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Transcript of Jack Whigham

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

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VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

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JOHN C. DEPP, II, :

Plaintiff, :

v. : Civil Action No.

AMBER LAURA HEARD, : CL-2019-0002911

Defendant. :

- - - - -x

Videotaped deposition of

JACK WHIGHAM

Conducted Virtually

Wednesday, January 20, 2021

12:09 p.m. EST

Job No.: 344474

Pages: 1 - 198

Reported By: Paul P. Smakula

1 Deposition of JACK WHIGHAM, conducted

2 virtually:

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9 Pursuant to notice, before Paul P. Smakula,

10 Notary Public in and for the State of Maryland.

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A P P E A R A N C E S

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14 ALSO PRESENT:

15 Amber Heard

16 Jean-Louis Ziesch, Videographer

17 Alex Sussman, AV Technician

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|--|---|
| <p style="text-align: right;">65</p> <p>1 Q What do you recall discussing with Adam 2 Waldman? 3 MS. VASQUEZ: I'm going to object here. 4 Calls for hearsay. And to the extent, 5 Mr. Whigham, you discussed anything covered by the 6 attorney-client privilege, and since Mr. Depp is 7 the holder of that privilege and Mr. Waldman is 8 Mr. Depp's attorney, I'm going to instruct you not 9 to answer. 10 MR. DERIN: Is that instruction that any 11 conversation that Mr. Whigham had with Mr. Waldman 12 you're instructing him not to answer anything 13 about that conversation? 14 MS. VASQUEZ: To the extent that you would 15 have to divulge information or parts of that 16 conversation that would be covered by the 17 attorney-client privilege, yes, I'm instructing 18 you not to answer. We can go question by 19 question, but the question, the way I heard it, I 20 could have it read back, was quite broad. 21 Q What do you recall discussing with 22 Mr. Waldman relating to the --</p> | <p style="text-align: right;">67</p> <p>1 (Requested portion read back.) 2 MS. VASQUEZ: Okay. To the last question, 3 what do you recall discussing with Adam Waldman, 4 I'm going to object that it's overbroad. And I 5 will just -- as an instruction, to the extent that 6 your answer, Mr. Whigham, involves discussions 7 with Mr. Waldman relating to the Jake Bloom 8 lawsuit or any litigation of Mr. Depp's, I will 9 instruct you not to answer. 10 MR. DERIN: Elaine, if you want to perhaps 11 kind of parse it out, that's fine, but otherwise, 12 I think there's an instruction. 13 MS. BREDEHOFT: Right. There's an 14 instruction, if I'm hearing this, that she's 15 asserting the attorney-client privilege over a 16 third party in any discussion that they had with 17 Mr. Waldman on the basis of Mr. Depp's 18 attorney-client privilege. 19 Q Mr. Whigham, were you present with 20 Mr. Depp in any of your conversations with 21 Mr. Waldman? 22 A No.</p> |
| <p style="text-align: right;">66</p> <p>1 A Yeah, it -- it was very brief. It was 2 mostly just, I think -- 3 MR. DERIN: Well, hang on for a second, 4 Jack. You know, if you're going to get into the 5 substance of it -- Ms. Vasquez, I don't know 6 whether you want him to tell -- to have a -- to 7 describe generically what the subject was, but you 8 can't expect the witness to make a decision about 9 whether it's covered by the attorney-client 10 privilege. So you're going to have to instruct 11 him whether the conversation is covered by the 12 privilege and you instruct him not to answer or 13 have him describe the general subject matter 14 whether it's about the litigation or about 15 something else, but it's not for him to determine, 16 it's for you to instruct. 17 MS. VASQUEZ: I understand Mr. Derin. 18 Mr. Whigham, I apologize. I think the way the 19 question is phrased -- Paul, do you mind reading 20 back the question? I believe it's relating to the 21 lawsuit. Paul, do you mind reading back the 22 question?</p> | <p style="text-align: right;">68</p> <p>1 MR. DERIN: Objection; vague and 2 ambiguous. You can answer. 3 Q Were you present with Mr. Depp when you 4 had the discussion with Mr. Waldman about the Jake 5 Bloom litigation? 6 A No. 7 Q How many conversations did you have with 8 Mr. Waldman regarding the Jake Bloom litigation? 9 A To my -- the best of my recollection, 10 mainly one. 11 Q And what do you recall of your discussion 12 with Adam Waldman relating to the Bloom 13 litigation? 14 MS. VASQUEZ: Mr. Whigham, I'm going to 15 instruct you not to answer on the basis of the 16 attorney-client privilege. You were representing 17 Mr. Depp as an agent and Mr. Waldman is Mr. Depp's 18 attorney. So I will instruct you not to answer 19 Ms. Bredehoft's question on that basis. 20 Q And are you following that advice? I just 21 need that on the record that you're following the 22 advice. I don't agree with the invoking of the</p> |

| | |
|---|--|
| <p style="text-align: right;">69</p> <p>1 attorney-client privilege, but I need to put on 2 the record that you are following that advice and 3 not responding to the question; is that correct? 4 And Mr. Derin, feel free to jump in. I'm okay -- 5 MR. DERIN: Yeah, based on Mr. Depp's -- 6 the assertion of Mr. Depp's privilege, 7 Mr. Whigham, I think you're bound to honor that 8 assertion of privilege because he's the holder of 9 privilege. So on that basis, I'll instruct you 10 not to answer because I think you have no choice. 11 Q And just for the record, then you are 12 following your counsel's advice not to answer; 13 correct? 14 A Yes. 15 MS. BREDEHOFT: Okay. Alex, can you pull 16 up Whigham 4, please. 17 Q Now, Mr. Whigham, you received a subpoena 18 duces tecum, a subpoena for documents in this 19 case, do you recall that? 20 A I don't, but seeing this reminds me. 21 Q Okay. Let me just go down so we can -- 22 because this will make it easier as we go through</p> | <p style="text-align: right;">71</p> <p>1 little further here on this document so you can 2 see the whole trail. It starts June 22nd, 2017. 3 Robin Baum, sharing in case you didn't see. And 4 then Christi Dembrowski, haven't had a chance to 5 look, but will. Who is Christi Dembrowski? 6 A She's Johnny sister. 7 Q How frequently did you work with Christi 8 Dembrowski in connection with your representation 9 of Mr. Depp? 10 MS. VASQUEZ: Objection; assumes facts not 11 in evidence; it's vague and ambiguous as to "work 12 with." 13 A I -- I was in touch with Christi fairly 14 often. 15 Q And what -- for what reasons, just give me 16 an example? 17 A She was -- she was just very involved in 18 Johnny's life and helpful a lot with scheduling 19 and details and stuff like that. 20 Q Okay. You -- did you have an 21 understanding that she worked in a management role 22 for Mr. Depp?</p> |
| <p style="text-align: right;">70</p> <p>1 other documents. It's labeled JW and then some 2 zeros and 145, 146, 147 here. The document 3 production that was given on your behalf has JW 4 and then numbers one through -- and I can't 5 remember what the last one was, but it's roughly 6 150. Does that help refresh your recollection? 7 A Yes, ma'am. Yes. 8 Q Okay. And did you -- once you received 9 the subpoena, then did you go in and try to find 10 the documents that were responsive to the request? 11 A Yes. 12 Q Okay. 13 A We work with internal lawyers to make sure 14 we complied fully. 15 (WHIGHAM Deposition Exhibit 4 marked for 16 identification and attached to the transcript.) 17 Q Okay. Great. And so I'm going to show 18 you this particular document that's been marked as 19 Whigham No. 4. And it has at the top, Re Johnny 20 Depp slams Donald Trump at Glastonbury and asks, 21 when was the last time an actor assassinated a 22 President? But I'm going to take you down a</p> | <p style="text-align: right;">72</p> <p>1 MS. VASQUEZ: Objection; calls for 2 speculation; lack of foundation; assumes facts not 3 in evidence; vague and ambiguous. 4 A Not management per se, just kind of, you 5 know, helpful. She obviously was his sister and 6 knew everyone in his life and was able to help 7 with a lot of logistics. 8 Q Okay. Thank you. I'm going to go up a 9 little further. And then there is -- this one is 10 again from Robin Baum June 22nd, it has been 11 picked up everywhere and could continue past this 12 first round of stories. I haven't seen a tweet 13 from DT yet in response. And then this particular 14 -- on top of this story, one we have this one too, 15 Twitter is active. And it says, Johnny Depp 16 management knew about Amber Heard abuse, do you 17 see that? 18 A I do. 19 Q Do you believe that this press relating to 20 Johnny Depp's management knowing about Amber Heard 21 abuse negatively impacted Mr. Depp's personal or 22 professional reputation or career?</p> |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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