

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Thursday 28 April 2022

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Man 1: The Circuit Board of Fairfax County is now in session. The Honorable Penney Azcarate is presiding. Please be seated.

Judge Azcarate: Good morning, Judy. All right, good morning.

Together: Good morning, Your Honor.

Judge Azcarate: Do we have any preliminary matters before we bring the jury out?

Together: No, Your Honor.

Judge Azcarate: Okay, good.

Ms. Bredehoff: Actually, Your Honor, I forgot. I have an exhibit I need to hand out.

Judge Azcarate: Okay, that's fine. Which exhibit number is it?

Ms. Bredehoff: It's the one that's from yesterday. It's defendant's 1246.

Judge Azcarate: 1246. Okay, great.

Ms. Bredehoff: [inaudible 00:00:25]

Judge Azcarate: All right, perfect. Thank you. All right, you can get the jury. 1246. All right. Good morning, ladies and gentlemen. All right, your next witness.

Mr. Chew: Good morning, Your Honor, ladies and gentlemen. Mr. Depp calls Terence Dougherty, D-O-U-G-H-E-R-T-Y. And for the first part of the deposition, it will be Mr. Depp's counsel asking the questions and then it will change, and we'll let you know. Thank you.

Judge Azcarate: Thank you.

Mr. Chew: Address.

Mr. Dougherty: 360 Riverside Drive...

Mr. Chew: Good morning, Dougherty. Would you please state your full name for the record?

Mr. Dougherty: Terence Dougherty.

Mr. Chew: What is your address?

Mr. Dougherty: 360 Riverside Drive, New York, New York, 10025. I went to Oberlin College. I got a BA there and with the majors in history and in english. And I studied viola da gamba performance at the Oberlin Conservatory. I then took four years...Four years after I graduated, I went to Columbia Law School.

Mr. Chew: And what year did you receive your BA from Oberlin?

Mr. Dougherty: 1991.

Mr. Chew: And what did you do in the four years between your graduation from Oberlin and going to law school?

Mr. Dougherty: I was a kindergarten teacher in the South Bronx at a homeless shelter for a few years and then I did freelance editing work for an academic press named Routledge and simultaneously was the writer/research assistant to feminist cultural critic Bell Hooks.

Mr. Chew: And remind me, sir, where you went to law school.

Mr. Dougherty: Columbia.

Mr. Chew: Did you receive your JD from Columbia?

Mr. Dougherty: I did.

Mr. Chew: In what year was that?

Mr. Dougherty: 1998.

Mr. Chew: Having received a JD from Columbia, I take it you know what a statute of limitations is. Is that correct?

Mr. Dougherty: I do. Correct.

Mr. Chew: After receiving your JD from Columbia, what did you do in terms of your professional life?

Mr. Dougherty: I worked at Fried, Frank, Harris, Shriver & Jacobson for about four years, three-and-a-half, four years. I was in their tax department. And after that, I went to work at Patterson Belknap. And I was also in the tax department there, but worked primarily with their

exempt organization clients. Patterson has a large exempt organization client practice.

Mr. Chew: Is it fair to say that you worked for Mr. Schwartz's firm, Patterson Belknap, from about 2002 until about 2005?

Mr. Dougherty: That's exactly right.

Mr. Chew: Did there come a time when you left Patterson Belknap to work for the ACLU Foundation?

Mr. Dougherty: Correct.

Mr. Chew: At the time you left, was the ACLU a client of Patterson Belknap?

Mr. Dougherty: Yes.

Mr. Chew: And it continues to be a client until the present day, correct?

Mr. Dougherty: Correct.

Mr. Chew: Was there any time between 2005 and today where Patterson Belknap ceased to be a client of the ACLU?

Mr. Dougherty: No. You mean, were the ACLU ceased to be a client of Patterson, right?

Mr. Chew: Yeah. Yes, thank you for that correction.

Mr. Dougherty: Yeah. No, we've been a client the whole time. Not always with active matters, of course, but a client the whole time.

Mr. Chew: In what capacity did you start at the ACLU Foundation in 2005?

Mr. Dougherty: I was the ACLU's first in-house lawyer. My title was senior corporate council.

Mr. Chew: What were your responsibilities generally when you began as senior corporate counsel at the ACLU Foundation?

Mr. Dougherty: My role was to serve as the organization's in-house lawyer and to assess what the needs were for an in-house counsel department or practice at the ACLU.

Mr. Chew: And I take it you have continued to work as a lawyer at the ACLU on an uninterrupted basis from 2005 to the current day?

Mr. Dougherty: Correct. My title changed relatively soon after 2005. In either 2006 or early 2007, my title was changed to general counsel.

Mr. Chew: Is that still your title today?

Mr. Dougherty: It's part of my title. I'm general counsel and I'm also chief operating officer.

Mr. Chew: To whom do you report?

Mr. Dougherty: I report to Anthony Romero, the executive director, chief executive officer.

Mr. Chew: So that's a direct report. There's no intermediary between the two of you, correct?

Mr. Dougherty: Direct report.

Mr. Chew: Sitting here today, do you know how much money Ms. Heard has actually donated to the ACLU, actually remitted to the ACLU?

Mr. Dougherty: Yes, I do.

Mr. Chew: How much is that?

Mr. Dougherty: So when you say remitted, do you mean direct payments from her personally or do you mean something...payments on her behalf, or payments, you know, from a donor-advised fund that she might have set up, or you...?

Mr. Chew: We can break it down. Let's first from how much has Ms. Heard paid directly to the ACLU?

Mr. Dougherty: That would be \$350,000 paid directly.

Mr. Chew: How much has been paid indirectly and credited to Ms. Heard?

Mr. Dougherty: There was \$100,000, which was a check from Johnny Depp. There was \$500,000 payment from a donor-advised fund at Vanguard and then there was a \$350,000 payment that appears to be from a donor-advised fund at Fidelity, making it total \$1.2 million.

Mr. Chew: And when you speak of credited toward Amber Heard, to what are you referring?

Mr. Dougherty: So...and I think I might have done the math wrong. Let me just do the math in my head. It's \$700,000, \$800,000, plus the \$500,000. I think \$1.3 million is the amount. So we received the check

for the...The \$100,000 payment, we received a check from Johnny Depp's representatives and it was said to be a payment in connection with...on behalf of Amber Heard. She confirmed that. The \$500,000 payment from Vanguard Charitable, she confirmed was a payment on her behalf, and the \$350,000 payment as well.

Mr. Chew: When you say credited toward her, what does that mean?

Mr. Dougherty: Well, when we initially had contact with Amber Heard in 2016, she indicated her desire to pay \$3.5 million to the ACLU and that was...and these were amounts that were in relation to that her having expressed that that's what she wanted to pay to the ACLU. So it's fair to say that she has not donated \$3.5 million as of today to the ACLU. True?

Mr. Dougherty: True.

Mr. Chew: When you say that Mr. Depp, our client, donated \$100,000 to be credited toward Amber Heard, did the ACLU, in fact, credit that \$100,000 toward the \$3.5 million Ms. Heard promised to donate to the ACLU?

Mr. Dougherty: We do credit it.

Mr. Chew: Did Ms. Heard directed to credit it to the account as it were?

Mr. Dougherty: We asked Ms. Heard if we should credit it and she said that we should.

Mr. Chew: With what person or entity is Vanguard Charitable associated?

Mr. Dougherty: So Vanguard Charitable is a nonprofit at Vanguard, the financial institution has set up that allows...provides for a wide variety of donor-advised funds for individuals to use for their charitable giving. So there are many, many...there are thousands of Vanguard Charitable donor-advised funds. If you are asking specifically about the one that we received, the \$500,000 contribution from, we believe that that is a donor-advised fund that was set up by Elon Musk.

Mr. Chew: Who is Elon Musk?

Mr. Dougherty: He's a tech entrepreneur.

Mr. Chew: And isn't he also a donor to the ACLU Foundation in his own right?

Mr. Dougherty: Yes.

Mr. Chew: But it's your testimony that as to the \$500,000 that came from Vanguard Charitable that that was associated with Elon Musk, correct?

Mr. Dougherty: We believe so, but it is not conclusive.

Mr. Chew: Did the ACLU have any communications with Elon Musk about the \$500,000 contribution?

Mr. Dougherty: Yes.

Mr. Chew: And please describe those communications.

Mr. Dougherty: There is a document that we produced that Elon Musk emails Anthony Romero regarding the \$500,000 contribution.

Mr. Chew: What did Ms. Heard tell Mr. Romero or the ACLU about her donation and how much she was going to contribute?

Mr. Dougherty: There were communications back and forth between the ACLU and Ms. Heard including a thank you acknowledgement letter that was sent under Mr. Romero's name to Ms. Heard thanking her for the \$350,000 contribution, noting that it was part of her intention to make a \$3.5 million contribution to the ACLU. And Mr. Romero attached to that communication a standard ACLU pledge form that...And so that was the communication. We were aware very early on that her intention to contribute the \$3.5 million dollars to us was half of her \$7 million divorce proceedings. I don't recall which specific communication with us gave us that knowledge.

Mr. Chew: What if any understanding did the ACLU have prior to the publication of the op-ed about Ms. Heard's plans to dispose of the other half of the \$7 million settlement or the other \$3.5 million?

Mr. Dougherty: Yes. We understood that the other \$3.5 million, the other half, was going to a children's hospital in Los Angeles.

Mr. Chew: When did the first donation, the \$350,000 from Ms. Heard, actually arrive at the ACLU?

Mr. Dougherty: It was very soon after the communication between Elon Musk and Anthony. And I believe that communication was in August of 2016 and it was shortly thereafter.

Mr. Chew: Please describe your conversations with Ms. Weitz.

Mr. Dougherty: I asked Ms. Weitz whether it was her decision to ask Ms. Heard to be an ACLU ambassador and she indicated that it was. I asked Ms. Weitz to describe what are the criteria for...Sorry, a calendar thing

popped up. What are the criteria for asking...for becoming an ACLU ambassador and, yeah, and what were the reasons why she thought that Ms. Heard would be an appropriate ACLU ambassador?

Mr. Chew: How did Ms. Weitz respond?

Mr. Dougherty: She said that ACLU ambassadors are people who are artists or influencers that are aligned with one or two ACLU policy issues and the criteria for determining whether somebody can be an ambassador is that they have prior expertise in that policy area, that they can speak in detail about the area, that they are aligned with the ACLU's policy views of the area, and that they have significant following so that their communications to the public that we support reach a wide variety of people.

Mr. Chew: Of those criteria, which did Ms. Weitz identify as the most important if any?

Mr. Dougherty: I don't think there's any that she...She did not identify any as the most important.

Mr. Chew: What if anything did Ms. Weitz tell you about Ms. Heard's expertise in women's rights?

Mr. Dougherty: Ms. Weitz said that she had arranged a meeting between Ms. Heard and representatives of our Women's Rights Project and our Reproductive Freedom Project. And Ms. Heard spoke with such clarity and expertise on issues of gender-based violence that she decided that she would be an appropriate person to ask to become an ACLU ambassador and she did so.

Mr. Chew: What if anything did Ms. Weitz tell you about Ms. Heard's significant following?

Mr. Dougherty: Ms. Weitz said that she looked at Ms. Heard's social media.

Mr. Chew: Anything else?

Mr. Dougherty: No, not that she said to me.

Mr. Chew: And let's look to topic 6. What if anything did you do to prepare to testify about your role, the ACLU's role in the conception, preparation, drafting, or publication of the op-ed?

Mr. Dougherty: I reviewed the documents that we produced. I had three meetings with our lawyers. I spoke with Ms. Weitz and Mr. Romero.

Mr. Chew: Please describe your discussions with Ms. Weitz.

Mr. Dougherty: I asked Ms. Weitz whether she was involved and what her involvement was with respect to the conception, preparation, drafting, and our publication of the op-ed. And she indicated that because of her role as our director of artistic engagement, she was involved in all aspects of the conception, preparation, drafting, and publication, and that the other members of the communications department who worked on this, even though they didn't necessarily report to her in terms of our hierarchy, they reported to her in terms of this specific task. She was the person who was the director of this project.

Mr. Chew: Did Ms. Weitz tell you that she participated in the drafting of the op-ed?

Mr. Dougherty: She was in...Yes, yes, yes.

Mr. Chew: Other than Ms. Weitz, were there any other lawyers at the ACLU involved in the drafting of the op-ed?

Mr. Dougherty: Ms. Weitz is not a lawyer. So were there lawyers involved in the drafting of the op-ed, I believe it was the drafting of the op-ed was all done within the communications department.

Mr. Chew: What is Ms. Weitz's academic background?

Mr. Dougherty: I don't know her academic background.

Mr. Chew: Was any ACLU lawyer, and I mean in-house lawyer, involved in the drafting of the op-ed?

Mr. Dougherty: I believe the answer is yes. I believe that there are documents that support back and forth between support for the op-ed, but I don't recall. I don't recall.

Mr. Chew: Sitting here today, do you know how many ACLU lawyers were involved in the drafting of the op-ed?

Mr. Dougherty: No, I don't.

Mr. Chew: Were there any ACLU lawyers involved in the reviewing of the op-ed before it was submitted to "The Washington Post?"

Mr. Dougherty: Yes, there were.

Mr. Chew: How many?

Mr. Dougherty: I think there were four.

Mr. Chew: Were you one of the four?

Mr. Dougherty: No, I was not one of the four. And to be clear, what I was referring to were people in our legal department who are experts on women's rights issues. There was nobody from...neither I nor anybody on the in-house counsel team was involved in the drafting of the op-ed or the review of the op-ed.

Mr. Chew: And why not?

Mr. Dougherty: We were not involved, we were not brought into the loop. I don't know why.

Mr. Chew: Is it fair to say that the ACLU didn't think there were any potential legal implications to the ACLU involved in the publication of the op-ed?

Mr. Dougherty: I have not spoken with any of the lawyers in the legal department about whether they thought it would be...you know, it would be necessary to involve any member of my in-house counsel team in the review of the op-ed.

Mr. Chew: Who were the four attorneys in-house at the ACLU who were involved in reviewing the op-ed before it was submitted to "The Washington Post?"

Mr. Dougherty: Okay. So I was referring to people in the legal department, not the in-house counsel's office, the legal department who do our work, our civil liberties litigation and advising on legal issues relating to civil liberties. And I believe that the op-ed, the four, was reviewed by Lenora Lapidus, David Cole, I believe Louise Melling was involved, and there may have also been a fellow that was involved in reviewing it. These are all...There are a number of back and forth emails that we produced that will indicate specifically who those people were.

Mr. Chew: Okay. Let's move to Exhibit 2, please.

Man: Please standby.

[00:22:03]

[silence]

[00:22:26]

Mr. Chew: Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: These are conversations within the ACLU Communications Department about Ms. Heard donations to the ACLU and the possible engagement of that issue as a communications matter for the ACLU.

Mr. Chew: Mr. Dougherty, if we could start in the email, in the middle of the first page of Exhibit 2.

Mr. Dougherty: The middle of the first page. Okay, go ahead.

Mr. Chew: Yes. Who is Stacy Sullivan?

Mr. Dougherty: Stacy Sullivan was a senior person in our communications department.

Mr. Chew: Is she still at the ACLU?

Mr. Dougherty: No.

Mr. Chew: When did she leave?

Mr. Dougherty: I don't recall the date.

Mr. Chew: Who is Steven Smith?

Mr. Dougherty: Steven Smith, at the time, was our associate director for strategic communications. Now he is the deputy communications director.

Mr. Chew: And I believe you testified earlier that Mr. Romero first came to learn about this through Elon Musk. Is that right?

Mr. Dougherty: Correct.

Mr. Chew: Tell us exactly who ACLU Media is. You said it's...

Mr. Dougherty: It's an email account that is monitored by members of the communications staff, so that when media inquiries come in, rather than them going to a specific individual in the communications department who could be working on something else or on leave, it goes to a central email account that is then monitored and emails within it are directed to the appropriate people.

Mr. Chew: Who's Sandra?

Mr. Dougherty: I assume that is Sandra Park, who is a lawyer in our Women's Rights Project.

Mr. Chew: Was Ms. Park involved in the op-ed in any way, either reviewing or approving?

Mr. Dougherty: I believe she was.

Mr. Chew: That coverage is good for the ACLU, correct?

Mr. Dougherty: Yes.

Mr. Chew: And the press coverage, among other things, enabled the ACLU to promote its work helping victims of domestic violence, correct?

Mr. Dougherty: Correct.

Mr. Chew: Specifically, how does the ACLU record donations?

Mr. Dougherty: We record donations in our donor database. It's referred in the trade as a CRM, a constituent record management system, and at this time, our CRM was a company called PIDI. At this point, our CRM is with Salesforce.

Mr. Chew: Is there anyone at the ACLU who interacts or who interacted with PIDI?

Mr. Dougherty: There are many members of our development department that interacted with PIDI with respect to the functioning support of that system and the vendor relationship. And I'm not sure if you're asking this, but then there are a number of people in the development department who can input donor information into this database. I don't see them as having interaction with PIDI, but it's with our database.

Mr. Chew: What type of information is input?

Mr. Dougherty: It's very broad. The names, address, contact information, donations, prior history with donations, issues that they are particularly interested in. It also differs depending on the nature of the donor. If somebody gives a \$50 annual donation, that is recorded. If somebody is a \$3-million-a-year donor to the ACLU, a different level of information is recorded in the system.

Mr. Chew: If someone makes a donation on behalf of another person or to be credited to another person, how is that reported by the ACLU?

Mr. Dougherty: It is reported as such as relating to, but there's many different ways that somebody could give on behalf of somebody else. People can make a gift in honor of somebody else, people can make a gift in order to fulfill someone else's pledge, people can make a gift, you

know, a donor may help bring another donor to the ACLU. All of that information is recorded in our systems.

Mr. Chew: Can a donor earmark his or her donation for a particular purpose?

Mr. Dougherty: Absolutely.

Mr. Chew: After Ms. Heard announced her donation to the ACLU, what specifically did the ACLU do to document that donation?

Mr. Dougherty: Well, we sent out a note to Amber thanking her for the donation. That is likely the contribution acknowledgement letter that Mimi is referring to and that information was kept in our files. And the information regarding Ms. Heard was recorded in our Salesforce, or at the time, PIDI database.

Mr. Chew: At the time the ACLU sent Ms. Heard the acknowledgement letter, was it the ACLU's expectation that the \$3.5 million would be paid by Ms. Heard all at once in a lump sum?

Mr. Dougherty: No, I do not believe it was. I believe that...We believe that it would...Based on the Elon Musk email, we thought that it was intended to be over a 10-year period, although that was never specifically confirmed.

Mr. Chew: Well, that's interesting. What email are you referring to?

Mr. Dougherty: I believe that the first email from Elon Musk to Anthony Romero said that it was over a 10-year period.

Mr. Chew: Anything else to make the ACLU believe that Ms. Heard was not paying the money right away out of her divorce settlement with Mr. Depp?

Mr. Dougherty: Anthony, in his communications with Ms. Heard, referred to the amount as a pledge and a pledge is generally...What a pledge means is that the amount is not necessarily paid all at once. It's pledged to the organization. Rather than just sending a check, there's some kind of varying levels of commitment made to give amounts over a period of time, which is, excuse me, useful for the charity to know so that it can make future projections as to income.

Mr. Chew: Mr. Dougherty, who if anyone at the ACLU was assigned to handle or track Ms. Heard's donation?

Mr. Dougherty: That would have been two different people depending on what you mean by track. There is a person in our leadership gifts department, which is the department that deals with high-level donors. His name is John Maresco and his role, in addition to facilitate and maintaining the relationship with those donors, is to oversee the back and forth with those donors for annual giving. So, in this case, that would include Ms. Heard's gifts to the ACLU. And then there's a second group within the development department that is the team that maintains the overall donor database, the then PIDI, now Salesforce database.

Mr. Chew: Okay. Was Exhibit 9 prepared in the ordinary course of the ACLU's business?

Mr. Dougherty: It's not back up on the screen yet. Okay, here it is. Yes, it was.

Mr. Chew: Is it maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Were these emails, to your knowledge, prepared contemporaneously with people having knowledge of content?

Mr. Dougherty: Correct.

Mr. Chew: Okay. If we could please move ahead to Exhibit 11.

Man 2: Please standby.

[00:32:11]

[silence]

[00:32:29]

Mr. Dougherty: Okay, I see it.

Mr. Chew: Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: I have.

Mr. Chew: Was this one of the documents that you reviewed in preparation for your deposition today?

Mr. Dougherty: Yes.

Mr. Chew: Was this prepared in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared by Mr. Romero contemporaneously on or about September 19th, 2016?

Mr. Dougherty: It was prepared by someone in our development department, who I believe to be Mimi Clara, but yes, to the rest of your question.

Mr. Chew: Does Mr. Romero have knowledge of the contents of this letter that he signed?

Mr. Dougherty: Yes.

Mr. Chew: So, he states to Ms. Heard, "Thank you for your wonderful gift of \$350,000 to the ACLU, the first installment of your very generous pledge of \$3.5 million." Do you see that?

Mr. Dougherty: Yes.

Mr. Chew: So, as of October 9th, 2016, Ms. Heard had actually donated only \$350,000, correct?

Mr. Dougherty: Correct.

Mr. Chew: Now, if you would please turn to the next page. I believe you referred to this before, but if you could just clear it up for the record. Have you ever seen this page before and it's called Pledge Form, Bates number ACLU3033?

Mr. Dougherty: Yes, I have.

Mr. Chew: What is it?

Mr. Dougherty: This is a document that is used...well, the generic document is one that is used regularly by the development department. This one, in particular, is branded in connection with our 100th-year anniversary, but that's just a branding thing. What the form is is a form for people who are making pledges to the ACLU to document that promise in a form like this. When a form like this is filled out, we see that as a...That documents the full amount that they intend to contribute and the time period over which those gifts are going to be made.

Mr. Chew: And is it your understanding, sir, that this pledge form and the two documents after the ACLU3034 and 3035 were in fact attached to the letter Mr. Romero sent Ms. Heard on September 9, 2016?

Mr. Dougherty: Yes.

Mr. Chew: And who prepared this ACLU3033, the pledge form?

Mr. Dougherty: I believe that...well, it was somebody in our development department. I don't know whether it was Mimi Clara or John Marescom or someone else, but it was somebody who was preparing it in connection with the preparation of the tax acknowledgement letter.

Mr. Chew: There's a reference on top of the pledge form, Amber Heard, care of Pierce O'Donnell, Greenberg Glusker, and then there's some other names. Do you know what the firm Greenberg Glusker had to do with Amber Heard?

Mr. Dougherty: No.

Mr. Chew: And you have no idea why it was said to Ms. Heard care of Mr. O'Donnell at Greenberg Glusker?

Mr. Dougherty: I expect that it is the case that...Well, many of our significant donors have representatives that we work directly with on technical things such as a pledge form.

Mr. Chew: Okay. And directing your attention to the next page that was attached to Mr. Romero's letter, it also says Pledge Form, but it has some columns.

Mr. Dougherty: Yes.

Mr. Chew: Is it fair to say that this is a proposed schedule for payment of the remaining \$3.5 million donation?

Mr. Dougherty: That is what it is.

Mr. Chew: And do you know who came up with this proposed schedule?

Mr. Dougherty: I don't know who prepared this form and don't know who told the person who prepared this form to do the gift payment schedule in this way.

Mr. Chew: Do you see at the bottom of that page, ACLU3034, part of Exhibit 11, that there is a signature line?

Mr. Dougherty: Correct. Yes, I do.

Mr. Chew: Did Ms. Heard ever sign this pledge schedule?

Mr. Dougherty: No.

Mr. Chew: Did anyone at Greenberg Glusker or anyone else on behalf of Ms. Heard ever sign this form?

Mr. Dougherty: No.

Mr. Chew: Why not?

Mr. Dougherty: I don't know the answer.

Mr. Chew: Did Ms. Heard ever agree to any schedule for the payment of her \$3.5 million donation?

Mr. Dougherty: There are documents that we produced that point to Ms. Heard being aware of this as a multi-year commitment, including the Elon Musk email to Anthony, and back and forth between Anthony and Amber on an annual basis about this gift.

Mr. Chew: My question was actually a simple one. Did Ms. Heard ever agree to any schedule for the payment of the remainder of the \$3.5 million donation?

Mr. Dougherty: I don't recall her seeing anything where she agreed to a 10-year schedule like this.

Mr. Chew: Let's go now, please, back to Exhibit 10.

Man 2: Standby.

[00:39:10]

[silence]

[00:39:26]

Mr. Chew: Okay. Mr. Dougherty, have you ever seen this exhibit, Exhibit 10 before?

Mr. Dougherty: I have.

Mr. Chew: What is it?

Mr. Dougherty: This is an email exchange that includes Anthony Romero, our director of development, Mark Wier, the executive director of our Southern California affiliate which encompasses L.A., and me, regarding the check that we received from Johnny Depp's representatives in the amount of \$100,000.

Mr. Chew: Was Exhibit 10 prepared in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it maintained by the ACLU in the ordinary course of its business?

Mr. Dougherty: Yes.

Mr. Chew: Were these emails prepared contemporaneously by people having knowledge of the content?

Mr. Dougherty: Yes.

Mr. Chew: Okay. Let's move please to the second page of the exhibit, the email from Hector Villagra to Anthony Romero dated August 25, 2016 at 12:44 p.m. Do you see that?

Mr. Dougherty: 12...

Mr. Chew: At the bottom of this page.

Mr. Dougherty: At the bottom of this page? Okay, sorry. Yup, 12:44. Yes.

Mr. Chew: Is Anthony, Anthony Romero?

Mr. Dougherty: Yes.

Mr. Chew: And who is Hector Villagra?

Mr. Dougherty: Hector is the executive director of the ACLU of Southern California.

Mr. Chew: And you see where he informs Mr. Romero, "The actual check is for Mr. Depp care of his CPA," and handwritten on the check it says, "Donation being made in the name of Amber Heard." So I think you've testified that the ACLU, in fact, received a \$100,000 check from Johnny Depp, correct?

Mr. Dougherty: Correct.

Mr. Chew: And do you know why Mr. Depp asked that it be credited to the name of Amber Heard?

Mr. Dougherty: No, I don't.

Mr. Chew: Mr. Villagra tells Mr. Romero that he has been designated or that he has been the point person. What does that mean?

Mr. Dougherty: Hold on. Let me just find that.

Mr. Chew: It's at the very end of the exhibit on the next page.

Mr. Dougherty: Oh, okay. "My staff let me know that you have been the point person." Yes. Hector is saying that Anthony was the main person with the relationship with Amber as a donor.

Mr. Chew: And why was Mr. Romero the point person?

Mr. Dougherty: Mr. Romero is one of our most significant fundraisers at the organization and he has a specific portfolio of donors that he and his team, such as John Maresco, support.

Mr. Chew: And do you see, going back to the second page of the exhibit, Mr. Romero's response to Mr. Villagra copied to Mark Wier that same day, or strike that, on August 25th? Do you see that?

Mr. Dougherty: I do.

Mr. Chew: Now, let's move back to the first page, and do you see the email from Mark Wier to Hector Villagra copy to Mimi Clara on or about August 25th at 11:12 a.m.?

Mr. Dougherty: Yes.

Mr. Chew: So he says, "Just spoke with Anthony, who got off..." Strike that. "Just spoke with Anthony, who just got off the phone with Elon Musk." And Anthony refers to Anthony Romero, correct?

Mr. Dougherty: Correct.

Mr. Chew: Why was Mr. Romero discussing the Heard donation with Elon Musk?

Mr. Dougherty: My understanding is that Anthony reached out to Elon Musk because he had a prior relationship with Elon Musk and Elon Musk was the person who first contacted Anthony about a donation from Amber.

Mr. Chew: And wasn't Mr. Romero specifically asking him about Mr. Depp's donation of \$100,000?

Mr. Dougherty: That's how I read this email. Yes.

Mr. Chew: And if you look down just below that, the email from Mr. Villagra to Mark Wier and he says, "Got it. We will hold the check." That's a reference to the ACLU's holding the check from Johnny Depp, correct?

Mr. Dougherty: That's how I read this.

Mr. Chew: Okay. So now moving back up to that email from Mr. Wier to Mr. Villagra copy to Mimi Clara, he says, "We're going to draft an email from Anthony to Amber explaining the situation and asking for her advice." What does he mean there?

Mr. Dougherty: I take that to mean that we wanted to hear from Amber regarding whether this gift was attributable to the amounts that she wanted to contribute to the ACLU.

Mr. Chew: Did the ACLU, in fact, reach out to Ms. Heard about Mr. Depp's \$100,000 donation?

Mr. Dougherty: Yes. There are documents that we produced that show a back and forth on that point between Anthony and Ms. Heard.

Mr. Chew: And Mr. Wier writes, "I'll keep you in the loop, but definitely hold the check until we get clearance from Amber." Why would the ACLU need clearance from Amber Heard before it accepted a \$100,000 from Johnny Depp?

Mr. Dougherty: My understanding of this is that we wanted to know whether this...before we cash this check, whether it was in relation to the Amber Heard desire to contribute to the ACLU as opposed to a separate desire by Johnny Depp to contribute to us individually. And in fact, the communication from Johnny Depp's representatives said that it was in connection with Amber Heard. So we wanted to clarify what was going on.

Mr. Chew: So moving to the email directly above that from Hector Villagra to Mark Wier, he says, "We have more folks than I knew who follow TMZ. Here's their latest report, 'Amber Heard calls BS on Johnny's charity donation. Now you owe double.'" What's that a reference to?

Mr. Dougherty: I don't really know specifically other than to say that this is more indication that we were unclear of whether the Johnny Depp gift would count toward the amounts that Amber said she wanted to contribute to the ACLU.

Mr. Chew: And then directing your attention to the top email on Exhibit 10. Mr. Wier responds, "She's calling Johnny out on the \$14 million in the press." What does that refer to?

Mr. Dougherty: I don't know. I don't know. I'm not aware of how \$14 million plays into any of this.

Mr. Chew: Okay. Let's move ahead to Exhibit 12, please. Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: Just making it larger. Yes, I have.

Mr. Chew: And what is it?

Mr. Dougherty: This is Amber confirming that we can cash Mr. Depp's check.

Mr. Chew: And did Ms. Heard, in fact, send this to Mr. Romero on or about October 17th, 2016?

Mr. Dougherty: Yes.

Mr. Chew: And is this a document that was created or was maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: And it's true that the ACLU ultimately deposited Mr. Depp's check for \$100,000, correct?

Mr. Dougherty: Correct.

Mr. Chew: Did the ACLU credit the \$100,000 paid by Mr. Depp toward Ms. Heard's \$3.5 million pledge or donation?

Mr. Dougherty: We do credit that \$100,000 amount toward Amber Heard's charitable giving to the ACLU.

Mr. Chew: Where, if at all, is that credit reflected in the ACLU's records?

Mr. Dougherty: There are documents that we produced that show the fact that this was considered part of Amber Heard's charitable giving to the ACLU.

Mr. Chew: After the ACLU received Ms. Heard's initial \$350,000 payment, it received press inquiries about the Heard donation, correct?

Mr. Dougherty: Correct.

Mr. Chew: How many?

Mr. Dougherty: Oh, I don't know the specific number. Sorry.

Mr. Chew: Was this document, Exhibit 20, maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared in the ordinary course of the ACLU's business contemporaneously by people having knowledge of the contents?

Mr. Dougherty: Yes.

Mr. Chew: On what date was Ms. Heard appointed an ACLU ambassador?

Mr. Dougherty: It was in October of 2018.

Mr. Chew: Okay. Let's move ahead please to Exhibit 22. Did the ACLU ever issue a press release regarding the Vanguard \$500,000 contribution?

Mr. Dougherty: I don't believe we ever issued a press release in 2017 regarding Amber Heard's donations to the ACLU.

Mr. Chew: Why not?

Mr. Dougherty: We received an email from Amber that is in the documents that says that we don't need to do this. We shouldn't do this press release.

Mr. Chew: And let's go to 24, please.

Man 2: Standby.

[00:51:09]

[silence]

[00:51:36]

Mr. Chew: Mr. Dougherty, have you ever seen this document, Exhibit 24, before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is Anthony in his email to the one we just saw said that his comms people were gonna be reaching out to Amber's people. And so Steve then starts that process. And then Amber responds and says that she's no longer working with Pierce and introduces Steve to her new lawyer, Eric George. And she indicates that she has a concern about issuing a press statement.

Mr. Chew: Is this document maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: And was it prepared contemporaneously by people having knowledge of its contents?

Mr. Dougherty: Yes.

Mr. Chew: I'd like to direct your attention to the email at the top of the page. Do you see the email at the top of the page from Ms. Heard to Jody Gottlieb and others dated July 6, 2017?

Mr. Dougherty: I do.

Mr. Chew: Have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is Amber letting Steve know that she's no longer working with Pierce, but instead working with a new lawyer, and indicating to Steve that she is going to be talking with her PR team about issuing a press statement about her 2017 gift.

Mr. Chew: And directing your attention, she writes, "Their concern is that the press could potentially spin the fact that this is an installment and not the entire lump sum, as you well know isn't possible due to the structure of the settlement agreement." The settlement agreement is a reference to the settlement agreement between Johnny Depp and Amber Heard of their divorce, correct?

Mr. Dougherty: I read that with reference to the settlement agreement to be the settlement agreement between Heard and Depp. But I don't have any independent knowledge of that.

Mr. Chew: What was the basis of your belief that she was gonna pay you every year?

Mr. Dougherty: The original communications and her response to us when we reached out to her and she indicated, you know, on a number

of occasions that this was something that she was going to be taking...she was going to be looking into.

Mr. Chew: But she didn't do it, did she?

Mr. Dougherty: What we did receive was the \$500,000 Vanguard Charitable contribution, and then the next year, the 350,000 contribution.

Mr. Chew: She didn't pay you on an annual basis, did she?

Mr. Dougherty: Yes, we didn't receive any amounts in 2019 and on.

Mr. Chew: Let's move up to the middle email on the page, Mr. Wier to Steve Smith. "Thanks, Steve. Her gift is technically unrestricted, but it is weighted towards women's rights issues." What does that mean?

Mr. Dougherty: What that means is that there's a particular type of gift that is legally restricted for a specific purpose and that could be that...the restriction could be done in a number of ways. That was not done in this situation, but nonetheless, the intention in making gifts to the ACLU was to support that work. So there's that subtle distinction, and this is not an uncommon one at the ACLU.

Mr. Chew: After the Vanguard payment of \$500,000 in July 2017, what if any payments did Ms. Heard make to the ACLU?

Mr. Dougherty: There was one more payment of \$350,000 that came from Fidelity Charitable. So it looked to be from a donor-advised fund at Fidelity.

Mr. Chew: And when was that donor-advised Fidelity payment made?

Mr. Dougherty: In 2018. Go ahead. Sorry.

Mr. Chew: So that...Go ahead.

Mr. Dougherty: Oh, we have a document that we produced that shows the contributions that we've received from Fidelity Charitable and the timing for each of those, one of which includes the Amber Heard \$350,000.

Mr. Chew: Okay. If we could please move to Exhibit 39.

Man 2: Standby.

Mr. Chew: I'm showing you what's been marked as Exhibit 39. Have you ever seen this document before?

Ms. Bredehoff: Hold on. Can we get the Bates stamp number, please?

Mr. Chew: It is 3037ACLU.

Ms. Bredehoff: Thank you.

Mr. Chew: You're welcome. I'm directing your attention to the penultimate entry on that page.

Mr. Dougherty: Yes.

Mr. Chew: There appears to be a reference...Well, first of all, have you ever seen this document before?

Mr. Dougherty: I have.

Mr. Chew: And what is it?

Mr. Dougherty: This is a document that we created that lists the contributions made to the ACLU on a specific date, December 11, 2018 that came from the online at Fidelity Charitable account.

Mr. Chew: And is this document maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: The information in this is maintained in the ordinary course of this business. We created this document in response to the discovery request.

Mr. Chew: And does it truthfully and accurately reflect the donations made to the ACLU online on or about December 11th, 2018?

Mr. Dougherty: I believe that it does. It is a document that I believe our development department pulled information from Salesforce, our current CRM, into an Excel, and that's what this is.

Mr. Chew: So directing your attention to the penultimate entry on this page said, "\$350,000 designation: donation from Amber Heard." What does that refer to?

Mr. Dougherty: What that refers to is that since the giving account are the names of the Fidelity Charitable donor-advised funds, which is the column in the right, this one is designated as anonymous, meaning that the person who set up the donor-advised fund in this case, I believe Amber, wanted it to be an anonymous donor-advised fund. So that would be within her discretion to decide which gifts that she recommended were her recommendations or not. And so we put into this special purpose category...we marked that this was a donation from Amber Heard, meaning a recommendation from her to make a contribution from her donor-advised fund.

Mr. Chew: So this is an anonymous donation for someone in Amber Heard's name, correct?

Mr. Dougherty: It is anonymous to the...When this donor-advised fund was set up, it was determined that the gifts would presumptively be anonymous unless she were to recommend...to state otherwise.

Mr. Chew: And did she ever state otherwise?

Mr. Dougherty: We believed that she indicated that this was her \$350,000 gift and that's why we put into the column that this was a donation recommended by her from her donor-advised fund.

Mr. Chew: The money did not come from her, correct?

Mr. Dougherty: The money went from her to her donor advised fund and then she recommended that the funds be paid from Fidelity to us. So the amount that \$350,000 we received did not come from her directly. It came from what we believe to be her donor-advised funded Fidelity that she set up.

Mr. Chew: What basis other than Ms. Heard's telling you does the ACLU have for the proposition that Ms. Heard paid the money to Fidelity before it came and was given to the ACLU?

Mr. Dougherty: What we have is what she told us which is how a donor-advised funds that are anonymous work. The only thing that we legally needed to know was that this came from the Fidelity Charitable and that's the kind of reporting that we would do on this, for example, if we were reporting on this gift in our tax filings or anything like that. Our donors who have donor-advised funds, they then let us know that they made that recommendation and we then credit it to them as being associated with their giving to us in our CRM.

Mr. Chew: Mr. Dougherty, I didn't ask you what the ACLU was legally required to do. I asked you what, if anything, the ACLU did to investigate whether, in fact, Ms. Heard provided the funds to fidelity and your answer is nothing, right?

Mr. Dougherty: No, I don't believe there was anything else. I don't know what else we would have gotten.

Mr. Chew: So, just so the record is clear. The ACLU relied only on Ms. Heard that she was the ultimate source of the Fidelity funds, correct?

Mr. Dougherty: Yes.

Mr. Chew: Because you've already testified that Ms. Heard was not the original source of the funds for the \$500,000 Vanguard contribution, correct?

Mr. Dougherty: We received that \$500,000 from Vanguard, they're a 501(c)(3), not from any other person.

Mr. Chew: Right. But Vanguard was associated with Mr. Musk, true?

Mr. Dougherty: We believe that to be the case. Yes.

Mr. Chew: Okay. So after this December 2018 donation, has Ms. Heard made any donations directly or indirectly to the ACLU?

Mr. Dougherty: No. Those are the four contributions, the one that we...the four that we've discussed.

Mr. Chew: Well, with almost three years since her last contribution, what if any efforts has the ACLU made to get Amber Heard to pay?

Mr. Dougherty: We reached out to her. We reached out to Ms. Heard starting in 2019 for the next installment of her giving and we learned that she was having financial difficulties.

Mr. Chew: Well, let's unpack that. So when in 2019 did the ACLU reach out to Ms. Heard about making her promised contributions?

Mr. Dougherty: I don't recall the date, but there is a document that we produced that was an email from Anthony to Amber about this in 2019.

Mr. Chew: Okay. Let's move ahead to Exhibit 67, please. Have you seen these documents, these attachments before?

Mr. Dougherty: Yes, I've seen these.

Mr. Chew: Okay. And we'll just go through them one by one if you don't mind.

Mr. Dougherty: Sure.

Mr. Chew: If you look at page number 4673, it says \$350,000, December 11th, 2018. What is that?

Mr. Dougherty: I believe this tracks with the Excel spreadsheet that we looked at just a few moments ago that talks about online giving to the Fidelity Charitable fund, and whereas the prior one listed all of the December 11th, 2018 gifts, this one lists the \$350,000 gift from Amber's donor-advised fund.

Mr. Chew: And moving to the next page, it says, "Designation: Donor from Amber Heard." Do you see that?

Mr. Dougherty: Yes.

Mr. Chew: What does designation mean?

Mr. Dougherty: So this was the column in Salesforce that allows us to include additional information about gifts, in particular, whether they are restricted in a certain way. And so that's why the term designation is used. And here, I think we filled into that designation field the information that we knew to be the case, which was that this was a recommendation from Amber Heard's donor-advised fund.

Mr. Chew: Okay. Now, if you move to the next page, 4675, there's just one word on that and it's "anonymous." Do you know what that means?

Mr. Dougherty: This corresponds to the column of that same spreadsheet that listed the names of the donor advised funds that individuals set up at Fidelity and that the name of the Amber one was anonymous.

Mr. Chew: Now, when Ms. Heard made her direct payment, her first contribution of \$350,000, that was not designated as anonymous, was it?

Mr. Dougherty: That was not a gift from a donor-advised fund. So there weren't those columns for us to fill out. It was just a gift to the ACLU and I do believe that in Anthony's acknowledgement letter to that, that included the pledge form that wasn't signed, he included a question about anonymity and whether we could list her as a donor in our annual report. So that was our first connection with her. So, you know, we weren't sure whether her giving would be anonymous or not.

Mr. Chew: Well, the first donation wasn't anonymous, correct?

Mr. Dougherty: No, because we...no, it was not anonymous, but what I'm saying here is that this is the name...I believe this is the name of her donor-advised fund at Fidelity and the first time she gave us a gift, I think it came right out of, you know, her own banking accounts.

Mr. Chew: Right. And between the time Ms. Heard made her first donation of \$350,000 directly, which is attributed directly to her, and the time this anonymous donation comes in, did anybody at the ACLU have any discussion with Ms. Heard as to whether she wanted anonymity?

Mr. Dougherty: I don't believe she did. I don't believe she did.

Mr. Chew: Okay. If you could move ahead please to page number 4678.

Mr. Dougherty: Yes.

Mr. Chew: Have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is the document that Vanguard Charitable, so Vanguard's 501(c)(3) nonprofit uses when someone makes a recommendation from a Vanguard Charitable donor-advised fund to give an amount to a charity. And they then send this letter saying that they, Vanguard, are giving this amount to the charity. And it describes whether...this is the document that would describe whether or not the donor wants to be anonymous, or even wants to indicate to us who they are.

Mr. Chew: And this is the Vanguard contribution about which you testified earlier, correct?

Mr. Dougherty: Correct.

Mr. Chew: Let's move ahead, please, to 4679, which is the next page.

Mr. Dougherty: Yes.

Mr. Chew: And have you ever seen this document before?

Mr. Dougherty: I have.

Mr. Chew: And is this one of the documents that you reviewed in the context of preparing for this deposition?

Mr. Dougherty: Yes.

Mr. Chew: And directing your attention to the middle of the page, it says, "Remark from Amber Heard." What does that signify?

Mr. Dougherty: This...I'm sorry. I'm counting the three seconds. This is a record of a wire into our accounts at JPMorgan Chase in the amount of \$350,000 from Amber Heard's account at City National Bank.

Mr. Chew: And this was her first contribution, correct?

Mr. Dougherty: Yes, this is the 2016 August contribution.

Mr. Chew: Okay. And if you could move ahead, please, to the next page, ACLU4680, have you ever seen this document before?

Mr. Dougherty: I have.

Mr. Chew: What is it?

Mr. Dougherty: This is the original email from Elon to Amber and Anthony describing her plan to donate to the ACLU over the next 10 years, and her support for our work, and that she wasn't restricting the gift. She just had a preference about the use of the funds and that Anthony would forward her the wiring instructions. And then he did so. And then the \$350,000 was wired as we saw in that last JPMorgan Chase ACLU bank account wire record. And so Anthony let Amber know that we received it.

Mr. Chew: Okay. So let's unpack that a little bit. So the email in the middle of the page was an email sent to Mr. Romero from Elon Musk on or about August 18th, 2016 at 1:14 p.m. Correct?

Mr. Dougherty: Correct.

Mr. Chew: And he says, "Amber, I described your plan to donate \$3.5 million to the ACLU over the next 10 years as you very much believe in what they are doing." Do you see that?

Mr. Dougherty: Yes.

Mr. Chew: Why was Ms. Heard...or strike that. Why was Mr. Musk representing this on behalf of Ms. Heard?

Mr. Dougherty: I don't know the answer to that question, but I assume it's because of Elon's prior relationship with Anthony. And that he indicated, "I will make that introduction for you."

Mr. Chew: He is representing that Ms. Heard's plan was to donate \$3.5 million over the next 10 years. Is that correct?

Mr. Dougherty: Correct, that was her plan.

Mr. Chew: Did Ms. Heard ever say in words or substance that Mr. Musk was not correct and that wasn't her plan?

Mr. Dougherty: I do not believe she ever said that.

Mr. Chew: So she never refuted Mr. Musk's representation that she was gonna pay the full \$3.5 million, correct?

Mr. Dougherty: It isn't the case that she didn't object to that she was going to pay the \$3.5 million. It's just that she didn't object that that was her plan as of August 18th, 2016.

Mr. Chew: Thank you, Mr. Dougherty. Let's move to the next page, which is 4681.

Mr. Dougherty: Yes.

Mr. Chew: And you see at the top it says Salesforce Screenshot. Would you remind us please what Salesforce is?

Mr. Dougherty: It's our current CRM, our constituent record management system which is where we store all the information we have about our donors. We call it our donor database.

Mr. Chew: And I believe that we've seen a version of this in an email from Mr. Maresco, correct?

Mr. Dougherty: I do recall that this document, this is part of documents that we produced.

Mr. Chew: Okay. Well, let's start from the bottom.

Mr. Dougherty: Sure.

Mr. Chew: If you look at the bottom entry in the column, the entry that has a close date 8/19/2016, completed \$350,000. What does that mean?

Mr. Dougherty: That's a record of her \$350,000 contribution to us.

Mr. Chew: And you see the designation, the giving name pledge payment?

Mr. Dougherty: I do.

Mr. Chew: And what does that refer to?

Mr. Dougherty: That this was in connection with her overall plan to make a contribution to us of \$3.5 million.

Mr. Chew: Okay. Now, let's move up to the entry in the middle of the chart. It says, "Ms. Amber Heard soft credit, 2017. Close date, June 12, 2017. Completed \$500, 000." What does that mean?

Mr. Dougherty: That's the record of the Vanguard Charitable contribution in 2017.

Mr. Chew: Why does it say soft credit instead of pledge payment?

Mr. Dougherty: Because it didn't come directly from Amber. It came from the Vanguard Charitable trust, Charitable fund and we wanted to continue to associate it though with Amber in our donors database.

Mr. Chew: Is it customary for the ACLU to make distinctions between hard donations that is coming directly from the donor and donations made by others in the donor's name?

Mr. Dougherty: It's extremely important for us to understand whether funds came directly to us from a donor, from a donor-advised fund, or from another donor altogether. That's all very helpful information to us as we think through our fundraising program.

Mr. Chew: But my question was is it common practice? And it sounds like it is common practice because you say it's important, correct?

Mr. Dougherty: Yeah, I believe it's a common practice. I believe it's a common practice.

Mr. Chew: Okay. And then let's look at the top entry in the chart.

Mr. Dougherty: Yes.

Mr. Chew: This is for the December 2018 payment and I believe you testified this is the last payment Ms. Heard has made, correct?

Mr. Dougherty: Correct.

Mr. Chew: And it says, "Ms. Amber Heard donation, 2018 payment." What does this signify?

Mr. Dougherty: This signifies the...This relates to the 2018 \$350,000 gift that we got which I believe came from Amber's donor-advised fund at Fidelity.

Mr. Chew: Okay. And let's close this out by looking at 4682, reports to be an email from Liz Fitzgerald to Jonathan Maresco. Who is Liz Fitzgerald?

Mr. Dougherty: Liz Fitzgerald's then title was director of special gifts, but her current title is the director of development. She's the number two in our development department. She reports directly to Mark Wier, and even then as director of special gifts, she reported directly to Mark Wier.

Mr. Chew: Okay, all right. And with respect to Exhibit 67, the attachments that we've described, were they created in the ordinary course of the ACLU's business?

Mr. Dougherty: The only one that I would not say was in our ordinary course of business is number 4681 and that this was created in connection with a discussion with Amber Heard's attorneys about Amber's donations to the ACLU.

Mr. Chew: But all of the other documents in this exhibit were created in the ordinary course of the ACLU's business, correct?

Mr. Dougherty: Correct. And even this one came from our donor database which is something that we keep in the ordinary course of our business.

Mr. Chew: And it's your testimony sitting here today that the information depicted on ACLU4681 is accurate and reflects the accounting records kept in the ACLU's ordinary course of business, correct?

Mr. Dougherty: It is correct that we received the \$350,000, the \$500,000, and the \$350,000 and that we associated them all in some way with Amber. It does not list the \$100,000 Johnny Depp payment. And there's differing terms that are used in that. I'm not sure we would use the term soft credit. We might refer to another way now. After that 2017 gift, that's when we launched the new database system, the Salesforce system, and prior it had been the PIDI system. So we had been doing some changes to definitions about how we record gifts, but the basic, which is that these are all associated with Amber Heard, these three gifts, that is absolutely accurate.

Mr. Chew: Well, you raised a good point. Why isn't the \$100,000 donated by Johnny Depp credited to Amber Heard?

Mr. Dougherty: I think it should have been recorded in our database because it's information that we would want to have in that database about gifts relating to our relationship with Amber Heard and we now do consider that gift as part of the constellation of gifts that are attributed to our relationship with Amber Heard.

Mr. Chew: So that's how you would get from the \$1.2 million to the \$1.3 million, right?

Mr. Dougherty: Yes, \$700,000 plus \$100,000 is \$800,000 plus \$500,000 is one \$1.3 million. Correct.

Mr. Chew: So the ACLU sitting here today attributes \$1.3 million toward Ms. Heard's \$3.5 million pledge, correct?

Mr. Dougherty: Correct.

Mr. Chew: And of that \$1.3 million, \$100,000 was paid by Johnny Depp, true?

Mr. Dougherty: Correct.

Mr. Chew: So putting aside 4681, are all of the emails prepared by ACLU employees in the course of their ordinary business?

Mr. Dougherty: I'm just reminding myself. Well, I believe that 4679 was also downloaded from our records in relation to this litigation matter. I don't believe that we created this document and had it in a paper file somewhere, but I think we, you know, pulled this information, this wiring information. It may be the same wiring information that was looked at at the time that the donation was made.

Mr. Chew: So Exhibit 67, it's fair to say is comprised of ACLU business records kept and maintained in the ordinary course, correct?

Mr. Dougherty: Correct.

Mr. Chew: Okay. Excuse me, Your Honor. We're going to change topics with Mr. Dougherty.

Judge Azcarate: Take our morning break.

Mr. Chew: Thank you, Your Honor.

Judge Azcarate: All right. Let's go ahead and take our 15-minute recess. Do not discuss the case with anybody and don't do any outside research. And we'll see you then. Okay. All right. Let's go ahead and come back, and take a break until 11:45. Okay?

Mr. Chew: Thank you, Your Honor.

Judge Azcarate: All right, thank you. All right. Are we ready for the jury? Okay. All right, if you wanna continue.

Mr. Chew: Have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is a series of communications among people in our communications department around engaging Amber on our programmatic work specifically relating to her being an ACLU ambassador.

Mr. Chew: Let's now turn back to the email starting on ACLU47, bottom of the page from Jerry Johnson to Jodi Gottlieb, and others. Reportedly dated November 6, 2018. Who's Jerry Johnson?

Mr. Dougherty: Jerry Johnson was a more junior person in our communications department. His title was communications department strategist and strategists are often communications department associates that have expertise in and do work in a select number of our issue areas.

Mr. Chew: And he writes, "I'd like your and Amber's thoughts on doing an op-ed in which she discusses the ways in which survivors of gender-based violence have been made less safe under the Trump administration and how people can take action." Why was the ACLU recommending that Amber write on that subject?

Mr. Dougherty: With Amber agreeing to be an ambassador and to work on women's rights issues and, in particular, issues of gender-based violence, Jerry was coming up with specific things that were things that were of significant policy importance to the ACLU that could be the subject matter of an op-ed written by Amber.

Mr. Chew: Directing your attention a few lines down, he uses the acronym GBV. What does that mean?

Mr. Dougherty: Gender-based violence.

Mr. Chew: Then further down he says, "If she feels comfortable, she can interweave her personal story saying how painful it is as a GBV survivor to witness these setbacks." What is the ACLU referring to when it talks about her personal story?

Mr. Dougherty: There were a number of things that Amber had expressed from her personal story about her having been a survivor of gender-based violence. And so one of the things that we do with ambassadors is we want them to tell authentic stories about our issues in the public and to the extent that they have any personal direct experiences for that to be part of their story for the public.

Mr. Chew: But the ACLU was not forcing her to relate her own experience with GBV. It was leaving it up to Ms. Heard's discretion, correct?

Mr. Dougherty: Correct.

Mr. Chew: And Exhibit 31 was prepared in the ordinary course of the ACLU's business, correct?

Mr. Dougherty: Correct.

Mr. Chew: And it was maintained in the ordinary course of the ACLU's business, correct?

Mr. Dougherty: Correct.

Mr. Chew: So let's move to Exhibit 33, please. Mr. Dougherty, I'm asking you to please look at Exhibit 33 and ask whether you've ever seen this before.

Mr. Dougherty: I have.

Mr. Chew: Is that an email from Robin Shulman to Jessica Weitz dated November 14th at 10:58 a.m.?

Mr. Dougherty: Yes.

Mr. Chew: Who is Jessica Shulman?

Mr. Dougherty: Robin Shulman is a person in the communications department who is no longer with us but who had expertise in issues involving gender issues.

Mr. Chew: Well, you anticipated my next question. Is Robin Shulman still at the ACLU?

Mr. Dougherty: No.

Mr. Chew: And is she an attorney?

Mr. Dougherty: I don't know whether she's an attorney. A number of our communications department staff members are, but I don't know. She wasn't working as an attorney.

Mr. Chew: Ms. Shulman is asking Ms. Weitz, "What's the status of this situation?" What situation was she referring to?

Mr. Dougherty: The situation is whether we are going to be doing an op-ed with Amber.

Mr. Chew: Okay. And moving up on the page, there's an email from Jerry Johnson who says, "Jess had drinks with Amber last night and it sounds like she was able to confirm with her that we'll be doing the first draft." What does that mean?

Mr. Dougherty: It is often a decision has to be made when we're working with ambassadors or with other people who are speaking to the public, who does the first draft of the document. So it sounds here that Jerry is

saying that we are...that from Jess's conversation with Amber, we are moving forward with some kind of an op-ed and that ACLU communications department staff members would be writing the first draft of it.

Mr. Chew: And Jess refers to Jessica Weitz?

Mr. Dougherty: Yes.

Mr. Chew: Okay. Let's please turn to Exhibit 35, please. Have you ever seen this document before, Mr. Dougherty?

Mr. Dougherty: And yes, I have seen this document. Thanks, Michael. I have...I didn't [crosstalk 01:28:28.584].

Mr. Chew: And what is it?

Mr. Dougherty: This is a series of communications about the...It's the result of a series of communications about the op-ed under Amber's name to place with the media outlet. And so, this is Jessica Weitz sending a draft of that to Amber.

Mr. Chew: Right. And let's go to the first email first, the email that starts in the second half of ACLU185. It purports to be from Robin Shulman to Jessica Weitz on November 29. Do you see that?

Mr. Dougherty: I do.

Mr. Chew: And is she attaching the first draft of the op-ed to that email?

Mr. Dougherty: So, I assumed that it was not an attachment, but it was just pasted into an email. But I can't tell from this because I don't see anybody saying "attached." So it could be either, but what I see this as is Robin sending a note to Jess Weitz for Jess Weitz to then forward to Amber.

Mr. Chew: Understood. Robin says, "I tried to gather your fire and rage, and really interesting analysis, and shape that into an op-ed form." What does that refer to?

Mr. Dougherty: That refers to the effort for our ACLU ambassadors to speak publicly in a way that is impactful, that shows the importance of the issues, and how important they are personally to individuals. And in this case, therefore, Amber's passion for working on gender-based violence issues and speaking about it, and that she has an analysis that is one that Robin finds interesting.

Mr. Chew: And so when she's referring to fire and rage, that's Ms. Heard's fire and rage, correct?

Mr. Dougherty: Yeah, that's my read of this even though I recognize that it is confusing because it's an email from Robin to Jess.

Mr. Chew: And the rage would be directed against Johnny Depp, who purportedly abused her, correct?

Mr. Dougherty: I didn't take it to mean that. I took it to mean fire and rage about gender-based violence issues.

Mr. Chew: Was it your understanding that it was Robin Schulman who drafted...who prepared the first draft of the op-ed?

Mr. Dougherty: Yes.

Mr. Chew: Okay. And Robin says to Jessica, "Your lawyers should review this for the way I skirted around talking about your marriage." Whose lawyers is she referring to there?

Mr. Dougherty: I believe these are Amber's regular advisors who were involved in the review and negotiation of the NDA between Amber and Johnny Depp.

Mr. Chew: And then if you look at...direct your attention to the top email from Jessica Weitz to Amber Heard, she says to Amber, "Apologies for the delay, but we have needed to pass this through quite a few lawyers." What lawyers did Jessica Weitz pass these through, pass the op-ed through?

Mr. Dougherty: These were lawyers in the Women's Rights Project of the ACLU plus the director of the Center for Liberty, the deputy legal director of the ACLU who runs the Center for Liberty within which is the Women's Rights Project, and even the legal director of the ACLU who runs the whole legal department, our programmatic litigation work on behalf of Civil Liberties, David Cole.

Mr. Chew: But it never got to your level, correct?

Mr. Dougherty: Well, David Cole is at my level. Just to be clear, he also reports to the executive director, but it never got to me or anybody on my team.

Mr. Chew: No one asked you to review the first draft of the op-ed?

Mr. Dougherty: No.

Mr. Chew: Did anybody ever ask you to review any drafts of the op-ed, including the final draft that was published in "The Washington Post?"

Mr. Dougherty: No.

Mr. Chew: She says, "I want to make sure nothing was said in here that puts you in jeopardy with your NDA." What does that refer to?

Mr. Dougherty: The non-disclosure agreement that was entered into between Depp and Heard in connection with the dissolution of their marriage and the settlement agreement.

Mr. Chew: Okay. And is this a document that was prepared in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it kept in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: All right. Let's move please to Exhibit 37. Have you ever seen Exhibit 37 before?

Mr. Dougherty: Yes, I have.

Mr. Chew: What is it?

Mr. Dougherty: This is a draft of the op-ed that Robin is sending to Amber after a conversation that they had to discuss the issues in the op-ed and, in particular, my...yeah, to have a conversation about the op-ed and then she sends her changes that were made to the op-ed that were relating to things that Robin and Amber discussed during that meeting.

Mr. Chew: And to be clear, this next draft of the op-ed reflects changes that Robin Schulman made after she met in-person with Amber Heard. Is that correct?

Mr. Dougherty: Correct.

Mr. Chew: What did Ms. Shulman and Ms. Heard discuss during their in-person meeting?

Mr. Dougherty: My understanding is that they discussed some of the personal experiences that Amber Heard has had that Robin used to incorporate into the op-ed.

Mr. Chew: And isn't it true that Ms. Heard's advisers initially revised the draft to remove any reference to Ms. Heard's marriage or divorce?

Mr. Dougherty: I recall a number of email communications back and forth among ACLU personnel, and Ms. Heard's attorneys where they were suggesting edits to the op-ed relating to matters covered in the NDA.

Mr. Chew: And then is it also true that there were some at the ACLU who expressed their belief that excising those references to her marriage and divorce from Johnny Depp made the op-ed less impactful, correct?

Mr. Dougherty: It is correct. That is correct.

Mr. Chew: But ultimately, based on those voices, Ms. Heard pushed to get that excised material backed into the op-ed so it could be more impactful. True?

Mr. Dougherty: That's not my understanding. My understanding is that the language that wound up in the final op-ed piece was very different from the original language that Robin included in the op-ed after having spoken with Amber about her personal experiences.

Mr. Chew: And how was it different?

Mr. Dougherty: It did not refer directly to Ms. Heard's relationship with Johnny Depp.

Mr. Chew: Okay, let's move ahead please to Exhibit 38.

Man 2: Standby.

[01:37:26]

[silence]

[01:37:44]

Mr. Chew: And Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: And is this one of the documents you reviewed in preparation for your deposition?

Mr. Dougherty: Yes.

Mr. Chew: What does this relate to?

Mr. Dougherty: So this relates to Stacy Sullivan, who reported to Terry Tang, and her role with respect to this op-ed piece was to think about the

best place to place it and to make the contacts with the media in order to get it placed. And she suggests here that the outlets that the ACLU and Ms. Heard was considering were "The New York Times," "The Washington Post," "Teen Vogue," and "USA Today." Is that correct?

Mr. Dougherty: So not Stacy, but Jerry, who I think you said she, Jerry is a he, and Jerry wrote some suggested places to place this after having had conversations with Amber.

Mr. Chew: And Jerry's suggestions were "The New York Times," "The Washington Post," "Teen Vogue," or "USA Today." Is that correct?

Mr. Dougherty: Correct.

Mr. Chew: Whose responsibility was to place the op-ed? Was it the ACLU's, Ms. Heard's, or some combination of the two?

Mr. Dougherty: The work to place the op-ed was taken on by the ACLU in that we have, in our communications department, people with expertise and who regularly do just that kind of work. But as we can see from this email, it was done in consultation with Amber Heard.

Mr. Chew: And Mr. Johnson writes, "Since the draft turned out pretty strong and "Aquaman" slated to do large numbers, I'm wondering what you think about it?" What does he mean by saying, "The draft turned out pretty strong?"

Mr. Dougherty: This appears to be the analysis of how broad-based and what kind of reach the media outlets where we can place this will have, and that media outlets are more likely to take on publishing an op-ed like this if it is a strong one, and if it is...And to the extent that it is written by a public person who's an entertainer or a well-known person, that the more they are in the public eye at the time, the more likely it will be accepted by a more prominent or broader reach media outlet. And so that's the sort of descending media outlets, or in descending terms, in terms of descending, you know, likelihood of...well, descending importance and reach, greater likelihood from, you know, for example, as we go down that list.

Mr. Chew: And Amber is referencing her own direct personal experience and her marriage to Johnny Depp makes it a stronger product, correct?

Mr. Dougherty: I think that Amber's contributions to, you know, the portion of the op-ed that talks about personal experiences is part of what informed the view that this was a strong op-ed and the importance of the

women's rights issues referred to in the op-ed in that some of them were very timely women's rights issues before Congress.

Mr. Chew: And Ms. Heard had a co-starring role in "Aquaman," correct?

Mr. Dougherty: I don't know whether she was a co-star, but I know that that was a film that she was in.

Mr. Chew: And didn't she tell the ACLU that she wanted the op-ed to come out just after "Aquaman" was released?

Mr. Dougherty: I do recall that there was a conversation about the optimal timing for the op-ed piece.

Mr. Chew: And as part of that conversation, Ms. Heard said in words or substance that she wanted the op-ed to come out soon after "Aquaman." Correct?

Mr. Dougherty: I believe that's correct.

Mr. Chew: Who did she relate that to?

Mr. Dougherty: I don't recall, although I believe that there's documents that we produced that can shed some light on that.

Mr. Chew: Is Exhibit 38 kept in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared by people with knowledge and prepared in a contemporaneous manner?

Mr. Dougherty: Yes, it was.

Mr. Chew: And it was made in the ordinary course of the ACLU's business, true?

Mr. Dougherty: True.

Mr. Chew: Okay. If we could move ahead please to Exhibit 41. This is another one of these...Well, it's not that long.

Man 2: Please standby.

Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: These are further communications among employees, staff members in the development department, regarding the placement of Amber's ad and the finalization of the op-ed piece. Not ad. I'm sorry, op-ed and the finalization of it.

Mr. Chew: Right. And if we could move ahead please to ACLU257. And specifically the email from Robin Shulman to Jessica Weitz on December 11th continuing on to the next or strike that. Let's go to the email on the last line, Jessica Weitz's email. She says...

Man 2: What's the timestamp? What's the timestamp on the email you're referring to?

Mr. Chew: I'm sorry. This is December 11th email at 11:05 a.m. from Jessica Weitz. Do you see that? Okay. And she says, "Amber sent back the op-ed with final edits from her legal team which specifically neutered much of the copy regarding her marriage and the domestic violence." Do you see that?

Mr. Dougherty: I do.

Mr. Chew: Is that consistent with your recollection?

Mr. Dougherty: I'm not sure about the use of the term "neutered" here, but I do know that her lawyers removed references to her marriage and divorce.

Mr. Chew: And then she writes, "The goal is to get this out this week to capitalize on the tremendous campaign for 'Aquaman.'" What does that mean?

Mr. Dougherty: That means, from the ACLU's perspective, that Amber is about to receive an incredible amount of press and be in the public eye. So what better a time would it be than now to put out this op-ed, so that it generates significant readership about our issues.

Mr. Chew: And Amber agreed with the ACLU on that point, correct?

Mr. Dougherty: I believe the answer is yes. Every step of the way, we were making these decisions with Amber's PR representatives involved.

Mr. Chew: Okay. Let's move back to an email in the middle of 257 and it is from Jessica Weitz timestamped 11:09 a.m. on December 11th, 2018. "Robin, her lawyers omitted the below, but Amber would love to see a way to have that part in bold somehow put back in. Is there an artful way to do that? Otherwise, she is okay with the final. 'Two years ago, I sought a temporary restraining order from my then husband...' was

changed to, 'Two years ago, after successfully acquiring a temporary restraining order...' but still not cleared by her lawyers." Do you see that?

Mr. Dougherty: I do was.

Mr. Chew: Is that consistent with your understanding about what Ms. Heard's desires were?

Mr. Dougherty: Yeah, I trust Jessica Weitz's relationship with Amber. So that when Jessica told Robin that that was something Amber wanted, I have no reason to think that that's not correct.

Mr. Chew: Okay. And finally, let's look at the beginning, the first email, Exhibit 41 from Stacy Sullivan to Jessica Weitz says, "Yes, and I need to read the latest version and Robin told me Amber's lawyers took out some of the stuff that made it really powerful. So let me look to see if I think it's strong enough for top tier." What did she mean by top tier?

Mr. Dougherty: I think from Stacy's perspective, the more powerful a document is, the more likely it will go into a top-tier news outlet such as "The New York times" or "The Washington Post," you know, that sort of descending tiering that was in Jerry Johnson's email.

Mr. Chew: Okay. And is Exhibit 41 kept in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared in the ordinary course of the ACLU's business by people having knowledge and done so contemporaneously?

Mr. Dougherty: Yes.

Mr. Chew: Okay, thank you. Let's move ahead to 43.

Man 2: Please standby.

Mr. Chew: Okay. Directing your attention to the first page in Exhibit 43 from Jessica Weitz to Sean Walsh. Who is Sean Walsh?

Mr. Dougherty: Sean Walsh at www.3rconsulting.com. I don't know who that is. This is an email that includes in it people other than ACLU employees and ACLU consultants. So I'm assuming it's somebody relating to, you know, one of Amber's representatives, but I don't know for sure.

Mr. Chew: Do you know who Eric George is?

Mr. Dougherty: Yeah. George, BGR firm. Yes, Eric George was one of Amber's attorneys.

Mr. Chew: And she's announcing to the group that "It's going to 'The Washington Post!!!'"

Mr. Dougherty: Correct.

Mr. Chew: Take it the ACLU was pleased that it was placed in "The Washington Post."

Mr. Dougherty: Correct.

Mr. Chew: And I believe you testified earlier, but I just wanna confirm for the record, the ACLU took on the responsibility of attempting to place the op-ed, correct?

Mr. Dougherty: Correct.

Mr. Chew: And why the ACLU instead of Amber or her PR team?

Mr. Dougherty: Placing op-eds about matters such as this is the kind of thing that is the bread and butter for the ACLU. And so I don't recall if conversation happened about whether her PR people or our PR should be the ones that do the work to place this. But it is fully consistent with how we do our work that we place this one.

Mr. Chew: All right. Let's go back to Exhibit 42, if you don't mind.

Man 2: Please standby.

[01:50:13]

[silence]

[01:50:30]

Mr. Chew: Have you ever seen this document before, Mr. Dougherty?

Mr. Dougherty: I am familiar with this document.

Mr. Chew: Is this one of the documents you reviewed in preparation for this deposition today?

Mr. Dougherty: Yes.

Mr. Chew: Was it made in the ordinary course of ACLU's business by people having knowledge and doing so contemporaneously?

Mr. Dougherty: Correct. Yes.

Mr. Chew: Was it maintained by the ACLU in the ordinary course of business?

Mr. Dougherty: Yes.

Mr. Chew: Would you please direct your attention, sir, to page number 1181? In the middle of the page purports to be an email from Stacy Sullivan, Michael Larabee, and others at The Washington...well, I'll just say Michael Larabee. Who is Michael Larabee?

Mr. Dougherty: Michael Larabee appears to be a person who is a contact that Stacy Sullivan had at "The Washington Post." And so she sent...she reached out to him first about placing the ad and then because she received a bounceback out of office from Mike Larabee, she sent her original request to Michael Duffy and Mark Lasswell also at Washington Post.

Mr. Chew: And what was the purpose of her sending them this email?

Mr. Dougherty: This was her attempt to get the op-ed placed.

Mr. Chew: And she writes, "Hey Michael, wondering if we might interest you in a piece by Amber Heard, who as you may recall was beaten up during her brief marriage to Johnny Depp, on what the incoming Congress can do to help protect women in similar situations." Did I read that correctly?

Mr. Dougherty: Yes, you read it correctly.

Mr. Chew: All right, let's look please...Let's turn to Exhibit 73.

Man 2: Please standby.

[01:52:41]

[silence]

[01:53:15]

Mr. Chew: Mr. Dougherty, have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: Is this the online copy of the op-ed that the ACLU placed?

Mr. Dougherty: Yes.

Mr. Chew: Directing your attention to the title "Amber Heard: I spoke up against sexual violence and faced our culture's wrath. That has to change." Who came up with that title?

Mr. Dougherty: Based on my investigation, I'm not aware of any...I'm not aware that the ACLU had any role in writing the name of the op-ed piece and my understanding of how op-ed pieces work is that it is the media. In this case, "The Washington Post" would have drafted the name, the title of the op-ed and not the person who wrote the op-ed.

Mr. Chew: Did "The Washington Post" seek the ACLU's or Ms. Heard's approval of its title?

Mr. Dougherty: I believe the answer to that is no, there's nothing in the evidence that shows that they reached out to us to do that, and it is inconsistent with my understanding in that news outlets do not usually ask for the permission of the author of the op-ed, you know, when they come up with the title.

Mr. Chew: Hello, Mr. Dougherty. Would you please or would the technician please call up Exhibit 45?

Man 2: Yes, standby.

[01:54:54]

[silence]

[01:55:19]

Mr. Chew: Mr. Dougherty, have you ever seen plaintiff's Exhibit 45 which is page number ACLU623?

Mr. Dougherty: Hold on. I'm just making it a little bigger. Okay. Yes, I have seen this document.

Mr. Chew: And is this one of the documents you reviewed in preparation for your deposition?

Mr. Dougherty: That's correct.

Mr. Chew: And what is it?

Mr. Dougherty: This is an article that was in "US Today" and specifically ties Amber's statements in her op-ed piece to Johnny Depp.

Mr. Chew: And when Jessica Weitz says, "So much for not mentioning JD," what did she mean?

Mr. Dougherty: I speculate that she was saying that there were significant efforts made by Amber's attorneys to take out the references to Johnny Depp and her marriage, and yet, nonetheless, people made that connection.

Mr. Chew: And in particular, the reporter for the "USA Today" took her to be referring to Johnny Depp when she spoke of being the victim of domestic violence, correct?

Mr. Dougherty: Correct.

Mr. Chew: Was this document prepared in the ordinary course of the ACLU's business contemporaneously about people having knowledge?

Mr. Dougherty: Yes, it was.

Mr. Chew: It was maintained by the ACLU in the ordinary course of business?

Mr. Dougherty: Yes.

Mr. Chew: And would you please move ahead now to Exhibit 46?

Mr. Dougherty: Yes.

Man 2: Standby.

[01:57:21]

[silence]

[01:57:40]

Mr. Chew: Mr. Dougherty, have you ever seen Exhibit 46, which is ACLU page number 1287?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is a statement by Robin Shulman saying that the article that they're referring to basically, you know, recasts everything that is said, but ties it to Johnny Depp.

Mr. Chew: So Ms. Shulman is agreeing with Mrs. Weitz's characterization that the USA took Ms. Heard to be referring to her allegations of physical violence by Johnny Depp, correct?

Mr. Dougherty: Yes.

Mr. Chew: And she says, "It's kind of amazing that they just grabbed the entire op-ed and rewrote it using Johnny's name." Why was it amazing?

Mr. Dougherty: I don't know why she found it amazing.

Mr. Chew: Because that was consistent with your understanding she was referring at least in part to Johnny Depp, correct?

Mr. Dougherty: Yeah, based on my review of prior drafts of the op-ed, I knew that she was referring to Johnny Depp and her marriage.

Mr. Chew: Was Exhibit 46 prepared in the ordinary course of business by people having knowledge contemporaneously?

Mr. Dougherty: Yes.

Mr. Chew: Was it maintained in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Okay. Let's move to Exhibit 59, please, which is page numbers ACLU2614 through 2616. Have you ever seen this document before?

Mr. Dougherty: I'm scrolling to the beginning. Yes.

Mr. Chew: And what is it?

Mr. Dougherty: This is a conversation among ACLU employees regarding what were the amounts contributed to the ACLU that were connected to our relationship with Ms. Heard.

Mr. Chew: And is this Exhibit 59 kept in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: And it was prepared contemporaneously by people with knowledge in the ordinary course of the ACLU's business, correct?

Mr. Dougherty: Correct.

Mr. Chew: And looking at the chart on ACLU2615, this is the same contributions chart that you testified about earlier from Salesforce, correct?

Mr. Dougherty: Correct.

Mr. Chew: And again, as in the prior exhibit, this chart or ledger does not reflect the \$100,000 contribution from Johnny Depp in Amber Heard's name in August of 2016. Correct?

Mr. Dougherty: Correct.

Mr. Chew: And you still can't account for why that wouldn't have been included?

Mr. Dougherty: We assumed that there was an error made in not including in Ms. Heard's account, you know, where we keep the records of her in Salesforce, although Anthony, as you see, then raised the very question, "What about the \$100,000?"

Mr. Chew: And directing your attention to the first page in this exhibit, do you see the email from Mr. Romero to Mr. Maresco, subject, "A quick question." And Mr. Romero asked, "Did Elon's other gifts come from Vanguard?" To what does that refer?

Mr. Dougherty: My personal knowledge is that Anthony was just asking whether other gifts from Elon Musk had been issued from recommendations he made to Vanguard regarding his donor-advised fund at Vanguard.

Mr. Chew: And Mr. Maresco then responds, "One of them, yes. His \$5 million gift in February 2017 was from Vanguard." Do you see that?

Mr. Dougherty: I see it.

Mr. Chew: And if you look at the next page, Vanguard was the same entity that made the soft credit contribution in Amber Heard's name to the tune of \$500,000, correct?

Mr. Dougherty: Correct.

Mr. Chew: And he says, "In any case, my understanding was that the \$500,000 from Vanguard was recommended by EM." Do you see that?

Mr. Dougherty: Yes.

Mr. Chew: And EM stands for Elon Musk, correct?

Mr. Dougherty: Correct.

Mr. Chew: And also, in that email above that, Mr. Maresco states that Mr. Musk's \$1 million gift in May 2018 was from Fidelity. Do you see that?

Mr. Dougherty: Yes, he must have...Either that means a separate donor-advised fund he has at Fidelity or from Fidelity, you know, direct

investment accounts he has at Fidelity. I'm assuming the former, but I don't know.

Mr. Chew: And if you look at the next page in the Salesforce chart, the second payment credited to Ms. Heard for \$350,000 as of December 11th, 2018 came from that same Fidelity, correct?

Mr. Dougherty: I don't know the answer to that question. I know that it came from a Fidelity donor-advised fund, the \$350,000, but I don't know if it is Elon Musk's donor-advised fund at Fidelity.

Mr. Chew: But it could be?

Mr. Dougherty: It could be.

Mr. Chew: Okay. Let's move...Thank you...onto 61, please, which is Bates number ACLU1669 through 71. I'm directing your attention to the last email in this exhibit from Jill Sargent to Inga Sarda-Sorensen and Tyler Richard. Who are Inga Sarda-Sorensen and Tyler Richard?

Mr. Dougherty: Inga and Tyler are both senior communications department strategists in our communications department.

Mr. Chew: Okay. And Ms. Sargent from Reuters asked, "I'm preparing some material while awaiting a verdict in the Johnny Depp libel trial in London and wanted to fact-check Amber Heard's current previous links with the ACLU." Do you recall that this is a reference to Mr. Depp's defamation case in the UK against "The Sun?"

Mr. Dougherty: It appears to me that that's the trial she's referring to.

Mr. Chew: Okay. Directing your attention, please, to Bates number ACLU1670, the email from Jessica Weitz to Tyler Richards, do you see where Ms. Weitz writes, "The answer is yes, she's still an ambassador?" That's a reference to Ms. Heard's still being an ACLU ambassador, correct?

Mr. Dougherty: Correct.

Mr. Chew: And Ms. Weitz writes, "She donated her full settlement to charity, 50% to the ACLU and 50% to another organization." That's a reference to Ms. Heard's representation that she donated the full amount of her divorce settlement from Johnny Depp to charity, correct?

Mr. Dougherty: Correct.

Mr. Chew: And that statement was not true. She had not donated the full amount of her settlement, \$7 million, to the ACLU or the Children's Hospital of Los Angeles, correct?

Mr. Dougherty: At the time that Jess Weitz wrote this in July of 2020, Ms. Heard had not donated her full settlement to the ACLU and I'm not aware of what she did to the other organization.

Mr. Chew: At the time Ms. Weitz wrote that, the ACLU was still \$2.2 million short even if you credit Ms. Heard with \$100,000 that Johnny Depp gave to the ACLU, correct?

Mr. Dougherty: At the time that she wrote this, we have received the \$1.3 million. So yes, \$2.2 million of the full \$3.5 million, we had not received.

Mr. Chew: Was Exhibit 61 kept in the ordinary course of the ACLU's business?

Mr. Dougherty: Yes.

Mr. Chew: Was it prepared in the ordinary course of the business by people having knowledge contemporaneously?

Mr. Dougherty: Yes.

Mr. Chew: Okay. Let's move to Exhibit 62, please. Have you seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is Jessica Weitz reaching out to the communications department in order to come up with a correct statement that we could make in response to the Reuters article. And she comes up with recommended language on this that she then wants to confirm with our development department. So she is doing diligence to ensure that anything we say to the media is going to be correct.

Mr. Chew: Let's move ahead to Exhibit 63. Do you have that in front of you?

Mr. Dougherty: I'm just making it larger right now. It just arrived.

Mr. Chew: Have you ever seen this document before?

Mr. Dougherty: Yes.

Mr. Chew: What is it?

Mr. Dougherty: This is back and forth between Richard Tyler in the communications department, Jessica Weitz, and another communications department junior person, Ava Lopez. And it all concerns what we can say to...what we should say to Reuters in response to their question about Amber and her contributions to the ACLU.

Mr. Chew: And this was prepared in the ordinary course of the ACLU's business, correct?

Mr. Dougherty: Correct.

Mr. Chew: And it was prepared and maintained in the ordinary course of the ACLU's business, true?

Mr. Dougherty: True. Correct.

Mr. Chew: Let's look at the second page of the exhibit, an email from Tyler Richard to Jessica Weitz. Who is Tyler Richard?

Mr. Dougherty: It's Richard Tyler and he...No, it's Tyler Richard. That's right, Tyler Richard, and he is a senior person in our communications department.

Mr. Chew: And Mr. Richard says, "Amber Heard is an ACLU ambassador for women's rights since 2018. She also pledged her full settlement to charity." Do you see that?

Mr. Dougherty: I do.

Mr. Chew: And Ms. Weitz response, "Yeah, I think that's safer. I had nightmares about this last night. I'm very upset. Do you think this is okay?" Why was Ms. Weitz so upset about the characterization of Ms. Heard's charitable donations or lack thereof?

Mr. Dougherty: My understanding is that as a communications department professional, Jessica was concerned about these news articles that were appearing and what impact they would have on, you know, how the ACLU and its work with Amber is seen.

Mr. Chew: She was concerned that the ACLU was not telling the truth about Amber's paying the \$3.5 million, correct?

Mr. Dougherty: I don't see it that way. I see it as her doing everything she can in order to produce a correct statement to the press.

Mr. Chew: Wouldn't the correct statement to the press be that she's short \$2.3 million?

Mr. Dougherty: As I testified earlier, that's not the kind of thing that we would ever say about a donor to the ACLU, instead we would...especially when it isn't the fact that there was any specific time period by which we were supposed to have received, you know, any specific amount of money considering that she didn't sign the pledge agreement and, therefore, you know, there's an attempt...So as an organization, we attempt to work with our donors who are having financial difficulties in order to receive, you know, the funding from them that they want to give to us. So no, I don't see this...I don't know we would...In that sort of scenario, we would never say she's short anything.

Mr. Chew: Directing your attention to the email at Bates number ACLU1700 from Ms. Weitz to Mr. Richard dated July 31, she says, "I'm just stressed about her and the difficulties with all this." Who is her?

Mr. Dougherty: I'm assuming that is Amber Heard.

Mr. Chew: Why was Ms. Weitz stressed about Amber Heard?

Mr. Dougherty: Because this is a stressful thing to have these kinds of news reports out there and, in particular, about an ACLU ambassador.

Mr. Chew: What kind of news reports are you referring to?

Mr. Dougherty: What I believe the Reuters article...from the Reuters article.

Mr. Chew: And what did the news article say that was distressing?

Mr. Dougherty: I think it was the tie between the attempts to make Ms. Heard look poorly in the press regarding her donations.

Mr. Chew: Did you talk to Ms. Weitz in preparation for this deposition?

Mr. Dougherty: Yes, I did.

Mr. Chew: What did she tell you about the donations and how she was stressed about Ms. Heard?

Mr. Dougherty: Ms. Weitz didn't say anything specific about that.

Mr. Chew: You didn't ask her about why she said she was stressed about Amber Heard and the difficulties with all this?

Mr. Dougherty: I believed in reviewing the documents that I had an understanding of why this was a difficult situation for many people.

Mr. Chew: So the answer is you didn't ask her about that, did you?

Mr. Dougherty: I did not ask her that question.

Mr. Chew: I guess we'll have to. Did you ask her about the nightmares she had about Amber Heard and what the substance of her nightmares were about Amber Heard?

Mr. Dougherty: No, I did not.

Mr. Chew: Your Honor, counsel for Ms. Heard is now taking over the questions.

Judge Azcarate: All right, thank you.

Ms. Bredehoff: Exhibit number 1 that is Bates stamped 2866, it was introduced as well by the counsel for Mr. Depp, but it's easier for me to just jump into this one. Do you recognize this document?

Mr. Dougherty: Yes.

Ms. Bredehoff: It says here, "And I described your plan to donate \$3.5 million to ACLU over the next 10 years as you very much believe in what they are doing." Now, the way in which donate is used here, how would you interpret that?

Mr. Dougherty: I would say that at the very least, it is expressing an intention to make that donation by the term plan.

Ms. Bredehoff: Okay. And would you distinguish between donate and pledge given the reference to the next 10 years?

Man 2: About Elon Musk's intention.

Mr. Dougherty: I would read this to mean that it isn't clear whether this is intended to be a pledge or legally binding pledge to create a receivable. This is something that I would want to...what I would hope would be a legally binding pledge, but I wouldn't necessarily say that this was.

Ms. Bredehoff: Right. And the term donate here, how would you interpret that based on the description you gave a little earlier?

Mr. Dougherty: I would take donate to mean contributions from Ms. Heard.

Ms. Bredehoff: And what, if any, interpretation would you have that this also meant pledge?

Mr. Dougherty: So two things in response to your question. One is plan to donate. When I said it would come from Ms. Heard, I would think that that would be either Ms. Heard directly or from a donor-advised fund that she has set up and would recommend. But over the next 10 years makes me think that, you know, donate could theoretically be a pledge, but that's something that we would want to attempt to confirm.

Ms. Bredehoff: And just so I understand, what's the difference between donate and pledge in how you are interpreting this?

Mr. Dougherty: If this used the word pledge instead, I would have more assurance that this was intended to be, you know, a hard and fast promise that even could potentially be a legally binding promise.

Ms. Bredehoff: I'm going to show you what has been marked as defendant's Exhibit Number 2. Do you recognize this document, page 2632?

Mr. Dougherty: I do recognize this document.

Ms. Bredehoff: And what is your understanding of what this is?

Mr. Dougherty: This is the cover letter to which the check for \$100,000 was attached which related to Johnny Depp's contribution to the ACLU in the name of Amber Heard.

Ms. Bredehoff: Now, you've used the term binding a few times here in responding to these. What is your distinction with the words pledge and donate that relates specifically to binding?

Mr. Dougherty: A pledge is...if something is legally binding, it is a pledge, but it doesn't necessarily mean that everybody that uses the term pledge means something that's legally binding. Donated is a much, much broader term.

Ms. Bredehoff: And donate can mean pledge?

Mr. Dougherty: Yeah. I think that the word donate can be used in connection with a pledge.

Ms. Bredehoff: Do you have any understanding of what Amber Heard believed was a pledge versus a donation?

Mr. Dougherty: I don't know.

Ms. Bredehoff: Did the ACLU have any reason to believe that Amber Heard would not pay the ACLU \$3.5 million?

Mr. Dougherty: I think that everybody at the ACLU was hoping...The ACLU was hoping and expecting that the full \$3.5 million would be paid to the ACLU. The fact that the pledge form wasn't signed was, you know, cast some potential doubt on that. And then once Ms. Heard began having financial difficulties, we obviously recognized that that might impact whether the full \$3.5 million is paid or impact whether it's paid over a much longer period of time in some intermittent way.

Ms. Bredehoff: Do you have any evidence to suggest that Amber Heard still does not intend to pay the ACLU the full \$3.5 million?

Mr. Dougherty: Based on my investigation, I'm not aware of any indication that Ms. Heard has decided to no longer pay additional amounts to the ACLU.

Ms. Bredehoff: I'm going to ask you to bring up number 4, please. I'm going to ask you to take a look at this document and it starts out on the bottom with Amber on October 17, 2016 to ARP. Who's that?

Mr. Dougherty: That's Anthony Romero's private email, Anthony Romero Private.

Ms. Bredehoff: All right. And she's telling him to go ahead and it's all ready to cash Mr. Depp's check. Do you see that?

Mr. Dougherty: I do.

Ms. Bredehoff: And then Mr. Romero responds to her and says, "Thank you for the response. We will cash the check, but that means you have 'overpaid' for this year as you wired \$350,000 and then \$100,000 from Mr. Depp. So you can keep track that where you are on the overall amounts." Do you see that?

Mr. Dougherty: I do.

Ms. Bredehoff: I'm gonna show you what has been marked as defendant's Exhibit number 14 and it's Bates stamped ACLU2588 through 89. This is...And I realized there was a version of this that Mr. Chew showed you, but this includes an email from Mr. Romero to Jonathan Maresco and then Mr. Maresco to Mr. Romero with a copy to Mike Wier. And it says here, "Hi, Anthony. If you get a chance on Sunday, can you please check in with Amber on her next pledge payment? She has a balance of \$2.55 million on her \$350,000 ten-year pledge. Below is a summary of her other payments." Do you see that?

Mr. Dougherty: I do.

Ms. Bredehoff: Okay. And so this has the \$500,000, and then the \$350,000, and the \$100,000 on it, correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: Okay. And that was September 28, 2018. I'm gonna show you what has been marked as defendant's Exhibit number 15. It's Bates stamped 2595 and I'm gonna make it larger. And if I can show you, we have an email from Mr. Romero saying. "Is there anything I can do to help facilitate the pledge payment of \$350,000?" And it's dated November 27, 2018. Do you see that?

Mr. Dougherty: I do.

Ms. Bredehoff: All right. And then Amber comes back on 11:29 and says, "Hang on. I'll be right with you." Do you see that?

Mr. Dougherty: Correct. Yeah, I see it.

Ms. Bredehoff: Okay. And then the \$350,000 payment came in on December 11, 2018, correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: All right. And that made it the total of, what, \$1.3 million, we've decided, right? What was the total amount of the donations after 12/11/2018 that were made towards Ms. Heard's \$3.5-million pledge to ACLU?

Mr. Dougherty: \$1.3 million.

Ms. Bredehoff: All right. Now, if Ms. Heard had just given \$350,000 each year, what would the amount have been as of December 2018?

Mr. Dougherty: \$1.5 million...It would \$350,000, \$350,000, \$350,000. So that's nine...\$1,050,000.

Ms. Bredehoff: Okay. And so she was effectively \$250,000 ahead of that as of December 2018, correct?

Mr. Chew: Objection.

Ms. Bredehoff: After Mr. Depp filed suit against Amber Heard on March 1, 2019, what, if any, payments did Ms. Heard make to the ACLU towards her \$3.5 million pledge?

Mr. Dougherty: No additional payments.

Ms. Bredehoff: Now, this was also shown to you by Mr. Chew on one of his documents. It's ACLU Document 3037, 12/11/2018, "\$350,000 designation donation from Amber Heard, anonymous." Do you see that?

Mr. Dougherty: I do.

Ms. Bredehoff: Now, the ACLU continues to recognize Amber Heard as an ambassador for the ACLU. Is that correct?

Mr. Dougherty: We do and she continues to be listed on our website.

Ms. Bredehoff: Can a donor deduct a donation before they actually make the payment to the ACLU?

Mr. Dougherty: No. Yeah, a deduction cannot be taken prior to when the deduction is made. A deduction is taken with respect to a tax year. So the deduction would have to be made within a tax year in order for it to be deducted that year.

Ms. Bredehoff: Okay. Now, you also testified earlier about different sources of donations and you said that someone can make a donation in honor to fulfill someone else's pledge. Do you recall that testimony?

Mr. Dougherty: A person can make a donor in honor of someone else, and when I said in honor of a person, I was more referring to, you know, in memory of a person or in honor of, you know, a new executive director of an organization, people make donations in honor of them. But a person certainly can make a gift and say that, "I would like to make this gift to the organization because I know that this other person has committed something to the organization and I'd like to pay that amount." A person can do that.

Ms. Bredehoff: Now, was it your understanding with the letter from Mr. White that Mr. Depp was making a \$100,000 payment on behalf of Amber Heard towards her \$3.5 million pledge?

Mr. Dougherty: Yes, that that gift was in connection with the amounts that Amber had said that she wanted to contribute to the organization.

Ms. Bredehoff: All right. And it's been your testimony I think that there was an error in not including that in your Salesforce. Is that correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: Okay. Now, is it also your understanding that Elon Musk made the \$500,000 payment towards Amber Heard's \$3.5-million pledge.

Mr. Dougherty: Yes, we don't know that with absolute certainty, but that is our organization's understanding.

Ms. Bredehoff: Okay. And you credit it towards Ms. Heard's pledge, correct?

Mr. Dougherty: Yes.

Ms. Bredehoff: Does it matter to the ACLU where it comes from if it's tagged and said it's as part of this person's pledge?

Mr. Dougherty: We're always happy to receive funds from donors and if a donor is unable to make a contribution of an amount that they said they intended to make, if they're able to have someone else make a contribution to the organization, that's completely fine by us.

Ms. Bredehoff: It's still more money to ACLU, correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: And it's towards a pledge that you're hoping you can count on, correct?

Mr. Dougherty: Toward a pledge in the weak form of it, which is that somebody's making an intention. It would not be able to be unsatisfied in connection with a legally binding pledge.

Ms. Bredehoff: Well, you did credit the \$500,000 towards Amber Heard's pledge, correct?

Mr. Dougherty: Yes, we did.

Ms. Bredehoff: And although you didn't initially credit the \$100,000 by Mr. Depp towards her pledge, you agree that that should have been credited towards Amber Heard's pledge as well, correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: Now, we saw a document that Mr. Chew showed you a short while ago that indicated that Elon Musk made some other significant contributions including \$1 million and \$5 million that were separate and apart from the \$500,000, correct? Is that correct?

Mr. Dougherty: Correct.

Ms. Bredehoff: Now, Mr. Chew asked you if the ACLU benefited from the fact that Amber Heard pledged or donated the \$3.5 million and I think your answer was that you benefit, you know, whenever there's donations made, and the publicity associated with it. What if any benefit would the

ACLU have had if Amber Heard pledged or donated \$1.3 million as opposed to \$3.5 million?

Mr. Dougherty: If I understand your question correctly, I think that it is always a positive thing to report on donations made to the ACLU.

Ms. Bredehoff: Mr. Dougherty, you testified to a number of documents about the op-ed and the back-and-forths with the attorneys, and everything else. Are you aware of any evidence at any stage of the op-ed drafts through publication that Amber Heard did not rely on her counsel's advice?

Mr. Dougherty: From what I know, Ms. Heard involved her attorneys and made changes to the op-ed based on the advice of her attorneys.

Ms. Bredehoff: And so my question is are you aware of any evidence that would suggest that Amber Heard did not rely on the advice of her attorneys?

Mr. Dougherty: Based on my investigation, I'm not aware of a situation where she did not rely on her attorneys.

Ms. Bredehoff: Thank you. And I'm gonna make a reference to their Exhibit number 31. It's just called Exhibit 31 and Mr. Chew put it there. Jerry Johnson was writing an email and he listed a number of topics. Was it your understanding that the ACLU shows a number of those topics, of course, subject to Amber's approval, but it was their idea on some of these issues to address in the op-ed?

Mr. Dougherty: My understanding is that those were ACLU issues that Jerry Johnson came up with that might have been issues that could be covered in the op-ed.

Judge Azcarate: All right. I assume for your next witness is a remote witness, correct? And I assume it'll take longer than 30 minutes. Is that a fair assumption?

Ms. Lecaroz: Yes, that's right, Your Honor.

Mr. Moniz: Yeah. Yes, Your Honor. I think it'll take a little longer than 30.

Judge Azcarate: All right. I think what I'd propose, ladies and gentlemen, what I might have you do is take an extended lunch until 2:30 because I have an obligation at 2. So then what that means though that we would go through until 5:30 tonight. Is that agreeable with everybody on the jury? Is that agreeable with everybody here? All right, let's go ahead and do that. Then let's go ahead and give you a lunch break until 2:30.

Okay? Just do not discuss the case and do not do any outside research.
Okay? Thank you. All right. So we'll be in recess until 2. Okay?

Mr. Chew: Thank you, Your Honor.

Ms. Lecaroz: Thank you, Your Honor.

Judge Azcarate: All right, thank you.

Judge Azcarate: All right. Thank you, ladies and gentlemen. All right,
your next witness.

Mr. Dennison: Yes, Your Honor. Plaintiff calls Edward White.

Judge Azcarate: Okay. Thank you.

Mr. Dennison: Good afternoon, Mr. White.

Mr. White: Good afternoon, counselor.

Mr. Dennison: Will you state your name, full name for the record?

Mr. White: Yes. Edward White.

Mr. Dennison: Where do you reside?

Mr. White: Los Angeles, California.

Mr. Dennison: How are you employed?

Mr. White: Many years ago, I founded Edward White and Company,
Certified Public Accountants. And I am the managing and senior partner
of the firm.

Mr. Dennison: What is a certified public accounting firm?

Mr. White: A certified public accounting firm is authorized by particular
state, in my case, California, to audit financial information and to certify
the statements related thereto.

Mr. Dennison: What's the nature of the work that's done at Edward
White and Company?

Mr. White: It's diversified. It includes providing tax and related
compliance services that is to do the tax returns for the clients. That's
both fiduciary, corporate, individual as well as partnership work. We also
are involved in providing financial statements for financial institutions
and for governmental agencies. We in addition to that, have a business
management department and provide a wide variety of services in that
capacity.

Mr. Dennison: Are you the Edward White of Edward White and Company?

Mr. White: Yes, I am.

Mr. Dennison: Who do you employ?

Mr. White: We employ a very talented group of professionals that have really amazing credentials. They have graduate degrees from NYU and USC in business administration as well as taxation. Many of my colleagues have been with the firm for over 25 years. In one case, for 35 years. I'm very proud to be associated with this group of people.

Mr. Dennison: Who are your principal clients?

Mr. White: We represent approximately 100 high-net-worth individuals and the companies that they own and operate. In addition to that, we do work for governmental agencies, such as the Department of Justice, the State of Alaska, the State of California, and the City of Long Beach.

Mr. Dennison: What's your educational background?

Mr. White: I started my college career utilizing the GI Bill. I served four years in the air force and was fortunate enough to have that opportunity. My undergraduate degree was in business administration and I have a master's degree in business administration from the University of Southern California. After completing my graduate degree at USC, I studied several...I took several tax classes, corporate, fiduciary, estate, and gift, and subject matters such as that.

Mr. Dennison: Do you have any other experience with education?

Mr. White: Yes. I was a former professor of accounting and taxation at California State University located in Los Angeles, California.

Mr. Dennison: What kind of work do you personally do?

Mr. White: The work I do is primarily transaction-oriented, acquisitions of companies, dispositions if you're buying or selling a company, arranging financing with large financial institutions, consulting with clients where they feel it's appropriate for me to be involved, assisting my colleagues. As I mentioned to you, we have approximately 100 high-net-worth individual clients and there's always something that I can contribute to.

Mr. Dennison: Do you hold any certifications?

Mr. White: Yes. I'm certified in financial forensics by the American Institute of Certified Public Accountants. I'm also a member of the

American Institute of Certified Public Accounts and the California Society of Certified Public Accountants, and of course, I'm a certified public accountant.

Mr. Dennison: What are financial forensics?

Mr. White: That's an attempt to ascertain not only the facts, but what transpired as it relates to financial activity. So you do a study based upon financial records. You then look at contracts. You look at other financial information in an attempt to once again, not only ascertain what the results were, but what caused the results.

Mr. Dennison: Have you ever previously testified in court?

Mr. White: Yes. I've been accepted as an expert witness in both the California court and the federal courts. And I have testified in matters involving the Department of Justice and the FBI.

Mr. Dennison: Okay. Do you serve on any boards or have you served on any boards?

Mr. Rottenborn: Objection, relevance, Your Honor. This witness is not being proffered as an expert in this case, wasn't [crosstalk 02:35:09.305].

Judge Azcarate: All right. This is just a fact witness and not an expert witness.

Mr. Dennison: Fact witness goes to credibility.

Judge Azcarate: I'll sustain the objection. I think we can move on.

Mr. Dennison: Okay. Do you know Mr. Depp?

Mr. White: Yes, I do.

Mr. Dennison: How did you come to know Mr. Depp?

Mr. White: I met him because he was introduced to me by a senior executive at the Bank of California, Richard Smith.

Mr. Dennison: Do you work with Mr. Depp?

Mr. White: Yes, I do.

Mr. Dennison: In what capacity?

Mr. White: We are his business management firm.

Mr. Dennison: How long have you served in that capacity?

Mr. White: By approximately six years.

Mr. Dennison: What does that role involve?

Mr. White: Processing, managing his financial affairs. As you know, Mr. Depp is an amazing talent, internationally acclaimed for his work, but he relegated his financial activities to me and my colleagues. So we provide a wide variety of services for him.

Mr. Dennison: Do you do this kind of work for other people?

Mr. White: Yes, we do, numerous other clients.

Mr. Dennison: When did you first become involved with Mr. Depp?

Mr. White: Approximately six years ago after the introduction from Mr. Smith.

Mr. Dennison: What was the nature of the work that you were to perform for him?

Mr. White: Initially, it was to perform a forensic study, evaluate his financial affairs, and to formulate recommendations on how he could manage his affairs in a more advantageous manner.

Mr. Dennison: After you conducted that analysis, what did you do?

Mr. White: I met with Mr. Depp, the purpose of which was to share with him the results of our findings and to make recommendations in how he could resolve the issues he was confronting.

Mr. Dennison: When was that meeting?

Mr. White: That meeting was on April 21st, 2016.

Mr. Dennison: Who called the meeting?

Mr. White: I did. I called the meeting because I felt it was appropriate to meet with Mr. Depp and to discuss his affairs, and to provide him with opportunities, and plans, and strategies to resolve the issues he was confronting.

Mr. Dennison: Where was the meeting held?

Mr. White: It was held at his offices in Los Angeles, California.

Mr. Dennison: Do you know approximately what time it began?

Mr. White: It began at approximately 7:30 and my recollection is there were seven people in attendance, including Mr. Depp and myself.

Mr. Dennison: Was alcohol served at the meeting?

Mr. White: Not to my recollection. I don't recall any alcohol being consumed.

Mr. Dennison: Did Mr. Depp stay for the entirety of the meeting?

Mr. White: Oh, yes. He was very interested in the contents. He asked very thoughtful questions. He was fully engaged and fully sensitive to the matters that we were discussing.

Mr. Dennison: Did there come a time when Mr. Depp didn't participate in the meeting?

Mr. White: No, he was very actively involved. He did excuse himself on two or three occasions. It's my understanding that he was going to contact Ms. Heard and attempt to respond to her concerns, and also address the fact that this was an extremely important meeting and that involved his financial viability. And that he felt imperative to stay and address the issues I was discussing with him.

Mr. Dennison: When did the meeting conclude?

Mr. White: At approximately 9:30. So it went for approximately two hours.

Mr. Dennison: At the conclusion of the meeting, what did you observe as to Mr. Depp?

Mr. White: That he was fully engaged, once again. He thanked me profusely for not only addressing the problems, but he was excited about the fact that was a strategy and plan to resolve the problems.

Mr. Dennison: Did he appear impaired to you in any way?

Mr. White: No. To the contrary, I found him to be...

Judge Azcarate: I'm sorry, sir. There was an objection. All right, what was the objection? I'm sorry.

Mr. Rottenborn: Leading.

Judge Azcarate: Leading?

Mr. Dennison: Just...I've asked him for his observation as to impairment.

Judge Azcarate: Well, if you wanna ask. I can also sustain that objection, but you can ask another question.

Mr. Dennison: Did you make any observations as to Mr. Depp's potential impairment?

Mr. White: It was readily apparent to me that he was actively involved in the conversation. He asked very thoughtful and prudent questions. He was genuinely interested and, once again, when he left, he thanked me profusely for not only addressing the issues but formulating a strategy and plan to resolve them in a successful manner.

Mr. Dennison: Did you play any role on Mr. Depp's behalf with respect to the dissolution of his marriage to Ms. Heard?

Mr. White: Yes, I was actively involved in negotiations of the separation and the marriage dissolve.

Mr. Dennison: What role did you play in those negotiations?

Mr. White: Well, in my capacity as his business manager, I understood his financial capacity and the tax implications associated with it. So I was actively involved in addressing those issues as they were forthcoming from counsel.

Mr. Dennison: You mentioned tax implications. What are you talking about there?

Mr. White: Excuse me?

Mr. Dennison: I think you just mentioned tax implications. What are you talking about there?

Mr. White: Well, what I was talking about is that when Ms. Heard began the negotiations, she was asking for approximately \$4 million. That balance then was increased...

Mr. Rottenborn: Objection, Your Honor. Foundation, hearsay, lack of foundation, hearsay.

Mr. Dennison: These are requests made by Ms. Heard in our counsel in a conversation, in communications.

Judge Azcarate: You wanna approach for a minute?

Mr. Dennison: As a result of your involvement on behalf of Mr. Depp in the negotiation, what was your understanding of what Ms. Heard was looking for?

Mr. White: She initially was looking for a consideration of \$4 million, but the demand continually increased. It went from \$4 million to \$5 million,

then it went from \$5 million to \$5.5 million dollars, then it went to \$7 million. And then it was \$7 million and she required, demanded that Mr. Depp also pay \$500,000 to her attorneys. Then after that consideration, she also said that all the community liabilities that were accumulated during the course of the marriage, which approximately was \$13.5 million...

Mr. Rottenborn: Objection, Your Honor.

Judge Azcarate: Sorry. There's an objection, sir. Whenever there's an objection, I'm sorry, if you can't hear it, I'll let you know. Okay?

Mr. Rottenborn: Thank you, Your Honor.

Judge Azcarate: Yeah. No problem, sir.

Mr. Rottenborn: This just goes into his allegations of what she said which Your Honor just struck and sustained the objection on that. He has no foundation to suggest that. No knowledge of that.

Mr. Dennison: Your Honor, I understand that. I asked his understanding.

Judge Azcarate: All right. I'll overrule the objection. Go ahead.

Mr. White: May I continue?

Mr. Dennison: She'll tell you yes.

Judge Azcarate: Yes, go ahead. Yes.

Mr. White: Thank you, Your Honor.

Judge Azcarate: He learns very well.

Mr. White: So the next demand was that all the community liabilities that were unresolved, approximately \$13.5 million, that Mr. Depp had to pay those liabilities in its entirety. So at that point, she was demanding \$14,250,000 of consideration and then it got worse. The next demand was that all of this consideration be paid to her free of taxation and, counselor, for him to pay \$14,250,000 to Ms. Heard. That would require him to earn approximately \$30 million.

Mr. Rottenborn: Objection Your Honor. This is so far beyond the scope, so far beyond his foundation of what was discussed.

Judge Azcarate: All right, I'll sustain the last answer. All right, next question.

Mr. Dennison: Did you make a proposal as to how payments would be made to Ms. Heard?

Mr. White: Yes, I did and they were initially contemplated to be paid directly to the charities, the Children's Hospital of Los Angeles for the benefit of the children who required severe medical service, and to the ACLU. During the course of the negotiations, one of the demands because the contract changed was that the payments be made directly to Ms. Heard.

Mr. Dennison: Did you have any personal involvement with either the ACLU or the Children's Hospital?

Mr. White: Yes, I did.

Mr. Dennison: What was that?

Mr. White: Mr. Depp directed me to issue two \$100,000 checks directly to the Children's Hospital of Los Angeles. I knew that he was involved and supported their efforts, and appreciated his service. In addition to that, he directed me to contribute \$100,000 to ACLU. In accordance with his instructions, my colleagues drafted the checks, I executed them, and they were delivered to the two charities.

Mr. Dennison: Did you continue making payments to either of those charities on Ms. Heard's behalf?

Mr. White: No. In fact I was chastised for making the payments by Ms. Heard's counsel and told that the payments in the future had to go directly to her.

Mr. Rottenborn: Objection, Your Honor. This is clear hearsay. He's not answering the question. I would ask for you to instruct him to answer the question and not expound upon his...

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

Mr. Dennison: What role did you play with respect to the payments ultimately made to Ms. Heard?

Mr. White: We supplied the payments to Ms. Heard in accordance with the agreement, either on or before the date in which they were required to be paid. The first payments made to Ms. Heard was \$2 million in 2017, then in April of 2017, another payment of \$1 million made payable directly to Ms. Heard was made. And in August of 2017, another million dollars was paid directly to Ms. Heard. Then in November, \$500,000 was pay directly to Ms. Heard. My colleagues drafted those checks. I

executed them, they were delivered on a timely basis. Therefore, in 2017, she was paid \$4.5 million, directly paid to her. And on February 1 of 2018, she was paid the final installment of \$2.3 million for total payments that went directly to Ms. Heard of \$6.8 million.

Mr. Dennison: Do you know when this lawsuit was filed?

Mr. White: Yes, it was filed in March 1, 2019.

Mr. Dennison: Thank you. Were the payments that were made on Mr. Depp's behalf directly to Ms. Heard the only economic benefit she received?

Mr. Rottenborn: Objection, leading.

Judge Azcarate: I haven't heard...Go...I'll overrule the objection for as of now. Go ahead.

Mr. Dennison: Were the payments made to Ms. Heard the only economic benefits that she received from the settlement agreement?

Mr. White: No. As I shared with you earlier, Mr. Depp was required to pay \$500,000 to Ms. Heard's counsel, which he did in a timely respectful manner. He was also required to pay all the community liabilities which accumulated during their 15-month marriage. It was approximately \$13,500,000. So he paid all the community liabilities. She paid none of them. That's why you have to aggregate, the money that was paid directly to her, the money was paid to her, to the charities on her behalf, the money was paid to her attorneys, and the relief of all these liabilities that he had to satisfy. That's why I said to you, counselor, that the total consideration paid to her was \$14,250,000 and she demanded that that payment be made free of taxation, that Mr. Depp would have to satisfy all the tax liabilities.

Mr. Dennison: How long were they married for?

Mr. White: They were married for 15 months.

Mr. Dennison: Okay. Were the payments that went to Ms. Heard the only payments that you've made on Mr. Depp's behalf?

Mr. White: No. We satisfied all of his obligations. So it was very customary for us to pay everything that Mr. Depp was obligated to pay.

Mr. Dennison: Are you familiar with an entity known as Twenty Twenty Wine Merchants?

Mr. White: Yes, I am.

Mr. Dennison: Why are you familiar with it?

Mr. White: It's a prominent purveyor of wine in Los Angeles.

Mr. Rottenborn: Objection, Your Honor. Foundation, hearsay.

Judge Azcarate: I don't see that hearsay, but I don't...

Mr. Rottenborn: Foundation at this point.

Mr. Dennison: Can we approach?

Judge Azcarate: Sure, sure.

Mr. Dennison: All right. I think where we left off is I asked you how were you familiar with Twenty Twenty Wine Merchants and if that's not what I asked you, that's what I'm asking you now.

Mr. White: Twenty Twenty is a highly recognized purveyor of wine in Los Angeles along with other companies.

Mr. Dennison: What involvement, if any, did you have with Twenty Twenty?

Mr. White: I satisfied the liabilities that Mr. Depp incurred, which at the dissolve of their marriage was approximately \$160,000 dollars.

Mr. Dennison: Do you continue to pay Mr. Depp's wine bill?

Mr. White: Yes, I do, we pay all of his obligations, but his wine bill has shrunk to virtually zero because he does not consume that much in the way of wine. He's made a few gifts around Christmastime, but his wine bill has gone to virtually zero.

Mr. Dennison: Are you familiar with a Spanish wine known as Vega Sicilia?

Mr. White: Yes.

Mr. Dennison: How are you familiar with that?

Mr. White: I know that it is a very expensive wine and that I know that Ms. Heard enjoyed drinking the wine.

Mr. Dennison: How much does it cost?

Mr. White: The cost of the wine is approximately \$500 a bottle.

Mr. Dennison: Were you ultimately charged with paying for the wine that was served at the birthday party on April 21, 2016?

Mr. White: Yes, I was. We [crosstalk 02:50:00.010].

Mr. Rottenborn: Objection, foundation.

Judge Azcarate: Excuse me. I'll overrule the objection. That's fine.

Mr. Dennison: How many bottles of Vega Sicilia were served?

Mr. White: At Ms. Heard's request, she ordered five bottles of the wine and eight bottles of other wine. So a total of 13 bottles of wine.

Mr. Dennison: Thank you, Mr. White. I have no other questions at this time.

Judge Azcarate: All right, cross-examination.

Mr. Rottenborn: Thank you, Your Honor. Good afternoon, Mr. White.

Mr. White: Good afternoon, counselor.

Mr. Rottenborn: Your firm has been paid millions of dollars by Mr. Depp and his company since you were first retained in 2016, correct?

Mr. White: Correct.

Mr. Rottenborn: And in fact, you're being paid for the time that you're sitting on that witness stand today, aren't you?

Mr. White: No.

Mr. Rottenborn: Well, you charge the time that you spent in connection with legal proceedings in this case, correct?

Mr. White: That's correct, but I charge my time and it's the same time that I would charge...

Mr. Rottenborn: Yeah. You answer my question. So in fact you charge \$710 an hour for your time, don't you?

Mr. White: Counselor, if you let me complete my answer, I'd be happy to respond.

Mr. Rottenborn: No. Sir, please just...please try to stick to the question that I'm asking you. You've had your chance to go well beyond the question being asked, but if you could just please stick to the question I'm asking you, it would go a lot faster.

Judge Azcarate: I don't think your microphone was on there. It's not really badgering. It's not an objection, but...

Mr. Rottenborn: Yeah. Thank you, Your Honor.

Judge Azcarate: That's all right. So just if you could answer the question that's asked. Okay? Thank you, sir.

Mr. Rottenborn: Thank you, Your Honor. Let me start over, sir. You charge Mr. Depp \$710 an hour for the work that you do for him, don't you?

Mr. White: That is my standard rate for all clients, and yes, I do charge that rate to Mr. Depp.

Mr. Rottenborn: And you gave a deposition in this case, do you remember that, on or around February 2nd, 2022?

Mr. White: Yes.

Mr. Rottenborn: And that day you charged Mr. Depp \$710 an hour for the time that you spent giving testimony that day, didn't you?

Mr. White: Yes, I did.

Mr. Rottenborn: And you charge Mr. Depp seven \$710 an hour for anything that you do in connection with his account, don't you?

Mr. White: Yes, I do.

Mr. Rottenborn: You have about six people working on Mr. Depp's account, correct?

Mr. White: Yes.

Mr. Rottenborn: And whether through you or one of your colleagues, your main contact with Mr. Depp and his companies is his sister, Christi Dembrowski, correct?

Mr. White: No.

Mr. Rottenborn: Who is your main contact?

Mr. White: Mr. Depp.

Mr. Rottenborn: One of your colleagues maintains active communication with Christi Dembrowski, correct?

Mr. White: Could you ask the question again, counselor?

Mr. Rottenborn: One of your colleagues maintains active communication with Christi Dembrowski, correct?

Mr. White: No.

Mr. Rottenborn: Mr. White, I've handed you the transcript from your deposition that you gave in this case on February 2nd, 2022. You remember that? We did it over Zoom.

Mr. White: Yes, I do.

Mr. Rottenborn: Okay. And you swore to tell the truth in that deposition as best you can, correct?

Mr. White: Yes.

Mr. Rottenborn: Okay. Can you turn to page 116 of your deposition transcript?

Mr. White: Certainly. Did you say 16, counselor?

Mr. Rottenborn: 116, 116.

Mr. White: 116. Okay, I have it.

Mr. Rottenborn: And now, you just answered no to my question about your colleagues maintaining communication with Christi Dembrowski. But at your deposition just 2 months ago on line 11 of page 116, the question is, "What about Christi Dembrowski?" The answer that you gave is, "I do not. I haven't spoken to Christi in some time. One of my colleagues probably maintains an active basis of communications between her and our firm." Did I read that right?

Mr. White: Yes, but you need to define the term...

Mr. Rottenborn: That was my question is just if I read that right, sir. Now, part of the services that you provide, that your firm provides to Mr. Depp is to pay the bills to his doctors, correct?

Mr. White: Yes.

Mr. Rottenborn: And you make payments relating to maintenance or damages to his properties, correct?

Mr. White: Yes.

Mr. Rottenborn: Now, you were contacted in early 2016, right? You testified to that, to do work on behalf of Mr. Depp?

Mr. White: We were engaged in March of 2016 if that's your question.

Mr. Rottenborn: Engaged. Right, right. Around February 10th, is that when you were first contacted?

Mr. White: I do not recall the date.

Mr. Rottenborn: And you said you were introduced by executives, a guy named Richard Smith at the Bank of California.

Mr. White: Yes.

Mr. Rottenborn: Mr. Depp owed a significant amount of money to the Bank of California at that time, correct?

Mr. White: No.

Mr. Rottenborn: He owed money to the Bank of California, correct?

Mr. White: I do not recall that he had an active indebtedness with the Bank of California. He had other commercial loans, but not with the Bank of California.

Mr. Rottenborn: Okay. And after you were brought on, you developed an understanding that Mr. Depp's financial status was very challenging, correct?

Mr. White: It was challenging, but we had an ability to resolve the problems if they were properly addressed.

Mr. Rottenborn: He had liquidity problems, right?

Mr. White: He had substantial assets in excess of his liabilities, but he had short-term obligations he need to be satisfied.

Mr. Rottenborn: Let me just ask that again. At the time that you were brought on, he had liquidity problems, correct?

Mr. White: Can you define liquidity for me?

Mr. Rottenborn: I'm asking you, at the time he was brought on, he had liquidity problems. Correct?

Mr. White: I would defined the term liquidity as where the short-term assets are less than the short-term...excuse me, are less than short-term liabilities. And if that's how you define liquidity, I would agree.

Mr. Rottenborn: In layman's terms, terms that I can understand because I don't speak all the kind of business school terms that you speak, he didn't have enough money at the time. Correct? He was spending more than he was bringing in, correct?

Mr. White: Yes.

Mr. Rottenborn: Okay. And you gave him advice about how he could hopefully get out of that problem, correct?

Mr. White: Yes.

Mr. Rottenborn: Okay. And just to be clear, Mr. White, because you've testified to some degree of knowledge about wine that you alleged that Ms. Heard requested. So you seem to have some some knowledge of Mr. Depp's spending. Ms. Heard didn't...she didn't buy any of the dozens of properties that Mr. Depp owned, correct?

Mr. White: Correct. He owns the assets prior to their marriage.

Mr. Rottenborn: She didn't pay \$5 million to blast Hunter Thompson's ashes out of a cannon, did she?

Mr. White: Not to my knowledge.

Mr. Rottenborn: She didn't buy a yacht that she couldn't afford and then have to sell it to J.K. Rowling, did she?

Mr. White: Not to my knowledge.

Mr. Rottenborn: Now, let's talk about that meeting on April 21st, 2016. You said the meeting started about 7:30 p.m.?

Mr. White: Yes.

Mr. Rottenborn: And lasted until maybe 9:30. Is that right?

Mr. White: Yes.

Mr. Rottenborn: And you have no idea, no personal knowledge where Mr. Depp went after he left that meeting, do you?

Mr. White: That is correct. I did not go with him. I went home.

Mr. Rottenborn: And at that meeting, Mr. Depp was given some catastrophic news about his business, correct?

Mr. White: He was given news that he needed to address a number of financial issues, but I had a strategy and plan to fully resolve them.

Mr. Rottenborn: That news that he was given that night was catastrophic, wasn't it?

Mr. White: No.

Mr. Rottenborn: May I approach, Your honor?

Judge Azcarate: All right. Yes, sir. Thank you.

Mr. Rottenborn: Mr. White, let's do this again with another under oath series of statements. You gave testimony in the UK trial, did you not?

Mr. White: Yes.

Mr. Rottenborn: And that testimony was under oath, correct?

Mr. White: Yes.

Mr. Rottenborn: All right. And in front of you, I have your testimony from the UK trial and you gave that testimony on behalf of Mr. Depp, correct?

Mr. White: I gave it honestly.

Mr. Rottenborn: Okay. You gave it on behalf of Mr. Depp, correct? You were one of his witnesses called?

Mr. White: That is correct.

Mr. Rottenborn: Okay. Can you please turn to page 865? And it's just the second page of the document, upper left. Before that, the questions we're talking about this meeting on April 21st, 2016 and you were asked the question, question, "Now, Mr. Depp was given some catastrophic news about his business." Answer, "That is correct." Did I read that right?

Mr. White: You did, but remember...Can I get a chance to respond?

Mr. Rottenborn: No, that was my question. You answered my question, sir. You answered my question.

Mr. White: I did not define that part.

Judge Azcarate: Sir, you'll have a chance. The attorney will get back up and redirect you. Okay? So if you just answer his question, that's fine.

Mr. Rottenborn: And the reason I'm asking, sir, is because you just gave the exact opposite testimony here. So that's why we pointed that out. Now, you at this meeting, you had a discussion about his financial affairs and a necessity to formulate a revised business strategy and plan, correct?

Mr. White: Yes.

Mr. Rottenborn: And you talked about the following financial information. You talked about bank obligations and tax liabilities, right?

Mr. White: Yes.

Mr. Rottenborn: Which means money you owe to either the government or banks, correct?

Mr. White: Yes.

Mr. Rottenborn: You talked about assets that he needed to sell, correct?

Mr. White: Yes.

Mr. Rottenborn: Properties and things like that that he needed to sell to generate money?

Mr. White: Correct.

Mr. Rottenborn: You talked about ways to reduce spending, correct?

Mr. White: Yes.

Mr. Rottenborn: And you talked about how to get new engagements, correct?

Mr. White: Yes.

Mr. Rottenborn: How to get new gigs, right?

Mr. White: Not how to get them, but I encouraged him to get them. I'm not an agent. I'm not procuring his engagements.

Mr. Rottenborn: Understood. I appreciate that and understood. You talked about the need to get new gigs to generate additional money to help address these financial woes that he was experiencing, correct?

Mr. White: Yes.

Mr. Rottenborn: You also told him at that meeting that his taxes, he hadn't paid taxes in years, correct?

Mr. White: No, that's not correct. That he had not paid any taxes in years, that's not correct.

Mr. Rottenborn: That he was significantly delinquent in federal tax obligations dating back years, correct?

Mr. White: I don't know how you're defining years. There were delinquent liabilities. I addressed them and formulated a plan.

[03:01:15]

[silence]

[03:01:37]

Mr. Rottenborn: And you talked about the significant delinquent tax liabilities that would run into the millions of dollars for taxes unpaid, correct?

Mr. White: That is correct.

Mr. Rottenborn: And so after receiving this catastrophic news, as we discussed, you have no idea where Mr. Depp went when he walked out of the doors of his office, correct?

Mr. White: I do not know where he went.

Mr. Rottenborn: Okay. Can you pull up plaintiff's Exhibit 936, please? And Mr. White, I'm not gonna... This is a long document that we can scroll through, but what I'll represent to you, and Michelle can sort of scroll down, is that these appear to be Mr. Depp's tax returns for Mr. Depp and his companies from 2009 to 2019. Do you see that?

Mr. White: Yes.

Mr. Rottenborn: And these are returns. As part of your role as his CPA firm now, his business manager firm now, your firm prepares these tax returns, correct?

Mr. White: Yes.

Mr. Rottenborn: And you maintain these tax returns in the ordinary course of your business, correct?

Mr. White: That is correct.

Mr. Rottenborn: Your Honor, I know there's gonna be plenty of redaction to do, but I just would like to move these into evidence. I don't plan to publish them or anything at this point.

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: You wanna approach? Sure.

[03:03:28]

[silence]

[03:03:53]

So 936 will come into evidence, but I'll wait for redactions, and they will not be published. Okay?

Mr. Rottenborn: Thank you, Your Honor. Now, Mr. White, you understood that Mr. Depp showed up hours late for work on Pirates 5, correct?

Mr. White: That is not correct.

Mr. Rottenborn: Are you familiar with Tracey Jacobs?

Mr. White: Yes.

Mr. Rottenborn: That's Mr. Depp's former agent, correct?

Mr. White: Yes.

Mr. Rottenborn: And at the time that she was serving as his agent, part of her job responsibilities, to the best of your understanding, was to communicate with you about Mr. Depp's financial affairs, correct?

Mr. White: To the extent she had knowledge, yes, she would communicate.

Mr. Rottenborn: And you and she did communicate about Mr. Depp, correct?

Mr. White: During the period of engagement, yes, we did communicate.

Mr. Rottenborn: Okay. Can you pull up defendant's Exhibit 874, please, Michelle.

[03:05:07]

[silence]

[03:05:25]

Mr. White, do you see here this text exchange between you and Tracey Jacobs?

Mr. White: Yes.

Mr. Rottenborn: And your texts are in white and Ms. Jacobs are in blue, correct?

Mr. White: Yes.

Mr. Rottenborn: Michelle, could you please scroll to the document that is Bates stamped Depp19246? It's about the fifth or sixth line down, please.

[03:06:00]

[silence]

[03:06:18]

Mr. White, do you see here the third text down from Tracey Jacobs to you saying, "Thanks. I got a call from Disney last week saying he showed up five hours..."

Mr. Dennison: Objection, Your Honor. Hearsay.

Judge Azcarate: All right.

Mr. Rottenborn: It's not hearsay, it's party opponent. She's his agent with...I'm happy to approach if you'd like to discuss.

Judge Azcarate: If you want to approach, it's fine.

[03:06:38]

[silence]

[03:07:06]

No, just...

Mr. Rottenborn: Mr. White, we just saw the text that I started reading, do you remember that text?

Mr. White: Yes.

Mr. Rottenborn: Okay. We're just gonna show you and move for admission of that page of the document with that text. So I just wanted...Since you won't see anything else, I just wanted you to orient yourself that that is the text that we were just reading. Okay?

Mr. White: Fine. That page or that text?

Judge Azcarate: They gonna redact it to just that one text.

Mr. White: Thank you.

Mr. Rottenborn: Your Honor, I would move for admission of this document. I guess we could call it Defendant's 874A.

Judge Azcarate: Okay. 874A with the redactions. All right, thank you.

Mr. Rottenborn: Yes, Your Honor. Mr. White, you just testified a few minutes ago that you didn't have any understanding of Mr. Depp

showing up late for work on Pirates 5, but in fact, you received this text from Tracey Jacobs that says, "Thanks. I got a call from Disney last week saying he showed up five hours late for ADR work in London for Pirates 5. I really need to speak to him before he starts work on his next project in L.A." Did I read that right? Permission to publish this, Your Honor.

Judge Azcarate: Oh, yes. I'm sorry.

Mr. Rottenborn: Thank you.

Mr. White: Do you want me to respond?

Mr. Rottenborn: I just wanted to ask you if I read that right that you received this text message saying in part, "I got a call from Disney last week saying he showed up five hours late for ADR work in London for Pirates 5. I really need to speak to him before he starts work on this next project in L.A." Did I read that right?

Mr. White: I believe you read it right.

Mr. Rottenborn: Thank you. Now, at some point, you became familiar... You can go ahead and take that down. Thank you. At some point, you became familiar, as you've testified, with what Amber planned to do with money that she got from Mr. Depp in the divorce, correct?

Mr. White: It was the understanding from the beginning the money would be contributed to charities and a contract [crosstalk 03:09:26.439] in that manner.

Mr. Rottenborn: The two charities, to the Children's Hospital of L.A. and the ACLU, correct?

Mr. White: That is correct.

Mr. Rottenborn: And as we discussed, you wrote checks to those two organizations that were part of Mr. Depp's divorce payment, but they were just sent directly to those organizations. Correct?

Mr. White: Yes.

Mr. Rottenborn: Can you please pull up defendant's Exhibit 1639? Actually, let's do defendant's Exhibit...yeah, we'll do 1639. Thanks. Mr. White, this is a letter from you to the ACLU Foundation dated August 24th, 2016. Correct?

Mr. White: Yes.

Mr. Rottenborn: And as as part of your work for your hundred or so high profile, high-net-worth clients, you've helped clients set up pledged contributions to charities before, correct?

Mr. White: Yes.

Mr. Rottenborn: And sometimes those payments are made over a period of time, correct?

Mr. White: Yes.

Mr. Rottenborn: Charitable donations aren't always paid at once, correct?

Mr. White: That is correct.

Mr. Rottenborn: And when you make payments on behalf of your clients to charities, is it customary for you to send a cover letter like this?

Mr. White: In some instances, yes. In some instances, no. But in all instances that there is a signed agreement and an understanding of when the payments would be made.

Mr. Rottenborn: So that wasn't my question. My question was just is it customary for you to send a letter like this, and I think you've answered that. And so when you send letters like this on behalf of your clients, do you prepare such letters in the ordinary course of your business?

Mr. White: In some instances, yes.

Mr. Rottenborn: And in the instances in which you prepare those letters, do you then maintain those letters in the ordinary course of your business?

Mr. White: Yes.

Mr. Rottenborn: Your Honor, I'd move for admission of defendant's Exhibit 1639.

Judge Azcarate: All right, any objection?

Mr. Dennison: No.

Judge Azcarate: All right, 1639 in evidence and you can publish it to the jury. Thank you.

Mr. Rottenborn: And Michelle, if you could please just scroll through. Mr. White, I just want you to see there's the letter here. We'll come back to

the letter and then there's the check that you're making out to the ACLU. Then there's, I guess, the envelope or something, right?

Mr. White: Correct.

Mr. Rottenborn: Okay. You can go back to the letter, please. So in this cover letter, you tell the ACLU that you're enclosing a check for a \$100,000 and that the donation is being made in accordance with Ms. Heard's pledged gift of \$3.5 million to the ACLU Foundation, correct?

Mr. White: Yes.

Mr. Rottenborn: And you also write that the check represents the first of multiple scheduled installments, correct?

Mr. White: It was my understanding that she was going to contribute \$3,500,000...

Mr. Rottenborn: I'm just asking if that's what you wrote. I'm just asking if that's what you wrote, sir.

Mr. White: You've asked me a question. I'm trying to respond.

Mr. Rottenborn: No, I was actually just asking if that's what you wrote.

Mr. White: Would you ask the question again, please?

Mr. Rottenborn: Yeah. You write, "This check represents the first of multiple scheduled installments to honor the full amount of Ms. Heard's \$3.5 million pledge gift."

Mr. White: It was my understanding she was going to contribute the money and that's [crosstalk 03:12:53.414].

Mr. Rottenborn: Okay. Sir, I just asked if that's what you wrote. I think you've answered that. Can we please pull up Exhibit 1596?

Mr. Dennison: Your Honor, before we go to the next exhibit, can I raise an issue to the bar?

Judge Azcarate: Okay, sure. 15...

Mr. Dennison: Thank you.

Mr. Rottenborn: Mr. White, is this a letter similar to what we just looked at for the ACLU, a letter that you wrote that accompanied the check that you sent to the Children's Hospital of Los Angeles Foundation?

Mr. White: Yes.

Mr. Rottenborn: And this letter and whatever payment or...Sorry. This letter is one that you would have prepared in the ordinary course of business, correct?

Mr. White: Yes.

Mr. Rottenborn: And you would have maintained this letter in the ordinary course of business, correct?

Mr. White: Yes.

Mr. Rottenborn: Your Honor, I'd move for the admission of Exhibit 1596.

Judge Azcarate: All right, 1596 in evidence. You can publish it to the jury.

Mr. Rottenborn: And, Mr. White, this letter also says at the bottom that it represents the check that accompanies this letter, represents the first of multiple scheduled installments to honor the full amount of Ms. Heard's \$3.5 million pledged gift, correct?

Mr. White: When I composed the letter, that was my understanding that she was going to give \$3.5 million to charity.

Mr. Rottenborn: Sir, sir, you're really not answering my question. My question was simply...I understand that you wanna speak your own narrative here, but my question was simply that this letter says that this check represents the first of multiple scheduled installments to honor the full amount of Ms. Heard's \$3.5 million pledge gift, correct?

Mr. White: We can both read the letter. The answer is yes.

Mr. Rottenborn: Thank you, sir. Now, you hosted a dinner with Mr. Depp and Adam Waldman in 2016, correct?

Mr. White: I do recall that.

Mr. Rottenborn: And that was the first time that Mr. Depp had been introduced to Mr. Waldman, correct?

Mr. White: I do not know that to be factual.

Mr. Rottenborn: Now, you are not an expert on California divorce law, right?

Mr. White: Correct.

Mr. Rottenborn: And you're not an expert on the division of marital property in California, correct?

Mr. White: I'm not an expert, but I've been actively involved in numerous cases involving the disillusionment of marriage and the related proceeds that are distributed to each respected party.

Mr. Rottenborn: Now, you can't give any sort of legal opinion or testimony as to whether or not Ms. Heard would have been entitled to more in the divorce settlement with Mr. Depp than she received, correct?

Mr. White: I'm not an attorney at law. I don't have legal opinions.

Mr. Rottenborn: So you've never met Amber Heard, correct?

Mr. White: That is correct.

Mr. Rottenborn: The first time you've ever seen her in person is here in this courtroom this afternoon, correct?

Mr. White: That's my recollection.

Mr. Rottenborn: And you have no personal knowledge of whether Mr. Depp engaged in domestic abuse against my client, correct?

Mr. White: I've never witnessed him involved in any abuse and, obviously, I have never met her. I could not respond to that inquiry.

Mr. Rottenborn: So the answer to my question is that it's correct that you have no personal knowledge of whether Mr. Depp engaged in domestic abuse against Amber Heard?

Mr. White: That is correct. I have no knowledge.

Mr. Rottenborn: Nothing further.

Judge Azcarate: All right, redirect. Mr. Dennison.

Mr. Dennison: Can we pull up defendant's 1596? Sir, could you read the last line of your letter?

Mr. White: This check represents the first of multiple scheduled installments to honor the full amount of Ms. Heard's \$3.5 million pledged gift.

Mr. Dennison: What was the schedule for those payments?

Mr. White: They were scheduled...I don't know the schedule because I don't have a copy of any pledge that she made, if that's your question.

Mr. Dennison: Okay, thank you very much. One more question. Has Mr. Depp paid all his taxes?

Mr. White: Yes, he has. He's fully current with all of his federal, foreign, and state tax obligations.

Mr. Dennison: Thank you.

Judge Azcarate: All right. No further questions, Mr. Dennison?

Mr. Dennison: No further questions.

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

Mr. Dennison: No.

Judge Azcarate: No?

Mr. Rottenborn: No, Your Honor.

Judge Azcarate: All right. Mr. White, you're free to go. Thank you, sir. Just be very careful stepping down there. Okay?

Mr. White: Thank you, Your Honor.

Judge Azcarate: Thank you. Have a good day. All right. Your next witness is remote witness, correct?

Mr. Chew: Yes.

Judge Azcarate: All right, let me just give him [inaudible 03:18:11]. Wait a moment.

Mr. Rottenborn: Your Honor, may we just ask what witness they plan to call?

Judge Azcarate: I see a Mr. Connolly in the lobby. So I'm assuming that must be...

Mr. Rottenborn: Thank you.

Judge Azcarate: That must be the one.

Mr. Moniz: That's correct, Your Honor. Malcolm Connolly [inaudible 03:18:26].

Judge Azcarate: Okay, good, good. I'm glad we got that one. All right. All right. Mr. Connolly, can you hear me?

Mr. Connolly: Hello.

Judge Azcarate: Yes, sir.

Mr. Connolly: Yes, hi. Yeah.

Judge Azcarate: Can you turn your camera on, sir?

Mr. Connolly: [inaudible 03:18:58] Okay, there we go.

Judge Azcarate: All right, sir, if you could raise your right hand. Do you swear or affirm to tell the truth under penalty of law?

Mr. Connolly: I do.

Judge Azcarate: All right.

Mr. Moniz: All right. And good afternoon, Mr. Connolly.

Mr. Connolly: Good afternoon.

Mr. Moniz: And would you please state your full name for the record?

Mr. Connolly: Malcolm Connolly.

Mr. Moniz: And Mr. Connolly, where are you testifying from at the moment?

Mr. Connolly: From home. Essex, UK.

Mr. Moniz: And where do you live?

Mr. Connolly: I live in Essex, UK.

Mr. Moniz: Mr. Connolly, what is your occupation?

Mr. Connolly: At present, close protection operative. I've had a couple of professions. I'm a bricklayer by trade. I was in the corrections facility, Pentonville HMS Prison, but right now, yeah, I'm a protection operative.

Mr. Moniz: Okay. And can you tell us a little bit just generally what that means?

Mr. Connolly: That means looking after the personal well-being, the physical well-being of any client we're detailed to.

Mr. Moniz: And how long have you been in the personal security business?

Mr. Connolly: Twenty-five years.

Mr. Moniz: Over the course of those 25 years, have you had any other kinds of jobs?

Mr. Connolly: Yeah. As I said, I was a corrections officer for Her Majesty's Prison.

Mr. Moniz: Are you familiar with the plaintiff in this case, Johnny Depp?

Mr. Connolly: I am. Yes.

Mr. Moniz: And how do you know Mr. Depp?

Mr. Connolly: I know Mr. Depp...maybe about 23 years ago, 24 years ago, I worked for a company called Music and Arts, the guy who own that company was Jerry Judge. Jerry started working with Johnny way back in the early days and I was detailed looking after Johnny's ex, Vanessa Paradis, and Jack, and Lily-Rose, Johnny's kids. And my job is just to make sure they were safe when Johnny was at work. So that job, after about a year-and-a-half, two years, Johnny asked me to go over him directly and we'll find someone else to do the kids. And that's how I came across Johnny. So that's how I personally met Johnny Depp.

Mr. Moniz: Can you ballpark for us about what year that was?

Mr. Connolly: Oh, 2006.

Mr. Moniz: Okay. And can you generally just tell us a little bit about what you do for Mr. Depp as his security guard?

Mr. Connolly: I will escort Johnny to everyday public places, make sure he's okay, make sure, you know, he's not in any danger. First of all, do the rec-y, you know, you go along first. There's usually a two-man team, it's a two-man detail. You go along, do your rec-y, make sure all the ins and outs are sorted, no compromises, any risks involved, do risk assessment. We do the job. I look after him...basically, I look after Johnny whenever we're in public domain. Whenever we're gonna be in a public domain, I look after Johnny.

Mr. Moniz: Okay. And how about the defendant in this case, Amber Heard? Are you familiar with Ms. Heard?

Mr. Connolly: I am familiar with Ms. Heard. Yeah. I first met Ms. Heard in probably 2000...I don't recall exactly the actual date. Probably about 2010, maybe around there. She came into the UK to do a promotional job for a movie called "Drive Angry." My boss, Jerry Judge, asked me to take the detail. Went and met Amber. Started the job. Amber was with her ex, Tasya, and I looked after Amber for a week, pleasant week. It was fine, good. And...

Mr. Moniz: Does anything...?

Mr. Connolly: Sorry. Yeah. After that week, I never seen Amber again until we did "The Rum Diary," the premier, after show of "The Rum Diary."

Mr. Moniz: Okay. So let's move to "The Rum Diary" then. When did you see Ms. Heard...well, how did you see Ms. Heard in connection with "The Rum Diary?"

Mr. Connolly: We done "The Rum Diary" premiere. We went to the after show party, you know. I'm busy working doing my job, myself and Jerry Judge. I've seen Amber across the floor, Amber seen me. Just basically come across the floor said, "Hello. How are you doing?" You know, your usual chitchat. We're chitchatting for a minute or two. Johnny asked me how I actually knew Amber. I explained. That's the last I spoke Amber that night. I was too busy doing my job, you know.

Mr. Moniz: Did you know at the time and...Well, let's back up for a second. Where was that premiere?

Mr. Connolly: Do you know what? I don't recall. I think it was in L.A. I don't actually recall.

Mr. Moniz: Okay. Did you know at the time of that premiere in probably L.A., but possibly somewhere else, did you know at the time that Mr. Depp and Ms. Heard were seeing each other romantically?

Mr. Connolly: No, I didn't. I actually didn't. I mean, I surmised that there was a spark there, you know. It wasn't until maybe a few days later, a few nights later, we were at a dinner party somewhere, or a promotional thing, and Amber and Johnny were basically, you know, sparking up, they were getting together. Then I assumed that, you know, there was a romance happening there, budding there, you know.

Mr. Moniz: Okay. Over the course of Mr. Depp and Ms. Heard's relationship with each other, about how often would you say you saw them together?

Mr. Connolly: Well, in the beginning, actually not a lot, you know, not a lot. Maybe once a week, twice a week at first, but then it started...well, it started maturing into something in their relationship. So more often, more often as the time went on, you know.

Mr. Moniz: And just as time went on, did you have an opportunity to observe how Mr. Depp and Ms. Heard interacted with each other?

Mr. Connolly: At the beginning, oh, you know, lovey-dovey, everything was great. The honeymoon period was on and, yeah, it was good. I

mean, it was great to see Johnny happy again. Amber was, you know, lovely, charming as she usually is, you know, good as gold. And then, you know, things started to change. Amber started to change. Amber started getting a bit...I would say a bit more feisty, demanding, you know. I could see that Amber wanted to wear the pants in this relationship. That was pretty obvious.

Mr. Moniz: And what, in particular, made you think that, that you observed personally?

Mr. Connolly: Just the way, you know, if something wasn't quite right or...Amber could get a bit frosty at the drop of a hat. So as time went on, you know, I could see them change. I could see Amber change. I could see Johnny getting quieter. We get into the car and nobody was speaking. And, you know, things started changing, changing. Amber started getting a bit more grumpy if I'll say.

Mr. Moniz: How did she get along with you?

Mr. Connolly: Absolutely fine. Amber was fine with me. Amber was never anything but professional, polite with me, you know. She was...No, Amber was fine with me.

Mr. Moniz: Did you ever see or hear any arguments between Mr. Depp and Ms. Heard?

Mr. Connolly: When you say see, I heard. I mean, I could hear at times in certain accommodations we'd be staying at, I could hear Amber, yeah, screaming, you know. I could hear shouting and bawling, and yeah, I could hear it going on. Yeah. But I mean, I wasn't there every single night. When we were working in the UK, there's nights maybe I'd get home because Jerry would be there. But yeah, yeah, I did hear. Yeah, definitely, for a fact, I could hear sometimes the shouting and bawling, you know. Mostly I could hear Amber screaming, you know.

Mr. Moniz: About how...I recognize this was years ago, but can you estimate for us how regularly that happened?

Mr. Connolly: I can't say regularly. I can't say it was like every day, but, you know, it get more regular. It got more often than not.

Mr. Moniz: Did you ever witness any physical violence between the two of them?

Mr. Connolly: No, no, never. I'd never seen any physical violence. It's not a thing people would do in front of security. It's not a thing that would happen in front of myself or Jerry Judge, or Sean Bett [SP]. It just

wouldn't happen, it wouldn't happen. No, I never seen any physical security. I've never seen any hands on. No.

Mr. Moniz: Okay. What do you mean you never saw any hands on?

Mr. Connolly: Well, I never seen any slapping, or grabbing, or punching, or hitting. I've never seen any of that physically. Well, I'll tell you what, there was an incident, maybe two incidents that come in my mind. One incident was on a private plane. I can't recall if it was a domestic flight or an international flight. I'm sitting...Johnny and Amber, Johnny, whoever he's flying with, will sit up at the four table. [inaudible 03:30:18] and myself, and my colleagues will sit down the further end of the plane. So I usually look up the fuselage that way with my back to the noise. Amber had her back to me. Johnny's sitting across the table and there was a bit of bickering going on. I cannot hear because, you know, you're talking about jetcraft. I can't actually hear and it's more animated than verbal. And I see a lighter, a plastic lighter bounce off his chest, boom, bounce, you know, bounce off his chest. So right away I think, "Well, this is going to escalate. It's either gonna go one way or the other." I don't think it came to much. I remember Johnny just smirking and looking away as if to say, "Well, is that it?" kind of attitude. And Johnny touched his hat and puts his head against the window. And, "Whoa, I'm out," you know.

Another time, I was at the loft apartment. I was in the security room in the loft apartments with a security guard called...Do you know what? I can't recall if it was Sean Bett or a guy called Donovan. Anyway, I got a text. I was gonna go and pick him up to go to the West Hollywood accommodation and I got a text...

Mr. Nadelhaft: Objection, to the extent he's gonna talk about what the text is, that's hearsay.

Mr. Moniz: You can just tell us what you observed without looking at that, without recounting the contents of the text.

Mr. Connolly: Okay, okay. I'm instructed to go and get Johnny and because we're leaving.

Mr. Nadelhaft: Objection, he just said what he was instructed to do that way.

Judge Azcarate: All right. I'll sustain the objection. If you can...

Mr. Moniz: What did you do after you received the text?

Mr. Connolly: I go to the loft apartment. The door's ajar slightly, just a crack in the door. Push the door open and I go in. There's a bit of

shouting going on. I can't really...I can't hear as I'm in the wrong area of the apartment, but as I turn to the left more to the lounge area, there's a soda can. Like, I don't know if it was a Coca-Cola or a Sprite. I don't know what it was, but it's launched from the mezzanine. And Johnny had this huge TV, the biggest TV I've ever seen in this life, but it's on this mechanical arm which is an actual piece of artwork that Johnny had got commissioned. And anyway, this big mechanical arm holds this TV. So this kind of pop, I'm gonna call it pop, smashes on that by force, let me add, because there's a bang, boom. And all I can hear is it spraying all over the place. Johnny has already got his jacket on and a bag over his shoulder. That's why he's called me in because we're leaving. I just pick up the other bags, two bags, pick up the two bags, put my hand through Johnny's arm. I say, "Boss, we're leaving." We walk out the door. We walk out the door and we go. Halfway to the West Hollywood, Johnny's already calmed down, you know. He's like, "Man, [crosstalk 03:33:43.449]..."

Mr. Nadelhaft: Objection to the extent he's talking about what Mr. Depp is saying.

Judge Azcarate: All right, I'll sustain the objection. Go ahead and continue.

Mr. Moniz: If you have...I think we can move on.

Judge Azcarate: All right, next question.

Mr. Moniz: Just to clarify, Mr. Connolly, when the soda can was launched from the mezzanine, where was Mr. Depp in relation to where the soda can landed?

Mr. Connolly: Probably 10 feet back from that, 10 feet back from that.

Mr. Moniz: Okay. And just to make sure we're on the same page, when you refer to the loft apartments, what are you referring to?

Mr. Connolly: The downtown L.A. Eastern Building.

Mr. Moniz: Okay. What was your...Did you form any understanding as to who had thrown the soda can?

Mr. Nadelhaft: Objection, speculation.

Mr. Connolly: Well, you know...

Judge Azcarate: Hold on, sir.

Mr. Nadelhaft: Speculation, foundation.

Mr. Moniz: I'm just asking if he formed an understanding and he can state the basis for that if he did.

Judge Azcarate: If you wanna lay a foundation.

Mr. Moniz: To your knowledge, was Ms. Heard present in the apartment at the time?

Mr. Nadelhaft: Objection, leading.

Mr. Connolly: Yes.

Judge Azcarate: I'll allow it.

Mr. Connolly: Yeah. I never seen her physically, but I could hear her voice. Yes.

Mr. Moniz: And could you tell where her voice was coming from?

Mr. Connolly: Upstairs, just upstairs. She wasn't on the lower apartment with us. So I can only imagine she was upstairs.

Mr. Moniz: Other than the cigarette lighter and the soda can, anything else similar to that that you observed?

Mr. Connolly: No, no. I can't say. No, no.

Mr. Moniz: Did you ever observe any physical injuries on Ms. Heard?

Mr. Connolly: Never. No.

Mr. Moniz: How about on Mr. Depp?

Mr. Connolly: Yeah. Yes, yes. It started off with maybe a scratch once in a while or, you know, a swelling, but it got more, it got more. Yeah. I'm not talking he was marked every week or every two weeks, but yeah, he sustained marks there. Definitely. He was getting marked.

Mr. Moniz: And can you describe for us what you can remember?

Mr. Connolly: Yeah.

Mr. Nadelhaft: Objection, Your Honor. Can we approach for a minute?

Judge Azcarate: Okay, all right. Hold on, Mr. Connolly, for a minute.

Mr. Moniz: So Mr. Connolly, you can continue responding. I think the question was just can you generally describe for us what you remember about the marks you saw on Mr. Depp?

Mr. Connolly: Yes. As I was saying, in the prison service you're taught to pick up, log in your mind, mental logging in your mind marks, bruises, bully patterns, stuff. What I noticed right away was most of these marks and most of these things through my training, that's happening in the left-hand side of his face and it would be scratches on his neck, maybe a fat lip in the corner, maybe a bruising on the eye socket. Dull impacts, you know, except for, obviously, the scratches maybe on his left ear. Sometimes it'd be two marks, two lines, two [inaudible 03:37:29], one...Yeah, you know, yeah. And it was getting more regular. As I say, not every week, but it was definitely happening. Yeah.

Mr. Moniz: Can we see plaintiff's Exhibit 162, please? And Mr. Connolly, are you able to see the picture on...I assume you can see it on your screen.

Mr. Connolly: Yeah. Just a second, please. Yeah, yeah.

Mr. Moniz: And do you...

Mr. Connolly: Yeah, I know that picture. I took that picture.

Mr. Moniz: You took that...

Mr. Connolly: That picture is on the...Yeah, I took the picture.

Mr. Moniz: Can you just quickly tell us what this picture is?

Mr. Connolly: This picture is Ms. Heard and Johnny's honeymoon on the Oriental Express on the east lane from Bangkok to Singapore. You travel through Malaysia, stop in Kuala Lumpur and a few other places on the way down. And that is in the dining coach, I think. Yeah, dining coach, that's where that is. The guy on the left there with a silver band around his...he's the waiter. He's the waiter detailed to look after us. The guy in the bow tie, he's the guest relations manager.

Mr. Moniz: Mr. Connolly, just hold on one second before we continue describing the document. I move for the admission of plaintiff's trial Exhibit 162 and that it be published to the jury.

Judge Azcarate: Any objection?

Mr. Nadelhaft: I'd like to approach, Your Honor.

Mr. Moniz: All right. And Mr. Connolly, I apologize for cutting you off, but could you just continue to describe for us what we're looking at in this picture?

Mr. Connolly: Yeah. As I said the guy in the bow tie, he's the guest relations manager. He was detailed to, you know, fix us up, anything we needed, you know, to excursions and transports, and stuff. Then it's Ms. Heard. The guy, that's the chef. He looked after us. He cooked for us. He's a great chef, by the way. Yeah, he looked after us. And that's Johnny. And I also noticed, if you look at that picture, like I said, on the left-hand side under his eye, there's a swelling. And you see a swelling just on the left-hand side of his nose and under his left eye.

Mr. Moniz: And what do you interpret that swelling to be?

Mr. Connolly: What do I interpret it as? That's either he's walked into a door or a door's walked into him.

Mr. Moniz: Okay. Can you tell us anything...And we can take this down, I think. Thank you. Mr. Connolly, can you tell us...Well, first of all, do you recall what year Mr. Depp and Ms. Heard went on their honeymoon in the picture we were just looking at?

Mr. Connolly: That would...I don't know, 2015? 2015.

Mr. Moniz: Okay. And were you...well, you testified that you took the picture. So you were there, I assume.

Mr. Connolly: Absolutely, yes.

Mr. Moniz: What can you tell us about that trip, generally, and particularly focused on how Mr. Depp and Ms. Heard were interacting with each other?

Mr. Connolly: It started off good. It started off good. Johnny's cabin was maybe 15 meters down the corridor from mine. There was no cabins in between. There was, like, store rooms, like, you know, blankets and cutlery and stuff. So the cabin was quite...not a big massive distance, but, you know, it wasn't like...This trip started fine, absolutely fine. I think it was five, six days, five days maybe. Two days, three days into the trip, I can see Johnny going down. I can see him coming down, you know. He's just not enjoying this. He's not enjoying this, but, you know, I can't...It's not my business to step in in that. I just do my job, but I can see he's not enjoying this. Like, he's not happy, he's not happy.

Mr. Moniz: Did you ever observe any arguments between Mr. Depp and Ms. Heard in this timeframe?

Mr. Connolly: Just, not arguments, but some frostiness. Ms. Heard started demanding that, you know, to have our own dining car if you like. So me doing my job, I inquire to the guest relations guy there that you've

seen in the photograph and he quite rightly tells me that, you know, there's other VIPs on the train [crosstalk 03:42:36.013]...

Mr. Rottenborn: Objection, hearsay. Objection, hearsay.

Judge Azcarate: All right, objection to hearsay. All right.

Mr. Moniz: I think we can move on.

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

Mr. Moniz: All right. So Mr. Connolly, well, taking a step back for a minute and changing topics slightly, have you ever seen Mr. Depp use any drugs?

Mr. Nadelhaft: Objection.

Mr. Connolly: I don't think...

Judge Azcarate: I'll allow it. Go ahead.

Mr. Connolly: Yes, I've seen him smoke marijuana. I have my suspicions that when he goes off to the bathroom, he probably does a bit of cocaine. I've never seen him do it. Mr. Depp would never do a line or anything like cocaine in front of me, or Jerry Judge, or Sean Bett, or anybody. Johnny Depp would never compromise my license, my position, and embarrass me like that. It wouldn't happen. So to answer to your question, I've seen him smoke weed, yes.

Mr. Moniz: Did you notice any particular...What changes, if any, have you noticed in his behavior when he's under the influence of marijuana?

Mr. Connolly: To be honest, a bit more relaxed, not so uptight, but I mean, he's not out of his head. He's perfectly functioning. I mean, you can talk about anything, any conversation you want to talk about. He's neither up nor down with that, you know. He really isn't. He has a very high tolerance for any substance, Johnny, you know. I would say so, you know. I think Jack Sparrow is more drunk than Johnny Depp.

Mr. Moniz: So, okay. So that's marijuana. What about alcohol? Same question.

Mr. Connolly: Well, he used to like the wine. I would say the last couple years, that's dropped drastically as well. I'd say, in my last year with Johnny, it's quite actually rare now. It's not rare, but he's not boozing though, he's not boozing, you know, he's not. And he was never out of his head anyway. He was never...You know, I think I've seen Johnny...In the 20-odd years I've been with Johnny, I think I've seen him drunk

twice. But when I say drunk, I mean, drunk. Other than that, there's not a lot of difference in Johnny's demeanor of behavior when he's drinking alcohol or smoking weed, you know.

Mr. Moniz: Okay. And finally, same question for the time periods when you formed the suspicion that he was under the influence of cocaine.

Mr. Connolly: Sorry, what was that? Sorry. Could you ask me that again?

Mr. Moniz: What changes in his behavior, if any, did you observe on those occasions when you suspected, but didn't know for sure that he was under the influence of cocaine?

Mr. Connolly: Well, again, due to the training I had in, you know, the HMP prison service, he just seemed a bit more, I don't know, happier. Not so down, you know. But I wouldn't say he's not leaping around, kicking his heels or anything, you know. He picks his guitar up and then he gets right into his guitar. There's no major changes really, you know. It's just he's fine, you know.

Mr. Moniz: Okay. Now, you mentioned you traveled with Mr. Depp and Ms. Heard on their honeymoon on the Orient Express. Where else have you traveled with them?

Mr. Connolly: All over the world. Japan, China, Germany. I've been all over the States. I went to [inaudible 03:46:46] Hicksville. That's an interesting story. Yeah, all over the world. Australia, I went to Australia, as far away is that.

Mr. Moniz: And let's take that one at a time. Hicksville, you said?

Mr. Connolly: Yeah, Hicksville. Yeah. It's a funky...I remember Hicksville because it's a real funky place, you know, with Amber and Johnny. They decided they wanna go to Hicksville for a day and a night, I think it was. So we are off the chart. Amber would, and her friends, all head off, and...Well, Amber traveled with Johnny, but her friends all head off. I followed. Johnny wanted to drive his own beautiful big customized Plymouth, I think. It's a '58 or '50. I don't know. I'm not an expert, but he had it customized. So he wanted to drive this car. Myself and his assistant, I would say, Nathan Holmes, we used another Johnny's cars and we follow behind. We go to Joshua Tree, Hicksville. Stunning as you can imagine, but it's a done in a very funky theme. All the caravans are different themes, you know. Like, mine was an old [inaudible 03:48:19] with, you know, the old, you know, fairground fortuneteller head that comes around and stuff. Johnny's and Amber's caravan were maybe about 15 meters from mine, maybe 20 meters, and that was done in like,

the 1950s styles, you know, like kitschy 1950s kind of thing. And the rest of the caravans were all, you know, zombies coming out the ground and [inaudible 03:48:48].

Anyway, we go there. There's a lot of booze, a lot of booze comes up. Party starts. We're sitting around in the sun messing around, the party starts. So there's lots of booze and weed, and I think there's mushrooms, some psychedelic mushrooms that's going around. But the night gets a bit ruined as I'm watching exactly what's all happening. Everybody's happy, you know. Johnny and Amber, everybody's happy. As I'm watching what's happening, I can see Johnny and Amber getting a bit animated. And they were probably about maybe 25 feet from me. So I approach...and I've been working with Johnny that long. I don't have to really say anything. I only have to look at his face and Johnny can talk to me through his face. He didn't need to say a word. So I know what's happening.

So like, and I say in a low voice, "Guys, let's keep this private. You know, let's start walking towards the caravan. Let's, you know, take this away from here." As I'm walking ahead, just going ahead, I can hear bickering behind me. Johnny's kind of talking, you know, low tone, you know, keeping a bit quiet. But Amber's getting a bit more loud, a bit more narky, you know. So anyway, I get them to the caravan. I put them inside and I go to my caravan. That's it. I don't hear anything. I don't see anything until the next morning. We sat around the pool a couple of hours and we head back to L.A.

Mr. Moniz: What prompted you to...?

Judge Azcarate: Mr. Moniz, before you...Do you have a lot of direct still left in this matter?

Mr. Moniz: Not terribly much more. Maybe 10 to 15 minutes.

Judge Azcarate: We're gonna take our afternoon break then. Ladies and gentlemen, please, let's go ahead and take our 15-minute afternoon break and then we'll come back and continue with the testimony. Okay? Don't do any outside research and don't talk to anybody.

[03:51:05]

[silence]

[03:51:24]

All right. Mr. Connolly, I'm gonna put you in the lobby for our break. Okay. I'm gonna come back and put you back in about 4:20 our time. Okay? In about 17 minutes. Okay, sir?

Mr. Connolly: Okay, Your Honor.

Judge Azcarate: All right. Just don't discuss your testimony with anybody until then. Okay?

Mr. Connolly: Okay. Thank you.

Judge Azcarate: All right, thank you. All right.

Man 1: All rise.

Judge Azcarate: All right.

Man 1: Please be seated.

Judge Azcarate: All right, are we ready for the jury?

Woman: Yes, Your Honor.

Judge Azcarate: Okay.

[03:52:07]

[silence]

[03:52:34]

All right, all right. Mr. Connolly, can you hear me okay?

Mr. Connolly: I can, yes

Judge Azcarate: Can you just count to five for me, please?

Mr. Connolly: One, two, three, four, five.

Judge Azcarate: Perfect. Thank you. All right, next question.

Mr. Moniz: All right. Mr. Connolly, we were talking about Hicksville there and you made a comment that you had suggested to Mr. Depp and Ms. Heard that they could keep it private or something along those lines.

Mr. Connolly: Yes.

Mr. Moniz: My question is just what prompted you to make that suggestion?

Mr. Connolly: Well, it was getting kind of animated and, you know, it was getting animated. And, you know, no one wants to see them air their dirty laundry in public.

Mr. Moniz: Were they both animated?

Mr. Connolly: More so Amber. Johnny, yes, but more so Amber.

Mr. Moniz: Okay. Do you remember anything in particular that Ms. Heard was saying at the time?

Mr. Connolly: I don't recall. No. As I say, it wasn't really coherent. It was more of the animation, you know, the head movements and the stern looks and stuff that prompted me to do what I have to do, you know.

Mr. Moniz: Okay. Shifting gears a little bit, you listed out various places that you traveled with Mr. Depp and Ms. Heard. And I think you listed Japan, Germany, Hicksville, and Australia. Do I have that right?

Mr. Connolly: Correct, yes.

Mr. Moniz: When were you in Australia?

Mr. Connolly: That'll be '15, 2015. Pirates 5.

Mr. Moniz: And what were you doing in Australia?

Mr. Connolly: My job. In that occasion, I flew out first. I used to fly out first to do the advance. The advance includes checking the accommodation. Not so much accommodation because Nathan Holmes, Ben King, and the chef called Russell, they would already been at the home...excuse me, been at the home and got that sorted out. My main concern was locations, transport, local security, drivers, you know. Making sure all that's in line before Johnny gets there. Jerry Judge would have traveled with Johnny in Australia. On arrival, I would have picked him up at the airport as we do, take him to the house or whatever accommodation we're staying in, and I would have peeled off, I'd have left at that and went back to my apartment. Johnny would have been in maybe it could be up to a week for, you know, makeup, costume before any shooting stuff. In which time, he give me a time to run around some locations. The studio, check out the studio, the locations as well as be around for if Johnny wants to go for dinner at night anywhere. I would check out these places as well.

Mr. Moniz: Mr. Connolly, I'm sorry. I just had a little trouble hearing you there. It might be the connection, but could you speak maybe just a little bit slower? I'm sorry.

Mr. Connolly: Okay. As I say, my job when in Australia is just to secure all the advance. So, I would check out, make sure the local drivers are there, all the cars are in order, the accommodation's in order, the locations for shooting are all safe, liaison with production, what's expected of 'em. I would pick him up at the airport when he arrives, take him to the accommodation, peel off, go and check out a few restaurants in case he wants to go. And if nothing's happening, stand down for that evening.

Mr. Moniz: Does anything stand out to you about your time in Australia in 2015?

Mr. Connolly: Yeah, Johnny lost a finger. Yeah, one afternoon I was instructed to go to Johnny's accommodation.

Mr. Moniz: Objection. Can we just approach?

Judge Azcarate: Okay, all right.

Mr. Moniz: Thank you.

Judge Azcarate: Hold on just a minute Mr. Connolly.

Mr. Moniz: All right, Mr. Connolly, please continue, but as you go, please avoid discussing the substance of any communications that you had with Mr. Depp or his security, and just focus on what you observed.

Mr. Connolly: Okay. I arrived at Johnny's accommodation with my driver, Andrew. I noticed that there's an SUV, one of the security, the RST, resident security team. One of their vehicles is sitting outside the door with no driver. So I just assumed, well, something up. There's a security car there, but no driver. As I approached the door, I hear a muffle, like a muffled shouting and screaming, and you know, quite muffled because the entrance to this house, there's a massive oak door. I mean, it's huge and it's got to be about 25 mil thick. So I opened it and it's chaos. It's screaming and shouting. But all I can see with my eyes is Johnny. He's wearing a jacket, a hat, and a bag with notebooks. I always know that bag because it's a gray canvas bag and he's sort of, you know, nursing one hand. So I'm saying, "Well, hey, what's going on about the screaming and shouting, it's madness?" Amber's irate. I mean, tenacious. It's crazy stuff. Johnny's, you know, shouting back.

So I said, "Johnny, let's go, let's get out," you know. That's my job to remove him from a situation. "Let's get out." I do a couple of steps with him. Johnny, "Give me five minutes, five minutes." Well, he's the boss, you know. There's no bullets flying. So okay, I gave him two minutes,

[inaudible 03:59:34] I say, "Let's go, let's go." Eventually, I get him out. I managed to get him outside the door and we go downstairs, but Amber appears from somewhere. I don't know if Amber was upstairs or in the room to the left, or the wherever, but she appears and she's screaming, you know, screaming, berating him. She's basically berating him. Like, "Yes, fuck off." She's saying to Johnny, "Yeah, that's what you...Fuck off. That's what you do all the time. That's all you ever do is fuck off. You fuck off with your guys. You're a fucking coward. That's what you fucking do. You fucking coward. You fuck off with your guys. You're a big man," all that shit that goes with it.

Get him downstairs. First time, Amber's on the threshold of the accommodation and she's screaming, you know, "Fuck off. You're a fucking coward." These kind of words, you know. And I get them in the car. I usually sit in the front seat shotgun, but I went and sat in the same seat at the back so I can have a look at what's going on here and have a chat, and have a talk. But when I get around the car, so the driver's not locked the door, so he's out the door again and he's making his way back up the stairs. I get back around again. By the time I get to the top of two concrete stairs to the front door, he's just crossing the threshold and the screaming's starting again. Excuse me. Amber's screaming again. "Johnny, let's go, let's go." And this time it's a wee bit more force and I managed to actually basically pull him out of the place. Get him into the car, doors are locked this time, into the car, and we take off.

I got him back to my apartment using, you know, a secret way through the underground car park and service lifts. I get him up to my apartment, get him into my apartment. I started washing his hand, basically washing his hand, washing it, first aid. It's a mess. His hand, his finger's just a mess. It's like one of them cartoon exploding cigars. I always thinking in my mind that one of them cigars that blow up, you know, the cartoons, boom, and it's all flapping around. And I can see bone, there's bone there, it's smashed a bits. And, you know, he's wincing as I'm trying to wash his hand. Anyway, I sat him down and I phoned Debbie, the nurse, who's living in the same apartment block with me. So that's my first thing, phone Debbie. Phoned Debbie, about 20 minutes later, I do not recall, maybe 25, maybe half an hour, but she turns up with Dr. Kipper. So Dr. Kipper does his thing, Nurse Debbie dresses it all. Dr. Kipper is saying like, "We have to go to the hospital. There's no other way. We have to go to the hospital. This has to be seriously looked at." We get to the hospital and that's when he's...well, that's when it's getting started, you know.

Mr. Moniz: Okay. When you were in the presence of Mr. Depp and Ms. Heard in the house in Australia, how far away were you from Ms. Heard?

Mr. Connolly: When I first entered the house Ms. Heard wasn't visible to me, only Johnny. It's only when we started to leave, Ms. Heard appeared and she's probably...well, you're talking 2 feet, 3 feet.

Man: Did you observe any injuries on Ms. Heard?

Mr. Connolly: No injuries. No, no injuries.

Mr. Nadelhaft: Leading.

Judge Azcarate: I'll allow it.

Mr. Moniz: I'm sorry. What was your answer?

Mr. Connolly: No injuries, none.

Mr. Moniz: Other than the injuries of his finger, did you observe any injuries on Mr. Depp?

Mr. Connolly: No, no, no. Well, I say no, you know, there was a mark in his face and I didn't know what that was. So I never really put it down too much, but in the hospital, I took a photograph. And when I looked at that photograph, I can see two injuries.

Mr. Nadelhaft: Objection.

Mr. Connolly: When we're sitting in the car...

Judge Azcarate: Hold on, Mr. Connolly.

Mr. Rottenborn: Objection to the extent he's gonna be talking about what the mark is on his...Since he didn't see what happened and he's not a doctor, we can't describe what...

Judge Azcarate: All right.

Mr. Moniz: That's fine, Your Honor. We can move on.

Judge Azcarate: We can move on?

Mr. Moniz: Yeah, we can move on.

Judge Azcarate: Okay, yeah. All right, next question.

Mr. Moniz: I think you've generally described for us the kinds of things Ms. Heard was saying. How would you describe her overall demeanor

when she and Mr. Depp were in each other's presence in the house in Australia?

Mr. Connolly: Good days and bad days.

Mr. Moniz: I'm sorry. I mean, on that particular day.

Mr. Connolly: On that particular day? I had never seen him in the house that particular day. The only the time I seen Ms. Heard and Johnny in that house is when I arrived there to extract him.

Mr. Moniz: And how did Ms. Heard seem to you when you saw her on that day when you arrived to extract him?

Mr. Connolly: Crazy, crazy, crazy. Fierce, you know, fierce.

Mr. Moniz: Okay. What was the last thing Ms. Heard said as you were taking Mr. Depp out of the house to go to your apartment and then the hospital?

Mr. Connolly: Yeah, the last words I recall hearing is as I'm getting Jonny out is, "Yeah, just fuck off with your guys. You're a fucking coward like you always do."

Mr. Moniz: All right. I have no further questions.

Judge Azcarate: All right. Cross-examinations, Mr. Nadelhaft?

Mr. Nadelhaft: Mr. Connolly, do you still work for Mr. Depp?

Mr. Connolly: I do. Yeah.

Mr. Nadelhaft: Okay. And you've worked for him now for about 18 years?

Mr. Connolly: No.

Mr. Nadelhaft: Well, 2 years ago you said you worked for him for 16 years. So 2 more years would be 18.

Mr. Connolly: No. I worked with him. I didn't work for him. I worked for a guy called Jerry Judge and Music and Arts. Johnny Depp never paid me. Johnny Depp started paying me two years ago.

Mr. Nadelhaft: Okay. So now you're being...So you were working...Jerry Judge was your boss until he passed away. Is that right?

Mr. Connolly: Correct.

Mr. Nadelhaft: Okay. And now and now you get paid directly by Mr. Depp, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: You're paid a salary by Mr. Depp?

Mr. Connolly: No.

Mr. Nadelhaft: Okay. And Mr. Depp's also provided you gifts, correct?

Mr. Connolly: Gifts?

Mr. Nadelhaft: Gifts, money, gifts.

Mr. Connolly: Yes. Yes, Johnny gave me gifts. I give Johnny gifts.

Mr. Nadelhaft: And he's given you gifts over \$8,500 correct?

Mr. Connolly: Eighty-five hundred dollars?

Mr. Nadelhaft: Yeah.

Mr. Connolly: He gave me a lot more than that.

Mr. Nadelhaft: Okay. And you're loyal to Mr. Depp, right?

Mr. Connolly: Yes, of course, I'm loyal to Mr. Depp. I'll be loyal to you if I was working for you.

Mr. Nadelhaft: Okay. Now, going to Australia, you said you went to Australia in 2015 with Mr. Depp, correct? Or you went before Mr. Depp, but you were there to work Mr. Depp, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And Jerry Judge was also there?

Mr. Connolly: Not when I arrived, no.

Mr. Nadelhaft: But Jerry Judge was eventually in Australia, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And Nathan Holmes was also in Australia as well, right?

Mr. Connolly: Correct.

Mr. Nadelhaft: And Mr. Depp came to Australia in February of 2015, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And when Mr. Depp first came to Australia, Amber was not with Mr. Depp, right?

Mr. Connolly: I don't recall. I don't recall if Amber arrived with Johnny or Amber arrived later.

Mr. Nadelhaft: You don't know one way or the other?

Mr. Connolly: No.

Mr. Nadelhaft: And Mr. Depp stayed in a house in Australia, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And you and the security team were about 40 minutes away from the house Mr. Depp was renting, correct?

Mr. Connolly: Twenty-five, 30...30, 40. Yeah, you're correct. If it's a traffic day, you have 40 minutes at most.

Mr. Nadelhaft: Okay. And alcohol was in the house in Australia, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Okay. And Mr. Depp consumed alcohol before Amber arrived in Australia, isn't that right?

Mr. Connolly: Yeah, he would have done. Yes.

Mr. Nadelhaft: Okay. And do you know if Mr. Depp consumed illegal drugs before Amber arrived in Australia?

Mr. Moniz: I'm gonna object to speculation.

Mr. Connolly: I wouldn't know.

Judge Azcarate: Overrule, I'll allow it. Go ahead.

Mr. Nadelhaft: And do you know if Mr. Depp spent any time with Marilyn Manson in Australia before Amber arrived?

Mr. Connolly: I don't recall. I don't recall Marilyn Manson being there.

Mr. Nadelhaft: So you don't...So as Mr. Depp's security, you don't know if Mr. Depp was with Marilyn Manson at any time?

Mr. Connolly: I left Australia to smuggle two dogs back out of Australia, back to...

Mr. Nadelhaft: No, no. I'm talking about in the beginning of March 2015, you were...

Mr. Connolly: I don't recall Marilyn Manson.

Mr. Nadelhaft: You don't know one way or the other?

Mr. Connolly: No.

Mr. Nadelhaft: Were you seeing Mr. Depp every day in early March 2015?

Mr. Connolly: No, not in the beginning. I have other duties.

Mr. Nadelhaft: Okay. So you don't know what Mr. Depp was doing at that time, correct?

Mr. Connolly: No, I wasn't with him.

Mr. Nadelhaft: Okay. And you don't know when Amber arrived in Australia, correct?

Mr. Connolly: No.

Mr. Nadelhaft: Okay. But you do know that Amber stayed with Mr. Depp, right?

Mr. Connolly: Yes.

Mr. Nadelhaft: Okay. And you talked about a resident security team that was at the Australia house. Is that right?

Mr. Connolly: That's correct.

Mr. Nadelhaft: And were there about four? Was there anyone from the resident security team in the house when you arrived on March 8th, 2015?

Mr. Connolly: No.

Mr. Nadelhaft: Okay. And the resident security team, is it your understanding that they were there, that they were kind of guarding the house?

Mr. Connolly: Yeah. They would have been in the grounds, but there were substantial grounds, real substantial grounds. They would have been at the grounds somewhere.

Mr. Nadelhaft: But they didn't go into the house on March 8th, correct?

Mr. Connolly: I don't know. I never seen them in the house.

Mr. Nadelhaft: Okay. So, when you arrived at the house and went in, was it just Mr. Depp and Amber Heard?

Mr. Connolly: Just Mr. Depp and Amber Heard.

Mr. Nadelhaft: Okay. And...

Mr. Connolly: There may be someone else, but I never visibly seen anyone else. I wasn't there long enough to chat to anybody.

Mr. Nadelhaft: And when you arrived at the house, you could hear a ruckus, correct?

Mr. Connolly: Yes. Well, yes, I could hear. Yeah, yeah, I could hear, definitely hear something through the door. Yeah.

Mr. Nadelhaft: But you said the door was so thick, you couldn't hear the actual words that were being said. Is that right?

Mr. Connolly: No, just a shouting.

Mr. Nadelhaft: And then you went in the house and saw Mr. Depp in the foyer, correct?

Mr. Connolly: Yes, correct.

Mr. Nadelhaft: And Mr. Depp was trying to urinate in the foyer, wasn't he?

Mr. Connolly: No.

Mr. Nadelhaft: Mr. Depp had his penis out of his pants, didn't he?

Mr. Moniz: Objection.

Mr. Connolly: I think I would remember seeing Mr. Depp's penis.

Mr. Moniz: Relevance.

Judge Azcarate: I'll allow. Next Question.

Mr. Nadelhaft: And you were trying to get Mr. Depp out of the house, correct?

Mr. Connolly: Correct. I was trying to get Mr. Depp out of the house. Yes.

Mr. Nadelhaft: And Mr. Depp was refusing to leave the house, was he not?

Mr. Connolly: Not so much refused. He just wanted two minutes to say his peace.

Mr. Nadelhaft: You took Mr. Depp's arm to try to move him out, but he broke away, isn't that right?

Mr. Connolly: Yes.

Mr. Nadelhaft: Okay. So he was strong enough to break away from your grip, correct?

Mr. Connolly: No.

Mr. Nadelhaft: So, you had his arm and he broke away though, correct?

Mr. Connolly: No.

Mr. Nadelhaft: Isn't that what you just said?

Mr. Connolly: No. I let him go.

Mr. Nadelhaft: You let go, but it wasn't easy...

Mr. Connolly: Yes, of course. I'm not gonna drag him by it.

Mr. Nadelhaft: So, Mr. Depp is your boss. You'll do what Mr. Depp wants, correct?

Mr. Connolly: No.

Mr. Nadelhaft: It's not easy to get Mr. Depp out of the house, correct?

Mr. Connolly: It's not easy.

Mr. Nadelhaft: Okay. Now, can we play Exhibit 380A which is already in evidence?

Judge Azcarate: Plaintiff's or defendant's? I'm sorry.

Mr. Nadelhaft: It's defendant's Exhibit 380A.

Judge Azcarate: Defendant's 380A.

Mr. Moniz: What is this? Sorry. What is this?

Mr. Nadelhaft: And this is a recording from Australia and it's just of Mr. Depp.

Mr. Moniz: I don't think that's in evidence, Your Honor.

Judge Azcarate: Could you hold on? It's not in evidence.

Mr. Nadelhaft: Our plaintiff's Exhibit 380A?

Mr. Moniz: I don't believe there are any recordings from Australia in evidence, Your Honor. I think this is...

Judge Azcarate: I don't have anything in evidence.

Mr. Nadelhaft: There definitely is. It's just of Mr. Depp. We can...

Judge Azcarate: I don't have 380 in evidence.

Mr. Nadelhaft: It's 380A.

Jamie: It was IDed...

Judge Azcarate: 380A. I have...Jamie says it was IDed, but never admitted.

Mr. Nadelhaft: It was never admitted? It was...

Mr. Moniz: Your Honor, the recordings from Australia have other voices on them and also...

Mr. Nadelhaft: We're only asking for...It's only the clip of Mr. Depp.

Judge Azcarate: Okay. Well, I have it. It's actually plaintiff's 380A, minute 33 to 34.

Mr. Moniz: What's the foundation for using it with this witness?

Mr. Nadelhaft: He was at house.

Judge Azcarate: It's in evidence. That's fine. So you're playing that clip, correct?

Mr. Nadelhaft: Correct.

Judge Azcarate: And it's on plaintiff's.

Mr. Depp: What you are and who you are, and how you fucked me over, and make me feel sick of myself. There's still a lot left in the day. Maybe she should dye her hair. I see roots.

Mr. Nadelhaft: Did you hear that, Mr. Connolly?

Mr. Connolly: I did, yes.

Mr. Nadelhaft: And that was the sort of condition Mr. Depp was in when you saw him at the house, correct?

Mr. Connolly: Yes, yes.

Mr. Nadelhaft: Mr. Depp was upset and angry when you saw him at the house, correct?

Mr. Connolly: Absolutely. Yes.

Mr. Nadelhaft: Okay. Now, did you take Mr. Depp to the hospital?

Mr. Connolly: Along with others, yes.

Mr. Nadelhaft: Is it your testimony that Mr. Depp was coherent at the hospital?

Mr. Connolly: Yes.

Mr. Nadelhaft: Let's show defendant's Exhibit 370. I'd just like you to look at something for a moment.

Judge Azcarate: 370.

Mr. Nadelhaft: I'm not publishing. I just wanna show him a document. Defendant's Exhibit 370.

Mr. Moniz: Your Honor, I'm gonna object on foundation grounds. The witness is not even copied on this document.

Mr. Nadelhaft: I'm gonna ask him a question and ask him if it refreshes his recollection. That's all I was gonna ask him about. I can use any document to refresh...

Judge Azcarate: If you wanna approach for a second and let's just see what [inaudible 04:15:07] You can take the document now. [inaudible 04:15:27]

Mr. Nadelhaft: You can take it down. Mr. Depp's finger was filled with dirt, grime, and paint when you saw it?

Mr. Connolly: Yes.

Mr. Nadelhaft: Okay. And now, you say you saw no bruises or cuts on Amber on March 8th, 2015, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Isn't it true that your main concern was Mr. Depp and getting him out of the house, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: So you weren't you weren't concentrating on Amber, correct?

Mr. Connolly: I was close enough. If there was any marks on Amber's face, I would have picked that up in two minutes. [crosstalk 04:16:04.198]

Mr. Nadelhaft: As you're trying to pull Mr. Depp out of the house, you're scanning Amber for bruises and cuts?

Mr. Connolly: Not scanning, but I'm looking at her.

Mr. Nadelhaft: As you're moving Mr. Depp out of the house, correct?

Mr. Connolly: Yes, yes.

Mr. Nadelhaft: Right.

Mr. Connolly: How do I know where she's gone or left?

Mr. Nadelhaft: Right.

Mr. Connolly: I'm watching her. When I move a client from a bad situation, a house situation, I watch what's happening around me.

Mr. Nadelhaft: But you're not...

Mr. Connolly: I know where the client is. The client is with me.

Mr. Nadelhaft: Right. The client was with you and you're not scanning...you didn't scan Ms. Heard's body for...

Mr. Connolly: I scan everything. I watch [crosstalk 04:16:37.705].

Mr. Nadelhaft: You scanned everything on her body?

Mr. Connolly: Not everything on her body. She's wearing long sleeves from what I recall.

Mr. Nadelhaft: Okay. And at the hospital, the doctor was told that Mr. Depp cut his finger with a knife, correct?

Mr. Connolly: Correct. Yeah.

Mr. Nadelhaft: Okay. And you understand that the damage at Mr. Depp's rented house amounted to about \$100,000, correct?

Mr. Moniz: Objection, calls for speculation.

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

Mr. Nadelhaft: In Hicksville, other than when you first arrived, you didn't go to the trailer that Mr. Depp and Amber were staying in. Is that right?

Mr. Connolly: Only when I delivered them to it.

Mr. Nadelhaft: Right. And then after you delivered them to...

Mr. Connolly: When I delivered them to it and when we first got there, we went inside and had a look around. Yeah.

Mr. Nadelhaft: But after that you never went inside the trailer after that, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: So you have no idea what went on in the trailer between Mr. Depp and Amber, isn't that right?

Mr. Connolly: I was told.

Mr. Nadelhaft: But you have no idea...you don't have any personal knowledge as to what happened?

Mr. Connolly: I've never seen it. No, I've never seen it.

Mr. Nadelhaft: Right. And you have no idea how much damage was done to the trailer, correct? Personal knowledge.

Mr. Connolly: I do not have an idea.

Mr. Nadelhaft: You have no idea what happened to Amber in the trailer, isn't that right?

Mr. Connolly: That's correct.

Mr. Nadelhaft: And you talked about that there was tension between Amber and Mr. Depp. You don't know what started the fight, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Did you see Mr. Depp grab another woman's arm before they moved off to the...before the fight started?

Mr. Connolly: No.

Mr. Nadelhaft: Okay. Were you with the company when you were...Were you with the group?

Mr. Connolly: No.

Mr. Nadelhaft: Okay.

Mr. Connolly: I was maybe 20 feet away observing. That's my job not to get involved. I don't sit with my clients in a personal situation. I just observe.

Mr. Nadelhaft: Now, you testified that at times you saw marks and bruises on Mr. Depp. A fat lip, I think you said. You don't have dates for those times that you saw that, right?

Mr. Connolly: I don't recall. No. You're talking...That's a long time ago, you know.

Mr. Nadelhaft: Right. And you testified in the UK, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And you gave a witness statement too in the UK, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And you never testified to seeing any marks, bruises, or injuries on Mr. Depp, isn't that right, in the UK?

Mr. Connolly: I wasn't asked in the UK.

Mr. Nadelhaft: But you never testified to that, right?

Mr. Connolly: I wasn't asked.

Mr. Nadelhaft: Okay. Now, you talked about a private plane that you saw a plastic lighter bounce off of Mr. Depp's chest, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: And you said you saw Mr. Depp smirking and then he said, "Was that it?" Is that right?

Mr. Connolly: No.

Mr. Nadelhaft: Okay. You don't know what started the fight there, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Okay. And you talked about at the lofts, I think you called it in Los Angeles, you saw a Coke can get thrown somewhere in the vicinity of Mr. Depp, correct?

Mr. Connolly: I seen a can. Not a Coke can. I couldn't tell you what can it was.

Mr. Nadelhaft: Okay. And you don't know what happened before you saw the Coke can get thrown, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Okay. And you talked about this picture that you took in Southeast Asia, correct?

Mr. Connolly: Correct.

Mr. Nadelhaft: Okay. And you never mentioned, in the UK matter or in your witness statement, Mr. Depp having scratches and bruises on the train, correct?

Mr. Connolly: I was never prompted. I was never asked.

Mr. Nadelhaft: You gave a witness statement that gave what you saw in a relationship between Amber and Mr. Depp and you never talked about bruises or cuts on Mr. Depp in Southeast Asia, correct?

Mr. Connolly: No. I wasn't asked that.

Mr. Nadelhaft: Okay. Now, you said only Johnny could make requests for a private dining car, isn't that right?

Mr. Connolly: I said that?

Mr. Nadelhaft: Only Johnny needed a private dining car. Ms. Heard didn't need a private dining car, correct?

Mr. Connolly: That would be correct. Oh, yeah. That would definitely be correct. Yeah, only Johnny Depp would need a private dining car, but Johnny doesn't want a private dining car.

Mr. Nadelhaft: Okay. Now you were not present in Ms. Heard and Mr. Depp's cabin on the train, right?

Mr. Connolly: No. That's correct.

Mr. Nadelhaft: And if a fight occurred in the cabin, you'd have no way of knowing about it, right?

Mr. Connolly: I wouldn't know.

Mr. Nadelhaft: And you don't know if Mr. Depp was strangling Ms. Heard, do you?

Mr. Connolly: No, I wouldn't know.

Mr. Nadelhaft: You don't know if Mr. Depp had his shirt wrapped around Amber's neck do you?

Mr. Moniz: Objection, speculation, cumulative.

Mr. Connolly: No, I wouldn't know. The only reason I would know anything in that cabin [crosstalk 04:21:42.836].

Mr. Moniz: Okay, you wouldn't know. You answered. Sir, sir, sir, you answered that.

Judge Azcarate: All right. We can move on.

Mr. Nadelhaft: Okay. And if we could put up, please, plaintiff's Exhibit 120 and this is at 190. And I believe 120 has been in evidence before.

Judge Azcarate: Well, I have 120A, 120B, and 120C.

Mr. Nadelhaft: So I think this would be 120D if it...

Judge Azcarate: 120D?

Mr. Nadelhaft: Yeah.

Judge Azcarate: 120D.

Mr. Nadelhaft: Mr. Connolly, I'm asking you questions about the fourth one down. Do you see that?

Mr. Connolly: Yeah, it's not really clear. It's teeny.

Mr. Moniz: Objection. The document is hearsay. I don't know what the exception would be.

Judge Azcarate: Okay. If you wanna come forward. let's...

[04:22:39]

[silence]

[04:23:02]

Mr. Moniz: You can take it down.

Mr. Nadelhaft: Mr. Connolly, you agree that Ms. Heard's been nothing but respectful and professional to you, correct?

Mr. Connolly: Absolutely.

Mr. Nadelhaft: Right. Okay. Thank you. I have nothing further.

Judge Azcarate: All right, redirect.

Mr. Moniz: Mr. Connolly, very briefly, when you were in Ms. Heard's presence in the house in Australia on the day that Mr. Depp lost his fingertip, how far away were you from Ms. Heard?

Mr. Connolly: On the exit, on the egress about 3 feet, 4 feet at most.

Mr. Moniz: Can you estimate for us about how long you were in Ms. Heard's presence?

Mr. Connolly: You know what? Best way to do this is think about it and count it out. Okay. Fifteen seconds, 20 seconds.

Mr. Moniz: How was the light?

Mr. Connolly: Well, it's Australia. The door is massive. It's a wall of glass behind them. The light is absolutely fine. It couldn't get better.

Mr. Moniz: All right, I have nothing further.

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

Mr. Moniz: I think so. Yes, Your Honor.

Judge Azcarate: All right. Mr. Connolly, since you're subject to recall, do not discuss your testimony with anybody and don't watch anything about this case. Okay? But you're free to log off today.

Mr. Connolly: Of course, Your Honor. Yeah.

Judge Azcarate: All right. You're free to log off today though, sir.

Mr. Connolly: Thank you.

Judge Azcarate: Thank you. Have a good day.

Mr. Connolly: Thank you, Your Honor.

Judge Azcarate: All right, your next witness.

Mr. Crawford: Mr. Starling Jenkins, Your Honor. [inaudible 04:24:59]

Judge Azcarate: Mr. Jenkins. Yeah. Mr. Jenkins, can you hear me sir?

Mr. Jenkins: Good afternoon. Yes, I can, Your Honor.

Judge Azcarate: All right, perfect. Thank you, sir. All right. If you could raise your right hand for me. Do you swear or affirm to tell the truth under penalty of law?

Mr. Jenkins: I do.

Judge Azcarate: All right. Thank you, sir.

Mr. Crawford: Good morning, Mr. Jenkins. Can you hear me okay?

Mr. Jenkins: Yes, I can.

Mr. Crawford: Could you please state your full name for the record?

Mr. Jenkins: Starling Jenkins III.

Mr. Crawford: And Mr. Jenkins, where do you live?

Mr. Jenkins: Los Angeles, California.

Mr. Crawford: And what is your occupation?

Mr. Jenkins: Executive chauffeur and security.

Mr. Crawford: And how long have you worked as an executive chauffeur and in security?

Mr. Jenkins: Executive chauffeur for 30 years and security for 8 years.

Mr. Crawford: And what occupations did you hold prior to working as an executive chauffeur and then security?

Mr. Jenkins: Route sales executive and United States Marines.

Mr. Crawford: Mr. Jenkins, do you know the plaintiff in this case, Johnny Depp?

Mr. Jenkins: Yes, I do.

Mr. Crawford: And when did you first meet Mr. Depp?

Mr. Jenkins: 1993.

Mr. Crawford: How did you meet Mr. Depp?

Mr. Jenkins: He used a livery service to transport him to and from.

Mr. Crawford: So, in the 30 or so years that you've known Mr. Depp, what services have you performed for him over the course of that period?

Mr. Jenkins: Child care, animal care, personal assistant duties, security, and transportation.

Mr. Crawford: And could you estimate approximately how many hours per week would you provide those services to Mr. Depp?

Mr. Jenkins: Forty to 60 hours.

Mr. Crawford: And can you describe generally your interactions with Mr. Depp in the time that you've worked for him?

Mr. Jenkins: Pleasant, always upbeat.

Mr. Crawford: Do you know the defendant in this case, Amber Heard?

Mr. Jenkins: Yes.

Mr. Crawford: And when did you first meet Ms. Heard?

Mr. Jenkins: After the filming of "The Rum Diary" project.

Mr. Crawford: Can you describe generally your interactions with Ms. Heard?

Mr. Jenkins: Pleasant, cordial, very respectful.

Mr. Crawford: So, in your time working with Mr. Depp, did you ever observe Mr. Depp's and Ms. Heard's interactions with one another?

Mr. Jenkins: Yes.

Mr. Crawford: And can you describe those interactions generally, please?

Mr. Jenkins: Very cordial, very aware of the people are around them, very friendly.

Mr. Crawford: Did you ever see them argue?

Mr. Jenkins: Yes.

Mr. Crawford: Can you describe what you observed about those arguments?

Mr. Jenkins: It would be initiated by her. She would try to engage with him. He would tell me to turn the music up.

Mr. Crawford: So, where did these arguments take place?

Mr. Jenkins: In the car.

Mr. Crawford: Do you recall how many times you witnessed them argue?

Mr. Jenkins: Twice.

Mr. Crawford: Mr. Jenkins, turning your attention to April 21st, 2016, can you tell the jury what you recall about that day?

Mr. Jenkins: Could you repeat the question, sir?

Mr. Crawford: Sure. So turning your attention to April 21st, 2016, can you tell the jury what you recall about that day?

Mr. Jenkins: It was the birthday party being held at the penthouse.

Mr. Crawford: And when you say the penthouse, what are you referring to?

Mr. Jenkins: It's the Eastern Columbia Building.

Mr. Crawford: And what were you doing that evening?

Mr. Jenkins: That evening, I was assigned security on the detail.

Mr. Crawford: Were you inside the residence while the birthday party was taking place?

Mr. Jenkins: I was in the CP, the command post that's stationed on the same floor right outside of the elevators.

Mr. Crawford: And did you interact with Ms. Heard at all that evening?

Mr. Jenkins: Yes, I did in regards to getting her clients' keys, parking, making sure no one else was on the floor that wasn't invited to the party.

Mr. Crawford: Were there any issues at the birthday party at the time that you were present at the penthouses?

Mr. Jenkins: No issues except for the boss did not show up.

Mr. Crawford: And do you recall what time you left that day?

Mr. Jenkins: 11:15 p.m. that evening.

Mr. Crawford: And Mr. Jenkins, what happened the next day, April 22nd, 2016?

Mr. Jenkins: I arrived early, 10:45. I went upstairs to the penthouse. I was informed by Amber that she got into a fight with Johnny last night. She threw his personal property over the balcony, into the streets, Ninth and Broadway.

Mr. Crawford: And when you say personal property, what are you referring to?

Mr. Jenkins: His phone, wallet, credit cards, passports, everything that's in his wallet.

Mr. Crawford: Did Ms. Heard say anything else to you about this altercation?

Mr. Jenkins: Nothing, except they were fighting.

Mr. Crawford: So, what did you do after Ms. Heard informed you that she'd thrown Mr. Depp's personal property off the balcony?

Mr. Jenkins: Formulated a plan with Norm from the office to use the Find My Phone app, hit the streets and try to get lucky.

Mr. Crawford: Did you end up finding Mr. Depp's phone?

Mr. Jenkins: Yes, I did. In Skid Row, probably 6 miles from the house.

Mr. Crawford: And who had the phone?

Mr. Jenkins: A homeless gentleman, unhoused gentleman. I approached him about the phone. He was honest, he returned it. I gave him a reward for it.

Mr. Crawford: And what was the reward?

Mr. Jenkins: \$420, chicken tacos, chips, apples, Fiji water.

Mr. Crawford: After finding Mr. Depp's phone, what did you do?

Mr. Jenkins: I returned to the penthouse, showed the phone to Amber that I retrieved it. I left it in the CP for the evening security to return it to Mr. Depp.

Mr. Crawford: So, after figuring out things with the phone, what happened next?

Mr. Jenkins: What happened next is I walked Amber to the car. We got everybody in the car. She's on her way to Coachella. I went back to the penthouse to retrieve the dogs and the luggage.

Mr. Crawford: Were you also going to Coachella with Ms. Heard?

Mr. Jenkins: Yes, I was. I was the transportation for Amber and her friends while she was at Coachella.

Mr. Crawford: So, how did you get to Coachella?

Mr. Jenkins: Drove the SUV provided by Johnny with the animals and all the luggage in, and headed out to the event.

Mr. Crawford: And the morning of April 22nd, did you see any injuries on Ms. Heard?

Mr. Jenkins: No marks, no injuries.

Mr. Crawford: So, driving out to Coachella, did anyone drive with you?

Mr. Jenkins: I was in the car alone except for the animals.

Mr. Crawford: And how did Ms. Heard get to Coachella?

Mr. Jenkins: She drove her Mustang.

Mr. Crawford: Was anyone else in her car?

Mr. Jenkins: She was with, I believe her sister and one other friend, her assistant, Savannah.

Mr. Crawford: And do you know how many days Ms. Heard and her friends were planning to stay at Coachella?

Mr. Jenkins: Until the following Monday. I believe it's the 25th of April, we departed.

Mr. Crawford: And do you recall where Ms. Heard was staying at Coachella?

Mr. Jenkins: We're staying at the Parker Boutique Hotels there in Palm Springs outside of Coachella.

Mr. Crawford: Were you also staying at the Parker Hotel?

Mr. Jenkins: I also stayed there.

Mr. Crawford: And so, did you attend Coachella for work or for pleasure?

Mr. Jenkins: For work.

Mr. Crawford: And what was your job that weekend?

Mr. Jenkins: Provide security and transportation, animal care, Amber's rolling assistant, take care of her, whatever she needed while she was there at the Parker or [inaudible 04:33:42].

Mr. Crawford: Do you recall what time approximately you arrived at the Parker Hotel on April 22nd?

Mr. Jenkins: Around 5:30-ish, maybe quarter to 6.

Mr. Crawford: And what did Ms. Heard and her friends do that evening, April 22nd?

Mr. Jenkins: That evening, we arrived, we were assigned the rooms. We went with the staff of the Parker Hotel around to the suites where we were staying. They let us in. We let all the luggage in and we proceeded to plan for that evening to depart by 7, 7:15-ish to get to the festival event.

Mr. Crawford: And how did Ms. Heard and her friends get from the hotel to the festival that evening?

Mr. Jenkins: I drove them directly to there.

Mr. Crawford: And did you have any discussions with Ms. Heard on the way to Coachella that evening?

Mr. Jenkins: We had a conversation pertaining to the surprise she left in the boss's bed prior to leaving the apartment.

Mr. Crawford: And when you refer to the surprise in the boss's bed, what are you referring to?

Mr. Jenkins: The defecation.

Mr. Crawford: And what did Ms. Heard say about the defecation in Mr. Depp's bed?

Mr. Jenkins: A horrible practical jerk gone wrong.

Mr. Crawford: Mr. Jenkins, what observations did you make about Ms. Heard at Coachella in April 2016?

Mr. Jenkins: She had no worries. She was there to whoop it up. It's her birthday. She's with her friends.

Mr. Crawford: And how often were you with her that weekend?

Mr. Jenkins: I was with her every day. She went to the venue from the time that we interacted with the wallet incident, the night before at the party, all the way until Monday, we returned with the pets and the luggage.

Mr. Crawford: And did you observe anything about Ms. Heard's health that weekend?

Mr. Jenkins: She got sick. She got sick at the venue at night.

Mr. Crawford: Do you know what caused Ms. Heard's to be sick?

Mr. Jenkins: She was eating the magic mushrooms and drinking red wine on an empty stomach.

Mr. Crawford: And how do you know that she drank red wine and took magic mushrooms?

Mr. Jenkins: I saw the room service when I went to their room to collect them to take them out that evening and get them in the car.

Mr. Crawford: Excuse me. Is that something you witnessed?

Mr. Jenkins: I witnessed it.

Mr. Crawford: And what did you do in response to Ms. Heard being sick at Coachella?

Mr. Jenkins: I collected her, got her in the vehicle. She didn't want anybody else to know that she was sick, take her back to the Parker alone. I took her to the 7-Eleven where I retrieved hydrating fluids, Advil, and let her have those. Got her back to the Parker, got her into the suite, and then went back to pick up everyone else.

Mr. Crawford: And Mr. Jenkins, when you said Ms. Heard got sick, do you recall what her symptoms were?

Mr. Jenkins: Yeah, she was throwing up.

Mr. Crawford: Mr. Jenkins, did you see any injuries of any kind on Ms. Heard on April 22nd 2016?

Mr. Rottenborn: Objection, asked and answered.

Mr. Jenkins: No injuries.

Judge Azcarate: I'll sustain. So yeah.

Mr. Crawford: What about the rest of that weekend, Mr. Jenkins? Any injuries that you saw?

Mr. Jenkins: No injuries.

Mr. Crawford: Have you ever witnessed any physical abuse between Mr. Depp and Ms. Heard?

Mr. Jenkins: No.

Mr. Crawford: Thank you, Mr. Jenkins. Nothing further.

Judge Azcarate: All right, cross-examination.

Mr. Rottenborn: Good afternoon, Mr. Jenkins.

Mr. Jenkins: Good afternoon.

Mr. Rottenborn: So, just to be clear on the chronology, you met Mr. Depp in 1993, is that right?

Mr. Jenkins: Correct.

Mr. Rottenborn: And you've worked for him ever since?

Mr. Jenkins: Off and on. Yes.

Mr. Rottenborn: Okay. And your salary is paid by Mr. Depp, correct?

Mr. Jenkins: Salary, no.

Mr. Rottenborn: You receive pay for the work that you do for Mr. Depp, correct?

Mr. Jenkins: Yes, of course. Yes, of course.

Mr. Rottenborn: And Mr. Depp's security is your highest priority in your job, correct?

Mr. Jenkins: Yes, it is.

Mr. Rottenborn: You're loyal to Mr. Depp.

Mr. Jenkins: His and his family.

Mr. Rottenborn: You're loyal to Mr. Depp, right?

Mr. Jenkins: Yes.

Mr. Rottenborn: Now, I wanna turn to the night of April 21st, 2016. Just to recap, you said you were working a security shift at Amber's birthday at the Eastern Columbia Building that evening, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: And you said that your shift ended around 11:15, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: And you said the boss still hadn't shown up by the time that you left the Eastern Columbia Building, right?

Mr. Jenkins: Correct.

Mr. Rottenborn: So you have no idea where Mr. Depp was or what he was doing from 9:30 p.m. that evening until at least 11:15 when you left the Eastern Columbia Building, right?

Mr. Jenkins: No, I do know what he was doing. He was tending to his mother.

Mr. Rottenborn: Okay. You weren't with him?

Mr. Jenkins: I had information.

Mr. Rottenborn: Okay, all right. That's information that you received, but you have no personal knowledge of that.

Mr. Jenkins: I have no reason to doubt it. It came from Sean. I have no reasons to doubt it.

Mr. Rottenborn: Okay. Oh, oh, okay. So Mr. Bett told you that?

Mr. Jenkins: "The boss is out late."

Mr. Rottenborn: Mr. Bett told you that he was tending to his mother that night?

Mr. Jenkins: He didn't say mother. He said the boss was out late. I'm aware of what the situation was at the timeframe, he's with his mother.

Mr. Rottenborn: Okay, all right. Interesting. Okay. And did you have any understanding that he had a meeting with his new business manager earlier that evening where he was told that he was running out of money and that his taxes hadn't been paid in years? Did you have any understanding of that from Mr. Bett or anyone else?

Mr. Crawford: Objection, foundation, calls for speculation.

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

Mr. Rottenborn: And you didn't see Mr. Depp that night, right?

Mr. Jenkins: No, I didn't not.

Mr. Rottenborn: Okay. So, you came back the next morning to escort Amber to Coachella, right?

Mr. Jenkins: Yes.

Mr. Rottenborn: And you say that Amber told you that she had thrown Mr. Depp's phone off the roof?

Mr. Jenkins: Correct.

Mr. Rottenborn: And did you come to understand that Mr. Depp had thrown her phone off the roof that evening prior to when Amber threw Mr. Depp's phone off the roof?

Mr. Jenkins: She informed me of that.

Mr. Rottenborn: Okay. She informed you of that. So when you went outside to look for Mr. Depp's phone, you weren't looking for Ms. Heard's phone, were you?

Mr. Jenkins: She had her phone. She had her phone. She was trying to redownload and back it up.

Mr. Rottenborn: Okay. So you were only looking for Mr. Depp's phone when you went downstairs to try to...You found it with an unhoused person you said, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Okay. And did I hear you right that you said it was 6 miles away where you found the phone?

Mr. Jenkins: Correct.

Mr. Rottenborn: It actually wasn't 6 miles away. It was actually right below the building, the ECB building, correct?

Mr. Jenkins: No, it was not. No, it was not.

Mr. Rottenborn: Okay. Can you pull up...Does he have a way to see documents that...just him, Your Honor?

Judge Azcarate: Yes.

Mr. Rottenborn: Could you please pull up the witness statement, Mr. Jenkins? Mr. Jenkins, do you remember giving testimony on Mr. Depp's behalf in the UK trial?

Mr. Jenkins: Yes, I do.

Mr. Rottenborn: And you gave a witness statement first in writing, correct? Do you remember that?

Mr. Jenkins: Yes.

Mr. Rottenborn: And then you were examined by the attorneys in the trial, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Okay. Can you see on your screen the statement, do you see a witness statement?

Mr. Jenkins: Yes, I see it.

Mr. Rottenborn: It says, "Witness statement of Starling Jenkins," right?

Mr. Jenkins: Correct.

Mr. Rottenborn: And this is the statement that you wrote and signed as part of the UK trial on behalf of Mr. Depp, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Okay. If you can scroll, please, to page 3 of the document. And Mr. Jenkins, I'm gonna read you what you wrote in paragraph 13 and we can go from there. On paragraph 13, you wrote in your witness statement in the UK trial, "The Find My iPhone application indicated that Johnny's phone was somewhere on the streets below the balcony of the residence." Did I read that right?

Mr. Jenkins: If that's what it says, that's what it says. I'm telling you the phone was in Skid Row.

Mr. Rottenborn: Okay. So...

Mr. Jenkins: I have the photo of gentleman that found it. I have the location where the phone was found.

Mr. Rottenborn: Isn't Skid Row just a few blocks away from the Eastern Columbia Building?

Mr. Jenkins: No. It's on 6th and Main, I guess, depending on what area you are.

Mr. Rottenborn: Okay. So one of these two sworn statements, either what you just said in court just now that it was found 6 miles away or this, one of these is false, correct?

Mr. Jenkins: It's just inadequate as far as the location. The location is not below the penthouse. It's not on Broadway. It was found on Broadway by the unhoused man and then he lives off of Skid Row.

Mr. Rottenborn: Okay. Now, let's move on to Coachella, please. You were with Amber and her friends that weekend at Coachella. And you testified a little bit about what you saw. Is it fair to say that Amber and her friends were having a good time that weekend?

Mr. Jenkins: Yes, they were.

Mr. Rottenborn: And there were thousands of other people at that music festival too, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Were you aware that Amber's sister, Whitney, was pregnant and sober that weekend?

Mr. Jenkins: Wasn't my information, wasn't my knowledge.

Mr. Rottenborn: Were you aware that Amber's sister, Whitney, threw up in a parking lot that weekend?

Mr. Jenkins: No.

Mr. Rottenborn: Okay. To your knowledge and understanding, Mr. Jenkins, there's nothing wrong with wanting to spend time with your friends at a music festival after being abused by your husband, right?

Mr. Jenkins: What abuse?

Mr. Rottenborn: That's not an abnormal thing to want to be around your friends, correct?

Mr. Jenkins: She was partying it up with her friends. She's partying it up.

Mr. Rottenborn: And you said you didn't hear anything about...She didn't say anything to you about domestic violence having taken place, correct?

Mr. Jenkins: Nothing in the car pertaining to that.

Mr. Rottenborn: Would it surprise you that she might not wanna talk to someone who had worked for her husband for around 23 years at that point about domestic violence? Would that surprise you?

Mr. Crawford: Objection. Speculation, Your Honor.

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

Mr. Rottenborn: Ms. Heard texted you on May 12th, 2016 asking you to call her, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: And you did not bother to respond to that text, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: And that was the last communication that you had with her, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Now, you weren't...Just to be clear, you weren't at Amber's house on Orange Avenue in March 2013 when Johnny was there, correct?

Mr. Jenkins: I might have driven him to the location. I'm familiar with the address.

Mr. Rottenborn: But you didn't enter the house at any point in March 2013, correct?

Mr. Jenkins: Depending on if he had luggage or just going upstairs, I might have.

Mr. Rottenborn: But you didn't hang out with them inside the house, right?

Mr. Jenkins: Hurry up and wait in the car, sir.

Mr. Rottenborn: And you weren't at the Hicksville Trailer Palace in late May or early June 2013, right?

Mr. Jenkins: No.

Mr. Rottenborn: You weren't on a plane flight from Boston to Los Angeles in May 2014, correct, with Johnny and Amber?

Mr. Jenkins: No.

Mr. Rottenborn: You weren't with Mr. Depp and Amber in the Bahamas in August 2014, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: You weren't with Mr. Depp and Amber in Tokyo in January 2015, correct?

Mr. Jenkins: No, I was not there. Correct.

Mr. Rottenborn: You weren't with Mr. Depp and Amber in Australia in March 2015, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: You weren't at Thanksgiving with them in Penthouse 5 of the Eastern Columbia Building in November 2015, correct?

Mr. Jenkins: I believe I was there.

Mr. Rottenborn: You didn't...

Mr. Jenkins: I might have been assigned the detail. I don't have the schedule, but I might have been assigned the detail that day. It's Thanksgiving. It's a holiday.

Mr. Rottenborn: sure, Sure. You don't have any specific recollection of that one way or the other though, correct?

Mr. Jenkins: I would probably say I was on duty that day. It's a holiday.

Mr. Rottenborn: Okay, okay. You weren't celebrating Thanksgiving in Penthouse 5 with them that evening, correct?

Mr. Jenkins: I was in the CP.

Mr. Rottenborn: Okay. And that's a separate room, correct?

Mr. Jenkins: Separate room on the same level. Correct.

Mr. Rottenborn: And you weren't in the Bahamas in late December 2015, correct, with them?

Mr. Jenkins: Correct.

Mr. Rottenborn: You weren't in the ECB with just the two of them the night of December 15th 2015, correct?

Mr. Jenkins: That is right before the Christmas party, I believe. Correct.

Mr. Rottenborn: And finally, you weren't in the penthouse of the Eastern Columbia Building on the night of May 21st, 2016 with Mr. Depp and Ms. Heard, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: And you'd agree that you have no personal knowledge of what went on between Mr. Depp and Ms. Heard behind closed doors, correct?

Mr. Jenkins: Correct.

Mr. Rottenborn: Nothing further. Thank you.

Judge Azcarate: All right, redirect.

Mr. Crawford: Just very quickly, Your Honor. Do we have Mr. Jenkins' witness statement or perhaps? And if we could go to the third page,

please. Mr. Jenkins', directing your attention to paragraph 13 which Mr. Rottenborn had you look at just a second ago. He read the first sentence of that witness statement, "The Find My iPhone application indicating that Johnny's phone was somewhere on the streets below the balcony of the residence. Walked out...." Could you please read for the jury the second part of that paragraph?

Mr. Jenkins: I walked out onto the street, did not see the phone. I then asked several homeless people if they had the phone. One homeless man admitted to me that he had the phone, returned the phone to me in exchange for the following: \$425 in cash, 3 chicken tacos, 2 bags of chips, 2 apples, 4 bottles of water."

Mr. Crawford: And so, do you recall where you found the iPhone that day?

Mr. Jenkins: Yes, I do.

Mr. Rottenborn: Objection, asked and answered.

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

Mr. Crawford: Mr. Jenkins, moving to Coachella, Mr. Rottenborn asked you about Whitney Heard. Do you know who that is?

Mr. Jenkins: Yes, I do.

Mr. Crawford: Do you know the difference between Whitney Heard and Amber Heard?

Mr. Jenkins: Yes, I do.

Mr. Crawford: And who was sick that day?

Mr. Jenkins: One is the boss' wife. One is the boss's sister-in-law.

Mr. Crawford: Who was sick that day at Coachella?

Mr. Jenkins: Amber was sick.

Mr. Crawford: Thank you. Nothing further.

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

Mr. Crawford: No, Your Honor.

Judge Azcarate: All right. Mr. Jenkins, you're free from testimony and therefore, you're free to do whatever you need to do or you can watch

the proceedings. It's up to you, but you're done for today though. Thank you, sir.

Mr. Jenkins: Thank you, Your Honor. Thank you for the court.

Judge Azcarate: All right. Have a good day.

Mr. Jenkins: You also.

Judge Azcarate: All right, let's...All right. I think it's close enough to 5:30 that I think we've had enough of a week. Ladies and gentlemen, at this time we're gonna go ahead and be done with the testimony for this week. Although, since I won't see you until Monday, I wanna give you the long jury instruction that I give you every Thursday evening just so we all remember our responsibilities. Okay? So, at this time, remember that you are not to read anything about this case. You are not to watch anything about this case. You are not to listen to anything about this case. This applies to television, newspapers, magazines, the internet, and any online sites. Further, you are not to read, watch, or listen to anything about this case on any social networking sites such as Twitter, Facebook, Instagram, Snapchat, blogs, or similar sites. In addition, you must not communicate with anyone about the case whether in person, over the phone, by email, text, or instant messaging, or by any other electronic or non-electronic means. This includes your friends, family, co-workers, acquaintances, and strangers.

I also instruct you that you cannot do any research or make inquiries about this case, whether online or by any other means. For example, you cannot look information up on the internet that is related to this case or related to the persons involved in this case, nor may you consult dictionaries or other reference materials. What you learn about this case is limited to what you learn in the four walls of this courtroom when proceedings are underway. You also may not communicate about this case or the persons involved in this case with your fellow jurors. Okay? Hope you have a good weekend. There supposed to be a great weather on Saturday. Go outside, get some fresh air. Okay? And just enjoy your weekend. And we'll see you back Monday at 10. Okay? Thank you so much.

[04:52:06]

[silence]

[04:52:27]

All right. And as always, Mr. Depp and Ms. Heard, please do not do any posting on social media and do not talk to the press. I appreciate it and have a good weekend. For the attorneys, tomorrow, what time...How many...Did we do our homework this week? Yes?

Mr. Moniz: We did.

Ms. Bredehoft: Still in progress.

Judge Azcarate: Work in progress. Okay. So are we still doing 19 tomorrow?

Ms. Bredehoft: I think it's 18.

Mr. Moniz: [inaudible 04:52:53] 20, Your Honor.

Judge Azcarate: Twenty. You added one for me. That's lovely. Okay, great. So we'll do 20 tomorrow. So I would suggest 8:00. Can everybody be here at 8? Sound good?

Mr. Moniz: Yes.

Ms. Bredehoft: Yes.

Judge Azcarate: Okay. We'll be here at 8 a.m. and we'll just do them until we're done. So bring a lot of meals. Okay? All right. We'll see you tomorrow then. Thank you. Have a good evening.

Together: Thank you, Your Honor.