

On behalf of: The Appellant  
Edward White  
Third  
Exhibit EW1  
01.03.21

Appeal Ref: A2/2020/2034  
Claim No. QB-2018-006323

IN THE COURT OF APPEAL (CIVIL DIVISION)  
ON APPEAL FROM THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
MEDIA AND COMMUNICATIONS LIST

BETWEEN:

JOHN CHRISTOPHER DEPP II	<u>Appellant</u>
-and-	
NEWS GROUP NEWSPAPERS LTD (1)	<u>Respondents</u>
DAN WOOTTON (2)	

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THIRD WITNESS STATEMENT OF EDWARD WHITE

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I, EDWARD WHITE, of 21700 Oxnard Street, Suite 400, Woodlands Hills, California 91367, will say as follows:

1. I am the senior partner of Edward White & Co., LLP, Certified Public Accountants, with registered address at, United States, which I founded in 1976. My firm represents a number of high net-worth individuals, including the Appellant, John Christopher Depp II, who we have represented since 14 March 2016.
2. Unless stated otherwise, the facts and matters referred to in this witness statement are within my own knowledge and true or are true to the best of my knowledge, information and belief based on sources stated within this witness statement. Where matters stated

are not within my own knowledge, I give the source, and those matters are true to the best of my information and belief.

3. I make this statement in support of the Appellant's application for permission to adduce fresh evidence in support of his appeal, specifically in response to paragraphs 10 to 11 of Mr Smele's statement submitted on behalf of the Respondents. I do not know the full details of the Appellant's claims against the Respondents or the details of his appeal. I do however understand that the Appellant seeks permission to adduce evidence that Ms Amber Heard did not donate to charity the \$7 million paid to her as a part of her divorce from Mr Depp. Instead, the only payments I know of which were made to the American Civil Liberties Union (the "ACLU") and the Children's Hospital of Los Angeles (the "Children's Hospital") were made by me on behalf of the Appellant for the Respondent. These payments were \$100,000 to each of these charities. However, I have been told by Ms Rich that there is a document which appears to show that Ms Heard donated a further \$350,000 in September 2016.
4. There is now produced and shown to me a paginated bundle of documents marked **EW1** to which I refer to below.

**My evidence given during the trial of the Appellant's claim**

5. On 13 July 2020 I gave oral evidence at the trial of Mr Depp's claim in London. While being questioned by the Respondents' counsel, I was asked about my knowledge of Ms Amber Heard's agreement to donate the \$7 million divorce settlement to two charities, the Children's Hospital and the ACLU I have been aware of Ms Heard's multiple statements regarding her commitment to make the donations since 2016 when I was involved in the negotiation of the settlement of Mr Depp's and Ms Heard's divorce.
6. During the trial I was asked by the Respondents' counsel whether I had made "*enquiries to check whether she had indeed made donations to these particular charities*" (see page 1 of EW1 for a copy of the trial transcript). I said that "*on occasion I asked the question, were the contributions made and I never received a response.*" I was not asked at the time by the Respondents' counsel to explain who I asked about the contributions. To clarify, the persons I asked about the contributions were Mr Depp's attorneys, but

they had no information on that point at the time. This was after the instalments to Ms Heard had been paid. I asked the question occasionally thereafter in conversations with Mr Depp's attorneys, because I had my suspicions about Ms Heard's credibility, but I am not aware that any evidence to the contrary was forthcoming until after judgment in this action.

7. During my cross examination I was also asked whether I made "*the enquiry of the charities themselves*". I responded "*no*", but I was not asked by the Respondents to explain why not. To confirm, I did not ask the charities whether Ms Heard had made the donations because to do so would have been professionally inappropriate. I would not call up a charity to ask them about donations by another person. Even if I had enquired, I am confident that they would not have provided me with that information, as that information is likely to be treated as confidential.

#### **Letter from the Children's Hospital**

8. I have been shown a letter from the Children's Hospital addressed to me dated June 14, 2019. In this context I can confirm that paragraph 33 of Ms Rich's 5<sup>th</sup> statement of 14 January 2021 is correct. Had I seen the letter in June 2019, I would for obvious reasons have immediately provided it to Mr Depp and his attorneys.

#### **STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:  .....

**Edward White**

Date: 1 March 2021

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BETWEEN:

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Claimant / Appellant

- and -

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants / Respondents

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THIRD WITNESS STATEMENT OF  
EDWARD WHITE

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Ref: JA/JR/VA/D0185/001

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**Appeal Ref: A2/2020/2034**

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**EXHIBIT EW1**

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1 WHITE - WASS

2 A. No. I agree that all financial factors would be considered

3 and this would be one of the elements. But, as I stated

4 earlier, the ultimate test is the incremental increase or

5 decrease in the net worth of the party.

6 Q. What I am going to put to you, Mr. White, is that Ms. Heard

7 had a settlement of \$7 million, as part of the divorce

8 settlement, does that sound a familiar figure to you?

9 A. Yes. But it was only partially correct.

10 Q. Finish the statement, then, for me, please?

11 A. I am sorry, ma'am, can you state that again please?

12 Q. You suggested, when I said that the financial settlement for

13 Ms. Heard was \$7 million that I had said something that was

14 partial?

15 A. Yes, you did.

16 Q. You ----

17 A. The whole settlement was, if you would like for me to tell you

18 what I recall the total settlement to be, I would be pleased

19 to share that with you.

20 Q. Yes, please.

21 A. She did in fact receive \$7 million of tax-free income. She

22 also received the full satisfaction of her legal fees, which

23 was approximately 525,000 and she was relieved of all her

24 liabilities to which she was subject.

25 MR. JUSTICE NICOL: Just a minute. (Pause) Thank you.

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1 WHITE - WASS

2 MS. WASS: So, legal fees and bills being paid; all right?

3 THE WITNESS: They were paid on her behalf.

4 Q. What did that amount to, the legal fees and the ----

5 A. The legal fees were approximately \$525,000, that was in

6 addition to the 7 million. And there was a very substantial

7 increase in liabilities during the period of the marriage and

8 she was relieved of those legal obligations.

9 Q. What were the liabilities that she was relieved of, that is

10 what I am asking you, what did that amount to?

11 A. A very substantial amount. I do not have that information

12 available to me at this time.

13 Q. Again, would you be able to provide that, subject to any legal

14 argument that the judge in this court has to determine?

15 A. I could provide you with historical reconstruction and an

16 estimation, but I think you will find that she was relieved of

17 many millions of dollars of liabilities.

18 Q. Again, I am going to put you to proof on that, if I may; you

19 understand that?

20 A. Fine.

21 Q. Now, Ms. Heard publicly stated, after the settlement, that she

22 wanted to pledge the amount that she had received from

23 Mr. Depp, so the \$7 million, to two charities. Do you agree?

24 MR. JUSTICE NICOL: Well, I do not know that Mr. White is able to

25 answer that. So, perhaps you could ask him that question

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1 WHITE - WASS

2 first.

3 MS. WASS: All right. (To the witness) Do you know that she

4 agreed, Ms. Heard agreed to pledge her divorce settlement

5 money to two separate charities, to donate to two separate

6 charities; is that within your knowledge?

7 A. It is my recollection that she represented she would in fact

8 make contributions to these two organisations. During that

9 time I suggested to her she did not need non-taxable income if

10 she is going to have a corresponding tax deduction, but she

11 insisted on it being proceeds being free of taxation.

12 Q. Did you make enquiries to check whether she had indeed made

13 donations to these particular charities?

14 A. On occasion I asked the question, were the contributions made

15 and I never received a response.

16 Q. Did you make the enquiry of the charities themselves?

17 A. No.

18 Q. Out of the 7 million, do you remember that 200,000 was

19 supposed to have been paid by Mr. Depp directly to the two

20 charities?

21 A. Yes, I do; and I remember those payments.

22 MR. JUSTICE NICOL: Just a minute. Yes.

23 MS. WASS: My Lord, subject to the legal argument, that is as far

24 as I want to take the questioning of this witness.

25 MR. JUSTICE NICOL: Good. Thank you. Mr. Sherborne, there will

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1 WHITE - WASS

2 be the opportunity for you to have the argument, but other

3 than that, is there any re-examination that you have?

4 MR. SHERBORNE: My Lord, no, I do not have any questions for

5 Mr. White.

6 MR. JUSTICE NICOL: Then I will say, Mr. White, can I repeat the

7 court's thanks both for you giving evidence at all, and doing

8 so at such an uncomfortable time.

9 THE WITNESS: That is very thoughtful of you, your Honour. It is

10 indeed my pleasure to meet you, at least in this manner and to

11 be responsible.

12 MR. JUSTICE NICOL: That brings your evidence to an end and you

13 are now free to go. Thank you very much indeed.

14 (The witness withdrew)

15

16 MR. JUSTICE NICOL: There is another witness and I do not know if

17 the other witness is in the same room, but I am going to rise

18 for a few minutes. I am going to go out of court for a few

19 minutes, while hopefully that other witness is found. Thank

20 you again, Mr. White.

21 (A short break)

22

23 MR. JUSTICE NICOL: Yes, Mr. Sherborne.

24 MR. SHERBORNE: My Lord, can I call our next witness, Ms. Esparza.

25

[45] (Pages 869 to 872)