



6. And the second article is also from June 7, 2016 from TMZ titled “Amber Heard Arrested for Domestic Violence Against Girlfriend.”

7. Do you see that?

Simply put, the testimony at trial has opened the door to such questions which are consistent with the Court’s prior rulings.

First, both parties in this case have been accused of being violent with the other and both parties have at multiple points claimed self-defense in response. *See, e.g., Exhibit 1*, Trial Transcript Day 7 at 1805:7-1808:9 (Mr. Depp describing self-defense in connection with the alleged December 15, 2015 incident); *Exhibit 2*, Trial Transcript Day 15 at 4275:5-17 (Ms. Heard claiming she threw a vase at Mr. Depp in self-defense). Such claims open the door to evidence of prior acts of violence. *See, e.g., Va. S. Ct. R. 2:404(a)(2); Barnes v. Commonwealth*, 214 Va. 24, 25 (1973) (“evidence of specific acts is admissible to show the character of the [victim] for turbulence and violence”); *McMinn v. Rounds*, 267 Va. 277, 281 (2004) (applying the rule in civil case). And indeed, that is consistent with the Court’s rulings in this case. As the Court knows, there is only one prior instance where Mr. Depp was accused of violence against another person – the *Brooks v. Depp* litigation where Mr. Depp has been accused of punching a crew member on the set of the film *City of Lies*. Mr. Depp filed a motion *in limine* to exclude such evidence but the Court found that “Brooks can be used for liability, just in rebuttal of any self-defense claim.” *Exhibit 3*, Tr. 63:4-6. Ms. Heard was then permitted at trial to ask Mr. Depp questions on cross about the Brooks case and the alleged assault. *See Exhibit 4*, Trial Transcript Day 8 at 1990:5-7 (“Q And you are currently in a lawsuit for assaulting a crew member on the set of one of your movies in July of 2018, correct?”). Mr. Depp should be permitted to ask about Ms. Heard’s prior acts of violence as well.

Second, Ms. Heard's prior violence and arrest speaks to her reputation, which is clearly at issue in this case. The arrest took place in 2009, just 2-3 years before Ms. Heard's relationship with Mr. Depp began, which means questions on Ms. Heard's arrest would be consistent with the Court's ruling on Mr. Depp's prior arrests as shown in the following excerpt from the Court's order on Mr. Depp's motion *in limine*:

**ORDERED** that Mr. Depp's Motion *in limine* No. 5 to exclude testimony regarding Mr. Depp's prior arrests and incidents of violence is **GRANTED** as to liability issues and evidence and testimony regarding the arrests, but is **DENIED** as to reputation issues for damages (but such evidence shall be limited to five years before the inception of Ms. Heard and Mr. Depp's relationship through the present), and the Court may give the jury an appropriate limiting instruction; and it is further

Moreover, multiple major publications wrote articles about the arrest. *See, e.g., Exhibit 5*, USA Today article dated June 7, 2016 titled "Amber Heard arrested in 2009 on charge of hitting girlfriend"; *Exhibit 6*, TMZ article dated June 7, 2016 titled "Amber Heard Arrested for Domestic Violence Against Girlfriend." At a minimum, Mr. Depp should be permitted to ask Ms. Heard about these headlines (and any others on the same topic), as Ms. Heard was able to do with a stack of articles about Mr. Depp. *See Exhibit 7*, Trial Transcript Day 9 at 2256-2265 (sidebar with the Court discussing how the articles harmed Mr. Depp's reputation, wherein Ms. Heard's counsel cited to *Schaecher v. Bouffault*, 290 Va. 83, (2015), and after which Ms. Heard was permitted to ask Mr. Depp about a stack of headlines that reflected negatively on Mr. Depp's reputation).

Third, Ms. Heard has opened the door with her own testimony, stating "I know you don't come back from that. I mean, you can't hit a woman. You can't hit a man. You can't hit anyone."

See Exhibit 2 at 4241:14-15. But she has hit a woman before (multiple, in fact). Mr. Depp should be able to question her about it in rebuttal.

**Conclusion**

For these reasons, Mr. Depp should be permitted to ask the questions identified above about Ms. Heard's prior acts of violence and related arrest.

Dated: May 16, 2022

Respectfully submitted,



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*Counsel for Plaintiff John C. Depp, II*

# Exhibit 1

1805

1 could connect with. And I had to — I would have  
2 to show you sort of the — how I tried to avoid  
3 the attack —  
4 Q Please do.  
5 A — if it's all right, Your Honor.  
6 THE COURT: Yes, sir.  
7 A If I'm looking this way to the door of  
8 my office and the bedroom door is where you are, I  
9 walked across the mezzanine there, and as I'm  
10 approaching the door, suddenly I'm just getting  
11 clobbered from behind. And one's natural primal  
12 instinct is to kind of duck and cover. So I  
13 ducked and covered, but they didn't stop.  
14 So I came up just like this  
15 (indicating), sort of protecting my face, but at  
16 the same time, with her arms swinging wildly, I  
17 put my arms out, and I was able to get her into a,  
18 like, a — what do you — a bear hug or something,  
19 just to stop her from hitting me anymore.  
20 And while holding her in that position,  
21 she was still trying to, you know, she had her  
22 legs; she could kick, you know, she could knee me.

1806

1 So she was still trying to, you know, kind of —  
2 very angry, very animated. And — yeah. It was  
3 unpleasant.  
4 Q What happened at the end of that  
5 situation?  
6 A Because of the grabbing of the arms and  
7 the holding them to her side so I didn't receive  
8 any more blows — and she was still fighting — I  
9 believe there was some kind of contact with our —  
10 our heads, our foreheads, as would happen if  
11 you're trying to calm someone like that. And then  
12 that was when she accused me of headbutting her,  
13 of giving her a headbutt and breaking her nose,  
14 but there was no blood. There was no — I didn't  
15 hit her nose. If there was anything at all, it  
16 was a — it was a bump of — well, I'm trying to  
17 restrain her; she's trying to get out of it.  
18 There's going to be some contact here and there,  
19 accidental contact, but not a headbutt.  
20 Q How did you escape this altercation?  
21 A After she made the remark about the  
22 fact that I'd headbutted her, which was just

1807

1 impossible, she split. She huffed off. I let her  
2 go. She huffed away and she was gone for about  
3 seven or eight minutes. And then when she came  
4 back, I was in — then I was in the bedroom of  
5 penthouse 3, our bedroom, and she came back about  
6 seven or eight minutes later, and she had a  
7 Kleenex, or a tissue, to her nose, and then she  
8 pulled it away from her nose and she showed it to  
9 me, and there was red. There was, indeed, like,  
10 red color on the tissue. But me, I know there was  
11 no connection to her nose. No part of my body  
12 made connection to her nose or eyes or anything  
13 like.  
14 So she said — she took it away and she  
15 showed it to me. She said, "Way to go, Johnny.  
16 You broke my nose. You broke my nose."  
17 And I knew I hadn't, so I said — and  
18 you go in sort of placation mode, which is "Oh, my  
19 God. Let me see. Are you okay? What happened?  
20 Let me see." And she wouldn't let me see  
21 anything. And so I just tried to calm the  
22 situation as best I could, all the while I was

1808

1 waiting for her to dispense with that Kleenex  
2 because I didn't trust it. And so I waited and  
3 went — she dropped it into the wastebasket in her  
4 bathroom, or in our bathroom, and left the room,  
5 went somewhere, downstairs I think; I don't know.  
6 And then I pulled the Kleenex out of the trash  
7 bin, and I inspected it pretty closely and  
8 realized that it was nail polish; it was nail  
9 varnish or polish.  
10 Q Mr. Depp, shortly after December 15,  
11 2015, where did you and Ms. Heard go for the  
12 holidays?  
13 A It was — it had been planned for a  
14 while that we would be going to the island and we  
15 would be going to the island with my — my kids,  
16 Lily-Rose and Jack and Lily-Rose's boyfriend at  
17 the time. And there's a friend of Amber's called  
18 Alice Temperley, I believe her name was — is, and  
19 her boyfriend, Greg Williams, who's a very  
20 well-known photographer, both very nice people,  
21 and their kids were going to — she told me they  
22 were going to be coming to the island. And I

# Exhibit 2



Transcript of Jury Trial - Day 15  
Conducted on May 4, 2022

62 (4274 to  
4277)

<p style="text-align: right;">4274</p> <p>1 I sent it to her because I had been texting about 2 some of the craziness, and I -- 3 MS. VASQUEZ: Objection. Hearsay. 4 THE COURT: I'll sustain as to what she 5 may have texted. 6 All right. Next question. 7 Q Without saying what you said in the 8 text, explain why you were sending it to your mom. 9 A I was reaching out. I was very lonely 10 in what I was living in, and I wanted help. I 11 wanted advice, help. I just wanted to talk to 12 somebody and figure out how I could make this 13 stop. 14 Q And is this a picture that you took of 15 yourself in March of 2013? 16 A I did. 17 MS. BREDEHOFT: Your Honor, I'm going 18 to move the admission of Defendant's Exhibit 170A. 19 THE COURT: Any objection? 20 MS. VASQUEZ: No objection, Your Honor. 21 THE COURT: All right. 170A in 22 evidence.</p>	<p style="text-align: right;">4276</p> <p>1 Thank you, Michelle. 2 Q And if we can, Amber, just for -- to 3 start at 3/23/2013 -- 4 MS. BREDEHOFT: And if we could scroll 5 up. 6 Q This is a text message exchange with 7 your mom, correct? 8 A Yes, it is. 9 Q Okay. 10 MS. BREDEHOFT: Let's go -- scroll 11 down, I mean. 12 MS. VASQUEZ: Your Honor, I'm going to 13 object to hearsay. 14 MS. BREDEHOFT: Let's wait until we get 15 to the spot. 16 Q All right. And is this the picture 17 that you sent to your mom on 3/23/2013? 18 A Yes, it is. 19 MS. BREDEHOFT: Your Honor, I'm going 20 to move the admission of 170, just that 21 particular -- that picture that's on the text. 22 THE COURT: With no words?</p>
<p style="text-align: right;">4275</p> <p>1 You can publish the picture. 2 MS. BREDEHOFT: Thank you, Your Honor. 3 Q And how did you sustain that bruise, 4 Amber? 5 A I was -- I had thrown a -- well, Johnny 6 slapped me. I walked away from him, and that made 7 it worse. We got into, like, a shouting match, 8 and he kind of did this thing with his body where 9 I could tell he was going to hit me again. I 10 picked up a, like a -- I remember it kind of like 11 a -- like a little -- not a pot, but like a vase, 12 and I remember I got away from him enough. As he 13 reeled back, I threw it in his direction and 14 actually managed to get away before he got -- 15 before he got me. He grabbed me by the arm, and 16 he kind of just held me on the floor, screaming at 17 me. 18 I don't know how many times he hit me 19 in the face, but I remember being on the floor in 20 my apartment, and I'm just -- I remember thinking, 21 "How could this happen to me again?" 22 MS. BREDEHOFT: Can you bring up 170.</p>	<p style="text-align: right;">4277</p> <p>1 MS. BREDEHOFT: Well, it says, "From 2 two weeks ago" on it. 3 MS. VASQUEZ: Your Honor. 4 THE COURT: I'll sustain the objection. 5 MS. BREDEHOFT: If we redact the "From 6 two weeks ago," can we admit it then and then just 7 have the showing that she sent it to her mom? 8 MS. VASQUEZ: May we approach, Your 9 Honor? 10 THE COURT: Okay. Sure. 11 (Sidebar.) 12 MS. VASQUEZ: This is highly 13 prejudicial. She just read into evidence hearsay. 14 THE COURT: I sustained the objection. 15 MS. VASQUEZ: I know. 16 THE COURT: The jury's been instructed 17 about if I sustain it, they're not to -- they'll 18 be instructed again on it. 19 MS. VASQUEZ: Thank you, Your Honor. 20 MS. BREDEHOFT: So I just want to have 21 the top show that she sent it to her mom and what 22 date, and then we can redact the "From two weeks</p>

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<p style="text-align: right;">4238</p> <p>1 Q Do you remember the first time that he 2 physically hit you? 3 A Yes. 4 Q Please tell the jury about it. 5 A It was so -- it's seemingly so stupid, 6 so, like, insignificant. I will never forget it. 7 It changed -- it changed my life. I was sitting 8 on the couch, and we were talking. We were having 9 a, like, a normal conversation, you know, just 10 there was no fighting, no argument, nothing, and 11 he was drinking. And I didn't realize at the 12 time, but I think he was using cocaine because 13 there was, like, there was a jar, a jar of 14 cocaine, out on the table. I realize that sounds 15 weird, but it was, like, an actual vintage jar of 16 it. But I didn't see him use at the time, so I 17 didn't really factor that in. 18 I just, you know, he's drinking and 19 we're talking and there's music playing and he's 20 smoking cigarettes, and we're sitting next to each 21 other on the couch. And I asked him about the 22 tattoo he has on his arm. And to me it just</p>	<p style="text-align: right;">4240</p> <p>1 didn't know what to do. You would think you would 2 have a response, but I, as a woman, had never been 3 hit like that. I'm an adult and I'm sitting next 4 to the man I love, and he slapped me for no 5 reason, it seemed like, and I missed the point. 6 It was that stupid. 7 Second slap, I know he's not kidding, 8 but I don't know what else to say or do, so I just 9 stared at him. I didn't saying anything. I 10 didn't react. I didn't move or freak out or 11 defend myself or say, "What are you doing? You're 12 crazy." I just stared at him because I didn't 13 know what else to do. And he slaps me one more 14 time, hard. 15 I lose my balance. At this point, 16 we're sitting next to each other on the edge of 17 the couch -- or I was on the edge of the couch, 18 and I'm all of a sudden realizing that the worst 19 thing has just happened to me that could possibly 20 happen to you. I realize that -- I wish so much 21 he had said he was joking. Because it didn't 22 hurt, didn't physically hurt me. I was just</p>
<p style="text-align: right;">4239</p> <p>1 looked like black marks. Like, I didn't know what 2 it said. It just looked like muddled, faded 3 tattoo that was hard to read. And I said, "What 4 does it say?" 5 And he said, "It says 'wino,'" and I 6 didn't -- I didn't see that. I thought he was 7 joking because it didn't look like it said that at 8 all, and I laughed. It was that simple. I just 9 laughed because I thought he was joking. And he 10 slapped me across the face. And I laughed. I 11 laughed because I -- I didn't know what else to 12 do. I thought, "This must be a joke. This must 13 be a joke." Because I didn't know what was going 14 on. I just stared at him, kind of laughing still, 15 thinking that he was going to start laughing too 16 to tell me it was a joke. But he didn't. 17 He said, "You think it's so funny? You 18 think it's funny, bitch? You think you're a funny 19 bitch," and he slapped me again. 20 Like, it was clear it wasn't a joke 21 anymore. And I stopped laughing, but I didn't 22 know what else to do. You know, you -- I -- I</p>	<p style="text-align: right;">4241</p> <p>1 sitting there on the -- on this carpet, looking at 2 this dirty carpet, wondering how I wound up on 3 this carpet and why I was never -- why I never 4 noticed that the carpet was filthy before. And I 5 just didn't know what else to do. I didn't know 6 what to say. I didn't know how to react. I just 7 sat there thinking, "How much time do I have till 8 I figure out what I need to do because, God, did 9 he just hit me?" 10 No, I didn't want to leave him. I 11 didn't want this to be the reality. I didn't want 12 to have the man I was in love with -- I know you 13 don't come back from that. You know, I'm not 14 dumb. I mean, you can't hit a woman. You can't 15 hit a man. You can't hit anyone. You can't just 16 hit somebody because they -- I knew there was 17 no -- I knew it was wrong, and I knew that I had 18 to leave him. And that's what broke my heart 19 because I didn't want to leave him. I thought if 20 I could get out of that room, I would leave the 21 best thing that happened to me. 22 And I wish I could sit here and say, "I</p>

# Exhibit 3

1           THE COURT: Thank you. I'm going to  
2 grant in part and deny in part. I'm going to  
3 grant as to liability issues, except for the  
4 Brooks matter, and Brooks can be used for  
5 liability, just in rebuttal of any self-defense  
6 claim. I'm getting a little specific, but that's  
7 for liability. I'm going to deny as to reputation  
8 issues for damages claimed. And a limiting  
9 instruction can be given in this matter.

10           Motion in Limine Number 9, exclude  
11 references to Depp's spending habits and loans.

12           MR. CRAWFORD: Your Honor, Ms. Heard  
13 took issue with the specificity of this request.  
14 She cites one example in support of her argument  
15 that the request is vague and indicates that she's  
16 confused as to whether possible gifts to Ms. Heard  
17 from Mr. Depp would fall within the scope of this  
18 motion, and I'll confirm that it does not fall  
19 within the scope, so I hope that clears that up.

20           Turn to the rest of the motion. Simply  
21 put, whether Mr. Depp lived an ultra-extravagant  
22 lifestyle has minimal probative value, at best,



**Exhibit 4**



Transcript of Jury Trial - Day 8  
Conducted on April 21, 2022

26 (1988 to  
1991)

1988	1990
<p>1 addresses are redacted, we have no objection, Your 2 Honor. 3 THE COURT: Just redacting the email 4 addresses, but the full content comes in; is that 5 correct? 6 MS. MEYERS: Yes, Your Honor. 7 THE COURT: All right. I want to make 8 sure I have it straight. 9 All right. Redact the identifiers. 10 All right. 11 Are you agreeable to that? 12 MR. ROTTENBORN: Let's make sure that 13 that's the only -- is that the only email address? 14 Okay. 15 THE COURT: All right. Could you go 16 down to the second page again, for a second. 17 MR. ROTTENBORN: Go down to the second 18 page, please. 19 THE COURT: To the signature line. 20 MS. MEYERS: Can we just see the top 21 again? 22 MR. ROTTENBORN: Go to the top.</p>	<p>1 the animals for sustenance. I made quite a mess. 2 There's blood and animal tracks everywhere." 3 Did I read that right? 4 A You did. 5 Q And you are currently in a lawsuit for 6 assaulting a crew member on the set of one of your 7 movies in July of 2018, correct? 8 A Yes, someone brought a case against me. 9 Q A man by the name of Greg Rocky Brooks 10 is suing you for allegedly punching him -- 11 MS. MEYERS: Objection, Your Honor. 12 THE COURT: Approach. 13 MS. MEYERS: Relevance and 14 (indiscernible) 404. 15 (Sidebar.) 16 MS. MEYERS: This is a -- 17 THE COURT: This is a defamation case. 18 I don't think either of you can have improper 19 character evidence in a defamation case. 20 What's your other objection? 21 MS. MEYERS: Relevance, Your Honor. 22 THE COURT: What's your relevance?</p>
1989	1991
<p>1 MS. MEYERS: The top of the first page. 2 MR. ROTTENBORN: The top of the first 3 page. Thanks. 4 MS. MEYERS: Thank you. 5 THE COURT: No objection. 6 THE WITNESS: Do you mind if I read 7 this or are you going to read this to me? 8 MR. ROTTENBORN: We're going to take a 9 look at it. 10 THE COURT: All right. 143 in 11 evidence. 12 MR. ROTTENBORN: Thank you, Your Honor. 13 Can you scroll down, Michelle. 14 Q So, you write to Mr. Deutersr. Deuters 15 "I got drunk and destroyed my room. There are 16 hookers and animals in here." Then if you scroll 17 up, he writes, simply, "Watch out for Mike Tyson. 18 Have you numb numbed," correct? And then you 19 write "don't want numbies. Thank you. Is it okay 20 to put on a condom after the fact? I mean, if I 21 just wear it on for the rest of the day, like, 22 that works, doesn't it? I've had to kill a few of</p>	<p>1 MR. ROTTENBORN: Relevance is that the 2 two bodyguards that were with him during the time 3 of these allegations were Jerry Judge and Sean 4 Bett, the same people that were with him the night 5 of May 21st, 2016. 6 THE COURT: Why is that relevant? 7 MR. ROTTENBORN: Our belief is that 8 Mr. Judge and Mr. Bett lied to protect him, 9 they're all loyal to him. So, the fact that he's 10 being sued by someone for assault, for assaulting 11 him on a movie set, and the same two people who 12 were conveniently there on May 21st, 2016, that's 13 directly relevant evidence. I'll limit my 14 questions. I won't ask him about the allegations, 15 but I want to ask him one question. I'll say, the 16 two people who were with you, who were your 17 security guards the day of the alleged assault 18 were Jerry Judge and Sean Bett. That's the only 19 question I'll ask him. That's relevant. 20 MS. MEYERS: That's tenuous, what 21 happened between him and another man. 22 THE COURT: If he's not going to ask</p>

# Exhibit 5



MOVIES

# Amber Heard arrested in 2009 on charge of hitting girlfriend

**Maria Puente** USA TODAY

Published 8:35 p.m. ET June 7, 2016 | Updated 4:04 p.m. ET June 8, 2016

Now it's Amber Heard's turn to fight accusations of domestic abuse.

Authorities at the Seattle-Tacoma International Airport in Washington state confirmed to USA TODAY that Heard was arrested by Port of Seattle Police on September 14, 2009, according to Sea-Tac spokesman Perry Cooper.

Heard and her then-girlfriend, artist/photographer Tasya van Ree, got into a fracas at the airport after Heard allegedly grabbed and struck van Ree's arm.

Heard ended up being nicked for misdemeanor assault in the fourth degree/domestic violence, Cooper said.





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But not from all systems.

After Heard was arrested and her mug shot taken, her case was assigned a number and she appeared in King County District Court in Seattle the next day, on Sept. 15, 2009. There she learned that prosecutors declined to press charges against her, the district court clerk's office confirmed to USA TODAY.

Van Ree, however, says Heard was "wrongfully" accused and the incident was blown out of proportion. In a statement issued by Heard's publicist Wednesday, van Ree said two cops "misinterpreted and over-sensationalized" the incident.

"I (recall) hints of misogynistic attitudes toward us which later appeared to be homophobic when they found out we were domestic partners and not just 'friends,' " the statement said. "It's disheartening that Amber's integrity and story are being questioned yet again. Amber is a brilliant, honest and beautiful woman and I have the utmost respect for her. We shared 5 wonderful years together and remain close to this day."

Heard, 30, grabbed headlines two weeks ago when she filed for divorce and a restraining order with explosive allegations that her estranged movie-star husband, Johnny Depp, had abused her for years — including before their February 2015 marriage all the way until an alleged violent encounter on May 21 at their downtown Los Angeles loft.

Ever since, Heard and Depp, 52, have been trying to out-smear each other in the media while denying various allegations each has made in court documents and in public via their lawyers and publicists.

Depp and Heard's divorce chaos chronicled

On Tuesday, TMZ landed with a new story that Heard had her own troubles with temper tantrums and domestic strife.

Heard and van Ree were dating in 2009, and Heard was using van Ree's last name. (Now van Ree is dating Caroline Vreeland, great-granddaughter of the late *Vogue* doyenne, Diana Vreeland.)



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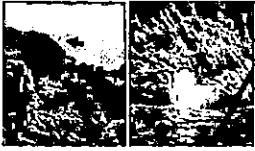
The access to this service is forbidden since the specified partner is blocked

" data-t-  
l=":b|e|inline click|\${u}" class="gnt\_ar\_b\_a">audio purported to be recorded during the hearing. "Amber van Ree" is told by the judge that even though prosecutors were not filing charges against her, they could in the future.

Heard's rep did not return an email seeking comment; neither did Depp's representative.

Van Ree meanwhile has been active on her social media accounts.

# Exhibit 6



Man Jumps to His Death in Spanish Cliff Dive Gone Wrong, Family Watches



Stars Drippin' With Fake Blood For Friday The 13th!



Groom Found Guilty of Sexually Assaulting Wife's Bridesmaid Before Wedding



'Friday The 13th' Cast -- 'Mema Them?



Jessica Simpson Shows Off Dramatic Weight Loss with Farrah Fawcett Twist

Amber Heard Arrested For Domestic Violence Against Girlfriend

# AMBER HEARD ARRESTED FOR DOMESTIC VIOLENCE AGAINST GIRLFRIEND

**EXCLUSIVE**

6/7/2016 1:00 AM PT



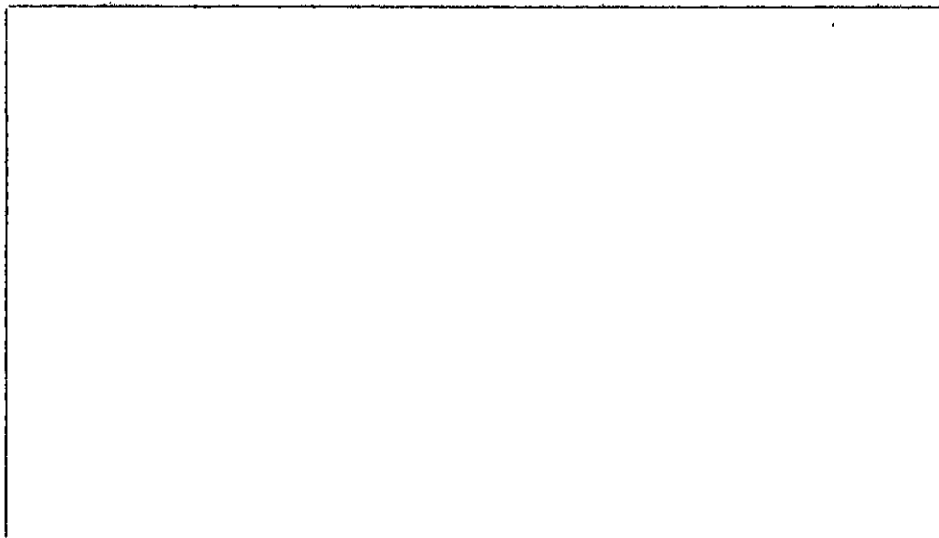


Getty

**Amber Heard** -- who claims she was the victim of domestic violence by husband **Johnny Depp** -- was herself arrested for domestic violence against her then-domestic partner ... TMZ has learned.

According to law enforcement sources and documents, Amber and **Tasya van Ree** got in an argument on September 14, 2009 at Seattle-Tacoma International Airport. Amber allegedly grabbed and struck Tasya in the arm, which upset Tasya and triggered the arrest.

Amber was arrested and booked for misdemeanor domestic violence. Her mug shot was taken and she appeared in court the following day.



**AUDIO OF COURT HEARING**

TMZ.com

TMZ has obtained audio of the court hearing, where the prosecutor declined to move forward with the case -- we're told because the women both lived in California. The judge told Amber she was not off the hook ... prosecutors could reconsider and refile within the 2-year statute of limitations



We reached out to Amber's lawyer ... so far no word back.



Getty  
Getty

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TMZ

# Exhibit 7

<p style="text-align: right;">2255</p> <p>1 it if he can answer it.</p> <p>2 Q There are plenty of negative stories</p> <p>3 about you prior to that date, weren't there?</p> <p>4 A So, I've been in this racket of</p> <p>5 Hollywood since 1984. My —</p> <p>6 Q Mr. Depp, I'm asking you a yes-or-no</p> <p>7 question. There was plenty of negative news</p> <p>8 stories about you prior to May 27th, 2016,</p> <p>9 correct?</p> <p>10 A From 1984 up until then, there are</p> <p>11 both. So of course people write negative stories.</p> <p>12 Q Sure. But you just testified to the</p> <p>13 jury that it all started on May 27th, 2016. So</p> <p>14 that's why I asked you to clarify about the</p> <p>15 negative stories prior to that date. And you'd</p> <p>16 agree that there were, correct?</p> <p>17 A Can you be specific about the stories?</p> <p>18 Of course there have been negative stories.</p> <p>19 MR. ROTTENBORN: Permission to</p> <p>20 approach, Your Honor.</p> <p>21 THE COURT: All right.</p> <p>22 MR. ROTTENBORN: Your Honor, I have</p>	<p style="text-align: right;">2257</p> <p>1 THE COURT: You said he said that there</p> <p>2 were articles written, so it's not impeachment.</p> <p>3 What is it?</p> <p>4 MR. ROTTENBORN: So I'm going to</p> <p>5 introduce them as evidence -- so defamation we</p> <p>6 focus a lot on falsity, but the words also have to</p> <p>7 be defamatory. And the Schaecher case, Virginia</p> <p>8 Supreme Court case, 290 Va. 83, says that</p> <p>9 "Defamatory words" -- you have to have the</p> <p>10 defamatory staying -- "Defamatory words are those</p> <p>11 tending so to harm the reputation of another as to</p> <p>12 lower him in the estimation of the community or to</p> <p>13 deter third persons from associating with him,"</p> <p>14 and then they go on to describe the nature of</p> <p>15 that. The Court says, "We have stated that</p> <p>16 defamatory language 'tends to injure one's</p> <p>17 reputation in the common estimation of mankind, to</p> <p>18 throw contumely, shame, or disgrace upon him, or</p> <p>19 which tends to hold him up to scorn, ridicule, or</p> <p>20 contempt, or which is calculated to render him</p> <p>21 infamous, odious, or ridiculous."</p> <p>22 So this goes directly to elements that</p>
<p style="text-align: right;">2256</p> <p>1 here numerous exhibits in one sort of compendium,</p> <p>2 all press articles about Mr. Depp, if I may</p> <p>3 approach.</p> <p>4 THE COURT: All right. Thank you.</p> <p>5 MR. ROTTENBORN: May I approach the</p> <p>6 witness?</p> <p>7 THE COURT: All right. Yes, sir.</p> <p>8 THE WITNESS: Thank you so much.</p> <p>9 MS. MEYERS: Your Honor, having</p> <p>10 received this, I would like to preemptively lodge</p> <p>11 a hearsay, lack of foundation.</p> <p>12 THE COURT: He hasn't got them into</p> <p>13 evidence. Are you moving these into evidence?</p> <p>14 MR. ROTTENBORN: No. I'm happy to</p> <p>15 approach, but they're certainly not being admitted</p> <p>16 for the truth of the matter asserted. But I'm</p> <p>17 happy to approach.</p> <p>18 THE COURT: All right. Come forward.</p> <p>19 (Sidebar.)</p> <p>20 THE COURT: I mean, if they don't come</p> <p>21 in, you're just going to use them to what?</p> <p>22 MR. ROTTENBORN: So, yeah.</p>	<p style="text-align: right;">2258</p> <p>1 they have to prove in order to win this case, that</p> <p>2 not only were the statements false, but that they</p> <p>3 have had the defamatory sting. And so the fact</p> <p>4 that all of these articles, you know, a drop in</p> <p>5 the bucket, that these were out there, what I</p> <p>6 propose to do is to get him to admit that this</p> <p>7 headline is not hearsay. It's for his reputation</p> <p>8 what the public knew, whether true or not, and I'd</p> <p>9 just like to go through them, so that's why I gave</p> <p>10 them all to him at once, so we could move</p> <p>11 expeditiously through this. I will say one of</p> <p>12 them is the headline or the subject of the U.K.</p> <p>13 suit. I don't plan to emphasize that.</p> <p>14 THE COURT: I don't see how they can</p> <p>15 get into evidence. If you maybe ask him.</p> <p>16 MR. ROTTENBORN: I'll ask him about it.</p> <p>17 I don't need to get them in, but I would like to</p> <p>18 go through and get him to acknowledge that as of</p> <p>19 this date, an article was written that said why.</p> <p>20 And if they don't come into evidence, that's fine</p> <p>21 at this point. I think they'll be -- I think that</p> <p>22 that's very relevant, and under the Schaecher</p>



Transcript of Jury Trial - Day 9  
Conducted on April 25, 2022

19 (2259 to  
2262)

2259	1 case, it goes to the heart of what he has to 2 prove. 3 MS. MEYERS: Your Honor, most of these 4 articles have absolutely nothing to do with the 5 defamatory statements that were made in the op-ed, 6 which is that he was an abuser of a woman. These 7 are completely irrelevant. 8 MR. ROTTENBORN: Doesn't matter. 9 MS. MEYERS: This goes to a completely 10 different aspect of reputation that's not at issue 11 in this case. 12 MR. ROTTENBORN: Doesn't matter. It's 13 reputation as a whole is what the Supreme Court 14 says that you look at. "Or intending so to harm 15 the reputation of another as to lower him in the 16 estimation of the community," when you look at 17 these articles, something by Ms. Heard saying, 18 "Two years ago, I became a public figure 19 representing domestic abuse" is a lot less likely 20 to have any impact. 21 THE COURT: But this one doesn't come 22 in. You can't ask him about this one.	2261	1 whatever statement is the subject of defamation 2 case is going to potentially carry more defamatory 3 sting than someone who's had all of this stuff 4 written about him. 5 MS. MEYERS: Your Honor, an article 6 does not establish what someone's reputation is. 7 THE COURT: It's out in the public 8 because he's a public person, so I understand 9 that. I'm just -- I'm just seeing which ones of 10 these are cumulative. 11 MR. ROTTENBORN: That one that you're 12 looking -- all right. 13 THE COURT: None of them come into 14 evidence, but you can ask him about them. 15 MR. ROTTENBORN: Thank you. I'll take 16 that out. 17 THE COURT: And you're just doing the 18 headlines? 19 MR. ROTTENBORN: Yes, nothing more. 20 THE COURT: And the dates, I assume? 21 MR. ROTTENBORN: And the dates, yes, 22 Your Honor.
2260	1 MR. ROTTENBORN: Okay. I won't. 2 THE COURT: I have to go through these 3 separately. 4 MS. MEYERS: Your Honor, I mean, the 5 headlines themselves are hearsay. They lack any 6 foundation. I mean, some of these are tabloids. 7 MR. ROTTENBORN: They're not hearsay. 8 They're not being offered for the truth of the 9 matter asserted. 10 THE COURT: But they are being offered 11 because you're saying they ruined his reputation. 12 MR. ROTTENBORN: I know but it's 13 something that says, "Apparently Johnny Depp was 14 drunk." I don't care if Johnny Depp was drunk, 15 but if that's out in the public, that's directly 16 relevant to his reputation. I'm not saying that 17 they prove something. I'm saying that the public 18 knew -- that these were out there, and that's -- 19 under the Schaecher case, that's the heart of the 20 case, Your Honor. If he had been someone with a 21 crystal clean record who had never had any 22 negative press about him, whatever's being sued,	2262	1 THE COURT: The date of the op-ed 2 again? 3 MR. ROTTENBORN: December 18, 2018. 4 THE COURT: I think we already did this 5 one. 6 MR. ROTTENBORN: We did. I'll take it 7 out. 8 THE COURT: You want to see the ones? 9 MR. ROTTENBORN: Yeah, okay. 10 THE COURT: If you want to switch 11 stacks with me, I can -- if you want to make sure. 12 MR. ROTTENBORN: Sure. 13 THE COURT: You might take a look at 14 what I have. 15 MS. MEYERS: Thank you. 16 MR. ROTTENBORN: I'm just going to set 17 these to the side. 18 MS. MEYERS: I would maintain my 19 relevance objection. 20 THE COURT: It's reputation of a public 21 person, so that's out in the public. They're not 22 coming into evidence, but he can question about it

<p style="text-align: right;">2263</p> <p>1 and you can redirect about it as well. But I just 2 want to make sure. 3 MR. ROTTENBORN: Your Honor, with this 4 one, I would propose to read the title but then 5 the subtitle as well. 6 THE COURT: Okay. That's fine. 7 MS. MEYERS: Can I see the subtitle? 8 MR. ROTTENBORN: After this, I only 9 have one little module, and then I'm done. 10 THE COURT: Okay. Thank you. 11 MR. ROTTENBORN: Thank you, Your Honor. 12 Can I get that back from the witness? Maybe it 13 might make sense for me to -- 14 THE COURT: That one. You can take 15 mine if you like. 16 MR. ROTTENBORN: Okay. I think there 17 were only four. I can just take his out really 18 quick. 19 THE COURT: Okay. 20 MR. ROTTENBORN: Do you want to give 21 this to the witness, please. And then this has 22 the full set.</p>	<p style="text-align: right;">2265</p> <p>1 Ceremony," correct? 2 A That's what it says, yes, sir. 3 Q And the next article is an article from 4 May 7th, 2016. It's entitled, "Johnny Depp: 5 Friends and Family Seriously Concerned About Him. 6 Here's Why." 7 A Yes. How did they know? 8 Q The next article, from May 1st, 2017 -- 9 A Yes. 10 Q -- before Ms. Heard filed for 11 restraining order, a year and a half before she 12 published -- no, sorry, this would be after 13 May 1st, 2017, the headline is "Johnny Depp Has a 14 Clear and Epic Sense of Entitlement, Ex-managers 15 Say." 16 A Yes. 17 Q That was in the Hollywood Reporter, 18 correct? 19 A I was in a lawsuit with them, so... 20 Q The next article, from May 10th, 2017, 21 is entitled, "Johnny Depp: A Star in Crisis and 22 the Insane Story of His Missing Millions."</p>
<p style="text-align: right;">2264</p> <p>1 THE COURT: Okay. 2 MR. ROTTENBORN: But I'll let you know 3 when I skip over one. 4 THE COURT: Okay. That's fine. Thank 5 you. 6 (Open court.) 7 BY MR. ROTTENBORN: 8 Q Mr. Depp, if you could, please take a 9 look at the stack of articles in front of you. 10 A Yes. It's a stack of head pieces 11 generated by Ms. Heard's publicity team. 12 Q Mr. Depp, we're going to try to get 13 through this as quickly as possible. 14 A I'm just stating what they are, sir. 15 Q Well, we're going to talk about them. 16 The first one is entitled from -- is from the 17 Guardian. 18 Do you see that? 19 A Apparently drunk, yes. 20 Q Yeah. And this is an article from 21 November 15th, 2014, entitled "Apparently Drunk 22 Johnny Depp Cut Off at Hollywood Film Awards</p>	<p style="text-align: right;">2266</p> <p>1 Did I read that right? 2 A Yes. That's straight from the same 3 lawsuit, sir. 4 Q The next article, also from May 10th, 5 2017, a year and a half before the op-ed was 6 published, says, "Johnny Depp Reportedly Drank 7 Heavily and Was Constantly Late on the New Pirates 8 Movie Set." 9 Did I read that right? 10 A You did. "Reportedly." 11 Q The next article, also from May 10th -- 12 A This is a pathetic attempt -- 13 Q Mr. Depp, please just respond to the 14 question that I'm asking you. 15 A What's your question, sir, 16 Mr. Rottenborn? 17 Q The next document, an article published 18 in Vanity Fair on May 10th, 2017 -- 19 A Yes, sir. 20 Q -- is entitled, "Johnny Depp's 21 Financial Woes Might Sink the next Pirates of the 22 Caribbean."</p>