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# Transcript of Jury Trial - Day 14

**Date:** May 3, 2022  
**Case:** Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Jury Trial - Day 14  
Conducted on May 3, 2022

1 (3727 to 3730)

<p>3727</p> <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 Tuesday, May 3, 2022 16 10:00 a.m. EDT 17 TRIAL DAY 14 18 19 20 Job No.: 443896 21 Pages: 3727 - 4029 22 Reported by: Judith E. Bellinger, RPR, CRR</p>	<p>3729</p> <p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM 4 DEFENDANT: 5 BENJAMIN G. CHEW, ESQUIRE 6 BROWN RUDNICK LLP 7 601 Thirteenth Street NW 8 Suite 600 9 Washington, D.C. 20005 10 202.536.1700 11 12 CAMILLE M. VASQUEZ, ESQUIRE 13 SAMUEL A. MONIZ, ESQUIRE 14 BROWN RUDNICK LLP 15 2211 Michelson Drive 16 7th Floor 17 Irvine, CA 92712 18 949.440.0234 19 20 21 22</p>
<p>3728</p> <p>1 Held at: 2 3 4 CIRCUIT COURT OF FAIRFAX COUNTY 5 4110 Chain Bridge Road 6 Courtroom 5J 7 Fairfax, Virginia 22030 8 703.691.7320 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>3730</p> <p>1 A P P E A R A N C E S C O N T I N U E D 2 3 JESSICA N. MEYERS, ESQUIRE 4 BROWN RUDNICK LLP 5 7 Times Square 6 New York, NY 7 212.209.4938 8 9 WAYNE F. DENNISON, ESQUIRE 10 REBECCA MACDOWELL LECAR0Z, ESQUIRE 11 BROWN RUDNICK LLP 12 One Financial Center 13 Boston, MA 02111 14 617.856.8149 15 16 17 18 19 20 21 22</p>

3731	1 2 APPEARANCES CONTINUED 3 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM 4 PLAINTIFF: 5 6 ELAINE CHARLSON BREDEHOFT, ESQUIRE 7 ADAM S. NADELHAFT, ESQUIRE 8 CHARLSON BREDEHOFT COHEN BROWN & 9 NADELHAFT, P.C. 10 11260 Roger Bacon Drive 11 Suite 201 12 Reston, VA 20190 13 703.318.6800 14 15 J. BENJAMIN ROTTENBORN, ESQUIRE 16 WOODS ROGERS PLC 17 10 South Jefferson Street 18 Suite 1400 19 P.O. Box 14125 20 Roanoke, VA 24011 21 540.983.7540 22	3733	1 PROCEEDINGS 2 THE BAILIFF: All rise. 3 Please be seated and come to order. 4 THE COURT: All right. Good morning. 5 MR. CHEW: Good morning, Your Honor. 6 THE COURT: Are we ready for the jury 7 today, or do we have any preliminary matters? 8 MR. ROTTENBORN: A few exhibits. 9 THE COURT: Okay. If you want to, 10 approach with the exhibits. 11 (Sidebar.) 12 THE COURT: Which ones do you have for 13 me? 14 MR. ROTTENBORN: These are the tax 15 returns, Mr. Depp's side is -- 16 THE COURT: Okay. What number are 17 they? 18 MR. ROTTENBORN: 936. 19 THE COURT: Okay. 20 MR. NADELHAFT: And then 21 Defendant's 1055 that we will show to Ms. Falati 22 as part of the agreement.
3732	1 CONTENTS 2 EXAMINATION OF ERIN FALATI (CONTINUING VIA VIDEO) PAGE 3 E 4 By Ms. Meyers 3735 5 By Mr. Nadelhaft 3772 6 EXAMINATION OF MICHAEL SPINDLER PAGE 7 By Mr. Dennison 3775 8 By Mr. Rottenborn 3786 9 By Mr. Dennison 3805 10 EXAMINATION OF DAWN M. HUGHES, PH.D., ABPP PAGE 11 By Ms. Bredehoft 3863 12 13 14 15 16 17 18 19 20 21 22	3734	1 THE COURT: 936, plaintiff's, okay. 2 1055. Got it. Okay. 3 MR. NADELHAFT: And then this was the 4 demonstrative that was shown yesterday with 5 Mr. Bania that (indiscernible) as long as not come 6 into evidence -- 7 THE COURT: Can you give it to -- a 8 number for me? 9 MR. NADELHAFT: Well, it had a number. 10 THE COURT: Okay. What was the number? 11 MR. NADELHAFT: It was Plaintiff's 889, 12 page 117, and it was a demonstrative, so we just 13 put the page. 14 THE COURT: 889, page 117, right? 15 MR. CHEW: We agreed to it in return 16 for his not making any more cat references. 17 THE COURT: Not in evidence, okay. 18 (Open court.) 19 THE COURT: All right. Are we ready 20 for the jury? 21 MR. CHEW: Yes, Your Honor. 22 (Whereupon, the jury entered the

<p>3735</p> <p>1 courtroom and the following proceedings took 2 place.) 3 THE COURT: All right. Good morning, 4 ladies and gentlemen. 5 All right. Are we ready to continue 6 with the witness on deposition? 7 MS. LECAROZ: Yes, Your Honor. The 8 remaining portion of the deposition of Erin Falati 9 will include the questioning by counsel for 10 Mr. Depp. 11 THE COURT: All right. Thank you. 12 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 13 COUNTERCLAIM DEFENDANT 14 BY MS. MEYERS: 15 Q Do you have any professional 16 responsibility to record or document suspected 17 physical abuse of one of your patients? 18 A If I am – if I witness or find out 19 information of domestic or child abuse, yes. 20 Q And so what is that responsibility? 21 A I have to notify superiors of the 22 information I was provided with.</p>	<p>3737</p> <p>1 confirm, you know, I received that information 2 from the client. 3 As far as in totality, I would assume 4 most information came from Ms. Heard, but I can't 5 rule out that I didn't get any information from 6 the treating physician in preparation either. 7 Q Okay. And I think you -- would this 8 information have been relayed to you at that first 9 meeting with Ms. Heard? 10 A This information – if it was 11 information I received from Dr. Kipper, I would 12 have had that information probably prior to 13 meeting her, but any time that I said – states 14 that I can confirm that I got that information, I 15 can confirm it was within the first day or two of 16 meeting her because I usually take a client 17 history when I meet a client. 18 Q Now, if we go down a couple more 19 sentences, it says, "AH reports history of 20 substance abuse, including an addiction to cocaine 21 and liquor. CT -- client reports abstaining from 22 cocaine for a couple years but was unable to</p>
<p>3736</p> <p>1 Q When did you first meet Ms. Heard? 2 A I believe it was the end of – excuse 3 me, hang on one sec; I have it here – this is in 4 my nursing notes. It looks like August 27th, 5 2014. 6 MS. MEYERS: So can we please pull up 7 the nursing notes, which I believe are Exhibit 2. 8 Q All right. While we bring this 9 document up, I would like to go through this 10 section called "Client History." Do you see where 11 I'm referring to? 12 A Yes. 13 Q Was the information in this paragraph 14 self-reported to you by Ms. Heard? 15 A If I can have a quick moment to review 16 that, then I can answer that question. 17 Q Certainly. 18 A Thank you. So to answer that question, 19 I believe this was information given to me from 20 Ms. Heard. I'm not positive, but I can say that 21 any time I refer – or begin a sentence with 22 "client states" or "client reports," those I can</p>	<p>3738</p> <p>1 report exact dates." Do you see where I'm 2 referring to? 3 A Yes, I see that. 4 Q Is that something you would have 5 written? 6 A Yes. 7 Q And this is also information that you 8 believe Ms. Heard would have reported directly to 9 you? 10 A Again, I don't have specific 11 recollection about this, but I would have to refer 12 to my notes that says "the client reports" it. 13 So, yes, I'm sure it would be made that she had 14 provided me with that information. 15 Q So it says -- it goes on to say, "CT 16 does not smoke cigarettes. She reports consuming 17 one to three glasses of red wine each day." 18 Do you see that? 19 A Yes. 20 Q And, again, this is based off of your 21 notes that are something that Ms. Heard reported 22 to you, correct?</p>

<p>3739</p> <p>1 <b>A Again, I don't recall the specifics of</b> 2 <b>that. I would refer, again, that in that</b> 3 <b>particular sentence you're referring to, I used</b> 4 <b>the verbiage of "she reports," meaning "Ms. Heard</b> 5 <b>reports." So I would make the assumption that she</b> 6 <b>reported that information to me.</b></p> <p>7 Q In the time that Ms. Heard was your 8 patient, do you recall seeing her consuming wine? 9 <b>A Yes.</b></p> <p>10 Q Is this self-report of one to three 11 glasses of red wine each day consistent with your 12 recollection? 13 <b>A I don't recall her drinking red wine</b> 14 <b>every time I saw her, so I can't confirm that each</b> 15 <b>time I saw her, she would drink one to three</b> 16 <b>glasses. I don't recall her drinking every time I</b> 17 <b>saw her.</b></p> <p>18 Q Did you ever see Ms. Heard appear 19 intoxicated from drinking alcohol? 20 <b>A I don't recall her being intoxicated.</b></p> <p>21 Q So moving on to the next sentence here, 22 it says, "She reports a family history of</p>	<p>3741</p> <p>1 specifically the language that says "client 2 admits," you believe that this is something that 3 Ms. Heard would have reported to you? 4 <b>A As you stated, because it says "client</b> 5 <b>admits," I would make that assumption.</b></p> <p>6 Q What do you recall Ms. Heard saying 7 about her history of anxiety issues? 8 <b>A I don't recall specifics. As I stated</b> 9 <b>earlier in the morning, I remember a general</b> 10 <b>anxiety with many issues in her life.</b></p> <p>11 Q What do you recall Ms. Heard telling 12 you about her codependence issues? 13 <b>A I have vague memory of discussing</b> 14 <b>codependence issues within previous relationships.</b> 15 <b>I couldn't give you specifics on that. I just</b> 16 <b>sort of have a vague memory of discussing that.</b></p> <p>17 Q Do you have any nonspecific 18 recollections of Ms. Heard being anger [sic] or 19 enraged? 20 <b>A Other than that time I spoke about in</b> 21 <b>London 2014, I didn't specifically witness anger</b> 22 <b>and rage from Ms. Heard.</b></p>
<p>3740</p> <p>1 substance abuse; both mother and father have 2 abused and become dependent on stimulants 3 (methamphetamine), opiates, and alcohol." 4 Did I read that correctly? 5 <b>A Yes.</b></p> <p>6 Q And the "she" here, it refers to 7 Ms. Heard? 8 <b>A That's correct.</b></p> <p>9 Q So this is also something that 10 Ms. Heard reported to you, as far as your notes 11 reflect? 12 <b>A Again, I don't have specific</b> 13 <b>recollection of this. It appears that she did</b> 14 <b>report that, but I don't remember.</b></p> <p>15 Q So a couple sentences later here, it 16 says, "Client admits to history of anxiety, eating 17 disorder, attention deficit disorder, bipolar 18 disorder, codependence issues, and occasional 19 insomnia." 20 Do you see that sentence? 21 <b>A Yes.</b></p> <p>22 Q And based off of this note, and</p>	<p>3742</p> <p>1 Q The first sentence here says, 2 "Ms. Heard has been labile." Am I pronounce that 3 correctly? 4 <b>A Yes.</b></p> <p>5 Q First of all, what does that mean? 6 <b>A Emotional lability is typically when</b> 7 <b>emotions swing on a pendulum. You know, for</b> 8 <b>example, you may see someone very sad at one</b> 9 <b>moment and quickly transition to extreme</b> 10 <b>happiness. It sort of swings from, like I said,</b> 11 <b>sort of a pendulum.</b></p> <p>12 Q And did you -- in the time that you 13 treated Ms. Heard, did you ever personally witness 14 this type of emotional lability? 15 <b>A I don't recall specifically.</b></p> <p>16 Q The next sentence says, "Client 17 expressed concern to husband and Dr. Kipper that 18 she's nervous about being alone while husband is 19 working on movie set in London and expressed she 20 has difficulty dealing with feelings of insecurity 21 and jealousy when not in the presence of her 22 husband."</p>

<p>1 Did I read that right? 2 <b>A Yeah.</b> 3 Q Do you recall learning this during your 4 initial meeting with Ms. Heard? 5 <b>A I don't recall learning this during the</b> 6 <b>initial meeting, but, again, the – when I</b> 7 <b>initially met Ms. Heard and Mr. Depp, it was</b> 8 <b>fairly brief because then after that we traveled</b> 9 <b>to London. So I don't recall if I learned of this</b> 10 <b>instantaneously or if that was gathered, you know,</b> 11 <b>throughout the next day or two, spending time with</b> 12 <b>her.</b> 13 Q Is this description of Ms. Heard having 14 feelings of insecurity and jealousy when not in 15 the presence of Mr. Depp, is that consistent with 16 your recollection when you were treating 17 Ms. Heard? 18 <b>A I wouldn't say all the time that was an</b> 19 <b>issue. I have a vague sense of those issues</b> 20 <b>popping up throughout the years, but I wouldn't</b> 21 <b>say that that was a constant theme.</b> 22 Q But you do have recollections of that</p>	<p>3743</p>	<p>1 conversation with Ms. Heard? 2 <b>A I don't remember specifically, but I do</b> 3 <b>have a general recollection. No, I don't recall</b> 4 <b>specifics.</b> 5 Q Did you ever have any discussions with 6 Mr. Depp concerning Ms. Heard's acting career? 7 <b>A I have a sort of vague general memory</b> 8 <b>of discussing that before. As to specific</b> 9 <b>details, I don't think I can provide you with</b> 10 <b>specifics, but it sounds familiar.</b> 11 Q Did you ever have the impression that 12 Mr. Depp wanted Ms. Heard to stop her -- or to end 13 her acting career? 14 <b>A I don't recall that being a sentiment.</b> 15 Q If we can scroll down to the entry for 16 September 2nd, 2014, I would like to direct your 17 attention to a sentence in the middle of this 18 entry. It says, "RN and CT discussed CT's history 19 and current relationship. CT reports difficulty 20 with jealousy issues and anxiety around fiancé's 21 fame and ability to interact with females often." 22 Did I read that correctly?</p>	<p>3745</p>
<p>1 being an issue at some time while you were 2 treating her? 3 <b>A I would say that's a fair statement.</b> 4 Q Please go to the entry for August 29th, 5 2014. 6 So in this note I would like to direct 7 your attention to the section that starts with 8 23:45. And, specifically, the first sentence. It 9 says, "Client, RN, and Debbie RN went to dinner 10 together." 11 Do you see that? 12 <b>A I do.</b> 13 Q And "Debbie RN" is Debbie Lloyd; is 14 that correct? 15 <b>A That's correct.</b> 16 Q Going down a couple sentences here, it 17 says "Client verbalizes feelings of confusion, as 18 she feels fiancé would like her to 19 decrease/eliminate acting career and stay at 20 home." 21 Do you see that? 22 Do you remember having this specific</p>	<p>3744</p>	<p>1 <b>A (No verbal response.)</b> 2 Q And it's a note that you wrote, 3 correct? 4 <b>A Yes.</b> 5 Q Do you recall Ms. Heard expressing this 6 sentiment to you? 7 <b>A Like we discussed earlier, I don't</b> 8 <b>recall that specifically. I do have a general</b> 9 <b>sense of jealousy, anxiety issues popping up</b> 10 <b>throughout the years, but I don't remember that</b> 11 <b>specific discussion to give you anything deeper</b> 12 <b>than that.</b> 13 Q Let's move on to the entry for 14 September 2nd, 2014. 15 I would like to direct your attention 16 to, this is also in the middle, it says, "CT ate 17 dinner with RN at 21:00 at restaurant" -- 18 <b>A Sorry.</b> 19 Q "CT became frustrated with staff over 20 miscommunication; CT calmly repeated herself to 21 staff to resolve issue. CT expressed frustration 22 after conflict to RN. RN reflected change in</p>	<p>3746</p>

<p>3747</p> <p>1 coping skills, as CT's previous coping skills 2 involved impulsive anger and yelling." 3 Did I read that correctly? 4 <b>A Yes.</b> 5 Q Do you recall this incident at all? 6 <b>A I wouldn't have said that I remembered</b> 7 <b>this. In preparation for the deposition, when I</b> 8 <b>was rereading through these notes, I have sort of</b> 9 <b>a vague memory of this, but I think my notes here</b> 10 <b>are probably more specific than what I exactly</b> 11 <b>remember.</b> 12 Q Let's actually go to the entry for 13 September 21st, 2014, okay? 14 Okay. Please take a moment and review 15 this, and once you're done, the question is: Does 16 this note reflect that incident in London that you 17 just referred to? 18 <b>A To answer your yes-or-no question, yes,</b> 19 <b>that is what I'm referring to.</b> 20 Q And it says down here at the bottom of 21 the notes, "Client's fiancé offered emotional 22 support."</p>	<p>3749</p> <p>1 <b>A I don't know that it refreshes my</b> 2 <b>memory. I would say it reflects my memory.</b> 3 Q Is this the same outburst in London 4 that you were previously referring to? 5 <b>A Yes, that's correct.</b> 6 Q Do you recall anything about what the 7 fight between Mr. Depp and Ms. Heard was about 8 that's reflected in this note? 9 <b>A I don't really recall. I remember a</b> 10 <b>general sense of Ms. Heard being very upset that</b> 11 <b>her phone was hacked because there was very</b> 12 <b>sensitive information that was leaked from it.</b> 13 <b>And I feel like there was a -- she was having a</b> 14 <b>difficult time calming after that.</b> 15 <b>So whether there was any verbal</b> 16 <b>disagreements, I would assume it's in relation to</b> 17 <b>that, but I -- I just don't remember the specifics</b> 18 <b>of what that disagreement was about.</b> 19 Q It says here, "Client states she feels 20 fiancé did not provide support to client." Did I 21 read that right? 22 <b>A Yes.</b></p>
<p>3748</p> <p>1 Is that accurate to your recollection? 2 <b>A I don't recall. I would have to refer</b> 3 <b>to my nursing note. It's probably a lot more</b> 4 <b>reliable than my current memory.</b> 5 Q I believe you testified earlier, 6 though, that you recall that Mr. Depp was present 7 on this occasion; is that right? 8 <b>A That's correct.</b> 9 Q Now, let's move on to the entry for 10 September 22nd, okay? So this note begins -- 11 this -- strike that. 12 This starts with 01:00. Is that 13 1:00 o'clock in the morning on September 22nd? 14 <b>A Yes, that's correct.</b> 15 Q And it starts "RN notified that client 16 requires assistance. Upon arrival, client noted 17 to appear irritable, loud, and angry. Client 18 screaming at times and appears agitated. Client 19 crying and states she got into a verbal argument 20 with fiancé after RN departure." 21 Does this refresh your recollection at 22 all about Ms. Heard having an outburst?</p>	<p>3750</p> <p>1 Q Is that consistent with your 2 recollection? 3 <b>A I didn't recall that. But, again, I</b> 4 <b>would state that my notes are much more reliable</b> 5 <b>than my current memory, and I think that probably</b> 6 <b>speaks to your previous question.</b> 7 MS. MEYERS: Let's please go to the 8 entries which are from March 7, 2015, which are on 9 page with the Bates number 16952. 10 Q Now, as you see, we looked at these 11 entries earlier. Do you recall that? 12 <b>A Yes.</b> 13 Q Okay. Now, with respect to the entry 14 for March 7th, 2015, it says, "Client advises RN 15 via text of increasing anxiety, reports emotional 16 lability." 17 Do you recall her reporting why she was 18 feeling anxious at this time? 19 <b>A No, I don't recall the specific reason</b> 20 <b>of why she is notifying me of that at this time.</b> 21 Q So it says here that she notified you 22 via text, right?</p>

<p>3751</p> <p>1 <b>A Correct.</b> 2 Q Directing your attention to the next 3 note from March 8th, 2018, and I know you 4 discussed this with Adam earlier so I won't 5 belabor this too much, but do you recall that 6 this -- at the time of this entry, on March 8th, 7 2015, Ms. Heard was in Australia? 8 <b>A I would make that assumption based upon</b> 9 <b>my note for March 8th. It stated that client will</b> 10 <b>be returning to Los Angeles accompanied by house</b> 11 <b>manager, Ben. I'm paraphrasing her, but, yes, I</b> 12 <b>believe she was coming from Australia for this</b> 13 <b>particular entry.</b> 14 Q It says here, "RN plans to meet client 15 upon arrival." 16 Do you see that? 17 <b>A Yes. Yes, I do.</b> 18 Q And I think you testified to this 19 earlier: You did see Ms. Heard the next day when 20 she arrived back in Los Angeles; is that correct? 21 <b>A That's correct. If you look at the</b> 22 <b>entry for March 9th, I refer to meeting her and</b></p>	<p>3753</p> <p>1 treatment from you on that date, is that something 2 you would have documented in your notes? 3 <b>A Perhaps. If there was request for</b> 4 <b>medical treatment that differed from sort of</b> 5 <b>day-to-day status, then, yes, I might have put it</b> 6 <b>in my notes if I hadn't discussed with Dr. Kipper.</b> 7 <b>But I don't make any reference to it in this</b> 8 <b>particular note.</b> 9 MS. LECARAZ: Could we please pull up 10 what should be in -- I think I would have uploaded 11 on document B. It bears the Bates number of 12 Falati 0134. 13 AV TECHNICIAN: Exhibit 14. 14 Q I think we covered this before, but 15 just to confirm, is this your email up at the top 16 that says "erinboreum@hotmail.com"? 17 I'm sorry. Did you respond? 18 <b>A Yes.</b> 19 Q Oh, great. Thank you. I'm sorry I 20 didn't hear that. 21 Okay. I'm going to direct your 22 attention down to this email from David Kipper on</p>
<p>3752</p> <p>1 <b>her friend. So, yes, I would have met her in</b> 2 <b>person that day.</b> 3 Q Do you recall how long you spent with 4 Ms. Heard that following day? 5 <b>A I don't recall. My notes state that I</b> 6 <b>met her for dinner at 22:00, which in military</b> 7 <b>time would be 10:00 p.m. I don't recall how long</b> 8 <b>I was with her, so I would assume a couple hours.</b> 9 <b>But, again, I'm just making an assumption.</b> 10 Q Do you recall observing any injuries to 11 Ms. Heard when you saw her on March 9th, 2015? 12 <b>A No, I don't recall. I don't make note</b> 13 <b>of it, but I don't recall either.</b> 14 Q If Ms. Heard had visible injuries, is 15 that something that you would have documented in 16 your nursing notes? 17 <b>A I would assume so.</b> 18 Q Do you recall Ms. Heard seeking any 19 medical treatment from you when you saw her on 20 March 9th, 2015? 21 <b>A I don't recall.</b> 22 Q If Ms. Heard had sought medical</p>	<p>3754</p> <p>1 March 9, 2015 that starts out, "Erin, love you too 2 (much)." 3 Do you recognize this email? 4 <b>A I believe I produced this in reference</b> 5 <b>to the subpoena.</b> 6 Q Do you recall receiving this email? 7 <b>A I don't recall, but I do remember</b> 8 <b>reviewing this. I don't think I reviewed it in</b> 9 <b>preparation for today, but probably at the time of</b> 10 <b>the document requests, I think I probably reviewed</b> 11 <b>this.</b> 12 Q Directing your attention to the middle 13 of the email, do you see where it says, "I'm sure 14 JD will let Heard know we are coming home. I want 15 her to please not see him for a few days until we 16 can get him organized with the hand surgeon and 17 get his meds balanced." 18 Do you see that? 19 <b>A Yes.</b> 20 Q Okay. And "JD" refers to Mr. Depp in 21 this instance? 22 <b>A Yes.</b></p>



<p>1 Q And the "Heard" is Ms. Heard? 2 A Yes. 3 Q Did you have an understanding at this 4 time as to why Dr. Kipper didn't want Ms. Heard to 5 see Mr. Depp for a few days? 6 A I don't recall exactly. This might 7 have been in reference to Australia, when they -- 8 meaning Mr. Depp and Ms. Heard -- were separated. 9 I would have to check the dates on that. 10 Q Well, turning back to your notes where 11 Ms. Heard was returning from March -- from 12 Australia on March 19th, 2015, is that what you 13 were referring to? 14 A Thanks. Yes, that would be the same 15 time period. 16 Q Okay. And you alluded to an 17 understanding that Dr. Kipper wanted Mr. Depp and 18 Ms. Heard separated? 19 A Yes. 20 Q And why do you -- what was your 21 understanding as to why they needed to be 22 separated?</p>	<p>3755</p>	<p>1 wasn't present for, and them separating because of 2 that. 3 Q Did you have any understanding as to 4 why Dr. Kipper stated that none of this will be 5 accepted by Ms. Heard? 6 A I would be speculating on that, but, 7 you know, we used joking terminology. 8 Q Based on your experience treating 9 Ms. Heard at this time, in March of 2015, would 10 you agree -- or did you agree with Dr. Kipper that 11 Ms. Heard would not accept not seeing Mr. Depp for 12 a period of time? 13 A I don't know specifically. As I think 14 we talked about much earlier this morning, there 15 was generally a sense of arguing, reconciling, and 16 that sort of cycle happening repeatedly throughout 17 their relationship. 18 Q If we could please go back to the 19 nursing notes, which are Exhibit 2, can we please 20 go back to the entries from March 2015 that are on 21 the page with the Bates number 16952. 22 Now, we covered this earlier, but it</p>	<p>3757</p>
<p>1 A I don't recall specifics. I wasn't 2 present in Australia at that time. I just 3 remember a general sense of a big argument 4 happening and the treatment team deciding that 5 they should not be around each other. So 6 Ms. Heard returned to Los Angeles, and Mr. Depp 7 stayed in Australia. For how long, I don't 8 recall. 9 Q Next bit here, it says, "Please use the 10 excuse that Dr. Kipper insists that JD stay quiet 11 without any distraction for the rest of the week 12 while we get his medication organized and 13 balanced. None of this will be accepted by her, 14 but I will be very upset (you can tell her this) 15 if there's any stress created by a visit 16 premature." Do you see that? 17 A Yes. 18 Q Do you have any understanding as to why 19 Dr. Kipper was directing you to provide this 20 excuse to Ms. Heard? 21 A Again, just the general sense that 22 there was a major argument in Australia, which I</p>	<p>3756</p>	<p>1 says in your March 9, 2015 entry, it says, "Client 2 states she would like to discuss recent events 3 between her and husband with RN in private 4 tomorrow." 5 Do you see that? 6 A Yes, I do. 7 Q Directing your attention to the entry 8 for March 10th, 2015, it says, "RN met client at 9 home at 16:00." 10 Does that refresh your recollection 11 that you did meet with her the next day? 12 A No, it doesn't refresh my recollection. 13 However, I'll refer to my nursing note. 14 Q Do you have any reason to doubt that 15 these notes are accurate? 16 A No. 17 Q Do you recall whether Ms. Heard showed 18 any injuries to you at that time? 19 A I don't recall any -- any injuries. 20 Q Okay. 21 MS. MEYERS: Can we go back to 22 Exhibit 2, which is the nurse notes, and</p>	<p>3758</p>

<p>1 specifically the entry for March 25th, 2015. Just 2 go back up to the top of this entry for 3 March 25th, please. 4 Q I just want to ask you one more part of 5 this. It says, "States she is concerned about 6 ability to trust fiancé following argument on 7 March 23, 2015." 8 Do you have any recollection of 9 Ms. Heard expressing concern about her ability to 10 trust Mr. Depp? 11 <b>A I would say I have no generalized 12 memory of there being, as I stated before, 13 jealousy and anxiety issues, including mistrust 14 within the relationship.</b> 15 Q Do you recall Ms. Heard ever telling 16 you that she thought Mr. Depp was cheating on her? 17 <b>A No, I don't recall that specifically. 18 I just, as I said, have a general sense of 19 remembering jealousy being an issue.</b> 20 Q If we could -- okay. I think -- do you 21 recall talking about visiting Ms. Heard and 22 Mr. Depp for Thanksgiving earlier today?</p>	3759	<p>1 spent with Ms. Heard and Mr. Depp? 2 <b>A I believe it is.</b> 3 Q Do you see in the middle where it says, 4 "JD appeared calm and coherent"? 5 <b>A I do.</b> 6 Q Is that accurate to your recollection 7 of that evening? 8 <b>A Again, I don't remember that 9 specifically, but I just remember a general sense 10 of it being a fun, happy evening.</b> 11 Q So this is consistent with your 12 recollection of that evening? 13 <b>A I would make that assumption.</b> 14 Q And you have no reason to doubt the 15 accuracy of your note, correct? 16 <b>A Correct.</b> 17 Q Directing your attention to the 18 December 17th, 2015 entry, will you just take a 19 minute and read this over and confirm whether -- 20 strike that. 21 Do you recall going and visiting 22 Ms. Heard on December 15th -- excuse me,</p>	3761
<p>1 <b>A Yes.</b> 2 Q Does anything stand out in your mind 3 as -- from that Thanksgiving dinner that you can 4 recall? 5 <b>A Nothing really stands out other than it 6 was -- I sort of have a general sense of it being 7 a really jovial, fun time.</b> 8 Q Do you recall how long you stayed at 9 the dinner? 10 <b>A Not specifically. I would assume a few 11 hours.</b> 12 MS. MEYERS: Can we please just quickly 13 go to the note from November -- this is in 14 Exhibit 2, in the entry for November 26th, 2015, 15 which is on page 16954. 16 AV TECHNICIAN: Please stand by. 17 Q Ms. Falati, turning your attention to 18 the entry for November 26th, 2015, do you recall 19 seeing this entry earlier today? 20 <b>A Yes.</b> 21 Q And I believe you testified that this 22 is the entry from the Thanksgiving dinner that you</p>	3760	<p>1 December 17th, 2015? 2 <b>A I remember insomuch as my nursing notes 3 regarding this night. I don't say -- I can't say 4 that I recall much more than I have here, but I do 5 remember visiting her.</b> 6 Q It says here that "Client had visible 7 bright red blood appearing in the center of lower 8 lip." 9 Do you see that? 10 <b>A Yes.</b> 11 Q Did you -- other than the blood on 12 Ms. Heard's lip, do you recall seeing any other 13 injuries to her on that date? 14 <b>A I don't recall any other than what I 15 state.</b> 16 Q Do you recall examining Ms. Heard's lip 17 at all? 18 <b>A I don't think I did that other than a 19 visual examination. I didn't physically examine 20 her -- her lip.</b> 21 Q The note says here, "Client also stated 22 her head is bruised and that she lost clumps of</p>	3762

<p>1 hair in altercation. RN briefly looked at 2 client's scalp but was unable to visualize 3 hematomas client had described." 4 Is that what you wrote in your note? 5 <b>A Yes.</b> 6 Q If you had observed the bruises or 7 hematomas that Ms. Heard had described, would that 8 have been reflected in your note? 9 <b>A I would assume. But, again, I'm not</b> 10 <b>trained in looking for those type of injuries,</b> 11 <b>which is why my note continues that I encourage</b> 12 <b>her to be seen by a professional that is trained</b> 13 <b>to do so.</b> 14 MS. MEYERS: Can we drop down to the 15 next page. And this is just the end portion of 16 this note. 17 Q It says here, "RN reminds client to 18 hydrate with oral fluid and to limit/abstain from 19 alcohol. Client was consuming red wine when -- 20 with RN left but assured RN she would consume in 21 moderation." 22 Is that what you wrote?</p>	3763	<p>1 the altercation with Mr. Depp, right? 2 <b>A Correct.</b> 3 Q If she had any other injuries on that 4 occasion, would you have reported them in your 5 nursing notes? 6 <b>A I made that assumption based on my</b> 7 <b>other notes that reference the blood on her lip.</b> 8 MS. MEYERS: Could we go back to 9 Exhibit 2 and the nursing notes for April 21, 10 2016, which -- I'll get the actual page number -- 11 which is on Bates No. 16957. 12 Q Where it says, "RN socialized with JD 13 for 45 minutes. JD appeared coherent, oriented, 14 and sociable. Thought process logical and clear," 15 do you have any reason to doubt that that's 16 accurate, that was an accurate description of 17 Mr. Depp on that date? 18 <b>A Jessica, I apologize. Can you just use</b> 19 <b>your cursor to help me see the note that you were</b> 20 <b>just reading.</b> 21 Q Sure. It's -- sorry, I actually don't 22 have control of it.</p>	3765
<p>1 <b>A It is. And I believe I miswrote there.</b> 2 <b>Probably it should say, "Client was consuming red</b> 3 <b>wine when RN left," not with, just to clarify.</b> 4 Q Why would you advise Ms. Heard on this 5 occasion to limit her -- why did you advise 6 Ms. Heard to limit or abstain from alcohol on this 7 occasion? 8 <b>A I don't recall why I would be speaking</b> 9 <b>to limit or abstain from alcohol on this occasion.</b> 10 Q So to confirm, based on your nursing 11 note, you are aware that Ms. Heard claimed to have 12 been injured by Mr. Depp in December of 2015, 13 right? 14 <b>A Correct.</b> 15 Q And you went and actually saw her 16 shortly after that alleged incident, correct? 17 <b>A Not that same day, but possibly the</b> 18 <b>following day, I believe.</b> 19 Q And on that occasion, you observed that 20 she did have -- she had a bloody lip, correct? 21 <b>A Correct.</b> 22 Q And she told you that was a result of</p>	3764	<p>1 <b>A Oh.</b> 2 Q It's down towards the middle. It says, 3 "RN socialized with JD" at -- times "45 minutes. 4 JD appeared coherent, oriented, and sociable." 5 <b>A Oh, yes, I see it. Thank you.</b> 6 Q "Thought process" -- 7 <b>A Yes.</b> 8 Q -- "logical and clear." 9 <b>A Yes. So I'm sorry. What was your</b> 10 <b>question regarding that?</b> 11 Q Do you have any reason to doubt that 12 that's an accurate description of how Mr. Depp 13 appeared to you on April 21st, 2016? 14 <b>A I have no reason to doubt it. I would</b> 15 <b>stand by my notes.</b> 16 Q You knew that Mr. Depp was being 17 treated for substance abuse issues by Dr. Kipper 18 and Nurse Debbie Lloyd, correct? 19 <b>A Yes.</b> 20 Q If Mr. Depp had appeared intoxicated on 21 this occasion, is that something that you would 22 have documented?</p>	3766

<p>1 <b>A If it had been outwardly visible for</b> 2 <b>either client, I would have made reference to</b> 3 <b>that.</b> 4 MS. MEYERS: If we could, go back to 5 the nursing notes, Exhibit 2, please. And if you 6 could, go down to the entry for May 11. Thank 7 you. 8 Q Now, Ms. Falati, you looked at this 9 entry earlier today, correct? 10 <b>A Correct.</b> 11 Q Directing your attention to just a 12 couple lines down, it says, "Client discussed her 13 birthday trip to Coachella music festival (trip 14 was April 22nd, 2016 through April 24th, 2016). 15 Client admits to illicit drug use during the trip 16 and states she ingested mushrooms and MDMA 17 simultaneously while also consuming alcohol and 18 states she vomited and was 'high' for at least 24 19 hours straight." 20 Do you see that? 21 <b>A Yes, I see that.</b> 22 Q Did I read that correctly?</p>	<p>3767</p>	<p>1 not prescribed can interfere and cause adverse 2 effects with her prescribed medication. Client 3 laughed and also reported using illicit drugs 4 (mushrooms and MDMA) on May 9th, 2016 at home with 5 a high-profile male acquaintance." 6 Did I read that correctly? 7 <b>A Yes, you did.</b> 8 Q Do you recall Ms. Heard laughing in 9 response to your reminder about illicit drug use? 10 <b>A No, I don't recall that.</b> 11 Q In your time caring for Ms. Heard, did 12 you ever see Mr. Depp physically abuse her? 13 <b>A (No verbal response.)</b> 14 Q Did you ever see Ms. Heard physically 15 abuse Mr. Depp? 16 <b>A (No verbal response.)</b> 17 Q Did you ever see Ms. Heard throw 18 anything at Mr. Depp in the time that you cared 19 for her? 20 <b>A No, I did not witness that.</b> 21 Q In the time that you treated her, did 22 you ever see Ms. Heard lose her temper?</p>	<p>3769</p>
<p>1 <b>A Yes, you did.</b> 2 Q Do you recall -- well, first of all, do 3 you recall Ms. Heard relaying this to you? 4 <b>A I don't recall these specifics that I</b> 5 <b>state here in the note, but I remember sort of a</b> 6 <b>conversation talking about the trip after they had</b> 7 <b>returned.</b> 8 Q And this starts out "Client admits to 9 illicit drug use," so am I correct that this is -- 10 based on these notes, this is something Ms. Heard 11 reported to you directly? 12 <b>A Again, I don't remember these</b> 13 <b>specifics; however, my usage of "client admits"</b> 14 <b>refers to a client reporting something to me.</b> 15 Q And Ms. Heard never admitted to illicit 16 drug use to you before this time? 17 <b>A I believe in reference to my nursing</b> 18 <b>notes from when I first met her, she did admit to</b> 19 <b>previous substance abuse.</b> 20 Q It says here, "RN reminded client that 21 illicit drug use will not be tolerated by medical 22 staff and that any medication or drugs that are</p>	<p>3768</p>	<p>1 <b>A As we talked about previously, the one</b> 2 <b>incident that I can remember is in London 2014 --</b> 3 <b>yes, 2014 -- in regards to the phone being hacked</b> 4 <b>and sensitive material being leaked.</b> 5 Q Did you ever feel that Ms. Heard was 6 hostile towards you at any time during your 7 treatment of her? 8 <b>A No.</b> 9 Q Did you ever feel like she was ignoring 10 attempts by you to -- to contact her? 11 <b>A Yes. I have a general memory of</b> 12 <b>often -- not often, excuse me; I misspoke -- of</b> 13 <b>that happening on more than one occasion where I</b> 14 <b>would reach out and not get a response. I</b> 15 <b>remember feeling frustrated by that.</b> 16 Q When had you treated domestic violence 17 victims prior to this time? 18 <b>A The time that I worked with them was in</b> 19 <b>nursing school. I don't want to say a specific</b> 20 <b>place for confidentiality reasons, but it was for</b> 21 <b>domestic violence victims, sort of a safe house.</b> 22 Q Ms. Falati, do you remember when you</p>	<p>3770</p>

<p>3771</p> <p>1 were treating Ms. Heard that at some point she had 2 a cyst on her eyelid? 3 <b>A Yes, that sounds familiar.</b> 4 Q Ms. Falati, do you remember that she 5 had a procedure to have that cyst removed? 6 <b>A Yes.</b> 7 Q And was that a surgical procedure, to 8 your recollection? 9 <b>A From what I recall, that was handled at</b> 10 <b>an outpatient surgical center. Other than that, I</b> 11 <b>don't know the details of that specific process.</b> 12 Q Do you recall whether Ms. Heard had any 13 marks around her eye after having that procedure? 14 <b>A I don't recall. I remember a topical</b> 15 <b>ointment being applied, but I don't recall if</b> 16 <b>there were marks on her eye or not.</b> 17 MS. LECAROZ: At this point the 18 questioning switches back to counsel for 19 Ms. Heard. 20 THE COURT: All right. Thank you. 21 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND 22 COUNTERCLAIM PLAINTIFF</p>	<p>3773</p> <p>1 <b>the fact that I stopped by briefly, maybe an hour</b> 2 <b>or two.</b> 3 Q Did you go inside her house? Or were 4 you outside the door? 5 <b>A From what I recall, I was inside –</b> 6 Q Okay. 7 <b>A – the penthouse, yes.</b> 8 Q By the way, when you saw Amber on 9 December 17th, was she wearing makeup or not? Do 10 you recall? 11 <b>A I don't recall. Yeah, I don't recall.</b> 12 THE COURT: All right. Thank you. 13 Before the next witness, could I have 14 counsel approach on the Plaintiff's 46. 15 (Sidebar.) 16 THE COURT: Okay. As far as the 17 dueling, now there was testimony, I did have at 18 the beginning of this note it goes up to there. 19 There was a testimony, and it didn't direct her to 20 that note. And also this note directed to this 21 part. 22 It seems like in these notes that</p>
<p>3772</p> <p>1 BY MR. NADELHAFT: 2 Q Do you see Falati 93? 3 <b>A Yes.</b> 4 Q Okay. And is this another picture of 5 Amber from May 21st, 2016? 6 <b>A Correct. This is a picture of</b> 7 <b>Ms. Heard.</b> 8 Q And Amber sent you this text on 9 May 21st, 2016? 10 <b>A I believe so, based on the time stamp.</b> 11 Q And the same for this picture on the 12 next page, Amber sent you this picture of her? 13 <b>A Correct.</b> 14 Q And the same for this page, the next 15 page, Amber sent you this picture of her on 16 May 21st? 17 <b>A Yes.</b> 18 Q When you -- when you saw Amber on 19 December 17th, 2015, when you spoke about that, 20 how long did -- how long were you with her? Do 21 you recall? 22 <b>A Don't recall. I would assume, based on</b></p>	<p>3774</p> <p>1 you've been redacting a whole note if it's not 2 identified but letting the whole note go in if it 3 is identified; is that correct? 4 MS. VASQUEZ: Yes. 5 MR. NADELHAFT: That's basically been 6 it. Based on your, I'll -- that's fine. 7 THE COURT: So plaintiff's redactions. 8 Okay. So 46 is in evidence. 9 MR. NADELHAFT: Thank you, Your Honor. 10 MS. VASQUEZ: Thank you, Your Honor. 11 THE COURT: All right. 12 (Open court.) 13 THE COURT: So Plaintiff's 46 is in 14 evidence. Your next witness. 15 Yes, sir, Mr. Dennison. 16 MR. DENNISON: Plaintiff calls Michael 17 Spindler. 18 THE COURT: All right. Mr. Spindler. 19 MICHAEL SPINDLER, 20 a witness called on behalf of the 21 Plaintiff and Counterclaim Defendant, having been 22 duly sworn by the clerk, testified as follows:</p>

<p>3775</p> <p>1 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND COUNTERCLAIM DEFENDANT</p> <p>2 BY MR. DENNISON:</p> <p>3 Q Good morning, sir.</p> <p>4 A Good morning.</p> <p>5 Q Would you state your name for the 6 record?</p> <p>7 A Michael Spindler.</p> <p>8 Q Where do you live?</p> <p>9 A I live in Los Angeles, California.</p> <p>10 Q What's your occupation?</p> <p>11 A I'm a forensic accountant.</p> <p>12 Q What do you mean by "forensic 13 accountant"?</p> <p>14 A Well, a forensic accountant does 15 accounting work that is a bit more investigative 16 in nature. So it's essentially taking a look at 17 business records and accounting records in 18 connection with some form of business issue.</p> <p>19 Q How long have you worked in that field?</p> <p>20 A I've been a forensic accountant full 21 time since 1990.</p> <p>22 Q What did you do before that?</p>	<p>3777</p> <p>1 A Well, it's a long career, so I'll give 2 you the highlights. I spent about 30 years with 3 national accounting firms as partner at two 4 different firms and also was involved with a 5 couple of forensic accounting boutique firms.</p> <p>6 Q Okay. Do you hold any certifications?</p> <p>7 A I do.</p> <p>8 Q What are they?</p> <p>9 A I'm a certified public accountant with 10 licenses from six states: New York, California, 11 Arizona, Nevada, Utah, and Hawaii. I'm also 12 certified in financial forensics. I'm a certified 13 fraud examiner. I'm accredited in business 14 valuation and certified money laundering 15 specialist.</p> <p>16 Q Do you participate in any professional 17 organizations?</p> <p>18 A I do.</p> <p>19 Q What are those?</p> <p>20 A Well, I've had leadership positions in 21 a couple of them. I'll mention the Association of 22 Certified Fraud Examiners. I was a president of</p>
<p>3776</p> <p>1 A Before that, I spent about ten years 2 doing auditing of financial statements.</p> <p>3 Q Can you describe your educational 4 background?</p> <p>5 A Yes. I graduated in 1981 from the 6 State University of New York in Albany with a 7 Bachelor of Science degree in accounting and a 8 minor in economics.</p> <p>9 Q Are you currently employed?</p> <p>10 A I am.</p> <p>11 Q Who's your employer.</p> <p>12 A B. Riley Advisory Services.</p> <p>13 Q What's B. Riley Advisory Services?</p> <p>14 A It's a national forensic accounting 15 boutique firm that does forensic accounting, 16 business valuations and appraisals, and bankruptcy 17 and restructuring work.</p> <p>18 Q How long have you been employed at 19 B. Riley?</p> <p>20 A Since January of 2015.</p> <p>21 Q What did you do for work prior to 22 B. Riley?</p>	<p>3778</p> <p>1 the Los Angeles chapter, and I'm currently on 2 their board. I've been actively involved with the 3 California Society of CPAs. I was president of 4 the Los Angeles chapter that had 11,000 members at 5 the time. I was also on the CalCPA council, which 6 is kind of their board of directors, and also a 7 member of the board of trustees of the CalCPA 8 Education Foundation.</p> <p>9 Q Have you testified as an expert before?</p> <p>10 A I have.</p> <p>11 Q Approximately how many times?</p> <p>12 A About a hundred times, roughly, about 13 half of that in trials and arbitrations.</p> <p>14 Q What's your typical role in those 15 cases?</p> <p>16 A Typically it can take a number of 17 forms, but commonly I will testify with respect to 18 the damages.</p> <p>19 Q Have you done any film industry work?</p> <p>20 A Yes, I have.</p> <p>21 Q What was that?</p> <p>22 A I've done work involving all the major</p>

<p>3779</p> <p>1 film studios. I've also done work on behalf of 2 writers, directors, producers, actors, studio 3 executives. 4 MR. DENNISON: Your Honor, I would like 5 to proffer Mr. Spindler as an expert in forensic 6 accounting. 7 THE COURT: All right. Any objection? 8 MR. ROTTENBORN: No objection. 9 THE COURT: All right. So moved. 10 Thank you. 11 BY MR. DENNISON: 12 Q What work did you do in this case? 13 A Well, in this case I was asked to take 14 a look at issues with respect to lost earnings for 15 Mr. Depp. 16 Q What in particular did you do? 17 A I looked at accounting records that 18 were produced by Mr. Depp's accounting firm, Ed 19 White and Company. I looked at trial exhibits. I 20 looked at deposition testimony. I looked at some 21 trial testimony. And I looked at various other 22 documents and exhibits in connection with the</p>	<p>3781</p> <p>1 that role and that franchise picture was 2 \$22.5 million, based on testimony provided by 3 Mr. Jack Whigham. In addition, we looked at -- 4 yes. 5 Q Did you do anything else with respect 6 to Pirates 6? 7 A Well, we also calculated the net 8 earnings that Mr. Depp would have received from 9 that. 10 Q Okay. And what did you base your 11 analysis of Pirates 6 on? 12 A Based on the testimony of Mr. Jack 13 Whigham. 14 Q Okay. What else did you do with 15 respect to the lost earning analysis that you did? 16 A Well, the other main components of this 17 is taking a look at all the other roles, the 18 nonfranchise films, so those films, studio films, 19 independent films, and endorsements that Mr. Depp 20 realizes and enjoys. So in connection with that, 21 we looked at his bookings for the year 2017, and 22 by bookings I mean instances where Mr. Depp is</p>
<p>3780</p> <p>1 case. 2 Q What specific period did you analyze 3 with respect to lost earnings? 4 A I looked at the period following the 5 publication of the op-ed. So I looked at the 6 period from December 18th, 2018 through 7 October 31st, 2020. 8 Q What materials did you review? 9 A I looked at the accounting records that 10 had been produced by Mr. Depp's accountants. 11 Q Any other materials? 12 A Various deposition transcripts, trial 13 testimony, contracts, et cetera. 14 Q All right. What conclusions did you 15 draw from your review? 16 A I concluded that Mr. Depp suffered lost 17 earnings of about \$30 million. 18 Q How did you reach that conclusion? 19 A Well, there are really two main 20 components to that. The first relates to the loss 21 of the role of Captain Jack Sparrow in the 22 Pirates 6 film, so the loss related to the loss of</p>	<p>3782</p> <p>1 hired for a project. And he receives that first 2 money related to that project in 2017. So in 3 other words, you've got a deal, and cash has 4 showed up so it's real. So we looked at his 2017 5 bookings, and we calculated for that year, for 6 that period, his bookings were about 7 \$17.5 million, the main components of that, 8 Mr. Whigham testified to. 9 We then looked at the period of time 10 following the op-ed of December 18th, 2018 through 11 October 31st, 2020. So his annual earnings was 12 \$17.5 million. In what is known as a typical 13 year, a reasonable base year, at that rate, what 14 would we have expected Mr. Depp to have earned 15 from that period of October 18, 2018 through 16 October 31st, 2020? 17 And we then compared that to his 18 bookings, his actual bookings, for that period of 19 time. 20 Q Why did you use 2017 as a typical base 21 year? 22 A Well, a couple of reasons. First of</p>

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1 all, Mr. Whigham testified that that was a typical  
2 year for Mr. Depp, and it's also the most recent,  
3 clean year that was experienced. In 2018, he had  
4 the publication of the op-ed. That didn't happen  
5 in 2017.

6 Q Okay. Did you do anything -- did you  
7 prepare anything to assist the jury with respect  
8 to the analysis that you performed?

9 A We did prepare a chart, yes.

10 MR. DENNISON: Your Honor, may I  
11 approach?

12 THE COURT: All right.

13 MR. ROTTENBORN: Thank you.

14 A Thank you.

15 MR. DENNISON: Your Honor, I think this  
16 is Plaintiff's Exhibit 1240. I'm going to -- I'm  
17 not going to move it into evidence. We're just  
18 going to use the document, with your permission  
19 and publish it to the jury so that the witness can  
20 explain it.

21 THE COURT: Any objection to  
22 Demonstrative 1240?

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1 MR. ROTTENBORN: If he's just asking to  
2 use it as a demonstrative, I have no objection.

3 THE COURT: All right.

4 Demonstrative -- well, do you have an electronic  
5 copy of it?

6 MR. DENNISON: We do.

7 THE COURT: All right. That's fine.

8 BY MR. DENNISON:

9 Q Who did this chart?

10 A I, in combination with people working  
11 under my direction from my firm.

12 Q Can you explain to the jury what you've  
13 done here?

14 A Sure. I'd be happy to. So as we  
15 discussed previously, Mr. Depp lost the role in  
16 Pirates 6, and the effect of that was lost  
17 earnings of \$22.5 million based on Mr. Whigham's  
18 testimony. And then what we've shown here is the  
19 10 percent agent commission.

20 Q So why did you deduct 10 percent?

21 A Because that's the rate for Mr. Depp's  
22 agent. That's what his agent receives out of

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1 Mr. Depp's earnings in connection with setting up  
2 a project for Mr. Depp.

3 So we deduct that 10 percent, which  
4 comes to \$2,250,000, just 10 percent of  
5 22.5 million. And the net effect of that, this  
6 amount that Mr. Depp would have received after  
7 deducting that fee, would have been \$20,250,000.  
8 And that's the first component of this.

9 Q Okay. What did you do in terms of the  
10 analysis of lost bookings for nonfranchise films?

11 A Okay. So that's the next section of  
12 the chart. And as I mentioned before, his 2017  
13 bookings were about \$17.5 million. So that rate  
14 of earnings over the period from mid December  
15 through the end of October 2020, or mid  
16 December 2018 through the end of October 2020,  
17 would come to about 32.8, \$32.9 million.

18 We then compared that to actual  
19 bookings during that period of time of mid  
20 December 2018 through October 2020. That amount  
21 was \$10,586,000. We deducted those bookings, the  
22 actual amounts, from what we would have expected

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1 to arrive at his lost bookings for nonfranchise  
2 activity, and that comes to about \$22.3 million.

3 And once again, we deducted the 10 percent agent's  
4 commission.

5 So the net effect of lost earnings to  
6 Mr. Depp after that agent's fee for non-Pirate  
7 films, comes to about 20 million dollars.

8 Q What does the figure at the bottom  
9 corner of the chart of \$40,318,000 and --  
10 40,318,237. What does that represent?

11 A Well, that's grand total. That's the  
12 sum of those two components for total lost  
13 earnings of \$40.3 million.

14 MR. DENNISON: No further questions,  
15 Your Honor.

16 THE COURT: All right.

17 Cross-examination.

18 MR. ROTTENBORN: Thank you, Your Honor.

19 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND  
20 COUNTERCLAIM PLAINTIFF

21 BY MR. ROTTENBORN:

22 Q Good morning, Mr. Spindler.



<p>3787</p> <p>1 <b>A Good morning.</b> 2 Q So this lawsuit isn't the first time 3 you've worked with Johnny Depp, is it? 4 <b>A It is not.</b> 5 Q You've worked with him in a lawsuit 6 that he had in the past with his old law firm, 7 correct? 8 <b>A Yes. Just a little bit of work, yes.</b> 9 Q And so in this second go-round as a 10 paid expert for Mr. Depp, you're making what, \$550 11 an hour is what he's paying you; is that right? 12 <b>A That's the amount that my firm bills.</b> 13 <b>I do not receive that.</b> 14 Q Now, the subject matter of your opinion 15 testimony in this case is the economic damages 16 that Mr. Depp has allegedly suffered as a result 17 of Ms. Heard's December 8, 2018 op-ed, correct? 18 <b>A Correct.</b> 19 Q And this is the first case in which you 20 testified as an expert relating to economic 21 damages claimed by an actor, correct? 22 <b>A First time I've testified to, but I've</b></p>	<p>3789</p> <p>1 Q So you're, therefore, not look into 2 whether anything else that's happened with 3 Mr. Depp's life or career could have caused him 4 economic damages, correct? 5 <b>A I believe that's generally correct,</b> 6 <b>yes.</b> 7 Q So you're not looking at whether the 8 article published in the U.K. in June 2018 calling 9 Mr. Depp a wife beater caused him the damages, 10 correct? 11 <b>A Correct.</b> 12 Q You're not looking at whether the 13 lawsuit that he brought in the U.K. against the 14 publisher of that article caused him those 15 damages, right? 16 <b>A Correct.</b> 17 Q You're not looking at any of the 18 evidence that came out in that lawsuit about 19 alleged instances of abuse against Amber, correct? 20 <b>A Correct.</b> 21 Q You're not looking at whether the 22 consequences of Mr. Depp's drug and alcohol use</p>
<p>3788</p> <p>1 <b>done that work before.</b> 2 Q And you understand that this case is 3 about only whether Ms. Heard's December 1st, 2018 4 op-ed constitutes defamation of Mr. Depp, correct? 5 <b>A That's my understanding.</b> 6 Q And you understand that this case isn't 7 about anything else Ms. Heard has ever said or 8 done, correct? 9 <b>A I believe that's correct.</b> 10 Q And to be clear, you're testifying only 11 as to alleged damages, right? 12 <b>A Correct.</b> 13 Q So you are not offering any opinion or 14 any testimony on whether those specific damages 15 that you just discussed were caused by the op-ed, 16 correct? 17 <b>A That's correct.</b> 18 Q And you're assuming for the purposes of 19 your report that the damages that you're 20 testifying about were caused by Amber's op-ed, 21 correct? 22 <b>A Yes.</b></p>	<p>3790</p> <p>1 have caused him the damages you're discussing, 2 correct? 3 <b>A Correct.</b> 4 Q You're not looking at whether the 5 worsening performance at the box office of 6 Mr. Depp's movies over time has caused him the 7 damages that you're testifying about, correct? 8 <b>A Correct. And I'm not acknowledging any</b> 9 <b>of this being accurate. I'm just saying that that</b> 10 <b>wasn't part of my calculations.</b> 11 Q Sure. I understand. I just want to 12 make clear what you didn't look at, what you're 13 not opining on. 14 And so to round that out, you're not 15 considering even the impact of Amber obtaining a 16 restraining order in May 2016 and whether that may 17 have caused some damages; that's not part of your 18 opinion, correct? 19 <b>A Well, since we were taking a look at</b> 20 <b>lost bookings, using 2017 as a base year, any</b> 21 <b>activity that preceded that would have been baked</b> 22 <b>into those calculations that way.</b></p>

<p>3791</p> <p>1 Q And we'll get to those calculations in 2 a minute because I'd like to -- I'm going to put 3 up the chart that you put in your expert report. 4 But first, I want to talk about 5 Pirates 6 because that's basically the two 6 components of your damages is Pirates 6 and then 7 this nonfranchise lost bookings, right? 8 <b>A Correct.</b> 9 Q So for Pirates 6 specifically, you 10 assume that he would have made 22 and a half 11 million dollars on Pirates 6, right? 12 <b>A Correct.</b> 13 Q And you took Jack Whigham's word for it 14 in making that assumption, correct? 15 <b>A I based it on his testimony, yes.</b> 16 Q Now, you never saw a contract that 17 Mr. Depp had for Pirates 6, correct? 18 <b>A Correct.</b> 19 Q Because no contract exists to your 20 knowledge, correct? 21 <b>A So far as I know. I've not seen one.</b> 22 Q And you didn't take into consideration</p>	<p>3793</p> <p>1 <b>A I know that there was a public</b> 2 <b>announcement subsequent to the publication of the</b> 3 <b>op-ed.</b> 4 Q What public announcement are you 5 talking about? 6 <b>A I believe there was an interview of</b> 7 <b>Mr. Bailey that was published several days after.</b> 8 Q Oh, okay. Well, that interview of 9 Mr. Bailey didn't say that he wasn't going to be 10 in it. In fact, have you looked at the article 11 that the jury saw the headline for yesterday dated 12 November 5th, 2020, about Mr. Depp potentially not 13 being in Pirates 6? Have you looked at that 14 article? I assume not. 15 <b>A No.</b> 16 Q Okay. And you didn't take into account 17 Mr. Depp's statement that he wouldn't do Pirates 6 18 for \$300 million and a million alpacas, correct? 19 <b>A That sounds like hyperbole to me. I</b> 20 <b>didn't take that very seriously.</b> 21 Q Okay. 22 <b>A That sounded like somebody who was a</b></p>
<p>3792</p> <p>1 Jack Whigham's testimony that Disney was 2 noncommittal about Mr. Depp being in the Pirates 6 3 even before the op-ed, correct? 4 <b>A Correct.</b> 5 Q And you didn't take into consideration 6 the press articles that came out prior to the 7 op-ed that suggested that Disney had made a 8 decision not to cast Mr. Depp in Pirates 6, 9 correct? 10 <b>A Correct.</b> 11 Q And you have no idea whether Pirates 6 12 will ever be made, right? 13 <b>A I wouldn't know that.</b> 14 Q And you have no idea if Disney has 15 decided one way or the other whether Mr. Depp 16 would be in it or whether they'd offer him a role 17 in it if it is ever made, correct? 18 <b>A Well, my understanding is that they</b> 19 <b>made public statements that he would not.</b> 20 Q And you have -- if Disney decided that 21 he wouldn't be in it, you have no idea of when 22 they decided that, correct?</p>	<p>3794</p> <p>1 <b>bit hurt or in pain as a result of the loss of the</b> 2 <b>role.</b> 3 Q So if Mr. Depp didn't lose the role in 4 the Pirates 6 because of the op-ed but he lost it 5 for other reasons, then your damages opinion 6 relating to Pirates 6 would drop to \$0, correct? 7 <b>A I believe that's correct. If it's not</b> 8 <b>lost for that reason, it's lost for some other</b> 9 <b>independent reason, then I think that would need</b> 10 <b>to be considered.</b> 11 Q Okay. Thank you. 12 Now, let's shift gears and talk about 13 the nonfranchise earnings for a moment. 14 You claim this number is about 15 \$21 million, right, roughly? 16 <b>A 20.</b> 17 Q We'll pull it up. 18 Well, actually, we'll look at the chart 19 here. \$20 million -- about \$20 million after 20 agent fees? 21 <b>A Correct.</b> 22 Q Okay. And to reach that number, you</p>

<p>1 looked at what his historical earnings records 2 showed, right? 3 <b>A Correct.</b> 4 Q And you got that information from Ed 5 White's office? 6 <b>A Yes.</b> 7 Q And you assumed that the information 8 you got from Ed White's office was accurate, 9 right? 10 <b>A I did, yes.</b> 11 MR. ROTTENBORN: Could we please pull 12 up the chart that's in his expert report. 13 Your Honor, this is -- 14 Q Or, Mr. Spindler, I would like you to 15 take a look at this and confirm for the court that 16 this is the chart that's in your expert report, if 17 you would. 18 <b>A It appears to be, yes.</b> 19 MR. ROTTENBORN: Your Honor, I'd ask 20 for permission to publish this just as a 21 demonstrative. 22 THE COURT: Any objection?</p>	<p>3795 3797 1 <b>A Yes.</b> 2 Q Made under 60 million. And you'd agree 3 that from the period 2010 to 2020, his annual 4 income on average was decreasing? 5 <b>A Yes. But you have to look at</b> 6 <b>components of this.</b> 7 Q Right. 8 <b>A And --</b> 9 Q And in 2000 -- I just wanted to get 10 your agreement that from 2010 to 2020, his annual 11 income was decreasing. 12 Now, in 2020, he earned more than he 13 did in 2016, correct? 14 <b>A On an overall basis, yes.</b> 15 Q And in 2020 he earned more than he did 16 in 2018, correct? 17 <b>A Yes. Just based on earnings.</b> 18 Q And in 2018 and 2019, he earned almost 19 identical amounts, correct? 20 <b>A Yes. Based on earnings.</b> 21 Q And 2019 and 2020 were both after the 22 publication date of the op-ed, correct?</p>
<p>3796 1 MR. DENNISON: No objection. 2 THE COURT: All right. 3 Q So, Mr. Spindler, this chart shows 4 Mr. Depp's earnings by year based on the 5 information that you received from Ed White, 6 correct? 7 <b>A Correct.</b> 8 Q From 2009 to 2020? 9 <b>A Yes.</b> 10 Q And it shows that from about 2009 to 11 2019, and I didn't add these up visually, but from 12 your report, you say that Mr. Depp made about 13 \$459 million, correct? 14 <b>A Correct.</b> 15 Q Now, the two highest-earning years in 16 this time period were 2010 and 2011, right? 17 <b>A Yes.</b> 18 Q Do you see that? He made about 19 \$70 million in 2010? 20 <b>A I do, yes.</b> 21 Q And then the third highest year was 22 2014, right?</p>	<p>3798 1 <b>A Yes.</b> 2 Q Okay. Now I want to talk about some of 3 these nonfranchise earnings because when I looked 4 at your chart that was displayed to the jury, I 5 didn't see anything specific listed. 6 So can you just confirm for me that you 7 can't name a single lost business opportunity 8 other than Pirates 6 that Mr. Depp lost as a 9 result of the op-ed? 10 <b>A That's correct. That's not the --</b> 11 Q And you can't provide a single 12 television -- if you could, just answer my 13 questions yes or no as best you can, please. 14 You can't identify a single television 15 project that Mr. Depp allegedly lost out on as a 16 result of the op-ed, correct? 17 <b>A Correct. That's not the nature of</b> 18 <b>the --</b> 19 Q And you can't identify a single 20 advertising campaign or marketing opportunity that 21 Mr. Depp lost out on as a result of the op-ed, 22 correct?</p>

<p>1 <b>A Right. These are the causes of –</b> 2 Q So it's fair to say that for the lost 3 opportunities that you can't name, you're 4 assuming, as with Pirates 6, that those 5 opportunities were lost because of the op-ed, 6 correct? 7 <b>A Correct.</b> 8 Q Now, you mentioned something 9 interesting in your direct and in your report. 10 You say that you used 2017 as the base year to 11 calculate what you claim Mr. Depp should have 12 earned in 2019 and '20, correct? 13 <b>A Correct.</b> 14 Q And let's take a look at this, because 15 2017 he made that much, correct, about 45 million 16 or so? 17 <b>A Yes.</b> 18 Q But in 2016, he made just a shade over 19 20, correct? 20 <b>A Correct.</b> 21 Q 2018, he made a shade under 20, right? 22 <b>A Yes.</b></p>	<p>3799 1 <b>the thought...</b> 2 Q No, no, you answered my question. I 3 want to get to your thought. Because you said 4 that one of the reasons you used 2017 was because 5 it was -- you said, I wrote down, "the most recent 6 clean year," right? 7 <b>A Correct.</b> 8 Q And then I think you explained, you 9 said, because the op-ed was written in 2018, 10 right? 11 <b>A Correct.</b> 12 Q But the op-ed wasn't written until 13 December 18th, 2018, correct? 14 <b>A Yes.</b> 15 Q So if 2017 was clean, then the first 16 352 days of 2018 were also clean, weren't they, 17 sir? 18 <b>A If I may explain, Mr. Whigham testified</b> 19 <b>that with the first half of 2018, Mr. Depp chose</b> 20 <b>to take some vacation time. Also, he chose to go</b> 21 <b>touring in the summer with his band. And then he</b> 22 <b>did a film towards the end of 2018. With the</b></p>
<p>3800 1 Q Same with 2019, right? 2 <b>A Correct.</b> 3 Q And then 2020, he actually made more 4 than he had in the prior two years or in 2016 and 5 made about, what, 22, 23 million or so; is that 6 right? 7 <b>A Right. But as indicated, this is just</b> 8 <b>based on earnings. You need to get –</b> 9 Q Right. So you said there -- okay. 10 There are a couple interesting things you said. 11 You said that the most recent -- that 2017, I want 12 to explore why you relied on that. First of all, 13 you said that you relied on Jack Whigham's 14 testimony that 2017 was a reasonable year to use, 15 correct? 16 <b>A Correct, yes.</b> 17 Q Despite the fact that 2017, he made 18 more than twice as much as he's made in any year 19 over the last five years, correct? 20 <b>A Yes.</b> 21 Q And you say that -- 22 <b>A But take a look at – if I can finish</b></p>	<p>3802 1 <b>publication of the op-ed in December of 2018, that</b> 2 <b>would have impacted the prospects for that film</b> 3 <b>that was done in 2018.</b> 4 <b>So he chose to do just the one film in</b> 5 <b>2018. And then the impact of the op-ed on that</b> 6 <b>film would have meant that it was not a clean</b> 7 <b>period. You could not have looked at that film to</b> 8 <b>get a good sense of what his earnings should have</b> 9 <b>been because he didn't have a chance to earn box</b> 10 <b>office bonuses or pilot participations.</b> 11 Q Well, let's -- 12 <b>A So that's why 2017 is a much, much</b> 13 <b>better year to use than 2018.</b> 14 Q Well, let's go back -- I think you -- 15 let's break that down a little bit. You said that 16 2017 is a much cleaner year. But isn't it also 17 true that there were other reasons 2018 wasn't 18 clean, for example, the June -- or the April 2018 19 article by Dan Wootton calling Mr. Depp a wife 20 beater, correct? 21 <b>A That did occur that year, yes.</b> 22 Q The June 2018 lawsuit that Mr. Depp</p>

<p>3803</p> <p>1 filed in the U.K. against the Sun for calling him 2 a wife better, correct? 3 <b>A Yes.</b> 4 Q And how about the October articles 5 reporting that Disney had decided to move on from 6 Mr. Depp and not cast him in Pirates 6, correct? 7 <b>A I'm sorry. What effect would that have 8 had?</b> 9 Q Well, it came before the op-ed, so it's 10 another reason why 2018 isn't a clean year in your 11 mind, correct? 12 <b>A No, that's not the reasons why.</b> 13 Q An article published two months before 14 the op-ed saying that Disney decided not to cast 15 Mr. Depp, that would also keep 2018 from being 16 what you call a clean year, correct? 17 <b>A I've described the reasons why I 18 believe 2018 was not a clean year.</b> 19 Q Okay. Now, you're aware, as we talked 20 about, that Amber's op-ed wasn't published until 21 December 18, 2018, correct? 22 <b>A Correct.</b></p>	<p>3805</p> <p>1 THE COURT: All right. Redirect. 2 MR. DENNISON: Yep. Thank you, Your 3 Honor. 4 EXAMINATION BY COUNSEL FOR THE PLAINTIFF AND 5 COUNTERCLAIM DEFENDANT 6 BY MR. DENNISON: 7 Q You explained 2018. Why didn't you use 8 2016? 9 <b>A Well, first of all, 2017 was a more 10 recent year. 2017 was a year in which Mr. Whigham 11 indicated that that was a typical year for 12 Mr. Depp. He had a studio film. He had an 13 independent film. He had an endorsement deal. 14 2016 is further back in time.</b> 15 <b>As I understand it, his earning 16 capacity for that year would have been just about 17 the same or even higher than 2017 because there 18 was an endorsement deal that Mr. Depp passed on 19 that would have been worth a lot of money, 20 according to Ms. Jacobs. So 2017 made the most 21 sense.</b> 22 Q Why did you ultimately use the method</p>
<p>3804</p> <p>1 Q So Mr. Depp could not have lost out on 2 any opportunities as a result of the op-ed prior 3 to December 18th, 2018, correct? 4 <b>A Correct.</b> 5 Q And he couldn't have lost out on any 6 opportunities in 2017 as a result of the op-ed, 7 fair? 8 <b>A Fair.</b> 9 Q And he couldn't have lost out on any 10 opportunities in 2016 as a result of the op-ed, 11 correct? 12 <b>A Correct.</b> 13 Q And so, in calculating your damages, 14 you didn't use 2016, you didn't use 2018, but you 15 chose to use 2017, correct? 16 <b>A Yes.</b> 17 Q And yet he still made more in 2020 than 18 he did in both 2016 and 2018 before the op-ed was 19 published, correct? 20 <b>A Correct.</b> 21 MR. ROTTENBORN: Nothing further. 22 Thank you, sir.</p>	<p>3806</p> <p>1 that you did to determine the lost earnings? 2 <b>A Because it just made sense. It's the 3 correct approach to take. You're taking a look at 4 what Mr. Depp would have been expected to earn in 5 a typical year, and then you're comparing that to 6 the period of time where you're analyzing 7 following the op-ed from December of 2018 through 8 October 2020.</b> 9 <b>So you're taking a look at what you 10 would have expected him to earn. It's very 11 simple, compared to what he actually did earn.</b> 12 MR. DENNISON: No further questions, 13 Your Honor. 14 THE COURT: All right. Is this witness 15 subject to recall? 16 MR. DENNISON: Yes. 17 THE COURT: Sir, since you're subject 18 to recall, do not discuss your testimony with 19 anybody. But since you're giving expert 20 testimony, you're free to stay in the courtroom, 21 okay? Thank you, sir. Have a good day. 22 THE WITNESS: Thank you very much.</p>

Transcript of Jury Trial - Day 14  
Conducted on May 3, 2022

21 (3807 to  
3810)

<p>3807</p> <p>1 THE COURT: Watch your step there. 2 All right. 3 MR. CHEW: Plaintiff rests his 4 case-in-chief. 5 THE COURT: All right. Plaintiff 6 rests. All right. 7 Ladies and gentlemen, we're going to go 8 ahead and take our morning recess. It may be a 9 little longer because I have a few issues to take 10 up with the attorneys, but then we'll proceed 11 after that, okay? So please do not talk about the 12 case, and do not do any outside research, okay? 13 (Whereupon, the jury exited the 14 courtroom and the following proceedings took 15 place.) 16 THE COURT: All right. Why don't we go 17 ahead and take our recess until 11:45, and then 18 I'll come back and entertain the motions at that 19 time. 20 MR. CHEW: Thank you, Your Honor. 21 THE COURT: Okay. 22 THE BAILIFF: All rise.</p>	<p>3809</p> <p>1 As required for summary judgment at the 2 end of a plaintiff's case, defendant and 3 counterclaim plaintiff Amber Heard hereby moves, 4 pursuant to Virginia code 8.01282 and Rule 111 of 5 the rules of the Supreme Court of Virginia, to 6 strike plaintiff John C. Depp's evidence. 7 This written submission contains a 8 shell of some of the reasons that we believe that 9 the Court should strike the evidence at this point 10 and grant summary judgment in whole or in part on 11 behalf of Ms. Heard. 12 And so we're just focusing on the 13 discrete issues that we believe entitle us to 14 summary judgment at this point. 15 Now, obviously the Court is well 16 familiar with the legal standard here, and we 17 acknowledge that the court is required to accept 18 as true the evidence favorable to Mr. Depp as well 19 as any reasonable inference that a jury might draw 20 from that evidence. But at the same time, 21 granting a motion to strike is appropriate when 22 the plaintiff, as is the case here, has failed to</p>
<p>3808</p> <p>1 (Recess taken from 11:27 a.m. to 2 11:44 a.m.) 3 THE BAILIFF: All rise. Please be 4 seated and come to order. 5 THE COURT: All right. Are we having 6 any motions? 7 MR. ROTTENBORN: Yes, Your Honor. 8 THE COURT: Okay. All right. I was 9 just waiting. Thank you, sir. 10 MR. ROTTENBORN: Your Honor, we have 11 prepared something in writing as well, if I may 12 approach. 13 THE COURT: Okay. Sure. I assume you 14 already have a copy of that, Mr. Chew. 15 MR. CHEW: We do not. 16 MR. ROTTENBORN: No. We just prepared 17 this one. 18 MR. CHEW: We assume this is his 19 nonsuit. 20 THE COURT: All right. Thank you. 21 MR. ROTTENBORN: I have more. 22 Thank you, Your Honor.</p>	<p>3810</p> <p>1 present evidence sufficient to create an issue of 2 fact on his claims. And in addition, the court 3 may not draw inferences from the evidence that 4 defy logic and common sense. That's the Austin v. 5 Shoney's case, 254 Va. 134. 6 So the issue here, Your Honor, is a 7 couplefold, and I'll take the statements, well, 8 two of them in one category and one of them in the 9 other category. 10 But I think we're all clear that the 11 sole issue here is whether Amber Heard can be held 12 liable to Mr. Depp for defamation arising from the 13 2018 op-ed and 2018 op-ed alone. And to establish 14 that, Mr. Depp has to prove the following 15 elements: He has to prove that the -- the 16 publication of the op-ed and that it was written 17 by Ms. Heard. He has to prove that the statements 18 in the op-ed were both false and defamatory. 19 So falsity and that they contained a 20 sufficient defamatory sting and he has to show 21 that the statements were made with the requisite 22 intent, in this case, actual malice on the part of</p>

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<p>3811</p> <p>1 Amber Heard. I'll save that argument until the 2 end, Your Honor, and I'll focus on the first two 3 at this point. 4 And because it seems like Plaintiff is 5 proceeding under a theory of defamation by 6 implication, under the Pendleton case, 290 7 Va. 162, Plaintiff bears the burden of proving the 8 statements at issue were designed and intended by 9 Ms. Heard to imply a defamatory meaning. Designed 10 and intended to imply a defamatory meaning. 11 So and to satisfy those first two 12 elements, publication and falsity and defamation, 13 or defamatory nature of the statements, Mr. Depp 14 bears the burden of proving that by preponderance 15 of the evidence, and to satisfy the requisite 16 intent and show that Ms. Heard acted with actual 17 malice, he has a heightened standard of proof that 18 he must prove by clear and convincing evidence 19 that Ms. Heard acted with that malice. 20 So just want to talk about the 21 two -- the two statements on domestic abuse in the 22 op-ed.</p>	<p>3813</p> <p>1 been the subject of some testimony in this case. 2 Two years before she wrote the op-ed, Ms. Heard 3 did, in fact, become a public figure representing 4 domestic abuse when she obtained a domestic 5 violence restraining order against Mr. Depp, and 6 Mr. Depp was indeed accused of abuse. Those are 7 facts that are true. Now, to the extent that 8 Mr. Depp will argue that he's proceeding on a 9 defamation by implication claim, again, the Court 10 should grant the motion to strike because the 11 undisputed evidence is that he did, in fact, abuse 12 Amber. 13 Now, there is -- there's a dispute in 14 this case, there's ample evidence that he 15 physically abused Amber, but we acknowledge that 16 there's a dispute in this case on that. But what 17 there isn't in dispute in this case is nonphysical 18 abuse. Both Mr. Depp and his expert, Shannon 19 Curry, have testified that abuse may come in many 20 forms. It may be physically, certainly, but it 21 may also be verbal, may be emotional, may be 22 psychological. You'll recall Mr. Depp even kind</p>
<p>3812</p> <p>1 And Your Honor's well aware of the 2 ample Virginia case law talking about how you have 3 to view the op-ed as a whole, you have to view 4 words in context. So these are the statements 5 that read, "Then two years ago, I became a public 6 figure representing domestic abuse," and the then 7 other statement that says, "I have the rare 8 vantage point of seeing in real time how 9 institutions protect men accused of abuse." 10 Now, those statements are entirely 11 opinion except for, according to Mr. Depp, the 12 discussion of domestic abuse. So the statement "I 13 became a public figure representing domestic 14 abuse," and the statement in the second sentence 15 that Mr. Depp was a man accused of abuse. 16 The rest of those are inactionable 17 opinion statements. 18 Now, the evidence adduced thus far, 19 Your Honor, shows that Mr. Depp can't sustain a 20 claim on these for two reasons. First of all, the 21 statements are true on their face. I don't think 22 that there's any dispute about that, and that's</p>	<p>3814</p> <p>1 of setting the baseline for what abuse was when he 2 talked about the nonphysical abuse that he 3 allegedly suffered at the hands of his mother. He 4 said it was worse than the beatings, and the 5 example he gave was that his mom used to call him 6 "One Eye," as an example because he had a lazy 7 eye, I guess, as a child. That was something that 8 Mr. Depp himself said was abuse, his mom calling 9 him "One Eye." 10 So setting aside the evidence of 11 physical abuse in this case, which is already 12 overwhelming, Mr. Depp's claims relating to these 13 two statements should be stricken because of the 14 ample and undisputed evidence in the record of 15 nonphysical abuse by Mr. Depp toward Ms. Heard. 16 There's evidence in the record of recordings; 17 messages, including messages written in blood, 18 with his finger, blood and paint; vile names, 19 shouting; menaces and threatening statements; 20 there's the video, the kitchen video in Sweetzer; 21 there's the audio of him calling Ms. Heard, like I 22 say, numerous vile names; there's the audio of him</p>

3815

1 asking to -- her to cut him and whether she wanted  
2 to be cut.  
3       So there's plenty of evidence out of  
4 the words -- or out of the mouth of the plaintiff  
5 in this case that constitutes nonphysical abuse of  
6 Ms. Heard, again, under the standards set forth by  
7 his expert and the plaintiff himself. Those are  
8 far worse than his mother calling him "One Eye"  
9 when he was a child.  
10       In addition to that, Your Honor,  
11 there's Travis McGivern's testimony from yesterday  
12 in which he testified that at a minimum, on the  
13 night of March 23rd, 2015, both parties were being  
14 verbally abusive to each other. Mr. McGivern also  
15 testified about Mr. Depp "rearranging her closet,  
16 throwing racks of clothing down onto the floor,  
17 and throwing at least one rack down the stairs."  
18 Now, in California, property damage alone can be a  
19 basis for getting a temporary restraining order  
20 under California law, so further evidence of  
21 nonphysical abuse or nonphysical toward Ms. Heard.  
22       You saw the cupboards in the Sweetzer

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1 kitchen video. And then Dr. Laurel Anderson, Your  
2 Honor, testified that she believed the parties  
3 engaged in mutual abuse at that, at least some of  
4 the time, that that was initiated by Mr. Depp.  
5 This is all evidence. We haven't gotten to put in  
6 our case yet, and to the extent this case proceeds  
7 and that will start now, but this is all evidence  
8 that has come in while plaintiff controls the  
9 playing field of what evidence has come in, and he  
10 can't overcome that.  
11       In this case, Your Honor, if Mr. Depp  
12 abused Ms. Heard, physically, verbally,  
13 emotionally, or psychologically even one time,  
14 then she wins on those claims. Then she wins.  
15 It's that simple. And the evidence is  
16 overwhelming and undisputed in the ways that I've  
17 just described that he did.  
18       So for that reason, Your Honor, those  
19 claims should be stricken. And I'll just cite the  
20 Union of Needletrades v. Jones case, this is  
21 268 Va. 512, that states, "If the plaintiff does  
22 not establish the falsity of the statement by a

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1 preponderance of the evidence in his  
2 case-in-chief, he has not met his threshold burden  
3 and the trial Court should strike the evidence and  
4 grant summary judgment to the defendant." That's  
5 exactly what should happen here.  
6       Now, moving on to the second issue,  
7 which is the headline containing the phrase  
8 "sexual violence." That should be stricken for a  
9 couple reasons. First, Your Honor, the evidence  
10 has established that Ms. Heard didn't write the  
11 headline. Mr. Dougherty from the ACLU, that's the  
12 only evidence that's come in in this case thus  
13 far, and plaintiff's controlled the evidence.  
14       THE COURT: Well, I understand, but  
15 there's also a stipulation that Ms. Heard would  
16 not be called in the plaintiff's case because they  
17 would then use her testimony for part of their  
18 case in your case, right?  
19       MR. CHEW: That's correct, Your Honor.  
20       MR. ROTTENBORN: Yeah, agreed. And  
21 that goes to a different issue that I'm not  
22 arguing. I'm not arguing that the Court should

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1 strike because they haven't put Ms. Heard on to  
2 testify about the headline.  
3       THE COURT: Well, I assume part of that  
4 would be that they would -- I hope -- I guess  
5 they intend to get from Ms. Heard is that she  
6 either wrote it or republished it.  
7       MR. CHEW: Yeah. What happened the  
8 next day is Ms. Heard posted it on her Instagram  
9 account and said, "Look what I published yesterday  
10 in The Washington Post," so she adopted the title,  
11 and her name was on the article which contained  
12 the title.  
13       THE COURT: And, Mr. Rottenborn, the  
14 only reason -- I'm sorry to interrupt you.  
15       MR. ROTTENBORN: No, that's fine.  
16       THE COURT: Because I know that was a  
17 stipulation. So it's hard for me to say that  
18 that's all the evidence for motion to strike if  
19 there's a stipulation that they're still going to  
20 get more evidence in on that particular issue.  
21       MR. ROTTENBORN: I think -- and I'm  
22 happy to hand the Court the transcript of the



3819	1 April 8th hearing -- because one of the things 2 we're not arguing today is that because they 3 haven't put in evidence of the, I think it was a 4 tweet, but Mr. Chew said it was Instagram. I 5 don't know, whatever it was, that because their -- 6 MR. CHEW: It was a tweet adopting the 7 op-ed she published the day before in The 8 Washington Post. 9 THE COURT: Okay. 10 MR. ROTTENBORN: All right. So what 11 I'm not arguing today is that because they haven't 12 gotten the tweet into evidence or had Ms. Heard 13 say she tweeted that that we're entitled to 14 summary judgment at this point. I'm not arguing 15 that, but that's all that we discuss on April 8th, 16 and I'm happy to hand the transcript up, Your 17 Honor. And we actually never -- it wasn't a 18 stipulation. It was simply an agreement that they 19 didn't need to call her in their case-in-chief -- 20 THE COURT: Right. 21 MR. ROTTENBORN: -- to make that point. 22 And then Ms. Bredehoff said, "We'd have to agree	3821	1 issue is whether it was republication. 2 MR. ROTTENBORN: So I'll get to that 3 next. 4 THE COURT: I know, but see, the 5 problem is how do I do a motion to strike when 6 that evidence isn't before me yet? 7 MR. ROTTENBORN: Well, the 8 republication isn't -- so the evidence that's 9 before you is that The Washington Post wrote the 10 headline or that Ms. Heard didn't. And that's the 11 only evidence. 12 THE COURT: Right. 13 MR. ROTTENBORN: And that's not going 14 to change. The repub -- the tweet, which is the 15 only subject of the discussion of the pretrial 16 conference where -- there was no stipulation. It 17 was just an agreement that we're not going to base 18 a motion to strike on them not introducing 19 evidence of the tweet. That's what it was. I'm 20 happy to hand the transcript up if Your Honor 21 would like to see that. But that isn't actionable 22 because under the Lokhova v. Halper case, 995 F.3d
3820	1 on the language of any stipulation." They haven't 2 proposed anything to us and haven't gotten back to 3 us. 4 So I think that that's only relevant -- 5 we're not basing our request for motion to strike 6 here on Ms. Heard not having testified to sending 7 that tweet. 8 THE COURT: But you're saying for the 9 motion to strike, the only evidence before the 10 Court is that The Washington Post wrote that 11 title? 12 MR. ROTTENBORN: Correct. And that's 13 very different from what happened the next day. 14 There's -- the stipulation didn't go towards who 15 wrote the title. That was never part of anything. 16 And it's undisputed, and Ms. Heard will testify 17 that she didn't write the title. 18 THE COURT: Well, I understand that, 19 but I think the -- 20 MR. CHEW: It's not undisputed, Your 21 Honor. I apologize for interrupting. 22 THE COURT: Okay. But I think the	3822	1 134, retweeting a link doesn't constitute 2 republication. Now, that case -- 3 THE COURT: It does if you add 4 something to it, but I just don't know the 5 evidence yet. 6 MR. CHEW: Your Honor, very quickly, 7 it's a judicial admission. They admitted -- in 8 Ms. Heard's answer, she admitted to the tweet. So 9 that establishes that she adopted the op-ed in its 10 entirety, and it was discussed. We talked about 11 judicial admissions. One was the op-ed itself. 12 The second, and this is reflected -- 13 MR. ROTTENBORN: Your Honor, if I could 14 finish my argument. I mean -- 15 THE COURT: I understand. 16 MR. ROTTENBORN: I'd appreciate it. 17 MR. CHEW: I can't wait to oppose 18 his -- 19 THE COURT: Go ahead. 20 MR. ROTTENBORN: And again, we can look 21 at the transcript. 22 THE COURT: You do understand my

<p>3823</p> <p>1 concern though?</p> <p>2 MR. ROTTENBORN: I do understand your</p> <p>3 concern, and I guess what I'm saying is that</p> <p>4 there's two levels. One is there's no dispute,</p> <p>5 and there's not going to be a dispute, that she</p> <p>6 did not write the headline.</p> <p>7 So then you look at is the tweet</p> <p>8 actionable? And the argument here is that as a</p> <p>9 matter of law, retweeting something isn't</p> <p>10 actionable.</p> <p>11 THE COURT: Okay.</p> <p>12 MR. ROTTENBORN: And under the Likhova</p> <p>13 case, 995 F.3d 134, in that case, it was</p> <p>14 hyperlinks and how those aren't actionable. But</p> <p>15 to be very clear, nothing that was discussed on</p> <p>16 April 8th, nothing that was discussed at that</p> <p>17 pretrial conference, was in any way relating to</p> <p>18 any stipulation about who wrote the headline. It</p> <p>19 was simply that they need not call Ms. Heard in</p> <p>20 their case-in-chief to get her to say that she</p> <p>21 sent a certain tweet. And that tweet's not in</p> <p>22 evidence yet, but I assume that they'll try to put</p>	<p>3825</p> <p>1 introduced, Mr. Depp hasn't introduced, any</p> <p>2 evidence, and there can't be a reasonable</p> <p>3 inference drawn that would permit a jury to find</p> <p>4 that he has proven by clear and convincing</p> <p>5 evidence that Ms. Heard wrote the words with</p> <p>6 actual malice.</p> <p>7 And again, we go back to the testimony</p> <p>8 of Mr. Dougherty, which is their witness. They</p> <p>9 put him in. And Mr. Dougherty, the only evidence</p> <p>10 relating to intent or anything relating to this</p> <p>11 op-ed, which was, again, maybe Mr. Chew will try</p> <p>12 to say that we stipulated to Ms. Heard's intent on</p> <p>13 April 8th, which of course we didn't. But the</p> <p>14 only evidence that has been presented in this</p> <p>15 case, Your Honor, by Mr. Dougherty was that the</p> <p>16 op-ed wasn't Ms. Heard's idea, that the ACLU asked</p> <p>17 her to write the op-ed, and indeed that they even</p> <p>18 wrote the first draft, and then that Ms. Heard</p> <p>19 vetted the finished article with her lawyers and</p> <p>20 with lawyers in ACLU to make sure that it wasn't</p> <p>21 problematic. That is the only evidence in the</p> <p>22 record.</p>
<p>3824</p> <p>1 it in evidence at some point. But the tweet</p> <p>2 doesn't need to be in evidence for you to strike</p> <p>3 this claim on that basis.</p> <p>4 So even assuming, even assuming that</p> <p>5 the headline implied certain conduct by Mr. Depp,</p> <p>6 again, Mr. Depp can't meet his burden of proof on</p> <p>7 this.</p> <p>8 Third, Your Honor, he can't prove that</p> <p>9 Ms. Heard acted with actual malice. Mr. Depp</p> <p>10 hasn't introduced evidence sufficient to permit</p> <p>11 him to meet this. Now, again, this is a</p> <p>12 heightened burden of proof. He has to show actual</p> <p>13 malice by clear and convincing evidence, and as in</p> <p>14 the Bose Corporation case from the U.S. Supreme</p> <p>15 Court, it talks about the role of judges as</p> <p>16 gatekeepers of the Constitution, of the First</p> <p>17 Amendment, and the role of barring entry of a</p> <p>18 judgment that's not supported by clear and</p> <p>19 convincing proof.</p> <p>20 Now, that case was about appellate</p> <p>21 review of First Amendment issues. But the same</p> <p>22 hold true for Your Honor here. Here, he hasn't</p>	<p>3826</p> <p>1 And on that evidence, there cannot be a</p> <p>2 conclusion that Ms. Heard acted with the actual</p> <p>3 malice that's necessary, particularly when you</p> <p>4 consider the heightened burden of proof.</p> <p>5 So reviewing the op-ed as a whole with</p> <p>6 the Court acting in its appropriate function as a</p> <p>7 gatekeeper of the First Amendment, we ask that the</p> <p>8 Court strike plaintiff's evidence and award</p> <p>9 summary judgment to Ms. Heard either in whole or</p> <p>10 in part, thank you.</p> <p>11 THE COURT: All right. Thank you.</p> <p>12 Yes, sir.</p> <p>13 MR. CHEW: Good morning, Your Honor.</p> <p>14 May it please the Court, Ben Chew for Plaintiff</p> <p>15 Johnny Depp. It's just still morning. Your</p> <p>16 Honor, if I may approach.</p> <p>17 THE COURT: All right.</p> <p>18 Thank you.</p> <p>19 MR. CHEW: Thank you, Your Honor. I've</p> <p>20 just handed to Mr. Rottenborn and Your Honor an</p> <p>21 opposition that we prepared before we had the</p> <p>22 benefit of seeing Ms. Heard's affirmative motion</p>

<p style="text-align: right;">3827</p> <p>1 to strike, but I think we've anticipated the 2 arguments made, such as they are. 3       The Court should deny Defendant Amber 4 Heard's motion to strike because Mr. Depp has come 5 forward in his case-in-chief with multiple 6 credible witnesses, documents, and authentic tape 7 recordings of Ms. Heard herself, not only 8 satisfying all of the requisite elements of his 9 claim for defamation, including actual malice, but 10 also going the extra mile of showing that 11 Ms. Heard physically abused him. She's the abuser 12 in this courtroom. 13       Your Honor, going back to the standard, 14 as Your Honor is well aware, "In considering a 15 motion to strike, the trial Court must view the 16 evidence and all reasonable inferences drawn from 17 the evidence in light of the most -- in the light 18 most favorable to the plaintiff. Any reasonable 19 doubt as to whether the plaintiff has produced 20 sufficient evidence of the wrong alleged must be 21 resolved in the plaintiff's favor and the motion 22 to strike denied." And that's the Boeing case I</p>	<p style="text-align: right;">3829</p> <p>1 290 Virginia 81 [sic], at 91. As to damages, they 2 are presumed here because Ms. Heard's false 3 allegations of domestic abuse, sexual assault, and 4 rape constitute defamation per se, citing the 5 Tronfeld case, 272 Virginia 709, 713, a 2006 case. 6       As the Court noted at page 3 of its 7 opinion letter, typically an editorial or op-ed 8 column is ordinarily not actionable because it 9 appears in a place devoted to or in a manner 10 usually thought of as representing personal 11 viewpoints. However, Virginia recognizes that "a 12 defamatory charge may be made by interference, 13 implication, or insinuation," citing the Carwile 14 case, and "a statement expressing a defamatory 15 meaning may not be apparent on its face," citing 16 Pendleton with which the Court is quite familiar, 17 290 Va. at 172. 18       Accordingly, in order to render words 19 defamatory and actionable, it is not necessary 20 that the defamatory charge be in direct terms, but 21 may be made indirectly, and it matters not how 22 artful or disguised the modes in which the meaning</p>
<p style="text-align: right;">3828</p> <p>1 believe Mr. Rottenborn referred to, 243 Va. 81, at 2 81, 1992. "The weight and credibility of the 3 testimony of witnesses are solely matters for the 4 jury. The jury may accept that part of the 5 testimony it believes and reject that which it 6 does not. It is also within the exclusive 7 province of the jury to draw any reasonable 8 inferences from the evidence before it," citing 9 Wright v. Minnicks, 275 Va. 579, at 585. 10       In deference and respect to the Court's 11 time, Mr. Depp incorporates by reference the legal 12 analysis set forth in the Court's opinion letter 13 dated March 27th, 2020, overruling Ms. Heard's 14 demurer to the three defamatory statements at 15 issue, and that letter of opinion is attached as 16 Exhibit 1 to Mr. Depp's opposition. That's where 17 the court fulfilled its proper gatekeeping role 18 that Mr. Rottenborn referred to. 19       As a threshold matter, the elements of 20 a defamation claim are the following: Publication 21 of an actionable statement with the requisite 22 intent, citing the Schaecher v. Bouffault case,</p>	<p style="text-align: right;">3830</p> <p>1 is concealed if it is in fact defamatory. 2 Carwile, 196 Virginia at 7. 3       And based on the authority and 4 reasoning set forth in pages 4 through 8 of the 5 opinion letter, the three statement at issue are 6 actionable under a theory of defamation by 7 implication. 8       Mr. Depp established in his 9 case-in-chief that Ms. Heard, in fact, made all 10 three of the defamatory statements at issue, as 11 the Court admitted into evidence as Plaintiff's 12 Exhibit 1 the op-ed Ms. Heard published in her own 13 name in The Washington Post on December 18th, 14 2018. 15       And let's take the three statements and 16 the proof that has been adduced. Statement 17 Number 1, Amber Heard, "I spoke up against sexual 18 violence and faced our culture's wrath. That has 19 to change." Per page 6 of the opinion letter, the 20 first statement could reasonably convey the 21 alleged defamatory meaning, i.e. that Mr. Depp 22 abused Ms. Heard, to its readers without extending</p>

<p style="text-align: right;">3831</p> <p>1 the words beyond their ordinary and common 2 acceptance, see Pendleton 290 Va. at 172, also 3 citing the Carwile case. 4 Resolving every fair inference in 5 Mr. Depp's favor, this statement could reasonably 6 imply that the sexual violence Ms. Heard spoke up 7 against was, in fact, perpetrated by Mr. Depp. 8 Mr. Depp produced several credible witnesses and 9 documents proving that Ms. Heard was implying that 10 he committed sexual violence against her. 11 Mr. Depp himself testified to that, as did his 12 sister Christi Dembrowski. Mr. Depp's former 13 agent, Christian Carino, testified to that, as did 14 his current agent, Jack Whigham. 15 But perhaps most convincing of all, and 16 most disgusting of all, was the testimony of the 17 ACLU's Terence Dougherty, a lawyer nonetheless. 18 Mr. Dougherty testified, among other things, that 19 when the op-ed -- when they were pitching the 20 op-ed to The Washington Post, they stated, "Hey, 21 Michael, wondering if we might interest you in a 22 piece by Amber Heard, who as you may recall was</p>	<p style="text-align: right;">3833</p> <p>1 So, it's very clear that the ACLU and 2 Ms. Heard intended, that was the whole purpose of 3 this, so that they could get interest in this and 4 it would coincide with the premiere of Aquaman. 5 Because otherwise no one would have been 6 interested in anything written by Ms. Heard. 7 Mr. Dougherty also testified that 8 Ms. Heard only paid 1.3 -- actually she didn't 9 even pay all that -- out of the \$3.5 million that 10 she had pledged to the ACLU. And then they helped 11 her lie about it. And it's one thing, Your Honor, 12 for her to stiff the ACLU, which frankly played a 13 reprehensible role in this case. It's quite 14 another for her to fail to honor her obligation to 15 the Children's Hospital of Los Angeles with sick 16 and dying children, and that, she failed to do as 17 well. 18 And as Your Honor has mentioned, the 19 fact that she put her name on that article means 20 that she is responsible for all of those 21 statements, which she specifically adopted later. 22 And I'll go through the other two</p>
<p style="text-align: right;">3832</p> <p>1 beaten up during her brief marriage to Johnny Depp 2 on what the incoming Congress can do to help 3 protect women in similar situations." 4 Mr. Dougherty also testified that 5 everybody understood, as Ms. Heard and the ACLU 6 clearly intended, that these -- this statement and 7 the other two statements referred directly to 8 Mr. Depp: "This is an article that was in USA 9 Today and specifically ties Amber's statement in 10 her op-ed piece to Johnny Depp." 11 And when Jessica Weiss, who actually 12 wrote the op-ed that Ms. Heard later adopted, she 13 says, quote, to Mr. Dougherty, "So much for not 14 mentioning JD," when the USA Today made clear that 15 they, like everybody else who read the op-ed, 16 understood that, as Ms. Heard clearly intended, it 17 referred to Mr. Depp, which makes her Instagram 18 post two days before the trial began, that she 19 didn't mention Mr. Depp, all the more outrageous. 20 Your Honor, there is -- Ms. Shulman, 21 also of the ACLU, acknowledged that Ms. Heard's 22 op-ed referred to Mr. Depp.</p>	<p style="text-align: right;">3834</p> <p>1 statements quickly, Your Honor. 2 THE COURT: Well, can we stay on this 3 one more one moment though? 4 MR. CHEW: Yes, Your Honor. 5 THE COURT: Do you agree the only 6 evidence before that we've heard in this trial as 7 far as title of the op-ed is that -- even 8 Mr. Dougherty, I believe, testified to it -- that 9 it was something that Washington Post wrote? 10 MR. CHEW: Well -- 11 THE COURT: For the one online. 12 MR. CHEW: He's not a witness, Your 13 Honor. That's a witness from the ACLU. 14 THE COURT: I understand. But that's 15 the only evidence I have. 16 MR. CHEW: I respectfully disagree, 17 Your Honor. 18 THE COURT: All right. 19 MR. CHEW: The only real evidence Your 20 Honor has is Plaintiff's Exhibit 1, which is Amber 21 Heard putting her name on the entire article, 22 including the title. That is the only evidence</p>

<p style="text-align: right;">3835</p> <p>1 before you. The ACLU was a coconspirator with 2 Ms. Heard, and whether they say, "Oh, maybe The 3 Washington Post wrote it," that's not the end of 4 the story. All she has done is create an issue of 5 fact as to whether she wrote the title or not. 6 THE COURT: So you're saying just 7 having that exhibit in evidence is enough? 8 MR. CHEW: Absolutely. Absolutely. 9 Your Honor, her name is on the article. 10 THE COURT: Okay. 11 MR. CHEW: What does an average reader 12 expect? So that alone is sufficient to be a 13 motion to strike. If they want to come back later 14 and say, "Gee, she didn't write the title," as if 15 that were a defense, I hope they make that 16 argument. I hope they make that argument to the 17 jury because it's about as credible as her 18 argument that "Oh, I wasn't referring to Johnny 19 Depp." She didn't have to. And the testimony of 20 Terence Dougherty was very clear that when they 21 took out the references to Johnny Depp, no one was 22 interested in this article anymore. So she said,</p>	<p style="text-align: right;">3837</p> <p>1 Your Honor, "To constitute a 2 publication, it is not necessary that the contents 3 of the writing should be made known to the public 4 generally. It is enough, it is said, if they are 5 made known to a single person," citing Snyder v. 6 Fatherly, 158 Va. 355, at 350. 7 Everybody and his grandmother testified 8 that Ms. Heard was referring to her bogus ex parte 9 TRO that she obtained on May 27, 2016. And it was 10 interesting that Mr. Depp's own lawyer said that 11 she wasn't even provided notice. So Ms. Heard 12 made very sure that Mr. Depp wouldn't have notice 13 of the ex parte TRO, and Ms. Heard herself, the 14 evidence shows, knew that Mr. Depp, having just 15 suffered the loss of his mother, was already on 16 the other side of the country, was already in New 17 York at the time of this TRO, and was heading to 18 Europe for several weeks. So she knew she didn't 19 need any protection from him. This was just a 20 scam for her to get the \$7 million in the divorce 21 settlement that she said she gave to the ACLU, she 22 swore she gave to the ACLU and the Children's</p>
<p style="text-align: right;">3836</p> <p>1 "Put it back in. Put it back in. Make it more 2 spicy," so people would read. Otherwise she 3 couldn't get it in the Washington Post. It would 4 be back in Teenage Vogue [sic], which is the other 5 publication that was considering publishing it, 6 because no one was interested in what she had to 7 say unless she was defaming Mr. Depp. 8 But if I could go to the second 9 statement, and I'll try to be quick, Your Honor, 10 "Two years ago, I became a public figure 11 representing domestic abuse, and I felt the full 12 force of our culture's wrath for women who speak 13 out." 14 As for the second statement, defendant 15 called herself a "public figure representing 16 domestic abuse," which can be read to imply that 17 she became a representative of domestic abuse 18 because she was abused by Mr. Depp, not because -- 19 not just because she spoke out against alleged 20 abuse. This inference can be drawn without 21 extending the language beyond its ordinary common 22 acceptance, citing Carwile, 196 Va., at 8.</p>	<p style="text-align: right;">3838</p> <p>1 Hospital of Los Angeles, and she pocketed instead. 2 Mr. Depp, Ms. Dembrowski, Mr. Carino, Mr. Whigham, 3 and the inimitable Mr. Dougherty of the ACLU which 4 lent its once-respected name to Ms. Heard's 5 defamation, so while Ms. Heard may have avoided 6 any direct mention of Mr. Depp's name, there's 7 extensive testimony and evidence in the record 8 showing that the implication of her op-ed could 9 not be more clear, i.e., that Mr. Depp abused 10 Ms. Heard during the course of their marriage. 11 Under Virginia law, "It is not 12 necessarily that the defamatory charge be in 13 direct terms, but it may be made indirectly. And 14 it matters not how artful or disguised the modes 15 in which the meaning is concealed if it is, in 16 fact, defamatory," citing Carwile. We can argue 17 as to how artful it was, but the implication was 18 very clear, as the Court has previously ruled -- 19 or not laud the case, but as the Court has 20 persuasively written in its opinion letter. 21 Let's move to the falsity of 22 Ms. Heard's ever-evolving and ever-escalating</p>

Transcript of Jury Trial - Day 14  
Conducted on May 3, 2022

29 (3839 to  
3842)

<p style="text-align: right;">3839</p> <p>1 change of IPV and sexual assault. Mr. Depp's 2 sworn denial is all he needs to survive a motion 3 to strike. But there's a lot more than that, Your 4 Honor, and I'll try to be brief. 5 Three police officers, actually four, 6 but the three who've testified already, 7 Officers Saenz, Hadden, and Gatlin, testified 8 unequivocally that Ms. Heard did not have a mark 9 on her on the evening of May 21, 2016. And I 10 could go through -- I'll just go through very 11 quickly. Officer Hadden -- strike that. 12 Officer Melissa Saenz, on jury trial day 10: 13 "QUESTION: Did you provide a copy of 14 this pamphlet to Amber Heard. 15 "ANSWER: I did not. I didn't identify 16 her as a victim of domestic abuse." 17 The next day, Officer Melissa Saenz, 18 "Okay. At this time, did you notice any injuries 19 on Ms. Heard? 20 "OFFICER SAENZ: I did not. 21 "QUESTION: Okay. Were you looking to 22 see if she had any injuries on her at the time?</p>	<p style="text-align: right;">3841</p> <p>1 time Mr. Depp saw her before leaving on the 2 Hollywood Vampires tour, the next time he was to 3 see her was when Ms. Heard begged him to come see 4 her in San Francisco, which is hardly the act of a 5 domestic abuse victim. 6 So we have Isaac Baruch and Mr. Romero 7 saying that they saw Ms. Heard repeatedly in the 8 interval of time between May 21 and May 27, when 9 she obtained the farce ex parte TRO, and they saw 10 no marks on her face and no swelling. Our two 11 witnesses, Mr. Baruch and Brandon Patterson, saw 12 the video of Ms. Heard and her sister, Whitney, 13 pantomiming the fake punch after this alleged 14 incident of abuse. 15 Ms. Heard's former personal assistant, 16 Kate James, and several other witnesses, including 17 Dr. David Kipper, saw no violence by Mr. Depp and 18 no injuries to Ms. Heard. Indeed, witness after 19 witness has come forward to testify that 20 Ms. Heard, far from being a "domestic figure 21 representing domestic violence," unquote, is in 22 facts a recidivist perpetrator of domestic</p>
<p style="text-align: right;">3840</p> <p>1 "OFFICER SAENZ: Yes, I was. 2 "QUESTION: And so you were looking to 3 see if Ms. Heard had any injuries, and you 4 determined that she did not; is that accurate? 5 "OFFICER SAENZ: Correct. 6 "QUESTION: Okay. And was the lighting 7 good enough in the hallway for you to make that 8 determination? 9 "ANSWER: Yes. The hallway was well 10 lit." 11 Officer Gatlin's testimony was the 12 same, and he had the body cam. 13 Officer Hadden's testimony was the 14 same. 15 The testimony of nurses Debbie Lloyd 16 and Erin Boerum, who didn't -- who, like the 17 police officers, did not work for Mr. Depp, in 18 fact, they work for Dr. Kipper, also belie 19 Ms. Heard's false allegations of abuse. Isaac 20 Baruch and Alejandro Romero both testified that 21 they saw Ms. Heard repeatedly, and in the clear 22 light, between May 21, 2021, which was the last</p>	<p style="text-align: right;">3842</p> <p>1 violence on Mr. Depp and others. 2 We have the testimony of -- the 3 harrowing testimony of Mr. Depp himself who 4 described several witnesses, one, Your Honor will 5 recall, when he was hiding in the bathroom after 6 escaping one of her attacks and she claims to have 7 hurt her foot kicking the door, Mr. Depp opens the 8 door to see if she's hurt, and then she kicks the 9 door in on him and punches him. 10 We have the incident of December 15, 11 2015, when Ms. Heard threw punches at him widely 12 at the back and side of his head. Mr. Depp 13 testified that he ducked and covered to protect 14 his face. Eventually he turned around to grab her 15 and stop her arms from flailing. 16 December 15 in the Bahamas, during an 17 argument, Ms. Heard grabbed a can of mineral 18 spirits and threw it at Mr. Depp's face, striking 19 him in the forehead, bridge, and nose area, and 20 the jury saw the photograph of the bridge on the 21 bruise [sic] of his nose. 22 We have testimony from -- and, by the</p>

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<p style="text-align: right;">3843</p> <p>1 way, Tara Roberts, who is the manager of the 2 island, confirmed that, the incident with mineral 3 spirits. You have Mr. Depp's testimony of what 4 happened on April 22nd, 2016, and we've heard 5 testimony today from Erin Boerum Falati that 6 Mr. Depp was very responsive, was very sociable, 7 had not -- was not in any way inebriated that day 8 when Ms. Heard says he was, and she attacked him 9 that -- she attacked him that night as well. 10 And I'm getting to the end of this, 11 Your Honor. 12 We have -- we have Ms. Heard's own 13 admissions. We have her admitting to hitting 14 Mr. Depp, and her only contention was that she 15 wasn't punching him; she was just hitting him. We 16 have testimony from Travis McGivern that on 17 February 23rd, 2015, Ms. Heard threw and hit 18 Mr. Depp with a can of Red Bull and then 19 sucker-punched him with a closed fist. 20 Finally, Your Honor, statement 21 Number 3, "I have the rare vantage point of seeing 22 in real time how institutions protect men accused</p>	<p style="text-align: right;">3845</p> <p>1 response?" 2 She even lied about the final insult 3 left on the marital bed after her 30th birthday 4 party. And it was quite telling that she admitted 5 to Starling Jenkins, a former United States 6 Marine, that this was a terrible prank gone awry. 7 Well, she lied about that, too. In fact, she said 8 that Mr. Depp was crazy to even allege that she 9 could have done such a thing. Well, she admitted 10 it to Mr. Jenkins. 11 Per Toddfield, Mr. Depp does not have 12 to prove damages because this is defamation per 13 se. In fact, these involve some of the most 14 heinous crimes any man or woman can be accused of; 15 however, he has done so. Jack Whigham tested 16 [sic] yesterday that the impact of the op-ed was 17 catastrophic on Mr. Depp's personal and 18 professional life, that it was a \$22.5 million 19 loss on Pirates 6 and another 20 million on 20 others. 21 We've had the -- we've had the 22 testimony -- so we had Mr. Whigham testifying as</p>
<p style="text-align: right;">3844</p> <p>1 of abuse." 2 Again, quoting very briefly from page 7 3 of the Court's opinion letter, "Drawing every fair 4 inference in plaintiff's favor, the Court can 5 fairly include -- conclude that defendant's 6 statement that she saw how institutions protect 7 men accused of abuse could reasonably convey to 8 its recipients that she saw how Mr. Depp was 9 protected by institutions, that he abused her, and 10 spoke up against it." 11 Your Honor, again, we have multiple 12 testimony from multiple people, including Jack 13 Whigham and all the others mentioned, that this 14 was a reference to that. 15 Your Honor, again, the lies that have 16 already been exposed that Ms. Heard has told 17 about, the charitable contributions, the incidents 18 in this case, and again, I'll just cite a couple 19 more, the testimony of Isaac Baruch. When 20 Mr. Baruch saw Ms. Heard on June 3 after she'd 21 gone through with the sham ex parte TRO and 22 Mr. Baruch was asked, "Did she say anything in</p>	<p style="text-align: right;">3846</p> <p>1 to the 22 and a half lost on Pirates 6 and another 2 20 lost on the other films, the other studio 3 films, the indie films, and the other ways 4 Mr. Depp would have made income. We have Richard 5 Marks's testimony, Douglas Bania's testimony, and 6 the testimony of Michael Spindler just this 7 morning. 8 Finally, Your Honor, none of 9 Ms. Heard's affirmative defenses, which would 10 include, you know, her trying to create an issue 11 of fact on the title, can support a motion to 12 strike as to which she bears the burden of proof 13 of her affirmative defenses. "Whether the 14 defendants have met their burden cannot be 15 resolved when considering a motion to strike." 16 See 243 Va., at 83. 17 And just to respond to Mr. Rottenborn's 18 citation to the Likhova case, which we hadn't seen 19 until he mentioned it today, I would only note, 20 Your Honor, that defendant admits that she tweeted 21 a link to the online version of the op-ed at 22 paragraph 97 of her answer, though, again, the</p>

Transcript of Jury Trial - Day 14  
Conducted on May 3, 2022

31 (3847 to  
3850)

<p style="text-align: right;">3847</p> <p>1 admission of Exhibit 1 is more than enough to 2 survive the motion to strike, and the Likhova case 3 at 995 F.3d 134, holds that republishing a 4 hyperlink doesn't necessarily start the statute of 5 limitations, not that a hyperlink cannot be 6 defamatory. 7       So with that, Your Honor, we 8 respectfully request that the Court deny the 9 motion to strike in full, and let's hear from 10 Ms. Heard. Thank you, Your Honor. 11       THE COURT: Yes, sir. Thank you. Your 12 motion. 13       MR. ROTTENBORN: Thank you, Your Honor. 14 I can only assume that Mr. Chew wrote that speech 15 for an audience outside the court because it 16 didn't really address my arguments. I'm going to 17 focus on what our specific arguments are for the 18 motion to strike, Your Honor. 19       Mr. Chew spent almost 30 minutes of the 20 Court's time talking about the disputed evidence 21 of physical abuse in this case, which Ms. Heard 22 hasn't even put on her case, and I can tell you</p>	<p style="text-align: right;">3849</p> <p>1 abuse against Ms. Heard and, therefore, that those 2 first two statements were false. That's our 3 argument on that. 4       As to the headline, it's funny, 5 Mr. Chew, we've played, you know, two or three 6 hours of an ACLU deposition. Now he says, "Well, 7 that wasn't our witness." 8       It was his witness, Your Honor. He 9 just spent ten minutes talking about what 10 Mr. Dougherty said. And Mr. Dougherty testified 11 that The Washington Post wrote the headline. That 12 is the only evidence, Your Honor. 13       I understand he says, "Well, Exhibit 1 14 has her name on it." Exhibit 1 has her name on 15 it, but the only evidence in this case, about who 16 wrote that headline, is Mr. Dougherty's testimony. 17 It is undisputed. They could have put anyone else 18 on. They could have called Ms. Heard for that 19 because that was not part of the stipulation at 20 the pretrial conference. It was only the tweet 21 that we talked about, Your Honor, and they chose 22 not to do that. Now, Ms. Heard will testify she</p>
<p style="text-align: right;">3848</p> <p>1 she's not the abuser and if the case moves 2 forward, she and her witnesses will put on even 3 more evidence of the physical abuse she suffered 4 at the hands of Mr. Depp. But that's not the 5 basis for our motion right now, Your Honor. 6       He talks about how Mr. Depp had a sworn 7 denial and that that should count. We read his 8 testimony. He claims he didn't strike her. But, 9 again, that's not the basis for our motion. The 10 basis for our motion is the clear and undisputed 11 evidence of nonphysical abuse. By his 12 definitions, by his standards, by the standards of 13 his expert, there is no dispute that Mr. Depp 14 abused Amber; and therefore, if he did it even one 15 time, there's no dispute that even under their 16 theory of the case, the implication that they want 17 the jury to draw from the article, which, again, 18 I'm not arguing for the purposes of today, because 19 under the legal standard, I'm not going to argue 20 that. I'm not going to waste the Court's time 21 with that. But even under their standard, the 22 undisputed evidence is that Mr. Depp did commit</p>	<p style="text-align: right;">3850</p> <p>1 didn't write that headline, so it wouldn't have 2 helped them, but they've had three weeks to put on 3 their case, Your Honor. They've controlled the 4 playing field of evidence. 5       There is no dispute that Ms. Heard did 6 not write that headline, no dispute. Simply 7 saying, "Well, her name is attached to it," that 8 can't overcome the testimony of the ACLU. They 9 call it the McCocan (phonetic) sphere. Of course, 10 Mr. Depp chose not to sue them. But the testimony 11 of Terence Dougherty that she didn't write that 12 headline, that takes care of the sexual violence 13 headline, Your Honor. I'm not going to take up 14 any more of the Court's time addressing portions 15 of Mr. Chew's argument that don't go to our motion 16 unless Your Honor has any specific questions, but 17 I want to be respectful. 18       THE COURT: Thank you. All right. 19 Thank you. 20       All right. For this motion, I've taken 21 the arguments of counsel, and last night, I 22 reviewed all of the evidence that has been</p>

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<p style="text-align: right;">3851</p> <p>1 submitted in this matter. So as to the second and 2 third alleged defamatory statements, at the motion 3 to strike, at this juncture, I view the evidence 4 in a light most favorable to the plaintiff and 5 reasonable inferences from the evidence to the 6 plaintiff. And if there is a scintilla of 7 evidence that a reasonable juror could weigh, then 8 the matter survives a motion to strike. 9 In this matter, there is evidence in 10 the case that a jury could weigh that the 11 statements were made by the defendant, that the 12 statements were about the plaintiff, that the 13 statement was published, that the statement is 14 false, and the defendant made the statement 15 knowing it to be false or the defendant made it so 16 recklessly as to amount to willful disregard for 17 the truth. The weight of that evidence is up to 18 the fact-finders, so the motion to strike is 19 denied as to statement 2 and 3. 20 The motion to strike as to statement 1, 21 I'm going to take under advisement because if it's 22 not a stipulation, I'm not sure what it is, but</p>	<p style="text-align: right;">3853</p> <p>1 MS. BREDEHOFT: Yes, if I could. 2 THE COURT: Okay. Sure. All right. 3 (Sidebar.) 4 MS. BREDEHOFT: So, Your Honor, one of 5 the motions in limine in this case that the 6 plaintiff's moved for was we could not say 7 "erectile dysfunction." This expert, Dawn Hughes, 8 is the expert we're going to have. She's an 9 expert in intimate partner violence. She is going 10 to testify that there were a number of occasions 11 in which Mr. Depp, because he was unable to 12 perform, became angry. 13 THE COURT: Could you say it again? 14 I'm sorry. 15 MS. BREDEHOFT: Mr. Depp, during these 16 acts of violence when he was unable to perform, 17 would become angrier at Ms. Heard, would blame 18 her, and that resulted in escalated violence. 19 I've told her she can't use the words "erectile 20 dysfunction," but I recognize that we have an 21 issue here. I mean, she's going to testify to 22 that. Amber's going to testify to that. There</p>
<p style="text-align: right;">3852</p> <p>1 there seems to be an agreement that the tweet of 2 Ms. Heard is part of the plaintiff's evidence 3 which is not in evidence at this point, so I can't 4 rule on that statement whether or not it is just a 5 tweet or if it's some sort of republication or 6 something, I don't know because I haven't seen it 7 yet. So as to the motion to strike on 8 statement 1, I'm going to take under advisement 9 because ruling right now, it would be premature 10 because I just don't have that evidence in the 11 case, okay? 12 MR. CHEW: Thank you very much, Your 13 Honor. 14 THE COURT: All right. Since it's 15 12:30, you want to just take lunch, go ahead and 16 let the jurors go to lunch and come back at 1:30? 17 Does that sound okay? 18 MS. BREDEHOFT: Yes, Your Honor. I 19 have one thing I would like to address, it's 20 another motion, before we take a lunch break. 21 THE COURT: Okay. Do you want to do it 22 now?</p>	<p style="text-align: right;">3854</p> <p>1 were occasions because of his drinking and his 2 drugs that he could not perform, and then he would 3 become more angry -- 4 THE COURT: Okay. 5 MS. BREDEHOFT: -- and some of the 6 times, he would sexually assault her in a 7 different manner because of it. 8 MS. VASQUEZ: Your Honor, this was 9 already decided by you in a motion in limine. 10 This is going backwards. You were clear that they 11 are not to introduce any evidence about erectile 12 dysfunction, how that made him more prone to use 13 different objects or to be more -- 14 MS. BREDEHOFT: I don't think all of 15 that was argued in it, Your Honor. 16 MS. VASQUEZ: It was. 17 THE COURT: I will look back at the 18 motion in limine, but I can look back. And then 19 we can do that over lunch and look at that. Is 20 that okay? 21 MS. BREDEHOFT: Yeah. No. Then I'll 22 just tell her when Your Honor rules. I mean,</p>

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33 (3855 to  
3858)

3855	1 because we've still got some way to segue. I 2 mean, if they can't say it, they still have to get 3 past that to what happened next. 4 THE COURT: Okay. 5 MS. BREDEHOFT: So I don't know how to 6 do that. And I guess -- 7 THE COURT: All right. Let me review 8 my order, and then I can let you know right after 9 we get back at 1:30. Is that okay? 10 MS. BREDEHOFT: Yes, yes. 11 THE COURT: Okay. And, also, 12 Mr. Rottenborn used -- on that last witness, 13 Mr. Dennison used part of his graph with the bars. 14 I'm just going to give that a number, okay? I was 15 just going to give it 1804 because that's your 16 next number, and if I could get a copy of it, 17 just -- it's not going to the jury, but it's just 18 for the record, okay? 19 MS. BREDEHOFT: Perfect. 20 THE COURT: All right. Thank you. 21 (Open court.) 22 THE COURT: Okay. Anything further?	3857	1 and listen to -- you were saying that your expert 2 was going to testify that erectile condition -- 3 erectile dysfunction condition was more -- I'm 4 sorry. Expert was saying it would make it more 5 probable that Mr. Depp would be angrier, agitated 6 in encounters with Amber Heard. So I granted 7 that. But now, you're saying something different. 8 MS. BREDEHOFT: Yeah, this is when she 9 will be testifying that when he would -- when they 10 were intimate, in the act of -- that he would try 11 to and he would be unable to perform and that 12 would -- he would get angry with her for that and 13 blame her, and then the violence would escalate. 14 And on occasion, it would cause him to engage in 15 hypersexual assault, and Amber will testify to 16 that as well. 17 THE COURT: So you're saying specific 18 acts, not that it was -- 19 MS. BREDEHOFT: Right. Right. 20 THE COURT: In her expert opinion, 21 that's more probable, or anything like that, 22 that's not what she's testifying to?
3856	1 MR. DENNISON: No. 1:30? 2 THE COURT: Court's in recess, 1:30. 3 THE BAILIFF: All rise. 4 (Recess taken from 12:33 p.m. to 5 1:45 p.m.) 6 7 8 9 THE BAILIFF: All rise. 10 Please be seated and come to order. 11 THE COURT: All right. Thank you. 12 Yes, oh, you have another exhibit? Perfect. 13 Thank you. All right. That's 1804. All right. 14 Thank you. Demonstrative. 15 And do you want to approach on the 16 other issue? 17 (Sidebar.) 18 THE COURT: Okay. So I looked at my 19 Motion in Limine and what it says, it says granted 20 as to any evidence of erectile dysfunction is not 21 relevant and highly prejudicial. And that was 22 when you were saying that you -- I had to go back	3858	1 MS. BREDEHOFT: Right. 2 THE COURT: That's what the Motion in 3 Limine was about. 4 MS. BREDEHOFT: We can do that. She 5 can say he was incontinent. 6 THE COURT: I don't know. I mean, are 7 you saying that -- 8 MS. BREDEHOFT: She's going to be 9 recounting some of the examples of -- 10 THE COURT: That Amber Heard told her? 11 MS. BREDEHOFT: Right. 12 THE COURT: So Amber Heard told her 13 that one time -- 14 MS. BREDEHOFT: A few times. 15 THE COURT: A few times. 16 MS. BREDEHOFT: He would be unable to 17 perform, he would get angrier at her -- 18 THE COURT: But no erectile 19 dysfunction, the words are not going to be used, 20 nothing about the medication, that I think was the 21 main part of this Motion in Limine. 22 MS. BREDEHOFT: Right. In fact, Your

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34 (3859 to  
3862)

3859	1 Honor, we caught yesterday that they didn't take 2 out Cialis, and we took it out. We're trying to 3 be very good about this. 4 THE COURT: Okay. Yes, ma'am, 5 Ms. Vasquez. 6 MS. VASQUEZ: I'm just unclear what you 7 mean by he would get angrier. 8 MS. BREDEHOFT: Right. Because he 9 couldn't perform -- 10 MS. VASQUEZ: That's erectile 11 dysfunction, Your Honor. 12 THE COURT: But this one, the Motion in 13 Limine that I granted was one where the expert was 14 going to testify that such a condition agitates 15 or -- encounters with Amber Heard. This is just 16 not the medical erectile dysfunction, just saying 17 at times he couldn't perform at that specific 18 time -- 19 MS. BREDEHOFT: Specific time. 20 THE COURT: -- would make him angry. 21 MS. BREDEHOFT: Angry and it would 22 escalate the violence that would lead to different	3861	1 MS. BREDEHOFT: Correct. 2 MS. VASQUEZ: I think it's still a 3 workaroud, you know, erectile dysfunction without 4 using the words, and I think your point of Motion 5 in Limine was to prevent that, Your Honor. 6 THE COURT: Right. 7 MS. VASQUEZ: It an attempt to 8 embarrass -- as we argued in our Motion in Limine, 9 this is just to harass and embarrass Mr. Depp. 10 It's also a new disclosure by Ms. Heard. 11 MS. BREDEHOFT: It is not. She was 12 deposed for eight hours and she -- 13 THE COURT: I don't know about that. I 14 just know that Motion in Limine was granted 15 because it was not relevant in talking about or 16 opining about erectile dysfunction or talking 17 about it in the relativity of medicine, and that's 18 not going to happen. But there are specific acts 19 where you're not mentioning erectile dysfunction, 20 just part of the act was -- 21 MS. BREDEHOFT: Unable to. 22 THE COURT: According to her.
3860	1 types of -- 2 MS. VASQUEZ: The Motion in Limine 3 (indiscernible) was to prevent any erectile 4 dysfunction -- any mention of medical records 5 relating to Mr. Depp taking Cialis. 6 THE COURT: Right, exactly. And that's 7 not going to happen. She's just talking about, 8 now, specific instances that Ms. Heard claims that 9 they were going to -- having sex, he couldn't 10 perform, and he got angry and hit her, or I don't 11 know, something. 12 MS. BREDEHOFT: Angry and the violence 13 escalated. 14 MR. DENNISON: And the expert made no 15 disclosure about erectile dysfunction. 16 THE COURT: No, they're not going to 17 say anything. And they're not going to give any 18 opinion about it. They're not going to do 19 anything. It's just the specific acts that will 20 relate to it, but you're not going to follow up 21 with any questions about erectile dysfunction or 22 anything about that, correct?	3862	1 MS. BREDEHOFT: Right. I'll tell her 2 just leave it to couldn't perform. 3 THE COURT: Yeah, exactly. Okay? All 4 right. 5 MS. BREDEHOFT: Thank you, Your Honor. 6 THE COURT: Thank you. 7 MR. DENNISON: Thank you, Your Honor. 8 (Open court.) 9 THE COURT: All right. Are we ready 10 for the jury? 11 MS. BREDEHOFT: Yes. 12 THE COURT: Okay. 13 (Whereupon, the jury entered the 14 courtroom and the following proceedings took 15 place.) 16 THE COURT: All right. Thank you, 17 ladies and gentlemen. You may be seated. 18 All right. The plaintiff has rested, 19 and it's defense case. 20 Your witness. 21 MS. BREDEHOFT: Your Honor, I would 22 like to call Dr. Dawn Hughes to the stand.

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<p>1 THE COURT: Dr. Hughes. 2 DAWN M. HUGHES, PH.D., ABPP 3 A witness called on behalf of the 4 Defendant and Counterclaim Plaintiff, having been 5 first duly sworn by the Clerk, testified as 6 follows: 7 THE COURT: Thank you. 8 THE WITNESS: Good afternoon, Your 9 Honor. 10 THE COURT: Good afternoon. 11 THE WITNESS: Good afternoon. 12 MS. BREDEHOFT: Thank you, Your Honor. 13 EXAMINATION BY COUNSEL FOR THE DEFENDANT AND COUNTERCLAIM PLAINTIFF 14 BY MS. BREDEHOFT: 15 Q Will you please state your name. 16 A Dawn Hughes. 17 Q And what is your profession? 18 A I'm a clinical and forensic 19 psychologist. 20 Q And where is your practice located? 21 A I practice in New York City. 22 Q What is a clinical psychologist?</p>	<p>3863</p>	<p>1 department of psychiatry, and there I did two 2 full-year rotations. I did a year rotation in the 3 substance abuse treatment unit and another year 4 rotation in the West Haven Mental Health Clinic, 5 where we saw individuals suffering from a wide 6 array of difficulties in psychiatric illnesses. 7 After that, I had to complete my 8 postdoctoral fellowship, which is another year 9 that's required in order to get licensed, and that 10 was back in New York at Cornell medical college in 11 the anxiety and traumatic stress program there. 12 Q Please describe your training and 13 experience in psychology and trauma. 14 A So, my experience in trauma has been 15 predominantly throughout graduate school. I 16 started at a domestic violence program that was 17 housed within our community mental health center 18 of the university. And that program, we saw both 19 men and woman who were coming through the program. 20 The majority of the men were court ordered for 21 batterer's intervention programs, to participate 22 in mostly group therapy because of their behavior</p>	<p>3865</p>
<p>1 A Sure. So a clinical psychologist is 2 somebody who assesses, evaluates, and treats 3 individuals who are suffering from a variety of 4 ailments or problems that they have in their 5 lives. It could be a major psychiatric disorder 6 and it could be problems in living. Clinical 7 psychologists also participate in training and 8 education and research ventures. 9 Q And what is a forensic psychologist? 10 A So a forensic psychologist is someone 11 who applies the science and principles of clinical 12 psychologists to a particular legal question at 13 hand. 14 Q And please describe your background in 15 terms of your education for us. 16 A So, I received my bachelor degree in 17 psychology from Hamilton College, which is in 18 upstate New York. I then received my master's 19 degree and my Ph.D. from Nova Southeastern 20 University, which is in Florida. I then had to 21 complete my yearlong internship, and that was at 22 Yale University in the School of Medicine, in the</p>	<p>3864</p>	<p>1 in intimate partner violence, domestic violence. 2 We also treated the female victims who were 3 victims of intimate partner violence, and mostly 4 in individual therapy, but we did run some groups 5 there as well. 6 After that practicum experience, I went 7 to work at the Veterans Administration in their 8 outpatient psychiatry clinic. And in that clinic, 9 I treated mostly, this was Florida, so they're 10 much older adults, so we saw a lot of Vietnam-era 11 veterans and, actually, World War II veterans in 12 that program, and a few veterans who served combat 13 in the first Iraq war. 14 So overlapping in that time, I also was 15 the research coordinator for the child sex abuse 16 survivor's program, and that was also a treatment 17 program that was housed within that same community 18 mental health center. And we saw individuals, 19 both men and women, who were coming for treatment 20 to deal with the consequences, the psychological 21 aftereffects of having been sexually abused as a 22 child.</p>	<p>3866</p>

<p style="text-align: right;">3867</p> <p>1 After that, I completed my internship, 2 when I was at Yale, at the substance abuse program 3 because we know there's a high occurrence, a high 4 rate of trauma-based disorders with substance 5 abuse. I put together a group, a women's group of 6 female heroin addicts, recovering heroin addicts 7 who also had either domestic violence or childhood 8 abuse history. We did a dual substance abuse 9 reduction model with the healing from the 10 traumatic effects of the violence that they 11 experienced. 12 On my postdoctoral fellowship, I was in 13 the anxiety and trauma stress program. As the 14 name sounds, we saw individuals who were suffering 15 from trauma-based disorders and anxiety, mostly 16 late adolescents and adults, men and women, from 17 rape, sexual assault, violence. Some were simple 18 assaults, on the street, being mugged, and things 19 of that nature. 20 I also did teaching and training for 21 victims services, which is New York City's largest 22 victim-based organization, who runs a lot of</p>	<p style="text-align: right;">3869</p> <p>1 violence or child sex abuse and they don't really 2 know sort of what to do in that situation. I get 3 consulted to do that. Most recently, I was part 4 of our program's COVID response team, where in 5 pretty much March, April, May, June, July of 2020, 6 where New York City was the epicenter, we sort of 7 mobilized and were really doing psychological 8 first aid and helping our hospital-based workers 9 deal with the stress and the trauma from seeing so 10 much death and destruction because of COVID in 11 those first months of New York City's COVID wave. 12 Q What does your independent practice 13 entail? 14 A So, my independent practice is 15 predominantly, I say, three things. The bulk is I 16 see individuals in therapy, two and a half days; I 17 see people who come to my office who are mostly 18 dealing from the traumatic effects of 19 victimization, childhood abuse, rape, sexual 20 assault, sexual harassment, domestic violence. I 21 will see those people in therapy. I have a 22 percentage of individuals who do not have a trauma</p>
<p style="text-align: right;">3868</p> <p>1 services for victims of domestic violence and 2 shelter-based programs. I did some education and 3 training for them and teaching for a number of 4 years. 5 Q Thank you. Let's talk about your 6 current occupation. 7 What positions do you currently hold? 8 A So, I currently have a private practice 9 in Manhattan, and I also have a faculty position 10 at Weill Cornell Medical College. I'm the 11 clinical assistant professor of psychology in the 12 department of psychiatry there. This is what we 13 call voluntary faculty, which means you don't get 14 paid, but you participate in bringing in interns, 15 selecting the interns for that year. In that 16 program, I teach, I think for the past seven, 17 eight years, the ethics seminar to the interns and 18 also participate in other didactics that they 19 have. I'm also called upon to sort of 20 troubleshoot difficult scenarios that clinicians, 21 either trainees or full, like, clinicians, might 22 have if there's an issue of intimate partner</p>	<p style="text-align: right;">3870</p> <p>1 history, and that's usually the anxiety disorder I 2 see. They might have panic disorder or 3 generalized anxiety disorder or other difficulties 4 and just relational difficulties and problems in 5 living. 6 The second big part of what I do is 7 this, forensic psychology, like I'm doing here 8 today. I evaluate individuals who were involved 9 in legal matters. I consult with prosecutors and 10 district attorneys and U.S. attorneys on their 11 cases, and just something that has to do with the 12 legal system. 13 And then the other smaller percentage 14 is the engagement in professional activities in 15 the profession. 16 Q Do you have any areas that you 17 specialize in? 18 A Yes. I specialize in interpersonal 19 violence and traumatic stress. 20 Q What is interpersonal violence? 21 A Interpersonal violence is the umbrella 22 term for when one person does something violent or</p>

<p style="text-align: right;">3871</p> <p>1 abusive toward another, and that includes domestic 2 violence, childhood sexual abuse, rape, sexual 3 assault, sexual harassment, physical assault. All 4 those types of behavior, we understand as 5 interpersonal violence. 6 Traumatic stress is the consequence of 7 that, what happens to individuals when they 8 experience these sort of life-altering events. 9 These really adverse live events. Traumatic 10 stress is one of the outgrowths and psychological 11 consequences that people have when they've been 12 exposed to these type of traumas. 13 Q So intimate partner violence, rape, and 14 sexual assault are major areas in your focus of 15 practice -- 16 A That's correct. 17 Q -- is that fair to say? 18 MR. DENNISON: Objection. Leading. 19 THE COURT: I'll sustain the objection. 20 MS. BREDEHOFT: I'll just move on. 21 Q What types of patients do you treat in 22 your private office?</p>	<p style="text-align: right;">3873</p> <p>1 degree of postdoctoral certification that a 2 psychologist can obtain. And I am board certified 3 in forensic psychology, and that means that I have 4 just amassed a competency in the area of forensic 5 psychology. 6 Q And are you licensed to practice 7 psychology? 8 A Yes, I am. 9 Q And in how many states are you 10 licensed? 11 A I'm licensed in three states; in New 12 York, North Carolina, and Connecticut. And then I 13 have some temporary licenses in other states as 14 well. 15 Q Have you published in the area of your 16 specialization? 17 A I have. I am not predominantly a 18 researcher or somebody who writes, I'm a 19 clinician. I'm doing direct clinical service. 20 But over the course of my graduate school and 21 postdoctoral time, I have published some things, 22 yes.</p>
<p style="text-align: right;">3872</p> <p>1 A So I treat adults, mostly, men and 2 women, in my practice. I sometimes will treat 3 late adolescents, 17 or 18. They'll come to me, 4 usually, after a rape or sexual assault, and I'll 5 treat them in short-term treatment, but mostly 6 adults who are, you know, have sustained some kind 7 of traumatic event in their lives. 8 Q Approximately how many victims of 9 interpersonal violence have you examined or 10 personally interviewed over the course of your 11 career? 12 A Hundreds upon hundreds. 13 Q Okay. And how many years have you been 14 practicing? 15 A Well, I started practicing in graduate 16 school, in 1992, and I was licensed in 1996, so 17 25, 30 years. 18 Q Okay. Are you board certified? 19 A Yes, I am. 20 Q Please describe to the jury what board 21 certification means and what you are certified in. 22 A Board certification is the highest</p>	<p style="text-align: right;">3874</p> <p>1 Q And have you published a book chapter 2 relating to rape and sexual assault? 3 MR. DENNISON: Objection. Leading. 4 THE COURT: Overruled. 5 A Yes, I have. Rape and sexual assault 6 in adult women. 7 Q And have you published any book 8 chapters relating to structured or clinical 9 assessment of risk of violence? 10 A Yes. I co-authored a book chapter 11 entitled -- I guess it is "Structured Clinical 12 Assessment of Risk of Violence." 13 Q Okay. Have you given any other 14 trainings or presentations to mental health 15 professionals in the area of trauma and abuse? 16 A Yes. I've given many trainings at 17 national conferences, at legal conferences, for 18 attorneys, for mental health professionals, on 19 understanding trauma and how trauma may show up in 20 the courtroom and understanding what a victim of 21 intimate partner -- violence might look like. 22 Understanding the difficulties that a rape victim</p>

<p style="text-align: right;">3875</p> <p>1 might have to come into court to testify, and 2 training just regular sort of mental health 3 professionals on how to understand trauma, how to 4 look for trauma, what does it look like when it 5 comes into your office, how do you treat it, how 6 do you assess it? All of those factors, I've done 7 a number of trainings on. 8 Q Have you been invited, on any 9 occasions, to train attorneys and judges on trauma 10 and violence? 11 A Yes, I have. I was invited by the 12 judicial conference to be part of the training 13 curriculum to train New York State Supreme Court 14 justices on issues of intimate partner violence 15 and traumatic stress on some of the things that 16 I've just been talking to you here, on how to 17 understand what happens in those situations; how 18 to understand the myths and misconceptions that 19 may be -- that may abound in these situations and 20 how you can sort of more accurately understand 21 what a victim is talking to you about and telling 22 you when they come into your courtroom.</p>	<p style="text-align: right;">3877</p> <p>1 that training was about. 2 Q What professional organizations do you 3 belong to? 4 A I belong to a number. I belong to the 5 American Psychological Association, which is the 6 largest body of psychologists in the United 7 States, over here, headquartered in D.C. Because 8 it's so big, there are subdivisions of the 9 American Psychological Association, so I belong to 10 a division of trauma psychology; I belong to a 11 division of psychology in the law, the division of 12 psychologists in private practice. 13 I belong to other organizations, the 14 International Society for Traumatic Stress 15 Studies, which, as the name says, it's an 16 international society where we are 17 interdisciplinary, mostly psychology and 18 psychiatry, researchers and clinicians, to really 19 understand and further our awareness about trauma 20 and traumatic stress. 21 I belong to the International Society 22 for Trauma and Dissociation. I belong to the</p>
<p style="text-align: right;">3876</p> <p>1 Q Have you given any presentations to 2 judicial symposiums on domestic violence? 3 A Yes, I've also been contacted by -- 4 sometimes judges will have symposiums in their 5 courtroom. They will make a decision to hold a 6 particular symposium on particular topics, and I 7 was, you know, asked to come do presentations for 8 judges on numerous occasions. 9 Q And what, if any, presentations did you 10 do in understanding women's use of force in IPV? 11 A That was a recent presentation. I 12 think I was invited by one of the judges on the 13 office of domestic violence in New York, and the 14 title was when women use force in situations of 15 intimate partner violence. And my topic was to 16 talk about the complexities of that issue and what 17 does that look like, and how can we differentiate 18 if both people are fighting, how do we know that 19 this is intimate partner violence, sort of what 20 does the research tell us about that? How do we 21 understand that and how can we really accurately 22 assess that? That was sort of the bulk of what</p>	<p style="text-align: right;">3878</p> <p>1 anxiety disorders of association of America. I'm 2 a fellow in the American Board of Forensic 3 Psychology. 4 I don't know if I'm forgetting any. 5 Q Are any of these specific to 6 interpersonal violence or trauma? 7 A Well, clearly, the trauma division of 8 the American Psychological Association, the 9 International Society for Traumatic Stress 10 Studies, and the International Society for Trauma 11 and Dissociation. And then, also, the anxiety 12 disorders of association continues to talk about 13 trauma because, prior to this new DSM-5, it was -- 14 PTSD was originally categorized under the anxiety 15 disorders. So there are colleagues and 16 researchers in the anxiety disorders organizations 17 who talk about PTSD and trauma. 18 Q Do you hold any leadership roles in 19 these organizations? 20 A Yes. I am currently the president 21 elect of the trauma division of the American 22 Psychological Association. That is an elected</p>

<p style="text-align: right;">3879</p> <p>1 position. You have to be elected by our 2 membership. And now I serve with the presidential 3 trio, so there's three of us who serve, with the 4 immediate past president, the current president 5 and the present elect, so it's a three-year term. 6 And what we try to do is continue to disseminate 7 best practices in trauma psychology, and, also, 8 interface with the larger American Psychological 9 Association organization to continue to 10 disseminate best practices and have just a voice 11 for trauma psychology with our larger body and 12 policymaking. 13 I've been involved in the trauma 14 psychology executive board since its inception. I 15 was a founding member of that division. I served 16 as a membership chair, a program chair, awards 17 chair. I was the APA counsel of representatives, 18 which means I was also elected to serve a 19 three-year term and sit on the governor's board of 20 APA representing the division of trauma 21 psychology. So I've been very actively involved 22 in the trauma division.</p>	<p style="text-align: right;">3881</p> <p>1 in the New York City area. I was a membership 2 chair there for a number of years, and then I was 3 the president of that organization, I think, 2009 4 to 2017. I don't have my CV, but I think that's 5 about right. 6 Q Why is participation in professional 7 organizations important in your field? 8 A Well, it's important to me because I do 9 believe very much in service. I do believe very 10 much in giving back. I do believe that it's 11 important, as a psychologist, to believe strongly 12 in trauma psychology and helping people, that I 13 can be part of a voice at the table, part of that 14 push to get policy and understanding, especially 15 with the insurance companies, to make sure that 16 people are getting, you know, the appropriate care 17 that they deserve. So it's something that just 18 has always been part of my life in varying 19 degrees, and as a psychologist, I feel like it's, 20 you know, a very rewarding part of my job. 21 Q Do you attend professional conferences? 22 A Yes, I do. Typically, multiple times a</p>
<p style="text-align: right;">3880</p> <p>1 Q And what is the division of trauma 2 psychology? 3 A So the division of trauma psychology 4 are psychologists who come together who want to 5 disseminate best practices in trauma psychology. 6 Want to make sure that we have our finger on the 7 pulse of research and evidence-based interventions 8 for people who are struggling with trauma events 9 that have happened to them. 10 Q Okay. Have you served in leadership 11 positions of other professional organizations? 12 A Yes. I was -- there's a 13 New-York-City-based organization called the 14 Women's Mental Health Consortium, and that's also 15 an interdisciplinary organization, psychology, 16 psychiatrist, nursing, social work, and this was 17 formed in order to give women a referral base and 18 more information about mostly what's reproductive 19 psychiatry. We know that certain difficulties and 20 psychological difficulties that you have can erupt 21 when you're pregnant or postpartum. So we wanted 22 to have a number of resources available to women</p>	<p style="text-align: right;">3882</p> <p>1 year. Of course COVID threw a little bit of a 2 wrench in that, since some things are virtual, 3 but, yes, I do routinely attend conferences. 4 Q And why do you think that's important? 5 A It's important to stay abreast of 6 developments in the field. It's important to meet 7 with your colleagues across the country and see 8 what they're doing and what they're hearing and 9 what's working and what's not working. So when 10 you're at a conference and somebody's presenting 11 new or novel research, then you can take that 12 information and bring that back to your clients 13 and bring that back to my forensic work. So, it 14 absolutely enhances the work that I do. 15 Q Have you ever been qualified to testify 16 in the field of psychology as an expert witness? 17 A Yes, I have. 18 Q How many times? 19 A I was first qualified in 1998. So 20 since then, about 50 times. 21 Q And how often, in that 50 times, has 22 the specialty been in interpersonal violence and</p>



<p>1 traumatic stress? 2 <b>A Probably more than half.</b> 3 Q Okay. Have you ever worked for or 4 testified for the prosecution in criminal matters? 5 Like the District Attorney's Office, U.S. 6 Attorney's Office. 7 <b>A Yes, I have. Frequently.</b> 8 Q Okay. Do you testify for both sides in 9 lawsuits, plaintiff's and defendant's? 10 <b>A Yes, I do.</b> 11 Q Have you ever worked on other cases 12 that didn't go to trial? 13 <b>A Many.</b> 14 Q Okay. Have you ever found an 15 individual that you evaluated did not suffer from 16 the effects of interpersonal violence or PTSD? 17 <b>A Frequently.</b> 18 Q Okay. Have you ever not been qualified 19 in court where you have been proffered to qualify 20 as an expert in the court? 21 <b>A No.</b> 22 MS. BREDEHOFT: Your Honor, I would, at</p>	<p>3883 3885 1 pattern of manipulation, fear, and coercive 2 control that happens within an intimate 3 relationship. It constitutes using a variety of 4 abusive behaviors, and that could be physical 5 violence, sexual violence, psychological 6 aggression, emotional abuse, stalking or 7 surveillance behaviors, and economic abuse. 8 <b>The abusive behaviors occur over time,</b> 9 <b>not all at once. And they're also interspersed</b> 10 <b>with very normal times, times without violence,</b> 11 <b>times with love and happiness. And it's this</b> 12 <b>inter-positioning of the violence with the love</b> 13 <b>and the care that makes it very difficult for a</b> 14 <b>victim to extricate herself from that situation</b> 15 <b>and from that relationship.</b> 16 Q And what would you say is the 17 overarching dynamic of these relationships? 18 <b>A So the overarching dynamic is the</b> 19 <b>abusive power and control of one person wanting to</b> 20 <b>have dominance in that relationship, say, over</b> 21 <b>most things that the couple or that the victim</b> 22 <b>does or does not do.</b></p>
<p>3884 1 this time, move to qualify Dr. Hughes as an expert 2 in forensic psychology with the specialization in 3 interpersonal violence and traumatic stress. 4 THE COURT: All right. Any objection? 5 MR. DENNISON: No objection to 6 qualifying her as an expert in forensic 7 psychology. 8 THE COURT: All right. 9 MS. BREDEHOFT: More specifically, 10 forensic psychology with a specialization in 11 interpersonal violence and traumatic stress. 12 THE COURT: Any objection? 13 MR. DENNISON: No. 14 THE COURT: All right. So moved. 15 MS. BREDEHOFT: Thank you, Your Honor. 16 Q Dr. Hughes, please tell the jury what 17 domestic violence intimate partner violence means. 18 <b>A Sure. So I'm probably going to be</b> 19 <b>interchanging the language, domestic violence and</b> 20 <b>intimate partner violence, and for purposes here,</b> 21 <b>these are the same thing.</b> 22 <b>So, intimate partner violence is a</b></p>	<p>3886 1 Q Please tell the jury what coercive 2 control means. 3 <b>A So coercive control is a tactic of</b> 4 <b>victimization. The goal of it is to establish</b> 5 <b>dominance. What coercive control does is that it</b> 6 <b>imposes negative consequences for noncompliance</b> 7 <b>with your partner's expectations or demands. What</b> 8 <b>that does is it erodes away at the victim's</b> 9 <b>autonomy and her independence.</b> 10 Q What is physical violence? 11 <b>A So, physical violence is when one</b> 12 <b>person uses their body against the body of another</b> 13 <b>with the intent to cause injury or harm. That can</b> 14 <b>be push, shove, slap, kick, punch, beat up,</b> 15 <b>meaning multiple types of physicality in one</b> 16 <b>instance, throw, slam into a wall, push into</b> 17 <b>something hard that you could hurt yourself.</b> 18 <b>Clearly, use of a weapon would be a physically</b> 19 <b>violent act as well.</b> 20 Q Does size and strength matter between 21 the parties? 22 <b>A Yes, very much so. This is very</b></p>

<p style="text-align: right;">3887</p> <p>1 well-documented in the literature about violence 2 and abuse in relationships. And that's just 3 physics. That's just proportional force, that if 4 a 185-pound man is going to push a 120-pound 5 woman, that's going to feel quite different than a 6 120-pound woman pushing an 185-pound man. And 7 it's just about proportional force and the size 8 and strength differential. And that is why, 9 specifically, if you look at wrestling or boxing, 10 they match weight classes, and they do that for a 11 reason, because they know that it's not fair if 12 somebody is bigger and stronger than the other. 13 So it's certainly not the only factor, but it is a 14 factor that one has to consider if a relationship 15 is violent.</p> <p>16 Q What is psychological aggression? 17 A So, psychological aggression is threats 18 and the imposition of threats with the intent to 19 control someone's behavior. So it's doing a 20 threat so that you will modify your behavior and 21 do what your partner wants. 22 Some psychological aggression</p>	<p style="text-align: right;">3889</p> <p>1 person feel less than they actually should. 2 Q And what is sexual abuse? 3 A So, sexual abuse in an intimate 4 relationship functions to establish dominance and 5 establish power. 6 What it is, simply, in the 7 psychological and psychiatric community, is 8 forcing someone to do something sexual against 9 your will when you did not want to. It can be 10 forced sex, forced vaginal, oral, anal sex. It 11 can be forced to engage in any other type of 12 sexual act that you may not want to do. When I 13 say "force," it doesn't mean it has to have 14 physical force. There's a lot of psychologically 15 coercive tactics that are used that many times, 16 when violence has already been established in the 17 relationship, the victim also feels that she can't 18 say no for fear of reprisal, for fear of 19 retaliation for saying no to those acts. 20 So, sexual abuse, you know, does happen 21 in intimate partner relationships. A lot of 22 people don't want to talk about it and they don't</p>
<p style="text-align: right;">3888</p> <p>1 techniques are intimidation. Slamming your hand 2 on a table, punching a wall, throwing something, 3 and mumbling under your mouth, cursing, screaming. 4 Sort of these high, emotional balance types of 5 activities that can cause a victim to feel afraid 6 and feel intimidated. 7 And then if there has been an act of 8 physical violence, where that contingency has 9 already been established that this person, your 10 partner has said, okay, I not only have the 11 ability to use violence against you, I also have 12 the willingness to do it. The intimidating 13 tactics take on a greater flavor, they take on 14 greater salience, they mean more because you know 15 what could be coming down the pike. 16 Q What is emotional abuse? 17 A So, emotional abuse functions to 18 denigrate a person's sense of self-worth and their 19 self-perception. It's about name-calling, being 20 very mean-spirited, putting yourself down, using 21 gender-based language that's offensive, racial 22 slurs. All types of behaviors to really make a</p>	<p style="text-align: right;">3890</p> <p>1 want to ask about it because it makes people very 2 uncomfortable. 3 Q Is digital penetration of the vagina 4 sexual abuse? 5 MR. DENNISON: Objection. Leading. 6 Q What, if any, role does digital 7 penetration of the vagina play in sexual abuse? 8 A If it is nonconsensual, then it is 9 abusive. 10 Q What, if any, penetration of inanimate 11 objects into the vagina play a role in the sexual 12 abuse? 13 A Again, the operative word is 14 consensual. If you are not consenting to those 15 acts, then it is sexually abusive. 16 Q Is there a distinction between sexual 17 violence and sexual abuse? 18 A Not really. Sexual violence is a term 19 of art. It is the overarching umbrella that we, 20 in the psychological and psychiatric communities, 21 talk about. So if we are looking at our 22 diagnostic and statistical manual, and say what</p>

<p style="text-align: right;">3891</p> <p>1 are the traumas that could cause PTSD, it's listed 2 as sexual violence. So it's an umbrella term that 3 allows us to understand. It could be childhood 4 sexual abuse; it could be a rape, a sexual 5 assault; it could be sexual abuse in an intimate 6 relationship. So it's really just an overarching 7 term that we use in the field. 8 Q What are -- I'm sorry. 9 A It doesn't mean -- I think people often 10 mistake it to mean that when you are being 11 sexually abused, that someone's punching you or 12 someone's hitting you, or someone's doing 13 something like that, because you hear the 14 violence. It does not mean that. That can 15 happen, but that term doesn't require that, nor 16 does it mean that. 17 Q What are stalking or surveillance 18 behaviors? 19 A So, stalking or surveillance behaviors 20 are a common tactic of, typically, men who use 21 violent behaviors in an intimate relationship. 22 What they do is they allow the woman to know that</p>	<p style="text-align: right;">3893</p> <p>1 A So, economic abuse is a way to, again, 2 continue to maintain control over your intimate 3 partner. Sometimes it's withholding information 4 about the finances, of not letting you have access 5 to the finances. If you can't have access to a 6 credit card or a checking account or, you know, 7 Apple Pay on your phone, then you're rendered, 8 usually, much more economically dependent on your 9 partner, and that limits tangible options for you. 10 For individuals where that sort of 11 tangible options isn't there, we see the economic 12 abuse or the economic restriction when one partner 13 refuses to share any information about the funds. 14 So it's not like I can't go shopping because I 15 won't have money, but I don't have any 16 decision-making in our family money. I don't have 17 any idea of what we're doing in our family 18 vis-à-vis our finances. So it's a way of 19 definitely keeping that very separate, and not in 20 a consensual way. Some couples make that choice. 21 One person does all the money. That's fine. But 22 when it doesn't come from a place of consensual</p>
<p style="text-align: right;">3892</p> <p>1 wherever she is, wherever she goes, he's going to 2 know. I'm going to maybe look at your phone, see 3 who you're talking to, track you on my iPhone, 4 look at your Instagram, look at your emails. You 5 know, really having a way of knowing all of the 6 personal information about you. And what that 7 does, it, again, erodes the victim's autonomy and 8 it erodes her sense of privacy. She doesn't feel 9 that wherever she can go, that somewhere, he's not 10 going to be part of her life in a very 11 objectionable way. Sometimes there's the pop-ins. 12 They will show up at places that they're not 13 supposed to be and that we don't want them to be, 14 just as a way of checking. Sometimes they'll have 15 friends or family check up on their partners to 16 make sure where they are. What time did you get 17 home? But you didn't turn off your phone at this 18 time, but you came in the door this time. Like, 19 all of the sort of constant questioning and 20 interrogation about an individual's whereabouts. 21 Q What about economic abuse? What is 22 that?</p>	<p style="text-align: right;">3894</p> <p>1 choice-making, it can be abusive. 2 Q So you just described a number of these 3 abusive behaviors. Are all of them present in 4 every domestic violence relationship? 5 A No. They're not all present in every 6 one. And that's why it's very important to do a 7 thorough assessment of a relationship that may be 8 mired in violence to see which ones are present 9 and which ones have a great impact in the 10 relationship. Which ones are sort of making the 11 structure of this relationship. 12 Q After a sexual assault in an intimate 13 relationship, how might a victim, in those 14 circumstances, interact with her partner? 15 A So this is one of the myths, that 16 people say, well, if she was sexually assaulted by 17 her partner, she would have just left. And 18 nothing could be further from the truth. That's 19 not what happens, especially when it's your 20 husband or your boyfriend or your partner. 21 So what women do is they bury it. They 22 compartmentalize it. They put it away. They</p>

<p style="text-align: right;">3895</p> <p>1 avoid it. Because then they can continue to reach 2 out for the kind and the loving man that they got 3 into this relationship with. You know, the 4 problem is that it does fester belief and causes 5 more sort of psychological distress in the victim. 6 Q What, if any, role can shame or 7 humiliation play in this coercive dynamic? 8 A So, that's one of the emotions that the 9 victim is usually trying to suppress and 10 compartmentalize and avoid and put away. One of 11 the most, you know, frequently felt feelings after 12 something so incredibly humiliating and violating 13 is shame. And shame is a very sort of difficult 14 emotion for people to have to live with and to 15 have to experience. And then a lot of times, what 16 they see in these relationships, especially ones 17 where sexual assault is perpetrated, that's 18 typically the emotional abuse as well. So if 19 you're being called names, like a whore and a slut 20 and easy and fat, and you're feeling ashamed from 21 the sexual assault that just happened, it sort of 22 acts as a compounding effect, and it kind of</p>	<p style="text-align: right;">3897</p> <p>1 obscene messages play in being considered as 2 intimidating behavior? 3 MR. DENNISON: Objection. Leading. 4 MS. BREDEHOFT: I said what, if any, 5 Your Honor. 6 THE COURT: Overruled. 7 A I mean, certainly, writing obscene 8 messages to your partner could absolutely be an 9 intimidating behavior. 10 Q What, if any, role does emotional abuse 11 or degradation play in the dynamic? 12 A So, emotional abuse and degradation, as 13 I stated before, functions to decrease your sense 14 of self-worth. It decreases your sense of agency. 15 It makes you feel bad about yourself. And when 16 you feel bad about yourself, you're less likely to 17 actualize and see options for leaving. You're so 18 sort of mired in this dynamic of abuse that you 19 come, sometimes, to believe the bad things that 20 the person is telling you about. So, you know, 21 maybe I am not talented and fat and lazy and 22 stupid. And it interferes with that ability to</p>
<p style="text-align: right;">3896</p> <p>1 slowly deteriorates the psychological functioning 2 of the victim and where they're just really trying 3 to get back to the good guy, get the good guy to 4 come back, that they're suffering these symptoms 5 underneath. 6 Q What about intimidation? What role 7 does intimidation play in the coercive control 8 dynamic? 9 A Intimidation is one of the -- the huge 10 factors that we see in coercive control. Again, 11 the goal is to get your partner to do what you 12 want them to do. And if you've established that 13 you can use violence and other sexual violence and 14 physical violence, slamming your hand on the 15 table, throwing a glass, breaking a door, you 16 know, throwing anything, causing a fit, yelling 17 and screaming. You know, that can rise the fear 18 level in a victim that she may modify her behavior 19 quicker, and he may not need to use physical 20 violence because he's already established that 21 that fear is there. 22 Q What, if any, role could writing</p>	<p style="text-align: right;">3898</p> <p>1 problem solve and figure out, you know, can I get 2 out of this relationship. And sometimes you feel 3 you don't even deserve to get out of the 4 relationship when the abuse is so chronic and so 5 repetitive. 6 Q What role does surveillance, as a means 7 of control, play in that dynamic? 8 A So, surveillance -- 9 MR. DENNISON: Objection. Leading. 10 MS. BREDEHOFT: I don't think that's 11 leading, Your Honor. 12 THE COURT: Overruled. Go ahead. 13 A So, surveillance functions to let the 14 victim know, wherever you are, there I am. So it 15 makes her feel not secure in her movement, feeling 16 that she has to restrict her movement. Her 17 movement is not hers alone. It usually increases 18 hypervigilance; it increases fear; it increases 19 the need to -- for yourself, to mark where you've 20 been what you've done so that you can go back and 21 prove it to your partner because you know that 22 there is going to be an interrogation later. When</p>

<p style="text-align: right;">3899</p> <p>1 this pattern has been established, show receipts, 2 show me your iPhone, where were you, what's your 3 Google location. Those are types of surveillance 4 behaviors that puts the victim very much on edge 5 and increases that level of anxiety and 6 trepidation. 7 Q What role does possessive jealousy play 8 in these relationships? 9 A So, possessive jealousy is a very 10 difficult dynamic in intimate partner violence. 11 It's very common in situations of coercive 12 control. It's rooted in possession, that the 13 gentleman feels that he can possess her and that 14 he can have her whenever he wants. It's a very 15 possessive dynamic. But the accusations, the 16 problem is, when you make the accusations, the 17 woman's forced to refute the accusations. So, 18 they are continuing in this dynamic where she's 19 trying to prove that I didn't do what you said, 20 this didn't happen. And then, unfortunately, 21 sometimes it escalates because the man is not 22 taking the no for an answer because this is a</p>	<p style="text-align: right;">3901</p> <p>1 THE COURT: I'll sustain the objection. 2 MS. BREDEHOFT: Okay. I'll figure this 3 out some way. 4 Q What role does love and normalcy play 5 in these dynamics you've been describing? 6 MR. DENNISON: Objection. Compound. 7 THE COURT: Overruled. 8 MS. BREDEHOFT: Thank you. 9 A So, love and normalcy are almost always 10 in these relationships that, you know, when you 11 are in a lull and the violence is not happening, 12 you're back to sort of the loving man that you 13 wanted, the person who you wanted to be with. And 14 when you pair sort of this violent dynamic, 15 physical violence, sexual violence, with love and 16 attachment, it creates a trauma bond. It creates 17 a psychological bond, and emotional dependency is 18 created, so it makes it very difficult for the 19 victim of the abuse to extricate herself from that 20 relationship and for her to even believe, 21 frankly -- I mean, that takes a lot of time, to 22 even believe that she can and that she should.</p>
<p style="text-align: right;">3900</p> <p>1 (indiscernible), perceptive pattern that's very 2 difficult to penetrate, that often these type of 3 conversations lend themselves to physical and 4 sexual violence. 5 Q Does that dynamic happen overnight? 6 A No, it doesn't happen overnight. It 7 happens over time. And we don't -- one doesn't 8 get into a relationship with a man who's beating 9 her up and sexually assaulting her and calling her 10 names and doing all that. You know, she gets into 11 the relationship for all the right reasons. Just 12 like we all get into relationship, for love, for 13 companionship, for kindness, for a future. But 14 then slowly, you know, all these behaviors start 15 to take form. Like I say, it's sort of like 16 sucking the oxygen out of the room, and then 17 before you know it, you're suffocating. 18 Q And that brings me to my next question. 19 What role does physical abuse and coercive tactics 20 play interspersed with normalcy and positive 21 moments? 22 MR. DENNISON: Objection. Compound.</p>	<p style="text-align: right;">3902</p> <p>1 Q And what, if any, role does that 2 dynamic you've described have in the victim 3 thinking they can fix the problem? 4 A So, what do we know from the research? 5 The research with working with battered men who 6 come into treatment is that the only person who 7 can change the abuse is the abuser. So, no matter 8 what the tactics that the woman uses, she's trying 9 to do all these different things to fix him, to 10 have him not be violent, to have him not be 11 sexually violent, to have him not be excessively 12 jealous. And all those things don't change his 13 behavior because it's up to him to change his 14 behavior. And this was played out a million times 15 in the batterer's intervention groups that I led. 16 The man would tell us, it doesn't matter what she 17 does. I don't care. So the problem is, is that 18 the woman continues to think that she can fix it 19 and, yet, she can't. But she's the one who's, 20 then, rendered sort of helpless and hopeless 21 because everything that she's trying to do is 22 failing.</p>

<p>1 Q What is the cycle of violence? 2 A So, the cycle of violence is one way to 3 describe this domestic violence pattern. 4 Typically, what we see, the cycle can be different 5 in a variety of relationships, but, typically, 6 what we see is in the first phase, the sort of 7 multiple, three to four phases. 8 In the first phase, there's a tension 9 building phase. You're sort of starting to feel 10 that apprehension. He may be throwing his papers 11 on the table a little more. He may be slamming 12 the fridge door a little more. He may be mumbling 13 under his mouth a little more. He may grab a 14 glass a little more forcefully than he normally 15 is. 16 And then there is the incident phase. 17 Then there's the blowup, where the violence, the 18 abuse, the screaming, the sexual violence or the 19 physical violence, all that occurs. 20 Then we come to the attrition phase. 21 I'm sorry. I didn't mean it. It wasn't me. I'm 22 not going to do it again. The promises for</p>	<p>3903</p> <p>1 going to do anything to hurt you again. I would 2 never let anyone hurt you. It could be sending 3 flowers and buying gifts or going on trips or your 4 favorite restaurants. And that is, you know, an 5 array of where the man is trying to make those 6 amends and then it gets the woman hooked. So they 7 get hooked on the kindness. They get hooked on 8 the love. They don't get hooked on the abuse. 9 I've never met one woman, in the hundreds and 10 hundreds and hundred that I've evaluated, who was 11 not concerned about the violence. They're all 12 concerned about the violence, but they go for the 13 love. 14 Q So, in your experience with these 15 dynamics that you've described, does the victim 16 ever yell at her partner? 17 A Absolutely. 18 Q Why? 19 A We know, from the research, that women 20 use verbal and physical acts of aggression in 21 these relationships. That's not uncommon. This 22 has been researched for five decades. And a woman</p>
<p>3904</p> <p>1 change. And then we sort of slide into the calm 2 phase where, you know, this isn't going to happen 3 again. I'm back to stable ground. I'm going to 4 live in this place, this sort of honeymoon place. 5 The problem in the calm phase is we often see 6 rationalizations and the justifications for the 7 behavior. It's not like, typically, the man is 8 taking full responsibility for what he did. But 9 it's calm because there's no, you know, violence 10 and no sort of tension at that moment. And then 11 it reoccurs, and then it reoccurs. 12 So you're stuck in this vicious cycle 13 of trying to figure out how can I be with this man 14 who hurts me and, yet, I love him so much. 15 Q And what, if anything, does the term 16 "love bomb" mean? 17 A So the love bombing is, it's more of 18 the colloquial term for the younger folks here, 19 where you shower someone with affection and love, 20 you know, in this attrition and calm phase. 21 Where, you know, everything about you is special. 22 You're the best thing in the world. I'm never</p>	<p>3905</p> <p>1 may yell at her partner because she's angry, and 2 anger is a very normal emotion to having been 3 abused. She can also be afraid, but they don't 4 have to be mutually exclusive. We can absolutely, 5 as human beings, feel two or three or four 6 different emotions at once. People do often say 7 to me, oh, she would never yell at him if she knew 8 he was going to hit her. And that's not true. 9 That's just patently not true. That's not 10 supported in the research, and that's not 11 supported in my clinical practice. You know, the 12 problem is, there's a classic double bind. The 13 violence has been so normalized in the 14 relationship now. She gets hit if she does yell; 15 she gets hit if she doesn't yell. So for women 16 that feel, at certain moments, that they need some 17 preserve, some sense of autonomy and their 18 independence and stand up for themselves, they 19 will yell and they will fight back, even though 20 the risk of violence is there. 21 So it doesn't mean that she's not 22 afraid and that she's not concerned about the</p>

<p style="text-align: right;">3907</p> <p>1 violence, and it doesn't mean she doesn't also use 2 placating and compliance strategies most of the 3 time as well. 4 Q Does -- in the cases that you have, and 5 in your experience, does the abuse typically take 6 place in front of others? 7 A No. I mean, this is classically what 8 we talk about "behind closed doors." Most of the 9 intimate partner violence or domestic violence 10 happens, you know, in the privacy of your own 11 home. So sometimes we see the remnants of it, the 12 aftereffects, or victims talk to their friends or 13 family about it. But very rarely are you seeing 14 it happen, the actual blowup phase happen in the 15 middle of witnesses and other people. 16 Q What's the term "bystander effect" 17 mean? 18 A So, bystander effect means what happens 19 when people are aware that domestic violence is 20 happening? What happens when they're aware, even 21 if they're not seeing it, that it could be 22 happening? What happens is we know that it's very</p>	<p style="text-align: right;">3909</p> <p>1 happened. I certainly am not going to jeopardize 2 my job if I don't really know what happened behind 3 closed doors, even if I see a trashed room or a 4 bruise. And then people still believe it's a 5 family matter. You know, it's between Amber and 6 Johnny, let them figure it out. You know, I'm not 7 going to get in the middle. 8 MR. DENNISON: Objection. 9 THE COURT: What's the objection? 10 MR. DENNISON: Motion to strike. 11 THE COURT: What's the objection? 12 MR. DENNISON: We identified two names 13 in the answer. 14 THE COURT: Overruled. 15 Next -- 16 MS. BREDEHOFT: Thank you. 17 THE COURT: -- question. 18 Q Did you finish your answer? 19 A Yes. I believe so. 20 Q Okay. What about mutual abuse? What 21 is that? What role does that play? 22 A So, mutual abuse isn't really a term of</p>
<p style="text-align: right;">3908</p> <p>1 difficult for people to stand up and say 2 something. It's very difficult, especially in 3 situations where there's a larger community of 4 folks and the person who, perhaps, is perpetrating 5 the abuse is the leader of that community. It 6 becomes very difficult to go up against that, to 7 go up against the sort of head honcho of the 8 community. People are very fearful of losing 9 their jobs. I've seen this, time and time again, 10 in the cases that I've worked on. You know, the 11 Boy Scout cases or the clergy leader abuse cases. 12 You know, all of those type of cases where -- the 13 USA Gymnastics, where when we go back and we look, 14 we see people knew, but the secretary doesn't want 15 to lose her job; she has kids to feed. The guy 16 who, you know, checks your room, he doesn't want 17 to lose his job because he has a mortgage to pay. 18 So people are quiet and they don't say anything. 19 And then other people are very -- it's a very 20 worrisome dynamic. They don't want to put their 21 foot out there if they're wrong. And maybe I 22 didn't see it right or I don't really know what</p>	<p style="text-align: right;">3910</p> <p>1 art that we use. What we look at is situational 2 couple violence and intimate partner violence. 3 And when we look at situational couple violence, 4 that really does characterize the majority of 5 types of violence and abuse that happens in 6 relationships. That's when a couple gets out of 7 hand, they may push, shove, slap, yell, say some 8 things that they don't want. It's not that those 9 behaviors are okay, but those are sort of what our 10 larger-scale, community-based studies says happens 11 in these relationships. That's distinguished from 12 intimate partner violence, What I've talked to you 13 about, that has this constellation of symptoms and 14 is rooted in the abuse of power and control. 15 Q Is there research that addresses this 16 mutual abuse? 17 A Yeah, there's research that addresses 18 what does gender symmetry look like? Male and 19 female, are they the same? And there is 20 certainly, as I said, research on the lower end 21 types of violent behaviors, push, shove, slap. 22 You know, we may see similar rates between men and</p>

<p style="text-align: right;">3911</p> <p>1 women. In psychological aggression, yelling, 2 name-calling, putting down, in some of our big, 3 community-scale studies, we may see similar rates 4 of perpetration on those behaviors. 5 But then there are, you know, other 6 situations where we don't have gender symmetry. 7 And what the research talks about, very clearly, 8 is you have to examine context. You have to 9 examine the differential of power and control and 10 coercive control in the relationship to make a 11 full determination. 12 Q Do women use violence in relationships? 13 A Absolutely. We've known this for 14 five decades in our research. We've been studying 15 this since the '70s. And when we look at what 16 happens, you know, women do report their use of 17 violence. The majority of violence that we do see 18 is what we call reactor violence or self-defense 19 violence, or sometimes violence that's perpetrated 20 independently of an assault, of something that's 21 going on. 22 But mostly that when a partner begins</p>	<p style="text-align: right;">3913</p> <p>1 very first case was a same-sex domestic violence 2 homicide in Brooklyn. So that was in 1998. So 3 I've been examining and treating individuals in a 4 variety of types of violence contexts. So, we 5 have to be careful that that bias doesn't get in 6 our way when we're evaluating a particular 7 situation in a particular case. 8 That said, we do know that there still 9 are differences. You know, in a heterosexual 10 couple, in a male/female dyad, the research still 11 is clear that there are differences. Men still 12 perpetrate more severe acts of violence. Women 13 are still more likely to be injured. They're much 14 more likely to suffer sexual violence at the hands 15 of their partner. They're more likely to be 16 intimidated, afraid, and they're much more likely 17 to be killed. So we know that those differences 18 exist, but we do examine, you know, in those 19 individual circumstances, knowing that either one 20 could be a perpetrator or a victim. 21 Q So, how are you able to determine 22 whether a relationship is a situational violence</p>
<p style="text-align: right;">3912</p> <p>1 to become violent, then she may become violent and 2 fight back. That's not an uncommon dynamic. That 3 if somebody is being pushed or shoved or hit, that 4 a person will fight back. That's been established 5 in the research. 6 Q And what, if any, effect does that have 7 on changing the power dynamics or the structure? 8 A Well, you have to find out. Does it? 9 Does her use of violence change the overarching 10 power structure of coercive control and violence 11 and abuse in this relationship? You have to 12 examine those variable to see, does it or does it 13 not? 14 Q Can men be victims of intimate partner 15 violence? 16 A Absolutely. Certainly we know that we 17 have to be careful of gendered stereotypes. We 18 can't go in and think, oh, only the woman is the 19 victim, and only the man is the perpetrator. That 20 just does not comport with the research. We know 21 that the research also shows that we can have 22 domestic violence in same-sex relationships. My</p>	<p style="text-align: right;">3914</p> <p>1 or intimate partner violence? 2 A So, I thoroughly examine all of those 3 other variables. I look for the coercive control. 4 Who holds the power in the situation? Who's able 5 to say no? Who makes the decisions? What are the 6 consequences if you don't follow the decisions of 7 your partner? Is there sexual violence? Is there 8 intimidation and fear? All the statistical 9 factors that are associated with severe and 10 (indiscernible) of domestic violence. 11 So there's a lot of data that we have 12 in the field that we can use to assess a 13 particular relationship and really find out what's 14 going on. 15 Q Does alcohol and substance use cause 16 people to be violent? 17 A It certainly doesn't cause people to be 18 violent. We have plenty of people who can be, you 19 know, struggling with substance abuse and 20 addiction and they're not violent. But when you 21 have a substance abuse, an addiction, and you 22 perpetrate domestic violence, it does create a</p>



<p style="text-align: right;">3915</p> <p>1 much more disasterous effect. It's a co-occurring 2 variable, and we know that, also from the 3 research, that the majority of the women will 4 report that when their partner is drinking, the 5 physical violence goes up. 6 So a lot of the times, when he's 7 physically violent is when he's been consuming 8 drugs or alcohol. When he's not consuming drugs 9 and alcohol and he's not violent, those other 10 behaviors continue to persist, the coercive 11 control, the surveillance, that obsessive 12 jealousy, the possessiveness, the psychological 13 abuse. Those usually persist. But the alcohol 14 can just throw lighter fluid on a flame in a 15 situation of domestic violence. 16 Q Is there research that looks at how 17 women cope with the violence and abuse in their 18 relationships? 19 A Yes, there is. 20 Q Please tell me about it. What does it 21 say? 22 A So there's been a lot of research to</p>	<p style="text-align: right;">3917</p> <p>1 trying to fix the relationship from within the 2 confines of the relationship. You know, trying to 3 get him to go to counseling. Try to get him to go 4 to church. Try to get him to understand his ways. 5 Try to get him to get into AA or sober counseling 6 or harm reduction model to help with his 7 addiction. Compliance with his demands. 8 Anticipating his demands. All these coping 9 strategies that are sort of, you know, embedded 10 within that intimate relationship. 11 Q Let's talk about the calling the 12 police. Is that a common response? 13 A It's not a common response. Many women 14 do not want to call the police on their partners. 15 You know, using criminal justice interventions in 16 crimes of women and children are the least likely 17 to be called into law enforcement. And most of 18 the time, when the police are called, it's because 19 a particular incident has got out of hand, and she 20 feels I'm safe. And the only way that she feels I 21 can get this incident to end and stop is by 22 calling law enforcement.</p>
<p style="text-align: right;">3916</p> <p>1 talk about what do women do? That's the question 2 that everyone wants to know. Why doesn't she just 3 leave? And in asking that question, why doesn't 4 she just leave, we actually are able to say, well, 5 let me tell you what she does do. And what the 6 research shows is women do a lot of things in that 7 relationship. 8 So, sort of three main categories. One 9 are the formal responses, the formal things that 10 she does. Call the police. Participate in the 11 prosecution of your partner. Go see a therapist. 12 Go to a shelter. Go to a hospital. These are 13 sort of the very formal strategies that women can 14 use. 15 And then there are the informal 16 strategies. That's talking with your best friend, 17 talking with your mom, talking with your friends, 18 trying to get that emotional support from your 19 social network. 20 But the most common one are these 21 personal strategies. And the personal strategies 22 are really talking with your partner. They're</p>	<p style="text-align: right;">3918</p> <p>1 Q And if police are called, does the 2 woman typically participate in the prosecution? 3 A I mean, this has been a problem and a 4 difficulty for prosecutors across the country 5 since I've been doing this work. I'm actually 6 frequently called by the prosecutor to testify 7 about a fact pattern because the victim won't come 8 in and testify. So dropping restraining orders, 9 not participating in the prosecution is a very 10 common dynamic in situations of intimate partner 11 violence, domestic violence. And what we know, 12 and what we know from our law enforcement data and 13 colleagues is that when you get that 911 call, 14 they're very specifically trained to say, that's 15 likely not the first episode. The chances are 16 there have been more severe episodes before you 17 get this call. So you can't go on the scene and 18 think that this is the first episode of violence, 19 and that's why a thorough assessment is supposed 20 to be done when police officers arrive on the 21 scene. So usually that episode that calls the 22 police is just meant to stop that incident in that</p>

<p style="text-align: right;">3919</p> <p>1 moment, to get a sense of safety, but most women 2 don't want to participate and go forward with a 3 restraining order. 4 Q Why do women in violent relationships 5 stay in the relationship when the man's hurting 6 them? 7 A I mean, they stay for all the reasons 8 we talked about in the cycle of violence. They 9 stay for the loving man. They stay for the man 10 who's kind. Stay for the man they decided to 11 marry and had hope and promises for their future. 12 So there's a lot of sort of love and attachment as 13 why they're connected to their partner. Some 14 people stay because they have economic reasons, 15 and they don't have tangible resources to leave. 16 Some people have children in common, and they 17 don't want to deprive their children of a father. 18 So some people feel retaliation. If I leave, I'm 19 going to get seriously hurt, and, frankly, the 20 statistics spell it out. The most dangerous time 21 for a woman is when she's leaving that 22 relationship. Her likelihood of getting killed</p>	<p style="text-align: right;">3921</p> <p>1 victims alive in these situations. That's what 2 gets them going from one episode to the next. To 3 get up the next day and maybe he's not going to 4 drink today. Maybe it's going to be on his good 5 side. Maybe he's going to come home and not 6 disappear for three days. Continuing to hope that 7 some type of change is coming down the pike. 8 Q Now, you mentioned lethality a little 9 earlier. Can you, please, explain to us what that 10 means? 11 A So, lethality means death, fatality. 12 We have very well-validated instruments and data 13 that looks at what factors happen in a 14 relationship where a woman ends up dead. And we 15 do that through looking retrospectively, saying, 16 you know, here's -- this person ended up dead, 17 killed by her partner in a homicide, and let's see 18 what factors were there so that we can work at 19 preventing it. It's very methodologically sound 20 over different case control designs, over multiple 21 cities, used by the FBI and law enforcement. So 22 these are a number of factors that tell us that</p>
<p style="text-align: right;">3920</p> <p>1 grows substantially at that moment. So leaving 2 sometimes isn't the best strategy. Staying keeps 3 her safe. 4 So there's usually a multiple of 5 factors of why a woman decides to stay in a 6 relationship. Again, as I said previously, it 7 doesn't mean she's unconcerned about the violence, 8 just she hasn't figured out a way out yet. 9 Q What, if any, role does emotional 10 attachment and love play in that? 11 A That's, you know, probably the biggest 12 one, is that you have this -- we talked about that 13 trauma bond that has developed, that psychological 14 attachment to your partner. You don't want to 15 leave him. You've connected with him on so many 16 other levels that giving that up just feels like a 17 threat to your integrity. You're just sort of in 18 the threats of his because you're just so 19 intertwined and attached. 20 Q What, if any, role does hope and 21 optimism play? 22 A Hope and optimism are really what keeps</p>	<p style="text-align: right;">3922</p> <p>1 somebody is in a very dangerous situation. 2 So some of the factors are an increased 3 frequency and severity of the violence, threats to 4 kill, choking behavior, sexual assault, obsessive 5 and possessive jealousy, controlling behavior, the 6 perpetrator's use of substances, alcohol and 7 substance, the perpetrator's threatening of 8 suicide himself. Those are some of the top 9 factors, and there are more, that are very, very 10 dangerous. When we hear that and we hear a woman 11 is in a situation where those are present, then we 12 are moving out of our situational couple violence. 13 Q What, if any, role does destroying 14 property play? 15 A And destroying property, destruction of 16 property, personal property is also one of the 17 risk factors for danger and fatality. 18 Q And what, if any, role does leaving 19 threatening messages play? 20 A That's also a risk factor for 21 lethality. 22 Q What are the psychological and</p>

<p>3923</p> <p>1 traumatic effects that such interpersonal violence 2 have on victims? 3 MR. DENNISON: Objection. Compound. 4 MS. BREDEHOFT: Psychological and 5 traumatic effects are interchangeable. 6 THE COURT: I'll sustain it. 7 Q What are the psychological effects that 8 such interpersonal violence have on victims? 9 A So, these have also been 10 well-researched, and are wide and varied. We see 11 depression and depressive disorders, sometimes 12 with suicidality. We see anxiety and anxiety 13 disorders, a lot of stress. We see post-traumatic 14 stress disorder. We see substance abuse and 15 substance abuse disorders. We see trust 16 difficulties and difficulties in interpersonal 17 relationships as a result. We see a lot of shame 18 and humiliation. We see anger and rage. A 19 whole – sleep disruption. A whole host of 20 difficult psychological consequences having 21 sustained a relationship of intimate partner 22 violence.</p>	<p>3925</p> <p>1 something that has been well researched. 2 Sometimes people have what we call "dissociative 3 amnesia." Where because of the physical or 4 psychic pain of what they're going through, a 5 portion of the memory gets blocked or it can't get 6 retrieved. We've either stored it, retrieved it, 7 we're not really sure. But most of the time, the 8 memory is really about when you have multiple 9 repeated events of the same type of thing. 10 So if you're abused multiple times and 11 the abuse is very similar, it's very common for 12 the victim to lose discrete details of a 13 particular incident. They may not retain the 14 memory for the complete incident, and that might 15 be dissociative amnesia, that just might mean 16 forgetting because you have so many chronic events 17 that have happened to you. 18 Q Are there common myths or 19 misperceptions about domestic violence? 20 A There are. I hope I've dispelled some 21 of them here already, but, I mean, that's 22 certainly are that women are meek, passive, just</p>
<p>3924</p> <p>1 Q What, if any, role does low self-esteem 2 play? 3 A Well, low self-esteem is a very common 4 aftereffect. When you're embedded in the 5 relationship, it also makes it very difficult for 6 you to climb your way out. 7 Q What is emotional dysregulation? 8 A Emotional dysregulation, so it's a 9 D-Y-S, dysregulation, is when you sort of don't 10 feel that you have control of your emotions. You 11 feel like you're fluctuating, you know, from one 12 to the ex – one to the next. It's not the same 13 as a bipolar disorder. You know, it can happen in 14 short moments that, you know, it's really because 15 your central nervous system is so out of haywire 16 from being exposed to so many traumatic events. 17 That you may feel things deeply and with a short 18 trigger and a very quick time. 19 Q In your experience, is there a 20 particular way victims of intimate partner 21 violence remember the violence they endured? 22 A Well, memory for traumatic events is</p>	<p>3926</p> <p>1 sitting there letting the abuse happen. That 2 women don't fight back. That women don't yell 3 back. That they -- some old ones, that they like 4 the violence, they're not concerned about the 5 violence. That if it was really bad, she really 6 would have left. If it was really bad, she really 7 would have told the police. All of those myths 8 and misconceptions that just don't comport with 9 the research. 10 Q Are there also myths about trauma 11 survivors, how trauma survivors present? 12 A Yes, they are. What we say is, you 13 know, how laypeople think someone who has suffered 14 a traumatic event is supposed to act. So in the 15 immediate aftermath of a trauma, people think, oh, 16 they should be hysterical, overabreacting, 17 emotional, all over the place. That's typically 18 not the first reaction of a trauma survivor. The 19 first reaction is, you know, suppression, 20 emotional numbing, emotional constriction. How do 21 I get through this? You know, women who are 22 beaten, they get up the next morning, they get</p>

<p style="text-align: right;">3927</p> <p>1 their kids dressed, they get them to school. They 2 go to work. They do a presentation in their 3 office. They go on with life. The most normal 4 thing that a person does who has experienced 5 trauma is to get up and try to be normal. They're 6 striving for that all the time. So sometimes if 7 you see somebody who is more emotionally 8 constricted, looks maybe stoic, looks like they're 9 not feeling, it doesn't mean that they're not 10 having internal reactions. We say this in the 11 field of clinical psychology all the time. The 12 inside doesn't match the outside. What you're 13 seeing on the outside may not match what's going 14 on for the person inside because they have to be 15 so controlled because the fear is that if I let 16 out a little of this emotion, I'm not going to be 17 able to put the floodgates back on. It's just 18 going to be too overwhelming. And that's true for 19 people who are involved in litigation and also 20 true for my private patients who are – even 21 though they're coming to me for help, they try 22 very, very cleverly to not want to feel the</p>	<p style="text-align: right;">3929</p> <p>1 Q Is there a single profile that fits all 2 women in domestic violence situations? 3 A No. 4 Q Is there a single profile of a man who 5 perpetrates intimate partner violence? 6 A No. 7 MS. BREDEHOFT: Your Honor, I'm at a 8 point of moving to a new topic area. I don't know 9 what Your Honor wants to do because I know we 10 switched the lunch around. I'm perfectly happy to 11 keep going, but if this was a good stopping point, 12 we can make that for the break. 13 THE COURT: All right. Let's go ahead 14 and take our afternoon break for 15 minutes. 15 Do not discuss the case, and do not do 16 any outside research, okay? 17 (Whereupon, the jury exited the 18 courtroom and the following proceedings took 19 place.) 20 THE COURT: All right. Dr. Hughes, 21 since you are testifying, please, do not discuss 22 your testimony, including the attorneys at this</p>
<p style="text-align: right;">3928</p> <p>1 difficult emotions of the trauma that they 2 experienced. 3 Q And is it also possible that they can 4 look very friendly and smile and laugh and things 5 like that? 6 A Yeah. 7 MR. DENNISON: Objection. Compound. 8 THE COURT: Sustained. 9 Q What, if any -- please describe some of 10 the ways that a victim can hide that, as you just 11 testified to. 12 A We call that the appearance of 13 normalcy. The appearance of competency. That 14 doesn't mean that they're not. It doesn't mean 15 that they're not normal or that they're not 16 competent, but it doesn't give you a bird's eye 17 into their inner experience. And that's what we 18 do in the -- we say in the rooms, in the rooms of 19 therapy, where we really help people deal with 20 that, that they keep to themselves. But, yes, 21 someone can be smiling and happy. It doesn't mean 22 that they're not suffering inside.</p>	<p style="text-align: right;">3930</p> <p>1 point, okay? 2 THE WITNESS: Yes. 3 THE COURT: All right. We'll come back 4 at 3:15, then. 5 MS. BREDEHOFT: Thank you, Your Honor. 6 THE BAILIFF: All rise. 7 (Recess taken from 2:58 p.m. to 8 3:15 p.m.) 9 THE BAILIFF: All rise. 10 Please be seated and come to order. 11 THE COURT: All right. Are we ready 12 for the jurors? 13 MS. BREDEHOFT: Yes, Your Honor. 14 THE COURT: Okay. 15 (Whereupon, the jury entered the 16 courtroom and the following proceedings took 17 place.) 18 THE COURT: All right. Be seated. All 19 right. 20 Your next question. 21 MS. BREDEHOFT: Thank you, Your Honor. 22</p>

<p>3931</p> <p>1 BY MS. BREDEHOFT: 2 Q Dr. Hughes, did there come a time where 3 you conducted a forensic psychological evaluation 4 of Amber Heard? 5 A Yes. 6 Q Please tell the jury what a forensic 7 psychological evaluation is. 8 THE COURT: Could you turn it on, at 9 the bottom base. 10 A A forensic psychological evaluation is 11 an evaluation that is conducted for the courts to 12 answer a particular legal question. It contains 13 multiple parts. Ms. Heard is not a client of 14 mine. She's never been in therapy with me. She's 15 not under my clinical care. It is an objective 16 evaluation to determine a particular legal 17 question. 18 Forensic evaluation follows a 19 methodology that, what we say, is a multi-method, 20 multi-hypothesis-driven methodology, which means I 21 look at a variety of different documents and data 22 using multiple hypotheses. It's not just one</p>	<p>3933</p> <p>1 this case. And then I conduct collateral 2 interviews. 3 Q So, Dr. Hughes, just to be clear, do 4 you assume everything the victim reports is true 5 when you conduct these examinations? 6 A No, of course not. I always approach a 7 forensic evaluation with a healthy dose of 8 skepticism. With any forensic evaluation, there 9 exists a motivation that the individual may be 10 telling you something that is not accurate. It 11 doesn't mean that that's there, but you have to 12 control for that and know that you're looking for, 13 again, what does the data tell you, the external 14 data, about what the person is also telling you. 15 Q Did the forensic evaluation follow a 16 standard methodology or was it specific to 17 Ms. Heard? 18 A No. This is my standard methodology 19 that I would use with any individual who's in a 20 forensic matter and I would be called to evaluate 21 them. 22 Q When did you meet with Amber Heard?</p>
<p>3932</p> <p>1 hypothesis, one theory of the case. You're going 2 and looking to see, you know, what possibly could 3 be going on here. And then you use the data to 4 arrive at that opinion. You look for consistency 5 across the data to arrive at that opinion. 6 And the forensic psychological 7 evaluation has many parts. It has a clinical 8 interview part, a structured, or semi-structured 9 clinical interview, where I'm asking Ms. Heard 10 lots of things about her life, both before 11 Mr. Depp and after. It involves a psychological 12 testing component of the evaluation, which allows 13 me to do a good, broad, scan of different 14 symptomatologies that people might have in their 15 lives, as well as to have indicators of how she 16 approached the tests. Is she defensive? Is she 17 malingering? Is she feigning? Is she 18 exaggerating? It gives me indications about how 19 she approached the evaluation. 20 I review a number of documents, medical 21 records, psychological records, the texts, the 22 audio, all the different things that we've had in</p>	<p>3934</p> <p>1 A Okay. So I met with Ms. Heard for a 2 total of about 29 hours. I met with her, for the 3 first time, in September 2019. I saw her for four 4 visits, live, in my New York City office. That's 5 about 21, 22 hours. And then I saw her twice over 6 Zoom, one was in January 2021. 7 MR. DENNISON: Your Honor, may we 8 approach? 9 THE COURT: Do you want to approach? 10 Okay. 11 (Sidebar.) 12 MR. DENNISON: It appears that the 13 witness is reading from something. 14 MS. BREDEHOFT: She has her notes up 15 there, and she's perfectly able to. 16 THE COURT: Well, she shouldn't be 17 reading from notes, though, unless she needs them 18 to refresh. 19 MS. BREDEHOFT: I think she's looking 20 down at the dates that she met with Amber. I 21 mean, we can ask her. I'll ask her. 22 THE COURT: Ask her. Whatever she's</p>

<p>1 reading from, you will have the opportunity to 2 look at upon cross-examination. 3 MR. DENNISON: I can look at the notes? 4 THE COURT: Oh, yeah. If she's looking 5 at them, 100 percent. 6 MR. DENNISON: Thank you, Your Honor. 7 MS. BREDEHOFT: What she has there is 8 everything she has turned over to them. 9 THE COURT: Well, you can look at 10 whatever she has. 11 MR. DENNISON: Thank you, Your Honor. 12 THE COURT: Okay. 13 (Open court.) 14 BY MS. BREDEHOFT: 15 Q Dr. Curry, in answering that question 16 were you consulting anything? 17 A Dr. Hughes. 18 Q Dr. Hughes. I'm so sorry. 19 Dr. Hughes, were you consulting 20 anything? 21 A Dr. Curry's here, I guess, as well. 22 I'm consulting my cheat sheet of the</p>	<p>3935 3937 1 Q And what did the evaluation consist of? 2 A So, as I stated, the evaluation 3 consisted of psychological testing, a 4 semi-structured clinical interview with Ms. Heard, 5 a review of a whole host of documents, relative to 6 this case, and medical records and psychological 7 records, and then three collateral interviews, two 8 with her treating therapists, Dr. Bonnie Jacobs, 9 Dr. Connell Cowan, and also with her mom. 10 Q In the semi-structured clinical 11 interview, what were you assessing? 12 A Well, when someone comes in for the 13 evaluation, you sometimes don't know what you're 14 going to see or what you're going to get. So you 15 absolutely have to do a full clinical interview 16 and have a sense of their life, their life 17 patterns, things that have affected them in their 18 lives, you know, where they have worked, where 19 they have lived. Just get a full sense of their 20 sort of being before the incident for which 21 they're talking about. 22 Then I do a full intimate partner</p>
<p>3936 1 dates that I saw Ms. Heard so that I could 2 accurately report to the Court. I also have my 3 final designation in front of me so that I could 4 give the most accurate information to what I put 5 in that report. 6 Q Okay. 7 MS. BREDEHOFT: Do you want to see 8 that? Should we just take a break now and have 9 him look at it? 10 THE COURT: Would you like to look at 11 it now or before cross? 12 MR. DENNISON: Happy to look at it 13 before cross-examination. 14 THE COURT: Okay. That's fine. Thank 15 you. 16 Q Please continue. I think you were 17 telling us when you saw Ms. Heard. 18 A Sure. So, there are four dates in 19 person, in New York City, for a total of about 20 21 1/2 hours, and then I saw her on January 18th, 21 2021, over Zoom, for three hours, and then 22 December 27th, 2021, for four hours over Zoom.</p>	<p>3938 1 violence assessment, looking at all those 2 characteristics that I talked to you about 3 earlier, to get a sense of the full structure of 4 and the dynamic of this relationship. I also 5 did -- looking at what were the effects, what were 6 the psychological consequences of being in that 7 relationship. And I also looked at the 8 psychological consequences of some of the 9 statements that were made by Mr. Depp through his 10 attorney that are part of this -- the counterclaim 11 in this lawsuit. 12 Q At the end of that process, considering 13 all the data, did you arrive at any expert 14 opinions? 15 A Yes, I did. 16 Q All right. I would like to start with 17 your main expert opinions and then go through 18 those. 19 Can you, please, tell the jury what 20 your main opinions were? 21 A So, like I said, there are opinions 22 embedded within them. But the main opinion is</p>

<p>3939</p> <p>1 that Ms. Heard's report of intimate partner 2 violence, and the records that I reviewed, is 3 consistent with what we know in the field about 4 intimate partner violence, characterized by 5 physical violence, psychological aggression, 6 sexual violence, coercive control, and 7 surveillance behaviors. 8 Q And what was the other main opinion 9 that you had? 10 A The second main opinion was that, that 11 Ms. Heard demonstrated very clear psychological 12 and traumatic effects or the exacerbation of 13 trauma from those statements that Mr. Depp made 14 through his attorney. There were three statements 15 that we evaluated to see how they affected her 16 emotionally and psychologically, and it was my 17 determination that they did. 18 Q And did you arrive at any diagnostic 19 conclusions? 20 A Yes, I did. 21 Q And what were those? 22 A I diagnosed Ms. Heard with post-traumatic</p>	<p>3941</p> <p>1 It is a four-page -- 2 MR. DENNISON: Objection, Your Honor. 3 THE COURT: All right. You want to 4 approach? 5 (Sidebar.) 6 THE COURT: She can't keep reviewing 7 everything on the stand like this. Now she has 8 four pages of documents she's going to read from. 9 MS. BREDEHOFT: The list of documents 10 were attached to the -- 11 THE COURT: I understand, but when 12 you're testifying, I mean, if she needs notes to 13 refresh her memory, that's one thing, but you're 14 not supposed to testify with everything in front 15 of you, correct? 16 MS. BREDEHOFT: I understand. Most of 17 the time, I do have experts who consult their 18 notes. You'll notice that some of their experts 19 say, well, I don't have it, I can't remember. 20 MR. DENNISON: Because we put our 21 experts on the appropriate way and ask them what 22 their recollection is and put the testimony in</p>
<p>3940</p> <p>1 stress disorder. 2 Q And what, if any, etiology was 3 associated with the post-traumatic stress 4 disorder? 5 A So, the etiology is the cause. In 6 order to have a -- to meet criteria for 7 post-traumatic stress disorder, you have to have 8 an actual cause. It's one of the few diagnoses, 9 diagnostic entities that we have to have a cause 10 for, and the cause was the intimate partner 11 violence by Mr. Depp. That was what was pushing 12 the symptoms. That was what was related to 13 intrusive phenomenon; that was related to her 14 avoidance; that was related to her differences in 15 her mood; that was related to her avoidance 16 efforts. So it was -- the cause was the intimate 17 partner violence by Mr. Depp. 18 Q Now, let's first go back to this 19 forensic evaluation. You mentioned you reviewed 20 documents. What documents did you review? 21 A So, I'm going to refer to my list of 22 documents so that I can be clear for you all.</p>	<p>3942</p> <p>1 through the expert rather than what they just 2 read. 3 MS. BREDEHOFT: I don't agree. I think 4 they are able to consult their notes. 5 THE COURT: What rule is that, that 6 they can do that, consult notes? Experts can 7 consult notes? 8 MS. BREDEHOFT: I'm not aware of any 9 rule that says they can't consult their notes. 10 THE COURT: You're supposed to testify 11 from your memory. Testify from your conclusion. 12 MS. BREDEHOFT: Expert witnesses? I 13 mean, I don't think that's correct, Your Honor. I 14 mean, if you want, we can take a break and we can 15 research it, but I've never -- 16 THE COURT: No, I mean, she -- I assume 17 she has a report or something. 18 MS. BREDEHOFT: She did an expert 19 designation. She did four expert designations. 20 MR. DENNISON: Are we going to read all 21 four of them into the record? I mean, shouldn't 22 she testify here?</p>

<p>3943</p> <p>1 MS. BREDEHOFT: She shouldn't read them 2 into the record. I asked her what she reviewed. 3 She's got a list that she has updated constantly. 4 And so, they have exactly what she's reading from. 5 It's four pages long. 6 THE COURT: Okay. 7 MS. BREDEHOFT: She's not going to be 8 able to say it from memory. In fact, I think 9 she's just going to say it's four pages long, but 10 I'll just give you some highlights. 11 THE COURT: Not reading anything, 12 though. Not supposed to be sitting here reading 13 anything. She can testify. If it refreshes her 14 memory by looking at, that's fine. She can look 15 at it afterwards, but someone reading from things. 16 Does that make sense? 17 MS. BREDEHOFT: You know, I guess I -- 18 I mean, I've had experts, quite often, you know, 19 consult notes. 20 THE COURT: Consulting notes is fine, 21 but she's reading from them right now. Can't have 22 reading. If she needs to consult her notes,</p>	<p>3945</p> <p>1 BY MS. BREDEHOFT: 2 Q Dr. Curry -- I mean Dr. Hughes. 3 A Dr. Hughes. 4 Q I don't know why I keep saying that. 5 My apologies. My apologies. 6 Dr. Hughes -- I think it's the 7 confusion of having her in the courtroom. 8 Dr. Hughes, if you need to consult your 9 notes to answer something, let us know that you 10 need to consult your notes. Otherwise, try to 11 answer to the best of your ability, and then if 12 you need to do that, just let us know you're 13 consulting your notes, okay? The concern is that 14 you not read from them, that you consult them as 15 you need to, okay? 16 A Correct. I just don't want this to be 17 a memory test of having conducted many documents, 18 80 pages of notes, full psychological testings. 19 THE COURT: You can reference your 20 notes, just don't read from them, okay? 21 THE WITNESS: Yeah, no problem. 22 Q Okay. Great.</p>
<p>3944</p> <p>1 that's fine. 2 Does that make sense? 3 MR. DENNISON: Your Honor, my 4 suggestion with respect to this is that we 5 actually have a direct inquiry of the witness 6 where we asked her what she remembered. 7 THE COURT: No, I'm not going there. 8 You have a chance to cross-examination, okay? You 9 can see anything she looks at, he gets to see. 10 But I don't want her reading from anything. 11 MS. BREDEHOFT: Excuse me? 12 THE COURT: I don't want her reading 13 from anything. 14 MR. DENNISON: And the principle, Your 15 Honor, if we're going to read from this -- 16 THE COURT: I just said she's not 17 reading from anything, get it? 18 MR. DENNISON: Okay. Perfect. Thank 19 you. 20 THE COURT: Okay. 21 (Open court.) 22</p>	<p>3946</p> <p>1 So please tell us what documents you 2 reviewed. Please tell the jury. 3 A So I reviewed a number of documents, a 4 plethora of documents, most -- and I obviously 5 won't read them all, but I reviewed, certainly, 6 all of Ms. Heard's testimony that she gave in her 7 deposition testimony, her deposition testimony in 8 this case, her deposition -- or her trial 9 testimony in the U.K. case. I did the same thing 10 for Mr. Depp. I reviewed his deposition 11 testimony, as well as his trial testimony in the 12 U.K., as well. I reviewed a number of the 13 depositions that were put forth in this case. I 14 reviewed the psychological treatment notes for 15 Dr. Bonnie Jacobs, Dr. Connell Cowan, Dr. Laurel 16 Anderson, and Dr. Amy Banks, although she did not 17 have treatment records. So I reviewed not only 18 their records, did collateral interviews with some 19 of them, and also read their deposition testimony. 20 And also read all the medical records in this 21 case, nursing notes in this case. The highlights. 22 I also listened to the audios that were put forth</p>



<p style="text-align: right;">3947</p> <p>1 <b>in this case and the text messages and emails.</b> 2 Q And what, if anything, did you do with 3 respect to any videos? 4 A <b>And I also saw the video in the</b> 5 <b>kitchen, yes.</b> 6 Q Okay. Now, the collateral interviews 7 that you conducted, why did you conduct those? 8 A <b>Well, collateral interviews is a</b> 9 <b>standard part of a forensic evaluation. It's an</b> 10 <b>opportunity to hear from another treating</b> 11 <b>clinician, the person who is actually treating the</b> 12 <b>individual you're evaluating, and get a better</b> 13 <b>sense, from that person, of what they saw, what</b> 14 <b>they knew, how they experienced this person.</b> 15 <b>Sometimes our clinical notes don't give the full</b> 16 <b>breadth of what really was going on in that</b> 17 <b>therapy because the notes are meant to be sort of</b> 18 <b>short and to the point of what was -- what</b> 19 <b>happened, who was there, and what was the plan.</b> 20 <b>So it was really helpful to talk to these two</b> 21 <b>clinicians who really were with Ms. Heard</b> 22 <b>throughout the duration of her relationship with</b></p>	<p style="text-align: right;">3949</p> <p>1 Can we be heard? 2 THE COURT: That's fine. 3 (Sidebar.) 4 MR. DENNISON: This has become comical 5 in the notion that she continues to want to just 6 look at what she did as an expert report. 7 THE COURT: If she needs it to refresh 8 her recollection, that's fine. She can look at it 9 and if it refreshes her recollection, she can 10 testify. 11 MR. DENNISON: But I want to be clear, 12 I hope we're clear, when we get to the opinions 13 that she rendered here, that she's not going to 14 read them off a sheet of paper. 15 MS. BREDEHOFT: She's already given her 16 opinions and she didn't read them. 17 MR. DENNISON: Well, those were her, I 18 think what you said, primary opinions. 19 THE COURT: As long as she -- she let 20 the Court know she's going to look at them. She 21 let you know. 22 MS. BREDEHOFT: To get the dates.</p>
<p style="text-align: right;">3948</p> <p>1 Mr. Depp. So they give us sort of a 2 contemporaneous look at what was going on for her 3 emotionally. I mean, what was she reporting? 4 What was she saying about the relationship to her 5 therapist? 6 Q And you mentioned the name Dr. Bonnie 7 Jacobs. Please tell the jury who Dr. Bonnie 8 Jacobs is. 9 A <b>So, Dr. Bonnie Jacobs was Ms. Heard's</b> 10 <b>therapist.</b> 11 THE WITNESS: May I refresh my 12 recollection with my notes, Your Honor? 13 MS. BREDEHOFT: She's allowed. 14 THE WITNESS: If you'd like me to tell 15 the dates. 16 THE COURT: She's asking me a question? 17 MS. BREDEHOFT: You're right, Your 18 Honor. 19 THE WITNESS: May I? 20 A <b>May I?</b> 21 Q Yes, you may consult your notes. Yes. 22 MR. DENNISON: Objection, Your Honor.</p>	<p style="text-align: right;">3950</p> <p>1 THE COURT: If it's to refresh her 2 recollection, that's fine. Then she has to put 3 them away. 4 MS. BREDEHOFT: Right. 5 MR. DENNISON: Okay. Is she putting 6 them away? Because I can't see. 7 THE COURT: You'll be able to see 8 everything she has, I promise. 9 MR. DENNISON: Thank you, Your Honor. 10 THE COURT: Okay. 11 (Open court.) 12 BY MS. BREDEHOFT: 13 Q Go ahead. 14 A <b>Thank you. So she treated with</b> 15 <b>Dr. Bonnie Jacobs, who is a psychologist, from</b> 16 <b>October 2011 through August 2014. She actually</b> 17 <b>was seeing Dr. Jacobs somewhat earlier before she</b> 18 <b>got in the relationship with Mr. Depp. And then</b> 19 <b>she transferred care to Dr. Connell Cowan, who was</b> 20 <b>referred by Dr. Kipper, who was the treating</b> 21 <b>physician for Mr. Depp, and then later for</b> 22 <b>Ms. Heard. And she treated with Dr. Cowan from --</b></p>

<p style="text-align: right;">3951</p> <p>1 after she left Dr. Bonnie Jacobs in September 2014 2 to June 7th, 2015. 3 Q Okay. Thank you. And, so, you -- and 4 I guess you got ahead of me there. So you also 5 talked to Dr. Connell Cowan, correct? 6 A That's correct. 7 Q You also spoke with Paige Heard; did 8 you say? 9 A That's correct. 10 Q Who is Paige Heard? 11 A Paige Heard is Amber Heard's mother. 12 Q And when did you speak with Paige 13 Heard? 14 A I spoke with all of these individuals 15 at the end of 2019. Again, I can check my notes 16 and let you know the exact date, if you'd like. 17 Q I think the end of '19. 18 A Yeah, the end of '19. Yes. 19 Q And are you aware that Paige Heard has 20 since died? She died two years ago? 21 A Yes, I am aware, sadly. 22 Q Okay. Now, let's talk about the</p>	<p style="text-align: right;">3953</p> <p>1 Q You just can't read. You're not 2 supposed to read from it, but you can refresh your 3 recollection as you're speaking. 4 A So I can look and just look up and 5 that's refreshing my recollection? 6 THE COURT: All right. If we can 7 approach for a moment. 8 (Sidebar.) 9 THE COURT: I really can't take these 10 side comments. 11 MS. BREDEHOFT: I'm sorry. 12 MR. DENNISON: She's just reading. 13 MS. BREDEHOFT: She's not reading. 14 MR. CHEW: It's hearsay. I can get up 15 there and read. 16 THE COURT: One lawyer per witness. 17 Excuse me, Mr. Chew. 18 MS. BREDEHOFT: So if she's looking -- 19 she's got 12 tests. 20 THE COURT: I understand. And if she 21 wants to refresh her recollection -- 22 MS. BREDEHOFT: Okay.</p>
<p style="text-align: right;">3952</p> <p>1 psychological testing. You stated that you 2 conducted psychological testing; is that correct? 3 A That is correct. 4 MR. DENNISON: Objection. Leading. 5 THE COURT: Overruled. I'll allow it. 6 Q Can you, please, tell the jury how many 7 psychological assessments you administered to 8 Amber Heard. 9 A I administered 12. 10 Q Can you, please, tell them, tell the 11 jury, which ones you administered. 12 A So I am going to refer to my 13 designation that has the list so that I don't 14 forget anything. 15 Q Okay. 16 A So I administered -- 17 MR. DENNISON: Objection. Hearsay, 18 Your Honor. 19 MS. BREDEHOFT: She can refresh her 20 recollection. 21 THE COURT: As long as she's not 22 reading.</p>	<p style="text-align: right;">3954</p> <p>1 THE COURT: -- on what those are. But 2 not to make any side comments to me, please. 3 MS. BREDEHOFT: Okay. I appreciate 4 that. May I approach her, Your Honor? 5 THE COURT: Yes, could you? All right. 6 I -- thank you. 7 MR. DENNISON: Thank you. 8 (Open court.) 9 BY MS. BREDEHOFT: 10 Q Dr. Hughes, can you tell the jury the 11 tests that you administered, please. 12 A Yes, I can. I administered the 13 Personality Assessment Inventory, which is a 14 broadband instrument to scan for psychopathology 15 and psychological symptoms that people have. 16 I administered the Trauma Symptom 17 Inventory-2, which is an instrument to scan for 18 common traumatic effects that people have. 19 I administered the Miller Forensic 20 Assessment of Symptoms Test, which is a measure of 21 malingering. 22 I administered the Post-traumatic</p>

<p>3955</p> <p>1 Stress Disorder Checklist for the fifth edition, 2 for the DSM-5. I administered the fifth 3 clinician-administered PTSD scale for DSM-5. 4 I administered the Beck Depression 5 Inventory, the Beck Anxiety Inventory, the Mood 6 Disorders Questionnaire, the Danger – I did 3, 7 intimate partner violence measures, the Conflict 8 Tactic Scales, the Abusive Behavior Observation 9 Checklist, and the Danger Assessment Scale. 10 And then I also did the Life Events 11 Checklist, which scans and, I guess, asks about a 12 lot of traumatic events that an individual may 13 have experienced. And we administer that, 14 typically, before either doing the PCL or doing 15 the CAPS. 16 Q Thank you. 17 Were there any tests you administered 18 to Amber Heard that were designed to reveal 19 malingering or feigning? 20 A Yes, there were. 21 Q Can you, please, tell the jury about 22 those.</p>	<p>3957</p> <p>1 symptoms and over-endured symptoms, I determined 2 that that also was a valid measure. 3 Finally, the PLI, the large-scale, 4 344-question instrument, has very robust validity 5 scales on it to test for exaggeration or feigning 6 or malingering. And she did not score on any of 7 those scores in those scales, at all. Those were 8 not elevated. So the combined results between 9 those three tests suggest to me that Ms. Heard is 10 not malingering her psychological symptomatology. 11 Q Now, Dr. Curry testified that one test 12 showed "intentional exaggeration in the 98th 13 percentile, meaning that she engaged in extreme 14 levels of exaggeration." 15 Do you agree with that? 16 A No. 17 Q Why? 18 A Because that test, the scale that she's 19 referring to, is called ATR, it's the atypical 20 response scale. As I said, that combines rare 21 symptoms and over-endured symptoms. It's very 22 frequently elevated in people who have high levels</p>
<p>3956</p> <p>1 A So, malingering is the false production 2 of psychological symptomatology for the purpose of 3 some external material gain. Feigning is the 4 false production of psychological symptomatology 5 with no identification of what that gain may be. 6 So, basically, feigning is saying your mental 7 health is worse than it actually is. 8 So I administered -- three of the tests 9 had validity indices built in that could allow us 10 to address that question. 11 The M-FAST, the Miller Assessment -- 12 Forensic Assessment of Symptoms Test is a specific 13 malingering instrument. It looks at malingering 14 psychopathology. Is this someone, you know, 15 malingering psychopathology? She scored zero on 16 that scale -- on that test, not that scale, but 17 test. So, on that test, there was no evidence of 18 malingering. 19 On the TSI, there are two validity 20 indices, and she scored within the normal range on 21 those scores as well. One was slightly elevated, 22 but when testing the limits, because it has rare</p>	<p>3958</p> <p>1 of distress. And then, importantly, on this test 2 specifically, it says do not use the percentile 3 rank. It is in the manual, it's in italics 4 [sic]. Because the way that this test was normed, 5 it was normed on people who have trauma, so it's 6 what we called negatively skewed. That means it 7 falls on the tail end of the continuum. It is not 8 a normal curve where we would normally think of 9 how a percentile would work. So you would not use 10 the percentile range on this test. 11 MR. DENNISON: Objection, Your Honor. 12 May we approach? 13 THE COURT: Do you want to approach? 14 MR. DENNISON: Yes, please. 15 (Sidebar.) 16 THE COURT: Okay. 17 MR. DENNISON: Not one bit of that is 18 in her expert disclosure. 19 THE COURT: I think she's countering 20 what was on your case, so it doesn't have to be an 21 expert disclosure, okay? 22 MR. DENNISON: All right. That was</p>

3959	<p>1 disclosed in Dr. Curry's disclosure. 2 THE COURT: She's just rebutting 3 Dr. Curry. 4 MR. DENNISON: Thank you. 5 (Open court.) 6 BY MS. BREDEHOFT: 7 Q Dr. Hughes, please continue. 8 A So, that is a very inaccurate way to 9 describe that scale and that test. 10 And the ATR scale on this test is 11 probably the least robust of all validity scales, 12 so you would never make a comment like that based 13 on one scale if you don't have consistency across 14 data. And when you look at the consistency across 15 the testing, with the PAI, the TSI, and the 16 M-FAST, and there's research to support that, that 17 when they go together, you have a higher degree of 18 likelihood that this is not feigned PTSD, that 19 this is not feigned symptomatology. 20 And then, actually, if I look at the 21 validity scores on the MMPI-2 that Dr. Curry 22 administered, those scales are not elevated for</p>	3961	<p>1 Ms. Heard did to Mr. Depp. 2 So it was asking about both sets of 3 behavior. 4 MR. DENNISON: Objection, Your Honor. 5 We're back to reading. 6 MS. BREDEHOFT: She wasn't even looking 7 down. She was looking at the jury. 8 THE COURT: Go ahead. Go ahead. 9 Q Please continue. 10 A So what these tests show is that there 11 was a high degree of serious violence perpetrated 12 by Mr. Depp toward Ms. Heard. There was violence 13 more on the mild level perpetrated by Ms. Heard 14 toward Mr. Depp, with one severe indicator, which 15 was the punching that she indicated to me. There 16 were scales about negotiation, about how much this 17 couple tries to figure out their problems. They 18 both scored, again, this is Ms. Heard reporting 19 that, that they both scored in the high range, 20 where they're both saying that, yes, we're trying 21 to figure this out, we're trying to work out this 22 relationship. There were scores on the</p>
3960	<p>1 exaggeration or malingering either. So if I add 2 that, now I have really robust data that Ms. Heard 3 is not malingering or feigning her psychological 4 symptomatology. 5 Q Thank you. 6 Did you administer any tests that are 7 specific to domestic violence? 8 A Yes, I did. 9 Q Which ones? 10 A So that was the Conflict Tactics Scale, 11 the Abusive Behavior Observation Checklist, and 12 the Danger Assessment Scale. 13 Q And what did they show? 14 A I would like to refer to the testing. 15 Q To refresh your recollection? 16 A To refresh my recollection. Just a 17 glance, just to be clear with the jury. 18 Q Yes, you may do that. 19 A So, what the overall gist of the 20 testing was, was that – and the benefit of these 21 tests is that they allow me to ask for what 22 Mr. Depp did to Ms. Heard and then, also, what</p>	3962	<p>1 psychological aggression scale, where Mr. Depp 2 engaged in more severe acts of psychological 3 aggression; whereas, Ms. Heard did engage in, 4 also, some mild and severe acts of psychological 5 aggression. 6 The amount of injury that was reported 7 was significantly higher and more severe by 8 Ms. Heard, what she was subjected to. And then 9 she was subjected to sexual violence, where 10 Mr. Depp, based on her report, was subjected to 11 none. 12 And then, the other – on the Danger 13 Assessment Scale, that there were a number of 14 factors that were related to severity in violent 15 relationships, and a risk factor when we looked – 16 as I said earlier, when behaviors come up on this 17 scale, they're very worrisome, very scary, and we 18 have to take them seriously. So there were a 19 number of behaviors that came up on this scale, 20 such as Mr. Depp threatened to kill her, the 21 increase in severity of the abuse, the forced 22 sexual activity, the choking behavior, his</p>

<p style="text-align: right;">3963</p> <p>1 <b>obsessive jealousy.</b> 2 MR. DENNISON: Objection. Foundation. 3 MS. BREDEHOFT: She's talking about the 4 test results. 5 THE COURT: Overruled. Go ahead. 6 Q Please continue. 7 A The obsessive jealousy, the control 8 aspect, and his threatening of suicide, to kill 9 himself. 10 So those were risk factors that placed 11 her in the increased danger range, and this is a 12 range that says, you know, that we certainly have 13 to advise women of their risks and consult with 14 law enforcement, if they're involved, or judges, 15 if they're involved, because this means that a 16 woman is at risk for more serious or lethal 17 domestic violence. 18 Q So did the psychological tests that you 19 administered to Amber Heard support a diagnosis of 20 PTSD? 21 MR. DENNISON: Objection. Leading. 22 Q What, if any, psychological tests did</p>	<p style="text-align: right;">3965</p> <p>1 not to think about this, to try not to feel this, 2 to try not to get upset. Sometimes I avoid 3 certain people because they become a trigger for 4 me. She scored in what we call the negative 5 alterations in cognition and mood. Changes in her 6 thoughts and feelings as a result of the abuse and 7 trauma. And also in the physiological 8 hyperactivity, the hyperarousal, the 9 hypervigilance, the startled response. 10 So on the PCL, she endorsed symptoms in 11 all four of those categories, saying, you know, 12 some of these sometimes are bothering me a lot. 13 Then finally, the 14 Clinician-Administered PTSD scale for the DSM-5. 15 And what that allows me to do, unlike the PCL, is 16 really look at symptom severity and symptom 17 frequency. How is this really playing out for 18 this individual. And, similarly, she scored in 19 all four categories of trauma and of having 20 intrusive experiences and nightmares and avoidance 21 efforts and physiological hyperactivity and 22 changes in her mood and her thoughts. And her</p>
<p style="text-align: right;">3964</p> <p>1 you administer that supported a diagnosis of PTSD 2 for Amber Heard? 3 A Sure. So there were four tests that 4 supported that diagnosis. One was the PAI, which 5 was that 344-question, large-scale personality 6 inventory. On that test, her largest subscale, 7 her highest subscale was the one that measures 8 traumatic stress, so that was clinically 9 significant. On the TSI, two of her scales were 10 the intrusive experiences dimension and the 11 defensive avoidance dimension, two of the classic 12 scales of trauma and PTSD. The PCO, which is the 13 Post-traumatic Stress Disorder Checklist-5, that, 14 she scored in all four domains of PTSD, and that's 15 an instrument that says how much are you bothered 16 by these symptoms. And in all four clusters, 17 which would be the intrusive experiencing, when 18 things about the abuse or the trauma enter your 19 mind when you did not want them to, sometimes 20 they're cued, sometimes they're uncued, she 21 answered in avoidance category, which is the 22 second category of PTSD, that I do things to try</p>	<p style="text-align: right;">3966</p> <p>1 total score was a 28, which falls in the moderate 2 range. So that means that she has experienced a 3 moderate degree of post-traumatic stress disorder 4 symptomatology, and those tests allow me to make 5 that definitive diagnosis that she suffers from 6 PTSD. 7 Q Thank you. 8 What, if any, consideration did you 9 give to Amber Heard's history of childhood abuse 10 in making your diagnosis? 11 A I mean, that was a significant 12 consideration, given that we know that 13 childhood -- well, first of all, we know that 14 people can experience multiple traumas across the 15 life-span. And we wanted to make sure that the 16 symptoms that she was experiencing were related to 17 what she experienced with Mr. Depp and not her 18 childhood. And certainly, you know, earlier on in 19 the evaluation, and when I evaluated and spoke 20 with her, that was true, and that was also true on 21 the latest measure of the Clinician-Administered 22 PTSD scale for DSM-5, the CAPS-5. And that's</p>

<p style="text-align: right;">3967</p> <p>1 because the content, you have to look at what is 2 the content of the symptoms? So it's not that 3 someone says, oh, yeah, something traumatic comes 4 into my mind. No, what is it? What comes into 5 your mind? What bothers you? What are the 6 triggers? 7 And those were all specific to 8 Ms. Heard's relationship with Mr. Depp. 9 The reason the childhood is also 10 significant is that we know that if somebody 11 suffers childhood abuse as a child, they are much 12 more likely to have an adult re-victimization, and 13 they're much more likely, then, to be more 14 vulnerable to obtaining a PTSD -- to getting PTSD 15 if they've had that prior vulnerability. So it's 16 a very strong vulnerability characteristic to 17 obtain PTSD when you have a subsequent trauma. 18 The other aspect about her childhood 19 abuse is that she was raised in a family of 20 violence. She was physically abused by her 21 father. She saw her father abuse her mother. Her 22 father was very explosive and had violent</p>	<p style="text-align: right;">3969</p> <p>1 problems. But that did not work. 2 Q Did you review Dr. Curry's CAPS-5 that 3 she administered to Amber Heard? 4 A Yes, I did. 5 Q And what, if any, agreement did you 6 have with Dr. Curry's interpretation of the 7 CAPS-5? 8 A I didn't agree with her interpretation, 9 having been a trauma psychologist for over 10 25 years and administered hundreds of these. I 11 found that there were flaws in how she chose to 12 administer it, and then some of the coding. 13 Ms. Heard, on that CAPS-5, to Dr. Curry, certainly 14 reported trauma-based symptomatology related to 15 the abuse by Mr. Depp, but somehow that was not 16 coded as such. 17 Q And did you review Dr. Curry's MMPI-2 18 that she administered on Amber Heard? 19 A Yes, I did. 20 Q And do you agree with her 21 interpretations on that test? 22 A No, I do not.</p>
<p style="text-align: right;">3968</p> <p>1 outbursts. And both her parents also struggled 2 with substance abuse, very significantly. So she 3 had learned, from a very early age, how to 4 caretake. How to live in a situation that is 5 mired in chaos. How do I take care of a parent 6 who is passed out, nodded out from heroin? And 7 how do I get up and get my sister to school? She 8 learned, at very early age, that she had to figure 9 out how to do this in this scenario. 10 And I would say, lastly, what that 11 environment taught her was that she learned that 12 she could love someone who hurts her. She knew 13 that people who hurt her also could love her, and 14 she learned how to have this tolerance for 15 cognizant inconsistency. This tolerance for two, 16 should be, diametrically opposed emotions. But 17 she grew up knowing, or believing, perhaps, that 18 this could happen. And she also believed that she 19 could fix him, just like she tried to fix her 20 father, and just like they tried to fix her 21 mother. She truly, truly believed that she could 22 fix Mr. Depp and rid him of his substance abuse</p>	<p style="text-align: right;">3970</p> <p>1 Q Why not? 2 A Because this profile is a normal 3 profile. It is the known clinical scores elevated 4 above 65, which is one-and-a-half standard 5 deviation of the mean, which is what we use to 6 determine clinical significance. And if none of 7 those scales are elevated, it becomes very 8 difficult for us to make assumptions about a 9 person's psychology and their functioning. 10 Now, remember, the psychological 11 testing generates hypotheses about a person that 12 we, then, using our clinical judgment, have to 13 make a decision about. We have to make an 14 assessment about it. 15 And if none of those scales are 16 elevated, it just doesn't give us rich information 17 to make those determinations. 18 The one scale, which is accurate, that 19 was elevated was one that measures defensive 20 responding. Sort of a protective responding, an 21 unwillingness to admit minor faults. That was 22 elevated, and that was true.</p>

<p style="text-align: right;">3971</p> <p>1 But the result of that is you have a 2 defensive profile. You have somebody who's not 3 giving you a lot of information. So the scales 4 are all low. So there's no way you can take that 5 MMPI and then say it meets – it's consistent with 6 borderline personality disorder. You just don't 7 have the symptom expression on it in order to do 8 that.</p> <p>9 Q And that's my next question here. 10 What, if any, diagnoses did you make of 11 personality disorders for Amber Heard, based on 12 your testing?</p> <p>13 A I did not make a personality disorder 14 of Ms. Heard.</p> <p>15 Q Why not?</p> <p>16 A For a number of reasons. Number one, a 17 personality disorder requires a pervasive pattern 18 in a variety of contexts. Two keys words: 19 Pervasive pattern, variety of contexts. That 20 means if her emotional instability, her affect 21 dysregulation or her fear of abandonment is only 22 occurring in the relationship with Mr. Depp, and</p>	<p style="text-align: right;">3973</p> <p>1 explaining why she didn't testify -- why she 2 didn't find --</p> <p>3 MR. DENNISON: She's explaining --</p> <p>4 MS. BREDEHOFT: -- personality 5 disorders, and explaining the difference between 6 personality disorders and PTSD.</p> <p>7 THE COURT: But she's saying she didn't 8 find any personality disorders, which means that 9 she tested for it, is what that comes out to mean 10 to me.</p> <p>11 MS. BREDEHOFT: I mean, let me get my 12 notes.</p> <p>13 THE COURT: Okay. Sure. Okay.</p> <p>14 MR. DENNISON: Maybe we should just use 15 the witness's.</p> <p>16 MS. BREDEHOFT: She's got all of her 17 paperwork.</p> <p>18 THE COURT: Right. We already did 19 that.</p> <p>20 MS. BREDEHOFT: So --</p> <p>21 THE COURT: That's okay.</p> <p>22 MS. BREDEHOFT: Actually --</p>
<p style="text-align: right;">3972</p> <p>1 we don't have evidence of it before, and we don't 2 have evidence of it after, it is not --</p> <p>3 MR. DENNISON: Objection, Your Honor.</p> <p>4 THE COURT: All right. Do you want to 5 approach?</p> <p>6 (Sidebar.)</p> <p>7 MR. DENNISON: Again, she doesn't talk 8 about any diagnoses of personality disorder in any 9 of the -- in any of her submissions, in any of 10 her --</p> <p>11 THE COURT: Okay.</p> <p>12 MS. BREDEHOFT: She rebutted 13 Dr. Curry's, and she said it was PTSD --</p> <p>14 THE COURT: Right. She said that. But 15 now, he's saying she's getting into personality 16 tests, which was not part of her designation. 17 Well, she's gone a little further than saying she 18 did agree with it. She's now talking about what's 19 there before and what's there now. I mean, she's 20 started right in.</p> <p>21 MS. BREDEHOFT: No, no. She's not 22 saying that there's personality disorders. She's</p>	<p style="text-align: right;">3974</p> <p>1 THE COURT: I can read.</p> <p>2 MS. BREDEHOFT: I have two packets.</p> <p>3 THE COURT: I can read.</p> <p>4 MS. BREDEHOFT: The pretty extensive 5 one.</p> <p>6 THE COURT: Right.</p> <p>7 MR. DENNISON: But she testified, under 8 oath, she did not make a personality disorder 9 diagnosis. There's no rebuttal in here about 10 personality disorders.</p> <p>11 MS. BREDEHOFT: I think she did in the 12 deposition.</p> <p>13 MR. DENNISON: That's not what she 14 testified to. We'll get to it.</p> <p>15 MS. BREDEHOFT: And, by the way, 16 Dr. Curry didn't put in her report that she 17 diagnosed personality disorders. She testified on 18 the stand she did.</p> <p>19 THE COURT: I didn't have an objection. 20 I can only deal with the objections I get.</p> <p>21 MS. BREDEHOFT: Okay. I'm just trying 22 to do this. I'm trying to find it. This is such</p>

3975	1 a long one, Your Honor. 2 THE COURT: I understand. 3 MS. BREDEHOFT: But she testified to 4 PTSD. 5 THE COURT: Right. 6 MS. BREDEHOFT: She did not testify -- 7 THE COURT: And she testified to that. 8 MS. BREDEHOFT: Right. And she found 9 PTSD, which rules out personality disorder. 10 MR. DENNISON: She didn't testify to 11 that, Your Honor. 12 MS. BREDEHOFT: But you don't have to. 13 It's one or the other. 14 THE COURT: She's testified that now. 15 But now she's starting to get into -- 16 MS. BREDEHOFT: Why it wouldn't have 17 been -- why it needs to be -- I mean, I can 18 redirect her to why this meets the DSM-5 and why 19 does it not meet personality disorder. 20 THE COURT: But she didn't test her for 21 personality disorder, right? 22 MS. BREDEHOFT: Can I ask that?	3977	1 She said -- 2 THE COURT: What page? 3 MS. BREDEHOFT: I'm on page 24. 4 THE COURT: Okay. 5 MS. BREDEHOFT: She talks about -- I'm 6 just trying to find the words "personality 7 disorder." 8 THE COURT: Okay. 9 MS. BREDEHOFT: I don't see the words 10 "personality disorder." 11 THE COURT: All right. You have what 12 you have. Now, we need to move on. Whatever is 13 in the designation is what we're going with, 14 right? 15 MS. BREDEHOFT: Okay, Your Honor. 16 MR. DENNISON: Your Honor, while we're 17 here, can we raise another issue? 18 I think the witness just said that she 19 saw no prior evidence of intimate partner 20 violence. 21 THE COURT: Uh-huh. 22 MR. DENNISON: And that does implicate
3976	1. Because I think that -- 2 THE COURT: Well, if it's not -- 3 MS. BREDEHOFT: The test would 4 reflect -- she's got 12 tests, Your Honor, and if 5 there were personality disorders, it would show up 6 in the tests. 7 MR. DENNISON: Well, she would have to 8 disclose it in her expert report, which she failed 9 to do. 10 THE COURT: Does it say anywhere in 11 here that she doesn't have a personality disorder? 12 I guess that's what it comes down to. 13 MS. BREDEHOFT: Your Honor, I'm 14 looking. 15 THE COURT: Okay. 16 MS. BREDEHOFT: The discussion was -- 17 the discussion, in the deposition, was that she -- 18 MR. DENNISON: Your Honor, I spent a 19 lot of time with that thing over the last couple 20 of days. 21 THE COURT: I'm sure you have. 22 MS. BREDEHOFT: I'm sure you have too.	3978	1 the prior arrest of Ms. Heard because the person 2 we're involved with was her intimate partner and, 3 in fact, that intimate partner reported that 4 arrest to this doctor. And I didn't want to raise 5 this issue, except without vetting with you first. 6 THE COURT: Okay. 7 MR. DENNISON: But I will show you the 8 notes where Ms. Heard reports intimate partner 9 violence -- or arrest for IPV to this doctor and 10 this doctor is -- I believe just testified she saw 11 no prior evidence of IPV. 12 THE COURT: I'll allow you to ask her 13 that question on cross-examination, if she had any 14 other evidence. Then depending on what her answer 15 is, we can go from there. 16 MR. DENNISON: Right. 17 THE COURT: So we're not going to bring 18 the arrest in right now. But he can ask, you 19 know, did you say on cross -- did you say on 20 direct that you saw no previous inter-partner 21 violence, just yes or no? 22 Does that make sense?



<p>3979</p> <p>1 MS. BREDEHOFT: Yes, except for that 2 arrest, they didn't follow through with it. 3 THE COURT: I understand. 4 MS. BREDEHOFT: Doesn't mean that she 5 did commit it. Because the arrest, they dropped 6 the charges. 7 THE COURT: Right. Which is a rebuttal 8 for you. I mean, redirect for you, if it comes 9 down to it. The problem is, she just said that 10 there was no inter-partner violence before 11 Mr. Depp, and now he's saying, in 12 cross-examination, don't I have a right to say, 13 well, wasn't she -- didn't she self-report an 14 arrest? Or something like that. I'm not going to 15 go there yet because I'm not sure that's exactly 16 what she said. 17 MS. BREDEHOFT: I don't remember her 18 saying that. 19 THE COURT: I don't either, so I'm 20 going to allow him to ask her that question. Just 21 that one question, nothing about arrest. And then 22 depending on the answer, you approach again, okay?</p>	<p>3981</p> <p>1 with any personality disorder. 2 Q And what, if anything, did Dr. Bonnie 3 Jacobs say about diagnosing Amber Heard with any 4 personality disorders? 5 A And Dr. Jacobs, similarly, did not 6 diagnosis Ms. Heard with any personality disorder. 7 Q Thank you. 8 Now, let's turn back to intimate 9 partner violence. 10 What types of physical violence were 11 reported to you? 12 A So, there were a number of physically 13 violent behaviors that were reported, that 14 Ms. Heard reported that Mr. Depp perpetrated. He 15 pushed her, he shoved her, he slapped her with the 16 front of his hand and the back of his hand, he 17 choked her, he slammed her into the wall, he 18 pushed her and she fell down, he kicked her in the 19 back. Again, without looking at my notes, that's 20 what I can recall. 21 Q And what type of injuries did Amber 22 Heard report to you?</p>
<p>3980</p> <p>1 Does that make sense? 2 MS. BREDEHOFT: Yeah. One more. 3 I got a note passed to me that says 4 that there's a flood of media reports out there 5 trying to be critical of Dr. Hughes on the stand. 6 Sounds like it might be sent from the Depp people. 7 THE COURT: I don't know. 8 MS. BREDEHOFT: I don't know. 9 MR. DENNISON: I stay off social media 10 at all cost. So, I have no idea. But I don't -- 11 I mean, they're sitting here in the courtroom, so 12 I'm not -- I don't know. I know everybody has PR 13 teams, so I don't know what to tell you on that 14 one. 15 MS. BREDEHOFT: Thank you. 16 MR. DENNISON: Thank you, Your Honor. 17 (Open court.) 18 BY MS. BREDEHOFT: 19 Q Dr. Hughes, what, if anything, did 20 Dr. Cowan say to you about any type of diagnoses 21 of personality disorders? 22 A Dr. Cowan did not diagnosis Ms. Heard</p>	<p>3982</p> <p>1 A She reported mostly bruising, pain, 2 some cuts. She reported vaginal pain from some of 3 the sexual assaults. She reported that she did 4 have some scratches and cuts on her from broken 5 glass. She reported that she believed she may 6 have lost consciousness two times, once in the 7 Australia incident and once in the December 15th, 8 2015 incident. 9 Q Okay. What type of coercive control 10 did -- was reported or did you find? 11 MR. DENNISON: Objection. Leading. 12 THE COURT: Sustained. 13 Q What, if any, corrosive control was 14 reported to you? 15 A So, the coercive control that was 16 determined in this relationship, I found to be 17 quite significant. There are many, many instances 18 where Mr. Depp tried to control how Ms. Heard went 19 about her career. He didn't want her to show 20 nudity. He didn't want her to show boob. He 21 didn't want her to act with certain actors because 22 of this obsessive jealousy. He criticized her</p>

<p style="text-align: right;">3983</p> <p>1 ambition. He'd rather she not work. He called 2 the ambition as something as a negative thing. It 3 made her very fearful to have to look at scripts 4 or talk about scripts or talk about movie roles 5 because he persistently put those down and told 6 her she didn't need to work and she didn't need to 7 do that, and she didn't need to show her tits and 8 ass. She didn't necessarily support her work. 9 The way this manifested, as well, is that he 10 called almost every actor that she had to work 11 with, males and females. So no matter what show 12 she was filming or shooting, he would call the 13 leading actor, he would call the director. He 14 would tell you, I've got eyes down there. I've 15 got eyes down on the set. So she never felt safe 16 to be herself and be an actress in these films or 17 productions because she'd have to come home and 18 then endure his anger at her for doing something 19 or not doing something. When she was filming and 20 he was in the same town, she feared that he would 21 show up on the set. And, you know, to know what 22 her call, what she was filming that day. Even</p>	<p style="text-align: right;">3985</p> <p>1 want to see where there might be nudity or there 2 might be something where she's going a love scene. 3 And then almost every person that she was in a 4 film with, there would be those barrages of the 5 consistent accusations of infidelity. And we saw 6 that on the Australia pictures. The Billy Bob. 7 He was one person that he continued, you know, to 8 berate her about having an affair with. That's 9 what obsessive control looks like. Those messages 10 on the mirror. 11 When you look at how he wanted her to 12 be -- there was some interference with the family, 13 with her sister, when some things were leaked. 14 You know, he was obsessed believing that it was 15 Whitney who did it. And eventually, Ms. Heard had 16 to succumb and say, okay, yes, it was, and then 17 alienate herself from her sister because she just 18 couldn't not take the fights anymore. Just 19 couldn't that the constant barrage of criticism. 20 So there were many instances, in terms 21 of their interactions. She would have to text him 22 right back. But when he would text -- when she</p>
<p style="text-align: right;">3984</p> <p>1 told her assistant, don't give it to him, don't 2 let him see it so he won't show up. And sometimes 3 he did. So it was very trepidatious for her and 4 very anxiety-provoking that he continued to do 5 this. 6 He tried to control what she wore. 7 When she was going out with him, things were fine, 8 but he told her often, no woman like mine is going 9 to dress like a whore. And didn't want her to 10 wear revealing clothing, or revealing clothing 11 according to him. She recalled an incident where 12 she was going on a job audition and he said, you 13 know, you're going to go out with those tits and 14 ass? And, you know, she had to sort of go in and 15 put on, I think she said mom jeans, so that she 16 didn't look sexy, she didn't look revealing. And 17 continued to try to plead with him about what jobs 18 she could take and she could not take. 19 This made her be very sort of 20 restrictive and try to conceal things. She would 21 hide her scripts because she couldn't read them in 22 front of him because he would put them down or</p>	<p style="text-align: right;">3986</p> <p>1 would text him, he could not answer for days. And 2 it's this sort of -- we talk about, you know, the 3 ghosting. But your husband doesn't ghost you. 4 Your partner doesn't ghost you. There were so 5 many times of this sort of withdrawal of 6 affection, which was on his terms and when he 7 wanted to do it. 8 I'm aware that there is, you know, 9 testimony in this case that Mr. Depp decided to 10 leave because he didn't want to be violent. And I 11 do think that's true sometimes. I think he did 12 leave in times where he didn't want an 13 altercation. He did leave after an altercation. 14 He did leave and then came back and continued the 15 altercation. So leaving wasn't the defining 16 variable. The problem was that, you know, with 17 this obsessiveness and perseveration that he had, 18 the fight would always come back. So leaving 19 might end the argument for that moment, but 20 Ms. Heard knew he was always going to come back, 21 and he was going to, you know, start the 22 interrogation once again.</p>

<p>3987</p> <p>1 Q And what is the effect of the coercive 2 control on Amber Heard?</p> <p>3 A I mean, the effect was drastic. She 4 talked to me that she, you know, her roles 5 consistently dropped over the time that she was in 6 the relationship with Mr. Depp, just because it 7 was so difficult to go on auditions, to want to be 8 in a different location with him. Whenever she 9 was not on location with him, it was very 10 stressful, it was very anxiety-provoking because 11 of the accusations of infidelity. We heard that 12 through Isaac Baruch testimony, when she called 13 and was saying, babe, there's no one here. 14 There's no one here. That was something that she 15 had to do repeatedly and constantly over the 16 course of their relationship. So it would cause a 17 significant amount of anxiety, of distress, of 18 having to try to conceal and maneuver around him, 19 to try to have the career she wanted to have. It 20 made her hypervigilant and definitely contributed 21 to her psychological symptomatology getting worse 22 over time.</p>	<p>3989</p> <p>1 they went back into the trailer, Mr. Depp 2 performed a cavity search, extensively was looking 3 for drugs and felt it acceptable to rip off or 4 nightgown and stick his fingers up her vagina to 5 look for cocaine. Felt that maybe she was hiding 6 it there. Again, these incidents often happened 7 in a drug-fueled rage.</p> <p>8 There was another incident in the 9 Bahamas where when he got angry, he took his 10 fingers and put them in her vagina, moved her 11 around violently in the closet. Again, an act of 12 sexual violence.</p> <p>13 Of course, the incident in Australia 14 was one of the most severe instances of sexual 15 violence that Ms. Heard had to endure, in which 16 when he was beating her and choking her and 17 telling her, I'm going to fucking kill you, I hate 18 you, I hate you, I'm going to fucking kill you. 19 He grabbed a bottle that was on the bar and 20 penetrated her with that bottle.</p> <p>21 And Ms. Heard reported to me of 22 dissociating and going outside of her body and the</p>
<p>3988</p> <p>1 Q What about sexual violence?</p> <p>2 A So, there was a number of incidents of 3 sexual violence reported in this relationship. 4 Those are documented early on in Dr. Bonnie 5 Jacobs' notes, where when Mr. Depp was drunk or 6 high, he threw her on the bed, ripped off of 7 nightgown and tried to have sex with her.</p> <p>8 There were times when he forced her to 9 give him oral sex when he was angry. These 10 weren't in loving moments. These were angry 11 moments. Moment of dominance. Moments of him 12 trying to get control over her.</p> <p>13 There was a time when they were in 14 Hicksville in the trailer, I don't want to say 15 trailer park, but I guess it's trailer park, it is 16 a trailer park, where he was accusing her of a 17 woman hitting on Amber. And that was the problem. 18 Amber got accused of women hitting on her and got 19 accused of men hitting on her. So there were so 20 many targets that came through in his obsessive 21 jealousy. But when he -- on that incident, when 22 Kelly Sue was accused of hitting on Ms. Heard and</p>	<p>3990</p> <p>1 only thing she was thinking is, oh, god, I hope 2 it's not the broken one.</p> <p>3 Q What, if any, psychological abuse did 4 you find?</p> <p>5 A There was a number of psychologically 6 abusive behaviors. As I stated, you know, 7 Ms. Heard admitted to me and reported that she 8 engaged in those behaviors as well. She reported 9 that she did call him names and offensive comments 10 and said things to him that were horrible, and 11 that she was incredibly saddened and horrified by 12 her behavior. And looking back she, at this 13 point, not being in the constant barrage of abuse, 14 does not recognize her.</p> <p>15 The abuse by Mr. Depp, he called her a 16 number of names, frequently whore, slut, cunt, 17 lesbian camp counselor, you know, easy, ambition. 18 Ambition was a weaponized term in that 19 relationship. So, he called her a lot of names 20 and humiliated her. And, of course, I think we 21 talked about the intimidation tactics. That, you 22 know, Mr. Depp was often banging and throwing and</p>

<p style="text-align: right;">3991</p> <p>1 hitting things in the household, which sort of got 2 the tension to rise up very significantly, very 3 quickly. 4 Q Can you tell me how you conducted your 5 analysis to arrive at these conclusions? 6 A Sure. So what I did was look at the 7 incidents that were reported and look at the 8 corroborating data around it. So, as we stated, 9 most of these incidents of intimate partner 10 violence happened behind closed doors, not 11 everyone is going to witness what the parties are 12 reporting behind closed doors. So you look at 13 what is the data that surrounds it? Is there any 14 data before it? Is there any data after it? Is 15 the person telling? Is the victim telling 16 somebody, in real time, about what's happening? 17 Are there therapy notes? Are there pictures? Are 18 text messages that sort of allow us to fill in the 19 pieces of the pictures, even though we don't have 20 exactly what happened at that moment. The more 21 collateral that we have and the consistency across 22 those data points, it gives us greater confidence</p>	<p style="text-align: right;">3993</p> <p>1 of the plane. 2 So if I look at what is the 3 corresponding data to this? There's a therapy 4 notes, several notes in Bonnie Jacobs' records 5 that talk about Mr. Depp's increasing use of 6 alcohol and his obsessive jealousy around James 7 Franco before this Boston plane incident. After 8 the incident, Ms. Heard told her friend iO; she 9 told friend Savannah; she told her friend Rocky. 10 Ms. Heard did not feel comfortable. She was 11 afraid to go home. So, she went to a hotel, 12 because when Johnny was in these states, he would 13 often show up because he was still in that 14 drinking and drugging phase. He talked about 15 that. That was the Roxicodone before he detoxed. 16 You know, he was still in that high substance 17 abuse phase, that he would show up at night, and 18 that did not feel safe. 19 There was a text from Stephen Deuters, 20 Mr. Depp's assistant. 21 MR. DENNISON: Objection, Your Honor. 22 THE COURT: All right. You want to</p>
<p style="text-align: right;">3992</p> <p>1 in our results. 2 Q Can you give us some examples? 3 MR. DENNISON: Objection. Vague. 4 THE COURT: Overrule. 5 A So, for example, the Boston plane 6 incident. I have to do it without looking. 7 May 24th, 2014. This is the incident where 8 Ms. Heard and Mr. Depp were going to fly back to 9 LA and spend the weekend together. They were 10 shooting at different sites. Ms. Heard was on the 11 plane waiting for Mr. Depp to come on, in the 12 tarmac. He's reportedly sitting on the -- in the 13 SUV smoking and drinking, smoking weed and 14 drinking. She is filming with James Franco at 15 this point, and she gets on the plane and he 16 starts talking about James Franco, you know, 17 making a lot of derogatory comments about her and, 18 you know, I hope you had fun where your escapades, 19 and some more inflammatory language. And then an 20 argument, when she got up to leave, he kicked her 21 in the back and she went forward on the plane, to 22 the front of the plane, because he sat in the back</p>	<p style="text-align: right;">3994</p> <p>1 approach? 2 (Sidebar.) 3 MR. DENNISON: She's going to convey 4 collective hearsay with no foundation. 5 MS. BREDEHOFT: She's allowed to rely 6 on hearsay. 7 THE COURT: She can rely on it, but she 8 can't just say it. She can rely on the hearsay 9 statements, but she can't -- any expert can get up 10 and say every hearsay statement there is. I mean, 11 she can rely on it, agreed. 12 MS. BREDEHOFT: But it's consistent 13 with -- 14 THE COURT: She can say it's 15 consistent, but she can't say what it is, the 16 actual text itself. 17 MS. BREDEHOFT: Can she characterize 18 it? I mean, that's the whole point here, she's 19 talking about consistent data. 20 THE COURT: I know. But an expert 21 still can't get hearsay statements into a trial. 22 She can say that she based it on those statements,</p>

3995	1 and she can talk -- you know, I don't know what 2 you mean by characterizing. 3 MS. BREDEHOFT: Your Honor, she can 4 rely on hearsay. 5 THE COURT: She can rely on it. 6 100 percent, she can rely on it. It doesn't mean 7 she can testify to every hearsay text between two 8 people she's not a part of, or Mr. Depp is not a 9 part of. 10 MS. BREDEHOFT: But it's Mr. Deuters 11 and Amber that she's relying on. The text he made 12 to Amber, which he admitted, he said that Mr. Depp 13 cried after he told him that he kicked her. I 14 mean, that's supporting -- 15 THE COURT: She can rely on it. 16 MS. BREDEHOFT: -- the data. 17 THE COURT: Supporting data, but you 18 still have the cover the hurdle of hearsay. 19 MS. BREDEHOFT: I'm not -- 20 THE COURT: Okay. You can read it, if 21 you'd like. 22 MS. BREDEHOFT: May I get mine?	3997	1 MS. BREDEHOFT: I mean, why -- 2 THE COURT: It's right there. 3 MS. BREDEHOFT: But my read of that is 4 a little bit different. My read of that is that 5 that doesn't mean I can now move the admission 6 of -- 7 THE COURT: Yeah, but she can't testify 8 to it either. 9 MS. BREDEHOFT: I don't read that as 10 what this says. And then, also, Your Honor, if 11 you go to 2705. And expert may testify -- 12 THE COURT: Right. Exactly. Let me 13 read it. Reliance upon hearsay expert by an 14 expert in forming opinions, that's fine. She does 15 not render that hearsay admissible. That hearsay 16 is not a document. That hearsay's the statement 17 on direct examination, so she can't testify to the 18 contents of what she read. 19 MS. BREDEHOFT: So I'll tell her to 20 move on from the Mr. Deuters text. 21 THE COURT: Any hearsay. Any hearsay. 22 She can't testify to hearsay.
3996	1 THE COURT: Sure. 2 MS. BREDEHOFT: Which? 3 THE COURT: We're on the expert ones. 4 There you go. All right. So in civil cases 5 Virginia code allows experts to rely on 6 inadmissible material in forming their opinion, 7 which I agree with you, for cases discussing the 8 extent to which an expert may relay on hearsay in 9 forming his opinion, you can see -- here reads the 10 next line: "Reliance upon hearsay by an expert in 11 forming an opinion does not render that hearsay 12 admissible on direct examination, regardless of 13 whether the hearsay involves opinions or fact 14 statements." 15 MS. BREDEHOFT: So what I read that to 16 mean is that that doesn't mean we can now get 17 Mr. Deuters texts on direct. 18 THE COURT: But she can't testify to it 19 either. That's the same thing. She can't -- it's 20 hearsay. She can't say hearsay. She can rely her 21 opinions on it, but she can't testify to hearsay. 22 She can't say it.	3998	1 MS. BREDEHOFT: But she can rely on it? 2 THE COURT: She can rely on it, but she 3 can't testify to what the hearsay is. That's 4 hearsay. 5 (Open court.) 6 BY MS. BREDEHOFT: 7 Q All right. So, Dr. Hughes, let's go 8 past that text and talk about -- go past that text 9 and continue after that text. 10 A Sure. So there was -- Mr. Depp 11 apologized to Ms. Heard for that incident. 12 Mr. Depp said, in his U.K. testimony, well, I only 13 maybe playfully tapped her on the back with my 14 foot. Mr. Depp texted Paul Bettany and talked 15 about how he was so drunk and out of control and 16 engaged in bad behavior. He texted his friend 17 Patty Smith a very similar type of text, about how 18 drunk and out of control he was. 19 And then, finally, Amber Heard wrote an 20 email talking about how distressed and heartbroken 21 she was. 22 MR. DENNISON: Objection. Hearsay.

<p style="text-align: right;">3999</p> <p>1 MS. BREDEHOFT: I mean, I don't agree. 2 THE COURT: I know you don't. 3 Sustained. I'll sustain the objection. 4 Next question. 5 MS. BREDEHOFT: All right. 6 Q Can you give another example? 7 A I think those are all I can remember at 8 this point. 9 Q Okay. What, if any -- sorry, I'm going 10 to have to go a little bit further here. 11 So you concluded that Amber Heard used 12 psychological abuse and some reactive physical 13 violence, I think I heard you say; is that 14 correct? 15 MR. DENNISON: Objection. Leading. 16 THE COURT: Overruled. 17 Q Can you please explain to the jury what 18 you meant by that? 19 A Yes, that was correct. That, you know, 20 Amber Heard reported to me some of the behaviors 21 that she used that were psychologically 22 aggressive. The name-calling, the putting him</p>	<p style="text-align: right;">4001</p> <p>1 Now, you stated that you read a number 2 of therapy records. 3 Please tell the jury, why are therapy 4 records important? 5 A Therapy records are critical for a 6 forensic psychologist. When we have the 7 opportunity to go back in time and see what a 8 person was dealing with, what the content of their 9 distress was and what the symptoms of their 10 distress was, it really gives us a snapshot in 11 time. So they become very critical as part of the 12 overall psychological evaluation. Because we, as 13 psychologists, understand how people sort of treat 14 in therapy and what to look for. 15 So, in looking back at Ms. Heard's 16 therapy records, we see sort of real-time, 17 unfolding of this dynamic in this relationship. 18 We see, early on in her notes with -- in her 19 report with Bonnie Jacobs and Dr. Bonnie Jacobs' 20 notes, reports of constant concerns about 21 Mr. Depp's substance abuse. Constant concerns 22 about his passing out and vomiting. Constant</p>
<p style="text-align: right;">4000</p> <p>1 down and calling him very bad names and insulting 2 his fatherhood. And she was very shamed and 3 remorseful about that. She also indicated, you 4 know, using, as some of the testing showed, minor 5 forms of violence, pushing, shoving, throwing 6 objects. We see that a lot with women when 7 there's not proportional force. Women are more 8 likely to throw objects. And then the more severe 9 act of punching him, which a punch falls in the 10 more severe category. And the context, as she 11 explained it, was that he was coming after Whitney 12 and she stood -- her sister and she stood in the 13 way and she punched it. 14 Q Now, did that make Amber Heard a 15 perpetrator of intimate partner violence? 16 MR. DENNISON: Objection. Leading. 17 THE COURT: Overruled. 18 A So that was one of the tasks that I had 19 to consider. That was one of the hypothesis that 20 I had to consider. And given all of the other 21 data, that was not my opinion. 22 Q Okay. Thank you.</p>	<p style="text-align: right;">4002</p> <p>1 concerns about not wanting -- 2 MR. DENNISON: Objection, Your Honor. 3 Hearsay. 4 MS. BREDEHOFT: She can characterize 5 that and say she relied on that. 6 THE COURT: Overruled. 7 MS. BREDEHOFT: Thank you. 8 Q Please continue. 9 A Constant concerns about how do I get 10 him into treatment? How do I get him help? 11 Ms. Heard starts going to Al-Anon at this point, 12 early 2012, in the beginning of the relationship, 13 because she has to figure out and wants to figure 14 out a way to support the man that she's dating 15 right now and the man that she's falling madly in 16 love with. 17 There are reports in Dr. Jacobs' notes, 18 early on, about his controlling behavior, about 19 his jealousy behavior, about him not wanting to do 20 certain jobs. Not wanting her to wear certain 21 clothes. So this is going back to 2012, with no 22 indication of why would she be saying that but for</p>

<p>4003</p> <p>1 the sole purpose of trying to get help and trying 2 to get guidance in this relationship that she 3 finds so difficult. 4 There are indications, as I mentioned 5 before, of the sexual assault and the sexual 6 abuse, and how he would, you know, when he was 7 angry and when he was drunk. It was mostly drug- 8 and alcohol-fueled rage when he would, you know, 9 throw her on the bed and try to have sex with her. 10 Then, you know, if he was not able to perform, he 11 would get more angry at her and blame her. So we 12 have this dynamic of blaming her for his inability 13 to take responsibility for his behavior. 14 Those themes were throughout 15 Dr. Jacobs' notes. 16 Q Did Dr. Jacobs assign any diagnoses to 17 Amber Heard? 18 A She did. 19 Q When one? 20 A Early on, she diagnosed with her panic 21 disorder, and then later with post-traumatic 22 stress disorder.</p>	<p>4005</p> <p>1 Q And you had how long of a collateral 2 interview with him? 3 A I believe it was two hours. 4 Q Okay. And what did you get from all of 5 that data? 6 A So, by the time that she gets to 7 Dr. Connell Cowan, which is 2014, I believe, 8 September 2014, is when Dr. Kipper comes on the 9 scene, Ms. Heard's psychological functioning is 10 significantly deteriorated. She's suffering more 11 anxiety, more sleeplessness, more agitation, more 12 emotional dysregulation, this fluctuation in 13 moods. And when you sort of looking at the 14 records of what happened in those first two years 15 from Dr. Jacobs, and now we have up to Dr. Connell 16 Cowan, and we see all of the incidents that she 17 was exposed to, including the sexual violence and 18 the coercive control, it makes to me that her 19 status, her psychological functioning has 20 deteriorated. And in Dr. Connell Cowan's notes, 21 that's what he's always trying to do. He's trying 22 to help her help Mr. Depp. Help her act in a way</p>
<p>4004</p> <p>1 Q All right. And did Dr. Jacobs diagnose 2 Amber Heard with borderline personality disorder? 3 A No, she did not. 4 Q Histrionic personality disorder? 5 A No, she did not. 6 Q And is that important? 7 A That's very important when we're trying 8 to figure out the course of somebody's illness, 9 the course of somebody's psychiatric difficulties. 10 As I stated, I don't think I got to state, 11 personality disorders usually start in 12 adolescence, early – 13 MR. DENNISON: Objection. 14 THE COURT: I'll sustain the objection. 15 Next question. 16 MS. BREDEHOFT: Okay. 17 Q You also stated that you reviewed 18 Dr. Connell Cowan's treatment notes, correct? 19 A Correct. 20 Q And you also read his deposition 21 testimony? 22 A Correct.</p>	<p>4006</p> <p>1 so that Mr. Depp does not hurt her. 2 Mr. Depp -- I mean, pardon me, 3 Dr. Connell Cowan was very concerned for Amber 4 Heard's safety, as was Dr. Bonnie Jacobs. 5 Dr. Jacobs was very concerned for her safety and 6 she continued to talk about safety aspects for 7 Ms. Heard, as does Connell Cowan. They did, both 8 of them, both therapists understood and Ms. Heard 9 talked to them about it, that there were times 10 that she fought back and used violence and times 11 that she screamed and she said things that she 12 didn't want to. But, nevertheless, that did not 13 change the balance for them either. And they were 14 very concerned that because of Mr. Depp's 15 significant substance abuse and his sort of poorly 16 controlled anger, that, at some point, he was 17 going to seriously hurt her. 18 Q Did Dr. Cowan provide Ms. Heard with a 19 diagnosis of borderline personality disorder? 20 A No, he did not. 21 Q Did he diagnosis Amber Heard with 22 histrionic personality disorder?</p>

4007	<p>1 A No, he did not. 2 Q Is that important? 3 A It's important that you are -- have an 4 individual, Ms. Heard, who's in therapy for over 5 two years with one therapist, and over two years 6 with another therapist, and you're not seeing 7 those characteristics of a personality disorder. 8 If the manifestation of a person's difficulties 9 and illness and symptomatology is better explained 10 by another disorder, then you don't qualify for 11 the personality disorder. You can't get the 12 diagnosis. That's part of the criteria. 13 So if it's not a pervasive pattern, a 14 variety of context, and it can't be better 15 explained by her trauma experience and the 16 exposure and the symptoms as a result of that 17 trauma, then you don't get a personality disorder. 18 And that's why they didn't diagnose it. 19 Q Did you read Dr. Amy Banks' deposition 20 testimony? 21 A Yes, I did. 22 Q And what were her findings?</p>	4009	<p>1 everybody has, all of her other therapists, 2 because Ms. Heard admitted as such, that she also 3 used low levels of violence as well. So, Dr. Amy 4 Banks had that opinion. 5 Q Did you review Dr. Laurel Anderson's 6 treatment notes and read her deposition? 7 A Yes, I did. 8 Q Okay. What was the significance of 9 what you learned from Dr. Anderson? 10 A So, Dr. Anderson, similarly, thought 11 that there was violence and abuse in this 12 relationship. She was the one therapist, out of 13 the four, who qualified it as mutual abuse, which 14 the determination, I talked to you about, I don't 15 necessarily agree with. But she did see and did 16 understand that there was violence and abuse by 17 Mr. Depp. What was most notable was that after 18 the December 15th, 2015 episode, Ms. Heard called 19 her, in addition to calling Connell Cowan, and 20 reached out to a number of people. But she saw 21 Dr. Anderson in her office, and Dr. Anderson saw 22 two bruises on her face and told me, my husband</p>
4008	<p>1 A So she, Dr. Banks had one session, one 2 couples session with Mr. Depp and Ms. Heard. 3 Dr. Banks is very reputable. She works up at the 4 Harvard Medical School, Cambridge Victim of 5 Violence program, which is a very well-known 6 program for understanding -- 7 MR. DENNISON: Objection, Your Honor. 8 THE COURT: What's the objection? 9 MR. DENNISON: It's nonresponsive to 10 the question. The question was, what were the 11 findings? 12 THE COURT: All right. 13 Q Tell the jury who Dr. Amy Banks is. 14 A Just like I said, so she's somebody who 15 has a wealth of experience and understanding 16 intimate partner violence and the dynamics of 17 violent relationships. 18 But she only had one session with the 19 couple, and it was her determination, when they 20 were both there and the violence was talked about, 21 that Mr. Depp did not deny the violence that he 22 perpetrated toward Ms. Heard. She also did, as</p>	4010	<p>1 kicked me and he pushed me, and punched me in the 2 head, and should I call the police? What should I 3 do? 4 MR. DENNISON: Objection, Your Honor. 5 Hearsay. 6 MS. BREDEHOFT: She's not reading, Your 7 Honor. She's -- 8 THE COURT: Sustain the objection. 9 Next question. 10 MS. BREDEHOFT: All right. 11 Q What were your -- what conclusions did 12 you make as a result of Dr. -- what you reviewed 13 from Dr. Laurel Anderson? 14 A My take of reading Dr. Laurel 15 Anderson's deposition and seeing her, you know, 16 redacted notes was that, you know, from my 17 professional opinion, this was a very serious 18 incident and a very serious allegation of intimate 19 partner violence by Mr. Depp. If a patient comes 20 into my office with two bruises and alleges being 21 pushed, shoved, and kicked by her partner, I'm 22 going to be very concerned and I'm going to</p>



<p style="text-align: right;">4011</p> <p>1 mobilize a lot more resources to help that 2 individual. And for some reason, that did not 3 happen for Ms. Heard. 4 Q Okay. What are your overall clinical 5 impressions from reading these notes from Amber 6 Heard's treatment providers and their couples 7 therapist? 8 MR. DENNISON: Objection. Compound. 9 THE COURT: All right. Sustained. 10 Q What are your overall clinical 11 impressions from reading what you told everybody 12 you read? 13 MR. DENNISON: Objection. Compound. 14 MS. BREDEHOFT: I mean, I don't know 15 how to get it less compound, Your Honor. 16 THE COURT: Overruled. Go ahead. 17 MS. BREDEHOFT: Thank you. 18 A So my overall impression of the 19 treatment notes was, you know, there's significant 20 support for the fact that there was intimate 21 partner violence in this relationship. It was 22 consistently reported over time. And there were</p>	<p style="text-align: right;">4013</p> <p>1 her psychological status deteriorated as she was 2 in the relationship with Mr. Depp. She kept 3 getting worse. She was losing weight. By the 4 end, she was down to, I think, 105 pounds from 5 about 125, 130. She was taking significantly more 6 medication than she's ever taken in her life. She 7 was having more panic, more anxiety, more 8 distress. More affect dysregulation, just really 9 an inability to regulate her mood. More anger 10 outbursts. So it significantly deteriorated over 11 time. 12 Q You talked about weight. What, if any, 13 diagnoses did Dr. Bonnie Jacobs make about Amber 14 Heard having an eating disorder? 15 A There was no evidence in the record 16 that Ms. Heard had an eating disorder. 17 Q What, if any, observations did you make 18 about whether Dr. Connell Cowan thought she had an 19 eating disorder? 20 A There was no indication in his record 21 that she had an eating disorder. 22 Q Now, what, if any, observations did you</p>
<p style="text-align: right;">4012</p> <p>1 couples therapists who saw and understood that. 2 So, you know, Mr. Depp also attended a session 3 with Dr. Connell Cowan, with Ms. Heard, and in 4 that session, he was very belligerent and mean and 5 yelling and intimidating, and even got up and 6 stormed out, rolled a joint, and then came back 7 later. 8 Dr. Connell Cowan's impression was this 9 was somebody who is poorly controlled. That's the 10 same thing that Dr. Laurel Anderson said about 11 him, and he stormed out of one of those sessions 12 too. So there were a total of six sessions, 13 couple sessions, and Mr. Depp stormed out of two 14 of them. So only four couples sessions for these 15 two individuals in this highly volatile, highly 16 damaging relationship that was, you know, 17 punctuated by the coercive control and the 18 intimate partner violence. 19 Q What, if any, observations did you make 20 about Amber Heard's psychological status over that 21 period? 22 A I mean, the record was very clear that</p>	<p style="text-align: right;">4014</p> <p>1 make about the impact of Mr. Depp's substance 2 abuse? 3 A So the substance abuse was a very 4 relevant and complicating factor to this 5 relationship. When you pair that level of 6 substance abuse with the level of intimate partner 7 violence and coercive control, it's a very, very 8 disastrous mix. And one of the things that 9 happens with the substance abuse is a very similar 10 dynamic that happens with the intimate partner 11 violence, that there's the lying, there's the 12 hiding, there's the cheating, there's the 13 accusation, you know, the rationalization about 14 the drinking, the rationalization about the 15 violence, the trying to -- you know, promises. 16 I'm going to do better. I'm going to get clean 17 and sober. I'm not going to hit you anymore. 18 MR. DENNISON: Objection, Your Honor. 19 Can I be heard? 20 THE COURT: You want to approach? 21 (Sidebar.) 22 MR. DENNISON: She doesn't render an</p>

4015	1 opinion as to his substance abuse in her expert 2 report. 3 MS. BREDEHOFT: She definitely says in 4 the expert report that the substance abuse -- 5 MR. DENNISON: Was a contributor. 6 MS. BREDEHOFT: -- was a contributor. 7 THE COURT: To the intimate partner 8 violence, right, which is what she's talking 9 about? 10 MR. DENNISON: Right. But she's 11 elaborated on that to a degree that's well beyond 12 the scope of that expert report. She does say the 13 substance abuse was a contributor to the violence, 14 but she's going deep, way beyond -- way beyond the 15 scope. 16 THE COURT: I'll allow it. We're 17 moving on, I assume. 18 MS. BREDEHOFT: Yeah. 19 THE COURT: Okay. How much more do you 20 think you have? I want to make sure on time. 21 MS. BREDEHOFT: I don't have a lot. 22 THE COURT: So you'll be able to finish	4017	1 to. 2 THE COURT: I'm sure they're coming in. 3 I just didn't know. 4 MR. DENNISON: What Mr. Waldman said, 5 she's going to repeat? That's hearsay. 6 MS. BREDEHOFT: I wasn't going to have 7 her repeat it, I was going to ask her -- because 8 she was given this opinion that, you know, Amber 9 Heard suffered emotional distress as a result of 10 these statements. So I was going to put the 11 statements in front of her and ask her that. But 12 I don't have to with this witness. 13 THE COURT: Why don't we move on. 14 Yeah, why don't we move on. 15 MS. BREDEHOFT: Okay. Then I will just 16 say, you know, are you familiar with the 17 statements -- 18 THE COURT: Right, that's in the 19 designation. 20 MS. BREDEHOFT: Okay. Thank you. 21 MR. DENNISON: Thank you. 22 (Open court.)
4016	1 direct? 2 MS. BREDEHOFT: I can finish direct. 3 THE COURT: So that gives you overnight 4 to look at the notes and things. 5 Will that work? 6 MR. CHEW: That works. 7 MS. BREDEHOFT: While we're up here, 8 I'm planning on putting in three counterclaim 9 statements through her, which is not -- her second 10 opinion is that Amber suffered emotional distress 11 as a result of those. I have redacted them down 12 to just the statements. One of them was in -- 13 THE COURT: Right. So just the 14 statement -- 15 MS. BREDEHOFT: The statements. The 16 Adam Waldman statements. Taking everything -- I 17 think one of them came in earlier, but the 18 redaction -- 19 THE COURT: You want to get his 20 statements in through her? 21 MS. BREDEHOFT: Well, I was thinking of 22 doing that. I don't know that they're objected	4018	1 BY MS. BREDEHOFT: 2 Q What, if any, dynamics and coping 3 styles are connected to the substance abuse by 4 Mr. Depp? 5 A So, they share similarities. There's a 6 lot of lying when somebody's a substance abuser. 7 There's a lot of hiding, there's a lot of 8 concealment, there's a lot of rationalization. 9 There's a lot of blame, blaming your partner for 10 your inability to stay clean and sober. There's a 11 lot of the promises to change and the promises to 12 get better. 13 So a lot of these dynamics sort of 14 co-occur, you know, in a situation of substance 15 abuse and domestic violence. They're very 16 similar. The difficulty in this relationship was 17 that the majority of the violent episodes and the 18 sexually violent episodes were in these alcohol 19 and drug-fueled rages. That was predominantly 20 when those happened. 21 When he wasn't in those stages, we 22 still saw the obsessive jealousy and coercive

<p style="text-align: right;">4019</p> <p>1 control and the possessiveness. That still 2 persisted. But when the alcohol and the drugs 3 came together was when Amber Heard was more in 4 danger of being hurt by him. 5 Q Why didn't Amber Heard leave the 6 relationship sooner? 7 A Well, I mean -- 8 MR. DENNISON: Objection. Speculation, 9 Your Honor. 10 Q Have you formed -- based on your 11 experience and based on your 29 hours of clinical 12 evaluation of Amber Heard, what is your 13 understanding of why Amber Heard didn't leave the 14 relationship earlier? 15 MR. DENNISON: Objection. Beyond the 16 scope of the disclosure. 17 MS. BREDEHOFT: It clearly is not. I 18 mean, it's clearly in the disclosure. Point to 19 where you say it's not. 20 THE COURT: Point to where you say it's 21 not? Come forward. 22 (Sidebar.)</p>	<p style="text-align: right;">4021</p> <p>1 about -- we have all that evidence. I do have 2 that, about why individuals don't leave. 3 MS. BREDEHOFT: I mean, it's just laced 4 with that. 5 THE COURT: Yeah. 6 MS. BREDEHOFT: Asking -- 7 THE COURT: I'm going to sustain the 8 objection, okay? 9 (Open court.) 10 BY MS. BREDEHOFT: 11 Q Now, you indicated that your main 12 opinion was that Amber Heard's report of violence 13 and abuse in her relationship with Mr. Depp is 14 consistent with what is known as "intimate partner 15 violence," correct? 16 A That's correct. 17 Q Okay. And why did you believe that 18 Amber Heard -- why did you have -- what formed 19 your basis of that opinion, in a nutshell? 20 MR. DENNISON: Asked and answered, Your 21 Honor. 22 THE COURT: Overruled. I'll allow it.</p>
<p style="text-align: right;">4020</p> <p>1 THE COURT: Point to where you say it's 2 not? I don't know if he can do that. 3 You're saying this -- 4 MR. DENNISON: There is no suggestion 5 in there with respect to why Ms. Heard didn't 6 leave. 7 THE COURT: Is it saying here that 8 she's going to give an opinion as to why Ms. Heard 9 didn't leave? 10 MR. DENNISON: It does not. 11 MS. BREDEHOFT: I mean, the whole thing 12 is laced with this. 13 THE COURT: But you have to disclose 14 opinions. I mean, that's an opinion. Why did she 15 not leave? That would be an opinion. That would 16 be based on her expert opinion. 17 MS. BREDEHOFT: She talks about coping 18 skills. 19 THE COURT: She's talked about all that 20 and why victims don't leave. But I just don't see 21 where there's an opinion why didn't she leave, 22 specifically. I mean, she's already talked</p>	<p style="text-align: right;">4022</p> <p>1 A The basis of the opinion was looking at 2 all the dynamics in this relationship. Looking at 3 not just the hitting and the yelling, but looking 4 at how much more hitting was done. Looking at the 5 coercive control, the obsessive jealousy, the 6 possessiveness, the sexual violence, the choking 7 behavior, the threats to kill. Those are all, as 8 I stated, very significant and often found in 9 cases of lethal domestic violence. Those were 10 significant severity factors. And looking at all 11 those, that's what tipped the scale. Even though 12 she yelled and said some horrible things and hit 13 him, never was able to shift the balance of power 14 and control in that relationship. 15 Q Now, you have discussed with Amber 16 Heard and you have reviewed and evaluated the 17 emotional impact on Amber Heard as a result of -- 18 emotional distress as a result of the three 19 counterclaim statements, correct, the three 20 alleged defamatory statements made by Mr. Depp 21 through Mr. Waldman, correct? 22 A That is correct.</p>

4023	1 Q Okay. 2 MR. DENNISON: Objection. Compound. 3 Leading. 4 THE COURT: Overruled. I'll allow it. 5 Go ahead. 6 MS. BREDEHOFT: Thank you. Thank you. 7 Q Can you, please, tell the jury what 8 psychological impact these statements had on Amber 9 Heard. 10 A Yeah. So there were three statements 11 that I evaluated. May I check my notes to give 12 you the dates and my recollection so that you can 13 be -- I can be clear? 14 Q Since I couldn't put it in, that might 15 be the fastest way, Your Honor. 16 THE COURT: I'd rather she not address 17 the Court. I mean... 18 MS. BREDEHOFT: I'm sorry, I'm sorry. 19 Q Yes. 20 A Okay. So there were three statements 21 on April 8th, 2020, April 27th, 2020, and 22 June 24th, 2020, that I queried her about and	4025	1 the -- 2 THE COURT: I'll overrule the 3 objection. 4 Go ahead. 5 Q Please continue. 6 A The one that was most difficult for 7 Ms. Heard was the statement about calling her 8 sexual violence a hoax. 9 As I stated earlier, most women try, 10 very diligently, to put that sexual violence in a 11 box, bury it down, not want to talk about it, not 12 want to, you know, have anything related to it 13 come out. And, you know, she's done, you know, by 14 my estimation, her coping, although she suffers 15 from post-traumatic stress disorder, she also has 16 a high degree of coping strategies. But when this 17 would happen, it sort of just -- everything would 18 deteriorate. And this is the one thing that women 19 are always afraid of, that no one's going to 20 believe them. No one's going to take them 21 seriously. And when somebody comes out in the 22 popular media and calls your experience a hoax,
4024	1 asked her about. The one that -- what happens 2 is -- if somebody who, like Ms. Heard, has 3 trauma-based symptoms and PTSD, we say that PTSD 4 is a cue-based disorder, there are things that 5 happen in the environment that trigger it and make 6 it worse. And having to have to refute that your 7 report of violence and abuse is a hoax, makes 8 one -- makes that trauma activated. So it makes 9 the PTSD symptoms, at that time, become more 10 intense and more severe. So she would have more 11 intrusive thoughts, more nightmares, more 12 sleeplessness, more difficulty in engaging with 13 other people. Depression, sadness, stress. All 14 of that would happen when one of these statements 15 came out. 16 The one that was, you know, the most 17 difficult was the one where they said that her 18 sexual -- 19 MR. DENNISON: Objection, Your Honor. 20 A -- violence was a hoax. 21 THE COURT: What's the objection? 22 MR. DENNISON: I think she's going to	4026	1 that lended itself to more severe psychological 2 and traumatic symptomatology for her. 3 Q Dr. Hughes, are all of your opinions 4 that you have provided today within a reasonable 5 degree of psychological probability or certainty? 6 A Yes, they are. 7 MS. BREDEHOFT: Thank you. 8 I have no further questions. 9 THE COURT: All right. 10 Ladies and gentlemen, I think this is a 11 good time to go ahead and break for the day. We 12 can have cross-examination and redirect tomorrow 13 of this witness, of Dr. Hughes. So you can have a 14 good evening, and do not discuss the case with 15 anybody, and don't do any outside research, okay? 16 We'll see you in the morning. Thank you. 17 (Whereupon, the jury exited the 18 courtroom and the following proceedings took 19 place.) 20 THE COURT: All right. Dr. Hughes, 21 since you're still in the middle of your 22 testimony, please, don't discuss your testimony

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<p style="text-align: right;">4027</p> <p>1 with anybody, including the attorneys, okay? 2 THE WITNESS: Yes. 3 THE COURT: And anything that you 4 looked at, referenced during your direct 5 examination, if you can just turn that over so 6 they can view it before cross-examination, okay? 7 MS. BREDEHOFT: Your Honor, may I 8 just -- I presume she wants to be able to take 9 that back with her. 10 THE COURT: We can get copies of it. 11 Whatever it is. 12 MS. BREDEHOFT: Okay. Good. 13 THE COURT: We'll make sure you get 14 copies of it. Make sure you get copies of it so 15 she can keep her originals. 16 THE WITNESS: They have copies of 17 everything. 18 MR. CHEW: No, we don't. 19 THE COURT: No, no, no. We're not 20 talking. Court's in session. So we will see you 21 tomorrow at 10:00 a.m. 22 Okay. Have a good evening.</p>	<p style="text-align: right;">4029</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 3rd day 14 of May, 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 style="text-align: right;">4028</p> <p>1 THE BAILIFF: All rise. 2 (Whereupon, the trial was recessed at 3 4:51 p.m. to reconvene at 10:00 a.m., Wednesday, 4 May 4, 2022.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	