

Claim No QB-2018-006323
 IN THE HIGH COURT OF JUSTICE
 QUEEN'S BENCH DIVISION
 MEDIA AND COMMUNICATIONS LIST
 Royal Courts of Justice,
 Strand,
 London, WC2A 2LL.
 Wednesday, 8th July, 2020

Before:
 MR. JUSTICE NICOL

BETWEEN:

JOHN CHRISTOPHER DEPP II
 Claimant

-and-
 (1) NEWS GROUP NEWSPAPERS LIMITED
 (2) DAN WOOTTON
 Defendants

(Transcript of the Stenograph Notes of
 Marten Walsh Cherer Limited, 2nd Floor, Quality House,
 6-9 Quality Court, Chancery Lane, London, WC2A 1HP.
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MR. DAVID SHERBORNE, MS. ELEANOR LAWS QC and MS. KATE WILSON
 (instructed by Schillings) appeared for the Claimant.
 MS. SASHA WASS QC, MR. ADAM WOLANSKI QC and MS. CLARA HAMER
 (instructed by Simons Muirhead & Burton) appeared for
 the Defendants.

PROCEEDINGS
 (DAY 2)

(TRANSCRIPT PREPARED WITHOUT ACCESS TO COURT BUNDLES)

1 DEPP - WASS
 2 morning.
 3 MS. WASS: Yes.
 4 MR. JUSTICE NICOL: I appreciate that Mr. Depp has been giving
 5 evidence and will have been giving evidence for some time.
 6 MS. WASS: Yes.
 7 MR. JUSTICE NICOL: When the morning is going to be three hours,
 8 I think it is only fair to him that we take a break, but the
 9 timing of the break I will leave to you.
 10 MS. WASS: Thank you very much.
 11 MR. JUSTICE NICOL: Whenever is convenient in your
 12 cross-examination.
 13 MS. WASS: Thank you very much.
 14 MR. JUSTICE NICOL: But if you can plan at about 11.30, roughly
 15 speaking.
 16 MS. WASS: Thank you very much, yes.
 17 MR. JUSTICE NICOL: Good. Yes.
 18 MS. WASS: Mr. Depp, I am going to ask you now about some events
 19 in March 2013, all right?
 20 A. Yes.
 21 Q. But before I do, can you just answer this question yes or no.
 22 Were you taking cocaine in March 2013?
 23 A. It is very difficult to recollect if I was taking cocaine in
 24 March 2013. It is possible.
 25 Q. You do not remember, but it is possible?

1 DEPP
 2 MR. JOHN CHRISTOPHER DEPP, RECALLED
 3 CROSS-EXAMINATION BY MS. WASS, CONTINUED
 4 MR. JUSTICE NICOL: Mr. Sherborne, were you able to take
 5 instructions from Mr. Depp on the sixth and seventh witness
 6 statements?
 7 MR. SHERBORNE: I was, my Lord, yes.
 8 MR. JUSTICE NICOL: And have you had a word with Ms. Wass about
 9 whether you need to examine in chief about that before she
 10 continues her cross-examination?
 11 MR. SHERBORNE: To be honest, I have not, and that is partly
 12 because, as a result of the earlier starts, there is a lot of
 13 setting up to be done, but we are also waiting for Ms. Laws.
 14 MR. JUSTICE NICOL: I am sorry that Ms. Laws is not here, but we
 15 are going to continue.
 16 MR. SHERBORNE: I understand that, my Lord. I am trying to
 17 explain why there is a certain amount of time taken up trying
 18 to work out where she is because it is very uncharacteristic
 19 that she is not here. I have not had an opportunity to do so.
 20 My present understanding is that I am not going to be asking
 21 any further questions.
 22 MR. JUSTICE NICOL: Right, there we are.
 23 MR. SHERBORNE: If I can leave it on that basis, my Lord?
 24 MR. JUSTICE NICOL: Good. All right. Ms. Wass, I said yesterday
 25 that I would be minded to take a break in the middle of the

1 DEPP - WASS
 2 A. I do not remember.
 3 Q. All right. The first time Ms. Heard met "the monster" was in
 4 early 2013, when you and she were in her house together, and
 5 I am going to ask you some questions about that.
 6 A. Yes.
 7 Q. Do you accept that you spent some time in her house in Orange
 8 Avenue, was it?
 9 A. Yes.
 10 Q. Before she moved into the Eastern Columbia Building?
 11 A. Yes.
 12 Q. She lived there with her sister, Whitney?
 13 A. There was a period, yes, where her sister lived there.
 14 Q. And you and Whitney got on very well together?
 15 A. Yes.
 16 Q. At that time?
 17 A. Yes.
 18 Q. And Whitney would really act as an intermediary between the
 19 two of you if you had had an argument in this sort of period?
 20 A. She has attempted to act as an intermediary, yes.
 21 Q. Right.
 22 A. A number of times.
 23 Q. All right. I think you felt so close to Whitney at that stage
 24 that you saved her telephone number on your phone as "Sis"?
 25 A. Yes.

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1 DEPP - WASS
 2 Q. You called her Sis?
 3 A. Yes.
 4 Q. She was not your sister, she was Ms. Heard's sister, but she
 5 was family as far as you felt at the time?
 6 A. Yes.
 7 Q. Now, you in March of 2013, I suggest, were taking cocaine and
 8 you had fallen off the wagon. You know what I mean by that.
 9 It is an expression that you used yesterday?
 10 A. Indeed, yes.
 11 Q. You were taking both drink and recreational drugs, in
 12 particular cocaine, in March 2013?
 13 A. If you say that that is ----
 14 MR. JUSTICE NICOL: That is a question, Mr. Depp.
 15 A. I am sorry. Again, I do not remember if I was taking cocaine.
 16 MS. WASS: All right. You have had a tattoo. I think you have a
 17 number of tattoos, but I want to ask you about one particular
 18 tattoo that you had put on one of your arms, I think, when you
 19 were having a relationship with Winona Ryder.
 20 A. Yes, ma'am.
 21 Q. After you separated from Winona Ryder, you changed -- the
 22 tattoo read "Winona forever"?
 23 A. Yes.
 24 Q. And after you separated from Ms. Ryder, you took the last
 25 syllable of her name and it was "Wino forever", and that is

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1 DEPP - WASS
 2 how it read?
 3 A. Yes.
 4 Q. That, presumably, was a joke when you did it at the time?
 5 A. It seemed to be.
 6 Q. When did you have that tattoo shortened, the name shortened?
 7 Was it years and years ago?
 8 A. Yes, many years.
 9 Q. I am not going to trouble you with the exact date. By March
 10 2013, you had made an attempt at detox because we know about
 11 your text between Elton John and Charlie Dunit and 100 days
 12 and all the rest of it?
 13 A. Yes.
 14 Q. But by March 2013, you had fallen off the wagon. I appreciate
 15 you say you do not remember?
 16 MR. JUSTICE NICOL: I think what Mr. Depp said was that he did not
 17 remember if he was taking cocaine in March 2013. I am not
 18 sure if he answered specifically as to whether he had fallen
 19 off the wagon.
 20 MS. WASS: All right. Do you remember whether you had fallen off
 21 the wagon in March 2013?
 22 A. Yes, I had fallen off the wagon.
 23 Q. You had fallen off the wagon and how did that fall take place?
 24 What were you taking that was not part of your detox regime?
 25 A. I took to drinking whisky.

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1 DEPP - WASS
 2 Q. All right, so it was just whisky or any other?
 3 A. And wine.
 4 Q. And you are still not sure about the cocaine; yes?
 5 A. I am really not sure.
 6 Q. And you were drinking on this occasion that I am about to ask
 7 you about. Miss -- let me just establish this. When you fall
 8 off the wagon, as we have been calling it, do you feel very
 9 disappointed with yourself?
 10 A. Of course.
 11 Q. And you do not really like to have your nose rubbed in it that
 12 you have failed, do you?
 13 A. (Pause) I suppose the image of having my nose rubbed in
 14 something is, I would say, not a very nice way of dealing with
 15 someone who, especially if you think that they have a drink
 16 problem, rubbing their noses in it is, in my opinion, the
 17 wrong way to go. That is what people have done with dogs for
 18 years.
 19 Q. Let us agree to this way of putting it, that you were
 20 sensitive, having fallen off the wagon, and felt that it was
 21 rather unkind to make a point of reminding you that you had
 22 fallen off the wagon, or laughing at you because you had
 23 fallen off the wagon?
 24 A. Well, it was most clear that I had fallen off the wagon with
 25 regard to my relationship with Ms. Heard at the time, March

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1 DEPP - WASS
 2 2013. I believe that the day that you are referring to is
 3 when we were at her apartment ----
 4 Q. Shall I ask you the questions rather than you anticipating
 5 what they are going to be, but you are absolutely right.
 6 A. Oh, good.
 7 Q. It was when Ms. Heard laughed at the tattoo which read "Wino
 8 forever" because at that stage, you, in effect, were acting
 9 like a wino, like an alcoholic, and you felt very sensitive
 10 about that. Do you agree?
 11 A. I would say that I initially was -- of course, very
 12 disappointed in myself that after 160 something days, whatever
 13 it was, that I had broken my sobriety.
 14 Q. I am asking you about Ms. Heard laughing at the tattoo in the
 15 context of you having broken your sobriety?
 16 A. Yes, ma'am, I am answering you.
 17 Q. Mr. Depp, you were going over something that we have passed.
 18 I am sorry to have to keep you to the point, but as my Lord
 19 said yesterday, I have a lot of ground to cover and it would
 20 help the court if you answered the question specifically
 21 rather than cover answers to previous questions. I understand
 22 that can sometimes be difficult for somebody who is not used
 23 to the court arrangements, but I am going to cut in if I think
 24 you are going off on a bit of a tangent. I hope you will
 25 forgive me.

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1 DEPP - WASS
 2 A. Certainly. May I say one thing?
 3 Q. Could you answer the question, please?
 4 A. Can you repeat the question?
 5 Q. The question was, do you accept that Ms. Heard was making a
 6 joke out of your tattoo "Wino forever"?
 7 A. I do not recall ----
 8 Q. You do not recall that?
 9 A. ---- any conversation or ----
 10 Q. And I suggest that that provoked disappointment, first of all,
 11 in you and then anger in you, but you do not remember the
 12 incident so you cannot say?
 13 A. I do not recall any argument about any of my tattoos.
 14 Q. I am going to put my case unless Mr. Sherborne objects. You
 15 then, Mr. Depp, slapped Ms. Heard across the face. It was the
 16 first time that you had ever used violence against her?
 17 A. That is not correct. That is untrue.
 18 Q. As you can appreciate, I am putting what I suggest happened
 19 and, as my Lord said yesterday, you have to say something, so
 20 it is untrue, if that is your account, that is a perfect
 21 answer to deal with that.
 22 A. It did not happen.
 23 Q. That is what you are saying. You slapped her more than once
 24 because after you slapped her the first time, she did not
 25 react. She eyeballed you, she just stared at you, and that

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1 DEPP - WASS
 2 made you more angry and you slapped her again?
 3 A. That is patently untrue.
 4 Q. This happened in exactly the same way a third time. So, all
 5 together, you slapped her three times on that occasion at her
 6 house in Orange Avenue?
 7 A. I am sorry, but that is not true. You are mistaken.
 8 Q. I understand what you are saying. Very soon, you came to your
 9 senses. It was an outburst of anger on your part and very
 10 soon you came to your senses and you realised what you had
 11 done and you broke down. You broke down and you started
 12 crying and you started apologising and you told her you would
 13 never hit her again?
 14 A. I did not hit Ms. Heard.
 15 Q. You explained to her, I suggest, that this sudden loss of
 16 temper was not you, but it was your sickness; is that how you
 17 sometimes blame your behaviour on an illness, or a sickness?
 18 A. No, ma'am.
 19 Q. You told her, I suggest, for the first time, about the person
 20 you had been calling "the monster", your alterego, the person
 21 who took over when you were under the influence of drink or
 22 drugs?
 23 A. No, ma'am.
 24 Q. Now, Ms. Heard explained to you at some stage during the
 25 relationship that she knew all about addiction, because her

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1 DEPP - WASS
 2 father and, indeed, also her mother had been drug abusers?
 3 MR. JUSTICE NICOL: Just a minute. Do you agree that is what she
 4 said to you?
 5 THE WITNESS: I do, yes, Ms. Heard did say to me that her father
 6 had ----
 7 MS. WASS: Yes, you became quite close to her father; you were in
 8 touch with him over various critical points of your
 9 relationship with Ms. Heard, were you not?
 10 A. I was very close with her father and very close with her
 11 mother.
 12 Q. You knew that David Heard had had a problem with drug
 13 addiction; you discussed it with him?
 14 A. Yes.
 15 Q. Ms. Heard explained to you, not in the presence of her father,
 16 that she had seen her father try to get clean and she knew how
 17 difficult it could be, and she felt (she, Ms. Heard) could
 18 help you; that is what she said to you, was it not, that she
 19 could help you with your multiple addiction problems?
 20 A. I do not recall that she said she could help me.
 21 Q. You actually did want somebody to give you support, did you
 22 not, with your sobriety problems, or lack of sobriety
 23 problems?
 24 A. I had some very good friends who had been through, who had
 25 been sober for many, many years, so I sought counsel from

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1 DEPP - WASS
 2 friends who had been through the same thing that I had been
 3 through, similar things.
 4 Q. In your witness statement -- and, my Lord, it is paragraph
 5 18(d) -- I will read it out to you, unless you want to check
 6 I am reading it out correctly, but I am sure Mr. Sherborne
 7 will correct me if I am wrong.
 8 A. Thank you.
 9 Q. What you said was this: "I was in recovery from drug
 10 addiction during significant parts of my marriage to Amber.
 11 Instead of supporting my sobriety, she often encouraged me to
 12 drink alcohol and take drugs, even though she knew my
 13 relationship with alcohol and drugs was a difficult one."
 14 Then you go on, at paragraph 23: "She never supported me in
 15 my attempts to be strong, and to avoid alcohol and drugs." Do
 16 you maintain those two statements are true? Do you want me to
 17 take them one at a time?
 18 A. I would say that at that time Ms. Heard was not, there was no
 19 mention of me having a problem with drink, as the whisky that
 20 I was drinking in Ms. Heard's apartment was in her freezer----
 21 Q. Just a second, I am going to stop you ----
 22 A. I am terribly sorry, I wanted to ----
 23 Q. You are answering a question I did not ask. I should have
 24 been specific.
 25 A. It is part of the same ----

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1 DEPP - WASS
 2 Q. In your statement you are not talking about March, so I have
 3 moved on from March 2013 ----
 4 A. Where are we now?
 5 Q. ---- to a general statement you made, which was: "I was in
 6 recovery from drug addiction during significant parts of my
 7 marriage to Amber." So, I am presuming you are talking about
 8 your whole relationship with Amber.
 9 A. All right, then yes.
 10 Q. Am I right? These are your words in your statement. You
 11 said: "I was in recovery from drug addiction during
 12 significant part of my marriage to Amber."
 13 A. Yes, ma'am.
 14 Q. That is what you said?
 15 A. Yes.
 16 Q. And that is true?
 17 A. That is true, yes.
 18 Q. Then, where I want your help: "Instead of supporting my
 19 sobriety, she often encouraged me to drink alcohol and take
 20 drugs, even though she knew my relationship with alcohol and
 21 drugs was a difficult one for me." Do you maintain that was
 22 true?
 23 A. Yes.
 24 Q. So, you are saying she was actually encouraging you to fall
 25 off the wagon at times?

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1 DEPP - WASS
 2 A. I would say her actions were not of one who was supporting.
 3 Q. All right. I understand that. Because you go on to say:
 4 "She never supported me in my attempt to be strong and to
 5 avoid alcohol and drugs."
 6 A. Yes.
 7 Q. Is that true?
 8 A. It is.
 9 Q. It is not true, is it? "She never supported me", I am just
 10 reading the words so you can consider the answer, "She never
 11 supported me".
 12 A. Ultimately the answer I would say is no, she did not.
 13 Q. She never supported you?
 14 A. I would say ultimately she did not.
 15 Q. I suggest that is not true. After this first time when you
 16 hit her and apologised and promised it would never happen
 17 again, she understood the problem of your drug-taking and
 18 having a background that she did have of a drug-taking father,
 19 she was very much offering her help and support to you?
 20 A. I would say if that was supportive, it was a strange way to
 21 support me.
 22 Q. You would go round and take cocaine at her house, would you
 23 not? Sorry, I should have been specific -- at Orange Avenue.
 24 A. Quite likely, on occasion.
 25 Q. Can we be quite clear, Ms. Heard had told you that when she

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1 DEPP - WASS
 2 was 18, she was regularly taking cocaine. Do you remember
 3 that; do you agree with that?
 4 A. I would agree with that, she told me she was 16.
 5 Q. We need not dwell on whether it is 16 or 18.
 6 A. I am terribly sorry, you asked me the question.
 7 Q. She was worried about the cocaine habit that she had developed
 8 and she stopped altogether?
 9 A. Yes.
 10 Q. And she never took cocaine ever in your presence or your
 11 company or, as far as you knew, during the time of your
 12 relationship?
 13 A. Yes, she did.
 14 MS. WASS: You think she did.
 15 MR. JUSTICE NICOL: Just a moment. (Pause) Ms. Heard did take
 16 cocaine in your presence?
 17 THE WITNESS: She said -- she asked if Ms. Heard had ever touched
 18 cocaine, something to that effect.
 19 MS. WASS: Maybe I should be more careful.
 20 A. No, no. I would like to say that she did. Because there were
 21 many times in our relationship early on where not only did she
 22 chop the cocaine with the razor blade into lines, she would
 23 then take the cocaine on her finger and rub it on her gums.
 24 Q. I suggest that she never took cocaine after she stopped taking
 25 it as a teenager, but we have to disagree about that?

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1 DEPP - WASS
 2 A. My eyes have seen the action.
 3 Q. All right. Now, there was an occasion, if you can take the
 4 text bundle at page 7. The text bundle is the first half of
 5 bundle 6. It is page 7 of the text bundle.
 6 MR. JUSTICE NICOL: I think it is tab 119, is it not?
 7 MS. WASS: That is exactly right.
 8 MR. JUSTICE NICOL: What page are you saying, please?
 9 MS. WASS: It is page 7. Does my Lord have it?
 10 MR. JUSTICE NICOL: I do.
 11 MS. WASS: The second box down, Mr. Depp, there is a text from you
 12 to, amongst other names, "Sis", do you see that on the
 13 right-hand side?
 14 THE WITNESS: I am sorry, May 6th?
 15 Q. Do you see where it says "Participants" at the top box?
 16 A. Yes.
 17 Q. The text I am asking you about, the second line down, says
 18 "Sis", and that is Whitney, is it not?
 19 A. Yes, it is.
 20 Q. You had sent this text to Whitney on 9th March, and it says
 21 this: "We had a slightly grim morning...(reads to the
 22 words)... just worried about her." Do you agree you sent that
 23 text to Whitney and you were referring to Ms. Heard in the
 24 text?
 25 A. Yes.

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1 DEPP - WASS
 2 Q. On 12th March, if we can go to -- could we go to page -- would
 3 my Lord give me a moment, because there are references -- I am
 4 going ask you to go to page 20 of the text schedule and I am
 5 going to explain something to the court. There is a series of
 6 four texts which are in the wrong chronological order. They
 7 can be found in another document, but rather than go to other
 8 documents I am going to deal with it in this way, because
 9 I think you are familiar with this text exchange.
 10 (To the witness) On 12th March, so if you go to the --
 11 do you have page 20 at the bottom, Mr. Depp?
 12 A. Yes, page 20.
 13 Q. If you go five up.
 14 MR. JUSTICE NICOL: Five up from the bottom?
 15 MS. WASS: From the bottom.
 16 MR. JUSTICE NICOL: So, the one that says "Working mate"?
 17 THE WITNESS: Yes.
 18 MS. WASS: No, sorry. Well, I forget whether it is five or four,
 19 but it is one below that.
 20 MR. JUSTICE NICOL: "Just thought you should know"?
 21 MS. WASS: Yes, exactly.
 22 THE WITNESS: Yes.
 23 MS. WASS: Do you see on the right-hand side, it says,
 24 "3.12.2013"?
 25 A. Yes, ma'am.

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1 DEPP - WASS
 2 Q. In fact, that is a text exchange which took place on
 3 12th March 2013, you know what the text is about, the "Disco
 4 bloodbath" text?
 5 A. I am familiar with the Disco bloodbath text.
 6 Q. It is in a place because the day and the month has been put
 7 the wrong way, it should be earlier in the bundle. If you
 8 need to see it in another format, I can show you.
 9 A. This is fine, thank you.
 10 Q. You sent a text to Ms. Heard: "Just thought you should know
 11 there exists a book titled "Disco bloodbath", that is all.
 12 She said: "We need that book." She then said: "Is it about
 13 last Friday night, by any chance?" You said: "How can you
 14 make me smile about such a hideous moment. Yes, it is. Funny
 15 bitch, I fucking love you, you cunt." Those are texts sent
 16 between you and Ms. Heard on 3rd March. Do you agree with
 17 that?
 18 A. Yes, I do.
 19 Q. All right. Can I ask you to look at bundle 6.
 20 MR. JUSTICE NICOL: Sorry, you said 3rd March.
 21 MS. WASS: Sorry, 12th March. It is a problem that seems to cause
 22 difficulties with this text, because the 3 and the 12 has been
 23 put in a different order.
 24 MR. JUSTICE NICOL: It would be the American way.
 25 MS. WASS: Exactly. But the text exists as an exhibit to

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1 DEPP - WASS
 2 Ms. Heard's statement, so we see the screenshot, but Mr. Depp
 3 is not challenging, I do not think, that those texts were
 4 exchanged with Ms. Heard on 12th March.
 5 THE WITNESS: I am not challenging it.
 6 MS. WASS: All right. Unless my Lord wants me to ---
 7 MR. JUSTICE NICOL: No, that is fine.
 8 MS. WASS: (To the witness) You should have tab 6 because the
 9 texts are there. Could you go to 148F, please. It is in
 10 tab 6.
 11 MR. JUSTICE NICOL: I think mine finishes at 148E. So, would this
 12 be then in file ---
 13 MS. WASS: File 7. Mr. Depp, do you have it there?
 14 THE WITNESS: I do.
 15 MR. JUSTICE NICOL: Just a moment. (Pause) What is the
 16 page number you want to refer to, please?
 17 MS. WASS: F894.261.
 18 MR. JUSTICE NICOL: I am afraid something has happened to my
 19 bundles. I do not have that.
 20 MS. WASS: I can see Ms. Wilson has found another copy. Thank you
 21 very much. I am very grateful. (Pause) (Same handed)
 22 MR. JUSTICE NICOL: Do you have the page that Ms. Wass is talking
 23 about?
 24 THE WITNESS: Yes, I do, your Lordship.
 25 MS. WASS: Do you recognise that kitchen top, or not?

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1 DEPP - WASS
 2 A. I do not recognise this kitchen top.
 3 Q. If I were to suggest to you that was a photograph taken on
 4 8th March 2013 of your cocaine, lines of your cocaine, what
 5 would you say?
 6 A. I would wonder if it were mine. I would wonder why it is
 7 photographed.
 8 Q. So, are you saying you cannot help us as to whether you
 9 recognise it or not? My question was, do you recognise the
 10 area where this was taken?
 11 A. I recognise that those appear to be lines of cocaine. I see a
 12 straw, a little bindle and I see clearly my credit card.
 13 Q. Yes. So, it looks as if the credit cards may have had
 14 something to do with putting the lines of cocaine in that
 15 formation?
 16 A. Yes, it does.
 17 Q. Do you recognise the work surface or tabletop?
 18 A. I am sorry, I do not recognise it.
 19 Q. Then, I presume you cannot say the date in that case, you are
 20 not able to say whether you agree or not, whether it was
 21 8th March?
 22 A. I am not even able to say if that is cocaine or not.
 23 Q. We will have to draw our inferences from that in due course.
 24 A. Yes, ma'am.
 25 Q. In the bedroom of the house that Ms. Heard shared with her

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1 DEPP - WASS
 2 sister Whitney in Orange Avenue in California was hung a
 3 painting by Ms. Heard's ex-partner, Tasya van Ree.
 4 A. Yes, that is correct.
 5 Q. You remember yesterday we looked at Tasya van Ree and the
 6 arrest in Seattle and Ms. van Ree's exoneration of Ms. Heard;
 7 do you remember that?
 8 A. I do remember talk of Ms. van Ree yesterday.
 9 Q. And Ms. van Ree was an artist, and had a painting that
 10 Ms. Heard kept in her bedroom, hanging on the wall; yes?
 11 A. Yes.
 12 Q. It had been there from the very first time you had visited
 13 Orange Avenue, do you agree; it is not something she put up
 14 halfway through your visit, it has always been there?
 15 A. Yes, it was there.
 16 Q. There was an occasion in March 2013 when you visited Ms. Heard
 17 at Orange Avenue, Whitney was not at home at the time but it
 18 was an occasion when you arrived, drunk, and having consumed a
 19 cocktail of cocaine and cannabis. Do you remember an occasion
 20 when you arrived at Ms. Heard's house in that condition?
 21 A. Not offhand, no.
 22 Q. Do you accept that you are a compulsive smoker of cigarettes?
 23 A. Yes, ma'am. I have a horrible addiction to nicotine, yes.
 24 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.
 25 MS. WASS: You also had a horrible addiction to cocaine in March

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1 DEPP - WASS
 2 2013, I would suggest?
 3 THE WITNESS: I have never had an addiction to cocaine.
 4 Q. Did you have a little box, a special cocaine box, where you
 5 kept your cocaine?
 6 A. A special box for my cocaine? No, not necessarily.
 7 Q. Two inches square?
 8 A. I had a small square box with a turquoise, it was a piece of
 9 turquoise at the top and that was used to carry extra meds in
 10 my pocket for when I was away, out about working.
 11 Q. So you are describing a pill box?
 12 A. It is a pill box, yes.
 13 Q. I am talking about a little antique ---
 14 MR. JUSTICE NICOL: Just I want to clarify. When you talk about
 15 your meds, you are talking about your prescription
 16 medications?
 17 THE WITNESS: Yes, exactly, prescription medications in there.
 18 MS. WASS: I understand. I am not talking about that. I am
 19 talking about a cocaine box, not prescription drugs. This was
 20 a square box with a skull and crossbows on it, "Property of
 21 JD", it had something like that on it; do you remember?
 22 A. I do not remember that particular description of that box. It
 23 is entirely possible, but I did not have any designated box
 24 for illegal substances.
 25 Q. Do you think that as a result of the problems you have had

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1 DEPP - WASS
 2 with drink and controlled drugs and prescription drugs, that
 3 your memory has been impaired?
 4 A. No, ma'am.
 5 Q. You feel you have absolute clarity of recollection, do you?
 6 A. Yes, ma'am.
 7 Q. And you cannot remember this box?
 8 A. I have received a lot of gifts from people in my travels,
 9 people who appreciate, have appreciated what I have done in my
 10 work and they have given me presents. So, there are boxes,
 11 bracelets -- it is very difficult.
 12 Q. Again, I have the picture, you have lots of gifts.
 13 A. You can interrupt me any time you like.
 14 Q. I do not want to do it if it is relevant to the case.
 15 Mr. Sherborne is looking after your interests admirably, but
 16 I do want to try and make some progress. All right?
 17 A. I was just trying to describe.
 18 Q. I understand what you are trying to describe.
 19 A. Sorry, I am terribly sorry.
 20 Q. Now, I suggest that throughout your relationship with
 21 Ms. Heard you were irrationally jealous of Ms. Heard and
 22 regularly accused her of having affairs with other people?
 23 MR. JUSTICE NICOL: Just a minute. (Pause) What is your answer?
 24 THE WITNESS: There were times when I suspected that Ms. Heard was
 25 being untruthful with me, and there seemed to be, at the time,

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1 DEPP - WASS
 2 good reason for me to have a care about what her actions were.
 3 MS. WASS: We read out in court yesterday Ellen Barkin's
 4 deposition, do you remember, and she described you as jealous?
 5 A. Yes, she did.
 6 Q. Would you describe yourself as jealous?
 7 A. Yes, I can be jealous.
 8 Q. And on the night in March 2013 that I am asking you about, you
 9 were very jealous and accusatory of Ms. Heard, suggesting she
 10 may be having or continuing her affair with Tasya van Ree, it
 11 became an obsession of yours that night. Do you remember
 12 that?
 13 A. I remember we had several arguments about Ms. van Ree. I will
 14 not elaborate. I will let you.
 15 Q. All right. Do you remember an incident where you had an
 16 argument about Ms. van Ree and reference was made to the
 17 painting that is hanging up in Ms. Heard's bedroom?
 18 A. Yes, I remember.
 19 Q. I am going to remind you what you said about it, and I am
 20 going to suggest that something quite different happened.
 21 What you said was that you, at some point around this time, so
 22 this is March -- I am reading from your statement, just so
 23 that you know now.
 24 A. Yes.
 25 Q. "At some point around this time, I did ask Ms. Heard to remove

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<p>1 DEPP - WASS</p> <p>2 a painting she had received from her former wife from the</p> <p>3 bedroom, as a courtesy to me. I certainly did not hit</p> <p>4 Ms. Heard." All right? So, you say there was an incident</p> <p>5 when the painting was the subject of discussion?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. In around March 2013?</p> <p>8 A. I will take your word on the date.</p> <p>9 Q. This is what you referred to in your statement, I am ----</p> <p>10 A. I said March, okay.</p> <p>11 Q. What you say in your statement is, you certainly did not hit</p> <p>12 Ms. Heard on that date. All right?</p> <p>13 A. No, I did not.</p> <p>14 Q. When you asked her to remove the painting, according to your</p> <p>15 recollection, what did she say?</p> <p>16 A. Ultimately, no.</p> <p>17 Q. No. She was not going to do what you told her, or asked her,</p> <p>18 to do. Did you take no for an answer?</p> <p>19 A. Yes.</p> <p>20 Q. You tried to remove the painting yourself, did you not?</p> <p>21 A. No, I did not.</p> <p>22 Q. You tried to remove the painting, and Ms. Heard intervened,</p> <p>23 and you slapped her?</p> <p>24 A. That is not true.</p> <p>25 Q. You took out your cigarette lighter, you had been smoking all</p>	<p>1 DEPP - WASS</p> <p>2 I have understood what the question is about. (Pause) So,</p> <p>3 this is now page?</p> <p>4 MS. WASS: Sorry, F894.001. Do you remember, Mr. Depp, causing</p> <p>5 any injury to Ms. Heard's arm?</p> <p>6 THE WITNESS: No, ma'am, I do not.</p> <p>7 Q. I suggest when you said you had clear memories of events with</p> <p>8 Ms. Heard, that quite the opposite is in fact true. You would</p> <p>9 regularly behave in a way, you forgot how you behaved and</p> <p>10 Ms. Heard started keeping records so that she could show you</p> <p>11 what you had done. Do you agree with that?</p> <p>12 A. I cannot make any statement as to Ms. Heard's motivations for</p> <p>13 her photography of her various ----</p> <p>14 Q. She made it plain, I suggest to you, that because you had no</p> <p>15 recollection of certain rather important events, as far as she</p> <p>16 was concerned, when she was the subject of violence from you,</p> <p>17 she started keeping records in the form of photographs, and</p> <p>18 would remind you of these afterwards. What do you say about</p> <p>19 that?</p> <p>20 A. I would say that I have never seen this photograph, so she did</p> <p>21 not use it to remind me then.</p> <p>22 Q. But you accept it shows her with a bruise on her arm?</p> <p>23 A. I do accept it is a photograph of Ms. Heard with a bruise on</p> <p>24 her arm, yes.</p> <p>25 Q. This fight over the painting escalated, and at one stage you</p>
<p>[Page 194]</p> <p>1 DEPP - WASS</p> <p>2 the way through the evening, I suggest, in the kitchen of that</p> <p>3 house; do you accept that you smoked in Orange Avenue,</p> <p>4 indoors?</p> <p>5 A. Yes, I do.</p> <p>6 Q. You had your cigarette lighter with you and you tried to set</p> <p>7 fire to the painting?</p> <p>8 A. That is not true.</p> <p>9 Q. And you were very physical with Ms. Heard, pushing her about</p> <p>10 and grabbing her by the arm?</p> <p>11 A. That is also untrue.</p> <p>12 Q. If you go behind, are you at divider 6?</p> <p>13 A. Yes.</p> <p>14 Q. Go behind (unclear) there is a photograph, exhibit A, 148A.</p> <p>15 Sorry, 148 not 148A, my fault.</p> <p>16 MR. JUSTICE NICOL: I think it is divider 148A. It is actually</p> <p>17 divider 148A.</p> <p>18 MS. WASS: That is not what I am asking about. Ms. Hamer has</p> <p>19 reminded me, I want the very first photograph on 148, it</p> <p>20 should be Ms. Heard taking a photograph in a mirror, with a</p> <p>21 visible bruise on her arm.</p> <p>22 MR. JUSTICE NICOL: I am going to ask somebody to assist me with</p> <p>23 finding the picture.</p> <p>24 THE WITNESS: I can give you mine, if you like.</p> <p>25 MR. JUSTICE NICOL: No, that is all right. I want to make sure</p>	<p>[Page 196]</p> <p>1 DEPP - WASS</p> <p>2 hit her in the face with the back of your hand. So the first</p> <p>3 slap was with the open part of your hand. You know what</p> <p>4 I mean by the back of your hand?</p> <p>5 A. Yes, I see, yes.</p> <p>6 Q. Hold your hand up now. You have some fairly serious rings on</p> <p>7 your hand. You always wear those rings, do you not?</p> <p>8 A. Yes, most of the time.</p> <p>9 Q. There is no reason why you should not, but it means that if</p> <p>10 you do hit someone with the back of your hand, it is likely to</p> <p>11 cause more injury than somebody who does not have rings on, do</p> <p>12 you agree?</p> <p>13 A. I would say, yes, absolutely.</p> <p>14 Q. I suggest that you hit her with the back of your hand and that</p> <p>15 was very, very painful to Ms. Heard, and that was quite</p> <p>16 obvious to you, that you had caused her considerable pain?</p> <p>17 MR. JUSTICE NICOL: Do you agree with that, Mr. Depp?</p> <p>18 A. I did not hit Ms. Heard, and furthermore I have never hit</p> <p>19 Ms. Heard.</p> <p>20 MS. WASS: The day after the night of the painting, you were due</p> <p>21 to appear on a film set. I think the film set was at</p> <p>22 Sweetzer, your house at Sweetzer, because you were filming a</p> <p>23 documentary about Keith Richards?</p> <p>24 A. Yes, ma'am, that is true.</p> <p>25 Q. As I think you said to us yesterday, he was an idol of yours?</p>

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<p>1 DEPP - WASS</p> <p>2 A. Yes.</p> <p>3 Q. I think the documentary was made over a long period. It took</p> <p>4 about four years all together, something like that?</p> <p>5 A. Yes, ma'am. It is still not ---</p> <p>6 Q. It is still not finished?</p> <p>7 A. No.</p> <p>8 Q. Right. Anyway, in 2015, there was a day when you were due --</p> <p>9 I am calling it on the film set, but it was actually at your</p> <p>10 house. The filming was supposed to take place and everything</p> <p>11 was set up for filming.</p> <p>12 A. Yes.</p> <p>13 Q. And Mr. Richards was there?</p> <p>14 MR. JUSTICE NICOL: Ms. Wass, did you say 2015?</p> <p>15 MS. WASS: My Lord is absolutely right. 2013, I should have said.</p> <p>16 Do you agree with that?</p> <p>17 A. Yes, I was doing a documentary on Keith ---</p> <p>18 Q. And there was a date in March 2013 when you were extremely</p> <p>19 late on set?</p> <p>20 A. Yes, that is true.</p> <p>21 Q. And I suggest that was the date after the argument with</p> <p>22 Ms. Heard about the painting during which you hit her with the</p> <p>23 back of your hand, so we can date this?</p> <p>24 A. I do not believe that that was the argument of that morning.</p> <p>25 My recollection is that it is something very different.</p>	<p>1 DEPP - WASS</p> <p>2 A. No.</p> <p>3 Q. But she returned to the house the following morning?</p> <p>4 A. Yes.</p> <p>5 Q. And she was presented with a complete mess to the kitchen.</p> <p>6 There were lines of cocaine on the worktop and an almost empty</p> <p>7 bottle of whisky. I think you said you were drinking whisky</p> <p>8 at this time?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. You had been smoking in the kitchen. There were cigarette</p> <p>11 butts everywhere and there was broken glass on the floor and</p> <p>12 the furniture was askew. That is the picture that Whitney was</p> <p>13 presented with. Does that jog your memory at all?</p> <p>14 A. I do not recall the destruction that Whitney Heard is</p> <p>15 describing. I remember the morning. I remember sitting at</p> <p>16 the glass table, just outside her kitchen, and I was drinking</p> <p>17 whisky.</p> <p>18 Q. Whisky, in the morning?</p> <p>19 A. Yes. It was quite a nasty moment, argument.</p> <p>20 Q. And do you remember snorting cocaine?</p> <p>21 A. I do not remember snorting cocaine, no.</p> <p>22 Q. Right. Could you look back in bundle 6?</p> <p>23 A. Yes.</p> <p>24 Q. This is the divider that my Lord now has your bundle 1, 48F.</p> <p>25 We have looked at this, Mr. Depp, already, this tab.</p>
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<p>1 DEPP - WASS</p> <p>2 Q. Another argument?</p> <p>3 A. There was an argument, yes, another argument.</p> <p>4 Q. Can I summarise this in this way.</p> <p>5 A. Sure.</p> <p>6 Q. Ms. Heard has itemised 14 episodes in her evidence in this</p> <p>7 case when you used physical violence against her. You know</p> <p>8 that, do you not?</p> <p>9 A. Yes, I do.</p> <p>10 Q. It is also clear from her statement that she says those were</p> <p>11 not the only episodes. Those were the ones that she was able</p> <p>12 to describe, but there were many more than that. That is also</p> <p>13 her evidence, is it not?</p> <p>14 A. Yes, it is.</p> <p>15 Q. So, if you are saying incidents got mixed up, you are saying</p> <p>16 there was another incident the night before the Keith Richards</p> <p>17 filming; is that what you are saying?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. I am not going to ask you about another incident because</p> <p>20 I want to go straight to what happened when you finally did</p> <p>21 get to the film set. Whitney had not been at Orange Avenue</p> <p>22 the night before the Keith Richards interview, the Keith</p> <p>23 Richards filming, had she?</p> <p>24 A. I do not recall.</p> <p>25 Q. You do not recall that?</p>	<p>1 DEPP - WASS</p> <p>2 A. Yes.</p> <p>3 Q. Could you turn over the photograph that we have already looked</p> <p>4 at of your credit card with cocaine. You will have to turn</p> <p>5 the file round because they are in landscape.</p> <p>6 A. Yes, ma'am, I see that. Thank you.</p> <p>7 Q. Sorry, I did not mean to patronise you.</p> <p>8 A. No, no, no, otherwise I might not have done it, you never</p> <p>9 know. Thank you, though.</p> <p>10 Q. First of all, can we establish that that photograph is a</p> <p>11 photograph of the glass table you have already described in</p> <p>12 Ms. Heard's kitchen in Orange Avenue?</p> <p>13 A. Yes.</p> <p>14 MR. JUSTICE NICOL: Now, 894F, 894.262; is that right?</p> <p>15 MS. WASS: Yes, and 263. There are two photographs very similar.</p> <p>16 You said you were drinking whisky.</p> <p>17 A. Yes.</p> <p>18 Q. Is that whisky we see in the glass on the right?</p> <p>19 A. Yes, it looks like it.</p> <p>20 Q. I mean, it is a highball-size glass, do you agree?</p> <p>21 A. I was wondering that because of the perspective of the photo.</p> <p>22 Q. Look at the top photograph of the two. It is probably better</p> <p>23 from the perspective.</p> <p>24 A. That is a highball glass. I was normally used to doing shots</p> <p>25 of whisky, or sipping shots of whisky, but that is a highball</p>

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<p>1 DEPP - WASS</p> <p>2 glass so perhaps it was whisky on ice.</p> <p>3 Q. Whisky on ice: was it diluted with anything, do you remember?</p> <p>4 A. Ice water. That is it.</p> <p>5 Q. We can see the bottle. Can you see the bottle on the top</p> <p>6 photograph, just to the left of your logo-ed cup or whatever</p> <p>7 it is? Do you see it just next to the newspaper, in front of</p> <p>8 the newspaper?</p> <p>9 A. Yes, ma'am, I do. It looks like another glass to me.</p> <p>10 Q. Another glass?</p> <p>11 A. That is what it looks like to me.</p> <p>12 Q. Ms. Heard does not drink spirits, does she? She drinks red</p> <p>13 wine but not spirits?</p> <p>14 A. Mostly, as I recall, yes, she drank red wine mostly, yes. I</p> <p>15 do not believe she was drinking whisky.</p> <p>16 Q. Look at the bottom of that other receptacle for the whisky.</p> <p>17 It has a very thick bottom. Can you see that? It is not like</p> <p>18 a glass, it looks more like a bottle, do you agree?</p> <p>19 A. I know the bottle of, the bottle was a, is a bottle, it was a</p> <p>20 bottle of whisky called -- I am sorry, I am blanking on the</p> <p>21 name. It is a bottle, I liked the bottle at first because it</p> <p>22 -- it is called Bulleit, Bulleit Bourbon, because it looks</p> <p>23 like it comes from the twenties or thirties.</p> <p>24 Q. So does this look like a Bulleit bourbon bottle to you?</p> <p>25 A. No, that is not, no.</p>	<p>1 DEPP - WASS</p> <p>2 A. Terribly sorry.</p> <p>3 Q. This is why I was asking you about your memory, Mr. Depp, you</p> <p>4 see, because I suggest that that box was very precious to you</p> <p>5 at this time, for reasons that would be obvious, namely, that</p> <p>6 it contained the drug that you were very dependent on at this</p> <p>7 time?</p> <p>8 A. I was never dependent on cocaine. It is very difficult to say</p> <p>9 that someone is dependent on cocaine. It is not in the</p> <p>10 category of opiates where there is a physical addiction and a</p> <p>11 physical and painful withdrawal from that drug. Cocaine is</p> <p>12 ---</p> <p>13 Q. Can I stop you?</p> <p>14 A. Please stop me, yes.</p> <p>15 Q. You were not addicted to cocaine, and we can come to more</p> <p>16 about your addiction when we look at your interaction with</p> <p>17 Dr. Kipper; all right?</p> <p>18 A. Sure.</p> <p>19 Q. When Whitney arrived, as I have said, she was confronted with</p> <p>20 a lot of mess, but she was also confronted by whisky and lines</p> <p>21 of cocaine on the kitchen table, which we can see in this</p> <p>22 photograph, and not only that, she was also confronted by the</p> <p>23 sight of Ms. Heard, who had obviously been crying; she was</p> <p>24 very red and crying. Do you remember her crying when Whitney</p> <p>25 arrived?</p>
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<p>1 DEPP - WASS</p> <p>2 Q. We will have to work out what that was at a later stage. Can</p> <p>3 you see in the front that there is a little box, about two</p> <p>4 inches by two inches, if we compare it to the size of the</p> <p>5 credit cards?</p> <p>6 A. Yes.</p> <p>7 Q. "Property of JD", with skull and crossbones on it?</p> <p>8 A. Yes, I do.</p> <p>9 Q. That, I suggest, is your cocaine box. That is where you would</p> <p>10 keep your cocaine, a special box you had?</p> <p>11 A. I do remember the box.</p> <p>12 Q. Do you remember it now?</p> <p>13 A. Yes. I did not remember the "Property of JD". Yes, that is a</p> <p>14 box. It was carrying cocaine in it. I would say I probably</p> <p>15 was then.</p> <p>16 Q. If you look at the bottom at the centre of the picture, there</p> <p>17 are four lines of cocaine next to a credit card?</p> <p>18 A. Indeed.</p> <p>19 Q. With a straw on top of the credit card.</p> <p>20 A. Yes.</p> <p>21 Q. If that is where you might normally carry cocaine, I think it</p> <p>22 is safe to infer that that is what it was being used for on</p> <p>23 this occasion; do you not agree?</p> <p>24 A. I do agree. I was mistaken, I suppose. I am terribly sorry.</p> <p>25 Q. That is all right.</p>	<p>1 DEPP - WASS</p> <p>2 A. I remember her crying a lot.</p> <p>3 Q. All right. That is the answer, thank you. You started</p> <p>4 accusing Ms. Heard in front of her sister, Whitney, of</p> <p>5 something to do with a friend called Marie de Villepin. Does</p> <p>6 that name ring any bells to you?</p> <p>7 MR. JUSTICE NICOL: Just a minute. Marie?</p> <p>8 MS. WASS: De V-I-L-L-E-P-I-N.</p> <p>9 MR. JUSTICE NICOL: Do you know that name, Mr. Depp?</p> <p>10 A. I do recall the name, your Lordship. I do recall the name</p> <p>11 from when Ms. Heard went to France to make a film, I believe.</p> <p>12 Q. Do you remember an argument about Marie de Villepin?</p> <p>13 A. I do, but I am not positive that that was at this time. I am</p> <p>14 sure it was not at this time. It was another argument.</p> <p>15 Q. Another argument, all right. You, during the course of that</p> <p>16 other argument, called Ms. de Villepin a slut?</p> <p>17 A. Quite possibly, if I was angry and upset, but I do not agree</p> <p>18 ---</p> <p>19 Q. All right, and we have looked at words that you have used to</p> <p>20 describe women and I think you have said you are not proud of</p> <p>21 them?</p> <p>22 A. Well, when they are done in a joking manner with my ex-wife or</p> <p>23 my former partner, the mother of my children, in jest, it is</p> <p>24 not representative of my feeling for women.</p> <p>25 Q. When you called Ms. de Villepin a slut, it was not a joke,</p>

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<p>1 DEPP - WASS</p> <p>2 I suggest?</p> <p>3 A. If I called her that name, then I am fairly sure that I meant</p> <p>4 it.</p> <p>5 Q. And when Whitney arrived, you accused Ms. Heard again of</p> <p>6 having an affair with Tasya van Ree and you tried to snatch</p> <p>7 Ms. Heard's phone for texts. Do you remember doing that?</p> <p>8 A. No ma'am.</p> <p>9 Q. And both Whitney and Ms. Heard remained with you for about</p> <p>10 four hours, trying to persuade you to leave the house to go to</p> <p>11 the film set, where you should have been.</p> <p>12 A. Yes, that is true.</p> <p>13 Q. And people were waiting for you, were they not, at the film</p> <p>14 set?</p> <p>15 A. Waiting for me? It was a day where it was not an interview</p> <p>16 per se between Keith Richards and myself, which had already</p> <p>17 been filmed. It was a day when Keith Richards and Tom Waits</p> <p>18 were performing together in the studio, the live recording</p> <p>19 studio, and I had made a call to my first assistant director,</p> <p>20 my director of photography, and to the focus people, who were</p> <p>21 all very dear friends and very talented. I told them I was</p> <p>22 going to be held up for a while, but to go on without me</p> <p>23 because essentially all they needed to do was capture. It was</p> <p>24 just filming Keith and Tom ----</p> <p>25 Q. I understand, I understand.</p>	<p>1 DEPP - WASS</p> <p>2 A. Sorry.</p> <p>3 Q. That is from Mr. Deuters?</p> <p>4 A. Yes.</p> <p>5 Q. That text?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And he says, "We have started shooting, so you know", and then</p> <p>8 you say, "Go, God damn it, I am a fly on the wall, commence.</p> <p>9 There is nothing I can add to whatever magic is already there.</p> <p>10 Go, you make whatever calls (unclear) need to make them. I am</p> <p>11 on my way." Right?</p> <p>12 A. Yes.</p> <p>13 Q. If we look back, we can see what this is about at 206.7.</p> <p>14 "Keith is at the studio now, Keith is rehearsing." It looks,</p> <p>15 does it not, as if this is to do with the rehearsals of Keith</p> <p>16 Richards in the documentary?</p> <p>17 A. In the studio, yes.</p> <p>18 Q. It looks like it is to do with that, does it not?</p> <p>19 A. Yes, I believe Mr. Richards and Mr. Waits were going through</p> <p>20 the material.</p> <p>21 Q. You told us that Mr. Richards was a very important person in</p> <p>22 your life. What was so important that was going on that you</p> <p>23 would not leave the house to go and get to that meeting on</p> <p>24 time, to that film set on time?</p> <p>25 A. At that time, in our relationship, when things of that nature</p>
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<p>1 DEPP - WASS</p> <p>2 A. ---- in performance, so my presence was not all that important</p> <p>3 to it.</p> <p>4 Q. Could you go, please, to tab 56C?</p> <p>5 MR. JUSTICE NICOL: Which ----</p> <p>6 MS. WASS: I am just about to find out, sorry.</p> <p>7 MR. JUSTICE NICOL: That is all right. (Pause).</p> <p>8 MS. WASS: Mr. Depp, if you put that to one side, we will come</p> <p>9 back to the text in a minute. It is bundle 7, tab 56C. At</p> <p>10 the bottom, there should be the pagination H206.something, do</p> <p>11 you see that?</p> <p>12 A. This is 56C, is it?</p> <p>13 MS. WASS: 56C, yes. It is a series of texts.</p> <p>14 MR. JUSTICE NICOL: Mr. Depp, if your bundling is the same as</p> <p>15 mine, the tab number for 56C is reversed so you may have to</p> <p>16 ----</p> <p>17 A. I see. I have just found it. Yes, thank you.</p> <p>18 MR. JUSTICE NICOL: Good, thank you. 56C.</p> <p>19 MS. WASS: And go to page H206.7.</p> <p>20 A. Yes.</p> <p>21 Q. Sorry, 206.8.</p> <p>22 MR. JUSTICE NICOL: Yes. Do you have 206.8?</p> <p>23 A. I do indeed. Thank you.</p> <p>24 MS. WASS: That is from Mr. Deuters' phone. We can see Stephen,</p> <p>25 SD, at the top, do you agree?</p>	<p>1 DEPP - WASS</p> <p>2 would come up, especially an argument that was -- especially</p> <p>3 at that time -- sorry, I have lost my train.</p> <p>4 Q. Do not worry, I think the point is that you were late?</p> <p>5 A. Yes.</p> <p>6 Q. And we have agreed that there was an argument?</p> <p>7 A. Yes.</p> <p>8 Q. You have agreed that Whitney came, you were waiting, they were</p> <p>9 trying to get you away for four hours?</p> <p>10 A. Yes.</p> <p>11 Q. I think that answers the question unless there is ----</p> <p>12 A. Yes, to me, it was more important to try to fix things, patch</p> <p>13 things up with Ms. Heard at the time.</p> <p>14 Q. Because your driver was called, was he not? Your driver was</p> <p>15 called and Nathan Holmes was called to take you from</p> <p>16 Ms. Heard's property at Orange Avenue to your house at</p> <p>17 Sweetzer?</p> <p>18 A. That would have been normal, yes.</p> <p>19 Q. What I suggest happened was that even when Mr. Holmes turned</p> <p>20 up, you refused to leave the house. You were snorting more</p> <p>21 and more lines of cocaine?</p> <p>22 A. As the image comes in my head, and I see the cocaine on the</p> <p>23 table and the whisky, as I said, I was mistaken, so I was</p> <p>24 definitely partaking of the cocaine and the whisky that</p> <p>25 morning. Yes, Nathan Holmes was called to retrieve me to take</p>

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1 DEPP - WASS
 2 me onwards to the set. The cocaine was, I believe there were
 3 four lines laid out.
 4 Q. There are in the photograph, but I suggest you had had quite a
 5 lot before then?
 6 A. Well, four lines is not always for one person, let us say.
 7 I think -- no, in fact, I know that Ms. Heard's sister,
 8 Whitney, was partaking of the cocaine as well.
 9 Q. This was cocaine that you were taking on your own. Miss Amber
 10 Heard did not take any cocaine on that occasion. I suggest
 11 there were occasions when she rubbed her gums with it, but
 12 this was not one of them.
 13 A. She would chop the cocaine up for me to make the lines.
 14 Q. Are you suggesting that is what she did on this occasion?
 15 A. Ms. Heard, in a lot of ways, is a creature of routine, and
 16 there were certain things that she needed to do for me that
 17 I was not allowed to do for myself. So I am saying that she
 18 was trying to sort of -- when I would arrive home, she would
 19 take my boots off and that was a regular routine. So, it
 20 would not be anything out of the ordinary for her to chop
 21 those lines out, and again, as I see it now, in my memory, I
 22 recall Nathan was called, Whitney was there, and she
 23 participated in the cocaine.
 24 Q. So you now claim to remember this?
 25 A. Well, you have opened my eyes.

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1 DEPP - WASS
 2 Q. Yes, I understand, memory does that.
 3 A. Thank you for that.
 4 Q. I am suggesting that you are not telling the truth about that,
 5 Mr. Depp, that never, on any occasion, did Ms. Heard ever chop
 6 up lines of cocaine for you. She was extremely ----
 7 MR. JUSTICE NICOL: When you talk about Ms. Heard, you are talking
 8 about Amber, are you?
 9 MS. WASS: Yes, I called Whitney Henriquez, as she now is,
 10 Whitney, and Ms. Heard, Ms. Heard.
 11 MR. JUSTICE NICOL: Yes, I wanted to make sure that Mr. Depp
 12 understood the question. So the suggestion is, Mr. Depp, that
 13 you are not telling the truth and Miss Amber Heard never took
 14 cocaine. I think that was the question, was it not, Ms. Wass?
 15 MS. WASS: Yes.
 16 MR. SHERBORNE: She never chopped lines ----
 17 MS. WASS: Never chopped lines.
 18 MR. JUSTICE NICOL: And never chopped lines of cocaine preparing
 19 them for you?
 20 A. I am afraid that you are incorrect.
 21 MS. WASS: In fact, Ms. Heard was extremely disapproving of
 22 cocaine, above all things, when it came to your repertoire of
 23 controlled drugs.
 24 A. She poured me the whisky and the cocaine was visible in front
 25 of her. I would, and I have experienced many times with

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1 DEPP - WASS
 2 Ms. Heard that she would in fact chop the cocaine up for me so
 3 that I could do the line, and then she would press her finger
 4 into it and ingest it orally. So, I am not suggesting that
 5 she did that in this case, but I am suggesting that it was a
 6 normal duty that she felt obligated to do early on.
 7 Q. I suggest there is no truth in that whatsoever.
 8 A. I suggest that you are sadly mistaken.
 9 Q. I understand, but we can go on and on and we both have made
 10 ----
 11 A. We are not going to go on and on.
 12 Q. ---- our respectful positions clear. You would not leave the
 13 house, Ms. Heard's house, unless Ms. Heard and her sister came
 14 with you to the film set, would you?
 15 A. No, that is not true.
 16 Q. One of the conditions was that you would go in order to do
 17 this filming of the documentary, but only if she went with
 18 you, and she brought her sister in the car, and she brought
 19 her dog, Pistol?
 20 A. I never said that I am not going there without them, without
 21 Whitney or Ms. Heard, or Ms. Henriquez, or Mrs. Henriquez.
 22 Q. The position is, Mr. Depp, that you had consumed so much
 23 alcohol and so much cocaine by the time you were due to go to
 24 the film set that you were being utterly irrational and it may
 25 well be that you simply do not remember what happened, but

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1 DEPP - WASS
 2 your behaviour that following morning, when Whitney arrived,
 3 was very, very bad indeed?
 4 A. My behaviour was bad in what way?
 5 Q. I am about to ----
 6 A. I am sorry to ask the question.
 7 Q. I am about to tell you.
 8 A. Thank you.
 9 Q. When you agreed to go, it was on the condition that Ms. Heard
 10 went with you. She took her sister with her, and she took her
 11 little teacup Yorkshire terrier, Pistol, with her. In the
 12 car, as well as Whitney and Ms. Heard and Pistol, was your
 13 driver. Was that Starling Jenkins?
 14 A. He is one of the drivers, yes.
 15 Q. Do you remember which driver it was?
 16 A. I do not.
 17 Q. No, and Nathan Holmes was there?
 18 A. Yes.
 19 Q. Was Nathan Holmes somebody who had supplied drugs to you?
 20 A. On occasion, Nathan would be able to safely get a hold of, you
 21 know, get his hands on them, I suppose.
 22 Q. Right. When you were in the car, you were smoking and you
 23 opened the window and you were angry and you were aggressive?
 24 A. No, ma'am.
 25 Q. Rather like you were in that clip that we saw yesterday of the

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<p>1 DEPP - WASS</p> <p>2 monster side of your character?</p> <p>3 A. No, ma'am. I was not in that mode at all.</p> <p>4 Q. And at one stage, you took hold of Ms. Heard's dog. It is a</p> <p>5 tiny little thing, is it not?</p> <p>6 A. Very tiny.</p> <p>7 Q. You can pick it up with one hand. One of your hands could</p> <p>8 pick it up quite easily?</p> <p>9 A. Of course. It weighs about three pounds.</p> <p>10 Q. Right. You took hold of Pistol and you held her out of the</p> <p>11 window and started making howling noises?</p> <p>12 A. I can say it is a very enduring image, but it is absolute</p> <p>13 utter falsity. It is fraudulent. It is not true.</p> <p>14 Q. You thought this was a huge joke.</p> <p>15 A. No, ma'am, I do not think hanging an animal, a small</p> <p>16 defenceless dog that weighs three pounds, out of a window at</p> <p>17 speed is -- that is not my idea of fun although my sense of</p> <p>18 humour is slightly skewed.</p> <p>19 Q. I was going to say, your sense of humour which you explained</p> <p>20 yesterday is perhaps rather niche; would you agree?</p> <p>21 A. It is niche, sure, I suppose that is a good way to put it.</p> <p>22 Q. Were you laughing at a suggestion that you made that you could</p> <p>23 put the dog in the microwave?</p> <p>24 A. That suggestion of putting the dog in the microwave was not</p> <p>25 something that I -- well, put it this way. It was, that sort</p>	<p>1 DEPP - WASS</p> <p>2 live one's life. As far as hanging a dog out the window,</p> <p>3 there is something ----</p> <p>4 Q. You have already denied that, Mr. Depp?</p> <p>5 A. I am sorry.</p> <p>6 MR. JUSTICE NICOL: Ms. Wass was asking you about the relations</p> <p>7 you had with employees or other people who work with you.</p> <p>8 THE WITNESS: Yes.</p> <p>9 Q. What was being suggested was that you surround yourself with</p> <p>10 people who never tell you what to do. Do you agree or</p> <p>11 disagree with that?</p> <p>12 A. I vehemently disagree with it.</p> <p>13 MR. JUSTICE NICOL: Thank you.</p> <p>14 MS. WASS: (To the witness) You lied to people about your alcohol</p> <p>15 intake or falling off the wagon, if I can call it more</p> <p>16 generally, did you not; you concealed that from people?</p> <p>17 THE WITNESS: No. I have not concealed it in this case at all.</p> <p>18 Q. You concealed it at the time it was happening?</p> <p>19 A. If one is doing cocaine, I do not think it is something that</p> <p>20 one should spill out on a restaurant table or amongst other</p> <p>21 people. It is something that one wants to keep in private,</p> <p>22 yes.</p> <p>23 Q. You had your sobriety friends, I think you called them, you</p> <p>24 have said Mr. Dunitz was one of them, Elton John was another</p> <p>25 one; is that correct?</p>
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<p>1 DEPP - WASS</p> <p>2 of humour was a running joke between Ms. Heard, myself,</p> <p>3 Mrs. Henriquez, her family, friends. Because they are so</p> <p>4 ludicrously tiny, so I would not say that I was the inventor</p> <p>5 of that particular joke, and also I was not the only one who</p> <p>6 was -- I mean, I was not the only one who brought anything</p> <p>7 like that up. It was normal.</p> <p>8 Q. Whilst you were behaving in this extremely bad way, as I have</p> <p>9 set out.</p> <p>10 A. Yes.</p> <p>11 Q. Nathan Holmes did nothing and Starling Jenkins did nothing.</p> <p>12 A. Well, there was nothing for them to do, because there was</p> <p>13 nothing like that happening.</p> <p>14 Q. Do you remember Ellen Barkin's deposition yesterday, in which</p> <p>15 she described throwing the bottle across the room towards her?</p> <p>16 A. I do remember that testimony.</p> <p>17 Q. And she said the assistant did nothing. I read it out to you</p> <p>18 yesterday.</p> <p>19 A. Yes, okay. I -- the assistant did nothing.</p> <p>20 Q. You surround yourself with people who never try to control you</p> <p>21 or tell you what to do, they just tolerate your bad behaviour</p> <p>22 and their function is to clear up after you. What do you say</p> <p>23 about that?</p> <p>24 A. I disagree, and deny that. Because I -- in my opinion, that</p> <p>25 would be a very sad way to live one's life, a very sad way to</p>	<p>1 DEPP - WASS</p> <p>2 A. That is correct.</p> <p>3 Q. We saw the e-mail to Elton John, that you had had 100 days</p> <p>4 clean, and there was contact between you and Mr. Dunitz, was</p> <p>5 there not, about your sobriety and how it was going?</p> <p>6 A. There had been, I am not sure if it continued here.</p> <p>7 Q. Go to page 7 at the front of tab 6.</p> <p>8 MR. JUSTICE NICOL: Sorry?</p> <p>9 MS. WASS: The text schedule.</p> <p>10 MR. JUSTICE NICOL: Are we now in file 6?</p> <p>11 MS. WASS: File 6.</p> <p>12 THE WITNESS: That was page 7, yes?</p> <p>13 MS. WASS: Page 7 at the bottom.</p> <p>14 A. Yes.</p> <p>15 Q. Can you see in the middle of that page there is a slightly</p> <p>16 longer text than the others, it is dated 13th April 2013?</p> <p>17 A. I might be somewhere very far away. It says "Depositions and</p> <p>18 declarations".</p> <p>19 MR. JUSTICE NICOL: No, we are looking at ----</p> <p>20 MS. WASS: Tab 6.</p> <p>21 MR. JUSTICE NICOL: Volume 6, tab 119.</p> <p>22 THE WITNESS: Oh, tab 119. Sorry.</p> <p>23 MR. JUSTICE NICOL: That is all right.</p> <p>24 THE WITNESS: Page 7 is what I was looking for. Thank you. Yes.</p> <p>25 MS. WASS: Can you see in the middle of that page, just get your</p>

[12] (Pages 213 to 216)

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<p>1 DEPP - WASS</p> <p>2 bearings.</p> <p>3 MR. JUSTICE NICOL: Are you on page 6, F697.7?</p> <p>4 THE WITNESS: Yes, your Lordship. Thank you.</p> <p>5 MS. WASS: There is a text from Mr. Dunitto to you, dated</p> <p>6 13th April 2013.</p> <p>7 A. Yes.</p> <p>8 Q. So, within a week or two of these two incidents, where we saw</p> <p>9 the cocaine lined up, and in the second photograph the quite</p> <p>10 considerable amount of whisky on the kitchen table; agreed?</p> <p>11 A. On the table, yes. There was whisky and cocaine.</p> <p>12 Q. This text took place a couple of weeks after the whisky on the</p> <p>13 table photographs we have looked at?</p> <p>14 A. Okay.</p> <p>15 Q. Mr. Dunitto says: "Morning, Johnny, back home in the smoke.</p> <p>16 Funeral went well, and unusual not a fight in sight. Hope</p> <p>17 you're feeling better on day 487, that's a lot of days sober</p> <p>18 or even 15 months." I mean, this chap, Charlie Dunitto,</p> <p>19 thought you had been sticking to the plan of sobriety, did he</p> <p>20 not?</p> <p>21 A. It appears so, yes.</p> <p>22 Q. You did nothing to set the record straight and confess to what</p> <p>23 you had been doing?</p> <p>24 A. We do not see any of my responses to Mr. Dunitto here.</p> <p>25 Q. Do you suggest that you said to him, "Charlie, I have to come</p>	<p>1 DEPP - WASS</p> <p>2 Q. "May require stitches."</p> <p>3 A. Yes.</p> <p>4 Q. "I will poop on your chest."</p> <p>5 A. Yes.</p> <p>6 Q. Which I am taking is a joke, the last line of those texts; is</p> <p>7 that correct?</p> <p>8 A. It is a joke.</p> <p>9 Q. You had a fairly lavatorial sense of humour; is that fair?</p> <p>10 A. Sophomoric, childish.</p> <p>11 Q. I want to establish this was a joke and you have made that</p> <p>12 plain.</p> <p>13 A. I had no plans of doing that, no.</p> <p>14 Q. What was not a joke, I presume, was the fact that you wanted</p> <p>15 some butterfly bandages for your injured hand?</p> <p>16 A. That does not seem like a joke.</p> <p>17 Q. That does not sound very funny. So, it would appear, would it</p> <p>18 not, that when this text was sent, it appears to be in the</p> <p>19 morning, because you have said you had cut your hand last</p> <p>20 night and it was quite a serious cut, do you agree, if it</p> <p>21 required stitches or may require stitches?</p> <p>22 A. Yes. I am looking at that and I see, yes, it seems to have</p> <p>23 happened. I am just trying to remember what the cut was,</p> <p>24 this.</p> <p>25 Q. If you cannot remember, do you think it is one of these</p>
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<p>1 DEPP - WASS</p> <p>2 clean, I have been snorting humongous amounts of cocaine in</p> <p>3 the last month and drinking whisky"; are you suggesting you</p> <p>4 sent a text like that?</p> <p>5 A. I suggesting and I am pretty sure, especially having been in</p> <p>6 touch with Elton, and Charlie, that I would have told Elton</p> <p>7 that I failed and that I had gone back, and I would have told</p> <p>8 Mr. Dunitto at some point.</p> <p>9 Q. You can help us with the evidence of that, if you can find it;</p> <p>10 is that what you are saying?</p> <p>11 A. I can certainly try and find that, but I believe it was more</p> <p>12 than likely in person -- with Elton, I mean.</p> <p>13 Q. No documentary proof then?</p> <p>14 A. Excuse me?</p> <p>15 Q. No documentary proof?</p> <p>16 A. I will check. I will try and find it.</p> <p>17 Q. All right. That would be very helpful.</p> <p>18 A. Absolutely.</p> <p>19 Q. Can you go to the next text down, which is actually a month</p> <p>20 later, which would be in May. You send a couple of texts to</p> <p>21 Mr. Deuters, your personal assistant.</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. "Might need some hydrogen peroxide and some butterfly</p> <p>24 bandages, cut my hand last night."</p> <p>25 A. Yes.</p>	<p>1 DEPP - WASS</p> <p>2 occasions when you were in drink or drugs and only realised</p> <p>3 the extent of your injury the following morning? Because you</p> <p>4 do not appear to have realised the seriousness of the injury</p> <p>5 the previous night, do you, if you only asked for bandages the</p> <p>6 following morning.</p> <p>7 A. Well, if I had cut my hand I am sure I wrapped it in something</p> <p>8 and then would deal with it the next day.</p> <p>9 Q. Do you remember this incident at all?</p> <p>10 A. I do not remember it, no.</p> <p>11 Q. All right. I will move on. You have made it plain that</p> <p>12 Ms. Heard was not supporting your sobriety, and I have</p> <p>13 suggested that is not true. You had a friend called Paul</p> <p>14 Bettany.</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And Paul Bettany and you both shared an enjoyment of</p> <p>17 controlled drugs and/or alcohol; do you agree?</p> <p>18 A. At times, yes, we did.</p> <p>19 Q. Did you share with Paul Bettany the fact that Ms. Heard was</p> <p>20 trying to wean you off drug taking?</p> <p>21 A. Yes.</p> <p>22 MR. JUSTICE NICOL: Just a minute. The question was, did you</p> <p>23 share with Mr. Bettany?</p> <p>24 MS. WASS: The fact that Ms. Heard, Amber Heard, was trying to</p> <p>25 wean Mr. Depp off drink and drugs. Mr. Depp agreed.</p>

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1 DEPP - WASS
 2 (To the witness) You did say that, that sort of thing,
 3 I am not asking for verbatim.
 4 THE WITNESS: She was quite adamant that I not drink any more and
 5 she was quite adamant that I should stop any use of cocaine or
 6 recreational drugs, yes.
 7 Q. Thank you for that. But how does that last statement that she
 8 was adamant you should not drink alcohol or take drugs,
 9 recreational drugs, how does that square with your suggestion
 10 that she did not support your sobriety, which is in your
 11 statement?
 12 A. Well ----
 13 Q. Let me remind you what you said: "I was in recovery from drug
 14 addiction during significant parts of my marriage to Amber.
 15 Instead of supporting my sobriety, she often encouraged me to
 16 drink alcohol and take drugs, even though she knew my
 17 relationship with alcohol and drugs was a difficult one for
 18 me. She never supported me in my attempt to be strong and to
 19 avoid alcohol." When I read that to you earlier you said you
 20 stuck by that, she never supported you. Now you are saying to
 21 Mr. Bettany that she was telling you to stop the drink and the
 22 drugs.
 23 A. I would say, yes, the full support of someone who is believed
 24 to be an alcoholic or someone who is believed to be addicted
 25 to drugs, I would say would then themselves stop drinking in

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1 DEPP - WASS
 2 front of that person and stop doing drugs around that person.
 3 I would say that that is full support. That is support of
 4 someone that you love and that you care about. If you ask
 5 them to make the sacrifice, you should be willing to make the
 6 sacrifice yourself, I believe.
 7 Q. All right. Just for the avoidance of doubt, Ms. Heard would
 8 drink two or three glasses of wine quite regularly in the
 9 evening, would she not, even when you were trying to be sober?
 10 A. I beg your pardon, but it was two or three bottles.
 11 Q. That is a complete nonsense, Mr. Depp.
 12 A. If that is how you feel about it, I respect ----
 13 MR. JUSTICE NICOL: Mr. Depp, I have said this to you before, but
 14 it is Ms. Wass's job to put her client's case.
 15 THE WITNESS: Yes, I am not disagreeing with that.
 16 MR. JUSTICE NICOL: Her client's case is that she took only two or
 17 three glasses. But I am interested in your evidence, and if
 18 your evidence is that she had two or three bottles, not just
 19 glasses, then that is it what I will make a note of.
 20 THE WITNESS: That is exactly what I said, your Honour. And she
 21 said that she did not believe me -- or it is nonsense.
 22 MS. WASS: I did not say I do not believe you.
 23 THE WITNESS: Or it is nonsense, or something.
 24 MR. JUSTICE NICOL: What Ms. Wass believes or does not believe is
 25 completely beside the point. What I am interested in is your

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1 DEPP - WASS
 2 evidence and I have understood what you have to say.
 3 THE WITNESS: Yes. Thank you. Sorry, my Lord.
 4 MS. WASS: Can you go to page 8. My Lord, if I can finish this
 5 passage.
 6 MR. JUSTICE NICOL: Yes, of course.
 7 MS. WASS: It would be a good time for a break.
 8 MR. JUSTICE NICOL: Yes.
 9 MS. WASS: Page 8, Mr. Depp.
 10 MR. JUSTICE NICOL: We are still in the text schedule.
 11 MS. WASS: Yes. This is the text sent on 4th June 2013. From
 12 Mr. Bettany to you, and I will read it out: "I've just
 13 thought of a way for us to make a lot of money. I know you
 14 already have a lot of money, but I mean a lot of money and
 15 with very little effort. First of all, we buy Amber a pet
 16 beaver and then we take pictures of you shaving said beaver,
 17 all that is left to do is create a website with the domain
 18 name, Johnny Depp shaves Amber Heard's beaver, and then we
 19 sell advertising space like fucking crazy. Clearly there are
 20 many spin-offs, you could poke/punch." Do you remember that
 21 e-mail -- sorry, that text?
 22 A. No, I do not remember this one in particular.
 23 Q. Do you think that is a respectful way of somebody, here your
 24 friend Paul Bettany, talking about your girlfriend?
 25 A. It is not the most respectful way to speak about Ms. Heard.

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1 DEPP - WASS
 2 They had their differences and they were, did not like each
 3 other very much.
 4 Q. Let us go down. You send a text to Mr. Bettany on 11th June:
 5 "Let's burn Amber." Do you remember sending that?
 6 A. I do not remember sending it, but I remember the exchange.
 7 I have read it, yes.
 8 Q. Let us just carry on with the exchange, then.
 9 A. Yes, please.
 10 Q. On the 6th -- sorry, 11th June. Mr. Bettany then says:
 11 "Having thought it through, I don't think we should burn
 12 Amber, she is delightful company and easy on the eye, plus I'm
 13 not sure she's a witch. We could of course try the English
 14 course of action in these predicaments, we do a drowning test.
 15 Thoughts? NB, I have a pool." You then say: "Let's drown
 16 her before we burn her. I will fuck her burnt corpse
 17 afterwards to make sure she's dead." And Mr. Bettany says:
 18 "My thoughts entirely, let's be certain before we pronounce
 19 her a witch."
 20 Now, this reference to her being a witch was, I suggest,
 21 a reference to the fact that she was trying to stop you
 22 drinking and taking drugs and that you resented her for doing
 23 that and were joking with Mr. Bettany about her being a -- the
 24 moral police, that sort of thing?
 25 A. Again, her -- I will just answer the question. Sorry, what is

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1 DEPP - WASS
 2 the question exactly?
 3 Q. I suggest these references to Amber being a witch, which came
 4 from Mr. Bettany.
 5 A. Yes.
 6 Q. And certainly you joined in.
 7 A. Yes.
 8 Q. Were references to the fact that she was trying to spoil your
 9 fun, as you saw it, by being able to take drugs and drink as
 10 much as you chose to. Do you agree with that or disagree?
 11 A. I had spoken to Mr. Bettany quite a lot, as we were working
 12 together, and he was a very close friend, so he knew of our
 13 arguments and fighting, and he knew details. I was resentful
 14 of the fact that Ms. Heard was very aggressive and quite
 15 insulting about my use of alcohol, or if cocaine came into the
 16 picture, she did not like Mr. Bettany, and I am afraid she did
 17 not really like me all that much either, and she was
 18 constantly harping on things that did not even exist.
 19 Q. She did not like you when you were high on drugs and drunk on
 20 alcohol, did she?
 21 A. She did not like that she -- she did not like me using alcohol
 22 or drugs, because she had some delusional idea that they
 23 turned me into, as you have spoken about, this said monster.
 24 Q. All right. I think that is very helpful. Thank you for that.
 25 A. You are welcome.

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1 DEPP - WASS
 2 Q. Just before we leave 11th June, can you go to file 8, tab 64.
 3 MR. JUSTICE NICOL: There are subdivisions in 64, there is 64 and
 4 64A
 5 MS. WASS: It is the one behind 64, which is e-mail from Amber H.
 6 MR. JUSTICE NICOL: Yes. Have you got that page? Just wait till
 7 Mr. Depp gets to the page.
 8 THE WITNESS: I have it, page 12.
 9 MR. JUSTICE NICOL: I think it is actually 12, it may be difficult
 10 to tell.
 11 THE WITNESS: Thank you.
 12 MS. WASS: I think we are all looking at the same document. Just
 13 to remind ourselves, your text about burning Amber and fucking
 14 her burnt corpse were on 11th June, when you were exchanging
 15 these sentiments with Mr. Bettany. On the same day, to the
 16 time very near, it would appear, Ms. Heard wrote this e-mail
 17 to herself, but it is dated, you see, on 11th June.
 18 A. Yes, I see, thank you.
 19 Q. "I just don't know if I can do this any more. It's like
 20 Dr. Jekyll and Mr. Hyde. Half of you I love madly" -- it is a
 21 letter to you, but not sent to you; you understand that?
 22 A. Thank you.
 23 Q. "It's like Dr. Jekyll and Mr. Hyde. Half of you I love madly,
 24 the other half scares me. I can't take him, I wish I could
 25 but I can't. The problem is I never really know or understand

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1 DEPP - WASS
 2 which one I am dealing with until it's too late. The drinking
 3 assures me that I'm dealing with the monster, the abused,
 4 scared, insecure, violent little boy. I just can't tell where
 5 the line starts. Also, drugs seem to guarantee I will be
 6 forced to deal with the monster as well once again. It's
 7 knowing what, how much and when which makes all the
 8 difference. Sometimes the hangover the morning after is just
 9 as bad as the full-on disco bloodbath I've come to expect.
 10 You live in a world full of enablers, you cut out and resent,
 11 whether you realise it or not, everyone who isn't an enabler.
 12 I can make a clear distinction as to who falls into which
 13 category with complete ease. Just how often you see them and
 14 what role they play in your day-to-day life distinguishes
 15 where they fall on the enabling scale. I watched yesterday as
 16 everyone around you picked you up off the floor, held you up
 17 and got on with your life, prevented you from really falling.
 18 With so much help of course you can't know how much this hurts
 19 you and your life, because you pay people around you to
 20 prevent your feet from having to hit the rock bottom, as they
 21 say. Yesterday I saw you pass out amongst vomiting three
 22 times, all three times Jerry" -- that is a reference to
 23 Jerry Judge, your security?
 24 A. Yes, ma'am.
 25 Q. "Jerry had carried you from the floor on the plane. Nathan

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1 DEPP - WASS
 2 mentioned how many times he has had to break into locked doors
 3 to wake you up after passing out on the toilet. You would
 4 have embarrassed yourself countless times if someone would be
 5 honest enough to tell you, to show you. If someone filmed you
 6 while you were in this state you would be mortified. If is
 7 embarrassing just to watch it happen. You can't know because
 8 people, friends, keep smiling at your face and then turning
 9 their heads and rolling their eyes at how ridiculous they feel
 10 and look picking up a grown man from his own piss and vomit,
 11 knowing he'll never be able to realise how bad he is. Hung
 12 over, post pills is not much better. You're mean and
 13 insensitive. I have no reason I have to stay with you and I
 14 won't. You don't pay. I don't have to lie to you for my job,
 15 livelihood or kids. I will never want to be locked into you.
 16 My freedom is now, I realise, the only thing I have to protect
 17 me. I will never ever trust you to trap me. I myself watched
 18 you pass our cold on the floor after drinking yourself sick.
 19 One of these times you cut yourself so badly you needed
 20 stitches." Do you accept, Mr. Depp, that ties in with the
 21 text where you are asking for stitches?
 22 MR. SHERBORNE: My Lord, with respect, Ms. Wass is reading out an
 23 e-mail that was never sent, and she is using it no doubt as a
 24 vehicle to try and put things to Mr. Depp. We all know what
 25 Ms. Wass is trying to do and, with respect, she should ask a

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1 DEPP - WASS
 2 question of this actual document, as opposed to trying to put
 3 references to somehow get this into evidence.
 4 MS. WASS: All right. Let me go further down the document, then,
 5 Mr. Depp, then I will ask a question. Can you see three lines
 6 from the bottom, of that page, we have a sentence that says:
 7 "And you get the convenient benefit of never having to
 8 remember it. That's nice for you, so you get away with so
 9 many lies that you tell yourself, you actually trick yourself
 10 into thinking the craziest lies when you are fucked up.
 11 Because you are so accustomed to people not calling you out on
 12 your bullshit, they work for you, hello. You actually believe
 13 your shit. Need a reference about how you actually thought I
 14 hit you first or that I was hiding drugs, the list goes on,
 15 admit some of your own shit first."
 16 MR. SHERBORNE: My Lord, all Ms. Wass is doing is literally
 17 reading the entire document. She said she was going to ask a
 18 question. We are still waiting for that question.
 19 MR. JUSTICE NICOL: Ms. Wass, I think you need to ask a question.
 20 MS. WASS: I will ask the question now and then I will ask
 21 something else. (To the witness) Your answer to Ms. Heard's
 22 allegations that you were a serial domestic abuser is that
 23 this is a hoax and she is playing a hoax to somehow get
 24 attention or to associate herself with the #MeToo movement.
 25 That is your answer to these allegations she makes, is it not?

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1 DEPP - WASS
 2 You never hit her, she hit you, and she is developing this
 3 hoax.
 4 THE WITNESS: "Hoax" is probably the best word one could use.
 5 Because the allegations, all of the allegations, are patently
 6 untrue.
 7 Q. You see, in this e-mail, which, as I said, is dated, she
 8 accuses you of having hurt her physically and emotionally.
 9 A. Is this the e-mail she never sent?
 10 Q. This is the e-mail she never sent. We know she wrote this,
 11 you see.
 12 A. I wish she had sent it.
 13 MR. JUSTICE NICOL: Mr. Depp, wait now for the next question,
 14 please.
 15 THE WITNESS: Yes, sir.
 16 MS. WASS: Can you think of any reason why Ms. Heard would have
 17 written a letter like this, which she did not send to you,
 18 describing somebody who was regularly out of control to the
 19 extent that they would pass out, vomited and soiled
 20 themselves, somebody who would be protected by their staff,
 21 somebody who had no recollection of what they had done once
 22 they had sobered up? How does that document, can you think of
 23 any reason why that would be sent in 2013 before you had even
 24 asked Ms. Heard to marry you?
 25 A. From hearing you read this text to me that was not sent to me.

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1 DEPP - WASS
 2 Q. E-mail.
 3 A. E-mail, excuse me -- and from some of the information that
 4 I have garnered from this, my experience yesterday and having
 5 studied the case, I will suggest, ma'am, that it appears to me
 6 that Ms. Heard was building a dossier very early on that
 7 appears to be an insurance policy for later.
 8 Q. So, can I just understand this. Her hoax, as you have
 9 described it.
 10 A. You described it as a hoax, and I agree.
 11 Q. I think it is in one of your documents, but I will find that
 12 after the break.
 13 A. Thank you very much.
 14 Q. The hoax was not just a question of her making a false
 15 allegation in a domestic violence restraining order, this is
 16 something she had plotted for three years.
 17 A. Four -- oh, no, three, you are correct.
 18 Q. Three years. And that is your explanation for the e-mail
 19 I have just read to you?
 20 A. By the evidence that I have seen ----
 21 Q. Okay.
 22 A. ---- and experienced.
 23 Q. Thank you very much.
 24 A. Thank you.
 25 MS. WASS: My Lord, that would be a convenient time.

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1 DEPP - WASS
 2 MR. JUSTICE NICOL: Yes. Mr. Depp, we are going to take a break
 3 now, to enable you to stretch your legs.
 4 THE WITNESS: Thank you, sir.
 5 MR. JUSTICE NICOL: We will resume in ten minutes' time. You must
 6 not talk to anybody about your evidence. The qualification
 7 I added last night has now come to an end. It is now an
 8 prohibition on talking to anybody about your evidence. Do you
 9 understand that?
 10 THE WITNESS: I absolutely understand. Thank you, your Lordship.
 11 MR. JUSTICE NICOL: We will take ten minutes.
 12 (A short break)
 13
 14 MR. JUSTICE NICOL: Yes, Ms. Wass?
 15 MS. WASS: Mr. Depp, before we broke off, do you remember you said
 16 "hoax" was my word and I said I would look up where I had seen
 17 it in your documents. I have found a reference, if I helps.
 18 I can either show it to you in the document, if you are happy
 19 for me to read it from your statement, and Mr. Sherborne will
 20 interrupt if I have misquoted anything that you have said. At
 21 paragraph 19 of your second witness statement, you say this:
 22 "The sad irony of her abuse hoaxes" -- you were referring to
 23 Mr. Heard -- "is that they mirror what she actually subjected
 24 to me during the course of our relationship." It is your
 25 description, not mine, that Ms. Heard had played an elaborate

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1 DEPP - WASS
 2 hoax on you.
 3 A. Pardon me.
 4 Q. Do you accept that?
 5 A. Yes, I do. I am sorry.
 6 Q. You have made it plain from what you said before we broke for
 7 our ten-minute break, slightly extended, that she must have
 8 been planning, now you have looked at all the material, you
 9 know she was planning that hoax for at least three years?
 10 A. Yes.
 11 Q. Okay. I am going to move on to another subject. Your
 12 birthday is on 9th June, and in 2013 a group of you went to a
 13 place called Hicksville, Hicksville trailer park in
 14 California.
 15 A. Yes.
 16 Q. You remember that occasion?
 17 A. I do remember the occasion, I do not recall it was my
 18 birthday.
 19 Q. It may well not have been your birthday and it may be that the
 20 date is difficult to ascertain, we are happy for any
 21 information about this. But you agree that around the time of
 22 your birthday, which is on June 9th, so before or after, late
 23 May or in June itself, a group of you went to the Hicksville
 24 trailer park?
 25 A. Yes, ma'am.

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1 DEPP - WASS
 2 Q. The people who went were yourself, Ms. Heard, Ms. Heard's
 3 sister, Whitney, her friend Kirstie Sexton, do you member her?
 4 A. Yes.
 5 Q. And her friend Raquel Pennington, who is known as Rocky?
 6 A. Yes.
 7 Q. You were all staying in the trailer park?
 8 A. Yes.
 9 Q. A group of you had taken over a number of these trailers?
 10 A. Yes, I believe they were all reserved.
 11 Q. They were all reserved for your party, and you and Amber had
 12 the main trailer, the master suite, as it were, the main
 13 trailer?
 14 A. Yes, sure.
 15 Q. And you at that time got on well with Kirstie Sexton?
 16 A. Yes.
 17 Q. You would chat to her quite freely, joke with her?
 18 A. Yes.
 19 Q. Do you remember an occasion when you were in your apartment
 20 and Kirstie Sexton was there and, there were doctors there,
 21 because you needed to take a drugs test for insurance
 22 purposes; do you remember an occasion like that?
 23 A. Yes, taking drugs tests for films, when you are what they call
 24 an essential element of the film, for insurance purposes they
 25 test you for everything.

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1 DEPP - WASS
 2 Q. Everything. All right. You told Kirsty Sexton not to worry,
 3 because those tests were easy to fake?
 4 A. Those tests are not easy to fake. I do not recall saying
 5 that.
 6 Q. Have you ever faked a drugs test ----
 7 MR. JUSTICE NICOL: Just a minute, please.
 8 MS. WASS: I withdraw that last question. I will move on to
 9 Hicksville. You say that never happened?
 10 A. What never happened? I am sorry.
 11 Q. The interchange about you saying how easy it was to fake a
 12 drugs test?
 13 A. I have never faked a drugs test, no.
 14 MR. JUSTICE NICOL: I understand that is part of your answer.
 15 Have you any recollection of saying to Kirsty Sexton that you
 16 had faked a drugs test?
 17 A. No, your Lordship.
 18 MR. JUSTICE NICOL: Thank you.
 19 MS. WASS: Now, do you agree that the visit to Hicksville was
 20 around the time, and by around I mean within a month or so, of
 21 the texting that we saw with Paul Bettany when you were going
 22 to burn Amber?
 23 A. I could not be sure of that.
 24 Q. Right, because that, we know, was about 4th or 11th June and
 25 within a few weeks either side. You cannot be sure of the

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1 DEPP - WASS
 2 date at all? I do not want to press you if you cannot.
 3 A. I have just do not recall the date we were at Hicksville.
 4 Q. I understand. Do you accept that was a period when you were
 5 both drinking and taking controlled drugs, in particular
 6 cocaine, or MDMA and/or mushrooms?
 7 A. On the trip to Hicksville, there was, of course there was
 8 alcohol. In general, everybody had their drug of choice so
 9 there were some people doing MDMA, mushrooms. I was drinking
 10 myself and I was smoking marijuana. I ingested three,
 11 probably three little, as they call them, stems of the
 12 mushrooms, but to no effect.
 13 Q. I think you had a quantity of white powder with you?
 14 A. I was not using cocaine at Hicksville.
 15 Q. What about MDMA?
 16 A. I did not do any MDMA at Hicksville because it would have been
 17 a waste of time. It does not do much to me.
 18 Q. Well, you brought drugs to the party, to the Hicksville party,
 19 did you not?
 20 A. I brought marijuana and -- well, I brought marijuana.
 21 Q. Again, we are going to have to agree to disagree. I suggest
 22 you brought a quantity of white powder. Whether that was
 23 cocaine or not, that was something that you had. Do you
 24 remember in the evening, the group of you were sitting around
 25 and I think you were playing the guitar at some stage around

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1 DEPP - WASS
 2 the fire?
 3 A. Yes.
 4 Q. Yes, and the drugs that were taken on that occasion, they were
 5 recreational. Do you agree with what I am saying? It was a
 6 sociable event?
 7 A. Yes.
 8 Q. It is not uncommon, in the circles that you move in, that
 9 people take recreational drugs, particularly in a party
 10 setting?
 11 A. It is not uncommon, no.
 12 Q. And that was the level of drug-taking there apart from your
 13 drug-taking, Mr. Depp, because you took considerably more
 14 drugs than anyone else that night?
 15 MR. JUSTICE NICOL: Well, Ms. Wass, if that is a question, then
 16 Mr. Depp needs the opportunity to answer it.
 17 MS. WASS: Yes, you took considerably more drugs than anyone else
 18 that night, did you not?
 19 A. No, ma'am.
 20 Q. You started to get angry, the monster joined the party, and
 21 you took exception to a woman who was in your group called
 22 Kelly Sue. Do you remember Kelly Sue?
 23 A. I did not know her name at the time, but now, of course ----
 24 Q. You know who I am talking about?
 25 A. Indeed I do.

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1 DEPP - WASS
 2 Q. Kelly Sue was sitting very close to Ms. Heard and was being
 3 rather affectionate?
 4 A. Rather affectionate.
 5 Q. You took exception to this?
 6 A. Yes, I did. She was putting her hands on Amber and I thought
 7 it was an uncomfortable position to put her in.
 8 Q. To put Amber in, to put Ms. Heard in?
 9 A. To put Ms. Heard in, yes.
 10 Q. Ms. Heard was not saying -- I mean, Ms. Heard is quite a
 11 feisty woman, as you have said more than once in your
 12 descriptions of her. She is more than capable of saying to
 13 somebody, "Get off of me" if they touch her and she does not
 14 want them to. Why did you have to take exception to Kelly
 15 Sue?
 16 A. I suppose Ms. Heard did not have to.
 17 Q. So you were being the Southern gentleman again, were you, that
 18 night?
 19 A. If you like.
 20 Q. Because you actually became extremely angry with Kelly Sue,
 21 and became quite unpleasant, shouting at her, and eventually
 22 saying to her, "Do you know how much pressure it would take to
 23 break your wrist?"
 24 A. It never happened.
 25 Q. How did you deal with this situation? What did you say to

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1 DEPP - WASS
 2 Miss Kelly Sue?
 3 A. As I recall the incident, it was not around the campfire where
 4 I was playing the guitar. It was at nightfall when we were
 5 looking around the place and there was a pool table and there
 6 was a pool and you could climb the ladder to get to it. As
 7 the girls were congregating, this Kelly Sue began to touch
 8 Ms. Heard in ways that were beyond what one would accept as
 9 normal affection. They were quite sexual and they were quite
 10 aggressive and she was clearly very high.
 11 Q. And your impression was that Ms. Heard did nothing to prevent
 12 this show of an affection from Kelly Sue; is that right?
 13 A. I remember that she just sort of was looking at her, smiling.
 14 I believe Miss Kelly Sue was a friend of Raquel Pennington's.
 15 Q. It perhaps does not matter who she was a friend of?
 16 A. I think it does just in terms of maybe she did not want to be
 17 rude to Raquel's friend.
 18 Q. I see, so it was not a question of Ms. Heard going along with
 19 this show of affection; it was a question of her not feeling
 20 able to rebuff it?
 21 A. I thought it was an uncomfortable situation for her.
 22 Q. And how did you deal with that uncomfortable situation?
 23 A. I removed Miss Kelly Sue's hand from Ms. Heard's body and
 24 I told her not to do that, that first of all, that is my girl;
 25 second of all, it is rude and invasive. She was quite

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1 DEPP - WASS
 2 glassy-eyed and she seemed pretty unsure of her surroundings.
 3 She seemed very unstable on her feet and I remember saying to
 4 her, "If you are going to take this drug, MDMA, you should
 5 know if you are able to handle it or not."
 6 Q. Right?
 7 A. "Do not take it if you cannot handle it."
 8 Q. You see, I am going to suggest that you were quite angry by
 9 Kelly Sue. It was not a polite removal of the hand. You were
 10 quite forceful and you made the threat that I have already
 11 suggested to you, which you have denied. But not only that,
 12 you were actually quite angry with Ms. Heard about this.
 13 A. No, ma'am.
 14 Q. And you had a big argument with Ms. Heard when you got back to
 15 your trailer?
 16 A. We did have a big argument when we arrived back at the
 17 trailer, yes.
 18 Q. The argument was really fuelled by two things: one was the
 19 fact that you had consumed a lot of alcohol and drugs that
 20 night, and you had become very aggressive, as we have seen in
 21 that video that you are prone to become; and secondly, that
 22 you were very jealous and, again, you have accepted that you
 23 have on occasions been jealous. That is why the argument
 24 started. The argument started about Kelly Sue.
 25 A. In a way, it did, yes, you are correct. The argument did

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1 DEPP - WASS
 2 start because of the incident with this Miss Kelly Sue
 3 because when we arrived back to our trailer, Ms. Heard began
 4 to yell and scream at me that I had ruined everyone's weekend
 5 and that, you know, once again I was the bummer, and you know,
 6 I had ruined everyone's good time. So I was demeaned for
 7 being concerned.
 8 Q. Ruined the good time because of the Kelly Sue exchange?
 9 A. Yes. I think when people are under the influence of MDMA and
 10 mushrooms and alcohol at that level, you can get quite hyped
 11 up, because in the MDMA, there is a lot of speed in the MDMA.
 12 So, she was on a very good run, let us say, Ms. Heard. She
 13 was quite pumped up.
 14 Q. I suggest that Ms. Heard took mushrooms that night -- not
 15 MDMA, but mushrooms. It is quite a different effect, is it
 16 not?
 17 A. Well, mushrooms is a different effect. Mushrooms are
 18 hallucinatory.
 19 Q. Hallucinogenic?
 20 A. It is a hallucinatory drug, psilocybin, so if she is on a
 21 hallucinatory drug and I am not on a hallucinatory drug to the
 22 degree that she is, then her recollection could be maybe a
 23 little skewed.
 24 Q. Well, you were on MDMA mixed ----
 25 A. I was not.

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1 DEPP - WASS
 2 Q. ---- with speed?
 3 A. I was not.
 4 Q. And I suggest you were very hyped up, very, very hyped up
 5 indeed?
 6 A. I was not on MDMA. As I did not have MDMA, I believe that was
 7 left up to Ms. Heard's friends to bring that along. Again, if
 8 they had MDMA, which they did, I would say there was not
 9 enough to go around, let us say, so I did not do it because
 10 I found it a waste, as it does not affect me in the same way
 11 that it does others, as mushrooms do not affect me in the same
 12 way as it does others. I am not saying I am unique, the only
 13 person in the world, but ----
 14 Q. That trailer that you stayed in with Ms. Heard got smashed up,
 15 did it not?
 16 A. A bathroom sconce got smashed up. I did get very -- I was
 17 very upset at being yet again treated as the, pardon the
 18 expression, the turd in the punch bowl, and that was quite
 19 unpleasant. I did not feel that I deserved to be screamed at,
 20 demeaned, and treated like garbage for having done something
 21 that I felt was right and correct. So, during the height of
 22 the argument, I punched the glass art deco light fixture in
 23 the bathroom, above the bathroom mirror, and smashed it.
 24 Q. The trailer was very, very badly damaged the next day. There
 25 was a wall lamp, a sconce as you call it, hanging off the

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1 DEPP - WASS
 2 wall, but there was mess everywhere, absolutely everywhere.
 3 You had trashed the trailer?
 4 A. I am going to have to say, no, I did not.
 5 Q. You just limited your anger to tearing off the wall lamp; is
 6 that right?
 7 A. No, I did not tear off the wall lamp, Ms. Wass. I punched the
 8 lighting fixture, the glass around the bulb.
 9 Q. All right. Do you remember Kirsty Sexton coming into the
 10 trailer the next morning?
 11 A. I do not remember Kirsty Sexton coming into the trailer the
 12 next morning. I remember going to the manager of Hicksville.
 13 Q. Yes, with your security?
 14 A. I am sorry?
 15 Q. With your security team?
 16 A. No.
 17 Q. Were your security team there?
 18 A. Yes, I had security there, but they ----
 19 Q. Sorry, you carry on. You were about to tell us you went to
 20 the manager?
 21 A. Yes, all by myself. I did not feel threatened so I did not
 22 need a security team to go talk to the manager. I found the
 23 manager and I said, "I am sorry, but I broke a lighting
 24 fixture in the trailer and I will pay for any damage there is.
 25 I am terribly sorry." The manager came over to the trailer,

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1 DEPP - WASS
 2 he came in, he had a look at the fixture, and he said, "No
 3 problem". He left for about ten minutes, he came back with
 4 another fixture, and he screwed it on above the light bulb.
 5 Q. You see, that is not what happened at all. In fact, your
 6 security team negotiated, or had to negotiate, with the owners
 7 about sorting out the much more extensive damage that you had
 8 done, and they were offering money to them. The owners became
 9 very upset because do you remember a wedding party was due to
 10 arrive within a couple of hours?
 11 A. I do have a vague memory, yes, that we had to get out of
 12 there, yes.
 13 Q. The owners were saying, "You cannot just pay for it; we have
 14 people coming in two hours."
 15 A. They never expressed that to me. As I said, I spoke with the
 16 manager, brought him to the trailer, showed him the damage,
 17 and then he went to his office and returned with the
 18 replacement bulb.
 19 Q. You have told us that and I understand your account on that.
 20 A. Okay, I will not say it again then.
 21 Q. There is no need to say it again unless there is anything new
 22 that you need to add. That trailer was trashed by you because
 23 of the physical fight that you had with Ms. Heard in the
 24 trailer on the night before, the night that you had made the
 25 objections about Kelly Sue. That is what I suggest happened?

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<p>1 DEPP - WASS</p> <p>2 A. The trailer was not trashed.</p> <p>3 MS. WASS: Your Lordship, there are matters dealt with in the</p> <p>4 confidential part of this case.</p> <p>5 MR. JUSTICE NICOL: I have said that it would be convenient if the</p> <p>6 private part of the hearing could be dealt with as</p> <p>7 conveniently as possible, in other words, in one session.</p> <p>8 MS. WASS: Yes, absolutely.</p> <p>9 MR. JUSTICE NICOL: If that means you taking out of order ----</p> <p>10 MS. WASS: It does, because ----</p> <p>11 MR. JUSTICE NICOL: ---- then I understand that, but I think the</p> <p>12 priority should be to minimise the movement between public and</p> <p>13 open.</p> <p>14 MS. WASS: I agree.</p> <p>15 MR. JUSTICE NICOL: Public and private.</p> <p>16 MS. WASS: I can deal with it all together towards the end of the</p> <p>17 cross-examination.</p> <p>18 MR. JUSTICE NICOL: Thank you.</p> <p>19 MS. WASS: Mr. Depp, you were very angry with Ms. Heard and,</p> <p>20 amongst other things, you physically hit her and pushed her</p> <p>21 around in that trailer that the two of you had rented, and</p> <p>22 during the course of that struggle, things got broken and that</p> <p>23 is how the trailer was trashed. What do you say about that?</p> <p>24 A. I say that is not the case, ma'am.</p> <p>25 Q. Can I move on to another subject. I just want to ask you, do</p>	<p>1 DEPP - WASS</p> <p>2 A. Yes.</p> <p>3 Q. Presumably, you saw a similarity in your relationship, the age</p> <p>4 difference between you, possibly, because in that film,</p> <p>5 Humphrey Bogart was considerably older than Lauren Bacall?</p> <p>6 A. Yes, indeed. She was 19 and he was 45, I believe.</p> <p>7 Q. Yes, as indeed there was a very large age difference between</p> <p>8 you and Ms. Heard?</p> <p>9 A. Yes, enormous.</p> <p>10 Q. In any event, when we see Steve, we know it is you?</p> <p>11 A. Yes, I was Steve and she was ----</p> <p>12 Q. Slim?</p> <p>13 A. Yes.</p> <p>14 Q. Right. Go over to the next page, please. Then at the bottom</p> <p>15 of H23.3, this is, I suggest, a text exchange with her: "Your</p> <p>16 display of guilt and matronliness as a lesbian camp counsellor</p> <p>17 was plenty, but your future is on display." That is you</p> <p>18 sending a message to Slim, to Ms. Heard?</p> <p>19 A. Yes, it is.</p> <p>20 Q. And you describe, or you used the words "lesbian camp</p> <p>21 counsellor"?</p> <p>22 A. Yes, I used the words "lesbian camp counsellor" in the text.</p> <p>23 Q. I just thought you had denied ever using it, that is all?</p> <p>24 A. No, no, I did deny ever referring to her or calling her a</p> <p>25 lesbian camp counsellor. However, I see here you are correct,</p>
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<p>1 DEPP - WASS</p> <p>2 you accept that you have referred to Ms. Heard and her</p> <p>3 disapproval of your drink and drug habit and you have referred</p> <p>4 to her as a "lesbian camp counsellor"?</p> <p>5 A. I have never uttered the words.</p> <p>6 Q. Can we go to file 7, tab 2B.</p> <p>7 MR. JUSTICE NICOL: You say 2B?</p> <p>8 MS. WASS: Yes, and I can see immediately that I have got the</p> <p>9 wrong reference. (Pause) Would my Lord give me a minute?</p> <p>10 MR. JUSTICE NICOL: Sure. (Pause)</p> <p>11 MS. WASS: Have you got it, Mr. Depp?</p> <p>12 A. Is it page H23.2?</p> <p>13 Q. That is exactly right. Now we have got it, the name of the</p> <p>14 person sending the text is recorded here as Steve. That is</p> <p>15 you?</p> <p>16 MR. JUSTICE NICOL: Just a minute (Pause) H23.2?</p> <p>17 MS. WASS: Yes.</p> <p>18 MR. JUSTICE NICOL: Thank you.</p> <p>19 THE WITNESS: Yes, Steve was me.</p> <p>20 MS. WASS: You and Ms. Heard had nicknames for each other, Steve</p> <p>21 and Slim.</p> <p>22 A. Yes.</p> <p>23 Q. From the Howard Hawks film of To Have and Have Not?</p> <p>24 A. Yes.</p> <p>25 Q. With Humphrey Bogart and Lauren Bacall?</p>	<p>1 DEPP - WASS</p> <p>2 I used that in a text, but the words were never uttered.</p> <p>3 Q. Right. It does not actually make any difference whether they</p> <p>4 were uttered or sent in a text.</p> <p>5 A. Obviously, there are many things in a text. I am agreeing</p> <p>6 with you that I made a mistake.</p> <p>7 Q. I am sure you will agree that that is a highly offensive</p> <p>8 reference to her.</p> <p>9 A. Yes, it is.</p> <p>10 Q. And attacking people's sexuality -- disparaging descriptions</p> <p>11 of people's sexuality.</p> <p>12 A. I would say that was an ugly thing to do, an ugly thing to</p> <p>13 write.</p> <p>14 Q. Can you go to the text bundle, please. That is at the</p> <p>15 beginning of page 6?</p> <p>16 MR. JUSTICE NICOL: Volume 6?</p> <p>17 MS. WASS: The beginning of volume 6, tab 119.</p> <p>18 A. Tab 6.</p> <p>19 Q. Volume 6, tab 119.</p> <p>20 A. Yes.</p> <p>21 Q. Page 9.</p> <p>22 A. Yes.</p> <p>23 Q. At the bottom of that page, there is a text from you to, is it</p> <p>24 your sister, Christie?</p> <p>25 A. Yes, it is.</p>

[20] (Pages 245 to 248)

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1 DEPP - WASS
 2 Q. "Amber and I not so good any more." You are saying, "If Amber
 3 is good with it, it's fine." You are just dealing with some
 4 practical problem. Then you say, "Amber and I not so good any
 5 more?"
 6 A. Yes.
 7 Q. This was at a time when you and Amber, Ms. Heard, were going
 8 through a number of difficulties, mainly because of your drug
 9 ingestion and alcohol consumption, do you agree?
 10 A. No.
 11 Q. At page 10, your sister replies to you: "She wants to talk to
 12 me. She does not know what to do. Loves you, but does not
 13 always what to do. She is worried about it all"; yes?
 14 A. Yes, I see that.
 15 Q. And then you say, "It was not pleasant today. I was not aware
 16 she had another God damn photo shoot tomorrow. That is really
 17 why she fucking left. I don't need actress bullshit and her
 18 fucking ambition." Do you remember yesterday that you said
 19 that that phrase, "actress bullshit and fucking ambition",
 20 referred to you trying to support her to get more serious
 21 roles that did not objectify her. Do you remember that
 22 evidence you gave yesterday?
 23 A. Yes, I do.
 24 Q. Do you stand by that interpretation of what that phrase means?
 25 A. Yes, I do stand by that. By referring to, if I may say,

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1 DEPP - WASS
 2 "actress bullshit and ambition", though Ms. Heard was
 3 concerned with, as I said yesterday, being objectified by
 4 directors, producers, the world at large, you know, having to
 5 do nude scenes in films, we had talked quite a lot about ----
 6 Q. Mr. Depp, you explained this yesterday. You stand by what you
 7 said yesterday. I just wanted to establish whether you did
 8 stand by what you said yesterday. Now we have seen the
 9 context of the text, you say you did?
 10 A. I stand by it.
 11 Q. I would like to move on if we may?
 12 A. Please.
 13 Q. At page 10 in the texts, there is a text to Mr. Bettany below
 14 that text we have just looked at. If you go halfway down that
 15 text, you say to him, "You may have to drink for me. I, of
 16 course, pounded and displayed ugly colours to Amber on a
 17 recent journey. I am an insane person and not so fair-headed
 18 after too much of the drink. Weed, pills, fine. Booze, my
 19 capacity is too large and I won't stop. Ugly and sad. Oh,
 20 how I love it." So, did you send that text to Mr. Bettany?
 21 A. Yes. It appears so, yes.
 22 Q. Could you go, remaining in file 6, to tab 148, please?
 23 A. Yes.
 24 Q. So the text to Mr. Bettany is on 11th July 2013. If you go
 25 behind divider 148?

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1 DEPP - WASS
 2 A. Yes.
 3 Q. Could you look at the third image ----
 4 MR. JUSTICE NICOL: Just a minute. (Pause)
 5 MS. WASS: The first image is Ms. Heard's bruised arm. There is
 6 another image of some more cocaine and a bible. It is the
 7 third image I want you to look at. Have you got it?
 8 A. Yes, I have.
 9 Q. It should say at the bottom, F894.005?
 10 MR. JUSTICE NICOL: It does on yours, it does not on mine, but I
 11 can add it.
 12 THE WITNESS: Mine does not say it. I believe it is the same
 13 thing.
 14 MS. WASS: If we go over the page, that photo -- well, let us just
 15 describe the image. That is you, is it not?
 16 A. It certainly looks like it, yes.
 17 Q. And do you appear to have passed out?
 18 A. I appear to be sleeping. Passed out, I am not so sure.
 19 Q. There is a bed, is there not, to the left of that photograph?
 20 A. Yes, there is.
 21 Q. You do not appear to be sleeping in the bed. You appear to be
 22 sleeping on the floor?
 23 A. Yes, ma'am.
 24 Q. And you are fully clothed?
 25 A. Yes, ma'am.

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1 DEPP - WASS
 2 Q. Your shoes are not on, it is right to say.
 3 A. Yes, ma'am.
 4 Q. Your head is really, well, it does not look in a very
 5 comfortable position; would you agree?
 6 A. It is hard to tell. Everything is very black, but it looks
 7 like there is something here like a long, like a cushion from
 8 a bed that my head is resting on. You can see it starts from
 9 just above the knee and goes over. It looks like my head is
 10 on a cushion.
 11 Q. If you have a look at the next page, you will see it looks
 12 less like a cushion on the next page. In fact, on the third
 13 page, you can see it is a solid object?
 14 A. It is solid?
 15 Q. Can you see that?
 16 A. I am sorry, I am unable to distinguish that it is a solid
 17 object. I do not know what it is.
 18 Q. If we look at it on the ----
 19 MR. JUSTICE NICOL: Is this the object that has the
 20 C-O-N-N-F-U-C-K?
 21 MS. WASS: No, that is Mr. Depp's socks.
 22 MR. JUSTICE NICOL: Oh, right.
 23 MS. WASS: If my Lord goes to the first of the three photographs,
 24 it is just below the first whole punch immediately to the left
 25 of Mr. Depp's arm or elbow, at elbow height. That is what you

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<p>1 DEPP - WASS</p> <p>2 are talking about, is it, Mr. Depp, that object?</p> <p>3 A. Yes. Honestly, I cannot tell what it is.</p> <p>4 Q. No, I am just trying to see if it is possible. That is what</p> <p>5 you were talking about when you said you thought there was a</p> <p>6 cushion or something?</p> <p>7 A. When I looked at the photograph, that is the only sense it</p> <p>8 made to me, yes.</p> <p>9 Q. The only?</p> <p>10 A. Sense that it made to me.</p> <p>11 Q. It would be sensible, if you were deciding to sleep on the</p> <p>12 floor fully clothed, to have a cushion under your head,</p> <p>13 I accept that.</p> <p>14 A. Yes.</p> <p>15 Q. Do you accept, having looked at photograph 2, which shows that</p> <p>16 object more clearly, and photograph 3, that it appears to be a</p> <p>17 rectangular, solid object rather than a cushion?</p> <p>18 A. I am afraid I cannot ----</p> <p>19 Q. You cannot accept that?</p> <p>20 A. No, I just cannot just see.</p> <p>21 Q. You cannot see, fair enough, but you accept that that is you</p> <p>22 on the ground in that position?</p> <p>23 A. Yes.</p> <p>24 Q. For the avoidance of doubt, if we go behind each of those</p> <p>25 photographs, we see the metadata of those photographs at about</p>	<p>1 DEPP - WASS</p> <p>2 A. I like to mix my words up a little every now and again.</p> <p>3 I -- in normal circumstances, no one goes to rehab for five</p> <p>4 days; they go into detox for a period of days. Rehab is</p> <p>5 normally 30 to 90 to sometimes six months. So, I am sorry if</p> <p>6 my difference does not agree with you.</p> <p>7 Q. It is nothing to do with that, you took exception to the word,</p> <p>8 Mr. Depp. I am simply saying it is the word you chose in your</p> <p>9 witness statement. Did you spend five days detoxifying in</p> <p>10 July 2013?</p> <p>11 A. I spent five days in the same hospital, the same doctor, in</p> <p>12 New York City, for five days.</p> <p>13 Q. The same as the one you had done in ----</p> <p>14 A. Yes.</p> <p>15 Q. That is Mr. Richards's establishment, Keith Richards's</p> <p>16 establishment?</p> <p>17 A. It is not his -- it was someone who Keith knew, this doctor,</p> <p>18 and I had gone to Keith and told him that I was prepared to</p> <p>19 stop, I wanted to stop drinking.</p> <p>20 Q. And taking drugs?</p> <p>21 A. Yes, and he helped me to ----</p> <p>22 Q. All right. So, this was the same place, this was basically</p> <p>23 Mr. Richards had recommended to you, and you spent another</p> <p>24 five days in July 2013. Is it fair to say that in the summer</p> <p>25 and autumn of 2013, you very much wanted your relationship</p>
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<p>1 DEPP - WASS</p> <p>2 the level just below the first hole punch up?</p> <p>3 MR. JUSTICE NICOL: Which of the three photographs are you asking</p> <p>4 about?</p> <p>5 MS. WASS: The metadata is on the same position on each and all</p> <p>6 three are taken on 18th July 2013. Do you see that, Mr. Depp?</p> <p>7 A. I do.</p> <p>8 Q. And there has been no challenge of that metadata so we can be</p> <p>9 sure that that was a photograph taken of you on that date.</p> <p>10 Now, you said in your witness statement that in July 2013, you</p> <p>11 had another five-day stint in rehab and you had not been</p> <p>12 drinking prior to the release of a film that you had done.</p> <p>13 Shall I read the whole passage because you took issue with the</p> <p>14 phrase or the word "rehab" yesterday?</p> <p>15 A. If you would. (Pause)</p> <p>16 Q. It is paragraph 24, my Lord, of the second witness statement,</p> <p>17 but I will read it out. What you said is: "I remember that</p> <p>18 before the release of The Lone Ranger in July 2013....", so</p> <p>19 that is when these photographs were taken in July, so we are</p> <p>20 talking about the same era; okay?</p> <p>21 A. Yes.</p> <p>22 Q. "... I had another five-day stint in rehab and had not been</p> <p>23 drinking prior to the release of the film." So that is true,</p> <p>24 is it not, that you had a five-day stint in rehab? They are</p> <p>25 your words, not mine, this part, but you prefer the word ----</p>	<p>1 DEPP - WASS</p> <p>2 with Ms. Heard to work out?</p> <p>3 A. For the period I was with her, I always wanted it to work out.</p> <p>4 Q. Yes. And she appeared to want to make it work. I appreciate</p> <p>5 now you see it as an enormous hoax, but ----</p> <p>6 A. She appeared to, yes.</p> <p>7 Q. ---- she appeared to?</p> <p>8 A. Yes.</p> <p>9 Q. There are many of these texts that indicate -- let us just</p> <p>10 look at one, over on page 11, since we are in this part of the</p> <p>11 bundle. You say to her, in the fourth text down, on page 11</p> <p>12 of the texts -- have you got that?</p> <p>13 A. Yes.</p> <p>14 Q. You say: "The only reason we go for the throat is love", that</p> <p>15 is you to her.</p> <p>16 A. Where is this, I am so sorry?</p> <p>17 Q. The fourth text down.</p> <p>18 A. The fourth text down. "The only reason" -- okay, yes.</p> <p>19 Q. "The only reason we go for the throat is love", was that a</p> <p>20 reference to the fact that you would hold her by the throat</p> <p>21 when you were in a rage from time to time?</p> <p>22 A. No.</p> <p>23 Q. She says: "My throat is yours." And you say: "I have other</p> <p>24 uses for your throat which do not include injury." And she</p> <p>25 says: "You are going to be the death of me, but I don't</p>

[22] (Pages 253 to 256)

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<p>1 DEPP - WASS</p> <p>2 care." You say: "I am besieged with love for you, it's to</p> <p>3 the brim and will remain so. I'm leaving but I will never go</p> <p>4 anywhere, I will never go away, but we need to stay the course</p> <p>5 and to help one another, not hit 95 miles an hour in three</p> <p>6 seconds and go for each other's jugulars. We need to be</p> <p>7 stronger than that." Did you send that text?</p> <p>8 A. Yes. Yes, it seems so.</p> <p>9 Q. It seems from that text that you were going to be away. You</p> <p>10 spent a lot of time apart, did you not, with your various film</p> <p>11 commitments over the time you were together?</p> <p>12 A. Sometimes there were significant times apart, yes.</p> <p>13 Q. And when you were apart, she would want to do things with</p> <p>14 other people, see other people, go out with other people,</p> <p>15 socialise; yes?</p> <p>16 A. Yes, sure.</p> <p>17 Q. And did this occasionally make you feel insecure?</p> <p>18 A. Occasionally, yes, it did.</p> <p>19 Q. Because, I mean, we can go through it, if you like, but there</p> <p>20 is a long series of texts over the next few pages, when she</p> <p>21 asked whether it would -- well, she told you she was thinking</p> <p>22 about going to an Arctic Monkeys show in a small venue with</p> <p>23 somebody from the cast of something she must have been working</p> <p>24 in, and his girlfriend. And you found it, it made you feel</p> <p>25 uncomfortable and she agreed not to go. That is my summary of</p>	<p>1 DEPP - WASS</p> <p>2 A. Childish sense of humour, yes.</p> <p>3 Q. We have heard about the dog Pistol that I mentioned to you</p> <p>4 before. Pistol had been Ms. Heard's dog from before she met</p> <p>5 you; do you agree?</p> <p>6 A. Yes.</p> <p>7 Q. And your mother took a liking to Pistol, did she not, your</p> <p>8 late mother?</p> <p>9 A. My mother, yes, she met Pistol and, yes, she loved dogs.</p> <p>10 Q. And you bought your mother a dog, which was called Boo?</p> <p>11 A. Yes.</p> <p>12 Q. And Boo stayed with your mother for a while, but I think your</p> <p>13 mother gave her back to you to look after?</p> <p>14 A. Basically, yes.</p> <p>15 Q. So, I mean, essentially, you had a dog, called Boo, and</p> <p>16 Ms. Heard had a dog called Pistol?</p> <p>17 A. Yes.</p> <p>18 Q. And Boo, I think, had got problems, I think you have said</p> <p>19 there, she has a major problem, in the text; yes?</p> <p>20 A. She was relatively new and she was, the dog was not completely</p> <p>21 house-trained. Ms. Heard was training the dog to not make</p> <p>22 mistakes.</p> <p>23 Q. Well, the dog Boo, Boo had a problem, because Boo had eaten</p> <p>24 some hash, some cannabis?</p> <p>25 A. Yes.</p>
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<p>1 DEPP - WASS</p> <p>2 the texts. We can go through them, if you want, or</p> <p>3 alternatively, you can look at them over the short adjournment</p> <p>4 and then tell me, when you have had an opportunity to read</p> <p>5 them, whether you agree or not. Shall we do it like that,</p> <p>6 Mr. Depp? The texts go from page 11 to page 14, between you</p> <p>7 and Ms. Heard, and it is what I am going to call the Arctic</p> <p>8 Monkeys series of texts. Do you want to look at those over</p> <p>9 lunch and then tell me whether you think I have summarised it</p> <p>10 fairly?</p> <p>11 A. If you like, yes. I don't want to waste the court's time.</p> <p>12 Q. Exactly. That is very decent of you. Can I ask you again</p> <p>13 about another joke you cracked with Mr. Deuters on</p> <p>14 11th October. It is the last text on page 14.</p> <p>15 MR. JUSTICE NICOL: Just a minute. (Pause)</p> <p>16 THE WITNESS: Yes, I see that.</p> <p>17 MS. WASS: Do you see that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. It is you to him saying: "Will you squat in front of the door</p> <p>20 of the master bedroom and leave a giant coil of dookie so that</p> <p>21 Amber steps in it and thinks that it's one of the dogs,</p> <p>22 primarily Boo has a major problem. It'll be funny."</p> <p>23 A. Yes.</p> <p>24 Q. Again, I think I described this as your lavatorial sense of</p> <p>25 humour, I think broadly you agreed?</p>	<p>1 DEPP - WASS</p> <p>2 Q. By accident?</p> <p>3 A. Yes.</p> <p>4 Q. Quite a lot of cannabis, about an ounce; would you agree with</p> <p>5 that?</p> <p>6 A. I would not say it was an ounce.</p> <p>7 MR. JUSTICE NICOL: Can we ask whether Boo had eaten some</p> <p>8 cannabis?</p> <p>9 THE WITNESS: Yes. Yes, the puppy got a hold of a little ball of</p> <p>10 hashish and just scooped it up before I could get to it.</p> <p>11 MS. WASS: As a result of that, Ms. Heard was worried, was she</p> <p>12 not, that Boo had some sort of brain injury?</p> <p>13 A. It was something she liked to say, yes.</p> <p>14 Q. She would say it, all right, I think we can leave it at that.</p> <p>15 Could you go to page 15, please.</p> <p>16 A. Yes.</p> <p>17 Q. Again, it may be that we have reached the place, Mr. Depp,</p> <p>18 where we agree. But what I am going to suggest to you is that</p> <p>19 Ms. Heard was quite regularly scolding you for drinking,</p> <p>20 knowing that you had a history of alcohol abuse, and she was</p> <p>21 really very strict, hence the word "lesbian camp counsellor"</p> <p>22 that you used. On one occasion, on page 15, you are writing</p> <p>23 to your sister, saying, it is the middle of page 15: "She was</p> <p>24 a shit last night. No lovey-dovey note this morning, no</p> <p>25 message. She's young and dumb, I'm old and dumb." Then</p>

[23] (Pages 257 to 260)

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1 DEPP - WASS
 2 another text: "I made the grave mistake of asking if she
 3 would mind if I had one glass of champagne only. I had a half
 4 glass with Christopher, because that's what he wanted.
 5 I toasted him and sipped it. When she arrived at the Ritz
 6 ...(reads to the words)... that made me feel ashamed, gross,
 7 sad, stupid and diseased." This was really an indication of
 8 what things were like, was it not, Mr. Depp? If you wanted a
 9 small amount of alcohol, she was very worried that this was
 10 going to lead to other things and it became an issue?
 11 A. It was a way to control me.
 12 Q. You think she was controlling you?
 13 A. I believe you used the word "strict", she was very strict.
 14 Q. All right.
 15 A. I'm twice her age, I ----
 16 Q. Twice her age, and not quite twice her size, but quite a lot
 17 ----
 18 A. Yes, I did not feel that lectures and berating or storming out
 19 because I asked her if it would bother her if I had a glass of
 20 champagne, or that she was already angry that I had half a
 21 glass of champagne with Christopher Lee.
 22 Q. You see, Mr. Depp, Ms. Heard had seen alcohol turn you into
 23 the monster, and she did not want it to happen, and she would
 24 try to stop you drinking at all. That is why she had reached
 25 this position.

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1 DEPP - WASS
 2 A. Again, I cannot speak for her motivation exactly. But I can
 3 say that she was very controlling in that way, very, very --
 4 yes, it was as if you were being reprimanded by a camp
 5 counsellor, I am sorry that I used that phrase with her, and
 6 it is ----
 7 Q. Would you look at a text on page 16, dated 29th October,
 8 because the control, as you say, went both ways. It is the
 9 second text from the bottom.
 10 A. Yes.
 11 Q. It is from you to Slim, which we know is Ms. Heard, it just
 12 reads this: "Wholly crack horse, no God damn meetings, no
 13 movies, why, why do you deviate from our agreement? What
 14 species of meeting? Fuck it, just tell me when you get home."
 15 A. Yes, I see that.
 16 Q. Did you send that text to Ms. Heard?
 17 A. I ----
 18 Q. It appears so, does it not?
 19 A. If it is, if it is, yes, it appears that I did, it appears
 20 that I did, but I do not know what the meaning or the context.
 21 Q. Page 17, then, another text, I would like you to just deal
 22 with. This is you to Mr. Deuters.
 23 A. Uh-huh. Yes.
 24 Q. You are talking, it starts at the bottom of 16, the last text
 25 at 16, you send a text to Mr. Deuters, and this is dated

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1 DEPP - WASS
 2 31st October 2013: "Amber is extremely upset and we're dying.
 3 Do you want to speak with her while you're there and give her
 4 some perspective on me and what I am and what I am not", and
 5 Mr. Deuters obeys, understood, "Yes, I will." You say: "Ask
 6 if she needs to talk", and Mr. Deuters says, "If it's not a
 7 bother -- sorry, you say, "If it's not a bother", thank you
 8 Mr. Sherborne. Then you say: "Thanks. She thinks that my
 9 Peruvian period has made me a monster, and that I am ruining
 10 the relationship."
 11 A. Yes.
 12 Q. So, the Peruvian period is a reference to cocaine?
 13 A. Yes, ma'am.
 14 MR. JUSTICE NICOL: Just a moment. Yes.
 15 MS. WASS: The monster is the person you turn into when you have
 16 had too much Peruvian powder, cocaine?
 17 THE WITNESS: She thinks that my Peruvian period has made me a
 18 monster and that I am ruining the relationship. I am
 19 referring to a Peruvian period.
 20 Q. Did you send that text?
 21 A. Yes.
 22 Q. Did you try to get clean after this?
 23 MR. SHERBORNE: My Lord, Ms. Wass did ask a question. Mr. Depp
 24 was in the middle of answering it. Then, Ms. Wass just asked
 25 him, while he was answering it, "did you send that text", and

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1 DEPP - WASS
 2 then stopped him. I do not know whether it would be helpful,
 3 given he was asked the question, to be able to answer it.
 4 MR. JUSTICE NICOL: Yes. Ms. Wass, could you go back to the
 5 previous question. I am afraid I have forgotten what it was.
 6 MS. WASS: I think I have. Mr. Depp was trying to a question that
 7 neither my Lord or I can remember. Perhaps Mr. Sherborne has
 8 the question.
 9 MR. SHERBORNE: It is really his answers, not the questions that
 10 are important, as your Lordship said, but at least he should
 11 be able to give them.
 12 THE WITNESS: In your question, that I am referring to, I am
 13 trying to find where it is on the ----
 14 MS. WASS: The Peruvian period text is on page 17.
 15 A. Yes, I have found it, thanks. She thinks that my Peruvian
 16 period has made me a monster and that I am running -- ruining
 17 the relationship. So, she is talking -- I am talking about my
 18 Peruvian period, so it is a period in time when I was using
 19 cocaine. As I said, as I said to you yesterday, on occasion
 20 and sometimes maybe it would last a couple of days or a few
 21 days, depending on how things were. But what I am trying to
 22 say is, your efforts to bring cocaine into every situation of
 23 our relationship is -- I understand what you are trying to do,
 24 but I think it is important to acknowledge that I am talking
 25 to him about my Peruvian period.

[24] (Pages 261 to 264)

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1 DEPP - WASS
 2 Q. You tried to stop taking cocaine, but you lapsed. This was
 3 the pattern, was it not?
 4 A. I did not try to stop and lapse. I stopped, and then if
 5 I felt like it or if it was needed in some way, I would use
 6 it.
 7 Q. And ----
 8 MR. JUSTICE NICOL: Just a minute. Your answer is that did you
 9 not try to stop and then lapse, but if you felt that you
 10 needed to have cocaine ----
 11 A. Yes.
 12 Q. ---- you would take it?
 13 A. Yes, my Lord.
 14 MR. JUSTICE NICOL: Right. Thank you.
 15 MS. WASS: What you are saying in that text is that Ms. Heard
 16 thought that your Peruvian period, i.e. when did you take
 17 cocaine, has made you a monster?
 18 THE WITNESS: "She thinks that my Peruvian period has made me a
 19 monster", yes.
 20 Q. Yesterday, you gave us a variety of interpretations of what
 21 the monster was. I suggested it was your, the rather dark
 22 side to your character which came out under the influence of
 23 drink or drugs. Are you able to say, since you wrote the
 24 words in this text, what your definition of "monster" was
 25 there?

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1 DEPP - WASS
 2 A. Well, I did not say "the monster" in my text. I said "a
 3 monster".
 4 Q. What is your definition of "a monster" in that text, please?
 5 A. My definition of it is that she thinks my Peruvian period has
 6 made me a monster. You would have to ask her.
 7 Q. Well, you have written this word. Was she saying to you ----
 8 A. You are ----
 9 Q. ---- you are a monster when you have taken cocaine?
 10 A. She would say that I was "the monster" at any time it suited
 11 her fancy or it suited her argument, and it was not the case,
 12 I am not a multi-personality. So, I am just telling him that
 13 she thinks my Peruvian period has made me into a monster and
 14 I am ruining the relationship. So, her constant harping on
 15 whatever I may have decided to ingest, she is saying, affected
 16 her more than it affected me. That I became the monster, she
 17 said.
 18 Q. You became the monster after taking cocaine?
 19 A. That is just not true.
 20 Q. That is what she was saying, that is what you are saying she
 21 has said?
 22 A. Oh yes, that is what she is saying, yes.
 23 Q. If that is correct, and it is the interpretation that you have
 24 given to that text, how could Ms. Heard possibly have been
 25 involving herself in chopping up lines of cocaine for you, as

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1 DEPP - WASS
 2 her habit was, as you suggest? It just does not fit in with
 3 it at all?
 4 A. At a certain point ----
 5 Q. It is just a lie, is it not?
 6 A. Excuse me?
 7 Q. That was a lie when you said she was chopping up cocaine for
 8 you, she desperately disapproved of you taking cocaine, she
 9 saw that it turned you into the monster, and that is why you
 10 wrote that text?
 11 A. I appreciate your attempts to get that into cross.
 12 MR. JUSTICE NICOL: Mr. Depp, your comments about Ms. Wass's
 13 questions, I can understand. But what I want to understand is
 14 your answer to the question.
 15 A. Yes, sir, I understand -- I apologise if my way of getting to
 16 the answer ----
 17 Q. Leave out the compliments to Ms. Wass's questions and just
 18 give me your answer?
 19 A. Certainly. It was Ms. Heard's belief that I became a monster.
 20 She was the only person that has ever brought that up, that
 21 notion that I am a monster when I drink, that I am a monster
 22 when I took cocaine, that I was a monster when I smoked
 23 marijuana. It was more than a concern of hers. It was a
 24 weapon, and it was used constantly. She grabbed hold of the
 25 word and held on, hell bent for leather, that it would stick.

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1 DEPP - WASS
 2 MS. WASS: This afternoon, just before we break for lunch, I will
 3 remind you of a text that you sent almost a year later, in
 4 October 2015 ----
 5 MR. JUSTICE NICOL: Ms. Wass, if this is something that you be
 6 going to come to after lunch, then that would be a convenient
 7 moment.
 8 MS. WASS: Can I take up Mr. Depp's offer that he reads the
 9 exchanges about the Arctic Monkeys, to see whether we need to
 10 spend more time on that. Mr. Depp, is that still an offer on
 11 the table, that you would read those texts between pages 11
 12 and 16?
 13 A. Certainly, yes.
 14 Q. I will give you the summary again, and you can tell me whether
 15 I have that wrong. Thank you.
 16 A. Absolutely, thank you.
 17 MR. JUSTICE NICOL: Then, Mr. Depp, we will take a break now until
 18 quarter past two.
 19 THE WITNESS: Yes, sir.
 20 MR. JUSTICE NICOL: All right. You will remember what I said, you
 21 must not talk to anybody about your evidence, until the
 22 evidence is finished.
 23 THE WITNESS: Of course. Thank you.
 24 MR. JUSTICE NICOL: We will say quarter past two. Thank you.
 25 MS. WASS: My Lord, I am so sorry to interrupt the proceedings,

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<p>1 DEPP - WASS</p> <p>2 I spoke to the court usher during the mid-morning break, and</p> <p>3 indicated that I would be making a request to my Lord, which</p> <p>4 I now make, which is that those of our legal team could have</p> <p>5 access to the court over the short adjournment. I know that</p> <p>6 the normal answer to that sort of request of the court staff</p> <p>7 is that it is not their policy because of security matters.</p> <p>8 The bundling in this case is becoming a bit of an issue, and</p> <p>9 taking all of our papers out and comparing the bundles is</p> <p>10 going to be an enormous job, there is not room to do it in our</p> <p>11 room. If we undertake that the court will not be left</p> <p>12 unattended, i.e. one person from our team will be here at any</p> <p>13 given time, would my Lord allow us to remain in court until</p> <p>14 quarter past two in order to perform this task?</p> <p>15 MR. JUSTICE NICOL: Give me a moment. (Pause) Ms. Wass, you are</p> <p>16 understandably concerned about your papers. The claimant's</p> <p>17 side might want to have somebody in court, I am sure</p> <p>18 unnecessarily, but just to keep an eye on their own papers.</p> <p>19 If somebody from the claimant's legal team is willing to do</p> <p>20 that ----</p> <p>21 MS. WASS: I see Ms. Affey(?) has agreed, she is nodding, there</p> <p>22 would be absolutely no objection to that whatsoever.</p> <p>23 MR. JUSTICE NICOL: Mr. Sherborne?</p> <p>24 MR. SHERBORNE: My Lord, someone from Schillings will be here.</p> <p>25 MR. JUSTICE NICOL: All right. I am very grateful.</p>	<p>1 DEPP - WASS</p> <p>2 Q. Let me tell you what I am suggesting the summary was. It</p> <p>3 appeared that you and Ms. Heard were apart from each other,</p> <p>4 she had been invited by somebody called Jim to go to an Arctic</p> <p>5 Monkeys concert?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. There were, in fact, four tickets available, the Jim</p> <p>8 character, his girlfriend, Ms. Heard, and originally there was</p> <p>9 one for you. You obviously were not able to attend, but there</p> <p>10 was a suggestion that Ms. Heard could take someone from your</p> <p>11 security?</p> <p>12 A. Yes.</p> <p>13 Q. Yes, and you expressed, during those text exchanges, a degree</p> <p>14 of anxiety about why she wanted to go and you found it rather</p> <p>15 suspicious?</p> <p>16 A. I found it suspicious to a degree. I was concerned more than</p> <p>17 anything. She had, Ms. Heard had not begun filming as yet and</p> <p>18 these were virtual strangers so I voiced my concern.</p> <p>19 Q. Was your concern born out of jealousy?</p> <p>20 A. No, my concern was pure concern for Ms. Heard.</p> <p>21 Q. What was the concern about her going to a concert with people</p> <p>22 that she was about to be working with and a person who was</p> <p>23 part of your security team; what was the problem?</p> <p>24 A. There was no problem. In fact, I believe I even told her a</p> <p>25 few times, I said, "Go ahead and go."</p>
<p>[Page 270]</p> <p>1 DEPP - WASS</p> <p>2 MS. WASS: Thank you very much.</p> <p>3 MR. JUSTICE NICOL: In that case, Ms. Wass, I understand. Let me</p> <p>4 say, Ms. Wass, to you and to all the other counsel and indeed</p> <p>5 the other solicitors as well, that I am extremely grateful to</p> <p>6 the care that has been taken in presenting this case and for</p> <p>7 the references that are being given. I do understand that</p> <p>8 there are occasional glitches and, speaking for myself, I am</p> <p>9 not at all phased by those. I am just grateful to you for the</p> <p>10 generality of the accurate references that I am being given.</p> <p>11 MS. WASS: Thank you very much.</p> <p>12 MR. JUSTICE NICOL: Good. Thank you. I will rise.</p> <p>13 (Adjourned for a short time)</p> <p>14</p> <p>15 MR. JUSTICE NICOL: Mr. Depp, yesterday, we were able to go</p> <p>16 through the afternoon without taking a break in the middle of</p> <p>17 the afternoon.</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. JUSTICE NICOL: I plan to do the same again today, but if you</p> <p>20 would feel you need a break, then let me know.</p> <p>21 THE WITNESS: Thank you very much. I appreciate it.</p> <p>22 MS. WASS: Mr. Depp, you had an opportunity of reading the Arctic</p> <p>23 Monkeys series of texts over lunch; did you take that</p> <p>24 opportunity?</p> <p>25 A. Yes, ma'am.</p>	<p>[Page 272]</p> <p>1 DEPP - WASS</p> <p>2 Q. Then you expressed your concerns and in fact she did not go in</p> <p>3 the end, did she?</p> <p>4 A. No, it appears she did not go.</p> <p>5 Q. She did not go and you said this: "You lay a gauntlet before</p> <p>6 me that you know is the very species of danger that will</p> <p>7 always attract me into a very tempting test." Were you</p> <p>8 referring to your jealousy?</p> <p>9 A. I do not quite know what I was referring to there. Could you</p> <p>10 read it again? I am so sorry.</p> <p>11 Q. Yes. This is to you to Ms. Heard. It is a long interchange</p> <p>12 about should she go, should she not go, whether you tell her</p> <p>13 to go, and then she said, "No, I will not go", which is why I</p> <p>14 did not want to read every single question and answer out.</p> <p>15 You end by saying: "You [that is Ms. Heard] lay a gauntlet</p> <p>16 before me that you know is the very species of danger that</p> <p>17 will always attract me into a very tempting test."</p> <p>18 A. It does not sound like I am referring to that incident for</p> <p>19 some reason, but I do not know what gauntlet I am talking</p> <p>20 about.</p> <p>21 Q. All right, we will have to leave that one as it is. Can I</p> <p>22 then go to 2014. Your consumption of drugs in 2014 was still</p> <p>23 ongoing -- cocaine, alcohol, yes, do you agree?</p> <p>24 A. Ongoing? I do not know. I cannot specify 2014.</p> <p>25 Q. All right.</p>

[26] (Pages 269 to 272)

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1 DEPP - WASS
 2 A. But I am sure it would not be a surprise to me that I would
 3 use.
 4 Q. Now, I am going to suggest that a pattern developed in your
 5 relationship with Ms. Heard, and there would be a trigger, all
 6 right, and that trigger could be either you became jealous or
 7 she would try to prevent you from taking drink or drugs, and
 8 the trigger would cause you to go on a binge. By "binge", do
 9 you know what I mean?
 10 A. Yes, I do.
 11 Q. Yes, of course you do. That trigger would cause you to go on
 12 a binge and you would convince yourself that the bingeing was
 13 Ms. Heard's fault; she made you do it. Is that a pattern that
 14 you recognise?
 15 A. I recognise it not as a pattern, but I recognise that -- there
 16 were quite a lot of times when Ms. Heard could stay on a
 17 subject for quite a long time in a discussion or an argument
 18 and it became this sort of circular beast that you could not
 19 arrive -- you would always arrive back where you began. So it
 20 was very frustrating at times and unpleasant at times. I am
 21 not blaming her for my weaknesses as far as drug use or
 22 drinking. However, I can honestly say that the frustration
 23 and the inability to connect to one another in the way that we
 24 should have, I found deeply disturbing and it seemed to go on
 25 and on and on, so, yes, I would then ----

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1 DEPP - WASS
 2 occasions when you did disappear?
 3 A. She would indeed get quite frantic with, as you say, worry,
 4 and she would get indeed quite jealous that I was out cheating
 5 on her.
 6 Q. Well, we agree about the first half. The second half is
 7 slightly more complicated, but we will come to that when we
 8 look at March 2015. But just going back, then, to 2014,
 9 yesterday, you told us in court that you had taken drugs with
 10 Marilyn Manson twice?
 11 A. Two, three times maybe.
 12 Q. But it was years ago, long before the relationship with
 13 Ms. Heard?
 14 A. In fact, before I was with Ms. Heard, I had not touched
 15 cocaine in probably -- I am trying to think of my age at that
 16 time, which was ----
 17 Q. I do not want to prevent you saying anything, but your
 18 evidence yesterday was that you had taken drugs with
 19 Marilyn Manson twice. Now you have said that might have been
 20 three times and I understand that, but that this had been
 21 before your relationship with Ms. Heard. Do you stick by
 22 that?
 23 A. My recollection is that whenever I did, let us say, a line of
 24 cocaine with Manson, I believed it was before Ms. Heard and
 25 I were fully involved, let us say.

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1 DEPP - WASS
 2 Q. Go on a binge?
 3 A. I would get very -- I would drink to try to numb the pain, and
 4 ----
 5 Q. I am calling that a binge ----
 6 A. Certainly.
 7 Q. ---- but you are expressing it in another way. Once you
 8 started on the drinking to numb yourself, you would later
 9 convince yourself that Ms. Heard had made you do that; it was
 10 her fault that you had weakened and binged. You blamed her?
 11 A. I could possibly have blamed her at times.
 12 Q. When this syndrome arose, that is to say, argument, whether it
 13 was about jealousy or drug taking, followed by you going on a
 14 binge, when the whole thing was over, when the whole explosion
 15 was over, you would disappear, would you not? You would just
 16 disappear to get away from her?
 17 A. There was a time or two where I texted her and said, "I am
 18 going to stay at a hotel tonight because I cannot deal with
 19 it."
 20 Q. You had to get away from her?
 21 A. Yes.
 22 Q. She became extremely worried, did she not, that she did not
 23 know where you were and you were in a state of either
 24 inebriation or excessive drug consumption. She was very, very
 25 worried. She used to get quite frantic with worry on those

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1 DEPP - WASS
 2 Q. Okay, for the avoidance of doubt, you and Ms. Heard were fully
 3 involved by February or March 2014?
 4 A. Were we ----
 5 Q. You were fully involved?
 6 A. Yes, we were.
 7 Q. Can you go to the text schedule at bundle 6, behind divider
 8 119?
 9 A. Yes. (Pause)
 10 MR. JUSTICE NICOL: Which page?
 11 MS. WASS: 21. Mr. Depp, have you got page 21?
 12 A. Yes, I do.
 13 Q. Can you see the grey line across the page which just denotes
 14 that the year was 2014?
 15 A. Yes.
 16 Q. The second text down was a text from Ms. Heard to your sister,
 17 Christi Dembrowski, and it is dated 3rd February, 2014?
 18 A. Yes.
 19 Q. "I need your help." This is Ms. Heard to your sister: "JD is
 20 on a bender with Manson. Once again, he believes it is about
 21 me or us fighting even though that is why we are fighting.
 22 I don't know what to do. I love him so much, but he is going
 23 to hurt himself and take us as a couple down with him. I
 24 can't do anything to avoid how crazy he gets when he's like
 25 this. I think he is at Marilyn's now, continuing the rage and

[27] (Pages 273 to 276)

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1 DEPP - WASS
 2 coke/booze binge. Can you help? He needs to come home. We
 3 have no reason to fight. He just aims all his anger at me
 4 when he's on it. Don't know what to do."
 5 Do you realise now, or do you think now, having read
 6 those texts, that perhaps you were on a binge with
 7 Marilyn Manson in 2014, February?
 8 A. I would say that is what Ms. Heard believed ----
 9 Q. Right, well, let us read on.
 10 MR. SHERBORNE: Hold on ----
 11 THE WITNESS: I am sorry, go ahead.
 12 MR. SHERBORNE: Sorry, Ms. Wass asked the question, "Do you
 13 believe that you therefore were on a binge?" Mr. Depp was
 14 trying to answer it. He said, "I believe that is what
 15 Ms. Heard believed" and was then actually going to explain
 16 whether he did, and Ms. Wass stopped him and moved on. With
 17 respect, if the question is going to be put to him to suggest
 18 that he is not telling the truth when he made his statement
 19 yesterday about how many times and when he had taken drugs
 20 with Mr. Manson, then he should have the opportunity to deal
 21 with it.
 22 MR. JUSTICE NICOL: Yes.
 23 MS. WASS: I agree, carry on.
 24 MR. JUSTICE NICOL: Perhaps you could ask the question again.
 25 MS. WASS: Having seen this text -- and we can read more, if it

1 DEPP - WASS
 2 he's at Manson's, but I am worried about how his state and
 3 health will be in the next few days. He needs help. He
 4 thinks he has no problem. He does not have it in under
 5 control. The coke is just so har" -- but it must be "hard" --
 6 "on us or him. It makes him believe he is mad about me and
 7 everything."
 8 A. "Mad at me about everything."
 9 Q. "Mad at me about everything." Then your sister says, "I don't
 10 love any of it. Worry about everything. I really want to be
 11 able to talk with him." Did your sister express anxiety to
 12 you about your drug intake at around this time?
 13 A. My sister Christi has over many, many years, since my youth,
 14 had a number of worries about my consumption, growing up.
 15 Yes, she talked to me many times over the course of my life
 16 and, yes, with Ms. Heard, we did speak about it. I think she
 17 and Ms. Heard's ability to speak to one another stopped not
 18 long after this.
 19 Q. At the bottom of page 22, "He's been on a 24 hour plus binge
 20 with Manson." Over the page, your sister says, "I understand
 21 a lot of life things these days." Ms. Heard says, "I don't
 22 know what to do. I hate that he always aims at me. I don't
 23 want to break ----
 24 MR. JUSTICE NICOL: Sorry, can we just go back to the bottom of
 25 page 22? "He's been on a 24 hour plus binge with Manson."

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1 DEPP - WASS
 2 would help you, if you would like me to defer the question
 3 until we have read more of them -- do you agree that it
 4 appears that you were on a drugs binge with Marilyn Manson?
 5 A. It appears to me that Ms. Heard believed that I was on a drug
 6 binge with Marilyn Manson. As to how she would have the exact
 7 information of what I was doing with Marilyn Manson at the
 8 time is a mystery to me.
 9 Q. Let us move on a little bit and see if we can fathom this out.
 10 A. Good. Okay.
 11 Q. She then says to your sister, "If I leave, I am not sure we
 12 will be able to come back from it and I don't want to leave
 13 him when he is like this, in that state, when he just has the
 14 echoes of his own mind bouncing around in his head. It is
 15 terrible."
 16 Your sister asks, "Where are the kids?" Ms. Heard says,
 17 "At their mum's. He went to drop Lily Rose off this morning
 18 and has not been back since. I called the guards to make sure
 19 at least one of them got here. Sean did."
 20 Then over the page, she tells your sister at the top
 21 line that Sean -- that is one of your guards -- picked her up.
 22 Then she says, "Not sure who dropped her off, but I think it
 23 was JD and Manson with security. They never came back after
 24 that." Then your sister said, "Do you want to come to the
 25 office to talk?" and Ms. Heard said, "It's okay, I am sure

1 DEPP - WASS
 2 That appears to be a reference to you, Mr. Depp.
 3 A. Yes.
 4 Q. Were you saying that you do not know the basis on which
 5 Ms. Heard was speaking and saying that you were on a 24-hour
 6 binge with Mr. Manson, that you do not know the basis of that?
 7 A. It became chronic. It became a regular thing that she would
 8 always say -- that was her go-to. If I was not around, I was
 9 somewhere on a binge with somebody, getting loaded, and she is
 10 speculating that I am getting loaded or on a binge with Manson
 11 for over 24 hours if she does not know where I am or what I am
 12 doing and she is worried. She says that I am on a binge with
 13 Manson, but there is nothing to prove -- I mean, there is no
 14 way to ----
 15 MS. WASS: Do you remember being on a binge with Manson in
 16 February 2014?
 17 A. No, no, I do not. This case -- I remember this morning very
 18 well. Manson and I did in fact take my daughter to school.
 19 Q. So that part of it fits in. That part of the text that she is
 20 sending to Christi fits; do you agree?
 21 A. Yes, I was with Manson, taking my daughter to school, yes.
 22 Yes, and then we were together.
 23 Q. You and Mr. Manson?
 24 A. Yes. Mr. Manson and I were together for probably a couple of
 25 hours, a couple of hours after that, at his house, and then

[28] (Pages 277 to 280)

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1 DEPP - WASS
 2 I went back to my house on Sweetzer Avenue.
 3 Q. As far as you are concerned, this was Ms. Heard just worrying
 4 about something which had never happened at all; is that
 5 right?
 6 A. I think she is taking a guess at what is happening.
 7 Q. Right.
 8 A. I do not believe that she has the facts to ---
 9 Q. Well, what I want to know is, do you remember at all whether
 10 you were taking drugs with Mr. Manson or not?
 11 A. I remember smoking marijuana with Mr. Manson, yes.
 12 Q. What about anything else?
 13 A. No, I do not remember that.
 14 Q. Ms. Heard is talking about cocaine, coke, she calls it?
 15 A. Yes, she talks about it quite a lot.
 16 Q. That is because you were taking quite a lot, you see?
 17 A. That is very debatable.
 18 Q. Do you have a problem remembering some of the things you were
 19 doing at this time because of your excessive consumption of
 20 alcohol?
 21 A. No. If you do not mind my saying so, I would say that for
 22 someone who has been quite self-destructive for the majority
 23 of his life, I ended up pretty lucky and my brain still
 24 functions quite well -- luckily.
 25 Q. The day after this exchange about you and Mr. Manson taking

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1 DEPP - WASS
 2 please don't be mad at her for leaving, be mad at me." That
 3 was an exchange that was happening the day after you dropped
 4 your daughter at school. Changing the subject, your daughter
 5 recognised at this time, did she not, that Ms. Heard was a
 6 good influence on you?
 7 A. At the time, my daughter, I thought it was very -- I thought
 8 it was very brave, courageous and big of her, very
 9 sophisticated and smart of her to attempt to accept Ms. Heard
 10 into her life, and the same for my son. They did their best
 11 to, and they did ---
 12 MR. JUSTICE NICOL: I think the question, Mr. Depp, was that your
 13 daughter recognised at about this time -- we are talking about
 14 February 2014 -- that Ms. Heard was a good influence on you?
 15 A. She believed that at the time.
 16 Q. Do you agree with that statement?
 17 A. Yes, she believed that at the time.
 18 MS. WASS: Just looking at page 25 of the texts, your daughter to
 19 you, "You've been a better dad to Jack and I since she has
 20 been around and she was helping with the alcohol problem.
 21 I just see what a positive effect she's had on you and I'm
 22 afraid those things will leave with her. Please don't write
 23 her off right now. She may surprise you and explain herself."
 24 You say to Lily Rose, "I'm not going back to booze. We will
 25 see what happens with her"; all right?

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1 DEPP - WASS
 2 your daughter to school and then not coming back again, you
 3 obviously had an argument with Ms. Heard. We can see that on
 4 page 25, the top text, "Amber and I hit the wall hard"?
 5 A. Page 25?
 6 Q. Yes, the top text?
 7 A. Yes.
 8 Q. Then Whitney intervenes and says, "Johnny, please come home.
 9 Sis does not want to hash anything, she just wants to be near
 10 you and to know that you are okay. Please do not prolong her
 11 pain"; yes?
 12 A. Yes, I see that.
 13 Q. That is from Sis -- Whitney to you -- and she is referring to
 14 Sis as her sister, which is Miss Amber Heard?
 15 A. Yes.
 16 Q. You say, "I'm good, just can't deal anymore. She's crossed
 17 the line again, always too much. She told me she was leaving
 18 again and she did. She's made the choice. A person needs to
 19 think before they go squirrely. So fucking sad. I have never
 20 done anything but love her."
 21 Then Whitney says, "Hammer, she doesn't want to leave
 22 you. She was so sad yesterday. I had to drag her out of
 23 Eighty yesterday. I'm so sorry. I thought it would be good
 24 for her to get some air and we didn't know when you would be
 25 back. She didn't want to leave, but I pulled her out. So

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1 DEPP - WASS
 2 A. Yes.
 3 Q. Now, I ought to just complete this series. At the top of 26,
 4 what about you as a dad? "You've been so much better since
 5 she's been around. We have talked about how, for a couple of
 6 years, you weren't around for us and that changed when Amber
 7 came into your life. I don't want to go back to that"?
 8 A. I see that.
 9 Q. She says again, "But you have to acknowledge and know what a
 10 good influence she's been and the fact that she's changed you
 11 for the better. You see that, right?" All right? So that is
 12 it from your daughter to you?
 13 A. Yes, and this is 4th February.
 14 Q. 4th February?
 15 A. Yes.
 16 Q. On the following day, your sister sends you three short texts,
 17 the first one at 7.38, "Stop drinking." Then, at a few
 18 minutes later, "Stop coke." Then almost immediately
 19 afterwards, "Stop pills." So, this is what you were saying
 20 about your sister constantly over the course of your life
 21 being concerned about you?
 22 A. Yes.
 23 Q. Now in May 2014, you were going to have another attempt at
 24 detox and rehab, or whatever you prefer to call it?
 25 A. I do not know. I cannot remember exactly when it was.

[29] (Pages 281 to 284)

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1 DEPP - WASS
 2 Q. You were living in Boston at the time, do you remember that,
 3 making a film?
 4 A. Was that 2014? Yes, I was making Black Mass in Boston.
 5 Q. You were scheduled to be there for three months?
 6 A. Yes.
 7 Q. May, June, July. You consulted a Dr. Kipper in May 2014?
 8 A. Yes.
 9 Q. Do you agree? Would you take file 4, please.
 10 MR. JUSTICE NICOL: Just a moment, please, file 4?
 11 MS. WASS: Tab 123. It should have page F736 at the bottom.
 12 A. Yes, I have that.
 13 Q. And it is notes from Dr. Kipper. It is headed "Johnny Depp -
 14 initial consultation" and the date is 22nd May 2014; do you
 15 agree?
 16 A. Yes, I do. Yes.
 17 Q. "I was asked by Mr. Depp to come to Boston to consult on his
 18 general medical situation. Mr. Depp is a 50 year-old male",
 19 he gives your date of birth, "who has had a life-long history
 20 of self-medicating behaviours involving multiple substances of
 21 abuse. These include alcohol, opiates, benzodiazepines and
 22 stimulants", and he puts next to "stimulants", "cocaine"?
 23 A. Yes.
 24 Q. "He has also had insomnia since childhood. For this problem
 25 he takes Roxicodone and has been on this medication for over

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1 DEPP - WASS
 2 two years. He suffered from ADHD as a child and has been
 3 given Adderall recently that dramatically improved his focus
 4 and sense of calm. He admits to an anxiety syndrome and takes
 5 Klonopin 2mg daily in the morning and has done so for several
 6 years." Then you also take other drugs there. There is no
 7 family history or coronary artery disease. "He has smoked
 8 cigarettes for most of his life and he also takes Red Bull,
 9 coffee and sugar to increase his focus and sense of calm. He
 10 also has a history of THC intake that calms him." That is
 11 tetrahydrocannabinol, the active ingredients in cannabis?
 12 A. Yes.
 13 Q. There are some other medical matters that are discussed that
 14 I will not trouble you with, unless you think they are
 15 important. At the bottom of the page, it says: "He is living
 16 in Boston for the next three months acting in the film and has
 17 no extended time to participate in these exams. He would like
 18 to schedule these diagnostics in the mid-summer when he
 19 returns to his home in Los Angeles." Then, there is a bit
 20 about your family life. Over the following page, under
 21 "Impression".
 22 A. Yes.
 23 Q. "Primary dopamine imbalance, ADHD, bipolar one, depression
 24 secondary to above, insomnia, chronic substance abuse
 25 disorder." So, chronic obviously means long-term, over a long

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1 DEPP - WASS
 2 period of time, rather than one acute episode. Then, chronic
 3 nicotine use, and he puts in place a plan. Do you agree, and
 4 the plan was that you were going to go for a detox with
 5 Dr. Kipper when the filming had finished.
 6 A. Yes.
 7 Q. In your witness statement, Mr. Depp, you said -- and my Lord
 8 it is paragraph 21 for your reference -- "Ms. Heard's attempt
 9 to portray me as a general drug addict is so far from accurate
 10 and she knows that." You suggest in that statement that the
 11 only drug you have been addicted to is Roxicodone. You went
 12 on to state in your witness statement: "I have taken other
 13 drugs during the course of my life and I did take other drugs
 14 during the course of our relationship, but I have never
 15 suffered with addiction to those drugs." Now, I am going to
 16 suggest that Dr. Kipper's assessment contradicts that, and
 17 there was multiple substance abuse, chronic substance abuse,
 18 including alcohol, opiates, benzodiazepines and cocaine,
 19 stimulants. Now, did Dr. Kipper get that wrong?
 20 A. No. I do not -- no, I do not believe he got it wrong, because
 21 he got information from ----
 22 Q. From you?
 23 A. Yes.
 24 Q. Exactly. The idea was that you were going to clean up your
 25 act?

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1 DEPP - WASS
 2 A. I was, yes, I was going to clean up my act.
 3 Q. Putting it in ----
 4 A. Yes. I was quite addicted to the Roxicodone, which -- the
 5 reason that I began taking the Roxicodone was from an injury,
 6 a stunt injury on a film in London.
 7 Q. Again, forgive me for interrupting, you said you were addicted
 8 to Roxicodone, I do not think we need to go through the entire
 9 reason why this came about, if you do not mind.
 10 A. It is just that it states incorrectly why I was taking
 11 Roxicodone.
 12 Q. All right. So, we can make a note that you do not agree with
 13 that. Now, you were working in Boston. Ms. Heard was working
 14 in New York at the time in May, was she not?
 15 A. If you say so, yes.
 16 Q. Well ----
 17 A. I do not recall, again, I do not recall dates very well.
 18 Q. I can refresh your memory. She was working on a film called
 19 the Adderall Diaries.
 20 MR. JUSTICE NICOL: What diaries?
 21 MS. WASS: The Adderall Diaries, opposite an actor called James
 22 Franco?
 23 THE WITNESS: Yes.
 24 Q. A man possibly closer to Ms. Heard's age than yours?
 25 A. Definitely.

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1 DEPP - WASS
 2 Q. And Ms. Heard played the love interest of James Franco's
 3 character?
 4 A. I have not seen the film, but I will take your word for it.
 5 Q. That situation, that type of situation where she was involved
 6 in romantic scenes with other actors always provoked you to
 7 become jealous?
 8 A. No, not always, no.
 9 Q. On this occasion, it provoked you to become jealous?
 10 A. It provoked me to -- let's use the word "jealous" -- it
 11 provoked me to become jealous because of what Ms. Heard had
 12 previously told me about her experience of working with
 13 Mr. Franco on a film called Pineapple Express. So, it shocked
 14 me that she was suddenly so friendly and happy with him.
 15 Q. Right. So, you thought something might be up?
 16 A. She told me many things that were very, very negative about
 17 Mr. Franco and that he had tried to kiss her and tried
 18 sexually, made sexual advances towards her on the previous
 19 film they had done together and that she said he was a creep,
 20 you know, he was a rapist, that kind of thing.
 21 Q. She said he was a rapist?
 22 A. She said that he was quite aggressive in his advances towards
 23 her.
 24 Q. A rapist, she did not use that word, surely?
 25 A. Well, I do not recall that the word was "rapist", but what she

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1 DEPP - WASS
 2 is doing is she is ----
 3 Q. Mr. Depp, you made an extremely important statement just now,
 4 that Ms. Heard told you that James Franco was a rapist?
 5 A. Pardon me for using the word.
 6 Q. You made that up on the spot, did you not?
 7 A. No, it is just the word that came out for the actions
 8 described of Mr. Franco by Ms. Heard to me, which was sexual
 9 advances which were him leaning into her and saying "I going
 10 to kiss you now" and, you know, she had to sort of run from
 11 his advances at one point and that he was kind of non-stop and
 12 she felt he was creepy and rapey, is the word. So, if I said
 13 a rapist, it is because the word "rapey" was used to describe
 14 Mr. Franco and his behaviour.
 15 MR. JUSTICE NICOL: That was the word that she used, was it?
 16 THE WITNESS: Rapey, yes.
 17 MR. JUSTICE NICOL: Thank you.
 18 MS. WASS: You were uncomfortable, if I can use a neutral term, as
 19 soon as you heard that she was going to be making another film
 20 with James Franco, were you not?
 21 THE WITNESS: I was uncomfortable with that, yes, because it was
 22 quite inconsistent with the feelings that she had told me of.
 23 Q. You told us before that you did not interfere with Ms. Heard's
 24 scripts or anything like that; is that still your evidence?
 25 A. I do not know what "interfere with the scripts" means.

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1 DEPP - WASS
 2 Q. You would say, before she took a part, what does this film
 3 involve, advising her ----
 4 MR. SHERBORNE: My Lord, Mr. Depp's evidence yesterday was, he
 5 said he would not interfere unless he was asked to do so. So,
 6 if Ms. Wass is going to put his evidence to him, then it would
 7 be more helpful if she put it to him correctly.
 8 MS. WASS: There you are, Mr. Depp. Do you agree with that? You
 9 would not interfere unless you were asked, unless she asked
 10 you to advise her?
 11 THE WITNESS: That is correct. Whenever she asked me for my
 12 advice, or asked me what I thought about a project, I would
 13 give her my opinion and I would give her my concerns, and
 14 I would give her advice on how to handle with her agents or
 15 her manager.
 16 Q. Your concerns about romantic scenes were quite considerable,
 17 were they not? You know what I mean by "romantic scenes"?
 18 A. Yes, I do. Well, given that Ms. Heard, as I had said
 19 yesterday, as I testified yesterday, Ms. Heard was
 20 uncomfortable being thought of as a sex object and she was
 21 hoping to do better films with more meat to the part, if you
 22 will, and did not want to be objectified and did not want to,
 23 have to do nude scenes any more. So I, and I of course was
 24 uncomfortable with the idea of her doing nudity, as I think
 25 that -- well, it does not matter.

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1 DEPP - WASS
 2 Q. Okay. Can you take up, please, bundle 8, and tab 73.
 3 A. Sorry, it is a bit of a scavenger hunt. Yes, I have it.
 4 Q. It is an e-mail from Ms. Heard to her then assistant, Kate
 5 James, dated 10th May 2014.
 6 A. Yes.
 7 Q. Subject: "One-liner. Hey there, can you do me a favour,
 8 please, can you please be sure you don't send Nathan" -- that
 9 is Nathan Holmes -- "or Christie" -- your sister Christie --
 10 "or anyone on Johnny's team the one-liner of my schedule.
 11 I do not want them to see a one-line breakdown that mentions
 12 anything romantic or anything that could Johnny to lose it" --
 13 there is probably a word missing there -- "you know. Please
 14 be careful, we just sent the DOOD that does not explain what
 15 the scenes are in any way."
 16 Can you think of any reason why Ms. Heard would not want
 17 you to have the schedule of her romantic scenes?
 18 A. Yes. It would make sense is she felt it would upset me. But
 19 it is quite, slightly -- it is a little bit of a deception.
 20 Q. It is a little of a deception and she was worried you were
 21 going to lose it, that is the word. Can you imagine why she
 22 thought you might lose it; can you help us with that? Maybe
 23 you cannot help us.
 24 A. I think what she is stating is pretty clear, she does not want
 25 me to lose it, meaning does not want me to get jealous and

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1 DEPP - WASS
 2 have it turn into an argument.
 3 Q. And lose your temper?
 4 A. Well, be upset, yes.
 5 Q. Lose it, is actually short for losing your temper, is it not?
 6 No?
 7 A. Yes. Yes. But -- yes.
 8 Q. You had a telephone call before the night you met up with
 9 Ms. Heard to travel back to Los Angeles, and I think you
 10 arranged to charter a plane, that was going to pick Ms. Heard
 11 up in Boston, where she had been filming with Mr. Franco, and
 12 you would be picked up by the same plane in New York, where
 13 you were filming, and the two of you would be flown back to
 14 Los Angeles?
 15 A. Actually, she was in New York and I was in Boston.
 16 Q. Sorry, I got that wrong. Let me start again. She was in New
 17 York and you were picked up in Boston, and the two of you flew
 18 back to Los Angeles?
 19 A. Yes.
 20 Q. And it was a private plane that had been chartered?
 21 A. Yes, ma'am.
 22 Q. The night before you were due to meet up, did you have a
 23 heated discussion on the telephone with Ms. Heard about what
 24 was happening with James Franco, the scenes she was doing with
 25 James Franco?

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1 DEPP - WASS
 2 A. I do not recall, but it is highly likely.
 3 Q. What happened was that Ms. Heard got on the plane in New York,
 4 as you said, the plane flew to Boston, and you arrived in a
 5 car, were driven in a car, but you did not get out of the car,
 6 did you; you stayed on the runway in that car for some
 7 considerable time?
 8 A. How long, a considerable time?
 9 Q. Well, you knew the aeroplane was waiting to load and take off.
 10 A. As we arrived -- any aeroplane, when you allowed into the area
 11 where the planes are and they drop us at the plane, there is
 12 usually quite a bit of time to load the luggage into the cargo
 13 area. So, there are a lot of times when I will stay, sit in
 14 the car and continue smoking my cigarette, you know, before
 15 I get on the plane. As when you are on the ground, you are
 16 not allowed to smoke on the plane, until you are airborne, for
 17 obvious reasons.
 18 Q. On this occasion, as you were waiting on the tarmac in your
 19 chauffeur-driven car, you were taking drugs, were you not?
 20 A. I am sorry, I thought I just explained it to you. As is the
 21 habit I smoke before, smoking in the car -- do you want to
 22 talk, or -- you can continue if you want.
 23 Q. Let us clarify where the dispute is between us. You say you
 24 were smoking cigarettes?
 25 A. I said I was smoking, normally I smoke, I am smoking a

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1 DEPP - WASS
 2 cigarette before I get on the plane, so I am sitting in the
 3 car smoking. Or maybe I was on the telephone, on a
 4 conversation with someone, any number of things. But to just
 5 assume naturally that I was doing drugs is a little bit ----
 6 Q. I am asking you ----
 7 A. ---- a cheap shot, I would say.
 8 Q. I am asking you -- I am sorry you think it is a cheap shot,
 9 but I hope by the time you hear what has been said about this
 10 incident you will want to retract that suggestion.
 11 A. That would be great.
 12 Q. You were taking drugs on that time before the Boston planes,
 13 do you agree with that suggestion or not?
 14 A. I was in Boston, is where Dr. Kipper and nurse Debbie Lloyd
 15 came. It had been agreed to, I had agreed to and promised my
 16 sister, who had met with Dr. Kipper, that I was going to kick
 17 the Roxicodone. So, I was addicted to a very strong narcotic,
 18 and that was known by everyone, and it was also known by
 19 everyone that I had agreed to stop, and so we were in
 20 preparation to go to the Bahamas for the detox.
 21 Q. Had you had alcohol before getting on the plane?
 22 A. Not that I recall, but normally when we get on a plane,
 23 everybody has a drink, yes.
 24 Q. Do you remember this at all, this incident?
 25 A. I am afraid I do not specifically remember this incident.

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1 DEPP - WASS
 2 I can only say that there had been many tarmacs and many
 3 planes, and many SUVs.
 4 Q. All right. Let us see if this plane journey is any different
 5 from any of the others. Ms. Heard was already on the plane,
 6 your staff that travelled with you were Stephen Deuters; yes?
 7 A. Yes.
 8 Q. Jerry Judge?
 9 A. Yes.
 10 Q. And Nathan Holmes?
 11 A. Yes.
 12 Q. The man who you said would supply drugs to you from time to
 13 time, but who is not a witness in this case; is that right?
 14 A. Yes, if he was asked.
 15 Q. And by the time you got on to the plane, it was apparent to
 16 Ms. Heard that you were under the influence of both drugs and
 17 alcohol?
 18 MR. JUSTICE NICOL: Well, I think the question has got to be were
 19 you under the influence of, first of all, alcohol, and then
 20 drugs, before you got on the plane.
 21 MS. WASS: My Lord, I have asked that, and Mr. Depp does not
 22 remember. I will certainly ask it again.
 23 (To the witness) Were you under the influence of drugs
 24 and/or alcohol before you got on the plane?
 25 A. I do not recall that I had been drinking. I do not recall

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1 DEPP - WASS
 2 that I had been taking cocaine, if that is the drug you are
 3 referring to. I was addicted to the Roxicodone and I was
 4 going to kick those. So, if there was any, if I upset
 5 Ms. Heard or, I do not deny that Ms. Heard probably saw that
 6 with her eyes.
 7 Q. What, saw that you were the worse for wear?
 8 A. I have no doubt that she believed that.
 9 Q. All right.
 10 A. And may have seen that with her eyes; but I believe that they
 11 were not telling her the truth.
 12 Q. Believing that, did you consider that she was being judgmental
 13 towards you, judging you because she believed that you were
 14 inebriated and under the influence of drugs?
 15 A. I think that she -- judgmental is a very good word to use,
 16 yes, she was quite judgmental for many years over this issue,
 17 yes.
 18 Q. And on this occasion, you were spoiling for a fight,
 19 I suggest?
 20 A. I do not know why you would say that. I do not recall
 21 spoiling for a fight, trying to start a fight?
 22 Q. Yes, spoiling for a fight.
 23 A. No, I was not trying to spoil for a fight.
 24 Q. You brought up the subject of her co-star, James Franco; do
 25 you remember that?

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1 DEPP - WASS
 2 A. I do not remember that.
 3 Q. You do not remember that. Because James Franco was a subject
 4 that you felt quite strongly about, did you not, you have
 5 explained that to us already?
 6 A. I was, I suspected that Ms. Heard was having an affair with
 7 Mr. Franco.
 8 Q. Right.
 9 A. And it has since been confirmed that she was.
 10 Q. She was not having an affair with Mr. Franco at this time, was
 11 she?
 12 A. I believe that she was.
 13 Q. You believed that she was ----
 14 A. I have been told that she was.
 15 Q. You have been told she was. Is that why you got so angry?
 16 A. I -- we have not gotten to the anger yet. I do not ---
 17 Q. You were screaming obscenities about James Franco to her on
 18 the plane?
 19 A. Screaming obscenities about James Franco on the plane?
 20 Q. Yes.
 21 A. With my two assistants or people who work with, and my chief
 22 of security and two pilots and a stewardess?
 23 Q. Yes.
 24 A. And I am screaming at Ms. Heard with ----
 25 Q. Yes.

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1 DEPP - WASS
 2 A. I would not do that.
 3 Q. This was not the first time you had behaved atrociously on an
 4 airplane.
 5 A. I disagree with everything you are saying.
 6 Q. When I say obscenities, you were talking about her getting
 7 fucked with James Franco and you were talking about how she
 8 liked getting fucked on the set, and you were making vulgar
 9 references to her genitals?
 10 A. That is quite a stretch of her imagination.
 11 MR. JUSTICE NICOL: Mr. Depp, all that you need to do is to say
 12 whether you agree or disagree with the proposition that is
 13 being put to you.
 14 THE WITNESS: And I use the word, "I disagree"? Or ---
 15 Q. I do not want to limit how you give your evidence, but if you
 16 disagree, then by all means say so.
 17 A. Yes.
 18 Q. So, I take it that you disagree with what has just been put to
 19 you?
 20 A. Yes. I very much disagree with everything.
 21 MS. WASS: I suggest that the more offensive you became, the less
 22 that Ms. Heard would engage with you?
 23 A. Again, I disagree.
 24 Q. Your staff simply allowed you to conduct yourself like this.
 25 They did not judge you. They did not admonish you. They did

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1 DEPP - WASS
 2 nothing to protect Ms. Heard from this tirade of abuse.
 3 A. They had no reason to protect Ms. Heard.
 4 Q. I suggest Ms. Heard moved seats on more than one occasion to
 5 get away from you, and you started by throwing ice cubes at
 6 her. At one stage, when she tried to move away from you, you
 7 kicked one of the chairs so hard that it swivelled round and
 8 hit her?
 9 A. I ----
 10 Q. You disagree?
 11 A. I have never seen anyone be able to push an airplane chair
 12 that could assault someone. Aeroplane chairs are very --
 13 well, we all know what they are like.
 14 Q. You were in a blind rage, demanding to know how much she liked
 15 getting off with James Franco, and she refused to answer. And
 16 you were so angry that she would not engage with you during
 17 this discussion, you slapped her across the face in front of
 18 everybody?
 19 A. No, ma'am.
 20 Q. And you called her "a go-getter slut" and "a whore"?
 21 A. No, ma'am, I would not, no. Not under those circumstances
 22 would I get that ----
 23 Q. And -- carry on, finish.
 24 A. I would not get that, I would not -- there are possibilities
 25 that if Ms. Heard and I had a fight where that sort of thing

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1 DEPP - WASS
 2 could come out of my mouth, depending on what came out of her
 3 mouth prior to. But I did not go into a rage and start
 4 screaming at her in front of all these people.
 5 Q. During the course of the flight you were demanding more
 6 alcohol and oxygen from the flight attendant?
 7 A. The oxygen tank, I remember the pilot, a lot of these crews
 8 I have flown with before, so I did ask for an oxygen tank,
 9 just as a lark.
 10 Q. As a lark?
 11 A. Yes.
 12 Q. What is so funny about an oxygen tank?
 13 A. When you put the oxygen mask on, and you turn the nozzle, you
 14 are hit with pure oxygen. That is really it. So, it was kind
 15 of, it is not oxygen, it is not a -- I was not abusing a drug,
 16 I was breathing oxygen and showing them, because I knew the
 17 crew we had flown with them a lot, and the pilot, and I had
 18 done that once before.
 19 Q. Ms. Heard got up again from her seat in order to move away
 20 from you, and you said to her, extremely aggressively: "Are
 21 you walking away from me?" And at that stage you kicked her
 22 in the back as she was trying to get away from you.
 23 A. Not true.
 24 Q. And you were raging like a monster.
 25 A. Not true.

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1 DEPP - WASS
 2 Q. And you eventually went to the toilet, the bathroom, if you
 3 prefer, of the plane, and you passed out?
 4 A. After Ms. Heard, or as Ms. Heard was berating me, screaming at
 5 me, and whatnot, as is her wont, she began to get physical,
 6 I did get up and then go to the bathroom. I grabbed a pillow
 7 from the couch and I slept on the bathroom floor. I have done
 8 that on more than a couple of occasions.
 9 Q. You certainly slept on bathroom, toilet floors before. Has
 10 your assistant, Nathan Holmes, had to break into locked doors
 11 to wake you up after you have passed out on the toilet?
 12 A. I have never passed out on the toilet. I have fallen asleep,
 13 not in the middle of, let's say, relieving oneself, but either
 14 sitting on the toilet and leaning against the wall to sleep or
 15 sleeping on the floor.
 16 Q. Can you go to file 7, tab 3, please. I ought to have made it
 17 plain that this flight from Boston to LA was on 24th May 2014;
 18 all right?
 19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 20 MS. WASS: Have you got file 7, tab 3?
 21 A. File 7, tab 3. Sorry. (Pause) Yes, I have it.
 22 Q. This was a text sent between Ms. Heard and her assistant, Kate
 23 James, the one whom she asked not to send the film schedules
 24 for the film schedules to. "I have to leave JD. He has just
 25 freaked out on me. He is drinking again. It is bad, worse

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1 DEPP - WASS
 2 than ever. I need out. I told Stephen, who is with him on
 3 this trip, to help you with tickets for me and Savannah out of
 4 here. Can you please book us on the Red Eye tomorrow morning,
 5 please? Stephen will help arrange." Then later she sends a
 6 text saying, "And can you also see if you can redirect all of
 7 these texts to me to Whitney's phone or just block him
 8 entirely. I need to make this move. Best to have his
 9 calls/texts sent to her so she can keep them to me."
 10 A. "Keep them for me".
 11 Q. "Keep them for me".
 12 A. "Until a later time".
 13 Q. "Until a later time, please." Was there anything you did that
 14 could have caused Ms. Heard to say, "I need out"? Anything on
 15 that plane journey that would make her think she wants out?
 16 A. Well, we certainly had an argument and that commenced to be
 17 physical, and I am sure she was, she sounds upset.
 18 Q. Your account of what happened on the plane is very different
 19 from the account I have just put to you, and your account is
 20 as follows, and this is from paragraph 36 of your witness
 21 statement: "I remember the flight from Boston to Los Angeles
 22 in detail. I had drunk alcohol prior to and on the flight,
 23 but my behaviour was not as alleged at all. I was drawing art
 24 sketches in my notebook, as I like to do when travelling, when
 25 Ms. Heard began to harangue me. Throughout the course of our

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1 DEPP - WASS
 2 relationship, Ms. Heard would often look to argue with me,
 3 berate me, or abuse me verbally and physically. By the time
 4 at which the flight took place, I had worked out that the best
 5 way to deal with this was simply not to engage and try to
 6 retreat from the situation." Then you said, "I took a pillow
 7 to the bathroom, locked the door and slept on the floor to
 8 avoid confrontation"; right?
 9 A. Yes.
 10 Q. That is the account that you stick to, is it?
 11 A. Yes.
 12 Q. Do you agree, Mr. Depp, that where there are accounts that are
 13 directly contradictory, as there are in this case, Ms. Heard
 14 saying that you were the monster, who slapped her, kicked her,
 15 and was completely under the influence of drink and drugs, and
 16 your account that you may have had a sip of something before
 17 and on the plane, but you were quietly sketching in an art
 18 book and did not want any confrontation at all, they are
 19 totally different accounts, are they not?
 20 A. My account and Ms. Heard's account?
 21 Q. Yes?
 22 A. Yes, ma'am. I think you will find the same throughout the
 23 entire case.
 24 Q. Yes, and do you agree that where there are two such different
 25 accounts, so at odds with each other, it is helpful to look

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1 DEPP - WASS
 2 for independent evidence?
 3 MR. JUSTICE NICOL: Ms. Wass, I am not sure that is really a
 4 question for Mr. Depp to answer. It is open to you and to
 5 Mr. Sherborne to make submissions that that is what I should
 6 do.
 7 MS. WASS: All right. Can I ask it a different way, and before
 8 Mr. Depp answers, I want to seek my Lord's approval. Do you
 9 agree that records of what was said in texts at the time these
 10 incidents took place can be helpful as to ----
 11 MR. SHERBORNE: My Lord, this is exactly the same thing. What
 12 Ms. Wass is plainly doing -- and she did it with the e-mail
 13 and I waited a very long time to hear the question -- is
 14 reading documents that are not actually written to Mr. Depp,
 15 and using him as a vehicle to comment on them. We all know
 16 the practice, and it is a typical jury practice, and because
 17 your Lordship is a judge and only listens to the answer,
 18 I have not got up every time. Where we reach the point that
 19 Ms. Wass is trying to get Mr. Depp to accept submissions that
 20 she is going to make in her closing speech, then we have
 21 reached a time when, in my submission, this needs to stop,
 22 particularly given the time and how long Ms. Wass has taken
 23 and how long she still has to go.
 24 MR. JUSTICE NICOL: Mr. Sherborne, I agree with you to this
 25 extent, as I have already indicated, that there is a division

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1 DEPP - WASS
 2 between submissions which will come at the close of the
 3 evidence and the evidence itself. If Ms. Wass wants to put to
 4 Mr. Depp documents which she says, or will submit, are in
 5 conflict with the statement that he has given, and wishes to
 6 comment on those, then it seems to me that she is entitled to
 7 do that.
 8 MR. SHERBORNE: Yes, and she has done that throughout the
 9 cross-examination, obviously, but these are a different class
 10 of document, because as was revealed by what she said in her
 11 last comment, which did not have a question in it, this is
 12 simply being used, as I say, as a vehicle to get Mr. Depp to
 13 say, "Yes, I agree that when one sees contemporaneous texts,
 14 they are helpful", or he will say they are not, and somehow
 15 that will be used as his evidence. How can it possibly be his
 16 evidence? It is pure speculation.
 17 MR. JUSTICE NICOL: I hear what you say, Mr. Sherborne. I have
 18 already said that I agree with you to the extent of there
 19 being a division between what is appropriate in submissions
 20 and what is appropriate in the course of evidence. I am not
 21 sure that I go entirely with you that everything or indeed a
 22 substantial part of what Ms. Wass is putting is on the wrong
 23 side.
 24 MR. SHERBORNE: My Lord, I was not saying that. I was saying that
 25 there are some things ----

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1 DEPP - WASS
 2 MR. JUSTICE NICOL: I think, Mr. Sherborne, we are going to get on
 3 with this.
 4 MR. SHERBORNE: Of course.
 5 MS. WASS: Mr. Depp, can you please turn to page 28 of the texts,
 6 the text schedule?
 7 MR. JUSTICE NICOL: This is back to volume 6.
 8 MS. WASS: Yes.
 9 MR. JUSTICE NICOL: Yes.
 10 MS. WASS: The bottom three lines.
 11 MR. JUSTICE NICOL: Sorry, which page?
 12 MS. WASS: I am so sorry, 28.
 13 THE WITNESS: Sorry, which page?
 14 MS. WASS: It is 28, tab 119 of the text schedule.
 15 A. Yes.
 16 Q. Do you see the bottom three texts?
 17 A. Yes.
 18 Q. They are from Mr. Deuters to Ms. Heard on the date that the
 19 plane had arrived in LA. She says this: "He is up in the
 20 bathroom". Sorry, "He is up ----
 21 MR. JUSTICE NICOL: Sorry, is this from Mr. Deuters to ----
 22 MS. WASS: From Mr. Deuters to Ms. Heard.
 23 MR. JUSTICE NICOL: Yes.
 24 MS. WASS: "He is up, he is in the bathroom, moving slowly, will
 25 let you know when en route and how he is in the car." Was

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1 DEPP - WASS
 2 there any reason that Mr. Deuters might have thought that you
 3 were not well that you can think of?
 4 A. I do not remember, no.
 5 Q. Mr. Deuters sends another text. He says, "He is in some pain,
 6 as you might guess." Can you think of why Mr. Deuters might
 7 have thought that you were in some pain?
 8 A. I do not recall.
 9 Q. "We are on our way to (unclear)". Over the page, please.
 10 A. Yes.
 11 Q. "He has been sick", Mr. Deuters tells Ms. Heard. "We are
 12 going to get him straight to bed." I am going to ask you to
 13 listen to a recording. The reference, my Lord, is tab 148J1.
 14 There is a transcript of this at 148J1 and 148J2. 148J1 is
 15 the claimant's version and (2) is the defendants' version. It
 16 is an extremely short transcript and my Lord will appreciate
 17 why in a moment.
 18 MR. JUSTICE NICOL: Can I just turn up the file?
 19 MS. WASS: Yes.
 20 MR. JUSTICE NICOL: Which file are these in?
 21 MS. WASS: 5.
 22 MR. JUSTICE NICOL: I think 5 might not be the right bundle.
 23 MS. WASS: It is at the back of -- it has been moved. I do not
 24 know if it has been moved in my Lord's bundle. (Pause)
 25 MR. JUSTICE NICOL: I have found 148J, but it says, "Accompanying

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1 DEPP - WASS
 2 USB drive to listen to recording".
 3 MS. WASS: And there is nothing else?
 4 MR. JUSTICE NICOL: No.
 5 MR. SHERBORNE: I do not have anything else either, my Lord. That
 6 is exactly what I have. (Pause)
 7 MS. WASS: I am told they might be at the front of file 10.
 8 (Pause)
 9 THE WITNESS: Sorry ----
 10 MR. JUSTICE NICOL: Just give us a moment, Mr. Depp.
 11 THE WITNESS: Sorry. Thank you. (Pause).
 12 MR. JUSTICE NICOL: Ah, I have got in file 10 a tab that says
 13 161J1. You said 148J1.
 14 MS. WASS: May I ask what my Lord's document is called?
 15 MR. JUSTICE NICOL: Which is the bundle that you think it should
 16 be in?
 17 MS. WASS: I am told it is 10.
 18 MR. JUSTICE NICOL: I am going to pass 10 down to you and you can
 19 locate the document you want. (Same handed) (Pause)
 20 MS. WASS: What might be better, my Lord, rather than taking time
 21 up, is if we play it and then, if necessary, it can be played
 22 again with the transcript when it has been located and
 23 everybody has a copy.
 24 MR. JUSTICE NICOL: All right.
 25 MS. WASS: So, could we do that and then ----

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1 DEPP - WASS
 2 MR. SHERBORNE: I think it would be better to have a transcript,
 3 particularly if it is very short. (Pause)
 4 MS. WASS: I do not think it is fair that Mr. Sherborne does not
 5 have it if my Lord has it so I am not going to invite anyone
 6 to read it. I stand by the suggestion, given this is not an
 7 ideal scenario, that we listen to it, the transcripts have
 8 been agreed to have been put in the bundles so they ought to
 9 have been there, and we can come back to this if necessary.
 10 MR. SHERBORNE: Maybe there is a better answer. I am trying to be
 11 pragmatic. Is this a good opportunity to take a five-minute
 12 break? That allows Ms. Wass to find this and we can proceed
 13 with this in what I might call a more sensible way. It is
 14 just a suggestion.
 15 MS. WASS: I am very concerned about time. If we play this, we
 16 can move on.
 17 MR. JUSTICE NICOL: Mr. Sherborne, I am also a little concerned
 18 about the time. It was a practical suggestion, but actually,
 19 I think it is best to move on.
 20 MR. SHERBORNE: I am in your Lordship's hands. I really would
 21 like a transcript. I think it is important that certainly
 22 Mr. Depp and your Lordship has a transcript and we have the
 23 transcript.
 24 MS. WASS: When my Lord hears the recording, you may take a
 25 different view.

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1 DEPP - WASS
 2 MR. JUSTICE NICOL: I am going to listen to the recording, let
 3 Ms. Wass ask her question and then I agree that it would be
 4 helpful at the future for there to be a transcript, and if the
 5 transcript cannot be agreed, to have each side's version of
 6 the transcript. But I do want to get on with this. Let us
 7 listen to the recording and we will have to come back to the
 8 transcript when it is available.
 9 (Recording played to the court)
 10 MS. WASS: Mr. Depp, that is you on the plane. Would you like to
 11 say anything about it?
 12 MR. JUSTICE NICOL: Well, do you agree that it is your voice,
 13 Mr. Depp?
 14 A. I find it difficult to ----
 15 Q. All right ----
 16 A. ---- recognise that as me.
 17 Q. If you do not know, that is fine.
 18 A. Sorry.
 19 MS. WASS: Do you remember anybody else on that plane journey
 20 making those sorts of noises?
 21 A. No, I do not. I do not remember anyone making those noises.
 22 Q. It is not a woman's voice so we can rule Ms. Heard out, can we
 23 not?
 24 A. I do not know who we can rule out.
 25 Q. You do not feel comfortable saying that that is obviously not

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1 DEPP - WASS
 2 Ms. Heard's voice?
 3 A. I am not saying it is Ms. Heard's voice. I am saying that it
 4 sounds to me like it could be pretty much anyone's voice.
 5 I have never heard that recording before. If it was submitted
 6 into evidence, I have never heard that recording before.
 7 I have never heard of the recording before. I would say that
 8 it sounds almost like some animal in pain.
 9 Q. Yes, it does, but I am going to suggest that you are that
 10 animal and if you were in pain, it was because of the
 11 over-consumption of drugs and alcohol that happened on that
 12 flight?
 13 A. I have to say that I cannot say that that is me. I cannot
 14 identify that sound as me. Therefore, I am sorry I have to
 15 disagree with you.
 16 Q. Going back to Mr. Deuters' texts on 28th, if that were you
 17 ----
 18 A. If that were me?
 19 Q. If that were you, it might offer an explanation as to why he
 20 is telling Ms. Heard that he would keep in contact with her as
 21 to how you are: "We will let you know when he is en route and
 22 how he is in the car. He is in some pain, as you might
 23 guess."
 24 A. Yes.
 25 Q. It helps understand those texts; do you agree or not agree?

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<p>1 DEPP - WASS</p> <p>2 A. I do not know that the two are connected at all.</p> <p>3 Q. Really?</p> <p>4 A. No, I do not know the origin of the tape. I do not know when</p> <p>5 the tape was made. Is there ----</p> <p>6 Q. Well, there has been ----</p> <p>7 A. ---- metadata on that tape?</p> <p>8 Q. There has been evidence and there has been metadata, but it</p> <p>9 was on 24th May ----</p> <p>10 MR. JUSTICE NICOL: Now, I think, Ms. Wass, this is starting to</p> <p>11 get into the realm of submissions.</p> <p>12 MS. WASS: I will not start asking about metadata and the like.</p> <p>13 Mr. Deuters told Ms. Heard you had been sick and he was going</p> <p>14 to get you straight to bed. Were you sick when you arrived</p> <p>15 back in LA or were you sick on the plane?</p> <p>16 A. Clearly if Mr. Deuters is sending these texts to Ms. Heard,</p> <p>17 I must have been quite ill, yes.</p> <p>18 Q. You must have been quite ill, and yet you said in your witness</p> <p>19 statement, "I remember the flight from Boston to LA in</p> <p>20 detail".</p> <p>21 A. Yes.</p> <p>22 Q. It seems that you have not remembered being sick at all. It</p> <p>23 must be something you did not remember about that flight. Do</p> <p>24 you agree?</p> <p>25 A. There is nothing that says to me I was sick on the plane. He</p>	<p>1 DEPP - WASS</p> <p>2 A. Where are we talking, I am sorry?</p> <p>3 Q. The third text down?</p> <p>4 A. Yes.</p> <p>5 Q. It seems to have been sent about three hours after the last</p> <p>6 text that Mr. Deuters sent Ms. Heard, do you agree?</p> <p>7 Mr. Deuters's last text was at 7.38 and this one was at 10.42?</p> <p>8 A. Yes, I see that.</p> <p>9 Q. This is what you say to Ms. Heard: "Once again, I find myself</p> <p>10 in a place of shame and regret. Of course I am sorry.</p> <p>11 I really don't know why or what happened, but I will never do</p> <p>12 it again. I want to get better for you and for me. I must.</p> <p>13 My illness somehow crept up and grabbed me. I cannot do it</p> <p>14 again. I cannot live like that again and I know you can't</p> <p>15 either. I must get better and I will for both of us."</p> <p>16 MR. JUSTICE NICOL: "For us both".</p> <p>17 MS. WASS: "For us both starting today. I love you. Again, I am</p> <p>18 sorry, so sorry. I love you and feel" -- there must be an "F"</p> <p>19 missing there -- "so bad for letting you down. Yours."</p> <p>20 A. Yes, I see that.</p> <p>21 Q. Now, if it was Ms. Heard who was the badly behaved party on</p> <p>22 that aeroplane, why are you apologising to her?</p> <p>23 A. The very simple answer to that could be one of a couple of</p> <p>24 things. I was apologising possibly after she was unresponsive</p> <p>25 to me trying to make things better on the plane because she</p>
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<p>1 DEPP - WASS</p> <p>2 is texting her from, I do not know where. It seems we were at</p> <p>3 my house in Sweetzer so I cannot say that he is referring to</p> <p>4 the mating call that I heard on the recording.</p> <p>5 Q. You see, your account is that really it was Ms. Heard who</p> <p>6 disgraced herself on the plane by being unpleasant,</p> <p>7 judgmental, argumentative and really you were the peaceful</p> <p>8 party and just went to the bathroom to get away from the</p> <p>9 problems. That is your account, is it not?</p> <p>10 A. That is my account. There is only so much -- sorry.</p> <p>11 Q. That is your account. Could you look at page 29 in the texts,</p> <p>12 please, the third text down. You sent a text to Ms. Heard</p> <p>13 some hours later.</p> <p>14 A. I do not have the text.</p> <p>15 Q. You do not have the text?</p> <p>16 MR. JUSTICE NICOL: This is volume 6, is it?</p> <p>17 MS. WASS: Yes, 6.</p> <p>18 MR. JUSTICE NICOL: Tab 119. I think, Ms. Wass, you said page 29,</p> <p>19 did you?</p> <p>20 MS. WASS: Yes. (Pause) Have you got page 29?</p> <p>21 A. I do, indeed, yes.</p> <p>22 Q. I have read out the two texts from Mr. Deuters to Ms. Heard</p> <p>23 and under that, there is one from you to Ms. Heard.</p> <p>24 A. Yes.</p> <p>25 Q. Do you see that?</p>	<p>1 DEPP - WASS</p> <p>2 was upset. Unfortunately, there was, in some way with</p> <p>3 Ms. Heard, because she would not let go of her beliefs, I had</p> <p>4 to condition, you have to condition yourself to use words that</p> <p>5 she finds pleasing as opposed to something that will set her</p> <p>6 off, so there is a great deal of placation that was always</p> <p>7 going on, a great deal of it. But also it could be that I</p> <p>8 could be apologising for something that I said to her if</p> <p>9 things did get heated and we exchanged foul words. I could be</p> <p>10 apologising for that or it could be straight-up placation, as</p> <p>11 was the case in a lot of instances, and I am sure she feels</p> <p>12 the same. She has probably had to placate me or hide ----</p> <p>13 Q. Why did you say you were in a place of shame and regret?</p> <p>14 A. Sometimes one has to say that because it will take the poison</p> <p>15 out of her quill.</p> <p>16 Q. But you had done nothing, if you are telling the truth, to</p> <p>17 cause you shame or regret?</p> <p>18 A. I do not know that to be true. I may have done something to</p> <p>19 cause shame and regret, which is to say that I might have said</p> <p>20 something ugly to her. I might have verbally insulted her or</p> <p>21 made some comment, but when words are being hurled at you, you</p> <p>22 hurl them back, and there are many times that one feels great</p> <p>23 regret for having done that.</p> <p>24 Q. You see, your account was that your behaviour was that you</p> <p>25 were sketching in your notebook?</p>

[37] (Pages 313 to 316)

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<p>1 DEPP - WASS</p> <p>2 A. Yes.</p> <p>3 Q. She was arguing with you?</p> <p>4 A. Yes.</p> <p>5 Q. You worked out the best way to deal with it was simply not to</p> <p>6 engage, but to retreat from the situation, and you slept on</p> <p>7 the bathroom floor in order to retreat from the situation.</p> <p>8 There is no mention there of any arguing by you. If that</p> <p>9 account is correct, you had done absolutely nothing to feel</p> <p>10 ashamed or regretful about, and yet here you are saying "Once</p> <p>11 again", so not just for the first time, "Once again, I find</p> <p>12 myself in a place of shame and regret"?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Then you say, "I really do not know why or what happened"?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. The truth of it is, Mr. Depp, that you have no recollection</p> <p>17 about your monstrous behaviour on that flight?</p> <p>18 A. No, I have a very good recollection of my behaviour. I also</p> <p>19 know that once the plane touches down or when the plane is</p> <p>20 going into landing mode, I would have had to leave the</p> <p>21 bathroom where I was sleeping on the floor and come back to my</p> <p>22 seat. If the argument continued, if she was still upset, as</p> <p>23 I can guarantee you she was, then we may have exchanged some</p> <p>24 rather nasty verbal words, nasty words to one another.</p> <p>25 Q. And what illness are you talking about: "My illness somehow</p>	<p>1 DEPP - WASS</p> <p>2 asking you what the illness was that you are referring to.</p> <p>3 THE WITNESS: Yes, what I am trying to say is that the illness that</p> <p>4 crept up and grabbed me is probably that I went to the bottle,</p> <p>5 that "I am sorry that I went to the bottle. I am sorry that</p> <p>6 you feel this way. I am sorry for everything that happened.</p> <p>7 I am sorry for everything I did, or anything I did." I am</p> <p>8 sorry to say, this was quite a regular occurrence between us.</p> <p>9 MS. WASS: It was a regular occurrence for you to get excessively</p> <p>10 drunk and/or drugged up and completely forget what you had</p> <p>11 done; that was what was a regular occurrence?</p> <p>12 A. No, ma'am. I disagree.</p> <p>13 Q. Let us carry with the texts, please. Halfway down that page,</p> <p>14 still on page 29, Christie, your sister, says: "Do you want</p> <p>15 to talk?" She sends that to Ms. Heard; do you see that?</p> <p>16 A. I do indeed.</p> <p>17 Q. Then Ms. Heard says: "I can't. I am sorry, but thanks for</p> <p>18 offering, love you." Your sister says: "Could be things get</p> <p>19 better from all of this. I don't know but may try to be</p> <p>20 helpful and encouraging and supportive. I would love it if we</p> <p>21 could talk even a little. I want to help you both."</p> <p>22 Ms. Heard said: "Yes, and I do hope he gets better this time.</p> <p>23 But I can't keep staying and supporting him just to watch him</p> <p>24 do it all over again. He has done this many times before.</p> <p>25 Tokyo, the island, London, remember that, many, many times,</p>
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<p>1 DEPP - WASS</p> <p>2 crept up and grabbed me"?</p> <p>3 A. That, to me, sounds like I went straight to excessive drinking</p> <p>4 after the initial altercation began.</p> <p>5 Q. Excessive drinking on the plane?</p> <p>6 A. Before I went to the bathroom or in the bathroom or after the</p> <p>7 bathroom.</p> <p>8 Q. So, now we should take on board that you are accepting that</p> <p>9 you may have engaged in excessive drinking; is that the</p> <p>10 position now?</p> <p>11 A. I am being completely honest with you. I am thinking that if</p> <p>12 I am saying that and I am apologising for something, I believe</p> <p>13 that it is very probable and sounds like something that I may</p> <p>14 have done, post ----</p> <p>15 Q. You may have got very drunk on the plane?</p> <p>16 A. ---- post argument. As I was upset, she was upset. But</p> <p>17 certainly not enough time to get, as you say, black-out drunk</p> <p>18 or anything of that nature. Yes, I did drink when Ms. Heard</p> <p>19 would get upset.</p> <p>20 Q. I am talking about this specific journey?</p> <p>21 A. Yes, and I am trying to explain it.</p> <p>22 Q. You are saying you did drink on this specific journey</p> <p>23 excessively?</p> <p>24 A. Excessively is maybe, maybe overstating.</p> <p>25 MR. JUSTICE NICOL: This series of questions began with Ms. Wass</p>	<p>1 DEPP - WASS</p> <p>2 and I always stay. Always believe he is going to get better,</p> <p>3 and every three or so months I am in exactly the same</p> <p>4 position." All right? Now, are you able to say, and it may</p> <p>5 be that you are not, when Ms. Heard is talking about you</p> <p>6 getting better, is she talking about what you regard as your</p> <p>7 illness? Is it the same thing you are talking about, the</p> <p>8 excessive drinking?</p> <p>9 A. I believe what she is referring to is my, or our approach to</p> <p>10 one another, that I, my approach towards her is more agreeable</p> <p>11 to her.</p> <p>12 Q. Mr. Deuters sent another text to Ms. Heard, the next text</p> <p>13 down: "Hey, he's up. He's much better, clearer. He doesn't</p> <p>14 remember much, but we took him through all that happened. He</p> <p>15 is sorry, very sorry and just wants to get better, which</p> <p>16 allows us to make him follow-up on that promise." Did</p> <p>17 Mr. Deuters take you through what had happened on the flight?</p> <p>18 A. Mr. Deuters and I had a conversation. Ms. Heard was still</p> <p>19 very upset and I think very -- she was very stubborn about</p> <p>20 hearing anything that did not ring true with her side of</p> <p>21 things. And on many occasions, I am somewhat embarrassed to</p> <p>22 say, that I had to tell Mr. Deuters, and I recall telling</p> <p>23 Mr. Deuters, just agree with whatever she said, just placate</p> <p>24 her. I can't take it any more, no more fights, no more</p> <p>25 violence, no more freak-outs, just placate her. That was our</p>

[38] (Pages 317 to 320)

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1 DEPP - WASS
 2 practice.
 3 Q. That was the plan that you cooked up with Mr. Deuters, was it,
 4 when he told you what had happened?
 5 A. Yes. We cooked up a plan to placate Ms. Heard, but in fact
 6 that was not cooked up then, it was cooked up a lot longer,
 7 prior.
 8 Q. Before the plane incident at all?
 9 A. The placation of Ms. Heard, yes, it started ----
 10 Q. I understand.
 11 A. ---- quite a, a year or two, or maybe more before that.
 12 Q. Before this incident?
 13 A. Absolutely, yes.
 14 Q. Mr. Deuters indicated that you did not remember much.
 15 A. Yes.
 16 Q. Did you tell Mr. Deuters that you did not remember much about
 17 the journey?
 18 A. I do not recall telling Mr. Deuters that I did not remember
 19 anything about the journey. I remember having a conversation
 20 with Mr. Deuters saying, "Please, just tell her whatever she
 21 wants to hear, placate her".
 22 Q. I understand that. But that conversation was two years
 23 beforehand, you tell us?
 24 A. No no no. That placation started years before. It became a
 25 necessary tool to be able to deal with Ms. Heard without her

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1 DEPP - WASS
 2 going into a rather high energy screaming match.
 3 Q. I wonder if you can help us as to why Mr. Deuters might have
 4 said: "He doesn't remember much but we took him through all
 5 that happened. He's sorry, very sorry and he wants to get
 6 better, which allows us to make him follow-up on that
 7 promise." You had already said you were really sorry,
 8 Mr. Depp?
 9 A. Yes.
 10 Q. But can you think of a reason why Mr. Deuters would say, would
 11 it placate Ms. Heard to say you did not remember much about
 12 what had happened? Why would that placate Ms. Heard?
 13 A. Because for her, that it looks like she was correct, and
 14 Ms. Heard likes to be correct.
 15 Q. Then, Mr. Deuters says: "He's teary. He doesn't want to be a
 16 fuck up any more, his words. ...(reads to the words)... spoken
 17 to C" -- that is Christie -- "we're going to set him up with
 18 Dr. Kipper on Wednesday, hopefully. He won't be skipping this
 19 time."
 20 A. "Won't be skipping at this time", yes.
 21 Q. Yes. Did you miss an appointment with ----
 22 A. Apparently I did, yes.
 23 Q. Then, over the page, page 30, please. (Pause)
 24 A. Yes.
 25 Q. "The doc will fly to Boston. He's a much bigger deal than

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1 DEPP - WASS
 2 Charlie", is "Charlie" Charlie Dummit?
 3 A. Yes.
 4 Q. "I'm not worried about bringing Charlie up, I'll do that when
 5 he's awake." Then, Ms. Heard texts Mr. Deuters, saying:
 6 "I've not heard from him, which I expected. I still want to
 7 fly back to NYC today on the Red-Eye, though. I can't keep
 8 doing this." Then Mr. Deuters said: "His phone is fucking up
 9 I'm restarting it. ...(reads to the words)... and he wasn't
 10 talking physically." This was just placating Ms. Heard, was
 11 it?
 12 A. Yes.
 13 Q. "I think he's just texted you. He's incredibly apologetic and
 14 knows he has done wrong ...(reads to the words)... fell like
 15 we're in a critical juncture." Again, all said just to calm
 16 Ms. Heard down; is that right?
 17 A. I am trying to see where you are.
 18 Q. Sorry, where are you, Mr. Depp?
 19 A. Looking for what you are reading, sorry.
 20 MR. JUSTICE NICOL: If you look on page 30 of the text schedule.
 21 THE WITNESS: Sorry, "feel we are at a critical juncture", I see
 22 that now.
 23 MS. WASS: Then she said to him: "I don't know how to be around
 24 him after what he did to me yesterday." Have you any idea
 25 what she might have been referring to?

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1 DEPP - WASS
 2 A. I am going to say she is talking about the experience on the
 3 aeroplane.
 4 Q. Mr. Deuters was on the aeroplane, so he would have known what
 5 she was talking about, presumably?
 6 A. Yes, she voiced it pretty well, yes.
 7 Q. Then she said: "I don't know if I can stay with him, I need
 8 time." Mr. Deuters said: "He wants to see you so much, he's
 9 distraught." Then, she said: "Don't worry about the flights,
 10 I'm taking the car. Thank you." Then she said: "He thinks
 11 he doesn't deserve this. Obviously he has no idea what he did
 12 or to the extent that he did it." Is there any reason you can
 13 think of why Ms. Heard would be of the opinion that you had no
 14 idea what you did?
 15 A. I believe that Ms. Heard was very happy with the idea that she
 16 was correct about my black-out or violence or screaming or
 17 whatever she, her allegations are.
 18 Q. "If someone was truly honest with him about how bad it really
 19 was, he would be appalled. The man Johnny is would be
 20 humiliated and definitely wouldn't say to me that he doesn't
 21 deserve it. I'm sad he does not have a better way to really
 22 know the severity of his actions yesterday. Unfortunately for
 23 me, I remember them in full, in full detail, everything that
 24 happened." Mr. Deuters said this: "He was appalled, when
 25 I told him he kicked you, he cried."

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1 DEPP - WASS
 2 A. Yes.
 3 Q. Why was it going to appease Ms. Heard for Mr. Deuters to say
 4 that you cried when you were told that you kicked her?
 5 A. Again, and I am embarrassed to say it, I told Mr. Deuters, my
 6 instructions to him were placate her, tell her anything she
 7 wants to hear, tell her that I am sad, you know, because she
 8 will calm down if she has heard that she is right. So, to get
 9 past this very fractured argument, yet another argument,
 10 Mr. Deuters did exactly what I asked him to do.
 11 Q. You specifically said: "Tell her I don't remember anything,
 12 but tell her that you told me that I kicked her and that
 13 I cried." Were those your instructions to Mr. Deuters?
 14 A. I did not go into specific instructions. I did not write any
 15 dialogue for him. I left it to Mr. Deuters to follow my
 16 instructions, and I trusted that he would get the point to her
 17 that I was feeling bad about having let her down and upset
 18 her, or whatever she says I did, just agree with it, to get
 19 through this, just to get through it. As she is saying,
 20 "I can't take it, I am going to leave him, I can't take it any
 21 more", well, she was feeling that for a very good reason,
 22 because we argued all the time. I was feeling exactly the
 23 same.
 24 Q. She was feeling it because you were assaulting her all the
 25 time?

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1 DEPP - WASS
 2 A. I am going to respectfully disagree with what you just said.
 3 Q. Kicking a woman in the back, that is not the action of a
 4 Southern gentleman, is it?
 5 A. That is not -- kicking a woman in the back is not the action
 6 of any gentleman. Kicking a woman in the back is a horrid and
 7 damning act.
 8 Q. You would call someone who did that a wife-beater, would you
 9 not?
 10 A. If someone kicked a woman in the back, would I call him a
 11 wife-beater?
 12 Q. Yes.
 13 A. No, I would call him a sick person. I would call them an
 14 animal. I would call him a savage. I would call him a nasty,
 15 I would call them -- it is one of the most disgusting things
 16 that anyone has ever said about me, and accused me of. So,
 17 I deny that I kicked her in the back. Yes.
 18 Q. You said you would not call a man who kicked a woman in the
 19 back a wife-beater, but do you agree ---
 20 A. I mean a wife-beater, I would call him all kinds of things.
 21 Q. Do you agree it would be a fairly accurate description of
 22 someone who kicked a woman in the back?
 23 MR. JUSTICE NICOL: Ms. Wass, again, I think we are getting into
 24 the realm of submissions.
 25 MS. WASS: All right. (To the witness) Can I then ask you to turn

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1 DEPP - WASS
 2 to page 33, please.
 3 MR. JUSTICE NICOL: You are still on ---
 4 MS. WASS: Still on the bottom page.
 5 MR. JUSTICE NICOL: 6/F1.
 6 MS. WASS: 6/F1, yes.
 7 MR. JUSTICE NICOL: 119, page 33.
 8 MS. WASS: Page 33. (To the witness) You have sent your sister a
 9 text, you forwarded to your sister a text that Ms. Heard sent
 10 to you. Can you see that at the top? "She finally sent me a
 11 text, I will not respond, at least not in text and not right
 12 away. She seems to have figured it all out. Happy reading."
 13 This is the forwarded text. "There are so many things to say,
 14 I feel there are not enough words in the world to articulate
 15 what I want to say to you. All I can say is I am heartbroken.
 16 My whole world came crashing down on me, I feel so lost.
 17 I know this, I love you, more than I've ever loved anything.
 18 I know you are my one, my life's true love. Fact remains
 19 I can't imagine life without you and the inescapable truth is,
 20 being with you has been the best thing to happen to my life.
 21 But only you have the ability to take it away from me for both
 22 of us. I know you have a sickness. I know you are suffering,
 23 Johnny, I'll do anything to be able to take that away from
 24 you, if only I could. We have such a beautiful...(reads to
 25 the words)... that is killing us. And that is what I am

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1 DEPP - WASS
 2 afraid of. Seeing such a beautiful thing as our love
 3 slaughtered right in front of my eyes, and not being able to
 4 do anything about it. That is what, who I am running from,
 5 that demon. Because despite how much I have tried to fight
 6 him off, you, he has been winning. I am scared, Johnny, so
 7 scared, I watch as this thing steals my life out from under
 8 me. He steals my man from me and replaces him with something
 9 terrifying and unrecognisable."
 10 That was the text that Ms. Heard sent you, was it not?
 11 A. Yes, it appears so.
 12 Q. She is describing the monster, is she not, that part of you
 13 that takes over in drink?
 14 A. She is describing, yes, the -- what she called, referred to as
 15 "the monster", yes.
 16 Q. Could you go over to page 34, please. Now, I understand your
 17 case, as far as Mr. Deuters is concerned, is that his brief
 18 was to placate Ms. Heard, yes, to say anything that was going
 19 to keep her happy; yes?
 20 A. Yes.
 21 Q. Your brief was to placate Ms. Heard?
 22 A. As often as I could, yes.
 23 Q. I want to ask you about a text that did not go to Ms. Heard,
 24 at all, but a text from you to Mr. Bettany.
 25 A. Yes.

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1 DEPP - WASS
 2 Q. This is sent a couple of days, sent on 30th May, so a few days
 3 after, a week after the Boston plane incident. You say this:
 4 "I am going to properly stop the booze thing, darling. Drank
 5 all night before I picked Amber up to fly to LA, this past
 6 Sunday." That is obviously a reference to the flight from
 7 Boston to LA, is it not?
 8 A. Yes.
 9 Q. "Ugly mate. No food for days. Powders, half a bottle of
 10 whisky, a thousand Red Bull and vodkas, pills, two bottles of
 11 champers on the plane, what do you get ...(reads to the
 12 words)... screaming obscenities and insulting any fuck who got
 13 near." What exactly are you talking about in that text,
 14 Mr. Depp?
 15 A. I can see it says I drank all night before I picked up
 16 Ms. Heard to fly to LA. I get that.
 17 Q. "No food for days"?
 18 A. "Ugly, mate, no food for days, powders ----"
 19 Q. What are powders?
 20 A. Powders would have been cocaine.
 21 Q. Right. You suggested that I was including cocaine in
 22 everything. It appears from what you are telling Mr. Bettany,
 23 cocaine was involved?
 24 A. Well, that is to say, if this entire text is about the plane
 25 ride.

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1 DEPP - WASS
 2 Q. You wrote it.
 3 A. Yes, I did. But ----
 4 Q. Do you remember writing it?
 5 A. I am going to stop, "I am going to stop properly the booze
 6 thing, darling. Drank all night before I picked Amber up to
 7 fly to LA this past Sunday. Ugly, mate. No food for days,
 8 powders, half a bottle of whisky, thousand Red Bulls and
 9 vodka, pills", all that. It does not necessarily mean that
 10 I was talking about that plane ride. I could have been
 11 talking about what I was going through at that moment.
 12 MR. JUSTICE NICOL: Mr. Depp, there is a section of the text that
 13 says "two bottles of champers on plane"; is that about the
 14 plane ride?
 15 A. Well, on the plane, yes, it is.
 16 Q. Two bottles of champagne?
 17 A. Two bottles of champagne on plane, okay, yes, I guess that is
 18 it.
 19 Q. That was about the plane?
 20 MS. WASS: So, you are talking, "I picked Amber to fly to LA this
 21 past Sunday".
 22 A. Yes.
 23 Q. Then: "Ugly, mate. No food for days ...(reads to the
 24 words)... pills", you think that might be about a completely
 25 different incident; is that your evidence?

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1 DEPP - WASS
 2 A. I do not -- I mean, no, I guess, as your Lordship has pointed
 3 out, the two bottles of champagne on plane, what do you get?
 4 So, I am going to say that I made a mistake about the full
 5 intake on the plane.
 6 Q. You did consume more than you were previously admitting to; is
 7 that right?
 8 A. Yes, yes, but it is not -- I do not remember that it was one
 9 of those flights like that.
 10 Q. One of those flights?
 11 A. I have had several, yes.
 12 Q. You have had several flighted and you have had several flights
 13 where you have behaved badly like this.
 14 A. I have had several flights where we have argued.
 15 Q. Well, we are not talking about arguing, we are talking about
 16 the amount of alcohol and the amount of cocaine that you had
 17 before and on the flight?
 18 A. Yes, this sounds like ----
 19 Q. It sounds like you overdid it, does it not?
 20 A. It sounds like I absolutely overdid it, it sounds like it was
 21 a very self-destructive moment and I was incorrect in my
 22 statement that I had taken, I had not taken cocaine and things
 23 of that nature. I am, I can only say my apologies to the
 24 court in terms of that, but I did not remember that flight
 25 being such a, the entire flight being such a nightmare.

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1 DEPP - WASS
 2 Q. But you do not remember that flight, full stop, I suggest?
 3 A. No, I do remember.
 4 Q. Where in all of are you sketching your art?
 5 A. At the beginning of the flight.
 6 Q. How long did that last?
 7 A. Until Ms. Heard started to express that she was displeased
 8 with me.
 9 Q. You see, you said four lines down, after the two bottles of
 10 champagne and what do you get, "...an angry aggro Indian."
 11 What is that a reference to?
 12 A. Sorry. Native American.
 13 MR. JUSTICE NICOL: Sorry, angry?
 14 A. Aggro Indian.
 15 Q. Is a reference to a native American?
 16 A. Myself being an angry aggro native American, I have part of
 17 native American blood.
 18 MS. WASS: You are an aggro angry Indian, in your words, in a
 19 fucking blackout.
 20 A. That is what it says, yes.
 21 Q. It does. I have asked you more than once, whether you had
 22 parts of this flight that you did not remember, and you have
 23 repeatedly said you remembered it all clearly.
 24 A. Yes.
 25 Q. Then, that changed and you said you remembered that did you

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1 DEPP - WASS
 2 hit the bottle at some stage. I mean, you had a blackout, did
 3 you not?
 4 A. I cannot say that I had a full blackout, because I do have
 5 memories of the flight.
 6 Q. Some memories?
 7 A. Some memories of the flight, yes.
 8 Q. But parts of that flight are blacked out?
 9 A. Apparently. But, yes, apparently that is what I am saying to
 10 Mr. Bettany.
 11 Q. Yes. Is there any reason why you would say that to
 12 Mr. Bettany if it were not true?
 13 A. Probably not.
 14 Q. No. You carry on with the blackout, after the words
 15 "blackout", screaming obscenities?
 16 A. Yes.
 17 Q. You remember I accused you of screaming obscenities to
 18 Ms. Heard about her relationship, or what you were suggesting
 19 was her relationship with James Franco; do you remember those
 20 questions about an hour ago?
 21 A. I do indeed, yes.
 22 Q. You denied that completely screaming obscenities of any sort?
 23 A. I did not recall screaming any obscenities, but I did say at a
 24 certain point the argument escalated quite heavily into
 25 screaming at one another. And I retreated to the bathroom,

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1 DEPP - WASS
 2 with the pillow. I do remember that.
 3 Q. Having heard that recording on the plane, do you think now
 4 that might have been you making those animal noises?
 5 A. I certainly hope not. But I do not -- I do not recognise that
 6 as my voice. I would say that it is something that I have
 7 heard once, just today, and ----
 8 Q. We can play it again, if it helps. Would you like to hear it
 9 again?
 10 A. No, I am fine. Thank you very much. If it is me, then I was
 11 definitely dealing with a problem.
 12 Q. Yes. If you were blacking out, and you were dealing with a
 13 problem, you may have done things that you have absolutely no
 14 memory of?
 15 A. I may have done things that I have no memory of, but
 16 Mr. Deuters was there, Mr. Judge was there who would never
 17 have let anything happen to Amber, Ms. Heard. And I certainly
 18 am not a violent person, especially with women, and I have
 19 been violent in the past, as we have spoken, when provoked.
 20 This is clearly is, I made a mistake, and I -- pardon, I beg
 21 your pardon, I spoke out of turn, and I spoke incorrectly
 22 about a situation.
 23 Q. Can I just, for the avoidance of any doubt, try to establish
 24 what your evidence is now about the flight from Boston to LA.
 25 Do you accept that you drank to excess?

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1 DEPP - WASS
 2 A. Yes.
 3 Q. Do you accept that you took cocaine?
 4 A. I think what we are talking about is, where it says, "powders,
 5 no food for days", we are talking days. So, it is not that
 6 I, that I am saying I did cocaine on the plane.
 7 Q. Half a bottle of whisky?
 8 A. "Half a bottle of whisky, a thousand Red Bulls and vodkas,
 9 pills, two bottles of champers on the plain, and what do you
 10 get." Yes.
 11 Q. I want to make sure it is quite clear what you are saying
 12 about the Boston plane incident. You were very drunk, you had
 13 taken drugs either before or during, or both. Do you agree
 14 with that?
 15 A. Sure, for the purposes of getting through this, let's say,
 16 yes, everything you have said I agree.
 17 MR. JUSTICE NICOL: Mr. Depp, I realise it is the end of the
 18 afternoon, but do not feel that you must say things for the
 19 sake of getting through this. What I want to hear is your
 20 evidence and the evidence that is the truth. So, you tell me,
 21 as best as you recall, whether or not you had been taking
 22 cocaine either on the plane or before you got on the plane?
 23 THE WITNESS: I honestly, your Lordship, I cannot recall whether
 24 I was doing cocaine, but from the condition that this text is
 25 explaining to Mr. Bettany, it sounds like it would not be out

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1 DEPP - WASS
 2 of the question in any way. The cocaine would have,
 3 I imagine, kept me awake for a lot longer. But I will say,
 4 based on this text, that, yes, it is very likely that I was
 5 doing pills, alcohol, cocaine, marijuana, and certainly as I
 6 had not been detoxed from the Roxicodone, I was on Roxicodone
 7 as well. So, yes, and again, I apologise for that.
 8 MS. WASS: You accept that now?
 9 A. Yes, sure, I accept that, ma'am.
 10 Q. We have a record of what you just said, and it will be on the
 11 record. When I put to you earlier that you were under the
 12 influence of drink and drugs when the car was waiting on the
 13 runway, do you remember I suggested that to you, that you
 14 arrived in the car and kept everyone waiting, you said this is
 15 always how it happens. Do you think now, you were wrong when
 16 you said you were waiting to do a detox with Dr. Kipper and
 17 you did not want to overdo it, or words to that effect?
 18 A. I am sorry, I did not understand that.
 19 Q. It may be ----
 20 MR. JUSTICE NICOL: I think ----
 21 MS. WASS: I can leave that.
 22 MR. JUSTICE NICOL: ---- the end of the day is fast approaching
 23 for us all.
 24 MS. WASS: One more text and then I have finished with this.
 25 Page 34, please, Mr. Depp. A week later you sent a text to

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1 DEPP - WASS
 2 your friend Patty Smith.
 3 THE WITNESS: Yes.
 4 MR. JUSTICE NICOL: Is this the third one down?
 5 MS. WASS: Yes, "My darling Patty Lee, I miss you and worship you
 6 and there is nothing wrong between us. Never ever could that
 7 happen. I have just been so beyond busy with the film here in
 8 Boston and then back to LA for kiddies. When I was in New
 9 York, there were brief visits and fucked and charged by
 10 horrific fights with Amber. I fucked up and drank and got
 11 shitty. Was so disappointed in myself."
 12 So, again you are telling somebody that you did not have
 13 to placate that you had been, using your words, "shitty with
 14 Amber"?
 15 A. Yes. I see that and I agree, yes.
 16 Q. Have you seen any accusations that were made at the time, so I
 17 am not asking about 2016 and beyond, that is to say after your
 18 divorce, suggesting it was Ms. Heard that had behaved badly on
 19 the plane?
 20 MR. JUSTICE NICOL: Well, Ms. Wass, if it is the defendants' case
 21 that there is no text, then of course that is a matter that
 22 you can include in your submissions.
 23 MS. WASS: All right.
 24 MR. JUSTICE NICOL: I am not sure that putting Mr. Depp to a
 25 memory test of various texts is going to be helpful.

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1 DEPP - WASS
 2 MS. WASS: My Lord, that concludes that episode. It has taken,
 3 I am afraid, considerably longer than I had anticipated. I do
 4 not know if my Lord was thinking of rising now, but could I
 5 address the court about timetable, please?
 6 MR. JUSTICE NICOL: Yes, indeed. Can Mr. Depp stand down from the
 7 witness box while you do so?
 8 MS. WASS: Of course, it is my Lord's prerogative to allow him to
 9 do that, but I would have no objection.
 10 MR. JUSTICE NICOL: Good. Then, Mr. Depp, you are going to
 11 continue your evidence tomorrow.
 12 THE WITNESS: Yes, sir.
 13 MR. JUSTICE NICOL: What I have said to you previously about not
 14 talking to anybody about your evidence continues.
 15 THE WITNESS: Yes, sir.
 16 MR. JUSTICE NICOL: But I am going to carry on hearing something
 17 that Ms. Wass wants to say to me about timing.
 18 THE WITNESS: Certainly. Thank you very much. Again, my
 19 apologies for misrepresenting a situation. I was not fully
 20 aware of the entire thing so pardon me.
 21 MR. JUSTICE NICOL: All right, thank you.
 22 THE WITNESS: My apologies, thank you.
 23 (The witness stood down)
 24
 25

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1 DISCUSSION
 2 MR. JUSTICE NICOL: Yes, Ms. Wass.
 3 MS. WASS: My Lord, there were three days set aside for
 4 cross-examination of the claimant in this case. Two matters
 5 have really made that or caused that timetable to be called
 6 into question. The first is that yesterday -- it was only
 7 yesterday -- I have not got the exact time, but Mr. Sherborne
 8 asked to ask some questions in chief. It took slightly longer
 9 than he anticipated and I make no criticism of Mr. Sherborne
 10 in that regard because Mr. Depp likes to give very full
 11 answers, as some witnesses do, and again it is no criticism of
 12 that witness. However, it has taken considerably longer in
 13 the main because of the length and repetition of some of the
 14 answers.
 15 The position is that -- and last night I appreciated the
 16 words that my Lord indicated at the close of the day yesterday
 17 that really we were hoping to stick by the timetable --
 18 I revised and hoped to get through seven of the incidents
 19 today. I have got through three. Not all of them are long,
 20 as my Lord knows, but in some cases, such as the Boston plane
 21 incident, there is a lot of evidence and Mr. Depp, as my Lord
 22 appreciates, now he has seen it, has given an account which is
 23 more consistent with the defence case than the claimant's
 24 case.
 25 MR. JUSTICE NICOL: Now, Ms. Wass, we are towards the end of the

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1 DISCUSSION
 2 day. Let us keep to what you want to say about timing.
 3 MS. WASS: I have had an opportunity of speaking to those
 4 instructing me and my juniors about timing and I would ask
 5 that Friday morning is allocated for Mr. Depp's evidence. The
 6 good news, if I can put it this way, is that we have all
 7 considered the length of cross-examination of the claimant's
 8 witnesses.
 9 MR. JUSTICE NICOL: The other witnesses.
 10 MS. WASS: The other witnesses, sorry, yes. Has my Lord got a
 11 copy of the up-to-date timetable?
 12 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.
 13 MS. WASS: My Lord will see that on Friday 10th, the witnesses are
 14 Sean Bett, who is, I think, at court at the moment -- he is
 15 one of Mr. Depp's guards -- and Kevin Murphy. Mr. Bett will
 16 not be a lengthy witness. Mr. Murphy will be lengthier than
 17 some, but certainly not half a day. It may well be that if he
 18 is put on a morning, either on Monday or Tuesday, Tuesday
 19 preferably, or actually Wednesday or Thursday, any of those
 20 mornings could accommodate a witness of the length of
 21 Mr. Murphy, and Mr. Bett could easily be accommodated in one
 22 of the other days. So, my application is that given the
 23 difficulties that have arisen, consideration is given to
 24 revising the timetable.
 25 MR. JUSTICE NICOL: Right.

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1 DISCUSSION

2 MS. WASS: It will not increase the overall length of the trial,

3 which I know will be very much in the court's mind.

4 MR. JUSTICE NICOL: In addition to your cross-examination, I was

5 going to say Mr. Sherborne, but it may not be Mr. Sherborne,

6 but somebody on the claimant's behalf is going to need to have

7 an opportunity to re-examine.

8 MS. WASS: Yes.

9 MR. JUSTICE NICOL: How does that fit with what you are

10 suggesting?

11 MS. WASS: Well, I have no idea. That really is a question best

12 dealt with by Mr. Sherborne, if I may say so, because only he

13 knows how long he is likely to be.

14 MR. JUSTICE NICOL: He has heard part of your cross-examination.

15 MS. WASS: Yes.

16 MR. JUSTICE NICOL: But are you saying that you think you will

17 need all of Friday morning or will there be some space for

18 re-examination on Friday morning?

19 MS. WASS: Realistically, I will need all of Friday morning,

20 particularly since the confidential aspect of this will be

21 dealt with all in one go. Although, it is chronological,

22 I have kept that apart.

23 MR. JUSTICE NICOL: That is what I asked to you do.

24 MS. WASS: Of course, and that is a very sensible way of dealing

25 with it, but it does mean that there is some catching up to

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1 DISCUSSION

2 do. Realistically, I would require all of Friday morning.

3 MR. JUSTICE NICOL: So, any re-examination is going to be Friday

4 afternoon. (Pause) Mr. Sherborne.

5 MR. SHERBORNE: My Lord, yes. Your Lordship will have the revised

6 draft timetable and you will see that we have had to work to a

7 very strict timetable. It was made clear at the pre-trial

8 review by your Lordship and it is one of the reasons why

9 your Lordship took the view that we should not have the usual

10 openings delivered orally, notwithstanding the fact that

11 your Lordship will recall that I asked that we should do so.

12 MR. JUSTICE NICOL: You opposed that, I mean very understandably,

13 but you ----

14 MR. SHERBORNE: Yes, I did. It is entirely a matter for

15 your Lordship, but you took the view that we did not have

16 enough time because we had such a tight strict timetable.

17 That is why the timetable has been agreed. What your Lordship

18 sees is that the first three days are taken up with

19 housekeeping -- it was accepted that there would be some

20 housekeeping at the beginning of day 1 -- and that we would

21 complete Mr. Depp's evidence by the end of Thursday, and that

22 would also include any re-examination.

23 Now we are being told by Ms. Wass that the timetable has

24 slipped hugely because, first of all, I asked questions in

25 chief. Well, what I can say about that is that your Lordship

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1 DISCUSSION

2 will have noted that at most, I was 15 minutes, and in any

3 event, your Lordship has sat for an additional half an hour

4 this morning, so any time taken up by my examination-in-chief

5 has been more than compensated for by the court and court

6 staff being asked to sit half an hour early.

7 In my submission, if Ms. Wass has not progressed fast

8 enough then that is not the fault of Mr. Depp. Given that we

9 have a very large number of witnesses and a very tight

10 timetable, not least because of the video link evidence, and

11 certainly if one looks at Friday, we have a number of

12 witnesses who are giving evidence by video link, there is a

13 very good reason why we are being kept to a timetable. If we

14 do not keep to it, we are going to encounter far more problems

15 than one would encounter in what I might call a normal trial.

16 Your Lordship, with respect, very reasonably pointed out at

17 the beginning of this trial why there were certain features of

18 this case which took it outside of the norm and that is one of

19 the principal features. It is going to prove, in my

20 submission, extremely problematic if we do not stick to it. I

21 simply do not understand, with the greatest respect to

22 Ms. Wass, how she can possibly state, as she did, that we can

23 say that it is not going to affect the overall length of the

24 trial.

25 MR. JUSTICE NICOL: I realise the cross-examination is not

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1 DISCUSSION

2 complete, but how long do you estimate your re-examination

3 will be on the basis of what you have heard so far?

4 MR. SHERBORNE: On the basis of what I have heard so far, which is

5 two days, about an hour or so, but that is only on the basis

6 of these two days. We do have another day and potentially, if

7 your Lordship accedes to a whole morning -- we really are in a

8 position where we simply do not have the luxury of that, as

9 your Lordship says -- then that is going to increase. I am

10 very concerned about the effect if we go, in any significant

11 way, into Friday.

12 Now, of course, it is one thing for Friday morning to be

13 re-examination, and that allows Ms. Wass all of tomorrow, but

14 if we go into Friday with cross-examination, we are bound, in

15 my submission, to slip into Friday afternoon and that is going

16 to cause serious problems. So whilst, at the moment, the

17 timetable is agreed between us on the basis that

18 re-examination would be fitted into Thursday, I can see that

19 if your Lordship permits, then at least Ms. Wass can have

20 until the end of tomorrow.

21 In my submission, there has been no proper basis laid

22 for saying that there have been difficulties encountered.

23 This is exactly the way in which this trial was always going

24 to proceed. I do not think anyone can say there is anything

25 unforeseeable that has happened over the last two days other

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1 DISCUSSION
 2 than the fact that Ms. Wass has taken it very slowly. That is
 3 obviously a matter for her, but she has been allowed up to
 4 three days to cross-examine. In my submission, in the context
 5 of this trial, that is more than ample. We all had warning of
 6 what your Lordship said right from the start about this being
 7 a strict timetable.
 8 MR. JUSTICE NICOL: Yes. Ms. Wass, is there anything you want to
 9 say?
 10 MS. WASS: I know my Lord will weigh up the justice to both
 11 parties, and if the claimant is not going to be tested on
 12 possibly the most important parts, chronologically those at
 13 the very end, that will put the defence in the hugest
 14 disadvantage and, in my submission, potentially compromise the
 15 fairness of this trial.
 16 MR. JUSTICE NICOL: Ms. Wass and Mr. Sherborne, I do appreciate
 17 that Mr. Depp's evidence is one of the two particularly
 18 important witnesses in the case, and I am conscious that when
 19 I am told by leading counsel for the defendants that she
 20 thinks that fairness to her clients requires her to have
 21 rather more time on that particular witness, then I think
 22 I should accede to it to some extent. What I am going to say
 23 is that Mr. Depp's evidence, including his re-examination,
 24 must conclude by Friday lunchtime.
 25 Now, I will, overnight, allow you and Mr. Sherborne to

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1 DISCUSSION
 2 fairly divide the time allocated for re-examination. He is
 3 entitled to re-examine and he is entitled to make some
 4 intelligent guess at how much is going to be needed for the
 5 part of the cross-examination that he has not yet heard. But
 6 I am afraid that if you and he cannot agree on what is a fair
 7 division of Friday morning, then I will have to make a ruling.
 8 MS. WASS: May I make one observation? I understand that the two
 9 witnesses who are giving evidence by video link on Friday
 10 afternoon, Officers Haddon and Saenz, that link is due to be
 11 active at three o'clock. Now, could I ask my Lord to consider
 12 the possibility of starting their evidence at three o'clock,
 13 which would give slightly longer on Friday for Mr. Depp's
 14 cross-examination and re-examination, because, as I understand
 15 it, it is their evidence that is the difficult evidence to be
 16 arranged.
 17 MR. SHERBORNE: We have got Travis McGivern, as I understand it,
 18 also on Friday afternoon.
 19 MR. JUSTICE NICOL: Mr. Sherborne, I am going to cut across you
 20 because I had understood and expressed my understanding of the
 21 difficulties that Ms. Wass has faced and, to some extent,
 22 I have made allowance for those. However, I am afraid I
 23 cannot go as far as you have requested so that effectively
 24 Mr. Depp's evidence would continue through into Friday
 25 afternoon. I am afraid the trial timetable simply does not

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1 DISCUSSION
 2 allow that amount of flexibility. It is going to have to be
 3 for you to decide how you are going to approach the remaining
 4 part of your cross-examination.
 5 MS. WASS: Very well. Mr. Sherborne and I will discuss how we are
 6 going to try to carve up Friday morning. Hopefully, we can
 7 come to an agreement.
 8 MR. JUSTICE NICOL: I would hope that you are able to do that,
 9 yes.
 10 MR. SHERBORNE: I hope we can, but just so that your Lordship will
 11 understand, at the moment, as I say, it is at least an hour,
 12 and that is on the basis of two days. There is another day at
 13 least. Your Lordship knows that there is only a finite amount
 14 of time between the court starting and lunchtime and that is
 15 about two and a half hours.
 16 MR. JUSTICE NICOL: I have said that I will sit at 10 o'clock each
 17 day, so you have three hours before lunch.
 18 MR. SHERBORNE: Your Lordship can do the maths and there is no
 19 doubt that Ms. Wass can, but on any view, I will be asking for
 20 the majority of that time for re-examination.
 21 MR. JUSTICE NICOL: I will leave you to have those discussions.
 22 As I say, if necessary, I can adjudicate, but I would hope
 23 that, on that sort of matter, it is not necessary.
 24 MR. SHERBORNE: I hope so too, my Lord.
 25 MR. JUSTICE NICOL: All right. So, 10 o'clock tomorrow.

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1 DISCUSSION
 2 MS. WASS: My Lord, sorry, would my Lord forgive me? (Pause)
 3 There has been a suggestion -- and I apologise in advance if I
 4 am relaying this message incorrectly -- that my Lord's bundles
 5 could benefit from some reorganisation. As I understand it,
 6 there is a possibility that that could be done this evening.
 7 MR. JUSTICE NICOL: Ms. Wass, if there is going to be any
 8 reorganisation of my bundles, that should be done by my clerk.
 9 I will ask my clerk to come down into court and you can
 10 discuss what needs to be done.
 11 MS. WASS: Very well. Thank you.
 12 MR. JUSTICE NICOL: Does that conclude everything?
 13 MR. WOLANSKI: My Lord, you got a note from me last night on the
 14 discrete issue, which is the matter of Ms. de Cadanet's
 15 cross-examination application. You received a short note and
 16 a short exhibit.
 17 MR. JUSTICE NICOL: I did.
 18 MR. WOLANSKI: I do not know how your Lordship wishes to deal with
 19 that. Perhaps it would be for the claimant's team to have an
 20 opportunity to put it in writing and then for your Lordship to
 21 determine the matter, perhaps in writing, so that we do not
 22 ----
 23 MR. JUSTICE NICOL: If it helps, Mr. Wolanski -- and of course
 24 I have not heard anybody making submissions on this so what I
 25 am about to express is a provisional view -- initially, I was

DISCUSSION

1 not terribly impressed with what Ms. de Cadanet had to say in
2 terms of its usefulness for the evidence in this trial.

3 MR. WOLANSKI: It does not come as entirely a surprise to hear
4 that your Lordship has taken that view, but in the light of
5 that, again, it might be that the matter can be very readily
6 resolved, but we would appreciate ----

7 MR. JUSTICE NICOL: Well, can I just say that even without any
8 cross-examination of Ms. de Cadanet, I struggle to see how
9 that piece of evidence was going to take the matter a great
10 deal further. Can I leave it to you and Mr. Sherborne, if it
11 is Mr. Sherborne who is going to have responsibility for this,
12 to discuss that further. If it does need a ruling from me,
13 I will make one at a convenient time.

14 MR. WOLANSKI: Yes.

15 MR. JUSTICE NICOL: Thank you. Is there anything else? (No
16 response) Good.

17 (Adjourned till 10 a.m. tomorrow morning)

A	246:2 253:13	action 184:2	258:3 269:5	344:15	277:23 278:3
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