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CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Jury Trial - Day 27

Date: June 1, 2022
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

28784

Transcript of Jury Trial - Day 27
 Conducted on June 1, 2022

1 (7992 to 7995)

7992	<p>1 VIRGINIA:</p> <p>2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY</p> <p>3 -----x</p> <p>4 JOHN C. DEPP, II, :</p> <p>5 Plaintiff and :</p> <p>6 Counterclaim Defendant, :</p> <p>7 v. : Civil Action No.:</p> <p>8 AMBER LAURA HEARD, : CL-2019-0002911</p> <p>9 Defendant and :</p> <p>10 Counterclaim Plaintiff. :</p> <p>11 -----x</p> <p>12 HEARING</p> <p>13 BEFORE THE HONORABLE PENNEY AZCARATE</p> <p>14 Fairfax, Virginia</p> <p>15 Wednesday, June 1, 2022</p> <p>16 9:00 a.m. EDT</p> <p>17 TRIAL DAY 27</p> <p>18</p> <p>19</p> <p>20 - Job No.: 451398</p> <p>21 Pages: 7992 - 8013</p> <p>22 Reported by: Judith E. Bellinger, RPR, CRR</p>	7994
7993	<p>1 Held at:</p> <p>2</p> <p>3</p> <p>4 CIRCUIT COURT OF FAIRFAX COUNTY</p> <p>5 4110 Chain Bridge Road</p> <p>6 Courtroom 5J</p> <p>7 Fairfax, Virginia 22030</p> <p>8 703.691.7320</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	7995
	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM</p> <p>4 DEFENDANT:</p> <p>5 BENJAMIN G. CHEW, ESQUIRE</p> <p>6 ANDREW C. CRAWFORD, ESQUIRE</p> <p>7 BROWN RUDNICK LLP</p> <p>8 601 Thirteenth Street NW</p> <p>9 Suite 600</p> <p>10 Washington, D.C. 20005</p> <p>11 202.536.1700</p> <p>12</p> <p>13 CAMILLE M. VASQUEZ, ESQUIRE</p> <p>14 SAMUEL A. MONIZ, ESQUIRE</p> <p>15 BROWN RUDNICK LLP</p> <p>16 2211 Michelson Drive</p> <p>17 7th Floor</p> <p>18 Irvine, CA 92712</p> <p>19 949.440.0234</p> <p>20</p> <p>21</p> <p>22</p>	
	<p>1 A P P E A R A N C E S C O N T I N U E D</p> <p>2</p> <p>3 JESSICA N. MEYERS, ESQUIRE</p> <p>4 BROWN RUDNICK LLP</p> <p>5 7 Times Square</p> <p>6 New York, NY</p> <p>7 212.209.4938</p> <p>8</p> <p>9 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM</p> <p>10 PLAINTIFF:</p> <p>11</p> <p>12 ELAINE CHARLSON BREDEHOFT, ESQUIRE</p> <p>13 ADAM S. NADELHAFT, ESQUIRE</p> <p>14 DAVID E. MURPHY, ESQUIRE</p> <p>15 CHARLSON BREDEHOFT COHEN BROWN &</p> <p>16 NADELHAFT, P.C.</p> <p>17 11260 Roger Bacon Drive</p> <p>18 Suite 201</p> <p>19 Reston, VA 20190</p> <p>20 703.318.6800</p> <p>21</p> <p>22</p>	

<p>7996</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 J. BENJAMIN ROTTENBORN, ESQUIRE</p> <p>4 ELAINE D. McCAFFERTY, ESQUIRE</p> <p>5 WOODS ROGERS PLC</p> <p>6 10 South Jefferson Street</p> <p>7 Suite 1400</p> <p>8 P.O. Box 14125</p> <p>9 Roanoke, VA 24011</p> <p>10 540.983.7540</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>7998</p> <p>1 anything down for compensatory nor for punitive</p> <p>2 damages. So I need to instruct them that since</p> <p>3 they found for at least one of the statements,</p> <p>4 that they need to put that down. Now, I can</p> <p>5 either write it down or I can just tell them now</p> <p>6 and send them back.</p> <p>7 MR. CHEW: Tell them.</p> <p>8 MS. BREDEHOFT: I'd just tell them.</p> <p>9 MR. CHEW: I think you tell them.</p> <p>10 THE COURT: I'm just going to tell them</p> <p>11 that they have to, on the last page, if they find</p> <p>12 defamatory statement on the last statement, they</p> <p>13 have to put -- they have to award compensatory</p> <p>14 damages of at least a dollar. And they have to</p> <p>15 put either zero or a number in for punitive</p> <p>16 damages.</p> <p>17 MS. BREDEHOFT: Right.</p> <p>18 THE COURT: Does that sound</p> <p>19 appropriate?</p> <p>20 MR. CHEW: That's fine, Your Honor.</p> <p>21 MS. VASQUEZ: That's fine, Your Honor.</p> <p>22 MS. BREDEHOFT: That's fine.</p>
<p>7997</p> <p>1 PROCEEDINGS</p> <p>2 THE BAILIFF: All rise. Please be</p> <p>3 seated and come to order.</p> <p>4 All right.</p> <p>5 THE COURT: All right. I understand we</p> <p>6 have a verdict.</p> <p>7 All right. Are we ready for the jury?</p> <p>8 MS. BREDEHOFT: Yes, Your Honor.</p> <p>9 MR. CHEW: Yes, Your Honor.</p> <p>10 THE COURT: All right. Just for</p> <p>11 everybody in the gallery, reminder that this is a</p> <p>12 court of law. Regardless of the verdict, I will</p> <p>13 not tolerate any outburst, whatsoever, okay?</p> <p>14 Thank you.</p> <p>15 (Whereupon, the jury entered the</p> <p>16 courtroom and the following proceedings took</p> <p>17 place.)</p> <p>18 THE COURT: If I could have the</p> <p>19 attorneys approach for a minute.</p> <p>20 (Sidebar.)</p> <p>21 THE COURT: On one of the forms, they</p> <p>22 found for defamatory statement but they didn't put</p>	<p>7999</p> <p>1 THE COURT: Thank you.</p> <p>2 (Open court.)</p> <p>3 THE COURT: All right. Ladies and</p> <p>4 gentlemen of the jury, what I need you to do, I</p> <p>5 need to give the forms back to you. When you find</p> <p>6 for defamatory statement, one or more, you need to</p> <p>7 fill out the compensatory damages. It has to be</p> <p>8 at least a dollar for compensatory damages, and up</p> <p>9 to whatever you feel the damages should be.</p> <p>10 And for punitive damages, you can put a</p> <p>11 zero there, or you can fill out that as well. But</p> <p>12 I need those lines filled out, okay?</p> <p>13 All right. So, if I could have you</p> <p>14 retire back to the deliberation room and do that</p> <p>15 for me, okay.</p> <p>16 (Whereupon, the jury exited the</p> <p>17 courtroom and the following proceedings took</p> <p>18 place.)</p> <p>19 THE COURT: All right. So we'll be in</p> <p>20 recess until we hear back from them. Don't go too</p> <p>21 far, okay?</p> <p>22 MS. BREDEHOFT: Thank you.</p>

<p>8000</p> <p>1 MR. CHEW: Thank you, Your Honor. 2 (Recess taken from 3:03 p.m. to 3 3:18 p.m.) 4 THE BAILIFF: All rise. Please be 5 seated and come to order. 6 THE COURT: All right. Shall we try 7 this again? Let's do that. 8 All right. We're ready for the jury. 9 (Whereupon, the jury entered the 10 courtroom and the following proceedings took 11 place.) 12 THE COURT: All right. Mr. Foreperson, 13 is this the verdict of the jury? 14 JUROR NUMBER 29: Yes, Your Honor. 15 THE COURT: And is it unanimous? 16 JUROR NUMBER 29: Yes, Your Honor. 17 THE COURT: All right. Jamie. 18 THE CLERK: In Civil Case Number 19 CL-2019-2911, 20 Mr. Depp's Claim Against Ms. Heard. 21 1. As to this statement appearing in 22 the online op-ed entitled "Amber Heard: I spoke</p>	<p>8002</p> <p>1 Question: The defamatory implication 2 was designed and intended by Ms. Heard? 3 Answer: Yes. 4 Question: Due to circumstances 5 surrounding the publication of the statement, it 6 conveyed a defamatory implication to someone who 7 saw it other than Mr. Depp? 8 Answer: Yes. 9 Do you find that Mr. Depp has proven by 10 clear and convincing evidence that Ms. Heard acted 11 with actual malice? 12 Answer: Yes. 13 2. As to this statement appearing in 14 the op-ed entitled "A Transformative Moment for 15 Women" in The Washington Post's print edition and 16 the online op-ed "Amber Heard: I spoke up against 17 sexual violence - and faced our culture's wrath. 18 That has to change" in The Washington Post's 19 online edition: 20 "Then two years ago, I became a public 21 figure representing domestic abuse, and I felt the 22 full force of our culture's wrath for women who</p>
<p>8001</p> <p>1 up against sexual violence - and faced our 2 culture's wrath. That has to change" in The 3 Washington Post's online edition: 4 "I spoke up against sexual violence - 5 and faced our culture's wrath. That has to 6 change." 7 Do you find that Mr. Depp has proven 8 all the evidence of defamation? 9 Answer: Yes. 10 Has Mr. Depp proven by a greater weight 11 of the evidence that: 12 Question: The statement was made or 13 published by Ms. Heard? 14 Answer: Yes. 15 Question: The statement was about 16 Mr. Depp? 17 Answer: Yes. 18 Question: The statement was false? 19 Answer: Yes. 20 Question: The statement has a 21 defamatory implication about Mr. Depp? 22 Answer: Yes.</p>	<p>8003</p> <p>1 speak out." 2 Do you find that Mr. Depp has proven 3 all the evidence of defamation? 4 Answer: Yes. 5 Has Mr. Depp proven by a greater weight 6 of the evidence that: 7 Question: The statement was made or 8 published by Ms. Heard? 9 Answer: Yes. 10 Question: The statement was about 11 Mr. Depp? 12 Answer: Yes. 13 Question: The statement was false? 14 Answer: Yes. 15 Question: The statement has a 16 defamatory implication about Mr. Depp? 17 Answer: Yes. 18 Question: The defamatory implication 19 was designed and intended by Ms. Heard? 20 Answer: Yes. 21 Question: Due to circumstances 22 surrounding the publication of the statement, it</p>

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4 (8004 to 8007)

8004	8006
<p>1 conveyed a defamatory implication to someone who 2 saw it other than Mr. Depp? 3 Answer: Yes. 4 Do you find that Mr. Depp has proven by 5 clear and convincing evidence that Ms. Heard acted 6 with actual malice? 7 Answer: Yes. 8 3. As to this statement appearing in 9 the op-ed entitled "A Transformative Moment for 10 Women" in The Washington Post's print edition and 11 the online op-ed "Amber Heard: I spoke up against 12 sexual violence - and faced our culture's wrath. 13 That has to change" in The Washington Post's 14 online edition: 15 "I had the rare vantage point of 16 seeing, in real time, how institutions protect men 17 accused of abuse." 18 Do you find that Mr. Depp has proven 19 all the elements of defamation? 20 Answer: Yes. 21 Question: Has Mr. Depp proven by a 22 greater weight of the evidence that:</p>	<p>1 Answer: Yes. 2 As against Amber Heard: We, the jury, 3 award compensatory damages in the amount of 4 \$10 million. 5 As against Amber Heard: We, the jury, 6 award punitive damages in the amount of 7 \$5 million. 8 In Civil Case Number CL-2019-2911. 9 Ms. Heard's Claim Against Mr. Depp. 10 1. As to this statement, appearing in 11 the April 8, 2020 online edition of The Daily 12 Mail: "Amber Heard and her friends in the media 13 used fake sexual violence allegations as both a 14 sword and shield, depending on their needs. They 15 have selected some of her sexual violence hoax, 16 'facts' as the sword, inflicting them on the 17 public and Mr. Depp." 18 Do you find that Ms. Heard has proven 19 all the elements of defamation? 20 Answer: No. 21 2. As to this statement appearing in 22 the April 27th, 2020 online edition of The Daily</p>
8005	8007
<p>1 Question: The statement was made or 2 published by Ms. Heard? 3 Answer: Yes. 4 Question: The statement was about 5 Mr. Depp? 6 Answer: Yes. 7 Question: The statement was false? 8 Answer: Yes. 9 Question: The statement has a 10 defamatory implication about Mr. Depp? 11 Answer: Yes. 12 Question: The defamatory implication 13 was designed and intended by Ms. Heard? 14 Answer: Yes. 15 Question: Due to circumstances 16 surrounding the publication of this statement, it 17 conveyed a defamatory implication to someone who 18 saw it other than Mr. Depp? 19 Answer: Yes. 20 Do you find that Mr. Depp has proven by 21 clear and convincing evidence that Ms. Heard acted 22 with actual malice?</p>	<p>1 Mail: 2 "Quite simply, this was an ambush, a 3 hoax. They set Mr. Depp up by calling the cops 4 but the first attempt did not do the trick. The 5 officers came to the penthouses, thoroughly 6 searched and interviewed, and left after seeing no 7 damage to face or property. So Amber and her 8 friends spilled a little wine and roughed the 9 place up, got their story straight under the 10 direction of a lawyer and publicist, and then 11 placed a second call to 911." 12 Do you find that Ms. Heard has proven 13 all the elements of defamation? 14 Answer: Yes. 15 Has Ms. Heard proven by a greater 16 weight of the evidence that: 17 Question: Mr. Waldman, while acting as 18 an agent for Mr. Depp, made or published the 19 statement? 20 Answer: Yes. 21 The statement was about Ms. Heard? 22 Answer: Yes.</p>

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5 (8008 to 8011)

8008	8010
<p>1 Question: The statement was seen by 2 someone other than Ms. Heard? 3 Answer: Yes. 4 Question: The statement was false? 5 Answer: Yes. 6 Do you find that Ms. Heard has proven 7 by clear and convincing evidence that the 8 statement by Mr. Waldman was made with actual 9 malice? 10 Answer: Yes. 11 3. As to this statement appearing in 12 the April 27th, 2020 online edition of The Daily 13 Mail: 14 "We've reached the beginning of the end 15 of Ms. Heard's abuse hoax against Johnny Depp." 16 Do you find that Ms. Heard has proven 17 all of the elements of defamation? 18 Answer: No. 19 As against John C. Depp, II: We, the 20 jury, award compensatory damages in the amount of 21 \$2 million. 22 As against John C. Depp, II: We, the</p>	<p>1 THE CLERK: Juror Number 29? 2 JUROR NUMBER 29: Yes. 3 THE COURT: All right. I do find that 4 that jury's verdict is unanimous. 5 Ladies and gentlemen, this concludes 6 your service in this case. I want to thank you, 7 again, for your dedication and your hard work 8 during this trial. I know I speak for everybody 9 here when I appreciate -- tell you that we 10 appreciate your sacrifices and your time and your 11 public service in this matter, okay? 12 So, I'm going to have you go back to 13 the jury deliberation room for one more time, and 14 then we'll release you from there, okay? 15 Okay. Thank you. 16 (Whereupon, the jury exited the 17 courtroom and the following proceedings took 18 place.) 19 THE COURT: All right. Okay. In 20 accordance with law, I will amend the punitive 21 damages award to the statutory cap of \$350,000 on 22 Mr. Depp's award, okay?</p>
8009	8011
<p>1 jury, award punitive damages in the amount of zero 2 dollars. 3 THE COURT: All right. Does either 4 side wish to have the jury poled? 5 MS. BREDEHOFT: Yes, Your Honor. 6 THE COURT: Jamie. 7 THE CLERK: Members of the jury, if 8 this is your verdict, please answer yes. 9 If this is not your verdict, please 10 answer no. 11 Juror Number 6? 12 JUROR NUMBER 6: Yes. 13 THE CLERK: Juror Number 10? 14 JUROR NUMBER 10: Yes. 15 THE CLERK: Juror Number 15? 16 JUROR NUMBER 15: Yes. 17 THE CLERK: Juror Number 16? 18 JUROR NUMBER 16: Yes. 19 THE CLERK: Juror Number 22? 20 JUROR NUMBER 22: Yes. 21 THE CLERK: Juror Number 27? 22 JUROR NUMBER 27: Yes.</p>	<p>1 MR. CHEW: Thank you, Your Honor. 2 THE COURT: I will set that down for 3 entry of an order. And can we do it on June 24th 4 at 10:00 a.m., if that's available. 5 MS. BREDEHOFT: Yes, Your Honor. 6 THE COURT: All right. Mr. Chew, if 7 you could prepare that order, and then circulate 8 it to Ms. Bredehoff and we can have all the 9 objections noted on it. All right? 10 MR. CHEW: We'll do that, Your Honor. 11 Thank you very much. 12 THE COURT: All right. And if I get it 13 before that date, I'll take it off the docket, 14 okay? 15 MR. CHEW: Thank you. 16 THE COURT: All right. Again, thank 17 you to all the attorneys for the professionalism 18 and you're welcome to come to my courtroom 19 anytime. Well, give me a few weeks, but then you 20 can come anytime, okay? 21 MR. CHEW: Thank you, Your Honor. 22 THE COURT: Court is adjourned.</p>

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6 (8012 to 8015)

<p style="text-align: right;">8012</p> <p>1 MS. BREDEHOFT: Thank you, Your Honor. 2 THE BAILIFF: All rise. 3 (Whereupon, the trial was adjourned at 4 3:30 p.m., June 2, 2022.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	
<p style="text-align: right;">8013</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 I, JUDITH E. BELLINGER, RPR, CRR, the 3 court reporter before whom the foregoing hearing 4 was taken, do hereby certify that the foregoing 5 excerpt transcript is a true and correct record of 6 the proceedings; that said proceedings were taken 7 by me stenographically and thereafter reduced to 8 typewriting under my direction; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to this case and have no 11 interest, financial or otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set 13 my hand and affixed my notarial seal this 2nd day 14 of June, 2022. 15 My Commission Expires: September 30, 2024 16 17 <i>Judith E. Bellinger</i> 18 _____ 19 NOTARY PUBLIC IN AND FOR 20 THE COMMONWEALTH OF VIRGINIA 21 22</p>	