

Name: Amber Heard

Statement: Fifth

Party: Defendants

Exhibit: AH-5

Date: 26 June 2020

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
BETWEEN:**

CLAIM NO QB-2018-006323

JOHN CHRISTOPHER DEPP II

Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

Fifth Witness Statement of Amber Heard

I, Amber Heard of 2029 Century Park East, Suite 1500, LA CA 90067 WILL SAY AS FOLLOWS:

1. I am an actor, model and activist.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, a source of the information is identified. Facts and matters derived from these other sources are true to the best of my knowledge and belief.

3. This witness statement was prepared through a series of calls and video calls.
4. I exhibit various documents to this witness statement. Where an exhibited document is, as at today's date, already contained in the Trial Bundle ("TB"), in order to avoid unnecessary duplication I give the TB reference below but do not attach a further copy of the document to my witness statement. Where a document is not presently contained in the trial bundle, I exhibit a copy of it separately in Exhibit AH5.

Daily Mail Recording 1, published on 1 February 2020

5. This recording is from 26 September 2015 (TB/File 4 Tab 154) and it was recorded consensually while we were still together. Johnny and I regularly recorded our conversations during our relationship. As I said in my third witness statement, recording conversations started as part of our relationship therapy in order to help us communicate more effectively. They were also a tool to remind Johnny of what he would do when using drugs and alcohol because he would not remember or would deny what he did or said. I wanted to show Johnny what he was capable of to help him with his recovery. This recording is not of a conversation that took place in a therapist's office as was reported by media outlets. To my knowledge, the few times Johnny and I attended a counselling session together, they were not recorded.
6. It's true that I accept responsibility during the argument. For example, I refer to a fight we had had the night before. Johnny says, "*after you fucking got physically violent with me, I texted Travis and said, "Come up here."*" I replied, "*I know*". Often in order to get Johnny to even entertain or participate in a difficult conversation, especially one about his violence towards me or about working on the relationship - without him storming out or getting angry or both - I felt that I had to take on blame and go along with his version of events. I desperately wanted the relationship to work. Because Johnny was refusing to engage properly throughout this conversation, I did lose my cool with him a bit.
7. At the time of this conversation I was really struggling. I was having nightmares when I was alone. When Johnny was not in the room with me, I would be stressing about him coming and going and about what state he was going to be in when he turned up. This made me incredibly anxious. It is difficult for me to articulate the duality: I knew the relationship was not healthy, but I had a real emotional dependency on him.

8. As to the suggestion that I was violent towards Johnny, I did sometimes use physical force to defend myself when I was being attacked, or overpowered, or felt threatened. For example, if he was trying to get into a room where I was attempting to barricade myself, I would do whatever I could to prevent him from successfully pushing himself and his arms through the partially opened door. On one or more occasions, when Johnny was strangling me or choking me against a surface or pinning me down, I would swing by arms or legs to prevent him from seriously harming or killing me. But he has exaggerated my actions in an effort to minimize his violence towards me.

Daily Mail Recording 2, published 6 February 2020

9. This recording is of a telephone call which took place after I had issued divorce proceedings (TB/ File 4 Tab 155). I think the date of the call was around late May 2016. It is obvious from the call that it was after I had commenced divorce proceedings. I did not know he was recording, and I did not give him permission to do so. I naively presumed that meant that the conversation was private. Johnny asked if I was recording the call and I confirmed that I wasn't—although that part does not appear in the tape.
10. By then, I had already filed for a restraining order. I was worried that issues were being exacerbated because everything was being handled through lawyers. I did not engage in that call to fight about the details of what had happened between us. We were way past that.
11. When I first filed for the divorce and restraining order, before I had even arrived home, I was already inundated with negative press and news directed at me, misrepresenting and casting aspersions on my intentions. There were articles saying that Johnny's family hated me, his mother hated me, his children hated me, and accusing me of being a gold digger.
12. I assumed that the press coverage was being arranged by Johnny's people, who would have told Johnny they were looking out for his interests. I was naïve and thought that if I could just talk to Johnny, he would make it stop. It sounds ridiculous to say that now, given the years that have passed and how much worse it has become, but at the time, I thought there was a chance that he didn't know to what extent they were doing this, and because he knew it was true, he might stop it.

13. I understood there was a 30 day wait period in California after filing papers. It was important for me to optimize the window of time to resolve or prevent it from becoming completely acrimonious. It is not that I didn't want a divorce, but I hoped that we could use the 30-day window to try to agree a solution.
14. Throughout this conversation, I was trying desperately to reason with Johnny that his press strategy was not going to work, and that his narrative would simply be incredible. Given the amount of evidence that I was the victim, including photos, recordings and bruises, our respective sizes and personalities, and what we both knew was the truth, I believed his credibility would be harmed by claiming I was lying about this for money. As much as I despise being in this public messy divorce with him and sharing some of the most intimate and embarrassing details of my failed marriage, every time he called me a liar, it forced me into a position where I had to prove the truth. I was trying to communicate that if he was going to claim that I was lying, I would have to protect my integrity and prove what he and I both knew was true.
15. I knew a lot of people were in his ear. I knew Johnny was drinking and using a lot of drugs. Not only did I know that the alcohol and drugs were impairing his cognitive ability to assess, but I knew Johnny surrounded himself with people who would take extreme actions to protect his reputation. The people around Johnny would also tell him what they think he wants to hear. I was trying to break him out of that echo chamber. I was trying to explain that it didn't have to be this way, with a big public, acrimonious divorce. I was concerned that he was not able to see this in the present, and appreciate the consequences.

Third Witness Statement of Johnny Depp

16. At paragraph 21 of his third witness statement dated 25 February 2020, Johnny lays out a new claim that I punched him on a private plane journey. He does not put a date to this incident (save that it was late 2014/early 2015), and I cannot speak to it other than to say I have never punched Johnny on a plane. Johnny and I did sometimes get into verbal arguments during plane flights, which would usually start because Johnny often got high or intoxicated (or both) which resulted in erratic and violent behaviour from him. His state of intoxication would usually end up with him passing out in the plane's bathroom. Johnny has claimed in his witness evidence that he would go to the bathroom with a pillow to sleep just to get away from me, which is both untrue and

makes little sense given there was usually a bed on the plane separated by a lockable door, giving him distance from me if that's what he was looking for.

17. On more than one occasion during flights he barged into the cockpit to get an oxygen tank to use to get high. For example, Johnny has disclosed an email exchange between his doctors Connell Cowan and David Kipper from January 2015 (AH5/1-3) where Dr Kipper mentions Johnny storming the cockpit. (He also mentions me attempting to 'leave the plane while we were over the ocean' which I definitely did not do; I can only assume this is an exaggerated reference to something I might have said in an argument with Johnny).

Tara Roberts

18. In paragraph 8 of Tara Robert's statement she says that before Johnny and I married (in 2015) the island was a different environment, and that my influence altered things. That is not true. I started going to Johnny's island as a guest in around early 2012. It was very much Johnny's island; I didn't set the rules or tone, and I had no control over, and minimal communication with, the staff, and that did not change.

19. Until I read Tara's statement, I was not aware that the island staff had ever had meals with Johnny. There is a little village on the island, and we would sometimes go there, but my understanding was always that Johnny had a lot of alone time in the Bahamas and that the staff kept separate. That was certainly my experience, and there was no mention of any communal meals prior to my going there. I certainly didn't prevent that happening, nor would I have sought to do so. If that practice stopped, it had nothing to do with me.

20. I did not have a personal relationship with Tara Roberts. I also never heard Johnny express any kind of bond or personal relationship with her. He rarely if ever mentioned her. Tara would, however, occasionally talk to me about Johnny's behaviour on the island. My impression was that she was concerned about his relationship with alcohol and drugs. To give an example, I recall an incident when Johnny was mad about having to sell his yacht, which was necessary because of his financial problems. Johnny got extremely drunk and high while his children were with us on the island; and his daughter, Lily Rose, was very upset. Johnny was acting so crazily that both Lily Rose and Johnny's son, Jack, wanted to leave the island. Tara and the island staff arranged for a helicopter to come and get Lily Rose and me, and I flew off the island with her.

Jack ended up staying. Tara told me the next time I was on the island that Johnny got even worse after we left. She said that Jack found Johnny passed out face forward in the sand on the beach. Jack couldn't wake him up and so had to call island staff for help. Aside from some conversations like that, the interactions I had with Tara were mostly limited to logistical things and little more.

21. Tara says that it is a 'tiny island', and gives the impression that she always knew what was going on. Tara and the other members of Johnny's staff lived and mainly worked in a different part of the island from Johnny's part, in the small village I mentioned above. The idea that Tara was around seeing what was going on with Johnny day in and day out is a complete misrepresentation. The staff were not within shouting distance, not even close. You had to call the island staff via radio to get through to them. Once you reached someone, they would usually come via an all-terrain vehicle (ATV) on what was basically a pebble dirt road. The journey was about 15-20 mins by ATV (though towards the end of 2015 the road started to get paved so the journey time may have decreased).
22. I don't remember seeing or interacting with Tara during Johnny's and my trip to the island for him to detox in August 2014. I don't believe she was around or nearby during the violent incidents that I have described.

December 2015 incident

23. Tara describes an incident she says she witnessed at the end of December 2015. The truth is that she only saw the very end of what happened.
24. Things were bad between Johnny and me after the 15 December 2015 incident in our penthouse (which I have described previously). My family, my best friend's family and her husband's family had all flown in to spend Christmas together. Johnny came over on 20 December and spent two days begging me to come to the Island for Christmas with him and his kids. He promised me he was going to get clean, wanted us to spend Christmas together, and wanted to work on our relationship. My friends and family were trying to prevent me from going, and expressed their concern about my safety and life.
25. Johnny finally convinced me to go to the island. So, a week to 10 days after the James Corden show, I flew to the island. The injuries began to fade, but at (AH5/3-7) are some photographs taken on the trip, which show my cut lip scabbing over.

26. There were several fights on the island, over a few days. Often Johnny would nod off and fall asleep after he drank too much. On the occasion that Tara mentions, we had been sitting down with the kids and he had a glass of wine in his hand. He passed out and the glass spilled all over me. I told him to give me the wine. I was concerned about his son Jack seeing him like this. The same thing happened again, and then I got wine dumped on my lap a third time. I stood up and said "*stop! You're falling asleep!*". I went into the kitchen and Jack got up and asked if he could help me and I said, "*thank you Jack*", while looking at Johnny. I then went into my closet to get changed. Johnny came into the closet, charging in. I was attempting to change clothes. I had my bathing suit on under a t-shirt. He slammed me up against the wall inside the closet. He choked me up against the wall and told me if I ever spoke to him like that he would "*fucking kill*" me. After holding me there, he let go of my neck. I went into the bathroom after saying something over my shoulder when I was no longer in his grasp to the effect of "*don't ever talk to me like that again...*". I rolled my eyes and went into the bathroom. Then he rushed into the bathroom after me, slammed me up against the door. He proceeded to mock and taunt me while I was immobilized, asking me how "*tough*" I was and if "*I would like that*". I refer to further details of this incident in the Confidential Schedule to this statement.
27. I asked Jack to go to the café (a hangout) and that we would join him in a minute. This was to get him out of the house. We then got in a verbal argument and Johnny slapped me in the face. I said something that must have provoked, and I went to leave but the argument continued. At some point there was a scuffle and I thought "*I've just gone through this weeks ago, this can't be happening again*". He pushed me as I was leaving, and I fell to the ground. I got back up and we pushed each other (his push being much stronger) and he came charging at me.
28. The cabin is surrounded by a wooden deck, and I have art supplies set up. I'm not sure if the can of paint thinner was inside or outside the house but it was by the art supplies. Johnny was charging at me and I was trying to run away. I was basically trapped so I picked up the can and threw it at him in self defense and ran the opposite way so that I could get out the other door. He caught up with me and grabbed me by the hair and yanked me around and was hitting me in the face while I tried to gain my balance, and I was flailing, trying to free myself and deflect the blows. I was trying to push Johnny off me when we saw headlights from an approaching ATV (it was nighttime by now). Tara and another man got off the vehicle, I believe it was her boyfriend CJ but I'm not

sure. They ran up and separated us. Tara shouted at us “*what’s going on with you two?!*”. CJ focused on restraining Johnny while Tara was more focused on me. That’s all I remember of that incident, but I think that’s the most they would have witnessed first-hand. Johnny and I were shouting at each other (though I would not have said things like “*your career is over*” as she alleges) and I was grappling to try and escape him. She saw Johnny with his hand clearly holding my hair with one hand and I was trying to escape. In no way was I the aggressor, and it would be difficult to draw that conclusion given our posture and positioning at that time.

29. So far as she says I am “*a thrower*”, I do not know what she is talking about. I have never given Tara Roberts any reason to witness or believe this.

Starling Jenkins

30. I have read Starling’s statement, and I note that at paragraph 7 he says he never saw Johnny use any physical force against me or notice any injuries. Starling was mainly a driver. The drivers usually stayed in the cars. Starling would not come into the house or hang out with us. In my experience Starling did not work in a security capacity. The only real interactions I had with him was in a car and even then, it would be limited.
31. At paragraph 8 Starling seems to suggest that Johnny assumes a passive tone. Starling might have observed the ends or parts of arguments we had, though I don’t have any specific recollection of that. However, if that is true then it may have been because Johnny and I would both have been aware that Starling was present and adapted our tone accordingly. When Johnny is reasonably sober, he is very good at putting on a show for others.
32. I can think of at least one occasion when Johnny displayed very erratic behaviour during a trip while Starling was driving. He was the driver during the journey when Johnny took the dog Boo and held her out of the window of the moving car at a busy intersection, as I described at paragraph 61 of my first witness statement. Everyone in the car was obviously shocked but no one said anything, including Starling.
33. Starling talks about me throwing Johnny’s phone out of the window on the night of 21 April 2016/early morning of 22 April 2016. Johnny had thrown my phone out of the window first. He routinely destroyed my phone during arguments. The difference with this incident was that Johnny had left his phone within reach. So, reacting to what

Johnny had just done I picked up his and threw it off the balcony as well. I thought to myself *“you can’t just keep doing this shit to me”*. Starling omits this detail from his account. He was tasked with recovering both of our phones. However, he only came back with Johnny’s.

34. Starling also talks about the Coachella music festival trip which had been planned as part of my 30th birthday celebration. My interactions with him during this trip were very limited. As he says, we drove to the desert in separate vehicles. I drove with my friends in my car (which I had only had back for a few months at that point); Starling drove the SUV. The only dealings we had with him each day was when he drove us between the hotel where we were staying and the Coachella venue. Starling was not with us during the festival, which his statement seems to imply. It is therefore not surprising to me that he did not overhear any conversations (about violence or anything else).

35. The trip was inevitably marred by the events of the preceding weeks and the fact that my marriage was falling apart. Starling says I was intoxicated at times that weekend. I decided I was going to let loose with my friends for my 30th birthday. I was not drunk, but I did take a small amount of mushrooms and MDMA. I quickly discovered that I was not psychologically in a good place to do that. Part way through the festival I started to feel intrusive thoughts about what was happening in my actual life. I took Rocky aside and communicated that I did not want to ruin anyone’s experience, and I did not want anyone to know that I was not having a good time, but I just wanted to go home and watch movies. It transpired that my friends were feeling tired, so we all left the festival early. Starling was called to come and collect us. We sat at one of the traffic curbs and waited for him to arrive. Starling alleges that I threw up at least once in the parking lot. Not that it matters a great deal, but this is not true. I did not throw up at all during that weekend.

Kate James

36. It is correct that Kate accepted a part-time and flexible position as my assistant. At paragraph 6 of her statement she claims that I spoke about Johnny in disparaging terms, before telling her who he was. This is not true. I was really protective of the relationship then because it wasn’t yet public. I was in love with Johnny and we had been so careful about talking about it and how it was going to be managed in public, being particularly mindful of his children. This was early days and I just wouldn’t say something so disparaging. It makes no sense that I would have spoken to anyone about

him like that – I loved him and was protective and was trying to keep our relationship under wraps.

37. If I ever acknowledged that I was dating someone older than me or dating an older man, it would not have been in a disparaging way, just a statement of fact: when I started dating him, he was twice my age. It wasn't an issue for me, but I later came to understand that the fact that Johnny was older than me was an insecurity and a big trigger for him. He called me "kid" from the time I met him and I began to notice that he was worried about it, and it quickly led to extreme jealousy on his part. It became an obsession of his. I accept that I sometimes used it against him in the heat of the moment in our fights, but this was only much later in the relationship.
38. At paragraph 16 Kate refers to me drinking wine in the evening. I enjoy wine and have spoken about this openly. Johnny was a recovering alcoholic who was trying to stay sober (at least for part of our relationship), which is why I would have asked her to get him non-alcoholic beer.
39. It is not at all correct that Kate was at my house or saw me almost every day, as she suggests at paragraph 21. We didn't spend a lot of time together. We had a system where I would send voice memos to her because we rarely saw or spoke to each other, even when we were both in LA, which was not all that frequently because I was often out of town working on projects, often for fairly substantial stretches of time. After she had been working for me for a while, I started to avoid personal contact with her because she was increasingly difficult to deal with.
40. While it is true that Kate may not have seen the immediate aftermath of all the altercations I have described elsewhere, I did speak with her about Johnny's abuse. I don't know why she is saying that she knew nothing of any violence. I remember once, near the beginning of his violence towards me that I had a bruise on my arm and she asked a few times if Johnny was hitting me. I indicated that she was right but kind of shrugged it off – I wasn't open about talking about it then – though I appreciated the gesture of kindness and she gave me a hug. I can't recall when this conversation took place, but there were other instances where I remember discussing it with her, and once where she noticed an injury on my face and asked me about it.
41. On 10 March 2013 I told Kate about Johnny hitting me after being upset about Tasya. The day after the painting incident (9 March 2013), I sent a text to Kate, telling her

“There was long drama last night and I’ll tell her the story later”. By early 2014 or late 2014, I had already explained in detail about Johnny’s jealousy in my career and working. I exhibit a copy of this text message at (AH5/8).

42. There was at least one distinct conversation at my house. Around July or August 2013 Kate confronted me once in the guest bathroom and she asked me directly to my face if Johnny was violent. I guess I thought there was protection because she was my assistant and she had an NDA, and also because she told me that she understood and she was there for me, so I felt safe to talk with her.
43. Another time, later in 2013 I remember distinctly sitting on a pink couch in my office and we talked about the violence I had suffered and she sweetly consoled me. I remember it clearly because I used the word ‘victim’ and she got upset and left. It was quite jarring and when we spoke maybe a few days later, when she was dropping something off at my apartment, she said *“the right word is ‘survivor’, not ‘victim’”*. I was so new to even talking about this and acknowledging it was happening, I hadn’t thought about the language I was using.
44. On 24 May 2014, I texted Kate about the Boston plane incident. I wrote *‘I have to leave JD. He’s just freaked out on me. He’s drinking again. It’s bad. Worse than ever. I need out. I told Stephen (who’s with him on this trip) to help you with tickets for me and Savanna out of here’*. A copy of this text is at (AH5/9-13). Kate came to the Chateau Marmont hotel where I was staying, ordered a bunch of food and sat by the pool and was fielding calls from Johnny’s team. Not only was she disclosing information to his team, she kept telling me that I needed to go back to Johnny; it was unhelpful for her to do that when she knew what happened between us.
45. We also spoke about it in the Eastern Building, on the landing of PH5 one day in or around December 2014. She noticed a scratch above my eye, touched it gently and then asked me about it, and we had a conversation. She delicately touched my face and, trying to shrug it off, I said something like it was the ‘white trash way’, and she grabbed my arm and said, ‘oh sweetie’ and gave me a hug and told me to be strong. Kate also texted me on 8 December 2014 asking me *“Love you sweetie- are u ok? Is it any better?”*. A copy of this text message is at (AH5/14). I believe this was about the scratch, though I cannot say for sure that it was.

46. I confided in Kate about Johnny's controlling behaviour, which I have talked about in earlier statements. Kate knew that it was a big cause of concern of mine that Johnny would find out I was filming a romantic scene. An example of this is on 5 November 2014 I emailed Kate requesting that she did not send Johnny's team my schedule if it indicated a romantic scene or anything that could cause Johnny to lose it. A copy of this email at (AH5/15)
47. Despite what Kate says, I volunteered regularly at the Children's Hospital, LA. Kate might have cancelled one or more of the appointments, but I had scheduled them for 4 days a week at times, so some of them were going to be missed.

Savannah MacMillan

48. I did not hire Savannah as Kate alleges at paragraph 11. Rather, Savannah was hired through the British production for the London Fields film shoot (the film I was working on at the time) – they hired her, not me. The London Fields shoot started in around September 2013. I was impressed with Savannah's work ethic and enthusiasm as an intern. I asked the production company to assign her as my Assistant for the production. She was paid by the production company. We developed a friendship during this filming and after the filming, when I stayed in London with Johnny for his project which began as mine was ending.
49. Savannah was very young (18), and Savannah travelled to the US with me after my production and Johnny's production were finished. Savannah travelled for a few days to the US with me in November 2013 and then returned to the UK. Savannah then came to the US in late March 2014 and stayed with me whilst I was working on a film in New York.
50. While I tried to get Savannah employed on some of my US projects, since she was from England, she was not eligible. I did try to help get Savannah hired for productions I worked on abroad and she has since been employed by productions to be my assistant on various projects abroad, including, for example, Aquaman in Australia. She was always employed by the production companies; I did not employ her myself.
51. Since Savannah did not have much money, I occasionally gave her money. I would sometimes refer to the money I gave Savannah as "payments," to minimize the discomfort and embarrassment to Savannah for receiving this money from me. The payments were partly to cover expenses for both of us, like shopping and errands. The

money I gave Savannah was not related to any amounts I paid to Kate James as my Assistant.

52. I did not have any employment relationship with Savannah while Savannah was in the US. Instead, I considered her to be like a little sister or close friend. Savannah travelled and stayed with me, accompanied me to events and locations, and was in a role of a friend, not an employee.
53. Kate James was very jealous of Savannah, because Kate wished she could attend events and be treated like family.
54. On one occasion when I arrived in the US with Savannah, Savannah was detained by Homeland Security for approximately 7 hours. It was a very harrowing experience for Savannah, and she asked me to write a letter confirming that she did not work for me in the U.S. Savannah drafted the letter. While the language is not language I would have chosen, and was much stronger than I would have preferred, but since Savannah was so distraught over the whole experience, and I had never had her on my payroll, I believed the letter was accurate and I signed the letter.

Australia 2015.

55. In 2015 we had two dogs, Pistol and Boo. I bought Pistol in around 2007-8. Johnny bought Boo in around 2012, originally for his mother. She returned Boo to Johnny.
56. On 21 April 2015 Johnny chartered a private plane to Australia where he was filming Pirates of the Caribbean. In addition to Johnny, an entourage of his staff were on the plane including, as I recall, Stephen Deuters, Jerry Judge, Malcolm Connelly, Nathan Holmes and Debbie. I came too.
57. Johnny wanted Pistol and Boo to come to Australia, and knew they were on the plane with us. It is untrue, as Mr Murphy has said, that Johnny wanted to keep the dogs in the US.
58. Johnny's staff were responsible for all paperwork for the trip, including for the dogs' travel arrangements.
59. In about May 2015 the Australian authorities were made aware that we had imported the dogs after a posting on social media. I was charged in relation to their importation. The charge was under section 137.2(1) of the Commonwealth Criminal Code

(knowingly producing a false or misleading document). That document was the arrival card that I filled in upon entry to Australia which asked questions about whether any animals were being imported. Everyone entering from Johnny's plane, including Johnny, had to fill out the same form.

60. Johnny arranged for his personal lawyers in the US, Marty Singer, to deal with the case against me. Marty Singer then engaged Australian lawyers who dealt with the case. It was those lawyers who arranged witness statements for the case, including Kevin Murphy's statement. Those Australian lawyers dealt with the case. Johnny paid all the legal bills.
61. Johnny was very anxious that he should not be held personally responsible for importing the dogs because this could damage his ability to get a visa to Australia in future.
62. I pleaded guilty to the charge because I signed the form, and I took responsibility for my actions.
63. This matter has already been litigated to conclusion in Australia and the outcome was that the court gave me a discharge without proceeding to a conviction upon me giving security by recognizance in the one thousand dollars, conditional on good behaviour for one month. I won't go into all the details again, but at (TB/File 5 Tab 200) are my affidavit, the prosecution and defence written submissions, the judge's order dated 18 April 2016 and a transcript of the judge's sentencing remarks (AH5/16-21).
64. Kevin and Kate have said that I wanted them to lie to the Australian court in the criminal proceedings about the dogs in October 2015. This is not true and makes no sense, because I pleaded guilty. As for what Kevin alleges I said to him, that is completely untrue: I don't speak that way to anyone, nor would I explicitly or implicitly have threatened someone's job – and I didn't have the power to. Johnny's team and his lawyer, Marty Singer, were managing all decisions in relation to the criminal proceedings in Australia and I took their advice on what was needed. Marty Singer was always Johnny's attorney and he and Johnny called the shots.
65. I did not intend or try to have anyone say anything that was untrue. At paragraph 8 of his statement, Kevin refers to Marty's email to me of 11 October 2015 at 07.29. I understand that Johnny's lawyers have also disclosed two partial chains which include this message (AH5/22-24). As can be seen, on 11 October I had emailed Marty to say

I was waiting to hear back from him before reaching out to Kevin to connect with Kate. Marty replied to that email to say it would be helpful if Kate would sign a statement. At the end of his email Marty added “you have to be careful that she will cooperate and will not go public, if you ask her not to be truthful”. I do not know why Marty said that. I had not said anything to him either in my earlier email or otherwise about asking Kate to lie. It was never my intention that she should do so. I then forwarded the exchange to Kevin later that day and said “*Kevin, what do you think??? Could you possibly reach out for us?? Do you think you could get her to do it?*”. By “it” I meant give a statement to help with the court case, not lie. Again, I was pleading guilty.

66. I note that Kevin says in his statement in these proceedings that previously I had smuggled dogs to the Bahamas. This is also completely false. In his 2015 statement he says – correctly – that he had been involved in getting the necessary travel paperwork for the dog to travel to various countries. Once again, this was Johnny’s plane, Johnny’s crew, Johnny’s staff, and Johnny’s and my dogs.

67. On a separate topic, at paragraph 32 of her statement Kate James refers to an email exchange with Kevin Murphy. Despite taking place nearly two years before, it is still included under a section headed ‘Australia, 2015’. It did not have anything to do with the dogs travelling to Australia. I think this was about Johnny wanting Boo to have the shots to be able to travel - ‘grease’ is Johnny’s language, not mine, and, although I cannot specifically remember, I would have likely written it at Johnny’s request.

Termination of Kate James’ employment

68. It is not true that I ‘blindsided’ Kate when I fired her. I had been telling Kate and complaining about her performance and emotional dependency for some time before this. It is not correct to say I hadn’t given her notice. We had various communications about it. After her termination, Kate asked my sister Whitney to pretend to be me to give her a positive reference and lie about her salary. I refer to a message exhibited at (TB File 8 Tab 78).

Medical Records

69. I understand that various notes made by different medical professionals have been disclosed in this claim. Some of these notes refer to me. I don’t propose to go through the notes in detail here because I did not write them or have input into what was said about me, and as far as I can tell, I am seeing most of them for the first time in this claim.

70. But I do feel it's important to understand the context in which I was dealing with these doctors and nurses, and the circumstances around these notes. When I became involved with Johnny everything of mine suddenly became not good enough. My clothes weren't right. My doctor wasn't right. I would be offered alternatives supplied by Johnny (and it wasn't just doctors: Johnny's stylist, Samantha McMillan started styling me very early on in our relationship). I was given access to Dr Kipper because my doctor was, according to Johnny and his team, not good enough. Soon afterwards Dr Kipper referred me to his friend, a psychologist called Dr Connell Cowan (who worked with Dr. Kipper). I was also informed that I would benefit from a private nurse, so I was given a nurse as well, Erin Boeurum (who also worked with Dr. Kipper). I learned later that all these people gave Johnny regular reports about me.
71. After I started seeing Dr Cowan, he asked me if I could share some of what I was telling him with Dr Kipper. I can't remember if I signed something to say yes or not, or if I just said okay verbally. But after that, Dr Cowan would talk to Dr Kipper. I have now been shown some of their communications, which have been disclosed in this claim. Everything I said was relayed to Johnny. Johnny was paying.
72. For example, I have now seen for the first time a text message that Johnny sent my nurse, Erin, in which he was asking her to sign a declaration, where he says: *"I was the CLIENT, ultimately, if you and Debbie are able to, at least, speak of me, who I really am and what!!! I was the one who asked for you to CALM HER DOWN AND KEEP HER UNDER CONTROL!!! Not because she was kicking DRUGS!!! It was to take her pressure away from me!!! Same reason I hired her shrink...who, by the way, only made her worse!!!"* (AH5/25). Erin was never hired to help me "kick [] DRUGS" or with any substance abuse issue. I have never been treated for any drug problem. The text was written by Johnny after the divorce.
73. This was a desperate time in my life, and I didn't know who to trust. I was anxious and depressed while I was with Johnny, which only increased with time, because I was living in a life-threatening situation which was outside of my control and often my understanding, and the stress was accumulating. This was not made any easier by sharing a doctor with Johnny or relying on others for "support" whom he was paying.
74. I have been shown a document from a nurse called Monroe Tinker. He was the nurse in Dr Kipper's office when I went there for a concussion check after the December 2015

incident. I can see from his note that he records my concussion as having been sustained by bumping my head while standing up. Monroe was not my regular nurse. By then I knew and trusted my own nurse Erin, and as her notes show (TB File 4 Tab 108 page F640.8), I had seen her before this, shortly after the incident, and told her what really happened. After we spoke, she followed up the next day with a text message saying "*I love you... I don't even know all the details, but it sounds very scary.*" (AH5/26-27). But I did not know Monroe at all, so I did not tell him the truth about how I was injured. I was trying to protect Johnny. I exhibit at (AH5/28) a copy of a text message I sent to Lisa Beane on 30 May 2016 in which I asked for the medical evaluation that was carried out back in December 2015, and in which I explain that at that time I felt unable to tell Monroe how the injuries had been caused.

75. As well as this specific incident, Erin was well aware of Johnny's violence, in a message to me dated 13 September 2015 when we were talking about him being passed out drunkenly in the bathroom, she warned me to keep him on his side to reduce the risk of choking but said "if that's going to wake him and make him angry and make him swing at you in his drunken fog, (then) I don't want you putting yourself in harm's way" (AH5/29)

76. Meanwhile, I also told Dr Cowan, whom – at least at that time – I trusted too, what really happened. I texted him on the evening of the incident saying that Johnny "*did a number on me tonight. I'm safe and with my support tonight but I need some real help. Can I come tomorrow. I called earlier because I thought I had a concussion and didn't know if I should have called police.*" A copy of that text message is at (AH5/30)

Tasya Van Ree

77. Johnny also claims in his witness statement, in a text message he sent to my father, that I have been arrested for domestic violence twice. This is not true. I was arrested once, but the charges were dropped. This was in 2009 and related to an alleged incident involving my then partner Tasya van Ree. Reports about this arrest only began circulating in the media in June 2016, about a week after I filed for the temporary restraining order (TRO) against Johnny (I was granted the TRO on 27 May 2016). In contrast to what was said in the media, the documents from the police show that I was exonerated at the time (TB File 5 Tab 99). A letter from the prosecuting attorney confirms this (TB page F 1214).

78. This June 2016 publication of the 2009 event started a harassment campaign of people accusing me of being the perpetrator of violence against Johnny which continues to this day. In response, Tasya wrote a statement, which she emailed to me on 7 June 2016 (TB File 8 Tab 85). She said:

In 2009, Amber was wrongfully accused for an incident that was misinterpreted and over-sensationalized by two individuals in a power position. I recount hints of misogynistic attitudes toward her and I which later appeared to be homophobic when they found out we were domestic partners and not just "friends." Charges were quickly dropped and she was released moments later.

It's disheartening that Amber's integrity and story are being questioned yet again. Amber is a brilliant, honest and beautiful woman and I have the utmost respect for her. We shared 5 wonderful years together and remain close to this day".

79. This statement was then published in various news articles the following day, 8 June (TB File 5 Tab 178).

80. In a further example of Tasya's support for me, at (AH5/31) is an email she sent me on 28 December 2018. I had emailed her a link to the article in the Washington Post that I had written which is the subject of the US libel proceedings. Tasya replied the same day and said "Thank you for sending and thank you for your voice. You are a leader of men...women! More proud of you than ever." (AH5/31)

81. I should add that, contrary to what Johnny has said in this case, I did not tell Johnny that Tasya had been violent towards me. Tasya was not violent towards me.

Gaylinn Summerlin

82. I have been shown a copy of the deposition given by Gaylynn Sumerlin dated 8 August 2016. This was given in the course of my divorce proceedings. I am informed that Ms Sumerlin was not cross examined on her evidence during the deposition.

83. My interaction with the building security staff, including Ms Sumerlin and Ms Esparza, at the Eastern Columbia Building was very limited, because of where their desk was located and how I typically accessed the building. I rarely communicated with her or with the other staff.

84. I normally only entered the building via the car park downstairs and there was a lift from the car park direct to the PH level where I lived, which meant I did not pass through the building lobby. I only walked through the building when I was entering or leaving the building by foot, which was rare (for LA and particularly for me, as a celebrity with security).
85. The only other reason to go to the lobby was to collect mail. This was typically done by staff (assistants, housekeepers etc) and not by me personally, although I did this a little more often after I filed for divorce because Johnny's staff was around less.
86. Even when I did pass through reception, it is a very large, old art deco reception space. I would pass the desk and the building security staff would be at a desk on my right-hand side which was – at the very closest – about 10-15 ft away. This would have made it difficult for anyone at the desk to see my injuries.

Laura Divenere

87. Shortly after Laura Divenere's declaration (TB/File 3 Tab 86) had appeared in the media in July 2019 (see for example the article in The Blast dated 15 July (TB/File 5 Tab 189)). Laura came to visit me because she was really upset and wanted to talk to me about it. I asked her if I could record the conversation and she said yes. The recording and a transcript of it are both in the Trial bundle (TB/File 9 Tab 142). As the recording reflects, Laura was very upset and felt "tricked and pressured" by Adam Waldman, Johnny Depp's attorney and friend, to provide the declaration, and she provided a text Mr. Waldman sent her (TB/ File 4 Tab 120). Laura said it was a false declaration and she wanted to provide the truth, which she did in the recording. (TB File 9/ Tab 142).

Malaysia train incident

70. I refer to paragraph 135 of my statement dated 15 December 2019. At (AH/32-36) is a copy of my diary entry that refers to this incident. I can see that I made this diary entry on July 27.
71. I see I referred to Johnny's attack on me on the train in that diary entry. The attack therefore must have taken place on 26/27 July 2015, not August 2015 as I say in my statement.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

A handwritten signature in black ink, appearing to be 'A. Heard', written over a horizontal dotted line.

Amber Heard
26 June 2020.

Name: Amber Heard

Statement: Fifth

Party: Defendants

Exhibit: AH-5

Date: 26 June 2020

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
BETWEEN:**

CLAIM NO QB-2018-006323

JOHN CHRISTOPHER DEPP II

Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

EXHIBIT AH5
