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# Transcript of Jury Trial - Day 21

Date: May 23, 2022  
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Jury Trial - Day 21  
Conducted on May 23, 2022

1 (6209 to 6212)

6209	6211
<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 Monday, May 23, 2022 16 9:01 a.m. EDT 17 TRIAL DAY 21 18 19 20 Job No.: 443905 21 Pages: 6209 - 6647 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>
6210	6212
<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 LECAROS, 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>

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A P P E A R A N C E S   C O N T I N U E D  
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P R O C E E D I N G S  
THE BAILIFF: All rise.  
Please be seated and come to order.  
THE COURT: Good morning. Do we have  
any preliminary matters?  
MR. ROTTENBORN: We have some exhibits  
to hand out.  
THE COURT: That would be fantastic.  
That will make Jamie's day.  
All right. Anything else?  
MR. ROTTENBORN: Thank you, Your Honor.  
THE COURT: All right. We ready for  
the jury then?  
MR. CHEW: Yes, Your Honor.  
THE COURT: Okay.  
(Whereupon, the jury entered the  
courtroom and the following proceedings took  
place.)  
THE COURT: All right. Good morning,  
ladies and gentlemen. Have a seat.  
All right. Your next witness.  
MR. ROTTENBORN: Your Honor, Amber

C O N T E N T S

EXAMINATION OF RICHARD SULTER MOORE, JR., MD, FAOA	
By Mr. Rottenborn	6216
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EXAMINATION OF DAVID R. SPIEGEL, MD	PAGE
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calls Dr. Richard Moore.  
THE COURT: All right. Dr. Moore.  
RICHARD SULTER MOORE, JR., MD, FAOA,  
A witness called on behalf of the  
defendant and counterclaim plaintiff, having been  
first duly sworn by the Clerk, testified as  
follows:  
THE COURT: All right. Yes, sir.  
EXAMINATION BY COUNSEL FOR THE DEFENDANT AND  
COUNTERCLAIM PLAINTIFF  
BY MR. ROTTENBORN:  
Q Good morning, Dr. Moore.  
A Good morning.  
Q Can you please tell the jury your full  
name?  
A Yes, Richard Sulter Moore, Jr.  
Q Where do you work?  
A EmergeOrtho in Wilmington,  
North Carolina.  
Q And what is your position there?  
A I'm a shareholder physician, orthopedic  
surgeon, practicing hand/upper extremity

<p>1 <b>microvascular surgery.</b> 2 Q For how many years have you been an 3 orthopedic surgeon? 4 A <b>So I completed my fellowship in 1997,</b> 5 <b>so for 25 years.</b> 6 Q And I believe that you mentioned this, 7 but tell the jury what area of orthopedic surgery 8 in which you specialize? 9 A <b>So I'm a orthopedic surgeon. I</b> 10 <b>finished medical school, went to a five-year</b> 11 <b>orthopedic surgery residency. At the completion</b> 12 <b>of my residency, I wanted to specialize in hand</b> 13 <b>surgery, so I did an additional year of training,</b> 14 <b>specifically in hand and upper extremity surgery</b> 15 <b>before starting practice in my first year as an</b> 16 <b>attending.</b> 17 Q Where are you currently licensed? 18 A <b>North Carolina.</b> 19 Q For how long have you been licensed? 20 A <b>Since 1991 or '6, I think it was 1996</b> 21 <b>when I was licensed in North Carolina.</b> 22 Q Okay. Beginning with your</p>	<p>6217</p>	<p>1 Q And you maintained an active clinical 2 practice since the year 2000? 3 A <b>Yes.</b> 4 Q And before that, when you were at Duke, 5 correct? 6 A <b>Yes.</b> 7 Q Just very briefly can you tell the jury 8 what is a residency? 9 A <b>A residency is largely an</b> 10 <b>apprenticeship. So when you finish medical</b> 11 <b>school, you have an MD medical degree but you</b> 12 <b>really can't practice medicine. And you take a</b> 13 <b>tract of internal medicine or pediatrics or</b> 14 <b>OB-GYN, or orthopedics, and then it's a graduated</b> 15 <b>training program, anywhere from three to five or</b> 16 <b>six years.</b> 17 Q And what's a fellowship? 18 A <b>And a fellowship is a year beyond</b> 19 <b>training. When I completed my residency, had I</b> 20 <b>chose to, I could have practiced as a general</b> 21 <b>orthopedic surgeon. But I wanted to</b> 22 <b>subspecialize, and, therefore, that required an</b></p>	<p>6219</p>
<p>1 undergraduate studies, Dr. Moore, could you please 2 tell the jury a bit about your educational 3 background? I know you mentioned a little bit of 4 it just now. 5 A <b>So I attended University of</b> 6 <b>North Carolina Chapel Hill, graduated in 1987 with</b> 7 <b>a BS in biology. I went on to medical school at</b> 8 <b>UNC, and I graduated in 1991. I then went to the</b> 9 <b>hospital of the University of Pennsylvania in</b> 10 <b>Philadelphia, did a five-year orthopedic surgery</b> 11 <b>residency there. Then 1996, I went to Duke</b> 12 <b>University Medical Center and did a fellowship in</b> 13 <b>hand/upper extremity micro vascular surgery.</b> 14 <b>On completion of my fellowship, I was</b> 15 <b>invited to join the faculty, and my role was hand</b> 16 <b>and trauma, and so I went to Los Angeles for about</b> 17 <b>six months for a preceptorship in pelvic trauma</b> 18 <b>and then went back to Duke and practiced as a</b> 19 <b>director of the orthopedic trauma service and a</b> 20 <b>member of the hand/upper extremity and</b> 21 <b>microvascular reconstruction team until 2000 when</b> 22 <b>I relocated in North Carolina, to Wilmington.</b></p>	<p>6218</p>	<p>1 <b>additional year of training.</b> 2 Q And I believe you mentioned this, but 3 your subspecialization was in the hand; is that 4 right? 5 A <b>That's correct.</b> 6 Q Why did you choose to specialize in the 7 hand? 8 A <b>Patient population, the types of</b> 9 <b>problems we treat, and the anatomy is really the</b> 10 <b>biggest reason I chose it. I mean, for lack of a</b> 11 <b>better term, it's really pretty, beautiful</b> 12 <b>anatomy.</b> 13 Q And let's talk that that anatomy; 14 there's bones in the hand, right? 15 A <b>Correct.</b> 16 Q And then there's tissue and blood 17 vessels, right? 18 MS. VASQUEZ: Objection. Leading. 19 THE COURT: Overruled. 20 Q I'm sorry. You can go ahead and answer 21 that. 22 A <b>Yes, that's correct.</b></p>	<p>6220</p>

<p>6221</p> <p>1 Q And what is the surgery called where 2 you operate on tissues and blood vessels in the 3 hand? 4 A Well, that would be hand surgery. I 5 mean, there are different components of it. 6 There's trauma where we do repairs of tendons or 7 blood vessels. There's a microvascular element 8 where we repair injured nerves. In my practice at 9 Duke, I was on the replant team, and so we would 10 do replantations when digits were cut off. We 11 would try to reattach to bones and tendons and 12 nerves and vessels to reattach the digits and 13 hopefully help them survive. 14 Q And have you performed surgeries of 15 that nature? 16 A Yes. 17 Q When you perform surgeries of that 18 nature, what assessment do you make of the cause 19 of those injuries? 20 A So cause is a big element. So it's an 21 important element to appreciate because it can 22 impact management in a lot of those settings. You</p>	<p>6223</p> <p>1 any universities other than Duke? 2 A I have a adjunct -- assistant professor 3 appointment at the University of North Carolina 4 Chapel Hill, which has facilitated training 5 programs in the center where I practice now. 6 Q Have you held any leadership positions 7 in your field? 8 A I've been an officer and the past 9 president of North Carolina Society for Surgery of 10 the Hand, the Duke Hand Club -- or society now. 11 I'm in the -- a member of the American Society for 12 Surgery of the Hand; of the Orthopaedic Trauma 13 Association; of the American Academy of 14 Orthopaedic Surgery; and of the American 15 Orthopaedic Association, the AOA. 16 Q Are the majority of your surgeries hand 17 surgeries? 18 A Yes. 19 Q How many hand surgeries, ballpark, 20 would you say you've performed in your career? 21 A Over 25 years, thousands. 22 Q Have you seen finger injuries similar</p>
<p>6222</p> <p>1 know, there's a difference between a laceration 2 caused by razor blade and a laceration caused by, 3 say, a serrated knife. There's a larger zone of 4 injury. So what we anticipate having to manage is 5 based on how the injury was created. 6 There's also other elements, 7 contamination. You know, farmyard injuries are 8 totally different than clean injuries, and kitchen 9 with raw chicken are totally different than some 10 other settings. And so it does play a large role 11 in management. 12 Q After your fellowship at Duke 13 University, I believe you mentioned you had 14 another role at Duke for a few years; is that 15 right? Can you tell the jury about that? 16 A So I did my fellowship. Then I joined 17 the faculty as an assistant professor. And so I 18 was in charge of teaching residents and fellows. 19 I was the director of the orthopedic trauma 20 service, and I was on the hand call team in 21 addition. 22 Q Have you had academic appointments at</p>	<p>6224</p> <p>1 to the one sustained by Mr. Depp in Australia? 2 A Yes. 3 Q And have you evaluated injuries like 4 that? 5 A Yes. 6 Q Have you treated injuries like that? 7 A Yes. 8 Q Have you operated on fingers that look 9 like that? 10 A Yes. 11 Q How many times, ballpark? 12 A Hundreds, if not -- if not more. 13 Q What does it mean to be board certified 14 in your field? 15 A So board certification is a process 16 that you pursue after you complete training, so at 17 the time -- there have been some changes, but at 18 the time that I finished my training, after 19 residency we took a written examination. And if 20 you passed the written examination, you had to 21 practice for two years. At the end of that two 22 years, you submitted a list of cases over six</p>

<p style="text-align: right;">6225</p> <p>1 months to the board, and they picked 12 cases and 2 then you gathered up ten and went to Chicago and 3 had an oral examination based on those cases. And 4 if you passed the oral examination, then you were 5 board certified. 6 Q And your board certification is in 7 what? 8 A Orthopedic surgery. 9 Q What is a Certificate of Added 10 Qualification? 11 A So in the event that you elect to do a 12 fellowship and subspecialize, hand surgery is one 13 of the specialties that you can apply for a 14 Certificate of Added Qualification. And so once I 15 was board certified, I practiced for an additional 16 year or two, had to resubmit a list of cases and 17 take a written examination to become certified in 18 hand surgery. 19 Q Do you teach other surgeons how to do 20 hand surgery? 21 A Occasionally. On occasion, yes. 22 Q When was the last time you did so?</p>	<p style="text-align: right;">6227</p> <p>1 this case. At our request, what have you 2 reviewed, just general categories of information, 3 have you reviewed in this case? 4 A So a tremendous amount of material. I 5 reviewed the video deposition and trial testimony 6 of Mr. Depp regarding the injury, the medical 7 records from Australia, the photographs of the 8 injury from Australia and Los Angeles, texts and 9 emails, the deposition of Dr. Kipper, and I'm sure 10 there's more. 11 Q And when you reviewed the deposition of 12 Mr. Depp, was that just in paper form? 13 A It was a video deposition. 14 Q And so what did you review of that 15 deposition? 16 A The section where he describes the 17 injury. 18 Q And did you see a video of him 19 describing it? 20 A I did. 21 Q And you watched the testimony from this 22 trial of him describing it?</p>
<p style="text-align: right;">6226</p> <p>1 A Day before yesterday. 2 Q Tell the jury about that. 3 A I was -- over the weekend, I went to 4 Miami to serve as faculty for a course, bioskills 5 course we call it, on shoulder and wrist surgery. 6 And surgeons come in, and we have case 7 presentations and panels. And then they had a 8 cadaver lab, and we were able to allow them to 9 perform the surgery on cadavers to become familiar 10 with the equipment. 11 Q Have you published in your field? 12 A I have. 13 Q In peer-reviewed literature? 14 A Yes. 15 MR. ROTTENBORN: Your Honor, at this 16 time we'd like to offer Dr. Moore as an expert in 17 the field of orthopedic surgery and specifically 18 hand surgery and injuries to the hand. 19 THE COURT: Any objection? 20 MS. VASQUEZ: No objection, Your Honor. 21 THE COURT: So moved. Yes, sir. 22 Q Dr. Moore, now we get to talk about</p>	<p style="text-align: right;">6228</p> <p>1 A Yes. 2 Q And you mentioned that you reviewed 3 some texts as well. 4 What are those? 5 A They were communications amongst 6 Mr. Depp and his physician and others. 7 Q And what did you specifically review in 8 those texts relating to the finger injury? 9 A Well, with relation to the finger, 10 there was a text where he had stated he cut his 11 finger off. 12 Q Now, Dr. Moore, I'm going to ask you 13 some questions about this case regarding the 14 opinions that you formed relating to Mr. Depp's 15 finger injury. 16 When I ask you those questions, do you 17 agree to answer my questions to a reasonable 18 degree of medical probability? 19 A Yes. 20 Q And do you agree to advise the jury and 21 the Court if you are not answering any of them to 22 a reasonable degree of medical probability?</p>

<p style="text-align: right;">6229</p> <p>1     <b>A Yes.</b> 2     Q Dr. Moore, based on your analysis, did 3 Mr. Depp's finger injury happen as a result of a 4 vodka bottle being thrown at him? 5     <b>A No.</b> 6     MS. VASQUEZ: Objection. Leading. 7     THE COURT: Overruled. 8     Q I'm sorry? 9     <b>A No.</b> 10    Q And what is the basis for that opinion? 11    <b>A Well, the medical data is inconclusive.</b> 12 <b>It's not consistent with what we see in the</b> 13 <b>described injury pattern or in the clinical</b> 14 <b>photographs. And there are several elements.</b> 15 <b>There's, you know, the description was of a hand</b> 16 <b>being flat on the bar and the bottle crushing the</b> 17 <b>finger from the top. But looking at the images,</b> 18 <b>there's really no significant injury to the dorsum</b> 19 <b>of the finger, and to create the type of injury</b> 20 <b>with that type of a crush injury, we would</b> 21 <b>anticipate both injury to the fingernail and other</b> 22 <b>parts of the finger.</b></p>	<p style="text-align: right;">6231</p> <p>1     Q So you referred to the back of the hand 2 as the dorsal side of the hand; is that right? 3     <b>A That's correct.</b> 4     Q Sort of like the dorsal fin on a shark? 5     <b>A Correct.</b> 6     Q Fair? And what is the other side of 7 the hand called? 8     <b>A The palmar surface.</b> 9     Q Palmar? Okay. So what direction was 10 Mr. Depp's hand resting on the bar? 11    <b>A So the dorsal side was up, which with</b> 12 <b>the described mechanism of injury, or the injury</b> 13 <b>of the bottle would have struck the top of the</b> 14 <b>finger at the fingernail.</b> 15    Q And you also mentioned the term that I 16 would like you to explain to the jury, "crush 17 injury," please? 18    <b>A So with review of the images and the</b> 19 <b>X-rays, I mean, this was a crush injury. That's</b> 20 <b>the -- that would generate the findings clinically</b> 21 <b>on X-ray that we saw. The fracture is a, we call</b> 22 <b>it comminuted, and the tip of the finger is in</b></p>
<p style="text-align: right;">6230</p> <p>1     Q Can I stop you there -- 2     <b>A Sure.</b> 3     Q -- and just break down a few things? 4     You said the hand resting flat on the 5 bar. 6     Can you show the jury what direction 7 the hand was resting based on the documents you've 8 reviewed? 9     <b>A I think the demonstration was with the</b> 10 <b>hand flat, like this (indicating), across maybe</b> 11 <b>even closer to the edge of the bar like this</b> 12 <b>(indicating).</b> 13    Q Which side was facing upward? Which 14 side of the hand? 15    <b>A The back of the hand, or what we call</b> 16 <b>the dorsal surface of the hand, was up.</b> 17    THE COURT: Doctor, if you could, get 18 closer to the microphone, I'd just appreciate 19 that. 20    THE WITNESS: Sorry. 21    MR. ROTTENBORN: Thank you, Your Honor. 22    THE COURT: Uh-huh.</p>	<p style="text-align: right;">6232</p> <p>1 <b>multiple splinters. So there are multiple</b> 2 <b>fragments, and typically you see that with a</b> 3 <b>crush-type injury.</b> 4     Q So a comminuted fracture is one where 5 there's multiple fragments of bone? 6     <b>A That's correct.</b> 7     Q And what was the basis -- other than 8 what you've read and heard from the pictures, what 9 was the basis of your opinion that the hand was 10 resting palmar side down on the bar? 11    <b>A Well, that was the way the injury was</b> 12 <b>described and demonstrated in the videos. And so</b> 13 <b>in that position, were the bottle to strike the</b> 14 <b>finger the way it was described, it would have</b> 15 <b>struck on the nail, and the nail was really not</b> 16 <b>injured. And so that's not consistent with that</b> 17 <b>pattern of injury.</b> 18    MR. ROTTENBORN: Michelle, could I get 19 you to pull up Exhibit DX369, page 26. 20    Your Honor, this is admitted. Ask for 21 permission to publish. 22    THE COURT: All right. Yes, sir.</p>

<p style="text-align: right;">6233</p> <p>1 MR. ROTTENBORN: Thank you, Your Honor. 2 Q Dr. Moore, is this one of the images 3 that you reviewed? 4 A Yes. 5 Q Tell us -- in relation to your expert 6 opinion on the cause of Mr. Depp's injury, tell us 7 what you see in this picture, please? 8 A So this is a, looks like an 9 evulsion-type injury where tissue's actually 10 pulled or pinched away. I think what's important 11 in this picture is that the tissue loss is on the 12 palmar aspect, from underneath the finger rather 13 than all transversely in the finger, which you 14 would anticipate if the bottle struck the finger. 15 You would expect more of this level of injury, 16 rather than isolated to the palmar aspect. 17 Q And what do you notice about the 18 condition of the fingernail in this picture? 19 A So from this image, the fingernail 20 appears to be intact. You can't necessarily see 21 the entire nail, but there are other images that 22 have a better profile of that, and the nail's not</p>	<p style="text-align: right;">6235</p> <p>1 A Yes. 2 Q And explain to the jury again, and I'm 3 sorry for the graphic nature of this photo, but 4 it's important that the jury understands the basis 5 for your opinion that a bottle couldn't have 6 caused this coming in from above. 7 A Yeah. So it's -- again, the mechanism 8 described would have almost certainly led to 9 severe nail injury. You know, I see no subungual 10 hematoma. Again, it's a palmar tissue loss, and 11 the loss is from distal to proximal, which is from 12 the tip, back far below the nail. And so for it 13 to create that tissue loss down there, there would 14 almost certainly have to be injury dorsally with 15 that described mechanism. 16 Q So what you're saying is that something 17 coming from the top could not have left a nail 18 intact and yet caused injury from tip of the 19 finger underneath the nail? 20 MS. VASQUEZ: Objection. Leading. 21 THE COURT: Overruled. 22 Q You can answer.</p>
<p style="text-align: right;">6234</p> <p>1 elevated. It's not -- there's no subungual 2 hematoma underneath it, or there's no bruise 3 underneath it. Anyone that's ever stuck their 4 finger in a drawer or caught it in car door or hit 5 it with a hammer knows that almost immediately, 6 there's typically bleeding underneath the nail 7 which creates this hematoma. 8 Q So not being a doctor, I'm going to try 9 to summarize what you just said. Are you saying 10 that in an injury like this, if something had come 11 from the top, that there would be an immediate 12 impact to the fingernail bed? 13 A That's correct. 14 MR. ROTTENBORN: Michelle, could you 15 please pull up Plaintiff's Exhibit 144. 16 Your Honor, this has been admitted as 17 well. 18 THE COURT: All right. Thank you. 19 Q Dr. Moore, I believe you mentioned just 20 a few minutes ago that there were other pictures 21 that showed more of the nail. Is this one of 22 those pictures?</p>	<p style="text-align: right;">6236</p> <p>1 A So I believe that with the mechanism 2 described, that if the bottle struck the nail, 3 there would have certainly been an injury to the 4 nail bed, and in order for the soft tissue injury 5 to be created by that mechanism, there would have 6 almost certainly been tissue loss on the top of 7 the finger as well. 8 Q Does Mr. Depp's description of what 9 happened line up with the undisputed photographic 10 evidence that you reviewed? 11 A No. 12 Q Now, we mentioned the term "crush 13 injury" a few minutes ago. I'd like to show you 14 DX360, please. 15 MR. ROTTENBORN: And, Your Honor, this 16 is -- we won't publish this at this time. 17 Q Is this a document that you reviewed in 18 connection with your expert opinion in this case? 19 A Yes. 20 MR. ROTTENBORN: And, Michelle, if you 21 could, please go to pages -- I believe they're 5 22 and 6.</p>

<p>6237</p> <p>1 Your Honor, I ask for permission to 2 publish these as a demonstrative to the jury. 3 THE COURT: Just page 5 and 6? 4 MR. ROTTENBORN: Sorry. 09 and 10. 5 THE COURT: Page 09 and 10. 6 MR. ROTTENBORN: To the jury. 7 THE COURT: Could you go to 10 also so 8 Jamie can see it? 9 Okay. Any objection? 10 MS. VASQUEZ: No, Your Honor. 11 THE COURT: Okay. 09 and 10 can be 12 published. 13 Q Dr. Moore, are these -- what are these 14 pictures of? 15 A So these are X-rays of the injured 16 digit. 17 Q And what do you observe in these 18 X-rays? Explain to the jury what you see. 19 A So these are two views. So one in the 20 plane looking through the finger in this 21 direction, one in the plane looking through the 22 finger sideways, and you can see that the tuft, or</p>	<p>6239</p> <p>1 a drawer, caught between two logs in the 2 fireplace, car door, sliding glass door. Those 3 are all -- any mechanism that squeezes the finger 4 between two hard, opposing surfaces could create 5 this type of injury. 6 Q In the statements of Mr. Depp that you 7 reviewed, how did he describe what happened to the 8 alleged bottle when it hit the bar? 9 A I believe he said it exploded, 10 shattered. 11 Q If a bottle had exploded near his 12 finger in the way that he alleges, what would you 13 expect to see in the documents that you have 14 reviewed? 15 A Well, I think that the physicians did a 16 good job of documenting the presentation of the 17 appearance of the wound. They did not document 18 the presence of any glass shards, and there were 19 no other associated injuries elsewhere on the 20 hand. 21 Q And I just want to step back for one 22 minute.</p>
<p>6238</p> <p>1 the tip of the finger, of the last bone in the 2 finger called the distal phalanx, is shattered. 3 You can see there's multiple little spicules of 4 bone, and there's also a transverse fracture at 5 that level which runs through the bone. So this 6 is -- this is what we would describe as a 7 comminuted fracture, and it's commonly associated 8 with a crush injury. 9 Q In your decades of practice, Dr. Moore, 10 have you ever seen a comminuted fracture like this 11 result from an object thrown in the way that 12 Mr. Depp described? 13 A Well, not in -- not with the 14 constellation of findings shown on the X-rays. I 15 mean, I think that could create a fracture, but in 16 this setting, it wouldn't create a fracture 17 without the associated other injuries that we 18 would anticipate. 19 Q And in your decades of practice, when 20 you see a comminuted fracture like this, what are 21 some things that have typically caused it? 22 A So crush mechanisms could be slammed in</p>	<p>6240</p> <p>1 MR. ROTTENBORN: Michelle, can you pull 2 up the next page of the X-ray here. Thank you. 3 Q And, Dr. Moore, just before we move on 4 from X-rays, can you -- I know this, when it's 5 blown up like this, it's a little bit blurry, but 6 can you point out or describe to the jury where 7 the multiple bone fragments are in the finger? 8 A So they're in the very tip of the -- if 9 you see the joint and then there's the what we 10 call the transverse fracture, which is across the 11 middle of the bone in the same plane as the joint, 12 and then the multiple fragments are in the tuft. 13 And the -- with a Xerox copy, the quality's not as 14 detailed as a true X-ray. 15 MR. ROTTENBORN: You can take that 16 down, Michelle. Thank you. 17 Q So back to the glass. In the records 18 that you reviewed, Dr. Moore, did you see any 19 adjacent injuries, in other words, injuries to any 20 other part of Mr. Depp's hand other than the tip 21 of his middle finger? 22 A No.</p>

<p>6241</p> <p>1 Q And is that observation consistent with 2 the explosion-of-glass-type phenomenon that 3 Mr. Depp alleges? 4 A Well, I think, in the setting of a 5 glass explosion like that where there's multiple 6 fragments that the tip of the finger's cut off, 7 you would anticipate that there would be other 8 lacerations. 9 Q Did you review the documentation in the 10 medical records from the hospital in Australia? 11 A Yes. 12 Q Did any of those providers report 13 retrieving glass from the wound? 14 A No. 15 Q What about any glass near the site of 16 the injury? 17 A No. 18 Q What about any glass in other parts of 19 the hand? 20 A No. 21 Q What about any glass in any of the 22 other fingers?</p>	<p>6243</p> <p>1 a sharp glass laceration. 2 Q You referred earlier to an avulsion, 3 which is a term I never heard before your opinion 4 in this case. Explain to the jury what that is, 5 please. 6 A So often with crush injuries and we'll 7 see tissue loss that we call an avulsion, where 8 the tissue's actually pinched or pulled away 9 rather than sliced or cut. And it's not uncommon 10 with crush injuries to see that. 11 Q In your decades of practice, Dr. Moore, 12 have you ever seen an avulsion injury with a 13 partial amputation that results from an object 14 thrown from the top of the finger in the way that 15 Mr. Depp describes? 16 A No. Again, I think that the 17 description differs from the clinical appearance 18 on the images. 19 MR. ROTTENBORN: Michelle, can you 20 please pull up Exhibit 369 at page 12. 21 This has been admitted, Your Honor. 22 THE COURT: All right. You can publish</p>
<p>6242</p> <p>1 A No. 2 Q Is there any reference at all, 3 Dr. Moore, that you've seen to any glass in the 4 records that you've reviewed? 5 A No. 6 Q Dr. Moore, in your decades of practice, 7 have you ever seen an injury associated with a 8 glass explosion that was focused on the end of a 9 single finger in the way Mr. Depp describes? 10 A Well, not consistent with the clinical 11 images and the findings in this case, no. 12 Q Have you ever seen an injury associated 13 with an alleged glass explosion where no other 14 glass was found on any part of the patient's body 15 or clothing or anything? 16 A No. 17 Q And because there's been talk of a 18 glass explosion, Dr. Moore, there seems to have 19 been a suggestion that somehow glass maybe sliced 20 off the end of Mr. Depp's finger. Is that what's 21 going on here? 22 A This wound doesn't really appear to be</p>	<p>6244</p> <p>1 ,to the jury. 2 Q Dr. Moore, you've said you've treated 3 thousands of hand injuries over the course of your 4 career, correct? 5 A Correct. 6 Q What is that on Mr. Depp's hand? 7 A So we described that as a -- 8 MS. VASQUEZ: Objection. Calls for 9 speculation. 10 THE COURT: The picture just changed. 11 MR. ROTTENBORN: Sorry. Page 12, 12 please. 13 THE COURT: Okay. Thank you. 14 MR. ROTTENBORN: Thank you. 15 Q What is that on Mr. Depp's hand? 16 A That's a plaster -- 17 THE COURT: Overrule the objection. 18 MR. ROTTENBORN: Thank you. 19 Q I'm sorry. Please tell the jury what 20 that is on Mr. Depp's hand. 21 A That's a plaster splint, a "half a 22 cast" is how it's sometimes described to patients,</p>

6245	<p>1 and it provides stability for comfort and to 2 protect fractures in the course of treatment. 3 Q Is that plaster splint hard or soft? 4 A Well, it's plaster of Paris. It 5 hardens like a cast does. 6 Q Dr. Moore, does Mr. Depp's description 7 of how his finger became injured line up with the 8 facts that you've seen? 9 A No. 10 MR. ROTTENBORN: I have no further 11 questions. 12 THE COURT: All right. Cross. 13 MR. ROTTENBORN: Thank you, Dr. Moore. 14 THE COURT: Cross-examination. 15 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 16 COUNTERCLAIM DEFENDANT 17 BY MS. VASQUEZ: 18 Q Good morning, Dr. Moore. 19 A Good morning. 20 Q You said you reviewed Mr. Depp's video 21 deposition; is that correct? 22 A That's correct.</p>	6247	<p>1 Q That's not my question, Dr. Moore. My 2 question is "Isn't it true that Mr. Depp said his 3 fingers were not laying flat on a table; they were 4 hanging over the bar?" 5 A Yes. 6 Q Okay. And, in fact, you knew that when 7 you made that opinion; isn't that correct? 8 A Well, I believe that I – as I 9 demonstrated sitting here, that I said that he had 10 said they were slightly curled over I think was 11 the description that I gave. 12 Q Your description in this courtroom was 13 that it was laying flat, and I think you've done 14 that now twice. But in a deposition, you 15 testified that his fingers were actually hanging 16 over the bar; isn't that correct? 17 MR. ROTTENBORN: Objection, Your Honor. 18 Misstates the witness' testimony. He clearly 19 indicated they were curled or could have been 20 curled. 21 THE COURT: Overruled. 22 A So that's a distinction that perhaps I</p>
6246	<p>1 Q And you said you reviewed Mr. Depp's 2 testimony at this trial, correct? 3 A That's correct. 4 Q And was that also a video of his 5 testimony? 6 A Yes. 7 Q You testified that Mr. Depp 8 demonstrated that his hand was flat on a surface; 9 is that correct? 10 A That's correct. 11 Q That's not entirely accurate, is it, 12 though? 13 A No. His description was relatively 14 consistent in both, including turning and resting 15 the hand on the edge. 16 Q Isn't it true, Dr. Moore, that when 17 Mr. Depp did the demonstration in his deposition, 18 he showed that his fingers were hanging over the 19 bar? 20 A Well, even hanging over the bar, it 21 still leaves the dorsum of the hand or the nail 22 vulnerable to –</p>	6248	<p>1 misstated in one of the two descriptions. 2 However, that does not substantially change my 3 opinion of the impact it would have on the 4 mechanism. 5 Q Isn't it true that Mr. Depp also 6 testified that the bottle came from an off angle? 7 A Yes. 8 Q Okay. And you considered that in 9 rendering your opinions today, correct? 10 A Yes. I believe he stated that it came 11 from between six and ten feet. I think it was off 12 to – I think he demonstrated it was off to his 13 right. I can't recall specifically, but it was 14 off angle, yes. 15 Q So it didn't come from the top, as you 16 previously testified just a few minutes ago, 17 correct? 18 A Well, no. It would have struck the top 19 of the finger, but it may have been slightly off 20 angle in its approach based on the description. 21 Q Mr. Depp described it as off angle, 22 correct?</p>

6249	<p>1 <b>A Correct.</b></p> <p>2 Q Dr. Moore, just at the outset, your</p> <p>3 billing rate for providing deposition testimony is</p> <p>4 a thousand dollars per hour?</p> <p>5 <b>A That's correct.</b></p> <p>6 Q And you were deposed in this action for</p> <p>7 several hours on March 22nd, 2022?</p> <p>8 <b>A That's correct.</b></p> <p>9 Q And your billing rate for providing</p> <p>10 trial testimony is \$5,000 per day?</p> <p>11 <b>A That's correct.</b></p> <p>12 Q You were retained in this case by</p> <p>13 Ms. Heard's legal team, correct?</p> <p>14 <b>A Correct.</b></p> <p>15 Q And over the last few years, you've</p> <p>16 provided expert services for one of Ms. Heard's</p> <p>17 law firms on at least two other cases, right?</p> <p>18 <b>A That's correct, yes.</b></p> <p>19 Q Dr. Moore, is it fair to say that you</p> <p>20 have no personal knowledge as to how Mr. Depp</p> <p>21 injured his finger in Australia, correct?</p> <p>22 <b>A No, I have no personal knowledge. My</b></p>	6251	<p>1 <b>A Correct.</b></p> <p>2 Q And a crush injury is when a body part</p> <p>3 is crushed or trapped between two opposing firm</p> <p>4 surfaces, yes?</p> <p>5 <b>A Yes.</b></p> <p>6 Q And a crush injury to a finger can</p> <p>7 occur when a foreign object hits the finger,</p> <p>8 right?</p> <p>9 <b>A Yes.</b></p> <p>10 Q And based on the pictures that you</p> <p>11 reviewed of Mr. Depp's finger injury, you cannot</p> <p>12 determine what particular object caused the injury</p> <p>13 to his finger, yes?</p> <p>14 <b>A Well, I can't determine exactly what</b></p> <p>15 <b>object did it. I think that I can say with</b></p> <p>16 <b>confidence that the described mechanism of the</b></p> <p>17 <b>bottle hitting and shattering the finger was not</b></p> <p>18 <b>consistent with the appearance.</b></p> <p>19 Q I understand that.</p> <p>20 <b>A And I think it –</b></p> <p>21 Q My question is just very specific.</p> <p>22 You can't determine the object that</p>
6250	<p>1 <b>impression is based on his description of the</b></p> <p>2 <b>injury and the available medical records for</b></p> <p>3 <b>review.</b></p> <p>4 Q But you weren't in Australia with</p> <p>5 Mr. Depp and Ms. Heard, correct?</p> <p>6 <b>A I was not in Australia, no.</b></p> <p>7 Q And so, therefore, you have no personal</p> <p>8 knowledge as to how that injury was sustained?</p> <p>9 <b>A Correct.</b></p> <p>10 Q You also never personally examined</p> <p>11 Mr. Depp's finger, did you?</p> <p>12 <b>A Correct.</b></p> <p>13 Q You didn't examine Mr. Depp's finger at</p> <p>14 the time he was injured?</p> <p>15 <b>A I did not.</b></p> <p>16 Q And you never provided any medical</p> <p>17 treatment to Mr. Depp in connection with this</p> <p>18 finger injury, did you?</p> <p>19 <b>A I did not.</b></p> <p>20 Q Now, you've testified that you</p> <p>21 identified Mr. Depp's finger injury as a crush</p> <p>22 injury, correct?</p>	6252	<p>1 caused the injury to Mr. Depp's finger?</p> <p>2 <b>A Well, it's a little bit more of a</b></p> <p>3 <b>nonspecific answer. I mean, I – you know, again,</b></p> <p>4 <b>I can't determine the exact object, but I can</b></p> <p>5 <b>determine that it's unlikely that it was sustained</b></p> <p>6 <b>in the manner described.</b></p> <p>7 Q A bottle is a foreign object, isn't it?</p> <p>8 <b>A Yes.</b></p> <p>9 Q Okay. So you can't rule out that the</p> <p>10 injury to Mr. Depp's finger was caused by a vodka</p> <p>11 bottle, correct?</p> <p>12 <b>A Well, based on the injury pattern, I</b></p> <p>13 <b>can say that the described mechanism of injury is</b></p> <p>14 <b>incident consistent with medical findings.</b></p> <p>15 Q Right. But because a vodka bottle is a</p> <p>16 foreign object, you can't rule out that a vodka</p> <p>17 bottle is what caused Mr. Depp's injury?</p> <p>18 <b>A Well, I can't rule out that a vodka</b></p> <p>19 <b>bottle caused the injury, but I can rule out that</b></p> <p>20 <b>it was caused in the manner described in his</b></p> <p>21 <b>testimony.</b></p> <p>22 Q You can't rule out that the injury was</p>

<p>1 caused by a knife, right? 2 <b>A I think it's unlikely that the injury</b> 3 <b>was caused by a knife.</b> 4 Q But you can't rule it out? 5 <b>A Well, a simple knife laceration</b> 6 <b>wouldn't impart the injury to the distal phalanx</b> 7 <b>to result in a comminuted fracture. Now, a</b> 8 <b>chopping-type – but, again, that would likely</b> 9 <b>come from a direction that would create a dorsal</b> 10 <b>injury to create the fracture that was developed.</b> 11 Q Do you remember giving testimony in 12 this case, Dr. Moore? 13 <b>A Deposition?</b> 14 Q Yes. 15 <b>A Yes.</b> 16 Q Okay. And you were under oath, 17 correct? 18 <b>A Correct.</b> 19 Q All right. And that was on March 22nd, 20 2022, yes? 21 <b>A Correct.</b> 22 MS. VASQUEZ: May I approach, Your</p>	<p>6253</p>	<p>1 answer. 2 THE COURT: You can redirect. I'll 3 overrule the objection. 4 <b>A Yeah. I want to look at the paragraph</b> 5 <b>above.</b> 6 Q Dr. Moore, there's no question pending. 7 Thank you, though. 8 So you can't rule out that the injury 9 was caused by a car door either; is that right? 10 <b>A Correct.</b> 11 Q Okay. But it's your testimony, sitting 12 here today, that you can rule out that the injury 13 was caused by a vodka bottle; is that your 14 testimony? 15 <b>A My testimony is that I can rule out the</b> 16 <b>injury as caused by the mechanism described by</b> 17 <b>Mr. Depp in his deposition.</b> 18 Q But you can't definitively say what 19 caused the injury to Mr. Depp's finger? 20 <b>A Well, definitively there's a crush</b> 21 <b>injury, but, again, I can't say. I mean, I think</b> 22 <b>it's – I think that it's quite likely that the</b></p>	<p>6255</p>
<p>1 Honor? 2 THE COURT: Yes, ma'am. 3 Q Dr. Moore, may I please have you go to 4 page 163 of your deposition, specifically line 17, 5 163. 6 Actually, I apologize, 164, line 4. 7 <b>A Correct.</b> 8 Q QUESTION: But you can't rule it out 9 completely, right? 10 ANSWER: I can't rule anything out 11 completely. I can't rule out that he caught it in 12 the door, cut it with a knife, or slammed it in 13 the car door. Or again, as Dr. Gilmer said, we 14 can't definitively say what caused this injury. 15 Did I read that correctly? 16 <b>A You did.</b> 17 Q Okay. 18 MR. ROTTENBORN: Your Honor, I would 19 object to incomplete impeachment. I think if 20 she's going to read his answer, she also needs to 21 read, or give Dr. Moore the chance to read, the 22 paragraph below. She just picked out half of his</p>	<p>6254</p>	<p>1 <b>initial mechanism described at the time of</b> 2 <b>presentation of the accordion doors would</b> 3 <b>classically create the injury pattern. You know,</b> 4 <b>the hand up in front, if you picture accordion</b> 5 <b>doors as the edges close, if the hand's up, the</b> 6 <b>palm is exposed. If the door is closed, hinge</b> 7 <b>closes about the fingers...</b> 8 Q Dr. Moore, I understand that, but my 9 question is -- 10 <b>A I think it's important that they</b> 11 <b>understand that.</b> 12 Q This is the time for me to ask you 13 questions. Your counsel will have time to 14 rehabilitate you and ask you questions on 15 redirect. Right now let's try my question. 16 <b>A Okay.</b> 17 Q You can't definitely say what caused 18 the injury to Mr. Depp's finger, yes or no? 19 <b>A No.</b> 20 Q Okay. In conducting your analysis of 21 Mr. Depp's finger injury, you did not attempt to 22 reconstruct the incident; is that right?</p>	<p>6256</p>

6257	<p>1 <b>A Well, I think the incident was</b> 2 <b>reconstructed – you mean, did I throw a vodka</b> 3 <b>bottle at something?</b> 4 Q No, Dr. Moore. I mean you didn't do 5 any type of accident reconstruction, either 6 computerized or any -- 7 <b>A No.</b> 8 Q You didn't conduct any type of 9 accident reconstruction of the alleged -- 10 <b>A No. That's correct. My opinion is</b> 11 <b>based on medical records and the clinical images</b> 12 <b>and Mr. Depp's description.</b> 13 Q And your analysis is based on an 14 understanding of how Mr. Depp described the exact 15 positioning of his finger at the time of the 16 injury, yes? 17 <b>A Yes.</b> 18 Q Okay. And your analysis is also based 19 on the assumption that Mr. Depp's hand remained 20 completely still in the instance that a vodka 21 bottle was hurled at him, yes? 22 <b>A No. My assessment is on his</b></p>	6259	<p>1 <b>A Correct.</b> 2 Q In forming your opinion, did you 3 consider Dr. Kipper's deposition testimony that 4 while Dr. Kipper was providing emergency treatment 5 for Mr. Depp -- 6 MR. ROTTENBORN: Objection, Your Honor. 7 May we approach? 8 THE COURT: Okay. 9 (Sidebar.) 10 MR. ROTTENBORN: Your Honor, this is -- 11 you've already excluded this testimony as hearsay. 12 It was in the deposition designations when 13 Dr. Kipper claimed that Mr. Depp told him that 14 this had happened with the vodka bottle as he was 15 picking him up in Australia, Your Honor concluded 16 that testimony from Dr. Kipper's deposition as 17 hearsay. 18 THE COURT: Well, when Dr. Kipper was 19 testifying. 20 MS. VASQUEZ: Correct. 21 MR. ROTTENBORN: Yeah. I understand. 22 MS. VASQUEZ: He can testify as to --</p>
6258	<p>1 <b>description of the vodka bottle striking the top</b> 2 <b>of his finger.</b> 3 Q But his hand stayed still, according to 4 your own analysis, yes? 5 <b>A I guess it was still long enough for</b> 6 <b>the bottle to hit, but natural reaction would be</b> 7 <b>to try to pull away.</b> 8 Q When you perform traumatic finger 9 surgeries you inquire about the cause of the 10 injuries, correct? 11 <b>A Correct.</b> 12 Q And your best information on that is 13 typically just a self-report of the patient, yes? 14 <b>A Correct.</b> 15 Q And your assumption is that the patient 16 is trying to get care -- because the patient is 17 trying to get care that person, that patient, is 18 generally telling the truth, right? 19 <b>A You would hope so.</b> 20 Q Yeah. You reviewed Dr. Kipper's 21 deposition testimony in forming your opinion about 22 Mr. Depp's finger injury, correct?</p>	6260	<p>1 THE COURT: Because he reviewed -- 2 MS. VASQUEZ: -- he reviewed the 3 deposition. 4 MR. ROTTENBORN: He can testify as to 5 what he reviewed, but it's being offered by 6 Ms. Vasquez. It's not being offered by us. 7 THE COURT: Overruled. 8 MR. ROTTENBORN: Okay. 9 MS. VASQUEZ: Thank you, Your Honor. 10 (Open court.) 11 BY MS. VASQUEZ: 12 Q Let's start over because it's important 13 the jury hears this. So in forming your opinion, 14 did you consider Dr. Kipper's deposition testimony 15 that while Dr. Kipper was providing emergency 16 treatment for Mr. Depp's finger injury in 17 Australia in the driveway of the house, Mr. Depp 18 told him that his finger was injured when 19 Ms. Heard threw a vodka bottle at him? 20 <b>A I don't – I don't recall that from the</b> 21 <b>deposition. I'd be happy to review it if you have</b> 22 <b>the deposition available.</b></p>

<p>6261</p> <p>1 Q Did you consider Dr. Kipper's testimony 2 that he recalled that Mr. Depp's finger was found 3 in the kitchen? 4 A I do recall that. 5 Q So you must have also seen Dr. Kipper's 6 deposition testimony that he wasn't the one who 7 actually found the finger, correct? 8 A That's correct. 9 Q Dr. Kipper testified that someone he 10 thought was the chef told him he found the finger 11 in the kitchen area, correct? 12 A I'm going to assume so, without reading 13 the deposition now. 14 Q Did you review any testimony from Ben 15 King in rendering your opinions today? 16 A Not to my knowledge, no. 17 Q Did you see any of Mr. King's testimony 18 at this trial? 19 A I did not. 20 Q So you're not aware that Mr. King 21 testified that he's the one who found Mr. Depp's 22 finger, are you?</p>	<p>6263</p> <p>1 Q Have you ever seen this picture before, 2 Dr. Moore? 3 A No. 4 Q So you're not aware that this is the 5 bar area where Mr. King testified he found 6 Mr. Depp's finger? 7 A No. 8 Q Okay. Do you see that broken vodka 9 bottle in the back corner near the bottom of the 10 bar? 11 A Yes. 12 Q Okay. Do you see the blood drops on 13 the floor? 14 A Yes. 15 MS. VASQUEZ: Can we please pull up 16 Defendant's Exhibit 1820, which is already in 17 evidence. 18 Q Have you seen this picture before, 19 Dr. Moore? 20 A I have not. 21 Q So you're not aware that this is also a 22 picture from the bar area where Mr. King testified</p>
<p>6262</p> <p>1 A No. 2 Q And you're not aware that Mr. King 3 testified that he found Mr. Depp's finger in the 4 bar area, right? 5 A Correct. 6 Q And you're not aware that Mr. King 7 testified he found Mr. Depp's finger in a piece of 8 tissue in the bar area either? 9 A No. 10 Q And you're not aware that Mr. King 11 testified that multiple broken liquor bottles were 12 also found in the bar area, right? 13 A Correct. 14 MS. VASQUEZ: If we could, please pull 15 up Defendant's Exhibit 1817, which is already in 16 evidence. And may it be published, please? 17 THE COURT: I just don't have it. 18 MS. VASQUEZ: That would help. 19 THE COURT: Yes. I just have a blank 20 screen at the moment. There we go. 21 MS. VASQUEZ: Thank you. 22 THE COURT: Okay.</p>	<p>6264</p> <p>1 he found Mr. Depp's finger? 2 A Correct. 3 Q Do you see the bloody tissue on the 4 ground at the bottom of the bar? 5 A Yes. 6 Q Do you see the blood drops around that 7 tissue? 8 A Yes. 9 Q So you didn't consider any of this 10 evidence in rendering your opinion about how 11 Mr. Depp injured his finger in Australia, did you? 12 A I did not. 13 Q Okay. 14 MS. VASQUEZ: Nothing further, Your 15 Honor. Thank you. 16 THE COURT: All right. Redirect. 17 MR. ROTTENBORN: Thank you, Your Honor. 18 THE COURT: Yes, sir. 19 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 20 COUNTERCLAIM PLAINTIFF 21 BY MR. ROTTENBORN: 22 MR. ROTTENBORN: Can you pull up</p>

<p>1 Exhibit 1817 that was just shown in the witness, 2 please. And can you blow up what Ms. Vasquez 3 referred to as a broken vodka bottle, Michelle, 4 please. 5 Q Dr. Moore, based on your review of the 6 documents in this case, what did you understand to 7 be the size of the bottle of vodka that Mr. Depp 8 alleged cut off his finger? 9 A <b>The description was that it was a</b> 10 <b>handle, a half gallon bottle.</b> 11 Q That's bigger than a 750 ml, or fifth, 12 of liquor, correct? 13 A <b>Yes.</b> 14 Q And what size bottle, if -- to the 15 extent that's even a bottle, what size does that 16 appear to be to you? 17 MS. VASQUEZ: Calls for speculation, 18 Your Honor. 19 THE COURT: I'll sustain the objection. 20 Q Does that appear to be a handle? 21 MS. VASQUEZ: Objection. Calls for 22 speculation, Your Honor.</p>	<p>6265</p> <p>1 how Mr. Depp's account of injuring his finger in 2 an accordion door would be perfectly consistent 3 with the photographs you saw. Could you please 4 explain that to the jury? 5 A <b>Well, so, again, we tend to try to</b> 6 <b>believe patients. We hope that they come in with</b> 7 <b>an honest history initially, and that's a</b> 8 <b>reasonable mechanism for this to have occurred.</b> 9 <b>Again, if you picture your misunderstand up with</b> 10 <b>either a closure of a hinge or closure of the</b> 11 <b>door, the palmar surface is exposed. If it's</b> 12 <b>caught in that hinge as it closes, it can be -- it</b> 13 <b>can be slightly off center, it would pinch that</b> 14 <b>tissue away in a similar fashion. But because</b> 15 <b>it's below the level of the nail bed, it could</b> 16 <b>create this injury with the fracture and the</b> 17 <b>tissue loss and preserve the nail bed.</b> 18 Q Can you look at page 164 of your 19 deposition, the one that Ms. Vasquez just showed 20 you. 21 A <b>Yes.</b> 22 MS. VASQUEZ: Objection, Your Honor.</p>
<p>6266</p> <p>1 THE COURT: I'll sustain the objection. 2 MR. ROTTENBORN: You can take that 3 down. 4 Q Dr. Moore, Ms. Vasquez just asked you 5 about Dr. Kipper's deposition testimony. And she 6 said is that -- where she claims that Mr. Depp 7 allegedly told him that the finger was severed 8 from a vodka bottle. 9 Do you remember that question a few 10 minutes ago? 11 MS. VASQUEZ: Objection. Leading. 12 THE COURT: Overruled. 13 A <b>I remember that question, yes.</b> 14 Q Thank you. Is that consistent, that 15 alleged account, is that consistent with the texts 16 you reviewed between Mr. Depp and Dr. Kipper? 17 A <b>No.</b> 18 Q And what did those texts say? 19 A <b>As I recall, Mr. Depp indicated that he</b> 20 <b>had cut his finger off.</b> 21 Q Now, Ms. Vasquez wouldn't let you 22 finish when you were trying to explain to the jury</p>	<p>6267</p> <p>1 I'm going to object on hearsay grounds. 2 MR. ROTTENBORN: Your Honor, she 3 only -- 4 THE COURT: Overruled. 5 MR. ROTTENBORN: Thank you. 6 Q Ms. Vasquez asked you a question and 7 then she read your answer, trying to impeach you, 8 but she only read half your answer. So I'm going 9 to read the whole answer to the jury. And I'm 10 going to ask you to tell me if I'm reading your 11 answer right, okay? 12 The question is on page 164 line 4: 13 "But can't rule ultimate out completely, right?" 14 And you answered: "I can't rule 15 anything out completely. I can't rule out that he 16 caught it any time door, cut it with a knife, or 17 slammed it in the car door. Or, again, as 18 Dr. Gilmore said, we can't definitively say what 19 caused this injury." 20 And then you go on to say -- this is 21 where Ms. Vasquez cut you off and didn't let you 22 finish -- "What I -- the question" --</p>

6269	1 MS. VASQUEZ: I don't think that's in 2 the transcript. Objection. 3 THE COURT: I'll sustain that. 4 Q The rest of your answer that she didn't 5 read to you, Dr. Moore, is "What I -- the question 6 I can answer is, is that the mechanism that was 7 described by Mr. Depp and demonstrated by Mr. Depp 8 is inconsistent with the injury pattern that's 9 found on the images and the description." 10 Did I read that right? 11 A Yes. 12 Q And does that remain your opinion 13 today? 14 A Yes. 15 Q Has anything that's been presented to 16 you on cross-examination changed any of the 17 opinions that you hold in this case? 18 A No. 19 MR. ROTTENBORN: I have nothing 20 further. Thank you, Dr. Moore. 21 THE COURT: Thank you. Dr. Moore, 22 you're free to go or you can stay in the	6271	1 Limine intimate issue. 2 THE COURT: Oh. 3 MS. BREDEHOFT: Yeah. What's he's 4 going to testify to, Your Honor, is that 5 Mr. Depp's conduct is consistent with the risk 6 factors that are part of intimate partner 7 violence. That's what he's going to say. 8 THE COURT: The risk factors? 9 MS. BREDEHOFT: The risk factors. That 10 it is consistent with -- correct, that the 11 evidence indicates that it's consistent with. 12 THE COURT: Let me see what Motion in 13 Limine, it was... 14 MR. DENNISON: The testimony -- 15 MS. BREDEHOFT: I don't. 16 MR. DENNISON: That testimony is 17 consistent with his disclosure. 18 THE COURT: As long as he stays with 19 that. 20 MR. DENNISON: Right. But they cannot 21 say, and I think you said, improper for him to say 22 is that Mr. Depp committed --
6270	1 courtroom. It's up to you, all right? Thank you. 2 Your next witness. 3 MS. BREDEHOFT: Your Honor, we would 4 like to call Dr. David Spiegel. 5 THE COURT: Dr. Spiegel. 6 MR. DENNISON: Your Honor, may we 7 approach before the witness is sworn? 8 THE COURT: That's fine, yes, sir. 9 MR. DENNISON: This witness in this 10 deposition testified that he is go to opine to a 11 degree of medical certainty that Mr. Depp in fact 12 committed intimate partner violence. I think 13 that's an ultimate-issue issue and also is not 14 reflected in his disclosure. Beyond that, he's 15 going to -- he indicates he is going to opine, at 16 least in his deposition, as to the credibility of 17 Ms. Heard, which I believe is an improper inquiry 18 for an expert under the Virginia rules. 19 THE COURT: I think this was a Motion 20 in Limine. 21 MS. BREDEHOFT: It was, Your Honor. 22 You denied it. Your Honor denied the Motion in	6272	1 THE COURT: Well, he's not going to 2 say -- risk factors. 3 MS. BREDEHOFT: He's going to say that 4 it's consistent, but we're going to go through all 5 of the evidence of that. 6 THE COURT: Correct. 7 MS. BREDEHOFT: But even if he did, and 8 he did say it any time deposition and he did 9 incorporate and supplement all of our depositions 10 of our experts, but what he's going to say is that 11 it's consistent with it. But the rules would 12 allow him to testify to an ultimate issue if -- 13 THE COURT: That's what we're making 14 sure that is not being testified. 15 MS. BREDEHOFT: But I believe that he 16 is going to testify that he has all the evidence 17 of the risk factors, and the risk factors 18 consistent [with risk factors consistent.] 19 MR. DENNISON: I don't have a problem 20 with that. I also do have a problem, however. He 21 met with Ms. Heard over Zoom for one hour and has 22 testified, at least in deposition, that he find

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Conducted on May 23, 2022

17 (6273 to  
6276)

6273	1 her the more credible witness. 2 THE COURT: He's not going to testify 3 to credibility. 4 MS. BREDEHOFT: That's not what he said 5 in his deposition. He said based on Dr. Curry's 6 testing, the issues that, in fact, one of the 7 findings in there is that they're being truth in 8 their responses, and he has been consistent on 9 that. That's absolutely one of the things that he 10 said. 11 THE COURT: He can't testify to 12 credibility. That's up to the jury to decide, 13 credibility. 14 MS. BREDEHOFT: He's going to testify 15 that that testing result reflected that she was 16 giving truthful responses to Dr. Curry's test, 17 which he can do. That's one of the factors. 18 MR. DENNISON: Again, not in the 19 disclosure. 20 MS. BREDEHOFT: Actually, it was. 21 THE COURT: I'm going to allow that 22 testimony, and you can cross-examine on that.	6275	1 THE COURT: To remind him? 2 MS. BREDEHOFT: To remind him -- 3 THE COURT: Yeah. Remind him before 4 he's sworn in. That's perfect. 5 MS. BREDEHOFT: Thank you, Your Honor. 6 THE COURT: Yeah. Thank you. 7 MR. DENNISON: Thank you. 8 (Open court.) 9 MS. BREDEHOFT: Thank you, Your Honor. 10 THE COURT: All right. The doctor can 11 be sworn. 12 DAVID R. SPIEGEL, MD, 13 a witness called on behalf of the 14 DEFENDANT AND COUNTERCLAIM PLAINTIFF, having been 15 duly sworn by the 16 17 as follows: 18 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 19 COUNTERCLAIM PLAINTIFF 20 THE COURT: Okay. 21 MS. BREDEHOFT: Thank you, Your Honor. 22 BY MS. BREDEHOFT: Q Will you please tell the jury your full
6274	1 MR. DENNISON: Okay. 2 THE COURT: Just on Dr. Curry's tests, 3 though. 4 MS. BREDEHOFT: Correct. 5 THE COURT: Not on credibility as a 6 witness, okay? 7 MR. DENNISON: Right. And remember -- 8 I don't have to tell you to remember; you 9 remember. Both Dr. Curry and Dr. Hughes talked 10 about this in terms of professional opinions 11 around evidence of feigning. This wasn't who's 12 telling the truth. 13 THE COURT: Right. But it was just a 14 factor in that particular test. 15 MS. BREDEHOFT: A factor in that 16 particular test. 17 THE COURT: So that's fine. You can 18 cross-examine on it, okay? 19 MR. DENNISON: Okay. Thank you, Your 20 Honor. 21 MS. BREDEHOFT: May I just tell the 22 witness briefly?	6276	1 name and business address. 2 <b>A David R. Spiegel. I'm a physician. I</b> 3 <b>work at 825 Fairfax Avenue in Norfolk, Virginia,</b> 4 <b>as part of the Eastern Virginia Medical School.</b> 5 Q And what is your occupation? 6 <b>A I'm a physician/psychiatrist.</b> 7 Q Okay. And where do you work? Do you 8 work at -- 9 <b>A I work at Eastern Virginia -- I'm</b> 10 <b>employed by Eastern Virginia Medical School, but I</b> 11 <b>also work at Norfolk General Hospital, which is a</b> 12 <b>teaching hospital in Norfolk.</b> 13 Q How many years have you been practicing 14 as a psychiatrist? 15 <b>A I entered residency in 1989. I</b> 16 <b>graduated residency in 1993. So from 1993 to</b> 17 <b>today, I've been a physician, practicing.</b> 18 Q That's almost 30 years? 19 <b>A That's 30 years, yeah.</b> 20 Q Okay. Thank you. 21 Please describe for the jury the nature 22 of your clinical practice.

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<p style="text-align: right;">6277</p> <p>1 A So my clinical practice is comprised of 2 both inpatient care at Norfolk General Hospital as 3 well as my outpatient practice at Eastern Virginia 4 Medical School. About 85 to 90 percent of my day 5 is clinical between the two components. 6 Q And what is involved in a comprehensive 7 evaluation? 8 A So in a comprehensive evaluation, in 9 addition to reviewing the historical information 10 that you receive from collateral other sources, 11 you undertake a history from the patient, you 12 get – whether it's the history of current 13 illness, the past psychiatric history, family 14 history, social history, legal, substance history. 15 Then you do what's called a mental 16 status exam, which is the psychiatric version of a 17 physical exam where you're actually giving a 18 description of what you see in front of you. Then 19 you can do cognitive testing, which tests the 20 patient memory, attention, concentration, et 21 cetera. Then you come up with a working and a 22 differential diagnosis, derive any additional</p>	<p style="text-align: right;">6279</p> <p>1 Q How frequently do you treat patients 2 who abuse drugs and alcohol? 3 A Unfortunately, drugs and alcohol are 4 part of psychiatric practice, and so probably 5 three-fourths of my patients have substance abuse 6 problems. 7 Q Does this include both legal and 8 illegal drugs? 9 A Yes. Put them both together, probably 10 75 percent. 11 Q And how frequently do you treat 12 patients who have suffered from someone in their 13 lives who abuses alcohol and drugs? 14 A On a regular basis, like I said, on a 15 daily basis. This is part of what psychiatry is. 16 Q Okay. As part of that treatment of 17 patients who abuse drugs and alcohol, do you 18 evaluate the impact of the abuse on their brains 19 and personal interactions with others? 20 A Yes. Substance of abuse, both in their 21 short term and the long term, can affect the brain 22 in terms of mood; behavior; cognition, meaning.</p>
<p style="text-align: right;">6278</p> <p>1 testing that you may need or not need, and then 2 you up come up with a treatment plan. 3 Q How many patients have you treated over 4 the 30 years? 5 A A lot. Probably in the tens of 6 thousands. 7 Q And how many patients do you regularly 8 see? 9 A So inpatient is generally about five to 10 eight, sometimes more. Outpatients, probably five 11 to six, sometimes more. I should point out that 12 my inpatient work is divided between consultation, 13 psychiatry, but we're going to talk about that, as 14 well as working on the inpatient service, but we 15 will talk about that. 16 Q What, if any, differences are there in 17 how many patients you sigh on weekends as opposed 18 to weekdays? 19 A So when I'm on call, which is either a 20 Saturday or Sunday, meaning I have to be in the 21 hospital and around, that's probably additional 22 35-plus patients.</p>	<p style="text-align: right;">6280</p> <p>1 attention, concentration, memory, ability to 2 control your behavior; as well as your overall 3 level of functioning. It can affect it in the 4 short term, such as alcohol with blackouts. It 5 can affect it by causing stroke, such as 6 stimulants can. And so at the end of the day, 7 it's a rather lengthy list of what substance abuse 8 can do to the human brain. 9 Q Dr. Spiegel, how frequently have you 10 treated patients who have suffered intimate 11 partner violence? 12 A Again, it's very unfortunate. Probably 13 50 percent of my patients suffer from trauma. If 14 I had to guess, of those 350 percent, probably 15 25 percent of my practice is people who have 16 suffered intimate partner violence. 17 Q And how consistent is that with the 18 national average? 19 A In America, unfortunately, it's about 20 20 to 25 percent, depending on the study, women 21 have complained or reported intimate partner 22 violence.</p>

6281	<p>1 Q And how frequently have you treated 2 patients who have perpetrated the intimate partner 3 violence? 4 A So, again, in the outpatient setting, I 5 don't see it quite as much, but in the inpatient 6 setting, again, it's a really relative common 7 phenomenon. I will see perpetrators of intimate 8 partner violence, and, you know, they're patients 9 who need treatment to. 10 Q And over all, how many patients have 11 you treated who have been perpetrators of intimate 12 partner violence? 13 A Perpetrators? 14 Q Yes. 15 A Probably five to ten percent of the 16 patients I do is perpetrators. 17 Q And would you say tens of thousands 18 over the 30 years? 19 A Yes. 20 MR. DENNISON: Objection to leading. 21 THE COURT: Overruled. 22 MS. BREDEHOFT: Thank you.</p>	6283	<p>1 with your undergraduate studies? 2 A So I went to Duke University undergrad. 3 I went to medical school at the State University 4 of New York Health Science Center in Brooklyn, 5 formerly known as Downstate Medical Center. I did 6 my internship and residency between Dartmouth 7 Hitchcock Medical Center and Penn State Hershey 8 Medical Center. 9 Q And -- 10 A And I'm also fellowship board certified 11 in consultation liaison psychiatry. 12 Q Okay. And did you -- so where did you 13 do your residency and your internships? I'm 14 sorry. 15 A So I did my residency for Penn State 16 and internship at Dartmouth. 17 Q Okay. And what is your current title 18 and position? 19 A So I am in the acting chair, endowed 20 chair, professor in the department of psychiatry 21 and behavioral sciences at Eastern Virginia 22 Medical School.</p>
6282	<p>1 Q As part of treating patients relating 2 to intimate partner violence, do you regularly 3 evaluate these patients? 4 A Do I regularly evaluate the patients? 5 Q Evaluate the patient, yes. 6 A Oh, yes. Yes, regularly. I mean, they 7 get the same comprehensive evaluation that I've 8 described before. 9 Q Are you licensed in Virginia? 10 A Yes, I am. 11 Q And when did you first become licensed 12 in Virginia? 13 A 1993. 14 Q Have you been qualified by courts as an 15 expert witness? 16 A Yes, I have. 17 Q In how many states have you been 18 qualified as an expert? 19 A Three, which would be Virginia, 20 Maryland, and South Carolina. 21 Q Dr. Spiegel, can you please review for 22 the jury your educational background beginning</p>	6284	<p>1 Q Are you board certified? 2 A Yes, I am. 3 Q And what are you board certified in? 4 A Generally adult psychiatry and 5 consultation liaison psychiatry as a subspecialty. 6 Q Okay. So you have two board 7 certifications? 8 A Yes. 9 Q Okay. Can you explain to the jury 10 what's involved in board certifications in those 11 two fields? 12 A So board certification is the standard 13 we strive to in being a physician or any other 14 mental health practitioner. It involves taking a 15 very comprehensive test at the beginning of your 16 career to initiate board certification. Then you 17 get tested again every ten years. Then you have 18 to go through continual medical education 19 throughout the entire period. You have to do 20 performance in practice, which is basically ways 21 to approve things in your practice, and, again, 22 these is -- throughout -- this occurs always</p>

<p style="text-align: right;">6285</p> <p>1 throughout the years. 2 Q Okay. Now, are you a member of any 3 professional organizations? 4 A Yes, I am. 5 Q Could you please tell the jury -- 6 A I'm member of the American psychiatric 7 Association as well as the fellow of the American 8 Psychiatric Association. I'm a member of the 9 Medical Society of Virginia. I'm a member of the 10 Psychiatric Society of Virginia. I'm member of 11 the Tidewater Academy of Psychiatry, and I'm a 12 member of the Academy of Consultation Liaison 13 Psychiatry. 14 Q Do you have any teaching 15 responsibilities? 16 A Teaching responsibilities? Oh, yeah. 17 Q Teaching, yes. 18 A Yeah. So teaching is a daily 19 occurrence. That's part of my job. When I do my 20 inpatient rounds, residents, medical students, 21 physician assistant students are assigned, so we 22 round together and there's teaching with every</p>	<p style="text-align: right;">6287</p> <p>1 A So as the acting chair, you are not 2 only accountable for your own practice, but you 3 are accountable for your faculty members' 4 practices. So I have to make sure that everyone 5 is treating, seeing, evaluating a certain number 6 of patients. I am responsible for their academic 7 requirements, so in terms of publishing, 8 et cetera. I'm responsible for their teaching 9 assignments to other residents, to other students. 10 I'm responsible for fiscally that they are 11 accountable to their fiscal productivity. So I 12 have a heck of a lot of other administrative 13 meetings that I go to. 14 Q Have you published in your field? 15 A To a tune of about 80 manuscripts. And 16 I have my own book on catatonia in a consultation 17 liaison setting. I have a book chapter on the 18 current and -- current and contemporary approaches 19 to temporomandibular disease, at least the 20 psychiatric portion. I've written a dissociative 21 identity disorders chapter on a Wikibook. 22 Q And have you peer reviewed literature?</p>
<p style="text-align: right;">6286</p> <p>1 single encounter. In addition to that, I teach 2 lectures to the residents, to the third-, second-, 3 and first-year medical students, as well as a 4 fourth-year medical student lecture as well. So 5 I'm constantly teaching. 6 Q Are you engaged in any hands-on 7 training of psychiatrists practicing in Virginia? 8 A Hands-on training with the residents? 9 Q With psychiatrists. 10 A Oh, yeah. So, again, I'm teaching at 11 bedside. I mean, we don't speak in front of the 12 patient, obviously, but I'm teaching at bedside, 13 meaning after we see a patient, we discuss 14 important points to learn. And, again, that 15 includes residents at every level. That includes 16 medical students, third-, second-, and first-year, 17 physicians assistant students, so every day is a 18 teaching/explanation session to the students and 19 residents. 20 Q What is your role at Eastern Virginia 21 Medical School as the acting chair? Please tell 22 the jury what that means.</p>	<p style="text-align: right;">6288</p> <p>1 A Yes. So I'm a reviewer on -- I've 2 served as reviewer on Lancet. I've served as 3 reviewer as Innovations in Clinical Neuroscience. 4 I've served on reviewer for Clinical 5 Neuropharmacology, and I'm actually 6 editor-in-chief of -- at this point -- of Clinical 7 Neuropharmacology. 8 Q Have you lectured on the effects of 9 drugs and alcohol on the human brain? 10 A Yes. I teach to the residents. I 11 teach lecture to the second-year medical students, 12 third-year medical students. So I'm fully aware 13 of not only what I teach, but what I see in the 14 emergency room and the consultation and inpatient 15 settings. 16 Q Have you published and lectured on the 17 causes and effects of intimate partner abuse? 18 A Yes. I've punctured [sic], I believe, 19 two articles on the effects of trauma, and in that 20 trauma was intimate partner violence. 21 Q Are you familiar with the hallmarks of 22 intimate partner violence?</p>

6289	<p>1     <b>A Yes.</b></p> <p>2     <b>Q</b> Are you familiar with what causes</p> <p>3 intimate partner violence?</p> <p>4     <b>A Excuse me?</b></p> <p>5     <b>Q</b> What causes intimate partner violence?</p> <p>6     <b>A Yes. There's multiple explanations</b></p> <p>7 <b>that cause intimate partner violence. I kind of</b></p> <p>8 <b>mention at this point, too, that when we are</b></p> <p>9 <b>discussing intimate partner violence, I think it's</b></p> <p>10 <b>imperative for the jury to know we are talking</b></p> <p>11 <b>about repetitive behavior over periods of time,</b></p> <p>12 <b>and the type of abuse can be any physical,</b></p> <p>13 <b>psychological, sexual. But just as important is</b></p> <p>14 <b>for somebody – one of the partners to maintain</b></p> <p>15 <b>some uneven element of control or to maintain</b></p> <p>16 <b>power, control, or authority.</b></p> <p>17     <b>So there are a lot of facets to</b></p> <p>18 <b>intimate partner violence. I know people tend to</b></p> <p>19 <b>think of it as just the actual abuse act, but</b></p> <p>20 <b>there's more to it than just the actual abuse</b></p> <p>21 <b>accident. The abuse act's important but it's not</b></p> <p>22 <b>the sole finding.</b></p>	6291	<p>1     <b>A Subtle point.</b></p> <p>2     <b>Q</b> Right. Now, that is not intimate</p> <p>3 partner violence. That deals with the issue of</p> <p>4 comorbidity between people who have medical</p> <p>5 problems and health problems.</p> <p>6     <b>A So you're saying subspecialty?</b></p> <p>7     <b>Q</b> Yes.</p> <p>8     <b>A So consultation liaison psychiatry does</b></p> <p>9 <b>have that, but you're also treating patients who</b></p> <p>10 <b>have medical illness who have comorbid psychiatric</b></p> <p>11 <b>illness or people who have psychiatric illness</b></p> <p>12 <b>that have comorbid medical illness. And many of</b></p> <p>13 <b>the patients that I see on the trauma service have</b></p> <p>14 <b>tried to take their own life, and unfortunately as</b></p> <p>15 <b>part of that, intimate partner violence and trauma</b></p> <p>16 <b>in general is part and parcel of that. So it's</b></p> <p>17 <b>very, very narrow to say it's just the</b></p> <p>18 <b>medical/psychiatric interface. It's much more of</b></p> <p>19 <b>psychiatric patients who need medical help,</b></p> <p>20 <b>medical patients develop psychiatric problems, or</b></p> <p>21 <b>also that interface.</b></p> <p>22     <b>Q</b> So as a subset of your trauma patients,</p>
6290	<p>1           MS. BREDEHOFT: Your Honor, I move to</p> <p>2 qualify Dr. Spiegel as an expert in the field of</p> <p>3 psychiatry and behavioral sciences with specific</p> <p>4 emphasis on drug and alcohol abuse, intimate</p> <p>5 partner violence, and the effect of these as they</p> <p>6 pertain to the issues in this case.</p> <p>7           THE COURT: All right. Any objection?</p> <p>8           MR. DENNISON: Yes, Your Honor.</p> <p>9           THE COURT: Do you wish to voir dire?</p> <p>10          MR. DENNISON: I do.</p> <p>11          THE COURT: To his qualifications.</p> <p>12          MR. DENNISON: His qualifications.</p> <p>13          THE COURT: Okay. Thank you.</p> <p>14 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND</p> <p>15 COUNTERCLAIM DEFENDANT</p> <p>16 BY MR. DENNISON:</p> <p>17     <b>Q</b> Sir, you talked about two board</p> <p>18 certifications: General adult psychiatry?</p> <p>19     <b>A Yes.</b></p> <p>20     <b>Q</b> And liaison consultation psychiatry?</p> <p>21     <b>A Other way around, consultation –</b></p> <p>22     <b>Q</b> Consultation liaison psychiatry?</p>	6292	<p>1 which you say are about 50 percent of your</p> <p>2 practice, as a subset of that practice, some</p> <p>3 people have been involved with intimate partner</p> <p>4 violence?</p> <p>5     <b>A So as a subset of my overall practice,</b></p> <p>6 <b>50 percent have suffered from trauma. About half</b></p> <p>7 <b>of that number have suffered from -- I'm sorry,</b></p> <p>8 <b>about 20, so 20 of that, 20 percent suffered from</b></p> <p>9 <b>IPV, intimate partner violence.</b></p> <p>10     <b>Q</b> All right. You've never conducted any</p> <p>11 empirical research on individuals who experience</p> <p>12 intimate partner violence, have you, sir?</p> <p>13     <b>A If your definition is trials, is that</b></p> <p>14 <b>what you're saying?</b></p> <p>15     <b>Q</b> Yes.</p> <p>16     <b>A Like pharmaceutical trials, or what are</b></p> <p>17 <b>you saying? Is that what you're saying? Because</b></p> <p>18 <b>I've done review articles on patients who suffered</b></p> <p>19 <b>from trauma. So the answer is "Oh, I haven't done</b></p> <p>20 <b>any studies, like, where you give them medication</b></p> <p>21 <b>for treatment or try one treatment versus another.</b></p> <p>22 <b>I reviewed the body of literature on intimate</b></p>

<p>1 partner violence to get two review articles, yes." 2 Q So you've read about it is what you 3 just testified to? 4 A I would have to disagree with you on 5 that, sir. Reading about it and writing a review 6 article are completely two different things, sir. 7 Q You haven't authored any articles 8 specifically on IPV, have you, sir? 9 A As a subset of trauma, the answer is 10 yes. In terms of in the name of the title of the 11 article, the answer is no. 12 Q You've never written any books 13 specifically on IPV? 14 A I've never written any books on IPV. 15 Although, although temporomandibular disease, 16 okay, in terms of psychiatric issues, does have a 17 higher frequency in those patients who have 18 suffered from trauma, including intimate partner 19 violence. 20 Q You've never -- 21 A And I am part of that book. 22 Q Okay. Temporomandibular disease deals</p>	<p>6293</p>	<p>1 Q Right. I'm not asking you about trauma 2 because you want to talk about trauma. I'm asking 3 you about IPV specifically. 4 A I will reiterate again, you cannot 5 separate intimate partner violence and say that is 6 a separate rubric aside from trauma. Trauma is, 7 over all. Intimate partner violence is part of 8 trauma, and the answer to the question is any 9 individual who suffers from a dissociative 10 disorder, which I am the author of chapter of, 11 suffers from trauma, whether be at the hands in 12 childhood or it be the hands of an intimate 13 partner. 14 Q Right. But you've already testified 15 that half your practice is trauma, and a subset of 16 that practice is IPV, correct? 17 A Which is, actually, I treat the 18 national average of patients. About 25 percent of 19 patients suffer from it, and that's about my 20 practice number. 21 Q Except you're discounting the fact that 22 half your practice is not trauma at all. So</p>	<p>6295</p>
<p>1 with problems with the jaw? 2 A Say your question again. 3 Q What is temporomandibular -- 4 A Temporomandibular disease is a problem 5 with oral issues, yeah. But there are many 6 patients who complain of the oral issues where the 7 oral surgeon cannot find a reason for it, and the 8 reason why they can't is because people who have 9 suffered from trauma, intimate partner violence, 10 are prone to increased sensitivity of somatic 11 sensations which can manifest in temporomandibular 12 disease. Thank you, I appreciate that. Nice plug 13 for my book, too, thank you. 14 Q Didn't hear it, but there you go. 15 So you haven't written any chapters of 16 any books specifically about IPV? 17 A Again, I think I've gone over that. 18 I've written two articles on that, and I've 19 written parts of chapters, and disassociative 20 identity disorders, a subject where I did write a 21 chapter on, is completely based on trauma and 22 intimate partner violence.</p>	<p>6294</p>	<p>1 10 percent of your practice is IPV. 2 A I don't know if the numbers add up 3 exactly like that. 4 Q I'm just using yours. 5 A I don't know if I'm doing -- I don't 6 know if those numbers add up like that. Because 7 I'm not sure if that's the case. Could be 8 25 percent, maybe 12.5 percent, of my practice. 9 That's being rather specific. So, again, a 10 significant number of my patients have suffered 11 from intimate partner violence. I see it on a 12 daily basis, and I'm not sure exactly why I'm 13 getting asked the same question again. 14 Q Okay. 15 A Thank you, sir. 16 Q You listed 60 references to articles. 17 I guess you said 80, now, and publications. 18 A I said "around," sir, I said around 80. 19 I said around 80. 20 Q 60, 80, whatever it is, right? 21 A No, 60, 80, not -- if you go to the 22 PubMed app -- you go to PubMed right now and</p>	<p>6296</p>

<p style="text-align: right;">6297</p> <p>1 <b>Google -- not Google. Go to PubMed, it's Spiegel</b> 2 <b>DR, and you will find that number is 72, with two</b> 3 <b>waived to be impressed. One submitted -- so that</b> 4 <b>would be 75, so around 80. So again, what's on my</b> 5 <b>CV is not necessarily the most updated version</b> 6 <b>because I still published since the CV's been</b> 7 <b>given to you, sir.</b> 8 Q Right. And not one of the 72, 80 9 articles has IPV in the title, right? 10 A Correct. Not one of them have IPV. It 11 does have trauma, but not IPV. 12 Q Right. And you've never presented on 13 the topic of IPV specifically? 14 A As a function of trauma, as function of 15 somatic illness, again, I would say to you that 16 it's part and parcel of these illnesses. So the 17 answer is yes, I have. The answer is yes, I have. 18 Q And IPV doesn't appear in your CV at 19 all? 20 A If you say it's not in my CV, I will 21 believe you. There's a lot of things not in my CV 22 that I do, so...</p>	<p style="text-align: right;">6299</p> <p>1 COUNTERCLAIM PLAINTIFF 2 BY MS. BREDEHOFT: 3 Q Dr. Spiegel, at our request, what have 4 you reviewed in this case? And just go ahead and 5 give me -- 6 A So it's a lengthy review, but court 7 filings; psychological testing that was done on 8 Ms. Heard by both Dr. Hughes and Dr. Curry; other 9 physicians' medical records, just you so know, 10 Dr. Kipper; counsel; counselors and therapists 11 that both parties -- and psychiatrists they went 12 to; text messages; depositions; snippets on the 13 U.K. trial; and I'm sure pictures of physical 14 injuries. So I've seen a lot. 15 Q What, if anything, have you seen in 16 terms of emails, audios, videos? 17 A Yes. So I've seen videos of 18 Mr. Depp -- I think a video was shown, right, of 19 Mr. Depp destroying and slamming cupboards and 20 breaking glass and yelling at Ms. Heard while 21 having a wine glass in his -- with wine in his 22 hands. I've seen videos of destruction of</p>
<p style="text-align: right;">6298</p> <p>1 Q And you're not associated with any 2 professional literature on IPV? 3 A I'm sorry. Repeat the question, sir. 4 Q Is there any professional literature 5 that you've contributed to relative to IPV 6 specifically, as opposed to trauma generally? 7 A The answer to your question, again, 8 sir, is that you cannot separate this artificial 9 separation you're trying to do between trauma and 10 intimate partner violence. It is part and parcel 11 of trauma. We don't thread it like that. 12 MR. DENNISON: Your Honor, plaintiff 13 would accept this witness as an expert on general 14 psychiatry, but -- and with respect to the drug 15 usage issues that Ms. Bredehft referenced, but 16 not with respect to IPV. 17 THE COURT: All right. Over objection, 18 he's entered as an expert as stated on the record. 19 All right. You may continue. Thank you. 20 MS. BREDEHOFT: Thank you very much, 21 Your Honor. 22 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND</p>	<p style="text-align: right;">6300</p> <p>1 property in the house. 2 Q Okay. And what, if any, review have 3 you conducted of the deposition and testimony of 4 Mr. Depp's hired witness, Dr. Curry? 5 MR. DENNISON: Objection, Your Honor. 6 May we approach? 7 THE COURT: Sure. 8 (Sidebar.) 9 THE COURT: All right. 10 MR. DENNISON: Your Honor, when we were 11 up here last time, Ms. Bredehft represented to 12 you that there's reference in this disclosure or 13 in the rebuttal to disclosure to Dr. Curry. Her 14 name does not appear. There's no reference at all 15 to any evaluation of Amber Heard. 16 THE COURT: Is there it opinion about 17 the credibility? 18 MS. BREDEHOFT: He testified in his 19 deposition. Then we supplemented and incorporated 20 his deposition. 21 THE COURT: Do you have that for me? 22 MS. BREDEHOFT: I do.</p>

6301	1 THE COURT: This is the deposition 2 taken on the 14th. 3 MS. BREDEHOFT: Specifically -- 4 THE COURT: So where in here does it 5 talk about -- 6 MS. BREDEHOFT: It specifically 7 incorporates his deposition testimony. 8 THE COURT: Well.. 9 MR. DENNISON: Well, the contention is 10 the last line says, "I can talk about anything 11 anybody else talks about that." That's not an 12 appropriate disclosure. 13 MS. BREDEHOFT: No, Your Honor. We did 14 incorporate... 15 THE COURT: Well, you just can't 16 incorporate? 17 MS. CALNAN: Yeah. That's -- 18 THE COURT: You can't incorporate it 19 without the deposition. Expert depositions you 20 can't have him testify. 21 MS. BREDEHOFT: What we did was 22 incorporate what he said. We did incorporate his	6303	1 Your Honor, are very specific to drugs and 2 alcohol, but he gives all the evidence that 3 supports that. 4 THE COURT: I understand. The opinion 5 that she was truthful in her answers, where is 6 that? 7 MS. BREDEHOFT: That's not an opinion. 8 That's him saying that based on the test results, 9 she scored this in that particular test result of 10 Dr. Curry, and that means that she was incredibly 11 answering those tests. 12 THE COURT: That's an opinion. I'll 13 sustain the objection. 14 MR. DENNISON: No references to 15 Dr. Curry, right? 16 MS. BREDEHOFT: I don't think you can 17 say he can't make any reference. 18 THE COURT: If he referred to hers in 19 his opinions, that's fine. He can't opine about 20 the results. 21 MR. DENNISON: Right. MMPI, that's the 22 issue. There's no reference in this instance to
6302	1 deposition. 2 THE COURT: But is this specifically 3 put in his supplemental disclosure? 4 MS. BREDEHOFT: You know, I don't think 5 that we went and put everything he said in the 6 deposition in. 7 THE COURT: You have to put his 8 deposition in. You have to supplement what his 9 opinions are going to be. 10 MS. BREDEHOFT: Right. Right. But 11 that's just a commentary on a particular -- I 12 mean, he's just saying that evidence supports. 13 That's an evidence that supports. 14 THE COURT: Right. 15 MS. BREDEHOFT: It's not a major 16 opinion. 17 THE COURT: I understand that. But 18 what Mr. Dennison is talking about, if he's going 19 to opine an opinion that she was credible in her 20 answers to place it -- 21 MS. BREDEHOFT: That's not a major 22 opinion. That is part of -- the major opinions,	6304	1 any MMPI. I suspect he's going to talk about 2 Dr. Curry's MMPI. 3 MS. BREDEHOFT: Your Honor, it's not a 4 major part of his opinion. 5 THE COURT: I'm going to sustain that 6 objection. 7 MS. BREDEHOFT: All right. Thank you. 8 MR. DENNISON: Thank you, Your Honor. 9 THE COURT: Uh-huh. 10 (Open court.) 11 BY MS. BREDEHOFT: 12 Q Do you remember my question? In did 13 you review the deposition and testimony of 14 Dr. Curry? 15 A Doctor? 16 Q Curry. Curry. 17 A Yeah. Dr. Curry, yeah, I reviewed the 18 testimony of Dr. Curry. I reviewed Dr. Curry's 19 reports. I reviewed Dr. Curry's testimony. 20 Q What if -- did you review the 21 deposition of trial testimony of Dr. Hughes? 22 A Yes.

<p style="text-align: right;">6305</p> <p>1 MR. DENNISON: Objection, Your Honor. 2 Beyond the scope the disclosure. 3 THE COURT: I'll allow that. 4 MS. BREDEHOFT: Thank you, Your Honor. 5 THE COURT: Overruled. 6 Q Did you interview Mr. Depp? 7 A <b>No, I did not.</b> 8 Q Did you request to interview? 9 A <b>I requested to interview Mr. Depp</b> 10 <b>twice, and both times, Mr. Depp and his lawyers</b> 11 <b>refused.</b> 12 Q Dr. Spiegel, I'm going to ask you some 13 questions in this case respecting your opinions 14 and the opinions you have formed and the bases for 15 them. And I'm going to ask you to provide me 16 within a reasonable degree of medical probability 17 or certainty. 18 Can you do that? 19 A <b>Yes.</b> 20 Q Okay. On what were you requested to 21 analyze and opine in this case? 22 A <b>So it's fourfold: One, I was asked to</b></p>	<p style="text-align: right;">6307</p> <p>1 <b>their functional effects.</b> 2 <b>And I think I would like to just go</b> 3 <b>through one other thing. When we talk about –</b> 4 <b>when psychiatry talks about substance use</b> 5 <b>disorders, it's imperative to understand we're not</b> 6 <b>talking about someone who rarely use and happens</b> 7 <b>to have a bad night. We're not talking about</b> 8 <b>someone who uses on a weekly basis and has a bad</b> 9 <b>night. We're talking about repetitive patterns of</b> 10 <b>behavior that meet a list of 11 criteria that can</b> 11 <b>be deemed mild, moderate, or severe.</b> 12 <b>Because I think people get confused</b> 13 <b>when they hear the word "substance abuse," that</b> 14 <b>they think of "Oh, I may abuse this because I used</b> 15 <b>it twice." There is a whole criteria of behavior</b> 16 <b>and sequelae and consequences that go with a</b> 17 <b>substance use disorder. I'm not just talking</b> 18 <b>about someone who will occasionally smoke a joint</b> 19 <b>or smokes a joints or snorts occasionally coke,</b> 20 <b>okay, or alcohol on the weekends. So really I</b> 21 <b>need to reiterate that because I think when you</b> 22 <b>look at psychiatric behavior, we tend to look –</b></p>
<p style="text-align: right;">6306</p> <p>1 <b>opine about the risk factors that are associated</b> 2 <b>with intimate partner violence and behaviors that</b> 3 <b>are shown, risk factors that are shown, in</b> 4 <b>intimate partner violence to be consistent with</b> 5 <b>behaviors that Mr. Depp has demonstrated.</b> 6 <b>Two, I've been asked to opine about the</b> 7 <b>acute effects on alcohol and substance use, and I</b> 8 <b>mentioned that including mood, behavior,</b> 9 <b>cognition, functional impairment.</b> 10 <b>Three, talking about the psychological</b> 11 <b>profile, if you would, of – is there a question?</b> 12 <b>I'm sorry.</b> 13 Q No. 14 A <b>Oh, okay. – of psychological and</b> 15 <b>medical sequelae of patients who have suffered</b> 16 <b>intimate partner violence and perpetrated intimate</b> 17 <b>partner violence and whether or not Mr. Depp's</b> 18 <b>behavior is consistent with that.</b> 19 <b>And, lastly, about alcohol and other</b> 20 <b>substance use disorders, the diagnostic criteria,</b> 21 <b>their medical and psychological effects,</b> 22 <b>psychiatric effects, their cognitive effects, and</b></p>	<p style="text-align: right;">6308</p> <p>1 <b>people look online and say, "My gosh, I have all</b> 2 <b>seven of these," right? And they're reading it</b> 3 <b>not quite the way the psychiatric literature is</b> 4 <b>supposed to go.</b> 5 <b>So, please, when I'm talking about</b> 6 <b>this, I need you to understand, one, that that's</b> 7 <b>what's going on as I told you about intimate</b> 8 <b>partner violence. It's horrible and it will</b> 9 <b>strike anyone. Okay? But again, we're talking</b> 10 <b>about repetitive behaviors for means of control.</b> 11 <b>All right? So that's really important to</b> 12 <b>understand when you're moving forward. I may say</b> 13 <b>occasionally substance abuse, but what I'm</b> 14 <b>referring to is substance abuse --</b> 15 MR. DENNISON: Objection. Beyond the 16 scope of the question. 17 THE COURT: Sustained. 18 Next question. 19 MS. BREDEHOFT: Okay. 20 Q Dr. Spiegel, could you please just 21 summarize for the jury the conclusions you came to 22 with your opinions, and then we'll take you</p>

<p>6309</p> <p>1 through the specifics?</p> <p>2 <b>A So in my opinion, based on my -- a</b></p> <p>3 <b>review of the evidence, based on my clinical</b></p> <p>4 <b>experience, based on my publishing experience,</b></p> <p>5 <b>based on my teaching experience, that Mr. Depp has</b></p> <p>6 <b>behaviors that are consistent with both someone</b></p> <p>7 <b>who has a substance use disorder as well as</b></p> <p>8 <b>consistent behaviors for someone who is a</b></p> <p>9 <b>perpetrator of intimate partner violence.</b></p> <p>10 <b>Q Thank you.</b></p> <p>11 <b>I'm going to start with the impact of</b></p> <p>12 <b>drug and alcohol abuse over time.</b></p> <p>13 <b>First of all, based upon your review of</b></p> <p>14 <b>the record evidence, what type of drugs has</b></p> <p>15 <b>Mr. Depp used?</b></p> <p>16 <b>A So Mr. Depp -- and I will get -- I'm</b></p> <p>17 <b>told -- usually talking about a substance use</b></p> <p>18 <b>disorder here. We're not just talking about use,</b></p> <p>19 <b>okay, so we're talking about alcohol. We're</b></p> <p>20 <b>talking about amphetamines. We're talking about</b></p> <p>21 <b>marijuana. We're talking about cocaine. We're</b></p> <p>22 <b>talking about LSD. We are talking about ecstasy.</b></p>	<p>6311</p> <p>1 <b>Q Has Mr. Depp suggested, based on your</b></p> <p>2 <b>review of the record evidence, that alcohol and</b></p> <p>3 <b>drugs actually help him?</b></p> <p>4 <b>A I've interviewed the evidence. He has</b></p> <p>5 <b>suggested that alcohol, Xanax -- I mean, the list</b></p> <p>6 <b>of medications do help. Although I will also tell</b></p> <p>7 <b>you, on review of the evidence, that there were at</b></p> <p>8 <b>least two times I can remember that Mr. Depp was</b></p> <p>9 <b>referring to at least short-lived periods of</b></p> <p>10 <b>sobriety, and I cannot tell you exactly what that</b></p> <p>11 <b>included. That both times he said that he</b></p> <p>12 <b>functioned better and that he recognized that</b></p> <p>13 <b>alcohol and drugs was at the root of his problems.</b></p> <p>14 <b>Q Now, there has been testimony that</b></p> <p>15 <b>Mr. Depp is quite charming, both off and on the</b></p> <p>16 <b>drugs and the alcohol. What is your answer to</b></p> <p>17 <b>that?</b></p> <p>18 <b>A So, again, let me make one thing clear</b></p> <p>19 <b>here: I am not here to impeach Mr. Depp's acting</b></p> <p>20 <b>skills or his persona. He has way greater skills</b></p> <p>21 <b>than I do in that. What I'm here to say is talk</b></p> <p>22 <b>about how drugs and alcohol affect what we all</b></p>
<p>6310</p> <p>1 <b>We are talking about opiates. We are talking</b></p> <p>2 <b>about prescription benzodiazepines. And we'll get</b></p> <p>3 <b>into a separate thing about the abusability of</b></p> <p>4 <b>Seroquel and/or gabapentin, Neurontin. And we're</b></p> <p>5 <b>talking about, much of the time, concurrent use,</b></p> <p>6 <b>meaning simultaneously.</b></p> <p>7 <b>Q In your practice, do some patients</b></p> <p>8 <b>suggest to you that drugs and alcohol actually</b></p> <p>9 <b>help them?</b></p> <p>10 <b>A So I think it's -- patients who lack</b></p> <p>11 <b>insight or are in the very early stages of</b></p> <p>12 <b>recognizing they have a "problem" will sometimes</b></p> <p>13 <b>actually say that they have -- "This medication</b></p> <p>14 <b>actually calms me down. This medication makes me</b></p> <p>15 <b>feel better." And, in actuality, they may not</b></p> <p>16 <b>acutely feel anything, but chronic and continual</b></p> <p>17 <b>use will take toll on the brain.</b></p> <p>18 <b>So the answer is yes. But, again,</b></p> <p>19 <b>people who have substance use disorders have a</b></p> <p>20 <b>very -- have lack of insight and a lack of</b></p> <p>21 <b>judgment about what's going on and very poor</b></p> <p>22 <b>moderation of their own behavior.</b></p>	<p>6312</p> <p>1 <b>have in common. We're all human beings. We can</b></p> <p>2 <b>all only get so much, take so much, when something</b></p> <p>3 <b>is going to happen, and that's what I see every</b></p> <p>4 <b>day in the emergency room, on the consult service,</b></p> <p>5 <b>and inpatient psychiatry: Bad things happen, not</b></p> <p>6 <b>because of anything special except we're all human</b></p> <p>7 <b>beings and our brains -- substances of abuse are</b></p> <p>8 <b>not titrated, they are not regulated by the FDA.</b></p> <p>9 <b>We don't know what we're getting. We don't know</b></p> <p>10 <b>how much we're getting. There's no control over</b></p> <p>11 <b>what makes it to our brain.</b></p> <p>12 <b>So it is not the actor. It is not the</b></p> <p>13 <b>persona, okay? It is a person just like the rest</b></p> <p>14 <b>of us, who are human beings, who will have these</b></p> <p>15 <b>effect, and that's what we all share in common.</b></p> <p>16 <b>Every one in this courtroom shares that in common.</b></p> <p>17 <b>Q When Mr. Depp was in his relationship</b></p> <p>18 <b>with Amber Heard, was he a polysubstance abuser?</b></p> <p>19 <b>A Was he a what abuser?</b></p> <p>20 <b>Q Polysubstance abuser.</b></p> <p>21 <b>A Yes.</b></p> <p>22 <b>Q So can you explain --</b></p>

<p>6313</p> <p>1 MR. DENNISON: Objection. Leading, 2 Your Honor. 3 Q -- what that is? 4 THE COURT: Overruled. 5 A I'm sorry. 6 Q Go ahead. 7 A So polysubstance abuse is the use of 8 three or more substances, and like I said, 9 concurrently, he was. Even while he was getting 10 ready for rehab on the island, he was. So, yes, 11 he did engage in that. 12 Q Did Mr. Depp's drug and alcohol abuse 13 affect his cognitively? 14 A Yes. So if nothing else to look at, 15 Dr. Blaustein, a psychiatrist that evaluated 16 Mr. Depp, did a Mini-Mental State Exam on him. 17 And as part of that Mini-Mental State Examination, 18 you're asked to remember three words and then come 19 back five minutes later and repeat those three 20 words. And in the meanwhile, you're getting other 21 types of testing for attention and concentration 22 and visuospatial language. So other things are</p>	<p>6315</p> <p>1 the record evidence about Mr. Depp having 2 difficulty focusing, his attention span, 3 processing, whether he could function as an actor? 4 A So -- 5 MR. DENNISON: Objection. Compound. 6 MS. BREDEHOFT: Compound is only if 7 it's -- 8 THE COURT: Overruled. 9 MS. BREDEHOFT: Thank you. 10 A So, again, in terms of the acting part, 11 we do know that he needed his lines fed to him for 12 movies. Part of that could have been also due 13 to -- and I don't know which movie, and please 14 forgive me about that -- that he actually 15 contested that he did a movie entirely wasted. So 16 I imagine it would be harder to do that. 17 Additionally, like I said, when I 18 looked at the deposition, you can tell that the 19 processing speed was down; his thinking rate was 20 down. If your thinking rate is down, and I'm not 21 talking about, again, I'm getting older. I'm 22 probably not as sharp as I was at 25, okay? But</p>
<p>6314</p> <p>1 being tested too. 2 Mr. Depp was unable to recall any of 3 them, and that is very unusual for a 4 50ish-year-old male. I don't remember how old he 5 was when he took that. Generally speaking, that 6 age group should be remembering two or all three 7 of those words. 8 One, I do know that his lines were also 9 fed to him by earpiece, again, affecting memory. 10 I did see in deposition -- I'm sorry, video 11 deposition about having to have questions -- I 12 don't want to say repeated as much as completely 13 forgotten. So the answer is yes. 14 And, you know, again, any one of us who 15 use alcohol and cocaine to that level of degree, 16 and I'm talking about a severe level of substance 17 use disorder, are going to have effects. It is 18 inescapable because we all have brains that are 19 malaffected by extensive substance use. And 20 potentially sometimes less, but certainly what 21 we're talking about here is extensive. 22 Q What, if anything, did you observe from</p>	<p>6316</p> <p>1 I'm talking about so slow that when we're trying 2 to move on to other questions, we're still trying 3 to answer the original data that's presented to 4 us. So attention span is very much impaired, and 5 if your attention span is impaired, your memory is 6 going to be impaired. It is inescapable that 7 that's going to happen. So all of that comes into 8 play. And that's what I witnessed in the video 9 deposition. 10 Fortunately for Mr. Depp, I do see that 11 during this trial that his cognition has improved, 12 some of which will happen if you are sober, so I 13 commend him on that. But, again, I'm specifically 14 referencing the time with Ms. Heard and Mr. Depp's 15 relationship, so we're talking about that. 16 Q What, if any, observations from the 17 record evidence did you have about Mr. Depp having 18 alcoholic blackouts or foggy mind? 19 A Again, there are reported times where 20 he would be essentially "passed out drunk." You 21 saw pictures of him passed out drunk and not being 22 able to remember what he did. Which is, again, if</p>

<p style="text-align: right;">6317</p> <p>1 you look at the record evidence, you will see 2 that – and this is linking intimate partner 3 violence and substance usage together; I know 4 we're going to get to that – which is basically 5 if you have blackouts and you're using alcohol or 6 using cocaine, it's going to be near impossible to 7 remember what happened the night before. 8 I don't think I'm the first person 9 that's ever told you that alcohol can cause 10 blackouts, and basically alcohol decreases a brain 11 chemical, glutamate, which is involved in memory 12 formation. If it blocks that to an extensive 13 degree, the individual cannot remember what 14 happened because they didn't have enough time for 15 their brain to process the memory and use this 16 brain chemical. 17 So do alcohol blackouts happen every 18 time? No, of course not. But are they a 19 complication of a use disorder? Absolutely, yes. 20 And there was record evidence of that. 21 Q Dr. Spiegel, you said at one point 22 "alcohol and cocaine." Is it possible to have</p>	<p style="text-align: right;">6319</p> <p>1 known as a vascular neurocognitive disorder, and 2 that is part of the psychiatric diagnosis. 3 You need to understand that you can 4 have these insults, these lesions, and these 5 strokes without demonstrating physical features, 6 and at a minimal, we know that he was using both 7 substances concurrently. And at minimal, we know 8 we have cognitive issues that we talked about, or 9 at least had some of them. 10 Q Thank you, Dr. Spiegel. What, if any, 11 correlation is there between domestic abuse, heavy 12 alcohol abuse, and cognitive disorders? 13 A So the risk factors, if you would, for 14 intimate partner violence, okay -- and there are 15 probably many of them; I don't have time to go 16 over all of them -- but the ones in particular, 17 characteristic in particular, are, one, having 18 someone in the relationship who is jealous or 19 suspicious; two, having someone who has a 20 higher-than-average acceptance of violence 21 ideations; three, someone who has rapid and 22 extreme mood shifts; four, someone who has limited</p>
<p style="text-align: right;">6318</p> <p>1 blackouts with alcohol and different types of 2 substances? 3 A Yes. So my clinical experience – and 4 I'll be – I'll date it back within the last 5 month – we had a patient who was using both, 6 especially cocaine, and she had these kind of 7 stroke-like lesions around the brain center known 8 as hippocampus, which is involved in memory 9 formation. So – 10 MR. DENNISON: Objection. Relevance. 11 MS. BREDEHOFT: Just giving an example. 12 THE COURT: Overruled. 13 A – combining the two substances 14 together increases the likelihood, even if you 15 don't get what is a major stroke -- and again, we 16 think of major stroke as someone who has speech 17 difficulties and moving difficulties. There's a 18 lot of different types of stroke that can just 19 affect cognition. They don't necessarily have to 20 have severe movement deficits or severe language 21 deficits; they can solely affect you in terms of 22 your cognitive symptoms, and they're actually</p>	<p style="text-align: right;">6320</p> <p>1 self-control. 2 One of the roles of cognition, one of 3 the roles of our brain, is to prevent 4 inappropriate behaviors and acting out on 5 thoughts. We all get angry at people. That's 6 human. We all get angry at people. We all think 7 things about people. The difference is when our 8 brains are intact and working well, most of us 9 don't act them out, okay? Most of us do not act 10 them out. 11 So that's – that's because your 12 frontal lobe and other parts of the brain are 13 involved in making sure these negative thoughts 14 don't get acted on, okay? 15 So when you have the effects of alcohol 16 acutely, that causes disinhibition, which means 17 you are, by definition, losing control and having 18 rapid mood swings; two, you are affecting parts of 19 the brain that are involved in what we call 20 "social processing cues," so you no longer can 21 interpret what's in front of you that is, let's 22 say, right or wrong or what I should act on and</p>

6321	<p>1 what I shouldn't act on. 2 So we act on them, even though sober -- 3 and I've seen it with Mr. Depp's record evidence; 4 I've seen it clinically. Sober, we can contain 5 that. We can contain that. But when you have 6 these mixtures together -- known, by the way, that 7 about 30, up to 60 percent of intimate partner 8 violence is done under the influence of alcohol 9 and/or substance use disorders, okay, knowing that 10 treating it gets it better and improves -- I'm not 11 saying removes it, but improves it -- hearing from 12 Mr. Depp's own text to Dr. Kipper that he was 13 better, that things are going better, will show 14 you that, given this confluence of factors, given 15 them all lining up, the risk factors combined with 16 something that any of us, any of us used to a 17 certain amount -- if we're a novice at it, it 18 would be a lot less; if we're more experienced, 19 you have more tolerance and dependence, it's going 20 to take a lot more, but inevitably will make us 21 disinhibited and will make us act out, and acting 22 out can be done in a lot of different ways in</p>	6323	<p>1 MR. CHEW: Thank you, Your Honor. 2 THE BAILIFF: All rise. 3 (Recess taken from 10:43 a.m. to 4 11:00 a.m.) 5 THE BAILIFF: All rise. Please be 6 seated and come to order. 7 THE COURT: All right. Ready for the 8 jury? 9 MR. DENNISON: Your Honor, can we 10 approach before the jury gets in? 11 THE COURT: Okay sure. 12 (Sidebar.) 13 MR. DENNISON: Your Honor, I want to be 14 totally mindful of your prior orders. This 15 witness testified that he invited, twice, Mr. Depp 16 to be examined. Those two invitations were 17 motions to this court to order a medical exam, and 18 both of those were denied. 19 MS. BREDEHOFT: Actually, we did 20 request it, and they said no, and then we moved 21 for it and you said no. 22 THE COURT: You can address that on</p>
6322	<p>1 intimate partner violence, okay, with also 2 remembering control is the endgame of intimate 3 partner violence. 4 So that's how they basically interact 5 in a nutshell. 6 THE COURT: Ms. Bredehoff, I assume you 7 have -- 8 MS. BREDEHOFT: I have quite a bit 9 more. 10 THE COURT: Let's go ahead and take our 11 morning recess, ladies and gentlemen. Just do not 12 discuss the case, and don't do any outside 13 research. We'll be back with you in 15 minutes. 14 THE WITNESS: I'm sorry. 15 THE COURT: No, no. We're just taking 16 a break. 17 (Whereupon, the jury exited the 18 courtroom and the following proceedings took 19 place.) 20 THE COURT: All right. Let's just take 21 a break until 11, then. We'll come back at 11, 22 then, okay?</p>	6324	<p>1 cross-examination. 2 MR. DENNISON: But I can mention your 3 order? 4 MS. BREDEHOFT: We didn't ask whether 5 they will. We did make a request. We requested 6 of them independent of the order. 7 THE COURT: Right. But you did an 8 order. Afterwards you asked for an order? 9 MS. BREDEHOFT: That's correct. 10 THE COURT: You can redirect on that 11 too. That's fine. That's fair game. 12 MR. DENNISON: Okay. Thank you, Your 13 Honor. 14 (Open court.) 15 (Whereupon, the jury entered the 16 courtroom and the following proceedings took 17 place.) 18 THE COURT: All right. Thank you. You 19 may be seated. 20 Your next question. Thank you, ma'am. 21 MS. BREDEHOFT: Thank you, Your Honor. 22</p>

6325	<p>1 BY MS. BREDEHOFT: 2 Q Dr. Spiegel, before we took the break, 3 you were talking about the correlation between 4 domestic abuse, heavy alcohol abuse, and cognitive 5 disorders. Does the literature support your 6 testimony on this? 7 A Yes, the literature fully supports 8 everything I just said -- 9 Q Okay. 10 A -- through that interaction. 11 Q Thank you. Now, you indicated that you 12 reviewed Mr. Depp's video depositions; is that 13 correct? 14 A Yes. 15 Q The ones from November 10 through 12 of 16 2020 and December 14 of 2021; is that correct? 17 A Yes. 18 Q Okay. Did you reach any conclusions 19 about his cognitive symptoms, insight, and 20 judgment in watching those? 21 A So during the video deposition, what 22 was readily apparent was a gentleman who had a</p>	6327	<p>1 about impulse control? 2 A So during the deposition, or... 3 Q Yes. 4 A Or anything other -- 5 Q And of the record evidence either? 6 A -- in either? So, again, I think that 7 under the guise of not being acutely intoxicated, 8 I think Mr. Depp is able to control much of his 9 behavior, much of his thinking. Even if it was 10 aberrant or negative, he's able to control that. 11 I think that once you start getting to the point 12 of adding substances to that, that will set it 13 over. 14 If you saw the video, I think you all 15 did, about the -- in the kitchen where there was 16 smashing of glasses, slamming of cupboards, and 17 yelling at Ms. Heard that you don't exist, and 18 throughout the deposition of Dr. Kipper, Mr. Depp 19 is firing him and rehiring him and yelling and 20 screaming. And I do believe that a lot of it had 21 to do with the interaction of, "Hey, we're trying 22 to help you get sober, okay? And it is obviously</p>
6326	<p>1 significant delay in processing speed. And like I 2 said, when you have a delay in processing speed, 3 many other cognitive functions are going to 4 follow. You're going to be impaired in attention, 5 concentration, memory. All that's going to 6 happen. 7 In terms of having to -- the speech 8 part, if you heard the deposition, the way the 9 thoughts were conveyed were much more in the way 10 kind of disconnected, disjointed statements. It 11 wasn't that they were not necessarily 12 understandable, but they didn't have any coherent 13 pattern until he was more structured by 14 Ms. Bredehoff to kind of get to the point of the 15 question, which happened throughout most of the 16 deposition. 17 And so you could see there that there 18 was obviously some form of cognitive issue that 19 should not be happening in someone in their 20 mid-50s, and probably due to the alcohol and 21 substances. 22 Q What, if any, observations did you make</p>	6328	<p>1 something you are resisting, not ready for, not 2 wanting," and so you saw a lot of yelling, a lot 3 of acting out, if you would, which puts you on the 4 state of "Hey, this is a gentleman who has really 5 significant trouble with delay in gratification, 6 okay, delay in reward." And certainly one way 7 to -- one way to make that significantly worse is 8 with substances. There's no question about that. 9 Q And you may have subsumed this in, but 10 what, if anything, did you observe relating to 11 erratic behavior based on the record evidence? 12 A Yeah. I mean, I think, again, when you 13 talk about erratic behavior, Dr. Kipper's 14 deposition, I believe it was, where -- I think I 15 made particular notice only because I'm a 16 psychiatrist myself -- there was a very large 17 ranting about Dr. Cowan, who was Ms. Heard's 18 psychologist/therapist, and the language -- you 19 can be dissatisfied with your provider; I have no 20 problem with that. You can be dissatisfied, and 21 you have a right to go to wherever you want to go 22 to. But the texting that were involved in this,</p>

<p style="text-align: right;">6329</p> <p>1 in terms of erratic behavior, was disturbing in 2 terms of the verbiage used, the phrases used. 3 Am I free to use some of the language? 4 Or should I reserve that, Your Honor? 5 Q Go ahead. Believe me, the jury's been 6 hearing it. 7 A Okay. Sorry. I wanted to make sure. 8 I wanted to make sure. So it was something along 9 the line that Dr. Kipper is an "effin' charlatan." 10 MR. DENNISON: Objection. Hearsay. 11 MS. BREDEHOFT: He's entitled to rely 12 on it and to give his examples. 13 MR. DENNISON: He can talk about what 14 he developed from the hearsay, but not repeat it 15 himself. 16 MS. BREDEHOFT: He's entitled to give 17 examples of it. 18 THE COURT: I'll sustain the objection. 19 Q Without giving the exact words that you 20 recall -- 21 A Oh, without the exact words? 22 Q Yeah.</p>	<p style="text-align: right;">6331</p> <p>1 more rationally rather than express things as 2 irrational as they had been expressed. And for 3 that, there was a lot of negativity, being sworn 4 at. 5 So, again, erratic behavior in terms of 6 writing a text, but I have no problem with people 7 being angry, okay, none whatsoever. It's just the 8 expressing of it and the continual ranting of it 9 was very uncomfortable for me to read. But 10 regardless, I think we have seen in terms of 11 erratic behavior much of the psychological and the 12 physical maltreatment we talked about -- 13 MR. DENNISON: Objection. Beyond the 14 scope of the question. 15 MS. BREDEHOFT: I don't agree. 16 THE COURT: I'll sustain. Next 17 question. 18 MS. BREDEHOFT: Okay. 19 Q Mr. Depp is 58 years old. Are the 20 behaviors that you have been describing for the 21 jury, are those typical and age-related? 22 A No. So, well, I don't consider 58</p>
<p style="text-align: right;">6330</p> <p>1 A Okay. So, I mean, without giving the 2 exact words it was basically vulgar language 3 directed towards Dr. Cowan throughout multiple 4 texts, multiple things that Dr. Cowan were doing 5 in therapy. It was -- like I said, it was without 6 relaying the exact thing, I'm trying to be as 7 accurate as I can. I think at the end of it, I 8 think he was also talking about that Dr. Cowan was 9 filling Amber with positive thoughts or 10 therapeutic psychiatric -- 11 MR. DENNISON: Objection. Hearsay. 12 MS. BREDEHOFT: I think he's keeping it 13 more general. He's entitled to rely on it. 14 THE COURT: Overruled. 15 MS. BREDEHOFT: Thank you. 16 A -- so more along the line of giving 17 Amber psychiatric jargon to put on him. And 18 actually what I read and interpreted with 19 Dr. Cowan's -- was getting blasted for was he was, 20 you know, kind of teaching Amber how to -- 21 Ms. Heard how to use conflict resolution in a more 22 appropriate manner and learning to express things</p>	<p style="text-align: right;">6332</p> <p>1 years old -- I'm 59, okay? I will tell you that 2 the age-related changes that occur in humans are 3 very -- they're very erratic, hit and miss, 4 meaning they'll occasionally bear, debear. You 5 may need a little bit more time to answer a 6 question or pull things out of memory because 7 you're just a little bit slow and a lot more 8 inconsistently slow. You wouldn't ascribe what 9 Dr. Blaustein's changes were or what I saw in the 10 deposition attributed to age. 11 Q Dr. Spiegel, what is Seroquel? 12 A Seroquel, or quetiapine, is actually an 13 atypical antipsychotic which is indicated for many 14 things including schizophrenia, bipolar disorder, 15 adjunctive treatment for major depression, so it's 16 indicated for a lot of things. 17 Q But what effects may it have? This is 18 one of the drugs that Mr. Depp was taking, 19 correct? 20 A Yes. 21 Q It was a prescribed drug? 22 A Yes.</p>

<p>6333</p> <p>1 Q Okay. What --</p> <p>2 A So.</p> <p>3 Q Yeah. Please explain.</p> <p>4 A So the effects of Seroquel is -- it's</p> <p>5 very often used as a sleeping agent because it</p> <p>6 doesn't have a lot of the side effects that are</p> <p>7 associated with conventional antipsychotics,</p> <p>8 movement disorders, tardive dyskinesia, et cetera,</p> <p>9 or at least it's a very low risk for that.</p> <p>10 So people have used it off-label,</p> <p>11 physicians have used it off-label, to help them</p> <p>12 sleep. The problem is the effect is very</p> <p>13 barbiturate-like, and it really knocks people out,</p> <p>14 or certainly if you use it at high enough doses,</p> <p>15 it can, okay?</p> <p>16 And the problem is, the problem is it</p> <p>17 also has street value. So it's absolutely used on</p> <p>18 the street for that down-like effect, and</p> <p>19 obviously a little bit more readily available</p> <p>20 because it's prescribed. So it does have that</p> <p>21 street value portion of it.</p> <p>22 Q And, Dr. Spiegel, what effect would</p>	<p>6335</p> <p>1 disorder.</p> <p>2 Q Dr. Spiegel, what is Neurontin?</p> <p>3 A So Neurontin/gabapentin is actually an</p> <p>4 anti-seizure medicine which is, I think, is --</p> <p>5 it's indicated for seizures, and it might be</p> <p>6 indicated for one chronic pain condition, although</p> <p>7 I can't swear that to you. That's, again, in a</p> <p>8 substance use disorder population, it has</p> <p>9 significant street value, and people who misuse</p> <p>10 opiates often supplement that with Neurontin</p> <p>11 because it has this anti-pain calming effect.</p> <p>12 So unfortunately, it also can cause</p> <p>13 respiratory suppression. And so when you use it</p> <p>14 with opiates, they're very -- there are people</p> <p>15 that are unlucky enough to succumb to respiratory</p> <p>16 suppression as a result, but it has a very</p> <p>17 additive calming effect that people use it for.</p> <p>18 Q And what effect would that have on</p> <p>19 Mr. Depp in the dosages he was taking?</p> <p>20 A Again -- I'm still waiting for that</p> <p>21 objection. Okay. Again, what we do is have the</p> <p>22 street value of using it with the opiates, the</p>
<p>6334</p> <p>1 this have on Mr. Depp, based on the dosages he was</p> <p>2 taking?</p> <p>3 A So I think what you're looking at is --</p> <p>4 MR. DENNISON: Objection. Speculation.</p> <p>5 THE COURT: Overruled.</p> <p>6 Q Please continue.</p> <p>7 A What you will see in patients who have</p> <p>8 substance use disorders are people who,</p> <p>9 unfortunately, kind of wake up and fall asleep</p> <p>10 only through pharmacological assistance, meaning</p> <p>11 that their own circadian rhythms are no longer in</p> <p>12 control of that behavior. So you will take</p> <p>13 stimulants to "get you up" in the morning, and</p> <p>14 then you will take things like quetiapine/Seroquel</p> <p>15 to knock you out.</p> <p>16 So basically what these are being used</p> <p>17 for is "I'm going to get up, and I'm going to get</p> <p>18 knocked out," and that's very characteristic of</p> <p>19 what would be, actually, legal prescribed</p> <p>20 substances. That's not illegal at all. That's</p> <p>21 very legal, and that's seemingly what these</p> <p>22 medicines' effect are on patients of substance use</p>	<p>6336</p> <p>1 advantages of using it with opiates, and it's</p> <p>2 make -- because opiates in general, despite</p> <p>3 everything else it does, are calming, and you use</p> <p>4 it with it, it offers further calming, which is</p> <p>5 why doctors have been warned not to prescribe</p> <p>6 medications like gabapentin and opiates together</p> <p>7 unless under significant, strict following because</p> <p>8 it can cause serious problems such as death,</p> <p>9 respiratory suppression.</p> <p>10 Q And Mr. Depp is also taking Adderall,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q Can you please describe to the jury</p> <p>14 what that impact would have and particularly in</p> <p>15 connection with the dosages?</p> <p>16 A So Adderall is a psychostimulant which</p> <p>17 is prescribed relatively regularly for ADHD. The</p> <p>18 problem comes, again, when you shouldn't be</p> <p>19 prescribing or receiving Adderall when you're</p> <p>20 already using/misusing cocaine, okay? You're now</p> <p>21 doubling your stimulant dosage here. And</p> <p>22 basically what you are talking about, again, it</p>

<p style="text-align: right;">6337</p> <p>1 comes down to in the substance use disorder 2 population, you are using it to stay awake, have 3 energy, keep yourself going, getting high, getting 4 energetic, and then the only way to kind of combat 5 that, because you have this effect, is to kind of 6 take downers during the day, and downers being 7 anything that's calming, so anywhere from opiates 8 prescription, anywhere from Neurontin, anywhere 9 from Seroquel, all medications that are 10 potentially -- not potentially, which are 11 abusable. 12 And so that's what this is going on. 13 That's what the substance abuse patient has, and, 14 you know, it can't be given with someone using 15 cocaine because that's an extreme risk for death. 16 You can't be doing them together. 17 Q And what, if any, effect would these 18 drugs have if they were mixed with MDMA or 19 cocaine? 20 A So when you combine the two together 21 like I talked about before, there are effects 22 where you are looking at, right, the predisposing</p>	<p style="text-align: right;">6339</p> <p>1 intimate partner violence. You are playing with 2 fire. And that's all of us. 3 Q And the substances that Mr. Depp was 4 taking and the record evidence relating to those, 5 did you draw any conclusions concerning whether he 6 met these -- this criteria or these risk factors? 7 A So in terms of substance abuse disorder 8 when you look at it, so major role obligations not 9 being fulfilled, don't have any evidence about 10 operating under the influence or not. Social 11 issues, especially disagreements and arguments 12 with your spouse or family, obviously there was 13 tolerance and dependence for the amount he was 14 using because if anyone is naive to these 15 medications, most of us would be dead. 16 Unsuccessful efforts, difficulty 17 cutting back, using more than intended, giving up 18 social/occupational obligations because, this I 19 know, there was part -- right after the rehab on 20 the island and in Australia, when he stood there 21 partying with Marilyn Manson and they used -- 22 MR. DENNISON: Objection. Beyond the</p>
<p style="text-align: right;">6338</p> <p>1 traits of intimate partner violence, so jealousy; 2 rapid mood changes; poor self-control; and to some 3 degree -- and to some degree, condoning violence 4 to a certain degree. 5 When you combine them all together, you 6 get this disinhibiting forwarded effect from 7 cocaine and Adderall. Then when you combine the 8 two together, what happens? You get too much, and 9 then you start getting irritable, you start 10 getting agitated, okay? You start becoming 11 suspicious, jealous, potentially disinhibited, 12 psychotic, and these are the risks. And again, 13 we're not talking about your average, everyday use 14 of these substances. We're talking about chronic 15 use together. 16 And we also know that alcohol and 17 cocaine use independently increase significantly 18 the risk of intimate partner violence. These 19 aren't statistics I'm coming up with. They all 20 depend -- anywhere from -- reports up to 7 to 21 27-fold. So you are, let's say, "playing with 22 fire," when you're talking about substances and</p>	<p style="text-align: right;">6340</p> <p>1 scope of the question. 2 MS. BREDEHOFT: Actually, that's asking 3 for the record evidence for this. 4 THE COURT: I'll sustain the objection. 5 Next question. 6 THE WITNESS: Okay. 7 Q What other record evidence did you have 8 supporting this? 9 A Okay. So psychological, using despite 10 the fact you know it causes known psychological, 11 psychiatric, or medical effects. And I think 12 that's pretty well documented. So in this case, 13 you're talking about someone who has a severe 14 substance use disorder. 15 Again, I do want to emphasize, ladies 16 and gentlemen of the jury, that intimate partner 17 violence and substance use disorders are two 18 scourges in this country. They are two plagues. 19 This is very serious stuff we're playing with, and 20 when you are just getting someone closer and 21 closer to threshold -- 22 MR. DENNISON: Objection, Your Honor.</p>

<p>6341</p> <p>1 Relevance. 2 MS. BREDEHOFT: This is highly 3 relevant, Your Honor. 4 THE COURT: I'll overrule as to 5 relevance. 6 MR. DENNISON: Beyond the scope. 7 THE COURT: Beyond the scope of the 8 question? 9 MR. DENNISON: Yes. 10 THE COURT: Okay. I'll sustain that 11 objection. 12 MS. BREDEHOFT: All right. 13 Q Tell me more about the relationships 14 between substance abuse and IPV, please. 15 A Yeah. So again, that -- you're talking 16 about this, and you are -- you may be able to 17 control the risk factors for -- any of us may be 18 able to control the risk factors for IPV; any of 19 us might be able to, okay, when we're thinking and 20 we're not disinhibited, not having these 21 hyperintense emotions from substances. 22 Once you add that to this mix, your</p>	<p>6343</p> <p>1 cocaine? More or less, the answer is -- 2 MR. DENNISON: Objection, Your Honor. 3 Beyond the scope of the question. 4 MS. BREDEHOFT: That's exactly what 5 he -- 6 THE COURT: Overruled. 7 MS. BREDEHOFT: Thank you. 8 Q Please continue. 9 MR. DENNISON: Was it overruled? 10 MS. BREDEHOFT: It was overruled. 11 Q Go ahead. 12 A So that is not a very far jump. I've 13 certainly seen patients do a lot worse than that 14 who started out with similar risk factors of, you 15 know, burning self and cutting self. I'm not 16 going to get into the descriptions, but I've seen 17 people do a lot worse than that. 18 Q Okay. 19 A So the answer's yes. 20 Q Okay. I'm going to turn, now, 21 specifically to intimate partner violence, and I 22 know you've talked, certainly, about it.</p>
<p>6342</p> <p>1 brain can no longer do what it's supposed to do, 2 and it's supposed to prevent you from doing this, 3 quite frankly, because it's wrong. 4 Q Did you arrive at any conclusions 5 concerning substance abuse and potential 6 self-harm that may have led to Mr. Depp injuring 7 his finger? 8 A So I think the physician before me 9 explained that pretty well. But I'll tell you 10 that Mr. Depp has a history of self-injurious 11 behavior, meaning cutting himself. Mr. Depp has a 12 history of burning himself. I know when the 13 actual event happened, there was texting to 14 Dr. Kipper -- paraphrasing, not saying exactly -- 15 that Amber and him got into a disagreement related 16 to her wanting him to be sober and that as a 17 result of that, he said he got so angry he cut the 18 tip of his finger off. 19 So if you're asking me can someone who 20 has -- or have I seen and can someone who cuts 21 themselves, burns themselves, can cut a tip of 22 their finger off with or without alcohol or</p>	<p>6344</p> <p>1 But can you tell the jury, please, a 2 little bit more about intimate partner violence 3 and what is included in that? 4 A So the APA task force on violence in 5 the family defined, more or less, this topic of 6 domestic abuse and intimate partner violence as 7 recurrent abusive behavior by means of 8 psychological, sexual, or physical maltreatment 9 for the purpose of achieving control or 10 maintaining power, authority, and control. 11 Q Can it include threats and 12 intimidation? 13 A It includes -- so in the part of 14 psychological abuse, which is done essentially as 15 a means of emotionally and mentally hurting 16 someone -- but with the same end goal to achieve 17 control -- it can be destroying property, it can 18 be financial which is part of that, verbal out 19 abuse -- verbal outbursts, I'm sorry -- threats, 20 intimidation, body language, all of that goes 21 under the concept of psychological abuse. And you 22 may be able to divide it verbal, nonverbal, what's</p>

<p>6345</p> <p>1 actually emotional versus verbal. But they're all 2 under that rubric, and they're all under the guise 3 of maintaining control. 4 Q Do survivors of intimate partner 5 violence experience mental health issues? 6 A Can you repeat the question? 7 Q Do survivors of intimate partner 8 violence experience mental health issues? 9 A Oh, yes. Oh, yes. So survivors of 10 intimate partner violence – and by the way, I 11 should start out by saying we don't expect – in 12 psychiatry, we don't expect our victims to be 13 perfect. We don't expect our victims to be 14 unscathed by what they've received. So starting 15 with that, okay, it is not unusual, as survivors, 16 to see substance use – substance abuse, substance 17 abuse – substance-induced symptoms: Chronic 18 depression, post-traumatic stress disorder or 19 subsyndromal post-traumatic stress disorder along 20 the lines of battered wives syndrome, and some 21 emotional unpredictability. That's – and again, 22 you are a victim here. You are a victim.</p>	<p>6347</p> <p>1 that? 2 (Sidebar.) 3 THE COURT: Yes, sir? 4 MR. DENNISON: We're getting to this. 5 THE COURT: Can you say that question 6 again? 7 MS. BREDEHOFT: It's "Is there record 8 evidence of physical violence by Mr. Depp?" which 9 is one of the risk factors, and it's in the 10 designations, page 84, paragraph 2. 11 THE COURT: Wait, wait, wait. 12 MS. BREDEHOFT: "Is there record 13 evidence of physical violence by Mr. Depp?" I'm 14 not asking if he was a perpetrator. This is 15 physical violence. 16 THE COURT: You're saying -- you're 17 saying if there's physical violence? 18 MS. BREDEHOFT: Yes, that he's engaged 19 in physical violence, but this is at -- I mean, 20 very much -- it's at page 84, paragraph -- 21 THE COURT: I understand that. You're 22 just going to state that he has the risk factors.</p>
<p>6346</p> <p>1 Q Do perpetrators typically seek 2 treatment or counseling? 3 A No. Perpetrators are not receiving 4 counseling treatment. One, because they're going 5 to be probably having to tell someone that they 6 actually struck someone, which is what their 7 thought is about the big problem, that intimate 8 partner violence is just the hitting. Again, 9 important but not the sole part of it. So 10 perpetrators very rarely will go into any type of 11 formal counseling. 12 Victims go into counseling. Victims 13 are seeking, actually, couples counseling. 14 Victims are seeking couples advice to try to 15 repair what's happening, okay? But in terms of 16 actually perpetrators? No, they don't do that. 17 Q In your view of this case, is there 18 record evidence of physical violence by Mr. Depp? 19 A So -- 20 MR. DENNISON: Objection, Your Honor. 21 Foundation. 22 THE COURT: Do you want to approach on</p>	<p>6348</p> <p>1 You're not getting into why he's thinks -- 2 MS. BREDEHOFT: Yes. He's going to -- 3 he's going through the risk -- what are the 4 factors. And he actually says -- 5 THE COURT: You can ask that question, 6 what the factors are. 7 MS. BREDEHOFT: But then he also 8 said -- and this is part of his opinion -- that 9 there's physical -- there's actually record 10 evidence of him committing physical violence, 11 sexual violence, psychological regression, which 12 he can testify to that and that's in his opinion. 13 MR. DENNISON: That's exactly the issue 14 that we raised previously. It's making judgments 15 as to all -- 16 THE COURT: Right. He's making 17 judgments as to the evidence. He can't say that 18 there is known physical acts of Mr. Depp because 19 it isn't -- that's what the jury is here to 20 decide. 21 MS. BREDEHOFT: He can testify that 22 there's -- I mean, he's read the record --</p>

6349	1 THE COURT: It doesn't come into 2 evidence. I mean, you want to testify that he has 3 read reports in evidence, I mean, that's what he 4 based his opinions on. That's fine. But he can't 5 say, "Yes. There's reported times of this." 6 Because he doesn't know that, and that's what the 7 jury has to figure out. 8 MS. BREDEHOFT: So I can ask him if 9 there's record evidence of physical violence, 10 sexual abuse, and physical aggression, but that he 11 can't say any specifics? 12 THE COURT: What was your question 13 again? 14 MS. BREDEHOFT: It was "In your review 15 of the case, is there evidence of physical 16 violence by Mr. Depp?" 17 MR. DENNISON: Your Honor, I think it 18 literally continues to invade the province of the 19 jury here. That's specifically one of the issues 20 the jury is going to ultimately decide, and she's 21 asking him to sum it all up for them and -- 22 MS. BREDEHOFT: Your Honor, we	6351	1 that" -- I'm not sure how you want to do it, but I 2 just don't want him to give any kind of conclusion 3 with respect to the evidence. Make sense? 4 MR. DENNISON: I mean, it makes sense 5 to me. 6 THE COURT: All right. 7 MR. DENNISON: I mean, fundamentally -- 8 THE COURT: He's not going to give -- 9 his only conclusion is going to be that he meets 10 the risk factors, not that he's done it, correct? 11 MS. BREDEHOFT: So I'm going to ask -- 12 I just want to make sure -- 13 THE COURT: Well, okay. 14 MS. BREDEHOFT: "What have you reviewed 15 that reflects Mr. Depp engaging in physical 16 violence?" 17 THE COURT: No, no. 18 MR. DENNISON: Objection. 19 THE COURT: You just say "the risk 20 factors." Risk factors. 21 MS. BREDEHOFT: Risk factor relating to 22 physical violence? I mean, that's just one of
6350	1 disclosed this -- 2 THE COURT: I know you disclosed it. 3 We're past disclosure. 4 MS. BREDEHOFT: And experts are able to 5 testify to ultimate issues as well, but he's going 6 through the three different types of the IPV here 7 in talking about it. 8 But he's seen recorded evidence that 9 we -- 10 MS. BREDEHOFT: Record evidence. I'm 11 sorry. 12 THE COURT: Record evidence. I don't 13 want him commenting on the evidence that's before 14 the jury. He can't comment on, "Yes, he assaulted 15 Ms. Heard," because he doesn't know that. It's in 16 evidence for the jury. 17 MS. BREDEHOFT: And what he said in his 18 report is he said, "There are numerous witnesses 19 who report seeing cuts, bruises, and injuries." 20 And it was reported that -- 21 THE COURT: Okay. So that -- why don't 22 you ask, "What have you reviewed that shows	6352	1 them. 2 THE COURT: I understand. But what we 3 were discussing earlier is he wasn't going to -- 4 MS. BREDEHOFT: He's engaged in -- 5 there's evidence of him engaging in each of the 6 risk factors. 7 THE COURT: Right. Just in risk 8 factors, not engaging in physical violence. Maybe 9 just explaining what the risk factors are first, 10 and then "What have you reviewed? Give us your 11 information that he knew that he was" -- 12 MS. BREDEHOFT: So if I'm understanding 13 Your Honor's ruling here, I can't ask him what the 14 record evidence is of Mr. Depp engaging in 15 physical violence, sexual abuse, and instead I 16 just have to have him explain what that is and the 17 significance of it to IPV. 18 THE COURT: What the risks -- right, 19 "What are the risk factors," right. And what he 20 reviewed that makes you believe that he correlates 21 with those risk factors?" 22 Does that sound all right?

<p>6353</p> <p>1 MR. DENNISON: Yeah. He can identify 2 what the risk factors are for IPV. 3 THE COURT: Right. And what he 4 reviewed that would put that on that course. But 5 I just don't want him commenting on the evidence 6 itself. 7 MS. BREDEHOFT: Okay. What it 8 correlates, okay. 9 THE COURT: Okay. 10 MS. BREDEHOFT: I think so. Thanks, 11 Your Honor. We'll give it a whirl. 12 MR. DENNISON: Okay. 13 (Open court.) 14 BY MS. BREDEHOFT: 15 Q So what have you reviewed that 16 correlates with the risk factors for IPV that 17 Mr. Depp -- related to Mr. Depp? 18 <b>A So risk factors I reviewed that</b> 19 <b>correlate, so starting with the -- I guess we'll</b> 20 <b>start with the physical because that was the</b> 21 <b>question that was put out there. What I have</b> 22 <b>reviewed has demonstrated pushing, shoving --</b></p>	<p>6355</p> <p>1 MS. BREDEHOFT: He's answering -- 2 THE COURT: Okay. 3 Q Go ahead and answer what you reviewed. 4 Please continue with what you reviewed. 5 <b>A Therapists' notes, counselors' notes,</b> 6 <b>text messages, depositions, video, pictures,</b> 7 <b>psychologists' notes and evaluations, and I said</b> 8 <b>physicians' notes; that's what I reviewed.</b> 9 Q Okay. Now, you've indicated that 10 intimate partner violence includes physical 11 violence, sexual abuse, and psychological 12 aggression. 13 Can you please describe for the jury 14 what "psychological aggression" is and what it 15 entails? 16 <b>A So psychological aggression would be</b> 17 <b>the engaging in behavior for the sole purpose of</b> 18 <b>emotionally and/or mentally harming someone with</b> 19 <b>the main purpose of, again, to maintaining</b> 20 <b>control. So behaviors that can occur with</b> 21 <b>psychological aggression include insults,</b> 22 <b>intimidation, holding things financially against</b></p>
<p>6354</p> <p>1 MR. DENNISON: Objection, Your Honor. 2 Q Let me see if I can direct this a 3 little differently, Dr. Spiegel. 4 Rather than giving the summary of what 5 that was, what did you review that correlates? In 6 other words, did you review witness statements? 7 Did you review -- 8 <b>A Oh, okay.</b> 9 Q -- depositions, photos? 10 <b>A So what I reviewed was in terms of</b> 11 <b>witness statements, Dr. Kipper's notes. Very,</b> 12 <b>very interestingly, actually, early on, in I think</b> 13 <b>it was 2012 or around that time, circa 2012, 2014,</b> 14 <b>Ms. Heard was --</b> 15 MR. DENNISON: Objection. Beyond the 16 scope of the question. 17 THE COURT: What he reviewed is the 18 question. 19 MS. BREDEHOFT: All right. 20 <b>A So I reviewed -- so Ms. Heard's --</b> 21 MR. DENNISON: Objection. There's no 22 question pending.</p>	<p>6356</p> <p>1 <b>someone, jealousy rants, property destruction. So</b> 2 <b>all that is involved -- nonverbal communication,</b> 3 <b>so threatening looks, glances, things like that,</b> 4 <b>all of that is involved in psychological</b> 5 <b>maltreatment and intimate partner violence.</b> 6 Q What, if any -- what, if anything, 7 would be psychological aggression if it was trying 8 to control somebody's career? Would that be a 9 factor? 10 <b>A Yeah. So --</b> 11 MR. DENNISON: Objection. Leading. 12 THE COURT: Overruled. 13 <b>A So, yeah. Trying to control someone's</b> 14 <b>career, that would be under financially trying to</b> 15 <b>mistreat someone, especially, you know, if someone</b> 16 <b>wants to succeed and try and have a career and</b> 17 <b>you're preventing them from doing so by</b> 18 <b>maltreatment, that's another example.</b> 19 Q Okay. So I'm going to ask specifically 20 about the risk factors for intimate partner 21 violence. Is substance abuse a risk factor for 22 IPV?</p>

<p>6357</p> <p>1 <b>A Yes, it is a risk factor, as well as a</b> 2 <b>precipitating cause.</b> 3 Q Okay. And what record evidence did you 4 review that correlates to Mr. Depp engaging in 5 substance abuse? 6 <b>A So the record evidence of – I'll just</b> 7 <b>start with Dr. Kipper and the substances that</b> 8 <b>Mr. Depp was using and misusing, both in terms of</b> 9 <b>prescribed and on urine drug screen, were brought</b> 10 <b>out through that.</b> 11 Q Is lack of behavioral control and 12 impulsiveness risk factors for intimate partner 13 violence? 14 <b>A Yes, they are.</b> 15 Q Okay. And what, if any, record 16 evidence were you aware of that Mr. Depp had 17 lacked -- exhibited lack of behavioral control and 18 impulsiveness? 19 <b>A Again, threatening –</b> 20 MR. DENNISON: Objection. Record 21 evidence. 22 MS. BREDEHOFT: That correlates with --</p>	<p>6359</p> <p>1 involved with narcissism as it relates to the risk 2 factors of intimate partner violence and what that 3 realm is? 4 <b>A So narcissism patients have, again,</b> 5 <b>poor self-control, okay, rapid mood shifts, okay?</b> 6 <b>As a result, they have an undue sense of</b> 7 <b>admiration. They worship power or worship</b> 8 <b>control. They are – they have lack of empathy,</b> 9 <b>and people are generally kept around as long as</b> 10 <b>they're useful to them. A large sense of</b> 11 <b>entitlement. Anything else? Need for praise, so</b> 12 <b>that would go under narcissistic personality and</b> 13 <b>IPV.</b> 14 Q What, if any -- what, if any, traits 15 would be requiring admiration? Would that fit 16 into it? 17 <b>A Yeah. Oh, yes. Requiring admiration,</b> 18 <b>need to be admired is part and parcel of</b> 19 <b>narcissistic personality disorder, yes.</b> 20 Q And would being envious fit within 21 that? 22 <b>A Yes.</b></p>
<p>6358</p> <p>1 and I'm on the risk factors at this point. 2 THE COURT: Overruled. 3 MS. BREDEHOFT: Thank you, Your Honor. 4 <b>A Threatening; destroying furniture,</b> 5 <b>property, breaking things; writings on walls,</b> 6 <b>mirrors, writing in blood on furniture, all that</b> 7 <b>would be – go with that.</b> 8 Q Okay. All right. And what, if any, 9 risk factor is narcissism for intimate partner 10 violence? 11 <b>A So a patient – before we get into</b> 12 <b>narcissistic personality traits or disorder, the</b> 13 <b>overall – it's categorized under what's called</b> 14 <b>cluster B personality disorder.</b> 15 MR. DENNISON: Objection, Your Honor. 16 Beyond the scope of the question. 17 MS. BREDEHOFT: He's explaining the 18 narcissism. 19 THE COURT: I'll sustain the objection 20 to the last question. 21 MS. BREDEHOFT: Okay. 22 Q Can you explain to the jury what's</p>	<p>6360</p> <p>1 Q Fragile self-esteem? 2 <b>A Yes.</b> 3 Q And what, if any, record evidence do 4 you have that correlates with Mr. Depp being 5 narcissistic? 6 <b>A Right. I do think that fact that he</b> 7 <b>felt that Amber owed him, Ms. Heard owed him –</b> 8 MR. DENNISON: Objection, Your Honor. 9 THE COURT: Overruled. 10 MS. BREDEHOFT: Thank you. 11 Q Go ahead. 12 <b>A The fact that Ms. Heard owed him and</b> 13 <b>only wanted to be together with him because of his</b> 14 <b>fame is an example of that.</b> 15 <b>I do think the jealousy aspects are an</b> 16 <b>example of that. I do think, you know, as I think</b> 17 <b>Mr. Tillett had testified that, you know, being</b> 18 <b>admired is one thing, but behind your back saying</b> 19 <b>something else about people is another thing. And</b> 20 <b>I can probably say with reasonable certainty that</b> 21 <b>to some degree, this whole trial is that –</b> 22 MR. DENNISON: Objection, Your Honor.</p>

<p>6361</p> <p>1 THE COURT: What's the objection? 2 MR. DENNISON: That's not record 3 evidence. Speculation. 4 THE COURT: Overruled. Overruled. 5 Q Please continue. 6 A <b>That this whole trial, in terms of 7 narcissism – narcissistic insult, is what's going 8 on. I believe that Mr. Depp was very much a 9 mainstay, appropriately, in Hollywood, and then 10 this was – pulled the rug without –</b> 11 MR. DENNISON: Objection, Your Honor. 12 MS. BREDEHOFT: He's simply 13 explaining -- 14 THE COURT: I'll sustain that 15 objection. 16 Q Can you explain what you mean by "this 17 whole trial"? 18 MR. DENNISON: Your Honor, may we 19 approach? 20 THE COURT: Yes. 21 A <b>This court case we're going through.</b> 22 THE COURT: There's an objection, sir.</p>	<p>6363</p> <p>1 <b>The only other thing about narcissism, 2 I think, in terms of the trial would be in order 3 to maintain any sense of control, a narcissistic 4 person really has to have lack of empathy. 5 Because in order to engage in behaviors that "are 6 used to keep individuals in control," you don't 7 really think about the other person. You're not 8 really caring what happens to that other person. 9 So I think that's another facet.</b> 10 Q So are attitudes accepting or 11 justifying intimate partner violence a risk factor 12 for intimate partner violence? 13 A Yes. 14 Q Do some perpetrators in intimate 15 partner violence try to minimize the IPV? 16 A Yes. <b>So it is unfortunately not 17 uncommon, especially during – especially during 18 the calm phases of the abuse cycle where there's 19 no increased tension, there's no acting out, okay, 20 you are talking about more of the 21 honeymoon/apologetic phase, begging for 22 forgiveness, telling them how you're going to</b></p>
<p>6362</p> <p>1 MR. DENNISON: May we approach? 2 THE COURT: You May. 3 (Sidebar.) 4 THE COURT: You want to talk about the 5 court case? I'm not sure. 6 MS. BREDEHOFT: Well, I think he's just 7 saying as an example that -- the fact that we've 8 got this trial. 9 THE COURT: I think it's beyond. Get 10 back to what he reviewed. 11 MS. BREDEHOFT: All right. I'll try. 12 THE COURT: Sustained. 13 MS. BREDEHOFT: All right. Thank you. 14 (Open court.) 15 BY MS. BREDEHOFT: 16 Q What other conduct is in the record 17 evidence that correlates with Mr. Depp being 18 narcissistic, having those traits? 19 A <b>Was the thing about the trial ruled? I 20 can't say –</b> 21 Q Yeah. You're not allowed to say that. 22 A <b>Not say that? Okay.</b></p>	<p>6364</p> <p>1 <b>change, maybe giving them gifts. 2 And then when the dust settles later in 3 the day, a day or two later, it is not uncommon 4 for the perpetrator to kind of switch the blame 5 over to the victim, saying that, "Hey," you know, 6 this either denial, "this never actually happened, 7 trying to make me look bad," or allopathic defense 8 where "You instigated it," or an altruistic 9 effect, where "I'm doing it for you," 10 transformative effect that society kind of accepts 11 this. So it is very uncommon for, all of a 12 sudden, for that to start shifting. 13 During that time, because it is during 14 the calm phase and everything is relatively 15 calm – this, of course, is when the victim wants 16 to engage in treatment. But beyond that, the 17 ability to kind of, quote/unquote, for lack of a 18 better phrase, "win people over," family, friends, 19 the law, the very ability to do that is part and 20 parcel of that calm, charming phase where it looks 21 like the victim is, you know, just fabricating 22 this.</b></p>

<p>6365</p> <p>1 Q Okay. And is victim blaming a 2 characteristic? 3 A Yes. Like I said, I mean, it's you 4 blame the victim, that one of the defenses, or the 5 allopathic defense, comes along with victim 6 blaming. That's what essentially you're doing, 7 "I'm blaming you for what you made me do." 8 Q And is there record evidence that you 9 reviewed that correlates with Mr. Depp engaging in 10 this type of behavior? 11 A So I think for a lot of the issues 12 seen, the big precipitant was going to be the need 13 for sobriety. Again, coming back to that 14 severe – 15 MR. DENNISON: Objection, Your Honor. 16 Nonresponsive. 17 MS. BREDEHOFT: I think he's trying to 18 explain it. 19 THE COURT: Overruled. 20 MS. BREDEHOFT: Thank you. 21 Q Please continue. 22 A – severe substance abuse disorder, and</p>	<p>6367</p> <p>1 starts looking like the victim is just a – or 2 essentially losing it, and, i.e., they make – 3 they're being gaslighted. 4 Q Is there an examples where an intimate 5 partner violent perpetrator claims that the victim 6 is the person who's actually committing the abuse? 7 A Yeah. Oh, yes. Oh, yes. 8 Q How common is that? 9 A Oh, very common. Again, that's part of 10 the – that is very common in the occurrence of 11 the, like, the honeymoon phase and the calm period 12 of the abuse cycle, very common during that time 13 where the victim, where they're shifting the blame 14 or anything along that line, that's very common 15 for that to happen. 16 Q And you indicated that you reviewed 17 some audio tapes in this case, correct? 18 A Yes. 19 Q And what, if any, evidence did you 20 review there that correlates with Mr. Depp 21 attempting to claim that Amber was the one? 22 A Well, I think that was what was said,</p>
<p>6366</p> <p>1 many of the arguments, from what I viewed in the 2 record, stemmed around Ms. Heard's desire for 3 Mr. Depp to maintain sobriety, and that wasn't 4 happening. So as a result, she was blamed for, 5 you know, bothering him in a way he didn't want to 6 be bothered, and that triggered what was going on. 7 Q Are you familiar with the term 8 "gaslighting"? 9 A I'm familiar with the term 10 "gaslighting." 11 Q Okay. What, if any, gaslighting is 12 consistent with intimate partner violence and the 13 risk factors? 14 A So, again, when you start being able to 15 be – when a person starts to be able to be 16 manipulative and charming, you start to be able to 17 win people over, and especially when you see 18 someone who's a victim who is essentially 19 vulnerable, emotionally labile, okay, you see that 20 person, and then you see this calm demeanor in 21 front of you who is very charming, very engaging, 22 very personable. And then, all of a sudden, it</p>	<p>6368</p> <p>1 that Amber was the abuser – 2 MR. DENNISON: Objection, Your Honor. 3 MS. BREDEHOFT: I don't understand the 4 objection. 5 MR. DENNISON: What record evidence? 6 THE COURT: Overruled. 7 MS. BREDEHOFT: Thank you. 8 Q Please continue. 9 A So that claiming that Amber was the 10 abuser in this particular scenario, and what I 11 would reiterate, again, is that, one, victims 12 aren't perfect. 13 And, two, it is not uncommon in the 14 context of being a victim, when you know that 15 person is about to proceed or relapse into a 16 substance or go into a substance and anticipating 17 what's going to happen, that you anticipate the 18 next mood and start initiating self-defense. But 19 by and large, that's not what's going on here. By 20 and large, Mr. Depp's behavior – 21 MR. DENNISON: Objection, Your Honor. 22 A – behavior was consistent –</p>

<p style="text-align: right;">6369</p> <p>1 THE COURT: There's an objection, sir. 2 THE WITNESS: I'm sorry. 3 THE COURT: I'll sustain the objection. 4 MS. BREDEHOFT: Okay. All right. 5 Q We can move on to the next one. Is 6 prior victimhood of abuse a risk factor for 7 intimate partner violence? 8 A Yes. So -- 9 Q And what -- go ahead. 10 A So there was something that was 11 intergenerational theory of violence, which is 12 basically along the line of observation, 13 imitation, reinforcement. So you observe a 14 behavior that occurred in childhood. You imitate 15 it when you see that there's no significant 16 negative consequences, but you do get the positive 17 consequence of maintaining control of a situation, 18 solving the conflict in your way, if you would. 19 So that theory is -- interestingly, 20 it's -- it applies to not only the the victims -- 21 I'm sorry -- not only the perpetrators, but also 22 the victims. Because there are many victims who</p>	<p style="text-align: right;">6371</p> <p>1 it ends up -- I should say in the calming cycle, 2 like I said, the victim tries to get some help to 3 try to resolve this until the tension buildup 4 phase where something bothers them. 5 So, again, it can be bothering someone 6 about substance abuse. It can be bothering 7 someone about financing. It could be bothering 8 someone about your career. Anything is liable to 9 build up tension when you have this framework of 10 limited self-control and erratic, intense mood 11 shifts. 12 Q So what, if any, record evidence did 13 you review that reflected Mr. Depp engaging in 14 these warning signs, including the apologies and 15 the promises? 16 A I think it's -- that was almost 17 routine, that after it was all said and done, that 18 he would apologize for letting this monster out, 19 letting this anger out, almost routinely. And 20 there's very well record evidence of that starting 21 as early -- early on in the marriage in therapy 22 for Ms. Heard.</p>
<p style="text-align: right;">6370</p> <p>1 grow up in a house of abuse that are not abused, 2 but they're the victims of abuse. 3 Q What are the warning signs of intimate 4 partner violence? 5 A So warning signs would be increasing 6 the tension, escalation of tensions. So that's 7 when you start seeing, hey, partners getting 8 angry, okay, starting to -- starting to break down 9 the communication, starting to engage in 10 verbal/nonverbal threats. Victim concedes due to 11 this tension, and that leads you to the actual 12 acts. So these acts progressively build, and then 13 they occur. 14 Q What, if anything, have you seen in 15 intimate partner violence about apologies and 16 promises? 17 A Again, the apology is part and parcel 18 of the honeymoon phase, and promises are part and 19 parcel of the honeymoon phase. And, you know, the 20 victim wants to believe it's going to work. They 21 want to believe their spouse is going to be 22 faithful to this, and as part of this abuse cycle,</p>	<p style="text-align: right;">6372</p> <p>1 So that's very common and very much 2 occurred -- recognizing what happened. And the 3 other part of this is, again, when you can 4 recognize that when you're sober, even short-lived 5 sobriety, when you can recognize that, that things 6 are better, things are happening, but a life is 7 better, then even that should show you that, hey, 8 there's an issue here. There are issues here that 9 when I don't use could be resolved. 10 Q Thank you, Dr. Spiegel. 11 I'm going to now move to the Goldwater 12 Rule. Can you explain the Goldwater Rule, please? 13 A So the Goldwater Rule is when Senator 14 Goldwater was running for presidency, and I'm 15 going to be honest with you; I think it was in the 16 late '60s when he was, early '70s, because I was 17 too young to even follow politics then, so please 18 don't quote me on exactly when it was. But 19 basically what was happening is clinicians, 20 psychiatrists were making these "armchair 21 diagnosis" from their homes or offices because 22 they saw this person on TV, the way they acted,</p>

6373	<p>1 and were asked to comment about that they think 2 their diagnoses are, and, therefore, it was felt 3 that that should not be done by professionals in 4 these public settings. 5 Q Does it have any applicability here? 6 A No. 7 MR. DENNISON: Objection. 8 A It does not. 9 Q Why not? 10 MR. DENNISON: No foundation. 11 THE COURT: All right. 12 MS. BREDEHOFT: He was explaining what 13 the Goldwater Rule -- 14 THE COURT: You can approach for a 15 minute. 16 (Sidebar.) 17 MR. DENNISON: If he wants to testify 18 that there are exceptions to the Goldwater Rule, 19 go ahead. But the question was "Does it have any 20 applicability here?" 21 MS. BREDEHOFT: It's in my designation 22 at page 94, paragraph 1.</p>	6375	<p>1 and Your Honor granted that. 2 THE COURT: To include Goldwater? 3 MS. BREDEHOFT: I don't think it 4 included the full Goldwater Rule. That's why I'm 5 asking him. 6 THE COURT: So is that something your 7 expert is going to be testifying to? 8 MR. DENNISON: Yes. 9 THE COURT: Okay. I'll allow it. 10 MR. DENNISON: In that form? Does it 11 have any applicability here? 12 MS. BREDEHOFT: I can ask him that. 13 THE COURT: I'll allow it. 14 MS. BREDEHOFT: Thank you. 15 MR. DENNISON: Okay. Thank you. 16 (Open court.) 17 BY MS. BREDEHOFT: 18 Q Dr. Spiegel, do you remember the 19 question? 20 A I think -- 21 Q Does the Goldwater Rule have any 22 applicability here to your testimony and your</p>
6374	<p>1 MR. DENNISON: Clearly it's in her 2 designations. 3 THE COURT: What's the foundation? 4 MS. BREDEHOFT: It's a psychiatric. 5 It's American Psychiatric Association, and the 6 reason I'm asking him this is Dr. Shaw is one of 7 their experts. He claims that it's unethical for 8 him to be giving these opinions here because he 9 hasn't examined Mr. Depp and -- 10 THE COURT: Which is the Goldwater 11 Rule? 12 MS. BREDEHOFT: Excuse me? 13 THE COURT: Which is the Goldwater 14 Rule? 15 MS. BREDEHOFT: Right, right. And so 16 he's -- 17 THE COURT: There was a Motion in 18 Limine against this at one point. Was it your 19 Motion in Limine that it mentioned the Goldwater 20 Rule? Am I out of bounds here? 21 MS. BREDEHOFT: I think we had a Motion 22 in Limine to exclude some of Dr. Shaw's testimony,</p>	6376	<p>1 conclusions and opinions? 2 A No, it does not. 3 Q And why? 4 A For multiple reasons. 5 One, the basics of expert witness 6 testimony would almost be thrown away if you were 7 not allowed to base things on what you evaluated 8 of an individual, what you've read about an 9 individual. So if I'm not allowed to comment on 10 records or charts or information that I had looked 11 at, expert witness testimony can't be done. 12 But more specifically for this case, in 13 the Goldwater Rule, the pure version of it was the 14 armchair diagnosis of watching someone on TV. 15 Just you don't make a diagnosis. More recently, I 16 think there's more recent examples of that. So 17 you don't make diagnoses like that. 18 This is not the case here because as I 19 said to you at the beginning, I have reviewed a 20 lot of professional, a lot of professionals and 21 their evaluations and their treatment course, 22 video deposition, picture deposition, court</p>

<p>6377</p> <p>1 filings, emails. I mean, I reviewed on whole lot 2 of things that directly describe Mr. Depp and his 3 behavior. So I'm not commenting on a public 4 opinion, and I have absolutely no knowledge of 5 what's in Mr. Depp's history. 6 If I was just doing that, it would be 7 like watching a movie. That's not relevant here. 8 Q And, in fact, I think you testified 9 earlier you invited Mr. Depp to -- 10 A Oh, yes. 11 Q -- give an examination -- 12 MR. DENNISON: Objection. Leading. 13 THE COURT: Overruled. 14 MS. BREDEHOFT: Thank you. 15 A So to be fair, for an evaluation -- for 16 my own direct evaluation, and again, I -- it was 17 offered twice that I could do an evaluation of 18 Mr. Depp directly, and both times, Mr. Depp and/or 19 his lawyers decided that that wasn't going to 20 happen. 21 Q Okay. And, in fact, the Court did not 22 require Mr. Depp to --</p>	<p>6379</p> <p>1 asked by Ms. Heard's counsel to order a medical 2 exam of Mr. Depp, and those motions were denied? 3 A I think the -- your team told the Court 4 you didn't want to have them, and the Court ruled 5 on them. I don't think the Court proactively did 6 it. You had a motion to them, right? 7 Q No. Ms. Heard's lawyers moved for them 8 and asked for them and did not get them. 9 Isn't that right, sir? 10 A If you're saying that's what happened, 11 my understanding of it was that you-all did not 12 want him to undergo one. They petitioned for it, 13 the Court said no. Yes, that's what my 14 understanding of it was. 15 Q The Court said no to ordering Mr. Depp 16 to do the medical exam. 17 A That's what I said. The Court did not 18 require it, right. 19 Q And it was ordered, in fact, right? 20 A It was -- 21 MS. BREDEHOFT: Your Honor, may we 22 approach?</p>
<p>6378</p> <p>1 A No. And the Court did not require 2 Mr. Depp to undergo this evaluation. 3 Q Okay. Dr. Spiegel, these opinions that 4 you have offered here, do you hold them to within 5 a reasonable degree of medical psychiatric 6 probability or certainty? 7 A Absolutely. 8 Q Thank you. 9 THE COURT: All right. 10 Cross-examination. 11 MR. DENNISON: Thank you, Your Honor. 12 THE COURT: Thank you, Mr. Dennison. 13 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 14 COUNTERCLAIM DEFENDANT 15 BY MR. DENNISON: 16 Q Sir, I'm Wayne Dennison. We haven't 17 met. 18 But let me ask you, let's start with 19 what you finished with. 20 A I'm sorry, what? 21 Q Let's start with what you finished 22 with. You understand that the Court was twice</p>	<p>6380</p> <p>1 THE COURT: All right. 2 (Sidebar.) 3 THE COURT: We're not going into this. 4 MR. DENNISON: There you go. 5 MS. BREDEHOFT: Thank you. 6 (Open court.) 7 BY MR. DENNISON: 8 Q All right. So the last thing you 9 talked about was the Goldwater Rule. 10 A Yes, sir. 11 Q Been around for almost 50 years, right? 12 A I'm 59. That sounds about right. 13 Q Yeah. And it's been around as a result 14 of a presidential election that you referenced? 15 A Yes. 16 Q And who has that rule? What 17 organization maintains that rule? 18 A The American Psychiatric Association. 19 Q An association you're a member of? 20 A Association I'm a member of, yes. 21 Q Aren't you a fellow or something? 22 A Yes, I am.</p>

<p>6381</p> <p>1 Q Okay. So and this is an ethical rule, 2 right?</p> <p>3 A It is an ethical rule, yes. It's 4 ethical, I say "rule." It's an ethical guideline, 5 yes. They're guidelines.</p> <p>6 Q And you've known that over time, the 7 American Psychiatric Association has amended the 8 rule so it's not just about diagnoses, but it's 9 also about professional opinions?</p> <p>10 A Could you be more specific? Say about 11 professional opinion in regard to what?</p> <p>12 Q Well, let me read this and see if 13 you're familiar with it: "It is unethical for 14 psychiatrists to offer a professional opinion 15 about an individual based on publicly available 16 information without conducting an examination." 17 That's the rule, right?</p> <p>18 A If you're reading it directly, I would 19 believe you.</p> <p>20 Q Okay. "However, a diagnosis is not 21 required for an opinion to be professional." So 22 my question is, it's not just diagnosis that this</p>	<p>6383</p> <p>1 have to believe you're not misrepresenting it. 2 And I would come back to, again, then this whole 3 thing – we might as well get rid of all the 4 expert witnesses we've had throughout all of time 5 for court proceedings. Because what you're saying 6 that unless a court orders it, and that's what you 7 just said, or the APA said, then, therefore, 8 expert witness could not do an evaluation based on 9 an observation of the medical records. Insurance 10 companies cannot do evaluations solely based on 11 medical records where there are doctors rendering 12 professional opinions.</p> <p>13 So at the end of the day, you are 14 essentially saying that unless someone has 15 directly evaluated it, this whole medical system 16 we have, this whole legal system we have, is null 17 and void.</p> <p>18 Q I'm not saying --</p> <p>19 A Oh, yes you are, sir.</p> <p>20 Q Well, give me a second.</p> <p>21 A Yeah, you are.</p> <p>22 Q I gave you more than a second. What</p>
<p>6382</p> <p>1 Goldwater Rule applies to; it's professional 2 opinions?</p> <p>3 A So, again, I will reiterate that that 4 would come down to essentially nullifying witness 5 testimony, expert witness testimony, without 6 direct evaluation. And as we know, it didn't 7 happen, but regardless of that, the whole expert 8 witness testimony thing would be basically 9 rendered null and void.</p> <p>10 Q The rule in fact contemplates that 11 issue, doesn't it, sir?</p> <p>12 A Again, I'm just telling you the answer 13 to the question. When you were reading me those 14 statements, I'm telling you the response by the 15 other side, who this publishes also, is that if 16 that was the case, there could be no expert 17 witness testimony in the courtroom.</p> <p>18 Q "Psychiatrists are ethically prohibited 19 from evaluating individuals without permission or 20 other authorization such as a court order." 21 That's the rule, right?</p> <p>22 A Again, if you're reading that, then I'd</p>	<p>6384</p> <p>1 I'm saying and what I was reading to you is a rule 2 by your organization that takes into account that 3 there could be court orders that will permit the 4 exact kind of evaluation that you say I'm 5 eliminating.</p> <p>6 A And I think we're going in circles 7 because I think I just said that means expert 8 witness testimony would not be allowed and the 9 branch of forensic psychiatry would be especially 10 hindered, and we know the branch of forensic 11 psychiatry does not prohibit that. So I am a 12 member of the APA. That doesn't necessarily mean 13 every single thing they put in there everybody has 14 us unconditionally agree with, because clearly 15 that's not the case.</p> <p>16 Q Did you agree in your deposition that 17 the professional opinions you rendered were 18 inconsistent with the Goldwater Rule?</p> <p>19 A Yeah. My first was -- if we're saying 20 that I -- if the Goldwater Rule says -- and I very 21 much said that during the deposition -- that the 22 Goldwater Rule was made for presidents and public</p>

<p style="text-align: right;">6385</p> <p>1 figures such as that. But regardless of that, 2 because that's what it was made for; it's not made 3 for Hollywood. But I'll even take that Mr. Depp's 4 a public figure. What I'm saying to you is that 5 the Goldwater Rule is saying we cannot do any 6 expert witness testimony in our field. That is 7 exactly what the Goldwater Rule is saying, based 8 on exactly what you read. And I'm just telling 9 you what you are saying that rule encompasses. 10 Q What I'm asking you, sir, is did you 11 comply with the ethical requirements of the APA 12 when rendering the professional opinions that 13 you've rendered today? 14 A It is a -- it is a requirement of the 15 APA, it was not the requirement of the APA. 16 Secondly -- 17 Q So the answer is no? 18 A Secondly, secondarily, secondarily, 19 again, in order to not -- we wasted our whole 20 morning because of an expert witness before me, as 21 in expert witnesses everyone brought in. So all 22 I'm saying to you, that means the whole field of</p>	<p style="text-align: right;">6387</p> <p>1 an individual"; that's right, sir. It's not just 2 presidents, not public figures, it's individuals. 3 A Funny, it was named after the -- 4 according to your logic, if you don't put 5 something in the title, it's not true. That's 6 what you told me this morning, I believe, about my 7 intimate partner violence. So what I would say to 8 you, then, sir, is that if you say this about an 9 individual, again, any court would have to render 10 expert witness testimony invalid. Any doctor that 11 reviews charts would have to render it invalid. 12 I could go on the list of docs that do 13 not see any patients directly, and that's a 14 violation. So basically you are saying that 15 unless you deal with direct clinical evaluation, 16 then all the field of forensic psychiatry and all 17 of managed care is doing an unethical violation 18 because we are not seeing the presence. We deny 19 patients medications all the time without seeing 20 them. We deny patients treatments, unfortunately, 21 without seeing them, and I'm on the receiving end 22 of that.</p>
<p style="text-align: right;">6386</p> <p>1 medicolegal law is corrupt and unethical for 2 engaging in an act that the APA clearly says we 3 should not do. So if you're saying that, then the 4 answer is "Yes, I'm agreeing with that statement." 5 Q You're agreeing that the APA would deem 6 your testimony and your professional opinions 7 rendered unethical? 8 A Again, I'm saying you are saying that 9 the whole -- I'm an expert witness. I'm saying as 10 an expert witness, and solely as an expert 11 witness, that guideline is permitting [sic] that 12 from occurring. I would say, then, that the whole 13 field of expert witness testimony, again, would be 14 disavowed by what you are quoting in the Goldwater 15 Rule, and we know that's not the case because if 16 it was, we would not be allowed to do it. 17 Q And you said the rule was for 18 presidents, right? 19 A That was initially what it was, yes. 20 Q And the name of the rule came from 21 that. But the rule says, "It is unethical for a 22 psychiatrist to offer a professional opinion about</p>	<p style="text-align: right;">6388</p> <p>1 So the answer to your question, again, 2 unless you are saying to me that all of this is 3 unethical, which is what you are saying, this is 4 what you are -- this is how I'm interpreting what 5 you are saying to me, that unless you do the 6 evaluation directly yourself, therefore, it could 7 not be considered ethical. 8 And I'm telling you how that's 9 applicable to not just expert law, but also 10 managed care. It's applicable to multiple 11 branches of medicine, hospital -- duration of 12 hospitalizations stay, they get evaluated. So 13 tell me where you want me to end this. 14 Q When you talk about what you just 15 testified to, because I didn't ask you anything 16 about that; I asked you whether under this rubric, 17 under this principle of medical ethics, have you 18 acted unethically, yes or no? 19 A No. As an expert witness, I have not 20 acted unethically. And if you want the jury to 21 believe that expert witnesses are unethical, then 22 I guess that's for them to decide.</p>

6389	1 Q Yes or no, so you said no. 2 A <b>And that's for them to decide.</b> 3 Q Let's go to the next question, right? 4 A <b>Okay.</b> 5 Q "Psychiatric diagnosis occurs in the 6 context of an evaluation based on thorough 7 history-taking; examination; and where 8 applicable," collated -- or "collateral 9 information." 10 Do you agree with that? 11 A <b>I believe I said that earlier, yes.</b> 12 Q "And it's a departure from the methods 13 of the profession to render an opinion without an 14 examination and without conducting an evaluation 15 in accordance with the standards of psychiatric 16 practice," correct? 17 A <b>Well, again, it's public, for the 18 record. But intimate partner violence is not a 19 psychiatric diagnosis; I'll start with that. 20 Substance usage by themselves is not a psychiatric 21 diagnosis -- if you want to cut to the chase. So 22 it's not a diagnosis of that.</b>	6391	1 <b>saying I acted unethically under the rubric of 2 expert witness testimony.</b> 3 <b>So if you, sir, would like to perceive 4 that expert witnesses are unethical based on that, 5 I'm not going to sit here and disagree with you 6 and waste everyone's time. I think it's fairly 7 obvious. But thank you. Go ahead. These were 8 your words. I'm just saying back how they're 9 interpreted.</b> 10 Q Okay. Let's start with the easy 11 question, then. 12 Maybe we can -- 13 A <b>That was pretty easy.</b> 14 THE COURT: Doctor, you're going to 15 have to just answer the questions, okay? 16 THE WITNESS: Okay. Sorry about that. 17 Getting into it some. 18 THE COURT: You need to just answer the 19 questions, Dr. Spiegel. 20 THE WITNESS: Okay. 21 Q You are not rendering any diagnosis 22 whatsoever of Mr. Depp today or ever?
6390	1 <b>Narcissistic personality traits is not 2 a diagnosis. Ergo, I am basically commenting on 3 the things that were brought to me which are not 4 diagnoses. But an evaluation, if I was going to 5 treat a patient or anyone here, those are the 6 steps I would take.</b> 7 Q We, I think, started with a notion that 8 this rule applies broader than diagnoses; it 9 applies to professional opinions. 10 A <b>I believe you --</b> 11 Q And you've given professional opinions 12 relative to narcissistic personality traits, 13 haven't you, sir, relative to Mr. Depp? 14 A <b>Again, I believe you just commented on 15 what it takes to do a psychiatric evaluation to 16 establish a diagnosis. I'm almost certain that's 17 what you said, and maybe I'm wrong; maybe you 18 didn't say that, but I'm sure you did. And 19 therefore, what I'm saying is neither IPV nor 20 substance usage nor narcissistic personality 21 traits are psychiatric diagnoses. And then under 22 the rubric of expert witness testimony, you're</b>	6392	1 A <b>No. I probably would say to you 2 that -- certainly I would not say "narcissistic 3 personality disorder"; I would say "traits." 4 Certainly, from what I have read -- intimate 5 partner violence is not a diagnosis, so the answer 6 is no for that.</b> 7 <b>Narcissistic personality traits is not 8 a diagnosis; the answer is no. But if you want to 9 tell me that substance use disorder is a 10 psychiatric diagnosis, the answer is, yes, and 11 I --</b> 12 Q But that wasn't an issue, was it? 13 Whether Mr. Depp used substances? When you say 14 you've gone through the record, that wasn't really 15 an issue with this trial; he's said it from day 16 one. 17 A <b>Oh, so you're saying he's already 18 admitted to the diagnosis?</b> 19 Q He's already admitted to the use of the 20 substances. 21 A <b>Well, again, there's a difference 22 between admitted to substance use and substance</b>

<p>6393</p> <p>1 use disorder. 2 Q Let's go back to what you just said 3 about narcissistic personality traits. 4 A Yes. 5 Q Narcissistic personality disorder is a 6 DSM-5 diagnosis, correct? 7 A Correct. 8 Q Diagnostic personality -- and you 9 haven't testified that Mr. Depp has narcissistic 10 personality disorder, have you? 11 A I would certainly -- if I didn't, I'm 12 certainly thinking that, but at least I'm going to 13 say he has traits which are characteristics of 14 provisional diagnosis of -- it's a provisional 15 diagnosis, probably of narcissistic personality, 16 but yeah, I do believe that. 17 Q When you say "provisional diagnosis," 18 you know the DMS-5 requires, in order to find that 19 diagnosis, five of the nine factors? 20 A Uh-huh. 21 Q And you haven't done that analysis, 22 you've never made that diagnosis, you've just</p>	<p>6395</p> <p>1 correlation with IPV, right? 2 A Narcissism has correlation with -- 3 again, sir, you're not allowing me to answer. 4 You're splitting hairs. You're splitting hairs 5 between the traits that are consistent -- which 6 all I'm officially commenting on is behaviors and 7 traits that are consistent with the diagnosis and 8 Mr. Depp. Narcissism absolutely has risk factors 9 associated with IPV. 10 Q Let's go back again, and maybe we can 11 focus on the question I ask you and we can get an 12 answer that's addressed to that question. 13 A Uh-huh. 14 Q Narcissistic personality disorder is a 15 risk factor for IPV, yes or no? 16 A Yes. 17 Q And you previously testified that there 18 is no literature of which you are currently aware 19 that the mere presence of narcissistic traits is a 20 risk factor for IPV? 21 A May I answer the question? 22 Q Yes.</p>
<p>6394</p> <p>1 identified certain factors? 2 A That are criteria for the diagnosis. 3 Q Right. But you need five of nine to 4 get to the diagnosis. You've already told us that 5 you didn't make a diagnosis. You're just 6 identifying traits, correct? 7 A I'm identifying traits that are 8 consistent with the diagnosis, yes. 9 Q Right. And did you testify in 10 deposition that the existence of traits, as 11 opposed to the disorder, doesn't have a 12 correlation with IPV? 13 A If I said, "Traits do not have a 14 correlation," if that's what I said, I don't 15 remember saying that, but that wouldn't be a 16 correct statement. Narcissism has a correlation 17 with the diagnosis, yes. That part's true. 18 Q How far are we going to back this up? 19 Because there's a diagnosis of narcissistic 20 personality disorder, right? 21 A Yes, sir. 22 Q And that one is tied -- has some</p>	<p>6396</p> <p>1 A That's incorrect. Cluster -- 2 Q You didn't testify to that. 3 A Cluster B traits, which narcissistic 4 personality disorder is part of, is a huge risk 5 factor for intimate partner violence, which 6 include -- cluster B traits include narcissistic 7 personality disorder, antisocial personality 8 disorder, amongst others. 9 So the answer to the question is every, 10 every resource on intimate partner violence will 11 support that cluster B traits, where narcissistic 12 personality falls under, is a risk factor for 13 intimate partner violence. 14 Q Any single trait under -- is a risk 15 factor for IPV? 16 A Again, I will repeat. Cluster B 17 traits -- I didn't say any trait; I said 18 cluster -- 19 Q No, let me be more precise, then. 20 A Okay. 21 Q Any narcissistic trait, in and of 22 itself, is a risk factor for IPV?</p>

<p>6397</p> <p>1 A But you are mischaracterizing what I 2 said. What I said, I'm pretty sure I said, 3 cluster – if you look at all the intimate partner 4 violence literature, and would behoove you to do 5 so, you will see that cluster B traits, 6 specifically – I didn't say narcissistic per 7 se – cluster B traits, where narcissistic 8 personality is part of, are risk factors for 9 intimate partner violence, part and parcel 10 uniformly true. And I'm not sure – the thing I 11 don't understand is I'm not sure why we're arguing 12 psychiatry because I'm telling you what it is. 13 THE COURT: Dr. Spiegel, you just need 14 to answer the questions. 15 THE WITNESS: Okay. 16 Q Sir, you want to talk about cluster B, 17 so let's do that for a minute. 18 Borderline personality disorder is a 19 risk factor for IPV? 20 A As part of cluster B traits, yes. 21 Q All right. Histrionic personality 22 disorder is a risk factor for IPV?</p>	<p>6399</p> <p>1 you. 2 Q Yes or no to my question? 3 A Which was there is only one diagnosis 4 of – Ms. Heard was diagnosed with that, yeah. 5 Q And both of the diagnoses are in 6 cluster B, and both of them are risk factors for 7 IPV? 8 A Both those cluster B things are – I'm 9 not allowed to comment on the testing, so, 10 therefore, all I can say is that cluster B traits, 11 and tell you what they are – and by the way, I 12 testified to this before, which was that, one, I 13 don't expect perfection from my victims; two – 14 Q Dr. Spiegel -- 15 A – and absolutely – 16 Q Given that you testified to it before, 17 let's move on to a new question. 18 A Okay. 19 Q All right? 20 You indicated in your opinion today 21 that you thought -- well, why don't we move a 22 little different?</p>
<p>6398</p> <p>1 A Less so. 2 Q But it -- 3 A Less so. 4 Q But -- 5 A Less so. It's a risk factor, but less 6 so, yes. Less so. Significantly less so. 7 Q All right. So which trait under 8 narcissistic -- before I move on there, there's 9 only been one diagnosis in court of personality 10 disorders, correct? 11 A I'm not certain who are you referring 12 to. Are you referring to Mr. Depp? Ms. Heard? 13 I'm not sure what you're talking about. 14 Q Do you understand that there was a 15 medical examination done of Ms. Heard? 16 A Yes, I did. 17 Q Do you understand that the testimony 18 was ultimately that Ms. Heard suffers from two 19 personality disorders? 20 A Okay. So I'm just being specific. I 21 just wanted to know if you're talking about 22 Ms. Heard or Mr. Depp. That's all I was asking</p>	<p>6400</p> <p>1 Are you a member of the American 2 Medical Association? 3 A No. 4 Q Okay. So you don't know what the 5 ethical rule of the American Medical Association 6 is relative to doing clinical diagnoses about 7 individuals you've never talked to? 8 A So you're saying in terms of doing 9 expert witness evaluations, under that rubric, 10 right? 11 Q I'm just asking you do you know the 12 AMA's rule? 13 A Under – you're saying the AMA's ruling 14 under the rubric of not to evaluate someone you 15 did not see. I'm questioning, I'm asking. So you 16 are talking about expert witness testimony? 17 Q No. I'm talking about do you know the 18 rule. 19 A I'm not a member of the AMA, so I don't 20 read their rules. 21 Q All right. Move on. You don't know 22 the rule.</p>

6401	1 All right. You rendered an opinion 2 about Mr. Depp's purported cognitive impairment. 3 A Yes. 4 Q What did you use as a baseline? 5 A A baseline for processing speed? 6 Q Yeah, for analyzing Mr. Depp before you 7 watched his deposition. 8 A What is the baseline for that? 9 Q Yes. 10 A I mean, I guess my baseline would 11 probably be how I've seen him impact in public, 12 how I've seen him interact with others. I've seen 13 him interact in media. I've seen him interact 14 while -- and his processing speed is certainly not 15 slow. I've seen him do commercials. His process 16 speed was not slow. 17 Q In deposition, didn't you say that what 18 you did was compare Mr. Depp's performance in lots 19 of Pirate movies against his deposition testimony? 20 A What I said was I've seen Mr. Depp do 21 apology ads. I remember he did an apology ad with 22 (indiscernible). No delay in process speed. I've	6403	1 say your process speed right now is not slow. So, 2 I mean, we're judging processing speed, I'm just 3 saying to you. 4 Q Yeah. So any of Mr. Depp's other 5 portrayals in movies, did that affect your 6 analysis of processing speed? 7 A Only I've seen him interact on 8 interviews, and that was it. When he wasn't in 9 the movies. 10 Q Right. But Willy Wonka doesn't matter 11 to you? You've seen that movie? Charlie and the 12 Chocolate Factory? Did you look at that when you 13 were comparing his processing speed? 14 THE WITNESS: Do I have to answer that 15 question, Your Honor? 16 THE COURT: You have to answer 17 questions, yes, sir. 18 A No. You would be happy to know I 19 didn't see Willy Wonka. I didn't see 21 Jump 20 Street when it happened. No, I did not. 21 Q All right. You made a very kind 22 admission, I think, early on in your deposition
6402	1 seen him interact with the media regarding to 2 that. I saw no delay in processing speed. All 3 I'm saying -- 4 Q Let me ask you about Pirates, though. 5 You compared Pirates to the -- to the depositions 6 given in this case. 7 A And I apologize for what I said. Then 8 I misspoke. 9 Q You misspoke? You didn't make the 10 comparison? 11 A Right now, just a second ago? Just a 12 second ago, I may have said that. I misspoke. I 13 apologize. I misspoke. 14 Q Okay. Because you know you can't 15 compare Pirates to sworn testimony, right? 16 A Yes. 17 Q Okay. 18 A But you can -- as an aside, you can 19 judge someone's processing speed at any time. 20 Like, I'm judging yours right now. You're judging 21 mine, we all judge processing speed as a baseline 22 because of what we know about each other. I would	6404	1 that you're not claiming to be a better actor than 2 Mr. Depp; that's correct, isn't it? 3 A 100 percent. 4 Q All right. But with respect to acting, 5 you know that actors actually rehearse for their 6 parts and work on the language, diction, timing of 7 their dialogue as part of that rehearsal? 8 A If you say that -- I'm not an actor, so 9 I don't know what goes on; I can't tell you. I 10 have no idea what goes on in acting. 11 Q Okay. But you don't know enough about 12 acting to know whether actors rehearse? 13 A Sir, I am not an expert in acting. I 14 have no idea what an actor does. 15 Q Okay. During your deposition, what 16 were the circumstances under which you decided to 17 call Mr. Depp an idiot? 18 A I'm sorry. I called Mr. Depp an idiot? 19 Q Yeah. You called Mr. Depp an idiot in 20 your deposition. 21 A Well, I think -- oh, okay. So I think 22 it was in the context, I think it was -- probably

<p style="text-align: right;">6405</p> <p>1 should read the context of it because I think the 2 context was, and I'm trying to think back, and I'm 3 trying to think back. Okay? And what I thought 4 it was related to is if you're coming to some 5 deposition, okay, again, I'm thinking back, so you 6 have it in front of you; I don't. 7       So I'm thinking back where he was 8 coming in from Europe for a deposition, video 9 deposition that he gave, and he took an overnight 10 the night before. And what I think I said was 11 that if you're going to take a – if you're going 12 to do a major thing for a trial that you're 13 involved with, I would think you would be idiot to 14 come in the night before. 15       So I didn't call Mr. Depp an idiot. I 16 certainly called that planning idiot. I didn't 17 call him an idiot. 18       Q So the words "So, I mean, he's an 19 idiot" are mistranscribed? 20       A No. I'm trying – yeah. If I said it 21 in that context, if you're just reading one line, 22 one snippet, I'm sure it was in the context I just</p>	<p style="text-align: right;">6407</p> <p>1 case and described the plaintiff as an idiot, 2 correct? 3       A You gave me nine hours of deposition, 4 and if I said the word "idiot," it was an idiot in 5 planning; it wasn't making him an idiot. I don't 6 know Mr. Depp's IQ. I don't know his overall 7 functioning, so, therefore, if I said it, it was 8 an idiot in planning which is what I meant to come 9 across as. 10       Q You did say you don't know his overall 11 functioning, but you made some testimony today as 12 to some evaluations you made relative to his 13 functioning. You would agree with me that it's 14 probably a good idea to think about the questions 15 that are asked you in a court proceeding before 16 answering them? 17       A Am I allowed to answer that question? 18       Q Yes. 19       A Okay. So what I meant by "function" -- 20 what I said by function, I believe his agent 21 reported how late he was showing up to every movie 22 while the cast was waiting for him. I believe</p>
<p style="text-align: right;">6406</p> <p>1 said. But yeah, you have it in front of you; I 2 don't. 3       Q Is "idiot" a professional opinion? 4       A I wasn't rendering a professional 5 opinion. 6       Q Is it a psychiatric opinion? 7       A That follows the Goldwater Rule. 8       Q How does it follow the rule? 9       A I just said that I did not render a 10 professional opinion. I just said "idiot." 11 That's not a -- 12       Q So "idiot" is not a professional 13 opinion? 14       A Uh-huh. 15       Q Is it your practice to describe people 16 as idiots? 17       A My practice to describe people – in my 18 practice? No, I don't describe people – 19 clinical – my clinical cases as idiots or 20 patients as idiots or of victims as idiots, no, 21 sir. 22       Q But you sat for a deposition in this</p>	<p style="text-align: right;">6408</p> <p>1 that would be an impairment. If I showed up late 2 for that, I would not be here right now. I 3 wouldn't have a job. I believe the thing was in 4 terms of barking out of treatment for substance 5 rehab that his doctor is prescribing for him. So 6 if you're asking me if that's an impairment of 7 functioning, I would say I'm very much 8 substantiated in that. 9       Q I'm trying to understand how you got to 10 this notion of cognitive decline. And I thought 11 it was based, at least in part, on the manner in 12 which he testified. 13       A I'm sorry. What? 14       Q On the manner in which he testified. 15       A On the manner – I'm sorry. I'm not 16 being difficult. I can't hear. I'm sorry. What? 17       Q I was asking you about the cognitive 18 decline -- 19       A Yes. 20       Q -- testimony that you made. 21       A Yes. 22       Q And it was my understanding that at</p>

6409	1 least a portion of that testimony that you 2 rendered was that you derived some evidence of 3 cognitive decline from the way Mr. Depp testified. 4 <b>A Yes.</b> 5 Q Okay. 6 <b>A And that's what I said, yes.</b> 7 Q Right. And so, all I'm asking is don't 8 you think it's a good idea, when you're in the 9 middle of a court proceeding, to answer questions 10 carefully? 11 <b>A Again, professionally we diagnose</b> 12 <b>patients with a neurocognitive disorder by gross</b> 13 <b>evaluation all the time with cognitive – on the</b> 14 <b>thought that, again, age-normative controls, I'm</b> 15 <b>just saying again, age-normative controls does not</b> 16 <b>put a 58-year-old gentleman at that processing.</b> 17 <b>That's all I'm saying.</b> 18 Q Right. 19 <b>A That's all I said.</b> 20 Q And you derived this without ever once 21 talking to the man? 22 <b>A Me directly talking to him? Because I</b>	6411	1 Q All right. It's an exam that basically 2 is most often used for what? Alzheimer's, 3 dementia, those kind of testing? 4 <b>A It's an exam that tests cognition in</b> 5 <b>all psychiatric illnesses, not just Alzheimer's.</b> 6 <b>It was made for dementia and Alzheimer's but is</b> 7 <b>the standard – has been the standard for testing</b> 8 <b>cognition in all psychiatric illness, substance</b> 9 <b>abuse disorders included.</b> 10 Q Okay. Now, there's an element of that 11 exam that requires drawing, correct? 12 <b>A Yes.</b> 13 Q So you don't know what drawing Mr. Depp 14 did or whether the drawing should have been fully 15 scored? 16 <b>A I wasn't questioning his visuospatial</b> 17 <b>perceptual skills, which is what that does.</b> 18 Q Right. And you don't know what score 19 Mr. Depp received on the exam? 20 <b>A I was very specific. I know three</b> 21 <b>words, not remembering at five minutes. That's</b> 22 <b>all I said.</b>
6410	1 <b>heard – because we know how I derived it. So</b> 2 <b>you're talking about me directly talking to him.</b> 3 Q Yeah. You never talked to him? 4 <b>A No, I've never talked to him.</b> 5 Q Right. And this exam you gave -- well, 6 you did talk about Dr. Blaustein, right? 7 <b>A Yes, sir.</b> 8 Q And you understand that the entirety of 9 Dr. Blaustein's medical records are 12 pages of 10 handwritten notes? 11 <b>A The important part was what I said.</b> 12 <b>For me, as an example of cognition, which I'm</b> 13 <b>trying to prove, which is what you asked me, the</b> 14 <b>important part was what I said. And that was</b> 15 <b>irrefutable.</b> 16 Q The important part is that he give -- 17 he gave the Mini-Mental Status Exam? 18 <b>A Yes, sir.</b> 19 Q All right. Let's talk about the 20 Mini-Mental Status Exam. Scored on a 30-point 21 scale, right? 22 <b>A Yes.</b>	6412	1 Q Three words, not remembering in five 2 minutes, and he remembered the other one, right? 3 <b>A From my understanding, he didn't</b> 4 <b>remember any of them.</b> 5 Q All right. Memory on the exam, out of 6 the 30 points, what's it worth? 7 <b>A Three.</b> 8 Q Three, right? Memory is three out of 9 those 30? 10 <b>A Yeah, memory's three. Again, the</b> 11 <b>memory section in and of itself tests memory.</b> 12 <b>That's the only question that tests memory, only</b> 13 <b>section that actually tests memory.</b> 14 Q So the memory section tests memory. 15 It's the only section you testified about, and for 16 all you know, that with respect to the exam that 17 you're relying on, Mr. Depp scored 27 out of 30? 18 <b>A And that would be telling, though.</b> 19 <b>Cognitive, you score 27 out of 30, and you miss</b> 20 <b>three points on memory, that would be very</b> 21 <b>telling.</b> 22 Q You don't know if Mr. Depp had been up

<p>6413</p> <p>1 all night the night before? 2 <b>A Again, you wouldn't expect to not</b> 3 <b>recall any words at three minutes unless there's a</b> 4 <b>cognitive issue.</b> 5 Q You don't know if Mr. Depp was high? 6 <b>A And again – now, that's – again, now</b> 7 <b>that could affect memory; I'm not refuting that.</b> 8 <b>I'm not refighting that at all. He could have</b> 9 <b>been high. Could have been drunk. He could have</b> 10 <b>been using cocaine, and that would absolutely</b> 11 <b>affect his memory, which is what I said. Yes,</b> 12 <b>you're right.</b> 13 Q So ultimately, you have no idea what 14 state Mr. Depp was in at the time he took the exam 15 that you're relying on? 16 <b>A Short of what you just said about drugs</b> 17 <b>and alcohol, okay, there shouldn't be a reason why</b> 18 <b>a 58-year-old – also with strokes and other</b> 19 <b>neurocog conditions – but short of that, there</b> 20 <b>shouldn't be a really good reason why someone at</b> 21 <b>that age shouldn't come up with at least one.</b> 22 <b>But in answer –</b></p>	<p>6415</p> <p>1 <b>when people get the Mini-Mental State Exam, we</b> 2 <b>have no idea, clinically, if they are high,</b> 3 <b>wasted, stoned, stroke. We have no idea. So if</b> 4 <b>you're going to say that, that means everybody</b> 5 <b>needs a drug test before they do a mini-mental</b> 6 <b>study, and that's not the standard of care. And I</b> 7 <b>think you know that, so...</b> 8 Q Let's talk a little bit about this word 9 you kept using, "correlation." You know the word, 10 right? 11 <b>A Yes.</b> 12 Q Correlation and causation aren't the 13 same thing, are they, sir? 14 <b>A No, they're not the same thing.</b> 15 Q How are they different? 16 <b>A Correlation is "consistent with."</b> 17 <b>Causation means "direct link."</b> 18 Q Can you say that again? It was so 19 fast, I didn't hear it. 20 <b>A I'm sorry about that. Correlation is a</b> 21 <b>risk for something happening; causation is a</b> 22 <b>direct link.</b></p>
<p>6414</p> <p>1 Q Wait a minute. You started that 2 question with "short of drugs and alcohol," and 3 spent 35 minutes talking about his use of drugs 4 and alcohol. Isn't that right? 5 <b>A Oh, I'm agreeing, but – I thought I</b> 6 <b>agreed with you. I think I agreed. I said that</b> 7 <b>drugs and alcohol can absolutely affect cognition.</b> 8 <b>I'm not – so, yeah, I agree. But I'm not sure if</b> 9 <b>that's the problem. I agree with you on that.</b> 10 Q Right. So you didn't know one way or 11 the other how he scored on the exam? You don't 12 know whether he was, at the time, on drugs and 13 alcohol, but you're going to rely on it in your 14 testimony to say that he's cognitively impaired? 15 <b>A Which is what we do in clinical</b> 16 <b>medicine, sir.</b> 17 Q Okay. You rely on a test that you 18 don't know the way it was administered, you don't 19 know the score of the test, and you don't know the 20 state of the person being tested, but you rely on 21 it anyway? 22 <b>A Again, if we had to know every test –</b></p>	<p>6416</p> <p>1 Q Right. So just because something's 2 correlated doesn't mean it's going to happen? 3 <b>A A hundred percent.</b> 4 Q Right. 5 <b>A A hundred percent.</b> 6 Q Lung cancer, for instance. Smoking is 7 very highly correlated with lung cancer, right? 8 <b>A Yeah, certainly. And there's certainly</b> 9 <b>a link to lung cancer and smoking.</b> 10 Q But not all smokers get lung cancer? 11 <b>A No, not all smokers do. No one – like</b> 12 <b>I said, no one fits the curve perfectly.</b> 13 Q Right. And you made repeated testimony 14 to all of us, all of us do this, all of us do 15 that. 16 <b>A Uh-huh.</b> 17 Q Your suggestion about "all of us," is 18 you're just looking at the world as an example and 19 not at any particular individual, correct? 20 <b>A What I'm looking at is that I'm not</b> 21 <b>talking about an individual, how they can or</b> 22 <b>cannot be resistant. What I'm saying is</b></p>

<p>6417</p> <p>1 invariably when used substances, this is going to 2 happen. Is there a .05 percent chance that 3 someone who does? Absolutely there is. But is 4 that medical degree of certainty? Absolutely not. 5 Q A .05 percent chance of what, sir? 6 A Of developing -- eventually developing 7 symptoms -- if you're using excessively, 8 eventually you're going to develop symptoms. 9 Q Right. But risk factors tell us 10 nothing about any one particular individual, do 11 they, sir? 12 A No. No. Again, risk factors tell us 13 nothing except if they have it, they're at a 14 higher likelihood of developing it. That's what 15 it tells us. 16 Q Right. But you did a whole litany of 17 risk factors relative to IPV. 18 A Yes. 19 Q And none of those risk factors tell us 20 anything specifically about an individual -- 21 A Right. 22 Q -- other than they're at higher risk?</p>	<p>6419</p> <p>1 commit IPV, correct? 2 A They are saying people who have 3 substance use disorders, the majority of them, 4 over 50 percent do. So over 50 percent do. 5 That's -- 6 Q So the answer is, yes? 7 A As you said, not everyone who smokes 8 gets lung cancer. 9 Q So there are significant numbers of 10 people -- you said it was over 50, so you'd say 11 40 percent of the people who have substance abuse 12 disorder don't commit IPV? 13 A Those are the ones that do not have IPV 14 risk factors, though, right? So we're talking 15 about people -- 16 Q Wait a minute. Isn't substance abuse 17 disorder an IPV risk factor? 18 A Oh, yeah. You know, other people that 19 have don't have other risk factors, right. 20 Q Right. But, again, we're talking about 21 people in general. You don't know anything about 22 any particular individual as to whether anybody's</p>
<p>6418</p> <p>1 A Right. 2 Q So someone could have every single risk 3 factor for IPV and never commit IPV, right? 4 A It would be, again, if you're going to 5 say medical degree of probability, the answer is 6 "They will." But if you're saying uniformly, the 7 answer is no. 8 Q Right. IPV can occur without substance 9 abuse? 10 A Oh, sure. 11 Q Someone can abuse substances without 12 ever perpetrating IPV? 13 A Again, absolutely. But, again, you are 14 saying different than what I said. I did not say 15 "abusing substance"; I said "substance use 16 disorder." You are -- those are two different 17 things. Because there are surely people who use 18 substance that do not engage in any violence, do 19 not become psychotic, nothing at all. 20 Q Absolutely true of people who have 21 substance abuse disorder? There are certainly 22 people who have substance abuse disorder who don't</p>	<p>6420</p> <p>1 going to commit IPV? 2 A If statistics follow through, all we 3 can say is more than 50 percent, 70 percent will. 4 If you combine more risk factors you have, the 5 more likely you're going to develop 6 (indiscernible). Smoke cigarettes once, that 7 might not correlate to lung cancer. If you smoke 8 it chronically, that might. 9 Q Yeah. But we're talking about 10 individuals here. You either have lung cancer or 11 you don't, right? 12 A If you're smoking. 13 Q Right? 14 A Right. 15 Q You either commit IPV, or you didn't? 16 A I mean, yeah, you either did or you 17 didn't, yes. 18 Q Right. So you took the issue with me 19 because I was asking about substance abuse 20 generally, and you wanted me to talk about the 21 disorder. I asked you earlier about narcissistic 22 personality disorder.</p>

<p>6421</p> <p>1 A Uh-huh. 2 Q And you haven't made that diagnosis; 3 you've just talked about the traits, right? 4 A Yes. 5 Q And anybody -- if somebody had these 6 narcissistic personality traits and substance 7 abuse disorder and never commit an IPV, right? 8 A So along that line -- 9 Q Right. 10 A -- about, about 80, 90 percent of 11 people who commit IPV have a personality disorder. 12 So the answer's less than about 10 percent, 13 obviously, do not. 14 Q Right. There are more close links with 15 IPV for borderline personality disorder than 16 narcissistic personality disorder, correct, sir? 17 A I'm not going to agree with that. 18 Q No? 19 A I'm not saying there are more. I would 20 say there are absolute -- if you're asking me if 21 there are links, the answer is absolutely. If 22 you're saying to me more, I can show studies that</p>	<p>6423</p> <p>1 percent right. At low amounts, you're a hundred 2 percent right. It is an entactogen. We feel 3 closer to people. That's why people use it say 4 they feel close to people, warmth to people, 100 5 percent. But with continual use and higher doses, 6 it could be fatal. 7 Q Right. 8 A So that's not well-being. I don't know 9 if I'd call that well-being. 10 Q So continued use at higher doses, MDMA 11 can be fatal, correct? 12 A Correct. 13 Q What if you took eight to ten tablets 14 of MDMA? 15 A What if you took? Again, you don't 16 know what on -- it's very hard to say that. You 17 don't know what it's -- what's the word I'm 18 looking for? -- contaminated with. You can't just 19 say, "Hey, let me just take 8 to 10 pure ecstasy 20 and see what happens." That's not going to 21 happen. So what I would say to you, again, 22 because substances of abuse are unpredictable,</p>
<p>6422</p> <p>1 say yes, show studies saying no. That has not 2 been absolutely, definitively correlated, no. 3 Q No? 4 A Absolutely not. 5 Q MDMA, what is it? 6 A Ecstasy. 7 Q Yeah. And what's the normal dosage of 8 ecstasy for people who use ecstasy? 9 A Again, I couldn't tell you the "normal" 10 dose because, obviously, speaking -- no one knows 11 what they're getting when they're using it, right? 12 It's not regulated, so... 13 Q But the effects of ecstasy enhance 14 sense of well-being? 15 A At low doses, the answer is yes. I'm 16 going to gather, when you're using it at higher 17 doses and develop tolerance, you develop the 18 sympathomimetic effects which are not-so-enhanced 19 well-being. 20 Q Increased extroversion, that's a 21 symptom? 22 A Again, at low dose, you are a hundred</p>	<p>6424</p> <p>1 they are unregulated, no one knows what they're 2 going to. No one actually has any idea whether 3 it's going to cause this empathic entactogen 4 effect at very low doses or is it going to cause 5 the sympathomimetic -- I'm sorry -- increase -- 6 like a stimulant, cocaine, something we talked 7 about like that. No one knows what's going to 8 happen. It's not regulated, and no one knows if 9 you're using with other substances either, like 10 other stimulants. 11 Q Or if you mix it with the alcohol? 12 A Or if you mix it with alcohol. No one 13 knows if it's going to be potentially worse. 14 Q Right. But this is a potentially 15 lethal combination, eight to ten MDMA's with 16 alcohol? 17 A This is a potentially toxic 18 combination. 19 Q Right. 20 A Can it kill you? Yeah. I mean, it's a 21 potentially toxic combination, that's true. 22 Q Ever heard of someone cutting off their</p>

6425	1 own finger on MDMA? 2 <b>A Have I ever heard of it?</b> 3 Q Yeah. 4 <b>A No. I can only give you one example.</b> 5 <b>I haven't had that one before.</b> 6 Q So Seroquel, that one puts you to 7 sleep, right? 8 <b>A If you want to phrase a barbiturate</b> 9 <b>putting you to sleep, then the answer is yes.</b> 10 Q Yeah. You heard Mr. Depp talking about 11 sometimes being on the nod, right? 12 <b>A And, again, I think I explained</b> 13 <b>Seroquel very well this morning.</b> 14 Q Right. I'm going to ask a few more 15 questions. 16 <b>A Oh, okay. Okay.</b> 17 Q All right. You kept making references 18 to street value. Why were you doing that? 19 <b>A Because that's why people with</b> 20 <b>substance use disorder use quetiapine and</b> 21 <b>Seroquel.</b> 22 Q Say it again. I'm sorry.	6427	1 <b>A He also had a prescription for</b> 2 <b>oxycodone. Or oxycodone, is that -- does that</b> 3 <b>count? Because that's also probably not a good</b> 4 <b>thing. Just because you have a prescription,</b> 5 <b>doesn't mean --</b> 6 Q But we would agree that it wasn't a 7 good thing. 8 <b>A Just because you have a prescription</b> 9 <b>doesn't mean you can't abuse it.</b> 10 Q No. I'm not suggesting you couldn't -- 11 you're abusing it. I'm just wondering why your 12 testimony was in any way tied to street value when 13 every single drug you referenced Mr. Depp had 14 legally. 15 <b>A Again, you can have prescription</b> 16 <b>substance abuse, and we know that. Correct? No,</b> 17 <b>shouldn't be asking you that. We can have</b> 18 <b>prescription substance use disorders, and that's</b> 19 <b>not uncommon if you look at the opiate epidemic</b> 20 <b>that we're living in right now. We can have that.</b> 21 <b>That's not an uncommon thing. Unfortunate, not</b> 22 <b>uncommon -- not uncommon.</b>
6426	1 <b>A That's why people use quetiapine</b> 2 <b>or/Seroquel. It sells on the street because it's</b> 3 <b>so barbiturate-like in effect.</b> 4 Q Right. But you said that Mr. Depp had 5 a prescription. 6 <b>A There are many substance use disorder</b> 7 <b>patients who have prescription for Adderall and</b> 8 <b>quetiapine from their doctor, and that doesn't</b> 9 <b>mean they're not getting high out of it. That</b> 10 <b>doesn't take much -- doctors like to believe what</b> 11 <b>patients have to say. They're not going in there</b> 12 <b>to give expert witness. All I'm telling you is</b> 13 <b>that in people with substance use disorder, it is</b> 14 <b>not uncommon -- and the thought was initially that</b> 15 <b>because quetiapine was not addicting, that it's</b> 16 <b>safe to give in people with substance use</b> 17 <b>disorders, when, in fact, we absolutely know it</b> 18 <b>has street value, absolutely know that for a fact.</b> 19 Q Right. But my point about this is you 20 knew it -- bunch of testimony about street value, 21 but you know at the time you made the testimony 22 that Mr. Depp, in fact, had a prescription?	6428	1 Q So Seroquel, I think you described as a 2 sleeping agent when used off-label? 3 <b>A When I said what?</b> 4 Q Sleeping agent, Seroquel, when used 5 off-label. 6 <b>A When used off-label, it's used -- it</b> 7 <b>can be used as sleeping agent, yes, right.</b> 8 Q So Mr. Depp's use of Seroquel could 9 account for some of the photos we saw in this 10 trial where he was asleep in a chair? 11 <b>A Again, what I would say to you is that</b> 12 <b>if you have a substance use disorder, you are</b> 13 <b>using it to be knocked out. Yes, I agree. But</b> 14 <b>not sure, at the end of the day, if you have</b> 15 <b>vomitus over you either because I've never seen</b> 16 <b>Seroquel do that. So when he was passed out in</b> 17 <b>the chair, he also had vomitus over him. I've</b> 18 <b>never seen Seroquel do that, ever.</b> 19 Q Neurontin is another one of the drugs 20 you testified about. That one's also prescribed, 21 right? 22 <b>A Yes, it is.</b>

6429	1 Q And what's the prescription for that? 2 A What's it used for? What's its 3 indication or what's it used for? 4 Q Yeah. What's its indication? 5 A I mean, its indication is for seizures. 6 It may have one pain indication, and again, I'm 7 not a neurologist, so I can't tell you exactly if 8 it does. But it's chronically used off-label for 9 pain. It's used off-label for anxiety. 10 Q All right. And what's its effect? 11 That's another one that puts you to sleep, right? 12 A Well, yeah. I mean, sure. A hundred 13 percent. 14 Q Right. And you made reference to a 15 picture. There's been testimony around the -- 16 around that picture that Mr. Depp fell asleep with 17 ice cream in his hand. That's not vomitus, right? 18 A I was told it was vomitus. 19 Q Okay. You talked about the fact that 20 Mr. Depp indicates that from time to time, he uses 21 an earpiece? 22 A Yeah. I mean, I read that, yes.	6431	1 A You know, it's a very good point, 2 actually. Divided attention is something humans 3 have a lot of trouble in. For instance, we have 4 trouble driving and putting on the -- you know, 5 using our cell phones and direct -- so divided 6 attention, humans actually are not very good at, 7 I'm going to put that out there. In general, not 8 just Mr. Depp, in general. 9 Q But Mr. Depp is good at acting? You 10 acknowledged that early on. 11 A Absolutely. Well, better than me, so I 12 know that. 13 Q Because you don't act. In fact, you 14 don't know about acting? 15 A You're right. I have no idea about 16 acting. 17 Q And you don't know how prevalent the 18 use of earpieces are in acting? 19 A Again, I know nothing about acting. 20 Q Irrespective of the fact you know 21 nothing about acting, you've testified that 22 Mr. Depp's use of an earpiece is somehow cognitive
6430	1 Q Okay. Did you read the testimony of 2 Mr. Wyatt, who told you what was being pumped into 3 that earpiece? 4 A Yeah. I mean if I remember right, I 5 mean, it was -- I think it was lines, right? 6 Q No. It was music. 7 A Oh, it was music, not his lines? 8 Q Yeah. 9 A Okay. 10 Q So if Mr. Depp was listening to music 11 rather than being fed his lines, does that change 12 your opinion as to his cognitive function? 13 A If he was never fed his lines through 14 the earpiece, which I know he was, but when he 15 was -- and that may be that example. Mr. Wyatt 16 may have said that it was music. I guess the 17 question was were you having the music during 18 the -- during the actual talking of your lines? 19 Is that what you're saying to me? 20 Q You know, if you can do two things at 21 once, that's a pretty high cognitive function, 22 isn't it, sir?	6432	1 deficit? 2 A So if I was giving a lecture and I was 3 fed my lines I would think there's a cognitive 4 deficit, so I'm -- and maybe I'm wrong. Like I 5 said, maybe I could be wrong. Maybe Hollywood 6 stars get lines fed to them through earpieces all 7 the time. I don't know. That could be -- sounded 8 to me to be unusual, if you're doing a movie and 9 you don't know the lines. But like you said, I'm 10 just judging on what I do with lectures, and that 11 would never happen. 12 Q If you gave lectures, you wouldn't use 13 an earpiece, but you're not going to tell anybody 14 how to act? 15 A I'm sorry. What was the question? 16 Q I said if you gave lectures, you 17 wouldn't use an earpiece, but you're not telling 18 anybody how to act? 19 A Right. I would not use an earpiece 20 during lectures. 21 Q Right. 22 A But, again, I don't know what the

6433

1 **standard for Hollywood is for that, I have no**  
2 **idea.**  
3 Q Your testimony about the use of an  
4 earpiece as maybe you're wrong. You're  
5 comfortable with the fact that you may have made a  
6 mistake there?  
7 A **No. Because I think in the basis of**  
8 **what I've read about it, I'm comfortable that – I**  
9 **don't believe that actors are routinely given**  
10 **their entire script through earpieces. I find**  
11 **that hard to believe.**  
12 Q But not one bit of evidence that this  
13 ever happened here?  
14 A **That's what I said. I just said I find**  
15 **it hard to believe. I didn't say it happened. I**  
16 **said I find it hard to believe. That's all I**  
17 **said.**  
18 Q But what you found hard to believe,  
19 sir, is that every line of the script was pumped  
20 through an earpiece. Where did you ever get the  
21 idea that that occurred?  
22 A **That's what I have – that's what I**

6434

1 **read in the court review, the court evidence.**  
2 **That's where I got it from.**  
3 Q And do you know whether Marlon Brando  
4 used an earpiece?  
5 A **Well, isn't he dead?**  
6 Q Yeah.  
7 A **So the answer is no, he does not use**  
8 **one now.**  
9 Q I used the past tense.  
10 A **I'm sorry. Again, I know nothing – I**  
11 **will concede to you I know nothing about acting.**  
12 **I will concede to you a hundred percent if that is**  
13 **the standard and people have done that with**  
14 **acting, then I apologize and that was wrong on my**  
15 **part. If that's the standard, I'm wrong. I don't**  
16 **know.**  
17 Q Okay. Let's go with that.  
18 MR. DENNISON: No further questions.  
19 THE COURT: All right. How long is  
20 your redirect?  
21 MS. BREDEHOFT: A bit. You may want to  
22 take a break.

6435

1 THE COURT: All right. Let's go ahead  
2 and break for lunch, then, ladies and gentlemen.  
3 Again, do not do any outside research. Do not  
4 discuss your testimony with anybody, okay?  
5 (Whereupon, the jury exited the  
6 courtroom and the following proceedings took  
7 place.)  
8 THE COURT: All right. So let's come  
9 back at 1:55, then. All right? Is that fine?  
10 MR. CHEW: Thank you, Your Honor.  
11 THE COURT: All right. 1:55.  
12 THE BAILIFF: All rise.  
13 (Recess taken from 12:52 p.m. to  
14 1:55 p.m.)  
15 THE BAILIFF: All rise.  
16 Please be seated.  
17 THE COURT: All right. Are we ready  
18 for the jury?  
19 MS. BREDEHOFT: Yes, Your Honor.  
20 THE COURT: Okay.  
21 (Whereupon, the jury entered the  
22 courtroom and the following proceedings took

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1 place.)  
2 THE COURT: All right. You may be  
3 seated.  
4 Your next question -- or redirect.  
5 MS. BREDEHOFT: Thank you, Your Honor.  
6 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND  
7 COUNTERCLAIM PLAINTIFF  
8 BY MS. BREDEHOFT:  
9 Q Dr. Spiegel, you were asked about  
10 whether you were able to examine Mr. Depp.  
11 Do you recall those questions back and  
12 forth?  
13 A Yes.  
14 Q And so, if I understand the testimony,  
15 you asked twice, for Mr. Depp to be interviewed by  
16 you, correct?  
17 A Yes.  
18 MR. DENNISON: Objection. Leading.  
19 THE COURT: Overruled.  
20 Q And then in addition to that, Ms. Heard  
21 requested twice of the court for Mr. Depp to be  
22 submitting to an examination of you, correct?

6437	<p>1 <b>A Yes.</b></p> <p>2 Q And those were denied, correct?</p> <p>3 <b>A Yes.</b></p> <p>4 Q And now, Mr. Depp is contending that</p> <p>5 it's unethical for you to provide an opinion in</p> <p>6 this case because you didn't get an opportunity to</p> <p>7 interview him.</p> <p>8 Do you think that makes sense?</p> <p>9 MR. DENNISON: Objection, Your Honor.</p> <p>10 THE COURT: I'll sustain the objection.</p> <p>11 MS. BREDEHOFT: All right.</p> <p>12 Q Is that your understanding?</p> <p>13 <b>A That is my understanding of it, yes.</b></p> <p>14 Q Okay. Now, when counsel for Mr. Depp</p> <p>15 was reading to you the Goldwater Rule, there were</p> <p>16 two words that he kind of went over pretty quickly</p> <p>17 and I'm going to go over them again with you, a</p> <p>18 little bit slower. And that was that the</p> <p>19 Goldwater Rule was that you cannot make an</p> <p>20 armchair diagnosis, right?</p> <p>21 THE COURT: Objection.</p> <p>22 Q Based on "publicly available records."</p>	6439	<p>1 <b>confidential.</b></p> <p>2 Q Okay. So that, in fact, does not even</p> <p>3 comport, that doesn't meet the restrictions of</p> <p>4 Goldwater?</p> <p>5 MR. DENNISON: Objection. Leading.</p> <p>6 Q So would it be fair to say that you</p> <p>7 have not -- have you rendered any opinions in this</p> <p>8 case, as an expert witness, based on publicly</p> <p>9 available records?</p> <p>10 <b>A I have not rendered any opinion based</b></p> <p>11 <b>on publicly available records.</b></p> <p>12 Q Thank you. Now, you were asked a</p> <p>13 number of questions about narcissistic traits and</p> <p>14 your diagnosis or findings that Mr. Depp exhibited</p> <p>15 narcissistic traits or had that disorder.</p> <p>16 Do you recall that testimony?</p> <p>17 <b>A Yes.</b></p> <p>18 Q And the question was asked of you</p> <p>19 whether if you have five of nine narcissistic</p> <p>20 traits; do you remember that testimony?</p> <p>21 <b>A Yes.</b></p> <p>22 Q Okay. Now, one of the ones you</p>
6438	<p>1 Do you recall that?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Okay. Now, the records that you</p> <p>4 reviewed in this case were private; were they not?</p> <p>5 <b>A Yes.</b></p> <p>6 Q And, in fact, Dr. Blaustein's records</p> <p>7 were marked confidential, correct?</p> <p>8 <b>A Yes.</b></p> <p>9 Q And his deposition was marked</p> <p>10 confidential?</p> <p>11 <b>A Yes.</b></p> <p>12 Q Okay. And Dr. Kipper's records were</p> <p>13 all marked confidential?</p> <p>14 <b>A Yes.</b></p> <p>15 MR. DENNISON: Objection. Leading.</p> <p>16 THE COURT: I'll sustain.</p> <p>17 MS. BREDEHOFT: Okay.</p> <p>18 Q What, if any, labeling was there on</p> <p>19 Dr. Kipper's deposition?</p> <p>20 <b>A All the documents I reviewed were</b></p> <p>21 <b>confidential, and I also signed a confidentiality</b></p> <p>22 <b>agreement, so everything that I read was</b></p>	6440	<p>1 testified before, for narcissism, it requires</p> <p>2 admiration, correct?</p> <p>3 <b>A Yes.</b></p> <p>4 Q What, if any, record evidence was there</p> <p>5 that Mr. Depp requires admiration?</p> <p>6 <b>A The very people that surround him need</b></p> <p>7 <b>to admire him or they're no longer in his</b></p> <p>8 <b>employment or his working circle.</b></p> <p>9 Q Okay. The second one that you</p> <p>10 discussed was sense of entitlement.</p> <p>11 Do you recall that testimony?</p> <p>12 <b>A Yes.</b></p> <p>13 Q All right. What record evidence is</p> <p>14 there that Mr. Depp exhibited -- exhibits behavior</p> <p>15 of needing sense of entitlement?</p> <p>16 <b>A So, again, thinking that Ms. Heard was</b></p> <p>17 <b>marrying him solely for his money and his</b></p> <p>18 <b>influence and that that was the case was, in my</b></p> <p>19 <b>opinion, very entitled.</b></p> <p>20 Q All right. And the third one you</p> <p>21 discussed was exploitative.</p> <p>22 Do you recall that?</p>

6441	<p>1 A Yes.</p> <p>2 Q And what is the record evidence that</p> <p>3 Mr. Depp exhibits behavior of -- that are</p> <p>4 exploitive?</p> <p>5 A Again, I think the whole concept of</p> <p>6 abuse is exploitative.</p> <p>7 Q Okay. The fourth one was lacks</p> <p>8 empathy.</p> <p>9 Do you recall that?</p> <p>10 A Yes.</p> <p>11 Q What is the record evidence that</p> <p>12 Mr. Depp exhibits lacking empathy?</p> <p>13 A To be able to commit intimate partner</p> <p>14 violence and the control you have over someone --</p> <p>15 MR. DENNISON: Objection.</p> <p>16 THE COURT: I'm sorry.</p> <p>17 MR. DENNISON: Objection. Can I be</p> <p>18 heard?</p> <p>19 THE COURT: Okay.</p> <p>20 (Sidebar.)</p> <p>21 MR. DENNISON: He started his response</p> <p>22 with "to be able to commit intimate partner</p>	6443	<p>1 what other people have to say.</p> <p>2 Q All right. Another one of the</p> <p>3 characteristics that you cited was envious.</p> <p>4 Do you recall that testimony?</p> <p>5 A Yes.</p> <p>6 Q What is the record evidence that</p> <p>7 Mr. Depp exhibits envy?</p> <p>8 A I think jealousy is a good start for</p> <p>9 that. I think that Ms. Heard wanted to have a</p> <p>10 career, start with that, beyond what she has, and</p> <p>11 the jealousy parts of -- with Mr. Franco and I</p> <p>12 think others comment, this week Ms. Berstein --</p> <p>13 sorry, last week, Ms. Berstein [sic] commented</p> <p>14 about things about jealousy, so I think it's</p> <p>15 pretty apparent.</p> <p>16 Q The next one you listed was fragile</p> <p>17 self-esteem.</p> <p>18 Do you recall that?</p> <p>19 A Yes.</p> <p>20 Q What's the record evidence of Mr. Depp</p> <p>21 exhibiting that?</p> <p>22 A So, fragile self-esteem can be more</p>
6442	<p>1 violence."</p> <p>2 MS. BREDEHOFT: All right. I'll</p> <p>3 redirect him.</p> <p>4 THE COURT: All right.</p> <p>5 (Open court.)</p> <p>6 BY MS. BREDEHOFT:</p> <p>7 Q I'm just going to ask you to give the</p> <p>8 record evidence of Mr. Depp's lacking empathy,</p> <p>9 that you know of.</p> <p>10 A Yes. Am I allowed to elaborate?</p> <p>11 Q Yes, just a little different than what</p> <p>12 you said before.</p> <p>13 A Okay. So, if one -- so, let me</p> <p>14 redirect. So if you're not agreeing with what</p> <p>15 Mr. Depp has to say, you are no longer useful,</p> <p>16 okay, therefore, you don't really care about</p> <p>17 others for others, you care about others for your</p> <p>18 benefit.</p> <p>19 So, off and on dismissing Dr. Kipper,</p> <p>20 for Dr. Kipper setting some boundaries on</p> <p>21 substance use protocol, substance detox, is an</p> <p>22 example of lacking empathy and not really caring</p>	6444	<p>1 along the line of a cluster B trait, I should put</p> <p>2 that in. It's not necessarily the criteria for</p> <p>3 narcissism, so it's a trait.</p> <p>4 And, basically, what that means would</p> <p>5 be that the combination of poor self-control and</p> <p>6 rapid mood states is fragile self-esteem, fragile</p> <p>7 personality traits. So, goes in line with cluster</p> <p>8 B rather than, per se, narcissism.</p> <p>9 Q Now we've seen Mr. Depp, during this</p> <p>10 trial, doodling and eating candy, what, if any,</p> <p>11 evidence would that suggest that he has</p> <p>12 narcissistic traits?</p> <p>13 MR. DENNISON: Objection, Your Honor.</p> <p>14 No foundation.</p> <p>15 THE COURT: I'll sustain the objection.</p> <p>16 MS. BREDEHOFT: All right.</p> <p>17 Q Now, you were asked about the cluster B</p> <p>18 and counsel for Mr. Depp came back and said, are</p> <p>19 you aware Ms. Heard has been diagnosed with</p> <p>20 borderline personality disorder or histrionic</p> <p>21 personality disorder.</p> <p>22 Now, you reviewed, I think you</p>

<p>1 testified at the beginning, you viewed the therapy 2 and counseling and medical records for Ms. Heard, 3 correct? 4 <b>A Correct.</b> 5 Q What, if any, evidence was there that 6 Bonnie Jacobs diagnosed Amber Heard with either 7 borderline personality or histrionic personality 8 disorder? 9 MS. BREDEHOFT: That's fair. He asked 10 the question. That's fair redirect. 11 MR. DENNISON: Beyond the scope. 12 THE COURT: Overruled. 13 <b>A In fact, so Ms. Jacobs demonstrated no</b> 14 <b>type of personality disorder, borderline or</b> 15 <b>otherwise. And on review of Dr. Curry's</b> 16 <b>records --</b> 17 MR. DENNISON: Objection. Beyond the 18 scope of the question. 19 Q I'll ask each of them separately. 20 And you also reviewed the medical -- 21 the therapy records for Ms. Heard for Connell 22 Cowan, correct?</p>	6445	<p>1 Q All right. And what, if any, evidence 2 did you find in any of Dr. Curry's testing that 3 Amber Heard had either borderline personality 4 disorder or histrionic personality disorder? 5 <b>A She had traits. She did not meet</b> 6 <b>the -- her own evaluation, she did not have the</b> 7 <b>full -- endorse enough criteria to meet the</b> 8 <b>criteria for borderline personality disorder</b> 9 <b>and/or histrionic personality disorder. She</b> 10 <b>definitely had traits; she did not have the</b> 11 <b>disorder by going by the strict number of</b> 12 <b>criteria.</b> 13 Q All right. Now, you mentioned, in 14 response to Mr. Depp's counsel's questions, you 15 started to talk about battered wife syndrome. 16 What is your experience with battered wife 17 syndrome sometimes being mistaken with borderline 18 personality disorder or histrionic personality 19 disorder? 20 MR. DENNISON: Objection. Compound and 21 leading. 22 THE COURT: Overruled.</p>	6447
<p>1 <b>A Yes.</b> 2 Q What, if any, evidence was there, at 3 any time, that he diagnosed Amber Heard with 4 borderline personality disorder or histrionic 5 personality disorder? 6 <b>A Not only did he not, he referred to</b> 7 <b>Mr. Depp as a narcissist too.</b> 8 Q You also reviewed all of Dawn Hughes' 9 records and her testing, correct? 10 <b>A Yes.</b> 11 Q And what, if any, evidence did you find 12 in any of that extensive testing and note taking 13 that she had found that Amber Heard had borderline 14 personality disorder or histrionic personality 15 disorder? 16 MR. DENNISON: Objection. Leading. 17 MS. BREDEHOFT: What, if any. 18 THE COURT: Overruled. 19 <b>A None.</b> 20 Q You also reviewed Dr. Curry's notes and 21 her testing, correct? 22 <b>A Yes.</b></p>	6446	<p>1 <b>A So, battered wife syndrome, which is --</b> 2 <b>were a subsyndrome, or not quite PTSD, has so many</b> 3 <b>symptoms of PTSD. And if you hear some of them,</b> 4 <b>you'll see why someone might think that. They do</b> 5 <b>have reliving experiences feeling as if the abuse</b> 6 <b>is happening even if it's not, as part of</b> 7 <b>reminders of -- upon reminder of abuse, such as</b> 8 <b>getting ready to use something, getting ready to</b> 9 <b>use a substance or something along that line.</b> 10 <b>They do have hyperarousal, they do have</b> 11 <b>hypervigilance, which is very easily mistaken for</b> 12 <b>the emotional reactivity of borderline personality</b> 13 <b>disorder. They do have avoiding symptoms, so they</b> 14 <b>avoid emotions, activities, people, and if that</b> 15 <b>can't be happening, they start becoming much more</b> 16 <b>anxious, much more hyperaroused. They have</b> 17 <b>interdisturbances in relationships, which clearly</b> 18 <b>can be an issue, intimacy problems, again, which</b> 19 <b>could also resemble borderline personality</b> 20 <b>disorder.</b> 21 <b>So the descriptions and traits that</b> 22 <b>were there, A, did not meet the full criteria for</b></p>	6448

<p style="text-align: right;">6449</p> <p>1 <b>borderline, and, B, could have very easily been</b> 2 <b>explained by battered wife syndrome, a form of</b> 3 <b>PTSD.</b> 4 Q Thank you. Now, you also indicated 5 earlier that you reviewed the deposition of Amy 6 Banks, correct? 7 <b>A Yes.</b> 8 Q And what, if any, determinations did 9 you make based on her deposition, from her 10 meetings with Mr. Depp and Ms. Heard? 11 <b>A So, Dr. Banks is a professor at</b> 12 <b>Harvard, a leading institution in America for</b> 13 <b>medical schools, who is an expert on intimate</b> 14 <b>partner violence. She had a chance to meet them</b> 15 <b>in relationship counseling.</b> 16 MR. DENNISON: Objection, Your Honor. 17 Nonresponsive. 18 MS. BREDEHOFT: That's not 19 nonresponsive. I said what, if anything -- 20 THE COURT: Sustained. 21 Q Tell the jury about Amy Banks, the 22 significance of Amy Banks.</p>	<p style="text-align: right;">6451</p> <p>1 personality disorder for Ms. Heard? 2 <b>A Dr. Banks didn't mention anything about</b> 3 <b>personality disorder at all. What she did mention</b> 4 <b>was who she felt gave a more accurate version</b> 5 <b>of --</b> 6 MR. DENNISON: Objection, Your Honor. 7 THE COURT: What's the objection? 8 MR. DENNISON: That's a credibility 9 testimony. 10 MS. BREDEHOFT: I think he can testify 11 to that. 12 THE COURT: I'll sustain the objection. 13 Next question. 14 Q What, if anything, did Dr. Banks 15 report, not saying what the ultimate conclusion 16 was, what, if anything, did Dr. Banks say about 17 what was reported to her by Ms. Heard and Mr. Depp 18 and how they responded? 19 <b>A So, Ms. Heard discussed the -- in</b> 20 <b>trying to, again, as a victim, trying to save the</b> 21 <b>relationship, discuss with Dr. Banks these</b> 22 <b>accusations, these acts of intimate partner</b></p>
<p style="text-align: right;">6450</p> <p>1 <b>A Dr. Banks found that she fully believed</b> 2 <b>Ms. Heard's version of what was going on.</b> 3 MR. DENNISON: Objection. Hearsay. 4 MS. BREDEHOFT: I reversed. Let me try 5 it again. 6 THE COURT: Sustain the objection. 7 Q Please let me -- please tell the jury 8 about the qualifications of Dr. Amy Banks. This 9 is the one that saw both Ms. Heard and Mr. Depp. 10 <b>A Dr. Banks is a professor at, I don't</b> 11 <b>know whether assistant associate professor, at</b> 12 <b>Harvard University Medical School, one, if not one</b> 13 <b>of the two top medical schools in the world, who</b> 14 <b>specializes in intimate partner violence. She's</b> 15 <b>above all people to understand if someone is a</b> 16 <b>victim or perpetrator because she does this,</b> 17 <b>researches this for a living every day. And</b> 18 <b>that's her qualifications.</b> 19 <b>Can I say what she reported?</b> 20 Q No, I'm going to ask you what, if 21 anything, did Dr. Banks indicate relating to 22 histrionic personality disorder or borderline</p>	<p style="text-align: right;">6452</p> <p>1 <b>violence. Mr. Depp --</b> 2 MR. DENNISON: Objection. Hearsay. 3 MS. BREDEHOFT: He's entitled to rely 4 on hearsay. He's not giving what, ultimately -- 5 he's entitled to it. 6 THE COURT: You can rely on hearsay but 7 you just can't state the hearsay. So, he can rely 8 on it. 9 MS. BREDEHOFT: All right. 10 Q What, if anything, did Mr. Depp do in 11 response? 12 <b>A Mr. Depp said nothing. When Ms. Heard</b> 13 <b>accused him of intimate partner violence, Mr. Depp</b> 14 <b>said nothing.</b> 15 MR. DENNISON: Objection. Hearsay. 16 THE COURT: I'll sustain the objection. 17 Q And what is the significance of that? 18 <b>A Significance of that is with --</b> 19 MR. DENNISON: Objection. No 20 foundation. 21 THE COURT: Sustained. 22 MS. BREDEHOFT: All right. We'll move</p>

6453	1 on. 2 Q You were asked about MDMA and what the 3 impact could potentially be of taking eight to ten 4 of these pills. 5 Do you recall? 6 A Yes. 7 Q Okay. And, now, I'm going to take you 8 to Australia 2015. You've reviewed testimony over 9 that, right, from Mr. Depp, Ms. Heard -- 10 A Yes. 11 Q -- and a number -- okay. 12 Were you -- do you recall that 13 Ms. Heard also said that she found dime bags of 14 cocaine in drawers at the end of that three days? 15 A Yes. 16 Q Okay. I'm going to ask you -- 17 MS. BREDEHOFT: Michelle, can you bring 18 up 1828. It's already in evidence. 19 And if we can publish that. Okay. We 20 can. Thank you. 21 Q I'm going to -- this is one of the 22 pictures that was taken in Australia, and the	6455	1 A Yes. 2 Q Okay. Could you tell the jury what -- 3 how that relates to the correlating factors of -- 4 risks factors for IPV? 5 A Again, destruction of property is a 6 form of psychological abuse, psychological 7 mistreatment. So, destruction of property is used 8 as intimidation and as means of control. 9 Q Okay. 10 MS. BREDEHOFT: Michelle, can you bring 11 up 1829. 12 And this has already been admitted. 13 Yes, thank you, Your Honor. 14 Q What, if any, evidence does this 15 reflect as correlating behavior to risk factors of 16 IPV? 17 A I would say that, one, that 18 demonstrates a good deal of violence and 19 psychological abuse. I think it's pretty clear 20 that just trying to be intimidating -- 21 MR. DENNISON: Objection, Your Honor. 22 THE COURT: Overruled.
6454	1 testimony's been that these two canvases of 2 Ms. Heard were painted completely over. 3 Is that something that could be the 4 impact of having eight to ten tablets of MDMA and 5 combining that with cocaine and alcohol? 6 MR. DENNISON: Objection. No 7 foundation. Speculation. 8 MS. BREDEHOFT: The foundation's 9 already been laid, Your Honor. 10 THE COURT: I'll sustain the objection. 11 Next question. 12 Q Okay. What, if anything -- if you look 13 at the painted canvases on this one, what, if any, 14 evidence is that reflecting behaviors indicative 15 of taking a lot of MDMA, cocaine, and alcohol? 16 MR. DENNISON: Objection. Speculation. 17 No foundation. 18 THE COURT: That's the same question. 19 Sustained. 20 Q You testified earlier about property, 21 destruction of property. 22 Do you recall that?	6456	1 MS. BREDEHOFT: Thank you. 2 Q Please continue. 3 A It would be -- people who misuse 4 ecstasy without coke, the cocaine, are prone to 5 agitation, suspicion, jealousy, violence. What 6 we're seeing there would be very consistent with 7 that presentation. 8 Q Okay. Thank you. 9 MS. BREDEHOFT: Michelle, can you now 10 bring up 1830, I guess. 11 And that's already been admitted into 12 evidence as well. Your Honor, I'd ask that it be 13 published. 14 Q What, if any, evidence does this 15 correlate with behavior indicative of IPV 16 perpetration? 17 A Again, this is intimidation, 18 psychological abuse, where you're solely trying to 19 emotionally -- 20 MR. DENNISON: Objection, Your Honor. 21 Can we be heard? 22 THE COURT: Okay. If you want to.

6457	1 (Sidebar.) 2 MR. DENNISON: It's a form of him 3 saying that this is psychological abuse. This is 4 the exact thing we're going to preclude him from 5 talking about. 6 MS. BREDEHOFT: I don't agree, Your 7 Honor. He testified to the risk factors, one of 8 the risk factors -- 9 THE COURT: I'm sorry, risk factors. 10 This is not about risk factors. 11 MR. DENNISON: That question, I like. 12 I think it's responsive, but the answer after -- 13 THE COURT: If you can just get him 14 there with the risk factors, you'll be fine. 15 MS. BREDEHOFT: Thank you. 16 (Open court.) 17 BY MS. BREDEHOFT: 18 Q Dr. Spiegel, if you can answer the 19 question what, if any, evidence is this 20 correlating to the risk factors for IPV 21 perpetrator? 22 <b>A Again, I think the violence comes</b>	6459	1 MS. BREDEHOFT: Michelle, I'm going to 2 ask you to bring up Defendant's Exhibit 301. 3 Q And, Dr. Spiegel, it's not into 4 evidence yet. I'm going to ask you to take a look 5 at this. Is this one of the documents that you 6 had that reflected the amount of medication that 7 Mr. Depp was on as of October 26th, 2014? 8 <b>A Yes.</b> 9 Q Okay. And this was an email from 10 Debbie Lloyd to Dr. Blaustein, his treating 11 psychiatrist, correct? 12 <b>A Yes.</b> 13 Q Okay. Now, can you tell the jury, 14 we've got Seroquel 50MG -- 15 MR. DENNISON: Objection. Hearsay. 16 MS. BREDEHOFT: I haven't finished 17 asking the question yet. 18 THE COURT: Let's approach. 19 MS. BREDEHOFT: Okay. 20 (Sidebar.) 21 THE COURT: The hearsay is going to 22 take over, and so that's why --
6458	1 <b>through --</b> 2 MR. DENNISON: Objection, Your Honor. 3 Move to strike. 4 Q Just the evidence of risk factors, if 5 you can. 6 THE COURT: All right. 7 <b>A The evidence of risk factor would be</b> 8 <b>accepting a more than average degree of violence,</b> 9 <b>as well as psychological abuse.</b> 10 Q Okay. Are you aware of any record 11 evidence of Ms. Heard writing on walls, mirrors, 12 countertops, or painting canvases? 13 <b>A No.</b> 14 Q Okay. 15 MS. BREDEHOFT: Thank you, Michelle. 16 You can take that down now. 17 Q Now, you were also asked about Seroquel 18 and some of the other prescription medications. 19 Did you, during the course of your 20 review of evidence, see the list of medications 21 that Mr. Depp was on at one point? 22 <b>A Yes, I read that list.</b>	6460	1 MS. BREDEHOFT: Right. I'm going to 2 ask him how much Seroquel he was taking per day 3 and what the significance of that was. I'm going 4 to do the same with the Adderall, going to do the 5 same with newer -- whatever the newer -- the ones 6 that we asked about. 7 MR. DENNISON: The document did not get 8 in evidence. There's no foundation for this 9 document, other than the question -- 10 MS. BREDEHOFT: He's entitled to rely 11 on hearsay, Your Honor. 12 THE COURT: He can rely, but you can't 13 get the hearsay in. 14 MS. BREDEHOFT: Well, he can say how 15 much he was taking and then what the impact of 16 that was. 17 THE COURT: He isn't saying how much. 18 He can do a hypothetical, if somebody takes him 19 around. 20 Do you agree with that? 21 MR. DENNISON: Yeah, he can do a 22 hypothetical.

<p>6461</p> <p>1 THE COURT: He can do a hypothetical. 2 MS. BREDEHOFT: All right. I'll ask 3 him that way. Thank you. 4 MR. DENNISON: Thank you. 5 (Open court.) 6 MS. BREDEHOFT: Michelle, can you 7 scroll up, just so I can see all of them at the 8 same time. Thank you. 9 BY MS. BREDEHOFT: 10 Q So, Dr. Spiegel, if someone was taking 11 50 meg -- is that milligrams? 12 A Milligrams. 13 Q Milligrams of Seroquel, 25 milligrams 14 of Seroquel, and 50 milligrams of Seroquel and 50 15 all in one day, how would that impact them? 16 A So, obviously, this is not for sleep 17 because I'm presuming you're not wanting to sleep 18 in the morning, noon, and from four to six, 19 although you are sleeping at night. What I would 20 say is he's using it for one purpose, as I said 21 with substance abuse disorder, they're using it to 22 calm down, they're using it just as a downer and</p>	<p>6463</p> <p>1 while, at the same time, getting what's called the 2 super-therapeutic dose, or an excessive amount of 3 Adderall. 4 For the record, adults are only 5 indicated with Adderall for the extended release, 6 not the immediate release preparation. Why that's 7 relevant is that immediate release preparation is 8 abusable; you get more high quicker. The extended 9 release goes out throughout the day. The 10 immediate release gets you up right away and then 11 down. 12 Now, in ADHD, this medicine is very 13 effective. But from what this is being used for, 14 clearly, based on the combination, no. 15 Q All right. Do addicts lie? 16 A Yes. 17 MR. DENNISON: Objection. 18 Q All right. Now, you were asked about 19 Mr. Depp passing out. Do you recall reading 20 testimony of Mr. Depp passing out in the bathroom 21 in his vomit? 22 A Yes.</p>
<p>6462</p> <p>1 to relax. Given that you're taking 45 milligrams 2 of Adderall a day to stay awake, that's more than 3 the prescribed for adults and children, for that 4 matter, the combination makes very little sense, 5 at all, to me. 6 Q All right. And if a person was taking 7 300 milligrams of Neurontin, I'm going to 8 pronounce that wrong again -- 9 A Neurontin. 10 Q Four times a day, 600 later in the day, 11 how would that impact a person? 12 A Again, you're looking at medications 13 that are there solely for a substance use disorder 14 patient to get them up and to calm them down. 15 That's all this is -- this regimen is about. 16 Gabapentin doesn't have a psychiatric 17 indication other than -- actually, it doesn't have 18 a psychiatric indication, although it calms you 19 down. As I said before, similar to Adderall, 20 gabapentin is also abusable; similar to 21 quetiapine, Seroquel is also abusable. So, you're 22 getting these calming effects from these medicines</p>	<p>6464</p> <p>1 Q Okay. Was that -- does that help 2 refresh your recollection -- 3 A Yes. 4 Q -- of what you recall? 5 A For the record book, I don't think that 6 falling asleep with ice cream on you is a -- 7 MR. DENNISON: Objection. Beyond the 8 scope of the question. 9 THE COURT: Overruled. 10 Q Keep going. 11 A So I don't think taking Seroquel at 12 night and falling asleep with ice cream on you is 13 not what Seroquel's indicated for. It's not meant 14 you to put you out in a state where you don't 15 [sic] even be able to stay awake to put ice cream 16 away. 17 Q Okay. 18 MS. BREDEHOFT: Michelle, if you can 19 put up Defendant's 1090. It's already into 20 evidence. 21 If we could publish that to the jury, 22 Your Honor.</p>

<p>6465</p> <p>1 Q Dr. Spiegel, does this look like -- I 2 mean, would this be evidence correlating with 3 behaviors consistent with IPV perpetrator risk 4 factors? 5 A This would be called a person who is 6 completely knocked out, and there's usually only 7 one way someone gets knocked out that badly, and 8 that's with pharmacological assistance, whether it 9 be legal or illegal. They make it to the bed. 10 They don't sleep with their head on a GameBox in a 11 furniture. That doesn't happen to people who 12 sleep. No matter how tired you are. No matter 13 how tired. I've been a resident in the past, and 14 I was up for 40, 45 hours -- 15 MR. DENNISON: Objection. Beyond the 16 scope. 17 MS. BREDEHOFT: Just explaining, Your 18 Honor. 19 THE COURT: Sustained. 20 MS. BREDEHOFT: All right. 21 Michelle, can you pull up 1095, please. 22 And this has been --</p>	<p>6467</p> <p>1 intimate partner violence. 2 MR. DENNISON: Objection. Move to 3 strike. 4 THE COURT: All right. Sustained. 5 I'll strike it from the record. 6 Next question. 7 MS. BREDEHOFT: We'll just move on. 8 THE COURT: Okay. 9 Q You were asked about earpieces. 10 Did you -- do you recall reviewing 11 Tracey Jacobs and Joel Mandel's deposition? 12 A Yes. 13 Q Do you recall them both testifying that 14 Mr. Depp had someone on salary to feed him his 15 lines? 16 A Yes. 17 Q Now, you've testified that you've 18 reviewed a substantial amount of evidence in this 19 case. Did you find any evidence that Amber Heard 20 exhibited conduct or behaviors indicative or 21 consistent with any of the risk factors for 22 perpetrators of IPV?</p>
<p>6466</p> <p>1 Q I'm going to ask you the same question, 2 Dr. Spiegel. What, if anything, does this 3 indicate relating to risk factors for IPV 4 perpetrators? 5 A Again, you know, colloquially passed 6 out, and there's very few ways to get like that 7 without pharmacological assistance, legal or 8 illegal -- and/or illegal. 9 MS. BREDEHOFT: Let's pull up 1094, 10 please, Michelle. Defense. 11 And that's also been admitted. 12 Q And now, we have the ice cream picture. 13 And what, if any, indication does this 14 have? 15 A Probably could see how I could -- 16 MR. DENNISON: Objection. Speculation. 17 No foundation. 18 Q What, if any, correlation -- what, if 19 any, evidence does this indicate correlative with 20 the risk factors for IPV? 21 A Again, this proves one of the major 22 risk factors and precipitating factors for</p>	<p>6468</p> <p>1 MR. DENNISON: Objection. Beyond the 2 scope. 3 THE COURT: Sustained. 4 MS. BREDEHOFT: Well, it was suggested 5 with the borderline personality. 6 THE COURT: Sustained. 7 MS. BREDEHOFT: Okay. 8 Q But we did find that for Mr. Depp, 9 correct? 10 A Yes. 11 Q And did you find record evidence that 12 Mr. Depp had a substance abuse disorder? 13 A Severe substance use disorder. 14 Q All right. Did any of the questions 15 asked by Mr. Depp's counsel change any of your 16 opinions in this case? 17 A Did it -- nothing -- no, my opinion has 18 not swayed an iota. 19 Q Do you hold them all still within a 20 reasonable degree of medical and psychiatric 21 probability or certainty? 22 A Absolutely, yes.</p>

<p>6469</p> <p>1 MS. BREDEHOFT: Thank you very much, 2 Dr. Spiegel. 3 THE COURT: So you can have a seat in 4 the courtroom or you're free to go. 5 All right. Your next witness. 6 MS. BREDEHOFT: My next witness is 7 Kathryn Arnold. 8 THE COURT: Kathryn Arnold. 9 KATHRYN ARNOLD 10 A witness called on behalf of the 11 defendant and counterclaim plaintiff, having been 12 first duly sworn by the Clerk, testified as 13 follows: 14 THE COURT: All right, yes, ma'am. 15 MS. BREDEHOFT: Thank you. 16 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 17 COUNTERCLAIM PLAINTIFF 18 BY MS. BREDEHOFT: 19 Q Will you, please, state your name for 20 the record. 21 A Kathryn Arnold. 22 Q All right. And what is your</p>	<p>6471</p> <p>1 was, at the time, one of the largest production 2 companies in Los Angeles. They did films like 3 Batman, Rain Man, Tango and Cash. We did TV shows 4 like Witches of Eastwick. And there, I was 5 involved in the development of scripts; we worked 6 with the studio directly in terms of what casts 7 would be attached to the scripts, and brought 8 directors and talent to those projects. 9 I then went on to work in -- so I went 10 on to work in the independent film world as a film 11 producer. So I found the material, I would get 12 the financing, I would get the cast and the 13 director attached to the project, we call that 14 "packaging," and then we would go and obtain 15 financing for that either through equity sources 16 or international sales and financing and bank 17 financing. 18 And then, I also went on after that, I 19 produced five or six films with actors that you 20 may know, including Salma Hayek, Vincent 21 D'Onofrio, Kirstie Alley, Thomas Jane, Ethan 22 Hawke. And then I worked with an international</p>
<p>6470</p> <p>1 profession? 2 A I am an entertainment industry 3 consultant, and I also serve as an expert witness. 4 Q Okay. And can you, please, tell the 5 jury your educational background? 6 A Yes. So, I was -- I've been in the 7 entertainment industry for over 20-plus years. I 8 started as an assistant at ICM, which is one of 9 the largest talent agencies in Los Angeles that 10 represents actors, writers, and directors, and I 11 worked with a talent agent there. And then I also 12 worked at Wayne Morris, for Wayne Morris as a 13 script reader, so I was working on scripts that 14 were delivered and submitted to for their writers, 15 actors, and directors. After that, I went into 16 development of film and television projects for a 17 company based in New York called the Maltese 18 Company, which actually produced animated 19 television shows and features films based on Wall 20 Street, you know, animated products, you know, 21 like toys. Then I went to work with a company 22 called the Guber-Peters Company. Guber-Peters</p>	<p>6472</p> <p>1 sales and production company, where I was the head 2 of production, and I worked, again, on the 3 development of scripts and the procurement of 4 financing. 5 So, I worked in both the independent 6 world and the studio world, meaning independently 7 financed or financed by the big studios, like 8 Warner Brothers and Disney and Paramount, and such 9 as that. 10 That's the bulk of my work in the 11 entertainment industry. 12 Q Did any of your films win awards? 13 A A couple of them did. A couple of the 14 independent films that I produced, one of them 15 won -- called The Coriolis Effect won the Venice 16 Film Festival in its category, and then I also 17 produced another film that won the Heartland Film 18 Festival, it's called the Crystal Award. 19 Q What other video production projects 20 have you been involved in? 21 A So throughout that time, in between 22 those jobs, I also worked in the corporate world.</p>

<p style="text-align: right;">6473</p> <p>1 So, large studios like Warner Brothers and Disney 2 and CBS would need corporate videos for their live 3 events, so I would interview executives and 4 interview their talent and then edit the piece 5 together to create video and media for their live 6 sales conferences that they had at that time. And 7 then I also produced some commercials. 8 Q All right. And what, if any, 9 experience did you have in corporate relations and 10 licensing? 11 A So, earlier on in my career, I worked 12 at the Los Angeles Olympic Organizing Committee, 13 and I worked in the licensing department, where we 14 handled the licensing of the Olympic logo, and we 15 also worked with sponsors and suppliers who were 16 funding those Olympic games, so it was a lot of 17 contractual negotiations with the use of the 18 license -- of the logo, as well as raising money 19 for the games and working with those corporate 20 sponsors throughout the two years prior to the 21 games and then during the games themselves. 22 Q And what, if any, experience do you</p>	<p style="text-align: right;">6475</p> <p>1 It's a pre -- the business is very different and 2 unlike anything else, very relationship based, so 3 I use my 20 years of experience to help them get 4 casts, get financing, understand the distribution 5 process, marketing process, and get them set up to 6 be able to produce their films. 7 Q Have you ever testified as an expert 8 witness in the field of entertainment industry? 9 A Yes. 10 Q Approximately how many times have you 11 served as an expert? 12 A I've been involved in somewhere between 13 85 and a hundred cases as an expert, from 14 beginning stages to testifying at court. 15 Q And have you ever testified as an 16 expert on damages in defamation cases? 17 A Yes, I have. 18 Q Okay. Approximately how many times 19 have you qualified as an expert on that? 20 A On defamation? 21 Q Yes. 22 A I believe three or four times.</p>
<p style="text-align: right;">6474</p> <p>1 have working on film festivals. 2 A Well, I've had films in festivals. 3 I've actually been very lucky to travel the world 4 and gone to a lot of festivals with my films, both 5 here in the United States and elsewhere. At one 6 point, I was also hired to raise sponsorship funds 7 for the Sundance Film -- Sundance Film Festival. 8 They had a new program that they were starting to 9 do online festivals, so I raised about a half 10 million dollars for him in about a month. 11 Q All right. Do you have a degree, a 12 college degree? 13 A Yes. I graduated from UCLA with a 14 bachelor's degree in economics. 15 Q What does your current consulting 16 practice entail? 17 A So, as an entertainment consultant, 18 having been in the business in both the 19 independent and the studio worlds, as both a 20 producer and an executive, I work with investment 21 companies and production companies who are looking 22 to navigate the various inroads of Hollywood.</p>	<p style="text-align: right;">6476</p> <p>1 Q Okay. And have you ever been admitted 2 to testify as an expert on damages? 3 A Yes. 4 Q Okay. And how many times have you 5 qualified as an expert on damages? 6 A Almost all my cases have some form of 7 damage relation -- you know, economic damage 8 related to the case, so I would say in all of the 9 cases that I've testified in, I've been qualified 10 in damages. 11 Q Okay. Have you ever served as an 12 expert for both -- have you served as an expert 13 for both plaintiffs and defendants? 14 A Yes, I have. 15 Q Okay. How much of your current 16 practice involves consulting as opposed to 17 expert -- serving as an expert witness? 18 A So, over the last 10 to 12 years, it's 19 been about 50/50. So, I spent half my time 20 working as a consultant and other half working 21 with lawyers on their cases. 22 MS. BREDEHOFT: Your Honor, I'm going</p>

<p style="text-align: right;">6477</p> <p>1 to move to qualify Kathryn Arnold as an expert in 2 the entertainment industry standards and practices 3 and related economic damages. 4 THE COURT: All right. Any objection? 5 MR. DENNISON: No objection. 6 THE COURT: All right. So moved. 7 Q Now, you have a dual role here as an 8 expert, correct? 9 A Yes. 10 Q You're going to be testifying with 11 respect to Mr. Depp's challenges to -- or claims 12 of damages, and you're also going to be testifying 13 to Amber Heard's damages, correct? 14 A Yes. 15 Q All right. Well, I'm going to start 16 you with Mr. Depp's claims for damages, okay? 17 With respect to Mr. Depp's claimed 18 damages, on what subject have you been asked to 19 offer your opinion? 20 A So, I was asked to assess the -- any 21 alleged damages that the op-ed piece in The 22 Washington Post that Ms. Heard wrote, whether that</p>	<p style="text-align: right;">6479</p> <p>1 reviewed emails and texts between the parties, 2 between their families, between the management 3 teams, the audio recordings, the visual recordings 4 that have been presented in this case, and the 5 previous cases that have been involved in the last 6 couple of years. I also did my own independent 7 research from general publicity and press and 8 investigative articles, as well as those that are 9 specific to the entertainment industry and 10 utilized some entertainment industry specific 11 sources to get some information that was helpful 12 to our case -- to the case. 13 Q Thank you, Ms. Arnold. 14 Please describe to the jury your 15 observations with respect to Mr. Depp's career 16 trajectory. 17 A Well, Mr. Depp has had an extraordinary 18 career over many years, so it's a long one to look 19 at. Obviously, he was a rising star in the late 20 '80s and in the '90s, starting with 21 Jump 21 Street, and you've heard all the films that I'm 22 sure he's been in. He really started to break</p>
<p style="text-align: right;">6478</p> <p>1 has impacted his career in any way, particularly, 2 did he lose any income or any economic 3 opportunities because of the op-ed piece, 4 specifically. 5 Q All right. And have you been asked to 6 limit that to the period of December 18, 2018, the 7 date of the op-ed, through November 2, 2020? 8 A Yes. 9 Q Okay. Now, what materials did you 10 review in making your analysis? 11 A There were a lot of documents. I 12 reviewed the pleadings of the case, the 13 complaints, the discovery items, the responses to 14 what they call interrogatories, which are the 15 questions that the lawyers ask, both sides. I 16 reviewed Mr. Depp's deposition testimony, which 17 there were volumes of that, as well as 18 Ms. Heard's. I also reviewed the deposition 19 testimony of the experts that were proffered but 20 had to do with the entertainment industry, you 21 know, the agents and the management teams of both 22 sides, launch, now, the data expert. I also</p>	<p style="text-align: right;">6480</p> <p>1 through when he worked with Tim Burton, the 2 director and, of course, his character Jack 3 Sparrow in Pirates of the Caribbean was, you know, 4 world-renowned, and probably his biggest role. 5 And he was, you know, a well-liked -- both 6 critically and within the industry and within the 7 public as a movie star. 8 And at the same time, his behavior in 9 both on and off the set, in his personal life and 10 in his professional life, start to interfere with 11 what we would say, what everybody saw was his 12 great talent. And it started, you know, there's 13 some stories of issues that started back in the 14 '80s and the '90s, but I would say, really, in the 15 mid 2000s, between 2006 and '10 was when the 16 behavior started affecting his work to a certain 17 extent, as far as lateness on set. And then as 18 Ms. Jacobs, his talent agent, discussed with you 19 in her deposition, it started to affect her 20 ability to get roles and the industry's 21 willingness to work with him, given the issues 22 that he was having with both behavior, tardiness,</p>

<p style="text-align: right;">6481</p> <p>1 drinking, and the drug abuse and, you know, other 2 issues in his personal life. So it got more 3 complicated for her to find him work, and I think 4 it got harder for production companies and studios 5 to hire him due to the challenges that that would 6 put on a production. 7 Q And when did Mr. Depp's career downturn 8 begin, based on your review of all the record 9 evidence? 10 A Well, again, according to Ms. Jacobs, 11 his agent, she mentioned that it started getting 12 more challenging for her around 2010, the lateness 13 on set was being made -- she was being made aware 14 of that more and more often from production 15 executives and the producers that she was working 16 with on the Pirates movie; and not only Pirates, 17 it continued on, on the other films, including 18 Mortdecai and Murder on the Orient Express. And 19 in around 2014, when he had the appearance, it was 20 presumed that he was under the effects of alcohol 21 at the Hollywood Film Awards in -- 22 MR. DENNISON: Objection, Your Honor.</p>	<p style="text-align: right;">6483</p> <p>1 A Can you please repeat the question. 2 Q Based on your analysis, what has caused 3 Mr. Depp's career downturn? And I realize you've 4 said a number of those, so is there anything else? 5 A Sure. Well, we talked about the 6 erratic behavior, the tardiness, the drugs and 7 alcohol abuse. And the lawsuits have had a really 8 big impact, not just this lawsuit, but previous 9 lawsuits that Mr. Depp has been involved with, 10 because there's a lot of publicity around anything 11 that he does. And every time he has filed a 12 lawsuit, it has brought to light various issues 13 with respect to whatever that lawsuit was about, 14 whether it's about, you know, about behavior or 15 domestic abuse or drugs and alcohol and even 16 spending habits. So every time a lawsuit has been 17 filed, the press and publicity has been charged up 18 and brought everything back to light. And it's 19 been an unfortunate problem for -- on that level 20 for the industry to continue to work with him, 21 even though all of this is out in the public. 22 Q For the films that were shortly before</p>
<p style="text-align: right;">6482</p> <p>1 Nonresponsive. 2 MS. BREDEHOFT: She's answering the 3 career downturn, Your Honor. 4 THE COURT: Overruled. 5 MS. BREDEHOFT: Thank you. 6 Q Please continue. 7 A In 2014, when Mr. Depp appeared in the 8 Hollywood Film Awards, Ms. Jacobs received many 9 phone calls from both producers, casting directors 10 and production executives, asking what is going on 11 with your client, why -- you know, what's going on 12 with his behavior? Can we get him under control? 13 I think it really started to shift around the 14 Pirates 5 movie in Australia, with, again, the 15 lateness and the issues with the finger that 16 stopped production and things of that nature, and 17 then it just -- it got harder and harder. 18 Q Now, based on your analysis, what has 19 caused Mr. Depp's career downturn? 20 MR. DENNISON: Objection. No 21 foundation. 22 THE COURT: Overruled.</p>	<p style="text-align: right;">6484</p> <p>1 Pirates 5, how successful were they? I'm talking 2 Mortdecai, Alice Through the Looking Glass. You 3 testified to some of those. The Lone Ranger, 4 Tonto. 5 A Right. 6 MR. DENNISON: Objection. Compound. 7 THE COURT: Overruled. 8 A Of course Mr. Depp has had some 9 extremely, obviously, extremely successful films, 10 but also in the, you know, four or five years 11 prior to, you know, through Pirates, there were 12 films that didn't do well at all and were 13 considered what the industry calls a "bomb," which 14 could have been Alice Through the Looking Glass, 15 the Transcendence, Lone Ranger, and Mortdecai were 16 films that just didn't perform; although, they 17 were valued in their financing based on Mr. Depp's 18 star quality and acting ability. Unfortunately, 19 they just didn't perform. So as many hits as he's 20 had, he's also had a lot of recent, what they 21 call, "failures" in the business. 22 Q And what, if anything, did Mr. Depp do</p>

6485	1 with respect to showing up for a press conference 2 in Japan for Mortdecai? 3 <b>A Ms. Jacobs mentioned, in her deposition</b> 4 <b>testimony, that Mr. Depp didn't show up for the</b> 5 <b>press conference in Mortdecai, which he was not</b> 6 <b>only an actor for, he was also a producer, and he</b> 7 <b>didn't show up. Apparently he was sleeping. So</b> 8 <b>he wasn't able to make it.</b> 9 Q Okay. Now, what, if any, impact did 10 the Brooks litigation have on Mr. Depp's career? 11 <b>A Is the jury familiar with this already?</b> 12 Q Well, I think you can go -- 13 <b>A Okay. So the Brooks litigation was --</b> 14 <b>it was -- there was a litigation around Mr. Depp</b> 15 <b>had punched someone on one of the -- I think it</b> 16 <b>was a location manager on a set of a film called</b> 17 <b>City of Lies. I don't know exactly what happened</b> 18 <b>to that litigation. However, of course, again, it</b> 19 <b>was written a lot about in the press, and,</b> 20 <b>unfortunately, it came to the forefront that he</b> 21 <b>had, you know, violent behavior, yet again.</b> 22 Q So in 2018, and I'm going to say before	6487	1 Your Honor. 2 MS. BREDEHOFT: I think she can explain 3 generally. 4 THE COURT: Sustained. 5 MS. BREDEHOFT: Okay. 6 Q Let me ask you this: When was that 7 Hollywood Reporter article on diminishing return 8 of Johnny Depp? 9 <b>A That was in the spring of 2017.</b> 10 Q Okay. And you said, and I just want to 11 make sure we understand, how well did Pirates 5 12 do, compared to 1 through 4? 13 <b>A It performed less well by over</b> 14 <b>\$200 million.</b> 15 Q Okay. What, if any, other negative 16 press was there in this time frame, we'll take 17 2017 and 2018, before the op-ed? 18 <b>A So in 2018, there was a Rolling Stone</b> 19 <b>article that was an in-depth exposé on Mr. Depp's</b> 20 <b>life; again, his erratic behavior, the money he</b> 21 <b>was spending on wine --</b> 22 MR. DENNISON: Objection, Your Honor.
6486	1 the op-ed on December 18, 2018 -- 2 <b>A Right.</b> 3 Q -- were there any negative articles, 4 negative press about Mr. Depp? 5 <b>A For quite a while. When you're a</b> 6 <b>celebrity, such as Mr. Depp, you're in the</b> 7 <b>limelight. Everybody wants to look at everything</b> 8 <b>that happened. So after every movie or after</b> 9 <b>every incident, there was usually press. But the</b> 10 <b>ones that were more significant were the ones in</b> 11 <b>the Hollywood -- a couple of them in the Hollywood</b> 12 <b>Reporter and one in the Rolling Stone.</b> 13 <b>So, in 2017, there was an article in</b> 14 <b>the Hollywood Reporter where the journalist</b> 15 <b>discussed -- I think the article was called</b> 16 <b>"Pirates of the Caribbean, the Diminishing Return</b> 17 <b>of Johnny Depp," that Pirates was -- the last one</b> 18 <b>was 5, right? That one didn't perform nearly as</b> 19 <b>well as the other previous Pirates of the</b> 20 <b>Caribbean films, and there was some discussion</b> 21 <b>that the character --</b> 22 MR. DENNISON: Objection. Hearsay,	6488	1 Hearsay. 2 MS. BREDEHOFT: I think she can give, 3 generally, the negative, Your Honor. 4 THE COURT: Sustained. 5 MS. BREDEHOFT: All right. 6 Q What, if any, knowledge do you have of 7 how -- whether Disney saw the Rolling Stone 8 article? 9 <b>A There were emails between the publicity</b> 10 <b>department and the co-chairs and some of the</b> 11 <b>senior executives at Disney that they would</b> 12 <b>forward the articles as they came out, both the</b> 13 <b>Hollywood Reporter article and the Rolling Stone</b> 14 <b>article, and they would make commentary. And Alan</b> 15 <b>Horn, who was one of the co-chairs of Disney, used</b> 16 <b>the word "sad," and I think one of the other</b> 17 <b>executives used "depressing," that their film star</b> 18 <b>was now being shown in this light to the public in</b> 19 <b>the Rolling Stone --</b> 20 MR. DENNISON: Objection. Hearsay. 21 THE COURT: Sustained. 22 MS. BREDEHOFT: All right.

6489	1 Q Were there any more articles about 2 Pirates of the Caribbean prior to the op-ed in 3 December of 2018? 4 A <b>There was an article on October 28th, 5 the Hollywood Reporter, October 28th, 2018, where 6 the journalist had spoken to two writers at the 7 film and they were talking about --</b> 8 MR. DENNISON: Objection, hearsay. 9 MS. BREDEHOFT: Your Honor, she's 10 entitled to rely on hearsay. She's just giving a 11 general, she's not -- 12 THE COURT: Just approach. 13 (Sidebar.) 14 THE COURT: All right. So she can rely 15 on hearsay. She is talking about two important -- 16 she was going to get into, I think, what the 17 article said. So, I'm not sure. 18 MS. BREDEHOFT: I'm having a hard time 19 hearing you; I'm so sorry. 20 THE COURT: That's okay. It's loud. I 21 was saying she can rely on hearsay to give her 22 opinions, that's correct, but it sounded like she	6491	1 what the hearsay is. 2 MS. BREDEHOFT: They have to be able to 3 at least characterize and say -- 4 THE COURT: If she is characterizing 5 saying it's negative press about Disney and 6 Pirates of the Caribbean, yes, she can talk what 7 it's about. She can't say what it says. 8 Does that make sense? 9 MS. BREDEHOFT: All right. Let me see 10 what I can do on that one, all right? 11 THE COURT: All right. 12 MS. BREDEHOFT: Thank you. 13 (Open court.) 14 BY MS. BREDEHOFT: 15 Q So without saying what the article 16 said, say what it's about. 17 A <b>Okay. So, on October 28th, the 18 article, it was called -- the article was about 19 whether the Pirates of the Caribbean --</b> 20 MR. DENNISON: Objection. Hearsay. 21 THE COURT: Overruled. 22 Q Please continue.
6490	1 was starting to get into what the article is 2 saying, and you just can't get into what the 3 article was saying. You can say it's negative, 4 it's whatever, along those lines, but -- 5 MS. BREDEHOFT: But it's not -- 6 THE COURT: I don't know what she's 7 going to say, so... 8 MS. BREDEHOFT: I think what we're 9 trying to establish here, Your Honor, is that 10 these articles were out there before the op-ed. 11 THE COURT: Right, right. 12 MS. BREDEHOFT: And they were negative 13 to Mr. Depp. 14 THE COURT: Right. 15 MS. BREDEHOFT: I think she's entitled 16 to testify to that. 17 THE COURT: That's fine. But it's 18 getting into exactly what the article said is the 19 problem, because now she's just restating hearsay. 20 MS. BREDEHOFT: But she -- 21 THE COURT: She can rely on hearsay. 22 Again, experts can rely on it, but they can't say	6492	1 A <b>Well, in the article, in October 2018, 2 it was about whether or not the Pirates franchise 3 was going to be what they called reboot, redefined 4 without Johnny Depp. And that was regarding two 5 writers that were on the project.</b> 6 Q Okay. 7 A <b>There was one other one.</b> 8 Q Okay. Go ahead, please. 9 A <b>There was another article, there was an 10 exposé on the president of production, and it was 11 also in Hollywood Reporter, and this is the one 12 that Mr. Marks, Mr. Depp's expert, pointed to 13 regarding the op-ed's impact on Mr. Depp's career. 14 And the online article was, as Mr. Marks pointed 15 out, published on December 20th, 2018, but the 16 same article was in print on the morning of 17 December 18th, 2018, which is the same morning of 18 the op-ed. So that Hollywood Reporter article 19 that Mr. Marks used to --</b> 20 MR. DENNISON: Objection. No 21 foundation. 22 THE COURT: Overruled.

6493	1 Q Please continue. 2 A Mr. Marks had used that article to show 3 that Disney wanted to let go of Mr. Depp because 4 of the op-ed, but it was actually printed in the 5 Reporter the same morning that The Washington Post 6 article was printed. So there's no way that The 7 Washington Post article had any impact on what the 8 Hollywood Reporter journalist wrote. They were on 9 the same morning. They were released 10 simultaneously, interestingly enough. 11 Q The one that was two days later was the 12 same article, just online? 13 A Same article, yeah. 14 Q Thank you. What, if anything, was 15 there about press in 2018 relating to The Sun and 16 Dan Wootton and any litigation that Mr. Depp -- 17 A Right. So a lot of press was about the 18 U.K. trial and the lawsuit that Mr. Depp brought 19 against The Sun in the U.K. about the wife beater 20 title that they used. So there was a ton of press 21 around that, both at the time that it was filed 22 and throughout, as documents were being shared	6495	1 every audio, all the visual stuff was brought to 2 light and made public. So not only did the public 3 get to see it, but the industry was watching 4 closely. And it's hard for studios, especially a 5 studio like Disney, who is family oriented to be 6 connected to a star that has texts about burnt 7 corpses and violent behavior and video. So it was 8 a big conflict for a lot of the people in the 9 industry, how to navigate that if they're going to 10 work with a star. 11 Q And what, if any, impact did Mr. Depp's 12 other litigation against Mandel and Bloom have 13 during that time period? 14 A As I was trying to say earlier, every 15 time Mr. Depp brings a lawsuit, because he's such 16 a well-known public figure, the spotlight goes on 17 him. So every time a lawsuit was filed, whether 18 against his business manager, against his former 19 lawyer, even when he fired his talent agent, it 20 becomes news. I mean, everybody talks about what 21 could have preceded that? Why would that lawsuit 22 have happened? And then they look at the details.
6494	1 with the public, and then, of course, during the 2 trial itself. 3 Q Okay. And what is your understanding 4 of when the article, the wife beater article first 5 appeared? 6 A I believe it was in July of 2018, about 7 six months before the op-ed piece. 8 Q What is your understanding of when 9 Mr. Depp filed suit against The Sun and 10 Mr. Wootton? 11 A Again, in 2018, I believe. 12 Q June? 13 A Uh-huh. 14 Q Would it -- 15 A It was shortly after the article, so it 16 was long before the op-ed piece was out. 17 Q Okay. What, if any, impact did 18 Mr. Depp's litigation in The Sun case have on his 19 career? 20 A That was a really tough one on 21 Mr. Depp's career because everything, every 22 allegation of abuse and every text, every email,	6496	1 So, again, the erratic behavior and the financial 2 issues and the drinking and drug abuse was all 3 part and parcel of every one of those, and it was 4 brought to light, yet again, each time. 5 Q What is your understanding of 6 Mr. Depp's claims regarding Pirates of the 7 Caribbean 6 and how that impacted? 8 A Well, Mr. Depp is claiming that he's 9 lost money on Pirates 6 but Pirates 6 hasn't even 10 been made yet, nor is there even a script that was 11 been, what we call, green-lit, moving towards 12 production. So I don't know how you lose 13 something that hasn't happened. I think that's 14 what you're looking for me to say. 15 Q And, in fact, since Mr. Depp's damages 16 are limited to 2020 and nothing since, and that 17 hasn't happened, is there any way he could claim 18 damages for Pirates 6? 19 THE WITNESS: Objection. Leading. 20 THE COURT: Overruled. 21 A Again, you can't claim damages for 22 something that hasn't even happened. Whether he

<p>6497</p> <p>1 was in it or not in it or was going to be in it, 2 or might have been in it, whether it was 2018 or 3 now, there just is no Pirates 6. Not only did he 4 not have a contract, even back in the day, 2018 or 5 after that, no contract had been signed for a 6 Pirates 6, it doesn't exist as we – 7 MR. DENNISON: Objection. Legal 8 conclusion. 9 THE COURT: Sustained. The last part. 10 Q How do you know he doesn't have a legal 11 contract? 12 A Well, Ms. Jacobs said he didn't have a 13 legal contract. Also, his agents at CAA said he 14 had not, yet, negotiated a contract for Pirates 6. 15 And, again, there's no script, so they haven't 16 green-lit it, as we say. They don't have it cast 17 with a director yet. 18 Q Okay. Based on your analysis what, if 19 any, impact did Ms. Heard's op-ed have on whether 20 Mr. Depp could claim a loss for Pirates 6? 21 A Zero. 22 Q Okay. And why do you say that?</p>	<p>6499</p> <p>1 because of his lateness and his tardiness, all of 2 the other allegations that would affect a brand 3 such as Disney, right? Someone talks about a 4 burnt corpse does not necessarily coincide with 5 the brand of Disney. So, there were many 6 problems, and interestingly enough, there was a 7 lot of conversation at – internally in the 8 industry – 9 MR. DENNISON: Objection. Hearsay. 10 MS. BREDEHOFT: She's entitled to rely 11 on hearsay, Your Honor. 12 THE COURT: Sustained. She can't say 13 the hearsay. 14 MS. BREDEHOFT: All right. 15 Q Please continue without saying what the 16 discussion in the industry was. 17 A The Jack Sparrow character had been 18 exhausted, in terms of where it could go 19 creatively, and I think the studio is looking for 20 a way to renew the franchise but not necessarily 21 base it entirely on the Jack Sparrow character, 22 which is where it had been in the last couple</p>
<p>6498</p> <p>1 A Again, well, many things. The movie 2 doesn't exist yet, so that's one. But even as 3 important is that Disney, in their file for this 4 trial, did not have the op-ed piece as part of all 5 of the information that they had read and looked 6 at and discussed. The conversations of Mr. Depp 7 not being in this whatever new version of Pirates, 8 the franchise that goes forward, those were in 9 discussion long before the op-ed piece even came 10 out, and there are other factors that Disney was 11 considering, the lateness on set, the cost 12 overruns that that cost, which could go from 13 hundreds of thousand dollars to millions of 14 dollars when you have crews sitting around for two 15 to four hours, eight hours, or even several weeks 16 to a month, when the finger incident happened. 17 So, on top of that, Mr. Depp is an 18 expensive actor. He can earn between 20 and 19 \$25 million per movie, plus back end. So it's 20 very expensive. So when you put that all 21 together, the rising cost of Mr. Depp, his talent, 22 the challenges that they had to keep it on budget</p>	<p>6500</p> <p>1 years, evidenced by the lesser box office of 2 Pirates 5 compared to the earlier ones. 3 Q All right. And was there any article 4 that came out on November 5, 2020, three days 5 after the damages are cut off, relating to Pirates 6 of the Caribbean and Mr. Depp's chances of being 7 Jack Sparrow? 8 A I think it reiterated the fact that he 9 was probably not going to be in the movie. 10 Q Now, what impact has the op-ed had on 11 Mr. Depp's career? 12 A Very little. Hardly anybody even knew 13 the op-ed existed before he filed suit. Anybody 14 that I know. But certainly not Disney. 15 Q Okay. And what impact has the op-ed 16 had on Mr. Depp's Q scores? 17 A According to what I've read of 18 Mr. Allen Jacobs, an expert in statistical 19 analyses, and from my own research on websites 20 that are available to us, Mr. Depp's Q score, or 21 if you're familiar with IMDb, which is Internet 22 Movie Database which is available to the public</p>

<p style="text-align: right;">6501</p> <p>1 and to the professionals inside, his Q score did 2 not change dramatically; it was kind of in the 3 middle, exactly, the high and low of his Q scores 4 overall. It was in the middle, it was at 113, 5 which is where it was a couple weeks before and a 6 couple weeks after. So the op-ed didn't have any 7 effect on his Q score, and that was reiterated by 8 Mr. Jacobs in his deposition testimony. 9 Q And then you testified in response to 10 an earlier question I had, that people -- that 11 nobody seemed to notice the op-ed until Mr. Depp 12 filed suit. 13 Now, that was on March 1, 2019; do you 14 recall? 15 A Yes, that's when the lawsuit was filed. 16 Q And why do you say that they didn't 17 notice until then? 18 A Because the op-ed piece, for most 19 people in the industry, kind of came and went 20 without much fanfare or not much conversation. It 21 was more about the -- I don't think very many 22 people even knew it was written until the</p>	<p style="text-align: right;">6503</p> <p>1 Festival, he went to the Venice Film Festival. He 2 was well received at the press conferences. You 3 know, life was at the same level for him in terms 4 of his popularity over in Europe. They were 5 still -- he was still working on press for the 6 films. And then, of course, he was scheduled to 7 film Fantastic Beasts in early November of 2020. 8 Q Okay. That's no longer the case; is 9 that correct? 10 MR. DENNISON: Objection, Your Honor. 11 THE COURT: What's the objection. 12 MR. DENNISON: Can we approach? 13 THE COURT: Okay. 14 (Sidebar.) 15 MR. DENNISON: Just don't want to get 16 into this notion that he lost Fantastic Beasts 17 over the U.K. judgment. 18 MS. BREDEHOFT: I wasn't going to ask 19 that. 20 MR. DENNISON: Okay. 21 MS. BREDEHOFT: Thank you. 22 THE COURT: Okay.</p>
<p style="text-align: right;">6502</p> <p>1 allegations were made by Mr. Depp in the lawsuit. 2 It kind of came in and out of the radar very 3 quickly, if anybody even saw it at all. 4 Q Between December 13, 2018, and 5 November 20 -- November 2, 2020, our window here, 6 has Mr. Depp continued to star in films? 7 A So, Mr. Depp, so the article came, the 8 op-ed piece came out December 20 -- 18 or 20 of 9 2018 -- in December -- I'm sorry, in January and 10 February of 2019, he shot a film called Minamata, 11 which was an independent film that he -- it was 12 what we call a passion project. He loved the 13 script and wanted to do it. He was able to film 14 that after the op-ed piece. Then the Dior 15 campaign, Sauvage, I don't know the exact dates of 16 filming, but I do know it was aired throughout 17 2009, and it's my understanding that he still may 18 have that contract with Dior, so he continued that 19 product endorsement. In April -- sorry, in the 20 spring and the fall, I believe it was, Mr. Depp 21 was able to do press for the film Waiting for the 22 Barbarian. He went to the Deauville Film</p>	<p style="text-align: right;">6504</p> <p>1 (Open court.) 2 BY MS. BREDEHOFT: 3 Q And that's no longer the case, correct, 4 on Fantastic Beasts? I don't want you to say any 5 more than that. 6 A It's no longer the case, correct. 7 Q He's no longer in that film, correct? 8 A He was paid for it, but he does not 9 star in the film. 10 Q Okay. Thank you. 11 What, if any, effect did the op-ed have 12 on Mr. Depp's fan following? 13 A I don't know if it -- I don't think it 14 had any effect on his fan following. Again, his Q 15 scores didn't shift and, clearly, has a strong fan 16 base. 17 Q In your opinion, what or who has caused 18 the damage, if there is any, to Mr. Depp on his 19 career and reputation between December 18, 2018, 20 and November 2, 2020? 21 MR. DENNISON: Objection. Speculation. 22 THE COURT: Overruled.</p>

<p style="text-align: right;">6505</p> <p>1 A Mr. Depp. 2 Q Why do you say that? 3 A Well, again, filing the lawsuits, 4 bringing to light the issues. Is Mr. Depp doing 5 that on his own according? And any statements 6 that were made by his team, Mr. Waldman or anyone 7 else, is associated with Mr. Depp, and those 8 statements that came out, the defamatory 9 statements, which we'll talk about in a minute, 10 were also -- 11 MR. DENNISON: Objection. 12 A -- put out by Mr. Depp's team. So, in 13 actuality, he's casing his own demise by bringing 14 these lawsuits forward and continuing to kind of 15 ignite the fire of negative publicity around both 16 of them. 17 Q Are all of your opinions within a 18 reasonable degree of probability or certainty, 19 with respect to Mr. Depp's damages? 20 A Yes. 21 Q Okay. Thank you. 22 Now I'm going to move you to Amber</p>	<p style="text-align: right;">6507</p> <p>1 from her perspective, after those defamatory 2 statements were made. And then, I looked at, you 3 know, again emails back and forth and texts back 4 and forth with studio, Warner Brothers, and other 5 producers that the management team is working with 6 to get Ms. Heard more work. 7 Q Now, before I go into the questions 8 that I'm going to ask, I'm going to go ahead and 9 just kind of define this so that we're all on the 10 same page going through it. The jury has seen the 11 three defamatory statements, they're Defendant's 12 1245, 1246A, and 1247. And I'm just going to 13 reefer to them as the "Depp/Waldman statements" in 14 asking you all these questions. 15 Will you understand what I'm talking 16 about? 17 A Yes. 18 Q Okay. Good. Please describe Amber 19 Heard's career prior to the publication of the 20 Depp/Waldman statements. 21 A So, Amber's had a long career for 22 someone who is not -- you know, is fairly young</p>
<p style="text-align: right;">6506</p> <p>1 Heard's damages. 2 With respect to Amber Heard's claims 3 for damages, on what subject have you been asked 4 to offer your opinion? 5 A So, I was asked to look at the 6 reputational harm and economic loss that Ms. Heard 7 incurred due to the defamatory statements that 8 Mr. Waldman, on behalf of Mr. Depp, made in April 9 of 2020 and again in June of 2020. 10 Q And what materials did you review in 11 forming your opinions? 12 A Again, many of the same materials that 13 I reviewed for Mr. Depp's case, which was the 14 deposition testimony, the pleadings, the 15 discovery, all of that was included, as well as 16 expert testimony that was based on statistical 17 analysis of negative social media campaigns that 18 were created, as well as what happened. I talked 19 to Ms. Heard's agents, I have read their 20 depositions; I talked to her publicist, I've read 21 her deposition; I talked to Ms. Heard, herself, to 22 get a first-person accounting of what happened</p>	<p style="text-align: right;">6508</p> <p>1 still. She was in over 50 productions, I believe 2 including Aquaman and Justice League. But let's 3 just say close to 50 productions. Well, certainly 4 50 productions before the defamatory statements 5 were made. She's had, you know, a consistent 6 working actor's career. Her agents were strategic 7 as she started getting more work, that they wanted 8 her to work with better and better directors, to 9 have, you know -- the Danish Girl is a film that 10 had a strong director and a strong critical 11 acclaim. And then she went from that to getting 12 Justice League, which is on the bigger budget, 13 bigger-scale movie, and, of course, Aquaman and 14 Aquaman 2. So her career was following a very 15 nice, steady rise. She was on the precipice of a 16 meteoric rise, you know, with Aquaman and Aquaman 17 2, prior to the statements. 18 Q Was Aquaman a successful film in terms 19 of box office sales? 20 A Aquaman was an extremely successful 21 film. It made over a billion dollars, and I 22 believe it is the highest grossing DC comic film,</p>

6509	<p>1 ever.</p> <p>2 Q Now, what, if any, accolades did Amber</p> <p>3 receive for her role in Aquaman. Sometimes I call</p> <p>4 it Aquaman 1, just to make sure we don't get</p> <p>5 confused.</p> <p>6 A Right. In Aquaman 1, there were many</p> <p>7 emails from the director and the producer and –</p> <p>8 MR. DENNISON: Objection. Hearsay.</p> <p>9 MS. BREDEHOFT: She's characterizing,</p> <p>10 Your Honor. She's not quoting them.</p> <p>11 THE COURT: I don't know where it's</p> <p>12 going. I'll overrule at the moment.</p> <p>13 MS. BREDEHOFT: Thank you.</p> <p>14 A She got emails from the director and</p> <p>15 the producer stating that they loved her</p> <p>16 performance –</p> <p>17 MR. DENNISON: Objection. Hearsay.</p> <p>18 THE COURT: Sustained.</p> <p>19 Q You can't say what the email says. You</p> <p>20 can summarize them or characterize them.</p> <p>21 Can you do that?</p> <p>22 A Certainly. Accolading emails. Emails</p>	6511	<p>1 MR. DENNISON: Objection. Leading.</p> <p>2 THE COURT: Overruled.</p> <p>3 A There was a lot of them. I don't</p> <p>4 remember all of them. But it was, you know, GQ,</p> <p>5 Elle, Marie Claire, the big magazines, both here,</p> <p>6 in U.K., Eastern Europe, in Latin America, and in</p> <p>7 Australia.</p> <p>8 Q What about after the release of</p> <p>9 Aquaman, which was December 2018, how was her</p> <p>10 press then?</p> <p>11 A Well, the press tour was doing well,</p> <p>12 and they wanted to give her a lot more press. And</p> <p>13 I think up until the defamatory statements came</p> <p>14 out, she was on deck to do a lot of press, and</p> <p>15 then it –</p> <p>16 MR. DENNISON: Objection. No</p> <p>17 foundation.</p> <p>18 THE COURT: Overruled.</p> <p>19 Q Please continue.</p> <p>20 A So the press and the requests for press</p> <p>21 went silent after the defamatory statements made,</p> <p>22 which, then, the negative social media campaign</p>
6510	<p>1 of accolade from the director and the producer.</p> <p>2 MR. DENNISON: Objection. Hearsay.</p> <p>3 THE COURT: Overruled as to that.</p> <p>4 MS. BREDEHOFT: Thank you.</p> <p>5 Q Okay. What type of press opportunities</p> <p>6 did Amber have prior to the Depp/Waldman</p> <p>7 statements?</p> <p>8 A The press really loved working with</p> <p>9 Amber. She was on the cover of many magazines</p> <p>10 after the Danish Girl, after Justice League, after</p> <p>11 Aquaman. She was the cover girl, I think it was,</p> <p>12 of Marie Claire, Elle, in U.K. She had a cover</p> <p>13 story of a big magazine in Mexico, in Australia.</p> <p>14 There was one magazine called her woman of the</p> <p>15 year. Another one called her role model of the</p> <p>16 year. So she got a lot of press, you know. She</p> <p>17 did a lot of press, both in magazines, but also in</p> <p>18 the press tours and the press junkets that she did</p> <p>19 for the films.</p> <p>20 Q And were some of those California</p> <p>21 Style, Marie Claire, Elle, Shape, Glamour –</p> <p>22 A Yes, there were a lot –</p>	6512	<p>1 ensued after that.</p> <p>2 Q Now, what factors relating to social</p> <p>3 media does the entertainment industry rely on when</p> <p>4 considering an actor for a role?</p> <p>5 A Social media becomes a big part of how</p> <p>6 studios decide to use an actor or actress in a</p> <p>7 film because they want to know how the general</p> <p>8 public feels about them. They want to know how</p> <p>9 the consumer feels about that actor. So, when</p> <p>10 there's positive social media, that's a good thing</p> <p>11 for the actor. When there is negative social</p> <p>12 media, it can be very bad, because not only can</p> <p>13 social media be directed at the actor or the</p> <p>14 actress themselves, but it can also be directed</p> <p>15 towards the movie, towards the movie company,</p> <p>16 towards the product that the actor or actress is</p> <p>17 working with, so it becomes very complicated and</p> <p>18 it can get very messy to continue working with an</p> <p>19 actor or an actress if there is a lot of negative</p> <p>20 social media around them.</p> <p>21 Q After the Depp/Waldman statements, what</p> <p>22 happened on social media?</p>

<p>6513</p> <p>1 A After the Depp/Waldman statements, 2 social media blew up with negative tweets and 3 Instagram posts and, you know, Facebook posts, 4 Snapchatting, and trolling, as we call it. It was 5 just negative. According to Mr. Schnell, there 6 was over 1.2 million negative tweets about Amber 7 using hashtags that used the words in the 8 statement of the Depp/Waldman statements, excuse 9 me. That 1.2 million negative statements, between 10 April of 2020 and November -- or January of '21. 11 That's a lot of negative publicity. And there was 12 just a lot of, what we call, "noise" around 13 Ms. Heard and her work of any kind. 14 Q Can you, please, describe to the jury 15 what a negative social campaign is? 16 A So a negative social campaign would be 17 when a fan base or, in this case, according to 18 both the forensic statistical analysis, as well as 19 Ms. Heard's agents and the product that she was 20 working with, L'Oréal, and her publicist, it was a 21 campaign that included both live accounts, live -- 22 you know, people that actually have individuals,</p>	<p>6515</p> <p>1 objection. 2 (Open court.) 3 BY MS. BREDEHOFT: 4 Q All right. Other than the bots, please 5 describe the rest of the social media, the 6 negative social media campaign. 7 A The fan base was very energized by 8 Mr. -- the Depp/Waldman -- 9 Q Yeah, let me. 10 A I'm sorry. I have a lot in my brain 11 right now. 12 Q Doesn't matter. 13 Why don't I do this, form a different 14 question: How has the negative social media 15 campaign been used against Amber Heard since the 16 Depp/Waldman statements? 17 A Great. So the negative campaigning has 18 been used both to, you know, let's fire Amber off 19 of Aquaman to the product that she was having 20 endorsement contract with, with L'Oréal, the 21 makeup, and every time that L'Oréal mentioned 22 Amber Heard and the product together, they would</p>
<p>6514</p> <p>1 as well as what we call bots -- 2 MR. DENNISON: Objection. May I be 3 heard? 4 THE COURT: Okay. Approach. 5 (Sidebar.) 6 MR. DENNISON: Your Honor, you 7 precluded Mr. Schnell from talking about the bots. 8 And they're about to hear about the bots. 9 MS. BREDEHOFT: That was Mr. Schnell, 10 not Ms. Arnold. She relied on that separately. 11 She had it in her -- she was not -- his were 12 specifically Russian bots. 13 THE COURT: Well, we're not talking 14 about bots. 15 MS. BREDEHOFT: Jessica Kovacevic 16 already testified about the bots. Those came in, 17 Your Honor. 18 THE COURT: She doesn't have any 19 foundation for that. 20 MS. BREDEHOFT: She's relying on, in 21 part, Jessica Kovacevic. 22 THE COURT: I'm going to sustain the</p>	<p>6516</p> <p>1 get harassed, her publicist's company was 2 harassed. Any kind of movie that she was related 3 to or television project that she was related to 4 got negative attention from the social media 5 world. Even the charities that she was involved 6 with were getting hammered, if you will, or 7 bombarded by negative social media, which made it 8 difficult to work with Amber on any level because 9 negativity was brought to their product, service, 10 or film. 11 Q And is that negative social media 12 campaign ongoing to this day? 13 A Yes. 14 Q Okay. And you were talking a little 15 bit before, I think, about removing Amber Heard 16 from Aquaman 2. What were your observations with 17 respect to that in connection with the Waldman 18 Depp -- the Depp/Waldman statements? 19 A Again, the statements -- I'm sorry, the 20 social media campaign that had called -- you know, 21 removing Amber from Aquaman or, you know, 22 negativity from her relationship in that film, it</p>

<p style="text-align: right;">6517</p> <p>1 always tended to use words that were inside the 2 defamatory statements. They became hashtags, 3 right? So, the defamatory statements, they were 4 often reiterated in the tweets and the posts. 5 Q How difficult is it for an actor to 6 repair this type of negative social media? 7 A Well, first of all, it has to stop. So 8 once it stops, then an actor and their team can 9 work slowly and patiently in both -- maybe it's 10 press reviews, maybe relationship with charity, 11 maybe it's a small role in a movie and they do 12 well, and they kind of rebuild their career. But 13 it can take two, three, four, five years or more 14 to rehabilitate your career. But first and 15 foremost, it needs to stop. You know, it just 16 needs to stop so that they can -- the consumer can 17 get beyond it and then they can reactivate their 18 career by doing the work again. 19 Q Describe Amber Heard's reputation after 20 the Depp/Waldman statements. 21 A Well, the reputation, I guess, depends 22 on who we're talking to. But in the public, it's</p>	<p style="text-align: right;">6519</p> <p>1 now? 2 A I'd like to call Aquaman really, you 3 know, Amber Heard's star-is-born moment. It was 4 that moment where not only was she a good actor, 5 but she was now world-renowned because she was in 6 the most successful film almost of all time, if 7 not all time, but certainly for DC comics. She 8 was on the poster with the very handsome Jason 9 Momoa, and they were this couple, and she was 10 strong and beautiful. And it was just this 11 extraordinary moment for her career to take off. 12 You know, her agents were excited, the producers 13 were excited. Everybody just wanted to hit the 14 ground running and let's do more. Let's do more 15 work. 16 Q What, if anything, happened to Amber's 17 participation in Aquaman 2? 18 A So, for a limited time, in 19 February 2021, there were conversations that 20 Amber's -- I'm going to go technical with you. 21 Her option for employment was not going to be 22 exercised. So they may not have hired her again,</p>
<p style="text-align: right;">6518</p> <p>1 been very negative. In the industry, they like 2 her work, but it's very -- they can't work with 3 her right now; again, because every time her name 4 is mentioned, the negativity flares up again. So 5 it doesn't make sense for them to try to make a 6 movie, which costs millions of dollars, and then 7 have a lot of negativity towards the film or the 8 TV show or the product. So her world has been 9 silent, in terms of opportunities, and even things 10 that she wanted to work on are no longer available 11 to her. 12 Q Has Amber been able to obtain roles 13 after the Depp/Waldman statements? 14 A For a long time, no. Then recently, 15 she was able to do a small independent film from 16 some people out of -- who get their financing out 17 of Europe. But up until that, no. She has not 18 worked. 19 Q Now, based on the fact that Amber came 20 out of Aquaman, what should her opportunity -- 21 what would you have expected following the release 22 of Aquaman, December 2018, up to what's going on</p>	<p style="text-align: right;">6520</p> <p>1 even though she had a contract for it. There was 2 some question as to whether she was going to be 3 hired again on Aquaman 2. 4 Q Okay. All right. Did, ultimately, 5 then, she still get hired for Aquaman 2? 6 A She did. Her management team fought 7 very hard and they ultimately ended up hiring her, 8 but also not only because of what her management 9 team did, but Jason Momoa, the star, and James 10 Vaughan, the director, committed to her in an 11 email saying if we are involved in this movie -- 12 MR. DENNISON: Objection. No 13 foundation. Hearsay. 14 THE COURT: I'll sustain the objection 15 to hearsay. 16 Q Don't say what they said, just 17 summarize it or describe it. 18 A I'm sorry, I'm just trying to 19 understand this world. 20 So her management team worked hard and 21 Jason and the director were adamant that she 22 was --</p>

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<p>1 MR. DENNISON: Objection. Hearsay. 2 MS. BREDEHOFT: Your Honor, she has to 3 be able to say that. 4 THE COURT: Sustain as to hearsay. 5 Next question. 6 Q So, what, if any, assurances did 7 Mr. Momoa, and Mr. Vaughan give Amber that she 8 would be in Aquaman 2? 9 MR. DENNISON: Objection. Hearsay. 10 THE COURT: Sustained. 11 Q What, if any -- are you aware of any 12 chemistry issues between Amber and Jason Momoa 13 from Aquaman? 14 A According to the fact that they did a 15 chemistry test with Ms. Heard, Ms. Heard and Jason 16 Momoa in order for her to be hired, that is a good 17 indication that they thought the two of them had 18 good chemistry. Obviously, when you look at the 19 movie, they have good chemistry, and the poster 20 they have good chemistry. So, I think it's 21 general awareness that they had good chemistry. 22 Q And what, if anything, would also</p>	<p>1 A Correct. 2 MR. DENNISON: Objection. Hearsay. 3 THE COURT: Overruled. 4 MS. BREDEHOFT: Thank you, Your Honor. 5 Q Now, what, if any, leverage did Amber 6 Heard have to renegotiate her salary under the 7 circumstances of the discussions you were talking 8 about with not exercising her option? 9 A She had zero leverage. She was 10 fighting for her life to stay in the film. 11 Q Okay. Now, is it typical for an actor 12 to be able to negotiate an increase in their 13 salary after a successful franchise? 14 A So, you may know this already, so I 15 apologize if you've heard it before, I don't know 16 what's been brought to your attention, but in a 17 franchise such as -- a potential franchise such as 18 Justice League and Aquaman, the customs and 19 practice is that the studio will make an agreement 20 with the actor that incorporates potential future 21 films. So if Justice League does well, they want 22 to know what they're going to pay the actor for</p>
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<p>1 suggest, with respect to Aquaman 2, that Jason 2 Momoa believed they had good chemistry? 3 A He wanted her in the movie. 4 MR. DENNISON: Objection. Hearsay. 5 MS. BREDEHOFT: I think she has to be 6 able to rely on it. 7 THE COURT: Sustained. Strike it from 8 the record. 9 Q In your review of all of the record 10 evidence, what, if anything, did you say -- see in 11 writing, anywhere, that there was ever any 12 chemistry or creative issue with Amber Heard and 13 Jason Momoa from Aquaman 1? 14 A There were no communications, 15 whatsoever, that there was no chemistry between 16 the two. 17 Q And what, if anything, did you, in all 18 the record evidence, did you see that the producer 19 or Jason Momoa did not want Amber Heard in Aquaman 20 2? 21 A I did not see any evidence of it. 22 Q In fact, the opposite, correct?</p>	<p>1 the next one and the next one and the next one. 2 And in those successive terms in the contract, the 3 fee for that actor customarily goes up. It can go 4 up by 10 percent, 20 percent, 100 percent, it 5 could double, what have you. And in the case, as 6 Ms. Kovacevic stated in her testimony, that in a 7 successful franchise, a movie that has made a 8 billion dollars, the actor's agents will go back 9 and try to renegotiate that upcoming price tag. 10 So if it was going to be X, they might want it to 11 be 2X or 3X. That's the standard in the industry, 12 to renegotiate your contract when there's many 13 films in one single contract that each have their 14 own price points. 15 Q What, if any, other actors in Aquaman 1 16 were able to renegotiate their contracts? 17 A Jason Momoa was able to renegotiate his 18 contract very significantly from Aquaman 1 to 19 Aquaman 2. 20 Q Do you know how much more? 21 A Went up from somewhere between 3 and 22 4 million to 15 million.</p>

<p>6525</p> <p>1 Q Did Amber have a contract for Aquaman 2 1? 3 A Yes. 4 Q How much was she paid for Aquaman 1? 5 A <b>Aquaman 1, she was paid \$2 million.</b> 6 Q And did that same contract provide for 7 if she was in Aquaman 2? 8 A I'm sorry. I apologize. Aquaman 1, I 9 believe she got \$1 million. Aquaman 2, she was 10 supposed to get \$2 million. I apologize. There 11 were a lot of numbers in that one contract. 12 Aquaman 1 is 1 million. Aquaman 2 was going to be 13 2 million. 14 Q Okay. Now, based on your experience 15 and knowledge in the industry, how much would 16 Amber Heard have been able to negotiate her 17 contract but for the Depp/Waldman statements, for 18 Aquaman 2 I'm asking? 19 A Right. Well, as you can see from 20 Mr. Momoa's contact that went up exponentially, up 21 to \$15 million, Ms. Heard, I don't know if she 22 would have gotten \$15 million for the movie, but</p>	<p>6527</p> <p>1 Q I'm trying to get your foundation. Are 2 you able to speak to that? 3 A Yes. 4 Q Okay. And please tell the basis of 5 that and then your opinion. 6 A <b>So there's two things. When two actors 7 do well in a romantic relationship and, you know, 8 they get married and they're going to have a baby, 9 you know, you want to follow that through because 10 part of what did well in Aquaman was not only the 11 action sequences but to have a strong female 12 character having a relationship with the strong 13 male character, it's very empowering. So that was 14 working for them in the first place.</b> 15 The poster for Aquaman that went around 16 the world, one of the main posters, was of the two 17 of them together standing proud and strong, right, 18 being that couple. So naturally, as you go and 19 develop scripts in the industry, you want to 20 follow on the things that are working. And 21 according to Ms. Heard, when she read the first 22 script for Aquaman 2, she had a strong romantic</p>
<p>6526</p> <p>1 she certainly could have increased it by one or 2 two million dollars or even doubled it. So, if it 3 was 2, it could have been 4, or even 5 or 6, 4 depending on the enthusiasm of had it just rolled 5 from Aquaman 1 to Aquaman 2 without any of this 6 negativity that was recreated by the Depp/Waldman 7 statements. 8 Q What, if anything, happened to Amber's 9 role in Aquaman 2 after the Depp/Waldman 10 statements? 11 A It was diminished. 12 Q Okay. Now, why would Amber have been 13 featured more prominently in Aquaman 2? 14 MR. DENNISON: Objection. No 15 foundation. 16 THE COURT: Draw a foundation. 17 MS. BREDEHOFT: Okay. 18 Q What usually determines -- are you able 19 to speak to whether Amber should have been or 20 would have been more prominently featured in 21 Aquaman 2? 22 A A couple of things.</p>	<p>6528</p> <p>1 part in the entire film and she also got to do 2 some great action sequences at the end of that 3 storyline and that script. So, she was featured 4 predominantly throughout the script of Aquaman 2 5 when she first read it. 6 Q And then what happened? 7 A Well, she didn't have anything, so she 8 wasn't getting the scripts when her colleagues 9 were getting the scripts. She heard that through 10 her agents. Then when she got the script, it was 11 pared down from the first script, dramatically. 12 They had her in the hospital very shortly in the 13 first part of the movie, called act 1, they had 14 her in the hospital, and they pretty much had her 15 in the hospital and then was going to do this 16 action sequence in the end. She trained 17 five hours a day for several months with a trainer 18 to do this action sequence. And then when she got 19 to set, two things happened. One, the costume 20 designer said, I don't know what happened to your 21 role, it got diminished. 22 MR. DENNISON: Objection. Hearsay.</p>

6529	1 THE COURT: Sustained. 2 MS. BREDEHOFT: Okay. 3 Q Go on to the second one. That's fine. 4 A More importantly, though, this big 5 action sequence that she was going to do at the 6 end of the movie, in the third act, was cut out 7 and they took it away from her. So it was 8 radically reduced from what it was in the script 9 and what she even trained for while she was 10 preparing for the movie. 11 Q And what, if any, changes were made to 12 the storyline? 13 A I haven't seen the movie yet, 14 specifically, so I can't really speak to that yet. 15 Q All right. When you say she was "in 16 the hospital," what do you mean by that? Was she 17 injured in the first scene? 18 A I believe that in the first act of the 19 movie, she was injured somehow or had something 20 with the baby. I don't know exactly. I'm just 21 going on what Ms. Heard told me about, that she 22 ends up in the hospital early in new Aquaman 2	6531	1 event that Warner Brothers put on during the 2 fandom, I think it was a DC fandom event, which is 3 a big comic con-style event. And they invited all 4 the actors, or majority of the actors that had 5 strong roles in the film to participate, both in 6 the posters and the artwork and also participate 7 at DC fandom. And Ms. Heard was not invited to 8 either be in the poster or be at the event. And, 9 in fact, they told her she cannot come. 10 Q Now, can this hurt Amber's career, not 11 being allowed to be in any of the promotional 12 materials? 13 A Absolutely. It means that nobody knows 14 about her. She doesn't have the same part in the 15 film. It's not going to take her on to her next 16 movie. She's not being associated with the 17 tremendous amount of promotion that's going to be 18 made for this, you know, movie that everybody's 19 looking forward to seeing. So she's not a part of 20 it because of this negative campaign. 21 Q How have the Depp/Waldman statements 22 affected any other films or TV project promotions
6530	1 movie, and doesn't really come out until the end 2 to kind of wrap things up, but all the 3 interactions with Momoa's character and certainly 4 the action scenes were taken out. 5 Q How has Amber typically been involved 6 in promotions for her films? 7 A As we talked about earlier, actively 8 involved in the press and the promotion, whether 9 that was on the press junket, what we call when 10 they tour the world and the actors tour together 11 and answer questions from the press, at those 12 screenings and film festivals. And then, also, 13 she was on the cover of magazines, usually after 14 her movies, especially after Justice League. 15 Q And how was the promotion of Aquaman 2 16 affected by the Depp/Waldman statement? 17 A Amber's not been involved in any of the 18 promotion that's been done to date, or very 19 little, particularly in teasers that I've seen 20 called, you know, short little films about the 21 making of and so forth. She's not featured in 22 them. And also, specifically, there was a big	6532	1 for Amber? 2 A So, prior to the defamatory statements, 3 either around -- after or around the time that 4 Aquaman 1 came out, she was in the TV show called 5 The Stand, and it was based on a Stephen King 6 novel. So, big book, you know, going to be a big 7 TV show, and, again, Ms. Heard didn't do any press 8 or promotion for that for the same reasons. 9 Q What, if any, plans were there to have 10 Amber Heard on the cover of LA Style relating to 11 Stand before the Depp/Waldman statements? 12 A Right. So Ms. Heard was in -- they had 13 done an article about her participation in this TV 14 show, The Stand, the Stephen-King-novel-related TV 15 show, and they were going to give her the cover 16 picture and the cover story, and they took it 17 away. I don't know if the article existed, but 18 they certainly took away the picture and the cover 19 story. 20 Q How have the Depp/Waldman statement 21 affected the press coverage for Amber? 22 A There weren't any. So, yes,

<p>6533</p> <p>1 effectively, because there used to be a lot of 2 press, of course, and now there aren't any. 3 Q Has Amber Heard obtained any roles 4 since the Depp/Waldman statement? 5 A Again, for many years, no. For a good 6 period of time, a year and a half, two years, 7 until she got this small movie called the 8 independent -- Into the Fire. 9 Q Okay. Has Amber obtained any studio 10 movie roles since the Depp/Waldman statements? 11 A No. 12 Q How, if at all, have Amber's 13 philanthropic opportunities been affected by 14 Depp/Waldman statements? 15 A Again, she had some passion projects. 16 She was invited to do some charity work, and she 17 also had her own passion projects that she loved 18 and wanted to be involved with, and even travel 19 for, but they decided it wasn't going to be a good 20 idea because every time she appears, the social 21 media negative, you know, campaign starts up 22 again. So she hasn't been able to do any charity</p>	<p>6535</p> <p>1 on. So you want to be, if you can, and if that's 2 something that you like to do. Not everybody 3 does, but if they like to do that, they can get a 4 lot of value out of those product endorsements 5 because the studio sees that there's a connection 6 to the consumer, not just in a film, but also with 7 product. 8 Q Did Amber have any endorsement 9 activities prior to publication of the 10 Depp/Waldman statements? 11 A Yes. 12 Q Please explain. 13 A So Amber was hired by L'Oréal to 14 endorse their product, the makeup line, and she 15 had a \$1.5 million contract for two years, and 16 they were able to work -- they had 20 days of her 17 work, you know, they had the right to work with 18 her for 20 days. And she started the work, and 19 then when the defamatory statements came out, they 20 essentially put a pause on working with her. So, 21 they no longer brought her to photo shoots. They 22 no longer had her do public events for the</p>
<p>6534</p> <p>1 work. 2 Q What is an endorsement? 3 A So, an endorsement is when an actor 4 associates themselves with a product either for 5 print, promotion, commercial, like Jennifer 6 Aniston doing the water, you know, or Matthew 7 McConaughey doing a car commercial. That's a 8 product endorsement. He's paid to say that the 9 product is good and be associated with the 10 product. 11 Q How important are those endorsements to 12 the actors in the entertainment industry? 13 A Well, they're important on two levels. 14 One, they bring a good amount of income to them 15 when they're not shooting movies, so it's a good 16 way to make money in between film roles. And 17 also, it shows the studios and the production 18 executives and the financiers that the actor is 19 relevant in the community because of being 20 associated with the product. So if it's a 21 well-known product, that's really great; if it's a 22 medium product, that's great, and so forth and so</p>	<p>6536</p> <p>1 product, and basically said we love you but we 2 can't work with you right now because it's just 3 too much -- 4 MR. DENNISON: Objection. Hearsay. 5 THE COURT: All right. I'll sustain 6 the objection. 7 MS. BREDEHOFT: Okay. 8 THE COURT: Next question. 9 Q Have the Depp/Waldman statements 10 affected that deal in any way, with L'Oréal? 11 A Well, they put it on pause and haven't 12 done any work, so she's not out there in the 13 public eye related to the product. And they have 14 decided to continue working with her at some 15 point, once, as I said, this all quiets down, this 16 trial is over, and hopefully the negative 17 campaigns will stop. So they extended her 18 contract, but they did not pay her for that 19 extension. 20 Q Has Amber been hired for any other 21 endorsement deals since the Depp/Waldman 22 statements?</p>

<p style="text-align: right;">6537</p> <p>1 A No.</p> <p>2 Q Now, did you assess Amber's losses as a</p> <p>3 result of the Depp/Waldman statements?</p> <p>4 A Yes.</p> <p>5 Q What did you do to assess those?</p> <p>6 A First of all, I looked at Amber's</p> <p>7 career directly, and I wanted to see -- you know</p> <p>8 as I said earlier, she worked consistently and</p> <p>9 then she was on this kind of very large upswing</p> <p>10 with the big movies, Justice League and Aquaman,</p> <p>11 and The Stand with the Stephen King project. And</p> <p>12 then it stopped, right, so her work stopped. And</p> <p>13 then I looked at other actors that kind of grew up</p> <p>14 around the same time frame, grew up meaning they</p> <p>15 started their career and had the same time frame</p> <p>16 to start going from the smaller projects to the</p> <p>17 well-known director projects and the big movie</p> <p>18 projects. I looked at those actors and I then saw</p> <p>19 after they had their star-is-born moment, if you</p> <p>20 will, I wanted to see where their careers went. I</p> <p>21 looked at several actors to see, including Jason</p> <p>22 Momoa, her co-star, to see what happened in their</p>	<p style="text-align: right;">6539</p> <p>1 A Well, I wanted to look at actors that</p> <p>2 were in superhero films that had done really well</p> <p>3 at the box office. So, I looked at Jason Momoa,</p> <p>4 her co-star; I looked at Gal Gadot, who is in</p> <p>5 Wonder Woman; I looked at Ana de Armas, who was in</p> <p>6 blah, blah, blah blah, blah, blah blah.</p> <p>7 Q Bladerunner.</p> <p>8 A Thank you, Bladerunner.</p> <p>9 I looked at Zendaya, who was in</p> <p>10 Spiderman; I looked at Chris Pine, who is in Star</p> <p>11 Trek and also Wonder Woman. About, you know, the</p> <p>12 similar age range, attractive actors, all with</p> <p>13 good acting skills, all able to do stunts. There</p> <p>14 are not that many actors to look at who do</p> <p>15 superhero characters, so it was a small pool to</p> <p>16 work from, but I took a wide range from those</p> <p>17 actors, both men and women, to see what could</p> <p>18 potentially happen to Ms. Heard's career.</p> <p>19 Q Do you consider all of them to be</p> <p>20 identical, for purposes of measurement?</p> <p>21 A Absolutely not. No two actors are</p> <p>22 identical. You can only look at that within a</p>
<p style="text-align: right;">6538</p> <p>1 careers after such a successful film as Aquaman</p> <p>2 came out.</p> <p>3 Q Why did you use that method of</p> <p>4 analysis?</p> <p>5 A It's a very common methodology in the</p> <p>6 industry, to work with what we call comps. I</p> <p>7 think Ms. Kovacevic even used that word, "comp."</p> <p>8 With film, you try to find compared to</p> <p>9 film. With actors, you look to see comparable</p> <p>10 actors. So you can kind of -- it's not a</p> <p>11 distinct, actual this is going to happen, but this</p> <p>12 is the probability, with a reasonable certainty,</p> <p>13 that with the right management team that she had</p> <p>14 and her acting ability and her books and the press</p> <p>15 that she was getting and should have continued to</p> <p>16 get, that her career would have been similar to</p> <p>17 these other actors.</p> <p>18 Q Have you used that method in other</p> <p>19 cases in which you've been an expert on damages?</p> <p>20 A Yes, I have.</p> <p>21 Q Who did you select as comparable actors</p> <p>22 for your comparison?</p>	<p style="text-align: right;">6540</p> <p>1 range of characteristics and work history,</p> <p>2 management team, and so forth.</p> <p>3 Q And we've heard from Mr. Bania. Did</p> <p>4 you review Mr. Bania's Q score analysis regarding</p> <p>5 the comparables that you used?</p> <p>6 A Yes, I did.</p> <p>7 Q And what, if any, opinions have you</p> <p>8 formed in reviewing Mr. Bania's analysis regarding</p> <p>9 the comparables you selected?</p> <p>10 A So, Mr. Bania looked at calendar years</p> <p>11 to assess, so what happened in December of, you</p> <p>12 know, 2017 or '18 or '19, what happened in June,</p> <p>13 what happened in a very specific time frame, which</p> <p>14 works on some statistical analysis, but when</p> <p>15 you're talking about actors and the relationships</p> <p>16 to Q scores, Q scores are related to the actors'</p> <p>17 viability in the consumer's mind, if you will, how</p> <p>18 well known or how much they're coming up in</p> <p>19 conversation.</p> <p>20 So, Mr. Bania did not look at time</p> <p>21 periods of the actors that I compared them with to</p> <p>22 the film when it came out, so, like, right after</p>

<p>6541</p> <p>1 the success of their big film, what was their Q 2 score. But moreover, he just looked at them in a 3 year range. So it doesn't coincide from actor to 4 actor just because you look at it over time. You 5 have to look at, specifically, after each of those 6 individual's box office success with the 7 particular film, you look at the Q score, high or 8 low, during that, and then you look at how low it 9 drops, say, a couple months afterwards, and then 10 if it comes back up, if they have another film or 11 another event that brings them in the limelight 12 again. 13 So it's not about time, it's related to 14 a specific activity or event, and he did not do 15 that. 16 Q Okay. What did your comparison show in 17 terms of films that those actors had been in since 18 their breakout roles? I'm talking about the 19 comparables. 20 A In terms of the -- I'm not quite sure I 21 understand. 22 Q Well, what happened with these other</p>	<p>6543</p> <p>1 respecting endorsement deals of these actors with 2 Amber? 3 A Again, all those actors that we talked 4 about all did multiple endorsement deals after 5 their big movies or after their series of movies. 6 Jason Momoa is on, you know, Rocket Mortgage and 7 Harley Davidson, as well as five or six other 8 companies. Zendaya is Lancome and fashion and 9 water and jewelry. And Gal Gadot, Chris Pine and 10 Armas, they have all done either a couple or many. 11 And all of them have associated with a large 12 brand, unlike Amber, who hasn't even been able to 13 work on the one contract that she had. She 14 certainly didn't get any others. 15 Q What did your analysis show with 16 respect to Amber Heard's losses but for the 17 Depp/Waldman statements? 18 A They were significant if we follow the 19 trajectory of her colleagues. 20 Q Let's start with Aquaman 2. What would 21 she have realized there? 22 A Well, as I stated earlier, so from</p>
<p>6542</p> <p>1 actors after they had their -- 2 A Oh. 3 Q Related to Q scores. 4 A Oh, okay. Sorry. So all those actors' 5 careers, the ones I mentioned, they all either 6 were steady rise or even a meteoric rise in terms 7 of where their career went after their 8 star-is-born moment. Then they got some other 9 good films and maybe they got another film that 10 performed extremely well. So it was a range, but 11 they all were on an upward trajectory, without a 12 doubt. 13 Q And what does this mean for Amber? 14 A Well, the way that the industry works 15 is usually, unless there is a force majeure or 16 some really negative event, her career should have 17 followed that same upward swing in about the same 18 time frame, give or take six months to a year, but 19 it would be very reasonable to believe that her 20 career would have been on an upward trajectory 21 within the range of those other actors. 22 Q What, if any, comparisons did you make</p>	<p>6544</p> <p>1 Aquaman 1 to 2, it went from a million dollars to 2 \$2 million, right, so that was a pre-written 3 contract, it doubled. So the agents were very 4 excited, after the success of Aquaman, to go and 5 negotiate a much higher fee, like they did for 6 Jason Momoa. They weren't able to do that. So in 7 that instance alone, it was more than likely a 8 \$2 million loss, just from that movie alone. 9 Q Two to four, you said before? 10 MR. DENNISON: Objection. Leading. 11 A It could have been two to four. 12 THE COURT: Sustain. 13 Q Okay. What about other films? 14 A So once, as Amber's agent, 15 Ms. Kovacevic -- 16 Q Ms. Kovacevic. 17 A I was doing okay. 18 Ms. Kovacevic said that once you get 19 that quote of the \$2 million from Aquaman 2, that 20 kind of was like the baseline for any other movie 21 she would have done. So any other studio movie 22 would have started from there, and depending on</p>

<p style="text-align: right;">6545</p> <p>1 the success of Aquaman and how much press she did, 2 maybe she would have done another great director, 3 independent film, whatever, that \$2 million for a 4 studio film, and had it jumped to 4 million with 5 the renegotiation, that, then, would have been the 6 basis. So any future studio film that she would 7 have done, any big budget film would have been the 8 basis of 4 million and most likely had gone up 9 from there, if she was able to get others, which 10 she should have, just like the other actors. 11 Q Let's talk about TV for a minute. What 12 would those losses have included? 13 A Well, on The Stand, which was about the 14 same time as Aquaman, but got -- the press and the 15 promotion got cut off because of the defamatory 16 statements and negative campaign, she got paid 17 \$200,000 an episode on The Stand. 18 So, on a TV series of nine episodes, 19 it's \$1.8 million. So if she had, again, done 20 other TV shows, it's very unlikely that whether 21 she worked with a streamer or one of the networks, 22 that her fee would have gone up from there. Her</p>	<p style="text-align: right;">6547</p> <p>1 terms of dollars? 2 A In terms of dollars, \$1.5 million for 3 L'Oréal for a two-year contract, and let's give 4 her four other 1.5 or \$2 million deals, which all 5 those other actors, especially the ladies, have 6 gotten, then you're looking at an additional 7 \$8 million of income over time. I'm not saying 8 this is in one period. We're looking at as far 9 back as the defamatory statements of 2020 to now, 10 which is almost two years. And, again, as I said 11 earlier, even when this is quiet, it will take 12 three to five years for her to rehabilitate her 13 career, if she can. So we have to look at it as a 14 period of a minimum of five years. So when I say 15 \$8 million for an endorsement contract, it would 16 have been over time. 17 Q Okay. What, if any, losses related to 18 production or film activities? 19 A Again, these other actors that we 20 looked, and it's a wide range of them, some of 21 them did bigger films, some of them gigantic 22 films, but it is very reasonable to assume that</p>
<p style="text-align: right;">6546</p> <p>1 agents would have been able to use the leverage of 2 the success of Aquaman 2 to put her, if she had 3 done another television show, given rise to even a 4 higher episodic fee. Some actors go up to 5 \$1 million an episode. Jason Momoa, in his TV 6 show, got \$1 million. So, there's an exponential 7 range of where she could have gone. 8 Q What about endorsements? 9 A Same thing. All the other actors were 10 doing, over the course of a couple years' period, 11 you know, anywhere from five, six, seven other 12 endorsement deals. And Ms. Heard, realistically, 13 could have gotten endorsement deals in other 14 categories. L'Oréal is makeup, so probably not in 15 makeup, but maybe water or clothing or jewelry or 16 wellness or it could have been anything else. So 17 she, too, should have, with a reasonable degree of 18 certainty, gotten other contract deals based on 19 the success of the films that she has been 20 associated with and the TV shows she has been 21 associated with. 22 Q What would that have translated into in</p>	<p style="text-align: right;">6548</p> <p>1 once you are in an Aquaman-style film, you'll 2 either continue to do those, right, some of these 3 franchises, as we know, go four, five, six films, 4 or she had the power to be in another studio film 5 that had nothing to do with Aquaman. 6 So, again, over the course of five 7 years, it's very reasonable to consider that she 8 would have been in at least one film a year, at a 9 minimum of \$4 million, because that's what her 10 pricing would have been had she renegotiated. And 11 it's important to note that in her Justice League 12 contract, had there -- if there's an Aquaman 3, 13 her price is set at \$4 million. So it would be 14 reasonable to assume and to believe that if she 15 did a film a year for five years, at a minimum of 16 \$4 million a year, without any negotiation, which 17 probably would have happened, but let's just say 18 that baseline, that would be another \$20 million 19 over that time frame. 20 Q What, if any, opinions do you have 21 about Amber Heard's earning power over time? 22 A That it would continue to rise. It's</p>

<p>6549</p> <p>1 customary in the industry, as I talked about 2 earlier, that the negotiations, especially with 3 her agents at William Morris, her fees would have 4 gone higher. So I'm just using a baseline without 5 any ability to foresee in the future, but I 6 already know she got negotiated for \$4 million for 7 Aquaman 3, so if we use that as a baseline 8 minimum, but it very well would have gone up had 9 her agents done the work that they wanted to do. 10 Q So combining all these opinions and 11 calculations that you've had, what, if any, range 12 are the losses you are estimating for Amber Heard 13 but for the Depp/Waldman statements? 14 A So, again, it's really important that I 15 looked at – hopefully you understand it, that 16 it's over time. So, let's just say a minimum of 17 five years that we're going to talk about these 18 losses, and it could be more, but at minimum, if 19 you look at the film, the television, and the 20 endorsement contracts, it's very likely that 21 Ms. Heard should have earned between 45 and 22 \$50 million over that time period.</p>	<p>6551</p> <p>1 MS. BREDEHOFT: Thank you, Your Honor. 2 THE BAILIFF: All rise. 3 (Recess taken from 3:45 p.m. to 4 4:00 p.m.) 5 THE BAILIFF: All rise. 6 Please be seated and come to order. 7 THE COURT: All right. If we could 8 have the witness. 9 MS. BREDEHOFT: Can we approach real 10 quick, Your Honor? 11 THE COURT: Sure. While we do that, 12 can we have the witness take the stand again. 13 (Sidebar.) 14 MS. BREDEHOFT: I didn't want to 15 interrupt the flow, Your Honor, and I know we're 16 going to do cross for a second. I just wanted to 17 indicate that we would have called Bonnie Jacobs 18 for the purpose of entering -- getting in her 19 therapist notes, but Your Honor has already ruled 20 on that hearsay. And so, all I wanted to do is 21 say that we would have called her, but Your Honor 22 has ruled on that.</p>
<p>6550</p> <p>1 Q Are all your opinions to within a 2 reasonable degree of probability or certainty? 3 A Yes. 4 Q All right. 5 MS. BREDEHOFT: Thank you very much. 6 THE COURT: All right. Let's go ahead 7 and take our afternoon recess, ladies and 8 gentlemen. Do not do any outside research, and do 9 not discuss this case with anybody. 10 THE WITNESS: May I step down? 11 THE COURT: Yes, you can step down. 12 THE WITNESS: I'm sorry. 13 THE COURT: That's okay. I appreciate 14 it, ma'am. Go ahead. 15 Just a reminder, court is still in 16 session, please. 17 (Whereupon, the jury exited the 18 courtroom and the following proceedings took 19 place.) 20 THE COURT: All right. So let's come 21 back at 4:00. We can do that, all right. 4:00, 22 thank you.</p>	<p>6552</p> <p>1 THE COURT: That's fine. 2 MS. BREDEHOFT: I just didn't want to 3 interrupt the flow. 4 MR. DENNISON: So while we're up here, 5 I wanted to discuss this quickly. I think there 6 was just a news release that they've decided not 7 to call Mr. Depp. Until today, we were fully 8 understanding that -- 9 THE COURT: I don't know who's 10 releasing news. 11 MS. BREDEHOFT: Yeah, I don't either. 12 MR. DENNISON: Okay. Thank you. 13 THE COURT: Thank you. 14 THE WITNESS: Do I stand? 15 THE COURT: It's up to you. 16 (Whereupon, the jury entered the 17 courtroom and the following proceedings took 18 place.) 19 THE COURT: All right. Be seated. 20 All right. Cross-examination. 21 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 22 COUNTERCLAIM DEFENDANT</p>

6553	1 BY MR. DENNISON: 2 Q Good afternoon, Ms. Arnold. 3 A Hello. How are you? 4 Q So you repeatedly testified by -- you 5 were asked as to the Depp/Waldman statements. 6 You don't have any knowledge whether 7 Mr. Depp knew of the statements that Mr. Waldman 8 made, do you? 9 A Only his association with Mr. Waldman, 10 correct. 11 Q Well, you don't know when the first 12 time Mr. Depp learned about those statements? 13 A I don't know. 14 Q No. And the association you're talking 15 about is that Mr. Waldman worked, from time to 16 time, as Mr. Depp's attorney, right? 17 MS. BREDEHOFT: Objection. Your Honor, 18 may we approach? 19 THE COURT: Okay. 20 (Sidebar.) 21 MS. BREDEHOFT: This is outside the 22 scope of this witness, and, Your Honor, this is --	6555	1 BY MR. DENNISON: 2 Q I understand that you're testifying as 3 a damages expert and you have two hats, talking 4 about both Mr. Depp's damages and about 5 Ms. Heard's purported damages. 6 Let's talk about Mrs. Heard's -- 7 Ms. Heard's damages first. 8 You understand that you have to testify 9 as to damages that resulted from the Waldman 10 statements, correct? 11 A That was my analysis. 12 Q Most of your testimony, however, was 13 just simply testify about things that occurred 14 after the Waldman statements? 15 A That's what I was tasked with, yes. 16 Q The mere fact that -- the mere fact 17 that there are activities after the Waldman 18 statements doesn't establish that the Waldman 19 statements caused any damages, does it? 20 A When you look at the time frame of when 21 the Waldman statements came out and you look at 22 what was going on with Ms. Heard's career prior to
6554	1 remember that Mr. Waldman raised the 2 attorney-client privilege for every single one of 3 those questions, so... 4 THE COURT: But you characterized it as 5 the Depp/Waldman statement. 6 MS. BREDEHOFT: I did, and I defined it 7 in that way, but I did not go -- she's just a 8 damages expert. I did not go into any of the -- 9 whether he had knowledge, any of the agency. 10 That's all outside the scope. This is just a 11 witness who is saying, you know, as a result of -- 12 THE COURT: What will be your next 13 question? 14 MR. DENNISON: I was almost done with 15 that. 16 THE COURT: Okay. 17 MR. DENNISON: We had various questions 18 about Depp/Waldman statements and I was just 19 trying to get -- 20 THE COURT: Okay. You can ask that. 21 MS. BREDEHOFT: Okay. 22	6556	1 the statements and what happened after the 2 statements, it's very clear to make that 3 correlation, that they were caused by those 4 statements and the campaign that followed 5 afterwards, in terms of the negative social media. 6 Q That's an interesting thing. The 7 witness this morning actually described that the 8 notion of what's correlation and what's causation. 9 And correlation does not imply causation, does it, 10 ma'am? 11 A I'm not an expert in semantics. 12 Q Okay. But you're an expert who is 13 purporting to say that Ms. Heard lost between 45 14 and \$50 million, and I'm trying to understand 15 where you put the link between the Waldman 16 statements and all the other activity that 17 occurred since then. 18 A As I stated, and I clearly wanted to 19 make sure that everybody understood, was that it 20 was a time frame, you know, between which the 21 Waldman statements were made and the negative 22 decline in her career started happening, and in

<p>6557</p> <p>1 discussions with her agents and her publicist, 2 there was a very tight timeline and a very close 3 link to when those statements came out and when 4 everything started pulling away from Ms. Heard. 5 Q What you're talking about is just a 6 link in time. You do not put any causal 7 connection between what Mr. Waldman purportedly 8 said and the damages that Ms. Heard purportedly 9 suffered. You have no idea whether Mr. Waldman's 10 statements caused any damage to Ms. Heard, do you? 11 A Well, actually, both the words in the 12 statements were used as hashtags in the campaign, 13 as well as when the statistical and investigative 14 analysis was done, along with the social media 15 campaign, it turned out that 1 in 4 of the 16 statements had Waldman or Waldminion in them. So 17 that was another connection that I was able to 18 make between the defamatory statements and these 19 negative -- negativity that the studios and the 20 product endorsements and television and the press 21 connected as well. 22 Q All right. Let's start with, first,</p>	<p>6559</p> <p>1 didn't look at hashtags that contained the Waldman 2 words, he looked at justice for Johnny Depp, 3 right? 4 A That's one of them. 5 Q One of them? The 1.2 million hits that 6 you talked about, that was 900,000, 984,000. 7 A Also, in my conversations with 8 Mr. Schnell, we talked about all the words that 9 were in the statement that also appeared. So what 10 he wrote in his report and what I had in my 11 conversation may not have been the same thing. 12 Q Ma'am, I don't want to hear about 13 conversations with Mr. Schnell. 14 A That's part of what I relied on, and 15 I'm allowed to talk about that. 16 Q All right. So your conversation with 17 Mr. Schnell, let's move beyond that. Let's talk 18 about what the other hashtags were. 19 Amber Heard is an abuser; that's not in 20 the Waldman statement, is it? 21 A The fact that she was called the hoax 22 can be related to Amber Heard's an abuser, but,</p>
<p>6558</p> <p>1 principles. If they're true, they're not 2 defamatory, correct? 3 A Again, that's outside the scope of my 4 expertise. 5 Q All right. Let's, then, go back to 6 what you just testified to, and I think you said 7 the Waldman statements appeared in hashtags? 8 A I said words from the Waldman 9 statements appeared in hashtags. 10 Q Right. And the hashtags that were 11 analyzed, however, don't have the Waldman 12 statements in the hashtag? 13 A I've also seen them online myself. 14 Q Well, but the analysis that Mr. Schnell 15 did, he looked at four, right? 16 A That was Mr. Schnell's analysis, and I 17 do believe I went over that, yes. 18 Q In the 4 to 5 percent that you just 19 raised, that's Mr. Schnell's analysis, you didn't 20 do that, he did? 21 A Correct. 22 Q So, you know what Mr. Schnell did. He</p>	<p>6560</p> <p>1 no, those words were not used, correct. 2 Q And we just don't like Amber. That's 3 not in the Waldman statement? 4 A Correct. 5 Q And Amber turd is not in the Waldman 6 statement? 7 A Correct. 8 Q Right. None of those things are. 9 And in terms of the use of the words 10 "fraud" and "hoax," that appeared in only 6 1/2 11 percent of the millions of tweets that Mr. Schnell 12 analyzed, correct? 13 A I don't have his declaration or report 14 in front of me, but we can look at it together, if 15 you'd like to. 16 Q And you said Waldman appears in 17 25 percent, Waldman or Waldminion? 18 A According to Mr. Schnell, yes. 19 Q All right. But that's your only 20 evidence, however, that any of this activity has 21 any link to Mr. Waldman; is that correct? 22 A Well, no, we also look at the timeline</p>

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<p>1 <b>because those campaigns were not active prior to</b> 2 <b>the Waldman statements, and then they started</b> 3 <b>appearing. So there is some connectivity there as</b> 4 <b>well.</b> 5 Q Mr. Depp bears no responsibility for 6 the social media campaigns, he doesn't -- if the 7 social media campaigns caused Ms. Heard to lose 8 her ability to generate income, that's not the 9 Waldman statement, that's the social media 10 campaign. 11 MS. BREDEHOFT: I'm going to object, 12 Your Honor. May we approach? 13 THE COURT: Okay. 14 (Sidebar.) 15 MS. BREDEHOFT: The objection is that 16 he's calling, essentially, for a legal conclusion. 17 I didn't want to make that one from there. He's 18 making legal argument of whether Mr. Depp is 19 responsible for this, and that's not something 20 that this witness would be. 21 MR. DENNISON: The Motion in Limine 22 that you decided, relative to this, made it clear</p>	<p>1 exists between the \$45 million of damages that you 2 assert and the three statements made by 3 Mr. Waldman. 4 A Well, you also want to -- I also looked 5 at Ms. Heard's career after the divorce 6 proceedings and other lawsuits that she was either 7 involved with or was discussed. And her career 8 might have had a pause, but she was able to 9 overcome that when she did Aquaman and she did The 10 Stand, both very prominent productions, and there 11 was no dramatic downturn in her career after any 12 publicity. 13 Q I don't mean to interrupt you. But do 14 you have notes with you? 15 A No, there's dust. 16 Q Okay. 17 A There's just dust, and I'm just 18 distracting myself. 19 Q I'm sorry. 20 A No notes. It's really just that, just 21 dust. 22 Q So you looked at her career and looked</p>
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<p>1 that they have to establish causal connection, 2 what damages -- the witness has to establish a 3 causal connection to damages, and that's all I'm 4 trying to explore. 5 MS. BREDEHOFT: This is very different, 6 what he's arguing now. 7 THE COURT: You just can't elicit any 8 legal conclusions. That's all. Okay? 9 MR. DENNISON: And the causal 10 connection and legal conclusion are pretty close 11 together. 12 THE COURT: I understand that. But if 13 you leave it on causal connection, I understand 14 causal connection, not legal. 15 MS. BREDEHOFT: Yeah, he can't ask her 16 whether Mr. Depp is legally responsible for -- 17 MR. DENNISON: Right. 18 THE COURT: I'll sustain that. 19 (Open court.) 20 BY MR. DENNISON: 21 Q All right. So I'm just looking for all 22 evidence of the causal connection that you claim</p>	<p>1 at the way her career was moving? 2 A As I was saying, her career was moving 3 forward, and she had been able to overcome the 4 negative publicity surrounding the divorce or the 5 initial filing of the U.K. lawsuits or any other 6 lawsuits. Anything that she was associated, she 7 overcame that; she did Justice League, she did 8 Aquaman, and she did The Stand, and she got the 9 L'Oréal contract all after that. The only time 10 her career slowed down and stopped was at the same 11 time that those defamatory statements came out. 12 Q But there was a lot of other activity 13 that happened following the defamatory statements. 14 You said every time Mr. Depp files a lawsuit, it 15 ignites the fire around the both of them, right? 16 A No, I said it ignites the fire mostly 17 around Mr. Depp. 18 Q No, that on -- 19 A Excuse me, please. 20 Q I'm sorry. 21 A That was in context of when I was asked 22 about Mr. Depp's career. That was not in context</p>

<p style="text-align: right;">6565</p> <p>1 of when I was asked about Ms. Heard's career. 2 Q It's not the same fire? 3 A It is and isn't. The protagonist in 4 the case in the U.K. was Mr. Depp. Ms. Heard was 5 a witness to that case, she was not a part of the 6 case. So most of the negative press went -- 7 Q There was enormous amounts of negative 8 activity around Ms. Heard as a result of the U.K. 9 case; isn't that true? 10 A There was negativity, yes, about Amber 11 about the case. Yes. 12 Q Substantial amounts of negativity, 13 correct? 14 A Right. 15 Q So you can't tell me that that 16 negativity isn't the thing that keeps her -- or 17 Ms. Heard from working? 18 A Well, again, it was a close time frame. 19 The negative statements were much closer time 20 frame to the press and publicity around Aquaman 21 and The Stand than the U.K. case, which was months 22 later. So, again, I will look at the defamatory</p>	<p style="text-align: right;">6567</p> <p>1 in terms of the time frame, and it would take 2 someone, who's been under this much duress, to 3 kind of rehabilitate their career. That's when we 4 talked about the five years. 5 Q That's when we talked about the 6 five years. So if you look over this five-year 7 window and during the period that precedes this 8 window, there's lots and lots of negative press 9 about Ms. Heard, irrespective of the Waldman 10 statements, correct? 11 A Before the Waldman statements, as I 12 said, she was able to overcome that, and she got 13 great jobs and was getting endorsement contracts. 14 Q But after the Waldman statements, there 15 is more activity in the press, there's more social 16 media activity. And you cannot put a causal 17 connection between that activity and what 18 Mr. Waldman said? 19 A It can be the instigating event, if you 20 want me to call it that. We'll call the Waldman 21 statements the instigating event of the torrential 22 rain of social media tactics that went on, have</p>
<p style="text-align: right;">6566</p> <p>1 statements as kind of the igniting force, and it 2 promoted and kind of more oxygen was put on the 3 fire when the U.K. case came out. So it kind of 4 became a snowball effect of, you know, the 5 mattress lit and it kept getting stronger and 6 stronger. 7 Q Right. But Ms. Heard isn't claiming a 8 causal connection between the U.K. case and her 9 damages, right? 10 A No. 11 Q All right. And you can't distinguish 12 between the U.K. bad publicity and the bad 13 publicity that derived after the Waldman 14 statements? 15 A What time frame are you talking about 16 with the bad publicity from the U.K. case, so we 17 can at least be specific on time frames? 18 Q Well, you talked about a five-year time 19 window. 20 A A five-year time window from 2020 to 21 the two years that we're at now, plus the 22 three years moving forward is what I talked about</p>	<p style="text-align: right;">6568</p> <p>1 gone on for years, yep. 2 Q The instigating event, and therefore, 3 your damages analysis with a degree, some degree, 4 I guess, of reasonable certainty is that once 5 there was an instigating event, everything that 6 happens thereafter is fair game for damages? 7 A Well, it's like a fire. If one tree 8 burns then more air or wind is added to it, then 9 the next tree burns and the whole forest burns. 10 But if that first fire hadn't started with the 11 first tree, there would have been no loss of 12 acreage, so you can look at it with that same 13 analogy. 14 Q Trees burn one at a time, don't they, 15 ma'am? 16 A I'm not a firefighter. I'm not going 17 to go there with you. But, obviously, we know 18 that a single match can cause thousands of acres 19 to burn, so we can leave it at that. 20 Q I think I'm right there with you. 21 All right. Let's do this: You decided 22 that there were a number of persons that you</p>

<p style="text-align: right;">6569</p> <p>1 described as comparable in order to determine what 2 your -- what Ms. Heard was likely to make over 3 time, correct? 4 <b>A Yes.</b> 5 Q All right. Of those comparable actors 6 and actresses, is there a single one who has had 7 any press suggesting that they defecated in the 8 marital bed? 9 <b>A I don't know.</b> 10 Q Okay. 11 <b>A I have no idea.</b> 12 Q You would agree with me that that is a 13 negative instance with respect to Hollywood? 14 <b>A If one believed it, yes.</b> 15 Q Right. If one believed it. You know 16 it was reported, right? 17 <b>A It certainly has been discussed. We</b> 18 <b>don't have any proof or video of anybody</b> 19 <b>defecating on the bed.</b> 20 Q I certainly do not have proof -- I mean 21 video of anybody defecating in the bed, I'll give 22 you that.</p>	<p style="text-align: right;">6571</p> <p>1 frame of relatively close? 2 <b>A The time frame and the instigation and,</b> 3 <b>if you will, the rallying of the forces. Again,</b> 4 <b>it's like a lit tree, it's going to ignite</b> 5 <b>anything. It's like free game afterwards. So,</b> 6 <b>that was the instigating event, if you will, and</b> 7 <b>that's what I looked at, yes.</b> 8 Q All right. So from your perspective, 9 anything that happened after Waldman that was 10 negative to your client is attributable to Waldman 11 and, therefore, attributable to the damages 12 analysis you made? 13 <b>A I was tasked to look at that</b> 14 <b>specifically, and that's what I was asked to limit</b> 15 <b>it to. I was not asked to look at anything else.</b> 16 Q All right. Jason Momoa. That's one of 17 your comparables, right? 18 <b>A Yes.</b> 19 Q All right. He's been prominent since 20 1999. He was in Baywatch in '99, 44 episodes of 21 Baywatch; do you know that? 22 <b>A You can look it up. If you did, I'll</b></p>
<p style="text-align: right;">6570</p> <p>1 <b>A That's a good thing.</b> 2 Q But what you know is that Mr. Waldman 3 didn't say anything about defecating in a bed? 4 <b>A Correct.</b> 5 Q Right. So all of the bad publicity 6 around that activity has nothing to do with 7 Waldman, right? 8 <b>A Waldman, as you said, didn't talk about</b> 9 <b>defecation.</b> 10 Q Okay. Have you ever considered how 11 that story has adversely impacted Ms. Heard's 12 career? 13 <b>A That story, you're going to ask me for</b> 14 <b>a causal link between that poop story and her</b> 15 <b>demise. No, I'm not going to do that, nor can I.</b> 16 Q You couldn't do it? 17 <b>A Can I make it? No, I can't.</b> 18 Q Right. And you can't do it with 19 Waldman's statements either, can you? 20 <b>A Well, again, I did, and I have, and I</b> 21 <b>stand by them.</b> 22 Q You did by just pointing out the time</p>	<p style="text-align: right;">6572</p> <p>1 <b>go with that.</b> 2 Q Right. But you remember him on 3 Baywatch? 4 <b>A Actually, I didn't watch Baywatch, but</b> 5 <b>he certainly had the physique for it, so...</b> 6 Q Stargate Atlantis, he was on that, many 7 episodes. 8 <b>A Right.</b> 9 Q Did you know that? 10 <b>A Yes.</b> 11 Q Okay. He played Conan the Barbarian. 12 <b>A In TV or film?</b> 13 Q Film. 14 <b>A Okay. I don't have Mr. Momoa's résumé</b> 15 <b>memorized.</b> 16 Q No, I'm just trying to understand how 17 you came to the conclusion that they're 18 comparable, because I just want to spend a few 19 times -- a few minutes talking about Mr. Momoa's 20 career. 21 Game of Thrones was one of the most 22 popular things on TV for a period of three years,</p>

6573	1 correct? 2 <b>A Yes, it was.</b> 3 Q And he was in Game of Thrones? 4 <b>A Yes, he was.</b> 5 Q And he's Aquaman, right? 6 <b>A Yes, he is.</b> 7 Q And he's the title character in 8 Aquaman? 9 <b>A Yes.</b> 10 Q And he was actually Aquaman in a movie 11 before the Aquaman movie started? 12 <b>A You mean Justice League, in a movie</b> 13 <b>like that, yeah.</b> 14 Q Batman v Superman Dawn of Justice, 15 wasn't he in that as Aquaman? 16 <b>A I didn't see that one.</b> 17 Q You didn't see it? 18 <b>A No.</b> 19 Q Ms. Heard wasn't in that movie, was 20 she? 21 <b>A No.</b> 22 Q And he was in both Justice League	6575	1 <b>A Oh, man, dude.</b> 2 Q He's one of the principal leads in the 3 new Fast and Furious franchise movie, Fast X, 4 right? 5 <b>A I don't know that for sure, no.</b> 6 Q Okay. Well, that's not the career path 7 that Ms. Heard has had. She's never been the 8 title character in a movie. She hasn't spent 9 years on television. She did, what, eight TV 10 shows, eight single episodes of TV? 11 <b>A Again, I don't have her résumé. If you</b> 12 <b>want to show it to me, we can count them together.</b> 13 Q All right. Mr. Momoa's is well liked, 14 even though he's engaged in a recent divorce from 15 another actor, that's correct, right? 16 <b>A I don't know, I don't follow his fan</b> 17 <b>base.</b> 18 Q You don't follow Jason Momoa but you 19 used him as a comparable to come up with a 45 -- 20 <b>A I said I don't follow his fan base. I</b> 21 <b>understand him as a prominent actor in the</b> 22 <b>business, but I don't follow his fan base.</b>
6574	1 movies? 2 <b>A Correct.</b> 3 Q And he's in Aquaman 2? 4 <b>A Yes.</b> 5 Q And he's in the second LEGO movie, 6 right? 7 <b>A Yes.</b> 8 Q He's one of the most heroic characters 9 in the recent Dune blockbuster. 10 <b>A Which happened post Aquaman.</b> 11 Q Right. In fact, likely -- 12 <b>A He's not the lead, though.</b> 13 Q No? 14 <b>A In Dune, no, he's not the lead.</b> 15 Q Did you ever read Dune? 16 <b>A Huh?</b> 17 Q Did you read Dune? 18 <b>A No, but I've seen the movie.</b> 19 Q Do you understand his character will 20 come back from the dead in the third movie? 21 <b>A Again, I didn't read the book.</b> 22 Q That would be a bit of spoiler.	6576	1 Q Isn't fan base one of the things that 2 you analyzed? 3 <b>A Of course. You can look at numbers,</b> 4 <b>but I don't keep a watch on his social media</b> 5 <b>feeds.</b> 6 Q All right. You indicated that Gal 7 Gadot is in Wonder Woman? 8 <b>A Yeah, she's the star.</b> 9 Q She's, in fact, Wonder Woman? 10 <b>A I know. She's good too.</b> 11 Q All right. She's a title character. 12 And in multiple Wonder Woman movies, right? 13 <b>A Yes.</b> 14 Q And even before that, she was in 15 franchise films? 16 <b>A Which one are you referring to?</b> 17 Q Fast and Furious. 18 <b>A Excuse me, I honestly don't remember</b> 19 <b>her being as one of the main characters. I know</b> 20 <b>it was The Rock --</b> 21 Q You didn't even know she was in the 22 Fast and Furious franchise?

<p>1 A I've seen it on her résumé, but I'm not 2 a fan of the Fast and Furious. 3 Q You'll agree with me that Wonder Woman 4 is a more prominent role than Mera? 5 A If you're going to talk about apples to 6 apples in that exact movie, yes. 7 Q All right. What about, does Mera have 8 any self-titled franchise films? 9 A Not yet. 10 Q No. And Ms. Gadot played a much bigger 11 role in the movie they were in together, the 12 Justice League movie? 13 A In what movie they were in together? 14 Oh, in Justice League? 15 Q Yeah. 16 A I haven't counted the screen time, so I 17 can't really say. 18 Q Okay. You indicated that another 19 person that you compared Ms. Heard with is 20 Zendaya. 21 A Zendaya, yeah. 22 Q So, some famous people go by one name?</p>	<p>6577 6579 1 tried to -- I worked on pulling characters that 2 were in superhero movies that was about the same 3 age range within ten years, as you've noted to me, 4 thank you. Also just where her career could have 5 gone. I said they were comparables, they're not 6 identical. So you can just look at what their 7 career has done either before that superhero 8 movie, been in others, or the one they were in, 9 and then you look at where her career should have 10 gone. Even though she may not have been at the 11 stature of a Zendaya at that time, you can still 12 look at it as a comparable trajectory of what 13 happens when you're in a blockbuster movie. It's 14 just a reference point. It's not meant to be 15 identical, they're not meant to be the same 16 people, not even to have the same career. It's 17 meant to be a reference point. Simple as that. 18 Q So far, everybody we've looked at had 19 been in more blockbuster movies than Ms. Heard? 20 A But Ms. Heard was in the biggest 21 blockbuster movie, and the light that shines on 22 Jason Momoa will also shine on her, so you have to</p>
<p>6578 1 A I guess when you have a name with a Z, 2 it works, I guess. 3 Q She's been on the Disney Channel since 4 she's 13 years old, right? 5 A Right. 6 Q She's won an Emmy? 7 A Yes, she did. 8 Q Right. She is singing and dancing and 9 swinging from trapezes in The Greatest Showman, 10 right? 11 A Yes. 12 Q She's been in multiple Spiderman 13 movies? 14 A Yes. 15 Q She's ten years younger than your 16 client? 17 A Right. 18 Q Yeah. But this is a person that you 19 deemed a comparable? 20 A Well, as I was explaining to you, how I 21 chose them, when you look at superhero characters, 22 there's not that many to pull from. So I just</p>	<p>6580 1 look at in context of the biggest movie that DC -- 2 Q In DC Universe. 3 A And also one of the biggest box office 4 films ever, probably within the top ten, because 5 I've looked it, right? So that light is going to 6 shine brighter on her than someone who wasn't in 7 that movie. Again, it would have just helped her 8 and her career move forward, not stalled it and 9 her world be silent afterwards. 10 Q For the jury to accept your damage 11 analysis, they would have to agree with you that 12 Ms. Heard was on the precipice of a meteoric rise; 13 that's the word you used, right? 14 A Actually, no. I did use meteoric with 15 someone like, let's say, Gal Gadot or Zendaya, but 16 I actually gave you a range and gave the jury a 17 range that they weren't all going to all have a 18 meteoric rise. Some of them were going to be 19 smaller. The numbers I gave do not represent a 20 meteoric rise. A meteoric rise is when Jason 21 Momoa goes from, I don't know, 4 million, 22 5 million to a \$50 million payday. That's a</p>

<p style="text-align: right;">6581</p> <p>1 meteoric shift in our business. But when someone 2 has contracts that actually go from one million to 3 the first one, two million, and then four million, 4 that is standard for a franchise that is perceived 5 to do well. So, I base those calculations on very 6 specific numbers that were already contracted. I 7 wanted to stay within reality and look at the 8 numbers that were already contracted for 9 Ms. Heard, and just move out forward on one film a 10 year, maybe a TV show here or there, and some 11 endorsement contracts, which is very typical for 12 an actor in our business to make that kind of 13 money. It just is what happens. 14 Q For example, you used someone that went 15 from 2 million to 4 million. Your client has 16 never had a contract that exceeds \$2 million, 17 correct? 18 A Incorrect. In the Aquaman Justice 19 League -- it's actually the Justice League 20 contract because they're associated, so Aquaman 2 21 is paid 1 million. Then in Aquaman 2, it was 22 written that she was going to earn 2 million, and</p>	<p style="text-align: right;">6583</p> <p>1 precedent that was set in writing, actually. 2 Q If a movie makes \$795 million, do you 3 think there's likely to be a next one? 4 A If it was the first or the second one. 5 But if it's the fifth in the series, I assume that 6 you're referring to Pirates 5, it performed well 7 at the box office, yes, but certainly not in 8 comparison to some of the other ones. And that's 9 where a studio like Disney will look at to say, 10 has that franchise had its run or do we need to 11 change it? 12 Q Assuming that Disney wants to walk away 13 from a \$800 million payday? 14 A Well, an \$800 million payday has to be 15 put in the context of the budget that it costs to 16 get that movie and then the market thereafter. 17 And with the increasing cost in not only 18 Mr. Depp's fees, plus the other actors' fees, plus 19 general production costs that are getting more 20 expensive, then you put in the marketing cost, 21 which are sometimes one, two, or three times the 22 budget of the film, a film like that, a studio can</p>
<p style="text-align: right;">6582</p> <p>1 if there's another one, it was written in the 2 terms she would get 4 million. So, there actually 3 was a contract that Ms. Heard signed with the 4 studio. 5 Q Right. But the movie hasn't been made? 6 A Aquaman 2 hasn't come out yet, so... 7 Q Right. 8 A The third one is still on deck, as they 9 say. 10 Q Okay. Let's put it differently. Your 11 client's never been paid \$2 million for a movie 12 she appeared in? 13 A She was paid \$2 million for Aquaman, 2, 14 Aquaman 2. 15 Q She's never been paid \$4 million? 16 A She was contracted to be paid, and when 17 the movie goes, that's what she will get paid, 18 that's what I said. 19 Q (Indiscernible due to cross talking.) 20 A Right. If Aquaman 2 does even nearly 21 as well as Aquaman 1, there's going to most likely 22 to be a third one, so we can look at that as a</p>	<p style="text-align: right;">6584</p> <p>1 spend 6 to 800 million just making and marketing 2 the film. 3 So, \$795 million is a lot of money. 4 And it seems like a really good box office, but 5 you have to put into perspective of what's spent 6 on production, marketing, and the overhead cost 7 that the studio takes. Again, it's all in context 8 of what the budget of the film and the marketing 9 of the film is. 10 Q Let's put some other things in context. 11 Ana de Armas, that's another one you used. 12 A Yes. 13 Q Was she, most recently, I guess, in 14 Deep Water with Ben Affleck? 15 A Again, I know some of the movies that 16 she's been in. I don't remember about Deep Water. 17 I don't even know if that's out yet, to be honest. 18 Q Okay. She was in the last James Bond 19 movie? 20 A Yes, she was. 21 Q Okay. They were talking about making 22 her the next female Bond, right?</p>

6585	<p>1 A Right. After her big stars – 2 star-is-born moment, yes, she's gotten a lot more 3 big roles, which is what we had hoped for 4 Ms. Heard. 5 Q Yeah. And you said that her breakout 6 movie was Bladerunner? 7 A It was like the first big, you know, 8 studio movie that got a lot of attention. I 9 believe that is one that we can look at as a 10 marker for her, sure. 11 Q Did you watch Bladerunner 2049? 12 A I did. 13 Q Do you know what she did in the movie? 14 A It was years ago. I don't know exactly 15 what role she played, but she was in that movie. 16 And from that, her agents used that as leverage to 17 get her more movies. 18 Q Do you acknowledge her principal role 19 in that movie is as a gigantic, naked billboard? 20 A Are you saying that's the only thing 21 she was, she was a gigantic, naked billboard? 22 Q And that's a principal role in that</p>	6587	<p>1 Q George Clooney was Batman? 2 A Definitely. 3 Q I guess Robert Pattinson is now Batman? 4 A Don't know. 5 Q But you're taking an absolutely iconic 6 role that the DC Universe has recast four, five, 7 six times, correct? 8 A Correct. 9 Q So just because you have the role in 10 the first movie or the second movie, doesn't mean 11 that you get it in the third movie or the fourth 12 movie? 13 A Unless it's contractual. 14 Q Right. Unless it's contractual. 15 So, now, let's look -- Ana de Armas, 16 she's the new Marilyn Monroe on Netflix, too, 17 right? 18 A I believe so. She was also in Knives 19 Out, which is probably even a bigger breakout role 20 for her, but, again, I chose Bladerunner because 21 it's a similar role. You have to start somewhere. 22 But Knives Out probably was her big moment in</p>
6586	<p>1 movie? 2 A I don't remember the movie well enough 3 to know. 4 Q And did you know that she was -- I 5 talked a little bit about Ben Affleck, right? 6 A Right. 7 Q He's an interesting example because 8 he's been in a role that's been recast multiple 9 times. 10 Do you know that role? 11 A Are you talking about Batman? 12 Q Yeah, Batman. 13 A Sure. 14 Q So the title character in that DC 15 series has seen how many actors? 16 A Several. 17 Q Right. Michael Keaton. 18 A He was Batman. 19 Q Val Kilmer. 20 A You're a movie buff, yeah. 21 Q Yeah. Christian Bale as Batman? 22 A I think he was, you're right.</p>	6588	<p>1 time. 2 Q All right. The other person you picked 3 was Chris Pine. Chris Pine is in a superhero 4 movie, generally? 5 A He is in Wonder Woman -- well, Star 6 Trek being a blockbuster, but not necessarily a 7 superhero movie. 8 Q He was in both Wonder Woman movies, 9 right? 10 A He plays a love interest to Gadot. 11 Q And Star Trek, in the Star Trek 12 franchise, he plays Captain Kirk, right? 13 A I don't remember exactly the role he 14 played. I didn't see it in the movie, just know 15 it from his résumé, to be honest. 16 Q Do you know who Captain Kirk is? 17 A Yes, I do. 18 Q But you didn't know that Chris Pine was 19 Captain Kirk in Star Trek? 20 A I hate to say I'm not a Star Trek fan. 21 Q Okay. But you used Mr. Pine as an 22 example, irrespective of the fact that you didn't</p>

6589	<p>1 even know he starred in this franchise film? 2 <b>A I did know that he starred, that's why</b> 3 <b>I used it.</b> 4 <b>Again, we can go over this a couple</b> 5 <b>more times, and I'm happy to do so. All I wanted</b> 6 <b>to do is look at, from a small pool of people that</b> 7 <b>have been in huge franchise movies -- well,</b> 8 <b>superhero movies and give you a sense of what the</b> 9 <b>range is or what someone's trajectory can be.</b> 10 <b>Again, they are not apples and apples. They're</b> 11 <b>not both green apples or both red apples. I was</b> 12 <b>just looking at a range. It's what we do. It's</b> 13 <b>what we do in the industry; it's what you do to</b> 14 <b>kind of get a sense of how much you're going to</b> 15 <b>pay an actor, what they're worth in the foreign</b> 16 <b>market and domestic market.</b> 17 <b>Q I think my question was, do you know</b> 18 <b>whether he was in the movie Star Trek?</b> 19 <b>A Right. You asked me why I chose him,</b> 20 <b>which is what this conversation is about. Again,</b> 21 <b>I chose him because he was part of Star Trek and</b> 22 <b>Wonder Woman, but mostly because he was in Wonder</b></p>	6591	<p>1 I said I thought your testimony was she was on the 2 precipice of meteoric rise, and you said I 3 guess -- 4 <b>A I didn't say meteoric. I said</b> 5 <b>consistent. I don't know. She could have a</b> 6 <b>meteoric rise, but I was talking about consistent</b> 7 <b>with Ms. Heard.</b> 8 <b>Q All right. So, of the actors you</b> 9 <b>selected, two of them are the title characters in</b> 10 <b>their DC movies?</b> 11 <b>A One in Aquaman. Who's the other title</b> 12 <b>character?</b> 13 <b>Q Gal Gadot.</b> 14 <b>A Wonder Woman, right. She's Wonder</b> 15 <b>Woman. Oh, and you mean Jason Momoa. Sure.</b> 16 <b>Yeah.</b> 17 <b>Q So two title characters. You got James</b> 18 <b>Kirk. And those are the people that you thought</b> 19 <b>were most representative of Ms. Heard?</b> 20 <b>A Again, there are not that many in the</b> 21 <b>pool to pick from. I'm not going to put --</b> 22 <b>compare the actors that haven't been in either</b></p>
6590	<p>1 <b>Woman. I don't recall the exact time frame of</b> 2 <b>what came first, but the fact that he is in both</b> 3 <b>of them is consistent with what actors of this</b> 4 <b>yoke tend to do once they're in a movie like this.</b> 5 <b>Q You talk about breakout role, but you</b> 6 <b>don't know which was his breakout role?</b> 7 <b>A Chris Pine has been an actor, he's been</b> 8 <b>a well-liked actor. He was in both Star Trek and</b> 9 <b>in Wonder Woman.</b> 10 <b>Q Did a movie with Denzel Washington?</b> 11 <b>A Pardon me?</b> 12 <b>Q Did a movie with Denzel Washington?</b> 13 <b>A He's had a good career.</b> 14 <b>Q Great career.</b> 15 <b>A Yes.</b> 16 <b>Q Much longer career than Ms. Heard,</b> 17 <b>right?</b> 18 <b>A She was on the precipice of a great</b> 19 <b>career. She didn't have a chance to negotiate for</b> 20 <b>that yet or be in those movies.</b> 21 <b>Q We're getting back to precipice.</b> 22 <b>Didn't you just deny precipice a few minutes ago?</b></p>	6592	<p>1 large, what we call, tent pole movies or franchise 2 movies or superhero movies, so I wanted to work 3 within those parameters, and that's what I did. 4 So those are the actors I chose, yes, and to show 5 what type of work happens when you're in a big 6 movie and what happens afterwards. 7 <b>Q When you say comparable, every one of</b> 8 <b>the actors you chose had a much longer TV career</b> 9 <b>than Ms. Heard?</b> 10 <b>A Again, they were all in superhero or</b> 11 <b>franchise movies that did very, very well at the</b> 12 <b>box office.</b> 13 <b>Q There's tons of actors and actresses</b> 14 <b>who are in superhero movies that don't have</b> 15 <b>meteoric rises after that?</b> 16 <b>A Not like a lead character like Jason</b> 17 <b>Momoa. But to your point, there are many actors</b> 18 <b>that have no career prior to a breakout role and</b> 19 <b>then have a meteoric career and have had no career</b> 20 <b>prior. So you don't always just look at the past;</b> 21 <b>it's helpful, and with Ms. Heard, she had good</b> 22 <b>reviews, so that's what I looked at. But if you</b></p>

<p>6593</p> <p>1 <b>look at other actors and they have their first</b> 2 <b>role and all of a sudden they become a superstar,</b> 3 <b>from one role, so that happens in our business.</b> 4 <b>It just does.</b> 5 Q All right. With respect to your 6 comparable actors, you have no personal knowledge 7 as to how much any of them were compensated over 8 the period you reviewed them? 9 A <b>Incorrect.</b> 10 Q You have personal knowledge as to who? 11 A <b>Jason Momoa.</b> 12 Q And you derive that personal knowledge 13 from talking to somebody? 14 A <b>Yes.</b> 15 Q He didn't tell you? 16 A <b>His agent did.</b> 17 Q Okay. So, what -- you rely on what 18 Mr. Momoa's agent told you, but you have no -- you 19 didn't see the contract? 20 A <b>No, his agent is at William Morris as</b> 21 <b>well, so she told me that.</b> 22 Q Right. And you've never seen anybody's</p>	<p>6595</p> <p>1 Q And in your damage analysis, you give 2 her a million dollars an episode had the Waldman 3 statements not occurred, and you do it only 4 because you believe Mr. Momoa has gotten that in 5 something that he's in? 6 A <b>Right.</b> 7 Q So you are giving her the same career 8 as Jason Momoa? 9 A <b>Well, again, with someone like</b> 10 <b>Ms. Heard, who is in a blockbuster film of a team</b> 11 <b>at William Morris and my discussions with William</b> 12 <b>Morris, that's what they were looking to negotiate</b> 13 <b>for her on other projects. So I got some of that</b> 14 <b>information from her management team directly.</b> 15 Q So her agents were looking to get her 16 as much money as possible? 17 A <b>I think that's the job of an agent, get</b> 18 <b>as much money as possible.</b> 19 Q Your testimony is they're looking to 20 get the money for her, but you need someone 21 willing to pay on the other side of that deal, 22 don't you?</p>
<p>6594</p> <p>1 contracts as to what they were making? 2 A <b>No, but in 25 years of being in this</b> 3 <b>business, I understand the basis of which actors</b> 4 <b>are paid when they're in blockbuster films and</b> 5 <b>then they're in large-budgeted studio films. So</b> 6 <b>it's not a leap to kind of understand where the</b> 7 <b>actress may -- again, I really didn't want to try</b> 8 <b>to be speculative in my analysis. I wanted to</b> 9 <b>work with the numbers that Amber had contracted</b> 10 <b>for already and just take it from there, and said</b> 11 <b>if she had done one movie a year and one series</b> 12 <b>and done product endorsement, that's how I got to</b> 13 <b>a number. So I wasn't looking to take her on a</b> 14 <b>meteoric rise. I wasn't looking to give her the</b> 15 <b>same career as Jason Momoa, I took her numbers</b> 16 <b>that her agents have actually negotiated and</b> 17 <b>worked from there.</b> 18 Q When you say you weren't trying to give 19 her the same career as Jason Momoa, the TV program 20 that she most recently did, The Stand, she got 21 200,000 an episode, that's what you testified to? 22 A <b>Correct.</b></p>	<p>6596</p> <p>1 A <b>Right. But agents are working with</b> 2 <b>people in the industry and have their finger on</b> 3 <b>the pulse of what's going on, so they know who is</b> 4 <b>marketable and the prices that all the streamers</b> 5 <b>are paying these days.</b> 6 Q You haven't seen a single one of the 7 endorsements contracts that you referenced, other 8 than Ms. Heard's? 9 A <b>No. Again, what I was talking to,</b> 10 <b>William Morris, in terms of the pricing, that they</b> 11 <b>are aware of not only for their own client but</b> 12 <b>what's out on the marketplace, and it's pretty</b> 13 <b>consistent. And I've also worked with other</b> 14 <b>actors in other cases that have gotten similar</b> 15 <b>contracts, so I'm familiar with the rates of</b> 16 <b>endorsement contracts.</b> 17 Q But you haven't made any reference to 18 the actual earnings of any of these actors? 19 A <b>Again, as you do an analysis, you put</b> 20 <b>together the numbers that you know from both your</b> 21 <b>experience and the marketplace and the agents that</b> 22 <b>are working in the marketplace. So, together,</b></p>

<p>6597</p> <p>1 <b>that's how I created those numbers, and mostly</b> 2 <b>using Ms. Heard's numbers, specifically, and</b> 3 <b>giving her a very steady career, which is what she</b> 4 <b>had had prior to Aquaman.</b> 5 Q Yeah. And you don't have the prior 6 earnings of any of the actors you look at, other 7 than Ms. Heard's? 8 <b>A I don't have all the contracts, no.</b> 9 Q You don't have any of that information? 10 <b>A I'm sorry?</b> 11 Q You don't have any of that information? 12 <b>A No.</b> 13 Q Okay. In fact, that information, I 14 guess aside from Mr. Momoa's, is confidential, 15 right? 16 <b>A Usually, it is.</b> 17 Q And the only reason you know anything 18 about Mr. Momoa is Ms. Heard shares an agent, or 19 an agent -- 20 <b>A I've also been in the industry for many</b> 21 <b>years, and I know what actors get paid. I talk</b> 22 <b>about budgets constantly, so it's not a secret</b></p>	<p>6599</p> <p>1 Q Right. What you're talking about is 2 there's an existing contract where Ms. Heard has 3 made a promise that she will do the next movie 4 for -- and this is the \$2 million, right? 5 <b>A Right.</b> 6 Q And what the agent is trying to do is 7 to get Warner Brothers to say, hey, you should pay 8 her more than your contract says because you like 9 her? 10 <b>A Well, as Ms. Kovacevic said, also, it's</b> 11 <b>standard in the industry, as, again, I've been in</b> 12 <b>the industry, I've worked with agents and I've</b> 13 <b>worked with lots of lawyers, and, you know, we</b> 14 <b>have conversations about what is an actor getting</b> 15 <b>or what can they do when they get a movie the next</b> 16 <b>time. So, again, it's a standard practice in the</b> 17 <b>industry, especially a film as successful as</b> 18 <b>Aquaman, that an agent will go back and</b> 19 <b>renegotiate.</b> 20 Q Didn't you say the practice is they 21 would try to renegotiate but it's up to the 22 studio?</p>
<p>6598</p> <p>1 <b>within the industry the amount that actors in</b> 2 <b>those types of movies are paid very, very well.</b> 3 Q You're not currently working as an 4 agent for anyone, are you? 5 <b>A No.</b> 6 Q All right. So, the salaries of these 7 comparable actors, did they form some basis for 8 your opinion? 9 <b>A No.</b> 10 Q Okay. So, your opinion, as I 11 understand it, is that Ms. Heard should have been 12 able to renegotiate an existing contract? 13 <b>A Which is standard in the industry, as</b> 14 <b>well as with her agent, specifically.</b> 15 Q Is it standard with Warner Brothers? 16 <b>A I'm sorry?</b> 17 Q Do you know if it's standard with 18 Warner Brothers? 19 <b>A I don't know if it's standard at any of</b> 20 <b>the studios, but it is standard for agents to</b> 21 <b>renegotiate and, oftentimes, are successful when</b> 22 <b>the film is successful.</b></p>	<p>6600</p> <p>1 <b>A Right. Sure. But oftentimes, a movie</b> 2 <b>of such a nature of Aquaman, they're successful,</b> 3 <b>usually.</b> 4 Q The entirety of your analysis assumes a 5 renegotiation with a studio for terms that are 6 double what the studio had already got a promise 7 from Ms. Heard she would work for? 8 <b>A Correct.</b> 9 Q All right. Have you talked to Walter 10 Hamada? 11 <b>A Have I spoken to him?</b> 12 Q Uh-huh. 13 <b>A No.</b> 14 Q Do you know who he is? 15 <b>A Yes.</b> 16 Q Who is he? 17 <b>A He's a senior executive at Warner</b> 18 <b>Brothers. I think he still is there, but</b> 19 <b>certainly at the time of the renegotiation, was a</b> 20 <b>senior executive.</b> 21 Q And do you know whether he's the 22 president of DC-based film production?</p>

<p style="text-align: right;">6601</p> <p>1     <b>A</b>   <b>I think that's exactly his title, yeah.</b></p> <p>2     <b>Q</b>   Who's in a better position to determine</p> <p>3 whether Warner Brothers would renegotiate, you or</p> <p>4 Mr. Hamada?</p> <p>5     <b>A</b>   <b>Again, I based this on the agents that</b></p> <p>6 <b>were talking to Warner Brothers about Mr. Momoa,</b></p> <p>7 <b>and they were wanting to talk to me about</b></p> <p>8 <b>Ms. Heard as well.</b></p> <p>9     <b>Q</b>   Okay. I'm not sure --</p> <p>10    <b>A</b>   <b>So, I base my information on them. So</b></p> <p>11 <b>the connection should be Mr. Hamada or the agents,</b></p> <p>12 <b>not Mr. Hamada and me.</b></p> <p>13    <b>Q</b>   All right. Who's in a better position</p> <p>14 to know whether Warner Brothers would renegotiate?</p> <p>15       MS. BREDEHOFT: Objection. Calls for</p> <p>16 speculation.</p> <p>17       MR. DENNISON: Just asking --</p> <p>18       THE COURT: I'll sustain the objection.</p> <p>19       Next question.</p> <p>20       MR. DENNISON: All right.</p> <p>21    <b>Q</b>   Did you review the testimony from</p> <p>22 Mr. Hamada?</p>	<p style="text-align: right;">6603</p> <p>1 Mr. Hamada made any statements as to whether</p> <p>2 anything Mr. Waldman said affected Ms. Heard's</p> <p>3 compensation?</p> <p>4     <b>A</b>   <b>In my experience, studios don't talk</b></p> <p>5 <b>about what -- how or why they make decisions based</b></p> <p>6 <b>on publicity or conversations. They're not going</b></p> <p>7 <b>to through -- they're very protective of all the</b></p> <p>8 <b>relationships. That's just natural.</b></p> <p>9     <b>Q</b>   Yeah. Unless you get them to testify</p> <p>10 under oath at a deposition, right?</p> <p>11    <b>A</b>   <b>Well, even so, they're not going to say</b></p> <p>12 <b>anything negative. They may bypass it by being</b></p> <p>13 <b>positive, but they're not going to do anything</b></p> <p>14 <b>that could potentially damage a relationship that</b></p> <p>15 <b>may change or be worthwhile in the future. That's</b></p> <p>16 <b>just what a studio person does.</b></p> <p>17    <b>Q</b>   Is Mr. Hamada in the best position to</p> <p>18 determine whether there were chemistry issues with</p> <p>19 Ms. Heard?</p> <p>20       MS. BREDEHOFT: Objection, Your Honor.</p> <p>21 Calls for speculation.</p> <p>22       MR. DENNISON: He's the president of</p>
<p style="text-align: right;">6602</p> <p>1     <b>A</b>   <b>I did.</b></p> <p>2     <b>Q</b>   Did you understand that Mr. Hamada says</p> <p>3 that they don't -- that they want to hold the</p> <p>4 lawyers -- hold the actors to their deals?</p> <p>5     <b>A</b>   <b>That was a philosophy that he said</b></p> <p>6 <b>Warner Brothers had, yes.</b></p> <p>7     <b>Q</b>   Yeah. Did you understand that</p> <p>8 Mr. Hamada said that nothing Mr. Depp did impacted</p> <p>9 her compensation?</p> <p>10    <b>A</b>   <b>I don't remember that part of the</b></p> <p>11 <b>testimony. You have it available for me to read?</b></p> <p>12    <b>Q</b>   You're aware that Mr. Hamada testified,</p> <p>13 did anything that Mr. Depp said about Amber Heard</p> <p>14 affect her compensation?</p> <p>15    <b>A</b>   <b>Again, I don't.</b></p> <p>16    <b>Q</b>   You don't remember?</p> <p>17    <b>A</b>   <b>I don't recall that, at this point, no.</b></p> <p>18    <b>Q</b>   Do you remember Mr. Hamada indicating</p> <p>19 whether he even knew who Adam Waldman was?</p> <p>20    <b>A</b>   <b>Again, I don't remember the</b></p> <p>21 <b>conversation about Hamada and Waldman or Depp.</b></p> <p>22    <b>Q</b>   And you don't remember whether</p>	<p style="text-align: right;">6604</p> <p>1 the company.</p> <p>2       THE COURT: Overruled.</p> <p>3     <b>A</b>   <b>I don't know how involved Mr. Hamada</b></p> <p>4 <b>was on a daily basis in terms of chemistry. But I</b></p> <p>5 <b>do know that Warner Brothers did a chemistry test</b></p> <p>6 <b>with Ms. Heard and Mr. Momoa before she even got</b></p> <p>7 <b>the role. She went in and did what they call a</b></p> <p>8 <b>chemistry test, so that was to actually see</b></p> <p>9 <b>whether there was good chemistry between them, and</b></p> <p>10 <b>evidently there was good chemistry because she</b></p> <p>11 <b>was, then, hired to be the romantic interest.</b></p> <p>12       <b>So, whatever Mr. Hamada said during his</b></p> <p>13 <b>deposition, I look at what actually happened in</b></p> <p>14 <b>real life, which is she got the chemistry test and</b></p> <p>15 <b>then she got the job.</b></p> <p>16    <b>Q</b>   Yeah, let's see what happened in real</p> <p>17 life. She went in before and took the test, then</p> <p>18 she made a movie, then there was an existing movie</p> <p>19 under which Warner Brothers could, then, decide</p> <p>20 whether there was chemistry, right?</p> <p>21    <b>A</b>   <b>The movie worked. I mean, it made over</b></p> <p>22 <b>a billion dollars, and they are all over the</b></p>

<p style="text-align: right;">6605</p> <p>1 poster. If they didn't think there was chemistry, 2 they wouldn't have put Ms. Heard on the poster 3 next to Mr. Momoa. So -- 4 Q You know there were multiple posters 5 for the Aquaman movie? 6 A There always are, that's standard. 7 Q Three out of the four posters, the 8 standard posters for Aquaman, didn't even feature 9 Ms. Heard? 10 A When you make a poster at the studio, 11 it's normal to have three or four variations 12 because you want to appeal to different people's 13 perspective, so you want the romantic poster, you 14 want the action post, you want the superhero 15 poster. So, it's normal for them to have many 16 posters. But the romantic poster was of Ms. Heard 17 and Mr. Momoa. 18 Q And all others are just of Mr. Momoa? 19 A That's what we talked about. It's 20 Aquaman. But she was prominent in the ones that 21 Warner Brothers wanted to appeal to women and the 22 romantic interest of the consumer.</p>	<p style="text-align: right;">6607</p> <p>1 given her fame from Aquaman, that would have 2 helped all those movies. So it would have made a 3 lot of sense. 4 Q You're projecting movies way out into 5 the future that you have no knowledge would ever 6 have gotten made? 7 A That's what you do when you talk about 8 comparables and economic damages, you talk about 9 the future, that's standard in the industry, as a 10 forensic expert in the industry. That's how 11 movies are financed, as a matter of fact, is by 12 forecasting what happens in the future. 13 Q What connection do you draw between 14 Mr. Waldman's statements and the reported 15 reduction in Ms. Heard's Aquaman 2 role? 16 A Again, it's just that it's the timing 17 of it all. And also, they were going to take her 18 out of the movie after the statements, and they 19 put her back in and then -- can I talk about the 20 emails that I read? I'm not sure at this point. 21 But... 22 Q So, when you say they were going to</p>
<p style="text-align: right;">6606</p> <p>1 Q Right. What movies would Ms. Heard 2 have gotten absent Mr. Waldman's statements? 3 A Well, the ones we know about, 4 specifically, that she was in conversations with 5 was a movie with Gael Garcia Bernal, I believe 6 that's how you say his name, at Amazon, which is 7 what Ms. Kovacevic said. And she was also in a 8 movie to have consideration called Ambulance with 9 Michael Bay, but, again, after the Waldman 10 statements, nobody would talk to the agents, so 11 they weren't able to garner -- oh, she also had a 12 movie that she was interested in producing, that a 13 good friend of hers -- a friend of hers, a 14 colleague was doing, so there was at least those 15 three. 16 Q Those were three movies that she was 17 being considered for, but you don't know what 18 movie she was going to be in? 19 A Well, again, they stopped the 20 conversation after the statements, so we don't 21 know where they would have gone, of course, but 22 she was in consideration for all of them. And</p>	<p style="text-align: right;">6608</p> <p>1 take her out of the movie, when you have an 2 option, you literally have the option whether to 3 include the actress, right? That's what it means? 4 A Correct. 5 Q So they can choose to exercise the 6 option or not exercise the option, entirely up to 7 them? 8 A Correct. 9 Q And they have, that particular studio, 10 to your knowledge, has repeatedly recast even 11 major figures in their DC movies? 12 A We talked about Batman. 13 Q What about Superman? 14 A You know, I'm not as -- I think I'm 15 more familiar with the Batman actors. I think 16 there have been a couple actors with Superman. 17 Depending on how the movie performed. If the 18 movie didn't perform, they look for different 19 actors. If they want to go a different direction 20 or reboot a franchise, they will look at different 21 actors. So, they will not likely change the 22 actors, especially not in the second one or the</p>

<p style="text-align: right;">6609</p> <p>1 <b>third one.</b> 2 Q Is another reason to look for a 3 different actor or actress is if the actor or 4 actress is asking for too much money to play the 5 role again, correct? 6 A <b>Yes. Not in figures under \$10 million,</b> 7 <b>but, yes.</b> 8 Q If you're asking for too much money, 9 you might not get your role again. And your 10 analysis assumes that Ms. Heard could double her 11 money? 12 A <b>Well, her contracts doubled her money</b> 13 <b>from each one to the next, so it wasn't that large</b> 14 <b>of a leap to do that, especially when the agents</b> 15 <b>told me that was what they were considering and</b> 16 <b>what they'd been discussing.</b> 17 Q Right. You've seen the script of 18 Aquaman? 19 A <b>Personally?</b> 20 Q Yeah. 21 A <b>I did see a draft. I don't know what</b> 22 <b>the date was or when it was or where in the</b></p>	<p style="text-align: right;">6611</p> <p>1 <b>watched it again, I didn't count the screen time</b> 2 <b>of anybody else.</b> 3 Q Okay. Did you read the testimony of 4 Mr. Hamada? 5 A <b>We discussed that, yes.</b> 6 Q You disregarded all of it in your 7 analysis as to her ability to renegotiate, 8 correct? 9 A <b>Well, I remember the part where</b> 10 <b>Mr. Hamada said that from time to time, they will</b> 11 <b>break their philosophy and renegotiate, which is</b> 12 <b>what they did with Jason Momoa, and with Gal</b> 13 <b>Gadot. So, you know, it just – it coincides with</b> 14 <b>what we know in the industry, which is it can be</b> 15 <b>done.</b> 16 Q It's what they did with the two title 17 characters in the DC Universe? 18 A <b>Again, I've worked in the business for</b> 19 <b>a long time, and I've seen a lot of actors</b> 20 <b>renegotiate their careers – I'm sorry, not their</b> 21 <b>careers, renegotiate their fees. It's common</b> 22 <b>practice. And it's certainly what the agent will</b></p>
<p style="text-align: right;">6610</p> <p>1 <b>succession of the rewrites it was. I did see one</b> 2 <b>draft, yes.</b> 3 Q You don't know what Warner Brothers has 4 in mind for that movie, in terms of the kind of 5 movie it's going to be? 6 A <b>It's a superhero movie.</b> 7 Q Right. Supposed to be, like, a buddy 8 comedy, right? 9 A <b>I don't know. I don't know about a</b> 10 <b>buddy comedy. It's an action movie, superhero</b> 11 <b>movie.</b> 12 Q Who's Patrick Wilson? 13 A <b>Patrick Wilson? I've heard that name</b> 14 <b>in terms of an actor, but I don't know Mr. Wilson.</b> 15 Q Do you know if he appears in Aquaman? 16 A <b>Again, I don't know him by name. If</b> 17 <b>you want to show me a picture, I can – a clip</b> 18 <b>from the movie.</b> 19 Q Do you know if Mr. Wilson appears more 20 frequently in Aquaman than your client does? 21 A <b>I didn't count the screen time when I</b> 22 <b>watched the movie, it was a long – even when I</b></p>	<p style="text-align: right;">6612</p> <p>1 <b>think about first when a movie makes a</b> 2 <b>billion-plus dollars.</b> 3 Q Again, focused on the agent, but it's 4 the studio that pays the bills? 5 A <b>Yes.</b> 6 Q All right. 7 MR. DENNISON: Your Honor, I have a 8 fair amount more to do. 9 THE COURT: Continue. 10 MR. DENNISON: I didn't know if we were 11 going to 5:30 today or not? 12 THE COURT: Every day is 5:30. 13 MR. DENNISON: Okay. We may not even 14 need to get there. 15 THE COURT: Every day is 5:30 day. 16 MR. DENNISON: Okay. Perfect. 17 Q You talked about Ms. Heard's 18 endorsement deal with L'Oréal? 19 A <b>Yes.</b> 20 Q And L'Oréal has concerns about using 21 her because every time they try to use her, people 22 respond negatively to her?</p>

<p>6613</p> <p>1 A People don't, but the Depp fan base has 2 responded – has been – has posted negative 3 things about Ms. Heard on their campaigns. 4 Q So, did you say the Depp fan base? 5 A Well, people that were using the 6 hashtags that were consistent with the rest of the 7 Depp fan base. 8 Q Yeah, but they're people posting 9 negative things other than things that came from 10 Mr. Waldman, correct? 11 A I haven't seen all that. I haven't 12 seen all them. I was just looking at what 13 L'Oréal, what L'Oréal discussed and what L'Oréal 14 said in their communications. 15 Q Okay. They made -- did you see L'Oréal 16 make a word cloud with the words commonly 17 associated with Ms. Heard, in its marketing 18 campaigns? 19 A I knew they did that. I didn't see it 20 myself, actually. 21 Q Do you know what words they were? 22 A Again, no.</p>	<p>6615</p> <p>1 Q And Soon the Darkness, that's her other 2 production credit, right? 3 A If you say so. If you're reading it 4 off of her résumé, I would believe you, yes. 5 Q 2010? 6 A Okay. 7 Q All right. 12 years ago. 8 But you, at least at some portion -- at 9 some point in this analysis, were of the mind that 10 she would recover \$12 million with a producing 11 role and a starring role in a movie because that's 12 what Mr. Momoa got? 13 A Yeah, again, the agents were just 14 saying that those were the kinds of numbers they 15 were looking at to help her as she moved forward 16 in her career. 17 Q Those are the kinds of numbers the 18 agents would like her to get? 19 A But, again, I didn't use that in my 20 final analysis of my 45 million, so it was just a 21 discussion point because that's what the agents 22 wanted me to consider.</p>
<p>6614</p> <p>1 Q All right. You didn't talk much about 2 this, but in order to get to the time damage 3 analysis that you got, the \$45 million, I think, 4 at least initially, you suggested that Ms. Heard 5 would have a role producing and starring in a 6 movie and that she would make \$12 million. 7 A I talked about that, but in the latest 8 calculation, that was really less what I 9 considered and more about what films and TV 10 endorsement deals that she would do. The 11 producing was something that she had wanted to do. 12 And, again, Mr. Momoa got that, and that's -- one 13 of the agents was discussing those figures with 14 me. 15 Q The last movie that she has a 16 production credit for is in 2013, right? 17 A Yeah, and I haven't memorized her 18 résumé. 19 Q It's a movie called Syrup. Did you 20 ever hear of it? 21 A No. Aside fro probably having seen it 22 on IMDb.</p>	<p>6616</p> <p>1 Q You have testified that the breakout 2 role for Ms. Heard was Aquaman, right? 3 A I didn't say the breakout role, but I 4 used it as, you know, a movie that it was a 5 superhero kind of super box office success. I 6 think some of her other critically acclaimed 7 movies probably helped her break into that role, 8 which would have been the Danish Girl and then 9 role in Justice League, which was a natural 10 progression to getting to star in Aquaman. 11 Q All right. But I use "breakout." 12 Perhaps you didn't. But this is a movie that 13 springboards her to the kind of money that you are 14 suggesting she should earn? 15 A It should have, yes. 16 Q And either -- and other than Aquaman, 17 which was released in 2018, how many movies has 18 she booked? 19 A Well, she booked Aquaman 2. 20 Q Right. 21 A And she did The Stand, which was a 22 significant television show.</p>

6617	1 Q Right. But outside of the Aquaman 2 franchise, she obtained only one role, movie role, 3 since 2018, right? 4 A Right. The industry also knows that 5 she's planning to be in the next movie and they 6 understand the production schedule, so she's not 7 going to go after films that would conflict with a 8 mega box office movie, so there are scheduling and 9 conflict issues as well, that she and her team 10 would consider. 11 Q And when was Aquaman released in 2018? 12 December? 13 A It was either December 2018 and then -- 14 depends on where it was in the world. It started 15 in December 2018, and then it moved out, you know, 16 into 2019. 17 Q How many months between December 2018 18 and the Waldman statements went by? 19 A 12, I think -- 15 or 16, if my math is 20 correct. 21 Q She got one role during that 15 or 22 16-month period during the entirety of the	6619	1 until 2018. So, you'd have to tell me -- we'd 2 have to look up the actual filming dates for Gully 3 for me to talk about that. 4 Q She wasn't initially cast in Gully, was 5 she? 6 A I'm not familiar with the casting 7 process of Gully. 8 Q Do you know who Alice Eve is? 9 A Who? 10 Q Alice Eve? 11 A Alice Eve. Sounds familiar, but I'm 12 not recalling who she is. 13 Q She's an actress, been in a number of 14 movies. You don't know who she is? 15 A Yeah, I know her name, but I don't know 16 her résumé. 17 Q She's in Star Trek. 18 A Great. 19 Q She was in one of those breakout roles, 20 Star Trek, but you don't know who she is? 21 A I talked to you about Star Trek before. 22 I'm not a big Star Trekian.
6618	1 post-Aquaman boost, right? 2 A She got Stand. 3 Q Right. 4 A And then she was in discussions with 5 other films as they were getting ready to go. 6 Q But she didn't get another role for 7 16 months between the release of Aquaman and what 8 you say the Waldman statements? 9 A She got The Stand. 10 Q Right. She got one TV role? 11 A A pretty significant TV role, yes, for 12 a Stephen King novel. 13 Q Yes. She was in a movie, though? 14 A I'm sorry? 15 Q She was in a movie that was released 16 after Aquaman? 17 A What movie are you referring to? 18 Q Gully. 19 A Oh, well, I don't know when that was 20 shot. So, you'd have to tell me when it was shot. 21 Movies get released in different times. They 22 could have been shot in 2016 but not get released	6620	1 Q Okay. Ms. Heard replaced Alice Eve in 2 the movie Gully, right? 3 A I don't know the casting process. I 4 don't know who starred in that movie. 5 Q Do you know what she was paid? 6 A Who? 7 Q Ms. Heard. 8 A For Gully? 9 Q Yes. 10 A Can you tell me when that was -- no, I 11 don't. But when was the filming date and what was 12 the start date of Gully. 13 Q You didn't look at the Gully contract 14 when you were making your analysis of Ms. Heard's 15 damages? 16 A I don't recall whether I looked at it 17 or not. 18 Q Did you understand that she was making 19 \$2,190 per week for Gully? 20 A Can you tell me when it was shot? When 21 was that contract negotiated? It's relevant. 22 Q The contract is negotiated prior to the

6621	<p>1 release of Aquaman. 2 <b>A Okay.</b> 3 Q So she signs this contract for 2,190. 4 Is there a -- do you know what the Screen Actors 5 Guild low budget agreement minimum scale is? 6 <b>A It changes from year to year. It</b> 7 <b>depends on what year and what the size of the</b> 8 <b>budget. There's actually three or four different</b> 9 <b>scale, you know, benchmarks. So when there's a</b> 10 <b>low budget, it can be a microbudget, it can be a</b> 11 <b>minimum budget. Low budget, there's, like, four</b> 12 <b>or five different scales that they use when it</b> 13 <b>gets to anything other than a studio film. And</b> 14 <b>oftentimes, actors do passion projects. And it</b> 15 <b>has nothing to do with -- it's something they</b> 16 <b>really love to do or they think it would be good</b> 17 <b>for their career. It doesn't have anything to do</b> 18 <b>with the fee made on the film.</b> 19 Q All right. What's a loan out? 20 <b>A A loan out? A loan out is a</b> 21 <b>corporation that an actor will use so that the</b> 22 <b>money comes in through a corporation, and then</b></p>	6623	<p>1 <b>the social media campaigns, is what I was looking</b> 2 <b>at Mr. Schnell for.</b> 3 Q Do you know whether any of the dates of 4 the Waldman statements even appear in 5 Mr. Schnell's chart? 6 <b>A I don't remember.</b> 7 Q Okay. You talked a little bit about Q 8 scores and Mr. Bania. 9 Do you remember that? 10 <b>A Yes.</b> 11 Q For Ms. Heard, Mr. Bania used Q scores 12 from immediately after Aquaman, right? 13 <b>A Again, if you want to show me</b> 14 <b>something, I can answer. I don't remember what</b> 15 <b>was in Mr. Bania's, but I remember him talking</b> 16 <b>about the dates.</b> 17 Q You don't know, as you sit here today, 18 whether the Q scores that Mr. Bania used were 19 after Aquaman but before the Waldman statements? 20 <b>A He used a couple different scores based</b> 21 <b>on dates. I don't remember if they were</b> 22 <b>correlated to the statements or not. I remember</b></p>
6622	<p>1 <b>that corporation technically loans out the actor's</b> 2 <b>services to the production. So the loan out is</b> 3 <b>the corporation that the actor uses, and then they</b> 4 <b>loan out the services to the, you know, production</b> 5 <b>company. It's just a -- for taxes purposes.</b> 6 Q Do you know of any movie that Ms. Heard 7 booked immediately prior to Aquaman, other than 8 Gully? 9 <b>A Well, I know she did Justice League. I</b> 10 <b>don't remember the dates and time of the filming</b> 11 <b>of the other ones. I would have to look at the</b> 12 <b>filming dates.</b> 13 Q Well, I'm -- we talked about 14 Mr. Schnell. Gully was in his chart, right? 15 <b>A I don't remember what Gully was.</b> 16 Q Right. Did you look closely in his 17 chart? 18 <b>A Pardon?</b> 19 Q Did you look closely at his chart? 20 <b>A At Mr. Schnell's chart?</b> 21 Q Yeah. 22 <b>A I looked at the numbers with respect to</b></p>	6624	<p>1 <b>years more than anything else. Again, I looked at</b> 2 <b>thousands and thousands of pages of documents, so</b> 3 <b>I don't remember exactly what he said.</b> 4 Q Even before the Waldman statements, 5 Ms. Heard had very high negative Q scores; isn't 6 that correct? 7 <b>A Very negative high Q scores?</b> 8 Q No, very high negative Q scores. 9 <b>A That's what I said. Very high negative</b> 10 <b>Q scores.</b> 11 I remember discussions of amount of Q 12 scores. I don't remember exactly what or when 13 each score or whether -- 14 Q So in your analysis, you didn't 15 consider Ms. Heard's negative Q scores as a 16 restraint on what she might earn on a 17 going-forward basis? 18 <b>A No, Q scores change all the time.</b> 19 <b>Ms. Heard's IMDb score has been 1 and it's been</b> 20 <b>300. Mr. Depp's Q score has been 1 and it's been</b> 21 <b>253. You know, Q scores change all the time.</b> 22 <b>Scores change all the time. They're based on</b></p>

6625	<p>1 <b>current events and movie releases.</b> 2 Q You talked a little bit about 3 Mr. Depp's damages. 4 Did you talk -- who's Jerry 5 Bruckheimer? 6 <b>A Who is Jerry Bruckheimer? The producer</b> 7 <b>of the Pirates franchise. Well, he's a huge</b> 8 <b>producer of a lot of movies, but he happens to be</b> 9 <b>the producer for Pirates franchise.</b> 10 Q You didn't talk to him prior to your 11 testimony? 12 <b>A Personally? No.</b> 13 Q You have other people talk to him on 14 your behalf, did you? 15 <b>A No. I didn't talk to Mr. Bruckheimer.</b> 16 Q You've never spoke to Mr. Bruckheimer 17 about why Mr. Depp has not appeared in the sixth 18 Pirates movie? 19 <b>A There has been no sixth Pirates movie.</b> 20 <b>There is not a Pirates movie titled Pirates 6 yet,</b> 21 <b>whatever.</b> 22 Q Right.</p>	6627	<p>1 <b>A Well, as I said, there is no sixth</b> 2 <b>Pirates movie.</b> 3 Q But you don't know why, you don't have 4 personal knowledge why? 5 <b>A I don't work for Disney, no.</b> 6 Q Did you listen to Mr. Whigham's 7 testimony in this trial? 8 <b>A I read Mr. Whigham's testimony.</b> 9 Q And Mr. Whigham said Mr. Depp had a 10 deal for the movie, right? 11 <b>A Well, I think Mr. Whigham did. The</b> 12 <b>other agent, Mr. Carino, said he did not. And as</b> 13 <b>there is no Pirates movie, there had been no deals</b> 14 <b>negotiated, and that's what Ms. Jacobs also</b> 15 <b>testified to.</b> 16 Q But Mr. Whigham testified to something 17 else? 18 <b>A It doesn't correlate, as we would say,</b> 19 <b>to the other two agents' testimony.</b> 20 Q You've indicated that a portion of the 21 reason that Mr. Depp has received negative -- has 22 received a variety of negative comments in</p>
6626	<p>1 But you haven't talked to 2 Mr. Bruckheimer as to whether Mr. Depp was going 3 to appear in the movie? 4 <b>A From things that I've read in newspaper</b> 5 <b>publications and emails I've read, that</b> 6 <b>Mr. Bruckheimer is uncertain whether Mr. Depp will</b> 7 <b>star.</b> 8 Q Right. But you haven't talked to him. 9 Never spoken with Sean Bailey about this, right? 10 <b>A No.</b> 11 Q Or anyone at Disney? 12 <b>A I actually put a call in, but they</b> 13 <b>didn't want to talk on the record.</b> 14 Q You called somebody at Disney and they 15 didn't want to talk to you? 16 <b>A No, no, as I said, studios don't want</b> 17 <b>to talk about their stars, rather they want to</b> 18 <b>preserve a relationship that may or may not be</b> 19 <b>used in the future, so it's their tendency not to</b> 20 <b>talk about people they are in business with.</b> 21 Q So you have no personal knowledge why 22 Mr. Depp hasn't made a sixth Pirates movie?</p>	6628	<p>1 Hollywood is that he engages in lawsuits? 2 <b>A One of the elements that has</b> 3 <b>contributed to a lot of negative press and</b> 4 <b>attention is due to the lawsuits and the activity</b> 5 <b>and the behaviors that we talked about earlier</b> 6 <b>have been brought into the limelight.</b> 7 Q Mr. Depp's lawsuit here has generated 8 negative publicity for Ms. Heard, correct? 9 <b>A Yes.</b> 10 Q That lawsuit, until she's filed a 11 counterclaim, didn't relate to the Waldman 12 statements, did it? 13 <b>A Mr. Depp's lawsuits?</b> 14 Q Yeah. 15 <b>A No. We talked about that. It was</b> 16 <b>pertaining to her op-ed piece.</b> 17 Q Right. It related to -- 18 <b>A Pardon me?</b> 19 Q -- what Ms. Heard said? 20 <b>A I'm sorry?</b> 21 Q This -- Mr. Depp's lawsuit relates to 22 what Ms. Heard said and not to what Mr. Waldman</p>

6629	6631
<p>1 said?</p> <p>2 <b>A That would – it related to the op-ed</b></p> <p>3 <b>piece that Ms. Heard wrote.</b></p> <p>4 Q Right. So, Mr. Waldman's statements</p> <p>5 have no connection to the negative publicity that</p> <p>6 Ms. Heard has received relative to this trial,</p> <p>7 correct?</p> <p>8 MS. BREDEHOFT: Objection. Calls for</p> <p>9 speculation. Foundation. Hearsay. And outside</p> <p>10 the scope.</p> <p>11 THE COURT: Any response?</p> <p>12 MR. DENNISON: We're looking for a</p> <p>13 causal connection here.</p> <p>14 THE COURT: I'll sustain the objection.</p> <p>15 Next question.</p> <p>16 Q When was the last time you met with</p> <p>17 Ms. Heard?</p> <p>18 <b>A I only met Ms. Heard at lunch today.</b></p> <p>19 Q That's the first time you talked to</p> <p>20 her?</p> <p>21 <b>A First time I met her.</b></p> <p>22 Q Okay. What's your compensation for</p>	<p>1 questions about the different social media, the</p> <p>2 negative, and how do you know that it relates to</p> <p>3 Waldman/Depp statements.</p> <p>4 Do you recall all those questions?</p> <p>5 <b>A Yes.</b></p> <p>6 Q The social media that was connected and</p> <p>7 some of that was your testimony, some of Jessica</p> <p>8 Kovacevic, and some of it was Mr. Schnell actually</p> <p>9 tracked the language from the three statements</p> <p>10 from Waldman, correct?</p> <p>11 MR. DENNISON: Objection. Leading.</p> <p>12 THE COURT: Sustained.</p> <p>13 MS. BREDEHOFT: Okay.</p> <p>14 Q What, if any, efforts were made to</p> <p>15 track the negative social media that caused the</p> <p>16 damages that you've attributed?</p> <p>17 MR. DENNISON: Objection. Leading.</p> <p>18 THE COURT: Overruled.</p> <p>19 <b>A So, L'Oréal did a lot of research,</b></p> <p>20 <b>William Morris did a lot of research, Mr. Schnell</b></p> <p>21 <b>did a lot of research, and in those conversations,</b></p> <p>22 <b>there was also connective tissues to the negative</b></p>
6630	6632
<p>1 testifying here today?</p> <p>2 <b>A For testimony, it's \$650 an hour.</b></p> <p>3 Q What has been your compensation to date</p> <p>4 for providing the assistance that you have in this</p> <p>5 case?</p> <p>6 <b>A I've been working on the case for about</b></p> <p>7 <b>three years, and over the three years, I believe</b></p> <p>8 <b>it's around \$60,000.</b></p> <p>9 Q You said 60?</p> <p>10 <b>A Yeah, over three years.</b></p> <p>11 Q All right.</p> <p>12 MR. DENNISON: I have no further</p> <p>13 questions.</p> <p>14 THE COURT: All right. Redirect.</p> <p>15 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>16 I'm going to make it definitely fit within that</p> <p>17 5:30.</p> <p>18 THE COURT: Okay.</p> <p>19 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND</p> <p>20 COUNTERCLAIM PLAINTIFF</p> <p>21 BY MS. BREDEHOFT:</p> <p>22 Q Ms. Arnold, you were asked a number of</p>	<p>1 <b>social media campaign and the Waldman statements.</b></p> <p>2 Q They connected back to those three</p> <p>3 statements, correct?</p> <p>4 MR. DENNISON: Objection. Leading.</p> <p>5 THE COURT: Sustained.</p> <p>6 Q And what, if any, connection did they</p> <p>7 have to those three statements?</p> <p>8 <b>A Again, they -- we talked about this</b></p> <p>9 <b>earlier; we talked about some of the hashtags</b></p> <p>10 <b>based on Waldman; we talked about the Waldminion.</b></p> <p>11 <b>So, there's a lot of connective tissues between</b></p> <p>12 <b>the negative social media campaigns and the</b></p> <p>13 <b>Waldman statements.</b></p> <p>14 Q Okay. And I'm going to jump because I</p> <p>15 think this is part of this. So you were asked</p> <p>16 some questions about Mr. Hamada.</p> <p>17 Do you recall that?</p> <p>18 <b>A Yes.</b></p> <p>19 Q And asked whether he testified that --</p> <p>20 whether anything Mr. Depp said or anything</p> <p>21 Mr. Waldman said had anything to do with their</p> <p>22 initial decision not to exercise the option to</p>

<p>1 Aquaman 2. 2 Do you recall that testimony, or those 3 questions? 4 <b>A The questioning, yes.</b> 5 Q Now, the testimony from Mr. Schnell 6 tracked the 1.2 million tracers to January 2021, 7 correct? 8 MR. DENNISON: Objection. Leading. 9 Q Do you remember what month that was 10 until? 11 <b>A Right. So when Mr. Schnell did his</b> 12 <b>analysis, it was from April of 2020 to</b> 13 <b>January 2021.</b> 14 Q And when did Warner Brothers tell Amber 15 Heard and her agents they were not exercising her 16 Aquaman 2 contract? 17 <b>A It was in February 2021.</b> 18 Q All right. And what, if anything, did 19 Mr. Hamada say about whether the reason they did 20 that was because of the 1.2 million negative 21 social media tweets and Instagrams and other 22 communications?</p>	<p>6633</p>	<p>1 <b>everybody talks about Aquaman being one of the</b> 2 <b>highest, if not one of the highest, grossing</b> 3 <b>films. Certainly the highest DC Comic films or in</b> 4 <b>that superhero world. Again, I don't want to say</b> 5 <b>it was the highest, but it was very close to it.</b> 6 Q Do you know that Walter Hamada admits 7 it was a highest grossing DC film? 8 <b>A Yes. He said that, yes.</b> 9 Q So when you're looking at all the 10 comparables, what, if any, relevance is there to 11 the degree of success of that DC superhero movie? 12 MR. DENNISON: Objection. Foundation. 13 MS. BREDEHOFT: She can speak to that, 14 Your Honor. 15 THE COURT: Lay a foundation. 16 Q Do you know the answer to that 17 question? Do you know? 18 <b>A I'm sorry, can you repeat the question?</b> 19 Q I forgot it. Let's go backwards. 20 Do you know whether it makes a 21 difference whether how successful that DC 22 superhero movie is in what types of films they'll</p>	<p>6635</p>
<p>1 MR. DENNISON: Objection to foundation. 2 Q Had any impact? 3 THE COURT: Sustained. 4 Q Are you aware of whether he said 5 anything about that? 6 <b>A I recall --</b> 7 MR. DENNISON: Objection. Hearsay. 8 THE COURT: Sustain. 9 Q Do you know whether that had any 10 impact? 11 MR. DENNISON: Objection. Hearsay. 12 MS. BREDEHOFT: I'm asking now. She's 13 allowed to rely on hearsay. 14 THE COURT: I'll sustain the objection. 15 Next question. 16 Q All right. You were asked a whole lot 17 of questions about the different comparables, and 18 so I'm just going to go to this. Again, of all 19 the different movies of all of those comparables, 20 which movie was the highest grossing of all of 21 them? 22 <b>A Again, I believe it's Aquaman. I mean,</b></p>	<p>6634</p>	<p>1 be able to get in the future? 2 MR. DENNISON: Objection. Foundation. 3 MS. BREDEHOFT: I'm asking the 4 foundation. 5 THE COURT: If you want to ask the 6 foundation, go ahead. 7 MS. BREDEHOFT: I'm sorry, that's what 8 I thought I was asking. 9 Q Do you know whether that plays any 10 role, the degree of success? 11 <b>A Customary --</b> 12 MR. DENNISON: Objection. Foundation. 13 THE COURT: Ask her how she knows. 14 Q How do you know? 15 <b>A In 20, 25 years of being in the film</b> 16 <b>industry, it's customary for when a movie does</b> 17 <b>such an extraordinary amount at the box office, it</b> 18 <b>sheds a very bright light on the actors,</b> 19 <b>especially if they are lead roles. And it is</b> 20 <b>customary that they will get -- not customary. It</b> 21 <b>is, I don't want to say standard, but it is very</b> 22 <b>frequent that a star in a movie that has performed</b></p>	<p>6636</p>

<p>6637</p> <p>1 so well at the box office and with a role model 2 character that Mera was, that she would have 3 gotten other roles and worked quite a bit 4 afterwards. And that movie would have helped her 5 career. I mean, that's no question. 6 Q Okay. And with all these comparables, 7 when you gave the range to this jury of 45 to 8 50 million in estimated in over -- this period of 9 time, did you put Amber Heard's estimated damages 10 range as above all those other comparables? 11 A No. Again, I was very specific in 12 using the actual negotiated rates that Ms. Heard's 13 agents were able to get for her in that contract 14 and used that as a precedent. So I always wanted 15 to ground it in what Ms. Heard was in contract and 16 what her agents negotiated, and I used that as the 17 baseline for the financial numbers of her loss. I 18 used the comparable actors to show how 19 consistently they all worked and how their careers 20 move forward after being in the box office. 21 Q Okay. You were asked about Disney and 22 the Pirates 6 again. What, if any, knowledge do</p>	<p>6639</p> <p>1 foundation. 2 A I know that the word poop and the 3 hashtag poop is used. 4 MR. DENNISON: Objection. Move to 5 strike. 6 THE COURT: Sustain the objection. 7 Move to strike. 8 Next question. 9 Q In your review of the social media 10 campaigns and the negative social media campaigns 11 that you testified to, to this jury, that include 12 the L'Oréal, that include the WME, that include 13 Mr. Schnell, and include what you've done; what, 14 if any, recollection do you have of how many of 15 those that are influencing your connections to the 16 defamation statements include the words "poop" or 17 "defecation"? 18 MR. DENNISON: Objection. Compound. 19 THE COURT: Overruled. 20 A I believe poop was one of the hashtags 21 that was connected to the statements. 22 Q Okay. Thank you.</p>
<p>6638</p> <p>1 you have of whether Disney is willing to pay 2 Mr. Depp \$300 million and a million alpacas? 3 MR. DENNISON: Objection. Foundation. 4 MS. BREDEHOFT: I'm asking her what, if 5 anything, does she know about whether Disney -- 6 THE COURT: If you can lay a 7 foundation. 8 Q Did you listen to or did you read the 9 Disney testimony in this case? 10 A I did, yes. 11 Q All right. What do you recall Disney 12 saying about whether they were willing to pay 13 Mr. Depp \$300 million and give him a million 14 alpacas? 15 A She would not be willing to pay 16 \$300 million and give him alpacas. 17 Q Thank you. You were asked about the 18 defecation. What, if any, recollection or 19 knowledge do you have about whether that social 20 media negative campaign that you've testified had 21 the words defecation in it or poop? 22 MR. DENNISON: Objection. No</p>	<p>6640</p> <p>1 You were asked about the time period 2 between the defamatory statements -- between the 3 release of Aquaman 2 in December 2008 -- 4 A Aquaman 1. 5 Q Aquaman 1, thank you. And the 6 defamatory statements that were in April 2020 and 7 June 2020. 8 Do you recall that testimony? 9 A I remember that questioning, yes. 10 Q Okay. During that time, were you aware 11 of whether Aquaman 2 was in discussions with Amber 12 Heard about scheduling the filming of Aquaman 2? 13 A In the period between the statements 14 and -- 15 Q Before. I mean before. 16 A I'm sorry. 17 Q I'm talking about the period of time 18 when they released Aquaman 1. 19 A Okay. 20 Q And the April 8th, first of the 21 defamatory statements. 22 A Right.</p>

6641	<p>1 Q Do you know whether Warner Brothers was 2 in discussions already with Amber Heard about 3 scheduling her for Aquaman 2? 4 MR. DENNISON: Objection. Hearsay. 5 Q Do you know? 6 MS. BREDEHOFT: I'm asking her whether 7 you know. 8 THE COURT: I'll sustain as to hearsay. 9 MS. BREDEHOFT: Okay. 10 Q Do you have knowledge of whether 11 Aquaman was in discussions with Amber during that 12 period? 13 MR. DENNISON: Objection. Hearsay. 14 MS. BREDEHOFT: I don't know how to -- 15 THE COURT: Ask her a foundation. 16 MS. BREDEHOFT: Right. 17 Q How would you know? 18 <b>A Well, Amber received a draft of the</b> 19 <b>script. Amber's agency agents were in discussion.</b> 20 MR. DENNISON: Objection. Hearsay. 21 MS. BREDEHOFT: I think she can say 22 that.</p>	6643	<p>1 <b>A Again, if she got the script, they were</b> 2 <b>going to use her in the movie. That was their</b> 3 <b>plan.</b> 4 Q Okay. 5 MS. BREDEHOFT: I have no further 6 questions. Thank you. 7 THE COURT: All right. Thank you. Is 8 this witness subject to recall? 9 MS. BREDEHOFT: Yes, Your Honor. 10 THE COURT: All right. You're still an 11 expert, so you can have a seat in the courtroom. 12 THE WITNESS: Okay. Thank you. 13 THE COURT: Okay. Ladies and 14 gentlemen, it has come to the end of our day, so, 15 please, do not do any outside research tonight and 16 don't talk with anybody about the case, okay? 17 We'll see you in the morning bright and early at 18 9:00, all right? Thank you. 19 (Whereupon, the jury exited the 20 courtroom and the following proceedings took 21 place.) 22 THE COURT: All right. Just a few</p>
6642	<p>1 THE COURT: Sustained. 2 Q In your experience, based on getting 3 scripts, what does that mean? I'm asking for 4 experience. 5 <b>A In my experience, with a movie as high</b> 6 <b>profile as Aquaman, they keep the scripts very</b> 7 <b>tight. They don't let anybody read them. They</b> 8 <b>are numbered, they have your name on it. So if</b> 9 <b>you're getting a script for a movie such as</b> 10 <b>Aquaman, that's kept tightly close to the vest, if</b> 11 <b>you will, by the studio, they want you to be in</b> 12 <b>the movie; otherwise, they would never give you a</b> 13 <b>script.</b> 14 Q And, so, if a script was given to Amber 15 Heard before the first April 8, 2020 defamatory 16 statement, what would that suggest? 17 MR. DENNISON: Objection. 18 Q Based on your knowledge that you've 19 just testified to. 20 MR. DENNISON: Objection. Speculation. 21 MS. BREDEHOFT: It's not speculation. 22 THE COURT: Overruled.</p>	6644	<p>1 planning notes, okay? After testimony tomorrow 2 and you excuse the jury, we'll go ahead and have 3 the proffers that you requested, Mr. Rottenborn. 4 We'll do those tomorrow, after; is that okay? 5 Does that sound good? 6 Q All right. We'll do those -- 7 MR. ROTTENBORN: You mean right after? 8 THE COURT: Like right now, tomorrow. 9 That should give you the proffers that you need to 10 do for the record, okay? 11 MR. ROTTENBORN: Okay. 12 THE COURT: Whenever all the testimony 13 is done, at this point, it would be Thursday 14 afternoon, after the jury's excused, we'll go over 15 the remaining jury instructions. I had three 16 under advisement, we'll take up those. And also, 17 if there's any other from the evidence this week 18 that we need to talk about, we can discuss those 19 as well, after the jury's gone on Thursday evening 20 or if earlier, if the evidence is done before 21 then, okay? 22 And just as times up to this minute,</p>

<p style="text-align: right;">6645</p> <p>1 the plaintiff has used 45 hours and 24 minutes, 2 the defendant has used 57 hours and 6 minutes. 3 Which means the plaintiff has left 15 hours and 4 51 minutes, and the defendant has four hours and 5 nine minutes left, okay? So that's where we're 6 at. All right. Anything else for this evening? 7 MR. DENNISON: Your Honor, the last 8 witness, it appears that it is on the plaintiff's 9 witness list as Mr. Depp. I was just hoping we 10 can get an answer. 11 THE COURT: You mean defendant's 12 witness list? 13 MR. DENNISON: Yes, defendant's witness 14 list. Can we get an answer? 15 THE COURT: Is he going to be a 16 witness? I'm not sure. 17 MS. BREDEHOFT: We're discussing that. 18 THE COURT: Okay. Make a decision in 19 the morning, okay. Everybody have a good evening. 20 MR. CHEW: Thank you, Your Honor. 21 THE COURT: All right. 22 THE BAILIFF: All rise.</p>	<p style="text-align: right;">6647</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 I, JUDITH E. BELLINGER, RPR, CRR, the 3 court reporter before whom the foregoing hearing 4 was taken, do hereby certify that the foregoing 5 excerpt transcript is a true and correct record of 6 the proceedings; that said proceedings were taken 7 by me stenographically and thereafter reduced to 8 typewriting under my direction; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to this case and have no 11 interest, financial or otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set 13 my hand and affixed my notarial seal this 24th 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>
<p style="text-align: right;">6646</p> <p>1 (Whereupon, the trial was recessed at 2 5:32 p.m. to reconvene at 9:00 a.m., Tuesday, May 3 24, 2022.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	