

BETWEEN:

JOHN CHRISTOPHER DEPP II

Claimant

-and-

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

Defendants

**DEFENDANTS' OPENING STATEMENT FOR TRIAL
7 – 27 JULY 2020**

1. The Claimant, John Christopher Depp II is an American actor. He was described in an article published on the 27th April 2018 in the online version of the *Sun* newspaper as a “wife beater”. He brings this defamation action in respect of that publication.
2. The Defendants will demonstrate that the description of Mr Depp as a “wife beater” is entirely accurate and truthful. They will show that the sting of the articles is correct – namely that the Claimant beat his wife Amber Heard causing her to suffer significant injury and on occasion leading to her fearing for her life. This defence is supported by witness testimony, medical evidence, photographs, video, audio recordings, digital evidence and Mr Depp’s own texts.
3. Mr Depp was born on the 9th of June 1963. He began his acting career as a teenager and almost immediately received critical acclaim for his performances.
4. He has risen to become one of the most powerful and financially successful Hollywood actors of his generation. He has appeared in such films as *Nightmare on Elm Street*, *Edward Scissorhands* and *Fear and Loathing in Las Vegas*. He is now 57 years old.
5. In 2004 he established his own production company, *Nihil Infinitem*.

6. In 2009, Mr Depp's company commissioned a film version of the Hunter S Thompson novel, *The Rum Diary*. The film centred around the gonzo journalist and his drug and alcohol fuelled life in Puerto Rico. Mr Depp was a close friend of Thompson's, publicly idolising the latter's hedonistic and rebellious lifestyle.
7. Amber Heard, who was later to become Mr Depp's second wife, auditioned and was later chosen by Depp for the leading female role in *The Rum Diary*. She was 23 at the time and at the start of her career. Mr Depp was twice her age and was 46.
8. Publicity for the film took place in 2011 and it was over the course of the following year that the relationship between Mr Depp and Ms Heard developed. They fell in love, began living together and later married on the 3rd February 2015.
9. Amber Heard is an intelligent and independent woman who has developed her own career as an actress. Her independence and self-determination gave rise to a series of conflicts between the two, with Mr Depp seeking to control Ms Heard's social life and career choices. Ms Heard was forging her own way in the acting profession and was not content to play the role of a supplicant consort. As a result of her having her own career, disputes between the two increasingly arose where Ms Heard's professional life clashed with Mr Depp's desire to dominate the relationship. These conflicts manifested themselves in arguments where Mr Depp became abusive and aggressively jealous, on occasion falsely accusing Ms Heard of having sexual relationships with her co-stars. Matters were not helped by the generational difference between Ms Heard and Mr Depp which fuelled Mr Depp's insecurity. This exacerbated his well-documented dependence and excessive abuse of alcohol and controlled drugs which dated back to Mr Depp's time as a young man.
10. Ms Heard had some experience of dealing with the complex nature of alcohol and drug dependence as her own father had battled with addiction. During the course of their time together, she was understanding and supportive of all Depp's attempts to rehabilitate himself.
11. In the early period of his attempts to kick his addiction, Mr Depp was appreciative of Ms Heard's dedication and support. However, on the occasions when he failed to control his alcohol and substance abuse, Mr Depp turned his rage and frustration on Ms Heard, berating her and launching into a variety of vile, crude and unreasonable accusations.
12. On such occasions, Mr Depp's aggression typically descended into physically destructive behaviour, including the use of violence against her. His "wife beating"

behaviour included throwing objects at her, slapping her across the face, kicking her, gripping her around the throat and threatening to kill her.

13. In periods of sobriety following Mr Depp's destructive rages, he recognised the problems he faced, apologised to Ms Heard and blamed what he described as "*his illness*". He referred to his drunken and violent persona as "*the monster*."
14. When sober, Mr Depp was capable of kindness, charm and generosity. The side of character which he described as "*the monster*" was jealous, controlling, violent and savage. It is these characteristics which qualify him for the term "*wife beater*."
15. The Defendants will call evidence of more than thirteen specimen incidents between 2013 and 2016 during which Mr Depp used physical violence against Ms Heard. These incidents are not only evidenced by Ms Heard herself, but on several occasions, Mr Depp's uncontrollable tantrums were witnessed first-hand by others and are supported by photographs, documentary evidence and electronic communications many of which were written by Mr Depp himself. Two examples of Depp's "*wife beating*" behaviour took place in May 2014 and December 2015.

MAY 2014

16. On the 25th May 2014, Mr Depp was working in Boston and Ms Heard was engaged in a film with the actor James Franco in New York. Mr Depp had arranged for a private plane to collect Ms Heard from New York, pick him up at Boston and fly them both back to Los Angeles where they were living together.
17. During a telephone conversation before the flight, Mr Depp had interrogated Ms Heard about scenes in the film between herself and James Franco making it clear he was not happy with the situation.
18. By the time Mr Depp boarded the plane in Boston, he was drunk and under the influence of a cocktail of controlled drugs. This was one of several occasions when Mr Depp's jealous insecurity resulted in his excessive drug consumption leading to violence. The monster which he recognised was inside him was unleashed and expressed itself in a tirade of physical and verbal abuse directed at Ms Heard. Mr Depp was later unable to remember details of his misogynistic behaviour.

19. On board the flight from Boston were a flight attendant and several of Mr Depp's assistants and security personnel.
20. At first, Mr Depp became verbally abusive, accusing Ms Heard in graphic terms of having had sex with James Franco, calling her a "slut" and a "whore".
21. Later, during the flight, he became physically violent, slapping her across the face and kicking her in the back when she tried to move away from him.
22. None of Mr Depp's entourage did anything to intervene. One of the features of the evidence is that Mr Depp's staff not only tolerated his loutish behaviour but did everything possible to conceal it from the public. The texts from Stephen Deuters to Ms Heard [dealt with below] demonstrate this to be the case.
23. At the conclusion of his violent outburst on the plane, Mr Depp went to the toilet where he remained until after the flight had landed in LA.
24. Mr Depp has denied that this incident occurred as described by Ms Heard. He asserts that he "*remembers the flight from Boston to Los Angeles in detail.*" He claims that he was drawing sketches in his notebook during the course of the flight and only retreated to the bathroom because it was *Ms Heard* whose behaviour was violent and unreasonable.
25. Text messages disclosed during the course of these proceedings belie Mr Depp's version of events. These texts not only support the fact that Mr Depp *had* kicked Ms Heard but they made it clear that Mr Depp was so intoxicated that he had no recollection of having done so. This lapse of memory following drug induced violence was to be repeated on many future occasions when Mr Depp was overcome by "*the monster*" inside him.
26. Stephen Deuters who was Mr Depp's personal assistant and present on the plane journey appeared to be concerned by Mr Depp's behaviour during the flight. Once the plane had landed, Ms Heard left on her own in order to distance herself from Mr Depp. Mr Deuters sent a series of text messages to Ms Heard after the plane had arrived in Los Angeles in order to update her on Mr Depp's condition.
 - "*He's up. In the bathroom. Moving slowly. Will let you know when en route and how he is in the car*"
 - "*He's in some pain as you might guess.*"

- “He’s been sick...We’re gonna get him straight to bed”
- “He’s sound asleep.”
- “He’s up. He’s much better. Clearer. He doesn’t remember much, but we took him through all that happened. He’s sorry. Very sorry. And just wants to get better. Which allows us to make him follow up on that promise.” This “promise” was a reference to the fact that Mr Depp had already made contact with a specialist, Dr David Kipper, in order to engage in a detoxification programme once his current filming schedule had concluded. Medical evidence will play a significant role in this case. The texts from Mr Deuters to Ms Heard referring to the plane journey continued:
- “He was appalled. When I told him he kicked you, he cried.”
- “It’s disgusting and he knows it.”

27. Stephen Deuters is to be a witness for the Claimant in this case and he seeks to contradict the clear meaning of these text messages. He will give evidence in this case that he was able to see Mr Depp and Ms Heard at all times during the flight. He says that at one stage of the flight, Mr Depp made a “playful attempt to tap her on the bottom with his shoe.” In order to support Mr Depp against Ms Heard’s allegations, Mr Deuters will say during this case that it was *Ms Heard* who was aggressive and abusive rather than his boss.

28. Mr Deuters is one of many witnesses employed by Mr Depp who will come to court to conceal the truth about Mr Depp’s violent conduct towards Ms Heard. The Defendants suggest that Mr Depp’s current and previous employees and agents have made statements perjuring themselves in order to advance Mr Depp’s denials of domestic violence.

29. Two years after this episode, in May 2016, the texts from Stephen Deuters to Ms Heard were used as supporting evidence of Mr Depp’s violent conduct when Ms Heard successfully applied for a Temporary Restraining Order against him. In response to the revelation of his texts to Ms Heard which were so damaging to Mr Depp, Mr Deuters gave an interview to the press and claiming that the texts purporting to be from him had been “heavily doctored,” suggesting that they were not genuine.

30. During these proceedings, Mr Deuters now presents a third version of events. He accepts that he *did* send the text referring to Depp kicking Ms Heard. However, he suggests that *no kicking* of Ms Heard actually took place. His latest explanation for writing the texts is as follows: “Given Ms Heard’s extremely volatile nature, I thought it

best to try to engage with her on her own terms and simply apologise for what she was alleging had happened, hence my use of the word 'kicked' which is the word which Ms Heard herself had used."

31. The unlikeliness of this explanation is underlined by the text that Mr Depp himself sent Ms Heard once he had sobered up: *"Once again I find myself in a place of shame and regret. Of course, I'm sorry. I really don't know what happened. But I will never do it again. I want to get better for you. And for me. I must. **My illness** somehow crept up and grabbed me. I can't do it again. I can't live like that again. And I know you can't either. I must get better. And I will for both of us. Starting today. I love you. Again, I am so sorry, so sorry. I love you and feel so bad for letting you down."*
32. Mr Depp's false account that he was well behaved during the plane journey from Boston is further and directly contradicted by a text he sent a few days later, on the 30th May 2014, when he described what happened to his friend Paul Bettany: *"I'm going to properly stop the booze thing, darling. Drank all night before I picked Amber up to fly to LA this past Sunday. Ugly mate. No food for days. Powders. Half a bottle of whisky. A thousand red bull and vodkas, pills, 2 bottles of chambers on pane and what do you get? An angry aggro injun in a fucking blackout, screaming obscenities and insulting any fuck who got near. I'm done. I am admittedly too fucked in the head to spray my rage at the one I love. For a little reason as well...I'm too old to be that guy... But pills are fine."*
33. The Defendants will call evidence that between the incident on the plane in May 2014 and December 2015, Mr Depp committed acts of violence upon Ms Heard on at least seven specimen occasions. This included an occasion when Ms Heard was caring for him during a gruelling detoxification programme which was medically supervised by Dr Kipper and his specialist nurse.
34. It became apparent to Ms Heard that Mr Depp would often have little or no clear recollection of his violent behaviour following the events. As a result, Ms Heard would photograph or record what Mr Depp had done in order to demonstrate to him when sober the enormity of his previous drink and drug fuelled behaviour.
35. There exist numerous photographs and recordings taken by Ms Heard over the course of their four-year relationship of injuries she sustained to her face, arms and legs when she tried to help Mr Depp overcome his addictions by showing him how he behaved when intoxicated but had forgotten or trivialised once he was sober.

36. As time passed, Ms Heard became more adept at defending herself from physical attacks and she accepts that she did so when necessary in order to protect herself.

DECEMBER 2015

37. On the 15th December 2015, Mr Depp and Ms Heard were at their apartment in the East Columbia Building in Los Angeles. Mr Depp owned a number of penthouse apartments in that complex. Penthouses 3 and 4 were used by the couple.

38. Yet again, Mr Depp was intoxicated. He became angry and violent towards Ms Heard. The argument started in Penthouse 3. During this episode, Mr Depp defaced the kitchen counter with gold paint scrawling the words: "Why be fraud? All is bullshit." That act of vandalism was an indication of the state of Mr Depp's deranged mind. He threw a decanter at Ms Heard, knocked things around the room and punched the wall. He grabbed hold of Ms Heard's hair and dragged her around the room. She ran up the stairs and he followed her, pushing her when they reached the top, causing her to fear that she would fall. He headbutted her, his forehead making contact with her nose. At one stage, he held her by the throat and said that he was going to kill her. Mr Depp then dragged Ms Heard to Penthouse 4, where he pushed her face down onto a bed, smothering her. Mr Depp had completely lost his self-control and Ms Heard feared that he was going to kill her in his rage. Such was the force used by Mr Depp that the bed frame splintered.

39. The episode was only brought to an end when two of Ms Heard's friends, who had been due to come to see her, arrived at the apartment.

40. Photographs were taken on the graffiti written by Mr Depp on the kitchen counter, the broken bed, the clumps of Ms Heard's hair that had been pulled out by Mr Depp and the injuries he had caused her.

41. One of Ms Heard's friends called for medical help to assist her from Dr Kipper's team.

42. Ms Heard was due to appear in a television interview the following day with James Cordon. Fearing that she could not attend as a result of her facial injuries she wrote a text saying: "I had an accident tonight Jodi. I am really bruised and might have a black eye or two tomorrow. *Same with my nose. Nurse on way to make sure I don't have concussion. There's a chance I might not be fit for tomorrow. But I won't know how bad the bruising is until the morning. Giving you a head's up. I'll call you tomorrow to let you know.*" It was clear that Ms Heard was not willing to disclose the shame of the

abuse that she was suffering nor to implicate Mr Depp in any way. This is common behaviour in cases of domestic violence: victims are slow to reveal the conduct of their abusive partners.

43. However, Ms Heard was able to be more forthcoming to the nurse who arrived. Contemporaneously recorded medical notes state: *“Client contacts RN [registered nurse] via telephone and states she had an argument with her husband JD previous night. States husband has left home and she is unaware of his location. Client reports getting in a verbal disagreement with her husband at their home in downtown LA. She states husband JD was inebriated. States the disagreement escalated and states husband used forehead to hit her head. Denies loss of consciousness. States she has headache and bruised eye. RN encouraged to notify Kipper and or go to emergency room if she was injured or felt she was in danger. Declined and stated friend Rocky is with her and that husband JD will not be able to re-enter home.”*
44. Two days later on the 17th December 2015, the nurse attended again. Notes state: *“Client greeted RN at the door looking dishevelled. Hair appeared unbrushed. Appeared weepy and sad. Posture is slouched. Told RN about argument with husband. RN offered emotional support but reminded client that could not stay as was on duty with another client and was only visiting to deliver medication. She has not had contact with husband since altercation. Client had visible red blood appearing at centre of lower lip. When RN made client aware that she was actively bleeding on her lip, she stated it was from the injury sustained in the argument between her and her husband and that it continues to bleed actively. Client also states that her head is bruised and that she has lost clumps of hair in the altercation. RN briefly looked at client’s scalp but was unable to visualise the haematomas client had described. RN encouraged client to be seen by physician Dr Kipper to go to emergency/urgent care for thorough assessment.”*
45. In order to take part in the televised interview, Ms Heard’s injuries were concealed by a professional make-up artist who saw the injuries. Footage of the interview itself shows that Ms Heard was heavily made up.
46. Mr Depp’s response to this allegation is that [once again] it was *Ms Heard* who had attacked *him*. He suggested that she had fabricated the allegation and falsely claimed that the blonde hair on the floor was hers and that had been pulled out by him.

47. Kevin Murphy was employed by Mr Depp for many years and will give evidence in an attempt to support his boss and rebut the photographic evidence produced by Ms Heard of the damage done to her by Mr Depp on the 15th December. In the same way that Stephen Deuters gives partial evidence about the plane journey in May 2014, Mr Murphy will try to suggest that Ms Heard is somehow fabricating the allegations. Mr Murphy says: *“Shortly after I arrived, Ms Heard called me from upstairs in the master bedroom. When I went upstairs, I found her sitting at the edge of the bed crying. Mr Heard said that Mr Depp had hit her in the face several times and pulled out her hair.”* Mr Murphy claims not to have noticed any injuries to Ms Heard nor any hair missing. However, Mr Murphy accepts that Ms Heard drew his attention to a tuft of blonde hair on the floor of Penthouse 4. For reasons that Mr Murphy will need to explain, he claims he was *“suspicious”* of Ms Heard’s claim and he photographed the clump of blonde hair himself. Mr Murphy will be suggesting that the photographs of hair produced by Ms Heard and her friend are not the same as the clumps of hair he saw. Mr Murphy also claims that the broken bed frame he saw was different from the one produced by Ms Heard. It is difficult to imagine the ramifications of what Mr Murphy is suggesting. That Ms Heard has pulled out, not one but two separate clumps of her own hair in order to manufacture a case against her husband whose reputation she was still publicly shielding? That she broke the bed in two separate ways in order to sustain this bogus claim?
48. Mr Depp claims that Ms Heard did not sustain any injuries. As well as relying on Mr Murphy, Mr Depp relies on the evidence of another one of his employees: his stylist, Samantha McMillen. Ms McMillen joins the group of Mr Depp’s team who claim *not* to have seen any injuries on Ms Heard. She says she did not see bruising on Ms Heard’s face in advance of her attending the television interview with James Cordon. However, Ms McMillen *did* confirm that Ms Heard commented after the programme on being able to have got through the interview in spite of her injuries. The inclusion of this remark in Ms McMillen’s evidence contradicts the previous suggestion by her that Ms Heard had no sign of injury.
49. It would have been a ludicrous thing for Ms Heard to say if there was absolutely nothing wrong with her. Ms McMillen would have questioned what was meant by Ms Heard in referring to injuries which did not exist. Ms McMillen, in saying there were no marks on Ms Heard’s face, is concealing the truth in order to support Mr Depp.

50. On the day after this outburst of violence by Mr Depp, his loyal assistant, Stephen Deuters, sent this text: *“Between you and I, JD and I were up all night talking. Bad bust up with Amber. Everyone sleeping a few more hours.”*
51. On the 19th December, Mr Depp himself sent Ms Heard a text: *“It all happened so fast...And so ugly. But I want you to be happy and I want to be happy...Life is fucking short. I can’t stand how much I disappoint you. You’re just hating me.”* This text contradicts what Mr Depp now says about the events of the 15th December. If he had been the victim of Ms Heard’s violence, why would he feel that he had disappointed her? Why would she have any reason to hate him? The text only makes sense on the basis that Mr Depp was the violent party.
52. Ms Heard replied: *“ I don’t hate you and unless we are fighting, don’t believe I act anything less than warm to you....Of course it’s not when **you are the monster** or you break your promises or we fight...I will start moving out when I come back into town.”*
53. Ms Heard clearly felt that, following the episode on the 15th December, when could no longer live with Mr Depp. Despite Ms Heard’s repeated attempts to help Mr Depp beat his addictions, she was coming to the conclusion that *“the monster”* had won.
54. Nevertheless, the relationship between Mr Depp and Ms Heard limped on until the spring of the following year. Ms Heard suffered two further episodes of domestic violence.

CLAIMANT’S RESPONSE TO MS HEARD’S ALLEGATIONS

55. During the final episode of violence committed by Mr Depp upon Ms Heard, which took place on the 21st May 2016, one of Ms Heard’s friends who heard Mr Depp’s abusive conduct called the police. Even when police attended, Ms Heard continued to protect Mr Depp and refused to file a complaint. This is not an unusual response by victims of domestic violence: to protect their abusive partners whom they love.
56. However, Ms Heard was aware that her safety was now at risk and she obtained a Temporary Restraining Order from the courts on the 27th May 2016.
57. The matter became public and the secret of Mr Depp’s *“wife beating”* activities leaked to the press.

58. From that time, Mr Depp and those acting on his behalf have made concerted efforts to vilify Ms Heard publicly, as texts he wrote demonstrate.
59. On the 4th June 2016, Mr Depp wrote a text saying: *"I want her replaced on that WB film."* This appears to be a reference to the Warner Brother, *Aquaman* film series that Ms Heard had appeared in. There now exists online a petition for Ms Heard to be removed from the role which has garnered 400,000 signatures. Her sole fault appears to be that she crossed Mr Depp: one of the most influential and revered people in Hollywood.
60. On the 15th August, Mr Depp and Ms Heard executed an agreement resolving issues around the dissolution of their marriage and Ms Heard discontinued her claim for a Restraining Order.
61. Mr Depp wrote the following day: *"She's begging for global humiliation. She's gonna get it. I'm gonna need your texts about San Francisco brother...I'm sorry to even ask... But she sucked Mollusk's [a reference to Elon Musk] crooked dick and he gave her some shitty lawyers. I have no mercy, no fear and not an ounce of emotion or what I thought was love for this gold digging, low level, dime a dozen, mushy, pointless dangling overused flappy fish market...I'm so happy she wants to go to fight this out. She will hit the wall hard. And I cannot wait to have this waste of a cum guzzler out of my life. She will hit the wall hard. I met a fucking sublime little Russian here...which made me realise that time I blew on the 50cent stripper... I would not touch her with a goddam glove. I can only hope that karma kicks in and takes the gift of breath form her. Sorry man but now I will stop at nothing!"*
62. The above text demonstrates the vitriol with which Mr Depp came to regard Ms Heard. Their ages and generational differences pitted the independent, modern woman, Ms Heard, with her determination to stand up for herself, against Mr Depp's drunken, substance fuelled and jealous behaviour.
63. Mr Depp, or as he would have it, "the monster", was responsible for these emotional and physical explosions. Mr Depp argues that he is not the "wife beater." He lay the blame on his doppelganger, his "monster". His precise recollection of these episodes of violence may have been distorted and damaged by the drugs and alcohol he voluntarily consumed, but he knew what he had done. He knew that it was wrong. That is why he repeatedly sought Ms Heard's forgiveness after the event. It is those numerous texts sent after the event that expose Mr Depp himself as "the monster".

64. On the 16th August, Mr Depp wrote: “Settled with the whore ...7 mil...Can you fucking imagine? *Charges dropped for 7 million.*” In fact, Ms Heard, not being reliant upon Mr Depp financially, was maliciously accused of being a “*gold digger.*” In fact, she pledged her entire settlement of around £5 million to charity. By doing so, she belied and exposed Mr Depp’s stereotyped and misogynistic reaction to the divorce agreement by attacking his wife in the crude terms expressed in his texts.
65. The assaults upon Ms Heard have continued, no longer through the physical assaults by her ex-husband but by the campaign of vilification which has been orchestrated by others on his behalf. Documents that have been provided during court proceedings have been leaked, often selectively, providing a distorted picture of the reality. This case will not be decided on media leaks and public relations campaigns but on evidence.
66. During the course of his evidence, Mr Depp will seek to present as a kind and charming individual. He has stated: “*Even as a child, chivalry was extremely important ...integrity, dignity, honesty and respect for women: these were characteristics of a gentleman and characteristics that I always expected to have.*”
67. The Defendants will suggest that either Mr Depp is a pathological liar or his excessive alcohol and drug abuse have detached him from any insight into his own conduct. Either way, what he did to Amber Heard was to beat her. The description of him in the online article in the Sun newspaper is correct, true and accurate.

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