

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Wed 25 May 2022

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Judge: All right. Are we ready for the jury?

Mr. Chew: Yes, Your Honor.

Judge: Okay. All right. Good morning, ladies and gentlemen. All right. [Inaudible 00:00:16] your next witness?

Mr. Chew: Good morning, Your Honor. Mr. Depp calls Kate Moss to the stand.

Judge: All right.

Mr. Chew: She will be appearing on your screen.

Judge: All right. Ma'am, can you hear me? Yes. Can you count to five for me?

Ms. Moss: One, two, three, four, five.

Judge: Thank you, ma'am. If you could raise your right hand? Do you swear or affirm to tell the truth under penalty of law?

Ms. Moss: I do.

Judge: Thank you.

Mr. Chew: Good morning, Ms. Moss. Or I should say good afternoon your time? My name is Ben Chew from the firm of Brown Rudnick. Would you please state your full name for the record?

Ms. Moss: Kate Moss.

Mr. Chew: Ms. Moss, where do you reside?

Ms. Moss: London, England.

Mr. Chew: From where are you testifying today, Ms. Moss?

Ms. Moss: Gloucestershire, England.

Mr. Chew: Ms. Moss, do you know Johnny Depp?

Ms. Moss: Yes, I do.

Mr. Chew: How do you know Mr. Depp?

Ms. Moss: I had a relationship with him.

Mr. Chew: Did there come a time when you and Mr. Depp had a romantic relationship?

Ms. Moss: Yes.

Mr. Chew: For how long, Ms. Moss, were you and Mr. Depp a romantic couple?

Ms. Moss: From 1993...no, 1994 to 1998.

Mr. Chew: Ms. Moss, did there come a time while you and Mr. Depp were a couple that the two of you took a vacation together to the GoldenEye Resort in Jamaica?

Ms. Moss: Yes.

Mr. Chew: What, if anything, happened when you were in Jamaica with Mr. Depp?

Ms. Moss: We were leaving the room, and Johnny left the room before I did. And there had been a rainstorm. And as I left the room, I slid down the stairs and I hurt my back.

Mr. Chew: How did you...?

Ms. Moss: And...

Mr. Chew: I apologize, Ms. Moss. Please continue.

Ms. Moss: And I screamed because I didn't know what had happened to me, and I was in pain. And he came running back to help me, and carried me to my room, and got me medical attention.

Mr. Chew: Did Mr. Depp push you in any way down the stairs?

Ms. Moss: No.

Mr. Chew: During the course of your relationship, did he ever push you down any stairs?

Ms. Moss: No. He never pushed me, kicked me, or threw me down any stairs.

Mr. Chew: Ms. Moss, have you ever before today testified in any kind of court proceeding?

Ms. Moss: No, I have never.

Mr. Chew: Why did you decide to testify today?

Mr. Rottenborn: Objection, Your Honor. That's beyond the scope of what we just talked about.

Judge: All right, I'll sustain the objection.

Mr. Chew: Thank you, Ms. Moss. We have nothing further at this time. We greatly appreciate your taking the time to testify.

Judge: All right. Any cross-examination?

Mr. Rottenborn: No, Your Honor.

Judge: All right. You're free to go. Thank you, Ms. Moss.

Mr. Chew: Thank you very much.

Ms. Moss: Thank you.

Judge: All right. Your next witness?

Ms. Bredehoff: Your Honor, we're calling Dr. Shannon Curry.

Judge: Just give us a moment to move the TV.

[00:04:07]

[silence]

[00:04:52]

All right, Dr. Curry. Good morning, Mr. Johnson [SP].

Attorney: Good morning, Your Honor. Plaintiff calls Shannon Curry, Dr. Shannon Curry.

Judge: That's fine. Ma'am, you're still under oath, so please have a seat, Doctor.

Dr. Curry: Good morning.

Attorney: Good morning, Dr. Curry.

Dr. Curry: Good morning.

Attorney: Can you remind the jury who you are and what you do?

Dr. Curry: Sure. I'm Dr. Shannon Curry. I'm a clinical and forensic psychologist. And I'm here today to rebut the testimony that was provided by Dr. Hughes.

Attorney: Which of the opinions rendered by Dr. Hughes do you intend to rebut?

Dr. Curry: So, generally speaking, there are three main categories that I'd like to talk about today. So the first is that Dr. Hughes misrepresented the tests and the results that she utilized in her evaluation. She misrepresented my testing and the results that I obtained in my evaluation. And she provided testimony in a manner that presented essentially her own opinions and the self-report of Ms. Heard as facts.

Attorney: Okay, the first category you talked about was misrepresentation of her own test methods and results. What do you mean by that?

Dr. Curry: So Dr. Hughes used...she stated that she administered 12 tests. In actuality, she used eight checklists. About half of those were symptom checklists. The other half were checklists about experiences that people can have with domestic violence. And those are not appropriate for forensic settings. They are easily exploited.

Attorney: Other issues that you intend to address relative to misrepresentation those results?

Dr. Curry: Yes. So in addition to using these checklist measures which are easily exploited in a forensic context, they're developed for research or treatment only, she also stated that these checklists revealed things that they simply cannot reveal, especially in this context. And, let's see, she also misrepresented clear indications on several of the objective measures that she offered.

And there were indications visible that Ms. Heard had essentially engaged in what we call response distortion, so clear indications of exaggeration on one of the measures that's specific to PTSD, clear minimization of symptoms intentional on another more broad personality and psychopathology-based measure that she gave to Ms. Heard, which she did not acknowledge.

Attorney: Did you intend to address anything relative to the CAPS-5?

Dr. Curry: I did. So, Dr. Hughes administered the CAPS-5 about 10 days after I did, almost 2 years after she initially tested Ms. Heard, and she did not administer the test appropriately. So she left major components

blank, she didn't apply the scoring rules that are clearly outlined with the test, and yet she diagnosed Ms. Heard with PTSD based on that assessment.

Attorney: What about Dr. Hughes's use of the Personality Assessment Inventory?

Dr. Curry: So, all of the tests that Dr. Hughes administered, 2 would be considered...of those 12, 2 would be considered what we call forensically relevant instruments, meaning that they're objective enough and they provide us with some information about how the examinee approached the test that would be appropriate for this setting, where the examinee is going to have a natural incentive to present themselves in a way that benefits the outcome of their case.

Now, on the PAI, there were clear indications that Ms. Heard was responding and obtained scores in a manner that's consistent with individuals who have a personality disorder, and there was also an indication that several scales...we call this a configuration. So you might have one main scale that you notice is elevated, then you look for additional subscale information to get additional information on what could be elevating that scale.

And there was a configuration that showed that even though Ms. Heard had moderately elevated one of the scales that can be associated with trauma, that elevation is better explained by childhood or distant traumatic experiences like the complex trauma Ms. Heard reported experiencing growing up.

Attorney: Okay. You said that Dr. Hughes utilized checklists that are not appropriate for forensic analysis. Can you explain that?

Dr. Curry: Yes. So, as I said, in any sort of forensic context, whether it's a civil or a criminal matter, a person who's being evaluated is going to have major incentive to present in a way that benefits the outcome of their case. So you always approach the examination, I believe Dr. Hughes said, with a healthy dose of skepticism, but that alone is not enough. We have to operationalize that. So we actually have to administer very comprehensive objective tests that either control for attempts to manipulate the test results or reveal attempts to manipulate the test results so that we're not just blindly accepting the results or the self-report of the examinee.

Attorney: How many tests were administered by Dr. Hughes?

Dr. Curry: She said that she administered 12 tests.

Attorney: How many of them were appropriate for forensic physical examination?

Dr. Curry: So the Trauma Symptom Inventory is appropriate. It's an objective measure, and it does have two primary scales that look at how the person approached the test. The Personality Assessment Inventory is an excellent test. It is a broadband measure, meaning that it captures not only symptoms of mental illness, but also general personality traits. That also gives us pretty detailed scales similar to that one test I administered, the MMPI, that tells us a lot of nuanced information about the way the person approached the test.

She also administered a malingering screen that can be very, very useful, but not in this context. So it's called the Miller Forensic Assessment Symptom Test. It's a brief set of questions that you ask the examinee, and it's been shown by research to be extremely effective at identifying an examinee's attempts to fake a severe mental illness, or psychosis. And psychosis is when somebody loses complete connection with reality.

It's excellent for that purpose. It's actually been shown in the research to not be effective at all for identifying a respondent's attempts to fake PTSD, anxiety, or mood disorders. The questions are just too odd for somebody who has the wherewithal to be trying to have PTSD to endorse. They see through it. So she used that. That's a fine test but not appropriate for this context.

Attorney: Of the various tests that she administered, how many were these checklists?

Dr. Curry: Eight of them.

Attorney: All right. And what are you talking about specifically?

Dr. Curry: Okay. So I had mentioned that there were two main categories of checklists she used. The first is the symptom checklists. Those included the Beck's Depression Inventory. It's a brief inventory of items that essentially show all of the symptoms of depression that a person might have and you rate which level of severity you have for each question.

She also gave the Beck Anxiety Inventory, very similar but just with questions about anxiety. She gave the Mood Disorder Questionnaire, which is a very brief, again, checklist. It shows symptoms of bipolar disorder. Bipolar disorder is a mood disorder where you might have an extended manic episode and then a very extended depressive episode.

And then she gave the Post-Traumatic Stress Disorder Checklist, and that is a screening instrument only. It contains every single symptom of PTSD. So there's a secondary danger here, too, when you think about it. Given that PTSD is the most frequently feigned and claimed diagnosis in civil court, if you're handing somebody a checklist that lists every single symptom of PTSD, you're essentially teaching them all the little nuances that we're looking for to give that diagnosis. So she gave that to Ms. Heard. Ms. Heard endorsed most of the items, and Dr. Hughes diagnosed her with PTSD and substantiated that opinion by Ms. Heard's checking those items on the PCL-5.

Attorney: Were there another group of checklists that Dr. Hughes used?

Dr. Curry: Yes. So, she also...oh, and I forgot one and the last because I don't think of it as one, but previously I'd explained, and I do not expect you to remember, it's called the Life Events Checklist, which is just an inventory of experiences a person may have gone through that are traumatic. Dr. Hughes also used that, and that's appropriate to use before the clinician administered PTSD scale, the gold standard CAPS-5. However, she administered this long ago before she gave the CAPS-5.

Now going on to the second group. There were three checklists that she gave that are specific to abuse. And the first she gave, the Danger Assessment scale, was actually developed for use by nursing staff in an emergency room setting specifically for female victims of intimate partner violence. The purpose of this is important because our forensic ethics, our psychology ethics talk a lot about relevance. Is the test relevant to the purpose?

And the Danger Assessment scale, its initial purpose was completely different. This was developed to show high-risk factors for dangerousness, and pretty much to help a female who is in an extremely abusive partnership, who is in the emergency room with extreme injuries, to stop rationalizing, because if she has to check off all the things that have happened that year that have been dangerous, does he own a gun? Has he...you know, I won't go into all of them.

But the more she checks off, the more likely it is that she might realize that she is in imminent danger, and then accept resources offered by the hospital and social work to protect her. That was the purpose of this scale. It was never intended to be used as a retrospective measure to look back in time and find out whether abuse was occurring based on one person's report years later in a litigation.

She also gave the Conflict Tactics Scale Revised, the second edition. Similarly, this scale was developed for research purposes, to research family violence. Again, there was no control for exaggeration or minimizing. It was just given to research participants anonymously so that we could get data on the prevalence of abuse and how abusive dynamics work.

And on that, there's 39 questions where the respondent indicates essentially certain abusive behaviors they may have engaged in, and then 39 where they indicate behaviors their partner might have engaged in. And, obviously, you can understand that in a forensic setting, the respondent is likely to put a very minimal amount of behaviors they engaged in, and then extremely increase the number of behaviors their partner might have.

And then lastly, let's see, the Abusive Behaviors Observation Checklist was the third checklist she gave. This one has not...there's no known research even on its effectiveness for what it was developed. It's a theoretical, very brief checklist that was meant to be used for therapy where an individual who had experienced domestic violence could essentially read through some of the behaviors that constitute violence that they might not have been aware of. And if those behaviors applied to them, or if some of those coping strategies were ones they utilized, they would check that off, and then they have a way to talk about it because now it's been put to words.

Again, this is similarly problematic, if you're in a civil litigation, the person's motivated to have their results be consistent with a claim or an allegation of intimate partner violence and an allegation that they've been severely harmed. Then they could simply just check off more. And not only that, but checklists like this one specifically give a lot of nuanced information about what clinicians might be looking for when they're assessing whether violence was present or whether the person's self-report is consistent with a genuine self-report of having been victimized. They're given all that information that we might be looking for.

Attorney: Can you talk specifically about Dr. Hughes's use of the...I think you called it the PCL-5?

Dr. Curry: Yes. So the PCL-5 is the Post-Traumatic Stress Disorder Checklist. This is different, not to be confused with the CAPS-5 which I've talked about previously as being the gold standard. The PCL-5 was developed by the National Center of PTSD. It's intended for treatment. So if I were, for instance, working with a service member who I know



had been in combat, I would probably give this as a standard with my intake before we do the diagnostic interview.

It kind of gives me a read on how somebody who's there for treatment, who we assume can be taken at their word because if they give us correct information, they're gonna get an appropriate treatment, and if they give us incorrect, they might not get the treatment they need. So I would give this checklist to them. And then if they recognized some of those symptoms of PTSD, they could check it off. And that would probably indicate to me that I need to then do the next step. If they're checking off more items than not, I would probably decide to administer the clinician-administered PTSD scale, that gold standard interview, to find out more about a diagnosis.

Attorney: The last thing is what everybody refers to as the CAPS-5?

Dr. Curry: Yes, the CAPS-5.

Attorney: All right. What about...well, you talked about forensic use. What do you mean by that?

Dr. Curry: So, when I'm talking about forensic evaluation, that's an evaluation that isn't done for therapy or treatment. It's specifically to assist the fact finder, to assist the judge or the jury in the court by providing information about the psychological status, about an individual. And that's an important delineation, too. We are not...psychologists...I wish we were mind readers, I wish we had a crystal ball and we could find out whether intimate partner violence occurred and look back in the past.

But it's nothing like that. Really, it's a lot less interesting. We look at data. We have to control for those response biases. And then we also are looking at functioning, which is really the bottom line of the assessment. Did the person have a change in functioning from before the alleged trauma, or in this case the alleged IPV, to after? Is there a decline in the way they're going about their lives?

Ms. Bredehoff: Objection, Your Honor, may we approach?

Judge: All right.

Attorney: Dr. Curry, let's look back at some of those domestic violence checklists that you were talking about.

Dr. Curry: Okay.

Attorney: And, did you see a problem with the use of those?

Dr. Curry: Yes.

Attorney: What problems did you see?

Dr. Curry: Well, first of all, they shouldn't be used. So we do have professional standards that require that we utilize instruments that are relevant and appropriate for the particular setting, and that we substantiate our opinions based on data that is reliable from tested, accurate, reliable tests for the purpose. So there's that. It's inconsistent with the ethics, and essentially they just shouldn't be used. They don't provide us with the robust information that it would be expected in such a high-stakes setting.

Attorney: All right. Would you have expected Dr. Hughes to comment on the limitations of the checklist she was using?

Dr. Curry: Yes. So, first of all, Dr. Hughes provided opinions based on these checklists, so she referenced especially the Danger Assessment scale several times throughout her testimony, stating that Ms. Heard was in a very dangerous situation. We also have an ethical guideline and a professional standard as well, that indicate that whenever there is question about the reliability and the validity...and in psychology, we use the term "validity" to talk about accuracy, of any of the methods that we're using to collect data, we clearly communicate not only that there are limitations to our opinions, but we also need to provide the fact finder with information about what the potential implications or impact could actually be.

So, for instance, if we use a scale that's idiosyncratic for the purpose, we would first need to explain why we made that decision to not follow standard procedures. And then we would need to explain, "The use of this scale might introduce some potential exaggeration of this symptom, and so I'm trying to control for that that way, but that was one of the limitations of my opinion." You have to make it very clear. Transparency is really at the center of good science in general.

Attorney: You talked a little bit about ignoring response distortion. What is response distortion?

Dr. Curry: Response distortion is a term that speaks generally about an examinee approaching a test and providing answers that are either exaggerated or minimized, but in some way, an inaccurate representation of their current mental status or their experience.

Attorney: What test do you believe that Dr. Hughes failed to acknowledge response distortion on?

Dr. Curry: So she administered the Personality Assessment Inventory, which is similar to the test I gave them, MMPI-2. It's a general broadband measure of psychopathology symptoms and personality traits. It includes several scales that are very good at detecting either exaggeration, minimization, or even trying to claim that you have unusually good qualities. On that test, there were clear indicators that Ms. Heard, very similar to the way she approached my MMPI, engaged in defensiveness. And, in fact, there's a function that you can look at. So you have that main scale elevation, we call it positive impression management was elevated.

And then, because we want to make sure that somebody isn't elevating that scale just because they have such well-being, there are additional configurations of scales that you can look at to find out what's going on. And so the Cashel discriminant function is sort of the name of one of these configurations, these equations that are done. And she was highly elevated on that. In fact, that elevation tells you that, "No, this isn't accidental. This isn't because she's just doing so well in life that she is in extremely, extremely low amount of problems. No, this is an intentional over-reporting, or, I'm sorry, an intentional effort to minimize any appearance of having problems."

Attorney: Now, you may have addressed this, but there was a reference to malingering?

Dr. Curry: Yes. So what's interesting about Ms. Heard's approach to different tests is that it seems to be influenced by what we call the face validity of questions on the test. So if a test looks like it's measuring PTSD, you see exaggeration on her validity scales. If the test has less face-valid questions, for instance, the Personality Assessment which Dr. Hughes administered, the MMPI-2 which I administered, where she can't quite figure out what the questions are asking, they seem really banal in general, on those, you see extreme defensiveness, minimization of any potential pathology, essentially presenting herself as perfect and free of any mental illness or personality disorder.

But on the Trauma Symptom Inventory which Dr. Hughes administered, that was the one that I previously indicated for ease of explanation, when the test results come out for how the person approaches the test, that test itself prints it as a percentage. And there's a really excellent scale for finding out if a person is exaggerating their symptoms of PTSD. It's called the Atypical Response scale. And the TSI-2 is the revised version of this test, and that scale was improved this time around to really try to be a clean indication of, "Is this person exaggerating?"

And it puts [inaudible 00:28:06] questions in the test that are so unusual they might sound like PTSD, but even the most severe cases of PTSD don't have these symptoms. And so somebody who's intentionally trying to exaggerate PTSD, or possibly unintentionally, but nonetheless, who's exaggerating it, is likely to endorse these items even though they're not real PTSD symptoms. Ms. Heard scored so highly on this that even if there is...although Dr. Hughes correctly said there tends to be a negative skew when people have the high levels of distress that's associated with PTSD, so sometimes people score higher on this even when they do have PTSD, she scored so high that that is effectively ruled out as a possibility.

Attorney: Okay. What about Dr. Hughes's administration and use of the CAPS-5?

Dr. Curry: Okay. Yeah. So Dr. Hughes had diagnosed Ms. Heard with PTSD back in 2019 when she began testing her. It wasn't 'til 2 years later, more than 2 years later, 10 days after I administered the CAPS-5 on Ms. Heard, that Dr. Hughes held an impromptu evaluation session remotely with Ms. Heard and administered the CAPS-5. She had previously diagnosed PTSD without using what we consider to be the gold standard PTSD diagnostic interview.

And, again, when we're doing a forensic evaluation, it is an important responsibility, and part of our ethics and professional standards are that we document everything to allow for transparency and full judicial scrutiny. And Dr. Hughes administered it incorrectly. She left huge sections, very relevant sections blank. There's no way to understand why she scored it as high as she did based on the information that's provided. You're essentially supposed to notate the examinee's responses as verbatim as possible to explain your reasoning in implying their scoring procedure. It's a standardized test. And if you don't follow those standard procedures, it's completely invalid.

Not only that, but it looks as though Dr. Hughes further invalidated it by trying to show that she had assessed for the childhood trauma impact, and she had said that she went back and asked the childhood question. But you can't do that. If you're assessing for two separate periods of one's life to find out the relatedness to PTSD, you do two separate CAPS interviews. Period. You don't create your own question system. That is non-standard administration of the test and it invalidates it.

Attorney: All right. You also mentioned, with respect to the PAI, or the Personality Assessment Inventory, that Dr. Hughes failed to mention some elements. What did she fail to mention?

Dr. Curry: Okay. On the Personality Assessment Inventory, so, first she failed to mention that there were clear indications of response distortion. She also failed to mention that Ms. Heard, in her score profile against their main scores, she did elevate a score for the borderline personality disorder sort of section. But that in and of itself would not indicate a diagnosis.

However, the configuration of her scores overall is consistent with that, and, in fact, it's one of the diagnostic suggestions given by the test itself. And then also, there's a configuration around Ms. Heard's trauma responses on that particular test, which demonstrates that it is more likely that those symptoms were reported in relation to something in the distant childhood. It's more consistent with childhood chronic abuse than present circumstances or recent circumstances.

Attorney: Okay. I think you said in addition to the issues with her own testing, Dr. Hughes misrepresented your results.

Dr. Curry: She did.

Attorney: Can you tell us how?

Dr. Curry: So, I would say the main issue was that she said that Ms. Heard obtained a normal profile on my MMPI-2.

Attorney: All right. How do you disagree with Dr. Hughes relative to the profile?

Dr. Curry: Okay. So the profile was not normal. So Ms. Heard already had subtle elevations just by the...the test by itself as it came out, there were subtle elevations. But they were elevations that if the validity scales hadn't been as elevated as they were, you might have said this person has some traits, but this isn't necessarily at the level of a true pathology. However, Ms. Heard elevated a scale that essentially is a defensiveness scale on this test.

And when you're giving this test, you always are mindful of different norms or groups who may have similar profiles. And there are certain groups of litigants who tend to elevate this scale as well. So I had that in mind. However, Ms. Heard elevated this so much that it was far beyond the mean for the litigants that are known to have the highest levels of this scale, this defensiveness scale. And when this scale is elevated to the level that it is, you automatically understand that it is very likely that those clinical scales...I keep doing this because I'm seeing it in my head. It looks like sort of an ECT.

It's sort of these peaks you see on a graph. And when you see these peaks and you have this huge peak over here for the defensiveness scale, what you know is that these peaks are artificially...they've been lowered or suppressed based on the respondent being so defensive. They still detected what's likely there for her, but it's not as high as it should be. So you make an adjustment.

And the recommendation is that anything at 60 or above, we call it a T score of 60, or above is considered significant. Ms. Heard's were already over 60. Some were quite higher than that. And then you see a very clear profile. And that was how I got that, I had mentioned a 36 code type. Now, the test does its own correction also for some of the scores but not the ones that are her main code type. With the test correction, she had one 36 code type which is very similar.

Attorney: What is a 36 code type?

Dr. Curry: A 36 code type is something that has been researched and found to be highly correlated or probabilistic of certain behavioral tendencies and personality traits. And the traits with the 36 code type tend to be marked by a lot of externalization of blame, a lot of denial about one's own personal faults, intentional or not intentional, but just extreme denial, hostility that is strongly controlled and suppressed. The person may not even realize how hostile they are, but family members, those closest to them, are very likely to report that they lose their temper, and when they lose their temper it explodes.

We have sort of what we call a cookbook for these code types which will provide you with all the information that's been researched to be associated with them. And our cookbook actually states that that 36 profile specifically tends to be associated with cruel and ruthless behavior particularly to those who they perceive as less powerful than them and subordinates.

Attorney: Describe for the jury the review process that you went through relative to the MMPI.

Dr. Curry: So, I conducted a very methodical analysis of the scores. I do this for every test, and I also did it when I was reviewing Dr. Hughes's scores. So what you haven't seen that's in discovery is that I created a 25-page outline just of her scores, and it's sort of a table. So I'll put the score, I'll do it in sections so that I can understand different groupings, different research studies. And I start with looking at all the validity scales. So I put in the score. And I'll even color the table to show me if

it's kind of in the high zone, moderate zone, or low. And then if it's low, is it a significant low score or is it just low so it doesn't mean anything?

And then in the right side, I put all the research data that I found on this particular scale score. And so I start with the validity scales, the way the person approached the test. Then I go down to essentially...we call these the first factors, so their overall sense of well-being and how well they cope. On this, actually, Ms. Heard's, she endorsed items that were the opposite of PTSD, so really saying that she feels free of distress and that she views herself very well. So then I go down to control, self-control, loss of control, coping abilities, and I put in the scores that are associated with that in the research and the test development.

Then I go down to clinical and personality pathology and I look at all the scores that are significant there, first with the top level main scores, then with all of the different sub-scores, again, citing the research, the meaning, the level of elevation and what that means. And then I do comparison with different research groups. So for Ms. Heard, I did a section that looked at all sorts of different scores that have been implicated with a PTSD presentation to see if any of those were consistent. I can't remember how many there were. I think I put 13 on there, but I could be wrong. But I believe that there was only one that could even be...in some research is sometimes associated with it, but it was general anxiety which turned out to be more trait-specific.

I looked at the scores that are typical of women with IPV. Hers were not consistent at all with those. I looked at the scores that were consistent with people who are frequently in litigation. Hers actually were very highly correlated with those. That tends to be also consistent with a 36 code type. And the reason for that is believed to be that they tend to perceive themselves often as victims who need to avenge wrongs.

Attorney: Were there other results you believe Dr. Hughes to have misrepresented, for the TSI-2?

Dr. Curry: Yes. So Dr. Hughes generally said that testing supported PTSD and that there was an etiology for her trauma of intimate partner violence. She did reference that essentially the...I can't remember if she said that the Trauma Symptom Inventory indicated PTSD, but she did say that the elevation on that validity scale is consistent with PTSD, and that's simply not true. That scale was designed, and has been tested and shown to be there to show when somebody is endorsing extremely unusual items that are not consistent with PTSD.

And even though when some people are experiencing PTSD, their distress level is so high that they'll engage in what we call a cry for help, and they may sometimes exaggerate distress. Again, when you're looking at scores as high as Ms. Heard's, and then you're not seeing indications of PTSD and the more subtle tests where she doesn't know what she's endorsing, it's good evidence that her over-endorsement on that one test is because of the reason the scale was made to detect exaggeration and feigning of symptoms.

Attorney: Is this the test that resulted in the 98 percentile score?

Dr. Curry: Yes. On that Atypical Response scale.

Attorney: And what does that 90 percentile score represent?

Dr. Curry: So that 98th percentile score just represents that 98% of people who take that test would not have endorsed...she scored more of those unusual items that are not consistent with PTSD than 98% of people who have ever taken that test.

Attorney: Does that relate to this concept you talked about before called feigning?

Dr. Curry: Yes.

Attorney: What is feigning, again?

Dr. Curry: Well, feigning is essentially exaggerating symptoms of a disorder.

Attorney: I think the third thing you indicated you were going to talk about was self-reports and personal opinion as facts. What are you talking about there?

Dr. Curry: So in any science and in psychology, specifically, it's really important that we use precise language and we say what we mean, and we do not present opinions as facts because when you are in the role of an expert witness, or an expert in any setting, essentially a layperson may not be able to detect the difference between something that is a personal opinion that you're giving versus something that is substantiated by research data, test data, reliable test methods.

So our ethics talk about, especially the Specialty Guidelines of Forensic Psychology, the responsibility we have to distinguish between data, then inferences we're making from that data, what the data can mean, sort of like those tables I do. I put the data, the inferences based on the research, and then what my ultimate opinion is, integrating all of that



data. And it's very important that we clarify that to the fact finder, to the judge, the jury. That's our responsibility, that we do not cloak personal opinions or the self-report of an examinee as an expert factor somehow scientifically based when it is just a personal opinion or self-report of an examinee.

Attorney: What do you mean by self-report?

Dr. Curry: The self-report is essentially what the examinee tells you during the interview.

Attorney: Okay. When did Dr. Hughes do this most?

Dr. Curry: She did this most when describing instances of alleged IPV. And there's also an issue there because one of our ethics also discusses the importance of relevance and essentially constraining our testimony to the data, and not including private information, personal information that unnecessarily compromises the dignity of any of the litigants. She provided a lot of what was Ms. Heard's report to her, the allegations of abuse when describing Mr. Depp, who she had not examined. When describing Mr. Depp's behavior, his motivations, I believe she used the word "obsessive jealousy" quite a few times, talked about Ms. Heard being in a highly dangerous situation.

These are simply things that we cannot detect based on testing and a psychological evaluation. We have to evaluate the person. We have to get consent. And we can only describe an individual, not whether or not IPV has occurred. And we certainly shouldn't go into explicit details about sexual encounters or other things that are highly prejudicial, shocking, and hard to forget.

Attorney: All right. Dr. Hughes says that Ms. Heard has PTSD. Do you agree?

Dr. Curry: I do not.

Attorney: Why?

Dr. Curry: The results of my multi-method comprehensive evaluation based on carefully selected, researched, relevant test instruments, based on comparing those instruments to Ms. Heard's self-report, observing Ms. Heard's behavior over 12 direct hours of assessment, reviewing copious notes from prior therapists who indicated symptoms in their notes, reviewing the notes of Nurse Falati, previously Nurse Boerum, who spent, I believe, at one point, almost two months with Ms.

Heard daily, reviewing the notes of her treating providers. Let's see, all of the legal documents and discovery, there was no evidence of PTSD.

Attorney: How is evidence of PTSD generally exhibited?

Dr. Curry: So, really, the bottom line in a forensic psychological evaluation is a change in functioning. That's what we're looking for. Again, I said we don't have a crystal ball, we're not wizards, we can't get into somebody's head. What we're looking for were their identifiable changes in the way the person engaged in their world. Were they able to keep a job? PTSD is an extremely disabling diagnosis. When a person has true PTSD, it is difficult for them to work. You'll see unemployment, job loss. It causes extreme levels of distress and impairment. There's divorce, there's isolation and estrangement from children, from family members, extreme alcohol abuse, often a string of sudden DUIs when the person never had any before.

They become homebound, they can't go to the store. They're certainly not going to events. They're not having success in their film career usually. They're not exercising every day, pursuing their hobbies, being avid readers, obtaining Level 3 sommelier training, having dinner parties with friends, speaking to public groups. Those are just indications of very high functioning. And when you're looking for a decrease in functioning over time, that is inconsistent with that decrease.

Attorney: What about Dr. Hughes's suggestion that Mr. Waldman's statements served as a trigger for Ms. Heard's PTSD?

Ms. Bredehoff: Objection, Your Honor, may we approach?

Judge: All right.

Attorney: Dr. Hughes had suggested that perhaps Ms. Heard's PTSD was somehow triggered. What's your view on that?

Dr. Curry: I would say that it can't be triggered if PTSD isn't present.

Attorney: Thank you very much, Doctor.

Judge: All right. Cross-examination?

Ms. Bredehoff: Thank you, Your Honor. Dr. Curry, I just want to make sure that we all remember, you're not board-certified, correct?

Dr. Curry: No, I'm not.

Ms. Bredehoff: Okay. And you've been licensed for how long?

Dr. Curry: I've been licensed for 10 years.

Ms. Bredehoff: Okay. And you are being paid by Mr. Depp's legal team to be here, correct?

Dr. Curry: Yes.

Ms. Bredehoff: How much have you charged so far?

Dr. Curry: I actually don't know.

Ms. Bredehoff: Over \$100,000?

Dr. Curry: I truly don't know. I don't do my own books.

Ms. Bredehoff: Over \$200,000?

Dr. Curry: I don't know.

Ms. Bredehoff: Over \$300,000?

Dr. Curry: That would be way too much but I do not know.

Ms. Bredehoff: Okay. Now, just so that we all remember, you had dinner at Mr. Depp's house for three to four hours with Mr. Depp, Mr. Waldman, Mr. Chew, and Ms. Vasquez, correct?

Dr. Curry: I was interviewed. I asked if there was anything I could eat because at about three hours I started to get hungry. Mr. Depp then offered to order takeout for the entire team.

Ms. Bredehoff: So you had dinner at Mr. Depp's home with Mr. Waldman, Mr. Chew, Ms. Vasquez, and Mr. Depp, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And you had drinks as well, correct?

Dr. Curry: I actually don't know. I do remember that there were drinks.

Ms. Bredehoff: Do you recall testifying earlier that you did have a drink, a mule something?

Dr. Curry: No. I remember testifying that there might have been a mule, a Moscow mule.

Ms. Bredehoff: Okay. Thank you. We didn't have animals there as well, right?

Dr. Curry: No animals.

Ms. Bredehoff: Okay. That's good to know. And you talked about transparency. I just want to make sure, you had several designations, expert designations and reports in this case, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And in not one of them did you disclose that you had dinner and drinks at Mr. Depp's house for three to four hours with Mr. Waldman, Mr. Chew, and Ms. Vasquez, is that correct?

Dr. Curry: Ms. Bredehoff, you're mischaracterizing what occurred.

Ms. Bredehoff: Dr. Curry, please answer the question. Not once did you disclose this in any of your reports, correct?

Dr. Curry: I did not disclose that I was interviewed as that standard procedure.

Ms. Bredehoff: But it's true that you have never gone to a client's house to be interviewed for an expert witness position, correct?

Dr. Curry: Yes, because I never had a client that was essentially homebound because of their celebrity status.

Ms. Bredehoff: All right. And you talked to Mr. Depp for three to four hours before taking on the role of assessing Ms. Heard and deciding whether she was suffering from any distress, correct?

Dr. Curry: I did not talk to Mr. Depp. I was talking to his legal team and he was there to observe.

Ms. Bredehoff: He was present for the three to four hours?

Dr. Curry: Yes.

Ms. Bredehoff: And are you saying now he just stayed silent and said nothing all day?

Dr. Curry: I don't recall what he did or didn't do. I was answering questions.

Ms. Bredehoff: Okay. Now, your expertise here is limited to whether Amber Heard suffers from PTSD currently, is that correct?

Dr. Curry: Yes. I was tasked with conducting an evaluation to determine Ms. Heard's mental status.

Ms. Bredehoff: Okay. Dr. Curry, you know, we [inaudible 00:50:54] very, very strict time limitations because we've promised to get this case to

the jury, so I'd really appreciate if you just answer my question rather than trying to go [inaudible 00:51:03].

Dr. Curry: Sure.

Ms. Bredehoff: Okay? Thank you very much. Now, after you had the dinner, you then provided the designation in February of 2021 in which you said...and this is long before you ever saw Amber Heard, correct? You said that Amber Heard "exhibits patterns of behavior that are consistent with co-occurring cluster B personality disorder traits, especially borderline personality disorder," correct?

Dr. Curry: No.

Ms. Bredehoff: No? We went through this before.

Dr. Curry: We did.

Ms. Bredehoff: And that was on the designation, was it not?

Dr. Curry: I told you last time that I did not write that.

Ms. Bredehoff: Okay. And you don't know who did on the legal team, correct?

Dr. Curry: No.

Ms. Bredehoff: Okay. And then I also asked you, if you may recall, whether you listened to the audio recording in which Mr. Depp taunted Amber Heard that she had a borderline personality disorder. Do you recall that?

Dr. Curry: I recall you asking me that, yes.

Ms. Bredehoff: Did you recall listening to that audio tape?

Dr. Curry: I don't recall Mr. Depp taunting Ms. Heard. I do recall that he at some point suggested she might have that diagnosis.

Ms. Bredehoff: Okay. And that was back in these audiotapes back when they were together, correct?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. Now, you've never before been asked to testify or serve as an expert with respect to someone who has bipolar disorder, correct?

Dr. Curry: No. As I previously stated, that's not true.

Ms. Bredehoff: All right. Let's get your deposition.

Judge: Go ahead.

Ms. Bredehoff: My extra copies were all distributed before the [inaudible 00:52:38].

Judge: Not up here anymore.

Ms. Bredehoff: Okay. My apologies, but I'm going to go [inaudible 00:52:43].

Attorney: Your Honor, can we approach?

Judge: All right.

Ms. Bredehoff: That's all?

Woman: Yes.

Ms. Bredehoff: Okay. Now, you recall testifying in your deposition on March 21, 2022, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And you were under oath at that time, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And the question I just showed you on page 207 line 5, "Have you ever been asked to testify or serve as an expert with respect to whether someone has bipolar disorder?" And your answer at that time was, "No," correct?

Dr. Curry: Yes. So I'd forgotten that case.

Ms. Bredehoff: Okay. And have you ever been asked to testify whether anyone has behavioral or characterological conduct that suggests they may be an IPV perpetrator?

Dr. Curry: I can't...yeah, I may have. It's difficult. After about 250 cases, it's difficult to remember specifically.

Ms. Bredehoff: All right. And have you ever been qualified as an expert in the area of IPV?

Dr. Curry: No.

Ms. Bredehoff: And have you ever been qualified to testify as an expert in domestic abuse or violence?

Dr. Curry: Domestic...

Ms. Bredehoff: Abuse or violence?

Dr. Curry: Yes, that's been a component of testimony.

Ms. Bredehoff: May I approach, Your Honor?

Judge: All right.

Ms. Bredehoff: [Inaudible 00:54:04] case list.

Judge: I couldn't see that last one. Can I take a look?

Ms. Bredehoff: [Inaudible 00:54:19].

Judge: Is the perpetrator...? Okay.

Ms. Bredehoff: Line 16 of page 207. "Have you ever been qualified as an expert in the area of IPV?" Your answer on line 20 was under oath, correct? Then the next question, "Have you ever been qualified to testify as an expert in domestic abuse or violence?" And goes into page 208 line 4. The answer then under oath was, "No." Now, you would agree that the literature is quite clear that trauma-based symptoms such as PTSD or complex PTSD have symptoms that overlap with borderline personality disorder and histrionic personality disorder, yes?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. And you would agree that it's important to use valid and reliable measures for an accurate diagnosis, correct?

Dr. Curry: Absolutely.

Ms. Bredehoff: Okay. You chose, however, not to administer the Structured Clinical Interview for DSM-5 personality disorders, the SCID. Is that correct?

Dr. Curry: I did.

Ms. Bredehoff: Okay. And would you agree that that is a state-of-the-art Structured Clinical Interview?

Dr. Curry: Not for a forensic evaluation with a sophisticated examinee.

Ms. Bredehoff: But to determine if a personality disorder is present [inaudible 00:55:48]?

Dr. Curry: No. Not in this setting.

Ms. Bredehoff: You don't agree with that?

Dr. Curry: I do not.

Ms. Bredehoff: You don't agree that that is the gold standard assessment for reliable, accurate, psychiatric diagnosis?

Dr. Curry: It's a good one, but for treatment settings especially.

Ms. Bredehoff: Okay. Now did Ms. Heard...you said you read all of the treatment records, right?

Dr. Curry: I guess.

Ms. Bredehoff: Okay. Do you recall reading the treatment records for the psychologist, Bonnie Jacobs, who saw Amber Heard over five years?

Dr. Curry: I do.

Ms. Bredehoff: And did you see anything in Bonnie Jacobs notes over five years in which she diagnosed Ms. Heard with borderline personality or histrionic personality disorder?

Dr. Curry: No.

Ms. Bredehoff: Now, you also saw the notes of Dr. Connell Cowan, correct?

Dr. Curry: Mm-hmm.

Ms. Bredehoff: And you even attended his deposition, correct?

Dr. Curry: Yes.

Ms. Bredehoff: All right. And he saw Amber for roughly two years he was part of the Dr. Kipper connection, right?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. And did you see anything in Dr. Cowan's notes, and did he say in his deposition that he diagnosed Amber Heard with borderline personality disorder or histrionic personality disorder?

Dr. Curry: I saw the symptoms clearly delineated throughout his notes and in his deposition. He does not use diagnoses, so he would not have diagnosed her.

Ms. Bredehoff: He said specifically in his deposition he did not diagnose her with that, correct?



Dr. Curry: Yes. And he also specifically stated that he does not use diagnoses.

Ms. Bredehoff: All right. And you also have seen Dr. Amy Banks, the psychiatrist, her deposition, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And did that not...?

Dr. Curry: Not her deposition. I've reviewed her notes in the transcript.

Ms. Bredehoff: All right. Did Dr. Anderson diagnose Ms. Heard with borderline personality disorder or histrionic personality disorder?

Dr. Curry: I don't believe she provided any diagnosis since she was a couple's therapist.

Ms. Bredehoff: All right. Now, you've said quite a bit about Dawn Hughes, but do you remember how many years of experience Dawn Hughes has in IPV and domestic abuse and violence?

Dr. Curry: I know it's quite a bit.

Ms. Bredehoff: Extensive. And she is board-certified, correct?

Dr. Curry: Yes, she is.

Ms. Bredehoff: All right. And she spent 29 hours of examination with Amber Heard, did she not?

Dr. Curry: Yes. Mostly interviewing.

Ms. Bredehoff: All right. And she interviewed her therapists, Bonnie Jacobs and Connell Cowan, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And she also interviewed Amber's late mother?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. And she administered 12 different tests over the period of that time, correct?

Dr. Curry: Well, as I said, the majority of those were checklists which are inappropriate for the forensic setting.

Ms. Bredehoff: I understand, that's what you say, but she administered 12 different texts, correct?

Dr. Curry: If you want to qualify them as tests, sure.

Ms. Bredehoff: Okay. And so you disregard...no, I'm not even gonna say that. Okay. Let's go to the CAPS-5 on PTSD. Now, you assessed Ms. Heard's traumas in her life, correct?

Dr. Curry: Yes, I did. I gave her an instrument to assess for any trauma exposure throughout the entire lifespan.

Ms. Bredehoff: Yes, it's fine. And you wrote that Ms. Heard's exposure to a traumatic event, namely one of the sexual assaults by Mr. Depp more than satisfied this requirement. Did you not write that in your notes?

Dr. Curry: That is not what I wrote in my notes. Do you have my notes so we can look at them?

Ms. Bredehoff: And you administered a structured clinical interview based on that trauma, correct?

Dr. Curry: Not exactly. It's not quite right.

Ms. Bredehoff: Okay. Now, Dr. Hughes administered a full intimate partner violence assessment, correct?

Dr. Curry: That's not a psychological assessment. We can't assess for intimate partner violence. That's an event.

Ms. Bredehoff: Dr. Hughes administered a full intimate partner violence assessment, correct?

Dr. Curry: She stated that, and that's actually something I'm rebutting today.

Ms. Bredehoff: Okay. And you reviewed her psychological testing?

Dr. Curry: I sure did. Yes.

Ms. Bredehoff: Okay. And are you aware that in September 2019, Ms. Heard had a trauma-based symptom on many of those valid tests?

Dr. Curry: Can you be a little bit more specific? Many of those valid tests? Which tests are you talking about?

Ms. Bredehoff: Do you have a recollection of that September 2019?

Dr. Curry: She administered all of her testing in September 2019, so I'm not sure which one...oh, except for the CAPS-5 which was 10 days after mine in 2021.

Ms. Bredehoff: Now, Dr. Hughes clinically evaluated those symptoms and established that Ms. Heard does have PTSD from the totality of the intimate partner violence by Mr. Depp, correct?

Dr. Curry: That's what she stated. Yes.

Ms. Bredehoff: Okay. Now, Dr. Anderson's clinical notes that said Amber had come to...

Attorney: Objection. Hearsay.

Ms. Bredehoff: I haven't even asked the question yet, Your Honor?

Judge: Are you gonna read her notes?

Ms. Bredehoff: Well, let me...no. Actually, I wasn't gonna read her notes. I was gonna ask a particular question.

Judge: Okay.

Ms. Bredehoff: You talked about danger. Do you recall that in your testimony?

Dr. Curry: Yes.

Ms. Bredehoff: All right. Now, if a patient comes to you, as a couple's therapist, with two black eyes, would you assess that there may be a potential danger there?

Dr. Curry: Sure.

Ms. Bredehoff: Okay. Did you read Dr. Anderson's notes?

Dr. Curry: I believe I did.

Ms. Bredehoff: Okay. Now, you administered the Minnesota Multiphasic Personality Inventory-2, the MMPI-2, do you recall that?

Dr. Curry: Yes.

Ms. Bredehoff: And you used that to determine whether Amber had PTSD, right?

Dr. Curry: Not by itself, but it was a part of the data.

Ms. Bredehoff: Okay. And in the 60 to 70 T score range for that test, which "deliberate attempts to mislead are uncommon," isn't that correct?

Dr. Curry: Sorry, could you repeat that?

Ms. Bredehoff: In the T score section of that, which assesses deliberate attempts to mislead, she scored a 60 on that test, correct?

Dr. Curry: So there are multiple T scores for each scale, so I'm not sure which scale you're talking about.

Ms. Bredehoff: Okay. Well, we can deal with that later. So you would agree that you need to follow ethics and best practices in forensic psychology, correct?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. And the two primary sources are the American Psychological Association Ethical Principles and Professional Code of Conduct, right?

Dr. Curry: Mm-hmm.

Ms. Bredehoff: And the American Psychological Association's Specialty Guidelines for Forensic Psychology, correct?

Dr. Curry: Yes.

Ms. Bredehoff: And Specialty Guidelines 1.02 states that forensic practitioners "strive for accuracy, impartiality, fairness, and independence," correct?

Dr. Curry: Yes.

Ms. Bredehoff: Okay. And Specialty Guidelines 1.03 states that you have to avoid a conflict of interest, correct?

Dr. Curry: Yes.

Ms. Bredehoff: Now, in addition to not listing the four hours you spent with Mr. Depp, Mr. Waldman, Mr. Chew, and Ms. Vasquez, you also did not list that you spent an hour with Dr. Shaw, correct?

Dr. Curry: That's incorrect.

Ms. Bredehoff: You say that...the designation said that you spent an hour.

Dr. Curry: During my deposition, I also clarified this. I didn't spend an hour with Dr. Shaw. There was an introduction with the attorneys present on Zoom. My time on that call was less than 30 minutes.

Ms. Bredehoff: Okay. But you still didn't disclose it, did you, in your report?

Dr. Curry: No.

Ms. Bredehoff: Okay. Now, you have not been asked to testify about Ms. Heard's behavior in the context of her relationship with Mr. Depp, is that correct?

Dr. Curry: I was asked to testify about somebody's behavioral mental status in general, so that can include behavior involved in a relationship with Mr. Depp, but not specifically.

Ms. Bredehoff: Can you pull up day 10 of the trial testimony at page 2710 [Inaudible 01:03:55]? 2710, lines 12 through 18.

Attorney: May we approach?

Judge: All right.

Ms. Bredehoff: Thank you, Michelle. Great job. Okay. Does the witness also have...okay.

Judge: Yep.

Ms. Bredehoff: So, Dr. Curry, this is your testimony from day 10 in this case. And if you can look at page 2710 line 13, now, my question was, "Now, is it your testimony under oath today that you have not been asked to testify concerning Ms. Heard's behavior in the context of her relationship with Mr. Depp, including any abuse?" And your answer under oath to this jury that day was, "That's correct?" Correct?

Dr. Curry: Yes. I still agree to that question.

Ms. Bredehoff: All right. And you have not made any determinations including any opinions that Ms. Heard abused Mr. Depp or Mr. Depp abused Ms. Heard, correct?

Dr. Curry: Correct.

Ms. Bredehoff: Okay. And, in fact, you said that's outside the scope, right?

Dr. Curry: Yes. Of psychology.

Ms. Bredehoff: And you cannot testify whether Amber Heard suffered any emotional distress as a result of any of the defamatory comments that she has alleged Mr. Waldman made through Mr. Depp, or Mr. Depp made through Mr. Waldman, correct?

Attorney: Objection, Your Honor.

Dr. Curry: Do you want me to read my response?

Judge: What's your objection? Hold on, Dr. Curry.

Dr. Curry: Sorry.

Judge: That's okay. What's the objection? You wanna approach? Okay.

[01:05:33]

[silence]

[01:05:48]

Ms. Bredehoff: Now, you have not rendered any opinion as to whether Amber Heard exhibits patterns of behavior that would suggest her allegations of abuse against Mr. Depp are false. Would you agree?

Dr. Curry: No. I mean, yes, I would agree with that.

Ms. Bredehoff: Thank you. And you have not...no. That's all I've got. No further questions. Thank you.

Judge: All right. Redirect?

Attorney: You were asked about the SCID?

Dr. Curry: Yes.

Attorney: What's that?

Dr. Curry: It's a Structured Clinical Interview. It's for rendering a diagnosis. It's best for treatment because you're asking direct questions of the examinee and about symptoms. So if you have an examinee who has a tendency to minimize, you're not going to get much information.

Attorney: Why didn't you use it?

Dr. Curry: Because, well, first of all, I had a limited amount of time for my evaluation, and I had already had to use...just to complete the interview was extremely time consuming, and I had to even restructure it into handouts so that I could keep Ms. Heard on track. I determined based on that...so this is where you would make an inference. So because I was having difficulty getting direct answers to my questions from Ms. Heard, I had determined that creating forms of those questions would be a better use of the time, which it was. And then I further deduced that adding on the Structured Clinical Interview would probably be unproductive given that I had limited time and needed to use the best, most reliable methods for getting information in that time.

Attorney: You were asked about the APA Specialty Guidelines?

Dr. Curry: Yes.

Attorney: Specifically 1.02 and 1.03?

Dr. Curry: Mm-hmm.

Attorney: Have you complied with them?

Dr. Curry: I have.

Attorney: No further questions.

Dr. Curry: Thank you.

Judge: Thank you. Dr. Curry, you can have a seat in the courtroom or you're free to go.

Dr. Curry: Thank you, Your Honor.

Judge: Thank you, ma'am. All right. Let's go ahead and take our morning recess for 15 minutes. Do not discuss the case and do not do any outside research, okay? All right. Just for planning purposes, Sammy asked Mr. Tobin to be here as early as noon. Just in case with the [inaudible 01:08:18] of the trial, I'm not sure what time we get to that motion, so...

Man: That's fine. [Inaudible 01:08:21].

Judge: Okay. Just to let you know.

Fem2 X: [Inaudible 00:08:23].

Judge: Yeah. They need to work on that. They're gonna find out who the next witness is. So let's go ahead and take a recess until 10:55, okay? All right, thank you. All right. Your next witness? I'm sorry, let's get the jury first. All right, you ready for the jury?

Woman: Yes, Your Honor.

Judge: All right. Thank you. Are you ready for the next witness?

Ms. Meyers: Yes. We call Mr. Depp.

Judge: Okay. All right. So just a reminder, you're still under oath, okay?

Mr. Depp: Yes, ma'am.

Judge: All right.

Mr. Depp: Yes, Your Honor.

Judge: Thank you, sir.

Ms. Meyers: Good morning, Mr. Depp.

Mr. Depp: Good morning.

Ms. Meyers: We heard a lot about some statements that Mr. Waldman made. Do you remember that?

Mr. Depp: Yes.

Ms. Meyers: And Mr. Waldman is your attorney, or was your attorney?

Mr. Depp: Yes.

Ms. Meyers: Could we please pull up Defendant's Exhibit 1245? And this is already in evidence, so permission to please...

Judge: Yes.

Ms. Meyers: ...publish? If we could scroll down to the second page. Mr. Depp, do you see the statement here attributed to Mr. Waldman?

Mr. Depp: Yes, I do.

Ms. Meyers: When's the first time that you saw this statement?

Mr. Rottenborn: Objection, Your Honor. May we approach?

Judge: All right.

Ms. Meyers: [Inaudible 01:10:17] back up? Thank you. Mr. Depp, when is the first time that you saw this statement by Mr. Waldman?

Mr. Depp: The first time that I ever saw this statement was in August. It was when the piece was...is the first time that I saw any of these statements.

Ms. Meyers: Can we please pull up Defendant's Exhibit 1246? This is also already in evidence.

Judge: All right.

Ms. Meyers: Thank you. If we could scroll down to the second page, or the third, perhaps? Thank you. Mr. Depp, do you see the statement that's attributed to Mr. Waldman here?

Mr. Depp: I do.



Ms. Meyers: And when is the first time that you saw these statements?

Mr. Depp: Same, when the countersuit was filed.

Ms. Meyers: And could we please go to Defense Exhibit 1247? And again, this is already in evidence. And if we could scroll down, please. Thank you. Mr. Depp, do you see the statement attributed to Mr. Waldman?

Mr. Depp: I did, yes.

Ms. Meyers: And when's the first time that you saw this statement?

Mr. Depp: So the same, it's the counterclaim to the August 2020.

Ms. Meyers: After you saw these statements for the first time, did you form an understanding as to where they appeared?

Mr. Depp: As to where they had appeared, these statements?

Ms. Meyers: In what publication?

Mr. Depp: Off the bat, I didn't know exactly. It just seemed like a lot of word salad to me. I didn't know where they had come from or, I mean, where they ended up.

Ms. Meyers: Mr. Depp, do you recall Ms. Heard testifying that you did not assist her in getting her role in "Aquaman?"

Mr. Depp: Yes, I do.

Ms. Meyers: And what is your response to that?

Mr. Depp: It's not exactly true.

Ms. Meyers: Do you know when Ms. Heard first auditioned for "Aquaman?"

Mr. Depp: Strangely, I know the day. Well, yes, I do know the day because I was scheduled with my band, the Hollywood Vampires. We had done two shows at The Roxy, which is a place in Los Angeles, to rehearse for a...we were invited to play at the Rock in Rio concert, which is a huge rock and roll festival. So we did the two shows to go to Rio and play there.

Ms. Heard wanted to come with me, and Whitney, her sister, had come as well. While we were there in Rio, we were rehearsing, getting ready for the show, Ms. Heard informed me that she would have to get back to Los Angeles for an audition, meaning...is basically after our two-hour

show or whatever. We would have to get on the plane immediately to make it back to Los Angeles for this audition. And that audition was at Warner Brothers. It was whatever film it was.

Ms. Meyers: And when were you performing at the Rock in Rio?

Mr. Depp: Sorry. Yeah. That was the...I believe it was the 24th of September.

Ms. Meyers: In what year?

Mr. Depp: That was '15.

Ms. Meyers: What do you understand happened after Ms. Heard auditioned for "Aquaman?"

Mr. Depp: After Ms. Heard's audition, or possibly auditions for Warner Brothers and I suppose the creative team, Ms. Heard expressed to me that Warner Brothers had said the film was going to be shooting in Australia. And Australia was...for Ms. Heard, that was a potential problem which...

Mr. Rottenborn: Objection, Your Honor. May we approach?

Judge: Okay.

Ms. Meyers: I apologize, Mr. Depp. Could you please continue? What happened after Ms. Heard auditioned for "Aquaman?"

Mr. Depp: I was informed by Ms. Heard that the film was going to be shooting in Australia and that was of concern to her, and because it was of concern to Warner Brothers, so she asked if I would...because for a few years, I'd had a multi-film deal with Warner Brothers, and so we'd been in business together. So I knew these people. I've been on films with them. So she asked me if I would speak to them. I made a phone call and I spoke to the...

Mr. Rottenborn: Objection. Hearsay, Your Honor.

Ms. Meyers: I don't believe he said anything. I think he was going to say who he spoke to.

Judge: All right. Let's see. Overruled at this point.

Mr. Depp: I spoke to the three upper echelon Warner executives, Kevin Tsujihara, Sue Kroll, and Greg Silverstein. And I told them that...

Mr. Rottenborn: Objection, Your Honor. Hearsay.

Judge: All right. I'll sustain the objection. Next question?

Ms. Meyers: What was the result of you speaking with those individuals?

Mr. Depp: Well, I can only say that ultimately she did get the job in the film, so, hopefully, I suppose I had curbed their worries to some degree.

Ms. Meyers: Mr. Depp, do you recall Ms. Heard testifying that she saw you consume 8 to 10 MDMA pills at once while you were in Australia in March of 2015?

Mr. Depp: Yes, I do remember that. I also remember her saying that I took a handful...

Mr. Rottenborn: Objection. Beyond the scope, question.

Mr. Depp: Sorry, I just that was extra [inaudible 01:18:22].

Judge: All right. I'll sustain the objection. Next question?

Ms. Meyers: How many times have you done MDMA in your life, Mr. Depp?

Mr. Depp: Actually, not that many times. I would say, in my lifetime, MDMA, six, seven maybe.

Ms. Meyers: And how much MDMA have you done on those occasions?

Mr. Depp: Well, not enough to properly experience what the chemicals are supposed to do to you.

Ms. Meyers: Have you ever consumed 8 to 10 MDMA pills at once?

Mr. Depp: No, ma'am. No, I have not.

Ms. Meyers: And why is that?

Mr. Depp: Because I'd be dead. I'm pretty sure I'd be dead. I think one would die. Yes. And probably rather quickly.

Ms. Meyers: Mr. Depp, I'd like to show you some pictures from the home in Australia that Ms. Heard testified about.

Mr. Depp: Sure.

Ms. Meyers: Could we please pull up Defendant's Exhibit 1817, which is already in evidence? Mr. Depp, do you recognize what's depicted in this photograph?

Mr. Depp: Yes, I do. That's the downstairs bar of the house we rented in Australia.

Ms. Meyers: And can you please show the jury where you were sitting when Ms. Heard threw the two vodka bottles at you?

Mr. Depp: If I touch this thing, it'll make a mark?

Ms. Meyers: Yes.

Mr. Depp: Okay. So this chair, that one here was over here. And it was in pretty much...when I turned around...they were all swivels, so when I was turning around towards the bar...I'm facing the bar. When I turned around this way, the chair, this chair here was in pretty much exactly this same position as this chair when I was facing Ms. Heard who was...let's say, if you're looking at the photograph, she would be about here.

Ms. Meyers: Could you draw a line in the direction where Ms. Heard was relative to where you were sitting?

Mr. Depp: Yes. Absolutely. So if I'm sitting here, she was over here, back here.

Ms. Meyers: Approximately how far away from you was Ms. Heard, if you can recall?

Mr. Depp: I would say it was probably 10, 12, 15 feet. Maybe 10 feet, 12 feet.

Ms. Meyers: And approximately where was your hand when the vodka bottle hit it?

Mr. Depp: My arm was leaning on the marble bar right there where that the imaginary seat is, and kind of just leaning back and looking at Ms. Heard. And she just walked away with the second bottle. I mean, she walked this way when she threw the first bottle, which is actually visible in the background, that floor...

Ms. Meyers: Could you please circle where the first bottle was?

Mr. Depp: Sorry. Excuse me. Yeah. All that was [inaudible 01:22:53] first bottle, that went past my head. And the second bottle hit right here where my hand was resting on the marble bar.

Ms. Meyers: Can we please pull up Defendant's Exhibit 1820? Mr. Depp, do you recognize what's depicted in this photograph?

Mr. Depp: This is behind that very bar.

Ms. Meyers: And what do you see on the floor in this picture?

Mr. Depp: I see what looks to me like some kind of napkin. It looks soiled, blood, I don't know. And I see glass in the corner, blood obviously on the floor, and a towel leaning up on something.

Ms. Meyers: Do you know how that bloody tissue got on the floor?

Mr. Depp: My best guess...

Mr. Rottenborn: Objection. Calls for speculation.

Judge: Sustained.

Ms. Meyers: Do you know how the blood got on the floor, Mr. Depp?

Mr. Depp: I'm pretty...well, I know how the blood got on the floor. It came from my dripping finger. So that's why the tissue is...I'm 99.9% sure since it looks like it's got blood on it as well, is what I held my finger with.

Ms. Meyers: Do you see the wall on the left side of the photograph?

Mr. Depp: I do.

Ms. Meyers: Was there a wall-mounted phone on that wall?

Mr. Depp: On the left side of the photo, no. Not that I recall, no.

Ms. Meyers: Could we please pull up Defendant's Exhibit 394, which is already in evidence? Mr. Depp, do you recognize this text message?

Mr. Depp: I do.

Ms. Meyers: And what is this message?

Mr. Depp: It's a text to Dr. Kipper.

Ms. Meyers: I'm sorry, I'm just reading through. Yeah. This is my text to Dr. Kipper who had just happened to be in town, telling him that I've had it and that I just lost a fingertip.

Ms. Meyers: How long after your finger had been injured did you send this text message, if you can recall?

Mr. Depp: It's hard to tell because...I'm gonna look at the timestamp. It says "Delivered 3/7/2015 5:00." But I know that because of Australia time, it was the 8th, and the whole thing lasted probably until about 2 p.m. or so. And that was when Kipper was called, Jerry was brought in. Jerry Judge, sorry, excuse me.

Ms. Meyers: So do you have an estimate as to how long after your finger had actually been injured that you sent this message?

Mr. Depp: I don't think it was very long. I think it was probably within the next...no, I'm sure it was in the next half hour or so. I would have had to sneak into a bathroom and lock myself in to type this out.

Ms. Meyers: And how were you able to send this text message to Dr. Kipper in the state that you were in?

Mr. Depp: Well, he wasn't available at the time, so just to sort of thumb your way through, wouldn't you?

Ms. Meyers: How long after sending this text message did you see Dr. Kipper?

Mr. Depp: I don't recall. I think it took them probably 30 to 40 minutes to get there.

Ms. Meyers: And what did Dr. Kipper do when he first arrived at the home?

Mr. Depp: The first thing he wanted to do is inspect the damage of my finger and try and figure out exactly what had happened, how it happened.

Ms. Meyers: And what did you tell Dr. Kipper about how your finger had been injured?

Mr. Rottenborn: Objection, Your Honor.

Ms. Meyers: May we approach?

Judge: All right. It's fine.

Mr. Rottenborn: Discussed this several times.

Judge: That's cool.

Ms. Meyers: Mr. Depp, when Dr. Kipper was treating your finger, what did you tell him about how your finger became injured?

Mr. Depp: I told him that there was obviously...I mean, when you saw the damage in the house and everything, the blood everywhere, I mean, obviously there was serious damage done, there would be no point in lying to the man. He'd been through it with me and Ms. Heard before. I told him that she had thrown a bottle of vodka and smashed and cut my finger off...the tip of my finger. Got a good chunk. I miss it.

Ms. Meyers: Mr. Depp, you heard Ms. Heard testify about an alleged incident of abuse on your honeymoon. Do you remember that?

Mr. Depp: I remember her testifying. Yes.

Ms. Meyers: And when did you and Ms. Heard go on your honeymoon together?

Mr. Depp: I believe it was somewhere in the neighborhood of August, because I had just finished the film. Maybe end of July, August. I'm not quite good on the exact date.

Ms. Meyers: Do you recall the year?

Mr. Depp: It was 2015, I believe.

Ms. Meyers: And where did you and Ms. Heard go on your honeymoon?

Mr. Depp: We took the Orient Express from Bangkok, Thailand to Singapore.

Ms. Meyers: And what happened while you and Ms. Heard were together on the Orient Express?

Mr. Depp: There were times when it was very agreeable, very nice. And then there were times when something had become dissatisfactory for her and she would start the rant. The blooming of a fight would be on deck there. And at one point, it didn't...I mean, I don't remember it lasting long at all. I just remember that I took a pretty good shot to the face, to the eye, to somewhere up here. So I had a bit of a shiner. But it all ended and then everything got fine again. We'd go to dinner and it was all fine.

Ms. Meyers: Did Ms. Heard ever apologize to you for giving you the shiner?

Mr. Depp: I don't recall.

Ms. Meyers: Can we please pull up Plaintiff's Exhibit 162, which is already in evidence? Mr. Depp, do you recognize this photograph?

Mr. Depp: I do. It was with...yes, the chef, and the maître d', and the staff were asking if they could take a photo with us. And they'd been very kind at giving us a private dinner.

Ms. Meyers: So where was this photograph taken?

Mr. Depp: That looks like it's in...yes, that's towards the back of the Orient Express. That's in the bar compartment. And just out back, you could smoke on the sort of caboose.

Ms. Meyers: And what, if any injuries, do you have in this photograph?

Mr. Depp: I think the eye's a little bit bugged out, if you will.

Ms. Meyers: How did that happen?

Mr. Depp: These things could happen very quickly. If you disagreed...

Mr. Rottenborn: Objection, Your Honor. Non-responsive. She just asked, "How did that happen?"

Ms. Meyers: I believe he was about to explain.

Judge: I sustain the objection.

Ms. Meyers: Okay. Mr. Depp, specifically how did the injury in this photograph occur?

Mr. Depp: Ms. Heard hit me. Is that better?

Ms. Meyers: Does this picture accurately reflect what you looked like on that date?

Mr. Depp: I don't look at myself much but it certainly looks like me with a black eye, yeah.

Ms. Meyers: Does this picture appear to have been Photoshopped in any way?

Mr. Depp: No. I think, no. I think it would be difficult to photograph or to start getting into sort of digital processing with a number of people in the shot, especially in a wide shot.

Ms. Meyers: Could we please pull up Plaintiff's Exhibit 1301? And this is a new one, Your Honor, so this is not in evidence.

Judge: Okay, thank you.

Ms. Meyers: Mr. Depp, do you recognize what's reflected in this photograph?

Mr. Depp: Yes. This is the staff. It's the manager and his staff at the Raffles Hotel in Singapore. And before we left, they asked if they could take a photograph with us.

Ms. Meyers: And when was this photograph taken?



Mr. Depp: Well, that would have been, we were off the Orient Express. We stayed in Raffles, I believe, a couple of days, few days, and then from there we flew to San Francisco.

Ms. Meyers: So this photograph was taken after the photograph we just looked at?

Mr. Depp: This photograph was taken after the photograph in the dining car of the train, yes.

Ms. Meyers: Your Honor, move Plaintiff's Exhibit 1301 into evidence?

Judge: Any objection?

Mr. Depp: Oh, "Happy Honeymoon," so it was 31st of October.

Judge: Any objection?

Mr. Rottenborn: No objection, Your Honor.

Judge: All right. 1301 is in evidence, can be published to the jury.

Ms. Meyers: Mr. Depp, what, if any, injuries do you see on your face in this photograph?

Mr. Depp: I see pretty much the same. I see that the area in here has been...well, is swollen. And, yeah, there's a bit of a shiner there.

Ms. Meyers: Thank you. We can take this down. Mr. Depp, do you recall Ms. Heard testifying that she punched you in the staircase incident because she thought of Ms. Kate Moss in the stairs?

Mr. Depp: Do I remember her saying that?

Ms. Meyers: Yes.

Mr. Depp: Yes, I do, three times. Yes, I do.

Ms. Meyers: Do you have any understanding as to what Ms. Heard was referring to?

Mr. Depp: Yes, I do. As Kate Moss...and Kate testified, it was many, many years ago. And exactly what happened is what she said happened. I recall speaking with Ms. Heard about that very incident because of the downpouring of rain, because it was raining very heavily that day that Kate slipped, and I recalled the story to her.

Mr. Rottenborn: Objection, Your Honor. Hearsay.

Ms. Meyers: May we approach, Your Honor?

Judge: Okay.

Ms. Meyers: Please continue, Mr. Depp. What did you tell Ms. Heard about the staircase, or Kate Moss?

Mr. Depp: I'll make it easy for Mr. Rottenborn. Ms. Heard took the story and turned it into a very ugly incident all in her mind. There was never a moment where I pushed Kate down any set of stairs, yet she's spewed this three times before.

Mr. Rottenborn: Objection, Your Honor. Ms. Heard simply testified that she had heard a rumor and that's non-responsive to the question.

Mr. Depp: What's a rumor...?

Judge: Sir, hold on.

Mr. Depp: Sorry.

Judge: It's an objection.

Mr. Rottenborn: Misstates the facts and [inaudible 01:39:22].

Judge: I'll overrule the objection.

Mr. Depp: So I was drawn by Mr. Rottenborn's voice.

Ms. Meyers: Sorry.

Mr. Depp: What was your...?

Ms. Meyers: So what specifically had you actually told Ms. Heard about the incident with Ms. Moss and the stairs?

Mr. Depp: Very simply that we were in Jamaica, and I had left our bungalow about three minutes prior to her. I was standing outside, and suddenly rain starts just coming down like it's, you know, a monsoon. And then I remember looking and seeing Kate coming out the door, and there were three little wooden stairs. And she slipped. Her legs went up. And she landed directly on her coccyx, on her lower back. And she was obviously physically in pain, and she was hurt. She was crying. So I ran over and grabbed her, you know, to make sure she was all right. That's it. That's the whole story. But then the rumor of it, I've never heard a rumor of that before Ms. Heard grabbed hold of it. It's like that, I'm sorry.

Ms. Meyers: Mr. Depp, we heard testimony from Ms. Heard's sister, Whitney, during this trial. Do you remember that?

Mr. Depp: Yes.

Ms. Meyers: And how would you describe your relationship with Whitney when you were in a relationship with Ms. Heard?

Mr. Depp: I liked Whitney very much. Initially, I mean, when I first met her, I liked her very much, and grew to love Whitney very much because Amber's sister, Whitney, seemed to always get the sort of dirty end of the stick, and I felt bad for her for that, because it wasn't new. It had been there for life. And that seemed pretty obvious. So I took to Whitney very, very quickly, very easily. She was a very sweet kid. She was wonderful.

Ms. Meyers: What do you mean that Whitney got the dirty end of the stick?

Mr. Depp: It was kind of a strange combination of loving sister, trusted sister and friend, and then lackey, and then, you know, either the punching bag or the dartboard, or the recipient of some rather demeaning and ugly words. Or she would have wine thrown in her face.

Ms. Meyers: And who was the source of those demeaning words and the wine that you just referenced?

Mr. Depp: That would be Amber Heard, her sister.

Ms. Meyers: And how do you know that?

Mr. Depp: Well, I witnessed quite a lot of it. The wine in the face was something that happened in New York, which, I think that even made it into the papers. I believe that even made it into the papers. It was in an elevator.

Ms. Meyers: How did you first learn about that incident?

Mr. Depp: Ms. Heard told me in detail.

Ms. Meyers: What else did you observe of Ms. Heard and her sister, Whitney's interactions during your relationship with Ms. Heard?

Mr. Depp: They were just constantly up and down, but, you know, I could sense or I could feel that Whitney was trying to please her sister, trying to be up to snuff. And it just seemed like she got shot down...

Mr. Rottenborn: Objection, Your Honor. It's gone beyond the scope of the question of his foundation for knowledge of that.

Ms. Meyers: Your Honor, I asked what he observed, you know, between them, and I think this is responsive to that.

Mr. Rottenborn: In his testimonies of what Whitney felt is...

Judge: I'll sustain the objection. Next question.

Ms. Meyers: Okay. Did you ever see Ms. Heard physically attack Whitney?

Mr. Depp: No. I've never seen any full-on blowout, physical blowouts between them. Tons of verbal blowout.

Mr. Rottenborn: Question beyond the scope.

Judge: Overruled.

Mr. Depp: I've certainly seen Ms. Heard grab Whitney, push her around. There were a half a dozen times when some of us, whoever was in the general vicinity would have to leave. This is at Orange, when Whitney and Amber were living at Orange, Whitney and her boyfriend at the time, Sean Kraszewski. And we had to leave the apartment and wait in the car while they fought.

Ms. Meyers: And when you say "fought," do you mean...?

Mr. Depp: Physically.

Ms. Meyers: And when you said Ms. Heard would push Whitney around, do you mean that it's physically push her or metaphorically?

Mr. Depp: Both.

Ms. Meyers: You heard Whitney testify that she lived in Penthouse 4 at the Eastern Columbia Building for a time, correct?

Mr. Depp: That is true, yes.

Ms. Meyers: How did Whitney come to live in Penthouse 4?

Mr. Depp: My recollection when Whitney first came to stay at the Eastern Columbia Building in Penthouse 4 was she and her boyfriend, Sean, had broken up, and she needed a place to go. And so Amber asked if she could stay in Penthouse 4 and I said, "Of course," you know.

Ms. Meyers: How long did Whitney live in Penthouse 4?

Mr. Depp: It was well over a year, on and off.

Ms. Meyers: Did you ever ask Whitney to move out of Penthouse 4?

Mr. Depp: No, I did not. No.

Ms. Meyers: Why did Whitney ultimately move out of Penthouse 4?

Mr. Rottenborn: Objection. Foundation.

Ms. Meyers: It's his apartment, Your Honor. He was living there.

Judge: Overruled.

Mr. Depp: Whitney moved out of Penthouse 4 long before the marriage. And it was due to an argument that Ms. Heard and Whitney had had which had to do with Whitney working at The Art of Elysium with Jennifer Howell and those people. And we're asked to leave, get out.

Ms. Meyers: Where did Whitney live when she moved out of Penthouse 4?

Mr. Depp: My understanding is she went to live with Jennifer Howell.

Ms. Meyers: Your Honor, I know you anticipated having a motion at noon.

Judge: You can keep going. That's okay. How much longer redirect do you have?

Ms. Meyers: I have a bit.

Judge: It's okay. Go ahead.

Ms. Meyers: Mr. Depp, do you recall hearing testimony during Ms. Heard's case from Mr. Mandel?

Mr. Depp: Yes, I do.

Ms. Meyers: And who is that?

Mr. Depp: Mr. Mandel is my former business manager of 17 and a half years, who, at a certain point, I discovered had been embezzling quite a lot of money, so I had to take action against him and my lawyers, 17 and a half years, as they were in cahoots as it were. So, yes, Joel Mandel is...and they settled their case with me. They made their settlement. But, yes, that was a very...yeah, Joel Mandel is a very bitter man who ended up with a lot of money that I worked hard for over the years.

Ms. Meyers: Do you recall Mr. Mandel testifying in this case that you do not spend very much money on charity?

Mr. Depp: That I don't, sorry?

Ms. Meyers: That you do not spend very much money on charity.

Mr. Rottenborn: Objection, Your Honor. May we approach?

Judge: Okay.

Ms. Meyers: Mr. Depp, just to remind you, my question was, what is your response to Mr. Mandel's testimony that you do not spend very much on charity?

Mr. Depp: My response to that is Mr. Mandel is a very bitter man. And one thing about myself, personally, with regard to charity donations, sending money to a charity, I would rather that my name were not on it. I don't want the name to be the important thing or the thing that people talk about. So when I donate, I donate without my name being involved because I don't see that that's important, my name being there in terms of money.

Now, if I am able to visit hospitals, or if I'm able to meet with Make-A-Wish children, I have held on to the relationships that I've held onto within the Make-A-Wish Foundation, and the Children's Hospital, and various other places, then obviously my name is involved. When we held premieres in Leicester Square for several films, "Charlie's Chocolate Factory..."

Mr. Rottenborn: Objection, Your Honor. Again, beyond the scope of his response to Mr. Mandel's testimony.

Ms. Meyers: I believe this is in response to Mr. Mandel.

Judge: I'll overrule the objection.

Mr. Depp: So basically when it was a public, let's call it donation or whatever, I would talk to the studio, I would talk to Disney, I would talk to Warner Brothers, I would talk to whoever the studio was well before the premiere, and make the premiere a benefit that would...once we did a benefit premiere for Great Ormond Street Hospital, we did a couple of benefit premiers for the Make-A-Wish Foundation.

I mean, if you can turn a premier with that many thousands, and thousands, and thousands of people there into a benefit, it works and it helps. But it wasn't presented under my name, you know. It was Disney's doing this, or Warner Brothers is doing this. I'm not looking for the pat on the back as it were. If I can make it happen, great. But I don't need the pat on the back. I don't need the adulation. I don't need the attention.

Ms. Meyers: Did you hear Ms. Heard testify that one of the charities she donated a portion of your divorce settlement to was the Children's Hospital of Los Angeles?

Mr. Depp: Yes.

Ms. Meyers: What is your relationship with the CHLA?

Mr. Rottenborn: Objection, Your Honor. Irrelevant and [inaudible 01:54:29].

Ms. Meyers: May we approach, Your Honor?

Judge: Yes, ma'am.

Ms. Meyers: Mr. Depp, what is your relationship with the CHLA?

Mr. Depp: I've had a relationship with the CHLA for probably 20 years or so.

Ms. Meyers: And what's the nature of that relationship?

Mr. Depp: Well, since, you know, sometimes there are Make-A-Wish kids who are in the hospital there and their wish is to...

Mr. Rottenborn: Objection, Your Honor. [Inaudible 01:55:16].

Ms. Meyers: Your Honor, may we approach?

Judge: Okay, sure.

Ms. Meyers: Mr. Depp, I'd like to take you back to exactly six years prior to this week, the week of May 21st through May 27th, 2016. What happened at the beginning of that week?

Mr. Depp: May 21st?

Ms. Meyers: Excuse me, May 20th.

Mr. Depp: May 20th. We're talking 2016 here?

Ms. Meyers: Yes.

Mr. Depp: The afternoon of May 20th, afternoon, evening, my mom made her exit. She'd been fighting cancer numerous times for many years, and she fought all the way to the end. And so my mother passed away on the 20th May, which does bring instant perspective into one's mind. I spoke to Amber that night. I called her on the telephone, explained to her that my mom had passed, Betty Sue had passed, and

that I thought that the best thing we could do was to...that I file for divorce.

Mr. Rottenborn: Objection, Your Honor. Hearsay. What Mr. Depp told Ms. Heard.

Ms. Meyers: We can move on, Your Honor.

Judge: Okay. Yes, ma'am.

Ms. Meyers: Mr. Depp, what happened at the end of that week on May 27th, 2016.

Mr. Depp: May 27th, my daughter's birthday. May 27th, I was not in Los Angeles. I was on [inaudible 01:57:54] on tour, and that was when Ms. Heard went for the restraining order. And, oh, yeah, also that was the day that "Alice Through the Looking Glass," a film I've done, was opening.

Ms. Meyers: Did Ms. Heard know that you were out of town on May 27th?

Mr. Depp: Yes.

Ms. Meyers: And how would she have known that?

Mr. Depp: I told her I was going on tour. I mean, that was well-established.

Ms. Meyers: How long were you gonna be out of town on that tour?

Mr. Depp: Two to three months.

Ms. Meyers: And did Ms. Heard know how long you'd be out of town?

Mr. Depp: I don't know if she knew exactly how long I'd be out of town but it was a pretty extensive tour of Europe.

Mr. Depp: How did Ms. Heard's actions on May 27th, 2016 affect you?

Mr. Depp: Changed everything.

Mr. Rottenborn: Objection, Your Honor. Relevance.

Mr. Depp: Oh, it didn't change everything?

Judge: Sir, if you could wait 'til the objection, please?

Mr. Depp: Yes. I'm sorry, Your Honor.



Judge: [Inaudible 01:59:21] relevance?

Ms. Meyers: Your Honor, this is one of the key dates...

Judge: If you wanna approach, that's good.

Ms. Meyers: Mr. Depp, what has it been like for you to listen to Ms. Heard's testimony of this trial?

Mr. Depp: I'm sorry?

Ms. Meyers: What has it been like for you to listen to Ms. Heard's testimony at this trial?

Mr. Rottenborn: Objection. Relevance, Your Honor.

Judge: Overruled.

Mr. Depp: Insane. It's insane to hear heinous accusations of sexual violence that she's attributed to me, that she's accused me of. I don't think anyone enjoys having to split themselves open and tell the truth, but there are times when one just simply has to because it's gotten out of control. Horrible. Ridiculous, humiliating, ludicrous, painful, savage, unimaginably brutal, cruel, and all false. Awful.

No human being is perfect, certainly not. None of us. But I have never in my life committed sexual battery, physical abuse. All these outlandish, outrageous stories of me committing these things. And living with it for six years, and waiting to be able to bring the truth out. So this is not easy for any of us. I know that. But no matter what happens, I did get here, and I did tell the truth. And I have spoken up for what I've been carrying on my back reluctantly for six years.

Ms. Meyers: Thank you. No further questions.

Judge: All right. Did you want to take lunch at this point or just...okay. All right. Let's do that. All right. Ladies and gentlemen, let's go ahead and take lunch at this time. Do not discuss this case with anybody and don't do any outside research, okay? Thank you. And don't break anything on your way out. Thank you.

[02:03:58]

[silence]

[02:04:13]

All right. So just a reminder that since you are back on the stand, do not discuss this case with anybody to include your attorneys at this point,

okay? If you could just have a seat back there, we do have some other issues to take care of. Before we take care of the third party motion, could I have the attorneys come forward on...? Mr. Tobin?

Mr. Tobin: Yes, Your Honor.

Judge: How are you doing, sir?

Mr. Tobin: Very well, thank you, Your Honor.

Judge: Thank you. Mr. Tobin, if you could just come to the center...

Mr. Chew: Your Honor, before Mr. Tobin begins, if I could just...

Judge: Okay.

Mr. Chew: May I approach?

Judge: Sure.

Mr. Chew: Thank you, Your Honor.

Judge: Thank you, sir. Now, go to the other side.

Mr. Chew: [Inaudible 00:04:59].

Judge: Mr. Tobin, if you wanna...?

Mr. Tobin: Certainly, ma'am. Thank you.

Judge: I gotta make this relatively short as you can understand, but I wanted to take up your motion. I have read your motion, and the declaration and everything attached to it in all the cases, and I have reviewed it so I'd rather you not regurgitate that based on our time limit, but anything you wish to add to that is fine. If I could focus you a little bit.

Mr. Tobin: Please.

Judge: Okay.

Mr. Tobin: Thank you, Your Honor.

Judge: All right. Yes, sir. As far as your comments about Virginia Rule of Evidence 2:508, that's a criminal rule of evidence. That's maybe not your strongest argument. And as far as what goes on when, or if the witness testifies, whether it's hearsay or it's third party knowledge, that's something I'll deal with at trial. So, again, not what I'm concerned with.

As far as Supreme Court Rule 314 which, I would like you to talk a little bit about that as far as intervention. And I gotta tell you where I'm at right

now, the issue I have with the argument is intervention obviously would make you a plaintiff or defendant in the case. And it has to deal with an issue that's germane to this case. And this is a defamation case. So if you could just tail your argument to that issue, sir?

Mr. Tobin: Sure. I'm happy to address the intervention. For the record, Your Honor, Charles Tobin from the law firm of Ballard Spahr, here representing TMZ, which is the publisher of news and entertainment for the celebrity and entertainment industry. And, Your Honor, we're seeking to intervene simply to protect the relationship between reporters and their sources when it comes to reporting news in the public interest. As the court noted, we really don't have a dog in this hunt as far as Mr. Depp, Ms. Heard, we're really here purely on the first amendment-based issue of reporter's privilege and reporters and their sources.

Your Honor, the intervention rule, as the court is aware, allows intervention by anybody where the issue is germane to the subject matter of the proceeding. And certainly, Your Honor, the purported testimony, the proffered testimony of a former employee of TMZ who purports to be in a position to disclose confidential information learned during the operation of journalism during his work as a journalist is a germane issue that is being raised in this case.

And, Your Honor, we would point the court to the Tavss Fletcher Maiden & Reed versus Southern Bank & Trust case 213, Virginia Circuit Lexus 253. It's a Norfolk Circuit Court decision from 2013. And there it was an interpleader action. The funds had been interpleaded into the court by two trust companies that were fighting over it.

And the man who had sold his property, who had no interest in the funds themselves, intervened in the case because he was uncertain as to his liability for excess funds, which was an issue that was not directly in litigation between the two parties. It was not part of the cause of action between the two trusts fighting over the money that had been pleaded into the court. The circuit court held that, certainly, the rights of that man was going to be affected by the decision making in the case. He would be prejudiced if he didn't have an opportunity to intervene, and no party was in the position to assert his rights.

And so, similarly here, Your Honor, TMZ is a news organization. It routinely accepts information as is common in journalism, under exchanges of promises of confidentiality. If it is not able to intervene in this action, and neither of the parties is going to be in a position to assert the reporter's privilege, it is TMZ's journalist privilege that we're talking about, then their rights are certainly gonna be [inaudible 02:08:59].

Judge: Well, but if the witness...in all the case...and I've reviewed the cases that you had. In those cases, the witness was compelled to testify, and was forced to testify. So there was an issue about the privilege of the witness. It's my understanding in this case, this witness wants to testify and is not under subpoena.

Mr. Tobin: He has been subpoenaed, Your Honor.

Judge: All right. So...

Mr. Chew: That's incorrect, Your Honor. He's voluntarily...a subpoena from this court would not be enforceable [inaudible 02:09:24].

Mr. Tobin: Your Honor, I have a copy of a subpoena that was entered last night compelling Mr. Tremaine to give testimony in this case. And so he is coming under a compulsion under subpoena.

Judge: And if he takes a stand and he asserts some sort of privilege, then that's something I will deal with at that time.

Mr. Tobin: Sure. But I'm here because of the scenario where he may not assert that privilege.

Judge: Exactly. And that's why I'm saying all your cases that you showed were the opposite where they did assert the privilege.

Mr. Tobin: Well, it is a unique situation.

Judge: Right. And I understand you might have some issues with a former employee and you have some avenues to go deal with that.

Mr. Tobin: But once he testifies and the privilege is waived, we have lost our opportunity to intervene and intercede.

Judge: I understand.

Mr. Tobin: And, Your Honor, the privilege...you know, I know, Your Honor, you said you read the case [inaudible 02:10:17]...

Judge: I did.

Mr. Tobin: ...and I appreciate that.

Judge: Yes, sir.

Mr. Tobin: But the privilege has been recognized by the Virginia Supreme Court in the Brown case, and applied by the circuit courts uniformly. It is a very important underpinning of the relationship between reporters and sources and reporters and the public without the ability to

enforce its promises, by current employees or former employees. A news organization will have absolutely no control over being able to enforce its promises. And so we would ask the court to permit us to intervene and to assert the privilege that belongs to TMZ, which is the organization after all, Your Honor, that would be responsible to the source if the privilege were waived.

Judge: All right. I understand, Mr. Tobin, your argument. I appreciate it very much. Okay. Did the parties wish to be heard?

Mr. Chew: Yes, ma'am. Good afternoon, Your Honor. I'd like to begin where Your Honor began. As a threshold matter, the court should deny TMZ's motion to intervene. Intervention is not appropriate for the reasons suggested in Your Honor's questions. As Your Honor is well aware, intervention is only appropriate with leave of court where a third party seeks to "file a pleading to intervene as a plaintiff or as a defendant to assert any claim or defense germane to the subject matter of the proceeding," Virginia Supreme Court Rule 3:14. As Mr. Tobin, to his credit, has conceded, TMZ is not asking to file a pleading. It cannot properly categorize itself either as plaintiff nor defendant, and it seeks to assert no claim or defense germane to the subject matter of this action.

Moreover, even if the privilege were applicable, which is not the case here, the testimony intended is directly relevant and would outweigh any qualified privilege. "An intervener must be asserting an interest that is part of the subject matter of the litigation," *Hudson versus Jarrett*, 269 Virginia 24 32. Here, as Mr. Tobin stated, TMZ seeks to protect potential information solicited from a third-party witness, which is in no way a matter before this court, citing *Commonwealth versus Guill*, 89, Virginia Circuit 323, a 2014 case denying a motion to intervene where the intervener filed it "to protect a property right, not a matter before the court."

The outcome of this trial will not affect TMZ, and it does not have a sufficient interest in the subject matter of this suit to intervene. See *Texas Fletcher Maiden & Reed, PC versus Bank National Trust Co.*, 2013 Westlaw 584 9140, granting...and this is distinguishing, granting the motion to intervene where the intervener's liability would be affected by the outcome of a litigation.

Finally, Your Honor, TMZ lacks standing to object to testimony by a third party in this action because TMZ, as Your Honor pointed out, is not being compelled to testify. TMZ's reliance on the Philip Morris case for the proposition that the privilege cannot be circumvented by seeking confidential source information from an employee is an opposite, 36 Va

Circuit 1. For one thing, as noted in that case, there is no testimonial privilege akin to that enjoyed under the Fifth Amendment which would allow a reporter to refuse to appear before a grand jury and answer questions. In Philip Morris, as Your Honor is aware, the party issued a third party subpoena for records to trace confidential sources. Philip Morris is an opposite here as this case is related to witness testimony, not records.

As Your Honor suggested, TMZ's quarrel, if any, is with Mr. Tremaine to the extent that he had an NDA that was enforceable, applicable, and that's not what we're hearing from Mr. Tobin. So to the extent that TMZ, which is not exactly Edward R. Murrow, Your Honor, to the extent they have a beef as it were, a cognizable beef, it's with Mr. Tremaine. It is not with Mr. Depp, and they clearly do not have standing to assert or to intervene because they are not intervening as a party, plaintiff or defendant. So we respectfully submit. To the extent the court disagrees, I can go into the arguments why the privilege is inapplicable, but I will reserve that.

Judge: Thank you. All right. Yes, ma'am?

Ms. Bredehoff: Your Honor, I would like to weigh in from just a different perspective, and that is because we're trying to deal with some important issues of privilege, etc. But from our perspective representing Ms. Heard, we have issues with this witness separately, and I want to make them very clear for the record. This is somebody who should have been identified in discovery, was never.

Second of all, it's not relevant whether apparently what they're saying he's going to testify, and we have not had the opportunity to discover that, is he's going to claim that someone leaked to TMZ that Ms. Heard was going to obtain the TRO on that Friday, and also leak the kitchen video with Mr. Depp being rather violent. And I'm almost certain he's not going to claim it's Ms. Heard, so I think it's never going to come in.

Judge: Ms. Bredehoff, I understand all that argument. Do you have any argument as to this particular motion?

Ms. Bredehoff: No.

Judge: Okay. Then we can we can address you...

Ms. Bredehoff: My point is, though, if you balance the prejudice versus the probative value, I don't even see how he can come in on foundation of hearsay or relevance.

Judge: That's just not part of this motion at this time. Thank you, ma'am. All right. Mr. Tobin, your motion, you get the last word, sir.

Mr. Tobin: Thank you, Your Honor. You know, I appreciate that the court kind of shook your head when he made the snarky comment that this is not Edward R. Murrow. Obviously, the First Amendment applies to everybody, citizens, the "New York Times," or TMZ. And this is a First Amendment-based privilege. Your Honor, the Philip Morris case is actually a very good case to answer Your Honor's question about the intervention of somebody else in order to assert the privilege. There, ABC was a defendant in the case. And it moved in order to prevent other people, the phone company [inaudible 02:17:21].

Judge: But they were already in the case in that particular...?

Mr. Tobin: I understand. There is no other mechanism, though, and so, you know, it would be an interesting procedural issue for appeal, Your Honor, whether a journalism organization or anybody else who's a First Amendment holder would be denied intervention on a constitutional-based privilege.

Also, just for the record and for the merits of the case, if I understood Mr. Chew correctly, he said this is not an issue in the litigation, this does not relate to an issue in the litigation. Well, it's not an issue in the litigation if it's not a prima facie defense part of the allegations of the complaint, if it's impeachment evidence, if it's collateral to the main issues in the case. Under the *Brown v. Commonwealth* decision under the Virginia Supreme Court, under the application of that privilege in the *Philip Morris versus ABC News*, it is not supposed to be compelled in this case.

Judge: Which, again, it's not being compelled, it appears.

Mr. Tobin: Well, he is appearing by subpoena, and it is a compulsory process, and he will have an obligation unless he asserts privilege under oath. But it is our privilege, Your Honor. It's not a loyal or a rogue employee's privilege to waive on behalf of its employer. This is an unusual situation. But the answers are there in the law, and it is a First Amendment concern.

Judge: This is not the first unusual situation in this case, I can tell you [crosstalk 02:18:49] Mr. Tobin.

Mr. Tobin: For free, the best [crosstalk 02:18:49] for everybody here, I'm sure.

Judge: Yes, sir. I appreciate you coming in today, and I appreciate your arguments.

Mr. Tobin: Thank you, Your Honor.

Judge: Yes, sir. Thank you. All right, in this matter, under Virginia Rules, Supreme Court 3:14, a new party may intervene as a plaintiff or defendant to assert any claim or defense germane to the subject matter of the proceeding. A new party may not intervene unless they assert some right involved in the underlying litigation. A party is not entitled to intervene merely because a byproduct of the litigation adversely impacts them, and the decision to allow intervention is within the broad discretion of the trial court. Here the rights asserted are not germane to the trial. The central issues in this case are whether defendant defamed plaintiff, and whether plaintiff defamed defendant through a theory of vicarious liability.

The issue of the confidentiality of sources has not come up as in other cases cited by EHM, which is the corporation that TMZ belongs to, is under their umbrella. In *Brown versus the Commonwealth*, there was an attempt by the criminal defendant to subpoena institutions in order to obtain the name of the confidential source. When the author of the article was subpoenaed, she refused to identify her confidential source on the stand. And in this case, it appears that the witness is willing to state the name of the confidential source without being compelled, voluntarily.

Whether that breaches a non-disclosure agreement between Mr. Tremaine and EHM is not germane to this matter, and can be litigated in a separate matter if EHM so chooses. And while breaches of contract must be taken seriously, and the court does, any alleged breach is not germane to the underlying litigation here. That contractual action has no bearing on this case and is thus not germane to this litigation, therefore I'll deny the non-party EHM Productions motion to intervene.

Mr. Chew: Thank you, Your Honor. For the record, I've known Mr. Tobin for several years. I meant no snarkiness toward him.

Judge: You're just a snarky guy.

Mr. Tobin: Your Honor, may I just ask one more [inaudible 02:20:47] for the record?

Judge: Absolutely, Mr. Tobin.



Mr. Tobin: Your Honor, I am concerned that we preserve the issue fully. And so...

Judge: For the record, yes.

Mr. Tobin: For the record. And so I would ask, may I have the opportunity to object when Mr. Tremaine is questioned, question by question?

Judge: No, sir. You're not a party to this case. However, I will note for your record your objection to his complete testimony on behalf of your client.

Mr. Tobin: Thank you, Your Honor.

Judge: Okay. Thank you.

Ms. Bredehoft: And, Your Honor, as with the...

Judge: Microphone, please.

Ms. Bredehoft: as with the Hicksville witness, Your Honor, I would ask that we could voir dire him before the jury to find out when he contacted counsel and when they became aware of it. And I think, also, under the circumstances, in fairness, I think we should at least be able to ask him what he's going to claim.

Judge: Response?

Mr. Chew: Your Honor, I don't think that's appropriate. Certainly, I don't think a proffer is necessary or appropriate in this case.

Judge: I'm not gonna do a proffer in this matter, okay?

Ms. Bredehoft: All right.

Judge: Mr. Rottenborn, it's almost at lunch.

Mr. Rottenborn: I know, I'm so sorry. But I truly am the messenger here because Mr. Murphy just informed me that he has to just clarify one thing about...

Mr. Murphy: [Inaudible 02:21:58] Your Honor. I apologize.

Judge: Okay. That's fine. I think we need Ms. Meyers... All right, have a seat. All right. Cross-examination?

Mr. Rottenborn: Thank you, Your Honor. Mr. Depp, I'd like to start with the honeymoon that you and Ms. Heard took in late July 2015.

Mr. Depp: Certainly.

Mr. Rottenborn: You testified that you took a train ride from Bangkok to Singapore, is that right?

Mr. Depp: That's correct.

Mr. Rottenborn: And you claim that on this train ride that Ms. Heard hit you in the face, correct?

Mr. Depp: Yes.

Mr. Rottenborn: And left a black eye, correct?

Mr. Depp: Yes.

Mr. Rottenborn: And, Michelle, could you please pull up PX 162?

Judge: Is that already in evidence?

Mr. Rottenborn: Yes, Your Honor.

Judge: Okay. And publish to the jury? Thank you.

Mr. Rottenborn: Thank you. Mr. Depp, this is the picture that your counsel showed you both in your prior, or showed...

Judge: I'm sorry, which number was it?

Mr. Rottenborn: This is a new exhibit, Your Honor, 1905.

Judge: That's defendant's?

Mr. Rottenborn: Defendant's Exhibit 1905.

Judge: Okay. Ask for permission to publish, Your Honor?

Judge: And you want to put it in evidence?

Mr. Rottenborn: Mm-hmm.

Judge: Okay. Any objection to 1905?

Ms. Meyers: We have no objection to the photograph itself. We would ask the comments be redacted as hearsay.

Mr. Rottenborn: Well, I'd like to at least question the witness about the comments.

Ms. Meyers: I have no objection to the photograph being published.

Mr. Rottenborn: Okay. Well, then let's wait a minute. Mr. Depp, you see here, these are four pictures of you, right?

Mr. Depp: Yes.

Mr. Rottenborn: And below it, indicate that they were taken on July 24th, 2015 in Bangkok, Thailand, correct?

Ms. Meyers: Objection. Lack of foundation. Calls for speculation.

Judge: Overruled.

Mr. Depp: In Bangkok, Thailand, so before the train ride.

Mr. Rottenborn: Correct. Before the train ride, because you didn't get on the train ride until the 25th, is that right?

Mr. Depp: Somewhere in that area, I guess.

Mr. Rottenborn: Okay. Your Honor, I'd ask for permission to publish this to the jury.

Ms. Meyers: If it's just the photographs, we have no objections.

Judge: All right. You wanna redact the...just have the photographs in it?

Mr. Rottenborn: Sure. We'll do, yeah, 1905.

Judge: 05 but just with redaction, and she'll be fine.

[02:24:25]

[silence]

[02:24:46]

I think there's still some on the bottom image.

Mr. Rottenborn: Yeah. Just redact those. Yeah.

Judge: Okay.

[02:24:50]

[silence]

[02:25:37]

Thank you, Michelle.

Judge: All right. Publish.

Mr. Rottenborn: Thank you, Your Honor. Michelle, could you please scroll down to the bottom two pictures there? Mr. Depp, in these pictures that were taken before you got on the train ride for your honeymoon

where you claim that Ms. Heard hit you and gave you a black eye, you have the exact same shadow, or sunburn, or mark under your left eye, the exact same mark, don't you?

Mr. Depp: That's when you get a sidelight, you see the occipital bone. So that is the exact area.

Mr. Rottenborn: Yep. And it's actually...

Mr. Depp: The sidelight will cause that [inaudible 02:26:28].

Mr. Rottenborn: Yeah. Well, the picture's not being taken from the side, is it? It's being taken head-on, isn't it?

Mr. Depp: No, no. The lens in front, the light on the side will cause that occipital bone, I believe it's called, to appear sunken.

Mr. Rottenborn: Just like lights on the side of a train car, correct?

Ms. Meyers: Objection. Calls for speculation.

Mr. Rottenborn: You can take that down, Michelle.

Mr. Depp: That was, in fact, in the dark of a [inaudible 02:26:51]...

Judge: Sustained.

Mr. Depp: ...on either side of me. So I don't see where the light fill is from the side there.

Judge: Mr. Depp, you can wait for the next question. Next question?

Mr. Depp: [Inaudible 02:26:58].

Mr. Rottenborn: Next question. Even the picture your team chose to show you on that train isn't accurate, is it? Let's pull up...

Ms. Meyers: Objection. Calls for speculation. Let's pull up Exhibit 1859, please.

Judge: 1859. Is that in evidence?

Mr. Rottenborn: No, Your Honor.

Judge: 1859.

Mr. Rottenborn: Mr. Depp, this is this same picture of the exact same scene displayed in PX 162 that you looked at this morning, correct?

Mr. Depp: That looks like my face has been...the eyes have been Photoshopped.

Mr. Rottenborn: Okay. So this post from the Eastern & Oriental Express's Facebook page, you're saying that that's Photoshopped?

Mr. Depp: Is that from their page? Sure. Why wouldn't they?

Mr. Rottenborn: Let's pull 'em out side by side, please. Your Honor, I move for the admission of this exhibit. We can just have the pictures. We don't need the...

Judge: Any objection to the picture?

Ms. Meyers: Objection on lack of foundation and lack of authentication.

Mr. Rottenborn: Is that you in the photo, Mr. Depp?

Mr. Depp: It is me but it's clearly...it's been [inaudible 02:28:17].

Mr. Rottenborn: Your Honor, [inaudible 02:28:17] anything after that, first of all, and would ask for admission of this photograph.

Judge: All right. Just the photograph. Yeah.

Mr. Rottenborn: Yep.

Ms. Meyers: We maintain our lack of authentication, lack of foundation.

Judge: All right. I overrule objection. Allow 1859 in evidence.

Mr. Rottenborn: Thank you, Your Honor. Michelle, could I please get you to...

Judge: You need to redact it first.

Mr. Rottenborn: Yeah. We actually have one that we'll admit, or asked to be admitted. It's 1858, that is just the picture.

Judge: I already have 1858.

Mr. Rottenborn: Okay. So we'll call this 1859 then.

Judge: So this is 1859?

Mr. Rottenborn: Yeah. We just need to...

Judge: Okay.

Mr. Rottenborn: We'll fix that exhibit sticker on the bottom and get you that correct to 1859.

Judge: 1859.

Mr. Rottenborn: And, Michelle, what I'd like to ask you to do, please, is to put the picture displayed as 1859 just was admitted into evidence next to PX 162 that was shown to Mr. Depp this morning.

Judge: Okay. We can...those are both in evidence.

Mr. Rottenborn: Yeah. Can you try to make them the same size, please? This is the exact same picture, isn't it, Mr. Depp?

Mr. Depp: With radically different quality and...

Mr. Rottenborn: No. You answered my question.

Mr. Depp: And I wasn't done answering.

Mr. Rottenborn: You answered my question, sir. Thank you. Appreciate it.

Mr. Depp: You're very welcome.

Mr. Rottenborn: Mr. Depp, you had that whatever mark it is, whether it's a sunburn, whether it's a shadow, whether it's the light reflecting, you had that same mark on your eye before you got on that train?

Mr. Depp: Well, it's pretty difficult to get a sunburn on the train. In the photographs with the child, I don't look particularly sunburned. Can we see those again?

Mr. Rottenborn: Let's pull up Exhibit 1...actually, no. Let's talk about Australia for a little bit.

Mr. Depp: Oh, good.

Mr. Rottenborn: You testified that you've never done Ecstasy more than a handful of times in your life, correct?

Mr. Depp: Six, seven times.

Mr. Rottenborn: Now, you heard Ms. Heard's testimony. You've been sitting here. I know you didn't look at her, but you heard her testimony. And you didn't hear her say you ingested 8 to 10 all at once. She said she came down after being apart from you for some time and there were 8 to 10 gone from the bag.

Ms. Meyers: Objection. Form, compound.

Judge: Overruled.

Mr. Depp: I also heard Ms. Heard say I reached into a bag and poured a bunch of MDMA down my mouth.

Mr. Rottenborn: Correct. That's right. She didn't say all 10 at one time, did she?

Mr. Depp: No. She said a handful. Which is more than 10, I believe.

Mr. Rottenborn: Okay. The fact is, Mr. Depp, you were asking for Ecstasy. You who have only done it six times in your life, you were asking for Ecstasy and cocaine within minutes of being admitted to the hospital after suffering your finger injury, weren't you?

Ms. Meyers: Objection. Compound.

Mr. Depp: I don't recall that I was...

Judge: Overruled.

Mr. Depp: ...begging for any drugs.

Mr. Rottenborn: Yeah. Let's pull up the Plaintiff's Exhibit 393, please. You just said you don't recall you were begging for any drugs?

Mr. Depp: No, I don't. But I do recall being in great pain, in great distress, so I could have asked for a teddy bear as well.

Mr. Rottenborn: Okay. So this has been admitted, Your Honor.

Judge: This is in evidence, okay. Publish.

Mr. Rottenborn: And if you can blow up the text, please, Michelle? In this text message, Mr. Depp, after you suffered your finger injury, you just testified you don't recall asking for any drugs. You're texting Nathan Holmes, your personal assistant, "Need more whitey stuff ASAP brotherman. And the e-business." Now, we went over this in your cross-examination, didn't we?

Mr. Depp: If you say so, sir.

Mr. Rottenborn: And whitey stuff is cocaine?

Mr. Depp: I would say.

Mr. Rottenborn: And the e-business is Ecstasy?

Mr. Depp: It quite likely is.

Mr. Rottenborn: Okay. I take that...

Mr. Depp: I didn't recall that, but...

Mr. Rottenborn: Can you pull up Exhibit 1817, please? This is a picture that you were shown this morning, Mr. Depp.

Mr. Depp: Yes.

Mr. Rottenborn: And you kind of made some illustrations on the picture and gave your account of what you see here. Mr. Depp, you testified previously that the vodka bottle that you allege cut off your finger was a handle of vodka, correct?

Mr. Depp: Yes. The second bottle, there was a handle on it.

Mr. Rottenborn: This bottle, whatever it is, to the extent it's glass at all, that's in the corner of this room, that's not a handle of vodka.

Ms. Meyers: Objection. Calls for speculation.

Mr. Depp: I think...

Judge: Overruled.

Mr. Depp: ...you'll find that I said two bottles.

Mr. Rottenborn: Well, actually what you testified to this morning, Mr. Depp, was that the bottle in the corner was the handle? And there is no other bottle in the picture, is there?

Mr. Depp: No. That's not what I testified. I testified that...may I touch the screen?

Judge: Yes.

Mr. Depp: This is glass. This is glass.

Mr. Rottenborn: Yep. And that's not a handle. Neither of those are handles of vodka.

Mr. Depp: It's that big. It's broken. The handles at the top on those vodka bottles, sir. I mean...

Mr. Rottenborn: And if you combine all that glass on the floor, that doesn't make up the amount of glass in a handle of vodka, does it?

Ms. Meyers: Objection. Calls for speculation.

Mr. Depp: I'm not...



Judge: If there's objection...hold on. I'll sustain the objection. Next question.

Mr. Rottenborn: There is no picture of a handle of vodka broken on that floor, is there, Mr. Depp?

Mr. Depp: No. I don't see it. I see glass under this chair here.

Mr. Rottenborn: Well, you testified this morning that you did see it, so it's good to get that clarification. Let's move on, please.

Mr. Depp: No, I didn't say I saw a handle.

Mr. Rottenborn: You also testified this morning that...yeah. And I want to make sure that we're on the same page here. You testified earlier this morning that there was no phone in the bar area downstairs. Is that what you testified to?

Mr. Depp: I don't recall a phone in the bar area. I don't recall a Bakelite phone in the bar area where I...

Mr. Rottenborn: Okay. Let's pull up, Michelle, please, UK Day 3 page 421. Mr. Depp, we've done this drill before. This is your testimony from the UK, correct?

Ms. Meyers: Can I please have...?

Mr. Rottenborn: We don't have copies for everyone. It's on the screen.

Ms. Meyers: Your Honor, I would like to have what he's...the testimony of the witness.

Mr. Rottenborn: Here, you can have my copy.

Ms. Meyers: Thank you.

Mr. Rottenborn: Mr. Depp, you remember giving testimony in the UK trial for several days, correct?

Mr. Depp: Okay.

Mr. Rottenborn: Yeah?

Mr. Depp: So I do remember a telephone in the bar area, and [inaudible 02:35:26] was made of Bakelite.

Mr. Rottenborn: This is my turn to do this, Mr. Depp.

Mr. Depp: I'm sorry.

Mr. Rottenborn: On page 421 line 19, you were asked the question, "And this telephone that you picked up was made of...?" I'm sorry, I'm gonna go up on the line 15. Question, "At one stage when you were in the kitchen screaming, 'Ms. Heard,' you picked up a wall-mounted telephone. Do you remember a telephone in the kitchen?" Answer, "No, ma'am. I remember a telephone in the bar area." Question, "And this telephone that you picked up was made of Bakelite. Do you know what I mean by that? A retro telephone, wall-mounted but retro." Answer, "It was a wall-mounted telephone, but it was not Bakelite. It was a modern phone. It was plastic."

Question, "A phone that was a wall-mounted phone that was picked up..." Can you scroll down, please? Question, "A phone that was a wall-mounted phone that was picked up by you, held in your right hand, and you were repeatedly smashing it against the wall on your right hand?" Answer, "That is possible. But if that was the case, I do not believe I spent very much time on the phone. I remember ripping the phone off the wall." That was your testimony, correct?

Mr. Depp: It seemed it would be, yes.

Mr. Rottenborn: Thank you.

Mr. Depp: I...

Mr. Rottenborn: You answered my question, thank you. Mr. Depp, you've claimed before, you've said, "If I'm angry and I've got to lash out or hit somebody, I'm going to do it. And I don't care what the repercussions are. Anger doesn't pay rent. It's got to go, it's got to be evicted." You've said that before, haven't you?

Mr. Depp: Have you a quote from me somewhere saying that?

Mr. Rottenborn: It's my question to you. You've said that before, haven't you? Well, actually, let's refresh your recollection. Can you pull up...

Mr. Depp: I'd be glad.

Mr. Rottenborn: ...the [inaudible 02:37:22] machine article, please?

Mr. Depp: Possibly about paparazzis.

Mr. Rottenborn: Mr. Depp, you see that picture of you on the lower left [inaudible 02:37:43]...

Mr. Depp: Yes.

Mr. Rottenborn: ...shirtless and wearing a crown, I believe? You see the long paragraph above that that starts with, "In the Mark Hotel?" Can you see that?

Mr. Depp: Yes, I do.

Mr. Rottenborn: At the bottom of that, does this refresh your recollection that you said, "I have a lot of love inside me and a lot of anger inside me as well. If I love somebody, then I'm gonna love 'em. If I'm angry and I've got to lash out or hit somebody, I'm going to do it, and I don't care what the repercussions are. Anger doesn't pay rent. It's got to go, it's got to be evicted?" Did I read that right?

Mr. Depp: You did read that right, yes.

Mr. Rottenborn: Thank you. You can take that down, Michelle, please. Now, Mr. Depp, you've also claimed that...you've said before that if you want to be with a woman sexually that she is rightfully yours, haven't you?

Mr. Depp: Could you repeat that?

Mr. Rottenborn: And you've also said that with respect...

Mr. Depp: Could you repeat that, please?

Mr. Rottenborn: Yeah. That if you want to be with a woman sexually, that she is rightfully yours.

Mr. Depp: That's ludicrous.

Mr. Rottenborn: You've also said that with respect to women that you want to be with, you've remarked, "I need. I want. I take," haven't you?

Mr. Depp: Equally as ludicrous. No.

Mr. Rottenborn: Can you pull up DX 883, please?

Mr. Depp: You can pull up what you like. I've never said those words. There's not enough hubris in me to say anything like that.

Judge: 883?

Mr. Rottenborn: 883, Your Honor.

Judge: It's in evidence?

Mr. Rottenborn: It's not admitted yet.

Judge: Okay, 883.

Mr. Rottenborn: Mr. Depp, these are text messages from you to Stephen Deuters on February 22nd, 2017, correct?

Mr. Depp: No. This looks nothing like me. You might have mistaken...

Mr. Rottenborn: Mr. Depp, we can show the full unredacted...you've looked at a number of text messages in this case, and the words "Him" as the identifier, that's you, correct, in every text message we've seen in this case?

Mr. Depp: Yeah. Sure. It still doesn't mean it hasn't been screwed with. That's not anything that I've ever said or written.

Mr. Rottenborn: You want to see the whole thing unredacted? We can look at that, too.

Mr. Depp: No. It's because you could have typed it up last night. No.

Mr. Rottenborn: I can assure you I didn't type it up last night, Mr. Depp. Your Honor, I move for the admission of Exhibit 883.

Judge: All right. Any objection?

Ms. Meyers: Objection on relevance grounds, Your Honor.

Judge: All right. You wanna approach for a moment?

Ms. Meyers: Yes, please.

Judge: All right. 883 in evidence as redacted.

Mr. Rottenborn: Thank you. Mr. Depp, you're aware these are text messages...you can see the bottom right where it says "Depp" and then it has a number, 8129? Those are produced by you in this litigation. You understand that, right?

Mr. Depp: I understand that.

Mr. Rottenborn: All right. Michelle, could you please...let's take a look at the top text first. Mr. Depp, on February 22nd, 2017, you texted Mr. Deuters, "Right. Exactly. Molly's pussy is rightfully mine. Should I not just bust in and remove its hinges tonight?" Did I read that right?

Mr. Depp: You read it right.

Mr. Rottenborn: And the one beneath that, you say, "I want to change her understanding of what it is like to be thrashed about like a pleading Mackrel." And then in all caps, you write, "I NEED. I WANT. I TAKE." That right?

Mr. Depp: You read it right, but I did not write that.

Mr. Rottenborn: Okay.

Mr. Depp: Perhaps someone [inaudible 02:41:52] phone.

Mr. Rottenborn: You wrote every other text that you produced, that came from you in this litigation, didn't you?

Mr. Depp: Not necessarily. Sometimes you give your phone to people and they...

Mr. Rottenborn: When you got off that plane...

Mr. Depp: Excuse me?

Mr. Rottenborn: ...from Boston...

Mr. Depp: Sorry?

Mr. Rottenborn: When you got off the plane from Boston, you knew Ms. Heard was angry with you, didn't you?

Mr. Depp: It was pretty much a given.

Ms. Meyers: Objection. Calls for speculation.

Mr. Rottenborn: And...

Judge: Overruled.

Mr. Rottenborn: ...you understood her to be angry, right?

Mr. Depp: She was always angry, yes.

Mr. Rottenborn: And you asked Mr. Deuters...you can take this down, Michelle, please. Thank you. Same person that you texted in that last exhibit. You asked Mr. Deuters to communicate with her on your behalf, correct?

Mr. Depp: I don't know what you're talking about. You'd have to explain.

Mr. Rottenborn: You asked Mr. Deuters to communicate with Ms. Heard by text to speak to her about the incident, correct?

Mr. Depp: About what incident?

Mr. Rottenborn: To speak to her about the plane flight.

Mr. Depp: The plane?

Mr. Rottenborn: The Boston plane.

Mr. Depp: The Boston plane?

Mr. Rottenborn: Yeah.

Mr. Depp: So you're saying that I influenced Mr. Deuters, I told him that he had to write this, and I had told him he had to write that? Is that what you're...?

Mr. Rottenborn: No. It wasn't uncommon for Mr. Deuters to communicate with Ms. Heard on your behalf, correct?

Ms. Meyers: Objection. Calls for speculation.

Mr. Rottenborn: Mr. Deuters was your personal assistant, correct?

Mr. Depp: I had two personal assistants at the time.

Mr. Rottenborn: He was one of them, right?

Mr. Depp: Yeah. Mr. Deuters was one of them. Yes, sir.

Mr. Rottenborn: And it wasn't uncommon for you to ask Mr. Deuters to communicate with Ms. Heard on your behalf, correct?

Mr. Depp: It wasn't uncommon for any of them to communicate with Ms. Heard on my behalf if I were on set, or unavailable, or any of that.

Mr. Rottenborn: Or if Ms. Heard and you had had a fight, you would sometimes have them to communicate with Ms. Heard on your behalf, correct?

Mr. Depp: I think my crew caught on very quickly that...

Mr. Rottenborn: Just a yes or no.

Mr. Depp: ...would be necessary for them to...

Mr. Rottenborn: No. Just a yes or no. It was not uncommon after you and Ms. Heard...

Ms. Meyers: Objection, Your Honor. I'd ask that he'd be allowed to finish his answers.

Mr. Rottenborn: I was asking him a question, Your Honor.

Judge: All right. Go ahead and ask your question.

Mr. Rottenborn: Thank you, Your Honor. Was it uncommon for you to have one of your personal assistants communicate with Ms. Heard after you and her had a fight?

Mr. Depp: I disagree because you're insinuating that I had them do it, and you don't know that.

Mr. Rottenborn: After the Boston plane flight, you had Mr. Deuters communicate with Ms. Heard, correct?

Mr. Depp: When I'm asked what to do, I say, "Placate her. Just placate her like we always do."

Mr. Rottenborn: And you told him, "Send her whatever message you need to send to placate her," correct?

Mr. Depp: I'm sorry he feels bad. Yes, because any other answer, you know, it would turn into World War III.

Mr. Rottenborn: Okay. Can you pull up Exhibit 229, please? Your Honor, I think you know where I'm going here. And based on Mr. Depp's testimony, I'd ask for the admission of Exhibit 229.

Ms. Meyers: Your Honor, can we please approach?

Judge: Sure.

Mr. Rottenborn: Mr. Depp, you were pretty angry after Ms. Heard got her temporary restraining order, weren't you?

Mr. Depp: Angry? More than anything, I was hurt.

Mr. Rottenborn: And you testified earlier this morning, you claimed that you somehow were responsible for her getting the role with Warner Brothers, correct? That's what you testified to this morning. You also tried to get her fired from "Aquaman," didn't you, after the temporary restraining order?

Mr. Depp: Which question would you like me to handle first?

Mr. Rottenborn: One question, sir. You tried to get her fired from the "Aquaman" after the temporary restraining order, didn't you?

Mr. Depp: Well, what is related to the story about me getting her...?

Mr. Rottenborn: Just yes or no, Mr. Depp. I didn't ask what the story related to.

Mr. Depp: Sir, [inaudible 02:46:09] come down to yes or no at all times. I can't please you with a yes or a no every single time.

Mr. Rottenborn: It's a yes-or-no question, Mr. Depp. You tried to get Ms. Heard fired, didn't you?

Mr. Depp: Answer is no.

Mr. Rottenborn: All right. Let's pull up Exhibit 821.

Mr. Depp: Is that me trying to get her fired?

Mr. Rottenborn: This is a text message that you had with your sister, Christi Dembrowski. She was the first witness in this case, right?

Mr. Depp: She doesn't work at Warner Brothers. She can't fire Amber.

Mr. Rottenborn: This is a text message you had with her on June 4th, 2016, isn't it?

Mr. Depp: June 4th, yes.

Mr. Rottenborn: Your Honor, I move for the admission of Exhibit 821 as redacted.

Judge: Any objection?

Ms. Meyers: We would object on relevance grounds, Your Honor.

Judge: I'll overrule that objection. 821 in evidence.

Mr. Rottenborn: And on June 4th, 2016, Mr. Depp, you texted your sister, "I want her replaced on that WB film." Did I read that right?

Mr. Depp: You did.

Mr. Rottenborn: "Her" is referring to Amber, right?

Mr. Depp: That's correct.

Mr. Rottenborn: And WB is Warner Brothers, correct?

Mr. Depp: Again [inaudible 02:47:35] is.

Mr. Rottenborn: And then after you sent this text to your sister, following the temporary restraining order, you reached out to Guy Silverstein to have him fire Amber, correct?

Mr. Depp: Who?

Mr. Rottenborn: Greg Silverstein, I'm sorry.



Mr. Depp: I don't recall reaching out to Greg Silverstein.

Mr. Rottenborn: You reached out to Sue Kroll to get...

Mr. Depp: [Inaudible 02:47:58].

Mr. Rottenborn: ...to fire Ms. Heard, right?

Mr. Depp: I had vetted Ms. Heard.

Mr. Rottenborn: Mr. Depp, you got your chance to speak this morning. Your Honor...

Mr. Depp: Warner Brothers had two friends that...

Judge: All right. Mr. Depp, if you could just answer the question, sir. Next question?

Mr. Rottenborn: You reached out to Greg Silverstein to get him to try to get Amber fired from "Aquaman," didn't you?

Ms. Meyers: Asked and answered.

Judge: Excuse me?

Ms. Meyers: Asked and answered.

Mr. Rottenborn: It's a yes-or-no question. He hasn't answered yes or no.

Judge: All right.

Mr. Rottenborn: Yes or no, sir. You reached out to Greg Silverstein to try to get Amber fired from "Aquaman?"

Mr. Depp: Second half of your question is wrong, sir.

Mr. Rottenborn: You reached out to Sue Kroll?

Mr. Depp: I reached out to them because I vetted her.

Mr. Rottenborn: No, no. Mr. Depp, you reached out to Sue Kroll to try to get her to help you get Amber fired from "Aquaman," didn't you?

Mr. Depp: No.

Mr. Rottenborn: And you reached out to Kevin Tsujihara to try to get him to help you get Amber fired from "Aquaman," didn't you?

Mr. Depp: No.

Mr. Rottenborn: Can you pull up Exhibit 857, please? Mr. Depp, this is a text message that you sent to Christian Carino on August 15th, 2016, correct?

Judge: This this is already in evidence, correct, exhibit...?

Mr. Rottenborn: Parts of it are.

Judge: So not this...?

Mr. Rottenborn: Not this version.

Judge: Well, this can't be 857 then. Don't...

Mr. Rottenborn: Sorry.

Judge: Mr. Rottenborn, you can't do this to me.

Mr. Rottenborn: I'm sorry, Your Honor. Understood. We'll call it 857a.

Judge: 857a. Okay. All right. Yes, sir. Thank you.

Mr. Rottenborn: My apologies, Your Honor. Mr. Depp, you sent this text to Christian Carino on August 15th?

Mr. Depp: I most certainly did.

Mr. Rottenborn: Okay. And in this text that you sent to...you know, Christian Carino is the person who used to be Amber's agent and then was your agent for a time, correct?

Mr. Depp: That is correct.

Mr. Rottenborn: And in this text, you...you're on a permission to publish, please.

Judge: You want to put it in evidence?

Mr. Rottenborn: Yeah. Move for admission of 857a.

Judge: Any objection?

Ms. Meyers: No objection.

Judge: All right. 857a as redacted will be in evidence.

Mr. Rottenborn: Thank you, Your Honor. And in this text, Mr. Depp, you said, "She's begging for total global humiliation. She's going to get it. I'm gonna need your texts about San Francisco, brother. I'm even sorry to ask. But, she sucked Mollusk's crooked dick and he gave her some

shitty lawyers. I have no mercy, no fear, and not an ounce of emotion, or what I once thought was love for this gold digging, low level, dime a dozen, mushy, pointless dangling overused flappy fish market.

I'm so fucking happy she wants to go to fight this out. She will hit the wall hard. And I cannot wait to have this waste of a cum guzzler out of my life. I met a fucking sublime little Russian here, which made me realize the time I blew on that 50 cent stripper. I wouldn't touch her with a goddamn glove. I can only hope that karma kicks in and takes the gift of breath from her. Sorry, man. But, now, I will stop at nothing. Let's see if Mollusk has a pair. Come see me face to face. I'll show him things he's never seen before. Like the other side of his dick when I slice it off." Did I read that right?

Mr. Depp: You did.

Mr. Rottenborn: Now, not long after this...you can take that down, Michelle. Thank you. Not long after this, you met Mr. Waldman in the late summer or fall of 2016, correct?

Mr. Depp: I believe, yeah, September, October, somewhere in there, whatever.

Mr. Rottenborn: And he's been your attorney since then, correct?

Mr. Depp: Yes, sir.

Mr. Rottenborn: And you met with him with the "Daily Mail" in London in February 2020, didn't you?

Mr. Depp: I'm sorry. Again?

Mr. Rottenborn: You and Mr. Waldman, together, met with the "Daily Mail" in London in February 2020, didn't you?

Mr. Depp: Are you asking me a question about my attorney and I?

Mr. Rottenborn: Yeah. That you two met with people from the "Daily Mail" in London in February 2020.

Mr. Depp: Was that during the London trial?

Mr. Rottenborn: No.

Mr. Depp: No?

Mr. Rottenborn: No. In February.

Mr. Depp: I don't recall it, though.

Mr. Rottenborn: Okay. To the extent Mr. Waldman testified that you did, you don't dispute that, correct?

Mr. Depp: I just don't...I don't recall it.

Mr. Rottenborn: You don't disagree with Mr. Waldman's testimony that you and he met with people from the "Daily Mail" in London in February 2020, correct?

Mr. Depp: If that's Mr. Waldman's testimony, then...I just didn't necessarily know who these people were.

Mr. Rottenborn: The same month that the "Daily Mail" released alleged tapes between you and Amber?

Ms. Meyers: Objection. Calls for speculation and personal knowledge.

Judge: I'll sustain the objection. Next question.

Mr. Rottenborn: Now, Mr. Depp, you testified, and I wrote it down before lunch, you said...Ms. Meyers asked you something about, you know, how does it feel to make you...or, how does it feel to be here? You said, "I've been living with it for six years and waiting to be able to get the truth out." Remember saying that?

Mr. Depp: Yes.

Mr. Rottenborn: You also said, "I've spoken up for what I've been carrying on my back," something to that effect. You remember saying that?

Mr. Depp: Yes.

Mr. Rottenborn: And you've claimed several times in this proceeding, Mr. Depp, that this trial is your first chance to tell your story, haven't you?

Mr. Depp: Yes, sir.

Mr. Rottenborn: But that's just not true, is it, Mr. Depp? That's not true?

Mr. Depp: No. For me it is true.

Mr. Rottenborn: Okay. Well, here's the thing. The fact is, Mr. Depp, when Dan Wootton wrote an article that was published in "The Sun" calling you a wife beater, you brought a lawsuit against "The Sun" in June of 2018, correct?

Mr. Depp: Yes, and I put a...

Mr. Rottenborn: And that was six months before Ms. Heard ever wrote her op-ed, correct?

Mr. Depp: I don't know.

Mr. Rottenborn: And in the summer of 2020, there was a several-week trial in London against "The Sun," correct?

Mr. Depp: Ms. Heard was not a party to that trial, was she?

Mr. Rottenborn: Not my question, Mr. Depp. In the article that "The Sun" wrote that you sued over, you sued for Mr. Wootton calling you a wife beater, correct?

Ms. Meyers: Objection. Asked and answered.

Judge: Sustained. Next question?

Mr. Rottenborn: And in the trial that you subsequently brought, you called a lot of witnesses, right?

Mr. Depp: I don't know what a lot is. I don't know.

Mr. Rottenborn: Many people testified on both sides of the trial, correct?

Mr. Depp: Yes. Many people.

Mr. Rottenborn: And many exhibits were introduced, correct?

Mr. Depp: Like a trial, yes.

Mr. Rottenborn: And just like in this trial, you were on the stand for several days in that trial, correct?

Mr. Depp: Yes, sir, I was.

Mr. Rottenborn: And that trial involved the same factual issues that you are litigating here, which is whether you committed domestic abuse against Amber Heard?

Ms. Meyers: Objection. Calls [inaudible 02:55:33] illegal.

Judge: Sustain the objection. Next question?

Mr. Rottenborn: You brought that case against "The Sun" because you were angry at "The Sun" for calling you a wife beater, correct?

Mr. Depp: Yeah. That's a pretty good reason.

Mr. Rottenborn: And you went through that trial in London, correct?

Mr. Depp: I did indeed, yes.

Mr. Rottenborn: Mr. Depp, you've already had a chance to tell your story, haven't you?

Ms. Meyers: Objection. Asked and answered.

Mr. Depp: No. There were great limitations in the UK trial.

Judge: Overruled. Okay.

Mr. Rottenborn: No further questions.

Judge: All right. Redirect? Thank you.

Ms. Meyers: Mr. Depp, Mr. Rottenborn asked you some questions about the UK trial. Why do you feel that this is the first time that you've actually had an opportunity to tell your story and as you said, get the load off your back?

Mr. Depp: As the UK trial was me suing Dan Wootton and "The Sun" for defamation for calling me a wife beater, the UK have...well, there are different laws, there are different ways they handle things. There are also limitations in evidence. Some things can be brought up, some things cannot be brought up. [Inaudible 02:57:06].

Mr. Rottenborn: Objection, Your Honor. Calls for [inaudible 02:57:06]. He's talking about limitations and evidence in English.

Ms. Meyers: Your Honor, he's talking about his experience testifying.

Judge: Overruled.

Mr. Depp: You'll be okay. Yes. There is a very...everything is quite boxed in with regard to what can be said, what can be spoken about. So Ms. Heard provided information to "The Sun" as their star witness, but the case was not brought against Ms. Heard. Brought against "The Sun" newspaper, journal, whatever it is.

Ms. Meyers: Mr. Rottenborn referenced that you were on the stand for multiple days.

Mr. Depp: Four and a half, I believe, yes.

Ms. Meyers: Yeah. What was the nature of that examination? Or, excuse me, who was conducting that examination of you?

Mr. Depp: QC Sasha Wass.

Ms. Meyers: And whose attorney was that?

Mr. Depp: "The Sun's."

Ms. Meyers: Can we please pull up DX 857a?

Judge: All right. It's already in evidence? Publish it.

Ms. Meyers: Mr. Depp, do you recall seeing this text message when Mr. Rottenborn was questioning you?

Mr. Depp: Oh, yes, I do.

Ms. Meyers: Can you explain what you're conveying to Mr. Carino in this text message?

Mr. Depp: I mean, I'm in total shock that this is happening to me, that my entire life on the planet has been brought to the head of a pin with all this completely, utterly false information. So, yeah, when you're accused of horrific acts and things that you have not done, when it's actually some very ugly things that are going out there into the world about you on a non-stop basis by Ms. Heard and her team, you have a tendency as humans to get very, very irate and angry, not to the point where you go out and hurt someone, not to the point even where you assault a cabinet.

But, you do get irate, you do wonder why this person is doing this to me? So, yeah, many things go through your head. And then you've got your family, you've got your kids, you've got your...my mom, thankfully, didn't get to read any of this, because that would kill her. But my father, my family, everyone that I've met, the people that supported me, suddenly I'm scum. And why? Never had to happen. One little lie. So, yes. Very angry.

Ms. Meyers: Could we please pull up Defendant's Exhibit 821? Mr. Depp, do you recall seeing this text message when Mr. Rottenborn was asking you questions?

Mr. Depp: Yes. He loves this one. Yes.

Ms. Meyers: Yes. Would you care to explain what you're trying to convey in this text message?

Mr. Depp: Well, Warner Brothers, they were about to find themselves in quite a dilemma as the person that they had just cast...

Mr. Rottenborn: Objection, Your Honor. Lack of foundation as to what Warner Brothers knew or thought.

Mr. Depp: Didn't I meet with them?

Judge: All right. If you could just wait for the question. I'll sustain the objection. Next question.

Ms. Meyers: Mr. Depp, without explaining what Warner Brothers felt, why did you send this text message to your sister, and what...excuse me, strike that. What were you trying to convey to your sister when you sent this text message?

Mr. Depp: Honestly, I felt responsibility for having gone to those people and, you know, painted such a beautiful picture.

Mr. Rottenborn: Objection. Hearsay, Your Honor. Now he's talking about what he said to Warner Brothers.

Judge: Overruled.

Ms. Meyers: Please continue.

Mr. Depp: You can change seats.

Ms. Meyers: So, sorry, you can continue.

Mr. Depp: I felt it was my responsibility to get the truth to Warner Brothers about what they were going to end up facing down the line, which is two franchises that would be causing problems for one another, especially as any news, any press, any media that came out about me at that time had been turned into, you know, I was Charles Manson. You know, I was the worst thing on Earth. And they just kept coming. It was like a non-stop fire. So my responsibility after having painted a beautiful picture of her for them was to tell them, "I think you better..."

Mr. Rottenborn: Objection, Your Honor. He's getting into what he claims he told Warner Brothers or wanted to.

Ms. Meyers: He's saying what he wanted to tell them. He's not saying what he actually told them.

Judge: I'll sustain the objection. Next question.

Ms. Meyers: Mr. Depp, you mentioned two franchise films with Warner Brothers. What two franchise films are you referring to?

Mr. Depp: There was "Aquanet..." I mean "Aquaman," sorry. "Aquaman" and "Fantastic Beasts," the one that I was in.

Ms. Meyers: And why did you feel a responsibility with respect to those two franchise films?



Mr. Depp: Warner Brothers was starting to get quite upset about some of the things that were being said about me in the press, that were constant, constant, constant hit pieces. And, you know, on one level, yes, it's just acting, it's just movies, but it's business, and it's your word. And I'd given my word to them, and I felt responsible that I had to tell them exactly what was going on, and that it was gonna end up ugly.

Ms. Meyers: And which of those two film franchises were you a part of?

Mr. Depp: I'm sorry?

Ms. Meyers: Which of those two film franchises were you a part of?

Mr. Depp: I was in "Fantastic Beasts and Where to Find Them" and I was in "Fantastic Beasts: The Crimes of Grindelwald."

Ms. Meyers: Could we please pull up DX 883? Now, Mr. Depp, do you recall seeing these text messages during Mr. Rottenborn's examination?

Mr. Depp: Oh, God. Yeah. Yes, I remember.

Ms. Meyers: And you didn't seem to recall these text messages [inaudible 03:06:13]?

Mr. Depp: It truly is...I mean, it's not... [inaudible 03:06:22] who Molly is. I don't know no nothing about this.

Ms. Meyers: Do you have any understanding of what you're referring to in this text message, or these two text messages?

Mr. Depp: No. Honestly, if somebody else had borrowed my phone or something and made this text to Stephen, possibly, but I don't understand...I don't write like that. I don't have that kind of hubris or expectation. That's quite grotesque text.

Ms. Meyers: Can we take that down, please? Can we please pull up Defendant's Exhibit 1821? Mr. Depp, do you recognize this document?

Mr. Depp: Is behind the bar, yes.

Ms. Meyers: Okay. Mr. Rottenborn asked you some questions about whether there was a telephone and you said yeah.

Mr. Depp: I see a telephone there now.

Ms. Meyers: And did you recall that telephone being there?

Mr. Depp: I don't recall the telephone being there, but I can see it now.

Ms. Meyers: Can we please pull up Defendant's Exhibit 1820? Do you recall me showing you this text message earlier on? Or, excuse me, do you recall me showing you this picture during your examination?

Mr. Depp: Yeah.

Ms. Meyers: Okay. And I think I asked you whether you recall a phone being mounted on the wall in the left of this picture. Do you remember that?

Mr. Depp: Yes.

Ms. Meyers: And what was your answer to that?

Mr. Depp: No.

Ms. Meyers: Mr. Depp, Mr. Rottenborn asked you some questions about your honeymoon. Do you remember that?

Mr. Depp: Yes.

Ms. Meyers: And I believe you had testified that you and Ms. Heard were on the Orient Express together?

Mr. Depp: That's correct. Yes.

Ms. Meyers: Where had you been prior to being on the Orient Express?

Mr. Depp: We had been in Australia, and then made it over to Thailand to catch the Orient Express.

Ms. Meyers: If we could bring up the Plaintiff's Exhibit 162 again? Mr. Depp, do you know who took this picture?

Mr. Depp: Malcolm Connolly.

Ms. Meyers: And despite what Mr. Rottenborn showed you of the picture of you prior to this, do you see a bruise on your face in this picture?

Mr. Depp: I see what looks like a pretty decent shiner and kind of a scratched-up nose. Yes.

Ms. Meyers: And do you recall how you got the scratches and the shiner?

Mr. Depp: There was a very brief freak-out that Ms. Heard had in our cabin just before this dinner. I can't remember why. There were many. I remember taking the photograph. I mean, I remember being there. I remember meeting the chef and all, but, I mean, the quality of the photo

is not great. The quality of the other photo that he shows has been prettied up.

Ms. Meyers: Mr. Depp, did you ever physically abuse Ms. Heard during your relationship?

Mr. Depp: Never. Never.

Ms. Meyers: No further questions.

Judge: All right. Sir, you can have a seat next to your attorneys, thank you.

Mr. Depp: Thank you very much. Thank you.

Judge: Your next witness?

Attorney: Mr. Depp calls Morgan Tremain.

Judge: I didn't quite get that, I'm sorry.

Attorney: Mr. Depp calls Morgan Tremain.

Judge: All right. Morgan Tremain.

Man: Please [inaudible 03:11:15].

Woman: Do you solemnly swear or affirm to testify truthfully in this case in the penalty of law?

Mr. Tremain: Yes.

Judge: Yes, ma'am.

Attorney: Good afternoon, Mr. Tremain.

Mr. Tremain: Hello.

Attorney: Would you please state your full name for the record?

Mr. Tremain: Morgan Cliff Tremain.

Attorney: And what do you do for a living?

Mr. Tremain: I produce esports events and design video games.

Attorney: And in 2016, what did you do for a living?

Mr. Tremain: I worked as the field assignment manager at TMZ.

Attorney: What is TMZ?

Mr. Tremaine: TMZ is an entertainment news website and television show.

Attorney: And what were your responsibilities as a field assignment manager for TMZ?

Mr. Tremaine: I was the go-between the news desk in the office and the reporters in the field, which you might know is paparazzi.

Attorney: Approximately how many paparazzis were you in charge of?

Mr. Tremaine: At the time it was about 20 in LA, a handful, maybe 3 in New York, and then 1 in D.C.

Attorney: And what were your responsibilities specifically as to the paparazzi?

Mr. Tremaine: It would be to dispatch paparazzi to various locations based on tips or just direction dictated by having a list of sort of hotspots where celebrities would be.

Attorney: And how were those tips received?

Mr. Tremaine: They were received either through tips that we received through a tip line or directly through news producers in the office.

Attorney: And were tips frequently received directly from sources?

Mr. Tremaine: Very often the case, yeah.

Attorney: And who were the type of sources that TMZ received tips from?

Mr. Tremaine: They would receive tips from, oftentimes it would be publicists, managers, agents, or B-list celebrities.

Attorney: Lawyers?

Mr. Tremaine: And lawyers, definitely.

Attorney: How are tips verified?

Mr. Tremaine: Tips are verified by the extensive process. If they come in through our tip line, we have to verify who sent it, that the source is truthful, and so they have to add their contact information which is a field on that website for, like, name, phone number, things like that.

Attorney: And how long did that process typically take?

Mr. Tremaine: If we receive a tip through the tip line, it could take a while because that would need to be...if it was a tip, we would need to verify it. If it was media, such as photos or videos, that would need to be extensively verified to ensure that the person sending it is the copyright holder, and that we would have the legal ability to air it and distribute it.

Attorney: And while working for TMZ, were you involved in any assignments related to Ms. Heard?

Mr. Tremaine: I was.

Attorney: What was the first time you recall working on an assignment related to Ms. Heard?

Mr. Tremaine: I believe it was May 27th, 2016.

Attorney: And what was your role in that assignment?

Mr. Tremaine: For that, Ms. Heard was filing a restraining order at a courthouse in Downtown Los Angeles, so I dispatched camera people to that location.

Attorney: Under what circumstances would you normally send paparazzi to a courthouse?

Mr. Tremaine: Only if we had been informed prior. It's not by any means a celebrity hotspot. We would only ever send people there if we had been tipped off that something was occurring and there was somebody present there.

Attorney: And what footage was TMZ trying to capture at the LA courthouse on May 27th, 2016?

Mr. Tremaine: We were trying to capture Amber leaving the courthouse and an alleged bruise on the right side of her face.

Attorney: What was your team of paparazzi supposed to do while they were at the LA courthouse on May 27th, 2016?

Ms. Bredehoff: Objection, Your Honor. Hearsay and foundation.

Judge: What were they supposed to do?

Ms. Bredehoff: Right. She's asking for...I don't think there's a foundation or...

Judge: I'll overrule the objection at this point. Proceed.

Attorney: Go ahead, Mr. Tremaine.

Mr. Tremaine: Can you state the question again?

Attorney: What was your team of paparazzi supposed to do while they were at the Los Angeles courthouse on May 27th, 2016?

Mr. Tremaine: Their objective was to capture her leaving the courthouse and then she was going to sort of stop and turn towards the camera to display the bruise on the right side of her face, the alleged bruise.

Attorney: Did your team of videographers get the shot of Amber Heard?

Mr. Tremaine: We did.

Attorney: What is the difference between receiving a tip from a news producer than any other source?

Mr. Tremaine: If it's any other source, it would have to be verified by copyright. If it was anything that was received directly through a news producer, then they go through that process to verify the source.

Attorney: Did you do anything to verify the tip on May 27th, 2016 related to Amber Heard?

Mr. Tremaine: I did not.

Attorney: Why not?

Mr. Tremaine: Because it had come directly from a news producer.

Attorney: Does that mean it had been verified?

Mr. Tremaine: It means that they had verified that tip and deemed that it was credible, and therefore a camera person needs to be dispatched.

Attorney: After May 27th, 2016, were you involved in any other assignments related to Amber Heard?

Mr. Tremaine: Yes.

Attorney: Can you tell me about those assignments?

Mr. Tremaine: The next one would have been August 6th, 2016 when she was giving a deposition.

Attorney: So what did you do in relation to that tip?

Mr. Tremaine: I dispatched camera people to a parking lot adjacent to a law office in which she would be arriving to, so we could get the footage of her arriving for the deposition.

Attorney: Do you typically send paparazzis to parking lots of law offices?

Mr. Tremaine: No, not at all.

Attorney: Did you get the shot of Ms. Heard on August 6th, 2016?

Mr. Tremaine: We did.

Attorney: After August 6th, 2016, were you involved in any other stories involving Ms. Heard?

Mr. Tremaine: Yes, I was.

Attorney: And what story was that?

Mr. Tremaine: On the 12th, we received a video depicting Johnny Depp slamming some cabinets that was captured by Ms. Heard

Attorney: And what day was that?

Mr. Tremaine: I believe that was August 12th.

Attorney: Of 2016?

Mr. Tremaine: Of 2016, yes.

Attorney: Can you describe to the jury how you received the video on August 12th, 2016?

Mr. Tremaine: Yes. The video was sent in through our email tip line, which is an email distribution that goes to all the producers and to myself as the field assignment manager because it often included celebrity locations. It came in, as I recall, a...

Ms. Bredehoff: Objection. Hearsay.

Attorney: He's just describing how it came in.

Ms. Bredehoff: I think he's about to reveal hearsay, Your Honor.

Judge: I'll overrule for now. We'll see where it goes, okay?

Attorney: Please continue.

Mr. Tremaine: So I received that email and it included a link from some unknown Dropbox-type public website in which it contained that video.

Ms. Bredehoff: Objection, Your Honor. Hearsay. He's about to describe what comes from the Dropbox website, and that's...

Judge: So far you say is a link from the Dropbox. We'll see if the next question...next question.

Attorney: So you received a link. What was in that link?

Mr. Tremaine: In that link was the video of Johnny Depp smashing the cabinets.

Attorney: And you received this video in your inbox, correct?

Mr. Tremaine: I did.

Attorney: What did you do once you received that video?

Mr. Tremaine: We downloaded it. We alerted the web editor who was sitting next to me at the time. We downloaded it and then were instructed by the news producer to do what we call slap bumpers and a bug on it, which is putting the "dun dun dun" at the beginning end, and then putting a translucent watermark over it which indicates copyright ownership.

Attorney: After you did that, was it posted?

Mr. Tremaine: It was posted, yes.

Attorney: Where was it posted?

Mr. Tremaine: It was posted to tmz.com.

Attorney: Did you do anything else related to Amber Heard on August 12th, 2016?

Mr. Tremaine: Yes. I received a tip that Amber Heard would be arriving at LAX, and so I dispatched camera people to film that exit, or her arrival to LAX, rather.

Attorney: And why did you do that?

Mr. Tremaine: I was instructed to.

Attorney: How long does it take to post a story after media has been received by TMZ?

Mr. Tremaine: After media has been received, it could take any length of time depending on who owns the copyright.

Attorney: How does TMZ obtain copyright over images and videos?

Mr. Tremaine: The only way to obtain copyright over media would be if we shot it ourselves, if it was sent to the tip line, source verified that it



was from the original copyright owner, and then either purchased from that person or given to us. And then the third option would be if it was directly given to us by the copyright holder, like a direct source.

Attorney: And how long does it take to copyright something TMZ has received through the tip line?

Mr. Tremaine: It can take a while because you have to extensively verify that that person owns the copyright. And then possibly, it depends also if you can even get in contact with the person because they might not be super responsive immediately via phone or email that they provided. And then, potentially, you'd have to enter in negotiation with our clips and clearances department to figure out the cost of that media.

Attorney: How long does it take for TMZ to obtain a copyright of something received directly from a source?

Mr. Tremaine: Something in the realm of 15 minutes just to do what I described before, which is putting bumpers and a bug on something and write the article and post it. It's pretty fast.

Attorney: How much time had passed from the time you received the kitchen cabinet video to the time it was posted on TMZ?

Mr. Tremaine: About 15 minutes.

Attorney: Did any other tabloids other than TMZ post this video?

Ms. Bredehoff: Objection. Leading and calls for hearsay.

Attorney: Did any other tabloids...?

Judge: I'll overrule.

Attorney: Mr. Tremaine, go ahead.

Mr. Tremaine: No, they did not.

Attorney: And why not?

Mr. Tremaine: Because it was a TMZ exclusive.

Attorney: And what does that mean?

Mr. Tremaine: It means that TMZ owns the copyright to it, so it can't be distributed by any other media source without backlinking to TMZ, and they wouldn't be able to upload that media without getting a copyright strike.

Attorney: Have you seen the kitchen cabinet video that was played in this trial?

Mr. Tremaine: I have, yes.

Attorney: How does that video that was played in this trial compare to the one you received on August 12th, 2016?

Mr. Tremaine: When I had clicked the direct link that we received and watched the video in its entirety, it was much shorter than the video that's been played in this trial. There was a bit at the beginning that was played here in which Ms. Heard is seemingly sort of sitting at the camera and getting into position. And then there's a bit at the end where she's seemingly snickering and looks at the camera. That part was not present in what we received.

Attorney: Did TMZ edit the video?

Mr. Tremaine: No, not even a little. When we receive something and it's edited, there's a clear indicator because there's sort of a journalistic practice that uses...when there's an edit, you do what's called, like, a white flash transition, which covers the entire screen with white to very clearly indicate to everybody there was an edit here for time or whatever just to make it a little more compelling. But in this case it was not edited as I was staring at the machine and edited it, and present for the entirety of receipt to publishing.

Attorney: When was the next time you worked on an assignment related to Amber Heard?

Mr. Tremaine: It was...well, there was a time where we went to the airport, and then the day after that, because she had flown in for the deposition because, like, I think the first time didn't work out. And so she was arriving again for the deposition in that same parking lot adjacent to a law office.

Attorney: And what's that? August 13th, 2016?

Mr. Tremaine: That was August 13th, yeah.

Attorney: And what was your assignment on August 13th, 2016?

Mr. Tremaine: To dispatch camera people to that parking lot at a specific time in order to film Amber Heard arriving for the deposition.

Attorney: How did you know that tip was legitimate?

Mr. Tremaine: It came from a news producer.

Attorney: While you worked at TMZ, did you ever receive any communications from Mr. Depp or his camp?

Mr. Tremaine: I did not.

Attorney: Nothing further, Your Honor.

Judge: Cross-examination?

Ms. Bredehoff: Yes. So, how did you know what video was shown at this trial?

Mr. Tremaine: I was alerted by a friend that TMZ was being kind of talked about in this trial, and so I had seen a clip of that.

Ms. Bredehoff: So you watch some of this trial?

Mr. Tremaine: Correct.

Ms. Bredehoff: Okay. When did you first reach out to counsel for Mr. Depp?

Mr. Tremaine: I believe that was six days ago. Whatever that date would be, I'd have to do...

Ms. Bredehoff: All right. And then you received a subpoena, I think, yesterday in care of your attorney, Cindy Hickox, right?

Mr. Tremaine: Correct.

Ms. Bredehoff: Okay. And Cindy Hickox represents Christi Dembrowski, Kate James, Robin Bom [SP].

Attorney: Objection, Your Honor.

Ms. Bredehoff: [Inaudible 03:25:07]. Were you aware of that?

Attorney: Calls for speculation.

Judge: Overruled.

Ms. Bredehoff: Were you aware of that?

Mr. Tremaine: No.

Ms. Bredehoff: Okay. Now, if you don't have information that's helpful to this case, then you wouldn't be a witness, correct?

Attorney: Objection. Calls for speculation.

Judge: Sustained. Next question.

Mr. Tremaine: I'm not aware.

Ms. Bredehoff: Okay. You know this case is being televised, right?

Mr. Tremaine: I'm aware that there are cameras.

Ms. Bredehoff: And so this gets you your 15 minutes of fame [inaudible 03:25:35]?

Attorney: Objection, Your honor. Argumentative.

Ms. Bredehoff: I can ask that question.

Judge: Overruled.

Mr. Tremaine: So, I stand to gain nothing from this. I'm actually putting myself kind of in the target of TMZ, a very litigious organization, and I'm not seeking any 15 minutes here. Though you're welcome to speculate. I could say the same thing by taking Amber Heard as a client for you.

Ms. Bredehoff: Little argumentative, don't you think?

Mr. Tremaine: Oh, hardly. I find that to be purely logical, thank you.

Ms. Bredehoff: Now, are you aware that Mr. Depp's attorneys were well aware of the TRO that was going to be presented on May 27th?

Attorney: Objection. Calls for speculation.

Ms. Bredehoff: Were you aware of that?

Attorney: Lack of foundation.

Judge: Overruled if you can answer it.

Mr. Tremaine: Can you restate the question?

Ms. Bredehoff: Were you aware that Mr. Depp's divorce attorneys were aware that Amber Heard was going in to see the TRO on May 27th?

Mr. Tremaine: I don't think I understand the question. I don't think so, no. [Inaudible 03:26:31] question.

Ms. Bredehoff: Okay. Do you know whether Blair Berk, one of Mr. Depp's divorce attorneys, had a very close relationship with TMZ at that time?

Attorney: Objection. Calls for speculation.

Judge: Overruled, if he knows.

Mr. Tremaine: I was not aware of that.

Ms. Bredehoff: Okay. And when you said that you were dispatched twice, once to film Amber in the parking lot for the deposition, and then it didn't work out, and so you had to do it another time, how did you know it didn't work out?

Mr. Tremaine: Because tmz.com posted an article saying as much. I was not dispatched. I worked in the office.

Ms. Bredehoff: Do you know why the deposition did not work out?

Mr. Tremaine: I'd have to reference the article, I forget.

Ms. Bredehoff: So do you know...?

Mr. Tremaine: I didn't write that story. I wasn't involved in the actual journalism of that.

Ms. Bredehoff: Do you know which side would have known or not known whether that deposition was going to work out? In other words, the people representing Mr. Depp or the people representing Ms. Heard?

Mr. Tremaine: I wouldn't know.

Ms. Bredehoff: Okay. And then the video clip, you don't know who provided that, correct?

Mr. Tremaine: Correct.

Ms. Bredehoff: Okay.

Mr. Tremaine: [Inaudible 03:27:40].

Ms. Bredehoff: I have no further questions.

Judge: All right. Redirect?

Attorney: Mr. Tremaine, why did you contact me in relation to this case?

Mr. Tremaine: I saw that there was a discrepancy with, like, the video that was shown here and the video that I know I'd received. So I had no interest in testifying. I reached out simply to maybe try to help with the timeline of things or help with the case in any way just by virtue of understanding the timeline of the stories that were published and kind of how that can be unclear. But I had no idea I'd be on the stand.

Attorney: Nothing further. Thank you.

Judge: All right. Sir, you're free to go. Thank you.

Mr. Tremaine: Thank you.

Judge: All right. You have another witness? Okay.

Attorney: Mr. Depp calls Bryan Neumeister.

Judge: All right. Bryan Neumeister. Here's [inaudible 03:28:40] much more.

Bailiff: Do you solemnly swear or affirm to testify truthfully in this case in the penalty of law?

Mr. Neumeister: [Inaudible 03:28:50].

Judge: All right. Yes, ma'am.

Attorney: Good afternoon, Mr. Neumeister.

Mr. Neumeister: Good afternoon.

Attorney: Could you please state your full name for the record?

Mr. Neumeister: It's Norbert, N-O-R-B-E-R-T Bryan, I go by Bryan, B-R-Y-A-N Neumeister, N-E-U-M-E-I-S-T-E-R.

Attorney: Could you start by describing your educational background, please?

Mr. Neumeister: My educational background, I graduated from Cal State University, Northridge 42 years ago with a degree in Political Science. From then on, I've been working professionally in photography, totally unrelated, for the past 42 years. And that would also include videography, audio, and a few other different binary-related task.

Attorney: Where do you currently work?

Mr. Neumeister: I own USAForensic.

Attorney: What is USAForensic?

Mr. Neumeister: USAForensic is a digital forensics company. We are boutique, we're very small. We have offices in Grosse Pointe Farms, Michigan and in Phoenix, Arizona. We work with varying types of clients because, to us, data is data and it takes no side. So we can be ending up working for prosecution, defense, law enforcement, the Innocence Project. We have a contract with the Department of Defense. We do classified and unclassified worked. We've done classified work with various agencies. We've worked with DOJ. I've worked in 23 countries as a photographer.

Attorney: What's your title at USAForensic?

Mr. Neumeister: CEO.

Attorney: Did you also found USAForensic?

Mr. Neumeister: Originally in around 1990, it was called Skymeister, and that is because of my helicopter photography time I have. About 10 years ago, we changed it to USAForensic while still doing a lot of the same tasks.

Attorney: And you described, I think, some of the entities that you work with. What kind of work do you do for those entities that you mentioned?

Mr. Neumeister: We do audio forensics, which is clarifying audio, for example, sting operations or audio that may have been picked up on surveillance, or any other type of recording, removing background sounds, video clarification. We do a lot of work with Axon cameras.

Mr. Murphy: I'm just gonna object on relevance based on the discussion we had earlier. This experience has absolutely nothing to do with anything.

Judge: All right. Do you have an objection to him being moved in as an expert in the field?

Mr. Murphy: Well, she hasn't moved yet. I'm objecting to the relevance of the testimony on the subject matter right now.

Judge: I'll overrule the objection.

Attorney: Thank you, Your Honor. Go ahead, Mr. Neumeister. You can continue.

Mr. Neumeister: Where I left off is we do a lot of work with Axon police cameras, because they don't really handle low lux levels or low light levels very well. So we clean up, we are beta testers for a program called iINPUT-ACE, which is part of the Axon company used by police officers. We clarify their cameras to better see what happened at night, for example, in different scenes. We do the same with surveillance cameras, any kind of camera, cell phone cameras. We also do cell phone forensics, computer forensics, and cell tower forensics, along with photographic forensics.

Attorney: What types of cases do you work on?

Mr. Neumeister: It can be anything from Fortune 500s to...it can be anything from a pro per, which is a person that's actually just

representing themselves in a smaller case, to a lot of homicide cases, defamation. It could be any kind of case that requires cell phone extractions or computer extractions. Could be money laundering, could be Department of Defense identifying a voice, that type of thing, satellite imagery, basically anything with binary information.

Attorney: Have you been retained as an expert before?

Mr. Neumeister: Oh, yes. I would say we average about 150 to 200 cases a year. In the last 4 years, we've done over 600 cases, and that would be in U.S. federal courts, U.S. district courts, various state courts throughout the United States. We just wrapped up a case that was an overseas case, wrapped up yesterday. We do U.S. military court. We have a case coming up in front of the U.S. Supreme Court. So it's really very...I've done quite a few U.S. district court cases.

Attorney: Have you testified as an expert in digital forensics before?

Mr. Neumeister: Yes. And what people sometimes don't understand is only about 2% of all cases go to trial. So 98% of the time, you're actually just doing the forensic work and getting it to the parties. And as we say, data is data. It really doesn't take a side. We don't have a narrative. So very often it's just providing the data for the attorneys to work with or the parties.

Attorney: Have you ever been excluded from testifying as an expert regarding any work that you performed?

Mr. Neumeister: No. But you have to take into account that sometimes there might be curbs put on. For example, in this trial there's certain boundaries. Or if you're working with a pro per or with a attorney that is not very familiar with electronics. And the thing is, again, they teach Latin in law school, not binary. And binary is the universal language these days. So sometimes in the legal system, it's a little bit hard to explain to attorneys what exactly we're doing. So we try to break it down and make that work.

Attorney: What is digital forensics?

Mr. Neumeister: Digital forensics is anything that you are using, like your television set, your cell phone, your computer, anything that runs off of binary information that has coding in it.

Attorney: How long have you worked in digital forensics?

Mr. Neumeister: Well, I actually started off in analog. So it's been 40 some odd years. I started off as a cameraman. My first cameras were



film cameras. When I was a kid, my dad was a director of sales and sales service administration for the NBC Television Network on the West Coast. So I grew up around television cameras. My first cameras were cameras people might not have heard of, Leica, Hasselblad, cameras like that. I trained with some of the best photographers around at the time, William Wallner, Neil Latham, really excellent photographers.

And I started shooting videotape from helicopters. And I logged about 14,700 hours of video. And at that time, oddly enough, since we were the only helicopter, a television helicopter, we were the only helicopter in Phoenix. At the time, the sheriff's department did not have a helicopter, the police department did not have a helicopter, nor did Air Evac. So we ended up doubling up being a news crew as well as an air rescue crew. So as far as forensics, analog probably from 1980 to 1990, and digital from 1990 through current.

Attorney: How did you get started in it?

Mr. Neumeister: Really by osmosis. I started in the production field. I usually don't do that much TV work anymore. I did shoot part of an episode, a program called "Planet Earth" for the BBC last year. I don't normally do television anymore. It's just 99% forensics. But I got started because very often working in a helicopter, we'd be asked to work for a police department in a rescue, or a chase, or whatever the situation might be. And since I'd be videotaping it, they would ask me to break it down frame-by-frame and analyzing it using what's called a time-based corrector in the day. And so word got out that I could do unusual things because I'm pretty good with machines, and more and more people started calling and it just became a full-time job.

Attorney: Have you received any professional certifications in forensics?

Mr. Neumeister: Yes. But, again, most hackers and people who do interesting work, I don't have any certifications, because the certification is usually like a week-long course. I've been doing this stuff 42 years. My partner, Matt Erickson, he's actually a...

Mr. Murphy: Objection, Your Honor, to the partner who's not testifying [inaudible 03:37:53] on relevance.

Judge: I'll sustain the objection.

Attorney: Yep. Mr. Neumeister, can you just describe which professional certifications you have received?

Mr. Neumeister: For cell phones, Oxygen, which is a program similar to Cellebrite. But these are programs that are used by law enforcement and by private parties to extract data from cell phones that has been deleted or which is critical, in a lot of cases, deleted data, or just to, what we call image a cell phone. In other words, get every bit of data that's possible on a cell phone. And, again, every cell phone is different. The next would be in cell tower forensics.

Attorney: Are you a member of any professional associations in your field?

Mr. Neumeister: Yes, the IEEE, which is the International Engineering Society. And the reason I belong to that is about 40% of the world's white papers on electronics are published through IEEE. So they have a huge database on anything from microwave technology to telephone transmission technology. Anything that I might work with, they might have a white paper on it. Also with the Audio Engineering Society, AES. I'm a member of that. I lecture to AES. There's a few others, but again, they're just mainly to have a repository of information.

Attorney: Have you received any honors or awards?

Mr. Neumeister: Yes. I've received about 80 honors and awards. For videography, I've got a total of 12 Emmy Award statues. But I've been the principal in 39 Emmy Awards, which means I've written the music for the program and the program has won the Emmy Award for music, but it was given to the production company, which happens a lot. I won for best editing, I won for best ACE editing, which is computer editing, best sound. I've done the music to a piece that won the Gold Lion at the Cannes Film Festival. I've done music to a piece that won the gold at the Calgary Film Festival. I've got a lot of awards from Associated Press and different companies from doing documentaries and news.

Attorney: Have you published any works in the field of digital forensics?

Mr. Neumeister: Yes. And they're mostly articles, about half dozen number. So we don't have much time, and I don't usually do it, but it was basically on...most of my work deals around clarifying or authenticating. So it was basically, the things I published were on clarification of digital files.

Attorney: Have you appeared on TV as an expert in digital forensics?

Mr. Neumeister: Yes.

Attorney: Where?

Mr. Neumeister: CBS, NBC, ABC, BBC, Discovery Channel, number of different things.

Attorney: Any particular examples of things that you've spoken on TV about?

Mr. Neumeister: Boston bombings, how the frame averaging was done on that, sort of things like that. Again, we get calls a lot, but I don't speak specifically about cases, I just speak about technology.

Attorney: Have you given any public lectures in the field of digital forensics?

Mr. Neumeister: Yes. We get quite often, but due to our schedule, it's a little rough. We do what's called Inns of Court. We speak in front of private investigative groups. We do attorneys continuing legal education, Audio Engineering Society, just...we try to do a few a year and that's about what our schedules will allow given our time.

Attorney: Your Honor, at this point I'd like to tender Mr. Neumeister as an expert in the field of digital forensics.

Judge: Any objection?

Mr. Murphy: No objection, Your Honor.

Judge: All right. So moved.

Attorney: Mr. Neumeister, turning to the work you've done in this case, what have you done?

Mr. Neumeister: I was asked to analyze the photographs of reported injuries to Ms. Heard.

Attorney: And what was the purpose of that analysis?

Mr. Neumeister: To authenticate photos, or to review and see if they were altered in any way.

Attorney: What did you analyze to reach your opinions?

Mr. Neumeister: Well, I analyzed groups of photos that were submitted by Ms. Heard's legal team.

Attorney: What work did you do to analyze those photographs?

Mr. Neumeister: Well, normally you start off by looking at what's called the EXIF data. The EXIF data is the binary data that's encoded into a photograph. It tells you, for example, if the flash fired, what the operating

software version was of the cell phone or camera that shot a photo, what type of lens was used, what the f-stop was. There's literally about a thousand lines of code in the EXIF data on a JPEG photo. So we would start with an EXIF editor or an EXIF viewer.

Attorney: Anything else that you looked at?

Mr. Neumeister: Yes. When we're dealing with RGB cameras, which are red, green, and blue channel cameras, which would be a cell phone or a basic home camera, they're based on RGB channels, we would do four types of scopes. We would do a vector scope, we do a luminance scope, we do a waveform scope, and then what's called an RGB Parade. And those scopes analyze different things.

The vector scope analyzes where the different types of colors are headed in...for example, if it's broken up into reds, magenta, different areas on a scope. We would take a look at that to see if there's anything out of the normal for the type of camera being used. In other words, would there be above a certain percentage of chroma? And chroma means color saturation.

Mr. Murphy: Objection, Your Honor. Outside the scope. We can approach?

Judge: All right. You can approach.

Attorney: Mr. Neumeister, based on the analysis you performed in this case, have you formed any opinions?

Mr. Neumeister: Pardon?

Attorney: Based on the analysis you've done in this case, have you formed any opinions?

Mr. Neumeister: Yes.

Attorney: What are they?

Mr. Neumeister: Well, three basic ones. One is quite a number of the photos have been through a photo...and at least one, possibly...

Mr. Murphy: Objection, Your Honor. Foundation. Which photos is he referring to? We have to go through this, one by one.

Attorney: Ones in evidence. Mr. Neumeister, in terms of the photos that you looked at and that you formed opinions about, do you understand if they've been submitted as evidence in this case.

Mr. Neumeister: Yes.

Attorney: Okay. And what conclusions have you formed about those?

Mr. Murphy: Same objection, Your Honor. That doesn't cure the issue of the objection. We have to go through this. Which photos is she talking about? Which one's in evidence? What exhibit numbers? That's the basis of the objection.

Attorney: We're talking generally about opinions right now, Your Honor, and we're gonna get into some specifics.

Judge: I think we have to go straight to the specifics.

Attorney: Okay.

[03:45:01]

[silence]

[03:45:21]

Mr. Neumeister, have you prepared a demonstrative that aids in your testimony with respect to any of the photos that you looked at in this case?

Mr. Neumeister: Yes.

Attorney: I'd like to pull up Plaintiff's 1303. Your Honor, if I might approach?

Judge: All right.

Mr. Murphy: Your Honor, I would, again, object. We can approach to discuss it?

Judge: Okay. You wanna approach?

Attorney: Tom, can we pull up Defendant's Exhibit 178 which has been admitted into evidence? Mr. Neumeister, does this photo appear to be one that you have analyzed as part of your analysis in this case?

Mr. Neumeister: There were many versions of this photo. I would say there were dozens of different versions with different chromatic values, different file sizes, different physical sizes. Some had been through Photos 1 or Photos 3, which are photo editing software programs.

Attorney: Your Honor, at this time I'd like to show Mr. Neumeister's demonstrative Plaintiff's Exhibit 1303.

Judge: All right. Any other objection?

Mr. Murphy: I would object again, Your Honor, because the photograph in 170a is not in evidence. I mean, the photograph is in evidence. None of the photographs she wishes to show the jury are in evidence.

Judge: 1303 is in evidence over objection. Not in evidence, I'm sorry. This is a demonstrative, I'm sorry. Could you publish to the jury, please?

Attorney: And, Mr. Neumeister, what does this demonstrative show about the photos that you analyzed?

Mr. Neumeister: Well, they appear to be similar. However, if you look below at the file sizes, one on the left is 712 kilobytes, the one in the middle is 489 kilobytes, and the one on the right is 524 kilobytes. Now, what's unusual about that is these photos will not digitally fingerprint with each other. They won't hash. In other words, forensically, they don't match. But the thing is you could say, well, it was sent through email, maybe it's a different size. The file sizes, for example, would be possibly...you know, you could select the file size, you send a photo, but there's no way to authenticate any photo that was presented in the way the evidence was collected.

Attorney: And so what conclusions do you draw from them?

Mr. Neumeister: Well, this is just three of many of the same type of photos that are all different sizes and have different chromatic, which means color...

Mr. Murphy: Objection, Your Honor. We just had a ruling on this.

Judge: All right. Sustain objection.

Attorney: Mr. Neumeister, stick to your opinions that relate specifically to what you analyzed about the EXIF data, please.

Mr. Neumeister: All three of these photos had to go through some type of transformation to change sizes.

Attorney: We can take that one down. You mentioned Photos 1.5 and Photos 3.0 earlier, I believe. What is that?

Mr. Neumeister: Photos 3 and Photos 1.5 are editing programs that Macintosh, or Apple put out with their product. It's for editing photos. In other words, you would put a photo in and you would change the colors, or you would crop it, or you would clarify it by enhancing, for example,

sharpening, or you could darken it. But when you save a photo through an editing program, you leave a mark on the EXIF data.

Attorney: And what is the EXIF data?

Mr. Neumeister: The EXIF data is the data that is embedded in a photograph that tells you a lot about the photograph. And again, in the early days when we were using film cameras, you would write down the f-stop, which is the light setting. You would write the type of lens you use, the time of day, the type of film stock, the type of filters you're using. Now with digital cameras, that's done electronically. And there's about 1,000 lines of code, of which 50 are probably important, that tell you what the camera was doing.

Attorney: So what's the significance of EXIF data in your photo analysis?

Mr. Neumeister: Well, in this situation, I can see that normally where the operating system of the camera would be, which means the version of operating system the phone is running on, it would normally say something like...I'll just throw out an arbitrary number, 9.1.3 operating system for iOS, which is Apple's iPhone operating system. Instead of saying that, it says, "Software Photos 3.0," or "Photos 1.0." That means that the photo had to be rendered, which means composited together in an editing program.

Attorney: Did you prepare a demonstrative that shows some of your analysis of some of the EXIF data of the photos in this case?

Mr. Neumeister: Yes, I do.

Attorney: Okay. Can we pull up 1304, please? Your Honor, may I approach?

Judge: Yeah. Okay.

[03:50:38]

[silence]

[03:50:54]

Attorney: Permission to publish as a demonstrative, Your Honor?

Judge: Any objection? Any objection, Mr. Murphy?

Mr. Murphy: I'm sorry, Your Honor? [Inaudible 03:51:02]. I'm so sorry.

Judge: She wishes to publish it as a demonstrative.

Mr. Murphy: No objections to demonstrative.

Judge: All right. Thank you. We'll publish it as 1304 just as a demonstrative.

Attorney: And, Mr. Neumeister, are the images in this demonstrative excerpts from the report you prepared in this case?

Mr. Neumeister: Yes.

Attorney: And what do they show?

Mr. Neumeister: On this particular photo, and on all of them, it shows the first few lines of EXIF data, the ones that would be most important for this photograph. So, for example, things you would see, the very top line would be the make of phone. It's an Apple iPhone 6. And then the resolution is 72 pixels per inch, 72 to 1. And instead where it says "Software," on a normal iPhone photo, instead of saying "Photos 3," it would say the software version, for example, 9.3.1.

And then you've got the date and the time of the photo below that, which is really easy to change in an EXIF editor. And below that you have things like the flash. You've got the exposure type, how long the exposure was. So what you just highlighted there, again, was the date and time. So that's Universal Time Code minus whatever area you're in in the world.

Attorney: Anything else you want to show us with this demonstrative?

Mr. Neumeister: Yeah. Just below that, if you look at...there's some things that would say...for example, a directly photographed image. That is not gonna be necessarily accurate once it's been through an editor. It will always pretty much say that. So when you're looking at scene type or auto-exposure, these are things that really don't matter all that much.

What would matter is, for example, if you're taking notes, the focal length would be important, the pattern of metering. Things like that to a photographer would be important. And again, this is just a few lines. And the reason I put these in there was just to explain a bit what EXIF data is. The actual thing I'm trying to point out is the fact that instead of an operating system, it shows the editing program that was used on this photo.

Attorney: Are there additional photos that you did this analysis for?

Mr. Neumeister: Yes, many.



Attorney: Okay. Can we scroll to the next page, please, Tom? Is there anything about this photo that you noted as part of your analysis, Mr. Neumeister?

Mr. Neumeister: Yes. Again, you know, right there you've got "Photos 3.0" on that particular photo. And I think, you know, we pretty much covered what the stuff is, but, again, you see the "Photos 3.0." And again, this could not come out of an iPhone this way. This would go into a computer, be edited and rendered through the photo editor, and this would then be embedded in the EXIF data.

Attorney: Do you have other photos in this demonstrative?

Mr. Neumeister: Yes.

Attorney: All right. Can we scroll to the next page?

Mr. Neumeister: Same thing. Up here in the top, you've got the "Photos 3.0." And this is throughout a lot of the photos that are in evidence, or versions of the photos in evidence were gone through Photos 3.0 or Photos 1.5, an earlier version.

Attorney: We scroll to the next page, please, Tom? And what about this one?

Mr. Neumeister: Same thing, Photos 3.0. And again, in a photo editing app, you can do an awful lot of things. So when you see "Photos 3.0," first of all, you know it's not anywhere near an original. There's gonna be compression artifacts because it's a JPEG file.

Mr. Murphy: Objection, Your Honor. [Inaudible 03:55:10].

Judge: I'll sustain the objection. Next question?

Attorney: Can we move on to the next page of this demonstrative, please?

Mr. Neumeister: Again, same thing. You've got the...app.

Attorney: Okay. And I believe there's one final photo in this demonstrative? What about this one.

Mr. Neumeister: Again, if you look up there, it says "Photos 3.0" on that particular photo.

Attorney: All right. We can take that one down. Your Honor, I have a little bit left, I don't know if you wanted to...

Judge: All right. Let's go ahead and take our afternoon recess. Just do not discuss the case and don't do any outside research. Thank you. All right. So let's come back at 4:00, all right?

Man: [Inaudible 03:55:59].

Judge: all right. we ready for the jury?

Attorney: Yes, Your Honor. May we approach for just a moment?

Judge: Okay. All right, we ready for the jury?

Attorney: Yes, Your Honor, I'm sorry.

Judge: All right. Okay. You can be seated. Your next question?

Attorney: Thank you. Mr. Neumeister, do you have another demonstrative prepared that shows a photo with EXIF data reflecting that it was saved in Photos 3?

Mr. Neumeister: Correct. Photos 3, yes.

Attorney: Your Honor, we have a video of these photos and we're happy to play it once so that counsel can review if that's all right?

Mr. Murphy: May we approach, Your Honor?

Judge: Okay.

Attorney: All right, we took care of that, Your Honor. Thank you. May we publish or would you like to see it?

Mr. Murphy: I'd just like to see it [inaudible 03:56:48].

Judge: Okay. And what's demonstrative is this going to be then?

Attorney: This is Plaintiff's 1305, Your Honor.

Judge: All right. Thank you. Could you play it? Thank you.

Mr. Murphy: Subject to Your Honor ruling that's [inaudible 03:57:02].

Judge: All right. So marked as Plaintiff's 1305 and this is demonstrative. Can publish to the jury.

Attorney: Mr. Neumeister, we're gonna go ahead and play the demonstrative that you prepared. And then after the jury's had a chance to see it, if you want to explain to them what the demonstrative shows, that would be great.

Mr. Neumeister: Yes, ma'am.

Judge: Can you publish it?

[03:57:34]

[silence]

[03:57:49]

Attorney: So, Mr. Neumeister, what was depicted in that video?

Mr. Neumeister: The same photo treated two different ways. One was marked with the original...or with the operating system from an iPhone, which is iOS 9.3.1 on that particular photo. The one, this is 9.3.1, there is a graphic below indicating it. The second photo is marked "Photos 3" and it looks quite a bit different.

Attorney: And just, Tom, could we pull up Defendant's 708? Mr. Neumeister, does the image in Defendant's 708 appear to be same photo as what was depicted in your demonstrative?

Mr. Neumeister: Yes. Actually it's the Photos 3.0 edit version.

Attorney: Thank you. We can take that one down, Tom. Mr. Neumeister, have you also formed an opinion about Defendant's Exhibits 712 and 713?

Mr. Neumeister: Correct.

Attorney: Did you prepare demonstrative that shows...?

Mr. Murphy: Objection, Your Honor. Exhibit 712 and 713 are outside the scope of [inaudible 03:58:58].

Attorney: I can show you if you'd like, Your Honor.

Judge: All right. Approach.

Attorney: All right. Could we pull up Plaintiff's Exhibit 1306, Tom? And, Your Honor, this is another video that...oh, can you pause that, please? This is another video that we prepared. It's not published yet so I'm happy to play it once through so that...

Judge: [Inaudible 03:59:29] is it 1306?

Mr. Murphy: [Inaudible 03:59:36] requests what exhibits are they? Sorry, Your Honor. What exhibits are these that are in this video? It doesn't say. I don't know.

Attorney: Yeah. I tried to get my question out a moment ago.  
Defendant's 712 and 713, Your Honor.

Judge: 712 and 713. Okay. 1306 then will be a demonstrative [inaudible 03:59:56].

Attorney: And if we could go ahead and play that please, Tom? And Mr. Neumeister, what do we see here in this demonstrative?

Mr. Neumeister: There's Exhibit 712, I believe you...I'm not sure the Bates number, 712 and 713. There are two separate exhibits except it's the exact same photograph that's been...one's been edited, one hasn't. Or I can't say that one hasn't, but the colors have been modified in an editor.

Mr. Murphy: Objection, Your Honor. Beyond the scope of your ruling, talking about colors. It keeps happening.

Judge: Sustain the objection.

Attorney: Thank you, Your Honor. Mr. Neumeister, did you form an opinion in this case about the authenticity of the photos that you reviewed of Ms. Heard?

Mr. Neumeister: Well, first of all, nobody can identify the authenticity of any of the photos marked Photos 3, Photos 1, or just marked with the operating system number. And the reason is the manner of collection. So these came from an iTunes backup. Now, what is an iTunes backup? It's not...

Mr. Murphy: Objection, Your Honor. I'm sorry, you're [inaudible 04:01:19] the scope of your ruling. EXIF metadata. This keeps happening.

Attorney: Your Honor, may I approach on this one? So, Mr. Neumeister, without going into the specifics, what's your opinion about the authenticity of the photos you received from Ms. Heard?

Mr. Neumeister: Based on the way they were collected, there would be no...

Mr. Murphy: Objection, Your Honor. We just ruled on this.

Attorney: I framed my question, I thought, Your Honor, to avoid the issue that you're concerned about. Mr. Neumeister, what's your opinion about the authenticity here?

Mr. Neumeister: There's no way for any forensic expert to validate any of these photos.

Attorney: Thank you very much. No further questions.

Mr. Murphy: Good afternoon, Mr. Neumeister.

Mr. Neumeister: Good afternoon.

Mr. Murphy: Your only degree is in Political Science, correct?

Mr. Neumeister: Forty-two years ago, correct.

Mr. Murphy: And you have no degree whatsoever from any academic institution in Computer Science, correct?

Mr. Neumeister: That's correct.

Mr. Murphy: And you have no certifications in computer forensics, correct?

Mr. Neumeister: That's correct.

Mr. Murphy: From the opinions you've testified today, you relied on no data except for the embedded EXIF metadata to support those opinions, correct?

Mr. Neumeister: Incorrect.

Mr. Murphy: What other data did you rely on for the opinions you've testified to today?

Mr. Neumeister: I was trying to explain but you kept...

Mr. Murphy: What other data did you rely on for the actual opinions you've been able to testify to today besides EXIF metadata?

Mr. Neumeister: The type of extraction that was performed? You're asking the question [inaudible 04:03:01].

Mr. Murphy: For the actual opinions you testified to.

Mr. Neumeister: That is what I would use. I also use vector scopes.

Mr. Murphy: That was not responsive to my question, Your Honor.

Judge: If you want to approach.

Attorney: Sir, you can answer that question.

Mr. Neumeister: Pardon?

Attorney: You can answer the question.

Mr. Neumeister: Can you restate the question?

Mr. Murphy: I don't recall the question, Your Honor. We can move on.

Attorney: Your Honor, maybe we could have the court reporter read it back?

Mr. Murphy: They could redirect.

Judge: What was the question, Judy?

Mr. Neumeister: I believe the question was, what methodology did I use to make my findings?

Judge: Judy's voice has changed.

Mr. Neumeister: Sorry.

Judge: Is that correct, Judy?

Judy: No. [Inaudible 04:03:52].

Judge: Okay.

Judy: Asking for the factual opinions you testified to. Do you want the question before that?

Judge: No. That's fine. Okay.

Mr. Neumeister: So, when you're analyzing video or photo, in this...

Mr. Murphy: Objection to video, Your Honor. That's beyond the scope.

Judge: All right. If you could just answer the question, sir?

Mr. Neumeister: When you're analyzing a photo, a digital photo, you look at the EXIF data, you use a vector scope. You can use a Pantone chart if that's available, and that should be done, but that's a whole different deal. If I go into that, you'll object to it. So you'd also use a waveform scope. You would use an RGB Parade. You can use a histogram, though in this case it's not really all that revelant.

Mr. Murphy: You are not offering any opinions that any photograph in this case was intentionally modified by Ms. Heard, correct?

Mr. Neumeister: I'm just stating the fact that photographs were modified.

Mr. Murphy: So you are not offering any opinion that any photograph in this case was intentionally modified by Ms. Heard, correct?

Mr. Neumeister: That's correct.

Mr. Murphy: Can you please pull up Exhibit 170a?

Judge: Is that Defendant's 170?

Mr. Murphy: Defendant's 170. Yes, Your Honor.

Mr. Murphy: So you offered testimony regarding this photograph during the direct examination, right, Mr. Neumeister?

Mr. Neumeister: There's...

Mr. Murphy: That's a yes or no, sir.

Mr. Neumeister: On the photograph like that. I don't exactly remember the photograph. There's so many different versions of this photograph, but, yes, I talked about that particular photograph.

Mr. Murphy: But do you recall being deposed in this matter?

Mr. Neumeister: Yes.

Mr. Murphy: You were under oath?

Mr. Neumeister: Yes.

Mr. Murphy: That was on April 6th, 2022?

Mr. Neumeister: I believe.

Mr. Murphy: May I approach, Your Honor?

Judge: Yes, sir. Thank you.

Mr. Murphy: So, Mr. Neumeister, if you could please turn to page 76. And when I say pages, those are the little pages on the four boxes, not the page at the top.

Mr. Neumeister: Oh, gotcha.

Mr. Murphy: And you see page 76 line 3? You are asked on April 6, "Anywhere in your April 1st, 2022 expert disclosure do you offer any opinions regarding the authenticity or lack of authenticity of the specific photograph produced is ALH 7101?" Response, "Can I refer to my report to see if that specific number is in the report?" "Yes." Response, "Not that specific photo. I just grabbed three out of the batch." Do you see that?

Mr. Neumeister: Yes.

Mr. Murphy: Can you please pull up Exhibit 517, or Defendant's 517?

Judge: Thank you. You are not offering any opinions regarding this specific photograph, right, Mr. Neumeister?

Mr. Neumeister: That's correct. My testimony has been limited here.

Mr. Murphy: And you are not offering any opinion that any photograph was visually doctored by Amber, correct?

Mr. Neumeister: No. I can't put the person who might have done it.

Mr. Murphy: Oh, you're not offering an opinion that a photo was visually doctored by anybody, are you?

Mr. Neumeister: I'd have to see each photo. There's no way to authenticate any of these photos based on what I received.

Mr. Murphy: So you testified about Photos 3. Do you recall that testimony?

Mr. Neumeister: Correct.

Mr. Murphy: Photos 3 is a photo editing and photo sorting application, correct?

Mr. Neumeister: It's a photo editor as are a number of editors.

Mr. Murphy: So when you reference Photos 3.0, you never did any independent...strike that, Your Honor. So when the software of a photograph and the EXIF metadata says Photos 3.0, that could be just saying that the photo was saved in Photos 3.0, correct?

Mr. Neumeister: Unless you looked at a scope of the photos that would tell you that the parameters of the photo do not meet that of the cell phone that it was taken on.

Mr. Murphy: But the notation "Photos 3.0" in the software EXIF metadata, that does not in and of itself mean that the photo was edited in Photos 3.0, correct?

Mr. Neumeister: It means that you've recompressed the photo and it will not hash or digitally fingerprint with the original photo.

Mr. Murphy: But it does not mean in and of itself that it was visually edited in any way in Photos 3.0, correct?

Mr. Neumeister: Again, it's not the same photo because you're using lossy compression once you save it. So you have changed the photo.



Mr. Murphy: So, if you could please turn to page 233 of that transcript, and line 20? Do you see question, "When it says EXIF software..." okay, "Photos 3.0," on to 234, "That's just saying it was saved in Photos 3.0, right?" Response, "Saved in 3.0. That's correct." Question, "That notation in and of itself does not mean that the photo was edited in 3.0, right?" Answer, "That's correct." Did I read that correctly?

Mr. Neumeister: Yes.

Mr. Murphy: A file has not changed visually just because it has been processed through Photos 3.0, correct?

Mr. Neumeister: That's incorrect.

Mr. Murphy: Can you look at page 128 of your deposition, please? At the bottom, line 20. Do you see, question, "But the file changed visually just because it has been processed through Photos 3.0?" Answer, "You know, obviously, I understand what you're asking. From a technical point, yes, because of the compression. You get down to scopes and artifacts, yes, it has changed. Was it intentionally changed? We don't know. In other words, did somebody save it in there and just save the photo? We don't know." Did I read that correctly?

Mr. Neumeister: That's correct. But, again, it says here...

Mr. Murphy: That was my question, Mr. Neumeister.

Mr. Neumeister: Okay.

Mr. Murphy: So if the EXIF metadata software field lists the software as iOS, you have no reason to dispute that, correct?

Mr. Neumeister: Incorrect.

Mr. Murphy: Well, isn't data data? That's what you testified to, right?

Mr. Neumeister: It's very simple to modify EXIF data. I mean [inaudible 04:10:52].

Mr. Murphy: Did you find any evidence in this case of actual modification of EXIF metadata?

Mr. Neumeister: You can't authenticate any of these photos because of the way they were...

Mr. Murphy: That wasn't my question, Mr. Neumeister. Did you find any evidence of any modification of EXIF metadata of any photograph in this case?

Mr. Neumeister: You didn't listen to my answer. My answer is there is no way to know because of the way the files were presented.

Mr. Murphy: But you found no actual evidence of it, correct?

Mr. Neumeister: No one could...either way...

Mr. Murphy: I'm not asking if anyone else could, Mr. Neumeister. I'm asking, did you yourself...you found no evidence of any modification of EXIF metadata of any photograph in this case, correct?

Mr. Neumeister: Now, I understand you're trying to control the narrative, but there's no way to answer that scientifically because given the evidence we were given, there is no way to positively or negatively answer that. It's not a question that can be answered.

Mr. Murphy: It isn't the question, Mr. Neumeister. The question is, did you yourself...you found no affirmative evidence of any modification of software EXIF metadata of any photograph in this case, correct? You found no actual evidence of that, did you?

Mr. Neumeister: No one could tell either way because...

Mr. Murphy: Not asking about anyone else, Mr. Neumeister. I'm asking about you. You found no evidence of that, did you?

Attorney: Objection, Your Honor. Asked and answered.

Mr. Murphy: He's not answered what he found, Your Honor.

Judge: Overruled.

Mr. Neumeister: There's not a way to answer that the way you're asking the question. You have to restate it. You're trying to control the narrative.

Mr. Murphy: Your Honor, he's not responding to the question.

Judge: All right. Could you just answer yes or no, sir, to the question?

Mr. Neumeister: It's not a yes-or-no question.

Mr. Murphy: Did you, yes or no...you found no evidence of EXIF metadata modification of any photograph in this case, correct?

Mr. Neumeister: That's incorrect.

Mr. Murphy: Okay. It is your opinion that the metadata of all photographs of purported injuries that Ms. Heard has identified as her trial exhibits do

not indicate that the photographs went through a photo editing application, correct?

Mr. Neumeister: Well, first of all, that's not a yes-or-no question because a lot of the exhibits that you have put up, they're not photographs. They're screen grabs. And they've been changed from a Apple format, which is JPEG to JPG Microsoft format. So you have actually changed the exemplars. You've changed the data yourselves. We actually ran EXIF data on some of your own examples that you've entered in the evidence. They are not photos from an iPhone. Those were edited in a PC.

Mr. Murphy: I'm going to hand up a page from your disclosure. One second, Your Honor.

[04:13:46]

[silence]

[04:14:14]

Judge: Is this deposition?

Woman: [Inaudible 04:14:15].

Mr. Murphy: May I approach, Your Honor?

Judge: Yes, sir. Thank you.

Mr. Murphy: Thank you. So, do you see on page 8 of your disclosure, Mr. Neumeister, it states, "The metadata of all of the photographs of purported injuries that Ms. Heard has identified as her trial exhibits do not indicate that the photographs went through a photo editing application." Did I read that correct?

Mr. Neumeister: That's correct. But we're talking EXIF data.

Mr. Murphy: No further questions, Your Honor.

Judge: All right. Redirect?

Attorney: Mr. Neumeister, a moment ago, Mr. Murphy was asking you some questions about your opinion about the trial exhibits that Ms. Heard has offered in this matter. And he asked you about your opinion that they don't indicate that they've gone through a photo editing application. What can you tell us about that?

Mr. Neumeister: Well, first of all, this last exhibit, it says "metadata," not "EXIF data." So that's two different things all together. We're talking

EXIF data. And on the report, I put "metadata" because I was requested to cover meta and EXIF data. So it's taken out of context. The EXIF data is the data that's embedded in the photo. Metadata can be the file data, about the file itself. Two different things. So the way the data was collected, it was...an iTunes backup is a backup...

Mr. Murphy: Objection, Your Honor. Backup's outside the scope of Your Honor's ruling beyond EXIF metadata.

Attorney: I think you opened the door on the...

Judge: I overrule distraction.

Attorney: Thank you, Your Honor. Go ahead, Bryan.

Mr. Neumeister: An iTunes backup is only a backup of things that are on an iPhone that have not been deleted. It does not have the critical operating system, it doesn't have any of the files that would validate the path of a photograph in that phone. It does not have a lot of the log files. It does not have the knowledgeC database which talks about usage of the phone and the patterns of how data was handled. All it is is the photos you decided to save, not the photos you deleted. So it's a very limited database.

Without the system registry or without the operating system, there's no way to tell, because it's very easy to modify a photo on a phone and have it just read iOS 9.3.1. But with the actual phone, if you were able to get a hold of the actual phone, and in 95% of all cases we work, we have the actual phone. It doesn't matter if the phones are 10 years old or 20 years old...I [inaudible 04:17:05] 20 years old, but 10 years old.

The reason is if people have something they want to keep as evidence, they don't throw out their phones. They don't recycle their phones. They save their phones. People ask how we're doing phones on 13-year-old cases, because people do not throw out evidence. They keep the phone. So in a situation like this, there are no forensic extractions. In fact, the extractions we were provided were backups of backups of iTunes exports. So it's third generation, and there is no way to verify the file paths and the history of any single photo that we've looked at.

Attorney: No further questions, Your Honor.

Judge: All right. Thank you. Sir, you can have a seat in the courtroom or you're free to go.

Mr. Neumeister: Thank you very much.

Judge: All right. Your next witness?

Attorney: Your Honor, we call Beverly Leonard by video link.

Judge: I need the TV.

Attorney: All right.

Judge: Just give us a moment to get the TV up.

[04:18:09]

[silence]

[04:18:38]

Man: [Inaudible 04:18:38].

Judge: [Inaudible 04:18:40].

Man: [Inaudible 04:18:41] thank you.

[04:18:42]

[silence]

[04:19:01]

Judge: All right. Ms. Leonard, can you hear me?

Ms. Leonard: I can.

Judge: All right. Can you just count to five for me so I can get you on the big screen in the courtroom?

Ms. Leonard: One, two, three, four, five.

Judge: All right. That's close. Can you raise your right hand? Do you swear or affirm to tell the truth under penalty of law?

Ms. Leonard: Yes, I do.

Judge: Well, start talking. We'll see if...try the first question.

Attorney: Good afternoon, Ms. Leonard.

Ms. Leonard: Good afternoon.

Judge: All right. Ms. Leonard, if you could speak a little louder for me and try to count to five one more time, I'm just trying to get you on the TV screen.

Ms. Leonard: Okay. One, two, three, four, five.

Judge: All right. The lessons we've learned in COVID, correct? Okay. All right. Your first question?

Attorney: Thank you very much.

Judge: Good afternoon, Ms. Leonard.

Ms. Leonard: Good afternoon.

Attorney: Would you please state your full name for the record?

Ms. Leonard: Beverly R. Leonard.

Attorney: Where are you testifying from?

Ms. Leonard: I'm testifying from my home in Arizona.

Attorney: Are you familiar with the defendant in this matter, Amber Heard?

Ms. Leonard: Yes, I am.

Attorney: And how are you familiar with her?

Ms. Leonard: I met her in 2009 at Sea-Tac International Airport.

Attorney: Why were you at the airport?

Ms. Leonard: I worked there.

Attorney: What happened when you met Ms. Heard in 2009?

Ms. Leonard: I was in the baggage claim area and I observed her with a traveling companion. And they got into an altercation where Ms. Heard had grabbed her traveling companion and pulled something from her neck. At that point, I got up and went over to try to break up what appeared to be a fight. And I summoned a colleague to help me. And I stepped in between them and separated them, stopping any further injuries or escalation.

Attorney: How would you describe the interaction between Ms. Heard and her traveling companion?

Ms. Leonard: Ms. Heard was aggressive towards her traveling companion, and she had reached up and grabbed her arm and pulled a necklace off of her. And then I observed her having it in her hand. She seemed to be not very steady on her feet. Her eyes were blurry and watery, and I could smell alcohol.

Attorney: What was Ms. Heard's traveling companion's reaction to being assaulted by Ms. Heard?

Ms. Bredehoff: Objection. Relevance.

Judge: I'll sustain the objection.

Attorney: On relevance?

Judge: Yes.

Attorney: Okay. What did Ms. Heard's traveling companion do?

Ms. Leonard: She raised her hands in what appeared to be a defensive manner, but other than that, she was pretty stoic and didn't really respond much. Her stature was 2 or 3 inches taller than Ms. Heard, so she didn't really need to have to defend herself.

Attorney: How would you describe Ms. Heard's demeanor when you stepped in between Ms. Heard and her traveling companion?

Ms. Leonard: She was somewhat dismissive. She just said, "We're just having an argument. We're fine. We're fine," because I was asking if they were okay. "Are you okay? Is there anything wrong? You know, what's going on?" And she was...

Ms. Bredehoff: Objection. Hearsay to what she's saying.

Judge: All right. I'll sustain the objection. Next question?

Attorney: What, if any, injuries did you observe on Ms. Heard's traveling companion?

Ms. Leonard: She had abrasion on the side of her neck where the necklace was, like a rope burn from the chain as it was removed.

Attorney: How did you come to testify in this trial?

Ms. Leonard: I became aware of this situation, specifically this trial because I was sent an email anonymously, I don't even know who it came from, asking...

Ms. Bredehoff: Objection. Hearsay.

Judge: I'll sustain the objection.

Attorney: How would you generally describe Ms. Heard's behavior on the occasion you met her in 2009?

Ms. Bredehoff: Objection, Your Honor. Already asked and answered the specifics...

Judge: Okay. Cross-examination.

Ms. Bredehoff: Ms. Leonard, when did you contact counsel for Mr. Depp?

Ms. Leonard: Late last night.

Ms. Bredehoff: Late last night? Okay. And this happened in 2009, correct?

Ms. Leonard: Yes.

Ms. Bredehoff: Thirteen years ago, correct?

Ms. Leonard: Yes.

Ms. Bredehoff: And you know that this trial is being televised, right?

Ms. Leonard: Yes.

Ms. Bredehoff: And so you know that if you have something that might be significant to say, that that way you can get on television, right?

Ms. Leonard: No. I had no desire to be on television. I actually waited for a call and wondered why I hadn't been contacted.

Ms. Bredehoff: All right. But you reached out and contacted them last night, correct?

Ms. Leonard: Yes.

Ms. Bredehoff: Okay. All right. Thank you. I have no further questions.

Judge: All right. Any redirect?

Attorney: Nothing further, Your Honor.

Judge: All right. Thanks, Ms. Leonard. You're free to sign off. Thank you.

Ms. Leonard: All right.

Judge: All right. Your next witness?

Attorney: Your Honor, may we approach?

Judge: Sure.

Attorney: Thank you.



Judge: Ladies and gentlemen, we're still on track to have closing arguments on Friday morning, but the plaintiff only has one more witness in rebuttal. And then since we have a counterclaim, the defense has a chance to have rebuttal for their counterclaim, and so you'll hear the remaining witnesses tomorrow on that. So since we don't have anything further today, I'm gonna go ahead and release you at this point. Do not discuss the case with anybody. Don't do any outside research, and we'll see you back tomorrow morning at 9:00, okay? Thank you.

[04:26:14]

[silence]

[04:26:39]

Okay. All right. And then, for the record, charge the remaining time 'til 5:30. The plaintiff has 7 hours and 8 minutes left as of this moment, and the defendant has 1 hour and 16 minutes left, right, so we're on the same page? Okay. And jury instructions, we get clean copies today?

Attorney: Yes, Your Honor. So here's, I think...we just received their comments around noon today, but we've had someone not in the court who's been looking at those and I think has narrowed down the areas of disagreement, and either is sending or has sent to Sami an email that sets forth the few remaining issues of disagreement. But actually, I think we're mostly there but I haven't had a chance to read what they sent over.

Judge: Mostly. Okay. So I don't have everything quite yet then?

Attorney: It's not finalized.

Judge: Okay. But I will get it sometime this evening? We have an hour now. You can stay in the courtroom and work it out. How about that?

Attorney: We're happy to address those, but I think we need an opportunity to see what we...I mean, we sent them our comments two days ago and we just got it three hours ago.

Judge: I understand. But we have some extra time right now, so nobody leaves until I get my jury instructions, how's that?

Attorney: That's fair.

Judge: I like that. Okay. We'll do that, and the verdict form, also. And then, if I could read Sami's handwriting, I'd tell you exactly what he's saying. Sami, what are you saying here?

Sami: [Inaudible 04:28:04].

Judge: Oh, yes. We got the three jury instructions that are under advisement, so we'll address those tomorrow as well, okay? And we'll work on Sami's penmanship. All right. Anything else?

Attorney: So do we [inaudible 04:28:17] Your Honor wants to hear the disputes right now or tomorrow?

Judge: I mean, I don't think you know what the disputes are yet, so I'll hear the disputes tomorrow. Well, yeah, we could do those at some point tomorrow. It sounds like we're gonna have some extra time tomorrow. So we'll take care of those tomorrow, but I want everything today. I want to know what those disputes are and have what you have clean.

Attorney: And that's what I'm saying. I think that by 5:00 you will get what the disputes are.

Judge: Okay. For everything, right? Okay.

Attorney: Mm-hmm.

Judge: So just stay here until we get all that, everything.

Attorney: Sure.

Judge: Okay, great. Anything else then?

Attorney: No.

Judge: All right. We'll see you in the morning.

Woman: Thank you, Your Honor.

Bailiff: All rise.