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CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Jury Trial - Day 26

Date: May 31, 2022
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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Transcript of Jury Trial - Day 26
Conducted on May 31, 2022

1 (7982 to 7985)

7982	7984
<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 31, 2022 16 9:00 a.m. EDT 17 TRIAL DAY 26 18 19 20 Job No.: 451219 21 Pages: 7982 - 7991 22 Reported by: Judith E. Bellinger, RPR, CRR</p>	<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM 4 DEFENDANT: 5 BENJAMIN G. CHEW, ESQUIRE 6 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>
7983	7985
<p>1 Held at: 2 3 4 CIRCUIT COURT OF FAIRFAX COUNTY 5 4110 Chain Bridge Road 6 Courtroom 5J 7 Fairfax, Virginia 22030 8 703.691.7320 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>1 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 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM 10 PLAINTIFF: 11 12 ELAINE CHARLSON BREDEHOFT, ESQUIRE 13 ADAM S. NADELHAFT, ESQUIRE 14 CHARLSON BREDEHOFT COHEN BROWN & 15 NADELHAFT, P.C. 16 11260 Roger Bacon Drive 17 Suite 201 18 Reston, VA 20190 19 703.318.6800 20 21 22</p>

<p>7986</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 J. BENJAMIN ROTTENBORN, ESQUIRE</p> <p>4 WOODS ROGERS PLC</p> <p>5 10 South Jefferson Street</p> <p>6 Suite 1400</p> <p>7 P.O. Box 14125</p> <p>8 Roanoke, VA 24011</p> <p>9 540.983.7540</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>7988</p> <p>1 just the title is the statement. And it's clear</p> <p>2 that the title is the statement.</p> <p>3 So I was going to answer to say the</p> <p>4 title is the statement in question for Number 3.</p> <p>5 Does that seem appropriate to</p> <p>6 everybody?</p> <p>7 MS. BREDEHOFT: Which they phrased as</p> <p>8 "headline" as opposed to "title"?</p> <p>9 THE COURT: Correct. Because the</p> <p>10 headline is the alleged defamatory statement.</p> <p>11 MS. BREDEHOFT: Right.</p> <p>12 THE COURT: So I can say the statement</p> <p>13 is the headline and not the entire op-ed.</p> <p>14 Is that what you want me to say?</p> <p>15 MR. CHEW: That's fine with us, Your</p> <p>16 Honor.</p> <p>17 THE COURT: All right.</p> <p>18 MR. CHEW: Thank you.</p> <p>19 THE COURT: The statement is the</p> <p>20 headline not the entire op-ed. All right.</p> <p>21 I will send that back to them.</p> <p>22 MR. ROTTENBORN: And just so we're</p>
<p>7987</p> <p>1 PROCEEDINGS</p> <p>2 THE BAILIFF: All rise:</p> <p>3 Please be seated and come to order.</p> <p>4 THE COURT: Good afternoon.</p> <p>5 Let me get you copies. We have a</p> <p>6 question. I only have two copies.</p> <p>7 So let me just read into the record the</p> <p>8 question.</p> <p>9 Basically, in regards to Number C,</p> <p>10 items 1 and 3, and Number C is the jury</p> <p>11 instruction on the finding instruction for the</p> <p>12 online article title?</p> <p>13 The question is: "Does question Number</p> <p>14 3, if the statement is false, pertain to the</p> <p>15 headline 'I spoke up against sexual violence and</p> <p>16 faced our culture's wrath,' or does it contain to</p> <p>17 the content of the statement, everything written</p> <p>18 in the op-ed?"</p> <p>19 So I think the confusion came in this</p> <p>20 particular one because the statement in question</p> <p>21 is the title of the op-ed. So I think they're</p> <p>22 confused as to whether it's the whole op-ed or</p>	<p>7989</p> <p>1 clear, Your Honor, the wording would be what</p> <p>2 again?</p> <p>3 THE COURT: I can give you the copy of</p> <p>4 this. It says "The statement is the headline, not</p> <p>5 the entire op-ed."</p> <p>6 Everybody's --</p> <p>7 MS. BREDEHOFT: You know, I'm just --</p> <p>8 just give me a second.</p> <p>9 THE COURT: While we're waiting for</p> <p>10 that. Mr. Chew, I did get your motion. I'm not</p> <p>11 ignoring you, but I am kind of ignoring you</p> <p>12 because since the jury has the case now and it's</p> <p>13 out of my hands, I appreciate your motion but I'm</p> <p>14 not going to entertain it at this time, okay?</p> <p>15 MR. CHEW: Thank you, Your Honor.</p> <p>16 THE COURT: All right. Thank you.</p> <p>17 MS. BREDEHOFT: Just can I have one</p> <p>18 moment, Your Honor, I just want to...</p> <p>19 THE COURT: All right. Are we</p> <p>20 satisfied with that answer?</p> <p>21 MS. VASQUEZ: Yes.</p> <p>22 THE COURT: Okay. I will -- we'll make</p>

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3 (7990 to 7993)

<p>7990</p> <p>1 copies of this first. And then I'll get it back 2 to the jury and I'll get it back to you, okay? 3 MR. CHEW: Thank you, Your Honor. 4 THE COURT: All right. We'll be in 5 recess. Thank you. 6 THE BAILIFF: All rise. 7 (Recess taken from 3:34 p.m. to 8 5:00 p.m.) 9 (Whereupon, the trial was recessed at 10 5:00 p.m. to reconvene at 9:00 a.m., Wednesday, 11 June 1, 2022.) 12 13 14 15 16 17 18 19 20 21 22</p>	
<p>7991</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 2nd day 14 of June, 2022. 15 My Commission Expires: September 30, 2024 16 17 <i>Judith E. Bellinger</i> 18 _____ 19 NOTARY PUBLIC IN AND FOR 20 THE COMMONWEALTH OF VIRGINIA 21 22</p>	