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Transcript of Jury Trial - Day 12

Date: April 28, 2022
Case: Depp, II -v- Heard

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Transcript of Jury Trial - Day 12
Conducted on April 28, 2022

1 (3130 to 3133)

3130	<p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, : 5 Plaintiff and : 6 Counterclaim Defendant, : 7 v. : Civil Action No.: 8 AMBER LAURA HEARD, : CL-2019-0002911 9 Defendant and : 10 Counterclaim Plaintiff. : 11 -----x 12 HEARING 13 BEFORE THE HONORABLE PENNEY AZCARATE 14 Fairfax, Virginia 15 Thursday, April 28, 2022 16 10:00 a.m. EDT 17 TRIAL DAY 12 18 19 20 Job No.: 443893 21 Pages: 3130 - 3427 22 Reported by: Judith E. Bellinger, RPR, CRR</p>	3132	<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 SAMUEL A. MONIZ, ESQUIRE 14 CAMILLE M. VASQUEZ, ESQUIRE 15 BROWN RUDNICK LLP 16 2211 Michelson Drive 17 7th Floor 18 Irvine, CA 92712 19 949.440.0234 20 21 22</p>
3131	<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>	3133	<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 WAYNE F. DENNISON, ESQUIRE 11 REBECCA MACDOWELL LECAROS, 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>

3134	<p>1</p> <p>2</p> <p>3 A P P E A R A N C E S C O N T I N U E D</p> <p>4 O N B E H A L F O F T H E D E F E N D A N T A N D C O U N T E R C L A I M</p> <p>5 P L A I N T I F F :</p> <p>6</p> <p>7 E L A I N E C H A R L S O N B R E D E H O F T , E S Q U I R E</p> <p>8 A D A M S . N A D E L H A F T , E S Q U I R E</p> <p>9 C H A R L S O N B R E D E H O F T C O H E N B R O W N &</p> <p>10 N A D E L H A F T , P . C .</p> <p>11 11260 Roger Bacon Drive</p> <p>12 Suite 201</p> <p>13 Reston, VA 20190</p> <p>14 703.318.6800</p> <p>15</p> <p>16 J . B E N J A M I N R O T T E N B O R N , E S Q U I R E</p> <p>17 W O O D S R O G E R S P L C</p> <p>18 10 South Jefferson Street</p> <p>19 Suite 1400</p> <p>20 P . O . B o x 14125</p> <p>21 R o a n o k e , V A 24011</p> <p>22 540.983.7540</p>	3136
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1 P R O C E E D I N G S

2 THE BAILIFF: All rise.

3 Please be seated and come to order.

4 THE COURT: All right. Good morning.

5 All right. Do we have any preliminary

6 matters before we bring the jury out?

7 MS. BREDEHOFT: No, Your Honor.

8 MR. CHEW: No, Your Honor.

9 THE COURT: Okay. Good.

10 MS. BREDEHOFT: Actually, Your Honor, I

11 do. I have an exhibit I need to hand up.

12 THE COURT: Okay. That's fine.

13 MS. BREDEHOFT: It's the one from

14 yesterday, it's Defendant's 1246.

15 THE COURT: 1246.

16 MS. BREDEHOFT: Yes. It's redacted.

17 THE COURT: All right. Thank you.

18 Okay. You can get the jury.

19 (Whereupon, the jury entered the

20 courtroom and the following proceedings took

21 place.)

22 THE COURT: All right. Good morning,

<p style="text-align: right;">3138</p> <p>1 ladies and gentlemen. 2 All right. Your next witness. 3 MR. CHEW: Good morning, Your Honor, 4 ladies and gentlemen. Mr. Depp calls Terence 5 Dougherty, D-O-U-G-H-E-R-T-Y. 6 And, for the first part of the 7 deposition, it will be Mr. Depp's counsel asking 8 the questions, and then it will change and we'll 9 let you know. Thank you. 10 THE COURT: Thank you. 11 MS. BREDEHOFT: Your Honor, we have a 12 video. Do you want to try ours? 13 THE COURT: I think I heard the sound, 14 so I think it's okay. 15 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 16 COUNTERCLAIM DEFENDANT 17 BY MR. CHEW: 18 Q Good morning, Mr. Dougherty. Would 19 you, please, state your full name for the record. 20 A Terence Dougherty. 21 Q What is your address? 22 A 360 Riverside Drive, New York, New York 10025. I went to Oberlin College. I got a BA</p>	<p style="text-align: right;">3140</p> <p>1 Q In what year was that? 2 A 1998. 3 Q Having received a JD from Columbia, I 4 take it you know what a statute of limitations is; 5 is that correct? 6 A Correct. 7 Q After receiving your JD from Columbia, 8 what did you do, in terms of your professional 9 life? 10 A I worked at Fried, Frank, Harris, 11 Shriver & Jacobson, for about four years, three 12 and a half, four years. I was in their tax 13 department. And after that, I went to work at 14 Patterson Belknap. And I was also in the tax 15 department there, but worked on, primarily, with 16 their exempt-organization clients. Patterson has 17 a large exempt-organization client practice. 18 Q Is it fair to say that you worked for 19 Mr. Schwartz's firm, Patterson Belknap, from about 20 2002 to about 2005? 21 A That's exactly right. 22 Q Did there come a time when you left</p>
<p style="text-align: right;">3139</p> <p>1 there, and with majors in history and in English, 2 and I studied Viola da Gamba performance at the 3 Oberlin Conservatory. I then spent -- took 4 four years -- four years after I graduated, I went 5 to Columbia Law School. 6 Q In what year did you receive your BA 7 from Oberlin? 8 A 1991. 9 Q And what did you do in the four years 10 between your graduation from your Oberlin -- from 11 Oberlin and going to law school? 12 A I was a kindergarten teacher in the 13 South Bronx at a homeless shelter for a few years, 14 then I did freelance editing work for an academic 15 press called Routeledge, and, simultaneously, was 16 the writer, research assistant to feminist 17 cultural critic Bell Hooks. 18 Q Remind me, sir, where you went to law 19 school. 20 A Columbia. 21 Q Did you receive your JD from Columbia? 22 A I did.</p>	<p style="text-align: right;">3141</p> <p>1 Patterson Belknap to work for the ACLU Foundation? 2 A Correct. 3 Q At the time you left, was the ACLU a 4 client of Patterson Belknap? 5 A Yes. 6 Q And it continues to be a client until 7 the present day, correct? 8 A Correct, correct. 9 Q Was there any time, between 2005 and 10 today, where Patterson Belknap ceased to be a 11 client of the ACLU? 12 A No. You mean where the ACLU ceased to 13 be a client of Patterson, right? 14 Q Yes, thank you for the correction. 15 A Yeah, no, we've been a client the whole 16 time. Not always with active matters, of course, 17 but a client the whole time. 18 Q In what capacity did you start at the 19 ACLU Foundation in 2005? 20 A I was ACLU's first in-house lawyer. My 21 title was senior corporate counsel. 22 Q What were your responsibilities,</p>

<p style="text-align: right;">3142</p> <p>1 generally, when you began as senior corporate 2 counsel at the ACLU Foundation? 3 A My role was to serve as the 4 organization's in-house lawyer and to assess what 5 the needs were for an in-house counsel department 6 or practice at the ACLU. 7 Q And I take it you have continued to 8 work as a lawyer at the ACLU, on an uninterrupted 9 basis, from 2005 to the current day? 10 A Correct. My title changed relatively 11 soon after 2005; in either 2006 or early 2007, my 12 title was changed to general counsel. 13 Q Is that still your title today? 14 A It's part of my title. I'm general 15 counsel, and I'm also chief operating officer. 16 Q To whom do you report? 17 A I report to Anthony Romero, the 18 executive director, chief executive officer. 19 Q So that's a direct report, there's no 20 intermediary between the two of you, correct? 21 A Direct report. 22 Q Sitting here today, do you know how</p>	<p style="text-align: right;">3144</p> <p>1 Amber Heard, to what are you referring? 2 A So -- and I think I might have done the 3 math wrong. Let me just do the math in my head, 4 700, 800, plus the five. I think 1.3 is the 5 amount. 6 So, we received a check from -- for the 7 \$100,000 payment, we received a check from Johnny 8 Depp's representatives, and it was said to be a 9 payment in connection with -- on behalf of Amber 10 Heard. She confirmed that. 11 The \$500,000 payment from Vanguard 12 Charitable, she confirmed was a payment in 13 connect -- on her behalf. And the \$350,000 14 payment as well. 15 Q When you say "credited toward her," 16 what does that mean? 17 A Well, she had -- when we initially had 18 contact with Amber Heard in 2016, she indicated 19 her desire to pay \$3.5 million to the ACLU, and 20 that was -- and these were amounts that were in 21 relation to that -- her having expressed that 22 that's what she wanted to pay to the ACLU.</p>
<p style="text-align: right;">3143</p> <p>1 much money Ms. Heard has actually donated to the 2 ACLU, actually remitted to the ACLU? 3 A Yes, I do. 4 Q How much is that? 5 A So, when you say "remitted," do you 6 mean direct payments from her, personally, or do 7 you mean something -- payments on her behalf, or 8 payments, you know, from a donor-advised fund that 9 she might have set up? 10 Q We can break it down. 11 Let's, first, from -- how much has 12 Ms. Heard paid directly to the ACLU? 13 A That would be \$350,000 paid directly. 14 Q How much has been paid indirectly and 15 credited to Ms. Heard? 16 A There was \$100,000, which was a check 17 from Johnny Depp; there was a 5,000 -- \$500,000 18 payment from a donor-advised fund at Vanguard; and 19 then there was a \$350,000 payment that appears to 20 be from a donor-advised fund at Fidelity, making a 21 total \$1.2 million. 22 Q And when you speak of credited toward</p>	<p style="text-align: right;">3145</p> <p>1 Q So it's fair to say that she has not 2 donated \$3.5 million, as of today, to the ACLU, 3 true? 4 A True. 5 Q When you say that Mr. Depp, our client, 6 donated \$100,000 to be credited toward Amber 7 Heard, did the ACLU, in fact, credit that \$100,000 8 toward the \$3.5 million Ms. Heard promised to 9 donate to the ACLU? 10 A We do credit it. 11 Q Did Ms. Heard direct you to credit it 12 to the -- to her account, as it were? 13 A We asked Ms. Heard if we should credit 14 it, and she said that we should. 15 Q With what person or entity is Vanguard 16 Charitable associated? 17 A So, Vanguard Charitable is a nonprofit 18 that Vanguard, the financial institution, has set 19 up that allows -- provides for a wide variety of 20 donor-advised funds for individuals to use for 21 their charitable giving. So there are many, 22 many -- there are thousands of Vanguard Charitable</p>

3146	<p>1 donor-advised funds. 2 If you are asking specifically about 3 the one that we received the \$500,000 contribution 4 from, we believe that that is a donor-advised fund 5 that was set up by Elon Musk. 6 Q Who is Elon Musk? 7 A He's a tech entrepreneur. 8 Q And isn't he also a donor to the ACLU 9 Foundation in his own right? 10 A Yes. 11 Q But it's your testimony that as to the 12 \$500,000 that came from Vanguard Charitable, that 13 that was associated with Elon Musk, correct? 14 A We don't -- we believe so. But it is 15 not conclusive. 16 Q Did the ACLU have any communications 17 with Elon Musk about the \$500,000 contribution? 18 A Yes. 19 Q And please describe those 20 communications. 21 A There is a document, that we produced, 22 that Elon Musk emailed Anthony Romero regarding</p>	3148	<p>1 half of the \$7 million settlement, or the other 2 3.5 million? 3 A Yes, we understood that the other 4 \$3.5 million, the other half, was going to a 5 Children's Hospital in Los Angeles. 6 Q When did the first donation, the 7 \$350,000 from Ms. Heard, actually arrive at the 8 ACLU? 9 A It was very soon after the 10 communication between Elon Musk and Anthony, and I 11 believe that it was -- that communication was in 12 August of 2016, and it was shortly thereafter. 13 Q Please describe your conversations with 14 Ms. Weitz. 15 A I asked Ms. Weitz whether it was her 16 decision to ask Ms. Heard to be an ACLU 17 ambassador, and she indicated that it was. 18 I asked Ms. Weitz to describe what are 19 the criteria for -- sorry, a calendar thing popped 20 up. What are the criteria for asking -- for 21 becoming an ACLU ambassador. Yes, and what were 22 the reasons why she thought that Ms. Heard would</p>
3147	<p>1 the \$500,000 contribution. 2 Q What did Ms. Heard tell Mr. Romero or 3 the ACLU about her donation and how much she was 4 going to contribute? 5 A There were communications back and 6 forth between the ACLU and Ms. Heard, including a 7 thank-you acknowledgment letter that was sent 8 under Mr. Romero's name to Ms. Heard, thanking her 9 for the \$350,000 contribution, noting that it was 10 part of her intention to make a \$3.5 million 11 contribution to the ACLU, and Mr. Romero attached, 12 to that communication, a standard ACLU pledge form 13 that -- so that was the communication. 14 We were aware, very early on, that 15 the -- her intention to contribute the 16 \$3.5 million to us was half of her \$7 million 17 divorce proceedings. I'm not -- I don't recall 18 which specific communication with us gave us that 19 knowledge. 20 Q What, if any, understanding did the 21 ACLU have, prior to the publication of the op-ed, 22 about Ms. Heard's plans to dispose of the other</p>	3149	<p>1 be an appropriate ACLU ambassador. 2 Q How did Ms. Weitz respond? 3 A She said that ACLU ambassadors are 4 people who are artists or influencers that are 5 aligned with one or two ACLU policy issues, and 6 the criteria for determining whether somebody can 7 be an ambassador is that they have prior expertise 8 in that policy area; that they can speak in detail 9 about the area; that they're aligned with the 10 ACLU's policy views of the area; and that they 11 have significant following so that their 12 communications to the public that need support 13 are -- reach a wide variety of people. 14 Q Of those criteria, which did Ms. Weitz 15 identify as the most important, if any? 16 A I don't think there's any that she -- 17 she did not identify any as the most important. 18 Q What, if anything, did Ms. Weitz tell 19 you about Ms. Heard's expertise in women's rights? 20 A Ms. Weitz said that she had a 21 meeting -- arranged a meeting between Ms. Heard 22 and representatives of our women's rights project</p>

<p style="text-align: right;">3150</p> <p>1 and our reproductive freedom project, and 2 Ms. Heard spoke with such clarity and expertise on 3 issues of gender-based violence that she decided 4 that she would be an appropriate person to ask to 5 become an ACLU ambassador, and she did so. 6 Q What, if anything, did Ms. Weitz tell 7 you about Ms. Heard's significant following? 8 A Ms. Heard -- Ms. Weitz said that she 9 looked at Ms. Heard's social media. 10 Q Anything else? 11 A No. Not that she said to me. 12 Q All right. Let's look to topic 6. 13 What, if anything, did you do to prepare to 14 testify about your role, the ACLU's role in the 15 conception, preparation, drafting and/or 16 publication of the op-ed? 17 A I reviewed the documents that we 18 produced. I had three meetings with our lawyers. 19 I spoke with Ms. Weitz and Mr. Romero. 20 Q Please describe your discussions with 21 Ms. Weitz. 22 A I asked Ms. Weitz whether she was</p>	<p style="text-align: right;">3152</p> <p>1 communications department. 2 Q What is Ms. Weitz's academic 3 background? 4 A I don't know her academic background. 5 Q Was any ACLU lawyer, and I mean 6 in-house lawyer, involved in the drafting of the 7 op-ed? 8 A I believe the answer is yes. I believe 9 that there are documents that support 10 back-and-forths between support for the op-ed, but 11 I don't recall. I don't recall. 12 Q Sitting here today, do you know how 13 many ACLU lawyers were involved in the drafting of 14 the op-ed? 15 A No, I don't. 16 Q Were there any ACLU lawyers involved in 17 the reviewing of the op-ed before it was submitted 18 to the Washington Post? 19 A Yes, there were. 20 Q How many? 21 A I think there were four. 22 Q Were you one of the four?</p>
<p style="text-align: right;">3151</p> <p>1 involved and what her involvement was, with 2 respect to the conception, preparation, drafting 3 and/or publication of the op-ed, and she indicated 4 that because of her role as our director of 5 artistic engagement, she was involved in all 6 aspects of the conception, preparation, drafting, 7 and publication, and that the other members of the 8 communications department, who worked on this, 9 even though they didn't necessarily report to her, 10 in terms of our hierarchy, they reported to her in 11 terms of this specific task. She was the person 12 who was -- who was the director of this project. 13 Q Did Ms. Weitz tell you that she 14 participated in the drafting of the op-ed? 15 A She was in -- she -- yes, yes. Yes. 16 Q Other than Ms. Weitz, were there any 17 other lawyers at the ACLU involved in the drafting 18 of the op-ed? 19 A Ms. Weitz is not a lawyer. So, were 20 there -- were there lawyers involved in the -- in 21 the drafting of the op-ed? I believe it was -- 22 the drafting of the op-ed was all done within the</p>	<p style="text-align: right;">3153</p> <p>1 A No, I was not one of the four. And to 2 be clear, when you were -- what I was referring to 3 were people in our legal department who are 4 experts on women's rights issues. I was -- there 5 was nobody from -- neither I nor anybody from the 6 in-house counsel team was involved in the drafting 7 of the op-ed or the review of the op-ed. 8 Q Why not? 9 A We were not involved. We were not 10 brought into the loop. I don't know why. 11 Q Is it fair to say that the ACLU didn't 12 think there was any -- there were any potential 13 legal implications to the ACLU involved in the 14 publication of the op-ed? 15 A I have not spoken with any of the 16 lawyers in the legal department about whether they 17 thought it would be, you know, would be necessary 18 to involve any member of my in-house counsel team 19 in the review of the op-ed. 20 Q Who were the four attorneys, in-house 21 at the ACLU, who were involved in reviewing the 22 op-ed before it was submitted to the Washington</p>

3154	<p>1 Post?</p> <p>2 A Okay. So I was referring to the people</p> <p>3 in the legal department, not the in-house</p> <p>4 counsel's office. The legal department who do our</p> <p>5 work, our civil liberties litigation and advising</p> <p>6 on legal issues relating to civil liberties.</p> <p>7 And I believe that the op-ed, before,</p> <p>8 it was reviewed by Lenora Lapidus, David Cole, I</p> <p>9 believe Louise Melling was involved, and there may</p> <p>10 have also been a fellow that was involved in</p> <p>11 reviewing it. These are all -- there are a number</p> <p>12 of back-and-forth emails that we produced that</p> <p>13 will indicate, specifically, who those people</p> <p>14 were.</p> <p>15 Q Okay. Let's move to Exhibit 2, please.</p> <p>16 AV TECHNICIAN: Yes, sir. Stand by.</p> <p>17 Q Mr. Dougherty, have you ever seen this</p> <p>18 document before?</p> <p>19 A Yes.</p> <p>20 Q What is it?</p> <p>21 A These are conversations within the ACLU</p> <p>22 communications department about Ms. Heard's</p>	3156	<p>1 this through Elon Musk; is that right?</p> <p>2 A Correct.</p> <p>3 Q Tell us exactly who ACLU media is. You</p> <p>4 said it's --</p> <p>5 A It's an email account that is monitored</p> <p>6 by members of the communications staff, so that</p> <p>7 when media inquiries come in, rather than them</p> <p>8 going to a specific individual in the</p> <p>9 communications department, who could be working on</p> <p>10 something else or on leave, it goes to a central</p> <p>11 email account that is, then, monitored and</p> <p>12 direct -- and emails within it are directed to the</p> <p>13 appropriate people.</p> <p>14 Q Who's Sandra?</p> <p>15 A I assume that is Sandra Park, who is a</p> <p>16 lawyer in our women's rights project.</p> <p>17 Q Was she, was Ms. Park involved in the</p> <p>18 op-ed in any way, either reviewing or approving?</p> <p>19 A I believe she was.</p> <p>20 Q That coverage is good for the ACLU,</p> <p>21 correct?</p> <p>22 A Yes.</p>
3155	<p>1 donations to the ACLU and the possible engagement</p> <p>2 of that issue as a communications matter for the</p> <p>3 ACLU.</p> <p>4 Q Mr. Dougherty, if we could start in the</p> <p>5 email in the middle of the first page of</p> <p>6 Exhibit 2.</p> <p>7 A The middle of the first page?</p> <p>8 Q Yes.</p> <p>9 A Okay. Go ahead.</p> <p>10 Q Who is Stacy Sullivan?</p> <p>11 A Stacy Sullivan was a senior person in</p> <p>12 our communications department.</p> <p>13 Q Is she still at the ACLU?</p> <p>14 A No.</p> <p>15 Q When did she leave?</p> <p>16 A I don't recall the date.</p> <p>17 Q Who was Stephen Smith?</p> <p>18 A Stephen Smith, at the time, was our</p> <p>19 associate director for strategic communications.</p> <p>20 Now he is the deputy communications director.</p> <p>21 Q And I believe you testified earlier</p> <p>22 that Mr. Romero came -- first came to learn about</p>	3157	<p>1 Q And the press coverage, among other</p> <p>2 things, enabled the ACLU to promote its work</p> <p>3 helping victims of domestic violence, correct?</p> <p>4 A Correct.</p> <p>5 Q Specifically, how does the ACLU record</p> <p>6 donations?</p> <p>7 A We record donations in our donor</p> <p>8 database. It's referred, in the trade, as a "CRM"</p> <p>9 a constituent record management system. And, at</p> <p>10 this time, we are -- our CRM was a company called</p> <p>11 PIDI. At this point, our CRM is with Salesforce.</p> <p>12 Q Is there anyone at the ACLU who</p> <p>13 interacts or interacted with PIDI?</p> <p>14 A There are many members of our</p> <p>15 development department that interact with --</p> <p>16 interacted with PIDI with respect to the</p> <p>17 functioning support of that system and the vendor</p> <p>18 relationship. And then, and I'm not sure if</p> <p>19 you're asking me this, but then there are a number</p> <p>20 of people in the development department who can</p> <p>21 input donor information into this database. I</p> <p>22 don't see them as having interaction with PIDI,</p>

<p>3158</p> <p>1 but it's with our database. 2 Q What type of information is input? 3 A It's very broad. The names, address, 4 contact information, donations, prior history with 5 donations, issues that they are particularly 6 interested in. It also differs depending on the 7 nature of the donor. If somebody gives a \$50 8 annual donation, that is recorded. If somebody is 9 a \$3 million a year donor to the ACLU, a different 10 level of information is reported in this system -- 11 recorded in the system. 12 Q If someone makes a donation on behalf 13 of another person or to be credited to another 14 person, how is that recorded by the ACLU? 15 A It is recorded as -- it is recorded as 16 such, as relating to. But there's many different 17 ways that that could -- somebody could give on 18 behalf of somebody else. People could make a gift 19 in honor of somebody else. People could make a 20 gift in order to fill someone else's pledge. 21 People can make a gift, you know, a donor may help 22 bring another donor to the ACLU. All of that</p>	<p>3160</p> <p>1 over a ten-year period, although, that was never 2 specifically confirmed. 3 Q Well, that's interesting. 4 What email are you referring to? 5 A I believe that the first email from 6 Elon Musk to Anthony Romero said that it was over 7 a ten-year period. 8 Q Anything else to make the ACLU believe 9 that Ms. Heard was not paying the money right away 10 out of her divorce settlement with Mr. Depp? 11 A Anthony, in his communications with 12 Ms. Heard, referred to the amount as a pledge. 13 And a pledge is generally -- what a pledge means 14 is that the amount is not necessarily paid all at 15 once, it's pledged to the organization. Rather 16 than just sending a check, there's a -- some kind 17 of varying levels of commitment made to give 18 amounts over a period of time, which is, excuse 19 me, useful for the charity to know so that it can 20 make future projections as to income. 21 Q Mr. Dougherty, who, if anyone, at the 22 ACLU was assigned to handle or track Ms. Heard's</p>
<p>3159</p> <p>1 information is recorded in our systems. 2 Q Can a donor earmark his or her 3 donations for a particular purpose? 4 A Absolutely. 5 Q After Ms. Heard announced her donation 6 to the ACLU, what, specifically, did the ACLU do 7 to document that donation? 8 A Well, we sent out a note to Amber 9 thanking her for the donation. That is, likely, 10 the contribution acknowledgment letter that Mimi 11 is referring to, and that information is kept in 12 our files. And the information regarding 13 Ms. Heard was recorded in our Salesforce -- or, at 14 the time, PIDI database. 15 Q At the time that ACLU sent Ms. Heard 16 the acknowledgment letter, was it the ACLU's 17 expectation that the \$3.5 million be paid by 18 Ms. Heard all at once, in a lump sum? 19 A No. I do not believe it was. I 20 believe that we believed that it would -- based on 21 the -- based on the Elon Musk email, we thought 22 that it might be -- that it was intended to be</p>	<p>3161</p> <p>1 donation? 2 A That would have been two different 3 people, depending on what you mean by "track." 4 There is a person in our leadership 5 gifts department, which is the department that 6 deals with high-level donors, his name is Jon 7 Maresco, and his role is to, in addition to 8 facilitating, maintaining the relationship with 9 those donors, is to oversee the back-and-forth 10 with those donors for annual giving. So, in this 11 case, that would include Ms. Heard's gifts to the 12 ACLU. 13 And then there's a second group within 14 the development department that is the team that 15 maintains the overall donor database, the 16 then-PIDI, now Salesforce, database. 17 Q Okay. Was Exhibit 9 prepared in the 18 ordinary course of the ACLU's business? 19 A It's not back up on the screen yet. 20 Okay. Here it is. 21 Yes, it was. 22 Q Is it maintained in the ordinary course</p>

<p>1 of the ACLU's business? 2 A Yes. 3 Q Were these emails, to your knowledge, 4 prepared contemporaneously with people having 5 knowledge of the contents? 6 A Correct. 7 Q Okay. If we could, please, move ahead 8 to Exhibit 11. 9 AV TECHNICIAN: Stand by. 10 A Okay. I see it. 11 Q Mr. Dougherty, have you ever seen this 12 document before? 13 A I have. 14 Q Is this one of the documents that you 15 reviewed in preparation for your deposition today? 16 A Yes. 17 Q Is this -- was this prepared in the 18 ordinary course of the ACLU's business? 19 A Yes. 20 Q Was it maintained in the ordinary 21 course of the ACLU's business? 22 A Yes.</p>	<p>3162</p>	<p>1 And it's called "Pledge Form," Bates number ACLU 2 3033. 3 A Yes, I have. 4 Q What is it? 5 A This is a document that is used -- 6 well, in -- the generic document is one that is 7 used regularly by the development department. 8 This one, in particular, is branded in connection 9 with our 100th year anniversary, but that's just a 10 branding thing. 11 What the form is, is a form for people 12 who are making pledges to the ACLU, to document 13 that promise in the -- in a form like this. When 14 a form like this is filled out, we see that as 15 a -- that documents the full amount that they 16 intend to contribute and the time period over 17 which those gifts are going to be made. 18 Q And is it your understanding, sir, that 19 these -- this pledge form and the two documents 20 after, ACLU 3034 and 3035, were, in fact, attached 21 to a letter Mr. Romero sent Ms. Heard on 22 September 9th, 2016?</p>	<p>3164</p>
<p>1 Q Was it prepared by Mr. Romero 2 contemporaneously, on or about September 19th, 3 2016? 4 A It was prepared by someone in our 5 development department, who I believed to be Mimi 6 Clara. But, yes, to the rest of your question. 7 Q Did Mr. Romero have access to the 8 contents of this letter that he signed? 9 A Yes. 10 Q So he states to Ms. Heard, "Thank you 11 for your wonderful gift of \$350,000 to the ACLU, 12 the first installment of your very generous pledge 13 of 3.5 million." 14 Do you see that? 15 A Yes. 16 Q So as of September 9th, 2016, Ms. Heard 17 had actually donated only \$350,000, correct? 18 A Correct. 19 Q Now, if you would, please, turn to the 20 next page. I believe you referred to this before, 21 but if you could just clear it up for the record. 22 Have you ever seen this page before?</p>	<p>3163</p>	<p>1 A Yes. 2 Q And who prepared this ACLU 3033, that 3 pledge form? 4 A I believe that -- well, it was somebody 5 in our development department. I don't know 6 whether it was Mimi Clara or Jon Maresco, or 7 someone else, but it was somebody who was 8 preparing it in connection with the preparation of 9 the tax acknowledgment letter. 10 Q There's a reference on top of the 11 pledge form, "Amber Heard, care of Pierce 12 O'Donnell, Greenberg Glusker," and then there's 13 some other names. 14 Do you know what the firm Greenberg 15 Glusker had to do with Amber Heard? 16 A No. 17 Q And you have no idea why it was sent to 18 Ms. Heard, care of Mr. O'Donnell, at Greenberg 19 Glusker? 20 A I expect that it is the case that -- 21 many of our significant donors have 22 representatives that we work directly with on</p>	<p>3165</p>

<p>3166</p> <p>1 technical things, such as a pledge form. 2 Q Okay. And directing your attention to 3 the next page that was attached to Mr. Romero's 4 letter. It also says "Pledge Form," but it has 5 some columns. 6 A Yes. 7 Q Is it fair to say that this is a 8 proposed schedule for payment of the remaining 9 \$3.5 million donation? 10 A That is what it is. 11 Q And do you know who came up with this 12 proposed schedule? 13 A I don't know who prepared this form, 14 and don't know who told the person who prepared 15 this form to do the gift payment schedule in this 16 way. 17 Q Do you see, at the bottom of that page, 18 ACLU 3034, part of Exhibit 11, that there is a 19 signature line? 20 A Correct. Yes, I do. 21 Q Did Ms. Heard ever sign this pledge 22 schedule?</p>	<p>3168</p> <p>1 like this. 2 Q Let's go, now, please, back to 3 Exhibit 10. 4 AV TECHNICIAN: Stand by. 5 Q Okay. Mr. Dougherty, have you ever 6 seen this exhibit, Exhibit 10, before? 7 A I have. 8 Q What is it? 9 A This is an email exchange that includes 10 Anthony Romero, our director of development, Mark 11 Wier, the executive director of our Southern 12 California affiliate, which encompasses LA, and 13 me, regarding the check that we received from 14 Johnny Depp's representatives in the amount of 15 \$100,000. 16 Q Was Exhibit 10 prepared in the ordinary 17 course of the ACLU's business? 18 A Yes. 19 Q Was it maintained by the ACLU in the 20 ordinary course of its business? 21 A Yes. 22 Q Were these emails prepared</p>
<p>3167</p> <p>1 A No. 2 Q Did anyone at Greenberg Glusker, or 3 anybody else on behalf of Ms. Heard, ever sign 4 this form? 5 A No. 6 Q Why not? 7 A I don't know the answer. 8 Q Did Ms. Heard ever agree to any 9 schedule for the payment of her \$3.5 million 10 donation? 11 A There are documents that we produced 12 that point to Ms. Heard being aware of this as a 13 multi-year commitment, including the Elon Musk 14 email to Anthony, and back-and-forth between 15 Anthony and Amber, on an annual basis, about 16 her – about this gift. 17 Q My question is actually a simple one. 18 Did Ms. Heard ever agree to any schedule for the 19 payment of the remainder of the \$3.5 million 20 donation? 21 A I don't recall her – having seen 22 anything where she agreed to a ten-year schedule</p>	<p>3169</p> <p>1 contemporaneously by people having knowledge of 2 the contents? 3 A Yes. 4 Q Okay. Let's move, please, to the 5 second page of the exhibit, the email from Hector 6 Villagra, to Anthony Romero, dated August 25, 7 2015, at 12:44 p.m. 8 Do you see that? 9 A 12 – 10 Q At the bottom of the page. 11 A At the bottom of the page. 12:44, 12 yeah. Uh-huh. 13 Q Is Anthony, Anthony Romero? 14 A Yes. 15 Q And who is Hector Villagra? 16 A Hector is the executive director of the 17 ACLU of Southern California. 18 Q And you see where he informs 19 Mr. Romero, "The actual check is from Mr. Depp, 20 care of his CPA, and handwritten on the check it 21 says 'Donation being made in the name of Amber 22 Heard.'"</p>

<p>3170</p> <p>1 So I think you've testified that the 2 ACLU, in fact, received a \$100,000 check from 3 Johnny Depp, correct? 4 A Correct. 5 Q And do you know why Mr. Depp asked that 6 it be credited to the name of Amber Heard? 7 A No, I don't. 8 Q Mr. Villagra tells Mr. Romero that he 9 has been designated -- or that he has been the 10 point person. 11 What does that mean? 12 A Hold on. Let me just find that. 13 Q It's on the very end of the exhibit, 14 the next page. 15 A Oh, okay. "My staff let me know that 16 you have been the point person." 17 Yeah, Hector is saying Anthony is the 18 main person with the relationship with Amber as a 19 donor. 20 Q And why was Mr. Romero the point 21 person? 22 A Mr. Romero is our -- one of our most</p>	<p>3172</p> <p>1 donation with Elon Musk? 2 A My understanding is that Anthony 3 reached out to Elon Musk because he had a prior 4 relationship with Elon Musk and Elon Musk was the 5 person who first contacted Anthony about the 6 donation -- about a donation from Amber. 7 Q And wasn't Mr. Romero specifically 8 asking about Mr. Depp's donation of a hundred 9 thousand dollars? 10 A That's how I read this email, yes. 11 Q And if you look down, just below that, 12 the email from Mr. Villagra to Mark Wier. And he 13 said, "Got it. We will hold the check." 14 That's a reference to the ACLU's 15 holding the check from Johnny Depp, correct? 16 A That's how I read this. 17 Q Okay. So, now, moving back up to that 18 email from Mr. Wier to Mr. Villagra, copied to 19 Mimi Clara, he says, "We're going to draft an 20 email from Anthony, to Amber, explaining the 21 situation and asking for her advice." 22 What does he mean there?</p>
<p>3171</p> <p>1 significant fundraisers at the organization, and 2 he has a specific portfolio of donors that he and 3 his team, such as Jon Maresco, support. 4 Q And do you see, going back to the 5 second page of the exhibit, Mr. Romero's response 6 to Mr. Villagra, copied to Mark Wier, that same I 7 did or -- strike that. 8 On August 25th. 9 Do you see that? 10 A I do. 11 Q Now, let's move back to the first page. 12 And do you see the email from Mark Wier to Hector 13 Villagra, copied to Mimi Clara, on or about 14 August 25th, at 11:12 a.m? 15 A Yes. 16 Q So he says "Just spoke with Anthony, 17 who got off" -- strike that. 18 "Just spoke with Anthony, who just got 19 off the phone with Elon Musk." And "Anthony" 20 refers to Anthony Romero, correct? 21 A Correct. 22 Q Why was Mr. Romero discussing the Heard</p>	<p>3173</p> <p>1 A I take that to mean that we wanted to 2 hear from Amber regarding whether this gift was 3 attributable to the amount that she wanted to 4 contribute to the ACLU. 5 Q Did the ACLU, in fact, reach out to 6 Ms. Heard about Mr. Depp's \$100,000 donation? 7 A Yes. There are documents that we 8 produced that show a back-and-forth on that point, 9 between Anthony and Ms. Heard. 10 Q And Mr. Wier -- or Mr. Wier writes, 11 "I'll keep you in the loop, but definitely hold 12 the check until we get clearance from Amber." 13 Why would the ACLU need clearance from 14 Amber Heard before it accepted a \$100,000 donation 15 from Johnny Depp? 16 A My understanding of this is that we 17 would have -- that we wanted to know whether 18 this -- before we cashed this check, whether it 19 was in relation to the Amber Heard desire to 20 contribute to the ACLU as opposed to a separate 21 desire by Johnny Depp to contribute to us 22 individually. And, in fact, the communication</p>

<p>3174</p> <p>1 from Johnny Depp's representative said it was in 2 connection with Amber Heard, so we wanted to 3 clarify what was going on. 4 Q So moving to the email directly above 5 that, from Hector Villagra to Mark Wier, he says, 6 "We have more folks than I knew who followed TMZ. 7 Here's the latest report: Amber Heard calls BS on 8 Johnny's charity donation. Now you owe double." 9 What's that a reference to? 10 A I don't really know specifically, other 11 than to say that this is more indication that we 12 were unclear of whether this -- the Johnny Depp 13 gift would count toward the amounts that Amber 14 said she wanted to contribute to the ACLU. 15 Q And, then, directing your attention to 16 the top email in Exhibit 10. Mr. Wier responds, 17 "She's calling Johnny out on the \$14 million in 18 the press." 19 What does that refer to? 20 A I don't know. I don't know. I'm not 21 aware of how 14 million plays into any of this. 22 Q Okay. Let's move ahead to Exhibit 12,</p>	<p>3176</p> <p>1 dollars amount towards Amber Heard's charitable 2 giving to the ACLU. 3 Q Where, if at all, is that credit 4 reflected in the ACLU's records? 5 A There are documents that we produced 6 that show the fact that this was considered part 7 of Amber Heard's charitable giving to the ACLU. 8 Q And after the ACLU received Ms. Heard's 9 initial \$350,000 payment, it received press 10 inquiries about the Heard donation, correct? 11 A Correct. 12 Q How many? 13 A Oh, I don't know the specific number; 14 sorry. 15 Q Was this document, Exhibit 20, 16 maintained in the ordinary course of the ACLU's 17 business? 18 A Yes. 19 Q Was it prepared in the ordinary course 20 of the ACLU's business contemporaneously by people 21 having knowledge of the contents? 22 A Yes.</p>
<p>3175</p> <p>1 please. 2 Mr. Dougherty, have you ever seen this 3 document before? 4 A Just making it larger. Yes, I have. 5 Q And what is it? 6 A This is Amber confirming that we can -- 7 that we can cash Mr. Depp's check. 8 Q And did Ms. Heard, in fact, send this 9 to Mr. Romero on or about October 17th, 2016? 10 A Yes. 11 Q And is this a document that was created 12 ordinary -- was maintained in the ordinary course 13 of the ACLU's business? 14 A Yes. 15 Q And it's true that the ACLU, 16 ultimately, deposited Mr. Depp's check for 17 \$100,000, correct? 18 A Correct. 19 Q Did the ACLU credit the \$100,000 paid 20 by Mr. Depp toward Ms. Heard's \$3.5 million pledge 21 or donation? 22 A We do credit that hundred thousand</p>	<p>3177</p> <p>1 Q On what date was Ms. Heard appointed an 2 ACLU ambassador? 3 A It was in October of 2018. 4 Q Okay. Let's move ahead, please, to 5 Exhibit 22. 6 Did the ACLU ever issue a press release 7 regarding the Vanguard \$500,000 contribution? 8 A I don't believe we ever issued a press 9 release, in 2017, regarding Amber Heard's donation 10 to the ACLU. 11 Q Why not? 12 A There -- we received an email from 13 Amber, that is in the documents, that says, that 14 we -- says that we don't need to do this. We 15 shouldn't do this, this press release. 16 Q Let's go to Exhibit 24, please. 17 AV TECHNICIAN: Stand by. 18 Q Mr. Dougherty, have you ever seen this 19 document, Exhibit 24, before? 20 A Yes. 21 Q What is it? 22 A This is Anthony, in his email to -- the</p>

<p style="text-align: right;">3178</p> <p>1 same one we just saw, said that his comms people 2 are going to be reaching out to Amber's people. 3 So Steve, then, starts that process and Amber 4 then -- he -- then Amber responds and says that 5 she's no longer working with Pierce and introduces 6 Steve to her new lawyer, Eric George. And she 7 indicates that she has a concern about issuing a 8 press statement. 9 Q Is this document maintained in the 10 ordinary course of the ACLU's business? 11 A Yes. 12 Q Was it prepared in the ordinary course 13 of the ACLU's business? 14 A Yes. 15 Q And was it prepared contemporaneously 16 by people having knowledge of its content? 17 A Yes. 18 Q I would like to direct your attention 19 to the email at the top of the page. 20 Do you see the email at the top of the 21 page from Ms. Heard to Jodi Gottlieb and others, 22 dated July 6th, 2017?</p>	<p style="text-align: right;">3180</p> <p>1 settlement agreement, to be the settlement 2 agreement between her and Depp. But I don't have 3 any independent knowledge of that. 4 Q What was the basis of your belief that 5 she was going to pay you every year? 6 A The original communications and her 7 response to us when we reached out to her and she 8 indicated, you know, on a number of occasions, 9 that this was something that she was going to be 10 taking -- she was going to be looking into. 11 Q But she didn't do it, did she? 12 A What we did receive was the \$500,000 13 Vanguard Charitable contribution, and, then, the 14 next year, the \$350,000 contribution. 15 Q She didn't pay you on an annual basis, 16 did she? 17 A Yes, we didn't receive any amounts from 18 2019 and on. 19 Q Let's move up to the middle email on 20 the page. 21 Mr. Wier to Steve Smith. "Thanks, 22 Steve. Her gift is technically unrestricted, but</p>
<p style="text-align: right;">3179</p> <p>1 A I do. 2 Q Have you ever seen this document 3 before? 4 A Yes. 5 Q What is it? 6 A This is Amber letting Steve know that 7 she's no longer working with Pierce, but, instead, 8 working with a new lawyer. And indicating to 9 Steve that she's going to be talking with her PR 10 team about whether -- about issuing a press 11 statement about her 2017 -- issuing a press 12 statement about her 2017 gift. 13 Q And directing your attention, she 14 writes, "Their concern is that the press could 15 potentially spin the fact that this is an 16 installment and not the entire lump sum, as you 17 well know isn't possible, due to the structure of 18 the settlement agreement." 19 The settlement agreement is a reference 20 to the settlement agreement between Johnny Depp 21 and Amber Heard in their divorce, correct? 22 A I read that to -- the reference to the</p>	<p style="text-align: right;">3181</p> <p>1 it is weighted towards women's rights issues." 2 What does that mean? 3 A What that means is that there's a 4 particular type of gift that is legally restricted 5 for a specific purpose. And that could be -- the 6 restriction could be done in a number of ways. 7 That was not done in this situation, but, 8 nonetheless, the intention in making gifts to the 9 ACLU was to support that work. 10 So there's that subtle distinction, and 11 this is not an uncommon one at the ACLU. 12 Q After the Vanguard payment of 500,000 13 in July of 2017, what, if any, payments did 14 Ms. Heard make to the ACLU? 15 A There was one more payment of \$350,000 16 that came from Fidelity Charitable, so it looked 17 to be from a donor-advised fund from Fidelity. 18 Q And when was the donor-advised Fidelity 19 payment made? 20 A In 2018. 21 Q So that -- 22 A Go ahead, sorry.</p>

<p style="text-align: right;">3182</p> <p>1 Q Go ahead.</p> <p>2 A Oh, we have a document that we produced</p> <p>3 that shows the contributions that we received from</p> <p>4 Fidelity Charitable and the timing for each of</p> <p>5 those, one of which includes a -- includes the</p> <p>6 Amber Heard 350.</p> <p>7 Q Okay. If we could, please, move to</p> <p>8 Exhibit 39.</p> <p>9 AV TECHNICIAN: Yes, sir. Stand by.</p> <p>10 Q Showing you what's been marked as</p> <p>11 Exhibit 39.</p> <p>12 Have you ever seen this document</p> <p>13 before?</p> <p>14 MS. BREDEHOFT: Hold on. Can we get</p> <p>15 the Bates stamp number, please?</p> <p>16 MR. CHEW: It is 3037, ACLU.</p> <p>17 MS. BREDEHOFT: Thank you.</p> <p>18 MR. CHEW: You're welcome.</p> <p>19 Q Directing your attention to the</p> <p>20 penultimate entry on that page.</p> <p>21 A Yes.</p> <p>22 Q There appears to be a reference --</p>	<p style="text-align: right;">3184</p> <p>1 Q So directing your attention to the</p> <p>2 penultimate entry on this page, it says "\$350,000</p> <p>3 designation: Donation from Amber Heard."</p> <p>4 A Uh-huh.</p> <p>5 Q What does that refer to?</p> <p>6 A What that refers to is that, since the</p> <p>7 giving account are the names of the Fidelity</p> <p>8 Charitable donor-advised funds, which is the</p> <p>9 column in the right, this one is designated as</p> <p>10 anonymous, meaning that the person who set up the</p> <p>11 donor-advised funds, in this case, I believe,</p> <p>12 Amber, wanted it to be an anonymous donor-advised</p> <p>13 funds. So that would be within her discretion to</p> <p>14 decide which gifts were -- that she recommended</p> <p>15 were her recommendations or not.</p> <p>16 And so, we put into this special</p> <p>17 purpose category, we marked that this was a</p> <p>18 donation from Amber Heard, meaning a</p> <p>19 recommendation from her to make that contribution</p> <p>20 from her donor-advised funds.</p> <p>21 Q So this is an anonymous donation from</p> <p>22 someone in Amber Heard's name, correct?</p>
<p style="text-align: right;">3183</p> <p>1 first of all, have you ever seen this document</p> <p>2 before?</p> <p>3 A I have.</p> <p>4 Q And what is it?</p> <p>5 A This is a document that we created that</p> <p>6 lists the contributions made to the ACLU on a</p> <p>7 specific date, December 11, 2018, that came from</p> <p>8 the online at Fidelity Charitable account.</p> <p>9 Q And is this document maintained in the</p> <p>10 ordinary course of the ACLU's business?</p> <p>11 A The information in this is maintained</p> <p>12 in the ordinary course of this business. We</p> <p>13 created this document in response to the discovery</p> <p>14 requests.</p> <p>15 Q And does it truthfully and accurately</p> <p>16 reflect the donations made to the ACLU online, on</p> <p>17 or about December 11th, 2018?</p> <p>18 A I believe that it does. It is a</p> <p>19 document that, I believe, our development</p> <p>20 department pulled information from Salesforce, our</p> <p>21 current CRM, into an Excel, and that's what this</p> <p>22 is.</p>	<p style="text-align: right;">3185</p> <p>1 A It is anonymous to -- this is -- when</p> <p>2 this donor-advised fund was set up, it was</p> <p>3 determined that it would be -- that the gifts</p> <p>4 would presumptively be anonymous, unless she were</p> <p>5 to recommend -- to state otherwise.</p> <p>6 Q And did she ever state otherwise?</p> <p>7 A We were -- we believed that this was --</p> <p>8 that she indicated that this was her \$350,000</p> <p>9 gift, and that's why we put into the column that</p> <p>10 this was a donation recommended by her, from her</p> <p>11 donor-advised fund.</p> <p>12 Q The money did not come from her,</p> <p>13 correct?</p> <p>14 A The money went from her to her</p> <p>15 donor-advised fund, and then she recommended that</p> <p>16 the funds be paid from Fidelity to us.</p> <p>17 So, the amount of 350 we received did</p> <p>18 not come from her directly, it came from what we</p> <p>19 believed to be her donor-advised fund at Fidelity</p> <p>20 that she set up.</p> <p>21 Q What basis, other than Ms. Heard</p> <p>22 telling you, does the ACLU have for the</p>

<p style="text-align: right;">3186</p> <p>1 proposition that Ms. Heard paid the money to 2 Fidelity before it came and was given to the ACLU? 3 A The -- what we have is what she told 4 us, which is how this -- how donor-advised funds 5 that are anonymous work. The only amount -- the 6 only thing that we legally needed to know was that 7 this came from the Fidelity Charitable, and that's 8 the kind of recording that we would do on this, 9 for example, if we were reporting on this gift in 10 our tax filings or anything like that. We then -- 11 our donors who have donor-advised funds, they, 12 then, let us know that they made that 13 recommendation, and we, then, credit it to them as 14 being associated with their giving to us in our 15 CRM. 16 Q Well, Mr. Dougherty, I didn't ask you 17 what the ACLU is legally required to do. I asked 18 you, what, if anything, the ACLU did to 19 investigate whether, in fact, Ms. Heard provided 20 the funds to Fidelity. And your answer is 21 nothing, right? 22 A I don't -- I don't, I don't believe</p>	<p style="text-align: right;">3188</p> <p>1 the ACLU made to get Amber Heard to pay? 2 A We reached out to -- we reached out to 3 Ms. Heard, starting in 2019, for the next 4 installment of her giving, and we learned that she 5 was having financial difficulties. 6 Q Well, let's unpack that. 7 So, when, in 2019, did the ACLU reach 8 out to Ms. Heard about making her promised 9 contributions? 10 A I don't recall the date, but there is a 11 document that we produced that was an email from 12 Anthony to Amber about this, in 2019. 13 Q Okay. Let's move ahead to Exhibit 67, 14 please. 15 Have you seen these documents, these 16 attachments before? 17 A Yes. I've seen these. 18 Q Okay. We'll just go through them one 19 by one, if you don't mind. 20 A Sure. 21 Q If you look at Bates number 4673. 22 A Uh-huh.</p>
<p style="text-align: right;">3187</p> <p>1 there's anything else. I don't know what else we 2 would have gotten. 3 Q So, just so the record is clear, the 4 ACLU relied only on Ms. Heard, that she was the 5 ultimate source of the Fidelity funds, correct? 6 A Yes. 7 Q Because you've already testified that 8 Ms. Heard was not the original source of the funds 9 for the \$500,000 Vanguard contribution, correct? 10 A We received that \$500,000 from 11 Vanguard, their 501(c)(3), not from any other 12 person. 13 Q Right. But Vanguard was associated 14 with Mr. Musk, true? 15 A We believe that to be the case, yes. 16 Q Okay. So after this December 2018 17 donation, has Ms. Heard made any donations, 18 directly or indirectly, to the ACLU? 19 A No. Those are the four contributions, 20 the one that we -- four that we've discussed. 21 Q Well, we're almost three years since 22 her last contribution. What, if any, efforts has</p>	<p style="text-align: right;">3189</p> <p>1 Q It refers -- it says \$350,000, 2 December 11th, 2018. 3 What is that? 4 A I believe this is -- this tracks with 5 the Excel spreadsheet that we looked at, just a 6 few moments ago, that talks about online giving 7 through the Fidelity Charitable funds, and the -- 8 whereas, the prior one listed all of the 9 December 11, 2018 gifts, this one lists the 10 \$300,000 gift from -- that -- from Amber's 11 donor-advised funds. 12 Q And moving to the next page, it says 13 "Designation: Donation from Amber Heard." 14 Do you see that? 15 A Yes. 16 Q What does "designation" mean? 17 A So this was the column in Salesforce 18 that allows us to include additional information 19 about gifts; in particular, whether they were 20 restricted in a certain way. And so, that's why 21 the term "designation" is used. And here, I think 22 we filled into the designation field the</p>

3190	<p>1 information that we knew to be the case, which was 2 that this was a recommendation from Amber Heard's 3 donor-advised fund. 4 Q Okay. Now, if you move to the next 5 page, 4675, there's just one word on that, and 6 it's "anonymous." 7 Do you know what that means? 8 A This corresponds to the column of that 9 same spreadsheet that listed the names of the 10 donor-advised funds that individuals set up at 11 Fidelity and that the name of the Amber one was 12 anonymous. 13 Q Now, when Ms. Heard made her direct 14 payment, her first contribution of \$350,000, that 15 was not designated as anonymous, was it? 16 A That was not a gift from a 17 donor-advised funds, so there weren't those 18 columns for us to fill out. It was just a gift to 19 the ACLU. And I do believe that in Anthony's 20 acknowledgment letter to that, that included the 21 pledge form that wasn't signed, he included a 22 question about anonymity and whether we can list</p>	3192	<p>1 A Yes. 2 Q Have you ever seen this document 3 before? 4 A Yes. 5 Q What is it? 6 A This is the document that Vanguard 7 Charitable, so Vanguard's 501(c)(3), nonprofit, 8 uses when someone makes a recommendation from a 9 Vanguard Charitable donor-advised funds to give an 10 amount to a charity. And they, then, send this 11 letter saying that they, Vanguard, are giving this 12 amount to the charity. And it describes 13 whether -- this is the document that would 14 describe whether or not the donor wants to be 15 anonymous or even wants to indicate to us who they 16 are. 17 Q And this is the Vanguard contribution 18 about which you testified earlier, correct? 19 A Correct. 20 Q Let's move ahead, please, to 4679, 21 which is the next page. 22 A Yes.</p>
3191	<p>1 her as a donor in our annual report. So that was 2 our first connection with her, so we weren't sure 3 whether her giving would be anonymous or not. 4 Q Well, the first donation wasn't 5 anonymous, correct? 6 A No. Because we -- no, it was not 7 anonymous. But what I'm saying here is that this 8 is -- this is the name -- I believe this is the 9 name of her donor-advised fund at Fidelity. The 10 first time she gave us a gift, I think it came 11 right out of her own, you know, her own banking 12 account. 13 Q Right. And between the time Ms. Heard 14 made her first donation of 350 directly, which is 15 attributed directly to her, and the time this 16 anonymous donation comes in, did anybody at the 17 ACLU have any discussion with Ms. Heard as to 18 whether she wanted anonymity? 19 A I don't believe she did. I don't 20 believe she did. 21 Q Okay. If you could move ahead, please, 22 to Bates number 4678.</p>	3193	<p>1 Q And have you ever seen this document 2 before? 3 A I have. 4 Q And is this one of the documents that 5 you reviewed in the context of preparing for this 6 deposition? 7 A Yes. 8 Q And directing your attention to the 9 middle of the page, it says "remark from Amber 10 Heard." 11 What does that signify? 12 A I'm sorry, I'm counting to 13 three seconds. This is a record of a wire into 14 our accounts at JPMorgan Chase, in the amount of 15 \$350,000, from Amber Heard's account at City 16 National Bank. 17 Q And this was her first contribution, 18 correct? 19 A Yes, this is the 2016 August 20 contribution. 21 Q Okay. If you could move ahead, please, 22 to the next page, ACLU 4680.</p>

3194	1 Have you ever seen this document 2 before? 3 A I have. 4 Q What is it? 5 A This is the original email, from Elon, 6 to Amber and Anthony, describing her plan to 7 donate to the ACLU over the next ten years, and 8 her support for our work, and that she wasn't 9 restricting the gift, she just had a preference 10 about the use of the funds, and that Anthony would 11 forward her the wiring instructions. And then he 12 did so. And then the 350 was wired, as we saw in 13 that last JPMorgan Chase ACLU bank account wire 14 record. And, so, Anthony let Amber know that we 15 received it, yes. 16 Q Okay. So let's unpack that a little 17 bit. 18 So the email in the middle of the page 19 was an email sent to Mr. Romero from Elon Musk, on 20 or about August 18th, 2016, at 1:14 p.m., correct? 21 A Correct. 22 Q It says "Amber, I described your plan	3196	1 \$3.5 million, correct? 2 A It isn't the case that she didn't 3 object to -- that she was going to pay the 3.5; 4 it's just that she didn't object that that was her 5 plan as of August 18th, 2016. 6 Q Thank you, Mr. Dougherty. 7 Let's move to the next page, which is 8 4681. 9 A Yes. 10 Q And you see, at the top, it says 11 "Salesforce screenshot." 12 Would you remind us, please, what 13 Salesforce is? 14 A It's our current CRM, our constituent 15 records management system, which is where we store 16 all the information we have about our donors. We 17 call it our donor database. 18 Q And I believe that we've seen a version 19 of this in an email from Mr. Marino -- or Maresco, 20 correct? 21 A I do recall that this document, this is 22 part of documents that we produced.
3195	1 to donate 3.5 million to the ACLU over the next 2 ten years, as you very much believe in what they 3 are doing." 4 Do you see that? 5 A Yes. 6 Q Why was Ms. Heard -- or strike that. 7 Why was Mr. Musk representing this on 8 behalf of Ms. Heard? 9 A I don't know the answer to that 10 question. But I assume it's because of Elon's 11 prior to relationship with Anthony and that he 12 indicated "I will make that introduction for you." 13 Q He is representing that Ms. Heard's 14 plan was to donate \$3.5 million over the next 15 ten years; is that correct? 16 A Correct. That that was her plan. 17 Q Did Ms. Heard ever say, in words or 18 substance, that Mr. Musk was not correct and that 19 wasn't her plan? 20 A I do not believe she ever said that. 21 Q So, she never refuted Mr. Musk's 22 representation that she was going to pay the full	3197	1 Q Okay. Let's start from the bottom up. 2 A Sure. 3 Q If you look at the bottom entry in the 4 column, the entry that has a close date, 5 8/19/2016, "completed \$350,000." 6 What does that mean? 7 A That's a record of her \$350,000 8 contribution to us. 9 Q And do you see the designation, the 10 giving name, pledge payment? 11 A I do. 12 Q What does that refer to? 13 A That this was in connection with her 14 overall plan to make a contribution to us of 15 \$3.5 million. 16 Q Okay. Now, let's move up to the entry 17 in the middle of the chart. Says "Ms. Amber 18 Heard- soft credit- 2017. Close date, June 12th, 19 2017. Completed \$500,000." 20 What does that mean? 21 A That's the record of the Vanguard 22 Charitable contribution in 2017.

<p>3198</p> <p>1 Q Why does it say "soft credit" instead 2 of pledge payment? 3 A Because it didn't come directly from 4 Amber Heard, it came from the Vanguard Charitable 5 trust, charitable fund, and we wanted to continue 6 to associate it, though, with Amber in our donor 7 database. 8 Q Is it customary for the ACLU to make 9 distinctions between hard donations, that is 10 coming directly from the donor, and donations made 11 by others in the donor's name? 12 A It's extremely important for us to 13 understand who -- whether funds came directly to 14 us from a donor, for a donor-advised fund, or from 15 another donor altogether. That's very helpful 16 information to us as we think through our 17 fundraising program. 18 Q But my question was, is it common 19 practice? And it sounds like it is common 20 practice because you say it's important, correct? 21 A Yeah, I believe it's a common practice. 22 I believe it's a common practice.</p>	<p>3200</p> <p>1 And even then, as director of gifts, 2 she reported directly to Mark Wier. 3 Q All right. And with respect to 4 Exhibit 67, the attachments that we've described, 5 were they created in the ordinary course of the 6 ACLU's business? 7 A The only one that I would not say was 8 in our ordinary course of business is number 4681, 9 in that this was created in connection with a 10 discussion with Amber Heard's attorneys about 11 Amber's donations to the ACLU. 12 Q But all of the other documents in this 13 exhibit were created in the ordinary course of the 14 ACLU's business, correct? 15 A Correct. And even this one came from 16 our donor database, which is something we keep in 17 the ordinary course of our business. 18 Q And it's your testimony, sitting here 19 today, that the AC -- the information depicted on 20 ACLU 4681 is accurate and reflects the accounting 21 records kept in the ACLU's ordinary course of 22 business, correct?</p>
<p>3199</p> <p>1 Q Okay. And then let's look at the top 2 entry in the chart. 3 A Yes. 4 Q This is for the December 2018 payment, 5 and I believe you testified this is the last 6 payment Ms. Heard has made, correct? 7 A Correct. 8 Q And it says "Ms. Amber Heard donation 9 2018 payment." 10 What does this signify? 11 A This signifies -- this relates to the 12 2018, \$350,000 gift that we got, which I believe 13 came from Amber's donor-advised fund at Fidelity. 14 Q Okay. And let's close this out by 15 looking at 4682, which purports to be an email 16 from Liz Fitzgerald to Jonathan Maresco. 17 Who is Liz Fitzgerald? 18 A Liz Fitzgerald's then title was 19 director of special gifts, but her current title is 20 the director of development. She's the number two 21 in our development department. She reports 22 directly to Mark Wier.</p>	<p>3201</p> <p>1 A It is correct that we received the 350, 2 500, and the 350, and that we associated them all, 3 in some way, with Amber. It does not list the 4 \$100,000 Johnny Depp payment. And, yeah, and 5 there's differing terms that are used in that. 6 I'm not sure we would use the term "soft credit." 7 We might refer to it in another way now. 8 After that 2017 gift, that's when we 9 launched the new databases system, the Salesforce 10 system, and prior, it had been the PIDI system. 11 So we had been doing some changes to definitions 12 about how we record gifts. But the basics, which 13 is that these are all associated with Amber Heard, 14 these three gifts, that is absolutely accurate. 15 Q Well, you raised a good point. Why 16 isn't the \$100,000 donated by Johnny Depp credited 17 to Amber Heard? 18 A I think it should have been recorded in 19 our databases because it's information that we 20 would want to have, in that database, about gifts 21 relating to our relationship with Amber Heard. 22 And we, now, do consider that gift as part of the</p>

<p style="text-align: right;">3202</p> <p>1 constellation of gifts that are attributed to our 2 relationship with Amber Heard. 3 Q So that's how you would get from the 4 1.2 million to the 1.3 million, right? 5 A Yes, 700 plus 8 – plus that 800, plus 6 500 is 1.3, correct. 7 Q So the ACLU, sitting here today, 8 attributes \$1.3 million toward Ms. Heard's 9 \$3.5 million pledge, correct? 10 A Correct. 11 Q And of that \$1.3 million, \$100,000 was 12 paid by Johnny Depp, true? 13 A Correct. 14 Q So putting aside 4681, were all of the 15 emails prepared by ACLU employees in the course of 16 their ordinary business? 17 A I'm just reminding myself. 18 Well, I believe that that 4679 was also 19 created – downloaded from our records in relation 20 to this litigation matter. I don't believe that 21 we created this document and had it in a paper 22 file somewhere. But I think we, you know, pulled</p>	<p style="text-align: right;">3204</p> <p>1 MR. CHEW: Thank you, Your Honor. 2 THE COURT: All right. Thank you. 3 THE BAILIFF: All rise. 4 (Recess taken from : 5 to :) 6 THE BAILIFF: All rise. 7 Please be seated and come to order. 8 THE COURT: All right. Are we ready 9 for the jury? 10 MS. BREDEHOFT: Yes, Your Honor. 11 THE COURT: Okay. 12 (Whereupon, the jury entered the 13 courtroom and the following proceedings took 14 place.) 15 THE COURT: All right. If you want to 16 continue. 17 MR. CHEW: Yes, Your Honor. 18 BY MR. CHEW: 19 Q Have you ever seen this document 20 before? 21 A Yes. 22 Q What is it?</p>
<p style="text-align: right;">3203</p> <p>1 this information, this wiring information. It may 2 be the same wiring information that was looked at, 3 at the time that the donation was made. 4 Q So Exhibit 67, it's fair to say, is 5 comprised of ACLU business records kept and 6 maintained in the ordinary course, correct? 7 A Correct. 8 Q Okay. 9 MR. CHEW: Excuse me, Your Honor, we're 10 going to change topics with Mr. Dougherty. 11 THE COURT: Let's take our morning 12 break. 13 MR. CHEW: Thank you, Your Honor. 14 THE COURT: All right. Let's go ahead 15 and take our 15-minute recess. Do not discuss the 16 case with anybody, and don't do any outside 17 research, and we'll see you then. 18 (Whereupon, the jury exited the 19 courtroom and the following proceedings took 20 place.) 21 THE COURT: All right. Let's go ahead 22 and come back and take a break until 11:45.</p>	<p style="text-align: right;">3205</p> <p>1 A This is a series of communications 2 among people in our communications department 3 around engaging Amber on our programmatic work, 4 specifically relating to her being an ACLU 5 ambassador. 6 Q Let's, now, turn back to the email on 7 ACLU 47, bottom of the page, from Gerry Johnson, 8 to Jodi Gottlieb and others. 9 A Yes. 10 Q Purportedly dated November 6, 2018. 11 Who is Gerry Johnson? 12 A Gerry Johnson was a more junior person 13 in our communications department. His title was 14 communications department strategist, and 15 strategists are often communications department 16 associates that have expertise in and do work in a 17 select number of our issue areas. 18 Q And he writes. "I'd like your and 19 Amber's thoughts on doing an op-ed in which she 20 discusses the ways in which survivors of 21 gender-based violence have been made less safe 22 under the Trump administration and how people can</p>

3206	1 take action." 2 Why was the ACLU recommending that 3 Amber write evidence on that subject? 4 A With Amber agreeing to be an ambassador 5 and to work on women's rights issues and, in 6 particular, issues of gender-based violence, Gerry 7 was coming up with specific things that were 8 things that were of significant policy importance 9 to the ACLU that could be the subject matter of an 10 op-ed written by Amber. 11 Q Directing your attention a few lines 12 down, it uses the acronym "GBV." 13 What does that mean? 14 A Gender-based violence. 15 Q Then further down, he says, "If she 16 feels comfortable, she can interweave her personal 17 story, saying how painful it is, as a GBV 18 survivor, to witness these setbacks." 19 What is the ACLU referring to when it 20 talks about "her personal story"? 21 A There were a number of things that 22 Amber had expressed, from her personal story,	3208	1 A I have. 2 Q Do you see an email from Robin Shulman 3 to Jessica Weitz, dated November 14th, at 4 10:58 a.m.? 5 A Yes, sir. 6 Q Who is Jessica Shulman? 7 A Robin Shulman is a person in the 8 communications department who is no longer with 9 us, but who had expertise in interests involving 10 gender issues. 11 Q Well, you anticipated my next question. 12 Is Robin Shulman still at the ACLU? 13 A No. 14 Q And is she an attorney? 15 A I don't know whether she's an attorney. 16 A number of our communications department staff 17 members are, but I don't know. She wasn't working 18 as an attorney. 19 Q Ms. Shulman is asking Ms. Weitz, 20 "What's the status of this situation?" 21 What situation was she referring to? 22 A The situation is whether we are going
3207	1 about her having been a survivor of gender-based 2 violence. And so, one of the things that we do 3 with ambassadors is we want them to tell authentic 4 stories about our issues in the public. And to 5 the extent that they have any personal direct 6 experiences, for that to be part of their story 7 for the public. 8 Q So the ACLU was not forcing her to 9 relate her own experience with GBV, it was leaving 10 it up to Ms. Heard's discretion, correct? 11 A Correct. 12 Q And Exhibit 31 was prepared in the 13 ordinary course of the ACLU's business, correct? 14 A Correct. 15 Q And it was maintained in the ordinary 16 course of the ACLU's business, correct? 17 A Correct. 18 Q Okay. Let's move to Exhibit 33, 19 please. 20 Mr. Dougherty, asking you to, please, 21 look at Exhibit 33, and ask whether you've ever 22 seen this before?	3209	1 to be doing an op-ed with Amber. 2 Q Okay. And moving up on the page, 3 there's an email from Gerry Johnson, who says, 4 "Jess had drinks with Amber last night, and it 5 sounds like she was able to confirm with her that 6 we'll be doing the first draft." 7 A Uh-huh. 8 Q What does that mean? 9 A It is -- often a decision has to be 10 made, when we're working with ambassadors or with 11 other people who are speaking to the public, who 12 does the first draft of the document. 13 So it sounds, here, that Gerry is 14 saying that we are -- that from Jess's 15 conversation with Amber, we are moving forward 16 with some kind of an op-ed, and that ACLU 17 communications department staff members would be 18 writing the first draft of it. 19 Q And "Jess" refers to Jessica Weitz? 20 A Yes. 21 Q Okay. Let's, please, turn to 22 Exhibit 35, please.

<p>3210</p> <p>1 Have you ever seen this document 2 before, Mr. Dougherty? 3 A Yes, I have seen this document. 4 THE WITNESS: Thanks, Michael. I have 5 it. 6 Q And what is it? 7 A This is a series of communications 8 about -- it's the result of a series of 9 communications about the op-ed that Amber -- under 10 Amber's name that took place with a media outlet. 11 So this is Jessica Weitz sending a draft of that 12 to Amber. 13 Q Great. And let's go to the first email 14 first. The email that starts on the second half 15 of ACLU 185. It purports to be from Robin Shulman 16 to Jessica Weitz, on November 29. 17 Do you see that? 18 A I do. 19 Q And is she attaching the first draft of 20 the op-ed to that email? 21 A So I assumed that it was not an 22 attachment, but it was just pasted into an email,</p>	<p>3212</p> <p>1 though I recognize that it is confusing because 2 it's an email from Robin to Jess. 3 Q And the rage would be directed against 4 Johnny Depp, who purportedly abused her, correct? 5 A I didn't take it to mean that. I took 6 it to be fire and rage about gender-based issues. 7 Q Was it your understanding that it was 8 Robin Shulman who drafted -- who prepared the 9 first draft of the op-ed? 10 A Yes. 11 Q Okay. And Robin says to Jessica, "Your 12 lawyers should review this for the way I skirted 13 around talking about your marriage." 14 Whose lawyers is she referring to 15 there? 16 A I believe these are Amber's regular 17 advisors, or who were involved in the review 18 negotiation of the NDA between Amber and Johnny 19 Depp. 20 Q And then if you look at -- direct your 21 attention to the top email from Jess to -- Jessica 22 Weitz to Amber Heard, she says to Amber,</p>
<p>3211</p> <p>1 but I can't tell from this. 2 I don't see anybody saying "attached." 3 So it could be either. But what I see this as is 4 Robin sending a note to Jessica Weitz, for Jessica 5 Weitz to forward to Amber. 6 Q Understood. Robin says "I tried to 7 gather your fire and rage and really interesting 8 analysis and shape that into an op-ed form." 9 What does that refer to? 10 A That refers to the effort for our ACLU 11 ambassadors to speak publicly in a way that is 12 impactful, that is -- shows the importance of the 13 issues and how pertinent they are, personally, to 14 the individuals. In this case, they are for 15 Amber's passion for working on gender-based 16 violence issues and speaking about it and that she 17 has an analysis that is one that Robin finds 18 interesting. 19 Q And so when she's referring to "fire 20 and rage," that's Ms. Heard's fire and rage, 21 correct? 22 A Yes, that's my read of this, even</p>	<p>3213</p> <p>1 "Apologies for the delay, but we have needed to 2 pass this through quite a few lawyers." 3 What lawyers did Jessica Weitz pass 4 these through, pass the op-ed through? 5 A These were lawyers in the women's 6 rights project of the ACLU, plus the director of 7 the Center for Liberty, the deputy legal director 8 of the ACLU, who runs the Center for Liberty, 9 within which is the women's rights project, and 10 even the legal director of the ACLU, who runs the 11 whole legal department, our programmatic 12 litigation work on behalf of civil liberties, 13 David Cole. 14 Q But it never got to your level, 15 correct? 16 A Well, David Cole is at my level. Just 17 to be clear, he also reports to the executive 18 director, but it never got to me or anybody on my 19 team. 20 Q No one asked you to review the first 21 draft of the op-ed? 22 A No.</p>

<p>3214</p> <p>1 Q Did anybody ever ask you to review any 2 drafts of the op-ed, including the final draft 3 that was published in the Washington Post? 4 A No. 5 Q She says, "I want to make sure nothing 6 was said in here that puts you in jeopardy with 7 your NDA." 8 What does that refer to? 9 A The nondisclosure agreement that was 10 entered into between Depp and Heard in connection 11 with the dissolution of their marriage and the 12 settlement agreement. 13 Q Okay. And is this a document that was 14 prepared in the ordinary course of the ACLU's 15 business? 16 A Yes. 17 Q Was it kept in the ordinary course of 18 the ACLU's business? 19 A Yes. 20 Q All right. Let's move, please, to 21 Exhibit 37. 22 Have you ever seen Exhibit 37 before?</p>	<p>3216</p> <p>1 Q Isn't it true that Ms. Heard's advisors 2 initially revised the draft to remove any 3 reference to Ms. Heard's marriage or divorce? 4 A I recall a number of email 5 communications back and forth among ACLU personnel 6 and Ms. Heard's attorneys, where they were 7 suggesting edits to the op-ed relating to matters 8 covered in the NDA. 9 Q And then, isn't it also true that there 10 were some, at the ACLU, who expressed their belief 11 that excising those references to her marriage and 12 divorce from Johnny Depp made the op-ed less 13 impactful, correct? 14 A It is correct. That is correct. 15 Q But ultimately, based on those voices, 16 Ms. Heard pushed to get that excised material back 17 into the op-ed so it could be more impactful, 18 true? 19 A That's not my understanding. My 20 understanding is that the language that wound up 21 in the final op-ed piece was very different from 22 the original language that Robin included in the</p>
<p>3215</p> <p>1 A Yes. 2 Q What is it? 3 A I have. This is a draft of the op-ed 4 that Robin is sending to Amber, after a 5 conversation that they had to discuss the issues 6 in the op-ed, and, in particular, my – yeah, to 7 have a conversation about the op-ed. 8 And then she sends her changes that 9 were made to the op-ed that were relating to 10 things that Robin and Amber discussed during that 11 meeting. 12 Q And to be clear, this next draft of the 13 op-ed reflects changes that Robin Shulman made 14 after she met, in person, with Amber Heard; is 15 that correct? 16 A Correct. 17 Q What did Ms Shulman and Ms. Heard 18 discuss during their in-person meeting? 19 A My understanding is that they discussed 20 some of the personal experiences of – that Amber 21 Heard has had that were – that Robin used to 22 incorporate into the op-ed.</p>	<p>3217</p> <p>1 op-ed, after having spoken with Amber about her 2 personal experiences. 3 Q And how was it different? 4 A It was – it did not refer directly to 5 Ms. Heard's relationship with Johnny Depp. 6 Q Okay. Let's move ahead, please, to 7 Exhibit 38. 8 AV TECHNICIAN: Yes, sir. Stand by. 9 Q Mr. Dougherty, have you ever seen this 10 document before? 11 A Yes. 12 Q And is this one of the documents you 13 reviewed in preparation for your deposition? 14 A Yes. 15 Q What does this relate to? 16 A So this relates to Stacy Sullivan, who 17 reported to Terry Tang, and her role, with respect 18 to this op-ed piece, was to think about the best 19 place to place it, and to make the contacts with 20 the media in order to get it placed. 21 Q And she suggests here that the outlets 22 that the ACLU and Ms. Heard was considering were</p>

<p style="text-align: right;">3218</p> <p>1 the New York Times, The Washington Post, Teen 2 Vogue, and USA Today; is that correct? 3 A So not Stacy, but Gerry, who I think 4 you said "she," Gerry is a he, and Gerry wrote 5 some suggested places to place this after having 6 had conversations with Amber. 7 Q And Gerry's suggestions were the New 8 York Times, Washington Post, Teen Vogue, or USA 9 Today; is that correct? 10 A Correct. 11 Q Whose responsibility was it to place 12 the op-ed? Was it the ACLU's, Ms. Heard's or some 13 combination of the two? 14 A The work to place the op-ed was taken 15 on by the ACLU, in that we have, in our 16 communications department, people with expertise 17 and people who regularly do that kind of work. 18 But as we can see from this email, it was done in 19 consultation with Amber Heard. 20 Q And Mr. Johnson writes, "Since the 21 draft turned out pretty strong and Aquaman is 22 slated to do large numbers, I'm wondering what you</p>	<p style="text-align: right;">3220</p> <p>1 A I think that the -- Amber's 2 contributions to the, you know, the portion of the 3 op-ed that talks about personal experiences is 4 part of what informed the view that this was a 5 strong op-ed, and the importance of the women's 6 rights issues referred to in the op-ed, in that 7 some of them were very timely women's rights 8 issues before Congress. 9 Q And Ms. Heard had a costarring role in 10 Aquaman, correct? 11 A I don't know whether she was a costar, 12 but I know that that was a film that she was in. 13 Q And didn't she tell the ACLU that she 14 wanted the op-ed to come out just after Aquaman 15 was released? 16 A I do recall that there was a 17 conversation about the optimal timing for the 18 op-ed piece. 19 Q And as part of that conversation, 20 Ms. Heard said, in words or substance, that she 21 wanted the op-ed to come out soon after Aquaman, 22 correct?</p>
<p style="text-align: right;">3219</p> <p>1 think about it." 2 What does he mean by saying "the draft 3 turned out pretty strong"? 4 A This appears to be the analysis of how 5 broad-based and how -- what kind of reach the 6 media outlets where we can place this, will have, 7 and that media outlets are more likely to take on 8 publishing an op-ed like this if it is a strong 9 one and if it is -- and to the extent that it is 10 written by a public person who is an entertainer, 11 a well-known person, that the more they are in the 12 public eye at the time, the more likely it will be 13 accepted by a more prominent or broader-reach 14 media outlet. 15 And so, that's the sort of 16 descending -- media outlets in descending terms of 17 descending likelihood -- well, descending 18 importance and reach, but greater likelihood from, 19 you know, for example, as we go down that list. 20 Q And Amber is referencing her own direct 21 personal experience and her marriage to Johnny 22 Depp makes it a strong product, correct?</p>	<p style="text-align: right;">3221</p> <p>1 A I believe that's correct. 2 Q Who did she relay that to? 3 A I don't recall. Although I believe 4 that there are documents that we produced that can 5 shed some light on that. 6 Q Is Exhibit 38 kept in the ordinary 7 course of the ACLU's business? 8 A Yes. 9 Q Was it prepared by people with 10 knowledge and prepared in a contemporaneous 11 manner? 12 A Yes, it was. 13 Q And it was made in the ordinary course 14 of the ACLU's business, true? 15 A True. 16 Q Okay. If we could move ahead, please, 17 to Exhibit 41. This is another one of these -- 18 well, it's not that long. 19 AV TECHNICIAN: Yes, sir. Stand by. 20 Q Mr. Dougherty, have you ever seen this 21 document before? 22 A Yes.</p>

<p style="text-align: right;">3222</p> <p>1 Q What is it?</p> <p>2 A These are further communications among</p> <p>3 employees, staff members, in the development</p> <p>4 department, regarding Amber's – the placement of</p> <p>5 Amber's ad and the finalization of the op-ed</p> <p>6 piece – not ad, I'm sorry, op-ed. The</p> <p>7 finalization of it.</p> <p>8 Q If we could move ahead, please, to ACLU</p> <p>9 257, and, specifically, the email from Robin</p> <p>10 Shulman to Jessica Weitz December 11th, continuing</p> <p>11 on to the next -- strike that.</p> <p>12 Let's go to the email on the last line,</p> <p>13 Jessica Weitz's email.</p> <p>14 MR. SCHWARTZ: What's the timestamp?</p> <p>15 What's the timestamp on the email you're referring</p> <p>16 to?</p> <p>17 MR. CHEW: I'm sorry.</p> <p>18 Q This is the December 11th email, at</p> <p>19 11:05 a.m, from Jessica Weitz.</p> <p>20 Do you see that?</p> <p>21 Okay. And she says, "Amber sent back</p> <p>22 the op-ed with final edits from her legal team,</p>	<p style="text-align: right;">3224</p> <p>1 step of the way, we were making these decisions</p> <p>2 with Amber's PR representatives involved.</p> <p>3 Q Okay. Let's move back to an email in</p> <p>4 the middle of 257.</p> <p>5 A Okay.</p> <p>6 Q And it is from Jessica Weitz,</p> <p>7 time-stamped 11:09 a.m. on December 11th, 2018.</p> <p>8 A Okay.</p> <p>9 Q "Robin, her lawyers omitted the below,</p> <p>10 but Amber would love to see a way to have that</p> <p>11 part in bold somehow put back in. Is there an</p> <p>12 artful way to do that? Otherwise, she is okay</p> <p>13 with the final. 'Two years ago, I sought a</p> <p>14 temporary restraining order from my then-husband'</p> <p>15 was changed to 'two years ago, after successfully</p> <p>16 acquiring a temporary restraining order,' but</p> <p>17 still not cleared by her lawyers."</p> <p>18 Do you see that?</p> <p>19 A I do.</p> <p>20 Q Is that consistent with your</p> <p>21 understanding about what Ms. Heard's desires were?</p> <p>22 A Yeah. I trust Jessica Weitz's</p>
<p style="text-align: right;">3223</p> <p>1 which specifically neutered much of the copy</p> <p>2 regarding her marriage and the domestic violence."</p> <p>3 Do you see that?</p> <p>4 A I do.</p> <p>5 Q Is that consistent with your</p> <p>6 recollection?</p> <p>7 A I'm not sure of the term "neutered"</p> <p>8 here. But I do know that her lawyers removed</p> <p>9 references to her marriage and divorce.</p> <p>10 Q And then she writes, "The goal is to</p> <p>11 get this out this week to capitalize on the</p> <p>12 tremendous campaign for Aquaman."</p> <p>13 What does that mean?</p> <p>14 A That means, from the ACLU's</p> <p>15 perspective, that Amber is about to receive an</p> <p>16 incredible amount of press and be in the public</p> <p>17 eye. So what better time would it be than now to</p> <p>18 put out this op-ed so that it generates</p> <p>19 significant readership about our issues.</p> <p>20 Q And Amber agreed with the ACLU on that</p> <p>21 point, correct?</p> <p>22 A I believe the answer is yes. Every</p>	<p style="text-align: right;">3225</p> <p>1 relationship with Amber, so that when Jessica told</p> <p>2 Robin that that was something Amber wanted, I had</p> <p>3 no reason to think that that's not correct.</p> <p>4 Q Okay. Finally, let's look at the</p> <p>5 beginning, the first email in Exhibit 41, from</p> <p>6 Stacy Sullivan to Jessica Weitz, and says "Yes,</p> <p>7 and I need to read the latest version. Robin told</p> <p>8 me Amber's lawyers took out some of the stuff that</p> <p>9 made it really powerful, so let me look to see if</p> <p>10 I think it's strong enough for top tier."</p> <p>11 What did she mean by "top tier"?</p> <p>12 A I think, from Stacy's perspective, the</p> <p>13 more powerful a document is, the more likely it</p> <p>14 will go into a top tier news outlet, such as New</p> <p>15 York Times or The Washington Post, you know, that</p> <p>16 sort of descending tiering that was in Gerry</p> <p>17 Johnson's email.</p> <p>18 Q Okay. And is Exhibit 41 kept in the</p> <p>19 ordinary course of the ACLU's business?</p> <p>20 A Yes.</p> <p>21 Q Was it prepared in the ordinary course</p> <p>22 of the ACLU's business by people having knowledge</p>

<p>1 and done so contemporaneously? 2 A Yes. 3 Q Okay. Thank you. 4 Let's move ahead to 43. 5 AV TECHNICIAN: Yes, sir. Stand by. 6 Q Okay. Directing your attention to the 7 first page in Exhibit 43, from Jessica Weitz to 8 Sean Walsh. 9 Who is Sean Walsh? 10 A Seanwalsh@wwgrconsulting.com. 11 I don't know who that is. This is an 12 email that includes in it people other than ACLU 13 employees and ACLU consultants, so I'm assuming 14 it's somebody relating to, you know, one of 15 Amber's representatives, but I don't know for 16 sure. 17 Q Do you know who Eric George is? 18 A Yeah, george@bgrfirm. Yeah, Eric 19 George was one of Amber's attorneys. 20 Q And she's announcing to the group that 21 "It's going to The Washington Post," and triple 22 exclamation points?</p>	<p>3226</p>	<p>1 Q Have you ever seen this document 2 before, Mr. Dougherty? 3 A I am familiar with this document. 4 Q Is this one of the documents you 5 reviewed in preparation for this deposition today? 6 A Yes. 7 Q Was it made in the ordinary course of 8 ACLU's business by people having knowledge and 9 doing so contemporaneously? 10 A Correct, yes. 11 Q Is it maintained by the ACLU in the 12 ordinary course of business? 13 A Yes. 14 Q Would you, please, direct your 15 attention, sir, to page Bates number 1181. In the 16 middle of the page, purports to be an email from 17 Stacy Sullivan to Michael Larabee, and others at 18 The Washington -- well, I'll just say Michael 19 Larabee. 20 Who is Michael Larabee? 21 A Michael Larabee appears to be a person 22 who is a contact that Stacy Sullivan had at The</p>	<p>3228</p>
<p>1 A Correct. 2 Q I take it that the ACLU was pleased 3 that it was placed in The Washington Post? 4 A Correct. 5 Q And I believe you testified earlier, 6 but I just want to confirm for the record, the 7 ACLU took on the responsibility of attempting to 8 place the op-ed, correct? 9 A Correct. 10 Q And why the ACLU instead of Amber or 11 her PR team? 12 A Placing op-eds about matters such as 13 this is the kind of thing that is the bread and 14 butter for the ACLU. And, so, I don't recall if 15 conversation happened about whether her PR people 16 or our PR people should place -- should be the 17 ones that do the work to place this, but it is 18 fully consistent with how we do our work, that we 19 place this one. 20 Q All right. Let's go back to 21 Exhibit 42, if you don't mind. 22 AV TECHNICIAN: Yes, sir. Stand by.</p>	<p>3227</p>	<p>1 Washington Post. And so, she sent -- she reached 2 out to him first about placing the ad. And then, 3 because she received a bounce back out of office 4 from Mike Larabee, she sent the -- her original 5 request to Michael Duffy and Mark Lasswell, also 6 at The Washington Post. 7 Q And what was the purpose of her sending 8 them this email? 9 A This was her attempt to get the op-ed 10 placed. 11 Q And she writes, "Hey, Michael. 12 Wondering if we might interest you in a piece by 13 Amber Heard (who, as you may recall, was beaten up 14 during her brief marriage to Johnny Depp) on what 15 the incoming Congress can do to help protect women 16 in similar situations." 17 Did I read that correctly? 18 A Yes, you read it correctly. 19 Q All right. Let's look, please, let's 20 turn to Exhibit 73. 21 AV TECHNICIAN: Yes, sir. Stand by. 22 Q Mr. Dougherty, have you ever seen this</p>	<p>3229</p>

3230	<p>1 document before?</p> <p>2 A Yes.</p> <p>3 Q Is this the online copy of the op-ed</p> <p>4 that the ACLU placed?</p> <p>5 A Yes.</p> <p>6 Q Directing your attention to the title,</p> <p>7 "Amber Heard: I spoke up against sexual violence</p> <p>8 and faced our culture's wrath. That has to</p> <p>9 change."</p> <p>10 Who came up with that title?</p> <p>11 A Based on my investigation, I'm not</p> <p>12 aware of any – I'm not aware that the ACLU had</p> <p>13 any role in writing the name of the op-ed piece.</p> <p>14 And my understanding of how op-ed pieces work is</p> <p>15 that it is the media, in this case, The Washington</p> <p>16 Post, would have drafted the name of the – the</p> <p>17 title of the op-ed and not the person who wrote</p> <p>18 the op-ed.</p> <p>19 Q Did The Washington Post seek the ACLU's</p> <p>20 or Ms. Heard's approval of its title?</p> <p>21 A I believe the answer to that is no.</p> <p>22 There's nothing in the evidence that shows that</p>	3232	<p>1 for not mentioning JD," what did she mean?</p> <p>2 A I speculate that she was saying that</p> <p>3 there was significant efforts made by Amber's</p> <p>4 attorneys to take out the references to Johnny</p> <p>5 Depp and her marriage and, yet, nonetheless,</p> <p>6 people made that connection.</p> <p>7 Q And in particular, the reporter for the</p> <p>8 USA Today took her to be referring to Johnny Depp</p> <p>9 when she spoke of being the victim of domestic</p> <p>10 violence, correct?</p> <p>11 A Correct.</p> <p>12 Q Was this document prepared in the</p> <p>13 ordinary course of the ACLU's business</p> <p>14 contemporaneously by people having knowledge?</p> <p>15 A Yes, it was.</p> <p>16 Q Was it maintained by the ACLU in the</p> <p>17 ordinary course of business?</p> <p>18 A Yes.</p> <p>19 Q And would you, please, move ahead, now,</p> <p>20 to the Exhibit 46.</p> <p>21 AV TECHNICIAN: Yes, sir. Stand by.</p> <p>22 Q Mr. Dougherty, have you ever seen</p>
3231	<p>1 they reached out to us to do that, and it's</p> <p>2 consistent with my understanding that these news</p> <p>3 outlets do not usually ask for the permission of</p> <p>4 the author of the op-ed to, you know, for when</p> <p>5 they come up with the title.</p> <p>6 Q And, Mr. Dougherty, would you, please,</p> <p>7 or the technician, please, call up Exhibit 45.</p> <p>8 AV TECHNICIAN: Yes, sir. Stand by.</p> <p>9 Q Mr. Dougherty, have you ever seen</p> <p>10 Plaintiff's Exhibit 45, which is Bates number ACLU</p> <p>11 623?</p> <p>12 A Hold on. I'm just making it a little</p> <p>13 bigger.</p> <p>14 Okay. Yes, I have seen this document.</p> <p>15 Q And is this one of the documents you</p> <p>16 reviewed in preparation for your deposition?</p> <p>17 A That's correct.</p> <p>18 Q And what is it?</p> <p>19 A This is an article that was in US Today</p> <p>20 [sic] and, specifically, ties Amber's statements</p> <p>21 in her op-ed piece to Johnny Depp.</p> <p>22 Q And when Jessica Weitz says "so much</p>	3233	<p>1 Exhibit 46, which is ACLU Bates number 1287?</p> <p>2 A Yes.</p> <p>3 Q What is it?</p> <p>4 A This is a statement by Robin Shulman</p> <p>5 saying that the article that they're referring to,</p> <p>6 basically, you know, recasts everything that's</p> <p>7 said but ties it to Johnny Depp.</p> <p>8 Q So, Ms. Shulman is agreeing with</p> <p>9 Ms. Weitz's characterization that the USA took</p> <p>10 Ms. Heard to be referring to her allegations of</p> <p>11 physical violence by Johnny Depp, correct?</p> <p>12 A Yes.</p> <p>13 Q And she says "It's kind of amazing that</p> <p>14 they just grabbed the entire op-ed and rewrote it</p> <p>15 using Johnny's name."</p> <p>16 Why was it "amazing"?</p> <p>17 A I don't know why she found it amazing.</p> <p>18 Q If that was consistent with your</p> <p>19 understanding, she was referring, at least in</p> <p>20 part, to Johnny Depp, correct?</p> <p>21 A Based on my review of prior drafts of</p> <p>22 the op-ed, I knew that they were – that she was</p>

<p>3234</p> <p>1 referring to Johnny Depp and her marriage. 2 Q Was Exhibit 46 prepared in the ordinary 3 course of business by people having knowledge 4 contemporaneously? 5 A Yes. 6 Q Was it maintained in the ordinary 7 course of the ACLU's business? 8 A Yes. 9 Q Okay. Let's move to Exhibit 59, 10 please, which is Bates numbers ACLU 2614 through 11 2616. 12 A Okay. 13 Q Have you ever seen this document 14 before? 15 A Scroll to the beginning. Yes. 16 Q And what is it? 17 A This is a conversation among ACLU 18 employees regarding what were the amounts 19 contributed to the ACLU that were connected to our 20 relationship with Ms. Heard. 21 Q And is this Exhibit 59 kept in the 22 ordinary course of the ACLU's business?</p>	<p>3236</p> <p>1 Q And directing your attention to the 2 first page in this exhibit, do you see the email 3 from Mr. Romero to Mr. Maresco, subject, "a quick 4 question." Mr. Romero asked, "Did Elon's other 5 gifts come from Vanguard?" 6 To what does that refer? 7 A My personal knowledge is that Anthony 8 was just asking whether other gifts from Elon Musk 9 had been issued from recommendations he made to 10 Vanguard regarding his donor-advised fund at 11 Vanguard. 12 Q And Mr. Maresco then responds, "One of 13 them, yes. His \$5 million gift in February 2017 14 was from Vanguard." 15 Do you see that? 16 A I see it. 17 Q And if you look at the next page, 18 Vanguard was the same entity that made the soft 19 credit contribution, in Amber Heard's name, to the 20 tune of \$500,000, correct? 21 A Correct. 22 Q And he says, "In any case, my</p>
<p>3235</p> <p>1 A Yes. 2 Q And it was prepared contemporaneously 3 by people with knowledge in the ordinary course of 4 the ACLU's business, correct? 5 A Correct. 6 Q And looking at the chart on ACLU 2615, 7 this is the same contributions chart that you 8 testified about earlier, from Salesforce, correct? 9 A Correct. 10 Q And, again, as in the prior exhibit, 11 this chart or ledger does not reflect the \$100,000 12 contribution from Johnny Depp, in Amber Heard's 13 name, in August of 2016, correct? 14 A Correct. 15 Q And you still can't account for why 16 that wouldn't have been included? 17 A We assumed that there was an error made 18 in not including that in Ms. Heard's account, you 19 know, where we keep the records of her in 20 Salesforce. Although, Anthony, as you see, then, 21 raised the very question, "What about the 22 \$100,000?"</p>	<p>3237</p> <p>1 understanding was that the \$500,000 from Vanguard 2 was recommended by EM." 3 Do you see that? 4 A Yes. 5 Q And "EM" stands for Elon Musk, correct? 6 A Correct. 7 Q And, also, in that email above that, 8 Mr. Maresco states that Mr. Musk's "\$1 million 9 gift in May of 2018 was from Fidelity." 10 Do you see that? 11 A Yeah, he must – either that means a 12 separate donor-advised fund that he has at 13 Fidelity, or from – Fidelity, you know, a direct 14 investment accounts that he has at Fidelity. I'm 15 assuming the former, but I don't know. 16 Q And if you look at the next page in the 17 Salesforce chart, the second payment credited to 18 Ms. Heard, for \$350,000, as of December 11th, 19 2018, came from that same Fidelity, correct? 20 A I don't know the answer to that 21 question. I know that it came from a Fidelity 22 donor-advised fund for \$350,000, but I don't know</p>

3238	<p>1 if it is Elon Musk's donor-advised fund at 2 Fidelity. 3 Q But it could be? 4 A It could be. 5 Q Okay. Let's move, thank you, on to 61, 6 please, which is the Bates numbers ACLU 1669 7 through 71. 8 Directing your attention to the last 9 email in this exhibit, from Jill Serjeant, to Inga 10 Sarda-Sorenson, and Tyler Richard. 11 Who are Inga Sarda-Sorenson and Tyler 12 Richard? 13 A Inga and Tyler are both senior 14 communications department strategists in our 15 communications department. 16 Q Okay. And Ms. Serjeant, from Reuters, 17 asks, "I'm preparing material while awaiting a 18 verdict in the Johnny Depp libel trial in London 19 and wanted to fact check Amber Heard's 20 current/previous links with the ACLU." 21 Do you recall Mr. Depp's -- that this 22 is a reference to Mr. Depp's defamation case in</p>	3240	<p>1 of Los Angeles, correct? 2 A At the time that Jess Weitz wrote this, 3 in July of 2020, Ms. Heard had not donated her 4 full settlement to the ACLU, and I'm not aware of 5 what she did to the other organization. 6 Q At the time Ms. Weitz wrote that, the 7 ACLU was still \$2.2 million short, even if you 8 credit Ms. Heard with the 100,000 that Johnny Depp 9 gave to the ACLU, right? 10 A At the time that she wrote this, we had 11 received the 1.3. So, yes, 2.2 million of the 12 full 3.5 million, we had not received. 13 Q Was Exhibit 61 kept in the ordinary 14 course of the ACLU's business? 15 A Yes. 16 Q Was it prepared in the ordinary course 17 of the business by people having knowledge 18 contemporaneously? 19 A Yes. 20 Q Okay. Let's move to Exhibit 62, 21 please. 22 Have you seen this document before?</p>
3239	<p>1 the U.K. against The Sun? 2 A It appears, to me, that that's the 3 trial she's referring to. 4 Q Okay. Directing your attention, 5 please, to Bates number ACLU 1670, the email from 6 Jessica Weitz to Tyler Richard. 7 Do you see where Ms. Weitz writes, "The 8 answer is yes, she's still an ambassador"? 9 That's a reference to Ms. Heard still 10 being an ACLU ambassador, correct? 11 A Correct. 12 Q Then Ms. Weitz writes, "She donated her 13 full settlement to charity, 50 percent to the ACLU 14 and 50 percent to another organization." 15 That's a reference to Ms. Heard's 16 representation that she donated the full amount of 17 her divorce settlement from Johnny Depp to 18 charity, correct? 19 A Correct. 20 Q And that statement was not true. She 21 had not donated the full amount of her settlement, 22 \$7 million, to the ACLU or the Children's Hospital</p>	3241	<p>1 A Yes. 2 Q What is it? 3 A This is Jessica Weitz reaching out to 4 the communications department in order to come up 5 with a correct statement that we could make in 6 response to the Reuters article. And she comes up 7 with recommended language on this that she, then, 8 wants to confirm with our development department. 9 So, she is doing diligence to ensure that anything 10 we say to the media is going to be correct. 11 Q All right. Let's move ahead to 12 Exhibit 63. Do you have that in front of you? 13 A I'm making it larger. 14 Q Have you ever seen this document 15 before? 16 A Yes. 17 Q What is it? 18 A This is back-and-forth between Richard 19 Tyler, in the communications department, Jessica 20 Weitz, and another communications department 21 junior person, Eva Lopez. And it all concerns 22 what we can say to -- what we should say to</p>

<p style="text-align: right;">3242</p> <p>1 Reuters in response to their question about Amber 2 and her contribution to the ACLU. 3 Q And this was prepared in the ordinary 4 course of the ACLU's business, correct? 5 A Correct. 6 Q And this was prepared and maintained in 7 the ordinary course of the ACLU's business, true? 8 A True. Correct. 9 Q Let's look at the second page of the 10 exhibit, an email from Tyler Richard to Jessica 11 Weitz. 12 A Uh-huh. 13 Q Who is Tyler Richard? 14 A It's Richard Tyler, and – no, it's 15 Tyler Richard, Tyler Richard, and he's a senior 16 person in our communications department. 17 Q Mr. Richard says, "Amber Heard is an 18 ACLU ambassador for women's rights since 2018. 19 She also pledged her full settlement to charity." 20 Do you see that? 21 A I do. 22 Q And Ms. Weitz responds, "Yeah, I think</p>	<p style="text-align: right;">3244</p> <p>1 the ACLU. Instead, we would, especially when it 2 isn't the fact that there was any specific time 3 period by which we were supposed to have received, 4 you know, any specific amount of money, 5 considering that she didn't sign the pledge 6 agreement and, therefore, you know, there's an 7 attempt -- so as an organization, we attempt to 8 work with our donors who are having financial 9 difficulties in order to receive, you know, the 10 funding from them that they want to give to us. 11 So, no, I don't see this -- we would -- 12 in that sort of scenario, we would never say she's 13 short anything. 14 Q Directing your attention to the email 15 at Bates number ACLU 1700. 16 A Okay. 17 Q From Ms. Weitz to Mr. Richard, dated 18 July 31. She says "I'm just stressed about her 19 and the difficulties with all this." 20 Who is "her"? 21 A I assume that is Amber Heard. 22 Q Why was Ms. Weitz stressed about Amber</p>
<p style="text-align: right;">3243</p> <p>1 that's safer. I had nightmares about this last 2 night. I'm very upset. Do you think this is 3 okay?" 4 Why was Ms. Weitz so upset about the 5 characterization of Ms. Heard's charitable 6 donations or lack thereof? 7 A My understanding is that the 8 communications department professional, Jessica 9 was concerned about these news articles that were 10 appearing and what impact they would have on, you 11 know, the -- how the ACLU and its work with Amber 12 is seen. 13 Q She was concerned that the ACLU was not 14 telling the truth about Amber's paying the 15 3.5 million, correct? 16 A I don't see it that way. I see it as 17 her doing everything she can in order to produce a 18 correct statement to the press. 19 Q Wouldn't the correct statement to the 20 press be that she's short \$2.3 million? 21 A As I testified earlier, that's not the 22 kind of thing we would ever say about a donor to</p>	<p style="text-align: right;">3245</p> <p>1 Heard? 2 A Because this is a stressful thing, to 3 have these kinds of news reports out there, and, 4 in particular, about an ACLU ambassador. 5 Q What kind of news reports are you 6 referring to? 7 A What I believe the Reuters article -- 8 from the Reuters article. 9 Q And what did the news article say that 10 was distressing? 11 A I think it was the tie between the 12 attempts to make Ms. Heard look poorly in the 13 press regarding her donations. 14 Q Well, did you talk to Ms. Weitz in 15 preparation for this deposition? 16 A Yes, I did. 17 Q What did she tell you about the 18 donations and how she was stressed about 19 Ms. Heard? 20 A Ms. Weitz didn't say anything specific 21 about that. 22 Q You didn't ask her about why she said</p>

<p>3246</p> <p>1 she was stressed about Amber Heard and the 2 difficulties with all this? 3 A I believed, in reviewing the documents, 4 that I had an understanding of why this was a 5 difficult situation for many people. 6 Q So the answer is, you didn't ask her 7 about that, did you? 8 A I did not ask her that question. 9 Q Did you ask her about the nightmare she 10 had about Amber Heard and why she had -- what the 11 substance of her nightmares were about Amber 12 Heard? 13 A No, I did not. 14 MR. CHEW: Your Honor, counsel for 15 Ms. Heard is now taking over the questioning. 16 THE COURT: All right. Thank you. 17 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 18 COUNTERCLAIM PLAINTIFF 19 BY MS. BREDEHOFT: 20 Q Exhibit Number 1, it is Bates-stamped 21 2866. It was introduced, as well, by counsel for 22 Mr. Depp, but it's easier for me to just jump into</p>	<p>3248</p> <p>1 This is something that I would want to -- that I 2 would hope would be a legally binding pledge, but 3 I wouldn't necessarily say that this was. 4 Q All right. And the term "donate" here, 5 how would you interpret that, based on the 6 description that you gave earlier? 7 A I would take "donate" to mean 8 contributions from Ms. Heard. 9 Q And what, if any, interpretation do you 10 have that this also meant "pledge"? 11 A So, two things in response to your 12 question. One is, plan to donate. When I said it 13 would come from Ms. Heard, I would think that that 14 would be either Ms. Heard directly or from a 15 donor-advised fund that she has set up and would 16 recommend. 17 But, "over the next 10 years" makes me 18 think that, you know, donate could, theoretically, 19 be a pledge, but that's something that we would 20 want to attempt to confirm. 21 Q And just so I understand, what's the 22 difference between donate and pledge in how you</p>
<p>3247</p> <p>1 this one. 2 Do you recognize this document? 3 A Yes. 4 Q It says here "Amber, I described your 5 plan to donate 3.5 million to the ACLU over the 6 next 10 years, as you very much believe that 7 they're doing." 8 Now, the way in which "donate" is used 9 here, how would you interpret that? 10 A I would say that, at the very least, it 11 was expressing an intention to make that 12 donation -- 13 Q And it's -- 14 A -- by the term "plan." 15 Q Okay. And would you distinguish 16 between donate and pledge, given the reference to 17 the "next 10 years"? 18 MR. CHEW: Is that Elon Musk's 19 intention? 20 A I would read this to mean that it isn't 21 clear whether this is -- intended to be a pledge 22 or legally binding pledge to create a receivable.</p>	<p>3249</p> <p>1 were interpreting this? 2 A If this used the word pledge, I would 3 have more assurance that this was intended to be 4 a, you know, hard-and-fast promise that even 5 could, potentially, be a legally binding 6 process -- promise. 7 Q I'm going to show you what's been 8 marked as Defendant's Exhibit Number 2. 9 Do you recognize this document, 10 Bates 2632? 11 A I do recognize this document. 12 Q And what is your understanding of what 13 this is? 14 A This is the cover letter to which the 15 check for \$100,000 was attached, which related to 16 Johnny Depp's contribution to the ACLU in the name 17 of Amber Heard. 18 Q Now, you've used the term "binding" a 19 few times here in responding to these. 20 What is your distinction with the words 21 pledge and donate that relate specifically to 22 binding?</p>

<p>3250</p> <p>1 A A pledge is – if something is legally 2 binding, it is a pledge, but it doesn't 3 necessarily mean that everybody that uses the term 4 pledge means something that's legally binding. 5 Donate is a much, much broader term. 6 Q And donate can mean pledge? 7 A Yeah, I think the word donate can be 8 used in connection with a pledge. 9 Q Do you have any understanding of what 10 Amber Heard believed was a pledge versus a 11 donation? 12 A I don't know. 13 Q Did the ACLU have any reason to believe 14 that Amber Heard would not be pay the ACLU 15 \$3.5 million? 16 A I think that everybody at the ACLU was 17 hoping – we were hoping – the ACLU was hoping 18 and expecting that the full 3.5 million would be 19 paid to the ACLU. The fact that the pledge form 20 wasn't signed was, you know, cast some potential 21 doubt on that, and then once Ms. Heard began 22 having financial difficulties, we, obviously,</p>	<p>3252</p> <p>1 Q And Mr. Romero responds to her, "Thank 2 you for the response. We will cash the check, but 3 that means you 'overpaid' for this year, as you 4 wired 350,000, and then the \$100,000 from 5 Mr. Depp. So you can keep track of where you are 6 on the overall amounts." 7 Do you see that? 8 A I do. 9 Q I'm going to show you what's been 10 marked as deposition -- Defendant's Exhibit 11 Number 14, and it's Bates stamp ACLU 2588 through 12 89. This is -- and I realize there is a version 13 of this that Mr. Chew showed you. But this 14 includes an email from Mr. Romero to Jonathan 15 Maresco, Mr. Maresco to Mr. Romero, with a copy to 16 Mark Wier. And it says here, "Hi, Anthony. If 17 you get a chance on Sunday, can you please check 18 in with Amber on her next pledge payment? She has 19 a balance of \$2.55 million on her \$350,000 10-year 20 pledge. Below is a summary of her other 21 payments." 22 Do you see that?</p>
<p>3251</p> <p>1 recognized that that might impact whether the full 2 3.5 million is paid or impact whether it's paid 3 over a much longer period of time, in some 4 intermittent way. 5 Q Do you have any evidence to suggest 6 that Amber Heard still does not intend to pay the 7 ACLU the full 3.5 million? 8 A I have no – based on my investigation, 9 I'm not aware of any indication that Ms. Heard has 10 decided to no longer pay additional amounts to the 11 ACLU. 12 Q I'm going to ask you to bring up 13 Number 4, please. I'm going to ask you to take a 14 look at this document, and it starts out, on the 15 bottom, with Amber, on October 17, 2016, to "arp" 16 Who's that? 17 A That's Anthony Romero's private email. 18 Anthony Romero private. 19 Q And she's telling him to go ahead and 20 cash Mr. Depp's check. 21 Do you see that? 22 A I do.</p>	<p>3253</p> <p>1 A I do. 2 Q Okay. And so, this has the 500,000 and 3 the 350,000 and the 100,000 on it, correct? 4 A Correct. 5 Q Okay. And that was September 28th, 6 2018. I'm going to show you what has been marked 7 as Defendant's Exhibit 15, it's Bates-stamped 8 2595, and I'm going to make it larger. 9 And if I can show you, we have an email 10 from Mr. Romero saying, "Is there anything I can 11 do to help facilitate your next pledge payment of 12 350,000?" And it's dated November 27, 2018. 13 Do you see that? 14 A I do. 15 Q All right. And then, Amber comes back, 16 on 11/29, and says, "Hang on. I'll be right with 17 you." 18 Do you see that? 19 A Correct. Yeah, I see it. 20 Q Okay. And then the \$350,000 payment 21 came in on December 11, 2018, correct? 22 A Correct.</p>

<p style="text-align: right;">3254</p> <p>1 Q And that made it a total of, what, 2 1.3 million, we've decided, right? What was the 3 total amount of the donations after the 12/11/2018 4 that was made toward Ms. Heard's \$3.5 million 5 pledge to ACLU? 6 A 1.3 million. 7 Q All right. Now, if Ms. Heard had just 8 given 350,000 each year, what would the amount 9 have been as of December 2018? 10 A 1,000,005 – 50 – it would be 350,000, 11 350,000, 350,000, so that's 9 – 1,050,000. 12 Q Okay. And so she was, effectively, 13 250,000 ahead of that, as of December 2018, 14 correct? 15 After Mr. Depp filed suit against Amber 16 Heard on March 1, 2019, were there any payments 17 that Ms. Heard made to the ACLU toward her 18 \$3.5 million pledge? 19 A No additional payments. 20 Q Now, this was also shown to you by 21 Mr. Chew in one of his documents. I'm just -- 22 it's ACLU Document 3037, with "12/11/2018,</p>	<p style="text-align: right;">3256</p> <p>1 honor of someone else. And when I said "in honor 2 of a person," I was more referring to, you know, 3 in memory of a person or in honor of, you know, a 4 new executive director of an organization, people 5 make donations in honor of them. 6 But a person certainly can make a gift 7 and say that I would like to make this gift to the 8 organization because I know that this other person 9 has committed something to the organization and 10 I'd like to pay that amount. A person can do 11 that. 12 Q Now, was it your understanding, with 13 the letter from Ms. Weitz, that Mr. Depp was 14 making a \$100,000 payment on behalf of Amber 15 Heard's \$3.5 million pledge? 16 A Yes. That gift from – was in 17 connection with the amounts that Amber said that 18 she wanted to contribute to the organization. 19 Q And it's been your testimony, I think, 20 that there was an error in not including that in 21 your Salesforce; is that correct? 22 A Correct.</p>
<p style="text-align: right;">3255</p> <p>1 \$350,000, Designation: Donation from Amber Heard, 2 Anonymous." 3 Do you see that? 4 A I do. 5 Q Now, the ACLU continues to recognize 6 Amber Heard as an ambassador for the ACLU; is that 7 correct? 8 A We do. She – and she continues to be 9 listed on our website. 10 Q Can a donor deduct a donation before 11 they actually make the payment to the ACLU? 12 A No. Yeah, a deduction cannot be taken 13 prior to when the deduction is made. A deduction 14 is taken with respect to a tax year, so the 15 deduction would have to be made within a tax year 16 in order for it to be deducted that year. 17 Q Okay. Now, you also testified earlier 18 about different sources of donations, and you said 19 that someone can make a donation in honor, to 20 fulfill someone else's pledge. 21 Do you recall that testimony? 22 A A person can make a donor [sic] in</p>	<p style="text-align: right;">3257</p> <p>1 Q Okay. Now, is it also your 2 understanding that Elon Musk made the \$500,000 3 payment towards Amber Heard's \$3.5 million pledge? 4 A Yes. We don't know that with absolute 5 certainty, but that is our organization's 6 understanding. 7 Q Okay. And you credited it toward 8 Ms. Heard's pledge, correct? 9 A Yes. 10 Q Does it matter, to the ACLU, where it 11 comes from if it's tagged and said it's as part of 12 this person's pledge? 13 A We're always happy to receive funds 14 from donors, and if a donor is unable to make a 15 contribution of an amount that they said they 16 intended to make, if they're able to have someone 17 else make a contribution to the organization, 18 that's completely fine by us. 19 Q It's still more money to the ACLU, 20 correct? 21 A Correct. 22 Q And it's toward a pledge that you're</p>

3258	3260
1 hoping you can count on, correct?	1 of any evidence that would suggest that Amber
2 A Toward a pledge in the weak form of it,	2 Heard did not rely on the advice of her attorneys?
3 which is that someone is making an intention. It	3 A Based on my investigation, I'm not
4 would not be able to be satisfied in connection	4 aware of a situation where she did not rely on her
5 with a legally binding pledge.	5 attorneys.
6 Q Well, you did credit the \$500,000	6 Q Thank you.
7 toward Amber Heard's pledge, correct?	7 And I'm going to make a reference to
8 A Yes, we did.	8 their Exhibit Number 31, this is -- just call it
9 Q And although you didn't initially	9 Exhibit 31, Mr. Chew put it in. Gerry Johnson was
10 credit the \$100,000 payment by Mr. Depp towards	10 writing an email, and he listed a number of
11 her pledge, you agree that that should have been	11 topics.
12 credited towards Amber Heard's pledge as well,	12 Was it your understanding that the ACLU
13 correct?	13 chose a number of those topics, of course subject
14 A Correct.	14 to Amber's approval, but it was their idea on some
15 Q We saw a document that Mr. Chew showed	15 of these issues, to address in the op-ed?
16 you a short while ago that indicated that Elon	16 A My understanding is that those were
17 Musk made some other significant contributions,	17 ACLU issues that Gerry Johnson came up with that
18 including \$1 million and \$5 million that were	18 might have been issues that could be covered in
19 separate and apart from the 500,000, correct?	19 the op-ed.
20 A Correct.	20 THE COURT: All right.
21 Q Now, Mr. Depp -- Mr. Chew asked you if	21 I assume, for your next witness, it's a
22 the ACLU benefited from the fact that Amber Heard	22 remote witness, correct? And I assume it will
3259	3261
1 pledged or donated the 3.5 million. And I think	1 take longer than 30 minutes; is that a fair
2 your answer was that you benefit whenever there is	2 assumption?
3 donations made and the publicity associated with	3 MS. LECAROZ: Yes, that's right, Your
4 it.	4 Honor.
5 What, if anything, would the ACLU have	5 MR. MONIZ: Yes, Your Honor. I think
6 had if Amber Heard pledged or donated 1.3 million,	6 it will take a little longer than 30 minutes.
7 as opposed to 3.5 million?	7 THE COURT: I think what I propose,
8 A If I understand your question	8 ladies and gentlemen, what I might have you do is
9 correctly, I think that it is always a positive	9 take an extended lunch until 2:30, because I have
10 thing to report on donation made to the ACLU.	10 an obligation at 2. So then that means, though,
11 Q Mr. Dougherty, you testified to a	11 that we would go through until 5:30 tonight.
12 number of documents about the op-ed and the	12 Is that agreeable with everybody on the
13 back-and-forths with the attorneys and everything	13 jury? Is that agreeable with everybody here?
14 else.	14 Let's go ahead and do that. Let's go ahead and
15 Are you aware of any evidence, in any	15 give you a lunch break until 2:30, okay?
16 stage of the op-ed drafts, through publication,	16 Do not discuss the case, and do not do
17 that Amber Heard did not rely on her counsel's	17 any outside research, okay? Thank you.
18 advice?	18 (Whereupon, the jury exited the
19 A From what I know, Ms. Heard involved	19 courtroom and the following proceedings took
20 her attorneys and made changes to the op-ed based	20 place.)
21 on the advice of her attorneys.	21 THE COURT: All right. So be in recess
22 Q And so, my question is, are you aware	22 until 2.

<p>3262</p> <p>1 MR. CHEW: Thank you, Your Honor. 2 MS. BREDEHOFT: Thank you, Your Honor. 3 THE BAILIFF: All rise. 4 (Recess taken from 12:55 p.m. to 5 2:26 p.m.) 6 THE BAILIFF: All rise. Please be 7 seated and come to order. 8 THE COURT: All right. Are we ready 9 for the jury? 10 MR. CHEW: Yes, Your Honor. 11 THE COURT: Okay. 12 (Whereupon, the jury entered the 13 courtroom and the following proceedings took 14 place.) 15 THE COURT: All right. Thank you, 16 ladies and gentlemen. 17 All right. Your next witness. 18 MR. DENNISON: Yes, Your Honor. 19 Plaintiff calls Edward White. 20 THE COURT: Okay. Thank you. 21 EDWARD WHITE, 22 being first duly sworn, was examined</p>	<p>3264</p> <p>1 done at Edward White and Company? 2 A It's diversified. It includes 3 providing tax and related compliance services, 4 that is to do the tax return for the clients. 5 That's both fiduciary, corporate, individual, as 6 well as partnership work. We also are involved in 7 providing financial statements for financial 8 institutions and for governmental agencies. We, 9 in addition to that, have a business management 10 department and provide a wide variety of services 11 in that capacity. 12 Q Are you the Edward White of Edward 13 White and Company? 14 A Yes, I am. 15 Q Who do you employ? 16 A We employ a very talented group of 17 professionals that have really amazing 18 credentials. They have graduate degrees from NYU 19 and USC in business administration as well as 20 taxation. Many of my colleagues have been with 21 the firm for over 25 years, in one case for 35 22 years. I'm very proud to be associated with this</p>
<p>3263</p> <p>1 and testified as follows: 2 THE COURT: Good afternoon, sir. 3 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 4 COUNTERCLAIM DEFENDANT 5 BY MR. DENNISON: 6 Q Good afternoon, Mr. White. 7 A Good afternoon, Counselor. 8 Q Will you state your full name for the 9 record. 10 A Yes. Edward White. 11 Q Where do you reside? 12 A Los Angeles, California. 13 Q How are you employed? 14 A Many years ago I founded Edward White 15 and Company, Certified Public Accountants, and I 16 am the managing and senior partner of the firm. 17 Q What is a certified public accounting 18 firm? 19 A A certified public accounting firm is 20 authorized by a particular state, in my case, 21 California to audit financial information and to 22 certify the statements related thereto. Q What's the nature of the work that's</p>	<p>3265</p> <p>1 group of people. 2 Q Who are your principal clients? 3 A We represent approximately 100 4 high-net-worth individuals and the companies that 5 they own and operate. In addition to that, we do 6 work for governmental agencies such as the 7 Department of Justice, the State of Alaska, the 8 State of California, and the City of Long Beach. 9 Q What's your educational background? 10 A I started my college career utilizing 11 the GI Bill. I served four years in the Air Force 12 and was fortunate enough to have that opportunity. 13 My undergraduate degree was in business 14 administration, and I have a master's degree in 15 business administration from the University of 16 Southern California. After completing my graduate 17 degree at USC, I studied several -- I took several 18 tax classes, corporate, fiduciary, estate and 19 gift, and subject matters such as that. 20 Q Do you have any other experience with 21 education? 22 A Yes. I was a former professor of</p>

3266	<p>1 accounting and taxation at California State 2 University located in Los Angeles, California. 3 Q What kind of work do you personally do? 4 A The work I do is primarily transaction 5 oriented, acquisition of companies, dispositions 6 such as buying or selling a company, arranging 7 financing with large financial institutions, 8 consulting with clients where they feel it's 9 appropriate for me to be involved, assisting my 10 colleagues. As I mentioned to you we have 11 approximately 100 high-net-worth individual 12 clients, and there's always something I can 13 contribute to. 14 Q Do you hold any certifications? 15 A Yes. I'm certified in financial 16 forensics by the American Institute of Certified 17 Public Accountants. I'm also a member of the 18 American Institute of Certified Public Accountants 19 and the California Society of Certified Public 20 Accountants, and of course I'm a certified public 21 accountant. 22 Q What are financial forensics?</p>	3268	<p>1 THE COURT: I'll sustain the objection. 2 I think we can move on. 3 Q Do you know Mr. Depp? 4 A Yes, I do. 5 Q How did you come to know Mr. Depp? 6 A I met him because he was introduced to 7 me by a senior executive at the Bank of 8 California, Richard Smith. 9 Q Do you work with Mr. Depp? 10 A Yes, I do. 11 Q In what capacity? 12 A We are his business management firm. 13 Q How long have you served in that 14 capacity? 15 A Approximately six years. 16 Q What does that role involve? 17 A Processing, managing his financial 18 affairs. As you know, Mr. Depp is an amazing 19 talent, internationally acclaimed for his work, 20 but he relegated his financial activities to me 21 and my colleagues, so we provide a wide variety of 22 services for him.</p>
3267	<p>1 A That's an attempt to ascertain not only 2 the facts but what transpired as related to 3 financial activity. So you do a study based upon 4 financial records. You then look at contracts, 5 look at other financial information, in an attempt 6 to, once again, not only ascertain what the 7 results were but what caused the results. 8 Q Have you ever previously testified in 9 court? 10 A Yes. I've been accepted as an expert 11 witness in both the California court and the 12 federal courts, and I have testified in matters 13 involving the Department of Justice and the FBI. 14 Q Okay. Do you serve on any boards or 15 have you served on any boards? 16 MR. ROTTENBORN: Objection. Relevance. 17 Your Honor, this witness is not being proffered as 18 an expert in this case. 19 THE COURT: All right. He's just a 20 fact witness and not an expert witness? 21 MR. DENNISON: Fact witness, and that 22 goes the credibility.</p>	3269	<p>1 Q Do you do this kind of work for other 2 people? 3 A Yes. We do. Numerous other clients. 4 Q When did you first become involved with 5 Mr. Depp? 6 A Approximately six years ago, after the 7 introduction from Mr. Smith. 8 Q What was the nature of the work that 9 you were to perform for him? 10 A Initially, it was to perform a forensic 11 study, evaluate his financial affairs, and to 12 formulate recommendations on how he could manage 13 his affairs in a more advantageous manner. 14 Q After you conducted that analysis, what 15 did you do? 16 A I met with Mr. Depp, the purpose of 17 which was to share with him the results of our 18 findings and to make recommendations in how he 19 could resolve the issues he was confronting. 20 Q When was that meeting? 21 A That meeting was on April 21st, 2016. 22 Q Who called the meeting?</p>

<p style="text-align: right;">3270</p> <p>1 A I did. I called the meeting because I 2 felt it was appropriate to meet with Mr. Depp and 3 to discuss his affairs and to provide him with 4 opportunities and plans and strategies to resolve 5 the issues he was confronting. 6 Q Where was the meeting held? 7 A It was held at his offices in 8 Los Angeles, California. 9 Q Do you know approximately what time it 10 began? 11 A It began at approximately 7:30, and my 12 recollection is there were seven people in 13 attendance, including Mr. Depp and myself. 14 Q Was alcohol served at the meeting? 15 A Not to my recollection. I don't recall 16 any alcohol being consumed. 17 Q Did Mr. Depp stay for the entirety of 18 the meeting? 19 A Oh, yes. He was very interested in the 20 contents. He asked very thoughtful questions. He 21 was fully engaged and fully sensitive to the 22 matters that we were discussing.</p>	<p style="text-align: right;">3272</p> <p>1 Q Did he appear impaired to you in any 2 way? 3 A No. To the contrary – 4 MR. ROTTENBORN: Objection. Leading. 5 A – I found him to be – 6 THE COURT: I'm sorry, sorry. There's 7 an objection. What was the objection? Leading? 8 MR. DENNISON: I just asked him for his 9 observation as to impairment. 10 THE COURT: I'll sustain that 11 objection, but you can ask another question. 12 Q Did you make any observations as to 13 Mr. Depp's potential impairment? 14 A It was readily apparent to me that he 15 was actively involved in the conversation. He 16 asked very thoughtful and prudent questions. He 17 was genuinely interested, and once again, when he 18 left, he thanked me profusely for not only 19 addressing the issues but formulating a strategy 20 and plan to resolve them in a successful manner. 21 Q Did you have -- did you play any role 22 on Mr. Depp's behalf with respect to dissolution</p>
<p style="text-align: right;">3271</p> <p>1 Q Did there come a time when Mr. Depp 2 didn't participate in the meeting? 3 A No. He was very actively involved. He 4 did excuse himself on two or three occasions. 5 It's my understanding that he was going to contact 6 Ms. Heard and attempt to respond to her concerns 7 and also address the fact that this was an 8 extremely important meeting and that involved his 9 financial viability and that he felt it imperative 10 to stay and address the issues I was discussing 11 with him. 12 Q When did the meeting conclude? 13 A At approximately 9:30. So it went for 14 approximately two hours. 15 Q At the conclusion of the meeting, what 16 did you observe -- what did you observe as to 17 Mr. Depp? 18 A That he was fully engaged, once again. 19 He thanked me profusely for not only addressing 20 the problems, but he was excited about the fact 21 there was a strategy and a plan to resolve the 22 problems.</p>	<p style="text-align: right;">3273</p> <p>1 of his marriage to Ms. Heard? 2 A Yes. I was actively involved in the 3 negotiations of the separation and the marriage 4 dissolve. 5 Q What role did you play in those 6 negotiations? 7 A Well, in my capacity as his business 8 manager, I understood his financial capacity and 9 the tax implications associated with it. So I was 10 actively involved in addressing those issues as 11 they were forthcoming from counsel. 12 Q You mentioned tax implications. What 13 are you talking about there? 14 A Excuse me? 15 Q I think you just mentioned tax 16 implications. What are you talking about there? 17 A Well, what I was talking about is that 18 when Ms. Heard began the negotiations, she was 19 asking for approximately \$4 million. That amount 20 then was increased – 21 MR. ROTTENBORN: Objection, Your Honor. 22 Foundation, hearsay, lack of foundation, hearsay.</p>

<p style="text-align: right;">3274</p> <p>1 MR. DENNISON: These are requests made 2 by Ms. Heard and her counsel in a conversation -- 3 in communications. 4 THE COURT: You want to approach for a 5 minute? 6 (Sidebar.) 7 MR. ROTTENBORN: Foundation. He wasn't 8 involved in these conversations. He hasn't 9 established that he was. 10 MR. DENNISON: He just testified 11 that -- 12 MR. ROTTENBORN: He's actively 13 involved, but he's not actively involved in 14 talking to Ms. Heard. 15 THE COURT: Did Ms. Heard tell him 16 that, I guess, is the question. 17 MR. DENNISON: No. Ms. Heard 18 negotiated these things through agents, lawyers, 19 and he dealt with their lawyers. 20 THE COURT: I understand. But I mean 21 if he didn't get it directly from her, then I'll 22 sustain the objection.</p>	<p style="text-align: right;">3276</p> <p>1 a half million dollars. Then it went to 2 \$7 million. And then it was \$7 million, and she 3 required, demanded, that Mr. Depp also pay 4 \$500,000 to her attorneys. 5 Then after that consideration, she also 6 said that all the community liabilities that were 7 accumulated during the course of the marriage, 8 which approximated -- 9 MR. ROTTENBORN: Objection, Your Honor. 10 THE COURT: There's an objection, sir. 11 When there's an objection, I'm sorry, if you can't 12 hear it, I'll let you know. 13 THE WITNESS: I'm sorry. Thank you. 14 THE COURT: Yeah. No problem, sir. 15 MR. ROTTENBORN: This goes into the 16 allegations of what she said, which Your Honor 17 just instructed -- sustained the objection on 18 that. He has no foundation to suggest that, no 19 knowledge of that. 20 MR. DENNISON: Your Honor. I 21 understand that. I asked his understanding. 22 THE COURT: All right. I'll overrule</p>
<p style="text-align: right;">3275</p> <p>1 MR. DENNISON: I'm sorry, Your Honor. 2 I didn't hear what you said. 3 THE COURT: I'm sorry. If he didn't 4 get that directly from Ms. Heard, then I'll 5 sustain. 6 MR. DENNISON: Even though the lawyers 7 were involved? 8 THE COURT: Because he's not a lawyer. 9 I mean, you can get into his understanding, but 10 not quotes of what she said. 11 MR. DENNISON: Oh, okay. I understand. 12 THE COURT: Okay. 13 (Open court.) 14 BY MR. DENNISON: 15 Q As a result of your involvement on 16 behalf of Mr. Depp in the negotiation, what was 17 your understanding of what Ms. Heard was looking 18 for? 19 A She initially was looking for a 20 consideration of \$4 million. But that demand 21 continually increased. It went from \$4 million to 22 \$5 million. Then it went from \$5 million to 5 and</p>	<p style="text-align: right;">3277</p> <p>1 the objection. Go ahead. 2 THE WITNESS: May I continue? 3 MR. DENNISON: She'll tell you yes. 4 THE COURT: Yes. 5 THE WITNESS: Thank you, Your Honor. 6 THE COURT: He learns very well. 7 A So the next demand was that all the 8 community liabilities that were unresolved, 9 approximately \$13.5 million, that Mr. Depp had to 10 pay those liabilities in its entirety. So at that 11 point, she was demanding \$14,250,000 of 12 consideration, and then it got worse. The next 13 demand was that all this consideration be paid to 14 her free of taxation. 15 And, Counselor, for him to pay 16 14 million, \$14,250,000 to Ms. Heard, that would 17 require him to earn approximately \$30 million. 18 MR. ROTTENBORN: Objection. So far 19 beyond the scope. So far beyond his foundation of 20 what was discussed. 21 THE COURT: I'll sustain that last 22 answer. All right.</p>

<p>3278</p> <p>1 Next question. 2 Q Did you make a proposal as to how 3 payments would be made to Ms. Heard? 4 A Yes, I did. And they were initially 5 contemplated to be paid directly to the charities, 6 the Children Hospital of Los Angeles for the 7 benefit of the children who required severe 8 medical service, and to the ACLU. 9 During the course of the negotiations, 10 one of the demands as the contract changed, was 11 that the payments be made directly to Ms. Heard. 12 Q Did you have any personal involvement 13 with either the ACLU or the Children's Hospital? 14 A Yes, I did. 15 Q What was that? 16 A Mr. Depp directed me to issue two 17 \$100,000 checks directly to the Children's 18 Hospital Los Angeles. I knew that he was involved 19 and supported their efforts and appreciated his 20 service. In addition to that, he directed me to 21 contribute \$100,000 to ACLU. In accordance with 22 his instructions, my colleagues drafted the</p>	<p>3280</p> <p>1 of \$1 million, made payable directly to Ms. Heard, 2 was made. 3 Then in August of 2017, another million 4 dollars was paid directly to Ms. Heard. 5 Then in November, \$500,000 was paid 6 directly to Ms. Heard. 7 My colleagues drafted those checks. I 8 executed them. Were delivered on a time basis. 9 Therefore, in 2017, she was paid 10 \$4.5 million directly paid to her. Then on 11 February 1 of 2018, she was paid the final 12 installment of \$2.3 million, for total payments 13 that went directly to Ms. Heard of \$6.8 million. 14 Q Do you know when this lawsuit was 15 filed? 16 A Yes. It was filed on March 1, 2019. 17 Q Okay. Were the payments that were made 18 on Mr. Depp's behalf directly to Ms. Heard the 19 only economic benefit she received? 20 MR. ROTTENBORN: Objection. Leading. 21 THE COURT: I haven't heard the -- I'll 22 overrule the objection for now.</p>
<p>3279</p> <p>1 checks, I executed them, and they were delivered 2 to the two charities. 3 Q Did you continue making payments to 4 either of those charities on Ms. Heard's behalf? 5 A No. In fact, I was chastised for 6 making the payments by Ms. Heard's counsel and 7 told the payments in the future would go directly 8 to her. 9 MR. ROTTENBORN: Objection, Your Honor. 10 This is clearly hearsay. He's not answering the 11 question. I would ask for you to instruct him to 12 answer the question and not expound upon his -- 13 THE COURT: I'll sustain as to hearsay. 14 Next question. 15 Q What role did you play with respect to 16 the payments ultimately made to Ms. Heard? 17 A We supplied the payments to Ms. Heard 18 in accordance with the agreement either on or 19 before the date in which they were required to be 20 paid. The first payment made to Ms. Heard was 21 \$2 million in 2017. 22 Then in April of 2017, another payment</p>	<p>3281</p> <p>1 Go ahead. 2 Q Were the payments made to Ms. Heard the 3 only economic benefits that she received from the 4 settlement agreement? 5 A No. As I shared with you earlier, 6 Mr. Depp was required to pay \$500,000 to 7 Ms. Heard's counsel, which he did in a timely, 8 respectful manner. He was also required to pay 9 all the community liabilities which cumulated 10 during their 15 months of marriage which was 11 approximately \$13,500,000. So he paid all the 12 community liabilities; she paid none of them. 13 That's why you'd have to aggregate the 14 money that was paid directly to her, the money 15 that was paid to her -- to the charities on her 16 behalf, the money that was paid to her attorneys, 17 and the relief of all these liabilities that she 18 had -- that he had to satisfy. That's why I said 19 to you, Counselor, that the total consideration 20 paid to her was \$14,250,000, and she demanded that 21 that payment be made free of taxation, that 22 Mr. Depp would have to satisfy all the tax</p>

3282	1 liabilities. 2 Q How long were they married for? 3 A They were married for 15 months. 4 Q Okay. Were the payments that went to 5 Ms. Heard the only payments that you've made on 6 Mr. Depp's behalf? 7 A No. We satisfied all of his 8 obligations. So it was very customary for us to 9 pay everything that Mr. Depp was obligated to pay. 10 Q Are you familiar with an entity known 11 as Twenty Twenty Wine Merchants? 12 A Yes, I am. 13 Q Why are you familiar with it? 14 A It's a prominent purveyor of wine in 15 Los Angeles, California. 16 MR. ROTTENBORN: Objection, Your Honor. 17 Foundation. Hearsay. 18 THE COURT: I don't see the hearsay, 19 but I don't know. 20 MR. ROTTENBORN: Foundation at this 21 point. 22 MR. DENNISON: Can we approach?	3284	1 THE COURT: That's fine. 2 (Open court.) 3 BY MR. DENNISON: 4 Q I think where we left off is I asked 5 you how were you familiar with Twenty Twenty Wine 6 Merchants. And if that's not what I asked you, 7 that's what I'm asking you now. 8 A Twenty Twenty is a highly recognized 9 purveyor of wine in Los Angeles along with other 10 companies. 11 Q What involvement, if any, did you have 12 with Twenty Twenty? 13 A I satisfied the liabilities that 14 Mr. Depp incurred, which at the dissolve of the 15 marriage, was approximately \$160,000. 16 Q Do you continue to pay Mr. Depp's wine 17 bill? 18 A Yes, I do. We pay all of his 19 obligations. But his wine bill has shrunk to 20 virtually zero because he does not consume that 21 much in way of wine. He's made a few gifts around 22 Christmastime, but his wine bill has gone to
3283	1 THE COURT: Sure. 2 (Sidebar.) 3 THE COURT: All right. 4 MR. ROTTENBORN: What's the relevance? 5 THE COURT: Relevance not the 6 objection, it's foundation. I assume that's what 7 you're laying, right? 8 MR. DENNISON: I'm laying a foundation. 9 He's going to tell you he paid the wine person. 10 THE COURT: What's the relevance? 11 MR. DENNISON: There's some evidence in 12 this case -- a suggestion in this case that 13 Mr. Depp was going through \$30,000 a month in 14 wine. And -- 15 THE COURT: Okay. 16 MR. DENNISON: -- and direct evidence 17 of that's on -- 18 MR. ROTTENBORN: That's evidence 19 from -- 20 THE COURT: That's all right. I'll 21 overrule the objection. 22 MR. DENNISON: Thank you.	3285	1 virtually zero. 2 Q Are you familiar with a Spanish wine 3 known as Vega Sicilia? 4 A Yes. 5 Q How are you familiar with that? 6 A I know that it is a very expensive 7 wine, and then I know that Ms. Heard enjoyed 8 drinking the wine. 9 Q How much does it cost? 10 A The cost of the wine is approximately 11 \$500 a bottle. 12 Q Were you ultimately charged with paying 13 for the wine that was served on -- at the birthday 14 party on April 21, 2016? 15 A Yes, I was. 16 MR. ROTTENBORN: Objection. 17 Foundation. 18 THE COURT: I'll overrule the 19 objection. That's fine. 20 Q How many bottles of Vega Sicilia was 21 served? 22 A At Ms. Heard's request, she ordered

<p style="text-align: right;">3286</p> <p>1 five bottles of the wine and eight bottles of 2 other wine, so a total of 13 bottles of wine. 3 MR. DENNISON: Thank you, Mr. White. I 4 have no other questions at this time. 5 THE COURT: All right. 6 Cross-examination. 7 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 8 COUNTERCLAIM PLAINTIFF 9 MR. ROTTENBORN: Thank you, Your Honor. 10 BY MR. ROTTENBORN: 11 Q Good afternoon, Mr. White. 12 A Good afternoon, Counselor. 13 Q Your firm has been paid millions of 14 dollars by Mr. Depp and his companies since you 15 were first retained in 2016, correct? 16 A Correct. 17 Q And, in fact, you're being paid for the 18 time that you're sitting on that witness stand 19 today, aren't you? 20 A No. 21 Q Well, you charged the time that you 22 spent in connection with legal proceedings in this</p>	<p style="text-align: right;">3288</p> <p>1 Q Let me start over, sir. You charge 2 Mr. Depp \$710 an hour for the work that you do for 3 him, don't you? 4 A That is my standard rate for all 5 clients, and, yes, I do charge that rate to 6 Mr. Depp. 7 Q And you gave a deposition in this case, 8 do you remember that, on or around February 2nd, 9 2022? 10 A Yes. 11 Q And that day, you charged \$710 an hour 12 for the time you spent giving testimony that day, 13 didn't you? 14 A Yes, I did. 15 Q And you charge Mr. Depp \$710 an hour 16 for anything that you do in connection with his 17 account, don't you? 18 A Yes, I do. 19 Q You have about six people working on 20 Mr. Depp's account, correct? 21 A Yes. 22 Q And whether through you or one of your</p>
<p style="text-align: right;">3287</p> <p>1 case, correct? 2 A That's correct. But I charge for my 3 time. 4 Q Yeah. 5 A And it's the same time as -- 6 Q You answered the question. In fact, 7 you charge \$710 an hour, don't you? 8 A Counselor, if you'll let me complete my 9 answer, I'll be happy to respond. 10 Q Sir, please try to stick to the 11 question I'm asking you. You've had your chance 12 to go well beyond the question being asked, but if 13 you could just please stick to the question I'm 14 asking you, it will go fast are? 15 MR. DENNISON: Objection, Your Honor. 16 Badgering. 17 THE COURT: That's not really -- 18 badgering is not an objection, but that's all 19 right. 20 Sir, if you could, answer the question 21 that's asked, okay? Thank you. 22 MR. DENNISON: Thank you, Your Honor.</p>	<p style="text-align: right;">3289</p> <p>1 colleagues, your main contact with Mr. Depp and 2 his companies is his sister, Christi Dembrowski, 3 correct? 4 A No. 5 Q Who is your main contact? 6 A Mr. Depp. 7 Q One of your colleagues maintains active 8 communication with Christi Dembrowski, correct? 9 A Could you ask the question again, 10 Counselor? 11 Q One of your colleagues maintains active 12 communication with Christi Dembrowski, correct? 13 A No. 14 MR. ROTTENBORN: May I approach, Your 15 Honor? 16 THE COURT: All right. Yes, sir. 17 Thank you. 18 Q Mr. White, I've handed you the 19 transcript from your deposition that you gave in 20 this case on February 2nd, 2022. 21 Do you remember that? We did it over 22 Zoom.</p>

3290

1 A Yes, I do.
2 Q Okay. And you swore to tell the truth
3 in that deposition as best you can, correct?
4 A Yes.
5 Q Okay. Can you turn to page 116 of your
6 deposition transcript.
7 A Certainly. Did you say 16, Counselor?
8 Q 116.
9 A 116.
10 Q 1-1-6.
11 A Okay. I have it.
12 Q And now, you just answered "no" to my
13 question about your colleagues maintaining
14 communication with Christi Dembrowski. But at
15 your deposition just two months ago, at line 11 of
16 page 116, the question is "What about Christi
17 Dembrowski?"
18 The answer that you gave is "I do not.
19 I haven't spoken to Christi in some time. One of
20 my colleagues probably maintains an active basis
21 of communications between her and our firm."
22 Did I read that right?

3291

1 A Yes. But define your term.
2 Q I'm just asking if I read that right,
3 sir.
4 Now, part of the service that you
5 provide -- that your firm provides to Mr. Depp is
6 to pay the bills to his doctors, correct?
7 A Yes.
8 Q And you make payments relating to
9 maintenance or damages to his properties, correct?
10 A Yes.
11 Q Now, you were contacted in early 2016,
12 right? You testified to that, to do work on
13 behalf of Mr. Depp?
14 A We were engaged --
15 Q Engaged?
16 A -- in 2016, if that's your question.
17 Q Right. Right. Around February 10th,
18 is that when you were first contacted?
19 A I do not recall the date.
20 Q And you said you were introduced by
21 executives, a guy named Richard Smith at the Bank
22 of California?

3292

1 A Yes.
2 Q Mr. Depp owed a significant amount of
3 money to the Bank of California at that time,
4 correct?
5 A No.
6 Q He owed money to the Bank of
7 California, correct?
8 A I do not recall that he had an active
9 indebtedness with the Bank of California. He had
10 had other commercial loans, but not with the Bank
11 of California.
12 Q And after you were brought on, you
13 developed an understanding that Mr. Depp's
14 financial status was very challenging, correct?
15 A It was challenging, but we had an
16 ability to resolve the problems if they were
17 properly addressed.
18 Q He had liquidity problems, right?
19 A He had substantial assets in excess of
20 his liabilities, but he had short-term obligations
21 that needed to be satisfied.
22 Q Let me just ask that question.

3293

1 At the time that you were brought on,
2 he had liquidity problems, correct?
3 A Can you define "liquidity" for me?
4 Q I'm asking you. At the time he was
5 brought on, he had liquidity problems, correct?
6 A I would define the term "liquidity" as
7 where the short-term assets are less than the
8 short-term -- excuse me -- are less than the
9 short-term liabilities. If that's how you're
10 defining "liquidity," I would agree.
11 Q In layman terms, in terms that I could
12 understand because I don't speak all the kind of
13 business school terms that you speak, he didn't
14 have enough money at the time, correct? He was
15 spending more than he was bringing in, correct?
16 A Yes.
17 Q And you gave him advice about how he
18 could hopefully get out of that problem, correct?
19 A Yes.
20 Q Okay. And just to be clear, Mr. White,
21 because you've testified to some degree of
22 knowledge about wine that you allege that

<p style="text-align: right;">3294</p> <p>1 Ms. Heard requested. So you seem to have some 2 knowledge of Mr. Depp's spending. 3 Ms. Heard didn't -- she didn't buy any 4 of the dozens of properties that Mr. Depp owned, 5 correct? 6 A Correct. He owned the assets prior to 7 their marriage. 8 Q She didn't pay \$5 million to blast 9 Hunter Thompson's ashes out of a cannon, did she? 10 A Not to my knowledge. 11 Q She didn't buy a yacht that she 12 couldn't afford and then have to sell it to JK 13 Rowling, did she? 14 A Not to my knowledge. 15 Q Now, let's talk about that meeting on 16 April 21st, 2016. You said the meeting started at 17 about 7:30 p.m. 18 A Yes. 19 Q And lasted till maybe 9:30; is that 20 right? 21 A Yes. 22 Q And you have no idea, no personal</p>	<p style="text-align: right;">3296</p> <p>1 correct? 2 A Yes. 3 Q All right. And in front of you, I have 4 your testimony from the U.K. trial, and you gave 5 that testimony on behalf of Mr. Depp, correct? 6 A I gave it honestly. 7 Q Okay. You gave it on behalf of 8 Mr. Depp, correct? You were one of his witnesses 9 called? 10 A That is correct. 11 Q Okay. Can you please turn to page 865. 12 And it's just the second page of the 13 document, upper left. Before that the questions 14 are talking about this meeting on April 21st, 15 2016. 16 And you were asked the question: 17 "QUESTION: Now, Mr. Depp was given 18 some catastrophic news about his business? 19 "ANSWER: That is correct." 20 Did I read that right? 21 A You did. But remember -- 22 Q No. You answered my question.</p>
<p style="text-align: right;">3295</p> <p>1 knowledge, where Mr. Depp went after he left that 2 meeting, do you? 3 A That is correct. I did not go with 4 him. I went home. 5 Q And at that meeting, Mr. Depp was given 6 some catastrophic news about his business, 7 correct? 8 A He was given news that he needed to 9 address a number of financial issues. But I had a 10 strategy and plan to fully resolve them. 11 Q That news that he was given that night 12 was catastrophic, wasn't it? 13 A No. 14 MR. ROTTENBORN: May I approach, Your 15 Honor? 16 THE COURT: All right. Yes, sir. 17 Thank you. 18 Q Mr. White, let's do this again with 19 another under-oath series of statements. You gave 20 testimony in the U.K. trial, did you not? 21 A Yes. 22 Q And that testimony was under oath,</p>	<p style="text-align: right;">3297</p> <p>1 A -- I did not define that term. 2 THE COURT: Sir, you'll have a chance 3 to -- the attorney will get back up and redirect 4 you, okay? So if you would just answer his 5 question, that's fine. 6 Q And the reason I'm asking, sir, is 7 because you just gave the exact opposite testimony 8 here. So that's why we pointed that out. 9 Now you, at this meeting, you had a 10 discussion about his financial affairs and the 11 necessity to formulate a revised business strategy 12 and plan, correct? 13 A Yes. 14 Q And you talked about the following 15 financial information: You talked about bank 16 obligations and tax liabilities, right? 17 A Yes. 18 Q Which means money you owe to either the 19 government or banks, correct? 20 A Yes. 21 Q You talked about assets that he needed 22 to sell, correct?</p>

3298	1 A Yes. 2 Q Properties and things like that that he 3 needed to sell to generate money? 4 A Correct. 5 Q You talked about ways to reduce 6 spending, correct? 7 A Yes. 8 Q And you talked about how to get new 9 engagements, correct? 10 A Yes. 11 Q How to get new gigs, right? 12 A Not how to get them, but I encouraged 13 him to get them. 14 Q The need to get them. 15 A I'm not an agent. I'm not that 16 familiar with his engagements. 17 Q Understood. I appreciate that. You 18 talked about the need to get new gigs to generate 19 additional money to help address these financial 20 woes that he was experiencing, correct? 21 A Yes. 22 Q You also told him at that meeting that	3300	1 through, but what I'll represent to you, and 2 Michelle can sort of scroll down, is that these 3 appear to be Mr. Depp's tax returns for Mr. Depp 4 and his companies from 2009 to 2019. 5 Do you see that? 6 A Yes. 7 Q And these are returns as part of your 8 role as his CPA firm now, his business manager 9 firm now, your firm prepares these tax returns, 10 correct? 11 A Yes. 12 Q And you maintain these tax returns in 13 the ordinary course of your business, correct? 14 A That is correct. 15 MR. ROTTENBORN: Your Honor, I know 16 there's going to be plenty of redaction to do, but 17 I just would like to move these into evidence. I 18 don't plan to publish them or anything at this 19 point. 20 MR. DENNISON: Objection, Your Honor. 21 THE COURT: Do you want to approach? 22 Sure.
3299	1 his taxes, he hadn't paid taxes in years, correct? 2 A No, that's not correct. That he had 3 not paid any taxes in years is not correct. 4 Q That he was significantly delinquent in 5 federal obligations dating back years, correct? 6 A I don't know how you're defining years. 7 If there were delinquent liabilities, I addressed 8 them and formulated a plan. 9 Q And you talked about the significant 10 delinquent tax liabilities that would run into the 11 millions of dollars for taxes unpaid, correct? 12 A That is correct. 13 Q And so after receiving these -- this 14 catastrophic news, as we discussed, you have no 15 idea where Mr. Depp went when he walked out the 16 doors of his office, correct? 17 A I do not know where he went. 18 Q Okay. 19 MR. ROTTENBORN: Can you pull up 20 Plaintiff's Exhibit 936, please. 21 Q And, Mr. White, I'm not going to -- 22 this is a long document that we can scroll	3301	1 (Sidebar.) 2 THE COURT: What's the objection? 3 MR. DENNISON: I don't have any issue 4 with them coming in. But I want to make sure 5 they're appropriately redacted. 6 THE COURT: Well, that's what he just 7 said. 8 MR. ROTTENBORN: I wasn't even going to 9 publish them. 10 THE COURT: He said he wasn't going to 11 publish them. You guys work out the redactions. 12 MR. DENNISON: We'll work it out, but 13 we're talking about extraordinarily sensitive 14 material. 15 MR. ROTTENBORN: Understood. 16 THE COURT: Understood. 17 All right. So 936 will come into 18 evidence, but I'll wait for redactions and they 19 will not be published, okay? 20 MR. ROTTENBORN: Thank you, Your Honor. 21 (Open court.) 22

3302	1 BY MR. ROTTENBORN: 2 Q Now, Mr. White, you understood that 3 Mr. Depp showed up hours late for work on 4 Pirates 5, correct? 5 A That is not correct. 6 Q Are you familiar with Tracey Jacobs? 7 A Yes. 8 Q That's Mr. Depp's former agent, 9 correct? 10 A Yes. 11 Q And at the time that she was serving as 12 his agent, part of her job responsibilities, to 13 the best of your understanding, was to communicate 14 with you about Mr. Depp's financial affairs, 15 correct? 16 A To the extent she had knowledge. 17 Q Right. 18 A Yes, she would communicate. 19 Q And you and she did communicate about 20 Mr. Depp, correct? 21 A During the period of her engagement? 22 Q Yes.	3304	1 THE COURT: Approach. 2 (Sidebar.) 3 MR. ROTTENBORN: One, it's impeachment. 4 Because he just said he didn't know about it. 5 THE COURT: That's fine. He said he 6 didn't -- you're just using it for impeachment 7 purposes? 8 MR. ROTTENBORN: Yeah. But I also want 9 to get Tracey Jacobs into evidence because under 10 Rule 803(0), she was his agent at the time, and 11 she was authorized to make statements on his 12 behalf, and that falls squarely into party 13 opponent admission. 14 THE COURT: Do we have testimony of 15 that? 16 MR. ROTTENBORN: He just testified she 17 was his agent at the time. 18 THE COURT: He just testified -- 19 MR. ROTTENBORN: I know, but... 20 THE COURT: Right. 21 MR. ROTTENBORN: She was his talent 22 agent.
3303	1 A Yes, we did communicate. 2 MR. ROTTENBORN: Can you pull up 3 Defendant's Exhibit 874, please, Michelle. 4 Q Mr. White, do you see here this text 5 exchange between you and Tracey Jacobs. 6 A Yes. 7 Q And your texts are in white, and 8 Ms. Jacobs's are in blue, correct? 9 A Yes. 10 MR. ROTTENBORN: Michelle, could you 11 please scroll to the document that is 12 Bates-stamped Depp 19246. It's about the fifth or 13 sixth one down, please. 14 Q Mr. White, do you see here the third 15 text down from Tracey Jacobs to you saying, 16 "Thanks. I got a call from Disney last week 17 saying he showed up five hours late"? 18 MR. DENNISON: Objection, Your Honor. 19 Hearsay. 20 MR. ROTTENBORN: It's not hearsay. 21 It's party opponent. She's his agent. I'm happy 22 to approach if you'd like to discuss.	3305	1 THE COURT: Okay. 2 MR. DENNISON: Your Honor, we wouldn't 3 admit communications directly from Ms. Heard's 4 lawyers, and now we have a talent agent in an 5 email that is somehow a party admission when 6 she's, in fact, talking to a financial advisor? 7 MR. ROTTENBORN: I think in her 8 capacity as his agent, and they're talking about 9 commercial opportunities. 10 THE COURT: I'm not sure. She said she 11 can't get ahold of him in all these statements, 12 correct? 13 MR. ROTTENBORN: I'm sorry? 14 THE COURT: She said she can't get 15 ahold of him in all these statements. 16 MR. ROTTENBORN: There's many more. 17 THE COURT: Well, which one do you want 18 to get into evidence? Just the one about Disney? 19 I don't have a problem with the impeachment one. 20 MR. ROTTENBORN: Yeah. But I want to 21 be able to read the impeachment text, the one 22 about Disney, and then there's a few more

3306	1 basically on the first page where she says, "We 2 haven't been able to..." 3 THE COURT: What's the context? What's 4 the relevance of that? 5 MR. ROTTENBORN: Because he's saying, 6 "I didn't have the opportunities after Amber wrote 7 this article." And now he's turning down a movie 8 where he's offered \$8 million, or \$6 million, 9 because he wants 8. And then some of the ones 10 about her just not being able to get ahold of him, 11 which includes screenshots of his texts to Tracey 12 Jacobs. I just think under 803(0), her statements 13 as an agent are party admission by him. 14 THE COURT: Kind of a far stretch, 15 Mr. Rottenborn. 16 So you will think under 803. 17 MR. ROTTENBORN: 803(0). 18 THE COURT: Does it have to do with 19 availability level? 20 MR. ROTTENBORN: No, just a party 21 opponent admission. 22 THE COURT: I'm getting it.	3308	1 MR. ROTTENBORN: Well -- 2 THE COURT: I just want to make sure I 3 get them right. 4 MR. ROTTENBORN: So the first page she 5 says, "We haven't been able to reach him regarding 6 Labyrinth. They wanted to reduce his fee from 7 8 million to 6 million," and then she says later, 8 "He texted me back, Johnny, he doesn't want to 9 reduce his fee, which means the film goes away." 10 So those two texts are ones I want to get in. 11 And then later, she's exchanging texts 12 with Mr. White about how she can't -- he won't 13 respond. She says, "Just to let you know, his 14 November movie is about to fall apart. No one can 15 reach him, and if it doesn't go today, the 16 financing falls apart. Just giving you a 17 heads-up." 18 THE COURT: I understand. 19 MR. ROTTENBORN: And then she, like, 20 screenshots texts to him where Johnny's demanding 21 the producers -- 22 THE COURT: As I read the part C, "By a
3307	1 MR. ROTTENBORN: I always wonder why 2 they put the zero. 3 THE COURT: I know. Making life hard 4 for everybody. All right. 803, I don't have the 5 most recent one. Yeah. I got it. Admission by 6 party opponent. 7 "Statement by a person authorized by 8 the party to make a statement concerning the 9 subject." 10 MR. DENNISON: That's clearly not the 11 case here, Your Honor. 12 MR. ROTTENBORN: She's his talent 13 agent. She's authorized by Depp to make 14 statements about what he wants and what his... 15 MR. DENNISON: She's authorized to make 16 statements, but she can't reach Mr. Depp? That's 17 certainly not true. 18 THE COURT: All right. "Statement by a 19 party or agent made during the term of agency 20 concerning a matter within the scope of such 21 agency." 22 So which ones did you want to get in?	3309	1 personal representative or designated speaking 2 agent, although an agent employed for the purposes 3 of making a statement may qualify, very few 4 employees are hired to be speaking agents." 5 MR. ROTTENBORN: I mean, she's like the 6 agent. 7 THE COURT: She is the agent. 8 MR. DENNISON: How do you get a 9 speaking on his behalf to Mr. White? 10 THE COURT: Your response? 11 MR. ROTTENBORN: She's just like 12 Christian Carino yesterday, she was predecessor to 13 Carino who obviously spoke a lot about things. I 14 don't see any difference. 15 THE COURT: We didn't get any texts in 16 his, though. I think I sustained those objections 17 too. In the view of being consistent, I think I'm 18 going to sustain. But I do think you get that one 19 in for impeachment purposes, if you can redact for 20 just that one. 21 MR. ROTTENBORN: Okay. Thank you. Can 22 we admit that?

<p>3310</p> <p>1 THE COURT: With redactions and 2 published that one. You redact it just that one. 3 MR. ROTTENBORN: Thank you. 4 THE COURT: Uh-huh. 5 (Open court.) 6 BY MR. ROTTENBORN: 7 Q Mr. White, we just saw the text I 8 started reading. 9 Do you remember that text? 10 A Yes. 11 Q Okay. We're going to just show you and 12 move for admission of that page of the document 13 with that text, so I just wanted, since you won't 14 see anything else, I just wanted you to orient 15 yourself that that is the text that we were just 16 reading, okay? 17 A Fine. 18 MR. DENNISON: Your Honor, that page or 19 that text? 20 THE COURT: They're going to redact it 21 to just that one text. 22 MR. DENNISON: Thank you.</p>	<p>3312</p> <p>1 Q I just wanted to ask you if I read that 2 right, that you received this text message saying 3 in part, "I got a call from Disney last week 4 saying he showed up five hours late for ADR work 5 in London for Pirates 5. I really need to speak 6 to him before he starts work on his next project 7 in LA." 8 Did I read that right? 9 A I believe you read it right. 10 Q Thank you. 11 Now, at some point you became 12 familiar -- 13 MR. ROTTENBORN: You can go ahead and 14 take that down. 15 Q At some point you became familiar, as 16 you testified, with what Amber planned to do with 17 money that she got from Mr. Depp in the divorce, 18 correct? 19 A It was the understanding from the 20 beginning the money would be contributed to 21 charities. 22 Q The two charities, the Children</p>
<p>3311</p> <p>1 THE COURT: Uh-huh. 2 MR. ROTTENBORN: Your Honor, I would 3 move for admission of this document. I guess we 4 could call it Defendant's 874A. 5 THE COURT: Okay. 874A with the 6 redactions. 7 MR. ROTTENBORN: Thank you, Your Honor. 8 Q Mr. White, you just testified a few 9 minutes ago that you didn't have any understanding 10 of Mr. Depp showing up late for work on Pirates 5. 11 But, in fact, you received this text from Tracey 12 Jacobs that says, "Thanks. I got a call from 13 Disney last week saying he showed up five hours 14 late for ADR work in London for Pirates 5. I 15 really need to speak to him before he starts work 16 on his next project in LA." 17 Did I read that right? 18 MR. ROTTENBORN: Permission to publish 19 this, Your Honor? 20 THE COURT: Oh, yes. I'm sorry. 21 MR. ROTTENBORN: Thank you. 22 A Do you want me to respond?</p>	<p>3313</p> <p>1 Hospital of LA and the ACLU, correct? 2 A That is correct. 3 Q And as we discussed, you wrote checks 4 to those two organizations that were part of 5 Mr. Depp's divorce payment, but they were just 6 sent directly to those organizations, correct? 7 A Yes. 8 MR. ROTTENBORN: Can you please pull up 9 Defendant's Exhibit 1639. Actually, let's go to 10 Defendant's Exhibit-- yeah, we'll do 1639. 11 Thanks. 12 Q Mr. White, this is a letter from you to 13 the ACLU Foundation dated August 24th, 2016, 14 correct? 15 A Yes. 16 Q And as part of your work for your 17 hundred or so high-profile, high-net-worth 18 clients, you've helped clients set up pledge 19 contributions to charities before, correct? 20 A Yes. 21 Q And sometimes those payments are made 22 over a period of time, correct?</p>

3314	<p>1 A Yes.</p> <p>2 Q Charitable donations aren't always paid</p> <p>3 at once, correct?</p> <p>4 A That is correct.</p> <p>5 Q And when you make payments on behalf of</p> <p>6 your clients to charities, is it customary for you</p> <p>7 to send a cover letter like this?</p> <p>8 A In some instances, yes. In some</p> <p>9 instances, no.</p> <p>10 Q Okay.</p> <p>11 A But in all instances, that there is a</p> <p>12 signed agreement and an understanding that when</p> <p>13 the –</p> <p>14 Q Yeah. Sir, that wasn't my question.</p> <p>15 My question is just is it customary for you to</p> <p>16 send a letter like this? And I think you've</p> <p>17 answered that.</p> <p>18 And so when you send letters like this</p> <p>19 on behalf of your clients, do you prepare such</p> <p>20 letters in the ordinary course of your business?</p> <p>21 A In some instances, yes.</p> <p>22 Q In the instances in which you prepare</p>	3316	<p>1 thousand dollars and that the donation is being</p> <p>2 made in accordance with Ms. Heard's pledged gift</p> <p>3 of three and a half million to the ACLU</p> <p>4 Foundation, correct?</p> <p>5 A Yes.</p> <p>6 Q And you also write that the check</p> <p>7 represents just -- go ahead -- that the check</p> <p>8 represents the first of multiple scheduled</p> <p>9 installments, correct?</p> <p>10 A It was my understanding that –</p> <p>11 Q I'm just asking if that's what you</p> <p>12 wrote.</p> <p>13 A – that 3 million.</p> <p>14 Q I'm asking if that's what you wrote.</p> <p>15 A You've asked me a question. I'm trying</p> <p>16 to respond.</p> <p>17 Q No. I was actually just asking if</p> <p>18 that's what you wrote.</p> <p>19 A Would you ask the question again,</p> <p>20 please?</p> <p>21 Q Yeah. You write, "This check</p> <p>22 represents the first of multiple scheduled</p>
3315	<p>1 those letters, did you then maintain those letters</p> <p>2 in the ordinary course of your business?</p> <p>3 A Yes.</p> <p>4 MR. ROTTENBORN: Your Honor, I move for</p> <p>5 admission of Defendant's Exhibit 1639.</p> <p>6 THE COURT: Any objection?</p> <p>7 MR. DENNISON: No objection.</p> <p>8 THE COURT: All right. 1639 in</p> <p>9 evidence, and you can publish it to the jury.</p> <p>10 MR. ROTTENBORN: Michelle, if you</p> <p>11 could, please just scroll through.</p> <p>12 Q Mr. White, I just want you to see the</p> <p>13 letter here. We'll come back to the letter, and</p> <p>14 then there's the check that you're making out to</p> <p>15 the ACLU. And then there's, I guess, the envelope</p> <p>16 or something, right?</p> <p>17 A Correct.</p> <p>18 Q Okay.</p> <p>19 MR. ROTTENBORN: You can go back to the</p> <p>20 letter, please.</p> <p>21 Q So in this cover letter, you tell the</p> <p>22 ACLU that you're enclosing a check for a hundred</p>	3317	<p>1 installments to honor the full amount of</p> <p>2 Ms. Heard's three and a half million dollar</p> <p>3 pledged gift," correct?</p> <p>4 A It was my understanding she was going</p> <p>5 to contribute the money, and that –</p> <p>6 Q Okay. Sir, I just asked if that's what</p> <p>7 you wrote. I think you've answered that.</p> <p>8 MR. ROTTENBORN: Can we please pull up</p> <p>9 Exhibit 1596.</p> <p>10 MR. DENNISON: Your Honor, before we go</p> <p>11 to the next exhibit, can I raise an issue at the</p> <p>12 bar?</p> <p>13 THE COURT: Okay. Sure.</p> <p>14 MR. DENNISON: Thank you.</p> <p>15 (Sidebar.)</p> <p>16 MR. DENNISON: That check needs to be</p> <p>17 redacted too.</p> <p>18 THE COURT: Yeah. I saw that.</p> <p>19 MR. ROTTENBORN: Oh. Yeah. Okay.</p> <p>20 MR. DENNISON: I didn't want it to come</p> <p>21 in.</p> <p>22 THE COURT: Yeah, I hope you didn't</p>

<p>3318</p> <p>1 take pictures of it. 2 MR. ROTTENBORN: I understand. Okay. 3 THE COURT: I didn't know a check was 4 coming. 5 MR. ROTTENBORN: I'm sorry. We'll 6 redact that. 7 THE COURT: Just redact that. 8 MR. ROTTENBORN: And then the next 9 exhibit is just a cover letter. It doesn't have a 10 check on it. 11 THE COURT: There's no check, no 12 routing numbers? 13 MR. ROTTENBORN: No. I promise you on 14 this one. 15 THE COURT: Okay. Thank you. All 16 right. Thank you. 17 (Open court.) 18 BY MR. ROTTENBORN: 19 Q Mr. White, is this a letter similar to 20 what we just looked at for the ACLU, a letter that 21 you wrote that accompanied the check that you sent 22 to the Children's Hospital of Los Angeles</p>	<p>3320</p> <p>1 A When I composed the letter, that was my 2 understanding, that she was going to give -- 3 Q Sir, sir, I -- you're really not 4 answering my question. My question was simply -- 5 I understand that you want to -- you want to speak 6 your own narrative here, but my question was 7 simply that this letter says that this check 8 represents the first of multiple scheduled 9 installments to honor the full amount of 10 Ms. Heard's three and a half million dollars 11 pledged gift, correct? 12 A We can both read the letter. The 13 answer's yes. 14 Q Thank you, sir. Now, you hosted a 15 dinner with Mr. Depp and Adam Waldman in 2016, 16 correct? 17 A I do recall that. 18 Q And that was the first time that 19 Mr. Depp had been introduced to Mr. Waldman, 20 correct? 21 A I do not know that to be factual. 22 Q Now, you are not an expert on</p>
<p>3319</p> <p>1 foundation? 2 A Yes. 3 Q And this letter and whatever payment -- 4 sorry -- this letter is one that you would have 5 prepared in the ordinary course of business, 6 correct? 7 A Yes. 8 Q And you would have maintained this 9 letter in the ordinary course of business, 10 correct? 11 A Yes. 12 MR. ROTTENBORN: Your Honor, I move for 13 admission of Exhibit 1596. 14 MR. DENNISON: No objection. 15 THE COURT: All right. 1596 in 16 evidence. You can publish it to the jury. 17 Q And, Mr. White, this letter also says 18 at the bottom that it represents -- the check that 19 accompanies this letter represents the first of 20 multiple scheduled installments to honor the full 21 amount of Ms. Heard's \$3.5 million pledged gift, 22 correct?</p>	<p>3321</p> <p>1 California divorce law, right? 2 A Correct. 3 Q And you're not an expert on the 4 division of marital property in California, 5 correct? 6 A I'm not an expert, but I've been 7 actively involved in numerous cases involving the 8 dissolution of marriage and the related proceeds 9 distributed to each respective party. 10 Q Now, you can't give any sort of legal 11 opinion or testimony as to whether or not 12 Ms. Heard would have been entitled to more in the 13 divorce settlement with Mr. Depp than she 14 received, correct? 15 A I'm not an attorney at law. 16 Q Okay. 17 A I don't render legal opinions. 18 Q So, you've never met Amber Heard, 19 correct? 20 A That is correct. 21 Q The first time you've ever seen her in 22 person is here in this courtroom this afternoon,</p>

3322	1 correct? 2 A That's my recollection. 3 Q And you have no personal knowledge of 4 whether Mr. Depp engaged in domestic abuse against 5 my client, correct? 6 A I've never witnessed him involved in 7 any abuse, and obviously I've never met her. I 8 could not respond to that inquiry. 9 Q So the answer to my question is that 10 it's correct that you have no personal knowledge 11 of whether Mr. Depp engaged in domestic abuse 12 against Amber Heard? 13 A That is correct. I have no knowledge. 14 MR. ROTTENBORN: Nothing further. 15 THE COURT: All right. Redirect, 16 Mr. Dennison. 17 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 18 COUNTERCLAIM DEFENDANT 19 MR. DENNISON: Can we pull up 20 Defendant's 1596. 21 Q Sir, can you read the last line of your 22 letter.	3324	1 MR. DENNISON: No, Your Honor. 2 THE COURT: All right. Mr. White, 3 you're free to go. Just be careful stepping down 4 there, okay. 5 THE WITNESS: Thank you, Your Honor. 6 THE COURT: Thank you. Have a good 7 day. 8 All right. Your next witness is a 9 remote witness, correct? 10 MR. CHEW: Yes, Your Honor. 11 THE COURT: All right. Wait a moment. 12 MR. ROTTENBORN: Your Honor, may we 13 just ask what witness they plan to call? 14 THE COURT: I see a Mr. Connolly in the 15 lobby, so I'm assuming that must be the one. 16 MR. MONIZ: That's correct, Your Honor. 17 Malcolm Connolly is our next witness. 18 THE COURT: Good. I'm glad we got that 19 one. All right. 20 Mr. Connolly, can you hear me? 21 THE WITNESS: Hello. 22 THE COURT: Yes, sir.
3323	1 A "This check represents the first of 2 multiple scheduled installments to honor the full 3 amount of Ms. Heard's \$3.5 million pledged gift." 4 Q What was the schedule for those 5 payments? 6 A They were scheduled – I don't know the 7 schedule because I don't have a copy of any pledge 8 that she made, if that's your question. 9 Q Okay. Thank you very much. 10 One more question. Has Mr. Depp paid 11 all his taxes? 12 A Yes, he has. He's fully current with 13 all of his federal, foreign, and state tax 14 obligations. 15 MR. DENNISON: Thank you. 16 THE COURT: All right. No further 17 questions, Mr. Dennison? 18 MR. DENNISON: No further questions. 19 THE COURT: Is this witness subject to 20 recall? 21 MR. DENNISON: No. 22 THE COURT: No.	3325	1 THE WITNESS: Yes. Hi 2 THE COURT: Can you turn your camera 3 on, sir? 4 THE WITNESS: Okay. There we go. 5 THE COURT: All right. Sir, if you 6 could raise your right hand. 7 MALCOLM CONNOLLY, 8 Being first duly sworn, was examined 9 and testified as follows: 10 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND COUNTERCLAIM DEFENDANT 11 12 BY MR. MONIZ: 13 Q Good afternoon, Mr. Connolly. 14 A Good afternoon. 15 Q And would you please state your full 16 name for the record. 17 A Malcolm Connolly. 18 Q And, Mr. Connolly, where are you 19 testifying from at the moment? 20 A From home, Essex, U.K. 21 Q And where do you live? 22 A I live Essex, U.K.

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1 Q Mr. Connolly, what is your occupation?
2 A At present, close protection operative.
3 I've had a couple professions. I'm a bricklayer
4 trade. I was in the corrections facility in
5 Chelmsford, HMS prison. Right now, yeah, I'm a
6 protection officer.
7 Q Okay. And can you tell us a little bit
8 just generally what that means?
9 A That means looking after the personal
10 well-being and physical well-being of any client
11 for detail, sir.
12 Q And how long have you been in the
13 personal security business?
14 A 25 years.
15 Q Over the course of those 25 years, have
16 you had any other kinds of jobs?
17 A Yeah. As I said, I was a corrections
18 officer for a magistrate prison.
19 Q Okay. Are you familiar with the
20 plaintiff in this case, Johnny Depp?
21 A I am, yes.
22 Q And how do you know Mr. Depp?

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1 A I met Mr. Depp long -- maybe about 23
2 years ago, 24 years ago, I worked for a company
3 called Music and Arts. The guy who owned that
4 company was Jerry Judge. Jerry started working
5 with Johnny way back in the early days, and I was
6 detailed looking after Johnny's ex, Vanessa
7 Paradis, and Jack and Lily-Rose, Johnny's kids.
8 My job is just to make sure they were safe when
9 Johnny was at work.
10 So that job, after about a year and a
11 half, two years, Johnny asked me to go with him
12 directly and to find someone else to do the kids.
13 And that's how I came across Johnny. That's how I
14 personally met Johnny Depp.
15 Q Can you ballpark for us about what year
16 that was?
17 A Oh, 2006.
18 Q Okay. And can you generally just tell
19 us a little bit about what you do for Mr. Depp as
20 his security guard?
21 A I escort Johnny to everyday public
22 places, make sure he's okay, make sure, you know,

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1 he's not in any danger. First of all, you do your
2 recce, you know, you go along first. It was
3 usually a two-man team. It's a two-man detail.
4 You go along, do your recce, make sure all the ins
5 and outs are sorted, no compromises, any risks
6 involved, risk assessment. Do the job. I look
7 after him -- basically I look after Johnny
8 whenever they're in the public domain. Whenever
9 we're going to be in the public domain, I will
10 look after Johnny.
11 Q Okay. And how about the defendant in
12 this case, Amber Heard? Are you familiar with
13 Ms. Heard?
14 A I am familiar with Ms. Heard, yeah. I
15 first met Ms. Heard in probably 2000 and -- I
16 don't recall the exactly date. Probably about
17 2010, around there. She came into the U.K. to do
18 a promotional job for a movie called Drive Angry.
19 My boss, Jerry Judge, asked me to take the detail.
20 Went and met Amber, started the job.
21 Amber was with her ex, Tasya, and I looked after
22 Amber for a week, pleasant week.

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1 Q Did anything --
2 A And then -- sorry. Yeah.
3 After that week, I never seen Amber
4 again until we did Rum Diary, the premiere,
5 after-show of Rum Diary.
6 Q Okay. So let's move to the Rum Diary
7 then.
8 When did you see Ms. Heard -- well, how
9 did you see Ms. Heard in connection with the Rum
10 Diary?
11 A We done the Rum Diary premiere. We
12 went to the after-show party. I was busy working,
13 doing my job, myself and Jerry Judge. Seen Amber
14 across the floor, Amber seen me. Just basically
15 come across the floor said, "Hello. How are you
16 doing?" You know, the usual chitchat. We
17 chitchatted for a minute or two. Johnny asked me
18 how I knew Amber. Explained that's the last I saw
19 Amber I was with Johnny doing my job, you know.
20 Q Did you know at the time in -- well,
21 let's back up for a second.
22 Where was that premiere?

<p style="text-align: right;">3330</p> <p>1 A Do you know what? I don't recall. I 2 think it was in LA. 3 Q Okay. 4 A I don't actually recall. 5 Q Okay. Did you know at the time of that 6 premiere in probably LA but possibly somewhere 7 else, did you know at the time that Mr. Depp and 8 Ms. Heard were seeing each other romantically? 9 A No, I didn't. I actually didn't. I 10 mean, I surmised there was a spark there, you 11 know. It wasn't until maybe a few days later, a 12 few nights later, we were at a dinner party 13 somewhere, a promotional thing, Amber and Johnny 14 were basically sparking up. Then again I assumed, 15 you know, there was a romance out there, budding 16 there, you know. 17 Q Okay. Over the course of Mr. Depp and 18 Ms. Heard's relationship with each other, about 19 how often would you say you saw them together? 20 A Oh, in the beginning, actually not a 21 lot, you know. Not a lot. Maybe once a week, 22 twice a week, average. But then it started --</p>	<p style="text-align: right;">3332</p> <p>1 could see them change; I could see Amber change. 2 I could see Johnny getting quieter. We'd get in 3 the car, and nobody's speaking. And, you know, 4 just things started changing, changing. Amber 5 started to get a bit more grumpy, I shall say. 6 Q How did she get along with you? 7 A Actually very nice. Amber was fine 8 with me. Amber was never anything but 9 professional, polite, with me, you know, if she 10 was there. No, Amber was fine by me. 11 Q Did you ever see or hear any arguments 12 between Mr. Depp and Ms. Heard? 13 A When you say "see," I have. I mean, I 14 could hear a change in setting accommodations, 15 where we were staying at. I could hear Amber, 16 yeah, screaming, you know. I could hear shouting 17 and bawling and, yeah, I could hear it going on, 18 yes. I mean, I wasn't there every single night. 19 When we were working in the U.K., there's nights 20 maybe I go home because Jerry would be there. 21 But, yeah, yeah, definitely. Definitely a fight, 22 I could hear sometimes, the shouting and bawling,</p>
<p style="text-align: right;">3331</p> <p>1 well, it started maturing something in their 2 relationship, so more often, more often 3 entertainment line, you know. 4 Q And as time went on, did you have an 5 opportunity to observe how Mr. Depp and Ms. Heard 6 interacted with each other? 7 A At the beginning, oh, you know, 8 lovey-dovey, everything was great, honeymoon 9 period was on, and it was -- yeah, it was good. I 10 mean it was great, great to see Johnny happy 11 again. Amber was, you know, lovely, charming, as 12 she usually is, you know, good as gold. Then 13 things, you know, things started to change. Amber 14 started to change. Amber started getting a bit, I 15 would say, a bit more feisty, demanding, you know. 16 I could see that Amber wanted to wear the pants in 17 this relationship. That was quite obvious. 18 Q And what in particular made you think 19 that, that you observed personally? 20 A Just the way, you know, if something 21 wasn't quite right, Amber could get a bit frosty 22 if you talk about that. So it was, you know, I</p>	<p style="text-align: right;">3333</p> <p>1 you know. Mostly I could hear Amber screaming, 2 you know. 3 Q About how -- I recognize this is years 4 ago but, can you estimate for us how regularly 5 that happened? 6 A I can't say regularly. I can't say it 7 was like every day. But, you know, it got more 8 regular. It got more often than not. 9 Q Did you ever witness any physical 10 violence between the two of them? 11 A No. No, I never seen any physical 12 violence. That's not a thing people would do in 13 front of security. It's not a thing that happened 14 in front of myself or Jerry Judge or Sean Bett. 15 It just wouldn't happen. It wouldn't happen. No, 16 I never seen any physical security. I never seen 17 any hands-on, no. 18 Q Okay. What do you mean you never saw 19 any hands-on? 20 A Well, I never seen any slapping or 21 grabbing or punching or hitting. I never seen any 22 of that physically. Well, I'll tell you what.</p>

<p style="text-align: right;">3334</p> <p>1 There was an incident, maybe two incidents, that 2 come in my mind. One incident was on a private 3 plane. In fact, I can't recall if it was a 4 domestic flight or an international flight. I'm 5 sitting -- Johnny and Amber -- or Johnny and 6 whoever he's flying with, was up at the 7 fore-table, the fore-table, or aft, and then 8 myself and my colleagues were sitting in the front 9 end of the plane. So I usually wake up in the 10 fuselage, that way, with my back to the noise. 11 Amber had her back to me, Johnny sitting across 12 the table, and there's a bit of bickering, and I 13 cannot hear because, you know, we're talking about 14 jetcraft, I can't actually hear, and it's more 15 animated than verbal. 16 And I see a liter, a plastic liter 17 bounce off his chest, boom, you know, bounce off 18 his chest. So I think well, this is going to 19 escalate, either going to go one way or the other. 20 I don't think it came to much. I remember Johnny 21 just smirking and looking away as if to say, you 22 know, "Is that it?" kind of attitude, you know.</p>	<p style="text-align: right;">3336</p> <p>1 A I go to the loft apartment, the door 2 was ajar slightly, just slightly, just a crack in 3 the door. Push the door open and I go in. 4 Shouting, there was shouting going on, and I can't 5 really, I can't hear; I'm in the wrong area of the 6 apartment. But as I turn, as I turn to the left 7 to more of the lounge area, there was a soda can. 8 I don't know if it was a Coca-Cola or Sprite. I 9 don't know what it was, but it's launched from the 10 mezzanine. And Johnny's had this huge TV, the 11 biggest TV I've ever seen. And it's on this 12 mechanical arm which is an actual piece of art 13 that Johnny had commissioned. 14 Anyway, this big mechanical arm holds 15 this TV. So this can of pop, if you want to call 16 it pop, smashes on that by force. I mean, a bang, 17 boom. And all I can hear is it spraying all over 18 the place. Johnny has already got his jacket on 19 and a bag on his shoulder. That's why he's called 20 me in, because we're leaving. I just pick up the 21 other bags, two bags, pick up two bags, put my 22 hands to Johnny's arm, and say, "Boss, we're</p>
<p style="text-align: right;">3335</p> <p>1 Then Johnny tipped his hat up, put his head 2 against the window, and whoa, you know. 3 Another time, it was at the loft 4 apartment. I was in the security room in the loft 5 apartments with security guard -- do you know 6 what, I can't recall if it was Sean Bett or a guy 7 called Donovan. Anyway, I got the text, it was 8 Johnny. I picked him up to go to the West 9 Hollywood accommodation. And I got the text. 10 MR. NADELHAFT: Objection. To the 11 extent he's going to talk about what the text 12 says, that's hearsay. 13 Q You can just tell us what you observed 14 without recounting the contents of the text. 15 A Okay. I'm instructed to go up and get 16 Johnny, and, okay, we're leaving. 17 MR. NADELHAFT: Objection. He was just 18 saying what he was instructed to do. 19 THE COURT: All right. I'll sustain 20 the objection. 21 Q What did you do after you received the 22 text?</p>	<p style="text-align: right;">3337</p> <p>1 leaving." 2 We walk out the door. We walk out the 3 door, and we go halfway to the West Hollywood, 4 Johnny really calms down. He turns to me and is 5 like, "Man" -- 6 MR. NADELHAFT: Objection to the extent 7 he's talking about what Mr. Depp is saying. 8 THE COURT: All right. I'll sustain 9 that objection. Continue. 10 Q If you have -- 11 MR. MONIZ: I think we can move on. 12 THE COURT: Okay. All right. 13 Next question. 14 Q Just to clarify, Mr. Connolly, when the 15 soda can was launched from the mezzanine, where 16 was Mr. Depp in relation to where the soda can 17 landed? 18 A Probably ten feet -- probably ten feet 19 back from that, ten feet back from that. 20 Q Okay. And just to make sure we're on 21 the same page, when you refer to the loft 22 apartments, what are you referring to?</p>

3338	<p>1 A The downtown Columbia Eastern Building.</p> <p>2 Q Okay. What was your -- did you form</p> <p>3 any understanding as to who had thrown the soda</p> <p>4 can?</p> <p>5 MR. NADELHAFT: Objection.</p> <p>6 Speculation.</p> <p>7 A No.</p> <p>8 THE COURT: Hold on, sir.</p> <p>9 MR. NADELHAFT: Speculation,</p> <p>10 foundation.</p> <p>11 MR. MONIZ: I'm just asking if he</p> <p>12 formed an understanding, and he can state the</p> <p>13 basis if he did.</p> <p>14 THE COURT: Do you want to lay a</p> <p>15 foundation?</p> <p>16 Q To your knowledge, was Ms. Heard</p> <p>17 present in the apartment at that time?</p> <p>18 A Yes.</p> <p>19 MR. NADELHAFT: Objection. Leading.</p> <p>20 THE COURT: I'll allow it.</p> <p>21 A I never seen her physically, but I</p> <p>22 could hear her voice, yes.</p>	3340	<p>1 A Yeah.</p> <p>2 MR. NADELHAFT: Objection. Can we</p> <p>3 approach?</p> <p>4 THE COURT: All right. Hold on,</p> <p>5 Mr. Connolly, for a minute.</p> <p>6 (Sidebar.)</p> <p>7 MR. NADELHAFT: I don't think it's</p> <p>8 relevant if he can't describe that it came from</p> <p>9 Amber Heard. He's just describing injuries --</p> <p>10 vague scratches. I mean, he had already said he's</p> <p>11 never seen Ms. Heard be physical, so now he's</p> <p>12 going to describing just scratches?</p> <p>13 MR. MONIZ: Whether or not Mr. Depp has</p> <p>14 injuries corroborates Mr. Depp's accounts of</p> <p>15 physical violence.</p> <p>16 MR. NADELHAFT: I think it outweighs --</p> <p>17 if there's no relevance, you can't --</p> <p>18 MR. MONIZ: It goes to domestic</p> <p>19 violence. I mean, it's --</p> <p>20 THE COURT: I'm going to allow it, but</p> <p>21 you can cross-examine on it, okay?</p> <p>22 MR. NADELHAFT: Okay.</p>
3339	<p>1 Q And where does -- could you tell where</p> <p>2 her voice was coming from?</p> <p>3 A Upstairs. Just upstairs.</p> <p>4 Q Okay.</p> <p>5 A She wasn't on the lower apartment that</p> <p>6 I saw; I can only imagine she was upstairs.</p> <p>7 Q Other than the cigarette lighter and</p> <p>8 the soda can, anything else similar to that that</p> <p>9 you observed?</p> <p>10 A No. No. I can't say, no.</p> <p>11 Q Did you ever observe any physical</p> <p>12 injuries on Ms. Heard?</p> <p>13 A Never, no.</p> <p>14 Q How about on Mr. Depp?</p> <p>15 A Yeah. Yes. Yes. Started off maybe a</p> <p>16 scratch once in a while or, you know, a swelling.</p> <p>17 But it got more. It got more, yeah. I'm not</p> <p>18 talking it was marks every week or every two</p> <p>19 weeks. But, yeah, he sustained marks, yeah,</p> <p>20 definitely. He was getting marks.</p> <p>21 Q And can you describe for us what you</p> <p>22 can --</p>	3341	<p>1 THE COURT: All right. Thank you.</p> <p>2 (Open court.)</p> <p>3 BY MR. MONIZ:</p> <p>4 Q So, Mr. Connolly, you can continue</p> <p>5 responding. I think the question was just "Can</p> <p>6 you generally describe for us what you remember</p> <p>7 about the marks you saw on Mr. Depp?"</p> <p>8 A Yes. As I was saying, independent</p> <p>9 service you're taught to pick up, log in your main</p> <p>10 mental -- logging in your main marks, bruises,</p> <p>11 belly patterns, stuff. What I knew as</p> <p>12 straightaway was most of these marks and most of</p> <p>13 these things in my training. I started the</p> <p>14 left-hand side of the face, and it would be</p> <p>15 scratches on his neck, maybe a fat lip you call,</p> <p>16 maybe a bruising on the eye socket. Dull impact,</p> <p>17 you know, except for obviously the scratches maybe</p> <p>18 on his left ear, sometimes mature marks, two</p> <p>19 lines, two charms, one yeah, you know, yeah. It</p> <p>20 was getting more regular. As I say, not every</p> <p>21 week, but it was definitely happening, yeah.</p> <p>22 MR. MONIZ: Can we see Plaintiff's</p>

<p>3342</p> <p>1 Exhibit 162, please. 2 Q And, Mr. Connolly, are you able to see 3 the picture -- I assume you can see it on your 4 screen? 5 A Yes. One second, please. Yeah, I, 6 yeah. 7 Q And do you -- 8 A I understand -- yeah, I know that 9 picture. I took that picture. 10 Q You took -- 11 A That picture is actually on -- yeah, I 12 took the picture. 13 Q Can you just quickly tell us what this 14 picture is? 15 A This picture is a -- Ms. Heard and 16 Johnny's honeymoon on the Orient Express on the 17 east link from Bangkok to Singapore. You travel 18 through Malaysia, stop in Calcutta, Kuala Lumpur, 19 and a few other places, and that is in the dining 20 coach, I think. Yeah, dining coach, that's what 21 that is. The guy on the left there with a silver 22 band around him is -- he's the waiter, he's the</p>	<p>3344</p> <p>1 evidence. You can publish it. 2 (Open court.) 3 BY MR. MONIZ: 4 Q All right. And, Mr. Connolly, I 5 apologize for cutting you off. But could you just 6 continue to describe for us what we're looking at 7 in this picture? 8 A Yeah. As I said, the guy in the bow 9 tie, he's a guest relations manager. He's 10 detailed to, you know, fixes up anything we need, 11 you know, the excursions and transports and stuff. 12 Then Ms. Heard. 13 The guy that's the chef, he looked 14 after us, he cooked for us. He's a great chef, by 15 the way. Yeah, he looked after us. And that's 16 Johnny. And I also notice if you look at that 17 picture, like I said, on the left-hand under his 18 eye, there's a swelling. And you see swelling 19 just on the left-hand side of his nose and under 20 his left eye. 21 Q And what do you interpret that swelling 22 to be?</p>
<p>3343</p> <p>1 waiter of the details for the car for us. The guy 2 in the tie, he's our relations manager. 3 Q Mr. Connolly, hold on. Before we 4 continue describing the document. 5 MR. MONIZ: I move for the admission of 6 Plaintiff's Exhibit 162 and that it be published 7 to the jury. 8 THE COURT: Any objection? 9 MR. NADELHAFT: I would like to 10 approach. 11 THE COURT: What's the objection? 12 (Sidebar.) 13 MR. NADELHAFT: There's no foundation 14 for the photo, just like yesterday's photos of the 15 police officer. 16 MR. MONIZ: He just said he took the 17 picture. 18 MR. NADELHAFT: Oh, he did? Okay. I 19 missed that. 20 THE COURT: So any objection to 162? 21 MR. NADELHAFT: Then, no. 22 THE COURT: All right. Thanks. 162 in</p>	<p>3345</p> <p>1 A What do I interpret that as? That he's 2 walked into a door or a door's walked into him. 3 Q Okay. Can you tell us anything -- 4 MR. MONIZ: And we can take this down, 5 I think. Thank you. 6 Q Mr. Connolly, can you tell us -- well, 7 first of all, what -- do you recall what year 8 Mr. Depp and Ms. Heard went on their honeymoon in 9 the picture we were just looking at? 10 A That would -- I don't know, 2013. 11 2013. 12 Q Okay. And were you -- well, you 13 testified that you took the picture, so you were 14 there, I assume? 15 A Absolutely, yes. 16 Q What can you tell us about that trip 17 generally, and particularly focused on how 18 Mr. Depp and Ms. Heard were interacting with each 19 other? 20 A Started off good. Started off good. 21 Johnny's cabin was maybe 50 meters down the 22 corridor from me. There was no cabins in between.</p>

<p style="text-align: right;">3346</p> <p>1 There was, like, storerooms, like, you know, 2 blankets and cutlery and stuff. So not a big 3 massive distance, but, you know, it wasn't, 4 like – the trip started to fain. Actually, it 5 was fain. I think it was five, six days, five 6 days, maybe two days, three days into the trip, I 7 can see Johnny going down. I can see him coming 8 down, you know. He's just not enjoying this. 9 He's not enjoying this. But, you know, it's not 10 my business to step in on that. I just did my 11 job. But I can see he's not enjoying this. He's 12 just not – he's not happy. He's not happy. 13 Q Did you ever observe any arguments 14 between Mr. Depp and Ms. Heard in this time frame? 15 A Yes. They had no arguments. Ms. Heard 16 started demanding, you know, to have her own 17 dining car available. So me doing my job, I 18 inquire to the guest relations guy that you see in 19 the photograph, and he comes up and tells me that, 20 you know, there's other VIPs on this train – 21 MR. NADELHAFT: Objection, hearsay. 22 THE COURT: All right. Objection to</p>	<p style="text-align: right;">3348</p> <p>1 changes, if any, have you noticed in his behavior 2 when he's under the influence of marijuana? 3 A To be honest, a bit more relaxed, not 4 so uptight. I mean, he's not a – he's not always 5 had – he's totally functioning. I mean, he can 6 talk about anything, any conversation you want to 7 talk about. He's not without a (indiscernible) 8 with that, you know; he really isn't. He has a 9 very high tolerance for any substance, Johnny, you 10 know, I would say so, you know. I think Jack 11 Sparrow is more drunk than Johnny Depp. 12 Q So, okay, so that's marijuana. 13 What about alcohol, same question? 14 A Well, he used to like the wine, and the 15 last – I would say the last couple years, that's 16 dropped drastically. I'd say my last year with 17 Johnny, probably actually rare, no, not rare, but 18 he's not a big boozier, now, he's not a boozier now. 19 And he was never heavy in wine. I think I seen 20 Johnny – in the 20-odd years I've been with 21 Johnny, I think I've seen him drunk twice. And 22 when I say drunk, I mean drunk. Other than that,</p>
<p style="text-align: right;">3347</p> <p>1 hearsay? All right. 2 MR. MONIZ: I think we can move on. 3 THE COURT: Okay. I'll sustain the 4 objection. 5 Next question. 6 Q All right. So, Mr. Connolly -- well, 7 taking a step back for a minute and changing 8 topics slightly, have you ever seen Mr. Depp use 9 any drugs? 10 MR. NADELHAFT: Objection. Leading. 11 THE COURT: I'll allow it. Go ahead. 12 A Yes. I seen him smoke marijuana. I 13 had my suspicion, I had my suspicion that when he 14 goes off to the bathroom, he probably does a line 15 of cocaine. I've never seen him do it. Mr. Depp 16 would never do a line of anything in front of me 17 or Jerry Judge or Sean Bett or anybody. Mr. – 18 Johnny would never compromise my license, my 19 commission, and embarrass me like that. It 20 wouldn't happen. So to answer your question, I've 21 seen him smoke weed, yes. 22 Q Have you noticed any particular -- what</p>	<p style="text-align: right;">3349</p> <p>1 there's not a lot of difference in Johnny's 2 demeanor or behavior whether he's drinking alcohol 3 or smoking weed, you know. 4 Q Okay. And finally, same question for 5 the time periods when you formed the suspicion 6 that he was under the influence of cocaine. 7 A Sorry. Could you ask me that again? 8 Q What changes in his behavior, if any, 9 did you observe on those occasions when you 10 suspected but didn't know for sure that he was 11 under the influence of cocaine? 12 A Well, again, training I had in the, you 13 know, the HMP prison service, he just seemed a bit 14 more, I don't know, happier, not so down, you 15 know. But I wouldn't say he's not leaping around 16 kicking his heels or anything. You know, he'd 17 pick his guitar up, and he gets really into his 18 guitar. There's no major changes, really. You 19 know, just he's fine, you know. 20 Q Now, you mentioned you traveled with 21 Mr. Depp and Ms. Heard on their honeymoon in -- on 22 the Orient Express.</p>

<p style="text-align: right;">3350</p> <p>1 Where else have you traveled with them? 2 A All over the world. Japan, China, 3 Germany, I've been all over the States. I went 4 to, Atlanta, it's not very safe. Hicksville, 5 that's an interesting story. Yeah, all over the 6 world. Australia, went to Australia, as far as 7 away as that. 8 Q And let's take that one at a time. 9 Hicksville, you said. 10 A Yeah, Hicksville, yeah. It's a 11 funky -- I remember it, Hicksville, because it was 12 a funky -- it's a real funky place, you know, with 13 Amber and Johnny did say they were going to go to 14 Hicksville for, you know, a day, a day and a 15 night, I think it was. So we get off the truck, 16 and Amber and her friends all head off, and 17 they're -- well, Amber traveled with Johnny. But 18 her friends all head off. 19 I followed -- Johnny wanted to drive 20 his own beautiful customized Plymouth, I think 21 it's a '58 or '50 -- I'm not an expert. But had 22 it customized. They gave us this car.</p>	<p style="text-align: right;">3352</p> <p>1 you know, Johnny and Amber was happy. It was much 2 happening. I could see Johnny and Amber getting a 3 bit animated, and I recall they were about, maybe, 4 25 feet from me. So I approached, and I've been 5 working with Johnny that long, I don't have to say 6 anything. I just have to look at his face. And 7 Johnny can talk to me through his face, doesn't 8 need to say a word. So I know what's happening. 9 And I say in a low voice, "Let's keep 10 it private. Let's start working towards the 11 caravan. Let's get you away from here." As we 12 were walking ahead, you know, just, you know, 13 going ahead, I could hear some, you know, 14 bickering behind me. Johnny's talking, you know, 15 low tone, you know, he's keeping it quiet, but 16 Amber is getting a bit more loud, a bit more 17 nasty, you know. 18 So, anyway, I get into the caravan, I 19 put them inside, and I go to my caravan. That's 20 it. I don't hear anything, don't see anything 21 until the next morning. We sat around the pool a 22 couple hours and we head back to LA.</p>
<p style="text-align: right;">3351</p> <p>1 Myself and, he was an assistant, at the 2 time, Nathan Holmes, we used another one of 3 Johnny's car, and we follow behind. We get to 4 Joshua Tree, Hicksville. Very stunning, as you 5 can imagine. It's done in a very funky theme. 6 All the caravans are different themes. 7 Mine was an old rail that kept its -- 8 the old, you know, the old famous fortune teller 9 head that comes around and stuff like that. 10 Johnny's and Amber's caravan were maybe 11 about 50 meters from mine, maybe 20 meters, and it 12 was -- that was done in 1850s theme. It was an 13 1850s theme. 14 And the rest of the caravans were all 15 zombies coming out the ground and caves. 16 Anyway, we go there. There's a lot of 17 booze, lot of booze comes out. Party starts. 18 Sitting around in the sun, messing around, party 19 starts. There was lots of booze and weed, and I 20 think there's mushrooms there, some psychedelic 21 mushrooms, that went around. But I've been 22 watching exactly what I saw. Everyone was happy,</p>	<p style="text-align: right;">3353</p> <p>1 Q What prompted you to -- 2 THE COURT: Mr. Moniz before you -- do 3 you have a lot of direct still left in this 4 matter? 5 MR. MONIZ: Not terribly much longer, 6 maybe 10 or 15 minutes. 7 THE COURT: We're going to take our 8 afternoon break, then. 9 Ladies and gentlemen, let's go ahead 10 and take your 15-minute afternoon break, and then 11 we'll come back and continue with the testimony, 12 okay? Don't do any outside research and don't 13 talk to anybody. 14 (Whereupon, the jury exited the 15 courtroom and the following proceedings took 16 place.) 17 THE COURT: All right. Mr. Connolly, 18 I'm going to put you in the lobby for a break, 19 okay? I'm going to come back and put you back in 20 about 4:20 our time, okay, in about 17 minutes, 21 okay, sir? All right. All right. Just don't 22 discuss your testimony with anybody until then,</p>

<p>1 okay? 2 THE WITNESS: Okay. Thank you. 3 THE COURT: All right. Thank you. 4 Okay. 5 And so we'll come back then at 4:20, 6 okay? All right. Thank you. 7 THE BAILIFF: All rise. 8 (Recess taken from 4:03 p.m. to 9 4:20 p.m.) 10 THE BAILIFF: All rise. Please be 11 seated and come to order. 12 THE COURT: All right. Are we ready 13 for the jury? 14 MS. VASQUEZ: Yes. 15 THE COURT: Okay. 16 (Whereupon, the jury entered the 17 courtroom and the following proceedings took 18 place.) 19 THE COURT: All right. Mr. Connolly, 20 can you hear me okay? 21 THE WITNESS: I can, yes. 22 THE COURT: All right. Can you just</p>	<p>3354</p>	<p>1 Q Do you remember anything in particular 2 that Ms. Heard was saying at the time? 3 A I don't recall, no. See, it wasn't 4 really coherent. It was more of the animation, 5 you know, the head movements and the staring looks 6 and stuff, that prompted me to do what I have to 7 do, you know. 8 Q Okay. Shifting gears a little bit, you 9 listed out various places that you've traveled 10 with Mr. Depp and Ms. Heard, and I think you 11 listed Japan, Germany, Hicksville, and Australia. 12 Do I have that right? 13 A Correct, yes. 14 Q When were you in Australia? 15 A Probably '15, 2015, private flight. 16 Q And what were you doing in Australia? 17 A My job. On that occasion, I flew in 18 first. I usually fly in first to do an advance. 19 Advance includes the check-in accommodation. Not 20 much accommodation because Nathan Holmes, Ben 21 King, and the sheriff called Russell, they had 22 already been at the home -- excuse me -- been at</p>	<p>3356</p>
<p>1 count to five for me, please? 2 THE WITNESS: One, two, three, four, 3 five. 4 THE COURT: Perfect. Thank you. All 5 right. 6 Next question. 7 BY MR. MONIZ: 8 Q All right. Mr. Connolly, we were 9 talking about Hicksville there, and you made a 10 comment that you had suggested to Mr. Depp and 11 Ms. Heard that they keep it private or something 12 along those lines. 13 A I did, yes. 14 Q My question is just what prompted you 15 to make that suggestion? 16 A Well, it was getting kind of animated. 17 You know, it was getting animated, and no one 18 wants to see them air their dirty laundry in 19 public. 20 Q Were they both animated? 21 A More so Amber. Johnny, yes, but more 22 so Amber.</p>	<p>3355</p>	<p>1 the home and got that started. My main concern 2 was their locations, transport, local security, 3 drivers, you know, making sure all that's in line 4 before Johnny gets there. Jerry Judge traveled 5 with Johnny and Ms. Heard. 6 On arrival, I would pick them up at the 7 airport, as we do, take them to the house, 8 whatever accommodation they're staying in, and I 9 would have peeled off at the left of that, went 10 back to my apartment. Johnny would have been 11 maybe there actually a week for, you know, makeup, 12 costume before any shooting stuff. It was time to 13 get him on some locations, studio locations as 14 well as be around for if Johnny want to be to 15 dinner at night anywhere, I would check out those 16 place to go. 17 Q Mr. Connolly, I'm sorry. I had a 18 little trouble hearing there. It might be the 19 connection, but could you speak maybe just a 20 little bit slower? I'm sorry. 21 A Okay. As I say, my job in Australia is 22 just to secure all the advance. So I would check</p>	<p>3357</p>

<p>3358</p> <p>1 out, make sure the local drivers are there, all 2 the cars are in order, the accommodations in 3 order, the locations for shooting are all safe, 4 liaison with production, what's expected of him. 5 I would pick them up at the airport when he 6 arrives, take them to the accommodation, peel off, 7 go and check out a few restaurants in case he 8 wants to go, and if nothing's happening, stand 9 down for that evening. 10 Q Does anything stand out to you about 11 your time in Australia in 2015? 12 A Yeah. Johnny lost a finger. 13 Yeah. One afternoon, I was instructed 14 to go to Johnny's accommodation -- 15 MR. NADELHAFT: Objection. Can we just 16 approach for a minute? 17 THE COURT: All right. Hold on just 18 minute, Mr. Connolly. 19 (Sidebar.) 20 MR. NADELHAFT: My concern here is he's 21 going to give a long dialogue, and he's going 22 to -- from previous testimony, he may say that</p>	<p>3360</p> <p>1 That's fine. 2 All right. Thank you. 3 (Open court.) 4 BY MR. MONIZ: 5 Q All right, Mr. Connolly, please 6 continue, but as you go, please avoid discussing 7 the substance of any communications that you had 8 with Mr. Depp or his security and just focus on 9 what you observed. 10 A Okay. I arrived at Johnny's 11 accommodation with my driver, Andrew, I noticed 12 that there was a SUV, one of the security, the 13 RST, resident security team, one of their vehicles 14 sitting outside the door, no driver. So I just 15 assumed, well, something was a security car there 16 but no driver. As I approached the door, I hear a 17 muffled, like a muffled shouting and screaming 18 and -- I think muffled, because the entrance to 19 this house there's a massive oak door, I mean, 20 it's huge, and it's got to be about 25 mil thick. 21 I open it and it's chaos. It's 22 screaming and shouting, and all I can see with my</p>
<p>3359</p> <p>1 Mr. Depp told him how his finger -- 2 THE COURT: Okay. 3 MR. NADELHAFT: And that would be 4 hearsay -- 5 THE COURT: Right. 6 MR. NADELHAFT: -- clearly, that his 7 finger got cut off by a thrown bottle. 8 THE COURT: Okay. 9 MR. MONIZ: Well, I think there is 10 actually a basis to rule that in; that's the same 11 as any existing mental. 12 THE COURT: Sustained. 13 MR. MONIZ: Understood, Your Honor. 14 I'll make clear on the questioning -- 15 THE COURT: Can you make sure in the 16 question that he can't talk about anything anybody 17 told him, to including Mr. Depp? 18 MR. MONIZ: Excepting Ms. Heard, of 19 course. 20 THE COURT: Except Ms. Heard. 21 MR. NADELHAFT: Yeah, of course. 22 THE COURT: Yeah, okay. All right.</p>	<p>3361</p> <p>1 eyes is Johnny. He's wearing a jacket, a hat, and 2 a bag with notebooks. I always know that bag 3 because it's gray canvass bag, and he's nursing 4 one hand. So I'm saying, "Hey, what's going on 5 with all the screaming and shouting, this 6 madness?" Amber's irate, I mean, tenacious, it's 7 crazy stuff. 8 Johnny's shouting back. So I said, 9 "Johnny, let's go. Let's go." That's my job, to 10 remove him from the situation. I did a couple 11 stairs with him, Johnny, "Give me five minutes 12 in-house, five minutes." Well, he's the boss, you 13 know. There's no bullets flying, so okay. Give 14 him two minutes. Then I said, "Let's go. Let's 15 go." 16 Eventually I manage to get him to the 17 door. We go downstairs. Amber appears from 18 somewhere. I don't know whether Amber is upstairs 19 or in the room to the left or whenever, but she 20 appears and she's screaming, you know, screaming, 21 berating him. She's basically berating him. Yes, 22 "Fuck off." She says, "Johnny, that's what you --</p>

<p style="text-align: right;">3362</p> <p>1 fuck off, that's what you do all the time. That's 2 all you ever do is fuck off. You fuck off with 3 your guys. You're a fucking coward. That's what 4 you fucking do, you fucking coward. You fuck off 5 with your guys, you big man," all that shit. 6 I get him down the stairs, this time 7 Amber's at the threshold of the accommodation, and 8 she's screaming, you know, "Fuck off, you are a 9 fucking coward," these kinds of words, you know. 10 I get him in the car, and I usually sit 11 in the front seat, shotgun. But I went and sat in 12 the same seat in the back. I said, "What's going 13 on here? Want to chat? Want to talk?" When I 14 got in the car, the driver opened up the door. So 15 he's out the door again, and he's making his way 16 back up the stairs. I get back around again. By 17 the time I get to the top, two complete stairs to 18 the front door, he's just crossing the threshold, 19 and the screaming started again, Amber's 20 screaming. 21 Again, "Johnny, let's go. Let's go," 22 this time with a wee bit more force, and I managed</p>	<p style="text-align: right;">3364</p> <p>1 Dr. Kipper. So Dr. Kipper does these things, 2 Nurse Debbie address, oh, and Kipper says, "We've 3 got to go to the hospital." He says, "No, there's 4 no other way. We have to go to the hospital. 5 This has to be seriously looked at." 6 We get to the hospital, and that's when 7 his treatment started, you know. 8 Q Okay. When you were in the presence of 9 Mr. Depp and Ms. Heard in the house in Australia, 10 how far away were you from Ms. Heard? 11 A When I first entered the house, 12 Ms. Heard wasn't visible to me, only Johnny. It's 13 only when we started to leave, Ms. Heard appeared, 14 and she probably was two feet, three feet. 15 Q Did you observe any injuries on 16 Ms. Heard? 17 A No. 18 MR. NADELHAFT: Objection. Leading. 19 THE COURT: I'll allow it. 20 Q I'm sorry. What was your answer? 21 A No injuries, none. 22 Q Other than the injury to his finger,</p>
<p style="text-align: right;">3363</p> <p>1 to actually basically pull him out the place. I 2 get him into the car, pull the locks this time, 3 into the car, we take off. 4 I got him back to my apartment using, 5 you know, a secret way through the underground car 6 park and driver's list. I get him up to my 7 apartment and I get him into my apartment, once I 8 start washing his hand, basic triage on his hand, 9 washing it first aid. It's a mess. His hand -- 10 his finger is just a mess. It's like one of them 11 cartoon exploding cigars. I always think in my 12 mind one of them cigars that blow up, you know, 13 the caption's "boom." And then I say, "Stop 14 fucking around." And I could see bone. There's 15 bone there. It's smashed a bit. And he's -- you 16 know his bone is seen, can't wash his hand. 17 Anyway, I sat him down, and I phoned 18 Debbie, the nurse who was living in the same 19 apartment block with me. So that's my first 20 thing, phone Debbie. Phone Debbie. About 20 21 minutes later after I made the phone call, maybe 22 25, maybe half an hour, but she comes up with</p>	<p style="text-align: right;">3365</p> <p>1 did you observe any injuries on Mr. Depp? 2 A No. No. No. Well, I say no. You 3 know, there was a mark on his face, and I didn't 4 know what that was so I never really put it down 5 to much. But in the house I take a photograph, 6 and when I look at that photograph, I can see two 7 injuries. 8 MR. NADELHAFT: Objection. 9 A When we were sitting in the car, I 10 think I -- 11 THE COURT: Hold on, Mr. Connolly. 12 MR. NADELHAFT: Objection to the extent 13 he's going to go talking about what the mark is. 14 Since he didn't see what happened and he's not a 15 doctor, he can't describe what... 16 THE COURT: All right. 17 MR. MONIZ: That's fine, Your Honor. 18 THE COURT: You're going to move on? 19 MR. MONIZ: Yeah. 20 THE COURT: Okay. 21 Next question. 22 Q Think you've generally described for us</p>

3366	1 the kinds of things Ms. Heard was saying. How 2 would you describe her overall demeanor when she 3 and Mr. Depp were in each other's presence in the 4 house in Australia? 5 A Good days and bad days. 6 Q I'm sorry. I mean on that particular 7 day. 8 A On that particular day? I had never 9 seen them in the house on that particular day. 10 Only time I seen Ms. Heard and Johnny in that 11 house is when I arrived there to extract him. 12 Q And how did Ms. Heard seem to you when 13 you saw her on that day when you arrived to 14 extract him? 15 A Crazy. Crazy. Crazy. Fierce. You 16 know, fierce. 17 Q Okay. What was the last thing 18 Ms. Heard said as you were taking Mr. Depp out of 19 the house to go to your apartment and then the 20 hospital? 21 A The last words I recall hearing as I'm 22 getting Johnny out is, "Yeah. Just fuck off with	3368	1 Q Okay. Jerry Judge was your boss until 2 he passed away; is that right? 3 A Correct. 4 Q And now you get paid directly by 5 Mr. Depp, correct? 6 A Right. 7 Q And you're paid a salary by Mr. Depp? 8 A No. 9 Q Okay. And Mr. Depp's also provided you 10 gifts, correct? 11 A Gifts? 12 Q Gifts. Money, gifts? 13 A Yes. Yes, Johnny gave me gifts. Yes, 14 I gave Johnny gift. 15 Q And he's given you gifts over \$8,500, 16 correct? 17 A \$8,500? 18 Q Yeah. 19 A He gave me a lot more than that. 20 Q Okay. And you're loyal to Mr. Depp, 21 right? 22 A Yes, of course I'm loyal to Mr. Depp.
3367	1 your guys, you're a fucking coward, like you 2 always do." 3 MR. MONIZ: I have no further 4 questions. 5 THE COURT: Okay. Cross-examination, 6 Mr. Nadelhaft. 7 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 8 COUNTERCLAIM PLAINTIFF 9 BY MR. NADELHAFT: 10 Q Mr. Connolly, do you still work for 11 Mr. Depp? 12 A I do, yeah. 13 Q And you've worked for him now for about 14 18 years? 15 A No. 16 Q Well, two years ago, you said you 17 worked for him for 16 years. So two more years 18 would be 18. 19 A No, I work with him. I didn't work for 20 him. I worked for a guy called Jerry Judge and 21 Music and Arts. Johnny Depp never paid me. 22 Johnny Depp started paying me two years ago.	3369	1 I'd be loyal to you if I was working for you. 2 Q Okay. Now, going to Australia, you 3 said you went to Australia in 2015 with Mr. Depp, 4 correct? Or you went before Mr. Depp, but you 5 were there to work for Mr. Depp, correct? 6 A Correct. 7 Q And Jerry Judge was also there? 8 A Not when I arrived, no. 9 Q But he eventually -- Jerry Judge was 10 eventually in Australia, correct? 11 A Right. 12 Q And Nathan Holmes was in Australia as 13 well, right? 14 A Right. 15 Q And Mr. Depp came to Australia in 16 February of 2015, correct? 17 A Correct. 18 Q And when Mr. Depp first came to 19 Australia, Amber was not with Mr. Depp, right? 20 A I don't recall. I don't recall if 21 Amber arrived with Johnny or Amber arrived later. 22 Q You don't know one way or the other?

3370	<p>1 A No.</p> <p>2 Q And Mr. Depp stayed in a house in</p> <p>3 Australia, correct?</p> <p>4 A Correct.</p> <p>5 Q And you and the security team were</p> <p>6 about 40 minutes away from the house Mr. Depp was</p> <p>7 renting, correct?</p> <p>8 A 25, 30, 30, 40. Yeah, you're correct</p> <p>9 if it's a traffic day, yeah, probably a few</p> <p>10 minutes more.</p> <p>11 Q And alcohol was in the house in</p> <p>12 Australia, correct?</p> <p>13 A Correct.</p> <p>14 Q And Mr. Depp consumed alcohol before</p> <p>15 Amber arrived in Australia; is that right?</p> <p>16 A Yeah, he would have done, yes.</p> <p>17 Q Do you know if Mr. Depp consumed</p> <p>18 illegal drugs before Amber arrived in Australia?</p> <p>19 MR. MONIZ: I'm going to object to</p> <p>20 speculation.</p> <p>21 A I wouldn't know.</p> <p>22 THE COURT: I'll overrule it. I'll</p>	3372	<p>1 doing at that time, correct?</p> <p>2 A No. I wasn't with him.</p> <p>3 Q Okay. And you don't know when Amber</p> <p>4 arrived in Australia, correct?</p> <p>5 A No.</p> <p>6 Q But you do know that Amber stayed with</p> <p>7 Mr. Depp, right?</p> <p>8 A Yes.</p> <p>9 Q Okay. And you talked about a resident</p> <p>10 security team that was at the Australia house; is</p> <p>11 that right?</p> <p>12 A That's correct.</p> <p>13 Q And were there about four -- is it --</p> <p>14 was there anyone from the resident security team</p> <p>15 in the house when you arrived on March 8th, 2015?</p> <p>16 A No.</p> <p>17 Q Okay. And the resident security team,</p> <p>18 is it your understanding that they were there?</p> <p>19 That they were kind of guarding the house?</p> <p>20 A They would have been on the grounds but</p> <p>21 it was substantial grounds, real substantial</p> <p>22 grounds. They would have been on the grounds</p>
3371	<p>1 allow it.</p> <p>2 Go ahead.</p> <p>3 Q Do you know if Mr. Depp spent any time</p> <p>4 with Marilyn Manson in Australia before Amber</p> <p>5 arrived?</p> <p>6 A I don't recall. I don't recall Marilyn</p> <p>7 Manson being there.</p> <p>8 Q So as Mr. Depp's security, you don't</p> <p>9 know if Mr. Depp was with Marilyn Manson at any</p> <p>10 time?</p> <p>11 A I left Australia to smuggle two dogs</p> <p>12 back out of Australia, back to --</p> <p>13 Q No, no. I'm talking about in the</p> <p>14 beginning of March 2015, you were --</p> <p>15 A I don't recall Marilyn Manson.</p> <p>16 Q You don't know one way or the other?</p> <p>17 A No.</p> <p>18 Q Were you seeing Mr. Depp every day</p> <p>19 in --</p> <p>20 A No, not in the beginning. I had other</p> <p>21 duties.</p> <p>22 Q So you don't know what Mr. Depp was</p>	3373	<p>1 somewhere.</p> <p>2 Q But they didn't go into the house on</p> <p>3 March 8th, correct?</p> <p>4 A I don't know. I never seen them in the</p> <p>5 house.</p> <p>6 Q Okay. So when you arrived at the house</p> <p>7 and went in, was it just Mr. Depp and Amber Heard?</p> <p>8 A Just Mr. Depp and Amber Heard.</p> <p>9 Q Okay.</p> <p>10 A And maybe someone else there. I never</p> <p>11 visibly seen anyone else. I wasn't there long</p> <p>12 enough to chat with anybody.</p> <p>13 Q When you arrived at the house, you</p> <p>14 could hear a ruckus, correct?</p> <p>15 A Yeah, yeah, I could hear, definitely</p> <p>16 hear something through the door, yeah.</p> <p>17 Q But you said the door was so thick you</p> <p>18 couldn't hear the actual words that were being</p> <p>19 said; is that right?</p> <p>20 A No. Just a shouting.</p> <p>21 Q And then you saw -- then you went in</p> <p>22 the house and saw Mr. Depp in the foyer, correct?</p>

3374	<p>1 A Yes, correct. 2 Q And Mr. Depp was trying to urinate in 3 the foyer, wasn't he? 4 A No. 5 Q Mr. Depp had his penis out of his 6 pants, didn't he? 7 MR. MONIZ: Objection. Relevance. 8 A I think I'd remember if I'd seen 9 Mr. Depp's penis. 10 THE COURT: I'll allow it. 11 Next question. 12 Q And you were trying to get Mr. Depp out 13 of the house, correct? 14 A Correct. I was trying to get Mr. Depp 15 out of the house, yes. 16 Q And Mr. Depp was refusing to leave the 17 house, was he not? 18 A Not refuse. He just wanted two minutes 19 to say his piece. 20 Q You took Mr. Depp by the arm to move 21 him out, but he broke away; isn't that right? 22 A Yes.</p>	3376	<p>1 I'm sorry. 2 MR. NADELHAFT: It's Defendant's 3 Exhibit 380A. 4 MR. MONIZ: What is this? Sorry. What 5 is this? 6 MR. NADELHAFT: This is a recording 7 from Australia, and it's just of Mr. Depp. 8 MR. MONIZ: I don't think that's in 9 evidence. 10 THE COURT: It's not in evidence. 11 MR. NADELHAFT: Or Plaintiff's 12 Exhibit 380A? 13 MR. MONIZ: I don't believe there are 14 any recordings from Australia in evidence, Your 15 Honor. 16 THE COURT: I don't have anything in 17 evidence. 18 MR. NADELHAFT: There definitely is. 19 It's just of Mr. Depp. 20 THE COURT: I don't have 380 in 21 evidence. 22 MR. NADELHAFT: It's 380A.</p>
3375	<p>1 Q So he was strong enough to break away 2 from your grip, correct? 3 A No. 4 Q So you had his arm and he broke away, 5 though, correct? 6 A No. 7 Q Isn't that what you just said? 8 A No. I let him go. 9 Q You let go. 10 But it wasn't easy -- 11 A Yeah. That's my boss. I'm not going 12 to drag him by... 13 Q So Mr. Depp's your boss. You'll do 14 what Mr. Depp wants, correct? 15 A No. 16 Q It's not easy to get Mr. Depp out of 17 the house, correct? 18 A Not easy. 19 Q Okay. 20 MR. NADELHAFT: Can we play 21 Exhibit 380A which is already in evidence? 22 THE COURT: Plaintiff's or defendant's?</p>	3377	<p>1 THE COURT: I have Jamie said it was 2 IDed but never admitted. 3 MR. MONIZ: Your Honor, the recordings 4 from Australia have other voices on them. 5 MR. NADELHAFT: It's only the clip of 6 Mr. Depp. 7 THE COURT: Okay. I have it. It's 8 actually Plaintiff's 380A, minute 33 to 34. 9 MR. MONIZ: What's the foundation for 10 using it with this witness? 11 MR. NADELHAFT: He was at the house. 12 THE COURT: It's in evidence. It's 13 fine. So you're playing that clip, correct? 14 MR. NADELHAFT: Correct. 15 THE COURT: That is on plaintiff's. 16 (Whereupon, the following audio was 17 played.) 18 MR. DEPP: What you are and who you are 19 and how you fucked me over and make me feel sick 20 of myself. There's still a lot left in the day. 21 Maybe you should dye your hair. I see roots. 22</p>

3378	1 BY MR. NADELHAFT: 2 Q Did you hear that, Mr. Connolly? 3 A I did, yes. 4 Q And that was the sort of condition 5 Mr. Depp was in when you saw him at the house, 6 correct? 7 A Yes. Yes. 8 Q Mr. Depp was upset and angry when you 9 saw him at the house, correct? 10 A Absolutely, yes. 11 Q Okay. Now, did you take -- did you 12 take Mr. Depp to the hospital? 13 A Along with others, yes. 14 Q Is it your testimony that Mr. Depp was 15 coherent at the hospital? 16 A Yes. 17 Q Can you -- let's show Defendant's 18 Exhibit 370. I would just like for you to look at 19 something for a moment. 20 MR. NADELHAFT: I'm not publishing it. 21 I just want to show him a document, Defendant's 22 Exhibit 370.	3380	1 MR. NADELHAFT: I wasn't going to read 2 it into the record. I was going to ask him if 3 seeing this document reminded him that Mr. Depp 4 was not coherent. It's either a yes or it's a no. 5 THE COURT: But he didn't write this, 6 right? I just want to make sure. 7 MR. NADELHAFT: No, he didn't write it. 8 And I'm not trying to get it into the evidence. 9 I'm not trying -- 10 THE COURT: I understand. I'm going to 11 sustain the objection. That's somebody else's 12 words. He said he was coherent. 13 MR. NADELHAFT: I'm sorry? 14 THE COURT: He said he was coherent, 15 but that's just somebody else's words. It's not 16 his words. 17 MR. NADELHAFT: But you can use 18 anything to refresh recollection. That's all I 19 was going to do. 20 THE COURT: No. I'm not going to allow 21 it. 22 MR. NADELHAFT: Thank you, Your Honor.
3379	1 MR. MONIZ: Your Honor, I'm going to 2 object on foundation grounds. The witness is not 3 even copied on this document. 4 MR. NADELHAFT: I'm going to ask him a 5 question and ask him if it refreshes his 6 recollection. That's all I'm going to ask him 7 about it. I can use any document to refresh -- 8 THE COURT: Do you want to approach for 9 a second? Let's see what we're refreshing. 10 (Sidebar.) 11 THE COURT: So what are we refreshing 12 his recollection on? 13 MR. NADELHAFT: He said he wasn't 14 coherent at the hospital. If he doesn't know, he 15 doesn't know. 16 MR. MONIZ: It's not proper -- I mean, 17 it's not his words. 18 MR. NADELHAFT: I'm asking if he's -- 19 I'm not trying to submit it into evidence. 20 THE COURT: I understand that. 21 MR. MONIZ: But reading it into the 22 record --	3381	1 THE COURT: Okay. 2 (Open court.) 3 THE COURT: You can take the document 4 down. 5 MR. NADELHAFT: You can take it down. 6 BY MR. NADELHAFT: 7 Q Mr. Depp's finger was filled with dirt, 8 grime, and paint when you saw it? 9 A Yes. 10 Q And now, you say you saw no bruises or 11 cuts on Amber on March 8th, 2015, correct? 12 A Correct. 13 Q Isn't it true that your main concern 14 was Mr. Depp and getting him out of the house, 15 correct? 16 A Yeah. 17 Q So you weren't concentrating on Amber, 18 correct? 19 A I was close enough if there's any marks 20 on Amber's face, I would have picked that up in a 21 few minutes. Amber came in the home office -- 22 Q As you're trying to pull Mr. Depp out

<p>1 of the house, you're scanning Amber for bruises 2 and cuts? 3 A Not scanning. I'm looking at her. 4 Q As you're moving -- as you're moving 5 Mr. Depp out of the house, correct? 6 A Yes, yes. Maybe I know what she's got 7 on her left. I'm watching her. But I'm getting a 8 client from a bad situation, a whole situation. I 9 watch what's happening around me. 10 Q But you're not -- 11 A I know where the client is. The 12 client's with me. 13 Q Right. The client was with you, and 14 you're not scanning -- you didn't scan Ms. Heard's 15 body for -- 16 A I scan everything. I look at 17 everything (indiscernible due to cross talking). 18 Q You scanned everything on her body? 19 A No. Not her body. She's wearing long 20 sleeves from what I recall. 21 Q And at the hospital, the doctor was 22 told that Mr. Depp cut his finger with a knife,</p>	<p>3382 3384 1 yeah. 2 Q But after that you never went inside 3 the trailer after that, correct? 4 A Correct. 5 Q So you have no idea what went on in the 6 trailer between Mr. Depp and Amber; isn't that 7 right? 8 A I was told. 9 Q But you don't have any personal 10 knowledge as to -- 11 A I never seen it, no. I never seen it. 12 Q You have no idea how much damage was 13 done to the trailer, correct? Personal knowledge. 14 A I do have an idea. 15 Q You have no idea what happened to Amber 16 in the trailer; isn't that right? 17 A That's correct. 18 Q And you talked about that there was 19 tension between Amber and Mr. Depp. You don't 20 know what started the fight, correct? 21 A Correct. 22 Q Did you see Mr. Depp grab another</p>
<p>3383 1 correct? 2 A Correct. Yeah. 3 Q Okay. And you understand that the 4 damage at the house, at Mr. Depp's rented house, 5 amounted to about a hundred thousand dollars, 6 correct? 7 MR. MONIZ: Objection. Calls for 8 speculation. 9 A (Indiscernible due to cross talking.) 10 THE COURT: I'll allow it. That's 11 fine. 12 Next question. 13 Q In Hicksville, other than when you 14 first arrived, you didn't go to the trailer that 15 Mr. Depp and Amber were staying in; is that right? 16 A Only when I delivered them to it. 17 Q Right. And then after you delivered 18 them to it -- 19 A When I delivered them to it, when we 20 first got there? 21 Q Right. 22 A Went inside and had a look around,</p>	<p>3385 1 woman's arm before they moved off to the truck -- 2 before the fight started? 3 A No. 4 Q Okay. Were you with the company when 5 you were -- were you with the group? 6 A No. 7 Q Okay. 8 A I was maybe 20 feet away, observing. 9 That's my job, not to get involved. I don't sit 10 with my clients in a personal situation. I just 11 observe. 12 Q Now, you testified that at times you 13 saw marks and bruises on Mr. Depp, a fat lip, I 14 think you said. You don't have dates for those 15 times that you saw that, right? 16 A I don't recall. No, you're talking -- 17 that's a long time ago, you know. 18 Q Right. You testified in the U.K. in -- 19 you testified in the U.K., correct? 20 A Correct. 21 Q And you gave a witness statement too, 22 in the U.K., correct?</p>

<p>3386</p> <p>1 A Correct.</p> <p>2 Q And you never testified to seeing any</p> <p>3 marks, bruises, or injuries on Mr. Depp; isn't</p> <p>4 that right, in the U.K.?</p> <p>5 A I wasn't asked in the U.K.</p> <p>6 Q But you never testified to that, right?</p> <p>7 A I wasn't asked.</p> <p>8 Q Okay. Now, in the private -- you</p> <p>9 talked about a private plane that you saw a</p> <p>10 plastic liter bounce off of Mr. Depp's chest,</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q And you said you saw Mr. Depp smirking</p> <p>14 and said -- and then he said, "Was that it?" Is</p> <p>15 that right?</p> <p>16 A No.</p> <p>17 Q Okay. You didn't -- you don't know</p> <p>18 what started the fight there, correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. And you talked about at the</p> <p>21 EB -- at the lofts, I think you called it in</p> <p>22 Los Angeles you saw a Coke can get thrown</p>	<p>3388</p> <p>1 A No. I wasn't asked that.</p> <p>2 Q Okay. Now, you said only Johnny could</p> <p>3 make a request for a private dining car; isn't</p> <p>4 that right?</p> <p>5 A I said that?</p> <p>6 Q Only Johnny needed a private dining</p> <p>7 car. Ms. Heard didn't need a private dining car,</p> <p>8 correct?</p> <p>9 A That would be correct. Oh, yeah, that</p> <p>10 would definitely be correct. Only Johnny Depp</p> <p>11 needed a private dining car. But Johnny doesn't</p> <p>12 want a private dining car.</p> <p>13 Q Okay. Now, you were not present in</p> <p>14 Ms. Heard and Mr. Depp's cabin on the train,</p> <p>15 right?</p> <p>16 A No.</p> <p>17 Q And if a fight occurred --</p> <p>18 A That's correct.</p> <p>19 Q If a fight occurred in the cabin, you</p> <p>20 would have no way of knowing about it, right?</p> <p>21 A I wouldn't know.</p> <p>22 Q And you wouldn't know if Mr. Depp was</p>
<p>3387</p> <p>1 somewhere in the vicinity of Mr. Depp, correct?</p> <p>2 A I seen a can.</p> <p>3 Q Right.</p> <p>4 A Not a Coke can. I couldn't tell you</p> <p>5 what can it was.</p> <p>6 Q Okay. And you don't know what happened</p> <p>7 before you saw the Coke can get thrown, correct?</p> <p>8 A Correct.</p> <p>9 Q And you talked about this picture of --</p> <p>10 that you took in Southeast Asia, correct?</p> <p>11 A Correct.</p> <p>12 Q And you never mentioned in the U.K.</p> <p>13 matter or in your witness statement Mr. Depp</p> <p>14 having scratches and bruises on the train,</p> <p>15 correct?</p> <p>16 A I was never prompted to. I was never</p> <p>17 asked.</p> <p>18 Q You gave a witness statement that gave</p> <p>19 the -- what you saw in the relationship between</p> <p>20 Amber and Mr. Depp, and you never talked about</p> <p>21 bruises or cuts on Mr. Depp in Southeast Asia,</p> <p>22 correct?</p>	<p>3389</p> <p>1 strangling Ms. Heard, do you?</p> <p>2 A No, I wouldn't know.</p> <p>3 Q You don't know if Mr. Depp had his</p> <p>4 shirt wrapped around Amber's neck, do you?</p> <p>5 MR. MONIZ: Objection. Speculation,</p> <p>6 cumulative.</p> <p>7 A No, I wouldn't know. The only reason I</p> <p>8 would know anything in that cabin --</p> <p>9 Q You wouldn't know. You answered. Sir,</p> <p>10 sir, you answered that.</p> <p>11 THE COURT: All right. We can move on.</p> <p>12 MR. NADELHAFT: Okay. And if we could</p> <p>13 put up, please, Plaintiff's Exhibit 120, I think</p> <p>14 we got 190, and I believe 120 has been in evidence</p> <p>15 before.</p> <p>16 THE COURT: Well, I have 120A, 120B,</p> <p>17 and 120C.</p> <p>18 MR. NADELHAFT: So I think this would</p> <p>19 be 120D.</p> <p>20 THE COURT: 120D?</p> <p>21 MR. NADELHAFT: Yeah.</p> <p>22 THE COURT: 120D.</p>

Transcript of Jury Trial - Day 12
Conducted on April 28, 2022

66 (3390 to
3393)

3390	1 Q Mr. Connolly, I'm asking you questions 2 about the fourth one down. Do you see that? 3 A Yes. Not really clear, I can't. 4 MR. MONIZ: Objection. The document is 5 hearsay. I don't know what the exception would 6 be. 7 THE COURT: Okay. Hold on. If you 8 want to come forward. If you could, keep it there 9 for me. 10 (Sidebar.) 11 THE COURT: Thank you. 12 MR. MONIZ: Unless this is being used 13 to impeach him somehow, I think it's hearsay. 14 MR. NADELHAFT: I'm going to ask him 15 questions about his statement. I can ask him 16 questions about what he said. 17 MR. MONIZ: But his prior words are 18 hearsay. 19 THE COURT: And you can -- 20 MR. NADELHAFT: No, no, no. But I can 21 ask him questions about that. 22 THE COURT: Is this the date you were	3392	1 That's basically what this is saying. 2 MR. NADELHAFT: Well, Your Honor, I 3 think -- that's fine. 4 MR. MONIZ: When you're done, may I 5 take a look at that? 6 MR. NADELHAFT: Sure. 7 THE COURT: So what's -- 8 MR. NADELHAFT: I'll just -- if it's 9 hearsay, then I won't -- I'll just get my -- 10 THE COURT: I'll sustain the objection. 11 All right. Let's move on. 12 (Open court.) 13 MR. NADELHAFT: Take it down. 14 BY MR. NADELHAFT: 15 Q Mr. Connolly, you agree that 16 Ms. Heard's been nothing but respectful and 17 professional to you, correct? 18 A Absolutely. 19 MR. NADELHAFT: Thank you. I have 20 nothing further. 21 THE COURT: All right. Redirect. 22 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND
3391	1 just talking about? 2 MR. NADELHAFT: June 16th, 2015. 3 THE COURT: Okay. 4 MR. MONIZ: So June 2016, that's after 5 the... 6 THE COURT: Well, after the divorce. 7 MR. NADELHAFT: Well, the relevance is 8 that he's saying that Amber's done all of these 9 things left and right, and then he's -- but then 10 he said he didn't want to be dragged into it, and 11 he's calling her -- she's been professional, never 12 done anything. 13 THE COURT: Well, he's testified to 14 that. He said, "She's always been professional to 15 me." 16 MR. MONIZ: I don't have this in front 17 of me now. But it doesn't seem appropriate to me 18 to be using his prior words. I mean, it's 19 hearsay. 20 THE COURT: I just don't see the basis 21 for it. He's already testified that she had 22 nothing but -- she was only professional to him.	3393	1 COUNTERCLAIM DEFENDANT 2 BY MR. MONIZ: 3 Q Mr. Connolly, very briefly, when you 4 were in Ms. Heard's presence in the house in 5 Australia, on the day that Mr. Depp lost his 6 fingertip, how far away were you from Ms. Heard? 7 A On the exit, on the egress, about three 8 feet, four feet or more. 9 Q Can you estimate for us about how long 10 you were in Ms. Heard's presence? 11 A You know what? Best way to do this is 12 think about it, okay? 15 seconds, 20 seconds. 13 Q How was the light? 14 A Well, it's a stairwell. The door is 15 massive. It's a wall of glass behind them. The 16 light is actually faint. You couldn't get there. 17 MR. MONIZ: All right. I have nothing 18 further. 19 THE COURT: All right. Is this witness 20 subject to recall? 21 MR. MONIZ: I think so, yes, Your 22 Honor.

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<p>3394</p> <p>1 THE COURT: All right. Mr. Connolly, 2 since you're subject to recall, do not discuss 3 your testimony with anybody and don't watch 4 anything about this case, okay? But you're free 5 to log off today. 6 THE WITNESS: Thank you. 7 THE COURT: Thank you. Have a good 8 day. 9 THE WITNESS: Thank you, Your Honor. 10 THE COURT: All right. Your next 11 witness. 12 MR. CRAWFORD: Starling Jenkins, Your 13 Honor, by video link. 14 THE COURT: Mr. Jenkins, can you hear 15 me, sir? If you'd raise your right hand for me. 16 Starling Jenkins III, 17 being first duly sworn, was examined 18 and testified as follows: 19 THE COURT: Thank you, sir. 20 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND COUNTERCLAIM DEFENDANT 21 BY MR. CRAWFORD: 22 Q Good morning. Can you hear me okay?</p>	<p>3396</p> <p>1 Q How did you first meet Mr. Depp? 2 A He used our delivery service to 3 transport him to and from. 4 Q So in the 30 or so years that you've 5 known Mr. Depp, what services have you performed 6 for him over the course of that period? 7 A Childcare, animal care, personal 8 assistant duties, security, and transportation. 9 Q And could you estimate approximately 10 how many hours per week would you provide those 11 services to Mr. Depp? 12 A 40 to 60 hours. 13 Q And can you describe generally your 14 interactions with Mr. Depp in the time that you've 15 worked for him? 16 A Pleasant, always upbeat. 17 Q Do you know the defendant in this case, 18 Amber Heard? 19 A Yes. 20 Q And when did you first meet Ms. Heard? 21 A After the filming of the Rum Diary 22 project.</p>
<p>3395</p> <p>1 A Yes, I can. 2 Q Can you please state your full name for 3 the record? 4 A Starling Jenkins III. 5 Q And, Mr. Jenkins, where do you live? 6 A Los Angeles, California. 7 Q And what is your occupation? 8 A Executive chauffeur and security. 9 Q And how long have you worked as an 10 executive chauffeur and in security? 11 A Executive chauffeur for 30 years, 12 security for eight years. 13 Q And what occupations did you hold prior 14 to working as an executive chauffeur and in 15 security? 16 A Route sales executive and United States 17 Marines. 18 Q Mr. Jenkins, do you know the plaintiff 19 in this case, Johnny Depp? 20 A Yes, I do. 21 Q And when did you first meet Mr. Depp? 22 A 1993.</p>	<p>3397</p> <p>1 Q Can you describe generally your 2 interactions with Ms. Heard? 3 A Pleasant, cordial, very respectful. 4 Q So in your time working with Mr. Depp, 5 did you ever observe Mr. Depp's and Ms. Heard's 6 interactions with one another? 7 A Yes. 8 Q And can you describe those interactions 9 generally, please? 10 A Very cordial, very aware that people 11 are around them, very – very friendly. 12 Q Did you ever see them argue? 13 A Yes. 14 Q Can you describe what you observed 15 about those arguments? 16 A They would be initiated by her. She 17 would try to engage with him. He would tell me to 18 turn the music up. 19 Q So where did these arguments take 20 place? 21 A In the car. 22 Q Do you recall how many times you</p>

<p>1 witnessed them argue? 2 A Twice. 3 Q Mr. Jenkins, turning your attention to 4 April 21st, 2016, can you tell the jury what you 5 recall about that day? 6 A Could you repeat the question, sir? 7 Q Sure. So turning your attention to 8 April 21st, 2016, can you tell the jury what you 9 recall about that day? 10 A It was the birthday party being held at 11 the penthouse. 12 Q And when you say "the penthouse," what 13 are you referring to? 14 A It's the Eastern Columbia Building. 15 Q And what were you doing that evening? 16 A That evening I was assigned security on 17 the detail. 18 Q Were you inside the residence while the 19 birthday party was taking place? 20 A I was in the CP, the command post, 21 that's stationed on the same floor right outside 22 of the elevators.</p>	3398	<p>1 A His wallet, credit cards, passports, 2 everything that's in his wallet. 3 Q Did Ms. Heard say anything else to you 4 about this altercation? 5 A Nothing except she -- they were 6 fighting. 7 Q So what did you do after Ms. Heard 8 informed you that she had thrown Mr. Depp's 9 personal property off the balcony? 10 A Formulated a plan with Norm from the 11 office to use the Find My Phone app, hit the 12 streets, and try to get lucky. 13 Q Did you end up finding Mr. Depp's 14 phone? 15 A Yes, I did. In skid row, probably six 16 miles from the house. 17 Q And who had the phone? 18 A A homeless gentleman, unhoused 19 gentleman. I approached him about the phone. He 20 was honest. He returned it. I gave him a reward 21 for it. 22 Q And what was the reward?</p>	3400
<p>1 Q And did you interact with Ms. Heard at 2 all that evening? 3 A Yes, I did. In regard to getting her 4 clients' keys, parking, making sure no one else 5 was on the floor that wasn't invited to the party. 6 Q Were there any issues at the birthday 7 party at the time that you were present at the 8 penthouses? 9 A No issues except for the boss did not 10 show. 11 Q Do you recall what time you left that 12 day? 13 A 11:15 p.m. that evening. 14 Q Mr. Jenkins, what happened the next 15 day, April 22nd, 2016? 16 A I arrived early, 10:45, went upstairs 17 to the penthouse. I was informed by Amber that 18 she got in a fight with Johnny last night. She 19 threw his personal property over the balcony into 20 the streets, 9th and Broadway. 21 Q And when you say "personal property," 22 what are you referring to?</p>	3399	<p>1 A \$420, chicken tacos, chips, apple, Fiji 2 water. 3 Q After finding Mr. Depp's phone, what 4 did you do? 5 A I returned to the penthouse, showed the 6 phone to Amber that I retrieved it. I left it in 7 the CP for the evening security to return it to 8 Mr. Depp. 9 Q So after figuring out things with the 10 phone, what happened next? 11 A What happened next is I walked Amber to 12 the car. We got everybody in the car. She's on 13 her way to Coachella. I went back to the 14 penthouse to retrieve the dogs and the luggage. 15 Q Were you also going to Coachella with 16 Ms. Heard? 17 A Yes, I was. I was the transportation 18 for Amber and her friends while she was at 19 Coachella. 20 Q So how did you get to Coachella? 21 A Drove the SUV provided by Johnny, put 22 the animals and all the luggage in, and headed</p>	3401

3402	<p>1 out.</p> <p>2 Q And the morning of April 22nd, did you</p> <p>3 see any injuries on Ms. Heard?</p> <p>4 A No marks, no injuries.</p> <p>5 Q And so, driving out to Coachella, did</p> <p>6 anyone drive with you?</p> <p>7 A I was in the car alone except for the</p> <p>8 animals.</p> <p>9 Q And how did Ms. Heard get to Coachella?</p> <p>10 A She drove her Mustang.</p> <p>11 Q Was anyone else in her car?</p> <p>12 A She was with, I believe, her sister and</p> <p>13 one other friend, her assistant, Savannah.</p> <p>14 Q And do you know how many days Ms. Heard</p> <p>15 and her friends were planning to stay at</p> <p>16 Coachella?</p> <p>17 A So the following Monday, I believe it's</p> <p>18 the 25th of April, we departed.</p> <p>19 Q And do you recall where Ms. Heard was</p> <p>20 staying at Coachella?</p> <p>21 A We were staying at the Parker Boutique</p> <p>22 Hotel there in Palm Springs outside of Coachella.</p>	3404
3403	<p>1 Q Were you also staying at the Parker</p> <p>2 Hotel?</p> <p>3 A I also stayed there.</p> <p>4 Q Did you attend Coachella for work or</p> <p>5 for pleasure?</p> <p>6 A For work.</p> <p>7 Q And what was your job that weekend?</p> <p>8 A Provide security and transportation,</p> <p>9 animal care, Amber's roving assistant, take care</p> <p>10 of her, whatever she needed while she was there at</p> <p>11 the Parker, or they're out traveling.</p> <p>12 Q Do you recall what time, approximately,</p> <p>13 you arrived at the Parker Hotel on April 22nd?</p> <p>14 A Around 5:30ish, maybe quarter to 6.</p> <p>15 Q And what did Ms. Heard and her friends</p> <p>16 do that evening, April 22nd?</p> <p>17 A That evening, we arrived, we were</p> <p>18 assigned the rooms, we went with the – with the</p> <p>19 staff of the Parker Hotel around to the suites</p> <p>20 where we were staying. They let us in. We let</p> <p>21 all the luggage in, and we proceeded to plan for</p> <p>22 that evening to depart by 7, 7:15ish to get to the</p>	3405
	<p>1 festival venue.</p> <p>2 Q And how did Ms. Heard and her friends</p> <p>3 get from the hotel to the festival that evening?</p> <p>4 A I drove them directly to there.</p> <p>5 Q And did you have any discussions with</p> <p>6 Ms. Heard on the way to Coachella that evening?</p> <p>7 A We had a conversation pertaining to the</p> <p>8 surprise she left in the boss's bed prior to</p> <p>9 leaving the apartment.</p> <p>10 Q And when you refer to "the surprise in</p> <p>11 the boss's bed," what are you referring to?</p> <p>12 A The defecation.</p> <p>13 Q And what did Ms. Heard say about the</p> <p>14 defecation in Mr. Depp's bed?</p> <p>15 A A horrible practical joke gone wrong.</p> <p>16 Q Mr. Jenkins, what observations did you</p> <p>17 make about Ms. Heard at Coachella in April 2016?</p> <p>18 A She had no worries. She was there to</p> <p>19 whip it up. It's her birthday. She's with her</p> <p>20 friends.</p> <p>21 Q And how often were you with her that</p> <p>22 weekend?</p> <p>1 A I was with her every day she went to</p> <p>2 the venue from the time that we interacted with</p> <p>3 the wallet incident, the night before at the</p> <p>4 party, all the way until Monday when we returned</p> <p>5 with the pets and the luggage.</p> <p>6 Q And did you observe anything about</p> <p>7 Ms. Heard's health that weekend?</p> <p>8 A She got sick.</p> <p>9 Q Do you know what --</p> <p>10 A She got sick at the venue.</p> <p>11 Q Do you know what caused Ms. Heard to be</p> <p>12 sick?</p> <p>13 A Eating magic mushrooms and drinking red</p> <p>14 wine on an empty stomach.</p> <p>15 Q How do you know that she drank red wine</p> <p>16 and took magic mushrooms?</p> <p>17 A Saw the room service when I went to</p> <p>18 their room to collect them to take them out that</p> <p>19 evening, and they did it in the car.</p> <p>20 Q Excuse me. Is that something you</p> <p>21 witnessed?</p> <p>22 A I witnessed it.</p>	

3406	1 Q And what did you do in response to 2 Ms. Heard being sick at Coachella? 3 A I collected her, got her in the 4 vehicle. She didn't want anyone else to know that 5 she was sick, take her back to the Parker alone. 6 I took her to the 7-Eleven where I retrieved 7 hydrating fluids, Advil, and let her have those, 8 got her back to the Parker, got her in the suite, 9 and then went back to pick up everyone else. 10 Q And, Mr. Jenkins, when you said 11 Ms. Heard got sick, do you recall what her 12 symptoms were? 13 A Yes. She was throwing up. 14 Q Mr. Jenkins, did you see any injuries 15 of any kind on Ms. Heard April 22nd, 2016? 16 MR. NADELHAFT: Objection. Asked and 17 answered. 18 THE COURT: I'll sustain. Already 19 asked. 20 A No. 21 Q What about the rest of that weekend, 22 Mr. Jenkins? Any injuries that you saw?	3408	1 do for Mr. Depp, correct? 2 A Yes, of course. Yes. 3 Q And Mr. Depp's security is your highest 4 priority in your job, correct? 5 A Yes, it is. 6 Q You're loyal to Mr. Depp? 7 A Him and his family. And his family. 8 Q You're loyal to Mr. Depp, right? 9 A Yes. 10 Q Now, I want to turn to the night of 11 April 21st, 2016. 12 Just to recap, you said you were 13 working a security shift at Amber's birthday at 14 the Eastern Columbia Building that evening, 15 correct? 16 A Correct. 17 Q And you said that your shift ended 18 around 11:15, correct? 19 A Correct. 20 Q And you said the boss still hadn't 21 shown up by the time that you left the Eastern 22 Columbia Building, right?
3407	1 A No injuries. 2 Q Have you ever witnessed any physical 3 abuse between Mr. Depp and Ms. Heard? 4 A No. 5 Q Thank you, Mr. Jenkins. 6 MR. MONIZ: Nothing further. 7 THE COURT: All right. 8 Cross-examination. 9 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 10 COUNTERCLAIM PLAINTIFF 11 BY MR. ROTTENBORN: 12 Q Good afternoon, Mr. Jenkins. 13 A Good afternoon. 14 Q So just to be clear on the chronology, 15 you met Mr. Depp in 1993; is that right? 16 A Correct. 17 Q And you've worked for him ever since? 18 A Off and on, yes. 19 Q Okay. And your salary's paid by 20 Mr. Depp, correct? 21 A Salary? No. 22 Q You receive pay for the work that you	3409	1 A Correct. 2 Q So you have no idea where Mr. Depp was 3 or what he was doing from 9:30 p.m. that evening 4 until at least 11:15 when you left the Eastern 5 Columbia Building, right? 6 A No. I do know what he was doing. He 7 was attending to his mother. 8 Q Okay. You weren't with him. 9 A I had information. 10 Q Okay. All right. That's information 11 that you received, but you have no personal 12 knowledge of that? 13 A I have no reason to doubt it. It came 14 from Sean. 15 Q Oh, okay. So Mr. Bett told you that? 16 A The boss was out then. 17 Q Mr. Bett told you that he was tending 18 to his mother that night? 19 A He didn't say mother. He said the boss 20 was out then. I'm aware of what the situation 21 was, the time frame. He's with his mother. 22 Q Okay. All right. Interesting. Okay.

<p>3410</p> <p>1 And did you have any understanding that 2 he had a meeting with his new business manager 3 earlier that evening where he was told that he was 4 running out of money and that his taxes hadn't 5 been paid in years? Did you have any 6 understanding of that? 7 MR. CRAWFORD: Objection. Foundation. 8 Calls for speculation. 9 THE COURT: I'll sustain the objection. 10 Next question. 11 Q And you didn't see Mr. Depp that night, 12 right? 13 A No, I did not. 14 Q So you came back the next morning to 15 escort Amber to Coachella, right? 16 A Yes. 17 Q And you say that Amber told you that 18 she had thrown Mr. Depp's phone off the roof? 19 A Correct. 20 Q And did you come to understand that 21 Mr. Depp had thrown her phone off the roof that 22 evening prior to when Amber threw Mr. Depp's phone</p>	<p>3412</p> <p>1 does he have a way to see the document, just him, 2 Your Honor? 3 THE COURT: Yes. 4 MR. ROTTENBORN: Can you pull up the 5 witness statement on Mr. Jenkins? 6 Q Mr. Jenkins, do you recall giving 7 testimony on Mr. Depp's behalf in the U.K. trial? 8 A Yes, I did. 9 Q And you gave a witness statement first 10 in writing, correct? Do you remember that? 11 A Yes. 12 Q And then you were examined by the 13 attorneys in the trial, correct? 14 A Correct. 15 Q Okay. Can you see on your screen the 16 statements that -- do you see a witness statement? 17 A Yes, I see it. 18 Q It says, "Witness statement of Starling 19 Jenkins," right? 20 A Correct. 21 Q And this is the statement that you 22 wrote and signed as part of the U.K. trial on</p>
<p>3411</p> <p>1 off the roof? 2 A She informed me of that. 3 Q Okay. She informed you of that. 4 So when you went outside to look for 5 Mr. Depp's phone, you weren't looking for 6 Ms. Heard's phone, were you? 7 A She had her phone. She had her phone. 8 She was trying to redownload and back it up. 9 Q Okay. So she -- you were only looking 10 for Mr. Depp's phone when you went downstairs to 11 try to -- you found it with an unhoused person you 12 said, correct? 13 A Correct. 14 Q Okay. And did I hear you right that 15 you said it was six miles away where you found the 16 phone? 17 A Correct. 18 Q It actually wasn't six miles away. It 19 was actually right below the building, the ECB 20 Building? 21 A No, it was not. No, it was not. 22 MR. ROTTENBORN: Can you pull up --</p>	<p>3413</p> <p>1 behalf of Mr. Depp, correct? 2 A Correct. 3 Q Okay. 4 MR. ROTTENBORN: If you can, scroll, 5 please, to page 3 of the document. 6 Q And, Mr. Jenkins, I'm going to read you 7 what you wrote in paragraph 13. 8 A Okay. 9 Q And we can go from there. 10 On paragraph 13, you wrote in your 11 witness statement in the U.K. trial, "The Find My 12 iPhone application indicated that Johnny's phone 13 was somewhere on the streets below the balcony of 14 the residence." 15 Did I read that right? 16 A If that's what it says, that's what it 17 says. I'm telling you the phone was in skid row. 18 Q Okay. 19 A The gentleman that found it, I have the 20 location where the phone was found. 21 Q Isn't skid row just a few blocks away 22 from the Eastern Columbia Building?</p>

<p>3414</p> <p>1 A No. It's on 6th and Main, I guess, 2 depending on what area you are. 3 Q Okay. So one of these two sworn 4 statements, either what you just said in court 5 just now that it was found six miles away or this, 6 one of these is false, correct? 7 A It's just inadequate as far as the 8 location. The location is not below the 9 penthouse. It's not on Broadway. 10 Q Okay. 11 A It was found on Broadway by the 12 unhooded man, and then he lives off of skid row. 13 Q Okay. Now let's move on to Coachella, 14 please. 15 A Yes. 16 Q You were with Amber and her friends 17 that weekend at Coachella. 18 A Yes. 19 Q And you testified a little bit about 20 what you saw. Is it fair to say that Amber and 21 her friends were having a good time that weekend? 22 A Yes, it is.</p>	<p>3416</p> <p>1 having taken place, correct? 2 A Nothing in the car pertaining to that. 3 Q Would it surprise you that she might 4 not want to talk to someone who had worked for her 5 husband for around 23 years at that point about 6 domestic violence? Would that surprise you? 7 MR. CRAWFORD: Objection. Speculation, 8 Your Honor. 9 THE COURT: Sustain the objection. 10 Next question. 11 Q Ms. Heard texted you on May 12th, 2016, 12 asking you to call her, correct? 13 A Correct. 14 Q And you did not bother to respond to 15 that text, correct? 16 A Correct. 17 Q And that was the last communication 18 that you had with her, correct? 19 A Correct. 20 Q Now, you weren't -- just to be clear, 21 you weren't at Amber's house on Orange Avenue in 22 March 2013 when Johnny was there, correct?</p>
<p>3415</p> <p>1 Q And there were thousands of other 2 people at that music festival too, correct? 3 A Correct. 4 Q So your -- were you aware that Amber's 5 sister, Whitney, was pregnant and sober that 6 weekend? 7 A Wasn't my information. Wasn't my 8 knowledge. 9 Q Were you aware that Amber's sister, 10 Whitney, threw up in a parking lot that weekend? 11 A No. 12 Q To your knowledge and understanding, 13 Mr. Jenkins, there's nothing wrong with wanting to 14 spend time with your friends at a music festival 15 after being abused by your husband, right? 16 A What abuse? 17 Q That's not an abnormal thing, to want 18 to be around your friends, correct? 19 A She was partying it up with her 20 friends. She was partying it up, her birthday. 21 Q And you didn't hear anything about -- 22 she didn't say to you about domestic violence</p>	<p>3417</p> <p>1 A I might have driven him to the 2 location. I'm familiar with the address. 3 Q But you didn't enter the house at any 4 point in March 2013, correct? 5 A Depending on if he had luggage or gifts 6 going upstairs, I might have. 7 Q But you didn't hang out with them 8 inside the house, right? 9 A I waited for him in the car, sir. 10 Q And you weren't at the Hicksville 11 Trailer Palace in late June of 2013, right? 12 A No. 13 Q You weren't on a plane flight from 14 Boston to Los Angeles in May 2014, correct, with 15 Johnny and Amber? 16 A No. 17 Q You weren't with Mr. Depp and Amber in 18 the Bahamas in August 2014, correct? 19 A Correct. 20 Q You weren't with Mr. Depp and Amber in 21 Tokyo in January 2015, correct? 22 A No, I was not there. Correct.</p>

3418	1 Q You weren't with Mr. Depp and Amber in 2 Australia in March 2015, correct? 3 A Correct. 4 Q You weren't at Thanksgiving with them 5 in Penthouse 5 of the Eastern Columbia Building in 6 November 2015, correct? 7 A I believe I was there. 8 Q You didn't -- 9 A Might have been on detail. I don't 10 have the schedule, but I might have been assigned 11 to detail. Thanksgiving, it's a holiday. 12 Q Sure. You don't have any specific 13 recollection of that one way or the other, though, 14 correct? 15 A I would probably say I was on duty that 16 day. 17 Q Okay. 18 A It's a holiday. 19 Q Okay. You weren't celebrating 20 Thanksgiving in Penthouse 5 with them that 21 evening, correct? 22 A I was in the CP.	3420	1 MR. ROTTENBORN: Nothing further, thank 2 you. 3 THE COURT: All right. Redirect. 4 MR. CRAWFORD: Just very quickly, Your 5 Honor, do we have Mr. Jenkins's witness statement? 6 And if we could, go to the third page, 7 please. 8 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 9 COUNTERCLAIM DEFENDANT 10 BY MR. CRAWFORD: 11 Q Mr. Jenkins, directing your attention 12 to the paragraph 13, which Mr. Rottenborn had you 13 look at just a second ago -- 14 A Yes. 15 Q -- he read the first sentence of that 16 witness statement. "The Find My Phone -- Find my 17 iPhone application indicated that Johnny's phone 18 was somewhere on the street where the residents 19 walked out." 20 Could you please read to the jury the 21 second part of that paragraph? 22 A "I walked out onto the street, did not
3419	1 Q Okay. And that's a separate room, 2 correct? 3 A Separate room on the same level, 4 correct. 5 Q And you weren't in the Bahamas in late 6 December 2015, correct, with them? 7 A Correct. 8 Q You weren't in the ECB with just the 9 two of them the night of December 15th, 2015, 10 correct? 11 A That is right before the Christmas 12 party, I believe, correct. 13 Q And finally you weren't in the 14 penthouse of the Eastern Columbia Building on the 15 night of May 21st, 2016, with Mr. Depp and 16 Ms. Heard, correct? 17 A Correct. 18 Q And you'd agree that you have no 19 personal knowledge of what went on between 20 Mr. Depp and Ms. Heard behind closed doors, 21 correct? 22 A Correct.	3421	1 see the phone. I then asked several homeless 2 people if they had the phone. One homeless man 3 admitted to me that he had the phone, returned the 4 phone to me in exchange for the following: 425 in 5 cash, three chicken tacos, two bags of chips, four 6 apples -- two apples, four bottles of water." 7 Q And so do you recall where you found 8 the iPhone that day? 9 A Yes, I do. 10 MR. ROTTENBORN: Objection. Asked and 11 answered. 12 THE COURT: All right. I'll sustain 13 the objection. 14 Next question. 15 Q Mr. Jenkins, moving to Coachella, 16 Mr. Rottenborn asked you about Whitney Heard. 17 Do you know who that is? 18 A Yes, I do. 19 Q Do you know the difference between 20 Whitney and Amber Heard? 21 A Yes, I do. 22 Q And who was sick that day?

<p>3422</p> <p>1 A One is the boss's wife, one is the 2 boss's sister-in-law. 3 Q Who was sick that day at Coachella? 4 A Amber was sick. 5 MR. CRAWFORD: Thank you. Nothing 6 further. 7 THE COURT: Is this witness subject to 8 recall? 9 MR. CRAWFORD: No, Your Honor. 10 THE COURT: All right. Mr. Jenkins, 11 you're free from testimony; and therefore, you're 12 free to do whatever you need to do. Or you can 13 watch the proceedings; it's up to you, but you're 14 done for today, though. Thank you, sir. 15 THE WITNESS: Thank you, Your Honor. 16 Thank you to the Court. 17 THE COURT: All right. Have a good 18 day. 19 THE WITNESS: You also, ma'am. 20 THE COURT: All right. I think it's 21 close enough to 5:30 that I think we've had enough 22 of a week. Ladies and gentlemen, at this time</p>	<p>3424</p> <p>1 I also instruct you that you cannot do 2 any research or make inquiries about this case, 3 whether online or by any other means. For 4 example, you cannot look information up on the 5 Internet that is related to this case or related 6 to the persons involved in this case. Nor may you 7 consult dictionaries or other reference materials. 8 What you learn about this case is limited to what 9 you learn in the four walls of this courtroom when 10 proceedings are under way. You also may not 11 communicate about this case or the persons 12 involved in this case with your fellow jurors, 13 okay? 14 Hope you have a good weekend. It's 15 supposed to be a great weather on Saturday. Go 16 outside. Get some fresh air, okay? 17 Just enjoy your weekend, and I'll see 18 you on Monday. Thank you so much. 19 (Whereupon, the jury exited the 20 courtroom and the following proceedings took 21 place.) 22 THE COURT: All right. And as always,</p>
<p>3423</p> <p>1 we're going to go ahead and be done with the 2 testimony for this week. Although since I won't 3 see you until Monday, I want to give you the long 4 jury instruction that I give you every Thursday 5 evening, just so we all remember our 6 responsibilities, okay? 7 So at this time, remember that you are 8 not to read anything about this case. You are not 9 to watch anything about this case. You are not to 10 listen to anything about this case. This applies 11 to television, newspapers, magazines, the Internet 12 and any online sites. Further, you are not to 13 read, watch, or listen to anything about this case 14 on any social networking sites such as Twitter, 15 Facebook, Instagram, Snapchat, blogs, or similar 16 sites. 17 In addition, you must not communicate 18 with anyone about the case, whether in person, 19 over the phone, by email, text, or instant 20 messaging, or by any other electronic or 21 nonelectronic means. This includes your friends, 22 family, co-workers, acquaintances, and strangers.</p>	<p>3425</p> <p>1 Mr. Depp and Ms. Heard, please do not do any 2 posting on social media and do not talk to the 3 press. I appreciate it, and have a good weekend. 4 For the attorneys tomorrow, what 5 time -- did we do our homework this week? 6 MR. NADELHAFT: We did. 7 MS. BREDEHOFT: Still in progress. 8 THE COURT: Work in progress. So are 9 we still doing 19 tomorrow? 10 MS. BREDEHOFT: I think it's 18. 11 MR. MONIZ: We have 20 for tomorrow. 12 THE COURT: 20? You added one for me. 13 That's lovely. Okay. Great. 14 So we'll do 20 tomorrow, so I would 15 suggest 8:00. Can everybody be here at 8? Sound 16 good? 17 MR. MONIZ: Yes. Thank you, Your 18 Honor. 19 THE COURT: Okay. We'll be here at 20 8:00 a.m., and we'll just do them until we're 21 done. So just bring a lot of meals. Okay? All 22 right. We'll see you tomorrow then.</p>

Transcript of Jury Trial - Day 12
Conducted on April 28, 2022

75 (3426 to
3429)

<p>1 Thank you. Have a good evening. 2 THE BAILIFF: All rise. 3 (Whereupon, the trial was recessed at 4 5:25 p.m. to reconvene at 10:00 a.m., Monday, May 5 2, 2022.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>3426</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 29th day 14 of April, 2022. 15 My Commission Expires: September 30, 2024 16 17 18 <i>Judith E. Bellinger</i> 19 _____ 20 NOTARY PUBLIC IN AND FOR 21 THE COMMONWEALTH OF VIRGINIA 22</p>	<p>3427</p>