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FAIRFAX, VA

Transcript of Jury Trial - Day 20

Date: May 19, 2022
Case: Depp, II -v- Heard

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Transcript of Jury Trial - Day 20
Conducted on May 19, 2022

1 (5869 to 5872)

| 5869 | 5871 |
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| <p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, : 5 Plaintiff and : 6 Counterclaim Defendant, : 7 v. : Civil Action No.: 8 AMBER LAURA HEARD, : CL-2019-0002911 9 Defendant and : 10 Counterclaim Plaintiff. : 11 -----x 12 HEARING 13 BEFORE THE HONORABLE PENNEY AZCARATE 14 Fairfax, Virginia 15 Thursday, May 19, 2022 16 9:25 a.m. EDT 17 TRIAL DAY 20 18 19 20 Job No.: 443903 21 Pages: 5869 - 6208 22 Reported by: Judith E. Bellinger, RPR, CRR</p> | <p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM 4 DEFENDANT: 5 BENJAMIN G. CHEW, ESQUIRE 6 ANDREW C. CRAWFORD, ESQUIRE 7 BROWN RUDNICK LLP 8 601 Thirteenth Street NW 9 Suite 600 10 Washington, D.C. 20005 11 202.536.1700 12 13 CAMILLE M. VASQUEZ, ESQUIRE 14 SAMUEL A. MONIZ, ESQUIRE 15 BROWN RUDNICK LLP 16 2211 Michelson Drive 17 7th Floor 18 Irvine, CA 92712 19 949.440.0234 20 21 22</p> |
| 5870 | 5872 |
| <p>1 Held at: 2 3 4 CIRCUIT COURT OF FAIRFAX COUNTY 5 4110 Chain Bridge Road 6 Courtroom 5J 7 Fairfax, Virginia 22030 8 703.691.7320 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p> | <p>1 2 A P P E A R A N C E S C O N T I N U E D 3 4 JESSICA N. MEYERS, ESQUIRE 5 BROWN RUDNICK LLP 6 7 Times Square 7 New York, NY 8 212.209.4938 9 10 REBECCA MACDOWELL LECAR0Z, ESQUIRE 11 WAYNE DENNISON, ESQUIRE 12 BROWN RUDNICK LLP 13 One Financial Center 14 Boston, MA 02111 15 617.856.8149 16 17 18 19 20 21 22</p> |

Transcript of Jury Trial - Day 20
 Conducted on May 19, 2022

2 (5873 to 5876)

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| 5873 | 1 2 3 APPEARANCES CONTINUED 4 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM 5 PLAINTIFF: 6 7 ELAINE CHARLSON BREDEHOFT, ESQUIRE 8 ADAM S. NADELHAFT, ESQUIRE 9 CHARLSON BREDEHOFT COHEN BROWN & 10 NADELHAFT, P.C. 11 11260 Roger Bacon Drive 12 Suite 201 13 Reston, VA 20190 14 703.318.6800 15 16 J. BENJAMIN ROTTENBORN, ESQUIRE 17 WOODS ROGERS PLC 18 10 South Jefferson Street 19 Suite 1400 20 P.O. Box 14125 21 Roanoke, VA 24011 22 540.983.7540 | 5875 |
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| <p>5877</p> <p>1 PROCEEDINGS 2 THE BAILIFF: All rise. 3 Please be seated and come to order. 4 THE COURT: Thank you. 5 I apologize. We had a delayed juror 6 but now we have all the jury, so we're good to go. 7 Do we have any preliminary matters? 8 MS. BREDEHOFT: Yes, Your Honor. 9 THE COURT: Sure. 10 (Sidebar.) 11 MR. NADELHAFT: Your Honor, I'm not 12 sure you if saw my email -- 13 THE COURT: I did. Sammy emailed it to 14 me. 15 MR. ROTTENBORN: It's deeply troubling. 16 It appears to be, I know it's up to you, a blatant 17 violation of the Court's order. The jury, I don't 18 know where they park, I assume they park in the 19 public garage, they walk past that. And just have 20 deep concerns about the integrity of this process 21 when things like that are happening. 22 THE COURT: All right.</p> | <p>5879</p> <p>1 And we asked our technician to take a private 2 picture of us with the alpaca. 3 THE COURT: Which is still against my 4 order. 5 MR. CHEW: I apologize. I do 6 apologize, but it's completely my fault. I was 7 taking a picture for my boys, who I haven't seen 8 in five weeks. I apologize. No excuse. It's not 9 prejudice, there's no disrespect. In fact, I 10 don't see how it's prejudicial. 11 THE COURT: You can see if jurors are 12 coming out there and you're doing pictures with 13 alpacas. You can understand that? 14 MR. CHEW: I do understand that, Your 15 Honor, and I do apologize. But I don't think that 16 that happened and we were surrounded, and we 17 contacted some people to escort us from now on. 18 THE COURT: Yeah, you probably 19 shouldn't go out there until your car is ready. 20 MR. CHEW: We won't. And that's why I 21 mentioned the phone. Because I literally did not 22 have my phone because it was being fixed. It</p> |
| <p>5878</p> <p>1 MR. CHEW: Your Honor, if I may be 2 heard. I can give a little context. I will 3 apologize, but if I can put it in context. 4 THE COURT: Sure. 5 MR. CHEW: The night before last, 6 Ms. Vasquez got a very serious death threat. I 7 know there are other threats going back and forth, 8 but it was very serious. It was after her 9 cross-examination of Ms. Heard. Our email and 10 computer systems were compromised and hacked; some 11 of Mr. Depp's data was stolen. The firm made us 12 surrender our phones. So yesterday, I surrendered 13 my phone, gave it to my assistant. What happened 14 was, I went down a little earlier while we were 15 cleaning out the breakout room, I went down alone, 16 and I didn't have my phone. I was waiting for my 17 assistant to come and bring me the phone. We 18 couldn't contact the gentleman who was driving us 19 to and from. I was surrounded by a hundred people 20 and it was a little -- not scary, but it was a 21 little overwhelming. So finally, the driver came 22 and Camille and the rest of the team came out.</p> | <p>5880</p> <p>1 still hasn't been fixed. Our assistant has to 2 come back again today at lunchtime and get it 3 fixed. 4 THE COURT: Okay. You're getting 5 escorted, too, right? Are they escorted? 6 MR. ROTTENBORN: We have been some 7 days. A little less -- fewer people, but some 8 days we have. 9 THE COURT: Okay. 10 MR. ROTTENBORN: But, obviously, 11 there's no excuse for -- it's horrible that 12 Ms. Vasquez received a death threat. We've 13 received them too. 14 THE COURT: I know you have. 15 MR. CHEW: We get called -- 16 MR. ROTTENBORN: That doesn't 17 address -- 18 THE COURT: I understand. 19 MR. ROTTENBORN: It wasn't just 20 Mr. Chew was posing for pictures, he was also 21 taking a picture of Ms. Vasquez. And I get that 22 it's tough but we just have -- and I'm not going</p> |

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| <p>1 to impute that notice to Mr. Chew and Ms. Vasquez, 2 but Mr. Depp's online army of support is zealous, 3 to say the least, and when things like this go 4 viral, it only makes it harder for the jury to 5 avoid. 6 THE COURT: I understand. 7 MR. ROTTENBORN: It's just a blatant, 8 black-and-white violation of the Court's order. 9 THE COURT: Okay. So you're obviously 10 on notice from now. 11 MR. CHEW: Yes, Your Honor. 12 THE COURT: There will be sanctions if 13 it happens again. 14 MR. CHEW: Yes, Your Honor. 15 THE COURT: You need to figure it out. 16 I don't want you -- if people are videotaping -- 17 you can't be standing there when people are 18 videotaping. 19 MR. CHEW: We won't. 20 THE COURT: You can't be engaging with 21 them. It's going to be silence the whole way. 22 MR. CHEW: Understood.</p> | <p>1 make you aware of that as well. 2 MR. CHEW: Thank you, Your Honor. 3 THE COURT: Anything else? 4 MR. ROTTENBORN: Yes, Mr. Dennison had 5 a -- 6 THE COURT: Good morning, Mr. Dennison. 7 Come on in. 8 MR. DENNISON: Thank you. Your Honor, 9 this is a procedural issue. One of the witnesses 10 that's on the witness list today, Adam Bercovici, 11 was designated solely as a rebuttal witness by the 12 defendant, and we never put on the expert that 13 would be -- 14 THE COURT: More people are coming. 15 MR. DENNISON: -- the subject of the 16 rebuttal. 17 MR. ROTTENBORN: Your Honor, Mr. Treece 18 filled in to do his examination, and that's why I 19 called him up. He was just saying that -- and I 20 don't mean to interfere. 21 MR. DENNISON: No, no. 22 MR. ROTTENBORN: He was just saying</p> |
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| <p>1 THE COURT: In cars, gone. I don't 2 want to see any grandstanding, whatsoever. 3 MR. CHEW: We're not leaving without 4 having our driver there. 5 THE COURT: It just can't happen again. 6 MR. CHEW: I understand. 7 THE COURT: Additionally, it was 8 brought to my attention this morning, so I just 9 want to get this on the record also. There was an 10 employee's kids out on the balcony in the back 11 chambers area, that when you're at the judge's 12 lot, you can see this balcony on the fifth floor. 13 There were kids out there yesterday when people 14 were coming in, and they were videotaping the 15 arrivals of your clients. One of the kids posted 16 it on TikTok, I found out this morning. It's been 17 removed from TikTok and nobody can go on that 18 balcony again for the duration of this trial. But 19 since it happened, I wanted to let you all be 20 aware of it and I have dealt with it. 21 MR. CHEW: Thank you, Your Honor. 22 THE COURT: Very sternly. I want to</p> | <p>1 that -- 2 THE COURT: He was just designated as a 3 rebuttal witness. 4 MR. TREECE: Yeah, he's designated, and 5 I'll show you the designation. 6 THE COURT: If he's only designated as 7 rebuttal -- 8 MR. TREECE: Rebuttal to the facts. 9 THE COURT: Facts of what? 10 MR. TREECE: To the facts that the 11 officers presented. So there's the designation. 12 So, these are rebuttal witnesses. They put on the 13 officers in their case-in-chief to say that the 14 officers saw this and the officers concluded that 15 there was no evidence of domestic violence. 16 THE COURT: Okay. The beginning of it 17 says Mr. Bercovici, and I'm sorry -- 18 MR. TREECE: Bercovici. 19 THE COURT: I'll just call him Mr. B. 20 MR. TREECE: Yes. 21 THE COURT: Will provide a rebuttal 22 opinion to plaintiff's expert, Rachel Frost.</p> |

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| <p>5885</p> <p>1 MR. TREECE: And then it goes on to say 2 "and will testify." Because here's what 3 happened -- 4 THE COURT: No, no. That's the 5 designation. 6 MR. TREECE: But, your Honor, it is a 7 rebuttal witness to the -- 8 THE COURT: To Rachel Frost. 9 MR. TREECE: So in their case-in-chief, 10 they put on evidence. He is rebutting -- 11 THE COURT: That's the designation, 12 that's what it is. Sorry, sir. 13 MR. DENNISON: Thank you, Your Honor. 14 THE COURT: All right. Are we ready 15 for anything else? All right. 16 (Open court.) 17 THE COURT: Are we ready for the jury, 18 then? 19 MR. CHEW: Yes, Your Honor. 20 (Whereupon, the jury entered the 21 courtroom and the following proceedings took 22 place.)</p> | <p>5887</p> <p>1 A He joined the band that I was in, in 2 Florida. 3 Q And did Depp ever become family? 4 A To me? Yeah. 5 Q Who was the first person that Depp 6 married? 7 A My sister-in-law, Lori Ann Allison. 8 Q Was that around the time? 9 A Right when we moved out here, 1984. 10 Q So how long have you known Mr. Depp? 11 How many years? 12 A Got to be over 40. From '82 to now. 13 Q Would you consider yourself friends 14 with Mr. Depp? 15 A We were until about four years ago, 16 yeah. 17 Q Okay. And before four years ago, were 18 you close friends? 19 A Yeah, I would consider him my best 20 friend, yeah. 21 Q Was he like a brother to you before 22 four years ago?</p> |
| <p>5886</p> <p>1 THE COURT: All right. Good morning, 2 ladies and gentlemen. 3 Your next witness. 4 MS. BREDEHOFT: Your Honor, we'd like 5 to call Bruce Witkin, and it's by deposition 6 designation. 7 THE COURT: Who's first? 8 MS. BREDEHOFT: I think we are. I 9 think we asked the questions first. 10 THE COURT: All right. Thank you. 11 MS. BREDEHOFT: Thank you. Sorry, Your 12 Honor. 13 THE COURT: That's all right. 14 BRUCE WITKIN, 15 being first duly sworn, was examined 16 and testified as follows: 17 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 18 COUNTERCLAIM PLAINTIFF 19 BY MS. STEMLAND: 20 Q Could you please state your name and 21 business address for the record, please? 22 A Bruce Witkin. California, 91607. Q And how did you meet Mr. Depp?</p> | <p>5888</p> <p>1 A Yeah, we were brothers. He would call 2 me a brother, I'd call him a brother, yeah. We 3 have had a lot in common. 4 Q Is it fair to say that he was like 5 family before four years ago? 6 A Yeah. I mean, he was friends with my 7 mom, my mom loved him. I mean, you know, we were 8 as close as you can get. 9 Q And do you agree to tell the truth 10 today, regardless of your close past friendship 11 with Mr. Depp? 12 A I'll tell the truth either way, yes. 13 Q From about 2011 until 2016, how often 14 do you think that you would -- how often do you 15 estimate that you would have communicated with 16 Mr. Depp? 17 A A lot. We were working a lot of music 18 together. We did a film together -- well, he did 19 the film, I just helped record some stuff. A lot. 20 A lot of time between there. Him and I spent a 21 lot of time from around 2001 until 2015. 22 Q Based on your personal observations,</p> |

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| <p>5889</p> <p>1 from 2011 to 2016, did Mr. Depp ever abuse illicit 2 drugs? 3 A Yeah, I mean, I think "abuse" is the 4 wrong word, but, you know, I think that, yeah, it 5 was – you know, we were going on. Your know, it 6 wasn't, like, crazy rock and roll house, no. But 7 I wouldn't call it abuse. 8 Q What word would you use instead of 9 abuse? 10 A Getting high. 11 Q What? Oh. 12 A Getting high. 13 Q Okay. Getting high on cocaine? 14 A Yeah, once in a while, if I saw it, you 15 know. I mean, that's a handful of times I saw it. 16 I don't think he liked to do it in front of me. 17 Q Did you ever observe forgetfulness in 18 Mr. Depp after he'd been drinking or using 19 substances? 20 A Forgetfulness? No. I think he's got a 21 pretty good memory. But my personal experience 22 with him, no.</p> | <p>5891</p> <p>1 Q Is there a time that you believe that 2 Mr. Depp needed help with substance abuse? 3 A As a friend, yes. 4 Q And do you know who Dr. Kipper is? 5 A Oh, yeah. 6 Q And what do you know about Dr. Kipper 7 in relation to Mr. Depp? 8 A I don't have a strong opinion of 9 Dr. Kipper, but I'll be honest as I can. He was a 10 doctor brought on, I believe, to help him get 11 sober. He was a sober doctor. And I believe he 12 had a nurse with Johnny and a nurse with Amber, at 13 the time. I thought it was a scam. I thought it 14 was a complete ripoff. But that's just me. 15 MS. STEMLAND: Can you, please, bring 16 up Exhibit 3. 17 Q Does this look like a true and accurate 18 copy of this exchange? 19 A Yes. 20 Q Regarding the lines "I'm really worried 21 about him and this Dr. Kipper," what did you mean 22 by that?</p> |
| <p>5890</p> <p>1 Q Did Mr. Depp's drugs or alcohol ever 2 impact the band when you were bandmates or music 3 performances? 4 A We were all young. We were kids. We 5 all did bad stuff then. 6 Q Are you aware of Mr. Depp achieving any 7 period of sobriety during the years that you've 8 known him? 9 A Yeah. 10 Q And when was that? 11 A It's hard for me to – I mean, it was 12 right around – you'd have to look it up, when he 13 did Lone Ranger. He seemed really kind of 14 focused, he wasn't drinking. I went to visit him, 15 I believe it was New Mexico, Amber was there. 16 Everything was, like, different. You know, he was 17 proud of it, he wasn't drinking. I think he was 18 smoking a little weed, but that was it. 19 Q And do you remember about what year 20 that was? 21 A I'm feeling it's 2013, but I'd have to 22 look to see when Lone Ranger was.</p> | <p>5892</p> <p>1 A Like I said, I didn't trust this guy. 2 Q And were you ever worried about 3 Mr. Depp's health? 4 A Yeah. I mean, I would be, you know. I 5 loved the guy, you know. I didn't know what he 6 was taking. But they just both seemed like 7 zombies. 8 Q And why were you concerned? 9 A Just because I saw how he looked and 10 know what he was going through. So, yeah, I was 11 concerned but there was no – I couldn't get back 12 in there and try to help. 13 Q Were you nervous for him in relation to 14 drugs and alcohol? 15 A Yes. 16 Q So you did have some health concerns or 17 not? 18 A Well, yeah. I mean, like I said, we're 19 not as old – young as we used to be and, you 20 know, there was a part, during that time, that he 21 was hitting it pretty hard, you could tell. And I 22 just didn't want anything to happen to him.</p> |

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| <p>1 Q And those concerns related to 2 Mr. Depp's health? 3 A Yeah. 4 Q And Mr. Depp's -- they related to 5 Mr. Depp's drug and alcohol use? 6 A Yes. 7 Q Back to Kipper for a moment. 8 Do you know if when Dr. Kipper 9 prescribed drugs, you know, would Mr. Depp also 10 take anything else besides that? For example, 11 would Mr. Depp drink alcohol or use other drugs in 12 addition to prescription drugs during 2011 to 13 2016? 14 A The answer would be yes. It just 15 seemed odd to me that there was weed and wine in 16 the soberness. Didn't make sense to me. 17 Q And has Amber been nice to you since 18 you've met her? 19 A Amber was always very nice to me, yes. 20 Q And would you consider Mr. Depp to be a 21 romantic person? 22 A Yeah, I think so.</p> | <p>1 with Vanessa, which were ridiculous. A lot of it 2 was in his head and not, you know, in reality. 3 You know what I mean? 4 Q What about with Amber? Did you ever 5 encounter any talk from JD of jealousy with 6 respect to Amber? 7 A Yeah, there were a couple mentions that 8 she was doing a movie with some guy, or stuff like 9 that. 10 Q In terms of jealousy, would anything 11 make Mr. Depp more bothered or less bothered? 12 A Like I said, if she was on a film or 13 doing something that he couldn't be around it to 14 see what was going on, I think he'd work himself 15 up, you know. 16 MS. STEMLAND: Can we, please, bring up 17 Exhibit 6. 18 Q And the very top line, if you can see 19 that, Mr. Witkin. 20 A Right. 21 Q Do you see your name is in the 22 participants' column and him, or Mr. Depp is in</p> |
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| <p>1 Q And why do you say that? 2 A Just by the way I've seen him act, you 3 know. 4 Q And have you noticed a certain 5 intensity of Mr. Depp's relationships? 6 A Yes. 7 Q And have you ever observed Mr. Depp 8 exhibit any jealousy when he's been in a 9 relationship? 10 A Yes. 11 Q And do you remember when? 12 A Going all the way back to my 13 sister-in-law. I mean, he could definitely have a 14 jealous streak in him. 15 Q Can you remember any specific examples? 16 A You know, when he was younger, he was 17 jealous of Nick Cage, jealous of Adam Ant, because 18 my sister-in-law knew them. 19 Q Besides that initial time period, did 20 he ever tell you about any jealousy with any other 21 women or any other times? 22 A Yeah. You know, he brought up a few</p> | <p>1 the "from" column? 2 A Right. 3 Q It's dated February 4th, 2014. 4 Did Mr. Depp ever tell you that he had 5 a big fight with Amber, at any time? 6 A He would mention when shit was rough, 7 yeah. When they were having issues, yeah, he 8 would mention it. 9 Q Do you have any personal knowledge of 10 observing Mr. Depp and Mr. Manson together? 11 A Yeah. But you can't blame somebody's 12 drug abuse on somebody else. But, yeah, him and 13 Manson would hit it pretty hard as well. 14 Q And they would -- by "hit it hard," 15 they would do... 16 A They would drink and smoke weed. I 17 don't know if I ever saw Manson do blow, but I 18 would assume that he did. He's done everything 19 else. 20 Q But you would see them drink together? 21 A Yeah. I worked with them both on a few 22 things, so...</p> |

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| <p>5897</p> <p>1 MS. STEMLAND: Let's go to Exhibit 8, 2 please. 3 Q We can see that it's the same date. 4 It's February 3rd, 2014, a text exchange between 5 you and Amber. 6 Do you have a -- 7 A I have a vague memory of him hanging 8 out at Manson's house for a couple days. 9 Q Do you know what kind of professional 10 help, more specifically? 11 A I mean, yeah. To kind of clean up. I 12 mean, he tried to clean up a couple times, and he 13 did. I think he needed that, and he needed 14 therapy, you know. And I recommended that to him. 15 He did it a little bit, but then he stopped 16 because, from my experience, it's deeper issues he 17 had to deal with. It has nothing to do with 18 Amber. That's my opinion. 19 Q Okay. So you're referring to two types 20 of professional help there, one was therapy and 21 one was cleaning up for drugs; is that fair? 22 A Yeah.</p> | <p>5899</p> <p>1 reaching out to the assistants to see where the 2 fuck he was and how he was. Because, obviously, I 3 didn't get any real answers. 4 MS. STEMLAND: Can I, please, bring up 5 Exhibit 12. 6 Q April 28th of 2016. 7 A Oh, okay. 8 Q How often were you around Mr. Depp at 9 this time, in April of 2016? 10 A Probably a bit, depending on if we were 11 rehearsing or recording. My dates are a little 12 squirrely, but, yeah, probably a bit. 13 Q Do you have any memories, at this time, 14 of Mr. Depp getting high or drunk? 15 A I mean, drinking while we were working, 16 yeah. Smoking weed, yeah. 17 Q I think your prior testimony is that 18 you've not observed arguments between Mr. Depp and 19 Amber; is that correct? Or is that wrong? 20 A I've never seen them physically abuse 21 each other, no. 22 Q And did you say this was at 3 in the</p> |
| <p>5898</p> <p>1 MS. STEMLAND: Can we, please, bring up 2 Exhibit 9. 3 Q So this is actually a continuation of 4 that same date, exchange from February 3rd, 2014. 5 And I'll give you a minute to read it. They're 6 texts between you and Amber. 7 A Right. 8 Q Do you think that you were going over 9 there out of concern? 10 A I mean, I obviously -- she was 11 concerned, so I was concerned and, you know, going 12 to Manson's would have been interesting because I 13 don't know if he would have left. But I was 14 trying to get there. I know it looks like I was 15 trying to get through to Manson, or find out where 16 they were. 17 Q Okay. 18 MS. STEMLAND: Can we pull up 19 Exhibit 10, please. 20 Q Do you remember this exchange as sort 21 of a continuation of the last exchange? 22 A Yeah, probably what I was doing was</p> | <p>5900</p> <p>1 morning, when he called? 2 A It was late. I can't remember exactly 3 when it was. It was later than I imagined that I 4 would get a call. So I thought it was, you know, 5 something bad, so, yeah, I went down. 6 Q So Stephen called around 3 in the 7 morning, and then you went down, and your 8 understanding -- you went down after that call? 9 A Yeah. 10 Q What was your understanding of the 11 reason you were called? 12 A Yeah. There was just crazy arguing and 13 stuff going on down there. And for some reason, 14 he thought I could help. 15 Q What was crazy about it? 16 A I mean, I think -- what was crazy to me 17 is that's the first time that ever happened, you 18 know, first time Stephen ever called me for help 19 like that. You know, usually, it's just to come 20 and record or go do this or go do that. But for 21 some reason, he wanted me to come. 22 Q And when Stephen called you, did he</p> |

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| <p>5901</p> <p>1 make any references to anything being thrown 2 around? 3 A That, I don't remember, you know. It 4 was almost like shit's going crazy down here, can 5 you come? 6 Q Did he say that he wanted you to come 7 urgently? 8 A Yes. 9 Q How long did it take you to get there? 10 A From my house to downtown, at 3 in the 11 morning, maybe 20 minutes. 12 Q Did you ever talk to Amber when you 13 went over that morning? 14 A Not really. It was just a lot of 15 walking around and people going in and out of the 16 bedroom. I don't remember if people were crying. 17 I don't remember any of that stuff. It was just, 18 like, a blur to me. 19 You know, I don't remember talking -- 20 if I talked to her. I'm sure I probably said 21 everything's going to be all right. Like, I -- by 22 the time I got there, you could tell there was a</p> | <p>5903</p> <p>1 on Amber's upper arm? 2 Mr. Witkin, what did the bruise that 3 you saw on Amber look like? 4 A It looked similar to that, but it 5 didn't look like a -- it looked like a grab, not a 6 punch, like somebody grabbed her arm. 7 Q Do you remember what year or time frame 8 that bruise that you saw was? 9 A I'd have to go through the dates. We 10 were working on a Keith Richards documentary and 11 Johnny and her showed up to the studio and I just 12 had noticed it on her arm. I don't know if it's 13 the same date or not. 14 Q Did the bruise look like this bruise? 15 A It's in the same vicinity. I don't 16 know if that's the one. 17 Q Can you tell me more specifics about 18 that bruise? What did it look like? 19 A Like I said, it just looked like she 20 was grabbed, that's all. That's what it seemed to 21 me, finger -- finger marks. 22 Q Did you ever talked to Amber about that</p> |
| <p>5902</p> <p>1 vibe in the house, but there's nothing I could 2 witness. 3 Q What was the vibe in the house? 4 A Just people, you know, a little bit of 5 an edge, you know. Look, I got called down there 6 at 3 in the morning, and there's the mom up. I 7 mean, obviously -- to me, something went down, but 8 I didn't see anything. 9 MS. STEMLAND: And if we could pull up 10 Exhibit 13, please. 11 Q And do you recognize the person in this 12 picture? 13 A Yep. 14 Q Who is it? 15 A Amber Heard. 16 Q This picture is ALH, in case you can't 17 see the Bates number, 7101. It's dated 18 March 23rd, 2013. 19 Mr. Witkin, you mentioned previously 20 that you had seen bruises on Amber's upper arm. 21 A Yeah, one time, yes. 22 Q Does this look like the bruise you saw</p> | <p>5904</p> <p>1 bruise? 2 A No. 3 Q And when did you see Mr. Depp with a 4 fat lip? 5 A I'm thinking it's sometime in either 6 2015 or '16, during rehearsal. 7 Q Can you be more precise? What month? 8 Do you think it could have been in the spring of 9 2015? 10 A Yeah, I don't remember. I mean, we 11 toured spring to summer, so, yeah, maybe it was 12 spring of '15, '16. I think it was '16, I think. 13 But we do -- we did do other rehearsals for other 14 spot gigs, so I could be off by a year. 15 MS. STEMLAND: If we could bring up 16 Exhibit 15, please. 17 Q If you look at the first text, 18 Mr. Witkin, it's from Mr. Depp. It says "I'm 19 good. Just got a fucked finger." 20 A Right. 21 Q And the second text? 22 A That's from Deuters, yeah.</p> |

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| 5905 | 1 Q Do you remember what he would have been 2 concerned about? 3 A Just the fact that somehow his finger 4 got cut off. He's got doctors around him that are 5 supposed to be making him sober and everything is 6 supposed to be better, and it wasn't. 7 Q Did Mr. Depp ever talk to you about 8 that, about sobering up? 9 A A little bit. He just said, you know, 10 hey, it wasn't his cup of tea. He didn't believe 11 in the higher power. 12 Q He didn't believe sobering up was his 13 cup of tea? 14 A He just didn't believe in a higher 15 power. If he was going to do it, he was going to 16 do it his own way. 17 Q Do you remember any specific incidents 18 of Amber -- anger with Amber? 19 A I mean, he would talk about 20 frustrations or whatever and we would try and talk 21 through it. But it wasn't as much anger as it was 22 much like confusion and sadness and why is this | 5907 | 1 A Had to be 2016 because that's when we 2 were on the road. 3 Q Have you ever seen Mr. Depp do cocaine 4 before 2016? 5 A Yes. 6 Q And when was that? 7 A Probably 2014 was the first time I saw 8 him do it, because I was quite surprised because 9 when we were kids, he hated that stuff. But then, 10 after that, when I kind of said, why are you doing 11 this? He kind of hid it from me for a long time 12 until, I believe, in 2016. 13 Q And do you have any recollection of 14 steps Mr. Depp took, in December of 2015, to try 15 to assist in decreasing spending? 16 A I don't know all the details about it. 17 It was obviously another lawsuit with that whole 18 thing. But I do know, leading up to that time, he 19 needed to slow down on spending. I heard about 20 that. 21 Q Did Mr. Depp tell you about that? 22 A Yeah. |
| 5906 | 1 not working, you know. But, no, he would never -- 2 very rarely would it be a specific reason why. 3 Q And did you notice any increase or 4 decrease in Mr. Depp's anger when he was drinking 5 or on drugs? 6 A I didn't notice much of a difference, 7 you know. 8 Q Did you ever see Mr. Depp doing drugs 9 with other bandmates? 10 A Yes. 11 Q Did you ever see Mr. Depp doing drugs 12 with Joe Perry? 13 A Yes. 14 Q And what types of drugs did you see 15 them do? 16 A They were doing cocaine. 17 Q And how do you know they were doing 18 cocaine? 19 A Because I was in the room. 20 Q And around what time was that? 21 A It was pretty late. 22 Q What year? | 5908 | 1 Q What did he say? 2 A Just something about the business 3 manager and, you know, and spending too much. And 4 I need to slow down or do more movies or whatever. 5 Q Have you been involved in Mr. Depp's -- 6 any of Mr. Depp's prior lawsuits? 7 A Yes, I have. I was part of the first 8 one against the management group. And then I was 9 deposited in the lawsuit with his lawyer, Jake 10 Bloom. 11 Q Did you testify -- do you remember 12 testifying about drug and alcohol use in that, by 13 Mr. Depp, in that deposition? 14 A Yes. 15 Q And what was that about? 16 A I was at Johnny's house, things were 17 going good, we were hanging out talking, and I 18 guess Waldman came in and Johnny introduced me. I 19 just remember Waldman saying, hey, nice to meet 20 you. And Johnny told Waldman that I was part of 21 Unison Music, which was named in the lawsuit, and 22 if they needed any paperwork for it from me, that |

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| <p style="text-align: right;">5909</p> <p>1 I had all that paperwork and tax returns. And 2 Waldman turned right at me, looked me in the eye, 3 and just said, do you got any shit on the Mandels? 4 And I said no. No. That's the last time I saw 5 him. 6 Q And you also testified in the Bloom 7 case; is that right? 8 A Yeah. 9 Q Did you testify to Mr. Depp's drug and 10 alcohol use in that testimony? 11 A I believe I did. 12 Q How did Mr. Depp respond to your 13 testimony? 14 A Not happy. 15 Q Not happy. 16 And what's your relationship with 17 Mr. Depp now? What happened in the last 18 four years? 19 A Honestly, I don't know. Somehow I 20 started to feel a distance, end of 2017. We had a 21 gig and I saw him, but he was really kind of 22 distant and kind of fucked up. And, like, he</p> | <p style="text-align: right;">5911</p> <p>1 A I mean, I got him with a therapist, but 2 never tried an intervention or nothing like that, 3 no. We would just talk about it. And he would 4 say, I'll be all right, I'll be all right. And I 5 would say, well, you're not all right. And then 6 shit would just move on to the next conversation. 7 Q Did you observe anyone else trying to 8 help Mr. Depp with substance abuse? 9 A I mean, I know that Christi, his 10 sister, was always concerned with his well-being, 11 whether it was substance abuse or not. I mean, 12 everybody, I think, deep down inside was, but like 13 I said, the people on payroll won't really say 14 much. They'll try, but, you know, they don't want 15 to lose their job. And I'm not saying they all 16 fall into that category, you know, but, it was a 17 strange thing around people like him. Everybody 18 wants something. 19 Q And I think today you testified to 20 seeing a bruise. But is it fair to say that you 21 have no knowledge, one way or another, of 22 violence?</p> |
| <p style="text-align: right;">5910</p> <p>1 wrote me this weird text saying that I stabbed him 2 in the back and badmouthed him. I was like, what 3 are you talking about? And he wouldn't explain 4 it. And pretty much, I haven't seen him since 5 2018. Didn't even get to have the whole girl 6 argument. Just cut off. Can't get through to 7 him. No return text, no nothing. No email. My 8 daughter even got married and he ignored it. So I 9 think there's some people behind the scenes 10 talking shit about me because everybody always 11 tried to position themselves oh, who's the best 12 friend and who's this, that, when I was just there 13 to be his friend. And I think there were some 14 lies and bullshit said about me that he actually 15 believed, which is surprising. I've yet to have 16 the conversation with him and go, what are you 17 talking about? I know that he wasn't happy about 18 my testimony, but I wasn't going to lie. 19 Q And did you ever try and help Mr. Depp? 20 A Oh, yeah, I tried. 21 Q Did you ever try and help him with 22 substance abuse?</p> | <p style="text-align: right;">5912</p> <p>1 A Not personal knowledge, no. 2 Q You mentioned before that Mr. Depp has 3 pushed you away in the last four years; is that 4 right? 5 A Yes. 6 Q Has Mr. Depp ever admitted being 7 violent to you? 8 A No. 9 Q With anyone? 10 A No. 11 THE COURT: All right. Yes, ma'am, 12 your next witness. 13 MS. BREDEHOFT: Next witness, Your 14 Honor, we'd like to call Tracey Jacobs. She's 15 also by deposition designation and it begins with 16 me. 17 THE COURT: I'm sorry. One more time. 18 MS. BREDEHOFT: We would like to call 19 Tracey Jacobs. She's also by deposition 20 designation, and it begins with me asking the 21 questions. 22 THE COURT: All right. Thank you.</p> |

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| <p>1 TRACEY JACOBS, 2 being first duly sworn, was examined 3 and testified as follows: 4 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 5 COUNTERCLAIM PLAINTIFF 6 BY MS. BREDEHOFT: 7 Q Please state your name and address for 8 the record. 9 A Tracey Renee Jacobs, Los Angeles, 10 California. 11 Q And what is your current occupation? 12 A Talent agent. 13 Q And how long have you been a talent 14 agent? 15 A 34 years. 16 Q Ms. Jacobs, when did you first begin 17 representing Mr. Depp? 18 A When I was at another agency at ICM. I 19 think it -- I represented him 30 years, so now, 20 since he's been gone almost five years, you can 21 subtract 35 years. And then when I came to UTA, I 22 believe it was 1998, he came with me. And I've been at UTA for, well, now it's been 22 years,</p> | <p>5913</p> | <p>1 with him in terms of understanding the kind of 2 roles and scripts and filmmakers that would make 3 sense for him to work with, and being able to 4 master the two and put them together. 5 Q What is your understanding of the 6 reason why Mr. Depp terminated you? 7 A I really don't know. All I know is he 8 terminated, essentially, everyone in his life. So 9 I was along for the ride, I guess. 10 Q Line 20, you said -- I'm directing your 11 attention to line 20 of Mr. Depp's deposition on 12 November 2020. 13 "And why did you leave Tracey Jacobs in 14 October 2016?" 15 Go down. 16 And Mr. Depp's answer was "Ms. Jacobs, 17 in the same attempt to corral the fevery and the 18 injustice that was practiced upon me by Mr. Mandel 19 and Mr. Bloom, at a certain point, Tracey Jacobs 20 began to sort of become revealed as -- I won't say 21 co-conspirator necessarily, but she was part of 22 that little group, and it seemed to be in my best</p> | <p>5915</p> |
| <p>1 minus the last four. He was with me from the 2 beginning. 3 Q During the time that you represented 4 Mr. Depp as his talent agent, please describe the 5 types of jobs and responsibilities you performed 6 for him. 7 A I was his agent, so my job, as all 8 agents' are, was to find, procure, and negotiate 9 jobs for him, acting jobs for him, initially. 10 Q Well, I'm assuming if you were his 11 talent agent, that you would know what his -- how 12 his career was tracking over that 30 years you 13 were with him; would you not? 14 A He became the biggest star in the 15 world. 16 Q And do you take any credit for that? 17 A Yes. 18 Q And why? What do you think your 19 contributions were to Mr. Depp becoming the 20 biggest star in the world? 21 A Well, A, that he was extraordinarily 22 talented, and, B, that my talent was compatible</p> | <p>5914</p> | <p>1 interest to walk away from that relationship 2 because her interests were quite different than 3 when they started -- when we started. See, I 4 believe she even stated that the reason she kept 5 me for so long was the 'was the money.' She 6 stated, otherwise, she said I was not an easy 7 client to represent, or something to that extent. 8 And, so, yes, I had to leave the agency." 9 Would you agree with Mr. Depp's 10 characterization or your representation of him? 11 A Oh, I understand it. This is the first 12 time I'm hearing or seeing this in five years. 13 No is the answer. 14 Q And why do you not agree with this? 15 A Because it's all untrue. 16 Q And then I asked him, after asking if 17 he sued you, and he said no. He did sue 18 Mr. Mandel and Jake Bloom, so I thought it was 19 prudent to ask. Then I asked him "Did Tracey 20 Jacobs say why she did not consider you to be an 21 easy client to represent?" 22 "She certainly never -- she never</p> | <p>5916</p> |

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| <p>5917</p> <p>1 expressed any of those things to me. These are 2 things she was able -- I guess she came to the 3 realization that I was not easy to represent after 4 I fired her. Ms. Jacobs, there was conflicts of 5 interest all over the place. She had been 6 represented by Joel Mandel, and she was also, to 7 some degree, represented by Jake Bloom. So, 8 therefore, there was an obvious great, huge 9 conflict of interest, which I lived with for a 10 little while, and thought, no, no, this is not -- 11 not a good idea." 12 Now, my question to you is, do you 13 agree with Mr. Depp's characterization that you 14 only expressed that he was a difficult client to 15 work for after he fired you? 16 A Absolutely not. 17 Q Do you agree that you had conflicts of 18 interest all over the place in representing 19 Mr. Depp, as he says here? 20 A No. 21 Q Do you agree that you had been 22 represented by Joel Mandel?</p> | <p>5919</p> <p>1 this. This is hurting you. And it did. And -- 2 yeah. 3 Q Even with your speaking to Mr. Depp 4 about him consistently showing up late for set, 5 did he correct that behavior during that last 6 ten years? 7 A No. 8 Q And what types of difficulties did that 9 cause for Mr. Depp? 10 A Well, initially, crews loved him 11 because he was always so great with the crew. But 12 crews don't love sitting around for hours and 13 hours and hours waiting for the star of the movie 14 to show up. And it also got around town, I mean, 15 people talk, it's a small community, and it made 16 people reluctant to use him toward the end. 17 Q And when you say "toward the end," was 18 that toward the end of your representation of 19 Mr. Depp? 20 A Yes. 21 Q Do you recall difficulties that 22 Mr. Depp had during Pirates 5?</p> |
| <p>5918</p> <p>1 A No. Never. 2 Q Was Mr. Depp a difficult client to 3 represent. 4 A He wasn't initially. And it became far 5 more complicated in the last ten years of my 6 representing him. 7 Q And how did it become far more 8 complicated in the last ten years you represented 9 him? 10 A His unprofessional behavior. 11 Q Anything else? 12 A I think that covers a multitude of 13 things. 14 Q And that's going to be my next 15 question. What do you mean by Mr. Depp's 16 unprofessional behavior, in the last ten years 17 that you represented him? 18 A Showing up late to set, consistently, 19 on, virtually, every movie. I would get yelled 20 at. I never said to him "you're a difficult 21 client," I never used those words, but I was very 22 honest with him and said you've got to stop doing</p> | <p>5920</p> <p>1 A Yes. 2 Q Did you have just one conversation with 3 Sean Bailey or did you have more than one 4 conversation with Sean Bailey about Mr. Depp and 5 Pirates 5? 6 A More than one, I'm sure. I don't 7 recall. 8 Q Okay. Do you have a recollection of 9 the production of Pirates 5 having to suspend for 10 several weeks while Mr. Depp had surgery on his 11 finger? 12 A Yes. 13 Q Did you go to Australia at any point 14 during the filming of Pirates 5? 15 A Twice. 16 Q Yes. Was there something that caused 17 you to determine that that was the time you should 18 get on the plane and fly to Australia? 19 A Yes. 20 Q What do you recall that being? 21 A The complaints about what I stated 22 earlier about the lateness, not showing up, to</p> |

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| <p>5921</p> <p>1 talk to him about it.</p> <p>2 Q When you were talking earlier about</p> <p>3 there being a change in Mr. Depp's behavior over</p> <p>4 the last ten years of your representation and him</p> <p>5 becoming more unprofessional. Was part of the</p> <p>6 unprofessional behavior his increased use of</p> <p>7 alcohol and drugs?</p> <p>8 A Yes.</p> <p>9 Q Was part of the unprofessional</p> <p>10 behavior, that you witnessed increasing over the</p> <p>11 last ten years of your representation of Mr. Depp,</p> <p>12 his increasing anger and tendency towards</p> <p>13 violence?</p> <p>14 A No.</p> <p>15 Q Do you know who referred Dr. Kipper to</p> <p>16 Mr. Depp?</p> <p>17 A I did.</p> <p>18 Q And why did you refer Dr. Kipper to</p> <p>19 Mr. Depp?</p> <p>20 A He has had a lot of experience with</p> <p>21 high-profile people and really helping them</p> <p>22 seriously get and stay sober.</p> | <p>5923</p> <p>1 Q Do you recall that that became a</p> <p>2 regular thing for Mr. Depp, that he needed to use</p> <p>3 earpieces for lines when he was doing films?</p> <p>4 A Yes.</p> <p>5 Q Do you have a recollection of issues</p> <p>6 associated with London Fields?</p> <p>7 A Yes.</p> <p>8 Q I'm going to ask you to take a look at</p> <p>9 Deposition Exhibit Number 8, Ms. Jacobs. I'm</p> <p>10 going to take you to the second page first so you</p> <p>11 can just read the frame. And there's really just</p> <p>12 a part there. And then here's where I'm going to</p> <p>13 direct your attention. This is from Mr. Depp to</p> <p>14 you, on Saturday, August 29, 2015.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And Mr. Depp -- when Mr. Depp would</p> <p>18 write to you in emails, would he regularly have</p> <p>19 parts with all capitals and exclamation marks?</p> <p>20 A Yes.</p> <p>21 Q Harley's, he says "fucking Harley's."</p> <p>22 What is he talking about?</p> |
| <p>5922</p> <p>1 Q And did you observe, in your dealings</p> <p>2 with Mr. Depp, as his representative, that he</p> <p>3 romanticized the entire drug culture?</p> <p>4 A Yes.</p> <p>5 Q I'm asking for your observations, based</p> <p>6 on your dealings with Mr. Depp, was it your</p> <p>7 observation that Mr. Depp had fundamental issues</p> <p>8 with anger?</p> <p>9 A Yes.</p> <p>10 Q And in your observation of Mr. Depp</p> <p>11 having fundamental issues with anger, did that</p> <p>12 worsen over the time of your representation or was</p> <p>13 it relatively the same?</p> <p>14 A Yes, it worsened over time.</p> <p>15 Q Did you observe Mr. Depp lacking</p> <p>16 patience when he didn't get his needs met?</p> <p>17 A Yes. But -- yes.</p> <p>18 Q Do you recall a time, while you were</p> <p>19 representing Mr. Depp, that he started having</p> <p>20 earpieces so people could feed him his lines</p> <p>21 during filming?</p> <p>22 A Yes.</p> | <p>5924</p> <p>1 A I think he's referring to -- I don't</p> <p>2 know. I think he might be referring to the</p> <p>3 daughter of the director friend of his, but I'm</p> <p>4 not sure.</p> <p>5 Q So do you have an understanding of what</p> <p>6 he's talking about with the Matthew Cullen</p> <p>7 version?</p> <p>8 A Matthew Cullen was the director. I</p> <p>9 don't know about nudity, although, clearly, that</p> <p>10 was the case, according to his understanding, and</p> <p>11 I guess he was trying to get me to kill it.</p> <p>12 Q Okay. And then you responded to him</p> <p>13 "I'm already on it with lawyers and Marty Stinger.</p> <p>14 Have spoken to Matthew Cullen twice this AM. He</p> <p>15 also wants it stopped. We are doing everything to</p> <p>16 shut this down."</p> <p>17 Was there another version --</p> <p>18 A Oh, I'm sorry. I have to correct</p> <p>19 myself. He made a typo here, which is why --</p> <p>20 Harley, he means Hanley. They were the producers.</p> <p>21 Q And as you sit here today, can you</p> <p>22 recall anyone at Disney committing, in any way,</p> |

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| <p>5925</p> <p>1 that Johnny Depp would be in Pirates 6? 2 A No. 3 Q You testified, at the beginning of this 4 deposition, that while you represented Mr. Depp, 5 he was, I think, the biggest star in the world. 6 Do you recall that testimony? 7 A Yes. 8 Q And what would you say the reputation 9 of Johnny Depp is today? 10 A His lawsuits don't help. 11 Q What do you mean by that? 12 A I mean, it's endless. But I don't know 13 because I'm not out there selling him anymore. 14 Q Have you ever seen Mr. Depp engage in 15 angry behavior? 16 A Yes. 17 Q Now, are you aware that Mr. Depp filed 18 a lawsuit in the United Kingdom against The Sun 19 newspaper and Dan Wootton, the editor, because 20 they called him a wife beater? 21 A Yes. 22 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND</p> | <p>5927</p> <p>1 Mr. Depp; is that correct? 2 A Yes. 3 Q During that period of time, the last 4 ten years you represented him, was he ever fired 5 from a movie? 6 A No. 7 Q Have you ever seen this document 8 before? 9 A I don't recall this exact document, but 10 I know there were conversations going on. 11 Q What were you referring to when you 12 said, at the top of this document, Depp Exhibit 5, 13 "this is good news"? 14 A That we were able to help him out when 15 he was in financial desperation. 16 Q When you say "help him out," who is 17 "him"? 18 A Johnny Depp. 19 Q And what, particularly, was good news? 20 A That we were able to secure a loan for 21 him through Bank of America when Ed White couldn't 22 get him any money, and it was very helpful to him.</p> |
| <p>5926</p> <p>1 COUNTERCLAIM DEFENDANT 2 BY MR. CHEW: 3 Q Have you ever seen Mr. Depp hit a 4 woman? 5 A No. 6 Q Have you ever seen Mr. Depp throw 7 anything at a woman? 8 A No. 9 Q Have you ever seen Mr. Depp kick a 10 woman? 11 A No. 12 Q Other than Amber Heard, do you know of 13 any other woman who ever accused Mr. Depp of 14 physical abuse? 15 A No. 16 Q Have you ever seen, in person, any 17 marks on Amber Heard? 18 A No. 19 Q Ms. Jacobs, you testified, and please 20 correct me if I'm wrong, that in the last 21 ten years of your representation of Mr. Depp, 22 there was a more unprofessional behavior by</p> | <p>5928</p> <p>1 Q What was the final deal for Murder on 2 the Orient Express? 3 A \$5 million for four consecutive weeks, 4 plus a great back end, which he has received 5 significant money on subsequently. 6 Q What was Mr. Depp's up-front 7 compensation for Pirates 5? 8 A Yeah, he got paid 25 million with a 9 back end. 10 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 11 COUNIERCLAIM PLAINTIFF 12 BY MS. BREDEHOFT: 13 Q Would it be fair to say that you cannot 14 say, one way or the other, whether Mr. Depp has 15 hit, punched, kicked, headbutted, or choked Amber 16 Heard? 17 A Yes. 18 Q Can you say, one way or the other, 19 whether Mr. Depp has ever hit, punched, kicked, 20 headbutted or choked anyone else? 21 A Yes. 22 Q Can you say, one way or the other, do</p> |

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| <p>1 you know? 2 A No. 3 Q Would it be fair to say that you were 4 continuing to bring this good, solid work for 5 Mr. Depp right up to the time Mr. Depp terminated 6 you? 7 A Correct. Yes. 8 Q Earlier, you said that Mr. Depp's 9 reputation, that he became the greatest actor in 10 the world, right? 11 A That's not what I said, but I said he 12 became the biggest movie star in the world. 13 Q Movie star. Forgive me. 14 So as of the time that you were 15 terminated by Mr. Depp in October 2016, did you 16 still believe that Mr. Depp was the greatest movie 17 star in the world? 18 A No. 19 Q Why not? 20 A Because his star had dimmed due to it 21 getting harder to get him jobs, given the 22 reputation that he had acquired due to his</p> | <p>1 you, why he needed the \$20 million? 2 A Not specifically, other than he just 3 needed the money. 4 Q Was there any general discussion as to 5 why he needed \$20 million in January of 2016? 6 A Not as to why, he just expected us to 7 do it. 8 Q So you -- so Mr. Depp came in and said 9 I want you to get \$20 million for me? 10 A Actually, it was I want you to give me 11 \$20 million. It was not discussed -- the question 12 was not asked as a loan. 13 Q And what did you say in response? 14 A I didn't. Jeremy Zimmer and Jim Burkus 15 spoke directly to that point. I was just in the 16 meeting. 17 Q And in the meeting, do you recall what 18 Jeremy and Jim said to Mr. Depp when he asked them 19 for \$20 million? 20 A Yes. They said we're not in a position 21 to give our clients that kind of money. We're not 22 a bank.</p> |
| <p>1 lateness and other things. 2 Q And what were the other things? 3 A Just, you know, people were talking and 4 the question was out there about his behavior. 5 Q And that behavior included? 6 A I think I've described it several 7 times. 8 Q Would that behavior include alcohol and 9 drug use? 10 A Yes. 11 Q Mr. Chew asked you about City of Lies. 12 And you indicated that you didn't believe it was 13 released. 14 Are you aware of that Mr. Depp was 15 accused of punching a local manager in the face 16 during the filming of City of Lies? 17 A I read that. I don't know. 18 Q Do you have any understanding of why 19 Mr. Depp needed that loan in January of 2016? 20 A Yes. He had said -- he had come in and 21 met with us and he had asked for \$20 million. 22 Q Did Mr. Depp tell you, when he met with</p> | <p>1 Q Did Mr. Depp explain why he thought 2 that you should just give him \$20 million, as 3 opposed to loan? 4 A Yes. That he made a lot of money for 5 us and that we should just do it because of how 6 much money he had made over the duration of him 7 being at UTA. 8 Q Have you ever had any other client 9 who's ever made that kind of a demand? 10 A No. 11 Q And do you believe the Rolling Stone's 12 interview, the article, damaged Mr. Depp's 13 reputation? 14 A Yeah. 15 Q Are you aware of any significant role 16 that Mr. Depp has started since you were 17 terminated that you did not negotiate and get for 18 him? 19 A No. 20 Q Did Mr. Depp get Invisible Man? 21 A They didn't make it. They made a much 22 lower budget with a woman, as it turns out, for</p> |

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| <p style="text-align: right;">5933</p> <p>1 Universal with Blumhouse. 2 Q You were asked about whether there were 3 any option contracts with Pirates 6. I just want 4 to make sure I understand your answer. 5 Did you -- were you involved in any 6 kind of negotiation with Disney for any kind of 7 option contract for Pirates 6 with Mr. Depp? 8 A Not that I can recall, no. 9 THE COURT: All right. Yes, ma'am. 10 Your next witness. 11 MS. BREDEHOFT: Your Honor, our next 12 witness is Joel Mandel. 13 THE COURT: Again, Ms. Bredehoff. 14 Thank you. 15 MS. BREDEHOFT: Your Honor, our next 16 witness is Joel Mandel. He's also by deposition 17 designation. 18 THE COURT: Okay. 19 MS. BREDEHOFT: And we start the 20 questioning. 21 THE COURT: All right. Thank you. 22 JOEL MANDEL,</p> | <p style="text-align: right;">5935</p> <p>1 Q Could you, please, describe a little 2 bit about your experience in the field of the 3 business management, the types of clients 4 represented, your reputation in Hollywood, 5 business field. 6 A I'll cut to where we are today. You 7 asked me a different question. We are a full – 8 what I would describe as a full-service business 9 management firm, which means we provide a wide 10 array of financial, you know, administrative, 11 advisory kinds of services. We pay bills and we 12 do tax returns and we assist people with purchases 13 of cars and boats and art and planes and, you 14 know, we help people with outside professionals on 15 estate planning matters and with brokers on house 16 purchases and with contractors on renovations. 17 And so, it's a wide range of 18 financial – primarily financial services, 19 financial and personal services that we provide to 20 our clients. 21 Q And what types of clients are those? 22 A The business, our business is primarily</p> |
| <p style="text-align: right;">5934</p> <p>1 being first duly sworn, was examined 2 and testified as follows: 3 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 4 COUNTERCLAIM PLAINTIFF 5 BY MS. BREDEHOFT: 6 Q Would you please state your name and 7 business address. 8 A It's Joel Mandel. That's M-A-N-D-E-L. 9 8383 Wilshire Boulevard. 10 Q Now, Mr. Mandel, you are here under 11 subpoena; is that correct, testifying under 12 subpoena? 13 A Correct. 14 Q Okay. Could you, please, describe a 15 little bit about your educational background and 16 work experience? 17 A I graduated from Brown University in 18 1980. I graduated from the University of 19 California Berkeley, school of law, in 1983. I 20 went to work for a law firm in Century City from 21 '83 to '87, called Wyman, Bautzer, Rothman, Kuchel 22 & Silbert. And I left in March of '87 to form this company with my brother.</p> | <p style="text-align: right;">5936</p> <p>1 entertainment. So I don't have a percentage, but, 2 you know, my guess is it's probably something like 3 80 percent. But that means people that work in 4 the entertainment business, broadly speaking. 5 Q How long have you been a business 6 manager in LA? 7 A Since 1987. 8 Q When did you first meet Mr. Depp? 9 A In, I believe, 1999. 10 Q So, if you could take us, to make this 11 a little -- run a little more smoothly, tell us 12 what you provided in earlier time. If it changed 13 over time, just kind of take me through it, if 14 that's possible. 15 A Well, let me do my best job. I would 16 describe things, initially, as being the way I 17 described our services generally. I mean, the 18 broad range of things that we do for all of our 19 folks, you know, we did for Mr. Depp, you know. 20 What changed was that reasonably early 21 on, so within the first few years, his life and 22 career exploded and such. And so, you know, as I</p> |

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| <p>5937</p> <p>1 said, our relationship started in '99. I think he 2 did the first Pirates film in 2003. And so, you 3 know, it had already his -- you know, he was on a 4 very successful trajectory. The success of the 5 Pirates films obviously catapulted into an 6 different level of success. And that was a career 7 thing; it was also a financial thing. So there 8 was money made from the Pirates movie and all of a 9 sudden, the, you know, what he was going to now 10 make moving forward was going to be significantly 11 greater. His life changed. 12 And so, what did that translate to? 13 That translated into a variety of things. And I 14 don't want to mix dates, it's a long stretch of 15 time, but that meant a bigger life. It meant more 16 employees. It meant buying additional real 17 property. It meant buying additional personal 18 property. It meant a bigger life, a more 19 expensive life. 20 Q Can you, please, describe for me the 21 day-to-day logistics of communicating with 22 Mr. Depp related to your services.</p> | <p>5939</p> <p>1 of somebody whose life and career were getting, 2 you know, very big, very quickly. That's a 3 professional challenge, but it was a lovely, 4 wonderful professional challenge. 5 That means someone's traveling a lot. 6 Their, again, income and expense have grown 7 dramatically. There's more staff. There are more 8 real properties. There's more -- I mean, it 9 just -- it exponentially grows, the size of the 10 job. And that's what I did for a living. So 11 that's, you know, all changes and challenges, but 12 good changes and good challenges. 13 My sense of the challenge of this 14 representation and my description of the challenge 15 would change probably sometime around 2010. And I 16 say that because it was a time after he had shot 17 the film Rum Diaries [sic] and he had come back 18 from that picture and what had always been 19 slightly difficulty in arranging meetings became 20 more difficulty. What I had experienced as 21 someone who liked to enjoy his wine at the end of 22 the day became consumption that seemed excessive.</p> |
| <p>5938</p> <p>1 A Sure. So I'll explain this way: Early 2 on, Mr. Depp had made it clear that, just as my 3 initial introduction to him had been through his 4 sister, that his sister was acting in, what I 5 would call, a gatekeeper-like role. And that she 6 was going to play an instrumental part of his life 7 in interfacing with people like me, like his 8 agents, like his lawyers. 9 And so, there was interface on a 10 constant basis with Christi. It was the role that 11 he sort of placed her in. The conversations and 12 communications were constant and daily with 13 Mr. Depp. They were when they needed to be. And 14 so, we talked often. We met often. But not at 15 the same kinds of frequency, you know, the daily 16 kinds of frequency that I communicated with 17 Christi. 18 Q Please describe the challenges 19 presented in serving as the business manager for 20 Mr. Depp? 21 A Well, they changed over time. And so, 22 the challenges going on were exciting challenges</p> | <p>5940</p> <p>1 And the ability to coordinate and find times when 2 he would meet became more difficult and it became 3 clear, over time, that there were issues with 4 alcohol and drugs. And that translated into more 5 erratic behavior, more stressful behavior, more 6 time when it was difficult to engage in the kinds 7 of conversations that I needed to do my job. And 8 so, it became more of a challenge for a variety of 9 reasons after 2010. 10 And quite frankly the other thing that 11 happened -- and this is '13/'14, you know, his 12 meteoric sort of career rise had started to, you 13 know -- there were some pictures that were not 14 well received. And for anybody in the business, 15 whether you're an actor, you know, a director, I 16 mean, you're frequently judged by your last 17 picture, and there were a number of pictures in a 18 row that were not successful. 19 And so, there was a combination of 20 events, what felt like professional pressures, 21 what felt like some professional dissatisfaction. 22 What I sense was likely strains in his</p> |

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| <p style="text-align: right;">5941</p> <p>1 relationship with Amber, his use of alcohol and 2 drugs, made my job more challenging. 3 Q You indicated that you were having more 4 difficulty arranging meetings. What, if any, role 5 did increase use of alcohol and drugs have on your 6 ability to be able to arrange and engage in 7 meetings with Mr. Depp? 8 A There were stretches of time when it 9 appeared clear to me that the use of alcohol and 10 drugs was a daily event. And so, there were, 11 obviously, various times when I needed to 12 communicate directly with Mr. Depp. And, so, some 13 of my conversation with the people I've described 14 involved finding good days and good parts of days 15 when he and I could engage in conversations that 16 he and I needed to engage in, where I knew that he 17 would be clear-minded and sober. 18 Q So were there any periods that you can 19 recall, between 2010 and the end of your 20 relationship with Mr. Depp, that Mr. Depp had any 21 periods of sobriety? 22 A There were certainly stretches of time</p> | <p style="text-align: right;">5943</p> <p>1 about something. Seemingly, to me, 2 disproportionate to that something. 3 Again, erratic is a funny word. You 4 know, I felt like things were less predictable. I 5 felt like it, you know -- I was -- I guess, 6 professionally in a place I never know, day to 7 day, what to expect. 8 Q When you said Mr. Depp was -- sometimes 9 his responses seemed to be disproportionate and 10 that he would be very, very upset, what, if any, 11 observations did you make about Mr. Depp 12 expressing anger? 13 A When he was angry at someone, he would 14 let them know. And that -- was that sent in my 15 direction? Very rarely. But at times, you know, 16 certainly on a handful of cases in 2013. But if 17 he was upset about a contractor, he would vent. 18 If he was upset with a security person, he would 19 vent. He would, you know -- he seemed to be 20 increasingly less filtered and increasingly, you 21 know, the notion of -- I want to answer you 22 accurately.</p> |
| <p style="text-align: right;">5942</p> <p>1 that he seemed better. There were days and weeks 2 of -- there were stretches of times when he was 3 better. And I couldn't tell you dates, but there 4 were stretches of time where he was better, and 5 more often not. 6 Q As the business manager, you would have 7 been responsible for paying Dr. Kipper's expenses; 8 is that correct? 9 A Corrected. 10 Q Can you recall, approximately, how much 11 per year Mr. Depp spent on Dr. Kipper and his 12 staff? 13 A I think the fee was around a hundred 14 thousand dollars a month. 15 Q Describe for me what you observed of 16 Mr. Depp engaging in what you would call erratic 17 behavior. 18 A What I mean there are a variety of ways 19 in which responses to things seemed 20 disproportionate to the things. And so, you know, 21 there were times when he would be upset about 22 something, and he would be very, very, very upset</p> | <p style="text-align: right;">5944</p> <p>1 You know, people moderate their 2 behavior. They may moderate their behavior in 3 public because things are, you know, inappropriate 4 in a particular setting. People may be upset with 5 an employee, but they're constrained in how the 6 employee's chastised. My experience was Mr. Depp 7 became increasingly less constrained, less 8 concerned with whether he was going to upset 9 someone's feeling, or just increasingly 10 comfortable venting in an aggressive way when he 11 was disappointed or upset about something. 12 Q And did that increase over time 13 beginning, I think you said, around 2010? 14 A It began to change in -- in about 2010. 15 And it increased over time and increased to the 16 point where our relationship began to be impacted 17 in 2015 and was eventually, obviously, severed in 18 2016. 19 Q When Mr. Depp would express his anger 20 and upset, did he use profanity? 21 A Sure. 22 Q Did you observe an increase in</p> |

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| <p style="text-align: right;">5945</p> <p>1 Mr. Depp's expressions of anger and upset 2 associated with any increase in financial 3 difficulties or having to discuss financial 4 difficulties? 5 A Yes. His financial circumstances in 6 2015 had reached a point where I was extremely 7 concerned and had been -- was, on a very, very 8 regular basis, expressing that concern. And it 9 seemed, as I increased my level of expressing that 10 concern, there was anger directed, you know, in my 11 direction. And so, my warnings in 2015 that we 12 were in very dire financial circumstances were not 13 met very favorably. 14 Q So, did there come a time that you 15 observed, as Mr. Depp's business manager, that his 16 spending habits became more increased, perhaps 17 excessive, extravagant? 18 A Yes. 19 Q And when did you observe that? When 20 did that begin? 21 A Again, in the time frame I described, 22 in that 2010 and on time frame. As I recall,</p> | <p style="text-align: right;">5947</p> <p>1 A We paid Jerry by the day. I think 2 Jerry made something like \$10,000 a day. 3 Q Did Mr. Depp spend any money on 4 charities? 5 A Some. Not very much. 6 Q And approximately how much? 7 A No specific recollection. 8 Q Less than 50,000? 9 A I don't recall writing large charity 10 checks. It was more his style to show up at an 11 event or lend his name to something rather than 12 write a check. 13 Q Mr. Mandel, did Mr. Depp ever 14 acknowledge that he needed to change his spending 15 patterns and improve the situation? 16 A Yes. At various times, when we would 17 have these conversations, he would acknowledge 18 that he understood what was being communicated, 19 and would make expressions of a commitment to do 20 what was necessary. 21 Q And were there occasions that Mr. Depp 22 would apologize and say he's going to do better?</p> |
| <p style="text-align: right;">5946</p> <p>1 income was very significant. Spending was very 2 significant. And, again, the spending level had 3 grown very, very, very large and required that 4 level of incredibly high income to be maintained. 5 And when it dropped off, the disconnect became 6 untenable. 7 Q And what, if anything, did you say or 8 do to try to assist Mr. Depp in curbing that 9 spending? 10 A Those conversations were constant. 11 Q Were Nathan Holmes, Kevin Murphy, and 12 Stephen Deuters part of the \$300,000 a month 13 full-time staff? 14 A Yes. 15 Q Okay. Do you know, roughly, how much 16 each of them were paid? 17 A It's been a long time. If I had to 18 guess, Kevin Murphy was probably paid about a 19 quarter of a million dollars a year, and Stephen 20 and Nathan, probably about \$125,000 a year. 21 Q Do you know how much Jerry Judge was 22 being paid by Mr. Depp as a security guard?</p> | <p style="text-align: right;">5948</p> <p>1 A That happened on occasion, yes. 2 Q And what, if any, observations did you 3 make about whether Mr. Depp ultimately did improve 4 and work with you to try to get his spending under 5 control? 6 A That never seemed to happen. And so, 7 there would be, at times, expressions of 8 appreciation, expressions of an understanding, 9 expressions of a willingness to do what was 10 necessary. But there never seemed to be any 11 follow-through when the things would be, you know, 12 teed up that had to happen to make those words 13 real. There was no follow-through. 14 Q Let's talk about the tax returns for a 15 moment. 16 Did you -- you and TMJ -- TMG file tax 17 returns for Mr. Depp on his company's behalf while 18 you were his business manager? 19 A Yes. 20 Q Are you aware that Mr. Depp testified, 21 under oath, that you did not file his tax returns 22 for 17 years?</p> |

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| <p style="text-align: right;">5949</p> <p>1 A I'm aware of what you're telling me.</p> <p>2 Q Is it true that you did not file his</p> <p>3 tax returns or those on behalf of his company for</p> <p>4 17 years?</p> <p>5 A No, that's not true.</p> <p>6 Q Were there times that you were unable</p> <p>7 to pay some, or all, of Mr. Depp's taxes on time?</p> <p>8 What is your understanding of what all</p> <p>9 his numerous other vices meant?</p> <p>10 A The use of alcohol and drugs.</p> <p>11 Q Do you know how much Mr. Depp spent on</p> <p>12 prescription drugs during the time that you were</p> <p>13 his business manager?</p> <p>14 A There were periods of time when his</p> <p>15 prescription spending was, from just my</p> <p>16 experience, very high, thousands of dollars a</p> <p>17 month, but I can't tell you the time periods.</p> <p>18 Q Do you have a recollection of whether</p> <p>19 TMG had to pay for property damage at other rental</p> <p>20 properties or hotel properties that Mr. Depp used</p> <p>21 because of damage to the property?</p> <p>22 A Specifics, no. But did we pay damages</p> | <p style="text-align: right;">5951</p> <p>1 is that correct?</p> <p>2 A That's correct.</p> <p>3 Q I showed you earlier Exhibit Number 8,</p> <p>4 which was the video clip of Mr. Depp slamming</p> <p>5 doors and pouring wine, et cetera, in the kitchen.</p> <p>6 Do you recall that video?</p> <p>7 A I recall that video, yes.</p> <p>8 Q Do you have a recollection of giving</p> <p>9 Mr. Depp very bad news around February 10, 2016?</p> <p>10 A Again, I don't recall a specific</p> <p>11 meeting with a specific date. As I've indicated,</p> <p>12 there were a variety of meetings in groups and</p> <p>13 conversations with alone, and in groups, regarding</p> <p>14 how far – you know, how these very dire financial</p> <p>15 circumstances were going to be addressed. And as</p> <p>16 I've indicated, the tone of these conversations</p> <p>17 became more tense as time went on, and these</p> <p>18 issues were not being addressed.</p> <p>19 Q And is it fair to say, in the first</p> <p>20 half of February of 2016, the conversations that</p> <p>21 you have just described were taking place?</p> <p>22 A I'll answer you more specifically.</p> |
| <p style="text-align: right;">5950</p> <p>1 at various times over the years? Absolutely, yes.</p> <p>2 Q And do you recall that Mr. Depp, from</p> <p>3 time to time, did commit property damage in the</p> <p>4 rentals that he was in, or hotels?</p> <p>5 And you recall there were times you did</p> <p>6 have to pay for damages to Mr. Depp's rentals; is</p> <p>7 that correct, the hotels?</p> <p>8 A There were times.</p> <p>9 Q Okay. Now you had testified a little</p> <p>10 bit earlier about needing 25 million by the end of</p> <p>11 the year. Are you aware of whether Mr. Depp was</p> <p>12 able to sign on for movies and obtain 25 million</p> <p>13 by the end of the year without the assistance of a</p> <p>14 lending entity?</p> <p>15 So, the first time that -- that your --</p> <p>16 that you, as a business manager, were unable to</p> <p>17 pay Mr. Depp's taxes by October 15, was</p> <p>18 October 15, 2015; is that correct?</p> <p>19 A Correct.</p> <p>20 Q And you considered that to be an</p> <p>21 increasingly difficult and alarming situation that</p> <p>22 you were trying to resolve into late January 2016;</p> | <p style="text-align: right;">5952</p> <p>1 Mr. Depp and I began having conversations that</p> <p>2 took on a more heated tone in July of '15, when it</p> <p>3 became clear that he was not willing to sell the</p> <p>4 property in the South of France. And the tone of</p> <p>5 those conversations became more heated and more</p> <p>6 contentious as time went on because the</p> <p>7 circumstances were more dire.</p> <p>8 Q And would it be fair to say that your</p> <p>9 perception was that the circumstances continued to</p> <p>10 become more dire between July 2015 up through the</p> <p>11 time of your termination in March 2016?</p> <p>12 A It did.</p> <p>13 Q How did you learn of TMG's termination?</p> <p>14 A Edward White had a colleague, an</p> <p>15 employee, a CPA, someone in his office came into</p> <p>16 our office and physically hand-delivered a letter.</p> <p>17 Q And who was the letter from?</p> <p>18 A I think they were – they</p> <p>19 hand-delivered, like, one letter on the 15th and</p> <p>20 one on the 16th. So there was a letter signed by</p> <p>21 Mr. Depp indicating that our services had been</p> <p>22 terminated and a letter from Edward White's</p> |

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| <p>5953</p> <p>1 office, I recall, saying that they were the new 2 people and we should coordinate a transition. 3 Q Did you have any familiarity with 4 Edward White at the time of the termination? 5 A I had not heard of him. 6 Q And did Mr. White accept your offers of 7 assistance? 8 A For the most part, no. 9 Q Now, approximately how much did 10 Mr. Depp earn during the period of time you 11 represented him? 12 A I recall the amount being reported to 13 be something like \$600 million, and I believe that 14 was probably, you know, close to that. 15 Q Did you and your brother steal 16 \$650 million from Mr. Depp? 17 A No. 18 Q Did you steal anything from Mr. Depp? 19 A No. 20 Q Mr. Mandel, did TMG or you take any 21 money, other than the fees that you were entitled 22 to, from Mr. Depp?</p> | <p>5955</p> <p>1 THE BAILIFF: All rise. 2 (Recess taken from 10:57 a.m. to 3 11:15 a.m.) 4 THE BAILIFF: All rise. 5 Please be seated and come to order. 6 THE COURT: All right. Are we ready 7 for the jury? 8 MR. MONIZ: Your Honor, may I. 9 THE COURT: Okay. Do you want to 10 approach? 11 (Sidebar.) 12 THE COURT: All right. Yes. 13 MR. MONIZ: Your Honor, this relates to 14 exhibits for Mr. Waldman. 15 THE COURT: Okay. What did you do to 16 your finger? Maybe I don't want to know. 17 MR. MONIZ: Like a complete idiot, I 18 bumped into a wall. 19 MS. BREDEHOFT: He ran into Mr. Depp. 20 THE COURT: You're trying to show 21 something here. I don't think that's -- 22 MR. CHEW: It's the same finger too.</p> |
| <p>5954</p> <p>1 A No. 2 Q Mr. Mandel, were you ever found 3 adjudicated, by any court, any kind of legal 4 entity, any agency, to have committed malpractice, 5 malfeasance, or embezzlement? 6 A No. 7 THE COURT: All right. Why don't we go 8 ahead and take our morning recess at this point. 9 Ladies and gentlemen, let's take our morning 10 recess. Do not discuss the case and do not do any 11 outside research, okay? Thank you. 12 Again, court is still in session, if we 13 could -- court is still in session. Thank you. 14 Thank you. 15 (Whereupon, the jury exited the 16 courtroom and the following proceedings took 17 place.) 18 THE COURT: All right. We'll go ahead 19 and take a recess until 11:15. Is that all right? 20 MR. CHEW: Thank you, Your Honor. 21 THE COURT: All right. Court is in 22 recess.</p> | <p>5956</p> <p>1 THE COURT: I noticed that. 2 MR. MONIZ: Ironic. 3 THE COURT: Yes, ironic. Yes, sir. 4 MR. MONIZ: This relates to the 5 counterclaim statements that are coming through 6 Mr. Waldman. Your Honor's already ruled on this, 7 to some extent, with Ms. Heard, and I understand 8 we don't go back. 9 THE COURT: Don't go backwards, but you 10 can preserve the record. 11 MR. MONIZ: So, we would move into 12 evidence, move for the admission of 881A, 881B, 13 and 881C, and those are the articles that contain 14 the counterclaim statements. 15 THE COURT: Right. 16 MR. MONIZ: I appreciate Your Honor has 17 already ruled that this is hearsay, just want to 18 touch, very briefly, on a couple of our -- 19 THE COURT: You can, just for the 20 record, because, obviously, I mean... 21 MR. MONIZ: I understand we don't go 22 back.</p> |

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| <p>5957</p> <p>1 THE COURT: But defamatory statements 2 can be in context to your own statements, but he 3 didn't know what the articles were going to say or 4 how they were going to print in the article. 5 MR. MONIZ: Right. It is relevant to a 6 couple of points. First of all, it is relevant to 7 show that he was speaking to reporters; that's who 8 the statements were made to. The reporter, then, 9 went on to write articles that presented both 10 sides of the story and present his statements as 11 the statement of one side of a two-sided story. 12 So that, we believe, is evidence the reporters 13 were knowledgeable of the circumstances and did not 14 accept things at face value. 15 The other point I would like to make, 16 Your Honor, is it is relevant to the damages that 17 these two statements are buried at the bottom of 18 lengthy articles. The articles have all sorts of 19 bad things about both parties. We believe it goes 20 to the plausibility that Ms. Heard claims she 21 suffered \$100 million in damages from these 22 specific statements. These are statements that</p> | <p>5959</p> <p>1 pertinent to it. 2 And the second thing, Your Honor has 3 ruled consistently and, also, against us. We 4 can't put in other articles that are negative or 5 other statements that are made negative about 6 Amber Heard. We can bring them up and put titles 7 in front of them, but -- 8 THE COURT: Which was done in 9 cross-examination. 10 I'll sustain the objection, but you 11 have your record. 12 MR. MONIZ: Thank you, Your Honor. 13 (Open court.) 14 THE COURT: All right. Are we ready 15 for the jury, then? 16 MS. BREDEHOFT: Yes, Your Honor. 17 THE COURT: Okay. All right. Be 18 seated. 19 Your next witness. 20 MS. BREDEHOFT: Your Honor, our next 21 witness is Adam Waldman. I start the questioning, 22 and then Mr. Rottenborn split that with me, and</p> |
| <p>5958</p> <p>1 appear in the context of articles that lay out all 2 sorts of other things about the parties. We 3 believe that's relevant to the damages issue, and 4 the jury ought to be able to consider the way 5 these statements actually appear in context in 6 assessing her claim that she suffered \$100 million 7 in damages from these statements from Mr. Waldman. 8 THE COURT: You're saying there are 9 other bad statements in there for damages purposes 10 of hers, for her? 11 MR. MONIZ: You have Ms. Heard's 12 lawyers -- for her, yeah, I mean, yeah, they talk 13 about -- I mean, I have copies of the articles 14 here if Your Honor wants to look at them or not. 15 They lay out, there are transcripts of specific, 16 for example, recordings, you know, articles. The 17 articles talk about how she admitted to punching 18 and so on. 19 THE COURT: Okay. 20 MS. BREDEHOFT: Same arguments as to 21 before. He had no idea what was going to be 22 placed in there at the time, so that's not</p> | <p>5960</p> <p>1 then it will be Mr. Depp's counsel. 2 THE COURT: All right. Thank you. 3 ADAM WALDMAN, 4 being first duly sworn, was examined 5 and testified as follows: 6 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 7 COUNTERCLAIM PLAINTIFF 8 BY MS. BREDEHOFT: 9 Q Good morning. My name is Elaine 10 Bredehoft, and together with Ben Rottenborn, we 11 represent Amber Laura Heard. 12 Would you please state your name and 13 address. 14 A Sure. Adam Robert Waldman. Washington 15 D.C. 16 Q What is your current occupation? 17 A Attorney. I'm also involved with a 18 skin care company in a variety of capacities. 19 Q How long have you been an attorney? 20 A I think since 1995. 21 Q Do you currently represent John C. 22 Depp, II, who I will be referring to, in this deposition, as Mr. Depp or Depp?</p> |

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| <p style="text-align: right;">5961</p> <p>1 A I do.</p> <p>2 Q And is this representation an</p> <p>3 attorney-client representation?</p> <p>4 A It is.</p> <p>5 Q Does it include any other type of</p> <p>6 representation of Mr. Depp, other than as an</p> <p>7 attorney-client?</p> <p>8 MR. CHEW: I would instruct the witness</p> <p>9 not to answer that question on the grounds of</p> <p>10 attorney-client privilege and attorney work</p> <p>11 product. You can't answer that question without</p> <p>12 disclosing communications between himself and his</p> <p>13 client, Mr. Depp.</p> <p>14 As you're aware, Ms. Bredehopt, the</p> <p>15 Court has ruled that Mr. Depp has not waived</p> <p>16 attorney-client privilege and will not be waiving</p> <p>17 attorney-client privilege. So you're aware of</p> <p>18 that.</p> <p>19 MS. BREDEHOFT: So, Mr. Chew, I'm not</p> <p>20 sure that you heard my question. I was actually</p> <p>21 asking him if he had any other type of</p> <p>22 representation relationship with Mr. Depp, other</p> | <p style="text-align: right;">5963</p> <p>1 instruct the witness not to answer that question.</p> <p>2 A Okay. I'll follow the instruction.</p> <p>3 Q When did you first meet Mr. Depp, as</p> <p>4 opposed to first start representing him?</p> <p>5 A I first met him in October of 2016.</p> <p>6 Q How is it you came to meet Mr. Depp?</p> <p>7 A The general counsel that I referenced a</p> <p>8 moment ago asked me to go and have a meeting with</p> <p>9 him, with Mr. Depp, and to talk about a financial</p> <p>10 problem that he was having.</p> <p>11 Q Did you enter into a written</p> <p>12 representation agreement with Mr. Depp when you</p> <p>13 began your representation?</p> <p>14 MR. CHEW: I would instruct the witness</p> <p>15 not to answer that question. That calls for</p> <p>16 attorney-client privilege.</p> <p>17 A Okay. I will follow the instruction.</p> <p>18 Q Have you entered into more than one</p> <p>19 representation agreement with Mr. Depp during the</p> <p>20 course of your representation?</p> <p>21 MR. CHEW: Same instruction not to</p> <p>22 answer. Can't answer that without disclosing</p> |
| <p style="text-align: right;">5962</p> <p>1 than as an attorney-client.</p> <p>2 MR. CHEW: I think he can answer that</p> <p>3 yes or no, but I would -- I would instruct the</p> <p>4 witness, on behalf of Johnny Depp, not to disclose</p> <p>5 any communications you've had with your client.</p> <p>6 A No.</p> <p>7 Q So, just so we're clear, since we had a</p> <p>8 little bit of record back and forth, the only way</p> <p>9 in which you represent Mr. Depp is as an</p> <p>10 attorney-client representation; is that correct?</p> <p>11 I'm sorry, Mr. Waldman?</p> <p>12 A I believe that's true.</p> <p>13 Q Okay. And you are here today providing</p> <p>14 this deposition under subpoena and then subsequent</p> <p>15 notice, correct?</p> <p>16 A Yes.</p> <p>17 Q And when did you first become</p> <p>18 Mr. Depp's counsel?</p> <p>19 A I think it was around October 2016.</p> <p>20 Q And what is your role in this case as</p> <p>21 counsel for Mr. Depp?</p> <p>22 MR. CHEW: Objection. And I'll</p> | <p style="text-align: right;">5964</p> <p>1 attorney-client communications and attorney work</p> <p>2 product.</p> <p>3 Q Mr. Waldman, when did you consider your</p> <p>4 attorney-client relationship with Mr. Depp to have</p> <p>5 begun?</p> <p>6 A I believe it began the night I met him,</p> <p>7 actually.</p> <p>8 Q Sometime in October 2016?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Has the relation -- has the</p> <p>11 attorney-client relationship between you and</p> <p>12 Mr. Depp been severed at any point between</p> <p>13 October 2016 and the present?</p> <p>14 MR. CHEW: Would instruct the witness</p> <p>15 not to answer that question on the grounds that</p> <p>16 you can't answer that question without disclosing</p> <p>17 attorney-client communications.</p> <p>18 A Okay. I accept the instruction.</p> <p>19 Q As Mr. Depp's attorney, you have a --</p> <p>20 you have provided him with advice; is that fair to</p> <p>21 say?</p> <p>22 A That's correct.</p> |

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| <p>1 Q And you have charged Mr. Depp for your 2 advice, correct? 3 MR. CHEW: I would instruct the witness 4 not to answer that question. You can't answer 5 that without disclosing attorney-client 6 communications. And the fee arrangement, in any 7 event, is irrelevant. But I'm instructing him not 8 to answer on the grounds of privilege. 9 A I accept the instruction. 10 Q Mr. Waldman, when you provide legal 11 services in an attorney-client relationship, your 12 understanding of that is that you provide advice 13 and your client, in turn, compensates you in some 14 manner. 15 Would that be fair to say? 16 A Yes, as a general matter, that's how I 17 understand an attorney-client relationship, yes. 18 Q And has Mr. Depp paid you for your 19 advice? 20 MR. CHEW: I would instruct -- I do 21 instruct the witness not to answer on the grounds 22 of attorney-client privilege. You can't answer</p> | <p>1 permitted to follow or reject your advice? 2 MR. CHEW: I would instruct the witness 3 not the answer the question based on 4 attorney-client privilege. 5 A I accept the instruction. 6 Q Now, Mr. Depp has the right to 7 terminate your representation at any time; is that 8 correct? 9 A Yes, I think it's true. 10 Q I think -- 11 A He would be free to terminate it at any 12 time. 13 Q My apologies, Mr. Waldman. I didn't 14 realize you were still talking. 15 Did you finish? 16 A Yes, I did. Thank you. 17 Q Now, has Mr. Depp terminated your 18 representation of him at any time between 19 October 2016 and the present? 20 MR. CHEW: That's the same question 21 that I instructed Mr. Waldman not to answer 22 before, just stated in a slightly different way.</p> |
| <p>1 that question without disclosing your 2 communications with Mr. Depp. 3 A I accept the instruction. 4 Q Well, let's go general again, and see 5 if maybe we can work it from that perspective. 6 So, in your relationship with your 7 clients, you provide advice and it's up to the 8 client to determine whether to follow that advice; 9 would that be fair to say? 10 A As a general matter, I do agree with 11 that statement, yes. 12 Q All right. And by the same token, it 13 would be up to the client to determine whether to 14 reject your advice, in whole or in part, correct? 15 MR. CHEW: You're still speaking in 16 general? 17 MS. BREDEHOFT: Correct. 18 A In general, yes. 19 Q Okay. Did you, in your relationship 20 with Mr. Depp, I'm talking about your 21 attorney-client relationship, deviate from those 22 principles that, in some way, Mr. Depp is not</p> | <p>1 So I instruct the witness not to answer that 2 question. 3 A I accept the instruction. 4 Q And Mr. Depp, as the client in your 5 relationship, is in the position to make the final 6 decision, regardless of your advice; would you 7 agree? 8 MR. CHEW: I would instruct the witness 9 not to answer that question. I don't know that -- 10 well, I know he can't answer that question without 11 disclosing communications with Mr. Depp. So I 12 instruct the witness not to answer. 13 A I accept the instruction. 14 Q Mr. Waldman, if you were advising a 15 client in an attorney-client relationship and you 16 were in settlement negotiations, would it be you 17 or the client who has the ultimate decision-making 18 ability? 19 A But to speculate about the question, 20 yes, generally, the client would be responsible 21 for deciding, you know, the ultimate outcome of a 22 settlement, yes.</p> |

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| <p>5969</p> <p>1 Q Now, you met Mr. Depp after he and 2 Amber Heard had split up; is that correct? 3 A That's correct. 4 Q And you met Mr. Depp after he and Amber 5 Heard had reached a settlement in their divorce; 6 is that correct? 7 A That's my understanding. 8 Q So you have no personal knowledge of 9 anything that went down during their marriage; is 10 that fair to say? 11 A Well, it depends what you mean by 12 "personal knowledge." I wasn't there, if that's 13 what you mean, correct. 14 Q You never witnessed any interaction 15 between Mr. Depp and Amber Heard prior to 16 October 2016; is that correct? 17 A That's correct. 18 Q And you have no personal knowledge of 19 any conduct by either of them against the other 20 prior to October 2016; is that correct? 21 A Again, if you're asking me do I have 22 any knowledge of their conduct, I think I have</p> | <p>5971</p> <p>1 counsel? 2 MR. CHEW: Mr. Waldman, I would 3 instruct you not to answer that question if doing 4 so would require you to disclose any 5 communications you had with Mr. Depp. 6 THE WITNESS: It would. 7 Q How long had Tracey Jacobs been 8 Mr. Depp's agent at the time Mr. Depp terminated 9 Tracey Jacobs? 10 MR. CHEW: And, again, Adam, same 11 instruction. To the extent that answering the 12 question requires you to disclose communications 13 that you had with Mr. Depp, I would instruct you 14 not to answer the question. 15 THE WITNESS: It would. 16 Q Was it Mr. Depp's decision to terminate 17 Tracey Jacobs? 18 MR. CHEW: Again, I would instruct you 19 not to answer that question because that could 20 only have come from Mr. Depp, in a communication 21 with you. 22 A I accept the instruction.</p> |
| <p>5970</p> <p>1 knowledge of their conduct. Maybe you're asking 2 me did I witness conduct. 3 Q I'm asking you your personal knowledge, 4 which would mean you would have had to have 5 witnessed it. 6 A If you're asking whether I've witnessed 7 it, the answer is no. 8 Q Now, your initial knowledge of the 9 relationship between Mr. Depp and Ms. Heard was 10 based on your interviews with Mr. Depp; would that 11 be fair to say? 12 MR. CHEW: I would instruct the witness 13 not to answer that question because he can't even 14 answer yes or no without disclosing the substance 15 of communications with his client, Mr. Depp. 16 A I accept the instruction. 17 Q Once you came into Mr. Depp's life and 18 became his counsel, Mr. Depp filed, with your 19 assistance, a number of lawsuits; would you agree? 20 A Yes. 21 Q Did Mr. Depp terminate Tracey Jacobs as 22 his agent before or after you became Mr. Depp's</p> | <p>5972</p> <p>1 Q After you began representing Mr. Depp, 2 Mr. Depp filed a lawsuit against Joel Mandel, 3 Mr. Depp's former business manager, correct? 4 A That's correct. 5 Q And you represented Mr. Depp in that 6 lawsuit against Joel Mandel and his company; did 7 you not? 8 A I did. 9 Q But it was Mr. Depp's decision on 10 whether to file the lawsuit against Mr. Mandel and 11 his company; would you agree? 12 MR. CHEW: I would instruct the witness 13 not to answer that question because it would 14 require communication -- disclosure of 15 communications between Mr. Depp and Mr. Waldman as 16 to who was advising who as to filing the case 17 against TMG and the Mandel brothers. So I would 18 instruct you not to answer that. 19 A I accept the instruction. 20 Q Did Mr. Depp have the ultimate 21 decision-making ability with respect to the 22 lawsuit against Mr. Mandel and his company?</p> |

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| <p>5973</p> <p>1 MR. CHEW: And, again, I would instruct 2 you not to answer to the extent it requires you to 3 disclose attorney-client communication. 4 THE WITNESS: It would. 5 Q After you began representing Mr. Depp, 6 Mr. Depp filed a lawsuit against Jake Bloom, 7 Mr. Depp's former attorney, correct? 8 A That's correct. 9 Q And you represented Mr. Depp in that 10 lawsuit against Jake Bloom and his law firm; did 11 you not? 12 A I did. 13 Q But it was Mr. Depp's decision on 14 whether to file the lawsuit against Mr. Bloom and 15 his law firm; is that correct? 16 MR. CHEW: Again, I would instruct the 17 witness not to answer to the extent it requires 18 him to disclose attorney-client communications. 19 THE WITNESS: It would. 20 Q And Mr. Depp, though, was the ultimate 21 decision-maker in connection with any decisions 22 made in the litigation against Mr. Bloom and his</p> | <p>5975</p> <p>1 THE WITNESS: It would. 2 Q You represented Mr. Depp through the 3 U.K. litigation, correct? 4 MR. CHEW: Again, I would -- 5 A I did. 6 Q And Mr. Depp alleged, in the U.K. 7 litigation, that The Sun and Dan Wootton had 8 committed libel by accusing Mr. Depp of being a 9 "wife beater" and committing domestic violence 10 against Amber Heard, correct? 11 A That's true. 12 Q It was Mr. Depp's decision on whether 13 to bring the U.K. lawsuit against The Sun and Dan 14 Wootton, correct? 15 MR. CHEW: Again, I would instruct the 16 witness not to answer any -- I would instruct him 17 not to answer because it, of course, would require 18 him to disclose attorney-client communications as 19 to the thought process that went into filing that 20 particular lawsuit. 21 A I accept the instruction. 22 Q After you began representing Mr. Depp,</p> |
| <p>5974</p> <p>1 law firm; would you agree? 2 MR. CHEW: Same instruction not to 3 answer. It's basically the same question, gussied 4 up a bit, so same instruction not to answer. 5 A I accept the instruction. 6 Q After you began representing Mr. Depp, 7 Mr. Depp filed a lawsuit against The Sun newspaper 8 and its editor-in-chief, Dan Wootton, correct? 9 A Correct. 10 Q For purposes of this deposition, I may 11 refer to the lawsuit against The Sun and its 12 editor, Dan Wootton as the "U.K. lawsuit," or the 13 "U.K. litigation." 14 Would you understand those references 15 to mean this? 16 A I will. 17 Q What was your role in the U.K. 18 litigation? 19 MR. CHEW: I would instruct the witness 20 not to answer that question because it necessarily 21 requires him, or would require him to disclose his 22 communications with his client, Johnny Depp.</p> | <p>5976</p> <p>1 Mr. Depp filed suit against Amber Heard, his 2 former wife, correct? 3 A That's correct. 4 Q And you represented Mr. Depp in the 5 lawsuit against Amber Heard from March 1, 2019, up 6 until October of 2020; is that correct? 7 A Yes. 8 Q And it was Mr. Depp's decision on 9 whether to file the lawsuit against Amber Heard; 10 is that correct? 11 MR. CHEW: I would instruct the witness 12 not to answer that question based on 13 attorney-client privilege. 14 A I accept the instruction. 15 Q And Mr. Depp is alleging, in this 16 lawsuit, that Amber Heard defamed him by 17 suggesting that he had committed domestic abuse 18 against her, correct? 19 A Yes. 20 Q As part of your representation of 21 Mr. Depp, you contacted potential witnesses; is 22 that correct?</p> |

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| <p>1 MR. CHEW: Again, I would -- that is 2 attorney work product and that is protected in 3 Virginia. So I would object on that basis. 4 But you can answer that question, yes 5 or no. 6 A Yes. 7 Q You also spoke with the press on 8 Mr. Depp's behalf; did you not? 9 MR. CHEW: And I would instruct the 10 witness not to answer to the extent that it 11 requires disclosure of any communications between 12 yourself and Mr. Depp. 13 THE WITNESS: It would. 14 Q And, therefore? 15 A And therefore I accept the instruction. 16 Q How frequently did you communicate with 17 the press on Mr. Depp's behalf? 18 MR. CHEW: I would instruct the witness 19 not to answer that question because it's 20 impossible to do so without disclosing 21 attorney-client privilege. 22 A I accept the instruction.</p> | <p>5977</p> <p>1 article about Mr. Depp? 2 MR. CHEW: And to the extent that you 3 cannot answer it without disclosing communications 4 with Mr. Depp, I would instruct you not to answer. 5 A I think it would implicate 6 communications with Mr. Depp, so I accept the 7 instruction. 8 Q The author of this article, which was 9 published on June 21, 2018, is Stephen Rodrick. 10 Were you present when Mr. Rodrick 11 interviewed Mr. Depp? 12 MR. CHEW: You may answer that 13 question, yes or no. 14 A It's not yes or no. I was there for 15 some of it. 16 Q Okay. Was the Rolling Stone interview 17 before or after Mr. Depp filed suit against The 18 Sun and Dan Wootton? 19 A I'm not sure. 20 Q Do you recall whether the publication 21 of this Rolling Stone article was before or after 22 Mr. Depp filed the lawsuit against The Sun and Dan</p> |
| <p>5978</p> <p>1 Q Why did you communicate with the press? 2 MR. CHEW: Same instruction not to 3 answer, on the same grounds. 4 A I accept the instruction. 5 Q What were you hoping to gain? 6 MR. CHEW: Same instruction not to 7 answer the question. 8 A I accept the instruction. 9 Q You remain Mr. Depp's primary counsel 10 for all of his affairs; isn't that correct? 11 MR. CHEW: I -- I'm going to instruct 12 the witness not to answer that because I don't 13 think you can answer that without disclosing your 14 communications with Mr. Depp, and we have to be 15 consistent. 16 THE WITNESS: That's true. 17 A And I accept the instruction. 18 Q Mr. Waldman, I'm going to ask you to 19 take a look at what has been marked as 20 Exhibit Number 3. 21 Did there come a time, in 2018, that 22 you contacted Rolling Stone about writing an</p> | <p>5980</p> <p>1 Wootton. 2 A I don't. 3 Q I'm going to ask you to take a look at 4 page 10. It says, on page 10, it was Adam Waldman 5 who first contacted Rolling Stone about writing 6 the story about the injustice being done to Depp's 7 reputation and bottom line. 8 Do you see that? 9 A I do. 10 Q Before you go there, Mr. Waldman, I 11 asked you a question. 12 Mr. Waldman, I just read that and said, 13 can you see that? Can you answer that question? 14 A I thought I answered yes, but, yes, 15 ma'am. 16 Q Okay. Thank you very much. 17 And is that an accurate statement? 18 A No. 19 Q What is inaccurate about it? 20 A It says it was Adam Waldman who first 21 contacted Rolling Stone. That's incorrect. 22 Q What is correct?</p> |

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| <p>1 A What is correct is that I was not the 2 first to contact Rolling Stone. 3 Q Who first contacted Rolling Stone? 4 A Mr. Depp. 5 Q I'm going to ask the question now 6 standing. 7 Why did Mr. Depp contact the Rolling 8 Stone? 9 MR. CHEW: I would instruct you not to 10 answer that question. 11 A I accept the instruction. 12 Q Did Mr. Depp authorize you to have 13 communications with Rolling Stone to set up this 14 interview? 15 MR. CHEW: I instruct you not to answer 16 that question, on the grounds of attorney-client 17 privilege. 18 A I accept the instruction. 19 Q Did you assist Mr. Depp with publicity 20 on Mr. Depp's behalf? 21 MR. CHEW: I would instruct -- I would 22 instruct you not to answer on the grounds of</p> | <p>5981</p> <p>1 MR. CHEW: I instruct the witness not 2 to answer. 3 A I accept. 4 Q Mr. Waldman, you reached out to a 5 number of other publications to speak on 6 Mr. Depp's behalf; do you recall? 7 MR. CHEW: Again, I would instruct not 8 to answer to the extent it requires you to 9 disclose communications that you had with 10 Mr. Depp. 11 THE WITNESS: It would. 12 A And I accept the instruction. 13 Q How many publications did you 14 communicate with on behalf of Mr. Depp? 15 MR. CHEW: Same instruction not to 16 answer, based on attorney-client privilege and 17 attorney-client work product. 18 A I accept the instruction. 19 Q How many publications did you reach out 20 to on Mr. Depp's behalf relating to the U.K. 21 litigation? 22 MR. CHEW: Same instruction not to</p> |
| <p>5982</p> <p>1 attorney-client communications. 2 A I accept the instruction. 3 Q In your view, does assisting Mr. Depp 4 with publicity constitute legal work? 5 MR. CHEW: The witness has already 6 testified he had one engagement for Mr. Depp and 7 that was a legal engagement. So I'm going to 8 instruct him not to answer any questions about his 9 communications with Mr. Depp. 10 A I accept the instruction. 11 Q In participating in the interview with 12 Rolling Stone, were you speaking on Mr. Depp's 13 behalf? 14 MR. CHEW: And I'm going to instruct 15 not to answer because, again, I don't think you 16 can answer that question without disclosing your 17 communications with Mr. Depp about authority. 18 So I'm instructing you not to answer 19 the question. 20 Q It was Mr. Depp's choice whether you 21 said anything to the press relating to Mr. Depp; 22 would you agree?</p> | <p>5984</p> <p>1 answer, on the same grounds. 2 A I accept the instruction. 3 Q How many publications did you reach out 4 to on Mr. Depp's behalf relating to this 5 litigation? 6 MR. CHEW: Same instruction, on the 7 same grounds. 8 A I accept the instruction. 9 Q How many publications did you reach out 10 to concerning allegations that Mr. Depp had abused 11 Amber Heard? 12 MR. CHEW: Same objection. Same 13 grounds. 14 A I accept the instruction. 15 Q Mr. Waldman, you had a Twitter account; 16 did you not? 17 A I did. 18 Q When did you begin that Twitter 19 account? 20 A I'm not sure of the date. 21 Q Approximately, when? 22 A I'm not even sure of the year.</p> |

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| <p>1 Q Was it prior to 2005, 2010, 2015? 2 A Do you want me to speculate? 3 Q I want you to give me your best 4 estimate. 5 A Okay. I'm really not sure of the year. 6 I couldn't put a specific date on it. 7 Q Do you recall -- 8 A If you want me to give ranges, I can 9 try. 10 Q Do you recall how many years you had a 11 Twitter account? 12 A Not precisely, no. 13 Q Was it more than a year? 14 A I think so. 15 Q Was it more than three years? 16 A I don't think so. 17 Q Now, you had your Twitter account 18 suspended, correct? 19 A Yes, that's true. My Twitter account 20 was suspended. 21 Q Do you recall when that was? 22 A Not with specificity, no.</p> | 5985 | <p>1 THE WITNESS: It would. 2 A So I accept the instruction. 3 Q Did you still communicate with the 4 press on Mr. Depp's behalf? 5 MR. CHEW: Same instruction. Same 6 grounds. 7 A I accept the instruction. 8 Q Has Mr. Depp asked you not to speak to 9 the press? 10 MR. CHEW: Same objection. Same 11 grounds. On its face, it would require 12 Mr. Depp -- Mr. Waldman to disclose his 13 communications with Mr. Depp, which he will not 14 do. 15 THE WITNESS: It would. 16 A And I accept the instruction. 17 Q Would you have followed Mr. Depp's 18 direction if he had asked you not to speak to the 19 press? 20 MR. CHEW: I will instruct the witness 21 not to answer because it's a bend around 22 attorney-client privilege. Clever, but I'm going</p> | 5987 |
| <p>1 Q Do you recall why? 2 A Well, I wrote several letters to 3 Twitter to ask why I was suspended for life from 4 their platform, and the response that I received 5 was multiple violations of their policy. So I 6 asked, could they name one example of those 7 multiple violations, and they responded by saying 8 now they were appealing, without my asking them to 9 do so, my suspension. And that's when they sent 10 me another note saying I was suspended for life. 11 Q So just so the record's clear, so you 12 have been suspended for life by Twitter? 13 A Yes. 14 Q Okay. Do you have a Twitter account 15 now? 16 A No. 17 Q Do you still communicate with the press 18 relating to Mr. Depp? 19 MR. CHEW: And I would instruct the 20 witness not to answer to the extent that it 21 requires you to disclose communications between 22 you and Johnny.</p> | 5986 | <p>1 to instruct the witness not to answer. 2 A I accept the instruction. 3 Q Has Mr. Depp ever asked you not to 4 speak to the press about issues involving he and 5 Amber Heard? 6 MR. CHEW: I would instruct the witness 7 not to answer on attorney-client privilege. 8 A I accept the instruction. 9 Q Would you have followed Mr. Depp's 10 direction if he had asked you not to speak with 11 the press about issues involving he and Amber 12 Heard? 13 MR. CHEW: I will instruct not to 14 answer, on the grounds of attorney-client 15 privilege. 16 A I accept the instruction. 17 Q Has Mr. Depp ever asked you to correct 18 or retract any statements you made to the press 19 relating to Mr. Depp or Mr. Heard -- or Amber 20 Heard? 21 MR. CHEW: Would instruct the witness 22 not to answer, on the grounds of attorney-client</p> | 5988 |

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| <p style="text-align: right;">5989</p> <p>1 privilege. 2 A I accept the instruction. 3 Q Would you have followed Mr. Depp's 4 direction if he had asked you to correct or 5 retract any statements you made to the press 6 relating to Mr. Depp or Amber Heard? 7 MR. CHEW: Same instruction. Same 8 grounds. 9 A And I accept the instruction. 10 Q Have you ever asked the press to 11 correct or retract any statements you have made to 12 the press relating to Mr. Depp or Amber Heard? 13 THE WITNESS: I want to make sure I 14 understand the instruction. Are you saying 15 instruct not to answer in the event it implicates 16 privileged conversations with Mr. Depp? 17 MR. CHEW: Yeah. I think I'm going to 18 instruct not to answer. 19 THE WITNESS: Okay. Thank you. I 20 understand. 21 A I accept the instruction. 22 Q Mr. Waldman, I'm going to ask you to</p> | <p style="text-align: right;">5990</p> <p>1 take a look at what has been marked as 2 Exhibit Number 4. And I'm going to blow it up 3 just a touch because it's kind of hard to read. 4 And it's an article July 3, 2020, mail online, 5 this is Daily Mail online. 6 Do you see that? 7 A I do. 8 Q Actually, I'm just going to go to 9 page 8. I'm going to ask you to take a look at 10 the following that says "Adam Waldman, Depp's 11 lawyer, said afterwards 'Amber Heard and her 12 friends in the media use fake sexual violence 13 allegations as both a sword and a shield, 14 depending on their needs. They have selected some 15 of her sexual violence hoax facts as the sword and 16 inflicting them on the public and Mr. Depp'." 17 Do you see that? 18 A I do. 19 Q Did you make that statement? 20 A I believe I did. 21 Q Did you make that statement on behalf 22 of Mr. Depp?</p> | <p style="text-align: right;">5991</p> <p>1 MR. CHEW: I would instruct the witness 2 not to answer that question, on attorney-client 3 privilege grounds. 4 A I accept the instruction. 5 Q Why did you make the statement? 6 MR. CHEW: Same instruction. Same 7 rationale. You can't answer the why question 8 without disclosing attorney-client privilege. So 9 I would instruct you not to answer. 10 Q Were you representing Mr. Depp at the 11 time you made this statement? 12 MR. CHEW: In any event, I'm going to 13 instruct the witness not to answer that question, 14 on attorney-client privilege grounds. 15 A I apologize. I actually didn't hear 16 the question. I can agree with the instruction, 17 but I probably should get the question. 18 MS. BREDEHOFT: Amy, can you read that 19 back, please. Thank you. 20 (The requested text was read by the 21 reporter as follows: "Were you representing Mr. 22 Depp at the time you made this statement?")</p> | <p style="text-align: right;">5992</p> <p>1 MR. CHEW: I would instruct the witness 2 not to answer, on attorney-client privilege 3 grounds. 4 THE WITNESS: Thank you. 5 A I accept the instruction. Sorry for 6 the repetition. 7 Q Did you discuss this statement with 8 Mr. Depp before making this statement? 9 MR. CHEW: Same grounds. 10 A I accept the instruction. 11 Q Did you discuss the statement with 12 Mr. Depp after making this statement? 13 MR. CHEW: Same instruction. Same 14 grounds. 15 A I accept the instruction. 16 Q Was Mr. Depp aware, either before or 17 after, that you were making this statement? 18 MR. CHEW: Same instruction. Same 19 grounds. 20 A I accept the instruction. 21 Q Did you make this statement with 22 Mr. Depp's authorization or disagreement?</p> |
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| <p>1 MR. CHEW: Same instruction. Same 2 grounds. 3 A I accept the instruction. 4 Q Was Mr. Depp aware that you were 5 speaking with the press? 6 MR. CHEW: Same instruction. Same 7 grounds. 8 A I accept the instruction. 9 Q Did Mr. Depp ever ask you to retract or 10 correct this statement? 11 MR. CHEW: Same instruction. Same 12 grounds. 13 A I accept the instruction. 14 Q If Mr. Depp had asked you to retract or 15 correct the statement, would you have retracted or 16 corrected it? 17 MR. CHEW: Same objection. Same 18 grounds. 19 A I accept the instruction. 20 Q If Mr. Depp had told you that the 21 statement was not correct, would you have 22 corrected or retracted it?</p> | <p>5993</p> | <p>1 friends said about the events of May 21, 2016, can 2 be credible. 3 Do you see that? 4 MR. CHEW: Hearsay. 5 Q Then I'm going to direct your 6 attention, Mr. Waldman, to the next statement. 7 "Quite simply, this was an ambush, a hoax. They 8 set Mr. Depp up by calling the cops, but the first 9 attempt didn't do the trick. The officers came to 10 the penthouses, thoroughly searched and 11 interviewed, and left after seeing no damage to 12 face or property. So Amber Heard and her friends 13 spilled a little wine and roughed the place up, 14 got their stories straight under the direction of 15 a lawyer and then placed a second call to 911." 16 Do you see that statement? 17 A I do. 18 Q Did you make those statements? 19 A There are two parts to what you've 20 shown me. The first part didn't have quotation 21 marks around it. 22 Q And I'm not asking about that.</p> | <p>5995</p> |
| <p>1 MR. CHEW: Same instruction. Same 2 grounds. 3 A I accept the instruction. 4 Q Did you rely upon any statements or 5 evidence from Mr. Depp in making this statement? 6 MR. CHEW: Same instruction. Same 7 grounds. 8 A Yes, I accept the instruction. 9 MS. BREDEHOFT: And if you could bring 10 up Exhibit Number 5. 11 Q Mr. Waldman, I'm going to be asking you 12 a question about a specific statement in this one. 13 If you would like to read the article first, 14 you're certainly at liberty to, and you can take 15 control now and do that. 16 A Thank you. I will. 17 Q It says -- and this is -- I guess, I 18 didn't set the stage here. This was the Daily 19 Mail published on July 3rd, 2020. And I'm going 20 to now direct your attention to page 9. Depp's 21 lawyer, Adam Waldman, said that various 22 discrepancies prove that nothing Heard and her</p> | <p>5994</p> | <p>1 A Okay. Where it says "nothing could be 2 considered credible," that's not quoting me. The 3 part with the quote marks, I believe I said that, 4 yes. 5 Q So starting from "quite simply" through 6 "911," you stated all that; is that correct? 7 A Yes, I believe so. 8 Q Okay. Did you make this -- these 9 statements on Mr. Depp's behalf? 10 MR. CHEW: Instruct the witness not to 11 answer on the grounds of attorney-client 12 privilege. 13 A I accept the instruction. 14 Q Why did you make these states? 15 MR. CHEW: Same instruction. Same 16 reason. 17 A I accept the instruction. 18 Q What were you trying to convey to the 19 press making these statements? 20 MR. CHEW: Same instruction. Same 21 reason. 22 A I accept the instruction.</p> | <p>5996</p> |

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| <p>1 Q Did you discuss this statement with 2 Mr. Depp before making these statements? 3 MR. CHEW: Same instruction. Same 4 reason. 5 A I accept the instruction. 6 Q Did you discuss these statements with 7 Mr. Depp following making these statements? 8 MR. CHEW: Same instruction. Same 9 rationale. 10 A Yes, I accept the instruction. 11 Q Was Mr. Depp aware, either before or 12 after, that you were making these statements? 13 MR. CHEW: Same instruction. Same 14 reason. 15 A I accept the instruction. 16 Q Did you make these statements with 17 Mr. Depp's authorization or agreement? 18 MR. CHEW: Same instruction. Same 19 basis. 20 A I accept the instruction. 21 Q Was Mr. Depp aware you were speaking 22 with the press?</p> | <p>5997</p> <p>1 MR. CHEW: Same instruction. Same 2 basis. 3 A I accept the instruction. 4 Q Mr. Waldman, I'm going to ask you to 5 take a look at Exhibit Number 6. This was another 6 Daily Mail online, July 3, 2020. 7 And if you would like to go ahead and 8 read the article, this would be a good time to do 9 it. 10 A Thank you. 11 Q Mr. Waldman, we were looking at Waldman 12 Exhibit Number 6 and it is the Daily Mail from 13 July -- just lost it there, but July 3rd, 2020, 14 and you were going to scroll through it, and I 15 think we had some technical difficulty, so we took 16 a break. 17 Have you had an opportunity to review 18 it or do you need to now? 19 A No, Ms. Bredehoff, I just saw the 20 screen for the first time. So may I read it now? 21 Q Absolutely. 22 I'm going to ask you to turn to what is</p> |
| <p>5998</p> <p>1 MR. CHEW: Same instruction. Same 2 basis. 3 A I accept the instruction. 4 Q Did Mr. Depp ever ask you to retract or 5 correct these statements? 6 MR. CHEW: Same instruction. Same 7 basis. 8 A I accept the instruction. 9 Q If Mr. Depp had asked you to retract or 10 correct these statements, would you have retracted 11 or corrected them? 12 MR. CHEW: Same instruction. Same 13 basis. 14 A I accept the instruction. 15 Q If Mr. Depp had told you these 16 statements were not correct, would you have 17 corrected and retracted them? 18 MR. CHEW: Same instruction. Same 19 basis. 20 A I accept the instruction. 21 Q Did you rely upon any statements or 22 evidence from Mr. Depp in making these statements?</p> | <p>6000</p> <p>1 the 11th page, the last page you just finished 2 reading, and I'm going to direct your attention to 3 some specific words that are attributed to you. 4 Do you see where it says "Depp's 5 attorney, Adam Waldman, said" right there? 6 A I do. 7 Q Do you see "Depp's attorney, Adam 8 Waldman, said"? 9 Do you see that there, Mr. Waldman? 10 A I do. 11 Q And then I'm going to direct your 12 attention to, specifically, the end of Ms. Heard's 13 abuse hoax against Johnny Depp. 14 Do you see that? 15 A I do. 16 Q Did you speak the words "the end of 17 Ms. Heard's abuse hoax against Johnny Depp"? 18 A I'm not sure. It appears, as I look at 19 this, that there are quote marks around the 20 statement, and that suggests that I did. I don't 21 remember saying these particular words, but it 22 appears so.</p> |

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| 6001 | 1 Q Do you have any reason to believe that 2 you did not say "the end of Ms. Heard's abuse hoax 3 against Johnny Depp"? 4 A No, I have no reason to. No reason to 5 doubt that. 6 Q What was -- were you representing 7 Mr. Depp at the time you made this statement? I'm 8 going to refer to it as a "statement." I'm taking 9 specific words "Ms. Heard's abuse hoax against 10 Johnny Depp." 11 Were you representing Mr. Depp at the 12 time you made the statement that included 13 Ms. Heard's abuse hoax against Johnny Depp? 14 MR. CHEW: I'm going to instruct the 15 witness not to answer based on attorney-client 16 privilege. 17 A I accept the instruction. 18 Q Why did you make this statement? 19 MR. CHEW: Same instruction. Same 20 basis. 21 A I accept the instruction. 22 Q What were you trying to convey to the | 6003 1 basis. 2 A I accept the instruction. 3 Q Did you make the statement with 4 Mr. Depp's authorization or agreement? 5 MR. CHEW: Same instruction. Same 6 basis. 7 A I accept the instruction. 8 Q Was Mr. Depp aware you were speaking 9 with the press? 10 MR. CHEW: Same instruction. Same 11 basis. 12 A I accept the instruction. 13 Q Did Mr. Depp ever ask you to retract or 14 correct this statement? 15 MR. CHEW: Same instruction. Same 16 basis. 17 A I accept the instruction. 18 Q If Mr. Depp had asked you to retract or 19 correct this statement, would you have done so? 20 MR. CHEW: Same instruction. Same 21 basis. 22 A I accept the instruction. |
| 6002 | 1 press in making this statement? 2 MR. CHEW: Same instruction. Same 3 basis. 4 A I accept the instruction. 5 Q Did you make this statement on 6 Mr. Depp's behalf? 7 MR. CHEW: Same instruction. Same 8 basis. 9 A I accept the instruction. 10 Q Did you discuss this with Mr. Depp 11 before making the statement? 12 MR. CHEW: Same instruction. Same 13 basis. 14 A I accept the instruction. 15 Q Did you discuss this statement with 16 Mr. Depp following making the statement? 17 MR. CHEW: Same instruction. Same 18 basis. 19 A I accept the instruction. 20 Q Was Mr. Depp aware, either before or 21 after, that you were making this statement? 22 MR. CHEW: Same instruction. Same | 6004 1 Q Mr. Waldman, I'm going to ask you to 2 take a look at what has been marked as Deposition 3 Exhibit Number 11. And if you want to take a 4 moment, I'm going to try to make it -- 5 Mr. Waldman, I'm going to ask you -- it's kind of 6 two and a half pages. Go ahead and take a moment 7 to review it, and then I'm going to ask you some 8 questions. 9 A Thank you. Okay. 10 Thank you; I've read it. 11 Q Okay. So directing your attention to 12 Exhibit Number 11. So I'll -- because there's a 13 number of these, so maybe we can clear it up right 14 from the start. So we have conversation -- if you 15 look at the top. Conversation, six messages, 16 three parties, over 209 minutes. And it has -- 17 this first one, it has a date and a time, and it 18 has a telephone number. 19 Do you see that? 20 A I do. 21 Q Okay. And then it has some email 22 messages, or text messages. It looks like it |

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| <p>6005</p> <p>1 starts with Keith Bishop. 2 Do you know who Keith Bishop is? 3 A I do. 4 Q And who is he? 5 A Keith Bishop is a publicist who lives 6 in London. 7 Q For what publication? 8 A Oh, no. He's a publicist, he's an 9 advisor on media. 10 Q I see. Did you -- at any times, did 11 you or Mr. Depp ever employ Keith Bishop in any 12 kind of public relations role? 13 MR. CHEW: Mr. Waldman, I would 14 instruct you not to answer any -- I would instruct 15 you not to answer the question to the extent that 16 it would require you to disclose any communication 17 you had with Johnny, either receiving or giving. 18 A I would not be able to answer without 19 doing so, so I accept the instruction. 20 Q Okay. And then Mr. Bishop says, and 21 this is on 12/8/2020, "Adam, I can confirm a 22 meeting with The Mail Online for Monday, 17th</p> | <p>6007</p> <p>1 to answer the question to the extent it would 2 require you to disclose any communications you had 3 with Mr. Depp, your client. 4 THE WITNESS: It would. 5 A And, so, I won't be able to answer the 6 question. 7 Q What tape did you provide to The Mail 8 Online, the Daily Mail? 9 A Are you asking -- forgive me. In this 10 instance, relating to this text? 11 Q Yes. 12 A My recollection is that I gave a pair 13 of audiotapes, actually, to them. Whether that 14 occurred sequentially or at the same time, I don't 15 remember, but I provided them two tapes. 16 Q What training have you had in domestic 17 violence? 18 A None. 19 Q Have you ever represented any clients 20 who have either been accused of domestic violence 21 or -- or had domestic violence committed on them, 22 other than Mr. Depp?</p> |
| <p>6006</p> <p>1 February at 10 a.m." 2 Do you see that? 3 A I do. 4 Q So did you, in fact, have a meeting 5 with The Mail Online on 17 February? 6 A I couldn't say, sitting here now, 7 definitively, that we met on Monday, 17th of 8 February, no. But I see this, and it wouldn't 9 surprise me if we had. 10 Q And was Mr. Depp with you when you had 11 the meeting? 12 A I believe Mr. Depp was with me when we 13 had this meeting. 14 Q And you were representing Mr. Depp at 15 the time, correct? 16 MR. CHEW: I would instruct the witness 17 not to answer that question based on 18 attorney-client privilege. 19 A I accept the instruction. 20 Q When did you obtain the audiotape that 21 you're referencing in this text message? 22 MR. CHEW: And I would instruct you not</p> | <p>6008</p> <p>1 A No. 2 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 3 COUNTERCLAIM PLAINTIFF 4 BY MR. ROTTENBORN: 5 Q Of course, you never saw any, as you 6 would say, element or elements that Ms. Heard 7 claimed, right? 8 A I never saw any element or elements of 9 things she claimed. Do you mean did I ever see 10 evidence with my own eyes that something she was 11 saying was false? 12 Q Yes. 13 A Yes, to some extent, I have seen some 14 things that show her statements to be false. 15 Q Before we get there, as best you can 16 recall today, who are the eyewitnesses that you -- 17 among the 29 or so that you referred to in the 18 text to Christian Carino, that you believe 19 disprove Ms. Heard's evidence of abuse by Johnny 20 Depp? 21 A Okay. Good. It's also probably easier 22 to answer by taking a particular incident, rather</p> |

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| <p>6009</p> <p>1 than just thinking of names of people. So maybe 2 this is a good illustration that is a helpful 3 answer. 4 On May 21st, 2016, and I always view 5 this as one of her central claims. It was the one 6 she put on the cover of People magazine. It's the 7 one she led with when she went to get the 8 temporary restraining order. The 9 phone-to-the-face incident on May 21st, 2016. 10 That's her claim. And that she was beaten -- 11 further beaten by some appendage of Mr. Depp in 12 the face, and her hair was pulled, she showed up 13 on the 27th in court with a lot of bruises on her 14 face. 15 So, there are two police officers; one 16 domestic-violence-trained female police officer, 17 who testified over and over and over that there 18 was no damage to the penthouse, which Ms. Heard 19 claimed was destroyed. That's a direct quote, 20 "destroyed." 21 There are, what I can think of, nine 22 other witnesses, the majority of whom are either</p> | <p>6011</p> <p>1 concierge desk at Eastern Columbia Building, and a 2 friend of Ms. Heard's also. Cornelius Harrell, 3 who I think also worked for the concierge desk, 4 or, in any event, worked for the Eastern Columbia 5 Building and met with Ms. Heard on the 22nd of 6 May, which meeting was captured on CCTV also, 7 Alejandro Romero, who I believe is head of 8 security at the Eastern Columbia Building. And I 9 think Brandon Patterson also testified about the 10 absence of bruises. 11 And I should even distinguish -- 12 because we're talking about the notion of a hoax. 13 I should distinguish these people specifically 14 have given testimony that she was -- Ms. Heard was 15 uninjured between the 21st of May and up to, 16 perhaps, the 25th or 26th of May, and then, of 17 course, she appeared bruised again on the 27th. 18 Some of them have testified that even after the 19 27th they were with her and that she appeared -- 20 and that she appeared bruised. 21 But during that period between the 21st 22 and 27th, I'm not sure if I've listed nine plus</p> |
| <p>6010</p> <p>1 neutral or actually -- well, Ms. Heard's own 2 witnesses, who have testified in various forms, at 3 various times, that there were no injuries to her 4 face whatsoever between the 21st and the 27th, 5 when suddenly there are bruises. 6 Q Who are those nine? 7 A Let's see. Laura Divenere, Melanie 8 Inglessis, Amber's own primary makeup artist. 9 Laura Divenere was Ms. Heard's assistant and 10 decorator and now works for Elon Musk. Hilda 11 Vargas, Mr. Depp and Ms. Heard's, at the time, 12 housekeeper. Samantha McMillen, who was 13 Ms. Heard's and Mr. Depp's stylist and good friend 14 to Ms. Heard. Isaac Baruch, Ms. Heard's and 15 Mr. Depp's friend, close friend, and Ms. Heard's 16 neighbor in the penthouses. 17 Q Okay. 18 A Okay. So continuing on, the 19 witnesses -- a list of some witnesses to the 21st, 20 to her claims of violence and damage to the 21 apartment. 22 Trinity Esparza, who was head of the</p> | <p>6012</p> <p>1 the two police officers, but I think that's an 2 illustration of what I was referring to when -- in 3 the question you asked me about. 4 MR. ROTTENBORN: Can you please pull up 5 the document labeled ARW 660, please. 6 Q But you do believe that the pictures 7 and videos Marilyn Manson sent you helped disprove 8 Ms. Heard's allegations, correct? 9 A As to that -- as to that incident, 10 Thanksgiving, perhaps 2013, I think those -- I 11 think those videos and photographs, yes, 12 demolished her claim. 13 Q Have you communicated with other social 14 media users about this case, other than public 15 messaging platforms? Let me ask that differently. 16 Have you communicated privately with 17 other social media users about this case? 18 A Other social -- I want to make sure I'm 19 precise. Other social media users? 20 Q Yes. 21 A That would -- that group would include 22 almost everybody on earth.</p> |

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| <p>6013</p> <p>1 Q Have you provided information about 2 this case to other social media personalities who 3 then post that information? 4 A I've provided information episodically 5 to what I would – what I would call Internet 6 journalists, and I'll define that as journalists 7 who are not facilitated with, you mentioned, I 8 think, NBC a moment ago, or a mainstream media 9 outlet. 10 Q Have you communicated with a social 11 media user that goes by the name "That Umbrella 12 Guy"? 13 A I've had several phone calls with a 14 person who goes by the name That Umbrella Guy. 15 Don't actually know his real name. 16 Q Have you communicated with him other 17 than through phone calls? 18 A I don't remember doing so, no. 19 Q What are other -- well, let me ask you 20 this: Have you communicated, in a similar 21 fashion, with someone on social media who goes by 22 the name "ThatBrianFella"?</p> | <p>6015</p> <p>1 MR. ROTTENBORN: Can you, please, pull 2 up the Exhibit ALH17001 to 2, please. 3 AV TECHNICIAN: On the screen, 4 Exhibit 24. 5 Q No, my question -- well, my first 6 question is, is that, in that box, where it says 7 "first on-the-record statement from me regarding 8 the body cam to RTL, Adam Waldman, Johnny Depp's 9 attorney," is that a statement that you made to a 10 German media outlet called RTL? 11 A Yes. 12 Q And in that statement, you say that 13 LAPD have now opened up a criminal investigation 14 into perjury of Ms. Heard, correct? 15 A Yes. 16 Q Did you make a correction to RTL when 17 you learned that the LAPD wasn't, in fact, 18 investigating Ms. Heard for perjury? 19 A Well, the way you characterized it is 20 not exactly what I would agree with. The LAPD 21 told me that they were investigating the perjury 22 claim at that time, then subsequently came the</p> |
| <p>6014</p> <p>1 A Yes. 2 Q What about someone who goes by the name 3 "TheRealLauraB"? 4 A Yes. 5 Q And have you communicated, to those 6 individuals listed, evidence that you believe 7 suggests that Ms. Heard's allegations are hoaxes? 8 A I would say I communicate with the 9 Internet journalists, because we put them in a 10 category calling them, I've done that. Exactly 11 the way I would communicate with mainstream media. 12 If they have questions about evidence or the 13 facts, you know, I'll inform them. 14 Q And have you -- when you communicate 15 with them, do you do so -- you testified some by 16 phone, correct? 17 A Yes. 18 Q Do you do so by text or messenger 19 platform? 20 A Largely, I think, by phone. But if I 21 communicated in writing, it would be probably by 22 Signal.</p> | <p>6016</p> <p>1 statement, then came notification to LAPD that it 2 was actually the LA Sheriff's Department that was 3 investigating it. And that was the last I heard 4 about it. 5 Q And who notified you from the LAPD that 6 it was allegedly the sheriff's department that was 7 investigating it? 8 A The same desk officer. When I say the 9 "desk officer," I don't know if that's necessarily 10 the job title. 11 Q How did you find his -- do you have his 12 contact information? 13 A I don't think I do. I don't think, but 14 I don't -- well, I'm not sure. 15 Q I'm sorry if I asked you this. How did 16 you come into contact with this desk officer? 17 A I brought a binder of information, 18 including the statements that had been made and 19 the evidence showing that those statements were 20 false. 21 Q In your view. 22 So you took a binder to the LAPD and</p> |

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| <p>1 spoke to this desk officer? 2 A Correct. 3 Q And was that the only time that you 4 spoke to this person? 5 A The two times. 6 Q Were they both in person? 7 A Oh, maybe it's three – it's two or 8 three times. No. No, two times were on the 9 phone. 10 Q Was the first meeting in person, when 11 you brought the binder? 12 A No. The first was on the telephone. 13 Q So the investigation was opened up at 14 your request after you brought this binder to the 15 desk officer; is that right? 16 A I didn't ask him to open an 17 investigation. I filed a claim with the LAPD 18 regarding these perjurious statements that 19 Ms. Heard and her best friend, Rocky Pennington 20 had made to a court. 21 Q Was that a claim that you filed in 22 writing?</p> | <p>6017</p> | <p>1 officer? 2 A Well, I think this quote that you've -- 3 that you've shown me, to the media, would 4 constitute speaking about it. 5 Q Did you ever hear anything more about 6 this perjury investigation, to the extent it 7 existed, from anyone, any other third party who 8 claimed that they had spoken to anyone in LAPD or 9 the LA sheriff's office? 10 A No, I don't think so. 11 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 12 COUNTERCLAIM DEFENDANT 13 BY MR. CHEW: 14 Q Mr. Waldman, do you have a professional 15 license? 16 A I do. 17 Q Do you have your own law firm? 18 A I do. 19 Q What is the name of your law firm? 20 A Endeavor Law Firm. 21 Q When was Endeavor Law Firm formed? 22 A I think it was in 2007.</p> | <p>6019</p> |
| <p>1 A Yes. 2 Q Do you know whether that claim was 3 produced as part of this, your document production 4 in this case, because I certainly haven't seen it? 5 A I don't know that I ever received a 6 copy of it. It was filed in writing with the 7 LAPD, but I don't recall that I ever received a 8 copy of it. 9 Q Did you draft it? 10 A No. 11 Q So what was -- you were talking to the 12 desk officer and he was taking down notes? Is 13 that the writing you're referring to? 14 A Yes. 15 Q Did you ever see this alleged written 16 claim? 17 A Yes. 18 Q Did you sign it? 19 A I don't recall if I did. 20 Q Did you ever speak to anyone, other 21 than your client, about this alleged perjury 22 investigation, other than your client and the desk</p> | <p>6018</p> | <p>1 Q And who was it that formed your law 2 firm? 3 A It was I that did it. 4 Q And who owns your law firm? 5 A I do. 6 Q What is your title at the Endeavor Law 7 Firm? 8 A Managing member, I believe. 9 Q And it's none of our business who your 10 clients are, but does the Endeavor Law Firm have 11 other clients, other than Mr. Depp? 12 A Yes. 13 Q Does Johnny Depp issue you a Form W-2? 14 A I don't think so, no. 15 Q Did you receive legal training from 16 Johnny Depp or any of your other clients? 17 A I suppose the practice of law, in 18 general, is legal training. But if I understand 19 your question correctly, no. 20 Q Fair point. 21 Have you ever listed Johnny Depp as 22 your employer on any filings with the IRS?</p> | <p>6020</p> |

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| <p style="text-align: right;">6021</p> <p>1 A No.</p> <p>2 Q But you offer legal services to</p> <p>3 clients, correct?</p> <p>4 A Yes.</p> <p>5 MS. BREDEHOFT: Object.</p> <p>6 Q Okay. I'll say, do you offer legal</p> <p>7 services to the general public?</p> <p>8 A Probably not to the general public.</p> <p>9 But I offer legal services. I think that's your</p> <p>10 question.</p> <p>11 THE COURT: All right. Yes, ma'am.</p> <p>12 MS. BREDEHOFT: Your Honor, our next</p> <p>13 one would be Detective Sadanaga, S-A-N-D-A-N-A-G-A</p> <p>14 [sic]. It's about 20 minutes.</p> <p>15 THE COURT: All right. Let's go ahead</p> <p>16 and have that witness.</p> <p>17 MS. BREDEHOFT: And we start the</p> <p>18 questioning in this, Your Honor.</p> <p>19 THE COURT: All right. Thank you.</p> <p>20 MARIE SADANAGA,</p> <p>21 being first duly sworn, was examined</p> <p>22 and testified as follows:</p> | <p style="text-align: right;">6023</p> <p>1 A 17 years.</p> <p>2 Q What, if any, policies, procedures, and</p> <p>3 protocols are in place at the LAPD for domestic</p> <p>4 violence cases separate from other types?</p> <p>5 A So, once we determine there is domestic</p> <p>6 violence, we have to determine whether there's a</p> <p>7 crime.</p> <p>8 Every time we respond to a domestic</p> <p>9 violence call, per state law, we need to document</p> <p>10 whether it's a crime or just an incident, which</p> <p>11 would be when there is not a crime, but there's</p> <p>12 still paperwork done. So that is part of the</p> <p>13 officer's investigation.</p> <p>14 Q Now, I had asked a little earlier about</p> <p>15 when the victim is reluctant to press charges. If</p> <p>16 patrol officers saw property damage or marks on</p> <p>17 the face of the victim, even if the victim was not</p> <p>18 cooperating and did not want to press charges,</p> <p>19 what would the patrol officers' obligation be,</p> <p>20 back in May 2016, on a domestic violence call?</p> <p>21 A If officers determined that there was</p> <p>22 domestic violence, even if a victim is reluctant,</p> |
| <p style="text-align: right;">6022</p> <p>1 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND</p> <p>2 COUNTERCLAIM PLAINTIFF</p> <p>3 BY MS. BREDEHOFT:</p> <p>4 Q State your name and business address</p> <p>5 for the record, please.</p> <p>6 A Marie Sadanaga, M-A-R-I-E, Sadanaga,</p> <p>7 S-A-D-A-N-A-G-A. And my business address is 100</p> <p>8 W. First Street, Los Angeles, California.</p> <p>9 Q And what is your current occupation?</p> <p>10 A I am a detective with the Los Angeles</p> <p>11 Police Department, and I am the department's</p> <p>12 domestic violence coordinator.</p> <p>13 Q What does it mean to be the domestic</p> <p>14 violence coordinator for the department?</p> <p>15 A So, I am recognized as the person most</p> <p>16 knowledgeable about domestic violence. I oversee</p> <p>17 how our department, as a whole, responds to</p> <p>18 domestic violence.</p> <p>19 So I don't investigate cases right now</p> <p>20 myself. I make sure that officers and detectives</p> <p>21 are responding to domestic violence how California</p> <p>22 State Penal Code wants us.</p> <p> Q How long have you been with the LAPD?</p> | <p style="text-align: right;">6024</p> <p>1 our policy is they still make that arrest, if a</p> <p>2 suspect is there, or take the report.</p> <p>3 Q So, if there are -- when the patrol</p> <p>4 officers arrive at the scene, and this is</p> <p>5 May 2016, and there are four people that are</p> <p>6 present at the scene, how many of those</p> <p>7 individuals are the patrol officers obligated to</p> <p>8 interview?</p> <p>9 So I'm going to show you the incident</p> <p>10 call here, and it goes down and has domestic</p> <p>11 dispute, and then it says "met with victims, looks</p> <p>12 like check location, verified husband left, victim</p> <p>13 advised verbal dispute and refused to give any</p> <p>14 further information, issued business card."</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Okay. In May of 2016, was the language</p> <p>18 "victim advised verbal dispute" language that</p> <p>19 was -- that patrol officers were trained to</p> <p>20 provide when they were not going to document</p> <p>21 anything from the scene?</p> <p>22 A It can vary, but officers would</p> |

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| <p>6025</p> <p>1 commonly use the phrase "verbal dispute" to 2 document when a report was not taken. 3 Q I'm going to ask you to take a look at 4 what has been marked as Deposition 5 Exhibit Number 8. It's dated November 24, 2014, 6 and it's subject domestic violence supplemental 7 report. And it says "The Domestic Violence 8 Supplement Report, Form 15.40.02, has been revised 9 to provide a more concise picture of the history 10 and needs of the victim for the purpose of 11 investigating the crime of domestic violence." 12 Do you see that? 13 A Yes. 14 Q What is your understanding of why the 15 LAPD decided that they needed to create a 16 supplemental report form that would give a more 17 concise picture of the history and needs of the 18 victim for the purposes of investigating the crime 19 of domestic violence? 20 A The supplemental includes a lot of 21 questions that are required by California state 22 law. So we included that on it. And the original</p> | <p>6027</p> <p>1 nervous, threatening, apologetic, under the 2 influence of alcohol, under the influence of 3 drugs, or other observations, and it says document 4 in narrative. 5 Are these typically characteristic of 6 victims of domestic violence? 7 A Yes. 8 Q I'm going to turn your direction to the 9 crime scene, now, and the same question. There's 10 a number of different items on here, including 11 location vandalized, ransacked and personal 12 property damage, furniture disarray, broken. 13 What is your understanding why these 14 are included on this list? 15 A My understanding is that these are 16 things that are typically at a crime scene or can 17 occur, so things that we want officers to look for 18 and mark when they take the crime report. 19 Q And as with the questions I had on the 20 characteristics that are on the list of the 21 victims, are these items that are also discussed 22 with the police officers in their training to look</p> |
| <p>6026</p> <p>1 supplemental was actually created a lot earlier, I 2 believe in 1999. This revision of it added some 3 specific questions to help us look at -- kind of 4 to do a risk assessment. I'm not sure if the 5 supplemental is attached to this form, but on the 6 supplemental, there's a section where, I believe, 7 there's, like, 70 yes-or-no questions. That is 8 what was added during this revision. 9 Q Detective Sandanaga, I'm going to show 10 you what's been marked as Deposition 11 Exhibit Number 9. 12 And do you recognize this supplemental 13 report? 14 A Yes. 15 Q Is this the supplemental form that was 16 referred to in Exhibit Number 8? 17 A Yes. 18 Q Okay. Now, if we look at this, and we 19 start out on the left-hand column, and it has a 20 number of different observations to make of the 21 victim, and it includes shaking, unresponsive, 22 crying, scared, angry, fearful, calm, agitated,</p> | <p>6028</p> <p>1 for in even making the determination whether a 2 crime has taken place? 3 A Yes, they are. 4 Q Is there a scenario under which the 5 patrol officers decide that there's no crime but 6 they see property damage and injury and take 7 photographs? 8 A I mean, every situation is different. 9 I believe -- well, one way, if we have a situation 10 like that, that occurred, then there should be a 11 domestic violence incident report. So there is a 12 place to document your observations and statements 13 from people and a reason to have those 14 photographs. 15 Q Even if, ultimately, the officers 16 determined that it wasn't a crime? 17 A Yes. That's why -- domestic violence 18 incident reports are reports where there are no 19 crime, and that is why we have them, so we can 20 document and have a history of calls and see, in 21 case there is ever a call in the future, that 22 there is a prior to history of any type of</p> |

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| <p style="text-align: right;">6029</p> <p>1 domestic call, even if it was not ultimately ruled 2 a crime. 3 Q Would that incident report include if 4 there were interviews with witnesses and if there 5 were any photographs or notes taken? 6 A Yes. There is still a narrative that 7 is written, where everything, the officers' 8 investigation and observations and any 9 photographs, are listed. 10 Q And was there an incident report in 11 place in May of 2016, for patrol officers to use 12 in domestic violence calls? 13 A Yes. 14 Q Could you, please, describe the purpose 15 of an incident report, as of May 2016, and what 16 was included, typically, in an incident report? 17 A So for the purpose of domestic violence 18 incident reports, we're to report when officers 19 responded to a call of domestic violence that did 20 not result in a crime. They are actually 21 required, by state law, for us to document every 22 domestic violence incident that we respond to.</p> | <p style="text-align: right;">6031</p> <p>1 A Yes. They can be, if there was 2 anything that they saw that officers believed 3 needed to be documented in there. 4 Q And where would an incident report, and 5 I'm, again, back in May of 2016, where would that 6 be filed or stored once the patrol officers were 7 done with their shift for the day? 8 A The officers would turn in their 9 reports, including any incident reports, to the 10 watch commander, who would read over it and sign 11 it off. And if it is approved, it would go to our 12 records unit at that division to create a report 13 number on it, and then it does get assigned to a 14 detective, just so that we have it on file in case 15 there's any future incidents. 16 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 17 COUNTERCLAIM DEFENDANT 18 BY MR. MONIZ: 19 Q Do those two officers, at some point, 20 have to make a determination as to whether 21 domestic violence has occurred? 22 A Yes, they do.</p> |
| <p style="text-align: right;">6030</p> <p>1 And in that report, it has the same -- I keep 2 calling it a face sheet. That's not the official 3 term. But the same as a crime report, that we 4 would take it all in, but you fill out the 5 information. You just do not list the suspect 6 because we have no crime. It's the victim who was 7 in fear that the other party may cause some type 8 of danger to them, and that other party is, then, 9 listed as a witness. 10 And then there is a narrative that is 11 included, the same type of narrative that would be 12 in a crime report, where you would write down your 13 source of activity, the officers would put their 14 source of activity, and then document their 15 investigation, the statements that anyone made, 16 any -- as we ask on domestic violence calls, what 17 type of relationship it is, how long, you know, 18 they've been together, any prior incidents of 19 domestic violence, all that would be included in 20 the narrative of an incident report. 21 Q And would any photographs or other 22 notes also be included in that incident report?</p> | <p style="text-align: right;">6032</p> <p>1 Q Okay. What criteria do officers use to 2 make that evaluation? 3 A They use the interviews with the 4 parties that are there, what they observe at the 5 scene, even what they observe, like, of the victim 6 and the suspect. Every situation is different, 7 but it's really, like, taking in the whole -- the 8 whole 360 of where you are and what's occurred so 9 they can get all information to make that educated 10 determination that a crime has occurred. 11 Q Can you, just generally, describe for 12 me the circumstances under which a domestic 13 incident report is used? 14 A We take an incident report when we 15 determine there is no crime, but that one of the 16 parties is in fear that either their life was in 17 danger or they could be a victim of some type of 18 serious bodily injury. But then the third 19 incident you would have, or where we don't take 20 the incident report, is where both parties state 21 it was an argument, there was no physical injury, 22 I wasn't -- both parties say we weren't afraid</p> |

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| <p style="text-align: right;">6033</p> <p>1 that the other was going to do any type of harm to 2 me. 3 Q Okay. And so, in that case, in that 4 third case that you've just described, would there 5 be any documentation required, typically? 6 A On the -- that third one, when we don't 7 have the fear, so it makes it no incident report. 8 It's only documented on that daily field activity 9 report. 10 Q Ms. Bredehoft asked a line of 11 questions, earlier on in the deposition, about 12 victims of domestic violence being reluctant to 13 come forward and speak up. 14 Do you recall that? 15 A Yes. 16 Q Is that a significant problem in 17 dealing with domestic violence calls? 18 A Yes. 19 Q Is that a problem that you've 20 personally experienced on your own calls? 21 A Yes. 22 Q Okay. When confronted with a person</p> | <p style="text-align: right;">6035</p> <p>1 that created that injury. 2 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 3 COUNIERCLAIM PLAINTIFF 4 BY MS. BREDEHOFT: 5 Q There were a number of questions asked 6 about if observed injury, if observed property 7 damage, back and forth, and both of us have asked 8 you a lot of questions about this. And so, I just 9 want to make sure that it's very clear. 10 If a police officer responding to a 11 domestic violence call sees injury, regardless of 12 whether the victim cooperates, what is the police 13 officer's obligation? And this is as of May 2016. 14 A To do an investigation to determine if 15 that injury was a result of a crime. 16 Q And that investigation would include 17 what? 18 A It would include interviewing anyone 19 that is at scene, seeing if there's any type of 20 physical evidence of altercation, or depending on 21 the story that was given, if there's corroboration 22 of that. Seeing if there's any witnesses. Kind</p> |
| <p style="text-align: right;">6034</p> <p>1 who is unwilling to make a statement, is there 2 much that a police officer can really do if you 3 have somebody who just refuses to make a statement 4 and refuses to indicate that they have suffered 5 violent abuse? 6 A It's -- not too much. Usually, we try 7 to -- we teach them to talk about the cycle of 8 violence and power and control and see if we can, 9 you know, start a rapport with the victim and get 10 them to discuss. But if they really don't want to 11 tell us, we can't force them. 12 Q If a potential victim has visible 13 injuries or there are indications at the scene 14 that there has been some sort of violent episode, 15 does the fact that that potential victim refuses 16 to make a statement mean that the officers can't 17 go forward? 18 A No. Not necessarily. They would need 19 to investigate more, but you do have the visible 20 injury and, you know, evidence of some type of 21 struggle, so they would need to try to get that 22 probable cause to determine that there was a crime</p> | <p style="text-align: right;">6036</p> <p>1 of depends. Each one's different, but just doing 2 a thorough investigation. 3 Q If one of the other witnesses took the 4 officers through the entire premises and showed 5 broken glass, spilled wine, and a number of areas 6 of disturbance and vandalism, what would the 7 officers' obligation be then? 8 A The officers would still need to 9 determine if there was enough evidence there, from 10 these witness statements and the things that 11 they're seeing, to determine if this injury is a 12 result of a crime. 13 Q What discretion do the police officers 14 have when they see an injury on a victim when 15 they're reporting to a domestic violence call? 16 And this is in May 2016. 17 A The officers still need to do an 18 investigation if there's a visible injury. 19 Because we have to determine if there was a crime. 20 Q So one of your roles, if I understand 21 it, is to make a determination of -- that the 22 police officer, the LAPD, as a whole, how --</p> |

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| <p>6037</p> <p>1 you're overseeing how they respond to domestic 2 violence calls, correct? 3 A Yes. 4 Q And let me ask it just a little bit 5 differently. 6 In making the determination of whether 7 to create an incident report, what, if any, 8 factors can the officer consider if the victim 9 does not want to press charges but the officers 10 still believed that an incident report is 11 appropriate under the circumstances? 12 A It would – if an officer determines 13 that there was not a crime, yet, there was enough 14 there – I guess what I'm trying to say – I mean, 15 the purpose we have to think about, we tell the 16 officers the purpose of a domestic violence 17 incident report is for documentation of incidents, 18 because we know with domestic violence, there's 19 usually a series of incidents that happen, and not 20 all of those are crimes. 21 So for us, as officers, we document 22 those so if in the future there is a crime, we can</p> | <p>6039</p> <p>1 So we'll take care of the TV then. 2 All right. We'll see you at 1:45. 3 MS. BREDEHOFT: Thank you. 4 THE COURT: Thank you. 5 THE BAILIFF: All rise. 6 (Recess taken from 12:43 p.m. to 7 1:42 p.m.) 8 THE BAILIFF: All rise. Please be 9 seated and come to order. 10 THE COURT: All right. Are we ready 11 for the jury? 12 MR. ROTTENBORN: Just one matter, Your 13 Honor. 14 THE COURT: Sure. 15 (Sidebar.) 16 THE COURT: Got everybody again. 17 MR. ROTTENBORN: We understood Your 18 Honor's ruling this morning on Mr. Bercovici. We 19 didn't think of the full sequence of how things 20 got in. 21 THE COURT: Okay. 22 MR. ROTTENBORN: So I understand your</p> |
| <p>6038</p> <p>1 go back and say there have been all these other 2 incidents. So as an officer, we're going to take 3 that into our analysis of the scene. And if we 4 can't determine whether a crime has happened, we 5 have to think about do we need to document this so 6 maybe sometime in the future people know that this 7 happened. 8 THE COURT: All right. Thank you. 9 Ladies and gentlemen, let's go ahead 10 and take our lunch break at this time. 11 Again, do not do any outside research 12 and do not discuss the case with anybody, okay? 13 And we'll see you back in an hour. 14 (Whereupon, the jury exited the 15 courtroom and the following proceedings took 16 place.) 17 THE COURT: All right. So be back at 18 1:45? 19 Is your next witness on deposition or? 20 MS. BREDEHOFT: Our next witness is 21 live. 22 THE COURT: Going to be live, right?</p> | <p>6040</p> <p>1 ruling but just wanted to get the full sequence. 2 THE COURT: That's clear. That's fine. 3 MR. TREECE: Your Honor, the first 4 thing we wanted to show you -- 5 THE COURT: I thought just getting the 6 sequence I already made my ruling. 7 MR. TREECE: Oh, I understand. I was 8 just saying the disclosures were originally due on 9 the 10th, our initial disclosures of the experts, 10 so defendants on the 10th did disclose Bercovici 11 on the 10th. And then following that disclosure, 12 we supplemented to add this information that he is 13 going to testify independent on the issues with 14 respect to the LA -- 15 THE COURT: Doesn't say independently. 16 MR. TREECE: Well, they then submitted 17 their disclosures indicating that they're going to 18 put Frost to rebut Bercovici. So essentially, 19 they've got supplemental disclosures after this 20 that say they're going to put Frost up to rebut 21 Bercovici. I have those as well. 22 THE COURT: Okay.</p> |

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| <p style="text-align: right;">6041</p> <p>1 MR. ROTTENBORN: And I think the one 2 that appointed -- that says the disclosures that 3 were due on -- the second set of disclosures that 4 they claim was in rebuttal was also our initial 5 disclosures on the counterclaim, since the issue 6 of the May 21st hoax goes directly to the 7 counterclaim. I think that's also for Your Honor 8 to consider that -- that Bercovici could have been 9 disclosed for the first time in relation to the 10 counterclaim, because that's not -- 11 MR. TREECE: In the entirety of his 12 opinion, he's not going to testify as to Frost. 13 He's going to testify as to the experts -- I mean, 14 excuse me -- as to the officers, as outlined in 15 his report. 16 THE COURT: I have to go by 17 designation. 18 MR. DENNISON: Your Honor, one of the 19 very first lines of the disclosure says he's here 20 to rebut Frost. 21 MR. TREECE: That before it was 22 supplemented. Following her deposition, we</p> | <p style="text-align: right;">6043</p> <p>1 think they're using to establish the burden of 2 proof. 3 MR. DENNISON: Your Honor, I think 4 you've ruled the language is clear. 5 THE COURT: Okay. 6 MR. ROTTENBORN: I think that last part 7 is the clearest point, that they have the burden 8 of proof on falsely -- 9 THE COURT: It still says rebuttal 10 expert, okay. 11 MR. CHEW: Thank you, Your Honor. 12 THE COURT: Okay. Let's go. Thank 13 you. 14 (Open court.) 15 THE COURT: All right. So are we ready 16 for the jury? 17 MR. DENNISON: Yes, Your Honor. 18 THE COURT: All right. 19 (Whereupon, the jury entered the 20 courtroom and the following proceedings took 21 place.) 22 THE COURT: All right. Be seated.</p> |
| <p style="text-align: right;">6042</p> <p>1 weren't sure if they were going to call him or 2 not. But what they've done is they've reserved 3 her for rebuttal. They've got rebuttal after 4 this. So they can call Frost after this. 5 THE COURT: Just talking about your 6 designations now. 7 MR. TREECE: Sure. And our 8 designations, so I mean there's the problem Oxford 9 comma here, but the point being rebut Frost and 10 then it says, "and will testify that two sets of 11 LAPD officers did not follow policies, procedures, 12 or best practices." 13 THE COURT: Definition of rebuttal 14 expert is that they rebut an expert from the other 15 side, correct? 16 MR. TREECE: And part of what I was 17 getting at with the schedule and all -- 18 THE COURT: Answer my question. 19 MR. TREECE: Oh, yes. Part of a 20 rebuttal expert is they rebut evidence and/or 21 experts. So they're rebutting -- they've got the 22 burden of proof, and we're rebutting what they</p> | <p style="text-align: right;">6044</p> <p>1 Your next witness. 2 MR. NADELHAFT: We call Ron Schnell, 3 S-C-H-N-E-L-L. 4 THE COURT: Thank you, sir. 5 MR. NADELHAFT: Uh-huh. 6 RON SCHNELL 7 A witness called on behalf of the 8 defendant and counterclaim plaintiff, having been 9 first duly sworn by the Clerk, testified as 10 follows: 11 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 12 COUNTERCLAIM PLAINTIFF 13 BY MR. NADELHAFT: 14 Q Please introduce yourself to the jury. 15 A I'm Ron Schnell. 16 Q And what is your current job title, 17 Mr. Schnell? 18 A I'm a director at Berkeley Research 19 Group. 20 Q And could you briefly describe your 21 educational background since high school. 22 A I have a master's degree in computer science.</p> |

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| <p style="text-align: right;">6045</p> <p>1 Q Do you have an undergraduate degree? 2 A I do not. 3 Q And can you explain to the jury why 4 not? 5 A When I was a kid, there was a lot of 6 publicity about me because I was a professor at 7 NYU when I was 14. NYU actually offered me to go 8 into their freshman class when I was 14, but I 9 decided that I wanted to experience the social 10 aspect of high school so I turned them down. But 11 by the time I got to college, they skipped me from 12 undergraduate to graduate. 13 Q So when did you receive your master's 14 degree from Syracuse University? 15 A It wasn't until 2008, actually. 16 Q And why wasn't it until 2008? 17 A So because of my previous background 18 while I was at Syracuse, including I did work at 19 MIT in the artificial intelligence lab for the two 20 founders of artificial intelligence, Patrick 21 Winston and Marvin Minsky, I was immediately lured 22 to MIT even while I was in graduate school. And</p> | <p style="text-align: right;">6047</p> <p>1 worked on the kernel and other programs working on 2 the kernel. 3 Q Could you just briefly explain what the 4 kernel is? 5 A The kernel is the center of the 6 operating system, so it actually controls the 7 piece of software that controls the whole 8 computer. So it gets down to the bit level, where 9 it's actually -- really everything that goes on 10 within the computer has to go through the kernel. 11 Q And what did you do after IBM? 12 A After IBM, I founded a startup company. 13 Q What was the name of that startup 14 company? 15 A It was called Secure Online Systems. 16 Q And what did Secure Online Systems do? 17 A It was a company that wrote software 18 for mainframe computers running various versions 19 of the Unix operating system. 20 Q And were there any other investors in 21 Secure Online Systems, Inc.? 22 A Yeah. My business partner on that was</p> |
| <p style="text-align: right;">6046</p> <p>1 eventually they offer you enough money where you 2 have to take them up on it. 3 Q So what -- so when you were lured away 4 from Syracuse University, what did you do? 5 A I worked at Bell Labs on something 6 called the Unix operating system. Unix is an 7 operating system which is the core of the 8 computer, what makes everything work. Microsoft 9 Windows is an operating system. Mac OS is an 10 operating system. You may have heard of Linux, 11 which is, you know, Unix was the predecessor to 12 Linux. So I worked on the kernel of the Unix 13 operating system at Bell Labs. 14 Q And when was that approximately, what 15 year? 16 A 1986. 17 Q And how long did you work at Bell Labs? 18 A A couple of years. 19 Q And what did you do after Bell Labs? 20 A After that, I was lured away to IBM, so 21 I worked at IBM on their version of the Unix 22 operating system, which was called AIX, also</p> | <p style="text-align: right;">6048</p> <p>1 Sylvester Stallone. 2 Q And what eventually happened to Secure 3 Online Systems? 4 A Well, it was, as I said, a software 5 product that ran on mainframe computers on Unix, 6 and we actually completed the product and it ran 7 very well. But mainframes running Unix kind of 8 ceased to exist back then, so we had to shut it 9 down. 10 Q So what did you do after the company 11 shut down? 12 A Then I went to work at Sun 13 Microsystems, working on their version of Unix, 14 which is called Solaris, also working on the 15 kernel. 16 Q And approximately how long were you 17 there at Sun? 18 A Approximately five years. 19 Q And did you also work for Driver Aces, 20 Inc.? 21 A Right. Coincident with that, I also 22 founded another startup called Driver Aces, and we</p> |

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| <p style="text-align: right;">6049</p> <p>1 wrote what are called device drivers to run on the 2 Unix operating systems. A device driver actually 3 teaches the computer how to talk to hardware 4 devices, so also runs within the kernel. 5 Q Have you founded any other startups? 6 A Yes. 7 Q What was the other startup? What was 8 at least one of the other startups? 9 A So the last startup I founded was 10 called mailcall.com, M-A-I-L, and that was a 11 startup that allowed you to read and manage your 12 email on your cellular phone before there were 13 smartphones. So a computerize voice would read 14 you your email, and you could speak a reply into 15 the phone or send it to a fax machine. Basically 16 that you manage your email on the road. 17 Q And what happened to mailcall.com? 18 A I sold that to a public company in 19 2000. 20 Q And what did you do after that? 21 A After that, I ended up working at 22 Equifax, one of the three credit bureaus in the</p> | <p style="text-align: right;">6051</p> <p>1 Q So that takes us to about 2013; is that 2 right? 3 A It was '11. 4 Q 2011? Okay. 5 And what did you do -- what did you do 6 in 2011? 7 A In 2011 I didn't do much until 2013 8 when I took the role as the director at Berkeley 9 Research Group. 10 Q Okay. And that's your current 11 position, correct? 12 A Correct. 13 Q What are your responsibilities at 14 Berkeley Research Group? 15 A So I do all sorts of things. Generally 16 I consult, I do software projects and manage 17 software projects and architect them, but I also 18 do things like this where I'm consulting in 19 litigation and sometimes testifying in litigation. 20 Q Have you taught any courses? 21 A Yes. I'm an adjunct professor at Nova 22 Southeastern University.</p> |
| <p style="text-align: right;">6050</p> <p>1 United States, running software development for 2 their Internet marketing division. 3 Q And how long were you in that position? 4 A Until 2005. 5 Q And what happened in 2005? 6 A In 2005 I was asked to run what's 7 called a monitorship for the D.C. District Court 8 for two cases, U.S. v. Microsoft and New York, et 9 al. v. Microsoft, the two largest antitrust cases 10 in U.S. history. So I was responsible for running 11 that organization. I hired 93 people over six and 12 a half years to perform that monitorship. 13 Q And what type of work were you doing in 14 that monitorship? 15 A Highly technical work, looking at all 16 of Microsoft's documents and source code and 17 things like that. I can't talk too much about it 18 because of a protective order, but I had special 19 master powers in that matter -- in those matters. 20 Q And you said you were in that position 21 for six and a half years? 22 A Correct.</p> | <p style="text-align: right;">6052</p> <p>1 Q And what classes do you teach there? 2 A I teach computer security and the Unix 3 operating system environment, although since 4 COVID, I haven't been doing that. 5 Q And have you published any scholarly 6 articles? 7 A Yes. I have two published articles, 8 one related to computer security and another 9 related to antitrust enforcement using technology. 10 Q And what experience do you have in 11 statistical or forensic analysis of social media? 12 A A bunch of the consulting work I've 13 done involves analyzing data from social media. 14 Most of them have been consulting for litigation, 15 some of them are consulting for nonlitigation, 16 yeah. 17 Q And is that work both in civil and 18 criminal matters? 19 A Yes. 20 Q And could you describe the work just a 21 bit more in terms of what you've performed 22 regarding statistical or forensic analysis of</p> |

6053

1 social media?
2 **A I can't tell about the specific cases**
3 **because I haven't testified on them, and some of**
4 **them are awaiting indictment, most likely. But in**
5 **general it's really the same sort of stuff I've**
6 **been doing here, analyzing data from the social**
7 **networks.**
8 Q And on what social media platforms have
9 you performed forensic analysis?
10 **A All of the major ones.**
11 Q What are the major ones?
12 **A Twitter, Instagram, Facebook, Reddit.**
13 Q How much of your expert work is for
14 plaintiffs versus work for defendants?
15 **A Well, I don't consider myself working**
16 **for either plaintiff or defendant. I take my role**
17 **as an independent expert extremely seriously. But**
18 **looking at whose counsel has hired me over the,**
19 **you know, nine or so years I've been doing this,**
20 **it's almost exactly equal.**
21 Q And how many times have you been a
22 consulting expert?

6054

1 **A Including litigation, nonlitigation,**
2 **hundreds.**
3 Q How many times have you been qualified
4 in court, arbitration, or in sworn court testimony
5 to provide expert testimony?
6 **A Eight times.**
7 Q Have you ever been disqualified as an
8 expert by a court?
9 **A No.**
10 Q Do you believe that your testimony will
11 be helpful in assisting the jury to understand the
12 facts of this case?
13 **A I do.**
14 MR. NADELHAFT: Your Honor, at this
15 time, I tender Mr. Schnell as an expert in the
16 field of statistical and forensic analysis of
17 social media.
18 THE COURT: Any objection?
19 MR. DENNISON: Your Honor, can we be
20 heard?
21 THE COURT: Do you want to voir dire?
22 MR. DENNISON: Yes, I do.

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1 THE COURT: Okay. You can voir dire.
2 MR. DENNISON: Thanks.
3 VOIR DIRE EXAMINATION BY COUNSEL FOR THE PLAINTIFF
4 AND COUNTERCLAIM DEFENDANT
5 BY MR. DENNISON:
6 Q Sir, my name is Wayne Dennison. Good
7 afternoon.
8 **A Good afternoon.**
9 Q You made, here, an analysis of certain
10 tweets and hashtags, right?
11 **A Yes.**
12 Q And you made no effort to connect those
13 tweets and hashtags to the statements made by Adam
14 Waldman?
15 MR. NADELHAFT: Objection.
16 THE COURT: I'll sustain the objection.
17 The voir dire is just for his qualifications as an
18 expert.
19 MR. DENNISON: Can we be heard, Your
20 Honor?
21 THE COURT: If you want to come
22 forward, that's fine.

6056

1 MR. DENNISON: Thank you.
2 (Sidebar.)
3 MR. DENNISON: Your Honor, this witness
4 is subject to one of the motions in limine, and
5 your ruling to this witness is that only evidence
6 showing the nexus of damages may come in through
7 this witness.
8 THE COURT: Right.
9 MR. DENNISON: And all I was trying to
10 do is ask four questions to see if he actually has
11 any damages nexus.
12 THE COURT: That doesn't have to do
13 with his qualification, whether he's qualified as
14 an expert or not. So if you don't have an
15 objection to him qualifying as an expert, you'll
16 have to cross-examine. I mean, you can object to
17 if they go into any areas outside of damages.
18 MR. DENNISON: That's right. I was
19 just asking. My --
20 THE COURT: That's not what voir dire
21 is for, though. Do you have any objection to
22 moving him as an expert?

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| <p>6057</p> <p>1 MR. DENNISON: No. Obviously he's 2 qualified. 3 THE COURT: Well, that's where we're at 4 right now. 5 MR. DENNISON: Okay. 6 THE COURT: Okay? If you want to ask 7 something really statistical -- I'm sorry... 8 MR. NADELHAFT: Statistical and 9 forensic analysis of social media. 10 THE COURT: Forensic... 11 MR. NADELHAFT: Analysis of social 12 media. 13 THE COURT: Analysis of social media. 14 Thank you so much. 15 MR. NADELHAFT: Thank you. So I can 16 just start? 17 THE COURT: I'll ask him if he excepts 18 him. 19 (Open court.) 20 THE COURT: All right. So, 21 Mr. Dennison, do you have any objection to moving 22 him in as an expert?</p> | <p>6059</p> <p>1 A API stands for "application programming 2 interface." That is a service that's provided by 3 companies like Twitter so that professionals can 4 write programs to query Twitter to ask for various 5 things. In this case, I used two of their APIs. 6 One of them was called a search API, and that 7 allows you to give search terms, and it will 8 return all the tweets containing those search 9 terms through a certain date range. The other one 10 is called accounts API, and I use that, again for 11 a certain date range, to return any tweet that 12 contained that hashtag. 13 Q And you just -- 14 A And I should add that it may not be 15 obvious why you need to do this, but if you just 16 do a search on Twitter itself, it's not going to 17 return everything. It's going to return a subset 18 of what is out there. But using these APIs, which 19 you pay a lot of money for, they sort of guarantee 20 that you'll -- almost guarantee that you'll get 21 everything. 22 Q And you mentioned hashtags. I know a</p> |
| <p>6058</p> <p>1 MR. DENNISON: No. 2 THE COURT: All right. Then I'll move 3 him in as an expert in the statistical and 4 forensic analysis of social media. 5 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 6 COUNTERCLAIM PLAINTIFF 7 BY MR. NADELHAFT: 8 Q Mr. Schnell, what were you asked to do 9 in this matter? 10 A So I was asked to do several things. I 11 used the official Twitter APIs to bring in data 12 over certain -- several different time spans, 13 initially it was April of 2020 to January 2021, 14 and analyzed various hashtags and things like 15 that. 16 Q And what is significant about 17 April 2020? 18 A I understand that April 2020 is related 19 to the alleged defamatory statements by 20 Mr. Waldman. 21 Q And you talked about APIs. What does 22 that mean?</p> | <p>6060</p> <p>1 lot of people know what those are, but for those 2 who don't, what's a hashtag? 3 A Well, hashtags are a function of 4 Twitter. They're really just part of the text of 5 a tweet or a profile, and it's convenient to put 6 things in hashtags so that when somebody searches, 7 they can search for a particular hashtag and it'll 8 come up. 9 Q And did you choose particular hashtags 10 to search for? 11 A I did. 12 Q And how did you choose which hashtags 13 to use? 14 A Well, initially I was looking for 15 tweets that would be negative towards Ms. Heard. 16 So I looked through tweets that were negative 17 towards Ms. Heard, and I found that a 18 supermajority of them were using one of four 19 different hashtags. 20 Q And so overall, what did your analysis 21 find regarding negative hashtags about Ms. Heard 22 from April 2020 until the end of January 2021?</p> |

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| <p>6061</p> <p>1 A There were over 1,243,000 and change 2 uses of those hashtags during that time frame you 3 just mentioned. 4 Q And did you perform an analysis of the 5 negative hashtags from April 2020 until January 6 of 2022? 7 A Yes, I did. 8 Q And what was the result of that? 9 A There were over another million, so, 10 you know, 2.38 million, I think. 11 Q And how did you determine that the 12 tweets were negative about Ms. Heard? 13 A Well, you know, I hadn't been asked 14 that until later on in this, but I didn't think 15 that that would be in controversy. I mean, some 16 of these hashtags are pretty much rude, and it 17 would really surprise me anyone would think that 18 they wouldn't be negative towards Ms. Heard. But 19 when I was asked about it later, I actually took a 20 random sampling and looked at them and could not 21 find any that were not negative toward Ms. Heard. 22 Q And what was the random sampling that</p> | <p>6063</p> <p>1 designations. 2 THE COURT: All right. 3 Q Mr. Schnell, did you create this chart? 4 A I did. 5 Q And what data is this chart based on? 6 A This is based on the search API from 7 Twitter, and it rolls up the number of tweets with 8 the various hashtags by month of these two years, 9 yeah, three years. 10 MR. NADELHAFT: Your Honor, I would 11 like to make this a demonstrative, Schnell 12 Demonstrative 1. Or do you want it to be a -- 13 THE COURT: If I could get it one of 14 the numbers since it's going to be part of the 15 record. 16 MR. NADELHAFT: Can we call it Schnell 17 Demonstrative 1, and then I give you a number? 18 THE COURT: Well, the last number I 19 have is 1837. 20 MR. NADELHAFT: Do we know if that's 21 the last? How about we make it 1900? That way 22 it's not -- can we just make it 1900?</p> |
| <p>6062</p> <p>1 you used? 2 A I did two of them. They were a 3 thousand each. 4 Q And how did you determine which 5 thousand tweets to use for review in each search? 6 A I wrote a program that truly selected 7 them at random. 8 Q And in your experience, is 2,000 tweets 9 a meaningful sample? 10 A If they're chosen at random in this 11 universe, yes. 12 Q Okay. In addition to the four hashtags 13 for Ms. Heard, did you review any other -- did you 14 look at any other hashtags? 15 A I did. 16 Q And what hashtag did -- what type of 17 hashtag did you look for? 18 A I looked at what I found to be six 19 hashtags that would be negative toward Mr. Depp. 20 MR. NADELHAFT: Michelle, can you put 21 up Demonstrative 1, which is on the fifth page of 22 Mr. -- of Attachment 4 of Mr. Schnell's expert</p> | <p>6064</p> <p>1 THE COURT: That's perfect. 1900 it 2 is. Any objection to the demonstrative? 3 MR. DENNISON: No, Your Honor. 4 THE COURT: All right. You can publish 5 that. 6 Q And is this a chart you made, 7 Mr. Schnell? 8 A It is. 9 Q Okay. And the -- at the top here, 10 there are hashtags that are in yellow. 11 You see that? 12 A I do. 13 Q Okay. And if we go all the way to the 14 right -- well, first, let's scroll over to the 15 left here. I apologize. You see in 2020, there's 16 the months of June and July? 17 A I do. 18 Q Okay. And what are these columns? 19 First tell the jury what they represent. 20 A So each of these is the number of 21 tweets with the hashtags -- with the corresponding 22 hashtags during that month.</p> |

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| <p>1 Q Okay. And if we look at the first one 2 in yellow, you see that first hashtag, the fourth 3 one over? 4 A I do. 5 Q And are there any -- what does it show 6 from 2018 to July of 2020? 7 A There were none. 8 Q And then what happens in August of 9 2020? 10 A Well, there's a remarkable jump from 11 July to August of 2020. It goes from zero to 12 13,878. 13 Q And if we scroll to the right, the last 14 three hashtags which are highlighted show the 15 difference between June and July, what did your 16 analysis show? 17 A Well, you can see that June is about at 18 its steady state. In July there's also a 19 remarkable jump. 20 Q And that's for all three of those 21 hashtags? 22 A That's correct.</p> | <p>6065</p> <p>1 A My understanding, it was -- is that it 2 was December of 2018. 3 Q Okay. And if we go to November of 2020 4 for the hashtags related to Mr. Depp, if you see 5 the difference between October of 2020 and 6 November of 2020, what do you see there? 7 A I also see a large jump from October to 8 November of 2020. 9 Q Okay. If we look at the last hashtag 10 in blue that says "Johnny Depp is a wife beater," 11 what does that show in terms -- what did your 12 analysis find in terms of tweets with those 13 hashtags? 14 A Looks to me that also there are more 15 prior to -- well, little here and there, there are 16 single-digit ones, but prior to November of 2020, 17 there are basically none and then it jumps up to 18 over 2,000. 19 Q And do you know what happened in 20 November of 2020? 21 A My understanding is that's when the 22 U.K. trial ended.</p> <p>6067</p> |
| <p>1 Q And the hashtags -- the hashtags that 2 are in the blue are the ones related to Mr. Depp, 3 correct? 4 A Correct. 5 Q Okay. Oh, by the way, what is your 6 understanding of when the last alleged defamatory 7 statement was made by Mr. Depp through 8 Mr. Waldman? 9 A My understanding is that it was the end 10 of June of that year. 11 Q Of 2020? 12 A Yes. 13 Q Now, looking at the hashtags that are 14 highlighted in blue for Mr. Depp for the months of 15 November, December -- November and December of 16 2018 and January of 2019, what did your 17 analysis -- what does your analysis show? 18 A I see a remarkable jump in November of 19 2018, and then it starts to -- well, it goes way 20 down in December of '18 and January of '19. 21 Q Okay. And do you know when Ms. Heard 22 wrote the op-ed in this matter?</p> | <p>6066</p> <p>1 Q Okay. 2 MR. NADELHAFT: We can take this down. 3 And can you put up Demonstrative 2, 4 which we'll make 1901, which we'll identify as 5 1901. 6 THE COURT: That's fine, 1901. Any 7 objection? 8 MR. DENNISON: No, Your Honor. 9 THE COURT: All right. 1901 can be 10 published. 11 Q And, Mr. Bania, what date is this chart 12 based on? 13 MR. NADELHAFT: I did the same thing. 14 Q Mr. Schnell, what data is this chart 15 based on? 16 A This chart is based on the data we just 17 looked at, but out until January of 2022, and it's 18 just another way of displaying the numbers in 19 graphical form so that we can see peaks and 20 valleys. 21 Q And what are the dotted lines? 22 A So if you look at the top, you can see</p> <p>6068</p> |

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1 **that the dashed lines are the negative hashtags**
2 **towards Ms. Heard and the solid ones are the**
3 **negative hashtags towards Mr. Depp.**
4 Q And what is being shown here? In your
5 analysis, what is being shown with the tweets
6 related to Ms. Heard?
7 A Well, you can see that there's a huge
8 spike in February of 2020, which I believe
9 Mr. Waldman just testified that that's when he
10 leaked an audiotape of some kind. There's also a
11 notable remarkable spike in July of 2020, in
12 November of 2020, and then in March of 2021.
13 Q And the spike in February 2020, that
14 came before the alleged defamatory statements,
15 correct?
16 A Which one?
17 Q Sorry. The spike in, yeah, February
18 2020.
19 A That is correct.
20 Q And even though that spike came in
21 before the alleged defamatory statements, even
22 taking account for that spike, what time period

6070
1 has more negative tweets about Ms. Heard before or
2 after April 2020?
3 A Right. So even taking into account
4 this really large spike in February of 2020 and
5 you look at from the beginning of 2018 until the
6 beginning of 2022, there are a majority of the
7 negative tweets are between April of 2020 through
8 the beginning of 2022.
9 Q And do you recall at your deposition
10 being asked that a spike in negative hashtags
11 occurring before April 8th, right before
12 April 8th, 2020?
13 MR. DENNISON: Objection. Hearsay.
14 MR. NADELHAFT: I've asked about his
15 attorney, I --
16 THE COURT: Overruled. Go ahead.
17 A I remember questions regarding
18 particular dates, yes.
19 Q And what is your understanding as to
20 why there was more negative tweets in April 6th
21 and April 7th than April 8th, 2020?
22 MR. DENNISON: Objection. Foundation.

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1 Q Was there more negative tweets on
2 April 6th and April 7th than on April 8th, 2020 as
3 it relates to Ms. Heard?
4 A Right. If you look at the day-by-day
5 counts which I supplied to Mr. Depp, you can see
6 that there's a spike that begins on April 6th and
7 goes for a few days. So and April 6th is, it's my
8 understanding, before what people are calling the
9 alleged defamatory statements.
10 Q And did you look at the tweets for
11 April 6th and April 7th?
12 A I did.
13 Q And what did you find?
14 A I found that there are Waldman
15 statements that are the same as on the 8th on the
16 6th and the 7th, the Daily Mail on the 6th and
17 Vanity Fair on the 7th.
18 Q What terms were being used?
19 A Well, "Hoax" is certainly used in each
20 of them. I think "abuse hoax" is used in one of
21 them. I don't have it in front of me. But
22 generally speaking it was that, and the 7th I

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1 think was the same exact terms that were used in
2 the one on the 8th. But the 6th may be slightly
3 different, but it has the word "hoax."
4 Q If we could, go to the second page of
5 this demonstrative, what's being shown on the
6 second page of the demonstrative?
7 A So this is generally -- it's the same
8 data as the first one, but I've removed one
9 hashtag, the "justice for Johnny Depp" hashtag,
10 because it kind of overwhelms all the others
11 because there are so many of them. And by
12 removing it, it sort of rescales the graphs and
13 you can see the others much better. And even
14 though they looked really tiny on the previous
15 page, you can see that they're big numbers, you
16 know, over a hundred thousand and stuff. So this
17 really -- this shows -- and if you look between
18 the two, you see the curve's the same, so it
19 shows, like, a mathematical correlation between
20 all the hashtags.
21 Q What do you mean by "mathematical
22 correlation"?

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| <p>6073</p> <p>1 A They're correlated. You can see the 2 numbers go up and down at the same place. 3 Q So I'm understanding the hashtags are 4 essentially going up and down at the same times? 5 A Correct. 6 Q Thank you. 7 MR. NADELHAFT: And can we put up 8 Demonstrative Exhibit 3? 9 THE COURT: 1902? 10 MR. NADELHAFT: 1902, yeah. Thank you. 11 THE COURT: All right. Any objection 12 to 1902? 13 MR. DENNISON: Not as a demonstrative. 14 THE COURT: Okay. You can publish 15 that. 16 Q Mr. Schnell, did you create this chart? 17 A I did. 18 Q And what does this chart show? 19 A So what I did was I took the data that 20 I supplied to Mr. Depp, which was the original 21 data from April of 2020 through January of 2021, 22 and I searched it for certain key terms,</p> | <p>6075</p> <p>1 pronounce, it's sort of a portmanteau of Waldman 2 and filet mignon, I guess, and looked for those in 3 the same data. 4 Q And in terms of the percentage of the 5 amount of time "Waldman" or "Wald-Mignon" was used 6 in a negative hashtag from April 2020 through -- 7 is it January of 2021? 8 A The percent? 9 Q Yeah. What's the percentage? 10 A Yeah. So I found over 25 percent of 11 the negative hashtag tweets, or one out of every 12 four on average, had either "Waldman" or 13 "Wald-Mignon." 14 Q And I see you ran searches for "hoax," 15 "fake," "fraud," rather than "abuse hoax" in 16 quotes or "sexual violence hoax" in quotes. 17 Why didn't you run those searches? 18 MR. DENNISON: Objection. Compound. 19 THE COURT: Overruled. 20 A So if I had put them in quotes like 21 that, say "abuse hoax" in quotes, that would 22 require that it show up in exactly that way, with</p> |
| <p>6074</p> <p>1 specifically "hoax," "fake," and "fraud." That's 2 what it's representing, the top part anyway. 3 Q And the top part, if you look at the -- 4 for hoax, fake, and fraud within the -- and this 5 is within the negative hashtags towards Ms. Heard? 6 A Right. This is only searching through 7 the ones that have one of these four hashtags in 8 them. 9 Q And if you look at the total -- oops, 10 I'm putting that in black; let's clear that. You 11 saw the line there. What's the total number of 12 times it was used in the negative tweets, either 13 hoax, fake, or fraud? 14 A 81,121. 15 Q And did you perform any other searches 16 on the data? 17 A Yes. 18 Q And what searches did you perform? 19 A So I also looked in that same data for 20 references to "Waldman" by itself or "Wald," and 21 then followed by -- anything followed by or 22 "mignonne," "mignon," depending how you want to</p> | <p>6076</p> <p>1 the same spacing, in the same order. So if it 2 said something like "There was abuse and there was 3 a hoax," it wouldn't get caught. So if I take the 4 quotes out and search for them separately, search 5 for things separately, that'll cover it and make 6 sure I catch everything. 7 Q And based on your analysis of these 8 searches within the negative hashtags, what do the 9 results of these searches mean? 10 A Well, obviously I can't read what's in 11 people's minds, but, you know, when I read the 12 disclosure of Mr. Depp's expert, Mr. Bania, he 13 stated that if these terms, particularly the 14 "Waldman" term -- 15 MR. DENNISON: Objection. Hearsay. 16 MR. NADELHAFT: He's an expert. 17 THE COURT: Overruled. 18 A -- if these terms had shown up a lot of 19 times in the negative hashtag tweets, then that 20 could show that they were, you know, paraphrasing 21 the impetus of why people tweeted these. So I 22 sort of adopted Mr. Bania's opinion on that and</p> |

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| <p>1 found this large number. So I agree with 2 Mr. Depp's expert that this could show a 3 substantial correlation. 4 Q And to what level of confidence do you 5 hold the opinions you just provided to the jury? 6 A To a reasonable degree of scientific 7 certainty. 8 MR. NADELHAFT: Thank you, Mr. Schnell. 9 I have no further questions. 10 THE COURT: All right. 11 Cross-examination. 12 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 13 COUNTERCLAIM DEFENDANT 14 BY MR. DENNISON: 15 Q Sir, this is the first time that you've 16 testified as an expert as -- in the field of 17 statistical and forensic analysis of social media, 18 isn't it? 19 A I consulted on litigation for it, but 20 it never got to testimony; that's correct. 21 Q This is your first testimony? 22 A Testimony, yes.</p> | <p>1 Q All right. So you're not offering an 2 opinion on how widely the articles that contain 3 those statements were read? 4 A That's correct. 5 Q And you're not offering an opinion as 6 to how many people actually saw the language 7 that's been attributed to Mr. Waldman? 8 A Only a minimum number of people who 9 could have seen it based on the tweets that 10 referenced it. 11 Q Thank you. And you don't know even 12 where those references appear in the articles? 13 A I'm not sure what you mean. 14 Q There are statements by Mr. Waldman 15 that appear in articles. 16 Do you understand that? 17 A I do. 18 Q Do you know in what portion of the 19 articles the statements appear? 20 A I've looked at the articles, and from 21 that I've seen where they appear. 22 Q All right. And where, in general, do</p> |
| <p>1 Q And you've never been involved in a 2 defamation case before? 3 A That's correct. 4 Q Okay. And you're being compensated for 5 your time here today and the work you did, 6 correct? 7 A Berkeley Research Group is being 8 compensated, yes. 9 Q At \$600 an hour? 10 A That's what they're getting paid. 11 Q Right. And you're aware that Mr. Depp 12 is being sued based on allegedly defamatory 13 statements. What are the dates of those 14 statements? 15 A My understanding is that there was 16 something around April 8th, I believe April 27th, 17 and June 24th, somewhere in the end of June. 18 Q Okay. So and where do you understand 19 those statements to have resided? 20 A In the public media. 21 Q In any particular article or -- 22 A I didn't consider that.</p> | <p>1 they appear? In the middle, the end, what's your 2 sense? 3 A That, I'm not sure of. I mean, the 4 ones that I looked at on the 6th and 7th, I think 5 they were towards the top. 6 Q All right. So you testified that you 7 reviewed a number of hashtags that you deemed were 8 negative towards Ms. Heard; that's right? 9 A Yes. 10 Q And the four you picked, at least the 11 negative ones, "justice for Johnny Depp," that's 12 from one of them, right? 13 A That's right. 14 Q "Amber Heard is an abuser," that's one 15 of them? 16 A That is one of them. 17 Q "We just don't like you Amber"; that's 18 one of them? 19 A That is one of them. 20 Q And the last one is "Amber turd," 21 right? 22 A That is another one.</p> |

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| <p>6081</p> <p>1 Q Okay. And these four hashtags you 2 identified and searched for, you have no -- you 3 don't believe they have any connection, or you 4 testified that you have no connection to these 5 three Waldman statements? The hashtags aren't 6 connected to Waldman, right?</p> <p>7 A I did an additional analysis that did 8 show how many of those had Waldman connected to 9 them, and I found that 1 out of 4 of them did.</p> <p>10 Q Right. But when you were deposed, you 11 were asked whether these were related -- these 12 particular hashtags were related to any of the 13 Waldman statements, and you said no at that time.</p> <p>14 A I said more than that. I did -- I said 15 I didn't know, and then I said I'm basing my -- 16 I'm looking at Mr. Bania's opinion where he says 17 they would be if they were in large number. And 18 I'm adopting his opinion and agreeing with him 19 that they must be connected.</p> <p>20 Q So you're adopting an opinion that 21 hasn't been rendered in this case yet by anybody 22 but you?</p> | <p>6083</p> <p>1 Q You said you did not take into account 2 in your analysis statements made in the media?</p> <p>3 A Media. Yes. In the analysis where I 4 gathered data and decided which data to gather, I 5 did not take into accounts statements of the 6 media.</p> <p>7 Q All right. So you looked at data, you 8 produced charts, you did an analysis relating to 9 the data, but you had no reason at the time you 10 did this to consider any particular statements; 11 isn't that true?</p> <p>12 A That's true. I think that's an 13 appropriate scientific methodology, to not -- to 14 first gather as much data as possible and then 15 drill down on the data.</p> <p>16 Q All right. And the Twitter data you 17 collected shows that the four hashtags you 18 identified were in existence before Mr. Waldman 19 made the first statement in April 2020, right?</p> <p>20 A That's correct, in very small number.</p> <p>21 Q But "justice for Johnny Depp" has been 22 around since 2013, correct?</p> |
| <p>6082</p> <p>1 A Well, I know that Mr. Bania -- 2 Q Has testified?</p> <p>3 A Okay. What I'm saying is I know that 4 Mr. Bania, Mr. Bania's disclosure, says that he is 5 expected to come to that opinion.</p> <p>6 Q All right. But the only person who's 7 ever expressed this opinion to date in this 8 courtroom is you, correct?</p> <p>9 A I have not watched everything. I 10 watched a bit.</p> <p>11 Q So you're adopting your own opinion?</p> <p>12 A No. I'm adopting the opinion that I 13 read in Mr. Bania's report.</p> <p>14 Q And that's not the opinion you had 15 during your deposition?</p> <p>16 A I think I did make reference in my 17 deposition to what Mr. Bania said, and then I 18 agreed with it.</p> <p>19 Q And you indicated in deposition you 20 didn't take into account statements made in the 21 media, correct?</p> <p>22 A Made in what? I couldn't hear you.</p> | <p>6084</p> <p>1 A That sounds correct.</p> <p>2 Q Yeah. "Amber Heard is an abuser" and 3 "Amber turd" first appeared in 2016, correct?</p> <p>4 A I don't recall, actually.</p> <p>5 Q All right. Do you recall if there was 6 any portion of Mr. Waldman's statement that made 7 any reference to "Amber turd"?</p> <p>8 A Not that I've seen.</p> <p>9 Q Right. People can form a negative view 10 of Ms. Heard without reading Mr. Waldman's 11 statement, correct?</p> <p>12 A People can form a negative opinion of 13 anyone without reading anything; that's correct.</p> <p>14 Q And you didn't consider whether there 15 was negative publicity around Ms. Heard other than 16 the Waldman statements?</p> <p>17 A Well, what I did was to report on 18 correlation with these hashtags and certain search 19 terms in particular. I wasn't trying to read 20 anyone's mind as to why they used them.</p> <p>21 Q All right. You didn't form any opinion 22 of the million tweets, the million-plus tweets</p> |

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| <p>1 that you looked at, were connected in some way to 2 Mr. Waldman's statements? 3 A I did eventually, yes. 4 Q You did eventually after you read 5 somebody else's report relative to testimony that 6 hasn't been given here? 7 A Well, I did it before my deposition. 8 Q All right. You have a demonstrative 9 that counsel played for you. 10 MR. DENNISON: Can we put up 11 Plaintiff's 1901 again. 12 Q This is yours, right? 13 A Correct. 14 Q Yeah. The biggest spikes, by far the 15 biggest spikes here, are attributable to what 16 hashtag? 17 A "Justice for Johnny Depp" hashtag. 18 Q Yeah. And there are spikes that 19 existed considerably before Mr. Waldman's 20 statement? You were asked about that by counsel? 21 A One of them did. That was the day that 22 Mr. Waldman leaked the audiotape.</p> | <p>6085</p> | <p>1 hashtags. 2 Q Right. Literally, this is your chart, 3 and all of the other activity at the bottom you 4 could barely see in comparison to that hashtag, 5 "justice for Johnny Depp"? 6 A Right. As I testified, you can barely 7 see them because of the spike in the "justice for 8 Johnny Depp" hashtag, but when you look at the 9 other charts, you can see that those others are 10 still very large numbers. 11 Q So you're not offering any opinion as 12 to what caused these spikes? 13 A That's correct. 14 Q So you're not opining us why these 15 spikes are there? 16 A I'm only talking about correlation. 17 Q You're talking about a mathematical? 18 A Right. 19 Q And you don't purport to be in 20 anybody's head such that you know why they did a 21 particular post with a particular hashtag? 22 A That's correct.</p> | <p>6087</p> |
| <p>1 Q The biggest spike was before the 2 statements? 3 A Right, the day he leaked the audio. 4 Q And yet there are many statements 5 that -- or many hashtags, or uses of the hashtag, 6 that followed the statements? 7 A You'll have to be more specific. 8 Q Well, so you looked at a million-two of 9 these hashtags, right? 10 A Right. 11 Q In your chart, didn't 980,000 of these 12 plus belong to "justice for Johnny Depp"? 13 A That sound about right. You'd have to 14 show me, but I take your word for it. 15 Q All right. But the vast majority of 16 them were "justice for Johnny Depp"? 17 A A majority of them were. 18 Q Well, wasn't the majority so large that 19 you had to draw another chart? 20 A The reason for drawing another chart is 21 because the numbers were high at particular 22 points, so you wouldn't be able to see the other</p> | <p>6086</p> | <p>1 Q There's a second spike that appears to 2 be in July of 2020. 3 A Yes. The pointer was pointing to a 4 different one, but yes. 5 Q Were you aware there was a trial in the 6 U.K. in 2020? 7 A I'm aware. 8 Q And in July? 9 A You're saying it was in July? 10 Q No. As of that, the time of that 11 spike, there was publicity around a trial, 12 correct? 13 A I don't know how much publicity there 14 was, but I know the trial was going on then. 15 Q All right. There were a number of 16 things called out in your chart relative to 17 particular dates: December 17th, February 11th, 18 February 14th. Do you see all of those? 19 A I do. 20 Q And your chart makes absolutely no 21 reference to, and does not identify, the dates of 22 any of the Waldman statements, does it, sir?</p> | <p>6088</p> |

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| <p>6089</p> <p>1 A No. No, it doesn't call those out if 2 that's what you're asking. 3 Q It calls out a whole bunch of dates, 4 but nothing relative to the Waldman statements? 5 A Correct. 6 Q All right. At some point you ran 7 searches for additional search terms: "Hoax," 8 "fraud," I think you've said "fake." And then you 9 don't know why those terms appear, do you? 10 A I'm not sure what you mean by that 11 question. Are you asking me -- 12 Q You don't -- you could not perform a 13 scientific analysis of the reason why these -- 14 those search terms appeared in the tweets you were 15 looking at? 16 A Right. I could only show mathematical 17 correlation. 18 Q You can show a correlation, but you 19 don't have any idea why they're there? 20 A I can't get into people's heads. 21 Q And just because the tweet contains one 22 of the terms does not mean the tweet was in some</p> | <p>6091</p> <p>1 these. That's another thing that I wouldn't 2 expect to be in controversy. You know, when 3 people are saying that a part of the Wald-Mignon 4 or things like that, I would expect everybody to 5 agree without arguing that it has to do with 6 Mr. Waldman. 7 Q Nobody else had anything to do with 8 Mr. Waldman. I'm wondering how you know if it has 9 anything to do with Mr. Waldman's statements. 10 A I was under the impression, I was 11 informed that nobody really knew who Mr. Waldman 12 was before all of this, so I wouldn't expect it to 13 be anything else. I didn't think there was any 14 controversy. 15 Q It wasn't in controversy whether 16 everyone knew who Mr. Waldman was; is that your 17 testimony? 18 A No. Didn't expect any controversy that 19 if somebody was suddenly talking about him that it 20 had to do with this case. 21 Q Sir, it's not "Did it have to do with 22 this case?" It's "Did it have to do with the</p> |
| <p>6090</p> <p>1 way prompted by Mr. Waldman, right? 2 A Well, there are a few things I searched 3 for, the ones you just mentioned and then the 4 "Waldman" and "Wald-Mignon" terms. So it's not 5 that big a stretch to say that it's related to 6 Mr. Waldman if it's his name and "Wald-Mignon," or 7 minion. 8 Q Wait a minute. Is the new standard 9 "It's not that big of a stretch"? 10 A No. I'm trying to -- 11 Q (Indiscernible due to cross talking), 12 right? 13 A Yes. 14 Q So you're not suggesting that you know 15 why Mr. Waldman's name appeared in any of these 16 tweets? 17 A Well, if you look at -- if you look at 18 the tweets that have Wald-Mignon, you know, and I 19 looked at a large sample of them -- 20 Q A large sample is 2,000 out of a 21 million-two? 22 A No, I looked at more than that of</p> | <p>6092</p> <p>1 allegedly defamatory statements?" You have no 2 idea, do you, sir? 3 A I can't get into anyone's mind. I can 4 only talk about the science of it. 5 Q Right. And so you identified all of 6 these hashtags as negative towards Ms. Heard, 7 right? 8 A Right. 9 Q "Justice for Johnny Depp" is not 10 negative towards Ms. Heard, is it? 11 A No. But the tweets that use that 12 hashtag are. 13 Q But the hashtag itself, the hashtag 14 that predominates through your analysis, is not, 15 in fact, negative toward Ms. Heard? 16 A I'm not opining on the hashtags itself; 17 I'm talking about the tweets that contain that 18 hashtag. 19 Q But the hashtag itself is not negative? 20 A That's not part of my opinion one way 21 or the other. 22 Q Do you have an opinion as to whether</p> |

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| <p>6093</p> <p>1 "justice for Johnny Depp" is a good thing? 2 A That's not part of my assignment. 3 Q Okay. But you'll agree with me justice 4 in general is a good thing? 5 A Big fan of justice. 6 MR. DENNISON: All right. Me too. No 7 further questions. 8 THE COURT: All right. Redirect. 9 MR. NADELHAFT: Yes, Your Honor. 10 THE COURT: Okay. Sir. 11 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 12 COUNTERCLAIM PLAINTIFF 13 BY MR. NADELHAFT: 14 Q Mr. Schnell, you reviewed a large 15 sampling of tweets of "justice for Johnny Depp," 16 correct? 17 A I did. 18 Q And the tweets that had the hashtag 19 "justice for Johnny Depp," how many of them were 20 negative toward Ms. Heard? 21 A All of them. 22 Q And what percentage of the tweets with</p> | <p>6095</p> <p>1 April to 2020. 2 Q And that's even including the 3 February 2020 spike, correct? 4 A That's right. And that happened before 5 April obviously, so even if you put that in there, 6 it's still a lot more after April of 2020. And 7 there were fewer months in that time period. I 8 think there's 15 months in that time period and 27 9 months in the first part. 10 Q And based on your analysis what, if 11 any, end do you see to the negative tweets toward 12 Ms. Heard? 13 MR. DENNISON: Objection. What 14 foundation? 15 MR. NADELHAFT: Based on his analysis 16 up until the time -- 17 THE COURT: I'll sustain the objection. 18 Q Okay. Based on your analysis, at the 19 end of the time of your analysis, what was 20 happening with the negative tweets towards 21 Ms. Heard? 22 A They continue to go on.</p> |
| <p>6094</p> <p>1 negative hashtags between April 2020 and 2 January 31st, 2021, contained the terms "Waldman" 3 or "Wald-Mignon"? 4 MR. DENNISON: Objection, Your Honor. 5 THE COURT: Overruled. I'll allow it. 6 A Over 25 percent, 1 out of 4. 7 Q And in your analysis, how far of times 8 did tweets containing "Waldman" or "Wald-Mignon" 9 go? Like how far until now? 10 MR. DENNISON: Beyond the scope of 11 cross. 12 MR. NADELHAFT: He was asking about -- 13 THE COURT: Overruled. 14 A So I think I disclosed in my deposition 15 that I looked further into 2022 and found that it 16 continued to go on. I don't see any end to it 17 now. 18 Q Okay. And based on your analysis, 19 again, what period of time had more negative 20 tweets against Ms. Heard? Before or after 21 April 2020? 22 A It was clearly double as many from</p> | <p>6096</p> <p>1 Q Mr. Schnell, after your 2 cross-examination, have any of your opinions in 3 this matter changed? 4 A No, they've not. 5 MR. NADELHAFT: Thank you. Nothing 6 else. 7 THE COURT: Okay. So you can have a 8 seat in the courtroom or you're free to go. Okay, 9 sir? 10 Next witness. 11 MS. BREDEHOFT: Your Honor, may we 12 approach? 13 (Sidebar.) 14 THE COURT: Sure. Let's get everybody 15 here. It's been a party today. 16 MS. BREDEHOFT: I was trying to catch 17 up, but because of Your Honor's ruling on 18 Bercovici that changed things considerably, 19 scrambled part of it on what we're putting on of 20 him. 21 THE COURT: Okay. 22 MS. BREDEHOFT: And then so we're going</p> |

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| 6097 | 1 to do just putting on deposition designations. 2 THE COURT: Okay. 3 MS. BREDEHOFT: Some of those we didn't 4 say we were putting on today because we didn't -- 5 THE COURT: I don't think we'll have 6 time. 7 MS. BREDEHOFT: Well, we do have the 8 times. The next one that we want to call is 9 Blaustein. We sent that to Planet Depos on the 10 11th of May. They sent it back on the 13th of 11 May. I don't think there should any prejudice in 12 putting that on. It's 32 minutes. 13 MS. VASQUEZ: There is. We have an 14 objection, Your Honor. 15 THE COURT: What's the objection? 16 MS. VASQUEZ: The objection is that 17 Your Honor's rulings aren't reflected, and we have 18 been notified during the lunch break that they 19 intended to call Dr. Blaustein by video. We have 20 been reviewing that deposition. In light of their 21 designations, these videos have been respliced, 22 and there are objections that were sustained by | 6099 | 1 do Jessica Kovacevic, Your Honor. We actually may 2 have some issues, Your Honor, on being able to get 3 enough in for the whole day. We've probably got 4 -- 5 THE COURT: Closing arguments are next 6 Friday. It's going to count towards your time. 7 MS. BREDEHOFT: Well, might be even 8 sooner. Closing arguments might be sooner, Your 9 Honor, is what I'm saying. 10 THE COURT: Okay. Well, I'm saying if 11 we don't go to the end of the day, I'm still going 12 to count to the end of the day to your side. 13 MS. BREDEHOFT: Thank you, Your Honor. 14 MS. VASQUEZ: I need to confirm whether 15 this one has been reviewed. 16 THE COURT: Okay. 17 MS. VASQUEZ: The point of the rule, 18 Your Honor, if I understood it, was to notify us 19 48 hours in advance as to deposition she's 20 playing. 21 THE COURT: I understand. And I make 22 rulings; I understand that changes the flow of the |
| 6098 | 1 Your Honor that are still in the video, so we have 2 a severe objection to this. Very prejudiced. 3 MS. BREDEHOFT: This was back on 4 May 11th, Your Honor. They didn't ever tell us -- 5 THE COURT: Well, objections are still 6 in there. If there's testimony in there that I 7 sustained objection to, I can't have it at trial. 8 MS. BREDEHOFT: I would agree, Your 9 Honor. And we just aren't aware of them. We 10 weren't made aware of them. 11 MS. VASQUEZ: We informed you. We have 12 sent three emails as we have two associates to 13 desperately look through it. There are problems 14 with the video. They can't play the video. They 15 have objections that Your Honor sustained. 16 MS. BREDEHOFT: Okay. What can you do? 17 THE COURT: Do you have a different 18 one? 19 MS. BREDEHOFT: Yeah. 20 THE COURT: Maybe that could be 21 resolved by the end of the day. 22 MS. BREDEHOFT: All right. Then we'll | 6100 | 1 trial. That's not going to be a concern for me. 2 MS. VASQUEZ: But the problem with us 3 is we're trying to play catch-up and review 4 depositions in light of their dedesignation. 5 THE COURT: I understand. I 6 understand. Trial is fluid. I get that. So 7 these are the only two that you're prepared to go 8 forward on today? 9 MS. BREDEHOFT: No, no, no. We have -- 10 after Kovacevic, Your Honor, we have Michele 11 Mulrooney. We have the Disney corporate 12 representative, and we have Eric George. 13 THE COURT: Okay. 14 MS. BREDEHOFT: So and then we have 15 Ellen Barkin. So those we can. And then what 16 we'll probably do is I'm going to try to get an 17 attorney to look at Blaustein and see -- 18 THE COURT: So I know that Disney one 19 was for today. So was Eric George and Ellen 20 Barkin, so you can do those first. 21 Are you going to have any others?] 22 MS. VASQUEZ: Correct. |

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| <p style="text-align: right;">6101</p> <p>1 MR. CRAWFORD: Yeah, we have the 2 order -- we have the order Elaine offered up to 3 know. And we already provided her -- 4 MS. BREDEHOFT: Blaustein. 5 THE COURT: Will that work? 6 MS. BREDEHOFT: Well, we'll see if we 7 can get that being shifted during -- 8 THE COURT: If we can do the ones that 9 we agree upon now, then we'll have -- we'll do our 10 break and then you'll have some time. And we 11 should be able to fill the time up, right. So 12 you're just going to have depositions now for the 13 rest of the day? 14 MS. BREDEHOFT: Yes, Your Honor. 15 That's all we have. And in fairness to them, I 16 don't think we can call a witness -- we could call 17 a witness, but we wouldn't have given them enough 18 warning. 19 THE COURT: I assume you'd rather do 20 the depositions than live witnesses. 21 MS. VASQUEZ: Yeah. For the ones that 22 are notified for today.</p> | <p style="text-align: right;">6103</p> <p>1 MS. BREDEHOFT: Thank you, Your Honor. 2 May I quickly address -- 3 THE COURT: Sure. Yeah. Go ahead. 4 MS. BREDEHOFT: Thank you, Your Honor. 5 We will call Michele Mulrooney by deposition 6 designation, and we start. 7 THE COURT: Okay. Just give us a 8 moment to get that. Just want to spell the last 9 name for me? 10 MS. BREDEHOFT: M-U-L-R-O-O-N-E-Y. 11 THE COURT: All right. Okay. 12 MICHELE MULROONEY, 13 being first duly sworn, was examined 14 and testified as follows: 15 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 16 COUNTERCLAIM PLAINTIFF 17 BY MS. BREDEHOFT: 18 Q Please state your name and address for 19 the record. 20 A Michele Mulrooney, Los Angeles, 21 California 90067. 22 Q Ms. Mulrooney, what is your occupation?</p> |
| <p style="text-align: right;">6102</p> <p>1 MR. ROTTENBORN: Your Honor, if I may 2 just address Mr. Moniz. 3 Are you done with the comments on 4 Blaustein? 5 MR. MONIZ: Yeah. 6 MR. ROTTENBORN: Because that one we 7 could just kind of play and just stop and 8 fast-forward. 9 THE COURT: I'd rather not do that. 10 You guys are doing great in depositions. We're 11 moving really well now, so I don't want to go back 12 to that first day we did depositions. 13 MS. BREDEHOFT: All right. So we're 14 going to start with Michele Mulrooney, and then 15 we'll do Disney corporate. 16 THE COURT: And then Ellen Barkin? 17 MS. BREDEHOFT: And then Ellen Barkin, 18 and then -- 19 THE COURT: And then we'll see. We 20 should have everything after that. Okay. 21 Perfect, thank you. 22 (Open court.)</p> | <p style="text-align: right;">6104</p> <p>1 A I'm a partner at Gallagher, LLP, an 2 attorney practice. 3 Q Could you just please describe a 4 brief -- give me a brief description of your 5 educational background and work history. 6 A Okay. I attended USC and received my 7 undergraduate degree in 1982. And then I then 8 attended USC and received my law degree in 1985. 9 I then worked for Gibson, Dunn & Crutcher until 10 1991, and then I worked for an entertainment law 11 firm that was originally called Armstrong Hirsch 12 when I joined it, then later morphed into several 13 names. And then in 2011, I joined Gallagher, LLP, 14 as a partner. 15 Q Thank you. What were your areas of 16 practice and expertise? 17 A I'm head of the state funding -- the 18 West Coast estate planning group for Gallagher. 19 Q And would that estate planing involve 20 any aspect of marital estate planning, such as 21 things like prenups and postnups, prenuptial and 22 postnuptial?</p> |

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| <p>6105</p> <p>1 A Yes. We frequently do prenups, 2 cohabitation, and postnup agreements for our 3 clients. 4 Q Would you please briefly describe what 5 a prenuptial and a postnuptial is? 6 A A prenuptial agreement is where spouses 7 contract on the economics of their marriage before 8 they are married, and they discuss things as the 9 nature – they contract such things as the nature 10 of the property: Community, separate, et cetera, 11 and also things like spousal support. And in a 12 postnup, the clients do that after they're 13 married. The same, they contract on the same 14 issues. 15 Q Do you regularly represents actors? 16 A Yes. 17 Q I'm asking very narrowly. Did there 18 come a time when Amber Heard contacted you for 19 representation respecting a prenup or a postnup 20 agreement? 21 A At some point, I was contacted for an 22 Amber Heard prenup.</p> | <p>6107</p> <p>1 document, is Amber Heard; is that correct? 2 A Yes. 3 Q Okay. And if I just direct your 4 attention to the top of the email where it says 5 February -- sorry, I'm trying to get control 6 here -- February 2, 2015, what, if anything, does 7 this do to refresh your recollection on when, 8 approximately, you were contacted about 9 representing Amber Heard in connection with a 10 prenup? 11 A It makes the approximate date more 12 clear to me. 13 Q Okay. And based on this, when, 14 approximately, were you contacted to represent 15 Amber Heard in connection with the prenup or 16 postnup? 17 A The early part of February – the late 18 part of January or the early part of 19 February 2015. 20 Q Ms. Mulrooney, I'm going to ask you to 21 take a look at what has been marked as 22 Exhibit Number 4. And it is an email from you to</p> |
| <p>6106</p> <p>1 Q Ms. Mulrooney, I'm going to show you 2 what has been marked as Exhibit Number 3, and it's 3 an email from you to a Dana Lowy. Do you know who 4 Dana Lowy is? 5 A Yes. 6 Q Could you please tell us who Dana Lowy 7 is? 8 A She's a family law attorney practicing 9 in Los Angeles. 10 Q And this is dated Monday, February 2, 11 2015, and says, "I look forward to working with 12 you. Please send to me" -- this is from you. 13 "Please send me the bullet points for the 14 economics of the deal when you are back in the 15 office tomorrow. I will have Amber's business 16 manager get her financial information to me ASAP. 17 I would also like to exchange two years of tax 18 returns but not attach them. Is this your general 19 practice? Let me know. Thanks." Who did Dana 20 Lowy represent? 21 A Johnny Depp. 22 Q I take it Amber, in the actual</p> | <p>6108</p> <p>1 Dana Lowy, which is Mr. Depp's counsel, correct? 2 A During this time period, correct. 3 Q And it's dated Tuesday, February 3. 4 I'm going to scroll down first so we get the 5 earliest part of it, and the first part of it is 6 an email from Dana Lowry to you dated 7 February 3rd, at 10:13, and says, "J/A deal 8 points." Do you know what J/A means? 9 I'm going to take you, first of all, to 10 the bottom part which is the J/A deal points. Do 11 you have an understanding of what J/A means? 12 A I believe it means Johnny/Amber deal 13 points. 14 Q Absent a prenuptial agreement or a 15 postnuptial agreement, is California what we call 16 a "common law property state"? 17 A No. 18 Q What is it? 19 A A community property state. 20 Q Okay. And what does that mean? 21 A Generally means that all earnings after 22 the date of marriage are owned 50 -- each party</p> |

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| <p>6109</p> <p>1 has an undivided 50 percent interest in those 2 earnings. 3 Q What was your understanding of the 4 purpose of a confidentiality agreement? 5 A Very standard when you're doing a 6 prenuptial agreement or postnuptial agreement, 7 when either party is exposing their assets, that 8 they have their confidentiality agreement. 9 Q "Dana. I have forwarded to Amber. She 10 is filming a movie, but hope to connect with her 11 by the end of the week. I will keep trying to 12 move forward." I'm asking you what you meant by 13 "I will keep trying to move forward." 14 A I assume I meant that we're trying to 15 get a postnuptial agreement signed between the 16 parties, and that's what I was hired for. 17 Q Showing you what's been marked as 18 Exhibit Number 7. And I'm going to start, again, 19 with going down to show you where the screen is 20 here, and it says -- sorry. On February 17, 21 that's the same email we've seen a couple times 22 now where she's attaching the confidentiality</p> | <p>6111</p> <p>1 A Back ends is either profit 2 participations or royalties. Sometimes it's box 3 office bonuses. You just have to look at the 4 underlying agreement on each movie, TV show, et 5 cetera, to track what their revenue will be from 6 each project. 7 Q And why is that relevant? 8 A You want to know what they're going to 9 make during the marriage. You want to know the 10 income during the marriage. 11 Q And those are all components of what 12 they make during the marriage? 13 A Correct. 14 Q Okay. Thank you. All right. And then 15 you said, "I can't really comment on the document 16 until I get this information." 17 What document were you referring to 18 there? 19 A The postnup agreement that I 20 anticipated she would send. 21 Q How much time expired between when you 22 were sent the confidentiality agreement for Amber</p> |
| <p>6110</p> <p>1 agreement telling you that she'll have a draft 2 postnup agreement but she's getting the signed 3 confidentiality agreement first. 4 And then I'm going to direct your 5 attention to the very top part, and that is 6 Wednesday, February 18, and it's from you to Dana 7 Lowy. It says, "Amber is sending the signed 8 confidentiality agreement to you -- to me. I 9 assume I'll receive all the underlying financials 10 on the list and anticipated future revenue streams 11 and documentation pertaining thereto." 12 What did you mean by "underlying 13 financials and a list of anticipated future 14 revenue streams and documentation pertaining 15 thereto"? 16 A I mean, this is typical for an actor. 17 They have profit participation, back ends. I 18 wanted to have a list of what his future revenue 19 would be. He might have had movies booked that he 20 would render services after marriage. I just 21 wanted to see the back ends. 22 Q What did you mean by "back ends"?</p> | <p>6112</p> <p>1 Heard to sign and when you indicated back to 2 counsel for Mr. Depp that Amber is sending the 3 signed confidentiality agreement to you? 4 A The next day. 5 Q What, if any, communication did you 6 receive from Mr. Depp in connection with the 7 postnup agreement? 8 A I received one telephone call. 9 Q And who did you receive that telephone 10 call from? 11 A Mr. Depp. 12 Q Please describe the telephone call from 13 Mr. Depp. 14 A My recollection is that he was very 15 mean, that he called me names, and that he fired 16 me on behalf of Amber. 17 Q When you say that he was very mean, 18 what did you mean? 19 A Well, my only exact recollection was he 20 called me a bitch. 21 Q Mr. Depp called you a bitch on that 22 telephone call?</p> |

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| <p>6113</p> <p>1 MR. CHEW: Hearsay, leading. 2 Q What, if any, observations did you make 3 during the telephone call from Mr. Depp during 4 which time he called you a bitch? 5 A I thought he was under the influence. 6 Q Why did you think that? 7 A He was slurring his words, and his 8 speech pattern was similar to my children's speech 9 pattern when they are -- when they are under the 10 influence. I was extremely rattled by the call. 11 We were on that phone call for a very short time 12 period because he was represented by counsel and I 13 want -- I didn't want to be rude and hang up, but 14 I told him that I had to hang up. Like, after two 15 or three minutes, after I realized what was 16 happening, it took me very off guard, and I -- 17 that's all I remember is that it really shook me 18 up. 19 Q After that phone call, did you perform 20 any further services for Ms. Heard in connection 21 with the postnuptial agreement? 22 A No.</p> | <p>6115</p> <p>1 A True. 2 Q What, if any, communications did you 3 have with Dana Lowy about your conversation with 4 Mr. Depp after the conversation with Mr. Depp? 5 A I don't recall specifically. 6 Q What do you recall generally, if 7 anything? 8 A I do recall that I told her that I was 9 no longer representing Amber. But I don't know if 10 I -- was that in writing. Somehow she knew. 11 Q Correct me if I'm wrong, but I believe 12 you testified that Mr. Depp did not have the 13 authority to fire you, correct? 14 A Correct. 15 Q Ms. Mulrooney, when did your 16 attorney-client relationship with Ms. Heard 17 relating to a potential postnuptial agreement 18 terminate? 19 A Shortly after that phone call. 20 Q When you say "shortly after that phone 21 call," can you give us a time frame of how long it 22 was after the phone call?</p> |
| <p>6114</p> <p>1 Q Do you recall ever seeing a postnuptial 2 draft agreement? 3 A No. 4 Q Has either Ms. Heard or Mr. Depp 5 contacted you at any time after the call with 6 Mr. Depp respecting pursuing a postnuptial 7 agreement? 8 A No. 9 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 10 COUNTERCLAIM DEFENDANT 11 BY MR. CHEW: 12 Q Who, if anyone, was paying your legal 13 services? 14 A I don't recall. 15 Q Was it your understanding that Mr. Depp 16 had the authority to fire you? 17 A No. 18 Q Did you tell him that? 19 A I don't recall. 20 Q And isn't it true that he wouldn't have 21 had the authority to fire you even if he weren't 22 paying for your legal services, true?</p> | <p>6116</p> <p>1 A Within a few days. Could be one. 2 Q He didn't have the power to fire you, 3 correct? 4 A Correct. 5 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 6 COUNTERCLAIM PLAINTIFF 7 BY MS. BREDEHOFT: 8 Q Do you have any recollection of ever 9 receiving any more communications from Dana Lowy 10 furthering the postnuptial agreement after Johnny 11 Depp called you and told you he was firing you on 12 behalf of Amber and called you names? 13 A No substantive. I recall there was no 14 substantive communications. 15 Q Was it any doubt in your mind that it 16 was Mr. Depp who called you? 17 A No. 18 THE COURT: All right. Yes, ma'am. 19 Your next witness. 20 MS. BREDEHOFT: Yes, Your Honor, we 21 would like to call the Disney corporate 22 representative.</p> |

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| 6117 | 1 THE COURT: All right. 2 TINA NEWMAN, 3 Being first duly sworn, was examined 4 and testified as follows: 5 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 6 COUNTERCLAIM PLAINTIFF 7 BY MS. BREDEHOFT: 8 Q Would you please state your name and 9 your business address for the record? 10 A Tina Newman, Walt Disney Studios Motion 11 Picture Production, Live Action, 500 South Buena 12 Vista Street, Burbank, California 91521. 13 Q And what is your current occupation? 14 A Production executive. 15 Q And what is your job title? 16 A That is my title: Production 17 executive. I work in the live action features 18 division for Disney. 19 Q Is it your understanding you're 20 testifying on behalf of Walt Disney Motion 21 Pictures Group? 22 A Yes. | 6119 | 1 seeing an op-ed written by Ms. Heard? 2 A No. 3 Q Do you recall, in your preparation as 4 the corporate designee of Disney and your review 5 of the documents that were produced by Disney, any 6 document that referred in any manner to the op-ed 7 written by Ms. Heard? 8 A I would say no. 9 Q Do you remember seeing, in any of the 10 documents you reviewed that were produced by 11 Disney in response to the subpoena duces tecum, 12 the word "op-ed" in any of those documents? 13 A I don't recall that, no. 14 Q Did you have any discussions with 15 anyone at Disney about any future Pirates of the 16 Caribbean deal, a lesser or greater role, a 17 different role, or a different production? 18 A No. 19 Q Did you have any discussions with 20 anyone at Disney about the impact of the op-ed by 21 Ms. Heard on the relationship between Disney and 22 Mr. Depp, including considering Mr. Depp for any |
| 6118 | 1 Q Were you involved in gathering of the 2 documents responsive to the documents presented to 3 Disney? 4 A Yes. I did provide some documentation 5 to Alex and his group from our production group. 6 Q I'm going to ask you to take a look at 7 what I just highlighted under topic number 8 subpoena duces tecum paragraph Number 2, and it 9 asks for documents relating to this case, in fact, 10 and then it also says specifically, "This 11 specifically includes the op-ed by Ms. Heard and 12 any impact it may have had on the above, and that 13 includes, as is defined above, including the 14 business relationship of Mr. Depp including 15 considering Mr. Depp for any work with Disney or 16 future Pirates of the Caribbean role or greater 17 role, a different role, or a different 18 production." 19 Do you recall seeing in any of the 20 documents you reviewed, either being -- as being 21 involved as the corporate designee, or in 22 preparing as the corporate designee, do you recall | 6120 | 1 work with Disney, any future Pirates of the 2 Caribbean role, a lesser or greater role, a 3 different role, or a different production? 4 A No. 5 Q Do you know whether Mr. Depp is being 6 considered for a role in Pirates 6? 7 A No. 8 Q And when you say no, I think I have to 9 probably ask clarification. Does that mean you 10 don't know one way or the other or he is not being 11 considered? 12 A I don't know one way or the other. 13 Q Do you know -- 14 A Well -- 15 Q Oh, I'm sorry, go ahead. 16 A I was just going to say that decision 17 doesn't fall within my job responsibilities. It's 18 above my head, best way to say it. 19 Q So what is the knowledge you have about 20 Pirates 6? 21 A Like I said, I just know that it's a 22 project that's possibly in development at the |

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| <p>6121</p> <p>1 studio. That's it. 2 Q Do you know whether anyone at Disney 3 has ever even read the op-ed written by Ms. Heard? 4 A No. 5 Q Are you aware of anyone else at Disney 6 who has knowledge of the topic areas in the 7 deposition notice, that's Deposition 8 Exhibit No. 2, beyond what you know? 9 A I can't honestly say. I can't speak 10 for someone else. Like I explained earlier, my 11 knowledge and what my job functionality is, at the 12 studio plateaus, and there are people that I work 13 under. And those particular persons may or may 14 not have more knowledge. But I can't speak on 15 behalf of them. 16 Q Is Disney aware that Mr. Depp has 17 testified under oath that he would not take other 18 Pirates of the Caribbean franchise roles for 19 \$300 million and a million alpacas? 20 A No. 21 Q Would Disney entertain paying Mr. Depp 22 more than \$300 million and provide him with more</p> | <p>6123</p> <p>1 communications. 2 Q All right. And this is from Angela 3 Shaw, and it's dated 5/10/2017. 4 Do you see that? 5 A Yes. 6 Q And it says "Subject: HR. Johnny 7 Depp: A star in crisis and insane story of his 8 missing moments." 9 Do you see that? 10 A Yes. 11 Q Do you have any understanding as to why 12 Angela Shaw was sending this communication to this 13 group, the two co-chairmen, the president, the 14 vice president of production, head of 15 communications, on this particular date? 16 A I don't know what the intent of the 17 email is, but obviously we had a relationship as a 18 company with Johnny, so I assume that's why she 19 may be bringing it to their attention. 20 Q All right. And just to take that a 21 little bit further, given that Disney has a 22 relationship with Johnny Depp, if there is</p> |
| <p>6122</p> <p>1 than a million alpacas to be able to retain his 2 services for any future Pirates of the Caribbean 3 role? 4 A No. 5 Q I'm going to show you what has been 6 marked as Deposition Exhibit No. 52, to Alan Horn. 7 Who's that? 8 A He was a co-chairman. 9 Q Of Disney? 10 A Yes. 11 Q And Alan Bergman, who's he? 12 A Same. He's the other co-chairman of 13 Disney, or was at the time. 14 Q And then Sean Bailey you indicated was 15 the president? 16 A Our president of production, right. 17 Q Okay. And then Ricky Strauss, who's 18 he? 19 A I believe at the time, he was the head 20 of our marketing group. 21 Q And Paul Roeder? 22 A Paul Roeder is the head of</p> | <p>6124</p> <p>1 publicity relating to Johnny Depp, whether it be 2 positive or negative, that would be relevant to 3 Disney, would it not? 4 A Yeah. I mean, I can't say how it's 5 relevant to Disney. But given that Angela is part 6 of communications, it's her job to, you know, keep 7 the studio abreast, I guess, of anything 8 concerning the company. That's about as far as I 9 can read into it. 10 Q Okay. And so that's your 11 interpretation of why Angela Shaw sent this to 12 that group of people was to keep them apprised of 13 this particular article on Johnny Depp; would you 14 agree? 15 A Yeah, that would be my assumption. 16 Q I'm going to ask you to take a look at 17 what has been labeled as Exhibit Number 53, and it 18 is Disney 114 through 137. And I'm going to ask, 19 "Do you recognize this document?" 20 A Well, looks like an internal email that 21 may be – it may have been part of the disclosure 22 documents.</p> |

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| <p>6125</p> <p>1 Q This one's from Alan Horn. And I think 2 we've identified Alan Horn -- actually it starts 3 with Mr. -- start down here. On June 21st, 2018, 4 all right, and then it has a reply from Sean 5 Bailey that says, "Sad." 6 Do you see that? 7 A Yes. 8 Q What was Mr. Bailey's position with 9 Disney on June 21st, 2018? 10 A I believe he was the president then. 11 Q Okay. 12 A He may have been the EVP. I don't 13 know. 14 Q Okay. And then we have an email at the 15 top. It's to Sean Bailey, CC Janelle Tipton, and 16 then it has some copies to other people. It's 17 from Alan Horn. I believe we said he was one of 18 the co-directors; is that correct? 19 A Co-chairman. 20 Q Co-chairman. Okay. All right. And 21 Alan Bergman? 22 A The other co-chairman.</p> | <p>6127</p> <p>1 is in postfinance? 2 A Correct. 3 Q What is that? 4 A He handles all finances once a film 5 goes into postproduction, on any given picture. 6 Also reporting to the studio internal finances. 7 Q All right. And this is July 14, 2018, 8 that he's sending this to you, correct? 9 A Yes. 10 Q Do you recall reading this, the story 11 that was in the Rolling Stone, "Trouble with 12 Johnny Depp"? 13 A To be honest, I don't remember much 14 about the story, but obviously I must have looked 15 at it and commented. 16 Q And, in fact, you commented, 17 "Depressing." Do you see that? 18 A Yes, yes. 19 Q And just to go back to refreshing your 20 recollection on the template, did you see that it 21 has "Important and Received" on this when you sent 22 it back?</p> |
| <p>6126</p> <p>1 Q Okay. And do you have any recollection 2 of ever reading the Rolling Stone's article about 3 Johnny Depp back in this time frame? 4 A I honestly don't remember if I ever 5 read this document. I may have. 6 Q Do you have any understanding of why 7 this would be sent from Alan Horn to these other 8 individuals on the top? 9 A Again, same as before, just because of 10 the fact that we have a relationship with Johnny, 11 so they may have determined it was important to 12 bring it to their attention. 13 Q All right. Now, Ms. Newman, I'm going 14 to show you what's been marked as deposition 15 Exhibit 54. And do you recognize this document? 16 A Yes. It looks like an email. 17 Q Please describe it for me. 18 A It's an email -- well, it started from 19 Scott to myself. Scott Sellers is in postfinance. 20 And then I replied to Scott. So it looks like an 21 email exchange between to two of us. 22 Q All right. And you said Scott Sellers</p> | <p>6128</p> <p>1 A Uh-huh. 2 Q Ms. Newman, I'm going ask you to take a 3 look at what has been marked as Deposition Exhibit 4 Number 56, and it is a document also produced by 5 Disney and bears the Bates stamp Disney 167 6 through 177. I'm going to ask you to take a look 7 at the top here. This is to Alan Bergman from -- 8 it has THR, Today, and Entertainment. Do you 9 understand what that is? 10 A Yes. 11 Q Okay. I'm going to ask you to turn 12 down to 169. It says, "Johnny Depp's legal team 13 prepares for court hearing about Amber Heard abuse 14 claims. The actor's chance of previewing the 15 evidence that it will present in the upcoming 16 court hearings in the U.K. this fall tied to a 17 defamation lawsuit against the Sun for an article 18 that labeled the actor as a 'wife beater,' Katie 19 Couric reports." 20 Do you see that? 21 A Yes. 22 Q Do you have a recollection of learning</p> |

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| <p>6129</p> <p>1 about this and reading about the U.K. case in this 2 time frame we're talking of, October 2018? 3 A I may have seen the headline come 4 across my desk in the same manner as Alan received 5 it but that's probably as far as it went. 6 Q Ms. Newman, I'm going to show you what 7 has been marked as Deposition Exhibit Number 60. 8 And it's dated November 5, 2020. And it says, 9 "Disney reportedly scratch plans for Depp's 10 'POTC6'" -- I'm assuming that's Pirates of the 11 Caribbean 6 -- "return," do you see that? Did you 12 see it? 13 A Yes, I see it. 14 Q As you sit here today, are you aware of 15 any document in Disney's emails or in their IT 16 system or anywhere that contains Amber Heard's 17 op-ed from December of 2018? 18 A I mean, no, not that I'm aware of. 19 Q Are you aware of any decision-maker 20 within Disney who has ever said they are not 21 casting Johnny Depp in Pirates 6 or any other role 22 because of Amber Heard's op-ed?</p> | <p>6131</p> <p>1 COUNTERCLAIM PLAINTIFF 2 BY MS. KAPLAN: 3 Q Good morning, Ms. Barkin. 4 A Good morning. 5 Q I think the first thing that would be 6 very short but very simple and clean for the 7 record, is if you could just describe kind of your 8 career background. I know it's been lengthy, but 9 just give a kind of brief summary of kind of when 10 you started working and what you've done during 11 your career. 12 A I started acting professionally about 13 26 or '7, and I did theater, television, movies, 14 lots of them. That's what I did for 40 years. 15 Q And in the course of your career acting 16 in theater, television, movies, et cetera, did you 17 come to meet a person by the name of Johnny Depp? 18 A Yes. 19 Q Can you specify in time, Ms. Barkin, 20 when you met him? 21 A I would say 1990. 22 Q And upon or after meeting him, did</p> |
| <p>6130</p> <p>1 A No. 2 Q Are you aware of any decision-maker 3 outside of Disney, and by this I'm including 4 producers, directors, people of that ilk, who has 5 ever said they were not considering Mr. Depp for 6 Pirates 6 or any other movie because of Amber 7 Heard's op-ed from December 2018? 8 A No. 9 THE COURT: All right. 10 MS. BREDEHOFT: We have another. 11 THE COURT: How much time? 12 MS. BREDEHOFT: We have an 11-minute 13 one. 14 THE COURT: That's fine. What's your 15 next witness? 16 MS. BREDEHOFT: Ellen Barkin, 17 B-A-R-K-I-N. 18 THE COURT: Thank you. 19 ELLEN BARKIN, 20 being first duly sworn, was examined 21 and testified as follows: 22 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND</p> | <p>6132</p> <p>1 there come a time when you became friends? 2 A Yes. 3 Q And can you describe how that happened? 4 A We just developed a friendship over 5 time that lasted -- I guess if we met in the '90s, 6 maybe ten years or a little less. 7 Q And fair to say that Mr. Depp, at the 8 time, was also an actor, a professional actor? 9 A Yes. 10 Q Were you -- did you act in any film, 11 stage, or TV productions with Mr. Depp? 12 A Yes. I was in Fear and Loathing in Las 13 Vegas. 14 Q How often would you see Mr. Depp? 15 A When I lived in New York, usually 16 whenever I go to LA. If I were in LA, I'd see him 17 once a week, maybe more. I mean, the friendship 18 went up and down, living on different coasts. 19 Q And did there come a time when your 20 friendship with Mr. Depp became more than that, 21 became romantic in nature? 22 A Yes.</p> |

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| <p>6133</p> <p>1 Q And at what point in time did your 2 relationship with Mr. Depp take a romantic turn? 3 A After I had moved to Hollywood and he, 4 you know, switched the buttons. 5 Q Do you recall what year you moved to 6 Hollywood? 7 A Yes. 1994. 8 Q When you say "switched the buttons," 9 can you tell me what you meant by that? 10 A The friendship went from a purely 11 platonic friendship to a romantic one. 12 Q At that point in 1994 when the 13 relationship turned romantic, to your knowledge -- 14 A Can we change that to "sexual"? 15 Q To sexual. 16 A Thank you. 17 Q For how long did your relationship with 18 Mr. Depp remain sexual? 19 A Several months. Anywhere between three 20 and five, six. 21 Q And during that period, how often would 22 you see Mr. Depp, that period when it was sexual?</p> | <p>6135</p> <p>1 Q He was referred to by whom as Pig? 2 A Johnny Depp. 3 Q At any point that you were either 4 initially friends and then sexual with Mr. Depp, 5 did you become aware that he drank to excess? 6 A I was always aware. 7 Q And can you explain how you were aware 8 of that? 9 A He was drunk all the -- most -- a lot 10 of the time. 11 Q And that would apply both to when you 12 were initially friends and then later when it 13 became sexual? 14 A Yeah. 15 Q And what was he drunk -- what was your 16 understanding what he had drunk to become drunk? 17 A He was a red wine drinker. 18 Q Okay. In addition to alcohol, were you 19 aware at that time that Mr. Depp was taking any 20 prescription medication? 21 A No. 22 Q Okay. Same question, Mr. [sic] Barkin,</p> |
| <p>6134</p> <p>1 A I'd say I'd see him three or four times 2 a week. 3 Q And, again, I'm not looking to pry into 4 private details, but can you tell me, like, where 5 you would see him? Just give me some sense of 6 that. 7 A Yeah. He would come to my house or I 8 would go to his house. 9 Q And both houses in LA? 10 A Yes. About a ten-minute drive apart 11 from each other. 12 Q And either when you were at his house 13 where you didn't stay the night or you were at his 14 house where you did stay the night, were there 15 other people in the house who saw you there? Who 16 would those people be? 17 A He had an assistant. His sister. 18 That's all I can remember now. 19 Q Do you recall the name of the 20 assistant? 21 A I don't know his name. He was referred 22 to as "Pig."</p> | <p>6136</p> <p>1 for illegal substances. 2 A Yes. 3 Q Same question. And what illegal 4 substances? 5 A Hallucinogenics, cocaine, marijuana. 6 Q Hallucinogenics, can you say 7 specifically what those were? 8 A I don't really know. 9 Q Okay. 10 A He called and told me he was tripping. 11 Q With respect to any of that, 12 hallucinogenics, cocaine, or marijuana, did he do 13 any of that in your presence? 14 A Yes. 15 Q More than once? 16 A All the time. 17 Q When you say "all the time," how many 18 times, again in the period you were both first 19 friends and then sexual with Mr. Depp, do you 20 think you saw him? 21 A I couldn't even tell you. I mean, I 22 just know he was always drinking and, of course,</p> |

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| <p>6137</p> <p>1 smoking a joint. 2 Q But would it be fair to say more than 3 at least dozens of times? 4 A Yeah. Over the full course? Oh, yeah. 5 Q Now, did you ever observe, Ms. Barkin, 6 Mr. Depp's behavior change when he drank more or 7 used more drugs? 8 A I did not. 9 Q So he was kind of the same all the 10 time, fair to say? 11 A He was not the same. He was high. 12 Q Did there come a time, Ms. Barkin, when 13 Mr. Depp acted in a way that was out of control 14 with you? 15 A Yes. Mr. Depp threw a wine bottle 16 across the room, the hotel room, on one instance 17 in Las Vegas while we were shooting Fear and 18 Loathing in Las Vegas. 19 Q Were you -- was something about to 20 happen? 21 A A fight was going on. 22 Q Between you and Mr. Depp?</p> | <p>6139</p> <p>1 throwing the bottle at you? 2 A I don't know why he threw the bottle. 3 Q And when he threw it, was it in your 4 direction? 5 A Yes. 6 Q Were there other people standing around 7 you? 8 A Yes. 9 Q So he threw it in your direction at a 10 group of people? 11 A Yes. 12 Q Whose hotel room was it? 13 A His, Johnny Depp's. 14 Q Who broke off the relationship? 15 A He did. 16 Q How did it come about that Mr. Depp 17 broke off your relationship? 18 A I went to go home. There was a big 19 good-bye, crying, a lot of jealous and, you know, 20 "Don't do this. Don't do that," and I never heard 21 from him again after that. 22 Q And did Mr. Depp not want you to go</p> |
| <p>6138</p> <p>1 A No. 2 Q Who was the fight between? 3 A Between Johnny Depp and his friends in 4 the room, the assistant. Honestly, I don't 5 remember. 6 Q And the bottle that -- do you remember, 7 sitting here today, if the bottle full of wine or 8 empty? 9 A I don't. 10 Q Sitting here today, Ms. Barkin, do you 11 remember whether the bottle hit you? 12 A No, it did not. 13 Q Did the bottle hit anyone else? 14 A No, it did not. 15 Q Approximately how far away from you was 16 Mr. Depp when he threw the bottle? 17 A Across the room, so maybe by that break 18 in the table or a little further down. It was a 19 toss. 20 Q And sitting here today, if the bottle 21 had hit you, would it have injured you? 22 Was it your understanding that he was</p> | <p>6140</p> <p>1 back to Los Angeles at the time? 2 A Yes, he didn't want me to go. I was 3 only supposed to be there for two days. I stayed 4 for longer. 5 Q And you just referenced -- you just 6 used the word "jealous." How did that come up? 7 What did he say that indicated to you that he was 8 jealous? 9 A He's just a jealous man, controlling, 10 "Where are you going? Who are you going with? 11 What did you do last night?" 12 I had a scratch on my back once that 13 got him very, very angry because he insisted it 14 came from me having sex with a person who wasn't 15 him. 16 Q During the time that you were in a 17 sexual relationship with Mr. Depp, was it common 18 for him to say things to you about being 19 controlling, to use your words, or being jealous 20 of you? 21 A Yeah, very common. 22 Q And when, in these instances when</p> |

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| <p style="text-align: right;">6141</p> <p>1 Mr. Depp became jealous or controlling, did he 2 also become angry? 3 A Yeah. And demanding. 4 THE COURT: All right. Ladies and 5 gentlemen, let's go ahead and take our afternoon 6 recess. Please do not discuss the case, and do 7 not do any outside research, okay? 8 We'll see you back in 15 minutes. 9 (Whereupon, the jury exited the 10 courtroom and the following proceedings took 11 place.) 12 THE COURT: All right. We'll come back 13 at 3:45. Does that give you time to be ready? 14 MS. BREDEHOFT: Yes, Your Honor. 15 THE COURT: All right. 3:45. 16 THE BAILIFF: All rise. 17 (Recess taken from 3:27 p.m. to 18 3:43 p.m.) 19 THE BAILIFF: All rise. Please be 20 seated and come to order. 21 THE COURT: Okay. Are we ready for the 22 jury?</p> | <p style="text-align: right;">6143</p> <p>1 about. 2 THE COURT: Are you able to read these? 3 MR. CRAWFORD: He could not, 4 unfortunately. 5 MR. NADELHAFT: So I know what we did 6 with -- Your Honor, what we did with Erin Falati's 7 notes, if I recall, was that we played them. 8 Remember there was an issue about what was 9 redacted and what wasn't. 10 THE COURT: Right. Right. 11 MR. NADELHAFT: And we played it. 12 We're comfortable playing these without showing 13 them. 14 THE COURT: All right. 15 MR. NADELHAFT: Maybe you can -- 16 THE COURT: I can try to review this. 17 MR. NADELHAFT: No, no, no. As he's 18 testifying to it, we're going to be seeing the 19 portions of it, and I guess maybe afterwards, we 20 can -- 21 THE COURT: We can have a discussion 22 about it?</p> |
| <p style="text-align: right;">6142</p> <p>1 MR. NADELHAFT: Your Honor, we have a 2 preliminary. 3 THE COURT: Okay. You want to approach 4 with the exhibits? 5 MR. NADELHAFT: Yeah. 6 THE COURT: Okay. 7 (Sidebar.) 8 MR. NADELHAFT: So I believe we're in 9 agreement that 1049 is admitted. 10 THE COURT: Okay. 11 MR. CRAWFORD: No objection. 12 MR. NADELHAFT: And then 1050 is his 13 notes that the doctor -- Dr. Blaustein is 14 Mr. Depp's psychiatrist. 15 THE COURT: Okay. 16 MR. NADELHAFT: And these are his notes 17 which he testifies these are all Depp's 18 statements. 19 MR. CRAWFORD: Dr. Blaustein's 20 interpretation of Depp's statements, and there are 21 notes, which Dr. Blaustein has notes to himself. 22 MR. NADELHAFT: Which he testifies</p> | <p style="text-align: right;">6144</p> <p>1 MR. NADELHAFT: Yeah. 2 THE COURT: Okay. 3 MR. NADELHAFT: That's my suggestion. 4 MR. CRAWFORD: Some of the portions 5 that get read in would come in, but everything 6 else is redacted. 7 THE COURT: Redacted out. 8 MR. NADELHAFT: Sure. We can do it 9 that way. 10 THE COURT: We can look at that. Does 11 anybody have a problem with that? 12 MS. VASQUEZ: No. 13 THE COURT: So there was an agreement 14 that if it was read in during the deposition, that 15 that can come in? 16 MS. VASQUEZ: That's fine. 17 MR. NADELHAFT: We're all on the same 18 page. We won't show it. 19 THE COURT: Okay. That's fine. We 20 won't show it. 21 MR. NADELHAFT: We won't show it, so 22 that way there's no question about what's redacted</p> |

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| 6145 | 1 and what's not. 2 THE COURT: So I'll admit as redacted. 3 The only thing that's going to be admitted in 4 evidence are these statements that will be read on 5 in the deposition? 6 MR. NADELHAFT: Sure. 7 THE COURT: Everybody agree with that? 8 No objection to 1049, right? 1049's in evidence. 9 MS. VASQUEZ: Thank you, Your Honor. 10 THE COURT: All right. Thank you. 11 THE COURT: All right. Thank you. 12 Your next witness. 13 MR. NADELHAFT: Your Honor, we call 14 Dr. Alan Blaustein. 15 THE COURT: All right. 16 MR. NADELHAFT: B-L-A-U-S-T-E-I-N. 17 THE COURT: Thank you, sir. 18 MR. NADELHAFT: Oh, and I'm asking 19 questions first. I believe I may be the only one 20 asking questions. 21 THE COURT: All right. All right. 22 Thank you. | 6147 | 1 Q You understood that Mr. Depp had 2 substance dependence issues; is that correct? 3 A Yes. 4 Q Do you recall what substance issues -- 5 what substances he had -- Mr. Depp had issues 6 with? 7 A Marijuana, alcohol, opiates, I believe. 8 Q Did you ever have an understanding that 9 Mr. Depp had an anxiety syndrome? 10 A I knew Mr. Depp had anxiety. 11 Q And how did you become aware that 12 Mr. Depp had anxiety? 13 A He told me that. 14 Q Do you recall having any conversation 15 that Mr. Depp was bipolar? 16 A There was some question about a bipolar 17 disorder diagnosis, but I cannot remember any 18 specifics about the discussion. 19 Q Do you recall having a conversation 20 with Mr. Depp about a bipolar diagnosis? 21 A No. 22 Q What behaviors did Mr. Depp acknowledge |
| 6146 | 1 ALAN S. BLAUSTEIN, M.D. 2 being first duly sworn, was examined 3 and testified as follows: 4 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 5 COUNTERCLAIM PLAINTIFF 6 BY MR. NADELHAFT: 7 Q Can you provide your full name? 8 A Alan Scott Blaustein. 9 Q You're a doctor, correct? 10 A Correct. 11 Q And you're a psychiatrist? 12 A Yes. 13 Q How long have you been a psychiatrist 14 for? 15 A Since 1987. 16 Q And you went to medical school? 17 A Yes. 18 Q What medical school did you go to? 19 A Northwestern University. 20 Q Now, Johnny Depp was a patient of 21 yours, correct? 22 A Correct. | 6148 | 1 that should be changed? 2 A Certainly, his drug use. And his 3 turning to drugs for -- to help relieve a lot of 4 the psychic pain that he was experiencing. 5 Q In working with Mr. Depp, would you 6 agree that he had fundamental -- that Mr. Depp had 7 fundamental issues with anger? 8 A I -- I would say that he expressed 9 having issues with anger. 10 Q Mr. Depp expressed having issues with 11 anger? 12 A Yes. 13 Q Did Mr. Depp express having issues with 14 anger towards Amber? 15 A He expressed having anger towards her, 16 yes. 17 Q Do you recall what reasons Mr. Depp 18 told you as to why he was expressing anger towards 19 Amber? 20 A I had -- no. I'll have to say no. 21 Q In working with Mr. Depp, was he ever 22 suspicious of Amber having affairs? |

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| <p>6149</p> <p>1 A I can recall how he expressed feelings 2 of jealousy, but I don't remember if it was about 3 affairs. 4 Q Do you recall any more detail about 5 what Mr. Depp was feeling jealousy toward Amber 6 about? 7 A No. 8 Q In working with Mr. Depp, did you see 9 that he -- Mr. Depp had any issues with patience? 10 A Yes, he was impatient. 11 Q What is your understanding about issues 12 that Mr. Depp had with Amber? 13 A It was a very chaotic relationship with 14 a lot of fluctuations, ups and downs, and lots of 15 difficulty and emotional expressions and lots of 16 anger in both places, and, you know, high 17 intensity affect and emotional expression. A lot 18 of love, a lot of disappointments, a lot of fears. 19 Q Dr. Blaustein, I'm showing you what's 20 been marked as Blaustein Exhibit 3. 21 Do you recognize this document? 22 A Yes.</p> | <p>6151</p> <p>1 the amounts of medications that Mr. Depp was 2 taking? 3 A I had concerns about the Adderall that 4 I would have expressed to him. 5 Q And what were the concerns about the 6 Adderall? 7 A Again, I don't recall the specific 8 conversations, but I would have been asking about 9 how he was diagnosed to have ADHD or under what 10 circumstances he would take that, especially if he 11 wasn't currently working. 12 Q Did you ever talk to Mr. Depp about 13 what he did when Marilyn Manson would visit? 14 A No. 15 Q When you were working with Mr. Depp, 16 did you have any understanding whether Mr. Depp 17 was still abusing drugs and alcohol or not? 18 A Yes. 19 Q But you do recall that there were times 20 in your working with Mr. Depp where he had 21 breakthrough uses of drugs or alcohol? 22 A Yeah, that his relative sobriety was</p> |
| <p>6150</p> <p>1 Q What is it? 2 A It's my invoice billing document. 3 Q Okay. This is from your files? 4 A Correct. 5 Q And you keep this document in the 6 ordinary course of business? 7 A Correct. 8 Q And this billing invoice is for Johnny 9 Depp, correct? 10 A Correct. 11 Q And so where it says 10/2/14 from your 12 billing records, would this be -- is this your 13 understanding the first time you met with 14 Mr. Depp? 15 A By phone, yes. 16 Q And, in total, if we look at the number 17 of sessions you either met or spoke to Mr. Depp 18 that weren't canceled or he didn't show up, my 19 counting comes to 18 times you met with Mr. Depp. 20 Does that sound about right? 21 A Looks like 18 times. 22 Q Did you have any concerns about any of</p> | <p>6152</p> <p>1 not complete, yes. 2 Q And that's what you mean by 3 "breakthrough usage," that his sobriety, 4 Mr. Depp's sobriety, was not complete? 5 A Well, relative sobriety. Again, I said 6 relative sobriety because he did continue to use 7 marijuana throughout, almost entirely throughout 8 the time that I -- even with a short-time 9 exception, I think. So I called it "relative 10 sobriety," then there would be some breakthrough 11 uses of other substances. 12 Q Okay. When you say breakthrough usage, 13 just so everyone understands, what do you mean by 14 that? 15 A He was trying to be sober. He was 16 working on sobriety. And by breakthrough uses, 17 sobriety would be the abstinence of using a 18 substance. And so the breakthrough would be on a 19 particular time he would have used the substance 20 that he was trying to be sober of, abstinent of. 21 Q Okay. So in addition to marijuana, in 22 the time that you saw Mr. Depp from October of</p> |

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| 6153 | 1 2014 through January of 2015, there were other 2 times -- there were times where Mr. Depp broke his 3 sobriety with drugs or alcohol in addition to 4 marijuana, correct? 5 A I believe so, yes. 6 Q How did you come to that understanding? 7 A He would have told me. 8 Q Do you know why Mr. Depp stopped seeing 9 you? 10 A I know he was preparing to leave to 11 Australia to go to work and -- I assumed that was 12 the reason. 13 Q But he hadn't returned to you since he 14 went to Australia in 2015, correct? 15 A Correct. 16 Q And did anyone inform you as to why he 17 stopped seeing you? 18 A No. 19 Q Blaustein Exhibit 9 are notes 20 reflecting your care of Mr. Depp, correct? 21 A Right. 22 Q And you kept these notes in the | 6155 1 Q What does it say? 2 A "Such a pain in the ass." 3 Q Do you recall why he was saying Amber 4 was a pain in the ass? 5 A No. 6 Q Okay. And what's the next thing say? 7 A Well, in boxes about his kids' mom. 8 Q Okay. 9 A And, again, looks like I have the word 10 "destructive." 11 Q What was destructive referring to? Do 12 you know? 13 A I don't know. No, I don't. Something, 14 relationship 14 to 15 years, mother of my kids. 15 Out of that officially. He didn't want to be his 16 dad, thinking I'm not -- abandon them like his 17 dad. Then below kids, it says "Clear, better." 18 She needed me to be all this -- needed me to be 19 all this week or all this work." I don't know. 20 Q If you turn to the next page, it says 21 page 2. 22 A Got it. |
| 6154 | 1 ordinary course of business, correct? 2 A Correct. 3 Q And you kept these notes in a file for 4 Mr. Depp, correct? 5 A Correct. 6 Q And this is page 1 of those notes from 7 October 2nd, 2014, correct? 8 A Correct. There would be plenty of 9 places where I don't remember -- I can't read what 10 they say. They are for my current retention 11 purposes only in these particular notes. 12 Q Okay. 13 A And that's what makes them process 14 notes. 15 Q In working with Mr. Depp, did he 16 discuss any abuse he received as a child or an 17 adolescent? 18 A Yes. 19 Q And do you recall any difficulties that 20 Mr. Depp was talking to you about in his 21 relationship with his fiancée? 22 A No. Not from this. | 6156 1 Q And then what's the next line say? 2 A "There was violence/rage that we had 3 over a couple years." 4 Q Okay. And so what is Mr. Depp 5 referring to there? Do you recall? 6 So, do you recall that in working with 7 Mr. Depp, that he spoke about violence and rage in 8 other relationships in addition to his 9 relationship with Amber? 10 A Well, rage and chaos. I don't remember 11 violence, but I do remember rage and chaos. And, 12 again, in the context of this is, is I had met him 13 at this point. This is an initial telephone 14 consultation to see whether or not he was going to 15 start therapy with me. 16 Q But in your working with Mr. Depp, was 17 he talking about rage and chaos with relationships 18 in addition to his relationship about Amber, 19 correct? 20 A Yes. Yes. 21 Q What other relationships was he talking 22 about rage and chaos? |

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| <p>6157</p> <p>1 A Again, I don't have the specific 2 recollection, but I think it included his -- the 3 mother of his children and arguments about -- not 4 child custody, child care, or visitation or access 5 to the children. 6 On the left it says "Raised two kids, 7 15 and 12." And then below that, "She tried to 8 protect me. She tried to protect me too." 9 Q Do you know what that's referring to? 10 A My association now is his sister, but I 11 don't -- I don't think that's true. I don't have 12 a specific recollection no. 13 "Wouldn't take fear. Wake up to fight 14 devil. Wait up to fight devil." 15 Q Do you know what that's referring to, 16 "wait up to fight devil"? 17 A I think he referred to a devil as some 18 version of internal depression and chaos that he 19 felt that he made an everyday phenomenon because 20 he was struggling. And I think he maybe labeled 21 that as the devil. 22 Q So Mr. Depp labeled something internal</p> | <p>6159</p> <p>1 A Correct. 2 Q And then there's -- 3 A "Work through anger," just below that? 4 Q And when you're saying "work through 5 anger," is that referring to his anger towards 6 Amber? 7 A I think what he was saying then was 8 that part of his goal of therapy was to work 9 through anger that he and his fiancée had towards 10 each other. Then going back to the left, "Better 11 with girl about it. Self-destructive. Hard to 12 not put in front of me." 13 Q Do you know what "self-destructive, 14 hard not to put in front of me" means -- is 15 referring to? 16 A I think the self-destructive was his 17 drug use. I think that's what he's referring to 18 at this time. 19 Q I'm now looking at Blaustein 13, which 20 has a page 4. 21 Are you there? 22 A Yes, I am.</p> |
| <p>6158</p> <p>1 to him as the devil? 2 A As a representation of something 3 horrible inside of himself, is what I would say. 4 Q So the devil was something horrible 5 inside of himself, correct? That's what -- 6 A Again, I don't think he ever said that, 7 so I'm going to be careful here. 8 The devil was the representation of the 9 battle that he had many days when he woke up with 10 depression and the anxiety and fears that he had. 11 Q Did Mr. Depp ever refer to himself as a 12 monster? 13 A I remember the word "monster" in my 14 office, but I don't know if he was referring to 15 himself or not. Maybe that will be more revealed 16 as we go forward. 17 Q Now, turning to Blaustein 12, which is 18 page 4 of this exhibit, there's a 3 at the top, 19 correct? 20 A Yes. 21 Q And then to the right, that says 22 "Amber, fiancée," correct?</p> | <p>6160</p> <p>1 Q Okay. And at the top it says 2 Johnny/Debbie, correct? 3 A Correct. 4 Q All right. And then the date, it says 5 10/ what? 6 A I think that's 10/7. 7 Q So it says JD 10/21/14, correct? 8 A Correct. A lot of things, work, 9 intense work, fatigue, need a minute, here I can 10 say with certainty his words, "shit with my girl." 11 Q And what's that referring to? 12 A Difficulties he was having with Amber. 13 Q And do you recall what he was talking 14 about? What difficulty he was having with -- 15 Mr. Depp was having with Amber? 16 A No. 17 Q The next line looks like it says, "She 18 refuses to accept." 19 A Correct. 20 Q Do you know what Amber refuses to 21 except? What Mr. Depp was referring to? 22 A No.</p> |

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| 6161 | 1 Q And to the right, it says, "Amber" -- 2 what? 3 A "Amber wedding." 4 Q Were you talking at this point about 5 potentially Mr. Depp and Amber marrying? 6 A Yes. He was talking about that, yes. 7 Q Okay. And then what does it say under 8 "She refuses to accept"? 9 A "Wedding February." 10 Q And then what's next? 11 A "Not want to go to marriage, 51 years 12 old." 13 Q Were there any discussions that you had 14 with Mr. Depp where he had concerns about the age 15 difference between him and Amber? 16 A I don't think so. 17 Q Okay. 18 A No. 19 Q What does it say under "51 years old"? 20 A "A lot of life experiences. You're 21 being my mother and psychotic sister." 22 Q What did you understand Mr. Depp | 6163 | 1 let's continue and maybe something's there. 2 Q So he was trying to be sober from booze 3 and pills, correct? 4 A Correct. 5 Q Okay. And then was it you who said 6 "reward"? 7 A Yeah. Asking about where could he get 8 rewards elsewhere. Where did he get reward -- I 9 mean, I asked him where did he get rewards 10 elsewhere. And there he said in the past MDMA, 11 ecstasy, cocaine. 12 Q So what do you understand where you 13 write "MDMA, ecstasy, cocaine"? 14 A I am not quite sure, but those are 15 things that he had used in the past. There is 16 another possibility that I had asked him 17 specifically about that, but I don't think so. 18 It's more likely that those were things he had 19 used in the past. 20 Q Do you know what pills Mr. Depp was 21 referring to, to be sober from? 22 A I know oxycodone was a main thrust of |
| 6162 | 1 referring to where you wrote "You're being my 2 mother and my psychotic sister"? 3 A I think that's something that he 4 said -- he told me he said to her. 5 Q That Mr. Depp said to Amber? "You're 6 being my mother and psychotic sister"? 7 A That's what I would think, yes. 8 Q Okay. Then the next line? 9 A "High tolerance for marijuana." 10 Q Who has a high tolerance for marijuana? 11 A He did. 12 Q All right. Turning to the next page, 13 which is Blaustein 15, and where -- I have a 14 number 5 on the top there. What does it -- 15 "self-something"? 16 A "Self-destructive very early." 17 Q And was Mr. Depp talking about himself 18 being self-destructive very early? 19 A Yes. 20 Q Okay. How was he being -- how was 21 Mr. Depp describing that he was self-destructive? 22 A I think -- again, I don't recall, but | 6164 | 1 that type. 2 Q And then it says -- back to the left, 3 it says, "left off." 4 A Yeah. And that's probably a note to 5 myself to try to get back to. Left off a reward 6 loop mechanism. And it's parallel to a 7 relationship. What kinds of rewards could come 8 back to him that could be healthy. What kinds of 9 rewards that could come from a relationship that 10 could be healthy? And then, talking about biology 11 changes. So I made a note to myself there to talk 12 about how the brain changes in the face of many of 13 these drugs over time. 14 Q Did you talk with Mr. Depp at all that 15 his brain can change as he continues to take these 16 medications -- these drugs? 17 A Yes, I did. 18 Q And then it says 10/27/14. 19 A More on relationship issues, being 20 accused, in his word, of being manic. Grounded 21 from seeing children. Son is one of the positive 22 aspects of the relationship. I'm assuming he's |

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| 6165 | <p>1 talking about his past relationship there. 2 Q Mr. Depp was saying that Amber reminded 3 him of his mom and his psychotic sister. 4 A That the relationship reminded him of 5 his relationship with his psychotic sister and his 6 mother, yes. 7 Q And Mr. Depp talked about that he was 8 being accused of being manic? 9 A Yes. 10 Q Did he say who accused him of being 11 manic? 12 A I assume from this, it was Amber. 13 Q Turn to the next page, Blaustein 16. 14 And this is 10/29/14 at the top? 15 A "Mood euthymic." 16 Q What does that mean? 17 A Attention – "normal mood. Attention 18 decreased." 19 Q What do you mean by, "attention 20 decreased"? 21 A Attention, needing attention. "Memory 22 transitional difficulties."</p> | 6167 | <p>1 was, perhaps that's what that's referring to. 2 Q So Mr. Depp was off on -- 3 A Whatever date it was. 4 Q -- the date. 5 And to the next page, Blaustein 17. 6 Says, "JD" at the top, and then 11/10/14. 7 Do you see that? 8 A Yep. I have that. 9 Q Okay. And Mr. Depp came in to see you 10 on 11/10/14? 11 A Correct. 12 Q Okay. And what's the first line say. 13 A "Some clouding, probably secondary to 14 THC." 15 Q What do you mean by "clouding"? 16 A Well, it would have been something in 17 confusion or something about his mental state or 18 less sharp, less alert, perhaps. 19 Q What's the next line say? 20 A It says "No evidence of 21 mania/hypomania." 22 Q What do you mean by that?</p> |
| 6166 | <p>1 Q What do you mean by having transitional 2 difficulties with his memory? 3 A It would have been part of a 4 Mini-Mental status test that I would have done in 5 our first session, where he would have trouble 6 holding on to memory of things from five minutes 7 ago. If I asked him to remember three words, he 8 may have had difficulty – he would have had 9 difficulty remembering those three words five 10 minutes later after distracting him with other 11 conversation. 12 Q Okay. And then what does it say after 13 that? 14 A "THC, marijuana, is part of issue," 15 tetrahydrocannabinol, that's what THC stands for. 16 Q So you saw THC as an issue with 17 Mr. Depp's memory and attention; is that right? 18 A Well, with the transitional memory at 19 least, yes, and perhaps the attention. 20 MSE, mental status examination. "More 21 present, more attention. Off on date." I would 22 ask him about what today might be, or today's date</p> | 6168 | <p>1 A I didn't see in his presentation any 2 evidence of mania or hypomania. 3 Q Okay. Next line. 4 A "Discussion about relationships, core 5 issues of trust. Amber says context" – contact. 6 I don't know. 7 Q Okay. 8 A "Fruitless meeting with her therapist." 9 Q Did you ever observe Mr. Depp with 10 mania or hypomania in any of your other sessions? 11 A Not that I recall. 12 Q At 10/24/14, Mr. Depp came in for 13 another individual session, correct? 14 A 11/24/14. 15 Q The first line said "15 minutes late." 16 A "15 minutes late. Clear, relationship 17 stabilizing. Looking at jealous parts of him." 18 Q What do you mean by that, "looking at 19 jealous parts of him"? 20 A Things that make him jealous or what 21 his role might be in jealousy. 22 Q And what made Mr. Depp jealous?</p> |

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| <p>6169</p> <p>1 A Well, about what was happening there, 2 but with Amber I don't know. I can't recall. 3 Let's see my next notes, there was a 4 triggering point. In my next note there's a 5 triggering point, early breakup at 22, where an 6 actress cheated with a leading man. 7 Q So was Mr. Depp jealous of Amber being 8 with other men? 9 A I don't remember that specifically. 10 Q And turning to Blaustein 18, which 11 looks like it starts at 12/7/14 -- 12 A Yeah. 13 Q -- Mr. Depp came in for an individual 14 session? 15 A Correct. 16 Q And now it looks like you have 17 "paranoia" in quotes. 18 A Would have been his word. What he 19 meant by that, the elements were fear, envy, and 20 vigilance. 21 Q So Mr. Depp told you something about 22 paranoia?</p> | <p>6171</p> <p>1 of the individuals." Let's see. "Not logical 2 approach to Amber's work. Take care of emotions. 3 Sobriety continuing." 4 Q And then Blaustein 20. Move down to 5 the last page. 6 This is for 1/8/15, just to be clear. 7 A 1/8/15, correct. 8 "22 minutes late. Vulnerability. 9 Woman in studio who admired Amber. Threat." 10 Q What's that mean? What do you 11 understand that to mean? 12 A That probably related to the prior 13 question. There's a woman who admired her that he 14 felt jealous of. Let's see. The next thing is 15 something of vulnerability. "Instance of the 16 vulnerability. And internal feel, parallel to 17 vulnerability and then childhood inability. Free 18 or fight only way." 19 Q What's that mean? "Free or fight only 20 way"? 21 A Free or fight -- or free and fight the 22 only way. And my understanding of that is be free</p> |
| <p>6170</p> <p>1 A Uh-huh. As he defined it. 2 Q And his elements of paranoia were fear, 3 envy, and vigilance, as he told you? 4 A Yeah. 5 Q Then what's the next day, 12/18/14? 6 A Well, let's see. 12/18/14, yes. 7 Q And Mr. Depp came in for a session? 8 A Uh-huh -- yes. "Patient working so 9 psychotherapy on the phone." It's possible it was 10 a phone session that I didn't mark as a phone 11 session. 12 "Big fight with girlfriend yesterday. 13 Struggling with how to separate. Let her tell you 14 her feelings. Relationship needs to take care of 15 you. Her to go to a safe zone, withdraw. 16 Different than childhood experiences." 17 Q Then it says 1/6/15, correct? 18 A Correct. 19 Q And what do these notes say? 20 A "Patient late 20 minutes. Positive 21 hypnotherapy session. The goal is to make a 22 beeline to bed. Using a relationship to take care</p> | <p>6172</p> <p>1 of the relationship or fight for it. And positive 2 relatedness with Amber through" -- well, "dash 3 vulnerability." 4 Q Did -- and 1/8/15 was the last time you 5 saw or spoke to Mr. Depp as a patient, correct? 6 A I believe that's true. 7 Q Did Mr. Depp describe to you at all how 8 his jealousy would present itself, whether he was 9 jealous of a man or a woman, in relation to Amber? 10 A It could make him angry or make him 11 feel insecure. 12 THE COURT: Your next witness. 13 MS. BREDEHOFT: Your Honor, our next 14 witness is Eric George. He was the attorney for 15 Amber relating to the op-ed. 16 THE COURT: All right. 17 ERIC GEORGE, 18 being first duly sworn, was examined 19 and testified as follows: 20 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 21 COUNTERCLAIM PLAINTIFF 22</p> |

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| <p style="text-align: right;">6173</p> <p>1 BY MS. BREDEHOFT: 2 Q Will you please state your name for the 3 record. 4 A Sure. Eric George. E-R-I-C, last name 5 is George, G-E-O-R-G-E. 6 Q And could you also state your business 7 address, please. 8 A Sure. 2121 Avenue of the Stars, 9 Suite 2800, Los Angeles, California 90067. 10 Q And what is the name of the law firm 11 that you work with? 12 A It's Browne, B-R-O-W-N-E, George, Ross, 13 O'Brien, Annaguey, & Ellis. 14 Q And you are an attorney, Mr. George? 15 A I am. I am. 16 Q And I take it from the name of the firm 17 that you are one of the named partners? 18 A I am the. 19 Q What are your areas of practice? 20 A Litigation, largely in the business and 21 entertainment areas. 22 Q Have you handled defamation and libel</p> | <p style="text-align: right;">6175</p> <p>1 to the secretary -- the legal affairs secretary to 2 the governor Pete Wilson? 3 A Sure. From about March 1997 to January 4 of 1999, I was counsel to then-Governor Pete 5 Wilson, and my specific title was deputy legal 6 affairs secretary. 7 Q Have you been recognized for your 8 career achievements since you have been an 9 attorney? 10 A Well, I'll say immodestly, yes. 11 Various ways lawyers are from time to time in 12 magazines and publications and whatnot. 13 Q And what, if any, recognition have you 14 received as one of the top 100 attorneys in 15 California? 16 A The legal paper annually puts out a 17 list of the top hundred attorneys in California. 18 I've been fortunate to be selected as one of those 19 for many years. 20 Q And what, if any, recognition have you 21 had as being a superlawyer in California? 22 A Same answer, except that I believe it's</p> |
| <p style="text-align: right;">6174</p> <p>1 matters? 2 A I have. 3 Q Where are you barred? In other words, 4 what states are you a member of the bar? 5 A Sure. In California; New York; and 6 Washington, D.C. 7 Q And are you also a member or barred in 8 the United States Supreme Court? 9 A I am. 10 Q Can you please tell us where you 11 attended undergraduate and law school? 12 A Sure. Georgetown for both undergrad 13 and law school. 14 Q What, if any, service did you have with 15 the counsel of the United States Senate Judiciary 16 Committee? 17 A Sure. In -- I'm just pausing to get my 18 dates correct here. In approximately March of 19 1999, I began service as counsel to the U.S. 20 Senate Judiciary Committee where I served to about 21 mid 2000. 22 Q And what, if any, service did you have</p> | <p style="text-align: right;">6176</p> <p>1 called Los Angeles Lawyer magazine. I could have 2 that wrong. Again, annually, they put out a list 3 of their superlawyers. 4 Q All right. Are you also a member of 5 the American Association of Trial Lawyers? 6 A I am. 7 Q What is one of the qualifications for 8 becoming a member being invited to be a fellow of 9 the American College of Trial Lawyers? 10 A Sure. So the college reaches out to 11 individual lawyers who distinguish themselves and 12 generally occupy the top 1 percent of law 13 practice, and it's an organization dedicated to 14 development of professionalism within the practice 15 of law. 16 Q I'm going to now turn to Amber Heard, 17 and I'm going to ask you, Mr. George, how long 18 have you known Amber Heard? 19 A I have known Amber Heard, gosh, it's 20 got to be a good five years. 21 Q I'm going to be referring to an op-ed. 22 And I'm going to use the term "op-ed," it's</p> |

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| <p>6177</p> <p>1 obviously an "opinion editorial" that Amber Heard 2 ended up ultimately publishing with the ACLU in 3 The Washington Post December 18, 2018. 4 So as I go through and ask these 5 questions, I'm going to be using just the term 6 "op-ed." 7 Will you be comfortable with me using 8 "op-ed" and understand it to mean that particular 9 publication on December 18th, 2018? 10 A Sure. 11 Q So what, if any, legal representation 12 did you provide to Ms. Heard relating to the 13 op-ed? 14 A She presented to me a draft of the 15 op-ed and asked for my counsel in terms of 16 reviewing it, editing it, and finalizing it for 17 publication. 18 Q When is the first time Amber Heard 19 reached out to you in connection with the op-ed, 20 in reviewing the op-ed? 21 A It was certainly within the time frame 22 of December 6th, 2018.</p> | <p>6179</p> <p>1 and its content when you represented Amber Heard 2 relating to the review of the op-ed? 3 A Yes. 4 Q And what was your objective in 5 representing and advising Amber Heard on the op-ed 6 in connection with this stipulated judgment for 7 the dissolution of marriage? 8 A So my objective was to make sure that 9 there would be no meritorious claim that could be 10 brought against Ms. Heard in connection with the 11 publication of an op-ed, whether that is a tort 12 related to, say, defamation or something akin to 13 it, but also including a contract-based breach 14 claim arising in connection with the judgment. 15 Q And what, if any, indications did you 16 have from Amber Heard during that time frame that 17 Amber did not intend to follow your advice or did 18 not care if she was in a compromising position or 19 might be at legal risk? 20 A So let me answer that this way: 21 Really, two points, number one, there was never 22 anything that she said to me to the effect that</p> |
| <p>6178</p> <p>1 Q In connection with the op-ed, what, if 2 anything, was your objective in representing Amber 3 Heard with respect to the review and revision of 4 the op-ed? 5 A I reviewed it and spent some 6 significant time on it to make sure that there 7 would be no meritorious claims that could be 8 brought against her in connection with a 9 defamation or related type of tort claim. And 10 ideally, with that in mind, to minimize the 11 possibility of her ever being sued in connection 12 with publishing it. 13 Q So, Mr. George, I'm going to ask you to 14 take a look at Exhibit Number 9. 15 A Yes. 16 Q Are you familiar with this document? 17 A I am. 18 Q Please describe what it is? 19 A As its title, it says, "Judgment for 20 Dissolution of the Marriage between Amber Heard 21 and Mr. Depp." 22 Q Were you familiar with this document</p> | <p>6180</p> <p>1 she was willing to run some risk of being sued or 2 that she wouldn't listen to my counsel or anything 3 of that sort. 4 Number two, that she affirmatively did 5 follow, in all instances, my counsel with respect 6 to these particular edits. 7 Q What, if any, legal advice provided by 8 you to Amber Heard respecting The Washington Post 9 op-ed was disregarded by Amber Heard? 10 A None, to my knowledge. 11 Q What, if any, legal advice provided by 12 you to Amber Heard respecting The Washington Post 13 op-ed was followed by Amber Heard? 14 A All of it. 15 Q What, if any, legal advice did you 16 provide to Amber Heard in connection with the 17 drafting and publication of the op-ed that was not 18 made in good faith by you? 19 A I acted in good faith throughout and 20 with the best of my abilities. 21 THE COURT: All right. Your next 22 witness.</p> |

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| <p>1 MS. BREDEHOFT: Yes, Your Honor, we 2 have Jessica Kovacevic. She's Amber's agent, and 3 that's approximately 27 minutes. 4 THE COURT: How do you spell the last 5 name for me? 6 MS. BREDEHOFT: That's a tough one, 7 K-O-V-A-C-E-V-I-C. 8 THE COURT: All right. Thank you. 9 JESSICA KOVACEVIC, 10 being first duly sworn, was examined 11 and testified as follows: 12 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 13 COUNTERCLAIM DEFENDANT 14 BY MR. CHEW: 15 Q Good afternoon, Ms. Kovacevic. And, 16 Ms. Kovacevic, do you know that you are here today 17 in your personal capacity and also as a 18 representative of your agency, WME? 19 A I do. 20 Q Ms. Kovacevic, what do you do for work? 21 A I'm a talent agent. 22 Q Would you please describe in just very</p> | <p>6181</p> | <p>1 Mr. Depp hit Ms. Heard? 2 A No. 3 Q Were you working with Ms. Heard when 4 she was cast in the original Aquaman? 5 A She was cast in – I was. She was cast 6 in Justice League first, and then the deal was to 7 be in Justice League, the first Aquaman, and the 8 second Aquaman. 9 Q Did you assist Ms. Heard in procuring 10 the role of Mera in Aquaman? 11 A Yes. 12 Q Was Aquaman a successful movie? 13 A Extremely. 14 Q Was Ms. Heard's performance in the film 15 well received critically? 16 A Yes. 17 Q Were there any negative views about 18 Ms. Heard's performance in Aquaman? 19 A In the press, you mean? Or what do you 20 mean specifically? 21 Q Well, in the press or otherwise. 22 A No, there weren't any negatives.</p> | <p>6183</p> |
| <p>1 general terms what a talent agent does, generally? 2 A Generally, you procure work for your 3 clients. You make introductions. You read their 4 scripts. You negotiate their deals. 5 Q And I take it Ms. Heard is one of your 6 clients. 7 A Yes. 8 Q Did Ms. Heard have a successful career 9 at the time you began working with her? 10 A Yes. 11 Q And over the period that you've worked 12 for -- with Ms. Heard as her agent, what have your 13 job responsibilities entailed? 14 A Like I mentioned before, introducing 15 her to producers and directors, writers, studio 16 executives, procuring work for her, introducing 17 her – just introducing her to people that can 18 employ her, and then negotiating her deals and 19 then dealing with whatever happens on – while she 20 is working, anything that arises that needs 21 dealing with. 22 Q Did you ever, at any point in time, see</p> | <p>6182</p> | <p>1 Q As her talent agent, did you attempt to 2 renegotiate Ms. Heard's salary for Aquaman 2? 3 A Yes. 4 Q When did you do that? 5 A We did that around this time last year. 6 Q Why did you attempt to renegotiate it 7 at all? 8 A It's standard to renegotiate these 9 types of deals. It's normal practice. When a 10 movie – when Aquaman came out, it was the most 11 successful movie of all time, ever, so even more 12 so for that reason. But for any successful 13 franchise movie, when you make a three- or a 14 four-picture deal like we did, in success, it's 15 typical to go back and renegotiate the deal. 16 Q And now getting to your point, why did 17 you choose to do it last year at this time? 18 A Because that's when her option was 19 exercised. 20 Q And when you did get around to trying 21 to negotiate, were you and WME successful in doing 22 that?</p> | <p>6184</p> |

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| 6185 | <p>1 A Correct.</p> <p>2 Q When did you call Warner Brothers to</p> <p>3 renegotiate the next film?</p> <p>4 A It would have been the end of February</p> <p>5 last year.</p> <p>6 Q What year is that, 2021?</p> <p>7 A Yes.</p> <p>8 Q At some point was there -- were there</p> <p>9 press reports that Ms. Heard was getting released</p> <p>10 from Aquaman 2?</p> <p>11 A There were online rumors for a while</p> <p>12 that she was being replaced.</p> <p>13 Q When did you first hear about those?</p> <p>14 A First, I don't know exactly when, but</p> <p>15 it was way before -- it was way before this. It</p> <p>16 was maybe even a year before this, six months</p> <p>17 before, maybe.</p> <p>18 Q So nobody ever told you that Warner</p> <p>19 Brothers misrepresented the reason that they were</p> <p>20 replacing Ms. Heard, correct?</p> <p>21 A No. Why would they?</p> <p>22 Q Did there come a time when Ms. Heard</p> | 6187 | <p>1 sent the script directly, which is the common</p> <p>2 practice for these films.</p> <p>3 Q You're aware that Ms. Heard has a</p> <p>4 contract with L'Oréal, correct?</p> <p>5 A Yes.</p> <p>6 Q Were you working with Ms. Heard when</p> <p>7 she signed that contract?</p> <p>8 A Yes.</p> <p>9 Q What's a bot?</p> <p>10 A A bot is a fake account that's created</p> <p>11 to execute a certain objective.</p> <p>12 Q What is your educational background</p> <p>13 since high school?</p> <p>14 A College.</p> <p>15 Q What college did you attend?</p> <p>16 A NYU.</p> <p>17 Q What year did you graduate?</p> <p>18 A 2005.</p> <p>19 Q What was your major?</p> <p>20 A Communications.</p> <p>21 Q When WME first began working with</p> <p>22 Ms. Heard as her talent agent, you said she had</p> |
| 6186 | <p>1 was restored to her role in Aquaman 2?</p> <p>2 A Yes.</p> <p>3 Q At that time, what were the terms of</p> <p>4 her restoration to Aquaman 2?</p> <p>5 A The financial terms?</p> <p>6 Q Yes.</p> <p>7 A She was going to be making \$2 million</p> <p>8 on the second film.</p> <p>9 Q Was that consistent with the original</p> <p>10 contract?</p> <p>11 A Yes.</p> <p>12 Q Is this consistent with what Warner</p> <p>13 Brothers originally gave as the rationale for not</p> <p>14 using her in Aquaman 2?</p> <p>15 A The lack of chemistry between her and</p> <p>16 Jason?</p> <p>17 Q Yes.</p> <p>18 A Yes.</p> <p>19 Q So did there come a time when WME came</p> <p>20 to understand that Ms. Heard's role as Mera in</p> <p>21 Aquaman 2 was diminished in some way?</p> <p>22 A When she was sent the script. She was</p> | 6188 | <p>1 had some success. How well known was Ms. Heard?</p> <p>2 A She was pretty famous. She was --</p> <p>3 within the industry you could call anyone and they</p> <p>4 knew who she was. So she had a certain level of</p> <p>5 fame. She had starred in movies and shows already</p> <p>6 by that point.</p> <p>7 Q Going back and taking a wider lens, you</p> <p>8 know, over the time that you've -- the several</p> <p>9 years you've worked for -- with Ms. Heard, how</p> <p>10 would you characterize the arc of her career?</p> <p>11 A I would say she was a known actress</p> <p>12 when I started working with her, like she was the</p> <p>13 one that you could call executives and producers</p> <p>14 about and everyone knew her name. She hadn't yet,</p> <p>15 like, reached big star status, but she was</p> <p>16 definitely, you know, she could get the lead of an</p> <p>17 independent movie. She could get the lead of a TV</p> <p>18 series. When I worked with her, we slowly started</p> <p>19 to, like, strategically, you know, have her work</p> <p>20 on some more prestigious projects and work with,</p> <p>21 you know, better directors.</p> <p>22 And then when she got Justice League,</p> |

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| <p style="text-align: right;">6189</p> <p>1 that was a, you know, turning point for her. And 2 then Aquaman, you know, subsequently was obviously 3 the -- you know, the biggest thing she had ever 4 been a part of. 5 Q And is the arc of her career now on the 6 upswing with her being part of Aquaman 2? 7 A No. 8 Q Tell me what you mean. Why not? 9 A Because, typically, when you have an 10 actor who is in a movie as successful as that, as 11 Aquaman was, their career totally changes, and 12 they're in a different echelon. They, you know, 13 get way more offers. They're just put in a 14 different place, position-wise, with studios. 15 They're more bankable, so she can greenlight 16 projects. 17 All of those kind of things are 18 consistent with when you're in a blockbuster of 19 that size, and with her, that did not happen. You 20 know, it happened, you know, very significantly 21 for her co-star. Obviously, he's the lead of the 22 film and he's the title character, but even a</p> | <p style="text-align: right;">6191</p> <p>1 now. I can look it up. It had a working title at 2 the time -- that they took away from her and, you 3 know, the lead actor who was the producer on it 4 very much wanted it to be her and was very 5 frustrated with the process and no one -- no one 6 could say out loud "We're taking this away from 7 her because, you know, of this bad press," because 8 it's nothing she did and it's all hearsay, and 9 then it's all, you know, whatever. 10 But there's no other reason. 11 Q Now, Ms. Kovacevic you've testified a 12 bit about Adam Waldman, correct? 13 A Correct. 14 Q And can you point us to any career 15 opportunities that Ms. Heard has lost because of 16 any statements made by Mr. Waldman? 17 A I mean, that Amazon movie, for one, is 18 one that is tangible because that is an example of 19 something she had before all of that that was then 20 taken away. I know that a campaign she shot for 21 TOD's via Katie Slater was scrapped and not used. 22 There was not another specific example</p> |
| <p style="text-align: right;">6190</p> <p>1 small percentage of that did not happen for her. 2 So that's my assessment. 3 Q What evidence, sitting here today, do 4 you have that this caused her career any harm? 5 A Because, I mean, the evidence in 6 that -- in my experience and the experience of my 7 colleagues and the experience of this business, 8 you -- your career takes a turn after something 9 like that. She was very well received in the 10 movie at the time. Everyone was very happy with 11 her. At the time there were no issues. And then 12 to have a complete downturn after that and then 13 have that coincide with constant tweets and 14 negativity put out about her, I don't have a 15 physical piece of paper of evidence, but it's the 16 only logical conclusion I can draw. 17 Q Can you name a single role she has lost 18 as a result of any activity by Adam Waldman or 19 anyone at his behest? 20 A There was a movie at Amazon that she 21 had been offered with Gael Garcia Bernal -- I 22 don't know what the final title of it is called</p> | <p style="text-align: right;">6192</p> <p>1 because, like I said to you, no one is going to 2 say to me, "Oh, we can't hire her because of these 3 tweets," or whatever. They just don't want to 4 hire someone that has bad press around them from, 5 you know, these accusations calling them -- no one 6 wants someone being accused of a liar and making 7 something up and, you know, abusing somebody. No 8 one wants that association with their project. 9 Q And directing your attention ten pages 10 into the article, there's another quote from 11 Mr. Waldman. Mr. Waldman states in this article 12 "Quite simply, this was an ambush, a hoax. They 13 set Mr. Depp up by calling the cops, but the first 14 attempt didn't do the trick. The officers came to 15 the penthouses, thoroughly searched and 16 interviewed, and left after seeing no damage to 17 face or property. So Amber and her friends 18 spilled a little wine and roughed the place up, 19 got their story straight under the direction of a 20 lawyer and publicist, and then placed a second 21 call to 911." 22 Did I read that correctly?</p> |

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| <p>6193</p> <p>1 A It just shows the top part of that on 2 this page, but the top part was correct. 3 Q Okay. Did any potential -- was WME 4 aware of Adam's statement, Mr. Waldman's 5 statements, in this particular article? 6 A Yes. 7 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 8 COUNTERCLAIM PLAINTIFF 9 BY MS. BREDEHOFT: 10 Q Now, you talked earlier about there 11 being a tweet from Adam. I assume you're 12 referring to Adam Waldman; is that correct? 13 A Yes. 14 Q And what, if any, impact did it have on 15 Amber's career and career path to have Mr. Depp's 16 lawyers putting out statements in the press and in 17 tweets that Amber Heard was lying, making things 18 up, creating a hoax of abuse? 19 A I think that his comments spurred on -- 20 it just added fuel to the fire. So there was 21 already so much media coverage. 22 Q And that's what you observed?</p> | <p>6195</p> <p>1 Q Okay. And why is that? 2 A Because you make the initial deals, you 3 know, before the movie has done, you know, well. 4 And then when the movie overperforms like that, 5 it's just -- it's a custom. 6 Q In light of the success of Aquaman, 7 would you expect that Amber Heard would be 8 receiving endorsements as of this time? 9 A Yes. 10 Q And what is the typical -- what is the 11 typical process that happens after someone has 12 starred in a very successful movie such as Aquaman 13 and Amber was Mera? 14 A The endorsement department would -- a 15 combination of offers and then seeking out offers 16 that -- seeking out opportunities. 17 Q Now, given Amber's career trajectory 18 leading up to and immediately after the success of 19 Aquaman 1, did you expect her career to go on an 20 upward, downward trajectory, or stay the same? 21 A I expected an upward trajectory. 22 Q And why is that?</p> |
| <p>6194</p> <p>1 A That's what I observed. 2 Q I'm going to take you to Aquaman, and 3 I'll call it Aquaman 1, just to make it easier to 4 understand. What, if any, performance issues were 5 raised with Amber Heard by anyone that was 6 responsible for the filming of Aquaman? 7 A No performance issues raised 8 whatsoever. 9 Q And what was your understanding of how 10 Amber tested with the audiences in Aquaman? 11 A My understanding was that she tested 12 extremely well. 13 Q And this is -- and Aquaman has 14 reflected all the markers of a very successful 15 movie at this point? 16 A Yes. 17 Q You testified earlier that it's quite 18 typical, when you have a series of three to four 19 films in a franchise or a series, to be able to 20 renegotiate as you go into the sequels. 21 Do you recall that testimony? 22 A Yes.</p> | <p>6196</p> <p>1 A Because in success of a film like that, 2 it's usually always the case. 3 Q And immediately after the successes of 4 Aquaman, would you have expected Amber's annual 5 earnings to increase, decrease, or stay the same 6 compared to the previous five years? 7 A I would have expected them to increase. 8 Q And why is that? 9 A Because her profile had been raised 10 internationally. She was in a movie that was 11 successful worldwide. And when you are in a movie 12 that performs that well worldwide, your 13 bankability is stronger, you can finance an 14 independent film more easily. You can greenlight 15 a film more easily. You can just do more and for 16 more money. 17 Q Do you recall what the budget was for 18 Aquaman? 19 A The first one? I don't know. It would 20 have been probably somewhere between 150 and 200 21 million. 22 Q Immediately after the success of</p> |

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| <p>1 Aquaman, would you have expected Ms. Heard to 2 continue to earn at least the fee she made on 3 Aquaman on future big-budget studio films or less 4 or more? 5 A That becomes an actor's quote, their 6 fee. And, yes, typically, like, you will then 7 earn your -- not on a tiny independent film, you 8 couldn't make that much money on that, but another 9 studio film, another film on a streamer or 10 whatever, something like that, you would make that 11 much or potentially get a raise. 12 Q Other than Aquaman 2, has Amber 13 obtained any roles with a budget the size of 14 Aquaman's? 15 A No. 16 Q Has she been hired for any films with 17 budgets for over a hundred million? 18 A No. 19 Q Immediately after the success of 20 Aquaman, would you expect the success of Aquaman 21 and her starring role in that film to increase her 22 ability to get more movie studios to be interested</p> | <p>6197</p> | <p>1 couple of them a year. It just depends. So I 2 wouldn't put a number on it, but definitely more 3 than zero. 4 Q And has Amber starred in more than one 5 project per year since then? 6 A No. 7 Q Immediately after the success of 8 Aquaman, did you expect Amber to earn between \$5- 9 and \$10 million a year for the next five years? 10 A I would expect to renegotiate on 11 Aquaman 2, most certainly, and so right there, 12 that would have been significantly more, and she 13 would have -- yes, I would have expected her to 14 earn more in a combination of TV, film, and more 15 endorsements. 16 Q Was it your understanding that WME 17 passed on to L'Oréal suggestions to assist them in 18 being able to block some of the harassing 19 Instagrams they were getting at that time? 20 A Yes. 21 MS. BREDEHOFT: All right. Let's bring 22 up 30 again, please.</p> | <p>6199</p> |
| <p>1 in her, decrease, or stay the same? 2 A Increase. 3 Q And did it? 4 A No. 5 Q Would you expect her to get more TV 6 roles? 7 A Yes. 8 Q And why? 9 A Why? Because I mentioned earlier in 10 the conversation, you know, TV and films are so 11 more blended now, and there's much less of a 12 delineation between picking projects between film 13 and TV. 14 Q And did Amber receive more TV roles as 15 a result of Aquaman, the success of Aquaman? 16 A No. 17 Q Immediately after the success of 18 Aquaman, would you have expected Amber to star in 19 more than one project per year, less, or the same? 20 A It depends if it was a big -- you know, 21 Aquaman takes up six months of the year. Big 22 movies take up longer time. Indies, you can do a</p> | <p>6198</p> | <p>1 Q Now, did, in fact, L'Oréal suspend 2 having Amber Heard on the International Women's 3 Day campaign? 4 A Yes. 5 Q Tell us what the conditions were for 6 the renewal. 7 A Just essentially that they were 8 renewing her. It was the same fee. That was the 9 bulk of it. It wasn't, you know, like a raise, 10 but they were extending her. 11 Q Okay. And typically, coming out of the 12 success of Aquaman, would you have anticipated 13 that Amber could have negotiated larger fees for 14 commercial projects? 15 A Yes, we would. 16 Q Okay. And why would that be? 17 A Because her profile had been raised. 18 She was, you know -- she had done something super 19 successful, so, typically, that's what you do. 20 That would just be the standard practice. 21 Q When did you first learn about the 22 change.org petition that was out there to try to</p> | <p>6200</p> |

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| <p>1 get Amber Heard dropped from Aquaman 2? 2 A I don't know when I first saw it. 3 Q Were you aware of it as of May 27, 4 2020? 5 A Yes. 6 Q You earlier talked about bots in 7 response to one of Mr. Chew's questions. What, if 8 anything, was your understanding of these bots at 9 this time -- during this time frame? 10 A My understanding is just based off my 11 own -- mainly based off my own research just 12 clicking on the accounts myself and then 13 discussing it amongst the team. 14 Q And what did you learn when you did 15 that? 16 A Just as I would go through, you know, 17 daily, just looking at comments or, you know, just 18 the negative comments, clicking on them. Many of 19 them were just kind of accounts made for this kind 20 of commentary or just accounts that just had, you 21 know, no followers, no post, nothing, or followed 22 just Amber and Johnny, things like that.</p> | <p>6201</p> <p>1 used, in your mind, to ascertain the asking price 2 for an actor in a similar film? 3 A Yes. 4 Q Would you consider Ana de Armas' career 5 to be comparable to Amber's initially -- where 6 Amber would have been after Aquaman 1? 7 A Yes, I would say that would be a 8 comparable -- that would be a good comp. 9 THE COURT: All right. Yes, ma'am. Is 10 that what you have for today? 11 MS. BREDEHOFT: That's it. 12 THE COURT: Okay. All right. Ladies 13 and gentlemen, we've come to the end of our day 14 and the end of our week. So I want to make sure 15 you have a good three days and come back for our 16 last week of testimony and enjoy your weekend. 17 I just want to remind you again of what 18 we need to remember as we go through the weekend, 19 okay? So you're not to read anything about this 20 case. You're not to watch anything about this 21 case. You're not to listen to anything about the 22 case. This applies to television, newspapers,</p> |
| <p>6202</p> <p>1 Q And I'm sorry. And so what did you 2 learn from clicking onto those that led you to 3 believe they were bots? 4 A That they weren't consistent with what 5 I know to be actual Instagram accounts. 6 Q When you look to set a career 7 trajectory for an actor who just broke out in a 8 major franchise film, would you look to other 9 comparable actors' careers to ascertain what type 10 of acting jobs they could get? 11 A I mean, I've been doing this job for, 12 you know, quite some time, so I don't necessarily 13 look to one or the other. But, in general, when 14 someone is in, you know, what was at the time the 15 most successful film ever released, the natural 16 progression is growth and more films, more, you 17 know, more work, more money, all of that stuff. 18 Q And when you say "the most successful 19 film ever," you're referring to Aquaman 1, 20 correct? 21 A Correct. 22 Q Okay. Are comparable actors' salaries</p> | <p>6203</p> <p>1 magazines, the Internet, and any online sites. 2 Further, you're not to read, watch, or listen to 3 anything about this case on any social media, 4 networking site, or streaming service. 5 In addition, you must not communicate 6 with anyone about the case, whether in person, 7 over the phone, by email, text, or instant 8 messaging or by any other electronic or 9 nonelectronic means. This includes your fellow 10 jurors, friends, family, co-workers, 11 acquaintances, and strangers. 12 I also instruct you that you cannot do 13 any research or make inquiries about this case, 14 whether online or by any other means. For 15 example, you cannot look information up on the 16 Internet as related to the case or related to 17 persons involved in the case, nor may you consult 18 dictionaries or other reference materials. What 19 you learn about this case is limited to what you 20 learn in the four walls of this courtroom when 21 proceedings are underway, all right? 22 So enjoy your weekend. We'll see you</p> |

Transcript of Jury Trial - Day 20
Conducted on May 19, 2022

85 (6205 to
6208)

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| 6205 | <p>1 bright and early at 9:00, ready to go on Monday 2 morning, okay? Thank you. 3 (Whereupon, the jury exited the 4 courtroom and the following proceedings took 5 place.) 6 THE COURT: All right. Also, in this 7 matter, Ms. Heard and Mr. Depp, please do not do 8 any posts on social media over the weekend and no 9 public statements, please, all right? 10 And we will see you on Monday morning. 11 As for the attorneys, 8:00 a.m. 12 tomorrow. I thank you for all the jury 13 instructions, objections. Going through those 14 now. I appreciate that. I am missing some 15 exhibits from depositions that we need to get, so 16 if you get with Jamie so we can get them all taken 17 care of for the week. 18 Another thing that I'm doing, just to 19 give you information, I'm getting IT together to 20 do a laptop for the jurors for deliberations. The 21 laptop is going to be scrubbed, and it's just 22 going to have the audio and the video files on</p> | 6207 | <p>1 we're done for tonight? 2 MR. CHEW: No. Thank you very much, 3 Your Honor. 4 THE COURT: All right. We'll see you 5 tomorrow morning, 8:00 a.m. 6 MR. CHEW: Thank you, Your Honor. 7 MS. BREDEHOFT: Thank you. 8 THE BAILIFF: All rise. 9 (Whereupon, the trial was recessed at 10 5:00 p.m. to reconvene at 9:00 a.m., Monday, May 11 23, 2022.) 12 13 14 15 16 17 18 19 20 21 22</p> |
| 6206 | <p>1 them, okay? So they're going to get me a mockup 2 by Tuesday. It's just going -- it's not going to 3 have any Wi-Fi or Internet. There are no 4 passwords. So it's just going to have that on it. 5 So once I get it and I approve it, I'm 6 going to have both parties take a look at it and 7 make sure everything is on there that's supposed 8 to be on there. And that's going to go to the 9 jury when the physical evidence goes to the jury, 10 okay? Just seemed like that was a better way to 11 do it for the audio and video files, okay? 12 As far as times go, I can give you your 13 updated times as of this minute. 14 For plaintiff, plaintiff has used 42 15 hours and 45 minutes. 16 Defendant has used 53 hours and 1 17 minute. 18 So the time remaining for the 19 plaintiffs is 18 hours and 30 minutes. 20 And the time for the defendants is 8 21 hours and 14 minutes, okay? 22 So anybody have any other issues before</p> | 6208 | <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 20th day 14 of May, 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> |

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