

Dated 10 March 2020

Claim No.: QB-2018-006323

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

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

**(1) NEWS GROUP NEWSPAPERS LTD
(2) DAN WOTTON**

Defendants

SECOND WITNESS STATEMENT OF JENNY AFIA

I, **JENNY AFIA**, a Partner in the firm of Schillings, 41 Bedford Square, London WC1B 3HX, solicitors for the Claimant, will say as follows:

1. I am a solicitor of the Senior Courts of England and Wales and a partner in the firm of Schillings International LLP ("Schillings") of the above address. I have conduct of this matter on behalf of the Claimant.
2. I confirm that save where otherwise appears the facts stated in this witness statement are within my own knowledge and that those facts are true to the best of my knowledge and belief. Where facts are not within my own knowledge, I confirm that they are true to the best of my information and belief and the source of that information is set out.
3. The case is a claim for libel brought for damages and an injunction by the Claimant, Mr Depp, a well-known actor more commonly known as Johnny Depp. The First Defendant, News Group Newspapers Ltd is the publisher of The Sun and its associated website. The Second

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Permission for witnesses to give evidence via video-conferencing facilities

12. We are currently in the process of determining which of the above-mentioned witnesses will be in a position to attend trial to give oral evidence. Ms Paradis lives in France while Ms James, Mr Killackey and Ms Ryder all reside in Los Angeles. In the event that it proves disproportionately difficult for those individuals to attend trial in London, I presently believe that the witnesses would be content to give evidence via video-conferencing facilities. The parties are currently organising such a facility for the cross-examination of numerous of the parties' witnesses who reside in the Los Angeles/wider Californian area.
13. The draft Order attached to the application notice explicitly stipulates that the permission of any witness to give evidence via video-conferencing facilities would be contingent on the trial judge granting permission to the Claimant to call that witness to give oral evidence, which is in keeping with the Directions Order.
14. For completeness, I should also state that having previously made enquiries at the Foreign and Commonwealth Office in relation to other witnesses who will give evidence by VCF at trial, the Claimant is not aware of any reason why the governments in question would not permit giving evidence in this manner.

Extension of deadlines set out in the Disclosure Order – audio recordings

15. Pursuant to paragraph 1 of the Disclosure Order, the Claimant is required by 4pm on 10th March 2020 (i.e. today) to provide a witness statement verified with a statement of truth from him personally listing all of the recordings (whether made digitally or by any other means) which include the voice of Amber Heard (whether or not they also include the voice of the Claimant), within his control that fall within the scope of CPR 31.6 ("the recordings").

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16. We are currently in the process of listening to all of the audio and video files which have been extracted from the Claimant's devices that were supplied to our firm by the Claimant's previous solicitors. This involved firstly ensuring that all of the audio and visual files were transferred into a format that could be reviewed. A first sift was then carried out by members of the team to filter out all recordings which did not include Ms Heard's voice. The resulting files included numerous voicemails left on the Claimant's mobile phones and many videos. There were in excess of 50 such files. Of the 50 files so far reviewed, none of the documents fall to be disclosed. In addition to those files, our team extracted more than fifteen and a half hours of audio recordings that include the voice of Ms Heard, which a senior lawyer has started to review in order to apply the tests for disclosure pursuant to CPR 31.6.
17. We are also endeavouring to contact the company who 'mirrored' the relevant devices of the Claimant in order to ascertain that we have a complete file.
18. At the time of finalising this witness statement, it appears to me highly improbable that the Claimant could provide a definitive list all of the recordings within his control that fall to be disclosed in a witness statement personally signed by him by the deadline of 4pm today. We anticipate being in a position to listen to all of the recordings Schillings has in its possession within the next few days at the very latest.
19. With these time constraints in mind, we respectfully request that the Court grant an extension of the time for service of the Claimant's witness statement required by paragraph 1 of the Disclosure Order and time for provision of copies of recordings falling within that paragraph (if any) be extended until 4.30pm on 13 March 2020.

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when our team is also seeking to agree and produce voluminous bundles for trial, the Claimant seeks an extension for the deadline provided for by paragraph 6 of the Disclosure Order to be extended until 4.30pm on 16 March 2020.

40. Finally, while the parties used their best endeavours to agree a trial bundle index in good time, regrettably the index remains in its final stages of agreement. We therefore seek an order, and by the time this application is heard, we hope that it is with the consent of the parties, that the trial bundle index be agreed by 12 noon on 10 March 2020, save for any additional documents disclosed in response to the varied Disclosure Order (if any), as to which the parties do agree the contents of a supplementary bundle (if any) by 4pm on 18 March 2020. We also seek an extension by an additional 48 hours for the time for supplying the Defendants with a copy of the trial bundle, that is by midday on 12 March 2020.
41. While I acknowledge that there is a substantial amount of work to be done by Schillings within the next week, we are well resourced and we anticipate that we will have within our possession, over the next day or so, the necessary information to perform the relevant analyses that are needed to determine our responses to the Disclosure Order.
42. If the Disclosure Order is varied in the terms sought, I am firmly of the view that we will be prepared for trial to commence on 23 March 2020.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed..........

JENNY AFIA