

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Wednesday 13 April 2022

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Judge Azcarate: Mr. Rottenborn, do you have the redactions for me?

Mr. Rottenborn: Here, Your Honor. We have one of the two. The other one, we had to make one to week 2, and we're gonna do that electronically during my cross-examination if that's okay.

Judge Azcarate: Okay, all right. So which one do you have?

Mr. Rottenborn: We do have one. Exhibit 214 that we've provided.

Judge Azcarate: 214? All right.

Mr. Rottenborn: Here are some other copies.

Judge Azcarate: So the redactions...reserving your other objections, the redactions are okay?

Mr. Chew: Yes, Your Honor.

Judge Azcarate: Okay, all right. So 214 will be in evidence then. All right.

Mr. Chew: Thank you, Your Honor.

Mr. Rottenborn: Thank you, Your Honor.

Judge Azcarate: All right. Do you wanna get the witness back on the witness stand before we get the jury here?

Mr. Chew: Yes, Your Honor. [crosstalk 00:00:32.581] a moment to get everybody here.

Judge Azcarate: Ms. Dembrowski. All right. Let's put her on before we get the jury out. That would be helpful.

Man 1: Fifteen.

Judge Azcarate: You can have it. Yeah, 210. Mr. Rottenborn, you're gonna get me 214 after?

Mr. Rottenborn: Yes, Your Honor. There was one [crosstalk 00:01:03.909] we had to make.

Judge Azcarate: Okay. No, there's 210. This is 214.

Mr. Rottenborn: Yes, 210. We [crosstalk 00:01:08.615].

Judge Azcarate: Okay. I just wanna make sure. Here you go.

Woman 1: This one is [crosstalk 00:01:11.290]

Mr. Rottenborn: We'll put it up on the screen before, but without the presence of the jury. So the judge will see it at the same time you do. I just don't have [inaudible 00:01:19].

Judge Azcarate: All right. Are we ready for the jury? Are we ready for the jury?

Mr. Chew: Yes, Your Honor.

Judge Azcarate: Yes? Okay.

[00:01:27]

[silence]

[00:01:46]

Judge Azcarate: All right. Good morning, ladies and gentlemen. Thank you. All right. You can have a seat, Ms. Dembrowski. Ms. Dembrowski, I just wanna remind you that you're still under oath at this time. Okay? All right. You wanna continue with your cross-examination, Mr. Rottenborn.

Mr. Rottenborn: Thank you, Your Honor. Good morning, Ms. Dembrowski.

Ms. Dembrowski: Good morning.

Mr. Rottenborn: So I believe we talked a little bit about this yesterday, but you were...in addition to being Mr. Depp's brother, you were his, I believe you referred to it as his personal manager. Is that right?

Ms. Dembrowski: I have been referred as. Yes.

Mr. Rottenborn: Okay. And so you were responsible for or had some responsibility for his business affairs, right?

Ms. Dembrowski: I actually coordinated with other people, but I didn't have full responsibility.

Mr. Rottenborn: Right. But in terms of the information that you would receive, you would receive information that was relevant to Mr. Depp's business affairs and personal affairs, right?

Ms. Dembrowski: At times, yes.

Mr. Rottenborn: And you care about Mr. Depp's well-being, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: He's your brother.

Ms. Dembrowski: Yes.

Mr. Rottenborn: You love him, right? It was important to you that you in your role as both his brother and as his manager be kept informed of his well-being, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And if something was wrong, you'd want to know about that, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Did you ever have reason to believe from anyone other than Amber that Mr. Depp had a problem with drugs or alcohol?

Ms. Dembrowski: No.

Mr. Rottenborn: Did you ever have reason to believe from someone other than Amber that Mr. Depp romanticized drug culture?

Ms. Dembrowski: No.

Mr. Rottenborn: Did you ever have reason to believe from anyone other than Amber that Mr. Depp didn't take accountability for his actions?

Ms. Dembrowski: I didn't have reason to believe that. No.

Mr. Rottenborn: Did you ever have reason to believe from anyone other than Amber that Mr. Depp lacked patience for getting his needs met?

Ms. Dembrowski: I didn't have reason to believe that. No.

Mr. Rottenborn: Did you ever have reason to believe from someone other than Amber that Mr. Depp could act like a child if he didn't get immediate satisfaction?

Mr. Chew: Objection, Your Honor. Lack of foundation.

Mr. Rottenborn: I'm asking if she had.

Judge Azcarate: Overruled. That's fine.

Mr. Rottenborn: Let me ask that again, Ms. Dembrowski. Did you ever have reason to believe from anyone other than Amber that Mr. Depp could act like a child if he didn't get immediate satisfaction?

Mr. Chew: Hearsay, Your Honor.

Judge Azcarate: Yeah. Overrule for this question. We'll see with the follow-up. Okay.

Ms. Dembrowski: I'm sorry?

Mr. Rottenborn: Did you ever have reason to believe from someone other than Amber that Mr. Depp could act like a child if he didn't get immediate satisfaction?

Ms. Dembrowski: I never had reason to believe that.

Mr. Rottenborn: Did you ever have reason to believe from someone other than Amber that Mr. Depp had fundamental issues with anger?

Man 2: Your Honor. Could we approach?

Judge Azcarate: Okay.

Mr. Rottenborn: ...reason to believe from someone other than Amber that your brother had fundamental issues with anger?

Ms. Dembrowski: I didn't have reason to believe.

Mr. Rottenborn: And did you ever have reason to believe from someone other than Amber that your brother didn't grasp the responsibility that he had in his children's lives?

Ms. Dembrowski: I did not have reason to believe that.

Mr. Rottenborn: Heather, can you pull up Exhibit 268, please?

[00:05:35]

[silence]

[00:05:56]

Ms. Dembrowski, is this an email from Dr. David Kipper to you on August 18th, 2014?

Mr. Chew: Objection. Hearsay.

Judge Azcarate: Since it's not being offered yet, so I'll overrule the objection. Go ahead.

Ms. Dembrowski: I don't have it.

Mr. Rottenborn: Can you see the document on your screen?

Judge Azcarate: You might have to make it bigger. It's much small.

Ms. Dembrowski: I don't have anything. I'm sorry.

Judge Azcarate: Oh, do you...?

Mr. Rottenborn: Can you see it there, ma'am?

Ms. Dembrowski: No.

Judge Azcarate: It's not showing up on her screen.

Mr. Rottenborn: Just bear with us one minute. Thank you.

Ms. Dembrowski: Do I need to do something?

Judge Azcarate: It's not coming up. Do you have a physical copy that she could look at?

Mr. Rottenborn: Not that's not marked up. Let me...Can you see if you can grab one?

Judge Azcarate: Oh, wait. She got it. Turn it off and on. See.

Mr. Rottenborn: That's the trick.

Judge Azcarate: That's the judge's rule.

Mr. Rottenborn: Thank you. So take as much time as you need to read it, Ms. Dembrowski. But my question is, is this an email from Dr. David Kipper to you on August 18th, 2014?

Ms. Dembrowski: Yes, it's got my name on there. Yes, it's from him.

Mr. Rottenborn: And this is an email that you would have received on or about that date, August 18th, 2014, to the best of your knowledge?

Ms. Dembrowski: It was sent on that date. Yes.

Mr. Rottenborn: And it's about Dr. Kipper's treatment of your brother, correct?

Ms. Dembrowski: I'm actually reading it.

Mr. Rottenborn: Okay. Take your time. Thank you.

Ms. Dembrowski: I'm sorry. Is there more to the...?

Mr. Rottenborn: There's another page, which we can go to, but my question is just this. I think we established this. This is an email that you received from Dr. Kipper, correct?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Okay. Your Honor, permission to publish the second paragraph on page 1 into the...and then the remainder of that paragraph on page 2 with everything else redacted.

Judge Azcarate: You're asking to enter into it evidence.

Mr. Rottenborn: Yes, we'd like to enter it into evidence with those redactions.

Mr. Chew: Your Honor, [inaudible 00:08:45], hearsay.

Judge Azcarate: Hearsay.

Mr. Chew: May we approach?

Judge Azcarate: Sure.

Mr. Rottenborn: Ms. Dembrowski, if you can take a look at the first page of that email, please. In the second paragraph...Well, first of all, who is Dr. Kipper?

Ms. Dembrowski: Dr. Kipper was the doctor that was helping my brother...excuse me, helping my brother get help from the pain medication addiction that he had.

Mr. Rottenborn: He was helping him with his drug addiction.

Ms. Dembrowski: The pain medication.

Mr. Rottenborn: Okay. And your brother was addicted to pain pills.

Ms. Dembrowski: He had been taking them for a long time. Yes.

Mr. Rottenborn: Right. And you were instrumental in hiring Dr. Kipper to help your brother try to deal with that, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Okay. And so Dr. Kipper, in his role as someone treating your brother, tried to keep you informed of what was going on with that treatment, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And it was important to you as both his brother, I'm sorry, his sister and his manager that you be kept informed of that, right?

Ms. Dembrowski: It was important as his sister.

Mr. Rottenborn: Yeah. And well, and his issues with drugs were having an impact on his career as well too, right?

Ms. Dembrowski: No.

Mr. Rottenborn: And you knew that they were having an impact on his relationship with Amber, right?

Mr. Chew: Objection. Lack of foundation.

Mr. Rottenborn: She's given plenty of testimony about that.

Judge Azcarate: Overruled. I'll allow it.

Mr. Rottenborn: You knew that the drugs were having an impact on his relationship with Amber, right?

Ms. Dembrowski: I knew that Amber claimed certain things.

Mr. Rottenborn: But you didn't believe that they were?

Judge Azcarate: I didn't necessarily believe it. No.

Mr. Rottenborn: Okay. We'll get to that in a few minutes. Isn't it true, on the bottom paragraph on page 1, that Dr. Kipper informed you that your brother was uncomfortable and pessimistic that he will ever be able to stop doing drugs?

Mr. Chew: Objection, all hearsay.

Mr. Rottenborn: I'm not asking for this...

Judge Azcarate: I'll allow this question, but that's the only question on that point. Okay? Thank you.

Ms. Dembrowski: I'm sorry?

Mr. Rottenborn: Isn't it true that Dr. Kipper informed you in August of 2014 that your brother was uncomfortable and is pessimistic that he will ever be able to stop doing drugs?

Ms. Dembrowski: He does write this in this email, but this email is an update if I'm looking at the dates. And I don't remember all dates. But I know that period and what's written in the email. I think this was during the time where he was getting help from Dr. Kipper.

Mr. Rottenborn: Right. But that's what he informed you of in your role as his manager and his sister about the status of Mr. Depp's belief that he would be able to stop doing drugs, right?

Mr. Chew: Objection, hearsay.

Judge Azcarate: I'll allow that question.

Ms. Dembrowski: I think he was informing me of the conversations. Yes.

Mr. Rottenborn: And he also informed you that your brother didn't take accountability for his behaviors. Correct?

Ms. Dembrowski: He does say in here the...Yes. He wrote that he has no accountability for his behaviors in this time.

Mr. Rottenborn: And Heather, can you go to the top of page 2, please? In that first and second line, he also told you that your brother has fundamental issues with anger, right?

Mr. Chew: Your Honor, objection. Hearsay. No exception to be applied.

Judge Azcarate: All right.

Mr. Rottenborn: Same exception that applied to the other ones. This is what he informed her.

Judge Azcarate: We need to move on though.

Mr. Rottenborn: Okay. Heather, you can take that down. So you just testified, Ms. Dembrowski, that you understood from Amber that drugs and alcohol were impacting their relationship. But you didn't necessarily believe that, right?

Ms. Dembrowski: Right.

Mr. Rottenborn: And you didn't necessarily share those concerns, right?

Ms. Dembrowski: Right.

Mr. Rottenborn: Did you have an occasion to speak with Amber after a plane flight from Boston to Los Angeles in May of 2014?

Mr. Chew: Objection, hearsay.

Mr. Rottenborn: I just asked if she spoke with her. I'm not asking about the content.

Judge Azcarate: Just spoke. I'll overrule the objection this time.

Ms. Dembrowski: I don't recall specific times speaking with Amber like that.

Mr. Rottenborn: Okay. Did you become aware of an incident on a plane flight from Boston to Los Angeles in May of 2014?

Mr. Chew: Objection, lack of foundation.

Judge Azcarate: Foundation objection.

Mr. Rottenborn: She's testified that she...

Judge Azcarate: I'll sustain the objection of the foundation if you can lay a foundation.

Mr. Rottenborn: If something happened in your brother's life that was notable, you wanted to know about it. You testified to that, right?

Mr. Chew: Objection, cause for speculation [inaudible 00:14:19]

Judge Azcarate: Mr....

Mr. Rottenborn: It's a foundation question. She's testified that she had insight into his daily life.

Judge Azcarate: I don't see it as a foundation question. So I'm gonna sustain the objection if you wanna lay a foundation.

Mr. Rottenborn: Okay. You were kept surprised of the goings-on in Johnny's life, correct?

Ms. Dembrowski: For the most part, yes.

Mr. Rottenborn: Yeah. And you testified yesterday, you saw him just about every day, correct?

Ms. Dembrowski: What I testified to yesterday, I saw him every day was when he was with the family and Vanessa.

Mr. Rottenborn: And you still saw him or were in touch with him fairly frequently as his business manager and as a sister when he was with Amber, correct?

Ms. Dembrowski: Less frequent.

Mr. Rottenborn: Okay. But still with some frequency, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And if an event had happened that was potentially harmful to your brother, you would wanna know about that, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Okay. And...

Mr. Chew: Objection, asked and answered. So...

Judge Azcarate: All right. I'll sustain asked and answered. Next question.

Mr. Rottenborn: You made an effort to make yourself available to Ms. Heard to talk to you about issues she was having with your brother, correct?

Ms. Dembrowski: Excuse me. I made an effort to talk to her anytime I felt she needed to speak.

Judge Azcarate: Somebody's trying to call us.

Mr. Rottenborn: It's kind of a pleasant ringtone.

Judge Azcarate: Well, I didn't answer it...So I don't know.

Mr. Rottenborn: Ms. Dembrowski, in addition to just Amber believing it, you believed that your brother needed help, didn't you?

Mr. Rottenborn: Objection, vague.

Judge Azcarate: Vague.

Mr. Rottenborn: You believed that your brother needed help with drugs and alcohol.

Judge Azcarate: Overruled, overruled the objection. Go ahead. I'm sorry.

Ms. Dembrowski: I believed on the one medication I was concerned about.

Mr. Rottenborn: And you wanted your brother to get better from his additions, right?

Ms. Dembrowski: I wanted to address the medication that he was on.

Mr. Rottenborn: And you understood that Amber wanted the same thing, wanted him to get better for both him and for her, correct?

Mr. Chew: Objection, also speculation from what Amber wanted.

Judge Azcarate: I'll sustain as to what Amber wanted.

Mr. Rottenborn: Now, do you recall meeting with Ms. Heard on May 25th, 2014?

Ms. Dembrowski: I don't recall.

Mr. Rottenborn: Okay. Let's pull up exhibit 234, please.

Judge Azcarate: And you said that was 234?

Mr. Rottenborn: 234. Yes.

Judge Azcarate: Thank you.

Mr. Rottenborn: The non-redacted version. Yeah. Ms. Dembrowski, this is a multi-page exhibit that we can...We're not gonna ask you about all the pages, but is this a text message chain between Amber and you on May 25th, 2014?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And those are your texts in gray on the left, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And Ms. Heard's texts in blue on the right.

Ms. Dembrowski: Yes.

Mr. Rottenborn: Your Honor, we have a version of this exhibit with Ms. Heard's text redacted and the personal identifiers redacted that I'd like to ask the witness about and publish to the jury. I'm...

Mr. Chew: Objection. Hearsay, Your Honor.

Judge Azcarate: Of course, you want to admit into evidence before you publish it to the jury. So let's...

Mr. Rottenborn: Correct. Right. So I'm just previewing it. Would you like me to go through the unredacted version with the witness first or...?

Judge Azcarate: No. Well, if it's just her text, how is that probative if it's just her texts?

Mr. Rottenborn: Because it's her texts about what she...Two things. One, it's her texts about what she wanted for her brother. We'll get to those on page 2.

Mr. Chew: Your Honor, you can still have the same hearsay problem.

Mr. Rottenborn: I'm allowed to ask her about her own words and what her feelings sort of...

Judge Azcarate: You can ask her about it, but it's not coming into evidence.

Mr. Rottenborn: Okay, well...Okay. Ms. Dembrowski, did you reach out to Ms. Heard on May 25th, 2014...

Ms. Dembrowski: Yes.

Mr. Rottenborn: ...asking her if she wanted to talk?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Why did you do that? Did you do that because you had been made aware of an issue about your brother's behavior on a flight earlier that day or the day before?

Ms. Dembrowski: I don't recall why I did that.

Mr. Rottenborn: You don't recall why you did that.

Ms. Dembrowski: No.

Mr. Rottenborn: You have no awareness or memory of a flight earlier that day or the day before?

Ms. Dembrowski: I don't recall all flights at all times. I don't have any specific memory of anything.

Mr. Rottenborn: Okay. If you can turn to page 2, Heather. If you can look at your third text down, Your Honor...or Ms. Dembrowski, you say to him...or to Ms. Heard, you say to Ms. Heard, "I love him so much, but he needs help. And I don't have all the information to help alone." Do you see that?

Mr. Chew: Objection, Your Honor. This is all hearsay.

Judge Azcarate: I'll allow that question. That's fine.

Ms. Dembrowski: I do see that.

Mr. Rottenborn: And what did you mean when you said he needs help?

Ms. Dembrowski: I don't recall the actual timing of it, but I wanted to help him with that medication that he was on. That I know and I know that I wanted to be able to be helpful in life because they were arguing all the time.

Mr. Rottenborn: And I believe you testified earlier that you didn't actually have concerns about your brother's dependence on drugs, right?

Ms. Dembrowski: No. I said that I did have about the medication.

Mr. Rottenborn: Just the pain pills.

Ms. Dembrowski: It was the pain pills.

Mr. Rottenborn: Nothing else?

Ms. Dembrowski: I didn't have concern.

Mr. Rottenborn: Okay. And so when you said he needs help, that's what you were referring to is that you believe that your brother needed help with pills.

Mr. Chew: Objection, Your Honor. This has been asked and answered.

Mr. Rottenborn: May I approach, Your Honor?

Judge Azcarate: All right.

[00:21:06]

[silence]

[00:21:34]

Mr. Rottenborn: Heather, can you please pull up the pages ending in 934? Start with that please. Actually, let's not. Let's go to 936.

Judge Azcarate: Just for the record, this is still in Exhibit 234. It's just page stamp, page 936. Is that correct?

Mr. Rottenborn: Yes, Your Honor. Ms. Dembrowski, do you see the message that you send to Amber three down where you said, "He is going to see the doctor in the morning," with three exclamation points?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Tell me what you remember about that. When you said "he," you were referring to your brother, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And by doctor, you meant an addiction doctor. Is that right?

Ms. Dembrowski: I believe I would have meant Dr. Kipper.

Mr. Rottenborn: Okay. And what was...You'd agree that it's fairly rare to get an appointment for a doctor the next day, right?

Mr. Chew: Objection, calls for speculation.

Judge Azcarate: I'll allow it. That's fine.

Ms. Dembrowski: I don't know that it's rare to get an appointment the next day.

Mr. Rottenborn: But Dr. Kipper wasn't an emergency room doctor, right?

Ms. Dembrowski: No.

Mr. Rottenborn: So what was so urgent about your brother's need to see a doctor that he was going to see Dr. Kipper the next morning when you texted this at 7:35 p.m.?

Ms. Dembrowski: I don't know that it was urgent. I think I was happy that he was going to see the doctor.

Mr. Rottenborn: And you're happy he was going to see the doctor because you thought he had finally realized the problem that his drug addiction was having on himself and others. Correct? That's why you were happy, right?

Ms. Dembrowski: I was happy he was going to see the doctor because I was concerned about the pain medication he was on.

Mr. Rottenborn: And you were concerned about what that pain medication did to your brother, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: You were concerned about the effect that that had on his life, right?

Ms. Dembrowski: I was concerned about him.

Mr. Rottenborn: And you were concerned about the effect that that drug addiction had on other relationships in his life as well, correct?

Mr. Chew: Your Honor, asked and answered.

Mr. Rottenborn: I'm going through...

Judge Azcarate: That's fine. I'll allow it.

Mr. Chew: So sustained.

Mr. Rottenborn: You can answer.

Ms. Dembrowski: I didn't see anything that was happening necessarily in life to be concerned about others, me. It was him I was concerned about.

Mr. Rottenborn: So you didn't see...Your testimony today is that you didn't see any effect that your brother's drug problem was having on anyone else other than him.

Ms. Dembrowski: My concern was him. I wasn't focused on anything beyond that.

Mr. Rottenborn: Right. You weren't concerned about the effect that it could be having on anyone else. Is that your testimony?

Ms. Dembrowski: Again, my concern was him.

Mr. Rottenborn: Okay. Can you pull up page 937, please? And when you sent Ms. Heard the text at the top of the page at 9:20 p.m. on May 25th, 2014, and you said, "I just meant I will help in getting him help," what did that mean?

Ms. Dembrowski: It's help with Dr. Kipper, I believe.

Mr. Rottenborn: You were referring to getting your brother help for his drug addictions, correct?

Ms. Dembrowski: I was referring to getting him help with the medication that he was on.

Mr. Rottenborn: And if you go to page 938, please. When you told Amber at the bottom of that page at 10:26 p.m., "I think you need to tell him you were scared and you can't deal," what did you mean by that? "I think you need to tell him you are scared and you can't deal." What did you mean by that?

Mr. Chew: Objection, hearsay.

Mr. Rottenborn: I'm asking her what she meant with one of her statements. It's no different from the statement I just asked her about.

Mr. Chew: Your Honor, it's hearsay. It's [inaudible 00:25:59].

Judge Azcarate: I'm just not sure what the prior inconsistent statement would be for this which was...

Mr. Rottenborn: Well, that she's testified that all of Amber's concerns were overblown.

Mr. Chew: Your Honor, may we approach you?

Judge Azcarate: Okay.

Mr. Rottenborn: ...drug abuse. You were concerned for your brother and your brother only. Is that right?

Ms. Dembrowski: I was concerned for my brother. Yes.

Mr. Rottenborn: And only your brother. Is that right?

Ms. Dembrowski: My brother was my focus.

Mr. Rottenborn: Okay, all right. Now, in your capacity as his personal manager, you were often apprised of your brother's performance on movie sets, right?

Mr. Chew: Objection, hearsay.

Mr. Rottenborn: Did you have occasion to communicate with studios, for example, about movies that your brother was shooting?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And studio executives could feel free to contact you about your brother's work?

Ms. Dembrowski: Yes, they mostly contacted the agent.

Mr. Rottenborn: Okay. And who was the agent at the time? Is that Tracey Jacobs?

Ms. Dembrowski: Tracey.

Mr. Rottenborn: And your brother, Mr. Depp fired Ms. Jacobs in around 2017. Is that right?

Ms. Dembrowski: I don't recall when.

Mr. Rottenborn: How long was Ms. Jacobs his agent?

Ms. Dembrowski: Twenty-something years.

Mr. Rottenborn: And he fired Ms. Jacobs at some point, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: After his divorce from Amber.

Ms. Dembrowski: I don't recall exactly when he fired her.

Mr. Rottenborn: Do you recall whether it was before or after he divorced Amber?

Ms. Dembrowski: I don't recall. Sorry.

Mr. Rottenborn: But in any event, you had frequent communications with Ms. Jacobs about your brother's work. Correct?

Ms. Dembrowski: Excuse me. Yeah.

Mr. Rottenborn: And you in the course...in your capacity as his manager, it came to your attention that he was late to movie sets. Correct?

Mr. Chew: Objection, lack of foundation, hearsay.

Judge Azcarate: Sustained objection.

Mr. Rottenborn: You testified that you had frequent contact with Ms. Jacobs, his agent, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And that contact included when he was shooting movies?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And that contact included communications relating to his conduct on set?

Mr. Chew: Objection, lack of foundation, and hearsay.

Mr. Rottenborn: I'm laying the foundation.

Judge Azcarate: Well, it sounds like your foundation is gonna be based on hearsay which is what we're gonna be getting too.

Mr. Rottenborn: Well, I'm...

Ms. Dembrowski: If you can lay a foundation without it being based on hearsay.

Mr. Rottenborn: Did you have personal knowledge of your brother being late to a set, movie shoots?

Ms. Dembrowski: Would that be if I was physically there, is that what you're asking or...?

Mr. Rottenborn: Your Honor, no. First, I'd ask you to instruct Mr. Chew not to shake his head and nod his head to the witness. That's inappropriate.

Judge Azcarate: All right, okay.

Mr. Chew: I'm not shaking and nodding to the witness.

Mr. Rottenborn: Well, he was.

Judge Azcarate: All right. Well, I'll keep a lookout.

Mr. Rottenborn: Thank you.

Judge Azcarate: All right, thank you.

Mr. Rottenborn: Ms. Dembrowski, your brother told you himself that he was late to movie shoots, didn't he?

Mr. Chew: Objection, hearsay.

Mr. Rottenborn: Part of the admission.

Judge Azcarate: I'll allow that.

Ms. Dembrowski: I don't think he came to me and said I'm late to movie shoots. No.

Mr. Rottenborn: You learned from your brother that he was late to movie shoots, correct?

Mr. Chew: Objection, asked and answered.

Ms. Dembrowski: I don't think he would have come to me to talk about that.

Judge Azcarate: I'll allow it.

Mr. Rottenborn: You learned...So you never had any communications with your brother about issues that he had being on time to movie sets. Is that your testimony?

Ms. Dembrowski: No. What I'm saying is I worked with him for years, you know. There was never really a continuous topic of whether he was late to a movie set, him and I having a conversation.

Mr. Rottenborn: He told you he had been late to movie sets, correct?

Mr. Chew: Objection, asked and answered.

Judge Azcarate: I'll sustain the objection. Next question.

Mr. Rottenborn: Can you pull up 348, please?

Judge Azcarate: 348?

Mr. Rottenborn: If you can, can you blow it up so you just see the second email down, Heather? In that second email down is an email from you to Tracey Jacobs on February 27th, 2015, right?

Mr. Chew: Objection, hearsay.

Judge Azcarate: I'll allow that question and we'll see where we go.

Ms. Dembrowski: The second all the way down in here?

Mr. Rottenborn: The second one down from the top. Sent at 12:50.

Ms. Dembrowski: Oh, sorry. Yes, that's from me to Tracey.

Mr. Rottenborn: Okay. Now, in the second sentence of that email, you write, "He told me one to one-and-a-half hours, but not two. Yes, he was two and a half hours late one day and seven hours recently." Do you see that?

Ms. Dembrowski: I do see that.

Mr. Rottenborn: And when you said, "He told me," you're referring to your brother, Johnny Depp, admitting to you that he was late to movie sets, right?

Ms. Dembrowski: I don't know that I'm referring to him. No.

Mr. Rottenborn: Okay. In any event, it was a problem. As his personal manager, you knew that it was a problem for the studios if he showed up late to set, right?

Ms. Dembrowski: I knew that on this particular film, there were times when he was late to set.

Mr. Rottenborn: You did know on this particular film?

Ms. Dembrowski: On this particular film.

Mr. Rottenborn: And this particular film is Pirates 5, correct?

Ms. Dembrowski: Yes.

Mr. Rottenborn: "Pirates of the Caribbean 5." And he was filming that in Australia, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And this email was sent on February 27th, 2015, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: So you knew that as he was filming "Pirates of the Caribbean 5" in 2015 or early 2015 that he had problems being late to the set, right?

Ms. Dembrowski: I wouldn't call it problems being late to set, but he was occasionally late to set.

Judge Azcarate: Okay. Late enough that Disney executives called you to discuss that, right?

Dr. Chew: Objection, hearsay.

Mr. Rottenborn: All right. I'll sustain the objection. Next question. And you knew that this wasn't the only movie that he had been late to set for, correct?

Dr. Chew: Objection, lack of foundation.

Mr. Rottenborn: She's testified about her close involvement in his personal affairs when he was shooting movies.

Dr. Chew: Still a lack.

Judge Azcarate: If you lay a foundation not based on hearsay.

Mr. Rottenborn: Okay. Well, you talked to your brother when he was filming each of the movies that he filmed, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Okay. And with respect to Pirates 5, he told you that he'd been late to the set, right?

Ms. Dembrowski: No. I don't recall him telling me he was late to set.

Mr. Rottenborn: Okay. So despite the fact that you said, "He told me," you don't recall whether that was him or not.

Ms. Dembrowski: I don't know that that...I don't know that the "he" in that refers to him.

Mr. Rottenborn: Okay. You were also...I believe you testified yesterday that you were closely involved in the financial aspects of your brother's life, right?

Ms. Dembrowski: I was closely involved in speaking with the representatives, but I wasn't really closely involved in, you know, his financial world. That wasn't my thing.

Mr. Rottenborn: And your brother's...The income that he made from movies or other commercial opportunities that he had, that funded him and it flowed or it came in through his companies, right, and then...the money that your brother made came in through his companies, correct?

Ms. Dembrowski: I don't really understand your question.

Mr. Rottenborn: Well, you're the president of one of those companies, Infinitum Nihil, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: So if your brother signs a movie contract, the money, is it paid directly to him, or does it come in through a company that he owns?

Ms. Dembrowski: Infinitum Nihil is completely a separate entity. So how he gets paid, that's the business managers.

Mr. Rottenborn: Okay. You were involved with discussions of opportunities that he had to shoot movies, correct?

Ms. Dembrowski: Sometimes, yes.

Mr. Rottenborn: Okay. And you were in close contact with others on Mr. Depp's team about opportunities that arose, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Okay. Including Tracey Jacobs...

Ms. Dembrowski: Yes.

Mr. Rottenborn: ...his agent?

Ms. Dembrowski: Yes.

Mr. Rottenborn: Including...In fact, you would be in contact with studios directly as well from time to time, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And Mr. Jacobs...Well, strike that. In your capacity as his personal manager, you became aware of the financial distress that your

brother was in, correct? Because you were familiar with his financial affairs, right?

Ms. Dembrowski: I was somewhat familiar. That was the other representative's area.

Mr. Rottenborn: Okay. Did you have occasion to become familiar with whether he was undergoing financial distress, such that he needed to get movies, a certain number of movies a year?

Ms. Dembrowski: Tracey had a certain number...excuse me, a certain number of movies per year that she wanted him to do.

Mr. Rottenborn: And the certain number of movies a year...to your understanding, the certain number of movies a year that your brother had to do was necessary to stave off financial distress, correct?

Ms. Dembrowski: The certain number of movies per year...Tracey would push for a certain number of movies per year because it was beneficial to her.

Mr. Rottenborn: That's the only reason she pushed for a certain number of movies a year?

Ms. Dembrowski: That's the main reason Tracey would push for a certain number of movies per year. Yes.

Mr. Rottenborn: Not because it was beneficial to Mr. Depp?

Ms. Dembrowski: If it was beneficial to Mr. Depp, then it was gonna be beneficial to Tracey.

Mr. Rottenborn: Okay. But just because it was beneficial to Tracey doesn't mean it wasn't beneficial to Mr. Depp or his companies, correct?

Mr. Chew: Objection, asked and answered.

Judge Azcarate: I'll sustain the objection. Next question.

Mr. Rottenborn: Now, at some point, you became aware...When he was filming Pirates 5 in Australia, you became aware of an injury that he suffered to his finger, right?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And you were involved in trying to cover up how it happened, correct?

Mr. Chew: Objection, lack of foundation.

Judge Azcarate: I'll allow the question.

Ms. Dembrowski: I'm not sure I understand the question.

Mr. Rottenborn: You were involved in helping to cover up how the finger injury happened, right?

Ms. Dembrowski: I don't understand "cover up."

Mr. Rottenborn: You were involved in making sure that people on Mr. Depp's team didn't say how he hurt his hand, correct?

Mr. Chew: Objection, lack of foundation.

Mr. Rottenborn: Okay. I'll allow it if she can answer it.

Mr. Rottenborn: You can answer.

Ms. Dembrowski: We certainly didn't want any press to know about it. So that's, you know, to keep it from that.

Mr. Rottenborn: And because you didn't want any press to know about his finger injury, you told Mr. Depp's personal assistant to make sure that he wasn't...to say that he wasn't sure how Mr. Depp hurt his hand, correct? You instructed him to say that.

Ms. Dembrowski: If it was someone that I would be concerned that the word would get out to the press, I would have done that.

Mr. Rottenborn: So it was okay, to you, to tell people to lie to protect your brother, right?

Ms. Dembrowski: It wasn't necessarily a lie. I didn't know how he hurt his finger myself at the time because I'm pretty sure I know the timeframe you're talking about is when it first happened.

Mr. Rottenborn: And you have no personal knowledge to this day of how he hurt his finger, correct? Because you weren't there.

Ms. Dembrowski: I wasn't there.

Mr. Rottenborn: Heather, can you pull up Exhibit 210 redacted, please? Your Honor, this is the exhibit we discussed yesterday. If the court and Mr. Chew agree with the redactions, I'd just like to publish it to the jury and admit it into evidence.

Judge Azcarate: But the 210, it's already in evidence. That's the one you gave me this morning, correct? No, that's a different one.

Mr. Rottenborn: Yeah, I think that was 214.

Judge Azcarate: That was 214. I'm sorry. I got it backwards. This is 210.

Mr. Rottenborn: And I believe that this...

Judge Azcarate: Follows.

Mr. Rottenborn: It's just one page or it's two pages. I'm sorry. Yeah, it's these two pages that we talked about yesterday.

Judge Azcarate: Right. Reserving your objections, are the redactions correct?

Mr. Chew: The redactions are correct. We'll reserve our redactions [crosstalk 00:40:28.972].

Judge Azcarate: Okay, that's fine. I will enter 214 into evidence over objections.

Mr. Rottenborn: Permission to publish, Your Honor?

Judge Azcarate: All right. Yes, sir.

Mr. Rottenborn: Thank you. Can you blow that up, please? So Ms. Dembrowski, we discussed this a little bit yesterday. This is the text exchange between you and Ms. Heard on February 3rd, 2014 where Ms. Heard says, "JD is on a bender." And your response is, "Where are the kids?" Correct?

Ms. Dembrowski: Yes.

Mr. Rottenborn: And just scroll down, please. Let's go to the next page, please. Let's scroll down to the bottom, please. And then you text Amber, "Worry about everything." Is that right?

Ms. Dembrowski: I wrote the words "worry about everything" was myself. I was speaking about myself.

Mr. Rottenborn: And you tell her, "I don't love any of it." Correct?

Ms. Dembrowski: Right.

Mr. Chew: Your Honor, asked and answered.

Judge Azcarate: Okay. Sustained. We did go through this yesterday, but go ahead.

Mr. Rottenborn: And two days later is when you sent your brother the text messages that said, "Stop booze, stop coke, stop pills." Correct?

Ms. Dembrowski: I'm not looking at it. I don't recall the timing of it.

Mr. Rottenborn: Nothing further. Thank you.

Judge Azcarate: All right, redirect.

Mr. Chew: Yes. Yes, Your Honor. We're ready.

Judge Azcarate: Okay, thank you.

Mr. Chew: Good morning, Ms. Dembrowski.

Ms. Dembrowski: Good morning.

Mr. Chew: During Mr. Rottenborn's examination yesterday and again this morning, he spent a lot of time talking to you about your brother's alleged drug and alcohol abuse. Do you remember that?

Ms. Dembrowski: Yes.

Mr. Chew: You're not denying that Mr. Depp ever used alcohol or drugs, are you?

Mr. Rottenborn: Objection, leading.

Mr. Chew: It's redirect, Your Honor.

Judge Azcarate: That's still leading. I'll sustain his leading if you wanna rephrase your question.

Mr. Chew: You also testified several times in response to Mr. Rottenborn's questions that Ms. Heard tends to say things in a more dramatic manner. Do you recall that testimony?

Ms. Dembrowski: Yes.

Mr. Chew: Why did you say that?

Ms. Dembrowski: I've had my own interaction one-on-one with Ms. Heard. So I know a bit about her personality. You know, she would present information to me that was not necessarily information that was supported by everybody else that was around and I've spent a lot of years working with my brother. We have a close team. You know, it's many years of trusted people helping, you know, make sure that everything in life works out and goes smoothly. But all those people where I would have a daily contact, you know, whether it's about scheduling or just how the day is going, for all the years, those people never said the same thing.

Mr. Rottenborn: Objection. Hearsay, Your Honor.

Mr. Chew: I think it was responsive to the question.

Judge Azcarate: Well, I'll sustain the last sentence.

Mr. Chew: Yeah. Your Honor.

Judge Azcarate: Just the last sentence of it. That's all.

Mr. Chew: Understood, Your Honor. I think it...

Mr. Rottenborn: That's right as well.

Mr. Chew: I think it goes to state of mind rather than the truth.

Judge Azcarate: I just said the last sentence. I'll sustain just the last sentence, just the last sentence. Okay.

Mr. Chew: Thank you, Your Honor. And do you recall your testimony yesterday when you stated that after the phenomenal success of Pirates 1, one of the changes to Mr. Depp's, your brother's personal life was that there were a lot more people around him after that? Do you recall that?

Ms. Dembrowski: Yes, yes.

Mr. Chew: When Johnny and Ms. Heard became involved in a relationship several years later, were there still a lot of people around them, your brother on a regular basis?

Ms. Dembrowski: Yes.

Mr. Chew: Who were those people?

Ms. Dembrowski: He had assistants. He had security. He had, you know, property managers, people that helped at the house. He had quite a few people that were around all the time.

Mr. Chew: How often did you communicate with those people?

Ms. Dembrowski: I communicated daily. Not necessarily with each one of those people, but I communicated pretty much daily with people within the world, the circle.

Mr. Chew: Did any of those people ever raise the same concerns that Ms. Heard did?

Mr. Rottenborn: Objection, hearsay.

Judge Azcarate: All right.

Mr. Chew: Again, it goes to state of mind.

Judge Azcarate: I'll sustain the objection as to hearsay. Next question.

Mr. Chew: What if any concerns were expressed about Johnny's behavior when using alcohol?

Mr. Rottenborn: Objection, hearsay.

Judge Azcarate: All right.

Mr. Chew: Again, it goes to state of mind.

Judge Azcarate: I'll sustain the objection. Next question.

Mr. Chew: Thank you, Your Honor. That's all I have.

Judge Azcarate: All right. Is this witness subject to recall?

Mr. Chew: I do not believe so, Your Honor.

Judge Azcarate: Is she subject to recall? No.

Mr. Rottenborn: No, Your Honor.

Judge Azcarate: All right. Ms. Dembrowski, you're free to go or you can stay in the courtroom. It's up to you. Okay?

Ms. Dembrowski: Thank you.

Judge Azcarate: All right. Thank you, ma'am.

Mr. Chew: Thank you very much, Ms. Dembrowski.

Judge Azcarate: All right, your next witness.

Ms. Lecaroz: Good morning, Your Honor.

Judge Azcarate: Good morning, ma'am.

Ms. Lecaroz: Can we call Mr. Isaac Baruch?

Judge Azcarate: Isaac Baruch.

Ms. Lecaroz: That's right.

Judge Azcarate: All right.

Ms. Lecaroz: We just have...he's here [inaudible 00:46:42].

Judge Azcarate: We'll get him. Okay, that's fine. Thank you. While we're waiting for him, can you spell his last name for the court reporter for me?

Ms. Lecaroz: Yes. B-A-R-U-C-H.

Judge Azcarate: Thank you.

Mr. Baruch: Hey, there's a thing here, a transcript thing.

Judge Azcarate: You can just keep it there, sir. Have a seat and put the microphone close to you, please. Thank you.

Ms. Lecaroz: Good morning.

Mr. Baruch: Good morning.

Ms. Lecaroz: Would you state your name for the record, please?

Mr. Baruch: My name is Isaac Baruch, I-S-A-A-C B-A-R-U-C-H.

Ms. Lecaroz: Mr. Baruch, where do you currently live?

Mr. Baruch: I live in Los Angeles.

Ms. Lecaroz: Do you know the plaintiff in this case, Johnny Depp?

Mr. Baruch: Yes.

Ms. Lecaroz: How do you know Mr. Depp?

Mr. Baruch: I know him since teenagers. We met in Florida.

Ms. Lecaroz: And could you tell the jury a little bit about your experience meeting Mr. Depp when you were teenagers in Florida?

Mr. Baruch: Yeah. We were both playing in bands. We had mutual friends that we met in probably 1980. And, yeah, we hit it off, we got along with each other, and yeah.

Ms. Lecaroz: How often did you see Mr. Depp when you were teenagers together in Florida?

Mr. Baruch: A few times a month. I'd say it could be more, a little more or whatever because, you know, we'd see each other at parties and clubs, nightclubs where the bands played. Yeah, like that.

Ms. Lecaroz: And for how long were you both living in Florida and seeing each other somewhat regularly?

Mr. Baruch: Well, we met in, like, 1980, so...and then we both moved away. He moved to California. I moved to New York. When was that? From 1983. What's that? Like four years.

Ms. Lecaroz: What were your impressions of Mr. Depp while you were both living in Florida at the same time?

Ms. Bredehoft: [inaudible 00:49:07]

Mr. Baruch: Oh, he's a sweet kid, a sweet guy.

Judge Azcarate: Sir, wait. There's an objection.

Mr. Baruch: Oh.

Judge Azcarate: Thank you.

Ms. Bredehoft: What his impressions were back then.

Judge Azcarate: What's the relevance?

Ms. Lecaroz: Just establishing the background in the relationship, Your Honor.

Judge Azcarate: I'll sustain the objection. Next question, please.

Ms. Lecaroz: All right. Mr. Baruch, did there come a time when Mr. Depp moved away from Florida?

Mr. Baruch: Yeah, yeah.

Ms. Lecaroz: And where did he move to if you know?

Mr. Baruch: Like I said before, he moved to California.

Ms. Lecaroz: At some point in time, did you also move to California?

Mr. Baruch: Yeah.

Ms. Lecaroz: And did you reconnect with Mr. Depp when you got there?

Mr. Baruch: Yeah.

Ms. Lecaroz: Around what time was that?

Mr. Baruch: Sometime during the first year and then afterwards, after the first year, more and stuff. So yeah.

Ms. Lecaroz: About what year would you say that was?

Mr. Baruch: Oh, I moved to California in September of '85.

Ms. Lecaroz: And did you know if Mr. Depp was working when you arrived in California in 1985?

Mr. Baruch: Well, I know he was pursuing acting at that time. Yeah, he's looking for work because he's pursuing acting.

Ms. Lecaroz: How often did you see Mr. Depp when you first moved to California?

Mr. Baruch: Well, like I said, the first year, a few times. Afterwards, I had a friend whose girlfriend lived in the same building as Johnny and that. So then hanging out over there, I ended up seeing Johnny more often and plus, my friend who I'm talking about, whose girlfriend lived in the same building, he was playing in a band and they needed another guitar player. And Johnny ended up joining the band. So we were hanging out a lot more often.

Ms. Lecaroz: What were you doing when you moved out to California?

Mr. Baruch: I was pursuing music also, worked in retail jobs and trying to get a band, make a band, you know.

Ms. Lecaroz: Did there come a time when you begin working for Mr. Depp?

Mr. Baruch: Oh, yeah, yeah, yeah.

Ms. Lecaroz: When was that?

Mr. Baruch: Oh, that's later on. That's like in 1993.

Ms. Lecaroz: What were you doing for Mr. Depp when you started working for him in 1993?

Mr. Baruch: Well, he owned a place called the Viper Room, which is a music venue, nightclub, bar, and bands play. And it was already open for six months. And the girl who was working, the person who was working as office manager didn't wanna work there anymore. So the guy who was running the place for Johnny, who's a friend named Sal Jenko, another Florida friend from back in 1980 when we all first meet, he calls me up and he says, "Hey, Isaac, do you wanna work this job?"

Ms. Bredehoff: Objection, hearsay.

Judge Azcarate: I don't think it's offered for the truth of the matter.

Ms. Bredehoff: [crosstalk 00:52:15.565] I mean, can we...

Judge Azcarate: That's fine. I'll overrule the objection. Go ahead.

Ms. Lecaroz: At some point in time, did you stop working at the Viper Room for Mr. Depp?

Mr. Baruch: Oh, yeah.

Ms. Lecaroz: When was that?

Mr. Baruch: Well, I worked from '93 to '98. In '98, I moved away.

Ms. Lecaroz: Did you return to L.A. again at some point?

Mr. Baruch: Yes, I did.

Ms. Lecaroz: When was that?

Mr. Baruch: I moved back December of 2002.

Ms. Lecaroz: What did you do for work when you returned to L.A.?

Mr. Baruch: Well, for two weeks, I worked at an art gallery and then I went back to the Viper Room on New Year's Eve.

Ms. Lecaroz: How long were you working at the Viper Room at that point in time?

Mr. Baruch: It was another year and then the place changed hands.

Ms. Lecaroz: Were you working on anything else while you were working at the Viper Room in that timeframe?

Mr. Baruch: Yeah, I was...sidewise, I was teaching myself art.

Ms. Lecaroz: And what steps were you taking to teach yourself art at that time?

Mr. Baruch: Books, learning how to draw and paint, and taking community college classes.

Ms. Lecaroz: At some point in time, did you begin pursuing art on a full-time scale?

Mr. Baruch: Yeah, yeah, yeah.

Ms. Lecaroz: How did that come about?

Mr. Baruch: Well, I was working at the Viper Room, taking classes, and then at one point, the club changed hands completely after a year, 2004. And I was given a choice of either keep working for these new owners or Johnny, out of his pocket, was gonna give a severance pay to whoever didn't wanna work there anymore. So I took the severance pay and then it helped me continue on to finish community classes, private classes, and then be able to transfer to Cal State University.

Ms. Lecaroz: And did you get a degree from Cal State University?

Mr. Baruch: Yes, I did.

Ms. Lecaroz: What degree was that?

Mr. Baruch: BFA.

Ms. Lecaroz: What year?

Mr. Baruch: 2010.

Ms. Lecaroz: After you received your BFA, did you continue to pursue art full-time?

Mr. Baruch: Yeah.

Ms. Lecaroz: Did Mr. Depp ever express an interest in your art?

Mr. Baruch: Yeah.

Ms. Lecaroz: When was the first time that happened?

Mr. Baruch: Well, first time he saw a painting in 2008 and then the next time was 2012, I had made a painting and sent it to my best friend in an email, and he forwarded it to Johnny. And Johnny emailed back saying, "Hey, when Isaac wants to sell that, whenever he wants to sell that, to go ahead and get in touch with me because I wanna buy it."

Ms. Lecaroz: Did Mr. Depp ever buy that painting?

Mr. Baruch: No.

Ms. Lecaroz: Why not?

Mr. Baruch: Because when I brought over paintings...I had moved back to California and I brought over a bunch of paintings for him to look at and see if he wants any, to buy any. And he looked at me and says, "I got an idea. How about I be your patron and we put together an art show, make a body of work, and then I'll throw a party, and invite people. And I'll sell the stuff for you and you could keep all the money." So he didn't buy any paintings there, instead he offered me a complete patronship.

Ms. Lecaroz: So what did you understand he meant by becoming your patron?

Mr. Baruch: Well, he was gonna financially make it possible for me to just paint every day and put together a body of work. So that way then it could be sold.

Ms. Lecaroz: And how did he plan to do that?

Ms. Bredehoft: Objection to what he planned on doing.

Ms. Lecaroz: What did you understand he planned to do to make that possible for you?

Mr. Baruch: Well, I could tell you that what it included was that the next day, I ended up moving into...I moved into an art studio penthouse at the Eastern Columbia Building. It was, "Listen, I got a place for you to go ahead and live, and work, and put this body of art together. And I'll take care of you. You don't have to worry about anything."

Ms. Lecaroz: And what was the place where you were going to live that Mr. Depp offered you?

Mr. Baruch: The Eastern Columbia Building.

Ms. Lecaroz: Did you take him up on that offer to live at the Eastern Columbia Building?

Mr. Baruch: Yeah, of course.

Ms. Lecaroz: And how did that make you feel?

Mr. Baruch: I started crying because, you know, one day you're in your mother's garage selling paintings for \$100, \$200, \$300 on eBay, next thing you know, you know, it's an art show and like, you don't have to worry about diddly squat. Of course, of course. I was flipping out.

Ms. Lecaroz: When did you move into the Eastern Columbia Building?

Mr. Baruch: The next day after we met and we talked. The next day. The next day, I get a phone call from a guy named Kevin Murphy, who is working for Johnny, and I go to...And he says, "Hey, meet me at this address." And I go and I meet him. And here I am in front of this building. It's a beautiful building. This is like, you know, it's whatever, 13 floors, but it's like from the 1930s, some art deco beautiful building. And I'm looking, I go, "All right, this is unreal. What? There's gonna be..." You know, "All right, it's gonna be one of these apartments or whatever, one of these places here." I go in with Kevin Murphy. He takes me all the way up to the roof. We go into Penthouse 2 and I walk in. I'm like, crying and going, "It's beautiful. This is like a mansion situation to me."

Ms. Lecaroz: Mr. Baruch, how long did you end up living at the Eastern Columbia Building?

Mr. Baruch: Three years and seven months.

Ms. Lecaroz: Your Honor, I'd like to show the witness plaintiff's Exhibit 116.

Judge Azcarate: All right, 116.

Mr. Baruch: Am I looking at something?

Judge Azcarate: You will in a second, sir. It's not on the screen. A paper copy, paper copy. We're just gonna pull up a paper copy for a moment. We can see it, but he can't see it.

[00:59:41]

[silence]

[01:00:04]

Judge Azcarate: Here, sir. All right.

Mr. Baruch: Thank you.

Judge Azcarate: We'll just use the paper copy. We'll get this resolved at lunchtime. Okay.

Ms. Lecaroz: Thank you, Your Honor. Mr. Baruch, do you recognize the document that you're looking at that's been marked as plaintiff's Exhibit 116?

Mr. Baruch: Yeah.

Ms. Lecaroz: And what is it?

Mr. Baruch: This is the floor plan of the roof, all the penthouses up on the roof at the Eastern Columbia.

Ms. Lecaroz: And that's the building where you lived starting in March 2013. Is that right?

Mr. Baruch: I moved in the first week of March 2013. Yeah.

Ms. Lecaroz: Your Honor, at this time I'd like to move into evidence, plaintiff's Exhibit 116, please.

Ms. Bredehoff: No objection, Your Honor.

Judge Azcarate: All right, 116 in evidence. You can publish to the jury.

Ms. Lecaroz: Is it...I'm sorry, Your Honor. I just wanna be sure...

Judge Azcarate: Yeah, they can see it like how we see it. We'll just have to work on that screen.

Ms. Lecaroz: All right. Thank you, Your Honor. Mr. Baruch, can you describe for the jury what is depicted here in Exhibit 116?

Mr. Baruch: Yeah. So the right side of this graph is there's a pool there, there's another top of another apartment that actually starts on the floor below. It's a two-story apartment, but there's a pool there. And there's a gym, workout room. And the left side, there's a...at the bottom, there's an X and that's the elevator. And so you walk out of the elevator, you make a little left and there's a part of Penthouse 5 right there straight ahead. And then you keep walking straight. And then you make a left, a sharp left, and the actual Penthouse 5 is straight ahead. And then you hang a right. And you start walking up that way, on your right is gonna be Penthouse 1. On your left is gonna be Penthouse 4. When you get to the end of that corridor is the door for Penthouse 3 and if you hang a right...Oh, look, there it is. It came up on the screen. And if you hang a right and you go down to the end is the door to Penthouse 2. That's the apartment that I lived in.

Ms. Lecaroz: And who did you understand owned these penthouses?

Mr. Baruch: Oh, Johnny owned them all.

Ms. Lecaroz: Which one did you live in?

Mr. Baruch: Penthouse 2.

Ms. Lecaroz: Was anyone else living in the penthouses at the time that you moved in in March 2013?

Mr. Baruch: No. I was the first one to move in. I moved in the first week of March and then a couple of weeks later, two, three weeks later, then Johnny and Amber moved in. And then after that, the next one to move in is Rocky, Raquel Pennington, Amber's friend. And then at some point, her sister moved in, Whitney. And also at some point, Rocky's boyfriend moved in with her in Penthouse 1.

Ms. Lecaroz: So I believe you just testified that Mr. Depp and Ms. Heard moved in shortly after you moved in. Is that right?

Mr. Baruch: Yes.

Ms. Lecaroz: And which penthouse did they move into?

Mr. Baruch: Penthouse 3.

Ms. Lecaroz: And then you testified, I believe, that someone named Rocky Pennington moved in.

Mr. Baruch: Yes.

Ms. Lecaroz: Who was Rocky Pennington?

Mr. Baruch: Amber Heard's friend from Texas and I think they...I don't know. I'm not sure if they told me that they moved out there together or something like that. But yeah, her friend.

Ms. Lecaroz: And later you said that her boyfriend moved in with her. What was his name?

Mr. Baruch: Josh, Josh Drew.

Ms. Lecaroz: And which unit did they live in?

Mr. Baruch: Penthouse 1.

Ms. Lecaroz: And I believe you also testified that Whitney moved in. Who was Whitney?

Mr. Baruch: Whitney Heard. She's married, so she's got a different last name. I'm not sure what it is, but Amber's sister, Whitney.

Ms. Lecaroz: And which of the units did Ms. Heard's sister live in?

Mr. Baruch: Four.

Ms. Lecaroz: Can you tell the jury a little bit about your relationships with Ms. Heard, Ms. Pennington, Mr. Drew, and Ms. Heard's sister?

Mr. Baruch: Yeah. I was friends with all of them. I loved them all. They all treated me with respect and we had...It was great. You know, I'm an old-time friend of Johnny's living there and we're all looking out for each other. We became great friends. I fell in love with all of them.

Ms. Lecaroz: When you moved into Penthouse 2, you were working on an art show with Mr. Depp, right?

Mr. Baruch: Yeah. That's the entire reason that I'm there is to work and put together this art show.

Ms. Lecaroz: And did you have a timeframe that you expected to be able to put on that art show?

Mr. Baruch: At first when we first powwowed this idea when, you know, we talked about, "All right, what do we do," you know, "what's this show gonna be? How many paintings is it gonna be?" And we came up with a number, "Okay, there's gonna be a certain body of work." I'm not a known person. I'm just some schnook painter. So there's...And if I was a famous painter, I could make five paintings and the room will fill up, but...So we decided, "Okay, like, 25 pieces of work, large scale." And Johnny says, "Hey, how long do you think this will take?" I said, "I've never done it before. I don't know. Maybe a few months."

Ms. Lecaroz: And were you able to complete the paintings in a few months?

Mr. Baruch: No. It took me...In order to make two large-scale paintings, it took me, like, almost 2 months and I start freaking out going, "I only got 2 paintings and all right, I got to do 25." I said a few months. So I ended up going to Johnny's place and saying, "Hey, look, dude, this is gonna take a lot longer than a few months. I could only make two paintings."

Ms. Lecaroz: And how did Mr. Depp react?

Mr. Baruch: He looks at me and he starts laughing. And he says, "Ike, don't worry. I do not care. I just want you to paint however long it takes. Just...I want you to paint every day."

Ms. Lecaroz: During the course of time that you were living at the Eastern Columbia Building, did Mr. Depp ever give you any money?

Mr. Baruch: Yeah.

Ms. Lecaroz: How much did he give you?

Mr. Baruch: Over a period of four years of the patronship, ballpark, I could calculate it probably around \$100,000.

Ms. Lecaroz: And how did you come up with that amount?

Mr. Baruch: Well, from the first get-go when I say, "Hey, look, I need dough, you know, to buy stuff and to, you know, do this," I ended up getting an envelope the next day with \$5,000 in it. And then I budgeted it and stretched it out, you know. And so every few months, I'd get an envelope. I didn't know if it was gonna be the same amount, but it ended up being the same amount, which was wow. So basically around \$5 grand every few months. So in a year, it's \$20 grand. But then also, there was maybe a year or two might have been that it was five times I had to ask for dough, or it was four. And then on top of it, so right there, that could be \$80 grand or \$90 grand. And then on top of that, I ended

up getting a herniated disc. He sent me to the doctor's to get an MRI and see the doctor, get an MRI, and there was 10 weeks of therapy that he covered. So I throw that in there too and I ended up coming up with the figure, \$100 grand. It could be a little less, it could be a little more.

Ms. Lecaroz: What was your understanding of whether Mr. Depp intended to be paid back for the money that he provided to you?

Mr. Baruch: There's no...that's not even the thought of being paid back. This is something that he wanted to see happen. This is something he invested in. He knew he was gonna spend money to make it happen, for me to survive and paint, and create this thing that he wanted to see because he liked the art. And there was no payback. And the whole thing was about him selling the art. So that way, I keep all the money. He didn't expect anything. It was he was doing this as a friend as he's done with many other friends.

Ms. Bredehoff: Objection, Your Honor. Hearsay and move to strike [inaudible 01:10:00].

Judge Azcarate: I'll sustain the last sentence of his statement.

Ms. Bredehoff: And if I could explain to the jury that striking means that [crosstalk 01:10:06.645].

Judge Azcarate: We've done that, but that's fine. Thank you.

Ms. Lecaroz: Thank you, Your Honor. Mr. Baruch, did there come a time when you decided that you planned to pay Mr. Depp back?

Mr. Baruch: Oh, yeah. For me, when...He's told me he had a money situation going on, for me, it was like, "This guy just changed...He's been making it possible for me to live and work, and make product. And by that expense, I'm part of the problem." It's like, "How do I help him? How can I help him?" I mean, he's sharing his sandwich with me, you know. It's like, how do I share my sandwich with him? Give him that half to make something up. You don't not do anything, and said, "The only thing I got is paintings." So I stood up when he's telling me, what he's telling me about his money situation and for me, I said, "Hey, if these things ever sell, we got to split this 50/50 and I ain't taking no for an answer." Something, I got to put something into this. So for me, I looked at it like he has to get something back.

Ms. Lecaroz: Mr. Baruch, during your time living at the Eastern Columbia Building, did you develop a relationship with the defendant in this case, Ms. Heard?

Mr. Baruch: Yeah.

Ms. Lecaroz: And did you get along with Ms. Heard?

Mr. Baruch: I loved her. I fell in love with her just like Johnny fell in love with her. I fell in love with her. She's totally respectful, gracious to me, she's got great teeth, that she treated me with complete respect. Anytime I walk into her, humor-wise, total locker room humor, demented humor, totally laughed at, you know, the jokes, made the jokes. Totally got along with her. Every time I walked into their place, "Isaac, you want something to eat? Isaac, you want something to drink?" Every time. There's only one time I remember that she didn't offer because I walked in and she's in the kitchen at the counter, and she's doing a beauty facial mask and so she can't offer me. And I'm going, "Hey, is that something that can help me?" And she looked at me and she goes, "No." And that. And I'm laughing and then she left after because she didn't realize she was making a joke. So yeah, I loved her.

Ms. Lecaroz: Mr. Baruch, did Ms. Heard ever visit you in your penthouse?

Mr. Baruch: Yeah.

Ms. Lecaroz: Do you recall the first time that she visited you there?

Mr. Baruch: Yes.

Ms. Lecaroz: When was that?

Mr. Baruch: The first time is that...It's in March when they moved in and they were there for a couple of days and I didn't even know. And Johnny had called me and says, "Hey, come over. Meet my girl." And that. And then so I did. And then the next day they came over to my place for the first time to see how I had set up the art studio, the lights, and, you know, just what's my painting set up and stuff, and to look at other paintings. And they walked in. And I remember the first thing she said was, "I hope we didn't keep you up last night because of all the yelling." And I looked at her and says, "No, these walls are like 3 feet thick. I don't hear diddly squat."

Ms. Lecaroz: How did she seem when she said that to you?

Mr. Baruch: Well, it's semi-joking and inquisitive, you know, like they did, you know, to find out.

Ms. Lecaroz: In your three-and-a-half years living at the Eastern Columbia Building, did you have opportunities to observe Mr. Depp's and Ms. Heard's relationship?

Mr. Baruch: Yeah.

Ms. Lecaroz: Can you describe what you observed about their relationship?

Mr. Baruch: They were always loving with each other. They treated each other like gold, kissing, and "What can I get you?" type of thing. Being kind with each other, always loving. Always a loving situation.

Ms. Lecaroz: How often would you say you interacted with Mr. Depp and Ms. Heard?

Mr. Baruch: If they were there...because they're traveling, they're working and doing stuff. If they were there. I saw them maybe two, three times a week. Maybe there might be one time a week that I see them that I go over to hang out or, you know, see them, or they might come, or Johnny might come over to visit, or, you know, like that.

Ms. Lecaroz: Since you've known them, did you ever see them get physically violent with each other?

Mr. Baruch: Never.

Ms. Lecaroz: Did you ever see them argue?

Mr. Baruch: Yes.

Ms. Lecaroz: How many times?

Mr. Baruch: Probably, like, twice.

Ms. Lecaroz: Okay. Can you describe the arguments that you witnessed?

Mr. Baruch: The first argument that I remember was walking in, it was a telephone argument. Johnny is at the kitchen table and he's screaming about something. And on the other line, because it's on speaker and he's talking with the phone, at the phone, the other person is Amber and that she's in New York, and he's at the kitchen table. And they were arguing. And he's going, "Who is it? Who is it?" And she's saying, "Oh, baby. Come on. Please don't. What are you doing, baby? Why are you being like this, baby?" And this went on for a little while and I'm listening. And then he hangs up. She calls back again and it's the same thing, "Who is it? What's going on? Who is it?" And she's saying, "Oh, come

on, baby. Don't be...What are you doing, baby?" And then hang up the phone again. The third time it happens, I'm saying, "There's no solution in this conversation." I grabbed the phone from him and I says, "Hey, Amber. This is Isaac. Listen, this conversation is now over." And I hung up the phone and she didn't call back again. And he went to the couch and went to bed.

Ms. Lecaroz: I believe you said you saw them argue twice. Was there another time that you saw them argue?

Mr. Baruch: I ended up going over and at the kitchen table is Johnny, is Amber, is Rocky, and Josh. And I'm going, "What are you guys doing?" And they're hanging out and they're trying to plot to figure out a way how to get rid of Whitney to not live there anymore. And I felt bad. I like Whitney. I says, you know, "Oh, well, you know, that's gonna be a drag." And I says, you know, "What are you plotting," you know, "how do you figure out? Hey, lend your sister some dough and let her move out." But, you know, they're trying to figure something out, something differently or whatever. So there was a point Johnny got completely, you know, flustered and frustrated, and he got up, and he walks away. And as he's walking away, he says, "Figure it out." And that was it. That was the whole thing. I don't know if you wanna call that...I don't think you might call that an argument, but...

Ms. Lecaroz: Your Honor, I'm about to switch gears a little bit. It might be a good time for a mid-morning break.

Judge Azcarate: Okay, perfect. Thank you. All right, ladies and gentlemen, go ahead and have you take your morning recess for 15 minutes. Okay? Just remember to not talk to anybody and do not do any outside research. Okay? And we'll see you back here in 15 minutes.

Mr. Baruch: Do I stand?

Judge Azcarate: You could stay right here. That's fine. You don't have to stand.

Mr. Baruch: Okay, thank you.

Judge Azcarate: All right. So I just want to remind you, since you're still on the stand under oath, you can't talk to any of the attorneys or Mr. Heard at this time until your testimony is done. Okay?

Mr. Baruch: Okay.

Judge Azcarate: All right. And we'll be back at 11:45. Okay?

Mr. Baruch: I gotta stay here the whole time?

Judge Azcarate: Yeah. You have to say the whole time.

Mr. Baruch: Oh, okay. Oh, okay.

Judge Azcarate: You can stay, you can stay. That's fine. All right, okay. Yes, ma'am. Your next question.

Ms. Lecaroz: Mr. Baruch, were you...

Mr. Baruch: We're back.

Ms. Lecaroz: Thank you for coming back. Were you still living in Penthouse 2 of the Eastern Columbia Building on May 21st, 2016?

Mr. Baruch: Yes, yes.

Ms. Lecaroz: Do you recall what you were doing that evening?

Mr. Baruch: Yes.

Ms. Lecaroz: What were you doing?

Mr. Baruch: I was out. It was evening time. I'm out in the neighborhood and I'm on my way home. I get a phone call from my friend who wants to know if I wanna go out and eat. I said, "I just ate, but I'm five minutes away from the Eastern Columbia Building, home, and I go across the street, get something to eat and bring it up for takeout and we'll go upstairs to my joint, and we'll eat." And yeah.

Ms. Lecaroz: Did you meet your friend back at the Eastern Columbia Building?

Mr. Baruch: Yeah.

Ms. Lecaroz: Around what time was that?

Mr. Baruch: 9:30.

Ms. Lecaroz: What happened after you met your friend?

Mr. Baruch: We went upstairs.

Ms. Lecaroz: Can we pull up plaintiff's Exhibit 116 again, please? And Your Honor, given that this has already been admitted, I ask that it be published.

Judge Azcarate: All right, that's fine. You can publish it. I just can't see it. Okay. Do you still have it?

Ms. Lecaroz: Mr. Baruch, is it on the screen in front of you?

Mr. Baruch: Yeah. Yes.

Ms. Lecaroz: Okay, great. Mr. Baruch, I'm gonna ask you a couple of questions about what happened after you went upstairs that evening and it may be helpful for you, there are controls on that screen that you can use to sort of mark the exhibit to show the jury the spots that you're talking about and identifying.

Judge Azcarate: So if you just touch it, it'll make a mark. So you don't have to touch the top. That's fine.

Mr. Baruch: Do I touch something on manual here?

Judge Azcarate: No, no, you don't. Nope. Just wait and you can touch it whenever she needs you to mark it.

Mr. Baruch: Just wherever I touch it it's gonna make a mark.

Judge Azcarate: It will.

Ms. Lecaroz: Thank you. Mr. Baruch, when you got upstairs that evening with your friend around 9:30, what did you see?

Mr. Baruch: We got out of the elevator and, you know, just like in the graph, you would make a left and then you turn in the corner. When we walked out, I noticed on the floor there's shards of glass. There's pieces of glass. And so you know, I was just looking going, "Oh, something busted. It could be one of the sconces or something like that." And kept walking.

Ms. Lecaroz: Can you mark on the exhibit where you saw the broken glass that evening?

Mr. Baruch: Yeah. Right there. Right where you could go left or you could go right. And if you wanted to go to the pool area, you could...there's an exit that way. So you could either go right or you go left. You go left, you're in the apartment, going in the hallway through the apartments or you go right. Right there in that spot.

Ms. Lecaroz: And did you continue on to your penthouse after you saw the broken glass?

Mr. Baruch: Oh, yeah. So we walk around and then we make the turn. We hang the right past the Penthouse 5 and we stop right in front of...Right here.

Ms. Lecaroz: And why did you stop right there?

Mr. Baruch: Oh. Stopped in front of here, Penthouse 1, which is more, more, right there because there's this puddle of wine, huge puddle of wine on the floor that's in front of the door and there's splashed wine that's dripping down the wall. And so we stopped and I'm looking, and I'm going, "Look at this. Someone must have got hammered. These guys probably had a party." And at that point right then, as soon as I said that, the door opens up and it's Josh Drew, who pokes his head out the door only enough for his head to come out. And he's pretty bug-eyed and looks distraught. And I look at him and I go, "What's up with the spilled wine?" And I figured I'd get an explanation or whatever. And he looked at me and just said, "Rough day. Had a rough day." And at that point I got concerned and said to him because I'm friends with him, you know, I got concerned, I say, "Hey, are you okay? Do you want me to help you with something? Do you need help?" And he said, "No, it's okay. We got it." And I said, "Okay." And me and my buddy took off and went into my place.

Ms. Lecaroz: And what did you do after that?

Mr. Baruch: My buddy ate. I believe he had pizza from across the street and we talked. We yapped for a while and, you know, could be...I could yap. So it could, you know, it could take...We were there probably an hour and change, or something like that. And then, you know, we're done. So I walked him out and walked down, and went to the elevator. Walked out, went to the elevator. We went downstairs. I walked him out the door to finish the conversation that we were having and I said, "All right, see you." And then I went back in. I went upstairs and I went to bed.

Ms. Lecaroz: Around what time was that that you went back into the Eastern Columbia Building?

Mr. Baruch: You know something, if...We got there at like, around 9:30 and we're talking, I don't know, an hour, an hour-and-a-half, two hours, you know. Somewhere around 11:00, I would think.

Ms. Lecaroz: We can go ahead and take Exhibit 116 down. Mr. Baruch, can you describe for the jury the events of the next day, May 22nd, 2016?

Mr. Baruch: Yes, it's my birthday. May 22nd is my birthday. I wake up. I ended up texting Johnny and saying, "Hey, I'm gonna be in town." Because he's not staying at the Eastern Columbia Building. He's staying in a house in town. Okay? And so I texted him. "It's my birthday." I said,

"Listen, I'm gonna be in town. I'm gonna come by to have a birthday drink." Okay. I didn't hear from him, you know. I didn't get an answer back, but I said, "That's what I'm doing." If that happens, that happens, but...So it was around noon, noontime that...So I left. I walked out of my apartment and I go through the hallway as you see the graph.

I go through the hallway and I turn the corner from Penthouse 3. And as I'm walking down, well, who do I see? I see a group of people. It's a guy in black clothes, a black shirt, black pants, Amber Heard, and I see Josh Drew who's leaning up against the door and the door is open. This door is open. Something's going on and as I'm walking up, I'm saying, "Hey, what's up? What are you guys doing?" And then Amber turns to me as I'm walking up. Amber turns to me and she says, "Johnny came by last night. He got violent. So I'm changing the locks on 1, 3, and 5." And I'm looking at her and she goes, "Oh, and don't worry about 2. You're okay." And at this point, I'm now walking past. So now we're all in front of the open door of the apartment and I see there's two guys, two locksmiths working on the door.

So now I'm standing on one side and you have Josh Drew on one side of the door. You got the two locksmiths with the door open working on it. Sunlight's...The sun is coming through the door, sunlight from windows. And then Amber is in front of me and there's the security guy. And we're 2 feet away from each other talking. And she introduces me as she's finishing saying, "Oh, don't worry about your apartment." And she says, "Oh, and this is a security guard that I got who's gonna be hanging around." And I got introduced. She introduced me to him and I shook his hand. He gave me a card, which I lost, and that. And I'm kinda taking this in, and going, and I said, "Wait. What happened? What's going on?" And at that point, Josh Drew looks at me and gives me the high sign. So like, "Hey, you know, follow me. I'll tell you in private." And...

Ms. Lecaroz: Mr. Baruch, when you were speaking with Ms. Heard, how close were you standing to her?

Mr. Baruch: Like I said, I'm 2 feet, a foot-and-a-half, 2 feet away. We're 2 feet.

Ms. Lecaroz: And how was the lighting in that area?

Mr. Baruch: There's lights in the hallway, but we're standing and we're standing in an open doorway that the wall is all windows. Sunlight's coming through and you could operate in this light. There's that much light.

Ms. Lecaroz: Did you notice any marks on her face when you were speaking with her?

Mr. Baruch: No.

Ms. Lecaroz: Did you see any bruises?

Mr. Baruch: No.

Ms. Lecaroz: Did you see any redness?

Mr. Baruch: No.

Ms. Lecaroz: Did you notice any swelling?

Mr. Baruch: No.

Ms. Lecaroz: Did it look like Ms. Heard was wearing any makeup?

Mr. Baruch: No.

Ms. Lecaroz: Had you seen her wearing makeup before?

Mr. Baruch: Yeah.

Ms. Lecaroz: And you had seen her not wearing makeup before?

Mr. Baruch: Yeah. I seen like I said, with the face mask, doing a face mask, no makeup, hanging around, waking up in the morning, no...with makeup glammed out to go out. It's three-and-a-half years, I seen her in different forms.

Ms. Lecaroz: Did you speak with Mr. Drew about anything at that point?

Mr. Baruch: Well, yeah, after I said that, "Hey, what's going on?" and he gave me the high sign to like, "Hey," follow him, we went into my apartment and had a conversation.

Ms. Lecaroz: And what happened after you had that conversation with Mr. Drew?

Mr. Baruch: We left the apartment and we go walking back towards Penthouse 1. And as I'm walking back, I say to Amber as I'm walking up, "He hit you?" And she goes, "Yeah, he threw a phone at me and hit me." And I'm looking because I had just seen her 2 feet away and I'm going, "Where?" And she puts her head out. She puts her face out like that for me to look at the right side of her face and I'm looking. But at that point also, I'm looking and I turned around, get on the other side, we're in the doorway. So I'm on this side with the light shining this way from the

doorway with the lights above with the sunshine and she's got her face out like this looking, you know, to show me. And I'm looking and I just go...I inspect the face. I'm looking at her forehead. I'm looking at the side of her eye. I'm looking at a cheek. I'm looking at her chin. I'm looking at the other side of the face. I'm looking at the whole thing and I don't see anything. I don't see anything to...I don't see a cut, a bruise, swelling, redness. It's just Amber's face that she's going like this and showing me.

So I'm not seeing anything. I back up and I'm making a joke. I make a joke going, "Well, I don't see anything, but maybe all the beauty from one side of your face to the other side of the face is outshining everything. So I can't see anything." And she's laughed and she, you know, smiled. And I just looked at everybody and said, "Hey, it sounds nuts." And I went and I gave...I said, "I gotta go," and I gave her a hug and kissed her on that side of the face. Kissed her on that side of the face and then I left and said goodbye.

Ms. Lecaroz: What was her reaction when you kissed her on that side of the face?

Mr. Baruch: Nothing.

Ms. Lecaroz: Did she flinch?

Mr. Baruch: No.

Ms. Lecaroz: Did you see Ms. Heard again the next day?

Mr. Baruch: Yeah, yeah, yeah.

Ms. Lecaroz: When was that?

Mr. Baruch: So that's Monday. That was May 22nd, my birthday. So then the next day is Monday, the 23rd. I had woken up with a chest cold and I heard a knock on the door, and it's Amber. So I opened up the door.

Ms. Lecaroz: Around what time was that?

Mr. Baruch: That's I wanna say maybe around noontime, maybe a little bit before. Maybe it could have been a little bit...I think around noontime again and I went downstairs, and I opened up the door.

Ms. Lecaroz: And when you opened the door, did you have a good view of Ms. Heard?

Mr. Baruch: Absolutely. Yeah.

Ms. Lecaroz: How was the lighting?

Mr. Baruch: Lighting's fine. Lighting from outside and there's light from my place. Yeah. So the lighting was great.

Ms. Lecaroz: Did you see any marks on Ms. Heard's face at that time?

Mr. Baruch: No. Same thing like the day before. There's no redness, there's no swelling, there's no bruises, there's no cuts, there's no nothing. It's just Amber, looking like Amber.

Ms. Lecaroz: Did you notice if she was wearing any makeup at that point?

Mr. Baruch: She didn't look like she was wearing makeup then either.

Ms. Lecaroz: What did Ms. Heard say to you during that encounter?

Mr. Baruch: She was knocking on my door to see if I would take the house key, her house key, to let the cleaning lady in because she had to go somewhere. And I said, I woke up that day and I had some kind of chest cold thing. I was upstairs laying down. And so I looked at her and I said, "Hey, listen, I'm feeling sick. I'm gonna be upstairs laying down this entire time for the day," or whatever, and that. "So I can't do it." And then she stood there and is like, "Well, I gotta figure out what to do." Like, maybe if she was only dependent upon me to give the housekeeper the key, it's the same...The housekeeper cleans both of our places. And so I said, "Hey, listen, why don't you go ahead and take the key and put it in an envelope, and bring it downstairs to the concierge, you know, one of the...and that's where the key would be. And tell Hilda, who is the housekeeper that that's where the key is." And that's it and just that. And she was like, "Yeah, okay. I guess I could do that." And I'm looking, I'm 3 feet away from her, 2.5, 3 feet away from her talking with.

Ms. Lecaroz: And how long did that conversation last?

Mr. Baruch: Three minutes.

Ms. Lecaroz: Did you see Ms. Heard again the next day?

Mr. Baruch: Yes, I did.

Ms. Lecaroz: And where did you see her?

Mr. Baruch: Right at the...I go down...I'm leaving my apartment on Tuesday to go downstairs to the cafe to go get something hot to drink. I still haven't shopped or did anything with the chest cold. And so I wanted something hot to drink. I go downstairs and as I'm locking my door that all of a sudden, a group of women walk, come up to Penthouse 3

because in the corridor on the graph, you could see, we share the same corridor. So I closed, I'm locking my door and a group of women show up.

Ms. Lecaroz: Did you recognize who the women were?

Mr. Baruch: Three of them. Yeah.

Ms. Lecaroz: Who were they?

Mr. Baruch: It was, you know, something, I'm not sure if it was four or five women. But it's Amber, it's her sister, Whitney, and it's Melanie Iglesias, who's a makeup artist for Johnny and Amber. And then there's two other women that I didn't recognize, but I'm not sure.

Ms. Lecaroz: Did you interact with the women at all?

Mr. Baruch: Well, after closing the door, Whitney, who calls me her spirit animal, came running, you know, down the hallway going, "Isaac, spirit animal." And I'm going, "Hey, listen, I'm not feeling so hot. I'm not feeling so good." And I duck under her arms, you know, "Stop. And I love you, but stop." And I duck under her arms and I go past. And now I'm passing the other ladies, Amber and who she's with. And I'm looking at them. They're laughing of this whole scene and then that was it. And then I walked and went past, and went down, and got some hot tea.

Ms. Lecaroz: Did you see Ms. Heard's face during that encounter?

Mr. Baruch: It was a quick glance, but, you know, nothing shot out to me to like, notice anything.

Ms. Lecaroz: Did you see Ms. Heard again the day after that?

Mr. Baruch: Well, I saw her again that day.

Ms. Lecaroz: Oh. Can you describe that, please?

Mr. Baruch: Yeah. On the way back from me being outside the cafe having a tea, I come walking back in and now all her...the women that she was with are coming back out and were in the lobby. And so...And the doors of the lobby, it's all windows. There's great light shining through the entire lobby and the women are...There's a table in the middle of the lobby and her friends, or I don't know if they're friends or not, I know three, you know, one is a sister and the other one is a friend, they're walking on one side of the table. And then she's on the other side of the table where I'm walking and now we're walking past each other. And she's...you know, of course, we're gonna acknowledge each other

and looking at each other. And now the sun shining right in our face. It's to my back because I'm walking in and so that's like this, and saying, "All right. Hey, all right. Enjoy yourself. Have a good time or whatever, whatever you're doing," you know. And go by and I went up. And that was it. That was the second time that I saw her and that's on Tuesday.

Ms. Lecaroz: And did you get a good look at her face during that second encounter?

Mr. Baruch: Oh, absolutely. The sun's shining right on her face.

Ms. Lecaroz: Did you notice anything unusual about her face?

Mr. Baruch: Nothing. No cuts, no bruises, no swelling, no redness, no...It's Amber. It's Amber's face.

Ms. Lecaroz: And then did you see Ms. Heard again the day after that?

Mr. Baruch: Yes, I did.

Ms. Lecaroz: And that's Wednesday, May 25th?

Mr. Baruch: That's right.

Ms. Lecaroz: Where did you see her?

Mr. Baruch: At that point, I was like, "Okay, I gotta shop for something because otherwise, I'm not gonna get rid of this chest cold." I would go to the store and on the way back, in between the garage and the building, there's this room with like a vestibule, you know, that you have to walk through. And I'm coming in to go into the building and Amber and Whitney, her sister, are coming out of the building to go into the garage and we met there.

Ms. Lecaroz: How long did you speak with them if at all?

Mr. Baruch: Yeah, we spoke. So we're facing each other. Amber and Whitney are across from me. We're 2.5 feet, 2 feet away from each other talking. And so we stop, of course, to say, "Hey, what's up? What are you doing? Where are you going? Where are you coming from?" I have bags of food in my hand, stuff that I went and I bought. And so I said, "Hey, I'm coming from shopping. I finally bought myself some stuff to get rid of this chest cold thing." And they're going to the CVS. And they look at me, and so was yapping, everyone's smiling and stuff. And she says, "You sure we can't get you anything? How about we get you some aspirin or, you know, some cold stuff?" I said, "No, I think I got everything." And they said, "Are you sure?" And I said, "Yeah, yeah. I got

it. Don't sweat it." And, you know, a kiss or whatever. I got my hands. I can't hug or whatever. So...And then I go said, "See you." And I went up and they went through the garage. That was it that day.

Ms. Lecaroz: Did you have a good look at her face during that conversation?

Mr. Baruch: Yes. This room...Yes, yeah. This room, it's completely lit that it's a...And there's a camera taking...you know, camera's always on, the security camera. And it's always...And so it's got good lighting and stuff because this is a spot where if you use your fob key to go into the building, well, the door takes a long time to...You know, it's one of those things with the pressure thing that the door just doesn't close shut. It takes a while for it to close. Someone could be in the garage that's not supposed to be in the garage, run and hold the door open, and that. Then they get into the apartment building and then who knows? Maybe somebody gets ripped off, but...So it's well lit for security reasons and that there's a camera there that's taking pictures, you know, doing what the camera does.

Ms. Lecaroz: Was Ms. Heard wearing makeup during that discussion?

Mr. Baruch: Neither of them looked like they were wearing makeup at all. Whitney had this hat on that it was a fun hat or whatever, and that. No makeup. I don't even know Whitney to be a makeup person and that. Amber, no. She looked like she was, you know, just natural Amber. It's all, you know, just as always, no makeup.

Ms. Lecaroz: Did you notice any marks on Ms. Heard's face?

Mr. Baruch: No, no.

Ms. Lecaroz: Did you notice any swelling?

Mr. Baruch: No, no swelling. No, there's no nothing. There's no swelling, no bruising, no redness, no cuts, no...I don't even...you know, nothing.

Ms. Lecaroz: Turning back to May 21st for a second when you first heard that Ms. Heard told you that Mr. Depp had hit her, do you recall that?

Mr. Baruch: Say that again.

Ms. Lecaroz: When Ms. Heard told you that Mr. Depp had hit her on May 22nd.

Mr. Baruch: Yeah, my birthday.

Ms. Lecaroz: How did you feel hearing her say that?

Ms. Bredehoff: Objection, it's irrelevant.

Judge Azcarate: All right. What's the relevance to how he feels?

Ms. Lecaroz: I mean, it's a present sense impression of how he perceived that in that moment.

Judge Azcarate: I'll sustain the objection.

Ms. Lecaroz: Okay. Mr. Baruch, did you see Ms. Heard at all the rest of that week of May 23rd?

Mr. Baruch: No.

Ms. Lecaroz: Did you learn at some point in time that Ms. Heard had filed for divorce from Mr. Depp?

Mr. Baruch: Say that again.

Ms. Lecaroz: Did you learn at some point in time that Ms. Heard had filed for divorce from Mr. Depp?

Mr. Baruch: Yeah.

Ms. Lecaroz: How did you learn that?

Mr. Baruch: I learned it from the internet after the weekend around...That's probably Monday, either Sunday or Monday. I'm on the internet and I ended up seeing a picture of...It was the Friday of the past week and there's a picture of Amber wearing a black mourning dress, and with this brown mark on her cheek. And that she's out, she's been to a divorce...you know, she went to go file for divorce. That's how I found out.

Ms. Lecaroz: Were you surprised when you saw that?

Mr. Baruch: Surprised is not the word. It's like, "What the hell is this? What's going on?"

Ms. Lecaroz: At any point when you had seen her during that prior week, had she told you that she intended to file for divorce?

Ms. Bredehoff: Objection, leading.

Judge Azcarate: I'll allow it. Go ahead. You can answer the question, sir.

Mr. Baruch: What's the question again?

Ms. Lecaroz: At any point when you had seen her during that week, had Ms. Heard told you that she intended to file for divorce?

Mr. Baruch: No, no. Never once. Sunday, Monday, Tuesday, Wednesday, and Thursday or Friday, I did not even see it. No, there's no...I'm clueless. She did not say anything about divorce.

Ms. Lecaroz: So what did you think when you saw those pictures and read the articles and learned that she was filing for divorce?

Ms. Bredehoff: Objection, relevance to what he thought.

Judge Azcarate: Okay, all right.

Ms. Bredehoff: I'm sorry. Objection, relevance to what he thought.

Judge Azcarate: All right. It's the relevance.

Ms. Lecaroz: I mean, it builds on all the testimony he's given previously, Your Honor.

Judge Azcarate: I'll sustain the objection.

Ms. Lecaroz: Okay. When did you see Ms. Heard next after that?

Mr. Baruch: She knocks on my door June 3rd, Friday or Friday night, June 3rd, she knocks at my door around 11:00 is the next time that I see her.

Ms. Lecaroz: And what happened when she knocked on your door on June 3rd?

Mr. Baruch: I opened the door. I opened up the door and naturally, you know, something I'll say is, "Hey, how you doing," you know, to say hello. So I open up the door and say, "Hey, how you doing?" And she looks at me and she says, "I'm not feeling so hot that I made some food. Would you like to come over and eat with me?" And at that point after, you know, everything I've seen, I looked at her and I said, "Listen, me and you, we're not gonna talk anymore after everything that I've just seen all week long from the past week and change. Listen, I'm confused, I'm angry, and I'm frustrated by everything that I've seen. And that I think the best thing is for me and you that we don't talk anymore."

Ms. Lecaroz: Did she say anything in response?

Mr. Baruch: Yes. In response to that, she looks at me and she says, "I told Johnny I don't want anything. The lawyers are making me do all of this." And I...you know, that's what she said.

Ms. Lecaroz: Did you respond to Ms. Heard?

Mr. Baruch: No. What I was thinking was that to me after saying that, after she said that to me, I'm thinking to myself, [inaudible 01:49:07]. Hey, how...you know.

Ms. Bredehoft: Objection to what he was thinking to himself, Your Honor.

Judge Azcarate: All right. I'll sustain that objection. Next question.

Ms. Lecaroz: Did you see any injuries on Ms. Heard's face on June 3rd when you spoke with her?

Mr. Baruch: No.

Ms. Lecaroz: Did you ever speak with Ms. Heard again after that?

Mr. Baruch: Well, she said to me after that, "The lawyers are making me do all of this," then she's...I was just looking at her and then she ended what she was saying by saying, "Well, I'm sorry you feel that way." And I closed the door and would never talk to her ever again.

Ms. Lecaroz: Did you have any interactions with the staff of the Eastern Columbia Building about Ms. Heard's allegations against Mr. Depp?

Ms. Bredehoft: Objection. Your Honor, may we approach?

Judge Azcarate: Okay.

Ms. Lecaroz: Mr. Baruch, did you have any interactions with the staff of the Eastern Columbia Building about Ms. Heard's allegations against Mr. Depp?

Mr. Baruch: Yes.

Ms. Lecaroz: And at some point, did you see a security video taken in the Eastern Columbia Building?

Mr. Baruch: Yes.

Ms. Lecaroz: When was that?

Mr. Baruch: At some time in June. Maybe two weeks in or something like that. It's two, three weeks in.

Ms. Lecaroz: Can you describe what you saw in that video?

Mr. Baruch: Yes, I can.

Ms. Lecaroz: It was a video of Amber and Whitney waiting at the elevator, mezzanine level coming from the garage, obviously, and waiting for the elevator. And Whitney does this to Amber, pow. And hits her, like, faking hitting her in the face going, pow. And then they start laughing.

Ms. Lecaroz: Did Ms. Heard react at all in that video to the fake punch that you observed Whitney throw?

Mr. Baruch: Yeah, she's laughing. After doing it they both, you know, laughing at each other, with each other.

Ms. Lecaroz: Mr. Baruch, do you know who Elon Musk is?

Mr. Baruch: Sure.

Ms. Lecaroz: Have you ever seen Mr. Musk in person?

Mr. Baruch: Yeah.

Ms. Lecaroz: And where did you see him in person?

Mr. Baruch: First time was I'm getting into the elevator on the rooftop, penthouse level. I'm going into the elevator and he's coming out of the elevator going past me.

Ms. Lecaroz: And when did that take place?

Mr. Baruch: This is after May. This is sometimes June. It could be July, but after May.

Ms. Lecaroz: In that same year, 2016?

Mr. Baruch: Yeah.

Ms. Lecaroz: And when was the second time that you saw Mr. Musk?

Mr. Baruch: One morning waking up and going, and opening up the shades to the bedroom. And it's on the second floor. And it overlooks the balconies, our joining balconies because my balcony joins with John and Amber's balcony. And that opening up the shades, I see Elon Musk going through the balcony door on their side to then walk down a common corridor to that then at the end leads to a door. Then you walk out to the rest of the rooftop and you go to the pool, you go to the gym, and stuff. So I'm looking out and at the view out the window is of the both of our balconies. So that's where I saw him.

Ms. Lecaroz: And when was that?

Mr. Baruch: Oh. Sometimes, it's either June, July. But it's after May.

Ms. Lecaroz: Mr. Baruch, how long have you known Mr. Depp?

Mr. Baruch: I met him, I believe in 1980, and it was 42 years. Well, it's gonna be 42 years.

Ms. Lecaroz: Have you ever seen Mr. Depp be violent when angry with Ms. Heard?

Ms. Bredehoff: Objection, leading.

Judge Azcarate: I'll allow the question. Okay.

Mr. Baruch: I'm allowed to answer?

Judge Azcarate: Yes, yes.

Mr. Baruch: What's the question again?

Ms. Lecaroz: Have you ever seen Mr. Depp be violent when angry with Ms. Heard?

Mr. Baruch: No. Well, from what I said from before, there was an argument that I walked in. So there's obviously, there's that, but have I ever seen him be violent to her with physicality? No, never.

Ms. Lecaroz: Did you ever see him hit her?

Mr. Baruch: Never.

Ms. Lecaroz: In your three-and-a-half years living at the Eastern Columbia Building next to Mr. Depp and Ms. Heard, did you ever observe any injuries or marks on Ms. Heard?

Ms. Bredehoff: Objection. Leading, Your Honor.

Judge Azcarate: All right. I'll sustain as to leading. Okay.

Ms. Lecaroz: Did you ever notice anything unusual about Ms. Heard when you were living at the Eastern Columbia Building?

Ms. Bredehoff: Objection. Leading, Your Honor.

Judge Azcarate: I'll allow it.

Mr. Baruch: I can answer?

Judge Azcarate: Yes, sir.

Mr. Baruch: What's the question again?

Ms. Lecaroz: Did you ever notice anything unusual about Ms. Heard during the time that you were living next door to her at the Eastern Columbia Building?

Mr. Baruch: Besides having great teeth, no.

Ms. Lecaroz: Mr. Baruch, are you appreciative of everything that Mr. Depp has done for you?

Ms. Lecaroz: Ms. Bredehoft: Objection, Your Honor. Leading and irrelevant.

Judge Azcarate: All right, I'll sustain as to leading. All right.

Ms. Lecaroz: Mr. Baruch, how do you feel about what Mr. Depp has done for you?

Ms. Bredehoft: Objection. Well, you know what? No, go ahead.

Judge Azcarate: Okay, go ahead. I think that's withdrawn. You can answer the question. You could just answer the question, sir.

Mr. Baruch: And the question is?

Ms. Lecaroz: How do you feel about everything that Mr. Depp has done for you?

Mr. Baruch: Oh, come on. It's unreal. It's, you know, you think too much about it, you're gonna cry that I appreciate everything that he's done for me, you know. It's like stuff you can't pay back.

Ms. Lecaroz: Would you lie for him under oath?

Mr. Baruch: No, no, no, no, no.

Ms. Bredehoft: Objection, Your Honor. Leading.

Judge Azcarate: All right. I'll sustain the objection. Next question.

Ms. Lecaroz: Have you given truthful testimony today, sir?

Ms. Bredehoft: Objection, Your Honor. Leading.

Judge Azcarate: It's still leading. I'll sustain the objection.

Ms. Lecaroz: That's all I have.

Judge Azcarate: Okay, thank you. All right, cross-examination.

Ms. Bredehoff: Let's start with the makeup. Now, you know that Ms. Heard has...

Mr. Baruch: Excuse me.

Ms. Bredehoff: I'm sorry.

Mr. Baruch: I didn't hear the beginning of what you started saying.

Ms. Bredehoff: I said let's start with the makeup. Okay. You're aware that Ms. Heard has both modeled and been an actor and had been for many years before you met her, correct?

Mr. Baruch: I knew she acted. I didn't know she was a model.

Ms. Bredehoff: Okay. Were you aware that she had a commercial agreement with L'Oréal, for example?

Mr. Baruch: When? Now or back then?

Ms. Bredehoff: What's your knowledge?

Mr. Baruch: I don't know any of that.

Ms. Bredehoff: Okay. Have you ever been with Ms. Heard when she has put makeup on?

Mr. Baruch: I've been in the room, yeah, when makeup was getting put on her. Yeah.

Ms. Bredehoff: When makeup was being put on her, was this for some acting role or something like that?

Mr. Baruch: It was an event that they were going to.

Ms. Bredehoff: So that was somebody else applying makeup to Ms. Heard, who was going to have some gala event that she was going to.

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay. Have you ever been with Ms. Heard in her bathroom or anything when she's applying her makeup in the morning?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Are you familiar with Amica cream?

Mr. Baruch: What is it?

Ms. Bredehoff: Amica.

Mr. Baruch: Amica?

Ms. Bredehoff: Yes.

Mr. Baruch: No.

Ms. Bredehoff: Okay. Do you know what type of foundation Ms. Heard uses?

Mr. Baruch: No.

Ms. Bredehoff: Do you know what type of concealer Ms. Heard uses?

Mr. Baruch: No.

Ms. Bredehoff: Do you know what type of tint Ms. Heard uses?

Mr. Baruch: I have no clue.

Ms. Bredehoff: Do you know what types of powders Ms. Heard uses?

Mr. Baruch: No.

Ms. Bredehoff: Okay. So when you're saying that you didn't notice any makeup, would it be fair to say that you yourself are not familiar with what type of makeup Amber Heard uses on a daily basis?

Mr. Baruch: I don't know what she uses on a daily basis.

Ms. Bredehoff: That's my point. Now, the first time that you saw her, which was May 22nd, Ms. Heard was there. Were you aware she was on her way to somebody else's birthday party? Not yours, but somebody else's that day.

Mr. Baruch: No.

Ms. Bredehoff: Okay. Can you tell me what her hairstyle was that day?

Mr. Baruch: It's just down.

Ms. Bredehoff: Down as in?

Mr. Baruch: Just regular. She has it up now. She's got some kind of hairstyle, but no. She was...normal, hair down, regular, no makeup, just hanging.

Ms. Bredehoff: When you say no makeup, you don't know she was not wearing makeup, correct?

Mr. Baruch: For a fact?

Ms. Bredehoff: Correct.

Mr. Baruch: No.

Ms. Bredehoff: And you don't know whether she had applied Amica cream, correct?

Mr. Baruch: No. I didn't even know what Amica cream is.

Ms. Bredehoff: And you don't know whether she had applied concealer, or foundation, or powder, or tint. Correct?

Mr. Baruch: That's correct.

Ms. Bredehoff: Okay. Now, if she's going out to a party, do you think she would want to have her bruise exposed?

Ms. Lecaroz: Objection, Your Honor.

Judge Azcarate: What's the objection?

Ms. Lecaroz: Calls for speculation.

Judge Azcarate: All right, I'll sustain the objection. Next question.

Ms. Bredehoff: Okay. So do you recall what Ms. Heard was wearing that day?

Mr. Baruch: You know something, I could have sworn she had on a schmatta dress, a hippie dress at that particular time, but I could be confusing it with June 3rd. She's got this Victorian type of long hippie dress that has embroidery and she definitely was wearing that that night.

Ms. Bredehoff: All right. But let's go back to May 22nd. Did you recall what she was wearing?

Mr. Baruch: I could have sworn she was wearing another schmatta dress that I've seen hanging around the apartment with.

Ms. Bredehoff: And do you recall what color?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Do you recall what jewelry Ms. Heard was wearing that day?

Mr. Baruch: No.

Ms. Bredehoff: No. Okay. Now, you indicated that there was a security guard there and there was Josh Drew. Correct?

Mr. Baruch: Yes. Yeah.

Ms. Bredehoff: And was there anyone else there?

Mr. Baruch: Yeah. And the two locksmiths. And also in the apartment, for a fleeting second, a person went walking by, and who seemed to me look like it was Raquel Pennington. But it could have been another friend that was supposedly staying with them.

Ms. Bredehoff: Okay. So you saw somebody come by. So how many...?

Mr. Baruch: No, go through the living room and then they're out of the picture because they went upstairs. So they're at...That's somebody else was in that room, but walking by.

Ms. Bredehoff: Okay. So...And you talked to Josh. What did Josh tell you? Josh Drew, he took you to the side. What did he tell you?

Ms. Lecaroz: Objection, Your Honor. Hearsay.

Mr. Baruch: All right. I'll sustain the objection to hearsay.

Ms. Bredehoff: All right. Before you spoke with Josh Drew in the other room, what if anything had been said about what Mr. Depp did the night before?

Ms. Lecaroz: Objection to the extent it calls for hearsay, Your Honor.

Judge Azcarate: All right. The hearsay objection, I'll sustain that objection. Next question.

Ms. Bredehoff: I'm asking what if anything?

Judge Azcarate: That will still solicit hearsay.

Ms. Bredehoff: But he already testified about what Amber said. I'll go back to that.

Ms. Bredehoff: Okay.

Ms. Bredehoff: So what exactly did Amber Heard tell you happened the night before?

Mr. Baruch: As I was walking up the first time, she turned to me and said, "Johnny came by last night and got violent. So I'm changing the locks on Penthouse 1, 3, and 5. Don't worry about your place."

Ms. Bredehoff: Okay. Did you ask her for any more specifics on what she meant by getting violent?

Mr. Baruch: About changing locks? Huh?

Ms. Bredehoff: Did you ask her for any specifics about what she meant by, "He came by and got violent?"

Mr. Baruch: No.

Ms. Bredehoff: Okay, okay. Well, I'm gonna jump you to the next day for a few and then I'm gonna come back. But let's go to the next day. So the next day, you testified that you saw her twice. Correct?

Mr. Baruch: From Sunday...no, Monday, I saw her once in the morning. I wanna say around 12.

Ms. Bredehoff: That's when she came by to ask if you could have the key or that you could leave the key for the housekeeper, right?

Mr. Baruch: Right. For Hilda.

Ms. Bredehoff: And you weren't feeling well, right?

Mr. Baruch: That's right.

Ms. Bredehoff: Okay. So you wouldn't have been standing very close to Amber, right? Because you were sick.

Mr. Baruch: Well, I opened up the door and I'm holding the door. We're like 3 feet away from each other. Yeah.

Ms. Bredehoff: Okay. And you told her you were sick, right?

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay. Do you know where...She was going out someplace, correct?

Mr. Baruch: She was going somewhere.

Ms. Bredehoff: All right.

Mr. Baruch: Yeah. She wasn't going to be there.

Ms. Bredehoff: All right. Do you know whether she had applied any Amica cream that morning to her face?

Mr. Baruch: No.

Ms. Bredehoff: Do you know whether she had applied any concealer to her face that morning?

Mr. Baruch: No.

Ms. Bredehoff: Do you know whether she had applied any foundation that morning?

Mr. Baruch: No.

Ms. Bredehoff: Do you know whether she had applied any tint that morning?

Mr. Baruch: No.

Ms. Bredehoff: Do you know whether she had applied any powder that morning?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Now, the next day...

Mr. Baruch: I can tell you she looked like she wasn't wearing any makeup.

Ms. Bredehoff: Right. And would you agree that people who are models and actors can be pretty darn good with putting makeup on so that you can't tell they're wearing makeup?

Ms. Lecaroz: Objection, Your Honor. Foundation, calls for speculation.

Ms. Bredehoff: I think that's a fair question to ask him.

Judge Azcarate: I'll sustain as speculation. Next question.

Ms. Bredehoff: All right. Do you have any knowledge of the skills of Amber Heard with respect to putting on makeup?

Mr. Baruch: Well, it can't be that good because she's got a friend who is a makeup artist who came over to do makeup. But I don't really know.

Ms. Bredehoff: Right. And that makeup artist that comes over does it when she's going to be on some show or in some big public event or gala, right?

Mr. Baruch: Yeah.

Ms. Bredehoff: Yeah. That makeup person...and you're talking about Melanie Iglesias, right?

Mr. Baruch: Yeah, yeah. Exactly, exactly.

Ms. Bredehoff: And that makeup person doesn't put Amber's makeup on every day for her, does she?

Mr. Baruch: I wouldn't know.

Ms. Bredehoff: How many times did you see Melanie Iglesias put makeup on Amber?

Mr. Baruch: One time. It's just one time.

Ms. Bredehoff: Okay. So she wasn't living at Amber's house, right?

Mr. Baruch: No, no, no. I hung out with her and her husband, and Johnny and Amber. And, you know, over there one time eating and then another time was when I met her seeing her do makeup for these guys.

Ms. Bredehoff: Okay. So you're not saying that Amber doesn't know how to put makeup on herself, correct?

Mr. Baruch: Oh, no. I'm sure she does.

Ms. Bredehoff: Okay. But again...

Mr. Baruch: I would think she does, you know, but for the most...I'll tell you what. Over three-and-a-half years living around each other, for the most part, she's not a makeup-wearing person, completely natural, her rocky total great complexion, Texas natural girl next door, no makeup-wearing hanging out.

Ms. Bredehoff: Did Amber ever tell you she was not wearing makeup?

Mr. Baruch: Did she ever tell me, when?

Ms. Bredehoff: In any of those three and a half years that you're saying she wasn't wearing it around the house, did she ever say, "I don't have a stitch of makeup on?"

Mr. Baruch: As many times as she's told me, "I am wearing makeup," which is I can't remember. So I don't know. Yeah, no. There's not one time I remember that, her saying that.

Ms. Bredehoff: Okay. So now, let's go to the next day. I think that's the day you've got the two times that you saw her. She's with other people and she's either going out or coming in. Correct?

Mr. Baruch: Well, first time, they're coming in and the second time, they're going out.

Ms. Bredehoff: So they've been out someplace before they're coming in, correct?

Ms. Lecaroz: Objection, Your Honor. Foundation.

Judge Azcarate: I'll allow it. You can answer the question, sir.

Mr. Baruch: Oh, I have no clue.

Ms. Bredehoff: Okay. But they're physically entering the house. In other words, they haven't been in the house. They're coming to the house from some place, right?

Mr. Baruch: Oh, I would have no idea. When I walked out, who knows? They might have been out and in twice before that, but I don't know. They could be coming from another apartment, you know, coming, you know, to go there, and I'm seeing them. It could be the second time that they're entering this apartment, or the first time, or the third time. Yeah, I don't know. I have no idea.

Ms. Bredehoff: Okay. And do you know...So you don't know where they were.

Mr. Baruch: No, of course not.

Ms. Bredehoff: And so you have no idea whether they were out in public someplace, correct?

Mr. Baruch: No, of course not. I wouldn't know that.

Ms. Bredehoff: Okay, all right. And then the later time that you saw them that day, they were going out. Is that correct?

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay, okay. And do you know whether Amber had any Amica cream on that day?

Mr. Baruch: No, I don't know.

Ms. Bredehoff: And I'll try to make this faster. Do you know whether Amber was wearing concealer, foundation, powder, or tint that day?

Mr. Baruch: I don't know.

Ms. Bredehoff: Okay. Now, the next day, I think you said it was she and Whitney. Is that correct?

Mr. Baruch: On Wednesday. Yeah, yeah, yeah.

Ms. Bredehoff: Okay. And again, do you know whether she was wearing any Amica cream?

Judge Azcarate: Sir, if you could just answer the question.

Mr. Baruch: I'm sorry. I'm totally sorry. I'm sorry.

Ms. Bredehoff: Thank you, sir.

Mr. Baruch: No.

Ms. Bredehoff: And do you know whether she was wearing concealer, foundation, powder, or tint?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Can you tell me what Amber's hairstyle was on the 23rd?

Mr. Baruch: That's Monday. Like I said, when she knocks on my door, hair's down.

Ms. Bredehoff: Okay. Can you tell me what she was wearing that day?

Mr. Baruch: Not exactly, but best of my recollection, pair of dungarees and a t-shirt at the time when she knocked on my door to give me the key. If she went home to go change or something like that, I got no clue.

Ms. Bredehoff: Okay. Do you remember what color the t-shirt was?

Mr. Baruch: I think it might have been white, the best of my recollection.

Ms. Bredehoff: Do you remember what jewelry Amber had on?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Let's go to the next day, the Wednesday, and you've got all these people here.

Mr. Baruch: Next day is Tuesday.

Ms. Bredehoff: Okay. Next day, Tuesday is when you had the bunch of people coming together to her house the first time, right?

Mr. Baruch: Right.

Ms. Bredehoff: What was she wearing then?

Mr. Baruch: You wanna know something, I do remember a women's beige long coat, kinda like a women's...not a raincoat, but it could be

similar to that. It was a beige long, kinda looking like a business coat type of thing. A female version of a Columbo jacket.

Ms. Bredehoff: Okay. And what was she wearing under it?

Mr. Baruch: Oh, I have no clue.

Ms. Bredehoff: Okay. And do you remember what jewelry she was wearing?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Now, you said that on the 22nd that you kissed her on the cheek.

Mr. Baruch: What day?

Ms. Bredehoff: The 22nd, your birthday.

Mr. Baruch: 22nd, Sunday. Yes.

Ms. Bredehoff: Okay. So when you showed it the first time, you went like this, right? And then the next time when you said you did the kisses, you went like this. What's your typical way of kissing women when you greet them or say goodbye?

Mr. Baruch: I think I'm not understanding any of what you just did.

Ms. Bredehoff: Okay. So when you...Well, I'll just leave it at Amber. I take it that you would regularly kiss Amber on the cheek when you used to say hello and to say goodbye.

Mr. Baruch: Oh. Yeah, yeah, absolutely.

Ms. Bredehoff: Okay. And tell us how you did that.

Ms. Lecaroz: Objection, Your Honor.

Ms. Bredehoff: Can you just show us how you did that?

Ms. Lecaroz: Which time? Regularly?

Ms. Bredehoff: Did you have a different way of kissing her on the cheek different times or did you have a general way that you would greet or say goodbye to Amber with kisses?

Mr. Baruch: Regular, it's a regular, you know, you give a peck on the cheek. You know, like, you just touch cheeks and that's that.

Ms. Bredehoff: Okay. So it's pretty soft. It's kind of like almost a superficial one or is it a really hard one on the cheek?

Mr. Baruch: No. It's, you know, just, yeah, you kiss someone on the side of the cheek. I don't know, pressure-wise, we'll kinda talk is there? Lip talk.

Ms. Bredehoff: I mean, is it just one of these little pecks or is it much harder?

Mr. Baruch: It's a regular. You touch...you know, you touch and boink. And that's that.

Ms. Bredehoff: Okay. So you think it was pretty hard? You peck her on the cheek pretty hard every time.

Ms. Lecaroz: Objection, Your Honor.

Ms. Bredehoff: Yeah. I'll sustain the objection. Your next question, counselor.

Ms. Bredehoff: Okay. You also showed that you did one like this. Did you ever do a two kiss when you greeted Amber? Two cheeks?

Mr. Baruch: No, I'm not European. I'm from Brooklyn. No, you give...You know, Europeans do, you know, both sides and sometimes even three. Bam, bam, bam, you know. So no.

Ms. Bredehoff: But you never did that.

Mr. Baruch: No, no, no.

Ms. Bredehoff: Okay, all right. Let's go to the fake punch. I wanna make sure that I understand exactly what you remember seeing. You said that it was two to three weeks into June, is that correct, that you saw it?

Mr. Baruch: It got to be somewhere in that period. Somewhere in the first three. I would say the first three weeks of June.

Ms. Bredehoff: All right.

Mr. Baruch: Yeah, somewhere like that.

Ms. Bredehoff: Can you recall which week?

Mr. Baruch: No.

Ms. Bredehoff: Okay. So you saw Whitney and Amber. Was there anyone with them?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Do you recall what either of them was wearing?

Mr. Baruch: Long jackets. Yes, actually I do. Long jackets, you know, overcoats.

Ms. Bredehoff: And how was Amber's hair styled that day?

Mr. Baruch: Down, pulled back.

Ms. Bredehoff: Pulled back or...

Mr. Baruch: Well, when I say pulled...you know, it's like hair is down, you know. Maybe because there's something around the neck or whatever, the hair is, you know, flipped back or whatever. Not tied back. I don't remember if it was tied back, but just where it's full, full. That, I remember.

Ms. Bredehoff: Okay. So now, where were they standing when you watched this?

Mr. Baruch: This is the...Where were they standing?

Ms. Bredehoff: Yes.

Mr. Baruch: They're standing waiting for one of the elevators on the mezzanine floor where there's, I guess you could see, there's cameras that, you know, has that view of the elevators on the mezzanine floor.

Ms. Bredehoff: So they're on the mezzanine level waiting.

Mr. Baruch: Yeah, this is the same level, this is the same level. There's apartments on that level and that's the exit, how you get out to go to the garage.

Ms. Bredehoff: And so were they coming back from the garage?

Mr. Baruch: Well, if they're standing at the elevator outside, it could be...and waiting to get into the elevator on that floor. So it could be that. Maybe they came from outside, maybe they know somebody who lives on that floor because there's apartments there. I got no clue where they're coming from. That's not even in the thought process. When I see this, it's not like, "Oh, I wonder where they're coming from." No, no. It's just what I saw.

Ms. Bredehoff: Okay. So now, tell me where they were each standing.

Mr. Baruch: As I'm watching the video, this tape, Amber's on the left and Whitney's on the right.

Ms. Bredehoff: Okay. And then tell me...Just take us through. Tell me what you saw.

Mr. Baruch: Amber's on the left. Whitney's on the right. They're hanging out. Can I stand up?

Judge Azcarate: Yes, sir.

Mr. Baruch: And so here's Amber, here's Whitney, and they're hanging waiting for the elevator. And Whitney does...They're looking at each other yapping or whatever they're doing, and Whitney goes like this, pow. Just a fake pow and then they both start laughing. And then they're just standing there doing yapping, doing what they're doing.

Ms. Bredehoff: And how close does Whitney's fist get to Amber?

Mr. Baruch: Oh. I'm watching this. It's a fake thing. It's not like she went and she hit her own sister.

Ms. Bredehoff: No, no, no, no. But I'm asking how close.

Mr. Baruch: She didn't go and hit her. She just, you know, go in pow. If here's my face, you know, it's just coming by, pow. You know, fake punch going by. Just, you know, that far. Just making believe, just making believe. It's a believe punch. Pow.

Ms. Bredehoff: Okay. And then they both laugh, you say.

Mr. Baruch: Yeah. They both, you know, they just thought...you know.

Ms. Bredehoff: Did you watch them get on the elevator?

Mr. Baruch: No.

Ms. Bredehoff: Okay. So the part that you saw, the elevator never opened during that time.

Mr. Baruch: That's right. That is correct.

Ms. Bredehoff: And how many seconds would you say or minutes would you say this little clip was?

Mr. Baruch: Oh. What I saw was 10 seconds, 15 seconds.

Ms. Bredehoff: Okay. And do you recall what day that was?

Mr. Baruch: That I saw this?

Ms. Bredehoff: No, no, no. Was there a date on the video?

Mr. Baruch: Oh, I don't. If there was, it wasn't something that I acknowledged.

Ms. Bredehoff: Okay. Good, good. Thank you. All right. Now, let's go back to the argument that you witnessed between Mr. Depp and actually Ms. Heard who was on the phone or the speaker phone. Do you recall testifying about that?

Mr. Baruch: Can you say this again? Start again, start again.

Ms. Bredehoff: Yes. Let's go back to...You testified that you observed an argument between Mr. Depp and Ms. Heard. Do you recall that? You came into the room, Mr. Depp had Amber on speaker phone. Do you recall that?

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay. Mr. Depp was drunk. Would you agree?

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay. And do you recall that Amber was actually in London, not New York?

Mr. Baruch: No.

Ms. Bredehoff: You don't recall that?

Mr. Baruch: No. I thought she was in New York.

Ms. Bredehoff: Okay. And you recall that Mr. Depp was accusing Amber of sleeping with somebody, right?

Mr. Baruch: There was somebody else in the room with her and that's what they were arguing about.

Ms. Bredehoff: Are you sure that Mr. Depp wasn't thinking there was someone in the room and she was trying to tell him there wasn't somebody in the room?

Mr. Baruch: He...Say that again.

Ms. Bredehoff: Are you sure he wasn't saying someone was in the room and she was trying to convince him there wasn't anybody in the room?

Mr. Baruch: Well, he said that he heard the other voice.

Ms. Bredehoff: Okay. And did you hear the voice?

Mr. Baruch: Oh, no. I walked in there already...this is already in motion.

Ms. Bredehoff: Right. And Amber's saying, "Why are you saying that," right?

Mr. Baruch: Amber was saying, "Come on, baby. Why are you being like this? What are you doing? Come on, Johnny. There's no need. Why are you being like this?" And it was taunting.

Ms. Bredehoff: How is it taunting to say, "Why are you accusing me of having somebody in my room?"

Mr. Baruch: Because they were in the midst of no solution. At that point, it would be if...Instead of taunting, saying, "Listen, John. Let's talk tomorrow and let's end this conversation right now, and we'll talk tomorrow and we'll get to an understanding because there's not gonna be any solution right now." But there was none of that. It was just continuous, "Oh, baby. Oh, baby," and that kept it going.

Ms. Bredehoff: So if Mr. Depp in his drunken state was suffering from delusions and thought he heard a voice, and wasn't, do you think it would have been reasonable for Amber to be saying, "What's going on? Why are you saying this? What's going on?"

Ms. Lecaroz: Objection, Your Honor. Speculation.

Judge Azcarate: I'll allow the question. You can answer it. You can answer the question, sir.

Mr. Baruch: Would I think it would be what?

Ms. Bredehoff: If Mr. Depp was suffering from delusions and there wasn't anybody in the room, and he hadn't heard a voice, but thinks he's hearing a voice, would it be reasonable for Amber to be trying to figure out what's going on?

Ms. Lecaroz: Objection, Your Honor. Hypothetical speculation.

Judge Azcarate: I'll sustain as a speculation to that question. Okay.

Ms. Bredehoff: And the bottom line is you came in on the call. So you don't know what he said first or whether there was any voices, correct?

Mr. Baruch: Whether he heard voices besides hers?

Ms. Bredehoff: Yes, yes.

Mr. Baruch: No, I didn't hear the beginning of the conversation.

Ms. Bredehoff: And then after the hang up, he went straight to bed, right?

Mr. Baruch: No. After the first hang up, she calls back again, which was it necessary? I don't know. And then the third time...

Ms. Bredehoff: Do you know whether she knew whether he accidentally hung up or not?

Mr. Baruch: That he accidentally hung up?

Ms. Bredehoff: Right. Do you know whether she knew whether he hung up intentionally or accidentally?

Mr. Baruch: No, I didn't. The same way that I wouldn't know if like, you know, yeah, she didn't know that the telephone line got cut.

Ms. Bredehoff: Right. Okay. So after the three calls that you testified about, he went straight to bed, right?

Mr. Baruch: Went to the couch and laid down. Yeah.

Ms. Bredehoff: Okay. And he was drunk.

Mr. Baruch: And he went to sleep. Yeah, he went out.

Ms. Bredehoff: Do you know whether he'd taken any drugs that night?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Now, you have known...you've already testified, you've known him for 42 years. You didn't pay rent at the penthouse, correct?

Mr. Baruch: No. No one did.

Ms. Bredehoff: Right, right. Okay. And then after you finished at the penthouse, you went over and lived with him in Sweetzer, correct?

Mr. Baruch: I live in one of his houses that he owns on Sweetzer.

Ms. Bredehoff: And you still live there.

Mr. Baruch: Yes.

Ms. Bredehoff: And rent free, correct?

Mr. Baruch: Yes.

Ms. Bredehoff: Okay. And other than the \$100,000, you never paid that back, right? The \$100,000 that he's given you.

Mr. Baruch: No, that's a thing for me when I...How I look at it and stuff, at some point I would love to pay it back, pay back some of that money, but that's not something that is expected, that he's expecting.

Ms. Bredehoff: Would you say you're kind of beholden to Mr. Depp?

Mr. Baruch: I'm not beholden at all.

Ms. Bredehoff: He's given you a \$100,000. He's put you in that nice...

Mr. Baruch: Over a period of...I'm sorry. I started. I didn't hear the whole question. Could you say it again?

Ms. Bredehoff: You rent free in the penthouses for a number of years and now you've been rent-free ever since in Sweetzer.

Mr. Baruch: That's a nice friend.

Ms. Bredehoff: Yeah, okay. And I think you testified already, you're pretty angry with Ms. Heard, right?

Mr. Baruch: When?

Ms. Bredehoff: I wrote it down that you were...

Mr. Baruch: Oh. About the phony pictures that were taken and put in tabloids, and about the fake narrative, and about...and the way she's trying to get a fraudulent DV claim to extort and blackmail a man. Yeah, that kind of got me...

Ms. Bredehoff: Pretty angry.

Mr. Baruch: ...frustrated, confused, angry, upset. Yes, which is why I said the best thing for us to do is not to talk to each other. Yes.

Ms. Bredehoff: Okay. And was it fair to say you're still angry with her?

Mr. Baruch: Oh. You know something, it's six years, it's six years.

Ms. Bredehoff: But we just heard you give your version.

Mr. Baruch: Am I angry anymore? I'm not. You know, what I am is tired and I want this all to end. Her to go heal. Him to go heal. You know, so many people have been affected by this malicious lie that she started and she created, and it's gone out the door and around the world. And so I'd only...I can't even paint anymore. I've stopped painting for the last

who knows how many years. And that's affected by stuff. I'm not angry at anybody. I want the best for her, for her to take her responsibility, heal, and move on, move on. And for Johnny. Johnny, you know, his family has been completely wrecked by all of this stuff and it's not fair. It's not right what she did and what happened for so many people to get affected from this. It's insane how this happened.

Ms. Bredehoff: And Mr. Baruch, if in fact she's telling the truth, and if in fact Mr. Depp who has engaged in enormous rage and domestic abuse, and violence of Amber over a period of time that you wouldn't know about, then maybe it's time for him to take responsibility. Don't you think?

Ms. Lecaroz: Objection, Your honor.

Judge Azcarate: What's the objection?

Ms. Lecaroz: Speculation, lack of foundation, relevance.

Judge Azcarate: Speculation.

Ms. Bredehoff: He just went off on his rant and rave about assuming that she's...

Judge Azcarate: You asked a question.

Ms. Bredehoff: I didn't ask a question that brought onto that.

Judge Azcarate: I'm gonna sustain the objection. All right, next question.

Ms. Bredehoff: Okay. You know, I'll ask this. Mr. Baruch, you don't know whether Mr. Depp has committed domestic violence of Amber Heard, do you?

Mr. Baruch: I never witnessed. I never saw or witnessed whatever type of claim that is being said ever. I've never seen him be violent since teenagers from first meeting.

Ms. Bredehoff: I didn't ask you that. I said you don't know whether he has committed domestic violence or abuse on Amber Heard. Isn't that correct?

Mr. Baruch: That's correct. I did not witness any physical violence.

Ms. Bredehoff: Right. But you have seen Mr. Depp use drugs as well as drink and be drunk, correct?

Mr. Baruch: Oh, yeah.

Ms. Bredehoff: Okay. Now, how...

Mr. Baruch: I've partaken.

Ms. Bredehoff: I'm going to ask you to take a look. Let's pick up Depp Exhibit number 116 again. It's already in. If we can have that published to the jury.

Judge Azcarate: Ms. Bredehoff, how much more do you think you have?

Ms. Bredehoff: I think I can finish it up if you give me five or three more minutes.

Judge Azcarate: Okay. Sure, sure. No. Yeah.

Ms. Bredehoff: Maybe less.

Judge Azcarate: Okay, all right. I'll hold you to that.

Ms. Bredehoff: Thank you. Okay. So Mr. Baruch, I just wanna make sure that I understand. This is the penthouse thing and you said...

Judge Azcarate: Ms. Bredehoff, if you could go to the microphone. It's just hard to hear you.

Ms. Bredehoff: Yeah, I just realized that.

Judge Azcarate: Thank you. I appreciate it.

Ms. Bredehoff: Thank you. So on this diagram, when you got out of the...you said 9:30 today, but in fact it was between 9:30 and 10 that you came back with your friend, correct?

Mr. Baruch: No, it was around 9:30. It could be five minutes one way, five minutes the other way. It could have been...

Ms. Bredehoff: Do you recall saying it was between 9:30 and 10 earlier?

Mr. Baruch: Today that I said that?

Ms. Bredehoff: No. Do you recall...Are you sure it was 9:30, give or take 5 minutes, or could it have been between 9:30 and 10?

Mr. Baruch: It was 9:30, give or take 5 minutes, 5 to 10 minutes either way.

Ms. Bredehoff: And you saw a broken sconce, right?

Mr. Baruch: No, I did not see a broken sconce.

Ms. Bredehoff: What did you see?

Mr. Baruch: I saw a broken glass on the floor, shards of glass, pieces of glass, which I figured could have been a broken sconce or possibly maybe something from the fire department stuff that's around the walls. So it could be something broken from that, but I... You know, maybe one of the sconces broke. I didn't see a broken sconce. I just saw the glass.

Ms. Bredehoff: Okay. Was there typically a sconce right there as you come off the elevator?

Mr. Baruch: Yeah. From my memory, there was sconces on the walls in certain places.

Ms. Bredehoff: Do you remember looking that night and saying, "Where did this glass come from? There's a broken one." Did you tie it together?

Mr. Baruch: No, it wasn't... It was assumption it had to come from some of those places because what the glass looked like to me looked like it might have come from one of those places. It could have been, you know, maybe the sconce.

Ms. Bredehoff: Okay. When you said from the fire thing, were you talking about the fire extinguisher and the [crosstalk 02:31:00.315]?

Mr. Baruch: No, no, no. Not the fire extinguisher. In the hallway, that first hallway that you go through, the doors that you walked through, after you get out of the elevator, those doors, the fire doors that you close, oh, right, hopefully no one gets burned to death. That would be, you know, crazy. But then along the wall, I believe by the staircase because there's a door next to Penthouse 5, then there's the doorway, the stairwell door. And I believe there's a thing that's by the floor there that's got a glass plastic thing around it. So it could have been something from that.

Ms. Bredehoff: Your Honor, may I approach?

Judge Azcarate: All right. Yes, ma'am. Counsel. Do you have another copy? Do you have another copy of the deposition?

Mr. Baruch: Is this something for me to look at?

Judge Azcarate: Just wait for a question, sir.

Ms. Bredehoff: I asked you a few minutes ago whether you were sure that it was 9:30, give or take 5 minutes, or if it could have been somewhere between 9:30 and 10. Do you recall me asking that question?

Mr. Baruch: Yeah.

Ms. Bredehoff: Okay. And I'm going to ask you to take a look at page 39. Do you recall giving your deposition on November 20, 2019?

Mr. Baruch: Oh, from down in Anaheim?

Ms. Bredehoff: Yes.

Mr. Baruch: Yeah, I remember that deposition. That was the first.

Ms. Bredehoff: And were you under oath at that time?

Mr. Baruch: Well, that's...Yeah, I think that's...I believe so. Yeah.

Ms. Bredehoff: It was about two-and-a-half years ago, wasn't it?

Mr. Baruch: Two, three. Yeah, yeah. Like, between two and three years, yeah, sure.

Ms. Bredehoff: All right. So if you can take a look starting on page 39.

Mr. Baruch: Hang on a second. All right.

Ms. Bredehoff: And if you go to the line 21, "Where were you on the evening of May 21, 2016?" And your answer was, "All right. So I was out in the street. I met...I was with...a buddy of mine calls me. He asked if I wanted to go out and eat. And I says, 'I just ate. Just meet me. Let's meet at the apartment. Let's go hang out.' So I met him at my apartment probably I wanna say around 9:30 or a little bit later. I don't know. Yeah, between 9:30 and 10." Do you see that?

Mr. Baruch: So I met him at my apartment, probably I wanna say around 9:30 or a little bit later. I don't know, yeah, between 9:30 and 10. And that ends up...So what do you mean?

Ms. Bredehoff: So does that refresh your recollection that it could have been a little bit...somewhere between 9:30 and 10?

Mr. Baruch: I go more with 9:30, give or take five minutes because it could have been 9:20. It could have been 9:25, it could have been 9:35, but I go with 9:30.

Ms. Bredehoff: Okay. And did you see any police officers?

Mr. Baruch: No.

Ms. Bredehoff: Okay. Did you ever hear any police officers?

Mr. Baruch: No.

Ms. Bredehoff: Okay. So let's go back to this 116 for a second. And you said that you saw a lot of wine right outside of the penthouse.

Mr. Baruch: Wait a second. It's line 115?

Ms. Bredehoff: Sorry. The exhibit that's in front of you on the screen.

Mr. Baruch: Oh, oh, oh.

Ms. Bredehoff: So you go by penthouse...Now, I have to hurry up to make my promise to Your Honor. So you see Penthouse 1 there and you said that the wine was in that area, right?

Mr. Baruch: It's in front of the door. It's a little...It's gonna be a foot-and-a-half, 2 feet up further north.

Ms. Bredehoff: North closer on the way to PH3?

Mr. Baruch: No, it's right in front of the doorway. You have it past the doorway, the blue dot.

Ms. Bredehoff: That wasn't in there. Thank you.

Mr. Baruch: It's just in front of that doorway.

Ms. Bredehoff: There you go. Can you put the dot exactly where it was?

Mr. Baruch: Can I move that up?

Ms. Bredehoff: Okay. And how much wine was there?

Mr. Baruch: It's a puddle.

Ms. Bredehoff: It was a puddle.

Mr. Baruch: A puddle of wine.

Ms. Bredehoff: Could you walk past it without seeing it?

Mr. Baruch: No.

Ms. Bredehoff: And could you tell a little bit about how much probably had been spilled of the wine? I mean, were we talking like, a half a bottle, a bottle?

Mr. Baruch: Looked like, you know, a couple of glasses of wine making a puddle. It wasn't like a full bottle. You know, that's a bit more.

Ms. Bredehoff: Okay, thank you. Your Honor, I do have another exhibit I need to put in and I think that might take a little bit longer than a couple of minutes. So...

Judge Azcarate: Well, how much time are you talking about?

Ms. Bredehoff: Well, I mean, I can do it as fast as I can, but...

Judge Azcarate: You can try. Okay, go ahead.

Ms. Bredehoff: Okay. Then let's...Heather, can you pick up...Well, it's gonna be plaintiff's Exhibit 548. Now, do you have a recollection of Mr. Depp having a volatile relationship with his earlier partner, Vanessa Paradis?

Mr. Baruch: No. But then again, I wasn't...I met her a couple of times. I have no...I wasn't...we weren't...our paths weren't crossing at that particular time when they were together.

Ms. Bredehoff: All right. Do you recall Mr. Depp ever referring to a circumstance with her as carnage?

Ms. Lecaroz: Objection, Your Honor. Not much relevance.

Judge Azcarate: What's the relevance?

Ms. Bredehoff: We're talking....He's trying to give character testimony here and I'm...I'll tell you what? I'll move to a different one.

Mr. Baruch: Okay, all right.

Ms. Bredehoff: Now, you said that Mr. Depp and Ms. Heard were...you said that they were always nice to each other.

Mr. Baruch: Yeah.

Ms. Bredehoff: Do you ever remember Mr. Depp referring to Amber with the term cunt?

Mr. Baruch: Like, to a face?

Ms. Bredehoff: No, no. To you. Calling her a cunt to you.

Mr. Baruch: Maybe in a text.

Ms. Bredehoff: All right. Did he do it more than once in a text?

Mr. Baruch: Oh. I would have no recollection of that. I mean, he's called me a cunt in a text. So I mean, it could be...I don't know how many texts. If there's something specific, if you could show me a text, that would be

a different story. But I don't, you know, we've had many texts together, many kind, you know.

Ms. Bredehoff: Okay. Let's go to line 57 then. It would be Section 57 of the exhibit that I have in front of me. And this is a text message between you and Mr. Depp. Do you see that?

Mr. Baruch: Well, there's 80 million texts on here.

Ms. Bredehoff: Go to the one that's number 57.

Mr. Baruch: Fifty-seven, from.

Ms. Lecaroz: Objection, Your Honor.

Mr. Baruch: This is from me to him?

Judge Azcarate: I'm sorry.

Ms. Lecaroz: May I approach?

Judge Azcarate: Okay, sure.

Ms. Bredehoff: Are you on 57 yet?

Mr. Baruch: Fifty-seven.

Ms. Bredehoff: Right. And this is to you, correct? From Mr. Depp.

Mr. Baruch: Is that how it's...It says from, to 323-445-2400. That used to be my telephone number. So...

Ms. Bredehoff: That's to, correct?

Mr. Baruch: Oh, okay. I understand, I understand. Yes, yes, yes. That's to me.

Ms. Bredehoff: All right. And the message he's sending to you and this is October 18, 2016 is hopefully that...

Ms. Lecaroz: Objection, Your Honor. Exhibit is not in evidence and she's reading directly from it into the record.

Judge Azcarate: All right.

Ms. Bredehoff: All right. Does this refresh your recollection that Mr. Depp referred to Amber heard as a cunt and in fact, "Cunt's rotting corpse is decomposing?"

Ms. Lecaroz: Objection, Your Honor.

Judge Azcarate: I'll sustain the objection. If you could rephrase.

Ms. Bredehoff: I'll ask it differently. Do you recall Mr. Depp ever telling you that he, in base terms, hoped that Amber's rotting corpse is decomposing in the trunk of a Honda Civic?

Ms. Lecaroz: Objection, Your Honor.

Judge Azcarate: I'll allow it.

Mr. Baruch: I'm not understanding the question. Say it again.

Ms. Bredehoff: Do you recall Mr. Depp ever telling you that he hoped that Amber Heard's rotting corpse is decomposing in the fucking trunk of a Honda Civic?

Ms. Lecaroz: Objection.

Judge Azcarate: I'll allow it. Yeah. You can answer the question, sir.

Mr. Baruch: Yeah, that...Well, I say yeah, I'm seeing it here. So obviously, yeah, it was said. It was written.

Ms. Bredehoff: And then go to 59, please. And when you had to move out of the penthouse to go to Sweetzer, do you recall Mr. Depp telling you that this was Amber's fault and referring to her as a cunt?

Mr. Baruch: Can I read this thing first so that way I see what's going on?

Ms. Bredehoff: Yes, please. Yes, please.

Mr. Baruch: So now, what's...I've just read this and I remember this exactly because this is the period of time, you know, I'm moving and that he's selling the apartments, and there's people who are coming over. I'm still living there and it would have been better off if I moved out. So that way then the real estate people can look at it and not come in, and look at the kind of paintings that I make, and all that kind of scrap. So...

Ms. Bredehoff: But my question to you is do you recall Mr. Depp calling Amber Heard a cunt and saying that it was her fault?

Mr. Baruch: Well, it's written there. So yeah, I could see that. Well, I don't...That's not what he says. He says, "That cunt ruined such a fucking cool life we had for a while." I don't know. That's not...

Ms. Bredehoff: And he says, "I can't even look at the building anymore," correct?

Mr. Baruch: Right. "I can't even look at the building anymore."

Ms. Bredehoff: And he's selling it.

Mr. Baruch: Exactly.

Ms. Bredehoff: Okay, thank you. Your Honor, I'd like to move the admission of those two limited. Excuse me, one moment.

Ms. Lecaroz: Objection, Your honor. There are some...I mean, it's a significant exhibit. There's definitely some hearsay in there.

Judge Azcarate: I think I'll reserve on that, on the entry of that. Okay? We can discuss it later time. Okay? Are you done?

Ms. Bredehoff: I don't...My co-counsel is [inaudible 02:43:17].

Mr. Rottenborn: Can you scroll up?

Judge Azcarate: I'm not gonna...I'm reserving on whether. So are we done with cross?

Ms. Bredehoff: Yes, Your Honor.

Judge Azcarate: Okay. Redirect briefly. We're gonna be done with this witness before lunch. There we go.

Ms. Lecaroz: Understood, Your Honor. Mr. Baruch, do you recall that Ms. Bredehoff was just asking you some questions about some text messages you received from Mr. Depp?

Mr. Baruch: Yeah.

Ms. Lecaroz: Do you recall when those text messages were sent?

Mr. Baruch: No, I'd have to look at them again and look at the date.

Judge Azcarate: Could you display it to the witness again?

Ms. Lecaroz: And I believe we looked at lines 59. Excuse me, 57. Do you see the date of when you receive that text message?

Mr. Baruch: All right, hang on. October, November. It was the month before I moved out. Okay.

Ms. Lecaroz: When was that text message sent?

Mr. Baruch: It says 10/18/2016. That's October. I moved out the next month. So in November. So this is from October.

Ms. Lecaroz: So was that message sent several months after Ms. Heard made claims against Mr. Depp of domestic violence?

Mr. Baruch: Oh, yeah, yeah.

Ms. Bredehoff: Objection, Your Honor.

Judge Azcarate: I'll allow it.

Mr. Baruch: Yes, of course. This is after this whole fiasco that she started.

Ms. Lecaroz: And if we look at line 61.

Mr. Baruch: What am I looking? Sixty...

Ms. Lecaroz: What's the date on that message?

Mr. Baruch: It's 10/28, October.

Ms. Lecaroz: We can take that down. Mr. Baruch, Ms. Bredehoff asked you a series of questions about the security video from the Eastern Columbia Building that you observed. Do you recall that?

Mr. Baruch: Yeah, the pow.

Ms. Lecaroz: When did you understand that footage was from?

Ms. Bredehoff: Objection, Your Honor. Already asked and answered. He said he didn't recall.

Judge Azcarate: I'll sustain it, asked and answered.

Mr. Baruch: Did you have an understanding at the time that you saw that video of when it was from?

Ms. Bredehoff: Objection, Your Honor. Same question.

Judge Azcarate: I'll sustain the objection.

Ms. Lecaroz: Ms. Bredehoff also asked you a series of questions about the argument that you overheard between Ms. Heard and Mr. Depp on the phone. Do you recall that?

Mr. Baruch: Yes.

Ms. Lecaroz: And you could hear Ms. Heard's voice on that phone, right?

Mr. Baruch: Yeah.

Ms. Lecaroz: Do you recall if that was a FaceTime call or if it was just regular speakerphone?

Mr. Baruch: It's just a speaker, speakerphone.

Ms. Lecaroz: And what did you understand her tone to be on that call that you overheard?

Ms. Bredehoff: Objection, Your Honor. What did you understand her tone to be?

Judge Azcarate: I'll allow it if you can answer. That's fine.

Mr. Baruch: Taunting, egging on, almost demeaning, the baby talk.

Ms. Bredehoff: I would object, Your Honor, and move to strike.

Judge Azcarate: Yeah. I'll sustain the objection as to his answer and I'll strike it.

Ms. Lecaroz: The whole answer, Your Honor?

Judge Azcarate: Yeah, the answer. Yes.

Ms. Lecaroz: I believe you testified that Mr. Depp hung up the phone during that conversation. Do you recall that?

Mr. Baruch: Yes.

Ms. Lecaroz: Did you understand that Mr. Depp was trying to end the argument by hanging up the phone?

Ms. Bredehoff: Objection to what his understanding of what Mr. Depp was trying to do.

Judge Azcarate: I'll sustain as speculation.

Ms. Lecaroz: Your Honor, he heard the phone call and he was there to directly...

Judge Azcarate: But what Johnny Depp's intention was, I'll sustain the objection.

Mr. Baruch: I know what my intention. Oh, I'm sorry.

Judge Azcarate: Sir. Okay. Wait for the question. Thank you, sir.

Ms. Lecaroz: What was your understanding of your intent with respect to hanging up the phone on that conversation?

Ms. Bredehoff: Objection, Your Honor. Already asked and answered when he said he hung it up. And so...

Judge Azcarate: It was asked and answered. I'll sustain the objection. Next question.

Ms. Lecaroz: Nothing further, Your Honor.

Judge Azcarate: All right. Is this witness subject to recall?

Ms. Lecaroz: Possibly, Your Honor.

Judge Azcarate: There's a silence. So yes or no, or...Not from you.

Ms. Bredehoff: Not from us.

Ms. Lecaroz: Yes. Yes for us.

Judge Azcarate: All right. Sir, since you're subject to recall, that means that you may be called again to testify at some point. So that means until that time, the rule in witnesses still is in place for you. So you cannot have any outside information or talk to anybody about your testimony here today, and don't look at any information about this on the news. Okay?

Mr. Baruch: Okay.

Judge Azcarate: All right. Thank you, sir. You're free to go at this time.

Mr. Baruch: Thank you.

Judge Azcarate: Thank you. All right, so...All right. Ladies and gentlemen, we'll go ahead and take our afternoon lunch. We'll give you till 2:30 to take care of lunch. Again, no outside information and please don't discuss this case. Okay? All right, thank you. Have a good lunch.

[02:49:01]

[silence]

[02:49:18]

Judge Azcarate: All right. So we'll come back at 2:30 then. Okay. Thank you.

Together: Thank you, Your Honor.

Man 1: All rise.

Ms. Vasquez: The parties, we are going to be calling Brandon Patterson by video deposition designations at this point. And I just wanted to alert the court how we've handled the exhibits amongst the parties we've met and conferred. The parties have agreed that we have no objections to

the Eastern Columbia Building surveillance videos that have been authenticated by Mr. Brandon Patterson in this deposition.

Judge Azcarate: Okay. What exhibit numbers are they or whose exhibits are they, and what?

Ms. Vasquez: Well, so we have no objection to all...I think there's 87 currently. So in the interest of time for the jury, and the court, and everyone here because there are 87, we've agreed to show a selected smaller set which had been identified by both parties. And both parties are taking on the responsibility of introducing and playing each exhibit for the jury with Your Honor's permission. So since Mr. Depp is up now in his case in chief, we are going to be playing the video deposition of Mr. Patterson. We will pause the video and then when one of Ms. Heard's exhibits comes up...

Judge Azcarate: No, no. I'm sorry. The deposition, the person, just one time. When that deposition were just...testimony's once.

Ms. Bredehoff: We understand that, Your Honor.

Judge Azcarate: Then you're gonna pause right now and then you're gonna do it? I'm just confused.

Ms. Vasquez: I'm sorry, Your Honor. Let me be a little bit more clear. We're gonna pause the video deposition of Mr. Patterson to allow Ms. Heard's counsel to publish the exhibit, which is also a video.

Judge Azcarate: Okay, all right.

Ms. Vasquez: Surveillance video. I know, it's confusing.

Judge Azcarate: Okay. It's gonna be a little difficult. Okay.

Ms. Vasquez: Right. So we ask that the court perhaps remove the publishing from Mr. Depp's counsel's table and allow Ms. Heard's counsel to publish that exhibit, which is a surveillance video, and play that. Each side has taken responsibility of the clips that they would like to play if that makes sense.

Judge Azcarate: But how many times is this gonna happen?

Ms. Vasquez: How many do you have?

Mr. Nadelhaft: We have six, Your Honor.

Judge Azcarate: You have...

Mr. Nadelhaft: And there's six clips which probably the longest is less than two minutes long. And they have like...And again, they're all relatively short. And what happened in the deposition was that the witness saw the video and then testified.

Judge Azcarate: So you'll pause it when...When the witness is watching the video, we're gonna watch the video.

Mr. Nadelhaft: Correct, Your Honor.

Judge Azcarate: Okay, all right. And how long is this video?

Ms. Vasquez: I believe the entire deposition is about an...

Man 2: One hour and 48.

Ms. Vasquez: One hour and 48 minutes.

Judge Azcarate: One hour and 48 minutes. Okay.

Ms. Vasquez: And with the exhibits, I anticipate it might take us till the end of the day. But no promises also.

Judge Azcarate: That's fine. I still need the exhibit numbers.

Mr. Nadelhaft: I could give you, Your Honor.

Judge Azcarate: Okay. If we could...

Ms. Vasquez: Would you like to read them into...

Mr. Nadelhaft: Sure. I could read them.

Judge Azcarate: That's fine. If you would precursor it with whose exhibit it is. So I have two lists. So I just wanna make sure I get it.

Mr. Nadelhaft: Okay, sure.

Ms. Vasquez: Go ahead.

Mr. Nadelhaft: All right. So I'll give you ours. It would be 670.

Judge Azcarate: 670.

Mr. Nadelhaft: 671.

Judge Azcarate: 671.

Mr. Nadelhaft: 672.

Judge Azcarate: 672.

Mr. Nadelhaft: 673.

Judge Azcarate: 673.

Mr. Nadelhaft: And I'm sorry, I'm going out of order for that. 666.

Judge Azcarate: That's okay, 666.

Mr. Nadelhaft: 680.

Judge Azcarate: 680.

Mr. Nadelhaft: 681.

Judge Azcarate: 681.

Mr. Nadelhaft: 682.

Judge Azcarate: 682.

Mr. Nadelhaft: 683.

Judge Azcarate: 683.

Mr. Nadelhaft: 684, 685, 686, 687, 688, 668, 690, 691, 692, 693, 669, 694, 695, 696, 729, 743, 745, 746, 744, 750, 751, 752, 753, 755, 780G, 780R, 780X, 789A, 789B, 789G, 789H, 789L, 789N, 789R, 974. And I believe we had 1041, which I think was what actually came in from your... Today, the plans for the ECB. I think that's the same thing, but it was 1041. I am not sure if you're objecting to that.

Ms. Vasquez: No.

Mr. Nadelhaft: So 1041. I just wanna make sure.

Judge Azcarate: Okay, all right. So you're entering all those into evidence and there's no objection, correct?

Ms. Vasquez: Well, Your Honor, I just wanna confirm one thing with counsel.

Mr. Nadelhaft: Sure, sure.

Ms. Vasquez: May I confirm with him if that's fine?

Judge Azcarate: Sure, that's fine.

Ms. Vasquez: This doesn't cover the video [inaudible 02:55:15], right? So just to confirm.

Mr. Nadelhaft: Confirmed. Yes.

Ms. Vasquez: Okay. As long as they're all Eastern Columbia Surveillance videos, Your Honor, we have no objections.

Mr. Nadelhaft: Which they are.

Judge Azcarate: Which they are. So they're all entered...

Mr. Nadelhaft: Except for the plan, which was that one I just talked about. Yes.

Judge Azcarate: Right. Yes. So those are all entered into evidence then. All right. And yes, ma'am, yours.

Ms. Vasquez: And Your Honor, just short-circuit this for the court, our Eastern Columbia Building surveillance videos are exhibit numbers 250 through 336.

Judge Azcarate: All right. So exhibits 250 through 336.

Ms. Vasquez: That's correct.

Judge Azcarate: No objection to those exhibits, correct?

Mr. Nadelhaft: Confirming that...assuming that they are all the Eastern Building, then no objections.

Ms. Vasquez: Yes.

Judge Azcarate: Okay. So plaintiff's exhibits 250 through 336 are entered into evidence.

Ms. Vasquez: Thank you, Your Honor. Would Your Honor like to know the 10 exhibits that we were going to be playing for the jury?

Judge Azcarate: No, that's okay. They're all in evidence. That's all I needed to know.

Ms. Vasquez: Thank you.

Judge Azcarate: We don't need to pull them up. So you're going to handle that.

Ms. Vasquez: Yes.

Judge Azcarate: All right.

Ms. Bredehoff: Your Honor, the only thing about this is there's gonna be duplicates. I don't know whether we wanna try to sort that through.

Judge Azcarate: They're in evidence. So that's...I'm not gonna ring that bell.

Ms. Vasquez: It's been [crosstalk 02:56:36.536].

Judge Azcarate: That's right. Okay. Could you put the big TV up though before we get the jury back in? Just since it's gonna be a deposition with testimony, we're gonna go ahead and put the big TV up. So...If it works. Could you speak a little louder? I'm sorry.

Mr. Nadelhaft: I thought the deposition video came through the other screen. I was just...

Judge Azcarate: I think it comes through here too. Yeah.

Mr. Nadelhaft: Oh, it does? Okay, great.

Judge Azcarate: Yeah. When you have a remote witness, the remote witness will stay up there and then you can use those screens as well. But when you're using deposition, we can still see it over here.

Mr. Nadelhaft: Okay, fantastic. Thank you.

Judge Azcarate: We'll just publish it to the big screen. If you wanna set up before the jury comes out just to make sure you have the person. Let's just make sure it's all working before we get the jury. Oh, you didn't put it on there. All right, seems like it's all working. Okay.

Man 1: Yeah. Should we press [inaudible 02:57:53]?

Judge Azcarate: No, no, that's fine. All right. Are we ready for the jury then?

Mr. Nadelhaft: Yes, Your Honor.

Ms. Vasquez: Yes, Your Honor.

[02:57:59]

[silence]

[02:58:56]

Judge Azcarate: All right. Thank you, ladies and gentlemen. All right, your next witness.

Ms. Vasquez: Thank you, Your Honor. Plaintiff's call Brandon Patterson. He is the corporate designee of the Eastern Columbia Building by deposition designations.

Judge Azcarate: All right, Patterson. All right. Ladies and gentlemen, this is the first one that we have of a few where they already have been deposed and so you're gonna see them on a recording. Okay? No volume.

Man 1: We had it [inaudible 02:59:41], but there seems to be no sound.

Judge Azcarate: Do you have an audio connection attached to...?

Man 1: We do have audio connection.

Woman 1: Can you try it again, please?

Judge Azcarate: Try it one more time. Could you push play one more time?

Man 1: Yeah.

Mr. Patterson: General manager.

Judge Azcarate: Can you turn it up?

Woman 2: For what? If you could please state your name and address for the record.

Mr. Patterson: Sure. Brandon Patterson. 849 South Broadway, Los Angeles, California, 90014.

Woman 2: And if you could please state your occupation.

Mr. Patterson: General manager.

Woman 2: For what?

Mr. Patterson: I am the general manager for the Eastern Columbia HOA in Los Angeles.

Woman 2: And how long have you been in that position?

Mr. Patterson: I've been here at the building six years.

Woman 2: Okay. Were you there in 2016?

Mr. Patterson: Yes.

Woman 2: And are you here under a subpoena as the corporate designated for Action Property Management?

Mr. Patterson: Yes.

Woman 2: All right. And if you could please pull up Exhibit 1 and just scroll to page 15 of the PDF, please. Does this look like a copy of the subpoena that you received?

Mr. Patterson: Yes.

Woman 2: Is it okay if I call your building ECB?

Mr. Patterson: Yes.

Woman 2: Is it your understanding that ECB has produced these three categories of documents and films?

Mr. Patterson: Yes.

Woman 2: Can you please go to Exhibit 2 and scroll to page 8? And does this look like the topics of the deposition of the subpoena for testimony?

Mr. Patterson: Okay.

Woman 2: Is it your understanding that you're the most knowledgeable person on these topics?

Mr. Patterson: I am the most knowledgeable within Action Property Management as it relates to these items.

Woman 2: Are you responsible for managing any of the records or managing, preserving any of the records and videos at Action Property Management?

Mr. Patterson: Specifically as it relates to Eastern Columbia, this is the only property and building for Action that I manage. So Action, as a whole, I can't speak to that, but as for ECB, yes.

Woman 2: Thanks. In this whole deposition, I'll be just referring to ECB related to Action Property Management. What was your role in locating the videos responsive to the subpoena?

Mr. Patterson: The videos had been saved from the original case. I don't recall the exact year that was. So I think this is number four now. So I provided the video that was requested that had been saved as the only videos that were requested and saved.

Woman 2: And who saved them? Was that you or someone at Action Property Management?

Mr. Patterson: I had initially worked on saving them when I received the first list and I guess, I don't know if you're referring to the first set of

videos that was ever requested or subsequent subpoenas, I guess as this refers to that were already saved and I just transferred the already saved documents.

Woman 2: So we'll get into more details, but when was the first time you saved security footage relating to ECB in response to subpoena?

Mr. Patterson: Like I said, I don't recall the exact year. It was the first case between Depp and Heard as a response to subpoenas that we had received from both parties.

Woman 2: And what was your role in preserving those videos from that first time until now?

Mr. Patterson: Can you expand on what you mean by preserving?

Woman 2: Sure. Were these videos kept securely in the same format at ECB?

Mr. Patterson: Yes.

Woman 2: And were you responsible for making sure that they were kept securely and in the same format at ECB?

Mr. Patterson: Yes.

Woman 2: How many cameras are there at ECB in 2016?

Mr. Patterson: I don't recall the exact number. We have since switched out the entire system and expanded on it. I believe we doubled the cameras, which we currently have 44. So I would be speculating, but I think it's probably around 20, 22 or so originally.

Woman 2: And where in 2016 were the cameras positioned?

Mr. Patterson: Throughout the common areas.

Woman 2: And did ECB tape them as a matter of course sort of all day, 24 hours a day?

Mr. Patterson: The recordings were 24/7. The concierge staff periodically does review them just as part of their daily duties, but the video footage is recorded onto a DVR in a...Back then I believe it was like a 20-day period before it was written over.

Woman 2: Is it correct that you're not represented by an attorney?

Mr. Patterson: I am not.

Woman 2: Did you review any documents or videos before the deposition?

Mr. Patterson: I did not.

Woman 2: Have you ever communicated Mr. Depp's former attorney, Mr. Waldman?

Mr. Patterson: Yes.

Woman 2: And did Mr. Waldman...do you know if he drafted the declaration for you in 2016?

Mr. Patterson: Yes.

Woman 2: Is Action Property Management...I believe you said this earlier. Is it the property management company for ECB?

Mr. Patterson: Yes.

Woman 2: Is it your understanding that in 2016, Depp owned the top floor penthouses in ECB, Penthouses 1 through 5?

Mr. Patterson: Yes.

Woman 2: And are you aware of whether Amber Heard was a resident in ECB in 2016?

Mr. Patterson: Yes.

Woman 2: How many times have you seen Amber Heard personally?

Mr. Patterson: Maybe, I mean, I would be guessing, my best guess would be maybe half a dozen to a dozen times.

Woman 2: Do you remember when those times were? Like, what year?

Mr. Patterson: I don't recall the exact year, but likely 2016.

Woman 2: So moving to May 21st of 2016, are you aware that officers were called to the penthouse of ECB on that day?

Mr. Patterson: Yes, I am aware.

Woman 2: Were you there the day the officers were called to ECB in May of 2016?

Mr. Patterson: I was not at the building when officers were called.

Woman 2: Do you have any firsthand knowledge of why the officers were called on May 21st, 2016?

Mr. Patterson: Firsthand, no, I do not.

Woman 2: Did you see Amber at all on May 21st?

Mr. Patterson: Not that I recall.

Woman 2: Did you see Amber on May 22nd, 2016?

Mr. Patterson: Not that I recall.

Woman 2: Did you see Amber on May 23rd, 2016?

Mr. Patterson: The timeline is 2016. I don't recall the specifics of those dates specifically.

Woman 2: Can you testify to whether you saw Amber Heard all the week of May 21st, 2016 personally?

Mr. Patterson: I don't recall the dates. No.

Woman 2: Did you personally interact with Mr. Depp at ECB in 2016?

Mr. Patterson: No, I never did.

Woman 2: Have you seen Mr. Depp on video footage in 2016?

Mr. Patterson: Yes.

Woman 2: Could please bring up Exhibit 3, please. How would you describe Mr. Depp's behavior in that video?

Mr. Patterson: I would describe it as animated.

Woman 2: And do you have any...In the times that you've seen Mr. Depp at ECB, did you ever observe Mr. Depp in an animated manner like you saw in the video?

Mr. Patterson: I do recall a video of Mr. Depp in the elevator, I guess in an animated state.

Woman 2: And was that in 2016?

Mr. Patterson: Yes.

Woman 2: And do you have any familiarity with...Have you ever seen Mr. Depp appear angry in the times you've seen him at ECB?

Mr. Patterson: I wouldn't say angry. I use the term animated.

Woman 2: And what does the term animated mean to you?

Mr. Patterson: What I saw on the video.

Woman 2: Mr. Patterson, when were you first contacted for video footage after the May 21st police call to the building?

Mr. Patterson: I don't recall the exact timeframe.

Woman 2: Do you remember who contacted you about the May 2016 video footage, who first contacted you?

Mr. Patterson: I do not recall.

Woman 2: Do you know who selected what copy to preserve and what copies, what to preserve?

Mr. Patterson: The attorneys from both sides submitted a list of video times and dates to be preserved.

Woman 2: And do you remember what times and dates those were roughly?

Mr. Patterson: I don't have a timeframe. No.

Woman 2: Do you have a rough timeframe of what the videos that were preserved, what times those covered?

Mr. Patterson: My recollection is that May 2016 timeframe.

Woman 2: Was it after the May 21st incident, that timeframe?

Mr. Patterson: Yes.

Woman 2: And do you know what role Mr. Depp's lawyers played in the selection process?

Mr. Patterson: The attorneys came to the office here, set up a viewing area, reviewed video footage, took notes based on that review. And those dates and times were provided to retrieve the video and save.

Woman 2: And do you remember which attorneys came, either their names or who they were that came to review the footage?

Mr. Patterson: I don't recall. There's attorneys from both sides that came very close together and I don't recall who or what side they were on.

Woman 2: And was all of the footage that they selected preserved?

Mr. Patterson: Yes.

Woman 2: And were all of those videos that were preserved taken in the ordinary course of ECB's business operations?

Mr. Patterson: Can you rephrase that?

Woman 2: Sure. It's ordinary, is it not, for ECB to have these cameras rolling and the videos that were preserved were from those cameras that were rolling in the ordinary course of business?

Mr. Patterson: Yes, correct.

Woman 2: And do you know how many video clips ECB preserved pursuant to the requests from attorneys?

Mr. Patterson: I don't recall the exact number. It was whatever was on the subpoena, we provided exactly what is on there.

Woman 2: Does the number 87 ring a bell for how many videos?

Mr. Patterson: Yes.

Woman 2: And do you know where the videos were maintained from 2016 until today?

Mr. Patterson: They were on a portable drive here in my office.

Woman 2: At ECB?

Mr. Patterson: Yes.

Woman 2: And how are they maintained?

Mr. Patterson: It was on a portable hard drive.

Woman 2: And as far as you know, is that in the same condition that it was in 2016?

Mr. Patterson: To my knowledge, yes.

Woman 2: And were the 87 videos preserved on 3 DVD discs or in some other format?

Mr. Patterson: So through the subpoenas, the videos were provided to the different teams. I vaguely remember CDs. They weren't stored on CDs for purposes here. I just have the portable hard drive.

Woman 2: Any more video footage other than those 87 clips that has been preserved?

Mr. Patterson: No.

Woman 2: And what happened to any other video footage that was not preserved?

Mr. Patterson: Like I had mentioned earlier, the DVR has a capacity of so many days and it rewrites over itself.

Woman 2: And just for clarity, how did...I just wanna make it clear. How did you decide what May 2016 video to preserve?

Mr. Patterson: The only videos that were preserved were the ones called out via the subpoena by the various law firms or the two law firms.

Woman 2: And do you know why there's no footage from May 23rd, 2016?

Mr. Patterson: I do not.

Woman 2: And you mentioned that both sides requested preservation of the video footage, is that right?

Mr. Patterson: Yes, correct.

Woman 2: Is it your understanding that the press at some point became interested in getting statements from ECB relating to the May 21st incident?

Mr. Patterson: Yes.

Woman 2: Did the press ask ECB or its employees for statements?

Mr. Patterson: Yes.

Woman 2: And what's the policy of APM or ECB with respect to press statements about residents?

Mr. Patterson: The policy is that we do not give statements to press.

Woman 2: And did Amber ever ask you about that?

Mr. Patterson: Yes, she did.

Woman 2: In 2016, do you know if Rocky Pennington and Josh Drew lived in one of the penthouses at ECB?

Mr. Patterson: Yes.

Woman 2: And did you ever see Rocky with Amber?

Mr. Patterson: Yes.

Woman 2: If we could pull up Exhibit 4, please. Mr. Patterson, does this refresh your recollection about which penthouse Rocky Pennington lived in?

Mr. Patterson: Yes.

Woman 2: Mr. Patterson, I'd like to go to the video footage now and go through some video footage. And let's start with Exhibit 5, please, in particular around timestamp 18:55:19.

Mr. Nadelhaft: And now, Your Honor, I think we need to switch it to the other side to show.

Judge Azcarate: Okay. All right, we'll do that.

Mr. Nadelhaft: And now we could go back to the deposition, Your Honor.

Judge Azcarate: Okay.

Woman 2: And Mr. Patterson, do you recognize this area?

Mr. Patterson: Yes.

Woman 2: And where is it?

Mr. Patterson: This is the mezzanine vestibule between the building and the garage.

Woman 2: And do you know if you or someone else at ECB was responsible for pulling this security footage and keeping it at ECB?

Mr. Patterson: I did pull some video early on, however the task was very overwhelming and took away from my daily duties. So the task was sent off to an outside party to pull all the videos based on the subpoena list.

Woman 2: And what was the outside party's name?

Mr. Patterson: I don't recall offhand.

Woman 2: But was it the direction of you or ECB?

Mr. Patterson: Yes.

Woman 2: To assist you with time or is that why?

Mr. Patterson: Yes. I did not have the time to go through all of the video footage to record it.

Woman 2: Sir, do the ECB video cameras have time and date stamps as a matter of course?

Mr. Patterson: Yes.

Woman 2: And in your experience, are those time and date stamps relatively accurate?

Mr. Patterson: Relatively accurate, yes.

Woman 2: And did you recognize the men in that exhibit?

Mr. Patterson: Can you replay it, please?

Woman 2: Sure. And while we're waiting for the men to appear, how would you describe the quality of these videos?

Mr. Patterson: Compared to our new updated cameras, not as clear.

Woman 2: And can you be more specific about not clear? Would you consider these to be grainy?

Mr. Patterson: I would say this video here in the paused state does appear to be somewhat grainy.

Woman 2: And does it appear to be just a little bit blurry?

Mr. Patterson: Yes. This video, as I see it now, looks a little blurry.

Woman 2: And did you recognize the men in this video clip?

Mr. Patterson: Yes, I do recognize Mr. Depp. The first gentleman looks familiar. I can't place him at the moment.

Woman 2: And do you have any reason to believe that the date and timestamp are not accurate?

Mr. Patterson: It does seem consistent with the timestamping of the video. So unless it was somehow altered, I would say it appears to be accurate.

Woman 2: And the video camera that you preserved in your office at ECB since 2016 has not been altered. Is that correct?

Mr. Patterson: Correct.

Woman 2: Let's go to Exhibit 6, please. Do you recognize where this is?

Mr. Patterson: Yes.

Woman 2: And where is it?

Mr. Patterson: This is the mezzanine level again, vestibule. The mail room is directly behind it leading to the elevator vestibule.

Woman 2: And does that look like it accurately portrays the scene?

Mr. Patterson: This shot accurately depicts the area. Correct.

Woman 2: And do you recognize those men?

Mr. Patterson: As I previously stated, I do recognize Mr. Depp. The other ones, I do not.

Woman 2: And do the date and timestamp look accurate?

Mr. Patterson: Yes.

Woman 2: If we could please go to Exhibit 7.

Mr. Nadelhaft: Okay. So we'll have to switch to our side.

Judge Azcarate: All right, thank you.

Mr. Nadelhaft: Thank you, Your Honor. We have to move back.

Judge Azcarate: We have to switch back. Okay.

Mr. Nadelhaft: Thank you, Your Honor.

Woman 2: And do you recognize where this is, Mr. Patterson?

Mr. Patterson: Yes, I do.

Woman 2: Okay. And does that look like a clip from the surveillance video in the elevator at ECB?

Mr. Patterson: Yes.

Woman 2: And does it accurately portray the scene?

Mr. Patterson: I don't know what you mean by scene.

Woman 2: Does it look like the ECB, like the elevator at ECB?

Mr. Patterson: Yes.

Woman 2: And is the quality of this a little bit grainy as well?

Mr. Patterson: As it's displayed right now, yes.

Woman 2: And do the time the date and timestamps look accurate like ECB keeps in the regular course of business?

Mr. Patterson: Yes.

Woman 2: And could we please play the video so we can see who's getting on? And do you recognize those people getting on the elevator, Mr. Patterson?

Mr. Patterson: Yes, I do recognize Mr. Depp.

Woman 2: And is smoking permitted on elevators at ECB?

Mr. Patterson: No, it's not.

Woman 2: Let's move to exhibit 8, please. Do you recognize this as ECB video footage?

Mr. Patterson: Yes.

Woman 2: And do you recognize the man on the elevator?

Mr. Patterson: As I previously mentioned, Mr. Depp only.

Woman 2: And do those date and timestamps look accurate?

Mr. Patterson: Yes.

Woman 2: And how would you describe Mr. Depp's movements on this elevator?

Mr. Patterson: I'll use the description animated again.

Woman 2: Is he also swaying from side to side? Does this footage generally look like the footage that you preserved from 2016?

Mr. Patterson: Yes.

Woman 2: Let's move to exhibit...

Woman 1: We should switch it?

Mr. Nadelhaft: We need to switch it. Thank you.

[03:25:13]

[silence]

[03:25:39]

Judge Azcarate: Okay. Switch it.

Mr. Nadelhaft: Thank you.

Woman 2: And do you recognize this area?

Mr. Patterson: Yes.

Woman 2: What is it?

Mr. Patterson: This is the same shot that was previously shown, the mezzanine vestibule.

Woman 2: And is it shot from one of the ECB surveillance cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the ones that was preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And do the date and timestamps look accurate as far as you know?

Mr. Patterson: Yes.

Woman 2: And were you responsible for pulling this security footage generally?

Mr. Patterson: Generally, yes.

Woman 2: And do you recognize the people in that video?

Mr. Patterson: Excuse me. I do recognize Mr. Depp.

Woman 2: And what's Mr. Depp holding?

Mr. Patterson: It appears to be a jacket.

Woman 2: And how would you describe how he's holding it?

Mr. Patterson: With his left hand.

Woman 2: And if we could please move to Exhibit 11. And do you recognize this as ECB surveillance footage?

Mr. Patterson: Yes.

Woman 2: And where was that footage taken?

Mr. Patterson: This is back in the mezzanine vestibule between the building and the garage.

Man 3: The last part, vestibule what?

Mr. Patterson: Between the building and the garage.

Woman 2: And was this one of the videos that was preserved since 2016 by ECB?

Mr. Patterson: I don't recall this specific clip, but yes, this is video that was preserved.

Woman 2: And do the date and timestamps look accurate like they would be on ECB footage?

Mr. Patterson: Yes.

Ms. Vasquez: Objection, call for...

Woman 2: Do you recognize those people?

Mr. Patterson: I recognize Mr. Depp.

Woman 2: And does Mr. Depp appear to be leaving the building?

Mr. Patterson: That would be the pathway from the building into the garage.

Woman 2: And does this look like true and accurate footage from the ECB video surveillance preserved since 2016?

Mr. Patterson: Yes.

Woman 2: Moving right along to Exhibit 12, please. And where is this video, Mr. Patterson?

Mr. Patterson: This video is the call box at the lobby entrance on Broadway.

Woman 2: And do you recognize that as security footage from one of the ECB surveillance cameras that's been preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And do the date and timestamp look accurate to you?

Mr. Patterson: Yes.

Woman 2: And move to Exhibit 13, please. And do you recognize where this is?

Mr. Patterson: Yes.

Woman 2: Where?

Mr. Patterson: This is in the main lobby of the building.

Woman 2: And does that look like a surveillance clip from one of the ECB surveillance cameras that's been preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And it says May 21st, 2016 at 20:53. Does that look like an accurate date and timestamp from the ECB footage?

Mr. Patterson: Yes.

Woman 2: And does that look like a true and accurate copy of the surveillance that's been preserved?

Mr. Patterson: Yes.

Woman 2: Moving to Exhibit 14, please. Do you recognize this clip?

Mr. Patterson: Yes.

Woman 2: And does it look like it's from one of ECB security footage cameras that's been preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And where was this footage taken?

Mr. Patterson: This is the shot of the front desk.

Woman 2: And would you agree that the footage is also a little bit grainy?

Mr. Patterson: As it is displayed now, yes.

Woman 2: And do the date and timestamps look accurate to you?

Mr. Patterson: Yes.

Woman 2: And do you recognize this as surveillance footage from one of the ECB cameras that's been preserved since 2016?

Mr. Patterson: Yes.

Woman 2: Do you recognize either of the officers?

Mr. Patterson: I recognize them as officers.

Woman 2: And does the date and timestamp look accurate as far as you know?

Mr. Patterson: Yes.

Woman 2: Move to Exhibit 16, please. Does this also appear to be ECB surveillance camera footage?

Mr. Patterson: Yes.

Woman 2: And do you recognize that person who just left the elevator?

Mr. Patterson: I do not.

Woman 2: And does this generally appear to be one of the ones that have been preserved since 2016 at ECB?

Mr. Patterson: Yes.

Woman 2: And as far as you know, does the date and timestamp look accurate?

Mr. Patterson: Yes.

Woman 2: And for all of these clips that you've seen, do they appear to you to be true and accurate copies of the footage that have been preserved?

Mr. Patterson: These seem very grainy and slow to me from what I remember. But these are taken from Eastern Columbia video cameras during this time.

Woman 2: And preserved since that time at ECB?

Mr. Patterson: Correct.

Woman 2: And they were preserved in the same condition?

Mr. Patterson: Yes.

Woman 2: Can we please pull up Exhibit 17? And do you recognize this as a clip from one of the ECB surveillance cameras that's been preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate?

Mr. Patterson: Yes.

Woman 2: And does that accurately portray the elevator scene at ECB?

Mr. Patterson: Yes.

Woman 2: And can we move to Exhibit 18, please? Do you recognize this as ECB security footage that's been preserved at ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And it looks like an accurate copy of what was preserved as far as you know?

Mr. Patterson: As far as I know, yes.

Woman 2: And the date and timestamp as far as you know look accurate?

Mr. Patterson: Yes.

Woman 2: Please move to Exhibit 19. And Mr. Patterson, do you know whether or not any of these timestamps are a few seconds off here or there, or not?

Mr. Patterson: I believe there is a few second time discrepancy.

Woman 2: And do you know why there would be a few second time discrepancy or...?

Mr. Patterson: I don't know the reason behind it. No.

Woman 2: Okay. And did you recognize that video clip as one of the videos that have been preserved at ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And does that appear to be an accurate copy of one of the surveillance copies that have been preserved?

Mr. Patterson: Yes.

Woman 2: And as far as you know, the date and timestamp is reasonably accurate, you know, with a couple seconds margin?

Mr. Patterson: Yes.

Woman 2: And then please move to Exhibit 20. And do you recognize this as one of the videos that have been taken at ECB, by a surveillance camera at ECB?

Mr. Patterson: Yes.

Woman 2: And are these one of the videos that have been preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, within a few seconds, is the date and timestamp accurate?

Mr. Patterson: As far as I know, yes.

Woman 2: And those appear to be two officers leaving ECB.

Mr. Patterson: Yes.

Woman 2: And move to Exhibit 21, please. Do you recognize where this is?

Mr. Patterson: Yes.

Woman 2: And what does it look like to you?

Mr. Patterson: This is the same shot from the kiosk camera outside of the lobby on Broadway.

Woman 2: Is it shot from one of the surveillance cameras at ECB?

Mr. Patterson: Yes.

Woman 2: And does that appear to be one of the clips that has been preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate as far as you know?

Mr. Patterson: Yes.

Woman 2: Exhibit 22. Can we move to that, please? And does this clip appear to be taken with one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And which camera?

Mr. Patterson: This is one of the lobby cameras.

Woman 2: And does this appear to be one of the clips that was preserved at ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate?

Mr. Patterson: Yes, within a few seconds.

Woman 2: And were those two officers walking in in this video?

Mr. Patterson: Yes, those appear to be two officers.

Woman 2: So does this look like how the lobby looks in the videos surveillance preserved by ECB?

Mr. Patterson: Yes.

Woman 2: Let's move to Exhibit 23. Do you recognize this as video footage taken from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that's been preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do those appear to be officers talking to the concierge?

Mr. Patterson: Yes.

Woman 2: And move to Exhibit 24, please. And do you recognize this as video footage taken by one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And was this one of the clips that were taken by ECB and preserved since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, within a few seconds, are the date and timestamps accurate?

Mr. Patterson: Yes.

Woman 2: Can we please go to Exhibit 27? And do you recognize this video...

[03:38:15]

[silence]

[03:39:00]

Woman 2: ...as one of the videos from the ECB security footage that have been preserved since 2016 by ECB?

Mr. Patterson: Yes.

Woman 2: As far as you know, is the date and time stamp accurate within a few seconds?

Ms. Vasquez: [inaudible 03:39:17]

Woman 2: And move to Exhibit 28, please. Do you recognize this video as one of the ECB surveillance videos?

Mr. Patterson: Yes.

Woman 2: Which surveillance video? Which part of the building?

Mr. Patterson: This is the lobby.

Woman 2: Okay. And does this appear to be one of the clips that has been taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do those look like two officers in the lobby to you?

Mr. Patterson: Yes.

Woman 2: Move to 29. And do you recognize this video as taken from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And was this one of the clips that have been taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And does this appears to be an accurate copy of what was preserved?

Mr. Patterson: Yes.

Woman 2: And move to Exhibit 30, please. And do you recognize this as footage taken from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that has been taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And that appears to be an accurate copy of what was preserved?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: May we please go to Exhibit 30? And do you recognize this as one of the video clips from ECB video surveillance?

Mr. Patterson: Yes.

Woman 2: And is this the elevator camera?

Mr. Patterson: One of, yes.

Woman 2: And do you recognize who's on the elevator?

Mr. Patterson: It appears to be Amber.

Woman 2: And does this look like one of the video clips that have been taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know within a few seconds, is the date and timestamp accurate?

Mr. Patterson: Yes.

Woman 2: Can we please move to Exhibit 30...31? And does this appear to be one of the video clips taken from the ECB security footage?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And while we're waiting for someone to appear, do you recognize the person at the front desk if you can see him? And do you recognize who's walking into the video now?

Mr. Patterson: I do recognize that as Amber. I'm trying to get a facial recognition of the person at the desk.

Woman 2: Can you see him now?

Mr. Patterson: Yes.

Woman 2: And who's that?

Mr. Patterson: His name is Cornelius.

Woman 2: Do you know why Mr. Harrell and Amber would be going around that corner?

Mr. Patterson: The package room is, like, around the corner.

Woman 2: And does this look like one of the video clips that's been preserved and taken by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And does the date and timestamp look accurate within a few seconds as far as you know?

Mr. Patterson: Yes.

Woman 2: And does this look an accurate clip from the ECB footage?

Mr. Patterson: Yes.

Woman 2: I'd like to move this in as Exhibit 31 and move to Exhibit 32, please. And do you recognize who's walking through the picture in this video?

Mr. Patterson: Yes.

Woman 2: Who is it?

Mr. Patterson: Amber Heard.

Woman 2: And does this look like a video clip taken from one of the ECB's surveillance cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the videos that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: I'd like to move to Exhibit 33, please. And does this look like a video footage taken from one of the ECB surveillance cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: I'd like to move to admit this as Exhibit 33. And do you recognize who's in this video right now?

Mr. Patterson: Yes.

Woman 2: Who is it?

Mr. Patterson: Amber Heard.

Woman 2: And where is she?

Mr. Patterson: This is the service corridor outside of the package room.

Woman 2: Okay. And if we could please rewind the tape a little bit and see who Amber was with. Do you recognize that person?

Mr. Patterson: Yes, that's Cornelius.

Woman 2: And what's his last name?

Mr. Patterson: Howell? Harrell?

Woman 2: And was he walking out...Where was he walking out from?

Mr. Patterson: The package room.

Woman 2: Where is this in ECB?

Mr. Patterson: This is on the main level service corridor.

Woman 2: And would you agree with me that this footage is also a little bit grainy?

Mr. Patterson: Yes.

Woman 2: If you could please...I'd like to move to admit Exhibit 33 and if we could please move to Exhibit 34. And do you recognize this as one of the ECB security camera footage clips?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the video footage clips taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: As far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do you recognize who's in this video?

Mr. Patterson: It appears to be Amber Heard.

Woman 2: And do you know where this video is?

Mr. Patterson: Can you expand on that?

Woman 2: Sure. Is it in the elevator in ECB?

Mr. Patterson: Yes.

Woman 2: And can we go back to that exhibit, please, for a minute? And can we go to roughly timestamp 18:22:26?

[03:47:54]

[silence]

[03:48:32]

Woman 2: Would you agree with me that the video footage here is a little bit grainy?

Mr. Patterson: Yes.

Woman 2: And does it look a little bit fuzzy to you?

Mr. Patterson: Yes.

Woman 2: And can we please move to Exhibit 35? And does this look like video footage from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken to preserve by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, do the timestamps look accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: If we could please move to timestamp, let's see, 18:41:29. And do you recognize who just walked in the elevator?

Mr. Patterson: It appears to be Amber. I'm not sure who the gentleman is.

Woman 2: Does that video appear a little bit grainy to you?

Mr. Patterson: As it's displayed now.

Woman 2: And if we could please move to exhibit...I think we're on 36. And does this appear to be footage from one of the security cameras at ECB?

Mr. Patterson: Yes.

Woman 2: And who just walked through the footage?

Mr. Patterson: Amber Heard and a gentleman.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: As far as you know, is the date stamp and time reasonably accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And would you agree with me that also is a little bit grainy in that footage?

Mr. Patterson: Yes, as it's displayed now.

Woman 2: And if we could please move to Exhibit 37. And does this appear to be a video camera from one of ECB's video cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And did you recognize who walked through the video?

Mr. Patterson: Amber Heard and a unknown gentleman.

Woman 2: And is this video also a little bit grainy as it appears?

Mr. Patterson: As it appears now, yes.

Woman 2: I'd like to move in Exhibit 37 and please move to Exhibit 38. And does this appear to be video taken from one of the security cameras at ECB?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And if we could, let's see, go to 22:56, please, timestamp-wise. And do you recognize who's getting on the elevator?

Mr. Patterson: I do not see her face, but it appears to be Amber Heard.

Woman 2: I'll move to admit this as 38 and then we can move to 39, please. Does this look like a true and accurate copy of or surveillance footage from one of the ECB cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved in 2016 by ECB?

Mr. Patterson: Yes.

Woman 2: And when I say by ECB, I mean, either you or someone under your direction like the contractor you spoke of. Is that your understanding?

Mr. Patterson: Yes.

Woman 2: And I'd like to move this in as Exhibit 38, or sorry, 39, please. And do you know who is working behind the desk in this video?

Mr. Patterson: Yes.

Woman 2: And who's that?

Mr. Patterson: Alex Romero.

Woman 2: Okay. Could we move to Exhibit 40, please? And does this appear to be a video from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: I'd like to move this in as Exhibit 40, please. And if we could go to timestamp 21:17:33, please. And if we could move...Oh, yeah. Thanks. And do you recognize who's getting on the elevator?

Mr. Patterson: Yes.

Woman 2: And who is it?

Mr. Patterson: Amber, Rocky, and her sister, Whitney.

Woman 2: And would you agree with me that the video footage is a little bit grainy in this clip?

Mr. Patterson: Yes, as it's displayed at the moment.

Woman 2: And does that date and timestamp look accurate within a few seconds as far as you know?

Mr. Patterson: Yes.

Woman 2: And does that appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: I'd like to move to admit that as Exhibit 40, please. And move to 41, please.

Judge Azcarate: Counsel, could you pause it for a moment? Let's just go ahead and...All right. Ladies and gentlemen, let's go ahead and take a 15-minute break until 4:00. Okay? All right, thank you. Great.

[03:55:10]

[silence]

[03:55:36]

Judge Azcarate: All right, thank you. Great. All right, we'll come back at 4:00 then. Okay?

Mr. Chew: Thanks, Your Honor.

Woman 4: All right. Thank you.

Judge Azcarate: All right, ready for the jury then. Okay. We're ready. Sorry.

Man 1: [inaudible 03:56:14]

Judge Azcarate: All right. All right. All right, you may continue. Thank you.

[03:56:24]

[silence]

[03:56:43]

Woman 2: And does this also look like one of the clips taken from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And would you agree with me that the quality is also grainy as it appears in this video?

Mr. Patterson: Yes.

Woman 2: As far as you know, is the date and timestamp look accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do you recognize the people in this video?

Mr. Patterson: Yes.

Woman 2: And who are they?

Mr. Patterson: Amber, Rocky, and Whitney.

Woman 2: And move to 42. And does this appear to be one of the video cameras from ECB security footage?

Mr. Patterson: Yes.

Woman 2: Does this appear to be one of the videos taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And if we could please, let's see, go to 11:32 and 11:35. Do you recognize this as a clip from 2016, one of the ones that was taken and preserved by ECB?

Mr. Patterson: Yes.

Woman 2: And as far as you know, the date and timestamp is accurate within a few seconds.

Mr. Patterson: Yes.

Woman 2: I'd move to admit this as Exhibit 42 and let's move to Exhibit...Sorry, 42. And move to exhibit 43, please. Does this look like footage from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman: Woman: And can you tell me where this is, or do you remember where that was in the building?

Mr. Patterson: That is the mezzanine vestibule between the building and the garage.

Woman 2: Okay. And if we could move to Exhibit 44, please. And does this look like one of the videos taken from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: Does this look like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do you recognize who's in the photo? I mean, who's in the video.

Mr. Patterson: It appears to be Amber and Trinity Esparza.

Man 3: Trinity what?

Mr. Patterson: Trinity Esparza.

Woman 2: And can you rewind that footage, please? And does Amber Heard have a sister?

Mr. Patterson: Yes.

Woman 2: Do you know if that's Amber Heard's sister versus Amber Heard? Could you tell?

Mr. Patterson: In this video, not 100%. No.

Woman 2: And would you agree that the video is also a little bit fuzzy in this clip?

Mr. Patterson: As it appears now, yeah, it's grainy.

Woman 2: And does this look like an accurate clip taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And if we could please move to Exhibit 46. As far as you know, did ECB preserve all the footage that Mr. Depp's attorneys or/and Amber's attorneys asked you to preserve?

Mr. Patterson: Yes.

Woman 2: And from your understanding, do you understand that some attorneys came and actually were involved in the selection process of videos at ECB in May of 2016?

Mr. Patterson: Yes.

Woman 2: And moving to this Exhibit 45, does this appear to be a video clip from one of the elevator surveillance cameras in ECB?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And I'd like to move to admit this Exhibit 45...or 46. And do you recognize the people in this?

Mr. Patterson: It appears to be Amber and Rocky.

Woman 2: And would you agree that the footage is a little bit fuzzy?

Mr. Patterson: Yes, as it's displayed now.

Woman 2: I'd like to move to admit that as Exhibit 46 and move on to Exhibit 47, please. And does this appear to be a video clip from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know is the time and date stamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: Would you agree that the video footage is a little bit fuzzy in this clip as well?

Mr. Patterson: Yes, as it's displayed.

Woman 2: And this looks like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, the date and timestamp look accurate within a few seconds.

Mr. Patterson: Yes.

Woman 2: I believe we're on exhibit 48. Does this appear to be a clip from one of the ECB video cameras?

Mr. Patterson: Yes.

Woman 2: And does this appear to be one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And do you recognize the woman who's about to get on the elevator, getting on?

Mr. Patterson: Which? It looks like Amber's waiting to get on. Rocky just came in and Whitney's over the corner. I don't know the other two.

Woman 2: Okay. And would you agree that this footage is also a little bit fuzzy?

Mr. Patterson: Yeah, as it's displayed now.

Woman 2: And that looks like an accurate clip from one of the ones that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: If we could, please pull up Exhibit 49. Mr. Patterson, are you familiar with the layout at the penthouse level of Eastern Columbia Building?

Mr. Patterson: Yes.

Woman 2: And this is Exhibit 49 that I'm showing you. And does this look like what you understand the layout to be of the Penthouse 3 first level? Does this look to you like what your understanding is of the layout of Penthouse 3, the first level?

Mr. Patterson: Yes.

Woman 2: And if we could scroll down, please. Does that look like the layout of the second level of Penthouse 3?

Mr. Patterson: Yes.

Woman 2: Move to admit Exhibit 49, please. And could we please move to Exhibit 50? And could we zoom in a little bit, please? And Mr. Patterson, do you recognize this as the layout of the penthouse level?

Mr. Patterson: Nothing's labeled. Generally, I guess.

Woman 2: Does that look like the pool is in the right spot on that exhibit?

Mr. Patterson: Yes.

Woman 2: And from what you can tell, does everything else look as you would expect the layout to be in your familiarity with the layout in your experience?

Mr. Patterson: Yes, generally.

Woman 2: Going back to the video clips and we can walk... There's a couple I'm saving to the end to see if there's time, but for the ones that I've showed you, is your understanding that those are all accurate copies of ECB footage that were taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And again by taken by ECB, I mean by you or someone under your direction in the regular course of business. Is that your understanding?

Mr. Patterson: Yes.

Woman 2: And is it correct that ECB has produced all of video footage that had been subpoenaed by attorneys?

Mr. Patterson: Yes, that's correct.

Woman 2: So to the extent that that footage has not been produced, is it fair to say that that footage no longer exists or do you have another explanation?

Mr. Patterson: Can you expand on that, please?

Woman 2: Sure. So my understanding is that you testified that there's 87 clips that have been preserved. Is that right?

Mr. Patterson: Yes.

Woman 2: And that the date and timestamps are reasonably accurate to your knowledge on those.

Mr. Patterson: Yes, to my knowledge.

Woman 2: To the extent that there are any missing days or times, is it fair to say that that footage no longer exists or is there any other footage that could be produced?

Mr. Patterson: Outside of the videos that were requested, that's correct. No, everything else would have been written over at this point.

Woman 2: Okay. So there's no other videos other than those that have been produced to your knowledge.

Mr. Patterson: Yes, correct.

Woman 2: Okay. And I believe you testified that ECB currently has a new and improved video system. Is that right? Am I remembering that correctly?

Mr. Patterson: Yes.

Woman 2: And back in 2016, would you agree with me that the video quality was somewhat grainy as I believe that we've talked about in some of the clips?

Mr. Patterson: Yes, compared to today's. Yes.

Woman 2: And was it also a little bit fuzzy in the clips that we've reviewed today?

Mr. Patterson: Yes, as they were displayed on the screen.

Woman 2: And is it correct that you did not see Amber in person yourself May 21st or the several days after?

Mr. Patterson: I don't recall which day or days she came into the office, but I did see her on those two occasions. Outside of that, no, I didn't see her in person.

Woman 2: Okay. With that last answer, you don't recall which days you saw her. Is that correct?

Mr. Patterson: I don't remember the specific date of those interactions.

Woman 2: So would you be able to testify based on your knowledge whether Amber is wearing makeup the week of the 21st of 2016?

Mr. Patterson: Not that I recall.

Woman 2: And if we could please go back, since we have a little bit of extra time, and watch the video that we couldn't hear the audio on. There's something wrong with it, but I believe the audio is fixed. So if we could please go back to Exhibit 3. Mr. Patterson, I believe you testified when we first saw this video without audio that you described Mr. Depp's behavior is animated. Is that right?

Mr. Patterson: Yes.

Woman 2: Now that the audio is back, would you still describe Mr. Depp's behavior as animated?

Mr. Patterson: Yeah. I think he's still animated, but with the audio, I would say upset about something.

Woman 2: And based on the times you've seen Mr. Depp at ECB, have you seen him upset about...similarly upset in the building?

Mr. Patterson: There was one video of Mr. Depp in the elevator seemed, like I said earlier, animated.

Woman 2: With the one you were referring to, is that the one where you said Mr. Depp was swaying side to side or you're thinking of a different one?

Mr. Patterson: Yes, when he was swaying side to side.

Woman 2: Do you know who Mr. Waldman is?

Mr. Patterson: Yes.

Woman 2: And who is he?

Mr. Patterson: Johnny Depp's attorney.

Woman 2: Did Mr. Waldman contact you about this case?

Mr. Patterson: Yes.

Woman 2: What did Mr. Waldman want when he called you?

Mr. Patterson: Can you clarify this? Because there's been several cases. I don't recall which case Mr. Waldman was involved in. So I don't believe he's reached out regarding this particular one to my knowledge.

Woman 2: Which are the other cases that you've been contacted by Mr. Waldman about?

Mr. Patterson: I don't recall the specific one, but he did reach out to whichever one he was representing at that time. And I believe there's a subpoena that had followed.

Woman 2: And did you say that Mr. Waldman contacted you in two prior cases?

Mr. Patterson: I don't recall which case it was in regard to.

Woman 2: And did you talk to Mr. Waldman on the phone?

Mr. Patterson: I don't recall.

Woman 2: And did you communicate with Mr. Waldman by email?

Mr. Patterson: Yes.

Woman 2: Did Mr. Waldman prepare a draft declaration for you?

Mr. Patterson: Yes.

Woman 2: Is it fair to say that you cannot testify one way or another about whether Mr. Depp committed domestic violence against Amber?

Mr. Patterson: I cannot.

Woman 2: If we could please turn to Exhibit 9. And does this look like a video camera from the ECB video footage?

Judge Azcarate: Is this where you want to stop?

Mr. Nadelhaft: Yeah, we're just gonna play it and we'll play this one before we show anything. Yeah, thank you.

Mr. Patterson: Yes.

Woman 2: And does this look like one taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And could we please take that down and bring up 10?

[04:15:10]

[silence]

[04:15:36]

Woman 2: And does this look like a video from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And is the date and time within a few seconds look accurate as far as you know?

Mr. Patterson: Yes.

Woman 2: And could we please take that down and bring up 16?

[04:16:07]

[silence]

[04:16:41]

Woman 2: And does this look like a video clip from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: And if we could take this down and bring up 17, please.

[04:17:07]

[silence]

[04:17:29]

Woman 2: Does this look like one of the video clips from the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB from 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: Could we please take it down and bring up 18?

[04:17:56]

[silence]

[04:18:25]

Woman 2: Does this look like a video clip from one of the EBC security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB from 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and timestamp accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: Could we please take it down and bring up 25?

[04:18:48]

[silence]

[04:19:09]

Woman 2: And does this look like a security camera footage from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, are the date and timestamps accurate within a few seconds?

Mr. Patterson: Yes.

Woman 2: If we could pull up 26.

[04:19:35]

[silence]

[04:20:03]

Woman 2: And does this look like a video from one of the ECB security cameras?

Mr. Patterson: Yes.

Woman 2: And does this look like one of the clips that was taken and preserved by ECB since 2016?

Mr. Patterson: Yes.

Woman 2: And as far as you know, is the date and time accurate within a few seconds?

Mr. Patterson: Yes.

Ms. Vasquez: And just to confirm that is your signature at the end of this document, is that correct?

Mr. Patterson: Yes, that's correct.

Ms. Vasquez: Did anyone assist you in drafting this declaration?

Mr. Patterson: Yes.

Ms. Vasquez: And who was that person?

Mr. Patterson: Mr. Waldman.

Ms. Vasquez: And did Mr. Waldman's assistance in drafting your declaration have any influence or effect on the truthfulness of your statements in your declaration?

Mr. Patterson: No.

Ms. Vasquez: Is this a true and accurate copy of your first witness statement submitted in the UK action?

Mr. Patterson: Yes, it appears to be.

Ms. Vasquez: Mr. Patterson, the statements contained in this first witness statement, are they truthful?

Mr. Patterson: Yes. Anything that I would have put on here and signed would have been truthful.

Ms. Vasquez: Did Mr. Depp ever offer you any money?

Mr. Patterson: No, he did not.

Ms. Vasquez: Between May 21st, 2016, which I'll represent to you was a Saturday, and May 27th, 2016, which I will represent to you was a Friday, did you work on-site at the Eastern Columbia Building?

Mr. Patterson: I don't recall if I was there those days. I'm typically there Monday through Friday, but I do not recall if I was there those days.

Ms. Vasquez: Sitting here today, do you have any recollection of interacting in person with Ms. Heard at any point between May 21st, 2016 and May 27th, 2016?

Mr. Patterson: As I had previously mentioned, I don't recall specific dates of when Ms. Heard stopped by the office. I don't recall the specific dates.

Ms. Vasquez: Alejandro Romero was another person that spoke to you about his interactions with Ms. Heard.

Mr. Patterson: That I don't...I'm not a 100%...I don't recall exactly.

Ms. Vasquez: Was Cornelius Harrell one of the people that spoke to you about his interactions with Ms. Heard?

Mr. Patterson: I also don't recall a specific interaction with Cornelius.

Ms. Vasquez: Do you recall when Ms. Esparza first came to you about her observations of Ms. Heard?

Mr. Patterson: I don't recall a specific interaction. I have a recollection of I guess Trinity stopping by, but I don't remember the exact interaction.

Ms. Vasquez: Are the statements contained in paragraphs 15 through 18 truthful?

Mr. Patterson: As I review it, yes, that is my recollection of the occurrences.

Ms. Vasquez: What footage do you recall Ms. Esparza showing you?

Mr. Patterson: I recall Ms. Esparza showing me video of the mezzanine level, where the multicolored area rug is, of Amber with her sister and Rocky. And one of them, what I remember, fake-punched Amber in the face in which they all started laughing and then they walked offscreen.

Ms. Vasquez: Do you recall the date of that surveillance footage video that you just described?

Mr. Patterson: I do not.

Ms. Vasquez: Do you recall whether it occurred after May 21, 2016?

Mr. Patterson: I don't recall.

Ms. Vasquez: Mr. Patterson, does this...After reviewing paragraph 7 of your declaration that you signed under the penalty of perjury, does this refresh your recollection as to whether or not you observed the surveillance footage sometime around May 24th, 2016?

Mr. Patterson: Yes.

Ms. Vasquez: Okay. Let's go through the first interaction that you remember with Ms. Heard. Can you tell me what you remember about that interaction?

Mr. Patterson: So Amber came in, shook her hand, and she told me the situation where she needed to have me make a statement to her sources at "People" magazine.

Ms. Vasquez: Did Ms. Heard explain to you why she wanted you to speak to her source at "People" magazine?

Mr. Patterson: I don't remember the exact...I don't recall the exact ask. It was something to do with her getting ridiculed in the eye of the public opinion or something like that.

Ms. Vasquez: If I could please have Exhibit 3 pulled up, and for the record, it's date-stamped Depp 3628.

[04:25:24]

[silence]

[04:25:58]

Ms. Vasquez: Mr. Patterson, does this video clip represent a true and accurate copy of one of the original clips that was produced in response to a subpoena in 2016?

Mr. Patterson: Yes.

Ms. Vasquez: And was this clip recorded and kept in the regular course of business for Eastern Columbia management? I misspoke. Let me rephrase. Was this clip recorded and kept in the regular course of business for Eastern Columbia Building?

Mr. Patterson: Can you expand on that?

Ms. Vasquez: Yeah, let me rephrase it. This is a clip of surveillance footage that was recorded for business purposes at ECB. Yes?

Mr. Patterson: Yes, that is correct.

Ms. Vasquez: Okay. And it was kept or preserved by ECB, right?

Mr. Patterson: Yes, that is correct.

Ms. Vasquez: Do you know which camera this particular clip was showing footage from? And we can perhaps replay it because I believe it might indicate that.

Mr. Patterson: Yeah, if we could pull it up again.

Ms. Vasquez: Do you know which camera this is showing footage from?

Mr. Patterson: So this would have been the penthouse elevator.

Ms. Vasquez: And if we could please pull up Exhibit 4. Does this video clip represent a true and accurate copy of one of the original clips that was produced in response to a subpoena in 2016?

Mr. Patterson: It appears to be. There's nothing going on right now, but yes.

Ms. Vasquez: And which camera is this showing footage from?

Mr. Patterson: This is also the penthouse elevator.

Ms. Vasquez: If I could please have Exhibit 5 pulled up. And for the record, that's date-stamped Depp 3641.

[04:29:09]

[silence]

[04:29:42]

Ms. Vasquez: And does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be.

Ms. Vasquez: Do you know which camera this is showing footage from?

Mr. Patterson: This would also be the penthouse elevator.

Ms. Vasquez: And what is the date of this footage?

Mr. Patterson: May 21st, 2016.

Ms. Vasquez: Okay. If we could please pull up Exhibit 6, date-stamped Depp 3648. Does this video clip represent a true and accurate copy of one of the original clips that you produced in 2016?

Mr. Patterson: It appears so. I don't recall this exact time of this clip, but yes, it does appear so.

Ms. Vasquez: And what is the date on this video clip?

Mr. Patterson: May 21st, 2016.

Ms. Vasquez: And which camera is this showing footage from?

Mr. Patterson: If I can wait for the doors to open.

[04:31:20]

[silence]

[04:31:59]

Mr. Patterson: So this is also the penthouse elevator.

Ms. Vasquez: Mr. Patterson, I will show you next a video clip that's been date-stamped Depp 3610. It's Patterson Exhibit 7. Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: Do you know which camera this is showing footage from?

Mr. Patterson: This is the front desk camera in the lobby.

Ms. Vasquez: Next, can we please have Exhibit 8 pulled up, which for the record is Depp 3620? Mr. Patterson, does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: Do you recognize who the person is that entered the elevator at 22:56?

Mr. Patterson: It appears to be Amber Heard.

Ms. Vasquez: Can I please have Exhibit 9 pulled up? Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: Do you know which camera this is showing footage from?

Mr. Patterson: This is also the penthouse elevator.

Ms. Vasquez: Could I please have Exhibit 10 pulled up?

[04:34:35]

[silence]

[04:35:15]

Ms. Vasquez: And for the record, this is date-stamped Depp 3607. Does this appear to be a video clip of a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And do you know which camera this is showing footage from?

Mr. Patterson: This is also the penthouse elevator.

Ms. Vasquez: And what date is depicted?

Mr. Patterson: May 25th, 2016.

Ms. Vasquez: Next, can I have please Exhibit 12, which for the record is date-stamped Depp 3572? Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And do you know which camera this is showing footage from?

Mr. Patterson: This is the front desk lobby camera.

Ms. Vasquez: And what is the date of this video clip?

Mr. Patterson: May 25th, 2016.

Ms. Vasquez: And if we could please go to...Really, if I could ask for your help, 13:45. I'm gonna mark this exhibit as Patterson Exhibit 12. Do you recognize the woman at the desk, walking to the desk?

Mr. Patterson: Yes, it looks like Amber Heard is approaching Trinity as far as they're working at the desk.

Ms. Vasquez: Can I have Exhibit 13 pulled up, please? And for the record it's date-stamped Depp 3583.

[04:37:51]

[silence]

[04:38:09]

Ms. Vasquez: Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And do you know which camera this is showing footage from?

Mr. Patterson: This would also be the penthouse elevator.

Ms. Vasquez: And what is the date of this video clip?

Mr. Patterson: May 25th, 2016.

Ms. Vasquez: Do you recognize the woman in the black shirt just outside the elevator?

Mr. Patterson: Yes, Amber Heard.

Ms. Vasquez: So is this one of the video clips that represents true and accurate copy of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what is the date of this video clip?

Mr. Patterson: May 25th, 2016.

Ms. Vasquez: And what camera angle...or excuse me, what camera is this showing footage from?

Mr. Patterson: This is the mezzanine camera between the building and the parking garage.

Ms. Vasquez: Is that Camera 4?

Mr. Patterson: According to the stamp, yes.

Ms. Vasquez: Thank you. If you could please mark that as Exhibit 14. Turning to Patterson Exhibit 15 date-stamped Depp 3569. Does this

video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what is the date of this video?

Mr. Patterson: May 25th, 2016.

Ms. Vasquez: And which camera is this showing footage from?

Mr. Patterson: This is Camera 7, lobby camera.

Ms. Vasquez: And does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what is the date of this video?

Mr. Patterson: May 24th, 2016.

Ms. Vasquez: And what camera is this showing footage from?

Mr. Patterson: This is Camera number 6 which is the kiosk camera outside on Broadway.

Ms. Vasquez: Thank you. Can we please mark this security clip as Patterson Exhibit 16? Next, can I please have Patterson Exhibit 17, Depp 3594. Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what camera is this showing footage from?

Mr. Patterson: This is Camera number 8, Broadway, outside of the apartment building.

Ms. Vasquez: What is the date of this video?

Mr. Patterson: May 24th, 2016.

Ms. Vasquez: Thank you. If we could please mark this security clip as Patterson Exhibit 17. Almost done. Turning to video clip that has been date-stamped Depp 3609, Patterson Exhibit 18. Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And do you know which camera this is showing footage from?

Mr. Patterson: This is Camera 4, which is the service hallway.

Ms. Vasquez: And what date is depicted in the security clip?

Mr. Patterson: May 22nd, 2016.

Ms. Vasquez: Thank you. Can we please mark this video clip as Patterson Exhibit 18? Next, Patterson Exhibit 19, Depp 3611. Does this video clip represent a true and accurate copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what camera is this showing footage from?

Mr. Patterson: This is Camera 13, mezzanine level.

Ms. Vasquez: And what is the date on this video clip?

Mr. Patterson: May 22nd, 2016.

Ms. Vasquez: Thank you can we please mark this security clip as Patterson Exhibit 19. Turning to Patterson Exhibit 20, which for the record is date-stamped Depp 3612. Is this one of the video clips that represents a true and correct copy of one of the original clips that was produced in 2016?

Mr. Patterson: Yes, it appears to be so.

Ms. Vasquez: And what camera is this showing footage from?

Mr. Patterson: This is the garage Camera number 2.

Ms. Vasquez: And what is the date of this video clip?

Mr. Patterson: May 22nd, 2016.

Ms. Vasquez: Thank you. Can we please mark the security clip as Patterson Exhibit 20? And do you know what camera this is showing footage from?

Mr. Patterson: This is parking garage Camera number 14.

Ms. Vasquez: And what is the date on this video clip?

Mr. Patterson: May 22nd, 2016.

Ms. Vasquez: Thank you. Can we please mark this security clip as Patterson Exhibit 21? Mr. Patterson, I believe you previously testified or counsel informed you that there were 87 video clips that were produced in response to a subpoena in 2016. Do you recall that testimony?

Mr. Patterson: Yes.

Ms. Vasquez: And all 87 video clips to the best of your recollection as the person most knowledgeable for property...excuse me, Action Property Management, were those 87 video clips recorded and kept, or preserved, in the regular course of business for Eastern Columbia Building?

Mr. Patterson: Yes.

Ms. Vasquez: And were those clips collected, preserved, and produced near the time of the actual events recorded in the clips?

Mr. Patterson: Yes, it would have been within that 20 to 30-day timeline.

Ms. Vasquez: Right. And it was the regular practice of the Eastern Columbia Building to record security footage similar to what is reflected in these clips that you've been shown today. Correct?

Mr. Patterson: Yes, that's correct.

Woman 2: And Mr. Patterson, I believe you testified earlier that you commented on revisions to Mr. Waldman's draft declaration. Is that right?

Mr. Patterson: Yes, that's correct.

Woman 2: And I would like you to read please the comment, the third comment down which says, "Was this footage found...I'm not certain of the date or time. I also do not recall who she was with, but it was two females. So I do not recall who threw the pretend punch. I also do not recall if she had any signs of injury during this time. However, I do recall one of the females pretending to punch Amber in the face." Now, did you write this comment? Do you remember it?

Mr. Patterson: I do recall vaguely.

Woman 2: And this footage has never was found. Is that correct to your knowledge?

Mr. Patterson: The footage was never requested.

Woman 2: By whom?

Mr. Patterson: Any of the attorneys.

Woman 2: So the footage...Is it your testimony that this exists, this footage exists or not?

Mr. Patterson: It would no longer exist.

Woman 2: And it would no longer exist. And it was never produced as one of the 87 clips. Is that right?

Mr. Patterson: That is correct.

Woman 2: And I believe you testified earlier that attorneys for both sides selected times and looked through video and made selections of what to preserve. Was that your testimony?

Mr. Patterson: Yes, that's correct.

Woman 2: But nobody selected that footage to your knowledge?

Mr. Patterson: Not to my knowledge. No.

Woman 2: And it was never produced?

Mr. Patterson: Not to my knowledge. No.

Woman 2: And is it correct that you do not recall at that time whether Amber had any signs of injury?

Mr. Patterson: At this moment, no, I do not recall.

Woman 2: And according to that comment, you did not recall at that time. Is that your understanding?

Mr. Patterson: I don't recall.

Woman 2: And you don't know the date or the time of that footage?

Mr. Patterson: I don't recall. And obviously, I could read this, but I don't recall offhand.

Woman 2: And you didn't recall at the time either. Is that right?

Mr. Patterson: That's correct.

Judge Azcarate: All right. That completes testimony, correct? All right. Ladies and gentlemen, thank you for your extra time tonight. I just wanted to get through that witness tonight so we can start with a new witness tomorrow. Okay? So have a good evening. Again, don't do any outside research. Don't talk to anybody about the case. Probably stay off

social media. I would appreciate it. Okay? And we'll see in the morning at 10 a.m. Okay? Thank you.

[04:49:38]

[silence]

[04:50:05]

Judge Azcarate: All right. Okay. Well, I know six weeks sounds like a lot of time, but it's only 24 days, and we've already done 3 days. So you have 21 days left, you know. Stipulations is one of my favorite words. So you might wanna consider looking back through all the evidence that you have and stipulate on a lot of information because I promised this jury we would be done by Memorial Day weekend, and we will be done by Memorial Day weekend. So when your time is up, your time is up. My law clerk, Sammy, is tracking everybody's time to how much time has been used by each side. So you'll keep doing that throughout the trial and we'll let you know on a weekly basis how it's going. But if things don't speed up in the deposition, you're just not gonna get through this. So I want you to keep that in mind. Okay?

Man 4: We understand, Your Honor. Thank you very much.

Judge Azcarate: All right. Any remote witnesses tomorrow if we need to set that up?

Ms. Vasquez: No, Your Honor.

Judge Azcarate: No. Okay, all right. Great. Thank you. Have a good evening. We'll see you at 10:00. Okay.

Ms. Bredehoff: Thank you, Your Honor.