

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

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

CLAIMANT'S CLOSING SKELETON

1. By this libel action, Mr Depp seeks vindication of his reputation in respect of article(s) published in The Sun. The Court has heard three weeks of evidence, and despite a wholesale attack on many aspects of Mr Depp's lifestyle, the Defendants have not come close to proving the substantial truth of their serious allegation. This will be addressed in the Closing Speech.

ISSUES TO BE DETERMINED

2. There are four issues which fall to be determined:
 - 2.1. The natural and ordinary meaning of the article(s) (P/C ¶10, ReAmDef ¶8). Neither the Claimant nor the Defendants advance different meanings for the online and newspaper articles.
 - 2.2. Whether the claim satisfies the 'serious harm' requirement in s.1 of the Defamation Act 2013 (P/C ¶11; ReAmDef ¶9).

2.3. Whether the articles are true within s.2 of the 2013 Act? (ReAmDef ¶¶8; Reply ¶¶2).

2.4. Finally, if that defence fails, the size of the award of damages which is necessary to compensate and vindicate the Claimant for the serious allegations and whether the court should exercise its discretion to order a permanent injunction.

3. The Claimant bears the burden of satisfying the Court on the issue of serious harm to reputation (s.1). The Defendants bear the burden of proof in respect of the Truth Defence (s.2).

MEANING (See C's Skeleton Argument 55-62)

4. The article(s) conveyed an extremely serious defamatory meaning about Mr Depp [1/1/A1-A11]. (The following tabs contain the amended online article and hard copy version but no difference is drawn between them in these proceedings).

5. As the Court will appreciate from the statements of case and the parties' respective Skeleton Arguments, this is not a claim where the parties' differences over the natural and ordinary meaning are likely to be determinative of the outcome of Mr Depp's claim.

6. However, the Court must determine the meaning of what *The Sun* and *Mr Wootton* published, and Mr Depp should be vindicated for the actual imputation conveyed by their article.

7. The principles to be applied to the determination of meaning are summarised in *Koutsogiannis v The Random House Group Limited* [2019] EWHC 48 (QB) at [12] (Tab 12 of the Authorities Bundle).

8. The parties agree that the article conveyed a defamatory imputation that Mr Depp was guilty (i.e. *Chase* level 1) of conduct which would amount to a criminal offence. The article accuses Mr Depp of physically assaulting Ms Heard throughout their relationship and such violence, that is violence within a relationship, is, quite properly, considered an aggravating feature in our criminal law.

9. The seriousness of Mr Depp's alleged conduct throughout his relationship with Ms Heard is conveyed by a number of passages in the article. These include the following paragraphs – with references below being to online article at [1/1/A1-A11].
 - 9.1. The article asserted that Ms Heard had given “*a detailed history of domestic abuse incidents*” [9];
 - 9.2. “*some*” of them “*led to her fearing for her life*” [9];
 - 9.3. The “*evidence*” was “*overwhelming*” that Mr Depp “*engaged in domestic violence against his wife Amber Heard*” [7];
 - 9.4. The evidence showed her “*bruised face*” [8] which the picture caption described as “*shocking*”;
 - 9.5. That evidence – according to the article – proved a history of violence, some “*kicks, punches, shoves*” and also “*all-out assault*” [9];
 - 9.6. Mr Wootton's “*five questions which Rowling MUST answer*” included (3) “*Why did Depp agree to pay £5 million as a settlement, including a confidentiality agreement, if there was no truth in the allegations*” [23].
10. The Defendants' *Lucas-Box* meaning seeks to strip out the strident terms and vivid colour given to the domestic violence allegations by Mr Wootton's article. But even the Defendants do not do not seek to argue that the article conveys anything less than an allegation that Mr Depp committed a serious criminal offence (in their *Lucas Box* meaning that he “*beat his wife Amber Heard causing her to suffer significant injury and on occasion leading to her fearing for her life*”).
11. The headline of the original online article captured the habitual nature of Mr Depp's alleged violence in characterising him as “*a wife beater*”. His violence is alleged to have been so great that he injured Ms Heard lead her to fear for her life. The references to the restraining order tell the reader that Mr Depp poses a rea danger to Ms Heard.

12. But the words accusing Mr Depp of serious physical abuse are embedded in a context that lays damnation upon damnation – (a) Mr Wootton’s personal outrage, (b) the ‘overwhelming evidence’ adduced in legal proceedings which, together with the various references to legal proceedings, gives an imprimatur to the allegations of violence, and, (c) putting Mr Depp into the same category as disgraced movie mogul, Harvey Weinstein and invoking the #MeToo and #Time’s Up movements.
13. The ‘hook’ for the articles was a decision by JK Rowling (whom the Defendants accuse of being a “Hollywood Hypocrite”), to stand by her decision to cast the Claimant in a forthcoming film of one of her popular books. Ms Rowling’s decision to support the casting of Mr Depp in the forthcoming film of *Fantastic Beasts and Where to Find Them* is in the headlines, standfirst and para [2]. The outrage professed by Mr Wootton at the decision to give the Claimant a leading role in this major film is an essential and damning element of the meaning which the articles convey. Mr Depp is portrayed as completely unsuitable to work in the film industry
14. The article reinforces the seriousness and validity of the allegations of domestic violence by reference to legal proceedings and use of quasi-legal language. The references to “*Overwhelming*” or “*huge amount of*”, evidence and to the restraining order against the Claimant, make the articles convey the utmost seriousness of these allegations, and ram home the imputation that the Claimant was a serious threat to Ms Heard’s physical safety.
15. The references to the £5million settlement are, in context, presented as an admission by the Claimant of everything which goes before it in the articles.
16. Finally, the articles put Mr Depp into the same category of Harvey Weinstein and invoke #MeToo and Time’s Up movements just so no reader is in any doubt as to the seriousness of what Mr Depp has done or how much society should condemn him.
17. The Court is invited to find that the article(s) meant that:

‘The Claimant was guilty, on overwhelming evidence, of serious domestic violence against his then wife, causing significant injury and leading to her fearing for her life, for which the Claimant was constrained to pay no less than £5million to compensate her, and which resulted in him being subjected to a continuing court

restraining order; and for that reason is not fit to work in the film industry' (P/C at 10 [1/13/C12])

SECTION 1 OF THE 2013 ACT (See C's Skeleton Argument 63-67; Ds' Skeleton Argument 38)

18. There can be no doubt that Mr Depp's claim satisfies s.1(1) and the serious harm to reputation/ Lachaux¹ threshold. This is not a borderline case or anything close to one, and the Defendants' continued non-admission that the publication of their articles caused or was likely to cause serious harm to Mr Depp's reputation is frankly inexplicable.

19. In this case two matters alone are capable of satisfying the section 1(1) threshold:

19.1. the scale of publication; and

19.2. the gravity of the allegation (which has been addressed above).

20. Such matters are critical to any consideration of whether section 1 is satisfied: see Lachaux at [21].

21. Domestic violence is particularly heinous because it takes place within a relationship which should be a caring and mutually protective one. It is an allegation which goes to the heart of what type of person the accused is – it is not a lapse of judgment or a one-off act of disreputable conduct. An abusive relationship is understood as a feature or characteristic of that relationship.

22. In this case, there was a publication in a national newspaper and on its website, each with enormous publication within this jurisdiction. It is to be inferred that within such extensive publication, each of the articles was published to a significant number of people whose opinions of the Claimant were affected in a seriously adverse way as a result.

¹ Lachaux v Independent Print Ltd [2019] UKSC; [2019] 3 WLR 18 (Tab 11 of the Authorities Bundle)

23. The articles were heavily focused on the Claimant's wrongdoing.
24. The articles were a no-holes barred attack on the decision to cast the Claimant. They were expressly directed at securing the Claimant's removal from his role in a major film franchise. This action is said to be necessary whatever the consequences might be for the producers. See [23] & [24].
25. The Claimant is included in the rogues' gallery of abusers that the #MeToo and Time's Up movements are campaigning against, cited in the same breath as Harvey Weinstein who had become notorious by then for having committed numerous heinous assaults on women.
26. Mr Depp's evidence about harm to his reputation and impact on his career (C's 2nd WS at 111-112, **2/38/D56-7**) was not challenged.
27. A finding that in those circumstances, serious harm to reputation was not established would be incompatible with article 8 rights and not compliant with the HRA s.6.
28. The Defendants' non-admission is an aggravating factor. It is not an arguable legal position, bearing in mind the Supreme Court's decision in Lachaux, but is a demonstration of their cavalier attitude to trashing Mr Depp's reputation.

TRUTH DEFENCE (See C's Skeleton Argument 68-78; Ds' Skeleton Argument 26-27)

29. There is not much need to dwell on the statutory provision in section 2. It is not in dispute that the Defendants are required to prove that the defamatory imputation of the meaning which the Court finds the article(s) to bear is "substantially true".
30. The established common law principles continue to apply to the new statutory defence. See Bokhova v Associated Newspapers Ltd [2018] EWHC 2032; [2019] QB 861 at [28].
31. In that passage in Bokhova, Nicklin J cited the Court of Appeal's decision in Chase v News Group Newspapers Ltd [2003] EMLR 11, a decision referred to in the Defendants' Skeleton Argument. But they did not cite the pertinent paragraph. The

Defendants cited [38], but it is the principle in Chase at [34] (cited in Bokhova) which is the important one: “*the defendant ... has to establish the ‘essential’ or ‘substantial’ truth of the sting of the libel. To prove the truth of some lesser defamatory meaning does not provide a complete defence.*”

32. This is not a case where the Court is going to be concerned about “*inaccuracies around the edges*” per Chase at [38] and Turcu, relied upon in the Defendants’ Skeleton Argument at 27.

33. As was submitted in the Claimant’s Skeleton Argument (at 70), ‘because the Defendants are seeking to prove true an allegation of guilt of criminal conduct, the standard of proof and the evidence capable of proving the allegation take on particular importance. This is because they are seeking to prove true a very serious allegation and a finding to that effect is one with potentially serious consequences. The evidence required therefore to prove their case needs to be compelling.’

34. The correct approach to applying the standard of proof is explained in Re D (Secretary of State for Northern Ireland intervening) [2008] UKHL 33; [2008] 1 WLR 1499 in the speech of Lord Carswell at [27]-[28], in which he approved the following summary of Richards LJ in R(N) v Mental Health Review Tribunal (Northern Region) [2006] QB 468 at [62].

“Although there is a single civil standard of proof on the balance of probabilities, it is flexible in its application. In particular, the more serious the allegation or the more serious the consequences if the allegation is proved, the stronger must be the evidence before a court will find the allegation proved on the balance of probabilities. Thus the flexibility of the standard lies not in any adjustment to the degree of probability required for an allegation to be proved (such that a more serious allegation has to be proved to a high degree of probability), but in the strength or quality of the evidence that will in practice be required for an allegation to be proved on the balance of probabilities.”

[Tab 5 of the Authorities Bundle]

35. The Court is also referred to the libel action Hunt v Times Newspapers Ltd [2013] EWHC 1868 (QB) [Tab 8 of the Authorities Bundle], where Simon J noted that because the allegations were “*of serious criminality*” “*clear evidence is required*” (at [76]).

36. Finally, the Court is referred to Eady J’s decision in Lillie and Reed v Newcastle City Council [2002] EWHC 1600 (QB) which was referred to in the Claimant’s Skeleton

Argument – it was a case concerned with child abuse allegations where there were multiple complainants. The relevant part of that very long judgment is at Tab 2 of the Authorities Bundle.

37. In *Lillie and Reed*, Eady J summarised ‘the correct approach to justification’ in a case where the allegations were of criminal conduct. There are two important passages:

38. Having cited authorities on the standard of proof, Eady J recognised the particular challenge where a litigant in civil proceedings is faced with being accused of having committed a crime and observed (at [359]):

“When the commission of a crime is alleged in civil proceedings, the stigma attaching to an affirmative finding might be thought to justify the imposition of a strict standard of proof; but the person against whom criminal conduct is alleged is adequately protected by the consideration that the antecedent improbability of his guilt is ‘a part of a whole range of circumstances which have to be weighed in the scale when deciding as to the balance of probabilities’.”

39. This meant, as the Judge recognised at [360], that *“I must, therefore, start with the usual presumption of innocence (which applies in defamation as it does in crime). I must consider each of the children and the evidence that is specific to him or her. Because of the gravity of the allegations, I should look for cogent evidence to overcome that presumption.”*

40. In *Lillie and Reed*, the Court was faced with similar allegations by numerous complainants and Eady J decided to give himself the same direction that he would to a jury considering an indictment, namely to consider the evidence for each allegation separately rather than as a ‘job lot’ and thereby avoid the risk of assuming that there is no ‘smoke without fire’.

41. Such a risk is – or should be – a lesser one where there is only one complainant, but the reminder is salutary. The fact that Ms Heard has layered additional allegations upon additional allegations should not deflect the Court away from considering the evidence of each specific incident separately and considering whether there is anything which corroborates her account of 14 serious assaults or means that it is not credible.

42. In short, the Court will not be able to be satisfied that the imputation is proved, on the balance of probabilities, i.e. the civil standard of proof, unless the evidence which it has heard is compelling.
43. The Defendants' Skeleton Argument was silent on such principles, saying no more than that they bore the burden of proof.
44. In light of how the evidence has emerged at trial, it is perhaps unsurprising that they shied away from grasping the nettle, and recognising the burden which they had assumed in seeking to defend their article(s) as true. The extensive cross-examination of Mr Depp about his use of drugs and prescription medication demonstrated that the Defendants were not addressing – and did not have compelling evidence about – the allegation of serious domestic violence.
45. In fact, the Defendants had said almost nothing about their s.2 defence in their Skeleton Argument, beyond one assertion which they did make (at para 33, somewhat oddly in the section on “Meaning”). At that paragraph, it was asserted that *“If Ds can prove C committed just one such act of violence, this would be sufficient for the purpose of proving substantial truth”*.
46. Mr Depp, as he made abundantly clear throughout his 4 days in the witness box, denies all allegations that he was violent to Ms Heard, and the evidence adduced at trial means that the Court cannot be satisfied that any pleaded incident has been proved. However, it is perhaps necessary to respond to that assertion by the Defendants because it is an obvious attempt to dilute what they would need to prove in order to prove the substantial truth of the imputation.
47. First it does not say what single act would be sufficient (on their submission) to satisfy s.2 and secondly it would not satisfy their own *Lucas Box* meaning. Their meaning clearly is referring to a relationship characterised by domestic violence during which Mr Depp (a) caused actual “significant injury” and (b) on some occasions (but, by implication, not all) put Ms Heard in fear of her life.

48. As will be obvious to the Court, in addressing this submission of the Defendants, the Claimant is not accepting that there was even one occasion where he assaulted Ms Heard, but it serves to highlight the flaws in the Defendants' approach.

Failure to put parts of their pleaded case

49. The Defendants failed to put a substantial part of the pleaded truth defence to Mr Depp in cross-examination. The omissions were material. For convenience, attached to this Closing Skeleton as **Annex A** is a summary of what the Defendants' failed to put and the Claimant's submissions on that issue.

The shifting, inconsistent evidence of Ms Heard

50. One remarkable feature of this litigation has been Ms Heard's changing accounts of some of the alleged 14 incidents which are relied upon in support of the Truth Defence.

51. Some of the 14 incidents have become far more serious in the re-telling, including while in the witness box. Others have changed and morphed in terms of dates, injuries, or surrounding circumstances. At times, for example with the "Second Incident" in March 2013, it has been hard to keep up and make sense of Ms Heard's evidence.

52. Before turning to those matters, it is worth noting as a matter of legal principle how this should affect the Court's approach to the assessment of testimony.

53. In the Claimant's Skeleton Argument at 77 is cited *Thornton v Telegraph Media Group Ltd* [2011] EWHC 1884 (QB); [2012] E.M.L.R. 8 at [72]-[73] – at Tab 7 of the Authorities Bundle – in which Tugendhat J made the following observations about assessing the credibility of the witnesses:

*“...in deciding upon the credibility of a witness the court may have regard to the contemporaneous documents, following the guidance given in cases such as [1985] 1 Lloyd's Rep 1 at [57]. [i.e. a citation to The Ocean Frost]
There is great assistance to be obtained from extra-judicial writing of Lord Bingham in a chapter headed “The Judge as Juror: The Judicial Determination of Factual Issues” in *The Business of Judging*, Oxford 2000, pp.3ff; *Current Legal Problems*, (Stevens & Sons Ltd, 1985) Vol.38, pp.1–27. Lord Bingham cited Sir Richard Eggleston QC, *Evidence, Proof and Probability* (1978), 155 who set out the main tests to be used by a judge to determine whether a witness is lying or not.*

(i) the consistency of the witness's evidence with what is agreed, or clearly shown by other evidence, to have occurred;
(ii) the internal consistency of the witness's evidence;
(iii) consistency with what the witness has said or deposed on other occasions;
(iv) the credit of the witness in relation to matters not germane to the litigation;
(v) the demeanour of the witness." Thornton v Telegraph Media Group Ltd
[2011] EWHC 1884 (QB); [2012] E.M.L.R. 8 at [72]-[73]"

54. Ms Heard fails on all five metrics.

55. Ms Heard's evidence in the witness box was inconsistent with documents put to her – and worse she refused to accept the documentary evidence.

55.1. Taken to her own medical notes and what they recorded about her medical history, Ms Heard not only refused to accept what the documents said, but sought to blame her nurse, Erin Boerum, and Dr Kipper for (so she contended) writing up notes incorrectly and/or not taking her history. **Transcript Day 10/ pages 1541, 1542, 1543, 1547, 1549, 1550, 1552, 1553 & 1553-1558.**

55.2. Even when taken to a recording in which she admitted throwing objects (pots and pans) at Mr Depp, she simply refused to accept what she had clearly admitted on the tape. **Transcript Day 10, page 1609ff.** The words she said, the context in which she spoke them, her tone of voice – everything about the recording demonstrated that she admitted to throwing things at him (and not in self-defence). But in giving her evidence, Ms Heard would not accept this. Her evidence for admitting that she had thrown things at him included that "*I am trying to keep Johnny on track in this argument...*" It not only makes no sense, but demonstrated Ms Heard's inability to accept the true position.

56. Important evidence from Ms Heard has lacked internal consistency. For example, in respect of Incident Twelve, Ms Heard first gave a detailed account of this incident when she was deposed in August 2016. But her account of her injuries were inconsistent with her account of the acts of violence. The primary violence she testified to was Mr Depp "*punching [her] repeatedly in the back of the head...*" but the injuries she alleged to have suffered were primarily on her face, namely a busted nose, two black eyes **[3/99/F267-269]**.

57. Turning to whether Ms Heard's evidence was consistent with her previous accounts; it was not.

57.1. The ever-changing account and material changes in Ms Heard's account of "Incident Two" were so startling, they were shameless. Attached at **Annex B** is a summary of the evolution of this incident – a changing story which started long before this matter reached trial. The Court is invited to find that Ms Heard created an incident of alleged violence having found a text message from Mr Depp referring to the book "Disco Bloodbath" and their subsequent exchanges. She then pinned the alleged assault to a day when she and Mr Depp did have an argument, and he was late to the set of the Keith Richards' documentary. But in the face of documentary evidence about the Keith Richards' documentary, Ms Heard's account unravelled. However, when then changing her account of dates, injuries and surrounding circumstances, Ms Heard did not even have the honesty to acknowledge that it was those documents about the Keith Richards's document which prompted a change in her account.

57.2. Ms Heard's account of an assault on Thanksgiving 2015 also changed. Faced with the video of a happy family Thanksgiving dinner, it suddenly became an incident in two parts. **Transcript Day 12, pages 1930-1938.**

57.3. In a different vein, it was notable that when challenged with evidence, Ms Heard introduced wholly new allegations. In response to the service of Tara Roberts' statement and her account of seeing Ms Heard being violent towards Mr Depp in December 2015 **[2/59B/D227-D231]**, Ms Heard created a wholly new, but extremely serious alleged assault: AH 5th WS of 26.6.20, Confidential Schedule **[2.1/71.3/E606.7]**.

58. In respect of Ms Heard's creditworthiness generally, the Court has heard evidence about a number of matters.

58.1. One of them relates to the pressure she brought to bear on Mr Kevin Murphy to give a false declaration in criminal proceedings pending against her in Australia. Ms Heard's responses in cross-examination were lies. Contrary to what she said, she had not pleaded guilty when she was asking if Mr Murphy (or Kate James)

might give helpful evidence. She was doing so at a time when she seeking to arrange a plea bargain. The relevant matters are summarised in **Annex C** attached.

58.2. Ms Heard's evidence on obtaining the Temporary Restraining Order was also not credible. It was a publicity stunt. The Court is referred to **Annex E** attached.

58.3. Ms Heard's tendency to blame others for anything which she did not want to accept was correct, or which put her in a bad light was notable feature of evidence. See **Annex F** attached.

59. The Court will wish to consider the evidence given on the fourteen alleged incidents. Accompanying the Claimant's submissions is a long document which contains substantial extracts of relevant parts of witness testimony on those incidents, with introductory wording (*in italics*) added on behalf of the Claimant.

60. In relation to the last alleged incident in time, Incident 14, there is a short document which, in table form, summarises all the people who saw Ms Heard between 21 and 26 May 2016 and – where they have given evidence – references to where that evidence can be found (**Annex D**). The table also includes people who saw Ms Heard but who have not been called. There is overwhelming evidence from a variety of people, many of whom have no connection to Mr Depp, that Ms Heard did not have any injuries (and was not wearing makeup).

Hearsay evidence

61. The Court will have to consider the hearsay evidence relied upon by both parties. In considering the weight to be accorded to such evidence, the Court will have regard to the Civil Evidence Act 1995, s.4, namely "*any circumstances from which any inference can reasonably be drawn as to the reliability or otherwise of the evidence*" and specifically the factors in s.4(2). [Authorities Bundle, Tab 14].

62. However that cannot apply to the evidence of any witness who was required to attend for cross-examination.

63. The Claimant had relied upon statements previously made by four individuals as hearsay evidence, namely Officer Melissa Saenz, Officer Tyler Hadden, Jerry Judge and Laura Divenere (Claimant's Hearsay Notice, 20 February 2020 **[2/ 55/D186-7]**). In light of Cornelius Harrell being unable to attend the trial to give evidence, he also relies upon his evidence as hearsay (Claimant's Hearsay Notice, 17 July 2020).
64. Three of the above attended trial to be cross-examined and in relation to those three individuals, the provisions in the 1995 Act governing the weight to be given to hearsay evidence are, therefore, not applicable.
65. The Court had the benefit of hearing from Officer Saenz and Ms Divenere in the same way as other witnesses. Officer Hadden attended to be cross-examined, but the Defendants did not challenge his evidence.
66. In short, the contents of the deposition of Officer Saenz on 18 July 2016 **[3/87/F43-52]**, the (unchallenged) contents of the deposition of Officer Hadden of 18 July 2016 **[3/88/F55-67]**, and the Declaration of Laura Divenere **[3/86/F40-42]** should be afforded the same weight as if given in a statement.
67. The two LAPD officers are trained to observe scenes and Officer Saenz was, as the Defendants noted when cross-examining her, trained in responding to domestic violence calls (Transcript DAY 4, p.646).
68. In considering what weight to give to Mr Judge's declaration **[3/83/F34-35]** and Mr Harrell's evidence the Court will need to consider s.4 of the 1995 Act.
69. Mr Judge could clearly not be called.
70. In respect of Mr Harrell, having regard to the factors in section 4(a) to (f) of the 1995 Act:
- 70.1. The Claimant had intended to call him to give evidence, but it proved not practicable because he was unwell.

- 70.2. One of the statements relied upon as hearsay evidence, namely his 28 July 2016 deposition [3/94/F149-F157] was made close in time to the relevant events of May 2016.
- 70.3. Mr Harrell's evidence is not multiple hearsay and the CCTV footage established that he had seen Ms Heard on the day he had identified interacting with her.
- 70.4. He had no motive to misrepresent matters – his evidence was that he was excited to have met Ms Heard and there is no suggestion he had any hostility towards her. Despite the Defendants asserting that they would be “serving evidence pursuant to [CPR] 33.5 to attack the credibility of Mr Harrell” (Transcript, DAY 9, p.1455) nothing more was heard of this – and it must be inferred that they simply had no such evidence.
- 70.5. In considering Mr Harrell's previous statements as hearsay evidence, the Court should take into account that two of them are depositions taken in legal proceedings and that in respect of the 28 July 2016 deposition, Mr Harrell was deposed with a legal representative of Ms Heard (whose position the Defendants have adopted) participating in that deposition.

Damages

71. The question of remedies if the defence fails is addressed in the Claimant's Skeleton Argument at 112- 131.
72. If the Defence fails then Mr Depp will be entitled to very substantial damages as only a substantial award can start to compensate him for the damage and distress the Defendants' appalling allegations have had and 'nail the lie'.
73. The Court will be familiar with the well-established principles governing the assessment of damages. Damages for libel are required to serve three purposes: (1) to compensate for the damage caused to the claimant's reputation; (2) to vindicate the claimant's good name; and (3) to compensate for the distress, hurt and humiliation caused.

74. The principles are summarised in Monir v Wood [2018] EWHC 3525 (QB) at [217] (where Nicklin J adopted the summary in Barron v Vines [2016] EWHC 1226 (QB)). The relevant section of Monir v Wood is in the Authorities Bundle at Tab 10.
75. The libel in this case is of the utmost seriousness published to the world at large. It goes to very heart of who Mr Depp is as a person. Is he a violent monster who put his ex-wife in fear for her life or has she falsely accused him of the most heinous conduct? The allegation could hardly be more serious. The allegation of domestic violence and causing serious injury to Ms Heard and putting her in fear of her life goes to the heart of Mr Depp's integrity.
76. The need for vindication is particularly important in this case where the Defendants have maintained a defence of truth. Mr Depp needs to be able to point to the size of the award to show the public that the allegation was tested and not proved.
77. Mr Depp's evidence about harm to his reputation and impact on his career [C's 2nd WS at 111-112, **2/38/D56-7**] was not challenged. Further, the Defendants did not adduce any evidence or rebut in any way the particulars of damages (P/C at 13.1-13.5 **[1/13/C12-14]**).
78. The Defendants deliberately sought and used quotations from the highly-respected actress and public advocate for the #MeToo movement, Katherine Kendall, in order to bolster its attack on Mr Depp. Ms Kendall gave evidence that her conversation with a journalist from *The Sun* was "*misquoted and misused by The Sun*" in a way which was intended to damage the Claimant. Her evidence was that part of what had been attributed to her in the article(s) was "*a lie*". See K Kendall WS at **[2/39/D67-D68]**. She was not challenged at all on her evidence (Transcript, DAY 9, pages 1489-1493).
79. Whether as part of a total award (which is usual) or a separate award, aggravated damages may be awarded to compensate a claimant for additional injury to feelings not falling within general damages caused by a defendant's conduct or state of mind and which impacted on the claimant's distress.
80. The Defendants' conduct throughout has added to the harm, distress and need for vindication and this should be reflected in the overall damages award.

81. The Defendants did not contact Mr Depp prior to publication of the article despite *The Sun* having previously published (a) an article in May 2016, in which it had reported on a LAPD statement, following a visit to Ms Heard's home, in which the police said that there was no evidence warranting a report of a crime and (b) on 17 August 2016 an article reporting that the *ex parte* restraining order obtained by Ms Heard had been discharged.
82. When the Claimant complained about the articles, the Defendants sent an extraordinarily dismissive response [5/209/G7-G10]. They sought to argue – incomprehensibly – that the articles were just Mr Wootton's 'comment' on matters, and thereby suggested that they were free to accuse the Claimant of domestic violence.
83. The Defendants have since pursued the matter to trial – alleging an increasing number of alleged incidents of violence.
84. They have sought to denigrate him at every possible opportunity; at the hearing on 20 March 2020, in face of an ever increasing number of countries across the world imposing lockdowns, which *The Sun* was reporting upon, they accused the Claimant of being a "coward" because he supported the application for an adjournment of the trial because – so they said – he 'knew he was going to lose'.
85. At the trial, they repeated what they had done in the article(s), equating Mr Depp to Harvey Weinstein in their cross-examination of Ms Kendall.
86. There is in practice a 'ceiling' on general damages which, at present, is in the region of £300,000-325,000².

ELEANOR LAWS QC

DAVID SHERBORNE

KATE WILSON

² In March 2017, HHJ Parkes QC sitting as a Deputy High Court Judge in *Lisle-Mainwaring v ANL* [2017] EWHC 543 (QB) observed at [62] "*It has now become conventional to recognise a 'ceiling' for general damages in defamation, which broadly corresponds to the maximum level of damages for pain, suffering and loss of amenity in personal injury cases. That figure now appears to be of the order of £300,000 (see Cairns v Modi at [25] and [Simmons v Castle \(No.2\)](#) [2012] EWCA Civ 1288, [2013] EMLR 4)*"

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(2) DAN WOOTTON

Defendants

**ANNEX A TO CLAIMANT'S CLOSING SKELETON –
DEFENDANTS' CASE NOT TO PUT TO CLAIMANT**

The obligation on the Defendants to put their case

1. The Defendants bear the burden of proof in the Truth Defence. It was therefore incumbent upon them if they wished to maintain all elements of their case pleaded in support in their section 2 defence to put their case in respect of each of the 14 alleged incidents of violence to the Claimant during cross-examination.
2. The need to put their case to the Claimant is fundamental, but, if authority is needed, then in *EPI Environmental Technologies Inc. v Symphony Plastic Technologies PLC* [2004] EWHC 2945 (Ch): [2005] 1 WLR 3456, the Court put it as follows:

“Third, I regard it as essential that witnesses are challenged with the other side's case. This involves putting the case positively. This is important for a judge to enable him to assess that witness's response to the other case orally, by reference to his or her demeanour and in the overall context of the litigation. A failure to put a point should usually disentitle the point to be taken against a witness in a closing speech. This is especially so in an era of pre prepared witness statements. A judge

does not see live in chief evidence, thereby depriving the witness of presenting himself positively in his case.” at [74]

3. The Claimant’s position was that Ms Heard’s claim to be a victim of domestic violence was a lie from start to finish. That was put clearly.
4. The Defendants failed to put their case, in material ways, to the Claimant, in respect of some of the alleged fourteen incidents of violence which they had advanced in their Defence. The Defendants cannot therefore be permitted to rely upon those pleaded, but not put, matters in Closing in an attempt to prove their case.

Alleged incidents and material parts of the Defendants’ case not put to the Claimant

5. Second Incident: the Painting Incident and/or Keith Richards and/or Disco Bloodbath (ReAmDef ¶18.a.2)

5.1. The shifting account of the Second Incident is dealt with elsewhere.

8th March 2013

5.2. To the extent that Ms Heard’s testimony (if not the Defendants’ case) became that there were two incidents (one on 8 March 2013 to which the text mentioning the book ‘Disco Bloodbath’ referred and one later that month before going to the set of the Keith Richards documentary¹) then, in respect of 8 March 2013, no act of violence was put to the Claimant. The only matter put to him in relation to that date was that he had taken cocaine. Not only was it not put to the Claimant that he had engaged in any act of violence it was not suggested to him that he had caused any injury to Ms Heard (whether a split lip or otherwise).

5.3. Ms Wass put to the Claimant that the photograph she showed him were of lines of cocaine on 8th March 2013 (p.188, lines 3-5), but put to him nothing that he was alleged to have done on 8th March to which Mr Depp’s text message “*Just thought*

¹ In cross-examination of the Claimant, the Defendants firmly tied the “Painting Incident” to filming the Keith Richards documentary – See DAY 2, page 196, lines 20-23: “MS WASS: *The day after the night of the painting, you were due to appear on a film set.*” DAY 2, page 197, lines 18-23. No-one suggests Ms Heard went to the film set before late March.

you should know that there is a book titled "Disco Bloodbath" That's all" on 12th March (and which Ms Heard joked about with him) referred.

5.4. See Transcript DAY 2, page 184, line 3 – page 188, line 23.

The night before going to Keith Richards documentary film set

5.5. To the extent that the Second Incident is the painting incident/ pre-Keith Richards incident, it was not put to the Claimant that he:

5.5.1. *"hit Ms Heard so hard that blood from her lip ended up on the wall"*; or

5.5.2. shoved her *"into a wall"* (Defence ¶8.a.2).

5.6. See Transcript DAY 2, page 192, line15 – page 196, line 18 (where it was put to the Claimant that in relation to this alleged incident, he "slapped" Ms Heard and was "very physical with Ms Heard, pushing her about and grabbing her by the arm?", "hit her in the face with the back of [his] hand" causing "pain").

5.7. This was a particularly egregious omission if it is the Defendants' case that the Claimant caused a split lip, as it was described with at least one of the Defendants' own witnesses, Whitney Henriques. In re-examination of Ms Henriques, the Painting Incident was defined by reference to an alleged split lip: See Transcript, DAY 14, WASS- HENRIQUES, page 2278, lines 17-20, i.e. *"the incident when Ms Heard ended up with a split lip. We have called it "the painting incident"*.

6. Third Incident: Hicksville (ReAmDef ¶8.a.2.A)

6.1. While it was put to the Claimant that he "trashed" the trailer i.e. did damage to property, it was not put to him that he *"threw glasses at Ms Heard"* Transcript, DAY 2, page 238.

7. Fourth Incident: Boston Flight (ReAmDef ¶8.a.3)

7.1. A number of material details in the Defence were not put to the Claimant:

7.1.1. While it was put to the Claimant that he kicked Ms Heard in the back, it was not put to him that that “caused her to fall over”.

7.1.2. It was put that he threw ice cubes at Ms Heard but nothing more; it was not put that he threw any other “objects” i.e. ones which may cause harm, specifically it was not put to him that he “threw his boot while she was on the ground”. That omission was consistent with the above omission that he had done anything which caused her to be on the floor of the plane.

7.1.3. See Transcript DAY 2, page 300, line 4 – page 304, line 23.

8. **Fifth Incident: Bahamas detox in August 2014** (ReAmDef ¶8.a.5)

8.1. Again, a number of material details in the Defence were not put to the Claimant:

8.1.1. It was not put to the Claimant that he “kicked a door” (at all) let alone “so hard that it splintered”;

8.1.2. “kicked” Ms Heard;

8.1.3. pushed her “to the ground” (as opposed to ‘pushed her’ which was put); or

8.1.4. “grabbed her by the hair”.

8.2. See Transcript, DAY 3, page 356, line 3 – page 358, line 11.

9. **Sixth ‘Incident’: Fucking savage text message** (ReAmDef ¶8.a.6)

9.1. In the Defence and witness statements served by the Defendants, a text message in which the Claimant referred to himself as a ‘fucking savage’ was never linked to any specific violent conduct. In cross-examination, a wholly new and unpleaded allegation was put to the Claimant that he had struck Ms Heard because he was jealous about her meeting the playwright Clive Barker. That is impermissible.

9.2. See Transcript, DAY 4, page 377-379

10. Seventh Incident: Tokyo (ReAmDef ¶8.a.7)

10.1. Yet again, material details of the Defendants' case were not put from an incident which was advanced in the Defence and Ms Heard's 1st statement in very brief terms in any event.

10.2. It was not put to the Claimant that he "grabbed her by the hair" or "stood over her and yelled and she cried on the floor".

10.3. See Transcript, DAY 4, page 380, line 7 – page 382, line 20.

11. Eighth Incident: Australia three day hostage situation (ReAmDef ¶8.a.8-11)

11.1. Yet again material elements of the Defendants' case were not put to the Claimant. It was not put that he:

11.1.1. He had inflicted either a "broken lip" or a "swollen nose" on Ms Heard;

11.1.2. "banged her head against the countertop";

11.1.3. "continued to hit her with the back of one closed hand";

11.1.4. "touched and grabbed her by the breasts"; or

11.1.5. "strangled her".

11.2. Transcript, DAY 4, page 414, line 3 – page 424 line 25.

12. Eleventh Incident: Thanksgiving, November 2015 (Re-Am Def ¶8.a.14)

12.1. This pleaded incident, one of the five in which the Claimant was alleged to have caused actual injury to Ms Heard, was not put to him at all.

13. Thirteenth Incident: Ms Heard's Birthday Party (Re-Am Def ¶8.b)

13.1. Although it was put to the Claimant that, between leaving his business meeting with Mr Edward White and others and arriving at the Eastern Columbia building for Ms Heard's birthday dinner, he took drugs, his answer that it is likely he might have smoked a joint of marijuana was not suggested to be false and no other specific drug-taking was put to him. It was also not put to him that he had got drunk between leaving the meeting and arriving at the party. That is important as the premise of the allegation of violence in the Defence is that "The Claimant arrived, drunk and high on drugs." Instead it was put to the Claimant that he "drank some of the wine, as the others did?"

13.2. See Transcript, DAY 4, page 528, line 8 – page 531, line 11.

14. Fourteenth Incident: May 21, 2016 at the Eastern Columbia (Re-AmDef ¶8(d)-(l))

14.1. While it was put to the Claimant that he threw a phone at Ms Heard striking her on the face, some apparently important features of that fight were not put to him: Contrast Re-Am Def ¶8(h)-(k) with Transcript, DAY 4, p.558.

14.2. It was not put to the Claimant that:

14.2.1. having thrown the phone at Ms Heard's face he "charged at her. He forcibly pulled back her hair and Ms Heard attempted to get up from the sofa" before Ms Heard shouted out to iO Tillett Wright to call 911;

14.2.2. He "started to slap, shake and yank Ms Heard around the room while she continued to scream";

14.2.3. Upon Ms Pennington entering the flat, "Ms Heard escaped from the Claimant's grasp and moved to the other side of the room" or

14.2.4. That, having picked up a magnum and started swinging it around, he "then moved closer and closer to Ms Heard, acting in a threatening manner".

14.3. In fact, nothing was put to the Claimant that he took any action against Ms Heard or had done anything at all which would have been even capable of leading to the apparent bruising to Ms Heard's legs shown in the photographs taken on 28 May 2016 at **6/148E/894.257 – F894.259** which Ms Heard states were "*photos that I took of my injuries after the May 2016 incident*" (See AH 6th WS at 3.i(viii) **[2.1/71.5/REF]**).

15. Further, it was not put to the Claimant that as he "walked down the hallway he smashed other items and kicked a hole in a door. He went into an adjoining apartment, which Ms Heard used as an office, painting studio and closet, where Ms Heard heard him smashing further items and screaming": Contrast Re-Am Def ¶8(I) with DAY 4, p.564-5, where all that was put to the Claimant was that he saw the beading activity in PH5, a woman who he did not know engaged in beading, and was angry.

END

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

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD
(2) DAN WOOTTON

Defendants

**ANNEX B TO CLAIMANT'S CLOSING SKELETON –
EVOLUTION OF INCIDENT TWO**

The so-called "Painting Incident" or Incident Two changed radically and on multiple occasions in these proceedings. The Court heard the shifting testimony at trial, but the distance travelled since it was first raised is extraordinary. This is relied upon by the Claimant to show that Ms Heard's testimony (and Ms Whitney Henriques's testimony in support) cannot be relied upon.

21 June 2019

1. Amended Defence pleaded painting incident occurred on "*on 8 March 2013*".
2. It averred the Claimant's violence to Ms Heard and attempt to set fire to a painting occurred after Whitney had come and gone **[1/14/C17]**
3. Amended Defence relied upon "*disco bloodbath*" text message as referring to this incident; and pleaded that the Claimant "*subsequently*" sent that text referring to that evening. The date of that text is 12 March 2013.
4. In relation to the identification of the specific painting: the Claimant's Amended Reply identified "*The signed painting ... was hanging by Ms Heard's bed*". **[1/15/C31]**

12 December 2019

5. Ms Henriques' statement has the heading "Painting incident, 8 March 2013" [2/61/E105]. She said that she saw that the painting had been taken off the wall, and Ms Heard told her a couple of days later that the Claimant had tried to burn it, and when he had failed he "*scratched out her signature to read "Tasya van Pee"*" WH at 37 [2/61/E106]. Like Ms Heard, Ms Henriques tied the Painting Incident to Keith Richards filming.

15 December 2019

6. Ms Heard's 1st witness statement put the incident in "*March 2013*": AH 1st at 52 [1/60/E13]
7. Ms Heard's described the painting's location. What she did not do is say that the Claimant, in his Reply, described the wrong painting.
8. Ms Heard linked the Painting Incident to going to the Keith Richards' documentary with her sister, AH 1st at 57-60.
9. AH 1st at 63: Ms Heard dated the incident by reference to the "disco bloodbath" text: that text is 12 March 2013.

6 March 2020

10. Re-Amended Defence pleaded painting incident was "*on or around 8 March 2013*"

20th June 2020

11. AH 5th WS, Ms Heard stated "41. On 10 March 2013 I told Kate about Johnny hitting me after being upset about Tasya. The day after the painting incident (9 March 2013), I sent a text to Kate, telling her "*There was long drama last night and I'll tell her the story later*". 2.1/71.3/E606.30-31

On or around 24 June 2020

12. The Claimant disclosed an email between the him and Jane Rose of 20 March 2013 – 8/63(a)/I1.1 This email demonstrates that Ms Heard first met Keith Richards on evening of 20 March.

4th July 2020

13. In her 6th WS at 9, said there were "*numerous incidents of violence in March 2013 and many fights over that month about the painting. While the incident is as I have described it in my statement and was around that time, I cannot say for certain it was on 8 March 2013*".

5th July 2020

14. On 5 July at 15:45, the Claimant disclosed photos of Keith Richards, the Claimant, Ms Heard and Ms Henriques. This was a photograph of their visit to the set on 21

March 2013. The Claimant also disclosed an undated photograph of Ms Heard with Ian McLagan, Keith Richards' keyboard player.

6th July 2020

15. AH's 7th WS at 5: Ms Heard changed the date of the alleged incident in purported reliance on a photograph of lines of cocaine on a kitchen glass table. There is no apparent causal connection, as to why that photo of drugs taken at her house on 22 March 2013 could possibly make Ms Heard change or recall the date of Second Incident.

Cross-examination of the Claimant (TRIAL Day 2: Transcript p.184-215)

16. In cross-examination of the Claimant, the painting incident was described to Mr Depp as taking place "*on the night in March 2013 that I'm asking you about*" (at p.192), but from the documents shown to the Claimant, Depp-Deuters texts of 22 March [7/ 65(c)/ H206.7-8], it was clear that the Defendants' case was that the 22nd being the date of the visit to the set and 21st being the attack and jealousy over the van Ree painting.

Friday 10 July 2020 (22:15)

17. The Defendants' disclosed various photographs including the undated photo of Ms Heard, Ms Henriques, the Claimant and Keith Richards apparently at Sweetzer on 21 March. There is also a photo of Ms Henriques which appears to be at same occasion.

July 16th, 2020

- 16 The Claimant disclosed travel documents for Ian McLagan and the Happy Day Script Notes showing that Mr McLagan was only on set on 23 March 2013.

Cross examination of AH (Trial Day 11: Transcript p. 1789 – 1831)

- 17 Ms Heard maintained that the 'painting' incident took place on 22nd March. "Q: *The painting incident where you say you went to Keith Richards' filming?* A. *The painting incident took place on the 22nd.* (Page 1792).
- 18 But it was not just the date of the alleged incident which had moved it was also all the details. Ms Heard claimed there was a completely different incident at the Eastern which had led to blood on the wall (something not put to the Claimant).
- 19 When shown photographs of herself looking uninjured at the Keith Richards filming, Ms Heard fell back on two responses:
 - a. While initially acknowledging she was uninjured photos of herself, she then said she could discern injuries on her face in the photographs, when there were clearly none. As was put to her, she was compelled to do so because Ms Henriques account of the 'painting incident' included seeing visible injuries to her face (something which Ms Henriques did not change in her account. See pages 2129-2130).

- b. Secondly, Ms Heard fell back on her recent change of accounts from there having been one very striking assault in March 2013, to it be a month of assaults. By re-examination (**Trial Day 13, page 2033**), Ms Heard was claiming that there were “at least three incidents” in March 2013, which involved the filming of the Keith Richards documentary.

20 Finally, the Court should not that at the time, Ms Heard told Nathan Holmes on 22 March 2013 at 12:37 that she was ‘trying to wake’ Mr Depp **[7/1e/H21A.17A]**, but in cross-examination that Mr Depp on 22 March was “on a 24 hour coke-fueled bender” (**Transcript, Day 11, page 1810**) and Ms Henriques’s evidence was that was in the kitchen (**Transcript Day 13, pages 2123-2124**).

21 Her account could hardly be further from where she started when “Incident Two” was first advanced.

END

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

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD
(2) DAN WOOTTON

Defendants

**ANNEX C TO CLAIMANT'S CLOSING SKELETON –
CONSIDERATION OF MS HEARD'S EVIDENCE ON AUSTRALIAN CRIMINAL
PROCEEDINGS**

1. The Australian criminal proceedings against Ms Heard were concluded on 18 April 2016 when Ms Heard entered a plea of guilty to a summary offence of producing a false or misleading document. A transcript is at **[5.1/201(b)/F1303.3-8]**. The Court Order of 18 April 2016 is at **[5.1/200/F1219-F1220]**. A helpful report of those court proceedings from *The Guardian*, 18 April 2016 is at **[11/190/P173-P176]**.
2. The guilty plea was accepted by the court and it dismissed the two other charges, which were more serious.
3. As *The Guardian* reported:
"[The magistrate] earlier dismissed criminal charges against Heard of illegally importing animals, which attracted a maximum penalty of 10 years jail. This was in exchange for Heard pleading guilty to making a false customs declaration by ticking a box on her passenger arrival card indicating she had no animals when arriving by private jet in Brisbane on 21 April last year. Heard offered to cop the plea in exchange for dropping of the more serious charges almost six months ago but commonwealth prosecutors, acting on instruction from deputy prime minister Barnaby Joyce's agriculture department, rejected the offer"
4. As the Court transcript records: *"On 13th of October 2015, Ms Heard provided an unsworn statement to the Prosecution regarding her actions and state of mind relevant*

to the offence, and on 3rd of November 2015, there was an indication that she would plea to the charge that she made the false statement, on the basis that the other two charges were discontinued. This has, in effect, occurred today ...” [F1303.5]

5. The documents show that:

5.1. Ms Heard swore an affidavit the previous day, 17 April 2016, in which she set out matters she relied upon in mitigation, namely blaming others, Kate James and Kevin Murphy, see paras 26-38 [5.1/200/F1229-F1242]. The magistrate in sentencing relied upon that evidence including concluding that “...Ms Heard was unaware of the documentation for the dogs’ importation into Australia had not been complete” [5.1/201(b)/F1303.6].

5.2. There had been more serious charges, which were dropped. See (i) written submissions of the prosecution dated 18 April 2016 [5.1/200/F1278-F1284] at para 7: “the two other charges having been withdrawn and the plea having been proposed at an earlier time...” F1279 and (ii) the written submissions of Ms Heard’s lawyers at paras 1-2 of their submissions of the same date [5.1/200/F1288]. Further, as those submissions on Ms Heard’s behalf made clear, she was relying on a mistake and that staff had obtained permission for the dogs; the Court is invited to read para 8 of those submissions in full [F1289]. Her submissions continued: “The details of her belief and the bases for it are described in the sworn declaration of Ms Heard. It is supported by the sworn declaration by Kevin Murphy, who is the estate manager for Ms Heard’s husband, Mr Depp. The Crown does not challenge this evidence.” That is a reference to Ms Heard’s affidavit and Mr Murphy’s declaration dated 13 October 2015 [5.1/201(a)/F1303.1-2]

5.3. That written evidence was relied upon by Ms Heard, see written submissions at para 10 inc. footnotes Ms Heard then went on to blame Kate James (who she had dismissed in early February) at para 11 [F1289-F1291].

6. The Court is invited to read in full from the Transcripts how Ms Heard responded to questions in cross-examination on these matters and in particular to questions that she (a) had put pressure on Mr Murphy to provide a declaration to assist her and (b) had sought to shift the blame onto Kate James. See Transcript, DAY 12, pages 1896-1905.

7. The full exchange is important, but the following matters are highlighted here:

7.1. Having been taken to documents at [4/142/F883ff] which are from October 2015, it was put to Ms Heard that she was trying to find some to take the blame for her and in particular Ms Kate James. Ms Heard replied: “*Absolutely not. She did not work for me any more.*” And Ms Heard disagreed with that proposition again, saying “*No. I had already pled guilty.*” (p.1989, lines 12-18).

7.2. When pressed on the documents, including the email at F885 dated 11 October 2015, Ms Heard again denied that she had intended to try to pressure anyone to provide a helpful statement:

“Q. You wanted her, did you not, to make a statement that was a lying statement, to take responsibility?

No. I did not need to. I was pleading guilty.” (p.1900, lines 3-5)

- 7.3. Then when questioned about having pressured Mr Murphy into providing a false statement, Ms Heard's evidence was as follows: *"I did not need to ask anyone to lie for me. Why would I? I had already pled guilty."* (p.1901, lines 2-4).
8. Two matters will be obvious from the court documents in the Australian criminal proceedings:
- 8.1. Ms Heard had not – at the time of the above exchanges in October 2015 about obtaining evidence from Kate James – pleaded guilty to any charge. She was (as recorded in the transcript of the 18 April 2016 hearing) offering to do so as part of a plea bargain.
- 8.2. At that time, i.e. October 2015, Ms Heard had every reason to ask someone (whether Kevin Murphy or Kate James) to lie for her in order to strengthen her hand in that plea bargaining, to get the more serious charges dropped – and Mr Murphy felt compelled to do so in his declaration of 13 October 2015 **[5.1/201(a)/F1303.1-2]**.
9. As her own counsel's written submissions for the hearing on 18 April 2016 show, Mr Murphy's declaration was relied upon by Ms Heard in order to advance her case that she had made a mistake only and she did not know that the dogs' paperwork was not in order.
10. Of course, Ms Heard's exchanges with Mr Murphy in late March and early April 2016 **[2/59(d)/D237.12-17]** on which she was cross-examined (Transcript DAY 14, p.1901-1904) demonstrate that she did know. See also Mr Murphy's contemporaneous confirmation to Stephen Deuters of that fact at **[2/59(d)/D237.19]**

END

**DEPP -V- NEWSGROUP NEWSPAPERS & OTHER
CLAIMANT'S CLOSING: ANNEX D**

SUMMARY OF EYEWITNESS EVIDENCE OF THOSE WHO SAW MS AMBER HEARD DURING THE PERIOD 21-26 MAY 2016

Date	Witness	Account	W/S / Other Reference	Oral Evidence Reference
21 May 2016	Sean Bett	Saw AH – no injuries.	¶15.	Day 8, pp. 1286 [7] – 1288 [12]; pp. 1308 [21] – 1309 [12].
	Jerry Judge (hearsay)	Saw AH – no injuries.	¶12.	N/A.
	LAPD Officer Melissa Saenz	Saw AH – no injuries.	Pp.20 [15] – 22 [16]; 31 [19] – 32 [12].	Day 4, pp.653 [12] - 657 [6]; 662 [8] – [11]; 664 [8] – [24].
	LAPD Officer Tyler Hadden	Saw AH – no injuries.	Pp.25 [6] – 28[10]; 43 [12] – 44 [2]; 45 [3] – 45 [12].	N/A.
	<i>Raquel Pennington*¹</i>	Saw AH – saw “redness and swelling” to right eye	Para 45	N/A
	Joshua Drew	Saw AH – .	N/A	Day 12 p1969 [12 -15]
	<i>Elizabeth Marz (hearsay)</i>	Saw AH – “just the whole side of her face like swolled [sic] up and red and puffy. Q. How swollen was her eye? A. Really-”	<i>Deposition [2/67/E570 ip35]</i>	N/A
22 May 2016	Cornelius Harrell (hearsay)	Saw AH in person and on CCTV – no injuries.	Deposition of 28 July 2016, pp.20 [22] – 22 [17]; 25 [11] – 26 [4]. Deposition of 31 Jan 2019, pp.14 [8] – 16 [4]; 30 [2] – [9]; 32 [10] – 33 [20]; 39 [2] – [25]. W/S of 12 Dec 2019, ¶¶8-9.	N/A.

* *Italics denotes evidence given in support of the Defendant's case*

**DEPP -V- NEWSGROUP NEWSPAPERS & OTHER
CLAIMANT'S CLOSING: ANNEX D**

SUMMARY OF EYEWITNESS EVIDENCE OF THOSE WHO SAW MS AMBER HEARD DURING THE PERIOD 21-26 MAY 2016

	Trinity Esparza says she had telephone conversation with Cornelius Harrell on 22 May 2016. Harrell mentioned his interaction with AH, and said she was "so beautiful, charismatic and well spoken".	¶11.	Evidence of Trinity Esparza as to her conversation with Cornelius Harrell, Day 5, p.894-5.
Isaac Baruch	Saw AH – no injuries.	¶9.	Day 9, pp.1369 [23] – 1371 [22]; 1387 [10] – 1389 [17].
Amanda de Cadenet	Saw AH – no evidence adduced.	N/A.	N/A.
Attendees at Amanda de Cadenet's birthday party	Saw AH – no evidence adduced.	N/A.	N/A.
James Franco	Saw AH – no evidence adduced.	N/A.	N/A.
Josh Drew	Saw AH – red marks to cheekbone and above eyebrow, some swelling	p.31	
Whitney Henriquez	Saw AH – 'eye was bruised and swollen, lip was busted open and there was a chunk of her hair missing'	¶78	Day 13 pp.2190 [4 – 25]
23 May 2016	Isaac Baruch	¶10.	Day 9, pp.1388 [4] – 1389 [17].
	Trinity Esparza	¶12.	Day 5, pp.879 [7] – [13]; 880 [15] – 881 [4]; 881 [15] – 882 [10]; 884 [23] – 885 [8]; 892 [24] – [25].
	Laura Divenere	¶5.	Day 9, pp.1466 [9] – 1467 [3].

**DEPP -V- NEWSGROUP NEWSPAPERS & OTHER
CLAIMANT'S CLOSING: ANNEX D**

SUMMARY OF EYEWITNESS EVIDENCE OF THOSE WHO SAW MS AMBER HEARD DURING THE PERIOD 21-26 MAY 2016

24 May 2016	Isaac Baruch	Saw AH twice – no injuries. (Note: Witness unsure of date – may have been 25 May 2016.)	¶¶11-12.	Day 9, pp.1388 [4] – 1389 [17].
	Trinity Esparza	Saw AH – no injuries.	¶13.	Day 5, pp.879 [7] – [13]; 881 [5] – [8]; 881 [15] – 882 [10]; 884 [23] – 885 [8].
	Laura Divenere	Saw AH – no injuries.	¶5.	Day 9, pp.1466 [9] – 1467 [3].
	Samantha McMillen	Saw AH – no injuries.	¶8.	Day 6, p.1026 [2] – [7]; 1029 [11] – 1030 [22]; 1036 [23] – 1038 [21].
	Hilda Vargas	Saw AH – no injuries.	¶¶11-12.	Day 6, pp.1055 [25] – 1059 [2]; 1064 [12] – 1065 [4].
25 May 2016	<i>Whitney Henriquez (as seen on CCTV 36 & 42)</i>	<i>In lift with AH – no evidence adduced.</i>	-	-
	<i>Raquel Pennington (as seen on CCTV 36 & 42)</i>	<i>Saw AH during this week – make up covering red mark. Unclear if specifically on this day.</i>	-	<i>Day 14, 2330 [12 – 15]</i>
	Isaac Baruch	Saw AH twice – no injuries. (Note: Witness unsure of date – may have been 24 May 2016.)	¶¶11-12.	Day 9, pp.1388 [4] – 1389 [17].
		Saw AH in evening – no injuries. (Note: Witness unsure of date – may have been 26 May 2016.)	¶13.	
	Trinity Esparza	Saw AH – no injuries.	¶14.	Day 5, pp.879 [7] – [13]; 881 [9] – [11]; 881 [15] – 882 [10]; 884 [23] – 885 [8]; 897 [4] – [16].

**DEPP -v- NEWSGROUP NEWSPAPERS & OTHER
CLAIMANT'S CLOSING: ANNEX D**

SUMMARY OF EYEWITNESS EVIDENCE OF THOSE WHO SAW MS AMBER HEARD DURING THE PERIOD 21-26 MAY 2016

	Laura Divenere (in CCTV 12)	Saw AH – no injuries.	¶15.	Day 9, pp. 1466 [9] – 1467 [3].
	Alejandro Romero	Saw AH – no injuries.	¶¶10-11.	Not challenged on this point.
	Melanie Inglessis (CCTV 18)	In lift with AH – no evidence adduced.	N/A.	N/A.
	Amanda de Cadenet (CCTV 18)	In lift with AH – no evidence adduced.	N/A.	N/A.
	Raquel Pennington (CCTV 12 & 18)	Saw AH during week – makeup covering red mark. Unclear if specifically on this day.	N/A.	Day 14, 2330 [12 – 15]
	Whitney Henriquez (CCTV 18)	In lift with AH – no evidence adduced as to this date.	N/A.	N/A.
26 May 2016	Isaac Baruch	Saw AH in evening – no injuries. (Note: Witness unsure of date – may have been 25 May 2016.)	¶13.	Day 9, pp. 1388 [4] – 1389 [17].

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

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

**ANNEX E TO CLAIMANT'S CLOSING SKELETON –
CONSIDERATION OF MS HEARD'S EVIDENCE ATTENDANCE AT THE
COURTHOUSE ON 27 MAY 2016**

1. It was put to Ms Heard that her attendance at the Courthouse on 27 May 2016 was a publicity stunt – her attendance being unnecessary (See Transcript, DAY 12, pages 1991-2 of the Transcript):

“... On the restraining order -- we have had the footage played to you of 27th May yesterday -- there are two questions that I want to ask. There is no limitation whatsoever upon you or your lawyers as to how much detail is in an application, is there?”

A. I am not sure I ----

MS. LAWS: Let me rephrase the question. You were not limited in any documents you served on the court as to what you could or could not say, were you?

A. That is not true. I was told that we had to keep it brief, but I am not a lawyer so I was just going off of my attorney's advice.

MS. LAWS: That is just not true, is it?

...

MS. LAWS: There was absolutely no need whatsoever for you to actually turn up at the courthouse and attend for that appearance; it could all have been done on the papers, could it not?

A. *No, I do not think so.*

...

MS. LAWS: *That is a lie, is it not, what you have just said?*

A. *No, my attorney told me I had to show up, so I did.*

Q. *That is a lie as well, is it not?*

A. *No, it is not."*

2. The Claimant maintains that Ms Heard's attendance was a media stunt – for whatever purpose she or her advisors thought it served – and her lawyer would not have told her that she "*had to show up*" on the 27 May 2016 because that is not the procedure.
3. The Court can see that is so by considering the court forms and documentation pertaining to the Request for Domestic Violence Restraining Order.
4. The form requesting a Temporary Restraining Order was completed on Ms Heard's behalf on 26 May 2016. It states, in terms, that upon granting or refusing the TRO application, the Court will schedule a hearing on the petitioner's request (see Section 25 of Form DV-100 [4/111/F646]). The next form in the procedure (DV-109) shows, at Section 4, that any orders granted on the initial request are granted (or refused) until the court hearing [4/111/F667]. Section 5 [on F668] makes it clear that any order made on filing the application is made until the hearing. The hearing was listed for 17 June 2016 [4/112/F677].
5. As Ms Heard told the Court the application for a Temporary Restraining Order is not a public hearing (Transcript DAY 10, p.1630). The order was made on request as set out in the forms and there was no need for Ms Heard to attend at all, let alone with large entourage.
6. Ms Heard's evidence that the matter would have been leaked by Mr Depp's lawyer – who worked closely with TMZ (Transcript, DAY 1, p.1630-2) – is obviously nonsense. It made no sense.
7. Why would Mr Depp seek to publicise that Ms Heard was accusing him of domestic violence at a court procedure he did not attend and in a procedure where he had no right to respond.
8. Secondly, this was the first publicity – so Ms Heard's attempt, in her evidence, to explain it away as a response to negative coverage also makes no sense.
9. Ms Heard's position is just one further example of her inability to accept the truth when it is placed in front of her.

END

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

**ANNEX F TO CLAIMANT'S CLOSING SKELETON ARGUMENT -
AMBER HEARD SHIFTS THE BLAME**

1. It was a feature of Ms Heard's testimony that she sought to shift the blame away from herself and onto others in relation to a varied and substantial number of matters. Ms Heard often sought to shift the blame onto the Claimant, but on occasions it was onto others.
2. In order to make good that submission, below is a schedule of examples from the cross-examination of Ms Heard will demonstrate that that was the case. Some parts of this evidence is also relied upon in relation to other matters but is collated in the table below.

No.	Extract	Transcript reference [Day/Page]	Incident / theme
Day 10 – 21 July			
1.	<p>13 Q. "... have been fighting non-stop since he confirmed his need</p> <p>14 for a pre-nup on their way to the airport going to Japan to</p> <p>15 promote his movie. She tried to push up the date of the</p> <p>16 wedding to avoid all this, but the reality is he'll need a</p> <p>17 pre-nup. If she fails to sign, they won't get married. Both</p> <p>18 behaved like super triple D types." Then it went on about the</p> <p>19 behaviour on the flight. There was an argument, was there</p> <p>20 not?</p> <p>21 A. There was an argument in the hotel room in Tokyo that resulted</p> <p>22 in Johnny kneeling on my back and hitting me in the back of</p> <p>23 the head, but that argument, actually, well, he toggled</p> <p>24 between it being in relation to -- he mentioned more, it was</p> <p>25 more about Christi, his sister, who handled most of his</p>	Day 10/1528, 1529	Pre-nuptial agreement – Ms Heard sought to shift responsibility onto Mr Depp, his sister and his lawyers, rather than taking responsibility for the fact that no prenup was signed.

2 affairs. He said it was Christi that had brought this up,
3 that Christi's concerns were this, that he did not want that,
4 that he trusted me, and that he said time and time, as he said
5 to me time and time again, the only way out of this was death

6 ----

7 Q. You did not --

8 A. And ----

9 Q. Carry on?

10 A. Sorry, he said this to me, to which I responded, that of
11 course I would sign whatever we needed to sign. It could be a
12 pre-nup. I would be happy to sign a post-nup. I even hired
13 an attorney to do so, who wrote a draft and was sending it
14 back and forth, or sent it to Johnny's team. I told Johnny
15 this on that occasion, but then Johnny was also accusing me of
16 having an affair with a co-star, and that is what led to the
17 actual fight, the argument that you reference. It did not

	<p>18 become physical on the plane. It got physical in the hotel</p> <p>19 room when he shoved me and everything else proceeded in the</p> <p>20 closet.</p> <p>21 Q. All right, let us get back to the question. You had a row and</p> <p>22 it was over the pre-nup? It started ----</p> <p>23 A. It was not over the pre-nup.</p> <p>p. 1531</p> <p>13 Q. How then, bearing in mind you did not mind at all signing it</p> <p>14 ----</p> <p>15 A. Not at all.</p> <p>16 Q. ---- did it not get signed?</p> <p>17 A. Because it was left on Johnny's team's desk. No one did</p> <p>18 anything and someone forgot about it.</p> <p>19 MR. JUSTICE NICOL: Just a minute. Yes.</p> <p>20 MS. LAWS: It was left on someone's desk and overlooked?</p> <p>21 A. I do not presume it was overlooked since a considerable amount</p> <p>22 of people in his life seem to be concerned about it, but I did</p> <p>23 hire the lawyer, we drafted it, we sent it, and I did</p>		
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	<p>24 everything I could to make sure that we would be able to get</p> <p>25 married at this time. The reason it was important, the</p> <p style="text-align: center;">1531</p> <p>2 timing, and the reason that I feel it should be clarified on</p> <p>3 the record is that Mr. Kipper, Dr. Kipper, was mistaken when</p> <p>4 he said that I tried to move the wedding date up. I never</p> <p>5 tried to move the wedding date up. That is not something</p> <p>6 I had the power to do.</p>		
<p>2.</p>	<p>15 Q. Without going into matters I do not need to go into, after you</p> <p>16 deal with Mr. Depp, you have given a history either to Erin</p> <p>17 Burin or Dr. Kipper that had you abstained from all substances</p> <p>18 since the detoxification -- he had rather, you admitted though</p> <p>19 to a history of anxiety, eating disorder, ADHD, et cetera; is</p> <p>20 that right?</p> <p>21 A. That is a mistake.</p> <p>....</p>	<p>Day 10/1541, 1542, 1543</p>	<p>Medical history -- Ms Heard sought to shift the blame from what appeared in her medical records on to Erin Boerum and Dr Kipper for (so she contended) writing up notes incorrectly and/or not taking her history.</p>

	<p>Q. So, Dr. Kipper has either lied or got it wrong, is that right,</p> <p>23 when passing your history on to Erin Burin?</p> <p>24 A. I did not spend much time with Kipper. I do not even know</p> <p>25 when he actually spoke to me about my history, but in all</p> <p style="text-align: center;">1542</p> <p>2 doctors I do give a brief summary of my family history and my</p> <p>3 own history. I have never had an eating disorder. I have</p> <p>4 never been diagnosed with bipolar. I have never had a history</p> <p>5 of substance abuse or a problem with liquor, to be honest.</p> <p>6 I do report and have reported that I have a family history of</p> <p>7 that, as both my parents are alcoholics and addicts.</p> <p>...</p> <p>20 Q. And the note is wrong?</p> <p>21 A. The note does not reflect my personal history.</p> <p>22 Q. You suggest it is wrong because Erin Burin took a note from</p> <p>23 Dr. Kipper and did not take a history from you; is that right?</p> <p>24 A. She did not take a history from me.</p> <p>25 Q. I am going to suggest that must be incorrect, that you would</p>		
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1543

2 have seen her on the, we have 27th August and you would have
3 gone through your history with her in quite some detail; is
4 that right, yes or no?

5 A. No, it is not. I just had met her at this point, fairly
6 recently, and it was about Johnny, these were Johnny's nurses,
7 Johnny's doctor, and I was kind of given someone to talk to
8 occasionally, to, you know, I guess, accompany me at times.
9 The part she got right is I did have some anxiety and
10 insomnia.

11 Q. This is Dr. Kipper's, effectively, second mistake or lie, is
12 it? The first one being the argument being about the pre-nup;
13 the second one being about your history of abuse?

14 A. I can understand how he would be mistaken about that, if he
15 was just given this information from Johnny's team.

16 Q. So, it is Dr. Kipper's mistake. Can I ask you to go to

	<p>17 page 211 in the bottom right-hand corner. Stay in the same</p> <p>18 tab. By now we are in November 2016.</p>		
<p>3.</p>	<p>17 Q. All right. Let us go on to the rest of the entry there, at</p> <p>18 page 211. It is in relation to your illegal drug abuse.</p> <p>19 "Client admits to illicit drug use during the trip and states</p> <p>20 she ingested mushrooms and MDMA simultaneously while also</p> <p>21 consuming alcohol ...(reads to the words)... client reported</p> <p>22 that her husband was not aware of male visitors nor her</p> <p>23 illicit drug use." Can I ask you, is that entry correct or</p> <p>24 has Erin Burin got any of that wrong?</p> <p>25 A. I do not think she had anything wrong.</p> <p>...</p> <p>1549</p> <p>15 A. I have no idea what I told Erin or what she understood. But</p> <p>16 in looking at the date, I think it is fair to say I did not</p> <p>17 partake in both of those, so shortly after having such a</p> <p>18 terrible time doing them.</p>	<p>Day 10 / 1547, 1549, 1550</p>	<p>Drugs – Ms Heard sought to shift the blame on to Erin Boerum for writing up notes incorrectly, rather than admitting that they were an accurate record of her use of illegal drugs.</p>

	<p>19 Q. Just a moment ago you said the note was correct. Do we take</p> <p>20 it now that you would like to say that the note may not be</p> <p>21 correct; yes or no?</p> <p>22 A. With reference to particular detail?</p> <p>23 Q. Yes.</p> <p>24 A. I do not know if that is correct.</p> <p>25 Q. So, Erin Burin has made a mistake in that regard?</p> <p style="text-align: center;">1550</p> <p>2 A. Yes, it seems to be. But everything else seems to be correct.</p> <p>3 I was responding to the first half of the paragraph that you</p> <p>4 were asking me about before.</p>		
4.	<p>16 know, celebrate with his groomsmen, that was separate. And my</p> <p>17 friends and I all passed around a bag of mushrooms, and had</p> <p>18 what we called a cuddle puddle, we just giggled and laid on</p> <p>19 the beach. Johnny was not a part of that, so in that part,</p> <p>20 Dr. Kipper's note is correct when he mentions the mushrooms.</p>	Day 10 / 1552, 1553	<p>Drugs use recorded in medical notes – Ms Heard sought to shift the blame on to either Dr Kipper for recording incorrect information or on to Mr Depp for</p>

<p>21 He just did not understand that I did not participate in it</p> <p>22 with Johnny. And he was also incorrect ----</p> <p>23 Q. Just a minute. (Pause) Yes.</p> <p>24 A. He was also incorrect when he said I participated in it with</p> <p>25 Johnny in Australia, because he was going off of what Johnny</p> <p style="text-align: center;">1553</p>			<p>passing false information on to Dr Kipper.</p>
<p>5. 7 Q. Moving on then to drinking. Just for the moment, sticking</p> <p>8 with Coachella in 2016, was Starling Jenkins lying when he</p> <p>9 says he saw you vomiting in a parking lot?</p> <p>10 A. He was mistaken.</p> <p>11 Q. He was mistaken?</p> <p>12 A. Yes, I think he got my sister and I mixed up. We were wearing</p>		<p>Day 10 / 1553, 1554, 1555, 1558</p>	<p>Ms Heard denied vomiting at Coachella (although even Ms Pennington agreed that she had albeit 'privately'). Ms Heard shifting the blame on to her sister Whitney</p>

<p>13 very similar outfits, and she was pregnant at the time, hence</p> <p>14 the request for ginger ale and crackers and such. Whitney was</p> <p>15 vomiting.</p> <p>16 Q. I suggest he knew full well the difference between the two of</p> <p>17 you and it was you that was vomiting?</p> <p>18 A. I have never vomited in a parking lot in my life.</p> <p>19 Q. Do you remember saying to that Erin Burin, that you had</p> <p>20 vomited that weekend.</p> <p>21 A. I remember telling her I felt awful and I remember ----</p> <p>22 MR. JUSTICE NICOL: Just go slower. You recall telling her that</p> <p>23 you felt awful?</p> <p>24 A. I did, I felt awful. Not a good time to do those substances.</p> <p>25 I remember saying that -- well, we were all talking about my</p> <p style="text-align: center;">1554</p> <p>2 sister, also have been morning sickness, or stomach sickness</p> <p>3 as she was pregnant at the time.</p>		<p>Henriquez. It is suggested that this shift of the blame was to distract from her own drug/alcohol over-consumption.</p> <p>More directly, she blamed Erin Boerum for her medical notes reflecting her alcohol/drug consumption.</p>
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<p>4 Q. Whitney was pregnant at the time, did you say?</p> <p>5 A. Yes, my Lord.</p> <p>.....</p> <p>23 Q. So: "Client admits to illicit drug use during the trip and</p> <p>24 states she ingested mushrooms and MDMA ...(reads to the</p> <p>25 words)... reminded client illicit drug use will not be</p> <p style="text-align: center;">1555</p> <p>2 tolerated." Let me break this down. You are telling Erin</p> <p>3 Burin that it was you that was vomiting and you that was high</p> <p>4 for at least 24 hours straight; is that right?</p> <p>5 A. Can I look at the same document you are looking at?</p> <p>6 Q. Page K211 ----</p> <p>7 A. I closed it up. So, I do not have the same page.</p> <p>8 Q. I am sorry, I thought you had the document there.</p> <p>9 A. No.</p> <p>10 Q. It was in fact the entry you were at a moment ago, it is</p>		
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	<p>11 halfway down the page. K211, halfway through, just read it</p> <p>12 again, because you did not have it in front of you. "Client</p> <p>13 admits to illicit drug use during the trip states she ingested</p> <p>14 mushrooms and MDMA ...(reads to the words)... and was high</p> <p>15 for at least 24 hours straight." According to what you have</p> <p>16 just said, she must have got that wrong?</p> <p>17 A. I did tell her I felt like vomiting, I said I felt like</p> <p>18 vomiting, and I was not high for 24 hours. I laid in bed for</p> <p>19 24 hours feeling the effects of that horrible decision to take</p> <p>20 both of those, while also going through a break-up.</p> <p>21 MR. JUSTICE NICOL: You told her that you felt like vomiting, and</p> <p>22 then what else did you say, please?</p> <p>23 A. That I spent the next 24 hours in bed regretting the horrible</p> <p>24 decision that was taking both of those things amidst a</p> <p>25 break-up.</p> <p>...</p> <p>11 Q. What you are saying is that you did not vomit, that is your</p>		
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	<p>12 evidence; yes?</p> <p>13 A. I did not vomit.</p> <p>14 Q. Starling Jenkins is wrong, it was your sister; yes?</p> <p>15 A. Absolutely.</p> <p>16 Q. And this note is incorrect, somehow Erin Burin has got</p> <p>17 completely the wrong end of the stick; is that your account?</p> <p>18 A. She is missing two words.</p> <p>19 Q. What are the two words?</p> <p>20 A. "Felt like".</p> <p>21 Q. Are you telling the court the truth?</p> <p>22 A. Yes.</p>		
6.	<p>7 Q. "I regret that the precious time...(reads to the words)... to</p> <p>8 continue discovering our beautiful country." Those are your</p> <p>9 words, are they not?</p> <p>10 A. Although I did not write the words, they did reflect the</p> <p>11 truth, so I signed the document.</p> <p>12 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p>	Day 10 / 1573	<p>Homeland security letter – Ms Heard sought to deflect her own involvement in the letter to Homeland Security by saying that her assistant and in fact drafted it and she had just signed it.</p>

	<p>13 MS. LAWS: You are saying that the 18 year-old Savannah wrote this</p> <p>14 letter; yes?</p> <p>15 A. I am saying that. I only smile because it seems very much</p> <p>16 like Savannah.</p> <p>17 MR. JUSTICE NICOL: The language was Savannah's.</p> <p>18 A. But I did sign it because I thought it reflected the truth.</p> <p>19 While I may have chosen different words and worded things</p> <p>20 differently, because I thought it was truthful, I signed it.</p> <p>21 MS. LAWS: Was it Savannah's idea to try and get this fraudulent</p> <p>22 report removed from the record or yours?</p> <p>23 A. It was Savannah's.</p>		
7.	<p>10 Q. This is the page we have looked at before, 27th August 2014.</p> <p>11 So, it is the first visit with Erin Burin that we have looked</p> <p>12 at before; all right, so that has to put it in context. The</p> <p>13 final paragraph says: "Per report from JD, Debbie RN,</p> <p>14 Dr. Kipper. Client AH has reportedly been experiencing</p> <p>15 increased anxiety and agitation recently and has had several</p> <p>16 outbursts of anger and rage, her mood has been labile."</p>	Day 10 / 1553 - 1558	Jealousy / Medical notes – Ms Heard shifted the blame on to Erin Boerum for incorrectly writing up notes and alleged that contrary to what the notes reported, it should have said that Mr Depp for being the one who is jealous

	<p>17 I will finish that next sentence: "Both client and fiancé, JD, 18 report an increase in verbal disagreements resulting from 19 client's anxiety and emotional lability. Client expressed 20 concern to husband and Dr. Kipper that she is nervous about 21 being alone while husband is working on movie set in London 22 and expressed she has difficulty dealing with feelings of 23 insecurity and jealousy when not in the presence of her 24 husband." Let us break it down. What it looks like there is 25 that Erin Burin is reporting partly what you have said to her</p> <p style="text-align: center;">1584</p> <p>2 and partly what others have said to her. Would you agree with 3 that? 4 A. In that last paragraph? 5 Q. In the part I have just read out to you. Just deal with the 6 latter part, do you agree that you expressed to Erin Burin 7 concern about Mr. Depp going away on set in London and that</p>		
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	<p>8 you felt insecure and jealous when you were not in the</p> <p>9 presence of your husband; did you say that?</p> <p>10 A. Not exactly. I expressed concerns about the travel, the</p> <p>11 distance, because it was a trigger for Johnny when I would</p> <p>12 travel and when we would work apart on different locations.</p> <p>13 Johnny did not want me to work, and so it always increased our</p> <p>14 likelihood of having disputes and disagreements and it would</p> <p>15 increase his propensity to fall off the wagon, as it were, and</p> <p>16 use those, that distance as an excuse to, as he would put it,</p> <p>17 twist off, which would be a kind of way of saying, to start</p> <p>18 using again.</p> <p>19 Q. Let us just get back to what is wrong in this note, then,</p> <p>20 shall we from what you have just said. Erin Burin, yet again</p> <p>21 has made a mistake. What should she have written then? What</p> <p>22 would you have said to her? Which bit is wrong? Let us go</p> <p>23 through it. "Client expressed concern to husband and</p> <p>24 Dr. Kipper that she is nervous about being alone while husband</p>		
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	<p>25 is working"; is that bit accurate?</p> <p style="text-align: center;">1585</p> <p>2 A. Yes, I do not think Erin made a mistake. I was just trying to</p> <p>3 explain the context more of how you represented it, that</p> <p>4 seemed to be ----</p> <p>5 Q. Let us work out what is wrong and what is right in that note.</p> <p>6 Would you accept that the first bit is right, that you</p> <p>7 expressed concern to your husband and Dr. Kipper that you were</p> <p>8 nervous about being alone while your husband is working on set</p> <p>9 in London; is that bit correct?</p> <p>10 A. I was nervous about being away from him or being away from him</p> <p>11 while he was working because it always caused fights.</p> <p>12 Q. So, is that bit correct?</p> <p>13 A. Yes, if that is your understanding of the way I just described</p> <p>14 it, yes.</p> <p>15 Q. So we can move on then, that bit is correct. "And expressed</p>		
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<p>16 she has difficulty with feelings of insecurity and jealousy",</p> <p>17 that is the bit she has got wrong, is it not, according to</p> <p>18 what you just said?</p> <p>19 A. No, I did not say that.</p> <p>20 Q. Has she got that bit right?</p> <p>21 A. To be clear, it was Johnny's insecurity and jealousy. He is</p> <p>22 extremely jealous and extremely insecure about me working and</p> <p>23 me being away while he worked. It was extremely problematic,</p> <p>24 or me working away from him was extremely difficult for the</p> <p>25 peace and stability in our home. It was always very</p> <p style="text-align: center;">1586</p> <p>2 problematic.</p> <p>3 Q. This is another example of when it is not you that is</p> <p>4 suffering from jealousy or anger, it is Mr. Depp?</p> <p>5 A. Yes. Ms. Laws, I was explaining to Erin, it seems here, what</p> <p>6 the difficulty was in our marriage and therefore in my sense</p>		
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	<p>7 of wellbeing.</p> <p>8 Q. Let us go back to the note. What she has wrong, it should</p> <p>9 say: "Client has expressed concern to husband and Dr. Kipper</p> <p>10 that she is nervous about being alone while husband is working</p> <p>11 in London" -- that bit is correct -- "and expressed [he] has</p> <p>12 difficulty with feelings of insecurity and jealousy when not</p> <p>13 in the presence of [his wife]." That is what it should be</p> <p>14 saying, is it not?</p> <p>15 A. No. He did not have problems feeling that way, apparently.</p> <p>16 I had the problems in dealing with it.</p> <p>17 Q. Who was insecure or jealous?</p> <p>18 A. Johnny.</p> <p>19 Q. So, it should read: "[He] has difficulty with feelings of</p> <p>20 insecurity and jealousy, when not in the presence of [his</p> <p>21 wife]", that is the way it should read, is it not?</p> <p>22 A. I had the difficulty. I had the difficulty with his feelings</p> <p>23 of insecurity and jealousy, it caused so many fights in my</p>		
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<p>24 relationship with Johnny.</p>	<p>25 Q. So it should say: "She has difficulty with [his] feelings of</p> <p style="text-align: center;">1587</p> <p>2 insecurity and jealousy, when not in the presence of her</p> <p>3 husband"</p> <p>4 A. He had those feelings, I had problems that he had those</p> <p>5 feelings, it was extremely difficult to deal with that in the</p> <p>6 relationship that I was in.</p> <p>7 Q. As a result ----</p> <p>8 MR. JUSTICE NICOL: Just a minute. (Pause) So, do I understand</p> <p>9 your evidence that you are saying that Mr. Depp had feelings</p> <p>10 of insecurity and jealousy when you were apart, that in turn</p> <p>11 created difficulties for you?</p> <p>12 THE WITNESS: Yes, that was the biggest problem. One of the</p> <p>13 biggest problems in the relationship, one of the biggest</p> <p>14 triggers in the relationship, that it would inspire the drug</p>		
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	<p>15 and alcohol binges that he was prone to. I also, as a person,</p> <p>16 in the relationship, had moments where I too felt insecure and</p> <p>17 I too felt jealous, that is obviously something I felt at</p> <p>18 times too. But in reading this note, I do not think that it</p> <p>19 is fair to say that that was what I was imparting or</p> <p>20 reflecting to her, because that was not a structural problem</p> <p>21 in our relationship for me, it was structural problem in our</p> <p>22 relationship from Johnny.</p> <p>23 MS. LAWS: So she has turned it around?</p> <p>24 A. I do not think she turned it around.</p> <p>25 Q. What has she actually got wrong in that note then?</p> <p style="text-align: center;">1588</p> <p>2 A. I do not think she got it wrong. I think it is about how it</p> <p>3 is read.</p> <p>4 Q. It is how you would like to explain it now, but you think she</p> <p>5 might have got it wrong?</p> <p>6 A. I do not think it is wrong.</p>		
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8.	<p>21 Q. Halfway through that paragraph, there is a passage:</p> <p>22 "RN reflected change in coping mechanisms...(reads to the</p> <p>23 words)... compulsive anger and (unclear)." In fact, what you</p> <p>24 are dealing with there, in that entry, if we go up higher, is</p> <p>25 that you spent the day participating in an online college</p> <p style="text-align: center;">1592</p> <p>2 course, attending a meeting, studying, you took your</p> <p>3 medications at the proper time, then you went out shopping</p> <p>4 with Erin Burin "and with the client's assistant". Who was</p> <p>5 that?</p> <p>6 A. Savannah McMillen, my friend.</p> <p>7 Q. You have described her here as your assistant, though?</p> <p>8 A. I did not.</p> <p>9 Q. So that is another mistake by ----</p> <p>10 A. That is Erin, yes.</p>	Day 10 / 1591, 1592	<p>Savannah McMillan – Ms Heard blamed Erin Boerum for incorrectly noting down that Savannah McMillan is Ms Heard's assistant.</p>
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9.	<p>15 Q. I think there was some -- behind the scenes, it was being</p> <p>16 suggested, not by you, but by Ms. van Ree, when she came out</p> <p>17 to give a statement on your behalf, that in fact the arrest</p> <p>18 itself was as a result of homophobic attitudes; do you</p> <p>19 remember that?</p> <p>20 A. Yes, I do. She made that statement shortly after my divorce</p> <p>21 proceedings when this information, although it had been</p> <p>22 private for years before, suddenly wound up in the news.</p> <p>23 Q. I can take you to the article, but you seem to remember it,</p> <p>24 where Ms. van Ree was saying that the arrest appeared to be as</p> <p>25 a result of misogynist attitudes (plural), who appeared to be</p> <p style="text-align: center;">1622</p> <p>2 homophobic when they found out we were partners, so the</p> <p>3 reference is to two officers being homophobic?</p> <p>4 A. I do not know what Ms. van Ree intended. I cannot speak to</p> <p>5 that. However, there was ultimately more than one officer</p> <p>6 involved in the incident, although only one was there and only</p>	Day 10 / 1621 to 1626	Arrest for domestic violence in relation to incident with Tasya van Ree -- Ms Heard sought to shift the blame on to apparently homophobic police officers
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<p>7 one made the arrest.</p> <p>8 Q. When you gave your deposition, in fact what you were then</p> <p>9 saying was ----</p> <p>10 MR. JUSTICE NICOL: Which deposition are we talking about?</p> <p>11 MS. LAWS: This is the deposition on 13th August. I will show you</p> <p>12 exactly what you say in a moment. You then indicate it was</p> <p>13 the male police officer that put you in handcuffs; is that</p> <p>14 right?</p> <p>15 A. That is right.</p> <p>16 Q. I am going to suggest that that was a bit of a shift as a</p> <p>17 result of some publicity that came to light, to which I am</p> <p>18 going to take you, from one of the arresting officers. Could</p> <p>19 you go to ----</p> <p>20 MR. JUSTICE NICOL: Just a moment.</p> <p>21 MS. LAWS: Sorry.</p> <p>22 A. May I put ----</p> <p>23 MR. JUSTICE NICOL: Just a moment, please. (Pause) Sorry, did you</p>		
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	<p>24 want to answer that question?</p> <p>25 A. I was going to ask Ms. Laws if I can put one of these binders</p> <p style="text-align: center;">1623</p> <p>2 away.</p> <p>3 MS. LAWS: Yes, please put file 11 away.</p> <p>4 MR. JUSTICE NICOL: Do you need to keep out file 11?</p> <p>5 MS. LAWS: No, you can put file 11 away and take out file 5.1.</p> <p>6 MR. JUSTICE NICOL: Did you say take out 5.1?</p> <p>7 MS. LAWS: Sorry, my mistake. Put back 5.1 and take out 5. If</p> <p>8 you have got that, could you go to 178B. In fact, I will take</p> <p>9 you to 178A first, if I may. In the bottom right-hand corner,</p> <p>10 the page number should be F1140.6.</p> <p>11 MR. JUSTICE NICOL: No, I am missing something because 148A is</p> <p>12 simply in my bundle F1140.</p> <p>13 MS. LAWS: Sorry, it is 178A.</p> <p>14 MR. JUSTICE NICOL: 178A is F1140 with nothing after it.</p>		
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	<p>15 MS. LAWS: That is right. This is an article, we can see, after 16 Ms. van Ree indicated that the arrest ---- 17 MR. JUSTICE NICOL: This is dated 6th September. 18 MS. LAWS: 6th September 2016. Just to put it in context, so that 19 we know the context of this in the chronology, Ms. van Ree had 20 indicated that the arrest of you was a homophobic arrest 21 because the officers had misogynistic attitudes. It is after 22 that that this article appears. What we have at the bottom is 23 a picture of an Officer Leonard, who was one of your arresting 24 officers, was he not, one of the officers who was there? 25 A. Was not the arresting officer. She did show up later and what</p> <p style="text-align: center;">1624</p> <p>2 Tasya said was that there were hints misogyny and homophobia. 3 Q. But she said the word "they"? 4 A. I do not know ---- 5 MR. JUSTICE NICOL: Are we helped by this, Ms. Laws?</p>		
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	<p>6 MS. LAWS: My Lord, it is a small point but ----</p> <p>7 MR. JUSTICE NICOL: Well, I do think it is a rather small point.</p> <p>8 If you want to ask further questions, of course you may, but</p> <p>9 I am beginning to feel that its smallness is of diminishing</p> <p>10 value.</p> <p>11 MS. LAWS: I take the point. There is one point then in relation</p> <p>12 to this. If you can flick over to F 1140, we can deal with</p> <p>13 the point fairly swiftly. The officer is basically saying she</p> <p>14 is not homophobic because she is a lesbian, but at the bottom</p> <p>15 ----</p> <p>16 MR. JUSTICE NICOL: Now, where is this going, Ms. Laws?</p> <p>17 MS. LAWS: There is a description of the actual incident at the</p> <p>18 very bottom.</p> <p>19 MR. JUSTICE NICOL: But this is a description in a newspaper, not</p> <p>20 a description by the witness. Am I going to be helped by</p> <p>21 this?</p> <p>22 MS. LAWS: It depends if the witness agrees with the description.</p>		
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	<p>23 Clearly, if the witness does not, we can move on.</p> <p>24 MR. JUSTICE NICOL: Right. So, where do you want me to look at?</p> <p>25 MS. LAWS: Just the final paragraph.</p> <p style="text-align: center;">1625</p> <p>2 MR. JUSTICE NICOL: "Although Tasya claims the incident was 3 minor", is that the paragraph?</p> <p>4 MS. LAWS: That is right. "... and shows the actual property 5 damaged. A pendant was damaged during the scuffle. The 6 documents also show that Tasya was extremely upset with you." 7 So, claim the responding cops; is that accurate?</p> <p>8 A. No, Tasya was not upset with me at all. In fact, she tried to 9 intervene immediately. She told the gentleman who arrested me 10 that he was overreacting, that she tried to clarify, as did I, 11 that we were having a verbal disagreement and what he took as 12 any sort of indication of physicality was misunderstood in the 13 moment to him. To be honest, she just walked the opposite 14 way. We had walked on a busy street. He had overheard us</p>		
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<p>15 arguing verbally some time before that in the airport when we 16 were stuck on an escalator together and we walked out on to 17 the busy streets. We missed our van. We had been looking 18 ----- 19 MR. JUSTICE NICOL: I have heard enough, Ms. Heard. You disagree 20 with the description of the account? 21 A. Totally.</p>		
Day 11 – Tuesday 22 July		
<p>10. 12 MR. JUSTICE NICOL: I think what is being put to you, Ms. Heard, 13 is that had Mr. Depp been violent to you on more than the 14 three occasions that are mentioned in this letter, your lawyer 15 would have referred to those. 16 A. Oh. No, she specifically told me that this was a short 17 application, we only had a certain amount of pages, a certain 18 amount of space, and that there was frankly no need to, 19 because if you hit a person, a partner, your wife once, it 20 would be, it would qualify me for the restraining order I was</p>	Day 11 / 1725, 1726	<p>TRO declaration – Rather than acknowledge that her legal filings did not contain a full history of the domestic violence which she now alleges, Ms Heard sought to say that the legal advice she received was to be brief and that she had been told to limit the amount of information to provide to the court in support of</p>

	<p>21 seeking. So, for ease, comfort to my own wellbeing and mental</p> <p>22 health, she just said, "Give me the last, you know, last</p> <p>23 couple" and that is what I did.</p> <p>24 MS. LAWS: No, what she is saying here is that in the last six</p> <p>25 months, there have been three incidents, so that suggests that</p> <p style="text-align: center;">1725</p> <p>2 you did not tell her there were any more than that, did you?</p> <p>3 A. She told me I did not need to tell her everything, that I just</p>		<p>her application against Mr Depp.</p>
<p>11.</p>	<p>Q. You thought that he would file for divorce, we see that at the</p> <p>14 end of the text, do we not?</p> <p>15 A. I do not know what our communication exactly had been in the</p> <p>16 months, days, weeks, leading up to that and on our phone</p> <p>17 calls, I do not know what we had talked about to be honest.</p> <p>18 I wanted it to be as private as possible. And from what</p> <p>19 I understood at the time from my solicitors is that the way</p> <p>20 the procedure works it that there is a chance that there could</p> <p>21 be exposed quickly or there is a chance it can fly under the</p>	<p>Day 11 / 1739, 1740</p>	<p>Filing for divorce – Ms Heard sought to explain her decision to file for divorce by shifting the blame on to Mr Depp saying he was the one who wanted to file for divorce.</p>

	<p>22 radar for a certain amount of time. As naive as it is,</p> <p>23 looking back on it from where I sit now, a few days would not</p> <p>24 have made huge difference, but at the time a few days of</p> <p>25 privacy would have made an enormous difference to me. And</p> <p style="text-align: center;">1739</p> <p>2 that is all I was asking for is procedural, is to lean into</p> <p>3 any sort of procedural thing we could do that best protected a</p> <p>4 chance of a few days of it being private.</p> <p>5 Q. The last question was quite straightforward, and we will get</p> <p>6 through this a lot quicker, it was: and you put in the text</p> <p>7 that you thought he had filed for divorce; is that correct,</p> <p>8 yes or no?</p> <p>9 A. I think I said "I thought you were going to file".</p> <p>10 Q. "I thought you had filed" is what you said.</p> <p>11 MR. JUSTICE NICOL: The text says: "I thought you had filed", and</p> <p>12 that is a reference, is it ----</p> <p>13 THE WITNESS: Divorce.</p>		
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	<p>14 Q. ---- to you thinking that Mr. Depp had filed for divorce?</p> <p>15 A. Or that he was going to. It might be just a misprint in my</p>		
<p>12.</p>	<p>Q. Halfway down, you are talking on that page about when the</p> <p style="text-align: center;">1751</p> <p>2 police were called, so the 21st May. Halfway down, you say,</p> <p>3 "I'm sorry, I'm sorry, because the last time it got</p> <p>4 crazy...(reads to the words)... I thought the first time." Do</p> <p>5 you remember Mr. Depp's response there: "Amber, I lost a</p> <p>6 fucking finger...(reads to the words)... thrown at my nose".</p> <p>7 You say, "You can please tell people it was a fair</p> <p>8 fight...(reads to the words)... I'm a victim too of domestic</p> <p>9 violence." He says, "Yes, it's a fair fight. ...(reads to the</p> <p>10 words)...it doesn't matter, a fair fight, my arse." Then you</p> <p>11 go on to say about him being bigger and stronger. So, in</p> <p>12 there, there is a reference he makes to you about him losing</p> <p>13 his finger and you being violent to him, essentially, is it</p>	<p>Day 11 / 1750 to 1754</p>	<p>Ms Heard's words on telephone call – Shifting the blame on to Mr Depp for her use of words on the telephone call</p> <p>And</p> <p>Shifting the blame on to Mr Depp for severing his own finger</p>

	<p>14 not? That is what he is referring to?</p> <p>15 MR. JUSTICE NICOL: Well, I am sorry, Ms. Laws, if the question is</p> <p>16 about what the transcript shows, then I can read what the</p> <p>17 transcript shows for myself. If the question is to the</p> <p>18 witness about whether something in the transcript is correct,</p> <p>19 that is a different matter.</p> <p>20 MS. LAWS: What I was saying was that what you were talking about,</p> <p>21 both of you, so I have read the transcript ----</p> <p>22 MR. JUSTICE NICOL: I am sorry, Ms. Laws, I am going to stop you</p> <p>23 because I do not find it helpful to ask the witness about what</p> <p>24 is being said in the telephone call because I can read that</p> <p>25 for myself.</p> <p style="text-align: center;">1752</p> <p>2 MS. LAWS: Yes.</p> <p>3 MR. JUSTICE NICOL: But if there is a question about something</p> <p>4 based on what was said, that is a different matter.</p>		
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	<p>5 MS. LAWS: My Lord, what I was going to ask, and what I was 6 setting the foundation for, was essentially to ask her whether 7 she considers that he was telling her about violence and 8 whether Ms. Heard was simply accepting it or not. That was 9 breaking down the question, which clearly needs to be done in 10 two parts. So, having read it out, and having heard what 11 I have just said, there are two parts to that question. That 12 is what is on the record, but what effectively he was saying 13 was that you had been violent to him and you did not deny it, 14 did you? 15 A. That is not what we were speaking about. I was not in a place 16 to deny or agree with him. That was not the point of the 17 conversation. So, what he was saying is different. The 18 conversation he was wanting to have with me is different than 19 what I was responding to. I was trying to point out to him 20 the reality of the situation. Johnny had a nuanced 21 relationship with reality and I was just trying to point out</p>		
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	<p>22 to him how bad, how violent, how nasty this whole thing has 23 been, and how despite the fact that Johnny surrounded himself 24 with, had to surround himself with people who never could, or 25 would, hold him accountable to his actions, and even though he</p> <p style="text-align: center;">1753</p> <p>2 could not see what the reality of the damage he had done to me 3 or to us or to even to himself had been, to the world it would 4 be different. To the outside world that he was almost never 5 in contact with, it would be different.</p> <p>6 You know, Johnny did not -- not only did he sever his 7 own finger while punching me and the wall, but he also only 8 had a can of mineral spirits, as he says, thrown at him 9 because he was attacking me and I had to escape. It seemed so 10 preposterous to me at the time that his perception of his 11 place in our dynamic, in our relationship, could be so skewed 12 that even he would not understand until it was too late</p>		
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	<p>13 exactly how absurd it would be that he could claim any sort of</p> <p>14 victimhood. Johnny was twice my size and beat me up for five</p> <p>15 years. It seemed preposterous to me that he could or would</p> <p>16 ever think that his claims of victimhood were real or would</p> <p>17 work. I was trying to save him the embarrassment and this,</p> <p>18 frankly.</p>		
13.	<p>13 Q. Hilda Vargas had been looking after those dogs and cleaning up</p> <p>14 after them on a daily basis, had she not, up to the 21st?</p> <p>15 A. No, that is not true. Hilda did ----</p> <p>16 Q. Regularly ----</p> <p>17 MR. JUSTICE NICOL: Just a moment. (Pause) You say that is not</p> <p>18 true.</p> <p>19 THE WITNESS: That is not true. She occasionally might have to</p> <p>20 pick up after the dogs have -- Boo had had an accident</p> <p>21 downstairs, or around the house. But on the occasions in</p> <p>22 which Johnny's dog would lose control over its bowels in bed,</p>	Day 11 / 1764 to 1768	Human excrement in the bed – Shifting the blame on to Mr Depp for leaving cannabis out which Boo ate and shifting the blame on to Boo

	<p>23 which was a common occurrence with this dog, since she was a</p> <p>24 puppy, since the weed, she ----</p> <p>25 MR. JUSTICE NICOL: Just a minute. (Pause) When you say "since</p> <p style="text-align: center;">1766</p> <p>2 the weed", we have heard something about one of the dogs</p> <p>3 eating cannabis; is that what you are referring to?</p> <p>4 A. Yes. Johnny had bags of cannabis, you know, I guess they are</p> <p>5 called buds, the flowering -- the flowering part of the</p> <p>6 marijuana plant and when she was a puppy, she ate one, and we</p> <p>7 had to have ----</p>		
14.	<p>22 MS. LAWS: So, you have admitted punching him in the face there;</p> <p>23 that is right?</p> <p>24 THE WITNESS: No.</p> <p>25 Q. You have actually admitted violence there and you are not</p> <p style="text-align: center;">1770</p>	Day 11 / 1769 to 1773	Bathroom door tape (Exhibit Q) – Shifting the blame for her violence with the door on to Mr Depp by claiming (incomprehensibly) it was self-defence

<p>2 saying it is in self-defence, are you?</p> <p>3 A. That is exactly what I am admitting to throughout the entire</p> <p>4 tape, is that it was in defence. You are seeing two things</p> <p>5 here, Ms. Laws. You are saying an example, an excerpt of a</p> <p>6 conversation which I would say reflects one of many</p> <p>7 conversations that Johnny and I had during the course of our</p> <p>8 relationship. It is also, as you admitted, was taken out of a</p> <p>9 bigger context but I will do my best to explain. In this</p> <p>10 particular moment, as Johnny was falling on to the door or</p> <p>11 falling on to the floor and screaming incoherently, I did not</p> <p>12 know it was happening, if he was passing out again. I had</p> <p>13 previously slept and rested next to the door, locked doors, in</p> <p>14 order to make sure he did not choke on his vomit while passed</p> <p>15 out. He falls against a door, it opens briefly, I try to get</p> <p>16 into the bathroom. I think we might have all done this, where</p> <p>17 someone on the other side cannot see you, you make contact</p> <p>18 with each other on the door, Johnny either pushes or falls</p>		
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19 against it and it runs over my toes. I, because there is a
20 door and him coming against me, pushing more on to my feet and
21 more on to me, I do anything I can out of instinct to push the
22 door and the weight of the door off of me in order to, in
23 order to get that off of me and causing more damage. That was
24 it. I tried to apologise, I tried to assert to him, over and
25 over again, I am not intending to hurt him. And I push his

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2 arms away from me and outside, and push the door frankly to
3 put, that was putting pressure on my body, to get it off of
4 me. If you knew how it was, have communication with Johnny
5 about our violence or our fights or anything in between, I
6 knew better than to fight with him about the details of the
7 fight and what he perceived as insult, injuries, or grievances
8 that fallen on him. My job was to just try to say, sorry, and
9 let us move on to the bigger point. Let us keep him on track

	<p>10 and talk about the other things. I had to, or else I would</p> <p>11 have had -- I would not, only would I not have been able to</p> <p>12 finish the conversation with Johnny, I would have made him</p> <p>13 more mad, more enraged and he would have gotten even more</p> <p>14 violent with me.</p> <p>15 Q. Every time you are faced with a record or a tape of you</p> <p>16 admitting to violence, or starting fights, you turn it around</p> <p>17 and say you are defending yourself, do you not; that is what</p> <p>18 you do, is it not?</p> <p>19 A. I was there, and I remember it. I am just giving you context.</p> <p>20 Q. Because in that tape you are clearly saying that you hit him?</p> <p>21 A. I had to make contact with his arms in order to prevent him</p> <p>22 from hurting me worse. That happens in these situations.</p> <p>23 That is what happens when you are in this situation. That is</p> <p>24 the truth. I was not wanting to get punched again, by</p> <p>25 disagreeing with him. And that is exactly what would have</p>		
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	<p>2 happened if I had.</p>		
15.	<p>20 MR. JUSTICE NICOL: Well, you have asked whether Ms. Heard 21 recorded both recordings, and she has said no. Do you want to 22 ask her whether she recorded anything? 23 MS. LAWS: Did you record anything? 24 A. I do not recall. 25 Q. You do not remember?</p> <p style="text-align: center;">1845</p> <p>2 A. I did not know there were two recordings until you said so. 3 Q. Can we put it the other way round then. Did you record 4 anything? It sounds as if you are unsure? 5 A. I am unsure. 6 Q. You are not sure, so you might have done some recording? 7 A. I have no idea. I did not do the one I am aware of, but I do 8 not know what the other one is so I cannot speak to certainty 9 about its origin.</p>	<p>Day 11 / 1844 to 1846 ... 1850 to 1852</p>	<p>Recording in Australia – Shifting the blame on to Mr Depp saying he was the one who made the audio recording despite it being on her phone</p>

<p>10 Q. Have a think about it. You have described a really graphic 11 three days of severe violence and a hostage-type situation. 12 At any point during that, did you record it? 13 A. If I may, we only record, Johnny and I recorded each other 14 throughout the relationship, and that was only when there 15 would be some sort of therapeutic benefit to come from it at a 16 later date. However, Johnny had taken a massive amount, maybe 17 eight to ten MDMA just that first night alone ---- 18 Q. Can I just ask you ---- 19 A. ---- and then on the second night ---- 20 Q. ---- to answer? 21 A. I am trying to. On the second night, he took even more, and 22 he did both in front of me. So there was no value; there was 23 no valuable conversation that was being had between us that 24 would have warranted recording. Therefore, I do not imagine 25 how I would have pushed "Record" on anything intentionally</p>		
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2 because the only reason to do so was to, at a later date, be
3 able to speak about some of the issues that plagued the
4 relationship, primarily the drug and alcohol abuse.

5 MR. JUSTICE NICOL: Ms. Heard, I think we have had your answer
6 now, that you are not aware of having recorded anything, and
7 that when you did record things with Mr. Depp, it was for
8 purposes that you did not think would be served by recording
9 these incidents. Is that the answer; is that a summary of
10 your answer?

11 A. Yes. Yes.

...

4 A. I was not the one to make the recording. Johnny picked up
5 what I believe is my phone, and at the time, I could not have
6 any lock or password on my phone. It would have been a whole
7 other war. He picked up my phone and he was not saying many
8 coherent things. I was trying to understand him. He pushed

<p>9 "Record", hence why I did not know this recording existed</p> <p>10 until way into my divorce or after.</p> <p>11 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>12 MS. LAWS: So we have an acceptance by you that there was a</p> <p>13 recording done on your phone? I think that is what you are</p> <p>14 saying.</p> <p>15 A. That I found out about years later.</p> <p>16 Q. That you just found out later that Mr. Depp had done?</p> <p>17 A. It was years later. I remember him picking up the phone and</p> <p>18 saying he was going to record, but I could not possibly</p> <p>19 imagine that he would actually have figured that out in the</p> <p>20 state he was in. He was rambling incoherently. I thought he</p> <p>21 threw it, but maybe he just threw it down, I cannot recall.</p> <p>22 Then I went home some time later and found out about this</p> <p>23 recording out of the sheer length. It went on for, as I</p> <p>24 recall, seven or eight hours because the application on which</p> <p>25 you record just runs in the background until you turn it off</p>		
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	<p style="text-align: center;">1851</p> <p>2 or the phone dies, so unbeknownst to frankly anyone, it was</p> <p>3 sitting out on the floor or on the table at some point. No</p> <p>4 one knew it was recording.</p> <p>5 MR. JUSTICE NICOL: I think you have said that it was not you who</p> <p>6 pressed the record button.</p> <p>7 A. That is right.</p> <p>8 Q. But you think it was done on your phone?</p> <p>9 A. Because it later came up in my divorce proceedings.</p> <p>10 MS. LAWS: Yes, it is on your phone.</p> <p>11 A. Yes.</p> <p>12 Q. You are just making this up as you go along, are you not?</p> <p>13 A. No, ma'am.</p> <p>14 Q. None of that is in your statement, none of it?</p>		
16.	Day 10:	Day 10 / 1545 to 1546, Day 11 / 1849	Being medicated by Mr Depp's doctors – Shifting
	10	Q. You were given two weeks' worth of prepared day medication	

<p>11 boxes for your travel to New York, that is the first bot of</p> <p>12 the entry. Do you have that?</p> <p>13 A. Yes.</p> <p>14 Q. "Client is visiting with assistant Savannah", Savannah is</p> <p>15 noted as being your assistant. Do you see that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And friends, Rocky and Josh?</p> <p>18 A. Yes.</p> <p>19 Q. Medication boxes, you were throughout the period of your</p> <p>20 marriage, and I am going to suggest before, taking a variety</p> <p>21 of quite strong medication, were you not?</p> <p>22 A. Johnny's doctor, Dr. Kipper, put me on all sorts of</p> <p>23 medications and, frankly, I have lost track of which ones.</p> <p>24 Q. Is the answer "yes"?</p> <p>25 A. Yes.</p> <p>1545</p>		<p>the blame on to Mr Depp and his doctors</p>
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	<p>2 Q. I think we can hear on one of the tapes, but we will come on 3 to it, in fact during one of your rows with Mr. Depp, you 4 indicate that you had always taken the same medication, you 5 hardly varied it? 6 A. I have. 7 Q. So, I am going to suggest to you that you would have been 8 taking the medication you were on ---- 9 MR. JUSTICE NICOL: Just a minute, please. When you said "yes", 10 do you mean that you did vary or you agree that did you not 11 vary the medication? 12 THE WITNESS: Thank you for giving me the opportunity to answer. 13 I have one medication that I have been on for most of my adult 14 life, and that has not varied, I have not changed that dose or 15 varied in its application at all. And that was the medication 16 that I had been on before Johnny, and after, and am still on 17 that medication, I take it as prescribed. However, Johnny's 18 doctor had me on a long list of medications, and they were</p>		
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	<p>19 constantly being updated and changed. I could barely keep up</p> <p>20 with all the medications in order to keep me sedated or keep</p> <p>21 me calm, basically, to keep my body from responding to the</p> <p>22 world I was living in.</p> <p>Day 11:</p> <p>3 Q. Do you remember that now?</p> <p>4 A. No, again, I do not remember having done that. I do remember</p> <p>5 reading it this second, but I do remember that Johnny's</p> <p>6 doctors were trying to give me a lot of medication. They kept</p> <p>7 trying to medicate me. I remember fighting them on that ----</p>		
Day 12 – Wednesday 22 July			
17.	<p>10 Q. And that is a mark from when you stubbed a cigarette out on</p> <p>11 his cheek, is it not?</p> <p>12 A. Johnny did that.</p> <p>13 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>14 MS. LAWS: You did it, did you not?</p> <p>15 A. No, Johnny did it right in front of me. He often did things</p>	Day 12 / 1880	Cigarette burn – Shifting the blame on to Mr Depp, claiming that it was self-harm

	<p>16 like that.</p> <p>17 MR. JUSTICE NICOL: I think I have understood that you agree that</p> <p>18 the mark that we can see in photograph 52 is the consequence</p> <p>19 of a cigarette being stubbed out on Mr. Depp's cheek, but you</p> <p>20 say Mr. Depp did that himself and you deny that you did it.</p> <p>21 A. Yes, that is correct.</p>		
18.	<p>16 THE WITNESS: I have referred to losing one's cool, as losing it</p> <p>17 instead of losing one's cool, in my life. I specifically</p> <p>18 denied referencing it to Ben King. I think that was what you</p> <p>19 asked me about yesterday. And I said if I did use that phrase</p> <p>20 or any version like it, I would have been asking about</p> <p>21 Johnny's behaviour, not my own.</p>	Day 12 / 1883	<p>"Have you ever been so angry you've lost it?" – Shifting the blame on to Mr Depp by claiming that these words would have been used in relation to Mr Depp's actions</p>
19.	<p>17 A. No. As you can see from the small amount of correspondence</p> <p>18 that you have just read, this was a process that had been</p> <p>19 going on for about six months, and I was out of the country</p> <p>20 filming a movie, I was not even there with Johnny. So, it was</p> <p>21 quite confusing to me what was going on, since, as I said in</p> <p>22 one of my e-mails to him, I do not understand why we are still</p>	Day 12 / 1889 to to 1904	<p>Australia dogs – Shifting the blame on to Mr Depp's lawyers, Ms Kate James and Mr Kevin Murphy</p>

<p>23 e-mailing about this, if there is an a no go, if that means</p> <p>24 they cannot simply not, and often as in my experience with</p> <p>25 Johnny, if Johnny wanted something, it happened. We found a</p> <p style="text-align: center;">1889</p> <p>2 way to make it work out, and he told me when I landed -- I was</p> <p>3 only in LA for a matter of hours before we got on his plane,</p> <p>4 for his movie, on his flight, with his crew, with his staff,</p> <p>5 for his movie, and I assumed everything had been taken care of</p> <p>6 when he said it was all taken care of. I had no reason to get</p> <p>7 any clarity on it.</p> <p>8 Q. Can you go to file 4, please, tab 142.</p> <p>9 A. File 4?</p> <p>10 MR. JUSTICE NICOL: Can we put 2 away?</p> <p>11 MS. LAWS: Yes, please.</p> <p>12 MR. JUSTICE NICOL: Which tab in file 4?</p> <p>13 MS. LAWS: Tab 142.</p>		
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	<p>14 MR. JUSTICE NICOL: 142, page F883?</p> <p>15 MS. LAWS: That is right. I am just going to ask a question about</p> <p>16 it in a moment, but we have leapt ahead in time. I suggest to</p> <p>17 that you it was laid out in black and white what the problem</p> <p>18 was, that there just was not going to be enough time to take</p> <p>19 them, unless you took them cargo. I am going to suggest, you</p> <p>20 took the decision to take them anywhere, did you not?</p> <p>21 THE WITNESS: It was not my decision.</p> <p>22 Q. I am going to suggest it was your decision, all these messages</p> <p>23 are between you and other people acting on your behalf on this</p> <p>24 matter, are they not?</p> <p>25 A. Johnny is the boss.</p> <p>1890</p> <p>2 Q. You are the boss, are you not, Ms. Heard?</p> <p>3 A. I did not call any of the shots. This is Johnny's plane, this</p> <p>4 is Johnny's staff, Johnny's crew for Johnny's travel.</p>		
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	<p>5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>6 MS. LAWS: Let us have a look at these e-mails, because what</p> <p>7 followed, we all know, and I can deal with it, deal with it</p> <p>8 neutrally, is that you got caught?</p> <p>9 THE WITNESS: We both flew in, both Johnny and I with both of our</p> <p>10 dogs for his movie on his plane. We brought the dogs in plain</p> <p>11 sight.</p> <p>12 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>13 A. We both filled up the same entry cards. We both signed the</p> <p>14 same things, and yet I was the only one that took the charges.</p> <p>15 Because if Johnny got charges, it would have further</p> <p>16 compromised Pirates, which was already comprised.</p> <p>17 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>18 MS. LAWS: Ms. Heard, that is yet another occasion when I ask a</p> <p>19 question and you use it as an opportunity to say something</p> <p>20 negative about Mr. Depp.</p> <p>21 THE WITNESS: I did not say anything negative. I am just trying</p>		
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	<p>22 to tell you the story.</p> <p>23 Q. Can I ask you to answer the question, which was you knew full</p> <p>24 well you should not take those dogs in and you took them in</p> <p>25 anyway; do you agree or disagree?</p> <p style="text-align: center;">1891</p> <p>2 A. Johnny told me that we could bring the dogs in. I was not</p> <p>3 even there for more than a few hours. I flew in to ----</p> <p>4 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>5 MS. LAWS: You did not have a single conversation with anyone</p> <p>6 about it ----</p> <p>7 A. Other than Johnny.</p> <p>8 Q. ---- with your staff, about how they had managed to achieve</p> <p>9 this?</p> <p>10 THE WITNESS: Ms. Laws, I did not have a staff.</p> <p>11 Q. What about Mr. Murphy?</p> <p>12 A. That is Johnny's staff.</p> <p>13 Q. All right. You did not have any more conversation with him,</p>		
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<p>14 the conversation stops there.</p> <p>15 A. I was very confused. I was shooting another movie and it was</p> <p>16 not my travel arrangements.</p> <p>17 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>18 THE WITNESS: I am just trying to be helpful. It was Johnny's</p> <p>19 plans, it was Johnny's movie, Johnny's staff, and Johnny's</p> <p>20 dog. It was my dog and Johnny's dog, and we filled out the</p> <p>21 same forms and I was the only one to get charged.</p> <p>22 MS. LAWS: Can I ask you then who you were asking to take the</p> <p>23 blame for this?</p> <p>24 A. I took the blame. That is why I pled guilty.</p> <p>25 MR. JUSTICE NICOL: Just a minute, please. (Pause)</p> <p style="text-align: center;">1892</p> <p>2 MS. LAWS: You were making efforts and you wanted to see if you</p> <p>3 could shunt the blame on to Ms. James, did you not?</p> <p>4 THE WITNESS: I pled guilty. Why would I need to do that?</p>		
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<p>5 Q. According to what you just said, the last you heard about what 6 was happening with the dogs was from Mr. Depp, so you did not 7 know who in fact had sorted it all out. It was a member of 8 his staff who must have done; is that right? 9 A. He had a large staff. There are many people responsible for 10 things at various points of the travel. 11 MR. JUSTICE NICOL: What was being asked was, did you know which 12 particular member of staff had sorted it out? 13 A. No, I did not know it required exactly. 14 MR. JUSTICE NICOL: Thank you. 15 MS. LAWS: So, there is absolutely no reason for you to be 16 e-mailing Martin Carl(?), and contacting Mr. Murphy about 17 trying to get Kate James to write a statement about it? 18 THE WITNESS: No. This is October 2015. This is after Marty 19 Singer, Johnny's lawyer had already stepped in when the 20 authorities were alerted to the dogs' presence; and they were 21 handling all communications. And shortly after we left</p>		
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	<p>22 Australia I found out that I was going to be faced with the 23 charges, and me alone; even though we flew in together and 24 filled out the same paperwork and brought the same dogs. 25 MR. JUSTICE NICOL: There is a point I have had in mind for a 1893 2 little time now, and I think I can ask Ms. Heard about it. As 3 I have understood it, the charge you faced was bringing a dog 4 into Australia, although you had said in some form or another 5 that you were not bringing a dog into Australia. 6 THE WITNESS: The entry card, yes, the entry cards include that 7 there are no illegal plants or animals being brought in with 8 you, and I had travelled often with the dogs with Johnny, and 9 the paperwork often included separate paperwork that did not 10 list your travel dogs as one of the things had you to mark on 11 the, on the intake forms upon entering. So, I mistakenly, so 12 did Johnny, filled out the form thinking that it was separate 13 paperwork that needed to be filled out to indicate dogs that</p>		
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<p>14 we were travelling with as pets. We both filled out these</p> <p>15 forms. But because Johnny was, had already comprised filming</p> <p>16 because of his finger and the amount of time that derailed</p> <p>17 production, it became clear to me through Johnny's attorneys,</p> <p>18 that if I took the charges, because I am significantly less,</p> <p>19 you know, have a lesser profile, if you were, in the press,</p> <p>20 that it would somehow make it so that his job was less</p> <p>21 threatened than it already was. So, I took the charges, and</p> <p>22 I accepted that I filled out the form incorrectly and that it</p> <p>23 represented a falsehood.</p> <p>24 Q. Just a minute. (Pause) I think that the charge was knowingly</p> <p>25 making a false statement, and you agreed that you knew it was</p> <p style="text-align: center;">1894</p> <p>2 false because you knew you had the dog with you?</p> <p>3 A. Exactly. That is ----</p> <p>4 MR. JUSTICE NICOL: Just a minute. (Pause) That concludes what</p> <p>5 I wanted to ask. Wait for Ms. Laws' next question.</p>		
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<p>6 MS. LAWS: I was about to take you to some e-mails that postdate 7 this, but as we have dealt with that point, I wonder if 8 I could take you -- so you might have to put that file to one 9 side -- just to deal with a particular point about what it was 10 that you did sign, that his Lordship has just raised. If you 11 can, it is file 5.1. So, you can either put it away or put it 12 to one side.</p> <p>13 A. And 2.1, you previously told me to put to the side. Maybe 14 I can put that away for now.</p> <p>15 Q. Wherever it can go. (Pause)</p> <p>16 MR. JUSTICE NICOL: Did you say 2.1?</p> <p>17 MS. LAWS: The file I have asked for is 5.1. 2.1 was Ms. Heard's 18 reference.</p> <p>19 MR. JUSTICE NICOL: Yes.</p> <p>20 MS. LAWS: Tab 201B, it is right at the top. This, my Lord, just 21 to put it in context, is in fact a transcript of proceedings 22 at the magistrates' court in Southport on 18th April 2016.</p>		
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	<p>23 So: "On 21st April 2015, a private plane arrived at the</p> <p>24 Brisbane airport and was met by quarantine and customs</p> <p>25 officers -----"</p> <p style="text-align: center;">1895</p> <p>2 MR. JUSTICE NICOL: You are reading from?</p> <p>3 MS. LAWS: F1303.5, right at the top. "On 21st April 2015, a</p> <p>4 private plane arrived at the Brisbane airport and was met by</p> <p>5 quarantine and customs officers. Ms. Heard was on board that</p> <p>6 plane, as were the dogs...(reads to the words)... the answer</p> <p>7 was false."</p> <p>8 MR. JUSTICE NICOL: That was the nature of the charge.</p> <p>9 MS. LAWS: That was the nature of the charge that you pleaded</p> <p>10 guilty to, is it not?</p> <p>11 THE WITNESS: That is correct.</p> <p>12 Q. So, just dealing with that point, you knew it was false, you</p> <p>13 knew you were taking those dogs in and you knew that you were</p>		
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	<p>14 not allowed to, did you not?</p> <p>15 MR. JUSTICE NICOL: Well, the charge was bringing the dogs in,</p> <p>16 having said that she was not bringing the dogs in.</p> <p>17 MS. LAWS: Yes.</p> <p>18 MR. JUSTICE NICOL: And the plea to that charge of guilty assumes</p> <p>19 that it was knowingly false.</p> <p>20 MS. LAWS: Yes.</p> <p>21 MR. JUSTICE NICOL: What was the question you were asking?</p> <p>22 MS. LAWS: The question was, you were taking those dogs in there</p> <p>23 knowing that you did not have the proper paperwork, were you</p> <p>24 not?</p> <p>25 THE WITNESS: That is different, no. I thought we had the proper</p> <p style="text-align: center;">1896</p> <p>2 paperwork.</p> <p>3 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>4 THE WITNESS: It is different. (Pause) And so did Johnny.</p> <p>5 MS. LAWS: Put aside Mr. Depp yet again for the moment. It is you</p>		
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	<p>6 we are talking about now.</p> <p>7 A. We both signed it.</p> <p>8 Q. Yes, but I am asking you about you. We will get through this</p> <p>9 a lot quicker if you restrict your answers to the questions</p> <p>10 that I ask.</p> <p>11 A. Sure.</p> <p>12 Q. You knew you did not have the paperwork, otherwise you would</p> <p>13 not have ticked that box, would you?</p> <p>14 A. No, I thought because we had that paperwork I should tick that</p> <p>15 box.</p> <p>16 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>17 THE WITNESS: It is that mistake that I pled guilty to.</p> <p>18 MS. LAWS: It is complete nonsense to suggest that by ticking a</p> <p>19 box saying you were not bringing animals in, nobody would do</p> <p>20 that if ----</p> <p>21 A. I can answer that if you are asking me why.</p> <p>22 Q. Nobody would do that if they thought they had the paperwork,</p>		
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	<p>23 would they?</p> <p>24 A. That is how you used to have to fill it out when you entered</p> <p>25 the United States, it was a different form than the normal one</p> <p style="text-align: center;">1897</p> <p>2 that was on the intake card, when I used to travel with just</p> <p>3 (unclear).</p> <p>4 Q. If you can go back to file 4, can you take that out, please.</p> <p>5 Do you have that, tab 142?</p> <p>6 A. I do.</p> <p>7 Q. You have told us that you did not know which member of staff</p> <p>8 sorted it out. But what we see here, and I am going to take</p> <p>9 you through it, are e-mails which show you are trying to find</p> <p>10 someone to take the blame for you, and that someone is</p> <p>11 Ms. James, is it not?</p> <p>12 A. Absolutely not. She did not work for me any more.</p> <p>13 Q. That is why you were picking on her, because she was no longer</p>		
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<p>14 working for you?</p> <p>15 MR. JUSTICE NICOL: Just a minute. The question of whether you</p> <p>16 were finding somebody to take the blame for you, do you agree</p> <p>17 or disagree with that?</p> <p>18 THE WITNESS: No. I had already pled guilty.</p> <p>19 Q. Then, the question was about Kate James, was Kate James the</p> <p>20 person that you were asking to take the blame for you?</p> <p>21 A. No.</p> <p>22 MS. LAWS: Let us have a look here at these e-mails, because this</p> <p>23 is what they are all about, is it not? It is you to Martin</p> <p>24 Carl at F883, my Lord, file 4.</p> <p>25 MR. JUSTICE NICOL: Which tab?</p> <p>1898</p> <p>2 MS. LAWS: 142.</p> <p>3 MR. JUSTICE NICOL: Which page do you want to go to at the top?</p> <p>4 MS. LAWS: We start at the top. October 9th, it is you to</p> <p>5 Martin/Carl. It is Carl Martin, is it not?</p>		
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<p>6 A. No.</p> <p>7 Q. What is the name of the person you are e-mailing?</p> <p>8 A. Carl Austin and Marty Singer.</p> <p>9 Q. Sorry. "It was great, I will procure that statement ...(reads</p> <p>10 to the words)... that would be great." Overleaf, rather</p> <p>11 confusingly, if you go to F884 to the bottom, we have, from</p> <p>12 Mr. Singer to you, so underneath the message from Carl Austin,</p> <p>13 do you see it, October 11th 2015?</p> <p>14 A. Yes.</p> <p>15 Q. Carl Austin in fact is your entertainment lawyer, is he not?</p> <p>16 A. Yes, he is.</p> <p>17 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.</p> <p>18 MS. LAWS: If you go to F885 I can read it out easier in full.</p> <p>19 "If you look at my e-mail below on October 9 ...(reads to the</p> <p>20 words)... if you ask her not to be truthful."</p> <p>21 MR. JUSTICE NICOL: This is from Marty Singer, is it?</p> <p>22 MS. LAWS: Yes. To you, is it not, Ms. Heard?</p>		
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<p>23 THE WITNESS: Yes.</p> <p>24 Q. So, Ms. James is lying, is she, when she gave an account about</p> <p>25 this?</p> <p style="text-align: center;">1899</p> <p>2 A. I do not know -- did she give an account about this?</p> <p>3 Q. You wanted her, did you not, to make a statement that was a</p> <p>4 lying statement, to take responsibility?</p> <p>5 A. No. I did not need to. I was pleading guilty.</p> <p>6 MR. JUSTICE NICOL: Let me just make -- you wanted her to make a</p> <p>7 lying statement, and you have denied that was the case?</p> <p>8 A. That is correct.</p> <p>9 MS. LAWS: You ended up having to ask, or you did ask Kevin</p> <p>10 Murphy, and he did it all for you, did he not, he lied?</p> <p>11 A. I do not know if he was able to reach out to Kate.</p> <p>12 Q. He ended up making a statement ----</p> <p>13 MR. JUSTICE NICOL: The question was concerning Mr. Murphy, but</p>		
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<p>14 what was the question that Ms. Heard was asking Mr. Murphy to</p> <p>15 do?</p> <p>16 MS. LAWS: We have dealt with it in the e-mail. You were asking</p> <p>17 Mr. Murphy to see if Kate James would lie for you, were you</p> <p>18 not?</p> <p>19 THE WITNESS: No, I was asking Kevin Murphy to get a statement</p> <p>20 from Kate, amongst other people that I had worked about, in</p> <p>21 order to prove that we had many times travelled with the dogs,</p> <p>22 attempted to follow all legal protocol, and that we had many</p> <p>23 times, many times before, had tried to do so legally,</p> <p>24 including this time, when we attempted to start the process in</p> <p>25 order to show that there was an attempt, a longstanding</p> <p style="text-align: center;">1900</p> <p>2 attempt to go about this process legally. I did not need to</p> <p>3 ask anyone to lie for me. Why would I? I had already pled</p> <p>4 guilty.</p>		
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<p>5 Q. Mr. Murphy did lie for you. He in fact made a statement, in 6 fact, essentially blaming the paperwork omission on Kate 7 James, did he not? 8 A. I have seen many versions of Kevin Murphy saying things that 9 contradict himself for various reasons. 10 Q. Do not worry about whether he contradicts himself; is that 11 what he did, he seems to suggest that is what he did? 12 MR. JUSTICE NICOL: If you are asking about Mr. Murphy's statement 13 for the Australian proceedings, we have that. Can you remind 14 me where it is? 15 MS. LAWS: If I may have a moment, it is at the back of his new 16 statement. I will get a reference for you in a moment, if 17 I may. (Pause) While we wait for that reference, if 18 Mr. Murphy ---- 19 MR. JUSTICE NICOL: I think it has been -- do you want to deal 20 with the reference now? 21 MS. LAWS: Yes, please, then. If we can put file 4 away and go to</p>		
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<p>22 file 2, it is tab 59D. The statement is at D237 .21.</p>	<p>23 THE WITNESS: 21?</p>	<p>24 Q. D237.21. Then, you will see the statement of Kevin Murphy, 25 overleaf, it is signed by him dated 20th October 2015. At the</p>
<p>1901</p>		
<p>2 bottom of paragraph 4, just to read out, talking about in 3 connection with travel arrangements: "If the necessary 4 travel-related paperwork cannot be obtained either Ms. James 5 or I would notify Mr. Depp and Mrs. Depp, otherwise Mr. Depp 6 and Mrs. Depp would not be notified." In this case you had 7 been notified initially, had you not? We have just seen 8 messages.</p>	<p>9 A. Are you asking me?</p>	
<p>10 Q. Yes, I said "have you not".</p>	<p>11 A. What? I am sorry.</p>	
<p>12 Q. You were notified about the problems in the travel by</p>		

<p>13 Mr. Murphy ----</p>	<p>14 A. I was notified along the way that there were all sorts of back 15 and forths. 16 Q. "In fact, there have been several instances when the dogs have 17 not travelled internationally because the necessary 18 travel-related paperwork could not be obtained in time 19 ...(reads to the words)... for the dogs to legally travel." 20 That was a complete lie by Mr. Murphy, was it not, at your 21 request? 22 A. I have no idea which of these statements reflect his truth. 23 MR. JUSTICE NICOL: Just a minute. (Pause) 24 MS. LAWS: Even on your version of events, that is a lie 25 because ----</p> <p style="text-align: center;">1902</p> <p>2 MR. JUSTICE NICOL: Just a minute. 3 MS. LAWS: Sorry.</p>		
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4	<p>MR. JUSTICE NICOL: You asked whether there was a lie by</p> <p>Mr. Murphy in relation to the last sentence at paragraph 5,</p> <p>and Ms. Heard said that she has no idea of whether that was</p> <p>true. What was the next question, please, Ms. Laws?</p> <p>MS. LAWS: The next question was, even on your own account, that</p> <p>would not be correct, because your account is that it was all</p> <p>Mr. Depp's responsibility, so it was not anyone on your staff</p> <p>or payroll who was organising this?</p> <p>A. That is not true. Kate had been fired in early February 2015.</p> <p>I travelled with Johnny and his staff, on his plane, to go to</p> <p>shoot his movie or to accompany him on his movie, in April of</p> <p>2015, some time after my assistant ----</p> <p>MR. JUSTICE NICOL: There was the time when Mr. Depp injured his</p> <p>finger, and that was March.</p> <p>A. Yes.</p> <p>Q. You then, as we have heard, flew back to Los Angeles with</p> <p>Mr. King, and then you went out again to Australia, I think,</p>		
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<p>21 in April 2015?</p> <p>22 A. 21st. April 21st, 2015. By that time, my assistant had been</p> <p>23 fired. She would have had contact and been responsible for</p> <p>24 handling some version of this and helping Mr. Murphy, who had</p> <p>25 the primary responsibility in handling such things. However,</p> <p style="text-align: center;">1903</p> <p>2 she would have stopped doing that after her termination.</p> <p>3 MS. LAWS: In the messages we have seen -- I do not want to spend</p> <p>4 too much time on it because the messages are what they are --</p> <p>5 in the messages that we see between you and Mr. Murphy, he is</p> <p>6 dealing with the arrangements. At no stage is Ms. James</p> <p>7 mentioned. You just brought her in for the purpose of these</p> <p>8 proceedings in Australia, did you not?</p> <p>9 A. I disagree.</p> <p>10 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>11 THE WITNESS: In fact, there are many communications between ----</p>		
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	<p>12 MS. LAWS: If Kevin Murphy had not made that statement, the charge</p> <p>13 against you would have been far more serious.</p> <p>14 A. No, I pled guilty and stood charges as such for that plea.</p>	
20.	<p>18 MS. LAWS: My Lord, what I was asking about is file 2, tab 56,</p> <p>19 please, D197. It is the very last page. Some of the numbers</p> <p>20 may not have been printed on your Lordship's copy. This is an</p> <p>21 e-mail: "Subject: Pistol and Boo", dated 21st September 2013,</p> <p>22 from you to Kate James, when she was your assistant. That is</p> <p>23 right, is it not?</p> <p>24 A. Yes, it appears to be that.</p> <p>25 Q. You say: "Can you maybe help Kevin procure a slightly altered</p> <p style="text-align: center;">1905</p> <p>2 health document that has their shots recorded as two days</p> <p>3 before so they can all leave together on 25th. Do we have a</p> <p>4 vet we can grease? Connection?"</p> <p>5 A. Are you asking me something?</p> <p>6 MR. JUSTICE NICOL: Do you agree, first of all, that you sent that</p>	<p>Day 12 / 1905, 1906</p> <p>Vet email – Ms Heard sought to avoid responsibility for asking if they was a vet they could "grease" saying she had used Mr Depp's words and it was sent at his request.</p>

	<p>7 e-mail?</p> <p>8 A. I sent it at Johnny's request. That is his language. You</p> <p>9 see, I was not ----</p> <p>10 Q. You sent that e-mail at Mr. Depp's request.</p> <p>11 A. He told me ----</p>		
21.	<p>7 Q. Moving on then, there is just one point in the restraining</p> <p>8 order, just to come back to a short point. On the restraining</p> <p>9 order -- we have had the footage played to you of 27th May</p> <p>10 yesterday -- there are two questions that I want to ask.</p> <p>11 There is no limitation whatsoever upon you or your lawyers as</p> <p>12 to how much detail is in an application, is there?</p> <p>13 A. I am not sure I ----</p> <p>14 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>15 MS. LAWS: Let me rephrase the question. You were not limited in</p> <p>16 any documents you served on the court as to what you could or</p> <p>17 could not say, were you?</p> <p>18 A. That is not true. I was told that we had to keep it brief,</p>	Day 12 / 1991	TRO declaration length -- Shifting the blame on to her lawyers for failure to detail alleged full history of abuse in her TRO application

	<p>19 but I am not a lawyer so I was just going off of my attorney's</p> <p>20 advice.</p>		
22.	<p>25 A. There are a few correct words in here that "no one is ever</p> <p style="text-align: center;">2000</p> <p>2 going to hire you, you're washed up, and you will die", those</p> <p>3 are correct.</p> <p>4 MR. JUSTICE NICOL: Just a minute. (Pause) That is correct as</p> <p>5 something that you said to Mr. Depp?</p> <p>6 THE WITNESS: No. It is correct in that it was said, that was</p> <p>7 Johnny saying that to me. Johnny from about a year on ----</p> <p>8 Q. Where it is been attributed to you, it is wrong that it was</p> <p>9 attributed to you, but it is right that those words were said,</p> <p>10 but actually they were said by Mr. Depp?</p> <p>11 A. Yes. He continued to say them to me throughout and even after</p> <p>12 the divorce, as he continued to threaten my job.</p>	Day 12 / 2000, 2001	Denying responsibility for her own words and phrases in argument in the Bahamas – Instead attributing them to Mr Depp and thereby shifting the blame
Re-examination of Amber Heard			
23.	23 MS. W/ASS: In fact, the answer was, my Lord: "Johnny did it right	Day 12 / 2012, 2013	Cigarette burn on Mr Depp - Shifting

	<p>24 in front of me. He often did things like that." Anyway,</p> <p>25 my Lord has indicated that I can ask about this.</p> <p style="text-align: center;">2012</p> <p>2 (To the witness) You said in answer to Ms. Laws that</p> <p>3 there was an occasion in Australia when Mr. Depp put the</p> <p>4 cigarette out on his face. Was that something that you saw</p> <p>5 with your own eyes?</p> <p>6 THE WITNESS: I was standing right in front of him.</p>		<p>the blame on to Mr Depp claiming he injured himself</p>
<p>24.</p>	<p>15 MS. WASS: Perhaps we can go through the letter and can I just ask</p> <p>16 you some questions about it. This is signed by you, do you</p> <p>17 agree?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Did you compose the letter?</p> <p>20 A. I did not.</p> <p>21 Q. Can you say who did compose the letter?</p> <p>22 A. Savannah.</p> <p>23 Q. Did you read the letter ----</p>	<p>Day 12 / 2024 to 2025 and 2027</p>	<p>Savannah Mcmillan letter – Shifting the blame on to Savannah Mcmillan for writing the letter to Homeland Security</p>

<p>24 MR. JUSTICE NICOL: Sorry, Savannah?</p> <p>25 A. Savannah composed the letter.</p> <p style="text-align: center;">2024</p> <p>2 Q. When we have been talking about Ms. McMillen, on this subject,</p> <p>3 we are talking about Savannah McMillen, are we not?</p> <p>4 A. Yes, it is unfortunate, I know.</p> <p>5 MS. WASS: It might be easier if I refer to her by her first name</p> <p>6 for the purposes of this part of the case. So Savannah wrote</p> <p>7 this letter?</p> <p>8 A. Yes.</p> <p>9 Q. Can I just take you to it. It is dated 28th September 2014.</p> <p>10 It says, "To whom it may concern. My name is Amber Heard.</p> <p>11 I am a proud, lawful American citizen." Was that your choice</p> <p>12 of words?</p> <p>13 A. No.</p> <p>14 Q. "I am writing this letter in response to a fraudulent report</p>		
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<p>15 made against my English friend, Savannah McMillen. It has 16 come to my awareness that while spending time visiting me in 17 the United States, someone made a false claim against her, 18 stating without any proof of corroboration, she was unlawfully 19 working for me." Again, was that your choice of words in 20 that? 21 A. Those are not mine, exactly. 22 MR. JUSTICE NICOL: Ms. Wass, you have established that the letter 23 was composed by Savannah McMillen. That is for you, but I am 24 not sure whether it is necessary to go through each phrase. ... Page 2027</p> <p>3 Q. You have told us that this was not your choice of words, this 4 document. Did you have any hesitation about signing the 5 information, putting your name to this information? 6 A. No, while I might have chosen different words, I thought it 7 reflected the truth, so I did.</p>		
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