

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Friday 27 May 2022

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Man: The Circuit Court of Fairfax County is now in session, you have Penney Azcarate presiding.

Judge Azcarate: Good morning, Judy.

Man: [Inaudible 00:00:08]

Judge Azcarate: Good morning.

Together: Good morning.

Judge Azcarate: All right. Do we have any matters before the jury comes out? That's what I like to hear. Okay. Fantastic. Let me just take a minute to get my computer up, Lisa.

All right. Just also, I did for the ones that are gonna go back to the jury, I did take up the Depp and Heard on the title. So, it just has the numbers on the jury instructions, okay?

Man: All right, Judge.

Judge Azcarate: Okay. We're ready for the jury.

[00:00:41]

[Silence]

[00:01:06]

Good morning. All right. Thank you. You're gonna be seated. Thank you. All right.

Good morning, ladies and gentlemen. All right. Ladies and gentlemen of the jury, you now have heard all of the evidence in the case. Before the lawyers make their closing arguments, the court will instruct you on the instructions of law that you are to apply in deciding this case. Okay.

Since it's been quite a while since I gave you the preliminary instructions, I want to remind you that in closing arguments, the lawyers will refer to the testimony and the other evidence that you will have

heard, but what the lawyers say in their closing arguments is not itself evidence. Their statements are only their recollection of what the evidence in the case was. It is your collective recollection as seven jurors of what the evidence in the case was, which shall govern your deliberations.

In addition, your notes should be used only as an aid to your memory. You should not give your notes precedence over your independent recollection of the evidence. You should rely on your independent recollection of what the evidence in the case was, and you should not be unduly influenced by the notes of other jurors. I also wanted to make you aware that due to the high-profile nature of this case, the court has entered an order to seal the names of the jurors for a year, which is different than what I had instructed you in the beginning of that case. I want to bring that to your attention. Okay. All right.

As to the following jury instructions that I'm going to give you, you'll be able to take these written jury instructions into the deliberation room with you. So, you don't need to write down exactly what I say right now because all have copies of them, but I would ask for your attention while I read them to you. Okay?

With respect to the instructions that I'm about to give you, you may note that some of them are numbered and some of them are lettered at the top, and that the numbers and letters do not necessarily follow any sequence or any order. Do not concern yourself with that. Some might even be missing, but just consider only the body or text of the instruction, not the headings. Okay. All right.

Now, some of the instructions may appear to be in conflict. This is because the court cannot predict your findings of fact. Therefore, the court must instruct you, the jury, on the applicable law under both the plaintiff's and the defendant's theory of the case. Okay. All right.

You have been chosen and sworn as jurors in this case to try the issues of facts presented. You must consider and decide this case fairly and impartially. You are to perform this duty without bias or prejudice as to any party. All persons stand equal before the law and are entitled to the same treatment under the law.

Our system of law does not permit jurors to be governed by sympathy, prejudice, or public opinion. Both of the parties and the public expect that you will carefully and impartially consider all the evidence in the case, follow the law as stated by the court, and reach a just verdict

regardless of the consequences. You are the judges of the facts, the credibility of the witnesses, and the weight of the evidence.

You may consider the appearance and manner of the witnesses on the stand, their intelligence, their opportunity for knowing the truth and for having observed the things about which they testified, their interest in the outcome of the case, their bias, and, if any have been shown, their prior inconsistent statements or whether they have knowingly testified untruthfully as to any material fact in the case. You may not arbitrarily disregard believable testimony of a witness. However, after you have considered all the evidence in the case, then you may accept or discard all or part of the testimony of a witness as you think proper.

You're entitled to use your common sense in judging any testimony. From these things and all the other circumstances of the case, you may determine which witnesses are more believable and weigh their testimony accordingly. You must not base your verdict in any way upon sympathy, bias, guesswork, or speculation. Your verdict must be based solely upon the evidence and instructions of the court. Your verdict must be based on the facts as you find them and on the law contained in all of these instructions.

With respect to plaintiff John C. Depp's second claims against defendant Amber Laura Heard, the issues in this case are summarized below:

Number 1, whether Ms. Heard made or published any of the following statements, A) "Amber Heard: I spoke up against sexual violence - and faced our culture's wrath. That has to change." B) "Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out." C) "I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse."

Number 2, do any of Ms. Heard's statements imply or insinuate anything about Mr. Depp? Number 3, were Ms. Heard's statements seen by anyone other than Mr. Depp? Number 4, did Ms. Heard's statements convey a defamatory implication to someone who saw them other than Mr. Depp? Number 5, are the implications or insinuations about Mr. Depp in Ms. Heard's statements false? Number 6, did Ms. Heard make the statements with actual malice? Number 7, if Mr. Depp is entitled to recover, what is the amount of Mr. Depp's damages?

On these issues, Mr. Depp has the burden of proof. Your decisions on these issues must be governed by the instructions that follow.

With respect to Ms. Heard's claims against Mr. Depp, the issues in this case are summarized below:

Number 1, did Adam Waldman, while acting as an agent for Mr. Depp, make the following statements? A) "Amber Heard and her friends in the media used fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp." B) "Quite simply, this was an ambush, a hoax. They set Mr. Depp up by calling the cops, but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So, Amber and her friends spilled a little wine and roughed the place up, got their story straight under the direction of a lawyer and publicist, and then placed a second call to 911." And C) "We have reached the beginning of the end of Ms. Heard's abuse hoax against Johnny Depp."

Number 2, are any of the statements about Ms. Heard? Number 3, were any of the statements seen by someone other than Ms. Heard? Number 4, are any of the statements false? Number 5, were any of the statements made with actual malice? Number 6, if Ms. Heard is entitled to recover, what is the amount of Ms. Heard's damages?

On these issues, Ms. Heard has the burden of proof. Your decisions on these issues must be governed by the instructions that follow.

You shall only return your verdict for Mr. Depp on his claim of defamation about the following statement, if he has proved by the greater weight of the evidence that, number 1, Ms. Heard made or published the following statement, "Amber Heard: I spoke up against sexual violence - faced our culture's wrath. That has to change." And number 2, the statement was about Mr. Depp. And number 3, the statement is false. And number 4, the statement has a defamatory implication about Mr. Depp. And number 5, the defamatory implication was designed and intended by Ms. Heard. And number 6, due to the circumstances surrounding the publication of the statement, it conveyed a defamatory implication to someone who saw it other than Mr. Depp. And if Mr. Depp further proved by clear and convincing evidence, number 7, that Ms. Heard made the statement with actual malice. If Mr. Depp failed to prove any one or more of the seven elements above, then you shall find your verdict for is Ms. Heard with respect to the above statement.

You shall only return your verdict for Mr. Depp on his claim for defamation about the following statement if he has proved by the greater

weight of evidence that, number 1, Ms. Heard made or published the following statement, "Then two years ago, I became a public figure representing domestic abuse and I felt the full force of our culture's wrath for women who speak out." And number 2, the statement was about Mr. Depp. And number 3, the statement is false. Number 4, the statement has a defamatory implication about Mr. Depp. And number 5, the defamatory implication was designed and intended by Ms. Heard. And number 6, due to the circumstances surrounding the publication of the statement, it conveyed a defamatory implication to someone who saw it other than Mr. Depp. And if Mr. Depp further proved by clear and convincing evidence, number 7, that Ms. Heard made the statement with actual malice. If Mr. Depp failed to prove any one or more of the seven elements above, then you shall find your verdict for Ms. Heard with respect to the above statement.

You shall only return your verdict for Mr. Depp on his claim for defamation about the following statement if he has proved by the greater weight of the evidence that, number 1, Ms. Heard made or published the following statement, "I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse." And number 2, the statement was about Mr. Depp. And number 3, the statement is false. And number 4, the statement has a defamatory implication about Mr. Depp. And number 5, the defamatory implication was designed and intended by Ms. Heard. And number 6, due to the circumstances surrounding the publication of the statement, it conveyed a defamatory implication to someone who saw it other than Mr. Depp. And if Mr. Depp further proved by clear and convincing evidence, number 7, that Ms. Heard made the statement with actual malice. If Mr. Depp failed to prove any one or more than seven elements above, then you shall find your verdict for Ms. Heard with respect to the above statement.

You shall only return your verdict for Ms. Heard on her claim for defamation about the following statement, if she has proved by the greater weight of the evidence that, number 1, Adam Waldman, while acting as an agent for Mr. Depp, made or published the following statement, "Amber Heard and her friends in the media used fake sexual violence allegations as both a sword and a shield, depending on their needs. They have selected some of her sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp. And number 2, the statement is about Ms. Heard. And number 3, the statement was seen by someone other than Ms. Heard. And number 4, the statement is false. And if Ms. Heard further proved by clear and convincing evidence, number 5, that the statement by Mr. Waldman was made with actual malice. If Ms. Heard failed to prove any one or more of the five elements

above, then you shall find your verdict for Mr. Depp with respect to the above statement.

You shall only return your verdict for Ms. Heard on her claim for defamation about the following statement if she has proved by the greater weight of the evidence that number 1, Adam Waldman, while acting as an agent for Mr. Depp, made or published the following statement: "Quite simply, this was an ambush, a hoax. They set up Mr. Depp up by calling the cops. But the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So, Amber and her friends spilled a little wine and roughed the place up, got their story straight under the direction of a lawyer and publicist, and then placed a second call to 911." And number 2, the statement is about Ms. Heard. And number 3, the statement, was seen by someone other than Ms. Heard. And 4, the statement is false. And if Ms. Heard further prove by clear and convincing evidence number 5, that the statement by Mr. Waldman was made with actual malice. If Ms. Heard failed to prove any one or more of the five elements above, then you shall find your verdict for Mr. Depp with respect to the above statement.

You should only return your verdict for Ms. Heard on her claim for defamation about the following statement if she has proved by the greater weight of the evidence that number 1, Adam Waldman, while acting as an agent for Mr. Depp, made or published the following statement, "We have reached the beginning of the end of Ms. Heard's abuse hoax against Johnny Depp." And number 2, the statement is about Ms. Heard. And number 3, the statement was seen by someone other than Ms. Heard. And number 4, the statement is false. And if Ms. Heard further proved, by clear and convincing evidence number 5, that the statement by Mr. Waldman was made with actual malice. If Ms. Heard failed to prove any one or more of the five elements above, then you should find your verdict for Mr. Depp with respect to the above statement.

When using these instructions, the phrase, the greater weight of the evidence, also sometimes called the preponderance of the evidence, means the evidence which you find more persuasive when evaluated against all the evidence that has been admitted in the case. The testimony of one witness, whom you believe, can be the greater weight of the evidence. When a party has the burden of proving any issue by clear and convincing evidence, he or she must produce evidence that creates in your minds a firm belief or conviction that he or she has proved the issue.

A statement that is not directly defamatory may nonetheless suggest a defamatory meaning in an indirect way, that is by implication. In determining whether any of the statements have a defamatory implication, you must consider the op-ed as a whole and the circumstances surrounding its publication. You should consider if these circumstances show that the words used are defamatory in relate to Mr. Depp. However, such circumstances cannot extend the meaning of the words used in the op-ed beyond their ordinary and common meaning. The proposed implication must be reasonably drawn from the words actually used.

In determining whether any of the statements in the op-ed are false and defamatory as to Mr. Depp, you must read the statements in the context of the op-ed as a whole. This means you may not seize on any one word, phrase, or image, or consider only one particular statement, phrase, or passage in isolation. In determining whether any of Mr. Waldman's statements are false and defamatory, you must read those statements in context as a whole. This means you may not seize on any one word, phrase, or image or consider only one particular statement, or phrase, or passage in isolation.

Both parties have the burden of proving actual malice by clear and convincing evidence. To meet this burden, each party must prove by clear and convincing evidence that each statement was made or published, number 1, with knowledge that the statement was false, or number 2, so recklessly as to amount to a willful disregard for the truth, that is, with a high degree of awareness that the statement was probably false. Actual malice is a subjective analysis that looks to the state of the mind of the person who made the statement. If the person who made the statement is believed it was substantially accurate at the time of its publication, then it does not give rise to liability for defamation.

The term actual malice should not be confused with the more common meanings of the word malice, such as ill will or hatred. Actual malice is not established merely because an author was motivated by ill will, prejudice, hostility, hatred, contempt, or even a desire to injure another. In order to find that Ms. Heard republished the original op-ed, including the headline, through a tweet on December 19, 2018, you must find that she retransmitted the defamatory material or redistributed the material with the goal of reaching a new audience.

Stated differently, republication occurs when the speaker has affirmatively reiterated the statement. A hyperlink directing readers to a previous article on the same website does not direct the previous article

to a new audience. Merely linking to an article does not amount to republication but adding content to a linked article may constitute republication. You must determine whether any added content was intended to reach a new audience.

If you find any content added to the hyperlink was intended to reach a new audience, it constitutes a republication. Further, if you find the republication occurred on December 19, 2018, then in order to find for Mr. Depp against Ms. Heard, you must also find by clear and convincing evidence that Ms. Heard made this republication with actual malice.

A principle is a person or legal entity with power or right to control the means and methods of performance by which another person performs the principle's work. An agent is the person who is subject to the power or right of a principle to control the means and methods of performing the work. An attorney has the expressed authority to do everything which the client expressly authorized him to do and the implied authority to do everything necessary or incidental to the purpose for which he was retained. Ms. Heard has the burden of proving by the greater weight of the evidence that Mr. Waldman was an agent of Mr. Depp, that Mr. Waldman was acting within the scope of his agency when he made the statements.

You must remember that there is no burden on either party to prove the truth of any of the statements. Both parties were free to offer proof of truth, but by doing so, they do not assume the burden of convincing you of the truth of the statements. The burden remains on each party to prove that the statements he or she complains of are false.

The Rules of Evidence ordinarily do not permit witnesses to testify as opinions or conclusions. An exception to this rule exists as to those whom we call expert witnesses. Witnesses who, by education and experience, have become experts in some art, science, profession, or calling, may state their opinions as to relevant and material matters in which they profess to be expert and may also state their reasons for the opinion. You should consider each expert opinion received in evidence in this case and give it such weight as you may think it deserves. If you should decide that the opinions on expert witness is not based upon sufficient education and experience, or if you should conclude that the reasons given in support of the opinion are not sound, or if you feel that it is outweighed by other evidence, you may disregard the opinion entirely.

In considering the weight to be given to the testimony of expert witnesses whose opinions differ, you may consider the ability and



character of the witnesses, their actions upon the witness stand, the weight and process of the reasoning by which they support their opinion, their possible bias in favor of the side for which they testify, the relative opportunities for study or observation of the matters about which they testify, and any other matters which serve to illuminate their statements. In considering the weight to be given to the testimony of expert witnesses, you should consider the basis for his or her opinion, and the manner by which he or she arrived at it, and the underlying fact and data upon which he or she rely.

An expert witness was asked whether statements contained in published treatises, periodicals, or pamphlets are reliable authority of a type normally relied upon by others in his or her field of expertise. This evidence is permitted to test the knowledge, accuracy, and opinions of the expert witness. And if such evidence is established as reliable authority by expert testimony, it may be considered by you, along with the other evidence in the case.

In considering the evidence, you're not limited to the bold statements of the witnesses. In other words, you're not limited solely to what you see and hear as the witnesses testify. On the contrary, you are permitted to draw from the facts which you find have been proven such reasonable inferences as may seem justified in the light of your own experience.

During the trial of this case, certain testimony has been presented to you by way of video depositions. You should give this testimony the same consideration as to its weight and credibility as you give to the testimony of witnesses who testified here in court. You must not discount any testimony merely because it was shown to you by video recording.

When one of the parties testifies unequivocally to the facts within his or her own knowledge, those statements of fact and the necessary inferences from them are binding upon him or her. He or she cannot rely on other evidence in conflict with his or her own testimony to strengthen his or her case. However, you must consider his or her testimony as a whole. And you must consider a statement made in one part of his or her testimony in light of any explanation or clarification made elsewhere in his or her testimony.

Any fact that may be proved by direct evidence may be proved by circumstantial evidence. That is, you may draw all reasonable and legitimate inferences and deductions from the evidence. If you believe from the case that a witness, other than Mr. Depp or Ms. Heard, previously made a statement inconsistent with his or her testimony at this trial, the only purpose for which that statement may be considered

by you is its bearing on the witness's credibility. It is not evidence that what the witness previously said was true.

If you believe from the evidence that Ms. Heard or Mr. Depp previously made a statement inconsistent with her or his testimony at this trial, that previous statement may be considered by you as evidence that what Ms. Heard or Mr. Depp previously said was true.

In reaching your verdict in this case, you are to consider the testimony and evidence. Sometimes, attorneys stated objections during the course of this trial and instructed the witness not to answer a question. Objections and instructions to witnesses are not evidence and you may not consider them in reaching your verdict, nor are you to draw any inference from the fact that an objection was made.

You must not consider any matter that was rejected or stricken by the court. It is not evidence and should be discarded. Any amount of damages requested by a party is not evidence in this case. You should not consider it as evidence in arriving at your verdict.

If you find your verdict for Mr. Depp or Ms. Heard, then he or she is entitled to recover compensatory damages without any proof of actual or pecuniary injury. As a result, injury to Mr. Depp or Ms. Heard's personal and business reputation, humiliation, embarrassment is presumed. If you find either party liable for defamation then in determining the amount of damages to which the opposing party is entitled, you may take into consideration all the circumstances surrounding the defamatory statements, the occasions on which they were made, and the extent of their publication, the nature and character of the insult, the probable effect on those who heard the statements, and their probable and natural effect upon the defamed party's personal feelings and upon his or her standing in the community and in business.

Your verdict should be for the amount that will fully and fairly compensate him or her for number 1, any loss or injury to his or her business. Number 2, any insult to him or her, including any pain, embarrassment, humiliation, or mental suffering. Number 3, any injury to his or her reputation. And number 4, any actual out-of-pocket losses that were caused by the statements.

Mr. Depp cannot recover damages for any harm that occurred after November 2, 2020. Ms. Heard can recover damages for any harm that occurred after Mr. Waldman's statements were published. The burden is on the party seeking damages to prove by the greater weight of the evidence each item of damages he or she claims and to prove that each

item was caused by the defamatory statements at issue. Neither party is required to prove the exact amount of damages, but the party must show sufficient facts and circumstances to permit you to make a reasonable estimate of each item. If either party fails to do so, then he or she cannot recover for that item.

If you have found by clear and convincing evidence that the statements in the op-ed were made with knowledge that they were false or so recklessly as to amount to a willful disregard for the truth, that is with a high degree of awareness that the statements were probably false, and you may award punitive damage to punish Ms. Heard for such actions and to serve as an example to prevent others from making such statements in the future. You must state separately in your verdict any amount you allow as compensatory damages, if any, and the amount you allow as punitive damages.

If you have found by clear and convincing evidence that Mr. Waldman, while acting as an agent for Mr. Depp, made the statements with knowledge that they were false or so recklessly as to amount to a willful disregard for the truth that is with a high degree of awareness that the statements were probably false, then you may award punitive damages to punish Mr. Depp for his such actions, and to serve as an example to prevent others from making such statements in the future. You must state separately in your verdict any amount you allow us compensatory damages, if any, in the amount you allow is punitive damages.

All right. Closing arguments.

[00: 23:00]

[Silence]

[00:23:24]

Ms. Vasquez: That worked?

Woman: There you go.

Ms. Vasquez: There you go. Okay. I think so.

Woman: No, you had it for a second.

Ms. Vasquez: Good morning. Thank you. Let's try that again. Good morning.

On May 27th, 2016, Ms. Heard walked into a courthouse in Los Angeles, California, to get a no notice, ex parte restraining order against Mr.

Depp. And in doing so, ruined his life by falsely telling the world that she was a survivor of domestic abuse at the hands of Mr. Depp. Today, on May 27, 2022, exactly 6 years later, we ask you to give Mr. Depp his life back by telling the world that Mr. Depp is not the abuser Ms. Heard said he is and hold Ms. Heard accountable for her lies.

Ladies and gentlemen of the jury, as you probably know by now, my name is Camille Vasquez. On behalf of Mr. Depp and all my colleagues at Brown Rudnick, I want to thank you deeply for your time and your service over these last seven weeks. We understand that it probably has not been convenient for you to be here every day. And we are so grateful for your time and careful consideration of the evidence as you deliberate.

After weeks of sitting in this courtroom, listening to testimony and looking at evidence, now it's time for you, the jury, to come to a decision. You have been entrusted with a serious task. What is at stake in this trial is a man's good name. Even more than that, what is at stake at this trial is a man's life. The life that he lost when he was accused of a heinous crime and the life he could live when he is finally vindicated.

Exactly six years ago today, on May 27, 2016, Ms. Heard walked into court and filed a false report of domestic abuse against her husband of 15 months, Johnny Depp. The scene was a setup. She tipped off the paparazzi so they would be waiting. They knew exactly where she would pause, which side of her face to photograph, and the photos captured what she wanted them to see, the image of a battered woman.

What the paparazzi did not know is that the dark mark on her face mysteriously appeared six days after last seeing Mr. Depp. It was a lie. She knew it. Mr. Depp knew it. And the multiple witnesses you heard from, who saw her that week of May 21st, 2016, also knew it. But the world only saw what she wanted them to see.

Two years later, when promoting the biggest role of her career until this trial, Ms. Heard presented herself to the world as a public figure representing domestic abuse. The headline of the op-ed featured the term sexual violence, even though she had never before accused her ex-husband of such a heinous crime.

Ms. Heard and her lawyers love to remind you of how the op-ed did not mention Mr. Depp by name. But Ms. Heard made sure that there would be no mistake about who she was referring to. She inserted, "Two years ago," so the world would remember the photo of a battered woman, the mark on her face, standing outside the courthouse. And they would once

again see Mr. Depp as the villain, this time, in full swing of the #MeToo Movement.

But what was happening behind closed doors was quite different from what Ms. Heard presented to the world, the exact opposite, in fact. There is an abuser in this courtroom, but it is not Mr. Depp. And there is a victim of domestic abuse in this courtroom, but it is not Ms. Heard. The evidence presented at this trial has shown that Ms. Heard is in fact the abuser and Mr. Depp the abused.

As you heard from Mr. Depp and multiple other witnesses that testified under oath at this trial, Mr. Depp experienced persistent verbal, physical, and emotional abuse by Ms. Heard during their relationship. And when their relationship was over, Ms. Heard inflicted the greatest and cruelest injury of all. She publicly and falsely named Mr. Depp as the abuser. Ms. Heard never thought she would be held accountable. Never thought that she would have to face her abuser. She never thought she would have her supposed mountain of evidence that...she never thought that Mr. Depp would tell you, the jury, and the world, that he was the real victim of domestic abuse. She said it in her own words.

Amber: You can tell people that it was a fair fight and see what the jury and judge think. Tell the world, Johnny. Tell them, Johnny Depp, "I, Johnny Depp, man, I'm a victim too of domestic violence."

Johnny: Yes.

Amber: And I... You know, it's a fair fight. And see how many people believe or side with you.

Ms. Vasquez: At the start of this case, Mr. Chew and I stood before you to give you our opening statements on behalf of Mr. Depp. During that statement, we made promises to you about what the evidence would ultimately show at the end of this trial. We've kept those promises.

One of those promises we made was that you would come to understand who Ms. Heard is, that she's a deeply troubled person, violently afraid of abandonment, desperate for attention and approval. And in her relationship with Mr. Depp, she was violent, she was abusive, and she was cruel. You heard from Dr. Shannon Curry, who explained that Ms. Heard suffers from borderline personality disorder and histrionic personality disorder.

These are disorders that are characterized by anger, sometimes uncontrollable and explosive anger, and a powerful sometimes desperate need for attention, acceptance, and approval. Fear of

abandonment is the deepest fear. A person with these disorders will suffer from dramatically fluctuating moods and can sometimes be violent and aggressive. They can also be charming and likable, but they can be incredibly manipulative and wild. An emotional rollercoaster with wild swings from idolizing their partner to devaluing him.

In fact, you saw that when she completed testing with her own forensic psychology expert, Dr. Dawn Hughes. Ms. Heard self-reported that she felt like she had three or four different personalities and that sometimes her temper would explode, and she completely lose control. You heard from multiple witnesses that Ms. Heard can be very pleasant, even charming. But you also heard from multiple witnesses and in audio recordings of Ms. Heard that she can be incredibly aggressive, violent, and cruel.

You heard that even from her former assistant, Kate James. Miss James testified that Ms. Heard would scream, yell, and send her barrages of text messages. In fact, Miss Jane's testified that Ms. Heard literally spat in her face.

You heard from Ms. Heard's former best friend, Rocky Pennington, that Ms. Heard once hit her when Miss Pennington did not do her best to meet Ms. Heard's needs. You also heard from Beverly Leonard that she once witnessed Ms. Heard assault her then-partner in Seattle airport in 2009.

And you heard from Mr. Depp that Ms. Heard used her sister Whitney as a punching bag, literally and figuratively. You also heard overwhelming evidence from Mr. Depp and the people that were around him and Ms. Heard during the relationship that Mr. Depp suffered persistent verbal and physical abuse at the hands of Ms. Heard.

You've heard evidence from Dr. Curry and the fact witnesses at this trial that Ms. Heard's deepest fear is one of abandonment, being left by Mr. Depp. Mr. Depp's greatest crime, in her mind, the fault she confronts him with time and time again, is that he splits. He leaves the fight, especially when Ms. Heard gets physical. And she couldn't stand it when he did. You heard from Ms. Heard yourselves in audio recordings, how upsetting it was to her when Mr. Depp would split.

Amber: Anytime anything goes wrong, you split. I feel like it's your first thing. And it's unnecessary. It's not always, uh, you're splitting because there's blows or because there's yelling or anything. You split many, most times when I'm still speaking in this volume and nothing has been thrown, or hit, or anything.

Ms. Vasquez: You saw the barrage of text messages she would send when he would leave, calling him a monster for doing so. You heard from witnesses like Travis McGivern, Tara Roberts, and Debbie Lloyd, that Ms. Heard would claw at Mr. Depp, block the elevator, throw a punch when Mr. Depp tried to separate himself from the fight. And you heard from Mr. Depp and Ms. Heard's couple therapist, Dr. Anderson, that Ms. Heard reported that when Mr. Depp would leave to de-escalate a fight, she would strike him to keep him there because she would rather be in a fight than have him leave.

You heard from Mr. Depp about how often Ms. Heard would berate him, insult him, and physically attack him, including one of the most serious occasions when Ms. Heard threw a vodka bottle at Mr. Depp, severely injuring his finger and then put a cigarette out on his face.

You heard from Mr. Depp that this whole incident in Australia started because Ms. Heard was enraged that Mr. Depp wanted a post-nuptial agreement and she wasn't in his will, just a month after getting married. When her husband was seriously injured and bleeding from a partially amputated finger, what did Ms. Heard do? She pursued him. She kept coming after him because that's what she does. She wouldn't stop.

Johnny: It's not to get you mad. It's not to get... It's just to get out of a bad situation, and to stop it before it gets worse. In Australia, when we had the big fight, where I lost the tip of my finger, at least five bathrooms and two bedrooms I went to...

Amber: To avoid talking to me, to avoid working it out, that's the problem.

Johnny: To escape the fight.

Amber: You don't escape the fight. You escape the solution.

Johnny: No.

Amber: You escape the solution. You escape figuring it out. We cannot work it out if you run away to the bathroom everytime.

Ms. Vasquez: You heard Mr. Depp testify. He went through something like a nervous breakdown that day. And he wrote a lot of things on mirrors and other places. Again, what did Ms. Heard do as her husband was bleeding from a serious injury? She wrote snarky messages right back to him. She denied it under oath to you, but the evidence you saw speaks for itself.

You heard from Mr. Depp's security, Sean Bett, who was aware of constant arguing and bickering. He witnesses Ms. Heard calling Mr.

Depp names - fat ass, fuck you, Johnny. Mr. Bett testified that he saw and documented injuries on Mr. Depp, a swollen eyelid in March of 2015, cuts on his nose, scratch marks on his chin in December of 2015.

And you heard from Travis McGivern, who testified that Ms. Heard called Mr. Depp names like washed up, fucking cunt, and, worst of all, a fucking deadbeat dad. Ms. Heard would take the low blows and hit him where it hurts, his children.

Mr. McGivern told you that on March 23rd, 2015, Ms. Heard threw things at Mr. Depp, spat at him, and ultimately punched him in the face, leaving him with a shiner.

You heard testimony from Malcolm Connolly, another security member who testified he saw Ms. Heard throw things at Mr. Depp - a cigarette lighter on a plane, a soda can from upstairs at the Eastern Columbia Building. He never saw marks on Ms. Heard. But he saw marks on Mr. Depp: scratches, bruises on his left eye, scratches on his left ear. And he took pictures documenting injuries like this one.

You also heard from Tara Roberts, a manager at Mr. Depp's island, who witnessed Ms. Heard telling Mr. Depp that he was washed up and would die fat and lonely. You also heard from Ms. Roberts that she witnessed Ms. Heard clawing and grabbing at Mr. Depp, grabbing his hair, trying to pull him back to her. And Mr. Depp had a visible injury to his nose on that occasion.

Most importantly, you heard from Ms. Heard yourselves, on multiple audio recordings, admitting to being physically violent with Mr. Depp. You heard Ms. Heard admit to hitting Mr. Depp.

Johnny: And then you clawed and clubbed me.

Amber: I remember hitting you as a response to the door thing. And I'm really sorry about hitting with the door or hitting your head. I did not mean to, nor...

Johnny: You didn't mean to hit me in the head with the door, but you meant to...

Amber: I didn't mean...

Johnny: ...punch me in the jaw.

Amber: I've meant to hit you. And I did not do this at the door. I do remember I didn't mean to hit.



Johnny: So that you didn't mean?

Amber: The door? No, God, no, I didn't...

Johnny: For punching me in the jaw, you did.

Amber: Okay, I'm sorry. I didn't mean to hit you, but it was in response. I just reacted in response to my foot. I just reacted. And...

Ms. Vasquez: You heard her admit it again and claim Mr. Depp was a baby for complaining about the abuse.

Johnny: And I watch you lie.

Amber: I didn't punch you.

Johnny: And I just...

Amber: I didn't punch you, by the way. I'm sorry that I didn't hit you across the face in a proper slap, but I was hitting you. I was not punching you. Babe, you're not punched.

Johnny: Don't tell me what it feels like to be punched.

Amber: You know, you've been in a lot of fights, been around a long time, I know. Yeah.

Johnny: No, when you fucking have a closed fist.

Amber: You didn't get punched. You got hit. I'm sorry I hit you like this. But I did not punch you. I did not fucking deck you. I fucking was hitting you. I don't know what the fuck motion of my actual hand was. But you're fine. I did not hurt you. I did not punch you. I was hitting you.

Johnny: How you thought...

Amber: What am I supposed to do? Do this? I'm not sitting here bitching about it, am I? You are.

Johnny: Oh, you poor girl.

Amber: That's the difference between me and you. You're fucking baby.

Johnny: Because you start...

Amber: You're such a baby. Grow the fuck up, Johnny.

Johnny: Because you start physical fights.

Amber: I did start a physical fight.

Johnny: Yeah, you did, so I had to fuck out of this.

Amber: Yes, you did. You did the right thing, the big thing. You know what? You're admirable.

Ms. Vasquez: Take a minute to really think about what you just heard there. "I'm sorry that I didn't hit you across the face in a proper slap. But I was hitting you. I was not punching you. Babe, you're not punched." Imagine that was Mr. Depp's saying that to Ms. Heard on that recording.

Let's play one more.

Johnny: That's exactly too much to take.

Amber: No, I'm sure she...

Johnny: [inaudible 00:40:08] It's always gross in there.

Amber: I'm sure she's training. I'm sure she's training.

Johnny: You're giving me some of the best performances [crosstalk 00:40:14].

Amber: No, no. You're right. I don't. It's only a performance.

Johnny: Performance, indeed. Oh, Amber, I don't regret. I don't regret. [Inaudible 00:40:29]

Amber: Oh, without saying anything. Oh, come on. [Inaudible 00:40:31]

Johnny: I don't regret.

Amber: Leave me? What else, what else? Are there other things you wanna add?

Johnny: You can't talk to me [crosstalk 00:40:38] foggy brain.

Amber: Oh, no, I want to know. I want to know.

Johnny: Get out [crosstalk 00:40:43].

Amber: God, I'm waiting. Wait, there's no other place you can run and move, [inaudible 00:40:52] go run. Come on, go be a real married man who deals with shit the way that a man does. Go run to the next house, every man does.

Johnny: [Inaudible 00:40:59]

Amber: Go. [Inaudible 00:41:03].

Ms. Vasquez: This is the real Ms. Heard, the one in the audio recordings, not the one you saw in this courtroom. What you didn't hear on a single recording you heard in this case, and there were many played by both parties, is Mr. Depp ever admitting to hitting, punching, or kicking Ms. Heard. You didn't hear it. It doesn't exist. It didn't happen.

And despite the fact that Mr. Depp and Ms. Heard are heard discussing many of the alleged incidents you've heard about at this trial, like Australia and the Bahamas, you never heard Ms. Heard accuse Mr. Depp of sexual assault. Unlike Mr. Depp, who you heard admit to and own up to his past mistakes and his struggles, particularly with drugs and alcohol, Ms. Heard will not admit that she has ever done anything wrong. But she cannot deny what you heard on those recordings. As much as Ms. Heard and her lawyers have tried to make this case about Mr. Depp's language, it is Ms. Heard that repeatedly admits to violence.

By April and May of 2016, Mr. Depp had reached his limit. His mother was dying. His finances were a mess. And when he showed up late to Ms. Heard's 30th birthday party because a meeting with his new business manager, Edward White, had gone late, Ms. Heard, of course, was not understanding. She was furious. You heard from Mr. Depp, both in this courtroom and on audio recordings that Ms. Heard punched him that evening.

He left with Travis McGivern. And the next morning, you learned that someone had left feces on his bed. Ms. Heard denies responsibility, but she admitted to the prank to Starling Jenkins. You heard him testify to that effect.

For almost a month after that, they didn't see each other. And you heard from Mr. Depp that when his mother died on May 20th, 2016, he resolved to leave Ms. Heard. He was done.

And when Ms. Heard learned that Mr. Depp was done, that she was really losing him, she went on the attack. She filed for divorce before Mr. Depp could. Then, as you heard from Mr. Depp's divorce lawyer, Laura Wasser, Ms. Heard sent a letter demanding financial support.

And when her demands weren't met, Ms. Heard struck a blow against Mr. Depp that was more damaging than any physical blow she had ever landed when she walked into court, six years ago today, on May 27th, 2016, to get a domestic violence restraining order against Mr. Depp. She did so in front of paparazzi with a mark on her face. The evidence presented at this trial demonstrates that Ms. Heard didn't just want a divorce. She wanted to ruin him.

Ms. Heard denied alerting TMZ to the TRO filing in this courtroom. But you heard testimony from Morgan Tremain that TMZ knew to go to the courthouse, knew what side of her face the alleged bruise was on, and that Ms. Heard would pause. She would pause for paparazzi, who got the photos that ended up splashed across newspapers and magazines.

Ms. Heard testified that she did not personally give photographs of her apparent injuries to "People" magazine. But somehow, these pictures that she took and maintained on her devices ended up on the cover of "People" magazine one month later.

In the end, she walked away with \$7 million without any tax liabilities, which she said she was donating to two charities, the ACLU and the Children's Hospital of Los Angeles. The ACLU, they got less than a million dollars from her. And the Children's Hospital, they got \$250,000. But that didn't stop Ms. Heard from telling the world that she donated everything because, remember, she wanted nothing and she had donated everything. The word donated... And that didn't stop her from testifying under the penalty of perjury that she had donated it.

Ms. Heard tried to tell you that pledge and donate mean the same thing. She claims she hasn't given the money because she was sued. But you've heard on contested evidence that she has the money for 13 months prior to this lawsuit being commenced by Mr. Depp. She had all the money and had month after month after month to fulfill her pledge and actually donate the money. But she didn't.

She also told you that she never fulfilled the pledge because Mr. Depp sued her for defamation. That's a blatant lie. Until the divorce was finalized, when she sought to initiate an arbitration against Mr. Depp for defamation, three months before the op-ed was even published, and six months before Mr. Depp filed this lawsuit. Not only does this contradict Ms. Heard's excuse for not making donations, it contradicts her narrative that she just wants to move on with her life, that she just wants Mr. Depp to leave her alone. Lies, that is Ms. Heard's narrative, lies upon lies.

[Inaudible 00:46:58] video?

Man: There, and actually, were all kinds of accusations flying your way when you said all this, and then there was a divorce settlement, you got \$7 million. People were saying, "This is all about the money." But then you did something that twisted that whole argument. What did you do with that money?

Amber: Seven million dollars in total was donated to... I split it between the ACLU and Children's Hospital of Los Angeles.

Man: ACLU is a human rights organization.

Amber: Sorry. ACLU is a prominent organization, nonprofit organization...

Ms. Vasquez: You heard a lie. She tries to cover it up with more lies. So, let's talk about the giant lie at the heart of this case. Ms. Heard's claim that Mr. Depp is an abusive monster and that she is a public figure representing domestic abuse.

At the start of this case, Mr. Chew and I told you that you were going to hear some disturbing and graphic tales of abuse from Ms. Heard, and they were designed to shock you and overwhelm you, which you have. We told you that this would be a performance, the role of her lifetime, as a heroic survivor, survivor of brutal abuse.

When Mr. Depp brought this case for defamation, Ms. Heard went all in. She spun a story of shocking, overwhelming brutal abuse. She came into this courtroom prepared to give the performance of her life and she gave it. Ms. Heard's acting coach, Kristina Sexton, testified that Ms. Heard has difficulty crying when she is acting. You saw it. Ms. Heard sobbing without tears while spinning elaborate, exaggerated, fantastical accounts of abuse and everything going on in her mind almost a decade prior, while enduring that abuse. It was a performance.

She told you what she thinks you need to hear to convict this man as a domestic abuser and a rapist. She wants you to believe that she was abused countless times, countless times, over the entire course of their relationship. But as Mr. Chew and I promised you, the evidence does not bear that out. Ms. Heard has told you that she has mountains of evidence of abuse. But there are no medical records reflecting she sustained any injuries from the abuse she claims. Ms. Heard had medical professionals at her disposal, Dr. Kipper, Debbie Lloyd, her own nurse, Erin Filati, and yet there's nothing.

Ms. Heard took pictures all the time, pictures of Mr. Depp sleeping, pictures of cocaine, pictures of property damage, pictures of herself. And as an actress, she was photographed all the time. Where are the pictures of the horrific injuries Ms. Heard describes?

Ms. Heard also took audio recordings and videos frequently. Where are the videos of Mr. Depp attacking her? Where are the audio recordings of Mr. Depp admitting to or apologizing for physical abuse? There are none.

What Ms. Heard has and what you've seen multiple times is a video of Mr. Depp banging some cabinets around in the kitchen. A video that, based on the testimony you heard from Morgan Tremain, the former TMZ employee, Ms. Heard seems to have sold to TMZ right before she was deposed in connection with her divorce from Mr. Depp.

Sure, Ms. Heard can point to text messages where Mr. Depp is apologizing to her, but never for violence. Ms. Heard's counsel showed you defendant's Exhibit 325, where Mr. Depp says sorry for "my behavior, I'm a fucking savage." But this is not an apology for violence. It's an apology for these "heinous, slinging insults." Mr. Depp is apologizing for the words he used.

Unlike Ms. Heard, who you heard apologizing for physical violence in multiple audio recordings, you have never heard that from Mr. Depp because he never used physical violence against Ms. Heard. Ms. Heard told you that Mr. Depp started abusing her right from the very beginning of her relationship, starting at the beginning of 2012.

But she has repeatedly testified under oath, differently, to having spent a year of bliss with Mr. Depp before he ever laid a hand on her. And now, in this courtroom, she has suddenly erased an entire year of magic. She wants you to believe that instead of hitting her after a year of magic, Mr. Depp was hitting her immediately. The good times she has testified to about repeatedly in the past apparently never happened.

And with the good times erased, Ms. Heard wants you to believe that she gave Mr. Depp a big knife that said "hasta la muerte," until death, to the man who supposedly would get drunk and high and beat her.

Ms. Heard admitted to you during this trial that Mr. Depp always wears big chunky rings on every finger.

According to her, he was wearing these rings when he slapped her, hit her, punched her in the face. But you have not seen a single photograph that reflects serious injuries Ms. Heard would have sustained if this was true. Not one.

Ms. Heard testified to an incident in March 2013 when Mr. Depp supposedly hit her multiple times in the face while wearing rings. And this is what her face looked like afterwards.

Ms. Heard testify to an incident in Russia where she claims Mr. Depp whacked her in the face and gave her a bloody nose. She didn't take pictures of her bloody nose. But her photograph was taken on that trip, and this is what she looked like.

Ms. Heard told you that there was an incident the night of the Met Gala in May 2014. when Mr. Depp supposedly whacked Ms. Heard in the face, leaving her with a red, discolored, and swollen nose that she felt was broken. Ms. Heard didn't show you any photographs of these alleged injuries. The photographs were taken of her the following night, and there were no visible injuries on Ms. Heard's face.

[00:54:39]

[Silence]

[00:54:56]

Ms. Heard testified that, in January 2015, while she and Mr. Depp were in Tokyo, Mr. Depp knelt on her back so aggressively that she was concerned that bruises would be visible in her backless dress. Here's Ms. Heard in that backless dress.

Ms. Heard testified that after an incident in December 2015, she had two black eyes, a broken nose, and chunks of hair missing. The assault was allegedly so violent that there was blood left all over the pillows and Mr. Depp had broken the bedframe. Pictures were taken of the bedframe. And in that picture, there appears to be a pocketknife on the bed. And that picture fails to capture the bloody pillows.

And here's what Ms. Heard look like on the James Corden show the next day. Indeed, you heard from Ms. Heard's nurse, Erin Filati, that she saw her a day or two afterwards and could not visualize the injuries Ms. Heard described.

Ms. Heard did take pictures of herself after this alleged incident. But are the injuries reflected in these photographs consistent? That's the question. Are they consistent with the brutal assault and serious injuries Ms. Heard has testified to? Or are these injuries more consistent with Mr. Depp's testimony that he and Ms. Heard bumped heads while he was trying to restrain Ms. Heard to keep her from attacking him?

Out of Australia, where Mr. Depp sustained the most serious injury from his relationship with Ms. Heard, Ms. Heard spun a story of horror. A three day ordeal with the drug-filled Mr. Depp violently assaulting her, cutting his own finger off, dragging her through glass, and then bending her back over a counter, and raping her with a whiskey bottle.

She claimed that she had bruises on her face, cuts all over her arms and feet, and was bleeding from her vagina from the sexual assault. And what did Ms. Heard say she did? She went upstairs, took some sleeping

pills, and went to sleep. The next morning, she took pictures of the mirrors her husband had written on in paint using his amputated finger.

She took no pictures of herself, her alleged injuries, or the property damage she testified to in this courtroom. When Malcolm Connolly, Jerry Judge, Dr. Kipper, and nurse Debbie Lloyd arrived to extract Mr. Depp and get him medical treatment for his finger injury, you heard from Mr. Connolly, Dr. Kipper, and Ms. Lloyd. All of them testified they did not observe any injuries to Ms. Heard. And no one, including Ms. Heard, testified that she sought medical treatment.

You also heard from Ben King. He also saw Ms. Heard right after this alleged incident. He flew home with her to Los Angeles. He testified that Ms. Heard didn't want to leave, that she said, "I can't leave. I can't leave. It will be the end if I leave."

He also testified that once they did leave for Los Angeles, Ms. Heard asked him if he ever got so mad, he just lost it. When Ms. Heard arrived in Los Angeles, she saw Travis McGivern, who also testified he observed no injuries, and her personal nurse, Erin Filati, who documented no requests for medical treatment and no injuries in her nursing notes from Ms. Heard.

You heard from Mr. Depp's sister, Christi, that she also saw Ms. Heard when she arrived back to Los Angeles and observed no injuries on Ms. Heard. Christi testified that when she told Ms. Heard her fighting with Mr. Depp was unsustainable, Ms. Heard responded that Christi should get off her cross, that Mr. Depp liked her feisty.

Ms. Heard's testimony about what occurred in Australia just doesn't add up. That's because there was a monster in that house in Australia, but it wasn't Mr. Depp. It was Ms. Heard.

Other than Ms. Heard's testimony, all the evidence you've seen in this trial shows that it was Ms. Heard who attacked and grievously wounded Mr. Depp when she threw a vodka bottle at him, severing his finger. Mr. Depp told Dr. Kipper that when Dr. Kipper arrived to treat Mr. Depp's finger. You've seen the pictures of the bar area in Australia with the broken vodka bottles on the ground, and trails of blood drops on the floor, and a bloody tissue on the floor. You've heard from Ben King that the tip of Mr. Depp's finger was found in the same bar area. And you heard from Dr. Kulber that the injuries to Mr. Depp's finger could have been caused exactly as he described.

And interestingly, you heard from Kristina Sexton that Ms. Heard told her that Mr. Depp injured his finger while swinging a bottle around, not



smashing the phone as Ms. Heard surmised in this courtroom, but swinging a bottle around. You also heard from Ms. Sexton that Ms. Heard first told her about the bottle rape in Australia while Ms. Sexton was in Ms. Heard's home meeting with her lawyers, the day before Ms. Sexton was scheduled to be deposed in this case.

The evidence presented at this trial shows that this is not the only time that Ms. Heard disclosed a sexual assault at a convenient time for purposes of litigation she's involved in. The first time Ms. Heard claimed that Mr. Depp sexually assaulted her in the Bahamas in December 2015 was after Tara Roberts, the manager of Mr. Depp's Island, submitted a sworn statement in the UK action describing the incident she testified to in this courtroom where Ms. Heard chased Mr. Depp out of the house, was yelling and then pleading with Mr. Depp to stay while clawing at his hair and clothes, and left Mr. Depp with an injury to his face. That's the first time she disclosed it, after there was contrary evidence.

Ms. Heard testified about another incident just two weeks after the event in Australia, where Mr. Depp supposedly attacked Ms. Heard and almost pushed her sister Whitney down the stairs. Whitney is the only witness that you heard from that backs up Ms. Heard's version of events. She's it. And the only witness, other than Ms. Heard, who claims to have seen Mr. Depp physically attack Ms. Heard.

But just like Ms. Heard's version of the events in Australia, her testimony about the staircase incident and that of her sister Whitney's just doesn't square up with the other evidence in this trial. Their testimony is contradicted by the testimony of Travis McGivern and Debbie Lloyd, who were there that night.

Ms. Heard and Whitney testified that Mr. Depp through a Red Bull can that hit or almost hit Ms. Lloyd. Ms. Lloyd testified that never happened. Mr. McGivern testified that it was Ms. Heard who threw a can at Mr. Depp. Ms. Heard testified that Whitney was between her and Mr. Depp when she punched him.

Mr. McGivern testified that he was the one between Ms. Heard and Mr. Depp when Ms. Heard punched Mr. Depp. Ms. Heard testified that Mr. Depp was able to get his hands in her hair, yanked her, and then hit her on the face with the cast he had on. But you heard from Ms. Lloyd and Dr. Kulber, Mr. Depp's medical doctor, who treated Mr. Depp's finger injury, that Mr. Depp's finger was in a delicate state. He had a pin in his finger, a skin graft, and a soft cast that immobilized Mr. Depp's two middle fingers. And tellingly, the only picture of an injury from this incident is that Mr. Depp with a shiner.

And then we have May 21st, 2016. Ms. Heard testified that Mr. Depp threw a phone at her face, causing a visible injury. Ms. Heard has shown you pictures she claims to show this injury. But these photographs are not to be trusted. You heard from Mr. Neumeister that, like many of the photographs Ms. Heard has presented in this case, these photos were stored in a photo editing application. And these photos show signs of manipulation.

These two photographs were taken at the exact same time and have the exact same file name, but they are visually different. One shows significantly more redness on Ms. Heard's face than the other, which doesn't show any injury at all. Ms. Heard testified that the difference is explained by turning on a light, but there is no way Ms. Heard could have taken a picture, turned on a light, and then taken another picture with every hair in the exact same place within the same second. It's impossible.

Moreover, you heard from multiple witnesses, including Officer Melissa Saenz, Officer Tyler Hadden, and Officer William Gatlin, Isaac Baruch, Alejandro Romero, who saw Ms. Heard on or after May 21st and saw no injuries to her face before she showed up to that courthouse with a mark on May 27.

And the very next day, after Ms. Heard walked into court with what appeared to be a bruise on her face to obtain a domestic violence restraining order against Mr. Depp, Ms. Heard was photographed laughing with her best friend, fresh-faced, with no bruise on her face.

[01:05:54]

[Silence]

[01:06:09]

The mountain of evidence of Mr. Depp abused Ms. Heard is simply not there. What we have is a mountain of unproven allegations that are wild, over the top, and implausible. And you can't pick and choose which of these wild allegations to believe and which ones to disregard. You either believe all of it or none of it.

Either Mr. Depp sexually assaulted Ms. Heard with a bottle in Australia, or Ms. Heard got up on that stand, in front of all of you, and made up that horrific tale of abuse. Either she's a victim of truly horrific abuse or she is a woman who is willing to say absolutely anything.

It is disturbing to think that Ms. Heard would make up the horrific tales of abuse that she testified to in this courtroom. But this case doesn't come down to whether you believe Ms. Heard or you believe Mr. Depp. This case comes down to whether you believe Ms. Heard or you believe Mr. Depp, Christi Dembrowski, Shawn Bett, Malcolm Connelly, Travis McGivern, Starling Jenkins, Keenan Wyatt, Dr. Kipper, nurses Debbie Lloyd and Erin Filati, Tara Roberts, Ben King, Kate James, Kate Moss, Dr. Kulber, Morgan Night, Morgan Tremaine, Officer Melissa Saenz, Officer Tyler Hadden, Officer William Gatlin, and Beverly Leonard.

What Ms. Heard testified to in this courtroom is a story of far too many women. But the overwhelming evidence, weight of that evidence shows that it is not her story. It's not Ms. Heard's story. It was an act of profound cruelty, not just to Mr. Depp, but to true survivors of domestic abuse for Ms. Heard to hold herself out as a public figure representing domestic abuse. It was false. It was defamatory. And it caused irreparable harm.

And to talk more about that, I'm going to turn it over to my colleague and my friend, Mr. Chew.

[01:08:33]

[Silence]

[01:08:56]

Mr. Chew: Thank you, Camille. Logistics are not our strong suit. And thanks to all of you, truly, for taking so much time over these last several weeks to listen to Mr. Depp, to his friends, to his family, and to so many others who have come forward physically in this courtroom, some from a very long distance, to tell you the truth and to, finally, after so many years, to correct the record. As Ms. Vasquez said, you have now come to know the real Amber Heard. Scary.

We also told you at the start of this trial that you are going to come to know the real Johnny Depp, not the many characters you've seen him play so wonderfully in the movies, but the man himself. We kept that promise. You've met the real Johnny Depp.

You have heard that Mr. Depp came from humble, very difficult beginnings. You have heard from Mr. Depp's big sister, who's here in the courtroom today, Christi Dembrowski, who told you how Mr. Depp grew up in a deeply troubled household with a mother, Betty Sue, who was physically abusive and mentally cruel. As Miss Dembrowski testified, one of the names that is to called Mr. Depp when he was a little boy was "one eye" because he had to wear an eyepatch for some time.

His mother used to hit his father and the kids, including young Mr. Depp. And when his mother got violent, Mr. Depp would retreat and find a place to hide. Sometimes, he and his sister Christi will find a place to hide together. Mr. Depp never hit back.

And like his father, who either stood up and took the violence or he retreated from it, those are habits he returned to later, when he found himself in a relationship with another person who returned his love with abuse, with physical abuse. And despite this long, unhappy history with his mother, Johnny never turned his back on her. In her elder years, Mr. Depp moved his mother to California, and he moved her to Los Angeles, right across the street from his house, so his two children could get to know her.

He hired nurses for his mother. He made sure to take care of her and to make her comfortable. She never went to hospice. She had the nurses make her comfortable till the day she died. And from those humble and difficult beginnings, Mr. Depp grew into one of the greatest actors and movie stars of his generation.

He came to Los Angeles with his first love as a young man, planning to be a musician. Music had been a part of his life ever since he found peace himself in his room as a young boy, when he was escaping, and he learned to play the guitar and would use it solace. But it was as an actor that his star began its rise, as he appeared in films too many to mention, including, of course, his iconic role as Captain Jack Sparrow in the Pirates of the Caribbean franchise.

Fame came with challenges for Mr. Depp and his family. It was a strange experience for a shy young man from Kentucky to be thrust into the limelight, pursued by paparazzi, and to have even his very name become a brand. But he did his best to live a private, quiet life, and despite it all, and over the years, built a reputation as a respected artist and as a decent, very well-liked man, which you've heard from many people.

Mr. Depp dated major figures like Winona Ryder, Kate Moss, and Vanessa Paradis, with whom he spent 14 years together and with whom they had their children. Before Amber Heard, ladies and gentlemen, no woman ever, no woman ever before Amber Heard, ever claimed that Mr. Depp raised a hand to her in his 58 years. And no other woman since Ms. Heard made that false claim back on May 27, 2016 and repeated it in her December 2018 op-ed, has any woman come forward since. This is #MeToo without any #MeToo.

To the contrary, ladies and gentlemen, you heard Kate Moss two days ago testify. This is a woman who has never testified in any proceeding ever, a very private person, testified that Mr. Depp never abused her and that Ms. Heard lied to you and she lied to you twice when she told you...

Mr. Rottenborn: Objection, Your Honor that Ms...

Judge Azcarate: You want to approach.

Mr. Rottenborn: Sure.

Mr. Chew: Ladies and gentlemen, as I was saying, Ms. Heard lied to you twice. When she suggested to you that Mr. Depp pushed Kate Moss down the stairs. You heard her say, just two days ago, that Mr. Depp never did that. And he never hit her. And he never kicked her. That was one of...

Mr. Rottenborn: Objection, Your Honor. That's not what she testified to.

Mr. Chew: It's exactly what she testified.

Mr. Rottenborn: We just discussed that one.

Judge Azcarte: Overruled.

Mr. Rottenborn: Thank you, Your Honor.

Man: You're still on.

Mr. Chew: Ms. Heard and her lawyers have spent much of this trial talking about drugs and alcohol. Mr. Depp is no saint, and he has never claimed to be one. He has made mistakes in his life, as we all have. Yes, he has struggled with drugs and alcohol, but you've never heard him deny that. We told you that in the opening statement.

He owns his flaws. He admits to them. He told you all about them. But he is not a violent abuser. He's not an abuser as Ms. Heard claims, and he did not and does not deserve to have his life, his legacy destroyed by a vicious lie. As Ms. Vasquez said, "This is the sixth anniversary of that."

There is a world of difference between having substance abuse problems and being a physical abuser. Ms. Heard falsely accused Mr. Depp of beating her. That was her first allegation, and you know why, and you know that wasn't true. Then, years after the fact, for the first time, she accused him of raping her. The lies have grown and metastasized over time. And they need to be stopped. And those false accusations have caused more harm to Mr. Depp than her fists ever did.

And make no mistake, Ms. Heard has admitted, unlike Mr. Depp, Ms. Heard has admitted on the audio tapes you've heard at this trial, and Ms. Vasquez just played you a few of them, she has admitted repeatedly to physically abusing Mr. Depp. And I would just like to take a minute to talk about the harm to Mr. Depp and his family.

You have heard from several of the people in Mr. Depp's life about the damage Ms. Heard's lies have done to him. You've heard from his sister Christi, who told you how hard it has been on his family and on her little brother personally. You heard from Mr. Depp's friend of four decades, and that speaks volumes about Mr. Depp, he has lifetime friends who appear for him.

Mr. Baruch told you how Mr. Depp and his family had been "completely wrecked" by Ms. Heard lies. You heard Mr. Depp testify that he has lost nothing less than everything because of Ms. Heard's lies. Nothing less than everything. You heard about Mr. Depp's children, Jack and Lily-Rose. His children have had to hear these allegations since 2016.

And then when that started to die down, they had to hear them again, this time in December 2018. This time in "The Washington Post," which was a national and international publication. And Mr. Depp has had to live with the knowledge that his children will keep hearing those false rumors and statements against him.

Mr. Depp has millions of fans, people who grew up watching him on "21 Jump Street," which is something you've heard Ms. Heard mock on one of the tapes that was played to you. Or they grew up watching him play the swashbuckling pirate, Captain Jack Sparrow, in the Pirates of the Caribbean movies, or Willy Wonka. Mr. Depp means something to those people, and those people mean a lot to Mr. Depp.

He's a fond memory from childhood or adolescence or adulthood and to tarnish him as an abuser is to destroy him in the eyes of many of these people who will never look at him the same way again. And because of what Ms. Heard did, and because of what she said, Mr. Depp will go to his grave knowing no matter what he does, no matter the outcome of this trial, there are people who used to look up to him who now believe that he'd beat a woman, which is the worst thing you can say about a man.

Beyond the personal and emotional effects of Ms. Heard's lies, their impact on Mr. Depp and his family, the damage he inflicted on his reputation and career is undeniable. There's an old saying that a good reputation takes a lifetime to build but only a second to destroy. Mr.

Depp spent, in fact, a lifetime building his reputation as one of the greatest actors and movie stars of his generation—an iconic figure respected and liked throughout Hollywood and recognized and admired throughout the world.

You heard evidence from Jack Wiggum, who was here today, Mr. Depp's agent, who explained that Mr. Depp "was very well regarded and respected by peers in the artistic community." And you heard further testimony from Mr. Wiggum that Mr. Depp had a deal with Disney to play Captain Jack Sparrow in the sixth movie sequel of the Pirates of the Caribbean franchise for 22.5 million. But as Mr. Wiggum explained, all of that changed when Ms. Heard published her op-ed in December of 2018 in "The Washington Post."

Quoting from the testimony you heard by Mr. Wiggum, "After the op-ed, it was impossible to get him a studio film, which is what we normally would have focused on in that time period." Another quote, it was on the damage, the impact of this op-ed as opposed to the other stories that you saw, the other publications. Mr. Wiggum explained why this one was so damaging, "It was a first-person account, I mean, from the victim. It's extremely impactful. You know, with respect to Johnny, it was catastrophic because it was coming from a first-person account. It was not from a journalist. It was coming from someone observing. It was from someone saying, 'This happened to me.'"

You also heard from Richard Marks, an expert in the inner workings of Hollywood and the entertainment industry, who explained that the impact of Ms. Heard's allegations on Mr. Depp was devastating, "It's devastating. It's the type of claim, the MeToo claim of sexual violence, domestic abuse, that has canceled a list of actors."

And for many, and Mr. Depp would agree with this, rightfully so, #Me too is an important movement. A movement that Mr. Depp supports and believes in. It's for true survivors of abuse, not Ms. Heard. True victims need protection, and true perpetrators need to face the repercussions.

But as you've heard in this case, Amber Heard is not a true victim. And Mr. Depp certainly is not an abuser. Again, nobody has come out of the woodwork to say, "Me too." This is the unique and singular #MeToo case where there's not a single #MeToo. In fact, to the contrary, Kate Moss, who was in a romantic relationship with Mr. Depp for three years, which he broke off, came forward to say, "No, he never pushed her down any stairs."

And you heard Doug Bania, an expert in internet and social media analytics, testified to the impact that Ms. Heard's allegations had on Mr. Depp's popularity. Ms. Heard's lawyers tried to tell you that all of the damage done to Mr. Depp's career was because of his own behavior, because he was sometimes unprofessional or sometimes late to set. But that doesn't hold up. Mr. Depp has been a major figure in Hollywood for decades. Yes, Mr. Depp was late to set sometimes, but as Richard Marks testified, "When you hire Johnny Depp, you get all of Johnny Depp, which includes being late."

Keenan Wyatt, who has worked as a sound engineer on some of Mr. Depp's films, said much the same thing. And by the way, Mr. Wyatt is not and never has been an employee of Mr. Depp. He's just worked with him on movies.

Mr. Depp wasn't canceled by Hollywood because he was sometimes late to set. He was cancelled because Ms. Heard falsely accused him of domestic violence, sexual violence in the pages of "The Washington Post" on December 18, 2018, repeating the prior lies of May 17, 2016.

And as you saw at trial, Ms. Heard published the op-ed on December 18, 2018, two years after her public allegations of domestic abuse. Ms. Heard's publication of the op-ed coincided with the release of her major movie, "Aquaman," that December. And it coincided as well with her announcement on Twitter that she was becoming an ACLU ambassador for women's rights. And in that op-ed, Ms. Heard repeated her false allegations against Mr. Depp.

No, she didn't mention his name. She didn't have to. Everyone knew exactly who and what Ms. Heard was talking about. Ms. Heard got on the stand and tried to tell you that the op-ed was not about Mr. Depp. She then said, "Well, it wasn't just about Mr. Depp." But she couldn't deny, and this was yesterday, that this was at least partly about Mr. Depp. The op-ed, obviously, is about Mr. Depp and the testimony at trial proves that.

You will recall testimony from the ACLU's representative, an attorney, stating that Mr. Depp's name was included in drafts of the op-ed and that they and others understood that the op-ed was about Mr. Depp. Specifically, the ACLU representative testified, among other things, "Based on my review of prior drafts of the op-ed, I knew that they were, that she was referring to Johnny Depp and the marriage."

Ms. Heard's claim that the op-ed is not about Mr. Depp is just another one of her many, many lies. In fact, what you have seen time and time



again, through the course of this trial, is that Ms. Heard lies. She lies all the time about things that are important and that things that aren't important. She just can't seem to stop.

And as Ms. Vasquez said, "What she routinely does is she doesn't take ownership or responsibility for anything, and she has an excuse for everything." But in this courtroom, confronted with the evidence, she can't run away from her own words. As my colleague said, "Words matter." And Ms. Heard is condemned by her own words.

So, Tom, let's please take a look at the words she used in her op-ed, which is plaintiff's Exhibit 1 and which Ms. Heard published in December 2018, two years after she first publicly accused Mr. Depp of being an abuser on May 27, 2016. The title of the op-ed reads, as you can see, "Amber Heard: I spoke up against sexual violence - and faced our culture's wrath. That has to change."

Below that, Ms. Heard states, "Then two years ago, I became a public figure representing domestic abuse. And I felt the full force of our culture's wrath for women who speak out." And below that, Ms. Heard states, "I have the rare vantage point of seeing, in real time, how institutions protect men accused of abuse." Each of those statements clearly refers to Ms. Heard's allegations against Mr. Depp. And taken collectively, their message and their implication about Mr. Depp is clear, i.e., that Ms. Heard is a survivor of domestic abuse and that Mr. Depp is a perpetrator.

The context in the rest of the op-ed makes that clear as well. Consider, for instance, this line, "Imagine a powerful man is a ship, like the Titanic. That ship is a huge enterprise when it strikes an iceberg. There are a lot of people on board desperate to patch up holes, not because they believe in or even care about the ship, but because their own fates depend upon the enterprise."

Everyone in Hollywood knew. And everyone in this courtroom now knows exactly what Ms. Heard intended those words to mean. The ship, the Titanic, is Mr. Depp, and Ms. Heard was the iceberg that sank him. That's precisely what Ms. Heard was saying in the op-ed.

And in just the same way, everyone in Hollywood knew and as Hollywood and elsewhere knew exactly what Ms. Heard meant by the words, "Two years ago, I became a public figure representing domestic abuse." That was a clear reference to the day, two years earlier on May 27, 2016. Miss Vasquez said that was six years to the day. That's when his life ended. That was six years ago to this day when Ms. Heard, on

May 27, 2016, walked into court with her publicist Jodi Gottlieb, having tipped off TMZ, with an alleged mark on her face to accuse Mr. Depp of abuse.

As always, as always, Ms. Heard was quite mindful of her image. She was careful to portray herself as the innocent representative of abuse survivors and, by implication, Mr. Depp as the perpetrator of domestic abuse. She was the woman who, in the words of her title, supposedly "spoke up against sexual violence."

Now Ms. Heard has done a lot to try to walk away from the title, in particular, that's true to form. She has testified that she didn't write it, and she will argue later that she shouldn't be held liable because she didn't write it. But as the court's instructions, which you've heard this morning, make clear, Ms. Heard didn't have to personally write any part of the op-ed for her to defame Mr. Depp through implication in "The Washington Post." And let's please, Tom, turn to plaintiff's Exhibit 3.

Ms. Heard, as you all can see on the screen, retweeted the article, including the title, on her Twitter page. Ms. Heard put her name on it, and she proudly declared, "Today, I published this op-ed in the Washington Post..." Her tweet includes the title with the words, "I spoke up against sexual violence," prominently featured.

Nowhere in this tweet or anywhere else, does Ms. Heard disavow the title. To the contrary, she's proclaiming it. And at the same time Ms. Heard posted this tweet, she posted another, which you can see right beneath it. "I'm honored to announce my role as an ACLU ambassador on women's rights," aggrandizing herself at the expense of Mr. Depp.

So, make no mistake, this was about Mr. Depp. In the wake of the #MeToo Movement, with the ACLU ambassadorship and a major movie coming out, Ms. Heard was trading on her accusations of abuse against Mr. Depp. She was reminding everyone of those allegations. She was once again taking on the role of her lifetime, the heroic survivor of vicious abuse, or to use her phrase, "A public figure representing abuse." And she was once again casting Mr. Depp as the villain in her drama, the supposed perpetrator of that abuse.

When you meet to deliberate on this case, you're going to be tasked with several questions. Those questions appear on a form that you will use to reach a verdict in this case. So, I'd just like to ask you, please, to spend a few minutes with me going through that. Tom, would you please put up the special verdict form so the jury can see it.

Some of it is hard to read. So maybe, Tom, might please blow it up. Oh, thank you very much.

You will see here the first page of the verdict form relating to Mr. Depp's claim for defamation against Ms. Heard. There are three pages relating to Mr. Depp's claim, one for each of the three defamatory statements in the op-ed that form the basis of Mr. Depp's claim against Ms. Heard. You've heard those three statements many times, but they bear repeating, I promise, just once more here.

One, "I spoke up against sexual violence - and faced our culture's wrath. That has to change." Two, "Then two years ago, I became a public figure representing domestic abuse. And I felt the full force of our culture's wrath for women who speak out." Three, "I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse."

Now there are seven questions that you will need to please answer with respect to each of those statements. So that's 21 questions, I think, that's seven as to each statement.

One, was the statement made or published by Ms. Heard? Two, was the statement about Mr. Depp? Three, was the statement false? Four, do the statement have a defamatory implication about Mr. Depp? Five, was a defamatory implication designed and intended by Ms. Heard? Six, was the defamatory implication conveyed to someone other than Mr. Depp? Seven, did Ms. Heard make the statement with actual malice, which is, Her Honor explained meaning, did Ms. Heard make the statement knowing it was false, or with reckless disregard as to the truth?

Ladies and gentlemen, the evidence clearly shows that the answers to those seven questions are all yes. And if you answer yes to all of those questions, which you should, we respectfully submit, you will be asked to state the amount of damages to which Mr. Depp is entitled. In the wake of the #MeToo Movement, movie producers know better than to cast a movie star who has been accused of domestic and sexual violence. And it is entirely within your discretion as jurors to quantify the amount of money that constitutes fair compensation for Mr. Depp's pain and humiliation inflicted by Ms. Heard's defamation.

But while Mr. Depp certainly is entitled to monetary compensation, this case, at least for Mr. Depp, has never been about money. This case, for Mr. Depp, has never been about money nor is it about punishing Ms. Heard. It is about Mr. Depp's reputation and freeing him

from the prison in which he has lived for the last six years, and it's six years to the day.

The most important questions for Mr. Depp, the ones truly at the heart of this case, are questions 2, 3, and 4 on the verdict form. And while Tom's pulling that up, let's take question 2. Thank you. Thank you.

Were the statements about Mr. Depp? Yes. Two points here. One, when the ACLU pitched the op-ed to "The Washington Post," I think you'll remember this, they pitched it as "A piece by Amber Heard, who, as you know, was beaten up during her brief marriage to Johnny Depp." That's how they pitched it. Two, after the op-ed was published, news outlets, including "USA Today," and you've seen that, that was an exhibit, characterized the op-ed referring to Ms. Heard's allegations of abuse against Mr. Depp. So, "USA Today" interpreted it that way and so did many other publications. They got exactly the implication that Ms. Heard and the ACLU intended them to have.

Tom, if you would please pull up plaintiff's Exhibit 409 and 411, if you could put them side by side. And this was expected. This is what they wanted. There had been a lot of press two years prior to the publication of the op-ed about Ms. Heard's claims of abuse against Mr. Depp. When she walked into court with her publicist to obtain the domestic violence, no notice, ex parte, meaning, Mr. Depp's lawyer was not informed and he was already in New York, which he testified Ms. Heard was well aware of. You don't need a domestic violence restraining order when your husband is halfway across the continent and is heading for a European tour. On May 27, 2016, with a purported mark on her face, everyone knew exactly who and what Ms. Heard was referring to in the op-ed. She was referring to Mr. Depp.

Let's take questions 2 and 3 next if we can. Were each of the statements false? And did the statements have a defamatory implication on Mr. Depp? Again, the clear answer is yes. The statements understood in the context of the op-ed itself and in the broader context of the press conference coverage of Ms. Heard walking into the court with a mark on her face to obtain a domestic violence restraining order against Mr. Depp in May 2016, imply, clearly imply, that Mr. Depp physically and sexually abused Ms. Heard.

The overwhelming evidence that you all have heard and has come forward in this case shows that those allegations are false and despicably false. Mr. Depp did not physically abuse Ms. Heard. He did not sexually abuse Ms. Heard. You've heard audio after audio where Ms. Heard admits that she was physically abusing him.

While Mr. Depp's name will be forever tarnished by these horrendous and false allegations, this case is about telling you his story and the truth about what really happened, which you've now heard. It is about restoring his lost reputation. It's about showing Mr. Depp's children, Lily-Rose and Jack, that the truth is worth fighting for. It is. And it's about restoring Mr. Depp's name and standing in the community to the fullest extent that you can. And you can do something. And only you, ladies and gentlemen, can do that for him.

You heard from Mr. Depp yesterday that he has been carrying these outlandish, outrageous stories on his back, pretty stoically, and living with them for six years, and waiting to be able to bring his truth out. And he has told you the truth, the unvarnished truth, even a truth that is pretty embarrassing. He knew that was going to happen when he brought this case. You've seen the evidence in this case over six long weeks, which we again thank you for. That evidence shows overwhelmingly that Ms. Heard's attempts to paint herself as a heroic survivor, an innocent survivor, and Mr. Depp as a terrifying abuser, are utterly false.

We asked you to please return your verdict to Mr. Depp. We ask you, we implore you, to give him his name, his reputation, and his career back. Thank you very much, ladies and gentlemen.

Judge Azcarate: All right. Ladies and gentlemen, let's go ahead and take a break at this time. Again, this case has not been submitted to you yet. We will continue with closing arguments when we come back, so do not discuss the case with yourselves, don't do any outside research, okay? Thank you.

[01:42:33]

[Silence]

[01:42:56]

All right. Let's go back in 11:05.

Man: [Inaudible 01:43:00]

Judge Azcarate: Okay, sure.

Man: [Inaudible 01:43:07]

Judge Azcarate: All right. Everybody ready for the jury?

Woman: Yes, Your Honor.

Judge Azcarate: Thank you. You may be seated. All right, closing arguments, Mr. Rottenborn.

Mr. Rottenborn: Thank you, Your Honor.

Judge Azcarte: Okay. Thank you.

[01:43:20]

[Silence]

[01:43:37]

Mr. Rottenborn: Good morning, everyone.

Judge Azcarate: Mr. Rottenborn, is your mic on?

Mr. Rottenborn: I believe it is.

Judge Azcarte: Oh, there you go. Okay.

Mr. Rottenborn: Does that work? Okay.

In trying to convince you that Mr. Depp has carried his burden of proof in proving that he was never abusive to Amber on even one occasion. Think about the message that Mr. Depp and his attorneys are sending to Amber and, by extension, to every victim of domestic abuse everywhere.

If you didn't take pictures, it didn't happen. If you did take pictures, they're fake. If you didn't tell your friends, you're lying. And if you did tell your friends, they're part of the hoax. If you didn't seek medical treatment, you weren't injured. If you did seek medical treatment, you're crazy. If you do everything that you can to help your spouse, the person that you love, rid himself of the crushing drug and alcohol abuse that spins him into an abusive, rage-filled monster, you're a nag. And if you finally decide that enough is enough, you've had enough of the fear, enough of the pain, and you have to leave to save yourself, you're a gold digger.

That is the message is that Mr. Depp is asking you to send. But he doesn't stop there, because in Mr. Depp's world, you don't leave Mr. Depp. And if you do, he will start a campaign of global humiliation against you, a smear campaign that lasts to this very day. He will do everything he can to destroy your life, to destroy your career. That is what they're saying, ladies and gentlemen. And that's what they're trying to get you, the jury, to be an accomplice to. But it's not surprising because Mr. Depp cannot and will not take responsibility for his own actions. It's always someone else's fault.

Just as Ms. Vasquez did and Mr. Chew did, I would like to extend my thanks to you, on behalf of Amber and our whole legal team, for the care and the diligence with which you have served as jurors in this matter. You paid attention to every witness, every piece of evidence, and I can't even imagine the sacrifice that you've made in terms of time away from your friends, your family, your job to be here on this jury. It's a very important role that you're serving, and we thank you very much.

Let's pick up where we started six weeks ago in opening statement. You may remember that I asked you to keep a simple question in mind, which is, why are you here? And much of what you've heard during the course of this trial, you don't need to make a decision on in order to return a verdict for Ms. Heard on Mr. Depp's claim of defamation.

Now, we'll talk about Ms. Heard's claim of defamation against Mr. Depp and Elaine will address most of that in a few minutes. But your key question to answer is, does the First Amendment give Ms. Heard the right to write the words that she wrote in this article on December 18, 2018? That's the question.

And you cannot simultaneously protect and uphold the First Amendment and find in favor of Johnny Depp on this claim. You simply cannot. You have to decide should someone be able to write an article like that in the United States of America without being sued successfully, without having to go through the hell that Ms. Heard has gone through.

So, let's talk about that. And to do that, we get to explain a bit more about the law that you have to follow. This is the op-ed piece. I'm not going to read it to you again. You heard me read it to you again, you heard me read it to you on opening statements. And I would urge you, when you're in the deliberation room, read it. Read it again.

And I know we focused on it, you know, here and there over the course of the trial, but the vast majority of this trial is not focused on these words, on this piece. This is obviously the paper edition. There's the online edition as well. Now, we get a chance to discuss with you exactly what you have to find about this article.

Let's try this again. This is one of the jury instructions that you'll get. And I've been so looking forward to being able to actually explain to you, as the judge read all the instructions to you this morning, and I know it was a lot, but we've been looking forward to being able to explain to you what you're here to decide. Because, I imagine, for some of the cases, it's been kind of unclear what are you being asked to decide. These are the things that you have to find, and you have to answer yes, as Mr.

Chew said, you have to answer yes to all of them in order to find in favor of Mr. Depp.

So, you have to find that the statement was about Mr. Depp, and you can decide that in the context of the article. And I'll get to the arguments that Mr. Depp raises on that in minute. You also have to find that the statement is false. And we're going to look at the statements here. We're gonna look at each of the three statements. And in order to win his claim, Mr. Depp has to prove every single element.

And there's a concept in the jury instructions that you really didn't hear from Mr. Depp's side this morning, but you've all heard it, I'm sure, outside the courtroom, which is burden of proof. It is Mr. Depp's burden to prove each and every one of these elements, if he cannot, Ms. Heard wins. If he cannot prove each and every one of these elements, under the burden of proof that's applicable, Ms. Heard wins.

And there's two different burdens of proof that we'll get to, for all of them, except number seven, the burden of proof is greater weight of the evidence. So, you weigh the evidence, and you decide, has Mr. Depp proven to you the first six elements. The seventh one, for actual malice, the clear and convincing evidence standard, we'll get to in a few minutes. But this is what he has to prove. And he cannot do that.

These are the three statements. And I know you may be thinking to yourself, "Wait a second. Don't we have to decide if Mr. Depp committed abuse?" And the answer is no. You don't have to because these three statements you can decide as a matter of law or as a matter of fact, as you weigh the evidence and the fact, that they're true.

So, the first two statements I'm going to address together. "Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture's wrath for women who speak out." Number two, "I had the rare vantage point of seeing, in real, time how institutions protect men accused of abuse."

When you go back to the jury room to deliberate, you should feel free, like I said, to read the article and think of the article's purpose. The jury instructions also tell you to take these statements in the context of the article. Think about the purpose.

The purpose of the article was to promote legislative measures designed to protect victims of domestic abuse, designed to protect people who did exactly what Ms. Heard did, to speak out. That's apparent on the face of the article. And to do that, Ms. Heard talked about her own life



experiences as someone who had obtained a TRO against Mr. Depp, someone who had accused Mr. Depp of domestic violence.

Make no mistake, and Mr. Depp's side keeps trying to say that we're somehow suggesting that two years before she wrote this, that Ms. Heard hadn't had anything to do with Mr. Depp. We're not saying that. You heard Ms. Heard herself say, "Of course, two years before I wrote this article, I felt the full force of our culture's wrath for women who speak out" after she obtained a temporary restraining order against Mr. Depp, after she became a public figure representing domestic abuse. But the words that she wrote here, and then chronicling her own experience after that, those words are true. Those words are true.

Similarly, the rare vantage point of seeing, based on her own experiences post May 27, 2016, how institutions protect men accused of abuse, those words are true, and the First Amendment protects Ms. Heard's right to say them. Now, the third statement is absolutely true as well, but we're going to take that separately because she didn't write it.

Under the First Amendment, the statements have to be false in order for Mr. Depp to win. Now plaintiff addresses, like I said, an argument that we're not making. And as I said, we're not running from the fact that when she discussed becoming a public figure representing domestic abuse, Amber was speaking of her experiences reporting domestic abuse against Johnny Depp. She admitted to that.

But that doesn't make the article or the statements about Johnny Depp. Think about it. Think about every piece of evidence that you've heard over the last six weeks about this abuse, about their relationship. None of that is in the article. None of it. We all know that it would be a very different article if she had written about what she suffered, that she's told you about over the last six weeks.

Because he knows the words are true, Mr. Depp says that the words now have a defamatory implication. He says the statements are the same as saying, "Johnny Depp abused me." But just because he wants to make the article about himself, doesn't mean it is. He has to show you that any defamatory implication was designed and intended. Look at number four, designed and intended by Ms. Heard to convey the defamatory meaning that he suggests.

Just because people might read the article and remember, "Oh, yeah, Amber Heard used to be married to Johnny Depp. And she accused him of abuse." That doesn't mean that she designed and intended defamatory implications in writing about herself. And think about it, if Mr.

Depp is right and virtually any statement that anyone could ever make about their own life that implies anything, implies any involvement with any other person, could be defamatory. And that's clearly not what the First Amendment intends.

She didn't design and intend the words to be the equivalent of writing, "Johnny Depp abused me." And you don't have to take her words for it. You can take the words of Terence Dougherty of the ACLU. He said that the op-ed wasn't even Ms. Heard's idea. The ACLU wrote the first draft. And great care was taken in drafting the articles so as not to make it about Mr. Depp or Ms. Heard's relationship with him.

That's the only evidence presented about Ms. Heard's motive, except her statements that that was exactly what she wanted to do. She wanted to talk about her experiences after Johnny Depp. She wanted to own her story after Johnny Depp, and fit those into what other women experienced, what other people experienced, having accused someone of domestic abuse, and the backlash that they suffer, and then talk about legislative measures that could help protect people in those positions. That's what she meant. And that's what the article is about.

There's no hidden meaning here, ladies and gentlemen. This isn't a hit piece on Johnny Depp. This isn't a hit piece on Johnny Depp. And you can end here. You can end there by saying the statements that she wrote were not false and the First Amendment protects them.

Let's talk about the headline for a minute. The headline that was published in the online-version-only of the article on December 18, 2018, said "I spoke up against sexual violence - and face our culture's wrath."

A few points here, number one, this evidence is undisputed. There's no dispute about this. So, as you weigh the evidence, you don't have to check your common sense at the door and you can weigh circumstantial evidence, you can weigh facts, but you can't see evidence where no evidence exists.

And the undisputed evidence here is that Ms. Heard didn't write the headline. She did not approve the headline. She had nothing to do with it. She was not given notice of the headline. She testified, you saw her testify about the sexual assault that she experienced at the hands of Mr. Depp. You saw her testify about that. But they're calling her a liar. You saw her on the stand testify with her own mouth exactly, exactly what she went through for the first time in court because people who have suffered that, they don't want to broadcast that to the world.

They want to penalize Ms. Heard for not speaking about that earlier. That's ridiculous and it's insulting and it's just victim blaming at it's most disgusting.

The only reference to sexual assault in the article, and you can read the op-ed, is sexual assault that she said she had experienced by the time she was of college age before Mr. Depp. So, there is a reference to sexual violence in that article, but it's not by Mr. Depp.

And Mr. Depp can't hold her liable for a headline she didn't write that contained something that was not about him. And they want you to think that she republished the headline, republish the headline by tweeting out the link to the online version.

So, let's look at this. This is the tweet that she sent on December 19th. The hyperlink says, Opinion "Amber Heard: I spoke up against sexual violence." That's the online version of the article. As Ms. Heard said, "You can't attach, you can tweet a piece of paper."

So, when she wanted to share that she had written this article, what choice does she have? She has to attach that link. And the jury instructions that you have made clear that a hyperlink is not republication, forwarding a link on does not mean that you broadcast the statement again. But that's what they want to make you think.

The only way, and the jury instructions that you have, and we don't need to read through them in detail now, but the republication instruction says that merely linking to an article does not amount to republication but adding content to a linked article may constitute republication. You must determine whether any added content was intended to reach a new audience and if you find any content added to the hyperlink was intended to reach a new audience, it constitutes a republication.

There was no content added to the article. She tweeted above the article simply saying, "Today, I published this." That's what she said. She didn't add any content to it. She could have added some of the content that you've heard in this courtroom to it. She could have said, "Not only that two years ago, I've become a public figure representing domestic abuse, but let me tell you about the domestic abuse that I suffered." That would be adding new content. This is not adding new content.

But I guess it's no surprise because this whole case is about blaming Amber Heard for things she didn't do, but that's what Mr. Depp does. It's what he's always done. Blame other people, refuse to take accountability. But the problem for him here is that he's running

headlong into the United States Constitution, which says that you cannot hold Amber Heard liable for words she didn't write or publish.

But here we are. Here we are. And you can decide this case without ever wading into any of the allegations, the facts, the evidence that you've heard about the heinous abuse that Ms. Heard suffered at the hands of Mr. Depp. You can decide that by determining that those statements are true. And they're protected by the First Amendment.

But Mr. Depp brought this case and he's suggesting that he was never abusive to Ms. Heard. So that's where you want to make your decision. That's where the road ends for Mr. Depp.

Ladies and gentlemen, let me be very clear, if Amber was abused by Mr. Depp, even one time, then she wins. One time. And we're not just talking about physical abuse. We're talking about emotional abuse, psychological abuse, financial abuse, sexual abuse. That's what we're talking about.

Let's look at the evidence. You heard Mr. Depp define abuse from his own mouth. He admitted all of that when he talked about his childhood. As they referenced, his mother called him "one eye" because he had a lazy eye. And he said that that was worse than the beatings that he took, worse than the beatings that he took. Being called "one eye" by his mother was worse than the beatings that he took.

And after the evidence that you've seen, some of what you're gonna see, I want you to think to yourself, is being called "one eye" worse than what he did to Ms. Heard? Absolutely not. You'll remember his expert, Shannon Curry, agreed with all that, that abuse can take many forms. And you'll remember that Dawn Hughes, Ms. Heard's expert, talked about the reports of intimate partner violence by Ms. Heard, characterized by physical violence, psychological aggression, sexual violence, coercive control, and surveillance behaviors.

She tested Ms. Heard. She said that the test show that there's a high degree of serious violence perpetrated by Mr. Depp toward Ms. Heard. She got that opinion and that impression by reviewing the medical records of Ms. Heard. She talked about the role of coercive control that Mr. Depp exercised over Ms. Heard. The effect of coercive, she said, was drastic. And it was composed of things such as possessive jealousy, the imbalance of power, not only in physical stature and physical size, but in where they were in their life and their career, by intimidation. She said writing obscene messages to your partner can absolutely be intimidating behavior.

She said that Mr. Depp, after reviewing the evidence, banging and throwing and hitting things in the household, that's psychological aggression. Punching a wall, throwing something, screaming, that is abuse. That's abuse, ladies and gentlemen.

She said alcohol can just throw a lighter fluid off a flame in a situation of domestic violence. All of these things constitute the domestic violence that Ms. Heard suffered at the hands of Mr. Depp. And he's trying to get you, to fool you, to believing that he's carried his burden of proof that never a single time in their relationship was he in any way, physically or not physically, abusive to Ms. Heard. And that's ridiculous. That's ridiculous.

So, let's look at some of that evidence. And like I said, you can apply your own common sense. You don't need to check that at the door when you go into the deliberation room. I'm going to walk you through the evidence. Some of the evidence has been presented, including evidence from Mr. Depp's own mouth, his own words, or the words or the words of his witnesses. Keep in mind the burden of proof.

And as we go through this evidence, I'd ask you to keep this in mind as well. It's not about who's the better spouse. It's not about whether you think Ms. Heard may have been abusive to Mr. Depp, it's not. Because, remember, if you think that they were both abusive to each other, and that's what their witness Laurel Anderson testified to, then Amber wins. They're trying to trick you into thinking that Amber has to be perfect in order to win, even while they're ignoring Mr. Depp's many flaws. But don't fall for that trick.

Amber's not perfect. None of us are. She's never pretended to be and that's not what you're being asked to decide. One time, ladies and gentlemen, one time. If he abused her one time, Amber wins. Actually, if he fails to prove that he never abused her one-time, Amber wins.

So, let's take a look at some of the evidence. This was one of the first messages shown to Mr. Depp in his cross examination. This is a message to Paul Bettany, his drug buddy, early on in their relationship. When he says, "Let's burn Amber. Let's drown her before we burn her. I will fuck her burned corpse afterwards to make sure she is dead."

Some of the most vile, disgusting language that you could ever imagine. That is what he said to her at the beginning of the relationship. So, let's look at how the relationship was bookended.

You remember Mr. Depp the other day in response to some text that we'll see later saying, "I don't write like that." This is a bookend of the

relationship. This is after it was over. I asked Mr. Depp to read that top text, you'll remember that was the only thing I asked him to read, and he immediately said, "I didn't write that text," even though of course he did. Even though he wrote the text under it that said, "Hopefully, that cunt's rotting corpse is decomposing in the fucking trunk of a Honda Civic." That's how we bookended their relationship.

Ladies and gentlemen, these words are a window into the heart and mind of America's favorite pirate. This is the real Johnny Depp. This is the real Johnny Depp after Ms. Heard decided that she couldn't take it anymore, decided that she needed to leave him, and I'm not going to reread this whole text to you. But this is where he said, "She's begging for global humiliation. And she's going to get it." He says, "I'll stop at nothing, and I can only hope that karma kicks in and takes the gift of breath from her."

It's one of the only promises to Ms. Heard that Mr. Depp has ever kept. That's how he ended the relationship. But you saw how we started it.

Now, Ms. Heard did testify on the stand that Mr. Depp abused her countless times. First, it started, they were very happy. They started dating in 2011. And things were good. And she testified that even during periods of abuse, even during the relationship when there was abuse occurring, that there were periods where they were very happy. It's the cycle of violence. It's the cycle of sobriety. There were periods when everything was good, when the monster was gone, and then the monster would return.

You've heard about how the first incidence of violence took place in 2012 when Ms. Heard asked Johnny about his tattoo that used to say, Winona Forever, and had been changed to say, Wino Forever. And she laughed. And she said, "And he slapped me across the face." She thought it was a joke. And then he did it two more times. And then he said, "I thought I put the monster away. And I've done it before." That's what he said to her during that first incidence of violence.

But you don't just have to take what Mr. Depp said in his text. We can hear through his own voice what he called Ms. Heard.

Amber: And you just [Inaudible 02:07:08] every single time...

Johnny: Because you're a fucking cunt.

Mr. Rottenborn: We talked about the monster. You heard Mr. Depp get on the stand and say that that was Ms. Heard's term. That she made it up. That was what she used to refer to him when she was nagging him

because she didn't want him to have a good time. She didn't want him to have a beer once in a while. It's what he's implying.

But no, this was a term created by Mr. Depp that she heard for the first time in 2012 after he slapped her three times across the face and said, "I thought I put the monster away." And after he sat up here on the stand, under oath, and told you that she made that term up, we looked back at his texts, the writing at the time. The first text is after Australia, in 2015, during a period of sobriety, a short-lived period of recovery for Mr. Depp when he told Jerry Judge, his bodyguard, "All I had to do was send the monster away and lock him up."

Remember, he texted Elton John or send an email to Elton John in 2012, referring to himself as the monster. He tells Dr. Kipper, the doctor to whom he's paid millions and millions and millions of dollars, "Thank you, my darling Kipper." He says, "I locked my monster child away in a cage deep within."

He tells Stephen Deuters, you know Mr. Deuters, he likes to text Mr. Deuters. He tells him, "She thinks my Peruvian period," which is a reference to cocaine, he admitted to that, that that means him using cocaine, "has made me a monster and I'm ruining the relationship. Imagine that. Someone actually thinking that maybe the impact of alcohol and cocaine is ruining a relationship. How dare she?"

He says, "Need to discuss the news helicopters, the monster, I want to shoot a motherfucker, but don't worry, the monster is not involved." Mr. Depp knows that he can turn into a monster. He knows that. He knows that. He got up here on the stand and tried to deny that to you, talk about lack of accountability. Let's see the monster. Let's see the monster in the flesh.

[02:09:23]

[Silence]

[02:09:41]

Amber: Aw.

Johnny: Mother fucker. Mother fucker.

Amber: What happened? What happened?

[02:09:56]

[Silence]

[02:10:24]

Amber: Nothing happened this morning, you know that.

Johnny: Are you in here?

Amber: No.

Johnny: So, nothing happened to you this morning?

Amber: Yeah, I just woke, and you were so sweet and nice. We're not even fighting this morning. All I did was say sorry.

Johnny: Did something happen to you this morning? I don't think so.

Amber: No, that's the thing.

Johnny: You wanna see crazy, I'll give you fucking crazy. Here's crazy. Oh, you're crazy.

Amber: Have you drunk this whole thing this morning?

Johnny: Oh, you got this thing. You got this going?

Amber: I just started it.

Johnny: Oh, really?

Amber: Yes.

Johnny: Really. You see that shit on me, you mother fucker.

Amber: No, I didn't, you were smashing shit.

Johnny: Oh, fine. Ass.

Mr. Rottenborn: You see, Ms. Heard laughing in that? She's not laughing in that. Mr. Depp's in the courtroom right now is laughing and making snide remarks as that video is being played, but it's not a laughing matter.

Who does that? Who does that? Imagine being in Amber's shoes on February 10, 2016. Videotaping him when he's... Because when he's sober and sweet, you've never loved anything more. But when he mixes the drugs and he mixes drinks, he turns into this man. You've seen it before. You're praying it won't happen again. But deep down, you know it will, you know that that man will come out, you know that monster will come out, and you want him to change.



Imagine watching your husband, the person you love, behaving violently that way, like a wild animal. That is abuse. That's abuse. And you don't have to look at that incident in isolation to find that it's abuse. You can look at it in the context of their whole relationship. This isn't about breaking down a series of individual days that you've heard evidence about. This is about the cumulative effect of Mr. Depp and Ms. Heard's relationship and whether that constitutes abuse. That is abuse, ladies and gentlemen, that's domestic abuse.

And their response is, she sold it to TMZ, which she didn't. There's no evidence of and she was on a plane. The only evidence suggests she was on an international flight when Mr. Tremaine testified that they received it and it was validated within something like 15 minutes, which can only have happened by the person who sent it. Ms. Heard was in the air. She didn't send it to TMZ. She never leaked anything to TMZ, as you heard from her own mouth. Who would want that to become public?

Again, in order to find for Mr. Depp, you would have to find that, for his defamation claim, every single thing that ever happened between them that could constitute abuse, Amber was the abuser, every single time. You have to believe the unbelievable. You all are smarter than that.

But Mr. Depp thought he could hide it. He thought he could hide the monster. That's why he lied in insurance forms, so he has to fill out in order to be able to act. That's why he said, "He hadn't taken illegal substances, whether prescribed by a physician or not." That obviously wasn't true in the past 12 months.

He keeps talking about Mr. Depp's role as a father. This is what he what he sent, a text that he sent. DX 207, "Now Lily-Rose," his daughter, "hates me because she thinks I'm drinking, and she's right, but I can't admit or I fucking die in her eyes. Thanks for that one, Vanessa."

This is Mr. Depp passed out in a Tokyo hotel room during the press tour for "The Lone Ranger" in 2013. When Ms. Heard testified that, "Mr. Depp screamed at me and all I can think where the kids were in an adjoining room." And Mr. Depp passed out with his head like this. I don't think he was sleeping on the floor because he had a bad back.

They keep referring to these pictures as, "She took pictures of Mr. Depp while he was asleep." He's not asleep in that picture. He's passed out drunk and high and she's taking pictures because she wants him to realize what he's done and get help and seek help.

I don't think that looks like the spice cabinet of anyone in this courtroom. That's Mr. Depp. This is Mr. Depp. This is Mr. Depp. This is Mr. Depp.

And all you hear from Mr. Depp, when these pictures are shown, is snickering and defiance. Victim blaming, blaming Ms. Heard for taking this picture of him, for trying to help.

So, let's talk about some of these instances of abuse. I forget one. In March 2013, we talked about the Wino Forever tattoo. In March 2013, there were a couple instances. There was one on March 8, and we'll get to that in a second, where he was drinking brown liquor and doing a lot of cocaine. Sorry, that was March 22nd.

On March 8, this is when Mr. Depp backhanded her. She felt like her lip went into her teeth and got a little blood on the wall. He grabbed her by the arm and held her on the floor, screaming at her. We'll come back to this in a minute.

This is March 22nd. This is what Mr. Depp said, "Isn't every hour happy hour?" Again, totally abandoning any responsibility for behavior like this. What happened on March 22nd is he wanted her to remove a painting by her ex-partner. And he wanted to admit to an affair that she wasn't having. She didn't admit to it because it wasn't true.

So, he decided to have some lines of cocaine and some whiskey for breakfast. And then, on the way to filming the Keith Richard's documentary, after a multi-hour argument, he grabbed their dog, their teacup Yorkie, and holds the dog, Boo, out of the window of a moving car. "And he's howling like an animal," Ms. Heard said, while holding the dog out of the car. That is abuse, ladies and gentlemen. That's abuse.

Let's go back to this, because Ms. Vasquez read a parade of witnesses that she believes support Johnny's defense in this case. But as you've seen, over the course of this proceeding, these witnesses, as I previewed in the opening, almost all of them are witnesses on his payroll. They're all scared to say anything bad about him. And they've seen what happens to people who do, and none were there for the instances of domestic violence.

What they're saying is, "Oh, if he didn't abuse Ms. Heard in front of his four bodyguards, then it must have never happened." That's essentially what they're asking you to believe. That's ridiculous. That's not the way domestic violence works.

Take his sister, Christi. I know it seems like a year ago, but she was the first witness in this case. You will remember her on the stand when I presented her with these texts and say, "Stop drinking, stop coke, and stop pills." You'll remember her squirming and saying, "I don't think I was asking him to stop drinking, stop coke, stop pills." She couldn't even

answer that basic question because she wanted to lie for Mr. Depp and say that Ms. Heard was delusional. She couldn't even admit this to you. She's nothing but an enabler.

The same with Sean Bett, his head of security, who has been sitting in this courtroom for the past six weeks. He's right there. Mr. Bett was the one who testified to you that when Mr. Depp has a few drinks of alcohol, he said, I wrote this down, he said, "It's like the rest of us drinking sparkling water."

I don't think that kitchen video that we just saw was like you or I when we drink sparkling water. This is the same Sean Bett who said that on the evening of May 21st, 2016, which Elaine will talk about a little bit, he said, "Mr. Depp may have bumped something off the table." You've seen the pictures. You'll see them again.

Just like Travis McGivern, who said that Mr. Depp rearranged Ms. Heard's closet. You've seen the pictures. You'll see them again. Just like Tara Roberts in the Bahamas, who tried to blame everything on Ms. Heard and only under cross examination admitted that Mr. Depp passed out, face down in the sand, underneath a hammock, and his son, Jack, found him there.

She took a video of their cabin in the Bahamas to try to suggest to you that this assault that Ms. Heard alleges couldn't have taken place. But conveniently, she didn't take the camera into the closet where Mr. Depp held Ms. Heard, hit her...we'll get to that incident... she didn't take the video camera into the bathroom where he sexually assaulted Ms. Heard. She didn't do that because she wanted to generate evidence only favorable to Mr. Depp.

Think about Sean Bett and Starling Jenkins' conflicting stories about the birthday party on April 21st. Remember, Mr. Depp experienced horrific financial news the evening of that night, April 21st, 2016. He learned that he was essentially out of money. And he needed to start selling things.

But we all know what Mr. Depp does when he receives bad news like that. He left the meeting at 9:30 and didn't arrive at Ms. Heard's birthday party until 11:15. Okay, fine, he was late. But we all know what he does when he has that hour and 45 minutes of free time and he's stressed out about something.

Mr. Bett testified, remember he said, "I took him to his home on Sweetzer Avenue, his other home, to pick up a birthday present for Ms. Heard." That's what he said. That's what he said. Mr. Jenkins, you may remember him, he testified via the video link on the stand. And I said,

"You don't know what he did in that intervening time period." And he said, "Oh, yes, I do. I do." He said, "Mr. Depp was visiting his sick mother." And I said, "Who told you that?" And he said, "Mr. Bett."

The witnesses that Mr. Depp has paraded up here, who are here in person, they're here in person because they're on his payroll, almost all of them, and they're telling you whatever they think they need to tell you to get you to take Mr. Depp's side, just as we previewed they would do in the opening.

But Mr. Depp would go through periods where he would apologize, where he would be grateful. I have no doubt that there were times when Mr. Depp wanted to get better. These are texts, PX12A and 120B. I won't read them all to you. These are texts that Mr. Depp sent to Paige Heard, Amber's mom, after detox on the island in 2014.

He says, "There were more than a few times when I thought it would be more simple to take that route," meaning go for a swim and swallow a big drink of ocean. He said, "It was Amber and Amber alone that got me through this. There is no luckier man on this earth to have the strength that Amber gives me and the full support of each of you."

So, as you're weighing the evidence, and you're weighing Mr. Depp's credibility, think to yourself, what do I believe? What he has is a motive to say on the stand or what he wrote contemporaneously with the events. Take his own words to Amber after the detox, "Just to let you know that I'm fine, my angel. I miss you, of course, but this was the right thing to do to speed up the process. I love you more than life."

But then, there were these days, then there were times like this. This was sent on March 9th. "We have a slightly grim morning," as the way Mr. Depp describes it. You'll remember the text from a few days later, referred to as the disco bloodbath text, where Ms. Heard says, "Is that about last Friday night, by any chance?" And Mr. Depp responds, "How can you make me smile about such a hideous moment?"

He testified on the stand, "I don't remember what happened that Friday night." But Ms. Heard sure did. And this is one of the things that she had to show for. Now, Ms. Vasquez showed this to you in opening statements and made it seem like, again, remember when I said the beginning? If you take pictures, they're fake. If you didn't take pictures, that didn't happen.

Here's one where she did take a picture, but Ms. Vasquez says, but she doesn't have injuries on her face. Look at the date that this picture was taken, ladies and gentlemen, March 23, 2013, 15 days after this

incident. So even when there are pictures, they're trying to deceive you into thinking, "Oh, there should have been more." This is a two-week old bruise. Look at who she text that to. She texted to her mom. They say she never told anyone. Text the mom, March 23, 2013.

Let's go to Hicksville. You remember Hicksville? Obviously, there has been a little bit of discussion about that in this case. This is where Mr. Depp got jealous that a woman named Kelly Sue was sitting close to Ms. Heard and maybe had her arm around her at a campfire. And everyone was having a good time. There were some mushrooms involved. There was some drinking.

And Mr. Depp got jealous of that. Now he claims that Ms. Heard is the abuser. That she's so much stronger than he is. But then he testified that the evidence was that, in Hicksville, he was the one who said, "He was just trying to protect Amber." Well, why would she need protection if she's the abuser? And he went and he took Kelly Sue's hand, forcibly removed it from Ms. Heard, embarrassing Ms. Heard, ruining the mood the whole night. So, they went they got into an argument in the trailer, in which not only did he trashed the trailer, but he took her into the bathroom. He slammed her up against the sidewall of the bedroom by her neck, holds her there.

No, sorry, that was the next one. In Hicksville, he took her into the bathroom of the trailer and did what he called a "cavity search," where he inserted his fingers inside of her and sexually assaulted her. Then trashed the trailer, and you heard this Morgan Night person who testified a few days ago who said it was \$62 in damage. You also heard evidence that the way he got involved in this trial was by reaching out to one of the main Johnny Depp fan influencers on social media. And you saw that text? That's how he injected himself into this trial.

It was way more than \$62 of damage. You heard testimony from Rocky Pennington, Whitney Henriquez, and Amber about him trashing the trailer. And is that really a surprise? The man has admitted that he smashes things when he gets angry. The man has admitted that he smashed hotel rooms. You saw the quote that he admitted to the other day, that when he wants to hit something, he's going to hit it and he doesn't care about the repercussions.

So, in Hicksville, the Hicksville was late May 2013... This is a text, another text, to drug buddy Bettany, where he says, "I, of course, pounded and displayed ugly colors to Amber on recent journey. I am an insane person, and not so fair-headed after too much of the drink.

Weed, pills, fine. Booze, my capacity is too large, and I won't stop. Ugly and sad. Oh, how I love it."

Judge Azcarate: There appears to be an Amber Alert. But I think we're okay. People are getting it, I guess, on their phones, so have them silence that.

Mr. Rottenborn: Okay, Your Honor. Can I keep going?

Judge Azcarate: Yes.

Mr. Rottenborn: Thank you.

Judge Azcarate: Yes, sir.

Mr. Rottenborn: So that's after Hicksville. This is what I was getting to next. This, remember, the testimony about Mr. Depp being drunk on his yacht? On the island, in the Bahamas, in 2013. When Mr. Depp looked a little scary, by the way, his body fell into the water. And Lily-Rose, his daughter, started to cry. Ms. Heard comforted Lily-Rose and then Depp accused Amber of making them aware of this, that he was drinking again, making his kids aware of this.

And he slammed her up against the sidewall of the bedroom, held her up by her neck, held her there for a second, and said, "I can fucking kill you and you're an embarrassment." That's what he said. And then, you remember what happened? Lily-Rose and Amber, helicoptered away from the island. And while Amber was in the helicopter with Lily-Rose, Mr. Depp sends her this piece of poetry, calling her lesbian camp counselor because she cared about his drinking, and just ridiculing her for trying to protect his daughter. It's sickening.

This text, let's fast forward a little bit to... Actually, before we talk about this, this is the Boston flight. Let's talk about the Moscow flight. The Moscow flight when Mr. Depp and Amber, she said that was the one time she took ecstasy or MDMA with Mr. Depp, and she learned her lesson. When he hit her on the plane, when he threatened to break the flight attendant's wrist, and Ms. Vasquez, again, just tried to tell you, "Oh, he always wore rings." Miss Heard, almost all the time he did, maybe sometimes when he didn't. And in the picture that she just showed you, PX 1248, you can take a look at that when you review the evidence. That's a picture taken in Moscow with no rings other than a wedding ring on his finger, or some kind of ring. He's wearing one ring on his finger.

And so, in Mr. Depp's world, they're going to try to come at you either way. They say, "Well, he was wearing rings, but it didn't leave a mark on your face." And then they show you a picture where he wasn't wearing rings during that trip. So that's what happened in Moscow.

In September 2013, in London, Mr. Depp [inaudible 02:29:23] He started throwing things out at her, ice cubes and utensils. And he [inaudible 02:29:34] her face against the window when she was seated. When she got up to move, how dare she, he kicked her in the back. [Inaudible 02:29:40] And he continued to drink and eventually started howling like an animal, passed out in the bathroom. Let's play 221, please.

[Vocalization 2:29:54 to 02:30:20]

That's Mr. Depp on the plane, but he expects you to believe him that he didn't have anything to drink on that plane, except for maybe one thing of champagne. That's what he expects you to believe.

He's talked about blackouts. His blackouts where he doesn't remember what happened. He blamed them only on opiates, but we know they happen throughout, when he doesn't remember what's happened. As you're weighing the evidence, as you're assessing whether Mr. Depp has borne his burden of proof, think to yourself, if you believe Amber's account of what happened on the plane, or do you believe that person's account that you just heard?

But actually, you can look at his account from a few days later. May 30th, you know, in which he told, again, Paul Bettany, he said, "Drank all night before I picked Amber up to fly to LA. No food for days... Powders...half a bottle of whiskey, a thousand Red Bulls and vodka, pills, two bottles of champagne, and what do you get? An angry, aggro Injun, in a fucking blackout, screaming obscenities and insulting any fuck who got near? I'm done. I'm admittedly too fucked in the head to spray my rage at the one I love, for little reason as well. I'm too old to be that guy but pills are fine."

And he expects you to believe that he's carrying his burden of proof in showing that no abuse happened on that plane. You don't have to look at just that. You can look at his text by Patti Smith. When he says, "When I was in NYC, they were brief visits, and I fucked and charged by horrific fights with Amber. I fucked up and drank and got shitty, was so disappointed in myself."

You can look at his text to Ms. Heard the next day, where he says, "Once again, I find myself in a place of shame and regret. Of course, I'm sorry. I really don't know why or what happened." Well, no wonder, you

heard the voice on the plane. Of course, he doesn't know what happened. "But I will never do it again. My illness somehow crept up and grabbed me. I must get better. I love you and feel so bad for letting you down."

And what his response has been throughout this trial on things like that is blaming Amber, saying he's just placating her. Is that carrying his burden of proof and showing that abuse hasn't happened even a single time? This is in the lead up to Australia. But before we get there, we can talk about January 25th in Tokyo, at the premiere of "Mordecai," where he did slam her up against the hallway wall, wailed on her, and he did get on her back in the closet. And what did they say?

"Look at her backless dress, she doesn't have any bruises." Well, she testified herself that she was checking out pictures because she was concerned that there were. So now, their theory is if there's no marks, it didn't happen. We all know that's not the case.

February 2015, this is when they got married. The day they got married. You heard the testimony from iO Tillet Wright where Mr. Depp told him, "I can now punch her anytime I want, and no one can do anything about it." He'll say it's a joke, a joke he made on his wedding day.

Then we fast forward to Australia, where Ms. Heard is flying from London, where she's filming "The Danish Girl," to see her new husband for the first time since their wedding. And these are excerpts from DX 353, all at the bottom right one, are in the days leading up to this, where he's on a drug-fueled bender. He's hanging out with Marilyn Manson. He's getting drugs from his assistants, who are enablers.

Again, there's a reason you didn't hear them testify in this trial. They're getting him drugs for days and days. And then the one on the bottom right, you'll remember you've seen it a couple times. This is after he chopped his finger off when he says, "Need more cocaine and ecstasy."

So, and no one, Ms. Heard was in touch with his assistants, but no one told her the hornet's nest that she was walking into. And we all know what happened in Australia. We all know that Mr. Depp, she gets there, he pulls out a bag of MDMA and he took a handful. She didn't say he took 10 at a time, she did say he took 8 to 10 over the course of that period.

The second day, Mr. Depp, who claims that Ms. Heard refused to do a post-nup calls Amber's Domestic Relations attorney, Michele Mulrooney, you heard from her when he was drunk, and he fired her. And he told



Amber, for about the 25th time she said, "The only way out of this is death. I don't want a post nup."

And then, she remembered him slamming up against the wall. And I won't go through. You remember her testimony from Australia. You remember her saying that he had her by the neck, squeezing her neck. You remember her saying that he threw her on the games table like a ping pong table. You remember saying the pictures of that broken table. You remember her saying that, at some point, you had a broken bottle up against her face and he told her that he'd carved off her face, "that he was throwing bottles after he's throwing bottles one after another. And I could feel glass breaking behind me." And you've seen the evidence of that.

"And he was just over and over again smashing the phone into the wall, screaming at me as he watched it break into pieces." Now she doesn't know how he lost his finger. She said that she saw him smash the phone to pieces. And you heard him get impeached the other day with his testimony from the UK, which was different from what he testified here, where he said he did smash a phone. And then they tried to put that picture in front of you with a desk phone and suggested that was it. It's deception. They're trying to deceive you.

And then you heard that Ms. Heard testified that the next morning she found meat that he left all over the house. But not before what happened, before she went to bed that night, where Ms. Heard testified. "And I remember trying to get up and I was slipping on the glass, I felt this pressure, pressure in my pubic bone. I remember just not wanting to move because I didn't know if it was broken. I didn't know if the bottle that he had inside me was broken."

This is the next morning. This is what he wrote with the bloody stump of his finger. And there's been testimony about what happened to cut the finger off. But frankly, it's irrelevant to your deliberations here. Amber could have chopped it off with an axe, and it has nothing to do with whether or not Mr. Depp abused her. But we all know she didn't. We all know that his fingers weren't curled. And someone was standing with a half-gallon vodka bottle from about where that canopy is and threw it. And it's somehow managed to damage just the bottom of the finger and leave the nail fully intact.

We all know that didn't happen. Mr. Depp knows it didn't happen. We'll see some evidence of that. But here, he writes about her ambition, starring Billy Bob and easy Amber. We've talked about controlling

jealousy, talking about him not wanting her to act. Dawn Hughes testified how that is a form of intimate partner abuse.

He's writing on the mirror again. And they try to blame her and say that she wrote, "Call Carly Simon." She didn't write that. Who was the lunatic in the house? Who was writing everywhere? There's no evidence she wrote that. She testified she doesn't know who Carly Simon was until she was told.

This is some of the evidence. Mr. Depp told you a couple different stories the other day about the evidence on the right. He claimed that that was the handle of vodka between those two beer cans there. But then, under cross examination, he admitted it's not. That there's not enough glass on the floor, that there's no handle of vodka on the floor.

But what there is, in the picture on the right, is evidence of when he was throwing bottles past Amber's head and breaking that plate glass window, more writing, more abuse on the writing. Imagining having a painting area where you're drawing two canvases. You and your husband get the fight, and while you are asleep that night, he takes the bloody stump of his finger and dips it in paint and destroys your paintings.

Ladies and gentlemen, that's abuse, "Good luck and be careful at the top." And this is a good chance to talk about Mr. Depp's controlling and jealous rage and his desire to control Amber's career. He didn't want her to act. As early as 2013, he tells her sister, "I don't need actor's bullshit and her fucking ambition." He tells her in this recording...

Johnny: Sorry, [Inaudible 02:38:54]

Amber: If you look at the bigger picture of what you...

Johnny: I get irrational when you're doing movies. I become jealous and fucking crazy and weird, you know, and we fight a lot more.

Mr. Rottenborn: "I become jealous when you are doing movies. I become irrational, and fucking crazy, and weird," out of his own mouth.

This is some of the notes of Dr. Blaustein, his therapist, called himself disruptive. Something about, "Wait up to fight the devil. Jealous." And I know it's hard to read, but you can see jealous, you see paranoia, fear, envy. He wanted to control her. He wanted to own her. He didn't want her to have any career.

And then he says things like, "I have other uses for your throat which do not include injury." No one who's hasn't previously grabbed someone by

the throat would write, "which do not include injury." But we all know how Mr. Depp thinks along these lines because you saw these two texts the other day, that he sat on the stand and denied writing. And I'm not going to read them to you again because they are the most vulgar, vile writing you can imagine. He said, "That's not my style. I wouldn't write like that." Of course, he would, and he did.

These are texts that he produced that he gave to Amber and our team in this litigation from him to his personal assistant, Stephen Deuters. This is the way he thinks about women. This is, not what you heard on the stand, that. It's disgusting.

He admitted that he cut his finger off. This is evidence of him admitting to it, to people other than Amber. "I cut the top of my middle finger off." He says that to Dr. Kipper. Says it again to Dr. Kipper. The bottom one, he says to Nurse Filati, "I just chopped my finger off." But he does say it to Amber too. Remember, we played this one four times. And Mr. Depp denied that he was actually saying, "The day that I chopped my finger off." Let's hear one more time.

Amber: [Inaudible 02:40:59]

Johnny: I'm talking about Australia, the day that [crosstalk 02:41:01].

Amber: Now, we're talking about Australia, okay.

Mr. Rottenborn: "The day that I chopped my finger off." So, let's fast forward to March 23rd, 2015. After just a few weeks in Australia, Mr. Depp has a finger injury, no doubt about that. He comes home. He gets what they call a "soft cast" on, which you heard his treating physician, and our experts say it doesn't have sides on it. But it's a hard plaster cast over the top of his finger that can be wielded like a club.

And they got into an argument and Ms. Heard discovered that he was having an affair with a woman named Rochelle that had been going on before the wedding, after the wedding. And she confronted him about that. No surprise there. They got in a huge argument.

At some point in the argument, he bolted up the stairs. Now, Travis McGivern claims that she threw a Red Bull can at him. She and Whitney Henriquez say that absolutely didn't happen. But even if you believe Mr. McGivern, at some point, Mr. Depp, went up the stairs, he went to the fight. This is a man who claims he always wants to run. This time he had his bodyguard with them.

So, we could have just walked out the door, but he ran up the stairs. And Miss Henriquez is standing on the precipice of the stairs. And Amber admitted that when she thought he was about to push her down the stairs, as he's grabbing at her and Amber with his free hand, and trying to club them with the casted hand that she said, "I punched him square in the face. I punched him square in the face." And they showed you a picture of the shiner that Mr. Depp had.

Ms. Heard doesn't deny that. They're trying to say she's the abuser for defending herself and her sister from this animal, who's running at them. This person that they claim couldn't possibly have done this because he had a hurt finger. Yet he could have done this. This is what Mr. McGivern said, "was rearranging her closet."

I don't know what you all do when you rearrange your closets, but I hope it doesn't look like this. This is throwing a clothing rack down the stairs. This is knocking this over. This is what he did to rearrange your closet with his hurt finger that he couldn't possibly have hit Ms. Heard with, they claim. That in and of itself, that destruction of property, even if he hadn't hit her that night, that's abuse.

Imagine being married to someone and walking on eggshells so thick that you don't know, if you set them off, if that's what's going to happen. That's abuse. And it's disgusting.

But sometimes, he would apologize. He'd say, "I can't express how sorry I am for having stooped so low." He says, "I spewed such vicious untruths for the sole purpose of hurting you. Grievous error, shameful." So, he went in the cycles. He went in the cycles. She thought he could change for good. And when it was good, it was really good.

But then, sometimes, things like December 15 came around, where she remembers him chasing her in the kitchen. She remembers him shoving her two or three times and sending her toppling over a chaise lounge and saying, "Do you really want to go again, tough guy?" And she looked at him and he balled up his fist, leaned back, and headbutted her square in the nose, and pounded her head with the back of this fist, so she couldn't breathe on that bed, that we're gonna see in a second, where she was suffocating in this pillowtop and she said, "This is when I thought I was going to die. He's going to kill me, and he doesn't even know what he's doing because he's out of his mind."

And these are pictures that they claim. I don't know what they're claiming. I know they're claiming, but she painted on the bruise, "Oh,

you weren't hurt badly enough. So therefore, you're making it up?" Look under her eye.

And again, their theory is that all of this is a lie. All of this was some grand hoax. If this were a hoax, ladies and gentlemen, she'd have worse injuries than that. She'd really do it up. She took pictures as they existed when she could at the time of abuse. And yet Ms. Vasquez has the nerve to say, "Well, why did she videotape an incident of abuse?" What? If she's being hit, she's supposed somehow grab a video camera with one hand while she's defending herself with another hand?

You heard her in one of the audio tapes talking about when she hit him, as he was trying to barge at her and she got her feet caught under a door, as he's coming after her. And of course, as Dawn Hughes testified too, "Victims, of course, who control like this, they do try to appease their abusive partner and apologize for things that aren't their fault."

So, as you're coming at me, Johnny, and you push a door into me, and I have to hit you to get away to protect myself, yeah, she did apologize for that because that's the cycle of violence. That's what victims do. They continue to blame the victim.

There's no evidence she painted on that bloody lip. And again, we're talking about a hoax. The next day, she went on James Gordon, they said, "Well, you can't see any injury there, so it must not have happened." She would have to be the dumbest person in the world to say, "I'm going to commit an abuse hoax, but let's do it the day before I go on national television. Let's do it the day before."

But you heard Melanie Iglesias, her makeup artist, testify in great detail. And I didn't even understand half the terms about makeup that she was using. But she testified in great detail about exactly what she did to cover up those bruises. The red lipstick that she put to cover up the busted lip. You heard the testimony of that.

For a neutral party, who said exactly what she did, she talked about how she looked at the color wheel to neutralize the bruising. They claim it was just an accidental headbutt. Well, no accidental headbutt rips out hair.

They claim Ms. Heard somehow used a pocketknife to cut this portion of the bed out to stage this. I don't know if that's a pocketknife or not, but the only testimony in this trial about pocketknife is Whitney Henriquez saying that Mr. Depp carried a pocketknife in his pocket every day. We all know, if it is a pocketknife, where that came from.

I think one of the most telling things about this incident is the text he sent to David Heard, Amber's dad, two weeks later, where he says, "I meant to send this to you a week or so ago. I'm sending it to you now." And he says...I forget if it's a text or an email, but you can look at the DX586, and he says, "Yes, I fucked up and went too far in our fight."

Because as a result of that fight and the bruises that all of her family saw, the family refused to go to the Bahamas with them for Christmas. The family refused to go to the Bahamas for Christmas, and on that trip, to the island, Mr. Depp kept passing out. And every time he passed out, he would dump a glass of wine on Amber's lap, and she didn't like that, and she yelled at him.

And because it was in front of his kids, he got up, this is the one where Tara Roberts took the video, she didn't show you the closet, she didn't show you the bathroom, and Amber says, "While holding my neck," this is in the closet, he said, "I'll fucking kill you if you ever speak to me like that in front of my kids again because you embarrassed me."

And then, he took her into the bathroom. And she said, "But this time, he grabbed my vagina, shoved his fingers inside me but through my bathing suit, and held me there, and asked me if I was so fucking tough."

And then she ran out of the house and to keep him away from her, that's when he claims, and she admits she threw something at him. She doesn't know what it was. It's been testimony was can of mineral spirits that she claimed that hit Mr. Depp. And Mr. Depp is somehow the victim in that encounter? Come on.

We talked about the train ride to Asia. You saw the pictures taken before they got on the train ride where Mr. Depp has the same shadowing under his eye that he does in the allegedly abusive picture. But in that picture, or on that train ride, he talked about a honeymoon, he held her up against the wall while she was trying to get his arms off her neck, and he was squeezing her neck against the railway car, and at some point, "I pulled a lapel of his shirt. He rips the shirt off." And she woke up with the shirt around her neck and a giant knot in the back of her head.

Let's fast forward to her birthday party just very quickly. He experienced terrible financial news that night. He came over. They got into a fight. There's been conflicting evidence about that. But Amber said, "I hit the side of the desk, he chest bumped me. He fell to the floor. I fell on the floor. And when I got back up, he held me down by the shoulders, and that's when he grabbed her by the pubic bone and pushed her down."

And you'll remember Ms. Vasquez showing her interrogatory answers, where she details a lot of this and saying, "Nowhere in there does it say that." And Ms. Heard says, "It actually does on page 64," and pointed out to Ms. Vasquez exactly where it says that. That's abuse. It's sexual abuse.

But we all know what Mr. Depp does when he experiences terrible financial news or terrible news. He experienced terrible news that night, on the way to the birthday party, where both of his bodyguards have testified that he was either visiting his sick mom or getting a birthday present for Amber. And then, we know what happened the day after his mother passed away on May 21st, 2016.

And we're gonna skip through a little bit of this now. And Elaine will talk about this in the context of the counterclaim. But these are the pictures afterwards. These are pictures that now they're claiming, "They must have been faked."

There's been no testimony in this case that these pictures were faked. There's been no testimony that the marks you see on Amber's face, including this mark with a straight line from below her eye to the top of her temple that lines up directly with the phone. There's been no testimony, that those are faked.

Mr. Depp went through the house. He destroyed pictures of her friends. That's abuse. Property destruction like that, in and of itself, is abuse. He destroyed her office. He destroyed her friend Rocky Pennington's preparation for the beach show that she was having. He spilled wine in the hallway that you'll notice the police denied, "Oh, there was no spilled wine in the hallway."

Well, even Isaac Baruch testified that he saw this in the hallway. And they said she never said anything to her medical providers. These are the texts that she sent to her nurse, Erin Filati, the night that it happened. These are pictures of her in the courtroom.

We're not going to play this right now. But you can listen to this. This is that terribly disturbing text of him in July of 2016, threatening to cut himself and telling, "You cut me, or I will." You all remember playing that. It was awful. It was awful. I'm not going to play it again. But it was horrible. That, in and of itself, is abusive.

This is the document that Mr. Depp signed, the divorce agreement, where he says, signed in agreement, with his signature, neither party has made false accusations for financial gain. He said that then. He could have fought this then, but he didn't because he knew that her

allegations were true. But then he continued his campaign of humiliation. He says, "I want her replaced in that WB film."

Ladies and gentlemen, the facts are absolutely overwhelming of abuse. One time, that's all you have to remember. Mr. Depp simply cannot prove to you that he never once abused Amber. And if you don't know, you have to return a verdict for Ms. Heard. A ruling against Amber here sends a message that no matter what you do, as an abuse victim, you always have to do more. No matter what you document, you always have to document more. No matter whom you tell, you always have to tell more people. No matter how honest you are about your own imperfections and your own shortcomings in a relationship, you need to be perfect in order for people to believe you. Don't send that message. That's what he wants you to send.

So, I'm gonna quickly get to another point that you have to find in order to prove or rule for Mr. Depp. You would have to find that Ms. Heard made the statements with actual malice. Now what Mr. Chew didn't tell you is that you have to find this by clear and convincing evidence. So, this is much higher than the greater weight of the evidence standard that applies to the other claims, the other elements of the claim. Clear and convincing evidence is evidence that creates in your minds a firm belief or conviction that Mr. Depp has proved this issue.

So, if you believe that Ms. Heard did not act maliciously in writing her op-ed, then you must return a verdict for Ms. Heard, even if you think that he never abused her. But we can quickly go over the evidence of this. That the op-ed, you look at the words, it clearly wasn't a hit piece.

She visited her attorney, Eric George, who testified by video that his objective was to make sure that there could be no meritorious claim that could be brought about this article relating to defamation. He gave Ms. Heard advice. She affirmatively followed all of it. So, you cannot find that Ms. Heard meant the clear and convincing evidence standard, given the testimony of Eric George, given the testimony of Terence Dougherty from the ACLU, when Amber went out of her way to ask her lawyer if it was okay.

They will say that that doesn't matter if she's lying. But even if that isn't true, because, again, keep in mind that Ms. Heard wanted to be malicious toward Mr. Depp, the article would be very different.

And I think it's interesting here...we'll talk about Mr. Waldman in a second...that Amber utilized her attorney, Eric George, to make sure that she was following the law. Mr. Depp used his attorney, Adam Waldman,



as an attack dog to defame Amber and to fulfill Depp's promise to her of global humiliation.

The last thing I'll touch on, before Elaine talks, is Mr. Depp's damages. The man is at least consistent in one respect, he blames other people for his problems, everyone but himself. You heard us reading the stack of articles, dating years before he broke up with Amber, before their marriage broke apart, talking about his problems, talking about the fact that his movies were flops, talking about the fact that he was late to the set. He's unreliable as an actor.

A word of [inaudible 02:55:14] here, ladies and gentlemen, is that the only thing Amber ever did that Mr. Depp is allowed to sue her for is the op-ed. He's trying to say, "I want to sue her for what she said in 2016. I want to sue her for harm that was caused then." You cannot do that. The only thing you're being asked to decide is, are the words of the op-ed defamatory, nothing else. Any damage to Mr. Depp's career is self-caused.

Then think about the testimony that you've heard from his former business manager, Joel Mandel. He said that Depp had issues with drugs and alcohol that damaged his career. Depp sued him. His former agent, Tracy Jacobs, said he was late to the set and that he used an earpiece. Depp fired her. She said Disney never committed to Pirate 6. Disney's corporate representative, Tina Newman, said that there was no record in Disney's records of this op-ed. This op-ed had nothing to do with it.

In fact, Kathryn Arnold, our damages expert, testified that the paper version of the article that allegedly they say came out four days after the op-ed was published the same day as the op-ed and said that Johnny might not be in Pirates 6. The same day, the paper article came out the same day. So, the op-ed didn't cause that.

There's no evidence of any contract by Disney for Pirate 6. His agent, Jack Wiggum, couldn't identify a contract. His former agent, Christian Carino, said that there's no contract. He didn't lose anything as a result of this op-ed. Anything he's lost is the result of his own choices.

You also heard him lie to you. You heard him tell you that this was his first chance to tell his story. But let's break it down because that's not true. He could have fought the TRO that Amber filed. He could have said, "I didn't abuse her." But he chose not to do that.

He could have fought her in the divorce case. But he chose not to do that. Instead, he signed the statement saying that no one had falsified

any statements. He only filed this suit after he met Adam Waldman, the same amount of Waldman who convinced him to file suit against his former business manager, to file suit against his law firm, and fire them, and blame them for things.

But by the time that Amber wrote the op-ed, Mr. Depp already had another opportunity to tell his story. He filed a case in the UK against "The Sun" for calling him a wife beater. And in that case, he had many of the same witnesses. He was on the stand for parts of five days, and he got to tell the factfinder in the UK whatever he wanted. Now, it's not the same testimony he told here because you heard me teach him about 13 times with this testimony from the UK, but he's had his chances.

Ladies and gentlemen, it is time to tell Mr. Depp that this was his last chance. Tell him to move on with his life. Tell him to let Amber move on with hers. Stand up for the freedom of speech. Stand up for the First Amendment.

This trial is about so much more than Johnny Depp versus Amber Heard. It's about the freedom of speech. Stand up for it, protect it, and reject Mr. Depp's claims against Amber. And now, you'll hear from Ms. Bredehoft about the counterclaim. Thank you.

[02:58:23]

[Silence]

[02:58:39]

Ms. Bredehoft: I got it. I got it. Yep. I'm good. Okay. Oops. I get to say good afternoon. And I know you've been listening to everybody for a long time here, and I echo Ben's very, very strong thank you to all of you for this extreme service and extraordinary service. We really appreciate it.

I'm gonna go really fast and try to go as quick as I can so that you can get a break from us and go make your decision. I know you're probably itching to do it at this point. But this is very important to us. And we appreciate you listening, and we appreciate your being here.

I'm going to stay on this slide for a moment. And there's something that's very important on this slide that hasn't been brought to your attention by Mr. Depp's team. When you see the actual damages, go down to the last paragraph, if you will. It says, "Mr. Depp cannot recover damages for any harm that occurred after November 2, 2020." Do you all see that?

So, what Mr. Depp's team got up here and told you, through Mr. Chew, this morning has nothing to do with this case. He had his chance in the UK. The lawsuit was filed June 2018, 6 months before the op-ed. The trial was July 2020. The process ended, according to Mr. Marks, their expert, on November 2, 2020.

And his damages stop then. He can't get reputational damages. He can't get his legacy back for his children. He can't get anything after that day from you. You can't restore his reputation. You can't give him anything. They didn't tell you that. But the court told you that, and that's a very, very important thing here.

He told his story. He had his opportunities. He had his full opportunity to do all of that. And he came in here and lied to you and said he's here to get his reputation back. It's just one of many lies in this case, but it's a really big one. Because here we are, six weeks of your time, precious time, six weeks of this court's time, for what? For nothing. Only to go after Amber. That's psychological abuse. He's going after Amber for nothing because he wants to put her through this again, the third time.

So, we're fighting back, and that's the counterclaim. She finally has said enough, enough. And we're asking you to finally hold this man responsible. He has never accepted responsibility for anything in his life. You've heard it this whole time. He hasn't admitted anything. He's blamed everybody in the world: his agent, his manager, his lawyer, Amber, his friends, everybody. But he's never accepted responsibility for a thing he's done in his life.

But we're asking you to make him accept responsibility, to hold him legally responsible for his actions, and to fully and fairly compensate Amber for what he has done by creating this concept of a hoax for the defamation that he has committed, that you will have heard so much about, that just took a wildfire and went off into negative media and has made Amber's life pure hell up to this day.

We're asking you to do that, to compensate her, to be fair, and hold him responsible so he stops. We don't want another lawsuit. We don't want anything else. We want to leave Amber alone and let her get on with her life and raise her child.

So, let's talk about the counterclaim for a moment. These are Allan Waldman's statements. You've heard Mr. Depp say, "Well, why aren't you suing Mr. Waldman?" Isn't that typical with Mr. Depp? He doesn't take responsibility for anything. So now he's gonna blame this lawyer.

But the evidence is very clear on all three statements, and we'll show them to you in a minute, that he says Adam Waldman, Mr. Depp's attorney, says these things. Now Mr. Depp says, "Oh, I didn't even know about those until the counterclaim." Well, we know that's not true because Mr. Waldman's testimony was two months before those statements were made in February of 2020. Mr. Depp accompanied Mr. Waldman to "The Daily Mail," the same place that all three of these statements were published. And he gave him two spliced audio tapes to try to make it look like Amber was the person who was committing the abuse.

He went with him. He knew that Mr. Waldman was doing this. He knew that Mr. Waldman was launching a campaign against Amber to try to discredit her. And the timing of this, we're talking the statements now, are April and June of 2020. The trial is July of 2020. So, they're launching an attack to try to discredit Amber before the trial in the UK. That's what happened here. And that's Mr. Waldman, but it's Mr. Depp.

The judge gave you three different instructions, and you all have them. He's acting as his attorney. He has the authority. So, Mr. Depp is standing in the shoes of Mr. Waldman. Mr. Waldman is standing in the shoes of Mr. Depp.

Michelle, can you please bring up the first statement? It says, "Amber and her friends in the media used fake sexual violence allegations as both a sword and shield depending on their needs. They have selected some for sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp." Now, what this statement is meant to imply is that Amber is lying about the sexual assaults and using them, with the media, to try to discredit Mr. Depp. That's the clear implications of this.

Now the first part of this, this contradicts Mr. Depp's claims today that the first time you ever heard about the sexual assault that happened was in this case. It was in the UK case. This is the case that Mr. Depp brought in the UK. And instead of Amber Heard trying to put this out in the media, she did exactly the opposite.

Now this article is not in your evidence book, at least some of you will remember it being shown at one point with the title that said that Amber was successful in being able to treat her allegations of the sexual violence confidential in that proceeding. And it was treated confidential. She did exactly the opposite. She didn't want to tell people this. And you know that, you watched her on the stand. It was heart rendering for her to have to do this with the cameras, no less.

But what else is false about this statement? It's that there was no false statements of sexual violence. Ben went through all four of them, and I will not repeat them all. You heard the testimony. And interestingly enough, you didn't hear any stories that differed from that with Mr. Depp. He didn't get on the stand and say, "You know, no, this didn't happen" to at least a couple of them. And he can't in Australia, he can't remember anything, likely.

But if you just look at the pictures of the destruction in that house. I mean, imagine painting those canvases and how long that took, how much hatred and rage you have to have for somebody to do something like that, writing on the walls, tearing up her nightgown and wrapping pieces of raw steak and putting it all over the house. Remember that she also testified that he took her clothes and swiped them through all the paint before she left. You know these things happened.

With respect to the malice on this one, you know, he knows that he did these things. You know that he knows he was out of it for three days. And that's all that we need to prove for malice. But there's a couple of more facts here. But you can find whatever Mr. Waldman's done, and you can find whatever Mr. Depp has done, and both of those are the same for purposes of evaluating the verdict form. They stand in each other's shoes. When you have an agent, and that's what the jury instructions say, you can go with both.

What did Mr. Waldman do? There was an article about the sexual violence that he had put from the April 1 that went into the trial. Amber's testimony, she was sitting near him in the trial, Adam Waldman threw that newspaper down in front of her defiantly. That's actual malice. And she was quite upset. And you heard her testimony on the stand about that. He was just inflicting it on her.

Remember Bruce Witkin's testimony? This was Johnny Depp's best friend for 40 years, until he testified truthfully four years ago about the drugs and alcohol, and he stopped talking to him. There was a couple of really important things that Bruce Witkin said.

One of the things he said he met Adam Waldman once. Adam Waldman said, "Do you have any dirt on the Mandels?" And he said no. And that was it. Then he didn't care. He is an attack dog. All he wants to do is attack and put dirt on people.

The second thing that Witkin said that I think was pretty instructive was that Johnny Depp has deep-seated anger issues that have nothing to do with Amber. He remembered even back when Johnny was married to his

sister-in-law, he had extreme jealousy even back then. And I think that's pretty significant. Remember, Mr. Witkin also was called in a few times to intercede in some of these fights between Johnny and Amber when he would become so angry.

The last thing I thought he said that was actually pretty important was that Kipper and his whole group are a scam. He said, "You know, how is it that he can be sober, doctor, you know, for these years? And he's never sober. You know, he's even taking pot all the time. How can you be sober?" I thought that was quite instructive.

But in any event, going back to that's the first statement. The second statement, Michelle, if you can bring that one up...

Oh, before I go there, I want to talk about a few more things for Mr. Waldman that you have in your pocket to be able to find additional malice with him. Remember, he's the one that, after the UK trial, went to the LAPD with a notebook full of things and tried to get perjury charges against Amber? The LAPD said we don't investigate those things.

But he then went to a German newspaper and said, "Amber is being investigated by the LAPD for perjury." Do you remember that? That's malice. That's showing his intent to do harm to Amber.

He also admitted that he speaks to that umbrella guy. And you'll see that one text in there from the person from TMZ. That umbrella guy is the big lead of Johnny Depp's, you know, positive social media, that is putting all the negative out on Amber Heard. And he also ended up getting knocked out of Twitter because he was abusing Amber.

So now, we go to the second counterclaim statement. And that's quite simply, "This was an ambush, a hoax. They set Mr. Depp up by calling the cops, but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed and left after seeing no one wants to face or property. So, Amber and her friends spilled a little wine, roughed the place up, got their story straight under the direction of a lawyer and publicist, then placed a second call to 911."

Now this is May 21. Now the clear implication here is that they're saying that Amber got together with her friends. They decided they were going to set Johnny up to be charged for domestic violence. And so, they called the police, and they tried to make up this whole story, get him arrested, but the police said there's no evidence here and went away. And they said, "Darn." And so, they spilled wine, and they, you know, busted up the place, and they called 911. They got advice from a lawyer

and a publicist, called 911, and tried again to get Johnny charged. That's what this sets.

Now, we all know that's false. And it's heinously false because, you know, after these events happened, and Ben talked about a little bit of it, but I'll talk about the rest of it, and I'll try to do it quickly. But we all know Amber did everything in her power not to tell them who Johnny was, not to press charges, not to have him arrested, the exact opposite of this.

But what were the facts of May 21st? He comes over. He's already been drinking. He's already high. And he is on a tear about feces in the bed from a month ago. And remember how Amber talked about, when he gets into these drug-induced things, he gets into these paranoias, and he gets some idea in his head, and he just won't let it go. And that was his this time.

There's somebody put that feces in the bed a month ago. That was his spin. So, she gets iO Tiller on the phone. He's in New York at the time. He's going, they thought, "This is ridiculous. Of course, nobody did it. And by the way, Boo has this huge problem. Of course, it was Boo. You know, he's always doing this. But Johnny just won't get there."

So, then they laughed. That makes him mad. Then he throws the phone at Amber. Amber screams out and says, "Ow, you just threw the cell phone at me. It hurts." iO says, "Amber, get out of there." Johnny gets madder, pulls her hair, grabs her, and starts hitting her.

So iO gets ahold of Rocky Pennington. She comes over as quickly as she can. She goes and gets in between the two of them. She puts her hands up on his chest. He pushes them down. And then, she continues to stand in between them. And he's screaming loudly, 10 times, "Amber, get the fuck up. Amber, get the fuck up. Amber, get the fuck up." loudly, loudly.

Then his bodyguards hear this. They come in, they break it up. That's how that happens.

But the next part of this... Remember Josh Drew? And I think Elizabeth Marz was amazing in this one. Remember their testimony? For after that, he goes and he has to... You know, he always leaves a path of destruction as he's leaving. So he, you know, bashes up things, and you saw Ben's pictures here on the picture frames, knocks things over as he's going, goes down the hallway. He's splashing the wine. He gets his bodyguards to let him into Penthouse 5.

That's where Josh and Elizabeth are trying to help with Rocky's beach thing for the next day. And he comes in, storming in. And he says, "Get your bitch out of here." And he's got the big magnum and he's mad, and Elizabeth is just terrified. She barely knows Johnny. She's met him four times. And she goes ripping out of there as fast as she can. And Josh gets out of there too.

Then what does he do? He rearranges the furniture. Or he might have knock something off, you know, one of the countertops or something, I think, is the testimony of his bodyguards. But you saw the pictures. He went through and trashed that place again as he left.

Now, the next part of this is the police coming. iO calls the police. He's in New York. He calls the New York Police 911. He's afraid they're not going to get there fast enough. He still remembers December 15 because he came in afterwards and saw all of the injuries on Amber and all the evidence. And he's terrified that Amber is still in there. The police haven't come and that Johnny is going to kill her.

So he calls a friend in LA and says, "Please call 911. We've got to get somebody there fast." So she calls 911. So we have two calls. And you'll see the call summary. And the call summary shows those two calls are really close in proximity here. So it's not them, "Oh, oh, we didn't get the first police officer, so we'll rough up the place and make a second one." You'll see that they're like eight minutes apart up there. But it took two hours to dispatch the two different ones. And Amber never even had any idea that the second one was coming.

The first ones come. And, you know, we talked about it. We've shown you the picture. The police officers admitted that those pictures could very much have been what was there that night. Remember that Officer Hadden, it was his first week on the job, Officer Saenz was three years old the job at that point.

You know, they told Josh that, "If she will press charges, if she'll give a name, we can file a report and make an arrest." She wouldn't do it. You did hear from Detective Sadanaga, that's the domestic violence.

Mr. Chew: [Inaudible 03:15:59]

Ms. Bredehoff: You recall Josh Drew saying that the police officer told him, "You know, if she'll give a name, we'll make an arrest." He definitely said that. But in any event, she would not cooperate. She didn't want to. But Detective Sadanaga, their domestic violence person, said they should have done an incident report no matter what, even if they decided there wasn't a crime. Because domestic violence has the



cycles. They come back. And it's good to have the record for the next time that it might happen.

So she said they should have, under the circumstances, even if they didn't. And she also said that when they put verbal dispute only in those calls, it is a code that they use, and you'll see that it's twice on that call report, to say that's why we didn't write a report.

But in any event, whether the police officers, you know, forgot about it two months later when they were first asked about it, whether they just decided she's never going to press charges, and you'll see on the call report they're insisting that to the second set, it doesn't make any difference. The point is, this is still false. This statement is still false because Amber did everything but try to press charges against Johnny Depp. So they go away.

And the testimony is that Josh and Amber and Rocky cleaned up because they have dogs. So they cleaned up a lot of the glass and the wine and those types. They had no idea the second police officers were coming by, and they certainly didn't call them and they certainly didn't... They never talked to a publicist. She did talk to a lawyer who gave her advice, and that's why she wouldn't tell them, you know, anything. She said I'm not going to cooperate at all.

So the second ones come, you saw that, you've got the video cameras in there, and you see there's no effort by them to try to get now these officers to press charges against Johnny Depp. Just the opposite. Josh Drew doesn't want to even let them in the place. They come through quickly. Everything's fine. They wave, everything's fine.

Are they trying to press charges against Johnny? No. They're not trying to do anything. They're trying to get him out of there, which makes this statement 100% false. Was it made with malice? Absolutely. There's nobody that thinks that Amber tried to press charges that night. Johnny knew that.

But the other thing that's very helpful, and what you should look at, is defendant's Exhibits 772 and 773 because, once again, the next day, Johnny apologizes to Amber. He says in two different text messages, that's 772 and 773, he says, "My profound apologies," in one of them and, "My apologies are eternal" in the other one. What is he apologizing for the next day on May 22nd if he didn't know that he did all of those things?

And by the way, remember Isaac Baruch even remembers the wine in the hallway. None of the police officers remember the wine. And that's

because they're busy and they've got a zillion other things going on and they didn't remember this call two months later when they were asked about it.

So that's the next one. So, clearly, that's 100% false. Clearly, they knew it. Clearly, there's malice in making that statement. They're trying to suggest that she's manufacturing evidence with her friends to try to frame Mr. Depp. Nothing could be further from the truth on that one. And she did not want those police officers to press charges.

Now let's go to the third one... Oh, and let's talk about the makeup just for a moment while we're going to the third one. This makeup thing, fresh face, natural. These were Adam Waldman planting these when he talked to the ECB people. Remember the testimony here? We kept asking, "So did you talk to Mr. Waldman? Did you talk to Mr. Waldman?" Mr. Waldman was trying to plant in all of these people's minds that somehow, she wasn't...

Mr. Chew: Objection, Your Honor.

Judge Azcarate: Do you approach?

Ms. Bredehoff: So I didn't say that any of the witnesses admitted that Adam Waldman planted that. I'm saying he planted it. That's me arguing the planting. And that's because it's all the same thing. "She wasn't wearing any makeup. She was natural. She wasn't wearing a stitch of makeup." Everyone in the room said that it's the exact same thing.

But why would you say that? She's an actor. She's not going to go outside her house, you know, without putting makeup on. And if she has bruises, when she's been covering them up for four years, why on earth would she not put makeup on so that she would cover those up? Why on earth would she not want to cover up those bruises? It makes no sense.

But you know what? You guys saw her here. You guys saw it. I mean, you saw Amber on the stand. There were days when she didn't wear eye makeup. A lot of people think that she's not wearing makeup when she doesn't have mascara and eyeliner on. She has different looks and some of them are with eye makeup and some of them are without. And people misunderstand, especially people that aren't that good at make up. A lot of men, frankly, go, "Oh, that's then she probably doesn't have makeup." And that's where that mistake happens.

But you heard her testimony. You heard her makeup artist's testimony saying, "She doesn't go out of her room without concealer and

foundation." She knows how to put these things in. And you decide defendant's Exhibit 155, and you'll have the actual thing in there. That's the type of palette she used. And she was very adept at telling you what color she puts on for the different days of bruises.

This is a woman who, for four years, did everything she could to cover up anybody knowing anything about this abuse. Do you honestly think she's just going to walk around for the week with her bruises exposed? Of course, she's not.

Now let's go to the third one. And this is the abuse hoax. He says, "We've reached the beginning of the end of Ms. Heard's abuse hoax against Johnny Depp." Now, obviously, the defamatory meaning of that is that Amber's creating an abuse hoax. But there is no abuse hoax.

I don't need to tell you all of the evidence because Ben did a beautiful job of just taking you through all of those different things. But I will point out a couple of things for you. And that is, remember Bonnie Jacobs, the therapist?

Dr. Hughes and Dr. Spiegel testified about Bonnie Jacob's notes. And remember that I was holding that, you don't get to see them, but they testified that they went through them. Dr. Hughes testified that she also spoke with Bonnie Jacobs. She kept contemporaneous notes from 2011, when she first started seeing Amber. And the abuse is documented in those notes is what Dr. Hughes testified to. They start in 2012, both physical and sexual. That Dr. Hughes testified...

Dr. Chew: Objection, Your Honor. May...

Ms. Bredehoff: So, Dr. Hughes, specifically characterized Dr. Bonnie Jacobs' notes as reflecting both contemporaneous physical abuse and sexual abuse throughout that time period. Dr. Spiegel confirmed that later and said the same. When I asked Dr. Curry, if she had reviewed those notes, she said yes, but she had no comment and she did not think that was in there.

Dr. Chew: Your Honor, objection.

Ms. Bredehoff: ... confirmed that he had reviewed Bonnie Jacobs' notes as well. And when I asked Dr. Curry, she said she had reviewed them but she had no comment, but she also didn't deny that those were in there.

Amber Heard testified that she went back and, because of Bonnie Jacobs' notes, she realized for the first time that the abuse started much

earlier than she even realized before. She always had thought that it started in 2013. When she went back and saw Bonnie Jacobs' notes, she realized that it started much earlier and she was very embarrassed by that.

Now, significantly, you remember that she testified about how she went. She was first called upon to actually detail all of her events of abuse in February of this year. And she went through and took the notes, took photos. She took everything. She had calendars, everything, put it all together. And you heard about at least 64 pages of detailed accountability of that.

And Mr. Depp's team has been able to not refute any of that. Remember, they tried to impeach her and say, "Well, you didn't say that." She said, "Yes, I did on page 64. Remember that?" It was a very, very difficult process for her because there was an awful lot of it, and she put it in great detail.

Now, let's talk for a moment about the motive. They have said that she has created this whole hoax. And I think Ben's done a nice job of showing how that can't possibly have been. But what would Amber Heard's motive be for creating a hoax or creating any of this or making any of this up? That's a big question here. They call her a gold digger, right?

But she obviously couldn't have done it for the money because, first of all, remember the testimony of Laura Wasser, the divorce attorney? She said that California is a no-fault state and community property. So Amber doesn't have to have an abuse. She could have divorced him for irreconcilable differences, for abandonment, for adultery, for anything. She doesn't need an excuse. And she gets 50% of whatever he earns during the time of the marriage. Unless they had a prenup or a postnup.

The testimony from Michele Mulrooney was that Amber completely cooperated with the prenup and the postnup, but it was Johnny Depp who, and you'd already heard from Ben, called her up and fired her. He didn't want a postnup or a prenup. So she's entitled to 50% of everything he earns during that time.

Now we have plaintiff's Exhibit 936 in evidence and look at page 69. It says how much he made in 2015. It was 43 million. Remember, Mr. Spindler, Depp's expert, who said that he made 22 million in 2016. So you've got \$65 million. Amber was entitled to 31.5, at least. That doesn't include all the back ends from, for example, Pirates 5. She was entitled to that money. So she didn't need to say anything. She could have just

said, "I don't like you anymore. I don't like the color of your hair. I'm going to divorce you." [Inaudible 03:26:49]

Mr. Chew: Your honor, we're gonna object again.

Ms. Bredehoff: So, if you do the math, Amber is entitled to at least 31.5. What does she take? Seven million. What does she do with the 7 million? She gives it to charity or she intends to give it to charity.

Now they make much ado about the pledge versus donation, but both the corporate designees for ACLU and for Children's Hospital said donation and pledge are interchangeable. You know, these are pledges. The ACLU corporate designee said, "You typically do pledges because of the tax benefits." And that's what she said, "She pledged it over a period of time because of the tax implications to it and because she was getting paid over the time."

Now she's starting to make these donations and you'll see that the first one was on behalf of Mr. Depp's business manager, Mr. White, actually sent the letters with 100,000 for each of those. That was the initial ones. He was trying to take credit for those. And in fact, both ACLU and The Children's Hospital got confused and gave the credit to Mr. Depp, not to Amber for those. Then she made payments to both, and he Elon Musk also made payments to both for 500,000 each, which didn't count to her pledge, but they helped those organizations.

At the end of the day, she's made a million dollars in payments to them. But then she got sued here and hasn't been able to because she spent \$6 million in attorneys' fees. That is unrefuted. She still intends to pay those pledges, honor those pledges, and she said that throughout. And I elicited from both the ACLU and from Children's Hospital, they haven't expired. She can pay them whenever she wants to, and she fully intends to. But she has to get out from under this first.

Now who would blame a woman for giving a million dollars in charitable donations? Who would do that? That sounds like psychological abuse to me. Now Mr. Mandel testified that "Johnny Depp is not a terrible person and he hasn't written any big checks for him." Mr. Depp got on the stand and it says, "He does it anonymously." But Mr. Mandel would have been the one writing the checks, and he says that didn't happen."

Now let's go to damages because I promised you I was going to go pretty fast here. There's a few different types of damages. But one of the things that the court has talked to you about, she told you that because we have defamation, it's invidious. And therefore, it's very difficult to prove these. And so these damages to business, reputation,

inconvenience, embarrassment are presumed. You don't have to prove those damages.

And one great example of that is the testimony from Mr. Hamada at Warner Brothers. He didn't want to have to get in the middle of all of this with Aquaman 2. They haven't even released it. So he didn't read anything in preparation for his deposition. He didn't talk to anybody before his deposition.

He said that he tried to do technicals and say, "No, we never terminated her contract. But, oh, yeah, we did tell her, we were probably not going to renew her option. And then, we didn't change the script." But Amber got the script, and, yes, they did change it. Then he said, "You know, no, we never negotiate salaries. But, oh, yeah, we did renegotiate Jason Momoa's and Gal Gadot's." So he just doesn't want to admit to any of these things.

But what came out in Hamada's deposition, I hope you were listening carefully to this, was the email from James Wan, the director, and Jason Momoa, her co-star, who said, "They guarantee, if they are in the film, she is going to be Mera in the film." Why would they do that unless they thought Warner Brothers was being unfair to her? And why did she get almost knocked out of it? Because of the defamatory statements, when they came out, they took on a life of their own.

Ron Schnell, the young Sheldon, I call him the Doogie Howser, our expert on IT, took you through and track how they track the defamatory statements, the language from the defamatory statements, how that went through the social media and the negative social media. And it kept going and kept going. And he tracked all the way until a few months ago, over 2.36 million negative tweets, negative Instagrams, negative social media comments about Amber that relates specifically to the information that was in those three defamatory statements. It took on a life of its own.

They started a "Get Amber fired from Aquaman 2." They have continued to this day. They have followed her everywhere. Everybody has stopped wanting her. L'Oréal won't use her, even though they've kept her on from that time. She lost three different opportunities that were being discussed with her.

The most significant part of that, though, is that "Aquaman" was the biggest blockbuster ever for DC films. It was the biggest. It was over a billion dollars. This was her opportunity for her star. Even the experts from Mr. Depp admitted this was her blockbuster. This was her mega.

But what happened instead? As she's going through, as it's coming out, and in that 16 months they were going, "Well, nothing happened." Yeah, a lot has happened. She had three different films she was discussing. She had she got the L'Oréal contract. She got "The Stand." All of those things were happening because of "Aquaman."

And then everything shut down. She wasn't allowed to do publicity for "The Stand." She hasn't been allowed to do anything for L'Oréal. She gets shut down from her charitable organizations. She ended up not getting the Amazon movie. And then they gave her a hard time about Aquaman 2. And instead of the career trajectory of the other comparators, who all went way up, and by the way, all the experts admit that that career trajectory went well for all the rest of them, and she's the only one that didn't have it, and the reason is because of the defamatory statements.

So you have some very good information to help you on ascertaining those damages. Now, Jessica Kovacevic, and I don't know if you remember her, but she was her agent. She said everybody just stopped talking. The producers don't want her. The directors don't want her. Nobody wants her. We just can't get the traction, and we should have been able to get the traction. And they say it's because of those statements.

So Kathryn Arnold gave you some good estimates on this, and she gave you a very good basis for it. And she didn't use Jason Momoa's or Gal Gadot's or the others. She used Amber's but used those comparators to show that they got big movies. That they got other commercial opportunities. That they got these TV opportunities. But she used the base that Amber has.

So she used the 4 million from the "Aquaman" that would be 3. She used "The Stand," you know, how much they got paid per movie. And what she estimated on those and she went through those details, is that if you took that for the last 2 years and projected into the next 3 to 4, that it's between \$47 and \$50 million that she could have instead of her star being completely extinguished. And that's what's happened to her.

The emotional distress damages are even more extreme here. And that is, Dawn Hughes testified extensively about the PTSD and what she goes through. And every time she's called a liar, every time these hoax things come up, everything, it causes her to relive all of it. She talks about the panic attacks, the nervousness, the intrusive thoughts, the nightmares, the sweats, the anxiety that goes through all of this. It's significant.

But probably, the most compelling testimony that you could ever hear was from Amber yesterday and when she took the stand before. It has destroyed her life. This has consumed her. She's getting death threats. They're threatening to put her daughter in a microwave for God's sakes. She can't get away from this. It's everywhere. This media, the social media that has just taken off, has just consumed her life.

As she said, "I'm a human being. No human being should be put through this." Now Johnny Depp sued for \$50 million. And we sent the message back saying, "Fine, and we're going to sue for \$100 million because look at what you've done to her." We're not asking you to give \$100 million. We're asking you to just look at the damages in this case and just be fair and reasonable in whatever you determine, by following the evidence and the instructions.

But we do ask that you fully and fairly compensate Amber for everything that she's been through, both in terms of reputation and emotional distress. The very last point is punitive damages. And you surely have those in this case. We've asked for 350,000 for the punitive damages. And we would ask that you reward that. Thank you very much.

Judge Azcarate: Thank you. All right, ladies and gentlemen. We still have rebuttal closing arguments, but I can guarantee you that the rebuttal closing arguments will be done, combined, within 45 minutes. But what I want to do is go ahead and let you have your lunch. And then after lunch, we'll come back in the courtroom have the rebuttal closing arguments. And then we'll submit the case to you. Okay?

All right. So go ahead and have your lunch. Do not discuss the case with each other and do not do any outside research, okay?

[03:36:14]

[Silence]

[03:36:40]

So let's come back to 2:10. And, just for the record, plaintiffs have 39 minutes left for rebuttal, defendants have 6 minutes, okay?

Woman: Your Honor, did you take any time off from the sidebars?

Judge Azcarate: I didn't take any time off from the sidebars. Zero, off from sidebars. It's all from testimony. Okay? All right. Thank you. All right.

[03:37:01]



[Silence]

[03:37:59]

All right. Thank you, ladies and gentlemen. You may be seated. All right, rebuttal arguments.

[03:38:03]

[Silence]

[03:38:18]

Ms. Vasquez: Hello. Good afternoon, ladies and gentlemen. Ms. Heard's counsel has mischaracterized the record multiple times. And Ms. Heard lied to you. They've mischaracterized the testimony of police Officers Saenz and Hadden, who explicitly testified that they saw no signs of injury and no property damage.

They mischaracterized the testimony of Walter Hamada, who testified clearly that there was no impact on Ms. Heard's at career Aquaman 2 from anything said by Adam Waldman or Johnny Depp. And Ms. Heard's casting was delayed because of creative issues.

They mischaracterized the testimony of Detective Sadaga. They mischaracterized the testimony of Ronald Schell. You've been here. You've listened to the testimony, you know the record. Ms. Heard lied, and she lied again, and she kept lying.

She lied six years ago on May 27, 2016, when she walked into court in Los Angeles to publicly accuse Mr. Depp of abuse for the first time. She lied again when she told the world over and over again that she donated all of the \$7 million divorce settlement to charity. You heard the evidence about what she donated. And you watched her. You watched her tried to save her lie about that broken promise with more lies on the stand in this courtroom.

She lied again when she told the world in her op-ed on December 18, 2018, that she was a public figure representing domestic abuse, painting herself as a representative of abuse survivors everywhere and painting Mr. Depp as the representative of perpetrators. She has come too far. She can't back down. She's lied too many times to too many people.

So when Mr. Depp finally decided to fight to clear his name by filing this lawsuit, Ms. Heard responded by making up more and more stories, of more and more extreme abuse. She came up with a new accusation that

Mr. Depp had raped her with a bottle in Australia. And she keeps making new claims up even now.

At this trial, for the very first time, she claimed that she had been sexually assaulted the night of her 30th birthday, even though she had testified repeatedly about her birthday prior and never mentioned it. And at this trial, she also claimed, for the very first time, that Mr. Depp was hitting her all the time during the first year of their relationship. Even though this first year, she had testified previously, was magic and bliss, with absolutely no violence.

Her story is a constantly moving target. It never stays the same. Mr. Depp owns his mistake. He owns all of them. You saw him do it. On the stand, in a raw and powerful way. But in this trial, Ms. Heard has been confronted with her lies and the damage she has caused. And she cannot take any responsibility for what she has done.

And you've seen the story, her story, it doesn't hold up. You've watched her performance on the stand. You saw her get caught in lie after lie. The time has come for those lies to come to an end. The time has come for you, the jury, to decide the truth.

I started this trial giving you an opening statement. And I said to you that words matter. And this case is about Ms. Heard's words. The words she published in an op-ed about Mr. Depp. Ms. Heard and her attorneys have talked a lot, in this trial, about the First Amendment. They've talked about the importance of free speech.

And we agree. I'm a lawyer. Of course, I agree with that. But the First Amendment doesn't protect lies that hurt and defame people. And there's a difference. Ms. Heard has no right to tell the world that Mr. Depp physically or sexually assaulted her when that isn't true. That's not protected speech. Our U.S. Constitution doesn't protect that speech.

And it is a core value of American society that you are innocent until proven guilty. There is a presumption of innocence in this country. A person's life cannot and should not be destroyed by a baseless charge and no opportunity to defend yourself. That's why Mr. Depp had to bring this claim. Ms. Heard was never going to stop calling him an abuser. The only way to clear his name was to stand up in this court, where both sides are bound by the same rules of American law. A jury would be tasked, you, ladies and gentlemen, would be tasked with deciding once and for all Ms. Heard's lies could be exposed in a fair and impartial process.

When Mr. Depp sued her, Ms. Heard apparently decided she needed to sue him back. And because there were no statements made by Mr. Depp on what she could base the claim, she sued him based on statements made by one of his lawyers, Adam Waldman, calling Ms. Heard's accusations of abuse, a hoax. Make no mistake, though. They are a hoax. Ms. Heard made up claims of abuse.

And then she gave a performance where she passionately repeated those made-up claims of abuse on the stand in front of each of you. But ask yourself, who's really the one alleging a hoax here? Who wants you to believe that everyone else is lying, committing perjury? Ms. Heard needs you to believe that all the people who showed up in this courtroom to testify on behalf of Mr. Depp, they're all lying. She needs you to believe that the witnesses you heard from, including security professionals, former cops, medical professionals, and police officers, they're all lying, covering up for Mr. Depp. She's asking you to believe that she's the one telling the truth and that the rest of the people in Mr. Depp's life are all part of a conspiracy of silence.

This case is not just about whether you believe Mr. Depp or you believe Ms. Heard. This case is about whether you believe Ms. Heard or whether you believe Mr. Depp, Christi Dembrowski, who, yes, is here, supporting her brother, Isaac Baruch, who wept in front of the world, Keenan Wyatt, who doesn't work for Mr. Depp, Sean Betts, a former LA Sheriff's Department, Malcolm Connolly, he worked in the prisons in the UK, Starling Jenkins, a former U.S. Marine, Travis McGivern, also another former police officer, Ben King, who worked for the Queen of England, Dr. David Kipper, Ms. Heard's doctor and, yes, Mr. Depp's doctor, Debbie Lloyd, a nurse, Erin Filati, Ms. Heard's personal nurse, Officer Saenz, an LA police officer with training in domestic violence, Officer Hadden, her understudy, yes, in his first week, studying to pick up on the signs of domestic abuse, Officer Gatlin, Brandon Patterson, who worked at Eastern Columbia building, Kate James, Ms. Heard's former personal assistant, Tara Roberts, Alejandro Romero, he took his deposition from his car because he had to go to work, but it didn't stop him from telling the truth, Edward White, Mr. Depp's business manager, Laura Wasser, one of the most famous divorce lawyers in California, Morgan Night, Beverly Leonard, Morgan Tremaine, and Kate Moss, and all the other witnesses whose stories support Mr. Depp's description of what took place.

These people have nothing to gain by coming forward. They have everything to lose. You have seen Mr. Waldman's statements and evidence in this case. When you look at them, you can tell that the key

point Mr. Waldman was making in each of these statements was simply the Ms. Heard's accusations against Mr. Depp were lies. That's why he talks about an abuse hoax.

Now Ms. Heard has the burden of proof of proving that Mr. Waldman's statements are false. And that means that Ms. Heard has to do more than prove that Mr. Waldman got some details wrong. She has to prove that Mr. Waldman's statements are false in their essential meaning. In other words, she has to prove that her abuse claims are not a hoax. But as we've seen, the evidence is overwhelming that misfits claims of abuse are false.

We should also spend a bit of time talking about actual malice. It is Ms. Heard's burden to prove that Mr. Waldman's statements were made with actual malice. An actual malice means knowledge that the statements were false or reckless, and that's an important word, reckless disregard for the truth.

But here, there's clear evidence that Mr. Waldman genuinely believed that Ms. Heard had committed a hoax. You watched him give the testimony by deposition in this case. He testified about the evidence he found persuasive, the numerous witnesses, and the sworn depositions of the police officers who went to the penthouses that night and, again, saw no injuries. There is no evidence in this record, none, that Mr. Waldman acted with actual malice. He believed Mr. Depp. He believed the record.

It's also important to understand that because Mr. Waldman's statements were not made by Mr. Depp, Ms. Heard needs to prove that Mr. Waldman was acting as Mr. Depp's agent, and within the scope of that agency, within the scope of the agency of the employment when he made the statements. Mr. Waldman is a lawyer. Ms. Heard has not presented evidence that making those statements was part of Mr. Waldman's responsibilities as Mr. Depp's lawyer. There's nothing in the record.

Ms. Heard is also claiming to be suffering from PTSD and claims that she had something to do with Mr. Waldman's statements. Ms. Heard wants you to believe that she suffers from PTSD because Mr. Depp purportedly abused her. But as usual, Ms. Heard is not telling the truth. As you heard from Dr. Shannon Curry, Ms. Heard does not have PTSD. And she does not act like a person with PTSD. Ms. Heard is an actress in a major film involved in some [inaudible 03:49:47] training. She just had a baby.

Dr. Curry also found that Ms. Heard attempted to grossly exaggerate her symptoms during testing, which is the sign of malingering, or said differently, of Ms. Heard lying. Ms. Heard hired Dr. Dawn Hughes to help her with this narrative. Dr. Hughes did not catch Ms. Heard's exaggeration during testing because Dr. Hughes used an improper malingering screen test. She wasn't going to find it.

One that is meant to identify an examinee's attempts to fake a severe mental illness or psychosis, not PTSD. Dr. Hughes diagnosed Ms. Heard with PTSD without administering the gold standard diagnostic test used for PTSD. She diagnosed her, think about that, she diagnosed her with PTSD before administering the test she admitted was the gold standard.

Two years after diagnosing Ms. Heard with PTSD and, curiously, shortly after Dr. Curry administered the gold standard diagnostic test in her evaluation of Ms. Heard, but before it was disclosed, Dr. Hughes decided to administer the gold standard. Finally, nevertheless, even after Dr. Hughes used the proper test, there were a number of deficiencies in her administration of that test. You saw them, including her failure to even follow the instructions that rendered her diagnoses unreliable.

Ms. Heard's claim for monetary damages related to Mr. Waldman's statements, frankly, it's a fantasy. Ms. Heard speculates wildly that she has somehow been damaged by Mr. Waldman's statements. But in reality, Ms. Heard has not shown any damage at all that was because of or by Mr. Waldman's statements. There's evidence of a mountain of negative press coverage about Ms. Heard, including press reports about for defecating Mr. Depp's bed, cutting off his finger, and putting out a cigarette on his face. But none of that has anything to do with Mr. Waldman's statements.

And Ms. Heard has presented no evidence, none, of any film or other project that she has lost, lost, because of the statements. In fact, you heard from Warner Brothers' President, Walter Hamada, who explained that Ms. Heard suffered no loss, none, no loss of compensation or other adverse effect on her major film, Aquaman 2. You heard it straight from him.

Ms. Heard's expert, Kathryn Arnold, testified, "But for the statements from Mr. Waldman, Ms. Heard would be much more successful in her career." To form this opinion, Ms. Arnold compares Ms. Heard to actors such as Jason Momoa, the actual Aquaman, Chris Pine, Gal Gadot, and Zendaya. But as Richard Marks, who does deals every day, that's his job, not testifying here for a paycheck, does deals in Hollywood, and Doug Bania, both testified that these actors are simply not comparable

to Ms. Heard. After all, Jason Momoa, he was Aquaman. Chris Pine, he was Captain Kirk. Gal Gadot, Wonder Woman. Zendaya, she's has been acting since she was 13 years old on the Disney Channel and she's in every single Spider Man movie.

Further, the Q scores of these actors are not at all comparable with Ms. Heard's Q scores. As Mr. Bania testified, Ms. Heard's rating was less compared to these actors, and all of Ms. Heard's Q score ratings were less favorable than the average of all performers.

As you heard from Michael Spindler, because Ms. Arnold relies on the salaries of these comparable actors to calculate Ms. Heard's damages, Ms. Heard's claim for damages makes no sense. There's no connection. Further, and more fatally for Ms. Heard's damages claim, is that there's no connection to Mr. Waldman's statements, to Mr. Waldman's statements.

Even if you find damage to her career, you have to connect it to the defamatory statements. There is no connection. Mr. Bania testified that all the negative tweets that Ms. Heard has entered into evidence have no causal connection to the statements underlying Ms. Heard's counterclaims. Specifically, Ms. Heard's expert, Mr. Ron Schnell, presented a flawed methodology that included picking out hashtags at random, including Justice for Johnny Depp. What's does that have to do with the Waldman's statements and counting accompanying tweets even though it had nothing to do with Mr. Waldman?

Ms. Heard's counterclaim is based on statements by Mr. Waldman, not Mr. Depp. Ms. Heard knows perfectly well that she hasn't suffered any damages from those statements buried at the bottom of articles and a mere tabloid, "The Daily Mail." And the statements are substantially true since all they do really is point out that Ms. Heard's abuse allegations are false.

Ms. Heard's counsel argued that Ms. Heard did not write the title of the online version of the op-ed, which stated, "I spoke up against sexual violence - and faced our culture's wrath. That has to change" does not matter whether or not Ms. Heard wrote the title. You will recall from the court's instructions this morning that what matters is whether Ms. Heard republished the defamatory language.

That instruction states in part that you should find this her republish this article if she "retransmitted the defamatory material with the goal of achieving a new audience." Stated differently, republication occurs when the speaker has affirmatively, that's important, affirmatively reiterated the

statement. Ms. Heard affirmatively reiterated the statement. She posted it on her Twitter.

If we could please pull up plaintiff's Exhibit 3. This is the tweet Ms. Heard sent. She retweeted "The Washington Post" tweet to a new audience, her own Twitter followers. And she affirmatively reiterated the statement by proudly declaring, "Today, I published this op-ed in 'The Washington Post.'" She didn't quibble with the title. She said, proudly, "Today, I published this op-ed in 'The Washington Post.'"

The title of the op-ed was prominently displayed in the tweet. That is enough for you, members of the jury, to find that Ms. Heard republished the title of the op-ed and adopted the statement as her own. She can and should be held liable and responsible for that statement.

Ms. Heard tries to make something out of the fact that Mr. Waldman reported her to law enforcement in Los Angeles for perjury after her allegations of abuse were made against Mr. Depp. I'll submit to you that all this proves is that Mr. Waldman believes Ms. Heard has committed perjury.

Mr. Rottenborn argued that the lack of supporting evidence for Ms. Heard's allegations of horrendous constant abuse is somehow not something to be considered. That it is shameful for you to consider the fact that she didn't document all the terrible injuries that she claims to have suffered. That is a twisted argument.

First, you know, because you have seen and listened to Ms. Heard in action, that Ms. Heard is a woman who's documenting things throughout their relationship. And it isn't instructive that the things she chose to document had nothing to do with violence. She documented Mr. Depp sleeping, she documented lines of cocaine, featuring prominently Mr. Depp's production company, Infinitum. Staged photographs, that's what she documented.

Mr. Rottenborn's entire argument assumes that Mr. Depp, a man, should be disbelieved because despite the fact that Ms. Heard can't support her accusations with actual evidence. Well, we have put to you, the jury, it's not that because Ms. Heard didn't take enough pictures or tell people about abuse that it didn't happen. What we have put to you is that, given how brutal and constant the abuse Ms. Heard claims, she would have had serious injuries. That's a fact. She would have had serious injuries that would have been observable in the pictures we looked at and by the witnesses we heard from and would've required medical attention. That's it.

Ms. Heard testifies to injuries that multiple people didn't see. What you have in the end is Ms. Heard's word. Do you trust it? We are not here because Ms. Heard told the world Mr. Depp was verbally abusive. This is not about the words used by Mr. Depp. We are here because Ms. Heard told the world that Mr. Depp was physically and sexually abusive. That's what Ms. Heard was saying in the op-ed.

On May 27th, exactly six years ago today, 2016, Ms. Heard walked into court with a mark on her face to tell the world that her husband was abusive. She renewed that falsehood in her op-ed, describing herself as a public figure representing domestic abuse. And she published the op-ed, including the title, claiming that she spoke up against sexual violence.

Everyone knew who she was talking about when she used those words. She was alleging physical and sexual abuse. She was not alleging emotional or psychological abuse. She was alleging physical and sexual abuse. Ms. Heard cannot run away from her own allegations now. You have all heard the evidence of what she alleged against Mr. Depp in 2016. And you all heard her incredibly dramatic, over-the-top story of physical and sexual abuse. That story was a defamatory lie.

Ms. Heard try to argue that you only need to find that Mr. Depp might have touched Ms. Heard once in order to find in her favor because that makes her are a victim of abuse. But common sense should tell you that you can't pick and choose Ms. Heard's allegations. You saw her on the stand. We all did.

She gave the performance of her life, telling a story after story of abuse. And not just any abuse, but extravagant, over-the-top allegations of abuse that would be truly brutal, horrific, if true. You either believe all of it or you believe none of it. Either she's telling the truth, including in her most extreme allegations, or she's lying. Either she was raped by a bottle, or she's the sort of person who would get on the stand in this courtroom and lie to you and the world about being raped. And if she would lie about that, what wouldn't she lie about?

You can't find that Mr. Depp hit her once, either he hit her countless times, or you can't believe a single word that comes out of her mouth. And what is the actual meaning of Ms. Heard's op-ed? That's an important question. It's not that Mr. Depp said a nasty word to her once. It's not that Mr. Depp might have hit her once. It's that she is a representative of domestic abuse, and, by extension, Mr. Depp is a representative of abuse perpetrators. Words matter.



Ms. Heard has shown you a lot of text messages from Mr. Depp with some very vivid language. As I told you at the start of this trial, Mr. Depp has a unique style of writing. He uses words I don't use, and you probably don't use either. But as you've also heard during this trial, Mr. Depp writes in that way, in part because he modeled his writings on literary giants like Hunter S. Thompson, and he's got a dark sense of humor. It's not everyone's cup of tea, but it's who he is.

And Mr. Depp owns text messages. He acknowledges that he said those things and he said things that he shouldn't have. But using bad language and colorful humor does not mean that you are a violent abuser.

And ironically, as much as Ms. Heard is trying to use Mr. Depp's words against him, it is Ms. Heard who repeatedly admitted to violence in her own words. You've heard the tapes. You've heard her admit to violence. Ms. Heard can try to distract you with text messages showing that Mr. Depp uses that language and has a dark sense of humor. But none of that, I submit to you, ladies and gentlemen, none of that is evidence of abuse. Hitting your husband is evidence of abuse.

Mr. Rottenborn talked about the burden of proof. Let's talk about that for a minute. Mr. Depp only has to show that it is more likely than not, more likely than not, that the statements from the op-ed are false. That it is more likely than not that they have a defamatory implication. That it is more likely than not that Ms. Heard designed and intended the statements to refer to Mr. Depp. And the evidence on these points is clear. Ms. Heard made these allegations six years ago today, May 27, 2016. She went out of her way to make them public, tipping off TMZ.

When she published the op-ed, she was reminding everyone in Hollywood and the world of her abuse claims. And those claims are a lie. Consider what the true purpose of the article. Mr. Rottenborn said it was to promote legislative reforms. But what was it, actually? The evidence shows it was to promote Ms. Heard. It was time to be released at the same time as Aquaman, on December 21, 2018. And it was timed to coincide with her announcement of her ambassadorship at the ACLU for women's rights.

That's not a coincidence. It was designed that way. That was not a statement about legislative reforms. This was about furnishing Ms. Heard's reputation at the expense of Mr. Depp's. It was about Ms. Heard continuing to portray herself as a heroic survivor of abuse.

And on the question of actual malice, that just means whether or not Ms. Heard knew the allegations were false. Ms. Heard knows perfectly well that she wasn't abused. She has direct knowledge of that. She was in that relationship. So actual malice is easily established.

You may have noticed that no one showed up for Ms. Heard in this courtroom other than her sister. Every other witness who traveled to Virginia for her was a paid expert. This is a woman who burns bridges. Her close friends don't show up for her.

Mr. Rottenborn tried to discredit Mr. Depp's witnesses by suggesting they were all on Mr. Depp's payroll. So, he doubled down on the hoax theory. That everyone's just lying.

First of all, it's not even true Keenan Wyatt is on his payroll. Ben King isn't on his payroll. Officer Melissa Saenz isn't on his payroll. Morgan Tremaine isn't on his payroll. Officer Tyler Hadden, he's not on his payroll. Beverly Leonard, Alejandro Romero, Brandon Patterson, Morgan Night, none of those people aren't on his payroll. And Kate Moss, Kate Moss is most definitely not on Mr. Depp's payroll. Ms. Heard wants you to believe that all these people are lying.

Let's talk about the Boston plane. Ms. Heard wants you to believe that the recording you are is from the Boston plane flight. But that's quite telling. What did Ms. Heard capture of the supposedly rampage? Mr. Depp moaning, in distress. That's what she chose to record. What sort of person record something like that? What sort of person takes pictures of their husband or boyfriend or fiancé, who's struggling with sobriety, nodding off with ice cream dripping down his leg, his hand in his pocket or asleep on the ground? What sort of person does that? Definitely not someone that's afraid of him.

And Ms. Heard's attorney told a story of May 21 that was completely, utterly inconsistent with the testimonies of Officers Saenz and Hadden, who testified clearly that they saw no signs of injury. No sign of property damage. And she told a story about how Officer Sadanaga...is that right...Sadanaga's testimony was also wrong. She testified that the report was only required in case of a crime.

Ms. Heard's attorneys try to tell you that Mr. Depp apologized on May 22nd because he had hit Ms. Heard. Mr. Depp didn't apologize to Ms. Heard on May 22nd for hitting her. He apologized because he was leaving Ms. Heard. And this was a woman that, in spite of all her violence and all her rage, Mr. Depp, he loved her. He had been with her for years. Of course, he apologized when he finally broke it off.

Ms. Bredehoff off also tried to tell you that Ms. Heard did everything in her power to keep the authorities away. And to not get Mr. Depp in trouble on May 21, 2016. Take a minute and think back to what Ms. Heard did six days later, six years ago today. She walked into court with a visible mark on her face, not wearing makeup that day. She tipped off TMZ, she made it public, and she showed up on the cover of "People" magazine with a mark on her face. Was that protecting Mr. Depp? Or was she trying to destroy him?

Mr. Rottenborn asked you to consider why you're here. So why are you here? You're here because of a lie. And that was lie that Ms. Heard repeated in the op-ed. At the start of this trial, we told you that this trial is about the evidence. The evidence overwhelmingly shows that Ms. Heard is an abuser and that she is a liar. She lied about Mr. Depp and took on the role of a lifetime as a public figure representing domestic abuse.

What is her best evidence of that abuse? A video of Mr. Depp banging cabinets around and text messages of Mr. Depp using bad words and dark, ugly humor but never once admitting to abuse, pictures of Mr. Depp sleeping. That's her best evidence.

Ms. Heard held herself out to the world as a representative of abuse survivors everywhere. The face of the #MeToo Movement. This is not a #MeToo situation. There are no #MeToos. Just not me. Ms. Heard does not deserve to be known as a representative of survivors of abuse. And Mr. Depp does not deserve to be known as the representative of perpetrators of abuse. That is what this case is about.

It's not about money. It's about giving Mr. Depp his life back six years ago, when she took it away. While you deliberate, ask yourselves why Mr. Depp would put himself through this. Expose every embarrassing detail of his life on national television if he was guilty of anything, anything that Ms. Heard accuses him of. We ask you, we implore you, to render a verdict for Mr. Depp. We ask you to set the record straight that he is not the abuser she described and that she is not the heroic survivor she portrayed. And we ask you to tell Ms. Heard that what she did was wrong. Thank you very much, ladies and gentlemen.

Judge Azcarate: Thank you, ma'am. Rebuttal closing.

Mr. Rottenborn: How about that?

Judge Azcarate: Yes.

Mr. Rottenborn: Thank you.

[04:12:12]

[Silence]

[04:12:32]

Ladies and gentlemen, it's interesting that in both their opening and their rebuttal closing that you heard Mr. Depp's attorneys address none of Ms. Heard's witnesses, none of Ms. Heard's witnesses. They listed their own, who didn't see, who we're on his payroll, weren't there behind closed doors with them. But they didn't address any of the witnesses.

For example, Josh Drew, Rocky Pennington, Liz Morris, who were all there on May 21st, Melanie Iglesias, who covered Ms. Heard's bruises. They say that no one showed up for her. No one showed up for her, but they may say that these people aren't friends anymore. If they're not friends anymore, then why would they be doing what they would suggest are lying for her? Why would they be corroborating everything that she says?

It's this simple. If you believe that Depp was abusive to Amber one time ever, in any of the various forms of abuse, not only physical, verbal, emotional, psychological, sexual, any of the ways of abuse, then your job is very easy. And you cannot only deny Mr. Depp's claim, but you could find for Amber on her counterclaim.

And it's interesting to Ms. Vasquez just changed their theory after six weeks. She said, "Oh, well, domestic abuse just means physical abuse." It's not what Mr. Depp said. It's not what Dr. Curry said. It's not what Dr. Hughes said. It's not what you know to be true. You know that the evidence that you've seen constitutes all sorts of abuse, and there's a reason that they're running as fast as they can from those sorts of abuse because they know that he did it.

Now the suggestion that Amber's abuse allegations are a hoax is vicious and vile. Mr. Depp can say whatever he wants now, but he can't say, "Change the evidence that you've seen at the trial." The evidence shows that Ms. Heard did not commit abuse hoaxes, not about sexual violence, not about May 21, 2016, and certainly not about Mr. Depp and Mr. Waldman's catch-all, all-purpose statement that Ms. Heard's abuse hoax, which suggests that every one of her allegations are false. But that's coming to an end.

The evidence shows she did not commit any of those hoaxes. The evidence shows that she was abused exactly how, not only she, but her

witnesses, supporting her claims, say that she was. And their witnesses even who claim that Mr. Depp abused her.

Ms. Vasquez talked about actual malice. She says because Mr. Waldman was acting as Mr. Depp's agent, you have to look at Mr. Waldman. They're standing in the shoes of one another. And as Mr. Depp's agent, Mr. Depp's malice is Mr. Waldman's malice. Mr. Depp's malice is Mr. Waldman's malice. He acted with actual malice when he made these statements.

Now after years and years of Mr. Depp controlling the roles that Ms. Heard took, Ms. Heard had the biggest hit of her career three months before she was sued. She has withstood Mr. Depp's attempt to have her fired from "Aquaman" and his own jealousy as his career went down the drain before her op-ed for reasons having nothing to do with Ms. Heard.

But once the lawsuit against Ms. Heard was filed, his campaign that he promised to destroy her entered a new phase, and then it reached a crescendo when Mr. Depp and Mr. Waldman decided to meet with "The Daily Mail" together and decided to plant statements that were defamatory of Ms. Heard in the spring of 2020, leading up to the UK trial.

You've heard Amber and her agent, Jessica Kovacevic, talk about the impact to Amber's career. She can't get hired because of the negative treatment she gets. Studios like her, co-stars like her. She tests well. But she can't get opportunities because of the negativity associated with Mr. Depp and Mr. Waldman. You heard Amber Heard on the stand yesterday telling you exactly what she has experienced as a result of Mr. Depp's promise to bring her global humiliation.

That promise, to paraphrase Kathryn Arnold, Miss Heard's damages expert, "That promise was a spark." And that promise he kept because he had told her again and again, "The only way out of this is death." And when she chose a different path out of it, he decided to make that promise. He decided to throw that spark. And when Mr. Waldman became involved, that spark became a forest fire. That forest fire has continued to this day.

We ask, ladies and gentlemen, that you hold Mr. Depp accountable for his actions. Stand up for victims of domestic abuse everywhere who suffer in silence. Stand up for the freedom of speech, the freedom to speak about your life that the First Amendment protects. Give Amber Heard her voice back. Give Amber Heard her life back. Thank you so much for your service on this jury.

Judge Azcarate: Thank you, Mr. Rottenborn. Members of the jury, this is an important case to both the plaintiff and the defendant. In order to reach a verdict, each of you must agree on that verdict. In other words, your verdict must be unanimous.

The first thing you should do, when you go back to the jury room, is to select a presiding juror. The role of the presiding juror is to see to it that the deliberations are conducted in an orderly and businesslike manner. That they be conducted only in the jury room, when all the members of the jury are present, and that each juror has the opportunity to fully and fairly express his or her views.

It is rarely helpful for jurors upon first entering the jury room to take a straw vote or for any juror to make emphatic expression of his or her opinion in the case or to announce the determination to stand for a certain verdict. To do so, before all jurors have had an opportunity to consult with one another and exchange views and opinions, might allow your sense of pride to prevent you from retreating from an announced position even when shown that such position is unsound.

You have a duty to consult with one another and to deliberate with the objective of reaching an agreement if it can be done without offending your individual judgment. Each of you must decide this case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. In the course of deliberation, a juror should not hesitate to reexamine his or her views and change his or her opinion if convinced it is an error.

However, none of you should surrender your honest conviction as the weight or the effect of the evidence solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict. In the jury room, you will have the exhibits that were entered into evidence. You also have the instructions of law that I just read to you. And you will have the verdict forms.

You'll also have a laptop, and that laptop will have just two files on it, and Deputy Lisa will set it up for you in the jury room. One is the plaintiff's files for audio and video files. And one is the defendant's files for audio and video files. And you'll be able to hear and watch those as well, the ones that were submitted into evidence.

During your deliberations until you are discharged from jury service, you must not communicate with or provide any information to anyone who is not a member of this jury by any means about this case. You may not use any electronic device or media to conduct any independent research

about this case, the legal or factual issues in the case and the individuals or attorneys involved in the case.

You're not permitted to consult dictionaries or reference materials, search the internet, visit websites or blogs, or use other tools to obtain information about this case, or to help you decide the case. Do not try to find out information from a source outside of the testimony and the exhibits received as evidence during the trial.

You will also have...I know the attorneys discussed briefly about the verdict forms. You'll have two sets of verdict forms, one for Mr. Depp's case and one for Ms. Heard's case, okay? Now when you have these verdict forms, the first three pages of both verdict forms have each of the statements separately, okay.

So, when you're going through it, you're going to look at each statement separately and answer the questions that are on the page. Okay. Now if you decide yes, for a statement, then that's when you go to the last page of the verdict form, which is for damages.

So, for example, if you find yes for all of statement one, then you could go to four and five for damages. If you find yes, for all statement one and statement two, you can still go to four and five for damages. If you say yes, first statement one, statement two, and statement three, you obviously go to four and five for damages. If you answer no on any of the pages for any of the statements, you don't go to four and five, okay? So that will be for all of them.

And then when you do come to a verdict, make sure the four person signs it and dates it. And then just let the deputy know about that. Okay.

All right now, for the tough part. You may remember, at the beginning of this case, I told you we would randomly select four people to be the alternates. Okay. We still have two alternates left, and the numbers replacing the envelope from the very beginning of the case. So let me just say before I release the alternates that I know that this trial has been a huge sacrifice for all of you. And you've taken away from your life for weeks on end here. And I know I speak for all of us associated with a case, and I want to thank you for your service in this matter.

I know how hard it is to come this far, then not get a chance to deliberate, but that does not lessen the respect and admiration that we have for you. As an alternate, you will not deliberate but you are still under ordered this court not to do any outside research on this case or to talk to anyone about this case at this time. And you're still under your oath as a juror. That is because, if something happens to a juror during

deliberations, I will call you back for service and you will join the deliberations, and they'll start again, and you'll be part of the jury.

So, you are under these restrictions and your oath until a verdict is reached. We will contact you once this has occurred and then you will be free from your obligations. Okay. But again, thank you for your service. All right. So, in this matter, the alternate jurors are jurors number 3 and 14. All right.

So, at this time, those jurors are excused, and also the remaining jurors can retire now to the jury room to begin their deliberations. Okay, so thank you all. Okay.

[04:23:13]

[Silence]

[04:23:35]

Again, I thank the attorneys and litigants for the kindness and the great demeanor you've shown to my staff and to the courthouse staff, and to the deputies in the Sheriff's Department. I really appreciate it. It means it means a great deal. Okay. And I also appreciate Judy because she's a rock star. Yes. Well, that's the first. Okay.

Ms. Bredehoff: [Inaudible 04:24:00] from this staff and the deputies have been absolutely phenomenal [inaudible 04:24:05].

Mr. Chew: That is one thing on which is Ms. Bredehoff and we respectfully agree, completely agree.

Judge Azacarate: Well, good. I'm glad on the last day we finally have an agreement.

Mr. Chew: Thank you, Your Honor. We are very grateful. Thank you.

Judge Azacarate: You want to approach or...