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Transcript of Hearing (Preliminary Matter)

Date: April 15, 2022
Case: Depp, II -v- Heard

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Transcript of Hearing (Preliminary Matter)
Conducted on April 15, 2022

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| <p>1 VIRGINIA: 2 IN THE CIRCUIT COURT FOR FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, 5 Plaintiff, 6 v. Case No. CL2019-0002911 7 AMBER LAURA HEARD, 8 Defendant. 9 -----x 10 11 HEARING 12 Before the HONORABLE PENNEY S. AZCARATE, Judge 13 Fairfax, Virginia 14 Friday, April 15, 2022 15 10:03 a.m. EST 16 17 18 19 20 Job No.: 443884 21 Pages: 1 - 219 22 Transcribed by: Bobbi J. Fisher, RPR</p> | <p>1 APPEARANCES 2 ON BEHALF OF THE PLAINTIFF, MR. DEPP: 3 BENJAMIN G. CHEW, ESQ. 4 JESSICA N. MEYERS, ESQ. 5 SAMUEL A. MONIZ, ESQ. 6 CAMILLE VASQUEZ, ESQ. 7 BROWN RUDNICK, LLP 8 601 Thirteenth Street, NW, Suite 600 9 Washington, DC 20005 10 (202) 536-1700 11 12 ON BEHALF OF THE DEFENDANT, MS. HEARD: 13 ELAINE BREDEHOFT, ESQUIRE 14 CLARISSA K. PINTADO, ESQUIRE 15 CHARLSON BREDEHOFT COHEN & BROWN, PC 16 11260 Roger Bacon Drive, Suite 201 17 Reston, VA 20190 18 (703) 318-6800 19 20 21 22</p> |
| <p>1 Hearing held at: 2 3 Fairfax County Circuit Court 4 4110 Chain Bridge Road 5 Fairfax, Virginia 22030 6 7 8 Pursuant to Docketing, before Ashley Meredith, 9 Digital Court Reporter and Notary Public in the 10 Commonwealth of Virginia. 11 12 13 14 15 16 17 18 19 20 21 22</p> | <p>1 INDEX 2 PAGE 3 In re: Eve Barlow 5 4 In re: Laura Wasser 21 5 In re: Officer Melissa Saenz 28 6 In re: Christian Carino (Part 1) 90 7 In re: Officer Tyler Hadden 129 8 In re: Christian Carino (Part 2) 144 9 In re: Officer William Gatlin 167 10 In re: Alejandro Romero 186 11 12 13 EXHIBITS 14 (None.) 15 16 17 18 19 20 21 22</p> |

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| 5 | <p>1 PROCEEDINGS</p> <p>2 THE COURT: Okay. We have got the court</p> <p>3 reporter.</p> <p>4 All right. Is this your matter?</p> <p>5 MR. CHEW: Yes, Your Honor, very briefly.</p> <p>6 Good morning, Your Honor. May it please the Court?</p> <p>7 Ben Chew -- have we sworn in...</p> <p>8 I apologize.</p> <p>9 THE COURT: Raise your right hand.</p> <p>10 Please stand for me. I just can't see you. Thank</p> <p>11 you.</p> <p>12 (The court reporter was duly sworn.)</p> <p>13 THE COURT: Sorry. I apologize. Thank</p> <p>14 you.</p> <p>15 MR. CHEW: Good morning, Your Honor. May</p> <p>16 it please the Court? Ben Chew for Johnny Depp. I</p> <p>17 have a preliminary matter, but it's a very serious</p> <p>18 one.</p> <p>19 THE COURT: Okay.</p> <p>20 MR. CHEW: It won't take much time.</p> <p>21 THE COURT: Okay.</p> <p>22 MR. CHEW: May I approach?</p> | 7 | <p>1 version.</p> <p>2 THE COURT: Right.</p> <p>3 MR. CHEW: The text. This is a text from</p> <p>4 Ms. Deuters -- Gina Deuters. We're not -- we</p> <p>5 understand that she was properly excluded. But</p> <p>6 this is what he showed Your Honor saying to the</p> <p>7 Court -- representing to the Court that Ms. Deuters</p> <p>8 had texted since the start of this trial. And Your</p> <p>9 Honor will see that what Mr. Rottenborn showed you</p> <p>10 did not have the date.</p> <p>11 If you look at the second document, you</p> <p>12 will see -- Your Honor will see -- I'm sorry; it's</p> <p>13 an Instagram post. It's an Instagram post. So</p> <p>14 Mr. Rottenborn --</p> <p>15 THE COURT: It's not like I would know</p> <p>16 the difference, but I thank you for the</p> <p>17 clarification.</p> <p>18 MS. MEYERS: You're welcome.</p> <p>19 MR. CHEW: I didn't, given my age, but --</p> <p>20 so what Mr. Rottenborn showed you was Ms. Deuters'</p> <p>21 Instagram post without the date.</p> <p>22 And the second document you're looking at</p> |
| 6 | <p>1 THE COURT: Yes, sir.</p> <p>2 MR. CHEW: Your Honor, we are moving or</p> <p>3 Mr. Depp is moving for the permanent exclusion of</p> <p>4 Eve Barlow from --</p> <p>5 THE COURT: Eve Barlow? Who is Eve</p> <p>6 Barlow?</p> <p>7 MR. CHEW: Eve Barlow is a journalist and</p> <p>8 Ms. Heard's current girlfriend who was sitting in</p> <p>9 the front row --</p> <p>10 THE COURT: Okay.</p> <p>11 MR. CHEW: -- yesterday and the Court</p> <p>12 ordered to the back row, and then she was later, as</p> <p>13 I will discuss in a minute, thrown out at 4:31 p.m.</p> <p>14 by Lieutenant Porter. But if I could explain to</p> <p>15 the Court --</p> <p>16 THE COURT: Okay.</p> <p>17 MR. CHEW: -- what the Court is seeing.</p> <p>18 You will recall yesterday, Mr. Rottenborn came up</p> <p>19 with what was Ms. Barlow's phone.</p> <p>20 THE COURT: Okay.</p> <p>21 MR. CHEW: And he showed you the first</p> <p>22 document that you're looking at, the shorter</p> | 8 | <p>1 was her post, and it shows the date, which makes it</p> <p>2 very clear that this was January 8, 2021. That is</p> <p>3 the material misrepresentation Ms. Deuters posted</p> <p>4 this during the London trial.</p> <p>5 THE COURT: Okay.</p> <p>6 MR. CHEW: That was very disturbing. We</p> <p>7 believe it was a fraud upon the Court. We believe</p> <p>8 that Mr. Rottenborn, as an officer of the Court,</p> <p>9 should have taken a look at what he was handing up</p> <p>10 to the Court, especially since it was handed to him</p> <p>11 by someone improperly sitting in the first row, a</p> <p>12 reporter and Ms. Heard's girlfriend.</p> <p>13 And that's not -- that's not where it</p> <p>14 ends, Your Honor, unfortunately. Ms. Barlow has</p> <p>15 been passing notes to and from Ms. Heard from the</p> <p>16 beginning of the trial, and she's been sending out</p> <p>17 live tweets throughout the trial.</p> <p>18 THE COURT: Is she still sending out</p> <p>19 tweets?</p> <p>20 MR. CHEW: She was as of 4:31 p.m.</p> <p>21 yesterday when she was removed by this Court. If I</p> <p>22 might approach, and I'll do it one more time.</p> |

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| <p style="text-align: right;">9</p> <p>1 This was Ms. Barlow's post during 2 Ms. Vasquez's opening, and you'll see her -- 3 THE COURT: So she was tweeting from the 4 courtroom? 5 MR. CHEW: She was tweeting in the 6 courtroom. She was sitting right there, tweeting, 7 during Ms. Vasquez's opening. Your Honor may 8 remember that Ms. Vasquez said that Ms. Heard was 9 giving the performance -- would be giving the 10 performance of her lifetime. So she says, in 11 real-time, actually, it was Vasquez who was giving 12 the performance of a lifetime -- of her life. 13 So this is contemporaneous with my 14 colleague's opening. She's live tweeting and 15 getting it all out to the public. 16 And, finally -- and this is the last 17 time, I'm sorry. Your Honor will remember that, 18 when we first raised this issue, Your Honor ordered 19 people to the back. So Ms. Barlow reluctantly left 20 the first seat and went to the back. And this is 21 the tweet that got her thrown out the last time: 22 "What does Amber Heard hope to achieve? She has a</p> | <p style="text-align: right;">11</p> <p>1 which was the primary feature of Mr. Rottenborn's 2 opening. That was really egregious. 3 Then, during my opening, to try to throw 4 me off, Ms. Bredehoff made an improper objection 5 saying -- you know, and she tried to mention it. 6 The point is, Your Honor, the Court's 7 orders must mean something. We're trying to play 8 by the rules here, and it is outrageous what 9 Ms. Barlow has done. She was thrown out yesterday. 10 And all we're asking, a very limited form of 11 relief, is that she be barred from attending for 12 the rest of the trial. 13 THE COURT: All right. Ms. Bredehoff? 14 MS. BREDEHOFT: Thank you, Your Honor. I 15 actually had absolutely no clue that he was going 16 to raise this this morning, so I am responding to 17 it cold. 18 First of all, Eve Barlow is not a 19 journalist. Second of all, she's not 20 Ms. Heard's -- 21 THE COURT: Well, you know, I really 22 don't care all about that. She was tweeting live</p> |
| <p style="text-align: right;">10</p> <p>1 gorgeous one-year-old daughter and she said she was 2 beginning the rest of my life in 2021, 12 months 3 after her mother died." And it was at that point 4 that Lieutenant Porter saw her violating the 5 Court's order and asked her to leave. 6 Now, Your Honor, if this were just an 7 isolated -- well, actually, I'll take that back. 8 It's more -- 9 THE COURT: If you violate the order, you 10 violate the order. 11 MR. CHEW: It's more than enough to get 12 her thrown out permanently, but it also -- it takes 13 place in a context. Your Honor will remember the 14 inappropriate disclosure of the sexual assault 15 violations in violation of the protective order 16 perhaps more egregiously because people weren't on 17 -- participating by Webex in this one. 18 Two days before the trial, Ms. Heard 19 posted on Instagram her opening argument. And I 20 understand none of the jurors referred to it, but 21 she made very clear in her Instagram post that 22 Mr. Depp's name wasn't mentioned in her op-ed,</p> | <p style="text-align: right;">12</p> <p>1 in my courtroom. This is 4:31 -- 2 MS. BREDEHOFT: I don't know about that, 3 Your Honor. 4 THE COURT: Well, I do. I can read it. 5 4:31 on April 14th, 2022. 6 MS. BREDEHOFT: I know she -- 7 THE COURT: And I know the deputies took 8 her out because she was texting. That's against 9 the court order. I don't let anybody -- if I find 10 anybody else texting, they don't get to come back 11 in. So why would she be able to come back in? 12 MS. BREDEHOFT: And I -- I have no 13 knowledge of this, Your Honor. 14 THE COURT: And I know you didn't. And I 15 understand that. And I -- I mean, the -- like I 16 say, when people were passing notes, I thought, 17 well, legal teams. That's why I gave you the first 18 row, because of legal teams. And then more 19 information comes to me in bits and pieces that 20 it's not the legal team. Okay. So move back -- 21 MS. BREDEHOFT: And then -- 22 THE COURT: But then she's still texting,</p> |

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| 13 | <p>1 so --</p> <p>2 MS. BREDEHOFT: And let me back up just a</p> <p>3 little bit. Ms. Barlow was not here during the</p> <p>4 opening. She was not present in the courtroom and</p> <p>5 so --</p> <p>6 THE COURT: Well, she was present when</p> <p>7 she did this live tweet in my courtroom.</p> <p>8 MS. BREDEHOFT: And that may be, Your</p> <p>9 Honor. I have no knowledge of it. I had no</p> <p>10 knowledge of it. And I have no way to address</p> <p>11 that, Your Honor.</p> <p>12 THE COURT: Well, I do. Ms. Barlow is</p> <p>13 not coming back into the courtroom during this</p> <p>14 trial.</p> <p>15 MS. BREDEHOFT: Okay.</p> <p>16 THE COURT: Okay?</p> <p>17 MS. BREDEHOFT: All right. Thank you,</p> <p>18 Your Honor.</p> <p>19 THE COURT: Thank you.</p> <p>20 MR. CHEW: Thank you, Your Honor.</p> <p>21 THE COURT: Now, if we can move on to</p> <p>22 what we're here for, although I hear that we can't</p> | 15 | <p>1 of our depositions trying to cut, trying to deal</p> <p>2 with all that, to get it out to them now so they</p> <p>3 have plenty of time to respond. We didn't have --</p> <p>4 we responded to the one they gave us. We haven't</p> <p>5 had time to respond to the ones that were sent to</p> <p>6 us last night or this morning at 2:30. And we will</p> <p>7 try to move as fast as we can through this.</p> <p>8 THE COURT: All right. So, other than</p> <p>9 Wasser, did any other ones get to them before</p> <p>10 yesterday?</p> <p>11 MS. MEYERS: No, Your Honor. So I sent</p> <p>12 them Wasser --</p> <p>13 THE COURT: I don't think your microphone</p> <p>14 is on, just for the court reporter.</p> <p>15 MS. MEYERS: It says it's on.</p> <p>16 THE COURT: It says it's on?</p> <p>17 MS. MEYERS: Can you hear me?</p> <p>18 THE COURT: Nope. Oh, the court reporter</p> <p>19 can hear you but we can't.</p> <p>20 MS. MEYERS: You can hear me? Okay.</p> <p>21 THE COURT: As long as she can hear you,</p> <p>22 because I can hear you. Go ahead.</p> |
| 14 | <p>1 do as much as we had hoped for.</p> <p>2 MS. BREDEHOFT: And, Your Honor, I do</p> <p>3 want to address one thing, and I know we weren't on</p> <p>4 the record with this, but you're noticing Ms. Myers</p> <p>5 said to me --</p> <p>6 THE COURT: Okay --</p> <p>7 MS. BREDEHOFT: -- that she said</p> <p>8 something on Wasser a week ago, and we didn't</p> <p>9 respond. She sent the first of the designations on</p> <p>10 Wasser at 2:10 on Sunday. We responded with our</p> <p>11 counter-designations and agreements at 5:10, the</p> <p>12 same day, Sunday. Then I did withdraw more and</p> <p>13 sent that to her on Thursday.</p> <p>14 So I disagree that we haven't been trying</p> <p>15 to work rapidly. Everything else, Your Honor, the</p> <p>16 Saenz and the Carino, were all sent to us yesterday</p> <p>17 or the night before, and we have been trying to</p> <p>18 respond as quickly as possible. But this is not on</p> <p>19 us.</p> <p>20 Now, what we have done to try to move</p> <p>21 this along much faster is Mr. Rottenborn and</p> <p>22 Mr. Nadelhaft are at the office going through all</p> | 16 | <p>1 MS. MEYERS: I sent Wasser last week.</p> <p>2 You know, we have been in court, and so I stayed</p> <p>3 home yesterday. I sent them Saenz in the early</p> <p>4 afternoon. I sent the first volume of Carino to</p> <p>5 them, I think, early evening, and then the last</p> <p>6 volume of Carino did come through later.</p> <p>7 THE COURT: Well, then, that's a question</p> <p>8 of why wasn't this done last Saturday or Sunday or</p> <p>9 Monday or Tuesday, knowing that today is the day?</p> <p>10 Because I agree, if you're getting a deposition on</p> <p>11 a Thursday and we're in trial, that's a little</p> <p>12 tough to come back for.</p> <p>13 MS. MEYERS: I understand.</p> <p>14 THE COURT: So if we were going to do all</p> <p>15 these depositions, that should have really been --</p> <p>16 MS. MEYERS: Well, Your Honor, we have</p> <p>17 been doing our homework. I don't think our</p> <p>18 homework is -- I mean, they should have been doing</p> <p>19 their homework too. I mean, they had the list.</p> <p>20 They knew what order it was coming in. They knew</p> <p>21 that we were sending our materials over, our</p> <p>22 thoughts on things, in email so that we could, you</p> |

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| <p>1 so --</p> <p>2 MS. BREDEHOFT: And let me back up just a</p> <p>3 little bit. Ms. Barlow was not here during the</p> <p>4 opening. She was not present in the courtroom and</p> <p>5 so --</p> <p>6 THE COURT: Well, she was present when</p> <p>7 she did this live tweet in my courtroom.</p> <p>8 MS. BREDEHOFT: And that may be, Your</p> <p>9 Honor. I have no knowledge of it. I had no</p> <p>10 knowledge of it. And I have no way to address</p> <p>11 that, Your Honor.</p> <p>12 THE COURT: Well, I do. Ms. Barlow is</p> <p>13 not coming back into the courtroom during this</p> <p>14 trial.</p> <p>15 MS. BREDEHOFT: Okay.</p> <p>16 THE COURT: Okay?</p> <p>17 MS. BREDEHOFT: All right. Thank you,</p> <p>18 Your Honor.</p> <p>19 THE COURT: Thank you.</p> <p>20 MR. CHEW: Thank you, Your Honor.</p> <p>21 THE COURT: Now, if we can move on to</p> <p>22 what we're here for, although I hear that we can't</p> | <p>1 of our depositions trying to cut, trying to deal</p> <p>2 with all that, to get it out to them now so they</p> <p>3 have plenty of time to respond. We didn't have --</p> <p>4 we responded to the one they gave us. We haven't</p> <p>5 had time to respond to the ones that were sent to</p> <p>6 us last night or this morning at 2:30. And we will</p> <p>7 try to move as fast as we can through this.</p> <p>8 THE COURT: All right. So, other than</p> <p>9 Wasser, did any other ones get to them before</p> <p>10 yesterday?</p> <p>11 MS. MEYERS: No, Your Honor. So I sent</p> <p>12 them Wasser --</p> <p>13 THE COURT: I don't think your microphone</p> <p>14 is on, just for the court reporter.</p> <p>15 MS. MEYERS: It says it's on.</p> <p>16 THE COURT: It says it's on?</p> <p>17 MS. MEYERS: Can you hear me?</p> <p>18 THE COURT: Nope. Oh, the court reporter</p> <p>19 can hear you but we can't.</p> <p>20 MS. MEYERS: You can hear me? Okay.</p> <p>21 THE COURT: As long as she can hear you,</p> <p>22 because I can hear you. Go ahead.</p> |
| 14 | 16 |
| <p>1 do as much as we had hoped for.</p> <p>2 MS. BREDEHOFT: And, Your Honor, I do</p> <p>3 want to address one thing, and I know we weren't on</p> <p>4 the record with this, but you're noticing Ms. Myers</p> <p>5 said to me --</p> <p>6 THE COURT: Okay --</p> <p>7 MS. BREDEHOFT: -- that she said</p> <p>8 something on Wasser a week ago, and we didn't</p> <p>9 respond. She sent the first of the designations on</p> <p>10 Wasser at 2:10 on Sunday. We responded with our</p> <p>11 counter-designations and agreements at 5:10, the</p> <p>12 same day, Sunday. Then I did withdraw more and</p> <p>13 sent that to her on Thursday.</p> <p>14 So I disagree that we haven't been trying</p> <p>15 to work rapidly. Everything else, Your Honor, the</p> <p>16 Saenz and the Carino, were all sent to us yesterday</p> <p>17 or the night before, and we have been trying to</p> <p>18 respond as quickly as possible. But this is not on</p> <p>19 us.</p> <p>20 Now, what we have done to try to move</p> <p>21 this along much faster is Mr. Rottenborn and</p> <p>22 Mr. Nadelhaft are at the office going through all</p> | <p>1 MS. MEYERS: I sent Wasser last week.</p> <p>2 You know, we have been in court, and so I stayed</p> <p>3 home yesterday. I sent them Saenz in the early</p> <p>4 afternoon. I sent the first volume of Carino to</p> <p>5 them, I think, early evening, and then the last</p> <p>6 volume of Carino did come through later.</p> <p>7 THE COURT: Well, then, that's a question</p> <p>8 of why wasn't this done last Saturday or Sunday or</p> <p>9 Monday or Tuesday, knowing that today is the day?</p> <p>10 Because I agree, if you're getting a deposition on</p> <p>11 a Thursday and we're in trial, that's a little</p> <p>12 tough to come back for.</p> <p>13 MS. MEYERS: I understand.</p> <p>14 THE COURT: So if we were going to do all</p> <p>15 these depositions, that should have really been --</p> <p>16 MS. MEYERS: Well, Your Honor, we have</p> <p>17 been doing our homework. I don't think our</p> <p>18 homework is -- I mean, they should have been doing</p> <p>19 their homework too. I mean, they had the list.</p> <p>20 They knew what order it was coming in. They knew</p> <p>21 that we were sending our materials over, our</p> <p>22 thoughts on things, in email so that we could, you</p> |

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17

1 know, discuss them, and it had been very productive
 2 up until that point. You know, with some of the
 3 earlier ones, they sent us their thoughts first. I
 4 mean, this is -- this is -- we were trying to do
 5 our homework.
 6 THE COURT: I guess the question is, why
 7 were you waiting for them to send theirs?
 8 MS. BREDEHOFT: This has been a moving --
 9 they'll send us a list, and then they change their
 10 mind, and then they say, No, we're going to do
 11 these instead. Like Lloyd and Kipper, they changed
 12 that up two days ago.
 13 MS. MEYERS: Those were already decided
 14 by Your Honor.
 15 MS. BREDEHOFT: Right, those were.
 16 THE COURT: But the -- all right. The
 17 question is, if -- why do you have to wait for them
 18 for you to go through your depositions?
 19 MS. BREDEHOFT: Well, so, first of all --
 20 THE COURT: For your designations?
 21 MS. BREDEHOFT: -- we don't know which
 22 ones they're still calling except for this list.

18

1 MS. MEYERS: We sent a list.
 2 THE COURT: No, no, no. Hold on.
 3 MS. MEYERS: Sorry.
 4 THE COURT: But what I'm saying is, why
 5 couldn't each side go through their own depo- --
 6 the depositions, even if it's not your deposition,
 7 going through the deposition on your own and
 8 saying, okay, I'm going to withdraw my objection
 9 here, I'm going to withdraw my objection here,
 10 based on what the judge's ruling, I know what she's
 11 going to do, I'm going to withdraw this one?
 12 MS. BREDEHOFT: Fair point. And what we
 13 were assuming the process was and why we have got
 14 our attorneys working madly today on this was our
 15 depositions, we were going to go first and say,
 16 Here's all those --
 17 THE COURT: I think, again --
 18 MS. BREDEHOFT: If Your Honor wants -- we
 19 were just doing it the other way. Like Wasser on
 20 Sunday, 2:00 in the afternoon, they sent us all
 21 theirs. We responded in three hours with
 22 withdrawing, agreeing, taking away this, etc.

19

1 THE COURT: I just --
 2 MS. BREDEHOFT: Three hours.
 3 THE COURT: Okay. I understand. I
 4 really had hoped we would have been much further
 5 along today than we are.
 6 MS. BREDEHOFT: And I just don't think
 7 that's our -- our fault. We're trying to change
 8 that.
 9 THE COURT: I think it's a combination
 10 platter. Okay? We'll just say it's a combination
 11 platter. But that doesn't negate the fact that we
 12 have six depositions that I'm not sure -- I hope we
 13 get through, because these are -- how many more
 14 depositions do you have other than these six?
 15 MS. MEYERS: This is -- I think this
 16 is --
 17 THE COURT: This is your case.
 18 MS. MEYERS: -- nearing the end, Your
 19 Honor.
 20 THE COURT: Okay. So if we can --
 21 MS. MEYERS: Yeah, there may be one or
 22 two more but --

20

1 THE COURT: If we can get through these
 2 six depositions today, that's my goal. Okay? All
 3 right.
 4 MS. BREDEHOFT: And if they could give us
 5 the names of the other ones they're going to
 6 call --
 7 THE COURT: No, I think --
 8 MS. BREDEHOFT: -- we'll spend this
 9 weekend going through them too.
 10 MS. MEYERS: They have a list of six,
 11 and, you know, we have reserved that there may be
 12 one or two more, but this is, I think, the final --
 13 THE COURT: This is their main case.
 14 This is it. These six.
 15 MS. BREDEHOFT: But if they have one or
 16 two more -- if they can give them to us before the
 17 weekend so we can do our work too.
 18 THE COURT: Right. They will do that.
 19 Right?
 20 MS. MEYERS: Yeah.
 21 MS. BREDEHOFT: Because when we're in
 22 trial, it's worse.

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| 21 | <p>1 THE COURT: I understand. When you 2 get -- the other two, they'll get to you by 3 tomorrow morning. You can let them know which 4 other two you possibly might use. 5 MS. MEYERS: Sure. 6 THE COURT: Okay. So where we are today 7 is we have got these six. We don't leave until 8 these six are done. 9 MS. BREDEHOFT: Okay. 10 THE COURT: Okay? Happy Good Friday. So 11 we'll take care of that and we'll do what we can. 12 So, the first one, you're saying you have 13 gone through them; correct? 14 MS. MEYERS: Is Wasser, yes. 15 THE COURT: Wasser. Okay. 16 MS. BREDEHOFT: Yes. 17 THE COURT: So Laura Allison Wasser. 18 Okay. And where was the first one that we have an 19 agreed upon? 20 MS. BREDEHOFT: 72, lines -- 21 MS. MEYERS: And I will defer to whatever 22 Your Honor thinks makes most sense, but I think it</p> | 23 | <p>1 THE COURT: All right. So we are on page 2 72, line 13? 3 MS. MEYERS: Yes. And just as a little 4 bit of background, Your Honor, Ms. Wasser was 5 Mr. Depp's divorce attorney -- 6 THE COURT: Okay. Thank you. 7 MS. MEYERS: -- in the divorce 8 proceedings with Ms. Heard. And this is 9 Ms. Heard's objection to our designations. 10 THE COURT: All right. 11 MS. BREDEHOFT: And Samantha Spector -- 12 in reading the actual lines here, Samantha Spector 13 was Ms. Heard's divorce attorney. 14 THE COURT: Okay. So you're questioning 15 his divorce attorney about what was the first 16 communication you had with her divorce attorney. 17 MS. BREDEHOFT: Correct. 18 THE COURT: Is what you want. Okay. 19 MS. MEYERS: And she just says, you know, 20 I believe I spoke with her and she makes a comment 21 about Ms. Wasser's -- or, excuse me, Ms. Spector's 22 reputation, saying this is her M.O. to bring claims</p> |
| 22 | <p>1 does make sense to go through and have a record of 2 what's been withdrawn so that, when we're sending 3 those over to Planet Depos, I mean, I have it all 4 marked up. 5 THE COURT: I'm not going to go page by 6 page. 7 MS. MEYERS: Okay. 8 THE COURT: Okay? If that's something 9 you guys want to do on the record on your own time, 10 that's fine. 11 MS. MEYERS: Okay. 12 THE COURT: I am not going page by page. 13 That was the whole point of today. 14 MS. MEYERS: Okay. 15 MS. BREDEHOFT: So we're at page 72, 16 lines 13 through 15, into 73. 17 MS. MEYERS: And just as a little bit of 18 background, Your Honor -- 19 THE COURT: I don't know why I'm not 20 hearing you. I'm sorry. Just hold on a second. 21 (Pause in the proceedings for technical 22 issues.)</p> | 24 | <p>1 of domestic violence when she's representing 2 high-profile women in the context of -- well, in 3 the context of a divorce from a high-profile 4 individual. 5 And, as you can see in the next 6 designation, this is actually based off of her own 7 experience working opposite Ms. Spector. And under 8 Virginia Rule of the Supreme Court 2.404(b), you 9 know, prior acts are admissible to show sort of an 10 M.O., which is exactly the language she uses here. 11 And so, you know, I think there's no 12 hearsay here. She's not describing the content of 13 their communications. It's clearly relevant to the 14 veracity of Ms. Heard's claims of abuse if her 15 attorney has this M.O. 16 THE COURT: So why is the character 17 evidence of Ms. Spector relevant? That's what I'm 18 losing sight of. I understand the character 19 evidence of the litigant, I understand that, but 20 why do I care about the character evidence of her 21 attorney? 22 MS. MEYERS: So Ms. Spector represented</p> |

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| 25 | <p>1 Ms. Heard in the divorce. That's the first time</p> <p>2 these allegations of domestic violence that we're</p> <p>3 now litigating came up. And so if her M.O. is</p> <p>4 to -- and, Ms. Heard, there is evidence in the</p> <p>5 record which -- that Ms. Heard has said "the</p> <p>6 lawyers made me make these allegations" and so...</p> <p>7 THE COURT: All right. I'm going to</p> <p>8 sustain the objection. I don't think that that's</p> <p>9 relevant as far as the divorce attorney's</p> <p>10 character. Okay? So that -- what's the next one?</p> <p>11 MS. BREDEHOFT: So that one goes through,</p> <p>12 Your Honor, through 74, line 6.</p> <p>13 THE COURT: Okay.</p> <p>14 MS. BREDEHOFT: And I think, actually --</p> <p>15 no, it's actually -- then it goes also 9 -- 74/9</p> <p>16 through the end of that page, and 75, 1 through 8.</p> <p>17 THE COURT: Line through 9.</p> <p>18 MS. MEYERS: Line 8.</p> <p>19 THE COURT: Okay. Next one?</p> <p>20 MS. BREDEHOFT: So the next one is 76 --</p> <p>21 oh, it's the same issue on 76/15 through 77/11.</p> <p>22 Same thing.</p> | 27 | <p>1 from him.</p> <p>2 MS. MEYERS: That's not relevant to the</p> <p>3 claims between Mr. Depp and Ms. Heard.</p> <p>4 THE COURT: How would that be relevant?</p> <p>5 MS. BREDEHOFT: It impeaches Mr. Depp's</p> <p>6 credibility.</p> <p>7 THE COURT: I'll sustain the objection as</p> <p>8 to relevance. That goes through page 171, line 11?</p> <p>9 MS. BREDEHOFT: Okay. Then that would</p> <p>10 also, then, take out the purple?</p> <p>11 MS. MEYERS: That's correct.</p> <p>12 THE COURT: All right. Take out the</p> <p>13 purple. And, actually, line 22 on page 171, too.</p> <p>14 I think that's the answer. Okay. And the purple</p> <p>15 comes out. Okay.</p> <p>16 MS. BREDEHOFT: All right. I think</p> <p>17 that's it, Your Honor, on Wasser.</p> <p>18 THE COURT: Just want to make sure.</p> <p>19 (Counsel confer off the record.)</p> <p>20 MS. MEYERS: Okay. Yep. That's it on</p> <p>21 Wasser.</p> <p>22 THE COURT: That was beautiful. If only</p> |
| 26 | <p>1 THE COURT: Yeah, all right. So I'll</p> <p>2 sustain the objection through page 77, line 11.</p> <p>3 MS. BREDEHOFT: And then I think the next</p> <p>4 one is page 170, line 4.</p> <p>5 THE COURT: 170, line 4. All right. And</p> <p>6 remind me: Purple is somebody's rebuttal</p> <p>7 designation?</p> <p>8 MS. MEYERS: That's correct. That's</p> <p>9 Mr. Depp's rebuttal designations.</p> <p>10 THE COURT: Okay. Thank you.</p> <p>11 MS. MEYERS: So, Your Honor, I don't --</p> <p>12 this is an issue of relevance. This is literally</p> <p>13 quoting from Mr. Depp's deposition to Ms. Wasser</p> <p>14 asking -- asking about something that Mr. Depp</p> <p>15 testified to in his deposition. That has no</p> <p>16 relevance here. It's...</p> <p>17 MS. BREDEHOFT: So one of the allegations</p> <p>18 that Mr. Depp has made in this case is that his</p> <p>19 attorneys -- his domestic relations attorneys hid</p> <p>20 the surveillance camera videos --</p> <p>21 MS. MEYERS: But how is that --</p> <p>22 MS. BREDEHOFT: -- and other evidence</p> | 28 | <p>1 we could have them all like that.</p> <p>2 MS. VASQUEZ: We'll try to make it</p> <p>3 better.</p> <p>4 THE COURT: Wow, that was so nice. Let</p> <p>5 me just relish in it for just a minute.</p> <p>6 Okay. All right. Okay. Next one.</p> <p>7 MS. BREDEHOFT: That would be Saenz.</p> <p>8 Officer Saenz.</p> <p>9 MS. MEYERS: And I can make this as quick</p> <p>10 as possible, Your Honor.</p> <p>11 THE COURT: This is Melissa -- how do you</p> <p>12 say her name? "Signs"?</p> <p>13 MS. MEYERS: Melissa Saenz, yes.</p> <p>14 THE COURT: S-a-e-n-z, for the court</p> <p>15 reporter. Okay.</p> <p>16 MS. MEYERS: Yes. Oh, so Melissa Saenz</p> <p>17 is one of the first sets of the police officers who</p> <p>18 showed up at the penthouses on --</p> <p>19 THE COURT: Okay. I remember seeing the</p> <p>20 video, seeing a female officer. I assumed that was</p> <p>21 her in the videos from the elevator.</p> <p>22 MS. MEYERS: Yes, that is --</p> |

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| 29 | <p>1 THE COURT: Now that I have seen a little 2 bit, I can catch up. 3 MS. BREDEHOFT: It's all context. It's 4 all context. 5 THE COURT: It all works for me here. 6 Okay. 7 MS. BREDEHOFT: Yes. 8 MS. MEYERS: And so I don't believe -- I 9 think, as Ms. Bredehoft said, the email with sort 10 of their thoughts on this got lost. So if it would 11 be quick, I can go through and say we're 12 withdrawing these, and then get to the ones -- 13 THE COURT: Is this where you want me to 14 maybe step off the bench and work through it a 15 little bit first, or do you want -- 16 MS. BREDEHOFT: I think it might be 17 helpful. 18 THE COURT: Okay. 19 MS. BREDEHOFT: Because I think we could 20 go through it pretty quickly. 21 THE COURT: All right. Let me take a 22 break, and let's see where we're at. I allowed the</p> | 31 | <p>1 MS. BREDEHOFT: We're going to go to page 2 42, line 21. 3 THE COURT: 42 -- 4 MS. MEYERS: Can you hear me now? No? 5 All right. I'm going to go back to the podium. 6 THE COURT: I'm sorry. I'm not -- can we 7 get IT to come look at that microphone or let Jamie 8 know or somebody? 9 MS. MEYERS: Can you hear me back here? 10 THE COURT: Yeah. I'm not sure what's 11 wrong with it. 12 MS. MEYERS: I have just been standing 13 for awhile. 14 THE COURT: Sorry, no, I appreciate it. 15 Line 42 -- I'm sorry, page 42 line what? 16 20? 17 MS. BREDEHOFT: Yes. And it goes all the 18 way through to page 45. It's all the same issue. 19 MS. MEYERS: So, Your Honor, this is 20 asking about -- 21 THE COURT: The body recording. 22 MS. MEYERS: -- the body cam. And the</p> |
| 30 | <p>1 courtroom to be opening for this hearing. You can 2 see how many people loved staying for this. 3 (A brief recess was taken from 10:29 a.m. 4 to 11:41 a.m.) 5 THE COURT: All right. So where are we? 6 MS. BREDEHOFT: So, Your Honor, we went 7 through Officer Saenz, which is probably -- I think 8 we all agree -- probably the thickest of all of 9 them. And two of the other designations they have 10 of police officers, we have narrowed down to our 11 areas. 12 THE COURT: Okay. 13 MS. BREDEHOFT: Some of them are 14 big-picture ones. 15 THE COURT: Okay. 16 MS. BREDEHOFT: We think if Your Honor 17 rules on those -- 18 THE COURT: Okay. 19 MS. BREDEHOFT: -- that will help us 20 speed up the other ones. 21 THE COURT: Okay. All right. So which 22 page are we going to?</p> | 32 | <p>1 officer has already testified in designated 2 testimony that she didn't receive her body camera 3 until after the incident on May -- 4 THE COURT: Oh, so she didn't even have a 5 body camera on at the time. 6 MS. MEYERS: Exactly, exactly. 7 MS. BREDEHOFT: And we think that there's 8 evidence that will suggest she did. 9 THE COURT: But you have to live with her 10 testimony. So if she -- 11 MS. BREDEHOFT: So the reason we have 12 that in there is we want her on the record, under 13 oath, saying when she believed she got it and that 14 she doesn't recall -- 15 MS. MEYERS: We haven't objected to that 16 portion. We have when -- we have in here and we 17 have withdrawn our objection to when she says she 18 got the body camera footage or the body camera in 19 June of 2016. 20 THE COURT: Okay. So it doesn't seem 21 like this is relevant, then, about the training 22 part of the body camera.</p> |

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| <p>1 MS. BREDEHOFT: Actually, it is, because</p> <p>2 she testifies in the deposition that, when she went</p> <p>3 back -- because one of the other officers, one of</p> <p>4 the PMKs, persons most knowledgeable, from the</p> <p>5 LAPD, testified that he went back and he looked at</p> <p>6 the body cam footage, and he noticed that both</p> <p>7 Officer Hadden and Officer Saenz had body cam</p> <p>8 footage in the week before May 21st, 2016, and the</p> <p>9 week after.</p> <p>10 Then she comes in and says --</p> <p>11 THE COURT: She didn't have it.</p> <p>12 MS. BREDEHOFT: Excuse me?</p> <p>13 THE COURT: And then she comes in saying</p> <p>14 she didn't have any.</p> <p>15 MS. BREDEHOFT: Correct.</p> <p>16 THE COURT: Okay.</p> <p>17 MS. BREDEHOFT: Correct. And she also</p> <p>18 says that she wasn't trained -- then she says she</p> <p>19 went and looked at that, and it was training. But</p> <p>20 then, here, she says that she didn't recall when</p> <p>21 she was trained.</p> <p>22 So that's -- it's to impeach, Your Honor.</p> | <p>1 specific to video footage from May 21st, 2016, when</p> <p>2 she's already testified that she didn't have a body</p> <p>3 cam at that time.</p> <p>4 THE COURT: Wait, hold on. Page 86, it</p> <p>5 just says, "I'm going to show you this second page</p> <p>6 of what has been marked as Deposition Exhibit No.</p> <p>7 1." So what's the second -- what is she looking</p> <p>8 at? It has you summoned to attend and give</p> <p>9 testimony at deposition.</p> <p>10 MS. BREDEHOFT: Yes, it's the subpoena,</p> <p>11 Your Honor.</p> <p>12 THE COURT: So you're showing her the</p> <p>13 subpoena.</p> <p>14 MS. BREDEHOFT: Correct.</p> <p>15 THE COURT: [Reading] "Yes, I do and</p> <p>16 here" -- "in the video footage, did you conduct any</p> <p>17 kind of search or any kind of effort to see if</p> <p>18 any -- if you had any video footage on May 21st</p> <p>19 relating to this incident?"</p> <p>20 MS. MEYERS: And the answer is on 89,</p> <p>21 Your Honor.</p> <p>22 THE COURT: Oh, thank you. The answer is</p> |
| 34 | 36 |
| <p>1 MR. MONIZ: Point of clarification:</p> <p>2 Those videos were produced in this action. They</p> <p>3 are all, in fact, just very brief clips of training</p> <p>4 things all at the station, I believe. I don't</p> <p>5 recall -- I don't think Officer Saenz is even shown</p> <p>6 on those. I don't think there's any indication</p> <p>7 that it was Saenz even being trained.</p> <p>8 THE COURT: Okay. I'm going to sustain</p> <p>9 the objection. I just don't see that it's</p> <p>10 relevant. Okay?</p> <p>11 MS. BREDEHOFT: All right. The next one</p> <p>12 is page 86.</p> <p>13 THE COURT: Page 86.</p> <p>14 MS. BREDEHOFT: And it's a series through</p> <p>15 page 89. And it's -- she had document subpoenas,</p> <p>16 and it's asking her about those and what she did to</p> <p>17 search and whether anybody else did anything to</p> <p>18 search and what they found, and she's saying</p> <p>19 nothing, that they found nothing in response to</p> <p>20 those, and that's important to us, to show they had</p> <p>21 no evidence whatsoever.</p> <p>22 MS. MEYERS: So, this is actually</p> | <p>1 no. Okay. And objection is?</p> <p>2 MS. MEYERS: It's an improper</p> <p>3 hypothetical. Or it's like -- I mean, we can</p> <p>4 withdraw this.</p> <p>5 THE COURT: Okay. Let's withdraw that.</p> <p>6 MS. MEYERS: Oh, I think our relevance</p> <p>7 objection didn't get carried through, so...</p> <p>8 THE COURT: All right. Okay. That's</p> <p>9 withdrawn.</p> <p>10 All right. Next one?</p> <p>11 MS. BREDEHOFT: Okay. Thank you. So</p> <p>12 that's the whole -- you withdrew for the whole</p> <p>13 thing right there, through 89?</p> <p>14 THE COURT: Yes.</p> <p>15 MS. BREDEHOFT: Okay. Great. Thank you,</p> <p>16 Your Honor.</p> <p>17 So 93 is the next one, through 99.</p> <p>18 MS. MEYERS: Oh -- yeah, okay.</p> <p>19 THE COURT: 93 through 99.</p> <p>20 MS. BREDEHOFT: And this is --</p> <p>21 THE COURT: Line 14? "And you consider</p> <p>22 yourself to be a specialist in domestic violence;</p> |

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| 37 | <p>1 is that accurate?"</p> <p>2 MS. MEYERS: So, Your Honor, this is the</p> <p>3 beginning of -- she essentially testifies "I don't</p> <p>4 consider myself a specialist."</p> <p>5 THE COURT: Right.</p> <p>6 MS. MEYERS: And then they get into all</p> <p>7 this UK testimony where it was sort of different</p> <p>8 questions that just -- it's not really impeachment,</p> <p>9 in our view.</p> <p>10 MS. BREDEHOFT: Your Honor, I would want</p> <p>11 the -- I'm going to change my -- so 93 --</p> <p>12 THE COURT: Okay.</p> <p>13 MS. BREDEHOFT: -- we do want 14 through</p> <p>14 16, and we do want 22, because we want to establish</p> <p>15 that she was not a specialist, and that goes to</p> <p>16 Mr. Waldman's statements to the press when he said</p> <p>17 a domestic violence specialist.</p> <p>18 THE COURT: Are you going to withdraw the</p> <p>19 rest of it?</p> <p>20 MS. BREDEHOFT: I'll withdraw the rest of</p> <p>21 it, because I don't think it's necessary.</p> <p>22 MS. MEYERS: That's fine, Your Honor.</p> | 39 | <p>1 opinion.</p> <p>2 THE COURT: Okay.</p> <p>3 MS. MEYERS: They're asking</p> <p>4 hypotheticals.</p> <p>5 THE COURT: This is just a fact witness;</p> <p>6 correct?</p> <p>7 MS. BREDEHOFT: It is, but it's the</p> <p>8 police officer who was there and making the</p> <p>9 determinations and making the evaluation.</p> <p>10 THE COURT: But that's opinion testimony.</p> <p>11 I'm going to sustain the objection.</p> <p>12 All right. Now, are we at 136?</p> <p>13 MS. BREDEHOFT: Yes, sorry. And this</p> <p>14 one, Your Honor, this is the part -- it goes 136 to</p> <p>15 139. And this relates to, on the CAD summary,</p> <p>16 there are two domestic matters that night for these</p> <p>17 two officers, and both of them they put verbal</p> <p>18 dispute only on the CAD summary and didn't write</p> <p>19 incident reports. That's the reason for bringing</p> <p>20 this forth. And the distinction between the two of</p> <p>21 them, the 2:42 call and the way that they were</p> <p>22 labeled, the B and the D, to show the distinction</p> |
| 38 | <p>1 THE COURT: There we go.</p> <p>2 MS. BREDEHOFT: Okay. And then the next</p> <p>3 one, Your Honor, is page 136.</p> <p>4 THE COURT: 136. Line 2?</p> <p>5 MS. BREDEHOFT: Yes. And it goes through</p> <p>6 139.</p> <p>7 MS. MEYERS: I believe there's objections</p> <p>8 that we're standing on, on page 98 and 99 --</p> <p>9 MS. BREDEHOFT: Oh --</p> <p>10 MS. MEYERS: -- that, I don't believe,</p> <p>11 related to the UK testimony.</p> <p>12 THE COURT: 98 and 99.</p> <p>13 MS. BREDEHOFT: My apologies. Oh, so --</p> <p>14 MS. MEYERS: On 98, yes.</p> <p>15 THE COURT: 98.</p> <p>16 MS. BREDEHOFT: So 97 -- where -- 97,</p> <p>17 line 13. I think we withdrew the part that was 97,</p> <p>18 6 through 12, and then we wanted to keep in 97</p> <p>19 through the end of the page into 98 through 99.</p> <p>20 THE COURT: All right. The objection?</p> <p>21 MS. MEYERS: This is a relevance</p> <p>22 objection, Your Honor, and also an improper</p> | 40 | <p>1 and show that the police officers used the exact</p> <p>2 same language to not write an incident report.</p> <p>3 That's the --</p> <p>4 MS. MEYERS: Your Honor, first of all,</p> <p>5 again, this is a different incident.</p> <p>6 THE COURT: Right.</p> <p>7 MS. MEYERS: It's not the incident on May</p> <p>8 21st.</p> <p>9 THE COURT: Oh, okay.</p> <p>10 MS. MEYERS: And I think they even say</p> <p>11 that it's not -- it's the dispatcher who fills it</p> <p>12 out, not the officers themselves. So, again, I</p> <p>13 think that supports that it's irrelevant.</p> <p>14 MS. BREDEHOFT: No, these are the same</p> <p>15 night.</p> <p>16 THE COURT: No, but I -- but it's a</p> <p>17 different incident. So you're saying, on page 136,</p> <p>18 line 9, when they say, "You have another domestic</p> <p>19 call; correct?"</p> <p>20 "Correct."</p> <p>21 So that call they're going to is after</p> <p>22 the Depp call?</p> |

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1 MS. MEYERS: That's correct.
 2 THE COURT: So all this pertains to after
 3 the Depp call?
 4 MS. MEYERS: Yes.
 5 MS. BREDEHOFT: And the reason it's
 6 relevant is because they used the exact same --
 7 it's the police officer --
 8 MS. MEYERS: It says on 130 -- I'm sorry.
 9 THE COURT: Let her finish.
 10 MS. MEYERS: I'm sorry.
 11 MS. BREDEHOFT: It's the police
 12 officers -- I should be standing --
 13 THE COURT: That's okay.
 14 MS. BREDEHOFT: It's the police officers
 15 who put in the summary at the end that says,
 16 "Verbal dispute only." And then I asked them, and
 17 that's in the evidence, you know, what -- you know,
 18 does that mean you didn't write a report then?
 19 They don't need to write a report if it's a verbal
 20 dispute only. So that's why they put "verbal
 21 dispute only." That's --
 22 THE COURT: But this relates to another

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1 domestic call, so I'm going to sustain the
 2 objection as to relevance. I'm not getting into
 3 another domestic call. We're barely going to have
 4 time to go into this domestic call.
 5 MS. BREDEHOFT: It didn't go into the
 6 details of it. It just --
 7 THE COURT: I'm going to sustain the
 8 objection. Let's move on.
 9 MS. BREDEHOFT: All right. 146, line 18
 10 through 21.
 11 THE COURT: 146. Okay. Which line? I'm
 12 sorry? 18?
 13 MS. BREDEHOFT: Yeah, 18 through 21. And
 14 this is -- she's making an evaluation and
 15 determination that there's no crime. "You asked
 16 her a few questions. It was quite clear she didn't
 17 want to speak to the police; is that correct?"
 18 "Correct."
 19 "And this is something you have
 20 encountered in many, many domestic violence
 21 situations; would you agree?"
 22 "Correct."

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1 MS. MEYERS: It's vague and ambiguous.
 2 It's leading, and it's irrelevant to the issue.
 3 MS. BREDEHOFT: And there were no
 4 objections voiced at the time, Your Honor.
 5 MS. MEYERS: That's not true.
 6 THE COURT: There's "Objection. Vague,
 7 ambiguous, leading."
 8 MS. BREDEHOFT: But --
 9 THE COURT: All right. I'm going to --
 10 MS. PINTADO: They didn't say "relevance"
 11 in there.
 12 THE COURT: I'm going to sustain the
 13 objection. All right. Next one?
 14 UNIDENTIFIED SPEAKER: We're getting
 15 killed.
 16 MS. BREDEHOFT: 158.
 17 THE COURT: Okay.
 18 MS. BREDEHOFT: 1 through -- I think it's
 19 1 through 17. So we had the video footage of the
 20 two police officers, and it looks on there she's
 21 talking to the other officer, and it looks like
 22 she's saying "that was crazy" and she looks very

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1 animated. So I asked her about that.
 2 MS. MEYERS: Your Honor, this is -- I
 3 mean, this lacks any foundation. It's essentially
 4 asking her to speculate about something she was
 5 saying years ago.
 6 MS. BREDEHOFT: She can testify to her
 7 own behavior, Your Honor.
 8 MS. MEYERS: And, just for clarity, we
 9 have withdrawn our objection to --
 10 THE COURT: To line 19 through --
 11 MS. MEYERS: Yes.
 12 THE COURT: All right. So I'm just
 13 talking to this. All right. I'll overrule the
 14 objection. I'll allow it.
 15 All right. Let's move on.
 16 MS. BREDEHOFT: All right. Thank you,
 17 Your Honor. 165 through 170. It starts at line
 18 16, I think, because the first part was withdrawn.
 19 MS. MEYERS: Your Honor, these are
 20 essentially -- I mean, primarily asked and
 21 answered. They already asked and we have withdrawn
 22 our objection to the portions where they ask

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| 45 | <p>1 Officer Saenz what she observed in the picture and 2 whether she observed an injury. And so this is 3 really just asking her again whether she's sure she 4 doesn't see an injury, and there's -- it's 5 essentially asking her to speculate. 6 MS. BREDEHOFT: We're showing her the 7 pictures, Your Honor, and asking her if she sees -- 8 if that depicts an injury, in her view, in looking 9 at the pictures. I think that's completely fair 10 game. 11 MS. MEYERS: We have already -- we have 12 withdrawn our objections to the portions where they 13 say, "Do you see any signs of an injury?" And she 14 says, "I do not." And we're maintaining our 15 objection of when they ask again in different ways 16 over and over again thereafter. 17 MS. BREDEHOFT: I don't agree, Your 18 Honor. 19 THE COURT: Well, I'll allow it this 20 time. That's fine. All right. 21 MS. BREDEHOFT: Thank you, Your Honor. 22 THE COURT: Next one?</p> | 47 | <p>1 There's no foundation to be asking Officer Saenz 2 about them. She didn't take them. She says she 3 doesn't recognize what's in them. 4 THE COURT: And she says that already. 5 She says she doesn't recognize what's in them? 6 MS. MEYERS: She does say that in 7 testimony later on in here, which we told 8 Ms. Bredehoft that we would withdraw if these 9 portions were withdrawn, essentially. 10 MS. BREDEHOFT: So, here's the issue, 11 Your Honor. We have a number of photographs of the 12 property that's through the penthouse. Josh Drew 13 was the person who escorted the police officers. 14 In fact, I believe it was Officer Hadden. But she 15 says she went through the entire penthouse. 16 So the foundation will be laid through 17 Josh Drew, but that will obviously be in our case. 18 So their objection, first, is foundation, but we'll 19 have the foundation and then we'll be showing it, 20 and then it would be to impeach her because it's 21 the carpeting -- for example, Isaac Baruch has 22 already testified to the red wine stains in the</p> |
| 46 | <p>1 MS. BREDEHOFT: And then the next one is 2 176, line 2 through 177, 1 through 2. They gave 3 her the business card -- 4 MS. MEYERS: I'm sorry. I think 5 there's -- on 167, there are objections here again. 6 THE COURT: 167? Line 3? Or line 16? 7 MS. MEYERS: Line 16, Your Honor. 8 THE COURT: Okay. 9 MS. BREDEHOFT: Oh, we agreed to take out 10 the metadata on these. 11 THE COURT: Okay. So that's withdrawn? 12 MS. MEYERS: Oh, no. This is getting -- 13 167, this is -- these are photographs of the -- 14 MS. BREDEHOFT: Oh... 15 MS. MEYERS: This is pictures of supposed 16 property damage in the penthouses, and there's a 17 number of questions like this, and we would 18 appreciate if Your Honor would, you know, give us 19 some guidance on this. 20 THE COURT: Okay. 21 MS. MEYERS: Our position is that these 22 pictures aren't -- haven't been authenticated.</p> | 48 | <p>1 carpeting outside of Penthouse 1. She claims there 2 was no red wine stains. She didn't see them. I 3 showed her the pictures. She says she didn't see 4 those, and, you know -- and then I showed a bunch 5 of the pictures from inside the penthouse -- 6 THE COURT: Right -- 7 MS. BREDEHOFT: -- and she says, "That's 8 not property damage. That's no big deal. I see 9 that stuff all the time," which it goes to 10 credibility. It impeaches her credibility. 11 MS. MEYERS: I mean, respectfully, 12 they're asking for her opinion about whether the 13 picture depicts disarray. I mean, it's really an 14 opinion. And it's over and over again without 15 establishing that this is even the penthouse -- in 16 the penthouse that she observed. 17 MS. BREDEHOFT: This is a police 18 officer's judgment. She's saying there's no crime, 19 and we're showing her these pictures. 20 THE COURT: I'll allow it for the 21 pictures. That's fine. 22 MS. BREDEHOFT: Okay. Thank you, Your</p> |

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| 49 | <p>1 Honor.</p> <p>2 THE COURT: Okay.</p> <p>3 MS. BREDEHOFT: That will resolve a</p> <p>4 number of things, and we can work those out without</p> <p>5 Your Honor present.</p> <p>6 THE COURT: Okay.</p> <p>7 MS. BREDEHOFT: So then 176, let me jump</p> <p>8 back to two -- so this one -- they gave the</p> <p>9 business card, Your Honor. And so I'm asking here,</p> <p>10 you know, if there's no injuries, no evidence of</p> <p>11 physical property, etc., you know -- and they wrote</p> <p>12 on there, if change mind, to call. And so she</p> <p>13 explains that, what her position is on that.</p> <p>14 MS. MEYERS: Your Honor --</p> <p>15 MS. BREDEHOFT: And then I ask, Well, if</p> <p>16 you haven't written a report, you have closed it</p> <p>17 out, you wouldn't have any notes, right, if she</p> <p>18 called you back?</p> <p>19 MS. MEYERS: These are all questions that</p> <p>20 are asking what they would do if something that has</p> <p>21 not happened occurred. It's asking the officer to</p> <p>22 speculate.</p> | 51 | <p>1 to 18 through 2 on line 177. Okay?</p> <p>2 MS. BREDEHOFT: Oh, okay.</p> <p>3 THE COURT: All right.</p> <p>4 MS. BREDEHOFT: That's 18 through 22 on</p> <p>5 line 76 and the -- thank you, Your Honor.</p> <p>6 THE COURT: All right.</p> <p>7 MS. BREDEHOFT: Okay. Then the next one</p> <p>8 is 182, lines 10 through 22.</p> <p>9 THE COURT: 10 through 22. All right.</p> <p>10 Your objection?</p> <p>11 MS. MEYERS: They're asking for an</p> <p>12 improper opinion from a police officer.</p> <p>13 THE COURT: All right.</p> <p>14 MS. BREDEHOFT: She's a police officer.</p> <p>15 THE COURT: I'll sustain the objection.</p> <p>16 Let's move on.</p> <p>17 MS. BREDEHOFT: 189 --</p> <p>18 MS. MEYERS: And I believe that also</p> <p>19 applies to our objection on 183. Apologies, I'm</p> <p>20 sorry.</p> <p>21 MS. BREDEHOFT: I'm sorry?</p> <p>22 THE COURT: The question on 183, line 2.</p> |
| 50 | <p>1 MS. BREDEHOFT: It goes, again, to the</p> <p>2 credibility of why would they have put "if you</p> <p>3 change your mind" and put the number on there.</p> <p>4 MS. MEYERS: Again, there's -- there's --</p> <p>5 it's essentially asking her to speculate about</p> <p>6 something that has not occurred.</p> <p>7 THE COURT: Does it start on line 2 of</p> <p>8 page 176? I just want to make sure.</p> <p>9 MS. MEYERS: Yes, that's correct.</p> <p>10 THE COURT: Okay.</p> <p>11 MS. BREDEHOFT: There's 2 through 16, I</p> <p>12 think, is the --</p> <p>13 THE COURT: Right.</p> <p>14 MS. BREDEHOFT: -- issue.</p> <p>15 THE COURT: All right. I'll allow 2</p> <p>16 through 16. That's fine.</p> <p>17 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>18 THE COURT: All right. Next?</p> <p>19 MS. BREDEHOFT: And then the next one is</p> <p>20 182 --</p> <p>21 MS. MEYERS: It's also 176, 18 through --</p> <p>22 THE COURT: That, I sustain the objection</p> | 52 | <p>1 MS. MEYERS: Through 8.</p> <p>2 THE COURT: That would be also stricken.</p> <p>3 MS. BREDEHOFT: Yeah, that would go with</p> <p>4 it, I agree.</p> <p>5 THE COURT: All right. 188, line --</p> <p>6 MS. BREDEHOFT: I think it's 189, line</p> <p>7 12.</p> <p>8 THE COURT: 189, line 12.</p> <p>9 MS. MEYERS: Again, Your Honor --</p> <p>10 THE COURT: This is asked and answered.</p> <p>11 MS. BREDEHOFT: Well, it's a different</p> <p>12 picture.</p> <p>13 THE COURT: I'll sustain the objection at</p> <p>14 this point. All right. Let's move on from the</p> <p>15 pictures.</p> <p>16 MS. BREDEHOFT: Okay. Then, it's --</p> <p>17 let's see. That goes into 190, I asked a different</p> <p>18 question. "Did you see any evidence of swelling,</p> <p>19 from your perspective?" I take it you're going to</p> <p>20 sustain --</p> <p>21 THE COURT: Yes, I'll sustain the</p> <p>22 objection to that.</p> |

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1 MS. BREDEHOFT: Okay. Thank you.
 2 And then one-ninety -- so the next set
 3 that I have here, I think Your Honor's already
 4 ruled on it.
 5 THE COURT: Okay.
 6 MS. BREDEHOFT: Tell me if I'm right,
 7 Ms. Meyers. This is 195 through 198, 207, 213,
 8 227, all of that? Is all that the property issue?
 9 MS. MEYERS: It is. And I think this
 10 actually lays out, again, why this is -- there's
 11 really no foundation to be asking it, and they're
 12 asking for speculation. I mean, the questions are,
 13 "Would you agree photo frames typically aren't on
 14 the ground in houses" -- I mean, it's just
 15 asking --
 16 THE COURT: Where are you reading from?
 17 I'm sorry.
 18 MS. MEYERS: Oh, I'm sorry. I'm at 196
 19 at the bottom. The types of questions that are
 20 asked about these pictures don't go to, "Did you
 21 see this or not?" It's asking about whether what's
 22 depicted in the pictures, which it hasn't even been

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1 established that this is the penthouse, you know,
 2 is typical or, you know, represents disarray,
 3 which, you know, again --
 4 MS. BREDEHOFT: That's the whole point,
 5 Your Honor, is showing the pictures, if these
 6 pictures depicted this, isn't this a state of
 7 disarray? They're saying there was no property
 8 damage, there was no injuries, and so going through
 9 those, if you had seen these, would this have been
 10 property in disarray? And she says no. Every one
 11 of them, she says no to, which goes to her
 12 credibility.
 13 THE COURT: Well, but -- and I don't know
 14 about the last -- I mean, I allowed the walking
 15 through, but this one, she says she doesn't
 16 recognize the photo, so how can you ask the
 17 question about --
 18 MS. BREDEHOFT: But the foundation --
 19 that's the problem when you have to have a
 20 deposition --
 21 THE COURT: But if she doesn't recognize
 22 the photo, she can't talk -- she can't testify to

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1 it. I let you do the opening and the wine and
 2 everything, that's fine, but now you're in
 3 particular rooms looking at particular items. I
 4 just don't -- if she says she doesn't even
 5 recognize the photo...
 6 MS. MEYERS: Your Honor, she did --
 7 excuse me, if I may. She did say that she walked
 8 through the entire --
 9 THE COURT: Right. She walked through
 10 the entire, because she doesn't recognize this
 11 particular photo, so I just can't allow that.
 12 Okay? So these go --
 13 MS. BREDEHOFT: So -- just, I need to
 14 clarify, because that will make a difference on a
 15 bunch of these as well.
 16 THE COURT: Okay.
 17 MS. BREDEHOFT: So we can ask her about
 18 the wine stains in the hallway.
 19 THE COURT: Well, that's fine. She
 20 walked through the hallway. That's fine. I don't
 21 mind that. But now, when we're getting to
 22 particulars of every room and if you're going to

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1 show her pictures of every single place and she
 2 doesn't recognize any of it, it's just not --
 3 not --
 4 MS. BREDEHOFT: So even the fact that she
 5 does she doesn't recognize it, I think that would
 6 be relevant here because that's -- the testimony is
 7 going to be from other people were laying the
 8 foundation that that's what was depicted in those
 9 rooms.
 10 So if she walked through and then says
 11 she didn't see any of that, that's -- I mean,
 12 that's a credibility issue here. And those police
 13 officers -- this is a big issue in this case, is
 14 their credibility and their decision-making and
 15 what they decided --
 16 THE COURT: But --
 17 MS. BREDEHOFT: And over and over and
 18 over again they say, "We saw no evidence of a
 19 crime."
 20 THE COURT: Well, I understand, but
 21 when -- you didn't ask her, "Did you see this that
 22 night?" And -- but you're asking, "Do you

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1 recognize this photo?"
 2 "I do not."
 3 "Can you describe what's in the photo?"
 4 "I see a photo frame on the ground."
 5 I mean, I just -- I don't see how that
 6 comes in. If somebody says they don't recognize
 7 something, how can you ask them a question about
 8 it?
 9 MS. BREDEHOFT: All right.
 10 THE COURT: I mean, your other witness is
 11 going to say this is what was there. And then you
 12 can argue to the jury, "My gosh, this officer never
 13 saw any of this. How can that be possible?"
 14 MS. BREDEHOFT: Can we switch? What
 15 about, Your Honor -- because I want -- I want to
 16 just be clear on this. If we go to 197 and we go
 17 to line 11 and 12, it says, "Would you agree this
 18 photo on the floor in this picture reflects
 19 disarray?"
 20 And she says, "I would not agree."
 21 "And why not?"
 22 "Because I have been to many different

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1 homes specifically in the area that I work, and
 2 there are homes that have photos, bedding, trash,
 3 completely destroyed, and it's not unusual for me
 4 to see photos on the ground. There would have to
 5 be other factors involved for me to consider
 6 that -- this disarray. This one photo on the
 7 ground doesn't do it for me."
 8 THE COURT: No. No. Anything with the
 9 photos from here on out -- I gave you the photos in
 10 the very beginning. I think that's fine.
 11 MS. BREDEHOFT: With the hallway.
 12 THE COURT: With the hallway. But I
 13 think, from here on out -- if this is how her
 14 answers are going to be from here on out, then none
 15 of this comes in.
 16 MS. BREDEHOFT: Okay. If I -- if I ask
 17 her if she saw anything, but not referring to the
 18 photo itself, then that would be okay?
 19 THE COURT: I don't know. I don't want
 20 to get into hypotheticals with you, Ms. Bredehoff.
 21 MS. BREDEHOFT: I gotcha. Okay.
 22 THE COURT: I'd appreciate it.

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1 MS. BREDEHOFT: Then we go to 229, Your
 2 Honor.
 3 THE COURT: Okay.
 4 MS. BREDEHOFT: Well, actually, 221,
 5 line --
 6 THE COURT: 221?
 7 MS. BREDEHOFT: You know, this is all
 8 going to be encompassed in Your Honor's ruling in
 9 the other one, so I don't think we need to waste
 10 your time and let it go.
 11 271, line 11 through 17.
 12 THE COURT: 11 through 17.
 13 MS. MEYERS: Sorry; if you wouldn't mind,
 14 I'm trying to mark this --
 15 THE COURT: No, I appreciate it.
 16 MS. BREDEHOFT: And this is just hearsay,
 17 Your Honor, this last part, saying did anyone
 18 else -- we have already agreed that some other --
 19 you know, she interviewed, and there was some
 20 questions of one of the other individuals that was
 21 there. That's hearsay. And this is asking it in
 22 the negative. It's still asking did anybody else

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1 and her negative, and I don't think that fairly
 2 comes in either.
 3 THE COURT: All right. We'll just...
 4 MS. MEYERS: What page and line and I'll
 5 come back to it?
 6 THE COURT: Ms. Meyers -- page 271, line
 7 11. It says hearsay objection. Line 11.
 8 MS. MEYERS: Oh, yes. There's no
 9 statement by anyone that's included here. They
 10 asked if anyone indicated whether Ms. Heard had
 11 been injured, and the answer is no.
 12 THE COURT: I'm still going to sustain it
 13 as hearsay. Still asking questions of people.
 14 MS. BREDEHOFT: The next one is 287 and
 15 288.
 16 THE COURT: 287.
 17 MS. MEYERS: Elaine, I believe you ended
 18 up withdrawing these objections.
 19 MS. BREDEHOFT: You know, I did. I ended
 20 up withdrawing them.
 21 THE COURT: Okay. Moving on.
 22 MS. BREDEHOFT: 315.

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1 THE COURT: 315.
 2 MS. BREDEHOFT: Here, he's asking, in
 3 these two pictures, for the same opinions. This is
 4 the same thing Your Honor sustained on me asking
 5 opinions and descriptions of what these looked
 6 like. And then, here, they're asking, on these
 7 same pictures, they're asking about the redness in
 8 the cheeks and the swelling and whether one picture
 9 is brighter than the other.
 10 And then the photo on the left is
 11 brighter, causing redness on the cheeks to what
 12 appears to be brighter or exaggerated. That showed
 13 up on 317. These are just her opinions, looking at
 14 these photos. And Your Honor has already sustained
 15 that I couldn't ask, you know, whether it appeared
 16 like a self- -- it looked like a cell phone and
 17 whether it was redness and swelling.
 18 So I think what's sauce for the goose is
 19 sauce for the gander, and it's still opinion --
 20 MS. MEYERS: Your Honor, this is --
 21 MS. BREDEHOFT: -- foundation.
 22 MS. MEYERS: This is a leading, hearsay,

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1 and foundation objection. There's no improper
 2 opinion objection.
 3 THE COURT: Leading, hearsay, and
 4 foundation. All right.
 5 MS. MEYERS: She says she recognizes the
 6 person in the photographs.
 7 MS. BREDEHOFT: But she's giving opinions
 8 on the brightness of it and what that means.
 9 THE COURT: Well, the issue is that you
 10 didn't object to opinion. You objected to leading,
 11 hearsay, and foundation, at least I have my
 12 laminated --
 13 MS. BREDEHOFT: But, still, she doesn't
 14 recognize the picture. She recognizes Ms. Heard in
 15 it. And it's still hearsay. It's still her --
 16 well, it's more foundation, Your Honor.
 17 MS. MEYERS: There's no indication here
 18 that she doesn't recognize the photographs.
 19 THE COURT: All right, no. All right.
 20 I'll overrule the objection.
 21 MS. BREDEHOFT: All right. 336, line 7.
 22 THE COURT: 336.

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1 MS. BREDEHOFT: He asks the question,
 2 "Have you ever been involved in a case or
 3 investigation where evidence was staged?" And Your
 4 Honor has already taken out -- we couldn't even
 5 talk about the domestic violence --
 6 THE COURT: I'm sorry? Which page am I
 7 on? I just don't see "staged."
 8 MS. BREDEHOFT: Oh, lines [verbatim] 336,
 9 lines 7 through 20. The question asks if, while
 10 she's been a police officer --
 11 THE COURT: Oh, "Have you ever been
 12 involved in a case where evidence was staged?"
 13 Okay. What's the relevance of that?
 14 MS. MEYERS: That -- we'll withdraw that.
 15 THE COURT: Okay.
 16 MS. BREDEHOFT: And I think our last one,
 17 Your Honor, is 343, line 6.
 18 THE COURT: 343, line 6.
 19 MS. MEYERS: We can withdraw this one.
 20 THE COURT: Okay.
 21 MS. MEYERS: And just so we're clear,
 22 given that the photographs are -- of the

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1 penthouses, supposedly, are coming out, or the
 2 questions about that, we will be withdrawing the
 3 portions that I indicated in my email, which I
 4 believe start on page 319. We'll be withdrawing
 5 those designations of ours.
 6 MS. BREDEHOFT: Yeah, we'll have to --
 7 what we'll do is we'll just have to go through and
 8 agree which ones.
 9 THE COURT: Okay.
 10 MS. BREDEHOFT: Because there were quite
 11 a few that would relate to that. But that takes
 12 care of that, Your Honor.
 13 THE COURT: All right.
 14 MS. BREDEHOFT: I do think we can
 15 probably go through the police officer ones faster,
 16 but -- to be able to get those. We're going to try
 17 our very best just to get through all these today,
 18 Your Honor.
 19 THE COURT: Oh, we are going to get
 20 through them today. We don't have a choice.
 21 MS. BREDEHOFT: Okay.
 22 THE COURT: I have nowhere to go. We're

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| <p style="text-align: right;">65</p> <p>1 good.</p> <p>2 Things, though, as you're going</p> <p>3 through -- and I know that that's fine, and we have</p> <p>4 talked about how short this case actually is going</p> <p>5 to be -- hopefully, we have learned a little from</p> <p>6 this week as far as depositions go and not wasting</p> <p>7 time in front of the jury. I think it's taking a</p> <p>8 lot of time to get transitions.</p> <p>9 Exhibits that you want to put in</p> <p>10 evidence, you already should have noted --</p> <p>11 hopefully redacted. But hopefully, you know, it</p> <p>12 shouldn't be, "Oh, I want to put this exhibit in,"</p> <p>13 and everybody has to go look for it. Everybody</p> <p>14 should already know ahead of time and have already</p> <p>15 read that exhibit and know what objections they</p> <p>16 might have. I mean, it's a lot of downtime for --</p> <p>17 and it gets so choppy with the depositions.</p> <p>18 And just being a spectator to the</p> <p>19 depositions -- I don't know how the jury is</p> <p>20 feeling, obviously -- but it's very hard for me to</p> <p>21 understand who is asking the questions. So, you</p> <p>22 know, when you have a live witness, I can see, you</p> | <p style="text-align: right;">67</p> <p>1 getting confused too, which is fine, and that's who</p> <p>2 it is -- that's how it's working. But, in my mind,</p> <p>3 it's their case, so if you're going to be the one</p> <p>4 starting it, I think -- I don't know. I don't know</p> <p>5 if there's any way you can cure that. I'm just</p> <p>6 letting you know, as a spectator, I'm getting very</p> <p>7 confused as to who is really soliciting this</p> <p>8 information and what's going on.</p> <p>9 MS. VASQUEZ: Your Honor, I think your</p> <p>10 suggestion to perhaps introduce the deposition,</p> <p>11 with your leave, and introduce who is starting the</p> <p>12 questioning --</p> <p>13 THE COURT: Right.</p> <p>14 MS. VASQUEZ: -- and when the transition</p> <p>15 stops -- or starts --</p> <p>16 THE COURT: That would be great. And</p> <p>17 that actually would help Sammy, who is taking all</p> <p>18 the time for these. So then he would know who</p> <p>19 to -- which side to charge the time to.</p> <p>20 MS. BREDEHOFT: Well, that's difficult,</p> <p>21 too, because, for example, we would take a</p> <p>22 deposition, and they would designate a whole lot of</p> |
| <p style="text-align: right;">66</p> <p>1 know, which attorney is up there and which side is</p> <p>2 soliciting this testimony. With the depositions, I</p> <p>3 can't -- you know, you can't tell which side is</p> <p>4 eliciting the testimony, and it's getting a little</p> <p>5 muddled, even in my mind, when the testimony is</p> <p>6 coming through. I don't know how you correct that,</p> <p>7 but I'm just letting you know -- and maybe you want</p> <p>8 to let the jury know ahead of time who is doing the</p> <p>9 direct and who is doing the cross-examination,</p> <p>10 because it really is just coming forward as just</p> <p>11 all this information. And sometimes people are</p> <p>12 doing the direct and sometimes they're doing</p> <p>13 cross-examination, and I think -- at least I'm</p> <p>14 getting confused as to who is speaking at what</p> <p>15 time.</p> <p>16 MS. BREDEHOFT: And part of the</p> <p>17 difficulty on this one, it's just an unusual</p> <p>18 situation for me, is that -- so their witnesses --</p> <p>19 they would list who their witnesses were. So we</p> <p>20 would take the deposition. So it starts with us,</p> <p>21 so we're asking all the questions.</p> <p>22 THE COURT: And I think that's where I'm</p> | <p style="text-align: right;">68</p> <p>1 our questions. We would designate a whole lot of</p> <p>2 their questions. So that's --</p> <p>3 THE COURT: But if it's your questions,</p> <p>4 that's -- you're going to have to live with it, I</p> <p>5 think.</p> <p>6 MS. MEYERS: Your Honor, we have</p> <p>7 endeavored to -- we suggested to -- and we actually</p> <p>8 have it for Brandon Patterson done --</p> <p>9 THE COURT: Okay. Oh, good.</p> <p>10 MS. MEYERS: -- that we can give to you.</p> <p>11 THE COURT: Good, good. Well, if you</p> <p>12 want to keep doing it that way, that's fine.</p> <p>13 MS. VASQUEZ: We discussed it with</p> <p>14 Mr. Rottenborn, and he believed and agreed that it</p> <p>15 was the most equitable way of doing it --</p> <p>16 THE COURT: Okay.</p> <p>17 MS. VASQUEZ: -- by designations.</p> <p>18 THE COURT: Okay. That's fine.</p> <p>19 MS. VASQUEZ: We have taken the laboring</p> <p>20 oar (ph) --</p> <p>21 THE COURT: Yeah.</p> <p>22 MS. VASQUEZ: -- and it is a laboring oar</p> |

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1 (ph) -- of going through the designations and
 2 timing it out.
 3 THE COURT: Okay. And so you're just
 4 going to give Sammy the final times, right?
 5 MS. VASQUEZ: Yes. And we're happy to --
 6 MS. BREDEHOFT: And give them to us too;
 7 right?
 8 MS. VASQUEZ: Of course. Yes, of course,
 9 we will.
 10 THE COURT: All right.
 11 MS. VASQUEZ: We'll share that with
 12 opposing counsel --
 13 THE COURT: That would be good.
 14 MS. VASQUEZ: -- and with Sammy. Is this
 15 a copy or is this the original?
 16 THE COURT: Sammy would like to --
 17 MS. MEYERS: We would want to keep that.
 18 And, actually, our paralegal went through and did
 19 the time, and then we realized we need to add in
 20 the time for the video to be played.
 21 THE COURT: If you'll just email us the
 22 times for each deposition -- I think that's all you

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1 need; right, Sammy?
 2 THE CLERK: Yes. And you can just do it
 3 week by week. I don't need it directly. As soon
 4 as one of the depositions is done, I can just get,
 5 like, a rundown of every deposition of that week
 6 since that will just be easier for everyone, I
 7 think.
 8 MS. VASQUEZ: And I believe, from a
 9 going-forward basis, we have reached out to Planet
 10 Depos for the -- the videos that have already been
 11 spliced and prepared, they're not able to give us a
 12 report, if that makes sense.
 13 THE COURT: Okay. That's fine.
 14 MS. VASQUEZ: But, on a going-forward
 15 basis, while they're splicing it, they can take on
 16 that job.
 17 THE COURT: Oh, okay, good. That will
 18 help.
 19 MS. VASQUEZ: But for the six or seven or
 20 eight that have already been done --
 21 THE COURT: Right.
 22 MS. VASQUEZ: -- we're just kind of stuck

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1 doing it by hand.
 2 THE COURT: Well, I think -- yeah. And I
 3 know that you have a lot of depositions, so it's
 4 just -- just for the jury, I think it would be very
 5 helpful to know --
 6 MS. VASQUEZ: Agreed.
 7 THE COURT: -- who is talking.
 8 MS. BREDEHOFT: One other thing --
 9 MS. VASQUEZ: We know who's talking. We
 10 know the voices. And I'm like, Oh, God, that's my
 11 voice.
 12 THE COURT: It's hard.
 13 MS. BREDEHOFT: One other thing we were
 14 thinking about on these exhibits --
 15 THE COURT: Right.
 16 MS. BREDEHOFT: -- you know, it worked
 17 okay, I think, on Friday with Dr. Kipper with just
 18 saying "pause" and then introducing --
 19 THE COURT: It worked okay except for
 20 some things. Like, obviously, personal information
 21 has to be redacted from emails. I mean, you gave
 22 me an email that had the poor doctor's email on it.

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1 If I had put that on the website, I mean, she would
 2 have been getting a lot of emails that she did not
 3 want to have, I'm sure. So I think, ahead of time,
 4 you could get that taken care of.
 5 Also, the other side should already know
 6 which exhibits you're going to do so they don't
 7 have to start looking through the folders and see
 8 if they're going to object or not. So if everybody
 9 knows ahead of time -- and you can probably work
 10 out the redaction. That one, you could probably
 11 have worked out the redactions ahead of time, and
 12 it would have been two seconds in front of the
 13 jury.
 14 MS. VASQUEZ: And, Your Honor, just a
 15 thought, and I know --
 16 THE COURT: Okay.
 17 MS. VASQUEZ: -- you have been so patient
 18 and wonderful with giving of your time.
 19 THE COURT: That means you're going to
 20 ask me for something.
 21 MS. VASQUEZ: I am going to ask for
 22 something, but feel free to tell me no.

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1 THE COURT: Okay.

2 MS. VASQUEZ: I'm used to it. It's fine.

3 As a suggestion, if we can add to your Friday our

4 exhibits that we hope to introduce by witness.

5 THE COURT: I don't have a problem with

6 that if you want to do that.

7 MS. BREDEHOFT: That might be -- it

8 depends upon which one of us is here on Friday for

9 depositions. We're going by which depositions we

10 took for the deposition designations because we

11 thought that would be a lot faster and more

12 effective, so...

13 THE COURT: I mean, if you want to do

14 that ahead of time, that would be --

15 MS. VASQUEZ: If there's exhibits for the

16 depositions --

17 THE COURT: That you want to get into

18 evidence.

19 MS. BREDEHOFT: Oh, during -- oh, the

20 deposition designations.

21 THE COURT: Right.

22 MS. BREDEHOFT: I think that's a great

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1 idea.

2 MS. VASQUEZ: So if Your Honor --

3 THE COURT: I have no problem in doing

4 that, because I think that would be -- that would

5 be a much shorter time in front of the jury.

6 MS. BREDEHOFT: I agree.

7 THE COURT: Anything --

8 MS. VASQUEZ: That way --

9 THE COURT: -- to save the jury's time.

10 MS. VASQUEZ: -- you can rule on them,

11 and then, perhaps, we could even play the video and

12 then, you know, show the exhibit --

13 THE COURT: Yeah, that's fine.

14 MS. VASQUEZ: -- at the same time.

15 THE COURT: I have no problem with that.

16 MS. BREDEHOFT: I think that's a great

17 idea.

18 MS. VASQUEZ: Okay. I came up with a

19 good idea.

20 THE COURT: No, I think that's a

21 fantastic idea, and I think it wouldn't actually

22 take much more time up -- we're doing these already

75

1 anyways.

2 MS. BREDEHOFT: And, that way, we can

3 also be working out the redactions and

4 everything --

5 THE COURT: Right.

6 MS. BREDEHOFT: -- and have them all

7 ready to go.

8 THE COURT: And that would just make it

9 so much smoother in front of the jury and less

10 time.

11 MS. VASQUEZ: And I think the jury will

12 understand, then, what the witness is testifying

13 to.

14 THE COURT: Right, exactly, and seeing it

15 at the same time.

16 MS. VASQUEZ: Seeing it at the same time.

17 THE COURT: Because I can't -- like, you

18 know, if you want them to see them at the same time

19 as the deposition, we have to turn off the

20 deposition, put it on that, and then put it back on

21 there. That's just more time that we're wasting.

22 MS. BREDEHOFT: Exactly.

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1 MS. VASQUEZ: We can split-screen it.

2 MS. BREDEHOFT: That's a great idea.

3 THE COURT: That sounds fabulous to me.

4 MS. VASQUEZ: Okay.

5 THE COURT: It can be already redacted

6 too, so that's great.

7 MS. VASQUEZ: Yes.

8 MS. BREDEHOFT: And if we can ask that

9 you give us the working notes from your paralegal

10 for the eight depositions --

11 MS. VASQUEZ: I'm going to make a copy of

12 it, if we could.

13 MS. BREDEHOFT: Okay. Perfect.

14 MS. VASQUEZ: I believe we need to add --

15 MS. BREDEHOFT: That way, we can

16 double-check too.

17 MS. VASQUEZ: I believe we just need to

18 add a little bit of time. Just so you know,

19 Ms. Bredehoff, as this deposition was an hour and

20 48 minutes, plaintiff's time was 34 minutes and 25.

21 But we're going to add a bit more time for the

22 pauses and the video and the pausing, so -- to make

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1 it more equitable.
 2 MS. BREDEHOFT: Okay.
 3 MS. VASQUEZ: This is just based on the
 4 record of the timestamps.
 5 THE COURT: That makes sense. We can
 6 take that into consideration. But then maybe we
 7 don't have to pause anymore and at least do the
 8 exhibits, that would be lovely --
 9 MS. VASQUEZ: Okay.
 10 THE COURT: -- to take care of that.
 11 One other thing, housekeeping matter:
 12 All the videos that came in, I assume there's more
 13 videos that are going to be coming in at some point
 14 as well. If you could just keep each side -- like,
 15 at some point, for the jury, I'm going to need them
 16 on little thumb drives, because IT can give us a
 17 blank laptop and they don't mind loading it into
 18 that blank laptop for jury deliberations, all the
 19 files. And we can have the plaintiff's file set
 20 and a defendant's file set. And, that way, they
 21 can watch the videos on that laptop. And, also,
 22 that can be the evidence that goes forward with the

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1 case for appeals and everything.
 2 MS. BREDEHOFT: Would that just be the
 3 videos or --
 4 THE COURT: Videos -- anything that's not
 5 paper form that the jury -- the evidence.
 6 MS. BREDEHOFT: So audios --
 7 THE COURT: Audios, videos, anything
 8 that's not paper form.
 9 MS. BREDEHOFT: Photos?
 10 THE COURT: No, photos, I assume, are
 11 going to be in paper form.
 12 MS. BREDEHOFT: Yeah, they'll have these
 13 as well.
 14 THE COURT: We have those in paper form.
 15 So anything that they need a laptop for, if we
 16 could have that.
 17 And I know you put in 85 videos and very
 18 short little clips, so I'm not sure -- again, I'm
 19 not part of this case; I'm just a spectator here.
 20 I have no idea how the jury is going to see that
 21 while they're deliberating, since it's going to be
 22 85 different little files that they have to click

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1 through.
 2 MS. BREDEHOFT: And they're in twice.
 3 THE COURT: And they're in twice. So I'm
 4 not sure. But that's something to think about for
 5 future items, because I think it's going to be very
 6 difficult for the jury to sit there and click
 7 through each one. And I don't know if they're in
 8 order or not in order or to figure out exactly what
 9 they're watching. So...
 10 MS. VASQUEZ: And the parts of it that
 11 they're watching.
 12 THE COURT: Yeah. So that's going to be
 13 a little difficult for them. But just to let you
 14 know early on my spectating views, just from
 15 watching from the sidelines here.
 16 MS. VASQUEZ: We appreciate that, Your
 17 Honor. Thank you.
 18 MS. BREDEHOFT: For timing purposes, do
 19 the plaintiffs think they'll end this next week? I
 20 know Ben had said --
 21 THE COURT: He had said a week and a
 22 half. I assumed he was being a little

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1 overoptimistic.
 2 MS. VASQUEZ: But -- no, but I think,
 3 again, Your Honor, part of this time is also --
 4 THE COURT: You're right. I know, it
 5 goes both ways, right.
 6 MS. VASQUEZ: So, no, we will not be done
 7 this week. I anticipate we'll go until the end of
 8 the month.
 9 You're looking at me.
 10 THE COURT: You don't have till the end
 11 of the month.
 12 MR. MONIZ: We're getting through it as
 13 quick as we can. Maybe not this week but we'll try
 14 to get through it as quick as we possibly can. I
 15 mean, one of the problems we have is we can't
 16 anticipate how long Ms. Bredehoft is going to take,
 17 you know...
 18 THE COURT: Well, I understand, but to
 19 put your case-in-chief on, you're not going to
 20 have -- unless you want to use all your time and
 21 not have any rebuttal, that's fine. But when you
 22 run out of time, you're -- I will cut you off in

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1 the middle of a witness. I think you guys know me
 2 by now.
 3 MS. VASQUEZ: Yes. No, no.
 4 THE COURT: When your time is up, I will
 5 let you know, and your case is over.
 6 MS. VASQUEZ: Yeah. No, the --
 7 THE COURT: And if you use all of yours
 8 in the direct, you have no rebuttal.
 9 MS. VASQUEZ: Yes. No, and we understand
 10 that and appreciate that.
 11 THE COURT: Right.
 12 MS. VASQUEZ: I was just saying, in terms
 13 of the days, trying to anticipate how long cross
 14 is.
 15 THE COURT: Right, right.
 16 MS. VASQUEZ: So that's -- I was just
 17 trying to give a calendar estimate of perhaps how
 18 long.
 19 THE COURT: Well, we -- we have -- Sammy
 20 and I have figured it out. And we took off the
 21 first day, because it was voir dire, and we took
 22 off another day because it was two hours of closing

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1 and two hours of opening. So that leaves you with
 2 22 days. Right? And we paced out there's six and
 3 a half hours in a day -- this is what we did, okay?
 4 So there's six and a half hours of actual jury time
 5 in a day. So we paced it out going forward -- for
 6 the whole trial, for 22 days, at six and a half
 7 hours a day, except we gave you 2.5 more hours
 8 because the closing and opening were only four
 9 hours. Right?
 10 So you have -- each side only has 72
 11 hours and 45 minutes each. Okay? So that's the
 12 countdown clock that we're working with.
 13 MS. VASQUEZ: Okay.
 14 THE COURT: So when you get to 72 hours
 15 and 45 minutes, you're done.
 16 MS. VASQUEZ: Understood. Okay.
 17 MS. BREDEHOFT: And what do we have so
 18 far?
 19 THE COURT: Well, it's a little skewed
 20 because we were just giving all the deposition time
 21 to them until we got the corrections. You can
 22 tell -- Sammy is like, "Can I talk?" Yes.

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1 THE CLERK: Based off -- yeah, so, right
 2 now, it's -- the defendant has about 70 hours and
 3 10 minutes, I believe.
 4 THE COURT: But that's because we gave
 5 all the depositions to Depp, which is going to,
 6 obviously, change drastically once we get --
 7 THE CLERK: Which means that -- yeah,
 8 with all the depositions that have been called in
 9 your case-in-chief, as of right now, if all of that
 10 time is debited to you, you have about 62 hours and
 11 35 minutes left.
 12 THE COURT: Okay. So how much time total
 13 have we used in the trial so far? Well, it's four
 14 days, whatever that is. Three days, two days.
 15 THE CLERK: Yeah.
 16 THE COURT: So I'm not sure -- okay. So
 17 we used -- we only used three days this week;
 18 right?
 19 MS. BREDEHOFT: Two, if the voir dire --
 20 THE COURT: That's true. We only used
 21 two days. So we have only used 13 hours so far.
 22 Six and a half and six and a half, right? Yeah.

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1 So we have used 13 hours.
 2 MS. VASQUEZ: Our opening was shorter.
 3 THE COURT: Yeah, but I didn't give it
 4 but two hours and two hours. That's what I did
 5 with the openings.
 6 MS. VASQUEZ: Okay.
 7 THE COURT: I gave everybody two hours,
 8 so I'm not even blocking that into it.
 9 MS. VASQUEZ: Okay. Understood, Your
 10 Honor.
 11 THE CLERK: Well, I have it calculated
 12 here.
 13 THE COURT: Okay.
 14 THE CLERK: Yeah, with all the
 15 stipulations that have been made, it's on the --
 16 the plaintiff has used 10 hours and 12 minutes, and
 17 the defendant has used 2 hours and 35 minutes.
 18 THE COURT: To give you 13 hours. But
 19 that's without the depositions being changed. So
 20 once the depositions are changed by -- if you give
 21 us -- I don't know when you can give us the
 22 deposition. As soon as you give us the deposition

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|----|--|----|---|
| 85 | <p>1 designation times, we can compute it and let you 2 know what you have left. 3 MS. VASQUEZ: Okay. 4 THE COURT: I mean, he's keeping a 5 running total. So as soon as we get those and put 6 them in there, we can tell you every day how much 7 time you have left. 8 MS. VASQUEZ: That's fantastic. Thank 9 you, Your Honor. 10 THE COURT: All right. Trying to keep 11 the train on the tracks. 12 MS. VASQUEZ: Yeah. 13 MS. BREDEHOFT: Appreciate it. And I 14 have to say, Your Honor, the courthouse staff, the 15 deputies have been doing fantastic. 16 THE COURT: They're doing an excellent 17 job, aren't they? 18 MS. BREDEHOFT: Fantastic job. 19 THE COURT: Good. 20 MS. BREDEHOFT: Just really -- 21 THE COURT: Except for Lucia (ph)... 22 No. I'm glad. We're trying to keep it</p> | 87 | <p>1 THE COURT: All right. Well, you guys 2 can figure it out. I'll take a break. Do you 3 think, by 1:00, you'll have something, or do you 4 want to have your lunch and figure it out? 5 MS. VASQUEZ: I think it would make 6 sense, personally, to have a little time over lunch 7 and then we can come back -- 8 THE COURT: Okay. Do you want to come 9 back at 2:00? 10 MS. VASQUEZ: -- and hopefully be in a 11 better place. 12 MS. BREDEHOFT: We'll just see how much 13 we can do. 14 THE COURT: I always want to try to be in 15 a better place. 16 MS. VASQUEZ: A working lunch. 17 THE COURT: Yeah, exactly. 18 MS. VASQUEZ: Thank you very much, Your 19 Honor. 20 (A lunch recess was taken from 12:26 p.m. to 2:16 p.m.) 21 THE COURT: All right. Where are we at 22 now? Which deposition?</p> |
| 86 | <p>1 as -- 2 MS. BREDEHOFT: It has. 3 THE COURT: -- as focused as we can. 4 MS. BREDEHOFT: Very professional. 5 Everything's been running very smoothly. They 6 really have gone out of their way to just think of 7 everything, and it's been very impressive. 8 THE COURT: Good, good. Well, hopefully 9 it keeps that way. A week down, four to go. 10 MS. BREDEHOFT: Yeah, exactly. 11 THE COURT: Five to go. 12 MS. VASQUEZ: Five to go. 13 THE COURT: I tried. I tried. Didn't 14 work. 15 Okay. So you're on to which deposition 16 next? 17 MS. BREDEHOFT: We're going to do -- but 18 we're not ready yet. 19 THE COURT: We can take a break. 20 MS. BREDEHOFT: We're going to do -- 21 should we do Hadden and get that one first because 22 they're the police officers?</p> | 88 | <p>1 MS. BREDEHOFT: Well, so far, on Hadden, 2 Your Honor, we're up to page 175, and we have no 3 disputes. 4 THE COURT: Okay. 5 MS. BREDEHOFT: We have worked out 6 everything to page 175. 7 THE COURT: On which transcript? I'm 8 sorry? 9 MS. BREDEHOFT: That's Hadden. Officer 10 Hadden. 11 THE COURT: Officer Hadden. Okay. 12 MS. BREDEHOFT: And we have going, at the 13 same time, Officer -- 14 MS. MEYERS: No, we have been working on 15 Carino. 16 MS. BREDEHOFT: Christian Carino; right? 17 MS. MEYERS: And we're through the 18 first -- 19 MS. VASQUEZ: Day one. 20 MS. MEYERS: Day one transcript, and 21 we're pretty well through the second day, and I 22 think we -- you know, we have some issues for Your</p> |

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|----|--|----|--|
| 89 | <p>1 Honor to address on the first -- the day one</p> <p>2 transcript anyway, so...</p> <p>3 THE COURT: Okay. Day one of which one?</p> <p>4 I'm sorry.</p> <p>5 MS. MEYERS: Carino.</p> <p>6 THE COURT: Okay. Carino. I have got</p> <p>7 Carino. All right. Which ones?</p> <p>8 MS. BREDEHOFT: Do you want to start at</p> <p>9 Hadden?</p> <p>10 THE COURT: Well, I don't know.</p> <p>11 MS. MEYERS: Well, I thought you said you</p> <p>12 don't have any --</p> <p>13 THE COURT: You don't have anything with</p> <p>14 Hadden?</p> <p>15 MS. BREDEHOFT: We don't have any issues</p> <p>16 yet.</p> <p>17 THE COURT: Okay.</p> <p>18 MS. BREDEHOFT: But does -- I mean, is</p> <p>19 Your Honor just going to let us keep going?</p> <p>20 THE COURT: Yeah, I'll keep going. I'll</p> <p>21 work out whatever issues you have. This seems to</p> <p>22 be working okay with me, and I'm able to do a</p> | 91 | <p>1 currently, but he was during a portion of the</p> <p>2 relevant time period.</p> <p>3 THE COURT: Okay.</p> <p>4 MS. MEYERS: And so -- and, yeah, he's</p> <p>5 also a friend to Mr. Depp and Ms. Heard during</p> <p>6 their relationship. So there's sort of a couple</p> <p>7 areas of knowledge there.</p> <p>8 In the first -- the day one of his</p> <p>9 deposition, which was conducted by Ms. Heard's</p> <p>10 counsel, there's a number of questions about</p> <p>11 damages, and a number of them relate to damages</p> <p>12 sustained after the UK decision was made.</p> <p>13 THE COURT: Okay.</p> <p>14 MS. MEYERS: And so we have offered to</p> <p>15 stipulate that we're not seeking any damages after</p> <p>16 that point, just to ensure that the UK decision</p> <p>17 itself does not -- that, you know, there is no real</p> <p>18 opening the door unless we somehow go back on that.</p> <p>19 THE COURT: Right.</p> <p>20 MS. MEYERS: And so our view is that</p> <p>21 those -- I just wanted to preview that.</p> <p>22 THE COURT: I understand. So you're</p> |
| 90 | <p>1 crossword puzzle in between, so you know I'm okay</p> <p>2 with that. This works out much better than going</p> <p>3 page by page, I must say. Okay.</p> <p>4 MS. MEYERS: Elaine, do you mind if I --</p> <p>5 or I don't want to interrupt your --</p> <p>6 THE COURT: Are you going to stand for</p> <p>7 this one?</p> <p>8 MS. MEYERS: I'll stand.</p> <p>9 THE COURT: Okay. I'm sorry about that.</p> <p>10 They're working on it? Oh, they fixed your</p> <p>11 microphone.</p> <p>12 MS. MEYERS: Oh, they did? Oh,</p> <p>13 wonderful.</p> <p>14 And just as a -- sorry. As a preview,</p> <p>15 we -- in coming through Christian Carino's</p> <p>16 transcript --</p> <p>17 THE COURT: Just tell me who Christian</p> <p>18 Carino is.</p> <p>19 MS. MEYERS: Sorry, yes. He was</p> <p>20 Mr. Depp's agent --</p> <p>21 THE COURT: Okay.</p> <p>22 MS. MEYERS: -- for a time. He's not</p> | 92 | <p>1 arguing that it shouldn't come in. It's not</p> <p>2 relevant because you're not seeking damages that</p> <p>3 involve -- that -- and I'm assuming that the</p> <p>4 response is going to be "but we're defending</p> <p>5 against mitigating damages," and you're going to</p> <p>6 say that some things that are happening to him are</p> <p>7 happening because of the UK judgment.</p> <p>8 MS. BREDEHOFT: Correct. And we talked</p> <p>9 this through a little bit, all of us collectively.</p> <p>10 THE COURT: Okay.</p> <p>11 MS. BREDEHOFT: And there's a couple of</p> <p>12 different issues here because it's not -- you know,</p> <p>13 they want a cut-off from November 2, 2020, which is</p> <p>14 when the decision came down and saying no more</p> <p>15 economic damages, but emotional distress damages</p> <p>16 would also be relevant under any kind of damages</p> <p>17 that they would claim.</p> <p>18 And then we are saying -- and this was</p> <p>19 that even the article -- and I have the -- I pulled</p> <p>20 the opening from counsel for Mr. Depp --</p> <p>21 THE COURT: Okay.</p> <p>22 MS. BREDEHOFT: -- on places where they</p> |

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1 argued and they said "and because of that, words
 2 can evoke strong emotions in the listener and cause
 3 irreparable harm to a person's reputation. And
 4 when, like Mr. Depp, your career depends upon your
 5 image and your reputation or whether movie
 6 producers want their films associated with you,
 7 that harm can be particularly devastating." So
 8 it's the claim of the abuse that they're claiming
 9 for the damages from the opening.
 10 THE COURT: But you're not seeking any
 11 damages past November.
 12 MS. MEYERS: That was when --
 13 THE COURT: The November date?
 14 MS. MEYERS: It's November 2nd, 2020, is
 15 when the decision --
 16 THE COURT: November 2nd, 2020. So you
 17 are not going to be asking for any damages
 18 whatsoever past that date?
 19 MS. MEYERS: Right. So, to the extent he
 20 lost an opportunity or lost, for instance,
 21 Fantastic Beasts after that date --
 22 THE COURT: For economic damages.

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1 MS. MEYERS: -- we're not claiming
 2 economic damages, exactly.
 3 MS. BREDEHOFT: So the problem is -- and
 4 I want to read the other part of the opening and
 5 they also said this, "Hollywood studios don't want
 6 to deal with the public backlash from hiring
 7 someone accused of abuse, even someone with the
 8 incredible body of work and record that Mr. Depp
 9 can be proud of. A false allegation can devastate
 10 a career, and it can devastate a family. And the
 11 evidence will show that Ms. Heard's false
 12 allegation had a significant impact on Mr. Depp's
 13 family and his ability to work in the profession he
 14 loved and loved to bring joy to, to everyone."
 15 So here's the issue for us, Your Honor.
 16 You can't just say, okay, we're going to cut it off
 17 at November 2, 2020, because what happened and the
 18 reason for The Sun litigation was that, in June of
 19 2018, six months before Ms. Heard's op-ed, The Sun
 20 published their op-ed and it was the editor in
 21 chief published theirs, calling him a wife beater.
 22 And it was headlines and it was -- that was the

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1 part that I started to talk about in my opening was
 2 that that was published six months earlier, calling
 3 him a wife beater and then went into a lot of
 4 detail in that article about the allegations of
 5 domestic abuse.
 6 Then you go forward, and their trial is
 7 the summer of 2020. So there's a lot of publicity
 8 about this that goes from -- he files suit --
 9 Mr. Depp files suit in July of 2018 against The
 10 Sun. And so there's a lot of publicity that's
 11 generated from that point up through the time.
 12 THE COURT: So what you're saying is his
 13 damages -- November 2020, his damages still would
 14 be relying upon the lawsuit itself because it came
 15 out -- The Sun said he was a wife beater.
 16 MS. BREDEHOFT: And the op-ed, the
 17 article that --
 18 THE COURT: The article that could have
 19 been part of his damages claim.
 20 MS. BREDEHOFT: Exactly. Because it was
 21 even before Ms. Heard's. It was six months before
 22 that the article came out. He sued them.

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1 approximately five months before Ms. Heard came out
 2 with it.
 3 THE COURT: So the defense is, here's the
 4 damages for Mr. Depp because of this op-ed. And
 5 her response is, But there was also this Sun
 6 article that came out and came him a wife beater,
 7 so some of these damages might be because of that.
 8 MS. MEYERS: Right. And I don't think
 9 that in stipulating that --
 10 THE COURT: The judgment.
 11 MS. MEYERS: -- the judgment, that
 12 argument remains.
 13 THE COURT: You can get the UK lawsuit
 14 part in, but we're not going to be talking about
 15 the resolution of the -- we're not going to be
 16 talking about the judgment itself. Am I getting
 17 that right?
 18 MS. MEYERS: That's correct.
 19 MS. BREDEHOFT: And I understand what
 20 they're saying, but what I think needs to be
 21 resolved with us is that we need to figure out
 22 exactly what that language of the stipulation is

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1 and a jury instruction, you know, limiting
 2 instruction on that because it's not just -- I get
 3 that they're going to cut it off at November 2,
 4 2020.
 5 THE COURT: Right.
 6 MS. BREDEHOFT: And what we would be able
 7 to say is everything that else that happened before
 8 November 2, 2020, but I also don't want them to
 9 argue -- and that's why I read these two parts to
 10 the Court --
 11 THE COURT: Okay.
 12 MS. BREDEHOFT: -- that the op-ed, you
 13 know, created some kind of damage to he and his
 14 family, emotional distress.
 15 THE COURT: Well, they are going to say
 16 that. I mean, that's part of their case. They can
 17 say that --
 18 MS. BREDEHOFT: But it has to cut off at
 19 November 2, 2020, as well.
 20 THE COURT: I don't think the emotional
 21 damage --
 22 MS. BREDEHOFT: Well, why wouldn't he not

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1 be more emotionally distressed by the fact that a
 2 Court found that he committed --
 3 THE COURT: Well, I don't think he --
 4 well, if he testifies to that "I'm more emotionally
 5 distressed now," I mean -- but I don't think he's
 6 going to testify to that. I mean, if they open the
 7 door, I mean, that's going to come in. But I
 8 assume he's just going to talk about, from this
 9 op-ed, how he's been emotionally charged from this
 10 particular op-ed. I think it's going to be that
 11 narrowed of a scope, just the damages from these
 12 statements in this op-ed and how I have been
 13 emotionally hurt by those damages.
 14 MS. BREDEHOFT: And it's fair game for us
 15 to come in and say, you were asked -- you know, you
 16 were accused of it six months earlier, you brought
 17 the suit, you have done all this --
 18 THE COURT: That's why you don't talk
 19 about the judgment itself, yes.
 20 MS. BREDEHOFT: Okay. And so -- so here
 21 was our thought on this, while we're trying to
 22 carve that out and see whether the door opens --

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1 THE COURT: Right.
 2 MS. BREDEHOFT: -- we thought that maybe
 3 this is one that we could put a pin in, take out
 4 the references to the judgment --
 5 THE COURT: Okay.
 6 MS. BREDEHOFT: -- out of Carino --
 7 THE COURT: Okay.
 8 MS. BREDEHOFT: -- but reserve, if the
 9 door is open, to be able to bring more in on that.
 10 THE COURT: Okay.
 11 MS. BREDEHOFT: Because we understand --
 12 that's what we want to kind of discuss.
 13 THE COURT: Right.
 14 MS. BREDEHOFT: And then I suggested that
 15 we, perhaps, even work on a stipulation, you know,
 16 language for a stipulation, because they have
 17 expert witnesses who have designated under Crane
 18 and claimed damages all the way to the present.
 19 They have taken it through -- they have even
 20 referenced UK claim.
 21 THE COURT: You mean economic damages
 22 or --

100

1 MS. BREDEHOFT: Yes, yes.
 2 THE COURT: Okay. So that's something
 3 that they're going to have to narrow down.
 4 MS. BREDEHOFT: Right. And we need to
 5 know how they're going to do that and what they're
 6 doing to -- because we have experts.
 7 THE COURT: I mean, I think they have to
 8 narrow it down to economic damages before November
 9 of 2020. That's how they're going to do it.
 10 MS. MEYERS: That would be the testimony
 11 at trial, exactly.
 12 THE COURT: That would be the testimony
 13 at trial, just stopping there, so...
 14 MS. BREDEHOFT: And so my suggestion
 15 is -- and we understand all that.
 16 THE COURT: Okay.
 17 MS. BREDEHOFT: We'll work with them.
 18 THE COURT: Sure, sure.
 19 MS. BREDEHOFT: But we just feel like we
 20 need to make sure we know exactly what is being
 21 told to the jury on the limitations. We just need
 22 to --

Transcript of Hearing (Preliminary Matter)
Conducted on April 15, 2022

26 (101 to 104)

| 101 | 103 |
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| <p>1 THE COURT: Well, I'm not sure -- I guess 2 we can get to this when we get to the jury 3 instructions, but I'm not sure which -- if they 4 don't have any evidence past November 2020, so 5 they're not going to be able to consider anything 6 past November 2020, because they have no evidence 7 past it.</p> | <p>1 reputation is in that -- 2 THE COURT: Okay. 3 MS. BREDEHOFT: -- is in that 4 instruction. So we really do need to address that. 5 THE COURT: Well, we can address that. 6 MS. BREDEHOFT: Okay. 7 THE COURT: We can figure it out.</p> |
| <p>8 MS. BREDEHOFT: But a jury could continue 9 it anyway if they're not instructed that it stops 10 at that point. My point is --</p> | <p>8 MS. BREDEHOFT: And then -- and I guess 9 for the caveat, if they open up the door -- we 10 don't know what their witnesses are going to say, 11 but if they open the door, then we have a right to 12 be able to revisit.</p> |
| <p>11 THE COURT: But there won't be any 12 evidence of it. There won't be any financial -- 13 there won't be any economic evidence past November 14 of 2020.</p> | <p>13 THE COURT: Right. And just approach the 14 bench, obviously, before --</p> |
| <p>15 MS. MEYERS: Right.</p> | <p>15 MS. BREDEHOFT: Okay. And just so we're 16 clear, because I think we're going to hit it in 17 some of these depositions, not quite yet --</p> |
| <p>16 MS. BREDEHOFT: Right. And it's how it's 17 phrased. So, for example, will their experts say, 18 We calculated his damages up to November 2, 2020, 19 and -- but I think it has to be told to the jury 20 that he's only claiming --</p> | <p>18 THE COURT: Okay. 19 MS. BREDEHOFT: -- I think they have 20 opened the door for the article and for the 21 lawsuit --</p> |
| <p>21 THE COURT: We can address this another 22 day, but I just don't -- I'm not following the</p> | <p>22 THE COURT: Well, right. I think we have</p> |
| 102 | 104 |
| <p>1 logic, if they don't have any evidence, how they 2 would find it any way other than their economic 3 losses up to that date, but we can --</p> | <p>1 already discussed, in some of the depositions --</p> |
| <p>4 MS. BREDEHOFT: Well, the jury 5 instruction on defamation, Your Honor, says that 6 damages to --</p> | <p>2 MS. BREDEHOFT: Yes. 3 THE COURT: -- the UK lawsuit. 4 MS. BREDEHOFT: Correct.</p> |
| <p>7 THE COURT: Economic losses that have 8 been proven. Right? That's what the jury 9 instruction says. They're entitled to any economic 10 loss that they have proven at trial.</p> | <p>5 THE COURT: That's already come up in 6 some of the depositions. But I -- I mean, I don't 7 think they have to open the door for that. I mean, 8 they're basing their case on economic damages up to 9 November 2020, so it's going to come in. The UK 10 lawsuit is going to come in. I mean, I don't know 11 how much it's going to come in, but...</p> |
| <p>11 MS. BREDEHOFT: Well, but --</p> | <p>12 MS. BREDEHOFT: Okay. Thank you, Your 13 Honor.</p> |
| <p>12 THE COURT: And if they don't have any 13 evidence --</p> | <p>14 THE COURT: But, yes.</p> |
| <p>14 MS. BREDEHOFT: There's a damages 15 instruction for defamation in particular that says 16 that damages to your personal and professional 17 reputation, inconvenience, humiliation, 18 embarrassment are presumed, and that --</p> | <p>15 MS. BREDEHOFT: Okay. 16 THE COURT: Just making sure. I'm just 17 making sure we're on the same page.</p> |
| <p>19 THE COURT: Right. But that's not the 20 economic, though. I mean, we're just talking 21 economic.</p> | <p>18 MS. BREDEHOFT: I think we are. 19 THE COURT: Okay.</p> |
| <p>22 MS. BREDEHOFT: Personal and professional</p> | <p>20 MS. BREDEHOFT: And I think we'll revisit 21 it if we need to, Your Honor. 22 THE COURT: Okay.</p> |

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| <p style="text-align: right;">105</p> <p>1 MS. BREDEHOFT: Okay. So we're still 2 working through Hadden. We don't have anything -- 3 THE COURT: Right. I think we have 4 something on Carino. 5 MS. MEYERS: I think Clarissa and I are 6 prepared to at least go through the first Carino 7 transcript. There's two. 8 THE COURT: Okay. Perfect. 9 MS. MEYERS: And I believe that the 10 first -- 11 THE COURT: Do we have another question? 12 MS. BREDEHOFT: Your Honor, should we go 13 away and work on this? 14 THE COURT: If you could -- you can stop 15 at "go away". [Laughter]. Can we go away? It's 16 like, Oh, don't tempt me, Ms. Bredehoft. No, yes. 17 MR. CHEW: That's opening the door. 18 UNIDENTIFIED SPEAKER: That's don't come 19 back. [Laughter]. 20 THE COURT: No, that's fine. Sure. I'm 21 not sure -- I think there's too much things in the 22 Court TV -- that room, but you can go up. I'm</p> | <p style="text-align: right;">107</p> <p>1 into the next question, which they haven't objected 2 to, so... 3 THE COURT: Okay. I'm sorry. Who is the 4 conversation with? 5 MS. MEYERS: This is a conversation 6 between Mr. Carino and Mr. Waldman. And we're 7 leaving in the fact -- you know, the testimony 8 concerning the fact of that conversation, but when 9 it gets to, "What do you recall of the 10 conversation?" And Mr. Carino is testifying -- on 11 line 17 -- that he's saying that he -- the opinion 12 that he expressed to Mr. Waldman during that 13 conversation. So that's an out-of-court statement 14 he made to Mr. Waldman that he's now testifying to 15 in his deposition. 16 MS. PINTADO: And, again, it's his -- he 17 is the declarant, and he's -- so it's not hearsay. 18 MS. MEYERS: But it's still an 19 out-of-court statement that he made. 20 THE COURT: It's an out-of-court 21 statement. It is an out-of-court statement. All 22 right. I'll sustain the objection.</p> |
| <p style="text-align: right;">106</p> <p>1 sorry. We'll find you a room. 2 MS. BREDEHOFT: Thank you. 3 THE COURT: All right. What page are we 4 starting on? 5 MS. MEYERS: I believe the first disputed 6 issue is on page 39. 7 THE COURT: 39? Okay. 8 MS. MEYERS: And I believe we are willing 9 to withdraw our objections to 7 -- line 7 through 10 16. 11 THE COURT: Okay. 12 MS. MEYERS: It's really 17 through 21 13 that we're maintaining our hearsay objection to. 14 THE COURT: Okay. So the objection 15 starts at line 17? 16 MS. MEYERS: Yes. 17 THE COURT: Okay. 18 MS. PINTADO: And, Your Honor, in 19 response to that, these were Carino's words, so 20 he's the declarant. 21 THE COURT: Okay. 22 MS. PINTADO: And it also kind of flows</p> | <p style="text-align: right;">108</p> <p>1 Next one? 2 MS. MEYERS: And I believe the next 3 disputed designations are on page 44 on to 45. 4 THE COURT: 44 to 45. 5 MS. MEYERS: That is Mr. Carino's -- he's 6 being asked questions about certain of Mr. Depp's 7 lawsuits. 8 THE COURT: Which line are you on? I'm 9 sorry. 10 MS. MEYERS: It's 44. And then there's 11 four sort of objected-to portions on lines 1 12 through 12. And it continues on down the page. 13 THE COURT: All right. 14 MS. MEYERS: And we're maintaining our 15 hearsay and our lack of foundation as to 16 Mr. Carino's knowledge about this and any -- we 17 would maintain that any knowledge he does have 18 would not be personal but, rather, through hearsay. 19 THE COURT: Okay. 20 MS. PINTADO: And this would fall 21 under -- first of all, it's not being offered for 22 its truth. And, secondly, it is a public record.</p> |

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| 109 | <p>1 THE COURT: Well, if it's not offered for</p> <p>2 the truth, what it's offered for?</p> <p>3 MS. PINTADO: It's simply offered for the</p> <p>4 fact that he had litigation brought against him.</p> <p>5 MS. MEYERS: Right, so that is offered</p> <p>6 for the truth.</p> <p>7 MS. PINTADO: Well, it's not offered for</p> <p>8 the truth of any underlying parts of the</p> <p>9 litigation.</p> <p>10 THE COURT: All right. I'll sustain the</p> <p>11 objection.</p> <p>12 Next one?</p> <p>13 MS. PINTADO: If I may, Your Honor, it</p> <p>14 also would fall under the public records exception</p> <p>15 to hearsay as well.</p> <p>16 THE COURT: It's not a public record.</p> <p>17 It's not -- you're not -- it's not a piece of</p> <p>18 evidence you're getting into -- not a piece of</p> <p>19 paper. I'll sustain the objection.</p> <p>20 All right. Next one?</p> <p>21 MS. MEYERS: We'll withdraw our</p> <p>22 counter --</p> | 111 | <p>1 fact witness, not an expert witness; correct? So I</p> <p>2 don't think his opinions are relevant.</p> <p>3 MS. MEYERS: That's correct, Your Honor.</p> <p>4 THE COURT: All right. I'll sustain the</p> <p>5 objections.</p> <p>6 MS. MEYERS: I believe the next dispute</p> <p>7 is on page 57. This is asking Mr. Carino about</p> <p>8 whether he considers Rolling Stone to have a</p> <p>9 widespread audience. Again, this is speculative,</p> <p>10 lack of foundation that he would know, and outside</p> <p>11 his personal knowledge.</p> <p>12 MS. PINTADO: I mean, for the same</p> <p>13 reason. He's an actor -- he's an agent for actors.</p> <p>14 He, you know, has knowledge of that.</p> <p>15 THE COURT: I'll sustain the objection.</p> <p>16 If you have more similar ones like that, just</p> <p>17 assume I'm going to sustain the objection to those.</p> <p>18 MS. MEYERS: And so I believe the next</p> <p>19 disputed designation is on page 62, and it goes</p> <p>20 generally on to 64. And, again, this is asking for</p> <p>21 Mr. Carino's knowledge or opinion about whether</p> <p>22 articles impacted Mr. Depp.</p> |
| 110 | <p>1 THE COURT: Okay.</p> <p>2 MS. MEYERS: I assume --</p> <p>3 THE COURT: Purple's out. Purple out.</p> <p>4 MS. MEYERS: Oh, and their rebuttal</p> <p>5 designations on 6 through 9, I would ask to be</p> <p>6 withdrawn as well.</p> <p>7 THE COURT: The peach color? Okay. All</p> <p>8 right.</p> <p>9 MS. MEYERS: I believe the next disputed</p> <p>10 is on page 51.</p> <p>11 THE COURT: 51. Okay.</p> <p>12 MS. MEYERS: And, again, Your Honor, this</p> <p>13 is a foundation issue, speculative testimony, and</p> <p>14 based -- testimony that's not based off of</p> <p>15 Mr. Carino's personal knowledge. They're speaking</p> <p>16 generally about litigation being distractions</p> <p>17 and --</p> <p>18 MS. PINTADO: He's talking about -- Your</p> <p>19 Honor, he's talking about litigation being damaging</p> <p>20 to -- specifically to an actor, and, you know, he</p> <p>21 is a talent agent, so I think he has --</p> <p>22 THE COURT: But he's -- again, he's a</p> | 112 | <p>1 THE COURT: Again, anything with opinion</p> <p>2 is going to be sustained.</p> <p>3 MS. MEYERS: Okay. So we'll take that</p> <p>4 out.</p> <p>5 For the record, Your Honor, we're</p> <p>6 crossing out 62, line 16 through 64, line 1.</p> <p>7 THE COURT: Okay.</p> <p>8 MS. MEYERS: I believe -- and Ms. Pintado</p> <p>9 can correct me if I'm wrong -- that, on 80, the</p> <p>10 objection to 15 through 18 would be sustained as</p> <p>11 well, which goes on to the next page on 81.</p> <p>12 MS. PINTADO: I withdraw based on that.</p> <p>13 THE COURT: All right. Thank you.</p> <p>14 MS. MEYERS: And I believe that applies</p> <p>15 to what's designated on page 82 as well.</p> <p>16 MS. PINTADO: I thought we were</p> <p>17 already...</p> <p>18 MS. MEYERS: The next dispute is on 104.</p> <p>19 Again, I think this is consistent with Your Honor's</p> <p>20 ruling, something that would be sustained as an</p> <p>21 opinion or lacking foundation.</p> <p>22 And, sorry, Your Honor, it starts on 104,</p> |

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| 113 | <p>1 line 21, and then goes on to 105 --</p> <p>2 THE COURT: Okay. So you have withdrawn</p> <p>3 the other objections. We're just at line 21.</p> <p>4 MS. MEYERS: Yes, that's correct.</p> <p>5 THE COURT: All right.</p> <p>6 MS. PINTADO: I'll withdraw that, Your</p> <p>7 Honor.</p> <p>8 THE COURT: Okay. Thank you.</p> <p>9 MS. MEYERS: And I believe 106 would also</p> <p>10 be consistent with Your Honor's prior ruling</p> <p>11 sustained.</p> <p>12 THE COURT: Okay. Which page? I'm</p> <p>13 sorry.</p> <p>14 MS. MEYERS: 106.</p> <p>15 THE COURT: 106, yes. Okay.</p> <p>16 MS. PINTADO: Again, it's less -- it's</p> <p>17 talking specifically about -- sorry; I'll withdraw.</p> <p>18 THE COURT: Okay.</p> <p>19 (Pause in the proceedings for technical</p> <p>20 issues.)</p> <p>21 THE COURT: It's just the microphone.</p> <p>22 Keep going, keep going.</p> | 115 | <p>1 107. Let's see. "Would you agree that there's</p> <p>2 been a great deal of publicity generated as a</p> <p>3 result of the UK lawsuit?"</p> <p>4 "I mean, the answer is I don't know."</p> <p>5 "Do you consider a significant</p> <p>6 portion..."</p> <p>7 He never -- again, he's a fact witness,</p> <p>8 though; right?</p> <p>9 MS. MEYERS: That's correct.</p> <p>10 THE COURT: Not an expert. So let's go</p> <p>11 ahead -- I'll sustain the objection.</p> <p>12 (Pause in the proceedings for technical</p> <p>13 issues.)</p> <p>14 MS. MEYERS: I believe this deals with</p> <p>15 the designations on 109 and 110 -- 108, 109, and</p> <p>16 110.</p> <p>17 THE COURT: Okay. 108, 109, and 110.</p> <p>18 Okay. Do you agree?</p> <p>19 MS. PINTADO: I'm sorry, Your Honor.</p> <p>20 Yes, I'd agree.</p> <p>21 MS. MEYERS: And then, Your Honor, on</p> <p>22 page 112, this is where the UK judgment is</p> |
| 114 | <p>1 MS. MEYERS: Okay. Sorry.</p> <p>2 THE COURT: We're going to resolve it</p> <p>3 while you're still talking.</p> <p>4 MS. MEYERS: Okay. I believe 107 and 108</p> <p>5 is -- also has similar foundational issues. It's</p> <p>6 information that falls outside Carino's personal</p> <p>7 knowledge. I think, consistent with Your Honor's</p> <p>8 ruling, these would be sustained as well.</p> <p>9 MS. PINTADO: Well, I mean, on this one,</p> <p>10 it's talking about from his personal experience,</p> <p>11 you know, was he aware of whether the UK lawsuit</p> <p>12 received a great deal of publicity. He explains</p> <p>13 what publicity is. And, as a talent agent, I think</p> <p>14 he has foundation to discuss that.</p> <p>15 MS. MEYERS: Your Honor, on page 108,</p> <p>16 they're asking, you know, a number of lead-up</p> <p>17 questions about what they would consider a</p> <p>18 significant portion of the population having seen</p> <p>19 this in the context of publicity. It's --</p> <p>20 MS. PINTADO: I mean, I think we can,</p> <p>21 like, focus on 107 for now.</p> <p>22 THE COURT: Okay. Let me just focus on</p> | 116 | <p>1 introduced.</p> <p>2 THE COURT: 112?</p> <p>3 MS. MEYERS: Yes. And so I believe,</p> <p>4 consistent with what we have just discussed --</p> <p>5 THE COURT: All right.</p> <p>6 MS. MEYERS: -- this would come out as</p> <p>7 well.</p> <p>8 THE COURT: Do you agree to that?</p> <p>9 MS. PINTADO: That we are -- sorry. What</p> <p>10 am I agreeing with?</p> <p>11 MS. MEYERS: On what --</p> <p>12 UNIDENTIFIED SPEAKER: Just continue.</p> <p>13 MS. MEYERS: Just say yes; right?</p> <p>14 On 112, they're asking Mr. Carino about</p> <p>15 the judgment in the UK, and so I think, based on</p> <p>16 what we just discussed, these designations would</p> <p>17 come out, subject to the ability to bring them back</p> <p>18 in.</p> <p>19 THE COURT: I'm sorry. This is the</p> <p>20 actual judgment in the UK.</p> <p>21 MS. MEYERS: Yes.</p> <p>22 MS. PINTADO: Yes.</p> |

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| 117 | <p>1 THE COURT: So I'll sustain the 2 objection. We just said that the judgment in the 3 UK does not come into evidence. 4 MS. PINTADO: Okay. I just -- is it 5 subject to them opening the door; correct? 6 THE COURT: But we're taking it out for 7 now. 8 MS. PINTADO: Okay. That's fine. 9 MS. MEYERS: And so I believe that would 10 mean that the designations on 113 come out. 11 THE COURT: Okay. 12 MS. MEYERS: And 114 would come out. 13 (Pause in the proceedings for technical 14 issues.) 15 THE COURT: All right. I apologize. Are 16 we still... 17 MS. MEYERS: I believe that this -- Your 18 Honor's ruling addresses the designations on page 19 115 as well. Those should come out. 20 THE COURT: Okay. 21 MS. MEYERS: And, on 116, this is asking 22 about Mr. Depp's damages as a result of the UK</p> | 119 | <p>1 MS. PINTADO: And same goes for 17 2 through 22? 3 MS. MEYERS: Sure. So everything on 127 4 and 128, then. 5 THE COURT: That's fine. I'll allow it. 6 MS. MEYERS: Your Honor, the next 7 dispute, I believe, is on page 133. Again, this is 8 an objection based off of lack of foundation, calls 9 for speculation, and calling for information 10 outside of Mr. Carino's personal knowledge. He's 11 being asked what he believes about Amber's 12 accusations. 13 THE COURT: All right. I just have a 14 question. When it says, "Given that you believe 15 Amber's accusation would have had the most 16 traumatic impact on Mr. Depp's off-screen 17 reputation," does he say that somewhere in the 18 beginning of this transcript? I mean... 19 MS. PINTADO: Yeah, I think that was a 20 mistake. It's 132/7. Sorry, actually, that's 21 still -- 22 THE COURT: It's not 133?</p> |
| 118 | <p>1 judgment. 2 THE COURT: Okay. 3 MS. MEYERS: I believe 117 as well. 4 MS. PINTADO: And 118 as well. 5 MS. MEYERS: And you said 118 as well? 6 MS. PINTADO: Yes. 7 MS. MEYERS: I agree. Yes. 8 MS. PINTADO: And 119. 9 MS. MEYERS: And 119. 10 I think the next disputed designations is 11 on page 126 and goes on to 127. It's asking -- 12 this is Mr. Carino commenting. He was asked his 13 opinion of what Mr. Depp was known for off-screen, 14 and he's commenting on a shroud of mystery. It 15 seems speculative and outside his personal 16 knowledge. He's also being asked about the impact 17 of Mr. Depp's lawsuits. 18 MS. PINTADO: And this is in his personal 19 opinion as his agent whether his reputation changed 20 due to those things. 21 THE COURT: I'll allow that. I'll allow 22 126 and 127.</p> | 120 | <p>1 MS. PINTADO: He does say it at some 2 point. 3 MS. MEYERS: I'm not sure I have seen 4 that designated, though. 5 THE COURT: If it's not been designated, 6 then I -- I mean, if he's going to say somewhere in 7 the beginning of the deposition -- 8 MS. MEYERS: Oh, excuse me. 9 THE COURT: -- he believed that Amber's 10 accusations would have been the most traumatic 11 impact, then I can understand it, but if it's not 12 been designated -- 13 MS. MEYERS: I stand corrected. It is 14 designated on page 128 -- 15 MS. PINTADO: Yes. 16 MS. MEYERS: -- Amber's accusations would 17 have had the most traumatic impact on his 18 off-screen reputation. 19 THE COURT: All right. Then I'll allow 20 133. 21 MS. MEYERS: Well, the question, Your 22 Honor -- just -- I apologize, but the question is,</p> |

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| 121 | <p>1 Would Amber filing the divorce and obtaining the 2 domestic violence restraining order have had an 3 impact on Mr. Depp's off-screen reputation? So, 4 again, it is asking for essentially his opinion. 5 It's a foundation issue, and it's, again, 6 speculative, and, you know, asking for information 7 outside of Mr. Carino's personal knowledge. 8 THE COURT: Well, I mean, since he 9 already said he believed Amber's accusation would 10 have been the most traumatic impact, I think 11 they're allowed to ask this. So I'll allow 133. 12 MS. PINTADO: 137? 13 THE COURT: 137. 14 MS. MEYERS: Yes, Your Honor. I think we 15 would be willing -- I think we would be willing to 16 withdraw our objection to 4 through 21 -- 17 THE COURT: Okay. 18 MS. MEYERS: -- but retain for 22 through 19 138/4. 20 THE COURT: Yes, since it describes the 21 UK decision. 22 MS. PINTADO: Yes.</p> | 123 | <p>1 through 17, I think Ms. Heard's counsel agreed that 2 this can come out. 3 MS. PINTADO: Yes. 4 THE COURT: All right. 5 MS. MEYERS: I believe, on 151, given, 6 again, that this is referencing the UK decision, 7 lines 2 through 5 and 11 through 16 should come 8 out. 9 THE COURT: Okay. 10 MS. PINTADO: I agree. Sorry. 11 MS. MEYERS: And then, on 152, I'll allow 12 Ms. Pintado -- that's Ms. Heard's objection to our 13 designation. 14 THE COURT: All right. 15 MS. PINTADO: I'm sorry. Are you talking 16 about 13 through 19? 17 MS. MEYERS: Yes. 18 MS. PINTADO: Okay. Yeah, if you look 19 below, that is based on conversations with 20 colleagues and studio execs, so I would argue that 21 is hearsay. 22 MS. MEYERS: So this -- the answer he</p> |
| 122 | <p>1 THE COURT: You agree to that one? 2 MS. PINTADO: Yes. 3 THE COURT: Okay. Perfect. All right. 4 MS. MEYERS: The next disputed 5 designation is on page 140, and it goes on to page 6 141 and I believe through the sort of same line of 7 questioning goes on to page 143. 8 MS. PINTADO: I'll withdraw. 9 MS. MEYERS: These designations? Okay. 10 MS. PINTADO: On 140. Sorry. 11 THE COURT: He lasted longer than the 12 other spectators. He might get the record. 13 MS. PINTADO: I'll withdraw on 141 and 14 143 as well. 15 MS. MEYERS: Okay. And that includes the 16 rebuttal designations in red? 17 MS. PINTADO: Yes. 18 MS. MEYERS: Okay. And we can withdraw 19 our counter-designations on 143 through 144. 20 And, Your Honor, the next dispute is on 21 148, and I think now, given that this references 22 the UK decision, the question and answer, lines 12</p> | 124 | <p>1 gave is that is his opinion, and the only objection 2 they lodged was hearsay. If there was a foundation 3 objection, I think -- 4 THE COURT: I have it as H, the hearsay 5 objection. 6 MS. PINTADO: H for hearsay. 7 MS. MEYERS: So I don't believe that 8 there's any hearsay here. He's stating his 9 opinion. 10 THE COURT: All right. I'll allow it. 11 Obviously, the designation stays in as well. 12 MS. MEYERS: I believe the next dispute 13 is on 159, although I thought that Ms. Pintado may 14 have withdrawn this designation on lines 17 through 15 22 and on to 160, 1 through 4. If it's not 16 withdrawn, then we maintain the objection of 17 foundation, speculation, and lack of personal 18 knowledge. And hearsay, excuse me. 19 MS. PINTADO: Yeah, Your Honor, we have 20 not withdrawn this. 21 THE COURT: All right. So it's a hearsay 22 objection, I guess, to the Jerry Bruckheimer did</p> |

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| <p style="text-align: right;">125</p> <p>1 not say specifically what it was that caused Disney 2 to decide -- well, that's -- so that's the 3 question. And the answer is, "Correct." Did not 4 say specifically what it was -- so I'm going to 5 allow that in. Okay. 6 Next one? 7 MS. MEYERS: And I believe Ms. Heard's 8 counsel is maintaining their objection to 160, 13 9 through 22, and on to 161, line 14. 10 MS. PINTADO: Your Honor, again, if we're 11 not allowing his opinion testimony, I think this 12 would call for expert opinion. 13 MS. MEYERS: Your Honor, this is a 14 hearsay and speculation objection. It's not a -- 15 THE COURT: Hearsay, leading, and 16 speculative. 17 MS. PINTADO: Many of the ones that were 18 excluded did not have an expert opinion. 19 MS. MEYERS: Well, but there was a 20 foundational and a lack of personal knowledge -- 21 MS. PINTADO: And I think that's what 22 speculative is, so...</p> | <p style="text-align: right;">127</p> <p>1 Mr. Depp told him. 2 THE COURT: And you're page 167 3 through -- sorry -- line 19? 4 MS. MEYERS: It's 167, line 19, through 5 168, line 15. 6 MS. PINTADO: That's an admission by 7 party opponent, and it's also asking him what his 8 understanding is. 9 MS. MEYERS: Well, the objection, Your 10 Honor -- 11 MS. PINTADO: As a witness. 12 MS. MEYERS: The objection, Your Honor, 13 is a lack of foundation and lack of personal 14 knowledge, and so it's not a statement by Johnny. 15 It's just saying that's where his understanding 16 came from. So his understanding is based on 17 hearsay. 18 THE COURT: Let me just read it a second. 19 MS. PINTADO: But it's not based off of 20 hearsay. 21 THE COURT: All right. I'll overrule the 22 objection. I'll allow it in.</p> |
| <p style="text-align: right;">126</p> <p>1 THE COURT: That's true. Speculative is 2 the same thing. All right. Let's take a look 3 then. 4 All right. So, I'll allow it through 5 line 21, but I am going to sustain the objection to 6 22 and then page 161 through line 14. 7 MS. MEYERS: I think the next dispute is 8 on page 163, specifically with respect to lines 4 9 through 10. The only objection lodged by 10 Ms. Heard's counsel is a hearsay objection. The 11 question is asking for Mr. Carino's understanding. 12 There's not a hearsay issue here. 13 THE COURT: Okay. 14 MS. PINTADO: I mean, I guess, based on 15 your prior ruling.. 16 THE COURT: I'll allow that in. 17 MS. MEYERS: Your Honor, the next 18 disputed designations are on page 167 through 168, 19 line 11. We are maintaining lack of foundation and 20 personal knowledge and as is reflected -- oh, 21 excuse me -- down to line 15. It is -- his 22 information is based solely on hearsay, what</p> | <p style="text-align: right;">128</p> <p>1 MS. MEYERS: I think that's it for this 2 transcript. We do have Volume 2. 3 THE COURT: And that's -- you haven't 4 worked through that yet? 5 MS. MEYERS: We are partially through it. 6 THE COURT: Okay. I can take a little 7 break for you, maybe based on the rulings, I did in 8 Volume 1, you can work through Volume 2 a little 9 bit -- 10 MS. PINTADO: I think that's a great 11 idea. 12 THE COURT: Okay. 13 MS. MEYERS: Should I see if -- 14 THE COURT: Yeah, if you could see if 15 they're -- how they're doing. If they're not done, 16 that's fine, but if they're done... 17 They can stay where they are if they're 18 not done. That's fine. 19 (Pause in the proceedings.) 20 THE COURT: Are they still -- 21 MS. VASQUEZ: They're thinking 22 approximately ten more minutes.</p> |

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| 129 | <p>1 THE COURT: Okay. No problem. I'll take</p> <p>2 a recess.</p> <p>3 (A brief recess was taken from 3:01 p.m.</p> <p>4 to 3:15 p.m.)</p> <p>5 THE COURT: Okay. So Carino goes to the</p> <p>6 side and then Hadden comes out; correct?</p> <p>7 MR. MONIZ: Correct.</p> <p>8 THE COURT: Okay.</p> <p>9 MS. BREDEHOFT: So our first dispute is</p> <p>10 all the way at 191.</p> <p>11 THE COURT: That is so lovely. Okay.</p> <p>12 191. All right.</p> <p>13 MR. MONIZ: And just for background</p> <p>14 purposes, Your Honor, this is one of the two</p> <p>15 officers who first responded on May 21 to the</p> <p>16 penthouse.</p> <p>17 THE COURT: Okay.</p> <p>18 MR. MONIZ: So Officer Saenz's partner.</p> <p>19 THE COURT: Okay. Gotcha.</p> <p>20 MR. MONIZ: And on page 191, we</p> <p>21 designated a reference to the facts that Officer</p> <p>22 Hadden gave a deposition close in time to the</p> | 131 | <p>1 gave depositions in July, and that can be</p> <p>2 stipulated. But there's no -- but these questions</p> <p>3 don't answer that. They don't -- they don't give</p> <p>4 the substance -- I think they're trying to say that</p> <p>5 because there was one part of one of the defamatory</p> <p>6 statements made by Waldman where he says that two</p> <p>7 of the officers went there, didn't find any</p> <p>8 injuries; and then returned, and so they -- so they</p> <p>9 called another set of them, you know, spilled a</p> <p>10 little wine, roughed up the place, and then came</p> <p>11 back.</p> <p>12 We're not -- we're not saying it false</p> <p>13 that they gave depositions under oath. That's not</p> <p>14 a disputed fact.</p> <p>15 MR. MONIZ: Well, the point about that,</p> <p>16 Your Honor, it's not whether it's false or not that</p> <p>17 they gave -- that was cited as a basis of</p> <p>18 Mr. Waldman's opinion, I believe, in the article,</p> <p>19 that there were these officers who had showed up</p> <p>20 and testified in the contrary matter.</p> <p>21 I mean, it's a small point, but I don't</p> <p>22 think it's irrelevant.</p> |
| 130 | <p>1 incident. We're not attempting to introduce the</p> <p>2 deposition as an exhibit, we're not attempting to</p> <p>3 introduce the contents of the deposition, but the</p> <p>4 facts he gave at the deposition, we believe, is</p> <p>5 relevant to the accuracy of Mr. Waldman's</p> <p>6 statements and pertains to the counterclaim,</p> <p>7 because part one of the counterclaim's statements</p> <p>8 makes reference to the fact that the officers gave</p> <p>9 depositions, and that was a basis cited in the</p> <p>10 articles for Mr. Waldman, concluding that</p> <p>11 Ms. Heard's statements were not accurate.</p> <p>12 And so we think that it's pertinent to</p> <p>13 the case just to make reference to the fact that</p> <p>14 the deposition was done in 2016.</p> <p>15 THE COURT: Okay. Yes, ma'am?</p> <p>16 MS. BREDEHOFT: So, Your Honor, this</p> <p>17 is -- these questions don't lay the right</p> <p>18 foundation for that. This is -- you know, I mean,</p> <p>19 the whole thing is like he's trying to establish a</p> <p>20 foundation to be able to admit the deposition, and</p> <p>21 that's an improper use of a deposition.</p> <p>22 We're not disputing that the two of them</p> | 132 | <p>1 MS. BREDEHOFT: But this doesn't</p> <p>2 establish that.</p> <p>3 THE COURT: I mean, there's no objection</p> <p>4 to stipulate that they had depositions taken --</p> <p>5 MR. MONIZ: If that's a stipulated fact,</p> <p>6 Your Honor, that's --</p> <p>7 THE COURT: Well, can we stipulate to</p> <p>8 that?</p> <p>9 MS. BREDEHOFT: Yeah, we can stipulate.</p> <p>10 THE COURT: All right. Since we're going</p> <p>11 to stipulate to it, okay, we can take that out</p> <p>12 then.</p> <p>13 MR. MONIZ: Okay.</p> <p>14 MS. BREDEHOFT: All right. The next one,</p> <p>15 Your Honor, is 201, line 15 through 17.</p> <p>16 THE COURT: 201, line 15 through 17.</p> <p>17 MS. BREDEHOFT: Through 17. There's a</p> <p>18 series of them. There's a number of them that are</p> <p>19 of the same ilk. They're calling for speculation,</p> <p>20 essentially. Had you -- if you had, would you have</p> <p>21 done this. And there's a series of those that go</p> <p>22 through. It has -- he's already asked, Did you see</p> |

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1 anything? Did you perceive these things? Did you
 2 see these things?
 3 But these questions go one step further
 4 and say, Well, if you had, would you have done
 5 this? And that calls for speculation.
 6 MR. MONIZ: And the response to that,
 7 Your Honor, is it's really just getting at the
 8 standard practices of the LAPD and what the
 9 officers would do in that situation. And so it's
 10 not calling for speculation. It's really just
 11 asking about general practices. If you see an
 12 injury, do you document it?
 13 MS. BREDEHOFT: And Your Honor sustained
 14 those on Officer Saenz when we had them.
 15 THE COURT: Well, that was --
 16 MS. BREDEHOFT: We had procedure, if you
 17 did this -- the same -- I mean, it's -- the whole
 18 point here is, "If you had seen this, would you
 19 have done this." And that's speculation. There's
 20 no foundation for it. It's speculative.
 21 THE COURT: All right.
 22 MR. MONIZ: The same position, Your

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1 Honor.
 2 THE COURT: I'll sustain the objection.
 3 MR. MONIZ: Okay.
 4 THE COURT: Let's move on.
 5 MS. BREDEHOFT: So that, I think, Your
 6 Honor, takes out 202/16 through 19.
 7 MR. MONIZ: I agree with that.
 8 MS. BREDEHOFT: 203/2 through 7, 206/12
 9 through 13, 206/20 through 21, 207/1 through 6 --
 10 MR. MONIZ: I don't think that takes out
 11 207/1 through 6.
 12 MS. BREDEHOFT: If you had observed --
 13 well, because, remember, this was the link one. So
 14 if you start at 206 at the bottom --
 15 MR. MONIZ: Oh, you're right. No, that's
 16 fine.
 17 MS. BREDEHOFT: Okay. Then 207/17
 18 through 22. This is a different one, Your Honor.
 19 THE COURT: Okay.
 20 MS. BREDEHOFT: So we need your input on
 21 this one.
 22 THE COURT: Sure.

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1 MS. BREDEHOFT: But we just took care of
 2 a whole bunch of them with that.
 3 MR. MONIZ: So for this one, Your
 4 Honor -- well, I'll let Ms. Bredehoff address this.
 5 MS. BREDEHOFT: Right. Well, this is
 6 one -- this is asking -- this is hearsay asking if
 7 he's ever responded to a call on some other matter,
 8 and Your Honor has already said we're not going to
 9 talk about others, we're just going to talk about
 10 this one.
 11 MR. MONIZ: And the only point to be made
 12 here is, Your Honor, the original call was
 13 designated domestic violence. The officers
 14 concluded that no domestic violence -- that they
 15 did not observe any signs of domestic violence.
 16 And so the only point to be made with that, it's
 17 not addressing other issues. It's just addressing
 18 the significance of the fact that it was designated
 19 as a domestic violence call.
 20 THE COURT: I think it's not specific to
 21 this call. It says, "Have you ever responded to a
 22 call?" So I'll sustain the objection.

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1 MR. MONIZ: Okay.
 2 MS. BREDEHOFT: And I think that would be
 3 the same, then, for the next page.
 4 THE COURT: Okay.
 5 MS. MEYERS: Oh, yeah.
 6 MS. BREDEHOFT: So that takes us to
 7 211/12 through 21. You know what? I'm going to
 8 withdraw any objection to that one, Your Honor.
 9 THE COURT: Okay. Sure.
 10 MS. BREDEHOFT: Sorry. All right. Then
 11 we go to 214, line 2.
 12 MR. MONIZ: I think, based on Your
 13 Honor's prior rulings, we can withdraw this one.
 14 THE COURT: Okay. All right.
 15 MS. BREDEHOFT: And then we go 229, line
 16 20.
 17 THE COURT: Okay.
 18 MR. MONIZ: And on this one, Your Honor,
 19 narrow objection. This is a question asking about
 20 the officer's observations of Ms. Heard.
 21 THE COURT: Okay.
 22 MR. MONIZ: Most of them are probably

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1 fine, but it does call for speculation, we believe,
 2 to ask the officer whether she -- whether he
 3 observed Amber Heard being scared.
 4 MS. BREDEHOFT: So, Your Honor, the
 5 backdrop to that is, a little bit earlier, we put
 6 in the exhibit on domestic violence, and it has a
 7 checklist and goes through it. And so I'm going
 8 through the checklist asking about the
 9 observations. And one of them was crying and the
 10 next one is whether she's scared.
 11 And then I follow that up with she didn't
 12 want to file a report, she didn't want to press
 13 charges, she didn't want to tell you the name of
 14 her husband.
 15 THE COURT: All right. I'll allow the
 16 question. That's fine.
 17 MS. BREDEHOFT: Then the next one is 238
 18 through 242.
 19 THE COURT: 238...
 20 MS. BREDEHOFT: And this is another one
 21 of putting in the domestic violence -- one of the
 22 LAPD documents and covering what's requested or

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1 what's required. And then I ask if they did these
 2 things.
 3 MR. MONIZ: Yeah, and I think this has
 4 the potential to confuse the jury, Your Honor, and
 5 is really irrelevant. It relates, basically, to
 6 whether the officers filled out a form or took
 7 notes. It also assumes facts as to whether there
 8 was any evidence to be gathered or any damaged
 9 property, which is contrary to the officers'
 10 testimony that there was none.
 11 MS. BREDEHOFT: Significant in there,
 12 Your Honor, is on 240 where it has -- it starts at
 13 230 -- it says, "Ensure photographs are taken of
 14 injuries or lack of injury to complainant and
 15 accused both the day of and days after." And then
 16 it also has "photos shows lack of damage."
 17 MR. MONIZ: But whether the officers --
 18 whether the officers took photos or not is
 19 irrelevant to the question of whether they saw
 20 injuries on Ms. Heard. It's really a sideshow,
 21 Your Honor.
 22 THE COURT: I'm going to allow it.

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1 MR. MONIZ: Okay.
 2 THE COURT: Thank you.
 3 MS. BREDEHOFT: And then we are at 246,
 4 line 19.
 5 THE COURT: 246, line 19.
 6 MR. MONIZ: And, here, this is really
 7 calling for an expert opinion. It's an incomplete
 8 hypothetical, Your Honor. The officer is not
 9 designated as an expert, and so why -- why a
 10 domestic violence victim might not want to press
 11 charges is really beyond the scope of his
 12 appropriate examination.
 13 THE COURT: All right.
 14 MS. BREDEHOFT: But they actually asked,
 15 based on his training.
 16 MR. MONIZ: But, regardless, Your Honor,
 17 that's asking for an expert opinion.
 18 THE COURT: I'll sustain the objection as
 19 to that.
 20 MS. BREDEHOFT: That would take -- that
 21 would go through 248 at the top; right? And
 22 then -- then the last one, Your Honor, is 248, line

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1 9.
 2 THE COURT: 248, line 9.
 3 MS. BREDEHOFT: And this is the one that
 4 has the exhibit for the LAPD's disciplinary
 5 procedures, and this is the motive. And it says,
 6 in particular, as you go through the 248/249, which
 7 is the end of the deposition, it's asking if he's
 8 aware that they can be brought up on charges of
 9 misconduct for neglect of duty for -- if they
 10 violate department policies, rules, and procedures
 11 or if they -- or they can have misconduct if they
 12 tend to reflect unfavorably as an employee of the
 13 department. It's basically the motivations for not
 14 coming back and going, oh, yep, we did see
 15 injuries, we did damage -- property damage, because
 16 they would have violated the policies and
 17 procedures of taking the incident report at the
 18 time.
 19 MR. MONIZ: I mean, Your Honor, there's
 20 no foundation laid in this deposition for the idea
 21 that the officers are perjuring themselves because
 22 of some -- because of some hypothetical violation

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1 of policy, which has not been established.
 2 But, regardless, you know, it's
 3 irrelevant, and there's no -- it doesn't tie to any
 4 specifically described misconduct in here. So I
 5 don't see it as really being appropriate.
 6 MS. BREDEHOFT: The objection is
 7 relevance, Your Honor, and it's clearly relevant.
 8 MR. MONIZ: Well, it's irrelevant to the
 9 ultimate issue here, which is what did they see. I
 10 mean, I don't think there's -- I don't think you
 11 can get there on --
 12 MS. BREDEHOFT: But this -- this is the
 13 motivation, Your Honor.
 14 THE COURT: All right. Well, I -- this
 15 is what I'm going to do. I can -- he says he does
 16 not know this document, the guy's supervisor. So 9
 17 through 20 is out. I'll sustain the objection as
 18 to that.
 19 When he gets to line 21, "Is it your
 20 understanding that a police officer can be brought
 21 up on charges of misconduct if they engage in the
 22 neglect of duty of witnesses?"

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1 "Yes."
 2 "Is it your understanding that police
 3 officers can be brought up on misconduct charges at
 4 the LAPD if they violate department policies,
 5 rules, procedures?"
 6 "Yes."
 7 I'll allow that and the next question in.
 8 So I'll allow -- that's fine.
 9 MR. MONIZ: Okay.
 10 THE COURT: Line 21 through 249. Okay.
 11 MR. MONIZ: Thank you, Your Honor.
 12 THE COURT: All right. That's -- are you
 13 moving on to Gatlin then? Is that your next one?
 14 MR. MONIZ: Yes.
 15 MS. BREDEHOFT: Yes.
 16 THE COURT: Okay. So you'll move on to
 17 Gatlin. And they're still working on the other
 18 one. As soon as they're done, let me know, and we
 19 can go back.
 20 I like the tag team. It's working well.
 21 I appreciate it.
 22 UNIDENTIFIED SPEAKER: Apologies for

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1 the --
 2 THE COURT: No, it's working. I'm liking
 3 this. It's like forced meet and greet. I don't
 4 know what it is. But it's working now.
 5 UNIDENTIFIED SPEAKER: We'll get to know
 6 each other very well.
 7 THE COURT: That's right.
 8 The one thing -- Deputy Luis (ph) is not
 9 here anymore -- wanted me to let you know that
 10 Captain Truitt (ph) had asked, now that we have
 11 kind of changed the policy for the front row, if we
 12 could get a new list of people that are allowed to
 13 be on the front row, and he wants to know their
 14 names and which law firm they work for. So if we
 15 can get that. If you want to send it to Sammy,
 16 that's fine, and he'll send it to Captain Truitt
 17 (ph).
 18 MR. MONIZ: We will do that. Thank you.
 19 THE COURT: He just asked for that since
 20 it's been changed around. Okay?
 21 All right. So I'll take a recess until
 22 we get ready for one of the depositions.

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1 MS. BREDEHOFT: Thank you.
 2 THE COURT: Okay. Thank you.
 3 (A brief recess was taken from 3:28 p.m.
 4 to 4:24 p.m.)
 5 THE COURT: All right. So we are on part
 6 two of Carino.
 7 MS. MEYERS: Yes, that's correct.
 8 THE COURT: Okay. All right. What page
 9 are we going to?
 10 MS. MEYERS: The first dispute on page
 11 237.
 12 THE COURT: That's the best so far today.
 13 237. Okay.
 14 MS. MEYERS: Well, it's Volume 2. That's
 15 why.
 16 THE COURT: That's right. Shouldn't have
 17 said anything.
 18 MS. MEYERS: Actually, it's pretty far
 19 in.
 20 THE COURT: Okay. So line 8. Okay. So
 21 your objection?
 22 MS. PINTADO: And, Your Honor, I'm

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| 145 | <p>1 withdrawing through 19.</p> <p>2 THE COURT: Okay. Starting on line 20?</p> <p>3 MS. PINTADO: So beginning on line 20,</p> <p>4 it's asked, "That was your understanding of what</p> <p>5 she meant by that sentence? Is that speculative as</p> <p>6 to what she meant by" --</p> <p>7 THE COURT: What was your understanding</p> <p>8 of what she meant?</p> <p>9 MS. MEYERS: Yes. And, Your Honor, we</p> <p>10 didn't -- we forgot to designate -- there was an</p> <p>11 error. But, on 238, the answer is "I don't</p> <p>12 recall." So there's no speculation occurring in</p> <p>13 the answer. And through 19 is actually part of the</p> <p>14 question.</p> <p>15 THE COURT: Okay. I'll still sustain it</p> <p>16 through 20, what was your understanding. All</p> <p>17 right. I'll sustain the objection.</p> <p>18 Next one?</p> <p>19 MS. MEYERS: I'm just -- sorry, though,</p> <p>20 because they withdrew their objection through 19,</p> <p>21 but that's the beginning of the question.</p> <p>22 THE COURT: I have 20 is -- I have line</p> | 147 | <p>1 did.</p> <p>2 So the next dispute, the one you have</p> <p>3 is -- I'm sorry? Which page?</p> <p>4 MS. PINTADO: I believe, actually, it's</p> <p>5 256.</p> <p>6 MS. MEYERS: Okay. I see where we are.</p> <p>7 Yep.</p> <p>8 THE COURT: Which page? I'm sorry.</p> <p>9 MS. MEYERS: It's 256, Your Honor.</p> <p>10 THE COURT: 256, okay.</p> <p>11 MS. MEYERS: Yep. And this is</p> <p>12 Ms. Heard's objection.</p> <p>13 THE COURT: Okay.</p> <p>14 MS. PINTADO: And we're objecting on</p> <p>15 grounds that it's speculative and lack of</p> <p>16 foundation. It's asking do you know who wrote this</p> <p>17 document. There's no foundation established. And</p> <p>18 it is talking about the op-ed. He says, "Amber</p> <p>19 Heard."</p> <p>20 "Yes."</p> <p>21 And I think it's speculative as to, you</p> <p>22 know, who wrote -- obviously, there are questions</p> |
| 146 | <p>1 20, "What was your understanding of what she meant</p> <p>2 by that" -- oh, I see what you're saying.</p> <p>3 MS. MEYERS: Yes.</p> <p>4 MS. PINTADO: Okay. Then, I guess,</p> <p>5 sorry, 17 on, Your Honor.</p> <p>6 THE COURT: Well, she says --</p> <p>7 MS. MEYERS: Yeah, it includes what</p> <p>8 Ms. Heard said. And it's "What's your</p> <p>9 understanding?" And the answer is, "I don't</p> <p>10 recall."</p> <p>11 THE COURT: All right.</p> <p>12 MS. PINTADO: I think that's still</p> <p>13 speculative. It doesn't change...</p> <p>14 THE COURT: Okay. All right. I assume</p> <p>15 when we're saying "she," that's Ms. Heard?</p> <p>16 MS. MEYERS: Yes, that's correct.</p> <p>17 THE COURT: Okay. Now I'll allow it.</p> <p>18 Okay. That stays in. Okay.</p> <p>19 What's the next one?</p> <p>20 MS. MEYERS: The next is -- sorry.</p> <p>21 Clarissa, did you end up withdrawing, on</p> <p>22 page 254, the objection to 4 through 14? Yes, you</p> | 148 | <p>1 as to who wrote the title, and we haven't</p> <p>2 established that.</p> <p>3 THE COURT: I'll overrule the objection.</p> <p>4 All right. Next one?</p> <p>5 MS. PINTADO: And that would apply to</p> <p>6 256/19 through 22.</p> <p>7 THE COURT: Okay.</p> <p>8 MS. PINTADO: And 257/1 through 9.</p> <p>9 THE COURT: All right. So then the next</p> <p>10 one --</p> <p>11 MS. PINTADO: The next one would be at</p> <p>12 259, I believe.</p> <p>13 THE COURT: 259?</p> <p>14 MS. PINTADO: Are we on that?</p> <p>15 MS. MEYERS: 259? I believe we are, if</p> <p>16 you have withdrawn the objection to 260/19 through</p> <p>17 22 and 261/1 through 10. I think we withdrew the</p> <p>18 other designations.</p> <p>19 THE COURT: Okay.</p> <p>20 MS. MEYERS: Is that right?</p> <p>21 MS. PINTADO: Yes, that's correct.</p> <p>22 MS. MEYERS: Okay. So, then, I think the</p> |

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| <p style="text-align: right;">149</p> <p>1 next is 263. I think it's line 1 through 12. 2 THE COURT: Does it start on page 262? 3 Because it seems like it's in the middle of a 4 conversation. 5 MS. PINTADO: So, Your Honor, the issue I 6 have with this one is the question is, "And is this 7 a demonstration of when Disney made that decision?" 8 And that hasn't been established, so that assumes 9 facts. And there's also a lack of foundation in 10 his testimony -- 11 MS. MEYERS: Your Honor, I believe that 12 the foundation is set forth in the earlier portion 13 where Mr. Carino discusses his communications with 14 Bruckheimer and representatives at Disney. I can 15 find the page. I think it's 162 of the first 16 transcript. Yes, on page 162 to 163, I think 17 there's the foundation for the statement. 18 THE COURT: Okay. So I just want to make 19 sure I get it straight. "You testified a few 20 minutes ago that it was your opinion that Mr. Depp 21 lost the Pirates 6 movie because of the 22 allegations?"</p> | <p style="text-align: right;">151</p> <p>1 THE COURT: Okay. And so "demonstration" 2 is referring back to this article that you have 3 been talking about in the designations? 4 MS. MEYERS: Yes, exactly. 5 THE COURT: Okay. 6 MS. MEYERS: And I think, with respect to 7 Disney's decision, as I said, I believe the 8 foundation for that, his understanding, is set 9 forth on page 162 and 163. 10 THE COURT: Right. Okay. All right. 11 I'll overrule the objection then. I understand. 12 MS. MEYERS: I believe the next dispute 13 is 167, starting at line 21. 14 THE COURT: 267? 15 MS. PINTADO: Yes. 16 THE COURT: Don't go backwards. All 17 right. Line No. 1? 18 MS. MEYERS: Yes. Or, no, excuse me, 21 19 and it goes on to page 268. 20 MS. PINTADO: My objection also, Your 21 Honor, is -- so it's 21 -- 22 THE COURT: Could you turn your</p> |
| <p style="text-align: right;">150</p> <p>1 "Yes." 2 And then the next question is, "And is 3 this a demonstration of when Disney made that 4 decision not to not hire Mr. Depp for Pirates 6?" 5 And is this a -- 6 MS. MEYERS: It's a reference to an 7 article, Your Honor. 8 THE COURT: Okay. We're referencing an 9 article in this conversation? 10 MS. PINTADO: I don't think the question 11 even makes sense. And it's a demonstration? 12 THE COURT: Well, I mean, I don't see all 13 the context. I don't know what he's looking at. 14 So you're saying he's looking at an article right 15 now? 16 MS. MEYERS: Yes. So on page -- two 17 pages back, on 259 -- 18 THE COURT: Okay. 19 MS. MEYERS: 258 through 261, they're 20 discussing an article that Mr. Carino received from 21 Mr. Depp's publicist, Robin Baum, and it's the 22 article that --</p> | <p style="text-align: right;">152</p> <p>1 microphone on for me? 2 MS. PINTADO: Yes. 3 THE COURT: And you don't have to stand 4 up every time. You can sit down. It's just too 5 much going on. 6 MS. PINTADO: It's giving me a little 7 exercise. So this is asking, you know, whether she 8 was still in love with Mr. Depp. I don't think 9 Mr. Carino can make that call on his own, and it's 10 speculative. 11 THE COURT: All right. I'm looking at 12 267, line 21. So it's not that question? "Was it 13 your understanding at this time" -- oh, that she 14 was still in love with Mr. Depp. Okay. 15 Okay. So how would he know whether or 16 not she was still in love with Mr. Depp? 17 MS. MEYERS: So throughout this 18 deposition, there's testimony designated that he 19 was very close friends with Ms. Heard, that they 20 communicated regularly, that she confided in him. 21 MS. PINTADO: And I think the word 22 "confided" is also speculative. But, you know,</p> |

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1 again, this is her feelings. I don't think he
 2 can --
 3 THE COURT: I think it goes on to say,
 4 "You're asking my opinion?"
 5 "Yes, I'm asking your opinion based on
 6 your experience and your relationship."
 7 So I'll sustain the objection as to that.
 8 MS. PINTADO: Your Honor, so -- sorry, is
 9 268 coming out?
 10 THE COURT: Yeah -- well, I mean,
 11 starting at line 13 is a different question.
 12 MS. PINTADO: Yes.
 13 THE COURT: It's not an opinion. This
 14 one is, "Based on your relationship with Ms. Heard
 15 and Ms. Depp ... Ms. Heard wanted to reconcile with
 16 Mr. Depp?"
 17 MS. PINTADO: And, again, I think
 18 that's -- you know, how does he have any idea of
 19 whether she wanted to or not? That's, again, her
 20 feelings.
 21 MS. MEYERS: If I may, Your Honor,
 22 there's a number of text messages that are the --

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1 THE COURT: I'm going to overrule the
 2 objection as to that, line 13 through 269.
 3 MS. MEYERS: And, yes, Your Honor, on
 4 270, this is the portion where it's established
 5 that he believes Ms. Heard confided in him.
 6 THE COURT: Okay.
 7 MS. PINTADO: And, Your Honor, again, I
 8 would say that's speculative. How does he know
 9 whether she's confiding in him or not?
 10 THE COURT: I'll allow that. And line 15
 11 as well? Or is that --
 12 MS. MEYERS: I'm sorry, Your Honor?
 13 THE COURT: And line 15 is also an issue
 14 or is that --
 15 MS. MEYERS: We have agreed on that.
 16 THE COURT: Okay, I'm sorry. All right.
 17 Next one?
 18 MS. MEYERS: I believe the next one is on
 19 277, and we have agreed on the rest. It was just
 20 lines 13 through 19.
 21 MS. PINTADO: I think we -- sorry, I
 22 think I withdrew on 274.

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1 MS. MEYERS: I'm sorry. 277.
 2 MS. PINTADO: Right. Okay.
 3 THE COURT: Okay. So I guess the
 4 objection is to the "I believe." "So Johnny left
 5 with security in his car." You're okay with that.
 6 "And I believe Amber took an Uber."
 7 "And then what happened?"
 8 MS. PINTADO: Right. And so, yes, Your
 9 Honor. Our objection is lack of foundation here
 10 because he wasn't with Johnny in his car.
 11 THE COURT: Okay. So the objection is
 12 hearsay.
 13 MS. PINTADO: Hearsay and lack of
 14 foundation.
 15 MS. MEYERS: So the -- so, on the next
 16 page, it reflects that Mr. Carino, after that
 17 drive, met back up with Mr. Depp and Ms. Heard in a
 18 hotel room.
 19 THE COURT: I don't have a problem with
 20 that. I think this is the driving with the
 21 security, he would only know that through hearsay.
 22 MS. MEYERS: You know what? You're

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1 right. Okay. Yes.
 2 THE COURT: It was just Johnny and the
 3 security agent at the time.
 4 MS. MEYERS: That's true. That is true.
 5 THE COURT: Okay.
 6 MS. PINTADO: I think the next one is
 7 285.
 8 MS. MEYERS: Yes, that's correct.
 9 THE COURT: 285.
 10 MS. PINTADO: And, actually, I know I
 11 said I was withdrawing on 284, but -- at least I
 12 think I did, but I think I'm still objecting to
 13 284/8 through 13. And that's just based on
 14 relevance. I don't know, you know, how her
 15 relationship with Elon Musk has anything to do with
 16 Mr. Depp's.
 17 MS. MEYERS: It provides context to the
 18 communications about Mr. Depp and Mr. Musk that
 19 Ms. Heard has with Mr. Carino in these following
 20 pages.
 21 MS. PINTADO: A lot of which are also
 22 irrelevant, but...

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1 THE COURT: You're still objecting to
 2 that as well?
 3 MS. PINTADO: I'm objecting to this.
 4 THE COURT: Well, I know you're objecting
 5 to this, but are you also objecting to what's
 6 coming forward with Mr. Musk?
 7 MS. PINTADO: Some of it.
 8 THE COURT: If it puts it in context,
 9 I -- well, let me go -- what else are you objecting
 10 to that's with Mr. Musk in the next couple of
 11 pages? If it puts it in context of what's coming
 12 up, then it should stay in.
 13 MS. PINTADO: I don't think it really
 14 puts it in context or adds any relevance to whether
 15 she's having a relationship with Elon Musk. Maybe
 16 we can hold on that one and look at the following
 17 ones.
 18 THE COURT: Okay.
 19 MS. MEYERS: Your Honor, if I may just
 20 briefly, the communications are between Ms. Heard
 21 and Mr. Carino. She's sort of saying that she's
 22 sad about breaking up with Musk and discussing kind

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1 of getting back with Mr. Depp.
 2 THE COURT: It does seem like, on page
 3 286, on line 17, "What are you saying there?"
 4 "I'm saying why would you be sad if you
 5 weren't in love with him to begin with?"
 6 "And by 'him,' you're referring to Elon?"
 7 So, yeah, okay. So I'll overrule the
 8 objection on page 284.
 9 And then we're at 287?
 10 MS. PINTADO: Yes.
 11 MS. MEYERS: Or 285, I believe, line 18.
 12 MS. PINTADO: 285, Your Honor.
 13 THE COURT: 285. I'm sorry. Line?
 14 MS. MEYERS: 18.
 15 THE COURT: All right. What's the
 16 objection?
 17 MS. PINTADO: Yes, Your Honor. We're
 18 objecting because it's speculative and, again,
 19 relevance. But he doesn't know who she's -- it
 20 says, "I believe she's referring to breaking up
 21 with Elon." He then changes his testimony later
 22 and says, "Oh, wait. No, I'm wrong. It's not

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1 Elon."
 2 So, yes, again, I would say that's
 3 speculative.
 4 MS. MEYERS: Actually, I think initially
 5 he thought it was Mr. Depp, and then, given the
 6 time frame, he realized it was Mr. Musk. And as
 7 it's already been established, he did know that she
 8 was dating him.
 9 THE COURT: All right. I'll overrule the
 10 objection.
 11 Next one?
 12 MS. PINTADO: The next one -- I mean, the
 13 next one is the same, essentially, but -- so...
 14 THE COURT: All right. Moving on.
 15 MS. MEYERS: I think that brings us
 16 through 288, but I don't want to misspeak. I
 17 believe the next dispute is on 293 unless...
 18 MS. PINTADO: I think it's on 288.
 19 MS. MEYERS: Oh, it is on 288?
 20 MS. PINTADO: Yeah.
 21 THE COURT: 288.
 22 MS. MEYERS: And I believe it's just with

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1 respect to lines 12 through 16.
 2 MS. PINTADO: Oh, that's correct, Your
 3 Honor. So, again, this is asking, "What was your
 4 understanding of her feelings for Mr. Depp at this
 5 point?" I think that's completely speculative.
 6 MS. MEYERS: Again, Your Honor, this is
 7 the opinion of a close friend who is in
 8 communication with her, understands that she
 9 confides in him. It's not an expert opinion. It's
 10 really a layperson's understanding.
 11 THE COURT: I understand. I'm going to
 12 sustain the objection.
 13 Now, on 293?
 14 MS. PINTADO: Yes. For this one, Your
 15 Honor, it's -- she moved on immediately after JD.
 16 Again, I think that's speculative. I think it's
 17 vague with regard to "moved on," what that means
 18 too.
 19 MS. MEYERS: There's no vague and
 20 ambiguous objection lodged, and it's already been
 21 established that he knew when her and Mr. Depp
 22 broke up, and he knew that she dated Mr. Musk.

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| <p style="text-align: right;">161</p> <p>1 THE COURT: I'll overrule the objection. 2 Next one? 3 MS. MEYERS: 294 and 295, I believe. 4 MS. PINTADO: So, again, this is 5 speculative. He's asked whether he has any 6 understanding as to whether Ms. Heard and Mr. Musk 7 were dating. He says, "I don't know." 8 THE COURT: But he does say that they 9 spent time together. 10 MS. PINTADO: He does say that. Again, I 11 don't know how this is relevant. This is after 12 Mr. Depp and Ms. Heard were no longer together. 13 THE COURT: All right. What's the 14 relevance? 15 MS. MEYERS: Your Honor, so this is after 16 the TRO was in place. Mr. Carino arranged a 17 meeting for Mr. Depp and Ms. Heard in San 18 Francisco, and that's the San Francisco 19 reconciliation reference in here, which is a 20 meeting between Mr. Depp and Ms. Heard that 21 Mr. Carino arranged after the allegations of abuse 22 and TRO was already in place.</p> | <p style="text-align: right;">163</p> <p>1 designation is on 302 on to 303. 2 MS. PINTADO: I think it's -- I think 3 300. 4 MS. MEYERS: I thought that was the one 5 you were withdrawing. I'm sorry. 6 MS. PINTADO: No, that's okay. But I 7 still might. Yeah, I think this one does call for 8 speculation here. 9 MS. MEYERS: This is a text message 10 exchange between Mr. Carino and Ms. Heard where -- 11 I mean, he -- the context of the communication, you 12 know, he doesn't -- 13 THE COURT: He gives his opinion about 14 what she says, so I'm going to sustain the 15 objection as to that. 16 All right. 302? Is that where you said? 17 All right. Which document are we looking at here? 18 MS. PINTADO: This is a text exchange 19 between him and Ms. Heard. 20 THE COURT: Okay. 21 MS. PINTADO: And, again, I would argue 22 that it's speculative. Mr. Depp is not mentioned</p> |
| <p style="text-align: right;">162</p> <p>1 MS. PINTADO: But these questions are 2 specifically asking whether Elon Musk and Ms. Heard 3 were dating, and I just -- I don't see the 4 relevance of that at all. 5 THE COURT: All right. Seeing that it 6 has the San Francisco issue in there, I'll allow 7 that. 8 MS. PINTADO: The next one is on 297, I 9 believe. Yes. 10 THE COURT: All right. 11 MS. PINTADO: I'll withdraw this one. 12 THE COURT: Okay. The next one? 13 MS. PINTADO: 299. Based on your prior 14 ruling, I will withdraw that. 15 THE COURT: All right. 16 MS. PINTADO: I didn't object to 15 17 through 17. 18 MS. MEYERS: 300 now. 19 MS. PINTADO: I -- yeah, and I'll 20 withdraw these. 21 THE COURT: Okay. 22 MS. MEYERS: I believe the next disputed</p> | <p style="text-align: right;">164</p> <p>1 anywhere in that. 2 THE COURT: He says he -- I'm sorry; I'm 3 just reading ahead. It says he -- that he knew it 4 was him. "She was asking me to deliver a letter 5 that she was writing to him." So I'll overrule the 6 objections there. 7 MS. MEYERS: 304, line 11. 8 THE COURT: Yes. So 304, line 19, or is 9 that one gone? 10 MS. MEYERS: We (indiscernible). 11 THE COURT: All right. Next one? 12 MS. MEYERS: 308. 13 THE COURT: 308. 14 MS. MEYERS: Line 17. 15 MS. PINTADO: And, Your Honor, I will 16 maintain this one, particularly given this answer. 17 It is speculative. There's nothing to indicate 18 that they were trying to reconcile. 19 MS. MEYERS: But, Your Honor, these are 20 based off of text communications, which I think 21 establish precisely who they're talking about and 22 what they're talking about.</p> |

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1 THE COURT: All right. I'll overrule the
 2 objection on 308 and through 309. Okay.
 3 MS. PINTADO: 311.
 4 THE COURT: I see a pattern here. Okay.
 5 MS. PINTADO: Your Honor, we have
 6 withdrawn 311/1 through 11, and maintaining 12
 7 through 19.
 8 THE COURT: All right. Based on my prior
 9 ruling, I'll sustain -- I'll overrule the
 10 objection. All right.
 11 MS. PINTADO: Jessica, what do you have
 12 as the next?
 13 MS. MEYERS: 312.
 14 MS. PINTADO: It is 312? Okay.
 15 MS. MEYERS: Yes.
 16 MS. PINTADO: So I'll withdraw this one.
 17 THE COURT: Okay.
 18 MS. PINTADO: I think I have 319.
 19 MS. MEYERS: I have 338 as the next
 20 disputed one.
 21 THE COURT: She said 319.
 22 MS. MEYERS: Oh, I'm so sorry. I have

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1 that you have withdrawn this.
 2 MS. PINTADO: Okay.
 3 THE COURT: All right. So which page
 4 again? I'm sorry.
 5 MS. MEYERS: 338.
 6 MS. PINTADO: Your Honor, for these, we
 7 have objected on the basis of relevance. This
 8 is --
 9 THE COURT: All right. I can -- what's
 10 the relevance of you thinking that Mr. Depp is
 11 humorous?
 12 MS. MEYERS: Well, Your Honor, on the
 13 next page, it's discussing how he uses over-the-top
 14 language, and I think, given some of the text
 15 messages that we have already seen and I'm sure
 16 we'll see that this is relevant for understanding
 17 the way Mr. Depp speaks and communicates and jokes.
 18 MS. PINTADO: Your Honor, this is his,
 19 you know, personal, subjective opinion. I think
 20 this is completely irrelevant.
 21 THE COURT: I'll sustain the objection to
 22 page 338 and page 339.

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1 MS. PINTADO: For both 338 and 339?
 2 THE COURT: Yes, ma'am.
 3 MS. PINTADO: I believe that's -- I think
 4 that's all. Thank you, Your Honor.
 5 THE COURT: Thank you.
 6 MS. BREDEHOFT: We're ready with Officer
 7 Gatlin if Your Honor is.
 8 THE COURT: All right. Officer Gatlin,
 9 yep. Who is doing Romero? Is this one still on
 10 this?
 11 MS. BREDEHOFT: It's still there. We
 12 haven't gone through that.
 13 THE COURT: Okay.
 14 MR. MONIZ: Just by way of context, Your
 15 Honor, Officer Gatlin is one of the second pair of
 16 officers who came to the penthouse, after Saenz and
 17 Hadden. And this is one of the officers who had
 18 body cameras on, so we have body camera footage.
 19 THE COURT: Okay. This is -- Gatlin has
 20 body camera. Okay. Thank you.
 21 MS. BREDEHOFT: So the first one we have,
 22 Your Honor, is page 12, lines 8 through 22.

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1 THE COURT: Page 12, line 8 through 22.
 2 Okay.
 3 MR. MONIZ: And this is a document, Your
 4 Honor, that's apparently being offered by Ms. Heard
 5 for -- to show when Officer Gatlin was assigned a
 6 body camera. We don't see the relevance of that.
 7 It's undisputed that he had the body camera.
 8 THE COURT: All right. What's the
 9 relevance?
 10 MS. BREDEHOFT: It also has all four of
 11 the officers when they were issued their body
 12 cameras, that particular document, Your Honor. And
 13 it takes out a whole bunch of questions on his
 14 recollection of when he received it, which one he
 15 received.
 16 THE COURT: What's the relevance of all
 17 that, which body cam he received and where it came
 18 from and when he got it?
 19 MS. BREDEHOFT: Well, because it shows --
 20 it's kind of poor quality, Your Honor, and there's
 21 another one that he got updated with later, but it
 22 also just shows how long he had had it at that

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| <p style="text-align: right;">169</p> <p>1 point. And, also, that particular document also 2 shows when his -- when the other officer did and 3 Officer Saenz and Officer Hadden. So it's just a 4 one-page document that's very simple that just 5 gives all the dates. 6 THE COURT: It can be simple, but I just 7 don't understand the relevance of it. Is there an 8 issue about when they received the body cams? 9 MS. BREDEHOFT: Yes, there is issues on 10 when they were issues the body cams, particularly 11 Officer Saenz and Hadden. 12 THE COURT: She didn't have one on. 13 MS. BREDEHOFT: She said she didn't have 14 one on. There's at least one officer, a PMK, who 15 says that she had body footage the week before and 16 the week after, Your Honor, and she said she didn't 17 get one until later, and this document shows that 18 she got it earlier. She was assigned one back in 19 November of 2015. 20 MR. MONIZ: Your Honor, this testimony 21 relates to when Officer Gatlin got his body camera. 22 It's just not relevant, going beyond his body</p> | <p style="text-align: right;">171</p> <p>1 of Officer Saenz and Hadden. 2 THE COURT: Even though she was assigned 3 a body cam before, if she wasn't wearing it that 4 night, I just don't understand the relevance. 5 MS. BREDEHOFT: Your Honor, I think 6 there's at least a question of whether she did have 7 one. 8 THE COURT: Okay. I'm going to sustain 9 the objection. I just don't see the relevance to 10 page 12. 11 MR. MONIZ: And that would go to page 13, 12 line 1 then? 13 MS. BREDEHOFT: Yes, correct. 14 Okay. And then the next one, Your Honor, 15 is 26, line 11. 16 THE COURT: All right. 26, line 11. 17 What are we referring to here? 18 MS. BREDEHOFT: Cycle of violence. I 19 just asked him if he was familiar with the term. 20 And then I said, What is that understanding? And 21 he tells what he understood from the academy about 22 it.</p> |
| <p style="text-align: right;">170</p> <p>1 camera footage. And he doesn't even authenticate 2 the document they're talking about. 3 THE COURT: Okay. 4 MS. BREDEHOFT: The LAPD authenticated 5 it, Your Honor. We have the document. They're the 6 ones that produced the document. 7 THE COURT: I just don't understand the 8 relevance of his body cam in here. 9 MS. BREDEHOFT: I mean, it's the place to 10 get it in. It has all four of them. It has their 11 serial numbers. It has all that. 12 THE COURT: Is there an objection to this 13 document coming in at some point? 14 MR. MONIZ: Well, I'm not prepared to 15 have (indiscernible) the objection was, but, yes, I 16 think we probably would object on relevance grounds 17 because, I mean, Officer Saenz and Hadden weren't 18 wearing body cameras. These two officers were. It 19 doesn't matter when the officers were assigned body 20 cameras. 21 MS. BREDEHOFT: We didn't get the 22 document until after we had taken the depositions</p> | <p style="text-align: right;">172</p> <p>1 MR. MONIZ: And this is really just an 2 expert opinion, Your Honor. He is not designated 3 as an expert. She wanted an expert to testify 4 about the cycle of violence, but I don't think it's 5 appropriate to do that through this witness, who is 6 a fact witness. 7 MS. BREDEHOFT: Your Honor -- and this is 8 what they're taught in the academy. This is part 9 of their training. They're going in and they're 10 observing and they're making determinations based 11 on it. 12 MR. MONIZ: But he's a fact witness being 13 asked to offer an opinion on a principle. 14 THE COURT: Since he's just a fact 15 witness, I'm going to sustain the objection. 16 MR. MONIZ: Counsel -- Ms. Bredehoft, do 17 you want to take off lines 8 through 10 in light of 18 that or leave them in? 19 MS. BREDEHOFT: No, I'll leave those in. 20 Okay. 21 The next one, Your Honor, is -- starts at 22 page 36, 1 through 3, and it's a series of them.</p> |

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| 173 | <p>1 THE COURT: All right. So this is</p> <p>2 Exhibit...</p> <p>3 MR. MONIZ: So, objection on this one,</p> <p>4 Your Honor, Ms. Heard's counsel -- and the first</p> <p>5 question is a little different from the others, but</p> <p>6 the first question, Ms. Heard's counsel just read</p> <p>7 an article from The Daily Mail into the record, and</p> <p>8 then asked if she had read it correctly. There's</p> <p>9 no foundation or authentication for the witness --</p> <p>10 the fact witness to testify about this document.</p> <p>11 So I don't think it's appropriate to try to get the</p> <p>12 document in through this witness.</p> <p>13 MS. BREDEHOFT: So, Your Honor, here's</p> <p>14 what -- and perhaps if Your Honor just reads</p> <p>15 through to page 42. So what I was suggesting is,</p> <p>16 you know, this is -- the reason that I'm reading</p> <p>17 it, obviously, is because this relates to the</p> <p>18 second set of officers and what happened.</p> <p>19 So I read it, and I understand that we</p> <p>20 don't necessarily have to put it in there, although</p> <p>21 I don't think there's anything wrong with my</p> <p>22 putting it in, but then the series of questions</p> | 175 | <p>1 violence?"</p> <p>2 I think that really calls for</p> <p>3 speculation.</p> <p>4 THE COURT: Overrule. I'll allow it.</p> <p>5 MR. MONIZ: Okay. I think that ruling is</p> <p>6 going to carry over to quite a few questions.</p> <p>7 THE COURT: Okay.</p> <p>8 MR. MONIZ: Just to make sure I'm on the</p> <p>9 same page as the Court, is the page 36, line 11,</p> <p>10 through 37 --</p> <p>11 THE COURT: Is out!</p> <p>12 MR. MONIZ: That's out. Okay.</p> <p>13 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>14 So, then, that takes us through page 41 through 42,</p> <p>15 line 1, I think.</p> <p>16 MR. MONIZ: Yeah, that's probably right.</p> <p>17 THE COURT: Right.</p> <p>18 MS. BREDEHOFT: So our next one is page</p> <p>19 53.</p> <p>20 THE COURT: 53.</p> <p>21 MS. BREDEHOFT: 10 through 18.</p> <p>22 THE COURT: Okay. Who is Josh Drew?</p> |
| 174 | <p>1 that follow, they have objected to as well, that</p> <p>2 starts on page 38.</p> <p>3 THE COURT: All right.</p> <p>4 MS. BREDEHOFT: And I'm asking on those</p> <p>5 38, 39, 40, and 41, what, if any, evidence they saw</p> <p>6 that support -- and so I'm -- I'm asking specific</p> <p>7 questions, and I think I'm entitled to ask each of</p> <p>8 those. I understand that they're saying I</p> <p>9 shouldn't be able to just read the --</p> <p>10 THE COURT: So if we took out page 36,</p> <p>11 line 11 through 16, and just start with the</p> <p>12 question on page 38, line 8?</p> <p>13 MS. BREDEHOFT: Yes.</p> <p>14 THE COURT: Okay. So what's the</p> <p>15 objection to this question?</p> <p>16 MR. MONIZ: Your Honor, we believe this</p> <p>17 question really calls for speculation. It's not</p> <p>18 going to anything concrete that the officer would</p> <p>19 have observed. It's "What evidence did you observe</p> <p>20 when you went to the penthouse that you heard her</p> <p>21 friends were attempting to concoct an abuse hoax to</p> <p>22 set up Johnny Depp to be accused of domestic</p> | 176 | <p>1 MS. BREDEHOFT: That's the gentleman that</p> <p>2 was there, Rocky Pennington's fiance. He's the one</p> <p>3 that answered the door --</p> <p>4 THE COURT: Right, right, okay.</p> <p>5 MS. BREDEHOFT: And he's on the body</p> <p>6 cam --</p> <p>7 THE COURT: I'm trying to get all the</p> <p>8 players don't. I just don't have a grasp. Okay.</p> <p>9 I remember Josh Drew.</p> <p>10 MS. BREDEHOFT: Right. He was on the</p> <p>11 body camera. We started at line 10, and we take</p> <p>12 out the 7 through 9 so we don't have the little</p> <p>13 other parts of it, so it's just --</p> <p>14 THE COURT: All right. You're talking to</p> <p>15 him while he's watching the body cam? Is that</p> <p>16 what's happening right now? Or is --</p> <p>17 MS. BREDEHOFT: I'm not sure.</p> <p>18 THE COURT: And this is -- "I'll</p> <p>19 represent this is Josh Drew." So I assume you're</p> <p>20 pointing to something on the body cam footage at</p> <p>21 this point?</p> <p>22 MS. BREDEHOFT: Yeah, I think we are.</p> |

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| <p style="text-align: right;">177</p> <p>1 MR. MONIZ: I think that's right, Your 2 Honor. 3 THE COURT: Okay. So, I mean, are you 4 going to be showing the body cam footage at this 5 time to the jury? I don't -- I'm just not sure. 6 MR. MONIZ: The body cam footage, I don't 7 think, is in dispute, Your Honor, so we'll be able 8 to play that. 9 THE COURT: Okay. Because I think that 10 it was not in context. I think the jury would be 11 confused. Okay. 12 MS. BREDEHOFT: So I think where the 13 objection comes, Your Honor, is that the second 14 question -- 15 THE COURT: Line 10? I see it. 16 MS. BREDEHOFT: Where -- line 14. 17 THE COURT: 14. 18 MS. BREDEHOFT: Instead, he was offering 19 to get the officers' cards and show those to you, 20 and he was hoping that would take care of it and 21 you would leave, would you agree? 22 MR. MONIZ: Yes, so I think our strongest</p> | <p style="text-align: right;">179</p> <p>1 MS. BREDEHOFT: And these are the 2 questions, also, that go to the counterclaim, Your 3 Honor. This police officer did -- I'm asking what 4 his perceptions are, and I think he can absolutely 5 testify to those. 6 MR. MONIZ: Well -- 7 MS. BREDEHOFT: Yeah, that they wanted 8 him to leave as soon as possible, and he says, 9 "Yeah, I perceived they wanted me to leave." 10 And then the next one down below is, 11 "What, if any, perception did you have that they 12 wanted you to arrest Johnny Depp for domestic 13 violence?" 14 "I didn't feel as if they did." 15 And those are -- that's what Waldman says 16 is they roughed up the place, trashed it a little 17 bit, called the police back, because they wanted to 18 try to get charges against Johnny Depp. 19 MS. MEYERS: The objection isn't 20 relevance, Your Honor. It's speculation and lack 21 of foundation. The officer can't testify to what 22 the people in the penthouse wanted.</p> |
| <p style="text-align: right;">178</p> <p>1 objection, Your Honor, is to the question that 2 starts at line 14 -- 3 THE COURT: Right. 4 MR. MONIZ: -- which asks, basically, 5 what Josh Drew was hoping, and that's not something 6 that the officer can testify to. 7 MS. BREDEHOFT: So -- well, I guess if we 8 had 10 through 13 in, I probably don't need 14 -- 9 THE COURT: We'll strike 14 through 18 10 then. 11 MS. BREDEHOFT: And then 10 through 13 12 will come in. 13 THE COURT: That's fine. 14 MS. BREDEHOFT: Okay. Then the next one 15 is page 58, line 1 through 4 and 16 through 20. 16 MR. MONIZ: And, again, Your Honor, that 17 really calls for speculation. The officer is being 18 asked to testify about whether the people in the 19 penthouse wanted him to leave. He can testify to 20 anything concrete that they said or did, but what 21 they wanted is really not something which he can 22 testify to.</p> | <p style="text-align: right;">180</p> <p>1 MS. BREDEHOFT: I'm asking for his 2 perceptions. I'm not asking for what their -- 3 THE COURT: Well, wait, but it's not his 4 observations. It's perceptions, like, what did you 5 perceive? And you have to perceive from other 6 people; right? 7 MS. BREDEHOFT: Well, you perceive from 8 observations. When somebody perceives something, 9 it's their own observations. 10 MR. MONIZ: He can testify -- 11 THE COURT: Go ahead. I'm sorry. 12 MR. MONIZ: I didn't mean to cut you off. 13 THE COURT: No, that's fine. 14 MS. MEYERS: He can testify to anything 15 concrete that he observed, Your Honor, or anything 16 they said, but this is -- he's being asked to 17 testify about his perception of what they wanted, 18 and that's just not something -- 19 THE COURT: All right. I'm going to 20 sustain the objection at page 58, 1 through 4 and 21 16 through 20. 22 Next?</p> |

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| <p style="text-align: right;">181</p> <p>1 MS. BREDEHOFT: All right. The next 2 is -- this is -- this is page 69, and it really 3 is -- through 74. And I think how Your Honor rules 4 will affect all of those. 5 THE COURT: Okay. 6 MS. BREDEHOFT: So this is a little 7 different than the ones that we had before with the 8 pictures of the property damage. 9 THE COURT: Okay. 10 MS. BREDEHOFT: What I do here is I'm 11 showing him some pictures of the property damage. 12 And, remember, this is, again, going to the 13 counterclaim where the place was roughed up -- they 14 said they roughed it up, spilled a little wine, and 15 then called the police officers back. 16 So I'm showing him the picture, and then 17 I'm asking him, "Did you see this when you were in 18 the apartment -- 19 THE COURT: All right. 20 MS. BREDEHOFT: -- what's depicted here?" 21 And he says, "No, I didn't." Because 22 that's important to show that that wasn't. They</p> | <p style="text-align: right;">183</p> <p>1 still to the issue before is that this is a picture 2 the officer hasn't seen, has no personal knowledge, 3 that he doesn't recognize, and he's being asked to 4 testify -- 5 THE COURT: Well, he doesn't say that. 6 MR. MONIZ: Well -- 7 THE COURT: He just says he didn't see 8 what was in that picture when he was there an hour 9 later. 10 MR. MONIZ: Right. Yeah, I mean, our 11 position is that, you know, I guess that's where 12 the Court's going. 13 THE COURT: Okay. Thank you. I'll 14 overrule the objection. 15 MS. BREDEHOFT: Okay. 16 THE COURT: Although, line 16 through 20 17 is very -- 18 MS. BREDEHOFT: I just tried to clean it 19 up. 20 THE COURT: You disagree with my 21 description of what's in this picture, given 22 counsel's objection, but they're not going to hear</p> |
| <p style="text-align: right;">182</p> <p>1 did -- they cleaned up the place. They didn't 2 trash it. 3 And so the next one -- in that particular 4 one, I didn't do a very good job in my question, so 5 the bottom is, "Do you disagree with my description 6 of what the picture's depicting?" 7 The rest of them, then, I just go 8 through, I show another picture. And we have 9 agreed to take out the metadata part. It was taken 10 on May 21, 2016, at 9:26, for example. We have 11 agreed to take that out of each of these questions. 12 So I'm just asking him whether they saw 13 what was depicted in there, in the apartment that 14 night, and he says no to all those, which shows us, 15 then, that that was -- they hadn't trashed the 16 place and then called them in. 17 MR. MONIZ: Well, I mean, I don't think 18 it shows that. It shows that the -- that the 19 picture -- 20 THE COURT: That's up to argument, I 21 understand. 22 MR. MONIZ: But I think the issue here is</p> | <p style="text-align: right;">184</p> <p>1 counsel's objection. 2 MS. BREDEHOFT: Yeah, I didn't ask it 3 very well. He said, "No, I didn't." So I wanted 4 to make sure that what he didn't see was what was 5 depicted there in the apartment. I was just 6 cleaning that one up, Your Honor. The rest of 7 them, I do a better job. 8 MR. MONIZ: Well, I don't think it's 9 relevant, really. Well... 10 THE COURT: If you can take out "given 11 counsel's objection." 12 MS. BREDEHOFT: Yeah, I agree with you. 13 I agree with you on that one. 14 THE COURT: That's fine. 15 MS. BREDEHOFT: Okay. Thank you. 16 THE COURT: Moving on. 17 MS. BREDEHOFT: So then that takes care 18 of 70 through 74 because it would be the same 19 rulings. 20 MR. MONIZ: I think that's right. 21 THE COURT: Okay. 22 MS. BREDEHOFT: And then the last one we</p> |

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| <p style="text-align: right;">185</p> <p>1 have, Your Honor, is on page 89, lines 18 through 2 20. 3 THE COURT: 89, 18 through 20. 4 MS. BREDEHOFT: It's our last question. 5 THE COURT: [Reading] "do you know 6 whether Johnny Depp committed domestic violence on 7 Amber Heard on May 21st, 2016?" Okay. Any 8 objection? 9 MR. MONIZ: I think it's probably fine. 10 THE COURT: Okay. (Indiscernible). 11 MS. BREDEHOFT: I think we're all worried 12 about it. 13 THE COURT: We have got one left. We're 14 going to do it. 15 MS. BREDEHOFT: Okay. 16 THE COURT: I don't know if you want to 17 split some of up that up with your colleagues out 18 there. 19 MS. BREDEHOFT: Yeah, that's not a bad 20 idea. 21 THE COURT: Okay. That would be great. 22 All right. I'll take a recess until you guys are</p> | <p style="text-align: right;">187</p> <p>1 THE COURT: Okay. 26, line 14. 2 MS. BREDEHOFT: Yeah, they're talking 3 about a witness statement, and then asking if it's 4 accurate. And we're going to object to any witness 5 statements coming in and wouldn't want to be 6 putting in testimony that the witness statement is 7 correct. 8 MS. MEYERS: Your Honor, I believe that 9 testimony concerning the accuracy or someone signed 10 a witness statement has already come in. 11 THE COURT: Oh, is this -- this is the 12 same issue about witness statements? 13 MS. MEYERS: Yes. And I don't think we 14 offered it into evidence. 15 THE COURT: But you never talked about 16 the actual statements themselves in it. You're 17 just saying whether it's true and accurate. 18 MS. MEYERS: Well, in this designation, 19 yes. 20 MS. BREDEHOFT: But it has no relevance, 21 then, Your Honor, because there's -- I mean -- 22 THE COURT: I think the relevance was</p> |
| <p style="text-align: right;">186</p> <p>1 ready. 2 MS. BREDEHOFT: Thank you very much. 3 (A brief recess was taken from 5:05 p.m. 4 to 5:42 p.m.) 5 THE COURT: All right. So this is 6 Anthony Romero; right? 7 MS. BREDEHOFT: Yes. 8 THE COURT: Okay. 9 MS. BREDEHOFT: So what I'm showing -- 10 and we took pieces and divided them up. 11 THE COURT: So smart. 12 MS. BREDEHOFT: So bear with us if we get 13 a little... 14 THE COURT: That's okay. 15 MS. BREDEHOFT: So I think the first one 16 that we have is page 26, line 8. 17 MS. MEYERS: Oh, I thought you had 18 actually withdrawn that. No? 19 MS. BREDEHOFT: No. 20 THE COURT: Which page are you on? 21 MS. MEYERS: This is on 26, Your Honor. 22 This is their objection.</p> | <p style="text-align: right;">188</p> <p>1 there was accusations that the attorney has 2 falsifying -- 3 MS. BREDEHOFT: But, here, he doesn't 4 know who Waldman is and doesn't know whether 5 Waldman had anything to do with it. So asking -- 6 THE COURT: I understand. But since it 7 seems to be an issue, I'll allow it. That's fine. 8 MS. MEYERS: I believe the next dispute 9 is on 59. It's with respect to lines 10 through 10 18. 11 THE COURT: Okay. 12 MS. MEYERS: I think there was some back 13 and forth. If you ended up withdrawing this 14 portion of the designation, let me know. 15 MS. BREDEHOFT: I'm sorry? Was it page 16 59? 17 MS. MEYERS: Yes. Lines 10 through 18. 18 And this is an issue with foundation and lack of 19 personal knowledge. It's asking what he -- and 20 speculation. He's asking what he thought after 21 hearing from someone that there was a lot of noise, 22 and he's sort of speculating he probably was loud</p> |

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| 189 | <p>1 when he left, but the answer, I think, clearly 2 reflects that Mr. Romero did not have any knowledge 3 of what he was testifying to. 4 MS. BREDEHOFT: He was testifying based 5 on his view of the video, Your Honor. And as Your 6 Honor has been ruling pretty consistently, that's 7 not hearsay or a foundation if he says what he saw 8 in the video and what he perceived from it. 9 MS. MEYERS: But, Your Honor, this isn't 10 about what he saw in the video. It's saying, when 11 you saw the video, what did you think after hearing 12 from Ms. -- from Shawna that there was a lot of 13 noise? What did you think? 14 THE COURT: Which page are you on? I 15 just want to make sure. 16 MS. MEYERS: I'm sorry. 59. And it's 17 the question on lines 10 through 12 and the answer 18 on line 16 through 18. 19 THE COURT: Okay. "What was the 20 substance of your communication?" Okay. And this 21 is a communication between him and Ms. Heard? 22 MS. MEYERS: No, this is --</p> | 191 | <p>1 MS. MEYERS: Yes. We withdrew our 2 objections to the other portions. 3 MS. BREDEHOFT: Okay. 4 MS. MEYERS: And then the next is our 5 objections on page 60, lines 7 through 14, which we 6 can address first and then we also are maintaining 7 our objections on 18 through 22, which goes on to 8 the next page. And this is, again, a foundation 9 issue. 10 MS. BREDEHOFT: This is line 6 through 11 10? 12 MS. MEYERS: 8 through -- 7 through 10. 13 Or 7 through 14. Or 7 through -- 7 through 10 is 14 the first question and answer, yes. I apologize. 15 THE COURT: Page 60, 7 through 10. 16 MS. BREDEHOFT: It looks like the 17 question starts on line 6, doesn't it? 18 THE COURT: And I'm going to ask you, you 19 said -- it does, but that's fine. So it's 20 foundation? 21 MS. BREDEHOFT: I mean, what it's saying 22 is, "You assumed there was no issue or no injury</p> |
| 190 | <p>1 THE COURT: I'm sorry. Page 59? 2 MS. MEYERS: This is Alejandro Romero. 3 THE COURT: I have Anthony Romero. 4 MS. MEYERS: I'm sorry. It's Alejandro 5 Romero. 6 THE COURT: That would be the problem. 7 MS. MEYERS: That explains it. 8 THE COURT: Is there any relationship? 9 MS. MEYERS: I don't think so. 10 MS. BREDEHOFT: And it gets even better. 11 We have three Jacobs in the case. 12 THE COURT: Oh, that will be fun. I was 13 like, I must be reading the wrong page. 14 Okay. All right. Page 59. There we go. 15 Now, I'm with you. 16 MS. MEYERS: So it's 59, 10 through 18 17 is -- our objection is lack of foundation and 18 speculation and lack of personal knowledge and 19 improper opinion. 20 MS. BREDEHOFT: I'm going to -- we'll 21 withdraw that section. It's just that section; 22 right?</p> | 192 | <p>1 because the police left. Do you recall saying 2 that?" 3 "Yes." 4 THE COURT: When did he say it? I'm 5 sorry, do you recall saying that it? 6 MS. BREDEHOFT: Well, it was earlier in 7 the deposition. 8 THE COURT: Oh, earlier in the 9 deposition. 10 MS. MEYERS: I don't believe that's 11 designated. 12 THE COURT: That wasn't designated? 13 MS. MEYERS: I don't believe so. 14 MS. BREDEHOFT: Well, the part that 15 wasn't -- there's a mistake on the first line, page 16 6 -- I mean, line 6. 17 THE COURT: Well, what I'm asking is, is 18 it says, "Mr. Romero, that you assume there was no 19 issue or no injury because the police left. Do you 20 recall saying that?" What I'm asking is, when did 21 he say that? 22 MS. MEYERS: I believe he does say that</p> |

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| 193 | <p>1 earlier.</p> <p>2 MS. BREDEHOFT: Yeah, I think he says it</p> <p>3 earlier. It might have even been on the witness</p> <p>4 statement. I don't know, Your Honor. But I</p> <p>5 thought he testified to it, and then we came back</p> <p>6 and followed up.</p> <p>7 THE COURT: Okay.</p> <p>8 MS. MEYERS: But it wasn't designated, I</p> <p>9 guess.</p> <p>10 MS. BREDEHOFT: I'm virtually certain I</p> <p>11 would have designated it, Your Honor.</p> <p>12 THE COURT: Okay.</p> <p>13 MS. BREDEHOFT: But I have to admit, we</p> <p>14 split up these pieces, so...</p> <p>15 He's saying it's correct anyway, Your</p> <p>16 Honor. What difference does it make if he</p> <p>17 designated it or not before? He's saying that's</p> <p>18 right, he made that assumption.</p> <p>19 MS. MEYERS: Right. And so I think the</p> <p>20 assumption is the issue -- the evidentiary issue.</p> <p>21 THE COURT: The issue they have is that</p> <p>22 he assumed that's why it was.</p> | 195 | <p>1 misstatement here. It says "this video," and he</p> <p>2 says it looks like Amber Heard. Later on, it says</p> <p>3 that it's a picture. And the key testimony that</p> <p>4 they're drawing out of him is whether he has any</p> <p>5 reason to believe the picture wasn't taken at a</p> <p>6 certain time. This wasn't -- it's not established</p> <p>7 that he took this picture, other than him</p> <p>8 recognizing Ms. Heard in the picture.</p> <p>9 THE COURT: You don't have to take the</p> <p>10 picture if you --</p> <p>11 MS. MEYERS: No, no, but the -- I'm</p> <p>12 objecting to the question on 62 as well, "Do you</p> <p>13 have any reason to believe this picture was not</p> <p>14 taken on May 21st at 9:24 p.m.?" I mean, there's</p> <p>15 no foundation for him to have -- there's no</p> <p>16 foundation established here that he had even seen</p> <p>17 this picture before. I don't have an objection to</p> <p>18 him saying this is a picture of Ms. Heard, but</p> <p>19 beyond that, I think the questions call for</p> <p>20 speculation and lack of foundation.</p> <p>21 THE COURT: All right. It looks like --</p> <p>22 so I don't have a problem with page 60, line 18,</p> |
| 194 | <p>1 MS. BREDEHOFT: Right, well, that's a</p> <p>2 different -- that's a completely different issue.</p> <p>3 He testified that he assumed there was no injury</p> <p>4 and there was no issue because the police left. So</p> <p>5 we're just bringing up that that's why he was</p> <p>6 assumed that, was because the police left.</p> <p>7 THE COURT: Right. But what I'm saying</p> <p>8 is, I think, originally, it was designated</p> <p>9 somewhere else, there would have been an objection</p> <p>10 to it there as well because -- that he's saying</p> <p>11 he's assumed something is why they're objecting to</p> <p>12 it.</p> <p>13 MS. MEYERS: That's correct.</p> <p>14 MS. BREDEHOFT: I'll withdraw it, Your</p> <p>15 Honor.</p> <p>16 THE COURT: Okay.</p> <p>17 MS. BREDEHOFT: I'm exhausted.</p> <p>18 MS. MEYERS: We should always start</p> <p>19 later.</p> <p>20 Your Honor, this next bit here from 60,</p> <p>21 line 11, and then it goes on to the next page on</p> <p>22 61, and I believe 62, I believe there's a</p> | 196 | <p>1 although it says -- maybe you want to take out</p> <p>2 "video" -- "do you recognize this person" maybe.</p> <p>3 Since it's a picture and not a video, you might</p> <p>4 just want to take out that part.</p> <p>5 "It looks like Amber Heard." Okay.</p> <p>6 And then they ask about the metadata. He</p> <p>7 says he sees that.</p> <p>8 "That's the same night you saw her in the</p> <p>9 elevator; right?"</p> <p>10 Where's his answer to this one?</p> <p>11 MS. MEYERS: I don't believe it was</p> <p>12 designated. The answer is on 62, lines 2 through</p> <p>13 5, I believe.</p> <p>14 THE COURT: Okay.</p> <p>15 MS. MEYERS: So this is really a</p> <p>16 foundational issue, Your Honor.</p> <p>17 THE COURT: It doesn't appear that --</p> <p>18 MS. BREDEHOFT: Yeah, I think -- I think</p> <p>19 we neglected to designate the answer, which is on</p> <p>20 62, lines 2 through 5, Your Honor.</p> <p>21 THE COURT: Okay.</p> <p>22 MS. BREDEHOFT: That's what it looks</p> |

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1 like.

2 THE COURT: All right. I'm just trying

3 to read through this. So he says Amber in the

4 picture. "But do you have any reason to believe

5 this picture was not taken?" But he doesn't know;

6 right? I mean...

7 MS. MEYERS: Yes. And, Your Honor, then

8 it goes on to the next page. They're saying,

9 "Would this make you question the cause?" And he

10 says -- it's very speculative.

11 THE COURT: He actually says, "But if I

12 was a cop and I would have seen that the same day,

13 that person probably would be arrested." All

14 right. I'm going to sustain the objection to that.

15 I just don't see the reason that he's -- he's

16 looking at the picture.

17 MS. BREDEHOFT: So what is Your Honor

18 sustaining then?

19 THE COURT: Well, I just want to make

20 sure -- was the only reason he was looking at this

21 picture, did you need him to say that was Amber

22 Heard in the picture? Because, I mean, he can't

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1 lay the foundation of when it was actually taken,

2 but he doesn't agree that --

3 MS. BREDEHOFT: So --

4 THE COURT: I'll allow that part in that

5 he says Amber Heard was in the picture.

6 MS. BREDEHOFT: Okay.

7 THE COURT: But it doesn't look like

8 anything else is coming in. I mean --

9 MS. BREDEHOFT: All right. All right.

10 I'll keep it -- yeah, we'd like to keep that in

11 there.

12 THE COURT: Keep that part in there and

13 then we'll take out -- you can even have the

14 metadata on page 61, line 1 and 4, is fine, but

15 then I'm going to strike -- sustain the objection

16 to line 15 through 20 on page 61; on page 62, 15

17 through 17; 20 through 22; and then page 63, 1

18 through 4.

19 MS. MEYERS: Your Honor, did you say that

20 the metadata is coming in?

21 THE COURT: I mean, she's just saying,

22 "I'm going to take a look at this metadata that's

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1 dated May 21st. Do you see that?"

2 It says, "Yes, I see that."

3 But I mean --

4 MS. MEYERS: Also I think it's --

5 THE COURT: Yeah, that's just -- he's

6 looking at the picture. That's fine.

7 MS. MEYERS: Okay. I understand.

8 MS. PINTADO: It says, "Do you recognize

9 the person in this video?"

10 THE COURT: Yeah.

11 MS. BREDEHOFT: We're pretty sure it's a

12 picture.

13 MS. PINTADO: It is the picture?

14 THE COURT: Yeah, we'll take the "video"

15 word out maybe. Okay.

16 Now what's the next one?

17 MS. MEYERS: I don't believe we have

18 anymore -- oh, 73, line 21, and then I believe it

19 goes on to 74. And this is, again, asking him to

20 speculate to something he has no personal knowledge

21 of, "Do you think someone who is an actress is good

22 at makeup?"

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1 THE COURT: And I want to sure

2 Mr. Romero -- he's the desk clerk?

3 MS. MEYERS: Yes, Your Honor.

4 MS. BREDEHOFT: No, he -- they have them

5 testifying extensively in this deposition how he

6 saw her a number of times, and she --

7 THE COURT: Without makeup, right.

8 MS. BREDEHOFT: -- and she had no bruises

9 and she wasn't wearing makeup. So then we're

10 asking him, you know, about her. "Are you sure

11 that you know that?"

12 And he says, "No, I did -- not that I

13 noticed."

14 And so that's why we're establishing that

15 it would be pretty logical -- you know, that she'd

16 probably be pretty good at wearing makeup without

17 him seeing it. I mean, he just testifies

18 extensively to "there were no bruises, there's no

19 swelling, I didn't see anything," and "she wasn't

20 wearing makeup."

21 MS. MEYERS: Your Honor, we withdrew our

22 objections to all the questions where they say "You

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1 don't know that she wasn't wearing makeup" and all
 2 that, so I don't know why this --
 3 THE COURT: Right. I think this would
 4 just be improper opinion on this, the foundation of
 5 this, so I'll strike -- I'll sustain the objection
 6 on page 73, line 21, 22, and then 74 through 9.
 7 MS. MEYERS: Yeah, so 74, 20 through 22,
 8 and 75, 1 through 7, again, the answer itself is
 9 speculation. He said if she had anything on her
 10 face, she would probably cover it up.
 11 MS. BREDEHOFT: Now, this one is
 12 different, Your Honor. He can't say whether she
 13 had injuries on that date or not, and he says, "If
 14 she's got anything on her face, or marks, she
 15 probably would cover it," or "No, I don't
 16 remember." Now, that's important, Your Honor,
 17 because that's impeaching the credibility. He's
 18 also over the place. They lead him all over the
 19 place to, "You didn't see any bruises, you didn't
 20 see any marks, you didn't see any swelling." And
 21 now we're saying you can't say whether --
 22 THE COURT: I think the question is fine,

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1 but the answer -- when he gets into, "If she gets
 2 anything on her face or any marks and bruises, she
 3 probably would have covered it up." But the part,
 4 "I don't remember," I don't have a problem with him
 5 answering, "I don't remember," that part of it.
 6 MS. MEYERS: So strike the portion before
 7 "I don't remember"?
 8 THE COURT: Yeah.
 9 Okay. Next one?
 10 MS. MEYERS: 86, Your Honor.
 11 THE COURT: 86. Okay.
 12 MS. MEYERS: And it goes on to 87.
 13 MS. BREDEHOFT: So this is the wine
 14 outside the penthouse, the spilled wine.
 15 MS. MEYERS: The issue is that they ask
 16 if there was a picture, and he responds, he
 17 remembers the mark. But that he won't say it's
 18 wine because he's not an expert. Seems like he
 19 lacks personal knowledge of (A) the picture and (B)
 20 what it reflects.
 21 THE COURT: I'll overrule the objection.
 22 MS. MEYERS: Turning over to Sam.

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1 MS. BREDEHOFT: The next one is 95.
 2 THE COURT: 95.
 3 MS. BREDEHOFT: 95, lines 2 through 13.
 4 THE COURT: Okay.
 5 MS. BREDEHOFT: And this is another
 6 one -- and you'll see there's some pretty extensive
 7 use of his deposition testimony. So there's --
 8 this is just laid out here saying -- this is --
 9 it's putting in a deposition and asking if he took
 10 this deposition and whether it was under the
 11 penalty of perjury, etc. There's no impeachment.
 12 There's no refreshing recollection. He's just
 13 putting that in.
 14 And then you'll see what he does with it
 15 later, Your Honor. Then he starts reading
 16 question, answer, question, answer, question,
 17 answer into the record, and then asks him a
 18 question.
 19 THE COURT: Okay. All right. So why was
 20 he looking at the deposition in this matter? I'm
 21 sorry. Mr. Moniz?
 22 MR. MONIZ: I think the point here, Your

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1 Honor, first of all, as to this original -- this
 2 just lays -- this first piece just lays the
 3 foundation that the deposition was taken to begin
 4 with. It doesn't actually contain any of the
 5 contents of the deposition.
 6 THE COURT: I know, but what's the
 7 relevance of that?
 8 MR. MONIZ: Oh, he gave prior testimony.
 9 I think he's just confirming the accuracy of the
 10 prior testimony and that he hasn't seen the
 11 bruises, which is what he testified to previously.
 12 THE COURT: So you're not using it for
 13 impeachment but you're using it to bolster his
 14 testimony?
 15 MR. MONIZ: I think it might be basically
 16 just to confirm his recollection.
 17 THE COURT: You don't want to say the
 18 word "bolster." That's fine. Okay. I'll sustain
 19 the objection as to that.
 20 MS. BREDEHOFT: Then the next one is same
 21 thing here. It's --
 22 MR. MONIZ: I think we can assume that

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| <p>1 that carries --</p> <p>2 MS. MEYERS: That would carry through.</p> <p>3 MS. BREDEHOFT: Then that carried all the</p> <p>4 way through 99/1 through 6.</p> <p>5 THE COURT: Okay.</p> <p>6 MS. BREDEHOFT: All right. Then the next</p> <p>7 one is 105/12 through 18.</p> <p>8 THE COURT: 105.</p> <p>9 MS. BREDEHOFT: And this one, you know,</p> <p>10 if it had been asked in a way that said, "Is</p> <p>11 Mr. Depp paying you," or, you know, "Have you</p> <p>12 received any money from him?" But, instead, it's,</p> <p>13 you know, a leading question of, "You have never</p> <p>14 been paid by Mr. Depp to give testimony at</p> <p>15 depositions or otherwise; correct?" It's not even</p> <p>16 asking if he's been paid to give this deposition.</p> <p>17 And it's saying at depositions.</p> <p>18 THE COURT: I'm just reading his answer.</p> <p>19 I apologize.</p> <p>20 MR. MONIZ: I think it's just relevant to</p> <p>21 bias. I think it was in response to discovery from</p> <p>22 Ms. Heard's counsel, looking for payment</p> | <p>1 any bruising."</p> <p>2 MS. BREDEHOFT: Yeah, I think we -- yeah,</p> <p>3 you're right. I think we decided to just go ahead</p> <p>4 and let those in.</p> <p>5 THE COURT: Okay.</p> <p>6 MS. BREDEHOFT: So now we're on 116.</p> <p>7 THE COURT: Okay.</p> <p>8 MS. BREDEHOFT: And I think it's 116 --</p> <p>9 and here's the deposition again. Line 6. They're</p> <p>10 putting his deposition back up there, and they're</p> <p>11 reading questions and answer from it.</p> <p>12 MR. MONIZ: And based on, again, Your</p> <p>13 Honor's prior ruling, we can skip past that.</p> <p>14 MS. BREDEHOFT: That takes us through</p> <p>15 117, line 14. And then I think we have -- and then</p> <p>16 the next one is 117, line 15, Your Honor. And it</p> <p>17 goes through a couple of pages. And this is --</p> <p>18 they're asking him -- they asked him if he saw</p> <p>19 pictures of Ms. Heard where she was bruised, and he</p> <p>20 says he saw them on TMZ and on TV. And then they</p> <p>21 ask him a whole bunch of questions about what he</p> <p>22 saw on TMZ and TV about the bruises and asked him</p> |
| 206 | 208 |
| <p>1 information and such.</p> <p>2 THE COURT: I understand. I'll sustain</p> <p>3 the objection.</p> <p>4 MS. BREDEHOFT: All right. The next one</p> <p>5 is 106. And this is -- this goes kind of through</p> <p>6 110/10.</p> <p>7 MR. MONIZ: And I think, based on Your</p> <p>8 Honor's prior ruling, I suspect this is going to</p> <p>9 get sustained, so we'll move forward.</p> <p>10 THE COURT: All right. We'll move</p> <p>11 forward then.</p> <p>12 MS. BREDEHOFT: All right. And then what</p> <p>13 we have, Your Honor, is when they finish reading</p> <p>14 him these questions and answers, then they start</p> <p>15 asking him --</p> <p>16 THE COURT: What page are we on?</p> <p>17 MS. BREDEHOFT: We're on 110.</p> <p>18 THE COURT: Okay.</p> <p>19 MS. BREDEHOFT: Lines 11 through 13.</p> <p>20 THE COURT: The question on 11 through 13</p> <p>21 is, [Reading] "So, as you sit here today, when you</p> <p>22 saw her (indiscernible) in March, you didn't see</p> | <p>1 to describe it, etc.</p> <p>2 MR. MONIZ: Well, and that's asking, Your</p> <p>3 Honor, whether what was broadcast in the media was</p> <p>4 consistent with what he had personally observed. I</p> <p>5 think that's an appropriate question. I mean, he's</p> <p>6 a fact witness, and --</p> <p>7 THE COURT: Well, if he's a fact witness,</p> <p>8 then why would he be giving an opinion about what</p> <p>9 the photos on TMZ are?</p> <p>10 MR. MONIZ: Well, he's testified -- it's</p> <p>11 not an opinion, I don't think really, Your Honor.</p> <p>12 It's whether it's what he saw. Did he see the same</p> <p>13 thing in person? I mean, that's -- I don't</p> <p>14 necessarily think of that as opinion.</p> <p>15 MS. BREDEHOFT: Foundation, hearsay.</p> <p>16 MR. MONIZ: And, Your Honor, I believe</p> <p>17 that Ms. Heard's counsel basically did the exact</p> <p>18 same thing with the pictures with the police</p> <p>19 officers, showing pictures -- showing images of</p> <p>20 Ms. Heard, and then basically asking if that was</p> <p>21 consistent with what they had -- with what they had</p> <p>22 seen when they saw her personally. So I think that</p> |

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1 same logic applies here.
 2 MS. BREDEHOFT: They showed pictures. We
 3 don't know even know what he saw on TMZ and TV. I
 4 mean, we don't have it in front of us to
 5 cross-examine him. You know, this is --
 6 THE COURT: Are pictures from TMZ coming
 7 in?
 8 MR. MONIZ: I don't know that there were
 9 pictures from TMZ used here, Your Honor, but he
 10 testifies that he saw pictures on TMZ of her being
 11 bruised and that those pictures are not the same as
 12 what he witnessed in person. So I think that --
 13 that's relevant. That's the same principle, I
 14 think. The same principle applies.
 15 MS. BREDEHOFT: We can't cross-examine
 16 him on it, Your Honor. We don't have any idea what
 17 pictures he saw on TV or TMZ to be able to describe
 18 those.
 19 MR. MONIZ: I can't understand why --
 20 MS. BREDEHOFT: And they weren't shown in
 21 the deposition, and we're not aware of them being
 22 shown in this trial.

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1 MR. MONIZ: Well, it wouldn't have been
 2 preserved. He's testifying to what he perceived in
 3 real-time on television. There's no way to
 4 preserve that. But, again, it's his perceptions
 5 and his recollection, so there's nothing -- there's
 6 nothing inappropriate about offering that
 7 testimony. He's testifying about what he saw.
 8 MS. BREDEHOFT: I think we have both
 9 foundation and hearsay issues here, and, you know,
 10 he's not an expert.
 11 MR. MONIZ: I don't see a hearsay issue
 12 here, Your Honor.
 13 THE COURT: No, it's not a hearsay issue.
 14 I agree with you there. But I'm just -- if he's
 15 just a fact witness, I'm not sure why his opinion
 16 of pictures on TMZ would be appropriate.
 17 MR. MONIZ: Yeah, and, again, I think,
 18 Your Honor, it really is the same thing as the
 19 police officers. I mean, they basically just
 20 denounce whether -- whether what he saw on TV was
 21 the same as what he saw --
 22 THE COURT: It's not the same as the

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1 police officers. The police officers are actually
 2 looking at the picture that I assume is going to
 3 come into evidence and we see the difference. But
 4 you're saying this picture, you don't know exactly
 5 which picture he looked at. That's the problem I
 6 have. We just don't know the foundation of what
 7 picture he actually looked at.
 8 MR. MONIZ: Well, the picture isn't being
 9 offered into evidence, Your Honor, so I don't know
 10 the picture requires foundation, but there is
 11 foundation for his recollection of what he saw.
 12 THE COURT: I'm going to sustain the
 13 objection. It's not coming in.
 14 MS. BREDEHOFT: And that takes us through
 15 123, line 3. That's my pages. What do we have
 16 after that? I think we're back to Ms. Meyers and
 17 Ms. Pintado. Do you guys know...
 18 MS. MEYERS: I don't think there's any
 19 undecided --
 20 THE COURT: Oh, thank you.
 21 MS. MEYERS: I don't think we have any --
 22 THE COURT: That's it?

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1 MS. BREDEHOFT: I'm happy about that too.
 2 THE COURT: Wow, that was the fastest you
 3 have done, I think. You're right. (Indiscernible)
 4 my work.
 5 MS. BREDEHOFT: I was just going to say,
 6 Your Honor, we'll start at 5:00 next Friday.
 7 THE COURT: I think we can start at 5:00.
 8 That's great. Okay. All right. So
 9 we're good with that. So we got through six. I
 10 think that gets us through next weekend; right? Is
 11 that correct? That will get us through the week?
 12 MS. MEYERS: Yes, Your Honor.
 13 THE COURT: And you're going to let us
 14 know about the other depositions, if you have
 15 anymore?
 16 MS. MEYERS: Yes.
 17 MS. VASQUEZ: Yes.
 18 MS. MEYERS: We don't anticipate many
 19 more. I think we're probably done but just
 20 reserving just in case.
 21 THE COURT: Okay. Just reserving for
 22 that. But you'll be ready for yours next Friday;

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1 right? You said that they have been working on it
 2 all day.
 3 MS. BREDEHOFT: We have, we have. So if
 4 we can get theirs as soon as possible -- by -- I
 5 think you said tomorrow morning; right?
 6 THE COURT: Right, right, right.
 7 MS. BREDEHOFT: And we'll do the same.
 8 We'll give them whatever ours are that we would be
 9 doing first.
 10 THE COURT: So you can switch them
 11 back -- and you're going to try to switch them
 12 back --
 13 MS. BREDEHOFT: So we'll both be working
 14 on both of them.
 15 THE COURT: -- as quick as possible, to
 16 switch them back.
 17 MS. BREDEHOFT: Absolutely.
 18 THE COURT: Okay. Great. Then I just
 19 have two reminders from Samy. Reminder that
 20 exhibits for depositions, that if you -- for next
 21 week, for these depositions, if you could exchange
 22 the exhibits that you want to introduce ahead of

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1 time, redact them, or however you can do it, so we
 2 don't have any dead time in front of the jury, I'd
 3 really appreciate that. Lesson learned from this
 4 week; right?
 5 And then I think Samy just wanted to know
 6 who would be testifying the next day, so if we
 7 could just let us know the day before who is going
 8 to be testifying so we can be set up for whether
 9 it's remote or whether it's deposition and
 10 everything and have all the technology ready for
 11 you guys. Okay?
 12 MS. BREDEHOFT: And we both owe Samy. We
 13 have just been working --
 14 THE COURT: No, that's why he wanted to
 15 remind us. We threw a lot at you today.
 16 MS. BREDEHOFT: And I realize we're
 17 supposed to give him an updated list of who would
 18 be able to be --
 19 THE COURT: Right, right. We need that.
 20 MS. BREDEHOFT: I have one question,
 21 though, Your Honor. I have submitted all the way
 22 through -- in fact, she did the background check

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1 and everything.
 2 THE COURT: Right.
 3 MS. BREDEHOFT: Pamela Johnson. She's an
 4 attorney that is -- for Travelers Insurance who is
 5 covering here, and she's attending the entire trial
 6 in her capacity for Travelers. And I had submitted
 7 her from day one. I put in all the -- I put in all
 8 the background check things and everything for her.
 9 THE COURT: So how is she assisting?
 10 Because it's just supposed to be for the legal
 11 team, if they need help.
 12 MS. BREDEHOFT: She's assisting us as
 13 well, Your Honor. She definitely is. She's
 14 assisting us in research, and, you know, she's
 15 giving us advice as a lawyer. I mean, she's like a
 16 co-counsel but she's not -- it's a unique
 17 situation, candidly, since I don't usually do
 18 defense work, I don't usually deal with insurance
 19 companies, so this is completely new for me too.
 20 THE COURT: Okay. So it's insurance
 21 company. What's your position over here? She is a
 22 lawyer --

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1 MR. CHEW: We don't object, Your Honor.
 2 THE COURT: Okay. They don't object. So
 3 that's fine. Okay.
 4 MS. BREDEHOFT: Thank you.
 5 THE COURT: Yeah, she's a lawyer, too.
 6 That makes sense. I just want to make sure:
 7 Because I did say "that work for you."
 8 MS. BREDEHOFT: Right. That's why I
 9 wanted to clarify that one.
 10 THE COURT: All right. That's fine.
 11 We're good?
 12 MR. CHEW: Thank you, Your Honor.
 13 THE COURT: Okay. We're good with that.
 14 So we did that list just so the sheriffs would know
 15 that for Monday so they'd make sure, since we
 16 switched everything around.
 17 MS. BREDEHOFT: Yes, we'll get that.
 18 THE COURT: And if you have extra
 19 lanyards, I think they're going to want those back.
 20 MS. BREDEHOFT: Okay.
 21 THE COURT: Does that make sense? So
 22 they might want to get all of those back, except

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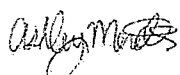
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1 for the ones that you designate. Okay? All right.
 2 Any other questions?
 3 Do you have something, Mr. Chew? You
 4 look like --
 5 MR. CHEW: No, Your Honor.
 6 THE COURT: You're good?
 7 MR. CHEW: We're good. Thank you very
 8 much. Thank you for your time.
 9 MS. BREDEHOFT: Thank you very, very
 10 much.
 11 THE COURT: Wait until you get the bill.
 12 Okay?
 13 (At 6:10 p.m., the above hearing
 14 concluded.)
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1 CERTIFICATE OF TRANSCRIBER
 2
 3 I, Bobbi J. Fisher, do hereby certify that
 4 the foregoing transcript is a true and correct
 5 record of the recorded proceedings; that said
 6 proceedings were transcribed to the best of my
 7 ability from the audio recording and supporting
 8 information; and that I am neither counsel for,
 9 related to, nor employed by any of the parties to
 10 this case, and I have no interest, financial or
 11 otherwise, in its outcome.
 12
 13 
 14 _____
 15 Bobbi J. Fisher, RPR
 16 NCRA Registered Professional Reporter (RPR)
 17 Prepared: April 16, 2022
 18
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 20
 21
 22

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC
 2
 3 I, Ashley Meredith, 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 15th day of
 12 April, 2022.
 13
 14 
 15 _____
 16 Ashley Meredith, Notary Public
 17 for the Commonwealth of Virginia
 18
 19 Virginia Notary No. 7930582
 20 Virginia Notary Expires: 6/30/2025
 21
 22

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