out everything that happened. ***It would not stop [(as Officer Saenz and Hadden did)] at, Here is a business card.***

...
[I]f you're asking me *if I would believe that a domestic violence incident occurred [on May 21, 2016], yes, I would.*

If I take everything as true, everything Ms. Heard says, everything Raquel Pennington says, and everything Mr. Drew says -- if everything all three of those

folks are saying are true, *I would opine that a crime occurred.*

Id. 273:2-19, 274:11-7 (emphasis added); *see also id.* at 200:7-11, Ex. 5 at Trial Ex. No. 714 (“Q And if you saw the injuries that we see in 714, **would that cause you concern that domestic violence had occurred? A Yes, it would.**”) (emphasis added).

In reality, Officers Saenz and Hadden were on the scene for fifteen (15) minutes or less. **Att. 66**, Saenz Tr. 143:4-8, 171:1-15, 174:5-17, Exs. 19-20,. During their abbreviated visit, these Officers failed to properly handle the domestic violence call for service pursuant to LAPD policy and procedure (and California law). *See generally Depp Motion No. 12* at Ex. A (Bercovici Expert Designation). The second set of Officers, Diener and Gatlin, were only on the scene for “three [(3)] minutes and 38 seconds max.” **Att. 65**, Frost Tr. at 153:3-11. They likewise failed to properly handle the domestic violence call for service pursuant to LAPD policy and procedure (and California law). *See, generally, Depp Motion No. 12, Ex. A.*

Even Ms. Frost testified that the second set of Officers were “[e]asily 15 feet” away from Ms. Heard, the lighting was “incredibly dim” and “there’s no way” the officers “could have observed whether or not Ms. Heard, in fact, had physical injuries.” **Att. 65**, at 159:10-160:6. The second set likewise “did nothing to observe the location for property damage, evidence of alcohol use, or disarray.” *Id.* at 160:10-17. And Ms. Frost testified that California law *requires* officers responding to domestic violence calls for service to determine if there has been “alcohol consumption” because “[i]t’s listed in... our Penal Code, that we will determine about alcohol consumption” because it can be a “red flag when responding to a call for domestic violence.” *Id.* at 108:6-17; *see also id.* at 106:5-107:24 (recognizing that LAPD *policy* calls out “damaged property, broken furniture, holes in walls, damaged phones, phone cords pulled from walls, evidence of alcohol consumption, [and] general disarray” because they are red flags and

“important things to be on the look out for when you’re responding to a domestic violence call”).

Without expert testimony as to what these responding officers were expected and required to do pursuant to LAPD policy and procedure (and California law), their testimony and records, in isolation, are entirely misleading. In further support of this undeniable fact, the records of both sets of Officers *incorrectly* state “VIC[TIM] ADVISED VERBAL DISPUTE” and “VERBAL ARGUMENT ONLY,” respectively. **Att. 65**, Frost Dep. Ex. 3 at LAPD000012-

13. Ms. Frost’s testimony on this issue, according to her, *requires expert knowledge*:

A ... [W]e might want to have a discussion about why deputies put this in on a regular basis into their -- their CAD log or their incident recall.

...

I just want to say this is normally what deputies will say.... So Location, Victim advised verbal dispute, Refused to give any further info, Issued business card. That’s just a short way of addressing it.

I don't believe that Ms. Heard specifically said [to Officers Saenz or Hadden] it was verbal. I believe that she said that she refused to provide any information.

...

THE WITNESS: But the very specific thing I remember [Ms. Heard] saying is that “I refuse to provide any information, based on advice of counsel.”

But in terms of Office Saenz and Officer Hadden’s recollection and Ms. Heard’s recollection, I don’t remember specifically. I don’t remember the word “verbal” being used.

Id. at 142:18-143:13, 145:7-13 (emphasis added). Ms. Frost likewise testified:

Q And who communicated to Diener and Gatlin that it was a verbal argument only?

THE WITNESS: This may be -- and you would have to look at specific to Diener and Gatlin, because I don’t know if anybody actually asked them this question. But it doesn’t necessarily mean that anybody communicated to it.

...

A ... I think **that’s just vernacular**.... Did they -- if you’re asking the question, did they determine if there was a verbal argument only? **They individually did not determine if there was a verbal argument only.**

Id. at 151:11-19,167:3-13 (emphasis added).

b. California Law (Relied on by Mr. Depp's Expert) Requires an Analysis of LAPD Policies and Procedure

Mr. Depp's own expert relies on California law, and Cal. Penal Code § 13701, in particular. *See, e.g.*, Frost Tr., Att. 67, Ex. 1 at 38, 48. But California law expressly mandates that "Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls." Cal. Penal Code § 13701(a); Att. 65, Frost Tr. at 260:15-19. Each local law enforcement agency, such as the LAPD, has different policies and procedures implementing state law. Att. 65, at 81:9-82:10, 260:20-24. LAPD policies and procedures, therefore, are required to understand the requirements for these officers responding to domestic violence call, in accordance with state law. *Id.*

c. LAPD Policies and Procedures are Relevant, Probative and Essential to Avoid Misleading the Jury

For the reasons stated herein, there is a substantial risk the jury will be misled by the fact that these Officers are expected to be trained and, in the absence of contrary expert testimony, would likely be *incorrectly presumed* to have followed their training, policies and procedures when they incorrectly concluded that there was a "verbal dispute" only, and there was no evidence of a crime supporting domestic violence that they saw or should have seen. Att. 65, Frost Tr. at 251:12-14 ("But I do agree that a **wine bottle on the floor and broken glass**, those are two things that **if I'd walked through, I should have seen.**"). LAPD policies and procedures are, therefore, directly relevant, probative and essential to avoid misleading the jury. *See Wyatt v. Owens*, 317 F.R.D. 535, 542 (W.D. Va. 2016) (finding policies relevant and probative and recognizing "compliance with [police] policies and procedures is a factor that may be considered by the jury when evaluating whether [an officer] acted reasonably.") (internal

citations omitted).

Moreover, the violation of the rules, policies and procedures is precisely the motivation for the Officers to cover up their decision not to pursue the investigation after Ms. Heard was adamant about not pressing charges or cooperating. Although the policies, procedures and rules require the Officers to investigate notwithstanding if they see evidence of injury and/or property damages, the Officers elected not to pursue an investigation. If the Officers were found not to have followed the rules, policies and procedures, they would be subject to disciplinary action. **Att. 75; Att. 82**, 3/12/21 Tr. Dep. LAPD, at 153-157. Therefore, the Officers – once faced with the photographs of the injury and property damage, were placed in the uncomfortable position of either admitting they saw the injury and property damage but elected not to follow the rules, policies and procedures, or denying they saw the injury and property damage. The jury needs to decide the credibility of these officers under the circumstances, and need to be aware of the potential motivations. *Cf. Holdaway Drugs, Inc. v. Braden*, 582 S.W.2d 646, 651 (Ky. 1979) (“Proof of a motive is always relevant when attempting to prove that someone committed a particular act.”).

The scope of relevant evidence in Virginia is “quite broad, as ‘every fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue is relevant.’” *Commonwealth v. Proffitt*, 292 Va. 626, 634 (2016) (citing *Virginia Elec. & Power Co. v. Dungee*, 258 Va. 235, 260 (1999)); see also Charles E. Friend & Kent Sinclair, *The Law of Evidence in Virginia* § 6-1, at 342 (7th ed. 2012) (“If [evidence] has *any* probative value, however slight — i.e., if it has any tendency whatsoever to prove or disprove the point upon which it is introduced — it is relevant.”). Relevant evidence need only otherwise be material, meaning it must “tend to prove a matter that is properly at issue in the case.” *Brugh v. Jones*,

265 Va. 136, 139 (2003).

Moreover, there is no prejudice, much less unfair prejudice, to Mr. Depp in introducing this evidence. Rule 2:403 provides that relevant evidence may be excluded if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice or the likelihood of confusing or misleading the trier of fact, or if it is needlessly cumulative. Va. S. Ct. R. 2:403. The Rule's reference that "only 'unfair' prejudice may be considered reflects the fact that all probative direct evidence generally has a prejudicial effect on the opposing party." *Lee v. Spoden*, 290 Va. 235, 251 (2015); *Egan*, 290 Va. at 72-73 (noting that the jury's mere "perception of the claims of a party is not unfair prejudice such that its admission could be barred" under 2:403(a)). Instead, "unfair prejudice" properly means "the tendency of some proof to inflame the passions of the trier of fact or to invite decision based upon a factor unrelated to the elements of the claims and defenses in the pending case." *Lee*, 290 Va. at 251.

4. Mr. Depp's Motion *in Limine* No. 4 to Exclude Evidence and Argument Regarding Litigation-Related Conduct and Russian Connections of Adam Waldman Should Be Denied

Mr. Depp asks the Court to preclude Ms. Heard from introducing evidence or argument about the revocation of Mr. Waldman's *pro hac vice* admission in this case or "any conduct by Mr. Waldman in connection with the litigation of this action while he was of record." *Depp Motion No. 4*, at 2. Unless Mr. Depp opens the door at trial, Ms. Heard does not intend to elicit affirmative testimony or make an argument about Mr. Waldman's *pro hac vice* revocation for his blatant violation of the protective order by tweeting documents plainly marked confidential. Thus, the only question for the Court is whether Mr. Waldman's conduct on behalf of Mr. Depp outside of the *pro hac vice* revocation is relevant and admissible. For the reasons explained below, it clearly is.

Mr. Waldman spoke the words that comprise the three defamatory statements in Ms. Heard's counterclaim against Mr. Depp. The Court has denied Mr. Depp's *demurrer* and motion for summary judgment, finding that a jury may hold Mr. Depp liable if Mr. Waldman was making the three defamatory statements as Mr. Depp's agent. But beyond those three statements, Mr. Waldman has engaged in a flurry of inappropriate activity that is directly relevant to this case. Mr. Waldman is Mr. Depp's hatchet man against Ms. Heard, deployed to lob attacks at Ms. Heard in the press, coerce or mislead witnesses into giving testimony he believes will help Mr. Depp (both here and in the UK), foment social media and press coverage to harm Ms. Heard, and manufacture fraudulent "evidence" that he then leaks to the press (like filing a complaint with a desk officer against Ms. Heard for perjury with the LAPD and then telling the press that the LAPD was investigating Ms. Heard for perjury). Mr. Waldman engaged in a course of conduct for years on behalf of Mr. Depp that is relevant and probative for a variety of reasons.

First, Mr. Waldman's actions on behalf of Mr. Depp are relevant to demonstrate actual malice on the part of both Mr. Depp (with Mr. Waldman acting as his agent) and Mr. Waldman himself. As detailed in numerous previous filings, Mr. Depp has waged war against Ms. Heard for years. Mr. Waldman's conduct in furtherance of this revenge campaign against Ms. Heard are evidence of malice.

Mr. Waldman, on behalf of Mr. Depp, attempted to intimidate and threaten witnesses to influence their testimony in a manner adverse to Ms. Heard. For example, on June 22, 2019, Mr. Waldman wrote to Laura Divenere

I assume you are fearful of something and you needn't be. I wanted to talk to you specifically because I heard from Johnny and others that you are a nice person and more importantly, I have you all over the surveillance video immediately after the May 21 faked abuse claims,... You were with her immediately prior to and

immediately after she created this hoax.... So the question for you to consider is: do you want to speak with me off the record and we can consider together if and how to use any eyewitness account you provide, regarding which I would be very respectful of your wishes and sensitivities, or do you want to remain on the side of the hoax... If it's the latter we will send you a subpoena to compel your appearance in sworn testimony.

Att. 8. Ms. Divenere testified that Mr. Waldman threatened her with negative consequences if she did not cooperate with him, including perjury, if she did not sign the declaration Mr. Waldman wanted her to sign. **Att. 9,** 15:16-18:6; 30:3-36:15. Ms. Divenere also testified that Mr. Depp represented to the world that her declaration was proof of Ms. Heard lying, when in fact, Ms. Divenere does not believe Ms. Heard lied. *Id.* 41:19-48:7. Ms. Divenere testified that she felt coerced by Mr. Waldman to sign the declaration. *Id.* 31:9-13. This type of conduct, which Mr. Waldman repeated with others as well, is direct evidence of actual malice, and it may also be evidence of witness bias admissible under Va. R. Evid. 2:610.

Next, Mr. Waldman also used the media (including social media) to falsely call Ms. Heard a liar and a hoax artist. This not only included the main stream media, but also social media accounts, including "That Umbrella Guy," "ThatBrianFella," and "TheRealLauraB," which regularly attacked Ms. Heard. **Att. 10,** at 216:15-219:10. Mr. Waldman also regularly Tweeted about the facts of this case, the Counterclaim and Ms. Heard, until his Twitter account was permanently revoked for life for his conduct. *Id.* at 55:15-56:13; **Att. 11.**

In November 2018, Mr. Depp invited a GQ journalist to interview him to provide "the truth Johnny Depp wants you to hear" because, according to Mr. Heath, Mr. Depp was "angry – angry about a lot of things – and he's vengeful." **Att. 12.** Mr. Depp falsely alleged that there was "no truth to [Ms. Heard's judicial statements of abuse] whatsoever," and alleged that Ms. Heard fabricated the bruising on her face and perjured herself in connection with the 2016 DVRO. *Id.*

And finally, in a clear abuse of process and malicious prosecution, Mr. Depp, through Mr. Waldman, informed a German outlet that the “LAPD and Australia are actively pursuing a criminal investigation against Amber Heard.” **Att. 13.** But the LAPD was not investigating Ms. Heard for perjury or any other criminal activity, which Mr. Waldman now admits. In fact, the only “evidence” of this supposed “investigation” was that Mr. Waldman brought a binder of information to the LAPD and asked them to investigate Ms. Heard. **Att. 10,** at 220:19-231:6. The sole purpose of this contact of the LAPD on a claim that Mr. Depp both knew was false and that was time-barred by years, was to permit Mr. Waldman to tell the press that the LAPD was investigating Ms. Heard when, in fact, it was not.

As he was engaged in this misleading, abusive, and malicious behavior, Mr. Waldman was clear that he was performing this work on behalf of Mr. Depp, and that it was Mr. Depp who told Mr. Waldman Amber’s abuse allegations were a hoax. For example, Mr. Waldman wrote to one witness, “Johnny depp’s lawyer Adam waldman here.... I know from Johnny, as with other hoax claims where we have multiple eyewitnesses, that it was amber who assaulted Johnny.”

Att. 14.

As discussed above, this type of conduct is evidence of actual malice. Mr. Depp admits that, in prosecuting her Counterclaim, “it is conceivable” that Ms. Heard is entitled to introduce evidence that Mr. Waldman was acting with actual malice or at Mr. Depp’s direction. *Depp Motion*, at 1. “Because actual malice is a subjective inquiry, a plaintiff ‘is entitled to prove the defendant’s state of mind through circumstantial evidence.’” *Spirito v. Peninsula Airport Comm’n*, 2019 U.S. Dist. LEXIS 83880, at *14 (E.D. Va. Apr. 3, 2019) (citing *Harte-Hanks Commc’ns, Inv. v. Connaughton*, 491 U.S. 657, 668 (1989).) An important component of the circumstantial evidence in this case is the out of court actions Mr. Waldman took on behalf of

Mr. Depp that Mr. Depp was kept informed of, and about which Mr. Depp cheered Mr. Waldman on from the sidelines. Ms. Heard is entitled to demonstrate to the jury that Mr. Depp, by definition, knew that Mr. Waldman's conduct as his agent was designed to defame and harm Ms. Heard and her case, and therefore that such conduct is further evidence of malice.

Second, all of this conduct is evidence that that Mr. Waldman was acting as Mr. Depp's agent when he made the three defamatory headlines at issue, which Ms. Heard must prove to prevail on her counterclaim. As detailed in Ms. Heard's response to Mr. Depp's motion for summary judgment that the Court denied, Mr. Depp knew exactly what Mr. Waldman was doing when he took actions related to this case. And at deposition of both Mr. Depp and Mr. Waldman, Mr. Depp claimed privilege over questions related to whether Mr. Waldman was acting as his agent, forcing Ms. Heard to demonstrate agency through other evidence such as that detailed above. To the extent Mr. Depp will argue that Mr. Waldman was not his agent for the purposes of the three defamatory statements he uttered, or suggest that Ms. Heard has not carried her burden of proving agency, Ms. Heard is entitled to introduce evidence of the broad range of conduct Mr. Waldman engaged in as Mr. Depp's agent.

Finally, Mr. Depp should not be able to bury evidence of Mr. Waldman's conduct simply because he was "of record" in this litigation for a brief time. Much of Mr. Waldman's conduct had nothing to do with this litigation. For example, his perjury complaint against Ms. Heard following the UK Judgment had no relation to this litigation (other than to try to harm Ms. Heard). Rather, it was made so that he could tell the press (falsely) that the LAPD was investigating Ms. Heard for perjury. His constant leaking of case related documents to social media personalities serves no litigation-related purpose. Mr. Waldman engaged in this conduct with Mr. Depp's permission and encouragement. Having waged war out of court against Ms.

Heard for years, Mr. Depp should not be permitted to bury the distasteful and plainly malicious conduct of his chief advisor and agent.²

5. Mr. Depp's Motion in Limine No. 16 to Defendant's Trial Exhibit 178 Should Be Denied

Mr. Depp seeks to exclude Ms. Heard's Trial Exhibit 178, highly relevant and probative text messages between Mr. Depp and Paul Bettany ("Mr. Bettany") in which Mr. Depp states with no provocation from Mr. Bettany "Lets burn Amber!!!" followed by stating "Let's drown her before we burn her!!! I will fuck her burnt corpse afterwards to make sure she is dead..."

Att. 15. Mr. Bettany also references a "punch" and proposes "drowning" Ms. Heard. *Id.* Mr. Depp's Motion should be denied.

a. The Relevance and Probative Value is High

Exhibit 178 is clearly relevant to the issues at trial, and its probative value is high. In these text messages, Mr. Depp makes statements about committing disgusting acts of violence against Ms. Heard: burning Ms. Heard, drowning Ms. Heard *before* burning her, and then wanting to "fuck [Ms. Heard's] burnt corpse afterwards to make sure she is dead." **Att. 15.** Even Mr. Depp admits in his Motion that these text messages "discuss violence against Ms. Heard," and Mr. Depp committing physical and verbal abuse of Ms. Heard is the most relevant factual evidence in the case for both Mr. Depp's Complaint and Ms. Heard's Counterclaim. Mr. Depp is quite literally discussing his desire to not only burn and drown, and therefore kill, Ms. Heard, but to then also "fuck her burnt corpse" to ensure Ms. Heard is actually dead.

Mr. Depp seeks to avoid this obvious relevance by arguing that he and Mr. Bettany were

² Mr. Depp limits his argument regarding prejudice outweighing probative value to the *pro hac vice* issue. For Mr. Waldman's other conduct, however, the probative value of such evidence in showing actual malice and agency far outweighs any prejudicial effect of such evidence. And any prejudice that results would not be unfair prejudice to Mr. Depp, since it is simply evidence of the malice with which he has treated Ms. Heard for years. Va. R. Evid. 2:403.

only “joking” about taking these disgusting actions against Ms. Heard and her deceased corpse, but these are merely inferences that Mr. Depp *hopes* the Jury will draw from these text messages, and such inferences are only within the province of the Jury. *Pease*, 39 Va. App. at 354; (“What inferences are to be drawn from proved facts is within the province of the jury”); *Higginbotham*, 216 Va. at 353.

Unsurprisingly, Mr. Depp cites to no authority supporting his belief that he can step into the province of the Jury and define as a matter of law pre-trial that the Jury can only possibly draw Mr. Depp’s preferred, and unlikely, inferences from these text messages, because the authority is exactly the opposite. *Andrews v. Commonwealth*, 280 Va. 231, 261 (2010) (If “conflicting inferences are to be drawn from a defendant's conduct, the determination of where the truth lies is the province of the jury.”); *Pease*, 39 Va. App. at 354-55 (“If alternative inferences are possible, the jury resolves the differences and determines which inferences are reasonably drawn.”).

Mr. Depp also attempts to argue the text messages are not relevant because Ms. Heard did not explicitly claim that Mr. Depp ever tried “drown” or “burn her.” But just because Mr. Depp proposed different methods of killing Ms. Heard through burning and drowning, and fucking her burnt corpse, than the acts of violence he committed against Ms. Heard does not mean these statements are not relevant. Moreover, the evidence does reveal Mr. Depp’s propensity for committing violence through fire: Mr. Depp attempted to set fire to a painting owned by Ms. Heard, and also burned himself with lit cigarettes. **Att. 2**, at 15-16, 19.

Mr. Depp also claims Ms. Heard alleged no incidents of violence during the June 2013 time frame. But this is simply not true, as Mr. Depp is well aware. Ms. Heard disclosed the detailed facts of incidents of abuse and violence by Mr. Depp on March 8, March 12, March 18,

March 21-22, 2013 and May-July 2013, all close in time or overlapping with these June 2013 text messages. *Id.*, at 13-16, 19-22, 25. Ms. Heard even referenced these exact text messages during the periods of these incidents of abuse. *Id.* at 25. For all of these reasons, the probative value of Exhibit 178 is high, and it should not be excluded on this basis.

b. The Relevance and Probative Value is not
Significantly Outweighed by the Dangers of Unfair Prejudice

Mr. Depp also argues that the risk of the Jury’s visceral reaction to Mr. Depp’s own words exceeds their probative value. But a Rule 2:403 argument can only be successful if the “probative value of the evidence is substantially outweighed by the danger of unfair prejudice or the likelihood of confusing or misleading the trier of fact.” (emphasis added). Just because Mr. Depp’s own language describing his desire to commit violence, murder, and commit unspeakable acts to Ms. Heard’s corpse “has a prejudicial effect on” Mr. Depp does not result in that prejudice being “unfair,” nor that the high probative value as described above is “substantially outweighed” by this risk of unfair prejudice *Lee*, 290 Va. at 251 (2015); *Egan*, 290 Va. at 72-73 (noting that the jury’s mere “perception of the claims of a party is not unfair prejudice such that its admission could be barred” under 2:403(a)).

Mr. Depp’s own comments about his desire to engage in these violent acts against Ms. Heard are also not “unrelated to the elements of the claims and defenses in the pending case”- they directly overlap with them. *Lee*, 290 Va. at 251.³ Mr. Depp’s Rule 2:403 argument also relies on his initial argument that Trial Exhibit 178 has “non-existent probative value,” disposed of in §(a) above. Bear in mind Mr. Depp has also alleged that not only was he not the aggressor,

³ Mr. Depp also strangely cites to the unpublished decision *Colonna’s Ship Yard, Inc. v. Natural Gas, Inc.*, despite the Court making no Rule 2:403 ruling in that case. 2021 Va. Unpub. LEXIS 33, at *3, *8 (Dec. 9, 2021) (“The Shipyard did not present any argument to challenge the circuit court’s alternate ruling relying on undue prejudice,” requiring “affirm[ing] the trial court’s decision”).

but instead was a passive, “Southern gentleman” in his treatment of Ms. Heard at all times, and that Ms. Heard was the aggressor and the abuser. There is also another text message exchange with Mr. Bettany, which provides context of the nature of exchanges between the two, where Mr. Depp admits to having ingested large quantities of alcohol and cocaine, leading to his hurting the one he loves. **Att. 76.**

Nor does Mr. Depp meet the principle that any prejudice is unfair because Exhibit 178 defines the “only way” the Jury may weigh and evaluate these text messages:

The discussion itself did not compel the jury to find for Defendants. To the contrary, the vulnerability factors provided the jury with one possible way, not the only way, to explain the facts before them. Even if prejudicial to some degree, the prejudice certainly did not substantially outweigh the probative value of the evidence.

Harris v. Schirmer, 93 Va. Cir. 8, 37-38 (Roanoke 2016) (overruling relevance and prejudice objections). Nor does Mr. Depp “demonstrate that the passions of the jury [would be] so inflamed by the evidence that it [would] *unquestionably* led them to render a verdict on an improper basis.” *Id.*, at 33 (emphasis added). Mr. Depp remains free to present to the Jury his theory that these text messages are only “jokes” as one “possible way, [but] not the only way” for the Jury to interpret and draw inferences this evidence, as long as he does so within the Rules of Evidence, further eliminating any claim of *unfair* prejudice. *Harris*, 93 Va. Cir. at 37-38.

For these reasons, Mr. Depp has not met the high burden to succeed on a Rule 2:403 argument.

c. Rule 2:404 Does Not Support Exclusion

Mr. Depp next argues that Exhibit 178 should be excluded because it is improper character evidence under Rule 2:404. But Mr. Depp’s text messages with Mr. Bettany are not even the type of “character evidence” governed by this Rule as this is not the case of a third-party testifying to Mr. Depp’s “character or character trait,” but is instead Mr. Depp’s own

statements revealing his state of mind regarding his desire to commit violence against Ms. Heard by murdering her and sexual assaulting her “burnt corpse.” Mr. Depp further ignores the plain language exceptions of Rule 2:404:

if the legitimate probative value of such proof outweighs its incidental prejudice, such evidence is admissible if it tends to prove any relevant fact pertaining to the offense charged, such as where it is relevant to show motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, accident, or if they are part of a common scheme or plan.

Va. S. Ct. R. 2:404(b). Thus, the ultimate issue becomes whether such evidence of prior conduct was sufficiently connected in time and circumstances as to be likely to characterize the victim's conduct toward the defendant. *Randolph v. Commonwealth*, 190 Va. 256, 265 (1949).

First, as argued above, the relevance of these text messages is high and their probative value is substantially greater than the risk of any *unfair* prejudice, meeting the first prong of this exception. *Harrell v. Woodson*, 233 Va. 117, 122 (1987) (“Every fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue, is relevant, and if otherwise admissible, should be admitted.”). The Virginia Supreme Court has then held that “[o]nce a nexus for relevancy of prior conduct has been established, as here, the issue of remoteness concerns the weight of the evidence and the credibility of the witnesses, both of which were within the province of the jury,” and to “bar such evidence altogether was error *Barnes v. Commonwealth*, 214 Va. 24, 26 (1973) (holding that the evidentiary weight to afford “the decedent’s turbulent nature five years before” was within the province of the jury); *Christian v. Commonwealth*, 202 Va. App. LEXIS 711, at *9 (Va. Ct. App. Dec. 3, 2002).

Second, these text messages tend to prove relevant facts pertaining to the offense- Mr. Depp’s abuse of Ms. Heard in 2013 and beyond. *Commonwealth v. Blowe*, 105 Va. Cir. 135, 140 (Norfolk 2020) (may be admitted if it “tends to prove any fact in issue” in the case”) (*citing*

to *Spencer v. Commonwealth*, 240 Va. 78, 89 (1990)). If evidence of other conduct is relevant "to prove any element or fact in issue at trial, it should be admitted, whether or not it tends to show the [accused] guilty of another crime." *Parnell v. Commonwealth*, 15 Va. App. 342, 348 (1992). This determination turns upon an inquiry as to whether these acts of the victim are sufficiently recent and connected in time, place, and circumstance with the crime. *Randolph*, 190 Va. at 265 (1949) (citing to *Commonwealth v. Cromwell*, 101 Va. Cir. 218, 219 (Chesapeake 2019)).

Here, these text messages directly reference Mr. Depp's desire to commit horrible violence, including murder and corpse mutilation, against Ms. Heard- the same person who Mr. Depp must prove he committed no abuse against, and during the same time period Mr. Depp must prove he did not commit it. In *Scates v. Commonwealth*, the Court further explained that:

Evidence of other offenses is admitted if it shows the conduct and feeling of the accused toward his victim, if it establishes their prior relations, or if it tends to prove any relevant element of the offense charged. Such evidence is permissible in cases where the motive, intent or knowledge of the accused is involved, or where the evidence is connected with or leads up to the offense for which the accused is on trial. Also, testimony of other crimes is admissible where the other crimes constitute a part of the general scheme of which the crime charged is a part.

262 Va. 757, 761 (2001); *Kirkpatrick v. Commonwealth*, 211 Va. 269, 272 (1970). The Supreme Court of Virginia has also repeatedly upheld the admission of prior sexual incidents between a defendant and the victim he or she is charged with assaulting- a situation similar to this case. See, e.g., *Herron v. Commonwealth*, 208 Va. 326, 327 (1967); *Brown v. Commonwealth*, 208 Va. 512, 516-17 (1968); *Ryan v. Commonwealth*, 219 Va. 439, 447 (1978); *Moore v. Commonwealth*, 222 Va. 72, 77 (1981); *Freeman v. Commonwealth*, 223 Va. 301, 313-14 (1982).

Additionally, Mr. Depp's Complaint for defamation further renders his character as an

essential “element of the charge.” In *Schafer v. Time, Inc.* the 11th Circuit Court of Appeals specifically addressed defamation and held that “A charge of defamation or libel commonly makes damage to the victim’s reputation or character an essential element of the case,” and since “the plaintiff’s character is substantively at issue in a libel case...Rule 405(b) permits the admission of evidence regarding specific instances of the plaintiff’s conduct on that issue. 142 F.3d 1361, 1371 (11th Cir. 1998) (ultimately holding that “Given the plain language of Rule 405(b), Schafer’s arguments that specific acts remain inadmissible to prove character in an action for libel are unpersuasive.”).

Mr. Depp relies on *Commonwealth v. Minor*, but that ruling relied on “the specific circumstances presented in this case,” which were that “the issue of consent concerns a victim’s state of mind and is unique with regard to each individual victim.” 267 Va. 166, 176-77 (2004). Here, we have the same victim of Mr. Depp’s abuse referenced in these text messages, and during the same time period.

For all of these reasons, Mr. Depp’s motion *in limine* to exclude Ms. Heard’s Trial Exhibit 178 should be denied.

**6. Mr. Depp’s Motion *in Limine* No. 5 to Exclude Testimony
Regarding Mr. Depp’s Prior Arrests and Incidents of Violence Should Be Denied**

At the outset, Mr. Depp’s motion *in limine* to exclude testimony regarding prior arrests and incidents of violence should be denied because it fails the specificity test by failing to define or reference any specific testimony, trial exhibits, documents, or other specific evidence that it seeks to exclude. *McCarthy v. Atwood*, 67 Va. Cir. 237, 241 (Portsmouth 2005) (“[U]nless the moving party presents sufficient evidence at the time of the motion, and unless the issue is such that it can be decided in advance, many pretrial rulings must await presentation of evidence in a trial context.”); *Torkie-Tork v. Wyeth*, 2010 U.S. Dist. LEXIS 121804, at *1 (E.D. Va. Nov. 15,

2010) (deferring ruling on the motion *in limine* because “[t]he category of marketing and promotional material is too broad and vague, and it is appropriate to consider this objection in the context of specific evidentiary submissions and deposition designations.”); *TV TVT Records v. Island Def Jam Music Grp.*, 250 F. Supp. 2d 341, 344-45 (S.D.N.Y. 2003) (denying as “impermissible a party seeking to “strike in shotgun fashion at whole topics and sources of prospective evidence, out of context and before any specific objection against its proper backdrop is raised”).

a. The Relevance and Probative Value is High

As to prior arrests of Mr. Depp, Ms. Heard does not seek to introduce evidence of the act of Mr. Depp being *arrested* for any prior conduct before his relationship with Ms. Heard, but Mr. Depp’s violent conduct and destruction of property remain relevant and admissible. Mr. Depp’s generalized examples of his conduct resulting in arrests were for “property damage” and “a physical altercation with a man while abroad.” But these are the exact types of conduct that Mr. Depp must prove he *did not* engage in against Ms. Heard to prove his defamation claim, so the relevance and probative value of Mr. Depp previously engaging in this conduct is high. *Harrell*, 233 Va. at 122 (“Every fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue, is relevant, and if otherwise admissible, should be admitted.”).

b. Rule 2:404 Does Not Support Exclusion

Rule 2:404(b) includes that: if the legitimate probative value of such proof outweighs its incidental prejudice, such evidence is admissible if it tends to prove any relevant fact pertaining to the offense charged, such as where it is relevant to show motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, accident, or if they are part of a

common scheme or plan. And as the Virginia Supreme Court held in *Barnes*, “[o]nce a nexus for relevancy of prior conduct has been established, as here, the issue of remoteness concerns the weight of the evidence and the credibility of the witnesses, both of which were within the province of the jury,” and to “bar such evidence altogether was error. 214 Va. at 26. If evidence of other conduct is relevant “to prove any element or fact in issue at trial, it should be admitted, whether or not it tends to show the [accused] guilty of another crime.” *Parnell*, 15 Va. App. at 348.

Additionally, Mr. Depp’s Complaint for defamation further renders his character as an essential “element of the charge.” *Schafer*, 142 F.3d at 1371 (“A charge of defamation or libel commonly makes damage to the victim’s reputation or character an essential element of the case,” and since “the plaintiff’s character is substantively at issue in a libel case...Rule 405(b) permits the admission of evidence regarding specific instances of the plaintiff’s conduct on that issue.”). So Mr. Depp’s propensity and reputation to engage in violent and destructive conduct is not only relevant to the liability aspect of his abuse of Ms. Heard, but is relevant to Mr. Depp’s alleged damages to his reputation as well, making the evidence that Mr. Depp seeks to exclude in generalized, “shotgun” fashion an essential “element of the charge.” And the degree of remoteness of this conduct concerns its weight, which is firmly within “the province of the jury,” making it inappropriate for a pre-trial motion *in limine*. *Barnes*, 214 Va. at 26.

c. The Relevance and Probative Value is Not Significantly Outweighed by the Dangers of Unfair Prejudice

Mr. Depp also argues that the probative value of this evidence is substantially outweighed by the dangers of unfair prejudice, but does not explain why any prejudice is *unfair*. *Egan*, 290 Va. at 72-73 (noting that the jury’s mere “perception of the claims of a party is not unfair prejudice such that its admission could be barred” under 2:403(a)). Mr. Depp’s argument also

again relies on his claim that his prior violent and destructive conduct is “completely unrelated” to the claims at issue in this case, despite its overlap with the abusive and violent conduct he engaged in against Ms. Heard as argued above. So the probative value of that conduct is not *substantially* outweighed by the danger of unfair prejudice.

For all of these reasons, Mr. Depp’s motion *in limine* no. 5 should be denied.

7. Mr. Depp’s Motion *in Limine* No. 6 to Exclude Evidence of Negative Social Media Traffic and Purported “Russian” “Bot” Campaign Regarding Ms. Heard Should Be Denied

The premise of this Motion is that because Judge White dismissed Count III on Demurrer, Ms. Heard cannot present testimony or evidence of any social media reactions or campaigns carrying forth the Defamatory statements made by Mr. Waldman which resulted in significant damage to Ms. Heard’s reputation. Since the premise is misplaced, the Motion should be denied in its entirety. Ms. Heard alleged in ¶¶ 6-52 of her Counterclaim the specific actions Mr. Depp and his attorney Adam Waldman engaged in an attempt to destroy her reputation, including the negative social media campaigns and concerted, organized campaigns including bots. In Count II – Defamation and Defamation *Per Se*, Ms. Heard repeated and incorporated “by reference each and every allegation set forth in the above, as if fully set forth herein.” ¶ 62.

Ms. Heard also pleaded Count III, Violation of Computer Crimes Act. The Court, in its January 4, 2021 Letter Opinion, upheld the Defamation Count based on three statements, but dismissed Count III. Significantly, the Court dismissed Count III because the Counterclaim “fails to demonstrate that the social media accounts communicated obscene language, suggested obscene acts, or threatened illegal or immoral acts” which were required under the second element of the VCCA. Ltr. Opinion, at 8. The Court did not rule that Ms. Heard was prohibited

from claiming that the Change.org petitions or social media accounts were used as a mechanism to spread the defamatory statements.

Ms. Heard has presented significant evidence linking the spread of Mr. Waldman's statements to social media campaigns against her. First, Jessica Kovacevic, corporate designee for William Morris Agency and Ms. Heard's agent, testified to the media campaigns and specifically the bots that were used against Ms. Heard. **Att. 79**, 3/1/22 Tr. of Dep. of Kovacevic, at 91:3-92:20. Second, L'Oréal conducted an investigation into the social media attacks on Ms. Heard, and reported significant evidence of an organized media campaign. **Atts. 80-81**. Two experts connected the social media attacks to the damages and Mr. Waldman, Kathryn Arnold and Ronald Schnell. These are specifically addressed in Defendant's Opposition to Motion in Limine No. 16 below, incorporated herein.

In summary, the Court determining that Ms. Heard did not plead that the social media campaigns against her included obscenity does not preclude Ms. Heard from presenting evidence that Mr. Waldman's statements were spread through social media, to her detriment, and Mr. Depp's motion *in limine* no. 6 should be denied.

**8. Mr. Depp's Motion *in Limine* No. 7
Regarding Prior Depositions of Tracey Jacobs Should Be Denied**

- a. Ms. Heard's Designated Relevant Testimony from the Two Tracey Jacobs Deposition Transcripts, and those Litigations Involved Relevant Subject Matter

In November 2020, Mr. Depp falsely represented to the Court, as he does now: "Having been involved in all of those cases, Your Honor, I can say that none of those cases has anything to do with Ms. Heard or alleged abuse by Ms. Heard or any other woman," leading the Court to deny the discovery sought by Ms. Heard. **Att. 16**, 11/20/20 Tr. at 15:9-12.

But then eight minutes into the deposition of Mr. Depp's former talent agent Tracey

Jacobs, Mr. Depp's paralegal produced an unidentified document production with password protection, labeled DEPP017, leaving out Ms. Heard's primary paralegal in the case, and did not disclose it was related to the then in-progress deposition of Tracey Jacobs. **Att. 17.** Ms. Heard's counsel Ms. Bredehoft, who was already in the process of deposing Ms. Jacobs, did not become aware of this production during the deposition, and even if she had, could not reasonably have read, much less marked and then used these documents. Yet Mr. Depp's counsel Mr. Chew – who represented Mr. Depp in BOTH of the prior depositions, had already reviewed these transcripts and prepared them and related attached documents for Mr. Depp's use in the deposition. Had Ms. Heard had the same opportunity, she would have been able to elicit highly relevant and damaging information:

- Mr. Depp's serious and worsening drug and alcohol use, lateness and not showing up at all in filming, and movie studios' unhappiness with Mr. Depp;
- Significant financial issues surrounding some of the abuse Mr. Depp inflicted on Ms. Heard;
- Ms. Jacobs' knowledge of issues relating to Mr. Depp's conduct;
- Ms. Jacobs testified that she believed Mr. Depp hit Ms. Heard based on "his behavior, and his inconsistencies, and violent outbursts."
- Ms. Jacobs also testified that "more than a couple of times" Mr. Depp was so angry at Ms. Jacobs "to the point where it really concerned" her, and that "these instances of his anger seem[ed] to intensify as time went on.";
- Testifying that in the period of 2015 and 2016, Mr. Depp "was angry at everybody";
- Mr. Depp's actions hurt Mr. Depp's career;
- Mr. Depp lied to the LAPD;
- Mr. Depp appeared on TV drunk and stoned, to the point that Disney studio executives called Ms. Jacobs asking "What the hell was wrong with your client?";
- These same issues appeared during the filming of Pirates 5, and Disney told Ms. Jacobs the conduct was not "going to be tolerated," Disney was "not going to put up with this," and that "there was no love between Johnny and Disney, given the Pirates five situation."

These topics are the testimony Ms. Heard included in her designations of these two prior depositions, and sought leave to do so in her simultaneously-filed motion.

b. The Court Deferred its Ultimate Ruling on Admissibility of these Transcripts Until Trial, and Ms. Heard Had No Other Opportunity to Depose Tracey Jacobs Due to Mr. Depp's Counsel's Conduct

Mr. Depp's counsel was intentionally misleading during the deposition of Tracey Jacobs. When Ms. Heard's counsel objected to Mr. Depp's use of the prior depositions and attendant documents, Mr. Depp's counsel, knowing they had been produced during the deposition, falsely stated "they were all produced to your office *prior to* this deposition. So you should, again, check with them, because you got that and you got the deposition transcripts." **Att. 18**, 1/18/21 Tr. at 162:11-15 (emphasis added); *id.* at 85:17-86:2 (MR. CHEW: That's actually not true. You should check with your office staff, Elaine... You've got everything.").

But Mr. Depp's counsel declined to reveal that the documents were produced *after* the deposition of Tracey Jacobs had begun, even though Mr. Depp's counsel later admitted it determined "[s]hortly before Ms. Jacobs' deposition, and in the course of preparing for same," that the deposition transcripts and exhibits were relevant, deciding to use them as exhibits at the deposition, and having the documents already pre-marked for use in the deposition *before* they were even produced. **Att. 19**.

Ms. Heard was and remains significantly and unfairly prejudiced by this conduct, as Ms. Jacobs is a third-party California resident, and was not subject to further subpoena or deposition in this case. While denying Ms. Heard's earlier Motion, the Court recognized that:

I'm not going to make any pre-trial motions as far as designating portions of it or the foundational objections. I'm just not going to do that at this point. I don't think that's a proper thing to do when we're so far away from trial. That is something that might come up later when we get closer to trial, but at this time, I'm not going to do that...the motion to compel is denied. Whether or not authenticating parts of depositions, that has nothing to do with the motion to compel. Whether or not we do that is something for pre-trial. I assume we're going to be going through quite a few different depositions and there's going to be arguments back and forth at that time.

Att. 20, 6/25/21 Tr., at 52:7-14, 53:21-54:6.

Ms. Heard was able to obtain through Requests for Admissions the authenticity to documents attached to the earlier depositions (**Att. 21**, Depp Supp. Resp. to 4th RFAs), but there was no other way to obtain the same testimony given at the other depositions by Ms. Jacobs. Thus, Ms. Heard requested the relief the Court deferred on until closer to trial, as quoted above, and even as attached to Mr. Depp's Motion despite Mr. Depp misleadingly claiming it was explicitly denied. **Att. 20**, at 52:7-14, 53:21-54:6. So in her Motion Ms. Heard sought the Court's leave to designate portions of the two prior deposition transcripts of Tracey Jacobs - which Ms. Heard has already timely completed.⁴

Mr. Depp also now argues that California law permitted Ms. Heard to further question Ms. Jacobs for a further three hours, citing Cal. Code of Civil Procedure § 2025.290(a). But Mr. Depp is once again ignoring the positions he took throughout this case that he was entitled to split the 7 hours of question time for all witnesses, and is now estopped from claiming otherwise. **Atts. 5, 22**. On January 19, 2021, Mr. Depp's counsel stated by email:

“Mr. Depp is entitled to equal question time at all depositions of third-party witnesses, and expressly reserves the right to do so. Consistent with long-established principles of California law, as well as our prior representations to you...you should assume that Mr. Depp may take up to half of the seven hours allotted for each deposition under CCP 2025.290.

Att. 22. At the deposition of Mr. Carino, Mr. Depp's counsel again claimed: “pursuant to CCP Section 2025.290A, a third-party witness is only required to sit for seven hours total....Because we cross-designated, we're entitled to as much time as you are... so now it's our turn...it doesn't

⁴ Mr. Depp had every opportunity to designate testimony from the two prior depositions of Tracey Jacobs, and if the Court ultimately denied Ms. Heard's motion or granted Mr. Depp's motion those designations would have then been moot. But Mr. Depp instead seeks to belatedly designate such testimony on the eve of trial, which would then require Ms. Heard to prepare objections and rebuttal designations, followed by the Court ruling on these designations and objections in advance of trial. There is simply no time for this procedure, and Mr. Depp has provided no explanation for not doing so.

matter if you agree with it, that's the law, Elaine. So it's my turn to start asking questions now.”

Att. 5, 1/19/21 Tr. Dep. Carino, at 171:9-172:13. Mr. Depp's Counsel then further stated:

Our contention is, plaintiff's contention is that because of the rule that provides only seven hours for third-party witnesses that she was entitled to three and a half hours, and that's concluded, and now we're entitled to our three and a half hours. Not only is that set forth in the code, but it's also the agreement of the parties as indicated in previous transcripts. And it was also confirmed by a fairly recent email from Mr. Moniz in my office.

Id. at 175:6-16. Mr. Depp's counsel then demeaningly stated “I work under the presumption that counsel knows the rules. I work under the presumption that counsel knows the agreements reached between the parties even prior to them becoming counsel.” *Id.*, at 178:16-21. Ms. Jacobs was then deposed on January 28, 2021, nine days after this exchange. But once again, Mr. Depp is now changing his position on these matters when it suits him to do so, despite his own counsel's statements confirming “the rules” and “the agreements reached between the parties,” and should be estopped from these tactics and gamesmanship.

This argument also ignores the practical aspect of the situation – counsel for Ms. Heard was unaware of the existence of relevant testimony from the other two depositions at the time Ms. Heard took Ms. Jacobs' deposition. Ms. Heard had no legal ability to bring Ms. Jacobs back for further deposition – the subpoena was for that date and time. The conduct in concealing the earlier testimony and evidence was because of Mr. Depp, not Ms. Jacobs. So there was not good cause to move to compel further testimony from Ms. Jacobs in the California Courts. The only reasonable avenue was to be able to use the prior testimony in the manner Ms. Heard is requesting – through deposition designations.

c. Ms. Heard Satisfies the Conditions for Use of
these Deposition Transcripts, and there is No Prejudice to Mr. Depp

Earlier in this case, Mr. Depp sought, and was granted by Judge White, the ability to use the prior depositions of two LAPD police officers, because Ms. Heard's prior counsel was present for the depositions and therefore Ms. Heard was represented. Here, Mr. Chew, representing Mr. Depp in both actions, was present for and took the two prior depositions of Ms. Tracey Jacobs. Thus, by Mr. Depp's own logic in requesting - and obtaining- this relief earlier in this case, should apply equally here. There is no prejudice, because Mr. Depp was fully represented in these depositions.

Mr. Depp also relies on Rule 1:7 to argue Ms. Heard should be prohibited from using these deposition transcripts. First, as Mr. Depp admits Ms. Jacobs is located in California, so more than 100 miles from this Courthouse. Va. S. Ct. R. 4:7(a)(4)(B); *Burns v. Gagnon*, 283 Va. 657, 680 (2012). Second, as explained above, the actions involved overlapping subject matter- alleged damages to Mr. Depp's career and who or what was the cause of those damages. Va. S. Ct. R. 4:7(a)(7); *Burns*, 283 Va. at 680.

Third, the spirit of the "same parties" rule is to ensure that the party *against whom* the deposition is offered is not prejudiced because their interests were represented at the prior deposition that one party is attempting to offer into evidence. *Bates v. Devers*, 214 Va. 667, 671 (1974) ("The policy underlying mutuality is to insure a litigant that he will have a full and fair day in court on any issue essential to an action in which he is a party."). Mr. Depp was fully represented at these prior depositions and his counsel asked Ms. Jacobs questions at both of them, and is protected by Virginia's Rules of Evidence regarding Ms. Jacobs' testimony that will ultimately be presented at trial.

Additionally, Rule 4:7 further provides that “upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.” Va. S. Ct. R. 4:7(a)(4)(F). As argued above, those “interests of justice” exist here because of Mr. Depp’s conduct Ms. Heard was prevented from examining Ms. Jacobs on the matters summarized above, along with Mr. Depp’s repeatedly confirmed position that Ms. Jacobs was only subject to seven hours of deposition and Mr. Depp was entitled to half of that time.

For all of these reasons, Mr. Depp’s motion *in limine* no. 5 should be denied, and Ms. Heard’s motion *in limine* on this topic (No. 5) should be granted.

**9. Mr. Depp’s Motion *in Limine* No. 8 Regarding
References to Other Litigations Involving Mr. Depp Should Be Denied**

Mr. Depp’s prior litigations described in his eighth Motion *in Limine* (the “Other Litigations”) are highly relevant to whether the Op-Ed “tends to injure one’s reputation in the common estimation of mankind . . .”—an essential element of Mr. Depp’s case—in addition to damages, and admissible under the Virginia Rules of Evidence.

a. Mr. Depp’s Prior Litigations Are Relevant to this Case

The four litigations referenced by Mr. Depp (the “Other Litigations”) are highly relevant to Mr. Depp’s reputation, which he has put at issue, and Ms. Heard’s defenses. Ms. Heard has asserted that any alleged injuries to Mr. Depp’s career and reputation “were not caused by Defendant, but were instead caused by Plaintiff’s negligence, conduct, actions, or inactions, or were as a result of other alternative causes, or a combination thereof,” (*Answer and Grounds of*

Defense at 29 ¶ 6), and his conduct and actions include his entanglement in multiple lawsuits with his employees, lawyers, and coworkers.

Furthermore, this Court previously overruled Mr. Depp's objections that the Other Litigations were "irrelevant." *See Att. 23.*, Aug. 19, 2021 Order. In addition, Mr. Depp's agent has testified the Other Litigations with which Mr. Depp was embroiled, all of which were initiated prior to the publication of the Op-Ed, were damaging to Mr. Depp's reputation and career. *Att. 5*, Carino Tr. 39:7-42:4; 80:12-81:14. Mr. Depp even alleged in one of the Other Litigations that his professional reputation had suffered as a result of those Defendants' conduct, not Mr. Heard's. The Other Litigations would also be relevant to any amount of damages Mr. Depp would be entitled to if the Op-Ed had any impact, and whether Mr. Depp failed to mitigate his damages by filing lawsuits that impacted his career. Some of the Other Litigations are also independently relevant for the specific allegations reflecting a pattern of verbal and physical abuse by Mr. Depp.

i. The Mandel Litigation

In *John C. Depp, II and Edward L White v. The Mandel Company, et al.*, Case No. BC64882, filed on January 13, 2017 in the Superior Court of the State of California for Los Angeles (the "Mandel Litigation"), Mr. Depp sued his former managers and attorneys for more than \$25 million for negligence, breach of fiduciary duties, and fraud, among other claims. *Att. 24*, Mandel Action Complaint. Mr. Depp testified that he believed they had stolen approximately \$650 million from him. *Att. 25*, Depp Tr. 223:5-13. Defendant The Mandel Company filed a Cross-Complaint against Mr. Depp and his companies, Scaramanga Bros. and L.R.D. Productions. The Mandel Company claimed that Mr. Depp was a lavish spender and that his "expenses exceeded the additional earnings and profit participations he received." The Cross-

Complaint also alleged that when confronted about his spending Mr. Depp engaged in “profanity-laced tirades where he abused the professionals surrounding him and claimed that he would work harder to afford whatever new item he wanted to purchase.” **Att. 26**, Mandel Cross-Complaint ¶ 68.

The Cross-Complaint alleges that Mr. Depp was on the verge of financial collapse in 2012 and had to borrow more to avoid a public financial crisis. *Id.* ¶ 15. Mr. Depp admitted that he was facing significant financial issues in 2015 and 2016 as alleged in the Cross-Complaint. **Att. 25**, Depp Tr. 222:20-223:9. He has also admitted many of the other Cross-Complaint allegations, including that he spent over \$5 million to blast from a specially made cannon the ashes of Hunter over Aspen, Colorado and that he spent over \$18 million to acquire and renovate his yacht. **Att. 25**, Depp Tr. 232:15-233:14; 239:5-8. In 2015, Mr. Mandel spoke with Mr. Depp that he would need to sell in chateaux in the South of France. Mr. Depp claims that Mr. Mandel called him on his honeymoon with Ms. Heard to tell him to “start selling houses and things of that nature.” **Att. 25**, Depp Tr. 224:10-21.

The Mandel Complaint and Cross-Complaint—publicly filed records—are therefore highly relevant to Mr. Depp’s state of mind during many of the instances of abuse, and in particular any occurring on their honeymoon. In addition, the Mandel litigation is relevant to Mr. Depp’s reputation for extreme behavior, quick anger, and impulsiveness. Dr. Spiegel is expected to testify that anger and impulsiveness are risk factors to Intimate Partner Violence, so these allegations regarding Mr. Depp’s reputation are germane to his analysis. Amber Heard is specifically named in the Mandel Action, thus additionally implicating the relevance. The Cross-Complaint states that Mr. Depp “routinely rejected advice from his professionals,” and gives the example of Mr. Depp ignoring advice to obtain a pre-nup with Ms. Heard. The pre-nup

issue is relevant in this action, as Mr. Depp and Ms. Heard disagree on whether Mr. Depp wanted a pre-nup, the timing of any arguments on that, and the abuse that ensued.

ii. The Bloom Litigation

In the *John C. Depp, II, et al. v. Bloom Hergott Diemer Rosenthal Laviolette Feldman Schenkman & Goodman, LLP, Jacob A. Bloom, and DOES 1-30*, Case No. BC680066, filed on October 17, 2017, in the Superior Court of the State of California for the County of Los Angeles (Att. 27), Mr. Depp sued his former entertainment attorneys of over seventeen years. Mr. Depp alleged that he “suffered harm to his professional reputation caused by the stigma associated with a hard money loan.” Att. 28, Nos. 47 and 53, Plaintiff’s Supplemental Responses to Interrogatories. In addition, Mr. Depp’s agent has testified that the Bloom litigation had a negative impact on Mr. Depp’s career and reputation. Att. 5, Carino Tr. 80:12-81:14.

iii. The Brooks Litigation

In *Greg “Rocky” Brooks v. John C. Depp, II, et al.*, Case No. BC713123, filed July 6, 2018 in the Superior Court of the State of California for the County of Los Angeles, Mr. Depp was accused of assault and battery, among other claims, for attacking the location manager in the set of a feature film in 2017. The Complaint alleges that Mr. Depp was attempting to direct an extended version of a scene but the location manager was unable to obtain a required permit. The Complaint states that when Plaintiff approached Mr. Depp to tell him about the permit he knew “DEPP may become upset and feeling the need to protect himself, PLAINTIFF started approaching the nearby, on-set LAPD officer . . . to get his assistance in relaying the message to DEPP.” Att. 29, Brooks Complaint ¶ 27. The Complaint further states:

28. Before PLAINTIFF could reach the LAPD Officer, DEPP accosted PLAINTIFF and began attacking him, angrily screaming in his face “WHO THE FUCK ARE YOU? YOU HAVE NO RIGHT TO TELL ME WHAT TO DO! . . .

30. The altercation continued with Depp screaming “I DON’T GIVE A FUCK WHO YOU ARE AND YOU CAN’T TELL ME WHAT TO DO!

31. At the same, while screaming at PLAINTIFF, DEPP angrily and forcefully punched PLAINTIFF twice in the lower left of his rib cage and causing pain.

32. Despite having just been punched in the side, PLAINTIFF maintained his composure. When PLAINTIFF did not react to DEPP’s satisfaction after being punched, DEPP yelled “I WILL GIVE YOU ONE HUNDRED THOUSAND DOLLARS TO PUNCH ME IN THE FACE RIGHT NOW!” PLAINTIFF still did not react and DEPP continued to scream and berate him in front of a set full of people until DEPP’s own bodyguards physically removed DEPP from the scene.

This ongoing litigation is relevant to damage to Mr. Depp’s reputation and career. In particular, it demonstrates Mr. Depp already had a reputation as a violent man who engaged in both verbal and physical abuse prior to the publication of the Op-Ed. Mr. Depp’s publicist testified that this litigation generated a lot of press. **Att. 30**, Baum Tr. 86:5-91:9.

In addition, it is probative of his violent acts against Ms. Heard and admissible under Rule 2:405, which permits evidence of “specific instances of conduct” in “cases in which a character trait of a person is an essential element of a charge.” Mr. Depp has alleged that Ms. Heard’s allegations of violence damaged his reputation, so specific instances of prior violent acts are admissible. Va. S. Ct. R. 2:405; *McMinn v. Rounds*, 267 Va. 277, 281 (2004) (applying criminal rule of applicable to use of character evidence to show who was the aggressor in a civil case involving self-defense). Mr. Depp has also suggested that he will be asserting that his violent acts were in self-defense, so specific instances of prior violence are admissible to rebut such testimony. *See Att. 31*, Cowan Tr. 240:14-241:6.

iv. The Sanchez and Arreola Litigation

In *Eugene Arreola and Miguel Sanchez v. John C. Depp, II, et al.*, No BC704539, filed on May 1, 2018, two of Mr. Depp’s bodyguards sued Mr. Depp for violations of California’s Labor Code and Business & Professions Code. The publicly filed Complaint contained

allegations that in early 2016, Mr. Depp became increasingly “detached from the reality around him” (Att. 32, ¶ 16); “Plaintiffs were asked repeatedly to drive vehicles that contained illegal substances open containers and minors” (*Id.*, ¶ 22); and “Often times Plaintiffs were forced to protect Defendant Depp from himself and his vices while in public, becoming public caretakers for him. An incident at a local nightclub involved Plaintiffs alerting Depp of illegal substances visible on his face and person which preventing onlookers from noticing Depp’s condition” (*Id.*, ¶ 24). All of these allegations preceded the publication of the Op-Ed and form part of Ms. Heard’s defense to Mr. Depp’s claim that the Op-Ed tended to harm his career and reputation.

b. Evidence of the Other Litigations is Highly Probative and Not Unfairly Prejudicial

All of the Other Litigation are highly probative of Ms. Heard’s defenses that the Op-Ed did not cause reputational harm and that Mr. Depp suffered no damages from the Op-Ed, after these litigations were filed, and instead, any damages would have been from these and other causes. The admission of evidence related to the Other Litigations is not unfairly prejudicial because Depp has placed his reputation at issue in this case, and while courts typically exclude such evidence to show the “litigious nature” of a plaintiff, courts routinely permit admission of evidence related to prior litigation where it is probative of an essential element of a claim or reasons other than the propensity to sue. *See, e.g., Buckley v. Mukasey*, 538 F. 3d 306, 319 (4th Cir. 2008) (prior litigation showed retaliatory animus); *Gastineau v. Fleet Mortgage Corp.*, 137 F.3d 490, 495-96 (7th Cir. 1998) (prior litigation cast doubt on credibility and showed *modus operandi*); *Yates v. Sweet Potato Enters.*, 2013 U.S. Dist. LEXIS 109374, at *10-11 (N. D. Cal. 2013) (prior litigation relevant to credibility). As Mr. Depp correctly states in his Motion *in Limine*, “Ms. Heard has referenced these other litigations throughout the present action,” so he should be well-prepared to present any evidence he has that the Other Litigations did not damage

his reputation. The unreported case from the U.S. District Court for the Southern District of New York, is inapposite because, unlike here, the prior lawsuits were not relevant to an essential element of the case and were used to show the plaintiff was litigious. *John Wiley & Sons, Inc. v. Book Dog Books, LLC*, 2017 U.S. Dist. LEXIS 223104, at *1 (S.D.N.Y. Dec. 8, 2017).

c. The Other Litigations are Admissible as Character Evidence in a Defamation Suit

In cases in which a character trait of a person is an essential element of a charge, claim, or defense, proof may also be made of specific instances of conduct of such person on direct or cross-examination. Va. S. Ct. R. 2:405(b). Because Mr. Depp is alleging that his reputation was harmed by allegations of violence in the Op-Ed published in 2018, Ms. Heard should be permitted to confront him with other public accusations of violence and abuse. The allegations in the Mandel Litigation and the Brooks Litigation are evidence of a series of instances of verbal and physical abuse and are admissible on that independent ground. *See McMinn*, 267 Va. at 282 (“While evidence of a series of bad acts may collectively be admissible to establish poor character, the conduct in a single incident is insufficient.”). As previously noted, the Brooks Litigation may be used to rebut assertions of self-defense. *Id.*

Mr. Depp’s Motion *in limine* no. 8 Regarding References to Other Litigations Involving Mr. Depp should be denied.

**10. Mr. Depp’s Motion *in Limine* No. 9 to Exclude
References to Mr. Depp’s Spending Habits and Loans Should Be Denied**

a. The Motion Lacks Specificity

Motions *in limine* must be sufficiently specific in defining the evidence they seek to exclude, or else no ruling can be practically and clearly applied at trial. *Torkie-Tork*, 2010 U.S. Dist. LEXIS 121804, at *1 (E.D. Va. Nov. 15, 2010); *TVT Records*, 250 F. Supp. 2d at 344-45.

Mr. Depp seeks to exclude all evidence of his “spending habits and loans.” This request is vague and overbroad. For example, it could include extravagant gifts Mr. Depp gave to Ms. Heard while they were dating or married. The evidence at trial will show that after Mr. Depp abused Ms. Heard while inebriated, he expressed remorse, promised to remain sober, and sometimes gave Ms. Heard a gift. This evidence will assist the trier of fact in understanding why Mr. Heard did not end their relationship until 2016 and should not be excluded as a result of Mr. Depp’s overbroad motion *in limine*.

b. Evidence of Mr. Depp’s Excessive
Spending and Loans Is Relevant and Not Unfairly Prejudicial

“The scope of relevant evidence in Virginia is quite broad, as ‘[e]very fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue is relevant.’ *Proffitt*, 292 Va. at 634. If evidence “has *any* probative value, however slight—i.e., if it has any tendency whatsoever to prove or disprove the point upon which it is introduced—it is relevant.” Charles E. Friend & Kent Sinclair, *The Law of Evidence in Virginia* § 6-1, at 342 (7th ed. 2012).

Several of the occasions on which Mr. Depp abused Ms. Heard coincided with periods when Mr. Depp was under financial pressure. For example, in July 2013, Mr. Depp was upset because, as a result of his poor finances, he had to sell his yacht. **Att. 2**, at 21-22. While Mr. Depp and Ms. Heard were having a “goodbye hurrah” on the yacht, Mr. Depp drank to excess and grabbed Ms. Heard by the throat and held her up against a wall. *Id.* at 22. Similarly, before Ms. Heard’s birthday party in April 2016, Mr. Depp told Ms. Heard he had a meeting with a “money guy.” *Id.* at 57. At this meeting, Mr. Depp’s business manager informed Mr. Depp of his dire financial condition. After the meeting, Mr. Depp arrived intoxicated at Ms. Heard’s birthday party and assaulted her later that evening. *Id.* at 57-60.

The evidence at trial will show that Mr. Depp attempted to cope with financial stress by drinking and using drugs, and frequently abused Ms. Heard while he was inebriated. Therefore, evidence of Mr. Depp's spending and loans is relevant to show that he was, in fact, under stress due to his finances. Such evidence is not unfairly prejudicial, given that it does not impugn Mr. Depp's character and it is not out of the ordinary for a movie star to live an extravagant lifestyle. *Lee*, 290 Va. at 251 (explaining "unfair prejudice" is "the tendency of some proof to inflame the passions of the trier of fact or to invite decision based upon a factor unrelated to the elements of the claims and defenses in the pending case").

In light of the probative value of Mr. Depp's spending and loans and limited risk that this evidence will be unfairly prejudicial, Mr. Depp's motion *in limine* no. 9 should be denied.

**11. Mr. Depp's Motion *in Limine* No. 10 to Exclude
All References to and Evidence Regarding Marilyn Manson Should Be Denied**

Mr. Depp paints with a broad, undefined brush and seeks to exclude all "references to and evidence regarding Marilyn Manson." The Motion should be denied. First, the Motion should be denied outright because it lacks specificity by failing to define or reference any specific testimony, trial exhibits, documents, or other evidence that it seeks to exclude. *Torkie-Tork*, 2010 U.S. Dist. LEXIS 121804, at *1; *TVT Records*, 250 F. Supp. 2d at 344-45.

Second, Mr. Depp lobs all sorts of accusations of the reasons Ms. Heard intends to introduce evidence regarding Mr. Depp and Mr. Manson, but the real reasons Ms. Heard intends to introduce this evidence is because of its relevance having nothing to do with any position that "birds of a feather flock together." Instead, Mr. Manson is referenced in highly relevant and probative text messages between Ms. Heard and Mr. Depp's sister Christi Dembrowski ("Ms. Dembrowski") in which Ms. Heard and Ms. Dembrowski are discussing Mr. Depp consuming

amounts of drugs with Mr. Manson on February 3, 2014, and Ms. Heard being concerned for Mr. Depp's health and well-being. **Att. 33.**

While Mr. Depp denies going on these drug binges with Mr. Manson, his own text messages tell a very different story- Mr. Depp would obtain drugs ("happy pills") from Mr. Manson's assistant "Ryan," **Att. 34**, at 1-2. These drug binges with Mr. Manson included the days immediately before Ms. Heard arrived in Australia, and Mr. Depp continued on this drug binge once Ms. Heard arrived in Australia. **Att. 2**, at 37. Mr. Depp's own assistants also believed that Mr. Depp associating and consuming drugs with Mr. Manson was not a good influence on Mr. Depp. **Att. 34**, at 3; **Att. 35**, 2/24/22 Tr. Dep. Deuters, at 173:21-175:8. But Mr. Depp intends to testify and argue through counsel at trial that he did not go on these drug binges and did not consume drugs in Australia, and that "instead of supporting his sobriety, Ms. Heard often encouraged Mr. Depp to drink and take drugs." **Att. 36**, at 14-15. So Mr. Depp's attempts to exclude these text messages would improperly prevent Ms. Heard from rebutting this testimony.

Additionally, contrary to Mr. Depp's generalized statements, Mr. Manson also exchanged relevant communications with Mr. Waldman regarding his claimed recollection of incidents of abuse included in this lawsuit. Mr. Manson sent Mr. Waldman "photos and videos" that were later produced in the litigation, and accused Ms. Heard of stating "girls need to know how to hit a man." **Att. 38.** Mr. Waldman then prepared and sent a draft Declaration to Mr. Manson that included Mr. Manson's purported knowledge related to the November 26, 2015 Thanksgiving abuse incident. **Att. 39.** This draft Declaration directly conflicts with Ms. Heard's account of Mr. Depp abusing her at this same Thanksgiving evening by ripping her shirt, throwing her around the room, throwing a wine glass and heavy decanter at her, and pushing her so that she

fell back and hit her head on a brick wall resulting in injuries. **Att. 2**, at 50.

Mr. Depp also included text messages with Mr. Manson that reference Ms. Heard and abuse *in his own trial exhibits*. **Att. 37**. Mr. Manson tells Mr. Depp “I got an amber 2.0” and “Lindsay just pulled an amber on me....please delete,” to which Mr. Depp responds “I been reading A LOT of material on that and sociopathic behavior...it is fucking real my brother!! My ex-cunt is goddamn TEXTBOOK!!!” *Id.* at 2-3. Mr. Manson then tells Mr. Depp “I got a serious police amber type scenario with L’s family. I’m fucking stressing. I don’t know if you are back but I need asylum somewhere because I think the cops might be headed my way,” and that “Lindsay pulled an amber and she filed a police report,” and “She is pulling amber and the cops are gonna show up to serve me a restraining order.” *Id.* at 5, 7. Again, it is Mr. Depp who apparently intends to introduce this evidence through his own trial exhibits.

So Mr. Depp’s additional argument that Mr. Manson’s extraneous issues in his own life mean Ms. Heard should be precluded from even referencing Mr. Manson, period, fares no better. Mr. Depp does not even attempt to address why the probative value of the specific evidence in Ms. Heard’s trial exhibits cited above, which Mr. Depp had access to before filing this Motion, is substantially outweighed by the danger of unfair prejudice, despite citing an incorrect legal standard. None of Ms. Heard’s evidence involves or comments on Mr. Manson’s own issues regarding committing domestic violence, which Ms. Heard did not seek to introduce at trial. On the contrary, *Mr. Depp* is the person who apparently intends to introduce this type of evidence based on his own Exhibit 554- the communications between Mr. Depp and Mr. Manson described above. **Att. 37**.

So Mr. Depp is engaging in a straw-man argument by inventing supposedly prejudicial evidence that he claims Ms. Heard intends to introduce. There can be no prejudice to justify its

exclusion under Rule 2:403, let alone that prejudice being unfair and substantially outweighing the probative value of the above-described evidence. The only possible prejudicial effect, though still not unfair prejudice, would be based on Mr. Depp's Exhibit 554. **Att. 37.**

For these reasons, Mr. Depp's motion *in limine* no. 10 to exclude "all references to and evidence regarding Marilyn Manson" should be denied.

**12. Mr. Depp's Motion *in Limine* No. 11 to
Exclude Deposition Testimony of Jacob Bloom Should Be Denied**

a. Mr. Bloom's Testimony Is Relevant and
Mr. Depp Failed to Meet his Burden to Show Otherwise

"[E]very fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue is relevant." *Proffitt*, 292 Va. at 634. Mr. Depp claims Mr. Bloom has "nothing relevant to say," but fails to address any of the testimony Ms. Heard seeks to present. Mr. Bloom served as Mr. Depp's attorney for almost two decades. He recalls Mr. Depp having financial issues in January 2016, which coincides with an occasion where Mr. Depp hit Ms. Heard in the face and "popped" her in the eye. **Att. 68**, at 24; **Att. 69** at 55. The evidence at trial will show that financial stress was a catalyst for Mr. Depp's drinking and drug use, which, in turn, precipitated violence against Ms. Heard. *Cf. Holdaway Drugs, Inc. v. Braden*, 582 S.W.2d 646, 651 (Ky. 1979) ("Proof of a motive is always relevant when attempting to prove that someone committed a particular act.").

Mr. Bloom's testimony may also be used for impeachment. In Mr. Depp's suit against News Group Newspapers in the United Kingdom, he alleged that before Ms. Heard met him in Australia in March 2015, "Ms. Heard had a conversation with [his] then lawyers, Bloom Hergott who explained [his] intention to enter into a post-nuptial agreement. **Att. 70**, ¶ 62 2.2H.1. Ms. Heard anticipates Mr. Depp will assert that Ms. Heard assaulted him in Australia because she

was angry about the request for a post-nuptial agreement. But Mr. Bloom testified that he does not recall any conversations with Ms. Heard about a post-nuptial agreement. **Att. 68**, at 61. Additionally, Mr. Depp may testify that Mr. Bloom was involved with criminal charges related to importing Ms. Heard and Mr. Depp’s dogs into Australia. *See Att. 70*, ¶ 137 (noting Mr. Depp testified “Jake was involved” with this issue). Mr. Bloom testified that he never communicated with Ms. Heard about the dogs’ importation. **Att. 68**, at 62. If evidence of these charges is admitted over Ms. Heard’s objection, then Mr. Bloom’s testimony may be used to impeach Mr. Depp. Excluding Mr. Bloom’s testimony would be premature because the Court cannot determine its probative value prior to the presentation of evidence at trial. In short, Mr. Depp has failed to meet his “burden of demonstrating that the evidence [he seeks to exclude] is inadmissible on *any* relevant ground.” *ATK Space Sys.*, 99 Va. Cir. at 65.

b. Mr. Depp Has Presented No Evidence that Mr. Bloom Lacks Competence

Mr. Depp makes the outlandish contention that Mr. Bloom’s testimony shows he lacks competence to serve as a witness. Rule 2:601(a) provides that “[e]very person is competent to be a witness except as otherwise provided in other evidentiary principles, Rules of Court, Virginia statutes, or common law.” The language of this rule “embodies a presumption that every prospective witness is considered competent.” Charles E. Friend & Kent Sinclair, *The Law of Evidence in Virginia* § 10-1[a], at 555 (7th ed. 2012); *see also Hopkins v. Commonwealth*, 230 Va. 280, 291–92 (1985) (“[T]he competency of the witness, [] depends on his capacity accurately to observe, remember, and communicate facts,” [and] it is the role of the trial court in the exercise of its discretion to determine the competency of witnesses.”).

Mr. Depp has not identified any basis for setting aside the presumption of competence. He asserts, without any support whatsoever, that Mr. Bloom has been diagnosed with dementia.

Absent evidence of this assertion, however, the Court cannot consider this alleged diagnosis. Mr. Depp further claims that at Mr. Bloom’s deposition, he was unable to communicate about relevant events, provide substantive answers, and recall questions posed to him. But Mr. Depp fails to cite a single instance of this occurring that is reflected in the deposition transcript.

While Mr. Bloom’s testimony showed that he has difficulty remembering certain events, that is not grounds for excluding his testimony altogether. “Lack of clear recollection may affect the weight of a witness’s testimony, but it does not deprive it of all probative value.” *Sell v. Goldberg*, 601 S.W.2d 665, 666 (Mo. Ct. App. 1980). And “the weight to be given to the evidence and a determination of the witness’s credibility are matters for the fact finder to decide.” *Durant v. Commonwealth*, 7 Va. App. 454, 462–63 (1988).

Finally, “[a] general objection to the competency of a witness should be overruled if the witness is competent for any purpose.” Charles E. Friend & Kent Sinclair, *The Law of Evidence in Virginia* § 2-7[c], at 136 (7th ed. 2012). Mr. Depp seeks to exclude *all* of Mr. Bloom’s testimony, and his general objection should be overruled. Alternatively, to the extent the Court finds Mr. Bloom is not competent to testify to certain events, he should be permitted to testify to those he can recall.

c. Ms. Heard’s Counsel Did Not Harass Mr. Bloom During his Deposition

Mr. Depp maintains that “Ms. Heard’s counsel harassed Mr. Bloom with the same question repeatedly in attempts to deceive Mr. Bloom.” The sole example he cites in support is an attempt by Ms. Heard’s counsel to refresh Mr. Bloom’s memory with respect to when he began representing Mr. Depp. Such behavior is not harassment and provides no basis for excluding Mr. Bloom’s testimony.

For these reasons, Mr. Depp’s motion *in limine* no. 11 should be denied.

**13. Mr. Depp's Motion *in Limine* No. 12
to Exclude Expert Testimony of Adam Bercovici Should Be Denied**

Mr. Depp's Motion *in Limine* No. 12 is substantially similar to his Motion *in Limine* No. 3. These Motions should be considered together for the reasons stated in support of Ms. Heard's Opposition to Motion *in Limine* No. 3. *See supra*. Like his prior Motion, the present Motion is nothing more than a transparent effort to mislead the jury, in the hopes the jury will rely solely on Officer Saenz's and Hadden's conclusions and records and/or the conclusions and records of Officers Diener and Gatlin *to substitute for the "truth"* of what occurred on May 21, 2016, without the jury knowing or learning that these officers failed to conduct a thorough, complete and documented field investigation, as required by LAPD policy and procedure (and California law), and "ignored evidence and failed to reasonably determine (or document their reasonable determination) that there was probable cause to conclude that a domestic violence crime had been perpetrated upon Ms. Heard [by someone] on May 21, 2016 and that a further investigation was required and appropriate," pursuant to LAPD policy and procedure. *Depp Motion No. 12, Ex. A* (Bercovici Expert Designation).

Mr. Depp's arguments that Mr. Bercovici's testimony is irrelevant invades the province of the jury, or could be misleading are both disingenuous and belied by Mr. Depp's own expert, Rachael Frost, whom Mr. Depp put forward to "testify regarding whether the two set[s] of LAPD officers followed policy, procedure and best practices based on California state law regarding their dispatch and arrival to [Mr. Depp and Ms. Heard's residence] on May 21, 2016." **Att. 67.**

Notably, and despite Ms. Frost's testimony set forth in Ms. Heard's Opposition to Motion *in Limine* No. 3, *supra*, Ms. Frost purports to conclude that "A Crime Had Not Occurred" because "Officers Saenz and Hadden were unable to develop any information that a crime occurred...." *Id.* at 42-43. As reflected above, the only reason these Officers failed to "develop

any information that a crime occurred,” is because they *failed to follow LAPD policies and procedures*, and thereby “ignored evidence and failed to reasonably determine (or document their reasonable determination) that there was probable cause to conclude that a domestic violence crime had been perpetrated upon Ms. Heard [by someone] on May 21, 2016 and that a further investigation was required and appropriate.” . *Depp Motion No. 12, Ex. A* (Bercovici Expert Designation).

Mr. Bercovici’s testimony and opinions are essential to place what the Officers did and said (and what the Officers *should* have seen and done, if complying with policy and procedure) in context for the jury to consider. This is essential to avoiding the substantial risk that the jury will be misled by the fact that these Officers are expected to be trained and, in the absence of contrary expert testimony, would likely be *incorrectly presumed* to have followed their training, policies and procedures when they incorrectly concluded that there was a “verbal dispute” only, and there was no evidence of a crime supporting domestic violence that they saw or should have seen. *Cf.* Frost Tr. at 251:12-14 (“But I do agree that **a wine bottle on the floor and broken glass**, those are two things that **if I’d walked through, I should have seen.**”) (emphasis added).

If the jury agrees that the Officers should have seen and done what Mr. Bercovici opines they should have seen and done (if complying with policy and procedure), and disagrees with what Ms. Frost and/or with what the Officers contends they saw and did when fulfilling their duties, the risks of mistake or confusion on the part of the jury will be *minimized* (rather than exacerbated by excluding Mr. Bercovici).

The fact that Mr. Bercovici’s opinions will minimize (rather than exacerbate) confusion for the jury is illustrated by Ms. Frost’s testimony. Even Ms. Frost agrees that the condition of the property at the time Officers Saenz and Hadden were present contained evidence of property

damage and evidence of a crime, but she contents she “can’t determine whether [the Officers, in fact] saw the damage or not.” Att. 75, Tr. Dep. of. Frost at 210:19-20. Mr. Bercovici, in contrast, opines the Officers *should* have seen this evidence, if they were following LAPD policy and procedure. . *Depp Motion No. 12, Ex. A* (Bercovici Expert Designation).

Significantly, even Ms. Frost agrees with Mr. Bercovici that, if the jury were to conclude that the Officers saw, or should have seen, what the record reflects with respect to Ms. Heard’s injury and property damage at the time the first set of Officers were present, then:

[Ms. Frost] would agree with [Ms. Heard’s] expert[, Adam Bercovici], had they seen that, they would have to do more than they did.

I would disagree with Detective Maria Sadanaga [the LAPD Domestic Violence Coordinator] that if they saw property damage, it wouldn't have anything to do with domestic violence. Because that -- if someone had damaged their own property, because that's actually a crime.

People versus Wallace, since 2004, if you damage joint property, that specifically is a crime.

So if [Officers Saenz and Hadden] had seen those things, they would have had not just to write a report, but they would have had more requirement to do than what they've done. I completely agree with that.

...

Q “Their domestic violence detective is incorrect”?

A The LAPD officer -- the LAPD department’s own domestic violence investigator is incorrect. She said property damage at domestic violence cases, you can break your own property. That is incorrect....

[I]f we both own this phone, and I break that phone, then that is vandalism. And if it's vandalism over \$950, then it's a crime, because there's double property interest in that....

And she misstated that. *So [the LAPD’s] their own domestic violence investigation specialist doesn't quite understand the domestic violence law, which is a little frustrating.*

But that’s why I say, if they had seen those things, yes, they needed to do more. But their statements are that they didn’t. And I can’t sit here and opine that they’re not telling the truth, when there's so many repercussions on them for lying

under oath.

Att. 75, Tr. Dep. of. Frost at 211:23-212:13, 302:21-303:20 (emphasis added).

For the reasons stated above and in Opposition to Motion *in Limine* No. 3, the opinions and testimony of Mr. Bercovici are essential to avoiding mistakes and confusion by the jury, and will materially assist the trier of fact in resolving a significant issue: What did the Officers see and/or what should the Officers have seen if they were complying with LAPD policy and procedure and California law? Mr. Bercovici's testimony is beyond the province of the jury, but is essential to assisting the jury in appreciating the impact of LAPD policies and procedures (which would not otherwise be known to the jury) and avoiding a mistaken assumption that the Officers followed their training, policies and procedures without adequate information to test this assumption. *See Wyatt*, 317 F.R.D. at 542 (finding policies relevant and probative and recognizing that "compliance with [police] policies and procedures is a factor that may be considered by the jury when evaluating whether [an officer] acted reasonably.") (internal citations omitted).

In addition, as discussed in No. 3 above, the motivations of the Officers is highly relevant to the jury in assessing their credibility. If the Officers did not comply with the policies, procedures and rules of the LAPD, they would be subject to disciplinary action. This would be a substantial motive for the LAPD Officers to be unable to recall injury and/or property damage, as either would have required further investigation, as both experts opine, as do the LAPD PMKs (Persons Most Knowledgeable) and even Officer Saenz and Hadden.

Mr. Bercovici's expert opinions are, therefore, highly relevant and probative and not, in any respect, unfairly prejudicial. *Id.* His testimony pertains to LAPD policies and procedures that are plainly not within the common knowledge of the jury, and his

testimony will assist the trier of fact to avoid confusion by placing the Officers testimony of what they saw, heard and did, in the context of what was expected if these Officers were conforming with LAPD training, policies and procedures. *Id.* Mr. Bercovici's opinions and testimony further serve to address and rebut Mr. Depp's own expert, who purports to "testify regarding whether the two set[s] of LAPD officers **followed policy, procedure and best practices based on California state law** regarding their dispatch and arrival [to Mr. Depp and Ms. Heard's residence] on May 21, 2016." **Att. 67.**

For the foregoing reasons, Mr. Depp's Motions *in Limine* Nos. 3 and 12 should be denied.

**14. Mr. Depp's Motion *in Limine* No. 13
to Exclude the Testimony of Ellen Barkin Should Be Denied**

Mr. Depp's request that the Court exclude in its entirety the testimony of Ellen Barkin is inappropriate and premature. Ms. Heard has designated certain portions of Barkin's testimony, Mr. Depp has had an opportunity to object, and the Court will rule on those individual objections. But Mr. Depp's suggestion, without explanation, that the entirety of Ms. Barkin's testimony is irrelevant, inadmissible, and overly prejudicial is simply wrong. *McCarthy*, 67 Va. Cir. at 241; *Torkie-Tork*, 2010 U.S. Dist. LEXIS 121804, at *1; *TVT Records*, 250 F. Supp. 2d at 344-45.

Mr. Depp wants to exclude Ms. Barkin's testimony because she testified Mr. Depp threw a wine bottle at her in a violent outburst. Although Mr. Depp downplays her testimony by saying it was just a "toss," he ignores her testimony that the assault originated because of a fight Johnny was having with others in the room and "it was a toss...[a] throw" that he made from across the room toward a group of people, that the bottle would have hurt her had it hit her, and that she wasn't shocked because of his violent nature. **Att. 40.** Barkin Dep. at 26-29.

This testimony is relevant. Mr. Depp has repeatedly argued in this case that he is not a violent person and that he has never been violent toward women. Barkin's testimony rebuts those assertions that Mr. Depp has put at issue. It is therefore relevant under Va. R. Evid. 2:404 and 2:405. Moreover, because this is a defamation claim, evidence such as Barkin's testimony is appropriate. *Schafer v. Time, Inc.*, 142 F.3d 1361, 1371-72 (11th Cir. 1998) ("a charge of defamation or libel commonly makes damage to the victim's reputation or character an essential element of the case"); *see also Johnson v. Pistilli*, 1996 WL 587554, at *3 (N.D. Ill. 1996) ("It is rare that character is an essential element. The typical example of such a case is defamation—where injury to reputation must be proven.").

Thus, Barkin's testimony of her experiences of violence with Mr. Depp, which are based on her own personal knowledge, are admissible. *See* Va. R. Evid. 405(b) ("In cases in which a character trait of a person is an essential element of a charge, claim, or defense, proof may also be made of specific instances of conduct of such person on direct or cross-examination.).

Moreover, Mr. Depp fails to mention Ms. Barkin's testimony about Mr. Depp's excessive drug use when she was dating him. **Att. 40**, Barkin Dep. at 21-23. Again, Mr. Depp has claimed time and again, in deposition and through witnesses testifying on his behalf, that he does not have a problem with drug and alcohol abuse. Obviously, Mr. Depp's rampant drug and alcohol abuse are a central part of this case, because he was often drunk and/or high when he abused Ms. Heard. Mr. Depp cannot simultaneously deny his drug and alcohol abuse and then seek to exclude testimony to the contrary.

For these reasons, the Court should deny Mr. Depp's motion *in limine* to exclude in its entirety the testimony of Ellen Barkin. To the extent there are specific pages and lines he wishes

to exclude, he should make those arguments in conjunction with the deposition designations. But for the reasons explained above, Ms. Barkin’s testimony is probative, relevant, and admissible, and cannot be excluded by Mr. Depp in this shotgun, broad-brush fashion.

**15. Mr. Depp’s Motion *in Limine* No. 14 to Exclude
Expert Testimony of Doctor David R. Spiegel Should Be Denied**

Not only is Dr. Spiegel’s testimony relevant, his extensive work with and expertise on perpetrators and victims of intimate partner violence (“IPV”) is critical to the jury’s understanding risk factors and behaviors of perpetrators of IPV, including substance abuse, and Dr. Spiegel has specialized knowledge of the effects of long-term substance abuse on memory. Dr. Spiegel’s assessment is based on an extensive review of the record in this case, and the lack of a personal assessment goes to the weight of his testimony—not admissibility.

a. **Dr. Spiegel’s Testimony is Wholly Relevant,
and he Does Not Opine on Mr. Depp’s Medical Condition**

Mr. Depp has taken Dr. Spiegel’s deposition testimony completely out of context. Nowhere in Dr. Spiegel’s designation does it state that Dr. Spiegel will testify to Mr. Depp’s “medical condition.” In fact, Dr. Spiegel’s designation states specifically that he is not making any diagnosis, but observing behaviors that are consistent with perpetrators of intimate partner violence. **Att. 41**, Dr. Spiegel Designation at 91. In his deposition, Dr. Spiegel was explaining his direct observations of Mr. Depp’s impaired attention. **Att. 42**, Spiegel Tr. 55:9-15. A representative example of what Dr. Spiegel observed concerning Mr. Depp’s impairment was when Mr. Depp was asked how the use of alcohol and medications and nonprescription illegal or recreational drugs impacted his short-term and long-term memory. Mr. Depp forgot what he was talking about partway through his answer. **Att. 43**, Depp Tr. 953:3-21.

According to Rule 2:702(a) of the Rules of the Supreme Court of Virginia, expert testimony is admissible in a civil case when “scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue.” Va. S. Ct. R. 2:702(a). Certainly, Dr. Spiegel’s testimony regarding risk factors of IPV, which include substance abuse, being a previous victim of physical and psychological abuse, impulsiveness, narcissism, and attitudes accepting or justifying IPV, among others, is highly relevant to this case, not within common knowledge, and would assist the trier of fact in understanding the wide array of evidence that will be before them. **Att. 41**, at 79-86.

In addition, Dr. Spiegel is expected to testify that the record evidence demonstrates that Mr. Depp has a history of using or overusing alcohol and controlled drugs, including cocaine, ecstasy (MDMA), magic mushrooms and cannabis as well as certain prescribed drugs (notably Oxycodone, Roxicodone or Roxies, Xanax and Adderall). Dr. Spiegel will further testify that the record evidence reflects that while married to Ms. Heard, Mr. Depp experienced blackouts, which are periods of time when the brain is not forming memories. Dr. Spiegel’s testimony regarding potential memory loss is, critically, relevant to whether Mr. Depp accurately remembers the events that transpired between him and Amber while he was taking a combination of alcohol and other substances.

b. Dr. Spiegel’s Testimony is Grounded in Abundant Documentary and Video Evidence

Rule 2:703(a) provides, “In a civil action an expert witness may give testimony and render an opinion or draw inference from facts, circumstances, or data made known to or perceived by such witness at or before the hearing or trial during which the witness is called upon to testify. . . .” As his Designation states, “Dr. Spiegel reviewed and relied upon the relevant pleadings, videos, audios, pictures, text messages, emails, medical records, and other

documents produced in discovery, testimony from the UK, and depositions.” **Att. 41**, at 74-75. These documents are attached to Ms. Heard’s Third Supplemental Expert Witness Disclosure as Exhibit 8. Mr. Depp refused to have an assessment by Dr. Spiegel, and now wishes to use his refusal as a sword. Unfortunately for Mr. Depp, personal examination is not a requirement for admissibility of his testimony. *See Ioannis Kanellakopoulos v. Unimerica Life Ins. Co.*, 2018 U.S. Dist. LEXIS 27102, at *3-6 (N.D. Cal. Feb. 20, 2018) (admitting testimony regarding Plaintiff’s asserted cognitive impairment and need for assistance or verbal cueing without a personal examination). The lack of personal examination “goes to the weight of the testimony rather than its admissibility.” *Id.* at *6.

In addition, Courts have held that “the so-called ‘Goldwater rule’—an ethical rule that appears to preclude psychiatrists from rendering opinions on the mental status of public figures—[does not] appear to apply in this situation, at least not to bar testimony in court.” *See e.g., Simmons v. City of Chicago*, 2018 U.S. Dist. LEXIS 26140, at *4 (N.D. Ill. Feb. 18, 2018); *State Farm Fire & Casualty Co. v. Wicka*, 474 N.W.2d 324, 332, n.6 (MN 1991) (“the APA standard referenced by the trial court does allow a psychiatrist to ethically testify regarding another’s mental capacity without a personal examination.”). See additional discussion in Defendant’s Motions *in Limine* at § 10(a)(i). Furthermore, as Dr. Spiegel’s Designation points out, there are a wide variety of circumstances in the industry where a diagnosis without personal examination and such practice is commonplace. **Att. 41**, at 89-90.

c. Dr. Spiegel’s Testimony Provides
Specialized Knowledges that Will Assist the Jury to Understand the Evidence

A jury is not equally competent to determine whether Mr. Depp has committed intimate partner violence (IPV) to a medical degree of certainty as Dr. Spiegel, a psychiatrist who has worked with victims and perpetrators of IPV for over thirty years. Rule 2:702 provides:

In a civil proceeding, if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise.

Va. S. Ct. R. 2:702(a)(i). “Expert testimony is admissible not only when scientific knowledge is required, but when experience and observation in a special calling give the expert knowledge of a subject beyond that of person of common knowledge and ordinary experience.” *Online Res. Corp. v. Lawlor*, 285 Va. 40, 59 (2013). The behaviors associated with perpetrators of IPV and the effects of long-term substance abuse on cognition and memory are beyond the common knowledge of most jurors and will assist the jurors in processing the evidence in this case.

d. Mr. Depp Will Not Be Unfairly Prejudiced by Dr. Spiegel’s Testimony

Mr. Depp has summarily concluded that because Dr. Spiegel did not have the opportunity to personally assess Mr. Depp, the probative value of his testimony will be substantially outweighed by unfair prejudice. But this ignores the fact that Depp will have the opportunity to cross-examine Dr. Spiegel at trial on the grounds for his opinions, and a jury is capable of evaluating the weight of Dr. Spiegel’s testimony accordingly. It also ignores that Mr. Depp has identified an opposing expert to counter Dr. Spiegel’s testimony, so Mr. Depp is in no way unfairly prejudiced. Finally, it was Mr. Depp who declined, twice, to an examination by Dr. Spiegel, so he cannot claim *unfair* prejudice.

For all of these reasons, Mr. Depp’s Motion to Exclude Expert Testimony of Doctor David R. Spiegel should be denied.

**16. Mr. Depp’s Motion *in Limine* No. 15 to Exclude
Expert Testimony of Ronald S. Schnell and Kathryn Arnold Should Be Denied**

Without citing to the expert designations or Mr. Schnell or Ms. Arnold’s depositions, Mr.

Depp seeks to exclude Mr. Schell and Ms. Arnold’s entire testimony, claiming their opinions are unconnected to Ms. Heard’s defamation claims. But it is clear in the expert designations and Mr. Schnell’s and Ms. Arnold’s depositions that Mr. Schnell’s and Ms. Arnold’s opinions will assist the jury in understanding the damages caused by Mr. Depp’s defamation.

a. Mr. Schnell’s and Ms. Arnold’s
Opinions are Extremely Relevant to the Issues in this Case

As the Court is aware, Ms. Heard’s defamation counterclaims are based on three statements of Mr. Depp, through Adam Waldman. On April 8, 2020, Mr. Waldman stated to the Daily Mail that “Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax ‘facts’ as the sword, inflicting them on the public and Mr. Depp.” *Counterclaim*, ¶ 45. Then on April 27, 2020, Mr. Depp, again using Mr. Waldman as his conduit, told the Daily Mail that “Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn’t do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911.” *Id.* ¶ 46. Finally, on June, 24, 2020, Mr. Depp, again through Mr. Waldman, falsely accused Ms. Heard in the Daily Mail of committing an “abuse hoax” against Depp. *Id.* ¶ 48.

Ronald S. Schnell, an expert in the field of statistical and forensic analysis of social media, and his firm, Berkley Research Group, conducted an investigation relating to posts on social media, primarily Twitter, that contained and/or expressed negative comments and negativity about Amber Heard, from the time of the first defamation statement, April 8, 2020, through the present. **Att. 44**, at 26. Mr. Schnell testified that his statistical and forensic analysis

expertise allowed him to analyze these posts on Twitter and to identify the number of negative Tweets and hashtags, which is something a layperson cannot do. **Att. 45**, Tr. 73:1-4. Thus, Mr. Schnell's examination of negative Tweets about Ms. Heard from the date of Mr. Depp's defamation is directly relevant information that the jury would not be able to understand without expert testimony.

As was further explained in the designation, "Mr. Schnell located and collected, and is expected to testify, that there are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Specifically, from the beginning of April 2020, until the end of January 2021, there were 1,243,705 negative posts relating to Amber Heard, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or #WeJustDontLikeYouAmber." **Att. 44**, at 26-27. Mr. Schnell then explained how he connected the Tweets to the defamation. He "performed searches within the Heard Hashtags for "Hoax," "Fake" and "Fraud" – the key words from the defamatory statement, "which found over 81,000 instances of these terms in tweets with the Heard Hashtags." *Id.* at 32. This was a more proper scientific analysis of the "key terms" which were actually identified by Mr. Depp's purported expert, Douglas Bania, who opined that if the key terms were "found in the Schnell API Data, it could suggest the Tweets are related to the Daily Mail Articles or the Waldman Statements." **Att. 46**, at 18-19. So both parties' experts agree that these searches are relevant because they are related to the Daily Mail Articles or the Waldman Statements.

Moreover, Mr. Schnell searched within the Tweets for Waldman and "Waldmignon" (as in, a portmanteau of Waldman and Filet Mignon, in what is likely a reference to Adam Waldman's minions)." **Att. 44**, at 33. These terms were found within 25.77% of the Tweets, *id.*, demonstrating the spread of the defamation. This information is directly relevant to Ms. Heard's

damages, and its probative value is high. Mr. Depp's argument that this information is somehow not relevant is simply not tenable.

Mr. Depp also argues that Ms. Arnold should be prohibited from testifying as to a "bot" campaign on twitter because Mr. Schnell will not testify to a "bot" campaign. But Ms. Arnold testified that she will not testify to a "bot" campaign. Rather, she said that she will opine to Ms. Heard's damages based on a "coordinated Twitter campaign, a coordinated social media campaign," based on the findings of Mr. Schnell. **Att. 47**, Tr. 105:8-13. However, Ms. Arnold acknowledged that the "bot" campaign was verified by Ms. Kovacevic, the corporate designee of William Morris Agency and through a study by L'Oréal. Mr. Schnell explained in his deposition that while he found that many of the Twitter accounts, "had an extraordinarily high bot score" he could not confirm the accounts were bots, but "you can see that all of the hashtags are trending in the same way at the same time, so that's the coordination that I'm talking about." **Att. 45**, Tr. 27:18-19, 90:1-3. Mr. Schnell produced charts that demonstrated the negative hashtags would spike at the same time. **Att. 48**. And far from testifying that there was no connection between any of the Tweets and the statements by Mr. Waldman at issue, as Mr. Depp argues, when asked "Did you form any opinion that any of these spikes were caused by the three Waldman statements from the articles that we discussed earlier?" Mr. Schnell testified, "I believe I show spikes relating to certain words that Mr. Bania said were Mr. Waldman's statements." **Att. 45**, Tr. 97:4-11. Thus, there is a clear connection between Mr. Schnell's opinions and Ms. Arnold's opinions to the Counterclaims.

b. None of Mr. Schnell or Ms. Arnold's Opinions Should be Excluded

There is no reason to exclude any of Mr. Schnell or Ms. Arnold's opinions. In the expert designation, it was disclosed that "based on the number of negative posts about Ms. Heard

during this time on Twitter, a similar magnitude of negative comments would also be published on Instagram and Reddit.” **Att. 44**, at 29. Mr. Schnell testified that “I did look at those other platforms and saw, you know, similar patterns. And, again, those hashtags -- it's quite apparent that those hashtags are being used in a negative context toward Ms. Heard. So considering that I couldn't find any that were not, it's safe to say that on those other platforms, when people are using those hashtags, it will be the same thing.” **Att. 45**, Tr. 75:21-76:6. Mr. Schnell testified that based on his experience in the industry, “doing forensic analysis of these platforms that people use hashtags the same way across them.” Thus, he found that based on review of the Twitter hashtags, “[a] similar percentage of those posts that use those hashtags will be” on Instagram and Reddit. *Id.* Tr. 77:1-78:21.

Mr. Schnell also analyzed tweets before the defamatory statements to determine the magnitude of change in the negative hashtags over time. As part of that analysis, Mr. Schnell determined that there was a sudden increase in the hashtag #AmberTurd on August 16-17, 2018. **Att. 44**, at 30. While that increase was before the defamatory statements, it is part of Mr. Schnell’s analysis of the Tweets over time as he needs to show what occurred both before and after the first defamatory statement. There is no reason for this part of Mr. Schnell’s analysis to be excluded, as the jury should understand his entire analysis.

Finally, Mr. Schnell’s analysis found that a Twitter post marketing the release of *Aquaman 2* received approximately 100 negative replies against Ms. Heard within 24 hours. **Att. 44**, at 30-31; **Att. 45**, Tr. 87:18-88:9. While Mr. Schnell cannot testify why each individual person drafted the Tweets, without his analysis the jury would not be able to have this information for the jury to make that determination. Expert testimony should be received into evidence if the testimony will “aid the trier of fact in understanding the evidence,” *Keese v.*

Donigan, 259 Va. 157, 161-62 (2000), which is exactly what Mr. Schnell’s testimony provides. There is no basis for any of Mr. Schnell’s opinions to be excluded.

With respect to Kathryn Arnold’s opinions, they are based on independent research and are unchanged by Mr. Schnell’s testimony. Ms. Arnold was able to independently verify, through her own research, that social media was being used against Amber in an orchestrated campaign to disseminate the defamatory statements. **Att. 84**, Designation, at 38; **Att. 85**, Arnold Tr. 106:22-107:2.⁵ Arnold’s testimony demonstrates that Mr. Depp’s quibble is a matter of trivial semantics: “Again, if we take out the word ‘bot campaign’ and we look at the tremendous amount of negative social media that has been directed towards Ms. Heard, I still believe that that had affected her career.” As Ms. Arnold’s designation states, the social media campaign to disseminate the defamatory statements has affected Ms. Heard’s endorsements, like L’Oreal, which has barely been able to utilize Ms. Heard for its advertising due to “significant pushback and negative commentary on social media from their community, driven by Depp’s defamatory statements . . .” **Att. 85**, at 43. Ms. Ms. Arnold further testified that her opinion remained unchanged and is based, not only on Mr. Schnell’s research, but an “**amalgam of material** that [she] read that referenced drama and negative social media,” which included deposition testimony of Ms. Heard’s talent agent, emails between the agency and casting directors and producers, and the testimony of Ms. Heard. **Att. 85**. Tr. 108:6-109:1. In particular, Ms. Arnold testified;

Well, there were e-mails about the social media campaigns that were coordinated negative campaigns coordinated against Amber based on the statements. There was also a lot of conversation about they are very supportive of Amber. They want to be able to work with her. They're going to try to work with her. Maybe they'll use some of the shoot that

⁵ Ms. Arnold’s independent research indicated that, in fact, a bot campaign was specifically used to generate signatories to a “Remove Amber Heard from Aquaman 2” petition. *Id.*

they used, but not all of it, and in what context, they were unsure.

But it was a lot of cloudiness around what should have been a very straightforward contract and -- and services to provide, that Amber was supposed to provide.

Att. 85, Arnold Tr. 155:3-15. There is no basis for any of Ms. Arnold's opinion to be excluded.

In conclusion, Mr. Depp's Motion to Exclude Expert Testimony of Ronald Schnell and Kathryn Arnold should be denied.

**17. Mr. Depp's Motion *in Limine* No. 17 to
Exclude Defendant's Trial Exhibits 582 & 582A Should Be Denied**

In his Motion *in Limine* No. 17 to exclude Exhibits 582 and 582A, Mr. Depp moves for the exclusion of evidence of domestic violence relating to incidents of the threatened or actual extinguishment of Mr. Depp's cigarette(s) on Ms. Heard. In Exhibit 582A, Ms. Heard states: "Go put your fucking cigarettes out on someone else. You fucking have consequences for your actions." And Mr. Depp responds: "shut up fat-ass."

a. Exhibits 582 and 582 A are Relevant and Admissible

Mr. Depp seeks to exclude evidence of domestic violence, which is directly at issue and critical to Ms. Heard's defense. Evidence of Mr. Depp attempting to extinguish a cigarette on Amber (or aiming or throwing a cigarette toward Amber) is clearly evidence of domestic violence, and is pertinent to Ms. Heard's defense. Such evidence makes it more likely that Mr. Depp threatened Ms. Heard with physical harm (burning), actually tried to or did hurt Ms. Heard, or exhibited reckless disregard for hurting Ms. Heard. The evidence is also relevant to Ms. Heard's fear of potential violence and state of mind.

Because Mr. Depp cannot deny the relevance, Mr. Depp asserts arguments based on (a) hearsay and (b) completeness, but both arguments fail. As a preliminary matter, Mr. Depp's

assertion of hearsay is premature at the motion *in limine* stage. *See ATK Space Sys.*, 99 Va. Cir. at 810-81 (where evidence “is relevant to prove many things other than the truth of its contents, it is not inadmissible hearsay and should not be excluded at this point in the proceedings”). In addition, several hearsay exceptions apply that would render the statements admissible including: (1) admission by party-opponent; (2) present sense impression; (3) excited utterance; (4) then existing mental, emotional, or physical condition. *See* Va. S. Ct. Rule 2:803.

Because Mr. Depp cannot deny the authenticity of the recording (in part because he was present and his voice is clearly recognizable), Mr. Depp inappropriately challenges the tape based on the rule of completeness. But Ms. Heard intends to play all relevant portions of the tape. In addition, Ms. Heard has no objection to Mr. Depp playing the entire tape recording, if he believes anything else may be relevant.

b. The Probative Value is Not Substantially Outweighed by Unfair Prejudice

The high probative value of Exhibits 582 and 582A is not substantially outweighed by any unfair prejudice. The tape is unlikely to “inflame the passions of the trier of fact or to invite decision based upon a factor unrelated to the elements of the claims and defenses in the pending case.” *Lee*, 290 Va. at 251. The mere fact that the cigarette incident may be detrimental to Mr. Depp’s case is not sufficient to cause unfair prejudice. *See Powell*, 267 Va. at 141 (the requirement that “only ‘unfair’ prejudice may be considered reflects the fact that all probative direct evidence generally has a prejudicial effect to the opposing party”). In fact, it is highly relevant and clearly something the jury should hear.

**18. Mr. Depp's Motion *in Limine* No. 18 to
Exclude Expert Testimony of Doctor Dawn M. Hughes Should Be Denied**

Mr. Depp's Motion to Exclude the Expert Testimony of Dr. Dawn Hughes requests a blanket exclusion of her testimony based on cherry-picked sentences that were not her opinions, or were partial sentences out of context, from the 25 page expert disclosure of Dr. Hughes. Dr. Hughes, a Board-Certified Forensic Psychologist, with more than 25 years of clinical and forensic experience, disclosed all of her work. She conducted an extensive series of tests on Ms. Heard (**Att. A** at 7), conducted multiple interviews with Ms. Heard, her therapists and family members, reviewed the medical and therapy notes, and the extensive evidence in this case, all set forth in her Exhibits to the Designation. Dr. Hughes' deposition is being taken today for 7 hours. Presumably Mr. Depp can flush out any issues and fully examine Dr. Hughes on her opinions, including the bases for the opinions. Moreover, Dr. Hughes's opinions are directly relevant to the claims in this case, as it is disclosed on page 2 of her disclosures that "Dr. Hughes will testify as to the psychological consequences on Amber Hear as a result of the ...statements ("defamatory statements") included in the Counterclaim, at Paragraphs 45-47, and at Exhibits F, G and H to the Counterclaim...." *Id.*, at 2., fn. 2. All of Dr. Hughes's opinions have been disclosed and are relevant to assist the jury. There is no basis to exclude any of Dr. Hughes's opinions.

a. **Dr. Hughes's Does Not Opine to the Facts of What Occurred Between Mr. Depp and Ms. Heard and is Based on Professional and Ethical Standards**

Mr. Depp's brief misrepresents and takes out of context what is actually Dr. Hughes' opinions. In fact, **NONE** of the quotes from Mr. Depp's brief are opinions of Dr. Hughes – they are all statements Dr. Hughes recites based on what is being reported to her, which is entirely appropriate under the Rules. In fact, Rule 2:703(a) provides "[i]n a civil action an expert witness may give testimony and render an opinion or draw inference from facts, circumstances, or data

made known to or perceived by such witness at or before the hearing or trial during which the witness is called upon to testify. . . .”

As part of that opinion, Dr. Hughes necessarily needs to delve deeply into the issues of domestic abuse and Intimate Partner Violence (“IPV”) in assessing Ms. Heard for trauma associated with the allegations and how this would impact Ms. Heard. Thus, Dr. Hughes is not testifying to the fact that anything happened, but is assessing what is being reported to her and if true, the significance of that particular reporting. Of course, Mr. Depp’s counsel is free to cross examine Dr. Hughes on each of these statements and the basis for the statements, but they are not her specific listed Opinions.

In fact, Dr. Curry conducted very similar inquires, and that is how Mr. Depp justified requesting a Rule 4:10 examination – to counter Dr. Hughes. But in sharp contrast to Dr. Curry, who opined that Ms. Heard is a liar and the perpetrator, Dr. Hughes is not opining that IPV occurred, but that Ms. Heard has symptoms consistent with an IPV victim – which is completely within the realm of expert testimony in this case. Moreover, since Mr. Depp is attacking Amber Heard’s credibility, expert testimony is permitted, and helpful, to assess from a clinical and forensic perspective how people respond and report in these situations. Testimony will allow jurors to “evaluate the alleged victim’s behavior” and “assess . . . credibility” by understanding “how individuals generally react to sexual abuse.” *United States v. Johnson*, 860 F.3d 1133, 1140-41 (8th Cir. 2017); *Horne v. State*, 333 Ga. App. 353, 356 (Ga. 2015) (“[t]he battered person syndrome is a complex area of human response and behavior. Therefore, expert testimony must be admitted because it supplies an interpretation of the facts which differs from the ordinary lay perception.”).

As the expert designation disclosed, “Dr. Hughes’ expert testimony will seek to dispel myths and misconceptions about intimate partner violence that are commonly held by lay persons about what the persons in such a relationship ‘should’ do or ‘shouldn’t’ do, and why these are not correct assumptions.” **Att. 77**, at 6. And Mr. Depp has offered no caselaw that testimony as to a clinical explanation of the dynamics of intimate partner violence or domestic abuse, and characteristics consistent or inconsistent with such issues are inadmissible – because the caselaw allows such opinions.

Finally, Mr. Depp claims that Dr. Hughes’s opinions violate relevant professional standards. This is based solely on the opinion of Dr. Curry. As the Virginia Supreme Court has held, that is just a battle of experts, which is the province of the jury. *Bailey v. Erdman*, 2015 Va. Unpub. LEXIS 14, 2015 Va. Unpub. LEXIS 14 *3 (Dec. 30, 2015) (“The issue of whether Dr. Erdman deviated from the standard of care, therefore, was subject to conflicting opinions and presented a classic ‘credibility battle’ among experts. ‘Conflicting expert opinions constitute a question of fact’ for the jury.”).

Further, as already briefed throughout, the fact that Dr. Hughes did not interview Mr. Depp is not disqualifying. *See Simmons v. City of Chicago*, 2018 U.S. Dist. LEXIS 26140, at *3 (N.D. Ill. Feb. 18, 2018) (“the fact that Dr. Hanus did not examine Davianna does not preclude him from offering an opinion that amounts to a diagnosis.”); *Ioannis Kanellakopoulos v. Unimerica Life Ins. Co.*, 2018 U.S. Dist. LEXIS 27102, at *3-6 (N.D. Cal. Feb. 20, 2018) (admitting testimony regarding Plaintiff’s asserted cognitive impairment and need for assistance or verbal cueing without a personal examination). It is also ethical. *See Att. 78*, at 35, *Opinions of the Ethics Committee on The Principles of Medical Ethics* (2017) (“Question: A psychiatrist testifies for the state in a criminal case about the competency of the defendant. ***The psychiatrist***

based the testimony on medical records and did not examine the defendant nor have the defendant's approval to render an opinion. Was this ethical? Answer: Yes.")

b. There is No Basis to Exclude Dr. Hughes' CAPS-5 Testing

With respect to the CAPS-5, there is no reason why Dr. Hughes' testimony should be excluded because it was disclosed on February 11, and Mr. Depp offers no basis. Dr. Curry was permitted an extension to disclose her opinions until after the deadline for Mr. Depp's experts. When Dr. Curry provided her opinions, Dr. Hughes then responded and provided detailed findings and the testing information. Again, the supposed "glaring deficiencies" is simply the opinion of the opposing expert, and is once again, just a battle of the experts. Obviously, Dr. Hughes should be ready to defend her CAPS-5 work, as should Dr. Curry. It is then for the jury to decide how to judge that work.

c. Dr. Hughes's Testimony Helps the Jury

In Virginia, expert testimony cannot be excluded on the ground that it invades the jury's decision-making role on ultimate issues. In Va. Code § 8.01-401.3(B), the Virginia General Assembly "legislatively abrogated the 'opinion rule' in civil proceedings." *Lafon v. Commonwealth*, 17 Va. App. 411, 420 n.2, (1993). As the statute makes clear, expert testimony cannot be excluded solely because it involves "the ultimate issue" or an opinion about facts "critical to the resolution of the case." *R.K. Chevrolet, Inc. v. Hayden*, 253 Va. 50, 57 (1997) (quoting § 8.01-401.3(B)). The question is whether the expert testimony is needed. "Expert testimony is admissible not only when scientific knowledge is required, but when experience and observation in a special calling give the expert knowledge of a subject beyond that of person of common knowledge and ordinary experience." *Online Res. Corp. v. Lawlor*, 285 Va. 40, 59 (2013). Here, as described above, expert testimony on how victims of abuse respond, report, and

react, is critical for the jury to understand to make determinations about credibility. There is no basis to exclude Dr. Hughes's testimony.

d. Dr. Hughes's Testimony is Not Unfairly Prejudicial

Mr. Depp summarily concludes that the probative value of Dr. Hughes's testimony will be substantially outweighed by unfair prejudice. But this ignores the fact that Mr. Depp will have the opportunity to cross-examine Dr. Hughes at trial on the grounds for her opinions, and a jury is capable of evaluating the weight of Dr. Hughes's testimony accordingly. It also ignores that Mr. Depp has identified an opposing expert to counter Dr. Hughes's testimony, so Mr. Depp is in no way unfairly prejudiced.

For all of these reasons, Mr. Depp's Motion to Exclude Expert Testimony of Doctor Dawn M. Hughes should be denied.

**19. Mr. Depp's Motion *in Limine* No. 19 to
Exclude Expert Testimony of Julian Ackert Should Be Denied**

- a. Ms. Heard Has Not Violated the November 8 Forensic Discovery Order, Mr. Depp and his Expert Witnesses Controlled the Entire Process, and the Current State of Affairs is Due to the Choices, Demands, and Lack of Cooperation of Mr. Depp and his Expert Witnesses

The Court has now ruled on this issue multiple times, yet Mr. Depp continues to repeat his false and completely unsubstantiated theory that Ms. Heard's photographs of her injuries from Mr. Depp's abuse are fake. This is without a scintilla of evidence, and after Mr. Depp's expert admitting, under oath, last week that he is unable to challenge the authenticity of any of the photographs. This continuing pattern of motions for sanctions against Ms. Heard is clearly because Mr. Depp is so desperate to exclude some of the most relevant and probative evidence from the trial simply because it is damaging to his case.

Exactly as argued by Ms. Heard in opposing Mr. Depp's March 4 motion, Ms. Heard has

complied with every step of this Court’s November 8, 2021 Order, and any delays are solely the fault of Mr. Depp’s team. Once the Order was issued, counsel for Ms. Heard provided the inventory list that was ordered, and on November 19 began suggesting that both sides’ forensic experts schedule a call to discuss the next procedures under the Order. **Att. 49**, at 8. Mr. Depp’s team ignored that email, and two follow up emails, into December. *Id.* at 3-7. Mr. Depp’s counsel then finally responded that their experts were not available for a call until December 6 or 7, and Ms. Heard’s expert witness Mr. Ackert grabbed the first date, because “he is anxious to get this moving.” *Id.*, at 1-2. On that call, Mr. Depp’s experts complained of a very heavy caseload and how busy they were, and scheduled the extraction – which they wanted to complete in person, rather than by Zoom – for early January. *See also Att. 54*, at 4 (“I have a number of cases taking me on the road, and overseas, before the trial- so time is a commodity that is in very short supply.”)

Because of COVID, Mr. Depp’s team then moved the extraction process back another week, into January. **Att. 50**, at 1-2; **Att. 51**, ¶ 6. It then took Mr. Depp’s team another week to respond to questions on the process. **Att. 50** at 1. Despite these roadblocks by Mr. Depp’s team, as of March 4 virtually all the photographs have been provided to Mr. Young for review, and Mr. Young has finished reviewing over 8,680 images, with 5,292 images then provided to Depp’s team, and the process continues. **Atts. 49-51**.

It was Mr. Depp who framed the broad scope of this forensic discovery review, by demanding that the forensic imaging must include “*all photographs of Ms. Heard* taken during the following time periods,” then defined as the “Extracted Data.” **Att. 52**. On February 9, Mr. Young sent an email to counsel and the forensic experts outlining his understanding of the scope of his engagement for this photograph review:

My review is to identify photos that are relevant. For this purpose, if the photo does not include an image of Ms. Heard it will be designated not relevant (e.g., photos of other people or things). If the photo is of Ms. Heard but her face is obscured (e.g., completely in shadow or completely hidden by her hair or some other object) it will be designated not relevant. There are duplicates and I will try to identify those; all duplicates will be designated relevant.

Att. 53, at 2. As is apparent from this email, Mr. Young was attempting to manage the scope of his assignment, and Ms. Heard did not interfere. Instead, ***Mr. Depp’s counsel defined and confirmed the broad and duplicative scope of the forensic review they wanted:***

Any photos of Ms. Heard are relevant – including if she is somewhat obscured in the photos. Accordingly, please treat these photographs as relevant. We also do not see a need for you to identify duplicates. *All photographs of Ms. Heard – duplicate or not – are relevant.*

Id. at 1-2 (emphasis added). Mr. Young then responded by confirming “Understood. All photos of Ms. Heard will be included as relevant.” *Id.* at 1. Mr. Neumeister also confirmed that “the main task was to recover all the photos from the hard drive(s)- not just in specific areas, and sent them on to Craig for review,” further confirming that “the above seems reasonable, though time consuming.” **Att. 54**, at 4 (emphasis original). But Mr. Depp now complains that much of the data that has been analyzed is irrelevant, and seeks to blame Ms. Heard.

But as both the Court and Mr. Depp are aware, and as re-confirmed by the above-cited communications, Mr. Young was the only person who reviewed the Extracted Data for “relevance” based on the Forensic Discovery Order and Mr. Depp’s counsel’s emails defining that scope of relevance. Mr. Depp’s accusations are therefore at worst (and inappropriately) accusing Mr. Young of not screening the photographs for relevance to Mr. Depp’s liking. **Att. 55**, ¶ 13 (“A fair percentage of these photographs are obviously not of Ms. Heard, including photographs of purported property damage, Mr. Depp, and text messages. Per the Court’s November 8, 2021 Order, Mr. Young was supposed to mark as irrelevant any photographs that

were not of Ms. Heard”).

At best, Mr. Depp is complaining that Mr. Neumeister received an unmanageable volume of data bases on the review whose scope was defined by Mr. Depp and conducted by Mr. Young. Mr. Depp then levels further accusations at Mr. Young’s work, but again attempts to dress them up as somehow Ms. Heard’s fault. *Id.*, ¶¶ 7-9. Instead, Ms. Heard’s experts at all times “work[ed] at your team’s direction and specifications for the photo recovery process on all devices, so your team has been approving the workflows (our team has been executing under your team’s supervision). As such, I would expect that the main task and the location of photos (highlighted in yellow below) has been implemented as your team identified and agreed to the ‘how.’” **Att. 54**, at 3; **Att. 63**, ¶ 9 (“Mr. Neumeister and Mr. Erickson agreed to the software and supervised the imaging of the devices...which included the devices that were imaged using Cellebrite software in December 2021); *Id.* ¶ 10 (“The extraction of relevant data, as defined in the Forensic Order, was completed under the supervision of Mr. Neumeister and Mr. Erickson using software that was agreed to by Mr. Neumeister).

Mr. Depp also attempts to blame Ms. Heard and her expert witness for the delays in the photograph review process. But once again, this was caused by Mr. Depp and Mr. Neumeister’s demands that Mr. Young use a specific software, Cellebrite, to conduct this review and by using specific hardware which Mr. Neumeister simultaneously refused to provide to Mr. Young:

- On February 18, Mr. Ackert emailed Mr. Neumeister to discuss the issues Mr. Young was encountering using Cellebrite, causing loss of work due to Cellebrite crashing, and reminded Mr. Neumeister that Ids “originally suggested a review protocol that did not use Cellebrite reader and would be amenable to hearing other review workflow suggestions.” **Att. 56**, at 13.
- Instead of working to address this, Mr. Neumeister responded in degrading fashion that “Cellebrite reader is fairly straight forward and is used by most attorneys reviewing cell phone data. I do not know the power of Mr. Young’s system, but we did make recommendations as to a minimum system.” *Id.* at 12.

- Mr. Ackert then proposed another solution “in the interest of time”- that Mr. Neumeister’s firm “provide a machine with the configurations you specified below that could be provided to Mr. Young,” which Mr. Neumeister then refused to provide based on an “insurance prospective” issue “if something goes sideways,” while simultaneously and again in degrading terms demanded that Ids provide Mr. Young with the very hardware he had just refused to provide. *Id.* at 10-11.
- Mr. Ackert then followed up commenting that just like Mr. Neumeister’s firm, “Ids does not have that kind of equipment available for Mr. Young,” and again suggested alternatives because “it seems neither expert can effectively support your request for Mr. Young’s review of images using Cellebrite reader.” *Id.* at 10.
- Mr. Young then responded by confirming that “the problem is the instability of the Cellebrite application. During the past week, it crashed on me twice causing the loss of several hours of work.” *Id.* at 9. *Ms. Heard’s experts* then assisted Mr. Young by providing “technical input from Tyler Swasy” to “save[] the sessions periodically.” *Id.* at 9.

As this record reveals, all of these delays and technical issues were caused by Mr. Depp and his expert’s demands that Mr. Young use specific software while simultaneously refusing to provide the necessary hardware. *Id.* *Ms. Heard’s expert witness* repeatedly attempted to resolve and speed up these issues, and on February 21 again attempted to apply “additional filtering that may speed up Mr. Young’s review process.” *Id.* at 4-5. Mr. Young then communicated the time difficulties he was having due to the volume of Extracted Data, again demanded and defined by Mr. Depp, and in even further cooperation readily agreed to Mr. Young seeking the assistance of an Associate at his law firm to help accelerate the review process. *Id.* at 1-4. Mr. Young also further confirmed *Ms. Heard’s experts* helpful assistance in speeding up his review process. **Att. 54**, at 2 (“For what it my (sic) be worth here, Tyler shared with me some techniques which have significantly sped up my review”).

Mr. Depp then falsely accused *Ms. Heard’s forensic expert* or using “unlicensed software.” As to Microsoft Excel, this program *was never* used by iDiscovery Solutions (“iDS”),

Mr. Ackert's firm, for forensic imaging as it is not forensic imaging software, and is instead merely a presentation tool to display data already taken from forensic images. **Att. 63**, at ¶ 8. Additionally, all technologies and software used by Ids are licensed, including the Cellebrite imaging software for which Ids has been a licensed user for over a decade. *Id.*, ¶ 9.

At no point until this new Declaration did "Mr. Neumeister or Mr. Erickson...indicate that there was an issue with the software [Mr. Ackert] used to image the devices at the time of imaging, nor did they indicate that there was an issue with the software [Mr. Ackert] used to extract relevant data at the time of extraction. *Id.* ¶ 10. Nor did Mr. Neumeister or Mr. Erickson indicate any "issues, allegations, or concerns" regarding these new and false allegations during any of their extensive communications with Mr. Ackert in February 2022 or since. *Id.* at ¶ 10.

Contrary to this record summarized above and supported by specific communications addressing each aspect of this timeline, Mr. Depp again declines to support his wild accusations against Ms. Heard and her expert witness with a single communication or document; they are nothing more than Mr. Depp's counsel's frustration with the end result of the forensic imaging and review. Mr. Depp's naked accusations are outrageous and misdirected projection, with the real motivation being that Mr. Depp and Mr. Neumeister are frustrated by their inability to find evidence of falsification and being overwhelmed with the volume of fruits from the tree they shook.

b. Mr. Depp's Motion is Premature, and there is No Legal or Factual Basis to Strike Mr. Ackert's Expert Opinions Supporting the Authenticity of Ms. Heard's Data

First, Mr. Depp's Motion is premature and should be denied outright because Mr. Ackert has not even had the opportunity to serve an Expert Disclosure in Opposition to a full and complete disclosure from Mr. Neumeister, as Mr. Neumeister has failed to produce one. Following Ms. Heard's attempts to resolve this issue, Mr. Depp finally agreed to produce a full

and complete expert disclosure for Mr. Neumeister by Friday, April 1, 2022. **Att. 57.** Because of this delay, Mr. Ackert will then have to work diligently to produce an Opposition Expert Disclosure, followed by both Mr. Neumeister and Mr. Ackert appearing for deposition.

Courts have also found motions *in limine* premature when the motion is “based solely on the representations of the attorneys and the designation of the parties’ expert witnesses,” where the court did not know “what evidence will be presented at the trial” or “what arguments the parties will make in stating the reasons why the jury should find in their favor.” *Mangum*, 102 Va. Cir. 20, 25-28 (Rappahannock 2019). Here, Mr. Depp has not even produced a full and complete Expert Disclosure, so the facts are even more extreme than those in *Magnum*. Mr. Depp also ignores to date, Mr. Neumeister has failed to identify a single specific piece of multimedia or evidence that he contends is manipulated or fabricated. As supported by Mr. Ackert,

I understand that as of March 22, 2022, Mr. Neumeister has received over 58,000 images. To date, Mr. Neumeister has not identified *one single photograph* with specificity to support any of his statements, opinions, or allegations. Instead, Mr. Neumeister has only identified photographs generally. For example, in paragraph 14 he identifies twelve photographs that “visually look the same,” but does not identify any of these 14 photographs by evidence ID, hash value, or any other unique identifier. As such, I am unable to opine as to whether the unidentified photographs should or should not hash with one another, nor am I able to determine whether these photographs have been identified for bates stamp production and/or trial exhibits by counsel for Ms. Heard

Att. 63, ¶ 11. Yet Mr. Ackert opining that Ms. Heard’s multimedia productions are authentic and that Mr. Ackert “will supplement within a reasonable period of time after Mr. Neumeister concludes his review and provides his opinions and bases for his opinions” should somehow lead to Mr. Ackert being precluded from testifying? On these bases alone, Mr. Depp’s motion should be denied.

Second, Mr. Depp argues that Mr. Ackert’s expert opinions should be struck because Mr.

Neumeister has not completed his forensic review of the *newly-imaged* devices, so Mr. Ackert has also not completed his review of the same. But Mr. Depp also simultaneously claims that “Mr. Neumeister has opined that the basic metadata” of images produced by Ms. Heard indicates the photographs went through a photo-editing application called Photo3 (notwithstanding that Mr. Neumeister has never identified what “Photo3” even is), so Mr. Ackert’s opinion should be “viewed with extreme skepticism.” Thus, Mr. Depp is simultaneously arguing that Mr. Ackert’s expert opinions should be struck because Mr. Neumeister has not completed his review of the Extracted Data so Mr. Ackert cannot have any valid opinions, while simultaneously using Mr. Neumeister’s opinions regarding Ms. Heard’s “basic metadata” and claimed use of “Photo3” (whatever that is) to claim Mr. Ackert’s data should be viewed with skepticism? These circular, tautological arguments are houses of cards, make no sense, and provide no basis to exclude Mr. Ackert’s opinions that Ms. Heard’s data is authentic.

Third, Mr. Depp’s continued attempts to blame Ms. Heard for his own expert’s failure to review the Extracted Data, let alone *Mr. Neumeister’s failure to identify a single specific photograph, video recording, audio recording, text message, or email* are fatal to his own arguments, but in no way preclude Mr. Ackert from testifying to the authenticity of Ms. Heard’s multimedia and data based on the forensic information available to him, all of which is equally available to Mr. Neumeister. Indeed, Mr. Neumeister has already admitted that based on the data he has received, “I am not able to opine as to the authenticity of the photos.” **Att. 55**, ¶ 16. So for Mr. Depp to claim Mr. Neumeister’s generalized and completely unsupported opinions lacking any specificity, when he admits his inability to opine on authenticity, should somehow result in striking Mr. Ackert’s opinions regarding authenticity, which are not even complete due to Mr. Neumeister’s failure to supplement his Expert Disclosure, is beyond the pale and provides

no basis to strike Mr. Ackert.

Finally, even if Mr. Depp is correct that Mr. Ackert's opinions should be viewed with "extreme skepticism," which he is not, is not a matter Mr. Depp can unilaterally define in his favor pre-trial. Instead, it is the role of the Jury to "determine[e] credibility and assess[] the weight of the testimony," and to then "ascertain what reasonable inferences arise from the facts they found proven by that testimony." *Pease*, 39 Va. App. At 354 ("What inferences are to be drawn from proved facts is within the province of the jury"). If "conflicting inferences are to be drawn from a defendant's conduct, the determination of where the truth lies is the province of the jury." *Andrews*, 280 Va. at 261; *Pease*, 39 Va. App. At 354-55 ("If alternative inferences are possible, the jury resolves the differences and determines which inferences are reasonably drawn."). The Jury then has the responsibility "to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." *Id.* (citing to *Jackson*, 443 U.S. at 319 (1979)).

Here, there is not even a conflict as Mr. Neumeister has yet to even produce any conflicting opinions, but any eventual conflict must be resolved by the Jury, not Mr. Depp.

c. Mr. Depp's Data is at Issue, and Ms. Heard is Entitled to Question its Authenticity Through her Expert Witness Mr. Ackert

Ms. Heard has every right for her expert witness to opine on the lack of authenticity of Mr. Depp's evidence in this case, especially when Mr. Depp has made the authenticity of each party's multimedia and data a focal obsession of the case.

First, contrary to Mr. Neumeister who has failed to identify a single document, Mr. Ackert has identified many specific photographs and recordings that lack forensic veracity, and has further identified specific reasons that he questions their authenticity. These include:

- The photographs produced by Mr. Depp as DEPP 7303, 9916, 9934, 9943, 9944, and 9945 contain no embedded metadata, and the accompanying production load file provided no metadata that could authenticate these photographs, and this lack of metadata indicates that the photographs may have been altered after they were taken”;
- The metadata for the photograph produced by Mr. Depp as 34908 is dated July 2017, which is long after Mr. Depp alleges Ms. Heard caused this injury, and is even dated long after the end of the parties’ marriage. The accompanying production load file provided no metadata that could authenticate the photograph, and indicates the photograph may have been altered after it was taken;
- For the audio recordings produced as DEPP9046-9047, the embedded date modification dates of these recordings, which are clearly partial snippets and are included in Ms. Heard’s motions *in limine*, indicates modification after their initial creation date of September 2015 and before the modification in June 2016;
- Mr. Ackert produced a chart containing an additional 172 specific documents by BATES number that contain missing or manipulated metadata in their production load files.

Att. 58, at 87-89. Therefore, Mr. Depp’s argument that Mr. Ackert’s opinions regarding Mr. Depp’s data lack foundation is itself without foundation, nor does Mr. Depp care to address why Mr. Ackert’s opinions regarding *any* of these specifically cited documents lacks foundation or is somehow not admissible, especially when Mr. Depp has included documents analyzed by Mr. Ackert in his trial exhibits.

Instead, Mr. Depp attempts to interpret and stretch the Court denying Ms. Heard’s motions to obtain forensic imaging of Mr. Depp’s devices as the Court preemptively striking Mr. Ackert from testifying about the veracity and authenticity of *any* of Mr. Depp’s data. The Court made no such ruling, and instead only limited the evidence which Mr. Ackert would have access to in order to support his opinions regarding the lack of authenticity of Mr. Depp’s data. Nor does Mr. Depp cite any authority standing for the proposition that a Court denying a discovery motion operates as a preemptive ruling to strike the entire scope of an expert’s testimony on documents and data available to that expert independent of the previously denied discovery.

Mr. Depp also argues that because Mr. Neumeister opines in general terms “just because a certain file or data has a creation or modified date after the original date when the file first came into existence, it does not follow that the data has necessarily been manipulated or altered in any way. *Neumeister Declaration*, ¶ 7. While this “opinion” is contradictory because Mr. Depp and Mr. Neumeister obsessively argue that any variation in metadata of discovery produced by Ms. Heard *de facto* means that Ms. Heard falsified her evidence (even though Mr. Neumeister has still failed to identify a single such item produced by Ms. Heard), Mr. Depp and Mr. Neumeister fail to address why Mr. Ackert’s *specific opinions* regarding these *specifically referenced documents* from Mr. Depp’s production should be excluded.

Nor has Mr. Neumeister even disclosed any opposition opinions defending the authenticity of Mr. Depp’s produced data, and for Mr. Depp’s data Mr. Neumeister had no basis to delay disclosure of such opinions. Yet Mr. Depp argues because Mr. Neumeister claims in the general position in ¶ 7, only this opinion can be correct and Mr. Ackert’s opinions must be struck as misleading and irrelevant. Mr. Depp has no right to once again unilaterally define the only possible conclusions and inferences the Jury may draw from this data based solely on his expert’s opinions and testimony.

d. The Probative Value of Mr. Ackert’s Opinions is Not Outweighed by the Danger of Unfair Prejudice

Mr. Depp then makes no argument that the probative value of Mr. Ackert’s opinions regarding the authenticity is outweighed by any unfair prejudice, so the argument is not before the Court. Nevertheless, the probative value of these opinions could not be higher based on Mr. Depp’s doomed obsession with attempting to prove that Ms. Heard’s multimedia is not authentic or has been manipulated or falsified in some un-defined way for two years, and there can be no

prejudice, let alone unfair prejudice, to Mr. Depp based on Ms. Heard's own expert's opinions proving the authenticity of that multimedia.

For all of these reasons, Mr. Depp's motion *in limine* no. 17 to exclude Mr. Ackert's opinions should be denied.

**20. Mr. Depp's Motion *in Limine* No. 20 to Exclude
Defendant's Trial Exhibits 857, 858, 960, and 984 Should Be Denied**

In his Motion *in Limine* No. 20, Mr. Depp attempts to exclude Exhibits 857, 858, 960, and 984, which are text messages by Mr. Depp that express hope of physical harm to Ms. Heard. Those exhibits (which Mr. Depp's counsel deems "crude and obscene") are highly probative of Mr. Depp's abuse of Ms. Heard and motives for this lawsuit, and the relevance is not substantially outweighed by unfair prejudice.

a. Each of Mr. Depp's Texts About Ms. Heard is Highly Relevant

i. Exhibit 857 and 858

Exhibit 857 and 858 contain an August 2016 text written by Mr. Depp to Christian Carino about Ms. Heard. Mr. Depp writes:

She's begging for total global humiliation. She's gonna got it. I'm gonna need your texts about San Francisco brother... I'm sorry to ask ... But she sucked Mollusk's crooked dick and he gave her some shitty lawyers ... I have no mercy, no fear and not one ounce of emotion, or what I once thought was love for this gold digging, low level, dime a dozen, mushy, pointless dangling overused fish market... I'm so fucking happy she wants to go to fight this out!!! She will hit the wall hard!!! And I cannot wait to have this wasto of a cum guzzler out of my life!! ... I can only hope that karma kicks in and takes the gift of breath from her.

Sorry man... But NOW, I will stop at nothing!!! Let's see if mollusk has a pair. Come see me face to face I'll show him things he's never seen before. Like the other side of his dick when I slice it off.

Mr. Depp's words ring loud and clear, and the probative value is critical and clear to this lawsuit.

Mr. Depp is hoping Ms. Heard "hit[s] the wall hard" and that "karma kicks in and takes the gift

of breath from her.” Those are words of violence, and Mr. Depp cannot hide those, now that he has sued alleging the absence of any domestic violence. Mr. Depp’s texts are important to show: (1) Mr. Depp’s thoughts of violence toward Ms. Heard; (2) Mr. Depp’s intent and motive for this lawsuit, which is to further attempt to hurt Ms. Heard with the hope that she would “hit the wall hard;” (3) Mr. Depp’s jealousy of Elon Musk leading to thoughts of violence; (4) Mr. Depp’s demeaning and degrading language toward Ms. Heard; and (5) Mr. Depp’s actual malice towards Ms. Heard, going far beyond ill will. *See, e.g., Simpson v. Commonwealth*, 2017 WL 5574715, at *6 (Va. Ct. App. Nov. 21, 2017) (text messages were relevant to prove “intent, malice, motive, and identity”).

ii. Exhibit 960 and 984

Exhibits 960 and 984 contain an April 2019 text from Mr. Depp to Erin Boerum, where Mr. Depp writes about Ms. Heard: “Heavy shiza!!! It’s over with... She’s gonna go down... Hard.” Mr. Depp further writes: “it is a pleasure to be at battle with these lowest of the low frauds!!! I’m about to take the lot of them down, once and for all!!!!!!” These texts are probative of Mr. Depp’s malice toward Ms. Heard and motive for this lawsuit – i.e. his quest to further hurt Ms. Heard and damage her reputation. Mr. Depp’s texts reflect the hope of harming Ms. Heard physically and emotionally. The texts show Mr. Depp’s purpose of injuring Ms. Heard; not exonerating himself. They also evidence (1) – (5) on the previous page.

b. The High Probative Value is Not Substantially Outweighed By Unfair Prejudice

Mr. Depp’s texts (Exhibits 857, 858, 960, and 984) are not subject to exclusion under Rule 2:403 because the probative value is not substantially outweighed by the danger of unfair prejudice. The texts would not “invite decision based upon a factor unrelated to the elements of the claims or defenses in the pending case.” *Lee*, 290 Va. at 251. On the contrary, they would

assist the jury regarding Mr. Depp's malice, thoughts of violence toward Ms. Heard, Mr. Depp's motives, and Ms. Heard's defenses. The texts constitute direct evidence, and "direct evidence ... is rarely subject to exclusion on the ground that it would be unduly prejudicial." *Powell*, 267 Va. at 141; *see also Simpson*, 2017 WL 5574715, at *6 (prejudice of texts was not outweighed by their probative value).

21. Mr. Depp's Motion *in Limine* No. 21 to Exclude Evidence and Arguments Regarding Amber Laura Heard's Hearsay Statements Regarding Abuse Should Be Denied

a. The Court Should Consider Only the Specific Testimony Described in the Motion

Mr. Depp requests a broad order "precluding Ms. Heard from presenting evidence or argument to the jury of her own prior descriptions of abuse to her friends." Mot. At 3. Ms. Heard has made numerous statements regarding her abuse. As a result, it is not feasible to address whether unidentified testimony is hearsay, as such testimony may not be offered for the truth of the matter asserted or a hearsay exception may apply. *See* Rules 2:801I, 2:803. Accordingly, the Court should consider only the specific testimony described in Mr. Depp's motion.

b. Raquel Pennington

In support of his motion, Mr. Depp cites four parts of Ms. Pennington's deposition testimony. First, he seeks to exclude the following regarding violence in Hicksville, California:

Q. You testified that, quote, you learned from Amber the next morning that Mr. Depp had been in a rage and trashed the trailer is the correct?

A. I did testify that, yeah.

Att. 71, Pennington Tr. 75. This testimony does not reveal anything about the nature of the statement Ms. Heard made to Ms. Pennington. At trial, Ms. Heard may describe the circumstances of her statement, which could show it satisfies a hearsay exception, such as an excited utterance or a statement of her then existing mental, emotional, or physical condition. *See*

Rule 2:803. Alternatively, Ms. Heard may not offer Ms. Pennington’s statement for the truth of the matter asserted. Mr. Depp has repeatedly contended that Ms. Heard, after-the-fact, created an abuse hoax. Contemporaneous reporting of the abuse will all counter that assertion/defense. Excluding this statement before trial would therefore be premature.

Second, Mr. Depp seeks to exclude Ms. Pennington’s testimony that she “remember[s] Amber telling [her] that Johnny had thrown a bottle of [] wine at her in the bedroom.” **Att. 71**, Pennington Tr. 88. Ms. Heard may not offer this statement for its truth at trial. After learning of this abuse, Ms. Pennington went upstairs to look around and saw a bottle of wine and broken glass. *Id.* 89. Thus, this statement explains what caused Ms. Pennington to go upstairs and investigate and is not hearsay if offered for that purpose. *See Weeks v. Commonwealth*, 248 Va. 460, 477 (1994) (explaining the “hearsay rule does not operate to exclude evidence of a statement offered for the mere purpose of explaining the conduct of the person to whom it was made,” and finding statement that “Lonnie Weeks did, in fact, shoot the trooper” was not hearsay because it was offered to show why an officer arrested the defendant at a particular time). And again, Mr. Depp has repeatedly asserted that Ms. Heard did not tell anyone about these incidents, suggesting this was because they never happened and if there had been simultaneous reporting, this would be a response.

Third, Mr. Depp seeks to exclude the following regarding how a large section of Ms. Heard’s hair came to be on the floor of the couple’s apartment:

THE WITNESS: My understanding that it was Ms. Heard’s hair was [from] what I saw on her body and on the floor.

Q. And the fact that it had been, quote, ripped out of her head, that was based on what Ms. Heard told you, right?

...

THE WITNESS: Yes, and common sense.

Att. 71, Pennington Tr. 121 (objections omitted). The first sentence concerns Ms. Pennington's observations; it is not a statement subject to the hearsay rule. Likewise, Mr. Pennington's reference to "common sense" does not reflect anything Ms. Heard told her. As to what Ms. Heard told Ms. Pennington, the challenged testimony does not reveal the content of Ms. Heard's statement. The content and circumstances of Ms. Heard's statement may be established at trial, and demonstrate that the statement is not offered for its truth or falls within a hearsay exception. Moreover, at best it would go to the weight of the testimony, not as a basis to exclude. Ms. Heard's statement could have concerned her then existing physical condition or could have been made for the purposes of medical treatment. *See* Rule 2:803; *Id.* 111 (Pennington called nurse about Ms. Heard's injuries on evening hair was ripped from her head).

c. Joshua Drew

Ms. Depp does not identify any specific statement made by Mr. Drew that he seeks to exclude. He cites Mr. Drew's testimony that on May 21, 2016, either Ms. Heard or Ms. Pennington told him Mr. Depp hit Ms. Heard in the face with an iPhone while she was on the phone with Io Tillet Wright. Mr. Drew testified that when he saw Ms. Heard that evening she was "near catatonic." **Att. 72**, Drew Tr. 69. Consequently, Ms. Heard's statement to Josh Drew could qualify as an excited utterance if further evidence of the statement and the circumstances in which was made are introduced at trial. *See* Rule 2:801(2). It could also be a response to the continuing accusation that Ms. Heard did not contemporaneously report these acts of abuse, and instead made them up much later. Thus, the Court should decline to rule on whether statements Ms. Heard made to Mr. Drew are hearsay prior to the presentation of evidence at trial.

d. Kristina Sexton

In support of his motion, Mr. Depp cites Ms. Sexton's testimony recounting what Ms.

Heard told her occurred during Ms. Heard's trip to Australia with Mr. Depp, including that Mr. Depp went on a bender, defaced personal property, and sexually assaulted Ms. Heard. Exhibit 3 to Mot. At 99-101. Without hearing the evidence at trial, the Court cannot determine whether these statements will be offered for the truth of the matter asserted. In addition, in light of Mr. Depp's position that Ms. Heard has fabricated all incidents of abuse, her statement to Ms. Sexton upon her return from Australia may be admissible as a prior consistent statement under Rule 2:801(d)(2).

e. Elizabeth Marz & Lisa Beane

Despite requesting an order that precludes witnesses from testifying to Ms. Heard's statements, the cited portions of these witnesses' deposition transcripts do not include any references to her statements. Rather, Mr. Depp points to Ms. Marz' testimony that she "remembers hearing" from Ms. Pennington that Mr. Depp shoved Ms. Heard on a flight. This testimony can be introduced to explain Ms. Marz' state of mind on May 21, 2016. **Att. 73.** Marz Tr. 125-26. When Mr. Depp "rushed in" to penthouse five on that day, Ms. Marz was "scared" and ran away to "hid" on the roof. **Att. 73,** Marz Tr. 125-26. Knowledge of Mr. Depp's history of violence can be offered to explain why Ms. Marz was scared and need not be offered to show Mr. Depp shoved Ms. Heard on a flight. Additionally, Mr. Depp may argue that Ms. Pennington has testified falsely because she fears perjury charges, and Ms. Marz' statements are prior consistent statements that rebut Mr. Depp's assertion. *See* Rule 2:801(d)(2); **Att. 71,** Pennington Tr. 9.

With respect to Ms. Beane, Dr. Kipper's office manager, Mr. Depp cites her testimony that Debbie Lloyd told her Mr. Depp threw things during a "big fight" in Australia. Exhibit 5 to Mot. At 109. This testimony could be introduced for various purposes, such as impeaching Dr.

Kipper’s testimony that Ms. Lloyd never reported to him that Mr. Depp physically abused Ms. Heard. **Att. 74.** Kipper Tr. 224. In short, Dr. Depp has failed to prove that any of the challenged testimony cannot be introduced for a purpose other than the truth of the matter asserted or that a hearsay exception applies.

22. Mr. Depp’s Motion *in Limine* No. 22 to Exclude Evidence and Arguments Regarding Plaintiff John C. Depp, II’s Medical Condition and Medical History Should Be Denied

In his Motion *in Limine* No. 22, Mr. Depp attempts to hide a critical feature of this case – Mr. Depp’s substantial, recurrent, progressive, and ongoing polysubstance abuse, which significantly contributed to the domestic violence against Amber Heard. Mr. Depp’s condition and chronic history of polysubstance abuse are highly relevant, and such evidence is not substantially outweighed by unfair prejudice.

a. **Mr. Depp’s Medical Condition is Highly Probative; Drug and Alcohol Use and Withdrawal Are Closely Linked to the Incidents of Domestic Violence**

Mr. Depp’s “medical condition” of polysubstance abuse is critical to explaining Mr. Depp’s mindset, cognition, agitation (cravings and withdrawals), actions (including domestic violence), and memory loss or distortion. Mr. Depp’s medical condition (including substance abuse, craving, or withdrawal) is critical to both the nature of violence at issue and Mr. Depp’s perception of it. *See, e.g., Schinagel v. City of Albuquerque*, 2009 U.S. Dist. LEXIS 134197, at *21 (D.N.M. Mar. 25, 2009) (the “Court agrees that what Plaintiffs consumed that night is relevant to their perception of the events”); *Roberts v. Hollocher*, 664 F.2d 200, 203 (8th Cir. 1981) (questioning concerning plaintiffs’ use of drugs was relevant to plaintiff’s “physical state at the time of the alleged incidents and his ability to accurately recall those incidents”); *State v. Morrell*, 803 P.2d 292, 298 (Utah Ct. App. 1990) (“possible alcohol and drug use and any impact on his memory were relevant to the credibility of his testimony”).

Mr. Depp's chronic medical condition (polysubstance abuse) was a major contributor to Mr. Depp's domestic violence against Amber Heard. Fact witness testimony (from literally dozens of witnesses and namely the parties), expert testimony, medical literature, and other evidence at trial will closely connect Mr. Depp's substance abuse with his propensity for domestic violence. *See, Heard Second Supplemental Expert Witness Disclosure*; p. 70-85 (Dr. Spiegel); *see also Burns v. Commonwealth*, 261 Va. 307, 332 (2001) (evidence that defendant tended to become sexually aggressive when he consumed alcohol was admissible). Therefore, it is directly relevant to the claims at issue in the trial. At a minimum, a ruling on the connection should await the presentation of such evidence. *McCarthy*, 67 Va. Cir. at 241 ("unless the issue is such that it can be decided in advance, many pretrial rulings must await presentation of evidence in a trial context").

b. Mr. Depp's Continuing, Recurrent, and Progressive Medical History Also Is Relevant to the Domestic Violence, Pertinent Facts, and Alleged Damages

Mr. Depp's medical history, which involves recurrent and continuous polysubstance abuse – rather than isolated incidents, is probative of numerous facts at issue. For example, Mr. Depp's medical background is relevant to the (1) likelihood of domestic violence (as experts will testify); (2) the severity of Mr. Depp's addictions and behavioral changes; (3) the progressive impact of continuous polysubstance abuse over the years on Mr. Depp's health and career; (4) why relapses were so concerning and caused arguments with Ms. Heard; (5) Mr. Depp's mental health and propensity for self-harm; (6) Mr. Depp's mindset at the time of violence (agitation, cravings, withdrawals); (7) Mr. Depp's history of blacking out and memory loss; (8) the cause of injuries, including to Mr. Depp; (9) and the actual cause of Mr. Depp's career-related damages.

In particular, Mr. Depp's recurrent and ongoing (at all relevant times) history of substance abuse and attempts at recovery are critical to understanding the gravity of Mr. Depp's

physiological problem and the aftermath, resulting in violence. Experts will testify that Mr. Depp's medical history increased the risk of domestic violence, including due to Mr. Depp's withdrawal symptoms, cravings, and psychology. The evidence will show that withdrawal from dependent drugs is probative of Mr. Depp's agitation and aggression towards Ms. Heard.

In addition, Mr. Depp's extensive and chronic history of drug and alcohol abuse is relevant to the fighting at issue and Mr. Depp's perception and memory thereof. *See, e.g., Barnes v. Commonwealth*, 214 Va. 24, 26 (1973) ("Although the jury might have concluded that evidence of decedent's turbulent nature five years before was too remote, it might have determined that his aggressive tenancies surfaced whenever he drank to excess"). There is significant evidence that Ms. Heard frequently became concerned for Mr. Depp's health due to his history of drug and alcohol abuse; this concern and Mr. Depp's reaction led to fights; and Mr. Depp's need for substances or withdrawal therefrom led to violence. Mr. Depp's medical history is also pertinent to Mr. Depp's motives, mental health, and perceptions of events.

Unlike in the sole case cited by Mr. Depp, Mr. Depp's medical history at issue does not involve historical isolated incidents of drug use from past school days; on the contrary, Mr. Depp's medical history is so replete with constant polysubstance abuse virtually *every single day of every year* that Mr. Depp knew Ms. Heard (as well as before), that it pervaded Mr. Depp's state of mind during the majority or all of the relevant time frames at issue. *C.f. Doe v. Virginia Wesleyan Coll.*, 91 Va. Cir. 340 (2015) (precluding admission of "historical alcohol consumption and related school discipline"). The only thing that changed about Mr. Depp's polysubstance abuse over the years was which specific drugs and medications he was abusing at any given time – not whether he was in fact taking and abusing polysubstances. This history is relevant. *See, e.g., Scates v. Shenandoah Mem'l Hosp.*, No. 5:15-CV-32, 2016 WL 7379260, at *3 (W.D. Va.

Apr. 18, 2016) (plaintiff put her emotional condition at issue, and plaintiff's medical history is relevant to whether any preexisting medical condition may also have impacted her earning potential); *United States v. Jones*, 730 F.2d 593, 598 (10th Cir. 1984) ("drug addiction was a factor to be considered by the jury in assessing his credibility"); *U.S. v. Hickey*, 596 F.2d 1082, 1090 (1st Cir. 1979), *cert. denied*, 100 S. Ct. 107 (1979) (evidence concerning witness' drug use within a week before robbery was admissible because it might have affected witness' perceptions).

Mr. Depp's psychological history also is pertinent to the cause of alleged injuries in this case, including Mr. Depp's cigarette burn, Ms. Heard's arm injuries, and Mr. Depp's finger injury. Mr. Depp has made an issue in this case of whether (a) Ms. Heard or Mr. Depp put a cigarette out on Mr. Depp, (b) Ms. Heard or Mr. Depp caused injury to Mr. Depp's finger; and (b) Ms. Heard or Mr. Depp caused injuries to Ms. Heard's arms. The evidence will show that Mr. Depp's medical condition and history contradict Mr. Depp's claims. Mr. Depp has a documented history of self-harm, including cutting and burning himself. Dr. Blaustein, for example, wrote and testified about a medical note regarding Mr. Depp's history of being a "cutter" and self-inflicting cigarette burns. The evidence about Ms. Heard, in contrast, will show that she has no history of self-harm, despite Mr. Depp's claims that she caused her own injuries.

In addition, Mr. Depp's recurrent medical history is critically relevant to Mr. Depp's alleged damages. Mr. Depp claims that Ms. Heard's op-ed article caused the damages to his career. But the evidence will show that Mr. Depp's substance abuse problem is the true cause of problems with Mr. Depp's career. For example, Mr. Depp's struggle with substance abuse caused him recurrently to be very late to movie sets (if he arrived at all) and forget lines, which caused production problems and affected Mr. Depp's reputation with Disney. Mr. Depp's

history of substance abuse, therefore, is pertinent to the actual cause of Mr. Depp's damages. See, e.g. *Weatherford v. Birchett*, 158 Va. 741, 747 (1932) ("The man of unblemished reputation is entitled to greater damage than is one whose reputation is already so bad as to receive little or no detriment from the action of which complaint is made ... The purpose of admitting evidence of bad reputation is to diminish the damage, not to bar the action"); *Schafer v. Time, Inc.*, 142 F.3d 1361, 1371 (11th Cir. 1998) (a "charge of defamation or libel commonly makes damage to the victim's reputation or character an essential element of the case").

c. The Probative Value of Mr. Depp's Medical Condition and Medical History is Not Substantially Outweighed By Unfair Prejudice

The high probative value of Mr. Depp's medical condition and medical history is not substantially outweighed by danger of *unfair* prejudice. Mr. Depp brought his substance-abuse problem into the spotlight by filing this lawsuit. Mr. Depp cannot both allege he was not violent (and remembers clearly) and also hide the substance abuse problem that undermines his story and directly contributed to the domestic violence. In addition, a substance abuse problem is not sufficiently prejudicial so as to lead a jury to "irrational behavior." *U.S. v. Ham*, 998 F.2d 1247, 1252 (4th Cir. 1993) (unfair prejudice involves "a genuine risk that the emotions of the jury will be excited to irrational behavior").

It would not be sufficient or fair to limit the permissible evidence, as Mr. Depp suggests, to only Mr. Depp's "use of drugs or alcohol in Ms. Heard's presence in the context of the alleged abuse." This is overly narrow and it would: (1) unfairly shift the burden to Amber to show she was "present" while Mr. Depp consumed the drugs/alcohol; (2) not account for the incidents of violence relating to withdrawal/cravings from substances; (3) not sufficiently cover the rest of Mr. Depp's relevant psychological history (including self-harm) relevant to violence; (4) not sufficiently explain the impact on Mr. Depp's mindset and motives; and (4) prevent an adequate

defense on the true cause of Mr. Depp’s damages. On the second issue, certain instances of violence relate to Mr. Depp attempting to recover from drugs – not the use of the drugs. The incident in the Bahamas is one example.

In short, the probative value of Mr. Depp’s medical condition and medical history with regard to domestic violence and damages is not outweighed by danger of unfair prejudice. *See, e.g., Commonwealth v. Proffitt*, 292 Va. 626, 640 (2016) (history of rape testimony was relevant to “whether, because of a mental abnormality or personality disorder, he finds it difficult to control his predatory behavior,” and the relevance was not substantially outweighed by unfair prejudice); *Holdaway Drugs, Inc. v. Braden*, 582 S.W.2d 646, 651 (Ky. 1979) (““drug user” evidence should be admitted as relevant evidence whose probative value is not outweighed”).

d. Mr. Depp’s Erectile Dysfunction Is Relevant to Mr. Depp’s Use of a Bottle to Rape Amber Heard, in Addition to Explaining Mr. Depp’s Mindset and Anger

Though Mr. Depp would rather not disclose his erectile dysfunction condition, such condition absolutely is relevant to sexual violence, including Mr. Depp’s anger and use of a bottle to rape Amber Heard. Mr. Depp’s erectile dysfunction makes it more probable that Mr. Depp would be angry or agitated in encounters with Amber Heard, and that he would resort to a bottle. This relevance is not substantially outweighed by the danger of unfair prejudice. The erectile dysfunction is not likely to generate a “strong emotional response” that would make it “unlikely that the jury could make a *rational* evaluation of its proper evidentiary weight.” *Fields v. Commonwealth*, 73 Va. App. 652, 673 (2021) (emphasis in original).

**23. Mr. Depp’s Motion *in Limine* No. 23
to Exclude Testimony of Amy Banks Should Be Denied**

Mr. Depp seeks to exclude the entirety of Dr. Amy Banks testimony, a psychiatrist with 28 years of experience (Att. 59 at 11:20-12:7), who saw Ms. Heard and Mr. Depp on four

occasions (including two sessions with Ms. Heard, one session with Mr. Depp, and one joint session, **Att. 60**), and who after those sessions, concluded that “Amber was a victim of domestic violence at the hands of Mr. Depp.” **Att. 59** at 87:9-12. Indeed, at the time that Ms. Heard filed for a restraining order against Mr. Depp, Dr. Banks wrote to Ms. Heard, “Hi Amber – just caught something in the times about you and Johnny divorcing and a restraining order. I am hoping that you are safe and with friends...just wanted you to know I am thinking of you, knowing some of what you have gone through.” **Att. 61**. Dr. Banks’s testimony, which Mr. Depp knew would be her trial testimony, is devastating to Mr. Depp’s case. There is no basis to exclude her testimony, and certainly no basis to exclude her testimony in its entirety.

Mr. Depp’s only basis to seek to exclude Dr. Banks’s testimony in its entirety is to claim that all her testimony is based on inadmissible hearsay. But for the majority of Dr. Bank’s testimony, Mr. Depp failed to object at the time on hearsay grounds, or elicited purported hearsay from his own questions, and did not move to strike such testimony. Thus, Mr. Depp’s hearsay objections are waived. *See Webb v. Hiben*, 2015 U.S. Dist. LEXIS 125998, at *5-*6 (E.D. Mich. Sept. 15, 2015) (“If an objection to Dr. Nielsen’s testimony, which was based on the hearsay in the medical records, ‘had been raised at the time the deposition was being taken, the objection could have been obviated or removed.’ Thus, any objection that Plaintiff could raise as to Dr. Nielsen’s testimony regarding the history portion of his report were ‘waived by the failure to assert them when the deposition was being taken.’”).

Further, under Virginia Supreme Court Rule 2:803(4), statements for purposes of medical treatment, “and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment” are not considered hearsay. It does not matter whether Dr.

Banks characterized her work as a being a psychiatrist or a relationship consultant, but whether Ms. Heard believed she was seeking medical treatment. *See Campos v. Commonwealth*, 67 Va. App. 690, 712 (Ct of App. 2017) (“the trial court made a factual finding that C.F.’s statements to Kling were for the purpose of receiving medical diagnosis and treatment. This finding was supported by the evidence. For instance, C.F. characterized her 2014 meeting with Kling as the time she ‘went to the doctors.’”). Ms. Heard clearly believed that Dr. Banks was one of the doctors she saw because of the actions of Mr. Depp. **Att. 62**, Tr. 571:6-15. Moreover, Ms. Heard’s statements to Dr. Banks are reliable because, in response to questions from Mr. Depp’s counsel, Dr. Banks testified that Ms. Heard told her she was abused by Mr. Depp in front of Mr. Depp, without contradiction. **Att. 59**, Tr. 85:10-21 (“what I can tell you without a doubt is that Amber Heard told me that Johnny Depp was involved in violence with her when he was using substances particularly, that she would fight back. And those statements were made, also, in front of Mr. Depp without anybody contradicting them.”).

Finally, attempting to exclude all of Dr. Banks’s testimony at the motion *in limine* stage because of potential hearsay is improper because without knowing the purpose for which evidence is being offered during the trial, “the Court may not properly conclude at this point in the proceedings that [it] is inadmissible hearsay in that it is being offered for the truth of the matter asserted.” *ATK Space Sys.*, 99 Va. Cir. at 80-81. To the extent any of Dr. Bank’s testimony is considered hearsay, the testimony likely fits in one of the many exceptions to hearsay. For instance, as just examples, the statements may be present sense impressions, excited utterances, statements of Ms. Heard’s then existing mental, emotional, or physical condition, or reputation concerning character, to name a few. As the *ATK Space* Court explained, these types of determinations “need to be made *at the appropriate time during trial* when the letter and any

testimony thereon is offered into evidence.” *Id.* (emphasis added). Dr. Banks’s testimony needs to be reviewed based on the objections to her deposition designations, which the parties will have an opportunity to argue. There is no basis to grant Mr. Depp’s Motion *in limine* on this issue.

CONCLUSION

For the reasons stated above, Ms. Heard respectfully requests the Court deny Mr. Depp’s motions *in limine*.

March 28, 2022



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I N D E X

PAGE

Hearing

5

E X H I B I T S

(None.)

1 THE COURT: I understand. That's kind of
2 might be what we have to do. I don't know.

3 MS. BREDEHOFT: And I'm fine -- if Your
4 Honor is fine with that. We were proposing two
5 pages, and for -- you know, up to two or three
6 five-pages.

7 THE COURT: I would hope five pages would
8 be the exception and not the rule. That's what I
9 would ask.

10 MS. BREDEHOFT: Yes. And I think we both
11 feel that way and understand.

12 THE COURT: All right.

13 **MS. BREDEHOFT: Now, logistically, would**
14 **Your Honor prefer -- and we talked about this as**
15 **well -- would Your Honor prefer that we file each**
16 **motion in limine separately or we just do it**
17 **together but we just adhere to the two pages?**

18 **THE COURT: Yeah, if you could just do it**
19 **together, that would be fantastic.**

20 MS. BREDEHOFT: Okay.

21 THE COURT: As much as you can. I know
22 there might be strays that come along, but as much

1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2

3 I, Diamante Parrish, the officer before
4 whom the foregoing deposition was taken, do hereby
5 certify that said proceedings were electronically
6 recorded by me; and that I am neither counsel for,
7 related to, nor employed by any of the parties to
8 this case and have no interest, financial or
9 otherwise, in its outcome.

10 IN WITNESS WHEREOF, I have hereunto set my
11 hand and affixed my notarial seal this 11th day of
12 February, 2022.

13

14



15

16 Diamante Parrish, Notary Public
17 for the Commonwealth of Virginia

18

19 Virginia Notary No. 7936707

20 Notary Commission Expires: 5/31/2025

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CERTIFICATE OF TRANSCRIBER

I, Bobbi J. Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



Bobbi J. Fisher, RPR
NCRA Registered Professional Reporter (RPR)
February 12, 2022

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,
Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S
OBJECTIONS AND RESPONSES TO PLAINTIFF AND COUNTERCLAIM
DEFENDANT'S FOURTH SET OF INTERROGATORIES**

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia ("Rules"), Defendant and Counterclaim Plaintiff Amber Laura Heard, by and through her attorneys, submits these objections and responses (the "Responses") to Plaintiff and Counterclaim Defendant John C. Depp, II's Fourth Set of Interrogatories dated February 12, 2021 (the "Interrogatories").

GENERAL OBJECTIONS

The following general objections and responses (the "General Objections") are incorporated into each specific objection and response (the "Specific Objections") as if fully set forth therein:

1. Defendant and Counterclaim Plaintiff objects that Plaintiff and Counterclaim Defendant has exceeded the permissible number of Interrogatories, including all parts and subparts, in violation of Rule 4:8(g).
2. Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they would require Defendant and Counterclaim Plaintiff to provide or reveal the contents of any document or information privileged from disclosure pursuant to the attorney-client privilege, the qualified immunity provided to litigation work product, or any other applicable privilege. Defendant and Counterclaim Plaintiff will not provide such information.

litigation.

10. Defendant and Counterclaim Plaintiff objects to Instruction No. 10 because it exceeds the requirements of Va. Sup. Ct. R 4:8, and is therefore overly broad and unduly burdensome. This Instruction is particularly inappropriate and harassing as grossly beyond the requirements of Va. Sup. Ct. Rs. 4:1 and 4:8, and improperly attempts to create an artificial deadline for Defendant and Counterclaim Plaintiff to file early objections to Interrogatories, and/or to shift the burden of resolving or clarifying vague, ambiguous, or otherwise unclear Interrogatories issued by Plaintiff and Counterclaim Defendant onto Defendant and Counterclaim Plaintiff.

INTERROGATORIES

1. **Describe in detail each and every incident during which You contend that You suffered any form of violence or abuse at the hands of Mr. Depp.**

OBJECTION: Defendant and Counterclaim Plaintiff objects to the undefined phrase “incident” of this Interrogatory on the grounds that it is vague and ambiguous. Defendant and Counterclaim Plaintiff further objects to the form of this Interrogatory as including Interrogatories in compound and with multiple parts and sub-parts by purporting to seek the details of “each and every” contention of violence or abuse over a period of many years at the hands of Plaintiff and Counterclaim Defendant within one Interrogatory, such that later Interrogatories exceed the number of permitted under Va. Sup Ct. R. 4:8(g), and is overly broad and unduly burdensome for the same reasons. Defendant and Counterclaim Plaintiff further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, and on the grounds that this Interrogatory invades protected litigation work product and would require disclosure of core opinion work product and mental impression of counsel, which is prohibited by 4:1(b)(3) of the Rules of the Virginia Supreme Court. Plaintiff and Counterclaim Defendant has not made the requisite showing under the Rules.

obliged, thinking it would 'change the mood' and perhaps get Johnny off the mental jealousy loop he appeared to be stuck in, but he could not achieve an erection. He was taking erectile dysfunction medication to attempt to alleviate this stress, and the medication's ineffectiveness in this instance made him more angry. He took it out on me. Eventually, Johnny passed out.

During that fall, Johnny was continuing to be sexually and verbally abusive, especially after spending time with my father and/or his other drinking/drug buddies, such as, Marilyn Manson. He would not be able to get an erection and would become angry with me. I called it 'angry sex' that Johnny could not fully perform. He would throw me on the bed, he did this several times, and he'd force himself on me in an angry way. He had developed a habit of trying to have angry sex with me, which most of the time ended with him being more angry at me while blaming me for his impotence.

After these episodes, Johnny would be kinder and apologized for fights.

A year into the relationship, Johnny gave an interview on a red carpet and was asked about his split from Vanessa. He dismissed it: *"That's just rumors."* I was sat in make-up on a photoshoot reading it on my phone, heartbroken. I resigned not to talk to him again. That's the first time Christi hounded me with phone calls, saying *"Just hear my brother out, he loves you."* They blamed the journalist. I let her talk me into it, even though it was a direct quote. Time passed and at the Lone Ranger premiere he waited until I was about to meet his kids to reveal to them that he was split from Vanessa, but he never went on the record to correct the rampant gossip accusations that -I caused the break up with Vanessa. He let me take the blame for their split even though I had nothing to do with it. That severely impacted my reputation which I was reliant on to progress my career. He could have cleared that up in a second.

On **March 12, 2013** a Tuesday, Johnny sent me a text message about a book called Disco Bloodbath. I responded, *"Is it about last Friday night, by any chance?"* Johnny then responded, *"How can you make me smile about such a hideous moment??? Yes, it is.... Funny bitch. I fucking*

love you, you cunt!!!" **What happened on Friday, March 8, 2013, was that Johnny backhanded me in my face. This was one of multiple times that Johnny backhanded me in March 2013.**

I recall that Johnny and I were in Penthouse 3 of the Eastern Columbia Building. We were downstairs in the kitchen living room area having an argument. **Johnny was accusing me of having an affair** with one or two of my friends in Spain – it was kind of hard to juggle Johnny's accusations. **And then during the argument, Johnny backhanded me, and when he smacked me, it felt like my lip went into my teeth. Later, I remember seeing blood on the wall, and making a comment about that. But I do not remember what exact form of violence from Johnny caused the blood on the wall. I do know that my lip was sore, and I think it was cut on the inside where my teeth hit my lip.**

On **March 18, 2013,** I recall Johnny and I were at my apartment on Orange, in Los Angeles. I recall that we were arguing again, but I do not recall the reason for the argument. At the time he was making several accusations that I was having sex with my male and female co-stars and/or my male and female acquaintances, one of which was a singer-songwriter, son of another famous musician. I knew this singer-songwriter in a platonic way, and was a fan of his father's music. Playing that music in my home was enough to set Johnny off without him ever explaining why. He was angry about it for years and the details of the accusation only came up years later after countless days of my life lost to denying the accusations in futility. **Johnny threw me against a wall and threatened to kill me. The noise caused my landlord to call the police, but we told the police that everything was fine.**

My career was becoming the subject of these rows too. By 2013 I already knew that there was a correlation between the severity of abuse towards me, whether name-calling or threatening to kill me, and how available I was to him. Work, my family, my friends, my life made me less available to him.

I supported myself financially, throughout our dating, the engagement and the marriage. When I went to the gas station, I paid. Groceries, I paid. When he was on location filming Lone

Ranger in Utah, I paid to travel there. I never had his credit card. We never shared an account. I had my own apartment until he convinced me to get rid of it after the engagement. I resisted for nine months and finally let go of Orange in 2014. I thought it would mitigate his paranoia and suspicion around me and therefore alleviate the violence he directed towards me as a result of those suspicions. I had an escape route – according to him: “*Are you serious about this marriage? Oh you need your own home, kid? Got it.*”

That’s why I eventually refurbished the then almost empty apartments Downtown. Raquel needed a place to live, and Johnny was trying to get under the yolk of my nearest and dearest. “*Oh move in, kid!*” he said, and moved her into this apartment. I started redecorating the downtown apartments. After some time, they became my default place. We were a couple with two different homes in the same city. We couldn’t be in the same house for too long. Every time he got high and we had a row, he’d leave afterwards. Johnny never wanted to see the destruction he caused, and he loved to destroy places. He destroyed things the way bands smash up hotel rooms, except he’d do it to the whole house. Then he’d leave to avoid facing the damage, which often would include me.

Johnny wanted to own me entirely. “*I’ll take care of you. You don’t need to work.*” He’d fight me on every job. The way he talked about working actresses was despicable. Being an actress was a sin to him; it was the equivalent of being a whore. He talked about ambition in such a dirty, onerous way.

In my place on Orange, on March 21, 2013 through the night March 22, 2013, Johnny took issue with a painting that my ex-partner Tasya had painted, which I had hanging up, in a vestibule or walkway area between my bedroom and the hallway. It was in a place on the wall behind the bedroom door, which was almost always open. The picture had been up on the wall for a long time: Johnny had seen it many times and he had never said anything, but one day after he had been doing a lot of drugs, the painting was suddenly a big problem for him. In addition, there was another painting that he also wanted me to remove – and Johnny defaced both of them.

Johnny had taken cocaine, pills, weed, and booze that day; in fact, he was snorting lines of cocaine and drinking alone in my kitchen. He started arguing with me about the painting. I think it was in the evening - and it carried on over into the next day. I do not know why he got so mad about the painting. While it would have appeared out of the blue to a normal person who had seen a painting that had been hanging for a year, for someone on a multiple day-long bender it suddenly became the biggest issue of the day.

This was a whole ordeal of screaming and fighting that went on overnight and into the next day. At one point he tried to set the painting on fire with his lighter. I had to physically stop him from trying to light it up

At another point during the ordeal he also verbally attacked me and accused me of having an affair with my ex-wife Tasya, as well as that singer-songwriter. The latter accusation was a hold-over from a previous fight, but these sorts of accusations were repeated and re-hashed by Johnny until I admitted to whatever he was accusing me of. This was how he would justify keeping me there in the fight cycle for sometimes days – because he was holding out for me to admit something.

I remember trying to walk away from him, just because I wanted to diffuse the situation, but this antagonized him. **I remember he shoved me at one point in my bedroom. At another moment he pushed me up against the wall. Another time during this ordeal, he slapped me across the face--** I do not remember if I was in the hallway when I was slapped or if I was leaving the hallway – but I remember being with him in that hallway area after he hit me in the face and I remember telling him that he had hit me in the face. **I also remember sitting across a table from Johnny at the breakfast nook area, where Johnny was drinking brown alcohol, and was holding out for me to admit something, and then Johnny slapped me.** But I do not remember if I was slapped in the breakfast nook, or if I had stood up and moved rooms at that point, but I remember what happened right before I was slapped.

Johnny was supposed to have been on set to film a Keith Richards documentary, but he would not leave my house. Everyone was coming up with strategies to calm him down and get him

lean across him and get her back in the car. I will never forget the way that everyone else in the car reacted – no one reacted. There was like a quiet alarm because no one wanted him to drop the dog, but no one reacted so as not to antagonize him which might make him do something even crazier. That was a really scary situation, everyone was trying to keep the energy down, without confronting him, to make sure he did not drop the dog.

The hatred that he was capable of expressing towards me was at such despicable odds with the excessive ways in which he also expressed obsession and love with me. Everything was my fault. The end of his career was my fault, no matter that it was going down at a rapid pace by the time I'd started dating him. This incident was one of the first iterations of a pattern I started to notice more and more. On Black Mass he missed multiple days of shooting. He did it on Mortdecai too. It's a miracle he could get hired for any job. I watched Johnny sleep through multiple days in his trailer and nobody would wake him up. I'd never seen an actor miss a day of filming after 17 years in this business. If you're sick, you come to work sick. But I watched Johnny do this in all the movies I was there for. I watched him sleep through press days, too.

There were other physical assaults in March 2013, but I do not recall the exact dates. I recall one time at my apartment in Orange, Johnny was so mad at me, and accused me of having a romantic trip with a friend. I remember trying to walk away from Johnny, and he grabbed my hair. I recall a different time, where Johnny wrestled me down or pushed me down to the ground. While down on the floor, I remember focusing on the nail heads on the arms of the sofa. I am sad to say that many of these incidents do not distinguish themselves in my memory due to the sheer amount of them and the violence that occurred within them, at least without being reminded by evidence that can refresh my recollection. One of the common ways I found myself “dealing with”

the violence was to focus on something else around me.

I was looking at the nail heads on our sofa. I thought: *Did I buy those nail heads antiques, or did I do that to them?* I saw the blood on the floor. I clocked red on the walls. It was mental whiplash, dissociation. I was dealing with life or death. I wasn't comfortable being beat on. I just

didn't want it to happen anymore. That's why I was thinking of nail heads when he was pummeling me.

In late March 2013, I had been to lunch with Russell Simmons who wanted to pitch me an idea for a reality show having to do with yoga and wellness. He had sent a copy of his book to Orange for me to read afterwards, and Johnny was at home not leaving my apartment, and he intercepted the package. He wrote a note on the cover in black marker that said: "*Dear Mr Simons [sic], I found your book inspiring to look at. Especially your teeth on the cover. I'm so happy you are so hygienically inclined and so super rich! JOHNNY DEPP.*" After a lengthy interrogation of me about my behavior and what I wore to the meeting I had to show him what I wore, offer to call my assistant Kate to confirm on the phone without any prompting from me what she remembered me wearing to him to prove I was telling the truth, and then promise to oblige that Johnny could speak to Mr. Simmons about this interaction. All this in order that he could eventually move off of the subject. Johnny showed me the book, and I had to agree to send it. I was embarrassed.

In early May 2013, I couldn't make Johnny stop using and he was missing a lot of work because of his drink and drug abuse. His friends were angry about his behavior too but weren't facing him directly. He was unprofessional and would get angry at himself. He screamed at me and burned his skin with cigarettes. I tried to get him to stop and it just made him angrier.

In mid-May 2013, Johnny was upset about me filming with other men, despite me reassuring him. We had a fight because he wouldn't let me leave the house or agree to do scenes in low-cut tops or tight-fitting clothes. I was under pressure to change my wardrobe. I was considering taking another job in which I would be filming in London for *London Fields* but Johnny wanted me to go on the road with him and continue on location with him filming *Lone Ranger*, where I would wait for him to come home from work every day. I saw him on set and then left to continue to undertake press obligations I had for outstanding work. I made the promise to make regular returns to him wherever he was, whether LA or on location.

In late **May 2013, Johnny and I were in Hicksville** staying at a themed trailer park with some friends. One night around the campfire, Johnny got upset with a female named **Kelly Sue** **(she was a friend of Raquel Pennington), for what he completely misinterpreted - a platonic interaction that he wrongly perceived as some sort of attempt to come on to me. He grabbed her by the wrist and threatened her. He talked up the pressure that would be needed to break her wrist if she did not admit that she was trying to flirt with me.** He was threatening her, if she ever touched "his girl" again. **Johnny and I went back to our trailer cabin where he continued to fight about it. By that point, the amount of cocaine he had taken affected his ability to make rational sense and he went into a manic state. He trashed the trailer in a rage. I especially remember a lot of smashed glass. He broke light fixtures and he broke the frosted glass front of a cabinet, and I remember him throwing something that shattered at me. At least one of those items hit me, but it did not break. The other items whether they were drinking glasses, wine glasses or something else entirely, did break. I remember the interior of the trailer being full of broken glass.**

He accused me of being "the moral police" and "lesbian camp counsellor" and of hiding his drugs. **He ripped one of the straps of my dress, and then ripped it off me at the front, claiming to be searching for the drugs. Once out of the way, he continued this with ripping off my underwear. He then forced his hand inside me in a forceful "cavity search" while I stood there frozen. He did this without my consent, and he hurt me.** I had never had anything like this happen to me and didn't know what to do or how to respond. I was absolutely frozen in terror, staring at the bathroom light. I had never experienced anything like that before.

In the **summer of 2013, Johnny and I were on a private plane to Russia** for press events for Johnny's *Lone Ranger* premiere. There was a female flight attendant on the plane. Her name was Hope. She gave the impression she was new.

Before the flight, Johnny had some MDMA from Nathan Holmes delivered to him, which he brought out during the flight. I decided I would take some with Johnny because I didn't want to be bad cop and MDMA seemed like a non-violent safe bet that I could engage in to prove to him

that I wasn't "nagging." I thought it would be impossible for him to turn a happy love drug into a nightmare. Johnny offered MDMA to the flight attendant, who refused a few times, but eventually acquiesced. **The MDMA eventually hit the flight attendant, and she came down to sit on the arm of the chair and touched or grabbed my arm and leaned into me, similar to what Kelly Sue did in Hicksville. In response, Johnny said "Hey man," and the flight attendant stood up. The next thing I knew, Johnny grabbed her wrist, and he had it bent over and slammed it down on the table in front of her and said what he told Kelly Sue, threatening her by talking about the pressure that would be needed to break her wrist. In response, the flight attendant panicked, apologized profusely, cried, and we did not see her much for the rest of the flight**

I was trying to defend the flight attendant, telling Johnny that she did not mean anything, and was just feeling the effects of the drugs. And then, Johnny turned the accusation on me, and said that I provoked it.

When we arrived at the hotel in Russia, Johnny was still angry. In our hotel room, he pushed me down and I caught a glass table with my arm and hand, but the table did not break. Then Johnny slapped me across my face and may have hit me more than once. Jerry Judge then came into the room and broke up the incident.

I then went into the bathroom. When I came out, and went into the hallway, Mr. Judge said I had a little blood coming from my nose. I then went back into the bathroom holding my nose. I remember crying and wanting Johnny to come in and check on me, as naive as that sounds. I heard Mr. Judge say to Johnny, "Her nose is bleeding." But Johnny did not check on me.

In **July of 2013, Johnny was upset about having to sell the boat to JK Rowling and he wanted to have a goodbye hurrah on the boat** We took the kids and our friend Britney Eustis with us to the island. Johnny proceeded to covert binge drink in coffee cups. The tension was comprised of a combination of whatever he was secretly taking plus whatever amount of alcohol he was consuming, in addition to his upset over his career status and the money situation (he didn't want to sell the boat), and the fact he was hiding it from his kids who were hypersensitive about Dad

drinking again. It was a pressure cooker. Lily Rose asked me, crying, what was going on with her dad. I was walking on eggshells. I didn't want to lie or hide it from her, but I had no choice.

Lily Rose had a panic attack after Johnny jumped head-first into the water from the peak of the boat. He was drunk and wasted, and threw himself over as a joke, like a dead fish, and it freaked the kids out. Lily Rose shortly after was crying panicked saying she needed to leave, and that her Dad was drinking again, and she asked if I knew. I said, I didn't know, I didn't think so. I was trying to protect them both. He came in and I was holding her while she was crying, reacting the way a 14-year-old would with their estranged, lying father. Johnny blamed me for getting her upset at him, when I was just trying to protect him. **He walked in and asked Lily Rose to leave us alone. As soon as she walked out, he was on me. He grabbed me by the throat and held me up against the wall of the bedroom of the yacht, saying I was an embarrassment to his kids, and that it would be better if he'd killed me.** I don't remember much else about what happened in that room. Mostly I was just hyper-focused on Lily Rose. She told the boat captain that she wanted to get off the boat. Tara, who ran the Island got involved. Lily Rose was screaming, crying, hyperventilating. Jack got upset and said he wanted to go with Lily Rose. Tara wanted to talk to me about this, as did the boat captain.

Lily Rose demanded to get off the boat immediately, so they called a chopper for her, and I went with them to make sure both the kids got home okay. I can't remember Britney being a part of that. I might have left her on the island with Jack, who at the last minute, decided to stay. It was scary for Jack because he stayed - he stayed because he felt protective over his Dad. He found his Dad after we left, passed out, face down on the beach in the sand. He thought his dad was dead. He called Tara in a panic. Tara told me next time I saw her, by which point Johnny was sober, and she told me how frightened Jack had been.

I ushered a crying, screaming Lily Rose off the island with her curled up in my arms. She wanted to go to her home, but I didn't have an easy way in to get to Johnny's main house, so I went to 80. Johnny was in a 24-hour one-directional text rant at me. I did not respond. He called me

the role and I was biding my time and biting my lip waiting in anticipation for when he would catch up to reading the script while I was already on set.

After I wrapped *London Fields*, Johnny and I were living in a beautiful mansion in Hampstead Heath, while he was filming a movie with Paul Bettany. We had a housekeeper. One time she asked me if I was OK. She said, "You know I had a husband who used to beat on me. You'll get through whatever you're going through. I don't mean to pry." At the time I'd never told her anything. Never said a word. When she said that I felt humiliated. I cannot overstate how humiliating it is as a woman.

During October and November 2013, after many attempts by me to intercept the runaway train that was Johnny's loss of sobriety, things came to a head and Johnny didn't come home one night. **I found out where he was a day later because he was unable to make it to work to shoot *Mortdecai* after going on a drug binge with Paul Bettany in a hotel room where he passed out in the bathtub, and security had to break down a door in order to get to him** He proceeded to miss several days of filming because he was so sick from the bender.

Later on, once Johnny had sobered up, he and Paul exchanged text messages about their legendary night out, in which they joked about burning me and raping my dead corpse because I was to blame as "lesbian camp counsellor" for Johnny's need for this drug bender. I often served as his excuse for such indulgences.

In November and December of 2013, this was Johnny's period of sobriety post-drug binge in London with Paul Bettany. We were back in the honeymoon phase. It's important to understand Johnny's addiction cycle, which I can describe by phases.

Phase One: After a short period of abstinence in which he claims he's definitely done and he's absolutely never doing it again, he's over it all. *"That's never happening again so why are you acting like it's still a problem?"* It goes on with him telling me words to the effect *"You need to*

know how. I think the bodyguards must have helped him, which is frustrating to me because so many people were preventing him from having accountability for his actions.

I was having second thoughts about the marriage but decided to go ahead with it to alleviate some of the pressure on the relationship based on Johnny's insecurity. I also thought it would give me more say in terms of weighing in on how badly I felt Johnny needed care. I went through with the engagement party in mid-March. Johnny got high at the party and ended up staying in the upstairs office room all night with a few trusted friends. I tried to get him to come downstairs to see guests a few times but he was too messed up and drunk. He screamed at me.

I recall that in May 2014, Johnny whacked me in the face with his hand after the Met Gala, following another argument. I remember we had an argument in the living room area in a big suite, which had red and yellow carpet. Johnny had accused me of flirting with someone. It was his first time there at the Met Gala and I was on the shortest leash. I may as well have had a veil over my face. I had to monitor where my eyes were, which was challenging at the Met because I'm a fashion nerd and my gaze wanders. If I looked at a woman walk by, it was a fight. It wouldn't start right there and then. It would be saved up and used against me later. He caught how long I looked at each person, so I had to be judicious. Once we left, he was in a rage. He broke a lamp, upturned a sofa and end tables, threw a bottle into the wall, broke part of the chandelier off with one of the things he threw at me that hit the dangling fixture, and he hit me in the face. This caused me swelling and a discolored nose.

Sometime in May 2014, someone posted a photo of James Franco and me. Johnny lost his mind and was screaming at me. I was crying. He threatened to break up with me, and I assured him nothing was going on. Johnny started to throw things at me. I left scared and went to a friend's house. He was drunk, yelling that he was worthless and that I didn't really love him. He was cutting and burning himself, and I didn't know what to do. I was instructed to call an ambulance by Dr Jacobs, but I couldn't do it because press would find out. That was the same reason I never called the police when we fought.

author of mine, named Clive Barker. I know that Johnny's text message refers to physical violence because Johnny did not apologize for name calling or some other verbal argument.

It's a constant whiplash. He hits me. The next thing you know we're staring lovingly in each others' eyes and we're in Japan with the kids-

Johnny had a premiere in Tokyo in January 2015 for a film he had done called *Mortdecai*. We were in a hotel room and he was upset because his sister, Christi, had brought up the issue of a prenuptial agreement, which he said he did not want, but I said I would sign whatever was needed, either a prenuptial or postnuptial agreement. But then Johnny was also accusing me of having an affair with a co-star, which ended up with him in a rage. Johnny slapped me, there was a struggle, he grabbed me by my hair, and he wrestled me to the floor in the closet of our hotel room. He then knelt on my back and hit me in the back of the head. When I tried to stand up, Johnny muscled me back to the floor. He stood over me and yelled as I cried on the floor. I was sitting on the floor crying and I put my head in my hands.

I remember being concerned about any visible bruising on my back because my back was exposed, as I was wearing a backless dress to the premier of Johnny's movie. No bruises were visible. I checked obsessively in pictures online.

In February 2015 we were married on his island. And immediately after I went to work in the UK. Shortly after that, Johnny went to shoot *Pirates of the Caribbean 5* in Australia. We didn't see each other for nearly a month.

In March 2015, nobody in Johnny's entourage gave me a heads-up as to what I was about to walk into in Australia, although they had been privy to his excessive use and psychological demise while I had been abroad. When I arrived in Australia, I could immediately tell Johnny was acting erratic, and had lost a ton of weight. He'd been on a bender, had exhausted his nurse Debbie Lloyd, was spending time with Marilyn Manson and had been demanding more drugs to fuel his binge.
That was the situation I unwittingly walked into in that isolated home in Australia. **I hadn't been there for even a day when Johnny pulled out a bag of drugs.**

After I filed for divorce, he was determined to get my job taken from me, and in those efforts wound up jeopardizing his own future project with JK Rowling, which he was discussing at the time. He sent out emails to directors and producers at Warner Brothers connected to him and me, and he called everyone demanding that I be fired.

In late November 2015, Johnny and I were in Los Angeles hosting Thanksgiving dinner and got into another physical fight. I am not quite sure who was there - I believe Raquel Pennington, her partner at the time Josh Drew, Marilyn Manson, Jack and Lily-Rose, my father, possibly my mother, and possibly nurse Erin Boerum. I do not recall when the guests arrived or left.

We were upstairs in a different apartment away from our guests when Johnny ripped my shirt and threw me around the room. He threw a wine glass and a heavy glass decanter at me, which luckily missed. At one point, Johnny pushed me, and I remember hitting my head after falling over backwards on the chaise lounge that was in the corner of the room where the exposed brick wall was. I remember falling over backwards over it and hitting my head on the wall.

Johnny was so mad at me; I do not know why. I know that I wanted to get back downstairs. I wanted to have a good night. I always just wanted to have a good night. I always just wanted things to be okay between us. I wanted him to be less angry at me. I remember wanting to go back downstairs, put on a brave face, get through Thanksgiving, and most of all, just hope that he did not want to stay mad at me and make this another war.

I later learned that I had gotten a sizeable lump on the back of my head, and that my lip had busted open.

On the night of December 15, 2015, Johnny picked another fight with me. He threw a decanter at me, knocked items around the room, and punched the wall. He slapped me hard, grabbed me by my hair, and dragged me from one room to the other. We fought in various parts of the house. On a stairwell, in the office, in the living room, in the kitchen, in the bedroom, in the guest room. In the process, he pulled large chunks of hair and scalp out of my head.

campaigns. As a result, I was unable to renegotiate a new contract, which is standard in the industry.

I also incorporate in by reference my response to Interrogatory Nos. 1-3 of these Fourth Interrogatories, my deposition testimony in this case, the declaration I submitted in this case, my deposition testimony from my divorce litigation, and my sworn Witness Statements and live testimony I provided in the Sun litigation in the United Kingdom, and the other incorporated information from Interrogatory No. 3. I also incorporate in by reference my deposition testimony in this case. Per Rule 4:8(f) of the Virginia Supreme Court Rules, I also incorporate with this response the Expert Designations of Dr. Dawn Hughes and Kathryn Arnold. I also incorporate all the documents produced in discovery and the depositions that relate to these issues.

February 9, 2022

AS TO OBJECTIONS:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 9th day of February, 2022, by email, by agreement of the parties, addressed as follows:

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Defendant John C. Depp, II*




Elaine Charlson Bredehoft

VERIFICATION

I declare under penalty of perjury that the Responses to these Interrogatories are true and correct to the best of my knowledge and belief.

2/9/2022



Date

Amber Laura Heard

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

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Civil Action No.: CL-2019-0002911

PLAINTIFF’S SUPPLEMENTAL DESIGNATION/IDENTIFICATION OF EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court’s Scheduling Order dated March 26, 2021, and in response to Interrogatory No. 15 in Ms. Heard’s First Set of Interrogatories dated October 7, 2019, hereby supplements his Expert Designations dated January 11, 2022 to reflect the findings of Dr. Shannon Curry’s IME report dated January 18, 2022.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses have yet to occur—Plaintiff reserves the right to further supplement this Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

Infinitum Nihil (DEPP00018328-DEPP00018404; DEPP00018508-DEPP00018594), Jack Whigham (JW000001-000149), Christian Carino (CC000001-252), Edward White & Co., LLP (EWC000001-EWC000052), and Disney (DISNEY000001-383), as well as his extensive experience as a CPA and financial forensics professional. Mr. Spindler may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Witness Designation, the following depositions have yet to occur and/or be completed: Ms. Robin Baum, Mr. Edward White, Edward White & Co., LLP, Disney, Mr. Christian Carino, and Ms. Heard.

Mr. Spindler's CV is attached hereto as **Exhibit B**. He is being compensated for his work at the rate of \$550 per hour; none of his compensation is contingent on the opinions he renders or the outcome of the litigation.

3. Doug Bania, Analyst, Nevium Intellectual Property Consultants, 415 Laurel Street, Suite 341, San Diego, California 92101. Mr. Bania is a Certified Licensing Professional ("CLP") and intellectual property ("IP") expert with more than fifteen years of experience in IP valuation, IP management, brand strategy, and internet and social media evaluation. As a founding principal of Nevium Intellectual Property Consultants, Mr. Bania has extensive experience analyzing the reach of website content and social media posts and providing valuation and damages calculations for intellectual property and defamation cases related to celebrities and other public figures. He has been named an expert for over ninety-five cases and

has provided expert analysis, consulting, and testimony concerning social media analysis, defamation damages, internet impressions and visits, Google search results analysis, website traffic, and social media damages. Mr. Bania received his Bachelor of Arts in Cinema from San Francisco State University and a Master of Arts in Television, Film, and New Media Production from San Diego State University. Mr. Bania is a Google Analytics Certified Individual (“GAIQ”) and is a current member of the International Trademark Association (“INTA”) Right of Publicity Committee and the American Bar Association (“ABA”) Copyright & Social Media Committee.

Subject Matter of Mr. Bania’s Opinion: Mr. Bania will testify concerning the impact of Ms. Heard’s allegations of domestic abuse against Mr. Depp as made in her 2016 Domestic Violence Restraining Order and her December 2018 Op-Ed in *The Washington Post* on Mr. Depp’s career, reputation, and public image.

Substance of Mr. Bania’s Opinion: Specifically, Mr. Bania will testify as to the following opinions: (1) there is no indication of Mr. Depp being portrayed in a negative connotation during the seventeen largest Google Trends Spikes before Ms. Heard’s allegations of abuse in May 2016; **(2) Mr. Depp is portrayed in a negative connotation during the eight largest Google Trends Spikes after Ms. Heard’s allegations of abuse in May 2016, including after the Op-Ed was published in December 2018** and (3) Mr. Depp’s Q Scores indicate the public’s perspective of Mr. Depp was damaged after the date of Ms. Heard’s allegations of abuse and even more so after the date these allegations were re-published in the Op-Ed. Based on Mr. Bania’s analysis, Mr. Bania will opine that Mr. Depp’s reputation was negatively impacted after the date of Ms. Heard’s allegations of abuse, including when they were re-published in the Op-Ed.

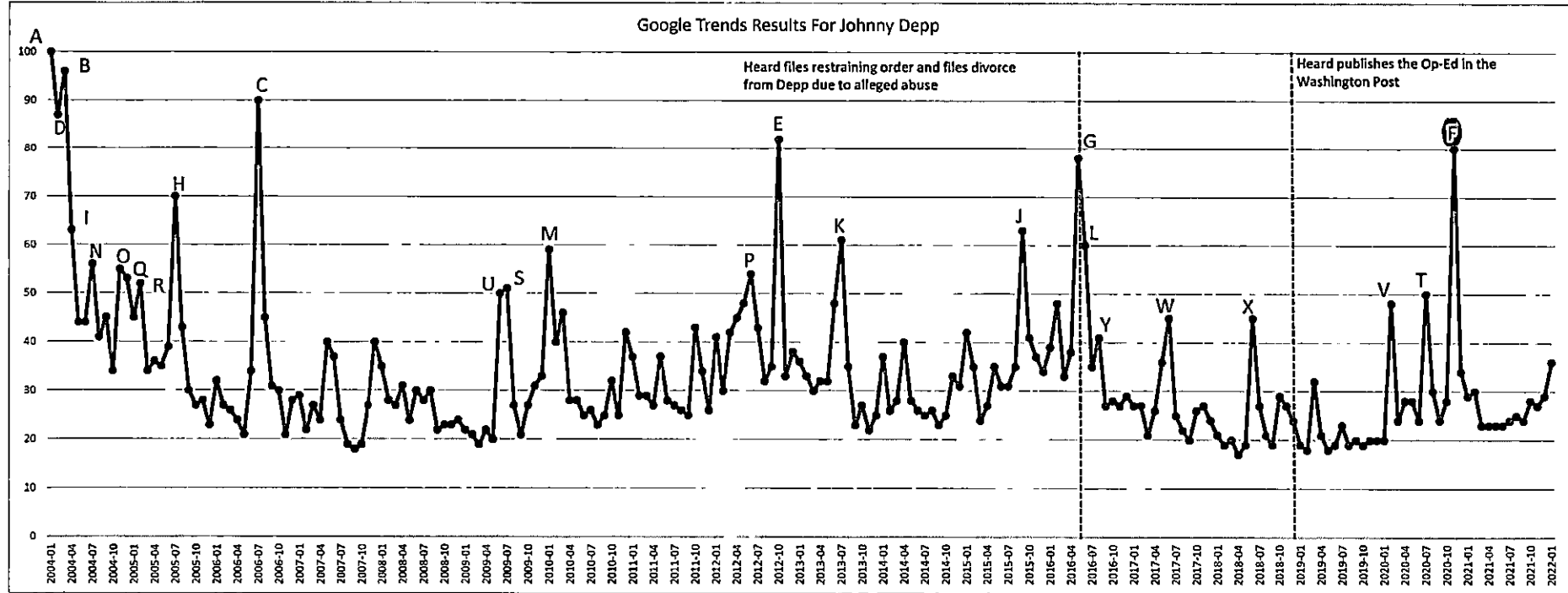
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EXHIBIT D

CONFIDENTIAL

Google Trends Timeline for the Term "Johnny Depp"

Source: Document 3a (Johnny Depp and Amber Heard Google Trends All Time.xls)



Google Trend Analysis - Before the Heard Allegations			See	Notes in Chart Above	Related to Heard/Op-Ed	Related to Drug/Alcohol	Related to Work Ethic	SERP Source	Website Source
Note	Date	Article Title		Topic					
A	25-Jan-04	Johnny Depp and Vanessa Paradis - Hurriyet Daily News		Relationship Pictures	No	No	No	4a	8a
A	12-Jan-04	Pirates of the Caribbean: The Curse of the Black Pearl (2003)		Movie Review	No	No	No	4a	8b
A	10-Jan-04	Actors Johnny Depp and Sean Penn Pose Together...		Picture	No	No	No	4a	8c
B	4-Mar-04	Secret Window (2004) - Trivia - IMDb		Movie Facts/Trivia	No	No	No	4b	8d
B	11-Mar-04	'Secret Window' is another perfect fir for Johnny Depp		NA - Article unavailable	NA	NA	NA	4b	8e
B	12-Mar-04	Johnny Depp Secret Window (2004 Stock Photo - Alamy)		Picture	No	No	No	4b	8f
C	27-Jul-05	460 Johnny Depp Ideas - Pinterest		Pictures - Fan page	No	No	No	4c	8g
C	5-Jul-06	Johnny Depp - CBS News		Pirates of the Caribbean Picture	No	No	No	4c	8h
C	3-Jul-06	'I felt weirdness for many years' [Movies]The Guardian		Depp's personal life	No	No	No	4c	8i
D	28-Feb-04	Secret Window press Conference February 28, 2004, Johnny...		Movie details and pictures	No	No	No	4d	8j
D	23-Feb-04	In a Surprise, SAG Chooses Johnny Depp as Best Actor		Movie award review	No	No	No	4d	8k
D	29-Feb-04	Johnny Depp Oscars 2004 Stock Photo - Alamy		Picture	No	No	No	4d	8l
E	12-Oct-12	Five User Experience Lessons From Johnny Depp		UX Programming Comparison	No	No	No	4e	8m
E	16-Oct-12	Johnny Depp: Publisher Fine Books & Collections		Book publishing company	No	No	No	4e	8n
E	22-Oct-12	Johnny Depp Stickers Redbubbles		Depp Stickers/merchandise	No	No	No	4e	8o
H	17-Jul-05	Charlie and the Chocolate Factory (2005) - IMDb		Movie details	No	No	No	4h	8p
H	31-Jul-05	The day I met Johnny Depp!!! - LA Youth		Fan blog post	No	No	No	4h	8q
H	20-Jul-05	Tim Burton + Johnny Depp = Movie Magic - Arizona Daily		Movie review	No	No	No	4h	8r

Google Trends Timeline for the Term "Johnny Depp"

Source: Document 3a (Johnny Depp and Amber Heard Google Trends All Time.xls)

Continued: Google Trend Analysis - Before the Heard Allegations			See	Notes in Chart Above	Related to Heard/Op-Ed	Related to Drug/Alcohol	Related to Work Ethic	SERP Source	Website Source
I	13-Apr-04	Film Career of Johnny Depp timeline - Timetoast		Depp film career	No	No	No	4i	8s
I	6-Apr-04	The Johnny Depp Archive: Once Upon A Time In Mexico		Movie Review	No	No	No	4i	8t
I	15-Apr-04	The Libertine - Behind the Senses - Johnny Depp-Zone		Movie Review and Pictures	No	No	No	4j	8u
J	16-Sep-15	15 Best and Worst Johnny Depp Roles - Rolling Stone		Review of roles	No	No	No	4j	8v
J	18-Sep-15	Johnny Depp's Weirdest Movie Looks - Variety		Review of roles	No	No	No	4j	8w
J	18-Sep-15	Johnny Depp Is Hollywood's Essential Weirdo Wired		Depp career review	No	No	No	4j	8x
K	3-Jul-13	Johnny Depp as Tonto: Is "the Lone Ranger" Racist? Time.com		Race of character played by Depp	No	No	No	4k	8y
K	7-Jul-13	The Lone Ranger (2013) IMDb		Movie details	No	No	No	4k	8z
K	3-Jul-13	The Politics of Johnny Depp as Tonto The Takeaway - WNYC		Race of character played by Depp	No	No	No	4k	8aa
M	25-Jan-10	Johnny Depp in internet death hoax - Independent.ie		Fake death report	No	No	No	4m	8bb
M	14-Jan-10	Johnny Depp tattoos, celebrity dads, Johnny Depp - Pinterest		Fan Pinterest posts	No	No	No	4m	8cc
M	15-Jan-10	Johnny Depp Impersonator Ronnie Rodriguez		Bio of film double/impersonator	No	No	No	4m	8dd
N	31-Jul-04	Johnny Depp - Johnny Depp-Zone		Depp biography	No	No	No	4n	8ee
N	29-Jul-04	Secret Window [DVD] - Amazon.com		Amazon movie for sale	No	No	No	4n	8ff
N	1-Jul-04	Pin on the Hollywood vampires - Pinterest		Alice Cooper Pinterest page with Depp	No	No	No	4n	8gg
O	10-Nov-04	Biography Johnny Depp: Under His Skin (TV Episode 2004)		Movie details	No	No	No	4o	8hh
O	12-Nov-04	Johnny Depp: Finding Neverland - NPR		Film character discussions	No	No	No	4o	8ii
O	5-Nov-04	The Brave - Rotten Tomatoes		Movie ratings and details	No	No	No	4o	8jj
P	3-Jun-12	Johnny Depp (Creator) - TV Tropes		Depp career history	No	No	No	4p	8kk
P	21-Jun-12	Johnny Depp's Newly Single Life - ABC News		Depp's alleged breakup with Vanessa	No	No	No	4p	8ll
P	15-Jun-12	Johnny Depp's girl on Twitter - Pinterest		Depp picture on fan website	No	No	No	4p	8mm
Q	10-Dec-04	Johnny Depp: A kind of illusion by Denis Meikle (2004-12-10)		Amazon book for sale	No	No	No	4q	8nn
Q	15-Dec-04	by Jim Merrett Everything Franc December, 2004 - Johnny...		Movie roles and relationships	No	No	No	4q	8oo
Q	16-Dec-04	The less dialogue you give him, the happier he feels: Marc...		Depp's ease to work with	No	No	No	4q	8pp
R	5-Feb-05	Johnny Depp - Pinterest		Depp picture on fan website	No	No	No	4r	8qq
R	10-Feb-05	Johnny Depp: Johnny Darko - Rolling Stone		Depp's career and history	No	No	No	4r	8rr
R	5-Feb-05	Supporting Johnny Depp Minamata out December 15		Depp pictures and movie history	No	No	No	4r	8ss
S	15-Jul-09	Photos: The Johnny Depp Retrospective Vanity Fair		Magazine photos	No	No	No	4s	8tt
S	15-Jul-09	Johnny Depp's Movie characters photo: John Dillinger - Pinterest		Depp picture on fan website	No	No	No	4s	8uu
S	2-Jul-09	Faces of Depp - Today Show		Depp pictures	No	No	No	4s	8vv
U	16-Jun-09	Johnny Depp's Great Escape Vanity Fair		Depp's movie career and history	No	No	No	4u	8ww
U	18-Jun-09	Johnny Depp, Marion Cotillard arrive for "Public Enemies..."		Depp picture on fan website	No	No	No	4u	8xx
U	20-Jun-09	Johnny Depp - Wikipedia		Wikipedia page in a different language	No	No	No	4u	8yy

Analysis Summary	Notes
Total Webpages Reviewed	51
Related to Heard/Op-Ed	0 None of the articles were related to Heard or the Op-Ed
Related to Depp's Drug/Alcohol Use	0 None of the articles were related to Depp's use of drugs or alcohol
Related to Both Heard/Op-Ed and Drug/Alcohol	0
Related to Depp's Bad Work Ethic	0

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Google Trends Timeline for the Term "Johnny Depp"

Source: Document 3a (Johnny Depp and Amber Heard Google Trends All Time.xls)

Exhibit D, Schedule 1

Google Trend Analysis - After the Heard Allegations		See	Notes in Chart Above	Related to Heard/Op-Ed	Related to Drug/Alcohol	Related to Work Ethic	SERP Source	Website Source
Note	Date	Article Title	Topic					
F	3-Nov-20	The Fall of Johnny Depp: How the world's most beautiful movie...	Newspaper/Sun lawsuit	Yes	Yes	No	4f	9a
F	6-Nov-20	Johnny Depp Loses Court Case Against Newspaper That...	Newspaper/Sun lawsuit	Yes	Yes	No	4f	9b
F	6-Nov-20	Johnny Depp to depart the "Fantastic Beasts" Franchise - CNN	Loss of movie due to lawsuit	Yes	No	No	4f	9c
G	27-May-16	Amber Heard granted restraining order against husband...	Heard divorce	Yes	No	No	4g	9d
G	30-May-16	Johnny Depp Golden Globes	Movie background	No	No	No	4g	9e
G	26-May-16	Amber Heard files for divorce from Johnny Depp CNN	Heard divorce	Yes	No	No	4g	9f
L	27-Jun-16	90s Icon Winona Ryder Is Making Her Comeback	Winona's career and states no abuse	No	No	No	4l	9g
L	22-Jun-16	Johnny Depp Height, Weight, Age, Biography, Wife & More	Depp information	No	No	No	4l	9h
L	5-Jun-16	Depp's fall from heartthrob to 'hobo'	Heard allegations and drug use	Yes	Yes	No	4l	9i
T	19-Jul-20	Hollywood nervously awaits fallout from explosive Johnny...	Heard allegations and trial	Yes	Yes	No	4t	9j
T	19-Jul-20	Johnny Depp vs Amber heard: All the nasty bits of the UK trial	Heard allegations and trial	Yes	Yes	No	4t	9k
T	7-Jul-20	Johnny Depp: Claims in the Sun he beat ex-wife 'complete lies...	Heard allegations and trial	Yes	Yes	No	4t	9l
V	27-Feb-20	Let's burn Amber: Text allegedly sent by Johnny Depp about ex	Heard allegations and texts	Yes	Yes	No	4v	9m
V	9-Feb-20	Petition - Justice for Johnny Depp - Change.org	Petition	Yes	No	No	4v	9n
V	26-Feb-20	Johnny Depp's Disturbing Alleged text messages read aloud...	Heard allegations and texts	Yes	Yes	No	4v	9o
W	2-Jun-17	Johnny Depp jokes about killing Donald Trump in Glastonbury	Killing Trump joke	No	No	No	4w	9p
W	23-Jun-17	Johnny Depp's domestic abuse allegations deserve as much	Killing Trump joke and Heard Allegations	Yes	Yes	No	4w	9q
W	23-Jun-17	Johnny Depp Raises 'Last Time an Actor Assassinated a...	Killing Trump joke	No	No	No	4w	9r
X	21-Jun-18	The Trouble with Johnny Depp - Rolling Stone	Interview with Depp	Yes	Yes	No	4x	9s
X	21-Jun-18	Johnny Depp's Rolling Stone Interview: Most Shocking	Interview with Depp	Yes	Yes	No	4x	9t
X	21-Jun-18	Johnny Depp's \$650M Film Fortune "Almost All Gone", Says...	Interview with Depp	Yes	No	No	4x	9u
Y	16-Aug-16	Amber Heard settles domestic abuse case against Johnny Depp	Heard allegations and trial	Yes	Yes	No	4y	9v
Y	NA	Johnny Depp Filmography and Movies Fandango	Depp movie roles	No	No	No	4y	9w
Y	19-Aug-16	Johnny Depp, Amber Heard: A Timeline of Their... - Variety	Heard allegations and timeline	Yes	Yes	No	4y	9x

Analysis Summary	Notes
Total Webpages Reviewed	24
Related to Heard/Op-Ed	18 18 of the total 24 articles are related to the Heard Allegations and Op-Ed
Related to Depp's Drug/Alcohol Use	13 The 13 articles regarding drugs and alcohol were only mentioned as part of the Heard Allegations and/or Heard Op-Ed
Related to Both Heard/Op-Ed and Drug/Alcohol	13
Related to Depp's Bad Work Ethic	0

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

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JOHN C. DEPP, II,	:	Case No.
Plaintiff,	:	CL-2019-0002911
v.	:	
AMBER LAURA HEARD,	:	
Defendant.	:	

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CONTAINS CONFIDENTIAL INFORMATION

PURSUANT TO THE PROTECTIVE ORDER

Videotaped Deposition of ROBIN BAUM

Conducted Remotely via Zoom

Thursday, January 20, 2022

12:31 p.m. Eastern Time

Job No.: 425537

Pages: 1 - 204

Reported By: AMY L. STRYKER, CCR

1 Videotaped Deposition of ROBIN BAUM,
2 conducted remotely.

3

4

5 Pursuant to subpoena, before AMY L.

6 STRYKER, Certified Court Reporter and Notary

7 Public of the State of Maryland.

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A P P E A R A N C E S

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12 CATHERINE GONZALEZ, AV Technician

13 KIMBERLY JOHNSON, Videographer

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22

1 MR. PRESIADO: Objection; vague and 14:45:11
2 ambiguous. 14:45:13
3 MS. HOUCK: Join. 14:45:13
4 THE WITNESS: I would be speculating. I 14:45:14
5 don't -- I don't -- I don't remember how much 14:45:16
6 press. 14:45:19
7 BY MS. PINTADO: 14:45:20
8 Q Okay. 14:45:20
9 MS. PINTADO: Let's look at Exhibit 13. 14:45:29
10 AV TECHNICIAN: Stand by. 14:45:35
11 (Exhibit 8, Royal Courts of Justice 14:45:37
12 Approved Judgment, was marked for identification 14:45:37
13 and is attached to the transcript.) 14:45:50
14 AV TECHNICIAN: Exhibit 8. 14:45:50
15 Q Ms. Baum, do you remember that -- do you 14:45:53
16 recall when the judgment was issued in the U.K. 14:46:07
17 regarding the litigation involving The Sun and 14:46:10
18 Mr. Wootton? 14:46:14
19 A Do I remember when the -- they made -- 14:46:17
20 when they ruled again -- when they made the 14:46:22
21 judgment? Is that what you're asking me? 14:46:26
22 Q Yes. 14:46:30

1 A **Yes.** 14:46:30

2 Q Okay. And when was that? 14:46:31

3 A **I think -- I don't remember the year. But** 14:46:33

4 **it -- was it in November, October?** 14:46:36

5 Q **I'll represent to you that it was in** 14:46:39

6 **November of 2020.** 14:46:42

7 And what -- what is your understanding 14:46:46

8 of -- strike that. 14:46:55

9 **Did the judgment receive publicity?** 14:46:57

10 MR. PRESIADO: Objection; vague and 14:47:03

11 ambiguous. That's it. 14:47:04

12 MS. HOUCK: Join. 14:47:11

13 THE WITNESS: **Yes.** 14:47:12

14 Q **And what do you mean by publicity?** 14:47:13

15 A **Well, the press reported.** 14:47:17

16 Q **Would you say it generated a lot of** 14:47:22

17 **publicity?** 14:47:26

18 MS. HOUCK: Objection; vague and 14:47:32

19 ambiguous. 14:47:34

20 MR. PRESIADO: Vague and ambiguous as to 14:47:34

21 publicity where, so... Just in general, global, 14:47:35

22 in the U.K.? 14:47:41

1 THE WITNESS: I would say it got a lot of 14:47:44
2 press. 14:47:47
3 BY MS. PINTADO: 14:47:47
4 Q Did it get a lot of press in the U.K.? 14:47:47
5 A I don't live in the U.K., so I don't know 14:47:51
6 specifically -- 14:47:56
7 Q Did it get a lot of -- 14:47:59
8 A -- the amount. 14:48:01
9 Q Okay. Did it get a lot of press in the 14:48:02
10 U.S.? 14:48:04
11 A It got a lot -- yeah, it got covered in 14:48:04
12 all the -- in the press. 14:48:07
13 Q Where in the press, do you remember? 14:48:10
14 A What specific outlets? 14:48:13
15 Q Yes. If you recall. 14:48:19
16 A I -- I mean, I -- I couldn't list you all 14:48:26
17 the outlets that it ran in. I -- I -- I -- but it 14:48:29
18 ran in a majority amount of press. 14:48:33
19 Q Okay. And would you characterize that 14:48:40
20 press as negative or positive for Mr. Depp? 14:48:43
21 MS. HOUCK: Objection; vague and 14:48:51
22 ambiguous. 14:48:52

1 MR. PRESIADO: Objection; lacks 14:48:52
2 foundation, calls for speculation. And object to 14:48:55
3 the extent it calls for expert opinion. 14:48:58
4 THE WITNESS: **I would say it was not** 14:49:02
5 **positive.** 14:49:04
6 BY MS. PINTADO: 14:49:04
7 Q **Do you know if Mr. Depp lost any roles as** 14:49:04
8 **a result of the judgment?** 14:49:13
9 MR. PRESIADO: Objection; lacks 14:49:16
10 foundation, calls for speculation. 14:49:17
11 MS. HOUCK: Join. 14:49:20
12 THE WITNESS: **I -- I believe it's my -- I** 14:49:20
13 **mean, it's my understanding that he lost the** 14:49:26
14 **Fantastic Beasts, maybe, he was supposed to do.** 14:49:29
15 Q Did your role as publicist change after 14:49:34
16 the filing of the lawsuit -- sorry, after the 14:49:43
17 judgment? 14:49:45
18 A No. I don't know what you mean by that, 14:49:45
19 though. 14:49:55
20 Q Did your work change in any way? 14:49:56
21 MS. HOUCK: Objection; vague and 14:50:05
22 ambiguous. 14:50:13



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Transcript of Christian Carino

Date: January 19, 2021
Case: Depp, II -v- Heard

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www.planetdepos.com

1 A No. 12:41:16

2 Q Did you have any conversations with 12:41:17

3 Mr. Waldman about how you believed or were 12:41:24

4 concerned about legal actions having an impact on 12:41:30

5 Mr. Depp's reputation or career? 12:41:34

6 A Can you repeat that? 12:41:44

7 Q Did you have any conversations with 12:41:46

8 Mr. Waldman in which you expressed any thoughts or 12:41:50

9 opinions on how you believed any litigation was 12:41:56

10 having an affect on Mr. Depp's reputation or 12:42:01

11 career? 12:42:06

12 A Yes. 12:42:06

13 Q How many times? 12:42:07

14 A One that I can recall. 12:42:11

15 Q And when was that? 12:42:13

16 A I have no idea. Years ago. 12:42:16

17 Q What do you recall of the conversation? 12:42:18

18 A The == the conversation was that I 12:42:22

19 expressed my opinion that the sooner the 12:42:25

20 litigation was over the better it was for Johnny's 12:42:30

21 career and well-being. 12:42:34

22 Q And do you recall which litigation you 12:42:44

1 **were referring to?** 12:42:47

2 A **No, I don't think I was referring to any** 12:42:47

3 **one litigation. I think there were multiple** 12:42:50

4 **litigations happening at that time.** 12:42:52

5 Q And why did you feel that way? 12:42:54

6 MR. PRESIADO: Objection; vague; 12:43:02

7 ambiguous. 12:43:06

8 A I don't know how to answer that, Elaine. 12:43:07

9 Q If you expressed to Mr. Waldman that the 12:43:09

10 sooner the litigation was over the better for 12:43:11

11 Mr. Depp, what were you thinking when you said 12:43:14

12 that? Why did you think that? 12:43:17

13 A **I think anytime somebody is in litigation** 12:43:21

14 **publicly, it is at a minimum a distraction to that** 12:43:26

15 **person's career. And in a lot of cases it's -- it** 12:43:32

16 **negatively impacts that person because there's** 12:43:41

17 **attention drawn to them that is outside of what** 12:43:45

18 **people want to know about that person.** 12:43:52

19 Q And what do you mean by it distracts from 12:43:54

20 their career? 12:44:03

21 A I mean that -- with somebody who is well 12:44:05

22 known, people don't want to hear they're in a 12:44:14

1 lawsuit with anybody about anything. 12:44:20

2 Q Why not? 12:44:24

3 A Because that's just not what they want to 12:44:27

4 know or hear news about people. 12:44:32

5 Q And why do you believe that? 12:44:37

6 A Based on my experience in this world for 12:44:45

7 the past 16 years. 12:44:55

8 Q And when you say it negatively impacts 12:45:00

9 what do you mean by that? 12:45:04

10 A People don't want to hear that the people 12:45:07

11 that they look up to are in litigation. 12:45:11

12 Q Do you also believe that that impacts 12:45:15

13 career decisions by producers, directors, 12:45:24

14 companies, brands, things -- 12:45:27

15 A Yes. 12:45:27

16 Q -- of that nature? 12:45:29

17 A Yes. 12:45:30

18 Q And in -- in what way? 12:45:30

19 A Because the general public doesn't want to 12:45:36

20 hear that people that they look up to are in 12:45:40

21 litigation. And when it -- the more oxygen it 12:45:43

22 takes up in the overall news or coverage of an 12:45:48

1 individual, and the less focused it is on that 12:45:57
2 person's career, the less interested studios, 12:46:02
3 brands, the general public becomes in that person. 12:46:07
4 Q And therefore less opportunities? 12:46:13
5 A Yes. 12:46:23
6 Q When you expressed to Adam Waldman that -- 12:46:23
7 your opinion that the sooner the litigation was 12:46:29
8 over for Mr. Depp the better, what did Mr. Waldman 12:46:31
9 say? 12:46:35
10 MR. PRESIADO: Objection; hearsay. 12:46:36
11 A To be honest, I don't recall exactly what 12:46:40
12 he said, but something to -- something like we're 12:46:44
13 going to get this over with as fast as we can. 12:46:53
14 Q Do you remember which litigations were 12:46:58
15 ongoing at the time you had this discussion with 12:47:09
16 Mr. Waldman? 12:47:13
17 A I do not. 12:47:13
18 MR. PRESIADO: Objection; lacks 12:47:15
19 foundation. 12:47:18
20 Q I'm going to ask you -- 12:47:18
21 MS. BREDEHOFT: Alex, could you please 12:47:24
22 bring up No. 4, Carino No. 4. 12:47:27

1 all right, we'll keep it labeled four. 12:48:44

2 Q Do you -- this is the lawsuit that was 12:48:48

3 brought by Mr. Depp and Edward White against The 12:48:50

4 Mandel Company; do you recall that particular 12:48:57

5 lawsuit? 12:48:59

6 A Yes. 12:49:01

7 Q Okay. And was it your understanding that 12:49:01

8 this was litigation that was brought in connection 12:49:06

9 with The Mandel Company having served as the 12:49:10

10 management company for Mr. Depp for a number of 12:49:15

11 years -- business reasons? 12:49:18

12 A Yes. 12:49:21

13 MR. PRESIADO: Objection; lacks 12:49:21

14 foundation; compound. 12:49:25

15 Q What was your understanding of the nature 12:49:26

16 of this litigation? 12:49:28

17 MR. PRESIADO: Objection; lacks 12:49:29

18 foundation. 12:49:30

19 A I really don't have much of an 12:49:30

20 understanding of the specifics outside of the -- 12:49:32

21 the general accusation that his business managers 12:49:38

22 acted in a way that was illegal in how they 12:49:48

1 (Requested portion read back.) 13:47:07

2 A Elaine, are you asking me if I'm aware if 13:47:07

3 the Jake Bloom litigation was made public? 13:47:11

4 Q Yes. 13:47:15

5 A Yes. 13:47:15

6 Q And in addition to being made public, do 13:47:15

7 you recall whether there was publicity surrounding 13:47:19

8 the Jake Bloom litigation? 13:47:24

9 A Yes. 13:47:26

10 MR. PRESIADO: Objection; vague and 13:47:26

11 ambiguous. 13:47:27

12 Q **And do you recall whether there was** 13:47:27

13 **publicity surrounding the Mandel litigation?** 13:47:29

14 A **Yes.** 13:47:32

15 Q **And would you agree that that publicity** 13:47:32

16 **contributed to the oxygen that you were referring** 13:47:39

17 **to that takes up space and distracts from -- may** 13:47:44

18 **negatively impact an actor's career?** 13:47:53

19 MR. PRESIADO: Objection; assumes facts 13:47:58

20 not in evidence; calls for speculation. 13:48:03

21 MR. DERIN: Join. 13:48:03

22 THE WITNESS: Greg? 13:48:05

1 MR. DERIN: I joined in the objection. To 13:48:07
2 the extent you can answer it, answer as you will. 13:48:10
3 A Elaine, I guess I would just go back to 13:48:12
4 what I said, in my personal opinion, media 13:48:15
5 coverage of any litigation -- sorry -- media 13:48:22
6 litigation coverage is negative. 13:48:31
7 Q So any media coverage of the Bloom 13:48:33
8 litigation or the Mandel litigation would be 13:48:44
9 negative; correct? 13:48:48
10 A In my opinion, yes. 13:48:49
11 Q And that's based on your years as a talent 13:48:51
12 agent in the industry? 13:48:57
13 A Yes, and just being a human being. That's 13:48:59
14 my opinion. 13:49:04
15 Q And so would you agree that the publicity 13:49:05
16 surrounding the litigation, the Jake Bloom 13:49:12
17 litigation and the Mandel litigation would have a 13:49:14
18 negative impact on Mr. Depp's reputation and 13:49:16
19 career? 13:49:22
20 A Didn't you already ask me that? 13:49:22
21 Q Not exactly that question. 13:49:24
22 A Say it again. 13:49:27

1 off-screen reputation was impacted by the 15:34:08
2 accusations included in the Waldman tweet on 15:34:12
3 May 2020 of the op-ed? 15:34:19
4 A No. 15:34:20
5 Q Are you aware of any role or opportunity 15:34:20
6 that Mr. Depp lost as a result of the op-ed by Dan 15:34:29
7 Wootton in The Sun? 15:34:38
8 A No. 15:34:41
9 Q Are you aware of any role or -- and when I 15:34:41
10 say an opportunity, any kind of business 15:34:44
11 opportunity that Mr. Depp lost as a result of the 15:34:47
12 particulars of claim that Mr. Depp filed? 15:34:49
13 A No. 15:34:54
14 MR. PRESIADO: Objection; vague and 15:34:54
15 ambiguous. 15:34:57
16 Q Are you aware of any role or business 15:34:57
17 opportunities that Mr. Depp lost as a result of 15:35:00
18 the op-ed by Amber Heard in The Washington Post? 15:35:04
19 A No. 15:35:09
20 MR. PRESIADO: Objection; vague and 15:35:09
21 ambiguous. 15:35:14
22 Q I'm sorry, I didn't hear your answer. 15:35:14

1 A I said no. 15:35:15

2 Q Okay. Thank you. Are you aware of any 15:35:16

3 roles or business opportunities that Mr. Depp lost 15:35:18

4 as a result of the Waldman tweet from May 2020 15:35:23

5 relating to Amber's op-ed? 15:35:28

6 A No. 15:35:33

7 MR. PRESIADO: Objection; vague and 15:35:34

8 ambiguous; lacks foundation. 15:35:36

9 Q Other than the two that you've testified 15:35:36

10 to, I believe it was the Grindelwald role and then 15:35:38

11 the one for Houdini, are you aware of any other 15:35:43

12 roles or business opportunities that Mr. Depp has 15:35:48

13 lost as a result of the UK decision on 15:35:53

14 November 2, 2020? 15:35:57

15 MR. DERIN: Objection; misstates his 15:35:59

16 testimony. 15:36:01

17 MR. PRESIADO: Join. 15:36:01

18 THE WITNESS: Greg? 15:36:05

19 MR. DERIN: Answer the question. 15:36:07

20 A No. 15:36:12

21 Q And because we have an interesting 15:36:12

22 objection there, I have to go back and I apologize 15:36:17

1 for this. 15:36:19

2 **Was it your understanding as a result of** 15:36:21

3 **the UK decision that Mr. Depp was asked to step** 15:36:25

4 **down from his role as Grindelwald in Fantastic** 15:36:30

5 **Beasts 3?** 15:36:44

6 MR. PRESIADO: Objection; vague and 15:36:44

7 ambiguous. 15:36:46

8 A Paul, can you reread the first half of 15:36:46

9 Elaine's question? 15:36:49

10 (Requested portion read back.) 15:36:50

11 A **Yes.** 15:37:07

12 Q **And was it your understanding that as a** 15:37:07

13 **result of the UK decision that Mr. Depp lost the** 15:37:10

14 **opportunity to star in and be an executive** 15:37:16

15 **producer of the Houdini TV project?** 15:37:23

16 A **Yes.** 15:37:30

17 Q Is there any other role or business 15:37:30

18 opportunity that Mr. Depp has lost since you 15:37:32

19 started representing him in October 2016? And I'm 15:37:40

20 saying -- 15:37:48

21 MR. PRESIADO: Objection; vague and 15:37:49

22 ambiguous; lacks foundation. 15:37:49

1 (Requested portion read back.) 16:47:31

2 MR. DERIN: Thank you. 16:47:49

3 MR. PRESIADO: Same objection. 16:47:49

4 A My efforts were probably primarily around 16:47:54

5 Houdini, which at one point was a film, but other 16:47:58

6 people at CAA for sure did, yes. 16:48:02

7 Q And who were they? 16:48:05

8 A I would start with Jack Whigham. 16:48:10

9 **MR. PRESIADO: Elaine, let me -- Elaine,** 16:48:15

10 **if I can interrupt here. Based on my timing, your** 16:48:16

11 **time is up with respect to this deposition. I** 16:48:19

12 **think it's been three and a half hours on the** 16:48:21

13 **record of your questioning.** 16:48:23

14 MS. BREDEHOFT: No, not correct. I am 16:48:25

15 entitled to up to seven hours of deposition. You 16:48:28

16 can't -- 16:48:32

17 MR. PRESIADO: That's not true. 16:48:32

18 MS. BREDEHOFT: -- cut it in half. 16:48:34

19 MR. PRESIADO: That's not true. 16:48:37

20 MS. BREDEHOFT: That is true. 16:48:37

21 **MR. PRESIADO: Actually pursuant to CCP** 16:48:38

22 **Section 2025.290A, a third-party witness is only** 16:48:40

1 **required to sit for seven hours total.** 16:48:45

2 MS. BREDEHOFT: Right. 16:48:48

3 **MR. PRESIADO: Because we** 16:48:49

4 **cross-designated, we're entitled to as much time** 16:48:51

5 **as you are, so half of seven hours is three and a** 16:48:53

6 **half hours. And you've completed three and a half** 16:48:56

7 **hours on the record, so now it's our turn.** 16:48:58

8 MS. BREDEHOFT: I don't agree to that and 16:49:02

9 I'm not going to -- 16:49:03

10 **MR. PRESIADO: Well, it doesn't matter --** 16:49:03

11 **it doesn't matter if you agree with it, that's the** 16:49:03

12 **law, Elaine. So it's my turn to start asking** 16:49:05

13 **questions now.** 16:49:09

14 MS. BREDEHOFT: I do not agree with that, 16:49:10

15 and I am not going to stop asking questions. I'm 16:49:12

16 entitled up to seven hours. I don't intend to 16:49:14

17 take seven hours. You don't get to split with me 16:49:18

18 because you do a cross designation. 16:49:19

19 MR. PRESIADO: Well, we need to meet and 16:49:21

20 confer on this. Would you like to take a look at 16:49:23

21 the statute that says that? 16:49:25

22 MS. BREDEHOFT: The statute that says 16:49:26

1 what? 16:49:29

2 MR. PRESIADO: You agree that this is a 16:49:29

3 California subpoena that Mr. Carino's -- 16:49:32

4 MS. BREDEHOFT: No -- 16:49:35

5 MR. PRESIADO: -- appearing under? 16:49:35

6 MS. BREDEHOFT: No, it's a Virginia 16:49:35

7 subpoena. 16:49:37

8 MR. PRESIADO: And we're operating -- 16:49:38

9 MS. BREDEHOFT: Virginia -- 16:49:39

10 MR. PRESIADO: We're operating -- 16:49:39

11 MS. BREDEHOFT: -- doesn't even have a -- 16:49:40

12 MR. PRESIADO: We're operating -- 16:49:40

13 MS. BREDEHOFT: -- time limit. And 16:49:41

14 then -- 16:49:42

15 MR. PRESIADO: We're operating under 16:49:42

16 California law. 16:49:43

17 MS. BREDEHOFT: -- we're just talking over 16:49:43

18 each other. I'm just going to continue on. You 16:49:45

19 can -- you can preserve your objection, but I 16:49:48

20 fully intend to continue this deposition. 16:49:50

21 **MR. PRESIADO: Well, Elaine, you can't do** 16:49:52

22 **that. That is not** -- 16:49:54

1 MS. BREDEHOFT: I can. 16:49:54

2 **MR. PRESTADO: -- permitted under the** 16:49:56

3 **code. You're eating it into my time -- you're** 16:49:56

4 **eating into our time now.** 16:50:01

5 MR. DERIN: Hang on for a second. 16:50:02

6 Mr. Carino are going to disappear for the next 16:50:08

7 five minutes. The two of you can talk. All I can 16:50:10

8 tell you is that Mr. Carino is not going to come 16:50:13

9 back for another day deposition. And you guys can 16:50:16

10 argue -- 16:50:18

11 MR. PRESIADO: And that's exactly my 16:50:18

12 point. 16:50:19

13 MR. DERIN: Okay. 16:50:19

14 MR. PRESIADO: And that's exactly my 16:50:19

15 point. He's not required to. 16:50:20

16 MR. DERIN: Well, you guys can work it out 16:50:22

17 and we're going to go off for a couple of minutes 16:50:27

18 so Mr. Carino doesn't have to listen to this. 16:50:30

19 MR. PRESIADO: Understood. 16:50:30

20 MS. BREDEHOFT: That's fair. Okay. 16:50:34

21 THE VIDEOGRAPHER: So it is 4:50 p.m. We 16:50:34

22 go off the record. 16:50:39

1 (Off the record from 4:50 p.m. to 5:23 16:51:06
2 p.m.) 17:23:38
3 **MR. PRESIADO:** This is Leo Presiado back 17:23:38
4 on the record. The parties have a dispute with 17:23:41
5 respect to the amount of time that Ms. Bredehoft 17:23:44
6 had with the witness. **Our contention is,** 17:23:49
7 **plaintiff's contention is that because of the rule** 17:23:52
8 **that provides only seven hours for third-party** 17:23:54
9 **witnesses that she was entitled to three and a** 17:23:59
10 **half hours, and that's concluded, and now we're** 17:24:01
11 **entitled to our three and a half hours.** 17:24:04
12 **Not only is that set forth in the code,** 17:24:06
13 **but it's also the agreement of the parties as** 17:24:08
14 **indicated in previous transcripts. And it was** 17:24:11
15 **also confirmed by a fairly recent email from** 17:24:16
16 **Mr. Moniz in my office.** We are trying to schedule 17:24:17
17 a IDC, informal discovery conference with Judge 17:24:23
18 Boick. Her clerk has indicated that she's most 17:24:27
19 likely available at 3:00. It's now 2:24 p.m., so 17:24:30
20 the parties have decided and Mr. Derin, counsel 17:24:33
21 for the witness, has agreed that we will conclude 17:24:34
22 this deposition for today, subject to the judge's 17:24:39

1 it was deceptive, and I'm very, very troubled by 17:26:52
2 the manner in which this was handled. 17:26:55
3 Mr. Derin, I apologize to you. Because I 17:26:58
4 am not familiar with this rule. I did call our 17:27:01
5 counsel, the lead partner in California who said 17:27:01
6 he's taken thousands of depositions and never 17:27:05
7 heard of such a rule or an agreement or policy. 17:27:06
8 And I apologize because Mr. Carino should have 17:27:11
9 been able to be finished today, and I would have 17:27:14
10 been happy to work with the other side for a 17:27:16
11 reasonable accommodation of that, but obviously 17:27:18
12 did not have any notice whatsoever of that until 17:27:21
13 they say, oh, by the way, your 3.5 is up. And I 17:27:24
14 think that's just outrageous tactics. So I'm 17:27:27
15 sorry -- 17:27:31
16 **MR. PRESTADO: I just want to address the** 17:27:32
17 **deception part. There's no deception here,** 17:27:35
18 **Flaine. I work under the presumption that counsel** 17:27:37
19 **knows the rules. I work under the presumption** 17:27:40
20 **that counsel knows the agreements reached between** 17:27:41
21 **the parties even prior to them becoming counsel.** 17:27:44
22 You heard me ask for the timing of you on the 17:27:47

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

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

13
14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and affixed my notarial seal this 23rd day of
16 January, 2021.

17
18 My commission expires: June 18, 2023.

19
20  

21 NOTARY PUBLIC IN AND FOR
22 THE STATE OF MARYLAND



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Transcript of Jack Whigham

Date: January 20, 2021
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

-----x

JOHN C. DEPP, II, :

Plaintiff, :

v. : Civil Action No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

-----x

Videotaped deposition of

JACK WHIGHAM

Conducted Virtually

Wednesday, January 20, 2021

12:09 p.m. EST

Job No.: 344474

Pages: 1 - 198

Reported By: Paul P. Smakula

1 Deposition of JACK WHIGHAM, conducted

2 virtually:

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9 Pursuant to notice, before Paul P. Smakula,

10 Notary Public in and for the State of Maryland.

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A P P E A R A N C E S

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14 ALSO PRESENT:

15 Amber Heard

16 Jean-Louis Ziesch, Videographer

17 Alex Sussman, AV Technician

18

19

20

21

22

1 Q **Mr. Whigham, I'm going to show you what's** 15:44:57
2 **been marked as Whigham Exhibit 30. This is dated** 15:45:00
3 **2/11/2020. And it's the judgment, 129 pages, it's** 15:45:06
4 **the judgment that was issued in the Depp v. Sun** 15:45:11
5 **case -- there's probably the better way to phrase** 15:45:17
6 **it, but the News Group Newspapers and Dan Wootton** 15:45:20
7 **on November 2nd, 2020. When did you become aware** 15:45:24
8 **of this?** 15:45:28
9 MS. VASQUEZ: Objection; assumes facts not 15:45:30
10 in evidence. 15:45:32
11 Q Well, did you become aware of this? Do 15:45:35
12 you know today about this judgment? 15:45:39
13 A Can I ask, is this the ruling in the -- in 15:45:40
14 London on the case over there? 15:45:43
15 Q **Yes. It's 129 pages, 585 paragraphs.** 15:45:45
16 A **I believe I became aware of it when it** 15:45:54
17 **came out.** 15:45:57
18 Q Okay. And did you read this opinion? 15:45:57
19 A Not in its entirety. 15:46:02
20 Q Did you read -- how much would you say you 15:46:05
21 read? 15:46:09
22 A Actually of the opinion, zero. I've never 15:46:10

1 seen this document. I think I read maybe what was 15:46:15
2 reported in the press. 15:46:18

3 Q **All right. As a result of this, were you** 15:46:20
4 **contacted by anyone in connection with Mr. Depp's** 15:46:23
5 **role in the Fantastic Beasts 3?** 15:46:29

6 MS. VASQUEZ: Objection; overbroad. 15:46:34

7 A **Yes, we were.** 15:46:39

8 Q **And what do you recall?** 15:46:41

9 MS. VASQUEZ: Objection; overbroad. 15:46:48

10 A Sorry, can I ask a question? I see the 15:46:52
11 date -- 15:46:55

12 Q It's confusing. The British are a little 15:46:57
13 different than us. 15:47:01

14 A Okay. Sorry, that messed me up. 15:47:03

15 Q So it's November 2nd, 2020, they just -- 15:47:04

16 A Got it. Okay. Sorry, what was the 15:47:08
17 question? 15:47:13

18 Q **The first question was were you contacted** 15:47:15
19 **by anyone in connection with Mr. Depp's continuing** 15:47:18
20 **role as Grindelwald in Fantastic Beasts 3?** 15:47:22

21 A **Yes.** 15:47:28

22 Q **Who were you contacted by?** 15:47:28

1 A Courtney Valente, I believe, from Warner 15:47:31
2 Brothers. 15:47:35
3 Q Okay. And who -- was that by telephone? 15:47:35
4 A Yes. 15:47:38
5 Q And you were on the phone? 15:47:38
6 A I was. 15:47:41
7 Q Can you please tell me what transpired in 15:47:43
8 that phone call? 15:47:47
9 MS. VASQUEZ: Objection. Calls for 15:47:49
10 hearsay. 15:47:51
11 A She said that they were going to have to 15:47:53
12 move in a different direction. 15:48:01
13 Q Is that the phrase she used? 15:48:06
14 MS. VASQUEZ: Calls for hearsay. 15:48:17
15 A I don't know if that's the phrase or I'm 15:48:19
16 applying that to her, basically that they were 15:48:23
17 going to have to recast the role. 15:48:25
18 Q Did she tell you why? 15:48:26
19 MS. VASQUEZ: Same objection. 15:48:28
20 A She -- I believe she insinuated that 15:48:28
21 because of this ruling. 15:48:34
22 Q So Warner Brothers reached out to you and 15:48:35

1 **told you that they were going to recast the role** 15:48:38
2 **that Mr. Depp was currently in in Fantastic** 15:48:42
3 **Beasts 3 because of the UK decision; is that** 15:48:45
4 **accurate?** 15:48:51
5 MS. VASQUEZ: Objection; misstates his 15:48:52
6 testimony. 15:48:55
7 A **My memory of the call was, this is** 15:48:57
8 **painful, we love Johnny, and we are going to have** 15:49:00
9 **to recast the role. You know, it was timed when** 15:49:04
10 **this came out.** 15:49:13
11 Q I'm sorry, when you say it was timed when 15:49:13
12 this came out, what do you mean by that? 15:49:16
13 A The call was made soon after this came 15:49:18
14 out. 15:49:20
15 Q Are we talking within a day or two or 15:49:20
16 longer? 15:49:24
17 A I think it was within a day, yeah. 15:49:26
18 Q And so Mr. Depp no longer was going to be 15:49:28
19 filming Fantastic Beasts 3; correct? He stopped 15:49:35
20 at that point; is that correct? 15:49:39
21 A Yes. Yes. 15:49:41
22 Q And was he paid for the role in any event 15:49:42



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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

-----X

JOHN C. DEPP, II, :

Plaintiff and :

Counterclaim Defendant, : Civil Action No.:

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counterclaim Plaintiff. :

-----X

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.

3
4 A P P E A R A N C E S

5
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A P P E A R A N C E S cont'd

ON BEHALF OF DEFENDANT AND COUNTERCLAIM
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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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Transcript of Laura Divenere

Date: January 15, 2021
Case: Depp, II -v- Heard

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Transcript of Laura Divenere
Conducted on January 15, 2021

1 (1 to 4)

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 4 JOHN C. DEPP, II, 5 Plaintiff, 6 v. 7 AMBER LAURA HEARD, 8 Defendant. 9 10 11 12 13 Deposition of LAURA DIVENERE 14 Conducted Virtually 15 Friday, January 15, 2021 16 12:04 p.m. 17 18 19 20 Job No: 344477 21 Pages: 1-173 22 Reported by: Tracy Obering, RPR/CCSR</p> <p>Civil Action No.: CL-2019-0002911</p>	<p>1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFF: 3 (Present Via Videoconference) 4 CAMILLE VASQUEZ, ESQUIRE 5 STEPHANIE CALNAN, ESQUIRE 6 SAMUEL A. MONIZ, ESQUIRE 7 BROWN RUDNICK, LLP 8 2211 Michelson Drive 9 Irvine, California 92612 10 (949) 752-7100 11 12 ON BEHALF OF THE DEFENDANT: 13 (Present Via Videoconference) 14 J. BENJAMIN ROTTENBORN, ESQUIRE 15 WOODS ROGERS, PLC 16 10 South Jefferson Street 17 Suite 1800 18 Roanoke, Virginia 24011 19 (540) 983-7540 20 21 22</p>
<p>1 Deposition of LAURA DIVENERE, conducted 2 virtually. 3 4 5 Pursuant to notice, before Tracy 6 Obering, Registered Professional 7 Reporter/California Shorthand Reporter. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 APPEARANCES (Continued) 2 ON BEHALF OF THE WITNESS: 3 (Present Via Videoconference) 4 LEE A. SHERMAN, ESQUIRE 5 CALLAHAN, THOMPSON, SHERMAN 6 & CAUDILL, LLP 7 2601 Main Street 8 Suite 800 9 Irvine, California 92614 10 (949) 261-2872 11 12 ALSO PRESENT VIA VIDEOCONFERENCE: 13 AMBER HEARD, DEFENDANT 14 ALEX SUSSMAN, PLANET DEPOS TECHNICIAN 15 JEAN-LOUIS ZIESCH, VIDEOGRAPHER 16 17 18 19 20 21 22</p>

<p>13</p> <p>1 BY MR. ROTTENBORN: 2 Q. Without disclosing anything to me about 3 what you and Mr. Sherman talked about, what did 4 you do to prepare for your deposition today? 5 A. I did -- 6 MR. SHERMAN: Well, I'm going to object 7 that it does call for attorney/client privilege 8 generally, but you can answer the question. 9 THE WITNESS: I didn't prepare. 10 BY MR. ROTTENBORN: 11 Q. Okay. Did you speak to anyone who 12 wasn't your attorney in preparation for today's 13 deposition? 14 A. No. 15 Q. Okay. When did you -- and I know that 16 your attendance today is -- is reluctant. That's 17 fair to say; right? 18 A. It is. It's not my comfort zone. 19 Q. Right. Right. I get it. 20 And your involvement in this case 21 generally has been reluctant and out of your 22 comfort zone too; right?</p>	<p>15</p> <p>1 that, particularly the -- the large yellow text at 2 the top. Yep, just scroll down a little bit. 3 (Deposition Exhibit Number 1 4 was marked for identification) 5 BY MR. ROTTENBORN: 6 Q. And if you ever need anything enlarged 7 or if you need -- 8 A. I'm good. 9 Q. All right. Just let us know. Okay? 10 A. Uh-huh. Thank you. 11 Q. Is this -- 12 MR. ROTTENBORN: Can you shrink that a 13 little bit, Alex, so we can see a little more of 14 it? Thanks. 15 BY MR. ROTTENBORN: 16 Q. Is this the text that you were most 17 referring to, Ms. Divenere? 18 A. Yes. 19 Q. What was your reaction to receiving this 20 text? 21 A. You know, I was a little horrified. I 22 was, you know, I was concerned, just because I</p>
<p>14</p> <p>1 A. True. 2 Q. When did you first become involved in -- 3 and when I say, "this case," you understand that 4 I'm referring to the lawsuit pending between 5 Mr. Depp and Ms. Heard in Virginia; correct? 6 A. Correct. 7 Q. When did you first become involved in 8 this case? 9 A. When I received a text from Mr. Waldman. 10 Q. And Mr. Waldman is Mr. Depp's -- one of 11 Mr. Depp's attorneys? 12 A. Correct. 13 Q. I'm going to ask Alex to pull up the 14 exhibit that's been uploaded that's called, 15 "Waldman Text to Laura D." 16 And, Ms. Divenere, the way this is going 17 to work is you're going to -- I'm going to show 18 you a few documents today. It won't be many, but 19 a few. And I'm going to put them up, or the 20 Planet Depos tech person is going to put them up 21 on the screen like this. 22 MR. ROTTENBORN: And if you can enlarge</p>	<p>16</p> <p>1 felt like I really -- you know, it was a couple 2 years later, I didn't really, you know, I didn't 3 know why I was involved with it. And I -- I felt 4 a little threatened by it, to be honest. 5 Q. Did this text make you feel 6 uncomfortable? 7 A. Yes. 8 Q. And did it -- did it make you feel like 9 you were being put under pressure by Mr. Waldman 10 to make a Declaration in Mr. Depp's favor? 11 MS. VASQUEZ: Objection. Leading the 12 witness. 13 MR. ROTTENBORN: You can answer. 14 THE WITNESS: Yes. 15 BY MR. ROTTENBORN: 16 Q. Did you feel pressured by Mr. Waldman to 17 say things that were unfavorable about Ms. Heard? 18 MS. VASQUEZ: Objection, leading. 19 BY MR. ROTTENBORN: 20 Q. You can answer. 21 A. Yes. 22 Q. And I believe you testified to this, but</p>

17
1 **did you feel that Mr. Waldman was threatening you**
2 **with some negative consequences personally if you**
3 **didn't cooperate with him?**
4 **MS. VASQUEZ: Objection, leading.**
5 **THE WITNESS: Yes.**
6 **BY MR. ROTTENBORN:**
7 **Q. Did you feel that Mr. Waldman's conduct**
8 **in sending you this text and in getting you to**
9 **sign a Declaration was appropriate?**
10 **MS. VASQUEZ: Objection, leading, Vague**
11 **and ambiguous as to "appropriate."**
12 **MR. SHERMAN: Yeah, I'm going to object**
13 **(to that as well. It also calls for a legal**
14 **conclusion in terms of whether -- I don't know**
15 **whether you mean by "appropriate," appropriate**
16 **conduct for a lawyer or not, but she wouldn't be**
17 **able to opine on that.**
18 **MR. ROTTENBORN: Okay. Well, she can**
19 **answer the question, so I'll ask it again with**
20 **your objections noted.**
21 **BY MR. ROTTENBORN:**
22 **Q. To you, as you understand the word**

18
1 **"appropriate," Ms. Divenere, did you feel that**
2 **Mr. Waldman's conduct in sending you this text**
3 **and getting a Declaration from you was**
4 **appropriate?**
5 **MS. VASQUEZ: Same objections.**
6 **THE WITNESS: No.**
7 **BY MR. ROTTENBORN:**
8 **Q. And at any point when you received this**
9 **text, or since then, have -- have you believed**
10 **that Ms. Heard somehow concocted a hoax that she**
11 **was abused by Mr. Depp?**
12 **MS. VASQUEZ: Objection, leading.**
13 **Assumes facts not in evidence. It's vague and**
14 **ambiguous.**
15 **MR. SHERMAN: Also overbroad.**
16 **THE WITNESS: I'm -- I'm sorry. Am I**
17 **supposed to answer this?**
18 **MR. SHERMAN: Yeah, you can --**
19 **THE WITNESS: Okay.**
20 **MR. SHERMAN: Laura, you answer the**
21 **questions. When the objections come, just wait**
22 **and let them get made --**

19
1 **THE WITNESS: Okay.**
2 **MR. SHERMAN: -- and then you answer the**
3 **question afterwards, unless I instruct you not to.**
4 **Okay?**
5 **THE WITNESS: Okay.**
6 **MR. SHERMAN: So go ahead and answer**
7 **that question. And if you need it read back or**
8 **you need to hear it again --**
9 **THE WITNESS: Yes.**
10 **MR. SHERMAN: -- they can do that for**
11 **you, because it's been a minute.**
12 **THE WITNESS: Thank you. Can you repeat**
13 **the question?**
14 **BY MR. ROTTENBORN:**
15 **Q. Sure, yeah. At any point -- at any time**
16 **have -- have you believed that Ms. Heard somehow**
17 **concocted a hoax that she was abused by Mr. Depp?**
18 **MS. VASQUEZ: Same objections.**
19 **MR. SHERMAN: Same objections.**
20 **THE WITNESS: No.**
21 **BY MR. ROTTENBORN:**
22 **Q. Now, in this text from Mr. Waldman, he**

20
1 **says that he has you, quote, "all over the**
2 **surveillance video." Do you see that?**
3 **A. Yes.**
4 **Q. Did he ever show you any surveillance**
5 **videos from this building?**
6 **A. I don't recall. I believe I might have**
7 **seen one photo that he had -- that he had shown**
8 **me. In fact, he did show me one photo of myself**
9 **in an elevator.**
10 **Q. Was anyone else in that elevator with**
11 **you?**
12 **A. I don't remember.**
13 **Q. And Ms. Heard wasn't; correct?**
14 **A. I don't remember.**
15 **Q. And this building that is being referred**
16 **to in this text is the Eastern Columbia building**
17 **in which you resided at that time; correct?**
18 **A. Correct.**
19 **Q. Did you -- is it fair to say that this**
20 **text left you with the impression that if you**
21 **didn't cooperate, that you were going to have to**
22 **spend a significant amount on your own attorney?**

<p style="text-align: right;">29</p> <p>1 Q. And do you have any personal knowledge 2 of any fact that suggests that Ms. Heard's 3 statements regarding abuse at the hands of Johnny 4 Depp are false? 5 A. I have -- 6 MR. SHERMAN: Object -- hold on. 7 Objection. It's overbroad and lacks 8 foundation as to this witness. 9 You can answer the question, Laura. 10 MS. VASQUEZ: I join in those 11 objections. 12 THE WITNESS: I'm sorry. Can you repeat 13 the question? 14 BY MR. ROTTENBORN: 15 Q. Sure. Do you have any personal 16 knowledge of any fact that suggests that 17 Ms. Heard's statements regarding abuse at the 18 hands of Johnny Depp are false? 19 A. No. 20 MS. VASQUEZ: Same objection. 21 MR. SHERMAN: Laura, did you answer? I 22 didn't hear you.</p>	<p style="text-align: right;">31</p> <p>1 Declaration he wanted? 2 MS. VASQUEZ: Objection, leading. 3 Assumes facts not in evidence. Calls for hearsay. 4 MR. SHERMAN: Also vague the way it's 5 phrased. 6 You can answer, Laura. 7 THE WITNESS: Yes. 8 BY MR. ROTTENBORN: 9 Q. And did you feel coerced to sign this 10 Declaration by Mr. Waldman? 11 MS. VASQUEZ: Objection, asked and 12 answered. Assumes facts not in evidence. 13 THE WITNESS: Yes. 14 BY MR. ROTTENBORN: 15 Q. I'd like to go to paragraph 5, please. 16 And paragraph 4 as well. 17 Do you see in paragraph 4 there's a 18 reference to an accusation that Amber Heard made 19 against Mr. Depp regarding an incident that 20 happened on Saturday, May 21st, 2016? 21 A. Yes. 22 Q. And then in paragraph 5, you talk about</p>
<p style="text-align: right;">30</p> <p>1 THE WITNESS: Yes. I'm sorry. I said, 2 no. 3 MR. ROTTENBORN: Alex, can you please 4 pull up the document entitled, "Declaration of 5 Laura Divenere Signed," and slowly scroll through 6 it, just so she can see all the pages and her 7 signature at the end, please. 8 (Deposition Exhibit Number 3 9 was marked for identification) 10 BY MR. ROTTENBORN: 11 Q. Ms. Divenere, is this the Declaration 12 that Mr. Waldman had you sign? 13 A. Yes. 14 Q. And did -- 15 MR. ROTTENBORN: You can scroll back up 16 to the top, please, Alex. 17 BY MR. ROTTENBORN: 18 Q. In your conversations with Mr. Waldman, 19 both in the text that we saw earlier and leading 20 up to signing this Declaration, did Mr. Waldman 21 leave you with the impression that you could be 22 charged with perjury if you didn't sign the</p>	<p style="text-align: right;">32</p> <p>1 seeing Ms. Heard in some of the days following 2 that alleged incident; correct? 3 A. Yes. 4 Q. You didn't see her -- to the best of 5 your knowledge, you didn't see her on May 21st 6 after the incident, did you? 7 A. I honestly -- I don't recall. 8 Q. Okay. And you didn't see her on May 9 22nd after the incident; right? 10 A. I don't recall. I -- again, I don't -- 11 these are just dates. And it's been so long, I 12 have no concept of that time. 13 Q. And when -- when you say that you saw 14 her at least on May 23rd, 24th, and 25th, are 15 those -- is that your recollection that you saw 16 her on those days, or did Mr. Waldman tell you 17 that you saw her on those days? 18 MS. VASQUEZ: Objection, calls for 19 hearsay. Lack of foundation. Assumes facts not 20 in evidence. It's also vague and ambiguous as to 21 time. Her recollection when? 22 THE WITNESS: Those would have been</p>

33
1 dates that Mr. Waldman gave me. Because, again, I
2 don't have any correlation or idea of what those
3 dates were, especially after so many years.
4 BY MR. ROTTENBORN:
5 Q. And when it came to seeing signs of
6 abuse on Ms. Heard's face, Mr. Waldman told you
7 that if there had been abuse, that you would have
8 been able to see signs, right? That was something
9 he said to you?
10 MS. VASQUEZ: Objection, hearsay.
11 Assumes facts, not an evidence, misstates the
12 record.
13 THE WITNESS: Yes.
14 BY MR. ROTTENBORN:
15 Q. And he told you that any signs of abuse
16 would have been very visible to you, right?
17 MS. VASQUEZ: Object -- same objections.
18 THE WITNESS: Yes.
19 BY MR. ROTTENBORN:
20 Q. But he never explained to you how or why
21 he would have any personal knowledge or any basis
22 to make such a statement, right?

34
1 MS. VASQUEZ: Same objections.
2 THE WITNESS: Correct.
3 BY MR. ROTTENBORN:
4 Q. Mr. Waldman wasn't there on May 21st,
5 2016, to your knowledge, right?
6 A. To my knowledge --
7 MR. SHERMAN: Objection. It lacks
8 foundation. Calls for speculation.
9 MS. VASQUEZ: Join.
10 MR. SHERMAN: You can answer, Laura.
11 THE WITNESS: Oh, Correct.
12 BY MR. ROTTENBORN:
13 Q. He never told you that he was there on
14 May 21st, 2016, right?
15 A. Correct.
16 MS. VASQUEZ: Objection. Calls for
17 hearsay.
18 Apologize, Ms. Divenere, I was a bit
19 delayed.
20 THE WITNESS: It's fine.
21 BY MR. ROTTENBORN:
22 Q. To your knowledge, Mr. Waldman --

35
1 (thanks. It's always -- always interesting with
2 Zoom with the little time delay, right?)
3 To your knowledge, Mr. Waldman isn't an
4 expert on spousal abuse or domestic violence?
5 correct?
6 MS. VASQUEZ: Objection.
7 MR. SHERMAN: Objection. Lacks
8 foundation. Calls for speculation. Calls for a
9 legal conclusion as to the word, "expert."
10 depending on if you use it as a term of art.
11 MS. VASQUEZ: I'll join in those
12 objections.
13 BY MR. ROTTENBORN:
14 Q. You can answer.
15 A. Correct.
16 Q. And to your knowledge, Mr. Waldman isn't
17 an expert on what cuts and bruises and swelling
18 and other signs of abuse look like, right?
19 MS. VASQUEZ: Same objections.
20 THE WITNESS: Correct.
21 BY MR. ROTTENBORN:
22 Q. But nonetheless, Mr. Waldman led you to

36
1 believe that if you didn't notice signs of abuse
2 on Ms. Heard's face, that she hadn't been abused,
3 right?
4 MS. VASQUEZ: Objection. Assumes facts
5 not in evidence. Misstates the record. Calls for
6 hearsay.
7 THE WITNESS: Correct.
8 BY MR. ROTTENBORN:
9 Q. Now, you did -- you mentioned this in
10 your conversation with Ms. Heard. You did see
11 Ms. Heard's face red and swollen on those days in
12 late May 2016 when you saw her, right?
13 MS. VASQUEZ: Objection. Assumes facts
14 not in evidence. It's compound.
15 THE WITNESS: To my recall, yes.
16 BY MR. ROTTENBORN:
17 Q. And you have no personal knowledge or
18 reason to believe that if you hadn't seen bruises
19 or cuts on Ms. Heard's face, that somehow she
20 wasn't abused and was making up the allegations of
21 abuse, right?
22 MR. SHERMAN: Objection. It's vague as

<p style="text-align: right;">41</p> <p>1 A. No, I – I'm still – I don't know why 2 I'm drawing a blank. Probably because this just 3 is not my thing. 4 So if she was wearing – could you 5 repeat the question one more time? I'm so sorry. 6 Q. Sure. 7 MR. SHERMAN: And, Ben, not to be 8 difficult, but -- but I think the problem is 9 the -- the negatives. There are so many -- the 10 way the question is phrased in the negative with 11 multiple negatives in it, it -- it gets confusing, 12 and I think that's where the problem lies. 13 So maybe if we could phrase the question 14 affirmatively, it might be easier. But that's 15 just a suggestion, and I don't mean to step on 16 your -- your deposition in any way. 17 MR. ROTTENBORN: Thanks, Lee. 18 BY MR. ROTTENBORN: 19 Q. Ms. Divenere, if you -- to the extent 20 that you didn't notice cuts or bruises on 21 Ms. Heard's face, in the days that you saw her in 22 late May 2016, that could be because enough time</p>	<p style="text-align: right;">43</p> <p>1 BY MR. ROTTENBORN: 2 Q. And does the fact that you didn't -- 3 that you didn't notice cuts or bruises on her face 4 make you in any way doubt that she was the victim 5 of domestic violence on May 21st, 2016? 6 MS. VASQUEZ: Objection. Assumes facts 7 not in evidence. Calls for a conclusion. 8 THE WITNESS: Correct. 9 BY MR. ROTTENBORN: 10 Q. Does it make you doubt that at all? 11 MS. VASQUEZ: Objection. Vague and 12 confusing. 13 THE WITNESS: Does it make me doubt -- 14 I'm sorry. What does it make me doubt? 15 BY MR. ROTTENBORN: 16 Q. Does the fact that you -- does the fact 17 that you did not notice cuts or bruises on 18 Ms. Heard's face make you doubt at all that she 19 was the victim of domestic violence on May 21st, 20 2016? 21 MS. VASQUEZ: Objection. Vague and 22 confusing. Lacks foundation. Assumes facts not</p>
<p style="text-align: right;">42</p> <p>1 had passed that they were no longer as apparent; 2 right? 3 MS. VASQUEZ: Objection. Vague and 4 ambiguous. It's an improper hypothetical. 5 BY MR. ROTTENBORN: 6 Q. You can answer. 7 A. Correct. 8 Q. And it could also be because Ms. Heard 9 was wearing makeup that concealed those cuts and 10 bruises; correct? 11 MS. VASQUEZ: Same objections. Calls 12 for speculation. 13 THE WITNESS: Correct. 14 BY MR. ROTTENBORN: 15 Q. In your multi-year relationship -- 16 working relationship with Ms. Heard, was it 17 uncommon for her to wear makeup? 18 MS. VASQUEZ: Objection. Calls for 19 speculation. 20 THE WITNESS: I -- I don't recall. I've 21 seen her with both makeup and with -- and -- 22 and -- and not having makeup.</p>	<p style="text-align: right;">44</p> <p>1 in evidence. 2 THE WITNESS: No. 3 BY MR. ROTTENBORN: 4 Q. Now, you're aware that Mr. Depp has 5 tried to use your Declarations to suggest that 6 Ms. Heard wasn't abused and is lying about her 7 allegations of abuse; correct? 8 MS. VASQUEZ: Objection, compound. 9 Assumes facts not in evidence. 10 THE WITNESS: Correct. 11 BY MR. ROTTENBORN: 12 Q. Do you feel like anything in your 13 Declaration suggests in any way that Ms. Heard is 14 lying about her abuse allegations or wasn't abused 15 by Mr. Depp? 16 MS. VASQUEZ: Objection, compound. 17 We're talking about a three-page document with how 18 many paragraphs? Ten? 19 MR. ROTTENBORN: Camille, cut out the 20 speaking objections. Just make your objections 21 for the record, but don't do any more speaking 22 objections. Those aren't allowed in Virginia.</p>

<p style="text-align: right;">45</p> <p>1 MS. VASQUEZ: All right. Well, we are 2 in California, Ben, and they are allowed. 3 THE WITNESS: I'm sorry, can you please 4 repeat the question? 5 BY MR. ROTTENBORN: 6 Q. Do you feel like anything in your 7 Declaration, Ms. Divenere, is suggesting that 8 Ms. Heard is lying about her allegations of abuse? 9 MS. VASQUEZ: Objection, compound. 10 THE WITNESS: No. 11 BY MR. ROTTENBORN: 12 Q. Are you calling Ms. Heard a liar in your 13 Declaration? 14 A. No. 15 MS. VASQUEZ: Objection. Lack of 16 foundation. 17 THE WITNESS: No. 18 BY MR. ROTTENBORN: 19 Q. And how do you feel personally about 20 this Declaration that you've testified was coerced 21 from you as the result of threats being used to 22 paint Ms. Heard as a liar in her domestic abuse</p>	<p style="text-align: right;">47</p> <p>1 MS. VASQUEZ: Objection, vague. 2 THE WITNESS: I've -- I've never -- I 3 mean, from -- from my personal experience with 4 Amber, there was never a reason for me to 5 disbelieve her, if that's what you're asking. 6 BY MR. ROTTENBORN: 7 Q. And is it okay with you that this 8 Declaration has been used in social media posts to 9 suggest that Ms. Heard is a liar? 10 MS. VASQUEZ: Objection. Assumes facts 11 not in evidence. 12 THE WITNESS: No. 13 BY MR. ROTTENBORN: 14 Q. Do you feel like you were misled into 15 signing this Declaration about what -- 16 MS. VASQUEZ: Objection, vague. I'm 17 sorry. I apologize, Ben. 18 BY MR. ROTTENBORN: 19 Q. I'll ask it again. 20 Do you feel like you were misled into 21 signing this Declaration? 22 MS. VASQUEZ: Objection. Vague and</p>
<p style="text-align: right;">46</p> <p>1 allegations? 2 MS. VASQUEZ: Objection, compound. 3 Assumes facts not in evidence. Vague and 4 confusing. 5 THE WITNESS: I'm sorry. Repeat the 6 question. 7 BY MR. ROTTENBORN: 8 Q. How do you feel about your Declaration 9 here, Ms. Divenere, that you've testified was the 10 result of threats and coercion, being used to 11 paint Ms. Heard as a liar with respect to her 12 domestic violence allegations? 13 MS. VASQUEZ: Same objections. 14 THE WITNESS: Well, I don't love it. 15 I'm not sure how I'm supposed to respond to that. 16 I mean -- 17 BY MR. ROTTENBORN: 18 Q. Just tell me how you feel. 19 MS. VASQUEZ: Is there a question? 20 BY MR. ROTTENBORN: 21 Q. Just tell me how you feel. 22 A. Okay.</p>	<p style="text-align: right;">48</p> <p>1 ambiguous. Assumes facts not in evidence. 2 THE WITNESS: Yes. 3 BY MR. ROTTENBORN: 4 Q. And if you had to do it all over again, 5 Ms. Divenere, would you sign this same 6 Declaration? 7 A. No. 8 Q. Why not? 9 A. I -- again, I was, you know, completely 10 naive about so many things apparently. No, I, you 11 know -- where do I even begin? 12 MR. SHERMAN: You've answered the 13 question. 14 THE WITNESS: Okay. Thank you. 15 BY MR. ROTTENBORN: 16 Q. Well, if you have a further answer, you 17 can -- you can give it. 18 A. No, I'm good with that. 19 Q. Other than Mr. Waldman, have you had 20 communications with anyone on -- representing 21 Mr. Depp, whether an attorney or anyone else, 22 relating to this matter?</p>

<p style="text-align: right;">49</p> <p>1 MR. SHERMAN: It's vague as to your use 2 of the term, "representing." I'm not sure if you 3 mean that in, you know, as a lawyer or like an 4 agent or somebody else, so -- 5 MR. ROTTENBORN: We're going to break it 6 down a little. 7 MR. SHERMAN: -- it's vague and 8 ambiguous the way it's phrased. 9 MS. VASQUEZ: I'll join. 10 MR. ROTTENBORN: We're going to break it 11 down a little bit, Lee. 12 BY MR. ROTTENBORN: 13 Q. But as my initial question, 14 Ms. Divenere, have you -- have you communicated 15 with anyone representing or working for Mr. Depp 16 relating to this matter, other than Mr. Waldman? 17 MR. SHERMAN: Vague. You can answer 18 if -- if you follow. 19 MS. VASQUEZ: Join. 20 THE WITNESS: I'm not sure. So any 21 other attorney? 22 BY MR. ROTTENBORN:</p>	<p style="text-align: right;">51</p> <p>1 MR. SHERMAN: Overbroad. 2 MS. VASQUEZ: Objection. Vague and 3 ambiguous. Lacks foundation. Calls for hearsay. 4 THE WITNESS: I -- I don't know. Can 5 you repeat the question? Sorry. 6 BY MR. ROTTENBORN: 7 Q. Yeah. Just tell -- tell me about your 8 communications with Mr. Murphy relating to this 9 dispute, or allegations -- 10 MS. VASQUEZ: Same -- same objections. 11 THE WITNESS: He had contacted me 12 almost -- quite honestly, very soon after I heard 13 from Mr. Waldman, which caught me by surprise, 14 but, again, I've kept my friendship up with him. 15 You know, we would touch base every once in a 16 while. 17 And he kind of just was -- I was under 18 the impression that he was guiding me and helping 19 me understand what it was that Mr. Waldman was 20 requesting. 21 BY MR. ROTTENBORN: 22 Q. And what did he say to you and what did</p>
<p style="text-align: right;">50</p> <p>1 Q. No, just anyone working for Mr. Depp 2 about this matter. 3 MR. SHERMAN: Okay. It -- okay. It's 4 still vague and it lacks foundation. If you have 5 an answer, you understand, you can answer. 6 THE WITNESS: Yes. 7 BY MR. ROTTENBORN: 8 Q. And who -- who is that? 9 A. Kevin Murphy. 10 Q. Who is Kevin Murphy? 11 A. He had worked with Johnny, and he was 12 the person that I usually had a lot of direction, 13 as far as, you know, things that might need to be 14 done. And I maintained my friendship with him 15 after -- after the divorce -- or not -- well, 16 after they broke up, whenever that might be. 17 Q. Was he Mr. Depp's house manager? 18 A. Yes. 19 MS. VASQUEZ: Objection, leading. 20 BY MR. ROTTENBORN: 21 Q. And just detail for me your 22 communications with Mr. Murphy about this dispute.</p>	<p style="text-align: right;">52</p> <p>1 you say -- or let's break it down. 2 What did -- what specifically, if you 3 recall, did Mr. Murphy say to you about what 4 Mr. Waldman was requesting? 5 MS. VASQUEZ: Objection. Calls for 6 hearsay. 7 MR. SHERMAN: Also overbroad and 8 compound, but you can answer. 9 THE WITNESS: I'm trying to recall 10 again, but he was -- he was just mentioning that, 11 you know, it was a good thing that -- because 12 after I had received that text from Mr. Waldman, I 13 literally looked up into my calendar that showed 14 that I wasn't in Africa at that time. I was also 15 moving, as well, so I had a lot going on during 16 that -- that time. 17 And he said it was a good thing, you 18 know, that -- that I had literally explained to 19 him that I wasn't trying to mislead Mr. Waldman; 20 that, you know, that -- that I went ahead and -- 21 and -- and addressed him. 22 And then he literally said it was kind</p>



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Transcript of Adam Waldman

Date: February 15, 2022
Case: Depp, II -v- Heard

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Transcript of Adam Waldman
Conducted on February 15, 2022

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 4 ----- x 5 JOHN C. DEPP, II, : 6 Plaintiff, : Case No. 7 v. : CL-2019-0002911 8 AMBER LAURA HEARD, : 9 Defendant. : 10 ----- x 11 12 Videotaped Deposition of ADAM WALDMAN 13 Conducted Remotely via Zoom 14 Tuesday, February 15, 2022 15 10:08 a.m. 16 17 18 19 20 Job No.: 427529 21 Pages: 1 - 238 22 Reported By: AMY L. STRYKER, CCR</p>	<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF PLAINTIFF JOHN C. DEPP, II: 4 BENJAMIN G. CHEW, ESQ. 5 BROWN RUDNICK LLP 6 601 Thirteenth Street, NW, Suite 600 7 Washington, D.C. 20005 8 (202) 536-1785 9 and 10 CAMILLE M. VASQUEZ, ESQ. 11 SAMUEL A. MONIZ, ESQ. 12 BROWN RUDNICK LLP 13 2211 Michelson Drive 14 Irvine, California 92612 15 (949) 752-7100 16 and 17 KATHLEEN T. ZELLNER, ESQ. 18 LAW OFFICES OF KATHLEEN T. ZELLNER & 19 ASSOCIATES 20 1901 Butterfield Road, Suite 650 21 Downers Grove, Illinois 60515 22 (630) 955-1111</p>
<p>1 Deposition of ADAM WALDMAN, conducted 2 remotely. 3 4 5 Pursuant to subpoena, before AMY L. 6 STRYKER, Certified Court Reporter and Notary 7 Public of the State of Maryland. 8 9 10 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 3 ON BEHALF OF DEFENDANT AMBER LAURA HEARD: 4 ELAINE CHARLSON BREDEHOFT, ESQ. 5 CHARLSON BREDEHOFT COHEN & BROWN, P.C. 6 11260 Roger Bacon Drive 7 Suite 201 8 Reston, Virginia 20190 9 (703) 318-6800 10 and 11 J. BENJAMIN ROTTENBORN, ESQ. 12 WOODS ROGERS PLC 13 10 S. Jefferson Street, Suite 1800 14 Roanoke, Virginia 24011 15 (540) 983-7540 16 17 ON BEHALF OF THE WITNESS: 18 STEPHEN L. BRAGA, ESQ. 19 BRACEWELL LLP 20 2001 M Street, NW, Suite 900 21 Washington, D.C. 20036-3310 22 (202) 828-5800</p>

9
1 PROCEEDINGS
2 THE VIDEOGRAPHER: Here begins Disk No. 1
3 in the remote deposition of Adam Waldman in the
4 matter of John C. Depp, II vs. Amber Laura Heard,
5 filed in the Circuit Court of Fairfax County,
6 Virginia, Case No. CL-2019-0002911.
7 Today's date is February 15, 2022 and the
8 time on the video monitor is 10:08 a.m. The
9 remote videographer today is Dan Lohaus,
10 representing Planet Depos. All parties of this
11 video deposition are attending remotely.
12 Would counsel now please introduce
13 themselves and state whom they represent,
14 beginning with the taking attorney.
15 MS. BREDEHOFT: Good morning. My name is
16 Elaine Bredehoft, and together with Ben Rottenborn
17 we represent Amber Laura Heard.
18 MR. CHEW: Good morning. Ben Chew and
19 Camille Vasquez from Brown Rudnick representing
20 Johnny Depp, and our cocounsel is also on the
21 line.
22 THE VIDEOGRAPHER: I'm sorry, Ms. Zellner,

10
1 you are muted.
2 AV TECHNICIAN: If you go on the corner on
3 the Zoom screen, you'll see an unmute button.
4 THE VIDEOGRAPHER: The bottom left-hand
5 corner of your screen.
6 MS. ZELLNER: No, I got it.
7 THE VIDEOGRAPHER: Perfect.
8 MS. ZELLNER: I was on another call.
9 THE VIDEOGRAPHER: Would you like to
10 introduce yourself, Ms. Zellner.
11 MS. ZELLNER: Yes. Kathleen Zellner on
12 behalf of Johnny Depp.
13 THE VIDEOGRAPHER: Thank you.
14 MR. BRAGA: Stephen Braga on behalf of the
15 witness, Adam Waldman.
16 THE VIDEOGRAPHER: The court reporter
17 today is Amy Stryker, representing Planet Depos.
18 Would the reporter please swear in the
19 witness.
20 ADAM WALDMAN,
21 after having been duly sworn, testified as
22 follows:

11
1 EXAMINATION
2 BY MS. BREDEHOFT:
3 Q Could you please state your name and
4 address.
5 A Sure. It's Adam Robert Waldman,
6 5163 Tilden Street, Northwest, Washington, D.C.
7 Q And what is your date of birth?
8 A August 4, 1968.
9 Q And what is your current occupation?
10 A Attorney. I'm also involved with a skin
11 care company in a variety of capacities.
12 Q How long have you been an attorney?
13 A I think since 1995.
14 Q Do you currently represent John C. Depp,
15 II, who I will be referring to in this deposition
16 as "Mr. Depp" or "Depp"?
17 A I do.
18 Q And is this representation an attorney-
19 client representation?
20 A It is.
21 Q Does it include any other type of
22 representation of Mr. Depp other than as an

12
1 attorney-client?
2 MR. CHEW: I would instruct the witness
3 not to answer that question on the grounds of
4 attorney-client privilege and attorney work
5 product. He can't answer that question without
6 disclosing communications between himself and his
7 client, Mr. Depp. As you're aware, Ms. Bredehoft,
8 the Court has ruled that Mr. Depp has not waived
9 attorney-client privilege and will not be waiving
10 attorney-client privilege. So you're aware of
11 that.
12 MS. BREDEHOFT: So, Mr. Chew, I'm not sure
13 that you heard my question. I was actually asking
14 him if he had any other type of representation
15 relationship with Mr. Depp other than as an
16 attorney-client.
17 MR. CHEW: I think he can answer that
18 "yes" or "no," but I would -- I would instruct the
19 witness on behalf of Johnny Depp not to disclose
20 any communications you've had with your client.
21 THE WITNESS: No.
22 Q Okay. So just so we're clear, since we

13
1 had a little bit of record back and forth, the
2 only way in which you represent Mr. Depp is as an
3 attorney-client representation; is that correct?
4 MR. CHEW: Objection --
5 THE WITNESS: I believe --
6 MR. CHEW: -- asked and answered.
7 Q I'm sorry, Mr. Waldman?
8 A I believe that's true.
9 Q Okay. And you are here today providing
10 this deposition under a subpoena and then
11 subsequent notice, correct?
12 A Yes.
13 Q And when did you first become Mr. Depp's
14 counsel?
15 A I think that it was around October 2016.
16 Q And what is your role in this case as
17 counsel for Mr. Depp?
18 MR. CHEW: Objection --
19 THE WITNESS: Sure.
20 MR. CHEW: -- attorney-client privilege,
21 calls for attorney-client communication. I would
22 instruct the witness not to answer that question.

14
1 THE WITNESS: Okay. I'll follow the
2 instruction.
3 MS. BREDEHOFT: Okay. I am just going to
4 cite Rule 8.01-401 for an adverse witness. I
5 believe we set the standards for that. But I just
6 wanted to put that on the record.
7 BY MS. BREDEHOFT:
8 Q Now, you indicated you met Mr. Depp
9 approximately October of 2016; is that correct?
10 MR. CHEW: Objection --
11 THE WITNESS: That's correct.
12 MR. CHEW: -- mischaracterizes the
13 testimony.
14 MS. BREDEHOFT: You're right. You're
15 right, Ben. My apologies. I did ask that
16 incorrectly. Let me go back -- strike that -- and
17 let me correct it.
18 Q When did you first meet Mr. Depp as
19 opposed to first start representing him?
20 A I first met him in October of 2016.
21 Q Were you introduced to Mr. Depp by Saudi
22 Prince Abdulaziz bin Salman?

15
1 A No.
2 Q Did -- was there any connection between
3 Saudi Prince Abdulaziz bin Salman and you at the
4 time you met Mr. Depp?
5 MR. CHEW: Objection to the form of the
6 question: vague, irrelevant.
7 THE WITNESS: Yes.
8 Q What was the connection?
9 A I did some work for the -- legal work for
10 the Saudi prince, and I worked closely with his
11 general counsel.
12 Q Was it your understanding that you were
13 referred to Mr. Depp by the Saudi prince?
14 MR. CHEW: Objection --
15 THE WITNESS: I'm not --
16 MR. CHEW: -- vague, calls for a legal
17 conclusion.
18 THE WITNESS: I'm not sure what you mean
19 by "referred."
20 Q How is it that you came to meet Mr. Depp?
21 A The general counsel that I referenced a
22 moment ago asked me to go and have a meeting with

16
1 him, with Mr. Depp, and to talk about a financial
2 problem that he was having.
3 Q Did the general counsel describe the
4 financial problem that Mr. Depp was having in
5 October of 2016?
6 MR. CHEW: Objection. I would instruct
7 the witness not to answer on the grounds that this
8 is in anticipation of legal representation which
9 is privileged.
10 THE WITNESS: Okay. I accept the
11 instruction.
12 Q Okay. And so you'll follow that, correct?
13 A Yes.
14 Q I don't want to waste a lot of time here.
15 I'm assuming that when -- just for the record,
16 when Mr. Chew, who's acting on behalf of Mr. Depp,
17 objects and instructs you not to answer and you
18 indicate you'll follow that, that you're not going
19 to respond.
20 MS. BREDEHOFT: Can we just have that
21 agreed upon, Mr. Braga? Is that comfortable for
22 you?

25
1 Now, you met Mr. Depp after he and Amber
2 Heard had split up; is that correct?
3 A That's correct.
4 Q And you met Mr. Depp after he and Amber
5 Heard had reached a settlement in their divorce;
6 is that correct?
7 A That's my understanding.
8 Q So you have no personal knowledge of
9 anything that went on during their marriage. Is
10 that fair to say?
11 A Well, it depends what you mean by
12 "personal knowledge." I wasn't there, if that's
13 what you mean, correct.
14 Q You never witnessed any interaction
15 between Mr. Depp and Amber Heard prior to
16 October 2016; is that correct?
17 A That's correct.
18 Q And you have no personal knowledge of any
19 conduct by either of them against the other prior
20 to October 2016; is that correct?
21 A Again, if you're asking me do I have any
22 knowledge of their conduct, I think I have

26
1 knowledge of their conduct. I think maybe you're
2 asking me did I witness conduct.
3 Q I'm asking personal knowledge, which would
4 mean you would have had to have witnessed it.
5 A If you're asking whether I've witnessed
6 it, the answer is no.
7 Q Now, your initial knowledge of the
8 relationship between Mr. Depp and Ms. Heard was
9 based on your interviews with Mr. Depp. Would
10 that be fair to say?
11 MR. CHEW: I would instruct the witness
12 not to answer that question because he can't even
13 answer yes or no without disclosing the substance
14 of communications with his client, Mr. Depp.
15 THE WITNESS: I accept the instruction.
16 Q Once you came into Mr. Depp's life and
17 became his counsel, Mr. Depp filed, with your
18 assistance, a number of lawsuits. Would you
19 agree?
20 A Yes.
21 Q Did Mr. Depp terminate Tracey Jacobs as
22 his agent before or after you became Mr. Depp's

27
1 counsel?
2 MR. CHEW: Mr. Waldman, I would instruct
3 you not to answer that question if doing so would
4 require you to disclose any communications you had
5 with Mr. Depp.
6 THE WITNESS: It would.
7 Q How long had Tracey Jacobs been Mr. Depp's
8 agent at the time Mr. Depp terminated Tracey
9 Jacobs?
10 MR. CHEW: And again, Adam, same
11 instruction. To the extent that answering the
12 question requires you to disclose communications
13 that you had with Mr. Depp, I would instruct you
14 not to answer the question.
15 THE WITNESS: It would.
16 Q Was it Mr. Depp's decision to terminate
17 Tracey Jacobs?
18 MR. CHEW: Again, I would instruct you not
19 to answer that question because that could only
20 have come from Mr. Depp in a communication with
21 you.
22 THE WITNESS: I accept the instruction.

28
1 BY MS. BREDEHOFT:
2 Q After you began representing Mr. Depp,
3 Mr. Depp filed a lawsuit against Joel Mandel,
4 Mr. Depp's former business manager, correct?
5 A That's correct.
6 Q And you represented Mr. Depp in that
7 lawsuit against Joel Mandel and his company, did
8 you not?
9 A I did.
10 Q But it was Mr. Depp's decision on whether
11 to file the lawsuit against Mandel and his
12 company. Would you agree?
13 MR. CHEW: I would instruct the witness
14 not to answer that question because it would
15 require communication — disclosure of
16 communications between Mr. Depp and Mr. Waldman as
17 to who was advising who as to filing the case
18 against TMG and the Mandel brothers,
19 So I would instruct you not to answer
20 that.
21 THE WITNESS: I accept the instruction.
22 Q Did Mr. Depp have the ultimate

29
1 (decision-making ability with respect to the
2 lawsuit against Mr. Mandel and his company?)
3 (MR. CHEW: And, again, I would instruct
4 you not to answer to the extent it requires you to
5 disclose attorney-client communication.)
6 (THE WITNESS: It would.)
7 (Q After you began representing Mr. Depp,
8 Mr. Depp filed a lawsuit against Jake Bloom,
9 Mr. Depp's former attorney, correct?)
10 (A That's correct.)
11 (Q And you represented Mr. Depp in that
12 lawsuit against Jake Bloom and his law firm, did
13 you not?)
14 (A I did.)
15 (Q But it was Mr. Depp's decision on whether
16 to file the lawsuit against Mr. Bloom and his law
17 firm, is that correct?)
18 (MR. CHEW: Again, I would instruct the
19 witness not to answer to the extent it requires
20 him to disclose attorney-client communications.)
21 (THE WITNESS: It would.)
22 (Q And Mr. Depp, though, was the ultimate

30
1 (decision-maker in connection with any decisions
2 made in the litigation against Mr. Bloom and his
3 law firm. Would you agree?)
4 (MR. CHEW: Same instruction not to answer.
5 It's basically the same question gussied up a bit,
6 so same instruction not to answer.)
7 (THE WITNESS: I accept the instruction.)
8 (Q After you began representing Mr. Depp,
9 Mr. Depp filed a lawsuit against The Sun newspaper
10 and its editor-in-chief Dan Wootton, correct?)
11 (A Correct.)
12 (Q And for purposes of this deposition, I may
13 refer to the lawsuit against The Sun and its
14 editor, Dan Wootton, as "the U.K. lawsuit" or "the
15 U.K. litigation." Will you understand those
16 references to mean this?)
17 (A I will.)
18 (Q What was your role in the U.K. litigation?)
19 (MR. CHEW: I would instruct the witness
20 not to answer that question because it necessarily
21 requires him or would require him to disclose his
22 communications with his client, Johnny Depp.)

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1 (THE WITNESS: It would.)
2 (BY MS. BREDEHOFT:
3 (Q You represented Mr. Depp throughout the
4 U.K. litigation, correct?)
5 (A That's correct.)
6 (MR. CHEW: Again, I would instruct the
7 witness not to answer the question to the extent
8 that it requires him to disclose attorney-client
9 privilege.)
10 (We have to be consistent. It's all or
11 nothing, and it's gonna be all.)
12 (THE WITNESS: I should have waited for
13 Mr. Chew's objection. I accept the instruction.)
14 (MR. CHEW: I know. I apologize, Adam. I
15 should have been quicker. But we have to be
16 consistent, so the instruction is not to answer.)
17 (THE WITNESS: I accept the instruction.)
18 (Q And Mr. Depp alleged in the U.K.
19 litigation that The Sun and Dan Wootton had
20 committed libel by accusing Mr. Depp of being a,
21 quote, wife-beater, end of quote, and committing
22 domestic violence against Amber Heard, correct?)

32
1 (A That's true.)
2 (Q It was Mr. Depp's decision on whether to
3 bring the U.K. lawsuit against The Sun and Dan
4 Wootton, correct?)
5 (MR. CHEW: And, again, I would instruct
6 the witness not to answer any -- I would instruct
7 him not to answer because it, of course, would
8 require him to disclose attorney-client
9 communications as to the thought process that went
10 into filing that particular lawsuit.)
11 (THE WITNESS: I accept the instruction.)
12 (Q After you began representing Mr. Depp,
13 Mr. Depp filed suit against Amber Heard, his
14 former wife, correct?)
15 (A That's correct.)
16 (Q And you represented Mr. Depp in the
17 lawsuit against Amber Heard from March 1, 2019 up
18 until October of 2020; is that correct?)
19 (MR. CHEW: You may answer that question
20 "yes" or "no.")
21 (THE WITNESS: Yes.)
22 (Q And it was Mr. Depp's decision on whether

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1 of other publications to speak on Mr. Depp's
2 behalf. Do you recall?
3 MR. CHEW: Again, I would instruct not to
4 answer to the extent it requires you to disclose
5 communications that you had with Mr. Depp.
6 THE WITNESS: It would, and I accept the
7 instruction.
8 Q How many publications did you communicate
9 with on behalf of Mr. Depp?
10 MR. CHEW: Same instruction not to answer
11 based on attorney-client privilege and attorney
12 work product.
13 THE WITNESS: I accept the instruction.
14 Q How many publications did you reach out to
15 on Mr. Depp's behalf relating to the U.K.
16 litigation?
17 MR. CHEW: Same instruction not to answer
18 on the same grounds.
19 THE WITNESS: I accept the instruction.
20 Q How many publications did you reach out to
21 on Mr. Depp's behalf relating to this litigation?
22 MR. CHEW: Same instruction on the same

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1 grounds.
2 THE WITNESS: I accept the instruction.
3 BY MS. BREDEHOFT:
4 Q How many publications did you reach out to
5 concerning allegations that Mr. Depp had abused
6 Amber Heard?
7 MR. CHEW: Same instruction; same grounds.
8 THE WITNESS: I accept the instruction.
9 Q Mr. Waldman, you had a Twitter account;
10 did you not?
11 A I did.
12 Q When did you begin that Twitter account?
13 A I'm not sure of the date.
14 Q Approximately when?
15 A I'm not even sure of the year.
16 Q Was it prior to 2005, 2010, 2015?
17 A Do you want me to speculate?
18 Q I want you to give me your best estimate.
19 A Okay.
20 MR. CHEW: I would caution the witness not
21 to speculate.
22 I'm sure Ms. Bredehoff really doesn't want

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1 you to speculate.
2 THE WITNESS: I'm really not sure of the
3 year. I couldn't put a specific date on it.
4 BY MS. BREDEHOFT:
5 Q Do you recall --
6 A If you want me to give you ranges, I could
7 try.
8 Q Do you recall how many years you had a
9 Twitter account?
10 A Not precisely, no.
11 Q Was it more than a year?
12 A I think so.
13 Q Was it more than three years?
14 A I don't think so.
15 Q Now, you had your Twitter account
16 suspended, correct?
17 MR. CHEW: Objection; lack of relevance,
18 harassment.
19 THE WITNESS: Yes, that's true, my Twitter
20 account was suspended.
21 Q Do you recall when that was?
22 A Not with specificity, no.

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1 Q Do you recall why?
2 A Well, I wrote several letters to Twitter
3 to ask why I was suspended for life from their
4 platform. And the response that I received was
5 multiple violations of their policy. So I asked
6 could they name one example of those multiple
7 violations. And they responded by saying now they
8 were appealing -- without my asking them to do
9 so -- my suspension, and that's when they sent me
10 another note that I was suspended for life.
11 Q Just so the record's clear, so you have
12 been suspended for life by Twitter?
13 A Yes.
14 Q Okay. Do you have a Twitter account now?
15 A No.
16 Q Have you used anyone else's Twitter
17 account since you were suspended?
18 A No.
19 Q Have you authorized anyone to publish
20 anything on a Twitter account on your behalf?
21 MR. CHEW: Objection; vague.
22 THE WITNESS: No.

<p style="text-align: right;">57</p> <p>1 BY MS. BREDEHOFT: 2 Q Have you written anything for anyone 3 else's Twitter accounts? 4 MR. BRAGA: Does this mean, Elaine, after 5 he was suspended? 6 MS. BREDEHOFT: Yes. 7 THE WITNESS: No. 8 Q Do you still communicate with the press 9 relating to Mr. Depp? 10 MR. CHEW: And I would instruct the 11 witness not to answer the question to the extent 12 that it requires you to disclose communications 13 between you and Johnny. 14 THE WITNESS: It would, so I accept the 15 instruction. 16 Q Do you still communicate with the press on 17 Mr. Depp's behalf? 18 MR. CHEW: Same instruction; same grounds. 19 THE WITNESS: I accept the instruction. 20 Q Has Mr. Depp ever asked you not to speak 21 to the press? 22 MR. CHEW: Same instruction; same grounds.</p>	<p style="text-align: right;">59</p> <p>1 BY MS. BREDEHOFT: 2 Q Would you have followed Mr. Depp's 3 direction if he had asked you not to speak with 4 the press about issues involving he and Amber 5 Heard? 6 MR. CHEW: Improper hypothetical, and I 7 will instruct not to answer on the grounds of 8 attorney-client privilege. 9 THE WITNESS: I accept the instruction. 10 Q Has Mr. Depp ever asked you to correct or 11 retract any statements you made to the press 12 relating to Mr. Depp or Mr. -- or Amber Heard? 13 MR. CHEW: I would instruct the witness 14 not to answer on the grounds of attorney-client 15 privilege. 16 THE WITNESS: I accept the instruction. 17 Q Would you have followed Mr. Depp's 18 direction if he had asked you to correct or 19 retract any statements you made to the press 20 relating to Mr. Depp or Amber Heard? 21 MR. CHEW: Same instruction; same grounds. 22 THE WITNESS: And I accept the</p>
<p style="text-align: right;">58</p> <p>1 That -- on its face, it would require Mr. Depp -- 2 Mr. Waldman to disclose his communications with 3 Mr. Depp, which he will not do. 4 THE WITNESS: It would, and I accept the 5 instruction. 6 BY MS. BREDEHOFT: 7 Q Would you have followed Mr. Depp's 8 direction if he had asked you not to speak to the 9 press? 10 MR. CHEW: Objection; improper 11 hypothetical, and I will instruct the witness not 12 to answer because it's an end-around the 13 attorney-client privilege. Clever, but I'm going 14 to instruct the witness not to answer. 15 THE WITNESS: I accept the instruction. 16 Q Has Mr. Depp ever asked you not to speak 17 to the press about issues involving he and Amber 18 Heard? 19 MR. CHEW: I would instruct the witness 20 not to answer the question on attorney-client 21 privilege. 22 THE WITNESS: I accept the instruction.</p>	<p style="text-align: right;">60</p> <p>1 instruction. 2 BY MS. BREDEHOFT: 3 Q Have you ever asked the press to correct 4 or retract any statements you have made to the 5 press relating to Mr. Depp or Amber Heard? 6 MR. CHEW: You may answer that question to 7 the extent you can do so without disclosing 8 communications you had with Mr. Depp. 9 But I would object on attorney-work- 10 product grounds. 11 THE WITNESS: I'm -- I want to make sure I 12 understand the instruction. Are you saying you 13 instruct not to answer in the event it implicates 14 privileged conversations with Mr. Depp? 15 MR. CHEW: Yeah, I think I'm going to 16 instruct not to answer. And that falls on me; 17 that doesn't fall on you or Mr. Braga. I'm going 18 to instruct you not to answer that in an abundance 19 of caution, because Virginia law is very 20 unforgiving on waiver, as Ms. Bredehoff is aware. 21 So I'm going to instruct you not to answer that 22 question.</p>

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1 THE WITNESS: Okay. Thank you. I
2 understand. I accept the instruction.
3 MS. BREDEHOFT: Lucien, could we bring up
4 Exhibit No. 4.
5 AV TECHNICIAN: Stand by.
6 (Exhibit 4, Daily MailOnline article,
7 Published April 8, 2020, was marked for
8 identification and is attached to the transcript.)
9 AV TECHNICIAN: Showing Exhibit 4 on the
10 screen.
11 MS. BREDEHOFT: Thank you.
12 BY MS. BREDEHOFT:
13 Q Mr. Waldman, I'm going to ask you to take
14 a look at what has been marked as Exhibit No. 4.
15 I think I'm going to try to blow it up just a
16 touch. It's kind of hard to read. Okay.
17 And it's an article from July 3, 2020 from
18 MailOnline. This is Daily MailOnline. Do you see
19 that?
20 A I do.
21 Q Okay. And I'm going to ask you to turn to
22 what would be -- I forgot my page numbers here.

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1 A Ms. Bredehoff, if we're going to talk
2 about this article, may I read it? I assume it's
3 not too long.
4 Q Yes. Yeah, absolutely. In fact, why
5 don't you take control, Mr. Waldman, and that way
6 you can scroll at your --
7 A This is dangerous giving me -- giving me
8 control.
9 Q And, Mr. Waldman --
10 A Do I scroll down with my scroll button?
11 Q You can. And, Mr. Waldman, you can also
12 blow it up a little bit more. It's at 75 percent.
13 So if you need to be able to see it better, you
14 can do that as you scroll. Go ahead and take your
15 time and then I will --
16 A I can use my cursor to scroll?
17 MR. CHEW: Mr. Waldman, if you click on
18 the screen, you'll be able to use -- yeah, there
19 you go.
20 THE WITNESS: Okay. Thank you. I'm able
21 to, thank you.
22 It's stopping me from going down to the

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1 bottom.
2 AV TECHNICIAN: Click on the screen again.
3 I had to unmute.
4 THE WITNESS: Ahh, there we go. Thank
5 you.
6 I was wrong; it's a long article.
7 MR. CHEW: I would just note for the
8 record it's not one of the three articles that
9 remained in Ms. Heard's counterclaim, so I would
10 object -- make a threshold objection on relevance
11 grounds.
12 THE WITNESS: Okay. I think I've read the
13 article. I'm not going to read the transcript of
14 the audiotape unless -- I'll read that, I guess,
15 if we have questions about it.
16 BY MS. BREDEHOFT:
17 Q No. No, actually, if -- I'm just going to
18 go to page 8.
19 MS. BREDEHOFT: Lucien, if you can take me
20 to page 8, that will move it faster.
21 Q And I'm going to make it a little bit
22 larger. And I'm going to --

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1 MS. BREDEHOFT: I need control. There we
2 go. Thank you. Oops, that's the wrong one.
3 BY MS. BREDEHOFT:
4 Q I'm going to ask you to take a look at the
5 following: It says, Adam Waldman, Depp's lawyer,
6 said afterwards, quote, Amber Heard and her
7 friends in the media use fake sexual violence
8 allegations as both a sword and a shield,
9 depending on their needs.
10 They have selected some of her sexual
11 violence hoax facts -- quote, facts, end of quote,
12 as the sword, inflicting them on the public and
13 Mr. Depp.
14 Do you see that?
15 A I do.
16 Q Did you make that statement?
17 A I believe I did.
18 Q Did you make that statement on behalf of
19 Mr. Depp?
20 MR. CHEW: I would instruct the witness
21 not to answer that question on attorney-client
22 privilege grounds.

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1 (THE WITNESS: I accept the instruction.)
2 (BY MS. BREDEHOFT:)
3 (Q Why did you make the statement?)
4 (MR. CHEW: Same instruction; same
5 rationale.)
6 (You can't answer the "why" question
7 without disclosing attorney-client privilege, so I
8 would instruct you not to answer.)
9 (Q Were you representing Mr. Depp at the time
10 you made this statement?)
11 (MR. CHEW: Objection; asked and answered.)
12 And -- in any event, I'm going to instruct the
13 witness not to answer that question on
14 attorney-client privilege grounds.)
15 (THE WITNESS: I apologize, I actually
16 didn't hear the question. I can agree with the
17 instruction, but I probably should hear the
18 question.)
19 (MR. CHEW: Fair enough.)
20 (MS. BREDEHOFT: Amy, could you read that
21 back, please. Thank you.)
22 (The court reporter read the pertinent

66
1 (part of the record.)
2 (MR. CHEW: I would instruct the witness
3 not to answer on attorney-client privilege
4 grounds.)
5 (THE WITNESS: And thank you.)
6 (I accept the instruction. Sorry for the
7 repetition.)
8 (BY MS. BREDEHOFT:)
9 (Q Did you discuss the statement with
10 Mr. Depp before making the statement?)
11 (MR. CHEW: Same objection; same grounds.)
12 (THE WITNESS: Yeah, I accept the
13 instruction.)
14 (Q Did you discuss the statement with
15 Mr. Depp after making the statement?)
16 (MR. CHEW: Same instruction; same grounds.)
17 (THE WITNESS: I accept the instruction.)
18 (Q Was Mr. Depp aware, either before or
19 after, that you were making this statement?)
20 (MR. CHEW: Same instruction; same grounds.)
21 (THE WITNESS: I accept the instruction.)
22 (Q Did you make this statement with

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1 (Mr. Depp's authorization or agreement?)
2 (MR. CHEW: Same instruction; same grounds.)
3 (THE WITNESS: I accept the instruction.)
4 (Q Was Mr. Depp aware that you were speaking
5 with the press?)
6 (MR. CHEW: Same instruction; same grounds.)
7 (THE WITNESS: I accept the instruction.)
8 (Q Did Mr. Depp ever ask you to retract or
9 correct this statement?)
10 (MR. CHEW: Same instruction; same grounds.)
11 (THE WITNESS: I accept the instruction.)
12 (Q If Mr. Depp had asked you to retract or
13 correct the statement, would you have retracted or
14 corrected it?)
15 (MR. CHEW: Same instruction; same grounds.)
16 (THE WITNESS: I accept the instruction.)
17 (Q If Mr. Depp had told you that the
18 statement was not correct, would you have
19 corrected or retracted it?)
20 (MR. CHEW: Same instruction; same grounds.)
21 (THE WITNESS: I accept the instruction.)
22 (Q Did you rely upon any statements or

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1 (evidence from Mr. Depp in making this statement?)
2 (MR. CHEW: Same instruction; same grounds.)
3 (THE WITNESS: Yes, I accept the
4 instruction.)
5 MS. BREDEHOFT: Thank you. You can take
6 this one down, Lucien.
7 And if you can bring up Exhibit No. 5.
8 AV TECHNICIAN: Stand by.
9 (Exhibit 5, Daily MailOnline article,
10 Published April 27, 2020, was marked for
11 identification and is attached to the transcript.)
12 AV TECHNICIAN: Showing Exhibit 5 on the
13 screen.
14 BY MS. BREDEHOFT:
15 Q Mr. Waldman, I'm going to be asking you a
16 question about a specific statement in this one.
17 If you would like to read the article first, you
18 are certainly at liberty to, and you can take
19 control now and do that.
20 A Thank you. I will.
21 MR. CHEW: And, again, I would just note
22 for the record this is not one of the three

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1 statements, F, G, or H, that is still at issue in
2 the litigation.
3 THE WITNESS: Okay. Thank you. I've read
4 it.
5 MS. BREDEHOFT: All right. I'm going to
6 ask Lucien to take control and take me to page 9.
7 And then I'm going to ask to take control so I can
8 do my highlighter. And I'm going to go down to --
9 there we go. It's page 10, actually, I guess,
10 here.
11 BY MS. BREDEHOFT:
12 Q It says -- and this is -- I guess I didn't
13 set the stage here. This was the Daily Mail
14 published on July 3, 2020 [sic]. And I'm going to
15 now direct your attention to page 9. Depp's
16 lawyer Adam Waldman said the various discrepancies
17 proved that nothing Heard and her friends said
18 about the events of May 21, 2016 could be
19 considered credible.
20 Do you see that?
21 MR. CHEW: Objection; hearsay.
22 THE WITNESS: I do.

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1 Q Then I'm going to direct your attention,
2 Mr. Waldman, to the next statement. Quote, Quite
3 simply this was an ambush, a hoax. They set
4 Mr. Depp up by calling the cops but the first
5 attempt didn't do the trick.
6 MR. CHEW: Objection; hearsay.
7 MS. BREDEHOFT: Excuse me, I'm not done.
8 Q The officers came to the penthouses,
9 thoroughly searched and interviewed, and left
10 after seeing no damage to face or property.
11 So Amber and her friends spilled a little
12 wine and roughed the place up, got their stories
13 straight under the direction of a lawyer and a
14 publicist, and then placed a second call to 911.
15 Do you see that statement?
16 MR. CHEW: Objection; hearsay.
17 THE WITNESS: I do.
18 Q Did you make those statements?
19 A. There are two parts to what you've shown
20 me. The first part didn't have quotation marks
21 around it.
22 Q And I'm not asking about that.

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1 A Okay.
2 Q I'm sorry --
3 A Where it said, nothing could be considered
4 credible, that's not quoting me.
5 Q Right.
6 A The part with the quote marks, I believe I
7 said that, yes.
8 Q So starting from "quite simply" through
9 "911," you stated all that; is that correct?
10 MR. CHEW: Objection; vague and ambiguous.
11 THE WITNESS: Yes, I believe so.
12 Q Okay. Did you make this -- these
13 statements on Mr. Depp's behalf?
14 MR. CHEW: Instruct the witness not to
15 answer on the grounds of attorney-client
16 privilege.
17 THE WITNESS: I accept the instruction.
18 Q Why did you make these statements?
19 MR. CHEW: Same instruction; same reason.
20 THE WITNESS: I accept the instruction.
21 Q What were you trying to convey to the
22 press in making these statements?

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1 MR. CHEW: Same instruction; same reason.
2 THE WITNESS: I accept the instruction.
3 BY MS. BREDEHOFT:
4 Q Did you discuss this statement with
5 Mr. Depp before making these statements?
6 MR. CHEW: Same instruction; same reason.
7 THE WITNESS: I accept the instruction.
8 Q Did you discuss these statements with
9 Mr. Depp following making these statements?
10 MR. CHEW: Same instruction; same
11 rationale.
12 THE WITNESS: Yes, I accept the
13 instruction.
14 Q Was Mr. Depp aware, either before or
15 after, that you were making these statements?
16 MR. CHEW: Same instruction; same reason.
17 THE WITNESS: I accept the instruction.
18 Q Did you make these statements with
19 Mr. Depp's authorization or agreement?
20 MR. CHEW: Same instruction; same basis.
21 THE WITNESS: I accept the instruction.
22 Q Was Mr. Depp aware you were speaking with

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1 the press?

2 MR. CHEW: Same instruction; same basis.

3 THE WITNESS: I accept the instruction.

4 Q Did Mr. Depp ever ask you to retract or

5 correct these statements?

6 MR. CHEW: Same objection; same basis.

7 THE WITNESS: I accept the instruction.

8 Q If Mr. Depp had asked you to retract or

9 correct these statements, would you have retracted

10 or corrected them?

11 MR. CHEW: Same instruction; same basis.

12 THE WITNESS: I accept the instruction.

13 Q If Mr. Depp had told you these statements

14 were not correct, would you have corrected or

15 retracted them?

16 MR. CHEW: Same objection; same basis.

17 THE WITNESS: I accept the instruction.

18 Q Did you rely upon any statements or

19 evidence from Mr. Depp in making these statements?

20 MR. CHEW: Same instruction; same basis.

21 THE WITNESS: I accept the instruction.

22 Q Okay.

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1 MS. BREDEHOFT: Lucien, you can take that

2 one down, and let's go to Exhibit No. 6.

3 AV TECHNICIAN: Stand by.

4 (Exhibit 6, Daily Mail Online article,

5 Published June 24, 2020, was marked for

6 identification and is attached to the transcript.)

7 AV TECHNICIAN: I'm showing Exhibit 6 on

8 the screen.

9 BY MS. BREDEHOFT:

10 Q Mr. Waldman, I'm going to ask you to take

11 a look at Exhibit No. 6. This was another Daily

12 Mail Online, July 3, 2020 [sic]. And if you would

13 like to go ahead and read the article, this would

14 be a good time to do it.

15 A Thank you.

16 MR. CHEW: And while he's doing that, I

17 would just note for the record this is not one of

18 the three articles that contain statements that

19 are still at issue in the case in Ms. Heard's

20 counterclaims.

21 THE WITNESS: I'm getting a security block

22 message.

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1 MS. BREDEHOFT: I got it, too.

2 AV TECHNICIAN: Just click on the screen

3 and try not to click on the text.

4 THE WITNESS: Okay. I got the box again.

5 MS. BREDEHOFT: Could we maybe take a

6 break and, Lucien, you can see if you can figure

7 that out -- help figure that out.

8 AV TECHNICIAN: Sure.

9 THE VIDEOGRAPHER: We are -- stand by. We

10 are now going off the record. The time is

11 11:22 a.m.

12 (Recess was held.)

13 THE VIDEOGRAPHER: We are now going back

14 on the record. The time is 11:31 a.m.

15 BY MS. BREDEHOFT:

16 Q Mr. Waldman, we were looking at Waldman

17 Exhibit No. 6, and it's the Daily Mail from July

18 -- I just lost it there -- July 3, 2020. And you

19 were going to scroll through it and I think we had

20 some technical difficulties so we took a break.

21 Have you had an opportunity to review it or do you

22 need to now?

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1 A No, Ms. Bredehoft, I -- I just saw the

2 screen for the first time. So may I read it now?

3 Q Absolutely.

4 MR. CHEW: And, Elaine, while he's doing

5 that, let me make a correction. I had -- I stated

6 with a couple of the last exhibits that these were

7 not the statements at issue because I was thrown

8 off by the date at the top of the exhibits. So

9 some of the statements are at issue in the

10 counterclaims. That was not the basis of any of

11 my instructions not to answer. All the

12 instructions not to answer were based on

13 attorney-client privilege. So I just wanted to

14 make that clear.

15 THE WITNESS: Okay. May I read now?

16 Q Oh. I thought you were reading while Ben

17 was talking. But go ahead.

18 A Oh, sorry. Okay. I've -- there. It's

19 controlling the document. Thank you.

20 Okay. Thank you. I've read it.

21 Q Okay. Mr. Waldman --

22 MS. BREDEHOFT: I'm going to ask for

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1 control of the screen, Lucien, if you could.
2 Thank you.
3 BY MS. BREDEHOFT:
4 Q I'm going to ask you to turn to what is
5 the 11th page, the last page you just finished
6 reading, and I'm going to direct your attention to
7 some specific words that are attributed to you.
8 Do you see it says, Depp's attorney Adam Waldman
9 said, right here?
10 I'm trying to get that color, but...
11 AV TECHNICIAN: Oh, yeah, I -- the ability
12 to highlight is not -- you'll have to use a
13 different tool to -- yeah, you'll have to draw.
14 Yeah.
15 Q Okay. Do you see, Depp's attorney Adam
16 Waldman said? Do you see that there, Mr. Waldman?
17 A I do.
18 Q Okay. And then I'm going to direct your
19 attention to specifically: the end of Ms. Heard's
20 abuse hoax against Johnny Depp.
21 Do you see that?
22 A I do.

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1 Q Did you speak the words, quote, the end of
2 Ms. Heard's abuse hoax against Johnny Depp?
3 MR. CHEW: Objection; hearsay.
4 THE WITNESS: I'm -- I'm not sure. It
5 appears as I look at this that there are quote
6 marks around the statement, and that suggests that
7 I did. I don't remember saying these particular
8 words, but it appears so.
9 Q Do you have any reason to believe that you
10 did not say, the end of Ms. Heard's abuse hoax
11 against Ms. -- Johnny Depp?
12 MR. CHEW: Objection; asked and answered,
13 calls for speculation.
14 THE WITNESS: No, I have no reason to --
15 no reason to doubt that.
16 Q What was -- were you representing Mr. Depp
17 at the time you made this statement? I'm going to
18 refer to it as a "statement." I'm taking specific
19 words: Ms. Heard's abuse hoax against Johnny
20 Depp. But were you representing Mr. Depp at the
21 time you made the statement that included
22 "Ms. Heard's abuse hoax against Johnny Depp"?

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1 MR. CHEW: Instruct the witness not to
2 answer based on attorney-client privilege.
3 THE WITNESS: I accept the instruction.
4 Q Why did you make the statement?
5 MR. CHEW: Same instruction; same basis.
6 THE WITNESS: I accept the instruction.
7 Q What were you trying to convey to the
8 press in making this statement?
9 MR. CHEW: Same instruction; same basis.
10 THE WITNESS: I accept the instruction.
11 Q Did you make the statement on Mr. Depp's
12 behalf?
13 MR. CHEW: Same instruction; same basis.
14 THE WITNESS: I accept the instruction.
15 Q Did you discuss this statement with
16 Mr. Depp before making the statement?
17 MR. CHEW: Same instruction; same basis.
18 THE WITNESS: I accept the instruction.
19 Q Did you discuss this statement with
20 Mr. Depp following making the statement?
21 MR. CHEW: Same instruction; same basis.
22 THE WITNESS: I accept the instruction.

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1 Q Was Mr. Depp aware, either before or
2 after, that you were making this statement?
3 MR. CHEW: Same instruction; same basis.
4 THE WITNESS: I accept the instruction.
5 Q Did you make the statement with Mr. Depp's
6 authorization or agreement?
7 MR. CHEW: Same instruction; same basis.
8 THE WITNESS: I accept the instruction.
9 Q Was Mr. Depp aware you were speaking with
10 the press?
11 MR. CHEW: Same instruction; same basis.
12 THE WITNESS: I accept the instruction.
13 Q Did Mr. Depp ever ask you to retract or
14 correct this statement?
15 MR. CHEW: Same instruction; same basis.
16 THE WITNESS: I accept the instruction.
17 Q If Mr. Depp had asked you to retract or
18 correct the statement, would you have done so?
19 MR. CHEW: Same instruction; same basis.
20 THE WITNESS: I accept the instruction.
21 MS. BREDEHOFT: All right. We're going to
22 go ahead and take this one down. And let's go

<p style="text-align: right;">101</p> <p>1 him.</p> <p>2 MR. ROTTENBORN: Yeah, I'm back.</p> <p>3 MS. BREDEHOFT: Great. Welcome back, Ben.</p> <p>4 All right. I'm going to ask you to bring</p> <p>5 up Exhibit No. 11.</p> <p>6 AV TECHNICIAN: Stand by.</p> <p>7 (Exhibit 11, Text messages and e-mail</p> <p>8 between Adam Waldman and Keith Bishop dated</p> <p>9 January 28, 2020, Bates Nos. ARW_000676 through</p> <p>10 ARW_000678, was marked for identification and is</p> <p>11 attached to the transcript.)</p> <p>12 AV TECHNICIAN: Showing Exhibit 11 on the</p> <p>13 screen.</p> <p>14 BY MS. BREDEHOFT:</p> <p>15 Q Mr. Waldman, I'm going to ask you to take</p> <p>16 a look at what has been marked as Deposition</p> <p>17 Exhibit No. 11. And if you want to take a moment,</p> <p>18 I'm going to try to make it --</p> <p>19 MS. BREDEHOFT: If you can give me control</p> <p>20 for just a minute, Lucien, so I can make it</p> <p>21 bigger. Okay.</p> <p>22 Q Mr. Waldman, I'm just going to ask you --</p>	<p style="text-align: right;">103</p> <p>1 at the top, conversation; six messages, three</p> <p>2 parties, over 209 minutes. And it has -- this</p> <p>3 first one, it has a date and a time and it has a</p> <p>4 telephone number. Do you see that?</p> <p>5 A I do.</p> <p>6 Q Okay. And then it has some e-mail</p> <p>7 messages -- text messages, it looks like -- it</p> <p>8 starts with Keith Bishop. Do you know who Keith</p> <p>9 Bishop is?</p> <p>10 A I do.</p> <p>11 Q And who is he?</p> <p>12 A Keith Bishop is a -- a publicist who lives</p> <p>13 in London.</p> <p>14 Q And for what -- what publication?</p> <p>15 A Oh, no, he's a -- he's a -- he's a</p> <p>16 publicist, he's an advisor, on media.</p> <p>17 Q I see. Did you -- at any time, did you or</p> <p>18 Mr. Depp ever employ Keith Bishop in any kind of</p> <p>19 public relations role?</p> <p>20 MR. CHEW: Mr. Waldman, I would instruct</p> <p>21 you not to answer any -- I would instruct you not</p> <p>22 answer the question to the extent that it would</p>
<p style="text-align: right;">102</p> <p>1 it's kind of two and a half pages. Go ahead and</p> <p>2 take a moment to review it, and then I'll ask you</p> <p>3 some questions.</p> <p>4 A Thank you.</p> <p>5 Okay. Thank you. I've read it.</p> <p>6 Q Okay. So directing your attention to</p> <p>7 Exhibit No. 11.</p> <p>8 MS. BREDEHOFT: Now I can't -- I need</p> <p>9 control, Lucien. Sorry.</p> <p>10 There we go.</p> <p>11 Q Mr. Waldman, I'm going to ask you kind of</p> <p>12 a technical question first. In your document</p> <p>13 production there is what appears to be text</p> <p>14 messages and then there also appear to be e-mails</p> <p>15 that are the same date and time. Could you -- do</p> <p>16 you have an explanation for that?</p> <p>17 A I -- I don't. I actually don't know. I'm</p> <p>18 not sure I understand precisely what you're</p> <p>19 saying, but I don't --</p> <p>20 Q So I'll -- because there is a number of</p> <p>21 these, so maybe we can just clear it up right from</p> <p>22 the start. So we have conversation -- if you look</p>	<p style="text-align: right;">104</p> <p>1 require you to disclose any communications you had</p> <p>2 with Johnny, either receiving or giving.</p> <p>3 THE WITNESS: I would not be able to</p> <p>4 answer without doing so, so I accept the</p> <p>5 instruction.</p> <p>6 Q And Mr. Depp says, and this is on</p> <p>7 1/28/2020, Adam I can confirm a meeting with The</p> <p>8 MailOnline for Monday 17th February at 10 a.m.</p> <p>9 Do you see that?</p> <p>10 A I do.</p> <p>11 Q So did you, in fact, have a meeting with</p> <p>12 the MailOnline on 17th February?</p> <p>13 A I couldn't say sitting here now</p> <p>14 definitively that we met on Monday, the 17th of</p> <p>15 February, no. But I see this and it wouldn't</p> <p>16 surprise me if we had.</p> <p>17 Q And was Mr. Depp with you when you had the</p> <p>18 meeting?</p> <p>19 A I believe Mr. Depp was with me when we had</p> <p>20 this meeting.</p> <p>21 Q And you were representing Mr. Depp at the</p> <p>22 time, correct?</p>

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1 MR. CHEW: I would instruct the witness
2 not to answer that question based on attorney-
3 client privilege.
4 THE WITNESS: I accept the instruction.
5 Q Now, going -- scrolling down a little bit
6 further, it says you have -- Something new has
7 come up. I just obtained an audio tape of Johnny
8 Depp and Amber Heard, and it is clear that both
9 parties know the tape is being made, and the
10 recording is made by Amber on her phone - on the
11 tape she -- on the tape she confesses. It will be
12 the end of this case. And I possess more tapes,
13 with more confessions. Is there a reliable source
14 to give this to who will run it properly?
15 Do you see that?
16 MR. CHEW: Objection; hearsay.
17 THE WITNESS: I do.
18 Q Did you write that?
19 A I believe I did.
20 Q When did you obtain the audiotape that
21 you're referencing in this text message?
22 MR. CHEW: Objection on the grounds of

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1 attorney-client -- of attorney work product.
2 And I would instruct you not to answer the
3 question to the extent it would require you to
4 disclose any communications you had with Mr. Depp,
5 your client.
6 THE WITNESS: It would, and so I won't be
7 able to answer the question.
8 Q What tape did you provide to the
9 MailOnline, the Daily Mail?
10 A In this -- are you asking, forgive me, in
11 this instance relating to this text?
12 Q Yes.
13 A My recollection is that I gave a pair of
14 audiotapes, actually, to them. Whether that
15 occurred sequentially or at the same time, I don't
16 remember, but I provided them two tapes.
17 Q And did you provide them with the full
18 tape recordings or just partial tape recordings?
19 A I'm not aware of any partial tape
20 recordings. I provided the full tape recordings
21 to them.
22 Q Do you remember how many minutes the tape

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1 recordings were that you gave to the Daily Mail?
2 A No.
3 Q Do you recall whether it was approximately
4 two and a half minutes?
5 A Forgive me, did I give them a tape that
6 was two and a half minutes long?
7 Q Yes.
8 A No, I don't recall anything two and a half
9 minutes.
10 Q How long were the tape recordings?
11 A I think they were -- my recollection is
12 they were hours.
13 Q Both tapes were hours?
14 A No. I think maybe I'm speaking about them
15 in tandem. My recollection, it may be off, but I
16 think maybe they were 30 or so minutes each. They
17 could be -- they could have been longer; they
18 could have been shorter. But they were
19 substantial in length.
20 Q All right. Do you recall what the dates
21 of the two audio recordings were?
22 A I'm sorry, I don't understand the

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1 question.
2 Q Yeah. Let me -- let me take them one at a
3 time.
4 The tape you provided to the Daily Mail in
5 this context where you were meeting with them on
6 the 17th of February and you believe with
7 Mr. Depp, do you recall which tape you provided to
8 the Daily Mail then?
9 A I -- I don't. As I -- as I mentioned a
10 moment ago, my recollection is I provided two
11 tapes, and the sequence of -- the provision of
12 them, I don't -- I don't recall.
13 Q Well -- and I'm going to ask you more
14 about your best recollection on the sequence.
15 Is it your recollection that you provided
16 both tapes to them in this time frame between
17 1/28/2020 and February 17th, when you were meeting
18 with the Daily Mail with Johnny Depp, or do you
19 recall giving them one and then another one at
20 some other time?
21 MR. CHEW: Objection; vague and ambiguous.
22 THE WITNESS: I don't -- I don't remember,

<p style="text-align: right;">109</p> <p>1 actually, which thing on which date. I'm not -- 2 I'm not certain. If you have documents, it would 3 be easier to, you know, refresh my recollection. 4 But as I sit here today, I'm not sure exactly 5 which tape, which date. 6 Q Do you remember -- so, I just want to make 7 sure I have your best recollection. Do you have a 8 recollection of giving both tapes at the same time 9 or one tape followed by another tape? 10 A I don't remember which it was. 11 Q Okay. And if you gave them one followed 12 by another, do you recall what time period expired 13 between the giving of the first tape and the 14 second tape? 15 MR. CHEW: Objection; calls for 16 speculation. 17 THE WITNESS: I was just going to say: Do 18 you want me to speculate? Because I don't 19 remember precisely. 20 Q I want your best recollection. 21 A I -- as I said, I don't remember whether 22 they were provided at the same time or separately,</p>	<p style="text-align: right;">111</p> <p>1 to answer to the extent that it would require you 2 to disclose any communications between you and 3 Mr. Depp. 4 THE WITNESS: It would, and so I won't 5 respond. 6 Q Did you play the entire tapes for the 7 Daily Mail? 8 MR. CHEW: Objection; asked and answered. 9 THE WITNESS: When you say -- just to 10 clarify your question, if I may. When you say did 11 I play it for them, what do you mean exactly? 12 Q When you were in the meeting, did you -- 13 did you press the "play" and play the entirety of 14 the conversations? 15 A No. Again, my recollection is there were 16 no tapes played in the meeting. 17 Q All right. And you say here, I possess 18 more tapes with more confessions. How many tapes 19 did you possess that you contend to have 20 confessions? 21 MR. CHEW: And, again, Adam, I would 22 instruct you not to answer to the extent it would</p>
<p style="text-align: right;">110</p> <p>1 so it's impossible for me to put a date on 2 which/when in light of that. 3 Q Do you remember whether they were days, 4 weeks, months, or years apart? 5 A Well, I know you want my best estimation. 6 Not years, not months. If it -- if they even were 7 given separately, perhaps it would have been a 8 week or two, but I'm -- I'm really not certain. 9 Q How did you come to possess the tapes? 10 MR. CHEW: And, again, I would instruct 11 you, Adam, not to answer any questions to the 12 extent it would require you to disclose any 13 communications you had with -- with Mr. Depp. 14 THE WITNESS: It would, and so I cannot. 15 Q Did you play one or both of the tapes 16 during the meeting with the MailOnline at which 17 you recall Mr. Depp also being present? 18 A No, I don't recall doing so. No, I -- in 19 fact, I'm reasonably certain I did not do so. 20 Q Do you recall the approximate dates that 21 the tapes were made? 22 MR. CHEW: Again, I would instruct you not</p>	<p style="text-align: right;">112</p> <p>1 require you to disclose attorney-client 2 communications. 3 THE WITNESS: It would. 4 Q So you're accepting his instruction? 5 A I am. 6 Q In totality, how many tapes did you 7 provide to any press entity or individual? 8 A Well, as I sit here, my best recollection 9 is four. 10 Q And what do you recall of the content of 11 those four tapes? 12 Let me take them one by one. When is the 13 first -- when is -- let's take one by one. So 14 we're going to go with the first tape that you 15 recall. When did you provide the first tape to 16 any press entity or individual? 17 A My recollection -- again, I'll repeat what 18 I said earlier -- that I'm not sure if I provided 19 two together or -- or sequentially. Whether it 20 was sequential or the two together, my 21 recollection is that this was February, early 22 February, I think, of -- of 2020.</p>

<p style="text-align: right;">113</p> <p>1 Q And to whom did you provide the one or two 2 tapes? 3 A I provided them to the Daily Mail, U- -- 4 the U.S. division of the Daily Mail. 5 Q Did you provide those two tapes to any 6 other press entity or individual other than the 7 Daily Mail? 8 A I did. 9 Q Who? 10 A Let me think about that for a moment 11 before I answer too quickly. 12 Well, strike that. Actually, no. I gave 13 it only to the Daily Mail. 14 Q Now let's talk about tape number three. 15 When did you provide tape number three to any 16 press entity or individual? 17 A I -- I really don't have a date on this. 18 Q Was it before or after February 2020? 19 A I think it was after February 2020. 20 Q Was it days, weeks, months, years? 21 A I'm not sure of the precise time frame. 22 Q Can you narrow it down any more than that?</p>	<p style="text-align: right;">115</p> <p>1 BY MS. BREDEHOFT: 2 Q So you're accepting his instruction? 3 A I am. 4 Q Why did you provide tape number one to the 5 Daily Mail? 6 MR. CHEW: Same instruction; same basis. 7 THE WITNESS: I accept the instruction. 8 Q Why did you provide tape number two to the 9 Daily Mail? 10 MR. CHEW: Same instruction; same basis. 11 THE WITNESS: I accept the instruction. 12 Q Let's go to tape number four. When did 13 you provide tape number four to any press entity 14 or individual? 15 A I'm not -- I'm not certain of the date and 16 I'm -- I'm not actually certain that it was I who 17 provided tape number four to the press. I think 18 it may well have been your side that did. But I'm 19 not -- I'm not certain. 20 Q What do you recall of tape number four? 21 A Tape number four was an audiotape of a 22 22 9-1-1 call made by a friend of Ms. Heard's,</p>
<p style="text-align: right;">114</p> <p>1 A I don't think so. I'm sure there will be 2 documents, and when I look at them it will remind 3 me. But no, as I sit here now I couldn't say 4 definitively. 5 Q To whom did you provide tape number three? 6 MR. CHEW: Objection; asked and answered a 7 few times. 8 THE WITNESS: Tape number three was also 9 provided to the Daily Mail, as I recall. 10 Q And how long was tape number three? 11 A This is a slightly difficult question to 12 answer precisely because my recollection is the 13 tape was maybe five hours long, but it had really 14 significant dead -- dead space in the middle of 15 it; white noise, I suppose you call it. 16 Q And why did you provide tape number three 17 to the Daily Mail? 18 MR. CHEW: I would object and instruct 19 Mr. Waldman not to answer to the extent that it 20 requires the disclosure of any attorney-client 21 communications. 22 THE WITNESS: It would.</p>	<p style="text-align: right;">116</p> <p>1 according to the contents of the tape, downstairs 2 from the Eastern Columbia Building, the night of 3 May 21, 2016. 4 Q And as you sit here today, can you recall 5 whether you provided that to a press entity or 6 someone else? 7 A I -- I can't, actually. My -- my 8 recollection is that you guys provided it and I 9 responded -- I responded to the story. But I'm 10 not -- I'm not certain. 11 Q All right. Let's back up to tape one. 12 What -- what was the subject matter in tape one? 13 A The subject matter of tape one -- I want 14 to make sure I don't have my tape one and tape two 15 mixed up, which could happen. 16 The subject matter of tape one was 17 conversation between Ms. Heard and Mr. Depp, and 18 they were arguing about things that had happened. 19 And in the -- in the -- it's a tape, as I said, 20 that goes on -- it's hard to characterize all of 21 it. I don't have it memorized. But Ms. Heard on 22 that tape confesses to quite a lot of violence</p>

<p style="text-align: right;">117</p> <p>1 against Mr. Depp and, you know, also – also 2 taunts him about that violence. 3 Q And that's your characterization, having 4 listened to the tape, correct? 5 MR. CHEW: Objection; argumentative. 6 THE WITNESS: I think it would be the 7 characterization of anybody who listened to it. 8 And I think it was how the world characterized it. 9 MS. BREDEHOFT: Move to strike. 10 Q Let's go to tape two. 11 So what time frame was tape one recorded 12 in? 13 A I don't know. I wasn't there for the 14 recording. 15 Q Right. But is there anything that would 16 have – did you look to see on any of the metadata 17 or any of the other information associated with it 18 for what the dates were on it? 19 A I – I don't know the answer to the 20 question. I don't know what date it was recorded. 21 Q Okay. Let's talk – what was the subject 22 matter on tape two?</p>	<p style="text-align: right;">119</p> <p>1 evidence anyone has ever assembled in a domestic 2 violence case. And so that's – that's the sort 3 of, you know, general context of the second tape. 4 Q Now, you characterize that as taunting, 5 but do -- are you able to recognize sarcasm? 6 MR. CHEW: Objection; argumentative. 7 THE WITNESS: The question is do I think I 8 can recognize sarcasm? 9 Q Are you able to? 10 A I think so. 11 Q Do you know whether you can? 12 A Yeah, I think I'm – I think I'm able to 13 recognize sarcasm, yes. 14 Q Did you listen to the full content of 15 either tape one or tape two? 16 A Many times, yes. 17 Q And it's not – and you don't pull from 18 that that there's sarcasm in there from Ms. Heard? 19 A No, I don't think I would call it sarcasm 20 about such a serious topic. She's confessing to 21 violent attacks on him. He's suggesting the two 22 of them go talk to somebody who works for them.</p>
<p style="text-align: right;">118</p> <p>1 A Again, making sure that I – hoping that I 2 don't have the two – don't conflate the two 3 tapes, the second tape was a bit – a bit – the 4 tape was made a bit later. I don't know precisely 5 when. But it seemed to be sometime after 6 Ms. Heard had filed for divorce. And the second 7 tape, among other things, taunted Johnny and said, 8 Nobody's going to believe you are an abuse victim 9 because you're a man. And there is a judge and a 10 jury and they'll see how big you are and, you 11 know, they won't – they won't believe you. It's 12 Ms. Heard giving Mr. Depp PR advice at times. And 13 that's one piece of it right there: Nobody's 14 going to believe you. 15 She is saying that the public would not 16 believe that she had been sort of planning this 17 out. She called it, I think, a secret fight club, 18 that she had been planning it out for years. And 19 so it's a – it's a – kind of a very taunting- 20 oriented tape. 21 She professes to having lots of evidence. 22 I think she says at one point it's the most</p>	<p style="text-align: right;">120</p> <p>1 And her response to that is: You know, 2 why don't you go jerk him off. I didn't think 3 that was really sarcasm. 4 He says something like -- I'm 5 paraphrasing -- you lied. And she said, You're 6 right, great investigator, I lied. 7 So, no, I -- I think the topic is really 8 serious, kind of sad. It's a -- it's a discussion 9 of her abusing him and it's her exhibiting -- 10 exhibiting an attempt to either bully him or 11 direct him not to pursue, you know, vindication of 12 what she accused him of. 13 Q This is all your characterization of this, 14 correct? 15 MR. CHEW: Objection; argumentative. 16 THE WITNESS: Well, I think you asked for 17 my characterization. But I also think that's 18 the -- that's the general characterization of 19 anybody who's listened to it. 20 Q Those tapes were played in the U.K. 21 proceeding, were they not? 22 A I don't recall that they were played in</p>

<p style="text-align: right;">121</p> <p>1 their entirety. I may be wrong about that. I – 2 it may be that – just portions. I'm not sure how 3 much of them were played. 4 Q And Mr. Depp's attorneys had full 5 opportunity to play these in the U.K. proceedings, 6 did they not? 7 MR. CHEW: Objection; lack of foundation, 8 assumes facts not in evidence. 9 THE WITNESS: Sure, actually. I'm not an 10 expert on U.K. procedural law, but it's relatively 11 byzantine and you're not allowed to – there are 12 significantly more restrictions on what you can 13 present in the U.K. than you can in the United 14 States. 15 Q Actually, Mr. Waldman, the opposite was 16 true in this case, wasn't it? You were present 17 for the U.K. proceeding, were you not? 18 MR. CHEW: Objection; argumentative, 19 assumes facts not in evidence, lack of foundation. 20 THE WITNESS: I was present. 21 Q And, in fact, every one of those tape 22 recordings was evidence in the case, weren't they?</p>	<p style="text-align: right;">123</p> <p>1 MR. CHEW: Objection; vague and ambiguous. 2 THE WITNESS: No. 3 MS. BREDEHOFT: I'm going to ask, 4 Lucien -- 5 THE WITNESS: Mr. Braga looks like he's 6 trying to speak, but his mute button was on. 7 MR. BRAGA: Yes. Sorry about that. 8 Thanks for noticing that, Adam. 9 And I apologize for my technical 10 incapacities to everyone. 11 I'm going to add an objection here, Adam, 12 that I'd like you to answer this question "yes" or 13 "no," but not to go into any attorney-client 14 privileged information with respect to any 15 domestic abuse representations you may have had. 16 MS. BREDEHOFT: I think he already 17 answered it anyway with a "no," so I think 18 we're -- did you hear that, Stephen? Did you hear 19 his "no"? 20 MR. BRAGA: That's fine. Thank you. 21 MS. BREDEHOFT: Okay. All right. 22 Lucien, we can go ahead and take this down</p>
<p style="text-align: right;">122</p> <p>1 They were trial exhibits in the trial bundle -- 2 MR. CHEW: Objection. 3 Q -- correct? 4 MR. CHEW: Objection; argumentative, 5 assumes facts not in evidence, lack of foundation, 6 lack of relevance. 7 THE WITNESS: Yes, those tapes were all in 8 the evidence bundles. 9 Q And, in fact, every one of those tapes had 10 been transcribed and the transcriptions were also 11 evidence in the trial bundles, were they not? 12 MR. CHEW: Objection to the form of the 13 question; argumentative, lack of foundation, 14 assumes facts not in evidence. 15 THE WITNESS: Yes, that's true. 16 Q Okay. What training have you had in 17 domestic violence? 18 A None. 19 Q Have you ever represented any clients who 20 have either been accused of domestic violence 21 or -- or had domestic violence committed on them 22 other than Mr. Depp?</p>	<p style="text-align: right;">124</p> <p>1 and let's go to Exhibit No. 2. 2 AV TECHNICIAN: Stand by. 3 (Exhibit 2, Subpoena, was marked for 4 identification and is attached to the transcript.) 5 AV TECHNICIAN: Showing Exhibit 2 on the 6 screen. 7 THE WITNESS: May I add something to my 8 previous response about them being in the 9 evidence? 10 BY MS. BREDEHOFT: 11 Q No. Actually, your attorneys can ask you 12 questions on that. We're past that question for a 13 bit. But I'm sure they can ask you on a break or 14 something. 15 Let's go to Exhibit No. 2. 16 You know what, Mr. Waldman, go ahead. 17 What did you want to say about the trial bundle? 18 A I just wanted to add – the question that 19 was posed was: Weren't these tapes in evidence in 20 the U.K.? And I – the answer was: Yes, they 21 were. I simply wanted to add that the judge in 22 his ruling claimed he didn't give them very much</p>

<p style="text-align: right;">213</p> <p>1 for some judge to decide, and neither you nor I 2 are wearing the robes at this point in our 3 careers. 4 BY MR. ROTTENBORN: 5 Q Who is Jen Antonelli, Mr. Waldman? 6 A I'm not sure, actually. The name rings a 7 bell, but I'm not sure. 8 Q I will -- I want to -- in interest of 9 time, I want to -- I'll represent to you that you 10 produced a text communication with a Jen Antonelli 11 at NBCUniversal, but I didn't see any e-mails -- 12 that references e-mails. 13 MR. ROTTENBORN: So this is more of a 14 statement to Mr. Braga again, and we can talk 15 about this after the deposition, but I think that 16 the production is incomplete. 17 Q Do you recall ever sending e-mails to a 18 Jen Antonelli at NBCUniversal? 19 A I don't, no. 20 Q Who is Tracey Mattock? 21 A Tracey Mattock is a -- I guess you would 22 say a social media advisor to our skin care</p>	<p style="text-align: right;">215</p> <p>1 Q Now, we touched on social media a bit this 2 morning with Ms. Bredehoft. But you frequently 3 communicate with other social media contacts who 4 post information about this case, correct? 5 MR. CHEW: Objection; argumentative, 6 assumes facts not in evidence, lack of foundation, 7 calls for attorney work product. 8 THE WITNESS: I don't think I agree with 9 the characterization. I might need to hear it -- 10 may I hear it again? I communicate frequently... 11 Q Let's -- let's drop the adverb. 12 Have you communicated with other social 13 media users about this case other than public 14 messaging platforms? 15 Let me ask that differently. Have you 16 communicated privately with other social media 17 users about this case? 18 A Other social media -- I want to make sure 19 I'm precise. Other social media users? 20 Q Yes. 21 A That would -- that would -- that group 22 would include almost everybody on Earth.</p>
<p style="text-align: right;">214</p> <p>1 company. A consultant. I suppose you would say a 2 consultant to our skin care company. 3 Q Did you ever -- has she ever provided 4 services to Mr. Depp? 5 A You'd have to define what you mean by 6 "services." 7 Q Has she ever provided social media 8 services to Mr. Depp? 9 A It's a difficult question to answer. 10 Shall I -- shall I try? I'm not sure I could 11 answer -- 12 Q Yeah. 13 A -- as to the way you asked it, but I think 14 I understand the thrust of your question. 15 She made an introduction for me to 16 Instagram when Mr. Depp wanted to launch his own 17 Instagram account. 18 Q What about any other social media services 19 that she may have provided to Mr. Depp? Anything 20 else? 21 A No, I don't remember any others besides 22 that.</p>	<p style="text-align: right;">216</p> <p>1 Q Have you provided information about this 2 case to other social media personalities who then 3 post that information? 4 A I've provided information episodically to 5 what I would -- what I would call Internet 6 journalists. And I'll define that as journalists 7 who are not affiliated with -- you mentioned, I 8 think, NBC a moment ago, or a mainstream media 9 outlet. 10 Q And I think this question was asked 11 before, but have you ever used social media to 12 make posts about this dispute or the U.K. dispute 13 from an account that doesn't contain your name? 14 A No. 15 Q Have you communicated with a social media 16 user who goes by the name of That Umbrella Guy? 17 A I've had several phone calls with a -- 18 with the person who goes by the name That Umbrella 19 Guy. I don't actually know his real name. 20 Q Have you communicated with him other than 21 through phone calls? 22 A I don't remember doing so, no.</p>

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1 Q What are other -- well, let me ask you
2 this: Do you -- have you communicated in a
3 similar fashion with someone on social media that
4 goes by the name That Brian Fella?
5 A Yes.
6 Q What about someone who goes by the name
7 TheRealLauraB?
8 A Yes.
9 Q And what about something -- or someone
10 who's to -- who -- whose name is The Right Side of
11 the Roaring Rapids?
12 A No.
13 Q What are some other, if any, whether you
14 know real name or social media handle,
15 quote/unquote, Internet journalists that you have
16 communicated about this case with?
17 MR. CHEW: Objection; vague and ambiguous.
18 THE WITNESS: There aren't any others that
19 come to mind besides the one you listed -- the
20 ones you've listed.
21 MR. BRAGA: Could we take down the
22 document if we're done with it, please.

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1 MR. ROTTENBORN: Yeah. Good idea.
2 MR. BRAGA: Thank you.
3 MR. ROTTENBORN: Thanks, Stephen.
4 BY MR. ROTTENBORN:
5 Q And have you communicated to those
6 individuals listed evidence that you believe
7 suggests that Ms. Heard's allegations are hoaxes?
8 A I would say I communicate with the
9 Internet journalists -- because we put them in a
10 category calling them that, I've done that --
11 exactly the same way I would communicate with
12 mainstream media. If they have questions about
13 evidence or the facts, I'll -- you know, I'll --
14 I'll inform them.
15 Q And have you -- when you communicate with
16 them, you do so -- you testified some by phone.
17 correct?
18 A Yes.
19 Q Do you do so by text or messenger
20 platform?
21 A Largely, I think, by phone. But if I --
22 if I communicated in writing, it would be probably

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1 by Signal.
2 Q Do you know if those communications were
3 searched for and produced in response to the
4 subpoena you received in this case?
5 A I -- I don't know.
6 Q Would your -- did you provide your
7 attorneys access to any such communications to
8 search for and produce if, in fact, they did
9 exist?
10 A I did.
11 MR. ROTTENBORN: Can you please pull up
12 the exhibits ALH 17001 to -2, please.
13 AV TECHNICIAN: Stand by.
14 ALH? I'm not seeing that.
15 MR. ROTTENBORN: I was told it was
16 uploaded earlier today. I'm sorry, AH.
17 AV TECHNICIAN: Oh, AH. Okay. 00017001?
18 MR. ROTTENBORN: Yes. Sorry about that.
19 AV TECHNICIAN: Okay. Stand by.
20 (Exhibit 24, Tweets, Bates Nos.
21 ALH_00017001 through ALH_00017002, was marked for
22 identification and is attached to the transcript.)

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1 AV TECHNICIAN: Showing on the screen
2 Exhibit 24.
3 BY MR. ROTTENBORN:
4 Q And, Mr. Waldman, you can take control of
5 this if you want. The next page is just a larger
6 screenshot of the -- what I'm going to ask you
7 about, which is in that -- that sort of different
8 color text at the top.
9 A May -- may I ask that we make it a little
10 larger?
11 Q Yeah. Well, that's what I was going to
12 say, make it larger if you want. But if you
13 wanted to go to the next page, it's even bigger.
14 A Okay. I'll take a moment to read it.
15 Q Sure.
16 A Okay, I've read the -- I've read the
17 little off-colored box. Is there -- is there more
18 below to read?
19 Q No. My question -- well, my first
20 question is: Is that -- in that box where it
21 says, First on the record statement from me
22 regarding the body cam to RTL, Adam Waldman,

<p style="text-align: right;">221</p> <p>1 Johnny Depp's attorney, is that a statement that 2 you made to a German media outlet called RTL? 3 A Yes. 4 Q And in that statement you say that LAPD 5 have now opened up a criminal investigation into 6 perjury of Ms. Heard, correct? 7 A Yes. 8 Q What evidence do you have that LAPD 9 allegedly opened up a criminal investigation into 10 perjury? 11 MR. CHEW: Objection to the extent that it 12 calls for attorney work product. 13 THE WITNESS: The evidence that I have is 14 that the LAPD told me that. 15 Q Who at the LAPD told you that? 16 A I don't know the name of the desk officer, 17 but it was somebody in the Foothill, a branch 18 office of the LAPD. 19 Q Who at the LAPD have you had 20 communications with about this case? 21 A This -- this person that I'm referring to, 22 the desk officer, who then told me that, in fact,</p>	<p style="text-align: right;">223</p> <p>1 THE WITNESS: Yeah, I -- I was not at that 2 moment aware of the length of the statute of 3 limitations. I wondered about it, and I'm also 4 generally familiar with the notion of the 5 discovery rule; when a thing is discovered, 6 sometimes that's when the clock starts, so... 7 BY MR. ROTTENBORN: 8 Q You have no knowledge whether the 9 discovery rule applies to perjury charges in 10 California, correct? 11 MR. CHEW: Objection to the extent that it 12 purports to call for a legal conclusion about the 13 particulars of California law. 14 THE WITNESS: That's correct. 15 Q Did you -- did you make a correction to 16 RTL when you learned that the LAPD wasn't, in 17 fact, investigating Ms. Heard for perjury? 18 A Well, the way you've characterized it is 19 not exactly what I would agree with. The LAPD 20 told me that they were investigating the perjury 21 claim at that time, then sequentially came the 22 statement, then came notification from the LAPD</p>
<p style="text-align: right;">222</p> <p>1 it was not the LAPD -- subsequently told me that 2 it was not the LAPD that was going to investigate 3 it, it was the LA sheriff's department because 4 they had jurisdiction over the courts. 5 And what -- the perjury referred to here 6 is the false under-oath statements by Amber -- 7 Amber Heard's best friend, Rocky Pennington, about 8 wine sloshed all over the walls and furniture, 9 et cetera, and Ms. Heard's statements to obtain a 10 temporary restraining order for abuse for domestic 11 violence against Mr. Depp on May 27, 2016. 12 Q So what your testimony is, is that someone 13 at -- someone said that the statements that were 14 being investigated for perjury were statements 15 made by Ms. Heard and Ms. Pennington in May 16 of 2016? 17 A That's correct. 18 Q Did -- were you aware that the statute of 19 limitations for perjury is three years in 20 California? 21 MR. CHEW: Objection to the extent that it 22 calls for legal conclusion, argumentative.</p>	<p style="text-align: right;">224</p> <p>1 that it was actually the LA sheriff's department 2 that was investigating it. And that was the last 3 I heard about it. 4 Q And who notified you from the LAPD that it 5 was allegedly the sheriff's department who was 6 investigating it? 7 A The same -- the same desk officer at 8 Foothill. And when I say he's the desk officer, I 9 don't know if -- that's not necessarily the job 10 title. 11 Q How did you find his -- well, do you have 12 his contact information? 13 A I don't think I do. I don't know. But I 14 don't -- well, I'm not sure. 15 Q And the time frame for this communication 16 from this desk officer would have been sometime 17 after the U.K. ruling came down, is that right, 18 since above it there is a statement from you about 19 the U.K. ruling as well? 20 A I mean, that's -- that's a reasonable -- 21 that's a reasonable conclusion. I'm not sure as I 22 sit here today. But if you say that's what I've</p>

<p style="text-align: right;">225</p> <p>1 said, then probably yes. 2 Q And I'm sorry if I asked you this. How 3 did you come into contact with this desk officer? 4 A I brought a binder of information 5 including the statements that had been made and 6 the evidence showing that those statements were 7 false. 8 Q In your view. 9 MR. CHEW: Objection; argumentative. 10 Q So you took a binder to the LAPD and spoke 11 to this desk officer? 12 A Correct. 13 Q And was that the only time that you spoke 14 to this person? 15 A The two times. 16 Q Were they both in person? 17 A Oh, maybe it's three -- two or three 18 times. 19 No. No, two times were on the phone. 20 Q Was the first meeting in person when you 21 brought this binder? 22 A No. The first was on the telephone.</p>	<p style="text-align: right;">227</p> <p>1 Ms. Heard and her best friend, Rocky Pennington, 2 had made to a court. 3 Q Was that claim that you filed in writing? 4 A Yes. 5 Q Do you know whether that claim was 6 produced as part of this -- your document 7 production in this case? Because I certainly 8 haven't seen it. 9 A I don't know that I ever received a copy 10 of it. It was filed in writing with the LAPD, but 11 I don't -- I don't recall that I ever received a 12 copy of it. 13 Q Did you draft it? 14 A No. 15 Q So what was -- you were talking to the 16 desk officer and he was taking down notes, and is 17 that the writing you were referring to? 18 A Yes. 19 Q Did you ever see this alleged written 20 claim? 21 A Yes. 22 Q Did you sign it?</p>
<p style="text-align: right;">226</p> <p>1 Q At what meeting were you allegedly told 2 that LAPD was investigating Ms. Heard for perjury? 3 A When I spoke -- when I spoke on the phone 4 the -- with the LAPD desk officer I asked what 5 will happen with this. 6 And he said this -- an investigation will 7 be opened up. 8 And I said, What happens next? 9 And he said, Well, Ms. Pennington and 10 Ms. Heard, we'll seek them out and we'll seek 11 their -- we'll seek their evidence, we'll 12 interview them. And my recollection is he said 13 that sort of has to happen within some period of 14 time. It was relatively short. 15 And whether that ever happened or not, I 16 don't know. 17 Q So the investigation was opened up at your 18 request after you brought this binder to the desk 19 officer; is that right? 20 A I didn't ask him -- I didn't ask him to 21 open an investigation. I filed a claim with the 22 LAPD regarding these perjurious statements that</p>	<p style="text-align: right;">228</p> <p>1 A I don't recall if I did. 2 Q Did you ever call the sheriff's department 3 to -- after you allegedly learned that they were 4 investigating this perjury allegation? 5 A No. 6 Q Why not? 7 A I don't think there was any -- I didn't 8 think there was anything else really for me to do. 9 In my earlier life I worked at the Department of 10 Justice and I don't think you get too involved in 11 law enforcement matters. I filed a claim that she 12 had -- she had perjured herself to the courts. I 13 provided abundant evidence, overwhelming, in my 14 opinion, that those statements were false and that 15 that was perjury. And I was told that they were 16 going to look into it. My role in it was over at 17 that point. 18 Q And as specifically as you can recall, 19 what specific communication was made to you 20 that -- based on your filing of a complaint, that 21 an investigation had been opened? 22 A Precisely that, that this opens an</p>

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1 investigation. It's open now. And then, as I
2 mentioned a moment ago, we're going to interview
3 the two primary witnesses.
4 Q And it was opened as a result of your
5 filing that complaint?
6 A That was my understanding, yes.
7 Q Have you had communications about this
8 case with anyone else from the LAPD or LA
9 sheriff's office?
10 A No, not that I can think of.
11 Q Have you ever spoken with Officer Saenz or
12 Hadden?
13 A No.
14 Q And you said that the desk officer to whom
15 you made this report was in the Foothill office;
16 is that right?
17 A I think so, yes. I think that's what it's
18 called.
19 Q And other than this desk officer, you
20 never spoke to anyone else about this alleged
21 perjury investigation?
22 A I'm not going to be able to answer that

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1 without revealing an attorney-client privilege.
2 MR. CHEW: I would instruct you not to
3 answer further, then. Thank you for spotting
4 that.
5 Q Did you ever speak to anyone other than
6 your client about this alleged perjury
7 investigation -- other than your client and the
8 desk officer?
9 A Well, I think this quote that you've shown
10 me to the media would constitute speaking about
11 it.
12 Q Fair enough. What I'm trying to get at is
13 anyone -- did you speak with anyone in the LAPD or
14 LA sheriff's office other than this desk officer
15 about this perjury complaint or investigation?
16 A I don't think so.
17 Q Did you ever hear anything about this
18 investigation or lack thereof from anyone else who
19 you understood to have spoken with anyone in LAPD
20 or the LA sheriff's office?
21 A I'm sorry, I just couldn't follow the
22 question.

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1 Q Did you ever hear anything more about this
2 perjury investigation, to the extent it existed
3 from anyone -- any other third party who claimed
4 that they had spoken to anyone in LAPD or the LA
5 sheriff's office?
6 A No, I don't think so.
7 MR. ROTTENBORN: I think with that --
8 Mr. Waldman, appreciate your time. I don't have
9 any further questions at this point. Mr. Chew may
10 have some questions, and that may spur other
11 questions by us, but thank you.
12 THE WITNESS: Thank you, Mr. Rottenborn.
13 MR. CHEW: Adam, I just have a few
14 questions if now is a good time.
15 THE WITNESS: Sure.
16 MR. CHEW: Just a few.
17 EXAMINATION
18 BY MR. CHEW:
19 Q Mr. Waldman, do you have a professional
20 license?
21 A I do.
22 Q Do you have your own law firm?

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1 A I do.
2 Q What is the name of your law firm?
3 A Endeavor Law Firm.
4 Q When was Endeavor Law Firm formed?
5 A I think it was in 2005.
6 Q And who was it who formed your law firm?
7 A It was I who did it.
8 Q And who owns your law firm?
9 A I do.
10 Q What is your title at the Endeavor Law
11 Firm?
12 A Managing member, I believe.
13 Q And it's -- it's none of our business who
14 your clients are, but does the Endeavor Law Firm
15 have other clients other than Mr. Depp?
16 A Yes.
17 Q Do your clients dictate the -- strike
18 that.
19 Do your clients dictate exactly when you
20 take breaks?
21 MS. BREDEHOFT: Objection; leading,
22 relevance, hearsay, foundation.

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3:37

Done Counterclaims w Exhibits A-H (8 1...

308 329 303

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...and right on cue in Ms Heard's Counterclaim are the allegations of fake petitions and non-human bots and trolls and some kind of dastardly Cyrillic Russian involvement!! And the spiders from Mars...

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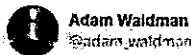
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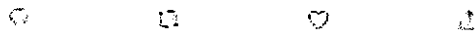


Adam Waldman
@adam_waldman

The penalty for perjury in the UK is up to 7 years imprisonment.

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Nikki Harrison @NikkiHar1660527 · Sep 12
Replying to @adam_waldman

DO THEY USUALLY GO AFTER ANYONE THAT HAS LIED ON THE STAND UNDER OATH KNOWINGLY IN THE UK????



5 more replies



Cristina @Cris_negreiro · Sep 12

Replying to @adam_waldman
What about Australia and USA? If charged in all those countries, who gets preference sending the person to jail? Is that chronological order? Or by severity?



ayca gurelman @istanbuliyon · Sep 12

Replying to @adam_waldman
Thank God. I think a lawyer commenting on twitter or youtube was saying that imprisonment was applicable only in important governmental cases otherwise it was not followed up - which was quite disheartening. I would be more than happy to see the conspirators be punished by law.



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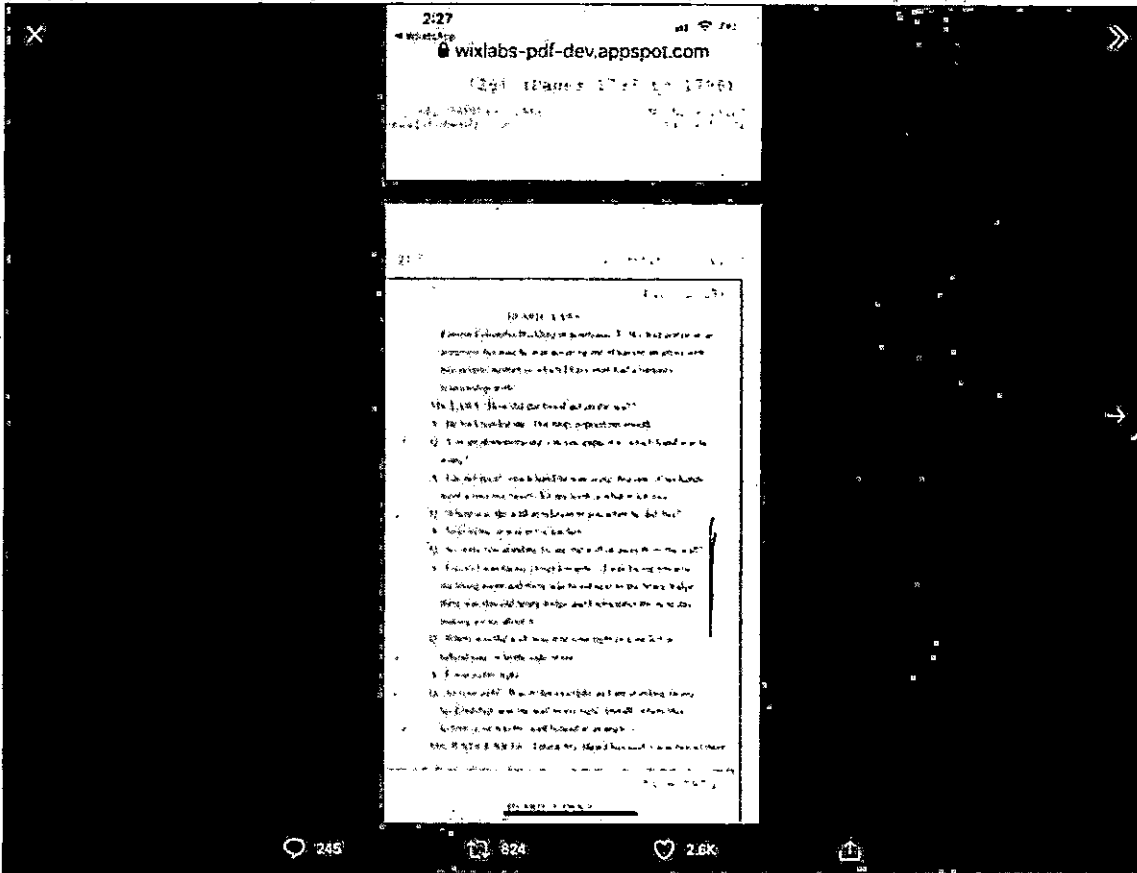
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Adam Waldman @adam_waldman

Ms Heard claims to have been hit so hard in the mouth by a heavily ringed Johnny Depp fist that blood splattered onto the wall next to the "SMEG" refrigerator in March 2013. That's a fine detail. Yet the SMEG was not purchased until October 19, 2014. #Evidence

12:24 PM · Jul 22, 2020 · Twitter for iPhone

824 Retweets and comments 2.6K Likes

Adam Waldman @adam_waldman · Jul 22
Replying to @adam_waldman
Correction: October 9, 2014

Anja Achig @AehigA... · Jul 28
Replying to @adam_waldman
but according to the small injury to the lip (from A.H.'s lip photo), I cannot imagine that so much blood should splash from it
justice for Jonny Depp



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This photo was taken March 23, 2013 ONE DAY AFTER Ms Heard alleges Johnny Depp backhanded her in the face with heavy rings on his fingers.

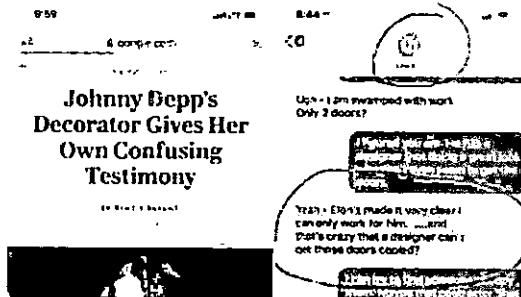


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Adam Waldman @adam_waldman · Jul 22

"Johnny Depp's Decorator" is actually Elon Musk's decorator. The devil is in the details. #can'tyounah



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In Memoriam

Hoax Incident #14 - May 21, 2016 "Injury" in shape of iPhone. Thank you Officer Melissa Saenz, LAPD.



What are handdressers doing to make it safe for you?



157

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Adam Waldman @adam_waldman · Jul 10

"Handling PR" about a Hoax that spawned a thousand smears into a media that nobody trust or even reads anymore is a fool's errand. The People are not stupid.

Powerscourt represents Amber Heard in Johnny Depp legal battle

Powerscourt is handling PR for Amber



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Adam Waldman
@adam_waldman

Amber Heard and her legal dream team continue trying to concoct something from this conversation w Elon Musk's decorator Laura Divenere, who testified against her anyway. The truth is, this conversation started with a lie. She wasn't in Africa. She was with Ms Heard post-hoax.

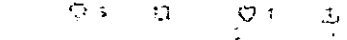
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Lere'va #Kali Lemorte · Sep 18
Replying to @adam_waldman
Prove to me @clonmckr is still involved n this and I'll believe it.. I think otherwise for Good reason.



Mea parvitas
Replying to @adam_waldman

JOHNNY DEPP WILL NOT BE BURIED

Hollywood divorce: where acrimony meets alimony somewhere on the highest, most exposed precipice. And when those disputes are embittered further by costly lawsuits against once-trusted advisors and accusations of domestic violence, the truth - as presented by either side - will take the fall. We don't know the truth. But following an invitation to spend time with the face of one multibillion-dollar franchise and a whole rogue's gallery of tender, oddball tales at the French village he once bought to share with another former partner, we now know his version of it. Aggrieved, aggressive and vulnerable, by turns it's all these things. He spoke, we listened and here, presented verbatim, is the truth Johnny Depp wants you to hear

Story by Jonathan Heaf

Photographs by Greg Williams

JOHNNY DEPP

'The truth will
come out in all of
this and I will
be standing on
the other side of
the roaring rapids.
I hope other
people will too'

Johnny Depp shot
by British GQ at Le
Hameau De Gassin,
France, 16 August

The death metal begins at 2.43pm. It's loud. And it is coming from inside the church. The noise is a proud, ungovernable fury, like a prize bull being dragged to the slaughterhouse by its copper nose ring. The idyllic quiet of the southern French countryside, the soft rub of the *cigales* and the warm breeze rolling off the Mediterranean is torn down the spine by wailing, demonic vocals and pedal distortion. Everyone outside, some drinking small glasses of pastis de Marseille in the 37C heat, turn to look at the church door and then at one another.

Despite the rupture, the shattered tranquillity, it is a positive sign for those who want an audience with our host. The man rumoured to be sleeping inside the small, single-storey chapel – its original confessional area transformed into a closet, its cloister now used as an artist's studio with large, unfinished canvases leaning against the perimeter – must surely be awake. No one could sleep through what sounds like Satan's own alarm bell.

Two weeks ago there was an invitation, confirmed late yesterday, to come to Johnny Depp's villa and talk openly and without caveats. If you rise at 5am in North London, get the first Nice-bound British Airways flight out of Heathrow around 7.45am and then take a taxi for an hour due east along the scorched yellow coast, past Cannes, past Fréjus and not quite to Saint-Tropez, you will find yourself in the rural town of Le Hameau De Gassin, hemmed in by rows of young, short vines, forming tracks like nature's braids, their bruise-coloured fruit just beginning to swell and sag with new weight.

Depp's complex of around seven or eight small stone abodes sits above this quiet, unremarkable old town, with a view that stretches out over the rippling Ligurian Sea. On a clear day you can walk out to one of the several high, rocky outcrops on the estate, squint and see the island of Corsica and, beyond that, waters rich with fables and myth, where scholars believe Homer's Odysseus ordered his crew to tie him to his own mast to hear for himself the song of the Sirens.

Squint harder and you might catch Italy's west coast twinkling, with Pisa, Genoa and, beyond that, the beauty and corruption of Florence. Earlier, I arrived at the compound's gates, passing director Tim Burton and his family, who were off out on a boat trip with various children, sun-kissed and grinning. Burton has been staying with Depp these past weeks, enjoying the baked, private utopia.

Having been buzzed in, a golf cart driven

by a native named Daniele takes me up to the main set of buildings. Daniele – a man in his late sixties with an impressive whipped-cream moustache and a long, ivory ponytail who, it must be noted, looks astonishingly like Asterix from René Goscinny and Albert Uderzo's famous French comics – is the man from whom Depp bought the land and original 19th-century houses 20 years ago. It was purchased by Depp and Vanessa Paradis, his then partner, as a sanctuary, a place to escape with children, to play freely away from the full beams of Los Angeles and Paris.

When the estate was listed on the market in 2015 for \$63 million – a warning shot of the actor's financial problems – many of the news reports described the property as being a "village-like compound". As our tyres crunch their way up the wide gravel path towards the collection of stone buildings, it's easy to see why.

There is a modest main house with weathered blue shutters, almost entirely covered in rippling, bright-green foliage. There's a hidden pool, a gazebo, a stone terrace with wooden shade and a jumble of around

'That happened with Pirates. If the studio isn't worried then I'm not doing my job properly'

four or five bedrooms and bathrooms. The slanted, near-flat roof is terracotta tiled, while on the lower flank a heavy wooden door leads into a *cave à vin*, now converted into a cosy – if you find crypts cosy. The space is peppered with candle drippings and cowhide throws.

From here we turn hard right, pulling inside what feels like the estate's main courtyard, or village square, a place where the road widens and comes to a natural point of congregation, a patch of gravel with a small tree at its centre.

In front of us, 30 feet away, is the church, silent with its door locked, while to our left is what appears to be a quintessential French café, a building that was originally intended to be a garage. The café's brown fabric awning has a name across it in an art-nouveau period type, "Chez Marceline", which refers to Marceline Lenoir, Paradis' long-standing acting agent.

At a polished wooden table outside the café, two men are sitting sipping Evian. Their names are John Evans and Daniel Rolle and they are expecting us. Evans' and Rolle's looks are route-one Mayfair hedgie on an off-site:

crisp, pale-blue shirts (tucked in), narrow but not-too-skinny indigo jeans, a woven belt at the hips and a vintage Rolex on the wrist. It's clean, tasteful and quietly refined, rather than anything ostentatious or flash.

Evans and Rolle have been the point men in regard to today's logistics. They work for a London-based company called Hawthorn, a public-relations firm that, among other things, specialises in dealing with crisis management for companies and high-net-worth individuals. Hawthorn advised on "strategic communications" for En+, for example, the Russian energy company owned by controversial oligarch Oleg Deripaska.

Deripaska was once worth \$14 billion, although that figure is now £2.6bn. One of Hawthorn's partner companies in the US has been consulting on the sale of The Weinstein Company, but it's worth mentioning that Evans himself advised against such a move, despite the "ludicrous fee" offered. Firms such as Hawthorn don't do minor skirmishes or call editors seeking corrections in the entertainment pages; they are a firm who exceptionally wealthy clients call if there's no one else to call. They are the Harvey Keitels of this world: wolf men, fixers, public-image adjustment specialists, polymath corporate strategists.

Ben Elliot, nephew of the Duchess Of Cornwall, is a cofounder and partner of Hawthorn. He also set up Quintessentially, the concierge service for the wealthy elite – think heli-skiing off Everest's Hillary Step or a balcony suite with a view of the Monaco Grand Prix. It was Elliot who made initial contact to ask whether GQ would be interested in meeting and talking to Depp.

Despite Depp being someone who has long underscored his disdain for the media – someone who once took on the paparazzi with a plank of wood outside a London restaurant – we were informed that he wanted to talk. Or, at least, he was advised that he should *seem* like he wanted to talk, that he wanted to set certain records straight, not least concerning his image in the press and the various battles on which he has been fighting of late.

It's about two months after the publication of a widely read *Rolling Stone* interview, entitled "The Trouble With Johnny Depp". It is an article that Depp will talk about later, addressing it as he does most topics, with a sort of vengeful nonchalance. This is a man, I will come to understand, who will happily spill his guts all over the table, yet remain flippant about cause and effect. This "coolness", one suspects, is his armour. >>

JOHNNY DEPP

Depp's tattoos speak to a history of turbulent relationships, with old partners' names written and then overwritten



'The Rolling Stone article was a sham. I was shafted. The guy walked in with absolutely one intention'

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Music, says Depp, was always his first creative outlet. Acting, and the Pirates franchise in particular, has led him places he had never planned for.



>> The actor refers to the *Rolling Stone* article as "a sham". In fact, he goes much further. "I was shafted. The guy [journalist Stephen Rodrick] walked in with absolutely one intention. And I could see it and I thought maybe I could help him understand, you know?"

"I trusted Jann Wenner [cofounder and publisher of *Rolling Stone*], as I knew him through Hunter [S Thompson, the late writer and a mentor of Depp]. I trusted what the magazine stood for, or what it used to stand for. I wanted Jann to see if he could write, to see if a piece could be written... to put things in perspective. That's all, just to put things in perspective."

Perspective can be a treacherous thing. It can be hoodwinked. It can be manipulated. Perspective, after all, is inherently subjective. Yet Depp was right to be belligerent. Anyone who didn't know any better would have read that *Rolling Stone* profile — together with a steadily accumulating digital silo of cuttings and clickbait about the star's life of late, his financial woes, his savage and hostile divorce from American actor Amber Heard, accusations of domestic violence and that videotape — and come away with a pretty bleak picture of the 55-year-old.

The article stated Depp was near to broke: having made \$650m on films that netted around \$3.6bn, yet "almost all of it is gone". Up until a few weeks ago Depp was suing his longtime business partner Joel Mandel and his brother Roger (and their firm, The Management Group [TMG]) for negligence, breach of fiduciary duty and fraud.

The suit claimed that under TMG's watch Depp had accumulated (and paid) nearly \$5.6m in late fees to the IRS, something that the star claimed he knew nothing about. Depp's suit also pointed at TMG's conflicts of interests, their alleged wrongful investment of the star's money in companies with which they had a relationship and their enabling of Depp's immediate family members to spend his fortune without proper authority or knowledge — not least his sister Christi. TMG counterclaimed against Depp for breach of contract and fraud, saying that it was the actor who was responsible for any financial turmoil in which he found himself.

By the time I reach Depp in his French villa the litigation has reached a settlement and, later this month, in August, he will win the first stage of a separate case against his longtime lawyer, Jake Bloom, regarding "handshake" agreements and contingency fee agreements, or lack thereof. The >>

'To find they were screwing me? These people used to come to my babies' birthday parties'



Among the buildings in Depp's private village is a 'quintessentially French' cafe

>> latter appears to be a vindication of sorts for Depp, almost certainly having wider effects on the industry and how business is conducted between management and talent.

Sitting with the Hawthorn executives in Chez Marceline, waiting for Depp to emerge from his quaint, nondenominational lair, there is also continued talk of stories emerging about Heard and the pair's acrimonious split. Heard filed for divorce in May 2016, only 15 months after the couple got married in February 2015. Court records filed by Heard cited "irreconcilable differences", with a temporary restraining order granted against Depp, who Heard accused of domestic violence. A much-circulated leaked video claimed to show Depp "throwing a wine glass" at Heard and the 32-year-old's lawyers previously claimed that Depp "violently attacked" her.

The outrages then go from the disturbing to the downright bizarre. Although the couple's divorce settlement was reached in August 2016 – with Depp paying a reported \$7m and the restraining order lifted – even this morning, on my way to

Depp's compound, the most peculiar story yet emerged from their volatile relationship, that Heard allegedly defecated in the star's bed after a particularly nasty row in April 2016. Heard has come out with a statement last night claiming the incident was far from a dirty protest on her part, but rather blamed the deposit on her dog, Boo, who suffers bowel problems.

As I hear the satanic noise blare out from Depp's church in France, it makes one wonder: who, or what, am I about to encounter today, at his home, inside his sanctuary? An actor who is crippled by fame, money and excess? A relic of an old Hollywood star system that is broken and growing old disgracefully? Someone who simply doesn't fit into the brave new era, an era when scandal and stories can no longer be hidden away or buried under an avalanche of enforced NDAs?

Or is Johnny Depp simply a man who, for all his faults, has been wronged and harbours a genuine desire to set out to protect his name and his past work so that he can begin to bring himself back from what has been a period of his life he'd sooner forget?

Does he seek vengeance against an industry – and certain individuals – that he claims took advantage of his naivety and confessed contractual carelessness?

Is this a man who still believes in trying to be the outsider, an artist who desperately wants to be free of responsibility, something that might be mistaken for isolation and eccentricity but is actually something closer to a belief in romantic rebellion?

It's time. He's ready."

As I'm led towards the church where the demonic wall of noise has finally been silenced, I realise, perhaps for the first time, that I have no idea who or what will appear, blinking into the hot white light. It feels like stepping inside the eye of everything that tornadoes around this one man and his astonishing life. As the church door opens and I hear a cough, I wonder: where does the myth of Johnny Depp end and the truth of who Johnny Depp really is begin?

"Are you a John or a Jonathan?"

"I'm Jonathan," I say. "You must be Johnny."

"Johnny, John... I'm a John. Is it Jon-a-than

Depp's signature
Kronenbourg 1664
Millésime and
sirop de Picon



or Jon-a-thon? I'm John Christopher Depp II. I have a number after my name which makes me sound... I don't know, grander than I should be." Immediately there's that smile, one that hovers between charm and mischief, heroic and villainous. His eyes will remain behind an enormous pair of reflective aviator shades for the next four hours. "Shall we go and sit in the sun, talk, get heatstroke, vomit and die?" A pause. And then the head goes right back with the laugh. "Maybe later. Come on, Jonathan, there's a really cool little spot I want to show you..."

Depp has emerged from his slumber looking if not healthy then certainly healthier than I expected. Friends I had spoken to about my assignment voiced concerns over Depp's mental and physical state – most with little to no actual factual insight, it should be said – many referring to an image taken of the star recently while on tour round Europe with his band, Hollywood Vampires.

The photograph, taken by a fan, showed Depp gaunt, pallid and in need of some sleep – or at least a large green juice and once round the block on a SoulCycle. Not only that, but, perhaps even more disturbingly, his

'Shall we go and sit in the sun, talk, get heatstroke, vomit and die? Maybe later'

usual battered fedora had been replaced with a baseball cap, a baseball cap with the word "fugly" emblazoned on it. Johnny Depp? In a baseball cap?

Today, however, Depp's skin is clear and absent of bloat or puffiness. It must be added, however, that his clothes are less intact. He is wearing a baseball cap and his shirt in particular appears to have had its arms pulled off, as if it was once the property of an irate Bruce Banner pre-anger management classes. In fact, the shirt is like nothing I have ever seen before: part dress shirt, but with a mandarin collar, yet no sleeves. Over his shirt is a pinstripe blue waistcoat and around his neck are various chains, trinkets and talismans.

On the end of one necklace is a silver "gonzo

fist", the icon characterised by two thumbs and four fingers holding a peyote button originally used by Hunter S Thompson's 1970 campaign for sheriff of Pitkin County, Colorado. Through Thompson's prolific life and writing style, the fist has become a symbol of gonzo journalism as a whole. For Depp it is both a memento of his late friend, someone he once lived with in a basement in Owl Farm, Thompson's base camp in Aspen, Colorado, and a reminder of how one should work and live, with a strong sense of the individual and unhinged from corporate or fiscal systems. As Depp so often says, "Beat the system from the inside out."

The jeans are baggy and a patchwork of blues, holes that have been mended and stitched innumerable times. Depp's trouser-wearing history has always been, well, patchy, to say the least, always looking like he's just come from break-up sex with a werewolf. He was once taking a child to a birthday party in Los Angeles when he realised his jeans had a hole the size of a hubcap across the rear-end. Rather than change, which would have been the sensible thing, he grabbed a roll of silver gaffer tape and fashioned his own filler. >>

Depp's belt is something else. It's worn brown leather, but the buckle is attached to the side rather than the front. It's unusual, I note, as we walk towards a huge stone table where we will sit and talk in the shade for the afternoon. "This? Well, it's no Texas Belt Buckle. You know what Texas Belt Buckle is?" I have to confess I do not. "Well, a Texas Belt Buckle is where you have to pull your scrotum up over the top of your jeans without undoing them. All the way up and over. Oh, the horror of it all... You have to bring your cock back around and stick it through... Your cock has to go around the bend in a sort of semi fruit basket and then, well, then you're fucked. You pull your testicles out over the top and leave them just resting there. That's a Texas Belt Buckle. Then, of course, there's a Dirty Sanchez, which is something else entirely. 'Dirty Sanchez', which I managed to sneak into *Pirates*..."

For those in the dark about what a Dirty Sanchez might be, all you need to know is that it's a term that originated in the spit'n'grind of the LA porn industry, something that could occur when certain protruding members are stuck into certain orifices and then into certain other holes. I'll let your imagination run dark, but let's just say it's unfathomably gross and a term for an obscene sex act that couldn't be less suitable for inclusion in a \$300m Disney film about a pirate, itself based on a family-friendly theme park ride in Florida.

"Yeah, I [said] it in *Pirates* and they never caught it when it went out to the theatres," Depp chuckles as we take our seats opposite one another. "They caught it when it went to DVD. I did it because I wanted to see who would be the one at Disney to find it..." As to why Depp wanted to find out who would be the person to red flag such a thing is unclear, although the fact he is still proud to have got the obscene term included in that first blockbuster – albeit as a mumbled, near incoherent entry – and past corporate eyeballs (and ears) is not insignificant.

It serves to illustrate what has been, and what still is, at Depp's moral core, a conflict that boils and foams beneath the actor's surface: the tussle of being true to his artistic sensibilities while also being a willing participant in and figurehead of a billion-dollar franchise. It is the age-old problem faced by many successful creatives, that of art vs commerce.

Jack Sparrow was for Johnny Depp what Iron Man would eventually become for Robert Downey Jr: a global hit that pivoted the actor – or at least his image – from that of a young, somewhat surly indie misfit who >>





JOHNNY DEPP

In the cave à vin
beneath the master
building in Depp's
village compound

'There's a common
thread going through
my characters.
They're all judged in
a condescending
manner, in a bad way'

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>> had already illustrated a distaste for being a teenage pin-up (via *21 Jump Street*), wore oversized vintage leather jackets and smoked Marlboro Reds while smooching wild fashion cats such as Kate Moss, into a global megastar with his own merchandise line, including a 25cm-high pirate figurine with removable cutlass and leather booties.

It was the moment the man who played Ed Wood turned into Mickey Mouse, albeit Mickey Mouse with a fondness for a bottle of Château Calon Ségur (2014). "I was freaked out by it," he admits when he realised where acting was going to take him, rather than music, which had always been his main creative outlet. "I mean, at the beginning I genuinely didn't give a fuck about acting. But I began to enjoy it. I enjoyed creating those characters up there, being in the trenches and sparring with collaborators, actors, directors... The trouble with working with these big studios is they can get uncomfortable about certain creative decisions you make. That happened with *Pirates*. My view is if the studio isn't worried then I'm not doing my job properly."

Did Disney try to alter his *Pirates* performance? "Disney hated me. [They were] thinking of every way they could to get rid of me, to fire me. 'Oh, we're going to have to subtitle him.' 'We don't understand Captain Jack Sparrow. What's wrong with him?' 'What's wrong with his arms?' 'Is he drunk?' 'Is he mentally fucking stupefied?' 'Is he gay?'"

I ask Depp directly: did Disney ask if Jack Sparrow was being played as openly homosexual in *Pirates*? "They asked me, 'Is he gay?' and I answered the question over the phone. It was a lady called Nina Jacobson from Disney at the time [Jacobson is herself gay, it should be noted, and has long campaigned for greater diversity within the all-male club of old Hollywood boardrooms] and she asked me a couple of questions and then said, 'What is it, Johnny? Is he gay?' My tendency, of course, is to be irreverent so I said, 'Nina, didn't you know all my characters are gay?' That was a pretty abrupt end to the conversation. And I just continued shaping Jack the way I believed was best."

Was Depp angry at Disney for its lack of vision? Its lack of trust? "No. I told them, 'Look, you don't like what I'm doing, fire me. You hired me to do a job and play the character and this is what I want to do.' This is the work. I mean, hadn't they seen any of the work I'd done previously? You might want to take a look at that before you hire a motherfucker, you know?"

Did he feel vindicated once it was clear his treatment for Jack was going to

work, when audiences fell in love with him? "I knew I was right. Even the very first time when they came back to me saying, 'No, no, what is this?' it felt right. Even when the other actors were looking at me like I was an absolute menace, I stayed with it. I mean, the older actors were probably thinking, 'Jesus Christ, he's wrecked.' Because I would tear up the script on set. I'd go rogue. I'd fly for a little bit to see where things went. And not everyone appreciates this way of working. Oliver Stone didn't appreciate it when I changed all the lines he wrote for me in *Platoon* and that's no doubt probably why most of my stuff ended up on the cutting-room floor."

Depp and I are sitting under what can only be described as a tent or canopy of green vines. We are about 150 metres from the main house. Inside the tent is a huge, monolithic stone table and benches that resemble something dragged from the palaeolithic age, pockmarked and grooved from years of wear and deterioration. Depp bought it when they acquired the house. "I did a

'Spit out what you need to spit out and my attorneys will take care of the rest'

film with Roman Polanski [*The Ninth Gate*] in Paris with Vanessa. We were supposed to stay two months and we ended up staying ten years."

As we talk, Depp keeps his cap and his shades on. Occasionally he seems a little sleepy, stifling a yawn, although after a while he shakes off the sleep and is engaging, coherent and certain. He twists and moves rarely, maybe tucking his legs to one side or sitting cross-legged like a sort of skater/war vet/yogi. Otherwise, he is entirely still. He takes care with his answers, speaking at a steady pace, unafraid to be patient and wait until the right word arrives from his consciousness and escape into the ether.

A man, maybe a housekeeper, brings us refreshments in one of those light-blue plastic laundry baskets: sweet, bottle-green tea, Coca-Cola, water. No alcohol. Later I ask Depp if he believes he has a problem with alcohol: "Do I like a drink? Yes. Do I need a drink? No." The only visible vice is the rolling tobacco that he smokes in liquorice papers; he'll roll one up every 20 minutes or so and often not light it immediately. He lets it hang from his mouth, the paper sticking to his lower lip as he talks

and answers questions. He has all the tobacco warnings, all the images of blackened lungs, scribbled out by an assistant. His fingers are cluttered with rings and his arms are full of black ink.

The tattoos have been much discussed: the "Wino Forever" on the upper right bicep being perhaps the most infamous, an alteration of what originally was "Winona Forever", which Depp got when he was dating Winona Ryder, the pair having worked together on Tim Burton's *Edward Scissorhands* in 1990. A more recent tattoo read "Slim" in a gothic font, a letter on each of the proximal phalanges (the finger bones closest to the palm of the hand). Slim was the name Depp used to call his ex-wife Amber Heard. After the divorce he had it amended to "Scum" and more recently "Scam".

Before flying out here I was told that Depp categorically didn't want to discuss his recent divorce. But there's something about the torment of the past few years that, intentionally or not, shakes such spiky subjects – his break-up, his reputation, his financial problems – to the surface. Quite simply, they are in the air. I can feel it. Depp can feel it. And without even being nudged, the topics fall onto the table and demand to be picked at.

Depp, one can tell, feels he has suffered, sounding at times like a wounded animal who has healed and is now ready to bite back. He is also, although he may deny it, angry – angry about a lot of things – and he's vengeful and absolutely, categorically certain of his position and his standing.

"The last three or four years has felt like a perverse situation that was inflicted on me. It hurts." How did the actor take the claims about his long-term managers eviscerating his trust, their relationship in that way? "I was with my business managers for 17 or 18 years, I think. To find they were screwing me up the arse? These people used to come to my two- and five-year-old babies' birthday parties.

"It is crass to speak about money but, I mean, when I found out the *Pirates 5* film had just been finished, right before the business manager started to go, 'Oh, you've got to sell the house in France! Oh, my god! Shit's hitting the fan!' Now, my front fee – I am even embarrassed to say it – for *Pirates 5* alone was £35m. And then I went on my honeymoon after that film and while I was on honeymoon that's when I got the call from the guy and I was like, 'What? I don't understand? How could this be?'"

TMG claimed that they did what they could to handle Depp's finances responsibly and repeatedly warned him that he >>

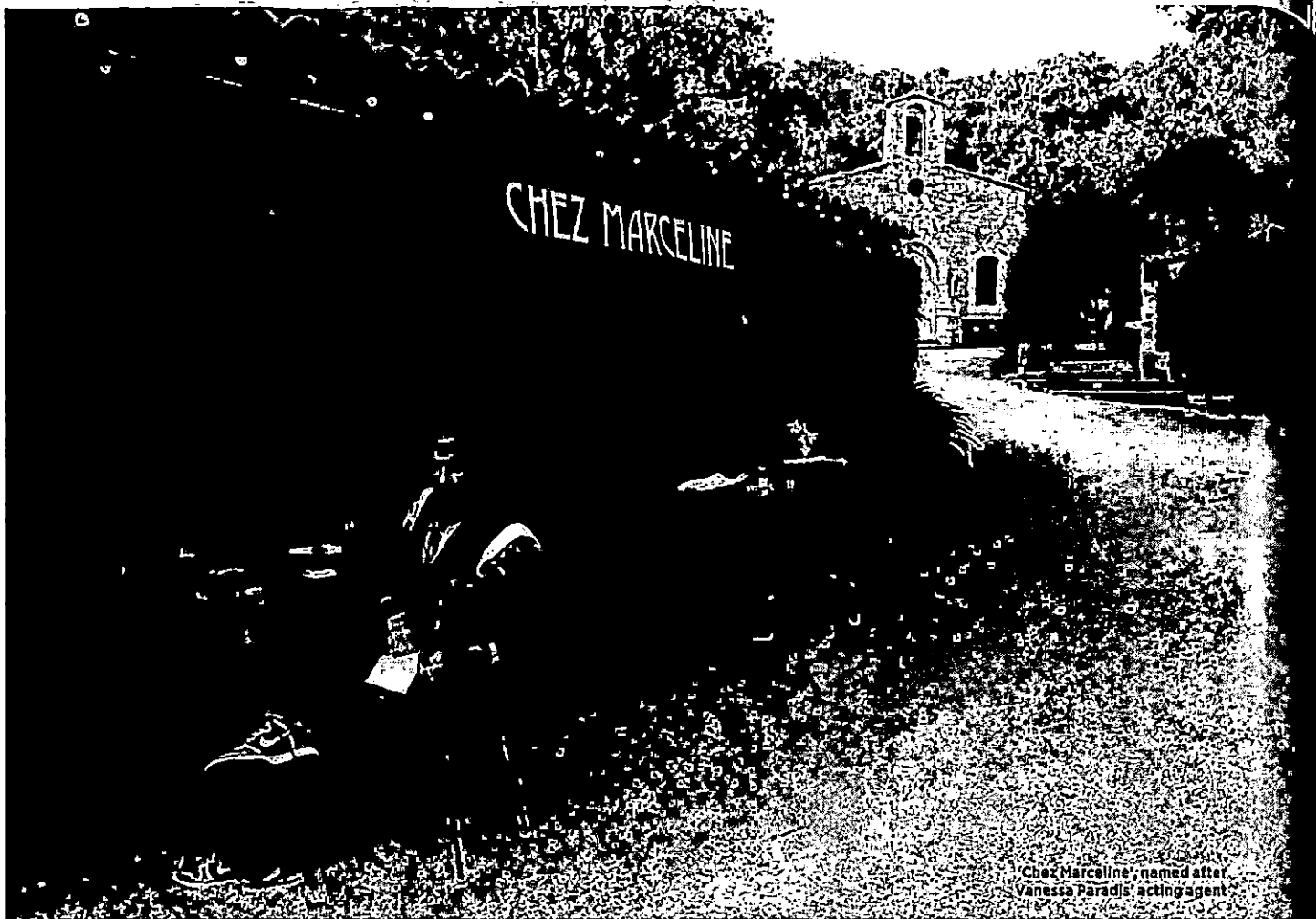
JOHNNY DEPP

the former
church
now serves
Depp's bedroom

'An episode like
this takes time
to get over.
It's a mourning,
a betrayal'

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'Chez Marceline', named after Vanessa Paradis' acting agent

>> was overspending, but he has a different perspective. "My belief was that I needed to not envelop myself in the notion of money, how much I was making, how much was there. I just knew that I was making enough money in salary and back-end that everything should be tickety-boo. Nothing should have gone as sideways as it did. And when I found out, that is when the war began. It was from every angle. The judge, you know, called them on all the petty personal allegations and said you are trying to decapitate this man in a public forum. That is not what you do."

Depp has a theory, however, about a wider conspiracy being fuelled by the troubles surrounding his finances and deteriorating marriage, a theory that points to the Hollywood industry itself, "this vile fucking circus", as the actor calls it. "But did it stop all the power mongers in Hollywood who were interested in shutting me up? Big money was being thrown about. People suing me at every opportunity. I mean, it's all so obvious. Listen, I know I was never going to be Cinderella – I know this and accept it. But it felt like within a very, very short

'If I catch you, I will eat your nose and swallow it in front of you. Then you'll think about it next time'

period of time that suddenly this version – for lack of a better word – of Cinderella had been immediately turned into the beast. He's Quasimodo.

"I could feel people look at me differently, because of the accusations towards you. And then people start putting things in magazines: 'He's insane. He needs to take a sanity test...' You know, ludicrous stuff. But the only thing that I could do was know what I still know. Ultimately, the truth will come out in all of this and I will be standing on the right side of the roaring rapids. I hope other people will be too. I know the truth and if I had to walk away from all of it today, the job, the career, all of it, and go tootle-oo, then fine.

"I've got nothing to prove to anyone, because I've never been in competition with anyone. I don't buy into that shit. I'm not interested in receiving any spray-painted action figures. You know, maybe whatever this thing is, whatever I leave behind, you know, my legacy to my kids or the people, I haven't watched 98 per cent of that shit. It may be completely insane. It may be crap. It may be interesting. I don't fucking know what it is. But what I do know is that I did something, and I tried something different, for a period of years. Did it work? Who the fuck knows? But I did it and I'm fine to stop.

"I love the process of creating a character. I love the safety of, you know, being that character. I mean, there was great safety in being as open as you could possibly make yourself on *Edward Scissorhands* and to try to see things, mundane, normal things, as beautiful and new, you know? Captain Jack was a different animal, Ed Wood, a different animal, Mad Hatter [from *Alice In Wonderland*], Willy Wonka [*Charlie And The Chocolate Factory*]...

"Yet there's a common thread going through



JOHNNY DEPP

In Depp's 'nondenominational lair', the confessional is now a wardrobe and the cloister an art studio

all these characters. There's a filament that connects them. Even though they're all very different, they're all very much the same, because it all has to come out of some sort of truth, you know? And the truth is they're all fucking misfits. They're all misfits and they're all misunderstood. And judged in a condescending manner, in a bad way."

The message is loud and clear as to what Depp believes went down with his long-term management and business partners. I wonder: does he worry about his reputation, his legacy, not least in regards to women? Is he concerned that so much of what has been put out in the press, so much of the scandal, has caused an irreversible erosion of his good name? Or does he simply not worry because, as he says, he never wanted to be put on some pedestal or claim to be a role model, a Cinderella figure?

"Do you know... I'll tell you..." The following pause is long. Depp and I sit in silence. The question hovers over us. Then, he seems to simply decide to talk.

"It's not about being a role model. No, it's not that at all. The tape that came out..." He stops and chuckles and repeats his words,

"The tape that came out, or the tape that someone made, that miraculously appeared on YouTube, taken from someone's phone. That was not Downtown [LA, where he lived with Amber Heard]. She [Heard] wanted to make like it was recent. It was an older video and [what happened in it] had to do with finding out that I had been ripped off for hundreds and hundreds of millions of dollars."

The video in question, blurry, clandestine, shows Depp banging around an apartment, filling a large beaker with red wine and then grabbing Heard's phone after seeing she is recording. The video was "leaked" or released by showbiz gossip channel TMZ in the States, although compared to Heard's other allegations against Depp the video content seems unexceptional or certainly the least disturbing.

Although the pair have now settled out of court, what Heard alleges to have happened in April 2016 still reverberates throughout my meeting with Depp. Heard alleged that on Saturday 21 May, Depp attacked his wife and threw an iPhone at her face. Heard phoned the police, who found "no evidence

of any crime". However, Heard claims to have taken a selfie later that day showing bruising around her right eye and cheek. The following Wednesday she filed for divorce.

I feel like I have to broach the subject with Depp. Does the actor consider himself a violent man? An aggressive man? Can he lose his temper or is he prone to if intoxicated? "The thing that hurt me is the treachery, the betrayal of being presented as something that you're really as far away from as you could possibly get, you know? I have freely admitted and it's known, yes, I have been arrested for assaulting a hotel room [worker] once and I smacked the location manager [on the set of a new, stalled project, *City Of Lies*, a film about the murder of Biggie Smalls] and he called the cops on me. I went to jail in New York. OK, great, fine.

"Then there was that time when the paparazzi were trying to take a photograph of Vanessa and she's pregnant with Lily-Rose and I was not going to let them make a circus out of it. So I did what I had to do. Got her in the car, they didn't get the picture, and I said, 'Take a fucking picture because then I'll stove your fucking head in. You've got your >>

>> cameras out. First one click. Let's go.' And that's just the truth. I would've. I've even said before, if a paparazzo gets a shot, they're far away and they get a shot of me and my kid, whatever, that's their thing. But if I catch you, I will eat your nose. I will eat your nose, chew it up and swallow it in front of you and then you'll fucking think about it next time. I fucking mean it. But to..."

Depp goes quiet again. It seems like he needs to take stock every so often, to recharge, to get back into a specific lane or mood every time the conversation veers into talking about the volatile relationship with Heard and the results of its breakdown. "To harm someone you love? As a kind of bully? No, it didn't, it couldn't even sound like me. So, initially, I just kept my mouth shut, you know? I knew it was going to stick on me and it would get weirder. Keep going, you know? Go nuts. I ain't going to get into a pissing contest with someone about it. Spit out what you need to spit out and, you know, my attorneys will take care of the rest. I never went out and spoke about the shit.

"But of course I care what my family and my kids think. I mean, you realise right away, essentially, that what is being done is the commencement of what they hope is to be your funeral. They want to ruin your life and to take away the opportunity ever to work again, and take away everything that you've built for the last 30 years." Depp is still talking at a measured pace, in his low, cool tones, but his words are just a little clipped at the ends. His vowels just a little firmer.

"And worse than that, to take away future earnings that are for my kids, you know? I do this shit for my kids, man. How could someone, anyone, come out with something like that against someone, when there's no truth to it whatsoever? I'm sure it wasn't easy for my 14-year-old boy to go to school, you know what I mean? With people going, 'Hey, look at this magazine, man. What, your dad beats up chicks or something?' Why did he have to go through that? Why did my daughter have to go through that?" I tell Depp I can see how that would anger him. "She didn't..." Depp is often all too aware that some of the intricacies of his and Heard's relationship need to be put in the third person. This is why, at times, he will start off using a subjective pronoun but switch to something more objective, swapping a "she" for "that person".

"Why didn't that person speak to the police?" continues Depp. "I mean, they spoke to the police, but the police saw nothing and they offered her an emergency medical technician. She said no. Police see nothing on her. Police see nothing broken in the place, no marks, and then they offer her an EMT to have a look at her and she says no and I

don't know if it was the next day or a couple of days later, but then there was a bruise. There was a red mark and then there was a brown bruise."

Depp suffered a catastrophic amount of physical abuse at the hands of his own mother when he was very young. The impact of an object on human flesh and bone is a physiology, a biology, he claims to know only too well. "I've been hit in the eye a bunch with fists and boots and anything else that anyone in my family could throw at me or beat me with," he tells me about his childhood. "I know bruises. They close up and they go purple and they go black and they go green and they go yellow and they go yellow-brown like a banana and then they start to fade away. And that process is probably about 12 days or two weeks."

A day after the alleged phone-throwing took place, Heard was seen at a party, specifically Amanda de Cadenet's 44th birthday party. De Cadenet posted a picture of herself, with Heard smiling brightly on her

'I've been hit in the eye a bunch with fists and boots and anything else. I know bruises'

right and model Amber Valletta to her left. Heard is tagged in the photo; her hair is brushed over her left eye and cheek. At some point, however, the image was deleted. Depp is emphatic about his version of events. "She was at a party the next day. Her eye wasn't closed. She had her hair over her eye, but you could see the eye wasn't shut. Twenty-five feet away from her, how the fuck am I going to hit her? Which, by the way, is the last thing I would've done. I might look stupid, but I ain't fucking stupid."

To suggest that a woman, a man or anyone might have made up such a serious allegation is a tremendously dangerous and damaging thing to do. If we as a global community are striving for equality and acceptance to run through every part of our lives, through all races, cultures and genders, then we need to believe those who stand up and claim to have been subjected to physical or verbal abuse.

Let me be clear: this is not a piece of investigative reporting. It is merely a snapshot, a chance to sit down and talk to a person of immense interest and talent, who has, it must be noted, brought joy to millions of film lovers all over the world, ever since he moved from Kentucky to LA and a friend,

Nicolas Cage, told him he should go and see his acting agent.

This isn't a piece claiming to know with any authority about what happened between Johnny Depp and Amber Heard in May 2016 or at any other time between the pair in private. All I wanted to do was come to Depp and ask him to give his side of the story, which up until now has not been properly heard. Before we met, it was agreed with his advisors at Hawthorn that both parties would go into this meeting with one simple aim: to record what happens candidly. From my side, this is what I saw and this is the conversation we had.

"We probably shouldn't be talking about this," continues Depp, "but I am worried. I worry about the people that bought it and I worry about her. It's just not right. I will never stop fighting. I'll never stop. They'd have to fucking shoot me. An episode like this takes time to get over. It's a mourning, a betrayal by someone you thought was..."

Again, a pause and quiet. All I can hear is the blood rushing about my skull, nitroed by adrenaline and the swirling white nicotine clouds.

The love of his life?

"Well, something. I did marry her somehow."

Is he single now?

"Yeah," he says, chuckling and sounding somewhat relieved.

Does that feel good?

"Yeah."

Does he think about wanting to find love ever again?

"No."

I need to take a leak. Depp tells me I can use his bathroom and that I'll find it back at the church. He gives me a set of instructions and directions, although with the electricity of the conversation we have just had still pinging about in my hot skull I nod and smile but when I actually arrive at the church I realise that I wasn't really paying attention. I walk in through the main door and that's when I realise I am standing slap bang in the middle of Johnny Depp's bedroom. Alone. With a full bladder.

Actually, I am not quite in his bedroom yet. I am in a small kitchenette. There's a sink and a box of tissues on a small table and beyond that a door that leads to the bedroom. I can see it's the bedroom because I can see the huge four-poster bed against the far wall. I venture further in, thinking that there must be an en suite somewhere and now I really am in the middle of Johnny Depp's bedroom, inside his church, which he had built in the compound he bought with his ex-partner 20 years ago. It makes one's head spin to be

alone in someone's private space. It's so intimate, like climbing inside their head or diary and riffling through their thoughts without telling them you're doing so.

I take a quick scan of the room. There's a jumble of family photographs, a guitar on a stand and clothes strewn about like a teenager just home from school. Down the far end, towards the main church door, which is blocked, two sofas face one another. On the sofa closest to me, down the right-hand side is the most intriguing object of all: a black vintage typewriter with round, silver keys.

To the left of the machine is a pile of notes and typed pages. I had heard a rumour that Depp was writing a memoir, a book of his life, and had been doing so for the past few years. It's a book about the abuse he suffered at the hands of his junkie, desperately violent late mother; about how, in anger, he used to take a baseball bat from the garage as a kid and just spend an hour walling it against a palm tree in their yard; a book about the work, the films that never made it; about his relationships, his friendships; about when Allen Ginsberg called the actor as he was dying; about Bob Dylan, his friend; about *Edward Scissorhands*; about the industry, the circus; about the corruption, the excess and the sordid beautiful truth about it all.

There's a page spooled into the machine already. There are a handful of sentences typed, the black ink speckled and smudged on the grained, ivory paper. What is written is private. It's also eloquent. It reads like someone trying to write vividly, someone desperate to get it out, get it down, so he might hold it up and scream, "Look! This is what happened!" This feels like snooping. I make a swift exit and go back to the bathroom in the café. Eventually I wander back to Depp, the smoke signals from his cigarette indicating he is still where I left him.

"You know, on the road with the band, it's impossible to bring oil paints," explains Depp. "Mineral spirit stinks up the fucking place, you know? So I've just been doing watercolours and odd drawings. I've also been doing a lot of writing. I kind of started a book, a couple of months before I broke up with Amber."

Fiction? Memoir? A play?

"I've written around 300 pages. I have about 300 more pages more to go. I am halfway. They are more memories. And some of the beauty and the knowledge that I've been able to glean or sponge off of some of these magic fucking people I know, from Brando to Hunter to Patti Smith to Dylan to Ginsberg. I have been so lucky to have met all these folk. I don't have cards or make notes really. No structure is blocked out. I have reminders. I'll make a list of reminders."

Of events he wants to remember?

"Yes, but it's not written in any kind of linear form. It should be more like the unplanned telling of a story around the campfire."

I ask Depp if he finds it hard writing about some of the more painful memories.

"Sure. I mean my childhood was dark. My mum wouldn't edit. There was no editing. She would say what she meant, what she felt, in that instant. No matter how wrong it might have been even, or how hideously evil it was in the moment, she didn't edit. It came out: bleugh! She was out of her mind, obviously, and she didn't know what the fuck she was doing. She got four kids and she hated the world. Was there fuck loads of verbal abuse? Yeah, man. Was there fuck loads of physical abuse? Yes. And never-ending, to the point that pain, physical pain, was just a given. But the last four, five years that I was *involved*, let's say... Well, that was quite a dark time too.

"I mean, you can write about those things and what's interesting is you write about

'At a certain point one must be able to say, "What else can any of you do to hurt me?"'

those things early on and once you've had a few years away from that chapter you go back and reread what you've done so far. And then you realise that you do feel the same way you did, but you're so far beyond it. It puts everything else into perspective. Because at a certain point one must be able to say, 'What the fuck else can any of you do now? What else can any of you do to hurt me?'

The patter has changed. He is still calm, still warm, but the emotions are right here on the table with us, right in our faces. Maybe it's just Depp's natural charisma, but the intensity of the conversation feels like lifting weights. Not because it's difficult to talk or that it isn't natural, but simply because of the rawness, the emotional density of the topics. We sit in silence. Depp doesn't move, not a single muscle flinches. It's like he's looked into the Gorgon Medusa's eyes to see for himself life's savage reality.

The cigarette hangs unlit, like a stogie to be chewed on or soaked with spit. "What was it that Dylan Thomas said, 'To begin at the beginning,' right? And Ernest Hemingway, 'All you have to do is write one

true sentence" – one of the hardest things in the world to do. And [Allen Ginsberg's] "First thought, best thought."

Depp has taken his writing lessons from brilliant yet often difficult men. He has strung them together like bunting: to begin at the beginning, all you have to do is write one true sentence: first thought, best thought... Much like Ginsberg, Depp has that ability to perform, to unspool himself and all his kinks. A drive into Depp's memories, one suspects, would be like trying to control a car on a winding mountain road with its brakes cut, thrilling yet perilous.

"And Hunter. Hunter! He was right in the centre of every story. And all those stories were true. I have all the tapes and the napkins. Hunter wanted me to buy his archives, but I'm its custodian. They belong to Hunter's grandson, Will. I think we are going to take it on the road, to show people, to show people the reality, the madness and the goddamn beauty of it all."

For the first time, Depp takes off his shades. He rubs his eyes, which aren't bloodshot or kohl-lined, but are clear, backlit and luminous. "I want the truth. That's really my biggest obsession in the world. It's just the fucking truth."

Yet to live on impulses, to put down all the raw facts unedited as they come out, well, that's a powerful type of storytelling. As Hunter himself warned of such precision reporting: "Absolute truth is a very rare and dangerous commodity."

The truth has no time for perspective. Or rather, truth is not about perspective as a point of view. But to see the whole truth? The whole story? Now, that sort of perspective will allow you to get the entire picture: the correct height, depth and position of all the facts in relation to one another, something that is absolute.

There is no doubt Depp is seeking the truth. That is his mission. One day, maybe he will find the right words, in a conversation or in a book, and when he does they will be simple. **GQ**

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First on the record statement from me regarding the body cam to RTL, Adam Waldman, Johnny Depp's attorney:

"Amber Heard and her friend Rocky Pennington concocted a picturesque, messy crime scene around her most notorious May 21, 2016 abuse claim against Johnny Depp. And they signed those claims under penalty of perjury to obtain a temporary restraining order against Mr Depp from the LA Superior Court. Now come the consequences. LAPD responding officers repeatedly testified they saw zero damage, and recently obtained LAPD body cam footage showed unambiguously that Heard & Friends' messy crime scene was one more grandiose lie. LAPD have now opened up a criminal investigation into perjury, following Australia as the second criminal perjury investigation launched against Ms Heard worldwide (to date). Mr Depp is deeply appreciative and thankful to all law enforcement officials for their pursuit of the truth. He patiently awaits vindication and the end of this nightmare."

24 84

More Tweets



TINY TUG @TugTiny · May 9

The ACLU wanted the Amber Heard OP-ED written for political reasons, which they weaponize with the "ambassador title."

They literally wanted Johnny Depp to be the scapegoat for the entire #metoo movement.

The release timed around Heard Aquaman, 3 days before.

is an e-mail from Gerry Johnson. You testified about this string earlier today. And if I could just direct your attention to -- it says, "...and how people can take action. It can be timed for sometime after 11/14, when it's time to remind the

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Exclusive Statement about the UK court ruling, to RTL, Adam Waldman, Johnny Depp's attorney:

"Justice Nicols perverse UK ruling was based on one simple concept: if Amber Heard said it, it had to be true, no matter how absurd, nor how big was the mountain of evidence obliterating her lies. On the road to injustice, the judge closed his eyes to the testimony of police and dozens of witnesses', 87 CCTV surveillance videos, high definition video and photographs from the day after multiple claimed savage facial beatings, and proof that Ms Heard lied for years to governments, courts and charities to get what she wanted. He ignored the muddle of Ms Heard's own internally inconsistent and ever-shifting stories as she was forced by evidence to serially present 6 separate witness statements to the court. The judge even ignored hours of stunning audio tapes in which Ms Heard unambiguously confessed to her violence spree against Mr Depp, who would simply "split" to get away from her onslaught, and warned him: 'no one [redacted] man.' About this, it turned out, she was right.

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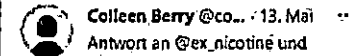


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1 Second category of documents relating to
2 the other litigation in which Mr. Depp has been
3 involved, as Your Honor has seen, these requests are
4 hopelessly broad and unduly burdensome. Even with
5 Ms. Bredehoft's reported limitations, she still
6 seeks all witness interactions, Mr. Depp's
7 explanations, Mr. Depp's perceptions, any and all
8 photographs, et cetera.

9 **Having been involved in all of those**
10 **cases, Your Honor, I can say that none of those**
11 **cases has anything to do with Ms. Heard or alleged**
12 **abuse by Ms. Heard or any other woman, because the**
13 **only other woman in Mr. Depp's 57 years who ever**
14 **acoused him of abuse was Ms. Heard.**

15 The Bloom case involved Mr. Depp's former
16 lawyer, who illegally took 5 percent of his income
17 from a period between 1999 and April 2017. Judge
18 Green in Los Angeles declared that the alleged oral
19 contract was violative of Sections 6147 of the
20 California Business and Professional Code. As a
21 result of that ruling in this case, the firm of
22 Bloom, Hergott was disbanded because he had

1 perpetrated that scheme on several other people,
2 including Sylvester Stallone. That case involved
3 also one -- approximately one million documents.

4 Mr. Depp and Ms. Heard were only married
5 for 15 months during that 18-year period. The TMG
6 case involved Mr. Depp's former manager prior to Ed
7 White. He was -- Mr. Mandel was the manager from
8 1999 through March of 2016. He breached fiduciary
9 duties and misappropriated tens of millions of
10 dollars. Again, that case involved approximately
11 one million documents, most of which were designated
12 confidential by the defendant, which is the same --
13 the same is true in the Bloom case.

14 The Rocky Brooks' case is a comically
15 frivolous case involving an incident more than a
16 year after the divorce. The bodyguard's case
17 involved an esoteric dispute as to whether the two
18 gentlemen employees were either employees or
19 independent contractors. So none of this had
20 anything to do with Ms. Heard or her alleged claims
21 of abuse.

22 The Court should deny the motion as to

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9 supervision; that review was not requested; and that
10 I am neither counsel for, related to, nor employed
11 by any of the parties to this case and have no
12 interest, financial or otherwise, in its outcome.

13

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand and affixed my notarial seal this 23rd day
16 of November, 2020.

17

18



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22 My Commission Expires: April 30, 2023

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1 Q And why not? 15:49:57

2 A Because as I just said, it was similar to 15:49:58

3 some of the events in his personal life with the 15:50:01

4 man -- the story itself about the lead. 15:50:05

5 MR. CHEW: Alex, if you would please move 15:50:14

6 ahead to Exhibit 9. 15:50:15

7 **MS. BREDEHOFT: And, Ben, may I -- for all** 15:50:22

8 **of these UTAs that are labeled, may I just have a** 15:50:24

9 **blanket objection to them being referred to as not** 15:50:27

10 **being produced in discovery?** 15:50:31

11 **MR. CHEW: You certainly may, Elaine, but** 15:50:33

12 **they were all produced to your office prior to** 15:50:36

13 **this deposition. So you should, again, check with** 15:50:39

14 **them, because you got that and you got the** 15:50:41

15 **deposition transcripts, so --** 15:50:43

16 MS. BREDEHOFT: And I understand you've 15:50:46

17 said that, I haven't seen them, you might be right 15:50:47

18 I might be wrong, but if I'm right then I want to 15:50:50

19 preserve the objections. So I'm -- but I'm trying 15:50:53

20 to not to make this longer, I just want to have a 15:50:56

21 blanket objection and we can deal with it later. 15:51:00

22 MR. CHEW: Okay. Are we on -- yes, we're 15:51:03

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

13
14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and affixed my notarial seal this 5th day of
16 February, 2021.

17
18 My commission expires: June 18, 2023.

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20  

21 NOTARY PUBLIC IN AND FOR
22 THE STATE OF MARYLAND

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,)
)
 Plaintiff,)
)
 v.)
)
 Amber Laura Heard,)
)
 Defendant.)
 _____)

Civil Action No.: CL-2019-0002911

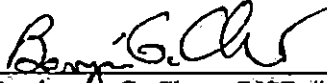
PLAINTIFF JOHN C. DEPP, II'S OPPOSITION TO DEFENDANT AMBER LAURA HEARD'S MOTION TO COMPEL AND FOR RELIEF BASED ON FAILURE TO TIMELY PRODUCE DISCOVERY BEFORE DEPOSITION OF TRACEY JACOBS

admonishing Ms. Heard's counsel as follows: "And, Ms. Bredehoff, I am going to make a comment to you. And maybe I shouldn't, but I am going to, anyway. But you risk losing credibility with the Court when you come before the Court and accuse the other side of not following the rules... You also send vastly overbroad requests apparently in the hope that they will negotiate something better than what you might have gotten had you sent a reasonable request[.]" (Chew Decl., Ex. 3, 30:14-31:3.) In defiance of the Court's admonition, Ms. Heard served her Tenth RFPs, for similar documents, to which Mr. Depp timely objected on January 22, 2021. (Ms. Heard's Att. 3.)

II. Ms. Heard's Assertions about the Jacobs' Deposition Are False

Ms. Heard deposed Ms. Jacobs, Mr. Depp's former agent, on January 28, 2021. Ms. Jacobs has never been identified as a percipient witness to any alleged violence between Mr. Depp and Ms. Heard, and indeed, testified in response to Ms. Bredehoff's questions that she was unaware of those allegations before Ms. Heard publicized them, and that she has never discussed the allegations with Mr. Depp. (Chew Decl., Ex. 6 at 107:15-108:13.) Shortly before Ms. Jacobs' deposition, and in the course of preparing for same, we discovered that Ms. Heard had been referenced in parts of Ms. Jacobs' deposition transcripts from the TMG Action and Bloom Action, and that portions of those transcripts could—arguably—relate to the claims and defenses in this action, Mr. Depp then immediately produced the transcripts on the day of the deposition (although, given the Court's denial of Ms. Heard's Eighth RFPs, and Mr. Depp's timely and proper objection to the Tenth RFPs, Mr. Depp had a basis to withhold them). Ms. Heard's allegations of deceptive conduct are therefore false. Again, we produced the transcripts immediately upon becoming aware of their *arguable* relevance, and undersigned counsel correctly represented to Ms. Bredehoff that they had been provided to her office. (Chew Decl. at

Respectfully submitted,



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*Counsel for Plaintiff and
Counterclaim Defendant John C. Depp, II*

Dated: June 17, 2021

1344442 v1-iManDB-036503/0001



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Transcript of Motions Hearing

Date: June 25, 2021
Case: Depp, II -v- Heard

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF MR. DEPP:

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ON BEHALF OF THE DEFENDANT MS. HEARD:

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(540) 983-7600

1 timing worked out well at all for Ms. Bredehoft,
2 but you did provide it. I can't fault you for
3 that; however, I think it is important that she
4 does get that other video as soon as you get that.
5 Then she'll have the two videos. She has the
6 transcripts now.

7 **I'm not going to make any pre-trial**
8 **notions as far as designating portions of it or the**
9 **foundational objections. I'm just not going to do**
10 **that at this point. I don't think that's a proper**
11 **thing to do when we're so far away from trial.**
12 **That is something that might come up later when we**
13 **get closer to trial, but at this time, I'm not**
14 **going to do that.**

15 And since you are going to be providing
16 the videos, I'm just going to deny the motion to
17 compel today. We'll see where we are on Friday
18 with that, and I'm not going to give fees to
19 anybody on this matter. All right?

20 MR. CHEW: Thank you very much, Your
21 Honor.

22 MS. BREDEHOFT: Your Honor --

1 THE COURT: Is there --

2 MS. BREDEHOFT: If I'm understanding your
3 ruling, then, it's without prejudice for us to be
4 able to come back and ask for this relief again; is
5 that correct?

6 THE COURT: Well, it's a motion in
7 limine. When we get closer to trial, if there's
8 still issues going on, but, you know, that's going
9 to be something we do at our pre-trial conference
10 when we start doing deposition issues, yes.

11 MR. CHEW: And, Your Honor, just to
12 clarify, may we submit to Your Honor's chambers on
13 Monday a proposed order?

14 THE COURT: Yes, that would be fine.

15 MR. CHEW: And to that end, Your Honor,
16 so we can have obviate any disagreement, the motion
17 to compel is denied? I don't want to get into a
18 fight about --

19 THE COURT: Right.

20 MR. CHEW: -- without prejudice.

21 **THE COURT: No -- well, the motion to**
22 **compel is denied. Whether or not authenticating**

1 parts of depositions, that has nothing to do with
2 the motion to compel. Whether or not we do that is
3 something for pre-trial. I assume we're going to
4 be going through quite a few different depositions
5 and there's going to be arguments back and forth at
6 that time.

7 MR. CHEW: Thank you, Your Honor.

8 MS. BREDEHOFT: Your Honor, if I may, so
9 I understood that Your Honor granted the motion to
10 compel with respect to the second video deposition.

11 MR. CHEW: No, Your Honor.

12 THE COURT: No, no, I didn't. I denied
13 the motion to compel outright. They're providing
14 the second video, so it's a moot point. So that's
15 going to get you either Monday or Tuesday, it
16 sounds like.

17 MR. CHEW: Yes, Your Honor.

18 THE COURT: That's a moot point. So I'm
19 denying the motion to compel.

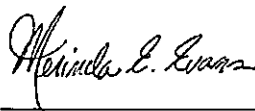
20 MS. BREDEHOFT: Your Honor -- and I'm not
21 trying to be unreasonable here, but maybe you know
22 that we have had issues with these proposed orders,

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Merinda Evans, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of June, 2021.



Merinda Evans, Notary Public
for the Commonwealth of Virginia

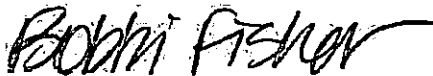
Notary Registration No.: 7808245

Expiration: 1/31/2023

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CERTIFICATE OF TRANSCRIBER

I, Bobbi J. Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



Bobbi J. Fisher, RPR
NCRA Registered Professional Reporter (RPR)
Prepared: June 26, 2021

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff and Counterclaim
Defendant,*

v.

AMBER LAURA HEARD,

*Defendant and
Counterclaim Plaintiff.*

Civil Action No.: CL-2019-0002911

**PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S
SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DEFENDANT AND
COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S
FOURTH REQUESTS FOR ADMISSION**

Pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II ("Plaintiff"), by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's Fourth Set of Request For Admission (each, a "Request" and collectively, the "Requests"), dated February 4, 2021 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. The following general objections and responses (the "General Objections") are incorporated into each specific objection and response as if fully set forth therein:
2. Plaintiff objects to the Requests to the extent they purport to call for information that: (a) is subject to the attorney-client privilege; (b) constitutes attorney work product; (c) includes information protected from disclosure based on common interest or a similar privilege; or (d) is otherwise protected from disclosure under applicable privilege, law, or rule. Plaintiff

contact between any part of Your body and another person's genitalia, anus, groin, breast, inner thigh, or buttocks; or (b) direct contact between any part of a third party's body and Your genitalia, anus, groin, breast, inner thigh, or buttocks.

RESPONSE: Plaintiff objects to this definition as overly broad and unduly burdensome, vague and ambiguous to the extent it seeks to impose burdens beyond those required by the Rules. This term is overly broad in its ten year scope, and vague and ambiguous in its use of the terms "direct contact" and "sexual manner." Plaintiff further objects to this term to the extent that it is inflammatory and harassing, assumes facts not in evidence, lacks foundation, calls for a medical and/or legal conclusion and seeks information unrelated to this case and that is unlikely to lead to the discovery of admissible evidence. Plaintiff will agree to meet and confer with Defendant regarding this term.

t. ***You and/or Your.*** The terms "You" and/or "Your" refer to the recipient(s) of these discovery requests, as well as all persons and entities over which said recipient has "control" as understood by the Rules of this Court.

RESPONSE: No objection.

REQUESTS FOR ADMISSION

1. Please admit that the document produced as DEPP19191 and attached as **Exh. 1** is a true, genuine, and authentic copy of a December 14, 2012 email exchange between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19191 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

2. Please admit that the document produced as DEPP19194-19196 and attached as **Exh. 2** is a true, genuine, and authentic copy of May 23, 2013 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19194-19196 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general

and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

3. Please admit that the document produced as DEPP19207-19208 and attached as **Exh. 3** is a true, genuine, and authentic copy of December 29, 2013 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19207-19208

appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

4. Please admit that the document produced as DEPP19209 and attached as **Exh. 4** is a true, genuine, and authentic copy of a September 2, 2015 email between Tracey Jacobs, Christi Dembrowski, and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this

communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19209 appears to be a copy of an email between Tracey Jacobs, Christi Dembrowski, and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

5. Please admit that the document produced as DEPP19210 and attached as **Exh. 5** is a true, genuine, and authentic copy of an October 23, 2015 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19210 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general

and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

6. Please admit that the document produced as DEPP19211 and attached as **Exh. 6** is a true, genuine, and authentic copy of November 14, 2015 emails between Andrew Thau, Raul Anaya, Tracey Jacobs, Joel Mandel, and the email address danny@bhdri.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19211 appears to

be a copy of an email between Andrew Thau, Raul Anaya, Tracey Jacobs, Joel Mandel, and the email address danny@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

7. Please admit that the document produced as DEPP19213 and attached as **Exh. 7** is a true, genuine, and authentic copy of January 19-20, 2016 emails between Tracey Jacobs, Andrew Thau, Joel Mandel, and Jeremy Zimmer.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to

Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19213 appears to be a copy of an email between Tracey Jacobs, Andrew Thau, Joel Mandel, and Jeremy Zimmer. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

8. Please admit that the document produced as DEPP19215 and attached as **Exh. 8** is a true, genuine, and authentic copy of a January 26, 2016 email between Tracey Jacobs, Jim Berkus, Jeremy Zimmer, Joel Mandel, and the email address jab@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19215 appears to be a copy of an email between Tracey Jacobs, Jim Berkus, Jeremy Zimmer, Joel Mandel, and the email address jab@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal

knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

9. Please admit that the document produced as DEPP19216 and attached as **Exh. 9** is a true, genuine, and authentic copy of February 12, 2016 emails between Tracey Jacobs, Joel Mandel, Christi Dembrowski, and the email addresses danny@bhdrl.com, mls@bhdrl.com, and jab@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing

specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19216 appears to be a copy of an email between Tracey Jacobs, Joel Mandel, Christi Dembrowski, and the email addresses danny@bhdrl.com, mls@bhdrl.com, and jab@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

10. Please admit that the document produced as DEPP19217 and attached as **Exh. 10** is a true, genuine, and authentic copy of a March 7, 2016 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it

implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19217 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

11. Please admit that the document produced as DEPP19218 and attached as **Exh. 11** is a true, genuine, and authentic copy of a March 9, 2016 email between Tracey Jacobs, Gueran Ducoty, Christi Dembrowski, Joel Mandel, Jenna Gates (Jacobs), and the email addresses danny@bhdrl.com and mls@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19218 appears to be a copy of an email between Tracey Jacobs, Gueran Ducoty, Christi Dembrowski, Joel Mandel, Jenna Gates (Jacobs), and the email addresses danny@bhdrl.com and mls@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

12. Please admit that the document produced as DEPP19219-19224 and attached as **Exh. 12** are true, genuine, and authentic copy of February 2-5, 2016 emails between Emily Speak, David Kitchen, Linda Curtis, Joel Mandel, Andrew Thau, Nicholas R. Dumas, Kevin Wells, and Alyssa Gallo.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or

work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19219-19224 appears to be a copy of an email between Emily Speak, David Kitchen, Linda Curtis, Joel Mandel, Andrew Thau, Nicholas R. Dumas, Kevin Wells, and Alyssa Gallo. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

13. Please admit that the document produced as DEPP19225-19230 and attached as **Exh. 13** is a true, genuine, and authentic copy of the document titled "Agreement in Consideration of Guaranty" that was attached to the emails produced by Mr. Depp as DEPP19219-19224.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19225-19230 appears to be "a true, genuine, and authentic copy" of a document titled "Agreement in Consideration of Guaranty".

14. Please admit that the document produced as DEPP19233 and attached as **Exh. 14** is a true, genuine, and authentic copy of November 15, 2014 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication.

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19233 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

15. Please admit that the document produced as DEPP19234-19236 and attached as **Exh. 15** is a true, genuine, and authentic copy of February 26, 2015 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19234-19236 appears to be a copy of an email between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

16. Please admit that the document produced as DEPP19237-19238 and attached as **Exh. 16** is a true, genuine, and authentic copy of February 27, 2015 emails between Tracey Jacobs, Sean Bailey, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19237-19238 appears to be a copy of an email between Tracey Jacobs, Sean Bailey, and Christi Dembrowski.

Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

17. Please admit that the document produced as DEPP19239 and attached as **Exh. 17** is a true, genuine, and authentic copy of April 14-15, 2015 emails between Tracey Jacobs, Scott Cooper, John Leshner, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from

disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19239 appears to be a copy of an email between Tracey Jacobs, Scott Cooper, John Leshner, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

18. Please admit that the document produced as DEPP19240-19253 and attached as **Exh. 18** is a true, genuine, and authentic copy of text messages between Tracey Jacobs and Edward White.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19240-19253 appears to be a copy of text messages between Tracey Jacobs and Edward White. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

19. Please admit that the document produced as DEPP19254-19300 and attached as **Exh. 19** is a true, genuine, and authentic copy of July 18-October 26, 2016 text messages between Tracey Jacobs and Mr. Depp.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits DEPP19254-19300 appears to be a copy of text messages between Tracey Jacobs and Mr. Depp.

20. Please admit that the document produced as DEPP19790 and attached as **Exh. 20** is a true, genuine, and authentic copy of an April 14, 2015 email between Magdolna Nyeso, Edward Allanby, Joel Mandel, Joe Kaczorowski, Robert Corzo, Neil Shah, Jacob Bloom, Sandra Spierenburg, and Maarten Melchor.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19790 appears to be a copy of an email between Magdolna Nyeso, Edward Allanby, Joel Mandel, Joe Kaczorowski, Robert Corzo, Neil Shah, Jacob Bloom, Sandra Spierenburg, and Maarten Melchor. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

21. Please admit that the document produced as DEPP19791-19795 and attached as **Exh. 21** is a true, genuine, and authentic copy of the attachment to the email produced by Mr. Depp as DEPP19790.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19791-19795 appears to be a copy of the attachment.

22. Please admit that the document produced as DEPP19797-19798 and attached as **Exh. 22** is a true, genuine, and authentic copy of April 14 and April 21, 2016 emails and an attachment between Robert Corzo, Neil Shah, Donald Starr, Danny Watts, and Stanley Buchtal.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19797-19798 appears to be a copy of emails between Robert Corzo, Neil Shah, Donald Starr, Danny Watts, and Stanley Buchtal. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

23. Please admit that the document produced as DEPP19801-19839 and attached as **Exh. 23** is a true, genuine, and authentic copy of a document dated August 7, 2002, titled "Memorandum of Agreement," and with the Subject "PIRATES OF THE CARIBBEAN/ JOHNNY DEPP/ACTOR."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19801-19839 appears to be a copy of a document titled "Memorandum of Agreement," and with the Subject "PIRATES OF THE CARIBBEAN/ JOHNNY DEPP/ACTOR."

24. Please admit that the document produced as DEPP19840-19843 and attached as **Exh. 24** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "GUARANTY."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19840-19843 appears to be a copy of a document titled "GUARANTY."

25. Please admit that the document produced as DEPP19844-19849 and attached as **Exh. 25** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "FIRST MATE PRODUCTIONS, INC. ACTOR/LOAN-OUT STANDARD TERMS AND CONDITIONS."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19844-19849 appears to be a copy of

a document titled "FIRST MATE PRODUCTIONS, INC. ACTOR/LOAN-OUT STANDARD TERMS AND CONDITIONS."

26. Please admit that the document produced as DEPP19850-19852 and attached as **Exh. 26** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO THE STANDARD TERMS AND CONDITIONS FOR AN ACTOR (LOAN OUT)."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19850-19852 appears to be a copy of a document titled "RIDER TO THE STANDARD TERMS AND CONDITIONS FOR AN ACTOR (LOAN OUT)."

27. Please admit that the document produced as DEPP19853-19865 and attached as **Exh. 27** is a true, genuine, and authentic copy of an August 7, 2002 document titled "Exhibit 'CB'".

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to

the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19853-19865 appears to be a copy of a document titled "EXHIBIT 'CB'".

28. Please admit that the document produced as DEPP19866-19876 and attached as **Exh. 28** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO EXHIBIT 'CB'."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19866-19876 appears to be a true, copy of a document titled "RIDER TO EXHIBIT 'CB'."

29. Please admit that the document produced as DEPP19877-19887 and attached as **Exh. 29** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "Exhibit DRCB."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to

this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compounded. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19877-19887 appears to be a of a document titled "EXHIBIT DRCB."

30. Please admit that the document produced as DEPP19888-19897 and attached as **Exh. 30** is a true, genuine, and authentic copy of a document dated August 7, 2002 titled "RIDER TO EXHIBIT 'DRCB'."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compounded. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19888-19897 appears to be a copy of a document titled "RIDER TO EXHIBIT DRCB."

31. Please admit that the document produced as DEPP19906-19954 and attached as **Exh. 31** is a true, genuine, and authentic copy of a document dated August 28, 2008, titled "Memorandum of Agreement," and with the Subject "'ALICE IN WONDERLAND'/JOHNNY DEPP/ACTOR."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, Plaintiff admits that DEPP19906-19954 appears to be “a true, genuine, and authentic copy” of a document titled “ALICE IN WONDERLAND'/JOHNNY DEPP/ACTOR.”

32. Please admit that the document produced as DEPP20019-20063 and attached as **Exh. 32** is a true, genuine, and authentic copy of an October 8, 2014 document titled "Tyron Management Services Limited."

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing

specific and general objections, Plaintiff admits that DEPP20019-20063 appears to be a copy of a document titled "Tyron Management Services Limited."

33. Please admit that the document produced as DEPP20078 and attached as **Exh. 33** is a true, genuine, and authentic copy of a November 1, 2016 email from Michael Sinclair to Jacob Bloom, Edward White, Andrew Thau, Bryan Freedman, and the email address ssroloff@caa.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20078 appears to be a copy of an email from Michael Sinclair to Jacob Bloom, Edward White, Andrew Thau, Bryan Freedman, and the email address ssroloff@caa.com. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is a copy.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

34. Please admit that the document produced as DEPP20079-20084 and attached as **Exh. 34** is a true, genuine, and authentic copy of the attachment to the email produced by Mr. Depp as DEPP20078.

ANSWER:

Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility,

including without limitation hearsay and relevance, Plaintiff admits that DEPP20079-20084 appears to be a copy of a letter addressed to Mr. Depp.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

35. Please admit that the document produced as DEPP20086-20087 and attached as **Exh. 35** is a true, genuine, and authentic copy of September 30, 2015 emails between Tracey Jacobs and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20086-20087 appears to be a copy of emails between Tracey Jacobs and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

36. Please admit that the document produced as DEPP20088 and attached as **Exh. 36** is a true, genuine, and authentic copy of a September 2, 2015 email between Tracey Jacobs, Joel Mandel, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20088 appears to be a copy of an email between Tracey Jacobs, Joel Mandel, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his

response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

37. Please admit that the document produced as DEPP20089 and attached as **Exh. 37** is a true, genuine, and authentic copy of September 10, 2015 emails between Andrew Thau, Tracey Jacobs, Christi Dembrowski, and the email address danny@bhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20089 appears to be a copy of emails between Andrew Thau, Tracey Jacobs, Christi Dembrowski, and the email address danny@bhdrl.com. Because Plaintiff was not included on the communication, Plaintiff

otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

38. Please admit that the document produced as DEPP20090 and attached as **Exh. 38** is a true, genuine, and authentic copy of March 24, 2016 emails between Bec Smith, Tracey Jacobs, Rena Ronson, Jim Meenaghan, Jeremy Landau, and Christi Dembrowski.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information

protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP20090 appears to be a copy of emails between Bec Smith, Tracey Jacobs, Rena Ronson, Jim Meenaghan, Jeremy Landau, and Christi Dembrowski. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

39. Please admit that the document produced as DEPP19205 and attached as **Exh. 39** is a true, genuine, and authentic copy of November 22, 2013 emails between Tracey Jacobs, Christi Dembrowski, Joel Mandel, Rachel Arlook (Jacobs), and the email addresses jab@bhdrl.com, danny@bhdrl.com, and mls@nhdrl.com.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Tracey Jacobs and Christi Dembrowski. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of

the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

40. Please admit that the document produced as DEPP19206 and attached as **Exh. 40** is a true, genuine, and authentic copy of December 6, 2013 emails between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19206 appears to be a copy of emails between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

41. Please admit that the document produced as DEPP19212 and attached as **Exh. 41** is a true, genuine, and authentic copy of a November 16, 2015 email between Tracey Jacobs and Joel Mandel.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff

further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including without limitation hearsay and relevance, Plaintiff admits that DEPP19212 appears to be a copy of an email between Tracey Jacobs and Joel Mandel. Because Plaintiff was not included on the communication, Plaintiff otherwise lacks sufficient knowledge to admit or deny whether the email is “a true, genuine, and authentic copy”.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff’s lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

42. Please admit that the document produced as DEPP19796 and attached as **Exh. 42** is a true, genuine, and authentic copy of April 18, 2016 emails between Jacob Bloom and Donald Starr.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible

evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Jacob Bloom and Donald Starr. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

43. Please admit that the document produced as DEPP20064 and attached as **Exh. 43** is a true, genuine, and authentic copy of January 6-7, 2015 emails between Joe Kaczorowski, Danny Watts, and Donald Starr.

ANSWER:

Plaintiff objects to this request to the extent it seeks information that is in the possession, custody or control of Defendant or third parties. Plaintiff further objects to this request on the grounds that it is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this request on the grounds and to the extent that it implicates private and/or confidential information that is not at issue. Plaintiff further objects to this request to the extent it seeks information that is available to and equally accessible to Defendant. Plaintiff further objects on the grounds Plaintiff is not included in this communication. Plaintiff objects to this request to the extent it seeks privileged information protected from disclosure, including information protected by the attorney-client privilege or work product doctrine and any other applicable privilege, immunity or protection. Plaintiff further objects to this request as the request is compound. Plaintiff objects to this request because the request does not have the specific document appended to the request. Subject to the foregoing specific and general objections, and specifically reserving all objections to admissibility, including relevance and hearsay, Plaintiff admits that the document appears to be a copy of an email among Joe Kaczorowski, Danny Watts, and Donald Starr. Plaintiff was not copied and is otherwise unable to admit or deny the authenticity.

SUPPLEMENTAL ANSWER:

Plaintiff repeats and incorporates by this reference the above-stated general and specific objections as though set forth in full, specifically including Plaintiff's lack of personal knowledge of the document in question. Subject to and without waiver of the foregoing general and specific objections, reserving the right to withdraw any admissions in the event of after-

discovered information, and reserving all objections as to admissibility, Plaintiff supplements his response as follows: Plaintiff lacks personal knowledge of the creation, sending, and/or receipt of the document in question, and is not in a position to authenticate it from personal knowledge. However, Plaintiff is unaware of any reason to believe that the document is not authentic and presumes that it is. On that basis, its authenticity is admitted, while reserving all objections to admissibility, including without limitation relevance and hearsay.

Dated: January 3, 2022

Respectfully submitted,



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*Counsel for Plaintiff and
Counterclaim Defendant John C. Depp, II*

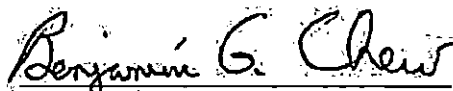
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Joshua R. Treece
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*Counsel for Defendant and
Counterclaim Plaintiff Amber Laura Heard*


Benjamin G. Chew (VSB #29113)

From: Moniz, Samuel A.
To: Craig Mariani; John Cogger; Kristin Blocher; Sonia Chen; Elaine Bredehoft; Adam Nadelhaft; Michelle Bredehoft; "brottenborn@woodsrogers.com"; "jtreece@woodsrogers.com"
Cc: Chew, Benjamin G.; Presiado, Leo J.; Vasquez, Camille M.; Crawford, Andrew C.; Meyers, Jessica N.; Calnan, Stephanie; Mena, Yarelyn; Suda, Casey
Subject: Depp v. Heard
Date: Tuesday, January 19, 2021 9:28:00 PM

Counsel,

For the avoidance of doubt, please be advised that Mr. Depp is entitled to take equal question time at all depositions of third party witnesses, and expressly reserves the right to do so. Consistent with long-established principles of California law, as well as our prior representations to you—including without limitation my email to all counsel of November 10, 2020, as well as multiple discussions with your predecessor counsel—**you should assume that Mr. Depp may take up to half of the seven hours allotted for each deposition under CCP 2025.290**

Should you have any concerns, we are of course willing to discuss. Thank you.

Best regards,
Sam



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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

ORDER

THIS MATTER CAME TO BE HEARD upon Defendant and Counterclaim Plaintiff Amber Laura Heard's ("Ms. Heard") Motion to Compel Responses to Tenth Requests for Production of Documents to Plaintiff and Counterclaim Defendant John C. Depp II, pursuant to Rule 4:12 of the Rules of the Virginia Supreme Court; and upon consideration of the briefs, exhibits, and argument of counsel on August 6, 2021, it is hereby:

ORDERED that Ms. Heard's Motion is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 5 of Ms. Heard's Tenth Requests for Production of Documents:

Portions of non-privileged deposition transcripts, written discovery responses (including responses to interrogatories, requests for production, and requests for admission), pleadings, exhibits to pleadings, and deposition exhibits referenced in responsive portions of deposition testimony provided in any of the "Other Litigation" [as defined in the 10th Requests for Production] relating to:

- a. Ms. Heard's relationship with Mr. Depp;
- b. To the extent not covered by the preceding category, Mr. Depp's and Ms. Heard's respective allegations of physical or emotional domestic abuse/violence;

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- c. Any alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, as a result of alleged tardiness or behavior on set;
- d. Any allegations of reputational harm, alleged damage to Mr. Depp's career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity, caused by the defendants in the Other Litigation;
- e. Any allegations by the defendants in the Other Litigation of damage to Mr. Depp's career prospects, damage to his career prospects, loss of and injury to reputation, loss of roles or economic opportunities, harm to his ability to carry on his profession, embarrassment, humiliation, emotional distress, loss of income, career interruption or lost career opportunity;
- f. Any allegations by anyone of drug and alcohol use or abuse by Mr. Depp or Ms. Heard;
- g. Anything related to Mr. Depp committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial remuneration as a result of the property damage committed;
- h. Anything related to Ms. Heard committing property damage, including descriptions of the damage, pictures or other evidence of the damage, cost of repairs, and any other financial enumeration as a result of the property damage committed;
- i. Anything related to Mr. Depp's injury to his finger in March 2015; and
- j. Anything related to Mr. Depp's efforts to obtain a pre-nuptial or post-nuptial agreement from Ms. Heard and any communications in connection therewith.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 6 of Ms. Heard's Tenth Requests for Production of Documents:

All financial documents relied upon by Mr. White, or anyone else who may have been involved or participated (collectively, "Mr. White"), in preparing the documents bates numbered EWC 1-52. For purposes of clarity, this request is only seeking all underlying financial documents relied upon or referred to by Mr. White to prepare the numbers and calculations included in EWC 1-52.

and it is further

ORDERED that Plaintiff John C. Depp, II shall produce all responsive documents to the following revised Request No. 20 of Ms. Heard's Tenth Requests for Production of Documents:

Please provide documents sufficient to reflect all loans, benefits, perks, expenses, or payments for any other reason in excess of \$5,000 in either cash or value made by You from May 21, 2016 through the present, to the following (for each person the request includes if paid to an entity or someone on their behalf): Debbie Lloyd, Christi Dembrowski, Trinity Esparza, Brandon Patterson, Cornelius Harrell, Alejandro Romero, Robin Baum, Laura Divenere, Christian Carino, Jack Whigham, Tracy Jacob, Melanie Inglessis, Stephen Deuters, Sean Bett, Malcolm Connolly, Nathan Holmes, Raquel Pennington, Kate James, Jennifer Howell, Michele Mulrooney, Edward White, Melissa Saenz, Tyler Hadden, Isaac Baruch, Lisa Beane, Erin Boerum, Connell Cowan, Bobby de Leon, Gina Deuters, Josh Drew, Ben King, David Kipper, Joel Mandel, Samantha McMillen, Kevin Murphy, Todd Norman, C.J. Roberts, Tara Roberts, Anthony Romero, Trudy Salven, Sam Sarkar, Robin Schulman, Doug Stanhope, Jessica Weitz, Bruce Witkin, Keenan Wyatt, and Blair Berk.

The foregoing shall not require the production of documents reflecting payments to Mr. Depp's attorneys. Mr. Depp shall also identify, in the affirmative and without stating any amounts, whether any of the above identified individuals received any salary, commissions, bonuses, or advances ("Salary") from him.

and it is further

ORDERED that Mr. Depp shall produce all documents responsive to the above Requests no later than September 17, 2021; and it is further

ORDERED that Ms. Heard's Motion to Compel Requests 10, 24 and 25 of the Tenth Requests for Production of Documents is **DENIED** as overbroad.

SO ORDERED.

August 19, 2021



The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit Court

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

SEEN AND PARTIALLY OBJECTED TO FOR THE REASONS STATED IN BRIEFING AND AT ORAL ARGUMENT:



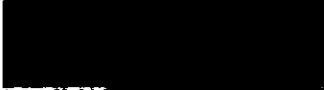
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FILED
Superior Court Of California
County Of Los Angeles

JAN 13 2017

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By Cristina Medina, Deputy
Clerk

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DOES 1-15
D52 Susan Bryant Deason

Attorneys for Plaintiff John C. Depp, II and Edward L. White, as trustee of the Sweetzer Trust and as trustee of the Mooh Investment Trust

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BC 646882

21 JOHN C. DEPP, II, and EDWARD L.
 22 WHITE, as trustee of the Sweetzer Trust,
 23 and as trustee of the Mooh Investment
 24 Trust,

Case No. _____

COMPLAINT FOR:

Plaintiffs,

- (1) PROFESSIONAL NEGLIGENCE;
- (2) BREACH OF FIDUCIARY DUTY;
- (3) BREACH OF FIDUCIARY DUTY AS TRUSTEE;
- (4) FRAUD IN THE INDUCEMENT;
- (5) FRAUDULENT CONCEALMENT;
- (6) CONSTRUCTIVE FRAUD;
- (7) NEGLIGENT MISREPRESENTATION;
- (8) UNJUST ENRICHMENT;
- (9) WRONGFUL FORECLOSURE;
- (10) DECLARATORY JUDGMENT; and
- (11) ACCOUNTING

vs.

25 THE MANDEL COMPANY, INC., d/b/a
 26 THE MANAGEMENT GROUP, a
 27 California corporation; JOEL L.
 28 MANDEL, individually and as former
 trustee of the Sweetzer Trust; ROBERT
 MANDEL; FIRST AMERICAN TITLE
 INSURANCE COMPANY, a California
 corporation; and DOES 1 through 15,
 inclusive,

Defendants.

DEMAND FOR JURY TRIAL

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LOS ANGELES

COMPLAINT

1 Plaintiffs JOHN C. DEPP, II ("Mr. Depp") and EDWARD L. WHITE, as trustee of the
 2 Sweetzer Trust and as trustee of the Mooh Investment Trust ("White") (collectively "Plaintiffs"),
 3 by and through their undersigned attorneys, bring this action for professional negligence, breach
 4 of fiduciary duty, breach of fiduciary duty as trustee, fraud in the inducement, fraudulent
 5 concealment, constructive fraud, negligent misrepresentation, unjust enrichment, wrongful
 6 foreclosure, declaratory relief and accounting against defendants THE MANDEL COMPANY,
 7 INC., d/b/a THE MANAGEMENT GROUP ("The Management Group"), JOEL L. MANDEL,
 8 individually and as former trustee of the Sweetzer Trust ("J. Mandel"), ROBERT MANDEL ("R.
 9 Mandel") (collectively "TMG"), FIRST AMERICAN TITLE INSURANCE COMPANY ("First
 10 American"), and DOES 1-15 (collectively "Defendants"), and for causes of action, state:

11 **INTRODUCTION**

12 1. Mr. Depp is one of the most sought after and highly paid actors in the world. He is
 13 also the victim of the gross misconduct of his business managers—The Management Group and
 14 attorneys Joel and Robert Mandel—who collected tens of millions of dollars of contingent fees,
 15 purportedly based on an oral contract, all at Mr. Depp's expense. Like many successful artists
 16 who depend upon financial professionals to advise them, Mr. Depp trusted and reasonably relied
 17 on TMG to handle his financial and certain legal affairs and to ensure that he and his family
 18 would have a financially secure future, built on the foundation of the substantial moneys Mr.
 19 Depp earned through years of hard work. But instead, as a result of years of gross
 20 mismanagement and, at times, outright fraud, Mr. Depp lost tens of millions of dollars and has
 21 been forced to dispose of significant assets to pay for TMG's self-dealing and gross misconduct.

22 2. Throughout their relationship, and at the same time TMG was paying themselves
 23 over \$28,000,000 in contingency fees without any written agreement, TMG ignored its most basic
 24 duties to Mr. Depp by consistently failing to file or pay his taxes on time causing him to incur
 25 over \$5,600,000 in penalties and interest on his federal returns alone, failing to properly keep
 26 books and records, "loaning" nearly \$10,000,000 to third parties without Mr. Depp's required
 27 prior authorization and without proper documentation or requiring repayment, using inflated and
 28 obviously incorrect figures as "loan" offsets, falsely ascribing third parties' taxable income to Mr.

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1 Depp so that he, rather than they, paid the tax, and failing to reduce Mr. Depp's expenditures or
 2 avoid profound financial waste. Further, TMG engaged in multiple self-interested transactions by
 3 investing Mr. Depp's funds in business ventures in which they also had direct ownership
 4 interests—without proper documentation or appropriate disclosures—creating serious conflicts of
 5 interest and entangling TMG's interests directly with Mr. Depp's.

6 3. In essence, TMG treated Mr. Depp's income as their own, available to either TMG
 7 or third parties to draw upon as desired. TMG ignored even a semblance of financial
 8 management and caused Mr. Depp's funds to be expended more quickly than they arrived.
 9 During the course of their relationship with Mr. Depp, TMG caused Mr. Depp to lose tens of
 10 millions of dollars, all without his knowledge or approval, and all while Mr. Depp believed that
 11 TMG was behaving as a loyal fiduciary and prudent steward of his funds and finances.

12 4. Further, also without Mr. Depp's knowledge or approval, TMG took out loans
 13 from banks and a hard-money lender with increasingly unreasonable interest rates and fees, while
 14 using Mr. Depp's various properties or royalties from movies as collateral. Remarkably, TMG
 15 wrote into at least one of these detrimental loan agreements self-serving provisions, which
 16 prioritized their own and others' claims for fees ahead of Mr. Depp's, and which purported to
 17 provide themselves (and others) written economic rights they did not otherwise have. TMG did
 18 all of this without fully disclosing the nature of the transactions to Mr. Depp or advising him to
 19 seek independent counsel. Through this misconduct, TMG hid its mismanagement from Mr.
 20 Depp and created the illusion of financial stability.

21 5. TMG's gross mismanagement and fraud remained undetected, as TMG borrowed
 22 millions of dollars to survive from movie-to-movie. It was only recently, when Mr. Depp
 23 terminated TMG and hired new business management and accounting services, that Mr. Depp
 24 learned the gravity of his financial losses and some, but surely not all, of the underlying facts. As
 25 a result of TMG's gross mismanagement of Mr. Depp's financial affairs, Mr. Depp has suffered
 26 tens of millions of dollars in monetary losses. And adding insult to injury, TMG has now sought
 27 to foreclose on Mr. Depp's primary residence, even though the alleged loan secured by Mr.
 28 Depp's residence was made through TMG's self-dealing and conflicts of interest, and the

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1 purported "default" occurred solely as a result of TMG's own misconduct.

2 6. The fact that both Joel and Robert Mandel are, and act as, attorneys, which they
3 highlighted in their own words as a key functional differentiator in their provision of business
4 management services in at least one self-promotional press account, makes their breach of
5 fiduciary duties and other misconduct all the more egregious. It also makes TMG's purported
6 oral contract voidable at Mr. Depp's discretion.

7 7. By this Complaint, Mr. Depp seeks recompense for the tens of millions of dollars
8 TMG cost him through their gross mismanagement and fraud, as well as disgorgement of the
9 exorbitant fees TMG received during the course of their relationship, and to stop the wrongful
10 foreclosure that TMG inappropriately commenced. Mr. Depp hired TMG to provide faithful
11 service to him and his family. But instead, because of TMG's misconduct, Mr. Depp has lost tens
12 of millions of dollars and has been forced to sell assets as a result. Mr. Depp now seeks to hold
13 TMG accountable for the harm that they caused.

14 PARTIES

15 8. Plaintiff Depp is, and at all times material to this Complaint was, a resident of the
16 County of Los Angeles, State of California.

17 9. Plaintiff White is, and at all times material to this Complaint was, a resident of the
18 County of Los Angeles, State of California.

19 10. On March 23, 2016, pursuant to a First Amendment to the Sweetzer Trust, Mr.
20 White became the trustee of the Sweetzer Trust and currently serves as trustee. The Sweetzer
21 Trust was formed by virtue of a Trust Agreement dated August 29, 2005 for the benefit of Mr.
22 Depp. Mr. Depp is the settlor and sole beneficiary of the Sweetzer Trust.

23 11. On January 10, 2017, pursuant to a Third Amendment to the Mooch Investment
24 Trust and Notice of Removal and Appointment of Trustee, Mr. White became the trustee of the
25 Mooch Investment Trust and currently serves as trustee. The Mooch Investment Trust was formed
26 by virtue of a Trust Agreement dated August 4, 1995 for the benefit of Mr. Depp. Mr. Depp is
27 the settlor and sole beneficiary of the Mooch Investment Trust.

28 12. Plaintiffs are informed and believe, and on that basis allege, that defendant The

1 Management Group is a California corporation with its principal place of business in Los
2 Angeles, California. Plaintiffs are informed and believe, and on that basis allege, that The
3 Management Group does business in this judicial district. The Management Group was and is an
4 accounting and business management firm offering, among other services, certified public
5 accounting, taxation, personal business management, advisory and legal services, internal
6 controls, risk management, and business and personal wealth consulting services.

7 13. Plaintiffs are informed and believe, and on that basis allege, that defendant J.
8 Mandel is a resident of the County of Los Angeles, State of California. Plaintiffs are informed
9 and believe, and on that basis allege, that, at all relevant times, J. Mandel was and is one of two
10 co-owners and founders of The Management Group, and he controlled The Management Group's
11 day-to-day operations. J. Mandel is a licensed California attorney. Pursuant to a Trust
12 Agreement dated August 29, 2005, J. Mandel served as trustee of the Sweetzer Trust from August
13 29, 2005 until March 23, 2016.

14 14. Plaintiffs are informed and believe, and on that basis allege, that defendant R.
15 Mandel is a resident of the County of Los Angeles, State of California. Plaintiffs are informed
16 and believe, and on that basis allege, that, at all relevant times, R. Mandel was and is one of two
17 co-owners and founders of The Management Group, and he controlled the Management Group's
18 day-to-day operations. R. Mandel is a licensed California attorney.

19 15. Plaintiffs are informed and believe, and on that basis allege, that defendant First
20 American is a California corporation with offices in the County of Los Angeles, State of
21 California. Plaintiffs are informed and believe, and on that basis allege, that First American does
22 business in this judicial district.

23 16. Plaintiffs are informed and believe, and on that basis allege, that the fictitiously-
24 named Defendants sued herein as Does 1 through 15 ("Doe Defendants"), and each of them, are
25 in some manner responsible or legally liable for the actions, events, transactions and
26 circumstances alleged herein. The true names and capacities of such fictitiously-named
27 Defendants, whether individual, corporate, associate or otherwise, are presently unknown to
28 Plaintiffs, and Plaintiffs will seek leave of Court to amend this Complaint to assert the true names

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1 and capacities of such fictitiously-named Defendants when the same have been ascertained.

2 17. Plaintiffs are informed and believe, and on that basis allege, that each of the
3 individual Defendants, including the Doe Defendants, is and was at all relevant times, the agent,
4 representative and/or employee of The Management Group, and was acting within the course and
5 scope of said agency, representation, and/or employment and with the knowledge and consent of
6 the remaining Defendants aside from First American.

7 **JURISDICTION AND VENUE**

8 18. This Court has jurisdiction over all causes of action asserted herein pursuant to the
9 California Constitution, Article VI, section 10, because this case is a cause not given by statute to
10 other courts.

11 19. This Court has personal jurisdiction over the Defendants who engaged in conduct,
12 and who continue to engage in conduct, giving rise to the claims stated herein at locations within
13 the State of California and Los Angeles County.

14 20. Venue is proper in this Court pursuant to, among other provisions, CCP 395(a) and
15 395.1.

16 **GENERAL ALLEGATIONS**

17 **I. Mr. Depp's Career as an Actor, Producer and Musician**

18 21. Mr. Depp is one of the most highly respected actors in Hollywood. He has
19 appeared in over 50 motion pictures during the past three decades and has gained worldwide
20 critical acclaim for his portrayals of real-life figures, such as screenwriter-director Ed Wood in *Ed*
21 *Wood*, undercover FBI agent Joseph D. Pistone in *Donnie Brasco*, cocaine kingpin George Jung
22 in *Blow*, author J.M. Barrie in *Finding Neverland*, the Depression-era outlaw John Dillinger in
23 *Public Enemies*, and the Boston gangster Whitey Bulger in *Black Mass*. Mr. Depp has also
24 brought some of the most memorable characters to the screen, including Edward in *Edward*
25 *Scissorhands*, journalist Raoul Duke in *Fear and Loathing in Las Vegas*, Captain Jack Sparrow in
26 the *Pirates of the Caribbean* series, Willy Wonka in *Charlie and the Chocolate Factory*, and the
27 Mad Hatter in *Alice in Wonderland*.

28 22. Mr. Depp has been nominated for numerous major acting awards, including three

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1 Oscar nominations for Best Actor in a Leading Role, five nominations from Critics' Choice
 2 Movie Awards, 10 nominations from the Golden Globe Awards, and three nominations from the
 3 Screen Actors Guild Awards. Mr. Depp won the Golden Globe Award for Best Actor—Motion
 4 Picture Musical or Comedy for his role in *Sweeney Todd: the Demon Barber of Fleet Street*, and
 5 he won the Screen Actors Guild Award for Outstanding Performance by a Male Actor in a
 6 Leading Role for his work in *Pirates of the Caribbean: The Curse of the Black Pearl*. He has
 7 won awards at the People's Choice Awards 12 times, including Actor of the Decade in 2010, and
 8 was inducted as a Disney Legend in 2015.

9 23. In addition to his critical acclaim, Mr. Depp is one of the most financially
 10 successful actors in Hollywood. Films featuring Mr. Depp have grossed over \$3.1 billion at the
 11 United States box office and over \$7.6 billion worldwide. His *Pirates of the Caribbean* films
 12 have grossed over \$3 billion; *Alice in Wonderland* grossed approximately \$1 billion; *Charlie and*
 13 *the Chocolate Factory* grossed approximately \$474 million; and *The Tourist* grossed
 14 approximately \$278 million worldwide. All told, Mr. Depp earned hundreds of millions of
 15 dollars during his career. He continues to actively make movies and is poised to star in some of
 16 the most intriguing roles in Hollywood.

17 **II. Mr. Depp's Retention of TMG to Manage His Personal and Business Affairs**

18 24. Despite Mr. Depp's professional success, he, like many artists, had no training of
 19 any kind in law, accounting, finance, or business management. In addition, given his demanding
 20 professional schedule, which often required Mr. Depp to travel to remote locations to film or
 21 promote his movies, Mr. Depp frequently was unable to focus on many of the personal and
 22 financial aspects of his life. As such, throughout his career, Mr. Depp retained advisors to act on
 23 his behalf with respect to the management of his personal, legal, and business-related affairs. Mr.
 24 Depp relied on these advisors to use their judgment and expertise and to make the best decisions
 25 for him and his family (rather than for themselves) in all areas of his personal, legal, and
 26 business-related matters.

27 25. In or about September 1999, well after Mr. Depp had become a critically
 28 acclaimed and enormously successful actor, Mr. Depp was introduced to J. Mandel and R.

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1 Mandel, and after speaking with them, retained TMG as his new legal, business, tax, and
2 accounting advisors.

3 26. As his legal, business, tax, and accounting advisors, TMG agreed to take
4 responsibility for all aspects of Mr. Depp's personal and financial life, including *inter alia*, paying
5 Mr. Depp's personal and business-related bills; drafting, negotiating, or reviewing contracts for a
6 wide variety of services and matters; managing his personal and business finances; acquiring,
7 selling, and maintaining his properties; seeking and repaying credit in Mr. Depp's name; forming
8 and managing business entities for Mr. Depp; making investments; obtaining insurance; arranging
9 travel and accommodations; preparing, timely filing, and paying Mr. Depp's federal and state
10 income taxes; and providing myriad other services to facilitate Mr. Depp's professional activities.
11 Based on what Mr. Depp believed to be TMG's ethics, experience and expertise, Mr. Depp gave
12 TMG full control over his finances and a wide swath of matters, and relied on them to behave
13 ethically, prudently and always in his best interests.

14 27. In order to enable TMG to provide these services, and based on TMG's
15 representations that they would act as fiduciaries and with Mr. Depp's best interests at heart, Mr.
16 Depp granted TMG broad control over his financial affairs, including access to his bank accounts
17 and the accounts of his business entities and trusts. Mr. Depp appointed J. Mandel as trustee of
18 the Sweetzer Trust and made him manager of most of his various entities.

19 28. Mr. Depp trusted and relied upon TMG, as his advisors, to manage his finances
20 prudently and to keep him fully informed of his financial status. Because J. Mandel represented
21 himself as a transactional attorney and R. Mandel represented himself as a tax attorney, Mr. Depp
22 also relied upon TMG, among his other counsel, to review and prepare corporate documents, and
23 to consider legal issues that arose from time to time with respect to his professional activities.
24 Although Mr. Depp trusted TMG to make day-to-day decisions about his affairs, on major
25 transactions and investments, Mr. Depp expected that TMG would consult with Mr. Depp and to
26 obtain his prior approval before proceeding.

27 29. TMG did not enter into any written agreement with Mr. Depp for the provision of
28 these services, whereby they paid themselves over \$28,000,000 in contingency fees based on Mr.

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1 Depp's earnings. TMG took a 5% commission of Mr. Depp's gross income, in some cases
2 regardless of whether Mr. Depp actually received any net income himself or not. This
3 commission-based compensation structure was not subject to any annual cap or other form of
4 limitation. Separate and apart from being voidable as a matter of law, the alleged agreement was
5 exorbitant, excessive, and far outstripped the actual value of services TMG would be performing
6 for Mr. Depp.

7 30. TMG imposed this alleged arrangement on Mr. Depp without negotiation or
8 review of any terms by either Mr. Depp or any independent counsel.

9 **III. TMG "Managed" Mr. Depp's Personal and Financial Affairs for Well Over a**
10 **Decade, Taking Tens of Millions of Dollars in Commissions**

11 31. TMG acted as Mr. Depp's legal, business, tax, and accounting advisors from
12 approximately September 1999 until mid-March 2016. TMG managed Mr. Depp's affairs in part
13 through two trusts, of which Mr. Depp was the trustor and beneficiary. One trust is the Sweetzer
14 Trust; the other is the Mooch Investment Trust. J. Mandel was the trustee of the Sweetzer Trust
15 until TMG's termination as business manager. J. Mandel, as trustee of the Sweetzer Trust, owned
16 four properties in trust that had been purchased by Mr. Depp in Los Angeles, California. The
17 Mooch Investment Trust owned another property in trust that had been purchased by Mr. Depp,
18 also in Los Angeles (collectively, the "Sweetzer Properties"). Mr. Depp used the Sweetzer
19 Properties as his primary personal residence.

20 32. Each of the trusts has an account with City National Bank.

21 33. In addition to the trusts' City National Bank accounts, TMG maintained at least
22 twenty-five (25) other accounts at City National Bank in the names of various business entities
23 Mr. Depp wholly owns. Each of these entities was wholly or primarily owned by Mr. Depp and
24 was set up for his benefit. TMG prepared most of the corporate documents for these entities as
25 needed and routinely filed them with the California Secretary of State.

26 34. TMG further maintained two City National Bank accounts in Mr. Depp's name
27 individually, and three accounts for other family members.

28 35. TMG, principally through J. Mandel, had unrestricted access to these accounts,

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1 either because he was trustee to the trusts or an officer or agent of the various legal entities that he
2 formed, or because he had general and broad control over Mr. Depp's finances.

3 36. Over the years, as TMG managed Mr. Depp's personal life and financial affairs,
4 Mr. Depp trusted TMG with the management of his affairs. Mr. Depp placed TMG in a position
5 of trust and loyalty with respect to the management of his finances, and, as a result, relied entirely
6 on TMG to monitor and grow his wealth.

7 37. TMG rarely consulted with Mr. Depp regarding any financial transactions, legal or
8 tax matters, or investments. Indeed, when TMG required Mr. Depp's signature, often he would
9 be presented with only a signature page to sign rather than a full document. Mr. Depp signed
10 such documents because he fully trusted that TMG was acting competently and to further only his
11 best interests, as TMG has previously represented. When Mr. Depp did speak to TMG, they
12 assured him that he was in excellent financial condition.

13 38. During this approximately 16-year period, Mr. Depp earned hundreds of millions
14 of dollars from salaries and royalties on movies and endorsements. Mr. Depp believed that
15 everything was going according to "plan," that he was saving millions of dollars, investing
16 smartly (through TMG), and that he was financially sound. But as explained below, nothing
17 could have been further from the truth.

18 39. During the same time period, TMG paid themselves over \$28,000,000.00 in
19 contingent fees from Mr. Depp's gross earnings.

20 **IV. TMG's Gross Mismanagement of Mr. Depp's Financial Affairs**

21 40. Unbeknownst to Mr. Depp, TMG failed to provide even the most basic guidance to
22 Mr. Depp in the management of his affairs. To the contrary, TMG engaged in years of gross
23 mismanagement, self-dealing, and at times, actual fraud, in mishandling Mr. Depp's affairs.
24 TMG abdicated their most basic duties to Mr. Depp while at the same time making millions of
25 dollars in unauthorized and undocumented disbursements to third parties. Upon information and
26 belief, in doing so, it was TMG's goal to keep everyone close to Mr. Depp happy and complacent
27 so that TMG could continue to receive its exorbitant fees without resistance.

28 41. Upon information and belief, TMG, on behalf of Mr. Depp, took out loan after

1 loan—with increasingly higher interest rates and fees and collateralized by Mr. Depp’s properties
 2 and movie royalties—and sold certain of Mr. Depp’s assets in order to hide their misconduct.
 3 TMG actively concealed the true state of Mr. Depp’s finances while driving him deeper and
 4 deeper into financial distress.

5 **A. TMG Failed to Competently Maintain Mr. Depp’s Books and Records**

6 42. Over the course of their representation of Mr. Depp, TMG failed to maintain a
 7 proper set of detailed accounting records for Mr. Depp, personally, and for each business entity
 8 he owned. For example, in contravention of established accounting and business management
 9 industry standards, TMG kept only sporadic and incomplete records of Mr. Depp’s finances,
 10 accounts, and business transactions. Further, TMG made numerous loans without proper
 11 disclosure or backup, and without any apparent agreements memorializing their terms. There are
 12 also numerous instances of significant transactions that are not reasonably supported by proper
 13 documentation. In addition, TMG kept files for Mr. Depp’s various corporate entities without
 14 key documents related to corporate formation and without sufficient documentation to track the
 15 investments or other activities of the corporate entities. TMG further failed to obtain and
 16 maintain written agreements with critical service providers, including, but not limited to, a written
 17 agreement with Mr. Depp’s entertainment attorneys who were paid tens of millions of dollars in
 18 contingent fees without the statutorily prescribed written contract or agreement.

19 43. TMG also failed to maintain a complete set of electronic records for Mr. Depp’s
 20 accounts and failed to keep a current accounting of Mr. Depp’s finances, accounts, and business
 21 transactions as they were occurring. Notably, when Mr. Depp retained new business managers in
 22 March 2016, TMG advised the new firm that it did not have a schedule of Mr. Depp’s accounts
 23 payable – a basic accounting schedule required to assess what bills were due and owing. It also
 24 appears that TMG undertook to simulate a proper accounting system by loading and backdating
 25 transactional data after the fact, including a large volume of transactional data in April 2016, as
 26 TMG was transferring books and records to EWC.

27 **B. TMG Failed to Keep Mr. Depp Informed of His Finances**

28 44. TMG failed to conduct thorough monthly planning, tracking or record-keeping

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1 with respect to Mr. Depp's personal expenses and his business enterprises, and failed to
2 sufficiently discuss and provide written reports regarding income, expenses and financial
3 condition with Mr. Depp, as required by accounting and business management industry standards.

4 45. Throughout TMG's representation of Mr. Depp, TMG failed to sufficiently and
5 consistently report to Mr. Depp the current state of his finances. In particular, TMG failed to
6 prepare and provide Mr. Depp with periodic detailed reports of cash receipts and disbursements,
7 personal financial statements or statements of net worth, revenue and expense for Mr. Depp
8 personally. TMG further failed to prepare and provide to Mr. Depp periodic financial statements,
9 including balance sheets, statements of operations and statements of cash flows for each of Mr.
10 Depp's business entities. Nor did TMG prepare written budgets for Mr. Depp personally or for
11 his business enterprises.

12 46. In addition, TMG failed to create or implement any long term strategic investment
13 plan for preservation and growth of Mr. Depp's wealth. TMG did not review Mr. Depp's existing
14 assets to determine their value or whether they constituted a good investment. Nor did TMG
15 advise Mr. Depp regarding the investment value of any future assets he purchased. TMG also
16 failed to purchase or maintain adequate insurance for Mr. Depp or his business entities.

17 47. Moreover, TMG failed to report information to Mr. Depp in any consistent or
18 meaningful manner and failed to implement sufficient mechanisms to obtain Mr. Depp's approval
19 of standard or non-standard expenses on a regular basis. TMG routinely made financial decisions
20 without Mr. Depp's knowledge or approval, and often sent him signature pages for him to sign
21 without the corresponding documents. And when TMG did speak to Mr. Depp, they intentionally
22 concealed the true state of Mr. Depp's overall finances and falsely represented to Mr. Depp that
23 he was in excellent financial condition.

24 C. Estate Tax, Gift and Income Tax Anomalies Caused by TMG

25 48. Throughout the course of their representation of Mr. Depp, and despite the fact
26 that R. Mandel held himself out as a tax lawyer, remarkably, TMG never once timely filed Mr.
27 Depp's income tax returns or timely paid Mr. Depp's income tax. Instead, upon information and
28 belief, TMG left Mr. Depp's taxes in the hands of a CPA in training, who consistently failed to

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1 act in accordance with industry standards for tax and accounting professionals. This created
2 numerous estate tax, gift and income tax anomalies that Mr. Depp's new business managers have
3 been resolving since being retained in 2016.

4 49. TMG engaged in a pattern of insufficient estimated tax payments preceding the
5 return date; paying a lump sum of estimated tax payments on or around October 15, rather than
6 by the April 15 due date; filing the actual return days or weeks beyond the extended due date; and
7 catching up on payments, assessed interest, and penalties thereafter.

8 50. Even though this is currently being corrected by Mr. Depp's new business
9 managers, TMG's failure to make sufficient estimated tax payments, file returns, and make timely
10 tax payments cost Mr. Depp approximately \$5,690,549.00 in easily avoidable penalties and
11 interest for Mr. Depp's federal income tax obligations alone. Because of the consistent failure to
12 timely file returns for or pay his federal income taxes, Mr. Depp is informed and believes, and on
13 that basis alleges that he also incurred significant penalties and interest based on the same
14 deficiencies in his state and foreign income tax filings during the same period.

15 **D. TMG Improperly "Loaned" Money to Third Parties Without Mr. Depp's**
16 **Knowledge or Prior Authorization**

17 51. Over the years, at varying times in diverse amounts, TMG disbursed nearly
18 \$10,000,000 to third parties close to or who worked for Mr. Depp without Mr. Depp's knowledge
19 or prior authorization. In providing these funds, TMG recorded them as "loans," but, for the vast
20 majority, TMG did not prepare any contracts or other notes to memorialize the disbursements, did
21 not include terms of repayment or default provisions, and did not require any security or charge
22 any interest. Further, TMG did not make any efforts to seek repayment of the "loans" and, to
23 date, the vast majority remain unpaid.

24 52. On information and belief, these disbursements were made without consideration
25 of Mr. Depp's best interests, without any legitimate intention of preserving or increasing Mr.
26 Depp's wealth or assets, and without actually expecting that the "loans" would ever be repaid.
27 Instead, upon information and belief, TMG made these disbursements in order to curry favor with
28 those close to Mr. Depp, thereby consolidating their own position as his advisors. By keeping

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1 everyone close to Mr. Depp oblivious and content, TMG minimized any risk of those individuals
2 questioning TMG's competency or advising Mr. Depp to scrutinize TMG more closely.

3 53. For example, at various times and in various amounts, TMG disbursed millions of
4 dollars to a third party close to Mr. Depp without requiring any contract or note, terms of
5 repayment, interest, default provisions, or any security. Instead, TMG simply disbursed the
6 requested funds to the individual while making a notation in their ledger. From 2009 to 2016
7 alone, these disbursements totaled over \$7,000,000, the vast majority of which have not been
8 repaid. TMG did not disclose these disbursements to Mr. Depp or ask him whether he approved
9 them.

10 54. TMG also disbursed funds to another individual in the currently outstanding
11 amount of \$736,887.83. Again, no formal loan documentation exists regarding these
12 disbursements. Instead, the books and records contain informal documentation, such as a
13 November 18, 2013 email from the individual to J. Mandel's assistant forwarding a proposal to
14 renovate the individual's kitchen. The individual explained, "I have to ask as [I] was hoping to be
15 able to pay for the kitchen by myself, i have paid the deposit, but they now need another 50%
16 £12,490 . . . sorry and thank you." TMG never informed Mr. Depp that it had disbursed over
17 \$700,000 to this individual, and it never sought his approval for the vast majority of these
18 disbursements. To date, this individual has not repaid this "loan."

19 55. These disbursements to third parties close to Mr. Depp—made without Mr. Depp's
20 knowledge or authorization, without any terms, methods of repayment, or back up sufficient to
21 justify the disbursements and expenditures, and with unexplained and obviously incorrect
22 "credits" made to reduce the loan amount—show gross mismanagement of Mr. Depp's accounts
23 and a total disregard for standard—and minimal—accounting principles. In total, this misconduct
24 cost Mr. Depp over \$8,000,000 in funds without any apparent ability to recoup the loans and
25 without any information as to how much, if any, has been repaid.

26 **E. TMG Mismanaged Mr. Depp's Expenses and Engaged in Financial Waste**

27 56. Throughout their representation of Mr. Depp, TMG routinely failed to properly
28 manage and advise on expenses. TMG failed to properly budget for expenses and failed to create

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1 and implement sufficient financial and cash management controls for Mr. Depp, which are
 2 standard in the industry. Further, when TMG itself expended money on behalf of Mr. Depp, it
 3 failed to conduct due diligence, failed to seek out the best, or even reasonable, prices for services
 4 and goods, and failed to monitor ongoing expenses to ensure they were commensurate with Mr.
 5 Depp's then-current financial condition and overall needs. TMG also failed to negotiate on
 6 behalf of Mr. Depp or to seek written agreements from important service advisors, such as Mr.
 7 Depp's entertainment lawyers, who TMG allowed to obtain enormous fees from Mr. Depp
 8 without any reasonable maximum or cap. TMG's gross mismanagement of Mr. Depp's expenses
 9 and inexcusable financial waste caused Mr. Depp millions, if not tens of millions, of dollars in
 10 excess costs over the years.

11 57. As one of numerous examples of financial waste, when Mr. Depp's mother was
 12 seriously ill, TMG rented a house to serve as potential hospice for her at a cost of \$35,000 per
 13 month. Once it became clear that Mr. Depp's mother would recover, Mr. Depp instructed TMG
 14 to move her out of the house and back home, and to terminate the lease. When the issue of the
 15 lease came up again by chance approximately eight months later, TMG acknowledged that "they
 16 forgot" to terminate the lease, which also contained a lengthy termination notice period. TMG's
 17 error cost Mr. Depp approximately \$350,000, which TMG never offset against the tens of
 18 millions of dollars in fees that TMG paid itself from Mr. Depp's earnings.

19 58. Similarly, TMG retained Premier Group International ("PGI") to provide security
 20 services for Mr. Depp at a variety of locations. The cost of PGI's security services was not only
 21 exorbitant, but also well above what Mr. Depp should have been paying given his financial
 22 condition (as caused by TMG's mismanagement). TMG did not keep Mr. Depp apprised of the
 23 cost of his security, did not question whether Mr. Depp had more security that was necessary, and
 24 did not discuss with Mr. Depp whether there were other options available to reduce the cost of his
 25 security. Between 2012 and 2015, TMG spent over \$8 million on security services, whereas a
 26 reasonable business manager and financial advisor could have obtained acceptable security
 27 services for a fraction of that cost.

28 59. As another example of TMG's mismanagement, in or around July 2007, an issue

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1 arose regarding a set of drain lines and retaining/wing wall constructed on the eastern boundary of
 2 Mr. Depp's residence on Sweetzer Avenue. Mr. Depp's neighbor from an adjacent property
 3 argued that this retaining wall extended one and a half to two feet onto her property. In
 4 responding to this situation, TMG did not conduct a formal survey of the land. Nor did they seek
 5 to move the retaining wall onto Mr. Depp's property. Instead, TMG caused Mr. Depp, through
 6 the Sweetzer Trust, to enter into a lease agreement with the neighbor, whereby the neighbor
 7 would be paid \$3,000.00 per month indefinitely, retroactively to April 1, 2007. To date, based on
 8 TMG's deal, the Sweetzer Trust has paid over \$320,000.00 in rent to the neighbor, rather than
 9 first confirming that an issue even existed or simply moving the retaining wall.

10 **F. TMG Recklessly Borrowed Money on Mr. Depp's Behalf**

11 60. While TMG was (a) disbursing close to \$10,000,000 of Mr. Depp's funds for
 12 undisclosed, unauthorized, and undocumented "loans" to third parties and (b) spending millions
 13 of dollars of Mr. Depp's funds on exorbitant and unnecessary expenses, they also—at the same
 14 time—caused Mr. Depp, and various business entities under his control, to borrow tens of
 15 millions of dollars at unreasonably high interest rates and fees, and caused key assets of Mr. Depp
 16 to be pledged as collateral or used for repayment. TMG attempted to use at least one of these
 17 loans as a vehicle to provide themselves, and other of Mr. Depp's advisors, contractual rights that
 18 they did not previously possess, including contingency payments on Mr. Depp's earnings and
 19 priorities on such payments superior to Mr. Depp. All of this was done without proper
 20 disclosures to Mr. Depp and in violation of well-established standards in the business
 21 management profession. On information and belief, had TMG properly executed its duties to Mr.
 22 Depp as a responsible business manager and retained the tens of millions of dollars they spent on
 23 unauthorized disbursements and exorbitant expenses, Mr. Depp would not have had any need for
 24 these loans and would never have incurred the interest and fees they engendered.

25 **(i) TMG Borrows over \$20 million from City National Bank from 2006-2012**

26 61. As early as February 2006, TMG began taking out loans from various banks to
 27 make up for its egregious expenditures and mismanagement. In or around February 2006, TMG
 28 took out a \$3,000,000 loan in Mr. Depp's name from City National Bank and secured it with

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1 property owned by Mr. Depp. Then, in or around October 2008, TMG took out a \$10,000,000
2 line of credit in Mr. Depp's name and secured that with four of the Sweetzer Properties. In or
3 around June 2010, TMG took out another \$4,000,000 loan in Mr. Depp's name and, again,
4 secured that loan with the Sweetzer Properties. In or around March and April 2012, TMG caused
5 Mr. Depp to draw another \$5,000,000 from an unsecured line of credit with City National Bank.
6 In total, between 2006 and 2012, TMG caused Mr. Depp to borrow approximately \$22,000,000
7 from City National Bank.

8 62. In causing these loans to be made, TMG did not make adequate disclosures to Mr.
9 Depp, provide complete loan documents to Mr. Depp, or explain the purposes of the loans or the
10 reasons why they were necessary. Instead, based on TMG's position of trust and loyalty with
11 respect to Mr. Depp's finances, Mr. Depp trusted TMG to act in Mr. Depp's best interest and to
12 make the best decisions for him. As a result, Mr. Depp did not inquire into these loans or have
13 any meaningful understanding as to the amount being borrowed.

14 (ii) TMG Improperly Secures a Hard Money Loan with High Interest and Fees

15 63. In or around August 2014, due to its mismanagement, TMG once again faced the
16 prospect of being unable to meet Mr. Depp's then-current obligations. Instead of finally
17 disclosing its incompetence and mismanagement to Mr. Depp, or obtaining a commercial loan
18 from another bank, TMG sought a large loan on behalf of Mr. Depp from a hard money lender,
19 Tryon Management Services, Ltd. ("Tryon"). The loan was orchestrated by a specialty finance
20 company, Grosvenor Park Media, and a third party, Fintage Collection Account Management,
21 B.V. ("Fintage"), acted as collection agent.

22 64. In or around October 2014, Tryon made a loan of \$12,500,00.00 to one of Mr.
23 Depp's business entities at an above-market initial interest rate of 10.00%, which later increased
24 to 10.25%. The loan was subject to high fees, and its repayment terms provided that accrued
25 interest would be capitalized monthly and added to the principal. The loan also contained a buy-
26 out clause, which has made it financially unfeasible to repay the loan prior to its termination date.

27 65. While Mr. Depp signed some of the loan documents, he was not provided
28 complete loan documents; the terms of the loans were not adequately disclosed to him, and he did

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1 not have any meaningful discussions with TMG regarding the need for the loan or its impact
2 moving forward. Instead, based on the position of trust and loyalty TMG held with Mr. Depp,
3 Mr. Depp simply followed TMG's advice without hesitation and signed the documents as
4 requested.

5 66. The terms of the loan required that repayment would be made from and secured by
6 residuals owed to Mr. Depp for the films *Pirates of the Caribbean I through IV*, *Alice in*
7 *Wonderland*, and *Into the Woods* (collectively, the "Films"). Although accrued interest was
8 capitalized monthly, Mr. Depp's business entity received Film residuals less frequently, resulting
9 in significant additions to the outstanding principal in between each repayment.

10 67. Under the terms of the loan, each time Mr. Depp's business entity received a
11 residual payment from one of the Films, that payment would be used to pay back a portion of the
12 interest and principal of the loan, to pay the large amounts of fees charged by Tryon, Fintage, and
13 related entities, and to put a certain amount of money in a tax reserve to pay tax payments on the
14 residuals. Another portion of the residual would be used to pay in full TMG's and Mr. Depp's
15 other entertainment lawyers' and talent agent's fees. Thus, TMG guaranteed that it and other
16 advisors would obtain their full commission on Mr. Depp's residuals regardless whether Mr.
17 Depp actually retained any of that money. This provided TMG and other advisors with a right to
18 receive fees superior to Mr. Depp's own, to which they were not entitled and which created
19 serious conflicts of interest.

20 68. Further, if any residuals remained after these payments were disbursed, the
21 remainder also went to repay the loan, *not* to Mr. Depp. Thus, even though TMG earned its full
22 fee for each residual, Mr. Depp would not actually receive a penny from his earnings on these
23 Films until the entire loan was repaid.

24 69. Despite these unreasonable and unfavorable terms, TMG caused Mr. Depp's
25 entities to take out a further advance from Tryon in or around August 2015 in the amount of
26 \$6,500,000.00. This brought the total amount borrowed from Tryon to \$19,000,000.00.

27 70. Over the short two-year period since this loan was initiated, Mr. Depp should have
28 received a total of approximately \$25,722,467.00 in residuals from the Films. Instead, neither he

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1 nor any of his businesses entities received a penny of that money. Moreover, Tryon asserts that
2 Mr. Depp still owes approximately \$8,521,056.00 on the Tryon loan, which continues to
3 capitalize unreasonable interest at unreasonable rates and to charge unreasonable fees in
4 collecting on the loan. Even accounting for contractually required payments to Mr. Depp's
5 representatives and tax payments for these residuals, this loan has cost Mr. Depp millions of
6 dollars in interest and fees to date. In contrast, TMG received \$917,564.00 in fees from the film
7 residuals alone during that same period.

8 71. On information and belief, TMG caused Mr. Depp to incur over \$40 million in
9 debt since 2006—and millions of dollars in unnecessary interest and fees as a result—to cover for
10 its own mismanagement and fraud.

11 G. TMG's Conflicts of Interest and Self-Dealing in Loaning \$5,000,000 Directly
12 to Mr. Depp and Servicing That Loan on His Behalf

13 (i) TMG's Conflicts of Interest in Loaning \$5,000,000 Directly to Mr. Depp

14 72. In or around March or April 2012, as referenced above, TMG caused Mr. Depp to
15 obtain a \$5,000,000 unsecured line of credit from City National Bank. In or around late 2012,
16 TMG, on behalf of Mr. Depp, failed to meet the payment obligations of this line of credit. As
17 such, the Bank accelerated a promissory note signed by Mr. Depp, which required payment of
18 \$5,000,000 by December 1, 2012. On information and belief, this default would not have
19 occurred but for TMG's expenditure of millions of dollars in unauthorized disbursements and
20 exorbitant expenses during the same time period.

21 73. Rather than explain the situation to Mr. Depp, TMG obtained a separate
22 \$5,000,000 loan from City National Bank *in their own name*, and lent that money to Mr. Depp.

23 74. Even though the particular City National Bank promissory note representing
24 TMG's loan was unsecured, TMG required Mr. Depp to execute a Lending Agreement and a
25 Promissory Note ("Promissory Note" or "Note") to TMG secured by deeds of trust (the "Trust
26 Deeds") on the five Sweetzer Properties that formed Mr. Depp's primary residence. Thus, TMG
27 caused Mr. Depp to exchange an uncollateralized debt for one secured by Mr. Depp's own
28 primary residence. TMG also added terms to the Promissory Note enabling them to declare a

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1 default if Mr. Depp ever terminated TMG, regardless of what was in Mr. Depp's best interests.

2 75. Before making this loan, neither TMG nor J. Mandel had any discussions with Mr.
3 Depp regarding alternate means of satisfying Mr. Depp's existing indebtedness, such as selling
4 assets, reducing spending, or obtaining a bridge loan to be satisfied by anticipated future income.
5 Nor did they have any meaningful discussions with Mr. Depp regarding his financial status or the
6 need to reduce expenditures in order to create a self-sustaining financial model.

7 76. On its face, the Lending Agreement between Mr. Depp and TMG sought to
8 disclaim TMG's fiduciary duties to Mr. Depp for purposes of the transaction, and gave Mr. Depp
9 the opportunity to seek independent counsel. In reality, however, neither TMG nor J. Mandel
10 actually informed Mr. Depp of his right to independent counsel to review the Lending Agreement
11 and Promissory Note. They did not explain the documents or their purpose. They did not explain
12 that TMG would be loaning \$5,000,000 directly to Mr. Depp or why such extreme and unusual
13 action was required. They did not explain that they were causing Mr. Depp's primary residence
14 to be pledged as collateral for the loan even though his previous loan had been unsecured, or that
15 Mr. Depp might lose his home if he failed to pay the loan back.

16 77. Based on the position of trust and loyalty that TMG occupied with respect to the
17 management of Mr. Depp's finances, Mr. Depp did as they asked and signed the documents.
18 Based on their position as Mr. Depp's business managers, Mr. Depp trusted TMG to act in his
19 best interest and to make financially responsible decisions for him.

20 (ii) TMG's Conflicts of Interest in Servicing Their Loan to Mr. Depp

21 78. The Lending Agreement between Mr. Depp and TMG provides that "the Parties
22 shall be considered to be entirely independent respecting all matters herein described including,
23 without limitation ... the creation, operation and *repayment* of the TMG/Depp Note and the
24 execution and potential enforcement of the Deeds of Trust." (emphasis added).

25 79. In reality, however, TMG—as Mr. Depp's business managers and financial
26 advisors—had full practical responsibility for paying back the loan. They controlled Mr. Depp's
27 accounts and paid all of his debts. As such, TMG was responsible for complying with the terms
28 of the loan, just as they were for every other debt owed by Mr. Depp.

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1 80. In undertaking to service the Note on behalf of Mr. Depp, TMG violated industry
2 standards applicable to business managers and financial advisors in a number of ways.

3 81. First, despite holding themselves out as independent to Mr. Depp in the Lending
4 Agreement, TMG undertook to service the loan in their capacity as Mr. Depp's business
5 managers and financial advisors. This created an unavoidable conflict of interest by requiring
6 TMG to effectively make payments to themselves, entangling TMG's own interests with those of
7 Mr. Depp.

8 82. Second, in undertaking to service the loan on behalf of Mr. Depp, TMG failed to
9 follow their own repayment terms as provided in the Promissory Note, and, in fact, did not pay
10 down the Note at all until *after* it should have been satisfied in full. This failure to repay even a
11 single dollar of their own debt during the expressed lifetime of the Note allowed TMG to later
12 declare the present default. Thus, TMG's own failures in repaying the loan led directly to putting
13 TMG in a position to foreclose on the Sweetzer Properties.

14 83. Third, after failing to repay the Promissory Note by the express deadline, TMG
15 created a Loan Amortization Schedule in April 2014, which purported to set a new 15-year
16 repayment schedule for Mr. Depp, but also included an interest rate far higher than the rate set
17 forth in the original Promissory Note. Immediately after creating this Schedule, however, TMG
18 failed to follow it, making only sporadic payments over the next two years that varied widely
19 from the Schedule's terms. By failing to pay in accordance with the Loan Amortization Schedule
20 (and at times paying more than the Schedule prescribed), TMG tied up funds which might have
21 been used by Mr. Depp to meet other obligations. It also presumably subjected Mr. Depp to an
22 interest rate far higher than that stated in the Promissory Note.

23 84. Finally, by creating the Loan Amortization Schedule after Mr. Depp should have
24 previously satisfied the loan, TMG effectively amended the terms of the loan to allow repayment
25 over the next 15 years. Nevertheless, after TMG was dismissed as Mr. Depp's business manager,
26 TMG effectively repudiated the Loan Amortization Schedule by declaring a default and
27 demanding repayment in full of the remaining balance. Given its fiduciary relationship to Mr.
28 Depp, TMG could not, on the one hand, create a payment schedule through which Mr. Depp was

1 allowed to repay the loan while TMG remained Mr. Depp's business manager, but then
2 unilaterally ignore that payment schedule once Mr. Depp replaced TMG with a new business
3 manager. TMG's refusal to honor the Loan Amortization Schedule once Mr. Depp removed
4 TMG as his business manager further highlights the significant conflicts of interest present
5 throughout their relationship.

6 **H. TMG's Other Conflicts of Interest and Self-Dealing**

7 85. As early as 2004, J. Mandel used his position as trustee of one of Mr. Depp's trusts
8 to invest millions of dollars in various entities in which either J. Mandel, TMG, or J. Mandel's
9 immediate family members also had a direct ownership interest. J. Mandel did this without
10 notifying Mr. Depp, as the beneficiary of the trust and as a client of TMG, that he intended to use
11 his position as trustee to invest Mr. Depp's money in entities that J. Mandel either partially owned
12 or controlled. Nor did J. Mandel seek authorization or obtain written waivers of the conflicts of
13 interest that had been created by his and TMG's actions.

14 86. For example, in or about September 1, 2004, a company called Lionheart, L.P.
15 ("Lionheart") made an offering for an aggregate amount of \$50,000,000 in limited partnership
16 interests. J. Mandel and R. Mandel possessed ownership interests in Lionheart as members of
17 Lionheart's sole general partner. The two brothers were also separately listed as directors of
18 Lionheart. Yet despite this direct ownership interest, J. Mandel caused Mr. Depp's trust to invest
19 over \$2,000,000 in Lionheart over a period of years.

20 87. Similarly, TMG caused Mr. Depp's trust to invest hundreds of thousands of dollars
21 in two companies, Matar, LLC ("Matar"), and Matar II, LLC ("Matar II"), two entities in which
22 both TMG and multiple TMG employees possess ownership interests. Currently, Mr. Depp's
23 trust owns 21.80% of Matar and 23.000% of Matar II, while TMG owns 20.00% of the former
24 and 16.667% of the latter. Other TMG employees also own substantial percentages of both
25 companies.

26 88. TMG never disclosed any of these investments to Mr. Depp or sought
27 authorization from Mr. Depp before causing them to occur. Nor did TMG seek any waiver of the
28 conflicts of interest they engendered.

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V. Mr. Depp Learns for the First Time That He Suffered Significant Financial Losses Due to TMG's Gross Mismanagement, and Promptly Terminates TMG

89. Mr. Depp placed TMG in a position of trust and loyalty with respect to the management of his finances and personal life, and, as a result, relied entirely on TMG to manage his finances and grow his wealth. Mr. Depp is informed and believes, and on that basis alleges, that TMG knew that Mr. Depp relied entirely on them with respect to the management of his finances.

90. Yet in reality, as discussed above, TMG's gross mismanagement of almost every aspect of Mr. Depp's affairs caused Mr. Depp to lose tens of millions of dollars. TMG then sought to hide its losses from Mr. Depp by creating the illusion of wealth and financial stability, making improper disbursements to Mr. Depp's friends and acquaintances, and causing Mr. Depp to take out tens of millions of dollars in exorbitant and undisclosed loans.

91. Eventually, TMG informed Mr. Depp that he would need to sell a large piece of property in France in order to remain financially solvent. In light of his earnings over the years and the supposed management of his affairs by TMG, Mr. Depp could not imagine that he could be required to sell one of his properties in order to pay his debts. Later that fall, Mr. Depp's talent agent wrote to Mandel: "Did you tell [J]ohnny . . . he needs to make 25 million by the end of the year???? What are you doing?????"

92. Mr. Depp ultimately decided to terminate his relationship with TMG and to retain a new business manager and accountant, Edward White & Co., LLP ("EWC"). Mr. Depp retained EWC in March of 2016, and, as part of their representation, EWC engaged in a full review of Mr. Depp's financial situation. It was only after this review (which is ongoing) that Mr. Depp learned of TMG's misconduct and began to understand the financial harm TMG had caused Mr. Depp to suffer. Because of TMG's concealment of Mr. Depp's true financial situation, as well as their sole possession of his books and records, Mr. Depp did not know of TMG's acts of concealment until this time, nor did he have a reasonable opportunity to discover such acts of concealment before that time.

93. Since its engagement, EWC has done everything in its power to correct Mr.

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1 Depp's financial situation. EWC has caused Mr. Depp to substantially reduce unnecessary
2 expenses, sell real and personal property, and has carefully monitored income and outflow to
3 stabilize Mr. Depp's fiscal condition.

4 94. EWC has worked to mitigate TMG's mismanagement. By way of example, EWC
5 has cut off unauthorized disbursements to Mr. Depp's friends and family and is correcting his
6 federal income taxes. In addition, EWC has reduced many of Mr. Depp's unnecessary
7 expenditures, such as the security services procured by TMG. Now, through EWC, Mr. Depp has
8 secured adequate security services for a fraction of what he previously paid. EWC is also
9 currently working to move the retaining wall onto Mr. Depp's property so that Mr. Depp can
10 terminate the easement payments.

11 95. EWC has been unable to resolve other issues caused by TMG. For example, EWC
12 is still repaying many of the loans taken out by TMG, and is seeking to protect the various
13 properties of Mr. Depp that TMG caused to be pledged as collateral. EWC also continues to
14 service the Tryon loan, despite its horrible terms, because of the loan's high pre-payment
15 penalties. This has made it economically infeasible to find other financing to satisfy the loan until
16 the prepayment penalty is reduced over time, despite the millions of dollars in unreasonably high
17 interest and fees Mr. Depp is still incurring.

18 96. All told, TMG's gross mismanagement and fraud with respect to Mr. Depp's
19 affairs has resulted in tens of millions of dollars of losses to Mr. Depp that have been discovered
20 to date, and given the disarray in the books and records provided by TMG to EWC, additional
21 losses are sure to be discovered.

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FIRST CAUSE OF ACTION
(PROFESSIONAL NEGLIGENCE)
(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R. MANDEL AND DOES 1 THROUGH 10)

97. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

98. TMG agreed to, and did in fact, act as Mr. Depp's business managers, accountants, and financial advisors from in or around September 1999 to March 2016 and continued to render some services thereafter.

99. As Mr. Depp's business managers, accountants, and financial advisors, TMG owed Mr. Depp duties of professional care to use such skill, care, and diligence as other business managers, accountants, and financial advisors commonly possess and exercise on behalf of high net worth individuals under similar circumstances in similar communities.

100. Specifically, among other duties, business management industry standards required TMG to: (1) discharge their responsibilities with integrity, objectivity, due professional care and a genuine interest in serving their clients; (2) remain free of conflicts of interest; (3) perform their professional services to the best of their ability with concern for the best interest of Mr. Depp and consistent with Defendants' responsibilities to the public; (4) maintain accurate books of account, including cash receipts, cash disbursements, and general ledgers and journals; (5) compile statements of assets and liabilities and related statements of receipts and disbursements at least quarterly on a cash basis; (6) timely and accurately prepare and file income tax returns and provide overall tax planning services in connection with all personal and business activities; (7) ensure that comprehensive financial planning is formulated, implemented, monitored, and revised, including monthly and annual budgeting and longer term wealth planning; (8) take primary responsibility for collecting, properly categorizing and analyzing financial information related to a client's financial activities, including income received, processing disbursements and reconciling books of account and banking records; (9) ensure that a system of internal control procedures is planned, developed, and implemented to safeguard the client's assets and promote the accuracy and reliability of the financial information being

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1 processed and reported; (10) provide investment advice and analyze potential investments,
 2 including the risks involved; (11) review insurance coverage and consult with insurance advisors
 3 to ensure adequate coverage; (12) timely prepare accurate and meaningful financial reports to the
 4 client; and (13) actively and truthfully engage in dialogue with the client regarding his or her
 5 financial situation, including written and verbal professional communications and comprehensive
 6 written reports containing financial, accounting and tax related planning and compliance
 7 information.

8 101. Despite the duties of professional care owed to Mr. Depp, TMG failed to use such
 9 degree of professional care, competence, and skill commonly possessed and exercised by
 10 business managers, accountants, and financial advisors under similar circumstances in similar
 11 communities. TMG negligently, carelessly, and recklessly rendered the services for which they
 12 were retained by, among other things: (1) failing to properly keep Mr. Depp's books and records
 13 and commingling funds between business entities without proper agreements or documentation;
 14 (2) failing to keep Mr. Depp informed of material information regarding Mr. Depp's finances and
 15 business affairs; (3) failing to inform Mr. Depp of and seek his authorization for major
 16 transactions, disbursements or expenses that cost Mr. Depp millions of dollars; (4) failing to
 17 invest Mr. Depp's earnings in stocks, funds, or other similar plans and failing to create or
 18 implement any strategic long-term investment plan to maximize Mr. Depp's wealth; (5) failing to
 19 file Mr. Depp's taxes in a timely manner, resulting in millions of dollars of penalties, interest, and
 20 fees; (6) disbursing close to ten million dollars to third parties close to Mr. Depp without proper
 21 disclosures, interest, or terms of repayment; (7) failing to manage almost every aspect of Mr.
 22 Depp's expenses, including failing to budget for expenses, failing to implement proper
 23 mechanisms for approving and controlling expenses, and failing to advise on the financial
 24 consequences of excessive expenses, as well as Defendants personally engaging in millions of
 25 dollars of financial mismanagement; (8) causing trusts for which Mr. Depp was the beneficiary to
 26 invest millions of dollars in ventures in which both TMG and the Mandels had direct ownership
 27 interests, thereby creating serious conflicts of interest; (9) borrowing over \$40,000,000 from
 28 various banks and a hard money lender at increasingly unreasonable interest rates and fees while

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1 using Mr. Depp's properties and movie royalties as collateral in order to make up for the tens of
 2 millions of dollars in losses caused by Defendants' unauthorized disbursements and exorbitant
 3 expenses; (10) loaning Mr. Depp an additional \$5,000,000 directly and securing that loan with
 4 Mr. Depp's primary residence, all without making proper disclosures or attempting to find
 5 alternative methods to secure the needed financing; (11) servicing the loan Defendants made to
 6 Mr. Depp but failing to adequately repay the loan and unilaterally changing the payment terms as
 7 Defendants saw fit, thereby enabling Defendants to seek to foreclose on Mr. Depp's primary
 8 residence; and (12) providing Mr. Depp with legal services without a written retainer agreement
 9 and requiring 5% of Mr. Depp's gross revenue without any written agreement and despite the fact
 10 that Defendants' services were worth far less than the amount received.

11 102. These breaches of TMG's duties to use the professional care, competence, and
 12 skill commonly possessed and exercised by business managers, accountants, and financial
 13 advisors under similar circumstances in similar communities involved both the want of even scant
 14 care by TMG and represent an extreme departure from the ordinary standard of conduct
 15 applicable in such situations. As such, TMG's mismanagement of Mr. Depp's financial affairs
 16 also rises to the level of gross negligence.

17 103. In that TMG was solely and exclusively in possession of Mr. Depp's financial
 18 books and records, Mr. Depp did not discover, and could not have reasonably discovered, the
 19 facts underlying TMG's mismanagement and gross negligence until 2016, after Mr. Depp
 20 retained a new business management firm. TMG's numerous acts of mismanagement constituted
 21 continuing wrongs throughout their relationship with Mr. Depp that did not cease until Mr. Depp
 22 retained a new business management firm in 2016.

23 104. As a direct and proximate result of the aforesaid gross negligence,
 24 mismanagement, and professional negligence, Plaintiffs have been damaged in an amount that
 25 has not yet been fully ascertained but which is believed to be in excess of twenty-five million
 26 dollars (\$25,000,000).

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SECOND CAUSE OF ACTION

(BREACH OF FIDUCIARY DUTY)

(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R. MANDEL, AND DOES 1 THROUGH 10)

105. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

106. At all relevant times herein, by virtue of the professional relationships that existed between Mr. Depp and TMG, wherein TMG acted as Mr. Depp's business managers, accountants and financial advisors from 1999 until 2016, where Mr. Depp placed trust and confidence in the fidelity and integrity of TMG and entrusted TMG with Mr. Depp's financial well-being, and where TMG assumed control over Mr. Depp's business and financial affairs and property, a fiduciary duty existed between Mr. Depp and TMG. At all relevant times, Mr. Depp reasonably relied upon TMG's superior knowledge and expertise, and trusted that TMG would conduct themselves in his best interest and not in their own self-interest.

107. This fiduciary duty required TMG to treat Mr. Depp with complete fairness and the highest duty of loyalty, and to disclose to Mr. Depp all material facts concerning his business and financial affairs, the services rendered by TMG in connection therewith, and the fees charged by TMG for such services. This fiduciary duty further required TMG to truthfully and completely disclose all relevant information to Mr. Depp and to not misrepresent or conceal any facts in connection with any of the aforementioned services that TMG provided to Mr. Depp. Furthermore, TMG owed Mr. Depp a duty to refrain from conducting themselves in any manner that was in conflict with the best interests of Mr. Depp. TMG further owed Mr. Depp a fiduciary duty to refrain from fraud, bad faith, concealment or nondisclosure of material facts, gross misconduct, gross mismanagement, self-dealing, engaging in conflicts of interest, and failing to follow instructions of the principal. In addition, TMG owed Mr. Depp a duty of due diligence that required TMG to verify the legitimacy and soundness of the business, accounting, tax and/or financial and investment advice they offered to Mr. Depp.

108. TMG breached their fiduciary duties to Mr. Depp by, among other things: (1) misrepresenting facts in connection with Mr. Depp's finances and business affairs; (2) concealing

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1 material facts concerning the true financial condition of Mr. Depp; (3) failing to properly keep
 2 Mr. Depp's books and records and commingling funds between business entities without proper
 3 agreements or documentation; (4) failing to inform Mr. Depp of and seek his authorization for
 4 major transactions, disbursements or expenses that cost Mr. Depp millions of dollars; (5) failing
 5 to invest Mr. Depp's earnings in stocks, funds, or other similar plans and failing to create or
 6 implement any strategic long-term investment plan to maximize Mr. Depp's wealth; (6) failing to
 7 file Mr. Depp's taxes in a timely manner, resulting in millions of dollars of penalties, interest, and
 8 fees; (7) disbursing close to ten million dollars to third parties close to Mr. Depp without proper
 9 disclosures, interest, or terms of repayment; (8) failing to manage almost every aspect of Mr.
 10 Depp's expenses, including failing to budget for expenses, failing to implement proper
 11 mechanisms for approving and controlling expenses, and failing to advise on the financial
 12 consequences of excessive expenses, as well as Defendants personally engaging in millions of
 13 dollars of financial mismanagement and waste; (9) causing trusts for which Mr. Depp was the
 14 beneficiary to invest millions of dollars in ventures in which both TMG and the Mandels had
 15 direct ownership interests, thereby creating serious conflicts of interest; (10) borrowing over
 16 \$40,000,000 from various banks and hard money lenders at increasingly unreasonable interest
 17 rates and fees while using Mr. Depp's properties and movie royalties as collateral, all to create the
 18 illusion of financial health and to make up for the tens of millions of dollars in losses caused by
 19 Defendants' unauthorized disbursements and exorbitant expenses; (11) loaning Mr. Depp an
 20 additional \$5,000,000 directly, inserting improper default terms, and securing that loan with Mr.
 21 Depp's primary residence, all without making proper disclosures or attempting to find alternative
 22 methods to secure the needed financing; (12) servicing the loan Defendants made to Mr. Depp but
 23 failing to adequately repay the loan and unilaterally changing the payment terms as Defendants
 24 saw fit, thereby enabling Defendants to seek to foreclose on Mr. Depp's primary residence; (13)
 25 providing Mr. Depp with legal services without a written retainer agreement and requiring 5% of
 26 Mr. Depp's gross revenue without any written agreement and despite the fact that Defendants'
 27 services were worth far less than the amount received; and (14) continuing to misrepresent and
 28 conceal Mr. Depp's true financial condition so as to avoid discovery of Defendants' wrongdoing

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1 and mismanagement and to continue making millions of dollars in exorbitant fees despite their
2 malfeasance.

3 109. In that TMG was solely and exclusively in possession of Mr. Depp's financial
4 books and records and actively worked to conceal their misconduct from Mr. Depp, Mr. Depp did
5 not discover, and could not have reasonably discovered, the facts underlying TMG's breaches of
6 fiduciary duties until 2016, after Mr. Depp retained a new business management firm. TMG's
7 numerous breaches of fiduciary duty constituted continuing wrongs throughout their relationship
8 with Mr. Depp that did not cease until Mr. Depp retained a new business management firm in
9 2016.

10 110. As a direct and proximate result of the aforesaid breaches of TMG's fiduciary
11 duties, Plaintiffs have been damaged in an amount that has not yet been fully ascertained, but
12 which is believed to be in excess of twenty-five million dollars (\$25,000,000). Plaintiffs are also
13 entitled to disgorgement of all sums paid to TMG while these breaches of duty occurred.

14 111. In doing the things herein alleged, TMG acted with malice, oppression and/or
15 fraud pursuant to California Code of Civil Procedure Section 3294(c), and acted willfully and
16 with the intent to cause injury to Mr. Depp. As such, TMG are therefore guilty of malice,
17 oppression and/or fraud, and Mr. Depp is entitled to recover an award of exemplary and/or
18 punitive damages.

19 **THIRD CAUSE OF ACTION**
20 **(BREACH OF FIDUCIARY DUTY AS TRUSTEE)**

21 **(BY ALL PLAINTIFFS AGAINST J. MANDEL AND DOES 13 THROUGH 15)**

22 112. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

23 113. From 2005 until 2016, by serving as trustee of the Sweetzer Trust, which was
24 created for the benefit of Mr. Depp, a fiduciary duty existed between Mr. Depp, as beneficiary,
25 and J. Mandel, as trustee. At all relevant times, Mr. Depp reasonably relied upon J. Mandel's
26 superior knowledge and expertise, and trusted that J. Mandel would conduct himself in the best
27 interests of Mr. Depp and not in his own self-interest in administering the Sweetzer Trust.

28 114. This fiduciary duty included, among others, a duty of loyalty, requiring the trustee

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1 to administer the trust solely in the interest of Mr. Depp, a duty not to use trust property for the
 2 trustee's own profit or for any other purpose unconnected with the trust, and a duty to exercise
 3 reasonable care, skill, and prudence in administering the trust, including a duty to diversify
 4 investments unless it is not prudent to do so. J. Mandel's fiduciary duties required him to
 5 truthfully and completely disclose all relevant information to Mr. Depp and to not misrepresent
 6 any or conceal any facts in connection with any of the services that J. Mandel provided as trustee
 7 of the Sweetzer Trust. Furthermore, J. Mandel owed Mr. Depp a fiduciary duty to refrain from
 8 fraud, bad faith, concealment or nondisclosure of material facts, gross misconduct, gross
 9 mismanagement, self-dealing, and engaging in conflicts of interest in administering the Sweetzer
 10 Trust.

11 115. In violation of the relationship of trust, confidence and loyalty between Mr. Depp
 12 and J. Mandel, J. Mandel breached his fiduciary duties as trustee by, among other things: (1)
 13 misrepresenting facts in connection with the Sweetzer Trust's finances and business affairs; (2)
 14 concealing material facts concerning the true financial condition of the Sweetzer Trust; (3) failing
 15 to properly keep the Sweetzer Trust's books and records and commingling funds between the
 16 Trust and other business entities without proper agreements or documentation; (4) failing to
 17 manage the Sweetzer Trust's expenses, including failing to budget for expenses, failing to
 18 implement proper mechanisms for approving and controlling expenses, and failing to advise on
 19 the financial consequences of excessive expenses, as well as Defendants personally engaging in
 20 numerous examples of financial mismanagement and waste; (5) causing the Sweetzer Trust to
 21 invest millions of dollars in ventures in which both TMG and the Mandels had direct ownership
 22 interests, thereby creating serious conflicts of interest; (6) borrowing tens of millions of dollars
 23 using the Sweetzer Trust's properties as collateral in order to create the illusion of financial health
 24 and to make up for the tens of millions of dollars in losses caused by Defendants' unauthorized
 25 disbursements and exorbitant expenses; (7) loaning Mr. Depp an additional \$5,000,000 directly,
 26 inserting improper default terms, and securing that loan with properties owned by the Sweetzer
 27 Trust, all without making proper disclosures or attempting to find alternative methods to secure
 28 the needed financing; (8) servicing the loan Defendants made to Mr. Depp and the Sweetzer Trust

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1 but failing to adequately repay the loan and unilaterally changing the payment terms as
2 Defendants saw fit, thereby enabling Defendants to seek to foreclose on Mr. Depp's primary
3 residence; and (9) continuing to misrepresent and conceal the Sweetzer Trust's true financial
4 condition so as to avoid discovery of Defendants' wrongdoing and mismanagement and to
5 continue making millions of dollars in exorbitant fees as Mr. Depp's business manager.

6 116. In that J. Mandel was solely and exclusively in possession of the Sweetzer Trust's
7 financial books and records and actively worked to conceal his misconduct from Mr. Depp, Mr.
8 Depp and Mr. White did not discover, and could not have reasonably discovered the facts
9 underlying J. Mandel's breaches of fiduciary duties until 2016, after Mr. Depp retained a new
10 business management firm. J. Mandel's numerous breaches of fiduciary duty constituted
11 continuing wrongs throughout his time as trustee that did not cease until Mr. Depp retained a new
12 business management firm in 2016.

13 117. As a direct and proximate result of the aforesaid breaches of J. Mandel's fiduciary
14 duties, Plaintiffs have been damaged in an amount that has not yet been fully ascertained, but
15 which is believed to be in excess of twenty-five million dollars (\$25,000,000). Plaintiffs are also
16 entitled to disgorgement of all sums paid to Defendants while these breaches of fiduciary duty
17 occurred.

18 118. In doing the things herein alleged, J. Mandel acted with malice, oppression and/or
19 fraud pursuant to California Code of Civil Procedure Section 3294(c), and acted willfully and
20 with the intent to cause injury to Mr. Depp. As such, J. Mandel is therefore guilty of malice,
21 oppression and/or fraud, and Mr. Depp is entitled to recover an award of exemplary and/or
22 punitive damages.

23 **FOURTH CAUSE OF ACTION**
24 **(FRAUD IN THE INDUCEMENT)**

25 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.**
26 **MANDEL, AND DOES 1 THROUGH 10)**

27 119. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

28 120. As discussed above, in or around March or April 2012, TMG caused Mr. Depp to

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1 obtain a \$5,000,000 unsecured line of credit from City National Bank. In or around late 2012,
2 TMG, on behalf of Mr. Depp, failed to meet the payment obligations of this line of credit, and
3 City National Bank accelerated a Promissory Note requiring payment of \$5,000,000 by December
4 1, 2012. To satisfy this obligation, TMG decided to loan the funds directly to Mr. Depp.

5 121. In doing so, TMG provided Mr. Depp with a Lending Agreement and Promissory
6 Note that (a) contained broad disclaimers of TMG's fiduciary duties to Mr. Depp for the purposes
7 of the transaction, (b) waived the conflicts of interest this transaction created, (c) purported to
8 give Mr. Depp the opportunity to seek independent counsel, and (d) secured the loan with the
9 Sweetzer Properties, which constitute Mr. Depp's primary residence, even though the \$5,000,000
10 loan being satisfied had been unsecured.

11 122. TMG did not disclose any of these facts to Mr. Depp, however. Instead, Mr. Depp
12 was told to sign the documents, just like he would do for other transactions. Prior to signing the
13 documents, TMG failed to disclose that (a) this was a self-interested transaction that created
14 serious conflicts of interest between TMG and their fiduciary, Mr. Depp; or (b) TMG had
15 collateralized what had previously been an unsecured debt with Mr. Depp's primary residence.
16 These constituted misrepresentations or omissions of material fact to Mr. Depp.

17 123. TMG was aware of the existence of their material omissions and the falsity of their
18 actions, and TMG further intended Mr. Depp to rely on their misrepresentations and omissions by
19 signing the loan documents without any meaningful review. In fact, on information and belief,
20 TMG took such actions in order to avoid disclosing the true state of Mr. Depp's financial affairs,
21 as caused by TMG's own actions.

22 124. Mr. Depp justifiably relied on TMG's material misrepresentations and omissions.
23 Based on TMG's representations regarding the nature of the transaction and their failure to notify
24 Mr. Depp of (a) the conflicts of interest the transaction created and (b) the collateralization of his
25 primary residence as a result, Mr. Depp signed the loan agreements without review by
26 independent counsel or any attempt to understand the consequences of his entering into the loan.
27 Mr. Depp would not have entered into this loan but for TMG's material misrepresentations and
28 omissions, which in fact prevented Mr. Depp from discovering the true state of his financial

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1 affairs.

2 125. As a direct and proximate result of TMG's material misrepresentations and
3 omissions, Plaintiffs have been damaged, both by virtue of the interest payments on the loan
4 currently sought by TMG, and because TMG are currently seeking to foreclose on the Sweetzer
5 Properties. As a direct and proximate result of TMG's fraud in the inducement, Plaintiffs are
6 entitled to void the loan contract that resulted from that fraud.

7 126. In doing the things herein alleged, TMG acted with malice, oppression and/or
8 fraud pursuant to California Code of Civil Procedure Section 3294(c), and acted willfully and
9 with the intent to cause injury to Plaintiffs. As such, TMG is therefore guilty of malice,
10 oppression and/or fraud, and Plaintiffs are entitled to recover an award of exemplary and/or
11 punitive damages.

12 **FIFTH CAUSE OF ACTION**
13 **(FRAUDULENT CONCEALMENT)**

14 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.**
15 **MANDEL, AND DOES 1 THROUGH 10)**

16 127. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

17 128. Throughout TMG's employment as Mr. Depp's business managers, accountants,
18 and financial advisors, TMG failed to disclose to Mr. Depp material facts regarding TMG's gross
19 mismanagement of Mr. Depp's personal and financial affairs and the true state of Mr. Depp's
20 financial condition.

21 129. For example, TMG concealed, among countless of other examples, the following
22 material facts from Mr. Depp, which they were duty-bound to disclose:

23 (a) Between October 3, 2014, and October 7, 2014, Defendants caused \$410,000
24 of Mr. Depp's funds to be transferred to an individual close to Mr. Depp without any loan
25 documents, contracts, or notes memorializing this disbursement or any terms of repayment. TMG
26 never disclosed to Mr. Depp that they had made this disbursement.

27 (b) Between July 14, 2015 and August 4, 2015, TMG caused \$50,000 of Mr.
28 Depp's funds to be transferred to an individual close to Mr. Depp without any loan documents,

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1 omissions. Mr. Depp did not understand his true financial situation and believed that he was in
2 excellent financial health, that he had saved millions of dollars, and that he had funds at his
3 disposal to spend as needed. Had Mr. Depp been aware of TMG's concealment and wrongful
4 conduct, Mr. Depp would not have continued to incur the loans that he did and would have
5 terminated TMG as his business managers.

6 132. Instead, in reliance on TMG's material misrepresentations and omissions, Mr.
7 Depp was induced to and did continue to incur excessive and unnecessary expenses and
8 continued to pay tens of millions of dollars to TMG in exorbitant fees.

9 133. Because of TMG's intentional concealment, as well as their sole possession of his
10 books and records, Mr. Depp did not know of TMG's acts of intentional concealment until in or
11 after March 2016 when he retained new business managers, nor did he have a reasonable
12 opportunity to discover such acts of concealment before that time. TMG's numerous acts of
13 fraud throughout their relationship with Mr. Depp constituted continuing wrongs that did not
14 cease until Mr. Depp retained a new business management firm in 2016.

15 134. As a direct and proximate result of TMG's fraud and concealment, Plaintiffs have
16 been damaged in an amount that has not yet been fully ascertained, but which is believed to be in
17 excess of twenty-five million dollars (\$25,000,000).

18 135. In doing the things herein alleged, TMG acted with malice, oppression and/or
19 fraud pursuant to California Code of Civil Procedure Section 3294(c), and acted willfully and
20 with the intent to cause injury to Mr. Depp. As such, TMG is therefore guilty of malice,
21 oppression and/or fraud, and Plaintiffs are entitled to recover an award of exemplary and/or
22 punitive damages.

23 **SIXTH CAUSE OF ACTION**

24 **(CONSTRUCTIVE FRAUD)**

25 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.
26 MANDEL, AND DOES 1 THROUGH 10)**

27 136. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

28 137. As Mr. Depp's business managers, accountants, and financial advisors, TMG

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1 owed Mr. Depp a fiduciary duty to act with the utmost good faith and in his best interests.

2 138. As set forth above, TMG breached their fiduciary duties and concealed material
3 facts from Mr. Depp.

4 139. TMG misrepresented facts in connection with Mr. Depp's finances and business
5 affairs and concealed material facts concerning his true financial condition. TMG made close to
6 ten million dollars in unauthorized disbursements in order to curry favor and solidify their
7 position with Mr. Depp, borrowed tens of millions of dollars without proper disclosures to Mr.
8 Depp at increasingly unreasonable terms, and continually misrepresented Mr. Depp's financial
9 health, all to hide their years of gross misconduct, negligence, and waste in almost every aspect of
10 their business management and accounting services.

11 140. TMG concealed the truth behind these matters with the intent to deceive and
12 defraud Mr. Depp and to prevent Mr. Depp from learning the true facts, and to induce Mr. Depp
13 to act in reliance on TMG's acts and omissions, or with the expectation that Mr. Depp would act
14 in reliance on that information.

15 141. Mr. Depp justifiably relied on the fact that TMG was fulfilling their fiduciary
16 duties to Mr. Depp and not concealing their gross mismanagement of Mr. Depp's financial
17 affairs.

18 142. TMG gained an advantage as a result of their breach of fiduciary duty and
19 deception in that Mr. Depp retained TMG as his business managers, accountants, and financial
20 advisors, where otherwise they would surely have been terminated. As a result, TMG earned tens
21 of millions of dollars in exorbitant commissions.

22 143. By virtue of the breaches of fiduciary duties and obligations owed by TMG to Mr.
23 Depp as alleged herein, TMG has engaged in constructive fraud pursuant to California Civil Code
24 Section 1573 and other applicable California law.

25 144. As a direct and proximate result of TMG's constructive fraud, Plaintiffs have been
26 damaged in an amount that has not yet been fully ascertained, but which is believed to be in
27 excess of twenty-five million dollars (\$25,000,000).

28 145. In doing the things herein alleged, TMG acted with malice, oppression and/or

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1 fraud pursuant to California Code of Civil Procedure Section 3294(c), and acted willfully and
2 with the intent to cause injury to Plaintiffs. As such, TMG is therefore guilty of malice,
3 oppression and/or fraud, and Plaintiffs are entitled to recover an award of exemplary and/or
4 punitive damages.

5 **SEVENTH CAUSE OF ACTION**

6 **(NEGLIGENT MISREPRESENTATION)**

7 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, and R.
8 MANDEL, AND DOES 1 THROUGH 10)**

9 146. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

10 147. As set forth herein, throughout the course of their relationship, TMG made myriad
11 representations of past or existing material facts regarding Mr. Depp's financial condition,
12 investments, expenditures, and rendering of services in conformity with their fiduciary duties.

13 148. Many of these representations, such as Mr. Depp's financial condition being
14 healthy and sustainable, were not true, and TMG made them without reasonable grounds for
15 believing them to be true.

16 149. TMG intended to induce Mr. Depp to rely on their representations.

17 150. As trusted fiduciaries, Mr. Depp reasonably relied upon TMG's representations,
18 which reliance, over time, has resulted in millions of dollars of damages, including undisclosed
19 disbursements to third parties, and the payment of commissions to which TMG was not entitled
20 as a result of their misfeasance.

21 151. Because of TMG's negligent misrepresentation of Mr. Depp's true financial
22 situation, as well as their sole possession of his books and records, Mr. Depp did not know of, or
23 have a reasonable opportunity to discover, TMG's wrongful acts until in or after March 2016
24 when he retained new business managers. TMG's negligent misrepresentations throughout their
25 relationship with Mr. Depp constituted continuing wrongs that did not cease until Mr. Depp
26 retained a new business management firm in 2016.

27 152. As a direct and proximate result of TMG's negligent misrepresentation, Plaintiffs
28 have been damaged in an amount that has not yet been fully ascertained, but which is believed to

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1 be in excess of twenty-five million dollars (\$25,000,000).

2 **EIGHTH CAUSE OF ACTION**

3 **(UNJUST ENRICHMENT).**

4 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.**
5 **MANDEL, AND DOES 1 THROUGH 10)**

6 153. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

7 154. Mr. Depp paid TMG undeserved and exorbitant commissions for their services,
8 despite their gross mismanagement of almost every aspect of Mr. Depp's finances, and their
9 fraudulent misconduct taken to conceal the true nature of Mr. Depp's financial condition. TMG
10 entirely abdicated their responsibilities to Mr. Depp and cost him tens of millions of dollars
11 before Mr. Depp finally discovered their misconduct and negligence and terminated them. Mr.
12 Depp's payment of these commissions provided TMG with an unlawful benefit at Mr. Depp's
13 expense, to which TMG had no right.

14 155. TMG would not have received the unlawful benefit but for their wrongful conduct.

15 156. Plaintiffs suffered compensatory injury as a proximate result of Defendants'
16 unlawful conduct.

17 157. Accordingly, Plaintiffs are entitled to restitution from Defendants, in addition to all
18 monetary damages due, in an amount to be determined according to proof at trial.

19 **NINTH CAUSE OF ACTION**

20 **(INJUNCTION AGAINST WRONGFUL FORECLOSURE IN VIOLATION OF**
21 **CALIFORNIA CIVIL CODE)**

22 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.**
23 **MANDEL, FIRST AMERICAN, AND DOES 1 THROUGH 12)**

24 158. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

25 159. On or about October 27, 2016, defendant First American, as trustee under the
26 Trust Deeds, recorded with the County Recorder for the County of Los Angeles two Notices of
27 Default and Election to Sell Under Deed of Trust ("Notices of Default"), which initiated non-
28 judicial foreclosure proceedings on the Sweetzer Properties under the Trust Deeds, as collateral

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1 for the Note.

2 160. The said foreclosure proceedings are improper in that, among other things: (A)
 3 the Note, being secured by the Trust Deeds, is the result of TMG's breaches of fiduciary duty as
 4 alleged above and are therefore void and invalid; (B) as a result of the improper and fraudulent
 5 acts of TMG as herein alleged, TMG are indebted to Mr. Depp in a sum far exceeding any sums
 6 which may allegedly be owing under the Note. Mr. Depp therefore has setoffs against the Note
 7 that reduce its balance to \$0, and there is no indebtedness to be secured by the Trust Deeds; (C)
 8 the Notices of Default materially overstate the balance owing under the Note, and such Notices
 9 are therefore deficient under California Civil Code § 2924; and (D) even if there were a balance
 10 owing under the Note, the Note is not in default and is therefore not due. The "default" relied
 11 upon by TMG and First American was self-manufactured by TMG. TMG, in a further breach of
 12 their fiduciary duty, inserted a provision in the Note providing for a default in the event that
 13 TMG's services as Mr. Depp's business manager were terminated. TMG, by their wrongful
 14 conduct, have compelled Mr. Depp to terminate their services as business manager. TMG are
 15 attempting to take advantage of their own wrongful conduct by using that termination as a pretext
 16 to foreclose, in violation of Cal. Civ. Code § 3517.

17 161. Defendants have threatened to proceed with the foreclosure sale of the Sweetzer
 18 Properties, and unless enjoined, will proceed with such a sale improperly and in violation of the
 19 rights of Plaintiffs.

20 **TENTH CAUSE OF ACTION**
 21 **(DECLARATORY JUDGMENT)**

22 **(BY ALL PLAINTIFFS AGAINST THE MANAGEMENT GROUP, J. MANDEL, R.**
 23 **MANDEL, AND DOES 1 THROUGH 10)**

01/13/2017

24 162. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

25 163. California Business and Professional Code § 6147 requires contingency fee
 26 arrangements with attorneys to be documented in a written agreement, which must further contain
 27 a host of statutorily mandated disclosures. Section 6147 governs all such agreements, whether in
 28 the litigation context or otherwise. *See Arnall v. Superior Court*, 190 Cal. App. 4th 360, 367

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1 (2010). In the absence of a writing that complies with the requirements of section 6147, a
2 contingency fee arrangement with an attorney is voidable at the client's election, in which case,
3 the attorney is only "entitled to collect a reasonable fee." Cal. Bus. & Prof. Code § 6147(b).

4 164. Moreover, when an attorney serves a single client both as an attorney and one who
5 renders non-legal services, he or she must conform to the Rules of Professional Conduct in the
6 provision of all services. *Kelly v. State Bar*, 53 Cal. 3d 509, 517 (1991). California Rule of
7 Professional Conduct 3-300 requires that "[a] member shall not enter into a business transaction
8 with a client . . . unless . . . the transaction . . . and its terms are . . . fully disclosed and transmitted
9 in writing to the client[.]" Further, California Rule of Professional Conduct 3-310 prohibits
10 representations imbued with conflicts of interest.

11 165. The California Rules of Professional Conduct embody the public policy of
12 California. *Shepard, Mullin, Richter & Hampton, LLP v. J-M Mfg. Co., Inc.*, 198 Cal. Rptr. 3d
13 253, 265 (2016). The violation of public policies central to the attorney-client relationship render
14 any agreement – whether written or unwritten – unenforceable and entitles the injured party to
15 disgorgement of fees paid. *See id.* at 270-71.

16 166. Thus, had TMG, J. Mandel and R. Mandel provided their legal services free of
17 conflicts of interest, which they did not, then, in the absence of a written agreement that complies
18 with Cal. Bus. & Prof. Code § 6147, they could be entitled, at Mr. Depp's election, to retain only
19 a "reasonable fee" for their legal services. But The Management Group, J. Mandel and R.
20 Mandel not only provided legal services without the statutorily mandated written contingency fee
21 arrangement, they also repeatedly violated the public policy of California by failing to fully
22 disclose and transmit in writing to Mr. Depp the terms of their non-legal business relationship and
23 by creating a host of conflicts of interest through their self-dealing.

24 167. At all relevant times, J. Mandel and R. Mandel were members in good standing of
25 the Bar of California.

26 168. At all relevant times, The Management Group, J. Mandel and R. Mandel, on the
27 one hand, and Mr. Depp, on the other, were in an attorney-client relationship and identified
28 themselves as lawyers and business managers to both Mr. Depp and the outside world.

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1 Throughout the course of TMG's relationship with Mr. Depp, they provided legal advice and
2 services including, among other things, drafting corporate documents and negotiating and
3 reviewing various contracts related to both Mr. Depp's personal life and his business entities.

4 169. J. Mandel and R. Mandel also held themselves out as lawyers to the outside world
5 and used this fact to distinguish themselves from other business managers. In an interview with
6 Aish.com, J. Mandel and R. Mandel noted when asked how they "distinguish from other business
7 managers," that "I [Robert Mandel] was a practicing tax lawyer and Joel was a practicing
8 transaction lawyer, and with that background we have been successful in helping our clients with
9 a broad spectrum of issues – tax, transactional, etc." When asked "more specifically about your
10 role as a business manager," R. Mandel replied: "[A] business manager is a hybrid of personal
11 assistant, bookkeeper, accountant and attorney....we help negotiate their contracts."

12 170. In exchange for their legal and other services, TMG paid themselves 5% of Mr.
13 Depp's gross earnings during the course of their relationship.

14 171. Despite collecting over \$28,000,000 over the course of their relationship with Mr.
15 Depp, TMG had no written agreement with Mr. Depp for the provision of legal services, failed to
16 document the terms of their non-legal business transactions with Mr. Depp, and through their
17 self-dealing, polluted their entire relationship with Mr. Depp with conflicts of interest.

18 172. An actual controversy relating to the legal rights and duties of the parties exists;
19 namely: (a) whether, in the absence of violations of the California Rules of Professional Conduct
20 TMG, at Mr. Depp's election, are entitled to anything more than a "reasonable fee;" (b) whether
21 the California Rules of Professional Conduct apply to all of TMG's services, both legal and non-
22 legal; and (c) whether, in light of TMG's self-dealing, conflicts of interest, and failure to
23 document the terms of their business transactions with Mr. Depp, the agreement between TMG
24 and Mr. Depp is invalid and unenforceable, entitling Mr. Depp to disgorgement of all fees he has
25 paid to Defendants.

26 173. Accordingly, Mr. Depp seeks a declaration that the agreement between him and
27 TMG is invalid and unenforceable, that he is entitled to disgorgement and restitution of all fees
28 paid to TMG, and that TMG is not entitled to a "reasonable fee" for legal services as a result of

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1 their violations of the California Rules of Professional Conduct. In addition, Mr. Depp seeks a
2 judgment of the Court awarding him monetary relief against TMG in the amount of all contingent
3 fees he paid to TMG, plus interest at the legal rate.

4 **ELEVENTH CAUSE OF ACTION**

5 **(ACCOUNTING)**

6 **(BY DEPP AGAINST THE MANAGEMENT GROUP, J. MANDEL, R. MANDEL, AND**

7 **DOES 1 THROUGH 10)**

8 174. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

9 175. As alleged herein, TMG, as Mr. Depp's business managers, accountants, and
10 investment advisors, had and continue to have a fiduciary duty to Mr. Depp requiring TMG to act
11 only in Mr. Depp's best interest and to not engage in any acts or omissions which would cause
12 Mr. Depp to suffer any harm or damages.

13 176. As further alleged above, during the period of time that TMG rendered accounting
14 and business management services to Mr. Depp, TMG solely controlled and maintained Mr.
15 Depp's financial books and records. Mr. Depp is unaware of the full amounts TMG paid
16 themselves or otherwise misappropriated from Mr. Depp's accounts.

17 177. Accordingly, Mr. Depp is entitled to a full and complete accounting to all amounts
18 TMG paid themselves, misappropriated from Mr. Depp's accounts, secreted, misplaced, or
19 otherwise used to or paid without Mr. Depp's informed consent. Wherefore, the full amount
20 owed and becoming due to Mr. Depp can only be determined pursuant to a full and accurate
21 accounting of all books and records of TMG.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiffs pray for judgment in their favor and against the Defendants,
24 and each of them, jointly and severally, as follows:

25 On All Causes of Action Except the Ninth Cause of Action:

26 A. For compensatory damages in an amount subject to proof at trial, in an amount in
27 excess of twenty-five million dollars (\$25,000,000);

28 B. For restitution and disgorgement of all gains and profits by Defendants The

09/13/2017

- 1 Management Group, J. Mandel and R. Mandel as a result of their wrongful and unlawful conduct;
- 2 C. For rescission of the Lending Agreement and Promissory Note lending \$5,000,000
- 3 directly to Mr. Depp by TMG, and of the corresponding Deeds of Trust, through which TMG
- 4 currently seeks to foreclose on the Sweetzer Properties;
- 5 D. For setoff of any amounts allegedly owed to Defendants against amounts
- 6 Defendants owe Plaintiffs;
- 7 E. For punitive and exemplary damages in an amount subject to proof; and
- 8 F. For interest and prejudgment interest.

9 On the Ninth Cause of Action:

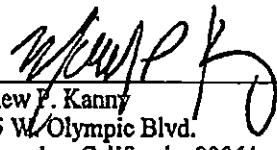
- 10 G. For a temporary restraining order, and preliminary and permanent injunction
- 11 enjoining Defendants from proceeding with the foreclosure of the Sweetzer Properties.

12 On All Causes of Action:

- 13 H. An award of attorneys' fees and costs, except as to Defendant First American; and
- 14 I. For such other and further relief as deemed just and proper.

15
16 RESPECTFULLY SUBMITTED this 13th day of January 2017.

17
18 MANATT, PHELPS & PHILLIPS, LLP

19
20 By 
 Matthew F. Kanny
 11355 W. Olympic Blvd.
 Los Angeles, California 90064

21
22 and
 MANATT, PHELPS & PHILLIPS, LLP
 Benjamin G. Chew
 Rory E. Adams
 Joshua N. Drian
 1050 Connecticut Avenue NW, Suite 600
 Washington, DC 20036

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THE ENDEAVOR LAW FIRM, P.C.
Adam R. Waldman
1775 Pennsylvania Avenue NW, Suite 350
Washington, DC 20006

*Counsel for Plaintiffs John C. Depp, II and Edward
L. White as trustee for the Sweetzer Trust and as
trustee for the Moch Investment Trust*

Deadline

04/13/2017

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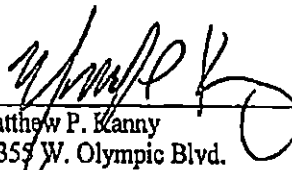
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury for this matter.

Dated: January 13, 2017

MANATT, PHELPS & PHILLIPS, LLP

By 
Matthew P. Manny
11355 W. Olympic Blvd.
Los Angeles, California 90064

and

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Benjamin G. Chew
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and

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*Counsel for Plaintiffs John C. Depp, II and Edward
L. White as trustee for the Sweetzer Trust and as
trustee for the Mooh Investment Trust*

DEPP

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ATTORNEYS AT LAW
LOS ANGELES

COMPLAINT

CM-010

ORIGINAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Matthew P. Kanny, Esq (SBN 167118)
 Manatt, Phelps & Phillips LLP
 11355 W. Olympic Blvd.
 Los Angeles CA 90064
 TELEPHONE NO.: 310-312-4000 FAX NO.: 310-312-4224

ATTORNEY FOR (Name): JOHN C. DEPP, II and EDWARD L. WHITE, as trustee of the Sweetzer Trust, and as trustee of the Mooh Investment Trust

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS: 111 North Hill Street
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Stanley Mosk Courthouse

FOR COURT USE ONLY

FILED
 Superior Court Of California
 County Of Los Angeles

JAN 13 2017

Sherri R. Carter, Executive Officer/Clerk
 By Cristina Martinez, Deputy
 Christina Martinez

CASE NAME: JOHN C. DEPP, II et al. v. THE MANDEL COMPANY, INC. et al.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC 6 4 6 8 8 2**


JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|--|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PIP/D/W/D (23)</p> <p>Non-PIP/D/W/D (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input checked="" type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PIP/D/W/D tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (18)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (39)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input checked="" type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|--|---|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 11
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 13, 2017
 Matthew P. Kanny, Esq. 

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

- Auto Tort
 - Auto (22)-Personal Injury/Property Damage/Wrongful Death
 - Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)
- Other PUPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 - Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
 - Product Liability (not asbestos or toxic/environmental) (24)
 - Medical Malpractice (45)
 - Medical Malpractice-Physicians & Surgeons
 - Other Professional Health Care Malpractice
 - Other PUPD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
- Non-PUPD/WD (Other) Tort
 - Business Tort/Unfair Business Practice (07)
 - Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
 - Defamation (e.g., slander, libel) (13)
 - Fraud (16)
 - Intellectual Property (19)
 - Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
 - Other Non-PUPD/WD Tort (35)
- Employment
 - Wrongful Termination (36) Other Employment (15)

- Contract
 - Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (not unlawful detainer or wrongful eviction)
 - Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
 - Collections (e.g., money owed, open book accounts) (09)
 - Collection Case-Seller Plaintiff
 - Other Promissory Note/Collections Case
 - Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
 - Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute
- Real Property
 - Eminent Domain/Inverse Condemnation (14)
 - Wrongful Eviction (33)
 - Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)
- Unlawful Detainer
 - Commercial (31)
 - Residential (32)
 - Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)
- Judicial Review
 - Asset Forfeiture (05)
 - Petition Re: Arbitration Award (11)
 - Writ of Mandate (02)
 - Writ-Administrative Mandamus
 - Writ-Mandamus on Limited Court Case Matter
 - Writ-Other Limited Court Case Review
 - Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal-Labor Commissioner Appeals

- Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
 - Antitrust/Trade Regulation (03)
 - Construction Defect (10)
 - Claims Involving Mass Tort (40)
 - Securities Litigation (28)
 - Environmental/Toxic Tort (30)
 - Insurance Coverage Claims (arising from provisionally complex case types listed above) (41)
- Enforcement of Judgment
 - Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case
- Miscellaneous Civil Complaint
 - RICO (27)
 - Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)
- Miscellaneous Civil Petition
 - Partnership and Corporate Governance (21)
 - Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

ORIGINAL

SHORT TITLE: John C. Depp, II et al. v. The Mandel Company, Inc. et al.	CASE NUMBER BC 6 4 6 8 8 2
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- Class actions must be filed in the Stanley Mosk Courthouse, Central District.
- Permissive filing in central district.
- Location where cause of action arose.
- Mandatory personal injury filing in North District.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office.
- Mandatory filing location (Hub Cases - unlawful detainer, limited non-collection, limited collection, or personal injury).

Auto Tort

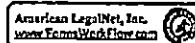
Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11	
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 4, 11	
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11	
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11	
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11	

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**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

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SHORT TITLE: John C. Depp, II et al. v. The Mandel Company, Inc. et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input checked="" type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/Warranty (05) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6026 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input checked="" type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input checked="" type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 8
Unlawful Detainer/Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (36)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

Local Rule 2.3
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SHORT TITLE:	CASE NUMBER:
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input checked="" type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
<input type="checkbox"/> A6123 Workplace Harassment		2, 3, 9	
<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case		2, 3, 9	
<input type="checkbox"/> A6190 Election Contest		2	
<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender		2, 7	
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law		2, 3, 8	
<input type="checkbox"/> A6100 Other Civil Petition		2, 9	



SHORT TITLE John C. Depp, II and Edward L. White v. The Mandel Company, Inc.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code: (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS: 8363 WILSHIRE BLVD., #400	
CITY: BEVERLY HILLS	STATE: CA	ZIP CODE: 90211

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles (Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)).

Dated: January 13, 2017

(SIGNATURE OF ATTORNEY/FILING PARTY)
 Matthew P. Kanny, Esq.

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

01/13/2017

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**CIVIL CASE COVER SHEET ADDENDUM
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Transcript of John C. Depp, II
Conducted on November 10, 2020

222

1 MR. CHEW: Objection to the form of the 17:46:40
2 question, asked and answered. He's already said 17:46:41
3 that he knew that he was ordered to be here today. 17:46:44
4 BY MS. CHARLSON BREDEHOFT: 17:46:46
5 Q At 10:00 a.m. 17:46:46
6 A Yes, ma'am. 17:46:49
7 Q Were you aware of that? 17:46:50
8 A I wasn't driving. I'm sorry I didn't 17:46:51
9 make it at 10:00 on the spot. 17:46:53
10 Q So it's somebody else's fault that you 17:46:55
11 weren't here at 10:00. 17:46:57
12 MR. CHEW: Objection to the form of the 17:46:59
13 question, argumentative. 17:47:00
14 A I cannot -- okay, I'll take the hit. My 17:47:02
15 apologies. As I said earlier, my apologies for 17:47:05
16 arriving late. It was about midnight when I got 17:47:09
17 back, but you don't want to hear that. 17:47:16
18 Q So -- 17:47:18
19 A Or when I arrived. Sorry. 17:47:20
20 Q **So let's go back to talk a little bit** 17:47:22
21 **about your reputation and what was going on in your** 17:47:24
22 **life back in 2015 and 2016. You had pretty** 17:47:27

1 **significant financial issues in that time frame,** 17:47:32
2 **didn't you?** 17:47:36
3 MR. CHEW: Objection to the form of the 17:47:36
4 question, vague and ambiguous. 17:47:38
5 A **I had been -- yes, I was -- a lot of** 17:47:42
6 **money was stolen from me by my business manager --** 17:47:52
7 **my former business managers and my former lawyer,** 17:47:56
8 **Jake Bloom, Joel Mandel and his brother, Rob** 17:48:00
9 **Mandel.** 17:48:05
10 Q **How much money did Joel Mandel and Rob** 17:48:07
11 **Mandel steal from you?** 17:48:10
12 A **I was told it was somewhere in the** 17:48:12
13 **neighborhood of 650 million.** 17:48:13
14 MR. CHEW: And again, I would instruct 17:48:17
15 you not to answer to the extent that you would have 17:48:20
16 to disclose attorney-client communication, but you 17:48:23
17 can answer to the extent you have information 17:48:26
18 outside of what you discussed with any of your 17:48:29
19 counsel. 17:48:32
20 A Yeah, no, this was something that I was 17:48:33
21 told, and it didn't -- I didn't ever dream that I 17:48:36
22 had made that much money. 17:48:44

1 Q Did Edward White tell you that Joel 17:48:47
2 Mandel and Rob Mandel stole \$650 million from you? 17:48:50

3 A Edward White was brought in as my 17:48:55
4 business manager to conduct a forensic audit on the 17:48:59
5 Mandels, but prior to that, it was pretty clear 17:49:06
6 that that was -- that was what had happened, and I 17:49:16
7 engaged them in a lawsuit. 17:49:22

8 Q What do you mean by it was pretty clear 17:49:27
9 that that had happened? 17:49:29

10 A Well, when I was -- I found out from 17:49:32
11 Mandel on a phone call just after I'd finished 17:49:37
12 Pirates 5 when Ms. Heard and I had taken the Orient 17:49:43
13 Express and went to San Francisco for our belated 17:49:48
14 honeymoon, I received a phone call from Joel 17:49:52
15 Mandel, who started telling me to start selling 17:49:54
16 houses and things of that nature, which I found 17:49:58
17 quite surprising, since I'd just finished a film 17:50:01
18 where I'd made, as I said, 35 million as a salary. 17:50:05
19 So it didn't seem to make a whole lot of sense, and 17:50:12
20 then we had more of a conversation, and then I 17:50:20
21 found out he'd done some extracurricular things. 17:50:22

22 Q Like what? 17:50:26

1 A Just things that you wouldn't do. For 17:50:27
2 example, if I buy a couple of penthouses in a 17:50:30
3 building and I'm paying full price and he's 17:50:34
4 negotiating the deal but I pay full price for all 17:50:38
5 of these penthouses, and from that, he makes a deal 17:50:41
6 and gets \$800,000 cut off his -- his purchase, his 17:50:48
7 and his brother's purchase of one of those -- or 17:50:59
8 one of those lofts downtown in that same building, 17:51:01
9 and they got it for one million as opposed to 1.8, 17:51:05
10 after I'd pay full price for five of them. 17:51:13
11 Q Anything else? 17:51:16
12 A That's -- there are -- yeah, there are a 17:51:17
13 lot of things, but you know, I don't want to go on 17:51:30
14 a tangent, so ask me specifically what you'd like 17:51:34
15 me to talk about. 17:51:37
16 (Deposition Exhibit Number 3 was marked 17:51:50
17 for identification.) 17:51:50
18 MR. CHEW: May we have a copy please? 17:51:54
19 BY MS. CHARLSON BREDEHOFT: 17:51:56
20 Q Yeah, I'm working on that. I wanted to 17:51:56
21 make sure I wasn't giving you the wrong one. I'm 17:51:59
22 going to ask you to take a look at what has been 17:52:01

1 marked as Deposition Exhibit Number 3. Now, you 17:52:07
2 said you filed a suit against Mr. Mandel and his -- 17:52:09
3 The Mandel Company, correct? 17:52:12
4 A Yes, ma'am. 17:52:13
5 Q Or the management group, and did Adam 17:52:14
6 Waldman represent you in this endeavor? 17:52:18
7 A Yes, yes, ma'am. 17:52:21
8 Q And in fact, Mr. Mandel then filed a 17:52:22
9 cross-claim against you, your -- a couple of your 17:52:29
10 companies, Scaramanga Brothers, Inc., LRD 17:52:34
11 Productions, and then Edward White and Edward White 17:52:39
12 & Company, correct? 17:52:42
13 A Yes. 17:52:43
14 Q Okay. Now, I'm going to ask you to take 17:52:43
15 a look at the second page in that actually has page 17:52:48
16 1, and if you can go to paragraph 3, I'm going to 17:52:51
17 take you through, just so you know what I'm doing 17:52:57
18 here, I'm going to take you through a number of the 17:53:00
19 allegations in here. This -- this cross-claim was 17:53:03
20 filed in public court, right, in Los Angeles, 17:53:07
21 public record? 17:53:11
22 A Okay. 17:53:13

1 Q Well, do you have any reason to believe 17:53:13
2 that's not the case? 17:53:15
3 A No, I mean, I don't -- I'm just agreeing 17:53:16
4 with you. 17:53:23
5 MR. CHEW: Mr. Depp -- Mr. Depp, I would 17:53:23
6 say that you should, before answering any specific 17:53:24
7 questions about this, you should read as much or as 17:53:27
8 little of the cross-complaint filed by Mandel that 17:53:30
9 you feel is necessary to give you context. 17:53:33
10 BY MS. CHARLSON BREDEHOFT: 17:53:36
11 Q So I'm going to ask you to take a look at 17:53:36
12 paragraph 3 on the first page. 17:53:40
13 A Uh-huh. 17:53:44
14 Q And it says, "Over a 17-year 17:53:45
15 relationship, TMC and Joel Mandel did everything 17:53:47
16 within their power to professionally and 17:53:50
17 competently handle the vast array of transactions, 17:53:52
18 expenses and demands made by Depp. They used the 17:53:55
19 full resources of TMC and outside professionals to 17:53:58
20 handle his many matters. TMC repeatedly warned and 17:54:01
21 advised Depp to reduce his spending and sell 17:54:05
22 unnecessary assets, but ultimately the decision 17:54:08

1 (whether and how to spend his money was a decision) 17:54:11
2 (for Depp to make. Depp listened to no one,) 17:54:13
3 (including TMG and his other advisors, and he) 17:54:16
4 (demanded they fund a lifestyle that was extravagant) 17:54:19
5 (and extreme." Would you agree with that?) 17:54:22
6 A (No.) 17:54:24
7 Q (In paragraph 4, he says, "By his) 17:54:24
8 (complaint, Depp disingenuously suggested he cannot) 17:54:29
9 (remember, A, where he spent his money, or B, being) 17:54:34
10 (told by TMJ to stop spending. To remind him,) 17:54:37
11 (throughout the entire 17-year period that TMJ) 17:54:41
12 (represented Depp, Depp lived in an) 17:54:44
13 (ultra-extravagant lifestyle that often knowingly) 17:54:46
14 (cost Depp in excess of \$2 million per month to) 17:54:51
15 (maintain, which he simply could not afford." Would) 17:54:54
16 (you agree with that?) 17:54:57
17 A (Two million dollars per month to maintain) 17:54:58
18 (my ultra-extravagant lifestyle would be -- no, I) 17:55:06
19 (mean --) 17:55:22
20 Q (How much were you spending?) 17:55:23
21 A (It is possible that in terms of the --) 17:55:24
22 (the various salaries that I was paying for the) 17:55:28

1 **company, my production company or for the people** 17:55:35
2 **who take care of the various houses, that doesn't** 17:55:41
3 **-- per month, seems excessive, but okay, if that's** 17:55:49
4 **what he wants to say, then it's 24 million a year.** 17:55:55
5 Q Do you believe that's an accurate figure, 17:55:59
6 the two million per month? 17:56:02
7 MR. CHEW: Objection to the form of the 17:56:04
8 question. What year are we talking about? This 17:56:06
9 talks about a 17-year period. Are you asking for 17:56:12
10 -- which year in that 17-year period? 17:56:15
11 MS. CHARLSON BREDEHOFT: I'm asking if 17:56:17
12 what he said here in excess of two million per 17:56:18
13 month to maintain. 17:56:21
14 MR. CHEW: For what year? 17:56:21
15 MS. CHARLSON BREDEHOFT: You know what? 17:56:23
16 I don't have to answer your question. When did 17:56:24
17 they file it? 17:56:26
18 MR. CHEW: If you don't want a record 17:56:27
19 that's clear, that's fine, okay. Answer the 17:56:28
20 question if you know what she's talking about. I 17:56:30
21 don't. 17:56:32
22 BY MS. CHARLSON BREDEHOFT: 17:56:34

1 Q (In 2016, was it two million per year -- 17:56:34
2 per month? 17:56:38
3 A (I'm not going to sit here and agree with 17:56:39
4 Joel Mandel's numbers because it's very clear that 17:56:41
5 Mandel was protecting his ass -- excuse me.) 17:56:49
6 (Pardon, pardon, but he was protecting himself -- 17:56:53
7 Q (All right, you said that -- 17:56:57
8 (A) -- because you do that when you steal. 17:56:58
9 (Q) Well, and you said he stole \$650 million. 17:57:01
10 (What was your net worth -- 17:57:04
11 (A) I was -- 17:57:05
12 (Q) -- if he stole 650 million? 17:57:06
13 A (I was told that it was in excess of 650 17:57:06
14 million since Pirates 2 and 3.) 17:57:11
15 Q (What was your net worth? 17:57:15
16 A (I don't know. 17:57:17
17 Q (Was it more than 650 million? 17:57:19
18 A (I don't know any of that. I don't follow 17:57:21
19 those things. I'm not looking -- I'm not in a 17:57:23
20 popularity contest or any competition or looking 17:57:26
21 for more money than anybody else.) 17:57:29
22 Q (Paragraph 5 says, "Depp spent in excess 17:57:32

1 (of 75 million to acquire, improve and furnish 14) 17:57:34
2 (residences, including a 45 acre chateau in the) 17:57:38
3 (south of France, a chain of islands in the Bahamas,) 17:57:43
4 (multiple houses in Hollywood, several penthouse) 17:57:46
5 (lofts in downtown Los Angeles, and a fully) 17:57:50
6 (functioning horse farm in Kentucky. In addition to) 17:57:51
7 (property taxes, upkeep and insurance, all of these) 17:57:54
8 (residences required a staff of employees to service) 17:57:56
9 (and maintain." Would you agree with that?) 17:57:58
10 A (Seventy-five million to acquire, improve) 17:58:01
11 (and furnish 14 residences, including all that, no,) 17:58:06
12 (I would not. I would say that that is a man who) 17:58:07
13 (was covering his -- his -- his -- his misgivings) 17:58:11
14 (because the one thing that is not in here that Joel) 17:58:22
15 (Mandel is not going to -- did not mention is the) 17:58:25
16 (fact that there were about eight or nine boxes of) 17:58:28
17 (my records -- when we were finally allowed to get) 17:58:33
18 (my records, there were about eight or nine boxes) 17:58:38
19 (that were not there, and when Ed White asked where) 17:58:42
20 (they were, the Mandels' answer was well, there are) 17:58:46
21 (no -- there are no -- there's no paper, there's --) 17:58:50
22 (there are no files and boxes on those, and Mr.) 17:58:54

1 White said and where -- then where are they, and he 17:58:58
2 said -- Mr. Mandel said they're in my head. 17:59:02
3 Q (So how many -- how much did you spend to 17:59:06
4 acquire, improve and furnish those 14 residences?) 17:59:09
5 A (I don't know, but judging from the amount 17:59:13
6 of work that I did not do, it wasn't 75 million.) 17:59:16
7 Q (Was it more or less?) 17:59:20
8 A (I would say it was far less.) 17:59:21
9 Q (Fifty million?) 17:59:25
10 A (At least.) 17:59:27
11 Q (Okay.) 17:59:29
12 A (I mean, if I was really going to put 17:59:30
13 something together, then it would have been -- it 17:59:33
14 would look like that.) 17:59:36
15 Q (Paragraph 6, "During this same time, Depp 17:59:37
16 spent lavishly on various luxury items, including 17:59:40
17 spending over 18 million to acquire and renovate a 17:59:43
18 150 luxury yacht. Depp spent millions more 17:59:46
19 acquiring and/or maintaining at least 45 luxury 17:59:49
20 vehicles. He spent 30,000 per month on expensive 17:59:54
21 wines that he had flown to him around the world for 17:59:58
22 his personal consumption.) (Depp also paid over \$3 18:00:01

1 million to blast from a specially made canon the 18:00:05
2 ashes of author Hunter Thompson over Aspen, 18:00:08
3 Colorado." 18:00:12
4 A Right. 18:00:12
5 Q Now, do you recall saying that it was 18:00:13
6 actually five million when you were in the U.K.? 18:00:15
7 A It was five million. 18:00:18
8 Q So he's low on this one. It was actually 18:00:19
9 more than you spent. 18:00:22
10 A Yeah. Maybe that's because he was there 18:00:23
11 and he flew on my plane with -- he flew on the 18:00:26
12 plane with me to get a free ride, and he was 18:00:27
13 actually -- he actually attended the blast-off and 18:00:29
14 enjoyed himself. 18:00:35
15 Q Do you remember giving an interview to 18:00:37
16 Rolling Stone saying that the 30,000 a month was 18:00:42
17 wrong and an insult and that you spent much more 18:00:48
18 than that on wine? 18:00:52
19 MR. CHEW: Objection to the form of the 18:00:53
20 question, assumes facts not in evidence, lack of 18:00:54
21 foundation. 18:00:56
22 A I did say that, but in saying that, we're 18:00:57

1 (talking about living in a penthouse with Ms. Heard, 18:01:10
2 her entourage, Rocky Pennington and Josh Beard, the 18:01:14
3 Beard guy, and their friends, and the \$30,000 of 18:01:22
4 wine was, especially when I was out of town, 18:01:32
5 certainly not consumed by me. When I was in town, 18:01:36
6 if I were drinking at the time, Amber and I would 18:01:41
7 have some wine, but otherwise, that wine was free 18:01:44
8 rein to all her friends, and that's where they went 18:01:51
9 and got it and that's what they drank, and they 18:01:55
10 weren't shy. 18:01:58
11 Q So the 30,000 is Amber and Amber's 18:01:59
12 friends that are -- that are drinking this, not 18:02:02
13 you. 18:02:04
14 A It's kind of like sitting down to dinner, 18:02:06
15 buying everyone dinner and saying they're not 18:02:11
16 eating, they're not going to eat theirs. The wine 18:02:13
17 was accessible by everyone, and Amber would -- 18:02:17
18 she's not shy about making sure she has some. 18:02:22
19 Q How often was Amber traveling on films 18:02:26
20 during the time you were married? 18:02:30
21 A Three, four, five maybe, six. 18:02:32
22 Q And how often did you stay at the 18:02:37

1 Sweetzer residence rather than at the penthouse 18:02:43
2 while you were married to Amber? 18:02:45
3 A Occasionally when things got to the point 18:02:47
4 where there was no talking her down from her 18:02:57
5 tirades and her violence, there were a number of 18:03:01
6 occasions when I would call Mr. Bett or I would 18:03:04
7 call any -- whoever security was there at the time, 18:03:08
8 because we had security at the penthouses all the 18:03:14
9 time, then -- 18:03:17
10 Q My question was how often. 18:03:21
11 A I would have left her about 20 to 25 18:03:22
12 times and gone to Sweetzer to get away from her. 18:03:27
13 Q For what period of time would you 18:03:31
14 typically stay at Sweetzer when you left? 18:03:32
15 A Typically? There was nothing typical, so 18:03:35
16 I can't say. I mean, if I would leave -- well, 18:03:39
17 I've left her in the middle of the night before 18:03:42
18 when she went nuts and made it home, everything was 18:03:45
19 fine, and within five minutes, she's in the parking 18:03:51
20 lot, having driven over in her pajamas and she's 18:03:54
21 crying and she's screaming out for me to come out 18:04:00
22 of the house. 18:04:04

1	Q	So --	18:04:05
2	A	That happened frequently.	18:04:06
3	Q	How many -- you were married for 15	18:04:07
4		months, correct?	18:04:11
5	A	Sure.	18:04:12
6	Q	Of the 15 months, how much of that time	18:04:13
7		did you spend the night at Sweetzer?	18:04:16
8	A	Of those 15 months, well, for sure,	18:04:18
9		between August 22nd -- excuse me, April 22nd,	18:04:26
10		Ms. Heard's birthday, and -- and May 20 -- well,	18:04:32
11		3rd was the -- no, 21st was when she had her whole	18:04:46
12		other allegation and incident. That was the 21st.	18:04:53
13		That was the last time I saw her. So I was away	18:05:00
14		there for nearly a month there, right, something,	18:05:06
15		and prior to that, I would say I probably had to	18:05:12
16		leave her presence no less than two dozen times.	18:05:16
17	Q	No less than 2,000, and how many --	18:05:21
18	A	Two dozen.	18:05:23
19	Q	Two dozen. I was going to say, I don't	18:05:24
20		even think there's that many days, but okay.	18:05:27
21		MR. CHEW: That must have been really	18:05:29
22		bad.	18:05:30

1	MS. CHARLSON BREDEHOFT: If he wants to	18:05:30
2	say 2,000, he's got it.	18:05:32
3	MR. CHEW: Sorry.	18:05:33
4	BY MS. CHARLSON BREDEHOFT:	18:05:34
5	Q So -- so less than two dozen times, so	18:05:34
6	that's 24, right?	18:05:37
7	MR. CHEW: Sorry.	18:05:38
8	BY MS. CHARLSON BREDEHOFT:	18:05:39
9	Q As opposed to 2,000, right? All right.	18:05:39
10	So of those no less than two dozen times,	18:05:41
11	approximately how much of that -- how long -- what	18:05:44
12	was the average amount of time you spent over at	18:05:48
13	Sweetzer on each of those two dozen times?	18:05:50
14	A One time it was maybe two or three days.	18:05:53
15	Another time it was just one day. So it varied	18:05:56
16	depending on the situation and how stubborn either	18:06:01
17	one of us were going to be.	18:06:11
18	Q Let me just jump back for a moment,	18:06:12
19	because we were talking about it earlier. You said	18:06:15
20	that you left from April 22nd early in the morning,	18:06:17
21	I think you said 4:30 in the morning, and didn't	18:06:21
22	return until May 21, correct?	18:06:24

1	A	Yes.	18:06:25
2	Q	And I believe you testified earlier this	18:06:26
3		morning when you were telling some stories that --	18:06:28
4		and I didn't mean that like stories. I meant a	18:06:30
5		long answer, that you had told her you were leaving	18:06:34
6		her; is that correct? At 4:30 in the morning April	18:06:37
7		22nd, you told her you were leaving her, correct?	18:06:43
8		You were going to divorce her?	18:06:45
9	A	No.	18:06:47
10	Q	You didn't tell her that?	18:06:48
11	A	No, I didn't tell her I was going to	18:06:49
12		divorce her then, no.	18:06:52
13	Q	What did you tell her when you left that	18:06:54
14		day?	18:06:57
15	A	I said don't follow me, don't -- don't --	18:06:57
16		don't hit me, don't touch me, don't come near me,	18:07:07
17		I'm getting a few things, don't follow me, I'm	18:07:11
18		leaving, and I left.	18:07:14
19	Q	Okay.	18:07:15
20	A	And I had believe it was Sean -- I	18:07:16
21		believe it was Sean Bett who came up and helped me	18:07:19
22		get things out without there being a scene.	18:07:24

1 Q Okay, that's -- 18:07:26

2 A Sure, yeah, yeah. I won't continue. 18:07:28

3 Don't worry. 18:07:30

4 Q That answers my question. Okay, so let's 18:07:30

5 go back to this one. Is it true that you had a 150 18:07:32

6 foot luxury yacht that you spent over 18 million to 18:07:39

7 acquire and renovate? 18:07:42

8 A Yes. 18:07:43

9 Q All right. Is it true that you had 45 18:07:43

10 luxury vehicles? 18:07:45

11 A No, no, ma'am. 18:07:46

12 Q How many did you have? 18:07:47

13 A I have about five or six cars, and I have 18:07:49

14 about eight motorcycles. 18:07:56

15 Q Paragraph 7, "Depp also spent wildly on 18:07:58

16 expensive collectibles, including millions to 18:08:04

17 acquire and maintain a massive and extremely 18:08:06

18 expensive art collection, including over 200 18:08:08

19 collectable pieces and works by world-famous 18:08:10

20 artists such as Warhol, Klimt, Basquiat" -- I'm 18:08:13

21 going to screw these up -- "and Modigliani, many 18:08:19

22 pieces of expensive world-class jewelry, and 18:08:20

1 (approximately 70 collectable guitars. Depp also) 18:08:23
2 spent many millions more over the years on) 18:08:27
3 (extremely rare and expensive Hollywood) 18:08:30
4 (collectibles, including" -- I'm doing a dot dot dot) 18:08:31
5 (here -- "Marilyn Monroe, John Dillinger and Marlon) 18:08:34
6 (Brando. The collection was so extensive that it) 18:08:39
7 (took approximately 12 storage facilities and has) 18:08:41
8 (cost over a million additional dollars to attempt) 18:08:44
9 (to archive." (Would you agree with that?) 18:08:46
10 A (Oh, I think that he's exaggerating quite) 18:08:49
11 (a lot. I bought Hunter S. Thompson's archive, yes,) 18:08:52
12 (for -- for the -- he had asked me if I would buy it) 18:08:57
13 (while he was still alive. I said no, I can't do) 18:09:04
14 (that to you, and I bought it after he passed away) 18:09:07
15 (because we were going -- it was going to be) 18:09:12
16 (piecemealed out, so I bought it and preserved it,) 18:09:14
17 (and I have it preserved all in one safe place so) 18:09:18
18 (that it can stand the test of time.) 18:09:21
19 Q (Do your collectibles --) 18:09:25
20 A (That cost a million -- that was a million) 18:09:27
21 (dollars.) 18:09:29
22 Q (Okay, cost over a million. Do you have) 18:09:30

1 (12 storage facilities that you were keeping all) 18:09:33
2 (these collectibles in?) 18:09:36
3 A (Not that I'm aware of. I know that) 18:09:38
4 (there's some storage facilities.) 18:09:42
5 Q (How many --) 18:09:44
6 A (I've been living in Los Angeles for a) 18:09:45
7 (long time. I've never been to one, so I don't) 18:09:46
8 (know.) 18:09:49
9 Q (Do you know how many collectable pieces) 18:09:49
10 (you have in your art collection?) 18:09:51
11 A (Well, let's see. To pay the taxes that) 18:09:53
12 (the Mandels never paid to the U.S. government for) 18:10:02
13 (17 years, I sold a -- quite a nice collection of) 18:10:06
14 (Basquiat paintings to be able to pay the) 18:10:15
15 (government.) 18:10:19
16 Q (Did you have 70 collectable guitars?) 18:10:20
17 A (Oh, I have, yeah, at least 70 guitars,) 18:10:23
18 (and the boat, yes, I think I bought it for 15, put) 18:10:28
19 (a few million into it, and then when I sold the) 18:10:33
20 (boat when I was told sell, I sold it to a very very) 18:10:37
21 (-- someone who had chartered the boat who had loved) 18:10:43
22 (it, and I sold it to them for 22 or 23 million.) So 18:10:47

1 I'm one of the only few people -- 18:10:54

2 Q Is that J.K. Rowling? 18:10:56

3 A -- who actually made a profit on a boat. 18:10:57

4 Q Was that J.K. Rowling that you sold that 18:11:00

5 to? 18:11:03

6 A Who purchased the boat? 18:11:03

7 Q Yes. 18:11:05

8 A Yes, it was, yeah. 18:11:05

9 Q All right, Paragraph 8, "Depp employed a 18:11:06

10 staff of approximately 40 full-time employees 18:11:09

11 around the world, which cost Depp at least 300,000 18:11:12

12 per month to maintain." Would you agree with that? 18:11:15

13 A No. 18:11:17

14 Q How many employees do you have full time? 18:11:18

15 MR. CHEW: Objection to the form of the 18:11:20

16 question as to -- vague as to at what time. 18:11:27

17 A I mean, you know, probably at the office, 18:11:32

18 maybe there were -- my production company, maybe 18:11:37

19 there were eight. In the south of France, there 18:11:41

20 were three. On the island, there are four. Two or 18:11:44

21 three security guards, that is to say, a security 18:11:53

22 guard with my kids to take them to school and pick 18:11:59

1 **them -- and keep an eye on them. No, 40 employees,** 18:12:05
2 **no. Again, I think he's reaching for the stars.** 18:12:13
3 Q Was Tara Roberts one of the employees 18:12:17
4 that you -- 18:12:19
5 A Tara Roberts is one of four who lives on 18:12:20
6 the island, yes. 18:12:23
7 Q Do you know how much you pay her per 18:12:23
8 year? 18:12:29
9 A I don't. 18:12:29
10 Q Okay. You've got several companies, 18:12:29
11 don't you? 18:12:31
12 A I have several -- what are they? LLCs, 18:12:31
13 and Scaramanga Brothers is one that I believe I get 18:12:34
14 paid through from the films, I believe, and then I 18:12:39
15 don't know what the other -- then there's the LLC 18:12:44
16 that owns the hamlet in the south of France, and 18:12:50
17 then there's Infinitum Nihil and a couple of things 18:12:58
18 around that, yes. 18:13:02
19 Q Do you know how many people you 18:13:03
20 physically have on a payroll where they're actually 18:13:04
21 getting paid through a payroll? 18:13:08
22 A I don't. I really don't. 18:13:10

1 Q Paragraph 9, "Depp also refused to fly by 18:13:12
2 any means other than by private plane and required 18:13:16
3 at least a Gulfstream GV or above. Depp's constant 18:13:21
4 use of private planes amounted to an additional 18:13:22
5 200,000 a month in expenses." Was that correct in 18:13:23
6 2016? 18:13:27
7 A In 2016, no. In 2000 -- no, in 2016, no, 18:13:27
8 I didn't have the dough to do that. 18:13:41
9 Q What do you mean? 18:13:43
10 A I didn't have the money to do that. In 18:13:44
11 2016, when I finished up Pirates and we went on our 18:13:46
12 honeymoon, that was when I got the call from Mr. 18:13:59
13 Mandel when I was in San Francisco telling me that 18:14:02
14 it was time to sell -- I have to sell the house in 18:14:08
15 France immediately, you know, I have to -- my mom 18:14:12
16 was -- at the time was very ill and dying and I was 18:14:17
17 told that I had to have -- she had to be in a house 18:14:23
18 without stairs, so I rented a house for her, and it 18:14:27
19 was quite expensive. 18:14:33
20 I was told she had three months to live. 18:14:35
21 I rented it and had 24-hour nurses for her. There 18:14:38
22 was no agreement as to the amount of time that we 18:14:46

1 (were supposed to be there. So I didn't know what) 18:14:54
2 (was going to happen with my mother, and basically) 18:14:57
3 (what happened is Mandel had extended the period on) 18:15:00
4 (that rental property by about six months without) 18:15:03
5 (asking me, which ultimately I think it cost us --) 18:15:09
6 (it was 120 grand or something like that that he) 18:15:13
7 (cost me just because he had decided to extend some) 18:15:21
8 (lease that did not need to be extended.) 18:15:29
9 Q So did you fly commercial airlines in 18:15:32
10 2016? 18:15:37
11 A I've flown commercial airlines since 2016 18:15:38
12 a number of times. I've also flown private a 18:15:44
13 number of times. 18:15:47
14 Q (In 2015, did you spend over 200,000 a) 18:15:48
15 (month in jets?) 18:15:51
16 A (I would have to look at my working) 18:15:53
17 (schedule.) (Nine times out of ten, when you're doing) 18:15:55
18 (a film and you're going across to Europe or you're) 18:15:59
19 (going somewhere far away, it is the production's) 18:16:04
20 (responsibility to get you there. Because of --) 18:16:10
21 (because it's not really all that possible for me to) 18:16:16
22 (go out into the street or stand in a line at an) 18:16:24

1 **airport or go through all that, it is -- it can be**

18:16:30

2 **challenging.**

18:16:34

3 It can be challenging because you're
4 essentially -- or I was -- I'm essentially a
5 novelty, and it does -- it does take its toll on
6 you. There are times when you'd like to be -- feel
7 normal. I mean, if you don't have anonymity
8 anymore like at least to be -- feel okay and
9 normal.

18:16:35

18:16:40

18:16:44

18:16:50

18:16:55

18:17:03

18:17:03

10 Q "In addition," paragraph 10, "throughout
11 the years, Depp supported his friends, family and
12 certain employees at a cost of over ten million
13 dollars. For example, Depp requested, approved and
14 expected TMG to pay certain living expenses for his
15 sisters and mother. By way of another example, for
16 over seven years, Depp funded a start-up music
17 label, Unison, which was run by his childhood
18 friend." I take it that's Bruce -- is that Bruce
19 Witkins?

18:17:04

18:17:05

18:17:08

18:17:11

18:17:14

18:17:15

18:17:18

18:17:21

18:17:24

18:17:27

20 A Yes, ma'am.

18:17:28

21 Q "After years of advising Depp that the
22 venture was not generating revenue, and after

18:17:29

18:17:31

1 expending over four million, Depp finally allowed 18:17:33
2 TMG to stop funding the operation in 2015." Is 18:17:38
3 that accurate? 18:17:39

4 A It's not accurate at all, no. I had 18:17:40
5 asked Joel Mandel to have a talk with Bruce Witkin 18:17:43
6 at least a year before and probably a year before 18:17:51
7 that. Mr. Witkin's very stubborn and he was very 18:17:53
8 happy with the amount of money that Joel Mandel was 18:17:57
9 giving him every month to run this record company. 18:18:00
10 Mandel did not stop the record company with Mr. 18:18:03
11 Witkin. I had tried to get Mr. Witkin to merge, 18:18:07
12 and Mandel wasn't able to do that, so it was -- it 18:18:11
13 was a failure, and it had been a failure, that 18:18:18
14 record company, and Mandel actually let it continue 18:18:21
15 for another two years. 18:18:27

16 Q Did you ever accuse Bruce Witkin of 18:18:29
17 stealing from you? 18:18:33

18 A Bruce Witkin of stealing from me? 18:18:33

19 Q Yes. 18:18:36

20 A No. 18:18:37

21 Q Paragraph 13, "When Depp's spending 18:18:37
22 outpaced his earnings and he refused to change his 18:18:41

1 lifestyle, he was forced to borrow large sums of 18:18:44
2 money to continue living the lifestyle he chose. 18:18:46
3 Every purchase, expenditure and borrowing for Depp 18:18:50
4 was approved by him and/or Dembrowski, and every 18:18:51
5 check written on his behalf was signed by or 18:18:55
6 approved by Depp and/or Dembrowski. Dembrowki on 18:18:56
7 behalf of Depp also signed all of Depp's payments 18:19:00
8 to TMG for management fees." Is that correct? 18:19:03
9 A No, this is -- no, this is -- no, this is 18:19:06
10 leading towards -- when Depp's spending outpaced 18:19:19
11 his earnings and he refused to change his 18:19:24
12 lifestyle, he was forced to borrow large sums of 18:19:27
13 money to continue living the lifestyle he chose. 18:19:30
14 No, I was forced to borrow large sums of money to 18:19:32
15 pay the United States government millions, tens and 18:19:36
16 tens and tens of millions of dollars because they 18:19:43
17 had not paid my taxes in 17 years. 18:19:46
18 I'd also gotten an \$8.6 million tax 18:19:51
19 penalty that I had to pay in the interim, during -- 18:19:55
20 during that whole time. So that went to the 18:20:02
21 government at some point without me knowing about 18:20:05
22 it because they will pay the -- they had to pay the 18:20:07

1 penalty, but they could postpone them on the taxes 18:20:10
2 for some reason, so -- 18:20:13
3 Q Do you remember testifying in the U.K. 18:20:14
4 that Mandel did not file your tax returns for 17 18:20:16
5 years? 18:20:20
6 A Yes, I think I -- I believe I did. I 18:20:20
7 don't remember if it came up, but it's -- it's the 18:20:25
8 truth. 18:20:28
9 Q Well, I'm going to ask you to take a look 18:20:29
10 at page 5, paragraph 18B that quoted from your 18:20:32
11 complaint, "TMJ never once timely filed Mr. Depp's 18:20:40
12 income tax returns or timely paid Mr. Depp's income 18:20:43
13 tax." 18:20:47
14 A I'm sorry, where are we? 18:20:47
15 Q Go to page 5. 18:20:48
16 A Page 5. 18:20:50
17 Q Top of -- very top of the page. 18:20:50
18 A Oh, okay, yes. 18:20:52
19 Q It's B. 18:20:53
20 A Yes, yes. 18:20:54
21 Q And then it goes on, "For 17 years, TMG 18:20:54
22 always timely filed his tax returns, and, funds 18:20:58

1	permitting, always timely paid his income tax."	18:21:00
2	Now, you were --	18:21:04
3	A I will -- I will see if we can produce	18:21:06
4	those.	18:21:09
5	Q Well, the court already ordered you to	18:21:10
6	produce them and you did not. Are you aware of	18:21:14
7	that?	18:21:16
8	A I am not aware of that, no.	18:21:17
9	MR. CHEW: Mr. Depp, I'm going to	18:21:19
10	instruct you not to answer any questions relating	18:21:21
11	to your communications with your counsel, and I	18:21:24
12	would also note for the record that most of these	18:21:26
13	paragraphs that you're citing were stricken by	18:21:31
14	subsequent order of the judge. Most of this	18:21:34
15	cross-complaint was stricken because there were all	18:21:37
16	kinds of allegations in the complaint that the	18:21:41
17	court struck. I'm just saying.	18:21:44
18	MS. CHARLSON BREDEHOFT: Mr. Chew, you	18:21:45
19	can --	18:21:47
20	MR. CHEW: It's a fact.	18:21:47
21	MS. CHARLSON BREDEHOFT: -- make those	18:21:49
22	arguments, you can come back and redirect.	18:21:49

1 MR. CHEW: No, I'm just pointing -- I 18:21:52
2 didn't know whether you knew that. I'm not trying
3 to be provocative.

4 MS. CHARLSON BREDEHOFT: Right, right.

5 MR. CHEW: But I filed the motion. It 18:21:54
6 was granted. 18:21:56

7 MS. CHARLSON BREDEHOFT: I think you're 18:21:56
8 trying to coach here, but I think -- 18:21:58

9 MR. CHEW: No, it's not -- 18:21:59

10 MS. CHARLSON BREDEHOFT: We have the 18:22:01
11 documents, so -- 18:22:01

12 MR. CHEW: I'm not. I'm just informing 18:22:02
13 you of what happened to these allegations. You're 18:22:03
14 also aware of what happened in the case. 18:22:06

15 BY MS. CHARLSON BREDEHOFT: 18:22:07

16 Q So Mr. Depp -- 18:22:08

17 A Yes. 18:22:09

18 Q You have -- you have tax returns. Is 18:22:10
19 there a reason why you didn't produce your tax 18:22:14
20 returns in response to the court order in this case 18:22:17
21 for you to produce them? 18:22:20

22 MR. CHEW: I'm going to instruct you not 18:22:22

1 to answer any questions that require you to divulge 18:22:23
2 attorney-client privileges. If you want to talk 18:22:26
3 about document issues, you can address that to us 18:22:29
4 off line, so I'm instructing you not to answer that 18:22:31
5 question. 18:22:35

6 THE WITNESS: Uh-huh. 18:22:36

7 MR. CHEW: So move on please. 18:22:36

8 BY MS. CHARLSON BREDEHOFT: 18:22:38

9 Q Are you aware that we have filed a motion 18:22:38
10 for sanctions because you did not produce the tax 18:22:40
11 returns after the court ordered them? 18:22:43

12 MR. CHEW: And I'm going to instruct you 18:22:45
13 not to answer any questions that require you to 18:22:46
14 disclose attorney-client privilege, and he's 18:22:49
15 following that instruction, so you may go on to 18:22:52
16 your next question. 18:22:54

17 BY MS. CHARLSON BREDEHOFT: 18:22:55

18 Q Independent of your counsel, are you 18:22:55
19 aware of that? 18:22:57

20 A Independent of my counsel am I aware that 18:22:59

21 -- 18:23:01

22 Q Of the fact that -- that we have filed 18:23:02

1	motions for sanctions because you did not file --	18:23:04
2	you did not produce the tax returns that were	18:23:09
3	ordered by the court?	18:23:11
4	MR. CHEW: I would instruct you not to	18:23:12
5	answer that question unless you have any knowledge	18:23:14
6	of the subject independent of your communications	18:23:17
7	with any of your counsel.	18:23:19
8	A I'm going to say -- I'm going to take my	18:23:23
9	attorney's advice because I don't want to waste	18:23:46
10	your time.	18:23:49
11	Q My question is independent of your	18:23:50
12	counsel, do you have any knowledge of that.	18:23:52
13	A I'm sorry, I was just listening to what	18:23:54
14	my counsel said.	18:23:56
15	Q So the answer then would be independent	18:23:57
16	of anything your counsel had, you were not aware;	18:23:59
17	is that correct?	18:24:02
18	A No.	18:24:02
19	Q That's not correct? I asked that badly.	18:24:03
20	MR. CHEW: He said no, he doesn't have	18:24:06
21	independent --	18:24:07
22	BY MS. CHARLSON BREDEHOFT:	18:24:08

1 Q Okay, thank you. As long as we're all 18:24:08
2 clear on that one. Now, I'm going to flip you back 18:24:11
3 to the page before that, page 4. On paragraph 17, 18:24:15
4 near the end of it, it says, "In October 2015, 18:24:22
5 months before Depp fired TMG, Depp finally sent 18:24:26
6 Mandel a text message stating," quote, "I am ready 18:24:30
7 to face the music in whatever way I must. I know 18:24:33
8 there's a way to dig ourselves out of this hole and 18:24:36
9 I'm bound and determined to do it," end of quote. 18:24:40
10 Did you send that e-mail to Joel Mandel? 18:24:42
11 A Yes, I did. Now -- yes, I did, yeah, 18:24:45
12 sure. That's your answer. 18:24:48
13 Q You talked about -- a minute ago you 18:24:50
14 talked about the records, or lack of records. I'm 18:24:55
15 going to ask you to go to page 5 again, paragraph 18:24:59
16 D. The allegation that you made was, "TMG failed 18:25:03
17 to maintain a proper set of detailed accounting 18:25:07
18 records for Mr. Depp. In handling Depp's matters, 18:25:10
19 TMG maintained meticulous books and records. TMG 18:25:13
20 employed the Datafaction accounting software 18:25:17
21 system, which is the gold standard for business 18:25:19
22 managers in the entertainment industry. Every 18:25:21

1 expense and payment was booked, accounted for and 18:25:23
2 backed up." Do you see that? 18:25:26
3 A I see where it says that, yes. 18:25:28
4 Q Okay. Was it -- was there a software 18:25:29
5 system that they used? 18:25:31
6 A I don't know what their software -- I 18:25:32
7 know a few things of their -- well, I know their 18:25:38
8 lies, but this is -- that is absolutely 18:25:44
9 unequivocally a full-on bare-faced lie. Boxes 18:25:52
10 never arrived, files did not arrive. There's a 18:26:00
11 great discrepancy between them, and when you 18:26:04
12 receive those things, my apologies that they didn't 18:26:11
13 get to you when you wanted them, but when you do 18:26:15
14 receive Mandel's records and Ed White's 18:26:20
15 accompanying records and the description thereof, I 18:26:24
16 think you'll understand a little better about Mr. 18:26:28
17 Mandel and Rob Mandel's statements. 18:26:32
18 Q So your counsel just said a minute ago 18:26:35
19 you know how this ended. You settled the case with 18:26:38
20 TMG, did you not? 18:26:43
21 A I needed to -- you know, it was a 18:26:44
22 question of picking -- picking your battles just in 18:26:51

1 -- with regard to -- that was going -- it was 18:27:05
2 already a long and drawn-out situation. **You know,** 18:27:12
3 **we're dealing with Joel Mandel, who, you know,** 18:27:17
4 **starts threatening to destroy me and destroy my** 18:27:20
5 **career in front of a bunch of different lawyers.** 18:27:24
6 Q So how was the -- how was that settled? 18:27:33
7 A Well, it was -- it was settled in a sense 18:27:36
8 that obviously they -- they didn't -- they didn't 18:27:40
9 settle because all this was true. They settled 18:27:48
10 because they were looking at very serious legal -- 18:27:53
11 Q What were the terms of the settlement? 18:28:01
12 MR. CHEW: Now, I would just caution the 18:28:04
13 witness that the amount of the settlement -- the 18:28:06
14 settlement terms -- 18:28:08
15 THE WITNESS: No, not going to answer 18:28:10
16 that. 18:28:10
17 MR. CHEW: -- are strictly confidential, 18:28:10
18 so -- 18:28:12
19 MS. CHARLSON BREDEHOFT: But we have a 18:28:12
20 protective order here, and we have allegations and 18:28:13
21 they all relate -- they relate completely to the 18:28:16
22 reputation in this case and -- 18:28:18

1	MR. CHEW: Well, I'm going to --	18:28:20
2	THE WITNESS: Allegations --	18:28:21
3	MR. CHEW: I'm going to instruct you not	18:28:22
4	to answer until we go -- we'll go back and look at	18:28:24
5	that, but the agreement is Draconian. That's why	18:28:25
6	they settled, it was so -- the terms of disclosing	18:28:29
7	-- the confidentiality provisions of that	18:28:37
8	settlement agreement are Draconian imposed by the	18:28:41
9	other side, and so I'm going to instruct him not to	18:28:45
10	answer until I go back and look at it, but we've	
11	got two more days of deposition.	18:28:49
12	MS. CHARLSON BREDEHOFT: All right.	18:28:49
13	Well, go look and it and then we will --	18:28:50
14	MR. CHEW: Yeah.	
15	MS. CHARLSON BREDEHOFT: Because I think	
16	it's --	
17	MR. CHEW: Believe me, I would love to	18:28:53
18	tell you what the terms were, but as I recall, the	18:28:54
19	penalty for disclosing the amount is Draconian. We	18:28:58
20	cannot do it. If we have to go to Judge White, we	18:29:02
21	will, but I'll get a copy of the settlement	18:29:05
22	agreement. I just don't want to get him in trouble	18:29:07

1 and I don't want to get ourselves in trouble. 18:29:10

2 BY MS. CHARLSON BREDEHOFT: 18:29:13

3 Q So in addition to this cross-claim -- 18:29:13

4 THE WITNESS: Is it time? 18:29:14

5 MR. CHEW: It's almost -- 18:29:15

6 MS. CHARLSON BREDEHOFT: Yeah, let me 18:29:16

7 just finish this because it's Mandel. 18:29:17

8 MR. CHEW: Okay, sure. 18:29:19

9 BY MS. CHARLSON BREDEHOFT: 18:29:19

10 Q Also filed a complaint of judicial 18:29:19

11 foreclosure of deeds of trust. Do you recall that? 18:29:22

12 A Mr. Mandel? 18:29:23

13 Q Well, The Mandel Company. 18:29:24

14 A Right, yes. 18:29:26

15 Q Was that part of this settlement? 18:29:27

16 A Mandel and his brother, and also there's 18:29:30

17 another person at his company called Layne Dicker. 18:29:37

18 They're all in cahoots. Mr. Mandel had taken out a 18:29:42

19 couple of loans without my -- without asking me, 18:29:54

20 without asking me my permission or asking -- or 18:30:01

21 talking to me about any of it. One of the loans 18:30:07

22 was from himself and his brother Rob together. 18:30:13

1 They loaned me money, and they were using the 18:30:19
2 houses that I own on Sweetzer as their -- as the 18:30:24
3 collateral. 18:30:29

4 When I fired him, he gave me 20 days to 18:30:31
5 give him five million dollars or he was going to 18:30:35
6 foreclose on all of the houses based on a loan that 18:30:38
7 I wasn't aware of. 18:30:43

8 He also -- he and Jake Bloom were 18:30:46
9 involved in taking hard-money loans from a company 18:30:48
10 that Jake Bloom represented and was involved with 18:30:52
11 on financial levels, which were quite against the 18:30:58
12 law. 18:31:04

13 Q Was that Tycon?

14 A Mandel as well. Huh? 18:31:04

15 Q Was that Tycon? 18:31:04

16 A I don't know. 18:31:08

17 Q Did you use Gibson, Dunn & Crutcher for 18:31:08
18 that? 18:31:12

19 A I don't know. I don't remember exactly. 18:31:12

20 Q The complaint that was filed for judicial 18:31:15
21 foreclosure was November 6th, 2017, correct? Do 18:31:18
22 you want to take judicial notice or do you want me 18:31:26

1 to label it? 18:31:28

2 MR. CHEW: I think we should probably 18:31:28

3 label it. 18:31:29

4 MS. CHARLSON BREDEHOFT: All right. 18:31:30

5 MR. CHEW: That was just, so you know, so 18:31:30

6 we can short -- 18:31:32

7 MS. CHARLSON BREDEHOFT: Hold on. Don't 18:31:33

8 talk --

9 MR. CHEW: Okay.

10 MS. CHARLSON BREDEHOFT: -- because then

11 she can't label. 18:31:35

12 (Deposition Exhibit Number 4 was marked 18:31:43

13 for identification.) 18:31:43

14 MR. CHEW: Just to shortcut this, this 18:31:44

15 was part of the settlement of the other -- that was 18:31:45

16 part of this -- the TMG settlement. 18:31:49

17 BY MS. CHARLSON BREDEHOFT: 18:31:54

18 Q So the date that this was filed, if you 18:31:54

19 look on the first page, Mr. Depp, is November 6th, 18:31:56

20 2017, correct? 18:31:59

21 A Okay, yes, yes. 18:32:00

22 Q All right, and you terminated The Mandel 18:32:01

1 [Company March 14, 2016, correct?] 18:32:03

2 A [I don't believe so because I -- 2016] 18:32:08

3 [March 2016 -- yes, that could have been it, yes,] 18:32:28

4 [yes. My first -- my initial talk with Mandel was] 18:32:31

5 [in September when Ms. Heard and I were in San] 18:32:36

6 [Francisco. From there, when we went back to Los] 18:32:39

7 [Angeles, I -- I had extensive meetings with Mandel,] 18:32:42

8 [and of course, first and foremost, I wasn't going] 18:32:50

9 [anywhere near the idea of having been taken by] 18:32:54

10 [them. I just needed to understand the situation,] 18:33:02

11 [and -- and then he started to tell me what that] 18:33:07

12 [was. So that was in September, October, all] 18:33:13

13 [through then, and then I think it all -- yeah, it] 18:33:19

14 [probably came to the -- it was probably around] 18:33:24

15 [March. You would -- if it's on record, then you] 18:33:28

16 [would know for sure, but I guess -- sure.] 18:33:29

17 Q Well, if you look at Depp Exhibit Number 18:33:34

18 3, page 3, paragraph 15 -- 18:33:37

19 A Exhibit Number 3. What -- 18:33:39

20 MR. CHEW: Three is their 18:33:42

21 cross-complaint. 18:33:43

22 A Yes, 3. Which paragraph? 18:33:45

1 Q Page 3, paragraph 15. It says -- 18:33:47

2 A There we go. 18:33:58

3 Q **It says, "Proving no good deed goes** 18:33:59

4 **unpunished, Depp, with no notice of any kind,** 18:34:03

5 **terminated TMG's services in March 2016," and I** 18:34:04

6 **know that it also has March 14 in here.** 18:34:08

7 A **So yes, TMG started -- in October 2016** 18:34:22

8 **started nonjudicial foreclosure proceedings against** 18:34:24

9 **certain of Depp's properties.** 18:34:29

10 Q While we're at it, go to page 20 real 18:34:32

11 quick. 18:34:49

12 MR. CHEW: Of Exhibit 4 or Exhibit -- 18:34:49

13 MS. CHARLSON BREDEHOFT: Exhibit 3. 18:34:51

14 MR. CHEW: Exhibit 3. Okay. Just so you 18:34:52

15 know, we're at about 6:35. 18:34:54

16 BY MS. CHARLSON BREDEHOFT: 18:34:56

17 Q Yeah, I'll finish up. I just want to 18:34:57

18 finish with this line. That's -- that's where it 18:34:59

19 talks -- paragraph 85 has Tryon Management 18:35:08

20 Services. That's what you were talking about, 18:35:11

21 right? 18:35:14

22 A Sure, that seems like it. 18:35:14

1 Q All right, and then go to paragraph 86. 18:35:16
2 At the end of it, it says, "Depp was at all times 18:35:18
3 represented by the preeminent law firm Gibson, Dunn 18:35:22
4 & Crutcher." Do you see that? End of paragraph 18:35:27
5 86, very end. 18:35:30
6 A Uh-huh, yes, yes. 18:35:32
7 Q Okay, then flip back to 19, page 19. 18:35:33
8 A Tryon -- in connecting with Tryon, Depp 18:35:37
9 was at all times represented by the preeminent law 18:35:42
10 firm Gibson, Dunn & Crutcher, that is -- that's not 18:35:46
11 anything that I was aware of at any point. 18:35:52
12 Q Okay. Can you flip back to page 19 just 18:35:56
13 real quickly so we can -- 18:35:59
14 A Sure thing. 18:36:00
15 Q -- that March 14 date? There is a method 18:36:01
16 to my madness. 18:36:03
17 A I've never heard of Gibson, Dunn & 18:36:05
18 Crutcher. 18:36:08
19 Q Paragraph 84 -- they'll be really 18:36:08
20 disappointed to hear that. 18:36:10
21 MR. CHEW: That would be good for that to 18:36:12
22 crimp their ego. 18:36:14

1 BY MS. CHARLSON BREDEHOFT: 18:36:15
2 Q Yeah. Paragraph 84 says he terminated 18:36:15
3 TMG as his business manager on March 14, 2016. 18:36:18
4 That's where I came up with that number. 18:36:21
5 A Okay. 18:36:23
6 Q Do you see that? 18:36:24
7 A Yes. 18:36:24
8 MS. CHARLSON BREDEHOFT: All right, we'll 18:36:25
9 go off the record. 18:36:27
10 MR. CHEW: Thank you. 18:36:27
11 THE VIDEOGRAPHER: We are going off 18:36:28
12 record. The time is 18:36. 18:36:30
13 (Off the record at 6:36 p.m.)
14
15
16
17
18
19
20
21
22



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 Sherri R. Carter, Executive Officer/Clerk
 By *S. Fletcher* Deputy
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6 Attorneys for Cross-Complainant The Mandel
 Company, Inc. (dba The Management Group)

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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11 JOHN C. DEPP, II; and EDWARD L. WHITE,
 12 as trustee of the Sweetzer Trust, and as trustee
 of the Mooh Investment Trust

Case No. BC 646882

*Assigned to Hon. Teresa A. Beaudet-
 Dept. 50*

13 Plaintiffs,

14 vs.

**THIRD AMENDED CROSS-
 COMPLAINT FOR:**

15 THE MANDEL COMPANY, INC., d/b/a THE
 16 MANAGEMENT GROUP, a California
 corporation; JOEL L. MANDEL, individually
 17 and as former trustee of the Sweetzer Trust;
 ROBERT MANDEL; FIRST AMERICAN
 18 TITLE INSURANCE COMPANY, a
 California corporation; and DOES 1 through
 19 15, inclusive,

- (1) DECLARATORY RELIEF;
- (2) BREACH OF ORAL CONTRACT;
- (3) BREACH OF ORAL CONTRACT;
- (4) BREACH OF IMPLIED CONTRACT;
- (5) BREACH OF WRITTEN CONTRACT;
- (6) PROMISSORY FRAUD;
- (7) EQUITABLE INDEMNITY;
- (8) COMPARATIVE INDEMNITY;
- (9) EQUITABLE INDEMNITY; AND
- (10) COMPARATIVE INDEMNITY

20 Defendants.

21 THE MANDEL COMPANY, INC. (dba THE
 22 MANAGEMENT GROUP); JOEL L.
 MANDEL and ROBERT MANDEL,

23 Cross-Complainants,

24 vs.

25 JOHN C. DEPP II, an individual;
 26 SCARAMANGA BROS., INC., a California
 corporation; L.R.D. PRODUCTIONS, INC.; a
 27 California corporation; EDWARD WHITE, an
 individual; EDWARD WHITE & CO., LLP, a
 California limited liability partnership; ELISA
 28 CHRISTI DEMBROWSKI, an individual;

DEMAND FOR JURY TRIAL

[REDACTED VERSION]

1 WILLIAM RASSEL, an individual; NATHAN
2 HOLMES, an individual; JAMES RUSSO, an
3 individual; JONATHAN SHAW, an individual;
4 SAL JENCO, an individual; BRUCE WITKIN,
an individual; UNISON MUSIC, LLC, a
California limited liability company; and ROES
1 through 20, inclusive,

5 Cross-Defendants.

6
7 Cross-Complainants The Mandel Company, Inc. dba The Management Group, Joel L.
8 Mandel and Robert Mandel, by and through their attorneys of record, allege the following causes
9 of action against Cross-Defendants John C. Depp II, Scaramanga Bros., Inc., L.R.D. Productions,
10 Inc., Edward White, Edward White & Co., LLP, Elisa Christi Dembrowski, William Rassel,
11 Nathan Holmes, James Russo, Jonathan Shaw, Sal Jenco, Bruce Witkin, Unison Music, LLC, and
12 ROES 1-20, inclusive (collectively, "Cross-Defendants"):

13 **PROCEDURAL INTRODUCTION**

14 1. Plaintiff John C. Depp, II ("Depp"), in his tenth cause of action in his First
15 Amended Complaint ("FAC"), seeks a declaration (a) that any purported agreement between him
16 and Defendant The Mandel Company, Inc. doing business as The Management Group ("TMG" or
17 "Cross-Complainant") is voidable, invalid, and unenforceable, (b) that he is entitled to
18 disgorgement and restitution of all fees paid to TMG, and (c) that TMG is not entitled to a
19 "reasonable fee" for legal services as a result of their violations of the California Rules of
20 Professional Conduct. (FAC ¶¶ 165-176.) In addition, Depp seeks a judgment of the Court
21 awarding him monetary relief against TMG in the amount of all contingent fees he paid to TMG,
22 plus interest at the legal rate. (*Id.* ¶ 176.)

23 2. TMG, in its first cause of action in this Third Amended Cross-Complaint, seeks the
24 mirror image of Depp's tenth cause of action for declaratory relief pursuant to *Ludgate Ins. Co. v.*
25 *Lockheed Martin Corp.* (2000) 82 Cal.App.4th 592, 609. Specifically, TMG seeks a declaration
26 (a) that there exists a valid and enforceable agreement between TMG, on the one hand, and Depp
27 and his loan out corporations, on the other hand, for professional services and payment of 5% of
28 Depp's gross revenues, (b) that neither Depp nor his corporations are entitled to disgorgement

1 and/or restitution of any fees paid to TMG, and (c) that in the event there is finding that the
2 California Rules of Professional Conduct apply here and there has been a violation thereof (which
3 TMG denies), then TMG is entitled to a “reasonable fee.” (See ¶¶ 102-106 *infra*.) In addition,
4 TMG denies that there is any basis for a judgment of the Court awarding Depp any monetary relief
5 in any amount, including without limitation, in the amount of all contingent fees paid to TMG. All
6 of the following allegations in paragraphs 3-125 below are necessary for and relevant to *inter alia*
7 TMG’s first cause of action for declaratory relief, which is the mirror image of Depp’s tenth cause
8 of action for declaratory relief in Depp’s FAC.

9 3. TMG is filing this Third Amended Cross-Complaint for the following reasons. In
10 March 2016, Depp terminated TMG as his business manager. For months thereafter, TMG tried
11 repeatedly to contact Depp to be paid (a) back on a \$5 million secured loan they made to Depp in
12 2012, when the actor was facing public financial ruin; and (b) over half a million dollars in past-
13 due business management fees and costs. Depp consistently ignored TMG’s communications. Left
14 with no other option regarding the \$5 million loan, in October 2016, TMG initiated non-judicial
15 foreclosure proceedings against certain of Depp’s properties.

16 4. By early January 2017, TMG was only a few weeks away from initiating a **public**
17 **notice** of foreclosure sale on certain of Depp’s real properties. Depp was faced with a choice to
18 either—(a) repay Depp’s lawful debts; or (b) find some way to avoid repayment and imminent
19 foreclosure. On or about January 13, 2017, Depp filed a 45-page complaint against TMG which is
20 replete with **demonstrably false** allegations claiming that TMG engaged in all sorts of
21 preposterous wrongdoing and somehow owed Depp millions of dollars. On May 26, 2017, Depp
22 doubled down on all of these **knowing falsehoods** when he filed his FAC.

23 5. One of the many lies that Depp manufactured in his FAC in order to avoid paying
24 his lawful debts to TMG was that TMG supposedly distributed Depp’s funds to third parties
25 without his knowledge or approval. In paragraph 51 of the FAC, Depp **falsely alleges** that “[o]ver
26 the years, at varying times in diverse amounts, TMG disbursed nearly \$10,000,000 to third parties
27 close to or who worked for Mr. Depp **without Mr. Depp’s knowledge or authorization.**” From
28

1 the outset of the action, TMG **adamantly disputed** this false allegation and demanded that Depp
2 reveal who received these supposedly unauthorized payments.

3 6. After delaying for months, Depp **finally** identified the third-parties to whom TMG
4 distributed these supposedly unauthorized funds. Remarkably, the persons identified by Depp
5 include his **closest family, friends, and employees**, including his sister, personal manager and
6 president of his production company, Elisa Christi Dembrowski ("Dembrowski"); his nephew,
7 William Rassel; his long-term personal assistant, Nathan Holmes; his close friends James Russo,
8 Jonathan Shaw, Sal Jenco, and Bruce Witkin ("Witkin"); and Unison Music, LLC ("Unison"), a
9 music label that Depp started with Witkin (collectively, the "new Cross-Defendants"). In his
10 attempt to avoid paying his debts to TMG, **Depp is knowingly throwing his closest family,**
11 **friends and employees under the bus by falsely alleging that they took millions of dollars in**
12 **unauthorized payments from him.** It is no wonder that Depp delayed for months in revealing
13 their names.

14 7. In his FAC, Depp seeks to recover *from TMG* all of these distributions to his
15 closest family, friends and employees even though (a) the new Cross-Defendants, and **not TMG,**
16 received these monies, (b) Depp and/or Dembrowski **authorized** all of these payments, (c) the
17 new Cross-Defendants **confirmed** to TMG that Depp had authorized these loans, and (d) on
18 information and belief, Depp has **not taken any action** to recover these monies from those who
19 received and enjoyed the use of the funds. Under California law on equitable indemnity, the new
20 Cross-Defendants **must be joined** in this action as parties.

21 8. TMG is filing this Third Amended Cross Complaint to add these new Cross-
22 Defendants as parties, as required under California law. TMG does not currently believe that any
23 of the new Cross-Defendants did anything wrong or improper. Depp and/or Dembrowski
24 authorized all of the distributions, and on information and belief, Depp has never demanded
25 repayment of any of the loans. Indeed, on information and belief, Depp is **still employing in high**
26 **level positions** two of the new Cross-Defendants, **who collectively received over \$7 million in**
27 **supposedly unauthorized loans.** However, any dispute regarding repayment of the loans is
28 between Depp and the new Cross-Defendants, and **not TMG.** TMG did nothing more than

1 justifiably and reasonably rely upon the representations of Depp, Dembrowski and the new Cross-
2 Defendants that the distributions in question were **fully authorized**. If Depp is now looking to be
3 repaid on his fully authorized loans, he must seek repayment from the new Cross-Defendants.
4 Depp cannot attempt to use these **fully authorized** distributions to his various family, friends and
5 employees as a means to avoid paying his debts to TMG.

6 **FACTUAL INTRODUCTION**

7 9. For 30 years, brothers Joel and Robert Mandel, and their company, TMG, have
8 been trusted business managers to some of the most successful individuals and companies in the
9 entertainment business. For 30 years, they have had an unblemished record never before having
10 been sued by a client. For the past 17 years, starting in 1999, TMG represented actor Depp, and
11 did everything possible to protect Depp from his own irresponsible and profligate spending.

12 10. By 1999, Depp was an established actor who had starred in several well-known
13 films, including *Edward Scissorhands* (1990), *What's Eating Gilbert Grape* (1993) and *Sleepy*
14 *Hollow* (1999). Depp and his then advisors decided to seek new business managers and conducted
15 a "beauty contest" in which they interviewed several business management firms. At the time,
16 TMG was already one of the most successful business management firms in Los Angeles. At the
17 outset of the relationship, Depp and TMG agreed that TMG would provide Depp with business
18 management services in exchange for a five percent (5%) management fee on all of the monies
19 that Depp earned. As explained below, although there was an initial cap on the fees, Depp agreed
20 to lift the cap when the amount of work he needed from TMG became overwhelming. This 5%
21 uncapped fee was knowingly paid by Depp for 13 years without question. This is the fee
22 agreement that Depp now seeks to invalidate through his tenth cause of action for declaratory
23 relief in his FAC, and which TMG seeks to enforce and validate through its first cause of action
24 for declaratory relief in this pleading.

25 11. Over a 17-year relationship, TMG and Joel Mandel ("Mandel") did everything
26 within their power to professionally and competently handle the vast array of transactions,
27 expenses, and demands made by Depp. They used the full resources of TMG and outside
28 professionals to handle his many matters. TMG repeatedly warned and advised Depp to reduce his

1 spending and sell unnecessary assets. But ultimately, the decision whether and how to spend his
2 money was a decision for Depp to make. Depp listened to no one, including TMG and his other
3 advisors, and he demanded they fund a lifestyle that was extravagant and extreme. Ultimately,
4 Depp and/or his sister and personal manager, Dembrowski, knowingly approved all of Depp's
5 expenditures.

6 12. Depp falsely claims throughout his FAC, and specifically alleges as part of his
7 tenth cause of action for declaratory relief, that his entire relationship with TMG was "polluted"
8 with TMG's alleged "self-dealing," "conflicts of interest," and "failure to properly document" his
9 business transactions, which supposedly caused Depp's current financial circumstances. This
10 claim is **absolutely false**. As set forth in TMG's first cause of action for declaratory relief, TMG
11 did not engage in any "self-dealing," "conflicts of interest," or "failure to properly document"
12 Depp's business transactions, as alleged in Depp's tenth cause of action. Depp knows full well that
13 he has only himself to blame for any current financial woes.

14 13. Throughout the entire 17-year period that TMG represented Depp, Depp lived an
15 ultra-extravagant lifestyle that knowingly cost Depp in excess of **\$2 million per month** to
16 maintain, which he simply could **not** afford. The details of Depp's **extreme** spending and his
17 extravagant lifestyle are alleged in TMG's answer to Depp's FAC: (*See* TMG Answer ¶¶ 5-13, 35-
18 43.)

19 14. Depp has also spent **millions** to employ an army of attorneys—in addition to his
20 long-time personal attorney, Jake Bloom—to bail him out of numerous legal crises. In addition to
21 Bloom, and during the 17-year period that TMG represented Depp, Depp also retained such legal
22 luminaries as Martin Singer, Patricia Glaser and the international law firms, Gibson, Dunn &
23 Crutcher, LLP ("Gibson Dunn") and Latham & Watkins, LLP ("Latham"), in addition to many
24 other attorneys.

25 15. As explained below in detail, TMG regularly and repeatedly advised and warned
26 Depp, his sister, president of his production company, and personal manager Dembrowski, and his
27 personal lawyer Jake Bloom, that Depp's wanton spending could not be maintained and
28

1 jeopardized his financial future. Contrary to Depp's claim in his tenth cause of action, there is no
2 basis to void or invalidate the agreement between TMG and Depp.

3 16. Depp often responded by rebuking and cursing TMG for issuing such warnings and
4 advice, while increasing his extravagant lifestyle and spending, and demanding that his business
5 managers continue to find some way to pay for it all.

6 17. When Depp's spending outpaced his earnings, and he refused to change his
7 lifestyle, he was forced to borrow large sums of money to continue living the lifestyle he
8 admittedly chose. Contrary to Depp's malicious and false claims in the FAC, these loans were **not**
9 the product of any TMG "self-dealing" or "conflicts of interest." Every purchase, expenditure and
10 borrowing for Depp was approved by him and/or Dembrowski, and every check written on his
11 behalf was signed by or approved by Depp and/or Dembrowski. Dembrowski on behalf of Depp
12 also signed all of Depp's payments to TMG for business management fees.

13 18. Depp, and Depp alone, is fully responsible for any financial turmoil he finds
14 himself in today. He has refused to live within his means, despite the best efforts of TMG and the
15 repeated warnings about his financial condition from TMG and his other advisors. The arithmetic
16 is entirely straightforward: Depp spent more than he brought in, notwithstanding repeated
17 warnings by TMG. Depp's contradictory claims in the FAC, including his claim that he is entitled
18 to a judicial declaration requiring the disgorgement of all fees paid to TMG over a 17-year period,
19 are absurd.

20 19. Proving that "no good deed goes unpunished," Depp, with no notice of any kind,
21 terminated TMG's services in March 2016. Depp then refused to pay TMG back on a \$5 million
22 loan they had made to him in 2012 when the actor was facing public financial ruin.
23 TMG's repeated attempts to reach Depp through his new CPA, Defendant Edward White, were
24 never responded to. Left with no choice, and with Depp still owing \$4.2 million, TMG in October
25 2016 started non-judicial foreclosure proceedings against certain of Depp's properties.

26 20. In a transparent attempt to derail the foreclosure by concocting and spreading
27 malicious lies about TMG, Depp on January 13, 2017 filed his original 45-page complaint that
28 was completely fabricated and replete with demonstrably false allegations. Depp in his complaint

1 essentially argued that TMG must have done something wrong or he would not be in the financial
2 circumstances he allegedly finds himself in today. Depp has now doubled down on his lies and
3 fabrications in his FAC, including by falsely and maliciously seeking a judicial declaration
4 requiring TMG to return every dollar that he ever paid TMG in business management fees.

5 21. As explained above and below, Depp's attempt to shift the blame to TMG by
6 seeking disgorgement of all management fees he paid TMG over a 17-year period is **patently**
7 **outrageous**. Depp knows he has only himself, and his grossly excessive spending, to blame for his
8 current financial woes.

9 22. In his FAC, Depp claims that throughout his 17-year relationship with TMG, he
10 was kept ignorant about his financial condition. **That allegation**, which is expressly incorporated
11 into Depp's tenth cause of action for declaratory relief, is **demonstrably false**. (FAC, ¶ 165.)
12 Depp further alleges in his FAC (¶ 5) that he only learned about his financial problems in March
13 2016 when he hired Edward White of Edward White & Co., LLP ("EWC") in Woodland Hills,
14 California. **This charge is also patently false**.

15 23. For years, TMG repeatedly informed Depp, Dembrowski and personal lawyer Jake
16 Bloom, that Depp was living beyond his means, and urged him to spend less and to sell certain
17 expensive but unnecessary assets to repay loans and pay his taxes and living expenses. Mandel
18 had many discussions about Depp's irresponsible spending and financial problems with Depp and
19 with Depp's attorney, Jake Bloom. He had almost daily conversations with Dembrowski on the
20 same subject. In October 2015, months before Depp fired TMG, Depp finally sent Mandel a text
21 message stating: **"I am ready to face the music, in whatever way I must ... I know there's a**
22 **way to dig ourselves out of this hole and I am bound and determined to do it."**

23 24. Depp's baseless allegations in his FAC—all of which he claims entitles him to a
24 disgorgement of all management fees that he paid to TMG over a 17-year period—are further
25 debunked in depth below, but some of the more egregious allegations include the following:

26 a. "Joel and Robert Mandel, are and act as, attorneys . . ." (FAC, ¶ 6.)
27 **FALSE**. Although both Mandel brothers are attorneys by training, they never acted as Depp's
28 attorney, and never provided Depp with services of the type necessary to form an attorney-client

1 relationship. To establish this claim, Depp will need to prove that he had an objectively,
2 reasonable expectation and belief that TMG and Joel and Robert Mandel were representing him in
3 their capacity as lawyers as opposed to business managers. Any such claim is **patently frivolous**.
4 Depp hired TMG as part of a “beauty contest” that he and his sister held back in 1999, to find
5 Depp a **new business manager**. During the entire time that TMG represented Depp, he was
6 represented by an army of lawyers, including his long-time personal attorney, Jake Bloom, to
7 whom he paid 5% of his gross income. TMG is also a well-known business management firm in
8 Los Angeles—it is **not** a law firm. Depp also **never** communicated any supposed confusion to
9 TMG or the Mandels about them acting as his attorneys (there was **no** confusion). Finally, to make
10 this claim even more ridiculous, Depp **never** worked with Robert Mandel and could hardly have
11 “reasonably” or “objectively” believed that he was his counsel. Depp’s willingness to take such
12 absurd positions speaks volumes about his true intent in this action and the merits of his entire
13 FAC.

14 b. “TMG never once timely paid Mr. Depp’s income tax.” (FAC, ¶¶ 48, 165.)
15 **FALSE**. For 17 years, TMG always timely filed his tax returns and, funds permitting, always
16 timely paid his income tax. In his FAC, Depp still ridiculously claims that he was assessed
17 millions in “easily avoidable late payment penalties and interest” because of TMG’s supposed
18 failure to pay his taxes timely. This allegation is **disingenuous in the extreme**. Depp could have
19 “easily avoided” these penalties and interest if he had followed TMG’s (and his other advisors’)
20 repeated warnings to reduce his profligate spending to sufficiently allow him to pay his taxes on
21 time—which he consistently refused to do.

22 c. Despite TMG’s repeated warnings and advice, the simple truth is that Depp
23 consistently and knowingly chose to spend his money on anything and everything other than the
24 timely payment of his taxes. Just like any other taxpayer, Depp was required to pay interest and
25 penalties to the IRS and other taxing authorities as a result of the choices he made. TMG’s
26 payment of Depp’s taxes when funds permitted, a circumstance driven entirely by Depp’s extreme
27 spending, is **not** a basis to disgorge any of the management fees that Depp paid TMG over a 17-
28 year period. On information and belief, Depp is very likely still currently paying his taxes after

1 their original due date despite having new business management.

2 d. Moreover, contrary to vague accusations in the FAC, TMG **never** acted as
3 Depp's tax counsel in any respect. While at TMG, Depp's taxes were always prepared by a
4 seasoned and highly respected Certified Public Accountant who is **not** a lawyer. It was TMG (and
5 **not** EWC) who found and recommended that Depp hire tax counsel, Miriam Fisher of Latham,
6 which Depp did **months before** hiring EWC. Despite Depp's counsels' misleading claims to the
7 contrary, Ms. Fisher's "analysis" sheds zero light on the real issue in this case, i.e., that Depp's
8 taxes were paid after the original due date because of Depp's lack of sufficient funds caused by his
9 out-of-control spending and **not** because of any alleged professional negligence on the part of
10 TMG.

11 e. "When Mr. Depp did speak to TMG, they assured him that he was in
12 excellent financial condition." (FAC, ¶¶ 37, 165.) **FALSE**. TMG never made such a false
13 statement to Depp, Dembrowski, or Depp's lawyer. Notably, this is another malicious allegation
14 that Depp **has now recanted** in his sworn special interrogatory responses. When asked to identify
15 all facts supporting the allegation, Depp **could not and did not** identify a single instance where
16 anyone from TMG told him he was in "excellent financial condition," "good" financial condition,
17 or even "okay" financial condition. Instead, Depp responded to the interrogatory by
18 disingenuously claiming that even though TMG at times "**expressed some reservations over**
19 **[his] purchase[s]**," TMG was not "frank" enough "regarding the full status of [his] finances."
20 Although this revised allegation is also **patently false**, Depp's claims appear to have gone from
21 TMG told me I was in "excellent financial condition," to TMG should have sounded the alarm
22 bells louder.

23 f. "TMG failed to maintain a proper set of detailed accounting records for
24 Mr. Depp" (*Id.*, ¶¶ 42, 165.) **FALSE**. In handling Depp's matters, TMG maintained meticulous
25 books and records. TMG employed the Datafaction accounting software system, which is the gold
26 standard for business managers in the entertainment industry. Every expense and payment was
27 booked, accounted for, and backed up.

28 g. "TMG disbursed nearly \$10,000,000 to third parties close to or who worked

1 for Mr. Depp without Mr. Depp's knowledge or prior authorization." (*Id.*, ¶¶ 51, 165.) **FALSE**.
2 TMG did **not make any disbursements** without authorization by Depp and/or Dembrowski. After
3 delaying for months, Depp has finally identified, in recent discovery responses, the third parties to
4 whom TMG made these supposedly unauthorized distributions. Remarkably, these third-parties
5 include **Depp's closest family, friends and employees**. Tellingly, Depp has twice sought to seal
6 **the identities** of these new Cross-Defendants in two recent filings. Depp knows that his claims
7 against TMG are entirely fabricated and wants to prevent the truth from being revealed. However,
8 having created **the fiction** that the new Cross-Defendants took millions of dollars in unauthorized
9 distributions—which Depp supposedly knew nothing about—Depp **has knowingly and**
10 **shamefully thrown his closet family, friends and employees under the bus**, using them as
11 pawns in his lawsuit against TMG.

12 h. TMG borrowed "tens of millions of dollars without proper disclosures
13 to Mr. Depp." (*Id.*, ¶ 60.) **FALSE**. TMG provided Depp with all documentation for every loan
14 made to Depp, and Depp personally signed for all such loans. Exemplar emails filed with the
15 Court on June 19, 2017, establish just how ridiculous this claim is. In these exemplar emails, TMG
16 is forwarding Depp's various loan documents to Dembrowski to obtain Depp's signature with
17 warnings, including statements that Depp was "\$4,000,000 overdrawn," "**any cushion we may**
18 **have had is gone**," and "**our collective overdrafts exceed \$1.0M**." Dembrowski is **not surprised**
19 by any of these warnings, which demonstrates that she was fully apprised of Depp's financial
20 condition and that he was borrowing substantial funds to support his lifestyle. In a further email
21 filed with the Court, Mandel sent Depp an email back in **December 2009**, asking Depp to meet
22 with him to discuss the repayment of Depp's then-recent loan, Depp responded to the email
23 stating—"thank you for dealing and getting me through." Nowhere in the email does Depp
24 express any surprise that he had borrowed monies, or that loans were needed to "**get [him]**
25 **through financially**." Again, Depp's false and absurd allegations regarding the loans that he
26 **entered into** to support his **extravagant lifestyle** are hardly a basis for a judicial declaration
27 requiring TMG to disgorge any business management fees, or for any other of Depp's frivolous
28 claims.

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1 25. In summary, and as explained in detail below, TMG and Depp (and his
2 corporations) had at all times a fully enforceable and valid agreement for the provision of business
3 management services in return for the payment of a 5% fee. As shown by the allegations herein,
4 the depth and range of professional business management services provided by TMG over these
5 17 years to Depp (and his corporations) were unparalleled and extraordinary, and TMG never
6 engaged in any "self-dealing" or "conflicts of interest." TMG did everything within its power over
7 the last 17 years to protect Depp from himself and to keep Depp financially solvent. However,
8 ultimately TMG did **not** have the power or ability to control Depp's spending or his numerous
9 other vices, or to force Depp to make wiser financial decisions. Contrary to his claims in this
10 action, TMG always made Depp aware of his precarious financial situation. Depp chose time and
11 again to ignore TMG and all of his other advisors. Depp truly has **no one** but himself to blame for
12 his current financial and personal circumstances. Depp's attempt to shift blame to TMG by
13 seeking *inter alia* a return of all of the management fees that he paid TMG over a **17-year period**,
14 is truly offensive and just further demonstrates Depp's clear and epic sense of entitlement.

15 26. As explained below, in addition to the **\$5 million loan**¹ which is the subject of a
16 separate non-judicial foreclosure proceeding, Depp, his various entities and his current accountant,
17 Edward White, and EWC, still owe TMG well over **\$500,000** in past-due fees and costs. It is time
18 that Depp finally take responsibility for his actions and pay his outstanding debts to TMG.

JURISDICTION AND VENUE

19
20 27. Jurisdiction is proper in the Superior Court of the State of California for the County
21 of Los Angeles pursuant to section 410.10 of the California Code of Civil Procedure.

22 28. Venue is proper in Los Angeles County, California pursuant to sections 392 *et seq.*
23 of the Code of Civil Procedure because: (a) this is the county where the contracts at issue were
24 entered into; and (b) the parties' contractual obligations were to be performed in this county.

25 _____
26
27 ¹ Because TMG is seeking to foreclose on Depp's properties in a non-judicial foreclosure
28 proceeding, TMG is **not** seeking recovery of its loan to Depp in this Third Amended Cross-
Complaint.

PARTIES

1
2 29. Cross-Complainant TMG is a corporation organized and existing under the laws of
3 the State of California, with its principal place of business located in Beverly Hills, California.

4 30. Cross-Defendant Depp is a world famous actor and an individual principally
5 residing in and often employed in Los Angeles County, California.

6 31. Cross-Defendant Scaramanga Bros., Inc. ("Scaramanga Bros.") is a private
7 California corporation with its principal place of business located in Los Angeles, California.
8 Scaramanga Bros., Inc. is a loan-out company that Depp has historically used to conduct his
9 business affairs.

10 32. Cross-Defendant L.R.D. Productions, Inc. ("L.R.D.") is a private California
11 corporation with its principal place of business located in Los Angeles, California. L.R.D. is also a
12 loan-out company that Depp has historically used to conduct his business affairs.

13 33. Cross-Defendant Edward White on information and belief is an individual
14 principally residing in and working in Los Angeles County, California. Edward White holds
15 himself out to the public as a certified public accountant and as the founder of Edward White &
16 Co., LLP, which is a small accounting firm headquartered in Woodland Hills, California.
17 On information and belief, White is the trustee of both The Sweetzer Trust and The Mooch
18 Investment Trust.

19 34. Cross-Defendant Edward White & Co., LLP (referred to above and below as EWC)
20 on information and belief is a California limited liability partnership with its principal place of
21 business located in Los Angeles County, California.

22 35. Cross-Defendant Elisa Christi Dembrowski (referred to above and below as
23 "Dembrowski") on information and belief is an individual principally residing in Ventura County,
24 California, and working in Los Angeles County, California. Dembrowski is Depp's sister and was
25 at all relevant times Depp's personal manager, authorized agent, and TMG's primary client
26 contact. After Depp formed his production company in 2004, Dembrowski was also the president
27 of the production company. On information and belief, Dembrowski remains the president of
28 Depp's production company and is still working closely with Depp.

1 36. Cross-Defendant William Rassel (“Rassel”) on information and belief is an
2 individual principally residing in and working in Los Angeles County, California. Rassel is
3 Depp’s nephew and the son of Depp’s sister, Debbie Rassel.

4 37. Cross-Defendant Nathan Holmes (“Holmes”) on information and belief is an
5 individual who resides and works part-time in Los Angeles County, California. Holmes has been
6 Depp’s personal assistant since approximately April 2008 and, on information and belief, remains
7 Depp’s personal assistant to date.

8 38. Cross-Defendant James Russo (“Russo”) on information and belief is an individual
9 principally residing in and working in Los Angeles County, California. Russo is an actor and a
10 long-term, close friend of Depp.

11 39. Cross-Defendant Jonathan Shaw (“Shaw”) on information and belief is an
12 individual who resides and works part-time in Los Angeles County, California. According to
13 Shaw’s webpage, he is a “world traveling outlaw artist, novelist, blogger, head doctor, anti-folk
14 hero, whorehouse philosopher, legendary tattoo master, and notorious innovator and creator of
15 underground art.” He also is a long-term, close friend of Depp.

16 40. Cross-Defendant Sal Jenco (“Jenco”) on information and belief is an individual
17 who principally resides and works in Los Angeles County, California. Jenco is an actor who
18 appeared with Depp on the television show *21 Jump Street* and in the movie *Donnie Brasco*. For a
19 period of time, Jenco managed The Viper Room (a club located in Los Angeles) for Depp.

20 41. Cross-Defendant Bruce Witkin (referred to above and below as “Witkin”) on
21 information and belief is an individual who principally resides and works in Los Angeles County,
22 California. Witkin is Depp’s closest childhood friend. Witkin ran the start-up music label, Unison,
23 that Depp funded for a number of years despite TMG’s advice to the contrary.

24 42. Cross-Defendant Unison Music, LLC (referred above and below as “Unison”) is a
25 California limited liability Company with its principal place of business located in Los Angeles
26 County, California. For approximately seven years, Depp funded Unison’s operations.

27 43. Cross-Complainant is informed and believes, and based thereon alleges, that Roes 1
28 through 20, inclusive, and each of them, participated in the wrongful acts alleged herein, and are

1 liable for those acts. Cross-Complainants are informed and believe that Roes 1 through 20,
2 inclusive, knew and participated in one or more of the specific acts committed by Cross-
3 Defendants, and counseled Cross-Defendants and other Roe Cross-Defendants in perpetrating
4 those wrongful acts and/or aided and counseled Cross-Defendants and other Roe Cross-
5 Defendants in concealing those acts from Cross-Complainant, as alleged more fully herein.

6 **FACTS COMMON TO ALL ALLEGATIONS**

7 **TMG's Oral Agreement With Depp To Provide Business Management Services**

8 44. As part of Depp's search for a new business manager, in approximately September
9 1999, Joel Mandel ("Mandel") met with Depp's sister, Elisa Christie Dembrowski
10 ("Dembrowski"), who was introduced to Mandel as Depp's personal manager, primary
11 representative and gate-keeper. After this initial meeting, Mandel met personally with Depp at
12 UTA's offices in Beverly Hills. Depp then hired TMG to be his business manager.

13 45. At the outset of their relationship, Depp and Mandel agreed that TMG would
14 provide Depp with business management services in exchange for a five percent (5%)
15 management fee on all of the monies that Depp earned with an annual cap. Depp personally and
16 expressly agreed to this arrangement.

17 46. Contrary to the absurd claims in Depp's FAC, neither TMG nor Joel or Robert
18 Mandel ever told Depp or his advisors that they would act as Depp's lawyers, and they never
19 provided him with services of the type necessary to form an attorney-client relationship.

20 47. During their 17-year relationship, TMG facilitated the hiring of numerous lawyers
21 and law firms to represent Depp in his various business and personal matters. In addition, some
22 months after hiring TMG, Depp retained Jake Bloom of the Bloom Hergott law firm, which over
23 the last 17 years has provided Depp with an array of legal services, including negotiating and
24 documenting entertainment agreements.

25 48. Depp's movie career grew even hotter after 1999. As a result, the amount of
26 business management services that TMG was required to expend pursuant to its agreement with
27 Depp in order to handle Depp's growing business and lifestyle arrangements grew substantially.
28

1 Soon after TMG started representing Depp, he signed with Disney to star in the first *Pirates of the*
2 *Caribbean* movie (2003), followed by more *Pirates* films in 2006, 2007, 2011 and 2015.

3 49. By 2003, the level of work that TMG was doing on behalf of Depp had increased
4 substantially and it was no longer economically feasible for TMG to continue to represent Depp
5 with a cap in place. Overseeing Depp's business and personal life required a team of dedicated
6 professionals often working full-time and available on a 24/7, 365 day basis. Mandel often spent
7 half his business hours working on Depp's behalf and Depp required that he be available at all
8 times. Moreover, at varying times, TMG was employing at least four full time individuals (and at
9 times up to twelve individuals) to work on Depp's matters.

10 50. As a result, in or about September 2003, Mandel and Depp had an in-person
11 meeting in New York where they had traveled to attend the New York premier of the film *Once*
12 *Upon A Time In Mexico*. During their meeting, they discussed removing the cap on TMG's
13 management fees given the massive amount of work that TMG was doing on Depp's behalf.
14 Within a few hours of this meeting, Depp agreed that the cap on TMG's management fees would
15 no longer apply. From 2003 forward, Depp and his companies Scaramanga Bros. and L.R.D., and
16 TMG, adhered to this fee agreement for a 5% management fee (uncapped), except for the money
17 being sought by this Cross-Complaint.

18 51. Depp's other advisors, including Dembrowski, his talent agent Tracey Jacobs, and
19 his personal lawyer Jake Bloom, were at all relevant times aware of Depp's agreement to pay
20 TMG an uncapped 5% fee. Indeed, Dembrowski personally signed the management fee checks
21 paid to TMG. This type of oral fee arrangement is customary in the entertainment industry for
22 business managers, such as TMG representing Depp, who are required to commit extraordinary
23 amounts of time, personnel and resources to represent the client. Here, in return for the 5% fee,
24 Depp received about half of Mandel's time and attention, which is an extraordinary commitment
25 by the head of a large business management firm, plus the full-time attention of on average 4 full-
26 time professionals working almost exclusively on Depp's matters, plus the resources of TMG's
27 other professionals who specialize in tax, real estate, insurance and health benefits, and other
28 business areas.

1 **Throughout TMG's Representation, Depp Always Lived An**
2 **Extraordinarily Extravagant Lifestyle That He Could Not Afford**

3 52. Depp falsely claims throughout his FAC, and specifically alleges as part of his
4 tenth cause of action for declaratory relief, that his entire relationship with TMG was "polluted"
5 with TMG's alleged "self-dealing," "conflicts of interest," and "failure to properly document" his
6 business transactions, which supposedly caused Depp's current financial circumstances. (FAC, ¶¶
7 165, 174, 175.) This claim is **absolutely false**. Depp fully knows that these are all untruths
8 intended to specifically and maliciously harm TMG and that he has only himself to blame for his
9 financial woes.

10 53. Throughout the entire 17-year period that TMG represented Depp, Depp lived an
11 ultra-extravagant lifestyle that often knowingly cost Depp in excess of **\$2 million per month** to
12 maintain, which he simply could **not** afford. Depp's voracious spending consistently outpaced his
13 earnings. Depp **never** had a cushion of more than six months in funds to pay his overwhelming
14 and mounting expenses, debts and taxes.

15 54. Over the years, Depp has also spent **millions of dollars** to employ an army of
16 attorneys—in addition to his long-time personal attorney, Jake Bloom—to bail him out of
17 numerous legal crises. In addition to Bloom, and during the 17-year period that TMG was Depp's
18 business manager, Depp also retained such legal luminaries as Martin Singer, Patricia Glaser and
19 the international law firms, Gibson Dunn and Latham, in addition to many other attorneys.

20 55. Depp's allegations in his FAC that his purported current financial problems are the
21 result of TMG's supposed failure to curb his expenses, pay his taxes timely, and/or establish an
22 appropriate investment schedule are malicious and ludicrous in light of his spending habits and his
23 profanity-laced demands that TMG do whatever was necessary to pay for his extravagant lifestyle.

24 **TMG Never Distributed Any Of Depp's Funds Without Depp**
25 **And/Or Dembrowski's Express Knowledge And Approval**

26 56. In paragraph 51 of the FAC, Depp **falsely alleges** that "[o]ver the years, at varying
27 times in diverse amounts, TMG disbursed nearly \$10,000,000 to third parties close to or who
28 worked for Mr. Depp without Mr. Depp's knowledge or authorization." TMG is filing this Third

1 Amended Cross-Complaint because Depp has finally identified in interrogatory responses the third
2 parties to whom TMG distributed these supposedly unauthorized funds. The persons identified by
3 Depp include his **closest family, friends, and employees**. To be clear, TMG did **not distribute**
4 any funds to these new Cross-Defendants without the **express authorization** of Depp and/or
5 Dembrowski, who is Depp's sister, personal manager, and the president of his production
6 company.

7 57. In response to special interrogatories, Depp had to come up with the supporting
8 details for his false allegations and falsely claimed that TMG distributed the following sums
9 without his knowledge or authorization—(a) \$7,100,873.90 to Dembrowski; (b) \$199,000 to
10 Rassel; (c) \$736,877.83 to Holmes; (d) \$412,386.67 to Russo; (e) \$262,000 to Shaw; (f)
11 \$237,270.15 to Jenco; (g) \$39,000.50 to Witkin; and (h) \$4,127,000 to Unison. **All of these**
12 **distributions were expressly approved** by Depp and/or Dembrowski.

13 58. Most of the distributions to the individual new Cross-Defendants, as opposed to
14 Unison, were **not formally documented pursuant to Depp's and/or Dembrowski's wishes**.
15 These were loans that Depp made to **his closest family, friends and employees**. Depp—at least at
16 the time—thought himself to be a generous person and desired informal arrangements whereby
17 these individuals would pay him back if and when they could. This is not uncommon for a high
18 net worth individual when loaning money to close family and friends.

19 59. **Distributions To Dembrowski:** During the entire time that TMG acted as Depp's
20 business manager, new Cross-Defendant Dembrowski was Depp's personal manager, primary
21 contact with his advisors, and his 24/7 gatekeeper. In 2004, Depp formed his production company,
22 Infinitum Nihil, which was run by Dembrowski, as president. The \$7,100,873.90 in distributions
23 over 17 years to Dembrowski were **knowing** payments that Depp made over those years for the
24 benefit of Dembrowski, who worked tirelessly on Depp's behalf. Contrary to the allegations in
25 Depp's FAC, Depp was **fully aware** that he was paying these expenses over the years for the
26 benefit of Dembrowski.

27 60. Depp's distributions to Dembrowski were treated as loans primarily because
28 periodically, over time Dembrowski would make a repayment to Depp. This would sometimes

1 occur when Dembrowski was entitled to receive fees (for example, on a movie produced by
2 Infinitum Nihil) and Depp was in need of funds. This was an informal arrangement dictated by
3 both Depp and Dembrowski—who are the closest of siblings. Depp was fully aware that these
4 distributions to Dembrowski paid for the majority of Dembrowski's living expenses over the
5 years. In addition to Depp, Dembrowski also authorized all of the distributions to herself, often by
6 personally signing numerous checks and check authorization forms. The actual outstanding loans
7 to Dembrowski at the time that Depp terminated TMG are capable of being calculated to a sum
8 certain, but are many millions less than Depp claims in his interrogatory responses.

9 61. To understand just how malicious and frivolous Depp's claims are with respect to
10 TMG's distributions to Dembrowski, Depp is still employing his sister as the president of his
11 production company. In June 2017, which was well after this lawsuit was filed, Depp
12 announced that Infinitum Nihil entered into a first look deal with IM Global and that Dembrowski
13 is one of the key executives who will be overseeing the endeavor. It is absurd that Depp would
14 trust his sister to oversee this important joint venture if he sincerely believed that she had actually
15 accepted and signed for over \$7 million in unauthorized payments. Even more outrageous, on
16 information and belief, Depp has also failed to demand that Dembrowski repay any of the
17 outstanding loans at issue in his FAC.

18 62. Distribution To Rassel. New Cross-Defendant Rassel is Depp's nephew—i.e., the
19 son of Depp's other sister, Debbie. The \$199,000 distribution to Rassel was a one-time loan that
20 Depp made to his nephew to allow him to purchase a home in Kentucky for his family. The idea
21 that this loan was somehow TMG's idea is ridiculous. In fact, in an email dated March 31, 2011,
22 Depp's personal assistant, Holmes, emailed Mandel and Dembrowski, writing, "JD asked if you
23 could give his nephew Bill a call, J says he wants help, either to borrow money or for JD to
24 cosign on a loan." Depp's and Dembrowski's stated expectation was that Rassel would repay
25 Depp when he was in a position to do so. Rassel also confirmed that he would repay his uncle's
26 loan when he sold his Kentucky house, which he later failed to do after selling his house. On
27 information and belief, Depp has never demanded that his nephew return any of the funds that
28 were loaned to him.

1 63. Distribution To Nathan Holmes. New Cross-Defendant Holmes is Depp's
2 current and long-term personal assistant who began working with Depp in or around April
3 2008. The \$736,877.83 in distributions to Holmes were loans that Depp specifically asked TMG to
4 make so that Holmes could purchase and refurbish a home in the United Kingdom. Depp even
5 admits in his recent sworn interrogatory responses, that **"he recalls approving a small loan [to**
6 **Mr. Holmes],"** but says that he does not recall being told the full amount. Dembrowski also fully
7 approved the loan amount. As was typical, Depp and Dembrowski did **not** want any formal loan
8 documents with Depp's long-time assistant. Holmes sent TMG a number of emails where he
9 represented that Depp had fully approved the distributions, and confirmed that he would
10 eventually repay the loans. On information and belief, Holmes still owns the house, and Depp is
11 still **employing Holmes** as his personal assistant without any repercussion and **without**
12 **demanding** a repayment of any of the funds.

13 64. Distribution To James Russo. New Cross-Defendant Russo is an actor who is
14 long-term, close friend of Depp. Depp is also close to Russo's children and was apparently a part
15 of their lives growing up. The \$412,386.67 in distributions to Russo were payments that Depp
16 instructed TMG to make in order to prevent the foreclosure of Russo's home. Depp's claim that he
17 had no knowledge about these distributions is outrageous. On or about March 24, 2011, Holmes
18 emailed Mandel informing him that **"JD will be calling you to discuss Jimmy Russo."** At around
19 the same time, at an event that took place at Depp's castle-like home in the Hollywood Hills, Depp
20 took Mandel aside and told him that Russo was about to lose his house. Depp specifically
21 instructed Mandel to loan Russo **"whatever it takes"** to pay Russo's mortgage down and for as
22 long as was necessary so that **"Russo and his kids are not thrown out on the street."** Thereafter,
23 Mandel distributed the above funds to save Russo's home with the intention to pay down the
24 principal to a point where Russo could refinance and manage the monthly mortgage payments on
25 his own. Dembrowski also approved all distributions to Russo. Again, Depp and Dembrowski
26 instructed that there should be **no** formal loan documents. Russo also represented to TMG that he
27 intended to repay the loan. On information and belief, Russo still owns the house and Depp has
28 never requested that Russo repay the loans.

1 65. Distribution to Jonathan Shaw. Cross-Defendant Shaw is a self-proclaimed
2 “world traveling outlaw artist, novelist, blogger, head doctor, anti-folk hero, warehouse
3 philosopher, legendary tattoo master, and notorious innovator and creator of underground art.”
4 He also is a long-term, close friend of Depp. The \$262,000 in distributions to Shaw were loans
5 that Depp and Dembrowski **expressly instructed TMG** to make to Shaw without any formal loan
6 documentation. On information and belief, in or about approximately November 2009, Shaw was
7 arrested in New York on weapons charges for the possession of an AK 47 assault rifle, three other
8 firearms, 96 knives, and more than 2,800 rounds of ammunition. If convicted, Shaw was facing
9 years in prison. Shaw turned to Depp for a loan to post bond and pay for a defense, which on
10 information and belief, allowed Shaw to avoid all jail time. It was certainly **not** TMG’s idea to
11 loan Shaw this money. Depp and Dembrowski **fully authorized** and instructed that the loan be
12 made to Shaw. On information and belief, Depp has **never** demanded that his friend repay the
13 funds.

14 66. Distribution to Sal Jenco. New Cross-Defendant Jenco is an actor who appeared
15 with Depp on the television show *21 Jump Street* and in the movie *Donnie Brasco*. For a period of
16 time, Jenco managed The Viper Room for Depp and the two were close friends. The \$237,270.15
17 in distributions to Jenco were approved by both Depp and Dembrowski to pay Jenco’s living
18 expenses and his attorneys’ fees when he was going through a difficult divorce. Again, Depp was
19 close friends with Jenco and wanted the loan to be made without any formal documentation.
20 Dembrowski also authorized the distributions . For example, on or about November 14, 2008,
21 Dembrowski emailed Jenco, stating “if you tell me how much you think you need . . . can you help
22 out with a round figure?” Dembrowski then forwarded Jenco’s response to Mandel writing, “let’s
23 discuss . . . thanks.” There are further lengthy emails chains where Dembrowski is discussing with
24 Jenco what he needs in terms of funds, and which Dembrowski then forwards to Mandel for
25 payment. On information and belief, Depp has **never** requested that Jenco return any of the funds.

26 67. Distributions to Bruce Witkin and Unison. New Cross-Defendant Witkin is
27 Depp’s closest childhood friend. For over seven years, Depp funded a start-up music label, new
28 Cross-Defendant Unison, which was run by Witkin. After years of advising Depp that the venture

1 was not generating revenue, and after expending over \$4 million, Depp finally allowed TMG to
2 stop funding Unison in 2015. Remarkably, in his recent interrogatory responses, Depp has claimed
3 that he did not authorize the \$4,127,000 investment in Unison, or any other loans to Witkin.
4 However, there are literally hundreds of documents proving that Depp and Dembrowski directed
5 Depp's investment in Unison and were fully aware of the operations and the costs, including
6 numerous documents that demonstrate that TMG repeatedly advised Depp and Dembrowski to
7 shut down the label. In fact, Depp was represented by his long-time attorney Jake Bloom's offices
8 in connection with Unison matters.

9 68. To get an idea of just how malicious and untrue Depp's claims are in this action,

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 69. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 [REDACTED] For Depp to now
22 claim that he never authorized, and/or had knowledge that he was funding Witkin's start-up music
23 label, Unison, is beyond unconscionable.

24 70. The above quoted email is just one document among hundreds that proves that
25 Depp is blatantly lying about his supposed lack of knowledge or authorization regarding the above
26 distributions. In fact, when Depp sent Mandel a text message in October 2015 stating "I know
27 there's a way to dig our way out of this hole," he also stated, "[REDACTED]"

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[REDACTED]

71. Clearly, Depp's claims of unauthorized loans to the new Cross-Defendants are not a basis for Depp to obtain a judicial declaration requiring the disgorgement of any business management fees from TMG, or for any of his other baseless claims. Depp's closest friends, family, and colleagues who have been added as new Cross-Defendants in this action have only Depp to blame for their involvement in this charade.

TMG Provided Excellent Business Management Services to Depp

72. One of the themes in Depp's lengthy FAC, and which is incorporated into Depp's claim for declaratory relief, is that TMG supposedly did not comply with industry standards and norms for business managers in the entertainment industry. (FAC, ¶¶ 40, 42-47, 165.) This claim is again, entirely false. Over a 17-year period, TMG and its professional employees provided Depp with extraordinary service. They worked tirelessly and professionally, using the latest software, computer and internet applications to track and handle Depp's multi-faceted businesses and lifestyle.

73. Contrary to Depp's claims in paragraphs 42 and 43 of his FAC, which are expressly incorporated into Depp's declaratory relief claim (FAC, ¶ 165), during the entire time TMG worked with Depp, TMG always maintained state-of-the-art accounting records, using the state-of-the-art software system Datafaction. Depp and his new CPA, Edward White, can review exactly how Depp spent all of his money over the last 17 years because they have full access to his historical records through Datafaction, although it is evident White and his staff at EWC are inexperienced in basic business management and do not know how to use the Datafaction system. EWC even attempted to hire away a long-time TMG employee to work on Depp's matters and to help them use the system. She declined. TMG offered to show them how Datafaction operates, but White and EWC never followed up.

74. As a result of his increasingly extravagant and expensive lifestyle, after Depp paid his taxes and legitimate business expenses, and his lifestyle expenses, Depp rarely had any meaningful funds available for savings and/or traditional investments.

1 75. Depp's allegations of supposed "self-dealing" in paragraphs 88 through 90 of his
2 FAC, which are also expressly incorporated into Depp's claim for declaratory relief, are equally
3 absurd and show just how far Depp has had to reach to find some alleged wrongdoing on TMG's
4 part. (FAC, ¶ 165.) The investment referred to as Lionheart, LP was an investment in which TMG
5 and Depp both invested. Depp was fully cashed out of this investment in **January 2008 (over**
6 **nine years ago) at a profit.**

7 76. Depp's investments in Matar, LLC and Matar II, LLC and 6909 Ventures, LLC
8 involved less than \$450,000 in total. TMG has also invested in these funds, and has received no
9 benefit from Depp having also invested. Moreover, these investments **have been and continue to**
10 **be highly profitable.**

11 77. These very limited and profitable investments were not "polluted" by any "self-
12 dealing" or "conflicts of interest" on the part of TMG and are **obviously not** a basis for a judicial
13 declaration requiring TMG to disgorge any business managements fees that Depp paid to TMG
14 over the years.

15 78. All of Depp's expenditures were incurred with his express knowledge and consent
16 and/or with the knowledge and consent of Dembrowski. The records and back-up are clear—Depp
17 and/or his sister signed and/or approved all of Depp's checks.

18 79. Moreover, as explained below, many of Depp's larger expenses were incurred in
19 the face of TMG's repeated pleas for Depp to reduce his spending and/or sell various assets to
20 stabilize his financial condition.

21 **TMG And Depp's Other Advisors Repeatedly Warned Depp About His Precarious**
22 **Financial Situation And Often Begged Depp To Curb His Spending And Sell Assets**

23 80. In paragraph 37 of his FAC, which is incorporated into Depp's tenth cause of
24 action for declaratory relief, Depp continues to falsely claim that whenever he spoke to TMG,
25 "they assured him that he was in excellent financial condition." (FAC, ¶ 165.) **This never**
26 **happened.** To the contrary, throughout the time that TMG represented Depp, TMG and Depp's
27 other advisors consistently and often very vocally informed Depp both orally and in writing that
28 Depp was facing very difficult financial problems unless he curbed his spending and/or sold

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1 various of his expensive assets. In fact, getting Depp to take his financial problems seriously was
2 often TMG's main objective.

3 81. Notably, this is another malicious allegation that Depp has now recanted in his
4 sworn interrogatory responses. When asked to identify all facts supporting the allegation in
5 paragraph 37 of the FAC, Depp could not and did not identify a single instance where anyone
6 from TMG told him he was in "excellent financial condition," "good" financial condition, or even
7 "okay" financial condition. Instead, Depp responded to the interrogatory by disingenuously
8 claiming that even though TMG at times "expressed some reservations over [his] purchase[s],"
9 TMG was not "frank" enough "regarding the full status of [his] finances." Although this revised
10 allegation is also patently false, Depp's claims appear to have gone from TMG told me I was in
11 "excellent financial condition," to TMG should have sounded the alarm bells louder.

12 82. For example, in August 2008, Mandel sent Depp an email explaining that a
13 property in Hollywood—which was near other properties already owned by Depp—was for sale,
14 but that "the timing is not ideal. One of the things that we talked about in the beginning of the year
15 was the need to put ourselves back on a better footing from a cash flow perspective, including
16 restricting our level of 'investment' spending." Depp's response was typical—"I will call tracey
17 [Jacobs at UTA] and jake [Bloom] and prepare them to make some ludicrous deals to refill the
18 glass and make it fucking overflow!!! Whatever we have to acquire 1480, let's do!!!! WE MUST
19 BUY THIS HOUSE!!!"

20 83. Along the same lines, in December 2009, Mandel sent Depp an email stating:
21 "Since my email to you in September, I have done what I was told you wanted
22 done, meaning 'getting us through' financially until work could start again. The good news is that,
23 so far, we have been able to do that. Notwithstanding, I need your help in a variety of ways. First,
24 we need to 'take it easy' on holiday spending. Second, we need to discuss some dollar limit in the
25 upcoming Dillinger auction. Third, I need to be able to sit with you on your return from this trip,
26 and before you leave for France, so that we can talk about where we are financially, what we have
27 borrowed in order to sustain ourselves, what we have had to do to obtain those borrowings, what is
28 now necessary to pay those borrowings back and finally, to look realistically at income and

1 expenses and to work together on how to make sure that these are back in balance.”

2 84. Depp’s email response was typical—“I need to give my kiddies and famille as good
3 a Christmas as possible” and “regarding the plane situation . . . i don’t have all that many options
4 at the moment. A commercial flight with paparazzi in tow would be a fucking nightmare of
5 monumental proportions.”

6 85. TMG’s files are filled with similar emails, text messages, calendar entries, and
7 notes to file showing that TMG made Depp and his representatives fully aware of his precarious
8 financial circumstances, but he was unwilling to change his lifestyle. The claim that Depp was
9 kept ignorant of his financial circumstances is demonstrably untrue. Mandel was constantly
10 stressing the need to reduce spending and try to save money. On occasion, Depp would respond
11 positively to Mandel’s urgings: For example, in October 2015, Depp sent Mandel a text message
12 stating: “I am ready to face the music, in whatever way I must ... I know there’s a way to dig
13 ourselves out of this hole and I am bound and determined to do it.” But on those few occasions
14 when Depp said he was ready to change his ways, he never did—and he always went back to his
15 uncontrolled spending.

16 86. In addition to repeatedly advising Depp verbally regarding his finances, TMG
17 regularly created written budgets and financial statements for review by Depp and/or his
18 representatives.

19 87. Mandel estimates that he and others at TMG had hundreds of conversations and in-
20 person meetings with Depp and/or Dembrowski over the years regarding the need for Depp to
21 substantially curb his spending and sell various expensive assets to pay for his debts and lifestyle.
22 In fact, Mandel was often on the telephone with Dembrowski daily. However, when Depp was
23 confronted by TMG or any of his other advisors about his spending, he most often engaged in
24 profanity-laced tirades where he abused the professionals surrounding him and claimed that he
25 would work harder to afford whatever new item he wanted to purchase.

26 88. Depp on a couple of rare occasions agreed to list various assets for sale, but then
27 days later would deny having ever agreed to sell the asset in question or express outrage that the
28 asset was sold. For example, when TMG successfully convinced Depp to sell his 150 foot yacht in

1 October 2012, Depp angrily told Mandel that he would “never forgive him” for “making” him sell
2 the yacht.

3 Depp Had To Continually Borrow Millions of Dollars To
4 Finance His Extravagant Lifestyle

5 89. As a result of Depp’s uncontrolled spending which exceeded the net income he
6 received from his films, Depp was forced to borrow large sums of money to fund a lifestyle that
7 continued to become more and more extravagant over the years. At the outset, this borrowing was
8 in the form of advances from various movie studios, primarily Disney.

9 90. Depp also entered into commercial loans over the years primarily with City
10 National Bank (“CNB”), as well as obtaining residential mortgages from CNB and First Republic
11 Bank. In connection with every loan, TMG provided Depp and Dembrowski with all of the loan
12 documentation and made them aware of the terms of the loans. **Depp signed all of the loan**
13 **documents.** Moreover, after monies were borrowed, TMG discussed with Depp and Dembrowski
14 how the monies could be best repaid, which often ended up being a futile exercise because Depp
15 consistently refused to change his lifestyle in any meaningful way.

16 91. Depp’s claim in paragraph 60 of the FAC, which is also incorporated into Depp’s
17 tenth cause of action for declaratory relief, that TMG failed to properly disclose these loans to
18 Depp is again, **absolutely and demonstrably false.** (FAC, ¶ 165.) Exemplar emails filed with the
19 Court on June 19, 2017, establish just how frivolous this claim is. In these exemplar emails, TMG
20 is forwarding Depp’s various loan documents to Dembrowski to obtain Depp’s signature with
21 warnings, including statements that Depp was “\$4,000,000 overdrawn,” “any cushion we may
22 have had is gone,” and “our collective overdrafts exceed \$1.0M.” Dembrowski is not surprised
23 by any of these warnings, which demonstrates that she was fully apprised of Depp’s financial
24 condition and that he was borrowing substantial funds to support his lifestyle.

25 92. In a further email filed with the Court, Mandel sent Depp an email back in
26 **December 2009**, asking Depp to meet with him to discuss the repayment of Depp’s then-recent
27 loan, Depp responded to the email stating—“**thank you for dealing and getting me through.**”
28 **Nowhere in the email** does Depp express any surprise that he had borrowed monies, or that loans

1 were needed to “get [him] through financially.” Again, Depp’s false and malicious allegations
2 regarding the loans that he entered into to support his extravagant lifestyle are hardly a basis for
3 a judicial declaration requiring TMG to disgorge its business management fees, or for any other of
4 Depp’s frivolous claims.

5 **TMG Loaned Depp \$5 Million To Avoid A Public Financial Crisis**

6 93. Up until 2012, these commercial loans were generally available to Depp on
7 favorable interest rates and terms. However, with increased borrowing, CNB became more
8 reluctant to make favorable loans to Depp. This came to a head in December 2012, when Depp
9 was facing a potential, public financial crisis, which would have forced him to default on a multi-
10 million loan with CNB. At that time, CNB demanded payment on a \$5 million loan, but Depp did
11 not have the funds to repay it. Depp’s inability to repay the loan had nothing to do with TMG’s
12 handling of Depp’s money, but instead, had everything to do with Depp’s refusal to curb his
13 profligate spending.

14 94. In or about October 2012, Mandel and Depp’s long-time personal attorney, Jake
15 Bloom, had a three-hour “come to Jesus” meeting with Depp at one of his homes in Hollywood.
16 During this meeting, Mandel went over all of Depp’s financial issues. During the meeting (and
17 thereafter), Depp finally agreed with the recommendation of Mandel and Bloom that immediate
18 action be taken to prevent his public financial collapse. Depp agreed to sell his yacht and possibly
19 other assets to help restructure his debt.

20 95. Time, however, was of the essence because CNB was placing the loan in default if
21 it was not promptly repaid; the bank was not willing to provide Depp with any further leeway.
22 There was not enough time to sell the yacht before CNB took action and no other bank would
23 timely lend to Depp. With no available options, CNB offered to allow a pass-through whereby
24 TMG—which had excellent credit—essentially substituted itself on CNB’s books for Depp’s due
25 and unpaid \$5 million loan.

26 96. TMG agreed to come to the aid of its long-time client. The idea behind this
27 arrangement, which was designed to save Depp from a public and devastating financial collapse,
28 was that Depp would pay TMG what TMG was required to pay CNB under the loan. In December

1 2012, TMG borrowed \$5 million from CNB (the “CNB/TMG Note”), which was then used to
2 solely pay off the previous Depp/CNB loan. TMG never received any cash or any other
3 consideration in the transaction—instead, TMG stepped into Depp’s shoes with respect to the \$5
4 million loan from CNB. In return, on December 7, 2012, TMG and Depp entered into a lending
5 agreement and promissory note for \$5 million (the “TMG/Depp Note”), which stated that “[t]he
6 repayment terms and conditions of the TMG/Depp Note are intended to reflect, as closely as
7 possible, the repayment terms of the CNB/TMG Note.” The TMG/Depp Note was meant to be a
8 short-term bridge loan for Depp that would be paid off no later than January 31, 2014, and would
9 allow Depp time to sell his yacht and various other assets needed to repay his creditors. In addition
10 to having a January 2014 due date, the TMG/Depp Note also provided that an event of default
11 included “Depp ceas[ing] to remain a full service business management client of [TMG].”

12 97. Depp’s assertion that he did not know of the TMG/Depp Note, or understand its
13 terms, is **patently false**. Depp personally signed all of the loan papers, which specifically
14 encouraged Depp to have the papers reviewed by his lawyer (which on information and belief, he
15 may have done). Subsequently, Depp acknowledged the loan and expressed his extreme gratitude
16 for TMG’s intervention to save him.

17 98. In 2015, Depp even used the fact that TMG had lent him \$5 million to get his long
18 time talent agency, UTA, to guarantee a further multi-million loan with Bank of America. In
19 communications with Mandel, Depp expressed anger with UTA for supposedly delaying the
20 guarantee and refusing to lend him additional funds. Depp was not hoodwinked by anyone and the
21 claim that TMG somehow took advantage of Depp is absurd.

22 99. Contrary to Depp’s false claims in the FAC of “self-dealing” and “conflicts of
23 interest,” TMG gained absolutely **nothing**—and incurred \$5 million in debt—by virtue of the
24 TMG/Depp Note. There was **nothing** about the TMG/Depp Note that benefitted TMG—it was
25 done purely as a short-term accommodation to Depp and to prevent his public financial collapse.
26 Remarkably, Depp is **not only** refusing to pay back the \$5 million that TMG loaned him to avert a
27 public financial crisis, and which he undisputedly had the full benefit of, he now appears to be
28 arguing that TMG’s loan to him is somehow a basis for the disgorgement of the business

1 management fees that Depp paid TMG over a 17-year period. (FAC, ¶¶ 74-79, 165, 169, 174, 175,
2 176.) Depp should be **ashamed** of the ridiculous, false and baseless positions he is taking in this
3 action.

4 100. The TMG/Depp Note was secured by two deeds of trust relating to Depp's
5 properties in Hollywood. This was fully agreed to by Depp and Dembrowski, who at the time
6 were enormously grateful to TMG for intervening to prevent Depp's public financial collapse.

7 101. In his FAC, Depp continues to criticize TMG for failing to pay off the TMG/Depp
8 Note by its January 31, 2014 due date, and falsely claims that this created some vague and
9 unexplained conflict of interest. This allegation is **disingenuous in the extreme** because, as Depp
10 knows full well, the loan was not paid off because Depp lacked the funds to pay it. This was
11 typical for Depp—once a crisis was averted, he continued to spend on his extravagant lifestyle and
12 left TMG to try to deal with the resulting financial mess.

13 102. Contrary to the claim in Depp's FAC, TMG never agreed with Depp to modify any
14 of the terms of the TMG/Depp Note. The amortization schedules that Depp refers to in paragraphs
15 85 and 86 of his FAC are internal TMG documents designed by TMG to forecast how the
16 TMG/Depp Note could possibly be paid off if Depp continued to refuse to sell assets and if CNB
17 allowed TMG's \$5 million loan to be extended into the future.

18 103. On or about May 30 2015, Mandel and Depp had another very serious meeting at
19 one of Depp's downtown Los Angeles lofts. During this meeting, Mandel—as he had done many
20 times before over the years—took Depp through the status of his financial matters, including the
21 debts he owed and the insufficient funds available to pay his debts and fund his lifestyle. At this
22 meeting, Depp finally and reluctantly agreed to allow his chateaux in the South of France to be
23 listed for sale to pay for his various debts. However, when Mandel prepared to sell the property,
24 Depp insisted that it be listed for approximately \$27 million, even though it had only been valued
25 at \$13.5 million by expert real estate appraisers in France. Moreover, when TMG in 2015 located
26 a handful of buyers who wanted to view the property, Depp refused to even allow it to be shown.
27 Thus, as Depp had done throughout TMG's representation of him, he thwarted his business
28 manager's efforts to protect his financial interests—and now, Depp and his new CPA want to

1 blame TMG for Depp's selfish, reckless and irresponsible lifestyle, and had the gall to file a public
2 FAC filed with vile lies and frivolous allegations. This is the height of malicious prosecution.

3 104. Depp paid interest and some principal payments under the TMG/Depp Note until
4 he terminated TMG as his business manager on March 14, 2016. After that date, Depp and his
5 new CPA have refused to pay any interest or principal on the loan. Over \$4.2 million is due and
6 owing under the TMG/Depp Note, which is the subject of a separate non-judicial foreclosure
7 proceeding. Although Depp is refusing to pay his debts, he does not and cannot dispute that he
8 received the full benefits of the TMG/Depp Note by avoiding a public calamity in 2012. As stated
9 above, however, in Depp's self-centered world, "no good deed goes unpunished."

10 **TMG Never Secured A Receivables Loan For Depp**

11 105. Depp alleges in paragraph 63 of his FAC that in August 2014, "[i]stead of finally
12 disclosing its incompetence and mismanagement to Mr. Depp, or obtaining a commercial loan
13 from another bank, TMG sought a large loan on behalf of Mr. Depp from a hard money lender,
14 Tryon Management Services, Ltd. ("Tryon')." **This allegation**, which is expressly incorporated
15 into Depp's tenth cause of action for declaratory relief, **is blatantly false.** (FAC, ¶ 165.) Depp was
16 well aware of his financial circumstances in mid-2014 and was still refusing to even list for sale
17 his property in the South of France or any of his other assets. It was not the case that TMG or any
18 of Depp's other advisors simply failed to consider an additional commercial loan. To the contrary,
19 by August 2014, at that point in time, Depp had fully exhausted his ability to timely obtain a
20 commercial loan from a bank—that option was not available.

21 106. TMG and Depp's other advisors understood his dire financial circumstances and
22 his lack of viable options. Depp's lawyer, Jake Bloom, said that he knew a receivables lender that
23 might loan Depp money secured by Depp's right to receive profit participations from his movies.
24 It was Jake Bloom—and not TMG—that suggested Tryon as a possible financial savior and it was
25 Bloom—and not TMG—that introduced TMG and Depp to Tryon. Contrary to Depp's allegations
26 in the FAC, TMG did not orchestrate or dictate any of the terms of the Tyron loan. To the
27 contrary, in connection with the Tryon loan, **Depp was at all times represented by the**

28

1 preeminent law firm of Gibson Dunn. It was Gibson Dunn—and not TMG—that negotiated the
2 Tryon loan and its provisions on Depp’s behalf.

3 107. In a breathtaking example of Depp’s true malice in this litigation, in a recent Wall
4 Street Journal article, Depp is quoted as confirming that he has not spoken to his current and long-
5 time attorney, Jake Bloom, since before filing his original complaint in mid-January 2017. Jake
6 Bloom is further quoted as saying that Depp has failed to return his phone calls. Nevertheless,
7 Depp has filed the FAC that continues to falsely and maliciously blame TMG for the Tryon loan,
8 and now appears to be attempting to use the Tyron loan as a basis to disgorge all of the business
9 management fees that Depp paid TMG over a 17-year period. Perhaps Depp should return his
10 current and long-time attorney’s calls so that he could be reminded of the true facts before
11 continuing to disseminate demonstrably false and frivolous accusations against TMG.

12 108. Additionally, and even though Depp was represented by Gibson Dunn in
13 connection with the Tyron loan, TMG did everything within its power to assure that Depp fully
14 understood the terms of the Tyron loan, including that he was pledging his “primary Disney profit
15 participations.” In an email dated July 28, 2014, Joel Mandel emailed Dembrowski stating—“I
16 need your help this week to coordinate having J sign that Letter of Intent regarding this new loan.
17 More than that, it is critical to us that J understand what he is signing and, either now or very
18 soon, how this loan will impact him moving forward.” These are clearly not the words of a
19 business manager trying to hide anything from Depp.

20 109. Moreover, when Dembrowski responded with a question regarding the impact of
21 the loan on Depp, Joel Mandel stated —“Happy to do a longer version of this, with whatever
22 illustrations would be helpful. Shorter answer, as you know we are pledging our primary
23 Disney profit participations. These monies will be required to pay back the loan and will be
24 unavailable to us for a number of years (likely next 4-5 years). These monies have been a
25 significant source of our income, and have sustained us during the periods between new work.
26 Without access to these monies, even greater reductions in spending will be necessary.” Again,
27 these are not the words of an advisor trying to hide anything from Depp.

28

1 110. Contrary to the allegation in paragraph 67 of Depp's FAC, which are again,
2 incorporated into Depp's tenth cause of action for declaratory relief (FAC, ¶ 165), TMG also did
3 not "manufacture" or insist on a provision in the Tyron loan mandating that first monies be used
4 to pay TMG and Depp's talent agent and personal lawyer before Depp received any "residuals."
5 There was **absolutely no** conflict of interest. On information and belief, Tyron was the party that
6 insisted that all of Depp's professionals be paid out of profit participations. This is apparently a
7 typical provision for such a receivables loan as the lender does not want a claim against any of the
8 receivables by third-parties who may assert a superior entitlement.

9 111. Moreover, as explained below, consistently, and even after the close of the Tryon
10 deal, TMG often arranged for the payment of its management fees to occur after Depp's other
11 obligations had been paid first. Again, "no good deed goes unpunished." As a result of this
12 accommodation by TMG, Depp still owes TMG several hundred thousand dollars in promised but
13 unpaid management fees and costs, which this Cross-Complaint seeks to recover.

14 **TMG Was Often Paid Last And Is Still Owed Hundreds Of Thousands in**
15 **Management Fees That Were Incurred On Depp's Behalf**

16 112. Throughout TMG's representation of Depp, and contrary to Depp's claims in the
17 FAC, TMG often arranged for the payment of its earned business management fees to be delayed
18 until after Depp had paid his other debts. Dembrowski on behalf of Depp signed all of Depp's
19 payments to TMG for business management fees.

20 113. TMG is still owed hundreds of thousands of dollars by Depp. Specifically, in or
21 about March through July 2015, Depp received several million dollars as part of the principal
22 photography payment for the fifth *Pirates of the Caribbean* movie. As a result, TMG was
23 immediately entitled to a 5% commission in the amount of \$436,862.62. However, this money
24 was desperately needed to pay various of Depp's other outstanding bills, including delinquent
25 taxes and various bank loan payments. Given Depp's worsening financial condition and the
26 pressing demands of Depp's various other creditors, TMG agreed to defer temporarily its 5%
27 commission as an accommodation to its long-term client, Depp. However, TMG was clear with
28 Depp and Dembrowski that the outstanding TMG business management fees needed to be paid

1 within a reasonable period of time and upon demand by TMG. To this day, and despite TMG's
2 repeated demands for payment, Depp has refused to pay any of these outstanding business
3 management commissions.

4 **Depp Is Refusing To Reimburse TMG For Thousands of Dollars In Expenses That He And**
5 **His Employees Undisputedly Put On A Designated TMG CNB Visa Card**

6 114. Additionally, and as is customary with certain high-profile clients concerned with
7 privacy, TMG opened a City National Bank VISA card in the name of The Mandel Company, Inc.
8 that was dedicated to charging expenses on Depp's behalf. There were seven cardholders (mostly
9 non-TMG employees) who were authorized to charge on the account, including without limitation,
10 Depp's personal assistants and two of Depp's employees who managed his private Bahamian
11 islands.

12 115. Clearly, Depp fully understood that this Visa card, although in TMG's name, was
13 always used exclusively for his benefit. Depp and Dembrowski also always expressly agreed and
14 understood that Depp would pay for the expenses that were charged on the card, which he did
15 throughout the entirety of TMG's representation of Depp.

16 116. After terminating TMG in mid-March 2016, Depp continued to make the minimum
17 payments on the CNB Visa card for a time but, then refused to pay anything further, forcing TMG
18 to pay off the approximately \$55,000 that was still owing on the CNB Visa card. All charges on
19 the CNB Visa card are undisputedly charges that were incurred on Depp's behalf. Depp knows all
20 of these expenses were incurred by and/or on his behalf, but simply refuses to pay his debts.

21 **In March 2016, Depp Terminated TMG And Fraudulently Induced TMG Into**
22 **Continuing To Expend Thousands Of Dollars On Depp's Behalf.**

23 117. By 2016, Depp was facing extremely difficult times and was unwilling to take
24 TMG's financial advice regarding selling various assets and restructuring his debts. At that time,
25 TMG aggressively warned Depp, as it had done in previous years, that he needed to make
26 significant and immediate changes to stave-off a potential, public financial crisis. In response to
27 TMG's call for immediate action, however, on or about March 14, 2016, Depp without warning
28 sent TMG a letter terminating TMG as his business manager, and informing TMG that he had

1 engaged Edward White and his company EWC to perform all accounting, tax and business
2 management services going forward.

3 118. On or about March 23, 2016, Depp sent TMG a second letter stating: "For
4 avoidance of doubt, our percentage arrangement was terminated on March 14, 2016. I expect that
5 you and your office will bill me at normal hourly rates for the transition work after March 14,
6 2016." Thereafter, Mandel of TMG had conversations with White regarding transitioning the
7 enormous amount of work that TMG had done for Depp and TMG's need to be paid for its
8 services.

9 119. In these telephonic and in-person conversations which all took place in March
10 2016, and in a clear attempt to induce TMG to spend significant time working for Depp in various
11 capacities during this transition, White repeatedly represented to Mandel that TMG would be paid
12 in full by Depp for all outstanding amounts within a short period of time after the transition was
13 complete, including all the amounts sought by TMG in its first amended Cross-Complaint.
14 However, after expending over 386 hours on Depp's behalf in the last two weeks of March 2016
15 to complete the transition, and after promptly sending EWC/Depp an invoice for \$68,722.50,
16 Depp failed to pay (a) any of the past-due TMG management fees that were due and owing since
17 March through July 2015 in the amount of \$436,862.62; (b) the balance on TMG's CNB credit
18 card which was used on Depp's behalf in the amount of approximately \$55,000 (which TMG was
19 forced to repay); and (c) any of the additional, invoiced amounts that are owed to TMG for work
20 performed in the last two weeks of March 2016 in the amount of \$68,722.50. After White and
21 EWC took over (and as previously explained), Depp also failed to pay any interest or principal due
22 and owing on the \$4.2 million remaining on the loan that TMG had made Depp in December
23 2012.

24 120. Despite transferring its files to Depp and EWC by April 2016, neither Depp nor
25 White ever asserted that TMG had engaged in any wrongdoing, including any breach of fiduciary
26 duty or professional negligence. Indeed, the first time Depp claimed that TMG had done anything
27 wrong was not until **two months after** TMG was forced in October 2016 to initiate non-judicial
28 foreclosure proceedings in connection with its TMG/Depp Note. Depp does not want to repay his

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1 debts to TMG. Depp's objective in filing this action are transparent and designed to falsely stave
2 off the foreclosure of Depp's real properties in Los Angeles.

3 **FIRST CAUSE OF ACTION**

4 **(DECLARATORY RELIEF AGAINST CROSS-DEFENDANTS DEPP AND WHITE)**

5 121. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
6 of this Cross-Complaint, as though fully set forth herein.

7 122. Cross-Complainant TMG is a California Corporation which provides business
8 management services to various individuals and corporations. Plaintiff and Cross-Defendant Depp
9 is a world famous actor. Plaintiff and Cross-Defendant White is Depp's new business manager
10 who also is the trustee of the Sweetzer Trust and the Mooch Investment Trust.

11 123. Contrary to Depp's allegations in paragraph 171 of the FAC, TMG adamantly
12 disputes that TMG, Joel Mandel or Robert Mandel were ever in an attorney-client relationship
13 with Depp.

14 124. A justiciable controversy exists between Cross-Complainant TMG on the one hand,
15 and Plaintiffs and Cross-Defendants Depp and White, on the other, relating to the legal rights and
16 duties of the parties. As alleged in paragraph 176 of Depp's tenth cause of action in the FAC,
17 Depp seeks a declaration (a) that any purported agreement between him and TMG is voidable,
18 invalid, and unenforceable, (b) that he is entitled to disgorgement and restitution of all fees paid to
19 TMG, and (c) that TMG is not entitled to a "reasonable fee" for legal services as a result of their
20 violations of the California Rules of Professional Conduct.

21 125. TMG agrees that a justiciable controversy exists between the parties regarding
22 these issues. TMG seeks the mirror image of Depp's tenth cause of action for declaratory relief
23 pursuant to *Ludgate Ins. Co. v. Lockheed Martin Corp.* (2000) 82 Cal.App.4th 592, 609.
24 Specifically, based on all of the facts as alleged herein, and TMG's express denials as stated
25 above, TMG seeks a declaration (a) that there exists a valid and enforceable agreement between
26 TMG, on the one hand, and Depp and his loan out corporations, on the other hand, for professional
27 services and payment of 5% of Depp's gross revenues, (b) that neither Depp nor his corporations
28 are entitled to disgorgement and/or restitution of any fees paid to TMG, and (c) that in the event

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1 there is finding that the California Rules of Professional Conduct apply here and there has been a
2 violation thereof (which TMG denies), then TMG is entitled to a “reasonable fee.”

3 **SECOND CAUSE OF ACTION**

4 **(BREACH OF ORAL CONTRACT AGAINST CROSS-DEFENDANTS DEPP,**
5 **SCARAMANGA BROS., AND L.R.D. PRODUCTIONS)**

6 126. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
7 of this Cross-Complaint, as though fully set forth herein.

8 127. Approximately 17 years ago, TMG entered into an oral contract with Depp to
9 provide business management services in exchange for a five percent (5%) management fee-
10 commission on all income that Depp earned as a result of his entertainment activities with a cap.

11 128. By 2003, the level of work that TMG was doing on behalf of Depp had increased
12 substantially. Accordingly, in 2003, TMG and Depp orally agreed that TMG’s cap on
13 management fees would no longer apply. From 2003 forward, the parties adhered to this revised
14 oral agreement and Depp (through his loan-out companies Scaramanga Bros. and L.R.D.) always
15 complied with this agreement and paid TMG its 5% uncapped fee except as alleged herein.

16 129. TMG has performed all of its obligations under the oral agreement except as
17 excused, waived or made impossible by Depp.

18 130. In or about March through July 2015, Depp received several million dollars as part
19 of the principal photography payment for the fifth *Pirates of the Caribbean* movie. As a result,
20 TMG was immediately entitled to a 5% commission in the amount of \$436,862.62.

21 131. Depp has breached the parties’ oral agreement by failing to pay the above-
22 referenced management fees despite TMG’s repeated demands for payment.

23 132. As a result of Depp’s breach of the parties’ oral agreement, TMG has suffered
24 damages in an amount to be proven at trial, but which are in excess of \$436,000 dollars.

25
26
27
28

EXHIBIT

1 **THIRD CAUSE OF ACTION**

2 **(BREACH OF ORAL CONTRACT AGAINST CROSS-DEFENDANTS DEPP,**
3 **SCARAMANGA BROS., AND L.R.D. PRODUCTIONS)**

4 133. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
5 of this Cross-Complaint, as though fully set forth herein.

6 134. In connection with rendering its business management services for Depp,
7 TMG opened up a City National Bank VISA card in the name of The Mandel Company, Inc. that
8 was dedicated to charging expenses on Depp's behalf. TMG orally agreed with Depp's authorized
9 representative that Depp would promptly reimburse TMG for all amounts that were incurred on
10 the card for Depp's benefit.

11 135. There are seven cardholders who were authorized to charge on the VISA account,
12 including without limitation, Depp's personal assistant and various of Depp's other employees.
13 After TMG's repeated demands for payment were ignored, TMG was finally forced to pay off
14 approximately \$55,000 on the CNB Visa card—all of which are undisputedly charges that were
15 incurred on Depp's behalf.

16 136. TMG has performed all of its obligations under the oral agreement except as
17 excused, waived or made impossible by Depp.

18 137. Depp and his entities have breached the parties' oral agreement by failing to pay off
19 the balance on the above-referenced VISA card despite TMG's repeated demands that the credit
20 card be paid off, and by failing to reimburse TMG for same.

21 138. As a result of Depp's breach of the parties' oral agreement, TMG has suffered
22 damages in an amount to be proven at trial, but which are approximately \$55,000 dollars.

23 **FOURTH CAUSE OF ACTION**

24 **(BREACH OF IMPLIED CONTRACT AGAINST CROSS-DEFENDANTS DEPP,**
25 **SCARAMANGA BROS., AND L.R.D. PRODUCTIONS)**

26 139. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
27 of this Cross-Complaint, as though fully set forth herein.
28

1 140. Alternatively, at the request of Depp's authorized representative, and in connection
2 with rendering its business management services for Depp, TMG opened up a City National Bank
3 VISA card in the name of The Mandel Company, Inc. that was dedicated to charging expenses on
4 Depp's behalf. There are seven cardholders who were authorized to charge on the VISA account,
5 including without limitation, Depp's personal assistant and various of Depp's other employees.

6 141. Cross-Complainant opened up this VISA card with the expectation, which was
7 fully and clearly understood by Depp and his authorized representative, that Depp and/or his
8 entities would promptly reimburse TMG for all amounts that were incurred on the card for Depp's
9 benefit (the "Implied Contract"). The parties had adhered to this Implied Contract for years prior
10 to Depp firing TMG as his business manager in March 2016.

11 142. The Implied Contract is valid and enforceable contract between Cross-
12 Complainant, on the one hand, and Depp and his entities, on the other. Cross-Complainant has
13 performed all of its obligations under the Implied Contract, except as excused, waived, or made
14 impossible by Cross-Defendants.

15 143. Depp and his entities have breached the parties' Implied Contract by failing to pay
16 off the balance on the above-referenced VISA card despite TMG's repeated demands that the
17 credit card be paid off, and by failing to reimburse TMG for same.

18 144. As a result of Cross-Defendants' breach of the parties' Implied Contract, TMG has
19 suffered damages in an amount to be proven at trial, but which are approximately \$55,000 dollars.

20 **FIFTH CAUSE OF ACTION**

21 **(BREACH OF WRITTEN CONTRACT AGAINST CROSS-DEFENDANTS DEPP,
22 SCARAMANGA BROS., AND L.R.D. PRODUCTIONS)**

23 145. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
24 of this Cross-Complaint, as though fully set forth herein.

25 146. On or about March 14, 2016, Depp without warning sent TMG a letter terminating
26 TMG as his business manager. In that same letter, Depp informed TMG that he had engaged
27 White, to perform all accounting, tax and business management services.
28

1 147. On or about March 16, 2016, there was an in-person meeting at TMG's offices in
2 Beverly Hills where Joel Mandel and Erica Wright of TMG met with Ed White and others from
3 EWC. During this in-person meeting, Ed White (who was authorized to speak on Depp's and
4 EWC's behalf) expressly represented to Joel Mandel that if TMG would continue to work on
5 Depp's behalf to help transition Depp's files, Depp would promptly pay TMG for, among other
6 things, (1) TMG's continued services based upon TMG's hourly rates; and (2) all outstanding
7 management fees and costs owed to TMG by Depp.

8 148. On or about March 23, 2016, Depp sent TMG a second letter stating that:
9 "For avoidance of doubt, our percentage arrangement was terminated on March 14, 2016. I expect
10 that you and your office will bill me at normal hourly rates for the transition work after March 14,
11 2016."

12 149. TMG has performed all of its obligations under the written agreement except as
13 excused, waived or made impossible by Depp.

14 150. However, after expending over 386 hours on Depp's behalf in the last two weeks of
15 March 2016, and after promptly sending White/Depp an invoice for \$68,722.50, Depp breached
16 the parties' written agreement by failing to pay any of these additional, invoiced amounts that are
17 owed to TMG.

18 151. As a result of Depp's breach of the parties' written agreement, TMG has suffered
19 damages in an amount to be proven at trial; but which are in excess of \$68,000 dollars.

20 **SIXTH CAUSE OF ACTION**

21 **(PROMISSORY FRAUD AGAINST CROSS-DEFENDANTS DEPP, SCARAMANGA**
22 **BROS., L.R.D. PRODUCTIONS, WHITE, AND EWC)**

23 152. Cross-Complainant TMG incorporates by reference all of the foregoing allegations
24 of this Cross-Complaint, as though fully set forth herein.

25 153. On or about March 14, 2016, Depp without warning sent TMG a letter terminating
26 TMG as his business manager. In that same letter, Depp informed TMG that he had engaged Ed
27 White and his firm EWC, to perform all accounting, tax and business management services.
28

1 154. On or about March 16, 2016, there was an in-person meeting at TMG's offices in
2 Beverly Hills where Joel Mandel and Erica Wright of TMG met with Edward White, Rick
3 Finstrom, Troy Schmidt, Jill Whitney and Larry Levitt of EWC. During this in-person meeting,
4 Joel Mandel explained that Depp owed TMG several hundred thousand dollars in past due
5 management fees and costs that needed to be paid promptly. In response, Ed White (who was
6 authorized to speak on behalf of Depp (and his entities) and EWC) expressly represented to Joel
7 Mandel and Erica Wright that if TMG would continue to work on Depp's behalf to help transition
8 Depp's files, Depp and his entities would promptly pay TMG for, (1) TMG's continued services
9 based upon TMG's hourly rates; and (2) all outstanding management fees and costs owed to TMG
10 by Depp.

11 155. On or about March 21, 2016, there was a follow-up conference call regarding the
12 transitioning of Depp's files and TMG's need to be paid for its outstanding management fees and
13 costs. Joel Mandel and Erica Wright participated in the call on behalf of TMG, and Troy Schmidt,
14 Rick Finstrom, Larry Levitt and Jill Whitney participated in the call on behalf of EWC and Depp.
15 During that call, Joel Mandel and Erica Wright explained the enormous amount of work that was
16 required to transition Depp's files to EWC. In response, Larry Levitt (who was authorized to speak
17 on behalf of EWC and Depp) reiterated that as soon as the transition was complete, Depp and his
18 entities would promptly pay TMG for all outstanding management fees and costs, including for
19 the time that TMG incurred in transitioning Depp's files.

20 156. On or about March 23, 2016, Depp sent TMG a further letter stating that:
21 "For avoidance of doubt, our percentage arrangement was terminated on March 14, 2016. I expect
22 that you and your office will bill me at normal hourly rates for the transition work after March 14,
23 2016." This letter reiterated EWC's previous representations (on behalf of Depp and his entities)
24 that Depp would promptly pay TMG for all of its transition work at hourly rates.

25 157. Cross-Defendants' promises as alleged herein were false and fraudulent when
26 made. As described above, these fraudulent representations were first made at an in-person
27 meeting at TMG's offices on March 16, 2016. They were repeated on a conference call with
28 various EWC employees on March 21, 2016. They were referred to in various conversations that

1 took place between March 21, 2016 and March 31, 2016. On March 31, 2016, the false
2 representations were repeated by Larry Levitt of EWC on a telephone call with Erica Wright of
3 TMG, just before, and it appears to further induce, TMG to complete its work and transition all
4 electronic files.

5 158. Just after the transition of Depp's files was complete, and after TMG had submitted
6 its invoice to Depp/EWC for the transition work, however, EWC and White immediately began
7 ignoring TMG's requests for payment. EWC's and White's immediate refusal (within just a few
8 weeks of its fraudulent promises) to respond to TMG's communications evidences that Cross-
9 Defendants never intended to abide by their promises to TMG.

10 159. Cross-Complainant reasonably relied on Depp's, White's and EWC's false
11 promises in expending over 386 hours on Depp's behalf in the last two weeks of March 2016. Had
12 Cross-complainant known that Cross-Defendants' promises were false and fraudulent when made,
13 TMG would not have continued working for Depp and his entities in the last two weeks of March
14 2016. As a direct and proximate result of Cross-Defendants' conduct as detailed herein, TMG has
15 been damaged in an amount to be proved at trial.

16 160. The conduct and actions of Cross-Defendants as described above were fraudulent,
17 willful, wanton, intentional, oppressive, and malicious, and thereby entitles TMG to punitive
18 damages in an amount to be proved at trial.

19 **SEVENTH CAUSE OF ACTION**

20 **(EQUITABLE INDEMNITY AGAINST CROSS-DEFENDANT DEMBROWSKI)**

21 161. Cross-Complainants incorporate by reference all of the foregoing allegations of this
22 Cross-Complaint, as though fully set forth herein.

23 162. On January 13, 2017, Depp filed the original complaint in this action. Thereafter,
24 on May 26, 2017, Depp filed the FAC. In the FAC, Depp asserts numerous baseless claims against
25 TMG relating to its handling of Depp's account, including claims that TMG supposedly (i) "failed
26 to sufficiently and consistently report to Mr. Depp the current state of his finances" (FAC, ¶ 45);
27 (ii) "routinely made financial decisions without Mr. Depp's knowledge or approval" (¶ 47); (iii)
28 "sent [Depp] signature pages for him to sign without the corresponding documents" (*id.*); (iv)

1 “disbursed nearly \$10,000,000 to third parties close to or who worked for Mr. Depp without Mr.
2 Depp’s knowledge” (¶ 51); and (v) “caused Mr. Depp, and various business entities under his
3 control, to borrow tens of millions of dollars at unreasonably high interests rates and fees, and
4 caused key assets of [] Depp to be pledged as collateral or used for repayment” (¶ 60.).

5 163. Throughout the entire time that TMG was Depp’s business manager, new Cross-
6 Defendant Dembrowski was Depp’s personal manager, authorized agent, and primary client-
7 contact. Depp gave Dembrowski a very significant role in his financial and personal affairs, and
8 all of Depp’s advisors were instructed to and communicated regularly with Dembrowski.

9 164. TMG was hired as Depp’s new business manager as part of a “beauty contest” that
10 was conducted by Depp and Dembrowski at UTA’s offices in Beverly Hills. At the time, Depp,
11 Dembrowski and Tracey Jacobs at UTA, all represented to Mandel that Dembrowski was “Depp’s
12 personal manager, primary representative and gate-keeper.” As such, Dembrowski was
13 TMG’s primary client contact during most of the 17-year period that TMG represented Depp.
14 Throughout virtually all of this time, Dembrowski was also the authorized signatory on the vast
15 majority of Depp’s checking accounts. When Depp formed his production company, Infinitum
16 Nihil, in 2004, he also named Dembrowski as the president of the company.

17 165. All of Depp’s expenditures were incurred with Depp’s express knowledge and
18 consent and/or with the knowledge and consent of Dembrowski. Depp and Dembrowski fully
19 approved the \$7,100,873.90 that TMG supposedly distributed to Dembrowski over the years.
20 Indeed, Dembrowski signed most of these checks or related check authorization forms. In
21 California, conversion is a strict liability tort. *See Oakdale Village Group v. Fong* (1996) 43
22 Cal.App.4th 539, 544. “The foundation for the action for conversion rests neither in the knowledge
23 nor the intent of the defendant. Instead, the tort consists in the breach of what may be called an
24 absolute duty; the act itself is unlawful and redressible as a tort.” *Id.* (Citations omitted.) “Money
25 may be the subject of conversion if the claim involves a specific, identifiable sum; it is not
26 necessary that each coin or bill be earmarked.” *Welco Electronics, Inc. v. Mora* (2014) 223
27 Cal.App.4th 202, 209.

28

1 166. TMG also kept Depp and Dembrowski fully informed regarding the status of
2 Depp's finances. Mandel was often on the telephone with Dembrowski daily discussing Depp's
3 financial problems. At varying times, Depp was either unavailable or unwilling to speak with
4 Mandel regarding his finances. For example, on or about September 30, 2009, Joel Mandel sent
5 Depp an email stating that "he would like to meet with him to discuss various issues in his life,
6 including the status of his financial condition."

7 167. As documented by TMG in a note to the file, on October 1, 2009, Dembrowski
8 telephoned Mandel in response to the email and stated "that she had spoken with her brother, and
9 that he stated that he was well aware of his financial situation, and that he understood that he
10 needs to 'work his ass off' to make the money he needs to support his life. [. . .] [Dembrowski
11 also] stated that [Depp] did not want to meet, or have any conversations regarding his
12 financial situation, but would like [Joel Mandel] to do what it takes to see him through."
13 Follow-up emails between Joel Mandel and Depp from December 2009 confirm the above
14 exchange.

15 168. When Depp signed various financial documents, including loan documents, those
16 materials were generally sent directly to Dembrowski to obtain Depp's signature. This is how
17 Depp wanted the process to work throughout the entire time that TMG was Depp's business
18 manager. Exemplar emails filed with the Court on June 19, 2017 show that TMG sent loan
19 documents, including extensions on repayment of various Depp loans, to Dembrowski for Depp's
20 signature from 2009 through 2015. Nothing was hidden from Depp; the documents were sent to
21 Dembrowski per Depp's instructions.

22 169. In the exemplar emails that were filed with the Court on June 19, 2017, Mandel
23 repeatedly reminds Dembrowski about Depp's difficult financial situation—including at varying
24 times stating that "[we are] \$4,000,000 overdrawn," "any cushion we may have had is gone,"
25 and "our collective overdrafts exceed \$1.0 M." Dembrowski is not surprised by any of these
26 warnings, which demonstrates that she was fully apprised of Depp's financial condition.

27 170. Moreover, on a rare occasion when a TMG employee reached out to Depp's
28 assistant directly to obtain Depp's signature on a document, Dembrowski admonished the

1 employee that all of Depp's signatures were to be obtained through her so that she was aware of
2 everything and could answer all of Depp's questions. In an email dated August 29, 2013,
3 Dembrowski describes herself as Depp's "one stop informational center." In this same email
4 exchange, Dembrowski explained to the TMG employee that "I have been getting signatures for
5 many years . . . and have my way of doing so that j is used to. he can ask what questions he
6 wants at signing or i have a quick explanation."

7 171. Dembrowski as well as Depp often received important information regarding
8 Depp's finances. For example, even though Depp was represented by Gibson Dunn in connection
9 with the Tyron loan, TMG did everything within its power to assure that Depp fully understood
10 the terms of the Tyron loan, including that he was pledging his "primary Disney profit
11 participations." In an email dated July 28, 2014, Joel Mandel emailed Dembrowski stating—"I
12 need your help this week to coordinate having J sign that Letter of Intent regarding this new loan.
13 More than that, it is critical to us that J understand what he is signing and, either now or very
14 soon, how this loan will impact him moving forward."

15 172. When Dembrowski responded with a question regarding the impact of the loan to
16 Depp, Joel Mandel stated—"Happy to do a longer version of this, with whatever illustrations
17 would be helpful. Shorter answer, as you know we are pledging our primary Disney profit
18 participations. These monies will be required to pay back the loan and will be unavailable to us
19 for a number of years (likely next 4-5 years). These monies have been a significant source of our
20 income, and have sustained us during the periods between new work. Without access to these
21 monies, even greater reductions in spending will be necessary." Thereafter, Mandel and
22 Dembrowski had numerous conversations about the Tyron loan.

23 173. At all relevant times, Dembrowski—as Depp's personal manager, authorized agent,
24 and president of his production company—owed Depp and his entities a duty of care.

25 174. Based on the information and facts as currently understood by TMG, TMG is not
26 aware, and does not believe, that new Cross-Defendant Dembrowski breached any duty owed to
27 Depp, or signed or authorized any distribution of Depp's funds without his express knowledge or
28 approval. However, in the unlikely event that TMG, Joel Mandel, and/or Robert Mandel are held

1 liable or responsible to Depp in the underlying action for the loss, damage or injury falsely alleged
2 in the FAC, it will be due to the conduct of Dembrowski for the reasons set forth above.
3 Therefore, TMG, Joel Mandel, and/or Robert Mandel are entitled to be fully indemnified by
4 Dembrowski. TMG, Joel Mandel and Robert Mandel are also entitled to be fully indemnified for
5 all attorneys' fees, court costs and other expenses and costs in connection with defending against
6 Depp's FAC, the exact amount of which is unknown at this time, but which will be provable at
7 trial in this matter.

8 **EIGHTH CAUSE OF ACTION**

9 **(COMPARATIVE INDEMNITY AGAINST CROSS-DEFENDANT DEMBROWSKI)**

10 175. Cross-Complaints incorporate by reference all of the foregoing allegations of this
11 Cross-Complaint, as though fully set forth herein.

12 176. Based on the information and facts as currently understood by TMG, TMG is not
13 aware, and does not believe that new Cross-Defendant Dembrowski breached any duty owed to
14 Depp, or signed or authorized any distribution of Depp's funds without his knowledge or
15 approval. However, in the **unlikely event** that TMG, Joel Mandel, and/or Robert Mandel is held
16 liable or responsible to Depp in the underlying action for the loss, damage or injury falsely alleged
17 in the FAC, then TMG, Joel Mandel and/or Robert Mandel are entitled to recover as indemnity
18 from Dembrowski that portion of the judgment in the underlying action attributable to the
19 percentage of comparative fault assessed or assessable against Dembrowski.

20 **NINTH CAUSE OF ACTION**

21 **(EQUITABLE INDEMNITY AGAINST CROSS-DEFENDANTS RASSEL, HOLMES,
22 **RUSSO, SHAW, JENCO, WITKIN AND UNISON)****

23 177. Cross-Complainants incorporate by reference all of the foregoing allegations of this
24 Cross-Complaint, as though fully set forth herein.

25 178. On January 13, 2017, Depp filed the original complaint in this action. Thereafter,
26 on May 26, 2017, Depp filed the FAC. In paragraph 51 of the FAC, Depp maliciously and **falsely**
27 **alleges** that "[o]ver the years, at varying times in diverse amounts, TMG disbursed nearly
28

1 \$10,000,000 to third parties close to or who worked for [] Depp without [] Depp's knowledge or
2 authorization."

3 179. In response to special interrogatories, Depp has **falsely claimed** that TMG
4 distributed the following sums without his knowledge or authorization—(a) \$199,000 to Rassel;
5 (b) \$736,877.83 to Holmes; (c) \$412,386.67 to Russo; (d) \$262,000 to Shaw; (e) \$237,270.15 to
6 Jenco; (f) \$39,000.50 to Witkin; and (g) \$4,127,000 to Unison. **All of these distributions were**
7 **approved** by Depp and/or Dembrowski in direct communications with TMG. In addition, all of
8 the new Cross-Defendants had various communications with TMG in which they **represented** that
9 they had also discussed the loans with Depp and/or Dembrowski, and that Depp had authorized
10 the loans. It is undisputed that **TMG did not receive the benefit of any of these distributions.**

11 180. In California, conversion is a strict liability tort. *See Oakdale Village Group*, 43
12 Cal.App.4th at 544. "The foundation for the action for conversion rests neither in the knowledge
13 nor the intent of the defendant. Instead, the tort consists in the breach of what may be called an
14 absolute duty; the act itself is unlawful and redressible as a tort." *Id.* (Citations omitted.) "Money
15 may be the subject of conversion if the claim involves a specific, identifiable sum; it is not
16 necessary that each coin or bill be earmarked." *Welco Electronics*, 223 Cal.App.4th at 209.

17 181. TMG **disputes** that new Cross-Defendants Rassel, Holmes, Russo, Shaw, Jenco,
18 Witkin, or Unison converted any of Depp's funds, or made any misrepresentations to TMG in
19 connection with the loans. However, in the **unlikely event** that TMG, Joel Mandel, or Robert
20 Mandel is held liable or responsible to Depp in the underlying action for the loss, damage or injury
21 falsely alleged in the FAC related to these supposedly unauthorized distributions, it will be due to
22 the conduct of new Cross-Defendants Rassel, Holmes, Russo, Shaw, Jenco, Witkin and/or Unison
23 for *inter alia* (a) converting the funds; (b) making misrepresentations to TMG whether false or
24 negligent regarding Depp's and/or Debrowski's approval of the loans; and/or (c) failing to repay
25 the funds. Therefore, TMG is entitled to be fully indemnified by these new Cross-Defendants.

26 TMG, Joel Mandel and Robert Mandel are also entitled to be fully indemnified for all attorneys'
27 fees, court costs and other expenses and costs in connection with defending against Depp's FAC
28

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1 as it relates to these supposedly unauthorized distributions, the exact amount of which is unknown
2 at this time but which will be provable at trial in this matter.

3 **TENTH CAUSE OF ACTION**

4 **(COMPARATIVE INDEMNITY AGAINST CROSS-DEFENDANTS RASSEL, HOLMES,**
5 **RUSSO, SHAW, JENCO, WITKIN AND UNISON)**

6 182. Cross-Complainants incorporate by reference all of the foregoing allegations of this
7 Cross-Complaint, as though fully set forth herein.

8 183. TMG **disputes** that new Cross-Defendants Rassel, Holmes, Russo, Shaw, Jenco,
9 Witkin, and/or Unison converted any of Depp's funds, or made any misrepresentations to TMG in
10 connection with the loans. However, in the **unlikely event** that TMG, Joel Mandel, and/or Robert
11 Mandel is held liable or responsible to Depp in the underlying action for the loss, damage or injury
12 falsely alleged in the FAC related to these supposedly unauthorized distributions, then TMG, Joel
13 Mandel and Robert Mandel are entitled to recover as indemnity from Cross-Defendants Rassel,
14 Holmes, Russo, Shaw, Jenco, Witkin, and Unison that portion of the judgment in the underlying
15 action attributable to the percentage of comparative fault assessed or assessable against them.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff TMG prays for judgment against Cross-Defendants, as follows:

- 18 1. On the First Cause of Action for a declaration in TMG's favor (a) that there exists a
19 valid and enforceable agreement between TMG, on the one hand, and Depp and his
20 loan out corporations, on the other hand, for professional services and payment of
21 5% of Depp's gross revenues, (b) that neither Depp nor his corporations are entitled
22 to disgorgement and/or restitution of any fees paid to TMG, and (c) that in the event
23 there is finding that the California Rules of Professional Conduct apply here and
24 there has been a violation thereof (which TMG denies), then TMG is entitled to a
25 "reasonable fee";
- 26 2. On the Second, Third, Fourth, Fifth and Sixth Causes of Action, for general and
27 special and/or punitive damages and restitution in an amount to be proven at trial, but
28 not less than \$560,000.00;

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- 1 3. On the Seventh and Eight Causes of Action for an Order or Judgment of this Court
2 that TMG, Joel Mandel and/or Robert Mandel are entitled to be fully or partially
3 indemnified by Cross-Defendant Dembrowski for any judgment rendered in favor of
4 Depp and against TMG, Joel Mandel and/or Robert Mandel, as well as attorneys'
5 fees, court costs, and other costs and expenses paid or incurred by TMG, Joel
6 Mandel and/or Robert Mandel in defending against Depp's action, and those same
7 costs and expenses incurred by or on behalf of TMG, Joel Mandel and Robert
8 Mandel in prosecuting their Cross-Complaint against Dembrowski;
9 4. On the Ninth and Tenth Causes of Action for an Order or Judgment of this Court that
10 TMG, Joel Mandel and/or Robert Mandel is entitled to be fully or partially
11 indemnified by Cross-Defendants Rassel, Holmes, Russo, Shaw, Jenco, Witkin, and
12 Unison for any judgment rendered in favor of Depp and against TMG, Joel Mandel
13 and/or Robert Mandel, as well as attorneys' fees, court costs, and other costs and
14 expenses paid or incurred by TMG, Joel Mandel and/or Robert Mandel in defending
15 against Depp's action, and those same costs and expenses incurred by or on behalf of
16 TMG, Joel Mandel and/or Robert Mandel in prosecuting its Cross-Complaint against
17 these Cross-Defendants.
18 5. For interest at the maximum legal rate;
19 6. For reasonable attorneys' fees and for costs of suit;
20 7. For such other and further relief as the Court may deem just and proper.

21 DATED: October 23, 2017

KINSELLA WEITZMAN ISER KUMP
& ALDISERT LLP

22
23
24 By: Michael Kump
25 Michael J. Kump
26 Attorneys for Cross-Complainant The Mandel
27 Company, Inc. (dba The Management Group)
28

DEMAND FOR TRIAL BY JURY

Cross-Complainant The Mandel Company, Inc. (dba The Management Group) hereby demands trial by jury on all issues and causes of action triable by jury.

DATED: October 23, 2017

KINSELLA WEITZMAN ISER KUMP
& ALDISERT LLP

By: Michael J. Kump

Michael J. Kump
Attorneys for Cross-Complainant The Mandel
Company, Inc. (dba The Management Group)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On October 24, 2017, I served the following document(s) described as **STIPULATION AND [PROPOSED] ORDER ALLOWING CROSS-COMPLAINANTS TO FILE THIRD AMENDED CROSS-COMPLAINT** on the interested parties in this action as follows:

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John Gatti
Katrina Dela Cruz
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Los Angeles, CA 90064

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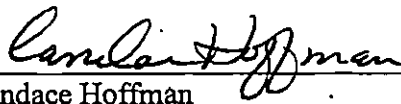
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BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address choffman@kwikalaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 24, 2017, at Santa Monica, California.


Candace Hoffman

D 14 Green

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FILED
 Superior Court of California
 County of Los Angeles

OCT 17 2017

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 14
 15 Attorneys for Plaintiffs John C. Depp, II, Scaramanga Bros., Inc.,
 L.R.D. Productions, Inc., and Infinitum Nihil

Deadline

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 17 FOR THE COUNTY OF LOS ANGELES

BC 680 066

19 JOHN C. DEPP, II, SCARAMANGA
 20 BROS., INC., a California corporation;
 L.R.D. PRODUCTIONS, INC., a
 21 California corporation, INFINITUM
 NIHIL, a California corporation,

Plaintiffs,

vs.

24 BLOOM HERGOTT DIEMER
 25 ROSENTHAL LAVIOLETTE FELDMAN
 26 SCHENKMAN & GOODMAN, LLP,
 JACOB A. BLOOM, and DOES 1-30,

Defendants.

Case No. _____

COMPLAINT FOR:

1. BREACH OF FIDUCIARY DUTY
2. LEGAL MALPRACTICE
3. UNJUST ENRICHMENT
4. VIOLATION OF CAL. BUS. & PROF. CODE § 6147
5. VIOLATION OF CAL. BUS. & PROF. CODE § 6148
6. VIOLATION OF THE UNFAIR COMPETITION LAW, CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.
7. DECLARATORY JUDGMENT

DEMAND FOR JURY TRIAL

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 COUNTY OF LOS ANGELES
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10/17/2017

1 Plaintiffs JOHN C. DEPP, II, SCARAMANGA BROS., INC., L.R.D. PRODUCTIONS,
2 Inc., and INFINITUM NIHIL (collectively "Plaintiffs" or "Mr. Depp"), by and through their
3 undersigned attorneys, bring this action for breach of fiduciary duty, legal malpractice, unjust
4 enrichment, violations of California Business & Professions Code § 6147 or § 6148, violations of
5 the Unfair Competition Law (California Business & Professions Code §§ 17200, *et seq.*), and
6 declaratory judgment, against defendants BLOOM HERGOTT DIEMER ROSENTHAL
7 LAVIOLETTE FELDMAN SCHENKMAN & GOODMAN, LLP ("Bloom Hergott"), JACOB
8 A. BLOOM ("Bloom"), and DOES 1-30 (collectively, "Defendants"), and for causes of action,
9 state:

10 INTRODUCTION

11 1. Mr. Depp is one of the most sought after and highly-paid actors in the world. Like
12 many successful artists who depend upon professionals to advise them, Mr. Depp trusted and
13 reasonably relied on Defendants, as his attorneys, to handle his legal affairs competently and
14 ethically. But instead of protecting Mr. Depp's interests, Defendants engaged in misconduct for
15 their own financial benefit and violated some of the most basic tenets of the attorney-client
16 relationship, all to Mr. Depp's serious financial detriment, causing Mr. Depp substantial
17 economic harm. As explained more fully below, and among other misconduct:

- 18 a. Defendants engaged in self-dealing and pursued and undertook transactions in the
19 face of undisclosed conflicts of interest for their own financial benefit over that of
20 their clients;
- 21 b. Defendants knowingly, recklessly, or negligently failed to disclose to Mr. Depp
22 the years of misconduct engaged in by Defendants and Mr. Depp's then-attorneys
23 and business managers who were providing both legal and business management
24 services, The Mandel Company, Inc., d/b/a The Management Group ("TMG");
25 despite a clear duty to disclose such misconduct to Mr. Depp; and
- 26 c. Defendants, like TMG, each collected over \$30 million in contingent fees based on
27 Mr. Depp's variable income, paid out by TMG, without, among other things, the
28 statutorily prescribed written contract, in a clear violation of California law.

1 of the Bar of California and engaged in, and held himself out as being engaged in, the practice of
2 law in California.

3 9. Plaintiffs are informed and believe, and on that basis allege, that the fictitiously-
4 named Defendants sued herein as Does 1 through 30 ("Doe Defendants"), and each of them, are
5 in some manner responsible or legally liable for the actions, events, transactions and
6 circumstances alleged herein. The true names and capacities of such fictitiously-named Doe
7 Defendants, whether individual, corporate, associate or otherwise, are presently unknown to
8 Plaintiffs, and Plaintiffs will assert the true names and capacities of such fictitiously-named Doe
9 Defendants when the same have been ascertained.

10 **JURISDICTION AND VENUE**

11 10. This Court has jurisdiction over all causes of action asserted herein pursuant to the
12 California Constitution, Article VI, section 10, because this case is a cause not given by statute to
13 other courts.

14 11. This Court has personal jurisdiction over the Defendants who engaged in conduct,
15 and who continue to engage in conduct, giving rise to the claims stated herein at locations within
16 the State of California and Los Angeles County.

17 12. Venue is proper in this Court pursuant to, among other provisions, California Code
18 of Civil Procedure §§ 395(a) and 395.1.

19 **GENERAL ALLEGATIONS**

20 **I. MR. DEPP HAS ACHIEVED GREAT SUCCESS IN HIS ACTING CAREER.**

21 13. Mr. Depp is one of the most prominent actors in Hollywood. He has appeared in
22 over 50 motion pictures during the past three decades. Mr. Depp has been nominated for
23 numerous major acting awards, including three Oscar nominations for Best Actor in a Leading
24 Role, five nominations from Critics' Choice Movie Awards, 10 nominations from the Golden
25 Globe Awards, and three nominations from the Screen Actors Guild Awards. He also has won 14
26 People's Choice Awards, including Actor of the Decade in 2010 and Favorite Movie Icon in
27 2017. Films featuring Mr. Depp have grossed over \$3.1 billion at the box office in the United
28 States, and over \$7.6 billion worldwide.

1 14. Plaintiffs Scaramanga Bros., Inc. and L.R.D. Productions, Inc. are entities that are
2 wholly-owned by Mr. Depp and used for his business operations. Similarly, Plaintiff Infinitum
3 Nihil is a wholly-owned production company working on Mr. Depp's behalf. At various points
4 during their representation of Mr. Depp, Defendants inappropriately obtained funds from each of
5 these entities.

6 15. Despite Mr. Depp's professional success, he, like many artists, has no training in
7 law, accounting, finance, or business management. Throughout his career, Mr. Depp has retained
8 advisors in whom he placed his trust to uphold their fiduciary duties and to act properly on his
9 behalf with respect to the management of his personal, legal, and business-related affairs. Mr.
10 Depp relied on these fiduciaries to use their judgment and expertise to act in Mr. Depp's best
11 interests, and to always put his interests ahead of their own.

12 16. In or about 1999, well after Mr. Depp had become a critically acclaimed and
13 enormously successful actor, Mr. Depp was introduced to Defendants Bloom and Bloom Hergott.
14 After speaking with Mr. Depp, Defendants began acting as his lawyers.

15 **II. DEFENDANTS ENGAGE IN CONFLICTS OF INTEREST, SELF-DEALING, AND FAILURES TO**
16 **DISCLOSE MATERIAL INFORMATION TO MR. DEPP.**

17 17. Mr. Depp trusted and relied upon Defendants as his lawyers to review contracts
18 and other legal documents to ensure that they protected Mr. Depp's interests, to prepare and
19 review corporate documents, and to advise him regarding other legal issues that arose with
20 respect to his professional activities.

21 18. However, Defendants failed to protect Mr. Depp's interests or to competently
22 advise him. Defendants engaged in self-dealing and failed to disclose material information to Mr.
23 Depp, including their conflicts of interests. Defendants placed their interests above those of Mr.
24 Depp's in breach of their fiduciary duties and obligations under California law.

25 19. A clear example of Defendants' conflicts of interest, self-dealing, and breaches of
26 fiduciary duty is their sourcing of an improper, and predatory "hard money loan," purportedly on
27 behalf of Mr. Depp through a specialty finance company, Grosvenor Park Media ("Grosvenor
28 Park"). The "hard money" loan, in addition to its egregious self-dealing features, involved terms

1 that were materially worse than what were generally available to Mr. Depp through a standard
2 commercial loan, including with regard to interest and fees charged, and other material terms.

3 20. In or around May or June 2014, TMG's mismanagement of Mr. Depp's financial
4 affairs created the prospect that TMG would be unable to meet Mr. Depp's then-current
5 obligations for him. TMG consulted closely with Defendants regarding Mr. Depp's financial
6 affairs. But TMG and Defendants did not disclose to Mr. Depp the true state of his financial
7 affairs and their own wrongdoing. Instead, TMG and Defendants secured for themselves a stream
8 of lucrative contingent fee payments (taken without the statutorily prescribed, client-protective
9 provisions of section 6147) funded out of Mr. Depp's earnings.

10 21. Upon information and belief, TMG sought and received Defendants' assistance in
11 effecting this effort. Upon information and belief, Defendants never questioned TMG's financial
12 management of Mr. Depp's affairs, or investigated TMG's explanation for the deterioration of
13 Mr. Depp's financial position, as a reasonably competent lawyer would. Nor did Defendants
14 adequately and truthfully inform Mr. Depp of Defendants' own conduct and activities.

15 22. On information and belief, in furtherance of the scheme, Defendants introduced
16 TMG to Grosvenor Park in order to obtain a "hard money loan" purportedly on Mr. Depp's
17 behalf, but in reality to his detriment, and to Defendants', TMG's and Grosvenor Park's benefit.

18 23. On information and belief, Defendants have had professional relationships, which
19 they failed to communicate to Mr. Depp in breach of the Rules of Professional Responsibility,
20 with Grosvenor Park and/or its founder and CEO, Donald Starr. In fact, Mr. Bloom ultimately
21 was given a position on the advisory board of Grosvenor Park. Defendants never disclosed to Mr.
22 Depp the material conflicts of interest raised by these relationships.

23 24. Together with TMG and Grosvenor Park, Defendants orchestrated an initial \$12.5
24 million hard money loan purportedly on Mr. Depp's behalf from a lender and, on information and
25 belief, an affiliate of Grosvenor Park, Tryon Management Services, Ltd. ("Tryon"). This loan.
26 (the "Tryon loan") was later increased to \$19 million.

27 25. On information and belief, Defendants were actively involved in negotiating the
28 Tryon loan "on behalf of" Mr. Depp. On information and belief, Defendants negotiated directly

1 with film studios to secure Mr. Depp's residuals from the Films as collateral for the loan.
2 Defendants also were updated frequently on the status of the loan paperwork by TMG, were
3 consulted regarding the loan's terms, and were included on communications regarding the loan.

4 26. Defendants and TMG structured the loan – without the legally required disclosures
5 to Mr. Depp – as a vehicle to provide themselves with immediate priority to millions of dollars of
6 voidable contingency fees tied to the success of Mr. Depp's film residuals (fees Defendants were
7 not legally owed), all before Mr. Depp received a cent. The terms of the Tryon loan required that
8 repayment would be made from, and secured, by Mr. Depp's residuals from six films – *Pirates of*
9 *the Caribbean I-IV*, *Alice in Wonderland*, and *Into the Woods* (collectively, the "Films"). It also
10 appears that Defendants, with TMG, inserted different numbers for different Film residuals,
11 including a 22.22% fee for advisors for one movie. Their changing of the numbers in this
12 contract illustrates Defendant Bloom's (along with TMG's) unfettered control to establish a
13 contractual entitlement that was in his and TMG's best interest at the expense of his client's.
14 Remarkably, the loan – negotiated ostensibly to benefit Mr. Depp – wrongfully purported to
15 manufacture and insert further rights for Defendants and TMG in the residuals of Mr. Depp's
16 movies that they did not legally possess, using the vehicle of the hard money loan sourced
17 through an undisclosed relationship of Defendants.

18 27. Further, the loan prioritized payment of Defendants' and TMG's fees ahead of the
19 loan payments owed to Tryon, and regardless of whether Mr. Depp actually retained any of the
20 loan proceeds. The purported contingent fees and preferred payment position provided
21 Defendants and TMG with a right to fees superior to Mr. Depp's own, creating additional serious
22 conflicts of interest. This payment structure deepened Mr. Depp's financial difficulties and
23 benefitted Defendants and TMG.

24 28. Defendants' and TMG's legally voidable contingent fees (which did not and could
25 not satisfy the client-protective statutory prescriptions of section 6147) and preferred payment
26 position were inserted at the very beginning of the negotiations on the Tryon loan, when TMG
27 and Defendants met and negotiated a term sheet with Grosvenor Park and Tryon that included the
28 voidable purported contingent fees. This further underscored Defendants' and TMG's wrongful

1 focus on assuring that Defendants and TMG received an improper stream of payments, which
2 they were not legally owed, out of Mr. Depp's earnings.

3 29. Defendants benefitted immediately from the Tryon loan, through their insertion of
4 this improper contingent fee arrangement in the loan. Upon information and belief, on or about
5 the date that the hard money loan proceeds were received, Defendants, TMG, and a third party
6 took approximately \$1.2 million that was not legally owed to them; Defendants were paid
7 approximately \$300,000 at that time. To date, Defendants have been paid millions in voidable
8 and improper contingent fees through the Tryon loan.

9 30. In addition to the improper contingent fee arrangement, the terms of the Tryon
10 loan and the fundamental economics of the transaction demonstrate that the loan was unnecessary
11 and predatory. Despite the fact that the initial loan was \$12.5 million, the Film rights pledged to
12 secure the loan yielded Mr. Depp approximately \$13 million per year, more annually than the
13 initial loan amount. In fact, during just the first twelve months after the Tryon loan was
14 originated, Mr. Depp would have received \$45.2 million in Film residuals – had those residuals
15 not been used to secure the hard money loan. Instead, millions of dollars more than the entire
16 initial loan balance were swallowed by the terms of the loan itself. Further, only eight days after
17 the loan agreements were signed, the studio paying Mr. Depp's residual rights paid \$5.58 million
18 that would have gone to Mr. Depp, but for the Tryon loan. Thus, the Tryon hard money loan
19 sourced by Defendants and originated by Grosvenor Park was not economically rational – at least
20 not for Mr. Depp.

21 31. Defendants, in their capacity as Mr. Depp's attorneys who negotiated film deals
22 and the party whom the studio provided notice of such payments, knew that Mr. Depp soon
23 would have received these significant residual earnings on these six films.

24 32. The predatory hard money loan was further subject to high fees, double-digit
25 interest rates, and repayment terms that provided that accrued interest would be capitalized
26 monthly and added to the principal. It also contained substantial prepayment penalties, making it
27 financially infeasible to repay the loan prior to its termination date. For example, if shortly after
28 entering into the Tryon loan, Mr. Depp sought to pay it in full, it would have cost Mr. Depp

1 approximately \$1.5 million in origination fees and prepayment fees to pay off the loan, *in*
2 *addition* to the entire principal.

3 33. Although accrued interest was capitalized monthly under the loan documents, Mr.
4 Depp's business entities received Film residuals less frequently than monthly, resulting in
5 significant additions to the outstanding principal in between each repayment. In fact, through
6 June 30, 2017, over \$2 million of capitalized interest has been added to the principal balance of
7 the loan, on which further interest is charged.

8 34. Defendants and TMG knew or should have known that the terms of this hard
9 money loan would place Mr. Depp in a dramatically worse financial position than he had
10 previously occupied, but they willfully, recklessly, or negligently orchestrated it, and they caused
11 him to enter into the conflicted and self-dealing transaction by merely providing him signature
12 pages, not the underlying loan documents, and without explaining its terms.

13 35. As a direct result of their actions, Defendants and TMG caused Mr. Depp to forego
14 tens of millions of dollars of annual earnings from residuals from the Films that had provided Mr.
15 Depp with regular and substantial income to date and that, but for the predatory hard money loan,
16 would have continued to do so.

17 36. Nevertheless, when it came time to enter into the self-serving transaction,
18 Defendants did not disclose to Mr. Depp the conflicts of interest caused by Defendants'
19 professional relationships with Grosvenor Park, in violation of their ethical obligations to disclose
20 conflicts to, and obtain informed written consent from, their client. Nor did they adequately
21 disclose to Mr. Depp that the Tryon loan was a hard money loan with unnecessarily onerous, one-
22 sided, and non-standard financial terms, that repayments would be made from, and collateralized
23 by, the Films, or that Defendants and TMG used the hard money loan as a vehicle to attempt to
24 obtain contingency fees for themselves – which, as explained below, were voidable and to which
25 they had no legal right in the first instance – that would further be prioritized and paid before any
26 amount would be applied to reduce the amount owed by Mr. Depp.

27 37. By providing themselves with these benefits at their client's expense without the
28 legally required disclosures and required client informed consent, Defendants breached their duty

1 of care, breached their duty of reasonable communication, engaged in egregious self-dealing, and
2 breached their duty of loyalty.

3 38. In the end, Mr. Depp was presented with only the signature pages of the loan
4 documents and, trusting that his advisors had his best interests in mind, signed the loan
5 documents, not appreciating the devastating impact this hard money loan, the product of brazen
6 self-dealing and conflict of interest, would have on his financial condition.

7 39. Over the approximately three-year period since the Tryon loan was initiated, Mr.
8 Depp should have received a total of approximately \$32 million in residuals from the Films.
9 Instead, Mr. Depp received nothing: \$9 million of his film residuals were directed to the payment
10 of Mr. Depp's tax liabilities on his contingent earnings, with the balance being paid to
11 Defendants, TMG, Mr. Depp's agent, a third party, and to the lender with whom Defendants also
12 had and have an undisclosed professional relationship. Moreover, Tryon asserts that Mr. Depp
13 still owes approximately \$5 million on the hard money loan, which continues to capitalize
14 substantial interest at unreasonable rates, and Tryon continues to charge unreasonable fees in
15 servicing the loan.

16 40. In sum, had Defendants provided full disclosures about the terms and facts
17 surrounding the hard money loan, as required by multiple California statutes and the rules of
18 professional responsibility, neither Mr. Depp nor any reasonable person would have agreed to
19 enter into it. No reasonable and prudent attorney under the circumstances would have
20 recommended the Tryon loan to their client, nor effectuated it in the manner Defendants did. It
21 did not make economic sense and seemingly was for the benefit primarily of Defendants and
22 TMG, who took millions in fees from it. Even if a loan was required, Defendants and TMG could
23 and should have obtained a loan on normal commercial terms as Mr. Depp's new business
24 managers obtained shortly after Mr. Depp disengaged from TMG.

25 41. The transaction has cost Mr. Depp millions of dollars in unreasonable interest,
26 fees, and voidable contingent fees that were self-servingly inserted as a provision in the hard
27 money Tryon loan without the statutorily prescribed contract, written disclosures or informed
28 consent that Defendants were required to make and obtain under the circumstances.

1 42. Had Defendants acted in accord with their fiduciary duties, made the required
2 disclosures, and fulfilled their professional responsibilities, neither Mr. Depp, nor any reasonable
3 person, would ever have entered into the Tryon loan transaction. That loan was commercially
4 unreasonable, rife with self-dealing, and contained onerous, unfair, and voidable terms that have
5 cost Mr. Depp many millions of dollars.

6 43. As another disturbing illustration of Defendants' breaches of their duties to Mr.
7 Depp, Defendant Bloom received advance notice from TMG's Joel Mandel (many months after
8 Mr. Depp had terminated Mr. Mandel) that Mandel imminently intended to launch a non-judicial
9 foreclosure action on Mr. Depp's home. After the foreclosure action commenced, in January
10 2017, Defendant Bloom admitted to Mr. Depp that he had advance knowledge of the foreclosure
11 action. Tellingly, Defendant Bloom offered no explanation why he withheld this important
12 information from his client Mr. Depp.

13 44. Furthermore, throughout the course of Defendants' relationship with Mr. Depp, on
14 multiple occasions, and notwithstanding the lack of a statutorily prescribed written fee agreement,
15 Defendants would submit to TMG requests for reimbursement of alleged expenses. A former
16 TMG employee who was the day-to-day manager of Mr. Depp's account at TMG testified that
17 Defendants submitted requests for expense reimbursement, with little to no supporting
18 documentation, which TMG would then pay, without question, from Mr. Depp's funds. The
19 former TMG employee's sworn testimony is that, when she confronted TMG's Mandel to request
20 back up for Defendants' significant expense reimbursement invoices, she was ordered to "just pay
21 it." Defendants' expenses and requests for reimbursement were never sent to Mr. Depp for
22 review and approval.

23 45. On information and belief, Defendants regularly failed to provide any
24 documentation substantiating the claimed expenses; nor were they ever disclosed to Mr. Depp.

25 46. Over time, on information and belief, Defendants submitted hundreds of thousands
26 of dollars of such unsubstantiated expenses for reimbursement, which TMG ultimately paid to
27 Defendants out of Mr. Depp's funds.

28 47. Also, on information and belief, unbeknownst to Mr. Depp, TMG and Joel Mandel

1 unilaterally funneled millions of dollars of Mr. Depp's money from Mr. Depp's Sweetzer Trust
2 account into "investments" in which the Mandels secretly were involved as members and
3 directors – including Lionheart, L.P. (owned by a mysterious entity called "Benari Capital
4 Management, LLC," both operating out of Wilmette, Illinois), and the equally mysterious Matar
5 I, Matar II and 6909 Ventures, LLC. On information and belief, Mr. Mandel wrote the checks in
6 his own hand and using his own signature to move Mr. Depp's money from his Sweetzer Trust
7 account to Mr. Mandel's 6909 Ventures, LLC, which Mr. Mandel manages. Despite Defendant
8 Bloom's intimate involvement in Mr. Depp's financial affairs, as reflected among other ways by
9 his sourcing of the hard money loan, none of Defendant Bloom, TMG or Joel Mandel disclosed
10 these legally impermissible, self-dealing transactions and this control/ownership of the
11 investments to Mr. Depp, as they were required by law and the rules of professional responsibility
12 to do.

13 **III. DEFENDANTS VIOLATE CALIFORNIA BUSINESS & PROFESSIONS CODE §§ 6147-48 IN**
14 **THEIR PURPORTED CONTINGENCY FEE ARRANGEMENT WITH DEPP.**

15 48. California Business & Professions Code § 6147(a), designed to protect clients,
16 provides that contingency fees may not be taken by lawyers unless there is a *written* contingency
17 fee agreement that includes: (1) a statement of the contingency fee rate that the client and
18 attorney have agreed upon; (2) a statement as to how disbursements and costs incurred in
19 connection with the prosecution or settlement of a claim will affect the contingency fee and the
20 client's recovery; (3) a statement as to what extent, if any, the client could be required to pay any
21 compensation to the attorney for related matters that arise out of their relationship not covered by
22 their contingency fee contract; and (4) a statement that the fee is not set by law but is negotiable
23 between attorney and client.

24 49. Similarly, California Business & Professions Code § 6148 provides that, except as
25 provided for in § 6147 and in cases where it is reasonably foreseeable that the total expense to a
26 client will exceed one thousand dollars, a lawyer's contract for services must be in writing and
27 include: (1) any basis of compensation including, but not limited to, hourly rates, statutory fees or
28 flat fees, and other standard rates, fees, and charges applicable to the case; (2) the general nature

1 of the legal services to be provided to the client; and (3) the respective responsibilities of the
2 attorney and the client as to the performance of the contract.

3 50. For the protection of clients, any contingency fee agreement that does not comply
4 with California Business & Professions Code § 6147 is voidable at the option of the client; any
5 other fee arrangement exceeding one thousand dollars that does not comply with § 6148 is also
6 voidable at the option of the client.

7 51. Notwithstanding these requirements, Defendants did not enter into any written,
8 statutorily prescribed contingency fee agreement with Mr. Depp or any of the Plaintiffs for the
9 provision of legal services.

10 52. Nevertheless, over the years, Defendants collected voidable contingent fees,
11 totaling in the tens of millions of dollars, tied to Mr. Depp's variable earnings.

12 53. As described in greater detail above, in the Tryon loan Defendants sourced for
13 Mr. Depp, it appears that Defendants, with TMG, used the hard money loan vehicle as an
14 opportunity to insert voidable contingent fees for themselves, including different fees for different
15 Film residuals such as a 22.22% fee for advisors for one movie, all without disclosing these fees,
16 or explaining their import, to Depp in the legally prescribed written contract. Their changing of
17 the numbers in this contract illustrates Defendants' (along with TMG's) unfettered control over
18 Mr. Depp's affairs to establish and obtain for themselves a pecuniary benefit at the expense of
19 Mr. Depp, their client. Defendants' wrongful conduct in this regard underscores the reasons for
20 and importance of a written contract setting forth Defendants' fees for their legal services and
21 disclosing the terms and conditions of their engagement as Mr. Depp's lawyers – as California
22 law requires.

23 54. Defendants violated California Business & Professions Code § 6147 by taking
24 contingency fees without a written contract containing the statutorily-prescribed language.
25 Alternatively, they violated § 6148 by failing to enter into a written contract for services that
26 would plainly exceed one thousand dollars.

27 55. In total, Defendants improperly obtained approximately \$30 million in voidable
28 contingency fees based on Mr. Depp's gross income. Defendants also took hundreds of

1 thousands of dollars in additional payments for reimbursement of alleged "expenses" that were
2 submitted by Defendants to TMG without any back up. Throughout their representation, neither
3 Defendants nor TMG suggested that the fees taken from Mr. Depp were voidable in the absence
4 of a statutorily prescribed written contract, nor that they impose on themselves or each other a cap
5 or other ceiling on fees taken. Instead, Defendants and TMG, working in tandem, deployed a
6 "fox guarding the hen house" approach, never disclosing to Mr. Depp either California's
7 protective legal requirements for written contingency contracts or the outsized and
8 unconscionable fees TMG paid to itself and Defendants, from Mr. Depp's funds, in violation of
9 California law.

10 **IV. DEFENDANTS ACTIVELY CONCEAL AND FAIL TO DISCLOSE THEIR WRONGDOING.**

11 56. Throughout the course of their representation of Mr. Depp, Defendants occupied a
12 position of trust as Mr. Depp's lawyers, and were in possession of the records related to their
13 representation. Defendants failed to disclose their misconduct, and the misconduct of others of
14 which they were aware, to Mr. Depp.

15 57. Mr. Depp did not discover, and could not have reasonably discovered, Defendants'
16 wrongful conduct any earlier, because Defendants actively and willfully concealed Mr. Depp's
17 true legal and financial situation from him. It was less than a year ago when Mr. Depp first had
18 any reason to suspect that Defendants engaged in the wrongdoing alleged herein.

19 **FIRST CAUSE OF ACTION**

20 **(BREACH OF FIDUCIARY DUTY)**

21 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**

22 **DEFENDANTS 1 THROUGH 30)**

23 58. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

24 59. At all relevant times herein, a fiduciary relationship existed between Defendants
25 and Mr. Depp. At all relevant times, Mr. Depp reasonably relied upon Defendants' superior
26 knowledge and expertise and trusted that Defendants would conduct themselves in his best
27 interest, and not in their own self-interest or in the interests of third parties.
28

1 60. This fiduciary relationship required Defendants to treat Mr. Depp with complete
2 fairness and the highest duty of loyalty and candor, including a duty to disclose to Mr. Depp all
3 material facts concerning the services Defendants, TMG, and other advisors rendered on his
4 behalf, and the fees Defendants charged for their services. This fiduciary relationship further
5 required Defendants to disclose all relevant information truthfully and candidly to Mr. Depp, not
6 to misrepresent or conceal any facts in connection with any of the aforementioned services that
7 Defendants or other advisors provided to Mr. Depp, and to disclose the fees and expenses they
8 charged.

9 61. Furthermore, Defendants owed Mr. Depp a duty to refrain from conducting
10 themselves in any manner that was in conflict with the best interests of Mr. Depp without full
11 written disclosure and informed written consent. Defendants owed Mr. Depp a fiduciary duty to
12 refrain from bad faith conduct, concealment or nondisclosure of material facts, self-dealing, and
13 engaging in undisclosed or unconsented to conflicts of interest.

14 62. Defendants breached their fiduciary duties to Mr. Depp by, among other things:
15 (1) failing to disclose or obtain informed written consent to conflicts of interest in violation of
16 California Rule of Professional Conduct 3-310; (2) breaching their duties of care, good faith, and
17 fidelity, in causing, among other things, Mr. Depp to borrow \$19 million on non-commercially
18 reasonable terms while using Mr. Depp's movie royalties as collateral, and while placing
19 themselves in a preferred payment position with respect to the collateral; (3) breaching their
20 duties of care, in failing to keep Mr. Depp reasonably apprised of material information regarding
21 aspects of Defendants', TMG's, and other advisors' representation of Mr. Depp, including the
22 status of Mr. Depp's finances and business affairs; (4) breaching their duties of care, good faith,
23 and fidelity, in failing to properly advise Mr. Depp regarding transactions in which Defendants
24 were involved and which were not in Mr. Depp's best interests; (5) negligently, recklessly, or
25 intentionally allowing TMG to continue its misconduct in the management of Mr. Depp's affairs;
26 (6) taking contingent fees tied to Mr. Depp's variable income without any written agreement in
27 violation of California Business & Professions Code §§ 6147-48; and (7) charging
28 unconscionable fees.

1 63. As a direct and proximate result of the aforesaid breaches of fiduciary duty,
2 Plaintiffs have been damaged in an amount to be determined according to proof at trial. Plaintiffs
3 are also entitled to disgorgement of all sums paid to Defendants while these breaches of duty
4 occurred.

5 64. In doing the things herein alleged, Defendants acted willfully, recklessly, with
6 malice, oppression, and the intent to cause injury to Mr. Depp. As such, pursuant to California
7 Code of Civil Procedure § 3294(c), Mr. Depp is entitled to recover an award of exemplary and/or
8 punitive damages.

9 **SECOND CAUSE OF ACTION**

10 **(LEGAL MALPRACTICE)**

11 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**
12 **DEFENDANTS 1 THROUGH 30)**

13 65. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

14 66. Defendants agreed to, and did in fact, act as Mr. Depp's attorneys continuously
15 from in or around 1999 to 2017.

16 67. As Mr. Depp's attorneys, Defendants owed Mr. Depp professional fiduciary duties
17 to use such skill, care, prudence, and diligence as other attorneys commonly possess and exercise
18 on behalf of similarly situated clients under similar circumstances in similar communities.

19 68. Specifically, among other duties, California law, and professional codes of
20 conduct, required Defendants to: (1) discharge their responsibilities competently and with
21 integrity, objectivity, loyalty, fidelity, due professional care, and a genuine interest in serving
22 their client; (2) remain free of conflicts of interest; (3) offer written disclosure concerning, and
23 obtain informed written consent to, any potential or actual conflict of interest; (4) provide full,
24 frank, candid, and unbiased advice to their clients; (5) provide all information to their clients that
25 is material to the representation; (6) enter into a written contract with Mr. Depp that conformed
26 with the requirements of California law; and (7) perform their professional services with
27 reasonable skill, competence, and diligence, putting the best interests of Mr. Depp before their
28 own self-interests.

1 69. Defendants failed to adhere to the required standards of professional care,
2 competence, prudence, and skill commonly possessed and exercised by attorneys under similar
3 circumstances in similar communities.

4 70. Defendants negligently, carelessly, and recklessly rendered their services to Mr.
5 Depp by, among other things: (1) failing to adequately disclose, or obtain informed written
6 consent to, conflicts of interests, in violation of California Rule of Professional Conduct 3-310;
7 (2) prejudiced by such conflicts of interest, and affected by their own relationship with Grosvenor
8 Park and Mr. Starr, causing Mr. Depp to borrow \$19 million on unreasonable terms; (3) failing to
9 keep Mr. Depp reasonably informed of material information regarding aspects of Defendants',
10 TMG's, and other advisors' representation of Mr. Depp, including the status of Mr. Depp's
11 finances and business affairs; (4) failing to reasonably advise Mr. Depp regarding transactions in
12 which Defendants were involved, which were objectively unreasonable, and which were not in
13 Mr. Depp's best interests; (5) wrongly and incompetently allowing TMG to continue its
14 misconduct in the management of Mr. Depp's affairs; and (6) providing Mr. Depp legal services
15 and taking contingent fees tied to Mr. Depp's variable earnings without any statutorily prescribed
16 written agreement in violation of California Business & Professions Code §§ 6147-48.

17 71. The statutory violations described herein further constitute professional negligence
18 *per se*, as they show that Defendants violated the standard of care set forth by California statutes
19 intended to govern lawyers' obligations to their clients.

20 72. As a direct and proximate result of the aforesaid professional negligence, Plaintiffs
21 have been damaged in an amount to be determined according to proof at trial.

22 **THIRD CAUSE OF ACTION**

23 **(UNJUST ENRICHMENT)**

24 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**

25 **DEFENDANTS 1 THROUGH 30)**

26 73. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

27 74. Defendants collected undeserved, impermissible, and voidable contingent fees for
28 their services without the statutorily prescribed written agreement containing mandatory

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1 disclosures, as required by California law to protect clients from their attorneys. Defendants
2 collected these undeserved, impermissible and voidable contingent fees from Mr. Depp despite
3 the fact that Defendants breached their fiduciary duties to him, were tainted by significant
4 conflicts of interest, and failed to disclose facts material to their representation. Mr. Depp's
5 payment of these voidable contingent fees provided Defendants with an unlawful benefit at Mr.
6 Depp's expense, to which Defendants had no right.

7 75. Defendants would not have received the unlawful benefit but for their wrongful
8 conduct.

9 76. Plaintiffs suffered compensatory damages as a proximate result of Defendants'
10 unlawful conduct.

11 77. Accordingly, Plaintiffs are entitled to restitution from Defendants, in addition to all
12 monetary damages due, in an amount to be determined according to proof at trial.

13 **FOURTH CAUSE OF ACTION**

14 **(VIOLATION OF CAL. BUS. & PROF. CODE § 6147)**

15 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**
16 **DEFENDANTS 1 THROUGH 30)**

17 78. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

18 79. California Business and Professions Code § 6147 requires all contingency fee
19 arrangements with attorneys to be documented in a written agreement, which must further contain
20 a host of statutorily mandated disclosures. In the absence of a writing that complies with the
21 requirements of § 6147, a contingency fee arrangement with an attorney is voidable at the client's
22 election. *See* Cal. Bus. & Prof. Code § 6147(b).

23 80. At all relevant times, Defendants were acting as Mr. Depp's attorneys.
24 Throughout the course of Defendants' relationship with Mr. Depp, they provided legal advice and
25 services including, among other things, drafting corporate documents and negotiating and
26 reviewing various contracts related to both Mr. Depp's personal life and his business affairs.

27 81. Defendants were paid contingent fees tied to Mr. Depp's variable earnings totaling
28 in the tens of millions of dollars during the course of their relationship.

1 82. Despite collecting tens of millions of dollars of contingent consideration over the
2 course of their relationship with Mr. Depp, Defendants had no statutorily prescribed, written
3 agreement with Mr. Depp for the provision of legal services.

4 83. The purported fee arrangement between Defendants, on the one hand, and
5 Mr. Depp, on the other hand, did not conform with the requirements of California Business and
6 Professions Code § 6147, and therefore violated the statute. As a result, pursuant to § 6147, any
7 purported fee arrangement is voidable at the option of Plaintiffs.

8 84. As a direct and proximate result of Defendants' violation of California Business
9 and Professions Code § 6147, Plaintiffs are entitled to return of all fees paid to Defendants.

10 **FIFTH CAUSE OF ACTION**

11 **(VIOLATION OF CAL. BUS. & PROF. CODE § 6148)**

12 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**
13 **DEFENDANTS 1 THROUGH 30)**

14 85. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

15 86. California Business and Professions Code § 6148 requires fee arrangements with
16 attorneys that do not fall within § 6147 to be documented in a written agreement, which must
17 contain a host of statutorily mandated disclosures, so long as it is reasonably foreseeable that the
18 expenses to be incurred will exceed one thousand dollars. In the absence of a writing that
19 complies with the requirements of § 6148, a fee arrangement is voidable at the client's election.
20 See Cal. Bus. & Prof. Code § 6148(c).

21 87. At all relevant times, Defendants, on the one hand, and Mr. Depp, on the other,
22 were in an attorney-client relationship. At all relevant times, it was reasonably foreseeable that
23 the total expense to the client, including attorney fees, would exceed one thousand dollars.

24 88. Despite collecting tens of millions of dollars in attorneys' fees over the course of
25 their relationship with Mr. Depp, Defendants had no written agreement with Mr. Depp for the
26 provision of legal services.

27 89. To the extent the purported fee arrangement between Mr. Depp and Defendants,
28 does not come within § 6147, Defendants' purported fee arrangement with Mr. Depp was subject

1 to, and violated, the requirements of California Business and Professions Code § 6148. As a
2 result, pursuant to § 6148, any purported fee arrangement is voidable at the option of Plaintiffs.

3 90. As a direct and proximate result of Defendants' violation of California Business
4 and Professions Code § 6148, Plaintiffs are entitled to return of all fees paid to Defendants.

5 **SIXTH CAUSE OF ACTION**

6 **(VIOLATION OF THE UNFAIR COMPETITION LAW,**

7 **CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.)**

8 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**

9 **DEFENDANTS 1 THROUGH 30)**

10 91. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

11 92. California's Unfair Competition Law (the "UCL"), set forth in California Business
12 & Professions Code §§ 17200, *et seq.*, provides that unfair competition shall mean and include
13 any unlawful and unfair business act or practice.

14 93. Defendants' wrongful conduct constitutes unlawful and unfair business acts and
15 practices in three different ways, each of which independently constitutes a violation of the UCL.

16 94. Defendants' acts and practices are unlawful and unfair in that they violate, among
17 other statutes, California Business & Professions Code § 6147, entitled "Contingency fee
18 contracts; duplicate copy; contents; effect of noncompliance; recovery of workers' compensation
19 benefits," or, alternatively, California Business & Professions Code § 6148, entitled "Contracts
20 for services in cases not coming within § 6147; bills rendered by attorney; contents; failure to
21 comply."

22 95. Defendants collected voidable contingent fees tied to Mr. Depp's variable earnings
23 totaling in the tens of millions of dollars.

24 96. Despite collecting tens of millions of dollars in contingent consideration over the
25 course of their relationship with Mr. Depp, Defendants had no written agreement with Mr. Depp
26 for the provision of legal services.

27 97. The purported fee arrangement between Defendants, on the one hand, and Mr.
28 Depp, on the other hand, does not conform with the requirements of California Business &

1 Professions Code § 6147. Alternatively, this arrangement does not conform to the requirements
2 of § 6148. This unlawful business practice therefore violates the UCL.

3 98. In addition, Defendants' acts and practices as set forth herein are also unlawful and
4 unfair in that they violate several rules of professional conduct, including but not limited to (i)
5 California Rule of Professional Conduct 3-300, which requires that "[a] member shall not enter
6 into a business transaction with a client . . . unless . . . the transaction . . . and its terms are . . .
7 fully disclosed and transmitted in writing to the client," (ii) California Rule of Professional
8 Conduct 3-310, which prohibits representations imbued with conflicts of interest, and (iii)
9 California Rule of Professional Conduct 3-500, which requires that "[a] member shall keep a
10 client reasonably informed about significant developments relating to the employment or
11 representation."

12 99. The California Rules of Professional Conduct embody the public policy of
13 California. The violation of public policies central to the attorney-client relationship render any
14 agreement unenforceable and entitles the injured party to disgorgement of fees paid. A cause of
15 action under the UCL may be predicated on a violation of the California Rules of Professional
16 Conduct. *People ex rel. Herrera v. Stender*, 212 Cal. App. 4th 614 (2012).

17 100. As described herein, Defendants violated the law and the public policy of
18 California by creating, obscuring, and profiting from, unauthorized and undisclosed conflicts of
19 interest through self-dealing and failing to disclose material facts to their client related to their
20 and TMG's representation of Mr. Depp. This constitutes a separate violation of the UCL.

21 101. Finally, Defendants' acts and practices as set forth herein include, but are not
22 limited to, breaches of fiduciary obligations and legal malpractice. These also constitute unlawful
23 and unfair business acts and practices under California Business & Professions Code §§ 17200 *et*
24 *seq.*, because such acts are unscrupulous, unethical, unfair, and injurious to Plaintiffs. This
25 constitutes a third, separate violation of the UCL.

26 102. As a direct and proximate result of Defendants' unlawful and unfair business acts
27 and practices, Defendants have been unjustly enriched, and Plaintiffs have suffered monetary
28 harm. Plaintiffs thus seek disgorgement and restitution of all fees paid to Defendants in an

1 amount to be proven at trial.

2 **SEVENTH CAUSE OF ACTION**

3 **(DECLARATORY JUDGMENT)**

4 **(BY ALL PLAINTIFFS AGAINST BLOOM HERGOTT, BLOOM, AND DOE**

5 **DEFENDANTS 1 THROUGH 30)**

6 103. Plaintiffs incorporate all of the foregoing allegations as if fully set forth herein.

7 104. An actual controversy relating to the legal rights and duties of the parties exists;
8 namely: (a) whether, through Defendants' self-dealing; conflicts of interest; failure to disclose
9 material facts breach of their duties of skill, prudence, and diligence; and failure to comply with
10 California law which requires fee arrangements of the type here to be in writing, Defendants
11 violated California law, the California Rules of Professional Conduct, and California's public
12 policy, rendering any purported contingent fee arrangement between Defendants and Mr. Depp
13 invalid, void and unenforceable, and entitling Mr. Depp to disgorgement of all fees he has paid to
14 Defendants; and (b) whether, under California Business & Professions Code §§ 6147-48, based
15 on their failure to obtain a written contract and their pervasive and egregious ethical violations,
16 Defendants are required to disgorge all of the fees they collected from Mr. Depp.

17 105. Accordingly, Mr. Depp seeks a declaration that any purported contingent fee
18 arrangement between him and Defendants is invalid, void, and unenforceable, that he is entitled
19 to disgorgement and restitution of all fees paid to Defendants, based on Defendants' violations of
20 California Business & Professions Code §§ 6147-48, the Unfair Competition law, other violations
21 of California law, and violations of the California Rules of Professional Conduct. In addition,
22 Mr. Depp seeks a judgment of the Court awarding him monetary relief against Defendants in the
23 amount of all contingent fees he paid to Defendants, plus interest at the legal rate.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment in their favor and against the Defendants, and each of them, jointly and severally, as follows:

- A. For compensatory damages in an amount subject to proof at trial;
- B. For a judgment declaring that any purported fee arrangement between Plaintiffs and Defendants is invalid, void and unenforceable;
- C. For a judgment returning to Plaintiffs all funds collected by Defendants pursuant to any purported fee arrangement with Plaintiffs, in an amount subject to proof at trial;
- D. For restitution and disgorgement of all gains and profits by Defendants as a result of their wrongful and unlawful conduct, in an amount subject to proof at trial;
- E. For setoff of any amounts allegedly owed to Defendants against amounts Defendants owe Plaintiffs;
- F. For punitive and exemplary damages in an amount subject to proof at trial;
- G. For interest and prejudgment interest;
- H. For an award of attorneys' fees and costs; and
- I. For such other and further relief as deemed just and proper.

RESPECTFULLY SUBMITTED this 17th day of October 2017.

By: 
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Bros., Inc., L.R.D. Productions, Inc., and Infinitum
Nihil*

Deadline

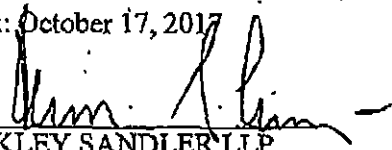
10/17/2017

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury for this matter.

Dated: October 17, 2017

By: 
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 23 *and Infinitum Nihil*

24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 25 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

26 JOHN C. DEPP, II, SCARAMANGA BROS.,
 27 INC., a California corporation, L.R.D.
 28 PRODUCTIONS, INC., a California
 corporation, INFINITUM NIHIL, a California
 corporation,

Plaintiffs,

v.

BLOOM HERGOTT DIEMER ROSENTHAL
 LAVIOLETTE FELDMAN SCHENKMAN &
 GOODMAN, LLP, JACOB A. BLOOM, and
 Does 1-30,

Defendants.

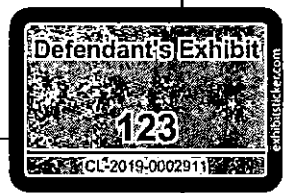
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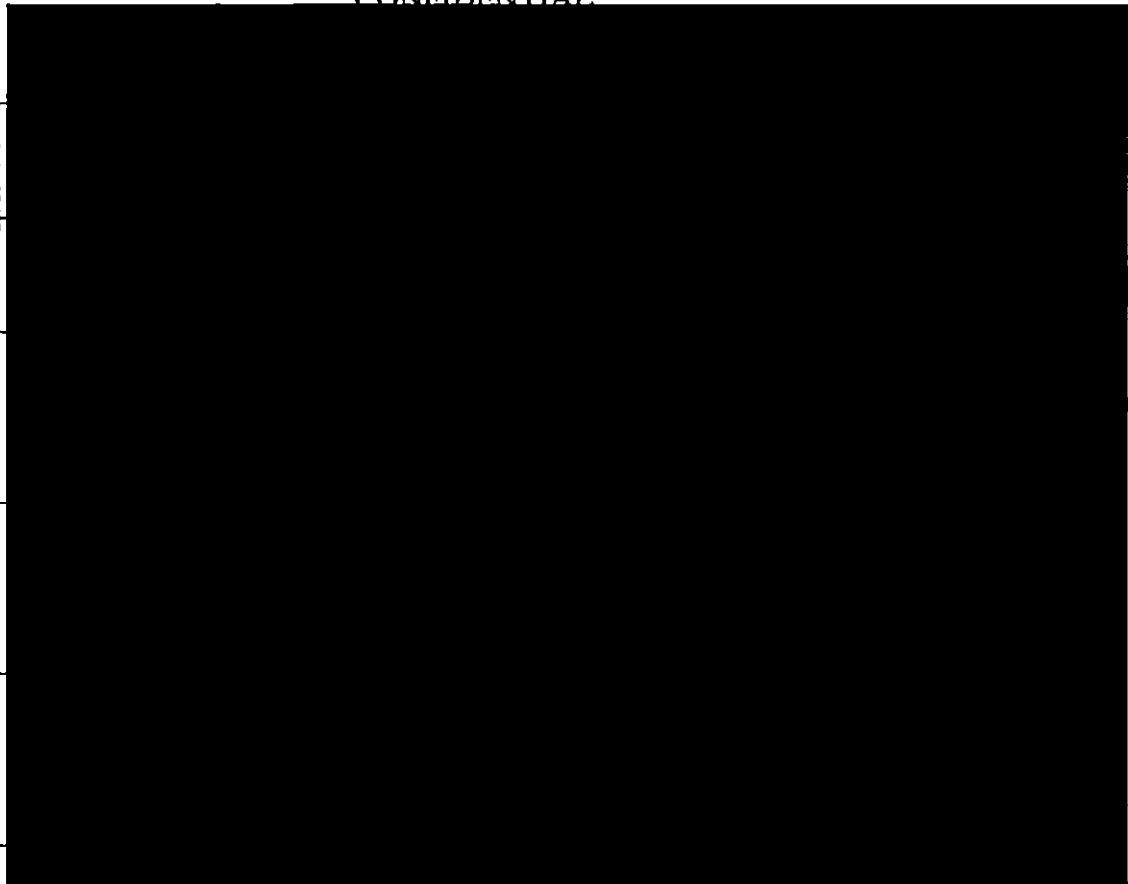
Case No. BC680066

PLAINTIFF L.R.D. PRODUCTIONS,
INC.'S SUPPLEMENTAL RESPONSE TO
DEFENDANTS' FIRST SET OF SPECIAL
INTERROGATORIES

Complaint Filed: October 17, 2017



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INTERROGATORY NO. 47:

State ALL facts RELATING TO ALL injuries, harm, or damages suffered by YOU as a result of the TRYON LOAN.

RESPONSE TO INTERROGATORY NO. 47:



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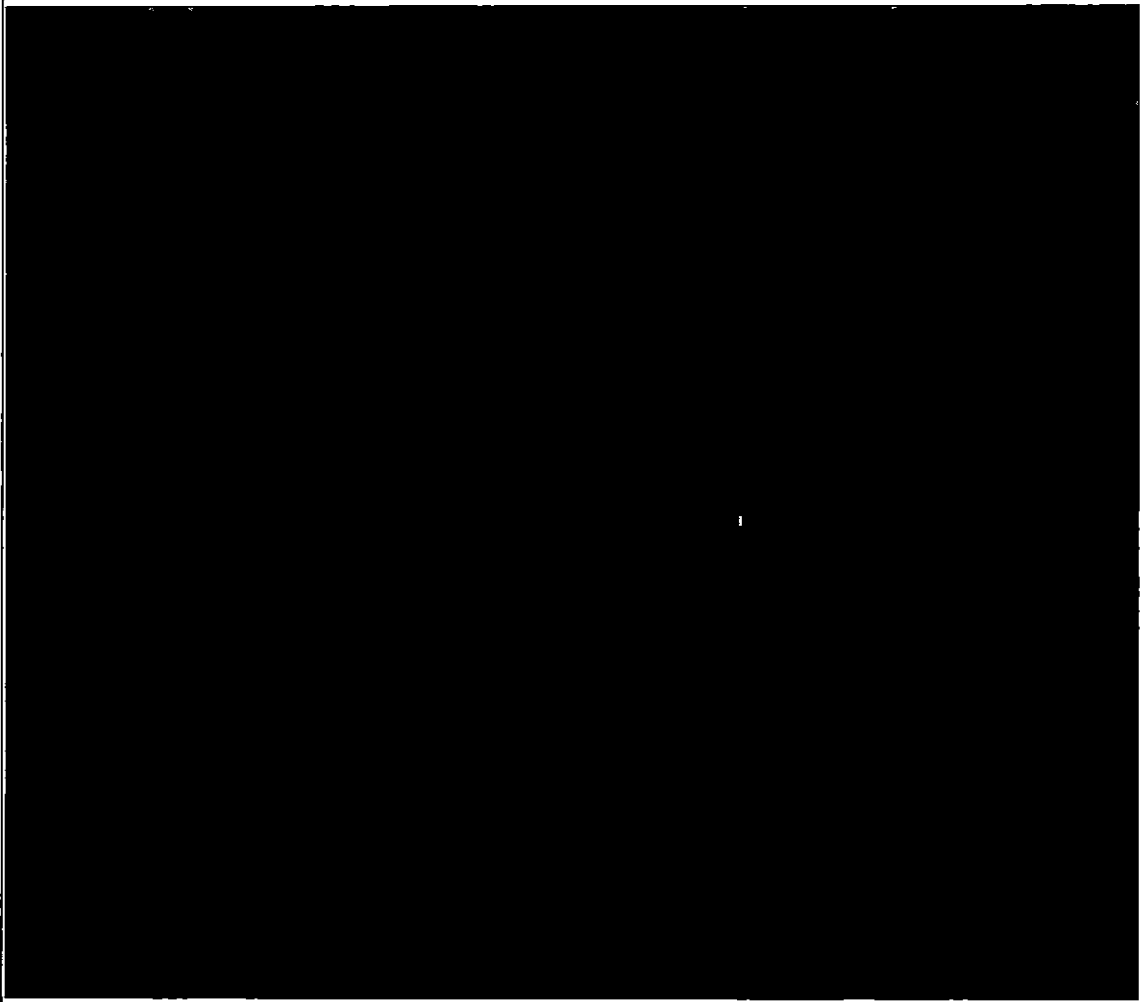
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- Additionally, Mr. Depp suffered harm to his professional reputation caused by the stigma associated with a hard money loan.



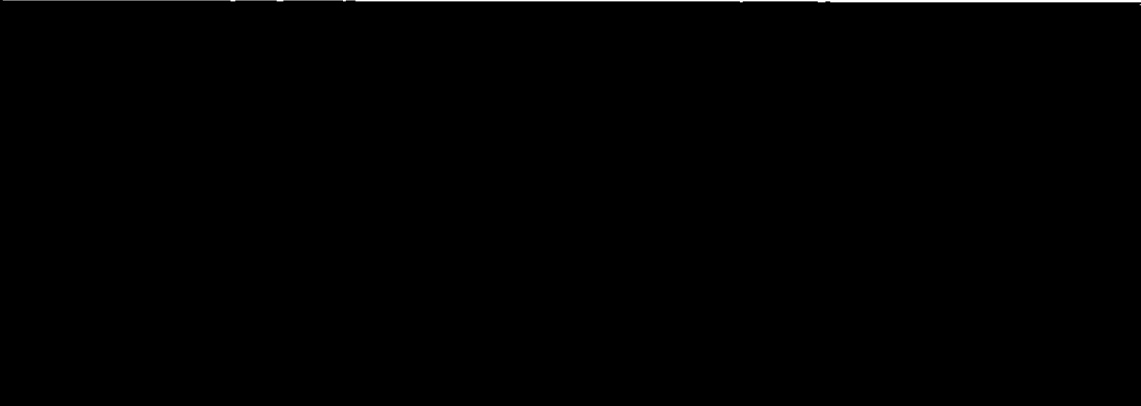
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INTERROGATORY NO. 53:

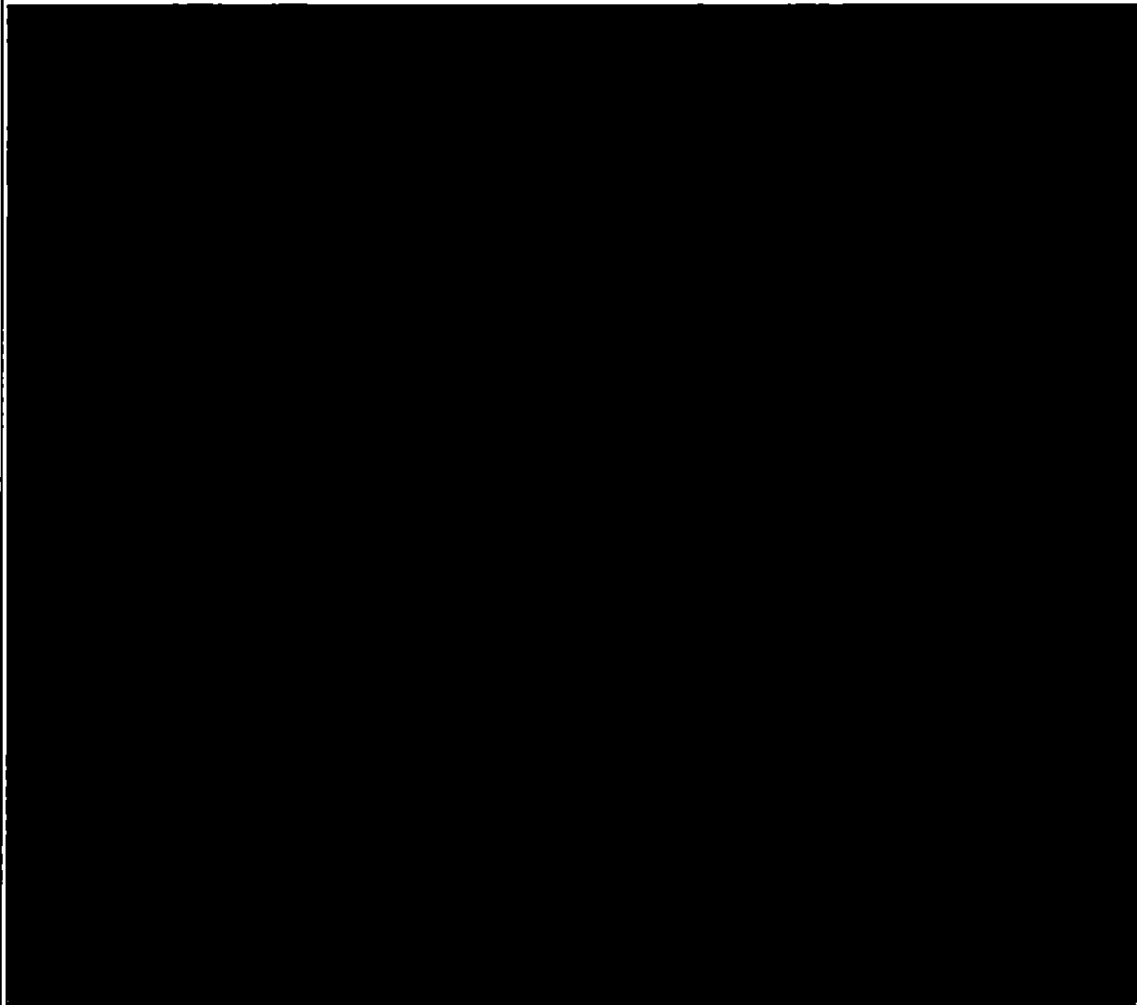
State ALL facts RELATING TO ALL injuries, harm, or damages suffered by YOU as a result of any failure to disclose the terms of the TRYON LOAN, as alleged in Paragraph 36 of the COMPLAINT.

RESPONSE TO INTERROGATORY NO. 53:



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- Additionally, Mr. Depp suffered harm to his professional reputation caused by the stigma associated with a hard money loan.



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DATED: January 3, 2019

BROWN RUDNICK LLP

By: Camille Vasquez
Camille Vasquez
*Attorneys for Plaintiffs John C. Depp, II,
Scaramanga Bros., Inc., L.R.D. Productions, Inc.,
and Infinitum Nihil*

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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 06 2018

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

8 Attorney for Plaintiff,
9 Gregg "Rocky" Brooks

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 GREGG "ROCKY" BROOKS
13 Plaintiff,

14 v.

15 JOHN C. DEPP, an individual; MIRIAM
16 SEGAL, an individual; BRAD FURMAN, an
17 individual; GOOD FILM PRODUCTIONS
18 US, INC., a New York Corporation;
19 INFINITUM NIHIL, A Californian
20 Corporation; And DOES 1-50

Case No: **BC 7 1 3 1 2 3**
Complaint for Damages:
1) Assault and Battery
2) Intentional Infliction of Emotional Distress
3) Negligence
4) Negligence-Respondeat Superior
5) Negligent Hiring and Retention of Unfit Employee
6) Negligent Supervision of Employee
7) Hostile Work Environment
8) Wrongful Termination in Violation of Public Policy
9) Retaliation
10) Negligent Infliction of Emotional Distress

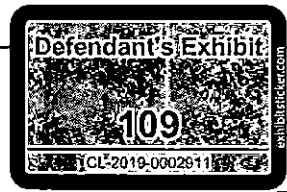
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100 West Broadway, Suite 990
Glendale, CA 91210

DO NOT FILE

21 Plaintiff, Gregg "Rocky" Brooks brings this complaint against Defendants, John C.
22 Depp, Miriam Segal, Brad Furman, Good Film Productions US, Inc., Infitum Nihil and
23 DOES 1-50, inclusive, based upon the following allegations:

24 **VENUE**

25 1. This court has jurisdiction over this action and Defendants pursuant to California
26 Code of Civil Procedure § 410.10. This is a civil action wherein the matter in controversy,
27 exclusive of interest and costs, exceeds the jurisdictional minimum of the Court.
28



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1 Defendants, during times relevant to this action, have conducted substantial, systematic
2 and continuous commercial activities in California.

3 2. Venue is proper in this judicial district pursuant to California Code of Civil Procedure
4 §§ 395 (a) and 395.5 as at least some of the acts and omissions complained of in this
5 action occurred in the County of Los Angeles in the State of California. Each of the
6 Defendants either owns property, maintains an office, transacts business, engages in
7 financial operations, has an agent or agents within the County of Los Angeles, and/or is
8 otherwise found within the County of Los Angeles, and each of the Defendants is within
9 the jurisdiction of this Court for purposes of service of process.

10 PARTIES

11 3. Gregg "Rocky" Brooks ("PLAINTIFF") is an individual and is now and, at all times
12 mentioned in this complaint, was residing in the County of Los Angeles, State of California.

13 4. John C. Depp ("DEPP") is an individual and is now and, at all times mentioned in
14 this complaint, was residing in the County of Los Angeles, State of California.

15 5. Miriam Segal ("SEGAL") is an individual and is now and, at all times mentioned in
16 this complaint, a producer of the feature film "Labyrinth" (retitled "City of Lies") (herein referred to
17 as "LABYRINTH" or the "PRODUCTION"), doing substantial business in the state of
18 California, including filming the movie the LABYRINTH on location in Los Angeles County.

19 6. Brad Furman ("FURMAN") is an individual and is now and, at all times mentioned in
20 this complaint, was the director of the LABYRINTH, doing substantial business in the state
21 of California, including filming the LABYRINTH on location in Los Angeles County.

22 7. Good Film Productions US, Inc. ("GOOD FILMS") is a New York Corporation which
23 is also registered to do business in and is doing business in the State of California, County
24 of Los Angeles with offices at 150 S. Rodeo Drive, Third Floor, Beverly Hills, CA 90212.

25 8. Infinitum Nihil ("INFINITUM") is now and, at all times mentioned in this complaint,
26 was a California Corporation doing business in the State of California with offices at 21700
27 Oxnard Street, Suite #400, Woodland Hills, CA 91367.

28 9. PLAINTIFF is ignorant of the true names and capacities of Defendants sued herein
as DOES 1 through 50, inclusive, and therefore sues these Defendants by such fictitious

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1 names. PLAINTIFF will amend this complaint to allege their true names and capacities
2 when ascertained.

3 10. At all times herein mentioned, each Defendant, including the fictitiously named DOE
4 Defendants, were the partners, servants, agents, joint venturers, or employees of each of
5 the remaining Defendants and were acting within the course and scope of their position,
6 service, agency, venture, or employment. PLAINTIFF is informed and believes and
7 thereon alleges that each Defendant ratified, approved, and adopted the conduct of the
8 other Defendants.

9 11. PLAINTIFF is informed and believes and thereon alleges that each of the
10 aforementioned Defendants either acted or caused action to occur which caused damages
11 to PLAINTIFF.

12 GENERAL ALLEGATIONS

13 12. In 2017, PLAINTIFF was retained as the Location Manager for the feature film
14 LABYRINTH by GOOD FILMS.

15 13. At all times relevant herein, SEGAL was one of the producers of LABYRINTH and
16 the founding manager of GOOD FILMS.

17 14. At all times relevant herein, GOOD FILMS was one of the production companies
18 responsible for the production of LABYRINTH.

19 15. At all times relevant herein, FURMAN was the director of LABYRINTH.

20 16. At all times relevant herein, DEPP was one of the "stars" of the LABYRINTH and a
21 director for the production company INFINITUM.

22 17. At all times relevant herein, INFINITUM was one of the production companies
23 responsible for the production of LABYRINTH.

24 18. On or about April 13, 2017, LABYRINTH was filming in Downtown Los Angeles,
25 inside and around the Barclay Hotel ("BARCLAY").
26
27
28

1 19. Filming permits were obtained from Film LA & Contract Services ("FILM LA")
2 allowing filming from 7:00 a.m. to 10:00 p.m. The permits provided that filming outside the
3 BARCLAY was to end at 7:00 p.m. and filming inside the BARCLAY was to end at 10:00
4 p.m. As Location Manager, it was PLAINTIFF's responsibility to make sure the
5 PRODUCTION was complying with the permit requirements and to liaise with FILM LA if
6 any issues arose.

7
8 20. SEGAL approached PLAINTIFF and requested he try and extend the hours of the
9 permit in order to accommodate the needs of production and to accommodate DEPP, who
10 wanted to direct two friends in an expanded version of the scene previously scheduled for
11 the day.

12 21. PLAINTIFF and SEGAL then approached the FILM LA site monitory, Jason Gonet
13 ("GONET"), to discuss the needs of production and the parameters of the permit
14 extension. After reviewing all of SEGAL's needs for production, the FILM LA permit office
15 was contacted and the first permit extension of the night was granted.

16
17 22. As filming continued, it became apparent that additional time was needed and
18 SEGAL again requested PLAINTIFF obtain a permit extension.

19 23. PLAINTIFF and GONET again contacted the FILM LA permit office and were
20 granted a final extension for filming. The new filming permits were set to expire at 11:00
21 p.m. outside the BARCLAY and at 12:00 a.m. inside the BARCLAY.

22
23 24. At approximately 10:50 p.m., GONET asked PLAINTIFF to inform the 1st AD, Paul
24 Silver, that time was running out and that the current "shot" would have to be the last
25 exterior "shot" of the night.

26 25. While PLAINTIFF was relaying the information regarding the last shot to the 1st AD,
27 FURMAN interjected, instructing PLAINTIFF, "why don't you tell that to Johnny Depp!"
28 FURMAN did this knowing that DEPP would not be happy about the restriction.

1 26. DEPP was not the director on LABYRINTH and therefore there was no reason for
2 PLAINTIFF to directly notify DEPP of filming restrictions. Furthermore, based on custom
3 and practice on movie productions, FURMAN should never have instructed PLAINTIFF to
4 speak with or give instruction to DEPP regarding production matters.

5 27. PLAINTIFF, feeling he had no choice but to do as he was instructed, agreed to relay
6 the message to DEPP. However, knowing DEPP may become upset and feeling the need
7 to protect himself, PLAINTIFF started approaching the nearby, on-set LAPD officer Jim
8 "Big" Rigg to get his assistance in relaying the message to DEPP.

9 28. Before PLAINTIFF could reach the LAPD Officer, DEPP accosted PLAINTIFF and
10 began attacking him, angrily screaming in his face "WHO THE FUCK ARE YOU? YOU
11 HAVE NO RIGHT TO TELL ME WHAT TO DO!"

12 29. PLAINTIFF remained calm and professional, explained who he was and that, as
13 Location Manager, it was his responsibility to make sure the PRODUCTION complied with
14 the permit requirements.

15 30. The altercation continued with DEPP screaming "I DON'T GIVE A FUCK WHO YOU
16 ARE AND YOU CAN'T TELL ME WHAT TO DO!"

17 31. At the same time, while screaming at PLAINTIFF, DEPP angrily and forcefully
18 punched PLAINTIFF twice in the lower left side of his rib cage and causing pain.

19 32. Despite having just been punched in the side, PLAINTIFF maintained his
20 composure. When PLAINTIFF did not react to DEPP's satisfaction after being punched,
21 DEPP yelled "I WILL GIVE YOU ONE HUNDRED THOUSAND DOLLARS TO PUNCH ME
22 IN THE FACE RIGHT NOW!" PLAINTIFF still did not react and DEPP continued to scream
23 and berate him in front of a set full of people until DEPP's own bodyguards physically
24 removed DEPP from the scene.
25
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1 33. Throughout the altercation, PLAINTIFF noticed that DEPP's breath reeked of
2 alcohol.

3 34. PLAINTIFF is informed, believes and thereon alleges that DEPP had been drinking
4 alcohol and using drugs throughout the day on set.

5 35. On the Monday following the incident, April 16, 2017, PLAINTIFF returned to the
6 production office to work on wrapping out the show. Upon arrival, PLAINTIFF was
7 informed that SEGAL wanted him to write and sign a declaration stating that he would not
8 sue the PRODUCTION. When PLAINTIFF declined to write such a statement, his services
9 were terminated immediately.
10

11 **FIRST CAUSE OF ACTION**
12 **Assault and Battery**
13 **(Against DEFENDANT Depp and DOES 1-50)**

14 36. PLAINTIFF incorporates Paragraphs 1 through 35 herein the same as though fully
15 set out in this Cause of Action at length.

16 37. On or about April 13, 2017, as detailed above, DEPP accosted PLAINTIFF, got in
17 his face, and proceeded to scream and berate PLAINTIFF placing PLAINTIFF in fear of a
18 harmful or offensive contact.

19 38. In doing the above-alleged acts, DEPP intended to threaten PLAINTIFF and put
20 him in apprehension of harmful contact with his person.

21 39. As a result of DEPP's acts, PLAINTIFF was, in fact, placed in great apprehension of
22 harmful contact with his person.

23 40. While screaming and threatening PLAINTIFF, DEPP maliciously and forcefully
24 punched PLAINTIFF twice in the lower left side of his rib cage.

25 41. In doing the acts alleged herein, DEPP acted with the intent of making harmful
26 contact with PLAINTIFF's person.

27 42. At no time did PLAINTIFF consent to any of the acts of DEPP alleged herein.
28

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1 43. As a proximate result of DEPP's acts, PLAINTIFF suffered physical pain and
2 emotional and psychological injury, all of which have caused and continue to cause
3 PLAINTIFF psychological and emotional distress. As a result of these injuries, PLAINTIFF
4 has suffered general damages.

5 44. DEPP's aforementioned conduct was willful and malicious and was intended to
6 oppress and cause injury to PLAINTIFF. PLAINTIFF is therefore entitled to an award of
7 punitive damages.
8

9 **SECOND CAUSE OF ACTION**
10 **Intentional Infliction of Emotional Distress**
11 **(Against DEFENDANT Depp and DOES 1-50)**

12 45. PLAINTIFF incorporates Paragraphs 1 through 44 herein the same as though fully
13 set out in this Cause of Action at length.

14 46. DEPP verbally and physically attacked PLAINTIFF in front of the cast and crew of
15 the PRODUCTION, berating and demeaning PLAINTIFF for doing what FURMAN
16 requested he do.

17 47. DEPP's conduct was intentional and malicious and done for the purpose of causing
18 PLAINTIFF to suffer humiliation, mental anguish, and emotional and physical distress

19 48. As a proximate result of DEPP's yelling, demeaning, and punching PLAINTIFF,
20 PLAINTIFF suffered pain, severe humiliation, mental anguish, and emotional and physical
21 distress, and has been injured in mind and body.

22 **THIRD CAUSE OF ACTION**
23 **Negligence**
24 **(Against DEFENDANT Depp and DOES 1-50)**

25 49. PLAINTIFF incorporates Paragraphs 1 through 48 herein the same as though fully
26 set out in this Cause of Action at length.

27 50. On or about April 13, 2017, DEPP negligently, carelessly and recklessly harmed
28 PLAINTIFF in such a manner that he placed PLAINTIFF in apprehension of harmful
contact and caused his fist to make harmful violent contact with PLAINTIFF's body.

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1 51. As a direct and proximate result of the negligent, careless, reckless and unlawful
2 conduct of DEPP, PLAINTIFF suffered pain, severe humiliation, mental anguish, and
3 emotional and physical distress, and has been injured in mind and body
4

5 **FOURTH CAUSE OF ACTION**
6 **Negligent - Respondeat Superior**
7 **(Against All Defendants)**

8 52. PLAINTIFF incorporates Paragraphs 1 through 51 herein the same as though fully
9 set out in this Cause of Action at length.

10 53. At all times herein mentioned, DEPP was an agent and employee of GOOD FILMS,
11 INFINITUM, SEGAL, and FURMAN, and, in doing the acts herein described and referred
12 to, was acting in the course and within the scope of his authority as agent and employee,
13 and in the transaction of the business of the employment or agency. GOOD FILMS,
14 INFINITUM, SEGAL, and FURMAN are therefore liable to plaintiff for the acts of DEPP as
15 heretofore alleged.
16

17 **FIFTH CAUSE OF ACTION**
18 **Negligent Hiring and Retention of Unfit Employee**
19 **(Against All Defendants)**

20 54. PLAINTIFF incorporates Paragraphs 1 through 53 herein the same as though fully
21 set out in this Cause of Action at length.

22 55. PLAINTIFF is informed and believes and thereon alleges that in doing the acts as
23 here alleged, GOOD FILMS, INFINITUM, SEGAL, and FURMAN knew or, in the exercise
24 of reasonable diligence, should have known that DEPP was incompetent and unfit and that
25 an undue risk to persons such as PLAINTIFF would exist because of the employment.

26 56. PLAINTIFF is informed and believes and thereon alleges that DEPP was under the
27 influence of drugs and/ or alcohol while working on set.

28 57. PLAINTIFF is informed and believes and thereon alleges that at all times mentioned
herein, GOOD FILMS, INFINITUM, SEGAL, and FURMAN knew or, in the exercise of

1 reasonable diligence, should have known that DEPP was under the influence of drugs and
2 /or alcohol.

3 58. PLAINTIFF is further informed and believes and thereon alleges that DEPP has a
4 volatile temper and becomes easily agitated and hostile towards others.

5 59. PLAINTIFF is informed and believes and thereon alleges that GOOD FILMS,
6 SEGAL, INFINITUM, and FURMAN knew or, in the exercise of reasonable diligence,
7 should have known that DEPP has a volatile temper and becomes easily agitated and
8 hostile towards others.

9 60. PLAINTIFF is informed and believes and thereon alleges that GOOD FILMS,
10 INFINITUM, SEGAL, and FURMAN knew or, in the exercise of reasonable diligence,
11 should have known that, due to his temper and his use of drugs and or alcohol, DEPP
12 posed a potential danger to other employees on set, including PLAINTIFF.

13 61. Despite the advance knowledge, GOOD FILMS, INFINITUM, SEGAL, and
14 FURMAN retained DEPP as an employee in conscious disregard for the rights and safety
15 of others. As a result of this conscious disregard for the rights of PLAINTIFF, PLAINTIFF is
16 entitled to an award of punitive damages from GOOD FILMS, INFINITUM, SEGAL, and
17 FURMAN.

18
19
20 **SIXTH CAUSE OF ACTION**
21 **Negligent Supervision of Employee**
22 **(Against All Defendants)**

23 62. PLAINTIFF incorporates Paragraphs 1 through 61 herein the same as though fully
24 set out in this Cause of Action at length.

25 63. Notwithstanding the knowledge that DEPP was incompetent and unfit and that
26 DEPP posed a potential danger to other employees on set due to his intoxication, GOOD
27 FILMS, INFINITUM, SEGAL, and FURMAN failed to adequately supervise DEPP.

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1 64. The failure of GOOD FILMS, INFINITUM, SEGAL, and FURMAN to adequately
2 supervise DEPP was the proximate cause of PLAINTIFF's injury. Had GOOD FILMS,
3 INFINITUM, SEGAL, and FURMAN properly supervised DEPP, he would not have been
4 intoxicated on set and he would not have attacked PLAINTIFF.

5 65. Despite advance knowledge, GOOD FILMS, INFINITUM, SEGAL, and FURMAN
6 allowed DEPP to remain on set in conscious disregard for the rights and safety of others.
7 As a result of this conscious disregard for the rights of PLAINTIFF, PLAINTIFF is entitled
8 to an award of punitive damages from GOOD FILMS, INFINITUM, SEGAL, and FURMAN.
9

10 **SEVENTH CAUSE OF ACTION**
11 **Hostile Work Environment**
12 **(Against All Defendants)**

13 66. PLAINTIFF incorporates Paragraphs 1 through 65 herein the same as though fully
14 set out in this Cause of Action at length.

15 67. PLAINTIFF is informed and believes and thereon alleges that DEPP's intoxication
16 and temper created a hostile, abusive and unsafe work environment which eventually
17 resulted in PLAINTIFF being assaulted by DEPP during filming.

18 68. PLAINTIFF is informed and believes and thereon alleges that FURMAN's conduct
19 on set, including, but not limited to, negligently delegating his duty to direct the
20 PRODUCTION to DEPP and negligently instructing PLAINTIFF to act outside the scope of
21 his responsibilities and directly inform DEPP that filming needed to cease created and or
22 contributed to the creation on a hostile, abusive, and unsafe work environment which
23 eventually resulted in PLAINTIFF being assaulted by DEPP during filming.

24 69. PLAINTIFF is informed and believes and thereon alleges that GOOD FILMS,
25 INFINITUM, SEGAL, and FURMAN knew or, in the exercise of reasonable diligence,
26 should have known that DEPP's behavior was creating a hostile, unsafe work
27 environment.
28

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1 70. PLAINTIFF is informed and believes and thereon alleges that GOOD FILMS,
2 INFINITUM, SEGAL, and FURMAN knew or, in the exercise of reasonable diligence,
3 should have known that FURMAN's behavior was creating a hostile, unsafe work
4 environment.

5 71. PLAINTIFF is informed and believes and thereon alleges that despite being aware
6 that DEPP's ongoing problems on set were creating a hostile, unsafe work environment,
7 GOOD FILMS, INFINITUM, SEGAL, and FURMAN did nothing to remedy the situation.
8

9 72. PLAINTIFF is informed and believes and thereon alleges that not only did GOOD
10 FILMS, INFINITUM, SEGAL, and FURMAN not attempt to remedy the situation, but
11 FURMAN further exasperated the situation when he instructed PLAINTIFF to personally
12 approach DEPP and inform him that filming needed to stop.

13 73. PLAINTIFF is informed and believes and thereon alleges that despite being aware
14 that FURMAN's behavior on set was creating a hostile, unsafe work environment, GOOD
15 FILMS, INFINITUM, SEGAL, and FURMAN did nothing to remedy the situation.
16

17 74. The conduct of GOOD FILMS, INFINITUM, SEGAL, and FURMAN and DEPP was
18 a substantial factor in PLAINTIFF being assaulted and battered on set.

19 **EIGHTH CAUSE OF ACTION**
20 **Wrongful Termination in Violation of Public Policy**
21 **(Against Defendants Good Films, Ininitum, and Segal)**

22 75. PLAINTIFF incorporates Paragraphs 1 through 74 herein the same as though fully
23 set out in this Cause of Action at length.

24 76. On or about April 16, 2017, after the assault and battery incident mentioned herein,
25 GOOD FILMS, INFINITUM, and SEGAL, or an agent thereof, demanded PLAINTIFF
26 execute a declaration stating that he would not sue the PRODUCTION, its employees or
27 agents for the assault and battery incident which occurred on April 13, 2017.
28

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1 77. GOOD FILMS', INFINITUM's, and SEGAL's demand goes against public policy as it
2 deprives individuals, such as PLAINTIFF, of an important legal right. PLAINTIFF had a
3 legal right to seek redress for injuries arising out of a workplace assault and battery
4 through a civil action.

5 78. When PLAINTIFF refused to execute any such declaration, GOOD FILMS,
6 INFINITUM, and SEGAL retaliated by terminating PLAINTIFF on the spot.

7 79. As a result of GOOD FILMS, INFINITUM, and SEGAL conduct, PLAINTIFF suffered
8 harm, including lost earnings and other employment benefits, humiliation and
9 embarrassment and mental anguish.
10

11 80. In doing the acts set forth herein, GOOD FILMS, INFINITUM, and SEGAL knew the
12 conduct required of PLAINTIFF was unlawful and violated PLAINTIFF's rights. Despite
13 this knowledge, GOOD FILMS, INFINITUM, and SEGAL subjected PLAINTIFF to unjust
14 hardship in conscious disregard for PLAINTIFF's rights by demanding he waive his right to
15 redress under civil law or lose his job. GOOD FILMS, INFINITUM, and SEGAL conduct, by
16 and through their agents, warrants the assessment of punitive damages.
17

18 **NINTH CAUSE OF ACTION**
19 **Retaliation**

20 **(Against Defendants Good Films, Infinitum, and Segal)**

21 81. PLAINTIFF incorporates Paragraphs 1 through 80 herein the same as though fully
22 set out in this Cause of Action at length.

23 82. The discharge of an employee in retaliation for resisting employer's unlawful
24 demands made in violation of laws that secure important public policies disregards those
25 policies, and gives rise to a common law action in tort.

26 83. PLAINTIFF was terminated for refusing to waive his legal rights after being
27 assaulted and battered on set by another employee/agent under Defendants' control.
28

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1 GOOD FILMS, INFINITUM, and SEGAL violation of PLAINTIFF's legal rights is
2 inconsistent and hostile to the public's interest.
3 84. As a result of GOOD FILMS, INFINITUM, and SEGAL conduct, PLAINTIFF suffered
4 harm, including lost earnings and other employment benefits, humiliation and
5 embarrassment and mental anguish.

6 85. GOOD FILMS, INFINITUM, and SEGAL committed the acts alleged herein
7 oppressively and maliciously, with the wrongful intention of injuring PLAINTIFF, with
8 improper motive amounting to malice, and in conscious disregard of PLAINTIFF's rights, in
9 that GOOD FILMS, INFINITUM, and SEGAL demanded PLAINTIFF waive his legal right or
10 lose his job. Thus, PLAINTIFF is entitled to recover punitive damages from Defendants.
11

12 **TENTH CAUSE OF ACTION**
13 **Negligent Infliction of Emotional Distress**
14 **(Against All Defendants)**

15 86. PLAINTIFF incorporates Paragraphs 1 through 85 herein the same as though fully
16 set out in this Cause of Action at length.

17 87. PLAINTIFF is informed and believes and thereon alleges GOOD FILMS,
18 INFINITUM, SEGAL, and FURMAN knew or, should have known, that their failure to
19 exercise due care in hiring DEPP, supervising DEPP and maintaining a safe work
20 environment would place employees, such as PLAINTIFF, in danger.

21 88. GOOD FILMS, INFINITUM, SEGAL, and FURMAN failure to control DEPP's
22 conduct while on set, as herein alleged, proximately caused PLAINTIFF to suffer pain,
23 humiliation, severe emotional distress, and mental suffering.

24 89. Furthermore, GOOD FILMS', INFINITUM's, and SEGAL's wrongful termination of
25 PLAINTIFF caused PLAINTIFF to suffer humiliation severe emotional distress and mental
26 suffering.
27
28

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Glendale, CA 91210

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90. PLAINTIFF is informed and believes and thereon alleges that GOOD FILMS, INFINITUM, SEGAL, and FURMAN negligent conduct, as alleged here, was the proximate cause of his severe emotional distress, humiliation, and mental suffering.

PRAYER FOR RELIEF

Wherefore, Gregg "Rocky" Brooks, prays for judgment against John C. Depp, Miriam Segal, Brad Furman, and Good Film Productions, Inc., Infitum Nihil and each of them as follows:

1. For General damages to be proven at trial;
2. For Punitive damages to be proven at trial;
3. For cost of suit herein incurred;
4. For such other and further relief as this Court may deem just and proper.

Dated: 7/8/18

BAKER, OLSON, LeCROY & DANIELIAN

By *Arbella Azizian*
Arbella Azizian,
Attorneys for Plaintiff

Deadline



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**CONTAINS CONFIDENTIAL INFORMATION
PURSUANT TO THE PROTECTIVE ORDER**

Transcript of Robin Baum

Date: January 20, 2022
Case: Depp, II -v- Heard

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

----- x
JOHN C. DEPP, II, : Case No.
Plaintiff, : CL-2019-0002911
v. :
AMBER LAURA HEARD, :
Defendant. :

----- x

CONTAINS CONFIDENTIAL INFORMATION

PURSUANT TO THE PROTECTIVE ORDER

Videotaped Deposition of ROBIN BAUM

Conducted Remotely via Zoom

Thursday, January 20, 2022

12:31 p.m. Eastern Time

Job No.: 425537

Pages: 1 - 204

Reported By: AMY L. STRYKER, CCR

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Videotaped Deposition of ROBIN BAUM,
conducted remotely.

Pursuant to subpoena, before AMY L.
STRYKER, Certified Court Reporter and Notary
Public of the State of Maryland.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF JOHN C. DEPP:

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1 A P P E A R A N C E S C O N T I N U E D

2

3 ON BEHALF OF THE WITNESS:

4 JI-IN LEE HOUCK, ESQ.

5 STALWART LAW GROUP

6 1100 Glendon Avenue

7 Suite 1840

8 Los Angeles, California 90024

9 (310) 954-2000

10

11 ALSO PRESENT:

12 CATHERINE GONZALEZ, AV Technician

13 KIMBERLY JOHNSON, Videographer

14

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CONTAINS CONFIDENTIAL INFORMATION - PTTPO

Transcript of Robin Baum
Conducted on January 20, 2022

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1	part of the record.)	14:19:52
2	A I think the writer's -- sorry. I think	14:20:06
3	the writer's intention was to write a negative	14:20:10
4	article.	14:20:13
5	Q Thank you.	14:20:16
6	MR. PRESIADO: Can we take a one-second	14:20:18
7	break? I got an e-mail that I need to return.	14:20:19
8	Just a couple minutes.	14:20:22
9	MS. PINTADO: Sure.	14:20:24
10	MR. PRESIADO: Thanks.	14:20:24
11	MS. PINTADO: Off the record.	14:20:25
12	THE VIDEOGRAPHER: Off the record at 2:20.	14:20:25
13	(Recess was held.)	14:23:31
14	THE VIDEOGRAPHER: Back on the record at	14:23:31
15	2:23.	14:23:36
16	BY MS. PINTADO:	14:23:38
17	Q Ms. Baum, did you attempt any damage	14:23:39
18	control after the Rolling Stone article was	14:23:40
19	published?	14:23:44
20	MR. PRESIADO: Objection; vague and	14:23:46
21	ambiguous, assumes facts not in evidence.	14:23:49
22	THE WITNESS: I don't -- I just -- I don't	14:23:53

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CONTAINS CONFIDENTIAL INFORMATION - PTTPO

Transcript of Robin Baum
Conducted on January 20, 2022

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1	recall.	14:23:55
2	Q Okay.	14:23:55
3	MS. PINTADO: We can take this exhibit	14:23:58
4	down.	14:24:00
5	Q Do you know who Gregg Brooks is?	14:24:03
6	A Yes.	14:24:05
7	Q Who is Gregg Brooks?	14:24:09
8	A I don't -- I know he was associated with	14:24:11
9	City of Lies, and I do -- I don't remember -- I	14:24:16
10	don't -- I can't think of exactly what his job	14:24:19
11	responsibility was at the moment for some reason.	14:24:23
12	Q Did Ms. -- did Mr. Brooks sue Mr. Depp?	14:24:25
13	A Yes.	14:24:32
14	Q What did he sue him about?	14:24:35
15	A He sued him over --	14:24:39
16	MS. HOUCK: Objection; calls for	14:24:42
17	speculation.	14:24:44
18	Q What do you recall about the litigation?	14:24:46
19	A I'm completely paraphrasing, but I --	14:24:47
20	he -- he sued him over some altercation on set.	14:24:57
21	Q Do you recall that there was an allegation	14:24:59
22	that Mr. Depp punched him in the ribs twice?	14:25:05

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1	A I remember -- I recall that that's what he	14:25:08
2	claims.	14:25:17
3	Q Did that allegation have any impact on	14:25:18
4	Mr. Depp's reputation?	14:25:24
5	MR. PRESIADO: Objection; calls for	14:25:27
6	speculation, lacks foundation, and may -- and to	14:25:28
7	the extent it calls for opinion testimony.	14:25:33
8	MS. HOUCK: Join.	14:25:37
9	THE WITNESS: I believe that someone	14:25:49
10	related to the movie publicly denied that that	14:25:51
11	happened.	14:25:58
12	Q At the time -- at the time that he --	14:26:00
13	Mr. Depp was sued by Mr. Brooks, did that story --	14:26:05
14	sorry. Excuse me -- did that lawsuit impact	14:26:12
15	Mr. Depp's career in any way?	14:26:16
16	MR. PRESIADO: Objection; lacks	14:26:18
17	foundation, calls for speculation, vague and	14:26:19
18	ambiguous, and object to the extent it calls for	14:26:22
19	expert opinion.	14:26:24
20	MS. HOUCK: Join.	14:26:25
21	THE WITNESS: I am pretty sure that that	14:26:37
22	lawsuit was after Amber's allegations against him.	14:26:41

CONTAINS CONFIDENTIAL INFORMATION - PTTPO

Transcript of Robin Baum
Conducted on January 20, 2022

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1	Q Okay. And what does that mean?	14:26:51
2	A I don't believe that this -- this -- I	14:26:55
3	don't believe -- I'm speaking for myself. I don't	14:27:06
4	think that this lawsuit did any further damage	14:27:09
5	than what her allegations have done.	14:27:16
6	Q Okay. Her allegations prior to this	14:27:23
7	lawsuit?	14:27:28
8	A Correct.	14:27:29
9	Q And had -- those allegations that were	14:27:35
10	involved with the divorce proceedings and the	14:27:38
11	domestic violence order, had those done damage to	14:27:41
12	Mr. Depp's reputation and career?	14:27:45
13	A Yes.	14:27:47
14	Q And would -- strike that.	14:27:47
15	Would another allegation of violence	14:28:03
16	impact that in any way?	14:28:07
17	MR. PRESIADO: Objection; calls for	14:28:09
18	speculation, lacks foundation, vague and	14:28:10
19	ambiguous.	14:28:13
20	MS. HOUCK: Join.	14:28:13
21	THE WITNESS: I'm not -- I'm not sure what	14:28:19
22	the question is.	14:28:22

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1 Q Mr. Brooks was alleging violence by 14:28:23
2 Mr. Depp, correct, in his -- in his lawsuit? 14:28:28
3 A Yes. 14:28:32
4 Q Would that have any impact at all on 14:28:33
5 Mr. Depp's reputation? 14:28:40
6 MR. PRESIADO: Objection; calls for 14:28:42
7 speculation, lacks foundation. 14:28:44
8 MS. HOUCK: Join. 14:28:46
9 MR. PRESIADO: Asked and answered. 14:28:51
10 THE WITNESS: I -- I'm speaking for 14:28:52
11 myself. I don't believe it did any further 14:28:54
12 damage. And I believe that at the time prior to 14:28:57
13 the lawsuit, somebody involved with the film 14:29:02
14 denied that the incident happened -- 14:29:08
15 Q That's not what I'm asking. 14:29:11
16 A -- in the press. 14:29:12
17 Sorry. 14:29:16
18 Q That's okay. 14:29:17
19 MS. PINTADO: Exhibit 11. 14:29:19
20 AV TECHNICIAN: Please stand by. 14:29:19
21 (Exhibit 6, Variety article, was marked 14:29:46
22 for identification and is attached to the 14:29:46

1	transcript.)	14:29:48
2	AV TECHNICIAN: Exhibit 6.	14:29:48
3	BY MS. PINTADO:	14:29:51
4	Q Ms. Baum, do you recall seeing this	14:29:51
5	article?	14:29:52
6	MR. PRESIADO: Objection; vague and	14:29:56
7	ambiguous, lacks authentication.	14:30:02
8	Does it say anywhere on there where it's	14:30:05
9	from?	14:30:08
10	MS. PINTADO: I'm asking her if she's ever	14:30:10
11	seen it.	14:30:12
12	MR. PRESIADO: Okay. Vague and ambiguous.	14:30:13
13	THE WITNESS: I -- I'm sure I saw it at	14:30:17
14	the time. I just can't give you a hundred percent	14:30:18
15	that I saw this particular article.	14:30:21
16	Q But you saw other articles about the --	14:30:25
17	let me rephrase that.	14:30:29
18	You at least saw some article about	14:30:31
19	Mr. Depp's location manager, punching him?	14:30:36
20	A Yes.	14:30:39
21	Q Punching the location manager.	14:30:40
22	And was there a large amount of --	14:30:46

1	MR. PRESIADO: Well, allegedly. So I	14:30:50
2	would say misstates testimony, assumes facts not	14:30:54
3	in evidence.	14:30:58
4	BY MS. PINTADO:	14:31:02
5	Q Was this story picked up by the press?	14:31:02
6	A Yes.	14:31:05
7	Q Was there a lot of press around this	14:31:06
8	story?	14:31:11
9	A I believe so.	14:31:11
10	MS. PINTADO: Let's look at Exhibit 12.	14:31:21
11	(Exhibit 7, GQ article, Bates Nos. F1156	14:31:28
12	through F1171, was marked for identification and	14:31:28
13	is attached to the transcript.)	14:31:44
14	AV TECHNICIAN: Exhibit 7.	14:31:44
15	Q And this exhibit is 16 pages. You can	14:31:47
16	look through it for a moment.	14:31:54
17	A I can't get it -- oh, there we go.	14:32:10
18	Q And I'll direct your attention to the	14:32:18
19	bottom of the page here. It says GQ.CO.UK?	14:32:20
20	A Yeah.	14:32:29
21	Do you want me to read the entire thing?	14:32:29
22	Q No. Do you recall seeing this article?	14:32:31



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Transcript of Dr. Connell Cowan

Date: December 8, 2021

Case: Depp, II -v- Heard

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IN THE CIRCUIT COURT FOR
FAIRFAX COUNTY, VIRGINIA

- - - - - x
JOHN C. DEPP, II, :
Plaintiff and :
Counter-Defendant, : Civil Action No.
v. : CL-2019-0002911
AMBER LAURA HEARD, :
Defendant and :
Counter-Plaintiff. :

- - - - - x

VIDEOTAPED DEPOSITION OF DR. CONNELL COWAN
CONFIDENTIAL
HELD REMOTELY

Wednesday, December 8, 2021
9:30 am PST / 12:30 pm EST

Job No.: 416245
Pages: 1 - 324
Reported By: Debi Pearce

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Transcript of Dr. Connell Cowan
Depp, II -v- Heard

1 Videotaped deposition of DR. CONNELL COWAN, held
2 remotely, pursuant to notice, before Debi Pearce,
3 Notary Public in and for the State of Maryland and
4 the Commonwealth of Virginia.

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A P P E A R A N C E S

APPEARING VIA VIDEOCONFERENCE ON BEHALF OF
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1 A P P E A R A N C E S C O N T I N U E D

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3 A P P E A R I N G V I A V I D E O C O N F E R E N C E O N B E H A L F O F

4 D E F E N D A N T A M B E R L A U R A H E A R D :

5 A D A M N A D E L H A F T , E S Q U I R E

6 C L A R I S S A P I N T A D O , E S Q U I R E

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14 A L S O P R E S E N T :

15 J E R E M Y D I N E E N , P L A N E T D E P O S V I D E O G R A P H E R

16 B R E N N A N P L U M M E R , P L A N E T D E P O S T E C H N I C I A N

17 D R . S H A N N O N C U R R Y

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Transcript of Dr. Connell Cowan
Depp, II -v- Heard

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1 tonight"? 18:41:13

2 A Well, when she came in, we discussed it, 18:41:14

3 yeah. 18:41:17

4 Q But she didn't tell you that he had 18:41:18

5 physically abused her; is that right? 18:41:22

6 MR. NADELHAFT: Objection, asked and 18:41:26

7 answered. 18:41:29

8 A My recollection is that she told me that 18:41:29

9 he pushed her down and she got right back up, and 18:41:32

10 I think that's when I, you know, she said, "I give 18:41:38

11 as good as I get." And, you know, we discussed, 18:41:44

12 you know, the danger of escalation versus 18:41:50

13 de-escalation, and the importance of her being 18:41:55

14 able to do that. 18:42:01

15 Q So she gave you the impression that she 18:42:02

16 pushed him as well that night; is that right? 18:42:04

17 MR. NADELHAFT: Objection. 18:42:07

18 A She didn't say she pushed him, she just 18:42:08

19 said, I got right back up. She told me that he 18:42:11

20 pushed her down, and she got right back up. 18:42:14

21 Q But she also said she "gives" as good as 18:42:17

22 she "gets," doesn't that indicate that she pushed 18:42:20

1 him as well? 18:42:23

2 MR. NADELHAFT: Objection, asked and 18:42:24

3 answered. 18:42:26

4 A You could interpret it that way. I kind 18:42:26

5 of interpreted it more, you know, metaphorically, 18:42:31

6 that, when somebody comes at her, she goes back at 18:42:33

7 them, you know, in a similar way, whether it's 18:42:37

8 verbally or she protects herself. So maybe she 18:42:40

9 pushed him back. I don't know. 18:42:44

10 Q Okay. And you'll agree with me -- you 18:42:46

11 only heard her side of the story with respect to 18:42:48

12 this incident, correct? 18:42:51

13 A Yeah. 18:42:52

14 **Q So for example, you don't know if Mr. Depp** 18:42:53

15 **acted in self-defense, right?** 18:42:56

16 MR. NADELHAFT: Objection, form and 18:43:00

17 foundation -- 18:43:05

18 **A No, I can't --** 18:43:05

19 MR. NADELHAFT: -- misstates the record. 18:43:04

20 BY MR. PRESIADO: 18:43:06

21 **Q So in fact, Mr. Depp could have acted in** 18:43:06

22 **self-defense, but you don't know because you only** 18:43:10

1 **heard one side of the story; is that fair to say?** 18:43:15

2 MR. NADELHAFT: Objection to form, 18:43:16

3 speculation. 18:43:19

4 BY MR. PRESIADO: 18:43:19

5 Q I'm sorry, I missed that answer. 18:43:19

6 **A That's certainly so.** 18:43:21

7 MR. PRESIADO: Madame reporter, did you 18:43:45

8 get that?

9 THE COURT REPORTER: Yeah, I'm actually

10 having trouble. Mr. Nadelhaft, you're very quiet

11 to me. Can you just be a little louder, because

12 we're talking over each other.

13 MR. NADELHAFT: Sure.

14 THE COURT REPORTER: Thanks.

15 MR. PRESIADO: Did you get the objection?

16 THE COURT REPORTER: I got the objection,

17 but I didn't get the answer. Thank you.

18 MR. PRESIADO: Okay. Why don't we, Debi,

19 if you could read back the question. 18:43:46

20 And, Dr. Cowan, she didn't get your

21 answer, so if you could just repeat it after you

22 listen.

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 4 Glendale, California 91210
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 6 Facsimile: (818) 484-2556
 7 TAMAR G. ARMINAK (SBN 238677)
 8 Attorneys for Plaintiffs,
 9 EUGENE ARREOLA and MIGUEL SANCHEZ

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 8 **FOR THE COUNTY OF LOS ANGELES**

9 EUGENE ARREOLA, an individual; MIGUEL
 10 SANCHEZ, an individual

Case No.:

COMPLAINT FOR DAMAGES:

11 Plaintiffs,
 12 vs.

1. FAILURE TO PAY OVERTIME WAGES IN VIOLATION OF LABOR CODE §510 AND IWC WAGE ORDER NO. 4
2. FAILURE TO PROVIDE MEAL AND REST PERIODS IN VIOLATION OF LABOR CODE §§226.7, 512(A), AND IWC WAGE ORDER NO. 4
3. FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS IN VIOLATION OF LABOR CODE §226(A)
4. FAILURE TO TIMELY PAY WAGES UPON TERMINATION IN VIOLATION OF CALIFORNIA LABOR CODE §§201- 203
5. WRONGFUL TERMINATION - CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY
6. UNLAWFUL BUSINESS PRACTICES IN VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE §17200 ET SEQ.

13 JOHN C. DEPP, II, an individual;
 14 SCARAMANGA BROS., INC., a California
 15 Corporation; EDWARD WHITE & CO., LLP,
 16 a California Limited Liability Partnership;
 17 LEONARD DAMIAN, an individual; and
 18 DOES 1-80,

Defendants.

DEMAND FOR JURY TRIAL

ARMINAK LAW, APC
 100 West Broadway Blvd. Suite 990
 Glendale, California 91210

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1 Plaintiffs Eugene Arreola and Miguel Sanchez (hereinafter "Plaintiffs"), hereby assert the
2 following claims and causes of action against Defendants, JOHN C. DEPP, II; SCARAMANGA
3 BROS., INC., a California Corporation; EDWARD WHITE & CO., LLP, a California Limited
4 Liability Partnership; LEONARD DAMIAN, an individual; and DOES 1-70 (hereinafter
5 "Defendants").

6 **NATURE OF THE ACTION**

7 1. Plaintiffs are private security professionals who were employed by private security
8 company Premier Group International for years and assigned to protect actor Johnny Depp, his
9 family, his properties and his entourage. As a result of Defendant Depp's financial crisis and the
10 summary dismissal of his management team, the Premier Group International was terminated in
11 April 2016, and Plaintiffs were hired individually by Depp, Edward White & Co., LLP and Leonard
12 Damian to continue to protect Depp. Upon being recruited by Leonard Damian and Edward White
13 & Co., Plaintiffs were told they would be classified as "employees," and would be receiving all
14 protections and benefits they were entitled to under the law. However, soon after they began their
15 employment it became clear that Defendants had no intention of complying with the California
16 Labor Code. Plaintiffs now bring this civil action against Defendants for Failure to Pay Wages in
17 Violation of Labor Code §204, Failure to Pay Overtime Wages in Violation of Labor Code §510
18 and IWC Wage Order No. 16, Failure to Provide Meal and Rest Periods in Violation of Labor Code
19 §§226.7, 512(a), and IWC Wage Order No. 4, and Failure to Provide Accurate Wage Statements in
20 Violation of Labor Code §226(a), as well as other causes of action herein.

21 **THE PARTIES**

22 2. Plaintiff Eugene Arreola is, and at all relevant times has been, an individual, and
23 resident of the County of Orange, State of California. He is a retired Detective of the Los Angeles
24 Police Department, having worked in law enforcement for nearly 39 years. He first started
25 protecting Johnny Depp in May of 2007, when he was employed by Premier Group International, a
26 local personal security corporation licensed in California.

27 3. Plaintiff Miguel Sanchez is, and at all relevant times has been, an individual, and
28 resident of the County of Los Angeles, State of California. He first started protecting Johnny Depp

1 and Depp's family in November of 2013, when he was employed by Premier Group International, a
2 local personal security corporation licensed in California

3 4. Defendant John C. Depp, is, and at all relevant times has been, an individual, and
4 resident of the County of Los Angeles, State of California. As a famous, and sometimes infamous,
5 actor he has required bodyguard services for himself and his extended family and properties for
6 several decades. He is an officer, employee, and/or agent of Defendant Scaramanga Bros., Inc.

7 5. Defendant Scaramanga Bros., Inc. is and at all relevant times has been, a California
8 corporation doing business in the County of Los Angeles, State of California. Defendant Depp is
9 listed as the Chief Financial Officer and for Scaramanga Bros., Inc., with Edward White listed as its
10 Chief Financial Officer. Plaintiffs received payment checks and IRS 1099 Forms from
11 "Scaramanga Bros., Inc., c/o Edward White & Co., LLP."

12 6. Defendant Edward White & Co., LLP is, and at all relevant times has been, a limited
13 liability partnership doing business in the County of Los Angeles, State of California. Plaintiffs
14 received payment checks and IRS 1099 Forms from "Scaramanga Bros., Inc., c/o Edward White &
15 Co., LLP." Defendant Edward White & Co., LLP hired, supervised, trained and otherwise managed
16 Leonard Damian, lead security guard and Plaintiffs' supervisor.

17 7. Defendant Leonard Damian is, and at all relevant times has been, a resident of the
18 County of Los Angeles, State of California, with his principal place of business being at the Depp
19 compound in Los Angeles.

20 8. Plaintiffs are ignorant of the true names and capacities of the Defendants sued in this
21 Complaint as Does 1 through 70, inclusive, and therefore sue these Defendants by such fictitious
22 names. Plaintiffs will amend this Complaint to allege the true names and capacities of the DOE
23 Defendants when ascertained. Plaintiffs are informed and believe, and based thereon allege, that
24 each of the DOE Defendants is responsible in some manner for the occurrence, injury and other
25 damages alleged in this Complaint.

26 9. Plaintiffs are informed and believe, and based thereon allege, that each Defendant
27 was in some manner responsible for the acts and damages alleged herein, and/or are indebted to
28 Plaintiffs as alleged herein, and that each Defendant participated in the acts alleged herein and that,

1 in participating in such acts, each Defendant was the agent and co-conspirator of each other
2 Defendant, and was acting in the course and scope of such agency and conspiracy.

3 **JURISDICTION AND VENUE**

4 10. This Court has jurisdiction over all causes of action asserted herein because all
5 causes of action asserted herein arise out of conduct undertaken by Defendants in Los Angeles
6 County, State of California. Defendants' property, as well as the Defendants' businesses are all
7 located in Los Angeles County, State of California. Each Defendant has sufficient minimum
8 contacts with the State of California, is a citizen of the State of California, or otherwise intentionally
9 availed him/her/itself to the State of California so as to render the exercise of jurisdiction over it by
10 the Courts of the State of California consistent with the traditional notions of fair play and
11 substantial justice.

12 11. Venue is proper in this Court because the injury to Plaintiffs occurred, and is
13 occurring, in Los Angeles County, State of California, and the liabilities to which Defendants are
14 subject arise in Los Angeles County, State of California.

15 **FACTS RELEVANT TO ALL CAUSES OF ACTION**

16 12. Plaintiff Eugene Arreola is a 38 year veteran and Detective of the Los Angeles
17 Police Department. After his retirement, Arreola became a sought after private security
18 professional, guarding numerous individuals in the entertainment industry. In 2007 he began to
19 work for the private security firm of Premier Group International, where he was assigned to actor
20 Johnny Depp. From May 2007 until January 2018, Arreola protected, accompanied and secured
21 Depp, his mother, his children, his wife and his girlfriends.

22 13. Plaintiff Arreola became so well trusted and loved by the Depp family, that he
23 formed a close bond to Depp's mother, Betty Sue Palmer, in the last years of her life. Often Arreola
24 would take his own time to visit Betty Sue and brighten her spirits during her long and difficult
25 fight with cancer. Members of Depp's own family and friends told Arreola that his visits were
26 what Betty Sue had to look forward to, and his friendship had given her a new zest for life.

27 14. Plaintiff Miguel Sanchez is a 20 year veteran of private security services, working
28 not only with celebrity clientele, but also on the sets of blockbusters like FACE/OFF, Batman and

1 Be Cool. Plaintiff Sanchez protected and accompanied Depp's mother and sister during their most
2 difficult times.

3 15. Sanchez had such an affinity and respect for Betty Sue Palmer that even to this day
4 he visits her gravesite on her birthday. During the last years of his employment, Sanchez was very
5 close to Depp's children, the younger of which relied on Sanchez for transportation, protection, and
6 general wellbeing up until April of 2018.

7 16. While still employed with Premier Group International and assigned to protect
8 Johnny Depp and his family, Plaintiffs witnessed Depp become increasingly embroiled in personal
9 turmoil and detached from the reality around him. In early 2016 Plaintiffs began to notice a stark
10 change in Depp and the atmosphere on his Hollywood Hills compound. Depp began making
11 sudden and drastic changes to his staff and management team, causing a significant financial crunch
12 for everyone surrounding Depp, except for Depp himself.

13 17. On or about April 30, 2016, Plaintiffs were notified by their coworker Leonard
14 Damian that their employer, Premier Group International had been terminated and would no longer
15 be providing security services for Johnny Depp. Damian stated to Plaintiffs that Edward White &
16 Co. had decided to save money by "cutting the middleman" and bringing all security services in-
17 house. Plaintiffs were told that Defendant Depp wanted Plaintiffs to say as part of his new in-
18 house security team, and that they were being offered employment directly with Depp and Edward
19 White & Co. Plaintiffs were further told that Edward White had appointed Damian the head of all
20 local security personnel, giving Damian the power to organize and dictate Plaintiffs' schedules,
21 hours of work, meal and rest break coverage, and all other aspects of Plaintiffs' new "employment."

22 18. Plaintiffs were told that as far as their employment was concerned, everything would
23 stay the same after Premier Group International's termination but for the fact that their new
24 employer would be Johnny Depp himself. Plaintiffs were loyal to Depp and his family and
25 understanding of the financial hurricane Depp was in. With their former employer's blessing, they
26 accepted employment directly with Defendants on or about April 30, 2016.

27 19. Plaintiffs were then asked to fill out IRS W-4 Forms and Employment Eligibility
28 Verifications which they each did in anticipation of full employment. They proceeded to work as

1 usual until they realized that their first paycheck was missing overtime and rest pay. Later, when
2 Defendant Damian was asked about the discrepancy, he stated that "...the new company only pays
3 daily rates. No one gets paid for over 12 hours."

4 20. From May 2016 through January 2018, Plaintiff Eugene Arreola was never paid
5 overtime wages. He was also not given off duty meal and rest breaks during his twelve hour shifts.

6 21. From May 2016 through April 2018, Plaintiff Miguel Sanchez was never paid
7 overtime wages despite the fact that he worked 12 hour shifts. He further was not given off duty
8 meal and rest breaks as mandated by law. Both Plaintiffs were further misclassified as independent
9 contractors when they were clearly hired as employees and should have been classified as hourly
10 non-exempt employees.

11 22. Furthermore, as a product of Leonard Damian overseeing all local security aspects
12 regarding Depp, his family and his properties, things began to spiral toward chaos. Plaintiffs found
13 themselves in situations that required more than what a bodyguard would be expected to do.
14 Plaintiffs were constantly used as drivers, driving back and forth at Depp's or his family's
15 beckoning. Plaintiffs were asked repeatedly to drive vehicles that contained illegal substances, open
16 containers and minors. Plaintiffs were asked to monitor unstable individuals in Defendant Depp's
17 life and entourage.

18 23. For example, Plaintiff Sanchez, whose primary detail was the protection of Depp's
19 children, was more often than not the primary caretaker for Depp's minor child who lived off of
20 Depp's compound in a separate home alone. Worse yet, Sanchez was told to give into every whim
21 of Depp's children and worried he would lose his job if he did not comply with their demands.

22 24. Often times Plaintiffs were forced to protect Defendant Depp from himself and his
23 vices while in public, becoming caretakers for him. A incident at a local nightclub involved
24 Plaintiffs alerting Depp of illegal substances visible on his face and person while preventing
25 onlookers from noticing Depp's condition.

26 25. Plaintiffs themselves were exposed to unsafe conditions and situations. As an
27 example, on one occasion while he was in the security control room located on Depp's compound
28 with his direct supervisor Leonard Damian, Sanchez heard a gunshot. He looked to Damian who

1 had taken his gun out of its holster for some unknown reason. Damian, shocked and confused
2 asked Sanchez "Are you hit? Are you hit?" Damian then frantically started looking for where the
3 bullet from his gun had gone. Suddenly Sanchez and Damian noticed the hole in Damian's pants
4 and the blood gushing from his leg. Unbelievably, while playing with his weapon in a small control
5 room on Johnny Depp's property, Leonard Damian, head of Depp's security detail shot himself in
6 the leg. Although stunned to find himself in such an unsafe and life threatening situation at work,
7 Sanchez had no choice but to rush Damian to the hospital in response to Damian's demands.

8 26. As a result of this type of incompetence both Plaintiffs suffered stress related injuries
9 created by a hostile and unsafe work environment, conflicting directions and supervision as well as
10 repeated misrepresentations from Defendants regarding their classification as independent
11 contractors.

12 27. Plaintiffs were also retaliated against when they asked why they were not being
13 given appropriate breaks or being paid overtime. Plaintiff Arreola's hours were reduced when he
14 asked why he was not being paid properly or provided meal and rest breaks. When Plaintiff
15 Sanchez asked for a day off to take his ailing mother to a medical appointment, Defendant Damian
16 initially refused. When Sanchez insisted that he take at least the afternoon off to assist his mother,
17 Damian took him off the scheduled for several days.

18 28. As a result of the toxic and dangerous work environment and the constant labor code
19 violations of their employers, Plaintiffs were forced to leave their employment despite the fact that
20 they enjoyed many of the people they worked with and had no ill will toward Johnny Depp.

21
22 **FIRST CAUSE OF ACTION**

23 **Failure to Pay Overtime Wages in Violation of Labor Code §510 and**

24 **IWC Wage Order No. 4**

25 **(Against All Defendants & Does 1-10)**

26 29. Plaintiffs incorporate each and every allegation contained in the paragraphs above
27 with the same force and effect as if said allegations were fully set forth herein.

28

1 30. At all times herein mentioned, California Labor Code §510 and IWC Wage Order
2 No. 4 were in force and effect and were binding on Defendants. California Labor Code §510 and
3 IWC Wage Order No. 4 provide that an employee is entitled to receive overtime wages at a rate of
4 one and one half times his or her regular rate of pay for all hours worked in excess of eight (8) hours
5 per day or forty (40) hours per week. Additionally, for all hours worked in excess of twelve (12)
6 hours per day an employee is entitled to double her regular rate of pay.

7 31. During their employment, Plaintiffs consistently worked in excess of eight (8) hours
8 per day and/or (40) hours per week and were systematically denied compensation for overtime pay
9 by Defendants in an illegal attempt to avoid payment of overtime compensation. After Premier
10 Group International was terminated and Defendants decided to save Depp's funds by running their
11 very own in-house security service, they refused to pay any overtime compensation despite the fact
12 that Plaintiffs would always work 12 hour shifts, and sometimes worked back to back double shifts.

13 32. By way of example, during the pay period of July 16th to the 31st in 2017, Plaintiff
14 Arreola worked 12 hour shifts for 12 days, totaling 144 hours. Yet he was not paid a dime of
15 overtime compensation for the 64 hours of overtime worked during that single pay period.

16 33. As set forth herein, Defendants' policy and practice was to intentionally and
17 systematically deny payment to Plaintiffs for all overtime hours worked. This was done in an
18 illegal attempt to avoid payment of earned overtime wages in violation of the Cal. Lab. Code and
19 IWC requirements. When Plaintiffs asked why all of a sudden they were being denied overtime
20 compensation when for years while employed by Premier Group International they were paid
21 overtime wages, Defendant Damian responded that Ed White decided to save money and cut out
22 overtime.

23 34. As a result of Defendants' unlawful failure to pay overtime compensation to
24 Plaintiffs for overtime hours worked, Plaintiffs have been deprived of compensation in an amount
25 according to proof at the time of trial, and are entitled to recovery of such amounts, plus interest
26 thereon and attorneys' fees and costs, pursuant to the applicable IWC Wage Order and California
27 Labor Code §1194, as well as the assessment of any statutory penalties against Defendants, in a sum
28 as provided by the Cal. Lab. Code and/or other statutes.

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SECOND CAUSE OF ACTION

**Failure to Provide Meal and Rest Breaks in Violation of Labor Code §§226.7, 512(a),
and IWC Wage Order No. 4
(Against All Defendants & Does 11-20)**

35. Plaintiffs reallege and incorporate each and every allegation contained in the paragraphs above with the same force and effect as if said allegations were fully set forth herein.

36. At all times herein mentioned California Labor Code sections 226.7, 512(a) and IWC Wage Order No. 4 were in force and effect and were binding on Defendants. California Labor Code §226.7 provides that no employer shall require an employee to work during any meal or rest period mandated pursuant to and order of the California Industrial Welfare Commission.

37. At all times herein mentioned, IWC Wage Order No. 4 and California Labor Code §512(a) provided that an employer may not require, cause, or permit an employee to work for a period of more than five (5) hours per day without providing the employee with an uninterrupted meal period of not less than thirty (30) minutes, unless the total work period per day of the employee is not more than six (6) hours. IWC Wage Order No. 4 also provides that "every employer shall authorize and permit all employees to take rest period, which in so far as practicable shall be in the middle of each work period" and that the "rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours of major fractions thereof" unless the total daily work time is less than three and one-half (3.5) hours.

38. At all times herein mentioned, Defendants intentionally and improperly denied rest periods to Plaintiffs, and required Plaintiffs to work for a period of time in excess of six (6) hours and required Plaintiffs to work for periods longer than five (5) hours without an uninterrupted meal period of not less than thirty (30) minutes. In addition, Defendants intentionally and improperly denied Plaintiffs ten (10) minute rest periods for every four (4) hours worked. Defendants never compensated Plaintiffs for their failure to provide these breaks.

39. The denial of lunch and rest periods to Plaintiffs was not only despicable and unlawful, but created unsafe working conditions and environment for Plaintiffs. Plaintiffs would

1 work consecutive hours without breaks or food, then be required to take Depp or his family
2 members to the airport late at night or monitor his compound for intruders.

3 40. At all times herein mentioned, Defendants willfully required Plaintiffs to work
4 during meal and rest periods, in violations of California Labor Code §226.7, 512(a) and the
5 applicable IWC Wage Order.

6 41. Plaintiffs seek to recover from Defendants one (1) additional hour of pay at their
7 regular rate of compensation for each work day that a meal, rest, or recovery period that was not
8 provided, pursuant to the applicable IWC Wage Order and California Labor Code §226.7(b).

9 42. As a result of Defendants' unlawful failure to provide lunch and rest periods,
10 Plaintiffs have suffered, and will continue to suffer, damages in the amounts which are presently
11 unknown, but will be ascertained and established according to proof at trial, as well as attorneys'
12 fees and costs, pursuant to the applicable IWC Wage Order and California Labor Code §1194, as
13 well as the assessment of any statutory penalties against Defendants, in a sum as provided by the
14 Cal. Lab. Code and/or other statutes.

15
16 **THIRD CAUSE OF ACTION**

17 **Failure to Provide Accurate Wage Statements in Violation of Labor Code §226(a)**
18 **(Against All Defendants & Does 21-30)**

19 43. Plaintiffs reallege and incorporate each and every allegation contained in the
20 paragraphs above with the same force and effect as if said allegations were fully set forth herein.

21 44. At all times herein mentioned, California Labor Code §226(a) was in force and effect
22 and was binding on Defendants. Under California Labor Code §226(a) an employer must furnish
23 each of his or her employees an accurate itemized wage statement in writing showing nine items of
24 information, including total hours worked by the employee, applicable hourly rates and total hours
25 worked at each rate by the employee, the inclusive dates of the period for which the employee is
26 paid, and the name and address of the legal entity that is the employer.

27 45. At all times herein mentioned, Defendants intentionally and willfully failed to
28 provide Plaintiffs with complete and accurate wage statements. The deficiencies include, among

1 other things, the failure to list the actual total regular hours worked by employees, and the actual
2 total overtime hours worked by employees and amounts being withheld.

3 46. As a result of Defendants' violation of California Labor Code §226(a), Plaintiffs
4 have suffered injury and damage to their statutorily protected rights. In addition, Defendants'
5 failure has prevented Plaintiffs from determining if all hours worked were paid and the extent to
6 which they were underpaid. Plaintiffs have had to file this suit, and will need to conduct discovery,
7 reconstruct time records, and perform computations in order to analyze whether in fact they were
8 properly paid, and thus suffered expenses and lost time. Plaintiffs would not have had to expend
9 these efforts and costs had Defendants provided accurate wage statements listing the total hours
10 worked. This has also delayed Plaintiffs' ability to demand and recover underpayment from
11 Defendants.

12 47. Plaintiffs are entitled to recover and are seeking the greater of all actual damages
13 caused by Defendants' failure to comply with California Labor Code §226(a), or an aggregate
14 penalty not exceeding four thousand dollars (\$4,000) per employee, and an award of costs and
15 reasonable attorneys' fees, in accordance with California Labor Code §226(e).

16 **FOURTH CAUSE OF ACTION**

17 **Failure to Timely Pay Wages Upon Termination in Violation of**
18 **California Labor Code §§201- 203**

19 **(Against All Defendants & Does 31-40)**

20 48. Plaintiffs reallege and incorporate each and every allegation contained in the
21 paragraphs above with the same force and effect as if said allegations were fully set forth herein.

22 49. At all times herein mentioned, California Labor Code §§201- 203 were in force and
23 effect and were applicable to Plaintiffs' employment. California Labor Code §§201 and 202
24 provide that if an employer discharges an employee, the wages earned and unpaid at the time of
25 discharge are due and payable immediately, and that if an employee voluntarily leaves his or her
26 employment, his or her wages shall become due and payable not later than seventy-two (72) hours
27 thereafter, unless the employee has given seventy-two (72) hours previous notice of his or her
28 intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.

1 50. At all times herein mentioned, Defendants willfully failed to pay Plaintiffs their
2 earned and unpaid wages, including but not limited to regular hour wages and overtime wages,
3 either at the time of discharge or within seventy-two (72) hours of leaving Defendants' place of
4 employment.

5 49. Defendants' failure to pay Plaintiffs their wages earned an unpaid at the time of
6 discharge or within seventy-two (72) hours of leaving Defendants' place of employment is in
7 violation of California Labor Code §§201 and 202.

8 50. California Labor Code §203 provides that if an employer willfully fails to pay wages
9 owed, in accordance with §§201 and 202, then the wages of the employee shall continue as a
10 penalty from the due date, and at the same rate until paid or until an action is commenced; but the
11 wages shall not continue for more than thirty (30) days. It is clear that Defendants' conduct was
12 willful because Plaintiffs were repeatedly told that this was Defendant Edward White & Co.'s idea
13 to keep costs down during Johnny Depp's financial crisis.

14 51. Plaintiffs seek to recover from Defendants the statutory penalty wages for each day
15 he was not paid, at his regular hourly rate of pay, up to a thirty (30) day maximum pursuant to
16 California Labor Code §203 and reasonable attorneys' fees and costs in accordance with California
17 Labor Code §218.5(a) and/or any other provision of law.

FIFTH CAUSE OF ACTION

Wrongful Termination - Constructive Discharge in Violation of Public Policy

(Against All Defendants & Does 41-50)

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21 52. Plaintiffs reallege and incorporate each and every allegation contained in the
22 paragraphs above with the same force and effect as if said allegations were fully set forth herein.

23 53. At all times herein mentioned, the public policy of the State of California, as
24 codified, expressed and mandated in California Government Code sections 12940 *et seq.*, is to
25 prohibit employers from discriminating, harassing, and retaliating against any individual.
26 Furthermore, it is the public policy of this state to ensure that employees are working in safe
27 environments, free from illegal activity, substances, and volatile situations. This public policy of
28

1 the State of California is designed to protect all employees and promote the welfare and well-being
2 of the community at large.

3 54. Plaintiffs were employed by Defendants and were subjected to working conditions
4 that violated public policy, in that Plaintiffs had to endure intolerable working conditions by
5 working extremely unreasonable and long hours, working without lunch or rest breaks, working by
6 themselves in hazardous and dangerous conditions because Defendants would not pay for additional
7 personnel. Plaintiffs would have to work around and near people involved in illegal activity, would
8 be exposed to illegal substances and had to intervene in volatile situations created by those they
9 were hired to safeguard. Defendants intentionally created or knowingly permitted these working
10 conditions. Defendants often put Plaintiffs' drivers and professional licenses at risk with their
11 illegal activity. The working conditions were so intolerable that a reasonable person in Plaintiffs'
12 position would have no reasonable alternative except to resign. Plaintiffs did resign because of
13 these working conditions and other violations.

14 55. As a result of Defendants' acts, Plaintiffs were harmed and the working conditions
15 were a substantial factor in causing Plaintiffs' harm.

16 56. As a proximate consequence of Defendants' wrongful acts as stated above, Plaintiffs
17 have suffered and seek lost earnings, attorney fees, the costs of this suit, and compensation for the
18 emotional distress and other general and special damages suffered.

19 57. The actions and omissions of Defendants were malicious, despicable, fraudulent,
20 oppressive, willful, reckless and exhibited a conscious disregard for the rights of Plaintiffs.

21 Accordingly, Plaintiffs are entitled to punitive damages according to proof.

22
23 **SIXTH CAUSE OF ACTION**

24 **Unlawful Business Practices in Violation of**

25 **California Business & Professions Code §17200 et seq.**

26 **(Against All Defendants & Does 51-60)**

27 58. Plaintiffs reallege and incorporate each and every allegation contained in the
28 paragraphs above with the same force and effect as if said allegations were fully set forth herein.

1 59. California Business & Professions Code §17200 defines unfair competition as any
2 unlawful, unfair, or fraudulent business act or practice. Section 17200 applies to violations of labor
3 laws and in the employment context.

4 60. At all times relevant hereto, by and through the conduct described herein,
5 Defendants have engaged in unfair and unlawful practices by failing to pay Plaintiffs, and other
6 employees, overtime wages due, waiting time penalties, and have failed to provide rest breaks,
7 pursuant to the applicable Cal. Lab. Code, and Industrial Welfare Commission requirements in
8 violation of Cal. Bus & Prof Code §17200 et seq., and have thereby deprived Plaintiffs of
9 fundamental rights and privileges and caused them economic injury as herein alleged.

10 61. Defendants further failed to pay Plaintiffs upon their termination all wage due and
11 owing, and unlawfully classified Plaintiffs as independent contractors when Plaintiffs were clearly
12 non-exempt employees.

13 62. Defendants further engaged in unfair and unlawful business practices by failing to
14 keep accurate information and time records and failing to accurately itemize the total hours worked
15 by Defendants' employees, in violation of California law. As herein alleged, Defendants' conduct
16 was unlawful in that Defendants' systematically violated California law and regulations, including
17 but not limited to Labor Code §201, §202, §204, §226(a), §226.7, §510, §512(a), and §1198.

18 63. By and through the unfair and unlawful business practices described herein,
19 Defendants have obtained valuable property, money, and services from Plaintiffs, and has deprived
20 them of valuable rights and benefits guaranteed by law, all to their detriment and to the benefit of
21 Defendants so as to allow Defendants to unfairly compete against competitors who comply with the
22 law.

23 64. All the acts described herein as violations, among other things, the Cal. Lab. Code
24 and IWC Wage Orders, are unlawful and in violation of public policy, and in addition are immoral,
25 unethical, oppressive, and unscrupulous, and therefore constitute unfair and unlawful business
26 practices in violation of Cal. Bus & Prof. Code §17200 et seq.

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5. For compensatory damages, including lost wages, and other losses, during the period commencing on the date that is four years prior to the date of the filing of this Complaint, according to proof;
6. For general damages, according to proof;
7. For special damages, according to proof;
8. For declaratory relief under Cal. Bus. & Prof. §17200 *et seq.*;
9. For any additional statutory damages, including reasonable attorneys' fees, according to proof;
10. For an award of interest, including prejudgment interest at the legal rate, according to proof;
11. For punitive and exemplary damages, according to proof where applicable;
12. For costs of suit incurred herein;
13. For such other relief as the Court may deem just and proper.

Deadline

Dated: May 1, 2018

ARMINAK LAW, APC

By:



TAMAR G. ARMINAK
Attorneys for Plaintiffs EUGENE
ARREOLA and MIGUEL SANCHEZ

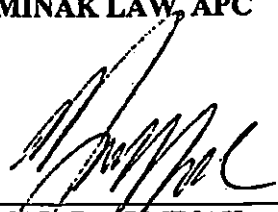
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DEMAND FOR A JURY TRIAL

Plaintiffs Eugene Arreola and Miguel Sanchez, hereby demand a trial by jury on all issues triable by jury.

ARMINAK LAW, APC

Dated: May 1, 2018

By: 

TAMAR G. ARMINAK
Attorneys for Plaintiffs,
EUGENE ARREOLA and MIGUEL
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Deadline



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Transcript of Stephen Deuters

Date: February 24, 2022

Case: Depp, II -v- Heard

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Email: transcripts@planetdepos.com

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<p style="text-align: right;">169</p> <p>1 can't remember, sir. 2 MR. ROTTENBORN: Can we pull up Exhibit 1, 3 Catherine, please. 4 THE TECHNICIAN SPECIALIST: Standby. 5 MR. ROTTENBORN: Can you go to page 793 6 and 794. 7 BY MR. ROTTENBORN: 8 Q And in the UK trial, were you asked these 9 questions and did you give this answer, 10 Mr. Deuters? This is at line 22 of page 793: How 11 did they come to say that you said it is my fault. 12 I thought you had said somebody asked you about 13 the texts? 14 Answer: It was Johnny's counsel at the 15 time. 16 Question: A lawyer? 17 Answer: A lawyer or somebody who worked 18 with the lawyers. I guess his divorce lawyers or 19 his divorce team, and they asked me about the 20 texts because they had come out. And they said, 21 are these real, and I said yes. And they said, 22 can you say any more about them? And I said,</p>	<p style="text-align: right;">171</p> <p>1 put it that way -- in Australia in March of 2015 2 between Amber and Johnny? 3 MS. VASQUEZ: Objection; speculation, 4 vague, ambiguous. 5 THE WITNESS: Yes. Not sure quite what 6 you mean by "troublesome," Ben. I remember 7 working in Australia at that time, working on a 8 film. 9 BY MR. ROTTENBORN: 10 Q Sure. And did you -- did you -- the film 11 was Pirates 5, right? 12 A Yeah. 13 Q Did you travel to Australia in early March 14 of 2015? 15 A Yeah, I don't remember the exact date, but 16 if it was late February or early March, in that 17 bracket. 18 Q Leading up to that period, had you -- 19 well, strike that. 20 MR. ROTTENBORN: Can you pull up Deuters 21 2884, please, which we'll mark as the next 22 exhibit.</p>
<p style="text-align: right;">170</p> <p>1 well, they are taken out of context, you know. 2 What I meant by that is really just the bigger 3 picture. I never spoke to TMZ and I never said to 4 anyone, even to counsel, that they were doctored. 5 Did I read that right? 6 A Yes. 7 Q Did you tell Johnny's legal team that the 8 texts were real in June of 2016? 9 MS. VASQUEZ: Objection; asked and 10 answered. 11 THE WITNESS: I mean, yeah, I'm reading 12 that back, but I can't at this stage, at this 13 moment right here, right now, I don't recall that 14 conversation. I recall never having spoke to TMZ, 15 that is very clear; that's my abiding memory of 16 the situation. 17 BY MR. ROTTENBORN: 18 Q Do you recall a -- 19 MR. ROTTENBORN: You can take that exhibit 20 down, please. 21 BY MR. ROTTENBORN: 22 Q Do you recall a troublesome period -- I'll</p>	<p style="text-align: right;">172</p> <p>1 THE TECHNICIAN SPECIALIST: Please 2 standby. 3 Exhibit 16. 4 (Exhibit No. 16 was marked for 5 identification.) 6 MR. ROTTENBORN: Can you just blow up the 7 second text, please, just that row. 8 BY MR. ROTTENBORN: 9 Q (Mr. Deuters, do you recognize this as a 10 text sent from you on March 1st, 2015, to -- is CD 11 @ChristiDembrowski?) 12 A Sorry. I can't see it. It's a bit small. 13 MR. ROTTENBORN: We can blow it up all the 14 way in the left. 15 BY MR. ROTTENBORN: 16 Q (In the left-hand column, CD is -- that's 17 @ChristiDembrowski, right?) 18 A Yeah. 19 Q Okay. And this was a text that you sent 20 to her on March 1st, 2015; is that right? 21 A Yeah, it's entirely possible, yeah. I 22 recall -- I know what that means in the Geoffrey.</p>

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1 I actually remember that, yep.
2 Q Okay. You know, I was going to ask you
3 just a few questions about this. You said, such a
4 great afternoon with him today. SG might just
5 have got through.
6 Who is SG?
7 A I don't know who SG is. I don't know who
8 SG is.
9 Q Okay. And you say, we sat with Geoffrey
10 for over five hugely productive hours.
11 Who is Geoffrey?
12 A That's referring to Geoffrey Rush, the
13 actor.
14 Q Okay. Who played with him in Pirates 5?
15 A Correct.
16 Q Okay. And you said, he was certainly the
17 man I recognized.
18 When you say that, you were referring to
19 Johnny being the man you recognized, right?
20 A Or Geoffrey. I don't know.
21 Q Okay. And you said, I even got to cancel
22 Manson for coming back since he didn't want it to

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1 interfere with work of Amber
2 Is that referring to canceling an event
3 where Depp would hang out with Marilyn Manson?
4 MS. VASQUEZ: Objection; calls for
5 speculation.
6 THE WITNESS: Yeah, without researching
7 further, I don't know. But, I mean, Manson, with
8 a capital M, must mean something. Maybe he was
9 touring at the time or something.
10 BY MR. ROTTENBORN:
11 Q Johnny often hung out with Marilyn Manson,
12 right?
13 MS. VASQUEZ: Objection; vague, calls for
14 speculation.
15 THE WITNESS: They did have the occasional
16 meet, yes, but not very often. He wasn't someone
17 that I saw much of.
18 BY MR. ROTTENBORN:
19 Q Okay. And it was -- you believed that
20 Marilyn Manson was, let's just say, not a good
21 influence on Johnny, right?
22 MS. VASQUEZ: Objection; vague, assumes

175

1 facts.
2 THE WITNESS: I mean, not sure what I'd
3 say about that. I mean, it's not really for me to
4 say. I just preferred it when we were working as
5 opposed to not working. They weren't working
6 together, so it would have meant we wouldn't have
7 been working, so I think I'd probably lean towards
8 that.
9 BY MR. ROTTENBORN:
10 Q Marilyn Manson was someone that would --
11 when Marilyn and Johnny got together, your
12 understanding was that Johnny would use drugs with
13 Marilyn Manson, correct?
14 MS. VASQUEZ: Objection; vague, calls for
15 speculation.
16 THE WITNESS: Yeah, I couldn't say that
17 that was my inference.
18 BY MR. ROTTENBORN:
19 Q Do you have any personal knowledge of
20 Johnny doing drugs with Marilyn Manson?
21 A It's not something I witnessed, no.
22 Q Did you ever hear from Johnny that he did

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1 drugs with Marilyn Manson?
2 MS. VASQUEZ: Calls for hearsay.
3 THE WITNESS: He didn't really speak like
4 that. So even if it had occurred, it wouldn't be
5 relayed, so no, no. I don't recall it, no.
6 MR. ROTTENBORN: Can we go to -- we're
7 going to come back to this document, but can we
8 mark as the next exhibit Depp 11297.
9 THE TECHNICIAN SPECIALIST: Exhibit 17.
10 (Exhibit No. 17 was marked for
11 identification.)
12 MR. ROTTENBORN: Thank you.
13 BY MR. ROTTENBORN:
14 Q So the third text down, this is a text
15 from Johnny to you on March 6, 2015, right?
16 A Starting with "honestly"?
17 Q Yes.
18 A Yep, I see it. I'm just reading it.
19 Okay.
20 Q And Johnny was -- on March 6, 2015, Johnny
21 was in Australia to film Pirates 5, right?
22 A Without checking my calendar, I think so,

<p style="text-align: right;">177</p> <p>1 yeah. I think that's right.</p> <p>2 Q And is your recollection that you were in</p> <p>3 Australia at the time as well?</p> <p>4 A Yes, I would have been there at the same</p> <p>5 time.</p> <p>6 Q And is it fair to say that in a -- I guess</p> <p>7 some colorful language, Johnny is expressing</p> <p>8 discontent with Disney here, right?</p> <p>9 MS. VASQUEZ: Objection; misstates the</p> <p>10 document, calls for speculation, assumes facts,</p> <p>11 and lack of foundation.</p> <p>12 THE WITNESS: Excuse me. It doesn't say</p> <p>13 Disney in particular. It seems more sort of a</p> <p>14 general commentary, perhaps.</p> <p>15 BY MR. ROTTENBORN:</p> <p>16 Q General commentary on what, to your</p> <p>17 understanding?</p> <p>18 MS. VASQUEZ: Calls for speculation.</p> <p>19 THE WITNESS: Yeah, I can see by my reply</p> <p>20 below it, so clearly my presumption. Well, I</p> <p>21 mean, you know, his words they're characters.</p> <p>22 He's being -- assuming -- so, you know, being</p>	<p style="text-align: right;">179</p> <p>1 March 6, 2015, correct?</p> <p>2 A Yes.</p> <p>3 Q Do you still stand by those words today</p> <p>4 and have those same feelings toward him?</p> <p>5 MS. VASQUEZ: Objection; compound.</p> <p>6 THE WITNESS: Sorry, Ben. What was the</p> <p>7 question?</p> <p>8 BY MR. ROTTENBORN:</p> <p>9 Q Do you still have those same feelings and</p> <p>10 sentiments toward Mr. Depp today?</p> <p>11 A Certainly.</p> <p>12 MR. ROTTENBORN: Catherine, if you can,</p> <p>13 please, go back to Deuters 2884. Thank you.</p> <p>14 BY MR. ROTTENBORN:</p> <p>15 Q Now, at some point you became aware of an</p> <p>16 argument or an altercation that Mr. Depp had with</p> <p>17 Ms. Heard while in Australia, correct?</p> <p>18 MS. VASQUEZ: Objection; vague, assumes</p> <p>19 facts, and calls for speculation.</p> <p>20 THE WITNESS: Yeah, I'm not quite sure.</p> <p>21 At one point I became aware of something --</p> <p>22 BY MR. ROTTENBORN:</p>
<p style="text-align: right;">178</p> <p>1 somewhat down on his -- well, what he ignorantly</p> <p>2 started to think of as his legacy is --</p> <p>3 THE COURT REPORTER: I'm sorry. You have</p> <p>4 to keep your voice up.</p> <p>5 THE WITNESS: Sorry. I'm just re-reading</p> <p>6 the text back.</p> <p>7 BY MR. ROTTENBORN:</p> <p>8 Q He is expressing discontent that his</p> <p>9 Captain Jack Sparrow character and the work he's</p> <p>10 done in the Pirates franchise, right?</p> <p>11 MS. VASQUEZ: Objection; assumes facts,</p> <p>12 misstates the prior testimony, misstates the</p> <p>13 document, calls for speculation.</p> <p>14 THE WITNESS: I don't know if it's</p> <p>15 specific to Captain Jack or general. I don't</p> <p>16 know. But it is discontent, sure.</p> <p>17 BY MR. ROTTENBORN:</p> <p>18 Q Okay. And then you respond to him with</p> <p>19 the text below, right?</p> <p>20 A Yes.</p> <p>21 Q And those are all your words and your</p> <p>22 feelings that you expressed to Mr. Depp on</p>	<p style="text-align: right;">180</p> <p>1 Q I just want to know everything that you</p> <p>2 remember about that particular incident, if</p> <p>3 anything.</p> <p>4 MS. VASQUEZ: Objection; calls for a</p> <p>5 narrative, assumes facts, hearsay, and vague.</p> <p>6 THE WITNESS: Yeah, because I wasn't -- I</p> <p>7 didn't stay at the house. And, I mean, I have to</p> <p>8 go back to the memory banks.</p> <p>9 Johnny came to the hotel. He came to the</p> <p>10 hotel. He was brought by, I think, his security</p> <p>11 guys. Came to the room -- I mean, it was clear</p> <p>12 that he cut himself, but he didn't tell us. He</p> <p>13 was quite reticent to say much. I think we --</p> <p>14 then it was probably around then that we realized</p> <p>15 that a serious injury had occurred, but we didn't</p> <p>16 know how.</p> <p>17 BY MR. ROTTENBORN:</p> <p>18 Q You're referring to the tip of his finger</p> <p>19 being severed?</p> <p>20 A Correct, yeah.</p> <p>21 Q Okay. And you don't have any personal</p> <p>22 knowledge about how that happened, correct?</p>

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff and Counterclaim
Defendant,*

v.

AMBER LAURA HEARD,

*Defendant and
Counterclaim Plaintiff.*

Civil Action No.: CL-2019-0002911

**PLAINTIFF AND COUNTERCLAIM DEFENDANT JOHN C. DEPP, II'S
SUPPLEMENTAL RESPONSES AND OBJECTIONS TO DEFENDANT AND
COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S
FOURTH SET OF INTERROGATORIES**

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, Plaintiff and Counterclaim Defendant John C. Depp, II, by and through his undersigned counsel, hereby responds and objects to Defendant and Counterclaim Plaintiff Amber Laura Heard's Fourth Set of Interrogatories (each, an "Interrogatory" and collectively, the "Interrogatory"), dated January 17, 2022 and served in the above captioned action ("Action") as follows:

GENERAL OBJECTIONS

1. Plaintiff incorporates by reference as if fully set forth herein the General Objections contained in the Responses and Objections to Defendant's First Set of Requests for Production of Documents and Things to Plaintiff, dated September 3, 2019.

When Mr. Depp was in a low mood or Ms. Heard was unhappy with Mr. Depp, Ms. Heard would accuse him of taking drugs or drinking. Mr. Depp explained this to Ms. Heard during the relationship, but she would not stop. Ms. Heard would spread these lies to others including her friends and Mr. Depp's family, telling them that Mr. Depp was drunk when he may not have been drinking or that she found cocaine belonging to Mr. Depp and refer to him as a "monster" for this behavior. Mr. Depp began to believe that he was one, although the term was never a reference to any violence. For example, on various occasions, Ms. Heard texted Mr. Depp's sister, Christi Dembrowski, to falsely suggest that Mr. Depp was taking more medication than he should or going on drug and alcohol binges, such as with Marilyn Manson, when in fact they were taking Mr. Depp's daughter to school. In one specific instance, on or about May 27, 2014, Ms. Heard told Mr. Depp's sister, Christi Dembrowski, that Mr. Depp had to see a doctor because of his drinking. A few days prior, on a flight from Boston to Los Angeles, Mr. Depp had drunk alcohol prior to and on the flight, but his behavior was not at all as Ms. Heard alleged. This was another way for Ms. Heard to belittle Mr. Depp.

Although Mr. Depp was in recovery from drug addiction during significant parts of his marriage with Ms. Heard, instead of supporting his sobriety, Ms. Heard often encouraged Mr. Depp to drink alcohol or take drugs or flagrantly consumed drugs and alcohol in Mr. Depp's presence. For instance, before the release of Mr. Depp's film, *The Lone Ranger* in July 2013, he participated in a three-day detox program and had not been drinking prior to the release of that film. Ms. Heard nonetheless continued to drink and take amphetamines, MDMA, psychedelic mushrooms and other drugs in front of Mr. Depp. In fact, it was not uncommon for Ms. Heard to have two bottles of wine in a space of just over an hour. **Additionally, despite knowing of Mr. Depp's efforts not to drink alcohol during periods of their relationship, Ms. Heard would tempt**

Mr. Depp to break his sobriety by placing a whiskey shot in front of Mr. Depp before bed and asking him to drink it. Also, despite knowing of Mr. Depp's efforts to abstain from drugs, Mr. Heard would often want Mr. Depp to procure drugs, such a cocaine or MDMA, for her or her sister, Whitney Henriquez.

On or about May 24, 2014, while on a private airplane from Boston to Los Angeles, Ms. Heard harangued Mr. Depp while he was drawing art sketches in his notebook while seated at the central table in the cabin. Mr. Depp cannot recall exactly what Ms. Heard was saying, but it was in her typical abusive nature to berate him. Mr. Depp did not engage her. At some point during this flight, Ms. Heard stood up, at which point Mr. Depp stretched his leg out to tap her playfully on the bottom with his foot to non-verbally communicate something along the lines of "hey, c'mon let's get past this" in an attempt to make light of the argument and defuse the situation. Mr. Depp does not believe he was able to reach Ms. Heard with his foot. Ms. Heard witnessed Mr. Depp's attempt and immediately took great offense to Mr. Depp's act and continued to verbally berate and gesticulate at him. Stephen Deuters, Mr. Depp's personal assistant, and Mr. Judge intervened to calm Ms. Heard down. Mr. Judge took Ms. Heard to a separate part of the plane. Mr. Depp took a pillow with him to the bathroom, locked the door, and slept on the floor to avoid confrontation. Once the plane landed, Ms. Heard was still angry and looking for an argument with Mr. Depp, continuing to berate him. Mr. Depp continued to not engage her.

On or about August 17, 2014, Mr. Depp was in the Bahamas to try to help reduce his dependency on prescription painkillers. Mr. Depp was being treated by Registered Nurse, Ms. Debbie Lloyd, but Ms. Heard had accompanied Mr. Depp on this trip and often intervened and withheld medicine from him. This caused Mr. Depp substantial issues including spasms and

time with the band afterwards. Mr. Depp had expected Ms. Heard to be just as excited for him. Instead, Ms. Heard was extremely angry and trying to rush Mr. Depp out so that they would not be late for a flight she had to catch to make it to her interview for the Aquaman film. Members of the band, including Joe Perry, witnessed Ms. Heard's anger. Mr. Depp wanted to ensure that Ms. Heard did not miss the interview, so out of an abundance of caution, he called the director to see if Ms. Heard's interview could be pushed back. Mr. Depp and Ms. Heard made it onto the plane, which was delayed on the runway. Ms. Heard would not stop trying to argue with Mr. Depp by berating him and telling him that that he was trying to ruin opportunities for her. Mr. Depp was incredibly hurt by Ms. Heard's words and actions on an evening that he was excited about, and despite his efforts to help Ms. Heard professionally, even calling three senior people at Warner Brothers and offering to rewrite her script.

Dated: March 22, 2022

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March 2022, I caused copies of the foregoing to be served via email (per written agreement between the Parties) on the following:

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Benjamin G. Chew (VSB #29113)



Extraction Report

Apple iPhone Logical

Participants



[Redacted]
him* (owner)



[Redacted]
MM*



[Redacted]
Chris Dembrowski* (owner)

Conversation - Instant Messages (45)

[Redacted] MM

You good brother?

I don't know what is up. But I just wanna check on you. Whenever you are good. I may have to head out in a bit.

Status: Read

Read: 6/23/2016 3:47:59 PM(UTC-7)

6/23/2016 12:08:04 AM(UTC-7)

Source Extraction:
Logical (1)

[Redacted] MM

Hope you slept well

Status: Read

Read: 6/23/2016 3:47:59 PM(UTC-7)

6/23/2016 9:08:50 AM(UTC-7)

Source Extraction:
Logical (1)

MM

Attachments:



Size: 2039015
File name: IMG_2272.JPG
IMG_2272.JPG



Size: 2039328
File name: IMG_2273.JPG
IMG_2273.JPG

Status: Read

Read: 6/23/2016 3:47:59 PM(UTC-7)

6/23/2016 11:01:04 AM(UTC-7)

Source Extraction:
Logical (1)

MM

I got an amber 2.0

Status: Read

Read: 6/23/2016 3:47:59 PM(UTC-7)

6/23/2016 11:01:04 AM(UTC-7)

Source Extraction:
Logical (1)

MM

Poopdeck pappy. We are gonna smooth up soon. Yay

Status: Read

Read: 7/8/2016 10:48:36 PM(UTC-7)

7/8/2016 10:00:34 AM(UTC-7)

Source Extraction:
Logical (1)

him

I am bus. Just going through border of US and Canada... I'll be in jail soon!!! Love you, motherfucker!!! What song should I play with you and what song should you play with us??

Status: Sent

Delivered: 7/8/2016 10:50:05 PM(UTC-7)

7/8/2016 10:50:03 PM(UTC-7)

Source Extraction:
Logical (1)

MM

Canada. The worst.

Status: Read

Read: 7/8/2016 2:50:28 AM(UTC-7)

7/8/2016 11:52:21 PM(UTC-7)

Source Extraction:
Logical (1)

[redacted] MM

My new fan meet and greet girl. Looks like you need it. Trust me. I'll send a pic.

18. With you guys. Depp show with me.

Status: Read

Read: 7/9/2016 2:50:28 AM(UTC-7)

7/8/2016 11:53:30 PM(UTC-7)

Source Extraction:
Logical (1)

[redacted] MM

...my first... I am having my friend take her to not barb on Betty
... ..

Status: Read

Delivered: 7/9/2016 5:33:44 AM(UTC-7)

Read: 7/9/2016 5:33:44 AM(UTC-7)

7/9/2016 5:26:07 AM(UTC-7)

Source Extraction:
Logical (1)

[redacted] him

In and in and out!!!

X.

Loving

Jew, my brother!!!

I woke to two lovely photos of a man that seems to be capturing more than my attention...

Thank you for remembering... These little tokens keep my heart warm in your absence.. I

miss you, my brother!!! We shall exchange precious bodily fluids!!!

DON'T TAKE NO SHIT!!! Most important is to stay calm and not give her what she wants,

which is, TO MAKE YOU SCREAM, FLIP OUT AND FEED HER NARCISSISM!!! Trust me...

I been reading

A LOT of material on that and sociopathic behavior... It is fucking real, my brother!!! My ex-

cut is goddam TEXTBOOK!!! Should have read this shit earlier!!!

They're taking me to stage now... Hit me when you can...

Big gay love...

Zippy, the Pinhead

Status: Sent

Delivered: 7/9/2016 5:17:59 PM(UTC-7)

7/9/2016 5:17:58 PM(UTC-7)

Source Extraction:
Logical (1)

[redacted] MM

We are awesome. I'm gonna play Tom whally. Walle. Three songs and get straight paid.
You me and the dingus makes three

Status: Read

Read: 7/10/2016 5:46:15 AM(UTC-7)

7/9/2016 5:49:51 PM(UTC-7)

Source Extraction:
Logical (1)

[redacted] MM

Fuck. Is joe ok? Let me know as soon as you can?

Status: Read

Read: 7/10/2016 10:47:47 PM(UTC-7)

7/10/2016 8:40:22 PM(UTC-7)

Source Extraction:
Logical (1)

him

He's okay!!! He's stable... It was frightening, man... He was GONE!!! Like, really gone... So fucking scary!!! Fucked up...
He'll be okay, I hope!!!
Love you, brother...
Me.

Status: Sent
Delivered: 7/10/2016 10:53:30 PM(UTC-7)

7/10/2016 10:53:26 PM(UTC-7)

Source Extraction:
Logical (1)

MM

If you wanna talk. I'm on my bus. But fuck. I'm not getting any more people that we have to deal with. I'm not getting any more people that deserve it being out there. This is a fucked up year. But let's change it. Wonder twins powers activate.

Status: Read
Read: 7/11/2016 11:12:31 AM(UTC-7)

7/10/2016 10:57:15 PM(UTC-7)

Source Extraction:
Logical (1)

MM

Hey. You up? I may need to crash with you if I can.

Status: Read
Delivered: 11/20/2016 3:37:13 AM(UTC-8)
Read: 11/20/2016 3:37:13 AM(UTC-8)

11/19/2016 4:59:21 AM(UTC-8)

Source Extraction:
Logical (1)

MM

I'm coming to the Fuck pad tonight. Tight pants

Status: Read
Delivered: 11/20/2016 3:37:13 AM(UTC-8)
Read: 11/20/2016 3:37:13 AM(UTC-8)

11/19/2016 8:05:44 AM(UTC-8)

Source Extraction:
Logical (1)

MM

Heyo. I'm gonna hobo spank you. Had a massive dramatic exodus of the it. But I'm ok. Can't sleep. Just wanted to hear from my not gay boy.

Status: Read
Delivered: 11/20/2016 6:14:23 PM(UTC-8)
Read: 11/20/2016 6:14:23 PM(UTC-8)

11/20/2016 7:43:26 AM(UTC-8)

Source Extraction:
Logical (1)

MM

You alive dammit?

Status: Read

Read: 11/21/2016 6:32:51 PM(UTC-8)

11/21/2016 1:51:10 AM(UTC-8)

Source Extraction:
Logical (1)

MM

... you're not... pc... your type... ... I don't
... ... because... ...
... Letting know if you can talk.

Status: Read

Read: 11/25/2016 9:20:03 PM(UTC-8)

11/25/2016 8:43:50 PM(UTC-8)

Source Extraction:
Logical (1)

him

I send Starling, RIGHT NOW???

Status: Sent

Delivered: 11/25/2016 9:20:43 PM(UTC-8)

11/25/2016 9:20:43 PM(UTC-8)

Source Extraction:
Logical (1)

MM

Are you back? I'm at bates. But lindsay pulled an amber and she filed a police report because that zipper head James Iha and her poor fat mom want to steal my money.

Fuck em.

I'm safe right now. But I may need to hide out if you got a spare room.

Status: Read

Read: 11/25/2016 9:22:23 PM(UTC-8)

11/25/2016 9:22:21 PM(UTC-8)

Source Extraction:
Logical (1)

him

Lemme know, brother!!!

Status: Sent

Delivered: 11/25/2016 9:22:55 PM(UTC-8)

11/25/2016 9:22:55 PM(UTC-8)

Source Extraction:
Logical (1)

MM

I will.

Status: Read

Read: 11/25/2016 9:24:15 PM(UTC-8)

11/25/2016 9:24:14 PM(UTC-8)

Source Extraction:
Logical (1)

+ MM

Thanks man

Status: Read

Read: 11/25/2016 9:24:19 PM(UTC-8)

11/25/2016 9:24:19 PM(UTC-8)

Source Extraction:
Logical (1)

+ him

Always!!! Stay away from her!!! GIVE her no chance to get at you!!!!

Status: Sent

Delivered: 11/25/2016 9:24:58 PM(UTC-8)

11/25/2016 9:24:58 PM(UTC-8)

Source Extraction:
Logical (1)

+ MM

I'm hoping that the po po ain't coming after me.

I'm at bates. Finishing the last track hopefully. But there is room for one more. When are you in la? El hombre negro

Status: Read

Read: 11/25/2016 10:38:16 PM(UTC-8)

11/25/2016 10:35:35 PM(UTC-8)

Source Extraction:
Logical (1)

+ him

Kooky Kitty!!! Indeed. Let us dine and quench our thirst, my brother... It is my opinion that we will need a cave of some sort!!! I'm thinking de Sade style!! Miss you and I'm here whenever!!!!

Love you long time...

Jimmy drtp

Status: Sent

Delivered: 11/26/2016 2:33:11 AM(UTC-8)

11/26/2016 2:33:11 AM(UTC-8)

Source Extraction:
Logical (1)

+ MM

I'll text you tomorrow. Let's have our own salo. But no gay stuff with us. Just get the guy in front of Chinese theatre and someone from any goth band and buy them as slaves and make them re create our formative years in an opera. A street opera. And we shall tussle the young lasses. Double dots girl gets here on Thursday. We can have clandestine man times. Cat wrestling. Then the Fanta shall send us into out her face space. Boom.™

Status: Read

Delivered: 11/26/2016 6:15:11 AM(UTC-8)

Read: 11/26/2016 6:15:11 AM(UTC-8)

11/26/2016 5:08:12 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] MM

I like emoticocks

Status: Read

Delivered: 11/26/2016 6:15:11 AM(UTC-8)

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11/26/2016 5:03:25 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] MM

She got a restraining order on me. She got up to see me in a restraining order. I'm in the car.

Status: Read

Delivered: 11/26/2016 7:06:12 AM(UTC-8)

Read: 11/26/2016 7:06:12 AM(UTC-8)

11/26/2016 7:01:52 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] hm

where are you?? Is she there, as well??? Keep a distance and speak as little as possible to her!!! I get's in car and come to gets you???

Status: Sent

11/26/2016 7:08:14 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] MM

I'm at home. She at sisters house. I should be cool here. But I got the cats. And they are rascals. Where are you? And where should I go? Because I don't have work today so I can hide out wherever you got's my brother.

Status: Read

Read: 11/26/2016 7:17:07 AM(UTC-8)

11/26/2016 7:14:20 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] hm

I'm at the old house... 1486. I have a conference call in 40 minutes, I no sleeps, I no takey the drugs... let's make noise!!!

Status: Sent

Delivered: 11/26/2016 7:19:35 AM(UTC-8)

11/26/2016 7:19:35 AM(UTC-8)

Source Extraction:
Logical (1)

[redacted] MM

I talked to tony. But this is fucked. She filed a restraining order. Said I beat her up. And gave the cops my address. And said that I have drugs here. So I am ready to book outta here

Status: Read

Read: 11/26/2016 7:19:40 AM(UTC-8)

11/26/2016 7:19:39 AM(UTC-8)

Source Extraction:
Logical (1)

MM

Do the call. I'll sneak over and make no noise and then hide.

Status: Read

Read: 11/26/2016 7:20:29 AM(UTC-8)

11/26/2016 7:20:29 AM(UTC-8)

Source Extraction:
Logical (1)

MM

I got my guy Judd can drop me by after your call. I'm just packing up a few underwears and whatnot

Status: Read

Read: 11/26/2016 7:21:20 AM(UTC-8)

11/26/2016 7:21:19 AM(UTC-8)

Source Extraction:
Logical (1)

him

Don't worry about my call!!!

Status: Sent

Delivered: 11/26/2016 7:23:16 AM(UTC-8)

11/26/2016 7:23:16 AM(UTC-8)

Source Extraction:
Logical (1)

MM

I have a leg hands free crutch. Looks like a pirate leg.

Attachments:

Size: 13828168
File name: IMG_0920.mov
[IMG_0920.mov](#)

Status: Read

Read: 11/2/2017 1:32:50 PM(UTC-7)

11/2/2017 8:00:50 AM(UTC-7)

Source Extraction:
Logical (1)

MM

Did that lawyer approval get squared away so I can release the shit.

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/3/2017 8:51:10 PM(UTC-7)

Source Extraction:
Logical (1)

MM

I wanna say this to the press or on twitter because it is real. Am I love my brother!!!!!!!

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 9:52:35 AM(UTC-7)

Source Extraction:
Logical (1)

MM

Johnny Dæpp, is by far the most caring person a wretch like me could ever know. He is selfless in his love of his close circle of true friends. He is a great, great father. And if anyone has the ignorance to compare his acting to paparazzi pictures, then you are tourists.

He invented paparazzi. Being real. Real fucking amazing.

My best friend has never been afraid to be himself. He has known and now I hope he is certain that scabrous vultures are trying to eat at his unkillable corpse. However his artistic heart and god-given acting abilities go beyond film. He allows dim witted doubters to assume his demise. That is his greatest gift. Watching the rats jump ship. And being a champion. And looking handsome as fuck doing it.

MM

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 10:02:57 AM(UTC-7)

Source Extraction:
Logical (1)

MM

I want to add that an actress he was involved with referred to me as a homosexual because Johnny and I have been friends for years and got matching tattoos. I thought it was an ironic joke, but I watched my best friend be called terrible slurs and I respect him as a gentlemen for not saying the truth that I would love to tell the world but as his friend and his daughters godfather, I believe that family matters should be respected. And not be a device to climb your way to the bottom.

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 10:39:24 AM(UTC-7)

Source Extraction:
Logical (1)

MM

And this but I won't unless you are against it. I fucking need to save this fucking landslide. I knew it was coming. That cunt.

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 10:40:25 AM(UTC-7)

Source Extraction:
Logical (1)

MM

Attachments:



Size: 424812
File name: IMG_1187.jpeg
IMG_1187.jpeg

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 12:02:02 PM(UTC-7)

Source Extraction:
Logical (1)

MM

From me for you

Status: Read

Read: 11/5/2017 6:13:11 AM(UTC-8)

11/4/2017 12:02:07 PM(UTC-7)

Source Extraction:
Logical (1)

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VIRGINIA:

IN CIRCUIT COURT OF FAIRFAX COUNTY

-----x

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 Fig.**

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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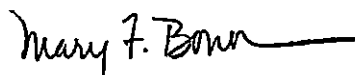
COUNTY OF UNION)

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

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,
Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT’S
THIRD SUPPLEMENTAL AND REBUTTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard (“Ms. Heard”) hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

**Dawn M. Hughes, Ph.D., ABPP
Clinical and Forensic Psychologist
274 Madison Avenue, Suite 604
New York, New York 10016
(212) 481-7044 Telephone
(212) 481-7045 Facsimile
hughes@drdawnhughes.com**

Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as “Johnny Depp”), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he “never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard’s Counterclaim and Ms. Heard’s defenses.

CONFIDENTIAL

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spiegedr@evms.edu

Expertise and Qualifications

Dr. Spiegel's C.V. is attached as **Att. 7**. Dr. Spiegel is a Professor of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School, which he joined in 2001 after almost a decade in private practice. Dr. Spiegel obtained his medical degree from SUNY-Health Science Center at Brooklyn, and then completed his psychiatry residency at Dartmouth-Hitchcock and Hershey-Penn State. Dr. Spiegel is a clinical supervisor for psychiatry residents and psychology interns and presents to community mental health professionals. Dr. Spiegel's inpatient and outpatient practices involve new and follow-up comprehensive evaluations, which include history, mental status examination, diagnoses, and treatment planning, and encompasses about 85-90% of Dr. Spiegel's daily workload. Throughout his career, Dr. Spiegel has diagnosed, treated and provided therapy to patients suffering from varying degrees of alcohol and substance abuse, as well as to both victims and perpetrators of intimate partner violence ("IPV").

Dr. Spiegel has testified as an expert in the Commonwealth of Virginia, as well as Maryland and South Carolina on a range of topics in psychiatry and behavioral sciences. He has written and lectured extensively on the effects of alcohol and drugs (both legal and illegal) on the human brain and the person's interactions with others (both short-term and long-term), the causes and effects of intimate partner abuse, and other psychiatric issues.

In conjunction with the rendering of his opinion in this litigation, Dr. Spiegel reviewed and relied upon the relevant pleadings, videos, audios, pictures, text messages, emails, medical records, and other documents produced in discovery, testimony from the UK, depositions, see

Att. 8 (“data reviewed” or the “record evidence”), and an interview with Ms. Heard. Dr. Spiegel twice requested an assessment of Mr. Depp, but Mr. Depp declined.

Dr. Spiegel will testify as an expert in the fields of Psychiatry and Behavioral Sciences. Dr. Spiegel bases his opinions, to within a reasonable degree of medical and professional probability and/or certainty in the fields of psychiatry and behavioral sciences, upon his background, experience, knowledge, a review of the materials provided to him, and other information available to him, including the sources cited in this Designation.

Dr. Spiegel has been engaged to analyze and opine on the impact of alcohol and substance abuse, including the combination of drugs taken by Mr. Depp, and the potential impact of sustained use of these substances on memory, cognition, and how this may impact Mr. Depp. Dr. Spiegel has also been asked to analyze the risk factors associated with perpetrators of Intimate Partner Violence (“IPV”), and in his evaluation of the record evidence, whether Mr. Depp has exhibited conduct or behaviors indicative or consistent with any of these risk factors. Dr. Spiegel will also testify relating to specific drugs and alcohol and their medical and psychiatric effects and impacts, the diagnoses and treatment of patients with alcohol and drug/substance use disorder, evidence of medical and psychiatric consequences of prolonged substance abuse, characteristics and behaviors consistent with prolonged substance abuse and IPV, and medical and psychological characteristics and explanations of behaviors demonstrated by the record evidence, Dr. Spiegel will also testify as set forth below.

I. The Impact of Alcohol and Drug Use/Abuse Over Limited and Prolonged Periods of Time.

Dr. Spiegel is expected to testify about the medical and psychological impact on Mr. Depp based on the evidence of Mr. Depp’s alcohol and drug use since the 1980s. Dr. Spiegel is expected to testify that the record evidence demonstrates that Mr. Depp has a history of using or

overusing alcohol and controlled drugs, including cocaine, ecstasy (MDMA), magic mushrooms and cannabis as well as certain prescribed drugs (notably Oxycodone, Roxicodone or Roxies, Xanax and Adderall). Dr. Spiegel is also expected to testify that regularly associating with others who extoll the virtues of drugs is an indicator of a drug problem, and in this case, Mr. Depp regularly associated with such people, including Hunter S. Thompson, Keith Richards, and Marilyn Manson, who extolled the virtues of drugs and alcohol. Friends and associates of Depp have remarked publicly that hanging out with Mr. Depp means surrounding one's self with drugs and alcohol. Dr. Spiegel will also testify about record evidence, including but not limited to, Dr. Kipper attempting to treat Mr. Depp for years for "polysubstance abuse" (the abuse or dependence to many substances), text messages where Mr. Depp is seeking cocaine and ecstasy, text messages where Mr. Depp requests more of his prescribed medications, purporting to lose or be confused by the location of the doses prescribed, text messages to his nurse that he was "high as a muthafucka" when he made the film, Black Mass, articles where Mr. Depp admits that he spends much more than \$30,000 a month on wine, deposition and trial testimony of Mr. Depp's drug and alcohol abuse, and notes from Mr. Depp's own doctors and nurses, including Dr. Kipper's analysis that Mr. Depp "is uncomfortable, is pessimistic that he will ever be able to stop doing drugs, actually romanticizes the entire drug culture and has no accountability for his behaviors." Based on this evidence, Dr. Spiegel is expected to testify that Mr. Depp's conduct is indicative of and consistent with displaying a long-term, alcohol and drug addiction and has abused drugs and alcohol, which is considered a significant risk factor and consistent with perpetrators of IPV, as further discussed below.

Dr. Spiegel is also expected to testify that hundreds of studies show a significant link between substance abuse and memory loss, which, as a result, affects cognitive functions such as

learning, language and comprehension. The record evidence shows that Mr. Depp has experienced blackouts, periods of significant confusion, thinking people are present who are not, imagining entire conversations or fights with people not present, and the like. When a person experiences a blackout during alcohol or drug use, for example, it prevents the brain from completing the process of forming memories. Persistent drug use can cause not only issues with recalling recent events but also long-term memory loss. Drug and alcohol use affects the hippocampus which is essentially the brain's memory-storage system. Someone who becomes heavily dependent on drugs, including alcohol, will start to see long-lasting effects to their memory and brain function. They may begin to struggle with learning new things and have trouble recalling details such as birthdays and other important dates. Dr. Spiegel is also expected to testify that there is a high correlation between domestic abuse, heavy alcohol abuse, and cognitive disorders. *See Differential Cognitive Profiles of Intimate Partner Violence Perpetrators Based on Alcohol Consumption, Alcohol Volume 70, August 2018, Pages 61-71, Sara Vitoria-Estruch; Angel Romero-Martínez; Marisol Lila; Luis Moya-Albiol.* Dr. Spiegel is expected to testify that approximately 85% of individuals in rehab programs have a history of IPV.

Dr. Spiegel is expected to testify that based on his review of Mr. Depp during the video deposition taken of Mr. Depp on November 10, 11 and 12, 2020, and December 14, 2021, Dr. Spiegel was able to review and assess Mr. Depp's appearance, behavior and thought process, thought content, cognitive symptoms, insight and judgment. Dr. Spiegel is expected to testify that Mr. Depp demonstrated impaired attention, difficulty with word-finding retrieval, demonstrated impaired cognitive memory and processing speed, difficulty in his ability to focus on the topic at hand, disorganized thoughts, difficulty recalling details of events and difficulty with impulse control and demonstrated erratic behavior. Dr. Spiegel is expected to testify that

based on Mr. Depp's age of 58, these impairments cannot be attributable to age, but are consistent with and a direct result of Mr. Depp's sustained use and abuse of alcohol and drugs. This is also consistent with the record evidence, which has demonstrated Mr. Depp having cognitive impairments not in line with his age, such as failing to recall his lines for his movies, and having them read to him while wearing an earpiece. Dr. Spiegel is further expected to testify that Mr. Depp's misrepresentations of sobriety and downplaying and failure to take responsibility for his drug and alcohol use are consistent with those individuals who have an alcohol and drug use disorder. Dr. Spiegel has also reviewed Mr. Depp's UK testimony and will testify that the inconsistencies in Mr. Depp's testimony regarding his drug and alcohol abuse is a clear example of patients with alcohol and drug use disorder. Dr. Spiegel is also expected to testify that a 2- to 5-day detoxification from drugs and alcohol is only the first step of rehabilitation treatment – this must be followed up with an extended plan or program, and a “cleansing” is not an effective mechanism to repair the cognition and memory effects of long-term drug and alcohol use disorder. In addition, Dr. Spiegel is expected to testify that drugs prescribed to Mr. Depp, including Seroquel, Neurontin, and Adderall are highly abusable, and prolonged abuse can have damaging effects on brain function, cognition, and memory. Dr. Spiegel is also expected to testify that while Mr. Depp was on these medications, he was not “sober” by any medical definition. Dr. Spiegel will further testify that the use of MDMA can cause feelings of being enraged, auditory and visual hallucinations, and erratic and uncontrolled behavior including self-mutilation and self-harm and cutting off one's own finger is behavior of that can occur in users of MDMA.

II. Intimate Partner Violence

A. Analysis of IPV

Dr. Spiegel is expected to testify as to the definition and medical and psychological characteristics of IPV, both perpetrators and survivors. IPV is a pattern of assaultive and coercive behaviors that may include inflicted physical injury, psychological abuse, sexual assault, progressive social isolation, stalking, deprivation, intimidation and threats.

IPV is common. It affects millions of people in the United States each year. Data from CDC's National Intimate Partner and Sexual Violence Survey indicate about one in four women have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact. About 35% of female IPV survivors experience some form of physical injury related to IPV. There are also many other negative health outcomes associated with IPV. These include a range of conditions affecting the heart, digestive, reproduction, muscle and bones, and nervous systems, many of which are chronic. Survivors can experience mental health problems such as depression and posttraumatic stress disorder (PTSD) symptoms.

Dr. Spiegel is expected to testify that, based on his work with perpetrators and victims of IPV, as well as significant research in the field, there are identified risk factors, or characteristics of a person that increase risk of that person being an IPV perpetrator. Those risk factors include heavy alcohol and drug use, poor behavioral control/impulsiveness, a narcissistic personality, and attitudes accepting or justifying IPV. Dr. Spiegel is expected to testify that, based on the evidence he reviewed, including text messages, photographs, video tapes, audio files, medical

documentation, therapy records, witnesses, depositions, trial testimony and other exhibits, Mr. Depp has engaged in conduct indicative of or consistent with these risk factors.

Dr. Spiegel is expected to testify that this case includes allegations of all forms of IPV, including physical violence, sexual abuse, and psychological aggression, and is further expected to testify as follows:

i. **Physical violence.** Physical violence involves forceful physical contact that may vary from light pushes and slaps to severe beatings and lethal violence. A review of the evidence in this case shows a significant amount of physical abuse perpetrated against Ms. Heard throughout the course of their relationship, and that Ms. Heard was physically assaulted several times per week, sometimes daily. There are numerous witnesses who reported seeing cuts, bruises, and injuries for years, and it was reported that Mr. Depp grabbed, pushed, and shoved Ms. Heard; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, and body; slapped her with the front and back of his hand; kicked her; slammed her against the wall and floor; threw objects at her; suffocated her, flicked a cigarette at her; pulled her by the hair; and beat her up. In addition, Dr. Banks, M.D. testified that Mr. Depp acknowledged being physical with Ms. Heard and recalled hearing that he used a cigarette to burn himself. Banks Tr. 55:14-56:9.

ii. **Sexual abuse.** Sexual abuse includes coercive and physical behaviors varying from trying to persuade someone to perform a sexual act against their will, ignoring “no” responses, to physically forced sex acts. There is record evidence of Mr. Depp sexually assaulting Ms. Heard on a number of occasions.

iii. **Psychological aggression.** Psychological aggression (or emotional abuse) refers to acting in an offensive or degrading manner toward another, usually verbally, and may

include threats, ridicule, withholding affection, and restrictions (e.g., social isolation, financial control). These behaviors are perpetuated by someone who is, was, or wishes to be involved in an intimate or dating relationship with an adult or adolescent, and one aimed at establishing control by one partner over the other. (Capaldi DM, Knoble NB, Shortt JW, Kim HK. A Systematic Review of Risk Factors for Intimate Partner Violence. *Partner Abuse*. 2012;3(2):231-280.doi:10.1891/1946-6560.3.2.231.).

Psychologically abusive behaviors by Mr. Depp that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, writing on surfaces, such as countertops, lamp shades, mirrors and walls, erratic behavior; antagonistic behaviors about Ms. Heard's career; criticizing her ambition; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, ugly, fat); constant accusations of flirting and infidelity; controlling her clothing choices and movie parts; insisting on using his security detail and vehicles, not permitting her to have a password on her devices, showing up on set, insisting she spend his money and being upset when she resisted; criticizing her body; and emotional manipulation (threats of suicide; threats and actual infliction of self-harm).

B. Substance Abuse is a Risk Factor of IPV

Substance abuse has been found to occur in 40-60% of IPV incidents across various studies. Several lines of evidence suggest that substance use/abuse plays a facilitative role in IPV by precipitating or exacerbating violence. This includes IPV perpetration in the contexts of intoxication, and withdrawal and addiction. Likewise, drug-induced paranoia and fears of infidelity were used by perpetrators to justify IPV in ways that extended men's more everyday invocations of sexual jealousy and distrust as reasons for checking up on partners. Dr. Spiegel is expected to testify that intoxication related to alcohol and stimulant drugs (methamphetamines

and cocaine) was linked to IPV perpetration in all studies. Several studies have also shown that both survivors of IPV and perpetrators talk about how partners under the influence of alcohol and/or drugs turn from a “good husband to a bad husband” (Boonzaier & Rey, 2003); from “Dr. Jekyll to Mr. Hyde” (Gilbert et al., 2001) ; from “a warrior to a beater” (Matamonasa-Bennett, 2015)]; turn into “dictators,” and “converts you into a monster” (Gilchrist et al., 2015) (Boonzaier & Rey, 2003). Dr. Spiegel is expected to testify that the more disinhibited by drugs and alcohol a person is, the more likely the person is to exhibit physical violence towards another person, and particularly if the intoxicated person has baseline impulsivity and lacks behavioral control/response prevention.

Studies have also shown an increased risk of IPV perpetration when dependent perpetrators were in withdrawal or craving alcohol, heroin and stimulant drugs due to irritability and frustration (Satyanarayana et al., 2015; Wilson et al., 2017) (Gilbert et al., 2001) (Abdul-Khabir et al., 2014; Ludwig-Barron et al., 2015) (Watt, 2012).

As discussed above, the record evidence reflects that Mr. Depp had a history of alcohol and drug abuse, including during the relationship with Ms. Heard.

C. Lack of Behavioral Control and Impulsiveness is a Risk Factor of IPV

Dr. Spiegel is expected to testify that the lack of behavioral control and impulsiveness is also a strong risk factor for IPV. Research indicates a robust association between impulsivity, or the inability to regulate certain behaviors, and various forms of aggressive behavior (*e.g.*, Abbey et al., 2002; Hynan & Grush, 1986; Netter et al., 1998), including IPV (*e.g.*, Cohen et al., 2003; Shorey, Brasfield, Febres, & Stuart, 2010; Schafer et al., 2004). Cross-sectional research indicates that men who report IPV perpetration are higher in impulsivity compared to men who do not report IPV (Cohen et al., 2003).

Dr. Spiegel is expected to testify that the record evidence reflects that Mr. Depp has a "frail temperament" that results in lack of behavioral control and impulsivity. This evidence includes, but is not limited to, notes from Mr. Depp's doctor (Dr. Kipper) referring to Mr. Depp: "[t]here is also an issue of patience. He's driven almost reflexively by his id - has no patience for not getting his needs met, has no understanding of delayed gratification and is quite childlike in his reactions when he does not get immediate satisfaction." This lack of behavioral control and impulsiveness are significant risk factors for IPV. Dr. Spiegel will testify that Mr. Depp's testimony in this case and the UK action demonstrate a lack of behavioral control and impulsiveness, including, but not limited to, the following testimony:

20 A. Sorry. I was saying that the ability or the impetus or the
21 synapse that fires does not necessarily mean that you have to
22 be drunk to smash something or throw something against the
23 wall or punch a wall or door. It is a human reflex to
24 something that feels stronger than you. It is a frustration
25 and that is what happens.

Depp UK Trial 125:20-25.

14 A. Well, what I am trying to explain to you is that it does not
15 take alcohol for one to become upset about something. That
16 reaction, the internal reaction, does not require alcohol to
17 slam your hand down on a table or be so frustrated about what
18 you are unable to do, when it is out of your hands, and you
19 have fallen prey to something that is bigger than you, and it
20 is, you know, that is pretty much it.

21 Q. Did you smash things when you were living with Ms. Paradis?

22 A. Over 14 years, I imagine that I must have, and over 14 years
23 I imagine that she must have.

Depp UK Trial 126:14-23. Mr. Depp also testified that he was arrested in 1994 because, as he admitted, he “trashed” a hotel room in New York in 1994, and prior to that arrest, was arrested for assaulting a hotel lobby security guard. Depp UK Trial 55-56:3-3. While in Paris in 1999, he became angry with members of the press, and confronted and threatened them with a large piece of wood. In 2018, Mr. Depp was sued for assault of a location manager on the set of City of Lies. Depp UK Trial 90:70-15. In addition, Dr. Spiegel will testify that these instances show a pattern of violence and impulsiveness in lieu of self-control, which is consistent with the behavior of a perpetrator of IPV. Depp’s paranoia, jealousy, and uncontrollable anger and rage is supported by testimony from Mr. Depp’s psychiatrist, Dr. Blaustein. Blaustein Tr. 48:22-49:19, 184. In fact, for Depp it was often “easier to play a character” than to live with his “devil.” Blaustein Tr. 151:20-152:2, 140:21-141:7.

D. Narcissism is a Risk Factor of IPV

A narcissist is a person who has an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others. Dr. Spiegel will testify that according to the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, symptoms of Narcissistic Personality Disorder include (1) requiring excessive admiration; (2) possessing a sense of entitlement, such as an unreasonable expectation of favorable treatment or compliance with his or her expectations; (3) is exploitative and takes advantage of others to achieve his or her own ends; (4) lacks empathy and is unwilling to identify with the needs of others; (5) is often envious of others or believes that others are envious of him or her; and shows arrogant, haughty behaviors and attitudes. Dr. Spiegel will testify that narcissists have a fragile self-esteem that is vulnerable to the slightest criticism.

Dr. Spiegel is expected to testify that in his review of the record evidence, Mr. Depp has engaged in behavior and conduct indicative of and consistent with all these symptoms of Narcissistic Personality Disorder which is another risk factor for IPV. These behaviors and characteristics are documented by Mr. Depp's own treating physician, Dr. Kipper, as well as reflected by other record evidence.

Studies have shown that narcissistic men are more likely to commit domestic violence. For example, the findings of Kent State University researchers (2010) suggest that "the anger, hostility, and short fuse that accompany a man's narcissism tend to be directed toward ... women," and that "narcissistic men can become enraged when they are denied gratification... including when people reject them." In fact, some of the more common traits that overlap both narcissists and abusers include lack of empathy, controlling behavior, self-absorption, displays of physical violence when told "no," and displays of anger when they perceive rejection from their partner. Dr. Spiegel is also expected to testify when there is an association of substance abuse disorder with Narcissistic Personality Disorder, there is a significantly increased likelihood of more hostility and aggression from the perpetrator.

E. Attitudes Accepting or Justifying IPV is a Risk Factor of IPV

Attitudes toward IPV are known predictors of IPV victimization and perpetration. Dr. Spiegel is expected to testify that there is record evidence demonstrating that Mr. Depp would "joke" about IPV, even in public articles. This includes, but is not limited to, a GQ article in which Mr. Depp admitted telling Hunter S. Thompson about Kate Moss, "she gets a severe beating." Mr. Depp was also involved in a particularly striking text exchange with actor Paul Bettany, with whom Mr. Depp has admitted to using "cocaine, alcohol, and pills." In a text to Mr. Bettany dated June 11, 2013, Mr. Depp wrote "Let's burn Amber!!!" and "Let's drown her

before we burn her!!! I will fuck her burnt corpse afterwards to make sure she's dead." Dr.

Spiegel is expected to testify that such cavalier attitudes toward IPV are a significant risk factor of IPV actually occurring in intimate relationships.

F. Being a Previous Victim of Physical or Psychological Abusive is a Risk Factor of IPV

Studies have also demonstrated that previously being a victim of physical or psychological abuse and witnessing IPV between parents as a child can also be a risk factor that leads to a person being an IPV perpetrator in his intimate relationships.²⁹ Dr. Spiegel is expected to testify that his review of the evidence demonstrates that Mr. Depp was a previous victim of physical violence from his mother, and saw his parents engage in IPV. This includes Mr. Depp's testimony that his "[b]rains [were] beaten out by my mom" as far back as he could remember, through the age of 17. Mr. Depp also testified that his mother would punch his father, knocking teeth out of his father's mouth, and that his father, in response, punched holes in the wall. This witnessing of violence at a young age is a high-risk factor of IPV.

G. Warning Signs of IPV

²⁹ See e.g., Storvestre GB, Jensen A, Bjerke E, Tesli N, Rosaeg C, Friestad C, Andreassen OA, Melle I, Haukvik UK. Childhood Trauma in Persons With Schizophrenia and a History of Interpersonal Violence, *Front Psychiatry*. 2020 May 5;11:383. doi: 10.3389/fpsy.2020.00383. PMID: 32431632; PMCID: PMC7214725; Ernst AA, Weiss SJ, Hall J, Clark R, Coffman B, Goldstein L, Hopley K, Dettmer T, Lehrman C, Merhege M, Corum B, Rihani T, Valdez M, Adult intimate partner violence perpetrators are significantly more likely to have witnessed intimate partner violence as a child than nonperpetrators. *Am J Emerg Med*. 2009 Jul;27(6):641-50; Flynn A, Graham K. "Why did it happen?" A review and conceptual framework for research on perpetrators' and victims' explanations for intimate partner violence. *Aggress Violent Behav*. 2010;15(3):239-251. doi:10.1016/j.avb.2010.01.002; <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html>.

In addition to risk factors of IPV, Dr. Spiegel is expected to testify based on studies and his work with perpetrators and victims of IPV, that there are certain warning signs to help recognize if someone is an IPV perpetrator. These warning signs include:

- **Use of physical aggression.** They often slap, hit, shove, or push their partner. Dr. Spiegel is expected to testify that based on the record evidence, including but not limited to, audio recordings, pictures of Ms. Heard's injuries, text messages, video recordings, and deposition and trial testimony, the record reflects that Mr. Depp has slapped, hit, shoved Ms. Heard on a regular basis, and has also head-butted her, grabbed her hair and punched her, dragged her across the room, kicked her, thrown objects at her, strangled her, and suffocated her.
- **They are unpredictable. Their moods tend to change rapidly and radically.** Dr. Spiegel is expected to testify to the record evidence, including but not limited to deposition and trial testimony, emails, texts, video, audio, and journal entries, that demonstrate Mr. Depp's change from a loving husband to what even Mr. Depp called "the Monster."
- **They are often jealous, suspicious, and/or angry – even if they have no reason to be.** Dr. Spiegel is expected to testify about the record evidence, which reflects Mr. Depp's jealousy of virtually any man (and woman) who worked with Ms. Heard, and his fear that she was having affairs with multiple partners.
- **They control their partner's time. They monitor and control their partner's activities, including whether they go to work or school, and how much they see their family and friends.** Dr. Spiegel is expected to testify that Mr. Depp reflected this conduct as well. Based on the record evidence, including deposition

and trial testimony, he would call directors and male costars to check on her, insist she use his vehicles and security detail, not have passwords on her devices so he could easily access them, interfere with filming and roles, and regulate and manipulate who she could see and spend time with.

- **They control their partner's money. They make important financial decisions with shared money by themselves, or they take their partner's money without permission.** Dr. Spiegel is expected to testify to the record evidence that reflects that Mr. Depp exerted his financial control over Ms. Heard and attempted to exert even more control.
- **They use verbal threats. They are not afraid to name-call, swear, and yell at their partner.** Dr. Spiegel is expected to testify to the degrading comments Mr. Depp made toward Ms. Heard (whore, cunt, bitch, ugly, fat). Mr. Depp also told Ms. Heard that she was being his mother and psychotic sister. Blaustein Tr. 157:2-13.
- **They isolate their partner. They may limit their partner's use of the phone or other sources of communication, or may force their partner to stay at home.** Dr. Spiegel is expected to testify that the evidence of Mr. Depp controlling where Ms. Heard stayed, regulating who she can see and when, and requiring that she not have any passwords on devices so he had unfettered access to her devices and communications is a warning sign of IPV.
- **They blame. They often try to blame their partner or others for their problems.** Dr. Spiegel is expected to testify that the record evidence reflects Mr. Depp constantly blaming Ms. Heard for the problems in their relationship, and

that Mr. Depp largely does not accept responsibility for any of his conduct, and routinely blames others.

- **They threaten to hurt themselves, their partner, or their partner’s loved ones if their partner tries to leave.** Dr. Spiegel is expected to testify as to the warning signs of IPV, where Mr. Depp regularly told Ms. Heard during or after an altercation that he was thinking of suicide or threats of (and actual) self-harm if she did not do as he pleased, and audio recordings relating to using a knife to cut himself and inflicting a cigarette burn on himself.
- **They apologize and make promises.** Dr. Spiegel is expected to testify that perpetrators very commonly apologize after an instance of IPV and make promises not to repeat their behavior. The apologies may be sincere, at the time, but also may be motivated by wanting to remain in the relationship, where they view themselves as being dominant.

Dr. Spiegel is expected to testify that in his review of the record materials and in speaking with Ms. Heard, Mr. Depp exhibited all these warning signs in his relationship with Ms. Heard.

III. Rebuttal to Opinion of Dr. Shaw’s regarding the Goldwater Rule

Dr. Spiegel is expected to testify that the Goldwater Rule does not apply in the context of expert testimony. It has long been established that the Goldwater rule does not extend to the court context.³⁰ “Rigid application of the rule (according to its broadest interpretation) would appear to invalidate long-standing working practice in the courts and in insurance and

³⁰ See e.g., Aoibheann McLoughlin, *The Goldwater Rule: a bastion of a bygone era?* HISTORY OF PSYCHIATRY, December 20, 2021.

government agencies, where psychiatric opinion without diagnostic interview is commonplace.”³¹ Such a broad interpretation of the Rule is not supported by the APA and would prohibit expert testimony from psychiatric experts that is routinely admitted in court in a wide variety of contexts.³² For example “[i]n psychiatric malpractice cases, psychiatrists proffer opinions as to the diagnoses, dynamics and best treatment protocols without directly examining the patients. This is most obvious in cases involving completed suicides, but also in boundary violation cases, improper pharmacological treatment for a given diagnosis, and other alleged malpractice situations. Chart reviews are accepted as the evidentiary bases for expert opinions.” (Kroll and Pouncey, 2016).

Furthermore, there is little empirical or theoretical evidence to support the claim that a diagnosis can only be achieved through in-person evaluation. Indeed, “written records and accounts, along with video footage, can provide robust diagnostic information on patients not personally interviewed” (McLoughlin, 2021). Dr. Spiegel has examined over three days of videotaped deposition of Mr. Depp, video footage of Mr. Depp during the relationship with Ms. Heard, audio recordings of Mr. Depp during the relationship with Ms. Heard, pictures, text messages, emails, medical records, psychiatric history, and other documents produced in discovery, testimony from the UK and depositions. With such an abundance of audiovisual and

³¹ *Id.*, see also, J. Kroll and C. Pouncey, *The ethics of APA’s Goldwater Rule*. 44(2) JOURNAL OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW 226 (2016) (“Furthermore, the APA’s proscription on diagnosis without formal interview can be questioned, since third-party payers, expert witnesses in law cases, and historical psychobiographers make diagnoses without conducting formal interviews.”).

³² American Psychiatric Association, Ethics Committee Opinion, March 15, 2017 (“ . . . the rendering of expertise and/or an opinion in these contexts is permissible because there is a court authorization for . . . opinion without examination. . . and this work is conducted within an evaluative framework including parameters for how and where the information may be used or disseminated.”).

documentary evidence, Dr. Spiegel's opinions, which are not diagnoses, but observed behaviors and statements from Mr. Depp that are consistent with IPV and narcissism, do not run afoul of the Goldwater Rule. All of Dr. Spiegel's opinions are within a reasonable degree of psychiatry and behavioral sciences and professional probability and/or certainty. Dr. Spiegel may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider any further discovery and documentation or facts which become available to him.

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Expertise and Qualifications

Mr. Ackert's C.V. is attached as **Att. 9**, which details Mr. Ackert's professional experience and all articles and testimony he has completed over the last ten years. Mr. Ackert is a Managing Director at iDiscovery Solutions, Inc. ("iDS"), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community. Mr. Ackert has a Bachelor of Science degree in Computer Science from the University of Virginia and has over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. Specifically, Mr. Ackert has extensive experience creating and implementing preservation, collection, and production strategies and performing digital forensics and metadata analysis on electronically stored

February 25, 2022



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 25th day of February, 2022, by email, by agreement of the parties, addressed as follows:

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Attachment 8

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Documents Reviewed by David R. Spiegel, MD

Depositions

John C. Depp – November 10, 11, and 12 2020 and December 14, 2021
Amber Heard – August 13, 2016
Raquel Pennington – June 16, 2016
Josh Drew – November 19, 2019
Isaac Baruch – November 20, 2019
Ellen Barkin – November 22, 2019
Liz Marz – November 26, 2019
Lisa Beane – December 13, 2019
Kristina Sexton – December 18, 2019
Cornelius Harrell – January 13, 2021
Laura Divenere – January 15, 2021
Tracey Jacobs – January 28, 2021
Melanie Inglessis – February 2, 2021
David Kipper, M.D. – February 22, 2021
Amber Heard – January 12-14, 2022
Alan Blaustein – January 21, 2022
Joel Mandel – January 26, 2022
Laurel Anderson – February 21, 2022
Tracey Jacobs (Depp, et al. v. The Mandel Company, et al.) – May 30, 2018
Tracey Jacobs (Depp, et al. v. Bloom Hergott Diemer Rosenthal Laviolette
Feldman Schenkman & Goodman, LLP, et al.) – May 13, 2019

UK Trial Testimony

All UK Trial Transcripts
Amber Heard
John C. Depp
iO Tillet Wright
Whitney Henriquez
Melanie Inglessis
Josh Drew
Raquel Pennington
Laura Divenere

Medical Records

Medical Records Johnny Depp
 Dr. David Kipper (including nurse's notes)
 Dr. Alan Blaustein
 Australia Medical Records

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List of Medications – January 12, 2015
List of Medications – October 26, 2016
List of Drug Citations in Depp UK Testimony
Lloyd Records Summary
Insurance Records

Medical Records Amber Heard

Dr. David Kipper (including nurse's notes)
Dr. Connell Cowan
Dr. Laurel Anderson – Treatment Summary

Audio

Boston Plane Incident – May 24, 2014
Knife – July 22, 2016 - CTRL00058195
Australia damage - March 2015
Headbutting - 20160722 144803

Video

JD in Kitchen Slamming Cabinets - Feb 10 2016
Columbia Building Surveillance Cameras

Photos

Contained in Exhibits to AH and JD Declarations
Property Damage -May 21, 2016
Various pictures of Amber Heard cuts and bruises
Various pictures of John C. Depp drug use and behavior
Various pictures of John C. Depp finger injury in DEPP00045631-45636

Legal Documents

Complaint – Depp v Heard – March 1, 2019
Answer and Grounds of Defense – Depp v Heard – August 10, 2020
Counterclaim (with exhibits) - Depp v Heard – August 10, 2020
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021
Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019
Declaration of John C. Depp (with exhibits) – May 2019
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020
Complaint – Arreola, et al. v. Depp, et al. – May 1, 2018

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Complaint – Brooks v. Depp, et al. – July 6, 2018
Plaintiff’s Supplemental Designation of Expert Witnesses – January 18, 2022
Defendant’s Objections & Responses to Plaintiff’s 4th Set of Interrogatories – February 9, 2022

Text Messages

Contained in Exhibits to AH and JD Declarations
AH Texts with Paige Heard 3-22-13
Paul Bettany - Texts with JD
Australia Texts – JD asking for illicit substances
Texts between Amber Heard and Debbie Lloyd

Documents

Diary entry – Amber Heard – July 27, 2015
Draft Emails - Amber to Herself - May 25, 2014
GQ – *Johnny Depp Will Not Get Burned* – November 2018
Rolling Stone - *Inside Trials of Johnny Depp*
Independent – *‘It was an unpleasant feeling’: Paul Bettany on having texts to Johnny Depp about Amber Heard made public*
Blumenthal Nordrehaug Bhowmik De Blouw LLP – *Former Bodyguards Receive Settlement After Suing Depp For Employment Violations* – February 8, 2019
Variety – *Johnny Depp Trial Over Location Manager’s Assault Suit Delayed to May* – October 16, 2019

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**Transcript of David R. Spiegel,
M.D.**

Date: March 14, 2022
Case: Depp, II -v- Heard

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V I R G I N I A

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - -x

JOHN C. DEPP, II, :

Plaintiff and Counterclaim :

Defendant, : Civil Action No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counterclaim Plaintiff.:

- - - - - X

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Videotaped Deposition of DAVID R. SPIEGEL, M.D.

Conducted Virtually

Monday, March 14, 2022

11:37 am EST

Job No.: 439252

Pages: 1 - 309

Reported By: Debra Ann Whitehead

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Deposition of DAVID R. SPIEGEL, M.D.,
conducted virtually.

Pursuant to notice, before Debra Ann Whitehead,
Notary Public in and for the Commonwealth of
Virginia.

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Transcript of David R. Spiegel, M.D.
Conducted on March 14, 2022

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1	Dr. Spiegel -- and please, Dr. Spiegel,	12:20:43
2	if you ever want to have control of the document,	12:20:46
3	the technician can give that to you. So just let	12:20:48
4	us know.	12:20:51
5	Dr. Spiegel, turning your attention to	12:20:52
6	Page 77 of Exhibit 1. Again, this is Ms. Heard's	12:20:54
7	third supplemental disclosure of expert witnesses.	12:20:57
8	The last sentence of the first paragraph. Yes.	12:20:59
9	Thank you.	12:21:05
10	It reads, Dr. Spiegel is expected to	12:21:05
11	testify that approximately 85 percent of the	12:21:08
12	individuals in rehab programs have a history of	12:21:10
13	IPV.	12:21:13
14	Did I read that correctly?	12:21:13
15	A Yes, you did.	12:21:15
16	Q What do you mean here by "a history of	12:21:16
17	IPV"?	12:21:18
18	A Meaning that they have been -- they have	12:21:20
19	participated in some form of intimate partner	12:21:22
20	violence, whether as the perpetrator or the	12:21:28
21	victim.	12:21:31
22	Q Okay. So this 85 percent represents both	12:21:31

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Transcript of David R. Spiegel, M.D.

Conducted on March 14, 2022

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1 perpetrators and victims of IPV? 12:21:35

2 A Yeah. I mean, most -- it's mostly -- 12:21:39

3 mostly perpetrators; but there are some victims, 12:21:40

4 too. 12:21:44

5 Q Okay. And in the next sentence it reads, 12:21:44

6 Dr. Spiegel is expected to testify that based on 12:21:50

7 his review of Mr. Depp during the video deposition 12:21:54

8 taken of Mr. Depp on November 10, 11, and 12, 12:21:59

9 2020, and December 14, 2021, Dr. Spiegel was able 12:22:03

10 to review and assess Mr. Depp's appearance, 12:22:07

11 behavior, and thought process, thought content -- 12:22:12

12 thought content, excuse me, cognitive symptoms, 12:22:16

13 insight, and judgment. 12:22:17

14 Have I read that correctly? 12:22:19

15 A Yes, you did. 12:22:21

16 Q Okay. And then the next sentence reads, 12:22:21

17 Dr. Spiegel is expected to testify that Mr. Depp 12:22:30

18 demonstrated impaired attention, difficulty with 12:22:34

19 word-finding retrieval, demonstrated impaired 12:22:38

20 cognitive memory and processing speed, 12:22:41

21 difficult -- difficulty in his ability to focus on 12:22:46

22 the topic at hand, disorganized thoughts, 12:22:47

1 difficulty recalling details of events, and 12:22:51
2 difficulty with impulse control, and demonstrated 12:22:54
3 erratic behavior. 12:22:58
4 Have I read that correctly? 12:22:58
5 A Yes, ma'am. 12:23:01
6 Q Okay. So let's break this down. 12:23:01
7 What are specific examples of Mr. Depp 12:23:04
8 demonstrating impaired attention? 12:23:06
9 A Inability to stay focused long enough on 12:23:09
10 the questions being asked of him. Inability for 12:23:14
11 him to sustain a logical and goal-directed thought 12:23:17
12 process. So that's what impaired attention means. 12:23:22
13 Have to be focused -- have to be focused -- 12:23:27
14 refocused back on the topic, have to be refocused 12:23:31
15 on the question, that's impaired attention. 12:23:34
16 Q Thank you. 12:23:35
17 MS. CALNAN: And I'm sorry, we can take 12:23:36
18 this exhibit down, so you can ... 12:23:38
19 Q Okay. Thank you, Dr. Spiegel. 12:23:43
20 Do you have specific examples in the 12:23:44
21 record evidence of Mr. Depp demonstrating impaired 12:23:46
22 attention? 12:23:49

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Transcript of David R. Spiegel, M.D.

Conducted on March 14, 2022

56

1 MS. BREDEHOFT: Objection to the form of 12:23:50
2 the question. 12:23:50
3 A (The video deposition -- again, the video 12:23:54
4 deposition. I don't have a written record of it.) 12:23:56
5 (But reviewing the video deposition I think gave a 12:23:59
6 lot of the really good examples of that.) 12:24:02
7 (And all I can tell you is, in terms -- I 12:24:05
8 can't quote -- it's been a long time since I saw 12:24:07
9 the deposition, although I remember it very well, 12:24:10
10 that he -- Mr. Depp unfortunately was really -- 12:24:12
11 had a lot of problems communicating direct ideas 12:24:15
12 and direct thoughts. He really was relatively 12:24:19
13 disorganized in terms of trying to convey things 12:24:24
14 in terms of what he wanted to say.) 12:24:27
15 (And really what I'm comparing that to is 12:24:30
16 the gentleman that I -- I have to admit, I've seen 12:24:32
17 all -- not all his movies. I've seen a lot of the 12:24:37
18 pirate movies. And so I've seen him communicate 12:24:40
19 thoughts. I've seen him communicate words.) 12:24:43
20 (And the gentleman I saw in the 12:24:45
21 deposition, the video, was not that person that I 12:24:47
22 saw. Knowing that he obviously could do this at 12:24:51

1 **one time, that wasn't the same person. That** 12:24:54
2 **wasn't the same cognitive set that I saw.** 12:24:57
3 Q **Dr. Spiegel, don't you think there's a** 12:25:00
4 **big difference between a deposition and starring** 12:25:04
5 **in a film?** 12:25:05
6 A **I've never starred in a film, so what** 12:25:09
7 **you're asking me is a theoretical question.** 12:25:12
8 **But what I would say is that, if I'm** 12:25:15
9 **going to be able to convey thoughts, I should be** 12:25:17
10 **able to convey them in a relatively succinct** 12:25:21
11 **manner. And I'm not saying he has to be on script** 12:25:24
12 **for this.** What I'm saying is, you should be able 12:25:27
13 to convey a point without bringing in a lot of -- 12:25:30
14 oh, are you there? 12:25:35
15 Q What? We're still here. 12:25:36
16 A Hold on. My computer just did something 12:25:39
17 weird. Hold on one second. Don't go anywhere. 12:25:41
18 Q We've -- 12:25:43
19 A All right. 12:25:43
20 Q Your video is still on. We still see 12:25:44
21 you. 12:25:46
22 A Oh, I couldn't see you, that was the 12:25:47



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Transcript of John C. Depp, II, Volume 4

Date: December 14, 2021
Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - -x

JOHN C. DEPP, II, :

Plaintiff and :

Counter-Defendant, : Civil Action No.

v. : CL-2019-0002911

AMBER LAURA HEARD, :

Defendant and :

Counter-Plaintiff. :

- - - - -x

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VIDEOTAPED DEPOSITION OF JOHN C. DEPP, II

VOLUME 4

Conducted Virtually

Tuesday, December 14, 2021

9:41 a.m. ET

Job No.: 413766

Pages: 856 - 1022

Reported By: Victoria Lynn Wilson, RMR, CRR

1 CONFIDENTIAL VIDEOTAPED DEPOSITION OF JOHN C.
2 DEPP, II, VOLUME 4, conducted virtually.

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 Pursuant to docketing, before Victoria Lynn
Wilson, Registered Merit Reporter, Certified
Realtime Reporter, E-Notary Public in and for the
State of Maryland.

1 A P P E A R A N C E S

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE DEFENDANT:

ELAINE CHARLSON BREDEHOFT, ESQUIRE

CLARISSA PINTADO, ESQUIRE

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ALSO PRESENT:

John Parkman, Videographer

Austin Costello, Planet Depos Remote Tech

1 to not get loaded and continue drinking. That was 12:11:15
2 their little joke. 12:11:20

3 Q How has your use of alcohol and 12:11:21
4 medications and nonprescription illegal or 12:11:27
5 recreational drugs impacted your short-term and 12:11:30
6 long-term memory? 12:11:34

7 MR. CHEW: Objection. Lack of foundation. 12:11:36
8 Argumentative. Assumes facts not in evidence. 12:11:40
9 Calls for expert conclusion. Calls for 12:11:44
10 speculation. 12:11:48

11 A My memory is pretty good. My memory is 12:11:51
12 actually very good. I don't think my cognitive -- 12:11:54
13 cognitive memory is -- I don't think anything has 12:11:56
14 been affected by an overabundance of foreign 12:11:59
15 chemicals into my brain. 12:12:02

16 I think that that has been really -- it's 12:12:06
17 been played out in every act of this sort of 12:12:09
18 Chekhovian -- Chekhovian kind of puppet show that, 12:12:15
19 you know, every incident starts with -- I'm sorry. 12:12:23
20 What? What? I don't even know what I'm talking 12:12:32
21 about now. 12:12:35

22 Q How long -- how long have you been using 12:12:35

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,
Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT’S
THIRD SUPPLEMENTAL AND REBUTTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard (“Ms. Heard”) hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

**Dawn M. Hughes, Ph.D., ABPP
Clinical and Forensic Psychologist
274 Madison Avenue, Suite 604
New York, New York 10016
(212) 481-7044 Telephone
(212) 481-7045 Facsimile
hughes@drdawnhughes.com**

Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as “Johnny Depp”), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he “never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard’s Counterclaim and Ms. Heard’s defenses.

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victimization-associated traumatic sequelae, such as shame, self-blame, humiliation, intimacy problems, interpersonal disconnection, and trust difficulties. Her psychological care will be palliative and function to remedy the psychological impact of the trauma arising during her life.








Ronald S. Schnell
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Mr. Schnell's C.V. is attached as **Att. 3**. Mr. Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages, and is an adjunct professor at Nova Southeastern University, teaching computer security and operating systems in the computer science department.

Mr. Schnell is expected to testify as an expert in the field of statistical and forensic analysis of social media. As an expert in this field, Mr. Schnell and his firm, Berkley Research Group, conducted an investigation relating to posts on social media, primarily Twitter, that contained and/or expressed negative comments and negativity ("negative posts" or "posts") about Amber Heard, from April 8, 2020 through the present. Mr. Schnell located and collected, and is expected to testify, that there are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Specifically, from the beginning of April 2020, until the end of January 2021, there were 1,243,705 negative posts relating to Amber Heard, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or

#WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell has collected these on a hard drive, which has been provided to counsel for Mr. Depp. Mr. Schnell is expected to testify to these negative posts, including providing examples from the hard drive of collected data.

Some examples of posts that Mr. Schnell has collected and provided to counsel for Mr. Depp, and is expected to testify to, include:

-  **angelagrace**    @eilishgrace · Nov 27, 2020 ...
Replying to @StephenKing
Big pass on that. I don't watch shows with abusers and liars in it. I'll read the book again instead.
#AmberHeardIsAnAbuser
#AmberHeardIsALiar
#AmberHeardAbusedJohnnyDepp
#AmberHeardFalsleyAccusedDepp
32 61 340
-  **Brian K. Murphy**   @bmurphy63 · Nov 27, 2020 ...
It also doesn't hurt that ALL of the evidence proves that
#AmberHeardIsAnAbuser & **#JohnnyDeppIsInnocent** regardless of what
#InjusticeNicol ruled & was printed in the **#MSMIsTheEnemyOfThePeople**

At the end of this there will be **#JusticeForJohnnyDepp**
So there's that...
1 1 1 1
-  **Ane** @AneHansen7 · Nov 29, 2020 ...
Thinking about when Johnny and Amber went into couples therapy and the therapist confirmed that Amber had severe personality disorders. Maybe the therapist should testify? Inform about manipulation, ruthlessness, lack of empathy, violence ...**#AmberHeardIsAnAbuser**
15 44 254



Max_Gordatio @Max80094678 · Nov 27, 2020

...

Replying to @StephenKing

I read the book and liked it. I'd love to watch this show, but I won't support anything that liar and abuser Amber Heard is involved in. This woman mocks victims of domestic violence and uses them to make a career. So no thanks. #JusticeForJohnnyDepp #AmberHeardIsAnAbuser



♡ 19



CheeryRosie Wald-mignon #JusticeForJohnnyDepp 🇺🇸 · Jul 28, 2020

...

Well its took 4 years but everyone knows the truth now, she can hold as many press conferences as she likes its out there #AmberHeardIsAnAbuser and the world knows it!!!



♡ 100



♥ **Melissa** ♥ @Quirky_Alone88 · Jul 28, 2020

...

We don't want anything from you. You are a vile excuse of a human being, a money grabbing, fame hungry tramp, who stood on the backs of genuine survivors and trampled all over what it means to be feminine. #JohnnyDepp #JusticeForJohnnyDepp #AmberHeardIsAnAbuser #AmberTURD



👄 **Beth** 👄 @Pink84 · Jul 28, 2020

...

Replying to @BBCNews

@realamberheard is the abuser not johnny. Of course it was painful, to have to recount all the fvcked up stuff she did to him. She needs to just go away and rot! #AmberHeardIsAnAbuser #JusticeForJohnnyDepp



♡ 7



WriterEmmaBombeah @AuthorWriterEB · Jul 28, 2020

...

Amber Heard lied at every point. It's clearly mapped out here today. Her lies are so bad it is embarrassing to read. And yes, as stated she has many mental issues.

#JohnnyDepp Johnny Depp #JusticeForJohnnyDepp #HighCourt #AmberHeardIsAnAbuser #AmberHeard



Mr. Schnell is expected to testify about his statistical analysis of the Twitter posts, including the number of such posts per user, the number of users creating such posts, the commonality of the wording and formatting of such posts, the timing of such posts, and the frequency of such posts. This is all supported by the materials in the hard drive provided to counsel for Mr. Depp.

To conduct his search, Mr. Schnell and his team utilized the official Twitter “API” and conducted the following searches, starting from April 1, 2020: #JusticeforJohnnyDepp; #AmberheardIsAnAbuser; #AmberTurd; and #WeJustDontLikeYouAmber. The results of these searches were then pulled directly from Twitter using the API’s functionality. Because of the nature of those searches, Mr. Schnell is expected to testify that it is possible to show that the vast majority of the results contain negative statements about Ms. Heard. Mr. Schnell will also testify that based on the number of negative posts about Ms. Heard during this time on Twitter, a similar magnitude of negative comments would also be published on Instagram and Reddit, and Mr. Schnell is expected to provide examples of such negative posts and the relationship among the three social media sources.

Mr. Schnell is also expected to testify that there is no way to remove other people’s posts from these social media platforms, and therefore the negative posts’ impact will always remain and be accessible to the public.

Mr. Schnell’s opinions are to within a reasonable degree of scientific probability and/or certainty, and are based on his expertise, educational and technical background, his work experience, consultation with leading works and peer consultations, his knowledge based on all of the above, and his examination and review of data from the three social media platforms described.

It is expected that Mr. Schnell will review additional materials as they become available, including in discovery, including in response to discovery served in California that is being objected

to and challenged in the California courts, and may supplement his opinions based on additional information and materials he locates and are otherwise made available to him.

Mr. Schnell has performed additional research regarding negative tweets towards Ms. Heard *and* Mr. Depp. Mr. Schnell is expected to testify regarding expanded dates for the hashtags mentioned *supra*, to include January 1, 2018 through June 15, 2021. The number of uses of those hashtags between those dates was 2,790,876.

Mr. Schnell is expected to testify regarding the use of the following negative hashtags that are largely negative against Mr. Depp particularly relating to Ms. Heard. The hashtags analyzed were #JohnnyDeppIsALiar, #JusticeForAmberHeard, #WeAreWithYouAmberHeard, #IStandWithAmberHeard, #JohnnyDeppIsAWifeBeater, and #JohnnyDeppIsAnAbuser. Specifically, the number of uses of those hashtags between the same dates were 140,288.

There were very few negative tweets towards Ms. Heard and/or Mr. Depp between December 18, 2018 and March 1, 2019.

Mr. Schnell is expected to testify regarding the use of the particular hashtag, #AmberTurd, and the sudden increase in the use of this hashtag on or around August 16 and August 17, 2018.

Mr. Schnell is expected to testify about his analysis of negative replies to a particular marketing tweet promoting Aquaman 2. The tweet he analyzed was by the Twitter user @CultureCrave, and was tweeted on October 16, 2021 at 1:24pm shown below:



Amber Heard filming #Aquaman2 🦶



1:24 PM - Oct 16, 2021 · Twitter Web App

Mr. Schnell analyzed the replies and quote tweets to this particular tweet from 1:24pm until midnight on that same night, finding mentions of #JusticeForJohnnyDepp, “abuser”, #WeJustDontLikeYouAmber, and #AmberTurd, and mentions of “boycott.”

Mr. Schnell is expected to rely on data and a graph that shows the use of all of the hashtags referenced in this designation, a copy of which is attached herein as Att. 4.⁴ Mr. Schnell is further expected to testify that the number of mentions of the hashtags and negative posts relating to Amber Heard, the number of such posts per user, the number of users creating such posts, the timing of such posts, and the frequency of such posts are consistent with manipulation and a coordinated effort.⁵

⁴ Due to an error in Microsoft Excel, page 1 of Attachment 4 to the Heard Second Supplemental Expert Witness Disclosure had an error that caused the data to be shifted one month to the left. This Disclosure has a corrected version of this graph. The data produced along with the graph remain unchanged.

⁵ Page 2 of Attachment 4 is an additional graph of the same data as graphed in page 1 of Attachment 4, but with the plot of the #JusticeForJohnnyDepp hashtag removed. This allows the other hashtags in the graph to be more easily

Mr. Schnell is also expected to rebut the testimony of Doug Bania, who was disclosed by Mr. Depp.

Mr. Bania's "Key" search terms are inappropriate and artificially limiting. Mr. Bania's Designation section (d) discusses Mr. Bania's analysis of the Schnell API Data by searching for the terms "abuse hoax," "sexual violence hoax," and "fake sexual violence," which he calls the "Key Terms." Mr. Schnell will opine that someone skilled in the art of computer science and computer forensics would know that searching for these terms in quotes is not a scientific way to determine whether someone is tweeting about these topics. In order to match Mr. Bania's query, a Twitter user would need to type those words exactly as he searched them, with the same spacing, and in the same order.

Mr. Schnell has performed a proper forensic analysis of the hashtags using what he understood were the important parts of key terms. Specifically, Mr. Schnell performed searches within the Heard Hashtags for "Hoax," "Fake" and "Fraud". These words were searched in the dataset with the #AmberTurd, #WeJustDontLikeYouAmber, #AmberHeardIsAnAbuser, and #JusticeForJohnnyDepp hashtags. The search found over 81,000 instances of these terms in tweets with the Heard Hashtags, as can be seen in Attachment 4, page 19.

Mr. Bania's Designation, also in section (d), states, "If [his Key Terms were] found in the Schnell API Data, it could suggest the Tweets are related to the Daily Mail Articles or the Waldman Statements." It goes on to state that Mr. Bania concludes that the Tweets are "...likely a result of media coverage other than the Daily Mail Articles", due to the "low ratio" (0.07%) of the Key Terms in the Schnell API Data. However, Mr. Schnell's data show that using appropriate, non-

visualized, since the scale created by the large number of #JusticeForJohnnyDepp tweets drown out the rest. This graph uses the same data previously produced

limiting key term searches, the relevant terms are used in 6.52% of the Schnell API Data. This is almost 100 times as high a ratio as concluded by Mr. Bania.

Mr. Bania's search for the word "Waldman" is also insufficient and artificially limiting. Mr. Bania's Designation contains an analysis of a search for the word "Waldman" within the Schnell API Data. Although this search is not referenced in the body of the Designation, it is in small print in footnote 16 pf section (d), and is also reflected in the Exhibits. Footnote 16 states, "Mr. Bania has performed this same analysis for the term 'Waldman.' My analysis indicates the term 'Waldman' is used 217,732, or 12.05% of the 1.81 [sic] Tweets between April 1, 2020 and June 15, 2021..."

First, it appears that Mr. Bania erred in stating that he searched through June 15, 2021. It is apparent from the data in Mr. Bania's Exhibit and his Designation that the data he searched was the Schnell API Data, which only spans April 1, 2020 and January 31, 2021.

Second, Mr. Schnell will opine that from his forensic analysis of the Schnell API Data, searching for the word "Waldman" is insufficient. Mr. Schnell found that many of the tweets with the Heard Hashtags refer to "Waldmignon" (as in, a portmanteau of Waldman and Filet Mignon, in what is likely a reference to Adam Waldman's minions). Adding this term to the term "Waldman" generates many more results, and raises Mr. Bania's percentage of total Heard Hashtag tweets that contain either "Waldman" or "Wald-Mignon" from 12.05% to 25.77% as can be seen in Attachment 4 page 19.

Mr. Bania left out data for November 2020 in his calculations of Twitter hashtags. In totaling his numbers and percentages, Mr. Bania did not include data from November 2020 for the hashtag #JusticeForJohnnyDepp (the most frequently used among the hashtags collected by Mr. Schnell). This omission creates an insufficiency in the analysis by Mr. Bania of over 552,355

tweets, which is over 56% of the total tweets during the time period of the data. Mr. Bania's designation does not mention the fact that an entire month is missing from his calculations in the body, although it is shown in small print in the supporting data in the exhibits, where there is simply a line that says "File is corrupt." Mr. Schnell has reviewed the data that were sent to Mr. Bania, and has confirmed that the file is not corrupt and Mr. Schnell was able to perform analysis on this hashtag for the entire time period.

Mr. Bania incorrectly concludes that the Schnell API Data contains tweets from 2009 through 2021. Mr. Bania's Designation section (b) incorrectly states that the Schnell API Data contains tweets as old as 2009, and states that Mr. Bania will use this incorrect conclusion to challenge the appropriateness of (his own) denominator in determining percentages throughout his expected opinions. In fact, Mr. Schnell will confirm that the tweets the Schnell API Data are limited to the months in which they are labeled. For the Schnell API Data, Mr. Schnell only gathered tweets with the various hashtags from April 2020 through January 2021.

The tweets examined are negative tweets about Ms. Heard. In Mr. Bania's Designation section (e)(i), he is expected to opine that Mr. Schnell did not perform an adequate analysis as to why the tweets considered in his opinion are "negative". Mr. Schnell did perform an analysis of the nearly 1 million tweets with the negative hashtags. After using industry standard "sentiment analysis" libraries, Mr. Schnell decided that it would be more accurate to take a statistically significant sample of the tweets and look at them manually. Mr. Schnell found that, as one would expect, people who used the hashtags #AmberTurd, #WeJustDontLikeYouAmber, #AmberHeardIsAnAbuser, and #JusticeForJohnnyDepp were tweeting in a negative way towards Ms. Heard. The small number (single digits per 1,000 tweets) that were not negative were "quote tweets" of the negative ones, with a supportive message towards Ms. Heard.

Transcript of Ronald S. Schnell
Conducted on March 16, 2022

<p style="text-align: center;">1</p> <p>1 VIRGINIA:</p> <p>2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY</p> <p>3</p> <p>4 ----- x</p> <p>5 JOHN C. DEPP, II, :</p> <p>6 Plaintiff, : Case No.</p> <p>7 v. : CL-2019-0002911</p> <p>8 AMBER LAURA HEARD, :</p> <p>9 Defendant. :</p> <p>10 ----- x</p> <p>11</p> <p>12 Videotaped Deposition of RONALD S. SCHNELL</p> <p>13 Conducted Remotely via Zoom</p> <p>14 Wednesday, March 16, 2022</p> <p>15 9:59 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No.: 439258</p> <p>21 Pages: 1 - 128</p> <p>22 Reported By: AMY L. STRYKER, CCR</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFF JOHN C. DEPP, II:</p> <p>4 ANDREW C. CRAWFORD, ESQ.</p> <p>5 BROWN RUDNICK LLP</p> <p>6 601 Thirteenth Street, NW</p> <p>7 Suite 600</p> <p>8 Washington, D.C. 20005</p> <p>9 (202) 536-1785</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANT AMBER LAURA HEARD:</p> <p>12 ADAM NADELHAFT, ESQ.</p> <p>13 ELAINE CHARLSON BREDEHOFT, ESQ.</p> <p>14 CHARLSON BREDEHOFT COHEN BROWN</p> <p>15 & NADELHAFT, P.C.</p> <p>16 11260 Roger Bacon Drive</p> <p>17 Suite 201</p> <p>18 Reston, Virginia 20190</p> <p>19 (703) 318-6800</p> <p>20 ALSO PRESENT:</p> <p>21 CATHERINE GONZALEZ, AV Technician</p> <p>22 BRENDAN CASE, Videographer</p>																						
<p style="text-align: center;">2</p> <p>1 Deposition of RONALD S. SCHNELL, conducted</p> <p>2 remotely.</p> <p>3</p> <p>4</p> <p>5 Pursuant to notice, before AMY L. STRYKER,</p> <p>6 Certified Court Reporter and Notary Public of the</p> <p>7 State of Maryland.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</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>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S</p> <table border="0"> <tr> <td>2 EXAMINATION OF RONALD S. SCHNELL</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>3 By Mr. Crawford</td> <td style="text-align: right;">6</td> </tr> </table> <p>4</p> <p style="text-align: center;">E X H I B I T S</p> <p>5 (Attached to transcript.)</p> <table border="0"> <tr> <td>6 SCHNELL DEPOSITION EXHIBITS</td> <td></td> </tr> <tr> <td>7 Schnell 1 Mr. Schnell's CV</td> <td style="text-align: right;">10</td> </tr> <tr> <td>8 Schnell 3 Counterclaim Plaintiff and</td> <td></td> </tr> <tr> <td>9 Defendant's Third</td> <td></td> </tr> <tr> <td>10 Supplemental and Rebuttal</td> <td></td> </tr> <tr> <td>11 Disclosure of Expert</td> <td></td> </tr> <tr> <td>12 Witnesses</td> <td></td> </tr> <tr> <td>13 Schnell 2 Counterclaim</td> <td style="text-align: right;">32</td> </tr> <tr> <td>14 Schnell 5 Hashtag Comparison</td> <td style="text-align: right;">90</td> </tr> </table> <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>	2 EXAMINATION OF RONALD S. SCHNELL	PAGE	3 By Mr. Crawford	6	6 SCHNELL DEPOSITION EXHIBITS		7 Schnell 1 Mr. Schnell's CV	10	8 Schnell 3 Counterclaim Plaintiff and		9 Defendant's Third		10 Supplemental and Rebuttal		11 Disclosure of Expert		12 Witnesses		13 Schnell 2 Counterclaim	32	14 Schnell 5 Hashtag Comparison	90
2 EXAMINATION OF RONALD S. SCHNELL	PAGE																						
3 By Mr. Crawford	6																						
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<p style="text-align: right;">25</p> <p>1 data and found that there were a large number of 2 screen names that produced the negative tweets. 3 I thought it would be best to then request 4 that counsel subpoena Twitter to get more 5 information about these many screen names so that 6 I could get things like IP addresses to further 7 inform my opinion about whether I could say 8 with -- you know, with certainty that these were 9 bots. I have not received any results from 10 Twitter at this time, so I thought it prudent to 11 not -- to not opine about bots at this time 12 because I just wanted to close that one last loop. 13 MR. CRAWFORD: Ms. Gonzalez, can we 14 quickly pull up Exhibit 3, please. 15 AV TECHNICIAN: Please stand by. 16 (Schnell 3, Counterclaim Plaintiff and 17 Defendant's Third Supplemental and Rebuttal 18 Disclosure of Expert Witnesses, was marked for 19 identification and is attached to the transcript.) 20 AV TECHNICIAN: Exhibit 3. 21 Q Mr. Schnell, do you recognize this 22 document?</p>	<p style="text-align: right;">27</p> <p>1 suspected I had with her. 2 Q Okay. 3 MR. CRAWFORD: And, Ms. Gonzalez, can we 4 go down to page 38, please. 5 Q And, Mr. Schnell, directing your attention 6 about kind of near the top there, about a third of 7 the way down, Mr. Schnell has identified these 8 tweet patterns as an orchestrated "bot" campaign 9 by Depp and his representatives that is triggered 10 by statements in the press by or about Ms. Heard. 11 I believe you just told me you did not 12 feel it was appropriate to opine that bots were 13 involved in this. So could you please explain to 14 me that statement in Ms. Arnold's report. 15 A I can only speak to what my opinions at 16 trial will be. I'm not sure I said -- I'm not 17 sure exactly what I said in terms of appropriate 18 or not appropriate. I did find many screen names 19 that had an extraordinarily high bot score. I 20 don't intend to testify at trial about any opinion 21 relating to bots. 22 MR. CRAWFORD: Okay. Ms. Gonzalez, let's</p>
<p style="text-align: right;">26</p> <p>1 A Yes. I actually have a copy of pages 26 2 to 34 next to me, otherwise unmarked. 3 Q Okay. 4 MR. CRAWFORD: Ms. Gonzalez, could we go 5 to page 35, please. 6 Q Mr. Schnell, do you know who Kathryn 7 Arnold is? 8 A From reading this document, I do, yes. 9 Q And have you communicated with Ms. Arnold? 10 A I don't -- I don't recall if I did or not. 11 I may have -- I may have had one call with counsel 12 present with her, but I'm not even certain of 13 that. 14 MR. CRAWFORD: Ms. Gonzalez, can we go 15 down to page 38, please -- or, excuse me, page 37. 16 And the bottom, please. 17 Q Mr. Schnell, directing your attention to 18 that last paragraph there, Ms. Arnold has also 19 consulted with Ron Schnell. 20 Does that refresh your recollection as to 21 whether you consulted with her? 22 A Yes. That must be the one call I</p>	<p style="text-align: right;">28</p> <p>1 take this down for one sec. 2 BY MR. CRAWFORD: 3 Q Mr. Schnell, I'd like to unpack that a 4 little bit and -- just kind of going back to your 5 conversation. I think you said you used a 6 well-known algorithm to see if there's potential 7 bot activity; is that correct? 8 A That's correct. 9 Q Is there a name of the algorithm? 10 A There is. I'd -- I'll have to look it up 11 to remember. It's from -- it's from a major 12 university somewhere in the Midwest. I'll have to 13 look up the name of it. But I'll definitely do 14 that. 15 Q Okay. And can you describe generally how 16 the algorithm works. 17 A Yes. It -- given a screen name it looks 18 at a complete history of the Twitter activity of 19 that screen name. It also looks at things like 20 numbers of followers, numbers of people followed, 21 you know, certain keywords within tweets. It's an 22 artificial intelligence/machine learning</p>

<p style="text-align: right;">73</p> <p>1 I'm just curious, is there a way to search 2 for hashtags on Twitter without using one of the 3 Twitter APIs? 4 A Not reliably, no. 5 Q Yeah. Okay. 6 All right. So continuing on about halfway 7 down that paragraph, it says, Because of the 8 nature of those searches, Mr. Schnell is expected 9 to testify that it is possible to show that the 10 vast majority of the results contain negative 11 statements about Ms. Heard. 12 We talked about this a little bit earlier. 13 I think you testified that you reviewed several 14 thousand tweets manually; is that correct? 15 A That's correct. 16 Q Do you recall more precisely how many? 17 A 2,000. 18 Q 2,000. Did you originally use a sentiment 19 analysis tool in -- 20 A I did. 21 Q -- this assessment? 22 A I did.</p>	<p style="text-align: right;">75</p> <p>1 A Yes. My opinion is largely all of them. 2 Q And when you say "largely all of them," 3 that means not all of them, correct? 4 A No. It means I couldn't look at all 5 1 million-plus tweets with my eyes. So with the 6 sampling I took, I wasn't able to find any. So, 7 you know, as a scientist I don't -- it's not 8 appropriate for me to say all of them, but it's 9 quite likely it is all of them. I can say that 10 with the 2,000 I looked at with my eyes, it was 11 all of them. 12 Q Okay. And so moving down that next line, 13 Mr. Schnell will also testify that based on the 14 number of negative posts about Ms. Heard during 15 this time on Twitter, a similar magnitude of 16 negative comments would also be published on 17 Instagram and Reddit. 18 So how do you determine what is posted on 19 Instagram and Reddit based on the number of 20 negative posts on Twitter? 21 A I did look at those other platforms and 22 saw, you know, similar patterns. And, again,</p>
<p style="text-align: right;">74</p> <p>1 Q And you decided ultimately not to use that 2 tool; is that correct? 3 A That is correct. 4 Q And why was that the case? 5 A I found it to not be reliable. The 6 problem with sentiment analysis tools, with which 7 I'm quite familiar, is that they'll only tell you 8 whether something is negative, positive, or 9 neutral. That's a simplification. It's a little 10 more detailed than that. 11 But, for example, if you have a tweet with 12 a, you know, "#AmberHeardIsAnAbuser," and then it 13 says, you know, "JohnnyDeppSucks," or something 14 like that, it's going to count it as a negative 15 tweet towards Johnny Depp -- I'm sorry, a negative 16 tweet towards Amber Heard, potentially. So I 17 didn't find that it was a valuable tool in this 18 analysis. 19 Q Okay. And so based on your analysis of 20 the sort of -- the approximately 1 million 21 distinct tweets, did you form an opinion as to how 22 many of those were negative about Ms. Heard?</p>	<p style="text-align: right;">76</p> <p>1 those hashtags -- it's quite apparent that those 2 hashtags are being used in a negative context 3 toward Ms. Heard. So considering that I couldn't 4 find any that were not, it's safe to say that on 5 those other platforms, when people are using those 6 hashtags, it will be the same thing. 7 I should mention that, you know, in the 8 2,000 I looked at on -- from Twitter, the second 9 thousand I looked at more recently in the last 10 couple of weeks, and 16 percent of the users in 11 the sample that I took were either suspended or 12 deleted, so I couldn't actually view those tweets. 13 Q Okay. Did you collect any data from 14 Instagram? 15 A I didn't collect any data via API, if 16 that's what you're asking, from Instagram. 17 Q Sorry about that. Did you collect -- did 18 you collect data by some other means beyond an 19 API? 20 A I looked at them. I looked at a sampling 21 of posts, Instagram posts and Reddit posts. 22 Q How big of a sampling did you look at?</p>

<p style="text-align: right;">81</p> <p>1 MR. NADELHAFT: Go ahead. 2 THE WITNESS: Sorry. 3 I didn't collect any specific data from 4 the profile in total on -- but the data that I did 5 collect and supplied to Mr. Depp contains 6 information about each user that created a tweet. 7 BY MR. CRAWFORD: 8 Q And so maybe that was a poorly phrased 9 question. So I'm talking maybe a little bit more 10 broadly about the types of people that use Twitter 11 versus the types of people that use Instagram 12 versus types of people that use Reddit, I mean, 13 are there different types of people? Are there 14 different profiles of people? 15 A I see what you mean. Because the reason I 16 was confused is because the concept of a profile 17 on each of those platforms means something else. 18 Q My apologies. It was a poorly phrased 19 question. 20 A So I'm certain that there is some 21 behavioral difference between the users of the 22 three platforms, but that's not my area of</p>	<p style="text-align: right;">83</p> <p>1 can you describe for me the leading works and peer 2 consultations that you reviewed in connection with 3 this assignment? 4 A So I guess a leading work that I didn't 5 mention at the beginning of this deposition is the 6 article that I couldn't remember the name of, but 7 I gave after this break. That's a scholarly 8 article, as I mentioned. 9 I did consult with peers at BRG about 10 social media in general, but I don't know that 11 I -- I don't -- I will not rely on those in my -- 12 I didn't rely on those for any of my opinions in 13 reality. 14 And the leading works was meant to be 15 relied on if I was going to testify about bot 16 scores, which I'm not. 17 Q Understood. Thank you. 18 MR. CRAWFORD: Excuse me one sec. 19 Sorry about that. 20 THE WITNESS: No worries. 21 MR. CRAWFORD: I'm dealing with a scratchy 22 throat.</p>
<p style="text-align: right;">82</p> <p>1 expertise. I didn't research that. 2 Q Okay. 3 MR. CRAWFORD: Moving down, Ms. Gonzalez, 4 if we can scroll down just a little bit to the 5 paragraph in the middle there. 6 Q Mr. Schnell is expected to testify that 7 there is no way to remove other people's posts 8 from these social media platforms, and therefore 9 the negative posts' impact will always remain and 10 be accessible to the public. 11 Can you just describe briefly what impacts 12 you're referring to. 13 A So I don't mean to be testifying about 14 what the impact is at all, so that may be a 15 misplaced phrase. 16 Q Okay. All right. And jumping down to the 17 next paragraph, it says that your opinion is based 18 on consultation with leading works and peer 19 consultations. 20 At the outset we discussed some of the 21 documents that you reviewed. I think you 22 mentioned you reviewed a few online articles, but</p>	<p style="text-align: right;">84</p> <p>1 All right. Ms. Gonzalez, if we can go 2 down to page 30, please. 3 Q So, Mr. Schnell, looking at that first 4 full paragraph, it says you performed some 5 additional research regarding negative tweets 6 towards Ms. Heard and Mr. Depp. 7 Could you just explain to me sort of what 8 additional research you performed and what this 9 paragraph means. 10 A This paragraph is talking about my use of 11 the second API, which was the counts API I 12 mentioned earlier. It allowed me to broaden my 13 search starting from January 1, 2018 until 14 June 15, 2021 as opposed to before, which was a 15 more narrow date range. That only allowed me to 16 get the counts as opposed to the actual tweets 17 themselves. 18 Q And is there a reason you selected 19 January 1, 2018 through June 15, 2021? 20 A I think the idea was just to go back far 21 enough that it was prior to anything having to do 22 with this case, and I think June 15, 2021 was</p>

<p style="text-align: right;">85</p> <p>1 related to when I performed the search.</p> <p>2 Q Okay. And you said the number of uses of</p> <p>3 those hashtags with those dates was 2,790,876. Is</p> <p>4 that number the number of -- what does that number</p> <p>5 mean? Is that the number of hashtags -- the</p> <p>6 number of times the four negative Heard hashtags</p> <p>7 are used in that date range?</p> <p>8 A Yes.</p> <p>9 Q So that's not a distinct number of tweets,</p> <p>10 that's the number of times the hashtag was used?</p> <p>11 A Within tweets, yes.</p> <p>12 Q And that refers -- you said you did</p> <p>13 research regarding tweets towards Ms. Heard and</p> <p>14 Mr. Depp. That 2 million number is just hashtags</p> <p>15 relating to Ms. Heard?</p> <p>16 A I believe that's correct, yes.</p> <p>17 Q Okay. Now, the next paragraph you look at</p> <p>18 six hashtags that reflect negatively on Mr. Depp,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q Did you form any opinion as to why there</p> <p>22 are purportedly more negative tweets about</p>	<p style="text-align: right;">87</p> <p>1 there was a jump from zero for the last many weeks</p> <p>2 to -- I want to say 15 on one day and these -- I</p> <p>3 think it was a total of 40 or 41 in the five-day</p> <p>4 period around August 16th.</p> <p>5 Q That doesn't seem like a particularly</p> <p>6 significant increase. Would you agree with that</p> <p>7 assessment or...</p> <p>8 A It's a sudden increase when it's been zero</p> <p>9 for eight months with a couple of notable</p> <p>10 exceptions of one over a couple of disparate days.</p> <p>11 So whether or not you consider it</p> <p>12 statistically significant is a little bit</p> <p>13 subjective, but it was sudden for certain.</p> <p>14 Q Okay. Fair enough.</p> <p>15 MR. CRAWFORD: All right. Could we go</p> <p>16 down to the last paragraph on page 30.</p> <p>17 Q It says you're going to testify about your</p> <p>18 analysis of negative replies to a particular</p> <p>19 marketing tweet promoting Aquaman 2 from</p> <p>20 October 16, 2021.</p> <p>21 MR. CRAWFORD: And maybe, Ms. Gonzalez, if</p> <p>22 we can jump down to page 31 and take a look at</p>
<p style="text-align: right;">86</p> <p>1 Ms. Heard than there are about Mr. Depp in that</p> <p>2 period?</p> <p>3 A No, I was -- I wouldn't be able to form</p> <p>4 such an opinion, not based on science anyway.</p> <p>5 Q Okay. Jumping down, Mr. Schnell is</p> <p>6 expected to testify regarding the use of the</p> <p>7 particular hashtag #AmberTurd and the sudden</p> <p>8 increase in the use of this hashtag on or around</p> <p>9 August 16 and August 17, 2018.</p> <p>10 Did you form any opinion as to why there</p> <p>11 was a sudden increase of that hashtag on or around</p> <p>12 August 16 or 17, 2018?</p> <p>13 A I did not. I wouldn't be able to do that</p> <p>14 based on science.</p> <p>15 Q And can you describe what you mean by a</p> <p>16 "sudden increase"?</p> <p>17 A Well, just that it had been between</p> <p>18 January 1, 2018 and August 16th -- or, really --</p> <p>19 yeah, 16, 2018 that there were -- I can't say none</p> <p>20 because every now and then a handful of times they</p> <p>21 were used once in a day between January 1, 2018</p> <p>22 and August 16, 2018. But starting on August 16th,</p>	<p style="text-align: right;">88</p> <p>1 that tweet.</p> <p>2 Q Mr. Schnell, could you describe your</p> <p>3 analysis of these -- of the replies to this tweet?</p> <p>4 A I looked at replies and quote tweets to</p> <p>5 this tweet and -- in a 24-hour period after it was</p> <p>6 posted, and found that there were over a hundred</p> <p>7 of those using the negative hashtags we've been</p> <p>8 discussing, and these other words I mentioned</p> <p>9 here, "abuser" and "boycott."</p> <p>10 Q And you wouldn't form any opinion as to</p> <p>11 why there was that sudden increase, right?</p> <p>12 A Yes.</p> <p>13 Q "Sudden increase" is not the right words.</p> <p>14 You didn't form any opinion as to why</p> <p>15 there were that many negative replies to this</p> <p>16 tweet, correct?</p> <p>17 A Correct. That would be outside of the</p> <p>18 scope of what I do.</p> <p>19 Q Okay. Looking at the second paragraph</p> <p>20 here, it says again that you will -- you're</p> <p>21 expected to testify about, you know, the use of</p> <p>22 the hashtags and the negative posts relating to</p>

<p style="text-align: right;">89</p> <p>1 Ms. Heard, the number of posts per user, the 2 number of users creating such posts, et cetera. 3 Is that referring to the same analysis 4 that we discussed earlier? 5 A That's correct. 6 Q And is this referring to an expanded date 7 range or the same date range of April 2020 through 8 January 31, 2021? 9 A No, this is an expanded – this does talk 10 about the entirety. I don't know that I wasn't 11 talking about that previously, but certainly this 12 is talking about January 1, 2018 to June 15, 2021. 13 Q Okay. It says at the very end of that 14 paragraph that the frequency of such posts are 15 consistent with manipulation and a coordinated 16 effort. 17 Is that a reference to the bot campaign? 18 A I would say the coordinated effort or 19 coordination in general is not related to the bot 20 campaign. So coordination with this – this is 21 talking about – what I intend to testify about is 22 the mathematical coordination or correlation. So</p>	<p style="text-align: right;">91</p> <p>1 Q Mr. Schnell, do you recognize this 2 document? 3 A I do. 4 Q Can you explain what we're looking at 5 here. 6 A So this is a graph that shows by month the 7 number of tweets containing each of these ten 8 hashtags. 9 Q And there are boxes and arrows with 10 certain dates and events listed as well, right? 11 A Correct; they are callouts to certain 12 events and dates. 13 Q Why did you include those? 14 A Why I included these relates to 15 conversation with counsel. If I'm given the okay 16 to answer it, I can. That's what it relates to. 17 MR. NADELHAFT: I mean, you shouldn't -- 18 you shouldn't testify as to communications with 19 counsel. To the extent you can answer this 20 without referring to communications with counsel, 21 you can do that. 22 THE WITNESS: I can't answer this without</p>
<p style="text-align: right;">90</p> <p>1 you can see that all of the hashtags are trending 2 in the same way at the same time, so that's the 3 coordination that I'm talking about. That's a 4 mathematical coordination. 5 Manipulation would be talking about the 6 bot scores. But since I'm not going to be 7 testifying about that, I won't be speaking about 8 manipulation – testifying about manipulation at 9 trial at all. 10 Q Okay. And as to the coordinated effort, 11 you wouldn't form any opinion as to the underlying 12 impetus of that coordinated effort, correct? 13 A I couldn't talk about what's in people's 14 minds, no. 14 Q Okay. Well, let's take a look at -- let's 15 take a look at your data chart. 16 MR. CRAWFORD: Ms. Gonzalez, can we pull 17 up Exhibit 5, please. 18 (Schnell 5, Hashtag Comparison, was marked 19 for identification and is attached to the 20 transcript.) 21 AV TECHNICIAN: Exhibit 5.</p>	<p style="text-align: right;">92</p> <p>1 referring to communications with counsel. 2 BY MR. CRAWFORD: 3 Q So I don't want to know about your 4 communications with counsel, but I -- it is 5 important that I understand what you're going to 6 testify to. So to the extent that your 7 communications with counsel are somehow -- if 8 they're going to be reflected in your testimony, I 9 would say that that needs to be disclosed. So 10 what -- I'll try to ask it this way: What, if 11 anything, are you going to testify about with 12 respect to these callouts, or are they just there 13 and people are just going to look at them? 14 A It's possible that I'm not the only person 15 who uses this exhibit, so – I don't know if 16 people are just going to look at them. They may 17 be told something by someone else. I'm not going 18 to testify about what the meaning of the things in 19 the callouts are in any way. But if I'm asked if, 20 for example, there was a spike on a particular 21 date that's pointed to by an arrow here, I will 22 answer yes or no, depending on the day, things</p>

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1 going to be – I don't have an opinion I'm going
2 to be testifying about related to the bot
3 campaign.
4 Q Did you form any opinion that any of these
5 spikes were caused by the three Waldman statements
6 from the articles that we discussed earlier?
7 A Well, if we look at the section of the
8 disclosure that talks about – that is my rebuttal
9 to Mr. Bania's disclosure, I do show – I believe
10 I show spikes relating to certain words that
11 Mr. Bania said were Mr. Waldman's statements.
12 Q Can you explain what you mean by that,
13 there were spikes –
14 Were any of these spikes relating to
15 Mr. Waldman's statements?
16 A I can answer that if you look at the
17 additional charts I provided relating to my – to
18 the rebuttal of Mr. Bania's disclosure.
19 Q And which charts were those?
20 A Well, I don't have them in front of me,
21 but...
22 Q Are they included in this attachment?

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1 A I don't remember if – I don't remember.
2 I know I looked at the data. I don't know – I
3 don't remember if I made a chart or not to be
4 included in the disclosure, but – and when I say
5 "chart," I mean distinct from graphs. So I don't
6 know if there is an attachment that has a list of
7 the numbers or if it's just in the paragraph where
8 the rebuttal is.
9 Q Okay. I believe you testified earlier
10 that you – or you stated earlier that you would
11 be testifying to certain trends. Is that correct?
12 A That's correct.
13 Q Are any of those trends reflected in this
14 chart?
15 A Yes.
16 Q And what trends are those?
17 A Well, this chart shows trends. That's
18 what this graph shows.
19 Q And so what trends will you testify about?
20 A Well, the sort of spikes we just talked
21 about, for example, on this chart, and the one on
22 the – sorry, this graph, and the one on the

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1 following page is what I expect to testify about.
2 Q In looking at this chart and the data it's
3 representative of, what opinions did you form?
4 A That there were spikes on the dates or the
5 months that show spikes. That's the – those are
6 the opinions I formed based on these graphs.
7 Q Okay. But no opinion as to the underlying
8 cause of those spikes, just that they exist,
9 correct?
10 A Correct.
11 Q Okay.
12 MR. CRAWFORD: Ms. Gonzalez, can we go to
13 page 2 quickly.
14 Q And, Mr. Schnell, you – I mean, we looked
15 at this very briefly. This is the same chart as
16 page 1 with the hashtag "JusticeForJohnnyDepp"
17 removed, correct?
18 A That's correct.
19 Q So this is -- there's no additional
20 information here, it's just to give a better idea
21 of the scale of the other tweets -- of the other
22 hashtags that were used?

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1 A That's one way to put it. There is
2 certainly additional information for the eyes,
3 right, so you can see things you couldn't
4 otherwise see on page 1.
5 Q So "AmberHeardIsAnAbuser" appears to be
6 the next most notable hashtag; is that correct?
7 A It's the next most – I don't know if
8 "notable" is the right word, but certainly
9 viciously notable.
10 Q Yeah. Poorly phrased. Fair enough.
11 Do you have -- did you form any opinion as
12 to why the volume of tweets for the hashtag
13 "JusticeForJohnnyDepp" is so much higher than
14 these other ones?
15 A I did not.
16 MR. CRAWFORD: Okay. Ms. Gonzalez, can we
17 go to page 3, please.
18 Q And, Mr. Schnell, what are we looking at
19 here?
20 A So this is a consolidated report that
21 shows by month the use of the ten hashtags.
22 Q And what opinions did you form in looking

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

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Civil Action No.: CL-2019-0002911

PLAINTIFF'S DESIGNATION/IDENTIFICATION OF OPPOSING EXPERT WITNESSES

Plaintiff John C. Depp, II, by and through his undersigned counsel, pursuant to Rule 4:1(b)(4)(A)(i) of the Rules of the Supreme Court of Virginia, and the Court's Scheduling Order dated April 22, 2021, and in response to Interrogatory No. 15 in Ms. Heard's First Set of Interrogatories dated October 7, 2019, hereby designates and identifies his opposing expert witnesses.

Given the ongoing state of discovery—in particular, the continuing document productions from the parties and non-parties and the fact that depositions of certain key parties and witnesses have yet to occur—Plaintiff reserves the right to supplement this Opposing Expert Witness Designation, to include (1) identifying additional or different areas of expected testimony for the designated witnesses, (2) identifying additional or different bases for the expected testimony of the designated witnesses, and/or (3) designating additional or different expert witnesses.

3. **Doug Bania, Analyst, Nevium Intellectual Property Consultants, 415 Laurel Street, Suite 341, San Diego, California 92101.** Mr. Bania is a Certified Licensing Professional (“CLP”) and intellectual property (“IP”) expert with more than fifteen years of experience in IP valuation, IP management, brand strategy, and internet and social media evaluation. As a founding principal of Nevium Intellectual Property Consultants, Mr. Bania has extensive experience analyzing the reach of website content and social media posts and providing valuation and damages calculations for intellectual property and defamation cases related to celebrities and other public figures. He has been named an expert for over ninety-five cases and has provided expert analysis, consulting, and testimony concerning social media analysis, defamation damages, internet impressions and visits, Google search results analysis, website traffic, and social media damages. Mr. Bania received his Bachelor of Arts in Cinema from San Francisco State University and a Master of Arts in Television, Film, and New Media Production from San Diego State University. Mr. Bania is a Google Analytics Certified Individual (“GAIQ”) and is a current member of the International Trademark Association (“INTA”) Right of Publicity Committee and the American Bar Association (“ABA”) Copyright & Social Media Committee.

Subject Matter of Mr. Bania’s Opinion: Mr. Bania will testify concerning the opinions and analysis provided by Kathryn Arnold and Ronald Schnell as disclosed in Ms. Heard’s Supplemental Disclosure of Expert Witnesses dated January 11, 2022 (the “Supplemental Disclosures”).

Substance of Mr. Bania’s Opinion: Specifically, Mr. Bania will testify as to the following opinions: (1) Ms. Arnold and Mr. Schnell both base their opinions on a review and analysis of select hashtags from Twitter, but failed to conduct any analysis or evaluation to

key terms or themes which were common between the three Waldman Statements. These key terms were used to investigate how many times they appeared in the Waldman Statements and in Google Trends results. Doing so provides an indication of the potential use on Tweets and readers' interest in the topics. The key terms are: "abuse hoax," "sexual violence hoax," and "fake sexual violence" (collectively, the "Key Terms"). Mr. Bania used the Key Terms to investigate if they are mentioned in Schnell API Data. If found in the Schnell API Data, it could suggest the Tweets are related to the Daily Mail Articles or the Waldman Statements. My analysis of the Key Terms in the Schnell API Data indicates: abuse hoax was used 749 times; sexual violence hoax was used 0 times; and fake sexual violence was used 434 times.¹⁴ In total, the Key Terms were used 1,183 times on Tweets, but Ms. Arnold and Mr. Schnell do not connect these Tweets to Mr. Waldman's statements. . The 1,183 uses of the Key Terms are only 0.07% of the 1.81 million tweets related to the Heard Hashtags identified by Mr. Schnell between April 1, 2020 and June 15, 2021.¹⁵ This low ratio implies use of the Heard Hashtags are likely a result of media coverage other than the Daily Mail Articles.¹⁶ Mr. Bania also researched the Key Terms in Google Trends¹⁷ to determine if Google search users searched the internet for terms from the Waldman Statements. Use of the Key Terms in Google Search could

¹⁴ See Schedule 6

¹⁵ Mr. Bania understands the Schnell API Data is made up of tweets between 2009 and 2021. As this data range in the Schnell API Data is larger than the Hashtag Data, the 0.07% may be inflated. The Supplemental Disclosure has not provided an indication of how many Tweets the Schnell API Data contains. Therefore, Mr. Bania has relied on the Hashtag Data for this comparison.

¹⁶ Mr. Bania has performed this same analysis for the term "Waldman." My analysis indicates the term "Waldman" is used 217,732, or 12.05% of the 1.81 Tweets between April 1, 2020 and June 15, 2021, which needs further investigation as the data may be inflated as the term Waldman is counted multiple times per Tweet. As presented at Document 2c, one Tweet is counting Waldman 6 separate times.

¹⁷ See Exhibit F for explanation of Google Trends, definition of interest, and an example of the steps used to generate the Google Trends data.

indicate readers of the Daily Mail Articles are seeking additional information based on the Waldman Statements. Additionally, Mr. Bania added the terms Heard, Depp, and Waldman to the Key Terms to see if a combination of the terms generated any search traffic or interest. As presented at Documents 11a – 11l, Google Trends indicates “your search doesn’t have enough data to show here” for any combination of the Key Terms individually or with the names Heard, Depp, and Waldman included. This analysis indicates very few people used the Key Terms in Google Search, implying readers of the Daily Mail Articles did not seek additional information based on the Waldman Statements. Mr. Bania performed a similar Google Trends investigation to understand if the Daily Mail received higher than normal Google search volume on the days the Waldman Statements were published. Higher than normal Google search volumes to the Daily Mail during the periods in which the Waldman Statements were published could indicate potential interest in the Daily Mail Articles compared to other news articles. For this analysis, Mr. Bania followed the same Google Trends steps outlined in Exhibit F and used the term “Daily Mail – Newspaper.” As presented at Exhibit G, Schedule 5a, Daily Mail has an interest score of 82 in April 2020 and 71 in June 2020, the periods in which the Waldman Statements were published. The April 2020 score of 82 matches the average score for the Daily Mail over the period in which Mr. Bania investigated. The June 2020 score of 71 is lower than the average score for the Daily Mail over the period in which Mr. Bania investigated. This indicates Google Search use of “Daily Mail- Newspaper” did not increase when the Waldman Statements were published. Finally, Mr. Bania investigated Depp, Heard, and the Daily Mail to determine what

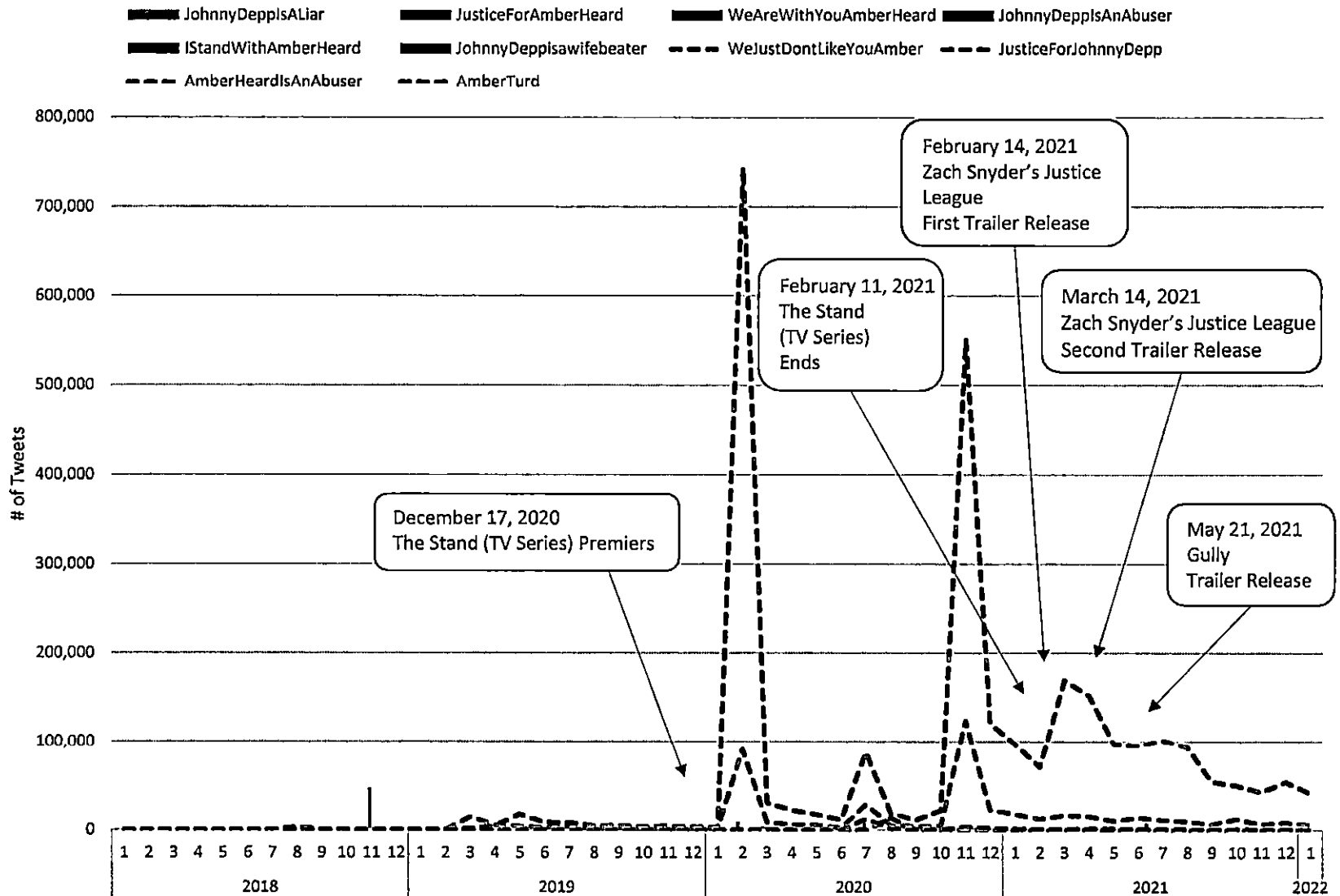
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Transcript of Kathryn Arnold
Conducted on March 22, 2022

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 ----- x 4 JOHN C. DEPP, II, : 5 Plaintiff and Counterclaim : 6 Defendant, :Civil Action No. 7 v. :CL-2019-0002911 8 AMBER LAURA HEARD, : 9 Defendant and Counterclaim 10 Plaintiff. 11 ----- x 12 CONFIDENTIAL 13 REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF 14 KATHRYN ARNOLD 15 TUESDAY, MARCH 22, 2022 16 10:34 A.M. CST 17 18 19 20 JOB NO.: 439288 21 PAGES: 1 - 204 22 REPORTED BY: KARISA EKENSEAIR, CCR RPR</p>	<p>1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM 3 DEFENDANT (VIA ZOOM): 4 BENJAMIN G. CHEW, ESQUIRE 5 BROWN RUDNICK, LLP 6 601 THIRTEENTH STREET, NW, SUITE 600 7 WASHINGTON, DC 20005 8 202-536-1700 9 -AND- 10 STEPHANIE CALNAN, ESQUIRE 11 BROWN RUDNICK, LLP 12 ONE FINANCIAL CENTER 13 BOSTON, MASSACHUSETTS 02111 14 617-856-8149 15 16 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM 17 PLAINTIFF HEARD (VIA ZOOM): 18 ELAINE CHARLSON BREDEHOFT, ESQUIRE 19 CHARLSON BREDEHOFT COHEN & BROWN, PC 20 11260 ROGER BACON DRIVE, SUITE 201 21 RESTON, VIRGINIA 20190 22 703-318-6800</p>
<p>1 DEPOSITION OF KATHRYN ARNOLD, CONDUCTED VIA 2 ZOOM VIDEOCONFERENCE. 3 4 5 6 7 8 9 10 Pursuant to notice, before Karisa J. 11 Ekenseair, Certified Shorthand Reporter in and for 12 the States of Arkansas, Oklahoma, and Illinois; 13 National Registered Professional Reporter, Notary 14 Public in and for the State of Arkansas. 15 16 17 18 19 20 21 22</p>	<p>1 APPEARANCES 2 ALSO PRESENT: 3 CATHERINE GONZALEZ, REMOTE TECHNICIAN 4 BRENDAN CASE, VIDEOGRAPHER 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>

<p style="text-align: right;">105</p> <p>1 conversations about how that is utilized, but I 2 did rely upon that, yes. 3 Q How did -- how has Mr. Schnell 4 reformulated his opinion? 5 A I think he's taken -- 6 MS. BREDEHOFT: I'm sorry. Objection to 7 the form of the question. Go ahead. 8 A I think he's -- he -- because he wasn't 9 able to get certain data from Twitter, I read in 10 Mr. Schnell's deposition that he is no longer 11 calling it a bot campaign, rather a -- something 12 to the effect of a coordinated Twitter campaign, a 13 coordinated social media campaign. 14 Q Are you aware that Ms. Heard's count about 15 the bot campaign got thrown out? 16 MS. BREDEHOFT: Objection. 17 Mischaracterizes. Mischaracterizes the legal 18 proceedings. Calls for a legal question and has 19 nothing to do with what she's testifying to. Go 20 ahead. 21 A I'm not aware of all the -- whatever 22 happens in court. I am aware of what Mr. Schnell</p>	<p style="text-align: right;">107</p> <p>1 have done, there were other experts that were 2 calling it a bot campaign. 3 I am aware that Mr. Schnell in his 4 deposition of late changed that wording. Yes. 5 Q And are you also aware that Mr. Schnell 6 testified that he did not form any opinion as to 7 whether the tweets he relied on in his opinion 8 were connected to Mr. Depp or to Mr. Waldman? 9 MS. BREDEHOFT: Objection to the form of 10 the question. Assumes facts not in evidence. Go 11 ahead. 12 A I don't recall exactly what Mr. Schnell 13 said in his deposition. I'm just aware of the 14 fact that the word "bot campaign" has been taken 15 out. 16 Q Does this impact your opinion at all? 17 A No. 18 Q Going further down, your disclosure reads, 19 quote, "The defamatory statements widely 20 disseminated by the bot campaign have made it 21 nearly impossible for Ms. Heard to promote herself 22 for personal appearances, speaking engagements,</p>
<p style="text-align: right;">106</p> <p>1 said, which was that because he couldn't get 2 specific data from Twitter, that he took the word 3 "bot campaign" out and was using words to the 4 effect of "coordinated campaign," "social media 5 campaign." 6 Q Okay. Turning over to page 38, your 7 disclosure reads, quote, "Mr. Schnell has 8 identified these tweet patterns as an orchestrated 9 bot campaign by Depp and his representatives that 10 is triggered by statements in the press by or 11 about Ms. Heard.", unquote. 12 Did I read that correctly? 13 A Yes. 14 Q Ms. Arnold, are you aware that Mr. Schnell 15 during his deposition taken last week testified 16 that he did not form any opinion about the bot 17 campaign? 18 MS. BREDEHOFT: Objection to the form of 19 the question. Go ahead. 20 A As I stated earlier in my initial 21 conversation with Mr. Schnell, that the word "bot 22 campaign" had been used. And in some research I</p>	<p style="text-align: right;">108</p> <p>1 and industry events as normal circumstances would 2 permit." 3 Did I read that correctly? 4 A Yes. 5 Q Is this your opinion? 6 A Again, if we take out the word "bot 7 campaign" and we look at the tremendous amount of 8 negative social media that has been directed 9 towards Ms. Heard, I still believe that that had 10 affected her career. 11 Q What are you relying on to form your 12 opinion? 13 A The deposition testimony of Ms. Jessica 14 K., the deposition testimony of Ms. Heard, e-mails 15 that I have read from the William Morris Endeavor 16 production that talked about too much drama 17 surrounding Amber and everything to do with 18 Mr. Depp, came from directors, producers, casting 19 directors. 20 So it was an amalgam of the material that 21 I read that referenced drama and negative social 22 media attention that was directed towards</p>

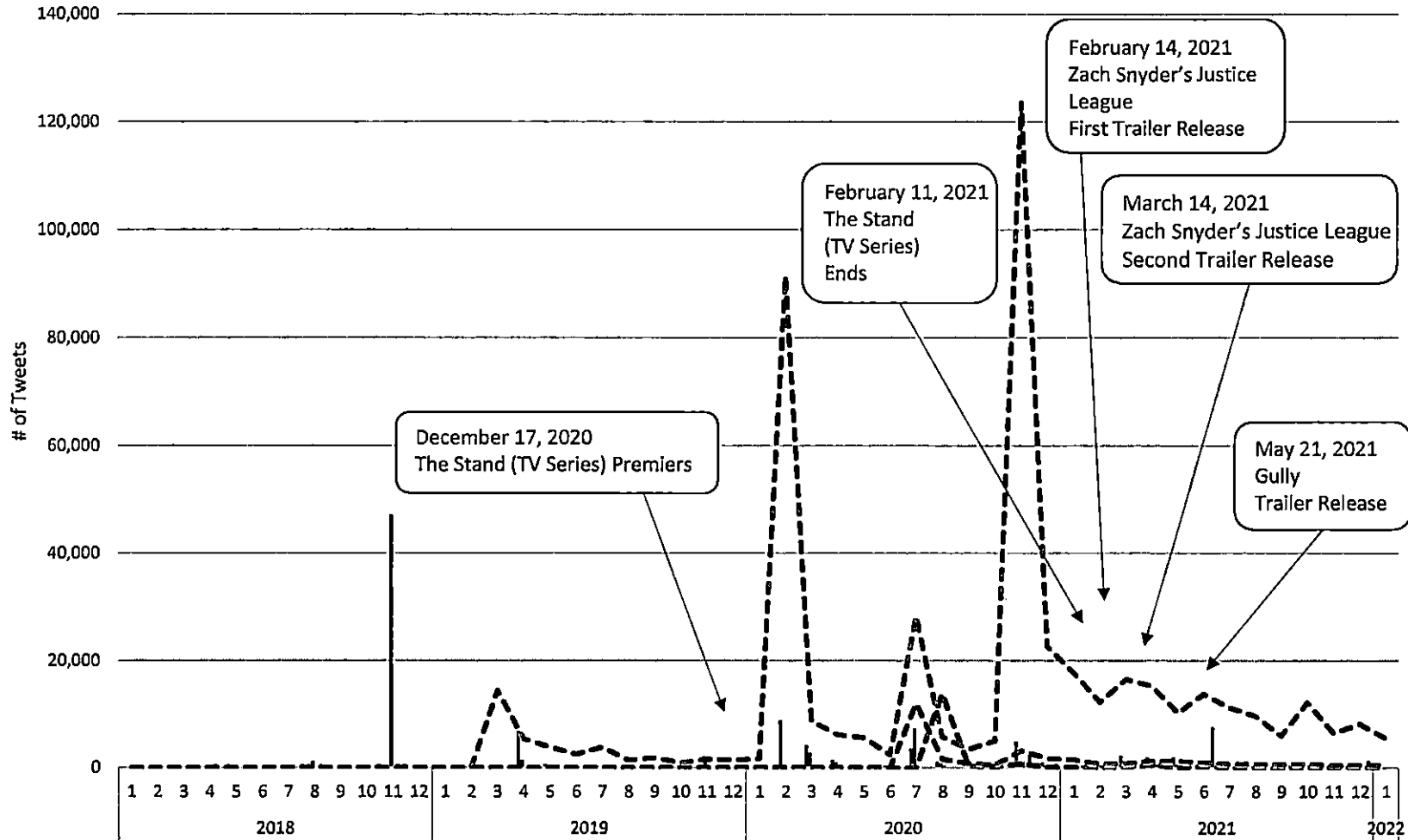
Hashtag Comparison



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Hashtag Comparison

- JohnnyDepplsALiar
- JusticeForAmberHeard
- WeAreWithYouAmberHeard
- JohnnyDeppIsAnAbuser
- IStandWithAmberHeard
- JohnnyDeppisawifebeater
- WeJustDontLikeYouAmber
- AmberHeardIsAnAbuser
- AmberTurd



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	#JusticeForJohnnyDepp	#AmberHeardIsAnAbuser
Hoax	12,643	2,976
Fake	29,858	4,196
Fraud	15,971	10,918
Total Key Terms Used	58,472	18,090
Waldman	182,231	34,771
Wald*mignon (without Waldman)	73,861	17,247
Total Tweets Per Hashtag Data	984,268	222,734
% Key Term / Total Tweets	5.94%	8.12%
% Waldman or WaldMignon / Total Tweets	26.02%	23.35%

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#WeJustDontLikeYouAmber	#AmberTurd	Total of All Hashtags
591	415	16,625
565	1339	35,958
505	1144	28,538
1,661	2,898	81,121
3,530	3,662	224,194
2,388	2,685	96,181
15,705	20,729	1,243,436
10.58%	13.98%	6.52%
37.68%	30.62%	25.77%

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From: Elaine Bredehoft
To: Vasquez, Camille M.
Cc: Chew, Benjamin G.; Adam Nadelhaft; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoft; David Murphy; Stephen Cochran; Moniz, Samuel A.; Calnan, Stephanie; Meyers, Jessica N.; Crawford, Andrew C.; Mena, Yarelyn; Preslado, Leo J.
Subject: RE: Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on both, or dates for hearing if do not agree
Date: Thursday, December 02, 2021 6:22:05 PM

Camille: Our expert will make Monday work (he is anxious to get this moving) at 1:00 p.m. ET/11 a.m. MT. Can you please send (and you can send just to me) the contact information for me to forward to Julian Ackert so they can connect on their own to set this up?

~~State:~~ Requesting again for your consent to file our Motion to Compel in light of having already met and conferred, conciliated and had motions practice on this, we are coming back at the Court's direction, and time is very much of the essence. Thank you! Elaine

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From: Vasquez, Camille M. <CVasquez@brownrudnick.com>
Sent: Wednesday, December 01, 2021 9:42 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Chew, Benjamin G. <BChew@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; David Murphy <DMurphy@cbcblaw.com>; Stephen Cochran <scochran@rcplaw.net>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Mena, Yarelyn <YMena@brownrudnick.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>
Subject: RE: Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on

both, or dates for hearing if do not agree

Elaine,

Our experts, Bryan and Matt are available Monday and Tuesday next week between 9 a.m. and 1 p.m. (Mountain Standard Time – 2 hours behind the East Coast) for a call with Mr. Ackert.

Admittedly, I was surprised by your email this morning attaching a Consent Order for the imaging of Mr. Depp's devices. We disagree with your conclusion the Court *invited* Ms. Heard to seek the forensic imaging of Mr. Depp's devices. In fact, the Court stated the following on the record in denying Ms. Heard's motion:

In this matter as far as mutuality goes, because it's ordered in one case for one side, I'm -- I'm going to deny that request at this time. There still has to be a **nexus** shown when -- when you're asking for those types of items in discovery. And -- and, again, I do find that the ask is overbroad and there is no specificity to that. (Emphasis added).

As you are well aware, there is a procedure outlined in the Consent Order for Appointment of a Conciliator which the parties must follow. The burden is on Ms. Heard first to meet and confer with counsel, and then to seek Steve's guidance and permission to file a motion. From our perspective, any potential motion to compel by Ms. Heard as to her 14th, 15th, 16th or 17th RFPs is not entitled to priority just because it relates to an Order granting Mr. Depp's motion for forensic imaging. However, in the spirit of cooperation, we are amenable to folding this discussion into the meet and confer Mr. Depp has been repeatedly requesting relating to his 9th, 10th and 11th RFPs.

I suggest we get something on our calendars for this Friday or Monday. Please let us know when you are available and we'll circulate a dial-in.

Thanks,
Camille

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Sent: Wednesday, December 1, 2021 10:55 AM

To: Vasquez, Camille M. <CVasquez@brownrudnick.com>

Cc: Chew, Benjamin G. <BCheW@brownrudnick.com>; Adam Nadelhaft <anadelhaft@cbclaw.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>; David Murphy <dmurphy@cbclaw.com>; Stephen Cochran <scochran@rcplaw.net>

Subject: Electronics issues and Court Order - Request again for dates for Experts to communicate and schedule, request to enter into Consent Order re Depp's electronics, have the experts work on both, or dates for hearing if do not agree

Camille and Ben:

I am once again following up on my earlier emails attempting to obtain dates and times for your experts to speak with ours to carry out the terms of the November 8, 2021 Order. We would appreciate your providing us some dates and times so we can connect our expert with yours to talk and schedule everything.

Given that your forensics experts appear to have a busy schedule and have been unable to find time to schedule time to talk and work with our expert for weeks now, and since these are the same experts both sides will be using for Mr. Depp's devices, I suggest we combine forces, and have them work on both in tandem, so we can complete this process as quickly as possible.

With this in mind, we have drafted a Consent Order that tracks the Order you prepared and Chief Judge Azcarate entered on November 8, 2021. I am attaching for your review. I urge you to work with us to avoid having to file more motions, and also move this process along so the experts can work together and complete this process for both sides.

As a reminder, at the October 29 hearing the Court denied Ms. Heard's Motion to Compel forensic imaging of Mr. Depp's Devices "at this time" due to a lack of specificity. Also during a meet and confer with Mr. Young, Mr. Young stated that once Mr. Depp's preferred forensic imaging protocol was in place, Mr. Young would not accept Mr. Depp complaining about a mirror-image of his protocol once Ms. Heard narrowed her forensic discovery RFPs to the level of specificity required by the Court.

As reflected in the 14th-15th RFPs and the attached Consent Order, Ms. Heard has done exactly that, and these Requests cannot be any more specific:

1. In RFPs 4-12 of Ms. Heard's 14th Requests for Production of Documents, Ms. Heard requested an Inventory (as defined in those Requests) of only Mr. Depp's Devices that Mr. Depp identified in Int. No. 3 are in his possession, custody, and control and contain ESI relevant to the claims

and defenses in this case.

While Mr. Depp has asserted the same boilerplate objections as in the past, given the Court's ruling with respect to Mr. Depp's Motion to Compel Ms. Heard's devices, these objections have already been overruled by the Court.

2. In the 15th Requests, Ms. Heard seeks: **1)** all photographs, video recordings, and audio recordings (and deleted) of Ms. Heard, Mr. Depp, and any damage to property during the Depp Abuse of Heard Dates, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices; **2)** all photographs, video recordings, and audio recordings (and deleted) of both Ms. Heard, Mr. Depp, and any damage to property during the Depp Alleged Abuse by Heard Dates, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices; and **3)** all photographs, video recordings, and audio recordings (and deleted) of specifically identified properties during specific relevant date ranges, along with forensic imaging of Mr. Depp's Devices for extraction of this material in a manner identical to Mr. Depp's protocol for imaging of Ms. Heard's devices.

Once again, Ms. Heard adopted the guidance of the Court at the October 29 hearing respecting the required level of specificity, and these Requests could not be more specific in what they seek. These again mirror what Mr. Depp sought from Ms. Heard, and the Court ruled in Mr. Depp's favor.

And, despite Mr. Depp's objections, Ben Chew argued to the Court that "if these are real photographs, she should want to be able to prove them." Therefore, Ben agrees that if Mr. Depp contends his photographs, video recordings, and audio recordings are authentic, he "should want to be able to prove them." That is all Ms. Heard is seeking here, exactly as Mr. Depp.

For all these reasons, Ms. Heard requests that the parties work together with their experts to accomplish these forensic discovery tasks, including Mr.

Depp's agreement to the attached Consent Order. We are happy to discuss any aspect of the draft Consent Order; however, you will note this is essentially your chosen language from the November 8, 2021 Order, so it would be difficult for you to claim something is unfair.

If Mr. Depp will not agree to this Consent Order, Ms. Heard will need to file a Motion ASAP to obtain this forensic discovery, since your experts have a busy schedule and we need to get these devices captured in a forensically sound manner.

Given the Court's invitation to re-bring the Motion with the required specificity, the ripeness for this motion earlier, and Mr. Young's comments regarding mutuality, Ms. Heard is requesting permission from Steve Cochran to notice a hearing on this Motion on the first Friday in January that counsel for Mr. Depp is available. The Court has the following Fridays available: January 7, January 14, or January 28. Anticipating that you may require us to re-file our Motion to Compel, rather than agreeing on a Consent Order, please let us know if you will be available on January 7. If you are not available on January 7, please let us know if you are available on January 14. Finally, if you are not available on January 7 or 14, please let us know if you are available on January 28. We really need to move this along as quickly as possible to obtain this information.

I look forward to hearing from you on your experts' available dates and times, on your willingness to enter into a Consent Order and work on scheduling of the experts for both sets of devices, and if not, your availability on January 7, if not, January 14, if not, January 28.

Thank you for your consideration and anticipated cooperation.

Elaine

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From: Elaine Bredehoft

Sent: Monday, November 29, 2021 11:11 AM

To: Vasquez, Camille M. <CVasquez@brownrudnick.com>

Cc: bchew@brownrudnick.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: RE: Electronics issues and Court Order - logistics and schedule

Good morning Camille! I am following up on my earlier emails respecting obtaining dates and times for your experts to speak with ours. As you may recall, the Court Order requires a number of the exercises to be undertaken with both sets of experts, so it is important to connect them so they can work out their schedules. The Court Order says by November 30, 2021, but I am thinking since you have not been able to obtain dates thus far from your experts for them to connect and schedule with our expert, we will be pushing beyond that because of the experts' schedules. Please let me know when you have a chance a few dates and times your experts can be available to connect with Mr. Ackert.

Also, to try to save more time and give your experts an opportunity to consider before the call, Mr. Ackert is proposing for the collection of Amber Heard's iCloud data, including any device backups stored in iCloud, using the collection tool Elcomsoft Phone Breaker (version 9.71).

Since your responses to the RFPs are due today, and the Court indicated she will be requiring the same for Mr. Depp as for Ms. Heard once we targeted more specifically with these RFPs, it may also make sense for your experts to create an inventory like the one prepared by Mr. Ackert – Ms. Heard's expert – and they can discuss the collection and imaging of Mr. Depp's devices as well. It will save us all time and expense to try to move these forward simultaneously. We will be happy to prepare a Consent Order to move that along.

Thank you for your cooperation. Elaine

Elaine Charlson Bredehoft

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From: Elaine Bredehoff
Sent: Wednesday, November 24, 2021 1:39 PM
To: Vasquez, Camille M. <CVasquez@brownrudnick.com>
Cc: bchew@brownrudnick.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com; mdailey@grsm.com; Michelle Bredehoff <mbredehoff@charlsonbredehoff.com>
Subject: RE: Electronics issues and Court Order - logistics and schedule

Camille: This follows our telephone call last week and my subsequent email last Friday. I am assuming since you have not responded to the below email your experts were not available for a call with Julian Ackert this week. I would appreciate your reaching out to them again to obtain some dates and times for them to speak with Julian to schedule the work set forth in the Court Order.

As promised, we are attaching the Inventory to be provided to your experts, per the Court Order.

If we do not connect further today on the scheduling of the expert connection/dates, have a great Thanksgiving! Elaine

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From: Elaine Bredehoff
Sent: Friday, November 19, 2021 2:42 PM

To: Vasquez, Camille M. <CVasquez@brownrudnick.com>
Cc: Ben G. Chew <bchew@brownrudnick.com>; Adam Nadelhaft
<anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; jtreece@woodsrogers.com;
mdailey@grsm.com; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Electronics issues and Court Order - logistics and schedule

Camille: This follows our discussion earlier today in connection with the electronic issues and the Court's Order:

We expect to be able to provide an inventory list early next week. Our expert, Julian Ackert, suggests that he and your experts schedule a call and discuss the best way to schedule the next procedures under the Court Order. Since Thanksgiving is next week, we recognize it may be more difficult to schedule that call, so you are going to check with your experts to try to determine their availability next week and the following week for a call. The experts can then agree on a schedule for their review.

With respect to Paragraph 1 of the Court's Order, you were going to check with your experts on whether they would be involved in your providing all native files with metadata of photographs reflecting injuries and audio and video recordings of Mr. Depp and Ms. Heard that are in Mr. Depp's possession and have previously been produced in discovery without meta data.

Thank you for your cooperation. Elaine

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.....
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From: [Elaine Bredehoft](#)
To: [Calnan, Stephanie](#); [Julian Ackert](#); [Arnold Garcia](#); mdailey@grsm.com; [Adam Nadelhaft](#); brottenborn@woodsrogers.com; [David Murphy](#)
Cc: [Presiado, Leo J.](#); [Vasquez, Camille M.](#); [Moniz, Samuel A.](#); [Bryan Neumeister](#); [Matt Erickson](#); [Susan Sorg](#); Craig.Young@KutakRock.com
Subject: RE: Forensic Imaging
Date: Monday, January 24, 2022 7:13:52 AM

Stephanie: In follow up to my email responding to you yesterday, I have checked with Julian Ackert, our IT expert. He is still awaiting a response from your IT experts to an email he sent last Wednesday with substantive and procedural issues for the next steps. Perhaps you can check in with them and see if they have time to respond? Thanks. Elaine

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From: Elaine Bredehoft
Sent: Sunday, January 23, 2022 4:24 PM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Julian Ackert <jackert@idsinc.com>; Arnold Garcia <AGarcia@idsinc.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcbllaw.com>
Cc: Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Bryan Neumeister <bryan@usaforensic.com>; Matt Erickson <matt@usaforensic.com>; Susan Sorg <susan@usaforensic.com>; Craig.Young@KutakRock.com
Subject: RE: Forensic Imaging

Stephanie: I understand our IT expert Julian Ackert has been working proactively with your IT experts to try to work through this process, and your IT experts have had a number of scheduling problems, including a heavy workload on other matters and COVID, but we have continued to cooperate and try to move this along.

Julian was waiting to hear back from your experts as of the end of this past week. I will reach out to him on Monday to see where they are in the process.

I also reached out to Craig Young to let him know we anticipate we are close to being able to turn over data for his review. We will continue to cooperate in moving this process along for the benefit of all the parties. Elaine

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From: Calnan, Stephanie <SCalnan@brownrudnick.com>
Sent: Sunday, January 23, 2022 3:07 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Julian Ackert <jackert@idsinc.com>; Arnold Garcia <AGarcia@idsinc.com>
Cc: Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Bryan Neumeister <bryan@usaforensic.com>; Matt Erickson <matt@usaforensic.com>; Susan Sorg <susan@usaforensic.com>; Craig.Young@KutakRock.com
Subject: Forensic Imaging

All,

It is our understanding that Arnold and Matt extracted all photographs that hit on the date ranges as identified in the Order as well as any undated photographs from two of Ms. Heard's devices (the iPhone 11 and the iPhone 11 Pro). For next steps, we propose that your team coordinate with Craig Young, the Court-appointed limited discovery issues conciliator (copied here), and send him all photographs that fall within the relevant date ranges by encrypted drive. At this point, we do not think it makes sense to include the undated photographs. To the extent that Ms. Heard will be relying on an undated photograph, we propose that Ms. Heard identify such photograph and then the parties' experts can coordinate on authenticating that particular photograph.

As for the other devices, it is our understanding that the extraction of images within the date range for the iCloud backups still needs to be done. We request that this be done via Zoom between Matt and someone from your team as soon as possible. It is also our understanding that extractions still need to be done for all prior collected devices. We again request that this happens as soon as possible with Matt observing via Zoom. We also request that all data that Ms. Heard intends to rely on is sent to Craig by February 4, 2022 at the latest so that way we can ensure there is enough time for our experts to review and analyze.

We look forward to hearing from you.

Best,
Stephanie

brownrudnick

Stephanie Calnan
Counselor at Law

Brown Rudnick LLP
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F: 617-289-0685
scalnan@brownrudnick.com
www.brownrudnick.com
She/her/hers

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,)
)
Plaintiff and)
Counterclaim Defendant,)
 v.)
Amber Laura Heard,)
)
Defendant and)
Counterclaim Plaintiff.)

Civil Action No.: CL-2019-0002911

DECLARATION OF JULIAN ACKERT

1. I am a Managing Director at iDiscovery Solutions, Inc. (“iDS”), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community.

2. I have over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. I have a Bachelor of Science degree in Computer Science from the University of Virginia.

3. I am in charge of the extraction process for Ms. Heard of images from Ms. Heard’s devices that was ordered by this Court on November 8, 2021.

4. The extractions per the November 8, 2021 Order are complete, and virtually all the images have been delivered to Craig B. Young (“Mr. Young”), the Court-appointed limited discovery issue Conciliator. My team is working on the final deliveries to Mr. Young.

5. Forensic imaging of Ms. Heard’s current devices (per Paragraph 4 of the November 8, 2021 Order) was completed late in the evening of December 17, 2021. This was the date that worked best for everyone, and was agreed to by everyone from Ms. Heard’s team

and Mr. Depp's team.

6. The extraction of images from Ms. Heard's current devices was scheduled for the first week of January, and then delayed to January 10, 2022 due to Matt Erickson's (a member of Mr. Depp's team) schedule delay.

7. The extraction of images from Ms. Heard's current devices took about two weeks to complete, and the extraction of images from Ms. Heard's previously imaged devices identified on the Inventory took about four weeks, as the process of image identification and extraction takes time, given the amount of devices in scope. Not all of the devices have images that fall into the dates of alleged abuse, but each of them had to be examined, using screen share with Mr. Depp's team watching, as part of the protocol.

8. Mr. Depp's team has been entirely aware of each step of the process.

9. Coordination with all counsel and Mr. Young to arrange delivery to Mr. Young started on January 23, 2021.

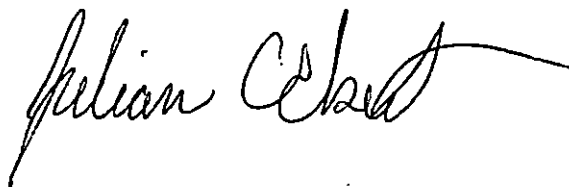
10. The next two weeks were spent coordinating the delivery format and how Mr. Young was going to review the materials. I cooperated with Mr. Depp's team and Mr. Young throughout this entire process. The first delivery to Mr. Young was made on Friday, February 4, 2022.

11. When Mr. Young completed his review of the first batch of images, my team provided them to Mr. Depp's team. That will continue to be the process.

12. Mr. Depp's team should now be reviewing images, which should continue as Mr. Young reviews the tens of thousands of images that have been provided to him.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of February, 2022.

A handwritten signature in black ink, appearing to read "Julian Ackert", with a long horizontal flourish extending to the right.

Julian Ackert

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff,

v.

AMBER LAURA HEARD,

Defendant.

Civil Action No.: CL-2019-0002911

ORDER

Upon consideration of Plaintiff and Counterclaim-Defendant John C. Depp, II's ("Mr. Depp") Motion to Compel Defendant and Counterclaim-Plaintiff Amber Laura Heard's ("Ms. Heard") Production of Original Devices and Operating System Drives and Cloud Backups of These Original Devices as Requested in Plaintiff's Seventh Set of Requests for Production ("Plaintiff's Motion") and Ms. Heard's Cross-Motion to Compel Mr. Depp's Production of Forensic Evidence and for Sanctions ("Defendant's Motion"), the oppositions thereto, arguments of counsel, and being fully advised, it is, this 8 day of November 2021, hereby ORDERED as follows:

1. Defendant's Motion is **DENIED**, except Mr. Depp shall produce any native files with metadata of photographs reflecting injuries and audio and video recordings of Mr. Depp and Ms. Heard that are in Mr. Depp's possession, and that have been previously produced in discovery without metadata.
2. Plaintiff's Motion is **GRANTED** in part and **DENIED** in part.
3. Defendant Amber Laura Heard ("Ms. Heard") shall produce her original devices, including mobile devices and computers (including laptops and iPads), as well as operating system

drives and cloud backups of these original devices (the "Requested Material"), for purposes of performing a physical imaging of all data from the original devices, as requested in Plaintiff's Seventh Set of Requests for Production. For purposes of clarification, Ms. Heard's original devices shall include all devices on which the data was "taken or originated or have been maintained" as requested in Plaintiff's Seventh Set of Requests for Production, including but not limited to, Ms. Heard's current devices and all cloud backups.

4. **The Imaging of Devices:** Under the supervision of Mr. Depp's retained forensic expert, Bryan Neumeister and/or Mr. Neumeister's colleague, Matt Erickson, either in person or over Zoom (or an equivalent audio/visual platform), Ms. Heard's designated forensic expert shall perform forensic imaging of the Requested Material on a date agreeable to the parties but no later than November 30, 2021, in the following manner:

- a. For computers (laptops and desktops), a write-blocked "Raw (DD) non-segmented forensic image" shall be taken for each original computer drive;
- b. For mobile devices (cell phones and tablets), Ms. Heard shall provide the password(s) for the devices she used during the relevant time period so that the data can be accessed and a "CheckM8/checkra!n extraction" shall be performed, where possible, for each cell phone;
- c. For the cloud account(s) (iCloud, Gmail, etc.), Ms. Heard shall provide her username(s) and password(s) and extraction using Oxygen or Cellebrite software shall be performed;

5. If Ms. Heard's designated forensic experts do not have access to the hardware or software required to conduct the imaging described above, Mr. Neumeister will make arrangements with Ms. Heard's expert. In the event that a dispute arises between Ms. Heard's

expert and Mr. Neumeister or Mr. Erickson related to the manner in which the imagings are performed, Stephen Cochran, the Court-appointed conciliator, shall resolve the dispute.

6. ~~The Extraction of Relevant Data:~~ After the Requested Material is imaged, Ms. Heard's designated expert, also under the supervision of Mr. Neumeister and/or Mr. Erickson, shall extract the following categories of relevant data for review and analysis (the "Extracted Data"):

- a. ~~Photographs of Ms. Heard: All photographs of Ms. Heard taken during the following time periods,~~ which all correspond to dates in which Ms. Heard alleges that Mr. Depp abused her:

Date of Alleged Abuse	Time Period To Be Searched
Late 2012/Early 2013	December 15, 2012 – January 15, 2013
March 8 and 22, 2013	March 6, 2013 – April 5, 2013
June 2013	June 1 – June 30, 2013
May 24, 2014	May 22, 2014 – June 7, 2014
August 17, 2014	August 15, 2014 – August 31, 2014
December 17, 2014	December 15, 2014 – December 31, 2014
January 25, 2015	January 23, 2015 – February 8, 2015
March 3-5, 2015	March 1, 2015 – March 19, 2015
March 22-23, 2015	March 20, 2015 – April 6, 2015
August 2015	August 1, 2015 – August 31, 2015
November 26, 2015	November 24, 2015 – December 10, 2015
December 15, 2015	December 13, 2015 – December 29, 2015
December 29, 2015	December 29, 2015 – January 12, 2016

April 21, 2016	April 19, 2016 – May 5, 2016
May 21, 2016	May 19, 2016 – June 4, 2016
July 22, 2016	July 15, 2016 – July 29, 2016

b. **Deleted Photographs:** All deleted photographs of Ms. Heard taken during the time periods outlined in the second column of the table in paragraph 6(a).

7. Only the Extracted Data (as opposed to the forensic image) can be and will be reviewed by anyone at this time.

8. ~~Once the extraction is complete, Craig B. Young ("Mr. Young"), the Court-appointed limited discovery issue conciliator, will act as the neutral third-party attorney and will review the Extracted Data to identify and isolate any irrelevant or privileged information that will not be subject to Mr. Neumeister's forensic analysis.~~ At the same time, Ms. Heard shall also have the right to receive and review the Extracted Data for the purpose of reviewing Extracted Data for privilege or work product only. Any privileged Extracted Data identified by Mr. Young or Ms. Heard will be isolated and will not be disclosed to or reviewed by anyone else, including Mr. Neumeister until the Court makes a determination on the privilege or work product objections pursuant to a privilege protocol.

9. ~~The relevant data from the extraction~~ will, in the first instance, be treated as attorneys' and expert's eyes only. Mr. Neumeister will conduct his analysis of the relevant data from the extraction and the parties' attorneys (and Ms. Heard's expert(s)) will be permitted to review this set of data. Once both parties' attorneys have had an opportunity to review the data that Mr. Neumeister has/will be analyzing, the data shall be re-designated or de-designated consistent with the operative Protective Order in this action.

10. Ms. Heard's attorneys shall disclose to Mr. Depp's attorneys an inventory of all previously imaged photographs, text messages, emails, and video and audio recordings (the "Inventory") by Bates stamp if produced, and in list form if not yet produced. For each of Ms. Heard's previously imaged Inventory, Ms. Heard's attorneys shall disclose to Mr. Depp's attorneys and to Mr. Neumeister the following information relating to the Inventory:

For Computers (Laptops and Desktops)

- a. What type of forensic image was created;
- b. What software and version of the software was used to create the forensic image;
- c. What make/type of write-blocker was used to create the forensic image;
- d. Was an uncompressed write-blocked forensic image extracted; and
- e. Whether a hash verification was completed for each file, and for the forensic image as a whole.

For Mobile Devices (Cell Phones and Tablets)

- a. What type of extraction(s) were performed: a logical, advanced logical, CheckM8/checkra1n, or physical extraction if jail-broken- by the other forensic company;
- b. Whether a jailbreak method was used in the extraction process;
- c. What iOS was on the phone; and
- d. What software make and version were used for the extraction(s).

Cloud Accounts (iCloud, Gmail)

- a. Whether a forensic analysis was conducted and, if so, what software was used.

11. Upon review of the Inventory by Mr. Depp's attorneys and Mr. Neumeister, Mr. Neumeister together with Mr. Depp's attorneys may decide to have Mr. Neumeister conduct an

independent forensic imaging of any previously imaged Inventory in the same manner as described above for the Requested Material.

November 8, 2021

A handwritten signature in black ink, appearing to read 'PS Azcarate', written over a horizontal line.

The Honorable Penney S. Azcarate
Chief Judge, Fairfax County Circuit
Court

Compliance with Rule 1:13 requiring the endorsement of counsel of record is modified by the Court, in its discretion, to permit the submission of the following electronic signatures of counsel in lieu of an original endorsement or dispensing with endorsement.

WE ASK FOR THIS:

Benjamin G. Chew (VSB 29113)
Andrew C. Crawford (VSB 89093)
BROWN RUDNICK LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 536-1700
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bchew@brownrudnick.com
acrawford@brownrudnick.com

Camille M. Vasquez (admitted *pro hac vice*)
BROWN RUDNICK LLP
2211 Michelson Drive
Irvine, CA 92612
Telephone: (949) 752-7100
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cvasquez@brownrudnick.com

Counsel for Plaintiff John C. Depp, II

SEEN AND OBJECTED TO:

Elaine Charlson Bredehoft (VSB No. 23766)
Adam S. Nadelhaft (VSB No. 91717)
Clarissa K. Pintado (VSB No. 86882)
David E. Murphy (VSB No. 90938)
Charlson Bredehoft Cohen & Brown, P.C.
11260 Roger Bacon Drive, Suite 201
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J. Benjamin Rottenborn (VSB No. 84796)
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broddenborn@woodsrogers.com
jtreece@woodsrogers.com

Counsel to Defendant Amber Laura Heard

From: [Young, Craig B.](#)
To: [Calnan, Stephanie](#); [Bryan Neumeister](#); [Julian Ackert](#)
Cc: [Matt Erickson](#); [Elaine Bredehoft](#); [Arnold Garcia](#); mdailey@grsm.com; [Adam Nadelhaft](#); brottenborn@woodsrogers.com; [David Murphy](#); [Presiado, Leo J.](#); [Vasquez, Camille M.](#); [Moniz, Samuel A.](#); [Susan Sorg](#)
Subject: RE: Forensic Imaging
Date: [Wednesday, February 09, 2022](#) 7:25:12 PM
Attachments: [image002.png](#)

Understood. All photos of Ms. Heard will be included as relevant. I have sixteen dated folders with, by my rough count, more than 5,000 photographs. I can devote several hours to this over the next few days, but I don't think I can promise a date by which this will be done. I will push ahead as fast as I can. I'll give you a progress report at COB Friday.

craig

Craig B. Young
KUTAKROCK
 1625 Eye Street, NW, Suite 800
 Washington, D.C. 20006-4061
 and
 901 East Byrd Street, Suite 1000
 Richmond, VA 23219-4071
 (202) 828-2328 My Direct
 (703) 994-0873 My Mobile
 (202) 828-2488 Office Facsimile
craig.young@kutakrock.com
www.kutakrock.com
2014 - 2019 Super Lawyers
Martindale Hubbell AV Preeminent Rating

From: [Calnan, Stephanie](#) <SCalnan@brownrudnick.com>
Sent: [Wednesday, February 9, 2022](#) 7:10 PM
To: Young, Craig B. <Craig.Young@KutakRock.com>; Bryan Neumeister <bryan@usaforensic.com>; Julian Ackert <jackert@idsinc.com>
Cc: Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Arnold Garcia <AGarcia@idsinc.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; brottenborn@woodsrogers.com; David Murphy <dmurphy@cbcbllaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Susan Sorg <susan@usaforensic.com>
Subject: RE: Forensic Imaging

[CAUTION - EXTERNAL SENDER]

Thanks Craig. **Any photos of Ms. Heard are relevant – including if she is somewhat obscured in the photos. Accordingly, please treat these photographs as relevant. We also do not see a need for you to identify duplicates. All photographs of Ms. Heard – duplicate or not – are relevant.** Do you have an estimate of when you anticipate sending the photos to the experts?

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: Young, Craig B. <Craig.Young@KutakRock.com>

Sent: Wednesday, February 9, 2022 3:44 PM

To: Bryan Neumeister <bryan@usaforensic.com>; Julian Ackert <jackert@idsinc.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>;

Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Arnold Garcia <AGarcia@idsinc.com>;

mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbclaw.com>; brottenborn@woodsrogers.com;

David Murphy <dmurphy@cbclaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>;

Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A.

<SMoniz@brownrudnick.com>; Susan Sorg <susan@usaforensic.com>

Subject: RE: Forensic Imaging

CAUTION: External E-mail. Use caution accessing links or attachments.

All:

I am set up with the Cellebrite Reader and will begin reviewing the Heard Photos this afternoon. While there are some photos of written documents, it appears there will be no photos with identification of people. Accordingly, there should be no privilege issues for me to review. **My review is to identify photos that are relevant. For this purpose, if the photo does not include an image of Ms. Heard it will be designated not relevant (e.g., photos of other people or things). If the photo is of Ms. Heard but her face is obscured (e.g., completely in shadow or completely hidden by her hair or some other object) it will be designated not relevant. There are duplicates and I will try to identify those; all duplicates will be designated relevant.**

Let me know if either of you disagree with the above or want to modify my approach. When I finish my review, I will connect again with Mr. Swasy and Mr. Erickson to coordinate delivery.

craig

Craig B. Young
KUTAKROCK
1625 Eye Street, NW, Suite 800
Washington, D.C. 20006-4061
and

From: Calnan, Stephanie
To: Young, Craig B.; Bryan Neumeister; Julian Ackert; Elaine Bredehoft
Cc: Vasquez, Camille M.; Matt Erickson; mdailey@grsm.com; Adam Nadelhaft; brottenborn@woodsrogers.com; David Murphy; Presiado, Leo J.; Moniz, Samuel A.; Tyler Swasy
Subject: RE: Depp v. Heard: Next round of images for Mr. Young
Date: Wednesday, February 23, 2022 6:28:35 PM
Attachments: image002.png
 image003.png
 image005.png
 image006.png
 image007.png
 image008.png
 image009.png

Elaine,

Considering our team drafted the Order, our "reading" is the one we're going to go with. Nevertheless, we will agree to your blanket Confidential designation of the images. Please confirm you will promptly de-designate the images upon the completion of your privilege review.

Craig, please arrange to send the images directly to Bryan.

Thanks.

Best,
Stephanie

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: Young, Craig B. <Craig.Young@KutakRock.com>
Sent: Wednesday, February 23, 2022 5:33 PM
To: Bryan Neumeister <bryan@usaforensic.com>; Julian Ackert <jackert@idsinc.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <dmurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>
Subject: RE: Depp v. Heard: Next round of images for Mr. Young

CAUTION: External E-mail! Use caution accessing links or attachments.

For what it may be worth here, Tyler shared with me some techniques which have significantly sped up my review. I have delivered the first

round (almost 9,000 images) to Julian and have received two thumb drives with parts of the second round (estimated at 40,000 total). I will have these first two thumb drives (3,000?) back to Julian probably tomorrow. The prospect of adding 50,000 to the second round of 40,000 is daunting. I'm working faster now, but getting through 90,000 images – this is not an overnight project. I will continue to work on this as much as I can and as fast as I can. That's the best I can do.

craig

P.S.: The only people who refer to me as "Mr. Young" are my students at the law school; and that's only because the School requires them to do so. In other words, you may but you don't have to keep referring to me as "Mr. Young".

Craig B. Young
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and
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craig.young@kutakrock.com
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2014 - 2019 Super Lawyers
Martindale Hubbell AV Preeminent Rating

From: Bryan Neumeister <bryan@usaforensic.com>

Sent: Wednesday, February 23, 2022 5:20 PM

To: Julian Ackert <jackert@idsinc.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Young, Craig B. <Craig.Young@KutakRock.com>

Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbclaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbclaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr. Young
Importance: High

[CAUTION - EXTERNAL SENDER]

Julian,

It is the logical thing to do given that we don't know what is in "Date Added" photos. They may, or may not be relevant.

From a forensic standpoint we always want to review all the data, but the limitations of time vs the amount of photos, poses a dilemma in this case.

Again, we're techs, we cant make that call as were not council. It is also a time and client's money call. If the attorneys want to step in here, that would be greatly appreciated.

Best,
Bry

From: Julian Ackert <jackert@idsinc.com>

Sent: Wednesday, February 23, 2022 5:06 PM

To: Bryan Neumeister <bryan@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Young, Craig B. <Craig.Young@KutakRock.com>

Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

Thank you for the address below Bryan. **We have been working at your teams direction and specifications for the photo recovery process on all devices, so your team has been approving the workflows (our team has been executing under your teams supervision) As such, I would expect that the main task and the location of photos (highlighted in yellow below) has been implemented as your team identified and agreed to the 'how'.**

I will prepare a full inventory of the images that we deliver to Mr. Young as a follow up, and we are ready to release the first round of images that Mr. Young has reviewed to you as soon as counsel has agreed that we are clear to do so. As more get reviewed by Mr. Young, we will release them to you expeditiously.

With respect to the "Date added" values, I'm unclear what you want us to do. Do you want us to send the photos coming from laptops with "Date Added" values to Mr. Young for review? Based on communications between Tyler and Matt, this will add another ~50k photos to the ~40k photos already going to Mr. Young this week.

Identification of photos that fall within the date ranges of alleged abuse (per the protocol) is complete for all device. We are wrapping up deliveries to Mr. Young this week, using no more than the ~1000 chunks as requested by Mr. Young, but we need an answer to the "date added" question to determine if we are sending him the ~48,000 photos from laptop devices that meet this criteria.

Julian

Julian Ackert, GCFE
Managing Director

Direct: +1.703.624.3832 | jackert@idsinc.com

US: +1.800.813.4832 | UK/EEA: +44 (0)20 8242 4130

iDSinc.com

From: Bryan Neumeister <bryan@usaforensic.com>

Date: Wednesday, February 23, 2022 at 4:53 PM

To: Julian Ackert <jackert@idsinc.com>, Elaine Bredehoft

<ebredehoft@charlsonbredehoft.com>, Young, Craig B. <Craig.Young@KutakRock.com>

Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>, Calnan, Stephanie

<SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, mdailey@grsm.com

<mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcbllaw.com>,

brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy

<DMurphy@cbcbllaw.com>, Presiado, Leo J. <L.Presiado@brownrudnick.com>, Moniz, Samuel

A. <SMoniz@brownrudnick.com>, Tyler Swasy <tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr. Young

[EXTERNAL SENDER]

Hi Julian & Tyler,

I really have no idea of how many photos there are at this point -*nor their formats*.

The main task was to recover all the photos from the hard drive(s) - not just in specific areas, and sent them on to Craig for review.

The dates are to fall within a previously stated range. I believe all the phones and cloud images are completed correct?

As to the Date Added photos, they are a wild card -in that we don't know what the dates of origination are without reviewing.

NOTE: They should have come from an image of the entire hard drive, not just selected areas such as "photos or videos"

As you know, we're techs. There are some decisions we can't make that fall into the attorneys' purview, **but the above seems reasonable, though time consuming**

I have a number of cases taking me on the road, and overseas, before this trial - so time is a commodity that is in very short supply.

Please send the Encrypted USB by Fed-X or UPS to:

30 Lee Gate Lane
Grosse Pointe Farms
Michigan

48236

602-740-6128

Thanks!

Bryan

From: Julian Ackert <jackert@idsinc.com>
Sent: Wednesday, February 23, 2022 4:17 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Young, Craig B. <Craig.Young@KutakRock.com>; Bryan Neumeister <bryan@usaforensic.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcbllaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>
Subject: Re: Depp v. Heard: Next round of images for Mr. Young

Bryan,

In preparation for sending the first round of images to you, can you please provide a shipping address? Our plan is to send via encrypted USB using FedEx, but if you prefer a different method please let us know.

Also, I do believe Tyler has an outstanding question with your team related to the "Date Added" values of the pictures identified on Macbook sources. Can you please confirm how you want to handle those so that we can wrap up deliveries to Mr. Young?

Julian

Julian Ackert, GCFE

Managing Director

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From: Julian Ackert <jackert@idsinc.com>
Date: Tuesday, February 22, 2022 at 2:54 PM
To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, Young, Craig B. <Craig.Young@KutakRock.com>, Bryan Neumeister <bryan@usaforensic.com>
Cc: Vasquez, Camille M. <CVasquez@brownrudnick.com>, Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcbllaw.com>, brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy <DMurphy@cbcbllaw.com>, Presiado, Leo J. <LPresiado@brownrudnick.com>, Moniz, Samuel A. <SMoniz@brownrudnick.com>, Tyler Swasy <tswasy@idsinc.com>

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

JOHN C. DEPP, II

*Plaintiff and Counterclaim
Defendant,*

v.

AMBER LAURA HEARD,

*Defendant and
Counterclaim Plaintiff.*

Civil Action No.: CL-2019-0002911

DECLARATION OF BRYAN NEUMEISTER

1. My name is Bryan Neumeister.
2. I am a court certified video, audio, and digital photographic forensics and technical expert and the CEO of USA Forensic LLC.
3. I have extensive experience collecting, analyzing, and producing electronically stored information ("ESI") in law enforcement and legal proceedings, including approximately 600 cases in the last four years alone. I have over 41 years of audio/video professional experience, and twenty years of experience testifying and consulting for federal and state governments, agencies, the Department of Defense, prosecutors, defense attorneys, Fortune 500 companies, and individuals in a variety of aspects concerning analysis of photographs, audio and visual recordings, phone and text messages, and other digital data. My CV is attached hereto.
4. This declaration is based on my personal knowledge, years of experience, training, and education.

5. As set forth in the Protective Order, "Ms. Heard's designated forensic expert shall perform forensic imaging of the Requested Material on a date agreeable to the parties but no later than November 30, 2021." November 8, 2021 Order, ¶ 4. The forensic imaging of Ms. Heard's devices did not begin until December 13, 2021 and resumed again on January 10, 2022.

6. After the imaging of the devices, Ms. Heard's forensic experts were supposed to extract the relevant data for review and analysis, which included various photographs of Ms. Heard for certain periods of time outlined in Paragraph 6 of the Court's November 8, 2021 Order.

7. **I did not receive any data that was extracted from the devices until March 2, 2022.**

8. **As of the date of this declaration, March 22, 2022, I am still receiving data from the extraction of these devices.**

9. **One encrypted drive of photos was sent to me without the correct password necessary to access the contents, so the drive needed to be resent. On another occasion, I received the files without the raw photos, and not in the agreed upon format.**

10. Further, Mr. Ackert and Mr. Swasy – Ms. Heard's retained experts – used unlicensed and outdated software to image the devices – including Cellebrite and Microsoft Excel. More specifically, they are using an unlicensed 2010 version of Microsoft Office / Excel. Their key software in this case, Cellebrite, is also unlicensed, which means it is outdated and obviously not supported for updates by the manufacturer.

11. We did not discover that they were using unlicensed Cellebrite until February 24, 2022, at which time I declined to approve their work as requested in an email from them.

12. To date, there are approximately 58,623 photographs that I have received.

13. **A fair percentage of these photographs are obviously not of Ms. Heard, including photographs of purported property damage, Mr. Depp, and text messages. Per the Court's**

November 8, 2021 Order. Mr. Young was supposed to mark as irrelevant any photographs that were not of Ms. Heard. See November 8, 2021 Order, ¶ 8.

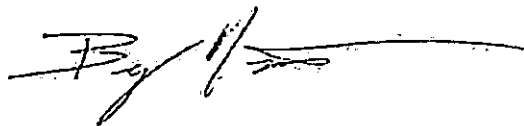
14. Further, the imaging of these devices as I have received them is something that I have never seen before in my professional experience in performing forensic imaging without direct access to the devices or their forensic images. For example, there are 12 images which visually look the same and indicate that they are “a directly photographed image,” though the sizes and orientations are different. These “original” photos should all hash with one another (the hash is a digital fingerprint of the photo) but they do not. The answer to these questions *may* be in their extraction, but their software was unlicensed and outdated so it would have to be re-run on current software to be forensically valid.

15. Also, some of the EXIF data has dates of when the photographs were taken which do not make sense. For example, the EXIF data for some photos indicate they were taken in the 1970s or 1980s, even though EXIF data was not invented until 1995. The anomalies in the EXIF data cannot be attributed to unallocated space or default to the normal EPOCH date when there is an EXIF error.

16. **Based on the data I have received, made on unlicensed and outdated software, I am not able to opine as to the authenticity of the photos.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of March, 2022.

A handwritten signature in black ink, appearing to read 'Bryan Neumeister', with a long horizontal flourish extending to the right.

Bryan Neumeister

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Date: Monday, February 21, 2022 at 7:55 PM

To: Young, Craig B. <Craig.Young@KutakRock.com>, Vasquez, Camille M. <CVasquez@brownrudnick.com>, Bryan Neumeister <bryan@usaforensic.com>
Cc: Julian Ackert <jackert@idsinc.com>, Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy <DMurphy@cbcblaw.com>, Presiado, Leo J. <LPresiado@brownrudnick.com>, Moniz, Samuel A. <SMoniz@brownrudnick.com>, Tyler Swasy <tswasy@idsinc.com>
Subject: RE: Depp v. Heard: Next round of images for Mr. Young

[EXTERNAL SENDER]

Craig: Excellent point. But if you decide you need to involve other attorneys in your firm, we trust you and approve

This is quite an undertaking and we appreciate your willingness to jump in. Have a great evening. Elaine

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 Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
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 Reston, VA 20190
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From: Young, Craig B. <Craig.Young@KutakRock.com>

Sent: Monday, February 21, 2022 7:48 PM

To: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Bryan Neumeister <bryan@usaforensic.com>

Cc: Julian Ackert <jackert@idsinc.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A.

<SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

Before we embark on this concept, let's see exactly how big the next round is. My aim is to get the images reviewed in a timely manner. If I have to involve another attorney to do that, it won't be at an additional cost to Mr. Depp; it will still take the same amount of time. I'll confer with everyone when I am able to review the next round.

From: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>

Sent: Monday, February 21, 2022 7:40:04 PM

To: Vasquez, Camille M. <CVasquez@brownrudnick.com>; Bryan Neumeister <bryan@usaforensic.com>; Young, Craig B. <Craig.Young@KutakRock.com>

Cc: Julian Ackert <jackert@idsinc.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; mdailey@grsm.com <mdailey@grsm.com>; Adam Nadelhaft <anadelhaft@cbcbllaw.com>; brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>; David Murphy <DMurphy@cbcbllaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr. Young

[CAUTION - EXTERNAL SENDER]

Camille: I am a little unclear on your precise suggestion, but if you are suggesting Mr. Young be permitted to include attorneys in his firm in this review, under the same confidentiality and directives of the Court and under Mr. Young's supervision, given that Mr. Depp is paying for Mr. Young and is presumably agreeing to pay for the additional attorneys from his firm, we have no objection to this proposed solution. Elaine

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From: Vasquez, Camille M. <CVasquez@brownrudnick.com>

Sent: Monday, February 21, 2022 5:47 PM

To: Bryan Neumeister <bryan@usaforensic.com>; Young, Craig B. <Craig.Young@kutakrock.com>

Cc: Julian Ackert <jackert@idsinc.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr. Young

Craig,

I actually believe an associate or team of associates under your supervision could do this review. Unless Ms. Heard's counsel disagrees and can articulate a valid reason against it, I suggest an associate or team of associates review these images.

Thanks, Craig.

Camille

From: Bryan Neumeister <bryan@usaforensic.com>

Sent: Monday, February 21, 2022 2:10 PM

To: Young, Craig B. <Craig.Young@kutakrock.com>

Cc: Julian Ackert <jackert@idsinc.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <dmmurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

CAUTION: External E-mail: Use caution accessing links or attachments.

Received: thank you Craig.

Analysis of the photos will be **very** tight on time.

Best,
Bryan

Bryan Neumeister - USAForensic, llc.
US Federal, US District, State, Aviation & US Military court certified forensic experts.
Audio, Video, Photo, Cell Phone & Computer Forensics
IEEE-DUNs-AES-SAMs-IPVM-ABRE-CAGE-PANEL
41 years professional experience
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@Feb 21, 2022, at 4:54 PM, Young, Craig <Craig.Young@kutakrock.com> wrote:

Whatever you can do will be appreciated. I figure I am averaging about 10 images per minute (i.e., about 6 seconds per image). 40,000 images will take more than 66 hours to get through. I have about three or four hundred remaining images from the first round, which I will finish tonight. I can and will put the time in to get this done, but I can't devote every waking hour this week to it and I don't think this is the type of assignment I can hand off to an associate. Please keep all of this in mind if time becomes essential.

craig

Craig B. Young
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and
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From: Julian Ackert <jackert@dsac.com>

Sent: Monday, February 21, 2022 4:43 PM

To: Young, Craig B. <Craig.Young@KutakRock.com>; Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam

Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com;
David Murphy <dmurphy@cbcblaw.com>; Presiado, Leo J.
<LPresiado@brownrudnick.com>; Vasquez, Camille M.
<CVasquez@brownrudnick.com>; Moniz, Samuel A.
<SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>
Subject: Re: Depp v. Heard: Next round of images for Mr. Young

[CAUTION - EXTERNAL SENDER]

We will be delivering that set of images in multiple deliveries this week as we wanted to break them up into no more than 1,000 image groups.

Bryan – did you get a sense from the legal team re: my question Friday about additional filtering that may speed up Mr. Young's review process?

Julian

Julian Ackert, GCFE
Managing Director

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From: Young, Craig B. <Craig.Young@KutakRock.com>
Date: Monday, February 21, 2022 at 4:39 PM
To: Bryan Neumeister <bryan@usaforensic.com>, Julian Ackert <jackert@idsinc.com>
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy <dmurphy@cbcblaw.com>, Presiado, Leo J. <LPresiado@brownrudnick.com>, Vasquez, Camille M. <CVasquez@brownrudnick.com>, Moniz, Samuel A. <SMoniz@brownrudnick.com>, Tyler Swasy <tswasy@idsinc.com>
Subject: RE: Depp v. Heard: Next round of images for Mr. Young

[EXTERNAL SENDER]

Are there really going to be 40,000 images in this round?

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From: Bryan Neumeister <bryan@usaforensic.com>

Sent: Monday, February 21, 2022 4:33 PM

To: Julian Ackert <jackert@idsinc.com>

Cc: Young, Craig B. <Craig.Young@KutakRock.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>;

Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>;

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<SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

[CAUTION - EXTERNAL SENDER]

Received:

Thank you for the update Julian.

Best,

Bry

Bryan Neumeister - **USAForensic, llc.**

US Federal, US District, State, Aviation & US Military court certified forensic experts.

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On Feb 21, 2022, at 4:00 PM, Julian Ackert <jackert@idsinc.com>

wrote:

Mr. Young,

An encrypted USB with additional images will be sent via FedEx today for tomorrow AM delivery. We are sending to your home address again – please let me know if it needs to go to another address instead.

Julian

Julian Ackert, GCFE

Managing Director

Direct: +1.703.624.3832 | jackert@idsinc.com

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From: Young, Craig B. <Craig.Young@KutakRock.com>

Date: Friday, February 18, 2022 at 3:29 PM

To: Julian Ackert <jackert@idsinc.com>, Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>,

mdailey@grsm.com <mdailey@grsm.com>, Adam

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<brottenborn@woodsrogers.com>, David Murphy

<dmurphy@cbcbllaw.com>, Presiado, Leo J.

<LPresiado@brownrudnick.com>, Vasquez, Camille M.

<CVasquez@brownrudnick.com>, Moniz, Samuel A.

<SMoniz@brownrudnick.com>, Tyler Swasy

<tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr.

Young

[EXTERNAL SENDER]

Great. That and my constant saving of the session will hopefully resolve the problem.

Craig B. Young

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From: Julian Ackert <jackert@idsinc.com>

Sent: Friday, February 18, 2022 3:27 PM

To: Young, Craig B. <Craig.Young@KutakRock.com>; Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Tyler Swasy <tswasy@idsinc.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

[CAUTION - EXTERNAL SENDER]

Craig – we will make sure our deliveries of the next round has the data sets broken down into no more than 1,000 images in each group.

Julian

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Managing Director

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From: Young, Craig B. <Craig.Young@KutakRock.com>

Date: Friday, February 18, 2022 at 3:21 PM

To: Julian Ackert <jackert@idsinc.com>, Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>,

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<SMoniz@brownrudnick.com>, Tyler Swasy
<tswasy@idsinc.com>

Subject: RE: Depp v. Heard: Next round of images for Mr.
Young

[EXTERNAL SENDER]

All:

You're wasting your time debating this. **The problem is the instability of the Celebrite application. During the past week, it crashed on me twice causing the loss of several hours of work.** Be that as it is, we're stuck with what we've got. **Based on technical input from Tyler Swasy, I am now saving the sessions periodically (e.g., after review of each 150-200 photos).** The problem is exacerbated if I am delivered a collection of several thousand pictures at as time. The crashes occurred when I was working on a group containing 2,600 photos. Accordingly, much of the instability problem can probably be avoided if you make sure the groupings of photographs sent to me to review do not exceed 1,000 in each group. I should be able to complete review of the first round (10,000+ photos) this weekend. I understand you have approximately 40,000 more in a second round. I will devote as much time as I can to review of the second round over the next week.

craig

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From: Julian Ackert <jackert@idsinc.com>

Sent: Friday, February 18, 2022 3:10 PM

To: Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Young, Craig B. <Craig.Young@KutakRock.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

[CAUTION - EXTERNAL SENDER]

Bryan – IDS does not have that kind of equipment available for Mr. Young. It seems that neither expert can effectively support your request for Mr. Young's review of images using Celebrite reader – shall we visit alternative review options?

Julian

Julian Ackert, GCFE
Managing Director

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From: Bryan Neumeister <bryan@usaforensic.com>

Date: Friday, February 18, 2022 at 2:10 PM

To: Julian Ackert <jackert@idsinc.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, brottenborn@woodsrogers.com

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<CVasquez@brownrudnick.com>, Moniz, Samuel A.
<SMoniz@brownrudnick.com>, Young, Craig B.
<Craig.Young@kutakrock.com>
Subject: RE: Depp v. Heard: Next round of images for Mr.
Young

[EXTERNAL SENDER]

Hi Julian,

Unfortunately from an insurance perspective, we cannot provide a computer for use - lest it be suggested that "we did this or that ." if something goes sideways.

We did suggest in writing on 2/7/22 that the computer meet minimum specifications. *"...an 8th Gen i7 laptop or newer with 32 gigs of ram should be fine. Latest security patches. It would get us over the hurdle of Craig not being able to view the data."*

Thanks,
Bry

From: Julian Ackert <jackert@idsinc.com>

Sent: Friday, February 18, 2022 1:52 PM

To: Bryan Neumeister <bryan@usaforensic.com>
Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Young, Craig B. <Craig.Young@kutakrock.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

Bryan – in the interest of time, do you have a machine with the configurations you specified below that could be provided to Mr. Young? I'm not sure that we have that equipment ready to go// on standby in our inventory as we don't generally provide powerful computers to attorneys for their review activities

Julian

Julian Ackert, GCFE
Managing Director

Direct: +1.703.624.3832 | jackert@idsinc.com

US: +1.800.813.4832 | UK/EEA: +44 (0)20 8242 4130

iDSinc.com

From: Bryan Neumeister <bryan@usaforensic.com>

Date: Friday, February 18, 2022 at 1:47 PM

To: Julian Ackert <jackert@idsinc.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy <DMurphy@cbcblaw.com>, Presiado, Leo J. <LPresiado@brownrudnick.com>, Vasquez, Camille M. <CVasquez@brownrudnick.com>, Moniz, Samuel A. <SMoniz@brownrudnick.com>, Young, Craig B. <Craig.Young@kutakrock.com>

Subject: RE: Depp v. Heard: Next round of images for Mr. Young

[EXTERNAL SENDER]

Hi Julian,

Thanks again for your notes.

Cellebrite reader is fairly straight forward and is used by most attorneys reviewing cell phone data.

I do not know the power of Mr. Young's computer, but we did make recommendations as to a minimum system.

Large volumes take SSDs or M2 drives to best facilitate data handling. A strong CPU is a must.

Doesn't have to be the latest and greatest, but at minimum an i7 multithreaded with 32 gigs of ram (min)

That being said, I'll leave that to Matt to review as I understood the review format had been agreed upon earlier.

Thank you!

Bryan

From: Julian Ackert <jackert@idsinc.com>

Sent: Friday, February 18, 2022 1:33 PM

To: Bryan Neumeister <bryan@usaforensic.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>; Matt Erickson <matt@usaforensic.com>; Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; mdailey@grsm.com; Adam Nadelhaft <anadelhaft@cbcblaw.com>; brottenborn@woodsrogers.com; David Murphy <DMurphy@cbcblaw.com>; Presiado, Leo J. <LPresiado@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Young, Craig B. <Craig.Young@kutakrock.com>

Subject: Re: Depp v. Heard: Next round of images for Mr. Young

Thanks Bryan. I understand that Mr. Young is also having a hard time using Cellebrite reader, and has lost some of his work due to Cellebrite reader crashing during his review process. As the requirement to use Cellebrite reader for his review is at your direction, can you please discuss that requirement with Depp's legal team to see if there are ways in which Mr. Young's review endeavor can be more streamlined? IDS originally suggested a review protocol that did not use Cellebrite reader and would be amenable to hearing other review workflow suggestions

Julian

Julian Ackert, GCFE
Managing Director

Direct: +1.703.624.3832 | jackert@idsinc.com

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iDSinc.com

From: Bryan Neumeister <bryan@usaforensic.com>

Date: Friday, February 18, 2022 at 12:12 PM

To: Julian Ackert <jackert@idsinc.com>

Cc: Calnan, Stephanie <SCalnan@brownrudnick.com>, Matt Erickson <matt@usaforensic.com>, Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>, mdailey@grsm.com <mdailey@grsm.com>, Adam Nadelhaft <anadelhaft@cbcblaw.com>, brottenborn@woodsrogers.com <brottenborn@woodsrogers.com>, David Murphy

From: David Murphy
To: Calnan, Stephanie; Chew, Benjamin G.; Vasquez, Camille M.; Moniz, Samuel A.; Crawford, Andrew C.; Meyers, Jessica N.
Cc: Elaine Bredehoft; Adam Nadelhaft; Clarissa Pintado; Rottenborn, Ben; Treece, Joshua; Heather Colston; Michelle Bredehoft
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister
Date: Friday, March 25, 2022 10:21:47 AM

Stephanie,

Thank you for the confirmation that we will receive a full and complete Expert Disclosure from Mr. Neumeister on April 1. Mr. Ackert is available for deposition on April 7, and the deposition should begin at 10 AM EST.

Thank you,

David E. Murphy
 Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
 11260 Roger Bacon Drive, Suite 201
 Reston, Virginia 20190
 PH: (703) 318-6800
 FX: (703) 318-6808

From: Calnan, Stephanie <SCalnan@brownrudnick.com>
Sent: Tuesday, March 22, 2022 7:28 PM
To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

David,

We disagree with the positions you have set forth below and your characterization of what has occurred with respect to the forensic imaging and analysis. However, we see no reason to argue about that here. We have set forth our position in our Motion for Sanctions filed today.

Mr. Neumeister can be available for a deposition on April 5th or 6th. Please also let us know when Mr. Ackert can be available for a deposition. We will supplement Mr. Neumeister's designation by April 1, 2022.

Best,
Stephanie

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Tuesday, March 22, 2022 10:36 AM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

CAUTION: External E-mail. Use caution accessing links or attachments.

Stephanie,

Your email is disappointing for a number of reasons, and does not even answer the one critical inquiry. First, as you know Mr. Depp already unsuccessfully tried to argue that Ms. Heard failed to timely comply with the relevant Order. As fully briefed and argued by Ms. Heard, it was *Mr. Depp's* counsel who repeatedly ignored Ms. Heard's communications (which Mr. Depp's counsel continues to do on this very email chain) to get her devices imaged per that Court Order. Followed by *Mr. Depp's Expert* ignoring communications and attempts to schedule the imaging, while complaining how busy he was and only being available during very limited times on specific dates which were accommodated. *Mr. Depp's Expert* then demanded the use of specific hardware by Mr. Young, but simultaneously refused to provide such hardware for Craig Young's use. The Court then agreed by denying Mr. Depp's Motion on this exact issue on March 4, which I

argued. Perhaps this is why your email refers to when Mr. Depp received photographs, because you know and the Court agreed none of this can be blamed on Ms. Heard.

Second, this is the first I am hearing of any “technical glitches,” but this is due to choices made by Mr. Depp. At that same March 4 hearing, based on *Mr. Depp’s demands* the Court changed the data exchange process to Craig Young himself making two copies of his reviewed data onto two USBs, and sending those to each party’s expert. Previously, Ms. Heard’s expert received the data and then within 24 hours sent an exact duplicate to Mr. Depp’s expert, and the process was seamless. So once again, this new delay was due to choices and demands made by Mr. Depp, and your implication that this was an error tied to Ms. Heard is again misplaced projection.

Third, you indisputably represented below that Mr. Neumeister would identify a date certain to produce a Supplemental Expert Report by March 18, and then failed to do so. Trial begins in less than 3 weeks, and Mr. Depp’s position that he “hopes to” have a date certain is not workable at this late stage. Following Mr. Neumeister’s production, Mr. Ackert will need time to prepare his Opposition Report, and we will need time to review both before deposing each expert. We are running out of time.

Therefore, please either confirm or deny by 5 PM today that Mr. Neumeister will: 1) Produce a full and complete Supplemental Expert Disclosure by 5 PM on Thursday, March 31; and **2)** Mr. Neumeister will appear for deposition by Zoom at 10 AM Eastern on either April 5 or April 6 for up to 7 hours. If Mr. Depp does not timely respond or refuses to respond with a clear position on these two requests, Ms. Heard will proceed accordingly.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: Calnan, Stephanie <SCalnan@brownrudnick.com>

Sent: Monday, March 21, 2022 10:15 PM

To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>

Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

David,

As you know, we are still receiving a large volume of photographs, all of which were substantially delayed as a result of Ms. Heard's failure to timely comply with the relevant Order (the first tranche of photos not being received until March 2, several months late and on the eve of trial). Mr. Neumeister is now receiving many thousands of photographs – 58,000 and counting – many of which are outside the scope of the Court's Order, and is not yet in a position to provide a report. Setting aside the delays, there also seem to be some technical glitches. This past Saturday, Mr. Neumeister received a drive that had zero images on it. Moreover, several iTunes backups have still not even been processed.

We hope to have a date certain by which a supplemental report will be provided. We are amenable to continuing Mr. Ackert by mutual agreement beyond the expert cutoff, and will therefore plan not to proceed on Wednesday. However, we reject any suggestion that you are entitled to require that Mr. Neumeister be deposed before Mr. Ackert.

Best,
Stephanie

brownrudnick

Stephanie Calnan

T: 617-856-8149

From: David Murphy <DMurphy@cbcblaw.com>

Sent: Monday, March 21, 2022 1:03 PM

To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston

<hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

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Stephanie,

I am following up on these matters once again. With Mr. Ackert's pending deposition and trial quickly approaching, Mr. Depp ignoring these issues and refusing to respond is inappropriate and highly prejudicial to Ms. Heard. Especially when Mr. Depp committed to identifying by March 18 the date when Mr. Neumeister will produce a Supplemental Expert Disclosure, then failed to do so.

Please identify Mr. Depp's position on these matters ASAP.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: David Murphy
Sent: Saturday, March 19, 2022 8:19 AM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Stephanie,

As the below emails reflect, Mr. Depp committed to identifying a date certain for the production of a full and complete Supplemental Expert Disclosure from Mr. Neumeister by yesterday. But we received no further response from Mr. Depp. Please respond by providing this agreed information by Sunday, March 20.

Thank you,

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: David Murphy
Sent: Thursday, March 17, 2022 11:35 AM
To: Calnan, Stephanie <SCalnan@brownrudnick.com>; Chew, Benjamin G. <BCChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Stephanie,

Thank you for your response. This email confirms the parties' agreement that tomorrow's noticed deposition of Mr. Neumeister is being continued, and we will serve an Amended Notice once we have a new date for his deposition following the date he will serve the Supplemental Expert Disclosure. We also think it makes sense to continue the deposition of Mr. Ackert for the same reasons, but defer to Mr. Depp.

We look forward to receiving a date certain when Mr. Neumeister will serve a Supplemental Expert Disclosure by COB tomorrow, followed by providing Mr.

Neumeister's available dates for deposition.

Thank you for working with us on this issue.

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: Calnan, Stephanie <SCalnan@brownrudnick.com>
Sent: Wednesday, March 16, 2022 5:05 PM
To: David Murphy <DMurphy@cbcblaw.com>; Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <broddenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

David,

We are amenable to moving the deposition of Mr. Neumeister. We will get back to you later this week with an ETA on a supplemental report from Mr. Neumeister.

Best,
Stephanie

brownrudnick

Stephanie Calnan
T: 617-856-8149

From: David Murphy <DMurphy@cbcblaw.com>
Sent: Wednesday, March 16, 2022 4:21 PM
To: Chew, Benjamin G. <BCheW@brownrudnick.com>; Vasquez, Camille M.

<CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>

Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: RE: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

CAUTION: External E-mail. Use caution accessing links or attachments.

Ben et. al.,

We have not received any response to this inquiry, and urge you to work with us by providing the requested information. But if Mr. Depp continues to refuse to respond, Ms. Heard will proceed accordingly and reserves all rights.

David E. Murphy
Charlson Bredehoft Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

From: David Murphy
Sent: Tuesday, March 15, 2022 12:18 PM
To: Chew, Benjamin G. <BChew@brownrudnick.com>; Vasquez, Camille M. <CVasquez@brownrudnick.com>; Moniz, Samuel A. <SMoniz@brownrudnick.com>; Crawford, Andrew C. <ACrawford@brownrudnick.com>; Calnan, Stephanie <SCalnan@brownrudnick.com>; Meyers, Jessica N. <JMeyers@brownrudnick.com>
Cc: Elaine Bredehoft <ebredehoft@charlsonbredehoft.com>; Adam Nadelhaft <anadelhaft@cbcblaw.com>; Clarissa Pintado <cpintado@cbcblaw.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Treece, Joshua <jtreece@woodsrogers.com>; Heather Colston <hcolston@charlsonbredehoft.com>; Michelle Bredehoft <mbredehoft@charlsonbredehoft.com>
Subject: Depp v. Heard- Supplemental Expert Disclosure & Deposition of Mr. Neumeister

Ben et al.,

We are writing regarding the status of Bryan Neumeister producing a Supplemental Expert Disclosure. Please identify a date certain when Mr. Depp will agree to produce a Supplemental and complete Expert Disclosure for Mr. Neumeister. As you know, Ms.

Heard is entitled to a full and complete disclosure of Mr. Neumeister's opinions in advance of both deposition and trial.

Additionally, as you also know Mr. Neumeister's deposition is currently noticed for March 18. But since Mr. Neumeister has not produced any Supplemental Expert Disclosure, it does not make sense to proceed on March 18 as Ms. Heard will have no choice but to hold the deposition open and bring Mr. Neumeister back for further testimony following receipt of his Supplement and sufficient time to review it. Therefore, in an attempt to resolve this issue, Ms. Heard proposes that both parties stipulate and agree to re-schedule the deposition of Mr. Neumeister either the week of March 28-April 1 or April 4-8, depending on the date certain when Mr. Neumeister is committing to produce his Supplement.

Please respond by 12 PM tomorrow with: 1) A date certain when Mr. Neumeister will disclose all opinions through a Supplement; 2) Mr. Depp's position on Ms. Heard's request to re-schedule by agreement Mr. Neumeister's deposition for March 28-April 1 or April 4-8; and 3) If Mr. Depp is agreeing, Mr. Neumeister's available dates for deposition during that time-frame. If Mr. Depp refuses or does not respond, Ms. Heard is prepared to proceed with the deposition as noticed for March 18, and reserves all rights to hold the deposition open to fully examine Mr. Neumeister on all opinions disclosed after March 18 and/or to move to strike later-asserted opinions, along with seeking fees and costs for having to re-depose Mr. Neumeister.

Thank you for your consideration,

David E. Murphy
Charlson Bredehoff Cohen Brown & Nadelhaft, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, Virginia 20190
PH: (703) 318-6800
FX: (703) 318-6808

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT'S
SECOND SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard ("Ms. Heard") hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

**Dawn M. Hughes, Ph.D., ABPP
Clinical and Forensic Psychologist
274 Madison Avenue, Suite 604
New York, New York 10016
(212) 481-7044 Telephone
(212) 481-7045 Facsimile
hughes@drdawnhughes.com**

Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as "Johnny Depp"), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he "never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard's Counterclaim and Ms. Heard's defenses.

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but also may be motivated by wanting to remain in the relationship, where they view themselves as being dominant.

Dr. Spiegel is expected to testify that in his review of the record materials and in speaking with Ms. Heard, Mr. Depp exhibited all these warning signs in his relationship with Ms. Heard.

All of Dr. Spiegel's opinions are within a reasonable degree of psychiatry and behavioral sciences and professional probability and/or certainty. Dr. Spiegel may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider any further discovery and documentation or facts which become available to him.

Julian Ackert

**Managing Director
iDiscovery Solutions, Inc.
3000 K St. NW, Suite 330
Washington, D.C. 20007
(202) 249-7865
jackert@idsinc.com**

Expertise and Qualifications

Mr. Ackert's C.V. is attached as **Att. 8**, which details Mr. Ackert's professional experience and all articles and testimony he has completed over the last ten years. Mr. Ackert is a Managing Director at iDiscovery Solutions, Inc. ("IDS"), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community. Mr. Ackert has a Bachelor of Science degree in Computer Science from the University of Virginia and has over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. Specifically, Mr. Ackert has extensive experience creating and implementing preservation, collection, and production

strategies and performing digital forensics and metadata analysis on electronically stored information (“ESI”), and has performed preservation, collection, analysis, and production of ESI in hundreds of matters.

Summary of Engagement

Mr. Ackert has been retained by the Defendant and Counter-claimant Amber Heard (“Ms. Heard”) through her counsel in this matter to provide digital forensic preservation and analysis services and electronic discovery consulting, search, and production services. Specifically, Mr. Ackert has preserved, analyzed, and/or produced digital evidence in the possession, custody, and control of Ms. Heard and has analyzed digital evidence and the very limited metadata that has been produced by Mr. Depp.

Sources Consulted

In conjunction with the rendering of his opinions in this litigation, Mr. Ackert has reviewed certain case pleadings and motions, certain deposition testimony transcripts, the digital evidence and metadata, both metadata included in accompanying production load files as well as metadata embedded within the digital evidence, produced in discovery by Ms. Heard, and digital evidence and the very limited metadata, both metadata included in accompanying production load files as well as metadata embedded within the digital evidence, produced by Mr. Depp, including but not limited to the documents referenced by BATES number in this disclosure.

Summary of Mr. Ackert’s Opinions

Mr. Ackert is expected to testify on the authenticity of the digital evidence produced in discovery by Ms. Heard, including but not limited to pictures, videos, recordings, emails, and text/chat messages. Specifically, Mr. Ackert will opine on the metadata for the digital evidence produced by Ms. Heard, that the digital evidence produced by Ms. Heard has not been altered in

any manner prior to production, and that there is no evidence suggesting manipulation of digital evidence using anti-forensic software that could obfuscate detection of altering digital evidence prior to production. Because discovery is not complete and Mr. Depp's forensic discovery expert Mr. Neumeister has not produced any opinions regarding the authenticity of the digital evidence produced by Ms. Heard as of the date of this disclosure, the scope of Mr. Ackert's testimony will include the totality of digital evidence produced by Ms. Heard and opinions in response to any currently undisclosed opinions of Mr. Neumeister, not just what has been produced as of this expert disclosure date. Mr. Ackert will supplement within a reasonable period of time after Mr. Neumeister concludes his review and provides his opinions and bases for his opinions under the Rules.

Mr. Ackert is also expected to testify on the production of Mr. Depp's digital evidence, including but not limited to audio files and pictures. **Specifically, for certain pictures produced by Mr. Depp, including but not limited to DEPP00007303, DEPP00009916, DEPP00009934, DEPP00009943, DEPP00009944, DEPP00009945, and DEPP00034903** Mr. Ackert has identified instances where the embedded date metadata, such as creation and modification date metadata, is either missing or is dated significantly after the alleged date of the incident depicted in the picture. Mr. Ackert will testify that missing creation dates and/or modification dates that post-date the facts can be a sign of digital evidence manipulation. **For certain audio files produced, including but not limited to, DEPP00009046 and DEPP00009047,** Mr. Ackert has identified embedded date modified metadata that post-dates embedded date creation metadata, indicating that the content of the audio file produced was somehow modified after it was created and before it was produced to Ms. Heard in discovery.

The specific metadata issues for the BATES numbers referenced above are as follows:

- DEPP00007303, DEPP00009916, DEPP00009934, DEPP00009943, DEPP00009944, and DEPP00009945. There is no embedded date metadata for these photographs, and the accompanying production load file did not provide any metadata that could authenticate these photographs. The lack of metadata indicates that the photographs may have been altered after they were taken.
- DEPP00034908. The embedded date metadata for this photograph indicates a date of July 2017, which is significantly after the date of the alleged incident. The accompanying production load file did not provide any metadata that could authenticate this photograph. This lack of authenticating metadata indicates that the photograph may have been altered after it was taken.
- DEPP00009046 and DEPP00009047. The embedded date modification dates of these recordings is June 2016, indicating that there was some modification to this evidence between the time they were created in September 2015 and the modification date of June 2016.

Mr. Ackert has identified issues with the metadata included in the accompanying production load files for the evidence produced by Mr. Depp in the chart below and is currently working on an analysis of the available embedded metadata of this produced evidence. Mr. Ackert will supplement within a reasonable period of time his opinions related to this evidence produced by Mr. Depp.

All of these opinions are provided to within a reasonable degree of probability or certainty in this field of digital forensics analysis and electronic discovery services.

Evidence with metadata issues in production load files

DEPP00008254	DEPP00008300	DEPP00008439	DEPP00009160	DEPP00009923	DEPP00010346	DEPP00018187
DEPP00008255	DEPP00008301	DEPP00008440	DEPP00009161	DEPP00009924	DEPP00010514	DEPP00018188
DEPP00008256	DEPP00008302	DEPP00008441	DEPP00009162	DEPP00009925	DEPP00010588	DEPP00018189
DEPP00008257	DEPP00008303	DEPP00008442	DEPP00009163	DEPP00009926	DEPP00010777	DEPP00018190
DEPP00008258	DEPP00008304	DEPP00008443	DEPP00009164	DEPP00009927	DEPP00010921	DEPP00018191
DEPP00008261	DEPP00008305	DEPP00008444	DEPP00009165	DEPP00009928	DEPP00010948	DEPP00018192
DEPP00008262	DEPP00008306	DEPP00008454	DEPP00009166	DEPP00009929	DEPP00012977	DEPP00018193
DEPP00008263	DEPP00008307	DEPP00009043	DEPP00009167	DEPP00009930	DEPP00012978	DEPP00018194
DEPP00008264	DEPP00008308	DEPP00009044	DEPP00009168	DEPP00009931	DEPP00012979	DEPP00018195
DEPP00008265	DEPP00008309	DEPP00009045	DEPP00009169	DEPP00009932	DEPP00012980	DEPP00018196
DEPP00008266	DEPP00008310	DEPP00009049	DEPP00009170	DEPP00009933	DEPP00012981	DEPP00018210
DEPP00008267	DEPP00008355	DEPP00009050	DEPP00009171	DEPP00009935	DEPP00012982	DEPP00018224
DEPP00008268	DEPP00008382	DEPP00009051	DEPP00009172	DEPP00009936	DEPP00012983	DEPP00018225
DEPP00008269	DEPP00008383	DEPP00009052	DEPP00009173	DEPP00009937	DEPP00014146	DEPP00018226
DEPP00008270	DEPP00008428	DEPP00009053	DEPP00009174	DEPP00009938	DEPP00014147	DEPP00018227
DEPP00008271	DEPP00008429	DEPP00009054	DEPP00009175	DEPP00009939	DEPP00014148	DEPP00018228
DEPP00008272	DEPP00008430	DEPP00009055	DEPP00009176	DEPP00009940	DEPP00014149	DEPP00018229
DEPP00008273	DEPP00008431	DEPP00009056	DEPP00009177	DEPP00009941	DEPP00017813	DEPP00018230
DEPP00008274	DEPP00008432	DEPP00009057	DEPP00009178	DEPP00009942	DEPP00017814	DEPP00018231
DEPP00008275	DEPP00008433	DEPP00009058	DEPP00009179	DEPP00009946	DEPP00018181	DEPP00018300
DEPP00008276	DEPP00008434	DEPP00009059	DEPP00009180	DEPP00010149	DEPP00018182	DEPP00018301
DEPP00008277	DEPP00008435	DEPP00009060	DEPP00009181	DEPP00010150	DEPP00018183	DEPP00007520
DEPP00008278	DEPP00008436	DEPP00009064	DEPP00009182	DEPP00010151	DEPP00018184	
DEPP00008296	DEPP00008437	DEPP00009143	DEPP00009183	DEPP00010344	DEPP00018185	
DEPP00008299	DEPP00008438	DEPP00009145	DEPP00009184	DEPP00010345	DEPP00018186	

**Michelle A. Jorden, M.D.,
Forensic Pathologist,
850 Thornton Way
San Jose, CA 95128**

Dr. Jorden is a forensic pathologist who is both: (1) Chief Medical Examiner and Neuropathologist, Office of the Medical Examiner-Coroner, Santa Clara County, San Jose, California, and (2) Clinical Associate Professor (Affiliated) of Stanford School of Medicine, Department of Pathology at Stanford University. She also serves in the following positions and committees: (a) Domestic Violence Review Team of Santa Clara County Member; (b) Chair, Child Death Review Team; (c) Child Abuse Prevention Council Member; (d) Trauma Executive Committee Member, Santa Clara County; (e) National Association of Medical Examiners EPP- Forensic Fellow In-Service Exam Committee Member, American Society of Clinical Pathology; (f) National Association of Medical Examiners Ad Hoc Organ and Tissue

February 10, 2022



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*Counsel to Defendant and Counterclaim
Plaintiff Amber Laura Heard*

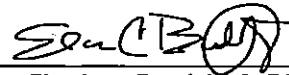
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 10th day of February, 2022, by email, by agreement of the parties, addressed as follows:

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*Counsel for Plaintiff/Counterclaim
Defendant John C. Depp, II*



Elaine Charlson Bredehoft (VSB No. 23766)

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

Transcript of Amy Banks, M.D.

1 (1 to 4)

Conducted on February 7, 2022

<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 4 ----- x 5 JOHN C. DEPP, II, : 6 Plaintiff, : Case No. 7 v. : CL-2019-0002911 8 AMBER LAURA HEARD, : 9 Defendant. : 10 ----- x 11 THIS TRANSCRIPT HAS BEEN MARKED CONFIDENTIAL 12 PURSUANT TO THE PROTECTIVE ORDER 13 ***** 14 Deposition of AMY BANKS, M.D. 15 Conducted Remotely via Zoom 16 Monday, February 7, 2022 17 9:35 a.m. 18 19 20 Job No.: 430536 21 Pages: 1 - 89 22 Reported By: AMY L. STRYKER, CCR</p>	<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF PLAINTIFF JOHN C. DEPP, II: 4 ANDREW C. CRAWFORD, ESQ. 5 BENJAMIN G. CHEW, ESQ. 6 BROWN RUDNICK LLP 7 601 Thirteenth Street, NW 8 Suite 600 9 Washington, D.C. 20005 10 (202) 536-1785 11 and 12 CAMILLE M. VASQUEZ, ESQ. 13 SAMUEL A. MONIZ, ESQ. 14 BROWN RUDNICK LLP 15 2211 Michelson Drive 16 Irvine, California 92612 17 (949) 752-7100 18 19 20 21 22</p>
<p>1 Deposition of AMY BANKS, M.D., conducted 2 remotely. 3 4 5 Pursuant to subpoena, before AMY L. 6 STRYKER, Certified Court Reporter and Notary 7 Public of the State of Maryland. 8 9 10 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 3 ON BEHALF OF DEFENDANT AMBER LAURA HEARD: 4 ADAM S. NADELHAFT, ESQ. 5 CLARISSA K. PINTADO, ESQ. 6 CHARLSON BREDEHOFT COHEN & BROWN, P.C. 7 11260 Roger Bacon Drive, Suite 201 8 Reston, Virginia 20190 9 (703) 318-6800 10 11 ON BEHALF OF THE WITNESS: 12 J. PETER KELLEY, ESQ. 13 BRUCE & KELLEY, P.C. 14 20 Mall Road, Suite 225 15 Burlington, Massachusetts 01803 16 (781) 262-0690 17 18 ALSO PRESENT: 19 JOHN C. DEPP, II 20 DR. SHANNON CURRY, PsyD, HSCP 21 LUCIEN NEWELL, AV Technician 22 KIMBERLY JOHNSON, Videographer</p>

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

Transcript of Amy Banks, M.D.

3 (9 to 12)

Conducted on February 7, 2022

<p>9</p> <p>1 it a different way for you to understand it. Does 2 that make sense? 3 A It does. 4 Q If you respond, it will be assumed that 5 you heard me and understood me. Does that make 6 sense? 7 A It does. 8 Q And as you're doing now, you're giving 9 verbal answers. If you can, continue to try to do 10 that throughout the deposition rather than giving 11 "uh-huh" or "uh-uh"s so that we know what you 12 mean. Does that make sense? 13 A Yes. 14 Q And I'll give you a break at any time you 15 need it. I'm hoping this deposition won't be too 16 long, but if you ever need a break, just let me 17 know. I'd only ask that you answer the question 18 if one is pending, and then we'll give you a 19 break. Does that make sense? 20 A Yes. 21 Q Okay. Have you ever been -- have you ever 22 been deposed in any cases involving Johnny Depp?</p>	<p>11</p> <p>1 MR. KELLEY: Thank you. 2 MR. NADELHAFT: Yeah. And I think, given 3 that this is going to probably hit on some medical 4 care, we'll make this deposition transcript 5 confidential for now, so... 6 Okay. Anything else, Peter? 7 MR. KELLEY: No. 8 MR. NADELHAFT: Okay. 9 BY MR. NADELHAFT: 10 Q Dr. Banks, I just want to go into some 11 basic background. You graduated magna cum laude 12 from Tufts University; is that right? 13 A Yes. 14 Q And you -- you've earned a medical degree; 15 is that right? 16 A Yes. 17 Q And where did you earn your medical 18 degree? 19 A Georgetown University. 20 Q Okay. And you're a psychiatrist, correct? 21 A I am, yes. 22 Q After Georgetown University, did you</p>
<p>10</p> <p>1 A No. 2 Q Ever been deposed in any cases involving 3 Amber Heard? 4 A No. 5 Q I just want to have -- 6 MR. KELLEY: Adam, I don't want to 7 interrupt, but I will in this moment. 8 MR. NADELHAFT: Sure. 9 MR. KELLEY: Any stipulations that the 10 parties, you folks, are agreeing to or not 11 agreeing to? And if not, I'd just add for the 12 record the request for Dr. Banks to have 45 days 13 to review and sign off on the deposition 14 transcript. 15 MR. NADELHAFT: Okay. That's probably 16 okay. And we can talk with Mr. Depp's counsel. I 17 mean, we're going to have deposition designations 18 coming up I think in March. I guess we can do 19 designations, that if there were any changes, we 20 could probably amend those, so -- that seems okay. 21 I do want to fit it into her schedule. I 22 understand Dr. Banks' schedule.</p>	<p>12</p> <p>1 continue your psychiatric training? 2 A I did. 3 Q Where was that? 4 A Harvard Medical School, Mass Mental Health 5 Center. 6 Q How long have you been a psychiatrist? 7 A About 28 years. 8 Q This -- you might imagine I got some of 9 this off your website. You're a founding scholar 10 at the International Center for Growth in 11 Connection. 12 A Yes. 13 Q What is that? 14 A That is a -- I would call it a 15 psychological kind of social justice think tank 16 that works to kind of shift people's notion of 17 healthy growth and development towards one that 18 focuses on relationships. 19 Q As of -- what does it mean that you're a 20 founding scholar of that group? 21 A It means I was one of the core group of 22 people that founded that organization</p>

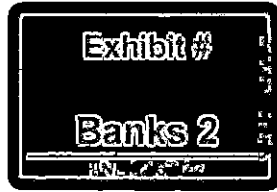
CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

Transcript of Amy Banks, M.D.

22 (85 to 88)

Conducted on February 7, 2022

85	<p>1 a consultee's own self-report?</p> <p>2 MR. NADELHAFT: Objection; form,</p> <p>3 foundation.</p> <p>4 THE WITNESS: I -- you have to tease that</p> <p>5 one out a little bit. I don't know how to -- I</p> <p>6 don't know what you're asking.</p> <p>7 Q So Ms. Heard -- you said Ms. Heard told</p> <p>8 you that Mr. Depp initiated the violence, correct?</p> <p>9 A Correct.</p> <p>10 Q And my question is: Isn't it true that</p> <p>11 you cannot be certain that Mr. Depp initiated the</p> <p>12 violence just based on Ms. Heard's statement?</p> <p>13 MR. NADELHAFT: Objection; form,</p> <p>14 foundation.</p> <p>15 THE WITNESS: Is -- is that true? I --</p> <p>16 what I can tell you without a doubt is that Amber</p> <p>17 Heard told me that Johnny Depp was involved in</p> <p>18 violence with her when he was using substances</p> <p>19 particularly, that she would fight back. And</p> <p>20 those statements were made, also, in front of</p> <p>21 Mr. Depp without anybody contradicting them.</p> <p>22 Q So Ms. Heard made those statements in the</p>	87	<p>1 Dr. Banks, just a couple of questions.</p> <p>2 EXAMINATION</p> <p>3 BY MR. NADELHAFT:</p> <p>4 Q In working with Amber and Mr. Depp, did</p> <p>5 you believe that Amber was telling the truth about</p> <p>6 the violence she received at the hands of</p> <p>7 Mr. Depp?</p> <p>8 A I did.</p> <p>9 Q In working with Amber Heard and Mr. Depp,</p> <p>10 was it your belief that Amber was a victim of</p> <p>11 domestic violence at the hands of Mr. Depp?</p> <p>12 A It was.</p> <p>13 MR. NADELHAFT: Okay. Thank you. Nothing</p> <p>14 further. We really appreciate your time.</p> <p>15 THE VIDEOGRAPHER: Off the record --</p> <p>16 MR. KELLEY: All set?</p> <p>17 THE VIDEOGRAPHER: Off the record at</p> <p>18 11:23.</p> <p>19 (Off the record at 11:23 a.m.)</p> <p>20</p> <p>21</p> <p>22</p>
86	<p>1 joint session with Mr. Depp?</p> <p>2 A In my recollection, yes, she did, that</p> <p>3 that was part of the conversation of how the</p> <p>4 relationship could not -- escalate at times, yes.</p> <p>5 Q Okay. You did not personally witness any</p> <p>6 violence between Mr. Depp and Ms. Heard, did you?</p> <p>7 A There was none when we were on the Skype</p> <p>8 calls, no.</p> <p>9 Q So you don't know for certain that there</p> <p>10 was any violence in Mr. Depp and Ms. Heard's</p> <p>11 relationship, correct?</p> <p>12 A What I know for certain is that it was</p> <p>13 reported to me by Ms. Heard in the presence of</p> <p>14 Johnny Depp, without contradiction.</p> <p>15 Q You testified previously, though, that you</p> <p>16 don't recall if Mr. Depp admitted to hitting</p> <p>17 Ms. Heard, correct?</p> <p>18 A I do not recall that.</p> <p>19 MR. CRAWFORD: Nothing further on my end.</p> <p>20 Thank you, Dr. Banks. I appreciate it.</p> <p>21 THE WITNESS: You're welcome.</p> <p>22 MR. NADELHAFT: Okay.</p>	88	<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, AMY BANKS, M.D., do hereby acknowledge</p> <p>3 that I have read and examined the foregoing</p> <p>4 testimony, and the same is a true, correct and</p> <p>5 complete transcription of the testimony given by</p> <p>6 me and any corrections appear on the attached</p> <p>7 Errata sheet signed by me.</p> <p>8</p> <p>9</p> <p>10</p> <hr/> <p>11 (DATE) (SIGNATURE)</p> <p>12</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>



4-Ways-2-Click
Relationship Consulting



Amy Banks MD

4/28/2015

Consultation Services billed at \$300/hour

Dates of service:

4/22/2015 – 1 hour with Amber Heard

4/24/2015 – 90 minutes with Amber Heard/Johnny Depp

4/27/2015 – 1 hour with Johnny Depp

Total Time = 3.5 hours

Total Billed: \$1050.00

Amy Banks MD

Checks can be sent to: Dr. Amy Banks
114 Waltham Street, Suite #17
Lexington, MA 02421

PHONE
781-674-0200

FAX
781-860-9592

WEB
Abanks14@gmail.com

4-Ways-2-Click
Relationship Consulting



Amy Banks MD

5/10/2015

Consultation Services billed at \$300/hour

Dates of service:

5/6/2015 –1 hour with AH

Total Time = 1 hour

Total Billed: \$300.00

Amy Banks MD

Checks can be sent to: Dr. Amy Banks

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CONFIDENTIAL

Banks0003



To: AH[arrowsarc@icloud.com]
From: Amy Banks[abanks14@gmail.com]
Sent: Sun 5/29/2016 2:01:33 AM (UTC)
Subject: thinking of you

Hi Amber - just caught something in the times about you and Johnny divorcing and a restraining order. I am hoping that you are safe and with friends...just wanted you to know I am thinking of you, knowing some of what you have gone through. Be well, Amy

--

Amy Banks MD
114 Waltham Street
Suite #17
Lexington, MA 02421
781-674-0200 (ph)
781-860-9592 (fax)

The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact me at abanks14@gmail.com. If the e-mail was sent to you in error but does not contain patient information, please contact the sender and properly dispose of the e-mail.

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ALH_00017548

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Transcript of Amber Laura Heard - Day 2

1 (342 to 345)

Conducted on January 13, 2022

<p style="text-align: center;">342</p> <p>1 VIRGINIA</p> <p>2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY</p> <p>3</p> <p>4 ----- x</p> <p>5 JOHN C. DEPP, II, :</p> <p>6 Plaintiff and :</p> <p>7 Counter-Defendant, : Civil Action No.</p> <p>8 v. : CL-2019-0002911</p> <p>9 AMBER LAURA HEARD, : Volume 2</p> <p>10 Defendant and :</p> <p>11 Counter-Plaintiff. :</p> <p>12 ----- x</p> <p>13</p> <p>14 CONFIDENTIAL</p> <p>15 Videotaped Deposition of AMBER LAURA HEARD</p> <p>16 Irvine, California</p> <p>17 Thursday, January 13, 2022</p> <p>18 9:41 a.m. PST</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Job No.: 421208</p> <p>23 Pages: 342 - 673</p> <p>24 Reported By: Rhonda Norberg, RPR</p> <p>25 CSR No. 9265, CCRR No. 185</p>	<p style="text-align: center;">344</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF AND COUNTER-DEFENDANT:</p> <p>4 BENJAMIN G. CHEW, ESQUIRE</p> <p>5 LEO PRESIADO, ESQUIRE</p> <p>6 CAMILLE VASQUEZ, ESQUIRE</p> <p>7 JESSICA MEYERS, ESQUIRE</p> <p>8 SAMUEL MONIZ, ESQUIRE</p> <p>9 STEPHANIE CALNAN, ESQUIRE</p> <p>10 YARELYN MENA, ESQUIRE</p> <p>11 HONIEH UDENKA, ESQUIRE</p> <p>12 BROWN RUDNICK, LLP</p> <p>13 601 13th Street, NW</p> <p>14 Suite 600</p> <p>15 Washington, D.C. 20005</p> <p>16 202.536.1700</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">343</p> <p>1 CONFIDENTIAL Videotaped Deposition of</p> <p>2 AMBER LAURA HEARD, held at 2211 Michelson Drive, Seventh</p> <p>3 Floor, Irvine, California 92612.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 Pursuant to notice, before Rhonda Norberg,</p> <p>11 Certified Shorthand Reporter No. 9265, CCRR No. 185</p> <p>12 in and for the State of California.</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> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">345</p> <p>1 A P P E A R A N C E S C O N T I N U E D</p> <p>2 ON BEHALF OF THE DEFENDANT AND COUNTER-PLAINTIFF:</p> <p>3</p> <p>4 ELAINE CHARLSON BREDEHOFT, ESQUIRE</p> <p>5 BEN ROTTENBORN, ESQUIRE</p> <p>6 ADAM NADELHAFT, ESQUIRE</p> <p>7 CLARISSA PINTADO, ESQUIRE</p> <p>8 DAVID MURPHY, ESQUIRE</p> <p>9 CHARLSON BREDEHOFT COHEN & BROWN, PC</p> <p>10 11260 Roger Bacon Drive</p> <p>11 Suite 201</p> <p>12 Reston, Virginia 20190</p> <p>13 703.318.6800</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 JOHN C. DEPP II</p> <p>17 MICHELLE BREDEHOFT</p> <p>18 LUCIEN NEWELL - Videoconference Tech</p> <p>19 TALLAL DAHAR - Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">570</p> <p>1 disrespectful; I'm just saying she is your acting 2 coach, or has been -- 3 A Was. 4 Q Ms. Sexton was your acting coach and also 5 by your testimony, a dear friend, so she is one of 6 the people you told; is that fair? 7 A Yes. 8 Q When did you tell Ms. Sexton that you were 9 raped in Australia, allegedly by Mr. Depp? 10 A I don't recall. 11 Q Didn't you tell her the day that Ms. Sexton 12 was appointed to sit for a deposition in this case? 13 A I have no idea when she was subpoenaed. 14 Q But isn't that when you told her? 15 A I don't know -- I had no idea of the date 16 she was subpoenaed so I don't know if that's the 17 same day I told her. 18 Q Didn't you tell her at your home when your 19 lawyers came to your house to prep her for a 20 deposition in this case? 21 A I don't recall that that's why she was 22 there. I recall that she was there because she 23 lived abroad and it was on rare occasions that she 24 was in LA, and we very rarely get to spend one on 25 one time together in person. And there a was a</p>	<p style="text-align: right;">572</p> <p>1 A Dr. Carolyn Alexander. 2 Q And you told Dr. Carolyn Alexander? 3 A I don't know if I told her. I just 4 remember I started making it a habit to start 5 telling doctors that I was in that situation with. 6 I told another doctor in the UK that I saw as a 7 gynecologist but I can't remember their name. I 8 told -- oh -- I've seen a few, but I'm sure we can 9 get those names to you. 10 Q Yeah, I think we're going to need every 11 name of every doctor you've ever told about this 12 sexual assault in Australia. 13 A Okay. Of course. 14 Q So the Australia incident, you testified 15 that this all started because you and Mr. Depp were 16 having a disagreement about whether you should sign 17 a postnuptial agreement? 18 A I disagree. It wasn't -- 19 Q How? 20 A Pardon? 21 Q How do you disagree? 22 A What started the disagreement is he held up 23 a bag of MDMA right in front of me and he took a big 24 handful of pills and that kind of started it. 25 Q Do you have your first witness statement</p>
<p style="text-align: right;">571</p> <p>1 time -- a separate time in which the UK Sun 2 attorneys were conducting an interview of me, but I 3 don't know -- I don't -- I don't know if they were 4 there. I don't know how that timeline matches with 5 her. 6 Q Did you tell anyone else about the alleged 7 sexual assault in Australia other than your 8 attorneys and Ms. Sexton? 9 A I -- I -- I told doctors. 10 Q What doctors? 11 A I've told, obviously, Bonnie Jacobs. I 12 don't recall if I told -- I don't recall if I -- I 13 told Amy Banks. I really just don't remember Dr. -- 14 if I told Dr. Banks at some point after. I told 15 every gynecologist I've visited. 16 Q Who is your gynecologist now? 17 A I -- I just started going to a new one. I 18 don't remember her name but I'm sure we could find 19 it. I don't know it off the top of my head. 20 Q Who was your gynecologist before this 21 gynecologist? 22 A There -- -- I've had a couple. I was 23 actually just using my fertility doctor effectively 24 as my gynecologist. 25 Q Who is your fertility doctor?</p>	<p style="text-align: right;">573</p> <p>1 from the United Kingdom in front of you, Ms. Heard? 2 It was probably given to you yesterday. If not, we 3 have another copy. 4 A The first one? 5 Q Yeah. First -- this says "witness 6 statement Amber Heard"? 7 A Yeah. 8 Q Okay. If I could turn your attention, 9 Ms. Heard, to Page 23. 10 MS. VASQUEZ: If not, we have an extra 11 copy. 12 MR. CHEW: I've got one if you need one, 13 Elaine. I've got a unmarked one. 14 MS. BREDEHOFT: Thank you. Thank you very 15 much. 16 MS. VASQUEZ: Page 23, Elaine. 17 Q Ms. Heard, if I could just have you read to 18 yourself Paragraphs 99, 100, that would be helpful. 19 A Okay. 20 Q You would agree with me, Ms. Heard, that 21 you did argue in Australia about a prenuptial 22 agreement, correct? 23 A It was part of -- it was part of one part 24 of one of the arguments, but it wasn't -- as I said 25 before, wasn't what started it. It was the drugs</p>

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim-Defendant,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD,

Defendant and Counterclaim-Plaintiff.

Declaration of Julian Ackert

1. I am a Managing Director at iDiscovery Solutions, Inc. (“iDS”), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community.

2. I have over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. I have a Bachelor of Science degree in Computer Science from the University of Virginia. My curriculum vitae is attached here to as Exhibit A, which details my professional experience and all articles and testimony I have completed over the last ten years.

3. Specifically, I have extensive experience creating and implementing

preservation, collection, and production strategies and performing digital forensics and metadata analysis on electronically stored information (“ESI”). I have performed preservation, collection, analysis, and production of ESI in hundreds of matters.

4. This declaration is based on my personal knowledge, years of experience, training, education, and the information provided to date. The opinions provided herein are given to a reasonable degree of professional certainty.

5. My forensic analysis and testimony rate is \$525/hour and iDS is also being reimbursed for reasonable expenses and the cost of other employees working under my supervision. My opinions are not contingent on fees earned by iDS in this matter.

6. When I state “I,” “Myself,” or “iDS” I mean this work was done by me, or by people working at my direction and supervision within iDS.

7. iDS has been retained by Ms. Amber Laura Heard (“Ms. Heard”) through her counsel in this matter to provide digital forensic preservation and analysis services and electronic discovery consulting, search, and production services.

8. I have reviewed the declaration of Bryan Neumeister, dated March 22, 2022. In paragraph 10, Mr. Neumeister identifies two software programs – Cellebrite and Microsoft Excel. Cellebrite is software that is used to forensically image devices. Microsoft Excel is not forensic imaging software, and has never been used by iDS to forensically image any devices in this matter.

9. iDS has licenses for Cellebrite imaging software, and has been a licensed user of Cellebrite imaging software for over a decade. Mr. Neumeister and/or Mr. Erickson agreed to the software and supervised the imaging of the devices per Paragraph 4 of the November 8 Forensic Discovery Order, which included the devices that were imaged using Cellebrite

software in December 2021. The Inventory that was provided per Paragraph 10 of the Forensic Order also included information regarding the imaging software of devices imaged prior to my engagement on this case.

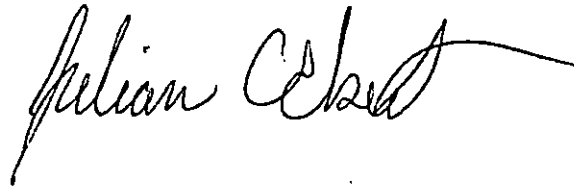
10. The extraction of relevant data, as defined in the Forensic Order, was completed under the supervision of Mr. Neumeister and/or Mr. Erickson using software that was agreed to by Mr. Neumeister. Mr. Neumeister and/or Mr. Erickson did not indicate that there was an issue with the software I used to image the devices at the time of imaging, nor did they indicate that there was an issue with the software I used to extract relevant data at the time of extraction. I received communications from Mr. Neumeister on or around February 24, 2022, and none of those communications, nor any communication I received from Mr. Neumeister since February 24, 2022, referenced any issues, allegations, or concerns regarding the use of any unlicensed Cellebrite software or any other software.

11. I understand that as of March 22, 2022, Mr. Neumeister has received over 58,000 images. To date, Mr. Neumeister has not identified *one single photograph* with specificity to support any of his statements, opinions, or allegations. Instead, Mr. Neumeister has only identified photographs generally. For example, in paragraph 14 he identifies twelve photographs that “visually look the same,” but does not identify any of these 14 photographs by evidence ID, hash value, or any other unique identifier. As such, I am unable to opine as to whether the unidentified photographs should or should not hash with one another, nor am I able to determine whether these photographs have been identified for bates stamp production and/or trial exhibits by counsel for Ms. Heard.

12. I reserve the right to supplement my findings if additional evidence or information is provided to me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28nd day of March 2022.

A handwritten signature in black ink, appearing to read "Julian Ackert", with a long horizontal flourish extending to the right.

Julian Ackert

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----X

JOHNNY C. DEPP, II,)

Plaintiff,)

-vs-) NO. CL-2019-0002911

AMBER LAURA HEARD,)

Defendant.)

-----X

Hearing

BEFORE THE HONORABLE BRUCE D. WHITE

Fairfax, Virginia

Friday, November 15, 2019

11:19 a.m.

Job No.: 273271

Pages: 1 - 29

Reported by: Theresa R. Hollister, CCR

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Hearing held at:

Fairfax County Circuit Court
4110 Chain Bridge Road
Courtroom 5H
Fairfax, Virginia 22030
(703) 691-7320

Pursuant to notice, before Theresa R.
Hollister, Certified Court Reporter and Notary
Public for the Commonwealth of Virginia.

1 Counsel also talked about pleadings. We
2 don't have a pleading from the defendant yet. We
3 have a series of serial declarations in which she
4 gives more and more information, one of which she
5 told the court she'd never been into Washington,
6 D.C. before. Well, that's contradicted by the
7 Washington Post, the same vehicle which published
8 her op-ed, that said she was up on Capitol Hill
9 talking about revenge porn, which is her new, which
10 is her new cause, alternative cause to this. But,
11 Your Honor, to get to the answer, so there has been
12 no pleadings. So there's not anything that she has
13 put at issue, other than her serial declarations.

14 Your Honor, the court should deny this
15 motion. Mr. Depp's current mental state has no
16 bearing on the truth or falsity of the incident
17 Ms. Heard described back in May of 2016 --
18 two-and-a-half years ago. For the truth of that, we
19 have the depositions of the two police officers who
20 came to the scene that were trained in domestic
21 abuse, who were called. And they both testified
22 under oath in the divorce proceeding, that they

1 examined both Mr. Depp and Ms. Heard. They
2 interviewed them both. They traded off male and
3 female. They found no signs of any injury on either
4 one of them. That's where we get the truth. And
5 we'll have the police officers. We've asked, we've
6 asked them to stipulate to that testimony, at which
7 Ms. Heard's counsel was present and cross-examined.
8 They haven't told us yet, we may have to subpoena
9 them, but we hope to use that testimony.

10 So that's what is relevant here. As the
11 court is well aware, to get the rather extraordinary
12 relief of an IME, not extraordinary in a personal
13 injury case, that's standard operating procedure,
14 but to get the extraordinary relief of an IME in a
15 defamation case, what Ms. Heard would have to
16 establish was, A, that Mr. Depp's mental condition
17 was in controversy. And, two, and this is the most
18 clear prong that they fail is that there is good
19 cause. Here Mr. Depp's mental and physical
20 condition is not sufficiently at issue and there is
21 certainly no good cause to do it. As to the former,
22 though, Mr. Depp does allege generically emotional

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----x

JOHN C. DEPP, II,	:	
Plaintiff,	:	Case No.
vs.	:	CL-2019-0002911
AMBER LAURA HEARD,	:	
Defendant.	:	

-----x

VIDEOTAPED DEPOSITION OF RACHAEL FROST
 CONDUCTED VIRTUALLY
 Wednesday, March 23, 2022

Stenographically Reported by:
 LORI STOKES
 RPR, CSR No. 12732
 Job No. 440455
 Pages 1-396

1	A	Yes, sir.	01:43:13
2	Q	I'm going to share my screen as well.	01:43:13
3	A	I refer to this as Hadden Exhibit 10.	01:43:16
4	Q	Okay. Fair enough. We've got the trial	01:43:30
5		exhibit number now at the bottom of it.	01:43:32
6	A	Okay.	01:43:35
7	Q	It's Defendant's Exhibit 756, at the	01:43:36
8		bottom of it now.	01:43:42
9		Let me ask you this. So I understand	01:43:44
10		there's certainly state law that governs domestic	01:43:46
11		violence handling by law enforcement. But then	01:43:49
12		there's procedures that are established within the	01:43:54
13		different localities.	01:43:59
14		Is that right?	01:44:00
15	A	That's correct.	01:44:02
16		Well, do you mean policies by	01:44:02
17		jurisdiction? Or are you talking about, like,	01:44:06
18		13700 that is related to state law?	01:44:09
19	Q	So 13700, right, would be state law that	01:44:13
20		applies to everyone, correct?	01:44:17
21	A	Yes, sir.	01:44:19
22	Q	And then 13700 and its following sections	01:44:19
23		specify that, you know, policies and procedures	01:44:26
24		have to be developed within the localities; is that	01:44:31
25		right?	01:44:34

1	A	Yes, sir, that's correct. So by the	01:44:35
2		jurisdiction or by the agency, specifically,	01:44:36
3	Q	Right. So Riverside had a duty to	01:44:39
4		establish its own policies and procedures, correct?	01:44:44
5	A	Correct.	01:44:48
6	Q	And those policies and procedures are	01:44:48
7		different from the LAPD's policies and procedures;	01:44:51
8		is that correct?	01:44:55
9	A	Yes. I mean, in general, they're the	01:44:56
10		same. But everybody has their nuances, yes.	01:44:58
11	Q	Right. Did you ever serve any patrol or	01:45:03
12		law enforcement function within the LAPD?	01:45:10
13	A	No, sir, I did not.	01:45:16
14	Q	And is your familiarity with LAPD	01:45:17
15		procedures something that you gained solely in	01:45:20
16		connection with this case?	01:45:23
17	A	To a degree. I mean, I've trained up in	01:45:30
18		Los Angeles, and I've trained from the Los Angeles	01:45:32
19		Police Department in the past in terms specifically	01:45:33
20		to internal affairs and uses of force.	01:45:37
21	Q	Is it fair to say that, with respect to	01:45:42
22		domestic violence policies and procedures of the	01:45:44
23		LAPD, your knowledge with respect to those came	01:45:44
24		solely in connection with this case?	01:45:47
25	A	Yes, sir.	01:45:50

1 violence because they're drunk, but I think that 02:13:27
2 it -- you know, it can make it worse. 02:13:30
3 Q And, I mean, it's specifically noted here 02:13:33
4 with case preparation and with respect to domestic 02:13:36
5 violence, correct? 02:13:40
6 A Correct. It's listed in, I believe, 02:13:42
7 13701 -- I don't remember the subsection -- of our 02:13:45
8 Penal Code, that we will determine about alcohol 02:13:49
9 consumption -- or 13730. 02:13:53
10 Q Because evidence of alcohol consumption 02:13:56
11 is a red flag when responding to a call for 02:13:58
12 domestic violence -- a call for service for 02:14:01
13 domestic violence; is that right? 02:14:03
14 MS. CALNAN: Objection. Misstates 02:14:04
15 testimony. And improper hypothetical. And outside 02:14:05
16 the scope of her opinion. 02:14:08
17 THE WITNESS: It can be. 02:14:11
18 BY MR. TREECE: 02:14:12
19 Q And, I mean, it's a red flag that it's in 02:14:12
20 this fairly concise summary for case preparation 02:14:19
21 for domestic violence; is that right? 02:14:23
22 MS. CALNAN: Objection. Lacks 02:14:25
23 foundation. Calls for speculation. 02:14:25
24 THE WITNESS: Well, again, I mean, I 02:14:28
25 think it's an issue, but it's required by state 02:14:30

1	Q	So your recollection is that they were on	02:49:26
2		the scene, from elevator entry to elevator exit,	02:49:28
3		for 19 minutes?	02:49:32
4	A	Correct, sir.	02:49:34
5	Q	All right. Do you see where it says	02:49:35
6		"Victim advised verbal"?	02:49:36
7	A	Yes, sir.	02:49:39
8	Q	You've read their testimony.	02:49:40
9		Who -- which officer was advised that it	02:49:42
10		was verbal?	02:49:45
11	A	So the majority of Ms. Heard's statements	02:49:46
12		were -- or her -- I refuse to provide a statement	02:49:49
13		was to Deputy Saenz. And then -- so for her to	02:49:55
14		speak to him, it was Deputy Saenz.	02:50:00
15	Q	So your recollection is that Deputy Saenz	02:50:03
16		testified that she indicated that she was told that	02:50:07
17		it was a verbal dispute?	02:50:12
18	A	I don't think those were her exact words.	02:50:13
19		I think we might want to have a discussion about	02:50:17
20		why deputies put this in on a regular basis into	02:50:20
21		their -- their CAD log or their incident recall.	02:50:24
22	Q	Please do. It sounded like you wanted to	02:50:28
23		explain that, so explain that.	02:50:31
24	A	If you wouldn't mind, I hope you don't	02:50:32
25		mind.	02:50:36

1 I just want to say this is normally what 02:50:36
2 deputies will say. And I think you'll note that 02:50:37
3 they included that in another domestic violence -- 02:50:40
4 alleged domestic violence during the evening in 02:50:42
5 their call log. 02:50:44

6 So Location, Victim advised verbal 02:50:45
7 dispute, Refused to give any further info, Issued 02:50:47
8 business card. That's just a short way of 02:50:52
9 addressing it. 02:50:54

10 I don't believe that Ms. Heard 02:50:56
11 specifically said it was verbal. I believe that 02:50:58
12 she said that she refused to provide any 02:51:00
13 information. 02:51:04

14 Q And the officers are putting that in 02:51:05
15 there as sort of a shorthand to basically say we're 02:51:08
16 closing this out? 02:51:13

17 MS. CALNAN: Objection. Calls for 02:51:15
18 speculation. Improper hypothetical. 02:51:17

19 THE WITNESS: So the officers can put 02:51:23
20 this in here, when they say "victim advised verbal" 02:51:25
21 to -- another way to say "Denied that any assault 02:51:26
22 occurred." 02:51:29

23 So that would be -- or didn't provide any 02:51:31
24 information about an assault, denied that an 02:51:33
25 assault occurred, we might put in "Victim advised 02:51:37

1 And I do remember it being ambiguous in 02:52:29
2 terms of what Office Saenz and Officer Hadden heard 02:52:33
3 or understood from Ms. Heard. 02:52:37
4 I know what Ms. Heard says that she 02:52:39
5 advised. And again, at times, it was ambiguous. 02:52:43
6 MR. TREECE: Okay. And -- 02:52:46
7 THE WITNESS: But the very specific thing 02:52:47
8 I remember her saying is that "I refuse to provide 02:52:48
9 any information, based on advice of counsel." 02:52:53
10 But in terms of Office Saenz and Officer 02:52:55
11 Hadden's recollection and Ms. Heard's recollection, 02:52:57
12 I don't remember specifically. I don't remember 02:53:00
13 the word "verbal" being used. 02:53:02
14 MR. TREECE: All right. And with that, 02:53:06
15 we'll take the break you requested. Let's go off 02:53:07
16 the record. 02:53:12
17 THE VIDEOGRAPHER: Off record. 2:53. 02:53:13
18 (Recess taken from 2:53 p.m. to 02:53:15
19 2:59 p.m.) 02:59:17
20 THE VIDEOGRAPHER: On record. 2:59. 02:59:18
21 BY MR. TREECE: 02:59:20
22 Q Ms. Frost, I want to direct your 02:59:20
23 attention to the second page of Defendant's Trial 02:59:23
24 Exhibit 730, Exhibit 3 to your deposition. 02:59:25
25 Do you recognize this document? 02:59:30

Transcript of Rachael Frost
Conducted on March 23, 2022

151

1 was the unit in question. I would have to look at 03:05:10
2 their assignment log, but I think that's them. 03:05:13
3 Because -- and it is because down here, 03:05:17
4 this is the text they obviously entered. And here 03:05:19
5 is where they arrived on scene. 03:05:22
6 Q And do you see where it says [reading]: 03:05:24
7 Related to previous incident verbal 03:05:27
8 argument only. 03:05:30
9 Do you see that? 03:05:31
10 A Yes. 03:05:32
11 Q And who communicated to Diener and Gatlin 03:05:32
12 that it was a verbal argument only? 03:05:39
13 MS. CALNAN: Objection. Calls for 03:05:43
14 speculation. 03:05:44
15 THE WITNESS: This may be -- and you 03:05:46
16 would have to look at specific to Diener and 03:05:48
17 Gatlin, because I don't know if anybody actually 03:05:50
18 asked them this question. But it doesn't 03:05:53
19 necessarily mean that anybody communicated to it. 03:05:55
20 They may have run the previous call for 03:05:57
21 service. And I do believe we have their logs in 03:06:00
22 there to determine if it was verbal only. Or if 03:06:03
23 they said, Everything is fine; no, he's not here. 03:06:05
24 That, to me, wouldn't be enough to write 03:06:09
25 "verbal argument only." But it could be that... 03:06:11

1 see and hear that video clearly? 03:10:57

2 A Yes. And I've watched it before. 03:10:59

3 Q All right. How long were the officers at 03:11:01

4 the scene? 03:11:02

5 A Very short period of time. 03:11:04

6 Q I believe that video was three minutes 03:11:07

7 and 38 seconds from the time they were on the 03:11:09

8 elevator to the time they left. 03:11:11

9 Does that sound correct? 03:11:13

10 A That's appropriate. That's an 03:11:16

11 appropriate estimation. 03:11:18

12 Q What did the officers do wrong? 03:11:19

13 MS. CALNAN: Objection. Argumentative. 03:11:22

14 THE WITNESS: So I stand by that once 03:11:31

15 they've determined that it's a duplicate call for 03:11:33

16 service, someone else has already handled this, 03:11:36

17 they're doing due diligence by walking inside, 03:11:39

18 making sure it's a duplicate call for service. 03:11:39

19 Like, let me make sure that this is actually 03:11:39

20 another separate call for service. 03:11:44

21 They don't let the man stop them at the 03:11:45

22 door. They don't let him just provide the business 03:11:47

23 card. They walk in. 03:11:51

24 She's there. She's got two people with 03:11:57

25 her. 03:12:01

1 Did they do the diligence of what a 03:16:56
2 reasonable officer would have done under those 03:16:58
3 circumstances? Yes, they did. There's always more 03:17:01
4 you can do to a case or to a call. 03:17:03
5 Q So in your training and experience, 03:17:06
6 they're not obligated to treat that call as a 03:17:08
7 separate call for service and investigate what 03:17:12
8 occurred? 03:17:17
9 A No, I don't believe so. 03:17:17
10 Q And did either of those officers attempt 03:17:23
11 to observe whether Ms. Heard had any physical 03:17:27
12 injuries? 03:17:32
13 MS. CALNAN: Objection. Vague and 03:17:33
14 ambiguous as to "these officers." 03:17:33
15 THE WITNESS: I do not believe they did, 03:17:36
16 no. 03:17:38
17 BY MR. TREECE: 03:17:39
18 Q And how far away would you estimate 03:17:39
19 Ms. Heard was from the officer that was recording? 03:17:43
20 A Easily 15 feet. 03:17:49
21 Q And you would agree with me that the 03:17:51
22 lighting was incredibly dim, correct? 03:17:53
23 A Yes, sir. 03:17:57
24 Q And you would agree with me that there's 03:17:58
25 no way that officer could have observed whether or 03:18:00

Transcript of Rachael Frost
Conducted on March 23, 2022

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1	not Ms. Heard, in fact, had physical injuries; is	03:18:03
2	that right?	03:18:06
3	MS. CALNAN: Objection. Argumentative.	03:18:06
4	MR. TREECE: Did you get the answer,	03:18:10
5	Lori?	03:18:12
6	THE WITNESS: I would agree. I mean, I	03:18:13
7	don't think that his intent was to observe whether	03:18:15
8	or not she had injuries.	03:18:18
9	BY MR. TREECE:	03:18:18
10	Q And you would agree with me that the	03:18:19
11	officers did nothing to observe the location for	03:18:20
12	property damage, evidence of alcohol use, or	03:18:24
13	disarray, correct?	03:18:34
14	MS. CALNAN: Objection. Compound. And	03:18:36
15	calls for speculation.	03:18:40
16	THE WITNESS: I did not see them do	03:18:42
17	anything like that, no.	03:18:43
18	BY MR. TREECE:	03:18:44
19	Q Because there were --	03:18:44
20	A So, yes, I would agree.	03:18:46
21	Q They were in and out in three minutes and	03:18:47
22	38 seconds max, correct?	03:18:49
23	A I agree.	03:18:52
24	Q And they relied on the individuals there	03:18:53
25	telling them that they presumed it was a duplicate	03:18:57

1 Q All right. Do you see where it says 03:24:56
2 "Verbal argument only"? 03:24:58

3 A Yes. And again, I think that's just 03:25:00
4 vernacular. And they could have pulled up -- I 03:25:03
5 appreciate that you're laughing, but there's 03:25:07
6 certain types of just shorthand that we use. 03:25:09

7 And they could have easily pulled up the 03:25:13
8 other call for service, looked at it, and said 03:25:16
9 "verbal argument only." 03:25:19

10 Did they -- if you're asking the 03:25:21
11 question, did they determine if there was a verbal 03:25:23
12 argument only? They individually did not determine 03:25:25
13 if there was a verbal argument only. 03:25:28

14 Q Right -- 03:25:30

15 A Other than it was a duplicate call for 03:25:31
16 service. 03:25:32

17 So if you're saying should they have 03:25:33
18 written "Duplicate call for service" instead of 03:25:35
19 "Verbal argument only," I would argue it's 03:25:37
20 semantics, but they could have done that. 03:25:40

21 Q Okay. So you think whether it's a verbal 03:25:44
22 argument or a physical argument, it's semantics 03:25:47
23 whether it's physical or verbal? 03:25:50

24 MS. CALNAN: Misstates testimony. 03:25:53
25 Objection. 03:25:55

1 THE WITNESS: Yes. I did see that. 04:10:12
2 But I don't think she said she didn't 04:10:14
3 think it was property damage. That wasn't her 04:10:16
4 statement. 04:10:19
5 BY THE COURT: 04:10:19
6 Q What was her statement? 04:10:19
7 A She was talking about -- 04:10:20
8 I'm so sorry. Continue. 04:10:21
9 Q I was going to ask you: What's your 04:10:23
10 recollection of her view of these photos? 04:10:26
11 A Recollection of those photos is that she 04:10:28
12 said, We go into a lot of different types of 04:10:31
13 houses, and that's not necessarily something that I 04:10:34
14 would have seen and immediately thought that it 04:10:36
15 was -- had something to do with this incident. 04:10:37
16 Now, I don't know which one of those 04:10:40
17 photos she actually may or may not have seen in her 04:10:42
18 presence as she walked through the apartment. 04:10:45
19 Because, in the end, her comment -- excuse me -- 04:10:47
20 her testimony, as was Officer Hadden's, was they 04:10:50
21 did not see that damage. 04:10:55
22 Q So -- 04:10:57
23 A And had they -- I would agree with your 04:10:57
24 expert, had they seen that, they would have to do 04:11:00
25 more than they did. 04:11:03

Transcript of Rachael Frost
Conducted on March 23, 2022

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1	I would disagree with Detective Maria	04:11:04
2	Sadanaga that if they saw property damage, it	04:11:09
3	wouldn't have anything to do with domestic	04:11:13
4	violence. Because that -- if someone had damaged	04:11:15
5	their own property, because that's actually a	04:11:15
6	crime.	04:11:19
7	People versus Wallace, since 2004, if you	04:11:19
8	damage joint property, that specifically is a	04:11:23
9	crime.	04:11:26
10	So if they had seen those things, they	04:11:26
11	would have had not just to write a report, but they	04:11:29
12	would have had more requirement to do than what	04:11:33
13	they've done. I completely agree with that.	04:11:36
14	But their statements are they did not see	04:11:38
15	it.	04:11:40
16	And the only other person who says that	04:11:41
17	he saw it is Josh Drew. Josh Drew's additional	04:11:43
18	statement is that he walked both sets of officers	04:11:47
19	through. He showed both officers damage.	04:11:51
20	We know, through body-worn video, that	04:11:54
21	that is not correct.	04:11:56
22	Q Okay.	04:11:56
23	A So I don't know -- again, I don't know if	04:11:56
24	he's not -- again, I'm not saying he's lying. I'm	04:11:59
25	saying he may be remembering it incorrectly.	04:12:02

1	and I would say also the basket on the floor. Had	05:29:18
2	I seen those three things, specifically, those were	05:29:21
3	things I would determine, okay, what happened here?	05:29:24
4	Because all the other things -- I've	05:29:27
5	certainly been in numerous houses, nice and not so	05:29:29
6	nice, where those things are present on a regular	05:29:34
7	basis. People have broken, damaged, ridiculous	05:29:34
8	stuff all over their house. And people have desks	05:29:39
9	in really nice places as well that look like that	05:29:42
10	all the time.	05:29:44
11	So I would need some context for that.	05:29:45
12	But I do agree that a wine bottle on the	05:29:48
13	floor and broken glass, those are two things that	05:29:51
14	if I'd walked through, I should have seen.	05:29:53
15	MR. TREECE: All right. I'm going to	05:30:04
16	show you what I've marked as Exhibit 7. If you'll	05:30:05
17	take a look at Exhibit 7, I'll also share a screen	05:30:07
18	here.	05:30:07
19	(Deposition Exhibit 7 was marked	05:30:08
20	for identification.)	05:30:08
21	BY MR. TREECE:	05:30:23
22	Q Are you able to see Exhibit 7?	05:30:23
23	A Yes.	05:30:29
24	Q Are you able to see Exhibit 7 that says	05:30:29
25	Defendant's Exhibit 731? That's the trial	05:30:31

1 find out if there's an additional problem, try to 05:40:48
2 get context to why she's crying. 05:40:52
3 But I think the fact that it's a -- you 05:40:56
4 know, we get calls so frequently from people who, 05:40:56
5 you know, don't have the true story or what 05:40:59
6 occurred. 05:41:02
7 So I'm not saying you discount that call 05:41:02
8 at all. I mean, that's the call that sets up you 05:41:04
9 coming there. 05:41:07
10 But you need more, once you get to the 05:41:07
11 call, than to assume, because she's crying, she's 05:41:12
12 in imminent fear -- or apprehension of fear. 05:41:12
13 Excuse me. 05:41:16
14 Q We talked about this earlier. 05:41:17
15 13701 deals with written policies and 05:41:20
16 standards that need to be developed, adopted, and 05:41:25
17 implemented by local law enforcement agencies, 05:41:30
18 correct? 05:41:34
19 A Yes, sir. 05:41:35
20 Q And those can vary among the agencies in 05:41:36
21 terms of what their policies and procedures are, 05:41:39
22 but they need to be consistent with state law; is 05:41:42
23 that right? 05:41:45
24 A Correct. They start with state law, and 05:41:46
25 then they can become more stringent, not less, for 05:41:48

1 a crime occurred? 05:54:27

2 A If everything Josh Drew says is true, and 05:54:28

3 we're talking about the property damage, I could 05:54:31

4 just stop right there on the property damage and 05:54:33

5 say a crime occurred if -- let me take that back. 05:54:35

6 If I knew the totality of everybody's 05:54:39

7 statements, I could determine a crime occurred. If 05:54:40

8 Josh Drew's statements only, I would need to do 05:54:45

9 further investigation to continue further. 05:54:49

10 Q But with the totality of everything and 05:54:51

11 crediting Josh Drew's testimony, you would agree 05:54:53

12 that a crime occurred with respect to property and 05:54:55

13 with respect to Ms. Heard, correct? 05:54:58

14 MS. CALNAN: Objection. Improper 05:55:01

15 hypothetical. 05:55:02

16 THE WITNESS: I would agree that I needed 05:55:05

17 to do further investigation to figure out 05:55:06

18 everything that happened. It would not stop at, 05:55:09

19 Here is a business card. 05:55:12

20 BY MR. TREECE: 05:55:13

21 Q Right. But, I mean, we've talked about 05:55:17

22 now you know the story about the phone -- strike 05:55:19

23 that. 05:55:21

24 We've talked about how now you know the 05:55:21

25 testimony about the phone being thrown like a 05:55:26

1 windup baseball pitcher at Amber's face, and then 05:55:30
2 we've looked at the injuries that are consistent 05:55:35
3 with a phone being thrown at her face, correct? 05:55:38
4 A I see what you're -- 05:55:42
5 MS. CALNAN: Objection. Lacks 05:55:43
6 foundation. And mischaracterizes evidence. 05:55:44
7 BY MR. TREECE: 05:55:46
8 Q Go ahead, Ms. Frost. 05:55:46
9 A I'm sorry. Can you -- I apologize. Can 05:55:50
10 you repeat the question. 05:55:51
11 Q Right. So now, with everything you've 05:55:53
12 seen and crediting Josh Drew's testimony, we now 05:55:55
13 know that a crime occurred as to property damage 05:56:00
14 and a crime occurred -- there was probable cause to 05:56:02
15 conclude that a crime occurred as to Ms. Heard with 05:56:06
16 respect to domestic violence? 05:56:09
17 MS. CALNAN: Objection. Improper 05:56:12
18 hypothetical. 05:56:14
19 THE WITNESS: Well, to all that, I have 05:56:15
20 to credit everybody's testimony. And I would want 05:56:17
21 to do an investigation on what happened here. 05:56:19
22 And, again, I'm not opining on whether a 05:56:22
23 crime occurred or not. I didn't -- I didn't do 05:56:27
24 enough on the metadata in terms of that. 05:56:30
25 But, I mean, if you're asking me if I 05:56:32

1 to make a statement to the police, they could have 06:17:21
2 called anonymously and asked questions. 06:17:24
3 None of this ever occurred. So that -- 06:17:27
4 the truth is what we have to go by, and the truth 06:17:28
5 of what the officers knew at the time and knew even 06:17:32
6 in days following. 06:17:35
7 Q And you would agree with me that what the 06:17:36
8 officers knew at the time is misleading as to what 06:17:38
9 occurred, when you look at the record as a whole as 06:17:41
10 you've seen it now; is that right? 06:17:44
11 MS. CALNAN: Objection. Argumentative. 06:17:46
12 THE WITNESS: If everyone's statement is 06:17:50
13 to be believed, from Ms. Heard, Josh Drew, 06:17:52
14 Ms. Pennington, Ms. Marz -- if everybody's 06:17:56
15 statement is to be believed, if all the evidence 06:18:00
16 is, you know, verified, et. cetera, yes, additional 06:18:02
17 investigation had to be done. 06:18:05
18 BY MR. TREECE: 06:18:07
19 Q And their conclusion that it -- strike 06:18:07
20 that. 06:18:11
21 All right. Take a look back at 06:18:12
22 Ms. Pennington's statement that we were on in 06:18:14
23 Exhibit 8, which is Defendant's Trial Exhibit 763. 06:18:18
24 Do you see where she says [reading]: 06:18:24
25 He went to the kitchen -- referring 06:18:26

1 that Josh Drew's testimony of what the property 06:23:19
2 looked like is consistent with the photos that 06:23:22
3 we've seen in Exhibit 5, correct? 06:23:25
4 MS. CALNAN: Objection to the extent, 06:23:32
5 relying on evidence, that lacks foundation. 06:23:32
6 THE WITNESS: I -- I would say that it's 06:23:36
7 pretty close to it. 06:23:39
8 I would also say, though, that we can't 06:23:40
9 determine if the officers saw it. That's the 06:23:43
10 biggest thing. It's not that he's describing it 06:23:45
11 wrong or he's not describing what's in the photo; 06:23:48
12 it's if the officers saw it. That's the biggest 06:23:51
13 component here. 06:23:55
14 BY MR. TREECE: 06:23:55
15 Q Okay. 06:23:55
16 A If they saw it and they didn't do 06:23:55
17 anything, I agree with you. They needed to write a 06:23:58
18 report. They needed to do more. 06:24:01
19 And their domestic violence detective is 06:24:04
20 incorrect. 06:24:06
21 Q What was that last part? "Their domestic 06:24:07
22 violence detective is incorrect"? 06:24:10
23 A The LAPD officer -- the LAPD department's 06:24:12
24 own domestic violence investigator is incorrect. 06:24:16
25 She said property damage at domestic 06:24:19

1 violence cases, you can break your own property. 06:24:22
2 That is incorrect. 06:24:25
3 If it's only yours and solely yours -- 06:24:26
4 like, I'm the only person that owns these glasses, 06:24:28
5 and I choose to break them in half, that's mine. 06:24:31
6 But if we both own this phone, and I 06:24:35
7 break that phone, then that is vandalism. And if 06:24:40
8 it's vandalism over \$950, then it's a crime, 06:24:41
9 because there's double property interest in that. 06:24:41
10 And that's People versus Wells, 2004. 06:24:41
11 And she misstated that. So their own 06:24:43
12 domestic violence investigation specialist doesn't 06:24:47
13 quite understand the domestic violence law, which 06:24:49
14 is a little frustrating. 06:24:51
15 But that's why I say, if they had seen 06:24:54
16 those things, yes, they needed to do more. 06:24:57
17 But their statements are that they 06:24:59
18 didn't. And I can't sit here and opine that 06:25:00
19 they're not telling the truth, when there's so many 06:25:02
20 repercussions on them for lying under oath. 06:25:07
21 And then Mr. Drew was the only one who 06:25:08
22 knows what they saw or came close to -- not even 06:25:12
23 what they saw, but what was present at the time. 06:25:13
24 And he says he pointed out -- he says he did the 06:25:15
25 same thing with the other two officers, and that 06:25:19

8/18/2020

Incident Details

LOS ANGELES POLICE DEPARTMENT
Date: 8/18/2020 2:14:28 PM User: N6130

LPD160521004756

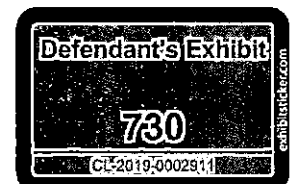
INCIDENT RECALL

Incident	Time	Type	Pri	Dispo	Address Location BEAT TEAM/Dist AREA	Bldg Apt Address Phone	Caller Name	P-Unit	Close Date/ Time	Operator
LPD160521004756	20:30	242D	2	OCCSN;	849 S BROADWAY 0163 01		FEMALE/REFUSED REFUSED	PD/1A1-W3	05/21/16 21:22	PD/N3299 Contact Complainant: N

Date	Cons	Operator
5/21/16 20:30:58 Incident Initiated By: PD/DELAPENA, E-299	5H	PD/N3299
5/21/16 20:30:58 PENTHOUSE 3 * PR RECEIVED CALL FR VICT FRIEND "AMBER", ASSAULTED BY	5H	PD/N3299
5/21/16 20:30:58 BOYFRIEND, PR REFUSED TO GIVE FURTHER	5H	PD/N3299
5/21/16 20:30:58 Units Recommended: BPD/1A85-W3 BPD/1A61-W3 BPD/1A41-W3 BPD/1A35-W3 BPD/1A29-W3	5H	PD/N3299
5/21/16 20:37:55 DUPCALL: LA	7G	PD/N2721
5/21/16 20:37:55 DUPCALL: CNAME: NYPD/PCT JOHNSON CPH: ██████████ CONTACT COMP: N FAS: N PRI: 2 SRC: 0	7G	PD/N2721
5/21/16 20:37:55 2ND HAND FM NYPD, FEM/DECLINED CALLED AND ADVISED HER FRIEND WAS INVOLVED	7G	PD/N2721
5/21/16 20:37:55 IN A DOMESTIC DISPUTE, SUSP JOHNNY HEARD, W/M 53 YRS OLD BRO HAIR BRO	7G	PD/N2721
5/21/16 20:37:55 EYES 511 UNK IF WPNS, VICT AMBER C/B ██████████	7G	PD/N2721
5/21/16 20:43:29 B/C ANY	K6	PD/N4558
5/21/16 20:46:01 Stacked Incident LPDLPD160521004756 To: PD/1A1-W3		
5/21/16 20:46:03 Stacked IncAck'd LPDLPD160521004756 By: PD/1A1-W3		
5/21/16 20:46:36 Stat: DS PD/1A1-W3 Loc: 849 S BROADWAY	00	PD/42335
5/21/16 20:46:37 Stat: ER PD/1A1-W3 Loc: 849 S BROADWAY	00	PD/42335
5/21/16 20:46:37 Primary Unit : PD1A1-W3	5H	PD/N3299
5/21/16 20:57:24 Stat: AS PD/1A1-W3 Loc: 849 S BROADWAY	00	PD/42335
5/21/16 21:22:57 MET W/ VICT. CHCKD LOC. VERIFIED HUSBAND LEFT LOC. VICT ADVISED VERBAL	00	PD/42335
5/21/16 21:22:57 DISPUTE AND REFUSED TO GIVE ANY FRTHR INFO. ISSUE BUS CARD	00	PD/42335
5/21/16 21:22:57 Stat: CL PD/1A1-W3	00	PD/42335
5/21/16 21:22:57 Disposition #1 : OCCSN: OFCR COMPLETED CALL SUPV NO	00	PD/42335
5/21/16 21:22:57 Incident Closed: 16/05/21 21:22		

Unit Summary

Unit PD/1A1-W3 Dispatch 20:46:36 Enroute 20:46:37 AtScene 20:57:24 Canc Cmp 21:22:57
 Dispo OCCSN; IncType 242D Int Tot Int Oper Fr/Dispo



LAPD000005

8/18/2020

Incident Details

LOS ANGELES POLICE DEPARTMENT
Date: 8/18/2020 2:14:53 PM User: N6130

LPD160521005437

INCIDENT RECALL

Incident	Time	Type	Pri	Dispo	Address Location BEAT TEAM/Dist AREA	Bldg Apt	Caller Name Address Phone	P-Unit	Close Date/ Time	Operator
LPD160521005437	22:09	620D	2	GOASN;	849 S BROADWAY 0163 01	3	TELETYPE/NYPD PR/JO WRIGHT [REDACTED]	PD/1A61-W3	05/22/16 03:01	PD/V8970
Contact Complainant: Y										

Date		Cons	Operator
5/21/16 22:09:21	Incident Initiated By: PD/GUERRERO, R-970	J7	PD/V8970
5/21/16 22:09:21	TELETYPE FROM NYPD ICAD #D16052125292, FEMALE STATED SHE WAS ON PHONE	J7	PD/V8970
5/21/16 22:09:21	WITH HER FRIEND AND SHE BEGAN SCREAMING AT HER HUSBAND, SUBJ ^AMBER	J7	PD/V8970
5/21/16 22:09:21	HEARD^, HUSBAND ^JOHNNY HEARD^ M/W 53 YRS, 511, NFD/NFI	J7	PD/V8970
5/21/16 22:09:21	Units Recommended: BPD/1A85-W3 PD/1A61-W3 BPD/1A41-W3 BPD/1A35-W3 BPD/1A29-W3	J7	PD/V8970
5/21/16 22:09:25	LOC INFO REVIEWED: S	J7	PD/V8970
5/21/16 22:09:59	IN PENTHOUSE #3	J7	PD/V8970
5/21/16 22:09:59	Apartment Number : 3	J7	PD/V8970
5/21/16 22:16:40	Stacked Incident LPDLPD160521005437 To: PD/1A61-W3		
5/21/16 22:16:44	Stacked IncAck'd LPDLPD160521005437 By: PD/1A61-W3		
5/21/16 22:17:02	Stat: DS PD/1A61-W3 Loc: 849 S BROADWAY	00	PD/41436
5/21/16 22:17:05	Stat: ER PD/1A61-W3 Loc: 849 S BROADWAY	00	PD/41436
5/21/16 22:17:05	Primary Unit : PD1A61-W3	J7	PD/V8970
5/21/16 22:24:00	Stat: AS PD/1A61-W3 Loc: 849 S BROADWAY	00	PD/41436
5/21/16 23:02:33	Command : UR PD/1A61-W3 Reassigned	I1	PD/N4553
5/21/16 23:02:33	Stacked IncAck'd LPDLPD160521005437 By: PD/1A61-W3		
5/22/16 03:00:57	Stat: DS PD/1A61-W3 Loc: 849 S BROADWAY	00	PD/41436
5/22/16 03:01:03	Stat: AS PD/1A61-W3 Loc: 849 S BROADWAY	00	PD/41436
5/22/16 03:01:39	RELATED TO PREV INC. VERBAL ARGUMENT ONLY. CHECKED RES.	00	PD/41436
5/22/16 03:01:39	Stat: CL PD/1A61-W3	00	PD/41436
5/22/16 03:01:39	Incident Closed: 16/05/22 03:01		
5/22/16 03:01:40	Disposition #1 : GOASN:GONE ON ARRIVAL SUPV NO	J7	PD/V8970

Unit Summary

Unit PD/1A61-W3 Dispatch 22:17:02 Enroute 22:17:05 AtScene 22:24:00 Canc Cmp 03:01:39
 Dispo GOASN; IncType 620D Int 23:02:33 Tot Int 232 Oper Fr/Dispo PD/N4553

Search Type

Support

(N6130, usr)

[Logout]

Requestor Information:

Requestor: N6130
 Division: N/A
 Incident/Case Number: Subpoena
 Location: N/A
 Search Criteria:
 Unit ID/Who Ran: 1A1-W3
 Date Range: 05/21/2016-05/21/2016
 Time Range: 20:30:58-21:22:57

Search Results is based on the latest data from 2019-10-22

DBIR Data Logged

Unit ID	DATE	TIME	TYPE	SOURCE TERM	source oprnbr	DEST TERM	OBO UNITID	MSG TEXT
1A1-W3	05/21/16	20:41:50	DBI	1A1-W3	42335		1A1-W3	VEHQ 5NLJ124 CA A X X X
1A1-W3	05/21/16	20:41:51	DBR	JDIC		1A1-W3	1A1-W3	1A1-W3 VEHQ: 5NLJ124 DMV-VR RESPONSE FOR DATE: 05/21/16 TIME: 20:41 INSURANCE INFORMATION ON FILE REG VALID FROM: 05/02/16 TO 05/02/17 LIC#: 5NLJ124 YRMD: 05 MAKE: BMW BTM : SD VIN : WBAEV53485KM43072 R/O [REDACTED] SOLD: 00/00/05 RCID: 05/02/16 OCID: 09/08/07 LOCD: 2 L/O : CARMAX BUSINESS SERVICES LL, PO BOX 440609, KENNESAW CITY: GA ZIP : 30160 TYPE: 11 POWR: G VEH : 12 BODY: 0 CLAS: FW *YR: 07 REC STATUS: 04/02/15 SMOG DUE 05/02/17 06/08/05 PREV LIC 666670S CLEARANCE INFORMATION RECORDS: OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC RIO 04/07/09 41 7217 00219.00 00/00/00 POT RIO 04/01/10 50 7392 00291.00 00/00/00 POT RIO 03/30/11 41 7003 00243.00 00/00/00 POT RIO 03/02/12 51 7009 00162.00 03/02/12 POT RIO 04/04/13 50 7007 00145.00 04/04/13 POT RJ3
1A1-W3	05/21/16	20:41:51	DBR	JDIC		1A1-W3	1A1-W3	02/18/14 51 7124 00130.00 02/18/14 POT RJ4 04/02/15 50 7281 00121.00 04/02/15 POT RJ1 04/29/16 50 7414 00114.00 04/29/16 POT 08/17/2007-ODOMETER: 33,416 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR 1YYX.QVK.CA0194200.LIC/5NLJ124.LIS/NO HITS NEAR MISS ON 5NLJ1245NAJ124 CA LOST/STOLEN PLATES FCN/5111315201886CWS RESPONSE*INFO* - VLN# 5NLJ124 CA NO HIT
1A1-W3	05/21/16	20:44:14	DBI	1A1-W3	42335		1A1-W3	VEHQ 6UVE722 CA A X X X
1A1-W3	05/21/16	20:44:15	DBR	CLET		1A1-W3	1A1-W3	1A1-W3 VEHQ: 6UVE722 CWS RESPONSE*INFO* - VLN# 6UVE722 CA NO HIT DMV-VR RESPONSE FOR DATE: 05/21/16 TIME: 20:44 INSURANCE INFORMATION ON FILE REG VALID FROM: 09/02/15 TO 09/02/16 LIC#: 6UVE722 YRMD: 05 MAKE: INFI BTM : 4D VIN : JNKCV51E05M202406 R/O [REDACTED] SOLD: 00/00/05 RCID: 03/07/16 OCID: 03/07/16 LOCD: 3 TYPE: 11 POWR: G VEH : 12 BODY: 0 CLAS: CL *YR: 12 REC STATUS: 09/01/15 SMOG DUE 09/02/17 02/21/12 PREV LIC LNMG35 CLEARANCE INFORMATION RECORDS: OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC Q31 09/13/10 BA 0000 00000.00 00/00/00 Z01 CNO 09/19/11 01 0165 00204.00 09/19/11 POT 142 08/24/11 11 8861 00204.00 PRIOR SUSPENSE D36 02/21/12 37 0004 00015.00 00/00/00 F00 KB6 09/27/12 10 0032 00191.00 00/
1A1-W3	05/21/16	20:44:15	DBR	CLET		1A1-W3	1A1-W3	00/00 POT 502 09/03/13 A6 0051 00140.00 09/05/13 H05 502 08/29/14 AE 0005 00135.00 09/03/14 H05 KB5 09/01/15 10 0046 00128.00 09/01/15 POT V52 03/07/16 DA 0001 00015.00 03/08/16 F00 02/04/2012-ODOMETER: 176,042 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR 1YYX.QVK.CA0194200.LIC/6UVE722.LIS/NO HITS NO NEAR MISS
1A1-W3	05/21/16	20:44:32	DBI	1A1-W3	42335		1A1-W3	VEHQ 6UVF722 CA A X X X

1/22/2021

911Query

W3

1A1- 05/21/16 20:44:34 DBR JDIC
W3

1A1- 1A1-W3 1A1-W3 VEHQ: 6UVF722 DMV-VR RESPONSE FOR DATE: 05/21/16
 TIME: 20:44INSURANCE INFORMATION ON FILE REG VALID FROM:
 02/20/16 TO 02/20/17LIC#:6UVF722 YRMD:07 MAKE:HOND BTM
 :4D VIN :1HGCM66487A062881 R/O [REDACTED]
 RCID:02/10/16 OCID:04/07/12 LOCD:8 L/O :FIRST CREDIT
 FINANCE, PO BX 8092 CITY:VAN NUYS ZIP :91406 TYPE:11
 POWR:G VEH :17 BODY:0 CLAS:DX *-YR:12 REC STATUS:
 11/24/2015 RENEWAL NOTICE EXTRACTED 02/12/16 SMOG DUE
 02/20/18 RELEASE OF LIABILITY (REG. 138)RECEIPT
 DATE:12/17/15 TRANSFER DATE:10/16/15BUYER [REDACTED]
 SELLER:SAME AS L/O
 ON FILE CLEARANCE INFORMATION RECORDS:OFFICE WORK DATE
 TECH/ID SEQ # VALUE FICHE DATE TTC D36 03/15/12 06-0062
 00220.00 00/00/00 B00 661 02/19/13 25 0027 00190.00 00/00/00
 H00 144 01/04/13 11 8899 00190

1A1- 05/21/16 20:44:34 DBR JDIC
W3

1A1- 1A1-W3 .00 PRIOR SUSPENSE 679 01/15/14 A6 0007 00180.00 00/00/00
 H05 143 02/05/15 16 7973 00169.00 00/00/00 POT 679 02/10/16
 41 0012 00158.00 00/00/00 H00 02/19/2012-ODOMETER: 53,452
 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR
 1YYX.QVK.CA0194200.LIC/6UVF722.LIS/NO HITSNO NEAR
 MISSCWS RESPONSE*INFO* - VLN# 6UVF722 CA NO HIT

1A1- 05/21/16 20:48:15 DBI 1A1-W3 42335
W3

1A1-W3 VEHQ 7PMW475 CA A X X X

1A1- 05/21/16 20:48:15 DBR JDIC
W3

1A1- 1A1-W3 1A1-W3 VEHQ: 7PMW475 DMV-VR RESPONSE FOR DATE: 05/21/16
 TIME: 20:48INSURANCE INFORMATION ON FILE REG VALID FROM:
 02/18/16 TO 02/18/17LIC#:7PMW475 YRMD:13 MAKE:HOND BTM
 :4D VIN :19XFB2F59DE210824 R/O [REDACTED]
 SOLD:00/00/13 RCID:01/29/16 OCID:12/28/15
 LOCD:3 TYPE:11 POWR:G VEH :12 BODY:0 CLAS:BE *-YR:15 REC
 STATUS: 01/19/16 SMOG DUE 02/18/19 12/28/15 SALVAGED
 12/28/15 PREV LIC 6YBL785 CLEARANCE INFORMATION
 RECORDS:OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE
 TTC VDO 02/28/13 BZ 0021 00215.00 00/00/00 A00 RJ8 02/10/14
 30 7439 00204.00 00/00/00 POT RJ9 02/17/15 30 7163 00192.00
 00/00/00 POT V61 10/19/15 GT 0380 00020.00 00/00/00 N00 V61
 11/11/15 GT 0703 00031.00 00/00/00 K50 652 12/08/15 C5
 0029 00126.00 00/00/00 RIP 652 12/01/15 05 0007 00126.00
 PRIOR SUSPENSE 652 12/28/15 08 0011 00126.00 00/00/00 F00
 652 12/08/15 C5 0029 00126.00 PRIOR SUSPENSE 145 01/19/16
 22 0241 00131.00 00/00/00 POT 11/30/2015-ODOMETER: 26,065
 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR
 1YYX.QVK.CA0194200.LIC/7PMW475.LIS/NO HITSNO NEAR
 MISSCWS RESPONSE*INFO* - VLN# 7PMW475 CA NO HIT

1A1- 05/21/16 20:48:15 DBR JDIC
W3

1A1- 1A1-W3 0029 00126.00 00/00/00 RIP 652 12/01/15 05 0007 00126.00
 PRIOR SUSPENSE 652 12/28/15 08 0011 00126.00 00/00/00 F00
 652 12/08/15 C5 0029 00126.00 PRIOR SUSPENSE 145 01/19/16
 22 0241 00131.00 00/00/00 POT 11/30/2015-ODOMETER: 26,065
 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR
 1YYX.QVK.CA0194200.LIC/7PMW475.LIS/NO HITSNO NEAR
 MISSCWS RESPONSE*INFO* - VLN# 7PMW475 CA NO HIT

TOMSG Data Logged

Unit ID	DATE	TIME	SOURCE AREA	SOURCE TERM	SOURCE OPRNBR	DEST TERM	DEST OPRNBR	MSG TEXT
1A1- W3	05/21/16	20:34:18	NT	NT		1A1- W3	42335	ADMINISTRATIVE MESSAGEFrom Console: NT - Type: Call Taker Subject: GRAND THEFT INC FYI, GRAND THEFT OCC AT 1900 HRS AT 1900 S FIGUEROA VW CAR DEALERSHIP, SUSP IS A M/BLK 35YRS, 600 200 DREADLOCKS, SUSP FLED ON A BLK MOUNTAIN BIKE WITH VICTS LAPTOP COMPUTER, A 15" MACBOOK PRO.

Search Type Support (N6130, usr)

[Logout]

Requestor Information:

Requestor: N6130
Division: N/A
Incident/Case Number: Subpoena
Location: N/A
Search Criteria:
Unit ID/Who Ran: 1A61-W3
Date Range: 05/21/2016-05/22/2016
Time Range: 22:09:21-03:01:40

Search Results is based on the latest data from 2019-10-22

DBIR Data Logged

Table with columns: Unit ID, DATE, TIME, TYPE, SOURCE TERM, source opnbr, DEST TERM, OBO UNITID, MSG TEXT. Contains multiple rows of incident data with detailed messages.

ISSUED*DEPARTMENTAL ACTIONS:NONECONVICTIONS:NONEFAILURES TO APPEAR;NONEACCIDENTS:NONEEND NCIC-WPS RESPONSE FOR CA0194200NO NCIC.WANT NAM [REDACTED] RAC/B SEX/M***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.CJIS-WPS RESPONSE FOR 3AYX,CA0194200 RE: QWK,CA0194200.NAM [REDACTED] FIELD SEARCH REVEALS:WPS HIT # 001HIT,MADE ON NAM [REDACTED] FELONY WARRANT 5013 CONDIT RELEASE VIOL7399 PUBLIC ORDER CRIMENAM/[REDACTED] M B 508 150 BLK BRO [REDACTED]

[REDACTED] ARRESTING AGENCY MUST CONTACT PROBATION AT [REDACTED] WARRANT NUMBER/REV3PRO052301 ISSUED/01302013 BAIL/NO BAILCASE NUMBER/PRO052301 PURGE/MARCH 31, FCN/2321303002356 NIC/W166702032 ENTERED/CALIF AND NCI

1A61- 05/21/16 23:28:52 DBR 1A61- 41436 1A61- 1A61-
W3 W3 W3 W3

C FILES SUBJECT MAY BE SAME AS CII [REDACTED] FBI/[REDACTED] EXL/1IMMEDIATELY CONFIRM WITH CA0190064 LASD-RECRDS&IDENT-WARRNT MNE/WRLOTELEPHONE [REDACTED] ***** END OF WPS MESSAGE ***** CJIS-ROS RESPONSE FOR 8YYX,CA0194200RE: QRRK,CA0194200,NAM/[REDACTED],SEX/M,DOB/[REDACTED] RAC/BNO MATCH NAM FIELDNO RESTRAINING ORDERS***** END OF CARPOS MESSAGE *****

1A61- 05/22/16 01:34:51 DBI 1A61- 41436 1A61-
W3 W3 W3

VEHQ 6ROM337 CA A X X X

1A61- 05/22/16 01:34:52 DBR CLET 1A61- 1A61-
W3 W3 W3

1A61-W3 VEHQ: 6ROM337 DMV-VR RESPONSE FOR DATE: 05/22/16 TIME: 01:34INSURANCE INFORMATION ON FILE REG VALID FROM: 09/08/15 TO 09/08/16LIC#:6ROM337 YRMD:11 MAKE:CHE BTM :UT VIN :1GNSCBE09BR367344 R/O [REDACTED]

[REDACTED] SOLD:00/00/11 RCID:09/11/15 OCID:09/20/11 LOCD:Z L/O :BK AMER NA, PO BX 2759, JACKSONVILLE CITY:FL ZIP :32203 LPT :P43110920 TYPE:11 POWR:F VEH :12 BODY:0 CLAS:MV REC STATUS: 09/20/11 SMOG DUE 09/08/17 PAPERLESS TITLE CLEARANCE INFORMATION RECORDS:OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC V44 09/19/11 B9 0012 00406.00 00/00/00 A00 R16 09/07/12 40 7139 00375.00 00/00/00 POT RJ6 09/11/13 40 7134 00389.00 00/00/00,POT RJ6 09/08/14 42 7061 00314.00 00/00/00 POT RJ6 09/08/15 43 7084 00284.00 00/00/00 POT

1A61- 05/22/16 01:34:52 DBR CLET 1A61- 1A61-
W3 W3 W3

09/05/2011-ODOMETER: 13 MILES ACTUAL MILEAGE END CWS RESPONSE*INFO* - VLN# 6ROM337 CA NO HIT CJIS-SVS RESPONSE FOR 1YYX.QVK,CA0194200.LIC/6ROM337.LIS/NO HITSNO NEAR MISS

1A61- 05/22/16 01:35:08 DBI 1A61- 41436 1A61-
W3 W3 W3

VEHQ 6ROM377 CA A X X X

1A61- 05/22/16 01:35:08 DBR CLET 1A61- 1A61-
W3 W3 W3

1A61-W3 VEHQ: 6ROM377 DMV-VR RESPONSE FOR DATE: 05/22/16 TIME: 01:35INSURANCE INFORMATION ON FILE REG VALID FROM: 09/12/15 TO 09/12/16LIC#:6ROM377 YRMD:12 MAKE:CHEV BTM :SD VIN :1G1PCSSH5C7138062 R/O [REDACTED]

[REDACTED] SOLD:00/00/13 RCID:10/18/15 OCID:08/01/13 LOCD:Z L/O :BK AMER NA, PO BX 2759, JACKSONVILLE CITY:FL ZIP :32203 LPT :P43130801 TYPE:11 POWR:G VEH :12 BODY:0 CLAS:DF *-YR:13 REC STATUS: 10/06/14 SMOG DUE 09/12/18 PAPERLESS TITLE PARKING VIOLATIONS ON FILECLEARANCE INFORMATION RECORDS:OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC V44 09/19/11 B9 0024 00215.00 00/00/00 A00 R18 09/11/12 40 7341 00203.00 00/00/00 POT X21 06/19/13 Z5 0079 00000.00 00/00/00 Z05 V01 07/31/13 FW 0022 00214.00 00/00/00 F00 RJ5 10/06/14 70 7217 00228.00

1A61- 05/22/16 01:35:08 DBR CLET 1A61- 1A61-
W3 W3 W3

00/00/00 POT RJ1 10/15/15 70 0166 00277.00 00/00/00 POT 07/14/2013-ODOMETER: 22,158 MILES ACTUAL MILEAGE END CWS RESPONSE*INFO* - VLN# 6ROM377 CA NO HIT CJIS-SVS RESPONSE FOR 1YYX.QVK,CA0194200.LIC/6ROM377.LIS/NO HITSNEAR MISS ON 6ROM377UOM377 CA ONE LOST/STOLEN PLATE FCN/44013024028666RZM377 CA ONE LOST/STOLEN PLATE FCN/3771229001603

1A61- 05/22/16 01:47:50 DBI 1A61- 41436 1A61-
W3 W3 W3

VEHQ 7FIY943 CA A X X X

1A61- 05/22/16 01:47:51 DBR CLET 1A61- 1A61-
W3 W3 W3

1A61-W3 VEHQ: 7FIY943 CWS RESPONSE*INFO* - VLN# 7FIY943 CA NO HIT DMV-VR RESPONSE FOR DATE: 05/22/16 TIME: 01:47INSURANCE INFORMATION ON FILE REG VALID FROM: 06/08/16 TO 06/08/17LIC#:7FIY943 YRMD:03 MAKE:MITTS BTM :4D VIN :JA3AJ26E53U097739 R/O [REDACTED]

[REDACTED] SOLD:00/00/03 RCID:05/13/16 OCID:06/27/14 LOCD:9 TYPE:11 POWR:G VEH :12 BODY:0 CLAS:AT *-YR:13 REC STATUS: 07/01/15 SMOG DUE 06/08/17 06/27/14 SALVAGED 06/27/14 PREV LIC 5CQU973 CLEARANCE INFORMATION

1/22/2021

911Query

RECORDS:OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC
R13 04/16/12 30 7460 00092.00 04/16/12 POT 527 10/17/12 23 0004
00033.00 10/19/12 F00 194 05/21/13 A5 0119 00114.00 05/23/13 F00
576 06/18/14 20 0015 00000.00 06/18/14 RIP 502 06/17/14

1A61- 05/22/16 01:47:51 DBR CLET
W3

1A61- 1A61-
W3 W3

J5 0013 00000.00 PRIOR SUSPENSE 502 06/27/14 A9 0016 00226.00
00/00/00 F00 502 06/27/14 A9 0015 00206.00 PRIOR SUSPENSE 502
06/27/14 A9 0015 00206.00 06/27/14 RIP 576 06/18/14 20 0015
00206.00 PRIOR SUSPENSE 502 06/29/15 E6 0020 00129.00 07/01/15
H05 KB5 05/16/16 10 0010 00095.00 05/16/16 POT 09/29/2012-
ODOMETER: 155,121 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE
FOR 1YYX.QVK.CA0194200.LIC/7FIY943.LIS/NO HITSNO NEAR MISS

1A61- 05/22/16 02:24:55 DBI 1A61- 41436
W3 W3

1A61-
W3

VEHQ 6PUE922 CA A X X X

1A61- 05/22/16 02:24:55 DBR CLET
W3

1A61- 1A61-
W3 W3

1A61-W3 VEHQ: 6PUE922 CWS RESPONSE*INFO* - VLN# 6PUE922 CA
NO HIT DMV-VR RESPONSE FOR DATE: 05/22/16 TIME:
02:24INSURANCE INFORMATION UNKNOWN REG VALID FROM: 12/14/15
TO 12/14/16LIC#:6PUE922 YRMD:07 MAKE:HOND BTM :SD VIN
:1HGCM66497A039271 R/O

SOLD:00/00/06

RCID:12/18/15 OCID:07/11/14 LOCD:9 TYPE:11 POWR:G VEH :12
BODY:0 CLAS:AC *-YR:14 REC STATUS: 09/16/2015 RENEWAL NOTICE
EXTRACTED 12/25/15 SMOG DUE 12/14/17 04/14/11 SALVAGED
04/14/11 PREV LIC 5XGT203 CLEARANCE INFORMATION
RECORDS:OFFICE WORK DATE TECH/ID SEQ # VALUE FICHE DATE TTC
141 11/05/11 12 4899 00102.00 11/09/11 POT C74 11/13/12 ST 0007
00103.00 11/17/12 H00 CNO 01/07/14 02 1081 00083.00 01/07/14 POT
140 10/17/13 0

1A61- 05/22/16 02:24:55 DBR CLET
W3

1A61- 1A61-
W3 W3

1 7835 00083.00 PRIOR SUSPENSE 662 07/11/14 27 0021 00042.00
07/16/14 F00 662 03/03/14 27 0054 00042.00 PRIOR SUSPENSE 662
12/30/14 12 0022 00113.00 01/01/15 H00 662 12/30/14 12 5022
00103.00 01/01/15 H00 C45 12/18/15 5C 0022 00103.00 12/25/15 H00
C45 12/18/15 5C 5022 00059.00 12/25/15 H00 03/03/2014-ODOMETER:
90,000 MILES ACTUAL MILEAGE END CJIS-SVS RESPONSE FOR
1YYX.QVK.CA0194200.LIC/6PUE922.LIS/NO HITSNO NEAR MISS

TOMSG Data Logged

Unit ID	DATE	TIME	SOURCE AREA	SOURCE TERM	SOURCE OPRNBR	DEST TERM	DEST OPRNBR	MSG TEXT
1A61- W3	05/21/16	22:22:30	1A	1A41- W3	41753	1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Unit ID: 1A41-W3Subject: INC 4756 IS THE SAME INC AS YOURS. 1A1 HANDLED EARLIER...DOUBT SHE CALLED BACK PROBABLY JUST DELAYED RESPONSE
1A61- W3	05/21/16	22:23:22	1A	1A61- W3	41436	1A41- W3	41753	ADMINISTRATIVE MESSAGEFrom Unit ID: 1A61-W3Subject: RE:ROG RE: INC 4756 IS THE SAME INC AS YOURS. 1A1 HANDLED EARLIER...DOUBT SHE CALLED BACK PROBABLY JUST DELAYED RESPONSE
1A61- W3	05/21/16	22:26:18	K6	K6	N4558	1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Console: K6 - Type: Call Taker Subject: GOOD EVENING I'M YOUR RTO FOR THE NIGHT 1/24 TIED YOUR RTOIS ON CONS K6. HAVE A GREAT REST OF THE SHIFT, DISPO HANDLED CALLS WHEN YOU CAN AND IF THERE IS A STACKED CALL YOU CANNOT HANDLE LET ME KNOW ASAP. :)
1A61- W3	05/21/16	23:06:02	4F	4F	N5024	1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Console: 4F - Type: Call Taker Subject: INFO INC 5861
1A61- W3	05/22/16	00:00:39	2K	2K	N5213	1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Console: 2K - Type: Dispatcher Subject: 14A27 REQ DRE TO PACIFIC STA I5400
1A61- W3	05/22/16	00:20:15	PC	PCAD		1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Unit ID: PD/1A12-W5 Subject: Message from Unit: PD/1A12-W5 EXTRA PATROL ON IMPERIAL/6TH ST.....HEAVY PED AND VEHICLE TRAFFIC DUE TO PRIVATE PARTY,MONITOR FOR BFMV'S
1A61- W3	05/22/16	02:46:34	G8	G8	V9173	1A61- W3	41436	ADMINISTRATIVE MESSAGEFrom Console: G8 - Type: Dispatcher Subject: NEED CENTRAL ON I0890. TRESPASSER IN CUSTODY

1/22/2021

DFAR Report

LOS ANGELES POLICE DEPARTMENT
CAD SUMMARY REPORT

Saturday
05/21/2016

Officers

42335 - HADDEN, T-335
40265 - SAENZ, M-265

Area : Central

Assignment : 1A1
Watch : W3

Shop# : 89687

Mileage Out : 4310
Mileage EOW : 4344

19:36-09:14

Total Miles : 34

Time of Day	INC#	OBS Time	Radio Time	Route Time	S&C	Location	Type	SUPR@ Scene	DICV /BWV	Dispo	Comments
							SOW				
19:51 - 19:55	04499	5	0	0		CENT STA	006-CODE 6	N		OCCSN	INFO ONLY WWC
20:03 - 06:06	04571	48	0	1		RD 111 / MISSION 1	006-CODE 6	N		OCCSN	DID EXTRA PAT IN PRBLM AREA
20:20 - 21:24	04688	28	0	1		WHITE KNOLL/MARVIEW 6RZL104	006-CODE 6	N	Y	WRNSN	DICV POSS DELAYED DUE TO UNKNOWN PROBLEM, TS FOR NARCO AND LOITERING IN PROBLEM LOC. 2 WWC, NO WANTS, WARNED ONLY
20:46 - 21:22	04756	0	26	11	2R	849 S BROADWAY RD:0163	242D-DOM VIOL	N		OCCSN	MET W/ VICT. CHCKD LOC. VERIFIED HUSBAND LEFT LOC. VICT ADVISED VERBAL DISPUTE AND REFUSED TO GIVE ANY FRTHR INFO. ISSUE BUS CARD
21:30 - 00:37	05109	0	10	3	2R	METRO DISPATCH CTR / 100 N LOS ANGELES ST RD:0127	7201-OFCR	N		WRNSN	WARNED TO LEAVE LOC. SUSP COMPLETED.
21:41 - 22:43	05258	62	0	0		5TH E/O MAIN 5ZMU461	006-CODE 6	N	Y	CITSN FI1 NMOV1	TS FOR IMPEDING TRAFFIC 3 WWC. CITD FOR NO INSURANCE AND SUSR.LIC.
22:49 - 23:38	05678	0	0	4		1010 S FLOWER ST RD:0182	415G-GRP			**Freed**	
22:52 - 00:36	05766	0	35	3	3R	1800 S MAIN ST RD:0195	620D-DOM VIOL	Y	Y	OCCSY	MET W/ VICT ADVSD VERBAL DISPUT ONLY, ISSUED BUS. CARD
23:42 - 00:35	06047	0	49	5	2R	JOES AUTO PARK / 137 S HILL ST RD:0132	242S-SUSP	N		RPTSN RPT1	LPD160521006047 UNABLE TO LOC. IS THERE A BETTER LOC FOR PR? MET W/ PR. TOOK 1 242 REPORT. ISSUED BUS. CARD
00:37 - 06:07	06046	0	13	2		1279 ELYSTAN PARK AV RD:0101	507P-PARTY	N		OCCSN	CHCKD LOC. NO EVID OF LOUD PARTY. NO CB NO FURTHER
00:38 - 02:46	00250	0	18	3	3R	BUSN **WINDISH TALENTS** / 1726 N SPRING ST RD:0118	906R-ROBBERY (211 SILENT)	N		FALSN	CHCKD LOC. MET W/ EMPLOYEE. ACCIDENTAL ONLY
01:22 - 01:58	00516	37	0	0		SUNSET-BEAUDRY	006-CODE 6	N	Y	QNRSN FI1	PS POSSIBLE 484 SUSP. WWC. NO WANT, FI COMPLETED.
02:04 - 02:45	00711	41	0	0		100 E 3RD ST	006-CODE 6	N		OCCSN	CITIZEN FLAG DOWN. KEPT PEACE FOR DISPUTE
02:48 - 09:12	00890	382	0	2		CITY HALL EAST / 200 N MAIN ST RD:0124	006-CODE 6	Y	Y	ARRSY FI1 ARRM1	ARR 1 FOR 602 PC. WWC AND 1 FI.
09:13							EOW				Stat PD/1A1-W3 EW Loc: CENT STA ON:PD/1A1-W3 DICV POS B/O. MIC 2 DOES NOT SYNC, OFCRS ATTEMPTED SEVERAL DICV MICS AND NON

Total Count: 7 7 14
Total Minutes: 603 151 35 789

Other Stats:

Field Interviews: 3
Reports

Crime : 1
Other : 0

Veh. Recov.: 0

Arrests

Felony: 0
Misdemeanor: 1
FEL DUI: 0
MISD DUI: 0
Warrants: 0

RFC: 0
MOV.: 0
NMOV.: 1
PKG: 0
AFDR: 3

Total:

Total Felony: 0
Total MISD: 1
Total Arrests: 1

Type - Out-to-Station

Time	Location	Duration
19:37	OUT TO STATION	13
Total for Out-to-Station (1 rec)		13

1/22/2021

DFAR Report

LOS ANGELES POLICE DEPARTMENT
CAD SUMMARY REPORT

Saturday
05/21/2016

Officers

41436 - DIENER, C-436
41437 - GATLIN, W-437

Area : Central

Assignment : 1A61

Watch : W3

19:23-07:39

Shop# : 87931

Mileage Out : 7763

Mileage EOW : 7802

Total Miles : 39

Time of Day	INC#	OBS Time	Radio Time	Route Time	S&C	Location	Type	SUPR@ Scene	DICV /BWV	Dispo	Comments
19:31 - 20:45	<u>04267</u>	0	67	8	2R	[REDACTED]	SOW 2425L-SUSP J/L	N	Y	GOASN	VICT [REDACTED] IS INVOLVED IN ONGOING DISPUTE WITH FORMER FRIEND, [REDACTED] REFUSED REPORT AND STATED THAT HE MAY SEEK R/O.
20:57 - 21:42	<u>04923</u>	0	41	4	3R	BLACK TIE TUXEDO / 320 S BROADWAY RD:0134	245SN-SUSP NOW	Y	Y	GOASY	CODE 4 PRIOR TO OUR ARRIVAL
22:17 - 03:01	<u>05437</u>	0	40	7	2R	849 S BROADWAY #3 RD:0163	620D-DDM VIOL	N	Y	GOASN	RELATED TO PREV INC. VERBAL ARGUMENT ONLY. CHECKED RES.
23:02 - 01:57	<u>05835</u>	0	170	5	3R	SENATOR HOTEL THE--- / 729 S MAIN ST RD:0174	907P3-POSS ATT SUICIDE	Y	Y	ARRSY ARRF1	ARRESTED SUBJECT ON NO BAIL WARRANT. MEU NOTIFIED. SUBJECT STATED THAT HE WAS NOT SUICIDAL. 1K114 TOOK INFO RPT.
02:00 - 02:21	<u>00700</u>	22	0	0		5TH-HILL	006-CODE 6	N		OCCSN	DISPUTE OVER PARKING. HERNANDEZ
02:39 - 03:00	<u>00878</u>	22	0	0		8TH/GRAND	006-CODE 6	N	Y	OCCSN	CITZN RPT OF 415 FIGHT. NO SIGN OF FIGHT AT LOC. ALL SUSPS GOA
03:01 - 07:38	<u>00944</u>	0	10	10	2R	UNIFIED PKG SERVICES / W OLYMPIC BL&S FIGUEROA ST RD:0171	245S-SUSP	N		GOASN	MARCOS STATED THAT PR LEFT TOC. VERBAL ARGUMENT ONLY. CB NO FURTHER.
03:20 - 07:36	<u>00996</u>	0	14	5	3R	VICKY'S 99 CENT STORE / 1725 E 7TH ST RD:0159	900-UNKNOWN TROUBLE	N	Y	OCCSN	NO SIGN OF TROUBLE AT LOC NO FURTHER
03:37 - 07:36	<u>01065</u>	239	0	0		7TH E/O SANTA FE 6RDU095	902-TRAFFIC STOP	N	Y	ARRSN ARRM1 FI1 MOV1 RPT4	JUAREZ ARR FOR 40K WARR. CITED FOR 4000 A 1 VC 16028 A AND 14601 VC COMPLETED 30 DAY IMPOUND.
EOW											

Total Count: 3 6 9
 Total Minutes: 283 342 39 664

Other Stats:

Field Interviews: 2
Reports

Crime : 4
Other : 0

Veh. Recov.: 0
Arrests

Felony: 1
Misdemeanor : 1
FEL DUI : 0
MISD DUI : 0
Warrants : 0

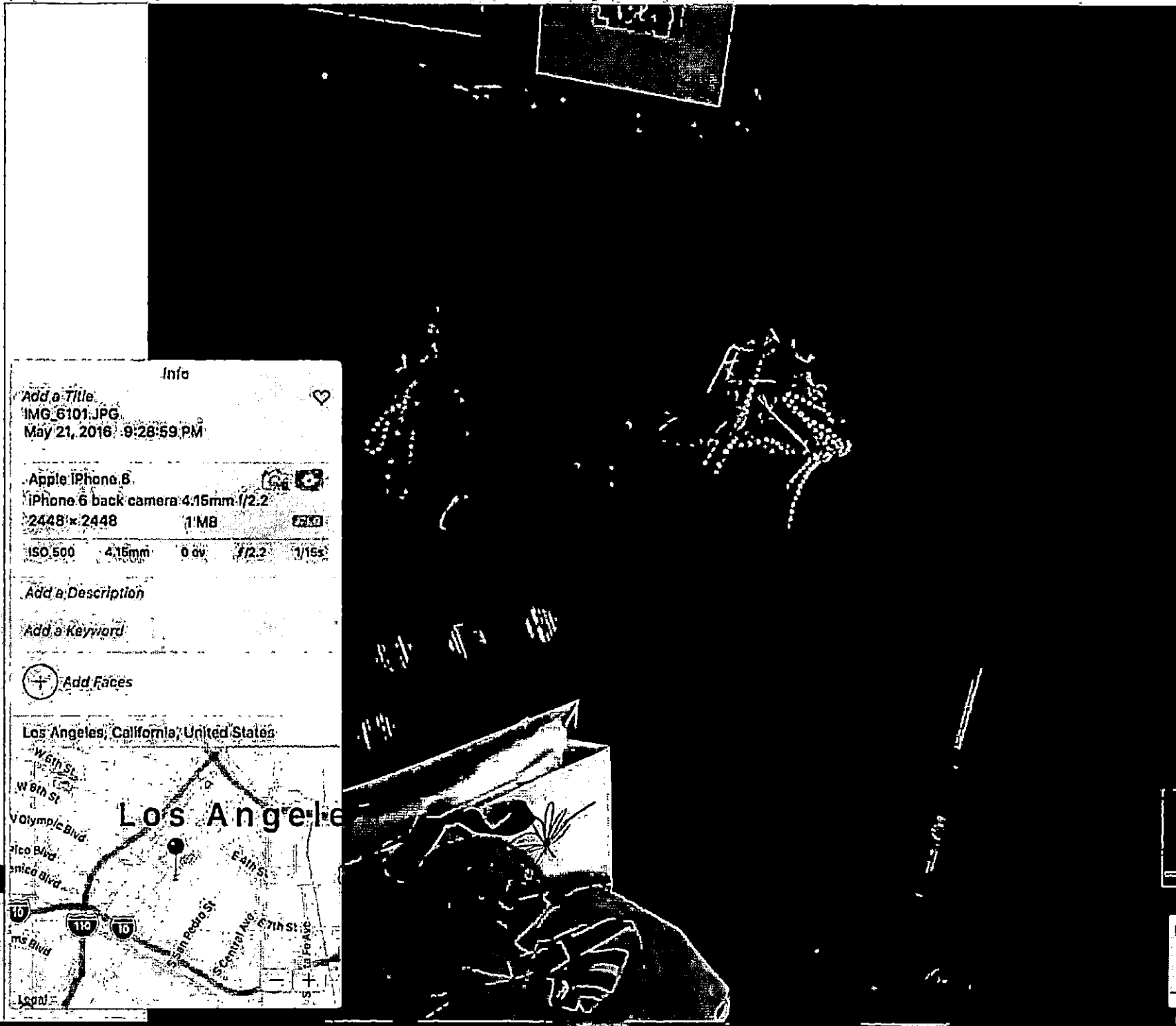
RFC: 0
MOV.: 1
NMOV.: 0
PKG: 0
AFDR: 0

Total:

Total Felony: 1
Total MISD: 1
Total Arrests: 2

Type - Out-to-Station

Time	Location	Duration
19:24	OUT TO STATION	7
Total for Out-to-Station (1 rec)		7



Info

Add a Title

IMG_6101.JPG
May 21, 2016 9:28:59 PM

Apple iPhone 6

iPhone 6 back camera: 4.15mm f/2.2

2448 x 2448

1 MB

ISO 500 4.15mm 0.0v f/2.2 1/15s

Add a Description

Add a Keyword

Add Faces

Los Angeles, California, United States



Exhibit #
Frost 05

Defendant's Exhibit
700
CL-2019-0002911



Info

Add a Title
IMG_6088.JPG
May 21, 2016 9:25:36 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 996 KB

ISO 640 4.15mm 0 ev f/2.2 1/16s

Add a Description

Add a Keyword

+ Add Faces

Los Angeles, California, United States



Defendant's Exhibit

701

CL-2019-0002811

exhibit.com



Info

Add a Title

IMG_6102.JPG

May 21, 2016 9:31:21 PM

Apple iPhone 6

iPhone 6 back camera 4.18mm f/2.2

2448 x 2448

1.2 MB

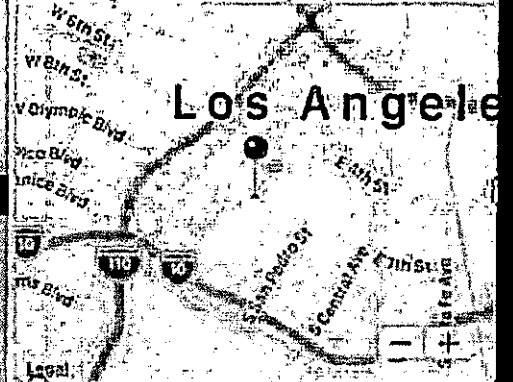
ISO 1250 4.15mm 0.0v f/2.2 1/15s

Add a Description

Add a Keyword

Add Faces

Los Angeles, California, United States



Defendant's Exhibit

702

CL-2019-0002911

exhibitster.com

Info

Add a Title
IMG_6103.JPG
May 21, 2016 9:31:25 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1.2 MB

ISO 1600 4.15mm 0.0v f/2.2 1/10s

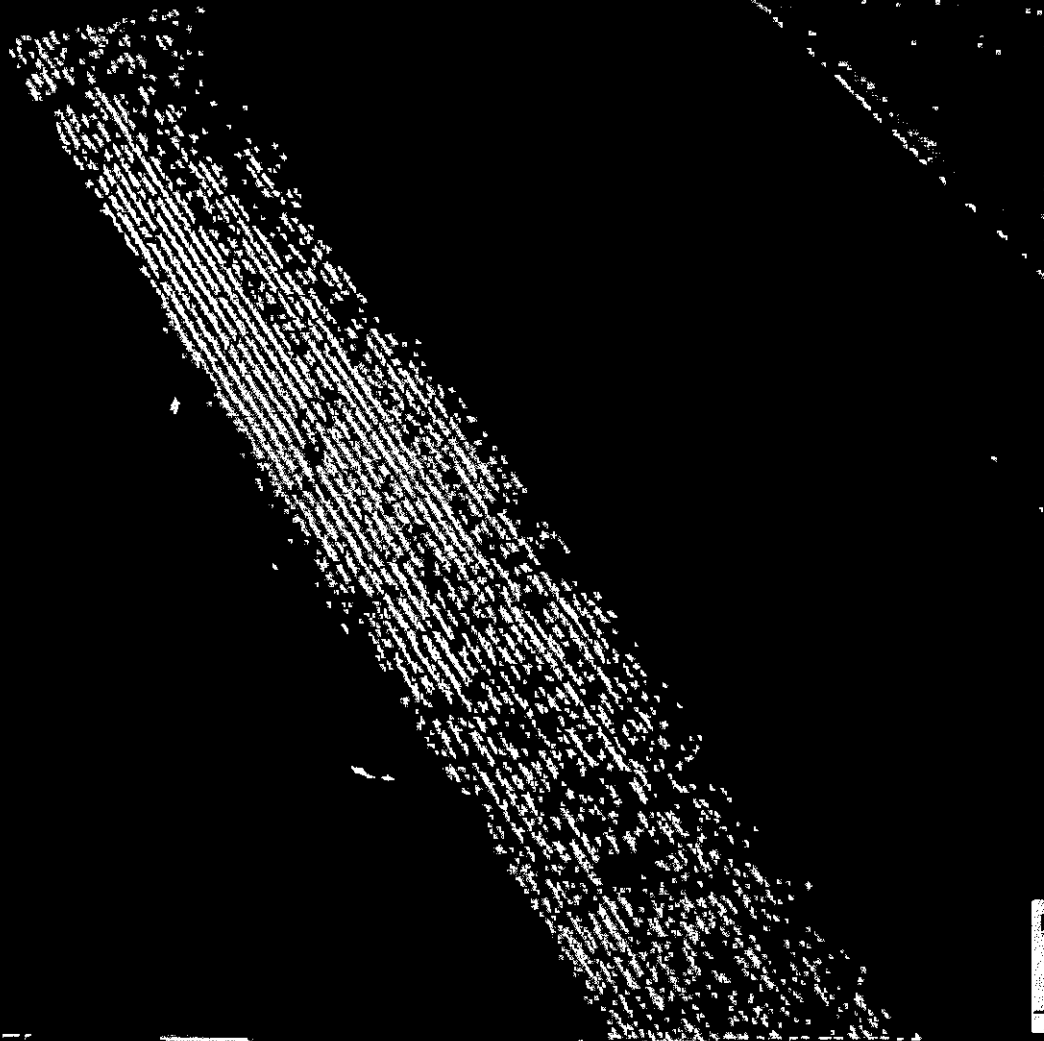
Add a Description

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Los Angeles, California, United States

Los Angeles



Defendant's Exhibit
703
CL-2016-0002911

exhibit.com

Info

Add a Title
IMG_6093.JPG
May 21, 2016 9:26:12 PM

Apple iPhone 6
iPhone 6 back camera: 4.15mm f/2.2
2448 x 2448 1MB

ISO:2000 4.15mm 0 ev f/2.2 1/15s

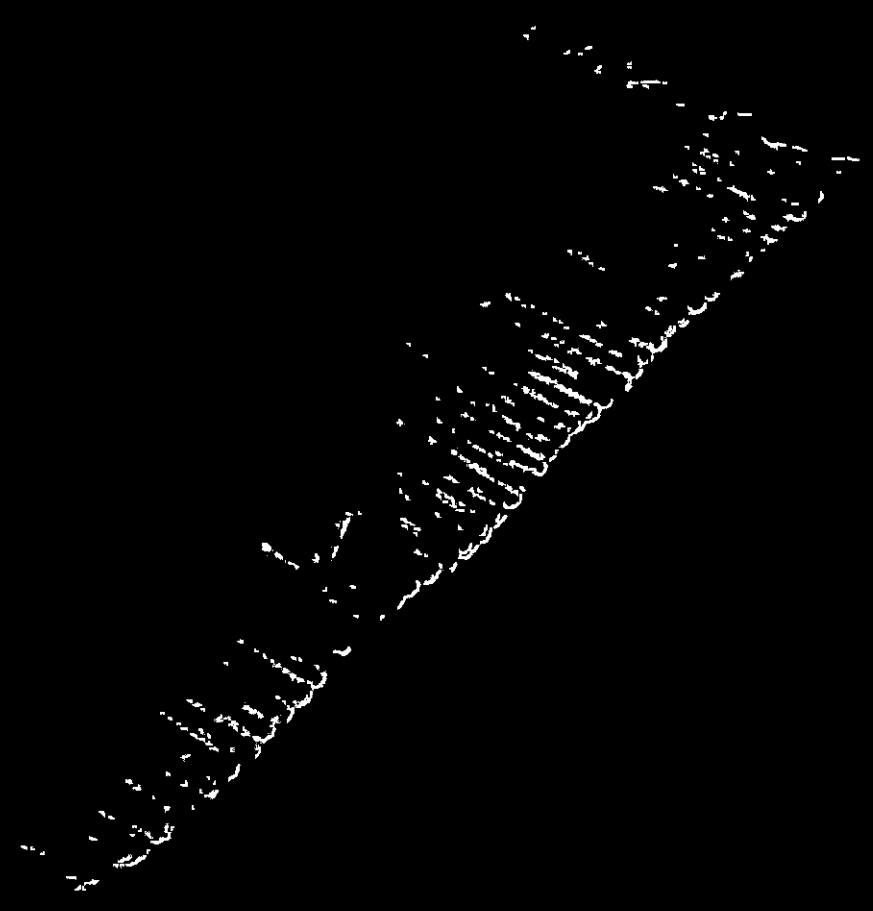
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Los Angeles, California, United States

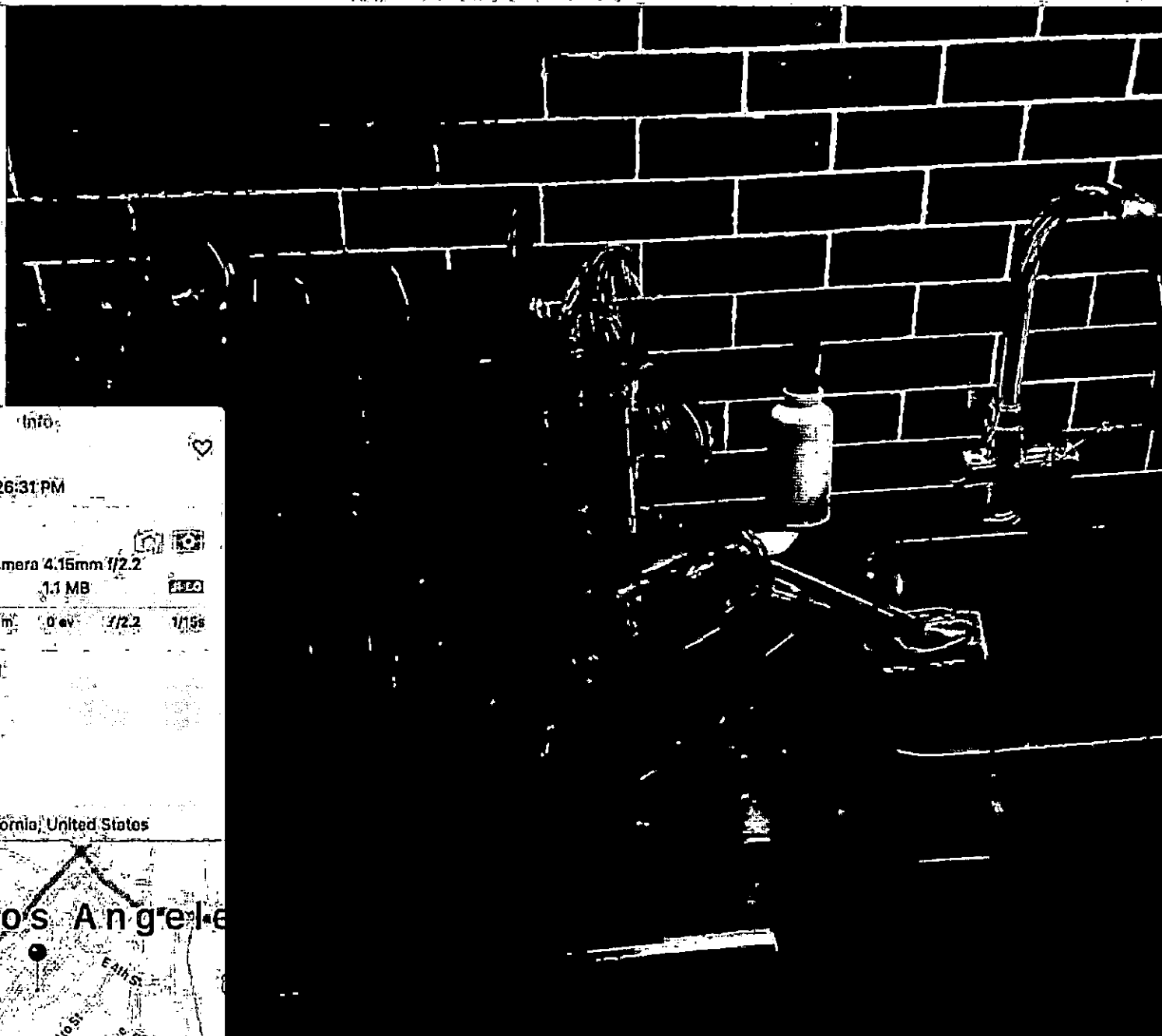
Legal



Defendant's Exhibit

704

CL-2019-0002911



Info

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 IMG_6096.JPG
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Apple iPhone 6
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 2448 x 2448 1.1 MB

ISO 1250 4.15mm f/2.2 1/15s

Add a Description

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Los Angeles, California, United States

Legal

Defendant's Exhibit

705

CL-2019-002911

canva.com



Info

Add a Title

IMG_6078.JPG

May 21, 2016 9:04:17 PM

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nt 6:

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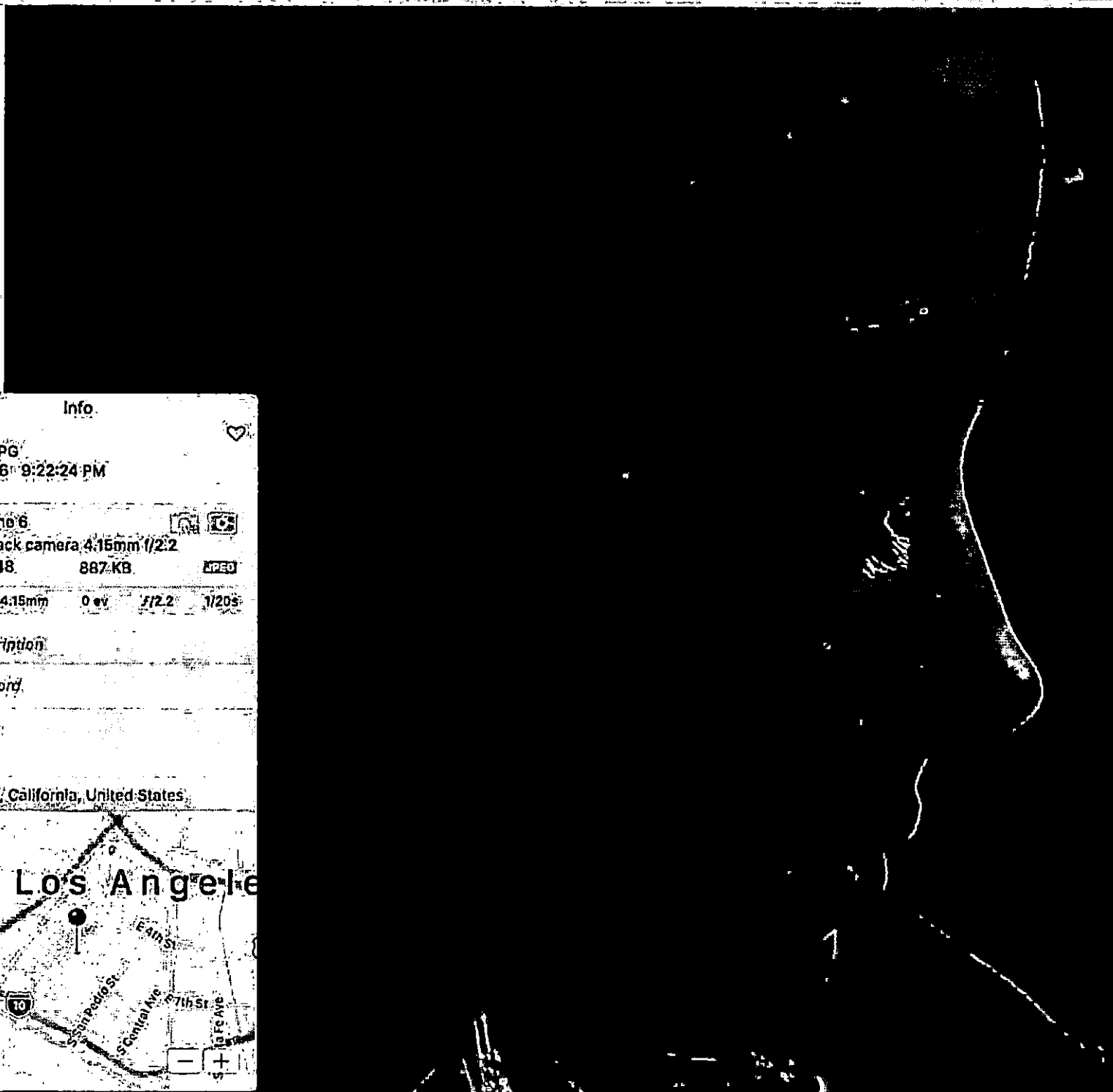
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Defendant's Exhibit
707
CL-2016-0022811

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Info

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IMG_6081.JPG
May 21, 2016 9:22:24 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 887 KB **HEIC**

ISO: 250 4.15mm 0 ev f/2.2 1/20s

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Los Angeles, California, United States

Legal

Defendant's Exhibit

708

Info

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IMG_6082.JPG

May 21, 2016 9:22:36 PM

Apple iPhone 6 📷

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2448 x 2448 1.1 MB 📄

ISO 250 4.15mm 0.0ev f/2.2 1/20s

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Los Angeles, California, United States

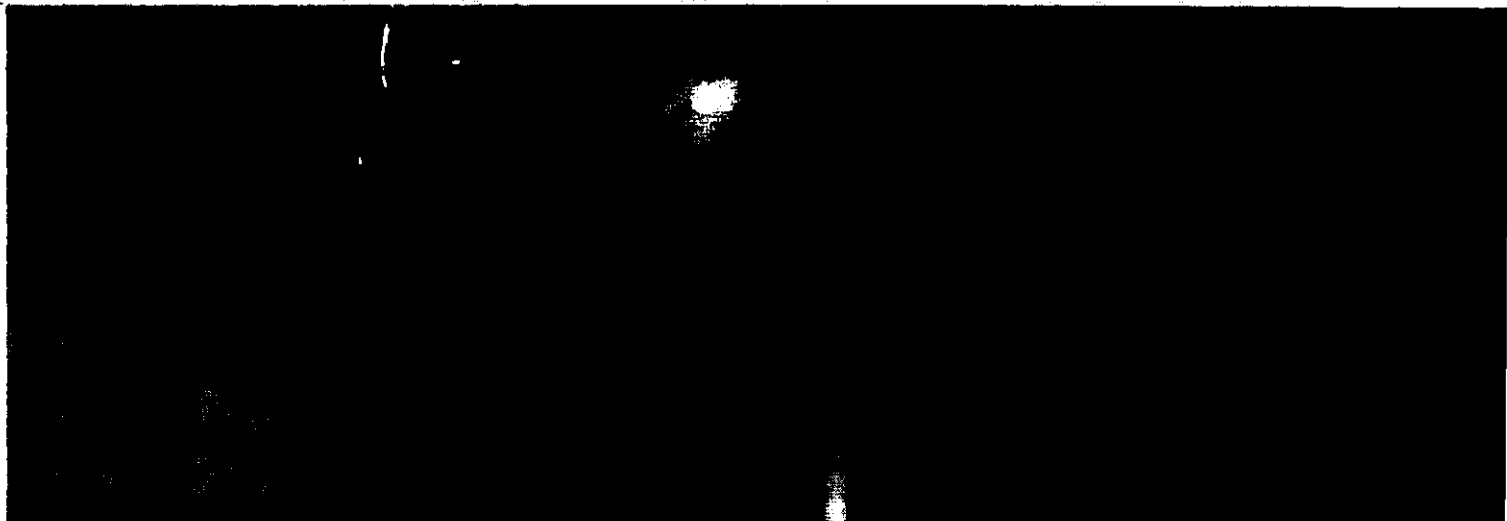
Legal

Defendant's Exhibit

709

CL-2019-0002911

exhibitsart.com



Info

Add a Title

IMG_6084.JPG

May 21, 2016 9:24:52 PM

Apple iPhone 6

iPhone 6 back camera 4.15mm f/2.2

2448 x 2448

1.1 MB

ISO 250

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Add a Description

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Los Angeles, California, United States



Defendant's Exhibit
710
CL-2019-0002811

Info

Add a Title

IMG_6085.JPG

May 21, 2016 9:25:03 PM

Apple iPhone 6

iPhone 6 back camera 4.15mm f/2.2

2448 x 2448 1.1 MB

ISO 250 4.15mm 0 ev. f/2.2 1/30s

Add a Description

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Los Angeles, California, United States

Legal

Defendant's Exhibit

711

CL-2019-0002911



img

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 IMG_6087.JPG
 May 21, 2016 9:25:12 PM

Apple iPhone 6
 iPhone 6 back camera 4.15mm f/2.2
 2448x2448 1.1 MB

ISO 250 4.15mm 0 ev f/2.2 1/30s

Add a Description

Add a Keyword

Los Angeles, California, United States

Legal

Defendant's Exhibit

712

CL-2019-0002911

evidence.com



Info
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IMG_6087.JPG
May 21, 2016 9:26:12 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1.1 MB
ISO 250 4.15mm 0.0v f/2.2 1/30s

Add a Description
Add a Keyword

Los Angeles, California, United States



Defendant's Exhibit
713
CL-2019-0002911



Info

Add a Title
IMG_0580.JPG
May 21, 2016 11:57:39 PM

Apple iPhone 6s
iPhone 6s front camera 2.65mm f/2.2
1932 x 2576 914 KB

ISO 250 -2.85mm 0 ev f/2.2 1/16s

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Los Angeles, California, United States

Local

Defendant's Exhibit

714

CL-2019-0002911

Info

Add a Title ❤️

IMG_8074.JPG
May 21, 2016 8:23:30 PM

Apple iPhone 6 📷 📷

iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1 MB 📷


ISO 640 4.15mm 0 ev 1/2.2 1/15s

Add a Description

Add a Keyword

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Los Angeles, California, United States



Map labels: W 6th St, W 8th St, Olympic Blvd, Figueroa Blvd, Normandie Blvd, Los Angeles, E 6th St, San Pedro St, S Central Ave, E 7th St, S Main Ave, Legal

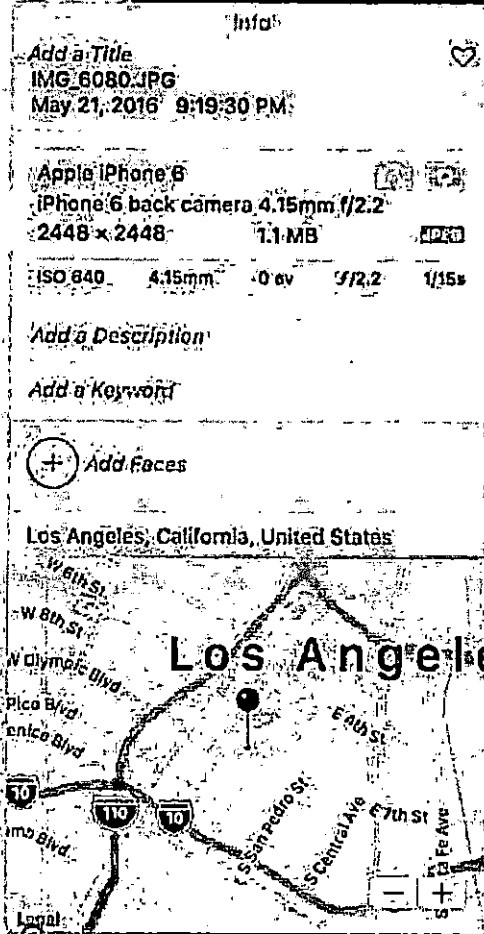


Defendant's Exhibit

715

CL-2018-0002911

exhibitcenter.com



DATE: 5/21/16 TIME: 9:16 PM ID NO: 9786

- RABIO CALL OF DISPUTE

- REFUSED REPORT

- ADV'D CAN CALL @ CATER

If you wish to comment on the level of service you received, please contact a Department supervisor or telephone 800-339-6868, or TTY for the hearing impaired (213) 485-3604.

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Apple iPhone 6
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Add a Description

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+ Add Faces

Los Angeles, California, United States

1A1

LOS ANGELES POLICE DEPARTMENT
CENTRAL AREA
CENTRAL PATROL DIVISION

HIDDEN
44335

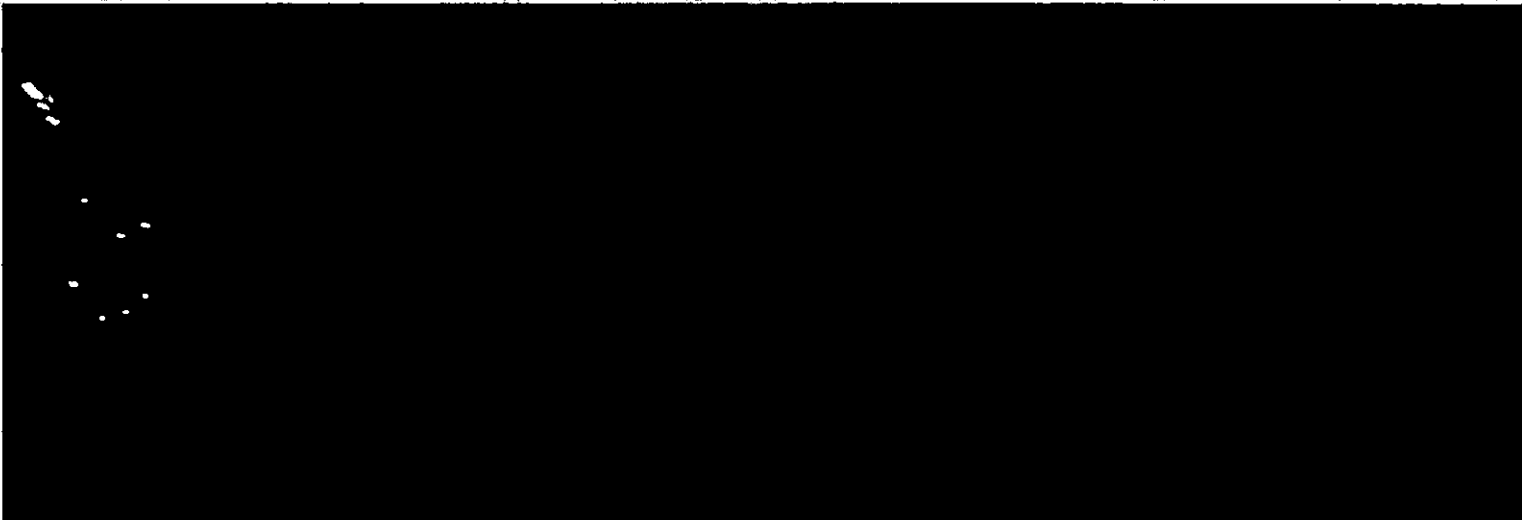
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JOHN DELAPO 1866/443 LAPD RECRUITMENT HOSTING

251 EAST 6th STREET
LOS ANGELES CA 90014

RIGHT 219 486 0600
FAX 219 817 2950
TTY 219 895 0910
www.lapd.net
www.joinlapd.com



Info
Add a Title
IMG_8089.JPG
May 21, 2016 9:25:41 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 824 KB
ISO 2000 4.15mm 0 ev 1/250 1/15s

Add a Description
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Defendant's Exhibit
718
CL-2019-0002911



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 IMG_6095.JPG
 May 21, 2016 9:26:24 PM

Apple iPhone 6
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 2448 x 2448 1.2 MB

ISO 2000 4.15mm 0 ev f/2.2 1/15s

Add a Description

Add a Keyword

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Los Angeles, California, United States

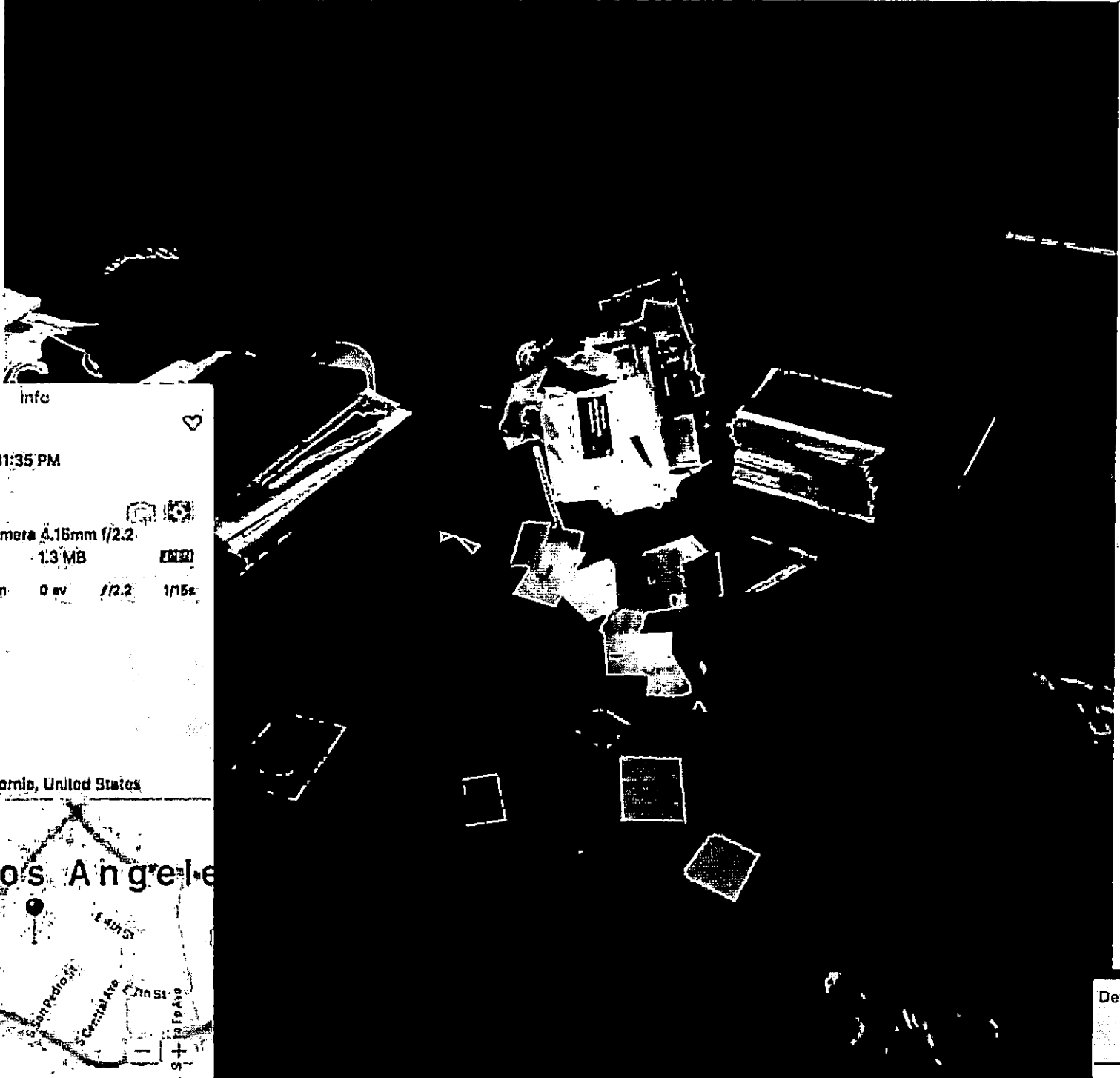
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719

CL-2019-0002911

exhibitkey.com



Info

Add a Title
IMG_6105.JPG
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Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1.3 MB

ISO 400 4.15mm 0 ev f/2.2 1/15s

Add a Description

Add a Keyword

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Los Angeles, California, United States

Defendant's Exhibit
720
CL-2019-0002911

Info

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IMG_6106.JPG
May 21, 2016 9:31:38 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1.4 MB

ISO 640 4.15mm 0.0v f/2.2 1/15s

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Los Angeles, California, United States



Defendant's Exhibit

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Edit



Info

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May 21, 2016 9:31:29 PM



Apple iPhone 6



iPhone 6 back camera 4.15mm f/2.2

2448 x 2448

1.1 MB

ISO 320 4.15mm 0 ev f/2.2 1/15s

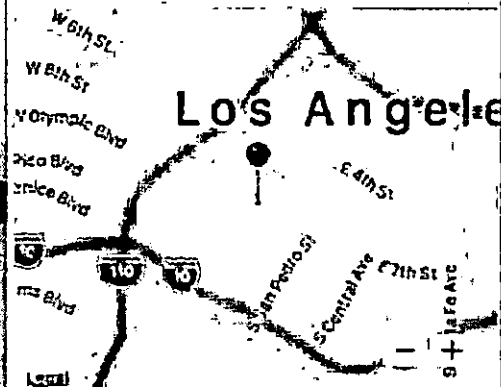
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Los Angeles, California, United States

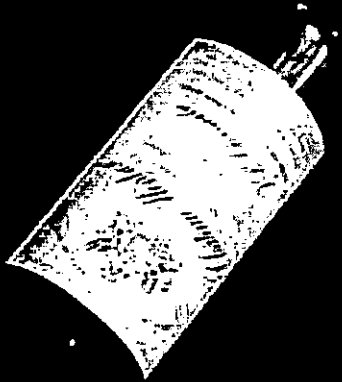


Defendant's Exhibit

722

CL-2019-0002911

esbbsack.com



Info

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IMG_6100.JPG
May 21, 2016 9:27:40 PM

Apple iPhone 6
iPhone 6 back camera 4.15mm f/2.2
2448 x 2448 1 MB

ISO:1000 4.15mm 0 ev 1/2.2 1/10s

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Add a Keyword

Add Faces

Los Angeles, California, United States

Defendant's Exhibit

723

CL-2019-0002911

Info

Add a Title
 IMG_6094.JPG
 May 21, 2016 9:26:16 PM

Apple iPhone 6
 iPhone 6 back camera 4.15mm f/2.2
 2448 x 2448 829 KB

ISO 2000 4.15mm 0 ev 1/220 1/15s

Add a Description

Add a Keyword

Add Faces

Los Angeles, California, United States

Map showing Los Angeles, California, United States. Streets labeled include W 6th St, W 5th St, W Olympic Blvd, Pico Blvd, Venice Blvd, San Pedro St, Central Ave, 7th St, and Santa Monica Blvd. Highways 10, 110, and 10 are also shown.

fire



Defendant's Exhibit

724

CL-2019-0002911



Info

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May 21, 2016 9:27:37 PM

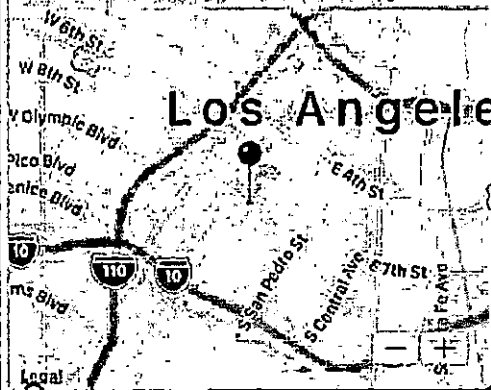
Apple iPhone 6
iPhone 6 back camera: 4.15mm f/2.2
2448 x 2448 1 MB
ISO 400 4.15mm 0.0v f/2.2 1/15s

Add a Description

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Add Faces

Los Angeles, California, United States



Defendant's Exhibit

725

CL-2019-0002911

exhibitlocker.com



Add a Title

IMG_6091.JPG

May 21, 2016 9:26:06 PM

Apple iPhone 6

iPhone 6 back camera 4.15mm f/2.2

2448 x 2448

1.3 MB

ISO 1000

4.15mm

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Add a Description

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+ Add Focus

Los Angeles, California, United States



Defendant's Exhibit

726

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enbusticker.com



West's Annotated California Codes
Penal Code (Refs & Annos)
Part 4. Prevention of Crimes and Apprehension of Criminals (Refs & Annos)
Title 5. Law Enforcement Response to Domestic Violence (Refs & Annos)
Chapter 1. General Provisions (Refs & Annos)

West's Ann.Cal.Penal Code § 13700

§ 13700. Definitions

Effective: January 1, 2017

Currentness

As used in this title:

(a) **"Abuse"** means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) **"Domestic violence"** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, a peace officer as defined in subdivisions (a) and (b) of Section 830.32, or a peace officer as defined in subdivision (a) of Section 830.33.

(d) "Victim" means a person who is a victim of domestic violence.

Credits

(Added by Stats.1984, c. 1609, § 3. Amended by Stats.1992, c. 1136 (S.B.1541), § 9; Stats.1993, c. 1229 (A.B.224), § 3; Stats.1993, c. 1230 (A.B.2250), § 1.5; Gov.Reorg.Plan No. 1 of 1995, § 57, eff. July 12, 1995; Stats.1996, c. 305 (A.B.3103), § 58; Stats.1999, c. 659 (S.B.355), § 5; Stats.2002, c. 534 (A.B.2826), § 2; Stats.2004, c. 250 (S.B.1391), § 3; Stats.2014, c. 559 (S.B.1154), § 2, eff. Jan. 1, 2015; Stats.2016, c. 50 (S.B.1005), § 75, eff. Jan. 1, 2017.)

Notes of Decisions (21)

West's Ann. Cal. Penal Code § 13700, CA PENAL § 13700

Current with urgency legislation through Ch. 10 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

End of Document

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated California Codes
Penal Code (Refs & Annos)
Part 4. Prevention of Crimes and Apprehension of Criminals (Refs & Annos)
Title 5. Law Enforcement Response to Domestic Violence (Refs & Annos)
Chapter 1. General Provisions (Refs & Annos)

West's Ann.Cal.Penal Code § 13701

§ 13701. Written policies and standards; development, adoption, and implementation; availability to public; consultations with experts

Effective: January 1, 2022

Currentness

(a) ~~Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls by January 1, 1986~~ These policies shall reflect that ~~domestic violence is alleged criminal conduct~~. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

(b) The written policies ~~shall encourage the arrest~~ of domestic violence offenders ~~if there is probable cause that an offense has been committed~~. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. ~~Peace officers shall make reasonable efforts to identify the dominant aggressor~~ in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an ~~officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse~~ the ~~threats creating fear of physical injury, the history of domestic violence between the persons involved,~~ and whether either person acted in self-defense. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local domestic violence agencies.

(c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

(1) Felony arrests.

(2) Misdemeanor arrests.

(3) Use of citizen arrests.

- (4) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.
- (5) Verification and enforcement of stay-away orders.
- (6) Cite and release policies.
- (7) Emergency assistance to victims, such as medical care, transportation to a shelter or to a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.
- (8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.
- (9) **Furnishing written notice to victims at the scene** including, but not limited to, all of the following information:
 - (A) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
 - (B) A statement that, "For further information about a shelter you may contact ____."
 - (C) A statement that, "For information about other services in the community, where available, you may contact ____."
 - (D) A statement that, "For information about the California Victims' Compensation Program, you may contact 1-800-777-9229."
 - (E) A statement informing the victim of domestic violence that the victim may ask the district attorney to file a criminal complaint.
 - (F) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:
 - (i) An order restraining the attacker from abusing the victim and other family members.
 - (ii) An order directing the attacker to leave the household.
 - (iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
 - (iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.

(v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.

(vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.

(vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.

(viii) An order directing that either or both parties participate in counseling.

(G) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

(H) In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 273.5, 286, 287, or 289, or former Section 262 or 288a, a "Victims of Domestic Violence" card which shall include, but is not limited to, the following information:

(i) The names and phone numbers of or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters for victims of domestic violence and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.

(ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.

(iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

(iv) A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

(I) A statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

(10) Writing of reports

(d) In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for victims of domestic violence and their children. Departments may use the response guidelines developed by the commission in developing local policies.

Credits

(Added by Stats.1984, c. 1609, § 3. Amended by Stats.1985, c. 668, § 1; Stats.1990, c. 1692 (A.B.4237), § 3; Stats.1991, c. 999 (S.B.835), § 2; Stats.1995, c. 246 (S.B.591), § 4; Stats.1998, c. 698 (A.B.1201), § 2; Stats.1998, c. 701 (A.B.2172), § 2;

§ 13701. Written policies and standards; development,.... CA PENAL § 13701

Stats.1998, c. 702 (A.B.2177), § 3.3; Stats.1999, c. 661 (A.B.825), § 11; Stats.2000, c. 1001 (S.B.1944), § 5; Stats.2013, c. 28 (S.B.71), § 47, eff. June 27, 2013; Stats.2013, c. 161 (A.B.81), § 1, eff. Aug. 27, 2013; Stats.2014, c. 71 (S.B.1304), § 133, eff. Jan. 1, 2015; Stats.2017, c. 331 (S.B.40), § 1, eff. Jan. 1, 2018; Stats.2018, c. 423 (S.B.1494), § 119, eff. Jan. 1, 2019; Stats.2021, c. 626 (A.B.1171), § 68, eff. Jan. 1, 2022.)

West's Ann. Cal. Penal Code § 13701, CA PENAL § 13701

Current with urgency legislation through Ch. 10 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Annotated California Codes

Penal Code (Refs & Annos)

Part 4. Prevention of Crimes and Apprehension of Criminals (Refs & Annos)

Title 5. Law Enforcement Response to Domestic Violence (Refs & Annos)

Chapter 1. General Provisions (Refs & Annos)

West's Ann.Cal.Penal Code § 13702

§ 13702. Written policies and standards for dispatchers' response to domestic calls

Currentness

Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. These policies shall reflect that calls reporting threatened, imminent, or ongoing domestic violence and the violation of any protection order, including orders issued pursuant to Section 136.2, and restraining orders, shall be ranked among the highest priority calls. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance.

Credits

(Added by Stats.1990, c. 1692 (A.B.4237) § 4.)

West's Ann. Cal. Penal Code § 13702, CA PENAL § 13702

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----X

JOHN C. DEPP, II, :

Plaintiff, :

v. : Case No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

-----X

Videotaped Deposition of

OFFICER MELISSA SAENZ

Conducted Virtually

Wednesday, March 31, 2021

12:34 p.m. EST

Job No.: 360086

Pages: 1 - 358

Reported by: Marney Alena Mederos, RPR, CRR

Transcript of Officer Melissa Saenz

March 31, 2021

143

1	Q	Okay. And, in fact, it was	03:39:13
2		significantly less, correct?	03:39:16
3	A	Correct.	03:39:18
4	Q	Okay. And -- and, in fact, it was --	03:39:18
5		you entered from the elevator at 9:04 p.m. and	03:39:22
6		went back into the elevator at 9:19, for a total	03:39:27
7		of 15 total minutes, correct?	03:39:31
8	A	Correct.	03:39:35
9	Q	Okay. And -- and we've seen the video	03:39:35
10		clips of you getting on the elevator and getting	03:39:38
11		off, and that's where those timestamps come from.	03:39:40
12		Now, once you got off the elevator at	03:39:43
13		9:04 p.m., the first thing you did was listen for	03:39:46
14		some noise, correct?	03:39:51
15	A	Correct.	03:39:53
16	Q	All right. And then you went around	03:39:54
17		and checked out the outdoor courtyard to see if	03:39:58
18		anyone was outside.	03:40:02
19		Do you recall that?	03:40:03
20	A	Yes, I do.	03:40:04
21	Q	And you saw that there was a woman in	03:40:04
22		the gym who was not related to the incident.	03:40:07

PLANET DEPOS

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1	Exhibit Number 19?	04:04:14
2	MR. PRESIADO: Objection.	04:04:18
3	THE WITNESS: Yes. It's our --	04:04:18
4	MR. PRESIADO: Lacks foundation.	04:04:18
5	Hang on. I'm sorry, Officer.	04:04:20
6	Lacks foundation. Lacks	04:04:22
7	authentication. Calls for speculation. Assumes	04:04:23
8	facts not in evidence.	04:04:26
9	THE WITNESS: Yes, it's our business	04:04:31
10	card.	04:04:32
11	BY MS. BREDEHOFT:	04:04:32
12	Q All right. And the metadata next to it	04:04:33
13	says May 21, 2016 at 9:19:20 -- 23.	04:04:36
14	Would that time have been shortly after	04:04:45
15	you departed from the penthouse?	04:04:47
16	MR. PRESIADO: Objection. Lacks	04:04:49
17	foundation. Lacks authentication. Calls for	04:04:49
18	speculation. Assumes facts not in evidence.	04:04:49
19	THE WITNESS: Correct.	04:04:55
20	BY MS. BREDEHOFT:	04:04:57
21	Q Okay. And it has 1A1 on the front of	04:04:57
22	it.	04:05:01

Transcript of Officer Melissa Saenz

March 31, 2021

174

1 contact us at any time if she changed her mind and 04:06:24
2 decided that she wanted to speak to us and 04:06:26
3 cooperate. 04:06:29
4 Q All right. 04:06:31
5 MS. BREDEHOFT: Then let's take down 04:06:32
6 Number 19, and let's go to Number 20. 04:06:34
7 AV TECHNICIAN: (Technician complies.) 04:06:37
8 BY MS. BREDEHOFT: 04:06:42
9 Q Do you recognize this, what's depicted 04:06:43
10 in this picture? 04:06:48
11 A Yes, I do. It's the back of the 04:06:49
12 business card. 04:06:50
13 Q All right. And it says 5/21/2016, and 04:06:51
14 the time is 9:16 p.m. 04:06:55
15 Is that the time that card -- that it 04:06:59
16 was written? 04:07:00
17 A Correct. 04:07:04
18 Q Okay. And do you recognize the 04:07:05
19 handwriting on this side? 04:07:07
20 A It looks like my handwriting. 04:07:13
21 Q Okay. Now, it says, "radio call of 04:07:15
22 dispute." 04:07:18

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May 21, 2016 9:19:23 PM

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LOS ANGELES POLICE DEPARTMENT
CENTRAL AREA
CENTRAL PATROL DIVISION

SAENZ
40265

HADDEN
42335

251 EAST 6TH STREET
LOS ANGELES CA 90014

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ealib@lapd.com

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ISO 640 4.15mm 0 ev f/2.2 1/15s

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+ Add Faces

Los Angeles, California, United States

INC NO: 4786

DATE: 5/21/16 TIME: 9:16 PM

- RADIO CALL OF DISPUTE

- REFUSED REPORT

- ADVISORY CALL @ LATTEK

If you wish to comment on the level of service you received, please contact a Department supervisor or telephone 800-339-6868, or TTY for the hearing-impaired (213) 485-3604

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AMS - 03/31/2021

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7. Rachael Frost, Policing – Policy and Procedures Expert, Frost ICED, 39252 Winchester Road, Suite 107-169, Murrieta, California 92563. Ms. Frost is twenty-year law enforcement veteran and nationally recognized trainer with extensive experience in domestic violence, sexual assault, and threat management. In 2019, Ms. Frost retired from the Riverside County Sheriff's department, where she spent fifteen years as a detective and was the first female to reach the rank of Master Investigator. While at the Riverside County Sheriff's department, Ms. Frost helped start the department's first domestic violence team and twice received the Distinguished Service Medal for her work in domestic violence and threat assessment. Currently, as CEO of Frost ICED (Investigation, Consulting, Education, and Development), Ms. Frost specializes in training, case evaluation and investigation, and expert witness services for clients such as the United States Air Force, schools, corporations, and law enforcement organizations. Ms. Frost has worked on over 100 cases and has provided expert testimony in civil and criminal cases. Ms. Frost serves as a sexual assault expert for the Cadre of Experts for End Violence Against Women International, participates as a member on the Communications Committee for the Association of Threat Assessment Professionals, and is the CEO of the physical and mental wellness non-profit Survivor of the Fittest, Inc.

Subject Matter of Ms. Frost's Opinion: Ms. Frost will testify regarding whether the two set of LAPD officers followed policy, procedure, and best practices based on California state law regarding their dispatch and arrival to 849 S. Broadway, Los Angeles on May 21, 2016.

Substance of Ms. Frost's Opinion: Specifically, Ms. Frost is expected to draw upon her experience and expertise as a twenty-year law enforcement veteran specializing in domestic violence to testify that: (1) Officers Saenz and Hadden followed best practices regarding their dispatch and arrival to 849 S. Broadway, Los Angeles, with minor exceptions that did not impact

Ms. Frost's ultimate opinion; (2) Officers Diener and Gatlin followed best practices regarding their dispatch and arrival to 849 S. Broadway, Los Angeles; and (3) step-by-step procedure on the best practices of dealing with a call for domestic violence and assessment of whether a crime had been committed under California law.

Summary of the Grounds for Ms. Frost's Opinion: Ms. Frost will base her opinions on the following grounds:

- a. ***Officer Saenz and Hadden's Initial Response Prior to Arrival on Scene:*** Officers accepted and responded to the call for service at approximately 20:30 hours on May 21, 2016 in a timely manner. The only issue with Officers Saenz and Hadden's initial response is that, based on the available documents, it does not appear that the officers ran the location (849 South Broadway) for contacts, which would be an opportunity to exercise officer safety and build history on potential involved parties prior to arrival at the location.
- b. ***No Contact Information for Reporting Party:*** Officers Saenz and Hadden did not have an identifiable complainant to contact. In the initial call for service assigned to Officers Saenz and Hadden, the reporting party listed at the top of the call requested to remain "Anonymous" and refused to provide additional information which would preclude officers from contacting that party. Dispatch included this information on the top of the Incident Recall: "Contact Complainant: N." The duplicate call for service generated at 20:37:55 and included in the same incident text is noted within the text as coming in "2nd HAND FM NYPD" (second hand from the New York Police Department) and that the female reporting party "declined further." Following,

the notation states, "CONTACT COMP: N," to indicate the complainant is not requesting contact.

- c. ***Officers Properly Handled the Call Once They Arrived on Scene:*** Upon arrival, Officers Saenz and Hadden met with Joshua Drew at the elevator, and he attempted, by his own deposition testimony, to get the officers to leave because Ms. Heard did not want to file a report. *See* Drew Dep. (November 19, 2019); 218:4-8. Officers Saenz and Hadden followed best practice and asked to speak directly with Ms. Heard who was on scene. Officers Saenz and Hadden followed Mr. Drew to Penthouse #1 so they could speak to Ms. Heard. Mr. Drew entered the apartment, closing the door behind him. This was an officer safety issue. When Officers Saenz and Hadden continued to hear voices, they stated they needed Mr. Drew to open the door. Mr. Drew complied and he, Ms. Heard, and Ms. Pennington stepped out. *See* Saenz Dep. (July 18, 2016) at 17:21-18:20. The officers inquired what occurred. By Ms. Heard's own statement, she did not want to "give a statement on advice of counsel." Heard Dep. (August 13, 2016) at 351:5-6. Ms. Heard repeatedly refused to provide any information to Officer Saenz and said that nothing happened. Officer Saenz asked Ms. Heard if she was hurt in any way or if she needed an ambulance. Ms. Heard declined medical attention and did not indicate in any way that she had an injury. Officer Hadden recalled asking those on scene for names, but none of the parties appeared inclined to cooperate and they did not provide contact information.
- d. ***Officer Saenz Questioned Ms. Heard Alone:*** Officer Saenz provided a trauma-informed attempt to develop further information from Ms. Heard by speaking with her away from others. Speaking to an emotional subject and alleged domestic abuse

victim away from others present is a trauma-informed practice designed to create a confidence between an officer and that subject. Ms. Heard asked if her friend could join them (Ms. Pennington) and Officer Saenz did not refuse. They stepped into Penthouse #3 and Officer Saenz stepped away with Ms. Heard, attempting to gain further information by providing Ms. Heard some privacy. Per Officer Saenz, Ms. Heard continued to assert nothing happened and refused to provide further information, agreeing when Officer Saenz asked if she and her husband had a verbal argument. Ms. Heard (as stated in her deposition) repeated that she declined to make a statement. *See* Heard Dep. (August 13, 2016) at 351:5-6. Officer Saenz did not speak separately with Ms. Pennington. Officer Saenz erred by not separately speaking with Ms. Pennington, but Ms. Pennington did not provide any statements on scene or at any point after this alleged incident to the LAPD.

- e. ***Providing Business Cards:*** Officers provided their business card, advising Ms. Heard to call if she wanted to provide any further statement about the evening or if she needed anything. *See* Hadden Dep. (March 11, 2021) at 139:15-19; *see also* Hadden Ex. 19. Los Angeles Police Department Domestic Violence Coordinator Detective Melissa Sadanaga advised during her March 2021 deposition that providing a business card on all calls for service is required/standard practice for all Los Angeles Police Department law enforcement officers. Sadanaga Dep. (March 12, 2021) at 54:20-55:2; *see also* Hadden Dep. (March 11, 2021) at 93:8-10.
- f. ***Safety Sweep Conducted by Officers:*** Officers Saenz and Hadden checked the residences in a safety sweep and did not identify any damage or destruction.

- g. *Officer Hadden Attempted to Gain Information from Separate Witness:*** Officer Hadden attempted to gain information from a separate witness (Mr. Drew) regarding what occurred and requested identifying information about Ms. Heard's husband and was only advised that Ms. Heard's husband was gone from the location and would not be back.
- h. *A Crime Had Not Occurred:*** Officers Saenz and Hadden were unable to develop any information that a crime occurred because:
- i.** None of the parties provided statements to the officers indicating any crime had occurred;
 - ii.** Ms. Heard did not show signs of injury or state she had an injury, and declined a request by Officer Saenz for medical aid;
 - iii.** Officers did not see any signs of a struggle or obvious signs of vandalism in the residences after conducting a safety sweep;
 - iv.** None of the parties present, specifically Ms. Heard, stated they were in fear, nor did they exhibit any signs of fear or provide any information that should have alerted the officers to the presence of fear; and,
 - v.** Ms. Heard denied any physical assault, and repeatedly stated that nothing happened, it was only a verbal argument, and she did not want to discuss anything further with the officers.
- i. *Officers' Determination that Ms. Heard was not a Victim of a Crime was Proper:*** Since Officers Saenz and Hadden stated they were advised by Ms. Heard that no crime had been committed, other parties present offered nothing to contradict that information, and the officers did not have any independent, articulable belief that Ms.

Heard was a victim of domestic violence, the Officers did not consider Ms. Heard a victim of crime or domestic abuse and therefore did not:

- i. Take photographs or secure any additional items (such as documents, messages, etc.);
 - ii. Write a Domestic Violence Report or an Incident Report, to include filling out a Domestic Violence Supplemental Report; and,
 - iii. Provide supplemental information to Ms. Heard such as a Domestic Violence Resource Pamphlet which satisfies the requirements listed in 13701(c)(9) (AMS03/1/21, Sadanaga Exhibit 10) or a Marsy's Card (679.026 PC since she was not identified by the officers as a victim of crime).
- j. ***Officers Diener and Gatlin Properly Determined That A Second Incident Had Not Occurred:*** Officers Diener and Gatlin did not have a responsibility to re-investigate the incident already handled by Officers Saenz and Hadden unless a second incident had occurred, or a victim/witness/suspect contacted law enforcement requesting additional investigation or to provide additional information. In that event, it would be preferred to have the original patrol officers handle a follow-up call as they were the officers most knowledgeable about the incident and so the initial investigation is not duplicated. During their call, Officers Diener and Gatlin determined the initial investigation already occurred and was closed, indicating the call transferred from NYPD was a previous call. Since Officers Diener and Gatlin determined a second incident had not occurred and that call was from the initial incident, they treated the incident as they should have: a confirmed duplicate call for service. Officers Diener and Gatlin confirmed the call for service was handled already and there was not an

additional need of law enforcement by entering the apartment and speaking directly with Ms. Heard. They asked if everyone was okay, if they needed anything, and even inquired after “Johnny.”

- k. ***Footage from Body Worn Cameras:*** As evidenced from the footage of these officers’ body worn cameras, Officers Diener or Gatlin are told nothing about any physical altercation, injuries, property damage, any expressions of fear or concern about “Johnny” or anyone else, no one asks about an Emergency Protective Order or how to obtain a restraining order, no negative comments or frustrations expressed regarding how the original officers handled the call for service, comments by Mr. Drew or anyone about they wished there was something that could be done, how to make a report regarding injuries or damage, or how to make a complaint against the officers for failure to perform their duties. Officers Diener and Gatlin state they did not see any injury on Ms. Heard, but it was also dim lighting.
- l. ***Explanation of the Delayed Closing Out of Call:*** All officers of the Los Angeles Police Department “complete” a Daily Field Activity Report (DFAR) each day they are on patrol. To say they “complete” the document is a misnomer, however, as the DFAR is digital and is automatically generated to indicate activity related to the officer(s)’ shift which can include calls assigned, actions taken, notes entered by the officer, dispatch, a supervisor/watch commander, and more. It is not uncommon for officers to mistakenly miss closing out a call for service and then complete that task at end of shift. It is preferred that officers close each call for service in a timely manner. But it is not uncommon for an officer to forget to close a call for service because they get busy or respond to a high priority call or believe they already closed

the call. The call for service remains open until end of shift when the officer cannot log out of his patrol unit before closing the call (or when dispatch notices and brings it to the attention of the officer). This is a simple, basic, common issue with patrol officers and does not have any bearing on the officers' conduct in this case.

m. *Step-by-by Procedure to Respond to a Call For Potential Domestic Violence:* Best practices for a general domestic violence call for service are as follows (this is a basic outline and due to the content of this case does not include every step available to officers, such as in strangulation cases, further interviews, etc.):

- i. Acknowledge and review the call for service as received.
- ii. Arrive on scene in a timely manner, as expeditiously as possible.
- iii. If a third-party report and indicated and available prior to arriving in scene, contact the reporting party.
- iv. If available, record the encounter on Body Worn Video or audio recording.
- v. Run the location for contacts to possibly determine previous incidents at the location, presence of potential weapons, warrants for arrest, etc.
- vi. Arrive on scene in a safe manner, aware of potential hazards such as someone lying in wait or injured parties.
- vii. Assess the scene upon arrival and determine if any immediate threats to life are present (to officers of parties on scene).
- viii. Address any immediate safety issues as needed (outstanding suspects, weapons, etc.)
- ix. Conduct a safety sweep of the location as needed for outstanding suspects or additional parties on scene.

- x. Address any immediate medical need, if needed.
- xi. Note any spontaneous statements made upon arrival on scene.
- xii. Once the scene is secure, contact the reporting party, or if a third-party report, attempt to contact any alleged victims.
- xiii. If both parties of the assault are on scene and the scene is safe, separate the parties to obtain statements from each involved individual.
- xiv. Allow the alleged victim access to a support companion or domestic violence advocate per 679.05 California Penal Code, as requested.
- xv. Conduct a trauma-informed interview of the victim on scene.
- xvi. Have a second officer conduct an interview with the alleged suspect.
- xvii. If the alleged suspect has left the building and you have probable cause to believe a crime has occurred, put out a BOLO for the suspect with their description through dispatch.
- xviii. Inquire if anyone needs medical attention in the event anyone is injured, and any injury is not readily apparent.
- xix. If medical attention is indicated at any point, contact Dispatch and request an ambulance.
- xx. During the statement from the parties on scene, determine if any weapons were involved, or if there are any weapons present in the home (specifically firearms), and secure those weapons, as needed.
- xxi. Separate and obtain witness statements from all parties present to corroborate or refute statements from involved parties.

- xxii. If children are present, follow guidelines for interviewing children based on age and department policy guidelines.
- xxiii. If children are present and a crime of domestic violence has been identified, follow guidelines for reporting to Department of Children and Family Services.
- xxiv. Document available evidence as observed such as injuries to any party, damage to property, etc.
- xxv. Based upon witness statements, if you are able to determine a possible crime has been committed, follow further investigation protocols for response to a domestic violence call for service which would include evidence gathering, documentation, search warrants, arrest, etc. Provide contact information to all parties.
- xxvi. Based upon witness statements, if you are unable to determine a crime has occurred, but due to victim statements, information available on scene, etc., may be a victim of domestic violence, provide the party with information regarding domestic violence shelters and information. Consider writing an Incident report to document the call for service. Provide contact information to all parties.
- xxvii. Based upon witness statements, if you are unable to determine a crime has occurred and you do not obtain enough information to believe any party on scene is a victim of domestic violence, close the call by providing contact information to all parties.

Ms. Frost's opinions will be based on a review of documentary evidence and deposition and trial testimony, as outlined in Exhibit M. Ms. Frost's opinions will also be based on: relevant California state law in effect on May 21, 2016 related to policy and procedure development regarding general crimes and domestic violence response for law enforcement agencies and more, including but not limited to the following California Penal Codes 243(e)(1), 243(d), 273.5, 273.6, 422, 679.026, 836(b) and (c)(1), 13700(a) and (b), 13701, 13702, 13730, and California Family Code 6275, standard patrol practices, evidence identification and collection, and mandatory arrest or pro-arrest policies; the LAPD's policies and procedures in effect on May 21, 2016 related to general crimes and domestic violence investigations; and standard patrol practices related to general crimes, domestic violence investigations, officer safety, and evidence identification and collection.

Ms. Frost may also testify as to any fact or opinion rendered or attributed to another witness or party as identified by other parties' witnesses. Plaintiff reserves the right to designate or substitute other witnesses of the same disciplines to testify as to the facts and opinions described herein. Plaintiff further reserves the right to supplement this Expert Witness Designation based on additional facts Plaintiff learns during discovery and/or his ongoing investigation of this matter. In particular, as of the date of this Expert Designation, the depositions of Ms. Heard, Ms. Pennington, and Mr. iO Tillet Wright have yet to occur.

Ms. Frost's CV is attached hereto as Exhibit M. She is being compensated for her work at the rate of \$485 per hour for consultation time and \$535 per hour for deposition and trial testimony time; none of her compensation is contingent on the opinions she renders or the outcome of the litigation.

Respectfully submitted,



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Dated: January 11, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January 2022, I caused copies of the foregoing to be served by email (per written agreement between Parties) on the following:

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Benjamin G. Chew

CONFIDENTIAL

EXHIBIT M

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Documents and Evidence Reviewed for Expert Opinion: Rachael Frost

State of California, County of Los Angeles Domestic Violence Restraining Order L.A.S.C CASE NO BD641 052

1. Amber Heard declaration (05/26/2016), deposition transcript, deposition recordings (in part) (08/13/2016)
2. Elizabeth Marz, two declarations, deposition transcripts (07/15/2016)
3. Joshua Drew written statement (2016)
4. Jerry Judge, written declaration (possibly June 2016)
5. Sean Bett, written declaration (possibly June 2016)
6. Raquel Pennington written declaration, deposition transcripts (two days) (06/16/2016 and 07/16/2016)
7. iO Tillet Wright written declaration (06/13/2016)
8. Restraining Order DV100 – Heard Declaration
9. Restraining Order DV 100 - Amendments regarding *pendente lite*
10. Officer Melissa Saenz deposition transcript (07/18/2016)
11. Officer Tyler Hadden, deposition transcript (07/18/2016)

***Depp v. NGN and Wooton (2020)* LtdEWHC 2911(QB)**

1. Johnny Depp, testimony (07/13/2020)
2. Amber Heard, testimony transcripts
3. Elizabeth Marz, written declarations (unsigned), testimony (12/10/2019)
4. Raquel Pennington, written declaration, testimony (12/10/2019)
5. Joshua Drew, written declaration, testimony (7/22/2020)
6. Alejandro Romero, testimony (07/17/2020)
7. Trinity Esparza, witness statement (12/12/2019), testimony (07/13/2020)
8. Sean Bett, testimony (07/16/2020)
9. Sean Bett, testimony (12/12/2019)
10. Mr. Justice Nichol, Approved Judgement
11. Melanie Ingelssis, witness statement (12/10/2019), testimony (7/22/2020)
12. Officer Melissa Saenz, testimony (6/10/2020)

Depp v. Heard, CL-2019-2911 (Va. Cir. Ct. Jul. 25, 2019)

1. Los Angeles Police Department production of policies and procedures
2. 911 call recordings/May 21, 2016
3. Incident Recall documents/May 21, 2016
4. CAD Log/Dispatch documents/May 21, 2016
5. Axon body worn camera video for Officer Christopher Diener (05/21/2016)
6. Axon body worn camera video for Officer William Gatlin (05/21/2016)
7. PMK Sergeant Armand Lemoyne deposition transcript (03/09/2021)
8. PMK Police Services Officer Roberto Lopez deposition transcript (03/08/2021)
9. PMK Detective Marie Sadanaga deposition transcript (03/12/2021)
10. Officer Melissa Saenz deposition transcript (03/31/2021)
11. Officer Tyler Haydon deposition transcript (03/11/2021)
12. Officer Christopher Diener deposition transcript (11/23/2021)
13. Officer William Gatlin deposition transcript (11/23/2021)
14. Johnny Depp deposition transcript and recordings (11/12/2020)
15. Joshua Drew deposition transcript (11/19/2019)
16. Elizabeth Marz deposition transcript (11/26/2019)
17. Los Angeles Police Department Administrative Order #3 (not part of LAPD production)

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EXHIBIT N

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FROST ICED

INVESTIGATION, CONSULTATION,
EDUCATION & DEVELOPMENT

AREAS OF EXPERTISE

Investigative Excellence for Case
Development & Expert Witness
Testimony

- ✓ Intimate Partner Violence
- ✓ Coercive Control, Gaslighting, etc.
- ✓ Stalking
- ✓ Strangulation
- ✓ Restraining Orders
- ✓ Staged Suicides
- ✓ Murder/Suicide, Homicide & Familicide
- ✓ Sexual Abuse
- ✓ Child Abuse
- ✓ Law Enforcement Policies, Procedures & Investigation Standards
- ✓ Law Enforcement Internal Affairs Standards & Practices
- ✓ Threat Assessment & Management
- ✓ Interview & Interrogation

Frost ICED ACTION Academy

- ✓ Multidisciplinary Program Development
- ✓ Diversity, Equity & Inclusion
- ✓ Grants / Grant writing
- ✓ Motivational/Survivor Engagement Programs
- ✓ The Art of the Interview: Interview & Interrogation
- ✓ Evidenced-Based Investigations
- ✓ Report Writing
- ✓ Intimate Partner Violence
- ✓ Stalking
- ✓ Strangulation
- ✓ Restraining Orders
- ✓ Staged Suicides
- ✓ Murder/Suicide, Homicide & Familicide
- ✓ Sexual Abuse
- ✓ Child Abuse
- ✓ Law Enforcement Procedures
- ✓ Threat Assessment & Management

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**MASTER
INVESTIGATOR IV (ret.)
RACHAEL FROST**

Frost ICED
Investigation, Consultation,
Education & Development

Chief Executive Officer

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Murrieta, CA 92563

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rachael@frostICED.com

EXPERT WITNESS

Court expert witness and case evaluation for Intimate Partner Violence (IPV), stalking, restraining order violations, strangulation, sexual assault, child abuse, threat assessment and management, and law enforcement policies and procedures. Testified in numerous Family, Civil, and Criminal law cases as an expert witness for domestic violence, stalking, and strangulation. Developed additional investigators and their expert witness technique and knowledge. On staff with the Training Institute on Strangulation Prevention and working with the Justice Legal Network addressing cold case staged suicide scenes. Law enforcement policies and procedures specialist experienced in Internal Affairs investigation, procedure development and evaluation, and developed best practices for crimes against persons. A member of the Cadre of Experts for sexual assault for End Violence Against Women International

Thorough case evaluation available to address offender and victim behavior for investigation and case development. Testimony regarding victimology and abuser qualifiers and actions is often recommended as "blind testimony" depending on timeframes, case content, etc., with pre-testimonial discussion limited to requested areas of testimony. Testimony may include specific behavior and threat assessment concerns. Law enforcement and multidisciplinary team program development and policy specialist.

WORK EXPERIENCE

Twenty-year law enforcement veteran specializing in personal and intimate partner violence-related cases, grants, program development, and training programs. Fifteen years as a detective, three years investigating law enforcement cases in Internal Affairs Department addressing officer misconduct, domestic violence, etc., and person's crime specialist. Obtained more than \$3.5 million in Federal and State grant funds to address domestic violence-related issues across Riverside County. Developed the multi-disciplinary domestic violence response program and threat assessment training for local county agencies and beyond. Created best practices and Department reporting procedures for abuse victims. Assisted with Department policy development, domestic violence and strangulation reporting, strangulation protocol, and more.

Currently, owner and operator of Frost ICED (Investigation, Consulting, Education, and Development), specializing in training through our ACTION Academy, expert case evaluation/investigation, workplace violence, and leadership messaging to effectively integrate staff in program development and aspects of violence recognition and response. Clients include the Air Force, corporations, government agencies, attorneys, universities, and professional associations. Providing trauma and abuse wellness and connection through our Survivor of the Fittest app development.

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TRAINING

Nationally recognized trainer, educating thousands of people across the United States in domestic violence, stalking, strangulation, sexual assault, child abuse, threat assessment and management, as well as leadership, messaging, and staff/client engagement programs. Complete client list available and sample presentations included, below.

AWARDS

Distinguished Service Medal (two-time recipient) from the Riverside Sheriff's Department for development and implementation of domestic violence, strangulation, and threat management programs.

Investigative Excellence award from the Law Enforcement Appreciation Committee (LEAC) of the Inland Empire, California, for domestic violence-related investigation and programs.

"Unsung Hero" award from Shelter for the Storm for contributions to domestic violence investigation, training, and law enforcement work with domestic violence cases.

Making A Difference award from the Riverside County Family Justice Center for domestic violence programs and grant development and production across multidisciplinary fields.

Master Investigator first female to obtain the rank within the Riverside Sheriff's Department (2014)

Officer of the Year (two-time recipient).

CERTIFICATIONS/QUALIFICATIONS

Grant Writer and Program Developer, obtained in excess of \$3.8 million in grants from the Office of Violence Against Women, and the California Office of Emergency Services, assisted staff with additional grant applications in a variety of disciplines; developed related countywide programs to address domestic violence, stalking, strangulation, sexual assault, and threat assessment and management.

Behavioral Analysis Training Institute (BATI) and FBI-trained Interview and Interrogator, and BATI Cognitive Interview and Forensic Statement Analysis trained.

Threat Assessment Professional, graduate Advanced Threat Assessment Academy training, Gavin de Becker & Associates; developed the Riverside Sheriff Department's Domestic Violence Threat Management program; and, trained as a Community Emergency Response Team (CERT) Trainer (National Fire Academy-trained).

Critical Infrastructure Threat Assessment Specialist (ACAMS/Digital Sandbox/CalCop) to include location and processes assessment specialties.

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CERTIFICATIONS/QUALIFICATIONS *(continued)*

Defensive Tactics and Use of Force Instructor (ret., Riverside County Sheriff's Department) to include conducting training, as well as use of force and officer-involved shooting investigations through law enforcement Internal Affairs Bureau.

Forensic Sciences Certification, Grossmont College, San Diego (two-year program).

MEMBERSHIPS, ASSOCIATIONS & PROGRAMS

Association of Threat Assessment Professionals, Communications Committee for Association, Law Enforcement Steering Committee member.

Cadre of Experts member, End Violence Against Women International
One of a limited group of experts for this national non-profit organization. Providing expert training and witness availability, etc., as needed to government, public and private agencies, in the areas of sexual assault, domestic violence, threat management, and related fields.

Alliance for Hope and Training Institute on Strangulation Prevention, Masters staff member, Law Enforcement Steering Committee member (Strangulation), and trainer.

California Homicide Investigators Association, member.

Kids Court & Counseling Center, Chief Financial Officer and Board Member
Kids Court is a nonprofit organization specializing in curriculum that exposes children to the court system prior to testifying to minimize their trauma and improve cognitive function within the court room setting and beyond. Counseling is provided through grant funds at no cost to children who have experienced trauma and abuse.

Survivor of the Fittest, Inc., Chief Executive Officer
Survivor of the Fittest is a nonprofit organization focused on the physical and mental wellness of specialized focus groups; specifically, trauma and abuse victims. We fund our non-profit through work with Frost ICED's Survivor of the Fittest app development and launch. (Survivor program) for those who have suffered trauma and abuse, and first responders and military (Battle-Tested program).

PRESENTATIONS

Presentations are specific to each environment while addressing consistent messaging components. Specific environments and considerations include Workplace, Family Law, Law enforcement, and agency trainer for investigations of and human resources applications for domestic violence, sexual assault, stalking, restraining order violations, strangulation, and threat assessment and management. **Following, a small sample of presentations provided:**

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PRESENTATIONS *(continued)*

"Domestic Violence Threat Management," California Sexual Assault Investigators Association, Annual Conference, San Luis Obispo, CA; End Violence Against Women International Annual Conference, Washington D.C, Riverside County agency training

"Tactical Response to Community Violence: Threat Management and Warning Behaviors," Ben Clark Training Center, Woodcrest, CA

"Threat Management: Recognizing Warning Behaviors," Riverside County agency training (Utilities facilities, medical and mental health, human resources, etc.)

"Turning Challenges into Strategies: Investigating the Consent Defense," Federal Bureau of Investigation and UCLA Violent Crime Behavioral Analysis Unit Seminar, UCLA; California Sexual Assault Investigators Association, San Luis Obispo, CA; United States Air force

"Those Who Kill: Exploring the Non-Fatal Strangulation Correlation with Suspects Who Murder Police Officers and Commit Mass Homicide," Association of Threat Assessment Professionals Annual Conference, Anaheim, CA; Pueblo County, CO, Domestic Violence Conference; Riverside County District Attorney's Victim Witness; Center Against Sexual Assault.

"Frog in a Pot: Domestic Violence, Threat, and Mass Homicide," End Violence Against Women International Annual Conference, Chicago, IL; U.S. Air Force staff, Offut, NE; Association of Threat Assessment Professionals, Orlando, FL; Altus Air Force Base, Oklahoma, Laughlin Air Force Base, Texas, Association of Threat Assessment Professionals Winter Conference, Orlando, FL, End Violence Against Women International Annual Conference, Washington, DC; Several corporations focusing on workplace violence and intimate partner harm; and more.

"Shadow of Death: I Will Fear No Evil, Except for the One Who 'Loves' Me," Association of Threat Assessment Professionals' Winter Conference, End Violence Against Women International, Conference on Crimes Against Women.

"Every Opportunity to Heal," (co-presenter, Survivor and MFT Cindy Brock), End Violence Against Women International.

"Silent Victims: Staged Suicides," Association of Threat Assessment Professionals, Arizona.

"Looking Beyond the Threat Assessment & Management We Know to Effectively Address On-Site and Virtual Employee Domestic Abuse," Association of Threat Assessment Professionals, Los Angeles.

"The Art of the Interview," Training Institute on Strangulation Prevention curriculum, EVAWI conferences, ACTION curriculum.

"Diversity & Inclusion Reimagined: Communication. Connection. Perspective. Accountability. Leadership," San Bernardino School District.

PROFESSIONAL TRAINING

Complete training available upon request

Domestic Violence, Sexual Assault, Strangulation and Child/Persons' Crimes

Annual training at conferences for California Homicide Investigators Association, California Sexual Assault Investigators Association, Violent Crime Behavioral Analysis Unit Seminar, and End Violence Against Women International, training at the National Family Justice Center conferences to include stalking and strangulation training, Domestic Violence for Investigators, Advanced Officer training in Domestic Violence and Sexual Assault, Officer-Involved Domestic Violence, OVV-Domestic Violence Investigations, 80-hour Homicide instruction, Beginning and Advanced Child Abuse and Sexual Assault Investigation, Advanced Strangulation Institute Training, Child Homicide and False Allegations of Kidnapping, Human Trafficking Prosecution, and Child Abduction Response.

Threat Assessment and Management

Specialized training to include annual conference for the Association of Threat Assessment Professionals and the annual Inland Empire Terrorism Response Conference, successful completion of the Advanced Threat Assessment and Management Academy from Gavin de Becker & Associates, Domestic Terrorism Operations and Sovereign Citizens, Critical Infrastructure Asset Protection, Counter Terrorism and Threat Management, Threat and Risk Assessment Infrastructure, Post-Blast Investigations, Campus and School Violence Threat Management, Advanced Threat Assessment and Management, Safety in Our Schools, Behavioral Analysis Threat Assessment: Preventing Active Shooter, Behavioral Analysis Threat Assessment (Advanced), and Joint Regional Intelligence Center training to include Countering Violent Extremism and Terrorism and Benghazi.

Law Enforcement Specialties

Advanced Peace Officer Standards and Training Certificate, Officer-Involved Shooting Investigations, Beginners and Advanced Interview and Interrogation (BATI and FBI), Cognitive Interview and Forensic Statement Analysis, Problem-Oriented Policing, Drug-Use Recognition, Crime-Free Multi-Housing instructor, CERT Train-the-Trainer, Mentoring and Coaching for Successful Law Enforcement, Identity Theft and Elder Abuse investigations, Bicycle Patrol certification, Public Records Act Compliance, and Pitchess Motions, etc.

WORK EXPERIENCE

Survivor of the Fittest, Inc.

Chief Executive Officer (2020 – present)

Physical and mental fitness nonprofit (in person and virtual programs) focused on specialty focus groups; specifically, trauma and abuse survivors (Survivor) and first responders and military members (Battle-Tested). These programs help normalize trauma and provide engagement and fitness services to those seeking to regain strength.

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WORK EXPERIENCE *(continued)*

Frost ICED / Investigation, Consultation, Education & Development Chief Executive Officer (2019 - Present)

Violence recognition and response firm, specializing in expert witness, training, program development, and consultation regarding domestic violence, stalking, strangulation, restraining orders, sexual assault, threat assessment and management, and more.

Master Investigator - Advanced Officer Training Coordinator Ben Clark Training Center (2019) Riverside County Sheriff, CA

Master Investigator - Project Developer/Investigator Violence Against Women's Act "Arrestee" Grant (2015-2019) Riverside County Sheriff, CA

Developed, sought, and obtained two \$900,000 grants from the Office of Violence Against Women focused on Domestic Violence, Sexual Assault and Threat Management. Responsible for program development/ implementation for all programs related to domestic violence and threat management. Continual development of Threat Management Teams to include training of county, municipal and private agencies to recognize, respond and intervene in threat; created Strangulation, Domestic Violence and threat response materials and programs for public safety.

Project Developer/Investigator California Office of Emergency Services Grant (2012-2014) Riverside County Sheriff, CA

Developed, sought and obtained the California Office of Emergency Services (Cal-OES) grant in excess of \$700,000. Responsible for administration, investigation of cases, and development of the Domestic Violence Threat Management team to include a specialization in domestic violence and sexual assault cases involving stalking and threat assessment, restraining order violations, child endangerment, strangulation, and more.

Initial Program Development/Implementation (2012 - 2019) Riverside County Sheriff, CA

Developed proactive and reactive programs for the Riverside Sheriff's Department specific to domestic violence and threat management. Proposed, obtained funding for, and implemented countywide Threat Management Teams, training county, municipal and private agencies in conducting threat management in a team environment, identifying and responding to warning behaviors, and creating a network of response personnel to minimize confusion in a mass violence event.

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WORK EXPERIENCE *(continued)*

Grant Writer/Investigator

Violence Against Women's Act "Arrestee" Grant (2013)
Riverside County Sheriff, CA

Developed, sought and obtained the Violence Against Women's Act (VAWA) grant for \$900,000 to address specialized law enforcement and advocacy needs of the tribal and military communities as related to domestic violence. Operating within that grant as a threat assessment and response specialist. Proposed, developed and implemented programs for Riverside County in conjunction with grant writing needs of the Department related to domestic violence, stalking, sexual assault, child abuse and threat management.

Investigator

Violence Against Women's Act "Arrestee" Grant, Riverside County Sheriff (2006-2007)
Persons' Crimes, Riverside County Sheriff (2005 - 2007, 2010 - Present)

Developed program application for OVW Grant specifications for countywide investigation of domestic violence cases and the Riverside Sheriff's Department's first Domestic Violence Investigations Unit. Investigative specialization in domestic violence cases, stalking and restraining order violations, sexual assault, child abuse, assaults, and threat assessment and management of high lethality threat cases. Assisted with grant application for 2007 OVW submission (awarded).

Investigator

Professional Standards Bureau at Sheriff's Administration (2007 - 2010)

Responsible for conducting in-depth personnel investigations (sexual assault, domestic violence, child abuse, use of force, etc.), assisting Department legal representatives with civil cases, responding to Officer-Involved Shooting incidents and conducting the associated policy and procedure investigations, etc. Promoted to Senior Investigator and obtained Advanced POST certificate.

Problem-Oriented Policing Team, Law Enforcement Patrol Functions

(June 2000 - December 2005)

Responsible for deputy-rank development of the Temecula Citizen Corps, a community disaster response team. Trained by FEMA as a train-the-trainer for disaster response and SEMS. Trained and worked with Neighborhood Watch organizations and the volunteer staff of the Citizen Corps to integrate the program into the city's disaster response protocol. Conducted presentations, training and managed volunteer staff as part of the program. Patrol deputy duties including investigating hundreds of property and persons' crimes, responding as part of emergency law enforcement services. As part of the Problem Oriented Policing Team, responsible for crime-free multi housing developing and implementing community-oriented programs targeted at reducing crime in the contract city, graffiti reduction/identification programs, as well as all special enforcement actions assigned by supervision. Promoted to Investigator in 2005.

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WORK EXPERIENCE *(continued)*

Editor and Columnist

San Diego Commerce, a Daily Journal Corporation publication (April 1996 – January 2000)

Responsible for content, layout and design development for the *San Diego Commerce*, a Business, Real Estate and Legal newspaper owned and operated by the Daily Journal Corporation, a publishing company headquartered in Los Angeles. Expanded the editorial section to include focus articles on businesses in San Diego, legal spotlights on law firms and attorneys, and partnered with the Riverside publication to improve outreach and content, receiving recognition from corporate board.

AVAILABLE UPON REQUEST/FURTHER INFORMATION

- Reviews and recommendations for all programs and services.
- Training records.
- Client list.
- Training presentations include access to specialized private training website complete with all PowerPoints.
- Rate sheet for all programs, expert witness fees; case consultation, training and presentations (*no hidden fees).
- Programs will be specifically designed for your agency, business, or education facility.
- Trusted partners are utilized whenever possible to meet additional needs as required.

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Transcript of Jacob Bloom, Esq.

Conducted on March 2, 2022

<p style="text-align: right;">21</p> <p>1 Johnny, Bates No. DEPP00019215, was marked for 2 identification and is attached to the transcript.) 3 AV TECHNICIAN: Exhibit 3. You have 4 control. 5 MS. BREDEHOFT: Thank you. 6 BY MS. BREDEHOFT: 7 Q Mr. Bloom, can you see this on the screen, 8 this document? 9 A Not really. 10 Q Is it too small? Does it need to be 11 enlarged? 12 A It's too small. 13 Q Okay. Let's see if we can make this a 14 little bigger. 15 Does that help? 16 A No. I don't understand it as of yet. 17 MS. BREDEHOFT: I think I need to get that 18 a little bit less. 19 THE WITNESS: I don't know who sent that, 20 United Talent Agency. 21 Q Okay. 22 MR. SINGER: There's no questions pending.</p>	<p style="text-align: right;">23</p> <p>1 Q Do you know who Joel Mandel is? 2 MR. SINGER: Okay, that's better. 3 THE WITNESS: Yes. 4 Q Okay. Do you recall in January of 2016 5 Tracey Jacobs telling you that, On Thursday, Joel 6 will walk him through the math of what he needs to 7 do to be financially okay? 8 MR. CHEW: Objection; leading. 9 MR. SINGER: Is the question does he 10 remember this e-mail? 11 THE WITNESS: No, not specifically. 12 Q All right. Do you recall in January of 13 2016 Tracey Jacobs saying that Mr. Depp needs to 14 do two big movies this year plus commercials, and 15 sell the French house? 16 MR. CHEW: Objection; leading, 17 argumentative, assumes facts not in the record, 18 lack of foundation. 19 Q Do you remember the question, Mr. Bloom? 20 A No, I don't. 21 MS. BREDEHOFT: Amy, can you please read 22 the question back.</p>
<p style="text-align: right;">22</p> <p>1 Q All right. I'm going to show you what has 2 been marked as Exhibit No. 3. It is an e-mail 3 from Tracey Jacobs. 4 Do you recall who Tracey Jacobs was? 5 A No; I recall who she was. 6 Q What do you recall about Tracey Jacobs? 7 A I don't really remember, so you have to be 8 more specific. 9 Q Do you recall that Tracey Jacobs was 10 Mr. Depp's agent? 11 A Yes. 12 Q Okay. Now, this was an e-mail sent from 13 Tracey Jacobs to Jim Berkus, Jeremy Zimmer, and 14 jab@bhdr.com. 15 That's you, correct? 16 A Yes. 17 Q And Joel -- and that was -- I believe this 18 was Joel Mandel at aol.com. Do you see that? 19 MR. CHEW: Objection; leading. 20 MR. SINGER: The question is does he know 21 what that e-mail address is? You can ask if he 22 knows who joeltmg is.</p>	<p style="text-align: right;">24</p> <p>1 (The court reporter read the pertinent 2 part of the record.) 3 MR. CHEW: Objection; leading, 4 argumentative, assumes facts not in the record, 5 lack of foundation. 6 THE WITNESS: Do I answer? 7 MR. SINGER: You can answer. Do you 8 remember this -- over six years ago this being 9 communicated to you? 10 THE WITNESS: No, I don't. 11 MR. SINGER: Okay. Next question. 12 BY MS. BREDEHOFT: 13 Q Do you recall Mr. Depp having financial 14 issues in January of 2016? 15 A Ask his business manager. 16 MR. CHEW: She did. She already deposed 17 Joel Mandel. 18 THE WITNESS: Yes. 19 MR. SINGER: Okay, he's answered the 20 question. He didn't know. He said you can ask -- 21 he doesn't recall, you can ask his business 22 manager.</p>

<p style="text-align: right;">61</p> <p>1 postnuptial agreement with Mr. Depp?</p> <p>2 MR. CHEW: I would object and instruct the</p> <p>3 witness not to answer to the extent that it would</p> <p>4 require him to disclose communications that he had</p> <p>5 with Mr. Depp.</p> <p>6 MS. BREDEHOFT: I'm not asking that.</p> <p>7 Q I'm asking very specifically: Have you</p> <p>8 ever had any conversation with Amber Heard about a</p> <p>9 prenuptial agreement or a postnuptial agreement?</p> <p>10 MR. CHEW: I don't think he can answer</p> <p>11 that without divulging communications he had with</p> <p>12 his client, Mr. Depp.</p> <p>13 MR. SINGER: You can answer the --</p> <p>14 Q Let's try it again.</p> <p>15 MR. SINGER: Excuse me.</p> <p>16 You can answer the question if you recall</p> <p>17 ever having any conversation with Amber Heard</p> <p>18 alone. Amber Heard bringing up the subject of a</p> <p>19 prenup or postnup. Do you ever remember that</p> <p>20 being discussed with her?</p> <p>21 THE WITNESS: No.</p> <p>22 Q Have you ever had any communications with</p>	<p style="text-align: right;">63</p> <p>1 Q Do you recall how many times that was?</p> <p>2 A Six or seven.</p> <p>3 Q Were you at birthday celebrations where</p> <p>4 Amber Heard was celebrating her birthday?</p> <p>5 A Yes.</p> <p>6 Q And you think that was six occasions,</p> <p>7 approximately?</p> <p>8 A Yeah.</p> <p>9 Q What do you recall from any of those</p> <p>10 birthday celebrations?</p> <p>11 A Nothing specific.</p> <p>12 Q Do you recall anything more generally</p> <p>13 about them, any impressions you had?</p> <p>14 A No, no, no.</p> <p>15 Q You just recall that there was a birthday</p> <p>16 celebration?</p> <p>17 A Yes.</p> <p>18 Q Do you recall observing any kind of</p> <p>19 interactions between Ms. Heard and Mr. Depp at any</p> <p>20 of these birthday celebrations?</p> <p>21 A (Inaudible.)</p> <p>22 MR. CHEW: Objection; vague and ambiguous.</p>
<p style="text-align: right;">62</p> <p>1 Amber Heard about any issues in Australia about</p> <p>2 the dogs?</p> <p>3 A With what?</p> <p>4 Q With dogs. Them bringing their dogs into</p> <p>5 Australia?</p> <p>6 A No.</p> <p>7 Q You've not had any conversation or</p> <p>8 communication with Amber Heard about that; is that</p> <p>9 correct?</p> <p>10 A No. Strongly no.</p> <p>11 Q Okay. And I asked that so badly. My</p> <p>12 apologies.</p> <p>13 So when you say "no," no is -- "strongly</p> <p>14 no," you have not had any communications with</p> <p>15 Amber Heard, is that correct, about the dogs in</p> <p>16 Australia?</p> <p>17 A Yes.</p> <p>18 Q Okay. Thank you.</p> <p>19 Have you ever seen Amber Heard together in</p> <p>20 person?</p> <p>21 A Yes. I did meet her at various birthdays</p> <p>22 where she was celebrating her birthday.</p>	<p style="text-align: right;">64</p> <p>1 MR. SINGER: He answered no.</p> <p>2 MS. BREDEHOFT: Did you get that, Amy?</p> <p>3 THE REPORTER: (Nonverbal response.)</p> <p>4 MS. BREDEHOFT: Okay.</p> <p>5 BY MS. BREDEHOFT:</p> <p>6 Q Mr. Bloom, I'm sorry, I need you to repeat</p> <p>7 your answer.</p> <p>8 A No.</p> <p>9 Q Thank you.</p> <p>10 MS. BREDEHOFT: Can we pull up Exhibit</p> <p>11 No. 8, please.</p> <p>12 AV TECHNICIAN: Please stand by.</p> <p>13 (Bloom 8, 5/24/2016 letter, Bates Nos.</p> <p>14 ALH_00010345 and ALH_00010346, was marked for</p> <p>15 identification and is attached to the transcript.)</p> <p>16 AV TECHNICIAN: Exhibit 8.</p> <p>17 Q Mr. Bloom, I'm going to try to blow this</p> <p>18 up, first of all, so it goes a little bit bigger.</p> <p>19 I'm going to ask you to take a look at</p> <p>20 what has been marked as Deposition Exhibit No. 8.</p> <p>21 And it's a letter dated May 24, 2016 to you and</p> <p>22 it's from Samantha Spector of Spector Law. And</p>

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,
Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**DEFENDANT AND COUNTERCLAIM PLAINTIFF AMBER LAURA HEARD'S
OBJECTIONS AND RESPONSES TO PLAINTIFF AND COUNTERCLAIM
DEFENDANT'S FOURTH SET OF INTERROGATORIES**

Pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia ("Rules"), Defendant and Counterclaim Plaintiff Amber Laura Heard, by and through her attorneys, submits these objections and responses (the "Responses") to Plaintiff and Counterclaim Defendant John C. Depp, II's Fourth Set of Interrogatories dated February 12, 2021 (the "Interrogatories").

GENERAL OBJECTIONS

The following general objections and responses (the "General Objections") are incorporated into each specific objection and response (the "Specific Objections") as if fully set forth therein:

1. Defendant and Counterclaim Plaintiff objects that Plaintiff and Counterclaim Defendant has exceeded the permissible number of Interrogatories, including all parts and subparts, in violation of Rule 4:8(g).
2. Defendant and Counterclaim Plaintiff objects to the Interrogatories to the extent they would require Defendant and Counterclaim Plaintiff to provide or reveal the contents of any document or information privileged from disclosure pursuant to the attorney-client privilege, the qualified immunity provided to litigation work product, or any other applicable privilege. Defendant and Counterclaim Plaintiff will not provide such information.

charging at me and I was trying to run away. I was basically trapped so I picked up the can and threw it at him in self-defense and ran the opposite way so that I could get out the other door. He caught up with me and grabbed me by the hair, yanked me around and was hitting me in the face while I tried to gain my balance. I was flailing, trying to free myself and deflect the blows.

I was fighting Johnny off me when we saw headlights from an approaching ATV. Tara and another man got out of the vehicle. I believe it was CJ but I'm not sure. He ran up and separated us. Tara focused her attention on me while CJ dealt with Johnny.

Dr Kipper was also (in addition to Johnny) attending to my physical and mental health during this time, and reported that my anxiety was worsening, my adrenals were going haywire, my blood pressure was through the roof, I was losing weight, I was living on my nerves, and the chronic sleep deprivation and insomnia was catching up on me. I had described Johnny's auditory and visual hallucinations to Dr Kipper on a few occasions, including that he would hallucinate that I had made admissions to him of sleeping with random men, e.g, in New York, Dr Kipper described his state as "drug induced psychosis."

In January 2016 in L.A., Johnny hit me in the face and popped me in the eye. I had been in a fight with him about the kids. I thought it was important to talk to the kids as a united front because they were definitely feeling animosity around Johnny and I, and I didn't want them to pick up on something that wasn't explained to them. Johnny told me that I didn't need to, because he'd already told them what happened and that they were mad at me. I thought it was so poorly handled and I was so discouraged and isolated enough as it was from his kids. We were trying to build a life together and build this marriage and here he was making me the bad guy to his kids, and his kids couldn't possibly understand the toxicity of our dynamic. That's what started the argument. I remember he said he wanted to fuck off, make music, and then he came home raging. I suspected he'd been taking something. He was in a mood to fight. We argued again.

I came around the bed and I either saw him or felt him get up to come and grab me. I threw up my arms up ready to block the incoming blows. I assumed a brawl was coming, and he was



Neutral Citation Number: [2020] EWHC 2911 (QB)

Case No: QB-2018-006323

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 02/11/2020

Before :

MR JUSTICE NICOL

Between :

John Christopher Depp II **Claimant**
- and -
(1) News Group Newspapers Ltd. **Defendants**
(2) Dan Wootton

Eleanor Laws QC, David Sherborne and Kate Wilson (instructed by Schillings) for the
Claimant
Sasha Wass QC, Adam Wolanski QC and Clara Hamer (instructed by Simons Muirhead
and Burton) for the Defendants

Hearing dates: 7th-10th July 2020; 13th-17th July 2020; 20-24th July 2020; 27th-28th July 2020

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
MR JUSTICE NICOL

a.10 That night, the Claimant shoved Ms Heard into a ping pong table, threw bottles through window panels of a glass door, then grabbed Ms Heard and tore off her nightgown. The Claimant grabbed Ms Heard by her neck and choked her against the refrigerator in the kitchen. The Claimant mocked her, touched and grabbed her by her breasts, and repeatedly shoved her up against the refrigerator. The Claimant then grabbed Ms Heard by the neck and collarbone, slammed her against the countertop, and strangled her. The Claimant shook and hit Ms Heard and banged her head against the countertop. Ms Heard's arms and feet were slashed by the broken glass on the kitchen countertop and floor. She was scared for her life and told the Claimant, "You are hurting and cutting me". The Claimant ignored her and continued to hit her with the back of one closed hand. At one point the Claimant slammed a hard plastic telephone against a wall with his hand until it smashed. Further details of this incident are contained in the Confidential Schedule to the Re-Amended Defence. The following morning, Ms Heard saw that the Claimant had severely injured his finger, cutting off the tip and believed the injury had probably occurred while the Claimant was smashing the telephone. Once Ms Heard had managed to escape from the Claimant, she barricaded herself in a bedroom.

a.11 The following day, Ms Heard found numerous messages that the Claimant had written to her around the house, on the walls, and on her clothes, written in a combination of oil paint and the blood from his finger. The Claimant also urinated all over the house in an attempt to write messages.'

There are further allegations in the Confidential Schedule to the RAD.

62. The Claimant replied at paragraphs 2.2.H and 2.2.I of the RAR,

'2.2H Save that it is admitted that the Claimant and Ms Heard were both in Australia in March 2015, paragraph 8a.8, 8a.9 and 8a.10 are denied. There was only the one incident referred to below:

2.2H.1 Immediately before 8 March 2015, Ms Heard had a conversation with the Claimant's then lawyers, Bloom Hergott who explained the Claimant's intention to enter into a post-nuptial agreement. On 8 March 2015 this caused Ms Heard to go into a prolonged and extreme rage. The Claimant had been retreating from Ms Heard throughout the day, seeking refuge in locked bathrooms in the house. Ultimately, the Claimant, who had not had a drink in over a year, sought to avoid Ms Heard by going to the downstairs bar in the house. She followed him, screaming at him abusively. The Claimant did not grab or hurt Ms Heard in any way. He did not threaten her, hold her by the hair or the neck, slap her or otherwise attack her in any of the ways described in paragraphs 8.a.8 - 8.a.10. The Claimant simply sought to remove himself to other parts of the house consistently throughout the day.

2.2H.2 The Claimant poured himself a number of glasses of vodka and drank them. Ms Heard took a bottle and threw it at the Claimant's head, narrowly missing him. The bottle flew past his head, smashing into the mirror and bottles behind him. The Claimant poured and had another drink of vodka. Ms Heard took another bottle and threw it at the Claimant. The Claimant's hand was resting on the marble top of the bar, the bottle smashed against his finger, severing the top of his finger and

131. On 11th October 2015, Ms Heard wrote to Mr Murphy. She forwarded the email chain above (It may be that Ms Heard also forwarded the emails from Marty Singer – below, as well) and said,
- ‘Kevin, what do you think???? Could you possibly reach out for us?? Do you think you could get her to do it?’
132. On the same day, Mr Singer wrote an email to Ms Heard which included the following,
- ‘I don’t know what your relationship with her [Kate James] is at this time since you fired her. You have to be careful that she will cooperate and will not go public if you ask her not to be truthful.’
133. Ms Heard responded the same day saying,
- ‘Marty – I’m waiting to hear back from you before I reach out to Kevin to liaise with Kate.’
134. I had no evidence that Ms James was ever, in the event, actually asked to sign a statement of any kind and, in any event, no evidence that she was asked to sign an untruthful statement. Mr Murphy said in his re-examination that he had refused to ask Ms James to make a statement. In any event, as Ms Wass submitted, the suggestion that Ms James might be asked to make a statement that was not truthful came from Marty Singer.
135. As I have said, Marty Singer was one of Mr Depp’s American lawyers. Mr Sherborne submitted that, for this purpose, he was representing Ms Heard. It was, after all, Ms Heard who was prosecuted in Australia, not Mr Depp. Ms Heard’s account was that she was willing to accept responsibility for the offence because a conviction of Mr Depp might prejudice his future ability to gain a visa for Australia. While it was not open to either of them to decide unilaterally who was to be prosecuted, it meant that Mr Depp had a very real interest in the prosecution and there was also a very good reason why Marty Singer should continue to be involved as Mr Depp’s lawyer.
136. I accept Ms Heard’s evidence in this regard. It is also supported by the video which Mr Depp and Ms Heard jointly made in which they apologised and underlined the importance of observing Australian restrictions on the importation of animals. As I have shown, Ms Callaghan was influenced by this video to sentence Ms Heard in the way that she did.
137. A further piece of evidence in this regard is a deposition which was given by Mr Depp on 12th December 2018 in the course of litigation in Los Angeles in a case which he and others brought against Bloom Hergott and others. Mr Depp said (see File 3/72(a)/F6.7),
- ‘Jake was involved, Marty Singer was involved. I also went to a couple of friends who had connections in the sort of upper echelon of Australian government and I was – ultimately that was the - - I was paying the lawyer lawyers here - - I was paying lawyers in Australia to deal with the case, and got it whittled down - - she was facing two misdemeanours or something.’

CONFIDENTIAL

Transcript of Raquel Rose Pennington, Volume 1

Conducted on January 20, 2022

<p style="text-align: right;">9</p> <p>1 Q You've been deposed before, right?</p> <p>2 A Yes.</p> <p>3 Q And you were deposed in Ms. Heard's divorce</p> <p>4 proceeding from Mr. Depp; is that correct?</p> <p>5 A Yes.</p> <p>6 Q Have you been deposed in any other matter?</p> <p>7 A No.</p> <p>8 Q I know you've been deposed before, but I'm</p> <p>9 nonetheless going to go over some ground rules with</p> <p>10 you so we're all on the same page.</p> <p>11 You understand that you're testifying under</p> <p>12 oath today, correct?</p> <p>13 A Yes.</p> <p>14 Q What is your understanding of what it means</p> <p>15 to testify under oath?</p> <p>16 A To tell the truth.</p> <p>17 Q You understand that you've been sworn --</p> <p>18 you have sworn -- excuse me -- to tell the truth</p> <p>19 under the penalty of perjury; is that correct?</p> <p>20 A Correct.</p> <p>21 Q And do you understand that perjury is a</p> <p>22 crime?</p> <p>23 A Yes.</p> <p>24 Q This deposition will be transcribed by a</p> <p>25 court reporter, meaning that the court reporter will</p>	<p style="text-align: right;">11</p> <p>1 Ms. Heard's counsel may object. Unless you</p> <p>2 specifically are directed by your counsel not to</p> <p>3 answer the question, you should answer after all</p> <p>4 objections have been stated.</p> <p>5 A Okay.</p> <p>6 Q If you need a break, please let me know.</p> <p>7 We can take a break as soon as practical. I only</p> <p>8 ask that we not take a break while a question is</p> <p>9 pending.</p> <p>10 All right?</p> <p>11 A Okay.</p> <p>12 Q Ms. Pennington, if I refer to Ms. Heard or</p> <p>13 Mr. Depp's divorce proceeding, do you know what I'm</p> <p>14 referring to?</p> <p>15 A Yes.</p> <p>16 Q And what is your understanding?</p> <p>17 A Of the divorce proceeding?</p> <p>18 Q Right.</p> <p>19 A That it was a divorce proceeding. It was a</p> <p>20 settlement of divorce.</p> <p>21 Q And I believe you already testified that</p> <p>22 you were deposed in connection with that divorce</p> <p>23 proceeding, correct?</p> <p>24 A Correct.</p> <p>25 Q Did you also submit a declaration in that</p>
<p style="text-align: right;">10</p> <p>1 transcribe my questions and your responses.</p> <p>2 Do you understand that?</p> <p>3 A Yes.</p> <p>4 Q So the court reporter can accurately</p> <p>5 transcribe your answers, please state your response</p> <p>6 clearly and refrain from responding with "uh-huh" or</p> <p>7 shaking your head, as these responses cannot be</p> <p>8 accurately transcribed.</p> <p>9 A Yes.</p> <p>10 Q Because the court reporter cannot</p> <p>11 transcribe two people speaking at once, we must do</p> <p>12 our best not to speak over each other. Please let</p> <p>13 me finish my question before you respond, and I will</p> <p>14 do my best to allow you to finish your answer before</p> <p>15 I ask my next question.</p> <p>16 Fair?</p> <p>17 A Okay.</p> <p>18 Q And if you do not understand my question,</p> <p>19 please let me know and I will try to rephrase.</p> <p>20 All right?</p> <p>21 A Okay.</p> <p>22 Q And if you respond to a question I ask, I</p> <p>23 will assume that you understand the question.</p> <p>24 A Okay.</p> <p>25 Q After I ask my question, your counsel or</p>	<p style="text-align: right;">12</p> <p>1 divorce proceeding?</p> <p>2 A I don't remember what the specific thing</p> <p>3 that I submitted was.</p> <p>4 Q Did you submit -- do you remember</p> <p>5 submitting a written declaration of some form during</p> <p>6 Mr. Depp's and Ms. Heard's divorce proceeding and</p> <p>7 Ms. Heard's obtaining a temporary restraining order?</p> <p>8 A I remember writing something. I don't</p> <p>9 remember what the legal name of it was.</p> <p>10 Q And did you sign that document that you</p> <p>11 wrote?</p> <p>12 A I believe so.</p> <p>13 Q Did you submit that declaration on behalf</p> <p>14 of Ms. Heard?</p> <p>15 MR. BRENNER: Objection; vague and</p> <p>16 ambiguous as to "submit," assumes facts.</p> <p>17 MS. VASQUEZ: You can answer the question,</p> <p>18 Ms. Pennington, if you understand it.</p> <p>19 MR. BRENNER: You can answer if you</p> <p>20 understand.</p> <p>21 THE WITNESS: Oh.</p> <p>22 I guess, yes, please define "submit."</p> <p>23 BY MS. VASQUEZ:</p> <p>24 Q You don't understand my question; is that</p> <p>25 correct?</p>

Conducted on January 20, 2022

73	<p>1 quote, get off his woman, end quote, what did you 2 personally observe Mr. Depp do that was, quote, 3 angry and aggressive, end quote? 4 A That was -- that was what happened. 5 Then I think Amber -- I think they were -- 6 Kelly and Amber were hugging on a chair out by the 7 fire. He came out of nowhere, said that, and then I 8 think that Amber and Johnny went back to the -- to 9 their trailer. 10 Q Okay. My question is a little bit more 11 specific. 12 Other than hearing Mr. Depp say something 13 to the effect of "Get off my woman," what did you 14 personally observe Mr. Depp do that was, quote, 15 angry and aggressive? 16 A That's it. 17 Q Okay. How did Amber Heard react to 18 Mr. Depp's behavior? 19 MR. BRENNER: Object to form, vague. 20 BY MS. VASQUEZ: 21 Q Was she embarrassed? 22 A I wouldn't call it embarrassed. 23 Q Did she seem angry with Mr. Depp? 24 A No. 25 Q Did you hear Amber say anything to</p>	75	
74	<p>1 Mr. Depp? 2 A I don't remember her saying anything. 3 Q Did you hear Amber Heard raise her voice 4 when speaking to Mr. Depp? 5 A No. 6 Q What, if anything, do you remember about 7 Amber's reaction to Mr. Depp's behavior? 8 A She was trying to comfort him. 9 Q How was she trying to comfort him? 10 A She got up and, you know, like gave him a 11 hug and just tried to calm him down, say it's okay; 12 and then I believe that's when she took him back to 13 their trailer to cool off. 14 Q This evening at Hicksville, did you ever 15 see Amber Heard consume any drugs or alcohol? 16 A I didn't see it. 17 Q When you said you didn't see it, did you 18 assume she was doing drugs or drinking alcohol? 19 MR. BRENNER: Object to form, foundation. 20 THE WITNESS: I assumed she was drinking 21 wine. 22 BY MS. VASQUEZ: 23 Q You didn't see Ms. Heard drink any wine? 24 MR. BRENNER: Object to form, asked and 25 answered.</p>	<p>1 THE WITNESS: Yeah, I don't -- I don't 2 remember a specific time watching her take a sip of 3 a drink. 4 BY MS. VASQUEZ: 5 Q Was she holding a drink? 6 A I don't remember. 7 Q This evening in Hicksville, did you see 8 Mr. Depp consume any drugs or alcohol? 9 A I-- I didn't see -- I don't have a 10 specific image in my mind of him consuming. 11 Q You testified that, quote, you learned from 12 Amber the next morning that Mr. Depp had been in a 13 rage and trashed the trailer; is that correct? 14 A I did testify that, yeah. 15 Q Did you personally witness Mr. Depp, quote, 16 in a rage, unquote, that Ms. Heard described? 17 MR. BRENNER: Objection; vague. 18 MR. ROTTENBORN: Same objection. 19 THE WITNESS: Did I personally witness the 20 rage in the trailer? 21 BY MS. VASQUEZ: 22 Q Yes. 23 A No. 24 Q Did you hear Mr. Depp yelling in the 25 trailer?</p>	76
	<p>1 A No. 2 Q Did you hear Ms. Heard yelling in the 3 trailer? 4 A No. 5 Q Did you personally see that the trailer 6 was, quote, trashed, as Ms. Heard described? 7 A The next morning? 8 Q Yes. 9 A Yes. 10 Q What specifically did you see in the 11 trailer? 12 A The thing I remember specifically was the 13 light fixtures had been knocked off. 14 Q But you didn't see Mr. Depp knock off the 15 light fixtures in the trailer; is that correct? 16 A I did not see it. 17 Q So the only thing you know about what 18 happened in that trailer is what Ms. Heard told you 19 and your observations of the light fixtures being 20 knocked off; is that correct? 21 MR. BRENNER: Objection; compound. 22 THE WITNESS: The only thing I know about 23 what happened in the trailer is what she told me and 24 what I saw the next morning. 25 ///</p>		

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<p style="text-align: right;">85</p> <p>1 Q Did you observe Ms. Heard consume any 2 alcohol before she went to look for Mr. Depp? 3 A Yes. 4 Q What was she drinking? 5 A Red wine. 6 Q Did she seem drunk when she went to look 7 for Mr. Depp? 8 A No. 9 Q Did she take anything with her when she 10 went to look for Mr. Depp? 11 A I don't know. 12 Q How long were they both gone? 13 MR. ROTTENBORN: Objection; vague. 14 THE WITNESS: Less than an hour, more than 15 30 minutes. 16 BY MS. VASQUEZ: 17 Q Okay. And they returned together, correct? 18 A I don't know. 19 Q Did you observe any injuries to Ms. Heard 20 when they returned? 21 A No. 22 Q Did you observe any injuries to Mr. Depp 23 when they returned? 24 A No. 25 Q Now, you testified previously during your</p>	<p style="text-align: right;">86</p> <p>1 deposition in July of 2016 that they were both 2 wearing different clothes. 3 Do you remember that testimony? 4 MR. ROTTENBORN: Objection; form. 5 If you want to ask her about that, show it 6 to her. 7 THE WITNESS: Yes, please show that to me. 8 It -- it's different than the document I'm looking 9 at it? 10 MS. VASQUEZ: Yes. Let me ask it this way. 11 Q Do you remember when Mr. Depp and Ms. Heard 12 came downstairs, they were wearing different 13 clothes? 14 MR. ROTTENBORN: Objection; improper 15 attempt to refresh recollection and impeach what 16 you're trying to do. 17 THE WITNESS: Time to answer now? 18 MS. VASQUEZ: Yes. 19 THE WITNESS: I don't remember Johnny 20 changing clothes. I do remember that Amber changed 21 clothes. 22 BY MS. VASQUEZ: 23 Q Mr. Depp and Ms. Heard's guests were still 24 present when they returned; is that right? 25 A I don't remember who was still there.</p>	<p style="text-align: right;">87</p> <p>1 Q Do you remember anyone that was still there 2 when Mr. Depp and Ms. Heard came back downstairs? 3 A I believe Josh and myself, David Heard, and 4 I -- I don't remember anyone else specifically who 5 was still there. 6 Q Do you recall if Jack was still there? 7 A I don't know. 8 Q Did anyone comment on the change of 9 clothes? 10 A I don't -- I don't remember. 11 Q You testified previously, quote, that when 12 you asked Amber what happened, she told you that 13 Johnny had thrown a bottle of wine at her in the 14 bedroom; is that correct? 15 MR. ROTTENBORN: Objection to the question. 16 It's improper either impeachment or refreshing of 17 recollection. Whatever -- whatever you're trying to 18 do is inappropriate. 19 MR. BRENNER: Objection; compound. 20 THE WITNESS: Sorry. May -- can you ask 21 the question again? 22 MS. VASQUEZ: You testified that when you 23 asked Amber what happened, she told you that Johnny 24 had thrown a bottle of wine at her in the bedroom. 25 Q Do you remember that testimony,</p>	<p style="text-align: right;">88</p> <p>1 Ms. Pennington? 2 A The testimony that I'm looking at right 3 now, Paragraph 17? 4 Q My -- my question is do you remember 5 testifying that when you -- when you asked Amber 6 what had happened, she told you that Johnny had 7 thrown a bottle of wine at her in the bedroom? 8 MR. ROTTENBORN: Same objections. 9 MR. BRENNER: Join. 10 THE WITNESS: Same question. This 11 testifying on Paragraph 17? 12 MR. BRENNER: I think I can clear this up. 13 Sorry my video stopped working. 14 I think the disconnect is she doesn't know 15 if you're asking her about did she testify about 16 that before or if you're asking about her 17 recollection of the incident now, so that's -- 18 that's the disconnect here you're walking into. 19 MS. VASQUEZ: Got it. 20 MR. BRENNER: And I'll try to get my 21 video -- 22 BY MS. VASQUEZ: 23 Q Do you remember Amber telling you that 24 Johnny had thrown a bottle of her -- a bottle of 25 wine at her in the bedroom?</p>
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Conducted on January 20, 2022

<p style="text-align: right;">89</p> <p>1 A Yes.</p> <p>2 Q And you testified in Paragraph 17 to that</p> <p>3 effect, correct?</p> <p>4 A Yes.</p> <p>5 Q You also testified that when -- quote, you</p> <p>6 went to look and found that a full bottle of wine</p> <p>7 had hit and broken a piece of art that Amber really</p> <p>8 loved above the bed, and that broken glass was</p> <p>9 scattered all over the bed.</p> <p>10 A Did I testify that?</p> <p>11 Q Yes.</p> <p>12 A Yes.</p> <p>13 Q Is that an accurate description of what you</p> <p>14 saw?</p> <p>15 A Yes.</p> <p>16 Q And where did you see this? In what room?</p> <p>17 A In their bedroom of PH3.</p> <p>18 Q How did you get to this penthouse from</p> <p>19 Penthouse 5?</p> <p>20 A I went upstairs in Penthouse --</p> <p>21 Penthouse 5, across the top story, which all three</p> <p>22 penthouses were connected, through to Penthouse 3 --</p> <p>23 the bedroom was also on the top story -- and all the</p> <p>24 way through and around.</p> <p>25 Q Did Ms. Heard come with you when you went</p>	<p style="text-align: right;">91</p> <p>1 THE WITNESS: No mention of any spilled</p> <p>2 wine, correct.</p> <p>3 BY MS. VASQUEZ:</p> <p>4 Q Do you recall seeing any spilled wine?</p> <p>5 A I think there was wine -- yeah, I think</p> <p>6 there was also spilled wine on the bed and on the</p> <p>7 ground.</p> <p>8 MR. BRENNER: Can I just ask for a break</p> <p>9 when you're at a good breaking point?</p> <p>10 MS. VASQUEZ: Sure. Just a couple more</p> <p>11 questions.</p> <p>12 MR. BRENNER: Sure.</p> <p>13 MS. VASQUEZ: You testified that it was,</p> <p>14 quote, a full bottle of wine.</p> <p>15 Q Do you remember whether that bottle of wine</p> <p>16 was broken or not?</p> <p>17 A I don't remember that the bottle was</p> <p>18 broken, but there's also plenty of glasses around</p> <p>19 with wine in them that could have been part of that.</p> <p>20 There was glass everywhere.</p> <p>21 Q So you specifically remember glass being</p> <p>22 everywhere upstairs; is that fair?</p> <p>23 A On the bed mostly.</p> <p>24 Q What kind of wine bottle was it? A magnum?</p> <p>25 Red?</p>
<p style="text-align: right;">90</p> <p>1 to take a look?</p> <p>2 A I believe so.</p> <p>3 Q Did anyone else come with you?</p> <p>4 A No.</p> <p>5 I actually -- can I actually go back? I</p> <p>6 don't know if she was with me.</p> <p>7 Q Do you remember --</p> <p>8 A I might have gone by myself. I don't</p> <p>9 remember.</p> <p>10 Q That's okay.</p> <p>11 Was the bottle of wine broken?</p> <p>12 A I don't remember.</p> <p>13 Q But in this witness statement in the UK,</p> <p>14 you testified, quote, a full bottle of wine had hit</p> <p>15 and broken a piece of art.</p> <p>16 There's no mention of any spilled wine --</p> <p>17 correct? -- in that witness statement in</p> <p>18 Paragraph --</p> <p>19 MR. ROTTENBORN: Object to form, incomplete</p> <p>20 reading of that.</p> <p>21 THE WITNESS: I'm sorry. Repeat it one</p> <p>22 more time?</p> <p>23 MS. VASQUEZ: Do you mind having the</p> <p>24 question read back, Rhonda?</p> <p>25 (The question was read.)</p>	<p style="text-align: right;">92</p> <p>1 Do you remember?</p> <p>2 A It would have been red.</p> <p>3 Q Was it a magnum bottle?</p> <p>4 A I don't think so.</p> <p>5 Q What picture had been damaged?</p> <p>6 A I think it was one of -- a Leonor Fini, I</p> <p>7 believe.</p> <p>8 Q What did -- apologies, Ms. Pennington.</p> <p>9 What did it look like?</p> <p>10 A I don't remember which one.</p> <p>11 Q You didn't witness Mr. Depp throw a bottle</p> <p>12 of wine at Ms. Heard that evening, correct?</p> <p>13 A Correct.</p> <p>14 Q And this is just what Ms. Heard told you,</p> <p>15 right?</p> <p>16 MR. ROTTENBORN: Object to form, misstates</p> <p>17 testimony.</p> <p>18 MR. BRENNER: Join.</p> <p>19 THE WITNESS: The incident is just what she</p> <p>20 told me?</p> <p>21 BY MS. VASQUEZ:</p> <p>22 Q The fact that Mr. Depp -- Mr. Depp threw a</p> <p>23 bottle at Ms. Heard that evening, you didn't see</p> <p>24 that happen, so it's just based on what Ms. Heard</p> <p>25 told you, correct?</p>

Conducted on January 20, 2022

<p style="text-align: right;">109</p> <p>1 THE WITNESS: Are we still in December?</p> <p>2 MS. VASQUEZ: Yes.</p> <p>3 THE WITNESS: Is there a part that you</p> <p>4 would like for me to look at?</p> <p>5 BY MS. VASQUEZ:</p> <p>6 Q Before we go there, do you have any</p> <p>7 independent recollection of seeing a laceration on</p> <p>8 Ms. Heard's forehead?</p> <p>9 A There were many times that I saw injuries</p> <p>10 on her. If you would like to show me a photo or</p> <p>11 point me to another place where I can remember which</p> <p>12 injury was from which incidents, then I can answer</p> <p>13 the question.</p> <p>14 Q As of late December 2015, do you remember</p> <p>15 seeing a laceration on Ms. Heard's forehead?</p> <p>16 MR. ROTTENBORN: Objection; asked and</p> <p>17 answered.</p> <p>18 THE WITNESS: I don't remember which date I</p> <p>19 saw her forehead.</p> <p>20 MS. VASQUEZ: Let's pull up</p> <p>21 Ms. Pennington's July 24th -- actually, this is --</p> <p>22 may we please pull up July 24th, 2020?</p> <p>23 This is, Ms. Pennington, your testimony in</p> <p>24 the United Kingdom, Day 14.</p> <p>25 THE VIDEOCONFERENCE TECHNICIAN: Stand by.</p>	<p style="text-align: right;">111</p> <p>1 remember?</p> <p>2 A No.</p> <p>3 Q If we can go back to Ms. Pennington's</p> <p>4 witness statement in the United Kingdom, that would</p> <p>5 be great.</p> <p>6 So in Paragraph 20, Ms. Pennington, you</p> <p>7 testified that after you saw Ms. Heard, you, quote,</p> <p>8 called for assistance from a private nurse who is</p> <p>9 part of the concierge medical service that Amber and</p> <p>10 Johnny use; is that correct?</p> <p>11 A Yes.</p> <p>12 Q Is Erin Boerum the private nurse you're</p> <p>13 referring to here?</p> <p>14 A Yes.</p> <p>15 Q Do you know approximately at what time you</p> <p>16 called Ms. Boerum?</p> <p>17 A Evening.</p> <p>18 Q Do you recall what you told Ms. Boerum?</p> <p>19 A I believe I told her that Amber had gotten</p> <p>20 hit in the head and I was asking her what signs I</p> <p>21 should look for for a concussion.</p> <p>22 Q Did you tell her how Amber had gotten hit</p> <p>23 in the head?</p> <p>24 A I don't remember.</p> <p>25 Q Do you recall Ms. Boerum coming over to the</p>
<p style="text-align: right;">110</p> <p>1 MS. VASQUEZ: If you could go to Page 28 of</p> <p>2 the PDF, specifically Page 2309, which is on the top</p> <p>3 right of the page.</p> <p>4 Ms. Pennington, if I could have you read to</p> <p>5 yourself from Line 5 through -- actually, I'm going</p> <p>6 to have you start on Page 2308, which is the bottom</p> <p>7 left. Apologies for how annoying and confusing this</p> <p>8 document is; but if I could have you start on Line 9</p> <p>9 and read through Line 4 on 2310.</p> <p>10 So if you'll read the bottom left box, the</p> <p>11 bottom -- the top right box, and halfway down the</p> <p>12 bottom right box.</p> <p>13 Q So you testified that Ms. Heard had a</p> <p>14 laceration on her forehead when you saw her,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q If you remember, where on her forehead was</p> <p>18 this laceration?</p> <p>19 A By the hairline.</p> <p>20 Q Was it on the right or left side?</p> <p>21 A I don't remember.</p> <p>22 Q Was the laceration bleeding?</p> <p>23 A I don't think so.</p> <p>24 Q Sitting here today, did you observe any</p> <p>25 other injury to Ms. Heard that evening that you</p>	<p style="text-align: right;">112</p> <p>1 penthouse that night as well?</p> <p>2 A I don't know if she came over that night.</p> <p>3 Q Do you recall at any point Erin Boerum</p> <p>4 saying to you that Ms. Heard had had a concussion?</p> <p>5 MR. ROTTENBORN: Object to form,</p> <p>6 foundation.</p> <p>7 THE WITNESS: I don't believe she -- she</p> <p>8 wasn't there to diagnose.</p> <p>9 BY MS. VASQUEZ:</p> <p>10 Q Do you recall Ms. Boerum providing any</p> <p>11 advice or recommendations to you on the phone?</p> <p>12 A I think she said to, maybe, not let her go</p> <p>13 to sleep and to listen to her speech, keep an eye on</p> <p>14 her.</p> <p>15 Q And you did that?</p> <p>16 A Yes.</p> <p>17 Q You testified in Paragraph 20 that on</p> <p>18 December 15th, 2015, you took pictures of</p> <p>19 Ms. Heard's injuries on your phone; is that correct?</p> <p>20 A Yes.</p> <p>21 Q Did you --</p> <p>22 A I don't -- I don't know if it was on my</p> <p>23 phone or her phone.</p> <p>24 Q Do you see the third line down, you say "my</p> <p>25 phone"?</p>

Conducted on January 20, 2022

121	<p>1 Q How did you know that the hair clearly 2 belonged to Amber? 3 A Hair had been ripped out of her scalp and 4 it was her color on the floor of her apartment. 5 Q But you didn't see the hair get ripped out 6 of her head, right? 7 A Correct. 8 Q So your understanding that this was 9 Ms. Heard's hair that was ripped out of her head was 10 based on what Ms. Heard told you, right? 11 MR. BRENNER: Objection; misstates 12 testimony. 13 MR. ROTTENBORN: Same objection. 14 THE WITNESS: Repeat the question, please? 15 MS. VASQUEZ: Could I have it read back, 16 please? 17 (The question was read.) 18 THE WITNESS: My understanding that it was 19 Ms. Heard's hair was what I saw on her body and on 20 the floor. 21 BY MS. VASQUEZ: 22 Q And the fact that it had been, quote, 23 ripped out of her head, that was based on what 24 Ms. Heard told you, right? 25 MR. BRENNER: Same objection.</p>	123	<p>1 testimony? 2 MR. BRENNER: Objection; vague. 3 THE WITNESS: Yes. 4 BY MS. VASQUEZ: 5 Q Did you take this photograph? 6 A Yes. 7 Q Did you take it on your phone? 8 A Yes. 9 Q And before you took this photograph, did 10 you move the hair in any way? 11 A No. 12 Q So this picture is the clump of hair 13 exactly as you found it, right? 14 A Correct. 15 Q And when did you take this photograph? 16 A When I was taking the other photographs. 17 Q Did you send this picture to Ms. Heard? 18 A I don't remember. 19 Q Did you send the picture to anyone? 20 A I don't remember. 21 Q And you didn't alter this photo in any way, 22 correct? 23 A I did not alter this photo. 24 Q Do you recall taking a photograph of a 25 wooden platform bed which had a partially broken bed</p>
122	<p>1 MR. ROTTENBORN: Join. 2 THE WITNESS: Yes, and common sense. 3 MS. VASQUEZ: Move to strike everything 4 after "Yes." 5 If we could pull up Pennington Exhibit 7, 6 please. It bears the Bates Pennington 13. 7 THE VIDEOCONFERENCE TECHNICIAN: Showing 8 Exhibit 7 on the screen. 9 MR. ROTTENBORN: And I'll just object to 10 those motions to strike just for the record. 11 Obviously, you don't get to strike testimony just 12 because you don't like it. 13 MS. VASQUEZ: And again I'm going to object 14 to your speaking objections. You know better than 15 that, Ben. 16 (Exhibit No. 7 was marked for 17 identification by the 18 videoconference technician; 19 attached hereto.) 20 BY MS. VASQUEZ: 21 Q Ms. Pennington, do you recognize the 22 photograph? 23 A Yes. 24 Q Is this the picture of a clump of hair on 25 the floor that you referenced in your prior</p>	124	<p>1 frame? 2 A I do. 3 Q And did you photograph the bed just as you 4 found it? 5 A Yes. 6 Q You didn't move anything off or onto the 7 bed? 8 A No. 9 Q Where was the bed broken, if you remember? 10 A It was a platform bed and the edge of the 11 platform had like a -- a long shard of wood off the 12 corner -- or like off the edge. 13 Q Where was the broken bed? In which 14 penthouse? 15 A 4. 16 Q In which room? 17 A The bedroom. 18 MS. VASQUEZ: I'm going to show you a 19 document that will be marked Pennington Exhibit 8. 20 It bears the Bates number Pennington 5. 21 THE VIDEOCONFERENCE TECHNICIAN: Stand by. 22 (Exhibit No. 8 was marked for 23 identification by the 24 videoconference technician; 25 attached hereto.)</p>

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1 and Officer Hadden arrived? 12:09

2 A Yes.

3 Q Tell us about that.

4 A You'll have to forgive me again. My -- my
5 memory of these acts, circums of events -- sequence 12:10
6 of events -- I'm sorry -- that transpired after all
7 this is -- is a little foggy.

8 If memory serves, Amber was damn near
9 catatonic after all of this. We had gotten her into
10 PH 1 so we could deadbolt the door and keep her safe 12:10
11 until he left.

12 A few minutes thereafter, I had gotten a
13 little bit of a rundown from Raquel over what had
14 transpired. Raquel got her to call her lawyer,
15 Samantha Spector, to find out what to do. 12:10

16 And if memory serves, Samantha's
17 recommendation was that we immediately put together
18 a contemporaneous, matter-of-fact statement together
19 of what had transpired that night and that
20 ultimately it was up to Amber as to what she wanted 12:10
21 to do with the police or whatever it may be.

22 Q Is Samantha Spector a criminal lawyer?

23 A I couldn't tell you what she specializes
24 in.

25 Q She's a divorce lawyer; right? 12:11

01:51 1 A. Yes.

01:51 2 Q. How much wine did you see him spill?

01:51 3 A. I don't remember.

01:51 4 Q. A lot? The entire bottle?

01:51 5 A. Not the entire bottle. What my -- so what

01:51 6 I remember is it was flailing and it was -- there

01:51 7 was definitely wine that was coming out.

01:51 8 Q. Would you say that being sloppy is

01:51 9 different than being combative?

01:51 10 A. Yeah. I would say sloppy and combative

01:51 11 are two different things.

01:51 12 Q. And it's your testimony that Mr. Depp was

01:52 13 on May 21st, 2016, both combative and sloppy,

01:52 14 correct?

01:52 15 A. Yeah. I would describe it that there was

01:52 16 a little bit of both of -- yes, that combative and

01:52 17 sloppy.

01:52 18 Q. Was he more sloppy than he was combative?

01:52 19 A. It felt more combative than sloppy.

01:52 20 Q. And just to clarify, the only thing that

01:52 21 was combative was the words he was speaking?

01:52 22 A. No. It was his -- completely the way he

01:52 23 entered into the room, rushed in, his energy, the

01:52 24 way it felt like he was coming after me, like he --

01:52 25 almost felt like -- from my -- from where I was

01:52 1 standing, it felt like he was charging towards me,
01:52 2 and I was scared. It was -- it felt -- it felt --
01:52 3 yeah, combative. It felt -- I'm trying to look for
01:52 4 another word that can describe what I felt, but it
01:52 5 was -- you know, it was scary. My heart was beating
01:52 6 really fast, very quickly, and I was freaked out.

01:53 7 Q. When you exited Penthouse 5, did you see
01:53 8 what happened to Josh and what Josh did or -- where
01:53 9 he was?

01:53 10 A. No.

01:53 11 Q. Okay. When you left Penthouse 5, was Josh
01:53 12 still in Penthouse 5 with Mr. Depp and his
01:53 13 bodyguards?

01:53 14 A. From what I remember, he was still there,
01:53 15 yeah.

01:53 16 Q. Okay. Did you hear Mr. Drew say anything
01:53 17 to Mr. Depp?

01:53 18 A. I don't remember hearing him say anything.

01:53 19 Q. Okay. So you ran out of Penthouse 5;
01:53 20 where did you go?

01:53 21 A. I went up the stairs to -- there was a
01:53 22 pool on the roof with, like, a workout room, and I
01:53 23 just went up the stairs and turned to the left and,
01:53 24 kind of, just stayed there. I hid, essentially.

01:53 25 Q. Did you go into the room where the workout

Transcript of David Kipper, M.D.
Conducted on February 22, 2021

1	MR. NADLEHAFT: Objection; leading;	18:15:13
2	speculation.	18:15:14
3	A Yes, I believe so.	18:15:15
4	Q If Ms. Boerum observed that Ms. Heard had	18:15:16
5	any physical injuries, is this something that	18:15:22
6	would have been documented in her patient notes	18:15:24
7	for Ms. Heard?	18:15:26
8	MR. NADLEHAFT: Objection; leading;	18:15:27
9	speculation.	18:15:28
10	A Yes, absolutely.	18:15:28
11	Q Did Ms. Lloyd were report to you that she	18:15:29
12	witnessed Mr. Depp physically abuse Ms. Heard?	18:15:41
13	MR. NADLEHAFT: Objection; leading;	18:15:45
14	hearsay.	18:15:47
15	A No, never.	18:15:48
16	Q In March 2015, you traveled down to	18:15:48
17	Australia to attend to Mr. Depp; is that right?	18:16:01
18	A Yes.	18:16:04
19	Q And at the time Mr. Depp was already in	18:16:04
20	Australia; correct?	18:16:16
21	A Correct.	18:16:18
22	Q And was Ms. Lloyd with him?	18:16:18

Complaint Investigations:

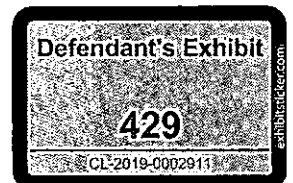
A Guide for Supervisors



4th Edition V. 2
May 2015

Los Angeles Police Department

Internal Affairs Group



LAPD000017

Section 1

Administration of Discipline

Discipline

According to the Department Manual (DM), it is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its members. Additionally, the Department has the responsibility to seek out and discipline employees whose conduct discredits the Department or impairs its effective operation. The rights of the employee, as well as those of the public, must be balanced and preserved. Every investigation, or hearing, arising from a complaint must be conducted in an open and fair manner with the truth as its objective. The Department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition (DM 1/220.05).

The Department advocates the use of positive discipline to gain employees' compliance to policies, procedures, and daily tasks. Supervisors and managers are encouraged to lead through inspiration, explanation, and encouragement. When employees fail to respond to positive discipline, they are subject to punitive actions such as an Admonishment, Official Reprimand, suspension, demotion, or removal from office. Discipline may be administered after weighing the severity of the misconduct with the employee's complaint history, experience, motives, intent, and the damage caused. Finally, the penalty must be balanced with consideration to the employee, the Department, and the public trust.

Misconduct Defined

The Department defines misconduct as:

- Commission of a criminal offense.
- Neglect of duty.
- Violation of Department policies, rules, or procedures.
- Conduct which may tend to reflect unfavorably upon the employee or the Department (DM 3/805.25).

Public Complaint Defined

The definition of a complaint includes any public complaint, anonymous or identified, regarding Department services, policy or procedure, claims for damages (which allege employee misconduct), or employee misconduct,

regardless of whether the complaint alleges misconduct as defined by DM 3/805.25 (Misconduct Defined), and any complaint of misconduct initiated by Department employees.

Exception: A complaint shall not be initiated when the sole reason consists of one or more of the following issues, unless the initial conversation with the complainant identifies attributable misconduct:

- Disputed traffic citation;
- Delay in service;
- Low-flying airship; or,
- Complaint by an inmate regarding accommodations, cell assignment, quantity/quality of food, etc.

The delayed response of a patrol unit or a detective failing to conduct a follow-up interview due to workload is not considered a complaint, but rather a delay in providing service and no Complaint Form, Form 1.28.0, is required. If the preliminary investigation discloses there was negligence rather than a delay in providing service due to workload (e.g., call lost when passed from one unit to another at change of watch), a Complaint Form shall be completed.

Complaints shall be accepted from any source: written, verbal, in person or telephonic (or teletype (TTY), by mail, facsimile transmission, or electronic means, or anonymously, at PAB, any bureau, Area station or substation, at the offices of the Board of Police Commissioners and the Office of the Inspector General, or, any other police facility accessible to the public (DM 3/801.05).

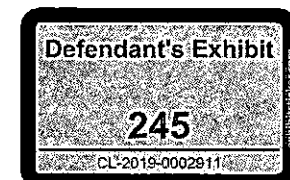
Traffic Citations

Supervisors shall conduct a preliminary investigation of the violator's complaint about the issuance of the traffic citation. If no error was identified in the issuance of the citation, the complainant should be directed to the appropriate court for resolution, and no Complaint Form is required. However, if misconduct was alleged or discovered during the interview, then a Complaint Form is required.

Vehicle Impound Complaints

Supervisors shall interview the complainant regarding the incident that resulted in the vehicle being impounded. If no other allegation(s) is made regarding the vehicle impound itself, no Complaint Form is required and the complainant may be referred to the Vehicle Impound Hearing process as delineated in Manual Section 4/266.05. If the interview discloses an allegation(s), a Complaint Form shall be initiated regarding the allegation(s) outside of the vehicle impound, and

#	Chat#	Participants	From	Body	Timestamp: Time!(MM/DD/YY)
41474	1593	+13104984903 him (owner) +19173653521 Bettany richardt@aol.com Chris Dembrowski	+13104984903 him	I'm gonna properly stop the booze thing, darling... Drank all night before I picked Amber up to fly to LA, this past Sunday... Ugly, mate... No food for days... Powders... Half a bottle of Whiskey, a thousand red bull and vodkas, pills, 2 bottles of Champers on plane and what do you get...??? An angry, aggro Injun in a fuckin' blackout, screaming obscenities and insulting any fuck who got near... I'm done. I am admittedly too fucked in the head to spray my rage at the one I love... For little reason, as well I'm too old to be that guy But, pills are fine!!!	5/30/2014 5:45:08 PM(UTC+0)
50395	1619	+13104984903 him (owner) +18479127999 Kevin Murphy richardt@aol.com Chris Dembrowski	+13104984903 him	Hey, brother.. So, Little Rocky may need to move into PH 1 tomorrow, instead of Tuesday!!! Doesn't sound great ... Am going to have Rocky call you directly!!! Please, treat her like a princess!!! She's a very kind, sweet, fragile girly... Whatever she needs, brother... Stock her up on good wine, great cheeses, fruits, coffee, etc... You know the drill, pal... I know you'll take good care of her!!! I'm gonna let her live there as long as she wants/needs... Love ya, Señor!!! JD	6/2/2014 2:10:08 AM(UTC+0)
42307	1601	+13104984903 him (owner) +18456644712 Patti Smith	+13104984903 him	My darling, Patti Lee... I miss you and worship you and there is nothing wrong between us!!! Never, ever could that happen!!! I've just been so beyond busy with film here in Boston and then back to LA for kiddies... When I was in NYC... They were brief visits, and fucked and charged by horrific fights with Amber... I fucked up and drank and got shitty. Was so disappointed in myself... Actually, almost walked to your place at about 3:30am the last time I was there... Unable to stop he tears. I adore you and need you... How I need to talk with you, see you, hold you... I need to spill... I need a friend... I need a cry... I need a giggle. I need you!!! Please, forgive my irresponsible silence and my not being there for you when you needed me... It is shameful. It will never happen again. I love you so much and hold our profound and unique friendship in such high esteem. You live in me... You are my best friend!!! You at my somewhat sane lifeline in this grimy, slippery world!!! I would die for you, I would kill for you... I love you so, doll... Yours always... Johnny	6/8/2014 6:39:43 AM(UTC+0)
53629	1628	+13104984903 him (owner) +13107292814 Stephen Deuters richardt@aol.com Chris Dembrowski	+13104984903 him	Need Red wine!!!	7/24/2014 3:37:27 AM(UTC+0)
60860	1643	+13104984903 him (owner) +13107177556 Lily-Rose richardt@aol.com Chris Dembrowski	+13107177556 Lily-Rose	Should I bring joint roller	7/24/2014 6:46:21 PM(UTC+0)
60861	1643	+13104984903 him (owner) +13107177556 Lily-Rose richardt@aol.com Chris Dembrowski	+13107177556 Lily-Rose	Look at this one I rolled last night!!!!	7/24/2014 6:46:24 PM(UTC+0)



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT’S
THIRD SUPPLEMENTAL AND REBUTTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard (“Ms. Heard”) hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

**Dawn M. Hughes, Ph.D., ABPP
Clinical and Forensic Psychologist
274 Madison Avenue, Suite 604
New York, New York 10016
(212) 481-7044 Telephone
(212) 481-7045 Facsimile
hughes@drdawnhughes.com**

Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as “Johnny Depp”), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he “never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard’s Counterclaim and Ms. Heard’s defenses.

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Heard.” Ms. Heard then filed a counterclaim against Mr. Depp for defamation. Dr. Hughes was asked to conduct a forensic psychological evaluation of Ms. Heard to assess for the dynamics and consequences of intimate partner violence that may have been present in her relationship with her now ex-husband, Mr. Depp, and to assess for any psychological consequences stemming from the defamatory statements to the media made by Mr. Depp through his attorney and agent, Adam Waldman.²

Expertise and Qualifications

Dr. Dawn Hughes is a clinical and forensic psychologist and an expert in interpersonal violence, abuse, and traumatic stress, which includes intimate partner violence, rape and sexual assault, physical assault, childhood maltreatment and abuse, and sexual harassment. For the past 25 years, Dr. Hughes has conducted hundreds of assessments and psychological treatments of

² Specifically, Dr. Hughes will testify as to the psychological consequences on Amber Heard as a result of the following statements (“defamatory statements”) included in the Counterclaim, at Paragraphs 45-47, and at Exhibits F, G and H to the Counterclaim:

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that “Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax ‘facts’ as the sword, inflicting them on the public and Mr. Depp.”

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that “Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn’t do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911.”

47. On June, 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an “abuse hoax” against Depp.

both male and female victims of intimate partner violence, rape and sexual-assault, childhood sexual abuse, and sexual harassment in the workplace. She has significant training and experience regarding the dynamics and consequences of abuse, intimate partner violence, victimization, sexual harassment, and traumatic stress. Dr. Hughes has made numerous professional presentations, invited addresses, and conducted formal trainings (including judicial trainings) in the areas of interpersonal and intimate partner violence, abuse, and trauma. She is frequently contacted by judges and court administrations to conduct continuing legal education seminars on trauma and was selected by the Appellate Division of the State of New York to conduct their mandatory attorney trainings on intimate partner violence, traumatic stress, and how the psychological impact of exposure to violence and abuse may influence the victim's participation in the legal system. In addition, she routinely attends professional conferences and trainings, obtain continuing-education credits, read journal articles, and consult with peers as part of her general practice as a clinical and forensic psychologist to remain current with developments in her field of practice.

Dr. Hughes is a Clinical Assistant Professor of Psychology in the Department of Psychiatry of New York Presbyterian Hospital-Weill Cornell Medical Center serving on the voluntary faculty for approximately 20 years. In this capacity, she contributes to the psychology training program, teaches an ethics seminar to interns, engages in other intern didactics, and was instrumental and active in the NYP-COPE program which provided much needed psychological first aid and resources to hospital staff who struggled with emotional, psychological, and traumatic effects from being on the front lines in battling the Covid-19 pandemic in NYC.

Dr. Hughes is actively engaged in professional activities in several organizations, such as the American Psychological Association (Trauma Psychology Division and American

Psychology-Law Society), International Society of Traumatic Stress Studies, the Women's Mental Health Consortium, among others. She was a founding member and is President-elect of the Trauma Psychology Division of the American Psychological Association and has served on the Executive Committee for a good portion of the past decade. She recently completed her three-year term as an elected member to the Council of Representatives of the American Psychological Association representing the Trauma Division. Dr. Hughes was a founding member and past-President of the Women's Mental Health Consortium, a NYC-based multidisciplinary organization providing services and resources regarding women's mental health.

Dr. Hughes is Board Certified in Forensic Psychology representing one of approximately 350 psychologists in North America who are board certified in forensic psychology by the American Board of Forensic Psychology, a specialty board of the American Board of Professional Psychology (ABPP). This credential is intended to signify the highest levels of expertise and practice in forensic psychology. Dr. Hughes has been qualified as an expert witness by courts in the States of New York, New Jersey, Connecticut, and Pennsylvania, and in the United States District Courts for the Southern, Eastern, and Northern Districts of New York. She is licensed to practice in the States of New York, Connecticut, and North Carolina. Her curriculum vitae can be found in **Att. 1**.

Summary of Opinions

Dr. Hughes' opinions are based on more than 25 years of clinical and forensic experience assessing and treating victims of intimate partner violence and the empirical and social-science data pertinent to this subject matter. Further, these opinions are based on her forensic psychological evaluation of Amber Heard, a review of copious documents and materials that

have been made available to her in this case, and collateral interviews. The documents that she reviewed and relied on are listed in **Att. 2**. This designation represents a summary of Dr. Hughes' professional analysis and opinions and does not purport to represent all the information and data that was derived from the comprehensive forensic evaluation process. Dr. Hughes' opinions are offered to a reasonable degree of psychological probability and/or certainty.

A brief summary of Dr. Hughes' professional opinions (which are discussed in greater detail below) are as follows:

1. Amber Heard's report of violence and abuse in her relationship with Mr. Depp is consistent with what is known as intimate partner violence, a pattern of manipulation, fear, and control in a relational context that is maintained through the use of multiple abusive behaviors such as physical violence, psychological aggression, coercive control, emotional abuse, and sexual violence.
2. The intimate partner violence inflicted upon Ms. Heard by Mr. Depp is categorized as severe because it consists of strangulation, punching, beating up, sexual violence, threats to kill, an increase in frequency and severity of abuse, and serious injuries such as black eye, facial bruising, nose injury, concussion, and loss of consciousness.
3. Amber Heard has identifiable psychological symptomatology and distress as a result of the defamatory statements (as set forth in ¶¶ 45-47 of the Counterclaim) made to the press and media about her. Each statement has its own properties that elevate psychological distress and emotional dysregulation; however, importantly, the defamatory statements exacerbate Ms. Heard's Posttraumatic Stress Disorder (PTSD) by triggering painful and intrusive reminders of Mr. Depp's past physical, emotional, psychological, and sexual abuse toward her thereby greatly intensifying the psychological impact of each statement. Mr. Depp's defamatory statements are a continuation of the psychological abuse that was prominent in the relationship, such as denial, blame, avoidance of responsibility, and gaslighting.
4. Ms. Heard was assessed to be a reliable historian. Psychological testing revealed that she approached the evaluation in a forthright matter with no evidence of malingering or feigning psychological distress. Additionally, Ms. Heard did not appear to distort or exaggerate the information she provided, nor did she try to portray Mr. Depp as worse than was likely accurate and continued to profess empathy for him and his own psychological struggles. Ms. Heard demonstrated the ability to offer both positive and negative aspects of herself, her behavior, her partner, her relationship, and her life.
5. With respect to intimate partner violence, it is commonly understood that such acts often occur in private with few witnesses and with little external corroboration, however, that

does not appear to be the case in this matter. Dr. Hughes' analysis revealed significant corroborating evidence that is consistent with Ms. Heard's report of intimate partner violence including text messages, photographs, video tape, audio files, medical documentation, therapy records, collateral interviews, and witnesses to the aftermath of the violence.

6. Dr. Hughes will provide expert testimony that is relevant, scientifically based information regarding the common experiences, perceptions, psychological consequences, and actions of individuals exposed to intimate partner violence as well as their participation, or lack thereof, in procedures and sanctions against their partner. In addition, Dr. Hughes' expert testimony will seek to dispel myths and misconceptions about intimate partner violence that are commonly held by lay persons about what the persons in such a relationship "should" do or "shouldn't" do, and why these are not correct assumptions.

In support of these opinions, Dr. Hughes is expected to testify to the following:

Methodology

A standard forensic psychological evaluation of a particular individual contains several parts: psychological testing, comprehensive semi-structured clinical interview, review of materials relevant to the case (legal, medical, psychological), consultations, and interviews with collateral sources (if relevant and if available). Amber Heard was psychologically evaluated on six separate occasions –September 26, 2019; October 11, 2019; November 8, 2019; November 11, 2019; January 18, 2021, and December 27, 2021 – for a total of approximately 30 hours. Ms. Heard was administered several psychological tests which are detailed below. Ms. Heard was also queried as to her functioning with regard to work, motherhood, relationships, and any continued psychological impacts of the defamatory statements. Documents and materials relevant to her case were reviewed and are listed in **Att. 2**. Additionally, collateral interviews were conducted with both her therapists that she was in treatment with during her relationship

with Mr. Depp, including Dr. Bonnie Jacobs and Dr. Connell Cowan. A collateral interview was also conducted with her mother, Paige Heard, who is now deceased.³

Summary of Psychological Testing

Dr. Hughes administered multiple psychological assessment measures to Ms. Heard:

1. Personality Assessment Inventory (PAI)
2. Trauma Symptom Inventory – 2 (TSI-2)
3. Miller Assessment of Symptoms Test (M-FAST)
4. Life Events Checklist (LEC)
5. Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5)
6. Beck Depression Inventory – II (BDI-II)
7. Beck Anxiety Inventory (BAI)
8. Mood Disorder Questionnaire (MDQ)
9. Abusive Behaviors Observations Checklist (ABOC)
10. Conflict Tactics Scale-2 (CTS-2)
11. Danger Assessment Scale (DA)
12. Clinician-Administered Posttraumatic Stress Disorder Scale for DSM-5 (CAPS-5) – Past Month Version

Some of these psychological tests have validity indices that were designed to assess the individual's response style, consistency, carelessness, confusion, defensiveness, reading difficulties, exaggeration, malingering, and other factors that could potentially distort the results of the test. In a forensic context where a motivation may exist to falsely report or distort psychological symptomatology, the issue of malingering and exaggerating psychological distress and/or mental illness was carefully considered. Importantly, the stated objective of Dr. Hughes' initial forensic psychological assessment was not solely to determine whether Ms. Heard was suffering from any psychological effects or PTSD from the IPV by Mr. Depp. Results from psychological testing, when examined within the context of clinical examination, history, and

³ Dr. Hughes is expected to testify as to her collateral interviews with Dr. Jacobs, Dr. Cowan, and Paige Heard which helped form her opinions in this case. Dr. Jacobs, Dr. Cowan, and Paige Heard corroborated that Ms. Heard made contemporaneous reports of physical, psychological, and emotional abuse by Mr. Depp.

corroborative data, suggest that Ms. Heard is not malingering or feigning psychological difficulties.

The overall impression of the objective psychological testing suggests several clinically significant difficulties for Ms. Heard that likely cause notable impairments in functioning. Her profile is remarkable for significant anxiety, traumatic stress, fears, affective lability, depressive experiencing, intrusive experiences, defensive avoidance, and difficulties in relationships. She endorsed a symptom picture that is consistent with traumatic stress, particularly interpersonally related trauma.

Ms. Heard was administered the *Posttraumatic Stress Disorder Scale for DSM-5 (PCL-5)*. Intimate partner violence is recognized as a traumatic stressor capable of resulting in posttraumatic stress symptomatology and related difficulties. Ms. Heard's responses on the *PCL-5* support a DSM-5 diagnosis of Posttraumatic Stress Disorder with an etiology of the intimate partner violence she experienced by her former partner, Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the trauma, avoidance of reminders of the trauma, negative alterations in cognition and mood, and alterations in arousal and reactivity.

In addition, on December 27, 2021, Ms. Heard was administered the *Clinician-Administered Posttraumatic Stress Disorder Scale for DSM-5 (CAPS-5) – Past Month Version*. The *CAPS-5* is a structured clinical diagnostic tool that was developed at the National Center for PTSD to achieve a valid and reliable diagnosis of PTSD. Results of the *CAPS-5* continue to support a DSM-5 diagnosis of Posttraumatic Stress Disorder utilizing the index trauma of the intimate partner violence by Mr. Depp. Ms. Heard's responses on the *CAPS-5* indicate that she is experiencing symptoms in all four clusters of PTSD.

Multiple alternative hypotheses were considered during previous and this current assessment vis a vis their relationship to these PTSD symptoms and diagnosis. Ms. Heard has experienced other traumatic life events that qualify as a Criterion A traumatic stressor, notably childhood physical and emotional abuse by her father, and witnessing intimate partner violence and abuse by her father toward her mother. Empirical data has demonstrated a strong association between exposure to childhood violence and later adult victimization, such as IPV. Although such a link is not simple or direct, robust research indicates that childhood experiences with violence make an individual vulnerable to new experiences of violence, and abuse and exposure to a subsequent trauma can exacerbate traumatic effects of a new trauma. During previous assessments of Ms. Heard as well as this most recent one, it was determined that these other traumas are not manifesting themselves in current symptomatology and are not currently a source of psychological concern for her. The traumatic event that causes Ms. Heard significant psychological distress and traumatic stress symptoms continues to be the violence and abuse by her former husband, Mr. Depp.

For an assessment of intimate partner violence (IPV) related behaviors, Ms. Heard was administered the *Abusive Behavior Observation Checklist (ABOC)* and the *Conflict Tactic Scale-2*, both of which measure common characteristics of intimate partner abuse. Results revealed the presence of severe IPV including physical abuse, physical injury, sexual violence and abuse, coercion and threats, intimidation, isolation, and minimization and denial of the abuse. She was also administered the *Danger Assessment Scale*, a 20-item measure that assesses for risk factors that have been associated with homicides in violent relationships. The *Danger Assessment Scale* revealed that Ms. Heard was in a very serious situation with Mr. Depp and at risk for serious, repetitive, and deadly intimate partner violence.

Analysis of Intimate Partner Violence

This evaluation and review of the evidence revealed that Ms. Heard's report of her relationship with Mr. Depp is consistent with a pattern of chronic and severe intimate partner abuse, including physical violence, psychological abuse, sexual violence, and controlling behaviors.

The Center for Disease Control (CDC) has determined that intimate partner violence (IPV) remains a serious public health problem that affects millions of Americans. Intimate partner violence is described by the CDC as physical violence, sexual violence, stalking, and psychological aggression (including coercive acts) that are utilized by a current or former intimate partner. Intimate partner abuse is often part of a larger coercive relational dynamic that is characterized by a pattern of manipulation, fear, and coercive control that is maintained through the use of multiple abusive behaviors, such as (1) physical abuse; (2) psychological abuse (i.e., a pattern of behavior that functions to instill fear, intimidate, threaten future harm, and maintain power and control over another individual); (3) emotional abuse (i.e., behaviors that serve to denigrate a person's self-worth through offensive put-downs, slurs, name-calling, insults, constant criticism, humiliation and subjugation); (4) economic abuse (i.e., withholding or making all financial decisions); and (5) sexual abuse (i.e., when one is forced, either by threats, coercion, or physical force, to submit to sexual activity against their will).

The alternating cycle of violence and abuse in the relationship is often interspersed with neutral and/or positive moments and times without violence. These good times keep the victim psychologically attached to their partner and instill false hope for positive change. However, the overarching dynamic of these relationships is the perpetrator's unchecked power, manipulation, and control over the battered victim, and his relentless use of violence and abuse, which

deteriorates the psychological functioning of the victim, diminishing her coping resources and strategies, and ultimately rendering it difficult for her to extricate herself from the abusive relationship.

Physical Violence

Ms. Heard described a significant amount of physical abuse perpetrated by Mr. Depp throughout the course of their relationship. It is severe based on types of abuse, the duration of the abuse, and the frequency of the violent acts. Specific physically abusive behaviors that were reported in this case include: grabbed, pushed, and shoved her; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, body; slapped her with the front and back of his hand which was adorned with heavy metal rings; kicked her; headbutted her; slammed her against the wall and floor; dragged her across the floor; threw her into a glass table; threw objects at her; flicked a cigarette at her; pulled her by the hair; and beat her up.

Physical Injury

Ms. Heard reported sustaining significant pain and numerous injuries as a result of Mr. Depp's physical and sexual assaults. She often did not seek medical evaluation or treatment for assault-related injuries as is common for abuse victims. Notwithstanding, there were several times when she did seek medical treatment from Dr. Kipper's practice and his nurses. In addition, photos were taken of her injuries on multiple occasions by herself and her friends.

Specific injuries that were reported in this case include: excruciating pain; bruises on her face and body; black eyes; busted lip; loss of consciousness; vaginal pain; cuts; concussion; nose injury and pain; lost hair; and cuts on her feet and arms from broken glass.

Psychological Aggression and Abuse

Ms. Heard reported that Mr. Depp engaged in repeated psychological aggression and abuse which is a pattern of behavior that functions to instill fear, to intimidate, to denigrate a partner's self-worth, to threaten future violence, and to maintain power and control over an intimate partner. Mr. Depp repeatedly demonstrated not only his ability, but his willingness, to use multiple and serious forms of physical assaults and sexual violence against Ms. Heard which decreased her psychological functioning and increased her fear and helplessness.

Mr. Depp's abuse of Ms. Heard was punctuated and exacerbated by his chronic addiction to drugs and alcohol. Whereas alcohol and substance abuse can be present in relationships characterized by intimate partner violence, it does not cause the violence and abuse. What it does do is increase the risk to the victim because one's level of internal controls are markedly reduced when one is intoxicated. This substance-fueled rage also pulled for Ms. Heard to adopt a caretaking role with Mr. Depp and offer herself and others repeated excuses for his behavior thereby obfuscating the abuse and the harm caused to her.

Psychologically abusive behaviors that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, and erratic behavior; antagonistic behaviors about her career; criticized her ambition; constant unreliability then blamed her for not waiting for him or for addressing it; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, easy, ugly, fat ass); constant accusations of flirting and infidelity; controlling her clothing choices ("no woman of mine if going to dress like a whore"); surveillance and tracking efforts (calling directors and male co-stars to check on her; showing up on set; insisting on using his security detail; having to "prove" things to him; searching her

phone); threats to kill her; criticized her body; and emotional manipulation (threats of suicide; threats and actual engagement of self-harm), among others.

Mr. Depp's psychological instability, as evidenced by his chronic substance abuse, erratic violent outbursts, deranged writing on walls, tables, mirrors, etc., repeated property damage, frequent throwing of objects, acts of violence toward himself and self-harm, and withdrawal from the relationships for long periods of time where he was unreachable, among others, are not only highly dysfunctional, but forms of psychological abuse, intimidation, and emotional manipulation. These acts continued to keep Ms. Heard psychologically unstable, hypervigilant, anxious, emotionally dependent, and often left her walking on eggshells as to what Mr. Depp was going to do next. The illusion of safety and calm was always short lived. Mr. Depp's instability required Ms. Heard to continue to deal with days of chaos and trauma, always trying to calm Mr. Depp first, and then seek safety for herself second. The unpredictability, volatility, and severity of Mr. Depp's behavior increased Ms. Heard's fear of him and his ability to maintain power and control in the relationship. This dynamic created formidable psychological obstacles for Ms. Heard to identify the abuse and extricate herself from the relationship.

Sexual Violence

This evaluation revealed significant sexual violence perpetrated by Mr. Depp toward Ms. Heard. Sexual violence is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not want to or cannot consent. Intimate partner sexual abuse is any form of sexual violence that takes place within a current or former intimate relationship and it often co-occurs with other forms of abuse.

Ms. Heard reported that there were multiple instances when Mr. Depp forcibly and aggressively grabbed Ms. Heard's head coercing her to engage in fellatio, and times when he

forcibly performed cunnilingus on her. Whereas she did not say no, Ms. Heard was desperate to make him feel loved, be less mad at her, and make him feel that they were “okay.” Thus, she tolerated these aggressive violations, always hoping that such acts would turn “romantic,” yet they rarely did. She often made excuses for Mr. Depp in order to psychologically shield herself from the reality and psychic pain of these violations.

Mr. Depp also engaged in serious sexual violence during instances of rage and violence in which he forcibly penetrated Ms. Heard’s vagina with the neck of a liquor bottle during one of the most violent episodes in their relationship. Other times, he forcibly and violently thrust his fingers up her vagina, moved her body by holding onto her vagina, and yelled obscenities at her. None of these acts were to initiate sex and none of them consensual. Quite the contrary, they were acts of sexual violence reflecting an abuse of Mr. Depp’s power and control over her, and specifically perpetrated to humiliate and subjugate Ms. Heard. These repeated sexual violations were often accompanied by vulgar and degrading verbal assaults toward her. These sexual violations were psychologically devastating to Ms. Heard and physically painful. The research has suggested that women who are exposed to both physical and sexual violence in an intimate relationship are at risk for more severe psychological and traumatic symptomatology.

Danger Assessment

The *Danger Assessment Scale* is an empirically validated measure specifically designed to assess for risk factors that have been associated with severe and lethal intimate partner violence. In examining the factors present in this case, there is statistical support to suggest that the intimate partner violence perpetrated by Mr. Depp toward Ms. Heard was serious, severe, and dangerous. When someone scores in that range and is still in the relationship, assertive safety planning and risk reduction strategies are recommended.

Specific lethality risk factors that were identified over the course of the relationship

include:

- an increase in violence and abuse
- threats to kill
- forced sexual violence
- strangulation
- use of illegal drugs and problematic drinking
- controlling behaviors
- persistent jealousy
- destruction of property
- surveillance behaviors
- threats to commit suicide.

There were two very serious abusive incidents worth noting in which Ms. Heard thought Mr. Depp could kill her. The first time was in Australia in March 2015 when Mr. Depp engaged in an all-out assault upon her whereby he hit her, slapped her, threw her around, pinned her on her back on a counter, squeezed her neck strangling her, ripped off her nightgown, and raped her with a Jack Daniels bottle while screaming over and over again, "You ruined my life. I hate you. I'm going to fucking kill you." As noted above, strangulation, sexual violence, destruction of property, substance abuse, and threats to kill are significant risk factors for severe and lethal intimate partner violence.

Then, in December 2015 in Los Angeles, Mr. Depp perpetrated another severe assault against Ms. Heard wherein he repeatedly punched and slapped her with his ring-adorned hands, dragged her by the hair across the apartment, headbutted her, and strangled her while yelling "I fucking hate you. I hate you. I'm going to fucking kill you." Making a threat to kill increases the likelihood of an act of serious harm and when combined with a perpetrator's use of violence, psychological instability, and substance abuse represents a very high-risk and dangerous situation.

Coping Responses to Violence and Abuse

The research has demonstrated that women who are involved in abusive relationships employ a variety of formal, informal, and personal strategies to cope with the abuse, avoid the abuse, protect themselves from the abuse, and escape from the abuse. They do many things - it just does not stop their partner's abuse and victimization. Some strategies represent formal help-seeking behaviors such as calling the police, obtaining protection orders, seeking medical assistance, going to a shelter, obtaining counseling, and terminating the relationship. Commonly, women in abusive relationships attempt to stop and deal with the abuse from within the relationship. Examples of these informal strategies include talking with their partner to try to get him to change, complying with his demands, acquiescing, talking to family members and friends, passive and active forms of self-defense, and physically fighting back. Importantly, the research also demonstrates that it ultimately remains the perpetrator's choice to cease his use of violence and abuse regardless of the strategies employed by the victim.

A woman's difficulty in extricating herself from an abusive relationship does not in any way indicate that she is unconcerned about the abuse or wants it to occur. Rather, the victim *is* absolutely concerned about the abuse but engages in psychological avoidance, minimization, denial, and suppression efforts herself in order to maintain the relational status quo, because she is emotionally attached, and in order to stay safe. An abused woman's decisional analysis to stay or leave is mediated by multiple and complex factors such as personal resources, tangible resources, ongoing abuse, psychological functioning, emotional attachment, love and hope for change, vulnerability factors, and threats of retaliation.

This evaluation revealed that Ms. Heard utilized many formal and informal strategies to cope with the violence and abuse inflicted upon her by Mr. Depp. Informal strategies included

efforts to work with and negotiate with Mr. Depp on ways to stop the violence and abuse. She attempted to please Mr. Depp, appease him, avoid angering him, and comply with his eccentric ways to prevent further abuse and degradation. She hid her scripts and refrained from practicing lines to obviate an altercation. She altered her choice of clothing to satisfy him and prevent being told she dressed like a whore. She avoided going to cast parties, rap parties, and talking with her male co-workers because this made Mr. Depp irrationally jealous, often resulting in verbal and physical fights. She repeatedly tried to talk with Mr. Depp to persuade him to stop his abusive behaviors, stop his significant drug addiction and excessive alcohol abuse, and engage with her in positive ways. She pleaded with him and constantly encouraged him to get treatment for his own abusive childhood which she saw as a contributing factor to his self-loathing, self-destructive tendencies, and his polysubstance abuse. She repeatedly requested that Mr. Depp engage with her in couples therapy which they did on a few occasions of limited duration and minimal success. She repeatedly encouraged and assisted him in obtaining professional treatment and support for his substance abuse.

Other informal and personal coping strategies involve obtaining support from others. Ms. Heard disclosed the abuse to her mother, her sister, and multiple friends, all in an attempt to receive emotional support in the aftermath of an explosive incident. At times, in her conversations with others, Ms. Heard also engaged in minimization, suppression, and denial of the true extent of Mr. Depp's violent and abusive behavior and this is because Ms. Heard knew that others would tell her to leave Mr. Depp. She did not want to be criticized for staying and did not want Mr. Depp to be negatively judged as she still loved him and was committed to working on the relationship despite the abuse, thus she maintained the secret. In addition, Mr. Depp actively sabotaged Ms. Heard's efforts at self-care and external support, vilifying and sometimes

excommunicating those individuals with whom she relied on. Engaging in deliberate behavior that isolates victims from social support is a common tactic of abusers.

Another informal coping strategy utilized by Ms. Heard in response to the violence and abuse by Mr. Depp was her own use of passive and active forms of physical and defensive actions during an abusive incident. This is not uncommon. A high percentage of women in abusive relationships use some form of responsive violence against their partner. Importantly, Ms. Heard's use of defensive physical actions did not prove to be an effective strategy as it did not stop the assault, but rather increased Mr. Depp's anger and violence toward her. It is important to recognize that there is a distinction between relationship "fights" and "assaults." Partner assaults differ from fights because of the motive, dynamics, and consequences. Assaults function to hurt, denigrate, punish, subjugate, exploit, dominate, and control an intimate partner and, importantly, they are not attempts to resolve conflict. Partner assaults are repeated over time, tend to escalate, and have marked asymmetry in the amount of injury sustained. Intimate partner violence has long been understood as comprising more than just hitting, but rather a wide array of abusive tactics, such as psychological degradation, coercion, abuse of power and control, threats, manipulation, the instillation of fear, sexual violence, and surveillance controls. Importantly, when taking Ms. Heard's reactive violence into account, this evaluation revealed that there was a significantly differential impact of the violence and abuse utilized by Mr. Depp. There was a serious imbalance of power and control, a disparity of size and strength, differential perpetration of severe violence, differential threat and risk of serious injury, sexual violence, differential impact of actual physical injury and psychological harm, and an imbalance of fear and danger.

Ms. Heard also engaged in formal strategies to cope with the intimate partner violence including engaging in psychological treatment with multiple providers and engaging with Mr. Depp's providers. She actively spoke with Mr. Depp's medical team, conceptualizing his drug and alcohol addiction as a core dysfunctional aspect of their relationship and a functional cause of the abuse. She attended Al-Anon meetings and actively participated in efforts to help Mr. Depp achieve sobriety. She read countless books about substance abuse, and dysfunctional and abusive relationships. Ms. Heard's efforts to help Mr. Depp get safe and sober were repeated over and over again throughout the course of the relationship thereby funneling her psychological resources to caring for him and away from her own needs and the full realization of the severity of the abuse inflicted upon her.

Another formal strategy was Ms. Heard's own psychological treatment. Ms. Heard engaged in psychotherapy with multiple treatment providers, including Dr. Connell Cowan and Dr. Bonnie Jacobs, over the course of the relationships to try and figure out what *she* could do to stop Mr. Depp's abuse upon her. This is a common misattribution error in cases of intimate partner violence where the abused victim eventually comes to believe her partner's claims that she is the cause of his aberrant behavior. She constantly felt responsible for his abuse, apologized often, and contemplated what she could do "better" to not have him hurt her. Notwithstanding, Ms. Heard spoke to Mr. Depp on countless occasions that she could no longer sustain any further abuse. Sometimes he indicated he understood and promised to do better, and yet other times he denied the abusive incidents even occurred, denied hurting her, minimized the extent of the abuse, and blamed her for his use of violence. Despite desperately wanting him to change, Mr. Depp's alcohol and drug addiction remained chronic and his controlling and violent tendencies persisted. Mr. Depp did not change. In fact, the abuse toward Ms. Heard worsened over time,

increasing in frequency and severity. In the end, she obtained a temporarily restraining order against him.

Importantly, Ms. Heard was embroiled in the profound paradox that is the hallmark of intimate partner violence where love and violence are intertwined. Women can be in love and afraid at the same time and this phenomenon is clinically understood as a tolerance for cognitive inconsistency. It is a myth that women just leave at the first sign of trouble or “should leave” if it is truly that bad. It is normal to give one’s abusive partner second, third, and sometimes unlimited chances to redeem themselves. But, over time, the violent acts become normalized as a central feature of the relationship that needs to be tolerated – not accepted but tolerated. Ms. Heard was no exception. She was caught in a web of love, emotional attachment, genuine loyalty and concern for Mr. Depp, and the illusion that he would finally come to his senses and change for the better. As such, she often concealed and minimized his violence and abuse (to family, friends, and even treatment providers) to protect him, and herself at some point, from public condemnation. She assumed the best and denied the worst in order to hold on to the positive aspects of the relationship and the love she had for Mr. Depp. However, eventually, those psychological defenses broke down and were no longer effective as the physical and psychological injury became too great to bear and the positive aspects became all too infrequent resulting in the decisional analysis for Ms. Heard to finally terminate the relationship.

Psychological Impact of Defamation

In cases of intimate partner violence, leaving the relationship does not always end the violence and abuse. In fact, ending an abusive relationship is statistically a very dangerous point in time for the abused victim. Whereas Ms. Heard left Mr. Depp, filed for a restraining order due to domestic violence, and eventually divorced him, she was not free. Mr. Depp’s psychological

and emotional abuse continued. Mr. Depp's defamation suit and false statements to the media halted her healing from the traumatic effects of victimization and introduced new levels of psychological abuse, intimidation, degradation, and gaslighting which continued that cycle of abuse that she thought she escaped from, this time abusing Ms. Heard through the legal system and through media attacks. The overarching theme of Mr. Depp's attacks are that Ms. Heard is a liar. For a victim of intimate partner violence, fear that they would not be believed ranks among the highest reasons why they do not speak out about their abuse and why violence against women is the most underreported crime. This has had devastating consequences for Ms. Heard.

The psychological impact of three of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent) were specifically assessed (April 8, 2020; April 27, 2020; and June 4, 2020). Whereas it was determined that these comments had notable psychological impact, they represent a continuation and exacerbation of the totality of Mr. Depp's abusive behaviors. Ms. Heard suffered repeated attacks on her credibility with Mr. Depp's frequent lies to the media, a particularly significant problem when one is in the public sphere. The problem with every lie is that one must refute that lie, and that requires intense psychological resources. As such, with each unpredictable media comment made by Mr. Depp, havoc and chaos were again thrust into her life to no fault of her own, forcing her to deal with the negative consequences of having to explain and "prove" the lie. These lies resulted in numerous losses, such as the loss of time and energy; loss of friendships; loss of jobs; and financial loss, all of which greatly impacted her daily functioning and her capacity to cope.

As a result of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent), Ms. Heard suffered notable psychological distress and an exacerbation of posttraumatic stress disorder that stems from the initial pattern of violence and abuse. Each time

Mr. Depp released a defamatory statement to the media calling her a liar or that her account of violence and abuse in the relationship was a “hoax,” Ms. Heard suffered (and continues to suffer) from stress, anxiety, nightmares, crying, flashbacks, feeling afraid, emotional numbing, dissociation, struggles with trusting others, significant sleep disruption, relationship and intimacy problems, interpersonal disconnection, hypervigilance, and intense psychological pain.

In addition, Mr. Depp’s defamatory statements activated long held feelings of shame and humiliation about the abuse and the relationship in general, common consequences of victimization. This was particularly true with Mr. Depp’s April 8, 2020 remarks about “fake sexual violence” and a “sexual violence hoax.” Rape and sexual violence are one of the most humiliating, violating, and shame inducing experiences that an individual could endure, and it is one of the most powerful predictors of PTSD in both men and women. The sexual violence that Ms. Heard experienced by Mr. Depp is one of the most private, vulnerable, and painful aspects of her life. For Mr. Depp to call her account “fake” and for her to have to refute it, has resulted in significant psychological distress, emotional pain, humiliation, and an exacerbation of PTSD.

While in the abusive relationship, Mr. Depp repeatedly utilized abusive tactics whereby he minimized his abuse and violence, blamed her for the abuse, denied that the abuse even occurred, and reversed the attack on her claiming that he was the victim, and she was the abuser. But Ms. Heard successfully extricated herself from that awful dynamic of violence and abuse and yet Mr. Depp’s abuse continued through his false media comments. This forced her to confront the whole cycle of abuse, violence, blame, gaslighting, and condemnation all over again.

The psychological consequences and harm to women because of partner violence have been well documented, and include decline in general mental health, depression, anxiety,

posttraumatic stress disorder, substance abuse, suicidality, shame, humiliation, self-blame, and diminished self-worth and self-efficacy, among others. This evaluation revealed that Ms. Heard meets DSM-5 criteria for Posttraumatic Stress Disorder (PTSD) with an etiology of the violence and abuse perpetrated by Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the victimization, violence, and abuse (flashbacks, memories, nightmares); conscious avoidance efforts to detract her from reliving the violence and abuse; negative effects on her thinking and mood; and an increase in hyperarousal and physiological reactivity.

Importantly, PTSD is a cue-related disorder and environment stimuli serve to trigger the disorder with accompanying psychological reactivity. Each time Mr. Depp released a media statement branding her a liar, that served as a trauma trigger activating memories of the horror and truth of the abusive relationship. Mr. Depp's comments are so inextricably connected to the original trauma that they result in additive psychological and traumatic effects. His statements also activate the PTSD dimension of hyperarousal and hypervigilance as Ms. Heard experiences greater concern for her personal safety, resulting in anxiety, an acute awareness of her surroundings, and continual scanning for danger.

Errors in Methodology and Analysis of Dr. Shannon Curry, Psy. D. in administration of the CAPS-5 to Ms. Heard on December 17, 2021

Dr. Curry's conclusion that Ms. Heard does not meet the threshold for PTSD is flawed and incorrect. Given that Dr. Curry administered the *CAPS-5* on December 17, 2021, just ten days earlier from Dr. Hughes' assessment on December 27, 2021, a comparison of findings is warranted. Importantly, Dr. Curry failed to utilize the proper anchor point for the index trauma for Ms. Heard thereby yielding incorrect results. Dr. Curry erroneously utilized only the sexual assaults by Mr. Depp on the *CAPS-5* for all the subsequent symptom queries that were posed to Ms. Heard even though Ms. Heard identified "the worst of the violence in the marriage" as her

trauma. But contrary to standard practice in the field and the instructions and intent of the test, Dr. Curry limited the queries to the sexual assaults by Mr. Depp. As such, Ms. Heard answered truthfully and honestly, not linking specific current symptoms to her sexual assault experiences because Ms. Heard's PTSD encompasses so much more than those incidents.

Ms. Heard's responses on the *CAPS-5* to Dr. Curry do, in fact, demonstrate traumatic stress related to the overall abuse by Mr. Depp, but that was not assessed by Dr. Curry. If you give a limited prompt and restricted anchor, you are going to obtain skewed results. The *CAPS-5* instructions require the identification of a single index trauma(s), or a group of thematically related traumatic events, to serve as the basis of symptom inquiry. Moreover, when the individual indicates that his/her worst trauma exposure was due to multiple incidents of the same type of event (e.g., multiple instances of childhood sexual abuse, multiple combat exposures, or multiple incidents of intimate partner violence), the multiple events of the same type would be treated as a singular exposure. Dr. Curry failed to adhere to the stated instructions and intent of the test and thus did not properly query Ms. Heard's for the full breadth of her trauma-based sequelae.

For the *CAPS-5*, in general, if the symptoms expressed by the individual can be connected to the overall trauma exposure, then it would be counted toward the PTSD diagnosis. Ms. Heard provided enough details to Dr. Curry on the *CAPS-5* as to her symptomatology and functioning as a result of the IPV, and Ms. Heard replied many times, "not in the last month." This should have prompted Dr. Curry to exercise due diligence and administer the Worst Month Version of the *CAPS-5* to truly ascertain the extent of Ms. Heard's trauma-based symptoms. Dr. Curry failed to do so. Moreover, by listening to Ms. Heard's responses, a skilled examiner would have realized that narrowing the range of symptoms to only the sexual assaults was

flawed and thus would have queried, “Are you having any other symptoms in the last month related to the abuse and violence and not just the sexual assaults?” in order to accurately assess for PTSD symptomatology. Dr. Curry again failed to do so. As a result, Dr. Curry’s flawed administration yielded an unreliable and invalid conclusion.

That said, the content of Ms. Heard’s responses on the *CAPS-5* to Dr. Curry on December 17, 2021 was generally consistent with Ms. Heard’s responses to Dr. Hughes’ administration of the *CAPS-5* on December 27, 2021, and with Ms. Heard’s accounting of her trauma symptoms to Dr. Hughes during multiple assessments over the past three years. Dr. Hughes correctly did not limit Ms. Heard’s frame of reference to only the sexual assaults. If one removes that anchor, Dr. Hughes and Dr. Curry yield remarkably similar results with enough symptoms that satisfy PTSD criteria.

Prognosis

Ms. Heard’s prognosis is guarded and her treatment is likely to be long term. Psychological recovery from the traumatic effects of intimate partner victimization is more than just the physical healing of cuts and bruises because the psychological damage from the relational betrayal and emotional abuse runs deep. Ms. Heard has continually availed herself of professional treatment and has been motivated for healing to occur, but her treatment is currently in the infancy stage because it has necessitated a focus on crisis management and psychological stabilization resulting from the defamatory statements by Mr. Depp. Her physical and emotional safety continues to be threatened, thereby exacerbating her PTSD. Interpersonal violence-related PTSD can be a chronic condition, often waxing and waning throughout a person’s life, being triggered by environmental and life stressors. Ms. Heard will require treatment to address and ameliorate these trauma triggers as they arise. In addition, she will require treatment for

victimization-associated traumatic sequelae, such as shame, self-blame, humiliation, intimacy problems, interpersonal disconnection, and trust difficulties. Her psychological care will be palliative and function to remedy the psychological impact of the trauma arising during her life.

Ronald S. Schnell
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rschnell@thinkbrg.com

Mr. Schnell's C.V. is attached as **Att. 3**. Mr. Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages, and is an adjunct professor at Nova Southeastern University, teaching computer security and operating systems in the computer science department.

Mr. Schnell is expected to testify as an expert in the field of statistical and forensic analysis of social media. As an expert in this field, Mr. Schnell and his firm, Berkley Research Group, conducted an investigation relating to posts on social media, primarily Twitter, that contained and/or expressed negative comments and negativity ("negative posts" or "posts") about Amber Heard, from April 8, 2020 through the present. Mr. Schnell located and collected, and is expected to testify, that there are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Specifically, from the beginning of April 2020, until the end of January 2021, there were 1,243,705 negative posts relating to Amber Heard, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or

Opinions of the
Ethics Committee
on
The Principles of Medical Ethics



*With Annotations Especially
Applicable to Psychiatry*

2017 Edition



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potential and competency, or consultants are asked to recommend a treatment regimen. To ask them to perform a personal examination in each case would be impractical and prevent such agencies from benefiting from psychiatric consultation. The psychiatrist must, of course, observe the rules of confidentiality (Section 4, Annotation 4, APA) and of proper relationships with other health professionals (Section 5, Annotations 2, 3, and 4, APA). (1976)

G.7/D

Question: A psychiatrist testifies for the state in a criminal case about the competency of the defendant. The psychiatrist based the testimony on medical records and did not examine the defendant nor have the defendant's approval to render an opinion. Was this ethical?

Answer: Yes. See Section 7, Annotation 3 (APA): On occasion psychiatrists are asked for an opinion about an individual who is in the light of public attention or who has disclosed information about himself/herself through public media. In such circumstances, a psychiatrist may share with the public his/her expertise about psychiatric issues in general. However, it is unethical for a psychiatrist to offer a professional opinion unless he/she has conducted an examination and has been granted proper authorization for such a statement. **(Confusion has arisen by taking the second sentence above and not connecting it to the first sentence as was intended. It is common for forensic experts to offer opinions as was done according to the question. Further, it would be too great an extension of the Goldwater Rule to say that a person, by being a defendant in court, has entered into "the light of public attention." This annotation was developed to protect public figures from psychiatric speculation that harms the reputation of the profession of psychiatry and of the unsuspecting public figure. (1983))**

CONTAINS CONFIDENTIAL - AEO INFORMATION

Transcript of Jessica Kovacevic

Conducted on March 1, 2022

1 their conversation was specifically about changing 14:40:48
2 people's views. 14:40:50

3 Q Do you know what L'Oréal's view was of -- 14:40:53
4 with respect to changing people's view of Amber? 14:41:00

5 MS. BREDERHOFT: Objection to the form of 14:41:04
6 the question. 14:41:04

7 Go ahead. 14:41:05

8 THE WITNESS: I don't know. I know that 14:41:05
9 -- all I know is that L'Oréal has wanted to 14:41:12
10 support Amber and has been positive with her 14:41:16
11 throughout their relationship with her. 14:41:19

12 Q When she writes "further alienate her," 14:41:21
13 were people alienated to Ms. Heard as of October 14:41:32
14 of 2018? 14:41:37

15 MS. BREDERHOFT: Objection to the form of 14:41:39
16 the question. 14:41:40

17 Go ahead. 14:41:41

18 THE WITNESS: The -- I'm sure she's 14:41:41
19 referring to, like, the Johnny, you know, online, 14:41:47
20 you know, fans and bots who would go after her. 14:41:51

21 Q What bots went after her? 14:41:59

22 A The -- there was consistently -- you know, 14:42:00

1 on her Instagram consistently a barrage of 14:42:06
2 negative comments and echoing a lot of the things 14:42:11
3 that Adam would put out, you know, calling her the 14:42:14
4 abuser, a liar, that she made everything up, 14:42:20
5 things like that. 14:42:22

6 Q What's a "bot"? 14:42:23

7 A A bot is a fake account that's created to 14:42:25
8 execute a certain objective. 14:42:31

9 Q What bas- -- what basis do you have for 14:42:33
10 your assertion that there were fake accounts being 14:42:38
11 used to criticize Ms. Heard? 14:42:42

12 A Because if you click on a lot of them, 14:42:45
13 which I did many times over the years, you'll 14:42:47
14 click on the account and the account will have no 14:42:52
15 followers or it will be -- you know, and have no 14:42:56
16 posts themselves. They'll have, you know, a 14:42:59
17 picture of just Johnny or, you know, weird -- you 14:43:01
18 can just tell the difference between a real 14:43:05
19 person's and a bot's. They just look strange and 14:43:07
20 fake and no history. 14:43:11

21 [REDACTED] 14:43:14

22 [REDACTED] 14:43:18

Cc: Jodi Gottlieb[jodi@independentpr.com]; Warren Zavala[WZavala@WMEAgency.com]
To: Jessica Kovacevic JKovacevic@WMEAgency.com
From: KSlater@WMEAgency.com
Sent: Thur 05/28/2020 2:15:57 AM UTC
Subject: Re: AH issues
Received: Thur 05/28/2020 2:15:59 AM UTC

[Redacted]

[Redacted]

[Redacted]

Jessica Kovacevic | WME
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310.248.3050

[Redacted]

[Redacted]

Katie Slater | WME
KSlater@WMEAgency.com
310.246.3148

[Redacted]

Can I get on the phone w them to nip it in the bud? There is zero truth
Warners doesn't even acknowledge these statements exist, and ive had zero calls of concern from
anyone at the studio

Jessica Kovacevic | WME
JKovacevic@WMEAgency.com
310.248.3050

From: Jodi Gottlieb <jodi@independentpr.com>
Date: Wednesday, May 27, 2020 at 5:37 PM
To: Katie Slater <KSlater@WMEAgency.com>, Warren Zavala <WZavala@WMEAgency.com>, Jessica
Kovacevic <JKovacevic@WMEAgency.com>

Subject: RE: AH issues

EXTERNAL

I believe they are just rumors from crazy Johnny supporters, but WZ/ JK to advise.
And to be honest, our company with 3,000 followers gets killed consistently on Instagram when we post about Amber. There has to be an algorithm that they follow as there is no way they would know what @independentpublicrelations is doing and posting unless they have a way of tracking us in other ways. Additionally, I have clicked on many of those making obscene comments and they all seem like bots.

Privileged

□□□ □□□□□□□□□□

Jodi Gottlieb
Email: jodi@independentpr.com
Direct: 323-488-5822

From: Katie Slater <KSlater@WMEAgency.com>

Sent: Wednesday, May 27, 2020 5:32 PM

To: Warren Zavala <WZavala@WMEAgency.com>; Jessica Kovacevic <JKovacevic@WMEAgency.com>; Jodi Gottlieb <jodi@independentpr.com>

Subject: Fwd: AH issues

See below re L'Oréal and Amber.

There's no truth to the Aquaman 2 rumors, right?

If there is anything else helpful and reassuring to share with L'Oréal please let me know.

Privileged

Begin forwarded message:

From: "Kress, Kimberly (NYC-MEW)" <Kimberly.Kress@mccann.com>

Date: May 27, 2020 at 9:30:37 AM PDT

To: Katie Slater <KSlater@wmeagency.com>

Cc: Katie Slater Assistant <KSlater.assistant@WMEAgency.com>

Subject: AH issues

EXTERNAL

Hi Katie,

There has been another wave of negative IG comments on L'Oreal's IG after two posts featuring Amber (her Preference commercial and her Cannes women/cinema image/quote).

Someone also found an article saying she is about to be dropped by Aquaman 2 due to the [change.org](https://www.change.org) petition to remove her from the film and all the bad press she gets. Is this article true? I can't imagine that it is but there is real concern.

I know this is not new news and that we have weathered this in the past but there is a new high level person across all L'Oreal business in the Americas and he's throwing up the warning signs again...

Please let me know ASAP about Aquaman 2 and if you have any info on the latest spate of negative IG comments.

Also, it's been awhile since we heard from her attorneys but assuming there is no update on the UK and US trials due to Covid, right?

Best,

KK

This message contains information which may be confidential and privileged. Unless you are the intended recipient (or authorized to receive this message for the intended recipient), you may not use, copy, disseminate or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.

Katie Slater | WME

KSlater@WMEAgency.com

310.246.3148



Social Listening Scope
 Date range: Last 1 Month
 Language: English
 Filtered terms: variations of 'Amber Heard'
 Tool: Netbase

Context: Negative buzz surrounding Amber Heard in OAP's asset for #internationalwomensday

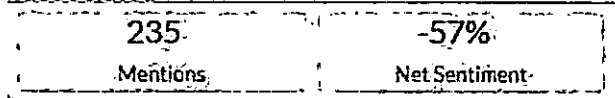
Consumers participating in the negative buzz are :

- 1) Showcasing a general outcry on her actions
- 2) Feeling like this spokesperson does not represent their values
- 3) Shaming support for her
- 4) Showing support for Johnny Depp

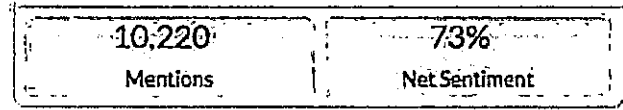
CONVERSATION TO KEEP MONITORING

Weak signal: 1 comment mentioning that there should be no difference in the action taken for Munroe vs. Heard

1 MENTIONS CONTAINING AMBER HEARD :
 Overall negative posts & comments associated



vs. TOTAL OAP MENTIONS (ENGLISH) DURING THE SAME PERIOD



2 TOP EMOTIONS ASSOCIATED WITH THE MENTIONS INCLUDING AMBER HEARD



VERBATIM EXAMPLES

Amber Heard is a disgusting abuser and I don't think this is the good strategy to make strong and powerful women feel represented by her. **Shame** on you!

I can't believe you have Amber Heard on your page for #internationalwomensday. **Absolutely disgusting.** A confessed and serial abuser.

Amber Heard is a proven **abuser.** she does NOT represent women.

3 #wearewithyoujohnnydepp

Mentions that includes support for Johnny Depp represents 7% (17 mentions) out of the total mentions associated to Amber Heard.

Amber Heard is an abuser! #wearewithyoujohnnydepp #wehateamberheard

Transcript of Detective Marie Sadanaga, Designated Representative
Conducted on March 12, 2021

153

1	I'll let Elaine ask whatever follow-up questions	07:10:39
2	she wants to ask at this point, but hopefully we	07:10:42
3	can get you out of here soon.	07:10:44
4	THE WITNESS: Thank you.	07:10:47
5	MS. BREDEHOFT: I'll try to make it	07:10:48
6	very quick.	07:10:49
7	FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT	07:10:51
8	BY MS. BREDEHOFT:	07:10:51
9	Q You testified about being a patrol	07:10:53
10	officer.	07:10:56
11	Do you recall what years you were a	07:10:57
12	patrol officer?	07:10:58
13	A It was October 2003 until January 2009.	07:11:02
14	Q You were asked some questions by -- by	07:11:17
15	counsel for Mr. Depp about potential motivations	07:11:20
16	for officers to follow policies or protocols or	07:11:24
17	not follow them.	07:11:29
18	MS. BREDEHOFT: Alex, I'm going to ask	07:11:30
19	you to bring up Plaintiff's Exhibit -- or	07:11:31
20	Deposition Exhibit Number 49, please.	07:11:34
21	AV TECHNICIAN: (Technician complies.)	07:11:43
22	BY MS. BREDEHOFT:	07:11:56

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Transcript of Detective Marie Sadanaga, Designated Representative
Conducted on March 12, 2021

154

1 Q Detective, I'm going to show you what 07:11:56
2 has been marked as Deposition Exhibit Number 49, 07:11:58
3 and it's a -- it was provided to us by the LAPD in 07:12:01
4 discovery in this case, and it's -- the first page 07:12:06
5 of it is an Internal Affairs Group Complaint 07:12:10
6 Investigations. 07:12:13
7 Do you see that? 07:12:17
8 A Yes. 07:12:18
9 Q It's dated May 2015. 07:12:18
10 Do you see that? 07:12:23
11 A Yes. 07:12:24
12 Q Okay. I'm going to go to the second 07:12:25
13 page, and they have misconduct defined. 07:12:27
14 What, if any, understanding do you have 07:12:35
15 that if a patrol officer violates department 07:12:38
16 policies, rules, or procedures, whether that would 07:12:42
17 con- -- would constitute misconduct under the LAPD 07:12:45
18 policies and procedures? 07:12:51
19 MR. MONIZ: Objection. Improper, 07:12:53
20 incomplete hypothetical. Lacks foundation. Calls 07:12:54
21 for speculation. Vague and ambiguous. 07:12:57
22 The document and the policies speak for 07:13:00

1 themselves, and it goes beyond the scope of the 07:13:03
2 topics on which this witness was designated to 07:13:06
3 testify. 07:13:11

4 THE WITNESS: Violation of department 07:13:12
5 policies, rules, or procedures is misconduct. 07:13:14

6 BY MS. BREDEHOFT: 07:13:18

7 Q And what, if any, understanding do you 07:13:18
8 have of whether neglect of duty would constitute 07:13:21
9 misconduct under the policies, procedures, and 07:13:24
10 rules as of May 2016 for misconduct? 07:13:27

11 MR. MONIZ: Objection. 07:13:32

12 MS. BREDEHOFT: You know, I asked that 07:13:34
13 really badly, and it got all jumbled. Let me try 07:13:35
14 that one again. 07:13:37

15 BY MS. BREDEHOFT: 07:13:38

16 Q What, if any, understanding do you have 07:13:39
17 of whether neglect of duty constitutes misconduct 07:13:40
18 under the LAPD policies and procedures in effect 07:13:46
19 in May of 2016? 07:13:49

20 MR. MONIZ: Objection. Beyond the 07:13:52
21 scope of the topics for which this witness was 07:13:53
22 designated to testify. Calls for speculation. 07:13:57

Transcript of Detective Marie Sadanaga, Designated Representative
Conducted on March 12, 2021

156

1 Lacks foundation. Improper, incomplete 07:13:59
2 hypothetical. Vague and ambiguous as to the 07:14:03
3 phrase "neglect of duty," which is an inherently 07:14:06
4 nebulous phrase. Calls for an opinion, and the 07:14:11
5 document speaks for itself. 07:14:14
6 THE WITNESS: It's misconduct. 07:14:21
7 BY MS. BREDEHOFT: 07:14:21
8 Q Okay. And what, if any, understanding 07:14:23
9 do you have of whether conduct that tended to 07:14:25
10 reflect unfavorably upon the employee or the 07:14:27
11 department constituted misconduct in May of 2016? 07:14:30
12 (The Reporter clarified the record.) 07:14:42
13 BY MS. BREDEHOFT: 07:14:44
14 Q What, if any, understanding do you have 07:14:44
15 of whether conduct which may tend to reflect 07:14:46
16 unfavorably upon the employee or the department 07:14:49
17 constitutes misconduct under the policies and 07:14:53
18 procedures of the LAPD as of May 2016? 07:14:56
19 MR. MONIZ: And objection. The 07:15:01
20 document and the policies speak for themselves and 07:15:02
21 are the own best evidence of what the actual 07:15:05
22 policies are. 07:15:08

Transcript of Detective Marie Sadanaga, Designated Representative
Conducted on March 12, 2021

157

1 Lacks foundation. Calls for 07:15:09
2 speculation. Vague and ambiguous, and including 07:15:11
3 as to the phrase "conduct which may tend to 07:15:15
4 reflect unfavorably," relevance. And calls for an 07:15:19
5 opinion. 07:15:28
6 THE WITNESS: It is also misconduct. 07:15:31
7 MS. BREDEHOFT: Thank you. 07:15:33
8 Alex, you can take this away. 07:15:35
9 AV TECHNICIAN: (Technician complies.) 07:15:37
10 BY MS. BREDEHOFT: 07:15:38
11 Q There were a number of questions asked 07:15:39
12 about if observe injury, if observe property 07:15:42
13 damage, back and forth, and both of us have asked 07:15:47
14 you a lot of questions about this, and so I just 07:15:50
15 want to make sure that it's very clear. 07:15:53
16 If a police officer responding to 07:15:56
17 domestic violence call sees injury, regardless of 07:16:01
18 whether the victim cooperates, what is the police 07:16:06
19 officer's obligation? This is as of May 2016. 07:16:10
20 MR. MONIZ: Objection. Incomplete 07:16:15
21 hypothetical. Lacks foundation. Calls for 07:16:16
22 speculation. 07:16:18

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

-----X

JOHNNY C. DEPP, II,)

Plaintiff,)

-vs-)

NO. CL-2019-0002911

AMBER LAURA HEARD,)

Defendant.)

-----X

Hearing

BEFORE THE HONORABLE BRUCE D. WHITE

Fairfax, Virginia

Friday, December 13, 2019

11:00 a.m.

Job No.: 277957

Pages: 1 - 32

Reported by: Theresa R. Hollister, CCR

1 a fight that they had. So the trial court in the
2 next case said, we're going to allow that testimony
3 about the fight that occurred to be admitted in this
4 case. And the Supreme Court said the trial court
5 did not abuse its discretion. That's exactly what
6 this testimony is about, the fight that occurred.
7 There was certainly a verbal confrontation. There
8 wasn't an actual fight. And so the court admitted
9 that.

10 Azalea Drive-In, from the Eastern
11 District of Virginia, this is their case. I will
12 quote from the court, "Since the same allegations
13 are made here as were made by Azalea in state court,
14 the requirement that the issues be substantially
15 similar is met," and that's 1974 Westlaw 1014, at
16 asterisk 2.

17 The only case that Ms. Heard could cite
18 what was decided the other way, was the Hub case out
19 the Ninth Circuit, a 1982 case. But the Hub case is
20 completely inapposite. The party was seeking to
21 use -- the parties seeking to use the prior
22 deposition. .."failed to show that the deposition



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Transcript of Kathryn Arnold

Date: March 22, 2022
Case: Depp, II -v- Heard

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

- - - - - x

JOHN C. DEPP, II, :
Plaintiff and Counterclaim :
Defendant, :Civil Action No.
v. :CL-2019-0002911
AMBER LAURA HEARD, :
Defendant and Counterclaim
Plaintiff.

- - - - - x

CONFIDENTIAL

REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF

KATHRYN ARNOLD

TUESDAY, MARCH 22, 2022

10:34 A.M. CST

JOB NO.: 439288

PAGES: 1 - 204

REPORTED BY: KARISA EKENSEAIR, CCR RPR

1 DEPOSITION OF KATHRYN ARNOLD, CONDUCTED VIA
2 ZOOM VIDEOCONFERENCE.
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10 Pursuant to notice, before Karisa J.
11 Ekenseair, Certified Shorthand Reporter in and for
12 the States of Arkansas, Oklahoma, and Illinois;
13 National Registered Professional Reporter, Notary
14 Public in and for the State of Arkansas.
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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM
DEFENDANT (VIA ZOOM):

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-AND-

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617-856-8149

ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM
PLAINTIFF HEARD (VIA ZOOM):

ELAINE CHARLSON BREDEHOFT, ESQUIRE
CHARLSON BREDEHOFT COHEN & BROWN, PC
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RESTON, VIRGINIA 20190
703-318-6800

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APPEARANCES

ALSO PRESENT:

CATHERINE GONZALEZ, REMOTE TECHNICIAN

BRENDAN CASE, VIDEOGRAPHER

1 said, which was that because he couldn't get 12:32:51
2 specific data from Twitter, that he took the word 12:32:54
3 "bot campaign" out and was using words to the 12:32:58
4 effect of "coordinated campaign," "social media 12:33:01
5 campaign." 12:33:05

6 Q Okay. Turning over to page 38, your 12:33:06
7 disclosure reads, quote, "Mr. Schnell has 12:33:09
8 identified these tweet patterns as an orchestrated 12:33:12
9 bot campaign by Depp and his representatives that 12:33:16
10 is triggered by statements in the press by or 12:33:19
11 about Ms. Heard.", unquote. 12:33:21

12 Did I read that correctly? 12:33:23

13 A Yes. 12:33:24

14 Q Ms. Arnold, are you aware that Mr. Schnell 12:33:28
15 during his deposition taken last week testified 12:33:31
16 that he did not form any opinion about the bot 12:33:33
17 campaign? 12:33:36

18 MS. BREDEHOFT: Objection to the form of 12:33:37
19 the question. Go ahead. 12:33:38

20 A **As I stated earlier in my initial** 12:33:38
21 **conversation with Mr. Schnell, that the word "bot** 12:33:43
22 **campaign" had been used. And in some research I** 12:33:48

1 have done, there were other experts that were 12:33:50
2 calling it a bot campaign. 12:33:52
3 I am aware that Mr. Schnell in his 12:33:54
4 deposition of late changed that wording. Yes. 12:33:57
5 Q And are you also aware that Mr. Schnell 12:34:01
6 testified that he did not form any opinion as to 12:34:04
7 whether the tweets he relied on in his opinion 12:34:06
8 were connected to Mr. Depp or to Mr. Waldman? 12:34:10
9 MS. BREDEHOFT: Objection to the form of 12:34:13
10 the question. Assumes facts not in evidence. Go 12:34:14
11 ahead. 12:34:17
12 A I don't recall exactly what Mr. Schnell 12:34:17
13 said in his deposition. I'm just aware of the 12:34:21
14 fact that the word "bot campaign" has been taken 12:34:24
15 out. 12:34:27
16 Q Does this impact your opinion at all? 12:34:27
17 A No. 12:34:30
18 Q Going further down, your disclosure reads, 12:34:32
19 quote, "The defamatory statements widely 12:34:36
20 disseminated by the bot campaign have made it 12:34:40
21 nearly impossible for Ms. Heard to promote herself 12:34:43
22 for personal appearances, speaking engagements, 12:34:45

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1	and industry events as normal circumstances would	12:34:49
2	permit."	12:34:51
3	Did I read that correctly?	12:34:52
4	A Yes.	12:34:54
5	Q Is this your opinion?	12:34:54
6	A Again, if we take out the word "bot	12:35:00
7	campaign" and we look at the tremendous amount of	12:35:03
8	negative social media that has been directed	12:35:06
9	towards Ms. Heard, I still believe that that had	12:35:08
10	affected her career.	12:35:11
11	Q What are you relying on to form your	12:35:14
12	opinion?	12:35:17
13	A The deposition testimony of Ms. Jessica	12:35:17
14	K., the deposition testimony of Ms. Heard, e-mails	12:35:23
15	that I have read from the William Morris Endeavor	12:35:27
16	production that talked about too much drama	12:35:31
17	surrounding Amber and everything to do with	12:35:34
18	Mr. Depp, came from directors, producers, casting	12:35:37
19	directors.	12:35:41
20	So it was an amalgam of the material that	12:35:42
21	I read that referenced drama and negative social	12:35:45
22	media attention that was directed towards	12:35:51

1 **Ms. Heard that helped me define my opinion.** 12:35:53

2 **Q Is this opinion affected in any way by** 12:35:56

3 **Mr. Schnell's testimony that his opinion is not** 12:35:59

4 **related to the bot campaign?** 12:36:02

5 MS. BREDEHOFT: Objection to the form of 12:36:03

6 the question. Mischaracterizes the testimony, but 12:36:05

7 go ahead. 12:36:07

8 **A I -- I don't -- I don't know exactly what** 12:36:09

9 **Mr. Schnell was hired for. I utilized the** 12:36:12

10 **information that he gave me regarding the number** 12:36:14

11 **of tweets, the hashtags, the timing of the tweets** 12:36:17

12 **and how they related to my opinion and my** 12:36:21

13 **conversations. They all added up to the same** 12:36:24

14 **perspective that I had about Ms. Heard's career** 12:36:29

15 **had been affected by this social media activity** 12:36:33

16 **post-statements of Mr. Waldman.** 12:36:37

17 **Q Is your opinion impacted or in any way** 12:36:40

18 **affected by Mr. Schnell's testimony last week that** 12:36:44

19 **his opinion does not connect these tweets to** 12:36:47

20 **Mr. Depp or to Mr. Waldman?** 12:36:50

21 MS. BREDEHOFT: Objection. 12:36:52

22 Mischaracterizes the testimony. Assumes facts not 12:36:53

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1	in evidence. Go ahead. Form of the question. Go	12:36:58
2	ahead.	12:37:00
3	A No. Because what I relied upon was the	12:37:00
4	number of tweets and the timing of tweets and the	12:37:02
5	number of negative tweets and other social media	12:37:06
6	posts that were done that I relied upon.	12:37:08
7	Q So who is responsible for the tweets	12:37:11
8	doesn't impact your decision in any way?	12:37:15
9	MS. BREDEHOFT: Objection to the form of	12:37:19
10	the question. Go ahead.	12:37:20
11	Q Let me restate the -- I'll strike that	12:37:21
12	question.	12:37:24
13	So the fact that Mr. Depp or Mr. Waldman	12:37:25
14	may not have any connection with these tweets does	12:37:30
15	not in any way impact your opinion?	12:37:33
16	MS. BREDEHOFT: Objection to the form of	12:37:36
17	the question. Assumes facts not in evidence.	12:37:38
18	Mischaracterizes the testimony. Go ahead.	12:37:40
19	A Well, I'm not sure whether it has been	12:37:43
20	found by the trier of fact and in the court	12:37:45
21	whether there was or wasn't a connection. It is	12:37:47
22	my understanding that these tweets came after the	12:37:51

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1 statements were made and that many of the tweets 12:37:53
2 used similar language that are in the statements 12:37:56
3 by Waldman. 12:37:58
4 So that is how I have made the connection 12:37:59
5 and that is how Ms. Jessica K. and other members 12:38:02
6 of Amber's team have also shared in their 12:38:08
7 deposition testimony and in their e-mails and in 12:38:14
8 their conversations with me that there was a de 12:38:16
9 facto connection between the two. 12:38:19
10 Q What is the basis of your understanding 12:38:22
11 that there's a de facto connection between the 12:38:24
12 two? 12:38:30
13 A The timing of the tweets, and the language 12:38:30
14 of the tweets that is similar to the statements 12:38:34
15 made by Mr. Waldman. 12:38:36
16 Q Going back to page 37, which is one page 12:38:38
17 before this, at the top of page 37, your 12:38:42
18 disclosures read, quote, "Ms. Arnold has been 12:38:50
19 asked to offer her expert opinion and assess the 12:38:54
20 reputational harm and economic opportunities lost 12:38:57
21 by Ms. Heard as a result of the defamatory 12:38:59
22 statements described in paragraphs 45 through 47 12:39:02

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1	Q What are you relying on to form this	13:37:51
2	opinion?	13:37:55
3	A Conversations with Amber's agent at	13:37:58
4	William Morris and some e-mails that I saw back	13:38:00
5	and forth between Loreal and either -- I believe	13:38:05
6	it was William Morris who handles her endorsement	13:38:08
7	contracts, Katie.	13:38:12
8	Q Which agent at William Morris did you	13:38:14
9	speak with?	13:38:16
10	A Katie.	13:38:17
11	Q And what did Katie tell you about the	13:38:18
12	Loreal contract?	13:38:23
13	A That they had made the contract, that they	13:38:26
14	really liked Amber. They were very supportive of	13:38:28
15	her. They weren't going to be able to use her as	13:38:31
16	much as they wanted to. They were, I believe,	13:38:34
17	going to renew the option, but they were going to	13:38:38
18	postpone, but it -- but they weren't going to	13:38:41
19	raise any money on the option or future contracts	13:38:43
20	until after the trial and all the publicity about	13:38:46
21	the current trial subsided.	13:38:51
22	Q And you spoke about seeing particular	13:38:52

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1 e-mails between William Morris and Loreal. What 13:38:54

2 e-mails are you referring to? 13:38:58

3 A Well, there were e-mails about the social 13:38:59

4 media campaigns that were coordinated negative 13:39:01

5 campaigns coordinated against Amber based on the 13:39:05

6 statements. There was also a lot of conversation 13:39:09

7 about they are very supportive of Amber. They 13:39:11

8 want to be able to work with her. They're going 13:39:16

9 to try to work with her. Maybe they'll use some 13:39:18

10 of the shoot that they used, but not all of it, 13:39:22

11 and in what context, they were unsure. 13:39:24

12 But it was a lot of cloudiness around what 13:39:27

13 should have been a very straightforward contract 13:39:31

14 and -- and services to provide, that Amber was 13:39:33

15 supposed to provide. 13:39:40

16 Q Who coordinated the negative media 13:39:41

17 campaigns against Amber? 13:39:43

18 A I don't know who coordinated -- there's 13:39:46

19 been conversations about who coordinated, but I 13:39:48

20 don't know specifically who coordinated it. 13:39:50

21 Q Do you have any evidence that Mr. Depp 13:39:52

22 coordinated it? 13:39:56

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,
Plaintiff and Counterclaim Defendant,

v.

AMBER LAURA HEARD,
Defendant and Counterclaim Plaintiff.

Civil Action No.: CL-2019-0002911

**COUNTERCLAIM PLAINTIFF AND DEFENDANT’S
THIRD SUPPLEMENTAL AND REBUTTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard (“Ms. Heard”) hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

**Dawn M. Hughes, Ph.D., ABPP
Clinical and Forensic Psychologist
274 Madison Avenue, Suite 604
New York, New York 10016
(212) 481-7044 Telephone
(212) 481-7045 Facsimile
hughes@drdawnhughes.com**

Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as “Johnny Depp”), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he “never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard’s Counterclaim and Ms. Heard’s defenses.

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Expertise and Qualifications

Ms. Arnold's C.V. is attached as **Att. 5**. She is an award-winning film producer and executive with over twenty years of experience in film production, acquisition, distribution, international sales, and film financing. Ms. Arnold has extensive experience in script development, screenwriting, casting, packaging, contract negotiation, production, sales, distribution and chain of title. She has worked with talent agents, producers, studio and distribution executives, investors, and lawyers in the development, production, financing and distribution of feature film projects, television, and online programming. Ms. Arnold has produced and/or executive produced six feature films, been involved in the development and production of dozens of feature film and television projects, produced a live streaming web series, and directed a documentary film on the iconic band Earth Wind & Fire.

From 1988–1991, she served as an executive at Guber-Peters Entertainment (the company that produced *Rainman*, *Batman*.) based at Warner Brothers Entertainment. From 1991–1996, she served as an executive and head of development for Secondary Modern Motion Pictures based at Universal Studios, and then from 1996–1999 as Head of Production and Development at the independent production company Cineville, LLC. Finally, prior to starting her own entertainment consulting company, she served as head of development and production for Monte Cristo Entertainment from 2000–2008.

Since 2008, Ms. Arnold has provided consultant services to attorneys, financiers, investors, production companies, international sales organizations, and film commissions in all areas related to entertainment industry standards and practices.

In addition to her consulting services, she has served as an expert witness and consultant on cases involving entertainment industry standards and practices, loss of wages, earning capacity, economic and reputational damage analysis, intellectual property rights, copyright issues, chain of title, hiring probabilities, defamation, estate claims, financial forecasting, new media, licensing, contracts, and business practices. Her clients have been both plaintiffs and defendants and have included the OWN Network, Merrill Lynch, Innovative Artists, Hoffman La Roche, the John C. Steinbeck Estate, actors, writers, producers and production companies. She has been qualified and testified as an expert witness in the following courts: Superior Court of California, County of Los Angeles; United States District Court, Los Angeles County; United States District Court, Central District of California; High Court of Justice, Queens Bench Division, Bristol District Registry, England; Circuit Court for the 13th Judicial Circuit in and For Hillsborough County Fl., Civil Division; US District Court Southern District of Texas Houston Division; US District Court, North San Diego County; United States International Trade Commission; testified in US State and Federal courts, as well as at arbitration.

Ms. Arnold has also presented an online video course for attorney continuing education for Attorney Credits Online, as well as published a text entitled The Entertainment Industry — Points to Consider When Evaluating a Case June 22, 2009. Additionally, she has written a series of entertainment industry-related articles and served as an entertainment media consultant to Bloomberg News, MSNBC, CCTV, NPR, and Associated Press International, among others.

Summary of Engagement for Counterclaims

Ms. Arnold has been asked to offer her expert opinion and assess the reputational harm and economic opportunities lost by Ms. Heard as a result of the defamatory statements described in Paragraphs 45-47 of Ms. Heard's Counterclaim and Exhibits F-H attached to the Counterclaims ("the defamation" or "the defamatory statements"). Specifically, Ms. Arnold will testify as to the economic consequences on Amber Heard as a result of the following statements ("defamatory statements") included in the Counterclaim, at Paragraphs 45-47:

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that "Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp." **Exhibit F.**

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that "Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911." **Exhibit G.**

47. On June, 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an "abuse hoax" against Depp. **Exhibit H.**

Sources Consulted

In conjunction with the rendering of her opinion in this litigation, Ms. Arnold has reviewed pleadings, discovery, documents provided in discovery by both parties, trial and deposition testimony, has spoken with Ms. Heard and her publicist and management team, has conducted research, and has relied on her extensive experience and resources in the entertainment industry. The documents that she reviewed and relied on are listed in Att. 6.

Ms. Arnold has also consulted with Ron Schnell, a forensic expert in computer and social media data, also identified in this Designation. Mr. Schnell has reported to Ms. Arnold that there

are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Ms. Heard has been the subject of over 1,243,705 negative tweets and posts arising after the defamatory statements, from the beginning of April 2020 until the end of January 2021, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or #WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell has identified these tweet patterns as an orchestrated “bot” campaign by Depp and his representatives that is triggered by statements in the press by or about Ms. Heard. The bot campaign was specifically used to generate signatories to a “Remove Amber Heard from Aquaman 2” petition.⁶

As Ms. Arnold will testify, this is significant because the entertainment industry relies heavily on the reputation of actors in social media and frequently will run searches on any actors being considered for any role. Likewise, entities considering actors for commercial opportunities place substantial importance on the actor’s reputation in social media in determining the actor to best promote their products and services. The defamatory statements, widely disseminated by the bot campaign, have made it nearly impossible for Ms. Heard to promote herself for personal appearances, speaking engagements and industry events as normal circumstances would permit. The inability for Ms. Heard to promote herself as an actor has further exacerbated her economic damages.

Summary of Ms. Arnold’s Opinions

Ms. Arnold will testify that film studios and production companies evaluate the reputation of an actor in the public sphere when determining whether to offer an actor a role, and

⁶ Robart Lio, *How Social Bots Created an Anti-Amber Heard & Aquaman Campaign*, Medium.Com, Feb. 17, 2021, available at <https://medium.com/@aquaman-bots/how-social-bots-created-an-anti-amber-heard-aquaman-campaign-e68e16637d3a>.

on what terms to hire that actor. Similarly, Ms. Arnold will testify that companies looking to market products evaluate an actor's reputation in the public sphere to determine whether, and on what terms, to hire an actor to promote such products in advertising. Ms. Arnold will testify to the importance of actor's reputation in the entertainment industry, and the negative impact on Ms. Heard's reputation and the opportunities she may receive when she is accused of the conduct described in Paragraphs 45-47 of the Counterclaim and Exhibits F-H.

Because of the defamatory statements, Ms. Arnold is expected to testify that Ms. Heard incurred reputational damages and economic loss. Ms. Arnold is expected to testify that a reasonable way in the entertainment and commercial industry to calculate the reputational and economic damages suffered by Ms. Heard is to measure against reasonable comparators in the industry. Based on such comparisons, Ms. Arnold is expected to testify that Ms. Heard's economic losses as a result of the defamatory statements over a 5-year period range from \$47 million to \$50 million. Ms. Arnold will also testify that, based on her experience in the entertainment industry, it is difficult to repair an actor's reputation, especially where there has been so much negative reaction in the social media since the defamatory statements, they are not erasable, and it may take many years to repair and/or restore Ms. Heard's reputation.

Ms. Heard's Career was Flourishing Before the Defamation

Ms. Arnold's bases for her opinions includes her review of Ms. Heard's career as a working actress. Ms. Heard has been a working actress in film and television for over 15 years with over 50 productions to her credit. Ms. Heard received critical and box office acclaim in movies such as THE DANISH GIRL released in 2015 and most notably her starring roles in JUSTICE LEAGUE (2017) and AQUAMAN (2018) alongside Jason Momoa. Throughout this period, Ms. Heard was able to power through and overcome the negative publicity she received

surrounding her divorce from Mr. Depp in 2016.

Ms. Arnold will also testify as to Ms. Heard's press opportunities before the defamation. Ms. Heard's performances in DANISH GIRL and AQUAMAN created tremendous awareness and momentum throughout the world. Ms. Heard was traveling around the world for press events and was on the cover of a variety of global magazines. Examples include:

After the DANISH GIRL:

- November 2015 – California Style cover story
- December 2015 – Marie Claire cover story
- December 2015 – Elle cover story

After JUSTICE LEAGUE

- December 2017 GQ Australia Collector's Edition Story as "Woman of the year"

After AQUAMAN

- December 2018 – Marie Claire UK cover story
- December 2018 – Shape cover story
- December 2018 – Glamour Mexico cover story (Considered a "role model of the world")
- December 2018 – In Style Russia cover story
- December 2018 – Porter The Edit
- January 2019 – Glamour US cover story

Ms. Heard's Reputation and Career Suffered Significant Negative Impact After the Defamation

Ms. Arnold will testify that Ms. Heard's career gains were severely damaged if not destroyed by the defamatory statements, beginning in April 2020 and continuing through the present. Outside of the AQUAMAN franchise, Ms. Heard has obtained only one role since the release of AQUAMAN in 2018, and it was obtained prior to the defamatory statements.

Ms. Arnold is expected to testify that as a result of Depp's defamatory statements, on February 22, 2021, Ms. Heard was "released" from her AQUAMAN THE LOST KINGDOM

“AQUAMAN 2”) contract. Ms. Heard was ultimately “re-hired” on the movie, but she was unable to re-negotiate her deal to include a salary increase and bonuses because the effort was focused, necessarily, on keeping her in the film. Ms. Arnold will further testify based on her industry knowledge and experience, such renegotiation is customary in the industry when a film is as successful as AQUAMAN—over \$2 billion in box office to date. Typically, after an actor’s successful film in a franchise, an actor will renegotiate a 50% to 100% increase in her salary.

Ms. Heard’s breakout role was in JUSTICE LEAGUE (2017) which led to roles in the ancillary films, including, AQUAMAN, ZACK SNYDER’S JUSTICE LEAGUE and AQUAMAN 2. Ms. Heard’s contractual salary in AQUAMAN was \$4M. Ms. Arnold will testify that under normal circumstances, Ms. Heard’s salary could be renegotiated to between \$6 and \$8 million. This represents a loss of \$2-4 million on this one film alone. Jason Momoa, an actor with equivalent franchise experience, was able to renegotiate his salary and bonuses for a significant increase, while Ms. Heard was not.

In addition, Ms. Arnold will testify that but for Mr. Depp’s statements, Ms. Heard’s role in the AQUAMAN 2 would have been far more prominent. As written in the original script, which Heard read early on, her role in the sequel was quite extensive. As in the first AQUAMAN, the sequel was to portray Ms. Heard as the co-lead with Momoa, which included a strong romantic arc, as well as an extensive action sequence in Act III, where she played both her character and the arch enemy/clone of her character that battles with Momoa. When Heard was finally re-hired, her part was rewritten and marginalized to a minimal role. Heard had trained 5 hours a day, 5 days a week with a trainer from May 2021 – October 2021 (six months) to get ready for the battle sequence in which she would no longer be participating.

Ms. Arnold is also expected to testify that due to Mr. Depp’s defamatory statements

Warner Brothers also did not include Ms. Heard in the promotion for DC Fandome in October 2021, including posters, promotions, and release events where every other main character was presented, which has exacerbated the damage. An example is below:



The current trailers and promotional videos for AQUAMAN 2 released in October and December 2021 barely include her, if at all. Warner Brothers has cited the press concerns, in other words, the defamatory statements as the cause for her absence. Being absent from the promotional material is a significant setback for Heard, and her public awareness campaign, which is integral to keeping her career alive.

Moreover, in contrast to before the defamatory statements, where Ms. Heard was actively involved in publicity campaigns for every project she was involved in, Ms. Heard starred in the TV series “The Stand,” but, after the defamatory statements, Ms. Heard has not been involved in any press activity surrounding the project due to the negative social media blowback she faces. Even though “The Stand” is based on a Stephen King novel, and all the other lead actors

participated in the publicity campaign, which Ms. Arnold will testify should have garnered tremendous interest for her as well. LA Style magazine, which wrote a piece on the series, was planning to place Ms. Heard on the cover. After the defamatory statements came out, her cover story was pulled. In fact, since the defamatory statements have been released, Ms. Heard's world has been virtually silent — she has received zero press requests. Also due to Depp's defamatory statements Ms. Heard has fewer requests to assist charitable organizations with raising awareness for various causes she is passionate about. She has recently been turned down for many philanthropic opportunities including a campaign to assist Syrian Refugees.

Ms. Heard's endorsements opportunities have also nearly come to a standstill. In April of 2018, between the release of JUSTICE LEAGUE and AQUAMAN, Ms. Heard signed an endorsement deal with L'Oreal for \$1.5 million for a period of two years, with the option to renew for an additional year. Although L'Oreal had the right to utilize Ms. Heard's services for 20 days, it has only utilized Ms. Heard for a few days since the contract was signed. L'Oreal has received significant push back and negative commentary on social media from their community, driven by Depp's defamatory statements, with social media users stating that they won't use L'Oreal product if Heard is the L'Oreal spokesperson. It is essentially impossible for the company to utilize her in any of their marketing campaigns. As a result, Ms. Heard was unable to renegotiate a new contract, which is standard, (*See* "Talent Agreement with L'Oreal USA, P.7(b)). Instead, L'Oreal extended, on the same terms, but has put her on "unpaid" probation until May 2022.

Ms. Arnold is expected to testify that Ms. Heard has not been hired for any other endorsement deals.

Comparable Actors to Ms. Heard Have Received Many More Projects than Ms. Heard

Ms. Arnold reviewed Ms. Heard's career trajectory to that of comparable actors during similar time frames. Actors in similar age ranges and acting styles, who broke out around the same time as Ms. Heard, have watched their careers sky-rocket, while the damage to Ms. Heard's reputation has effectively stalled her career. Ms. Arnold will testify to the following comparators:

Jason Momoa, Ms. Heard's co-star in AQUAMAN, has worked outside of the franchise and earned significant dollars:

- SEE / Apple+ TV series
- DUNE / feature film with \$165M budget
- SWEET GIRL (Netflix for which he is acting and producing)
- SATURDAY NIGHT LIVE (excellent publicity event)
- THE SIMPSONS (a relevant social marker in today's zeitgeist)

Gai Gadot, starred in WONDERWOMAN, a female superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- DEATH ON THE NILE / (\$55M budget for Fox)
- RED NOTICE / (\$160M budget for Netflix)
- HEDY LAMARR / Limited series for Apple+, Gadot also Ex. Prod.
- THE SIMPSONS / Voiceover for hit TV show

Zendaya, SPIDERMAN, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- EUPHORIA on HBO Emmy — Best Actress in a Drama
- THE GREATEST SHOWMAN w/Hugh Jackman (\$84M budget for Fox)
- DUNE – (\$165M Budget) alongside Jason Momoa
- MALCOM & MARIE –\$30M sale to Netflix, owns a piece of the film
- Several animated films

Ana De Amas, BLADE RUNNER 2049, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- KNIVES OUT (\$40M budget for Lionsgate)
- DEEP WATER (Adriane Lynne directing with a \$49M budget)
- NO TIME TO DIE (the new James Bond film with a budget of \$250M)
- BLONDE (\$41M budget)
- THE GRAY MAN (\$250M budget for Netflix)

Chris Pine, STAR TREK BEYOND and WONDER WOMAN:

- WRINKLE IN TIME (\$103M budget for Disney)
- OUTLAW KING (\$120M budget for Netflix)
- SPIDERMAN INTO THE SPIDER VERSE (\$90M budget for Sony)
- WONDERWOMAN 1984 (\$200M budget for WB)
- VIOLENCE OF ACTION
- DON'T WORRY DARLING (\$20M for New Line)
- ALL THE OLD KNIVES (Amazon)

In contrast to these comparables, Ms. Heard has obtained only one project outside of the franchise since 2018 (and prior to the April 2020 statements), and Ms. Arnold will testify that it would be expected that without the defamation and subsequent harm to her reputation, Ms. Heard would have been as active as any one of these actors.

In addition, Ms. Arnold examined these comparables to Ms. Heard in terms of endorsements. Ms. Heard only has had the limited endorsement with L'Oreal. By contrast, the actors listed in the "comparables" section above have entered into multiple endorsement contracts since their break-out hits:

Jason Momoa, Heard's co-star in AQUAMAN:

- Rocket Mortgage – Super bowl campaign
- Harley Davidson
- Mananalu Water

- So Ill climbing gear
- + several offers that have been passed on.
- 3-5 appearance engagements at \$250,000 each

Gal Gadot, WONDER WOMAN:

- Revlon
- Smart Water
- Huawei
- Reebok
- Tiffanys
- ASUS
- Wix
- Boss Zhphin (China only)
- Bolan (China only)
- Hot TV provider (Israel only)
- + offers that have been passed on

Zendaya, SPIDERMAN:

- Lancôme beauty and fragrance
- Tommy Hilfiger fashion collaboration
- Bvlgari jewelry
- Dolce & Gabbana Spring / Summer fashion campaign
- Covergirl⁷

Rebuttal to Mr. Bania’s Opinion Regarding Q Scores and Social Media of Comparables

Mr. Bania has failed to analyze the Q scores of the comparable actors within the correct timeframe. Mr. Bania’s analysis uses a vague timeframe of “before April 2020” for all of the comparable actors as the baseline for his analysis of social media followers and Q scores, but the

⁷ This endorsement came out the year before SPIDER-MAN’s release, but after the studio announced she was part of the film. Ms. Arnold is expected to testify that many brands will lock in talent upon hearing they have been cast as part of a large film franchise, so the brand can take advantage and piggy-back off the marketing and publicity of the film. In fact, L’Oreal did this with Ms. Heard – they signed her May 2018 and AQUAMAN was released December 2018.

appropriate baseline should be after the release of Aquaman in 2018, which, but for the defamatory statements, would have been a breakout role for Ms. Heard. Instead, Mr. Bania compares Ms. Heard's "Winter 2019" Q scores with the comparable actors' Q scores at least one year later, in "Winter 2020". Ana de Armas' Q score data used by Mr. Bania is from more than one and a half years after Ms. Heard's. Q scores for Ms. Heard in Mr. Bania's data do not account for the significantly successful Aquaman movie, which was released in December 2018, whereas Jason Momoa's Winter 2020 Q scores account for his rise in popularity from his lead role in the film. Furthermore, many of the comparable actors do not have official Facebook or Twitter pages, so a comparison of that information is likewise not a reliable indicator of Ms. Heard's reputational harm.⁸ Mr. Bania is, in essence, comparing apples to oranges, and his analysis is therefore unreliable and unreasonable. Mr. Bania's opinion that Ms. Arnold's selection of comparable actors is "contradictory and unreasonable" therefore is not supported by the data.

Calculation of Ms. Heard's Damages

Based on Ms. Arnold's review of the materials, knowledge and experience in the film and media industry, she is expected to testify to a reasonable degree of certainty that the defamatory statements have directly caused Ms. Heard to lose acting opportunities, such as a more prominent role in AQUAMAN 2 and a higher salary for the film, and other film and television projects. In order to assess the economic damages the defamation caused to Ms. Heard, Ms. Arnold calculated the money ranges Ms. Heard's comparables have been receiving over the same or similar time period. Based on her review of the materials described above and her knowledge, experience and sources within the industry,

⁸ According to Mr. Bania's data, Jason Momoa does not have an official Facebook or Twitter account. Ana De Armas does not have an official Facebook or Twitter account, and Chris Pine does not have an official Facebook, Twitter, or Instagram account.

Ms. Arnold is expected to testify it is reasonable that but for the defamation, Ms. Heard would have realized as part of her career, during the past 18 months and the next three to five years, the following:

- A renegotiated salary for AQUAMAN 2, earning her an additional \$2-4 million for the film;
- A streaming TV series, earning her at least \$1 million per episode for 8 episodes;
- Starring in several feature films, earning at least \$5 million plus residuals and back end per project;
- Landing several endorsement deals, earning her several million dollars;
- Producing and starring in a movie, earning approximately \$12 million.

Ms. Arnold is also expected to testify that as Ms. Heard performed in more projects, her earning power would have grown exponentially, allowing her to negotiate for even more money per film. In total, Ms. Arnold estimates, based on the above, and specifically considering the comparables, Ms. Heard's economic damages for lost career opportunities range between \$47 and \$50 million.

All of Ms. Arnold's opinions are within a reasonable degree of professional certainty. Ms. Arnold may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider and supplement her opinions based on further discovery and documentation or facts which become available to her.

Summary of Engagement of Mr. Depp's Claims

Ms. Arnold has been asked to offer her expert opinion to analyze John C. Depp II's ("Plaintiff") alleged damages and lost earning capacity due to an Op-Ed piece written by Amber Laura Hard ("Defendant") in the Washington Post distributed online on December 18, 2018 and in print on December 19, 2018 ("Op-Ed"). In her analysis she examined Defendant's reputational damages and loss of earning capacity, if any, due to the Op Ed his career trajectory pre and post Op-Ed; the impact of any negative media publicity and negative social media

reaction from the industry and fans during Plaintiff's overall career leading up to and after the Op-Ed; and loss of career momentum if any post Op-Ed.

Summary of Ms. Arnold's Opinions

Ms. Arnold will testify that Plaintiff did not incur economic or reputational damages as a result of to the publication of the Op-Ed. Similarly, Ms. Arnold will testify that Plaintiff was not fired (taken out of consideration lead role of future installments of the) from the *Pirates of the Caribbean* franchise, nor the *Fantastic Beasts* franchise, as a result of the publication of the Op Ed. Instead, it is Ms. Arnold's opinion that Plaintiff's erratic behavior, including drug and alcohol abuse, over a period of time, his lawsuits and particularly the lawsuit Plaintiff brought against "The Sun" and its Editor in Chief in England, and the resulting Judgment against him in that litigation, and lack of professional conduct on the sets of movies such as *Mortdecai*, *Murder on the Orient Express*, and several of the *Pirates of the Caribbean* movies led to any reputational or economic damage he may have incurred. Ms. Arnold will testify that production overages on *Pirates of the Caribbean: Dead Men Tell no Tales*, the poor box office performance of that film, and story fatigue in the franchise, were predominant factors in Disney letting Plaintiff go from the film franchise. Furthermore, there is no evidence the Op-Ed played any role in Disney's decision not to pursue Plaintiff for a lead role in the sixth *Pirates of the Caribbean* or any other future installments.

Overview of the Case

Plaintiff is a well-known movie star with a long-standing career in movies and television, including leading roles in EDWARD SCISSORHANDS, DONNIE BRASCO and most notably as "Jack Sparrow" in the PIRATES OF THE CARIBBEAN series. Plaintiff is claiming damages

of \$50 million dollars due to defamation of character and negative publicity he allegedly received after the publication of an Op-Ed piece that Defendant wrote on the subject of being a victim of domestic abuse for the *Washington Post* distributed online on December 18, 2018 and in print on December 19, 2018. Plaintiff claims that, although he is never mentioned by name in the piece, the article implied he was the perpetrator of the abuse, and that he has therefore allegedly lost acting roles, endorsement contracts and consequently his future earnings capacity has been diminished due to this publication.

The Op-Ed has never been cited in any of the publications discussing Plaintiff as the reasons for his declining reputation, or loss of popularity and any roles.

In fact, Plaintiff continued to work in movies, appear in product endorsements and press engagements, well into 2020. It wasn't until the press surrounding Depp's trial in the United Kingdom against the Daily Sun and the subsequent loss of that trial, and his consistent poor behavior on film sets and press engagements, that he lost out on opportunities and was fired from a major studio film. It is Ms. Arnold's opinion that Plaintiff's career had begun a downward trajectory as early as 2010, and any slow-down in his career trajectory or reputational or economic damage he has incurred during any period, was due to his own actions and the press surrounding his various lawsuits, rather than a single Op -Ed piece in the *Washington Post*.

Mr. Depp's Roles post-Op Ed

Ms. Arnold will testify that Plaintiff's career did not slow down due to the Op-Ed in 2018. Plaintiff starred in the film MINAMATA, which was filmed in January and February of

2019.⁹ Industry trade magazine *Variety* published an update on the film’s production and release dates, without a single mention of the Op-Ed, nor any news surrounding the matter. The article noted that Plaintiff was starring in the lead role and has a producing and production credit on the film. MINAMATA’s sales agent was quite optimistic about the film’s prospects:

This uplifting, emotional story will be a definitive illustration of triumph over adversity,” said Janina Vilsmaier, sales manager at Hanway. “We are excited to be able to share some exclusive updates with distributors we are meeting at FilMart in Hong Kong.¹⁰

Plaintiff did not shy away from the limelight or publicity tours after the Op-Ed, and the fans and press seemed to continue to be drawn to him. He was invited to major film festivals to promote his most recent work *WAITING FOR THE BARBARIANS*. He participated in extensive promotional work for at the Venice Film Festival September 6, 2019 and at the Deauville American Film Festival on September 8, 2019. Here he is seen signing autographs for screaming fans crowding him on the red carpet at Venice.

⁹ pro.imdb.com/title/tt9179096/details.

¹⁰ **FilMart: Johnny Depp to Reveal U.S. Photographer’s Japanese Redemption in ‘Minamata’ by Patrick Frater, *Variety.com* March 19, 2019.**



More photos above from Deauville at a press conference and below on various days during the week of September 8-13, 2019.



Up until November 2020, Plaintiff was scheduled to star in the film “Fantastic Beasts: The Secrets of Dumbledore” for Warner brothers, and even began filming the movie, which started production on November 4, 2020. It wasn’t until three days after the UK High Court issued its decision against Depp in his trial against “The Sun” was announced on November 2, 2020¹¹ that he was let go of the film (November 5, 2020). The Hollywood Reporter announced on November 6, 2020: “Johnny Depp Forced Out of ‘Fantastic Beasts’ Franchise, Warner Bros. to Recast.”¹² In fact, Mr. Depp’s longtime publicist Robin Baum testified that Mr. Depp was fired from “Fantastic Beasts” as a result of the Judgment. (Deposition of Robin Baum 105:7-14).

Ms. Arnold will testify that now that some of the press regarding the UK Trial has subsided, Plaintiff is regaining some traction in his career. On January of 2022 it was announced

¹¹ “Johnny Depp loses libel case over Sun ‘wife beater’ claim”, BBC, November 2, 2020 by Ian Youngs.

¹² “Johnny Depp Forced Out of ‘Fantastic Beasts’ Franchise, Warner Bros. to Recast”¹², The Hollywood Reporter, November 6, 2020 by Mia Galuppo.

that Depp will star in a new French film about Louis XV, which will start shooting in the summer of 2022 according to Variety magazine.

Johnny Depp will star as French king Louis XV in the next film directed by French helmer Maiwenn (“Polisse,” “Mon Roi”) whose shoot will begin this summer, Variety has confirmed.¹³

That same article, published on January 21, 2022, went on to discuss Depp’s popularity in Europe.

Although he’s fallen from Hollywood’s good graces since the accusations and his libel case against U.K. tabloid The Sun, Depp hasn’t faced much backlash in Europe. He recently received honorary awards at the Karlovy Vary Festival and San Sebastian Film Festival. Depp was also celebrated at the Deauville American Film Festival, in the French Normandy, in 2020, and received an award from the hands of Catherine Deneuve.

Mr. Depp’s Endorsements Post Op-Ed

Plaintiff continued with his endorsement work as is evidenced by images from the Dior campaign that was released in the summer of 2019. According to a November 27, 2020 article in The Guardian, Plaintiff was hired by the Christian Dior men’s fragrance for a contract worth between \$3 and \$5 million. Below is an image from the campaign:

¹³ “Depp to Star as French King Louis XV in Maiwenn’s Next Film” Variety, January 21, 2022 by Elsa Keslassy.



— Johnny Depp is the face of Dior's latest campaign for its cologne Sauvage. Dior

The Op-Ed did not cause Dior to release Depp from his contract.

Mr. Depp's Career Downturn

The above notwithstanding, Plaintiff attributing a career downfall and economic loss due to the Op-Ed, by the creation of a false narrative, is unreasonable and is not taking into account his erratic and unhealthy behavior over the past 12 years. Ms. Arnold is expected to testify that Plaintiff's destructive conduct, drug and alcohol abuse and disruption of film production – costing the studios millions of dollars – has been well documented by the press, studio and production executives in the industry, as well as his own agent.

Tracey Jacobs, a partner at United Talent Agency, and one of the industry's most acclaimed talent agents, represented Mr. Depp for over 25 years – from approximately 1990 to 2016, when she was fired by Plaintiff. She took notice of Mr. Depp when he starred in the popular television series "Jump Street 21" and worked diligently to develop him into one of the most popular and successful movie stars of his generation. That said, according to Ms. Jacobs, who had a day to day relationship with Mr. Depp and those who hired him, Plaintiff's

relationship to the industry and his ability to maintain his star status began to diminish around 2010.

According to deposition testimony, Ms. Jacobs stated the following:

Q. Was Mr. Depp a difficult client to represent?

A. He wasn't initially. It became far more complicated in the last ten years of representing him.

Q. And how...

A. His unprofessional behavior.

Q. What do you mean by Mr. Depp's unprofessional behavior in the last ten years of your representation

A. Showing up late to set consistently on virtually every movie. I would get yelled at. (*See Deposition of Tracey Jacobs: Depp v. Heard, January 28, 2021, p.31:9-19; p.32:1-5*)

In deposition testimony relating to another lawsuit Mr. Depp filed against his former business manager, Ms. Jacobs testified as follows:

Q. And I think you testified previously that starting in or around 2010, you had more and more difficulty getting jobs for him, or you know, movies for him, because word was out that he was difficult, things of that nature. Did the drug use figure into those concerns as well?

A. Yes (*See Tracey Jacobs Deposition - Depp. V. Mandel, May 30, 2018: p.127: 6-15*)

Q. And what types of difficulties did that cause for Mr. Depp?

A. Well, initially crews loved him because he was always so great with the crew, but crews don't love sitting around for hours and hours and hours waiting for the star of the movie to show up. And it also got around town. I mean, people talk, it's a small community. And it made people reluctant to use him towards the end. (Ms. Jacobs was fired by Depp in June 2016.) (See Tracey Jacobs Deposition - Depp. V. Mandel, May 30, 2018: p. 32:15-22 - p. 33:1)

In deposition testimony relating to another lawsuit Depp filed against his former lawyer, Jacobs testified as follows:

Every single movie. I would get calls on "Mordechai" which I believe was 2014, where I would get calls from Lionsgate. I would get calls from Gwyneth Paltrow because he just wouldn't show up. And that was a movie not only was he starring in, but he was producing it. Then he didn't show up to his press conference in Japan because he was sleeping.... (See Tracey Jacob Deposition Depp v. Bloom, May 13, 2019: p. 127:3-9)

According to deposition testimony from Ms. Jacobs regarding Mr. Depp's request in 2015 to get a film role with a \$25 million fee to help him pay off debts, she had this to say:

Q. Why did you think it was unrealistic to try to secure \$25 million dollars in deals by the end of the year?

A. Because it was August. Movies like the kind of prices where he was getting, 20 plus million dollars to perform in movies at that time were not just falling off of trees.

Q. And by that point in time, had Mr. Depp's value in the marketplace changed?

A. Yes

A. At that time he had already appeared drunken and stoned on stage, on television, in front of a live audience, giving an award to somebody. And I got calls from every studio head saying: "What the hell is wrong with your client?" He would show up hours late and people didn't want to deal with his lateness, his not showing up. No-one knew how he would show up and it became a serious problem. I mean very serious. (See Tracey Jacobs Deposition Depp v. Bloom, May 13, 2019, p.125:17-23 and p.126 2-4 and 13-19.)

Mr. Depp's request for a \$25 million loan/advance from UTA came after several incidents of poor behavior on the set of PIRATES OF THE CARIBBEAN: DEAD MEN TELL NO TALES ("Pirates 5"), which were documented in many press articles and confirmed by Ms. Jacobs.

A 'Pirates' staffer was reportedly tasked with following Depp's every move

THR also unearthed unflattering stories about Depp's work on the set of "Dead Men Tell No Tales" from production sources. Depp's lateness to the set of the movie on certain days reportedly led to hundreds of extras waiting hours for the star to show up, causing the movie's producer Jerry Bruckheimer and Disney production chief Sean Bailey to huddle to figure out how to shoot around him.¹⁴ (2017)

In another portion of Ms. Jacob's deposition in the Depp v. Mandel matter, Ms. Jacobs testified about Plaintiff's poor behavior on *Pirates of the Caribbean: Dean Men Tell No Tales* ("Pirates 5"):

¹⁴ "Johnny Depp reportedly drank heavily and was constantly late on the new 'Pirates' movie set" - Business Insider May 10, 2017 by Jason Guerrasio.

Q. Do you recall difficulties that Mr. Depp had during Pirates 5?

A. Yes

Q. What do you recall?

A. That some days he wouldn't show up at all. or he'd show up seven hours late.

Q. And how was that being expressed to you as a problem?

A. The head of Disney studios (Sean Bailey) called me to complain. (*See* deposition testimony of Tracey Jacobs, Depp v. Mandel p.33:12-21)

A. ...something to the effect of, this has to go stop. It's costing us a fortune. It's forcing overages. It's very expensive. It's unprofessional. (*See* deposition testimony of Tracey Jacobs, Depp v. Mandel p.34:9-12)

Ms. Jacobs made similar statements regarding Plaintiff's behavior on Pirates 5 in her testimony in the matter of Depp v. Bloom.

Q. And what eventually happened on the filming of P5? It obviously got done.

A. Well, they shut it down for over a week because he cut his finger off.

Q. And that shut down the whole production?

A. Yes

Q. And do you have any idea of what that would cost the studio, to shut a production of that size down for a week?

A. Millions and millions of dollars. (*See* deposition testimony of Tracey Jacobs, Depp v. Bloom p. 167:18-25 and 168:1-3)

Other industry professionals have criticized Mr. Depp, including an executive from his days working on the Pirates of the Caribbean franchise. Former Disney executive, Nina

Jacobson (President of the Walt Disney Motion Picture Group in 2005 and 2006), told the “Without Fail” podcast in 2018 she found Mr. Depp’s performances “pretty out there.”

She said “his performances in the dailies came back in haphazard quality, with a character that was drunken and fey.” She continued on to say that the films worked in the end but she found the experience of working with Depp “scary”. “As an executive, you’ve got to watch the bottom line and it’s scary.”¹⁵

As Plaintiff’s agent, Ms. Jacobs felt the brunt of trying to get work for her client after years of bad behavior. By 2016 it had really taken its toll on her ability to procure work for her client.

Q. In your experience -- again, for as many years as you've been a talent agent, when you have this kind of conduct, and related behavior, over and over, over period of years, what does that do to one's career?

A. It certainly doesn't help one's career progress in the right direction. It makes it more and more difficult to procure employment, to keep his price rate up and to give him the opportunities that I wanted him to have.

Q. And by the time that you, by the time that he terminated you, was it at a crisis point, in your mind?

A. Yes. (See deposition testimony of Tracey Jacobs, Depp v. Bloom p.169:9-25; 170:1-2)

In the year following his split from Ms. Heard, Mr. Depp’s firing of Ms. Jacobs, his agent of three decades, was widely announced in the press.

¹⁵ “Johnny Depp’s lifelong love of drugs laid bare” – New Zealand Herald, July 4, 2020 by Phoebe Loomes.

A Disney employee was quoted as saying Ms. Jacobs was “the only person who could ever rein him in.” The same article reported the following:

When careers start to go down the tubes, what do they do? They fire their agents,” one UTA agent said. “He bit the hand that fed him. It was a very big blow. Tracey got him. She understood the bad-boy thing.¹⁶

Word about Mr. Depp’s behavior over the years was well-known and well-documented.

Shoots, interviews. He never hid his partying. But he finally hit the wall on *Murder on the Orient Express*. Right when rehearsals began, in 2017, he walked in late the first day and Ken Branagh, who directed, very calmly said: ‘That’s not the way I work. I don’t allow lateness. If you choose that behavior, you can leave the film. Right now. It’s fine.’” An unnamed executive from the Disney recently discussed the actor’s unprofessional behavior while shooting *Murder on the Orient Express*.¹⁷

Mr. Depp’s agent with Creative Artists Agency (“CAA”) after he left Ms. Jacobs at UTA, Christian Carino, even admitted in his depositions in this lawsuit that Mr. Depp’s lateness was well-known within the industry and thus far the industry had accommodated Mr. Depp’s tardiness.

Q. Were you aware of Mr. Depp engaging in alcohol and drug use, may be tardy, any of those issues during the filming of *Pirates 5*?

A. I’m aware of him being tardy, but he’s been tardy on everything in his entire life.

Q. Were you aware of whether that was troublesome to Disney during the filming of *Pirates 5*?

¹⁶ <https://www.insider.com/johnny-depp-career-could-be-over-after-losing-libel-suit-2020-12> “Insiders say Johnny Depp may never work in Hollywood again after losing ‘wife beater’ libel suit”, Business Insider, Dec. 29, 2020, by Merle Ginsberg.

¹⁷ <https://wegotthiscovered.com/movies/johnny-depps-lifestyle-started-affecting-work-murder-orient-express/> “Johnny Depp’s Habits Started Affecting His Work During Murder On The Orient Express”, We Got This Covered, Jan. 12, 2021, by Jonathan Wright.

A. I think it's troublesome to everybody, but everyone has learned how to produce a film to deal with it.

Q. Working around Mr. Depp?

A. Yes. (See Christian Carino Deposition Depp v. Heard, p. 164-5:22-12)

As Nina Jacobson and Ms. Jacobs confirmed, the entertainment industry is relatively small and tight knit. Word about poor behavior on and off set has a direct connection to one's hire ability. Film productions cost millions and often hundreds of millions of dollars and studios cannot take the risk of continuing to cast actors whose behavior can affect the bottom line. Ms. Arnold will testify that this is what happened to Plaintiff with regard to his role in the *Pirates of the Caribbean* franchise.

Mr. Depp's Loss of Pirates of the Caribbean 6

In his Complaint, Depp alleges that because of the Op-Ed, "The reaction to Ms. Heard's false and defamatory op-ed was swift and severe. Just two days after the op-ed appeared in the Washington Post's online edition, Disney publicly announced that Mr. Depp would no longer be a part of the *Pirates of the Caribbean* franchise. (See, Complaint, paragraph 73.)

As much as Plaintiff would like to place blame on the publication of the Op -Ed as the cause of Disney announcing that Depp would no longer be a part of the *Pirates* film franchise, Hollywood does not work that fast — particularly with multi-billion-dollar IPs such as *Pirates of the Caribbean*. Ms. Arnold will testify the problems with Plaintiff and the Disney franchise included the following:

- Multiple late arrivals on set over the course of several film shoots, that had the crew waiting for hours on end, costing overages;

- The loss of two weeks of production on *Pirates 5* due to Plaintiff's finger injury, costing overages;
- The last film in the franchise, *Pirates 5* underperformed compared to *Pirates 4*. *Pirates 4* earned \$1.5 billion at the worldwide box office, whereas *Pirates 5* earned \$795 million¹⁸;
- The Jack Sparrow character in the franchise has come to the end of its creative arc with the release of *Pirates 5*;

Ms. Arnold will testify the knowledge of his bad behavior was already well-established within the industry rank and file and had been well-documented by the press and his own talent agent. As far back as 2017, the discussion of Mr. Depp's waning career was making headlines. The Hollywood Reporter article on May 27, 2017, after the poor performance of "*Dead Men Tell No Tales*" was titled "Pirates of the Caribbean: The Diminishing Returns of Johnny Depp."

The article continued on to say that although there has been a tremendous amount of press surrounding sexual abuse allegations: "Depp's career has been stuck in a fallow period for a few years, and movie fans had begun to turn on him even before those allegations."

The 2017 article continued to say that, "Mr. Depp's last well-received film, either critically or financially, was *Rango*, back in 2011, though the new *Pirates* was tipped to be a commercial if not critical, hit. Since then, Mr. Depp has appeared in a slew of films that were either ignored, derided or worse."¹⁹

The news of Plaintiff's character, "Jack Sparrow's," actual demise first broke in a UK *Daily Mail* article published on October 25, 2018. This is notably two months prior to the Op-Ed's publication. The headline read:

¹⁸ Box Office Mojo searches for "Pirates of the Caribbean: On Stranger Tides" and "Pirates of the Caribbean: Dead Men Tell No Tales"

¹⁹ "Pirates of the Caribbean: The Diminishing Returns of Johnny Depp", The Hollywood Reporter, May 27, 2017 by Josh Spiegel.

“Hide the Rum! Johnny Depp is OUT as Jack Sparrow in Disney’s Pirates of the Caribbean film franchise as actor battles financial issues and personal dramas.”
‘Original Pirates script writer Stuart Beattie is the first to publicly confirm that the Disney Studios appears to be ditching the star.’²⁰

The Hollywood Reporter then came out with the news in an article dated October 28, 2018:

Disney is in the midst of concocting a Pirates of the Caribbean reboot, but it will most likely be missing one very important ingredient. Original *Pirates of the Caribbean* screenwriter Stuart Beattie has strongly hinted that Johnny Depp will no longer be involved with the franchise.

It’s beginning to look like the Pirates of the Caribbean franchise will receive the reboot treatment. The studio is reportedly eyeing *Deadpool* writers Rhett Reese and Paul Wernick to take over the new project. With that being said, it looks like Johnny Depp would have been out either way.²¹

It followed up with a story on November 16, 2018:

It has been rumored that Disney is replacing Johnny Depp with a female actress in their Pirates of the Caribbean reboot. Paul Wernick and Rhett Reese are writing the new project, but a finished script has yet to be turned in. Depp has been in the news a lot lately with accusations of domestic abuse, violence on movie sets and general erratic behavior, which has more than likely made Disney take pause to reevaluate the Pirates of the Caribbean franchise.²²

Disney’s head of production, Sean Bailey, confirmed the rumors in an article published in the “Independent” on December 22, 2018 from an interview with “The Hollywood Reporter”:

Johnny Depp’s tenure as Captain Jack Sparrow has officially come to an end, following a Disney executive’s confirmation that the actor will no longer be a part of the Pirates of the Caribbean franchise. The studio’s production chief, Sean Bailey, was speaking about the previously announced reboot – set to be written by *Deadpool*’s Paul Wernick and Rhett Reese – when he was asked whether the series could survive without Depp.

²⁰ ‘Johnny Depp is OUT as Jack Sparrow in Disney’s Pirates of the Caribbean Franchise’, Daily Mail, October 25, 2018, by Ryan Parry and James Desborough.

²¹ “Johnny Depp Probably Won’t Return as Jack Sparrow in Pirates of the Caribbean Reboot” The Hollywood Reporter, October 28, 2018 by Kevin Burwick.

²² “Johnny Depp’s Jack Sparrow Character will be Replaced by Female Lead in Pirates Reboot?” The Hollywood Reporter, November 16, 2018, by Kevin Burwick.

Rather than deny the reports, Bailey told The Hollywood Reporter: “We want to bring in a new energy and vitality. I love the [Pirates] movies, but part of the reason Paul and Rhett are so interesting is that we want to give it a kick in the pants. And that’s what I’ve tasked them with.”

Ms. Arnold is expected to testify the reasons for Disney’s decision do not include the Op-Ed, but do include the following:

- 1) The storyline and the character had gotten tired;
- 2) The last film in the franchise, “Dead Men Tell no Tales” had performed poorly at the box office;
- 3) Depp’s lateness to set and leaving the production for two weeks cost millions of dollars in overages;
- 4) Depp’s hefty price tag was a drain on the budget.

A Screen Rant article dated June 30, 2020 examined the trajectory to better understand Depp and his character’s demise:

If *On Stranger Tides* demonstrates Jack isn’t protagonist material, *Dead Men Tell No Tales* suggests Disney’s run out of ideas for what to do with the character. The film’s version of Jack is a thin caricature of the rascally pirate in the original *Pirates of the Caribbean* movie and his stale schtick drags everything down whenever he’s on screen. Depp’s performance is all the more tired for it and he seems to have lost the zest he once had for playing the trouble-making buccaneer. The actor’s involvement has also caused problems for the franchise off- screen, with his every growing salary contributing to its ballooning budgets.

Dead Men Tell No Tales was not only the second lowest-grossing *Pirates* of the Caribbean film so far, both it and *On Stranger Tides* made less in the U.S. than *The Curse of the Black Pearl* (two other films in the Franchise), even without adjustments for inflation. It’s no wonder Disney’s taking steps to move on without him...²³

According to his agent Ms. Jacob’s, she testified in her deposition in the matter of *Depp v. Mandel*, that as powerful a character as Jack Sparrow was in the *Pirates* franchise, no contract

²³ “Pirates of the Caribbean 6, Why Disney is Rebooting the Franchise”, Screen Rant, June 30, 2020 by Sandy Schaefer.

or commitment on the part of Disney to hire Plaintiff on future installments, had ever been in place.

Q. And as you sit here today, can you recall anyone at Disney committing in any way that Johnny Depp would be in *Pirates 6*?

A. No. (See Tracey Jacobs Deposition *Depp v. Mandel*, p. 84:21-22 —p. 85:1-2)

According to Plaintiff's current agent, Jack Whigham, who had conversations with Sean Bailey at Disney and Jerry Bruckheimer, a producer of the *Pirates* films, about Mr. Depp's ability to continue on with the *Pirates* franchise:

Q. Did you ever have any conversations with Jerry Bruckheimer in 2018 about whether Disney was still considering having Mr. Depp in *Pirates* or was no longer considering him?

A. My memory of it was that Jerry was supportive of Johnny...my memory is that he thought it was an uphill battle with Disney. (See Jack Whigham Deposition *Depp v. Heard*, p. 45-6:16-11)

Additionally, as of the writing of this report, no start date for a *Pirates 6* film has been announced.

Plaintiff's Own Actions have caused his demise

As stated above, Ms. Jacobs testified that as early as 2010 Plaintiff was creating problems in his personal life that were beginning to have an impact on his career. This had been acknowledged by his agent and has been well documented in the press over several years. By 2015, they were at a high point.

Q. And by that point in time, (August 2015) had Mr. Depp's value in the marketplace changed?

A. Yes

A. At that time he had already appeared drunken and stoned on stage, on television, in front of a live audience, giving an award to somebody. And I got calls from every studio head saying: "What the hell is wrong with your client?" He would show up hours late and people didn't want to deal with his lateness, his not showing up. No-one knew how he would show up and it became a serious problem. I mean very serious. (See Tracey Jacob's Deposition in *Depp v. Bloom*, p.126: 2-4 and 13-19.)

The Rolling Stones published a well-documented article in June of 2018 that recounted a myriad of issues and challenges Plaintiff had been facing in the years prior.

Over the past 18 months, there has been little but bad news for Depp. In addition to the financial woes, there were reports he couldn't remember his lines and had to have them fed to him through an earpiece. He had split from his longtime lawyer and agent. And he was alone. His tabloid-scarred divorce from actress Heard is complete, but not before there were persuasive allegations of physical abuse that Depp vehemently denies. Depp's inner circle had begged him to not wed Heard or to at least obtain a prenup. Depp ignored his loved ones' advice. And there were whispers that Depp's recreational drug and alcohol use were crippling him.

Depp seems oblivious to any personal complicity in his current predicament. Waldman seems to have convinced Depp that they are freedom fighters taking on the Hollywood machine rather than scavengers squabbling over the scraps of a fortune squandered.²⁴

Plaintiff's current agent, Jack Whigham, testified that the article in Rolling Stone "was not positive for Johnny" in terms of his personal or professional reputation or career, and his publicist, Robin Baum, likewise said the article was not positive...." (See Jack Whigham Deposition *Depp v. Heard*, p. 110-1:10-3; Robin Baum Deposition *Depp v. Heard* pp. 84:2-85:5)

²⁴ "The Trouble With Johnny Depp – Multimillion-dollar lawsuits, a haze of booze and hash, a marriage gone very wrong and a lifestyle he can't afford – inside the trials of Johnny Depp", Rolling Stones magazine, June 21, 2018 by Stephen Rodrick.

The *Gulf News* reported on November of 2018 in an article entitled “Is Johnny Depp’s career reaching its end?”

“As his PR liability rating creeps higher, we wonder why he’s still nabbing lucrative jobs.”

Plaintiff’s recent movies had not done as well at the box office as they had in the early 2000’s, and his erratic behavior had reached a crescendo.

To a critic who has spent the past eight years watching Depp floundering professionally, while his PR liability rating creeps even higher [reflecting on why he had been hired on *Fantastic Beasts*].

So what else has the present decade yielded? Half-formed vanity projects (*The Rum Diary*), wacky-goth diminishing returns (*Dark Shadows*, *Alice Through the Looking Glass*), glorified cameos (*Into the Woods*, *Lucky Them*), corny throwbacks (*The Tourist*) and outright abominations (*Mordecai*). There were also two notable box office bombs, *The Lone Ranger* and *Transcendence*, both heavily marketed on Depp’s involvement. Neither is as bad as you’ve heard, but with combined losses of around \$300 million, they suggest the public appetite for Depp is conditional on galleons and Jolly Rogers.²⁵

Ms. Arnold will testify that the myriad of lawsuits Depp has filed (“Depp v. The Sun”, “Depp v. Mandel”, “Depp v. Bloom”, “Depp v. Heard”) has kept his personal trials and tribulations in the limelight. In fact, Mr. Depp’s CAA agent, Christian Carino, testified in his deposition in this lawsuit on the negative implications of public spotlight on entertainment litigations. Mr. Carino said that “the sooner the litigation was over the better it was for Johnny’s career and well-being.”

Q. Why did you think that?

A. I think anytime somebody is in litigation publicly, it is at a minimum a distraction to that person’s career. And in a lot of cases...it negatively impacts

²⁵ ‘Is Johnny Depp’s Career Reaching Its End, Hollywood,’ The Gulf News, November 20, 2018 by Robbie Collin, London 2018.

that person because there's attention drawn to them that is outside of what people want to know about that person.

Q. And what do you mean by it distracts from their career?

A. I mean that – with somebody who is well known, people don't want to hear they're in a lawsuit with anybody about anything.

A. Because that's just not what they want to know or hear news about people.

A. Based on my experience in this world for the past 16 years.

Q. Do you also believe that that impacts career decisions by producers, directors, companies, brands, things of that nature?

A. Yes.

A. Because the general public doesn't want to hear that people that they look up to are in litigation. And when it – the more oxygen it takes up in the overall news or coverage of an individual, and the less focused it is on that person's career, the less interested studios, brands, the general public becomes in that person.

Q. And therefore less opportunities?

A. Yes.

Q. So any media coverage of the Bloom litigation or the Mandel litigation would be negative; correct?

A. In my opinion, yes.

Q. And that's based on your years as a talent agent in the industry?

A. Yes, and just being a human being. That's my opinion. (*See* Christian Carino Deposition Depp v. Heard, p. 39-42:19-5; p. 81:7-14)

Ms. Arnold is expected to testify that Plaintiff's trial against *The Sun* is a perfect example of how the microscope has been brought down on the couples' divorce and claims of abuse and kept it in the limelight since the settlement in 2016-17.

In a Hollywood Reporter article in November 2019, Legal observers' question "why Waldman (Depp's longtime attorney and confidant) has advised Depp to bring suits against both Heard and Bloom, both of which only threaten to reignite Heard's domestic violence claims."²⁶

The Hollywood Reporter reported in November of 2020 on Warner Brother's decision to release Depp from his *Fantastic Beasts* role.

The studio's film chief Toby Emmerich had made the decision the previous day (day before Depp was removed from the shooting schedule,) to sever ties with the star who was reprising his role as dark wizard Gellert Grindelwald in the five-film franchise. The call was prompted by a U.K. judge dismissing Depp's defamation claims in a closely watched trial that pitted the actor against the publisher of *The Sun* after the British tabloid referred to Depp as a "wife-beater."

Sources tell The Hollywood Reporter that Warner wanted to allow due process to take its course before making a decision on the embattled star's future in the franchise. Once Judge Andrew Nicol ruled that he accepted Heard's testimony, which was detailed and painted a picture of Depp as an abuser, Emmerich's decision was a *fait accompli*, with the studio opting to recast the role less than midway through the franchise.²⁷

In a November 12, 2020 article, Insider.com wrote the following about Plaintiff's career:

Depp's career was on a downward trend before any allegations of domestic abuse

The "Pirates" films, thanks to Depp, were a jewel in Disney's box-office playbook; the five movies made a combined \$4.5 billion worldwide. But over the past few years, Depp has failed to reach similar box-office heights. New offerings such as "Transcendence," "The Lone Ranger," and "Dark Shadows" — directed by Burton, a longtime collaborator — tanked among critics and disappointed at the box office, signaling that the public had grown tired of his gothic shtick.

²⁶ "Johnny Depp's Lawyer Battle Drags in Elon Musk, Kevin Tsujihara" Hollywood Reporter, April 18, 2019 by Tatiana Siegel.

²⁷ "Behind Warner Bros.' Decision to Sever Ties With Johnny Depp", The Hollywood Reporter, November 9, 2020 by Tatiana Siegel.

Neema Rahmani, a former federal prosecutor, told Insider, "Depp should get out of the defamation-lawsuit business while he still has a fragment of a movie career..."

Stacy Jones, the CEO of "Hollywood Branded," a marketing and advertising agency, also stated in the article ... "that the only way forward for Depp would be to 'admit fault, accept responsibility,' and truly begin to reform. "At no point until then," she said, "will Depp's career have a fighting chance of survival."²⁸

In a January 12, 2021 article in Business Insider, it was reported that "Johnny Depp's Habits Started Affecting His Work During Murder on the Orient Express" (filmed in November 2016).

An unnamed executive from the Mouse House (Disney) recently discussed the actor's unprofessional behavior while shooting *Murder on the Orient Express*.

"Shoots, interviews. He never hid his partying. But he finally hit the wall on *Murder on the Orient Express*. Right when rehearsals began, in 2017, he walked in late the first day and Ken Branagh, who directed, very calmly said: 'That's not the way I work. I don't allow lateness. If you choose that behavior, you can leave the film. Right now. It's fine.' Johnny just said, 'I hear you sir, I won't do it again.' It humiliated him in front of the stars, as big as he was," the source revealed.

None of the above articles refer to the Op-Ed as the reason for career's downfall. Rather, each and every piece points the finger at Plaintiff's own erratic and often negative behavior, dating back as far as 2010 as the cause of his decline.

Plaintiff's Q Rating and What That Means for Plaintiff

Ms. Arnold will testify that the Q rating is a metric used in the entertainment industry to ascertain the viability of an actor's participation in a film — both with respect to the feasibility of an actor to enhance international sales for financing purposes, and for consumer awareness as it impacts the theatrical box office and ancillary sales.

²⁸ <https://www.insider.com/fantastic-beasts-johnny-depp-career-is-over> "'Fantastic Beasts' is just the start. Johnny Depp's career is over, experts say." November 12, 2020 by Zac Ntim.

IMDBpro is a resource utilized by the industry to understand an actor's position in the consumer zeitgeist vis a vis comparable actors in their category.

Ms. Arnold is expected to testify that in the past 5 years, Plaintiff's IMDB rating was the highest in May of 2017, around the release of Pirates 5. The score has radically risen and fallen over the years since that release from a high of 5 in May 2017, to a low of 233 as of this writing. One month after the release of Pirates 5 the rating was 103 in June of 2017, compared to 135 in April of 2018. In December of 2018, the period within which the Op-Ed was published, Plaintiff's IMDB rating was 119. This is within range of all the other "low" points in his career, and not as low as it currently is now, after the UK Judgment, and as the press surrounding the upcoming Virginia trial has surfaced again.

Additionally, Ms. Arnold will rely on the opinions as set forth in the Expert Designation of Mr. Alan Jacobs, an expert in finance, econometrics, and statistics, as follows:

- There is no evidence in the data that the Depp positive Q score is lower as a result of a 12/2018 event.
- There is no evidence in the data that the Depp negative Q score is higher as a result of a 12/2018 event.
- Even if the estimates of the effect of 12/2018 on Depp Negative Q scores were statistically significant, the actual estimates of the effect is negligible: an estimated higher negative Q score of only 0.7 points.
- There is no evidence in the data of any effect on Depp Q scores of a 12/2018 event.
- There are significant changes in Depp Q scores unrelated to the 5/2016 information event or the 12/2018 information event. There are likely other information events or other

factors which are driving the variation in Depp Q scores than the 5/2016 event or the 12/2018 event.

Mr. Jacob's opinions contained in the Expert Designation confirms the ratings on IMDB and Ms. Arnold's opinions, primarily that the demise in Plaintiff's career has nothing to do with the publication of the Op-Ed, and everything to do with his films' performances, his erratic behavior that includes multiple lawsuits and a highly publicized Judgment in the UK that Mr. Depp is in fact a "wife beater," and a general understanding within the industry that Plaintiff is a demonstrable financial risk.

Summary of Ms. Arnold's Opinions

Ms. Arnold is expected to testify that by 2015, Plaintiff had become one of the highest paid actors in the business, earning \$20,000,000 plus bonuses on the last Pirates film, and having earned over \$650,000,000 in fees over his career. Although his team was able to negotiate large sums of money for the actor, his career had been filled with erratic behavior, negative publicity about his overspending and drug and alcohol abuse, and a large number of box office flops in the last ten years.

The tremendous attention Plaintiff has brought onto himself with the filing of a multitude of lawsuits against *The Sun*, his lawyer, his manager and now Ms. Heard, have kept his bad conduct— on and off the set— and the allegations of domestic abuse in the limelight. The short life cycle of the Op-Ed piece only further supports this.

From the facts produced in this case, and Ms. Arnold's 20 plus years of experience, Ms. Arnold will testify that Plaintiff himself has caused his career to take a downfall and to make it difficult for studios to continue hiring him and paying him significant salaries, not the Op-Ed. All of Ms. Arnold's opinions are within a reasonable degree of professional certainty.

February 25, 2022



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 25th day of February, 2022, by email, by agreement of the parties, addressed as follows:

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Elaine Charlson Bredehoft (VSB No. 23766)

Attachment 5

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Kathryn Arnold

Entertainment Consultant and Expert Witness

Professional Experience

Kathryn Arnold has over 20 years of hands on experience in the film development, production, finance and distribution arenas. Having produced and/or directed over 6 feature films, Live streaming television, dozens of commercials, corporate videos and events, as well as working in both the studio and independent film environment in film and television, Ms. Arnold understands the inner workings of the entertainment industry, its hiring practices, business development, financing/distribution and the economic complexities and nuances involved in a world that very few understand. Working closely with each client, she brings the full benefit of this valuable experience to bear on the client's unique case.

Legal Experience & Services

Ms. Arnold has been retained as an expert witness and consultant on over 6 dozen cases, with plaintiffs and defendants, such as producers, production companies, studios, media companies, banking institutions, financing entities, investors, actors, writers, directors, on-air personalities, spokespersons, production crew, and other entertainment related personnel.

She has provided expert testimony, reporting, consultation, financial forecasting and referrals for clients on cases regarding economic damage and lost wages from copyright infringement, breach of contract, film and television financing, sales and distribution, reputational harm, disfigurement, personal injury, wrongful death, and economic downturn. Ms. Arnold has prepared expert reports and provided deposition and trial testimony in matters before state and federal courts and in arbitration. Clients include Gibson, Dunn & Crutcher; Jackson Walker; Jenner & Block, Haynes & Boone; Shook, Hardy & Bacon, Dummit, Buchholz & Trapp; Hosp, Gilbert, Bergsten & Hough among others.

BIO

Kathryn Arnold's career has straddled the Studio system and Independent Film worlds, as well as Corporate Sponsorship Programs. Starting out as an assistant at ICM Talent Partners and then as a script reader for the William Morris Agency, Arnold learned the inner workings of the talent agency system and the processes of managing and packaging talent and scripted material for motion pictures and television. She then became an executive at The Maltese Companies, where she developed and produced television and feature projects financed by Wall Street ad agencies. She oversaw the production of "Pound Puppies", an animated feature produced with Kushner Locke, and was an Associate Producer on "Manhunt Live", a reality-based crime show for ABC.

At The Guber-Peters Entertainment Co. Ms. Arnold was involved in the development of feature films and television shows, with the company that produced "Rain Man" and "Batman". She was the Assoc. Producer on "Pizza Man", written and directed by Jonathan Lawton of "Pretty Woman" fame, and procured the financing and co-produced "The Webers' Fifteen Minutes" with Jennifer Tilly and David Arquette.

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Arnold then began her partnership with Louis Venosta. Venosta wrote and co-produced the Mel Gibson romantic comedy, "Bird on a Wire", as well as the Tri-Star release, "The Last Dragon". Their company Secondary Modern Motion Pictures was based at Universal studios where they developed projects for Venosta to write and produce. Arnold was directly involved in the writing of both studio and independent feature scripts with Venosta. They launched Venosta's directing career, with the highly acclaimed featurette "The Coriolis Effect" which won the 1994 Venice Film Festival in its category.

Arnold went on to produce "Nevada", starring Amy Brenneman, Gabrielle Anwar, Kirstie Alley and Angus Macfadyen, and as head of Production at Cineville Films, Inc, was the Executive Producer on "Façade", starring Eric Roberts and Angus Macfadyen, and "The Velocity of Gary" with Vincent D'Onofrio, Salma Hayek, Thomas Jane, and Ethan Hawke among many others.

She was instrumental in launching Cineville International's foreign sales division in Cannes of 1997, and handled financing, foreign and domestic sales, and acquisitions, in addition to packaging, development and production responsibilities for Cineville's slate of pictures. Her relationships with the banks included Union Bank, Imperial, Lou Horwitz Organization, Banque Paribas, Co-America among others.

Arnold then produced "Cowboys and Angels", starring Adam Trese, Mia Kirshner and Radha Mitchell, which won the Crystal Heart Award. The highlight of 2000 was writing and directing "Shining Stars": "The Official Story of Earth", "Wind & Fire", a documentary film based on the electric and legendary band, released on DVD and Television Internationally in 2001. Arnold went on to be a consultant and then Head of Production at Monte Cristo Entertainment, an international sales and production company, which has a library of over 50 films. At Monte Cristo, Arnold oversaw script development, talent packaging, co-production/financing agreements, and US and international distribution deals in conjunction with the Directors of the Company.

Interwoven throughout her film production career, Arnold has a history in corporate relations and licensing. Starting with the Corporate Relations Department with the Los Angeles Olympic Organizing Committee, Arnold and her department were responsible for the licensing and usage of the LAOOC logo on product, advertising and promotional materials. Their team worked with major sponsors such as Adidas, Coco Cola, and Southland Corporation among others overseeing image usage, product approval, product placement and promotional campaigns. Their department oversaw the licensing of over 300 products during her two-year tenure.

Arnold worked with Internet Studios, an online film sales company, and raised close to US \$500,000 in a 6-week period for the Sundance Online Film Festival. She then went on to work with Infinity, Inc, producing infomercials, corporate videos and marketing events for National Corporations. And woven in through that period, Arnold produced and production managed commercials for well-known brands such as Certs.

Arnold produced the live streaming show Secrets of the Red Carpet: Style From the Inside Out, on www.empowerme.tv/secrets, which reached the top of the iTunes charts and nominated for 2 Streamy Awards in its first season and maintained its top 5 status in Fashion and Arts during its tenure.

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Entertainment Consultant and Expert Witness

Currently Arnold consults with several investment/production companies on international sales, financing and packaging film and television projects. She has written a series of entertainment industry-related articles and have served as an entertainment media consultant to Bloomberg News, MSNBC, CCTV, NPR, and Associated Press International, NPR, The Market on the topics of entertainment standard and practices and business development.

Arnold graduated from UCLA with a BA in Economics, speaks French, and has lived in France, Italy and Mexico.

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Attachment 6

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Documents Reviewed by Kathryn Arnold

Depositions

Tracey Jacobs – The Mandel Company v John C. Depp, II – May 30, 2018

Tracey Jacobs – John C. Depp, II v Bloom Hergott Diemer Rosenthal Laviolette Feldman

Schenkman & Goodman, LLP – May 13, 2019

John C. Depp – November 10-12 2020

Christian Carino (with exhibits) – January 19, 2021

Jack Whigham (with Exhibits) – January 20, 2021

Tracey Jacobs (with exhibits) – January 28, 2021

Amber Heard – January 12-14, 2022

Robin Baum – January 20, 2022

Legal Documents

Subpoena Duces Tecum – Attorney Issued – William Morris Endeavor Entertainment, LLC –
November 3, 2021

Subpoena Duces Tecum – Attorney Issued – Warner Bros. Entertainment Inc. – November 3,
2021

Plaintiff's Supplemental Designation of Expert Witnesses – January 18, 2022

Defendant's Objections and Responses to Plaintiff's 4th Set of Interrogatories – February 9, 2022

Documents

Amber Heard TV and Film Contracts – ALH_00017109-472

Amber Heard TV and Film Contracts, Tax Returns, IMDB Page – ALH_00010429-486

DEPP00019565-200092

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Amber Heard various text messages, emails, scripts – Aquaman – ALH_00017992-18280

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