

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Monday 23 May 2022

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Male: ...Penney Azcarate presiding. Please be seated.

Judge Azcarate: Good morning.

Mr. Rottenborn: Good morning, Your Honor.

Judge Azcarate: Do we have preliminary matters?

Mr. Rottenborn: We have some exhibits to hand out.

Judge Azcarate: Oh, that would be fantastic. That will make Jimmy stay. All right. Are we ready for the jury then?

Together: Yes, Your Honor.

Judge Azcarate: Okay. All right. Good morning, ladies and gentlemen. Have a seat. All right. Your next witness.

Mr. Rottenborn: Your honor, Amber calls Dr. Richard Moore.

Judge Azcarate: All right, Dr. Moore. All right, yes, sir.

Mr. Rottenborn: Good morning, Dr. Moore.

Dr. Moore: Good morning.

Mr. Rottenborn: Can you please tell the jury your full name?

Dr. Moore: Richard Salter Moore, Junior.

Mr. Rottenborn: Where do you work?

Dr. Moore: EmergeOrtho in Wilmington, North Carolina.

Mr. Rottenborn: And what is your position there?

Dr. Moore: I'm a shareholder physician, orthopedic surgeon, practicing hand, upper extremity microvascular surgery.

Mr. Rottenborn: For how many years have you been an orthopedic surgeon?

Dr. Moore: So, I completed my fellowship in 1997, so for 25 years.

Mr. Rottenborn: And I believe that you mentioned this, but tell the jury what area of orthopedic surgery in which you specialize.

Dr. Moore: So, I'm orthopedic surgeon. I finished medical school, went to a five-year orthopedic residency. At the completion of my residency, I wanted to specialize in hand surgery. So, I did an additional year of training specifically in hand and upper extremity surgery before starting my practice in my first year as an attending.

Mr. Rottenborn: Where are you currently licensed?

Dr. Moore: North Carolina.

Mr. Rottenborn: For how long have you been licensed?

Dr. Moore: Since 1991 or 1996? I think it was in 1996 when I was licensed in North Carolina.

Mr. Rottenborn: Okay. Beginning with your undergraduate studies, Dr. Moore, could you please tell the jury a bit about your educational background? I know you mentioned a little bit of it just now.

Dr. Moore: So, I attended University of North Carolina, Chapel Hill, I graduated in 1987 with a B.S. in Biology. I went to medical school at UNC, and I graduated in 1991. I then went to the hospital at the University of Pennsylvania in Philadelphia, did a 5-year orthopedic surgery residency there. And in 1996, I went to Duke University Medical Center and did a year of fellowship in hand, upper extremity, and microvascular surgery.

And on completion of my fellowship, I was invited to join the faculty and my role was hand and trauma. And so, I went to Los Angeles for about six months for preceptorship in pelvic trauma and then went back to Duke and practiced as a director of the orthopedic trauma service and member of the hand, upper extremity, and microvascular reconstruction team until 2000 when I relocated in North Carolina to Wilmington.

Mr. Rottenborn: And you've maintained an active clinical practice since 2000?

Dr. Moore: Yes.

Mr. Rottenborn: And before that when you were at Duke, correct?

Dr. Moore: Yes.

Mr. Rottenborn: Just very briefly, can you tell the jury what is a residency?

Dr. Moore: A residency is kind of largely an apprenticeship. So, when you finish medical school, you have M.D., medical degree, but you really can't practice medicine, and you take a track of internal medicine or pediatrics or OB-GYN or orthopedics. And then, it's a graduate training program, anywhere from three to five or six years.

Mr. Rottenborn: And what's a fellowship?

Dr. Moore: And a fellowship is a year beyond training. When I completed my residency, had I chosen to, I could have practiced as a general orthopedic surgeon. But I wanted to subspecialize and therefore that required an additional year of training.

Mr. Rottenborn: And I believe you mentioned this, but your subspecialization was in the hand. Is that right?

Dr. Moore: That's correct.

Mr. Rottenborn: Why did you choose to specialize in the hand?

Dr. Moore: Patient population, the types of problems we treat, and the anatomy is really the biggest reason I chose it. I mean, for a lack of a better term, it's really pretty beautiful anatomy.

Mr. Rottenborn: And let's talk about that anatomy. There's bones in the hand, right?

Dr. Moore: Correct.

Mr. Rottenborn: And there is tissue and blood vessels, right?

Ms. Vasquez: Objection, leading.

Judge Azcarate: Overruled.

Mr. Rottenborn: I'm sorry, you can answer that.

Dr. Moore: Yep, that's correct.

Mr. Rottenborn: And what is the surgery called where you operate on tissues and blood vessels in the hand?

Dr. Moore: Well, that would be hand surgery. I mean, there are different components of it. There is trauma where we do repairs of tendons or blood vessels. There is a microvascular element where we repair injured nerves. In my practice at Duke, I was on the replant team, and so we

would do replantation when digits were cut off. We would try to reattach the bones and tendons and nerves and vessels to reattach the digits and, hopefully, survive.

Mr. Rottenborn: And have you performed surgeries of that nature?

Dr. Moore: Yes.

Mr. Rottenborn: When you perform surgeries of that nature, what assessment do you make of the cause of those injuries?

Dr. Moore: So, cause is a big element. It's an important element to appreciate because it can impact management in a lot of those settings. You know, there is a difference between a laceration caused by razorblade and a laceration caused by, let's say, a serrated knife. There's a larger zone of injury. So, what we anticipate having to manage is based on how the injury was created.

There's also other elements, contamination. You know, farm injuries are totally different than clean injuries, and kitchen injuries with raw chicken are totally different than some other settings. And so, it does play a large role in management.

Mr. Rottenborn: After your fellowship at Duke University, I believe you mentioned you had another role at Duke for a few years. Is that right? Can you tell the jury about that?

Dr. Moore: So, I did my fellowship, and I joined the faculty as an assistant professor. And so, I was in charge of teaching residents and fellows. I was the director of the Orthopedic Trauma Service. And I was on the hand call team in addition.

Mr. Rottenborn: Have you had academic appointments at any universities other than Duke?

Dr. Moore: I have adjunct assistant professor appointment at the University of North Carolina, Chapel Hill, which has affiliated training programs in the center where I practice now.

Mr. Rottenborn: Have you held any leadership positions in your field?

Dr. Moore: I've been an officer and the past president of the North Carolina Society for Surgery of the Hand, the Duke Hand Club or Society now. I'm a member of the American Society Surgery of the Hand, of the Orthopedic Trauma Association, of the American Academy of Orthopedic Surgery, and of the American Orthopedic Association, the AOA.

Mr. Rottenborn: Are the majority of your surgeries hand surgeries?

Dr. Moore: Yes.

Mr. Rottenborn: How many hand surgeries, ballpark, would you say you've performed in your career?

Dr. Moore: Over 25 years, thousands.

Mr. Rottenborn: Have you seen finger injuries similar to the one sustained by Mr. Depp in Australia?

Dr. Moore: Yes.

Mr. Rottenborn: And have you evaluated injuries like that?

Dr. Moore: Yes.

Mr. Rottenborn: Have you treated injuries like that?

Dr. Moore: Yes.

Mr. Rottenborn: Have you operated on fingers that looked like that?

Dr. Moore: Yes.

Mr. Rottenborn: How many times, ballpark?

Dr. Moore: Hundreds, if not more.

Mr. Rottenborn: What does it mean to be board certified in your field?

Dr. Moore: So, board certification is a process that you pursue after you complete training. So, at the time, there's been changes. But at the time that I finished my training, after residency, we took a written examination. And if you pass the written examination, you had to practice for two years. At the end of that two years, you submitted a list of cases over six months to the board. And they picked 12 cases, and then you gathered up 10 and went to Chicago and had an oral examination based on those cases. And if you pass the oral examination, you're board certified.

Mr. Rottenborn: And your board certification is in what?

Dr. Moore: Orthopedic surgery.

Mr. Rottenborn: What is the Certificate of Added Qualification?

Dr. Moore: So, in the event that you elect to do a fellowship and subspecialize, hand surgery is one of the specialties that you can apply

for a Certificate of Added Qualification. And so, once I was board certified, I practiced for an additional year or two, had to resubmit a list of cases, and take a written examination to become certified in hand surgery.

Mr. Rottenborn: Do you teach other surgeons how to do hand surgery?

Dr. Moore: Occasionally, on occasion, yes.

Mr. Rottenborn: When was the last time you did so?

Dr. Moore: The day before yesterday.

Mr. Rottenborn: Tell the jury about that.

Dr. Moore: Over the weekend, I went to Miami to serve as faculty for a course, a bio skills course, we call it, on shoulder and wrist surgery, and surgeons come in and we have case presentations and panels and then they had a cadaver lab, and we're able to allow them to perform the surgery on cadavers to become familiar with the equipment.

Mr. Rottenborn: Have you published in your field?

Dr. Moore: I have.

Mr. Rottenborn: In peer-reviewed literature?

Dr. Moore: Yes.

Mr. Rottenborn: Your Honor, at this time, we'd like to offer Dr. Moore as an expert in the field of orthopedic surgery and specifically hand surgery and injuries to the hand.

Judge Azcarate: All right. Any objection?

Ms. Vasquez: No objection, Your Honor.

Judge Azcarate: So, moved. Yes, sir.

Mr. Rottenborn: Dr. Moore, now we get to talk about this case. At our request, what have you reviewed? Just general categories of information have you reviewed at our request in this case?

Dr. Moore: So, a tremendous amount of material. I reviewed the video deposition and the trial testimony of Mr. Depp regarding the injury, the medical records from Australia, the photographs of the injury from Australia and Los Angeles, texts and emails, the deposition of Dr. Kipper. And I'm sure there's more.

Mr. Rottenborn: And when you reviewed the deposition of Mr. Depp, was that just in paper form?

Dr. Moore: It was a video deposition.

Mr. Rottenborn: And so, what did you review of that deposition?

Dr. Moore: The section where he describes the injury.

Mr. Rottenborn: And did you see a video of him describing it?

Dr. Moore: I did.

Mr. Rottenborn: And you watched the testimony from this trial, him describing it?

Dr. Moore: Yes.

Mr. Rottenborn: And you mentioned that you reviewed some texts as well. What are those?

Dr. Moore: There were communications amongst Mr. Depp and his physician and others.

Mr. Rottenborn: And what did you specifically review in those texts relating to the finger injury?

Dr. Moore: Well, with relation to the finger, there was a text that he had stated he cut his finger off.

Mr. Rottenborn: Now, Dr. Moore, I'm going to ask you some questions about this case, regarding the opinions that you formed relating to Mr. Depp's finger injury. When I ask you those questions, do you agree to answer my questions to a reasonable degree of medical probability?

Dr. Moore: Yes.

Mr. Rottenborn: And do you agree to advise the jury and the court if you are not answering any of them to a reasonable degree of medical probability?

Dr. Moore: Yes.

Mr. Rottenborn: Dr. Moore, based on your analysis, did Mr. Depp's finger injury happen as a result of a vodka bottle being thrown at him?

Ms. Vasquez: Objection, leading.

Dr. Moore: No.

Judge Azcarate: Overrule.

Mr. Rottenborn: I'm sorry.

Dr. Moore: No.

Mr. Rottenborn: And what is the basis for that opinion?

Dr. Moore: Well, the medical data is inconclusive. It's not consistent with what we see in the described injury pattern or in the clinical photographs. And there are several elements. You know, the description was that the hand being flat on a bar and the bottle crushing the finger from the top.

But looking at the images, there's really no significant injury to the dorsum of the finger. And to create the type of injury with that type of a crush injury, we would anticipate both injury to the fingernail and other parts of the finger.

Mr. Rottenborn: Can I stop you there and just break down a few things?

Dr. Moore: Sure.

Mr. Rottenborn: You said the hand resting flat on the bar. Can you show the jury what direction the hand was resting based on the documents you've reviewed?

Dr. Moore: I think the demonstration was with the hand flat like this, across, maybe even curled here at the edge of the bar like this.

Mr. Rottenborn: Which side was facing upward, which side of the hand?

Dr. Moore: The back of the hand, or we call the dorsal surface of the hand, was up.

Judge Azcarate: So, could you get close to the microphone? I'd just appreciate it.

Dr. Moore: Sorry.

Judge Azcarate: Thank you.

Mr. Rottenborn: Thank you, Your Honor. So, you refer to the back of the hand as the dorsal side of the hand. Is that right?

Dr. Moore: That's correct.

Mr. Rottenborn: Sort of like the dorsal fin on a shark there?

Dr. Moore: Correct.

Mr. Rottenborn: And what is the other side of the hand called?

Dr. Moore: The palmer surface?

Mr. Rottenborn: Palmer? Okay. So what direction was Mr. Depp's hand resting on the bar?

Dr. Moore: So, the dorsal side was up, which was the described mechanism of injury or the injury, the bottle would have struck the top of the finger at the fingernail.

Mr. Rottenborn: And you also mentioned the term that I would like you to explain to the jury, crush injury, please.

Dr. Moore: So, with review of the images and the X-rays, this was a crush injury. That would generate the findings, clinically and on the X-ray that we saw. The fracture is, we call it comminuted and the tip of the finger is in multiple splinters, so there are multiple fragments. Typically, you see that with crush-type injury.

Mr. Rottenborn: So, a comminuted fracture is where there's multiple fragments of bone.

Dr. Moore: That's correct.

Mr. Rottenborn: And what was the basis, other than what you've read and heard, but from the pictures, what was the basis of your opinion that the hand was resting, palmer side down?

Dr. Moore: Well, that was the way the injury was described and demonstrated in the videos. And so, in that position, where the bottle to strike the finger the way it was described, it would have struck on the nail, and the nail was really not injured. And so, that's not consistent with that pattern of injury.

Mr. Rottenborn: Michelle, could I get you to pull up Exhibit DX369, page 26? Your Honor, this is admitted, ask for permission to publish.

Judge Azcarate: Yes, sir.

Mr. Rottenborn: Thank you, Your Honor. Dr. Moore, is this one of the images that you reviewed?

Dr. Moore: Yes.

Mr. Rottenborn: In relation to your expert opinion on the cause of Mr. Depp's injury, tell us what you see in this picture, please.

Dr. Moore: So, this looks like an avulsion-type injury where tissues actually pulled or pinched away. I think what's important in this picture is that the tissue loss is on the palmer aspect, from underneath the finger, rather than transversally in the finger, which you would anticipate if the bottle struck the finger. You would expect more of this level injury rather than isolated to the palmer aspect.

Mr. Rottenborn: And what do you notice about the condition of the fingernail in this picture?

Dr. Moore: So, from this image, the fingernail appears to be intact. You can't necessarily see the entire nail. But there are other images that have a better profile of that. And the nail is not elevated. There's no subungual hematoma beneath it or there's no bruise underneath it. And anyone who's ever stuck their finger in a drawer or caught it in a car door or hit it with a hammer knows that, almost immediately, there's typically bleeding underneath the nail, which creates this hematoma.

Mr. Rottenborn: So, not being a doctor, I'm going to try to summarize what you just said. Are you saying that in an injury like this, if something had come from the top, that there would be an immediate impact to the fingernail bed?

Dr. Moore: That's correct.

Mr. Rottenborn: Michelle, could you please pull up Plaintiff's Exhibit 144? Your Honor, this has been admitted as well.

Judge Azcarate: All right. Thank you.

Mr. Rottenborn: Dr. Moore, I believe you've mentioned just a few minutes ago that there were other pictures that showed more of the nail. Is this one of those pictures?

Dr. Moore: Yes.

Mr. Rottenborn: And explain to the jury again, and I'm sorry for the graphic nature of this photo, but it's important that the jury understands the basis for your opinion that a bottle couldn't have caused this coming in from above.

Dr. Moore: Yeah. So, again, the mechanism described would have almost certainly led to severe nail injury, you know, subungual hematoma. Again, it's a palmer tissue loss, and the loss is from distal to proximal, which is from the tip back far below the nail. And so, for it to create that tissue loss down there, there would almost certainly have to be injury dorsally with that described mechanism.

Mr. Rottenborn: So, what you're saying is that something coming from the top could not have left the nail intact and yet cause injury from the tip of the finger underneath the nail?

Ms. Vasquez: Objection, leading.

Judge Azcarate: Overrule.

Mr. Rottenborn: You can answer.

Dr. Moore: So, I believe that with the mechanism described that if the bottle struck the nail, there would have certainly been an injury to the nail bed and in order for the soft tissue injury to be created by that mechanism, there would've almost certainly been tissue loss on the top of the finger as well.

Mr. Rottenborn: Does Mr. Depp's description of what happened line up with the undisputed photographic evidence that you've reviewed?

Dr. Moore: No.

Mr. Rottenborn: Now, we mentioned the term crush injury a few minutes ago. I'd like to show you DX360, please. Your Honor, we won't publish this at this time. Is this a document that you reviewed in connection with your expert opinion in this case?

Dr. Moore: Yes.

Mr. Rottenborn: And, Michelle, if you can go to pages, I believe, they're 5 and 6. Your Honor, I'd ask for permission to publish this as a demonstrative for the jury.

Judge Azcarate: Just page 5 and 6?

Mr. Rottenborn: I'm sorry, 09 and 10, two pages.

Judge Azcarate: Page 09 and 10, could you go to 10 also so the plaintiff can see it? Any objection to 09?

Ms. Vasquez: No objection, Your Honor.

Judge Azcarate: Okay, 09 and 10 can be published.

Mr. Rottenborn: Dr. Moore, what are these pictures of?

Dr. Moore: So, these are X-rays of the injured digit.

Mr. Rottenborn: And what do you observe in these X-rays? Point to the jury what you see.

Dr. Moore: So, these are two views, so, one in the plane looking through the finger in this direction, one in the plane looking through the fingers sideways. And you can see the tuft, or the tip of the finger, the last bone in the finger, called the distal phalanx, is shattered. You can see there's multiple little spicules of bone. And there's also a transverse fracture at that level which runs through the bone. So, this is what we would describe as a comminuted fracture, and it is commonly associated with crush injury.

Mr. Rottenborn: In your decades of practice, Dr. Moore, have you ever seen a comminuted fracture like this result from an object thrown in the way that Mr. Depp described?

Dr. Moore: Well, not with the constellation of findings shown on the X-rays. I mean, I think that could create a fracture, but in this setting, it wouldn't create a fracture without the associated other injuries that we would anticipate.

Mr. Rottenborn: And in your decades of practice, when you see a comminuted fracture like this, what are some things that typically cause it?

Dr. Moore: So, crush mechanisms could be slammed in a drawer, caught between two logs in the fireplace, car door, sliding glass door, those are all any mechanism that squeeze the finger between two hard opposing surfaces could create this type of injury.

Mr. Rottenborn: In the statements of Mr. Depp that you reviewed, how did he describe what happened to the alleged bottle when it hit the bar?

Dr. Moore: I believe he said it exploded, shattered.

Mr. Rottenborn: If a bottle had exploded near his finger in a way that he alleges, what would you expect to see in the documents that you have reviewed?

Dr. Moore: Well, I think that the physicians did a good job at documenting the presentation, the appearance of the wound. They did not document presence of any glass shards, and there were no other associated injuries elsewhere on the hand.

Mr. Rottenborn: And I would just want to step back for one minute. Michelle, can you pull up the next page of the X-ray here? Thank you.

And Dr. Moore, just before we move on from X-rays, I know that this, when it's blown up like this, it's a little bit blurry. But can you point out or describe to the jury where the multiple bone fragments are in the finger.

Dr. Moore: So, they are in the very tip. You know, if you see the joint and then there's what's called the transverse fracture, which is across the middle of the bone in the same plane as the joint, and the multiple fragments are in the tuft. And with the Xerox copy, the quality is not as detailed as a true X-ray.

Mr. Rottenborn: You can take that down, please, Michelle. Thank you. So, back to the glass, in the records that you reviewed, Dr. Moore, did you see any adjacent injuries? In other words, injuries to any other part of Mr. Depp's hand other than the tip of his middle finger.

Dr. Moore: No.

Mr. Rottenborn: And is that observation consistent with the explosion of glass-type phenomenon that Mr. Depp alleges?

Dr. Moore: I think in the setting of the glass explosion like that, where there's multiple fragments, the tip of the finger's cut off, you would anticipate that there would be other lacerations.

Mr. Rottenborn: Did you review the documentation and the medical records from the hospital in Australia?

Dr. Moore: Yes.

Mr. Rottenborn: Did any of those providers report retrieving glass from the wound?

Dr. Moore: No.

Mr. Rottenborn: What about any glass near the site of the injury?

Dr. Moore: No.

Mr. Rottenborn: What about any glass in other parts of the hand?

Dr. Moore: No.

Mr. Rottenborn: What about any glass in any of the other fingers?

Dr. Moore: No.

Mr. Rottenborn: Is there any reference at all, Dr. Moore, that you've seen to any glass in the records that you've reviewed?

Dr. Moore: No.

Mr. Rottenborn: And Dr. Moore, in your decades of practice, have you ever seen an injury associated with a glass explosion that was focused on the end of a single finger in the way Mr. Depp describes?

Dr. Moore: Not consistent with the clinical images and findings in this case, no.

Mr. Rottenborn: Have you ever seen an injury associated with an alleged glass explosion where no other glass was found on any part of the patient's body or clothing or anything?

Dr. Moore: No.

Mr. Rottenborn: And because there's been talk of a glass explosion, Dr. Moore, there seems to have been a suggestion that somehow glass may have sliced off the end of Mr. Depp's finger. Is that what's going on here?

Dr. Moore: This wound doesn't really appear to be a sharp glass laceration.

Mr. Rottenborn: You referred earlier to an avulsion, which is a term I'd never heard before your opinion in this case. Explain to the jury what that is, please.

Dr. Moore: So often, with crush injuries, we'll see tissue loss that we call an avulsion, where the tissue is actually pinched or pulled away rather than sliced or cut. And it's not uncommon with crush injuries to see that.

Mr. Rottenborn: In your decades of practice, Dr. Moore, have you ever seen an avulsion injury with a partial amputation that results from an object thrown from the top of the finger in the way that Mr. Depp describes?

Dr. Moore: No, again, I think that the description differs from the clinical appearance on the images.

Mr. Rottenborn: Michelle, can you please pull up Exhibit 369 at page 12? This has been admitted, Your Honor.

Judge Azcarate: All right. Publish to the jury.

Mr. Rottenborn: Dr. Moore, you said you've treated thousands of hand injuries over the course of your career, correct?

Dr. Moore: Correct.

Mr. Rottenborn: What is that on Mr. Depp's hand?

Dr. Moore: So we described that as...

Ms. Vasquez: Objection, calls for speculation.

Judge Azcarate: The picture just changed.

Mr. Rottenborn: Sorry. Page 12, please.

Judge Azcarate: Okay.

Mr. Rottenborn: Thank you. What is that on Mr. Depp's hand?

Dr. Moore: And so, that's plaster splint.

Judge Azcarate: Overrule the objection.

Mr. Rottenborn: Sorry. Thank you. I'm sorry, please tell the jury what that is on Mr. Depp's hand.

Dr. Moore: That's a plaster splint. Half a cast is how I sometimes describe to patients, and it provides stability, for comfort, and to protect fractures in the course of treatment.

Mr. Rottenborn: Is that plaster splint hard or soft?

Dr. Moore: What's plaster of Paris? It hardens like a cast does.

Mr. Rottenborn: Dr. Moore, does Mr. Depp's description of how his finger became injured line up with the facts that you've seen?

Dr. Moore: No.

Mr. Rottenborn: I have no further questions. Thank you, Dr. Moore.

Judge Azcarate: All right. Cross-examination.

Ms. Vasquez: Good morning, Dr. Moore.

Dr. Moore: Good morning.

Ms. Vasquez: You said you reviewed Mr. Depp's video deposition. Is that correct?

Dr. Moore: That's correct.

Ms. Vasquez: And you said you reviewed Mr. Depp's testimony at this trial, correct?

Dr. Moore: That's correct.

Ms. Vasquez: And with that, also a video of his testimony?

Dr. Moore: Yes.

Ms. Vasquez: And you testified that Mr. Depp demonstrated that his hand was flat on a surface. Is that correct?

Dr. Moore: That's correct.

Ms. Vasquez: That's not entirely accurate, is it though?

Dr. Moore: No, his description was relatively consistent in both, including turning and resting the hand on the edge.

Ms. Vasquez: Isn't it true, Dr. Moore, that when Mr. Depp did the demonstration in his deposition, he showed that his fingers were hanging over the bar?

Dr. Moore: Well, even hanging near the bar, it still leaves the dorsum of the hand or the nail vulnerable to the...

Ms. Vasquez: That's not my question, Dr. Moore. My question is, "Isn't it true that Mr. Depp said his fingers were not laying flat on the table, they were hanging over the bar?"

Dr. Moore: Yes.

Ms. Vasquez: Okay. And in fact, you knew that when you made that opinion. Isn't that correct?

Dr. Moore: Well, I believe that I... As I demonstrated in here, that I said that he had said or slightly curled over, I think was the description that I gave.

Ms. Vasquez: Your description in this courtroom was that it was laying flat. And I think you've done that now twice. But in your deposition, you testified that his fingers were actually hanging over the bar. Isn't that correct?

Mr. Rottenborn: Objection, Your Honor, misstates the witness' testimony, clearly indicated they were curled.

Judge Azcarate: Overruled.

Mr. Rottenborn: It could have been curled.

Judge Azcarate: Overruled.

Dr. Moore: So, that's a distinction that perhaps I misstated in one of the two descriptions. However, that's not substantially change my opinion of the impact or, what have them, mechanism.

Ms. Vasquez: Isn't it true that Mr. Depp also testified that the bottle came from an off angle?

Dr. Moore: Yes.

Ms. Vasquez: All right. And you considered that in rendering your opinions today, correct?

Dr. Moore: Yes. I believe he stated that it came from between 6 and 10 feet. I think it was off to... I think he demonstrated it was off to his right? I can't recall specifically, but it was off angle, yes.

Ms. Vasquez: Okay. So it didn't come from the top, as you previously testified just a few minutes ago, correct?

Dr. Moore: No, it would've struck the top of the finger, but it may have been slightly off angle in its approach based on the description.

Ms. Vasquez: Mr. Depp described it as an "off angle," correct?

Dr. Moore: Correct.

Ms. Vasquez: Dr. Moore, just at the outset, your billing rate for providing deposition testimony is \$1,000 per hour?

Dr. Moore: That's correct.

Ms. Vasquez: All right. And you were deposed in this action for several hours on March 22nd, 2022?

Dr. Moore: That's correct.

Ms. Vasquez: And your billing rate for providing trial testimony is \$5,000 per day.

Dr. Moore: That's correct.

Ms. Vasquez: You were retained in this case by Ms. Heard's legal team, correct?

Dr. Moore: Correct.

Ms. Vasquez: And over the last few years, you provided expert services for one of Ms. Heard's law firm on at least two other cases, right?

Dr. Moore: That's correct. Yes.

Ms. Vasquez: Dr. Moore, is it fair to say that you have no personal knowledge as to how Mr. Depp injured his finger in Australia, correct?

Dr. Moore: No, I have no personal knowledge. My impression is based on his description of the injury and the available medical records for review.

Ms. Vasquez: But you weren't in Australia with Mr. Depp and Ms. Heard, correct?

Dr. Moore: I was not in Australia, no.

Ms. Vasquez: And therefore, you have no personal knowledge as to how that injury was sustained?

Dr. Moore: Correct.

Ms. Vasquez: All right. And you also never personally examined Mr. Depp's finger, did you?

Dr. Moore: Correct.

Ms. Vasquez: You didn't examine Mr. Depp's finger at the time it was injured?

Dr. Moore: I did not.

Ms. Vasquez: And you never provided any medical treatment to Mr. Depp in connection with his finger injury, did you?

Dr. Moore: I did not.

Ms. Vasquez: Now, you've testified that you identified Mr. Depp's finger injury as a crush injury, correct?

Dr. Moore: Correct.

Ms. Vasquez: And a crush injury is when a body part is crushed or trapped between two opposing firm surfaces, yes?

Dr. Moore: Yes.

Ms. Vasquez: And a crush injury to a finger can occur when a foreign object hits the finger, right?

Dr. Moore: Yes.

Ms. Vasquez: And based on the pictures that you've reviewed of Mr. Depp's finger injury, you cannot determine what particular object caused the injury to his finger, yes?

Dr. Moore: Well, I can't determine exactly what object did it. I think that I can say with confidence that the described mechanism of the bottle

hitting and shattering the finger was not consistent with the appearance of the injury. And I think...

Ms. Vasquez: I understand that. And my question is just very specific, "You can't determine the object that caused the injury to Mr. Depp's finger."

Dr. Moore: It's a little bit more of a non-specific answer. I mean, again, I can't determine the exact object, but I can determine that it's unlikely that it was sustained in the manner described.

Ms. Vasquez: A bottle is a foreign object, isn't it?

Dr. Moore: Yes.

Ms. Vasquez: So, you can't rule out that the injury to Mr. Depp's finger was caused by a vodka bottle, correct?

Dr. Moore: Well, based on the injury pattern, I can say that the described mechanism of injury is inconsistent with medical findings.

Ms. Vasquez: Right. But because of vodka bottle as a foreign object, you can't rule out that a vodka bottle is what caused Mr. Depp's injury.

Dr. Moore: Well, I can't rule out that a vodka bottle caused the injury, but I can rule out that it was caused in a manner described in his testimony.

Ms. Vasquez: You can't rule out that the injury was caused by a knife, right?

Dr. Moore: I think it's unlikely that injury was caused by a knife.

Ms. Vasquez: But you can't rule it out?

Dr. Moore: Well, a simple knife laceration wouldn't impart the injury to the distal phalanx to result in the comminuted fracture. Now a chopping type, but again, that would likely come from a direction that would create a dorsal injury to create a fracture that was developed.

Ms. Vasquez: Do you remember giving testimony in this case, Dr. Moore?

Dr. Moore: Deposition?

Ms. Vasquez: Yes.

Dr. Moore: Yes.

Ms. Vasquez: Okay. And you were under oath, correct?

Dr. Moore: Correct.

Ms. Vasquez: All right. And that was on March 22nd, 2022, yes?

Dr. Moore: Correct.

Ms. Vasquez: May I approach, Your Honor?

Judge Azcarate: Yes, ma'am. Thank you.

Ms. Vasquez: Dr. Moore, may I please have you go to page 163 of your deposition, specifically line 17...163? Actually, apologies, 164, line 4.

Dr. Moore: Correct.

Ms. Vasquez: Question, "But you can't rule it out completely, right?" Answer, "I can't rule anything out completely. I can't rule out that he caught it in the door, cut it with a knife, or slammed it in a car door. Or, again, as Dr. Gilmore said, we can't definitively say what caused this injury." Did I read that correctly?

Dr. Moore: You did.

Mr. Rottenborn: Your Honor, I would object the incomplete impeachment. I think if she's going to read his answer, she also needs to read or give Dr. Moore the chance to read the paragraph below. She just picked out half of his answer.

Judge Azcarate: You can redirect.

Mr. Rottenborn: As well as the paragraph above.

Judge: Overrule the objection.

Ms. Vasquez: Dr. Moore, there's no question pending. Thank you, though. So, you can't rule out the injury was caused by a car door either. Is that right?

Dr. Moore: Correct.

Ms. Vasquez: But it's your testimony sitting here today that you can rule out that the injury was caused by vodka bottle. Is that your testimony?

Dr. Moore: My testimony is that I can rule out the injury as caused by the mechanism described by Mr. Depp in his deposition.

Ms. Vasquez: But you cannot definitively say what caused the injury to Mr. Depp's finger.

Dr. Moore: The definitive injury is a crush injury. But again, I can't say. I mean, I think that it's quite likely that the initial mechanism described at the time of presentation of the accordion doors would classically create this injured pattern. You know, the hand up in front, the picture of accordion door as the edge is closed, that the hands up, the palm is exposed, that the door is pushed, the hinges close about the fingers...

Ms. Vasquez: Dr. Moore, I understand that. But my question is...

Dr. Moore: I think it's important that they understand that.

Ms. Vasquez: This is the time for me to ask you questions. Your counsel will have the ability to rehabilitate you and ask you questions on redirect. Right now, let's try my question. You can't definitively say what caused the injury to Mr. Depp's fingers, yes or no?

Dr. Moore: No.

Ms. Vasquez: Okay. In conducting your analysis of Mr. Depp's injury, you did not attempt to reconstruct the incident. Is that right?

Dr. Moore: Well, I think the incident was reconstructed. You mean, that I throw a vodka bottle or something?

Ms. Vasquez: No, Dr. Moore. I mean, you didn't do any accident reconstruction, either computerized or any... You didn't conduct any type of accident reconstruction of the alleged...

Dr. Moore: No, that's correct. My opinion is based on the medical records and the clinical images and Mr. Depp's description.

Ms. Vasquez: And your analysis is based on an understanding on how Mr. Depp described the exact positioning of his finger on the time of his injury. Yes?

Dr. Moore: Yes.

Ms. Vasquez: And your analysis is also based on the assumption that Mr. Depp's hand remained completely still in the incident that a vodka bottle was hurled at him. Yes?

Dr. Moore: No. My assessment was on his description of the vodka bottle striking the top of his finger.

Ms. Vasquez: But his hand stayed still, according to your analysis. Yes?

Dr. Moore: I guess it was still long enough for the bottle to hit it. But natural reaction would be to pull away.

Ms. Vasquez: When you perform traumatic finger surgeries, you inquire about the cause of the injuries, correct?

Dr. Moore: Correct.

Ms. Vasquez: And your best information on that is typically just the self-reported patient, yes?

Dr. Moore: Correct.

Ms. Vasquez: And your assumption is just the patient is because the patient is trying to get care, that person, that patient, is generally telling the truth, right?

Dr. Moore: You would hope so.

Ms. Vasquez: Yeah. You've reviewed Dr. Kipper's deposition in forming your opinion about Mr. Depp's injury, correct?

Dr. Moore: Correct.

Ms. Vasquez: In forming your opinion, did you consider Dr. Kipper's deposition testimony that while Dr. Kipper was providing emergency treatment for Mr. Depp...

Mr. Rottenborn: Objection, Your Honor. Can we approach?

Judge Azcarate: Okay.

Ms. Vasquez: Let's start over. Because this is important that the jury hears this. So, in forming your opinion, did you consider Dr. Kipper's deposition testimony that while Dr. Kipper was providing emergency treatment for Mr. Depp's finger injury in Australia, in the driveway of the house, Mr. Depp told him that his finger was injured when Ms. Heard threw a vodka bottle at him?

Dr. Moore: I don't recall that from the deposition. I'd be happy to review if you have the deposition available.

Ms. Vasquez: Did you consider Dr. Kipper's testimony that he recalled that Mr. Depp's finger was found in the kitchen?

Dr. Moore: I do recall that.

Ms. Vasquez: So, you must have also seen Dr. Kipper's deposition testimony that he wasn't the one who actually found the finger, correct?

Dr. Moore: That's correct.

Ms. Vasquez: Dr. Kipper testified that someone he thought was the chef told him he found the finger in the kitchen area, correct?

Dr. Moore: I'm going to assume so without reading the deposition now.

Ms. Vasquez: Did you review any testimony from Ben King in rendering your opinions today?

Dr. Moore: Not to my knowledge, no.

Ms. Vasquez: Did you see any of Mr. King's testimony at this trial?

Dr. Moore: I did not.

Ms. Vasquez: So you are not aware that Mr. King testified that he is the one who found Mr. Depp's finger, are you?

Dr. Moore: No.

Ms. Vasquez: And you're not aware that Mr. King testified that he found Mr. Depp's found Mr. Depp's finger in the bar area, right?

Dr. Moore: Correct.

Ms. Vasquez: And you are not aware that Mr. King testified that he found Mr. Depp's finger in a piece of tissue in the bar area, either?

Dr. Moore: No.

Ms. Vasquez: And you're not aware that Mr. King testified that multiple broken liquor bottles were also found in the bar area, right?

Dr. Moore: Correct.

Ms. Vasquez: If we could please pull up Defendant's Exhibit 1817, which is already in evidence, and it may be published please.

Judge Azcarate: I just don't have it now.

Ms. Vasquez: That would help.

Judge Azcarate: Yes. I just have a blank screen at the moment. There we go. Oh, I saw something. There we go.

Ms. Vasquez: Have you ever seen this picture before, Dr. Moore?

Dr. Moore: No.

Ms. Vasquez: So, you're not aware that this is the bar area where Mr. King testified he found Mr. Depp's finger?

Dr. Moore: No.

Ms. Vasquez: Do you see that broken vodka bottle in the back corner near the bottom of the bar?

Dr. Moore: Yes.

Ms. Vasquez: Do you see the blood drops on the floor?

Dr. Moore: Yes.

Ms. Vasquez: Can we please pull up the Defendant's Exhibit 1820, which is already in evidence? Have you seen this picture before, Dr. Moore?

Dr. Moore: I have not.

Ms. Vasquez: So you're not aware that this is also a picture from the bar area where Mr. King testified he found Mr. Depp's finger?

Dr. Moore: Correct.

Ms. Vasquez: Do you see the bloody tissue on the ground at the bottom of the bar?

Dr. Moore: Yes.

Ms. Vasquez: Do you see the blood drops around that tissue?

Dr. Moore: Yes.

Ms. Vasquez: So you didn't consider any of this evidence in rendering your opinion about how Mr. Depp insured his finger in Australia, did you?

Dr. Moore: I did not.

Ms. Vasquez: Okay. Nothing further, Your Honor. Thank you.

Judge Azcarate: All right. Redirect.

Mr. Rottenborn: Okay, Your Honor.

Judge Azcarate: Yes, sir.

Mr. Rottenborn: Can you pull up Exhibit 1817 that was just shown to the witness, please? And can you blow up that, what Ms. Vasquez referred to as a broken vodka bottle, Michelle, please?

Dr. Moore, based on your review of the documents in this case, what did you understand to be the size of the bottle of vodka that Mr. Depp alleged cut off his finger?

Dr. Moore: The description was that it was a handle, a half-gallon bottle.

Mr. Rottenborn: And that's bigger than a 750mL or 5th of liquor, correct?

Dr. Moore: Yes.

Mr. Rottenborn: And what size bottle, if to the extent that's even a bottle, what size is that appear to you?

Ms. Vasquez: Calls for speculation, Your Honor.

Judge Azcarate: I'll sustain the objection.

Mr. Rottenborn: Does that appear to be a handle?

Ms. Vasquez: Objection, calls for speculation.

Judge Azcarate: I'll sustain the objection.

Mr. Rottenborn: You can take that down. Dr. Moore, Ms. Vasquez just asked you about Dr. Kipper's deposition testimony, and she said, is that where she claimed Mr. Depp allegedly told him that the finger was severed from a vodka bottle. Did you remember that question a few minutes ago?

Ms. Vasquez: Objection, leading.

Judge Azcarate: Overrule.

Dr. Moore: I do remember that question, yes.

Mr. Rottenborn: Thank you. That alleged account, is that consistent with the texts you reviewed between Mr. Depp and Dr. Kipper?

Dr. Moore: No.

Mr. Rottenborn: And what did those texts say?

Dr. Moore: As I recall, Mr. Depp indicated that he had cut his finger off.

Mr. Rottenborn: Now, Ms. Vasquez wouldn't let you finish when you were trying to explain to the jury how Mr. Depp's account of injuring his finger in an accordion door would be perfectly consistent with the photographs you saw. Could you please explain that to the jury?

Dr. Moore: Well, so, again, we tend to try to believe patients. We hope that they come in with an honest history, initially. And that's a reasonable mechanism for this to have occurred. Again, if you picture your hand up with either a closure of a hinge or a closure of a door, the palmer surface is exposed. If it's caught in that hinge as it closes, it could slightly be off-center, it would pinch that tissue away in a similar fashion. But because it's below the level of nail bed, it could create this injury with a fracture with a tissue loss and preserve the nail bed.

Mr. Rottenborn: Can you look at page 164 of your deposition? The one that Ms. Vasquez just showed you.

Ms. Vasquez: Objection, Your Honor. I'm going to object on hearsay grounds.

Mr. Rottenborn: Your Honor, she only...

Judge Azcarate: Overrule.

Mr. Rottenborn: Thank you. Ms. Vasquez asked you a question and then she read your answer, trying to impeach you. But she only read half of the answer. So I'm going to read the whole answer to the jury and I'm going to ask you to tell me if I'm reading your answer right. Okay?

The question is, on page 164, line 4, "But you can't rule it out completely, right?" And you answered, "I can't rule out anything completely. I can't rule out that he caught it in the door, cut it with a knife, or slammed it in a car door. Or again, as Dr. Gilmore said, 'We can't definitely say what caused this injury.'" And then you go on to say, this is where Ms. Vasquez cut you off and didn't let you finish, "What I..."

Ms. Vasquez: I don't think that's in the transcript, objection.

Judge Azcarate: I'll sustain that.

Mr. Rottenborn: The rest of your answer that she did not read to you, Dr. Moore, is "What I...the question I can answer is, is that the mechanism that was described by Mr. Depp and demonstrated by Mr. Depp is inconsistent with the injury pattern that's found on the images and the description." Did I read that right?

Dr. Moore: Yes.

Mr. Rottenborn: And does that remain your opinion today?

Dr. Moore: Yes.

Mr. Rottenborn: Has anything that's been presented to you on cross-examination changed any of the opinions that you hold in this case?

Dr. Moore: No.

Mr. Rottenborn: I have nothing further. Thank you, Dr. Moore.

Judge Azcarate: Thank you. All right. Dr. Moore, you're free to go, or you can stay in the courtroom. It's up to you. All right. Thank you. Your next witness,

Ms. Bredehoff: Your Honor, we like to call Dr. David Spiegel.

Judge Azcarate: Dr. Spiegel.

Male: [Inaudible 00:47:02]

Judge Azcarate: All right. That's fine. Yes, sir. Thank you.

Ms. Bredehoff: Thank you, Your Honor.

Judge Azcarate: All right. The doctor can be sworn in.

Woman: Do you solemnly swear or affirm to testify truthfully in the case in penalty of law?

Dr. Spiegel: Yes, I do.

Judge Azcarate: Thank you.

Ms. Bredehoff: Thank you, Your Honor. Would you please tell the jury your full name and business address?

Dr. Spiegel: David R. Spiegel, I'm a physician. I work at 825 Fairfax Avenue in Norfolk, Virginia, as part of the Eastern Virginia Medical School.

Ms. Bredehoff: And what is your occupation?

Dr. Spiegel: I'm a physician psychiatrist.

Ms. Bredehoff: And where do you work? Do you work at...?

Dr. Spiegel: I'm employed by Eastern Virginia Medical School, but I also work at Norfolk General Hospital, which is a teaching hospital in Norfolk.

Ms. Bredehoff: How many years have you been practicing as a psychiatrist?

Dr. Spiegel: I entered residency in 1989. I graduated residency in 1993. So, from 1993 to today, I've been busy practicing.

Ms. Bredehoft: That's almost 30 years.

Dr. Spiegel: That's 30 years, yeah.

Ms. Bredehoft: Thank you. Please describe for the jury the nature of your clinical practice.

Dr. Spiegel: So, my clinical practice is comprised of both inpatient care at Norfolk General Hospital as well as my outpatient practice at Eastern Virginia Medical School. About 85% to 90% of my day is clinical between the two components.

Ms. Bredehoft: And what is involved in a comprehensive evaluation?

Dr. Spiegel: So, in a comprehensive evaluation, in addition to reviewing historical information that you receive from collateral and other sources, you undertake a history from the patient, you get whether it's the history of current illness, the past psychiatric history, family history, social history, legal substance history. Then you do what's called a mental status exam, which is the psychiatric version of the physical exam where we're actually giving a description of what you see in front of you. Then you can do cognitive testing, which tests the patient's memory, attention, concentration, etc. Then you come up with a working and a differential diagnosis, prescribe any other additional testing you may need or not need, and then you come up with a treatment plan.

Ms. Bredehoft: How many patients have you treated over the 30 years?

Dr. Spiegel: Quite a lot, probably in the tens of thousands.

Ms. Bredehoft: And how many patients do you regularly see?

Dr. Spiegel: So, inpatient is generally about five to eight, sometimes more, outpatients, probably five to six, sometimes more. I should point out that my inpatient work is divided between consultation, psychiatry, and probably, we're going to talk about that, as well as working on the inpatient service. So, if you want to talk about that.

Ms. Bredehoft: What, if any, differences are there in how many patients you see on weekends as opposed to weekdays?

Dr. Spiegel: So, when I'm on call, which is on either a Saturday or a Sunday meeting, I have to be in the hospital and around, that's probably an additional 35-plus patients.

Ms. Bredehoff: How frequently do you treat patients who abuse drugs and alcohol?

Dr. Spiegel: Unfortunately, drugs and alcohol are part of psychiatric practice, and so, probably three-fourths of my patients have substance abuse problems.

Ms. Bredehoff: Does this include both legal and illegal drugs?

Dr. Spiegel: Yes, put them both together, probably 75%.

Ms. Bredehoff: And how frequently do you treat patients who have suffered from someone in their lives who abuses alcohol and drugs?

Dr. Spiegel: On a regular basis, like I said, on a daily basis, this is part of what psychiatry is.

Ms. Bredehoff: Okay. And as part of the treatment of patients who abused drugs and alcohol, do you evaluate the impact of the abuse on their brains and personal interactions with others?

Dr. Spiegel: Yes, substances of abuse, both in the short term and the long term, can affect the brain in terms of mood, behavior, cognition, meaning attention, concentration, memory, ability to control your behavior, as well as your overall level of functioning. It can affect it in the short term, such as alcohol blackouts. It can affect it by causing strokes, such as stimulants can. And so, at the end of the day, it's a rather lengthy list of what subs abuse can do to the human brain.

Ms. Bredehoff: Dr. Spiegel, how frequently have you treated patients who have suffered intimate partner violence?

Dr. Spiegel: Again, it's very unfortunate that probably 50% of my patients suffer from trauma. If I had to guess at those 50%, probably 25% of my practice is people who have suffered intimate partner violence.

Ms. Bredehoff: And how consistent is that with the national average?

Dr. Spiegel: In America, unfortunately, it's about 20% to 25%, depending on the study of women who have complained, have reported intimate partner violence.

Ms. Bredehoff: And how frequently have you treated patients who have perpetrated the intimate partner violence?

Dr. Spiegel: So again, in the outpatient setting, I don't see it quite as much. But in the inpatient setting, again, it's a really relative common

phenomena that we'll see perpetrators of it, partner violence, and, you know, they are patients who need treatment too.

Ms. Bredehoft: And overall, how many patients have you treated who have been perpetrators of intimate partner violence?

Dr. Spiegel: Perpetrators?

Ms. Bredehoft: Yes.

Dr. Spiegel: Probably 5% to 10% of the patients I do is perpetrators.

Ms. Bredehoft: And would you say tens of thousands over the last 30 years?

Dr. Spiegel: Yes.

Mr. Dennison: Leading.

Judge Azcarate: Overrule.

Ms. Bredehoft: As part of treating patients relating to intimate partner violence, do you regularly evaluate these patients?

Dr. Spiegel: Do I regularly value the patient?

Ms. Bredehoft: Evaluate the patient?

Dr. Spiegel: Oh, yes. Yes, regularly, I mean, they get the same comprehensive valuation that I described before.

Ms. Bredehoft: Are you licensed in Virginia?

Dr. Spiegel: Yes, I am.

Ms. Bredehoft: And when did you first become licensed in Virginia?

Dr. Spiegel: 1993.

Ms. Bredehoft: Have you been qualified by courts as an expert witness?

Dr. Spiegel: Yes, I have.

Ms. Bredehoft: In how many states have you been qualified as an expert?

Dr. Spiegel: Three, which would be Virginia, Maryland, and South Carolina.

Ms. Bredehoft: Dr. Spiegel, can you please review for the jury your educational background, beginning with your undergraduate studies?

Dr. Spiegel: So, I went to Duke University, in Durham. I went to medical school at the State University of New York Health Science Center in Brooklyn, formerly known as Downstate Medical Center. I did my internship and residency between Dartmouth Hitchcock Medical Center and Penn State Hershey Medical Center.

Ms. Bredehoff: And where did...?

Dr. Spiegel: I'm also fellowship, board certified in consultation-liaison psychiatry.

Ms. Bredehoff: Okay. So where did you do your residency and your internship?

Dr. Spiegel: So, I did my residency for Penn State and internship at Dartmouth.

Ms. Bredehoff: Okay. And what is your current title and position?

Dr. Spiegel: So, I am the acting chair, endowed chair, and professor in the Department of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School.

Ms. Bredehoff: Are you board certified?

Dr. Spiegel: Yes, I am.

Ms. Bredehoff: And what are you board certified in?

Dr. Spiegel: General adult psychiatry and consultation-liaison psychiatry as a subspecialty.

Ms. Bredehoff: Okay. So, you have two board certifications?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Can you explain to the jury what's involved in board certifications in those two fields?

Dr. Spiegel: So, board certification is the standard we strive to in being a physician or any other mental health practitioner. It involves taking a very comprehensive test at the beginning of your career to initiate board certification. Then you get tested again every 10 years. Then you have to go through continual medical education throughout the entire period. You have to do what's called performance in practice, which is basically ways to improve things in your practice. And, again, this is throughout, this occurs always throughout the years.

Ms. Bredehoff: Okay. Now, are you a member of any professional organizations?

Dr. Spiegel: Yes, I am.

Ms. Bredehoff: Could you please tell the jury?

Dr. Spiegel: I am the American Psychiatric Association, as well as a fellow of the American Psychiatric Association. I'm a member of the Medical Society of Virginia. I'm a member of the Psychiatric Society of Virginia. I'm a member of the Tidewater Academy of Psychiatry. And I'm a member of the Academy Consultation-Liaison Psychiatry.

Ms. Bredehoff: Do you have any teaching responsibilities?

Dr. Spiegel: Teaching responsibilities? Oh, yeah.

Ms. Bredehoff: Teaching.

Dr. Spiegel: So, yes. So, teaching is a daily occurrence as part of my job. When I do my inpatient rounds, residents, medical students, physician assistant students are assigned. So we round together and there's teaching with every single encounter. In addition to that, I teach lectures to the residents, to the third, second, and first-year medical students, as well as a fourth-year medical student lecture as well. So, I'm constantly teaching.

Ms. Bredehoff: Have you engaged in any hands-on training of psychiatrists practicing in Virginia?

Dr. Spiegel: Hands-on training with the residents?

Ms. Bredehoff: With psychiatrists.

Dr. Spiegel: Oh, yeah, so, again, I'm teaching at bedside. I mean, we don't speak in front of the patient, obviously, but I'm teaching at bedside, meaning after we see a patient, we discuss the important points to learn. And again, that includes residents at every level. That includes medical students, third, second, and first-year physician students. So, every day is a teaching explanation session to the students and residents.

Ms. Bredehoff: What is your role at Eastern Virginia Medical School as the acting chair? Please tell the jury what that means.

Dr. Spiegel: So, as the acting chair, you are not only accountable for your own practice but you are accountable for your faculty members' practices. So, I have to make sure that everyone is treating, seeing, evaluating a certain number of patients. I'm responsible for their

academic requirements. So, in terms of publishing, etc. I'm responsible for their teaching assignments to other residents, to other students. I'm responsible for, fiscally, that they are accountable to their fiscal productivity, so and a heck of a lot of other administrative meetings that I go to.

Ms. Bredehoff: Okay. Have you published in your field?

Dr. Spiegel: To the tune of about 80 manuscripts. I have my own book on catatonia in the consultation-liaison setting. I have a book chapter on the current and contemporary approaches to temporomandibular diseases, the psychiatric portion. I'm also in the dissociative identity disorder chapter on Wikibook.

Ms. Bredehoff: And have you peer reviewed literature?

Dr. Spiegel: Yes, so I served as a reviewer on "Lancet." I served as a reviewer as "Innovations in Clinical Neuroscience." I've served as reviewer for "Clinical Neuropharmacology." And I'm actually editor in chief of, at this point, of "Clinical Neuropharmacology."

Ms. Bredehoff: Have you lectured on the effects of drugs and alcohol on the human brain?

Dr. Spiegel: Yes, I teach to the residents. I teach a lecture to the second year of medical students and third-year medical students. So, I'm fully aware of not only what I teach but what I see in the emergency room, in the consultation, and inpatient settings.

Ms. Bredehoff: Have you published and lectured on the causes and effects of intimate partner abuse?

Dr. Spiegel: Yes, I puncture, I believe, two articles on the effects of trauma, and in that trauma was intimate partner violence.

Ms. Bredehoff: Are you familiar with the hallmarks of intimate partner violence?

Dr. Spiegel: Yes.

Ms. Bredehoff: Are you familiar with what causes intimate partner violence?

Dr. Spiegel: Once more, excuse me.

Ms. Bredehoff: What causes intimate partner violence?

Dr. Spiegel: Yes, there's multiple explanations that cause intimate partner violence. And if I can, I guess, mention at this point too, when we are discussing intimate partner violence, I think it's imperative for the jury to know we are talking about repetitive behavior over periods of time. And the type of abuse can be any physical, psychological, sexual. But just as important is for somebody, one of the parties, to maintain some uneven element of control or to maintain power, control, or authority.

So, there are a lot of facets to intimate partner violence. I know people tend to think of it as just the actual abuse act. But there's more to it than just the actual abuse act, which is actually important, but it's not the sole one.

Ms. Bredehoff: Your Honor, I'd move to qualify Dr. Spiegel as an expert in the field of Psychiatry and Behavioral Sciences, with specific emphasis on drug and alcohol abuse, intimate partner violence, and the effect of these as they pertain to the issues in this case.

Judge Azcarate: All right. Any objection?

Mr. Dennison: Yes, Your Honor.

Judge Azcarate: You wish to void here.

Mr. Dennison: I do.

Judge Azcarate: To his qualifications?

Mr. Dennison: His qualifications.

Judge Azcarate: Okay. Thank you.

Mr. Dennison: Sir, you talked about two board certifications, general adult psychiatry.

Dr. Spiegel: Yes.

Mr. Dennison: And liaison consultation psychiatry.

Dr. Spiegel: Other way around, consultation-liaison psychiatry.

Mr. Dennison: Consultation-liaison psychiatry.

Dr. Spiegel: Subtle point.

Mr. Dennison: Right. Now, that is not intimate partner violence. That deals with an issue of comorbidity between people who have medical problems and health problems.

Dr. Spiegel: So, you're saying subspecialty?

Mr. Dennison: Yeah.

Dr. Spiegel: So, consultation-liaison psychiatry does have that, but you're also treating patients who have mental illness who have comorbid psychiatric illness or people who have psychiatric illness that have comorbid medical illness. And many of the patients that I see on the trauma service have tried to take their own life. And unfortunately, as part of that, intimate partner violence and trauma, in general, is part and parcel of that. So, it's very, very narrow to say it's just a medical psychiatric interface. It's much more of psychiatric patients who need medical help, medical patient develops psychiatric problems, but also that interface.

Mr. Dennison: So as a subset of your trauma patients, would you say are about 50% of your practice, as a subset of that practice, some people have been involved with intimate partner violence?

Dr. Spiegel: So as a subset of my overall practice, 50% have suffered from trauma. About half of that number have suffered from... I'm sorry, about 20%, about 20% that suffer from intimate partner violence.

Mr. Dennison: All right. You've never conducted any empirical research on individuals who experienced intimate partner violence, have you, sir?

Dr. Spiegel: If your definition is trials, is that what you're saying?

Mr. Dennison: Yes.

Dr. Spiegel: Like pharmaceutical trials or what are you saying? Is that what you're saying? Because I've done review articles on patients who've suffered from trauma. So, the answer is, I haven't done any studies like where you give them medication for treatment or try one treatment versus another. I've reviewed the body of literature on intimate partner violence. I just got to review articles. Yes.

Mr. Dennison: So, you've read about it. Is that what you just have testified to?

Dr. Spiegel: I would have to disagree with you on that, sir. Reading about it and writing a review article are completely two different things, sir.

Mr. Dennison: All right. You haven't authored any articles specifically on IPV, have you, sir?

Dr. Spiegel: As a subset of trauma, the answer is yes. In terms of in the name of the title of the article, the answer is no.

Mr. Dennison: You've never written any books specifically on IPV.

Dr. Spiegel: I've never written any books on IPV, although temporomandibular disease, okay, in terms of psychiatric issues, does have a higher frequency in those patients who have suffered from trauma, including intimate partner violence.

Mr. Dennison: You've never...

Dr. Spiegel: And I am part of that book.

Mr. Dennison: Okay. Temporomandibular disease deals with problems with the jaw?

Dr. Spiegel: Is that a question, sir?

Mr. Dennison: What is temporomandibular?

Dr. Spiegel: Temporomandibular disease is a problem with oral issues, yeah. But there are many patients who complain of oral issues where the oral surgeon cannot find a reason for it. And the reason why they can't is because people who have suffered from trauma and intimate partner violence are prone to increase sensitivity of somatic sensations, which can manifest in temporomandibular disease. Thank you. I appreciate that. Nice plug for my book, thank you.

Mr. Dennison: Didn't hear it, but there we go. So, you haven't written any chapters of any books specifically about IPV?

Dr. Spiegel: Again, I think I've gotten over that. I've written two articles on that. And I've written parts of chapters on dissociative identity disorder. I should add, I did write a chapter on is completely based on trauma and intimate partner violence.

Mr. Dennison: Right. I'm not asking you about trauma because you want to talk about trauma. I'm asking you about IPV specifically.

Dr. Spiegel: I will reiterate again. You cannot separate intimate partner violence and say that is a separate rubric aside from trauma. Trauma is overall, intimate partner violence is part of trauma. And the answer to the question is, any individual who suffers from a dissociative disorder, which I am the author of a chapter of, suffers from trauma, whether it be at the hands at childhood or be in the hands of an intimate partner.

Mr. Dennison: Right. But you've already testified that half your practice is trauma, and a subset of that practice is IPV, correct?

Dr. Spiegel: Which is actually, I treat the national average patient. About 20% of patients suffer from it, and that's about my practice number.

Mr. Dennison: Except you're discounting the fact that half your practice is not trauma at all. So, 10% of your practice is IPV.

Dr. Spiegel: I don't know if the numbers add up exactly like that.

Mr. Dennison: I'm just using yours.

Dr. Spiegel: I don't know if I'm doing... I don't know if those numbers add up like that because I'm not sure if that's the case. If it's 25%, then maybe 12.5% of my practice that's being rather specific. So, again, a significant number of my patients have suffered from intimate partner violence. I see it on a daily basis. And I'm not sure exactly why I'm getting asked the same question again. Thank you.

Mr. Dennison: Okay. Thank you, sir. You listed 60 references to articles, I guess you said 80 now, and publications.

Dr. Spiegel: I said around, sorry I said around 80.

Mr. Dennison: Right, 60, 80, whatever it is, right?

Dr. Spiegel: No, 60 and 80 is not... If you go to the PubMed, actually... Why don't you go to PubMed right now and Google? Now put PubMed Spiegel Dr. and you will find that the number is 72, with two ways to be impressed, one submitted, so that would be 75. So, I said, around 80. So again, what's on my CV is not necessarily the most updated version, because I still publish since the CV has been given to you, sir.

Mr. Dennison: Right. And not one of the 72, 80 articles has IPV in the title, right?

Dr. Spiegel: Correct, not one of them has IPV. It does have trauma, but not IPV.

Mr. Dennison: Right. And you've never presented on the topic of IPV specifically?

Dr. Spiegel: As a function of trauma and as a function of somatic illness? Again, I would say to you that it's part and parcel of these illnesses. So, the answer is yes, I have. The answer is yes, I have.

Mr. Dennison: And IPV doesn't appear in your CV at all.

Dr. Spiegel: If you say it's not on my CV, I will believe you. There's a lot of things are not on my CV that I do.

Mr. Dennison: And you're not associated with any professional literature on IPV?

Dr. Spiegel: I'm sorry, repeat the question, sir.

Mr. Dennison: Is there any professional literature that you've contributed to relative to IPV specifically as opposed to trauma generally?

Dr. Spiegel: The answer to the question again, sir, is that you cannot separate this artificial separation you're trying to do between trauma and intimate partner violence. It is part and parcel of trauma. We don't thread it like that.

Mr. Dennison: Your Honor, plaintiff would accept this witness as an expert on general psychiatry and with respect to the drug usage issues that Ms. Bredehoff referenced, but not with respect to IPV.

Judge Azcarate: All right, over objection, he's entered as an expert as stated on the record. All right, you may continue. Thank you.

Ms. Bredehoff: Thank you very much, Your Honor. Dr. Spiegel, at our request, what have you reviewed in this case? And just go ahead and give the jury more general...

Dr. Spiegel: It's a lengthy review, but court filings, psychological testing that was done on Ms. Heard by both Dr. Hughes and Dr. Curry, other physicians' medical record, just so you know, Dr. Kipper, counselors and therapists that both parties and psychiatrists they went to, text messages, depositions, snippets of the UK trial, and I'm sure pictures of physical injury. So, I've seen a lot.

Ms. Bredehoff: What, if anything, have you seen in terms of emails, audios, videos?

Dr. Spiegel: Yes. So, I've seen the videos of Mr. Depp. I think the video of showing Mr. Depp destroying, slamming cupboards, and breaking glass, and yelling at Ms. Heard while having a wineglass with wine in his hands. I've seen videos of destruction of property in the house.

Ms. Bredehoff: Okay. And what, if any, review have you conducted on the deposition and testimony of Mr. Depp's hired witness, Dr. Curry?

Mr. Dennison: Objection, approach.

Judge Azcarate: Sure.

Ms. Bredehoff: Do you remember my question? Did you review the deposition and testimony of Dr. Curry?

Dr. Spiegel: Doctor?

Ms. Bredehoff: Curry.

Dr. Spiegel: Yes. Yes, I'm sorry. So, I reviewed testimony of Dr. Curry's. I reviewed Dr. Curry's reports. I reviewed Dr. Curry's testimony.

Ms. Bredehoff: Okay. And did you review the deposition and trial testimony of Dr. Hughes?

Dr. Spiegel: Yes.

Mr. Dennison: Objection, Your Honor, beyond the scope of disclosure.

Judge Azcarate: I'll allow that.

Ms. Bredehoff: Thank you, Your Honor.

Judge Azcarate: Overruled.

Ms. Bredehoff: Did you interview Mr. Depp?

Dr. Spiegel: No, I did not.

Ms. Bredehoff: Did you request to interview?

Dr. Spiegel: I requested to interview Mr. Depp twice. And both times, Mr. Depp and his lawyers refused.

Ms. Bredehoff: Dr. Spiegel, I'm going to ask you some questions in this case, respecting your opinions and the opinions you have formed on the basis of them. And I'm going to ask you to provide me with a reasonable degree of medical probability or certainty. Can you do that?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. On what were you requested to analyze and opine in this case?

Dr. Spiegel: So, it's fourfold. One, I was asked to opine about the risk factors that are associated with intimate partner violence and behaviors that are shown, risk factors that are shown in intimate partner violence to be consistent with behaviors that Mr. Depp has demonstrated.

Two, I've been asked to opine about the acute effects on alcohol and substance use. And I mentioned that including mood behavior, cognition, functional impairment.

Three, talking about a psychological profile, if you would, of... Was there a question? I'm sorry.

Ms. Bredehoft: No.

Dr. Spiegel: Okay. ...of a psychological and medical sequelae of patients who have suffered intimate partner violence and perpetrate intimate partner violence and whether or not Mr. Depp's behavior is consistent with that.

And lastly, about alcohol and other substance use disorders, their diagnostic criteria, their medical and psychological effects, psychiatric effects, their cognitive effects, and their functional effects. And I think I would like to just go through one other thing. When we talk about, when psychiatry talks about substance use disorders, it's imperative to understand we're not talking about someone who rarely uses and happens to have a bad night. We're not talking about someone who uses on a weekly basis and has a bad night. We're talking about repetitive patterns of behavior that meet a list of 11 criteria that could be deemed mild, moderate, or severe.

Because I think people get confused when they hear the word subs abuse that they think, "Oh, I may have abused this because I used it twice." There is a whole criteria of behavior and sequelae and consequences that go with a substance use disorder. I'm not just talking about someone who will occasionally smoke a joint or smokes a joint or snorts occasionally coke, okay, or has alcohol on weekends.

So, I really need to reiterate that because I think when you look at psychiatric behavior, we tend to look...people look online and say, "Oh, my gosh, I have all seven of these, right?" And they are reading it not quite the way to psychiatrists are supposed to go.

So please, when I'm talking about this, I need you to understand, one, that that's what's going on as I told you about intimate partner violence. It's horrible and would strike anyone. Okay? But again, we're talking about repetitive behaviors for means of control, right? So that's really important to understand when you're moving forward. And I may say occasionally subs abuse, but what I'm referring to is substance use disorder.

Mr. Dennison: Objection, beyond the scope of the question.

Ms. Bredehoft: I don't...

Judge Azcarate: Sustained, next question.

Ms. Bredehoff: Okay. Dr. Spiegel, could you please just summarize for the jury the conclusions you came to with your opinions and then we'll take you through the specifics?

Dr. Spiegel: So, in my opinion, based on my review of the evidence, based on my clinical experience, based on my publishing experience, based on my teaching experience that Mr. Depp has behaviors that are consistent with someone who has a substance use disorder, as well as consistent behaviors with someone who's a perpetrator of intimate partner violence.

Ms. Bredehoff: Thank you. I'm going to start with the impact of drug and alcohol abuse over time. First of all, based upon your review of the record evidence, what type of drugs has Mr. Depp used?

Dr. Spiegel: So, Mr. Depp, and again, I'm talking about use, but substance use disorder here. We're not just talking about use. Okay. So, we're talking about alcohol. We're talking about amphetamines. We're talking about marijuana. We're talking about cocaine. We're talking about LSD. We are talking about ecstasy. We are talking about opiates. We are talking about prescription benzodiazepines. And we'll get into separate thing about the abusability of Seroquel and/or gabapentin, gabaneuron. And we're talking about, much of the time, concurrent use, meaning simultaneously.

Ms. Bredehoff: In your practice, do some patients suggest to you that drugs and alcohol actually help them?

Dr. Spiegel: So, I think patients who lack insight or in a very early stage of recognizing that they have a "problem," will sometimes actually say that, "This medication actually calms me down. This medication makes me feel better." And in actuality, they may not acutely feel anything. But chronic and continual use will take its toll on the brain. So, the answer is yes.

But again, people who have substance use disorders have a lack of insight and a lack of judgment about what's going on. They're very poor moderates of their own behavior.

Ms. Bredehoff: Has Mr. Depp suggested, based on your review of the record evidence, that alcohol and drugs actually help him?

Dr. Spiegel: I reviewed the evidence. He has suggested that alcohol, Xanax...I mean, the list of medications do help. Although I will also tell you while I reviewed of the evidence that there was at least two times I can remember that Mr. Depp was referring to at least short-lived periods

of sobriety. I cannot exactly tell you what that included. That both times he said that he functioned better and that he recognized that alcohol and drugs was at the root of his problems.

Ms. Bredehoff: Now, there's been testimony that Mr. Depp is quite charming, both off and on the drugs and the alcohol, what is your answer to that?

Dr. Spiegel: So, again, let me make one thing clear here. I am not here to impeach Mr. Depp's acting skills or his persona. He has way greater skills than I do in that. What I'm here to say is talk about how drugs and alcohol affect what we all have in common. We're all human beings. We can all only get so much, take so much when something is going to happen.

And that's what I see every day in the emergency room, on the consult service, in inpatient psychiatry, bad things happen not because of anything special, except we're all human beings, and our brains... Substance of abuse are not titrated, they're not regulated by the FDA, we don't know what we're getting. We don't know how much we're getting. There is no control of what it makes to our brain.

So, it is not the actor, it is not the persona. Okay. It is a person, just like the rest of us. We are human beings who will have these effects. And that's what we all share in common. Every one of this courtroom shares that in common.

Ms. Bredehoff: When Mr. Depp was in his relationship with Amber Heard, was he a polysubstance abuser?

Dr. Spiegel: Was he in what subs abuse?

Ms. Bredehoff: Polysubstance abuse.

Dr. Spiegel: Yes.

Ms. Bredehoff: Can you explain to the jury what that is?

Mr. Dennison: Leading, Your Honor.

Judge Azcarate: Oh, overruled.

Ms. Bredehoff: I'm sorry. Go ahead.

Dr. Spiegel: Okay. So polysubs abuse is the use of three or more substances. And like I said, concurrently, he was, even while he was getting ready for rehab on the island, he was. So, yes, he did engage in that.

Ms. Bredehoff: Mr. Depp's drug and alcohol abuse affected him cognitively?

Dr. Spiegel: Yes. So, if nothing else to look at, Dr. Blaustein, the psychiatrist that evaluated Mr. Depp, did a Mini Mental State Exam on him, and as part of that Mini Mental State Examination, you're asked to remember three words, and then come back five minutes later and repeat those three words. And in the meanwhile, you're getting other types of testing for attention, and concentration, and visual, spatial, language, so other things that are being tested too.

Mr. Depp was unable to recall any of them. And that is very unusual for a 50-ish-year-old male, I don't remember how old he was when he took that. Generally speaking, that age group should be remembering two or all three of those words. One, I do know that his lines were also fed to him by earpiece, again, affecting memory. I did see in a video deposition about having to have questions, I don't want to say repeat as much as completely forgotten. So, the answer is yes.

And, you know, and again, any one of us who use alcohol and cocaine to that level or degree, and I'm talking about a severe level of substance use disorder, are going to have effects. It is inescapable because we all have brains that are malaffected by extensive substance use and, potentially, sometimes, less. But certainly, what we're talking about here is extensive.

Ms. Bredehoff: What, if anything, did you observe from the record evidence about Mr. Depp having difficulty focusing, his attention span, processing whether he could function as an actor?

Mr. Dennison: Objection, compound.

Ms. Bredehoff: Compound is only if it's...

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you.

Dr. Spiegel: So, again, in terms of the acting part, we do know that he needed his lines fed to him for movies. Part of that could have been also due to, and I don't know which movie, and please forgive me about that, that he actually confessed he did a movie entirely wasted. So, I imagine it would be harder to do that.

Additionally, like I said, when I looked at the deposition, you can tell that the processing speed was down. His thinking rate was down. If your thinking rate is down, and I'm not talking about again, "I'm getting older.

I'm probably not as sharp as I was at 25." Okay? But I'm talking about but so slow that when we're trying to move on to other questions, we're still trying to answer the original data that's presented to us. So, attention span is very much impaired.

And if your attention span is impaired, your memory is going to be impaired. It is inescapable that that's going to happen. So, all that comes into play. And that's what I witnessed in the video deposition.

Fortunately for Mr. Depp, I do see that during this trial that his cognition has improved, some of which will happen if you are sober. So, I commend him on that. But again, I'm specifically referencing the time with Ms. Heard and Mr. Depp's relationship. So, we're talking about that.

Ms. Bredehoff: What, if any, observations from the record evidence did you have about Mr. Depp having alcoholic blackouts or foggy mind?

Dr. Spiegel: Again, there were reported time where he would be, essentially, "passed out drunk." You saw pictures of him passed out drunk and not be able to remember what he did. Which is, again, when you look at the record evidence, you will see that, and this is linking intimate partner violence and substance use together, I know we're going to get to that, which is basically, if you have blackouts and you're using alcohol or using cocaine, it's going to be near impossible to remember what happened.

And I don't think I'm the first person that's ever told you that alcohol can cause blackouts. And, basically, alcohol decreases a brain chemical, glutamate, which is involved in memory formation. If it blocks that, to an extensive degree, the individual cannot remember what happened because they didn't have enough time for the brain to process the memory. They need this brain chemical.

So, does alcohol blackouts happen every time? So, no, of course not. But are they complications of a use disorder? Absolutely, yes. And there was record evidence of that.

Ms. Bredehoff: Dr. Spiegel, you said at one point, alcohol and cocaine. Is it possible to have blackouts with alcohol and different types of substances?

Dr. Spiegel: Yes, so my clinical experience, and I'll date it back within the last month, we had a patient who was using both, especially cocaine, and she had this kind of stroke-like lesions around the brain center known as the hippocampus, which is involved in memory formation.

Mr. Dennison: Objection, relevance.

Ms. Bredehoff: Just giving an example.

Judge Azcarate: Overrule.

Dr. Spiegel: Combining the two subs together increases the likelihood, even if you don't get what is a major stroke. And again, we think of a major stroke as someone who has speech difficulties and movement with difficulties. There's a lot of different types of stroke that can just affect cognition. They don't necessarily have to have severe movement deficits or severe language deficits. They can slowly affect you in terms of your cognitive symptoms and actually known as vascular neurocognitive disorder.

So, you need to understand that's part of the psychiatric diagnosis. You need to understand that you can have these insults, these lesions, these strokes, without demonstrating physical features. And at a minimal, we know that he was using both substances concurrently, and at the middle, we know he had the cognitive issues that we talked about or at least had some of them.

Ms. Bredehoff: Thank you, Dr. Spiegel. What, if any, correlations between domestic abuse, heavy alcohol abuse, and cognitive disorders?

Dr. Spiegel: So, the risk factors, if you would, for intimate partner violence, okay, and there are probably many of them. I don't have time to go all of that. But the ones in particular, the characters in particular, are - One, having someone in the relationship who is jealous or suspicious. Two, having someone who has a higher-than-average acceptance of violence ideations. Three, someone who has rapid and extreme mood shifts. Four, someone who has limited self-control.

One of the roles of cognition, one of the roles of our brain, is to prevent inappropriate behaviors and acting out on thoughts. We all get angry at people. That's human. We all get angry at people. We all say things about people. The difference is, when our brains are intact and working well, most of us don't act them out. Most of us do not act them out. So that's because your frontal lobe and other parts of the brain are involved in making sure these negative thoughts don't get acted on. Okay.

So, when you have the effects of alcohol acutely that causes disinhibition, which means you are, by definition, losing control and having rapid mood swings. Two, you're affecting parts of the brain that are involved in what we call social processing cues. So, you no longer

can interpret what's in front of you that is, I want to say right or wrong, or what I should act on and what I shouldn't act on. So, we act on them.

Even though sober, and I see it in Mr. Depp's record evidence, I've seen it clinically, sober, we can contain that. We can contain that. But when you have these mixtures together, knowing by the way that about 40% up to 60% of intimate partner violence is done under the influence of alcohol and/or substance use disorders, okay, knowing that treating it gets it better, improves it. I'm not saying removes it, but improves it.

Hearing from Mr. Depp's own texts to Dr. Kipper that he was better with that, that things were going better, will show you that, given those confluence of factors, given them all lining up, the risk factors, combined with something that when any of us, any of us, use to a certain amount, if we're novice at it, it will be a lot less, if we're more experienced and more tolerance, dependence, it's going to take a lot more but, inevitably, will make us disinhibited and will make us act out. And acting out could be done in a lot of different ways in intimate partner violence, okay. With also remembering, controls the end game of it [inaudible 01:30:16] So that's how they basically interact, in a nutshell.

Judge Azcarate: Ms. Bredehoft, I assume you have...

Ms. Bredehoft: I have quite a bit more.

Judge Azcarate: Let's go ahead and take our morning recess, ladies and gentlemen. Just do not discuss the case and don't do any outside research. We'll be back with you.

Dr. Spiegel: I'm sorry.

Judge Azcarate: ...in 15 minutes.

Dr. Spiegel: I'm sorry I talked too much.

Judge Azcarate: We'll just take a break. No, no, we're just taking a break. All right. Let's just take a break till 11:00 then. We'll come back at 11:00. Okay.

Ms. Bredehoft: Thank you, Your Honor.

Judge Azcarate: All right. Ready the jury.

Mr. Dennison: Your Honor, can we approach before the jury comes back in?

Judge Azcarate: Okay. Sure. All right. Thank you. You may be seated. Your next question. Thank you, ma'am.

Ms. Bredehoff: Thank you, Your Honor. Dr. Spiegel, before we took the break, you were talking about the correlation between domestic abuse, heavy alcohol abuse, and cognitive disorders. Does the literature support your testimony on this?

Dr. Spiegel: Yes, the literature fully supports everything I just said with that interaction.

Ms. Bredehoff: Thank you. Now you indicated that you reviewed Mr. Depp's video depositions. Is that correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: The ones from November 10 to 12 of 2020 and December 14 of 2021. Is that correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Did you reach any conclusion about his cognitive symptoms, insight, and judgment in watching those?

Dr. Spiegel: So, during the video deposition, what was readily apparent was a gentleman who had a significant delay in processing speed. And, like I said, when you have a delay in processing speed, many other cognitive functions are going to follow. You're going to be impaired of attention, concentration, memory. All that's going to happen.

In terms of having to, the speech...Have you heard the deposition? The way the thoughts were conveyed were much more in the way of kind of disconnected, disjointed statements. It wasn't that they were not necessarily understandable, but they didn't have any coherent pattern until he was more structured by Ms. Bredehoff, to kind of get to the point of the question, which happened throughout most of the deposition. And so, you can see there that there was obviously some form of cognitive issue that should not be happening in someone in their mid-50s. I think it's probably due to the alcohol and substances.

Ms. Bredehoff: What, if any, observations did you make about impulse control?

Dr. Spiegel: So during the deposition?

Ms. Bredehoff: Yes.

Dr. Spiegel: Or any other time?

Ms. Bredehoff: Or at any other record evidence either.

Dr. Spiegel: So, again, I think that under the guise of not being acutely intoxicated, I think Mr. Depp was able to control much of his behavior, much of his thinking, even if it was aberrant or negative, he's able to control that. I think that once you start getting to the point of adding substances to that, that will set it over. If you saw the video, I think you all did, in the kitchen, where there was smashing of glasses, slamming of cupboards, and yelling at Ms. Heard that, "You don't exist."

And throughout the deposition of Dr. Kipper, Mr. Depp is firing him and rehiring him, and yelling and screaming. And I do believe that a lot of it had to do with the interaction of, "Hey, we're trying to help you get sober. Okay. And it is obviously something you are resisting, not ready for, and not wanting." And so you saw a lot of yelling, a lot of a lot of acting out, if you would, which puts you on the state of, "Hey, this is a gentleman who has really significant trouble with delaying gratification, delay and reward." And certainly, one way to make that significantly worse is with substances. There's no question about that.

Ms. Bredehoff: And you may have subsumed this in, but what, if anything, did you observe relating to erratic behavior based on the record evidence?

Dr. Spiegel: Yeah, I mean, I think, again, when you talk about erratic behavior, Dr. Kipper's deposition, I believe it was, where I think I made particular note of this only because I'm a psychiatrist myself. There was a very large ranting about Dr. Cowan, who is Ms. Heard's psychologist, therapist. And the language, you can be dissatisfied with your provider. I have no problem with that. You could be dissatisfied, and you have a right to go to wherever you want to go to. But the texting that were involved in this in terms of erratic behavior was disturbing in terms of the verbiage used, the phrases used. Am I free to use some of the language, or should I reserve that, Your Honor?

Ms. Bredehoff: Go ahead.

Dr. Spiegel: I can?

Ms. Bredehoff: Believe me, the jury has been hearing it.

Dr. Spiegel: Okay. All right, one, [inaudible 01:35:56] during one picture. Okay. So it's something along the lines that Dr. Kipper is an effing charlatan. He...

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: He's entitled to rely on it and to give us examples.

Mr. Dennison: He can talk about what he developed from the hearsay, but not repeat it himself.

Ms. Bredehoft: He's entitled to give examples of it.

Judge Azcarate: I'll sustain the objection.

Ms. Bredehoft: Without giving the exact words that you recall, go ahead, just...

Dr. Spiegel: Oh, without giving the exact words?

Ms. Bredehoft: Yeah.

Dr. Spiegel: Okay. So, I mean, without exact words, it was basically vulgar language directed at Dr. Cowan throughout multiple texts. Multiple things that Dr. Cowan were doing in therapy. It was, without relaying it exactly, I'm trying to be as accurate as I can. And I think at the end of it, I think he was also talking about that Dr. Cowan was filling Amber with positive thoughts, a therapeutic...

Mr. Dennison: Objection, hearsay.

Ms. Bredehoft: I think he's keeping it more general and he's entitled to rely on.

Judge Azcarate: Overrule.

Ms. Bredehoft: Thank you.

Dr. Spiegel: So more along the lines of giving Amber's psychiatric jargon to put on him. And, actually, what I read and interpreted with Dr. Cowan was getting blasted for was he was, you know, kind of teaching Amber, how do Ms. Heard, how to use conflict resolution in more appropriate manner and learning to express things more rationally rather than express things as irrational as they have been expressed. And for that, there were a lot of negativity being sworn at.

So again, erratic behavior in terms of writing a text. I have no problem people being angry, okay, none whatsoever. It's just the expressing of it and the continual ranting of it was very uncomfortable for me to read. But regardless, I think we have seen, in terms of erratic behavior, much of the psychological and physical maltreatment we talked about.

Mr. Dennison: Objection, beyond the scope of the question.

Ms. Bredehoft: I don't agree.

Judge Azcarate: Sustained. Next question.

Ms. Bredehoff: Okay. Mr. Depp is 58 years old. Are the behaviors that you have been describing to the jury are those typical and age-related?

Dr. Spiegel: Well, I don't consider 58 years old. I'm 59. Okay. I will tell you that the age-related changes that occur in humans are, they're very erratic, hit and miss, meaning they'll occasionally be there. You may need a little bit more time to answer a question or pull things out of memory. Just a little bit slower and a lot more inconsistently slow. You wouldn't describe what Dr. Blaustein, his exchanges were, or what I saw in the deposition attributed to age.

Ms. Bredehoff: Dr. Spiegel, what is Seroquel?

Dr. Spiegel: Seroquel, or quetiapine, is actually an atypical antipsychotic, which is indicated for many things, including schizophrenia, bipolar disorder, adjunctive treatment for major depression. So it's indicated for a lot.

Ms. Bredehoff: But what effects may that have? And this is one of the drugs that Mr. Depp was taking, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: It was a prescribed drug?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. So what... Yeah, please explain.

Dr. Spiegel: The effect of Seroquel is, it's very often used as a sleeping agent because it doesn't have a lot of the side effects that are associated with conventional antipsychotics, movement disorders, tardive dyskinesia, etc. Or at least, it's a very low risk for that. So, people have used it off-label, physicians have used it off-label to help them sleep.

The problem is the effect is very barbiturate-like and it really knocks people out. Or certainly, if you use it at high enough doses, it can. Okay. And the problem is it also has street value. So it's absolutely used on the street for that downer-like effect. Obviously, it's a little bit more readily available because it's prescribed. So it does have that street value portion of it.

Ms. Bredehoff: And Dr. Spiegel, what effect would this have on Mr. Depp based on the dosages he was taking?

Dr. Spiegel: So I think what you're looking at is a...

Mr. Dennison: Objection, speculation.

Judge Azcarate: Overrule.

Ms. Bredehoff: Please continue.

Dr. Spiegel: What you will see in patients who have substance use disorders are people who, unfortunately, kind of wake up and fall asleep only through pharmacological assistance, meaning that their own circadian rhythms are no longer in control of that behavior. So you will take stimulants to "get you up in the morning," and then you will take things like quetiapine, Seroquel, to knock you out. So, basically, what these are being used for is, "I'm going to get up and I'm going to get knocked out." That's very characteristic of what would be actually legal-prescribed substances. That's not illegal at all. That's very legal. And that's seemingly what these medicines' effects are on patient of substance use disorder.

Ms. Bredehoff: Dr. Spiegel, what is Neurontin?

Dr. Spiegel: Neurontin, or gabapentin, is actually an anti-seizure medicine, which I think is, it's indicated for seizures, and it might be indicated for one chronic pain condition, although I can't swear that to. That said, again, in a substance use disorder population, it has significant street value. And people who misuse opiates often supplement that with Neurontin because it has this anti-pain calming effect. So, unfortunately, it also can cause respiratory suppression. And so, when you use it with opiates, they're very... There are people that aren't lucky enough to succumb to respiratory suppression as a result. But it has a very additive, calming effect that people use it for.

Ms. Bredehoff: And what effect would this have on Mr. Depp in the dosage he was taking?

Dr. Spiegel: Again... I was waiting for an objection. Okay. Again, what it would do is have the street value of using it with the opiates. The advantage of using it opiates... Because opiates, in general, despite everything else it does, are calming. And you use it with it, it's often further calming, which is why doctors have been warned not to prescribe medications like gabapentin and opiates together, unless under significant, strict following, because it can cause serious problems, such as death, respiratory suppression.

Ms. Bredehoff: And Mr. Depp was also taking Adderall, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: Can you please describe to the jury what that impact would have and particularly in connection with the dosages?

Dr. Spiegel: So Adderall is a psychostimulant, which is prescribed relatively regularly for ADHD. The problem comes again when you shouldn't be prescribing or receiving Adderall when you're already using/misusing cocaine. Okay. You're now doubling your stimulant doses here. And basically, what you are talking about, again, it comes down to the substance use disorder population, you are using it to stay awake, have energy, keep yourself going, getting high, getting energetic.

And then the only way to kind of combat that, because you have this effect, is kind of take downers during the day. And downers are being anything that's calming. So anywhere from opiates prescription, anywhere from Neurontin, anywhere from Seroquel, all medications that are potentially, not potentially, which are abusable. And so that's what this is going on. That's what the substance use disorder patient has. And it can't be given with somebody who is using cocaine because that's an extreme risk of death. They can't be given together.

Ms. Bredehoff: And what, if any, effect would these drugs have if they were mixed with MDMA or cocaine?

Dr. Spiegel: So, when you combine the two together, like I talked about before, there are effects where you are looking at, right, the predisposing traits of intimate partner violence, so jealousy, rapid mood changes, poor self-control, and, to some degree, condoning violence to a certain degree. When you combine them all together, you get this disinhibiting euphoric effect from cocaine and Adderall. When you combine the two together, what happens? You get too much and then you start getting irritable. You start getting agitated. Okay. You start becoming suspicious, jealous, potentially disinhibited, psychotic, and these are the risks.

And again, we're talking about not your average everyday use of these substances. We're talking about chronic use together. And we also know that alcohol and cocaine use, independently, increase significantly the risk of intimate partner violence. These aren't statistics I'm coming up with, they all... anywhere reports up to 7 to 27-fold. So you are, colloquially, "playing with fire" when you are talking about substances and intimate partner violence. You are playing with fire. And that's all of us.

Ms. Bredehoff: And the substances that Mr. Depp was taking and the record evidence relating to those, did you draw any conclusions concerning whether he met these criteria or these risk factors?

Dr. Spiegel: So, in terms of substance use disorder, when you look at it, so major role obligations not being fulfilled, don't have any evidence about operating under the influence or not, social issues, especially disagreements and arguments with your spouse or family. Obviously, there was tolerance and dependence for the amount he was using, because if anyone is naïve to these medications, most of us will be dead, unsuccessful efforts, difficulty cutting back, using more than intended, giving up social occupational or obligations because, I know, there was party... Or right after the rehab on the island and in Australia, Mr. Depp went partying with Marilyn Manson and used...

Mr. Dennison: Objection, beyond the scope of the question.

Ms. Bredehoff: Actually, I was just asking for the record evidence.

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

Ms. Bredehoff: What other record evidence did you have supporting this?

Dr. Spiegel: So psychological, using despite the fact you know it causes known psychological, psychiatric, or medical effects. And I think that's been pretty well documented.

So, in this case, you're talking about someone who has a severe substance use disorder. I do want to emphasize, ladies and gentlemen of the jury, that intimate partner violence and substance use disorders are two scourges in this country. They are two plagues. This is very serious stuff we're playing with. And when you are just getting someone closer and closer to the threshold...

Mr. Dennison: Objection, Your Honor, relevance.

Ms. Bredehoff: It's entirely relevant.

Judge Azcarate: I'll overrule as to relevance.

Mr. Dennison: Beyond the scope.

Ms. Bredehoff: Go ahead.

Judge Azcarate: Beyond the scope of the question?

Mr. Dennison: Yes.

Judge Azcarate: I'll sustain that objection.

Ms. Bredehoff: All right. Tell me more about the relationships between substance abuse and IPV, please.

Dr. Spiegel: Yeah, so again, you are talking about this and you may be able to control the risk factors, any of us, we may be able to control the risk factor for IPV. Any of us might be able to, okay, when we're thinking and we're not disinhibited, not having these hyper-intense emotions from substances. Once you add that to this mix, your brain can no longer do what it's supposed to do. And it's supposed to prevent you from doing this, quite frankly, because it's wrong.

Ms. Bredehoff: Did you arrive at any conclusions concerning substance abuse and potential self-harm that may have led to Mr. Depp injuring his finger?

Dr. Spiegel: So, I think the physician before me explained that pretty well. But I will tell you that Mr. Depp has a history of self-injurious behavior, meaning cutting himself. Mr. Depp has a history of burning himself. I know when the actual event happened, there was texting to Dr. Kipper, paraphrasing, not saying exactly that Amber and him got into a disagreement related to her wanting him to be sober. And as a result of that, he said, he got so angry he cut the tip of his finger off.

So if you're asking me, have I seen and can someone who cuts themselves, burns themselves, can cut the tip of their finger off, with or without alcohol or cocaine, or the rest, the answer is...

Mr. Dennison: Objection beyond the scope of the question.

Ms. Bredehoff: That's exactly...

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you. Please continue.

Dr. Spiegel: Was it overruled?

Ms. Bredehoff: It was overruled. Go ahead.

Dr. Spiegel: So, that is not a very far jump. I've certainly seen patients do a lot worse than that who started out with similar risk factors of, you know, burning self and cutting self. I'm not going to get into the descriptions, but I've seen people do a lot worse than that. So the answer is yes.

Ms. Bredehoff: Okay. I'm going to turn now specifically to intimate partner violence. And I know you've talked certainly about it. But can you tell the jury, please, a little bit more about intimate partner violence and what is included in that?

Dr. Spiegel: So, the APA Task Force on Violence in the Family defined, more or less, this topic of domestic abuse, intimate partner violence, as recurrent abusive behavior by means of psychological, sexual, or physical maltreatment for the purpose of achieving control or maintaining power, authority, and control.

Ms. Bredehoff: Can it include threats and intimidation?

Dr. Spiegel: It includes, so in the part of psychological abuse, which is done, essentially, as a means of emotionally and mentally hurting someone but with the same end goal to achieve control, it can be destroying property, it could be financial, which is part of that, verbal outbursts, threats, intimidation, body language, all of that goes under the concept of psychological abuse. And you may be able to divide it to verbal, nonverbal, which exactly emotional versus verbal, but they're all under that rubric. And they're all under the guise of maintaining control.

Ms. Bredehoff: Do survivors of intimate partner violence experience mental health issues?

Dr. Spiegel: Can you repeat the question?

Ms. Bredehoff: Do survivors of intimate partner violence experience mental health issues?

Dr. Spiegel: Oh, yes. Oh, yes. So, survivors of intimate partner violence... And by the way, I should start out by saying, in psychiatry, we don't expect our victims to be perfect. We don't expect our victims to be unscathed by what they've received.

So starting with that, okay, it is not unusual, as survivors, to see substance use, substance abuse, substance abuse symptoms, chronic depression, post-traumatic stress disorder, or subsyndromal post-traumatic stress disorder, along the lines of battered wife syndrome, and some emotional unpredictability. And again, you are a victim here. You are a victim.

Ms. Bredehoff: Do perpetrators typically seek treatment or counseling?

Dr. Spiegel: No, perpetrators are not receiving counseling, treatment. One because they're going to be probably having to tell someone that they actually struck someone, which is what their thought it's about the

big problem, but it's the part about just hitting. Again, important, but not the sole part of it. So, perpetrators very rarely will go into any type of formal counseling. Victims go into counseling. Victims are seeking actually couples' counseling. Victims are seeking couples advice to try to repair what's happening. Okay. But in terms of actual perpetrators, they don't do that.

Ms. Bredehoff: In your review of this case, is their record evidence of physical violence by Mr. Depp?

Dr. Spiegel: So my view...

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: Which are you...

Mr. Dennison: No foundation.

Judge Azcarate: Do you want to approach?

Ms. Bredehoff: So, what have you reviewed that correlates with the risk factors for IPV related to Mr. Depp?

Dr. Spiegel: So risk factor view that correlated...? So starting with the, I guess, we'll start with the physical because that was a question that was put out there. What I have reviewed has demonstrated, pushing, shoving, grabbing.

Mr. Dennison: Objection, Your Honor.

Ms. Bredehoff: Let me see if I can direct this a little differently, Dr. Spiegel. Rather than giving the summary of what that was, what did you review that correlate? So in other words, did you review witness statements, did you review depositions, photos...?

Dr. Spiegel: Yes. So what I reviewed was, in terms of witness statements, Dr. Kipper's notes. Very, very interestingly, actually, early on, in I think it was 2012, around that time, circa 2012, 2014, Miss Heard was...

Mr. Dennison: Beyond the scope of the question.

Ms. Bredehoff: What he reviewed? All right, let's...

Dr. Spiegel: So, I reviewed... Miss Heard's...

Mr. Dennison: Objection, there was no question pending.

Ms. Bredehoff: He's answering. Go ahead and answer what you reviewed. Please continue with what you reviewed.

Dr. Spiegel: Therapists' notes, counselors' notes, text messages, depositions, video, pictures, psychologists' notes and evaluations and I said physicians' notes, that's what I reviewed.

Ms. Bredehoff: All right. Now you've indicated that intimate partner violence includes physical violence, sexual abuse, and psychological aggression. Can you please describe for the jury what psychological aggression is and what it entails?

Dr. Spiegel: So, psychological aggression would be the engaging in behavior for the sole purpose of emotionally and/or mentally harming someone with the main purpose of, again, to maintain control. So behaviors that can occur with psychological aggression include insults, intimidation, holding things financially against someone, jealousy rants, property destruction. So all that is involved. A nonverbal communication, so threatening looks, glances, things like that, all that is involved in psychological maltreatment in intimate partner violence.

Ms. Bredehoff: What, if anything, would be psychological aggression? If it was trying to control somebody's career, would that be a factor?

Mr. Dennison: Objection, leading.

Judge Azcarate: Overruled.

Dr. Spiegel: So yeah, trying to control someone's career that would be under financial, trying to mistreat someone, especially if someone wants to succeed and try and have a career and you're preventing them from doing so by maltreatment, that's another example.

Ms. Bredehoff: So I'm going to ask specifically about the risk factors for intimate partner violence. Is substance abuse a risk factor for intimate partner violence?

Dr. Spiegel: Yes, it is a risk factor as well as a precipitating cause.

Ms. Bredehoff: And what record evidence did you review that correlates to Mr. Depp engaging in substance abuse?

Dr. Spiegel: So, the record evidence of...I'll just start with Dr. Kipper and the substances that Mr. Depp was using and misusing both in terms of prescribed and on your drug screen were brought out to that.

Ms. Bredehoff: Is lack of behavioral control and impulsiveness risk factors for intimate partner violence?

Dr. Spiegel: Yes, they are.

Ms. Bredehoff: Okay. And what, if any, record evidence were you aware of that Mr. Depp had exhibited lack of behavioral control and impulsiveness?

Dr. Spiegel: Again, threatening...

Mr. Dennison: Objection, record evidence.

Ms. Bredehoff: That correlates with that. I'm on the risk factors on this one.

Judge Azcarate: Overrule.

Ms. Bredehoff: Thank you, Your Honor.

Dr. Spiegel: Threatening, destroying furniture, property, breaking things, writings on walls, mirrors, writing in blood on furniture, all that would be, go with that.

Ms. Bredehoff: Okay. And what, if any, risk factor is narcissism for intimate partner violence?

Dr. Spiegel: Before we get into narcissistic personality traits or disorder, the overall...it's categorized under what's called Cluster B personality.

Mr. Dennison: Objection, Your Honor, beyond the scope of the question.

Ms. Bredehoff: He's explaining the narcissism.

Judge Azcarate: Move on. Processing the objection from the last question.

Ms. Bredehoff: Can you explain to the jury what's involved with narcissism as it relates to the risk factors as it relates to the risk factors of intimate partner violence and what that realm is?

Dr. Spiegel: So, narcissism patients have, again, poor self-control, okay, rapid mood shifts, okay. As a result, they have an undue sense of admiration. They worship power and worship control. They have a lack of empathy, and people are generally kept around as long as they're useful to them, a large sense of entitlement, anything else...the need for praise. So that would go under narcissistic personality and IPV.

Ms. Bredehoff: What, if any, traits would be requiring admiration? Would that fit into it?

Dr. Spiegel: Yeah, requiring admiration need to be admired is part and parcel of narcissistic personality disorder, yes.

Ms. Bredehoff: Would being envious fit within that?

Dr. Spiegel: Yes.

Ms. Bredehoff: Fragile self-esteem.

Dr. Spiegel: Yes.

Ms. Bredehoff: And what, if any, record evidence do you have that correlates with Mr. Depp being narcissistic?

Dr. Spiegel: I do think that the fact that he thought that Amber owed him, Ms. Heard owed him...

Dennison: Objection, Your Honor.

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you. Go ahead.

Dr. Spiegel: The Ms. Heard owed him and only wanted to be together with him because of his fame is an example of that. I do think the jealousy aspects are an example of that. I do think, you know, I think Mr. Tillett had testified that being admired is one thing, but then behind your back saying something else about people is another thing. And I can probably say with reasonable certainty that, to some degree, this whole trial is that.

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: What's the objection?

Mr. Dennison: That's not record evidence, speculation.

Judge Azcarate: Overrule.

Ms. Bredehoff: Please continue.

Dr. Spiegel: That this whole trial, in terms of narcissistic insult, is what's going on. I believe that Mr. Depp was very much a mainstay appropriately in Hollywood, and then this pulled the rug without...

Mr. Dennison: Objection, Your Honor. Can we be...?

Ms. Bredehoff: I think he was be able to explain why...

Judge Azcarate: No, I'll sustain that objection.

Ms. Bredehoff: Can you explain what you mean by this whole trial?

Dr. Spiegel: This proceeding...

Mr. Dennison: Your Honor, can we approach?

Judge Azcarate: Yes.

Dr. Spiegel: This court case...

Judge Azcarate: There's an objection, Sir.

Ms. Bredehoff: What other conduct is in record evidence that correlates with Mr. Depp being narcissistic, having those traits?

Dr. Spiegel: What's the thing about the trial rule? I can't speak?

Ms. Bredehoff: Yeah, we're not allowed to say that.

Dr. Spiegel: Not say that. Okay. The only thing about narcissism, I think, in terms of the trial would be in order to maintain any sense of control, a narcissistic person really has to have a lack of empathy. Because in order to engage in behaviors that are "used to keep individuals in control," you don't really think about the other person. You're not really caring what happens to that other person. So I think that's another facet.

Ms. Bredehoff: So, are attitudes accepting or justifying intimate partner violence are risk factor for intimate partner violence?

Dr. Spiegel: Yes.

Ms. Bredehoff: Do some perpetrators in intimate partner violence try to minimize the IPV?

Dr. Spiegel: Yes. So it is unfortunately not uncommon, especially during the calm phases of the abuse cycle where there is no increased tension, there is no acting out. Okay, you are talking about more of the honeymoon, apologetic phase, begging for forgiveness, telling them how you're going to change, maybe giving them gift.

And then when the dust settles later in a day, a day or two later, it is not uncommon for the perpetrator to kind of switch the blame over to the victim, saying that "Hey..." You know, this either denial, "This never actually happened. You're trying to make me look bad," or allopathic defense where, "You instigated it," or altruistic effect, "Doing it for you,"

transformative effect, "That society kind of accepts this." So it is very uncommon, all of a sudden, for that to start shifting during that time because it is during the calm phase and everything is relatively calm. This, of course, is when the victim wants to engage in treatment.

Beyond that, the ability to kind of, for lack of a better phrase, "win people over," family, friends, the law, I mean, the very ability to do that is part and parcel of that calm, charming phase, where it looks like the victim is, you know, just fabricating this.

Ms. Bredehoff: And is victim blaming a characteristic?

Dr. Spiegel: Yes, like I said, I mean you blame the victim that one of the defenses, the allopathic defense comes along with victim blaming. That's what's the sense you're doing, "I'm blaming you for what you made me do."

Ms. Bredehoff: And is there record evidence that you reviewed that correlates with Mr. Depp in engaging in this type of behavior?

Dr. Spiegel: So I think for a lot of the issues seen, the big precipitant was going to be the need for sobriety. Again, coming back to that severe...

Mr. Dennison: Objection, Your Honor, nonresponsive.

Ms. Bredehoff: I think he was trying to explain it.

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you. Please continue.

Dr. Spiegel: ...severe substance use disorder, and many of their arguments, what I reviewed in the record, stemmed around Ms. Heard's desire for Mr. Depp to maintain sobriety, and that what has happened. So, as a result, she was blamed for bothering him in a way he didn't want to be bothered. And that triggered what was going on.

Ms. Bredehoff: Are you familiar with the term gaslighting?

Dr. Spiegel: I'm familiar with the term gaslighting.

Ms. Bredehoff: Okay. What, if any, gaslighting is consistent with intimate partner violence and the risk factors?

Dr. Spiegel: So, again, when a person starts to be able to be manipulative and charming, you start to be able to win people over. And especially when you see someone who's a victim, who is essentially vulnerable, emotionally labile, okay, you see that person, and then you

see this calm demeanor in front of you, who's very charming, very engaging, very personable, and then all of a sudden it starts looking like the victim is just essentially losing it and, i.e., they're being gaslighted.

Ms. Bredehoff: Is there examples where an intimate partner violent perpetrator claims that the victim is the person who's actually committing the abuse?

Dr. Spiegel: Yeah. Oh, yes.

Ms. Bredehoff: How common is that?

Dr. Spiegel: Very common. Again, that's part of the... That's very common in the occurrence of the honeymoon phase and the calm period of the abuse cycle. It's very common during that time where they are shifting the blame, or anything along that line. It's very common for that to happen.

Ms. Bredehoff: And you indicated that you reviewed some audio tapes in this case, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And what, if any, evidence did you review there that correlates with Mr. Depp attempting to claim that Amber was the one?

Dr. Spiegel: Well, I think that was what was said that Amber was the abuser.

Mr. Dennison: Objection, Your Honor.

Ms. Bredehoff: I don't understand the objection.

Mr. Dennison: What record evidence?

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you. Please continue.

Dr. Spiegel: So that claiming that Amber was the abuser in this particular scenario. And what I will reiterate, again, is that, one, victims are imperfect. And two, it is not uncommon, in the context of being a victim, when you know that person is about to proceed or relapse into a substance or go to a substance and then anticipating what's going to happen that you anticipate the next mood and start initiating self-defense. But, by and large, that's not what's going on here. By and large, Mr. Depp's behavior...

Mr. Dennison: Objection, Your Honor.

Dr. Spiegel: ...behavior was consistent.

Judge Azcarate: There's an objection, Sir.

Dr. Spiegel: I'm sorry.

Judge Azcarate: I'll sustain the objection.

Ms. Bredehoff: Okay. All right. We can move on to the next one. Is prior victimhood of abuse a risk factor for intimate partner violence?

Dr. Spiegel: Yes.

Ms. Bredehoff: What...?

Dr. Spiegel: So...

Ms. Bredehoff: Go ahead.

Dr. Spiegel: There is something known as intergenerational theory of violence, which is basically along the lines of observation, imitation, reinforcement. So you observe a behavior that occurred in childhood, you imitate it when you see that there's no significant negative consequences, but you do get the positive consequence of maintaining control of a situation, solving the conflict in your way, if you would. So that theory is, interestingly, it applies to not only the perpetrators but also the victims. Because there are many victims who grow up in a house of abuse that are not abusive, but they are the victims of the abuse.

Ms. Bredehoff: What are the warning signs of intimate partner violence?

Dr. Spiegel: So warning signs would be increasing the tension, escalations of tension. So that's when you start seeing, hey, partner is getting angry, okay, starting to break down the communication, starting to engage in verbal/nonverbal threats. The victim concedes due to this tension. And that leads you to the actual acts. So these acts progressively build and then they occur.

Ms. Bredehoff: What, if anything, have you seen in intimate partner violence about apologies and promises?

Dr. Spiegel: So again, the apology is part and parcel of the honeymoon phase and promises a part and parcel the honeymoon phase. And, you know, the victim wants to believe it's going to work. They want to believe their spouse is going to be faithful to this. And as part of the abuse cycle, it ends up... As I should say, in the calming cycle, like I said, the victim tries to get some help to try to resolve this until the tension-build-up phase where something bothers them.

So again, it could be bothering someone about substance abuse, it could be bothering someone about finances, it could be bothering someone about your career. Anything is liable to build up tension when you have this framework of limited self-control, an erratic, intense mood shift.

Ms. Bredehoff: So what, if any, record evidence did you review that reflected Mr. Depp engaging in these warning signs, including the apologies and the promises?

Dr. Spiegel: I think that was almost routine. That after was all said and done, that he would apologize for letting this monster out, letting this anger out, almost routinely. And there's very well record evidence of that starting as early on the marriage in one of the therapies for Ms. Heard, that's very common and very much occurred, so recognizing what happened.

And the other part of this is, again, when you can recognize that when you're sober, even short-lived sobriety, when you could recognize that, that things are better, things are happening, but a life is better, then even that should show you that, "Hey, there's an issue here. There were issues here that when I don't use can be resolved."

Ms. Bredehoff: Thank you, Dr. Spiegel. I'm going to now move to the Goldwater rule. Can you explain the Goldwater rule, please?

Dr. Spiegel: So, the Goldwater rule is when Senator Goldwater was running for presidency... And I am going to be honest with you, I think it was in the late '60s, early '70s because I was too young to even follow politics then. And so, please don't quote me on exactly when it was. But basically, what's happening is clinicians, psychiatrists were making these "armchair diagnosis" from their homes or offices because they saw this person on TV, the way they acted, and were asked to comment about what they think their diagnoses are. And therefore, it was felt that should not be done by professionals in these public settings.

Ms. Bredehoff: Does it have any applicability here?

Dr. Spiegel: No.

Mr. Dennison: Objection.

Ms. Bredehoff: Why not?

Mr. Dennison: No foundation.

Ms. Bredehoff: He was explaining what the Goldwater rule was.

Judge Azcarate: You can approach.

Ms. Bredehoff: Dr. Spiegel, do you remember the question? Does the Goldwater rule have any applicability to your testimony and your conclusions and opinions?

Dr. Spiegel: No, it does not.

Ms. Bredehoff: And why?

Dr. Spiegel: For multiple reasons. One, the basics of expert witness testimony would almost be thrown away if you are not allowed to base things on what you evaluated of an individual, what you've read about an individual. So, if I'm not allowed to comment on records or charts or information that I looked, an expert witness testimony can't be done. But more specifically for this case, in the Goldwater rule, the pure version of it was the armchair diagnosis of watching someone on TV. Just you don't make a diagnosis more recently. I think that's even more recent past examples of that. So, you don't make diagnosis like that.

This is not the case here. Because, like I said to you at the beginning, I have reviewed a lot of professionals and their evaluations and their treatment course, video deposition, picture deposition, court filings, email. I mean, I reviewed a whole lot of things that directly describe Mr. Depp and his behavior. So, I'm not commenting on a public opinion that I have absolutely no knowledge of what is in Mr. Depp's history. If I was just doing that, it would be like watching a movie. That's not relevant here.

Ms. Bredehoff: And, in fact, I think you testified earlier you invited Mr. Depp to give an examination.

Mr. Dennison: Objection leading.

Judge Azcarate: Overruled.

Dr. Spiegel: To be fair, for my own direct evaluation, again, I was offered twice that I can do an evaluation of Mr. Depp directly. And both times, Mr. Depp and/or his lawyers decided that that wasn't going to happen.

Ms. Bredehoff: Okay. And in fact, the court did not require Mr. Depp to...

Dr. Spiegel: No, the court did not require Mr. Depp to undergo this evaluation.

Ms. Bredehoff: Okay. Dr. Spiegel, these opinions that you have offered here, do you hold them to a reasonable degree of medical and psychiatric probability or certainty?

Dr. Spiegel: Absolutely.

Ms. Bredehoff: Thank you.

Judge Azcarate: Cross Examination. Thank you. Mr. Dennison.

Mr. Dennison: Sir, I'm Wayne Dennison. We haven't met. But let me ask you. Let's start with what you finished with.

Dr. Spiegel: I'm sorry, one more time.

Mr. Dennison: Let's start with what you finished with. You understand that the court was twice asked by Ms. Heard's counsel to order a medical exam of Mr. Depp and those motions were denied.

Dr. Spiegel: I think your team told the court you didn't want to have them, and the court ruled on them. I don't think the court proactively did it. You kind of had a motion to them, right?

Mr. Dennison: No, when Ms. Heard's lawyers moved for them and asked for them and did not get them. Isn't that right, sir?

Dr. Spiegel: If you're saying that's what happened, my understanding of it was that you all did not want them to undergo on, they petitioned for it. The court said no. Yes, that's what my understanding of what it was.

Mr. Dennison: The court said no to ordering Mr. Depp to do the medical exam.

Dr. Spiegel: I said the court did not require it, right. And there was one that was ordered, in fact, right. There was...

Ms. Bredehoff: Can we approach?

Judge Azcarate: All right.

Mr. Dennison: So, the last thing you talked about was the Goldwater rule.

Dr. Spiegel: Yes, sir.

Mr. Dennison: It's been around for almost 50 years, right?

Dr. Spiegel: I'm 59. That sounds about right, yep.

Mr. Dennison: And it's been around as a result of a presidential election that you referenced.

Dr. Spiegel: Yes.

Mr. Dennison: And who has that rule? What organization maintains that rule?

Dr. Spiegel: The American Psychiatric Association.

Mr. Dennison: An association you're a member of.

Dr. Spiegel: An association that I'm a member of, yes.

Mr. Dennison: Aren't you a fellow or something?

Dr. Spiegel: Yes, I am.

Mr. Dennison: Okay. So, and this is an ethical rule, right?

Dr. Spiegel: It is an ethical rule. Yes, it's ethical. You say rule, I say it's ethical guidelines. Yes, they're guidelines.

Mr. Dennison: And you know that, over time, the American Psychiatric Association has amended the rule, so it's not just about diagnoses, but it's also about professional opinions.

Dr. Spiegel: Could you be more specific and say a professional opinion in regard to what?

Mr. Dennison: Well, let me read this and see if you're familiar with it. "It is unethical for psychiatrist to offer a professional opinion about an individual based on publicly available information without conducting an examination." That's the rule, right?

Dr. Spiegel: If you're reading it directly, I will believe you.

Mr. Dennison: Okay. However, a diagnosis is not required for an opinion to be professional. So, my question is, it's not just diagnosis that this Goldwater rule applies to, it's professional opinion.

Dr. Spiegel: So, again, I reiterate that that would come down to essentially nullifying witness testimony, expert witness testimony, without direct evaluation. And, as we know, it didn't happen. But regardless of that, the whole expert witness testimony thing would be basically rendered null and void.

Mr. Dennison: The rule, in fact, contemplates that issue. Doesn't it, sir?

Dr. Spiegel: Again, I'm just telling you the answer to the question when you were reading me those statements. I'm telling you, the response by the other side, who was published also, is, if that was the case, there could be no expert witness testimony in the courtroom.

Mr. Dennison: Psychiatrists are ethically prohibited from evaluating individuals without permission or other authorization, such as a court order. That's the rule, right?

Dr. Spiegel: Again, if you're reading that, then I have to believe you're not misrepresenting it. And I would come back to, again, then, this whole thing or effort, we might as well get rid of all the expert witnesses we've had throughout all Of the time for court proceedings, because what you're saying is, unless a court orders it, and that's what you just said or the APA said, then, therefore, expert witnesses could not do an evaluation based on an observation of the medical records. Insurance companies cannot do evaluations solely based on the medical record, with our doctors rendering professional opinions.

So, at the end of the day, you are essentially saying that unless someone has directly evaluated this whole medical system we have, this whole legal system we have is null and void.

Mr. Dennison: I'm not saying...

Dr. Spiegel: Oh yes, you are, sir. No, you are.

Mr. Dennison: Give me a second and I'll give you more than a second. What I'm saying and what I am reading to you is a rule by your organization that takes into account that there could be court orders that would permit the exact kind of evaluation that you say I'm eliminating.

Dr. Spiegel: And I think we're going in circles because I think I just said that means expert witness testimony would not be allowed, and the branch of forensic psychiatry would be especially hindered. And we know the branch forensic psychiatry does not prohibit that. So, I am a member of the APA. That doesn't necessarily mean every single thing they put in there, everybody has to unconditionally agree with, because clearly that's not the case.

Mr. Dennison: Did you agree in your deposition that the professional opinions you rendered were inconsistent with the Goldwater rule?

Dr. Spiegel: Yeah, my first was, if we're saying that if the Goldwater rule says, and I very much said that during deposition, that the Goldwater rule was made for presidents and public figures, such as that. But

regardless of that, because that's what it was made for, it's not made for Hollywood. But I'll even take that Mr. Depp is a public figure. What I'm saying to you is that the Goldwater rule says we cannot do any expert witness testimony in our field and it is exactly what the Goldwater rule was saying based on exactly what you read. And I'm just telling you what you're saying that rule encompasses.

Mr. Dennison: What I'm asking you, sir, is, did you comply with the ethical requirements of the APA when rendering the professional opinions that you've rendered today?

Dr. Spiegel: It is a requirement of the APA. It is not the requirement of the APA. Secondly...

Mr. Dennison: So, the answer is no.

Dr. Spiegel: Secondly, again, in order to not... We waste our whole morning because of an expert witness before me, as expert witnesses everyone brought in. So, all I'm saying to you, that means the whole field of medical legal law is corrupt and unethical for engaging in an act that the APA clearly says we should not do. So, if you're saying that, then the answer is, yes, I'm going to agree with that statement.

Mr. Dennison: You're agreeing that the APA would deem your testimony and your professional opinions rendered unethical?

Dr. Spiegel: Again, I am saying you are saying that the whole... I'm an expert witness. I am saying as an expert witness, and solely as an expert witness, that guideline is permitting that from occurring. I would say then that whole field of expert witness testimony, again, would be disavowed by what you are quoting in the Goldwater rule. And we know that's not the case, because if it was, we would not be allowed to do it.

Mr. Dennison: And you said the rule was for presidents, right, and then for public figures?

Dr. Spiegel: That was initially for presidents, yes.

Mr. Dennison: And the name of the rule came from that. But the rule says it is unethical for a psychiatrist to offer a professional opinion about an individual. That's right, sir. It's not just presidents. It's not public figures. It's individuals.

Dr. Spiegel: Funny, it was named after... Of course, your logic, if you don't put it in the title, it's not true. That's what you told me this morning. I believe that in my intimate partner violence. So, what I would say to you, then, sir, is that if you say this about an individual, again, any court

will have to render an expert witness testimony invalid, any doctor that reviews charts would have to render it invalid. I can go on the list of docs that do not see any the patients directly, and that's a violation.

So, basically, you are saying that unless you do a direct clinical evaluation, then all of the field of forensic psychiatry, and all of managed care, is doing an unethical violation because we are not seeing the [inaudible 02:27:57]. We deny patients medications all the time without seeing them. We deny patients treatment, unfortunately, without seeing them, and I'm on the receiving end of that.

So, the answer to your question, again, unless you're saying to me that all of this is unethical, which is what you're saying, this is what you are... This is how I'm interpreting what you're saying to me that unless you do the evaluation directly yourself, therefore, it could not be considered ethical. And I'm telling you how that is applicable to not just expert law but also managed care. It's applicable to multiple branches of medicine, hospital, duration of hospitalization stays, they get evaluated. So, tell me where you want me to end this, sir.

Mr. Dennison: Well, why don't we talk about what you just testified to because I didn't ask anything about that. I asked you whether, under this rubric, under this principle of medical ethics, have you acted unethically? Yes or No?

Dr. Spiegel: No. As an expert witness, I have not acted unethically. And if you want the jury to believe that expert witnesses are unethical, then I guess that's for them to decide.

Mr. Dennison: Well, yes or no, sir.

Dr. Spiegel: That's for them to decide.

Mr. Dennison: You said no. Let's go to the next question.

Dr. Spiegel: Okay. Right?

Mr. Dennison: Psychiatric diagnosis occurs in the context of an evaluation based on thorough history-taking, examination, and, where applicable, correlated or collateral information. Do you agree with that?

Dr. Spiegel: I believe I said that earlier. Yes.

Mr. Dennison: And it's a departure from the methods of the profession to render an opinion without an examination and without conducting an evaluation in accordance with the standards of psychiatric practice, correct?

Dr. Spiegel: Well, again, by the way, for the record, intimate partner violence is not a psychiatric diagnosis. I'll start with that. Substance abuse by themselves is not a psychiatric diagnosis. If you want to cut to the chase, substance use is not a diagnosis of that. Narcissistic personality traits is not a diagnosis. Ergo, I am basically commenting on the things that were brought to me, which are not diagnosis, but an evaluation. If I was going to treat a patient or anyone here, those are the steps I would take.

Mr. Dennison: We, I think, started with the notion that this rule book applies broader than diagnosis. It applies to professional opinions.

Dr. Spiegel: I believe you misquoted...

Mr. Dennison: And you've read professional opinions relative to narcissistic personality traits, haven't you, sir, relative to Mr. Depp?

Dr. Spiegel: Again, I believe you just commented on what it takes to do a psychiatric evaluation to establish a diagnosis. I'm almost certain that's what you said. And maybe I'm wrong, maybe you didn't say that, but I'm sure you did. And therefore, what I'm saying is neither IPV nor substance usage nor narcissistic personality traits are psychiatric diagnoses. And then, under the rubric of expert witness testimony, you are saying I acted unethically under the rubric of expert witness testimony.

So, if you, sir, would like to proceed that expert witnesses are unethical, based on that, I am not going to sit here and disagree with you and waste everyone's time. I think it's fairly obvious. So, thank you. Go ahead. These were your words. I'm just saying it back how they're interpreted.

Mr. Dennison: Okay. Let's start with the easy question then. Maybe we can...

Dr. Spiegel: That was pretty easy. Go ahead.

Judge Azcarate: Doctor, you're going to have to just answer the questions.

Dr. Spiegel: Okay. Sorry about that having getting into this argument.

Judge Azcarate: You need to just answer the question, Dr. Spiegel.

Mr. Dennison: You are not rendering any diagnosis whatsoever of Mr. Depp today or ever.

Dr. Spiegel: No. I probably would say to you that, certainly, I would not say narcissistic personality, or I would say traits. Certainly, from what I have read, intimate partner violence is not a diagnosis. So, the answer is no for that. Narcissistic personality traits is not a diagnosis. The answer is no. But if you want to tell me that substance use disorder is a psychiatric diagnosis, the answer is yes.

Mr. Dennison: But that wasn't an issue, was it, whether Mr. Depp used substances? I mean, you said you've gone through the record. That wasn't really an issue with this trial. We said it from day one.

Dr. Spiegel: Oh, you say, he's already admitted to the diagnosis?

Mr. Dennison: He's already admitted to the use of the substances.

Dr. Spiegel: Well, again, there's a difference between admitting to substance use and substance use disorder.

Mr. Dennison: Let's go back to what you just said about narcissistic personality traits.

Dr. Spiegel: Yes.

Mr. Dennison: Narcissistic personality disorder is a DSM-5 diagnosis, correct?

Dr. Spiegel: Correct.

Mr. Dennison: Diagnostic personality, and you haven't testified that Mr. Depp has a narcissistic personality disorder, have you?

Dr. Spiegel: If I did, and I'm certainly thinking that, but at least I'm going to say he has traits, which are characteristics of provisional diagnosis, it's a provisional diagnosis of probably narcissistic personality. So, yeah, I mean, I do believe that.

Mr. Dennison: Well, when you say provisional diagnosis, you know, the DSM-5 requires, it in order to find that diagnosis, five of the nine facts. And you haven't done that analysis. You've never made that diagnosis. You've just identified certain factors.

Dr. Spiegel: That are criteria for the diagnosis.

Mr. Dennison: Right, but you need five of nine to get to the diagnosis. You've already told us that you didn't make a diagnosis. You're just identifying traits, correct?

Dr. Spiegel: I'm identifying traits that are consistent with the diagnosis, yes.

Mr. Dennison: Right. And did you testify in deposition that the existence of traits, as opposed to the disorder, doesn't have a correlation with IPV?

Dr. Spiegel: If I said traits do not have a correlation with the... That's what I said. I don't remember saying that. But that would be correct to say narcissism has a correlation with the diagnosis. Yes, that part's true.

Mr. Dennison: How far are we going to back this up? Because there's a diagnosis of narcissistic personality disorder, right?

Dr. Spiegel: Yes, sir.

Mr. Dennison: And that one is typed, has some correlation with IPV, right?

Dr. Spiegel: Narcissism has a correlation with IP... Again, sir, you're not allowing me to answer. You're splitting hairs between the traits that are consistent, which is all I'm commenting on, his behaviors and traits that are consistent with the diagnosis and Mr. Depp. Narcissism, absolutely, has risk factor associated with IPV.

Mr. Dennison: Let's go back again. And maybe we can focus on the question I asked you. And we can get an answer that's addressed to that question. Narcissistic personality disorder is a risk factor for IPV. Yes or no?

Dr. Spiegel: Yes.

Mr. Dennison: And you previously testified that there is no literature, which you are currently aware that the mere presence of narcissistic traits, is a risk factor for IPV.

Dr. Spiegel: May I answer the question?

Mr. Dennison: Yes.

Dr. Spiegel: That's incorrect, cluster...

Mr. Dennison: You didn't testify to that.

Dr. Spiegel: Cluster B traits, which narcissistic personality disorder is a part of, is a huge risk factor for intimate partner violence. Cluster B traits, include narcissistic personality disorder, antisocial personality disorder, amongst others. So, the answer to the question is every resource on intimate partner violence will support that Cluster B traits, where

narcissistic personality falls under, is a risk factor for intimate partner violence.

Mr. Dennison: Any single trait under is a risk factor for IPV?

Dr. Spiegel: Again, I will repeat, Cluster B traits. I didn't say any trait. I said Cluster B.

Mr. Dennison: Let me be more precise then. Any narcissistic trait in and of itself is a risk factor for IPV.

Dr. Spiegel: But you are in mischaracterizing what I said. What I said, I'm pretty sure I said, Cluster B. If you look at all the intimate partner violence literature, it would behoove you to do so, you will see that Cluster B traits. I didn't say narcissistic per se. Cluster B traits, where narcissistic personality disorder is part of are risk factors for intimate partner violence, part and parcel, uniformly true. I'm not sure, I don't understand. I'm not sure why we're arguing about psychiatry, because I'm telling you what it is.

Judge Azcarate: Dr. Spiegel, you just need to answer the questions. Okay.

Mr. Dennison: So, you want to talk about Cluster B? So let's do that for a minute. Borderline personality disorder is a risk factor for IPV.

Dr. Spiegel: As part of Cluster B traits, yes.

Mr. Dennison: Histrionic Personality Disorder is a risk factor for IPV.

Dr. Spiegel: Less so.

Mr. Dennison: But it...

Dr. Spiegel: Less so.

Mr. Dennison: It's Cluster...

Dr. Spiegel: It's a risk factor, but less so, yes, significantly less so.

Mr. Dennison: All right. Which traits under narcissistic... And before I move on, there's only been one diagnosis in court of personality disorders, correct?

Dr. Spiegel: I'm not sure who you're referring to. Are you referring to Mr. Depp, Ms. Heard? I'm not sure what you're talking about.

Mr. Dennison: Do you understand that there was a medical examination done on Miss Heard?

Dr. Spiegel: Yes, I did.

Mr. Dennison: Do you understand that the testimony was ultimately that Ms. Heard suffers from two personality disorders?

Dr. Spiegel: Okay. So, I'm just being specific. I just want to be told about Ms. Heard or Mr. Depp, so that's all I was asking.

Mr. Dennison: Yes or no to my question.

Dr. Spiegel: Which was there's only one diagnosis of... Ms. Heard was diagnosed with that.

Mr. Dennison: Yeah, and both of the diagnoses are in Cluster B and both of them are risk factors for IPV.

Dr. Spiegel: Both those Cluster B things are... I'm not allowed to comment on the testing. So therefore, all I could say is that Cluster B traits, and I'll tell you what there are... And by the way, I testified this before, which was that, one, I don't expect perfection from my victims. Two, absolutely, there are Cluster B traits Ms. Heard had, absolutely.

Mr. Dennison: Given that you have testified to it before, let's move on to a new question.

Dr. Spiegel: Okay.

Mr. Dennison: All right. You indicated in your opinion today that you thought... Well, why don't we move a little differently? Are you a member of the American Medical Association?

Dr. Spiegel: No.

Mr. Dennison: Okay. So, you don't know what the ethical rule of the American Medical Association is relative to doing clinical diagnosis about individuals you've never talked to?

Dr. Spiegel: So, you're saying I'm going to do an expert witness evaluation under that rubric, right?

Mr. Dennison: I'm just asking you. Do you know the AMA's rule?

Dr. Spiegel: You are saying AMA's ruling under the rubric of not to evaluate someone you did not see, and I'm questioning, I'm asking. So, you're talking about expert witness testimony?

Mr. Dennison: No, I'm talking about, do you know the rule?

Dr. Spiegel: I'm not a member of the AMA, so I don't read their...

Mr. Dennison: Okay. Great. We can move on. You don't know the rule.

Dr. Spiegel: What?

Mr. Dennison: Okay. All right. You rendered an opinion about Mr. Depp's purported cognitive impairment.

Dr. Spiegel: Yes.

Mr. Dennison: What do you use as a baseline?

Dr. Spiegel: A baseline for processing speed?

Mr. Dennison: Yeah, for analyzing Mr. Depp before you watched his deposition?

Dr. Spiegel: What did I use as the baseline for that? I mean, I guess my baseline would probably be what, how I've seen him interact in public. I have seen him interact with others. I've seen them interact in media, cinema, or his process is certainly not slow. I've seen them do commercials. His process speed was not slow.

Mr. Dennison: At the deposition, didn't you say that what you did was compare Mr. Depp's performance in lots of Pirate movies against his deposition testimony here?

Dr. Spiegel: What I said was, "I've seen Mr. Depp do apology ads. I remember he did apology ad with bad dog, with no delay in process speed. I've seen him interact with the media regarding to that. I saw no delay in processing speed." All I'm saying to you is...

Mr. Dennison: Let me ask you about Pirates, though. You compared Pirates to the depositions given in this case.

Dr. Spiegel: Then I apologize for what I said that I misspoke.

Mr. Dennison: You misspoke? You didn't make the comparison.

Dr. Spiegel: Right now, just a second ago? Just a second ago, I may have said that I misspoke. I apologize. I misspoke.

Mr. Dennison: Okay. Because, you know, you can't compare Pirates to sworn testimony, right?

Dr. Spiegel: Yes. But, as an aside, you can judge someone's processing speed at any time. I'm judging yours right now. You're judging mine. We all judge processing speed as a baseline because of what we know about each other. I would say your process speed right now is not slow. So, we're judging processing speed. I'm just saying to you.

Mr. Dennison: Yeah. So, no, but any of Mr. Depp's other portrayals in movies, did that affect your analysis of processing speed?

Dr. Spiegel: Only I've seen him interact on interviews and that was it, when he wasn't in movies.

Mr. Dennison: Willy Wonka doesn't matter to you? You've seen him in that movie "Charlie and the Chocolate Factory"? Did you look at that one when you were comparing his processing speed?

Dr. Spiegel: Do I have to answer the question, Your Honor?

Mr. Dennison: You have to answer questions. Yes, sir.

Dr. Spiegel: No, you'd be happy to know I didn't see Willy Wonka, I didn't see "21 Jump Street" when it happened, what it was about. No, I did not.

Mr. Dennison: All right. You made a very kind admission, I think, early on in your deposition, that you're not claiming to be a better actor than Mr. Depp. That's correct, isn't it?

Dr. Spiegel: One hundred percent.

Mr. Dennison: But with respect to acting, you know that actors actually rehearse for their parts and work on the language, diction, timing of their dialog as part of that rehearsal.

Dr. Spiegel: If you say that. I'm not an actor, so I don't know what goes on. I can't tell you. I have no idea what goes on in acting.

Mr. Dennison: Okay. But you don't know enough about acting to know whether actors rehearse?

Dr. Spiegel: Sir, I am not an expert in acting. I have no idea what an actor does.

Mr. Dennison: Okay. During your deposition, what were the circumstances on which you decided to call Mr. Depp an idiot?

Dr. Spiegel: I understand my comment is Mr. Depp an idiot?

Mr. Dennison: Yeah, you called Mr. Depp an idiot in your deposition.

Dr. Spiegel: Okay. So, I think it was in the context. I probably should read the context though. I think the context was, and I'm trying to think back. And I'm trying to think back, okay. And what I thought it was related to was, if you're coming to some deposition, okay, and again, I'm thinking back, so I bet you have it in front of you. I don't. So, I'm thinking back where he's coming in from Europe for a deposition, a video

deposition that he gave. And he took it overnight, the night before. And what I think I said was that "If you're going to do a major thing for a trial that you're involved with, I have to think you'd be an idiot to come in the night before." So, I didn't call Mr. Depp an idiot. I certainly called that planning an idiot. And I do call him an idiot.

Mr. Dennison: So, the words, "So, I mean, he's an idiot," are mis-transcribed.

Dr. Spiegel: No, again, I'm sure, if I said it in that... If you're just reading one line, one snippet, I'm sure it was in the context I just said. But, again, you have in front of you, and I don't.

Mr. Dennison: Is idiot a professional opinion?

Dr. Spiegel: I wasn't writing professional opinion.

Mr. Dennison: Is it a psychiatric opinion?

Dr. Spiegel: That follows the Goldwater rule?

Mr. Dennison: How's it follow the Goldwater?

Dr. Spiegel: You just said that I'm not rendering a professional opinion. I just said idiot. That's not a...

Mr. Dennison: So, idiot is not a professional opinion. Is it your practice to describe people as idiots?

Dr. Spiegel: My practice to describe people...? In my practice? No, I don't describe people... My clinical cases as idiots or patients as idiots, or victims as idiots. No, sir.

Mr. Dennison: But you sat for a deposition in this case and described the plaintiff as an idiot, correct?

Dr. Spiegel: You gave me nine hours of deposition. And if I said the word idiot, it was an idiot in planning. It wasn't making him an idiot. I don't know Mr. Depp's IQ. I don't know his overall functioning. So, therefore, if I said it, it wasn't any planning, which is what I meant to come across as.

Mr. Dennison: All right. So, you did say you don't know his overall functioning. But you made some testimony today as to some evaluations you made relative to his functioning. You would agree with me that it's probably a good idea to think about the questions that are asked you in a court proceeding before answering?

Dr. Spiegel: Am I allowed to answer that question?

Mr. Dennison: Yes.

Dr. Spiegel: Okay. So, what I meant by function, what I said about function, I believe that his agent reported how late he was showing up to every movie while the cast is waiting for him. I believe that would be the [inaudible 02:46:50]. If I showed up late for that, I would not be here right now. I would not have a job. Okay. I believe the thing was in terms of walking out of treatment for substance rehab that his doctor is prescribing for him. So, if you're asking me if that's an impairment of functioning, I would say I'm very much substantiated in that.

Mr. Dennison: I'm trying to understand how you got to this notion of cognitive decline. And I thought it was based at least in part on the manner in which he testified.

Dr. Spiegel: I'm sorry, what?

Mr. Dennison: On the manner in which he testified.

Dr. Spiegel: I'm sorry. I'm not being difficult. I'm sorry, I can't hear. What?

Mr. Dennison: I was asking you about the cognitive decline testimony that you made? And it was my understanding that at least a portion of that testimony that you'd rendered was that you derived some evidence of cognitive decline from the way Mr. Depp testified?

Dr. Spiegel: Yes.

Mr. Dennison: Okay.

Dr. Spiegel: And that's what I said, yes.

Mr. Dennison: Right. And so, all I'm asking you is, don't you think it's a good idea, when you're in the middle of a court proceeding, to answer questions carefully?

Dr. Spiegel: Again, professionally, we diagnosed patients with a neurocog disorder by gross evaluation all the time with cognitive... On the thought that, again, age, normal controls. I'm just saying age, normative controls does not put a 58-year-old gentleman through that processing. That's all I'm saying. That's all I said.

Mr. Dennison: And you derive this without ever once talking to the man?

Dr. Spiegel: Me, directly talking to him? Because we know how I tried it. So, you're telling me directly talking to him?

Mr. Dennison: Yeah. You never talked to him.

Dr. Spiegel: No, I've never talked to him.

Mr. Dennison: Right. And this exam you gave, well, you did talk about Dr. Blaustein, right?

Dr. Spiegel: Yes, sir.

Mr. Dennison: And you understand that the entirety of Dr. Blaustein's medical records are 12 pages of handwritten notes.

Dr. Spiegel: The important part was what I said. For me, as an example of cognition, which I'm trying to prove, which is what you asked me, the important part was what I said. And that was irrefutable.

Mr. Dennison: The important part is that he gave the Mini-Mental Status Exam.

Dr. Spiegel: Yes, sir. That's...

Mr. Dennison: Let's talk about the Mini-Mental Status Exam. Scored on a 30-point scale, right?

Dr. Spiegel: Yes.

Mr. Dennison: All right. And it's an exam that basically is most often used for what? Alzheimer's, dementia, those kinds of testing?

Dr. Spiegel: It's an exam that tests cognition in all psychiatric illnesses, not just Alzheimer's. It was made for dementia, for Alzheimer's, but has been the standard for testing cognition in all psychiatric illness, substance use disorders included.

Mr. Dennison: Okay. Now, there is an element of that exam that requires drawing, correct?

Dr. Spiegel: Yes.

Mr. Dennison: So, you don't know what drawing Mr. Depp did or whether the drawing should have been fully scored?

Dr. Spiegel: I wasn't questioning his visual, spatial, perceptual skills, which is what that does.

Mr. Dennison: And you don't know what score Mr. Depp received on the exam?

Dr. Spiegel: I was very specific. I know, "three words not remembering at five minutes." That's all I said.

Mr. Dennison: Three words not remembering, five minutes. He remembered one of them, right?

Dr. Spiegel: From what I'm saying, he did not remember any of them.

Mr. Dennison: All right, memory on the exam. Out of the 30 points, what's it worth? Three.

Dr. Spiegel: Three.

Mr. Dennison: Three, right? Memory is three out of the 30.

Dr. Spiegel: Memory is three. Again, the memory section, in and of itself, tests memory. That's the only question that tests memory, only section that actually tests memory.

Mr. Dennison: So, the memory section tests memory. It's the only section you testified about. And for all you know, that with respect to the exam that you're relying on, Mr. Depp scored 27 out of 30.

Dr. Spiegel: And that would be telling though, cognitive you score 27 and 30, and you missed three points on memory, that would be very telling.

Mr. Dennison: You don't know if Mr. Depp had been up all night the night before.

Dr. Spiegel: Again, you wouldn't expect to not recall any words in three minutes unless there's a cognitive issue.

Mr. Dennison: You don't know a mystery that was high?

Dr. Spiegel: And again, now that's... Again, that could affect memory, but I'm not refuting that. I'm not refuting that at all. He could have been high. He could have been drunk. He could have been using cocaine, and that would absolutely affect his memory, which is what I said. Yes, you're right.

Mr. Dennison: So, ultimately, you have no idea what state Mr. Depp was in at the time he took the exam that you're relying on.

Dr. Spiegel: Short of what you just said about drugs and alcohol, okay, there shouldn't be a reason why a 58-year-old, also with strokes and other neurocognition, but short of that, there shouldn't be a really good reason why someone at that age shouldn't come up with at least one. But in answer...

Mr. Dennison: But wait a minute, you started the question with, "short of drugs and alcohol," and spent 35 minutes talking about his use of drugs and alcohol. Isn't that right?

Dr. Spiegel: I thought I'd agreed with you. I thought I said that drugs and alcohol can absolutely affect cognition. Sure, I agree, but I'm not sure if that's a problem. I agree with you on that.

Mr. Dennison: So, you don't know, one way or the other, how he scored on the exam. You don't know whether he was at the time on drugs and alcohol, but you're going to rely on it in your testimony to say that he's cognitively impaired.

Dr. Spiegel: Which is what we do in clinical medicine, sir.

Mr. Dennison: Okay. You rely on a test that you don't know when it was administered. You don't know the score of the test. And you don't know the state of the person being tested, but you're going to rely on it anyway.

Dr. Spiegel: Again, if we had to know every test... When people get the Mini-Mental State Exam, we have no idea, clinically, if they are high, wasted, stoned, stroke. We have no idea. So, if you're going to say that, that means everybody needs a drug test before they do a Mini-Mental State Exam, and that's not the standard of care. And I think you know that.

Mr. Dennison: Let's talk a little bit about this word you kept using, "correlation." You know the word, right?

Dr. Spiegel: Yes.

Mr. Dennison: Correlation and causation aren't the same thing, are they, sir?

Dr. Spiegel: No, they are not the same thing.

Mr. Dennison: How are they different?

Dr. Spiegel: Correlation is consistent, with causation, it means a direct link.

Mr. Dennison: Can you say that again? You're so fast I didn't hear it.

Dr. Spiegel: I'm sorry about that. Correlation is a risk for something happening. Causation is a direct link.

Mr. Dennison: Right. So just because something's correlated doesn't mean it's going to happen?

Dr. Spiegel: A 100%.

Mr. Dennison: Right. Lung cancer, for instance, smoking is very highly correlated with lung cancer, right?

Dr. Spiegel: Yeah, certainly, and there's certainly a link to lung cancer and smoking.

Mr. Dennison: But not all smokers get lung cancer.

Dr. Spiegel: No, not all smokers do. Like I said, no one fits the curve perfectly.

Mr. Dennison: Right. And you've made repeated testimony, "to all of us, all of us do this, all of us do that." Your suggestion about all of us, is you're just looking at the world as a sample and not at any particular individual. Correct?

Dr. Spiegel: What I'm looking at is that I'm not talking about an individual, how they can or cannot be resistant. What I'm saying is, invariably, when you use substances, this is going to happen. Now, is there a 0.05% chance that someone who does...? Absolutely, there is. But is that medical degree of certainty? Absolutely not.

Mr. Dennison: A 0.05% chance of what, sir?

Dr. Spiegel: Of eventually developing symptoms. If you're using excessively, eventually you're going to develop symptoms.

Mr. Dennison: All right. But risk factors tell us nothing about any one particular individual, do they, sir?

Dr. Spiegel: No. Again, risk factors tell us nothing except that if they have it, they're at a higher likelihood of developing it. That's what it tells us.

Mr. Dennison: But you did a whole litany of risk factors relative to IPV.

Dr. Spiegel: Yes.

Mr. Dennison: And none of those risk factors tell us anything specifically about an individual.

Dr. Spiegel: Other than they're at higher risk, right?

Mr. Dennison: Right. So, someone could have every single risk factor for IPV and never commit IPV, right?

Dr. Spiegel: It would be, again, if you're going to say a medical degree of probability, the answer is they will. But if you're saying it uniformly, the answer is no.

Mr. Dennison: IPV can occur without substance abuse?

Dr. Spiegel: Oh, sure.

Mr. Dennison: Someone can abuse substances without ever perpetrating IPV?

Dr. Spiegel: Again, absolutely. But, again, you are saying different than what I said. I did not say abuse substances. I said substance use disorder. They are two different things because there are surely people who use substances that do not engage in any violence, not become psychotic. Nothing at all.

Mr. Dennison: So, it is technically true of people who have substance abuse disorder. There are certainly people who have substance abuse disorder who don't commit IPV, correct?

Dr. Spiegel: You are saying that people have substance use disorders. The majority of them, over 50%, do so often. That's medically...

Mr. Dennison: So, the answer is?

Dr. Spiegel: Yes, as you said, not everyone who smokes gets lung cancer.

Mr. Dennison: So, there are significant numbers of people. You said it was over 50, so you'd say 40% of the people who have substance abuse disorder, don't commit IPV.

Dr. Spiegel: And those are the ones that do not have IPV risk factors all right. So, we're talking about people who don't...

Mr. Dennison: Wait a minute. Isn't substance abuse disorder an IPV risk factor?

Dr. Spiegel: Oh yeah. These are the people that don't have other risk factors, right?

Mr. Dennison: But, again, we're talking about people in general. You don't know anything about any particular individual as to whether anybody's going to commit IPV.

Dr. Spiegel: If statistics follow through, all we can say is more than 50%, 70% will. If you combine more risk factors you have, the more likely you're going to develop the illness. You smoke cigarette once, that might not correlate to lung cancer. If you smoke it chronically, that might. So that's all I'm saying.

Mr. Dennison: We're talking about individuals here. You either have lung cancer or you don't, right?

Dr. Spiegel: If you're smoking, right?

Mr. Dennison: Right, you either commit IPV or you didn't.

Dr. Spiegel: I mean, you either did it or didn't. Yes.

Mr. Dennison: So, you took some issue with me because I was asking about substance abuse, generally. And you wanted me to talk about the disorder. I asked you earlier about narcissistic personality disorder. And you haven't made that diagnosis, you've just talked about the traits, right?

Dr. Spiegel: Yes.

Mr. Dennison: And somebody who have these narcissistic personality traits and substance abuse disorder and never commit IPV, right?

Dr. Spiegel: So, along that line, about 80% to 90% of people who commit IPV have a personality disorder. So, the answer is less than about 10%, obviously do not.

Mr. Dennison: Right. There are more close links with IPV for borderline personality disorder than narcissistic personality disorder, correct, sir?

Dr. Spiegel: I'm not going to agree with that.

Mr. Dennison: No?

Dr. Spiegel: I'm not saying that are more links, I would say to you there are absolute... If you asked me if there are links, the answer is absolutely. If you are saying to me more, I can show studies that say yes, some studies say that has not been absolutely, definitively, correlating. No, absolutely not.

Mr. Dennison: MDMA, what is it?

Dr. Spiegel: Ecstasy.

Mr. Dennison: Yeah, and what's the normal dosage of ecstasy for people who use ecstasy?

Dr. Spiegel: Again, I couldn't tell you the "normal dose" because, honestly speaking, no one knows what they're getting when they're using it, right? It's not regulated.

Mr. Dennison: So, the effects of ecstasy enhance the sense of wellbeing?

Dr. Spiegel: At low doses, the answer is yes. I'm going to gather, when you're using it at higher doses and develop tolerance, you develop the sympathomimetic effects, which are not so enhanced wellbeing.

Mr. Dennison: Increased extroversion, that's a symptom?

Dr. Spiegel: Again, at a lower dose, you are 100% right. At low amounts, you are 100% right. It is an empathogen. We feel closer to people. That's what people who use it will say that you're close to people, warm to people, 100%. But with continual use and higher doses, it can be fatal. So that's not wellbeing. I don't know if I'll to call that wellbeing.

Mr. Dennison: So, continued use at higher doses, MDMA can be fatal, correct?

Dr. Spiegel: Correct.

Mr. Dennison: What if you took 8 to 10 tablets with MDMA?

Dr. Spiegel: What if you took 8 to 10 again? You don't know what it's... It's very hard to say. You don't know what it's...what's the word I'm looking for...contaminated with. Okay. You can't just say, "Hey, let me just take 8 to 10 pure ecstasy and see what happens." That's not going to happen.

So, what I would say to you, again, because substances of abuse are unpredictable, they are not regulated, no one knows what they're going to. No one asks us any idea whether it's going to cause this emphatic, entactogen [SP] effect at very low doses, or is it going to cause the sympathomimetic, I'm sorry, consists of like a stimulant, cocaine, and something we talked about like that. No one knows what's going to happen. It's not regulated. And no one knows if you're using with other substances either, like other stimulants.

Mr. Dennison: Or if you mix it with alcohol.

Dr. Spiegel: Or if you mix it with alcohol. No one knows if it's going to be potentially worse.

Mr. Dennison: Right. But this is a potentially lethal combination, 8 to 10 MDMA tablets and alcohol.

Dr. Spiegel: This is a potentially toxic combination, right? Can it kill you? Yeah, I mean, it is a potentially toxic combination. That's true.

Mr. Dennison: Ever heard of someone cutting off their own finger on MDMA?

Dr. Spiegel: Have I ever heard of it?

Mr. Dennison: Yeah.

Dr. Spiegel: No. No, I can only give you one example.

Mr. Dennison: You hadn't seen that one.

Dr. Spiegel: [Inaudible 03:03:15]

Mr. Dennison: So, Seroquel, that one puts you to sleep, right?

Dr. Spiegel: If you want to phrase a barbiturate putting you to sleep. And the answer is yes.

Mr. Dennison: You heard Mr. Depp talking about sometimes being on the nod, right?

Dr. Spiegel: And again, I think I explained Seroquel very well this morning.

Mr. Dennison: Good. I'm going to ask you a few more questions.

Dr. Spiegel: Okay. All right.

Mr. Dennison: All right. You kept making references to street value. Why were you doing that?

Dr. Spiegel: Because that's why people with substance use disorders use quetiapine and Seroquel.

Mr. Dennison: Say that again. I'm sorry.

Dr. Spiegel: That's why people who would use quetiapine and/or Seroquel can get, it sells on the street because it's so barbiturate-like in effect.

Mr. Dennison: Right. But you said that Mr. Depp had a prescription.

Dr. Spiegel: There are many substance use disorder patients who have prescriptions for Adderall and quetiapine from their doctor. And that

doesn't mean they're not getting high out of it. That doesn't take much. Doctors like to believe what patients have to say. They're not going to go in there being an expert witness testimony.

All I'm telling you is that in people with substance use disorders, it is not uncommon. And the thought was initially that because quetiapine was not addicting, that it is safe to give to people with substance use disorders. When in fact, we absolutely know it as street value, absolutely know that for a fact.

Mr. Dennison: Right. But my point about this is you made a bunch of testimony about street value, but you knew at the time you made the testimony that Mr. Depp, in fact, had a prescription.

Dr. Spiegel: He also had a prescription for oxycodone or oxycontin. Does that count? Because that's also probably not a good thing. It's just because your prescription doesn't mean that doesn't...

Mr. Dennison: I think Mr. Depp would agree with you it wasn't a good thing.

Dr. Spiegel: Just because you have prescription, it doesn't mean you can't abuse it.

Mr. Dennison: No, I'm not suggesting you're abusing it. I'm just wondering why your testimony was in any way tied to street value when every single drug you referenced, Mr. Depp had legally.

Dr. Spiegel: Again, you can have prescription substance abuse and we know that, correct? I shouldn't be asking that. We can have prescription substance use disorders. And that's not uncommon if you look at the opioid epidemic that we're living in right now. We can have that. That's not an uncommon thing. Unfortunate, but not uncommon.

Mr. Dennison: So, Seroquel, I think you described as a sleeping agent when used off label.

Dr. Spiegel: When I saw what?

Mr. Dennison: Sleeping agent, Seroquel, when used off label.

Dr. Spiegel: When used off-label, it can be used as a sleeping agent. Yes.

Mr. Dennison: Mr. Depp's use of Seroquel could account for some of the photos we saw in this trial? Where he's asleep in a chair?

Dr. Spiegel: Again, what I will say to you is that, if you have a substance use disorder, you are using it to be knocked out. Yes, I agree. But I'm not sure at the end of the day if you have vomitus all over you, either. I haven't seen Seroquel do it. So, when he was passed out in the chair, there's also vomitus over him. I've never seen Seroquel do that ever.

Mr. Dennison: Neurontin is another one of the drugs you testified about. That one is also prescribed, right?

Dr. Spiegel: Yes, it is.

Mr. Dennison: And what's the prescription for that?

Dr. Spiegel: What's it used for and what's its indication or what it's used for?

Mr. Dennison: Yeah, what's its indication?

Dr. Spiegel: I mean, its indication is for seizures, it may have one pain indication. Again, I'm not a neurologist. So, I can't tell you exactly if it does, but if it's chronically used off label for pain, it's used off label for anxiety.

Mr. Dennison: You're right. And what's its effect? That's another one that will put you to sleep, right?

Dr. Spiegel: Well, yeah, I mean, sure, 100%.

Mr. Dennison: Right. And you made reference to a picture. There's been testimony around that picture, that Mr. Depp fell asleep with ice cream in his hand. That's not vomitus, right?

Dr. Spiegel: I was told it was vomitus.

Mr. Dennison: Okay. You talked about the fact that Mr. Depp indicates that from time to time he uses an earpiece.

Dr. Spiegel: I was, yeah. I read that. Yes.

Mr. Dennison: Did you read the testimony of Mr. Wyatt, who told you what was being pumped into that earpiece?

Dr. Spiegel: Yeah, I mean, if I remember it right. I mean, I think, it was lines, right?

Mr. Dennison: No, it was music.

Dr. Spiegel: It was music, not his lines.

Mr. Dennison: It was music. So, if Mr. Depp was listening to music rather than being fed his lines. Does that change your opinion as to his cognitive function?

Dr. Spiegel: If he was never fed his lines through the earpiece, which I know he was... But, right, he was, and that may have been an example. Mr. Wyatt may have said that it was music. I guess the question is, were you having the music during the actual talking of your lines? Is that what you're saying to me?

Mr. Dennison: Well, you know, if you can do two things at once, that's a pretty high cognitive function, isn't it, sir?

Dr. Spiegel: You know, it's very good point. Actually, divided attention is something humans have a lot of trouble in. So, for instance, we have trouble driving and using our cell phones and direction. So, divided attention, humans actually are not very good at. I'll put that out there. In general, not just Mr. Depp, in general.

Mr. Dennison: But Mr. Depp is pretty good at acting. You acknowledged that early on.

Dr. Spiegel: Absolutely. Better than me, so I know that.

Mr. Dennison: Because you don't have to act. In fact, you don't know about acting.

Dr. Spiegel: You're right. I have no idea about that.

Mr. Dennison: And you don't know how prevalent the use of earpieces are in acting.

Dr. Spiegel: Again, I know nothing about acting.

Mr. Dennison: Irrespective of the fact you know nothing about acting, you've testified that Mr. Depp's use of an earpiece is somehow a cognitive deficit.

Dr. Spiegel: So, if I was giving a lecture and I was fed my lines, I would think there's a cognitive deficit. And maybe I'm wrong. Maybe I could be wrong. Maybe Hollywood stars get lines fed to them through earpieces all the time. And I don't know. That could be so. It sounded to me to be unusual, if you're doing a movie and you don't know the lines. But as you said, I'm just judging it on what I do with lectures, and that would never happen.

Mr. Dennison: If you gave lectures, you wouldn't use an earpiece. But you're not going to tell anybody how to act.

Dr. Spiegel: I'm sorry, what was the question?

Mr. Dennison: I said, if you gave lectures, you wouldn't use an earpiece, but you're not telling anybody how to act.

Dr. Spiegel: Right, I would not use an earpiece during lectures. But again, I don't know what the standard in Hollywood is for that. I have no idea.

Mr. Dennison: Your testimony about the use of an earpiece as maybe you were wrong? You're comfortable with the fact that you may have made a mistake there.

Dr. Spiegel: No, because I think that, based on what I've read about it, I'm comfortable that... I don't believe that actors are routinely given their entire script through earpieces. I find that hard to believe.

Mr. Dennison: And there is not one whit of evidence that this ever happened here.

Dr. Spiegel: Just what I said. I just said, "I find it hard to believe." I didn't say it happened. I said, "I find it hard to believe." That's all I said.

Mr. Dennison: But you found it hard to believe, sir, was that every line of the script was pumped through an earpiece. Where did you ever get the idea that occurred?

Dr. Spiegel: That's what I read. And they got a court review, court evidence. That's where I got it from.

Mr. Dennison: And do you know whether Marlon Brando used earpiece?

Dr. Spiegel: Isn't he dead? So, the answer is no, he does not use one now.

Mr. Dennison: No, I used the past tense, sir.

Dr. Spiegel: Oh, I'm sorry. Again, I know nothing. I will concede to you, I know nothing about acting. I will concede to you 100%. If that is the standard and people have done that, that's acting, then I apologize, and that was wrong on my part. If that's the standard, I'm wrong. I don't know.

Mr. Dennison: Okay. Let's go with that. No further questions.

Judge Azcarate: All right. How long is your redirect?

Ms. Bredehoff: A bit. You may want to take a break.

Judge Azcarate: All right. Let's go ahead and break for lunch then, ladies and gentlemen. Again, do not do any outside research. Don't discuss your testimony with anybody. Okay.

[03:12:04]

[Silence]

[03:12:27]

All right. So let's come back at 1:55 then. All right. Is that fine?

Woman: All right, 1:55.

Male: All rise.

Judge Azcarate: All right, you may be seated. Your next question, redirect?

Ms. Bredehoff: Thank you, Your Honor. Dr. Spiegel, you were asked about whether you were able to examine Mr. Depp. Do you recall those questions back and forth?

Dr. Spiegel: Yes.

Ms. Bredehoff: And so, if I understand your testimony, you asked twice for Mr. Depp to be interviewed by you, correct?

Dr. Spiegel: Yes.

Mr. Dennison: Objection, leading.

Judge Azcarate: Overrule.

Ms. Bredehoff: And then, in addition to that, Ms. Heard requested twice of the court for Mr. Depp to be submitting to an examination of you, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And those were denied, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And now Mr. Depp is contending that it's unethical for you to provide an opinion in this case because you didn't get an opportunity to interview him. Do you think that makes sense?

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: I'll sustain the objection.

Ms. Bredehoff: All right. Is that your understanding?

Dr. Spiegel: That is my understanding of it.

Ms. Bredehoff: Okay. Now, when counsel for Mr. Depp was reading to you the Goldwater rule, there were two words that he kind of went over pretty quickly. I'm going to go over them again with you, a little bit slower. And that was that the Goldwater rule was that you cannot make an armchair diagnosis, right?

Mr. Dennison: Objection. Okay.

Ms. Bredehoff: Based on quote, "publicly available records." Do you recall that?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Now, the records that you reviewed, in this case, were private, were they not?

Dr. Spiegel: Yes.

Ms. Bredehoff: And in fact, Dr. Blaustein's records were marked confidential, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And his deposition was marked confidential.

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. And Dr. Kipper's records were all marked confidential?

Dr. Spiegel: Yes.

Mr. Dennison: Objection, leading.

Judge Azcarate: I'll sustain this.

Ms. Bredehoff: What, if any, labeling was there on Dr. Kipper's deposition?

Dr. Spiegel: All the documents I reviewed were confidential, and I also signed a confidentiality agreement, so everything that I looked at was confidential.

Ms. Bredehoff: Okay. So that, in fact, does not even comport, that doesn't meet the restrictions that were put...

Mr. Dennison: Objection, leading.

Ms. Bredehoff: I mean, so would it be fair to say that you have not...? Have you rendered any opinions in this case as an expert witness based on publicly-available records?

Dr. Spiegel: I have not rendered any opinion based on any publicly available records.

Ms. Bredehoff: Thank you. Now, you were asked a number of questions about narcissistic traits and your diagnosis or findings that Mr. Depp exhibited narcissistic traits or had that disorder. Do you recall that testimony?

Dr. Spiegel: Yes.

Ms. Bredehoff: All right. And the question was asked of you whether if you have five of nine narcissistic traits. Do you remember that testimony?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Now one of the ones you testified before was, "For narcissism, it requires admiration." Correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: What, if any, record evidence was there that Mr. Depp requires admiration?

Dr. Spiegel: The very people that surround him need to admire him, or they're no longer in his employment or his working circle.

Ms. Bredehoff: Okay. The second one that you discussed was a sense of entitlement. Do you recall that testimony?

Dr. Spiegel: Yes.

Ms. Bredehoff: All right. What record evidence is there that Mr. Depp exhibits behavior of needing a sense of entitlement?

Dr. Spiegel: So, you're thinking that Miss Heard was marrying him solely for his money and his influence. And that was the case was, in my opinion, very entitled.

Ms. Bredehoff: All right. And the third one you discussed was exploitative. Do you recall that?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. And what is the record evidence that Mr. Depp exhibits behavior of that are exploitative?

Dr. Spiegel: Again, I think the whole concept of abuse is exploitive.

Ms. Bredehoff: Okay. On the fourth one was lacks empathy. Do you recall that?

Dr. Spiegel: Yes.

Ms. Bredehoff: And what is the record evidence that Mr. Depp exhibits lacking empathy?

Dr. Spiegel: To be able to commit intimate partner violence and the control you have over someone.

Judge Azcarate: I'm sorry.

Mr. Dennison: Objection. Can I be heard?

Judge Azcarate: Okay.

Ms. Bredehoff: Okay. I'm just going to ask you to give the record evidence of Mr. Depp's lack of empathy that you know of.

Dr. Spiegel: Yes. Am I allowed to elaborate?

Ms. Bredehoff: Yes, just a little different than what you said before.

Dr. Spiegel: Okay. So, I'll make it more direct. So, if you're not agreeing with what Mr. Depp has to say, you are no longer useful. Okay. Therefore, you don't really care about others for others. You care about others for your benefit. So often on dismissing Dr. Kipper, over Dr. Kipper setting some boundaries on substance use protocol, substance detox is an example of lacking empathy and not really caring what other people have to say.

Ms. Bredehoff: All right. Another one of the characteristics that you cited was envious. Do you recall that testimony?

Dr. Spiegel: Yes.

Ms. Bredehoff: What is the record evidence that Mr. Depp exhibits envy?

Dr. Spiegel: I think jealousy is a good start for that. I think Ms. Heard wanting to have a career, start with that, beyond what she has. And the jealousy parts of, if you would, with Mr. Franco and I think others, the comment last week, Ms. Blaustein's commenting about things about jealousy. So, I think it's pretty apparent.

Ms. Bredehoff: Okay. And the next one you listed was fragile self-esteem. Do you recall that?

Dr. Spiegel: Yeah.

Ms. Bredehoff: And what is the record evidence of Mr. Depp's exhibiting that?

Dr. Spiegel: So, fragile self-esteem would be more along the line of Cluster B trait. I should put that's not necessary the criteria for narcissism. So, it's a trait. And, basically, what that means will be that the combination of poor self-control and rapid mood states is fragile self-esteem, fragile personality traits. So, it goes into a lot of Cluster B, rather than per se narcissistic.

Ms. Bredehoff: All right. Now we've seen Mr. Depp during this trial doodling, and eating candy, and what, if any, evidence would that suggest that he has narcissistic traits?

Mr. Dennison: Objection, Your Honor, no foundation.

Judge Azcarate: I'll sustain the objection.

Ms. Bredehoff: All right. Now, you were asked about the Cluster B and the counsel for Mr. Depp came back and said, "Are you aware Ms. Heard has been diagnosed with borderline personality disorder or histrionic personality disorder?" Now, I think you testified in the beginning, you reviewed the therapy and counseling and medical records for Ms. Heard, correct?

Dr. Spiegel: Correct.

Ms. Bredehoff: What, if any, evidence was there that Bonnie Jacobs diagnosed Amber Heard with either borderline personality or histrionic personality disorder?

Mr. Dennison: Objection, Your Honor.

Ms. Bredehoff: That's fair cross. He asked the question. That's fair redirect.

Mr. Dennison: Beyond the scope.

Ms. Bredehoff: It's not...

Judge Azcarate: Overrule.

Ms. Bredehoff: Thank you.

Dr. Spiegel: So, I mean, if I could start Miss Jacobs' demonstrating no type of personality, sort of borderline or otherwise? And under review of Dr. Curry and her records.

Mr. Dennison: Objection, beyond the scope of the question.

Ms. Bredehoff: I'll ask each of them separately. And you also reviewed the therapy records for Ms. Heard from Colleen Cowan, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: What, if any, evidence was there at any time that he diagnosed Amber Heard with borderline personality disorder or histrionic personality disorder?

Dr. Spiegel: Not only did he not, he referred to Mr. Depp as a narcissist.

Ms. Bredehoff: Okay. Now, you also reviewed all of Dawn Hughes's records and her testing, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And what, if any, evidence did you find in any of that extensive testing and notetaking that she had found Mr. Heard had borderline personality disorder or histrionic personality disorder?

Mr. Dennison: Objection, leading.

Ms. Bredehoff: [Inaudible 03:21:11]

Judge Azcarate: Overruled.

Dr. Spiegel: None.

Ms. Bredehoff: Okay. And you also reviewed Dr. Curry's notes and her testing, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: All right. And what, if any, evidence did you find in any of Dr. Curry's testing that Amber Heard had either borderline personality disorder or histrionic personality disorder?

Dr. Spiegel: She had traits. She did not meet the flaw. My own evaluations, she did not have the full, endorsed enough criteria to meet the criteria for borderline personality disorder and/or histrionic personality disorder. She definitely had traits. She did not have the disorder by going by the stricken number of criteria.

Ms. Bredehoff: All right. Now, you mentioned, in response to Mr. Depp's counsel's questions, you started to talk about battered wife syndrome. What is your experience with battered wife syndrome sometimes being mistaken with borderline personality disorder or histrionic personality disorder?

Mr. Dennison: Objection, compound and leading.

Judge Azcarate: Overrule.

Dr. Spiegel: So battered wife syndrome, which is a subsyndromal are not quite PTSD has certainly symptoms of PTSD. And to hear some of them, you'll see why someone might think that. They do have reliving experiences, feeling as if the abuse is happening, even if it's not, upon reminders of the abuse, such as getting ready to use something, getting to use a substance or something along that line. They do have hyperarousal. They do have hyper vigilance, which is very easily mistaken for the emotional reactivity of borderline personality disorder. They do have avoiding symptoms. So, they avoid emotions, activities, people. And if that can't be happening, they start becoming much more anxious, much more hyper-aroused.

They have disturbances in relationships, which clearly can be an issue. Intimacy problems again, that could also resemble borderline personality disorder. So those descriptions and traits that were there, a) did not meet the full criteria for borderline, and b) could readily easily be explained by a battered wife syndrome, a form of PTSD.

Ms. Bredehoff: Thank you. Now, you also indicated earlier that you reviewed the deposition of Amy Banks, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And what, if any, determinations did you make based on her deposition from her meetings with Mr. Depp and Ms. Heard?

Dr. Spiegel: So, Dr. Banks is a professor at Harvard, a leading institution in America for medical schools, who's an expert on intimate partner violence. She had a chance to meet them in relationship counseling.

Mr. Dennison: Objection, Your Honor, nonresponsive.

Ms. Bredehoff: That's not nonresponsive. I said, "What, if anything, that she find..."

Judge Azcarate: Sustained.

Ms. Bredehoff: All right, tell the jury about Amy Banks, the significance of Amy Banks.

Dr. Spiegel: So, what Dr. Banks found that she fully believed Ms. Heard's version of what was going on.

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: I reversed though. Let me do it again.

Judge Azcarate: Sustain the objection.

Ms. Bredehoff: Please tell the jury about the qualifications of Dr. Amy Banks, this is the ones who saw both Ms. Heard and Mr. Depp.

Dr. Spiegel: Dr. Banks is a professor at, I don't know whether it's associate professor at Harvard University Medical School, one, if not one of the two top of medical schools in the world, who specialize in intimate partner violence. She is, above all people, going to understand if someone is victim or perpetrator because she does this, researches this for a living every day. And that's her qualifications. Can I say what she reported?

Ms. Bredehoff: Then I'm going to ask you, what, if anything, did Dr. Banks indicate relating to the histrionic personality disorder or borderline personality disorder for Miss Heard?

Dr. Spiegel: Dr. Banks did not mention about personality disorder at all. But she did mention was, whom she felt gave a more accurate version of...

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: What's the objection?

Mr. Dennison: That's a credibility testimony.

Ms. Bredehoff: I think you can testify to that.

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

Ms. Bredehoff: What, if anything, did Dr. Banks report, not saying what the ultimate conclusion was? What, if anything, did Dr. Bank say about

was reported to her by Ms. Heard and Mr. Depp and how they responded?

Dr. Spiegel: So, Ms. Heard discussed the... In trying to, again, as a victim trying to save the relationship, discussed with Dr. Banks these accusations, these effects of intimate partner violence. Mr. Depp...

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: I think he's entitled to rely on hearsay and he's not giving what ultimately was... He's entitled to it, that's my...

Judge Azcarate: He can rely on hearsay, but you cannot state the hearsay. He can rely on it.

Ms. Bredehoff: All right. What, if anything, did Mr. Depp do in response?

Dr. Spiegel: Mr. Depp said nothing when Ms. Heard accused him of intimate partner violence. Mr. Depp said nothing.

Ms. Bredehoff: And what is the significance of that?

Mr. Dennison: Objection, hearsay.

Judge Azcarate: I'll sustain the objection.

Ms. Bredehoff: All right. What is the significance of that?

Dr. Spiegel: The significance of that is with...

Mr. Dennison: Objection, no foundation.

Judge Azcarate: Sustained.

Ms. Bredehoff: All right. We'll move on. You were asked about MDMA, and what the impact could potentially be of taking 8 to 10 of these pills, do you recall?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. And now I'm going to take you to Australia, 2015. You reviewed testimony over that right from Mr. Depp, Ms. Heard, and the number...

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Do you recall that Ms. Heard also said that she found dime bags of cocaine in drawers at the end of that three days?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. I'm going to ask you. Michelle, can you bring up 1828? It's already in evidence. If we can publish that, too. Okay. We can. Thank you. This is one of the pictures that was taken in Australia. And the testimony has been that these two canvases of Ms. Heard was painted completely over. Is that something that could be the impact of having 8 to 10 tablets of MDMA and combining that with cocaine and alcohol?

Mr. Dennison: Objection, no foundation, speculation.

Ms. Bredehoff: The foundation has already been laid, Your Honor. That's...

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

Ms. Bredehoff: Okay. If you look at the painted canvases on this one, what, if any, evidence is that reflecting behaviors indicative of taking a lot of MDMA, cocaine, and alcohol?

Mr. Dennison: Objection, speculation, no foundation.

Ms. Bredehoff: It's the same question though.

Judge Azcarate: Sustained.

Ms. Bredehoff: You testified earlier about destruction of property. Do you recall that?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Could you tell the jury how that relates to the correlating factors of risk factors for IPV?

Dr. Spiegel: Again, the destruction of property is a form of psychological abuse, psychological mistreatment, and so the destruction of property uses intimidation and its needs for control.

Ms. Bredehoff: Okay. Michelle, can you bring up 1829?

Judge Azcarate: This has already been admitted?

Ms. Bredehoff: Yes. Thank you, Your Honor. And what, if any, evidence does this reflect as correlating behavior to risk factors of IPV?

Dr. Spiegel: I would say that, one, that demonstrates a good deal of violence and psychological abuse. I think it's pretty clear that they're trying to be intimidating. I don't think...

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: Overrule.

Ms. Bredehoff: Thank you, Please continue.

Dr. Spiegel: People who would misuse ecstasy, without coke, without cocaine, are prone to agitation, suspicion, jealousy, violence. What we're seeing there would be very consistent with that presentation.

Ms. Bredehoff: Thank you. Michelle, can you now bring up 1830, I guess? And that's already been admitted into evidence as well, Your Honor, and asked that it be published. In order, if any, evidence, does this correlate with behavior indicative of IPV perpetration?

Dr. Spiegel: Again, this is intimidation, psychological abuse, where you are solely trying to emotionally...

Mr. Dennison: Objection, Your Honor. Can we be heard?

Judge Azcarate: Okay, if you want to.

Ms. Bredehoff: Dr. Spiegel, if you can answer the question, what, if any, evidence is this correlating to the risk factors for IPV perpetrator?

Dr. Spiegel: Again, I think the violence comes through...

Mr. Dennison: Objection, Your Honor. Move to strike.

Ms. Bredehoff: Just the evidence of risk factors, if you can...

Judge Azcarate: All right.

Dr. Spiegel: I'm sorry. The evidence of risk factors would be accepting, more than average, a degree of violence as well as psychological abuse.

Ms. Bredehoff: Okay. Are you aware of any record evidence of Ms. Heard writing on walls, mirrors, countertops, or painting canvases?

Dr. Spiegel: No.

Ms. Bredehoff: Okay. Thank you. Michelle, you could take that down now. Now, you were also asked about Seroquel and some of the other prescription medications. Did you, during the course of your review of evidence, see the lists of medications that Mr. Depp was on at one point?

Dr. Spiegel: Yes, I read that list.

Ms. Bredehoff: Michelle, I'm going to ask you to bring up Defendant's Exhibit 301. And Dr. Spiegel, it's not into evidence yet. I'm going to ask you to take a look at this. Is this one of the documents that you had that reflected the amount of medication that Mr. Depp was on as of October 26, 2014?

Dr. Spiegel: Yes.

Ms. Bredehoff: And this was an email from Debbie Lloyd to Dr. Blaustein, his treating psychiatrist, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Now, can you tell the jury that we've got Seroquel, 50 mg?

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: Can you just tell the...? I haven't finished asking your question yet.

Judge Azcarate: Please, approach.

Ms. Bredehoff: Okay. Michelle, could you please scroll up just so I can see all of them at the same time? Thank you. So, Dr. Siegel, if someone was taking 50 milligrams of Seroquel, 25 milligrams of Seroquel, and 50 milligrams of Seroquel, and 50, all in one day. How would that impact them?

Dr. Spiegel: So, obviously, this is not for sleep. Because, presuming you're not wanting to sleep in the morning, noon, and from 4 to 6, although you're not sleeping at night. What I would say is he's using it for one purpose. As I say, it was substance use disorder. They're using it to calm down, using it just as a downer, to relax.

And given that you're taking 45 milligrams of Adderall a day to stay awake, and that's more than the prescribed for adults and children, for that matter, the combination makes very little sense at all to me.

[Inaudible 03:33:49]

Ms. Bredehoff: If a person was taking 300 milligrams of Neurontin, I'm going to pronounce that wrong again.

Dr. Spiegel: Neuron.

Ms. Bredehoff: Four times a day and 600 later in the day, how would that impact a person?

Dr. Spiegel: Again, you're looking at medications that are there solely for a substance use disorder patient to get them up and to calm them down. That's all this is regimen is about.

Gab pen doesn't have a psychiatric indication, other than... Actually, it does have a psychiatric indication, although it does calm you down. And as I mentioned to them before, similar Adderall, Gab pen is also abusable. Similar to quetiapine, Seroquel, is also abusable. So, you're getting these kinds of unusually calming effects from these medicines, while at the same time getting what's called a super therapeutic dose or an excessive amount of Adderall.

And for the record, adults are only indicated with Adderall for the extended release, not the immediate release preparation. And why that's relevant is that immediate-released preparation is abusable, again, more high quicker. Extended release goes out throughout the day. The immediate release, gets you up your right away, and then down an hour. In ADHD, this medicine is very effective. For what this is being used for, clearly based on the combination, no.

Ms. Bredehoff: All right. Do addicts lie?

Dr. Spiegel: Yes.

Ms. Bredehoff: All right. Now, you were asked about Mr. Depp passing out. Do you recall reading testimony of Mr. Depp passing out in the bathroom in his vomit?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Does that help refresh your recollection of what you recall?

Dr. Spiegel: And for the record, I don't want to think that falling asleep with ice cream on you is...

Mr. Dennison: Objection, beyond the scope of the question.

Judge Azcarate: Overrule.

Ms. Bredehoff: Keep going.

Dr. Spiegel: I don't think so taking Seroquel at night and falling asleep with ice cream on you is not what Seroquel is indicated for. It was not meant to put you out in the state where you don't even be able to stay awake to put ice cream away.

Ms. Bredehoff: All right. Michelle, if you can pull up Defendant's 1090. That's already in evidence. If we can publish that to the jury, Your Honor. Dr. Spiegel, does this look like...? I mean, would this be evidence correlating with behaviors consistent with IPV perpetrator risk factors?

Dr. Spiegel: This will be correlated, a person who is completely knocked down, and as usually only one way someone gets knocked out that badly, and that's with pharmacological assistance, whether it be legal or illegal. They make it to the bed. They don't sleep with their head on a game box in the furniture. That doesn't happen to people who sleep, no matter how tired you are. I've been a resident in the past, and I was up for 40 to 45 hours.

Mr. Dennison: Objection, beyond the scope.

Ms. Bredehoff: He's just explaining, Your Honor.

Judge Azcarate: Sustained.

Ms. Bredehoff: All right. Michelle, can you pull up 1095, please? And then this has been, I'm going to ask you the same question, Dr. Spiegel. What, if anything, does this indicate relating to risk factors for IPV perpetrators?

Dr. Spiegel: Again, you know, colloquially passed out, and there's very few ways to get like that without pharmacological assistance, legal and/or illegal.

Ms. Bredehoff: Okay. And then, let's pull up 1094, please, Michell, Defense, and that's also been admitted. And now, we have the ice cream picture. And what, if any, indication does this have?

Dr. Spiegel: Probably, you could see how... [inaudible 03:37:56]

Mr. Dennison: Objection, speculation, no foundation.

Ms. Bredehoff: What, if any, evidence does this indicate correlative with the risk factors for IPV perpetrators?

Dr. Spiegel: Again, this proves one of the major risk factors and precipitating factors for intimate partner violence. You are...

Mr. Dennison: Objection, move to strike.

Judge Azcarate: All right. Sustained. I'll strike it from the record. Next question.

Ms. Bredehoff: We'll just move on.

Judge Azcarate: Okay.

Ms. Bredehoff: You were asked about earpieces. Do you recall reviewing Tracey Jacobs and Joel Mandel's depositions?

Dr. Spiegel: Yes.

Ms. Bredehoff: All right. And do you recall them both testifying that Mr. Depp had someone on salary to feed him his lines?

Dr. Spiegel: Yes.

Ms. Bredehoff: Okay. Now, you've testified that you reviewed a substantial amount of evidence in this case. Did you find any evidence that Amber Heard exhibited conduct or behaviors indicative or consistent with any of the risk factors for perpetrators of IPV?

Mr. Dennison: Objection, beyond the scope.

Judge Azcarate: Sustained.

Ms. Bredehoff: Well, it was suggested with the borderline personality.

Judge Azcarate: Sustained.

Ms. Bredehoff: But you did find that from Mr. Depp, correct?

Dr. Spiegel: Yes.

Ms. Bredehoff: And did you find record evidence that Mr. Depp had a substance abuse disorder?

Dr. Spiegel: Severe substance use disorder?

Ms. Bredehoff: All right. Did any of the questions asked by Mr. Depp's counsel change any of your opinions in this case?

Dr. Spiegel: Nothing. No, my opinion has not been swayed an iota.

Ms. Bredehoff: Okay. Do you hold them all still within a reasonable degree of medical and psychiatric probability or certainty?

Dr. Spiegel: Absolutely, yes.

Ms. Bredehoff: Thank you very much, Dr. Spiegel.

Judge Azcarate: All right. Thank you. Sir, you can have a seat in the courtroom or you're free to go. Thank you. All right. Your next witness.

Ms. Bredehoff: My next witness is Kathryn Arnold.

Judge Azcarate: Kathryn Arnold.

Woman: Do you solemnly swear or affirm to tell the truth in this case under penalty of law?

Kathryn: I do.

Woman: Thank you.

Judge Azcarate: All right. Yes, ma'am.

Ms. Bredehoff: Thank you. Will you please state your name for the record?

Kathryn: Kathryn Arnold.

Ms. Bredehoff: All right. And what is your profession?

Kathryn: I am an entertainment industry consultant. And I also serve as an expert witness.

Ms. Bredehoff: Okay. And can you please tell the jury your educational background?

Kathryn: Yes. So, I've been in the entertainment industry for over 20-plus years. I started as an assistant at ICM, which is one of the largest talent agencies in Los Angeles that represents actors, writers, and directors. And I worked with a talent agent there. And then I also worked for William Morris as a script reader. So, I was working on scripts that they were delivered and submitted to their actors, writers, or directors.

After that, I went into development of film and television projects for a company based in New York called the Maltese Company, which actually produced animated television shows and feature films based on Wall Street and made a product, you know, like toys. And then I went to work with a company called the Guber-Peters Company, and Guber-Peters was, at the time, one of the largest production companies in Los Angeles. They did films like Batman and "Rain Man" and "Tango & Cash," and TV shows like "Witches of Eastwick." And there I was involved in the development of scripts. We've worked with the studio directly in terms of what cast would be attached to the scripts and brought directors and talent to those projects.

I went on to work in the independent film world as a film producer. So, I found the material. I would get the financing, I would get the cast, and the director attached to the project. We call that packaging. And then we

would go and obtain financing for that, either through equity sources, international sales and financing, and bank financing.

And then, I also went on after that. I produced five or six films with actors that you may know, including Salma Hayek, Vincent D'Onofrio, Kirstie Alley, Thomas Jane, Ethan Hawke. And then, I worked with an international sales and production company where I was the head of production, and I worked again on the development of scripts and the procurement of financing. So, I worked in both the independent world and the studio world, meaning independently financed or financed by the big studios like Warner Brothers, and Disney, and Paramount, and such as that. That's the bulk of my work in the entertainment industry.

Ms. Bredehoff: Did any of your films win awards?

Kathryn: A couple of them did. So, a couple of the independent films that I produced. One of them, one called "The Coriolis Effect," won the Venice Film Festival in its category. And then I also produced another film that won the Heartland Film Festival award. It's called Crystal Award.

Ms. Bredehoff: All right. And what other video production projects have you been involved in?

Kathryn: So throughout that time, in between those jobs, I also worked in the corporate world. So large studios like Warner Brothers and Disney and CBS would need corporate videos for their live events. So, I would interview executives and interview their talent and then edit the piece together to create video and media for their live sales conferences that they had at that time. And then I also produced some commercials.

Ms. Bredehoff: All right. And what, if any, experience did you have in corporate relations and licensing?

Kathryn: So early on in my career, I worked at the Los Angeles Olympic Organizing Committee, and I worked in the licensing department where we handled the licensing of the Olympic logo. And we also worked with sponsors and suppliers who were funding those Olympic Games. So, it was a lot of contractual negotiations with the use of the logo, as well as raising money for the games and working with those corporate sponsors throughout the two years prior to the games and then during the games themselves.

Ms. Bredehoff: And what, if any, experience do you have working on film festivals?

Kathryn: Well, I had films in festivals. I've actually been very lucky to travel the world and kind of a lot of festivals with my films, both here in the United States and elsewhere. And at one point, I was also hired to raise sponsorship funds for the Sundance Film Festival. They had a new program that they were starting to do online festivals and so I raised about half a million dollars for them in about a month.

Ms. Bredehoff: All right. And do you have a degree, a college degree?

Kathryn: Yes, I graduated from UCLA with a bachelor's degree in economics.

Ms. Bredehoff: What is your current consulting practice entail?

Kathryn: So, as an entertainment consultant, having been in the business in both the independent and the studio worlds as both a producer and an executive, I work with investment companies and production companies who are looking to navigate the various inroads of Hollywood. It's a business is very different and unlike anything else, and very relationship-based. So, I use my 20 years of experience to help them get cast, get financing, understand the distribution process, marketing process, and get them setup to be able to produce their films.

Ms. Bredehoff: Have you ever testified as an expert witness in the field of entertainment industry?

Kathryn: Yes.

Ms. Bredehoff: Okay. Approximately how many times have you served as an expert?

Kathryn: I've been involved in somewhere between 85 and 100 cases as an expert, from beginning stages to testifying in court.

Ms. Bredehoff: And have you ever testified as an expert on damages and defamation cases?

Kathryn: Yes, I have.

Ms. Bredehoff: Okay. Approximately how many times have you qualified as an expert on that?

Kathryn: On defamation?

Ms. Bredehoff: Yes.

Kathryn: I believe three or four times.

Ms. Bredehoff: Okay. And have you ever been admitted to testify as an expert on damages?

Kathryn: Yes.

Ms. Bredehoff: Okay. And how many times have you qualified as an expert on damages?

Kathryn: Almost all my cases had some form of damage relation, you know, economic damage related to the case. So, I would say in all of the cases that I've testified in, I've been qualified in damages.

Ms. Bredehoff: Okay. Have you served as an expert for both plaintiffs and defendants?

Kathryn: Yes, I have.

Ms. Bredehoff: How much of your current practice involves consulting as opposed to expert serving as an expert witness?

Kathryn: So, over the last 10 or 12 years, it's been about 50/50. So, I spent half my time working as a consultant and the other half working with lawyers on their cases.

Ms. Bredehoff: Your Honor, I'm going to move to qualify Kathryn Arnold as an expert in the entertainment industry's standards and practices and related economic damages.

Judge Azcarate: All right. Any objection? All right, so moved.

Ms. Bredehoff: Thank you. Now, you have a dual role here as an expert, correct?

Kathryn: Yes.

Ms. Bredehoff: You're going to be testifying with respect to Mr. Depp's challenges to or claims of damages. And you're also going to be testifying to Amber Heard's damages, correct?

Kathryn: Yes.

Ms. Bredehoff: All right. Well, I'm going to start you with Mr. Depp's claims for damages. Okay. With respect to Mr. Depp's claim damages, on what subjects have you been asked to offer your opinion?

Kathryn: So, I was asked to assess if any alleged damages that the op-ed piece in "The Washington Post" that Ms. Heard wrote, whether that has impacted his career in any way, particularly did he lose any income or any economic opportunities because of the op-ed piece specifically.

Ms. Bredehoff: All right. And have you been asked to limit that to the period of December 18, 2018, the date of the op-ed, through November 2, 2020?

Kathryn: Yes.

Ms. Bredehoff: Okay. Now, what materials did you review and making your analysis?

Kathryn: There were a lot of documents. I reviewed the pleadings of the case, the complaints, the discovery items, the responses to what they call interrogatories, which are the questions that the lawyers asked both sides. I reviewed Mr. Depp's deposition testimony, which there were volumes of that, as well as Ms. Heard's. I also reviewed the deposition testimony of the experts that were proffered that had to do with the entertainment industry, you know, the agents and the management teams of both sides, Ron Schnell, the data expert.

I also reviewed emails and texts between the parties, between their families, between the management teams, the audio recordings, the visual recordings that have been presented in this case and the previous cases that have been involved in the last couple of years. I also did my own independent research from general publicity and press and investigative articles, as well as those that are specific to the entertainment industry, and utilized some entertainment industry-specific sources to get some information that was helpful to the case.

Ms. Bredehoff: Thank you, Ms. Arnold. Please describe to the jury your observations with respect to Mr. Depp's career trajectory.

Kathryn: Well, Mr. Depp has had an extraordinary career over many years, so it's a long one to look at. Obviously, he was a rising star in the late '80s and in the '90s, starting with "21 Jump Street." And you've heard, you know, all the films that I'm sure he's been in. He really started to break through when he worked with Tim Burton, the director, and, of course, his character Jack Sparrow in Pirates of the Caribbean was world renowned and probably his biggest role. And he was, you know, well-liked, both critically and within the industry and within the public, as a movie star.

And at the same time, his behavior both on and off the set, in his personal life, and in his professional life, start to interfere with what we would say, what everybody saw, was his great talent. And it started, you know, there's some stories of issues that started back in the '80s and the '90s. But I would say really in the mid-2000s, between 2006 and '10, is

when the behavior started affecting his work to a certain extent in terms of lateness on set.

And then, as Ms. Jacobs, his talent agent, discussed with you in her deposition, it really started affecting her ability to get roles and the industry's willingness to work with him, given the issues that he was having with both behavior, tardiness, drinking, and the drug abuse, and, you know, other issues in his personal life. So, it got more complicated for her to find him work, and I think it got harder for production companies and studios to hire him due to the challenges that that would put on a production.

Ms. Bredehoff: And when did Mr. Depp's career downturn begin, based on your review of all the record evidence?

Kathryn: Well, again, according to Ms. Jacobs, his agent, she mentioned that it started getting more challenging for her around 2010. The lateness on set, she was being made aware of that more and more often from production executives and the producers that she was working with on the Pirates movie, and not only Pirates, it continued on the other films, including "Mortdecai" and "Murder on the Orient Express." And in around 2014, when he had the appearance of, it was presumed that he was under the effects of alcohol at the Hollywood Film Awards in 2014.

Mr. Dennison: Objection, Your Honor, nonresponsive.

Ms. Bredehoff: She's to answer in the career downturn, Your Honor.

Judge Azcarate: Overruled.

Ms. Bredehoff:: Please continue.

Kathryn: Thank you. In 2014, when Mr. Depp appeared at the Hollywood Film Awards, Ms. Jacobs received many phone calls from both producers, casting directors, and production executives asking her, "What is going on with your client? What's going on with his behavior? Can we get them under control?"

And then, I think it really started to shift around the Pirates 5 movie in Australia with, again, the lateness and the issues with the finger that stopped production and things of that nature. And then it just got harder and harder.

Ms. Bredehoff: Based on your analysis, what has caused Mr. Depp's career downturn?

Mr. Dennison: Objection, no foundation.

Judge Azcarate: Overruled.

Kathryn: Can you please repeat the question?

Ms. Bredehoff: Based on your analysis, what has caused Mr. Depp's career downturn? And I realized you've said a number of those, so anything else?

Kathryn: Sure. Well, we talked about the erratic behavior, the tardiness, the drugs and alcohol abuse, and the lawsuits have had a really big impact, not just this lawsuit, but previous lawsuits that Mr. Depp has been involved with, because there's one publicity around anything that he does. And every time he has filed a lawsuit, it has brought to light various issues with respect to whatever that lawsuit was about. Whether it was about, you know, erratic behavior or domestic abuse, or drugs and alcohol, and even spending habits, so every time a lawsuit has been filed, the press and the publicity had just been charged up and brought everything back to light. And it's been an unfortunate problem on that level for the industry to continue to work with him even though all this is out in the public.

Ms. Bredehoff: For the films that were shortly before Pirates 5, how successful were they? I'm talking "Mortdecai," "Alice Through the Looking Glass." I think you testified to some of those, "The Lone Ranger," Tonto...

Kathryn: Right.

Mr. Dennison: Objection, compound.

Judge Azcarate: Overrule.

Kathryn: Of course, Mr. Depp has had some extremely, obviously, extremely successful films. But also, you know, in the four or five years prior, and, you know, through Pirates, there were films that didn't do well at all and were considered what the industry calls a bomb, which could have been Alice The Looking Glass, "Transcendence," "The Lone Ranger," and "Mortdecai," were films that just didn't perform, although they were valued in their financing based on Mr. Depp's star quality and acting ability. Unfortunately, they just didn't perform. So, as many hits as he's had, he's also had a lot of recent what they call "failures" in the business.

Ms. Bredehoff: And what, if anything, did Mr. Depp do with respect to showing up for press conference in Japan for "Mortdecai"?

Kathryn: Ms. Jacobs mentioned in her deposition testimony that Mr. Depp didn't show up for the press conference in "Mortdecai," which he was not only an actor for, he was also a producer. And he didn't show up. Apparently, he was sleeping, so he wasn't able to make it.

Ms. Bredehoff: Okay. Now, what, if any, impact did the Brooks litigation have on Mr. Depp's career?

Kathryn: Is the jury familiar with this already or...?

Ms. Bredehoff: Well, I think you can, I mean...

Kathryn: Okay. So, the Brooks litigation was a litigation around Mr. Depp had punched someone on one of the, I think, it's a location manager in a film called "City of Lies." I don't know exactly what happened to that litigation. However, of course, again, it was written a lot about in the press and unfortunately came to the forefront that he had, you know, violent behavior yet again.

Ms. Bredehoff: So, in 2018, and I'm going to say before the op-ed on December 18, 2018, was there any negative articles and negative press about Mr. Depp?

Kathryn: For quite a while, when you are a celebrity, such as Mr. Depp, you're in the limelight and everybody wants to look at everything that happened. So, after every movie you have, after the incident, there was usually press. But the ones that were more significant were a couple of them in "The Hollywood Reporter," and one on the Rolling Stones.

So, in 2017, there was an article in "The Hollywood Reporter," where the journalist discussed... I think the article was called "Pirates of the Caribbean: The Diminishing Returns of Johnny Depp." And that Pirates, the last one, was 5, right? And that one didn't perform nearly as well as the other previous Pirates of the Caribbean films. And there was some discussion that the character...

Mr. Dennison: Objection, hearsay, Your Honor.

Ms. Bredehoff: I think she can explain generally.

Judge Azcarate: Sustained.

Ms. Bredehoff: Okay. Let me ask you this. When was "The Hollywood Reporter" article on the diminishing returns of Johnny Depp?

Kathryn: That was in the spring of 2017.

Ms. Bredehoff: Okay. And you said, I just want to make sure we understand, how well did Pirates 5 do compared to 1 through 4?

Kathryn: It performed less well by over \$200 million.

Ms. Bredehoff: Okay. And what, if any, other negative press was there in this timeframe? We'll take 2017, 2018 before the op-ed?

Kathryn: So, in 2018, there was a "Rolling Stone's" article that was an in-depth expose on Mr. Depp's life. Again, his erratic behavior, the money he was spending on wine...

Mr. Dennison: Objection, Your Honor, hearsay.

Ms. Bredehoff: I think she can get generally, Your Honor, the negative...

Judge Azcarate: Sustained.

Ms. Bredehoff: All right. What, if any, knowledge do you have of whether Disney saw the "Rolling Stone" article?

Kathryn: There were emails between the publicity department and the co-chairs and some of the senior executives at Disney that they forward the articles as they came out, both "The Hollywood Reporter" article and the "Rolling Stone's" article, and they would make commentary. And Alan Horne, who is the one of co-chairs at Disney, used the word "sad" and I think one of the other executives used "depressing" that their film star was now being shown in this light to the public in a Rolling Stones magazine.

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Sustained.

Ms. Bredehoff: All right. Was there any more articles about the Pirates of the Caribbean prior to the op-ed in December of 2018?

Kathryn: There was an article on October 28th, "The Hollywood Reporter," October 28, 2018, where the journalist had spoken to two writers of the film, and they were talking about removing the franchise.

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: Your Honor, she's entitled to rely on hearsay and she's just giving the general, she's not...

Judge Azcarate: Approach.

Ms. Bredehoff: So, without saying what the article said, say what it's about.

Kathryn: Okay. So, in October 28, the article was, it was called... The article was about whether the Pirates of the Caribbean franchise would be rebooted without...

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Overrule.

Ms. Bredehoff: Please continue.

Kathryn: The article in October of 2018 was about whether or not the Pirates franchise was going to be, what they call a reboot, you know, redefined without Johnny Depp, and that was in regarding two writers that were on the project.

Ms. Bredehoff: Okay. What...

Kathryn: And there was one other one that...

Ms. Bredehoff: Okay. Go ahead, please.

Kathryn: So, there was another article, there was an exposé on the press and production, it was also in "The Hollywood Reporter." And this is the one that Mr. Marks, Mr. Depp's expert pointed to regarding the op-ed's impact on Mr. Depp's career and the online article was, as Mr. Marks pointed out, published on December 20th, 2018, but the same article was in print on the morning of December 18th, 2018, which is the same morning of the op-ed. So that Hollywood Reporter article that Mr. Marks used to say...

Mr. Dennison: Objection, no foundation.

Judge Azcarate: Overrule.

Ms. Bredehoff:: Please continue.

Kathryn: Mr. Marks had used that article to show that Disney wanted to let go of Mr. Depp because of the op-ed. But it was actually printed in the Reporter the same morning that "The Washington Post" article was printed. So, there's no way that "The Washington Post" article had any impact on what "The Hollywood Reporter" journalist wrote, as they were on the same morning, they were released simultaneously, interestingly enough.

Ms. Bredehoff: And the one that was two days later was the same article just online.

Kathryn: Same article, it was just online, yeah.

Ms. Bredehoff: Okay. Thank you. Now, what, if anything, was there a press in 2018 relating to "The Sun" and Dan Wootton in any litigation that Mr. Depp was bringing.

Kathryn: So, a lot of press was about the UK trial in the lawsuit that Mr. Depp brought against "The Sun" in the UK about the wife beater title that they used. So, there was a ton of press around that, both at the time that it was filed and throughout as documents were being shared with the public. And then, of course, during the trial itself.

Ms. Bredehoff: Okay. And what is your understanding of when the article, the wife beater article, first appeared?

Kathryn: I believe it was in July of 2018, about six months before the op-ed piece.

Ms. Bredehoff: And what is your understanding of when Mr. Depp filed suit against "The Sun" and Mr. Wootton?

Kathryn: Again in 2018, I believe.

Ms. Bredehoff: Okay, June, would it be? Would it refresh your recollection?

Kathryn: It was in the spring or summer? It was fairly shortly after the article. So, it was long before the op-ed piece was out.

Ms. Bredehoff: Okay. And what, if any, impact did Mr. Depp's litigation in "The Sun" case have on his career?

Kathryn: That was a really tough one on Mr. Depp's career because everything, every allegation of abuse and every text, every email, all the audio, all the visual stuff was brought to light and made public. And so, not only did the public get to see it, but the industry was watching closely. And it's hard for studios, especially a studio like Disney, who's family oriented, be connected to a star that has text about burnt corpses and violent behavior in video. So, it was a big conflict for a lot of people in the industry to how to navigate that if they are going to work with a star.

Ms. Bredehoff: And what, if any, impact did Mr. Depp's other litigation against Mandel and Bloom have during that time period?

Kathryn: As I was trying to say earlier, every time Mr. Depp brings a lawsuit because he's such a well-known public figure that spotlight goes on him. And so, every time a lawsuit was filed, whether it was against his business manager, against his former lawyer, even when he fired his talent agent, it becomes news. And then everybody talks about what could have preceded that. Why would that lawsuit have happened? And then they look at the details. So again, the erratic behavior and the financial issues, and the drinking and drug abuse was all part and parcel of every one of those. And it was brought to light yet again time.

Ms. Bredehoff: What is your understanding of Mr. Depp's claims regarding Pirates of the Caribbean 6 and how that impacted?

Kathryn: Well, Mr. Depp is claiming that he's lost money on Pirate 6, but Pirate 6 hasn't even been made yet, nor is there even a script that has been what we call greenlit moved towards production. So, I don't know how you lose something that hasn't happened. So, I think that's what you're looking for me to...

Ms. Bredehoff: And in fact, since Mr. Depp's damages are limited to November 2, 2020. And nothing since, and that hasn't happened. Is there any way he could claim damages for Pirates 6?

Mr. Dennison: Objection, leading.

Judge Azcarate: Overrule.

Kathryn: Again, you can't claim damages for something that hasn't even happened, whether he was in it or not in it or was going to be in it or might have been in it, whether it was 2018 or now, there just is no Pirates 6. Not only did he not have a contract, even back in the day, 2018 or after that, no contract had been signed for a Pirate 6, it doesn't exist as we [inaudible 04:05:44].

Mr. Dennison: Objection, legal conclusion.

Judge Azcarate: Sustained, the last part.

Ms. Bredehoff: How do you know he doesn't have a legal contract?

Kathryn: Well, Ms. Jacob said he didn't have a legal contract. And also, his agents at CAA say he had not yet negotiated a contract for Pirates 6. And, again, there is no script, so they haven't greenlit it as we say. They don't have a cast or with the director yet.

Ms. Bredehoff: Okay. Based on your analysis, what, if any, impact did Ms. Heard's op-ed have on whether Mr. Depp could claim a loss for Pirates 6?

Kathryn: Zero.

Ms. Bredehoff: Okay. And why do you say that?

Kathryn: Again, well, many things. The movie doesn't exist yet, so that's one. But even as important is that, Disney in their file for this trial, did not have the op-ed piece as part of all of the information they had read and looked about and discussed. The conversations of Mr. Depp not being in whatever new version of Pirates, the franchise, if it goes forward, those were in discussions long before the op-ed piece even came out.

And there are other factors that Disney was considering, the lateness on set, the cost overruns at that cost, which can go from hundreds of thousands of dollars to millions of dollars when you have crew sitting around for two to four hours, eight hours, or even several weeks to a month when the finger incident happened. So, on top of that, Mr. Depp is an expensive actor. He can earn between \$20 and \$25 million dollars per movie plus back end. So, it's very expensive.

So, when you put that all together, the rising cost of Mr. Depp as talent, the challenges that they had to keep it on budget because of his lateness and his tardiness, and all the other allegations that would affect the brand, such as Disney, right. Someone talks about a burnt corpse does not necessarily coincide with the brand of Disney. So, there were many problems.

And, interestingly enough, there was a lot of conversation at internally in the industry that...

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: She's entitled to rely on hearsay, Your Honor.

Judge Azcarate: Sustained, you can't say. That's hearsay.

Ms. Bredehoff: All right, please continue without saying what the discussion in the industry was.

Kathryn: The Jack Sparrow character had been exhausted in terms of where it could go creatively. And I think the studio is looking for a way for it to renew the franchise, but not necessarily base it entirely on the Jack Sparrow character, which is where it ended up last couple of years. And

evidenced by the lesser box office of Pirates 5, compared to the earlier ones.

Ms. Bredehoff: And was there any article that came out on November 5, 2020, three days after the damages are cut off relating to Pirates of the Caribbean and Mr. Depp's chances of being Jack Sparrow?

Kathryn: I think they reiterated the fact that he was probably not going to be in the movie.

Ms. Bredehoff: Now, what impact has the op-ed had on Mr. Depp's career?

Kathryn: Very little, hardly anybody even knew the op-ed existed before he filed suit, if anybody that I know but certainly not Disney.

Ms. Bredehoff: And what impact has the op-ed add on Mr. Depp's QScores?

Kathryn: According to what I read of Mr. Allen Jacobs, an expert in statistical analysis, and from my own research on websites that available to us, Mr. Depp's QScore, or if you're familiar with IMDb, which is Internet Movie Database, which is available to public and to the professional side, his QScore did not change dramatically. It was kind of in the middle, exactly at the high and low of his Q scores overall. It was in middle. It was at like 113, which is where it was a couple weeks before and a couple of weeks after. So, the op-ed didn't have any effect on his QScore. And that was reiterated by Mr. Jacobs in his deposition testimony.

Ms. Bredehoff: And then you testified, in response to an earlier question I had, that nobody seemed to notice the op-ed until Mr. Depp filed suit. That was on March 1, 2019, do you recall?

Kathryn: Yes, that's when the lawsuit was filed.

Ms. Bredehoff: Why do you say that they didn't notice until then?

Kathryn: Because the op-ed piece, for most people in the industry, kind of came in and went without much fanfare or not much conversation. It was much more about the... I don't think many people knew it was written until the allegations were made by Mr. Depp and the lawsuit. It kind of came in and out of the radar very quickly, if anybody even saw it at all.

Ms. Bredehoff: All right, between December 18, 2018, and November 2, 2020, our window here, has Mr. Depp continued to star in films.

Kathryn: So, Mr. Depp, so the article came. So, op-ed came out December 18 and 20 of 2018. In January and February of 2019, he shot a film called "Minamata," which was an independent film that he, what we call a passion project. He loved the script and wanted to do it. So, he was able to film that after the op-ed piece.

And then, the Dior campaign, Sauvage, I don't know the exact dates of filming, but I know that it did air throughout 2019, and it's my understanding that he still might have that contract with Dior, so he continued that product endorsement. And then, in the spring, in the fall, I believe it was, Mr. Depp was able to do press for the film, "Waiting for the Barbarians." He went to the Deauville Film Festival. He went to the Venice Film Festival. He was well received at the press conferences. You know, life was at the same level for him in terms of his popularity over in Europe. He was still working on press for the films. And then, of course, he was scheduled to film Fantastic Beast in early November of 2020.

Ms. Bredehoff: And that's no longer the case, is that correct?

Mr. Dennison: Objection, Your Honor.

Judge Azcarate: What's the objection?

Mr. Dennison: Can we approach?

Ms. Bredehoff: That's no longer the case, correct, in Fantastic Beast? I don't want you to say anything more than that. That's no longer...

Kathryn: It's no longer the case, correct?

Ms. Bredehoff: He's no longer in that film, correct?

Kathryn: He was paid for it, but he does not star in the film.

Ms. Bredehoff: Okay. Thank you. Now, what, if any, effect did the op-ed have on Mr. Depp's fan following?

Kathryn: I don't know. I don't think it had any effect on his fan following. Again, his QScores didn't shift and, clearly, has a strong fan base.

Ms. Bredehoff: In your opinion, what or who has caused the damage, if there is any, to Mr. Depp on his career and reputation between December 18, 2018, and November to 2020?

Mr. Dennison: Objection, speculation.

Judge Azcarate: Overruled.

Kathryn: Mr. Depp.

Ms. Bredehoff: And why do you say that?

Kathryn: Well, again, filing the lawsuits, bringing to light the issues is Mr. Depp doing that on his own accord. And any statements that were made by his team, Mr. Waldman, or anyone else, is associated with Mr. Depp. And those statements that came out, the defamatory statements, which we'll talk about in a minute, were also...

Mr. Dennison: Objection.

Kathryn: ...put out by Mr. Depp's team. So, in actuality, he's causing his own demise by bringing these lawsuits forward and continuing to kind of ignite the fire of negative publicity around both of them.

Ms. Bredehoff: Okay. Are all of your opinions to, with a reasonable degree of probability or certainty, with respect to Mr. Depp's damages?

Kathryn: Yes.

Ms. Bredehoff: Okay. Thank you. Now, I'm going to move you to Amber Heard's damages. With respect to Amber Heard's claims for damages, on what subject have you been asked to offer your opinion?

Kathryn: So, I was asked to look at the reputational harm and economic loss that Ms. Heard incurred due to the defamatory statements that Mr. Waldman, on behalf of Mr. Depp, made in April of 2020 and, again, in June of 2020.

Ms. Bredehoff: And what materials did you review in forming your opinions?

Kathryn: Again, many of the same materials that I reviewed for Mr. Depp's case, which was a deposition testimony, the pleadings, the discovery, all of that, was included, as well as expert testimony that was based on statistical analysis of negative social media campaigns that were created as well as what happened. I talked to Ms. Heard's agents. I read their depositions. I talked to her publicist. I read her deposition. I talked to Ms. Heard herself to get a first-person accounting of what happened from her perspective after those defamatory statements were made. And then I looked at, you know, again, emails back and forth and text back and forth with the studio, Warner Brothers, and other producers that the management team is working with to get Ms. Heard more work.

Ms. Bredehoff: Okay. Now, before I go into the questions that I'm going to ask, I'm going to go ahead and just kind of define this so that we're all on the same page going through it. The jury has seen the three defamatory statements. They are Defendant's 1245, 1246 A, and 1247. And I'm just going to refer to them as the Depp/Waldman statements in asking you all these questions. Will you understand what I'm talking about?

Kathryn: Yes.

Ms. Bredehoff: Okay. Good. Please describe Amber Heard's career prior to the publication of the Depp/Waldman statements.

Kathryn: So, Amber had a long career for someone who is fairly young still. She was in over 50 productions, I believe, including "Aquaman" and "Justice League." But let's just say close to 50 productions. Well, certainly 50 productions before the defamatory statements were made. She had, you know, a consistent working actor's career. Her agents were strategic, as she started getting more work that they wanted her to work with better and better directors to have, you know... "The Danish Girl" is a film that had a strong director and a strong critical acclaim.

And then she went from that to getting "Justice League," which is on a bigger budget, it's a bigger scale movie. And then, of course, "Aquaman" and Aquaman 2. So, her career was following a very nice, steady rise, and she was on the precipice of a meteoric rise with "Aquaman" and Aquaman 2 prior to the statements.

Ms. Bredehoff: Was "Aquaman" a successful film in terms of box office sales?

Kathryn: "Aquaman" was an extremely successful film. It made over a billion dollars, and I believe it is the highest grossing DC comic film ever.

Ms. Bredehoff: What, if any, accolades did Amber receive for her role in "Aquaman?" And sometimes I'll call it Aquaman 1, just to make sure we don't get confused.

Kathryn: So, in Aquaman 1, there were many emails from the director and the producer...

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: She's just characterizing, Your Honor, she's not quoting them.

Judge Azcarate: I don't know where it's going. I'll overrule at the moment.

Ms. Bredehoff: Thank you.

Kathryn: She got emails from the director and the producer stating that he loved her performance in this body of work.

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: You can't say what the email says, but you can summarize them or characterize them. Can you do that?

Kathryn: It's emails of accolade from the director and the producer.

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you. Okay. What type of press opportunities did Amber have prior to the Depp/Waldman statements?

Kathryn: So, the press really loved working with Amber. She was on the cover of many magazines after "The Danish Girl," after "Justice League," after "Aquaman." She was the cover girl, I think it was of "Marie Claire" or "Elle" in the UK. She had a cover story of a big magazine in Mexico and Australia. One magazine called her Woman of the Year. Another one called her Role Model of the Year. So, she got a lot of press, you know. She did a lot of press, both in magazines, but also in the press tours and the press junkets that she did for the film.

Ms. Bredehoff: And were some of those California Style, "Marie Claire," "Elle," "Shape," "Glamour."

Kathryn: Yes, there was a lot of them.

Mr. Dennison: Objection, leading.

Judge Azcarate: Overruled.

Kathryn: There was a lot of them. I don't remember all of them, but it was, you know, "GQ," "Elle," "Marie Claire," you know, the big magazines both here, the UK, Eastern Europe, in Latin America, and in Australia.

Ms. Bredehoff: And what about after the release of "Aquaman," which was December 2018? How was her press then?

Kathryn: Well, the press tour was doing well, and they wanted to give her a lot more press. And I think up until the defamatory statements came out, she was on deck to do a lot of press.

Mr. Dennison: Objection, no foundation.

Judge Azcarate: Overrule.

Ms. Bredehoff: Please continue.

Kathryn: So, the press and the request for press went silent after the defamatory statements are made, and which then the negative social media campaign ensued after that.

Ms. Bredehoff: Now, what factors relating to social media does the entertainment industry rely on when considering an actor for a role?

Kathryn: Social media becomes a big part of how studios decide to use an actor or an actress in a film because they want to know how the general public feels about them. They want to know what the consumer feels about that actor.

So, when there's positive social media, that's a good thing for the actor. When there's negative social media, it can be very bad because not only can social media be directed at the actor or the actress themselves, but it can also be directed towards the movie, towards the movie company, towards the product that the actor or actress is working with. So, it becomes very complicated and it can get very messy to continue working with an actor or an actress if there's a lot of negative social media around them.

Ms. Bredehoff: And after the Depp/Waldman statements, what happened on social media?

Kathryn: After the Depp/ Waldman statements, social media blew up with negative tweets and Instagram posts and, you know, Facebook posts and Snapchat, and trolling, as we call it. It was just negative. According to Mr. Schnell, there was over 1.2 million negative tweets about Amber using hashtags that use the words in the statement of the Depp/Waldman statements. That 1.2 million negative statements between April of 2020 and January of '21. It's a lot of negative publicity. And there was just a lot of what we call "noise" around Ms. Heard and her work of any kind.

Ms. Bredehoff: Can you please describe to the jury what a negative social campaign is?

Kathryn: So, a negative social campaign would be when a fan base or, in this case, according to both the forensic statistical analyst as well as Ms. Heard's agents and the product that she was working with, L'Oréal, and her publicist, it was a campaign that included both live accounts, live Twitter, you know, people that actually have or individuals, as well as what we call bots.

Mr. Dennison: Objection. May I be heard?

Judge Azcarate: All right.

Ms. Bredehoff: All right, other than the bots, please describe the rest of the social media, the negative social media campaign.

Mr. Dennison: [Inaudible 04:22:49]

Kathryn: The fan base was very energized by Mr... Is it the Depp/Waldman statement?

Ms. Bredehoff: Yeah, let me just ask...

Kathryn: The Depp/Waldman... I'm sorry, there's a lot on my brain right now.

Ms. Bredehoff: It doesn't matter. Why don't I do this? Let me formulate a different question. How has the negative social media campaign been used against Amber Heard since the Depp/Waldman statements?

Kathryn: Great. So, the negative campaign has been used both to "Let's fire Amber off of Aquaman" to the product that she had an endorsement contract with, with L'Oréal, the makeup. And every time that L'Oréal mentioned Amber Heard and the product together, they would get harassed. Her publicist company was harassed, any kind of movie that she was related to or television project that she was related to get negative attention from the social media world. Even the charities that she was involved with were getting hammered, if you will, or bombarded by negative social media, which made it difficult to work with Amber on any level because negativity was brought to their product, service, or film.

Ms. Bredehoff: And is that negative social media campaign ongoing to this day?

Kathryn: Yes.

Ms. Bredehoff: Okay. And you were talking a little bit before, I think, about "Remove Amber Heard from Aquaman 2," what are your

observations with respect to that in connection to the Depp/Waldman statements?

Kathryn: Again, the statements... I'm sorry. The social media campaign, whether called, you know, "Remove Amber from Aquaman," or negativity for her relationship in that film, it always tended to use words that were inside the defamatory statements. They became hashtags, right. So, you know, if it was said in the defamatory statement, they were often reiterated in the tweets and the posts.

Ms. Bredehoff: How difficult is it for an actor to repair this type of negative social media?

Kathryn: Well, first of all, it has to stop. Okay. So, once it stops, then an actor and their team can work slowly and patiently in both. Maybe it's press interviews, maybe it's relationship with charity, maybe it's a small role in a movie, and they do well. And they kind of rebuild their career. But it can take 2, 3, 4, 5 years or more to rehabilitate your career. But first and foremost, it needs to stop. You know, it just needs to stop. So that they can, the consumer can get beyond it, and then they can reactivate their career by doing the work again.

Ms. Bredehoff: Describe Amber Heard's reputation after the Depp/Waldman statements?

Kathryn: Well, the reputation, I guess, depends on who you're talking to. But in the public, it's been very negative. In the industry, they like her work. But they can't work with her right now. Again, because every time her name is mentioned, the negativity flares up again. So, it doesn't make sense for them to try to make a movie, which costs millions of dollars, and then have a lot of negativity towards the film, or the TV show, or the product. So, her world has been silent in terms of opportunities, and even things that she wanted to work on are no longer available to her.

Ms. Bredehoff: Has Amber been able to obtain roles after the Depp/Waldman statements?

Kathryn: For a long time, no. Very recently, she was able to do a small independent film, some people who get their financing out of Europe. But up until that, no, she has not worked.

Ms. Bredehoff: Now, based on the fact that Amber came out of "Aquaman," what should her opportunity...? What would you have expected following the release of "Aquaman," December 2018 up to what's going on now?

Kathryn: I like to call "Aquaman" really, you know, Amber Heard's star-is-born moment. It was that moment where not only was she a good actor, but she was now world-renowned because she was in the most successful film, almost of all time, if not all time, and certainly for DC Comics. She was on the poster with a very handsome Jason Momoa, and they were this couple. And she was strong and beautiful. And it was just this extraordinary moment for her career to take off. You know, her agents were excited, the producers were excited. Everybody just wanted to hit the ground running and, "Let's do more. Let's do more work."

Ms. Bredehoff: What, if anything, happened to Amber's participation in Aquaman 2?

Kathryn: So, for a moment in time, in February 2021, there were conversations that Amber is... I'm going to be technical with you. Her option for employment was not going to be exercised. So, they may not have hired her again, even though she had a contract for it. There was some question as to whether she was going to be hired again on Aquaman 2.

Ms. Bredehoff: All right. And did ultimately then she still gets hired for Aquaman 2?

Kathryn: She did. Her management team fought very hard, and they ultimately ended up hiring her. But also, not only because of what her management team did, but Jason Momoa, the star, and James Wan, the director, committed to her in an email saying, "If we are involved with this movie, you will..."

Mr. Dennison: Objection, no foundation, hearsay.

Judge Azcarate: I'll sustain as to hearsay.

Ms. Bredehoff: Don't say what the email said, just summarize it or describe it, please.

Kathryn: Oh, okay. I'm sorry. I'm just trying to understand this world. So, her management team worked hard. And Jason Momoa and the director were adamant that she was in the film.

Mr. Dennison: Objection, hearsay.

[Crosstalk 04:28:45]

Ms. Bredehoff: Your honor, she has to be able to say that.

Judge Azcarate: Will sustain as to hearsay. Next question.

Ms. Bredehoff: Right. What, if any, assurances, did Mr. Momoa and Mr. Wan give Amber that she would be an Aquaman 2?

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Sustained.

Ms. Bredehoff: Are you aware of any chemistry issues between Amber and Jason Momoa from "Aquaman"?

Kathryn: According to the fact that they did a chemistry test with Ms. Heard and Jason Momoa, in order for her to be hired, that is a good indication that they thought the two of them have good chemistry. Obviously, when you look at the movie, they have good chemistry, and the poster, they have good chemistry. So, I think it's general awareness that they had great chemistry.

Ms. Bredehoff: All right. And what, if anything, would also suggest, with respect to Aquaman 2, that Jason Momoa believes they had good chemistry?

Kathryn: He wanted her in the movie. Okay.

Mr. Dennison: Hearsay.

Ms. Bredehoff: I think she has to be able to rely on it.

Judge Azcarate: Sustained. Strike it from the record.

Ms. Bredehoff: In your review of all of the record evidence, what, if anything, did you see in writing anywhere that there was ever any chemistry or creative issue with Amber Heard and Jason Momoa from Aquaman 1?

Kathryn: There were no communications whatsoever that there was no chemistry between the two.

Ms. Bredehoff: And what, if anything, in all the record evidence, did you see that the producer or Jason Momoa did not want Amber Heard in Aquaman 2?

Kathryn: I did not see any evidence of that.

Ms. Bredehoff: Okay. In fact, the opposite, correct?

Kathryn: Correct again.

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Overruled.

Ms. Bredehoff: Thank you, Your Honor. Now, what, if any, leverage did Amber Heard have to renegotiate her salary under the circumstances of the discussions you were talking about with not exercising her option?

Kathryn: She had zero leverage. She was fighting for her life to stay in the film.

Ms. Bredehoff: Okay. Now, is it typical for an actor to be able to negotiate an increase in their salary after a successful franchise?

Kathryn: You may know this already, and so I apologize if you've heard it before. I don't know what's been brought to your attention. But in a potential franchise as "Justice League" and "Aquaman," the custom and practice is that the studio will make an agreement with the actor that incorporates potential future films. So, if "Justice League" does well, they want to know what they're going to pay the actor for the next one, and the next one, and the next one. And in those successive terms in the contract, the fee for that actor customarily goes up. It can go up by 10%, 20%, 100%. It could double, what have you.

And in the case, as Ms. Kovacevic stated in her testimony, that in a successful franchise, a movie that's made a billion dollars, the actors' agents will go back and try to renegotiate that upcoming price tag. So, if it was going to be X, they might want it to be 2X or 3X. And that's very standard in the industry to renegotiate your contracts when there's many films in one single contract that each have their own price points.

Ms. Bredehoff: What, if any, other actors in Aquaman 1 were able to renegotiate their contracts?

Kathryn: Jason Momoa renegotiated his contract very significantly from Aquaman 1 to Aquaman 2.

Ms. Bredehoff: Did you know roughly how much more?

Kathryn: It went out from the, you know, somewhere between 3 and 4 million to 15 million.

Ms. Bredehoff: Okay. Did Amber have a contract for Aquaman 1?

Kathryn: Yes.

Ms. Bredehoff: How much was she paid for Aquaman 1?

Kathryn: Aquaman 1: She's paid \$2 million.

Ms. Bredehoff: And did that same contract provide for if she was in Aquaman 2?

Kathryn: I'm sorry. I apologize. Aquaman 1, I believe, she got \$1 million. Aquaman 2, she was supposed to get \$2 million. I apologize. There were a lot of numbers in that one contract. So, Aquaman 1, it was \$1 million. Aquaman 2 is going to be \$2 million.

Ms. Bredehoff: All right. Now based on your experience and knowledge in the industry, how much would Amber Heard would have been able to negotiate her contract but for the Depp/Waldman statements for are Aquaman 2, I'm asking?

Kathryn: Right. Well, as you can see from Mr. Momoa's contract, that it went up exponentially, up to \$15 million. Ms. Heard, I don't know if he would have gotten \$15 million for the movie, but she certainly could have increased it by \$1 or \$2 million, or even double that, so if it was \$2, it could have been \$4, or even \$5 or \$6, depending on the enthusiasm if had it just rolled from Aquaman 1 to Aquaman 2 without any of this negativity that was created by the Depp/Waldman statements.

Ms. Bredehoff: What, if anything, happened to Amber's role in Aquaman 2 after Depp/Waldman statements?

Kathryn: It was diminished.

Ms. Bredehoff: Now, why would Amber have been featured more prominently in Aquaman 2?

Mr. Dennison: Objection, no foundation.

Judge Azcarate: If only a foundation.

Ms. Bredehoff: Okay. Are you able to speak to whether Amber should have been or would have been more prominently featured in Aquaman 2?

Kathryn: Well, a couple of things.

Ms. Bredehoff: Wait, I'm trying to get your foundation. Are you able to speak to that?

Kathryn: Yes.

Ms. Bredehoff: Okay. And please tell the basis of that and then your opinion.

Kathryn: So, there's two things. When two actors do well in a romantic relationship and, you know, they get married or they're going to have a baby, you know, you want to follow that through because part of what did well in "Aquaman" was not only the action sequences, but to have a strong female character having a relationship with a strong male character. It's very empowering, right? So that was working for them in the first place.

The poster of "Aquaman" that went around the world, one of the main posters, was of the two of them together, standing proud and strong, right, being that couple. And so, naturally, as you go and develop scripts in the industry, you want to follow on the things that are working. And according to Ms. Heard, when she read the first script for Aquaman 2, she had a strong romantic arc for the entire film. And then she also got to do some great action sequences at the end of that storyline in that script. So, she was featured predominantly throughout the script of Aquaman 2 when she first read it.

Ms. Bredehoff: All right. And then what happened?

Kathryn: Well, she didn't hear anything, so she wasn't getting the scripts when her colleagues were getting the scripts. She heard that through her agents. And then, when she got the script, it was pared down from the first script, dramatically. They had her in the hospital very shortly in the first part of the movie called Act One. They had her in the hospital, and they pretty much had on the hospital. And then she was going to do this action sequence in the end. She trained five hours a day for several months for the trainer to do this big action sequence.

And then when she got to set, two things happened. One, the costume designer said, "I don't know what happened to your role. It got diminished."

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Sustained.

Ms. Bredehoff: All right. I'm fine. Go ahead with the second one, I'm sorry.

Kathryn: And more importantly, though, this big action sequence that she was going to do at the end of the movie in the third act was cut out, and they took it away from her. So, it was radically reduced from what was in the script and what she even trained for while she was preparing for the movie.

Ms. Bredehoff: And what, if any, changes were made to the storyline?

Kathryn: I haven't seen the movie yet, specifically, so I can't really speak to that yet.

Ms. Bredehoff: All right, and when you say she was in the hospital, what do you mean by...? Was she injured in the first scene?

Kathryn: I believe that in the first act of the movie, she was injured somehow or has anything to do with a new baby. I don't know exactly. I'm just going with what Ms. Heard told me about was that she ends up in the hospital early in this new Aquaman 2 movie and doesn't really come out until the end, to kind of wrap things up. But all of the interactions with Momoa's character and certainly the action scenes were taken out.

Ms. Bredehoff: Okay. How has Amber typically been involved in promotions for her films?

Kathryn: As we talked about earlier, actively involved in the press and the promotion, whether that was on the press junkets, what we call when they tour the world and the actors tour together and answer questions from the press at various screenings and film festivals. And then, also, she was on the cover of magazines, usually after her movie, especially after "Justice League."

Ms. Bredehoff: And how is the promotion of Aquaman 2 affected by the Depp/Waldman statements?

Kathryn: Amber has not been involved in any of the promotion that's been done to date or very little, particularly in the teasers that I've seen, we called, you know, short little films about the making of and so forth, she's not featured in them. And also, very specifically, there was a big event that Warner Brothers put on during the Fan Dome. I think it's a DC Fan Dome event, which is a big, kind of like a Comic-Con-style event. And they invited all of the actors, the majority of the actors that had strong roles in film, to participate both in the posters and the artwork and also participate at DC Fan Dome. And Ms. Heard was not invited to either be in the poster or be at the event. And in fact, they told her she cannot come.

Ms. Bredehoff: Now, can this hurt Amber's career not being allowed to be in any of the promotional materials?

Kathryn: Absolutely. I mean, nobody knows about her. She doesn't have the same part in the film. It's not going to take her on to her next movie.

She's not being associated with the tremendous amount of promotion that's going to be made for this, you know, movie that everybody's looking forward to see. So, she's not a part of it because of this negative campaign.

Ms. Bredehoff: How have the Depp/Waldman statements affected any other films or TV project promotions for Amber?

Kathryn: So, prior to the defamatory statements, but either around it, you know, after around the time that Aquaman 1 came out, she was in the TV show called "The Stand." It was based on a Stephen King novel. So, big book, you know, going to be a big TV show. And again, Ms. Heard didn't do any press or promotion for that for the same reasons.

Ms. Bredehoff: And what, if any, plans were there to have Amber Heard on the cover of "L.A. STYLE" of relating to Stand before the Depp/Waldman statements?

Kathryn: Right. So, Miss Heard was in, and they'd done an article about her participation in this TV show, "The Stand," the Stephen-King-novel-related TV show, and they were going to give her the cover picture and cover story. And they took that away. I don't know if they have even, if the article existed, but they certainly took away the cover picture and the cover story.

Ms. Bredehoff: How have the Depp/Waldman statements affected press requests for Amber?

Kathryn: There aren't any. So, yes, they affected it because there used to be a lot of press requests and now there aren't any.

Ms. Bredehoff: Has Amber Heard obtained any roles since the Depp/Waldman statement?

Kathryn: Again, for many years, no, for a good period of time, a year and a half, two years, until she got this small movie called "Into the Fire."

Ms. Bredehoff: Okay. Has Amber obtained any studio, movie roles since the Depp/Waldman statements?

Kathryn: No.

Ms. Bredehoff: How, if at all, have Amber's philanthropic opportunities been affected by Depp/Waldman statements?

Kathryn: Again, she had some passion projects. She was invited to do some charity work and she also had her own passion projects that she

loved and wanted to be involved with and even to travel for. But they decided it wasn't going to be a good idea because every time she appears anywhere, the social media negativity campaign strikes up again. So, she hasn't been able to do any of her charity work.

Ms. Bredehoff: What is an endorsement?

Kathryn: So, an endorsement is when an actor associates themselves with a product, either for print, promotion, or commercials. You know, like Jennifer Aniston doing the water, you know, or Matthew McConaughey doing the car commercial. That's a product endorsement. He's paid to say that the product is good and be associated with the product.

Ms. Bredehoff: How important are those endorsements to the actors in the entertainment industry?

Kathryn: Well, very important on two levels. One, they bring a good amount of income to them when they're not shooting a movie. So, it's a good way to make money in between film roles. And then, also, it shows the studios and the production executives and the financiers that the actor is relevant in the community because of being associated with the product. So, if it's a well-known product, that's really great. If it's a medium product, that's great, and so forth, and so on. So you want to be, if you can, and if that's something that you'd like to do, not everybody does, but if they like to do that, then they can get a lot of value out of those products endorsements because then the studio see that there's a connection with the consumer, not just on the film but also with product.

Ms. Bredehoff: Did Amber have any endorsement activities prior to the publication of the Depp/Waldman statements?

Kathryn: Yes.

Ms. Bredehoff: Please explain.

Kathryn: So, Amber was hired by L'Oréal to endorse their product, the makeup line. And she had a \$1.5 million contract for 2 years. And they were able to work... They had 20 days of her work. You know, they have the right to work with her for 20 days. And she started the work, and then when the defamatory statements came out, they essentially put a pause on working with her. So, they no longer brought her to photoshoots. They no longer had her do public events for the product. And basically said, "We love you, but we can't work with you right now because it's just too much..."

Mr. Dennison: Objection, hearsay.

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

Ms. Bredehoff: Have the Depp/Waldman statements affected that deal in any way with L'Oréal?

Kathryn: Well, they put it on pause and haven't done any of the work. So, she's not out there in the public eye related to the product. And they have decided to continue working with her at some point. Once, as I said, this all quiets down. This trial is over. And hopefully, the negative campaigns will stop. So, they extended her contract, but they did not pay her for that extension.

Ms. Bredehoff: And has Amber been hired for any other endorsement deals since the Depp/Waldman statements?

Kathryn: No.

Ms. Bredehoff: No, did you assess Amber's losses as a result of the Depp/Waldman statements?

Kathryn: Yes, what did you do to assess those?

Ms. Bredehoff: Well, first of all, I looked at Amber's career directly. So, I wanted to see, you know, as I said earlier, she worked consistently and then she was on this kind of very large upswing with the big movies, "Justice League" and "Aquaman" and all of that, "The Stand" with the Stephen King project. And then it stopped. Her work stopped.

And then I looked at other actors that kind of grew up at same timeframe. They grew up, meaning they started their career and had the same timeframe to start going from the smaller projects to the well-known director projects to the big movie projects. And I looked at those actors and I then saw, after they had their star-is-born moment, if you will, I wanted to see where their careers went. So, I looked at several actors to see, including Jason Momoa, her co-star, to see what happened in their careers after such a successful film as "Aquaman" came out.

Ms. Bredehoff: Why did you use that method of analysis?

Kathryn: It's a very common methodology in the entertainment industry to work with what we call comps. I think Miss Kovacevic even used that word comp. So, you know, with film, you try to find comparable films with actors. You look to see comparable actors. So you could kind of, it's not a distinct, actual, "This is going to happen, but this is the probability with

a reasonable certainty that, with the right management team that she had, and her acting ability and her looks, and the press that she was getting, and should have continued to get, that her career would have been similar to these other actors."

Ms. Bredehoff: Have you used that method in other cases in which you've been an expert on damages?

Kathryn: Yes, I have.

Ms. Bredehoff: Who did you select as comparable actors for your comparison?

Kathryn: Well, I wanted to look at actors that were in superhero films that had done really well at the box office. So, I looked at Jason Momoa, her co-star. I looked at Gal Gadot, who was in "Wonder Woman." I looked at Ana de Armas, who was in [vocalization]...

Ms. Bredehoff: Blade Runner.

Kathryn: Thank you, Blade Runner. I looked at Zendaya, who was in Spider Man. And I looked at Chris Pine, who was in Star Trek and also "Wonder Woman," you know, similar age range, all attractive actors, all with good acting skills, all able to do stunts. So, there's not many actors to look at who these superhero characters, so it was a small pool to work from, but I took a wide range from those actors, both men and women, to see what could potentially to Ms. Heard's career.

Ms. Bredehoff: Do you consider all of them to be identical for purposes of measurement?

Kathryn: Oh, absolutely not. I mean, no two actors are identical. You can only look with that within a range of characteristics and work history, management team, and so forth.

Ms. Bredehoff: And we've heard from Mr. Bania. Did you review Mr. Bania's QScore analysis regarding the comparables you used?

Kathryn: Yes, I did.

Ms. Bredehoff: And what if any opinions have you formed in reviewing Mr. Bania's analysis regarding the comparables you've selected?

Kathryn: So, Mr. Bania looked at calendar years to assess. So, what happened in December of 2017 or '18 or '19? What happened in June? What happened in a very specific timeframe which works on some statistical analysis? But when you're talking about actors and the

relationships to QScores, QScores are related to the actor's viability in the consumer's mind, if you will, how well known or how much they're coming up in conversation.

And so, Mr. Bania did not look at the time periods of the actors that I compared them with to that film when it came out. So, like right after the success of their big film, what was their QScore? But more, he just looked at them in a year's range. So, it doesn't coincide from actor to actor just because you look at it over time. You have to look at, specifically, after each of those individuals' box office success with a particular film. You look at the QScore, high or low, during that. I mean, you look at how low it drops, say a couple months afterwards. And then if it comes back up, if they have another film or another event that brings them into the limelight again, So, it's not about time. It's related to a specific activity or event. And he did not do that.

Ms. Bredehoff: Okay. What did your comparison show in terms of films that those actors had been in since their breakout roles? I'm talking about the comparables.

Kathryn: In terms of their...? I'm not quite sure I understand the question.

Ms. Bredehoff: Well, what happened with these other actors after they had their start-is-born moment?

Kathryn: ...unrelated to QScores?

Ms. Bredehoff: Right.

Kathryn: Okay. Sorry. So, all those actors' careers, the ones I mentioned, they all either were a steady rise or even a meteoric rise in terms of where their career went after their star-is-born moment. Then they got some other good films, and maybe they got another film that performed extremely well. So, it was a range, but they all were on an upward trajectory without a doubt.

Ms. Bredehoff: And what does this mean for Amber?

Kathryn: The way the kind of industry works is usually, unless there is an a force majeure or some really negative event, her career should have followed that same upward swing and in about the same timeframe, give or take six months to a year, but you it would be very reasonable to believe that her career would have been on an upward trajectory within the range of those other actors.

Ms. Bredehoff: What, if any, comparisons that you make respecting endorsement deals of these actors with Amber?

Kathryn: You know, again, all those actors that we talked about all did multiple endorsement deals after their big movies or after their big series of movies. You know, Jason Momoa is on, you know, Rocket Mortgage and Harley Davidson, as well as five or six other companies. Zendaya is Lancôme and fashion and water and jewelry, and Gal Gadot and Chris Pine and Ana de Armas, they've all done either a couple or many. And all of them is associated with a large brand. Unlike Amber, who hasn't done even been able to work on the one contract that. She had she certainly didn't get any other.

Ms. Bredehoff: So, what did your analysis show with respect to Amber Heard's losses, but for the Depp/Waldman statements?

Kathryn: They were significant if we follow the trajectory out for her colleagues.

Ms. Bredehoff: Let's start with at Aquaman 2. What would she have realized there?

Kathryn: Well, as I stated earlier, so from Aquaman 1 to 2, it went from \$1 million to \$2 million, right, so that was a pre-written contract. It doubled. So, the agents were very excited after the success of Aquaman to go and negotiate a much higher fee like they did for Jason Momoa. They weren't able to do that. So, in that instance, alone, it was more than likely a \$2 million loss just from that movie alone.

Ms. Bredehoff: Two to four, you'd said before?

Kathryn: It could have been four. It could have been six.

Mr. Dennison: Objection, leading.

Judge Azcarate: Sustained.

Ms. Bredehoff: Okay. What about other films?

Kathryn: So, once, as Amber's agent, Ms. K...

Ms. Bredehoff: Kovacevic.

Kathryn: Kovacevic. I was doing okay. Ms. Kovacevic said that once you get that quote of the \$2 million from Aquaman 2, that kind of was like the baseline for any other movies she would have done. So, any other studio movie would have started from there, and depending on the success of Aquaman and how much press she did, maybe she worked on another great director, independent film, whatever, that \$2 million for a studio film, and had it jump to \$4 million with the renegotiation, that

then would have been the basis. So, any future studio film that she would have done, any big budget film, would have been the basis at 4 million and then most likely have gone up from there, if she was able to get others, which she should have just like the other actors.

Ms. Bredehoff: Let's talk about TV for a minute. What would those losses have been included?

Kathryn: Well, on "The Stand," which was, you know, about the same time as "Aquaman," but got the press and the promotion got cut off because of the defamatory statements and the negative campaign, she got paid \$200,000 an episode on "The Stand." So, on a TV series of 9 episodes, it's \$1.8 million. So, if she had, again, done other TV shows, it's very likely that, whether she worked with a streamer or with one of the networks, that fee would have gone up from there. Her agents would have been able to use the leverage of the success of Aquaman 2 to put her, if she had done another television show, given rise to even a higher episodic fee. Some actors go up to \$1 million an episode. Jason Momoa's in his TV show got \$1 million. So, there's, you know, an exponential range of where she could have gone.

Ms. Bredehoff: All right. What about endorsements?

Kathryn: Same thing, you know, all the other actors were doing, over the course of a couple of years' period, you know, anywhere from five, six, seven other endorsement deals. And Ms. Heard, realistically, should have gotten endorsement deals in other categories. L'Oréal was makeup. So probably not in makeup, but maybe water or clothing or jewelry or wellness or it could have been anything else. And so, she too should have, with a reasonable degree of certainty, gotten other contract deals based on the success of the films that she's been associated with and the TV show she's been associated with.

Ms. Bredehoff: And what would that have translated into in terms of dollars?

Kathryn: So, in terms of dollars? Okay, so if it was \$1.5 million for L'Oréal for a two-year contract, and let's give her four other \$1.5 or \$2 million deals, which all of those other actors, especially the ladies, have gotten, then you're looking at an additional \$8 million of income over time. I'm not saying this is in one period. We're looking at as far back as the defamatory statements of 2020 to now, which is almost two years.

And again, as I said earlier, even when this is quiet, it will take three to five years for her to rehabilitate her career if she can. So, we have to

look at it as a period of a minimum of five years. So, when I say \$8 million for endorsement contracts, it would have been over time.

Ms. Bredehoff: Okay. What, if any, losses relating to production or film activities?

Kathryn: Well, again, these other actors that we looked at, and there's a wide range of them, some of them did bigger films, and some of them did gigantic films. But it is very reasonable to assume that once you are in an Aquaman-style film, you'll either continue to do those, right? Some of these franchises, as we know, go for five, six films, or she would probably have been in another studio film that had nothing to do with Aquaman.

But again, so over the course of five years, it's very reasonable to consider that she would have been at least one film a year at a minimum of \$4 million, because that's what her present would have been had she renegotiated. And it's important to note that in her "Justice League" contract, if there is Aquaman 3, her price is set at \$4 million. So, it's very reasonable to assume and to believe that if she did a film a year for five years, at a minimum of \$4 million a year, without any negotiation, which probably would have happened, but let's just say that baseline, that would be another \$20 million over that timeframe.

Ms. Bredehoff: What, if any, opinions do you have about Amber Heard's earning power over time?

Kathryn: That it would continue to rise. It's customary in the industry, as I've talked about earlier, that the negotiations, especially with her agents at William Morris, her fees would have gone higher. So, I'm just using the baseline without any ability to foresee in the future that I already know she got negotiated for \$4 million from Aquaman 3. So, if we use that as a baseline minimum, but it very well would have gone up had her agents done the work that they wanted to do.

Ms. Bredehoff: So, combining all of these opinions and calculations that you've had, what, if any, range or the losses you are estimating for Amber Heard but for the Depp/Waldman statements?

Kathryn: Right, so again, it's really important that I looked at, and hopefully you understand this that it's over time, right? So, let's just say a minimum of five years that we're going to talk about these losses, and it could be more. But at minimum, if you look at the film, the television, and the endorsement contracts, it's very likely that Ms. Heard should have earned between \$45 and \$50 million over that time period.

Ms. Bredehoff: All right. Are all your opinions within a reasonable degree of probability or certainty?

Kathryn: Yes.

Ms. Bredehoff: All right. Thank you very much.

Judge Azcarate: All right. Let's go ahead and take our afternoon recess, ladies and gentlemen. Do not do any outside research and do not discuss this case with anybody.

Kathryn: May I step down?

Judge Azcarate: Yeah, you can step down. That's fine.

Kathryn: I'm sorry.

Judge Azcarate: No, that's okay. That's all right. I appreciate it, ma'am.

This minor court is still in session, please. All right. So, let's come back at 4:00. Would that be all right?

Ms. Bredehoff: Thank you, Your Honor.

Man: All rise.

Woman: No sound mixer? Do you need your sound mixer?

Judge Azcarate: Yes. All right. We're ready for the jury?

Kathryn: Do I stand?

Judge Azcarate: It's up to you. All right. You may be seated. All right, cross examination.

Mr. Dennison: Good afternoon, Ms. Arnold.

Kathryn: Hello. How are you?

Mr. Dennison: So, you've repeatedly testified about what you were asked as the Depp/Waldman statements. You don't have any knowledge whether Mr. Depp knew of the statements that Mr. Waldman made, do you?

Kathryn: Only with his association with Mr. Waldman, correct.

Mr. Dennison: You don't know when the first time Mr. Depp learned about those statements?

Kathryn: I don't know.

Mr. Dennison: No. And the association you're talking about is that Mr. Waldman worked from time to time as Mr. Depp's attorney, correct?

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

Judge Azcarate: Okay.

Mr. Dennison: All right. I understand that you're testifying as a damages expert and you wear two hats, talking both about Mr. Depp's damages and about Ms. Heard's purported damages. Let's talk about Ms. Heard's damages first. You understand that you have to testify as to damages that resulted from the Waldman statements, correct?

Kathryn: That was my analysis.

Mr. Dennison: Most of your testimony, however, was just simply testimony about things that occurred after the Waldman statements.

Kathryn: That's what I was tasked with yes.

Mr. Dennison: Right. The mere fact that there were activities after the Waldman statements doesn't establish that Waldman statements caused any damages, does it?

Kathryn: When you look at the timeframe of when the Waldman statements came out, and you look at what was going on with Ms. Heard's career prior to the statements and what happened after the statements, it's very clear to make that correlation that they were caused by those statements and the campaign that followed afterwards, in terms of the negative social media.

Mr. Dennison: All right. That's an interesting thing. The witness this morning actually described the notion of what's correlation and what's causation. And correlation does not imply causation, does it, ma'am?

Kathryn: I'm not an expert in semantics.

Mr. Dennison: Okay. But you're an expert who is purporting to say that Ms. Heard lost between \$45 and \$50 million. And I'm trying to understand where you put the link between the Waldman statements and all the other activity that occurred since then.

Kathryn: As I stated, and very clearly wanted to make sure that everybody understood was that it was a timeframe between Mr. Waldman's statements were made and the negative decline in her career started happening. And in discussions with her agents and her publicist, there was a very tight timeline and a very close link to when

those statements came out. And when everything started pulling away from Ms. Heard.

Mr. Dennison: What you're talking about is just a link in time. You do not put any causal connection between what Mr. Waldman purportedly said, and the damages that Ms. Heard purportedly suffered. You have no idea whether Mr. Waldman's statements caused any damage to Ms. Heard, do you?

Kathryn: Well, actually, both the words in the statements were used as hashtags in the campaign, as well as when the statistical and investigative analysis was done on the social media campaign, it turned out that one in four of the statements had Waldman or Waldman in them. So that was another connection that I was able to make between the defamatory statements and this negativity that the studios and the product endorsements and the television and the press connected as well.

Mr. Dennison: All right, let's start with first principles. If they're true, they're not defamatory, correct?

Kathryn: Again, that's outside the scope of my expertise.

Mr. Dennison: All right. Let's then go back to what you just testified to. And I think you said the Waldman statements appeared in hashtags.

Kathryn: I said words from the Waldman statements appeared in hashtags.

Mr. Dennison: And the hashtags that were analyzed, however, don't have the Waldman statements in the hashtag.

Kathryn: I've also seen them online myself.

Mr. Dennison: Well, but the analysis that Mr. Schnell did, he looked at four, right?

Kathryn: That was Schnell's analysis, and I do believe I remember reading that, yes.

Mr. Dennison: And the 25% that you just raised? That's Mr. Schnell's analysis. You didn't do that. He did.

Kathryn: Correct.

Mr. Dennison: All right. So, you know what Mr. Schnell did? He didn't look at hashtags that contained the Waldman statement words. He looked at Justice for Johnny Depp, right?

Kathryn: That's one of them, yes.

Mr. Dennison: One of them? Of that 1.2 million hits that you talked about, that was 900,000, 984, 000?

Kathryn: Also, in my conversations with Mr. Schnell, we talked about all the words that were in the statement that also appeared. So, what he wrote in his report and what I had in my conversation may not have been the same thing.

Mr. Dennison: All right. Ma'am, I don't want to hear about your conversation with Mr. Schnell.

Kathryn: It's part of what I relied on, and I'm allowed to talk about that.

Mr. Dennison: All right. So, your conversation with Mr. Schnell, let's move beyond that. Let's talk about what the other hashtags were. "Amber Heard is an abuser." That's not in the Waldman statement, is it?

Kathryn: The fact that she was called the hoax can be related to Amber Heard as an abuser. But no, those words were not used. Correct.

Mr. Dennison: Right. And "We just don't like Amber." That's not the Waldman statement.

Kathryn: Correct.

Mr. Dennison: And Amber Turd is not in the Waldman statement.

Kathryn: Correct.

Mr. Dennison: Right, none of those things are. And in terms of the use of the words "fraud" and "hoax," that appeared in only 6.5% percent of the millions of tweets that Mr. Schnell analyzed, right?

Kathryn: I don't have his definition or his report in front of me, but we can look at it together if you'd like to.

Mr. Dennison: And you said Waldman appears in 25%, Waldman or waldminion.

Kathryn: According to Mr. Schnell, yes.

Mr. Dennison: All right. But that's your only evidence, however, that any of this activity has any link to Mr. Waldman. Is that correct?

Kathryn: No, we also look at the timeline because those campaigns were not active prior to the Waldman statements. And then, they started appearing. So, there is some connectivity there as well.

Mr. Dennison: Mr. Depp bears no responsibility for the social media campaigns. He doesn't... If the social media campaigns caused Ms. Heard to lose her ability to generate income, that's not the Waldman statements. That's a social media campaign.

Ms. Bredehoft: I'm going to object, Your Honor. May we approach?

Judge Azcarate: Okay.

Mr. Dennison: All right. So, I'm just looking for all evidence of the causal connection that you claim exists between the \$45 million of damages that you assert and the three statements made by Mr. Waldman.

Kathryn: Well, I also looked at Ms. Heard's career after the divorce proceedings and other lawsuits that she was either involved with or was discussed. And her career might have had a pause, but she was able to overcome that when she did "Aquaman" and she did "The Stand," both very prominent productions. And there was no dramatic downturn in her career after any publicity...

Mr. Dennison: Ma'am, I don't mean to interrupt you, but do you have notes with you?

Kathryn: No, there's dust.

Mr. Dennison: Oh, okay. Thanks.

Kathryn: There's just dust, and I'm just distracting myself.

Mr. Dennison: I'm sorry. I didn't.

Kathryn: It's just nerves. It's really just that.

Mr. Dennison: Yeah, no, that's okay.

Kathryn: There's just dust. Sorry.

Mr. Dennison: So, you looked at her career, and you looked at the way her career was moving?

Kathryn: Right. So, as I was saying, her career was moving forward and even she had been able to overcome the negative publicity surrounding the divorce or the initial filing of the UK lawsuit and the other lawsuits. Anything that she was associated, she overcame that. She did "Justice League," and she did "Aquaman," and she did "The Stand." And she got the L'Oréal contract all after that. The only time her career slowed down and stopped was at the same time those defamatory statements came out.

Mr. Dennison: But there was a lot of other activity that happened following the defamatory statements. You said every time Mr. Depp files a lawsuit, it ignites the fire around the both of them. Right?

Kathryn: No, actually I said it ignites the fire mostly around Mr. Depp. That was in...

Mr. Dennison: But you used the word, "both of them."

Kathryn: Excuse me, please.

Mr. Dennison: I'm sorry.

Kathryn: That was in context of when I was asked about Mr. Depp's career. That was not in context of when I was asked about Ms. Heard's career.

Mr. Dennison: It's not the same fire?

Kathryn: It is and isn't. Who's the protagonist in the case in the UK was Mr. Depp. Ms. Hurd was a witness to that case. She was not part of the case. So, most of the negative press went...

Mr. Dennison: There was an enormous amount of negative activity around Ms. Heard as a result of UK case. Isn't that true?

Kathryn: There was negativity, yes, about, on both of them on that case, yes.

Mr. Dennison: You're right. Substantial amounts of negative, right?

Kathryn: Right.

Mr. Dennison: And so, you can't tell me that that negativity isn't the thing that keeps Ms. Heard from working?

Kathryn: Well, again, it was a close timeframe. The negative statements were a much closer timeframe to the press and publicity around "Aquaman" and "The Stand" than the UK case, which was months later. So again, I will look at the defamatory statements as kind of the igniting force, and it was promoted, and kind of more oxygen was put on the fire when the UK case came out. So, it kind of became a snowball effect, you know, the match was lit, and it kept getting stronger and stronger.

Mr. Dennison: Right. But Miss Heard isn't claiming a causal connection between the UK case in her damages, right?

Kathryn: No.

Mr. Dennison: All right. If you can't distinguish between the UK bad publicity and the bad publicity that derived after the Waldman statements?

Kathryn: What timeframe are you talking about with the bad publicity from the UK case so we can at least be specific on timeframes?

Mr. Dennison: Well, you talked about a five-year time window.

Kathryn: A five-year time window from 2020 to the two years that we're at now, plus the three years moving forward, is what I talked about in terms of the timeframe that it would take someone who's been under this much duress to kind of rehabilitate their career. That's when we talked about the five years.

Mr. Dennison: Right. That's when you talked about the five years. So, you look over this five-year window and during the period that precedes this window, there's lots and lots of negative press about Ms. Heard, irrespective of the Waldman statements, correct?

Kathryn: Before the Waldman statements, as I said, she was able to overcome that, and she got great jobs and was getting endorsement contracts.

Mr. Dennison: Right. But after the Waldman statements, there is more activity in the press. There's more social media activity, and you cannot put a causal connection between that activity and what Mr. Waldman said.

Kathryn: It can be the instigating event if you want me to call it that. We'll call the Waldman statements the instigating event of the torrential rain in social media tactics that have gone on from years. Yep.

Mr. Dennison: The instigating event and therefore your damage analysis, with some degree, I guess, of reasonable certainty, is that once there's an instrument instigating event, everything that happens thereafter is fair game for damages.

Kathryn: Well, it's like a fire. If one tree burns and then more air or wind is added to it, then the next tree burn, and the whole forest burns. But if that first fire hadn't started with that one tree, there would have been no loss of acreage. So, you can look at it with that same analogy.

Mr. Dennison: But trees burn one at a time, don't they, ma'am?

Kathryn: You know, I'm not a firefighter. I'm not going to go there with you. But obviously, we know that a single match can cause thousands of acres to burn, so we can leave it at that.

Mr. Dennison: I think I went there with you. All right. Let's do this. You decided that there were a number of persons that you described as comparable in order to determine what Ms. Heard was likely to make over time, correct?

Kathryn: Yes.

Mr. Dennison: All right. Of those comparable actors and actresses, is there a single one who has had any press suggesting that they defecated in the marital bed?

Kathryn: I don't know. I had no idea.

Mr. Dennison: You would agree with me that that is a negative influence with respect to Hollywood?

Kathryn: If one believed it, yes.

Mr. Dennison: Yeah, if one believed it. You know, it was reported.

Kathryn: Yeah, it certainly has been discussed. We don't have any proof or video of anybody defecating on the bed.

Mr. Dennison: I certainly do not have proof, I mean, video of anybody defecating in the bed, I'll give you that.

Kathryn: That's a good thing.

Mr. Dennison: So, but what you know is that Mr. Waldman didn't say anything about defecating in a bed.

Kathryn: Correct.

Mr. Dennison: So, all of the bad publicity around that activity has nothing to do with Waldman, right?

Kathryn: And Waldman, as you said, didn't talk about defecation.

Mr. Dennison: And you have considered how that story has adversely impacted Ms. Heard's career?

Kathryn: That story, are you going to ask me for a causation link between that poop story and her demise in her career? I can't. No, I'm not going to do that nor can I.

Mr. Dennison: You couldn't do it?

Kathryn: Can I make it...? No, I can't.

Mr. Dennison: Right. And you can't do it with Waldman statements, either, can you?

Kathryn: Well, again, I did, and I have, and I stand by them.

Mr. Dennison: You did by just pointing out that timeframe are relatively close?

Kathryn: The timeframe and the instigation, and, if you will, the rallying of the forces. Again, it's like a lit tree. It's going to ignite everything. It's like free game afterwards. So, it was the instigating event, if you will, you know, and that's what I looked at. Yes.

Mr. Dennison: All right. So, from your perspective, anything that happened after Waldman that was negative to your client is attributable to Waldman and therefore attributable to the damage analysis that you make.

Kathryn: I was tasked with looking at that specifically. And that's what I was asked to limit it to. I was not asked to look at anything else.

Mr. Dennison: All right. Jason Momoa. That's one of your comparables, right?

Kathryn: Yes.

Mr. Dennison: He's been prominent since 1999. He was in "Baywatch" of '99, 44 episodes on "Baywatch." Did you know that?

Kathryn: You can look it up. If you did, I'll go with that.

Mr. Dennison: Right. But you remember him on "Baywatch"?

Kathryn: Actually, I didn't watch "Baywatch," but he certainly had the physique for it.

Mr. Dennison: "Stargate Atlantis," he was on that, many episodes. Did you know that?

Kathryn: Yes.

Mr. Dennison: He played "Conan the Barbarian."

Kathryn: In TV or film?

Mr. Dennison: Film.

Kathryn: Okay. I don't have Mr. Momoa's résumé memorized.

Mr. Dennison: No, I'm just trying to understand how you came to the conclusion they're comparable because I just want to spend a few minutes talking about Mr. Momoa's career. "Game of Thrones" was one of the most popular things on TV for a period of three years, correct?

Kathryn: Yes, he was.

Mr. Dennison: And he was in "Game of Thrones."

Kathryn: Yes, he was.

Mr. Dennison: And he's "Aquaman," right?

Kathryn: Yes, he is.

Mr. Dennison: He is the title character in "Aquaman."

Kathryn: Yes.

Mr. Dennison: And he was actually, Aquaman in a movie before the "Aquaman" movie started.

Kathryn: You mean in "Justice League" and things like that, yeah.

Mr. Dennison: "Batman vs. Superman: Dawn of Justice." Wasn't he in that as Aquaman?

Kathryn: I didn't see that one.

Mr. Dennison: Didn't see it. Ms. Heard wasn't in that movie, was she?

Kathryn: Not that I know of, no.

Mr. Dennison: And he was in both "Justice League" movies?

Kathryn: Correct.

Mr. Dennison: And he's in Aquaman 2.

Kathryn: Yes.

Mr. Dennison: They used him in the second Lego movie, right?

Kathryn: Yes.

Mr. Dennison: He's one of the most heroic characters in the recent "Dune" blockbuster.

Kathryn: Which happened post "Aquaman."

Mr. Dennison: Right. In fact, likely, his character...

Kathryn: He's not the lead though.

Mr. Dennison: No.

Kathryn: In "Dune," no, he's not the lead.

Mr. Dennison: Did you ever read "Dune"?

Kathryn: Pardon?

Mr. Dennison: Did you ever read "Dune"?

Kathryn: No, but I've seen the movie.

Mr. Dennison: Do you understand whether his character will come back from the dead in the third movie?

Kathryn: Again, I didn't read the book, so he might. I don't know. We're just talking about that one movie, so that's what...

Mr. Dennison: That might be a bit of a spoiler.

Kathryn: Oh, man. Dude.

Mr. Dennison: He's one of the principal leads in the new Fast and Furious franchise movie, "Fast X," right?

Kathryn: I don't know that for sure. No.

Mr. Dennison: Okay. But that's not the career path that Miss Heard has had. She's never been the title character in a movie. She hasn't spent years on television. She did what? Eight TV shows? Eight single episodes of TV?

Kathryn: Again, I don't have her résumé. If you want to show it to me, we can count them together.

Mr. Dennison: All right. Mr. Momoa remains well liked, even though he's engaged in a recent divorce from another actor. That's correct, right?

Kathryn: I don't know. I don't follow his fan base.

Mr. Dennison: You don't follow Jason Momoa, but you're using as a comparable to come up with a \$45 million...

Kathryn: I said, I don't follow his fan base. I understand him as a prominent actor in business, but I don't follow his fan base on a daily basis.

Mr. Dennison: Isn't fan base one of the things that you analyze?

Kathryn: Of course, you can look at numbers, but I don't keep a watch on his social media feeds.

Mr. Dennison: All right. You indicated that Gal Gadot is in "Wonder Woman."

Kathryn: Yes, she is a star.

Mr. Dennison: She's in fact Wonder Woman.

Kathryn: I know, she's good too.

Mr. Dennison: All right. She's a title character, and there's been now multiple Wonder Woman movies, right?

Kathryn: Yes.

Mr. Dennison: And even before that, she was in franchise films.

Kathryn: Which are you referring to?

Mr. Dennison: Fast and Furious.

Kathryn: Excuse me. I honestly don't remember her being that as one of the main characters. I know. It's the Rock and [inaudible 05:19:53].

Mr. Dennison: You don't even know she was in Fast and Furious franchise?

Kathryn: I've seen it on her résumé, but I didn't... Again, I'm not a fan of the Fast and Furious.

Mr. Dennison: You'll agree with me that Wonder Woman is a more prominent role than Mera?

Kathryn: If you're going to talk about apples to apples in that exact movie, yes.

Mr. Dennison: Right. What about does Mera have any self-titled franchise films?

Kathryn: Not yet.

Mr. Dennison: No. And Ms. Gadot played a much bigger role in the movie they were in together, the "Justice League" movie.

Kathryn: In what movie they were in together? Oh, in "Justice League."

Mr. Dennison: Yeah.

Kathryn: I haven't counted the screen time, so I can't really say.

Mr. Dennison: Okay. You indicated that another person that you compared Ms. Heard with is Zendaya.

Kathryn: Zendaya, yeah.

Mr. Dennison: A person so famous she goes by one name.

Kathryn: I guess when you have a name that's a Z, it works, I guess.

Mr. Dennison: In fact, she's been on the Disney Channel since she's 13 years old.

Kathryn: Right.

Mr. Dennison: She's won an Emmy.

Kathryn: Yes, she did.

Mr. Dennison: She was singing and dancing and swinging from trapezes in "The Greatest Showman," right?

Kathryn: Yes.

Mr. Dennison: She dabbled in multiple Spider Man movies.

Kathryn: Yes.

Mr. Dennison: And she's 10 years younger than your client.

Kathryn: Right.

Mr. Dennison: Yeah, but this is a person that you deem comparable.

Kathryn: Well, as I was explaining to you how I chose them, when you look at superhero characters, there's not that many to pull from. So, I worked on pulling characters that were in superhero movies that were about the same age range within 10 years, as you've noted to me, thank you, and also just where her career would have gotten. I said that they were comparable. They're not identical. So, you can just look at what their career has done either before that superhero movie and in others and the one they were in, and then you look at where her career should have gone.

Even though she may not have been at the stature of a Zendaya at that time, you can still look at it as a comparable trajectory of what happens when you're in a blockbuster movie. It's just a reference point. It's not

meant to be identical. They're not meant to be the same people or not even have the exact same career. It's meant to be a reference point. Simple as that.

Mr. Dennison: So far, everybody we've looked at had been in more blockbuster movies than Ms. Heard.

Kathryn: And Ms. Heard was also the biggest blockbuster movie and the light that shines on Jason Momoa will also shine on her. So, you have to look at it in context of the biggest movie that DC Comics...

Mr. Dennison: In the DC Universe.

Kathryn: And also, one of the biggest box office films ever, probably within the top 10 because I've looked at it. Right. So that light was going to shine brighter on her than someone who wasn't in that movie. And again, it would have just helped her in her career move forward, not stalled it and her world be silent afterwards.

Mr. Dennison: For the jury to accept your damage analysis, they would have to agree with you that Ms. Heard was on the precipice of a meteoric rise. That's the word you use, right?

Kathryn: Actually, no, I didn't. I did use meteoric with someone like, let's say, Gal Gadot or Zendaya. But I actually gave you a range and gave the jury a range that they were all going to have a meteoric rise. Some of them would be smaller, right?

And so, what the numbers that I gave you do not represent a meteoric rise. A meteoric rise is when Jason Momoa goes from, I don't know, \$4 million, \$5 million to a \$50 million payday. That's a meteoric shift in our business. But when someone has contracts that actually go from 1 million to the first one, 2 million, and then 4 million, that is standard for a franchise that is perceived to do well.

And so, I based those calculations on very specific numbers that were already contracted. I wanted to stay within reality and look at the numbers that were already contracted from Ms. Heard and just move out forward on one film a year, maybe a TV show here or there, and some endorsement contracts, which is very typical for an actor in our business to make that kind of money. It just is what happens.

Mr. Dennison: So, the example you just used is somebody went from 1 million to 2 million to 4 million. Your client has never had a contract that exceeded \$2 million. Correct?

Kathryn: Incorrect. In the "Aquaman"...it's actually the "Justice League" contract because they're associated. So "Aquaman," she was paid 1 million, then in Aquaman 2, it was written that she was going to earn 2 million, and if there was another one, it was written in the terms that she would get 4 million. So there actually was a contract that Mr. Heard signed with the studio.

Mr. Dennison: But the movie has been made.

Kathryn: Aquaman 2 hasn't even come out yet, so the third one is still on deck as they say.

Mr. Dennison: Yeah. Okay. Let's put it differently. Your client has never been paid \$2 million for a movie she appeared in.

Kathryn: She was paid \$2 million for Aquaman 2.

Mr. Dennison: Right. And she's never been paid \$4 million?

Kathryn: She was contracted to be paid, and when the movie goes, that's what she will be paid. So

that's what I said. She was gonna...

Mr. Dennison: If she's in the movie.

Kathryn: Right. But, if Aquaman 2 does even nearly as well as Aquaman 1, there's going to most likely be a third one. So, we can look at that as precedent that was set in writing, actually.

Mr. Dennison: If a movie makes \$795 million dollars, do you think there's likely to be a next one?

Kathryn: If it was the first or the second one, but if it's the fifth in the series, I assume that you're referring to Pirates 5. It performed well at the box office, yes. But certainly not in comparison to some of the other ones. And that's what a studio like Disney will look at to say, "Has that franchise had its run or do we need to change it to something."

Mr. Dennison: A studio like Disney wants to walk away from an \$800 million payday?

Kathryn: Well, an 800 million payday has to be put into context to the budget that it costs to get that movie and then the marketing thereafter. And with the increasing costs and not only Mr. Depp's fee and plus the other actors' fees, plus general production costs that are getting more expensive, then you put in the marketing costs, which are sometimes one, two, or three times the budget of the film. A film like that, a studio

can spend 600, 800 million just making and marketing the film. So, \$795 million is a lot of money and it seems like a really good box office, but you have to put into perspective of what's spent on production, marketing, and the overhead cost that the studio takes. Again, it's all in context of what the budget of the film and the marketing of the film is.

Mr. Dennison: All right. Let's put some more things in context. Ana de Armas, that's another one you used.

Kathryn: Yes.

Mr. Dennison: All right. She's most recently, I guess, in "Deep Water" with Ben Affleck.

Kathryn: Again, I know some of the moves that she's been in. I don't remember about "Deep Water." I don't even know if that's out yet, to be honest.

Mr. Dennison: She was in the last James Bond movie.

Kathryn: Yes, she was.

Mr. Dennison: They were talking about making the next female bond, right?

Kathryn: Right after her big star-is-born-moment, yeah, she's gotten a lot more big roles, which is what had hoped for Ms. Heard.

Mr. Dennison: Yeah, and you said that breakout role was Blade Runner?

Kathryn: It was like the first big studio movie that got a lot of attention. I believe that was the one that we can look at as a marker for her, sure.

Mr. Dennison: Did you watch "Blade Runner 2049"?

Kathryn: I did.

Mr. Dennison: Do you know what she did in the movie?

Kathryn: It was years ago, and I don't remember exactly what role she played, but she was in that movie. And from that, her agent has used that as leverage to get her more movies.

Mr. Dennison: You have no knowledge that her principal role in that movie was a gigantic naked billboard?

Kathryn: Are you saying that's the only thing she was? She was a gigantic naked billboard. She was in the movie...

Mr. Dennison: That's her principal role in that movie.

Kathryn: I don't remember the movie well enough to know.

Mr. Dennison: Okay. And did you know that she was... I talked a little bit about Ben Affleck, right?

Kathryn: Right.

Mr. Dennison: He's an interesting example because he's been in a role that's been recast multiple times. You know that role?

Kathryn: Are you talking about Batman?

Mr. Dennison: Yeah.

Kathryn: Yeah, sure.

Mr. Dennison: Batman. All right. So, the title character in that DC series has seen how many actors?

Kathryn: Several.

Mr. Dennison: Right, Michael Keaton.

Kathryn: He was Batman.

Mr. Dennison: Val Kilmer.

Kathryn: You're a movie buff, yeah.

Mr. Dennison: Yeah, Christian Bale was Batman.

Kathryn: I think he was. You're right.

Mr. Dennison: George Clooney was Batman.

Kathryn: Definitely.

Mr. Dennison: Yeah, I guess Robert Pattinson is now Batman.

Kathryn: I don't know.

Mr. Dennison: But you're taking an absolutely iconic role that the DC Universe has recast four, five, six times. Correct?

Kathryn: Correct.

Mr. Dennison: So just because you have the role in the first movie or the second movie, doesn't mean that you get it in the third movie or the fourth movie.

Kathryn: Unless it's contractual.

Mr. Dennison: Right. Unless it's contract. So now, let's look at Ana de Armas. She's like the new Marilyn Monroe on Netflix, too, right?

Kathryn: I believe so. She was also in "Knives Out," which is probably even a bigger breakout role for her. But again, I chose Blade Runner because it's a similar thing. You have to start somewhere. But "Knives Out" probably was her big moment in time.

Mr. Dennison: Yeah. All right. The other person you picked was Chris Pine. Chris Pine is in a superhero movie, "Wonder Woman."

Kathryn: He is in "Wonder Woman." He's also, well, Star Trek being a blockbuster but not necessarily a superhero.

Mr. Dennison: He was in both "Wonder Woman" movies, right?

Kathryn: Right. Yes, he plays a love interest to Gal Gadot, yeah.

Mr. Dennison: Yeah. In the Star Trek franchise, he plays Captain Kirk, right?

Kathryn: I don't remember the exact role that he played. I didn't see it in the movie. I just know it from his résumé, to be honest.

Mr. Dennison: Do you know Captain Kirk is?

Kathryn: Yes, I do, well, the character.

Mr. Dennison: But you didn't know that Chris Pine is Captain Kirk in Star Trek?

Kathryn: I hate to say I'm not a Star Trek fan.

Mr. Dennison: Okay. But you used Mr. Pine as an example, irrespective of the fact you didn't even know he starred in this franchise film.

Kathryn: I didn't know that he starred that's why I used it. Again, we can go over...

Mr. Dennison: In fact, he was the most prominent person in the movie.

Kathryn: We can go over this a couple more times. And I'm happy to do so. All I wanted to do is look at a small pool of people that have been in huge franchise movies or superhero movies and give you a sense of what the range is or what someone's trajectory can be. Again, they are not apples and apples. They are not both green apples or both red apples. I just was looking at a range. That's what we do. It's what we do

in the industry. It's what you do to kind of get a sense of how much you're gonna pay an actor, what there was in the foreign markets, in the domestic markets...

Mr. Dennison: I think my question was, did you know whether he was in Star Trek?

Kathryn: Yes. And you were asking me why I chose him, which is what this conversation is about. And again, I chose him because he was part of Star Trek and "Wonder Woman," but mostly because he was in "Wonder Woman." And I don't know the exact timeframe of which came first, but the fact that he's in both of them is consistent with what actors of this ilk tend to do once they're in a movie like this.

Mr. Dennison: You talk about breakout roles, but you don't know which was his breakout role.

Kathryn: Chris Pine has been an actor. He's been a well-liked actor. He was in both Star Trek and in "Wonder Woman." And Star Trek...

Mr. Dennison: He did a movie with Denzel Washington.

Kathryn: Pardon?

Mr. Dennison: Did a movie with Denzel Washington.

Kathryn: He's had a good career.

Mr. Dennison: Yeah, great career, much longer career than Ms. Heard, right?

Kathryn: She was on the precipice of a great career. She has another chance to negotiate that for that. Yeah, to be in that movie. So, we're talking again.

Mr. Dennison: We'll get back to precipice. Didn't you just deny precipice a few minutes ago? I thought your testimony was, "She was on the precipice of meteoric rise," you said, I guess...

Kathryn: I didn't say meteoric, I said consistent. I don't know she could have a meteoric rise. But I was talking about consistent with Ms. Heard.

Mr. Dennison: All right. So, of the actors you selected, two of them are the title characters in their DC movies.

Kathryn: One is "Aquaman." Who is the other title character?

Mr. Dennison: Gal Gadot.

Kathryn: "Wonder Woman," right. She's Wonder Woman, and you mean Jason Momoa? Sure, yeah.

Mr. Dennison: So, you got two title characters, you got James Kirk, and those are the people that you thought were most representative of Ms. Heard.

Kathryn: Again, there are not that many in the pool to pick from. I'm not going to put comparable actors that haven't been in either large, what we call tentpole movies, or franchise movies, or superhero movies. So, I wanted to work within those parameters. And that's what I did. So those are the actors I chose, yes. And to...

Mr. Dennison: One of the actors who chose had a much longer TV career than Ms. Heard.

Kathryn: Again, they were all in superhero or franchise movies that did very, very well at the box office.

Mr. Dennison: And there are tons of actors and actresses who are superheroes that don't have meteoric rises thereafter. Correct?

Kathryn: Not when they're a lead character with Jason Momoa. But to your point, there are many actors that have no career prior to a breakout role and then have a meteoric career and have had no career prior. So, you don't always just look at the past. It's helpful. And with Ms. Heard, she had good reviews. So that's what I looked at.

But if you look at other actors, and they have their first role, and all of a sudden, they become a superstar from one role, so that happens in our business. It just does.

Mr. Dennison: With respect to your comparable actors, you have no personal knowledge as to how much any of them were compensated over the period you reviewed.

Kathryn: Incorrect.

Mr. Dennison: You have personal knowledge as to?

Kathryn: Jason Momoa.

Mr. Dennison: And you derive that personal knowledge from talking to somebody?

Kathryn: Yes.

Mr. Dennison: He didn't tell you?

Kathryn: His agent did.

Mr. Dennison: Okay. You rely on what Mr. Momoa's agent told you, but you didn't see the contract?

Kathryn: No, his agent is at William Morris as well, so they told me that.

Mr. Dennison: Right. And you've never seen anybody else's contracts as to what they were making?

Kathryn: No, but in 25 years of being in this business, I understand the basis of which actors are paid when they're in blockbuster films and then they're in large-budgeted studio films. So, it's not a leap to kind of understand where the actor is making.

And again, I really didn't want to try to be speculative in my analysis. I wanted to work with the numbers that Amber had contracted for already, and just take it from there, and said if she had done one movie a year, and one series, and done product endorsement, that's how I got to the number. So, I wasn't looking to take her on a meteoric rise. I wasn't looking to give her the same career as Jason Momoa. I took her numbers that her agents had actually negotiated and worked from there.

Mr. Dennison: When you say you weren't trying to give her the same career as Jason Momoa, the TV program that she most recently did, "The Stand," she made 200,000 an episode, that's where you testified to. And in your damage analysis, you give her a million dollars an episode had the Waldman statements not occurred? And you do it only because you believe Mr. Momoa has gotten that in something that he's in.

Kathryn: Right.

Mr. Dennison: So, you are giving her the same career as Jason Momoa?

Kathryn: Well, again with someone like Ms. Heard, who was in a blockbuster film with a team at William Morris, and my discussions with William Morris. That's what they were looking to negotiate for her on other projects. So, I got some of that information from her management team directly.

Mr. Dennison: So, her agents were looking to get her as much money as possible?

Kathryn: I think that's the job of an agent. They usually try to get the most money as possible.

Mr. Dennison: Your testimony is they were looking to get the money for, but you need somebody willing to pay on the other side of that deal, don't you?

Kathryn: Right. But agents are working with people in the industry and have a finger on a pulse of what's going. So, they know who's marketable and what the prices that all the streamers are paying these days.

Mr. Dennison: You haven't seen a single one of the endorsement contracts that you reference other than Ms. Heard's?

Kathryn: No, other than, again, what I was talking to William Morris in terms of the pricing that they are aware of, not only for their own clients, but what's out in the marketplace and is pretty consistent. And I've also worked with other actors in other cases that have gotten similar contracts. So, I'm familiar with the rates of endorsement contracts.

Mr. Dennison: You haven't made any reference to the actual earnings of any of these actors.

Kathryn: Again, as you do in analysis, you put together the numbers that you know from both your experience and the marketplace and the agents that are working in the marketplace. So together, that's how I created those numbers. And mostly using Ms. Heard's numbers specifically and giving her a very steady career, which is what she had had prior to Aquaman.

Mr. Dennison: Yeah. And you don't have the prior earnings of any of the actors you looked at other than Ms. Heard's?

Kathryn: I don't have all the contracts, no.

Mr. Dennison: You don't have any of that information.

Kathryn: I'm sorry.

Mr. Dennison: You don't have any of that information.

Kathryn: No.

Mr. Dennison: In fact, that information, I guess, aside from Mr. Momoa's, is confidential, right?

Kathryn: Usually, it is, yeah.

Mr. Dennison: And the only reason you know anything about Mr. Momoa is that Ms. Heard shares an agent or an agency?

Kathryn: Right. Look, I've also been in the industry for many years, and I know what actors get paid. I talk about budgets constantly. So, it's not a secret within the industry the amount that actors in those types of movies are paid very, very well.

Mr. Dennison: You're not currently working as an agent for anyone, are you?

Kathryn: No.

Mr. Dennison: All right. So, the salaries of these comparable actors, did they form some basis for your opinion?

Kathryn: No.

Mr. Dennison: Okay. So, your opinion, as I understand it, is that Ms. Heard should have been able to renegotiate an existing contract?

Kathryn: Which is standard in the industry as well as with her agent specifically.

Mr. Dennison: You know if it's standard with Warner Brothers?

Kathryn: I'm sorry.

Mr. Dennison: Do you know if it's standard with Warner Brothers?

Kathryn: I don't know if it's standard in any other studios, but it is standard for agents to negotiate. And oftentimes, it's successful when the film has done so well.

Mr. Dennison: Right. What you're talking about is there's an existing contract where Ms. Heard has made a promise that she will do the next movie for, in this instance, \$2 million, right?

Kathryn: Right.

Mr. Dennison: And what the agent is trying to do is to get Warner Brothers to say, "Hey, you should pay her more than your contract says status because you like her?"

Kathryn: Well, as Ms. Kovacevic said, also, it's standard in the industry, as again, I've been in the industry. I've worked with agents. And I've worked with lots of lawyers. And, you know, we have conversations about what is an actor getting or what can they do or what are they going to the next time. Again, it's a standard practice in the industry, especially when it's almost as successful as "Aquaman," that the agents will go back and renegotiate. In fact, that was conversation...

Mr. Dennison: Isn't the standard practice is that they would try to renegotiate, but it's up to the studio?

Kathryn: Sure, but oftentimes in movies, such as the nature of "Aquaman," if they're very successful, usually.

Mr. Dennison: But the entirety of your analysis assumes a renegotiation with a studio for terms that are double what the studio had already got a promise for Ms. Heard if she would work for them.

Kathryn: Correct.

Mr. Dennison: Have you talked to Walter Hamada?

Kathryn: Have I spoken to him? No.

Mr. Dennison: Do you know who he is?

Kathryn: Yes.

Mr. Dennison: Who is he?

Kathryn: He's a senior executive at Warner Brothers. Yeah, I think he's still there but, certainly, at the time of renegotiation was a senior executive.

Mr. Dennison: Do you know whether he's the president of DC-based film productions?

Kathryn: I think that's exactly his title. Yeah.

Mr. Dennison: Who's in a better position to determine whether Warner Brothers would renegotiate, you or Mr. Hamada?

Kathryn: Again, I base this on the agents that were talking to Warner Brothers about Mr. Momoa. And they would want to talk to him about Ms. Heard as well.

Mr. Dennison: Okay. I'm not sure.

Kathryn: So, I based my information on them. So, you know, the connection should be Mr. Hamada or the agents, not Mr. Hamada and me.

Mr. Dennison: All right. Who's in a better position to know whether Warner Brothers would renegotiate?

Ms. Bredehoff: Objection, Your Honor, calls for speculation.

Mr. Dennison: Just asking.

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

Mr. Dennison: All right. Do you review any testimony from Mr. Hamada?

Kathryn: I did.

Mr. Dennison: Did you understand that Mr. Hamada says that they want to hold the actors to their deals?

Kathryn: That was the philosophy that he said Warner Brothers had. Yes.

Mr. Dennison: Yeah. Did you understand that Mr. Hamada said that nothing Mr. Depp did impacted her compensation?

Kathryn: I don't remember that part of the testimony. You have it available for me to read?

Mr. Dennison: You don't know whether Mr. Hamada testified on anything Mr. Depp said about Amber Heard affect her compensation?

Kathryn: Again, I don't.

Mr. Dennison: You don't remember?

Kathryn: I don't recall that just right now.

Mr. Dennison: Did you know whether Mr. Hamada indicated whether he even knew who Adam Waldman was?

Kathryn: Again, I don't remember the conversation about Hamada and Waldman or Depp.

Mr. Dennison: And you don't remember whether Mr. Hamada made any statements as to whether anything Mr. Waldman said affected Ms. Heard's compensation?

Kathryn: In my experience, studios don't talk about how or why they make decisions based on publicity or conversations. They are not going to try... They are going to be protective of all their relationships. So, that's just natural.

Mr. Dennison: Unless you get him to testify under oath on a deposition, right?

Kathryn: Well, even so, they're not going to say anything negative. They may bypass it by being positive, but they're not going to do anything that could potentially damage a relationship that may change or be worthwhile in the future. So that's just what the studio person does.

Mr. Dennison: Mr. Hamada would be in the best position to determine whether there were chemistry issues with Ms. Heard?

Ms. Bredehoft: Objection, Your Honor, calls for speculation.

Mr. Dennison: He's the president of the company.

Judge Azcarate: Overrule.

Kathryn: I don't know how involved Mr. Hamada was on a daily basis in terms of chemistry, but I do know that Warner Brothers did a chemistry test with Ms. Heard and Mr. Momoa before she even got the role. She went in and did what they call a chemistry test. So, that was to actually see whether there was good chemistry between them.

And evidently, there was good chemistry because she was then hired to be the romantic interest. So, whatever Mr. Hamada said during his deposition, I look at what actually happened in real life, which is she got the chemistry test and then she got the job.

Mr. Dennison: Yeah, let's look at what happen in real life. She went in before and took the test. Then she made a movie. Then there was an existent movie, under which Warner Brothers could then decide whether there was chemistry, right?

Kathryn: The movie worked. It made over a billion dollars. And they're all over the poster. If they didn't think that there was chemistry, they wouldn't have put Ms. Heard on the poster next to Mr. Momoa.

Mr. Dennison: You know, there were multiple posters for the "Aquaman" movie.

Kathryn: Yes, there always are. That's standard.

Mr. Dennison: Three out of the four posters, the standard posters for "Aquaman," didn't even feature Ms. Heard.

Kathryn: Right. So, when you make a poster at the studio, it's normal to have three or four variations because you want to appeal to different people's perspective. So, you want the romantic poster, you want the action poster, you want the superhero poster. So, it's normal for them to have many posters. But the romantic poster was of Ms. Heard and Mr. Momoa.

Mr. Dennison: Right, and all the others are just with Mr. Momoa?

Kathryn: Like we talked about, he's Aquaman. But she was prominent in the ones that Warner Brothers wanted to appeal to women and to the romantic interests of the consumer.

Mr. Dennison: Right. What movies would Ms. Heard have gotten absent of Mr. Waldman's statements?

Kathryn: Well, the ones we know about specifically that she was in conversations with was a movie with a movie with Gael Garcia Bernal, I believe that's how you say his name, at Amazon, which is what Ms. [inaudible 05:47:33] has said. And she was also in consideration for a movie called "Ambulance" with Michael Bay. But, again, after the Waldman statements, nobody would talk to the agents. And so, they weren't able to garner more... Oh, she also had a movie that she was interested in producing that a good friend of hers or colleague was doing. So, there was at least those three that I heard about.

Mr. Dennison: But those were three movies that she was being considered for, but you don't know what movie she was going to be in.

Kathryn: Well, again, they stopped the conversation after the statement. So, we don't know where they would have gone, of course. But she was in consideration for all of them. And given her fame from "Aquaman," that would have helped all those movies. So, it would have made a lot of sense.

Mr. Dennison: You're projecting your way out into the future that you have no knowledge would ever have gotten made.

Kathryn: Well, that's what we do when you talk about comparables and economic damages. You talk about the future. That's standard in our industry and as a forensic expert and in the industry. Lots of movies are financed, as a matter of fact, by forecasting what happens in the future.

Mr. Dennison: What actually do you draw between Mr. Waldman's statements and the reported reduction in Ms. Heard's Aquaman 2 role?

Kathryn: Again, it's the timing of it all. It was the timing of it all. And also, they were going to take her out of the movie after the statements. And they put her back in. And then, there are... Can I talk about the emails that I read? I'm not sure at this point, but...

Mr. Dennison: So, when you say they're going to take her out of the movie, when you have an option, you literally have the option whether to include the actress, right? That's what it means.

Kathryn: Correct.

Mr. Dennison: Right. So, they can choose to exercise the option or not exercise the option. It is entirely up to them.

Kathryn: Correct.

Mr. Dennison: And they have, that particular studio, to your knowledge, has repeatedly recast even major figures in their DC movies.

Kathryn: You're talking about Batman?

Mr. Dennison: What about Superman?

Kathryn: You know, I'm more familiar with the Batman actors. I think there have been a couple of years of Superman but depending on how the movie perform. If the movie doesn't perform, they'll look for other actors. If they want to go a different direction or reboot a franchise, they will look at different actors. So, if it's successful, they're not likely to change the actors, especially not on the second one or the third one.

Mr. Dennison: Another reason to look for a different actor or actress? If the actor or actress is showing or asking for money to play the role again, correct?

Kathryn: Yes, not in figures under \$10 million, but yes.

Mr. Dennison: Yeah, if you're asking for too much money, you might not get your role again. And your analysis assumes that Ms. Heard could double her money.

Kathryn: Well, her contracts doubled her money from each one to the next, so it wasn't that largely to do that, especially when the agents had told me that that was what they've been considering and what they've been discussing.

Mr. Dennison: All right. You've seen the script of Aquaman 2?

Kathryn: Personally?

Mr. Dennison: Yeah.

Kathryn: I did see a draft. I don't know what the date was or when it was or where in the succession of the rewrites it was. I did see one draft. Yes.

Mr. Dennison: You don't know what Warner Brothers has in mind for that movie in terms of the kind of movie it's going to be?

Kathryn: It's a superhero movie.

Mr. Dennison: Right. It's supposed to be a buddy comedy, right?

Kathryn: I don't know about a buddy comedy. It's an action movie, a superhero movie. I don't know.

Mr. Dennison: Who is Patrick Wilson?

Kathryn: Patrick Wilson, I've heard that name in terms of an actor, but I don't know Mr. Wilson.

Mr. Dennison: Do you know if he appears in "Aquaman"?

Kathryn: Again, I don't know him by name. If you want to show me a picture or a clip from the movie.

Mr. Dennison: Do you know if Mr. Wilson appears more frequently in "Aquaman" than your client does?

Kathryn: I didn't count screen time, when I watched the movie. But it was a long. You know, even when I've watched it again, I didn't count the screen time of anybody else.

Mr. Dennison: You did you read the testimony of a Mr. Hamada?

Kathryn: We discussed that. Yes.

Mr. Dennison: You disregarded all of it in your analysis as to her ability to renegotiate, correct?

Kathryn: Well, I remember the part where Mr. Hamada said that from time to time, they will break their philosophy and renegotiate. That is what they did with Jason Momoa and Gal Gadot. And so, you know, it coincides with what we know in the industry, which is, it can be done.

Mr. Dennison: It's what they did with the two title characters in the DC universe.

Kathryn: Again, I've worked in the business for a long time, and I've seen a lot of actors renegotiate their fees. It's common practice. And it's certainly what the agent will think about first when a movie makes a billion-plus dollars.

Mr. Dennison: Again, focus on the agent studio that pays the bills.

Kathryn: Yes.

Mr. Dennison: All right. Your honor, I have a fair amount more to do.

Judge Azcarate: Continue.

Mr. Dennison: I'm sorry.

Judge Azcarate: Continue.

Mr. Dennison: Okay. I didn't know if we are going to 5:30 today or night.

Judge Azcarate: Every day is 5:30 day.

Mr. Dennison: Okay. We may not even need to get there.

Judge Azcarate: Every day is 5:30 day.

Mr. Dennison: All right. Perfect. All right. You talked about Ms. Heard's endorsement deal, L'Oréal.

Kathryn: Yes.

Mr. Dennison: And L'Oréal has concerns about using her because every time they try to use her, people respond negatively to her.

Kathryn: People don't. The Depp fan base has responded, has posted negative things about Ms. Heard on their campaigns.

Mr. Dennison: So, did you say the Depp fan base?

Kathryn: Well, the people that were using the hashtags that were consistent with the rest of the Depp fan base?

Mr. Dennison: Yeah, there are people posting negative things other than things that came from Mr. Waldman. Correct?

Kathryn: I haven't seen all that. I haven't seen all that. I was just looking at what L'Oréal discussed and what L'Oréal said in their communications.

Mr. Dennison: All right. Did you see L'Oréal make a word cloud of the words that were most commonly associated with Ms. Heard in its marketing campaign?

Kathryn: I knew they did that. I didn't see it myself, actually.

Mr. Dennison: Do you know what words were?

Kathryn: Again, no.

Mr. Dennison: Okay. You didn't talk much about this, but in order to get to the damage analysis that you've got the \$45 million, I think, at least, initially, you suggested Ms. Heard would have a role producing and starring in a movie and that she would make \$12 million.

Kathryn: I talked about that. But in the latest calculation, that was really less what I considered and more about what films and TV and endorsement deals that which she would do. The producing was something that she had wanted to do. And again, Mr. Momoa got that. So that's where the agents were discussing those figures with me.

Mr. Dennison: The last movie that she has a production credit for is in 2013.

Kathryn: Again, I don't. I haven't memorized her resume.

Mr. Dennison: It was a movie called "Syrup." Do you ever hear of it?

Kathryn: No. Aside from having probably seen it on her IMDb.

Mr. Dennison: And "Soon the Darkness," that's her other production credit, right?

Kathryn: If you say so. If you're reading it off of her resume, I would believe you.

Mr. Dennison: 2010, 12 years ago. But you, at least at some portion, at some point in this analysis, were above the mind that she would recover \$12 million with a producing role and a starring role in a movie because that's what Mr. Momoa got.

Kathryn: Again, the agents we're just saying that those are the kinds of numbers that we were looking at to help her as you move forward and her producing career.

Mr. Dennison: Those are the kinds of numbers the agents would like her to get.

Kathryn: Right. But, again, I didn't use that in the final analysis of my 45 million. So, it was just a discussion point because that's what the agents wanted me to consider.

Mr. Dennison: All right. You have testified that the breakout role for Ms. Heard was "Aquaman."

Kathryn: I didn't say the breakout role, but he used it as a movie that it was a superhero kind of super box office success. I think that, you know, some of her critically acclaimed movies probably helped her break into that role, which would have been "The Danish Girl" and then her work in "Justice League," which was a natural progression to getting to star in "Aquaman."

Mr. Dennison: But I use break out, but perhaps you've didn't. But this springboards her to the kind of money that you are suggesting she should earn.

Kathryn: It should have, yes.

Mr. Dennison: Other than "Aquaman," which was released in 2018, how many movies has she booked?

Kathryn: Well, she booked Aquaman 2. And she did "The Stand," which was a significant television show.

Mr. Dennison: Right. But outside of the Aquaman franchise, she obtained only one role movie role since 2018, right?

Kathryn: Yes. The industry also knows that she is planning to be on the next movie. And they understand her production schedules. So, she's not gonna go after films that with conflict a mega box office movie. So, there's scheduling and conflict issues as well that she and her team would consider.

Mr. Dennison: When was "Aquaman" released in 2018? It's December.

Kathryn: It was either December 2018. It depends on where it was in the world. It started in December 2018 and then it moved out, you know, into 2018.

Mr. Dennison: How many months before 2018 and the Waldman statements went by?

Kathryn: Twelve, 15, or 16 if my math is correct.

Mr. Dennison: She got one role during that 15- or 16-month period, during the entirety of post "Aquaman" boost, right?

Kathryn: She got Stand. Right. And then she was in discussions for other films are getting ready to go.

Mr. Dennison: But she didn't get another role for 16 months between the release of "Aquaman" and what you say are the Waldman statements.

Kathryn: She got "The Stand."

Mr. Dennison: Right. She gets one TV role.

Kathryn: A pretty significant TV role, yes, for a Stephen King novel.

Mr. Dennison: She wasn't in a movie that was released after "Aquaman."

Kathryn: What movie are you referring to?

Mr. Dennison: "Gully."

Kathryn: Well, I don't know when that was shot. So, you have to tell me when it was shot. Movies get released in different timeframes. They can be shot in 2016 and not get released until 2018. So, you'd have to tell me, we'd have to look at the actual filming dates of "Gully" for me to talk to you about that.

Mr. Dennison: She wasn't initially cast in "Gully," was she?

Kathryn: I wasn't familiar with the casting process of "Gully."

Mr. Dennison: You know who Alice Eve is?

Kathryn: Alice Eve sounds familiar, but I'm not recalling who she is.

Mr. Dennison: She's an actress, been in any number of movies. You don't know who she is.

Kathryn: Again, I know her name, but I don't know her resume.

Mr. Dennison: She's in Star Trek.

Kathryn: Great.

Mr. Dennison: She was in one of those breakout roles, Star Trek, but you don't even know who she is.

Kathryn: I talked to you about Star Trek before, and I'm going to go Star Trek fan.

Mr. Dennison: Okay. Ms. Heard replaced Ms. Eve in the movie "Gully," right?

Kathryn: I don't know the casting process. I don't know who starred in that movie.

Mr. Dennison: Do you know what she was paid?

Kathryn: Who?

Mr. Dennison: Ms. Heard.

Kathryn: For "Gully?" Can you tell me one that was in...? No, I don't, but what the filming date of it and what was the start date of "Gully"?

Mr. Dennison: You didn't look at the "Gully" contract when you were making an analysis of Ms. Heard's damages?

Kathryn: I don't recall whether I looked at it or not.

Mr. Dennison: Did you understand that she was making 2190 per week for "Gully"?

Kathryn: Can you tell me when it was shot? When did that contract get negotiated? It's relevant.

Mr. Dennison: The contract was negotiated prior to the release of "Aquaman." So, she signs this contract for 2190. Do you know what the Screen Actors Guild low-budget agreement minimum scale is?

Kathryn: It changes from year to year. It depends on what year and what the size of the budget. There's actually three or four different scales, you know, benchmarks. So, when it's a low budget, it can be a micro budget. It can be a minimum budget, low budget if there's like four or five different scales that they use when it gets to anything other than a studio film. And oftentimes, actors do passion projects, and that has nothing to do with... It's something that they really love to do, or they think that would be good for their career. It doesn't have anything to do with the fee made on the film.

Mr. Dennison: All right. What's a loan out?

Kathryn: A loan out is the corporation that an actor will use so that their money comes in through a corporation and then that corporation technically loans out the actors' services to the production. So the loan out is the corporation that the actor uses, and then they loan out the services to the production company. It's just for tax purposes.

Mr. Dennison: Do you know of any movie that Ms. Heard booked immediately prior to "Aquaman" other than "Gully"?

Kathryn: Well, I know she did "Justice League." I don't remember the dates and times of the filming of the other ones. You always had to go look at the filming dates.

Mr. Dennison: Right. You talked about Mr. Schnell. "Gully" was in his chart, right?

Kathryn: I don't remember where "Gully" was.

Mr. Dennison: Did you look closely at his chart?

Kathryn: Pardon?

Mr. Dennison: Did you look closely at his chart?

Kathryn: At Mr. Schnell's chart? I looked at the numbers with respect to the social media campaigns. That was what I was looking at Mr. Schnell for.

Mr. Dennison: Okay. Do you know whether any of the dates of the Waldman statements even appear in Mr. Schnell's chart?

Kathryn: I don't remember.

Mr. Dennison: Okay. You talked a little bit about QScores and Mr. Bania. Do you remember that?

Kathryn: Yes.

Mr. Dennison: For Ms. Heard, Mr. Bania used QScores from immediately after "Aquaman," right?

Kathryn: Again, if you want to show me something, I can answer. I don't remember every word Mr. Bania's, but I remember a [inaudible 06:05:24].

Mr. Dennison: But you don't know as you sit here today whether the QScores that Mr. Bania used were after "Aquaman" but before the Waldman statements.

Kathryn: He used a couple of different scores based on dates. I don't remember if they were correlated to the statements or not. I remember years more than anything else? Again, I looked at thousands and thousands of pages of documents, so I don't remember exactly what he's saying.

Mr. Dennison: Even before the Waldman statements, Ms. Heard had very high negative QScores. Isn't that correct?

Kathryn: Very negative high QScores?

Mr. Dennison: No, very high negative QScores.

Kathryn: That's what I said, very high negative QScores. I had discussions of a QScores, I don't remember exactly what or when, which score, or whatever it not...

Mr. Dennison: So, in your analysis, you didn't consider Ms. Heard's negative QScores as a restraint on what she might earn on a going forward basis?

Kathryn: No, QScores change all the time. Miss Heard's IMDb score has been 1, and it's been 300. Mr. Depp's QScore has been 1, and it's been

253. You know, QScores change all the time. They're based on current events and movie releases.

Mr. Dennison: You talked a little bit about Mr. Depp's damages. Who's Jerry Bruckheimer?

Kathryn: Who is Jerry Bruckheimer? The producer of the Pirates franchise? Well, he is a huge producer of a lot of movies, but he happens to be the Pirates franchise.

Mr. Dennison: You didn't talk to him prior to your testimony?

Kathryn: Personally, no.

Mr. Dennison: And you didn't have other people talk to him on your behalf, did you?

Kathryn: Me, personally? No, I did not talk to Mr. Bruckheimer.

Mr. Dennison: And you've never spoken with Mr. Bruckheimer about why Mr. Depp has not appeared in the 6th Pirates movie?

Kathryn: There has been no 6th Pirate movie. There is not a Pirates movie titled Pirate 6 yet, whatever.

Mr. Dennison: But you haven't talked to Mr. Bruckheimer as to whether Mr. Depp was going to appear in the movie?

Kathryn: From things that I've read in newspaper publications and emails, I've read that Mr. Bruckheimer was uncertain whether Mr. Depp would star in...

Mr. Dennison: But you haven't talked? And you've never spoken with Sean Bailey about this, right?

Kathryn: No.

Mr. Dennison: Or anyone at Disney?

Kathryn: I actually put a call on somebody on Disney and they didn't want to talk on record.

Mr. Dennison: Okay. You called somebody in Disney and they didn't want to talk to you?

Kathryn: No, again, as I said, studios don't want to talk about their stars, whether they preserve a relationship that may or may not be used in the future. It's their tendency to talk about people they are in business with.

Mr. Dennison: So you have no personal knowledge of why Mr. Depp hasn't made a 6th Pirate movie?

Kathryn: As I said, there is no 6th Pirate movie.

Mr. Dennison: But you don't why. You have no personal knowledge why.

Kathryn: I don't work at Disney, no.

Mr. Dennison: Okay. Did you listen to Mr. Whigham's testimony in this trial?

Kathryn: I read Mr. Whigham's testimony.

Mr. Dennison: And Mr. Whigham said Mr. Depp had a deal for the movie, right?

Kathryn: I think Mr. Whigham did. The other agent, Mr. Carino, said he did not. And as there is no Pirates movie, there has been negotiated. And that's what Ms. Jacob's also testified to.

Mr. Dennison: Mr. Whigham's testified to something else.

Kathryn: It doesn't correlate, as we say, to the other two agents' testimony.

Mr. Dennison: You've indicated that a portion of the reason that Mr. Depp has received a variety of negative comments on Hollywood is that he engages in lawsuits.

Kathryn: One of the elements that has contributed to a lot of negative attention press and attention is due to lawsuits and the activity and the behaviors that we talked about earlier have been brought into limelight.

Mr. Dennison: Mr. Depp's lawsuit here has generated negative publicity for Ms. Heard, correct?

Kathryn: Yes.

Mr. Dennison: That lawsuit, until she's filed a counterclaim, didn't relate to the Waldman statements, did it?

Kathryn: Mr. Depp's lawsuits? No, we talked about that. It was pertaining to her op-ed piece.

Mr. Dennison: It related to what Ms. Heard said.

Kathryn: I'm sorry.

Mr. Dennison: Mr. Depp's lawsuit relates to what Mr. Heard said and not to what Mr. Waldman's said.

Kathryn: It related to the op-ed piece that Ms. Heard wrote.

Mr. Dennison: Right. So Mr. Waldman's statements have no connection to the negative publicity that Ms. Heard has received relative to this trial, correct?

Ms. Bredehoff: Objection, calls for speculation, foundation, hearsay, and outside the scope.

Judge Azcarate: Any response?

Mr. Dennison: We're looking for a causal connection here.

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

Mr. Dennison: When was the last time you met with Ms. Heard?

Kathryn: I only met Ms. Heard at lunch today.

Mr. Dennison: That's the first time you talked to her?

Kathryn: First time I met her.

Mr. Dennison: Okay. What's your compensation for testifying here today?

Kathryn: For testimony, it's \$650 an hour.

Mr. Dennison: What has been your compensation to date for providing the assistance that you have in this case?

Kathryn: I've been working on the case for about three years. And over the 3 years, I believe, it's around \$60,000.

Mr. Dennison: You said 60?

Kathryn: Yeah, over three years.

Mr. Dennison: All right. I have no further questions.

Judge Azcarate: All right. Redirect.

Ms. Bredehoff: Thank you, Your Honor, and I'm going to make it definitely fit within that 5:30. Ms. Arnold, you were asked a number of questions about the different social media, the negative, and how do you know that it relates to the Waldman/Depp statements? Do you recall all those questions?

Kathryn: Yes.

Ms. Bredehoff: Okay. The social media that was connected, and some of that was your testimony, some Jessica Kovacevic's, and some of it was Mr. Schnell's, actually tracked the language from the three statements from Waldman. Correct?

Mr. Dennison: Objection, leading.

Judge Azcarate: Sustained.

Ms. Bredehoff: What, if any, efforts were made to track the negative social media that caused the damages that you've attributed.

Mr. Dennison: Objection, leading.

Judge Azcarate: Overruled

Kathryn: So, L'Oréal did a lot of research, William Morris, Mr. Schnell did a lot of research, and in those conversations, those are all connected tissues to the negative social media campaign and the Waldman statements.

Ms. Bredehoff: All right. And they connected back to those three statements, correct?

Mr. Dennison: Objection, leading.

Judge Azcarate: Sustained.

Ms. Bredehoff: And what, if any, did they have connection back to those three statements?

Kathryn: Again, we talked about this earlier. We talked about some of the hashtags being similar. We talked about the Waldman or the Waldminion. So, there were a lot of connective tissues between the negative social media campaigns and the Waldman statements.

Ms. Bredehoff: Okay. And I'm going to jump because I think this is part of this. So you were asked some questions about Mr. Hamada. Do you recall that?

Kathryn: Yes.

Ms. Bredehoff: And asked whether he testified that whether anything that Mr. Depp said or Mr. Waldman said had anything to do with their initial decision not to exercise the option to Aquaman 2. Do you recall that testimony or those questions?

Kathryn: The questioning, yes.

Ms. Bredehoff: Okay, now the testimony from Mr. Snell tracked the 1.2 million tracers to January 2021, correct?

Mr. Dennison: Objection, leading.

Ms. Bredehoff: Do you remember what month was that until?

Kathryn: So, when Mr. Schnell did his analysis, it was from April of 2020 to January 2021.

Ms. Bredehoff: And when did Warner Brothers tell Amber Heard and her agents they were not exercising her Aquaman contract?

Kathryn: It was in February 2021.

Ms. Bredehoff: All right. And what, if anything, did Mr. Hamada say about whether the reason they did that because the 1.2 million negative social media, tweets, and Instagrams and other communications...

Mr. Dennison: Objection, no foundation.

Ms. Bredehoff: ...had any impact?

Judge Azcarate: Sustained. Next question.

Ms. Bredehoff: Are you aware of whether he said anything about that?

Kathryn: I recall on the Warner Bros. file...

Mr. Dennison: Objection, hearsay.

Judge Azcarate: Sustained.

Ms. Bredehoff: Did you know whether they had any impact?

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: I'm asking now. She's allowed to rely on hearsay.

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

Ms. Bredehoff: All right. You were asked a whole lot of questions about the different comparables. And so, I'm just going to go to this. Again, of all the different movies, of all of those comparables, which movie was the highest grossing of all of them?

Kathryn: Again, I believe it's "Aquaman." I mean, everybody talks about "Aquaman" being one of the highest, if not the highest grossing film,

certainly the highest DC Comic film or in that superhero world. But, again, I want to say it was the highest, but I think it was very close to it.

Ms. Bredehoff: Do you know whether Walter Hamada admits it was the highest grossing DC film?

Kathryn: Yes, he said that. Yes.

Ms. Bredehoff: Okay. So when you're looking at all the comparables, what, if any, relevance is there to the degree of success of that DC superhero movie?

Mr. Dennison: Objection, foundation.

Ms. Bredehoff: She can speak that, Your Honor. That's...

Judge Azcarate: I think you need to lay the foundation is.

Ms. Bredehoff: Do you know the answer to that question? Do you know...?

Kathryn: I'm sorry. Can you repeat the question?

Ms. Bredehoff: I forgot it. Now, I have to admit. Okay. So let's go backwards. So, do you know whether it makes a difference whether how successful that DC superhero movie is in what types of films they'll be able to get in the future?

Mr. Dennison: Objection, foundation.

Ms. Bredehoff: I'm asking the foundation.

Judge Azcarate: If you want to ask the foundation, go ahead.

Ms. Bredehoff: I'm sorry. That's what I thought it was asking. Do you know whether that plays any role in the degree of success?

Kathryn: Customarily when a film...

Mr. Dennison: Objection, foundation.

Judge Azcarate: Ask her how she knows.

Ms. Bredehoff: How do you know?

Kathryn: In 25 years of being in the film industry, it's customary for when a movie identifies extraordinary amount on the box office, it shines very brightly on the actors, especially if they are in lead roles. And it is standard, but it is very frequent that a star in the movie that has performed so well at the box office and with a role model character that

Mera was, that she would have gotten other roles and worked quite a bit afterwards. And that movie would have helped her career. I mean, that's no question.

Ms. Bredehoff: Okay. And with all these comparables, when you gave a range to this theory of 45 to 50 million in estimating this over the period of time, did you put Amber Heard's estimated damages range as above all those comparables?

Kathryn: No, again, I was very specific in the actual negotiated rates that Mr. Heard's agents were able to get for getting that contract and you she set as a precedent. So, again, I always wanted to be grounded in what Ms. Heard actually was in contract for and what her agents negotiated. And I use that as the baseline for the financial numbers of her loss. I use the comparable actors to show how consistent they all work and how their careers move forward after being in a box office.

Ms. Bredehoff: Okay. You were asked about Disney and the Pirate 6 again. What, if any, knowledge do you have of whether Disney is willing to pay Mr. Depp \$300 and a million alpacas?

Mr. Dennison: Objection, no foundation.

Ms. Bredehoff: I'm asking her, what, if anything, does she know about whether Disney...

Judge Azcarate: If you can lay a foundation.

Ms. Bredehoff: Okay. Did you listen to or did you read the Disney testimony in this case?

Kathryn: I did. Yes.

Ms. Bredehoff: All right. What do you recall Disney saying about whether they were willing to pay Mr. Depp \$300 million and give him a million alpacas?

Kathryn: They would not be willing to pay \$300 million and give him alpacas.

Ms. Bredehoff: Thank you. You were asked about defecation. What, if any, recollection or knowledge do you have about whether that social negative media campaign that you've testified had the words "defecation" in it or "poop?"

Mr. Dennison: Objection, no foundation.

Kathryn: I know that the word poop and the hashtag poop is used.

Mr. Dennison: Move to strike.

Judge Azcarate: I'll sustain the objection, remove to strike. Next question.

Ms. Bredehoff: Okay. In your review of the social media campaigns and the negative social media campaigns that you testified to with this jury, that include the L'Oréal, that include the WME, that include Mr. Schnell, and that will include what you've done, what if any recollections you have of how many those that are influencing your connections to the defamation statements include the word poop or defecation?

Mr. Dennison: Objection, compound.

Judge Azcarate: Overrule.

Kathryn: I don't believe poop was one of the hashtags that was connected to the statement.

Ms. Bredehoff: Okay. Thank you. You were asked about the time period between the release of Aquaman 2 in December 2018...

Kathryn: Aquaman 1.

Ms. Bredehoff: Aquaman 1, thank you, and the defamatory statements that were in April 2020 and June 2020, do you recall that testimony?

Kathryn: I remember that questioning, yes.

Ms. Bredehoff: During that time, were you aware of whether Aquaman 2 was with in discussions with Amber Heard about scheduling the filming of Aquaman 2?

Kathryn: In the period between the statements...

Ms. Bredehoff: I'm going before.

Kathryn: Okay. Sorry.

Ms. Bredehoff: I'm talking about the period of time when they released Aquaman 1 and the April 8, first of the defamatory statements. Do you know whether Warner Brothers was in discussions already with Amber Heard about scheduling her for Aquaman 2?

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: Do you know...? I'm asking her whether you know.

Judge Azcarate: I'll sustain as to hearsay.

Ms. Bredehoff: Do you have knowledge of whether Aquaman was in discussions with Amber during that period?

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: I don't know how to... I'm asking for foundation.

Judge Azcarate: You can ask her foundation.

Ms. Bredehoff: Right. How would you know?

Kathryn: Well, Amber received an early draft of the script. Amber's agents were in discussions.

Mr. Dennison: Objection, hearsay.

Ms. Bredehoff: I think she can say that.

Judge Azcarate: Sustained.

Ms. Bredehoff: Okay. In your experience, based on getting scripts, what does that mean? I'm asking for experience.

Kathryn: In my experience, with a movie as high-profile as something like "Aquaman," they keep the scripts very tight. They don't want anybody read and they are numbered, they have their name on it. So if you're getting a script for a movie, such as "Aquaman," that's kept tightly, tightly close to the vest, if you will, by the studio, you are going to, you know, they want you to be in the movie. Otherwise, they would never give you a script.

Ms. Bredehoff: Okay. And so, if a script was given to Amber Heard before the first April 8, 2020, defamatory statement, what would that suggest, based on your knowledge that you have testified to?

Mr. Dennison: Objection, speculation.

Ms. Bredehoff: It's not speculation.

Judge Azcarate: Overruled.

Kathryn: Again, if she got the script, they were going to use her in the movie. That was their plan.

Ms. Bredehoff: Okay. I have no further questions. Thank you.

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

Ms. Bredehoff: Yes, Your Honor.

Judge Azcarate: You're still an expert, so you can have a seat in the courtroom. [crosstalk 06:23:35].

Kathryn: Okay.

Judge Azcarate: I'm still talking.

Kathryn: I'm sorry.

Judge Azcarate: You're sorry.

Kathryn: Thank you.

Judge Azcarate: All right, ladies and gentlemen, we've come to the end of our day. All right. Please do not do any outside research tonight. And don't talk with anybody about the case, okay? We'll see you in the morning, bright and early at 9:00. Right? Okay. Thank you.

All right. Just a few planning notes. Okay. After testimony tomorrow, and we've excused the jury, we'll go ahead have the proper secure questions. Mr. Rottenborn will do those tomorrow. Is that okay? That sounds good. All right. We'll do those.

Mr. Rottenborn: You mean, right after?

Judge Azcarate: Like right now, tomorrow.

Mr. Rottenborn: Okay.

Judge Azcarate: Okay. That should give...the proper that you need to do for the record, okay?

Mr. Rottenborn: All right.

Judge Azcarate: And whenever all the testimony is done, possibly at this point, it would be Thursday afternoon, after the jury is excused, we'll go with the remaining jury instructions. I have 300 advisement. We'll take up those and we'll also, if there's from the evidence this week that we need to talk about, we discuss those as well, after the jury is gone on Thursday evening or, if earlier, if the evidence is done before then, okay?

And just as times, up to this minute, the plaintiff has used about 45 hours and 24 minutes. The defendant has 57 hours and 6 minutes. Which means the plaintiff has left 15 hours and 51 minutes and the defendant has 4 hours and 9 minutes left. Okay? So that's where we're at. All right, anything else for this evening?

Mr. Dennison: Your honor, the last witness appears that is on the Plaintiff's witness list is Mr. Depp. And now, we're hoping we would get an answer.

Judge Azcarate: You mean the defendant's witnesses?

Mr. Dennison: Yeah, the defendant's witness list.

Ms. Bredehoff: I don't know.

Judge Azcarate: Are you still changing witnesses? I mean, I'm not sure.

Mr. Dennison: How do we get an answer?

Ms. Bredehoff: We're discussing.

Judge Azcarate: Okay. Make a decision in the morning. Okay. All right, everybody, have a good evening.

Thank you, Your Honor.

Judge Azcarate: All right. Thank you.

Male: All rise.