

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN C. DEPP, II,

Plaintiff and Counterclaim Defendant,

v.

Civil Action No.: CL-2019-0002911

AMBER LAURA HEARD,

Defendant and Counterclaim Plaintiff.

**COUNTERCLAIM PLAINTIFF AND DEFENDANT'S
SECOND SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESSES**

Counterclaim Plaintiff and Defendant Amber Heard ("Ms. Heard") hereby identifies the following individuals who are expected to be called as expert witnesses at trial:¹

Dawn M. Hughes, Ph.D., ABPP
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Introduction

Dr. Dawn Hughes was retained by counsel for Amber Heard, in connection with *John C. Depp II v Amber Heard* (Civil Action No. CL-2019-0002911) which is pending in the Circuit Court of Fairfax County, Virginia. Ms. Heard is being sued for defamation by her ex-husband, John C. Depp II (known as "Johnny Depp"), in relation to her authoring an op-ed in the *Washington Post* on being a survivor of domestic violence. Although the op-ed never mentioned Mr. Depp by name, Mr. Depp stated in the complaint in this matter that he "never abused Ms.

¹ This Expert Designation addresses expert testimony and opinions relating to Ms. Heard's Counterclaim and Ms. Heard's defenses.

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PLAINTIFF'S TRIAL EXHIBIT 0889_0001

PLT / Def: 889
Date 04/11/2022
Judge DAWLEY
Case # CL-2019-2911
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Heard.” Ms. Heard then filed a counterclaim against Mr. Depp for defamation. Dr. Hughes was asked to conduct a forensic psychological evaluation of Ms. Heard to assess for the dynamics and consequences of intimate partner violence that may have been present in her relationship with her now ex-husband, Mr. Depp, and to assess for any psychological consequences stemming from the defamatory statements to the media made by Mr. Depp through his attorney and agent, Adam Waldman.²

Expertise and Qualifications

Dr. Dawn Hughes is a clinical and forensic psychologist and an expert in interpersonal violence, abuse, and traumatic stress, which includes intimate partner violence, rape and sexual assault, physical assault, childhood maltreatment and abuse, and sexual harassment. For the past 25 years, Dr. Hughes has conducted hundreds of assessments and psychological treatments of

² Specifically, Dr. Hughes will testify as to the psychological consequences on Amber Heard as a result of the following statements (“defamatory statements”) included in the Counterclaim, at Paragraphs 45-47, and at Exhibits F, G and H to the Counterclaim:

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that “Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax ‘facts’ as the sword, inflicting them on the public and Mr. Depp.”

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that “Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn’t do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911.”

47. On June, 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an “abuse hoax” against Depp.

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both male and female victims of intimate partner violence, rape and sexual-assault, childhood sexual abuse, and sexual harassment in the workplace. She has significant training and experience regarding the dynamics and consequences of abuse, intimate partner violence, victimization, sexual harassment, and traumatic stress. Dr. Hughes has made numerous professional presentations, invited addresses, and conducted formal trainings (including judicial trainings) in the areas of interpersonal and intimate partner violence, abuse, and trauma. She is frequently contacted by judges and court administrations to conduct continuing legal education seminars on trauma and was selected by the Appellate Division of the State of New York to conduct their mandatory attorney trainings on intimate partner violence, traumatic stress, and how the psychological impact of exposure to violence and abuse may influence the victim's participation in the legal system. In addition, she routinely attends professional conferences and trainings, obtain continuing-education credits, read journal articles, and consult with peers as part of her general practice as a clinical and forensic psychologist to remain current with developments in her field of practice.

Dr. Hughes is a Clinical Assistant Professor of Psychology in the Department of Psychiatry of New York Presbyterian Hospital-Weill Cornell Medical Center serving on the voluntary faculty for approximately 20 years. In this capacity, she contributes to the psychology training program, teaches an ethics seminar to interns, engages in other intern didactics, and was instrumental and active in the NYP-COPE program which provided much needed psychological first aid and resources to hospital staff who struggled with emotional, psychological, and traumatic effects from being on the front lines in battling the Covid-19 pandemic in NYC.

Dr. Hughes is actively engaged in professional activities in several organizations, such as the American Psychological Association (Trauma Psychology Division and American

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Psychology-Law Society), International Society of Traumatic Stress Studies, the Women's Mental Health Consortium, among others. She was a founding member and is President-elect of the Trauma Psychology Division of the American Psychological Association and has served on the Executive Committee for a good portion of the past decade. She recently completed her three-year term as an elected member to the Council of Representatives of the American Psychological Association representing the Trauma Division. Dr. Hughes was a founding member and past-President of the Women's Mental Health Consortium, a NYC-based multidisciplinary organization providing services and resources regarding women's mental health.

Dr. Hughes is Board Certified in Forensic Psychology representing one of approximately 350 psychologists in North America who are board certified in forensic psychology by the American Board of Forensic Psychology, a specialty board of the American Board of Professional Psychology (ABPP). This credential is intended to signify the highest levels of expertise and practice in forensic psychology. Dr. Hughes has been qualified as an expert witness by courts in the States of New York, New Jersey, Connecticut, and Pennsylvania, and in the United States District Courts for the Southern, Eastern, and Northern Districts of New York. She is licensed to practice in the States of New York, Connecticut, and North Carolina. Her curriculum vitae can be found in **Att. 1**.

Summary of Opinions

Dr. Hughes' opinions are based on more than 25 years of clinical and forensic experience assessing and treating victims of intimate partner violence and the empirical and social-science data pertinent to this subject matter. Further, these opinions are based on her forensic psychological evaluation of Amber Heard, a review of copious documents and materials that

have been made available to her in this case, and collateral interviews. The documents that she reviewed and relied on are listed in **Att. 2**. This designation represents a summary of Dr. Hughes' professional analysis and opinions and does not purport to represent all the information and data that was derived from the comprehensive forensic evaluation process. Dr. Hughes' opinions are offered to a reasonable degree of psychological probability and/or certainty.

A brief summary of Dr. Hughes' professional opinions (which are discussed in greater detail below) are as follows:

1. Amber Heard's report of violence and abuse in her relationship with Mr. Depp is consistent with what is known as intimate partner violence, a pattern of manipulation, fear, and control in a relational context that is maintained through the use of multiple abusive behaviors such as physical violence, psychological aggression, coercive control, emotional abuse, and sexual violence.
2. The intimate partner violence inflicted upon Ms. Heard by Mr. Depp is categorized as severe because it consists of strangulation, punching, beating up, sexual violence, threats to kill, an increase in frequency and severity of abuse, and serious injuries such as black eye, facial bruising, nose injury, concussion, and loss of consciousness.
3. Amber Heard has identifiable psychological symptomatology and distress as a result of the defamatory statements (as set forth in ¶¶ 45-47 of the Counterclaim) made to the press and media about her. Each statement has its own properties that elevate psychological distress and emotional dysregulation; however, importantly, the defamatory statements exacerbate Ms. Heard's Posttraumatic Stress Disorder (PTSD) by triggering painful and intrusive reminders of Mr. Depp's past physical, emotional, psychological, and sexual abuse toward her thereby greatly intensifying the psychological impact of each statement. Mr. Depp's defamatory statements are a continuation of the psychological abuse that was prominent in the relationship, such as denial, blame, avoidance of responsibility, and gaslighting.
4. Ms. Heard was assessed to be a reliable historian. Psychological testing revealed that she approached the evaluation in a forthright matter with no evidence of malingering or feigning psychological distress. Additionally, Ms. Heard did not appear to distort or exaggerate the information she provided, nor did she try to portray Mr. Depp as worse than was likely accurate and continued to profess empathy for him and his own psychological struggles. Ms. Heard demonstrated the ability to offer both positive and negative aspects of herself, her behavior, her partner, her relationship, and her life.
5. With respect to intimate partner violence, it is commonly understood that such acts often occur in private with few witnesses and with little external corroboration, however, that

does not appear to be the case in this matter. Dr. Hughes' analysis revealed significant corroborating evidence that is consistent with Ms. Heard's report of intimate partner violence including text messages, photographs, video tape, audio files, medical documentation, therapy records, collateral interviews, and witnesses to the aftermath of the violence.

6. Dr. Hughes will provide expert testimony that is relevant, scientifically based information regarding the common experiences, perceptions, psychological consequences, and actions of individuals exposed to intimate partner violence as well as their participation, or lack thereof, in procedures and sanctions against their partner. In addition, Dr. Hughes' expert testimony will seek to dispel myths and misconceptions about intimate partner violence that are commonly held by lay persons about what the persons in such a relationship "should" do or "shouldn't" do, and why these are not correct assumptions.

In support of these opinions, Dr. Hughes is expected to testify to the following:

Methodology

A standard forensic psychological evaluation of a particular individual contains several parts: psychological testing, comprehensive semi-structured clinical interview, review of materials relevant to the case (legal, medical, psychological), consultations, and interviews with collateral sources (if relevant and if available). Amber Heard was psychologically evaluated on six separate occasions –September 26, 2019; October 11, 2019; November 8, 2019; November 11, 2019; January 18, 2021, and December 27, 2021 – for a total of approximately 30 hours. Ms. Heard was administered several psychological tests which are detailed below. Ms. Heard was also queried as to her functioning with regard to work, motherhood, relationships, and any continued psychological impacts of the defamatory statements. Documents and materials relevant to her case were reviewed and are listed in **Att. 2**. Additionally, collateral interviews were conducted with both her therapists that she was in treatment with during her relationship

with Mr. Depp, including Dr. Bonnie Jacobs and Dr. Connell Cowan. A collateral interview was also conducted with her mother, Paige Heard, who is now deceased.³

Summary of Psychological Testing

Dr. Hughes administered multiple psychological assessment measures to Ms. Heard:

1. Personality Assessment Inventory (PAI)
2. Trauma Symptom Inventory – 2 (TSI-2)
3. Miller Assessment of Symptoms Test (M-FAST)
4. Life Events Checklist (LEC)
5. Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5)
6. Beck Depression Inventory – II (BDI-II)
7. Beck Anxiety Inventory (BAI)
8. Mood Disorder Questionnaire (MDQ)
9. Abusive Behaviors Observations Checklist (ABOC)
10. Conflict Tactics Scale-2 (CTS-2)
11. Danger Assessment Scale (DA)
12. Clinician-Administered Posttraumatic Stress Disorder Scale for DSM-5 (CAPS-5) – Past Month Version

Some of these psychological tests have validity indices that were designed to assess the individual's response style, consistency, carelessness, confusion, defensiveness, reading difficulties, exaggeration, malingering, and other factors that could potentially distort the results of the test. In a forensic context where a motivation may exist to falsely report or distort psychological symptomatology, the issue of malingering and exaggerating psychological distress and/or mental illness was carefully considered. Importantly, the stated objective of Dr. Hughes' initial forensic psychological assessment was not solely to determine whether Ms. Heard was suffering from any psychological effects or PTSD from the IPV by Mr. Depp. Results from psychological testing, when examined within the context of clinical examination, history, and

³ Dr. Hughes is expected to testify as to her collateral interviews with Dr. Jacobs, Dr. Cowan, and Paige Heard which helped form her opinions in this case. Dr. Jacobs, Dr. Cowan, and Paige Heard corroborated that Ms. Heard made contemporaneous reports of physical, psychological, and emotional abuse by Mr. Depp.

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corroborative data, suggest that Ms. Heard is not malingering or feigning psychological difficulties.

The overall impression of the objective psychological testing suggests several clinically significant difficulties for Ms. Heard that likely cause notable impairments in functioning. Her profile is remarkable for significant anxiety, traumatic stress, fears, affective lability, depressive experiencing, intrusive experiences, defensive avoidance, and difficulties in relationships. She endorsed a symptom picture that is consistent with traumatic stress, particularly interpersonally related trauma.

Ms. Heard was administered the *Posttraumatic Stress Disorder Scale for DSM-5 (PCL-5)*. Intimate partner violence is recognized as a traumatic stressor capable of resulting in posttraumatic stress symptomatology and related difficulties. Ms. Heard's responses on the *PCL-5* support a DSM-5 diagnosis of Posttraumatic Stress Disorder with an etiology of the intimate partner violence she experienced by her former partner, Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the trauma, avoidance of reminders of the trauma, negative alterations in cognition and mood, and alterations in arousal and reactivity.

In addition, on December 27, 2021, Ms. Heard was administered the *Clinician-Administered Posttraumatic Stress Disorder Scale for DSM-5 (CAPS-5) – Past Month Version*. The *CAPS-5* is a structured clinical diagnostic tool that was developed at the National Center for PTSD to achieve a valid and reliable diagnosis of PTSD. Results of the *CAPS-5* continue to support a DSM-5 diagnosis of Posttraumatic Stress Disorder utilizing the index trauma of the intimate partner violence by Mr. Depp. Ms. Heard's responses on the *CAPS-5* indicate that she is experiencing symptoms in all four clusters of PTSD.

Multiple alternative hypotheses were considered during previous and this current assessment vis a vis their relationship to these PTSD symptoms and diagnosis. Ms. Heard has experienced other traumatic life events that qualify as a Criterion A traumatic stressor, notably childhood physical and emotional abuse by her father, and witnessing intimate partner violence and abuse by her father toward her mother. Empirical data has demonstrated a strong association between exposure to childhood violence and later adult victimization, such as IPV. Although such a link is not simple or direct, robust research indicates that childhood experiences with violence make an individual vulnerable to new experiences of violence, and abuse and exposure to a subsequent trauma can exacerbate traumatic effects of a new trauma. During previous assessments of Ms. Heard as well as this most recent one, it was determined that these other traumas are not manifesting themselves in current symptomatology and are not currently a source of psychological concern for her. The traumatic event that causes Ms. Heard significant psychological distress and traumatic stress symptoms continues to be the violence and abuse by her former husband, Mr. Depp.

For an assessment of intimate partner violence (IPV) related behaviors, Ms. Heard was administered the *Abusive Behavior Observation Checklist (ABOC)* and the *Conflict Tactic Scale-2*, both of which measure common characteristics of intimate partner abuse. Results revealed the presence of severe IPV including physical abuse, physical injury, sexual violence and abuse, coercion and threats, intimidation, isolation, and minimization and denial of the abuse. She was also administered the *Danger Assessment Scale*, a 20-item measure that assesses for risk factors that have been associated with homicides in violent relationships. The *Danger Assessment Scale* revealed that Ms. Heard was in a very serious situation with Mr. Depp and at risk for serious, repetitive, and deadly intimate partner violence.

Analysis of Intimate Partner Violence

This evaluation and review of the evidence revealed that Ms. Heard's report of her relationship with Mr. Depp is consistent with a pattern of chronic and severe intimate partner abuse, including physical violence, psychological abuse, sexual violence, and controlling behaviors.

The Center for Disease Control (CDC) has determined that intimate partner violence (IPV) remains a serious public health problem that affects millions of Americans. Intimate partner violence is described by the CDC as physical violence, sexual violence, stalking, and psychological aggression (including coercive acts) that are utilized by a current or former intimate partner. Intimate partner abuse is often part of a larger coercive relational dynamic that is characterized by a pattern of manipulation, fear, and coercive control that is maintained through the use of multiple abusive behaviors, such as (1) physical abuse; (2) psychological abuse (i.e., a pattern of behavior that functions to instill fear, intimidate, threaten future harm, and maintain power and control over another individual); (3) emotional abuse (i.e., behaviors that serve to denigrate a person's self-worth through offensive put-downs, slurs, name-calling, insults, constant criticism, humiliation and subjugation); (4) economic abuse (i.e., withholding or making all financial decisions); and (5) sexual abuse (i.e., when one is forced, either by threats, coercion, or physical force, to submit to sexual activity against their will).

The alternating cycle of violence and abuse in the relationship is often interspersed with neutral and/or positive moments and times without violence. These good times keep the victim psychologically attached to their partner and instill false hope for positive change. However, the overarching dynamic of these relationships is the perpetrator's unchecked power, manipulation, and control over the battered victim, and his relentless use of violence and abuse, which

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deteriorates the psychological functioning of the victim, diminishing her coping resources and strategies, and ultimately rendering it difficult for her to extricate herself from the abusive relationship.

Physical Violence

Ms. Heard described a significant amount of physical abuse perpetrated by Mr. Depp throughout the course of their relationship. It is severe based on types of abuse, the duration of the abuse, and the frequency of the violent acts. Specific physically abusive behaviors that were reported in this case include: grabbed, pushed, and shoved her; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, body; slapped her with the front and back of his hand which was adorned with heavy metal rings; kicked her; headbutted her; slammed her against the wall and floor; dragged her across the floor; threw her into a glass table; threw objects at her; flicked a cigarette at her; pulled her by the hair; and beat her up.

Physical Injury

Ms. Heard reported sustaining significant pain and numerous injuries as a result of Mr. Depp's physical and sexual assaults. She often did not seek medical evaluation or treatment for assault-related injuries as is common for abuse victims. Notwithstanding, there were several times when she did seek medical treatment from Dr. Kipper's practice and his nurses. In addition, photos were taken of her injuries on multiple occasions by herself and her friends.

Specific injuries that were reported in this case include: excruciating pain; bruises on her face and body; black eyes; busted lip; loss of consciousness; vaginal pain; cuts; concussion; nose injury and pain; lost hair; and cuts on her feet and arms from broken glass.

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Psychological Aggression and Abuse

Ms. Heard reported that Mr. Depp engaged in repeated psychological aggression and abuse which is a pattern of behavior that functions to instill fear, to intimidate, to denigrate a partner's self-worth, to threaten future violence, and to maintain power and control over an intimate partner. Mr. Depp repeatedly demonstrated not only his ability, but his willingness, to use multiple and serious forms of physical assaults and sexual violence against Ms. Heard which decreased her psychological functioning and increased her fear and helplessness.

Mr. Depp's abuse of Ms. Heard was punctuated and exacerbated by his chronic addiction to drugs and alcohol. Whereas alcohol and substance abuse can be present in relationships characterized by intimate partner violence, it does not cause the violence and abuse. What it does do is increase the risk to the victim because one's level of internal controls are markedly reduced when one is intoxicated. This substance-fueled rage also pulled for Ms. Heard to adopt a caretaking role with Mr. Depp and offer herself and others repeated excuses for his behavior thereby obfuscating the abuse and the harm caused to her.

Psychologically abusive behaviors that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, and erratic behavior; antagonistic behaviors about her career; criticized her ambition; constant unreliability then blamed her for not waiting for him or for addressing it; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, easy, ugly, fat ass); constant accusations of flirting and infidelity; controlling her clothing choices ("no woman of mine if going to dress like a whore"); surveillance and tracking efforts (calling directors and male co-stars to check on her; showing up on set; insisting on using his security detail; having to "prove" things to him; searching her

phone); threats to kill her; criticized her body; and emotional manipulation (threats of suicide; threats and actual engagement of self-harm), among others.

Mr. Depp's psychological instability, as evidenced by his chronic substance abuse, erratic violent outbursts, deranged writing on walls, tables, mirrors, etc., repeated property damage, frequent throwing of objects, acts of violence toward himself and self-harm, and withdrawal from the relationships for long periods of time where he was unreachable, among others, are not only highly dysfunctional, but forms of psychological abuse, intimidation, and emotional manipulation. These acts continued to keep Ms. Heard psychologically unstable, hypervigilant, anxious, emotionally dependent, and often left her walking on eggshells as to what Mr. Depp was going to do next. The illusion of safety and calm was always short lived. Mr. Depp's instability required Ms. Heard to continue to deal with days of chaos and trauma, always trying to calm Mr. Depp first, and then seek safety for herself second. The unpredictability, volatility, and severity of Mr. Depp's behavior increased Ms. Heard's fear of him and his ability to maintain power and control in the relationship. This dynamic created formidable psychological obstacles for Ms. Heard to identify the abuse and extricate herself from the relationship.

Sexual Violence

This evaluation revealed significant sexual violence perpetrated by Mr. Depp toward Ms. Heard. Sexual violence is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not want to or cannot consent. Intimate partner sexual abuse is any form of sexual violence that takes place within a current or former intimate relationship and it often co-occurs with other forms of abuse.

Ms. Heard reported that there were multiple instances when Mr. Depp forcibly and aggressively grabbed Ms. Heard's head coercing her to engage in fellatio, and times when he

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forcibly performed cunnilingus on her. Whereas she did not say no, Ms. Heard was desperate to make him feel loved, be less mad at her, and make him feel that they were "okay." Thus, she tolerated these aggressive violations, always hoping that such acts would turn "romantic," yet they rarely did. She often made excuses for Mr. Depp in order to psychologically shield herself from the reality and psychic pain of these violations.

Mr. Depp also engaged in serious sexual violence during instances of rage and violence in which he forcibly penetrated Ms. Heard's vagina with the neck of a liquor bottle during one of the most violent episodes in their relationship. Other times, he forcibly and violently thrust his fingers up her vagina, moved her body by holding onto her vagina, and yelled obscenities at her. None of these acts were to initiate sex and none of them consensual. Quite the contrary, they were acts of sexual violence reflecting an abuse of Mr. Depp's power and control over her, and specifically perpetrated to humiliate and subjugate Ms. Heard. These repeated sexual violations were often accompanied by vulgar and degrading verbal assaults toward her. These sexual violations were psychologically devastating to Ms. Heard and physically painful. The research has suggested that women who are exposed to both physical and sexual violence in an intimate relationship are at risk for more severe psychological and traumatic symptomatology.

Danger Assessment

The *Danger Assessment Scale* is an empirically validated measure specifically designed to assess for risk factors that have been associated with severe and lethal intimate partner violence. In examining the factors present in this case, there is statistical support to suggest that the intimate partner violence perpetrated by Mr. Depp toward Ms. Heard was serious, severe, and dangerous. When someone scores in that range and is still in the relationship, assertive safety planning and risk reduction strategies are recommended.

Specific lethality risk factors that were identified over the course of the relationship

include:

- an increase in violence and abuse
- threats to kill
- forced sexual violence
- strangulation
- use of illegal drugs and problematic drinking
- controlling behaviors
- persistent jealousy
- destruction of property
- surveillance behaviors
- threats to commit suicide.

There were two very serious abusive incidents worth noting in which Ms. Heard thought Mr. Depp could kill her. The first time was in Australia in March 2015 when Mr. Depp engaged in an all-out assault upon her whereby he hit her, slapped her, threw her around, pinned her on her back on a counter, squeezed her neck strangling her, ripped off her nightgown, and raped her with a Jack Daniels bottle while screaming over and over again, "You ruined my life. I hate you. I'm going to fucking kill you." As noted above, strangulation, sexual violence, destruction of property, substance abuse, and threats to kill are significant risk factors for severe and lethal intimate partner violence.

Then, in December 2015 in Los Angeles, Mr. Depp perpetrated another severe assault against Ms. Heard wherein he repeatedly punched and slapped her with his ring-adorned hands, dragged her by the hair across the apartment, headbutted her, and strangled her while yelling "I fucking hate you. I hate you. I'm going to fucking kill you." Making a threat to kill increases the likelihood of an act of serious harm and when combined with a perpetrator's use of violence, psychological instability, and substance abuse represents a very high-risk and dangerous situation.

Coping Responses to Violence and Abuse

The research has demonstrated that women who are involved in abusive relationships employ a variety of formal, informal, and personal strategies to cope with the abuse, avoid the abuse, protect themselves from the abuse, and escape from the abuse. They do many things - it just does not stop their partner's abuse and victimization. Some strategies represent formal help-seeking behaviors such as calling the police, obtaining protection orders, seeking medical assistance, going to a shelter, obtaining counseling, and terminating the relationship. Commonly, women in abusive relationships attempt to stop and deal with the abuse from within the relationship. Examples of these informal strategies include talking with their partner to try to get him to change, complying with his demands, acquiescing, talking to family members and friends, passive and active forms of self-defense, and physically fighting back. Importantly, the research also demonstrates that it ultimately remains the perpetrator's choice to cease his use of violence and abuse regardless of the strategies employed by the victim.

A woman's difficulty in extricating herself from an abusive relationship does not in any way indicate that she is unconcerned about the abuse or wants it to occur. Rather, the victim is absolutely concerned about the abuse but engages in psychological avoidance, minimization, denial, and suppression efforts herself in order to maintain the relational status quo, because she is emotionally attached, and in order to stay safe. An abused woman's decisional analysis to stay or leave is mediated by multiple and complex factors such as personal resources, tangible resources, ongoing abuse, psychological functioning, emotional attachment, love and hope for change, vulnerability factors, and threats of retaliation.

This evaluation revealed that Ms. Heard utilized many formal and informal strategies to cope with the violence and abuse inflicted upon her by Mr. Depp. Informal strategies included

efforts to work with and negotiate with Mr. Depp on ways to stop the violence and abuse. She attempted to please Mr. Depp, appease him, avoid angering him, and comply with his eccentric ways to prevent further abuse and degradation. She hid her scripts and refrained from practicing lines to obviate an altercation. She altered her choice of clothing to satisfy him and prevent being told she dressed like a whore. She avoided going to cast parties, rap parties, and talking with her male co-workers because this made Mr. Depp irrationally jealous, often resulting in verbal and physical fights. She repeatedly tried to talk with Mr. Depp to persuade him to stop his abusive behaviors, stop his significant drug addiction and excessive alcohol abuse, and engage with her in positive ways. She pleaded with him and constantly encouraged him to get treatment for his own abusive childhood which she saw as a contributing factor to his self-loathing, self-destructive tendencies, and his polysubstance abuse. She repeatedly requested that Mr. Depp engage with her in couples therapy which they did on a few occasions of limited duration and minimal success. She repeatedly encouraged and assisted him in obtaining professional treatment and support for his substance abuse.

Other informal and personal coping strategies involve obtaining support from others. Ms. Heard disclosed the abuse to her mother, her sister, and multiple friends, all in an attempt to receive emotional support in the aftermath of an explosive incident. At times, in her conversations with others, Ms. Heard also engaged in minimization, suppression, and denial of the true extent of Mr. Depp's violent and abusive behavior and this is because Ms. Heard knew that others would tell her to leave Mr. Depp. She did not want to be criticized for staying and did not want Mr. Depp to be negatively judged as she still loved him and was committed to working on the relationship despite the abuse, thus she maintained the secret. In addition, Mr. Depp actively sabotaged Ms. Heard's efforts at self-care and external support, vilifying and sometimes

excommunicating those individuals with whom she relied on. Engaging in deliberate behavior that isolates victims from social support is a common tactic of abusers.

Another informal coping strategy utilized by Ms. Heard in response to the violence and abuse by Mr. Depp was her own use of passive and active forms of physical and defensive actions during an abusive incident. This is not uncommon. A high percentage of women in abusive relationships use some form of responsive violence against their partner. Importantly, Ms. Heard's use of defensive physical actions did not prove to be an effective strategy as it did not stop the assault, but rather increased Mr. Depp's anger and violence toward her. It is important to recognize that there is a distinction between relationship "fights" and "assaults." Partner assaults differ from fights because of the motive, dynamics, and consequences. Assaults function to hurt, denigrate, punish, subjugate, exploit, dominate, and control an intimate partner and, importantly, they are not attempts to resolve conflict. Partner assaults are repeated over time, tend to escalate, and have marked asymmetry in the amount of injury sustained. Intimate partner violence has long been understood as comprising more than just hitting, but rather a wide array of abusive tactics, such as psychological degradation, coercion, abuse of power and control, threats, manipulation, the instillation of fear, sexual violence, and surveillance controls. Importantly, when taking Ms. Heard's reactive violence into account, this evaluation revealed that there was a significantly differential impact of the violence and abuse utilized by Mr. Depp. There was a serious imbalance of power and control, a disparity of size and strength, differential perpetration of severe violence, differential threat and risk of serious injury, sexual violence, differential impact of actual physical injury and psychological harm, and an imbalance of fear and danger.

Ms. Heard also engaged in formal strategies to cope with the intimate partner violence including engaging in psychological treatment with multiple providers and engaging with Mr. Depp's providers. She actively spoke with Mr. Depp's medical team, conceptualizing his drug and alcohol addiction as a core dysfunctional aspect of their relationship and a functional cause of the abuse. She attended Al-Anon meetings and actively participated in efforts to help Mr. Depp achieve sobriety. She read countless books about substance abuse, and dysfunctional and abusive relationships. Ms. Heard's efforts to help Mr. Depp get safe and sober were repeated over and over again throughout the course of the relationship thereby funneling her psychological resources to caring for him and away from her own needs and the full realization of the severity of the abuse inflicted upon her.

Another formal strategy was Ms. Heard's own psychological treatment. Ms. Heard engaged in psychotherapy with multiple treatment providers, including Dr. Connell Cowan and Dr. Bonnie Jacobs, over the course of the relationships to try and figure out what *she* could do to stop Mr. Depp's abuse upon her. This is a common misattribution error in cases of intimate partner violence where the abused victim eventually comes to believe her partner's claims that she is the cause of his aberrant behavior. She constantly felt responsible for his abuse, apologized often, and contemplated what she could do "better" to not have him hurt her. Notwithstanding, Ms. Heard spoke to Mr. Depp on countless occasions that she could no longer sustain any further abuse. Sometimes he indicated he understood and promised to do better, and yet other times he denied the abusive incidents even occurred, denied hurting her, minimized the extent of the abuse, and blamed her for his use of violence. Despite desperately wanting him to change, Mr. Depp's alcohol and drug addiction remained chronic and his controlling and violent tendencies persisted. Mr. Depp did not change. In fact, the abuse toward Ms. Heard worsened over time,

increasing in frequency and severity. In the end, she obtained a temporarily restraining order against him.

Importantly, Ms. Heard was embroiled in the profound paradox that is the hallmark of intimate partner violence where love and violence are intertwined. Women can be in love and afraid at the same time and this phenomenon is clinically understood as a tolerance for cognitive inconsistency. It is a myth that women just leave at the first sign of trouble or “should leave” if it is truly that bad. It is normal to give one’s abusive partner second, third, and sometimes unlimited chances to redeem themselves. But, over time, the violent acts become normalized as a central feature of the relationship that needs to be tolerated – not accepted but tolerated. Ms. Heard was no exception. She was caught in a web of love, emotional attachment, genuine loyalty and concern for Mr. Depp, and the illusion that he would finally come to his senses and change for the better. As such, she often concealed and minimized his violence and abuse (to family, friends, and even treatment providers) to protect him, and herself at some point, from public condemnation. She assumed the best and denied the worst in order to hold on to the positive aspects of the relationship and the love she had for Mr. Depp. However, eventually, those psychological defenses broke down and were no longer effective as the physical and psychological injury became too great to bear and the positive aspects became all too infrequent resulting in the decisional analysis for Ms. Heard to finally terminate the relationship.

Psychological Impact of Defamation

In cases of intimate partner violence, leaving the relationship does not always end the violence and abuse. In fact, ending an abusive relationship is statistically a very dangerous point in time for the abused victim. Whereas Ms. Heard left Mr. Depp, filed for a restraining order due to domestic violence, and eventually divorced him, she was not free. Mr. Depp’s psychological

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and emotional abuse continued. Mr. Depp's defamation suit and false statements to the media halted her healing from the traumatic effects of victimization and introduced new levels of psychological abuse, intimidation, degradation, and gaslighting which continued that cycle of abuse that she thought she escaped from, this time abusing Ms. Heard through the legal system and through media attacks. The overarching theme of Mr. Depp's attacks are that Ms. Heard is a liar. For a victim of intimate partner violence, fear that they would not be believed ranks among the highest reasons why they do not speak out about their abuse and why violence against women is the most underreported crime. This has had devastating consequences for Ms. Heard.

The psychological impact of three of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent) were specifically assessed (April 8, 2020; April 27, 2020; and June 4, 2020). Whereas it was determined that these comments had notable psychological impact, they represent a continuation and exacerbation of the totality of Mr. Depp's abusive behaviors. Ms. Heard suffered repeated attacks on her credibility with Mr. Depp's frequent lies to the media, a particularly significant problem when one is in the public sphere. The problem with every lie is that one must refute that lie, and that requires intense psychological resources. As such, with each unpredictable media comment made by Mr. Depp, havoc and chaos were again thrust into her life to no fault of her own, forcing her to deal with the negative consequences of having to explain and "prove" the lie. These lies resulted in numerous losses, such as the loss of time and energy; loss of friendships; loss of jobs; and financial loss, all of which greatly impacted her daily functioning and her capacity to cope.

As a result of Mr. Depp's defamatory statements (through Adam Waldman, his attorney and agent), Ms. Heard suffered notable psychological distress and an exacerbation of posttraumatic stress disorder that stems from the initial pattern of violence and abuse. Each time

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Mr. Depp released a defamatory statement to the media calling her a liar or that her account of violence and abuse in the relationship was a "hoax," Ms. Heard suffered (and continues to suffer) from stress, anxiety, nightmares, crying, flashbacks, feeling afraid, emotional numbing, dissociation, struggles with trusting others, significant sleep disruption, relationship and intimacy problems, interpersonal disconnection, hypervigilance, and intense psychological pain.

In addition, Mr. Depp's defamatory statements activated long held feelings of shame and humiliation about the abuse and the relationship in general, common consequences of victimization. This was particularly true with Mr. Depp's April 8, 2020 remarks about "fake sexual violence" and a "sexual violence hoax." Rape and sexual violence are one of the most humiliating, violating, and shame inducing experiences that an individual could endure, and it is one of the most powerful predictors of PTSD in both men and women. The sexual violence that Ms. Heard experienced by Mr. Depp is one of the most private, vulnerable, and painful aspects of her life. For Mr. Depp to call her account "fake" and for her to have to refute it, has resulted in significant psychological distress, emotional pain, humiliation, and an exacerbation of PTSD.

While in the abusive relationship, Mr. Depp repeatedly utilized abusive tactics whereby he minimized his abuse and violence, blamed her for the abuse, denied that the abuse even occurred, and reversed the attack on her claiming that he was the victim, and she was the abuser. But Ms. Heard successfully extricated herself from that awful dynamic of violence and abuse and yet Mr. Depp's abuse continued through his false media comments. This forced her to confront the whole cycle of abuse, violence, blame, gaslighting, and condemnation all over again.

The psychological consequences and harm to women because of partner violence have been well documented, and include decline in general mental health, depression, anxiety,

posttraumatic stress disorder, substance abuse, suicidality, shame, humiliation, self-blame, and diminished self-worth and self-efficacy, among others. This evaluation revealed that Ms. Heard meets DSM-5 criteria for Posttraumatic Stress Disorder (PTSD) with an etiology of the violence and abuse perpetrated by Mr. Depp. Ms. Heard endorsed symptoms in all four clusters of PTSD: intrusive reminders of the victimization, violence, and abuse (flashbacks, memories, nightmares); conscious avoidance efforts to detract her from reliving the violence and abuse; negative effects on her thinking and mood; and an increase in hyperarousal and physiological reactivity.

Importantly, PTSD is a cue-related disorder and environment stimuli serve to trigger the disorder with accompanying psychological reactivity. Each time Mr. Depp released a media statement branding her a liar, that served as a trauma trigger activating memories of the horror and truth of the abusive relationship. Mr. Depp's comments are so inextricably connected to the original trauma that they result in additive psychological and traumatic effects. His statements also activate the PTSD dimension of hyperarousal and hypervigilance as Ms. Heard experiences greater concern for her personal safety, resulting in anxiety, an acute awareness of her surroundings, and continual scanning for danger.

Errors in Methodology and Analysis of Dr. Shannon Curry, Psy. D. in administration of the CAPS-5 to Ms. Heard on December 17, 2021

Dr. Curry's conclusion that Ms. Heard does not meet the threshold for PTSD is flawed and incorrect. Given that Dr. Curry administered the *CAPS-5* on December 17, 2021, just ten days earlier from Dr. Hughes' assessment on December 27, 2021, a comparison of findings is warranted. Importantly, Dr. Curry failed to utilize the proper anchor point for the index trauma for Ms. Heard thereby yielding incorrect results. Dr. Curry erroneously utilized only the sexual assaults by Mr. Depp on the *CAPS-5* for all the subsequent symptom queries that were posed to Ms. Heard even though Ms. Heard identified "the worst of the violence in the marriage" as her

trauma. But contrary to standard practice in the field and the instructions and intent of the test, Dr. Curry limited the queries to the sexual assaults by Mr. Depp. As such, Ms. Heard answered truthfully and honestly, not linking specific current symptoms to her sexual assault experiences because Ms. Heard's PTSD encompasses so much more than those incidents.

Ms. Heard's responses on the *CAPS-5* to Dr. Curry do, in fact, demonstrate traumatic stress related to the overall abuse by Mr. Depp, but that was not assessed by Dr. Curry. If you give a limited prompt and restricted anchor, you are going to obtain skewed results. The *CAPS-5* instructions require the identification of a single index trauma(s), or a group of thematically related traumatic events, to serve as the basis of symptom inquiry. Moreover, when the individual indicates that his/her worst trauma exposure was due to multiple incidents of the same type of event (e.g., multiple instances of childhood sexual abuse, multiple combat exposures, or multiple incidents of intimate partner violence), the multiple events of the same type would be treated as a singular exposure. Dr. Curry failed to adhere to the stated instructions and intent of the test and thus did not properly query Ms. Heard's for the full breadth of her trauma-based sequelae.

For the *CAPS-5*, in general, if the symptoms expressed by the individual can be connected to the overall trauma exposure, then it would be counted toward the PTSD diagnosis. Ms. Heard provided enough details to Dr. Curry on the *CAPS-5* as to her symptomatology and functioning as a result of the IPV, and Ms. Heard replied many times, "not in the last month." This should have prompted Dr. Curry to exercise due diligence and administer the Worst Month Version of the *CAPS-5* to truly ascertain the extent of Ms. Heard's trauma-based symptoms. Dr. Curry failed to do so. Moreover, by listening to Ms. Heard's responses, a skilled examiner would have realized that narrowing the range of symptoms to only the sexual assaults was

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flawed and thus would have queried, "Are you having any other symptoms in the last month related to the abuse and violence and not just the sexual assaults?" in order to accurately assess for PTSD symptomatology. Dr. Curry again failed to do so. As a result, Dr. Curry's flawed administration yielded an unreliable and invalid conclusion.

That said, the content of Ms. Heard's responses on the *CAPS-5* to Dr. Curry on December 17, 2021 was generally consistent with Ms. Heard's responses to Dr. Hughes' administration of the *CAPS-5* on December 27, 2021, and with Ms. Heard's accounting of her trauma symptoms to Dr. Hughes during multiple assessments over the past three years. Dr. Hughes correctly did not limit Ms. Heard's frame of reference to only the sexual assaults. If one removes that anchor, Dr. Hughes and Dr. Curry yield remarkably similar results with enough symptoms that satisfy PTSD criteria.

Prognosis

Ms. Heard's prognosis is guarded and her treatment is likely to be long term. Psychological recovery from the traumatic effects of intimate partner victimization is more than just the physical healing of cuts and bruises because the psychological damage from the relational betrayal and emotional abuse runs deep. Ms. Heard has continually availed herself of professional treatment and has been motivated for healing to occur, but her treatment is currently in the infancy stage because it has necessitated a focus on crisis management and psychological stabilization resulting from the defamatory statements by Mr. Depp. Her physical and emotional safety continues to be threatened, thereby exacerbating her PTSD. Interpersonal violence-related PTSD can be a chronic condition, often waxing and waning throughout a person's life, being triggered by environmental and life stressors. Ms. Heard will require treatment to address and ameliorate these trauma triggers as they arise. In addition, she will require treatment for

victimization-associated traumatic sequelae, such as shame, self-blame, humiliation, intimacy problems, interpersonal disconnection, and trust difficulties. Her psychological care will be palliative and function to remedy the psychological impact of the trauma arising during her life.

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Mr. Schnell's C.V. is attached as **Att. 3**. Mr. Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages, and is an adjunct professor at Nova Southeastern University, teaching computer security and operating systems in the computer science department.

Mr. Schnell is expected to testify as an expert in the field of statistical and forensic analysis of social media. As an expert in this field, Mr. Schnell and his firm, Berkley Research Group, conducted an investigation relating to posts on social media, primarily Twitter, that contained and/or expressed negative comments and negativity ("negative posts" or "posts") about Amber Heard, from April 8, 2020 through the present. Mr. Schnell located and collected, and is expected to testify, that there are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Specifically, from the beginning of April 2020, until the end of January 2021, there were 1,243,705 negative posts relating to Amber Heard, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or

#WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell has collected these on a hard drive, which has been provided to counsel for Mr. Depp. Mr. Schnell is expected to testify to these negative posts, including providing examples from the hard drive of collected data.

Some examples of posts that Mr. Schnell has collected and provided to counsel for Mr. Depp, and is expected to testify to, include:



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Max_Gordatio @Max80094678 · Nov 27, 2020

Replying to @StephenKing

I read the book and liked it. I'd love to watch this show, but I won't support anything that liar and abuser Amber Heard is involved in. This woman mocks victims of domestic violence and uses them to make a career. So no thanks. [#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#)



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CheeryRosie Wald-mignon [#JusticeForJohnnyDepp](#) 🗨️ · Jul 28, 2020

Well its took 4 years but everyone knows the truth now, she can hold as many press conferences as she likes its out there [#AmberHeardIsAnAbuser](#) and the world knows it!!!



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❤️ **Melissa** ❤️ @Quirky_Alone88 · Jul 28, 2020

We don't want anything from you. You are a vile excuse of a human being, a money grabbing, fame hungry tramp, who stood on the backs of genuine survivors and trampled all over what it means to be feminine. [#JohnnyDepp](#) [#JusticeForJohnnyDepp](#) [#AmberHeardIsAnAbuser](#) [#AmberTURD](#)



👄 **Beth** 👄 @Pink84 · Jul 28, 2020

Replying to @BBCNews

[@realamberheard](#) is the abuser not johnny. Of course it was painful, to have to recount all the fvcked up stuff she did to him. She needs to just go away and rot! [#AmberHeardIsAnAbuser](#) [#JusticeForJohnnyDepp](#)



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WriterEmmaBombeah @AuthorWriterEB · Jul 28, 2020

Amber Heard lied at every point. It's clearly mapped out here today. Her lies are so bad it is embarrassing to read. And yes as stated she has many mental issues.

[#JohnnyDepp](#) [Johnny Depp](#) [#JusticeForJohnnyDepp](#) [#HighCourt](#) [#AmberHeardIsAnAbuser](#) [#AmberHeard](#)



Mr. Schnell is expected to testify about his statistical analysis of the Twitter posts, including the number of such posts per user, the number of users creating such posts, the commonality of the wording and formatting of such posts, the timing of such posts, and the frequency of such posts. This is all supported by the materials in the hard drive provided to counsel for Mr. Depp.

To conduct his search, Mr. Schnell and his team utilized the official Twitter "API" and conducted the following searches, starting from April 1, 2020: #JusticeforJohnnyDepp; #AmberheardIsAnAbuser; #AmberTurd; and #WeJustDontLikeYouAmber. The results of these searches were then pulled directly from Twitter using the API's functionality. Because of the nature of those searches, Mr. Schnell is expected to testify that it is possible to show that the vast majority of the results contain negative statements about Ms. Heard. Mr. Schnell will also testify that based on the number of negative posts about Ms. Heard during this time on Twitter, a similar magnitude of negative comments would also be published on Instagram and Reddit, and Mr. Schnell is expected to provide examples of such negative posts and the relationship among the three social media sources.

Mr. Schnell is also expected to testify that there is no way to remove other people's posts from these social media platforms, and therefore the negative posts' impact will always remain and be accessible to the public.

Mr. Schnell's opinions are to within a reasonable degree of scientific probability and/or certainty, and are based on his expertise, educational and technical background, his work experience, consultation with leading works and peer consultations, his knowledge based on all of the above, and his examination and review of data from the three social media platforms described.

It is expected that Mr. Schnell will review additional materials as they become available, including in discovery, including in response to discovery served in California that is being objected

to and challenged in the California courts, and may supplement his opinions based on additional information and materials he locates and are otherwise made available to him.

Mr. Schnell has performed additional research regarding negative tweets towards Ms. Heard and Mr. Depp. Mr. Schnell is expected to testify regarding expanded dates for the hashtags mentioned *supra*, to include January 1, 2018 through June 15, 2021. The number of uses of those hashtags between those dates was 2,790,876.

Mr. Schnell is expected to testify regarding the use of the following negative hashtags that are largely negative against Mr. Depp particularly relating to Ms. Heard. The hashtags analyzed were #JohnnyDeppIsALiar, #JusticeForAmberHeard, #WeAreWithYouAmberHeard, #IStandWithAmberHeard, #JohnnyDeppIsAWifeBeater, and #JohnnyDeppIsAnAbuser. Specifically, the number of uses of those hashtags between the same dates were 140,288.

There were very few negative tweets towards Ms. Heard and/or Mr. Depp between December 18, 2018 and March 1, 2019.

Mr. Schnell is expected to testify regarding the use of the particular hashtag, #AmberTurd, and the sudden increase in the use of this hashtag on or around August 16 and August 17, 2018.

Mr. Schnell is expected to testify about his analysis of negative replies to a particular marketing tweet promoting Aquaman 2. The tweet he analyzed was by the Twitter user @CultureCrave, and was tweeted on October 16, 2021 at 1:24pm shown below:

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Amber Heard filming #Aquaman2 🦶



1:24 PM · Oct 16, 2021 · Twitter Web App

Mr. Schnell analyzed the replies and quote tweets to this particular tweet from 1:24pm until midnight on that same night, finding mentions of #JusticeForJohnnyDepp, “abuser”, #WeJustDontLikeYouAmber, and #AmberTurd, and mentions of “boycott.”

Mr. Schnell is expected to rely on data and a graph that shows the use of all of the hashtags referenced in this designation, a copy of which is attached herein as Att. 4. Mr. Schnell is further expected to testify that the number of mentions of the hashtags and negative posts relating to Amber Heard, the number of such posts per user, the number of users creating such posts, the timing of such posts, and the frequency of such posts are consistent with manipulation and a coordinated effort.

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Expertise and Qualifications

Ms. Arnold's C.V. is attached as **Att. 5**. She is an award-winning film producer and executive with over twenty years of experience in film production, acquisition, distribution, international sales, and film financing. Ms. Arnold has extensive experience in script development, screenwriting, casting, packaging, contract negotiation, production, sales, distribution and chain of title. She has worked with talent agents, producers, studio and distribution executives, investors, and lawyers in the development, production, financing and distribution of feature film projects, television, and online programming. Ms. Arnold has produced and/or executive produced six feature films, been involved in the development and production of dozens of feature film and television projects, produced a live streaming web series, and directed a documentary film on the iconic band Earth Wind & Fire.

From 1988–1991, she served as an executive at Guber-Peters Entertainment (the company that produced *Rainman*, *Batman*,) based at Warner Brothers Entertainment. From 1991–1996, she served as an executive and head of development for Secondary Modern Motion Pictures based at Universal Studios, and then from 1996–1999 as Head of Production and Development at the independent production company Cineville, LLC. Finally, prior to starting her own entertainment consulting company, she served as head of development and production for Monte Cristo Entertainment from 2000–2008.

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Since 2008, Ms. Arnold has provided consultant services to attorneys, financiers, investors, production companies, international sales organizations, and film commissions in all areas related to entertainment industry standards and practices.

In addition to her consulting services, she has served as an expert witness and consultant on cases involving entertainment industry standards and practices, loss of wages, earning capacity, economic and reputational damage analysis, intellectual property rights, copyright issues, chain of title, hiring probabilities, defamation, estate claims, financial forecasting, new media, licensing, contracts, and business practices. Her clients have been both plaintiffs and defendants and have included the OWN Network, Merrill Lynch, Innovative Artists, Hoffman La Roche, the John C. Steinbeck Estate, actors, writers, producers and production companies. She has been qualified and testified as an expert witness in the following courts: Superior Court of California, County of Los Angeles; United States District Court, Los Angeles County; United States District Court, Central District of California; High Court of Justice, Queens Bench Division, Bristol District Registry, England; Circuit Court for the 13th Judicial Circuit in and For Hillsborough County Fl., Civil Division; US District Court Southern District of Texas Houston Division; US District Court, North San Diego County; United States International Trade Commission; testified in US State and Federal courts, as well as at arbitration.

Ms. Arnold has also presented an online video course for attorney continuing education for Attorney Credits Online, as well as published a text entitled The Entertainment Industry — Points to Consider When Evaluating a Case June 22, 2009. Additionally, she has written a series of entertainment industry-related articles and served as an entertainment media consultant to Bloomberg News, MSNBC, CCTV, NPR, and Associated Press International, among others.

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Summary of Engagement for Counterclaims

Ms. Arnold has been asked to offer her expert opinion and assess the reputational harm and economic opportunities lost by Ms. Heard as a result of the defamatory statements described in Paragraphs 45-47 of Ms. Heard's Counterclaim and Exhibits F-H attached to the Counterclaims ("the defamation" or "the defamatory statements"). Specifically, Ms. Arnold will testify as to the economic consequences on Amber Heard as a result of the following statements ("defamatory statements") included in the Counterclaim, at Paragraphs 45-47:

45. Depp, through Waldman, continued to claim that Ms. Heard was committing perjury to the Daily Mail, when he stated on April 8, 2020 that "Amber Heard and her friends in the media use fake sexual violence allegations as both a sword and shield, depending on their needs. They have selected some of her sexual violence hoax 'facts' as the sword, inflicting them on the public and Mr. Depp." Exhibit F.

46. Then on April 27, 2020, Depp, through Waldman, again told the Daily Mail that "Quite simply this was an ambush, a hoax. They set Mr. Depp up by calling the cops but the first attempt didn't do the trick. The officers came to the penthouses, thoroughly searched and interviewed, and left after seeing no damage to face or property. So Amber and her friends spilled a little wine and roughed the place up, got their stories straight under the direction of a lawyer and publicist, and then placed a second call to 911." Exhibit G.

47. On June, 24, 2020, Depp, through Waldman, falsely accused Ms. Heard in the Daily Mail of committing an "abuse hoax" against Depp. Exhibit H.

Sources Consulted

In conjunction with the rendering of her opinion in this litigation, Ms. Arnold has reviewed pleadings, discovery, documents provided in discovery by both parties, trial and deposition testimony, has spoken with Ms. Heard and her publicist and management team, has conducted research, and has relied on her extensive experience and resources in the entertainment industry.

Ms. Arnold has also consulted with Ron Schnell, a forensic expert in computer and social media data, also identified in this Designation. Mr. Schnell has reported to Ms. Arnold that there

are over a million negative posts relating to Amber Heard from April 8, 2020 through the present. Ms. Heard has been the subject of over 1,243,705 negative tweets and posts arising after the defamatory statements, from the beginning of April 2020 until the end of January 2021, including one or more of the tags #JusticeForJohnnyDepp, #AmberHeardIsAnAbuser, #AmberTurd, or #WeJustDontLikeYouAmber. Some of them are overlapping. The total number of distinct tweets that fall into that category is 1,019,433. Mr. Schnell has identified these tweet patterns as an orchestrated “bot” campaign by Depp and his representatives that is triggered by statements in the press by or about Ms. Heard. The bot campaign was specifically used to generate signatories to a “Remove Amber Heard from Aquaman 2” petition.⁴

As Ms. Arnold will testify, this is significant because the entertainment industry relies heavily on the reputation of actors in social media and frequently will run searches on any actors being considered for any role. Likewise, entities considering actors for commercial opportunities place substantial importance on the actor’s reputation in social media in determining the actor to best promote their products and services. The defamatory statements, widely disseminated by the bot campaign, have made it nearly impossible for Ms. Heard to promote herself for personal appearances, speaking engagements and industry events as normal circumstances would permit. The inability for Ms. Heard to promote herself as an actor has further exacerbated her economic damages.

Summary of Ms. Arnold’s Opinions

Ms. Arnold will testify that film studios and production companies evaluate the reputation of an actor in the public sphere when determining whether to offer an actor a role, and

⁴ Robert Lio, *How Social Bots Created an Anti-Amber Heard & Aquaman Campaign*, Medium.Com, Feb. 17, 2021, available at <https://medium.com/@aquaman-bots/how-social-bot;-created-an-anti-amber-heard-aquaman-campaign-e68e16637d3a>.

on what terms to hire that actor. Similarly, Ms. Arnold will testify that companies looking to market products evaluate an actor's reputation in the public sphere to determine whether, and on what terms, to hire an actor to promote such products in advertising. Ms. Arnold will testify to the importance of actor's reputation in the entertainment industry, and the negative impact on Ms. Heard's reputation and the opportunities she may receive when she is accused of the conduct described in Paragraphs 45-47 of the Counterclaim and Exhibits F-H.

Because of the defamatory statements, Ms. Arnold is expected to testify that Ms. Heard incurred reputational damages and economic loss. Ms. Arnold is expected to testify that a reasonable way in the entertainment and commercial industry to calculate the reputational and economic damages suffered by Ms. Heard is to measure against reasonable comparators in the industry. Based on such comparisons, Ms. Arnold is expected to testify that Ms. Heard's economic losses as a result of the defamatory statements over a 5-year period range from \$47 million to \$50 million. Ms. Arnold will also testify that, based on her experience in the entertainment industry, it is difficult to repair an actor's reputation, especially where there has been so much negative reaction in the social media since the defamatory statements, they are not erasable, and it may take many years to repair and/or restore Ms. Heard's reputation.

Ms. Heard's Career was Flourishing Before the Defamation

Ms. Arnold's bases for her opinions includes her review of Ms. Heard's career as a working actress. Ms. Heard has been a working actress in film and television for over 15 years with over 50 productions to her credit. Ms. Heard received critical and box office acclaim in movies such as THE DANISH GIRL released in 2015 and most notably her starring roles in JUSTICE LEAGUE (2017) and AQUAMAN (2018) alongside Jason Momoa. Throughout this period, Ms. Heard was able to power through and overcome the negative publicity she received

surrounding her divorce from Mr. Depp in 2016.

Ms. Arnold will also testify as to Ms. Heard's press opportunities before the defamation. Ms. Heard's performances in DANISH GIRL and AQUAMAN created tremendous awareness and momentum throughout the world. Ms. Heard was traveling around the world for press events and was on the cover of a variety of global magazines. Examples include:

After the DANISH GIRL:

- November 2015 – California Style cover story
- December 2015 – Marie Claire cover story
- December 2015 – Elle cover story

After JUSTICE LEAGUE

- December 2017 GQ Australia Collector's Edition Story as "Woman of the year"

After AQUAMAN

- December 2018 – Marie Claire UK cover story
- December 2018 – Shape cover story
- December 2018 – Glamour Mexico cover story (Considered a "role model of the world")
- December 2018 – In Style Russia cover story
- December 2018 – Porter The Edit
- January 2019 – Glamour US cover story

**Ms. Heard's Reputation and Career Suffered
Significant Negative Impact After the Defamation**

Ms. Arnold will testify that Ms. Heard's career gains were severely damaged if not destroyed by the defamatory statements, beginning in April 2020 and continuing through the present. Outside of the AQUAMAN franchise, Ms. Heard has obtained only one role since the release of AQUAMAN in 2018, and it was obtained prior to the defamatory statements.

Ms. Arnold is expected to testify that as a result of Depp's defamatory statements, on February 22, 2021, Ms. Heard was "released" from her AQUAMAN THE LOST KINGDOM

("AQUAMAN 2") contract. Ms. Heard was ultimately "re-hired" on the movie, but she was unable to re-negotiate her deal to include a salary increase and bonuses because the effort was focused, necessarily, on keeping her in the film. Ms. Arnold will further testify based on her industry knowledge and experience, such renegotiation is customary in the industry when a film is as successful as AQUAMAN—over \$2 billion in box office to date. Typically, after an actor's successful film in a franchise, an actor will renegotiate a 50% to 100% increase in her salary.

Ms. Heard's breakout role was in JUSTICE LEAGUE (2017) which led to roles in the ancillary films, including, AQUAMAN, ZACK SNYDER'S JUSTICE LEAGUE and AQUAMAN 2. Ms. Heard's contractual salary in AQUAMAN was \$4M. Ms. Arnold will testify that under normal circumstances, Ms. Heard's salary could be renegotiated to between \$6 and \$8 million. This represents a loss of \$2-4 million on this one film alone. Jason Momoa, an actor with equivalent franchise experience, was able to renegotiate his salary and bonuses for a significant increase, while Ms. Heard was not.

In addition, Ms. Arnold will testify that but for Mr. Depp's statements, Ms. Heard's role in the AQUAMAN 2 would have been far more prominent. As written in the original script, which Heard read early on, her role in the sequel was quite extensive. As in the first AQUAMAN, the sequel was to portray Ms. Heard as the co-lead with Momoa, which included a strong romantic arc, as well as an extensive action sequence in Act III, where she played both her character and the arch enemy/clone of her character that battles with Momoa. When Heard was finally re-hired, her part was rewritten and marginalized to a minimal role. Heard had trained 5 hours a day, 5 days a week with a trainer from May 2021 – October 2021 (six months) to get ready for the battle sequence in which she would no longer be participating.

Ms. Arnold is also expected to testify that due to Mr. Depp's defamatory statements

Warner Brothers also did not include Ms. Heard in the promotion for DC Fandome in October 2021, including posters, promotions, and release events where every other main character was presented, which has exacerbated the damage. An example is below:



The current trailers and promotional videos for AQUAMAN 2 released in October and December 2021 barely include her, if at all. Warner Brothers has cited the press concerns, in other words, the defamatory statements as the cause for her absence. Being absent from the promotional material is a significant setback for Heard, and her public awareness campaign, which is integral to keeping her career alive.

Moreover, in contrast to before the defamatory statements, where Ms. Heard was actively involved in publicity campaigns for every project she was involved in, Ms. Heard starred in the TV series "The Stand," but, after the defamatory statements, Ms. Heard has not been involved in any press activity surrounding the project due to the negative social media blowback she faces. Even though "The Stand" is based on a Stephen King novel, and all the other lead actors

participated in the publicity campaign, which Ms. Arnold will testify should have garnered tremendous interest for her as well. LA Style magazine, which wrote a piece on the series, was planning to place Ms. Heard on the cover. After the defamatory statements came out, her cover story was pulled. In fact, since the defamatory statements have been released, Ms. Heard's world has been virtually silent — she has received zero press requests. Also due to Depp's defamatory statements Ms. Heard has fewer requests to assist charitable organizations with raising awareness for various causes she is passionate about. She has recently been turned down for many philanthropic opportunities including a campaign to assist Syrian Refugees.

Ms. Heard's endorsements opportunities have also nearly come to a standstill. In April of 2018, between the release of JUSTICE LEAGUE and AQUAMAN, Ms. Heard signed an endorsement deal with L'Oreal for \$1.5 million for a period of two years, with the option to renew for an additional year. Although L'Oreal had the right to utilize Ms. Heard's services for 20 days, it has only utilized Ms. Heard for a few days since the contract was signed. L'Oreal has received significant push back and negative commentary on social media from their community, driven by Depp's defamatory statements, with social media users stating that they won't use L'Oreal product if Heard is the L'Oreal spokesperson. It is essentially impossible for the company to utilize her in any of their marketing campaigns. As a result, Ms. Heard was unable to renegotiate a new contract, which is standard, (See "Talent Agreement with L'Oreal USA, P.7(b)). Instead, L'Oreal extended, on the same terms, but has put her on "unpaid" probation until May 2022.

Ms. Arnold is expected to testify that Ms. Heard has not been hired for any other endorsement deals.

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Comparable Actors to Ms. Heard Have Received Many More Projects than Ms. Heard

Ms. Arnold reviewed Ms. Heard's career trajectory to that of comparable actors during similar time frames. Actors in similar age ranges and acting styles, who broke out around the same time as Ms. Heard, have watched their careers sky-rocket, while the damage to Ms. Heard's reputation has effectively stalled her career. Ms. Arnold will testify to the following comparators:

Jason Momoa, Ms. Heard's co-star in AQUAMAN, has worked outside of the franchise and earned significant dollars:

- SEE / Apple+ TV series
- DUNE / feature film with \$165M budget
- SWEET GIRL (Netflix for which he is acting and producing)
- SATURDAY NIGHT LIVE (excellent publicity event)
- THE SIMPSONS (a relevant social marker in today's zeitgeist)

Gal Gadot, starred in WONDERWOMAN, a female superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- DEATH ON THE NILE / (\$55M budget for Fox)
- RED NOTICE / (\$160M budget for Netflix)
- HEDY LAMARR / Limited series for Apple+, Gadot also Ex. Prod.
- THE SIMPSONS / Voiceover for hit TV show

Zendaya, SPIDERMAN, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- EUPHORIA on HBO Emmy — Best Actress in a Drama
- THE GREATEST SHOWMAN w/Hugh Jackman (\$84M budget for Fox)
- DUNE – (\$165M Budget) alongside Jason Momoa
- MALCOM & MARIE –\$30M sale to Netflix, owns a piece of the film
- Several animated films

Ana De Armas, **BLADE RUNNER 2049**, an actress in a superhero movie like Ms. Heard, but unlike Ms. Heard, has worked outside of the franchise and earned significant dollars:

- **KNIVES OUT** (\$40M budget for Lionsgate)
- **DEEP WATER** (Adriane Lynne directing with a \$49M budget)
- **NO TIME TO DIE** (the new James Bond film with a budget of \$250M)
- **BLONDE** (\$41M budget)
- **THE GRAY MAN** (\$250M budget for Netflix)

Chris Pine, **STAR TREK BEYOND** and **WONDER WOMAN**:

- **WRINKLE IN TIME** (\$103M budget for Disney)
- **OUTLAW KING** (\$120M budget for Netflix)
- **SPIDERMAN INTO THE SPIDER VERSE** (\$90M budget for Sony)
- **WONDERWOMAN 1984** (\$200M budget for WB)
- **VIOLENCE OF ACTION**
- **DON'T WORRY DARLING** (\$20M for New Line)
- **ALL THE OLD KNIVES** (Amazon)

In contrast to these comparables, Ms. Heard has obtained only one project outside of the franchise since 2018 (and prior to the April 2020 statements), and Ms. Arnold will testify that it would be expected that without the defamation and subsequent harm to her reputation, Ms. Heard would have been as active as any one of these actors.

In addition, Ms. Arnold examined these comparables to Ms. Heard in terms of endorsements. Ms. Heard only has had the limited endorsement with L'Oreal. By contrast, the actors listed in the "comparables" section above have entered into multiple endorsement contracts since their break-out hits:

Jason Momoa, Heard's co-star in **AQUAMAN**:

- **Rocket Mortgage** – Super bowl campaign
- **Harley Davidson**
- **Mananalu Water**

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- So Ill climbing gear
- + several offers that have been passed on.
- 3-5 appearance engagements at \$250,000 each

Gal Gadot, WONDER WOMAN:

- Revlon
- Smart Water
- Huawei
- Reebok
- Tiffanys
- ASUS
- Wix
- Boss Zhphn (China only)
- Bolan (China only)
- Hot TV provider (Israel only)
- + offers that have been passed on

Zendaya, SPIDERMAN:

- Lancôme beauty and fragrance
- Tommy Hilfiger fashion collaboration
- Bvlgari jewelry
- Dolce & Gabbana Spring / Summer fashion campaign
- Covergirl⁵

Calculation of Ms. Heard's Damages

Based on Ms. Arnold's review of the materials, knowledge and experience in the film and media industry, she is expected to testify to a reasonable degree of certainty that the defamatory statements have directly caused Ms. Heard to lose acting opportunities, such as a more prominent role in

⁵ This endorsement came out the year before SPIDER-MAN's release, but after the studio announced she was part of the film. Ms. Arnold is expected to testify that many brands will lock in talent upon hearing they have been cast as part of a large film franchise, so the brand can take advantage and piggy-back off the marketing and publicity of the film. In fact, L'Oreal did this with Ms. Heard – they signed her May 2018 and AQUAMAN was released December 2018.

AQUAMAN 2 and a higher salary for the film, and other film and television projects. In order to assess the economic damages the defamation caused to Ms. Heard, Ms. Arnold calculated the money ranges Ms. Heard's comparables have been receiving over the same or similar time period. Based on her review of the materials described above and her knowledge, experience and sources within the industry, Ms. Arnold is expected to testify it is reasonable that but for the defamation, Ms. Heard would have realized as part of her career, during the past 18 months and the next three to five years, the following:

- A renegotiated salary for AQUAMAN 2, earning her an additional \$2-4 million for the film;
- A streaming TV series, earning her at least \$1 million per episode for 8 episodes;
- Starring in several feature films, earning at least \$5 million plus residuals and back end per project;
- Landing several endorsement deals, earning her several million dollars;
- Producing and starring in a movie, earning approximately \$12 million.

Ms. Arnold is also expected to testify that as Ms. Heard performed in more projects, her earning power would have grown exponentially, allowing her to negotiate for even more money per film. In total, Ms. Arnold estimates, based on the above, and specifically considering the comparables, Ms. Heard's economic damages for lost career opportunities range between \$47 and \$50 million.

All of Ms. Arnold's opinions are within a reasonable degree of professional certainty. Ms. Arnold may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider and supplement her opinions based on further discovery and documentation or facts which become available to her.

Summary of Engagement of Mr. Depp's Claims

Ms. Arnold has been asked to offer her expert opinion to analyze John C. Depp II's ("Plaintiff") alleged damages and lost earning capacity due to an Op-Ed piece written by Amber

Laura Hard ("Defendant") in the Washington Post distributed online on December 18, 2018 and in print on December 19, 2018 ("Op-Ed"). In her analysis she examined Defendant's reputational damages and loss of earning capacity, if any, due to the Op Ed his career trajectory pre and post Op-Ed; the impact of any negative media publicity and negative social media reaction from the industry and fans during Plaintiff's overall career leading up to and after the Op-Ed; and loss of career momentum if any post Op-Ed.

Summary of Ms. Arnold's Opinions

Ms. Arnold will testify that Plaintiff did not incur economic or reputational damages as a result of to the publication of the Op-Ed. Similarly, Ms. Arnold will testify that Plaintiff was not fired (taken out of consideration lead role of future installments of the) from the *Pirates of the Caribbean* franchise, nor the *Fantastic Beasts* franchise, as a result of the publication of the Op Ed. Instead, it is Ms. Arnold's opinion that Plaintiff's erratic behavior, including drug and alcohol abuse, over a period of time, his lawsuits and particularly the lawsuit Plaintiff brought against "The Sun" and its Editor in Chief in England, and the resulting Judgment against him in that litigation, and lack of professional conduct on the sets of movies such as *Mortdecai*, *Murder on the Orient Express*, and several of the *Pirates of the Caribbean* movies led to any reputational or economic damage he may have incurred. Ms. Arnold will testify that production overages on *Pirates of the Caribbean: Dead Men Tell no Tales*, the poor box office performance of that film, and story fatigue in the franchise, were predominant factors in Disney letting Plaintiff go from the film franchise. Furthermore, there is no evidence the Op-Ed played any role in Disney's decision not to pursue Plaintiff for a lead role in the sixth *Pirates of the Caribbean* or any other future installments.

Overview of the Case

Plaintiff is a well-known movie star with a long-standing career in movies and television, including leading roles in EDWARD SCISSORHANDS, DONNIE BRASCO and most notably as "Jack Sparrow" in the PIRATES OF THE CARIBBEAN series. Plaintiff is claiming damages of \$50 million dollars due to defamation of character and negative publicity he allegedly received after the publication of an Op-Ed piece that Defendant wrote on the subject of being a victim of domestic abuse for the *Washington Post* distributed online on December 18, 2018 and in print on December 19, 2018. Plaintiff claims that, although he is never mentioned by name in the piece, the article implied he was the perpetrator of the abuse, and that he has therefore allegedly lost acting roles, endorsement contracts and consequently his future earnings capacity has been diminished due to this publication.

The Op-Ed has never been cited in any of the publications discussing Plaintiff as the reasons for his declining reputation, or loss of popularity and any roles.

In fact, Plaintiff continued to work in movies, appear in product endorsements and press engagements, well into 2020. It wasn't until the press surrounding Depp's trial in the United Kingdom against the Daily Sun and the subsequent loss of that trial, and his consistent prior behavior on film sets and press engagements, that he lost out on opportunities and was fired from a major studio film. It is Ms. Arnold's opinion that Plaintiff's career had begun a downward trajectory as early as 2010, and any slow-down in his career trajectory or reputational or economic damage he has incurred during any period, was due to his own actions and the press surrounding his various lawsuits, rather than a single Op-Ed piece in the *Washington Post*.

Mr. Depp's Roles post-Op Ed

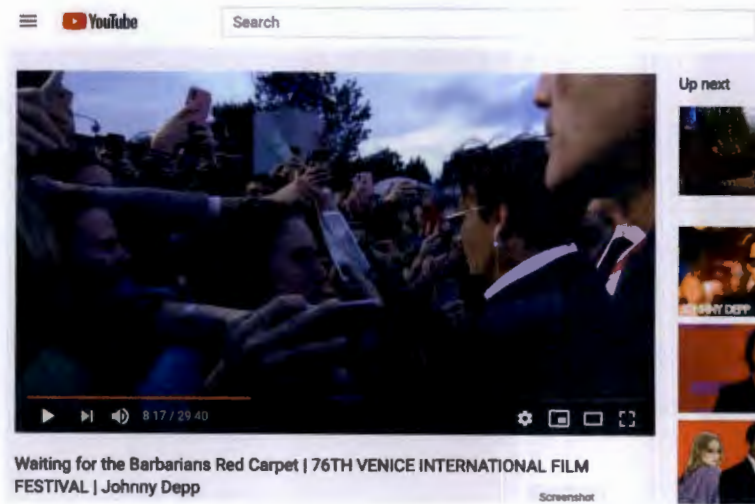
Ms. Arnold will testify that Plaintiff's career did not slow down due to the Op-Ed in 2018. Plaintiff starred in the film MINAMATA, which was filmed in January and February of 2019.⁶ Industry trade magazine *Variety* published an update on the film's production and release dates, without a single mention of the Op-Ed, nor any news surrounding the matter. The article noted that Plaintiff was starring in the lead role and has a producing and production credit on the film. MINAMATA's sales agent was quite optimistic about the film's prospects:

This uplifting, emotional story will be a definitive illustration of triumph over adversity," said Janina Vilsmaier, sales manager at Hanway. "We are excited to be able to share some exclusive updates with distributors we are meeting at [FilMart](#) in Hong Kong."⁷

Plaintiff did not shy away from the limelight or publicity tours after the Op-Ed, and the fans and press seemed to continue to be drawn to him. He was invited to major film festivals to promote his most recent work WAITING FOR THE BARBARIANS. He participated in extensive promotional work for at the Venice Film Festival September 6, 2019 and at the Deauville American Film Festival on September 8, 2019. Here he is seen signing autographs for screaming fans crowding him on the red carpet at Venice.

⁶ pro.imdb.com/title/tt9179096/details.

⁷ **FilMart: Johnny Depp to Reveal U.S. Photographer's Japanese Redemption in 'Minamata' by Patrick Frater, Variety.com March 19, 2019.**



More photos above from Deauville at a press conference and below on various days during the week of September 8-13, 2019.

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Up until November 2020, Plaintiff was scheduled to star in the film “Fantastic Beasts: The Secrets of Dumbledore” for Warner brothers, and even began filming the movie, which started production on November 4, 2020. It wasn’t until three days after the UK High Court issued its decision against Depp in his trial against “The Sun” was announced on November 2, 2020⁸ that he was let go of the film (November 5, 2020). The Hollywood Reporter announced on November 6, 2020: “Johnny Depp Forced Out of ‘Fantastic Beasts’ Franchise, Warner Bros. to Recast.”⁹ In fact, Mr. Depp’s longtime publicist Robin Baum testified that Mr. Depp was fired from “Fantastic Beasts” as a result of the Judgment. (Deposition of Robin Baum 105:7-14).

Ms. Arnold will testify that now that some of the press regarding the UK Trial has subsided, Plaintiff is regaining some traction in his career. On January of 2022 it was announced

⁸ “Johnny Depp loses libel case over Sun ‘wife beater’ claim”, BBC, November 2, 2020 by Ian Youngs.

⁹ “Johnny Depp Forced Out of ‘Fantastic Beasts’ Franchise, Warner Bros. to Recast”⁹, The Hollywood Reporter, November 6, 2020 by Mia Galuppo.

that Depp will star in a new French film about Louis XV, which will start shooting in the summer of 2022 according to Variety magazine.

Johnny Depp will star as French king Louis XV in the next film directed by French helmer Maiwenn ("Polisse," "Mon Roi") whose shoot will begin this summer, Variety has confirmed.¹⁰

That same article, published on January 21, 2022, went on to discuss Depp's popularity in Europe.

Although he's fallen from Hollywood's good graces since the accusations and his libel case against U.K. tabloid The Sun, Depp hasn't faced much backlash in Europe. He recently received honorary awards at the Karlovy Vary Festival and San Sebastian Film Festival. Depp was also celebrated at the Deauville American Film Festival, in the French Normandy, in 2020, and received an award from the hands of Catherine Deneuve.

Mr. Depp's Endorsements Post Op-Ed

Plaintiff continued with his endorsement work as is evidenced by images from the Dior campaign that was released in the summer of 2019. According to a November 27, 2020 article in The Guardian, Plaintiff was hired by the Christian Dior men's fragrance for a contract worth between \$3 and \$5 million. Below is an image from the campaign:

¹⁰ "Depp to Star as French King Louis XV in Maiwenn's Next Film" Variety, January 21, 2022 by Elsa Keslassy.



— Johnny Depp is the face of Dior's latest campaign for its cologne Sauvage. *Dior*

The Op-Ed did not cause Dior to release Depp from his contract.

Mr. Depp's Career Downturn

The above notwithstanding, Plaintiff attributing a career downfall and economic loss due to the Op-Ed, by the creation of a false narrative, is unreasonable and is not taking into account his erratic and unhealthy behavior over the past 12 years. Ms. Arnold is expected to testify that Plaintiff's destructive conduct, drug and alcohol abuse and disruption of film production – costing the studios millions of dollars – has been well documented by the press, studio and production executives in the industry, as well as his own agent.

Tracey Jacobs, a partner at United Talent Agency, and one of the industry's most acclaimed talent agents, represented Mr. Depp for over 25 years – from approximately 1990 to 2016, when she was fired by Plaintiff. She took notice of Mr. Depp when he starred in the popular television series “Jump Street 21” and worked diligently to develop him into one of the most popular and successful movie stars of his generation. That said, according to Ms. Jacobs, who had a day to day relationship with Mr. Depp and those who hired him, Plaintiff's

relationship to the industry and his ability to maintain his star status began to diminish around 2010.

According to deposition testimony, Ms. Jacobs stated the following:

Q. Was Mr. Depp a difficult client to represent?

A. He wasn't initially. It became far more complicated in the last ten years of representing him.

Q. And how...

A. His unprofessional behavior.

Q. What do you mean by Mr. Depp's unprofessional behavior in the last ten years of your representation

A. Showing up late to set consistently on virtually every movie. I would get yelled at. (See Deposition of Tracey Jacobs: Depp v. Heard, January 28, 2021, p.31:9-19; p.32:1-5)

In deposition testimony relating to another lawsuit Mr. Depp filed against his former business manager, Ms. Jacobs testified as follows:

Q. And I think you testified previously that starting in or around 2010, you had more and more difficulty getting jobs for him, or you know, movies for him, because word was out that he was difficult, things of that nature. Did the drug use figure into those concerns as well?

A. Yes (See Tracey Jacobs Deposition - Depp. V. Mandel, May 30, 2018: p.127: 6-15)

Q. And what types of difficulties did that cause for Mr. Depp?

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A. Well, initially crews loved him because he was always so great with the crew, but crews don't love sitting around for hours and hours and hours waiting for the star of the movie to show up. And it also got around town. I mean, people talk, it's a small community. And it made people reluctant to use him towards the end. (Ms. Jacobs was fired by Depp in June 2016.) (See Tracey Jacobs Deposition - Depp. V. Mandel, May 30, 2018: p. 32:15-22 - p. 33:1)

In deposition testimony relating to another lawsuit Depp filed against his former lawyer, Jacobs testified as follows:

Every single movie. I would get calls on "Mordechai" which I believe was 2014, where I would get calls from Lionsgate. I would get calls from Gwyneth Paltrow because he just wouldn't show up. And that was a movie not only was he starring in, but he was producing it. Then he didn't show up to his press conference in Japan because he was sleeping.... (See Tracey Jacob Deposition Depp v. Bloom, May 13, 2019: p. 127:3-9)

According to deposition testimony from Ms. Jacobs regarding Mr. Depp's request in 2015 to get a film role with a \$25 million fee to help him pay off debts, she had this to say:

Q. Why did you think it was unrealistic to try to secure \$25 million dollars in deals by the end of the year?

A. Because it was August. Movies like the kind of prices where he was getting, 20 plus million dollars to perform in movies at that time were not just falling off of trees.

Q. And by that point in time, had Mr. Depp's value in the marketplace changed?

A. Yes

A. At that time he had already appeared drunken and stoned on stage, on television, in front of a live audience, giving an award to somebody. And I got calls from every studio head saying: "What the hell is wrong with your client?" He would show up hours late and people didn't want to deal with his lateness, his not showing up. No-one knew how he would show up and it became a serious problem. I mean very serious. (See Tracey Jacobs Deposition Depp v. Bloom, May 13, 2019, p.125:17-23 and p.126 2-4 and 13-19.)

Mr. Depp's request for a \$25 million loan/advance from UTA came after several incidents of poor behavior on the set of PIRATES OF THE CARIBBEAN: DEAD MEN TELL NO TALES ("Pirates 5"), which were documented in many press articles and confirmed by Ms. Jacobs.

A 'Pirates' staffer was reportedly tasked with following Depp's every move

THR also unearthed unflattering stories about Depp's work on the set of "Dead Men Tell No Tales" from production sources. Depp's lateness to the set of the movie on certain days reportedly led to hundreds of extras waiting hours for the star to show up, causing the movie's producer Jerry Bruckheimer and Disney production chief Sean Bailey to huddle to figure out how to shoot around him.¹¹ (2017)

In another portion of Ms. Jacob's deposition in the Depp v. Mandel matter, Ms. Jacobs testified about Plaintiff's poor behavior on *Pirates of the Caribbean: Dean Men Tell No Tales* ("Pirates 5"):

¹¹ "Johnny Depp reportedly drank heavily and was constantly late on the new 'Pirates' movie set" - Business Insider May 10, 2017 by Jason Guerrasio.

Q. Do you recall difficulties that Mr. Depp had during Pirates 5?

A. Yes

Q. What do you recall?

A. That some days he wouldn't show up at all. or he'd show up seven hours late.

Q. And how was that being expressed to you as a problem?

A. The head of Disney studios (Sean Bailey) called me to complain. (See deposition testimony of Tracey Jacobs, Depp v. Mandel p.33:12-21)

A. ...something to the effect of, this has to go stop. It's costing us a fortune. It's forcing overages. It's very expensive. It's unprofessional. (See deposition testimony of Tracey Jacobs, Depp v. Mandel p.34:9-12)

Ms. Jacobs made similar statements regarding Plaintiff's behavior on Pirates 5 in her testimony in the matter of Depp v. Bloom.

Q. And what eventually happened on the filming of P5? It obviously got done.

A. Well, they shut it down for over a week because he cut his finger off.

Q. And that shut down the whole production?

A. Yes

Q. And do you have any idea of what that would cost the studio, to shut a production of that size down for a week?

A. Millions and millions of dollars. (See deposition testimony of Tracey Jacobs, Depp v. Bloom p. 167:18-25 and 168:1-3)

Other industry professionals have criticized Mr. Depp, including an executive from his days working on the Pirates of the Caribbean franchise. Former Disney executive, Nina

Jacobson (President of the Walt Disney Motion Picture Group in 2005 and 2006), told the "Without Fail" podcast in 2018 she found Mr. Depp's performances "pretty out there."

She said "his performances in the dailies came back in haphazard quality, with a character that was drunken and fey." She continued on to say that the films worked in the end but she found the experience of working with Depp "scary".

"As an executive, you've got to watch the bottom line and it's scary."¹²

As Plaintiff's agent, Ms. Jacobs felt the brunt of trying to get work for her client after years of bad behavior. By 2016 it had really taken its toll on her ability to procure work for her client.

Q. In your experience -- again, for as many years as you've been a talent agent, when you have this kind of conduct, and related behavior, over and over, over period of years, what does that do to one's career?

A. It certainly doesn't help one's career progress in the right direction. It makes it more and more difficult to procure employment, to keep his price rate up and to give him the opportunities that I wanted him to have.

Q. And by the time that you, by the time that he terminated you, was it at a crisis point, in your mind?

A. Yes. (See deposition testimony of Tracey Jacobs, Depp v. Bloom p.169:9-25; 170:1-2)

In the year following his split from Ms. Heard, Mr. Depp's firing of Ms. Jacobs, his agent of three decades, was widely announced in the press.

¹² "Johnny Depp's lifelong love of drugs laid bare" -- New Zealand Herald, July 4, 2020 by Phoebe Loomes.

A Disney employee was quoted as saying Ms. Jacobs was “the only person who could ever rein him in.” The same article reported the following:

When careers start to go down the tubes, what do they do? They fire their agents,” one UTA agent said. “He bit the hand that fed him. It was a very big blow. Tracey got him. She understood the bad-boy thing.”¹³

Word about Mr. Depp’s behavior over the years was well-known and well-documented.

Shoots, interviews. He never hid his partying. But he finally hit the wall on *Murder on the Orient Express*. Right when rehearsals began, in 2017, he walked in late the first day and Ken Branagh, who directed, very calmly said: ‘That’s not the way I work. I don’t allow lateness. If you choose that behavior, you can leave the film. Right now. It’s fine.’” An unnamed executive from the Disney recently discussed the actor’s unprofessional behavior while shooting *Murder on the Orient Express*.¹⁴

Mr. Depp’s agent with Creative Artists Agency (“CAA”) after he left Ms. Jacobs at UTA, Christian Carino, even admitted in his depositions in this lawsuit that Mr. Depp’s lateness was well-known within the industry and thus far the industry had accommodated Mr. Depp’s tardiness.

Q. Were you aware of Mr. Depp engaging in alcohol and drug use, may be tardy, any of those issues during the filming of *Pirates 5*?

A. I’m aware of him being tardy, but he’s been tardy on everything in his entire life.

Q. Were you aware of whether that was troublesome to Disney during the filming of *Pirates 5*?

¹³ <https://www.insider.com/johnny-depp-career-could-be-over-after-losing-libel-suit-2020-12> “Insiders say Johnny Depp may never work in Hollywood again after losing ‘wife beater’ libel suit”, Business Insider, Dec. 29, 2020, by Merle Ginsberg.

¹⁴ <https://wegotthiscovered.com/movies/johnny-depps-lifestyle-started-affecting-work-murder-orient-express/> “Johnny Depp’s Habits Started Affecting His Work During Murder On The Orient Express”, We Got This Covered, Jan. 12, 2021, by Jonathan Wright.

A. I think it's troublesome to everybody, but everyone has learned how to produce a film to deal with it.

Q. Working around Mr. Depp?

A. Yes. (See Christian Carino Deposition Depp v. Heard, p. 164-5:22-12)

As Nina Jacobson and Ms. Jacobs confirmed, the entertainment industry is relatively small and tight knit. Word about poor behavior on and off set has a direct connection to one's hire ability. Film productions cost millions and often hundreds of millions of dollars and studios cannot take the risk of continuing to cast actors whose behavior can affect the bottom line. Ms. Arnold will testify that this is what happened to Plaintiff with regard to his role in the *Pirates of the Caribbean* franchise.

Mr. Depp's Loss of Pirates of the Caribbean 6

In his Complaint, Depp alleges that because of the Op-Ed, "The reaction to Ms. Heard's false and defamatory op-ed was swift and severe. Just two days after the op-ed appeared in the Washington Post's online edition, Disney publicly announced that Mr. Depp would no longer be a part of the *Pirates of the Caribbean* franchise. (See, Complaint, paragraph 73.)

As much as Plaintiff would like to place blame on the publication of the Op -Ed as the cause of Disney announcing that Depp would no longer be a part of the *Pirates* film franchise, Hollywood does not work that fast — particularly with multi-billion-dollar IPs such as *Pirates of the Caribbean*. Ms. Arnold will testify the problems with Plaintiff and the Disney franchise included the following:

- Multiple late arrivals on set over the course of several film shoots, that had the crew waiting for hours on end, costing overages;

- The loss of two weeks of production on *Pirates 5* due to Plaintiff's finger injury, costing overages;
- The last film in the franchise, *Pirates 5* underperformed compared to *Pirates 4*. *Pirates 4* earned \$1.5 billion at the worldwide box office, whereas *Pirates 5* earned \$795 million¹⁵;
- The Jack Sparrow character in the franchise has come to the end of its creative arc with the release of *Pirates 5*;

Ms. Arnold will testify the knowledge of his bad behavior was already well-established within the industry rank and file and had been well-documented by the press and his own talent agent. As far back as 2017, the discussion of Mr. Depp's waning career was making headlines. The Hollywood Reporter article on May 27, 2017, after the poor performance of "*Dead Men Tell No Tales*" was titled "Pirates of the Caribbean: The Diminishing Returns of Johnny Depp."

The article continued on to say that although there has been a tremendous amount of press surrounding sexual abuse allegations: "Depp's career has been stuck in a fallow period for a few years, and movie fans had begun to turn on him even before those allegations."

The 2017 article continued to say that, "Mr. Depp's last well-received film, either critically or financially, was *Rango*, back in 2011, though the new *Pirates* was tipped to be a commercial if not critical, hit. Since then, Mr. Depp has appeared in a slew of films that were either ignored, derided or worse."¹⁶

The news of Plaintiff's character, "Jack Sparrow's," actual demise first broke in a UK *Daily Mail* article published on October 25, 2018. This is notably two months prior to the Op-Ed's publication. The headline read:

¹⁵ Box Office Mojo searches for "Pirates of the Caribbean: On Stranger Tides" and "Pirates of the Caribbean: Dead Men Tell No Tales"

¹⁶ "Pirates of the Caribbean: The Diminishing Returns of Johnny Depp", The Hollywood Reporter, May 27, 2017 by Josh Spiegel.

“Hide the Rum! Johnny Depp is OUT as Jack Sparrow in Disney’s Pirates of the Caribbean film franchise as actor battles financial issues and personal dramas.”
‘Original Pirates script writer Stuart Beattie is the first to publicly confirm that the Disney Studios appears to be ditching the star.’¹⁷

The Hollywood Reporter then came out with the news in an article dated October 28,

2018:

Disney is in the midst of concocting a Pirates of the Caribbean reboot, but it will most likely be missing one very important ingredient. Original *Pirates of the Caribbean* screenwriter Stuart Beattie has strongly hinted that Johnny Depp will no longer be involved with the franchise.

It’s beginning to look like the Pirates of the Caribbean franchise will receive the reboot treatment. The studio is reportedly eyeing *Deadpool* writers Rhett Reese and Paul Wernick to take over the new project. With that being said, it looks like Johnny Depp would have been out either way.¹⁸

It followed up with a story on November 16, 2018:

It has been rumored that Disney is replacing Johnny Depp with a female actress in their Pirates of the Caribbean reboot. Paul Wernick and Rhett Reese are writing the new project, but a finished script has yet to be turned in. Depp has been in the news a lot lately with accusations of domestic abuse, violence on movie sets and general erratic behavior, which has more than likely made Disney take pause to reevaluate the Pirates of the Caribbean franchise.¹⁹

Disney’s head of production, Sean Bailey, confirmed the rumors in an article published in the “Independent” on December 22, 2018 from an interview with “The Hollywood Reporter”:

Johnny Depp’s tenure as Captain Jack Sparrow has officially come to an end, following a Disney executive’s confirmation that the actor will no longer be a part of the Pirates of the Caribbean franchise. The studio’s production chief, Sean Bailey, was speaking about the previously announced reboot – set to be written by *Deadpool*’s Paul Wernick and Rhett Reese – when he was asked whether the series could survive without Depp.

¹⁷ ‘Johnny Depp is OUT as Jack Sparrow in Disney’s Pirates of the Caribbean Franchise’, Daily Mail, October 25, 2018, by Ryan Parry and James Desborough.

¹⁸ “Johnny Depp Probably Won’t Return as Jack Sparrow in Pirates of the Caribbean Reboot” The Hollywood Reporter, October 28, 2018 by Kevin Burwick.

¹⁹ “Johnny Depp’s Jack Sparrow Character will be Replaced by Female Lead in Pirates Reboot?” The Hollywood Reporter, November 16, 2018, by Kevin Burwick.

Rather than deny the reports, Bailey told The Hollywood Reporter: "We want to bring in a new energy and vitality. I love the [Pirates] movies, but part of the reason Paul and Rhett are so interesting is that we want to give it a kick in the pants. And that's what I've tasked them with."

Ms. Arnold is expected to testify the reasons for Disney's decision do not include the Op-Ed, but do include the following:

- 1) The storyline and the character had gotten tired;
- 2) The last film in the franchise, "Dead Men Tell no Tales" had performed poorly at the box office;
- 3) Depp's lateness to set and leaving the production for two weeks cost millions of dollars in overages;
- 4) Depp's hefty price tag was a drain on the budget.

A Screen Rant article dated June 30, 2020 examined the trajectory to better understand Depp and his character's demise:

If *On Stranger Tides* demonstrates Jack isn't protagonist material, *Dead Men Tell No Tales* suggests Disney's run out of ideas for what to do with the character. The film's version of Jack is a thin caricature of the rascally pirate in the original *Pirates of the Caribbean* movie and his stale schtick drags everything down whenever he's on screen. Depp's performance is all the more tired for it and he seems to have lost the zest he once had for playing the trouble-making buccaneer. The actor's involvement has also caused problems for the franchise off- screen, with his every growing salary contributing to its ballooning budgets.

Dead Men Tell No Tales was not only the second lowest-grossing *Pirates* of the Caribbean film so far, both it and *On Stranger Tides* made less in the U.S. than *The Curse of the Black Pearl* (two other films in the Franchise), even without adjustments for inflation. It's no wonder Disney's taking steps to move on without him...²⁰

According to his agent Ms. Jacob's, she testified in her deposition in the matter of *Depp v. Mandel*, that as powerful a character as Jack Sparrow was in the *Pirates* franchise, no contract

²⁰ "Pirates of the Caribbean 6, Why Disney is Rebooting the Franchise", Screen Rant, June 30, 2020 by Sandy Schaefer.

or commitment on the part of Disney to hire Plaintiff on future installments, had ever been in place.

Q. And as you sit here today, can you recall anyone at Disney committing in any way that Johnny Depp would be in Pirates 6?

A. No. (See Tracey Jacobs Deposition Depp v. Mandel, p. 84:21-22 —p. 85:1-2)

According to Plaintiff's current agent, Jack Whigham, who had conversations with Sean Bailey at Disney and Jerry Bruckheimer, a producer of the *Pirates* films, about Mr. Depp's ability to continue on with the *Pirates* franchise:

Q. Did you ever have any conversations with Jerry Bruckheimer in 2018 about whether Disney was still considering having Mr. Depp in Pirates or was no longer considering him?

A. My memory of it was that Jerry was supportive of Johnny...my memory is that he thought it was an uphill battle with Disney. (See Jack Whigham Deposition Depp v. Heard, p. 45-6:16-11)

Additionally, as of the writing of this report, no start date for a Pirates 6 film has been announced.

Plaintiff's Own Actions have caused his demise

As stated above, Ms. Jacobs testified that as early as 2010 Plaintiff was creating problems in his personal life that were beginning to have an impact on his career. This had been acknowledged by his agent and has been well documented in the press over several years. By 2015, they were at a high point.

Q. And by that point in time, (August 2015) had Mr. Depp's value in the marketplace changed?

A. Yes

A. At that time he had already appeared drunken and stoned on stage, on television, in front of a live audience, giving an award to somebody. And I got calls from every studio head saying: "What the hell is wrong with your client?" He would show up hours late and people didn't want to deal with his lateness, his not showing up. No-one knew how he would show up and it became a serious problem. I mean very serious. (See Tracey Jacob's Deposition in *Depp v. Bloom*, p.126: 2-4 and 13-19.)

The Rolling Stones published a well-documented article in June of 2018 that recounted a myriad of issues and challenges Plaintiff had been facing in the years prior.

Over the past 18 months, there has been little but bad news for Depp. In addition to the financial woes, there were reports he couldn't remember his lines and had to have them fed to him through an earpiece. He had split from his longtime lawyer and agent. And he was alone. His tabloid-scarred divorce from actress Heard is complete, but not before there were persuasive allegations of physical abuse that Depp vehemently denies. Depp's inner circle had begged him to not wed Heard or to at least obtain a prenup. Depp ignored his loved ones' advice. And there were whispers that Depp's recreational drug and alcohol use were crippling him.

Depp seems oblivious to any personal complicity in his current predicament. Waldman seems to have convinced Depp that they are freedom fighters taking on the Hollywood machine rather than scavengers squabbling over the scraps of a fortune squandered.²¹

Plaintiff's current agent, Jack Whigham, testified that the article in Rolling Stone "was not positive for Johnny" in terms of his personal or professional reputation or career, and his publicist, Robin Baum, likewise said the article was not positive...." (See Jack Whigham Deposition *Depp v. Heard*, p. 110-1:10-3; Robin Baum Deposition *Depp v. Heard* pp. 84:2-85:5)

²¹ "The Trouble With Johnny Depp – Multimillion-dollar lawsuits, a haze of booze and hash, a marriage gone very wrong and a lifestyle he can't afford – inside the trials of Johnny Depp", Rolling Stones magazine, June 21, 2018 by Stephen Rodrick.

The *Gulf News* reported on November of 2018 in an article entitled “Is Johnny Depp’s career reaching its end?”

“As his PR liability rating creeps higher, we wonder why he’s still nabbing lucrative jobs.”

Plaintiff’s recent movies had not done as well at the box office as they had in the early 2000’s, and his erratic behavior had reached a crescendo.

To a critic who has spent the past eight years watching Depp floundering professionally, while his PR liability rating creeps even higher [reflecting on why he had been hired on *Fantastic Beasts*].

So what else has the present decade yielded? Half-formed vanity projects (*The Rum Diary*), wacky-goth diminishing returns (*Dark Shadows*, *Alice Through the Looking Glass*), glorified cameos (*Into the Woods*, *Lucky Them*), corny throwbacks (*The Tourist*) and outright abominations (*Mordecai*). There were also two notable box office bombs, *The Lone Ranger* and *Transcendence*, both heavily marketed on Depp’s involvement. Neither is as bad as you’ve heard, but with combined losses of around \$300 million, they suggest the public appetite for Depp is conditional on galleons and Jolly Rogers.²²

Ms. Arnold will testify that the myriad of lawsuits Depp has filed (“Depp v. The Sun”, “Depp v. Mandel”, “Depp v. Bloom”, “Depp v. Heard”) has kept his personal trials and tribulations in the limelight. In fact, Mr. Depp’s CAA agent, Christian Carino, testified in his deposition in this lawsuit on the negative implications of public spotlight on entertainment litigations. Mr. Carino said that “the sooner the litigation was over the better it was for Johnny’s career and well-being.”

Q. Why did you think that?

A. I think anytime somebody is in litigation publicly, it is at a minimum a distraction to that person’s career. And in a lot of cases...it negatively impacts

²² “Is Johnny Depp’s Career Reaching Its End, Hollywood,” *The Gulf News*, November 20, 2018 by Robbie Collin, London 2018.

that person because there's attention drawn to them that is outside of what people want to know about that person.

Q. And what do you mean by it distracts from their career?

A. I mean that – with somebody who is well known, people don't want to hear they're in a lawsuit with anybody about anything.

A. Because that's just not what they want to know or hear news about people.

A. Based on my experience in this world for the past 16 years.

Q. Do you also believe that that impacts career decisions by producers, directors, companies, brands, things of that nature?

A. Yes.

A. Because the general public doesn't want to hear that people that they look up to are in litigation. And when it – the more oxygen it takes up in the overall news or coverage of an individual, and the less focused it is on that person's career, the less interested studios, brands, the general public becomes in that person.

Q. And therefore less opportunities?

A. Yes.

Q. So any media coverage of the Bloom litigation or the Mandel litigation would be negative; correct?

A. In my opinion, yes.

Q. And that's based on your years as a talent agent in the industry?

A. Yes, and just being a human being. That's my opinion. (See Christian Carino Deposition Depp v. Heard, p. 39-42:19-5; p. 81:7-14)

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Ms. Arnold is expected to testify that Plaintiff's trial against *The Sun* is a perfect example of how the microscope has been brought down on the couples' divorce and claims of abuse and kept it in the limelight since the settlement in 2016-17.

In a Hollywood Reporter article in November 2019, Legal observers' question "why Waldman (Depp's longtime attorney and confidant) has advised Depp to bring suits against both Heard and Bloom, both of which only threaten to reignite Heard's domestic violence claims."²³

The Hollywood Reporter reported in November of 2020 on Warner Brother's decision to release Depp from his *Fantastic Beasts* role.

The studio's film chief Toby Emmerich had made the decision the previous day (day before Depp was removed from the shooting schedule,) to sever ties with the star who was reprising his role as dark wizard Gellert Grindelwald in the five-film franchise. The call was prompted by a U.K. judge dismissing Depp's defamation claims in a closely watched trial that pitted the actor against the publisher of *The Sun* after the British tabloid referred to Depp as a "wife-beater."

Sources tell The Hollywood Reporter that Warner wanted to allow due process to take its course before making a decision on the embattled star's future in the franchise. Once Judge Andrew Nicol ruled that he accepted Heard's testimony, which was detailed and painted a picture of Depp as an abuser, Emmerich's decision was a *fait accompli*, with the studio opting to recast the role less than midway through the franchise.²⁴

In a November 12, 2020 article, Insider.com wrote the following about Plaintiff's career:

Depp's career was on a downward trend before any allegations of domestic abuse

The "Pirates" films, thanks to Depp, were a jewel in Disney's box-office playbook; the five movies made a combined \$4.5 billion worldwide. But over the past few years, Depp has failed to reach similar box-office heights. New offerings such as "Transcendence," "The Lone Ranger," and "Dark Shadows" — directed by Burton, a longtime collaborator — tanked among critics and disappointed at the box office, signaling that the public had grown tired of his gothic shtick.

²³ "Johnny Depp's Lawyer Battle Drags in Elon Musk, Kevin Tsujihara" Hollywood Reporter, April 18, 2019 by Tatiana Siegel.

²⁴ "Behind Warner Bros.' Decision to Sever Ties With Johnny Depp", The Hollywood Reporter, November 9, 2020 by Tatiana Siegel.

Neama Rahmani, a former federal prosecutor, told Insider, "Depp should get out of the defamation-lawsuit business while he still has a fragment of a movie career..."

Stacy Jones, the CEO of "Hollywood Branded," a marketing and advertising agency, also stated in the article ... "that the only way forward for Depp would be to 'admit fault, accept responsibility,' and truly begin to reform. "At no point until then," she said, "will Depp's career have a fighting chance of survival."²⁵

In a January 12, 2021 article in Business Insider, it was reported that "Johnny Depp's Habits Started Affecting His Work During Murder on the Orient Express" (filmed in November 2016).

An unnamed executive from the Mouse House (Disney) recently discussed the actor's unprofessional behavior while shooting Murder on the Orient Express.

"Shoots, interviews. He never hid his partying. But he finally hit the wall on *Murder on the Orient Express*. Right when rehearsals began, in 2017, he walked in late the first day and Ken Branagh, who directed, very calmly said: 'That's not the way I work. I don't allow lateness. If you choose that behavior, you can leave the film. Right now. It's fine.' Johnny just said, 'I hear you sir, I won't do it again.' It humiliated him in front of the stars, as big as he was," the source revealed.

None of the above articles refer to the Op-Ed as the reason for career's downfall. Rather, each and every piece points the finger at Plaintiff's own erratic and often negative behavior, dating back as far as 2010 as the cause of his decline.

Plaintiff's Q Rating and What That Means for Plaintiff

Ms. Arnold will testify that the Q rating is a metric used in the entertainment industry to ascertain the viability of an actor's participation in a film — both with respect to the feasibility of an actor to enhance international sales for financing purposes, and for consumer awareness as it impacts the theatrical box office and ancillary sales.

²⁵ <https://www.insider.com/fantastic-beasts-johnny-depp-career-is-over> "'Fantastic Beasts' is just the start. Johnny Depp's career is over, experts say." November 12, 2020 by Zac Ntim.

IMDBpro is a resource utilized by the industry to understand an actor's position in the consumer zeitgeist vis a vis comparable actors in their category.

Ms. Arnold is expected to testify that in the past 5 years, Plaintiff's IMDB rating was the highest in May of 2017, around the release of Pirates 5. The score has radically risen and fallen over the years since that release from a high of 5 in May 2017, to a low of 233 as of this writing. One month after the release of Pirates 5 the rating was 103 in June of 2017, compared to 135 in April of 2018. In December of 2018, the period within which the Op-Ed was published, Plaintiff's IMDB rating was 119. This is within range of all the other "low" points in his career, and not as low as it currently is now, after the UK Judgment, and as the press surrounding the upcoming Virginia trial has surfaced again.

Additionally, Ms. Arnold will rely on the opinions as set forth in the Expert Designation of Mr. Alan Jacobs, an expert in finance, econometrics, and statistics, as follows:

- There is no evidence in the data that the Depp positive Q score is lower as a result of a 12/2018 event.
- There is no evidence in the data that the Depp negative Q score is higher as a result of a 12/2018 event.
- Even if the estimates of the effect of 12/2018 on Depp Negative Q scores were statistically significant, the actual estimates of the effect is negligible: an estimated higher negative Q score of only 0.7 points.
- There is no evidence in the data of any effect on Depp Q scores of a 12/2018 event.
- There are significant changes in Depp Q scores unrelated to the 5/2016 information event or the 12/2018 information event. There are likely other information events or other

factors which are driving the variation in Depp Q scores than the 5/2016 event or the 12/2018 event.

Mr. Jacob's opinions contained in the Expert Designation confirms the ratings on IMDB and Ms. Arnold's opinions, primarily that the demise in Plaintiff's career has nothing to do with the publication of the Op-Ed, and everything to do with his films' performances, his erratic behavior that includes multiple lawsuits and a highly publicized Judgment in the UK that Mr. Depp is in fact a "wife beater," and a general understanding within the industry that Plaintiff is a demonstrable financial risk.

Summary of Ms. Arnold's Opinions

Ms. Arnold is expected to testify that by 2015, Plaintiff had become one of the highest paid actors in the business, earning \$20,000,000 plus bonuses on the last Pirates film, and having earned over \$650,000,000 in fees over his career. Although his team was able to negotiate large sums of money for the actor, his career had been filled with erratic behavior, negative publicity about his overspending and drug and alcohol abuse, and a large number of box office flops in the last ten years.

The tremendous attention Plaintiff has brought onto himself with the filing of a multitude of lawsuits against *The Sun*, his lawyer, his manager and now Ms. Heard, have kept his bad conduct—on and off the set—and the allegations of domestic abuse in the limelight. The short life cycle of the Op-Ed piece only further supports this.

From the facts produced in this case, and Ms. Arnold's 20 plus years of experience, Ms. Arnold will testify that Plaintiff himself has caused his career to take a downfall and to make it difficult for studios to continue hiring him and paying him significant salaries, not the Op-Ed. All of Ms. Arnold's opinions are within a reasonable degree of professional certainty.

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Expertise and Qualifications

Dr. Spiegel's C.V. is attached as **Att. 6**. Dr. Spiegel is a Professor of Psychiatry and Behavioral Sciences at Eastern Virginia Medical School, which he joined in 2001 after almost a decade in private practice. Dr. Spiegel obtained his medical degree from SUNY-Health Science Center at Brooklyn, and then completed his psychiatry residency at Dartmouth-Hitchcock and Hershey-Penn State. Dr. Spiegel is a clinical supervisor for psychiatry residents and psychology interns and presents to community mental health professionals. Dr. Spiegel's inpatient and outpatient practices involve new and follow-up comprehensive evaluations, which include history, mental status examination, diagnoses, and treatment planning, and encompasses about 85-90% of Dr. Spiegel's daily workload. Throughout his career, Dr. Spiegel has diagnosed, treated and provided therapy to patients suffering from varying degrees of alcohol and substance abuse, as well as to both victims and perpetrators of intimate partner violence ("IPV").

Dr. Spiegel has testified as an expert in the Commonwealth of Virginia, as well as Maryland and South Carolina on a range of topics in psychiatry and behavioral sciences. He has written and lectured extensively on the effects of alcohol and drugs (both legal and illegal) on the human brain and the person's interactions with others (both short-term and long-term), the causes and effects of intimate partner abuse, and other psychiatric issues.

In conjunction with the rendering of his opinion in this litigation, Dr. Spiegel reviewed and relied upon the relevant pleadings, videos, audios, pictures, text messages, emails, medical records, and other documents produced in discovery, testimony from the UK, depositions, see

Att. 7 ("data reviewed" or the "record evidence"), and an interview with Ms. Heard. Dr. Spiegel twice requested an assessment of Mr. Depp, but Mr. Depp declined.

Dr. Spiegel will testify as an expert in the fields of Psychiatry and Behavioral Sciences. Dr. Spiegel bases his opinions, to within a reasonable degree of medical and professional probability and/or certainty in the fields of psychiatry and behavioral sciences, upon his background, experience, knowledge, a review of the materials provided to him, and other information available to him, including the sources cited in this Designation.

Dr. Spiegel has been engaged to analyze and opine on the impact of alcohol and substance abuse, including the combination of drugs taken by Mr. Depp, and the potential impact of sustained use of these substances on memory, cognition, and how this may impact Mr. Depp. Dr. Spiegel has also been asked to analyze the risk factors associated with perpetrators of Intimate Partner Violence ("IPV"), and in his evaluation of the record evidence, whether Mr. Depp has exhibited conduct or behaviors indicative or consistent with any of these risk factors. Dr. Spiegel will also testify relating to specific drugs and alcohol and their medical and psychiatric effects and impacts, the diagnoses and treatment of patients with alcohol and drug/substance use disorder, evidence of medical and psychiatric consequences of prolonged substance abuse, characteristics and behaviors consistent with prolonged substance abuse and IPV, and medical and psychological characteristics and explanations of behaviors demonstrated by the record evidence, Dr. Spiegel will also testify as set forth below.

**I. The Impact of Alcohol and
Drug Use/Abuse Over Limited and Prolonged Periods of Time.**

Dr. Spiegel is expected to testify about the medical and psychological impact on Mr. Depp based on the evidence of Mr. Depp's alcohol and drug use since the 1980s. Dr. Spiegel is expected to testify that the record evidence demonstrates that Mr. Depp has a history of using or

overusing alcohol and controlled drugs, including cocaine, ecstasy (MDMA), magic mushrooms and cannabis as well as certain prescribed drugs (notably Oxycodone, Roxicodone or Roxies, Xanax and Adderall). Dr. Spiegel is also expected to testify that regularly associating with others who extoll the virtues of drugs is an indicator of a drug problem, and in this case, Mr. Depp regularly associated with such people, including Hunter S. Thompson, Keith Richards, and Marilyn Manson, who extolled the virtues of drugs and alcohol. Friends and associates of Depp have remarked publicly that hanging out with Mr. Depp means surrounding one's self with drugs and alcohol. Dr. Spiegel will also testify about record evidence, including but not limited to, Dr. Kipper attempting to treat Mr. Depp for years for "polysubstance abuse" (the abuse or dependence to many substances), text messages where Mr. Depp is seeking cocaine and ecstasy, text messages where Mr. Depp requests more of his prescribed medications, purporting to lose or be confused by the location of the doses prescribed, articles where Mr. Depp admits that he spends much more than \$30,000 a month on wine, deposition and trial testimony of Mr. Depp's drug and alcohol abuse, and notes from Mr. Depp's own doctors and nurses, including Dr. Kipper's analysis that Mr. Depp "is uncomfortable, is pessimistic that he will ever be able to stop doing drugs, actually romanticizes the entire drug culture and has no accountability for his behaviors." Based on this evidence, Dr. Spiegel is expected to testify that Mr. Depp's conduct is indicative of and consistent with displaying a long-term, alcohol and drug addiction and has abused drugs and alcohol, which is considered a significant risk factor and consistent with perpetrators of IPV, as further discussed below.

Dr. Spiegel is also expected to testify that hundreds of studies show a significant link between substance abuse and memory loss, which, as a result, affects cognitive functions such as learning, language and comprehension. The record evidence shows that Mr. Depp has

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experienced blackouts, periods of significant confusion, thinking people are present who are not, imagining entire conversations or fights with people not present, and the like. When a person experiences a blackout during alcohol or drug use, for example, it prevents the brain from completing the process of forming memories. Persistent drug use can cause not only issues with recalling recent events but also long-term memory loss. Drug and alcohol use affects the hippocampus which is essentially the brain's memory-storage system. Someone who becomes heavily dependent on drugs, including alcohol, will start to see long-lasting effects to their memory and brain function. They may begin to struggle with learning new things and have trouble recalling details such as birthdays and other important dates. Dr. Spiegel is also expected to testify that there is a high correlation between domestic abuse, heavy alcohol abuse, and cognitive disorders. *See Differential Cognitive Profiles of Intimate Partner Violence Perpetrators Based on Alcohol Consumption, Alcohol Volume 70, August 2018, Pages 61-71, Sara Vitoria-Estruch; Angel Romero-Martinez; Marisol Lila; Luis Moya-Albiol.* Dr. Spiegel is expected to testify that approximately 85% of individuals in rehab programs have a history of IPV.

Dr. Spiegel is expected to testify that based on his review of Mr. Depp during the video deposition taken of Mr. Depp on November 10, 11 and 12, 2020, and December 14, 2021, Dr. Spiegel was able to review and assess Mr. Depp's appearance, behavior and thought process, thought content, cognitive symptoms, insight and judgment. Dr. Spiegel is expected to testify that Mr. Depp demonstrated impaired attention, difficulty with word-finding retrieval, demonstrated impaired cognitive memory and processing speed, difficulty in his ability to focus on the topic at hand, disorganized thoughts, difficulty recalling details of events and difficulty with impulse control and demonstrated erratic behavior. Dr. Spiegel is expected to testify that based on Mr. Depp's age of 58, these impairments cannot be attributable to age, but are

consistent with and a direct result of Mr. Depp's sustained use and abuse of alcohol and drugs. This is also consistent with the record evidence, which has demonstrated Mr. Depp having cognitive impairments not in line with his age, such as failing to recall his lines for his movies, and having them read to him while wearing an earpiece. Dr. Spiegel is further expected to testify that Mr. Depp's misrepresentations of sobriety and downplaying and failure to take responsibility for his drug and alcohol use are consistent with those individuals who have an alcohol and drug use disorder. Dr. Spiegel has also reviewed Mr. Depp's UK testimony and will testify that the inconsistencies in Mr. Depp's testimony regarding his drug and alcohol abuse is a clear example of patients with alcohol and drug use disorder. Dr. Spiegel is also expected to testify that a 2- to 5-day detoxification from drugs and alcohol is only the first step of rehabilitation treatment – this must be followed up with an extended plan or program, and a “cleansing” is not an effective mechanism to repair the cognition and memory effects of long-term drug and alcohol use disorder. In addition, Dr. Spiegel is expected to testify that drugs prescribed to Mr. Depp, including Seroquel, Neurontin, and Adderall are highly abusable, and prolonged abuse can have damaging effects on brain function, cognition, and memory. Dr. Spiegel is also expected to testify that while Mr. Depp was on these medications, he was not “sober” by any medical definition. Dr. Spiegel will further testify that the use of MDMA can cause feelings of being enraged, auditory and visual hallucinations, and erratic and uncontrolled behavior including self-mutilation and self-harm and cutting off one's own finger is behavior of that can occur in users of MDMA.

II. Intimate Partner Violence

A. Analysis of IPV

Dr. Spiegel is expected to testify as to the definition and medical and psychological characteristics of IPV, both perpetrators and survivors. IPV is a pattern of assaultive and coercive behaviors that may include inflicted physical injury, psychological abuse, sexual assault, progressive social isolation, stalking, deprivation, intimidation and threats.

IPV is common. It affects millions of people in the United States each year. Data from CDC's National Intimate Partner and Sexual Violence Survey indicate about one in four women have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact. About 35% of female IPV survivors experience some form of physical injury related to IPV. There are also many other negative health outcomes associated with IPV. These include a range of conditions affecting the heart, digestive, reproduction, muscle and bones, and nervous systems, many of which are chronic. Survivors can experience mental health problems such as depression and posttraumatic stress disorder (PTSD) symptoms.

Dr. Spiegel is expected to testify that, based on his work with perpetrators and victims of IPV, as well as significant research in the field, there are identified risk factors, or characteristics of a person that increase risk of that person being an IPV perpetrator. Those risk factors include heavy alcohol and drug use, poor behavioral control/impulsiveness, a narcissistic personality, and attitudes accepting or justifying IPV. Dr. Spiegel is expected to testify that, based on the evidence he reviewed, including text messages, photographs, video tapes, audio files, medical documentation, therapy records, witnesses, depositions, trial testimony and other exhibits, Mr. Depp has engaged in conduct indicative of or consistent with these risk factors.

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Dr. Spiegel is expected to testify that this case includes allegations of all forms of IPV, including physical violence, sexual abuse, and psychological aggression, and is further expected to testify as follows:

i. **Physical violence.** Physical violence involves forceful physical contact that may vary from light pushes and slaps to severe beatings and lethal violence. A review of the evidence in this case shows a significant amount of physical abuse perpetrated against Ms. Heard throughout the course of their relationship, and that Ms. Heard was physically assaulted several times per week, sometimes daily. There are numerous witnesses who reported seeing cuts, bruises, and injuries for years, and it was reported that Mr. Depp grabbed, pushed, and shoved Ms. Heard; physically restrained her; pulled her by the hair; strangled her; punched her on her face, head, and body; slapped her with the front and back of his hand; kicked her; slammed her against the wall and floor; threw objects at her; suffocated her, flicked a cigarette at her; pulled her by the hair; and beat her up.

ii. **Sexual abuse.** Sexual abuse includes coercive and physical behaviors varying from trying to persuade someone to perform a sexual act against their will, ignoring “no” responses, to physically forced sex acts. There is record evidence of Mr. Depp sexually assaulting Ms. Heard on a number of occasions.

iii. **Psychological aggression.** Psychological aggression (or emotional abuse) refers to acting in an offensive or degrading manner toward another, usually verbally, and may include threats, ridicule, withholding affection, and restrictions (*e.g.*, social isolation, financial control). These behaviors are perpetuated by someone who is, was, or wishes to be involved in an intimate or dating relationship with an adult or adolescent, and one aimed at establishing control by one partner over the other. (Capaldi DM, Knoble NB, Shortt JW, Kim HK. A

Systematic Review of Risk Factors for Intimate Partner Violence. Partner Abuse.

2012;3(2):231-280.doi:10.1891/1946-6560.3.2.231.).

Psychologically abusive behaviors by Mr. Depp that were reported in this case include but are not limited to: intimidation by throwing things, slamming things, writing on surfaces, such as countertops, lamp shades, mirrors and walls, erratic behavior; antagonistic behaviors about Ms. Heard's career; criticizing her ambition; obsessive jealousy about male co-stars; offensive and degrading comments (whore, cunt, bitch, ugly, fat); constant accusations of flirting and infidelity; controlling her clothing choices and movie parts; insisting on using his security detail and vehicles, not permitting her to have a password on her devices, showing up on set, insisting she spend his money and being upset when she resisted; criticizing her body; and emotional manipulation (threats of suicide; threats and actual infliction of self-harm).

B. Substance Abuse is a Risk Factor of IPV

Substance abuse has been found to occur in 40-60% of IPV incidents across various studies. Several lines of evidence suggest that substance use/abuse plays a facilitative role in IPV by precipitating or exacerbating violence. This includes IPV perpetration in the contexts of intoxication, and withdrawal and addiction. Likewise, drug-induced paranoia and fears of infidelity were used by perpetrators to justify IPV in ways that extended men's more everyday invocations of sexual jealousy and distrust as reasons for checking up on partners. Dr. Spiegel is expected to testify that intoxication related to alcohol and stimulant drugs (methamphetamines and cocaine) was linked to IPV perpetration in all studies. Several studies have also shown that both survivors of IPV and perpetrators talk about how partners under the influence of alcohol and/or drugs turn from a "good husband to a bad husband" (Boonzaier & Rey, 2003); from "Dr. Jekyll to Mr. Hyde" (Gilbert et al., 2001)] ; from "a warrior to a beater" (Matamonasa-Bennett,

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2015)]; turn into “dictators,” and “converts you into a monster” (Gilchrist et al., 2015) (Boonzaier & Rey, 2003). Dr. Spiegel is expected to testify that the more disinhibited by drugs and alcohol a person is, the more likely the person is to exhibit physical violence towards another person, and particularly if the intoxicated person has baseline impulsivity and lacks behavioral control/response prevention.

Studies have also shown an increased risk of IPV perpetration when dependent perpetrators were in withdrawal or craving alcohol, heroin and stimulant drugs due to irritability and frustration (Satyanarayana et al., 2015; Wilson et al., 2017) (Gilbert et al., 2001) (Abdul-Khabir et al., 2014; Ludwig-Barron et al., 2015) (Watt, 2012).

As discussed above, the record evidence reflects that Mr. Depp had a history of alcohol and drug abuse, including during the relationship with Ms. Heard.

C. Lack of Behavioral Control and Impulsiveness is a Risk Factor of IPV

Dr. Spiegel is expected to testify that the lack of behavioral control and impulsiveness is also a strong risk factor for IPV. Research indicates a robust association between impulsivity, or the inability to regulate certain behaviors, and various forms of aggressive behavior (*e.g.*, Abbey et al., 2002; Hynan & Grush, 1986; Netter et al., 1998), including IPV (*e.g.*, Cohen et al., 2003; Shorey, Brasfield, Febres, & Stuart, 2010; Schafer et al., 2004). Cross-sectional research indicates that men who report IPV perpetration are higher in impulsivity compared to men who do not report IPV (Cohen et al., 2003).

Dr. Spiegel is expected to testify that the record evidence reflects that Mr. Depp has a “frail temperament” that results in lack of behavioral control and impulsivity. This evidence includes, but is not limited to, notes from Mr. Depp’s doctor (Dr. Kipper) referring to Mr. Depp: “[t]here is also an issue of patience. He’s driven almost reflexively by his id - has no patience

for not getting his needs met, has no understanding of delayed gratification and is quite childlike in his reactions when he does not get immediate satisfaction.” This lack of behavioral control and impulsiveness are significant risk factors for IPV. Dr. Spiegel will testify that Mr. Depp’s testimony in this case and the UK action demonstrate a lack of behavioral control and impulsiveness, including, but not limited to, the following testimony:

20 A. Sorry. I was saying that the ability or the impetus or the
21 synapse that fires does not necessarily mean that you have to
22 be drunk to smash something or throw something against the
23 wall or punch a wall or door. It is a human reflex to
24 something that feels stronger than you. It is a frustration
25 and that is what happens.

Depp UK Trial 125:20-25.

14 A. Well, what I am trying to explain to you is that it does not
15 take alcohol for one to become upset about something. That
16 reaction, the internal reaction, does not require alcohol to
17 slam your hand down on a table or be so frustrated about what
18 you are unable to do, when it is out of your hands, and you
19 have fallen prey to something that is bigger than you, and it
20 is, you know, that is pretty much it.
21 Q. Did you smash things when you were living with Ms. Paradis?
22 A. Over 14 years, I imagine that I must have, and over 14 years
23 I imagine that she must have.

Depp UK Trial 126:14-23. Mr. Depp also testified that he was arrested in 1994 because, as he admitted, he “trashed” a hotel room in New York in 1994, and prior to that arrest, was arrested for assaulting a hotel lobby security guard. Depp UK Trial 55-56:3-3. While in Paris in 1999, he became angry with members of the press, and confronted and threatened them with a large piece of wood. In 2018, Mr. Depp was sued for assault of a location manager on the set of City

of Lies. Depp UK Trial 90:70-15. In addition, Dr. Spiegel will testify that these instances show a pattern of violence and impulsiveness in lieu of self-control, which is consistent with the behavior of a perpetrator of IPV.

D. Narcissism is a Risk Factor of IPV

A narcissist is a person who has an inflated sense of their own importance, a deep need for excessive attention and admiration, troubled relationships, and a lack of empathy for others. Dr. Spiegel will testify that according to the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, symptoms of Narcissistic Personality Disorder include (1) requiring excessive admiration; (2) possessing a sense of entitlement, such as an unreasonable expectation of favorable treatment or compliance with his or her expectations; (3) is exploitative and takes advantage of others to achieve his or her own ends; (4) lacks empathy and is unwilling to identify with the needs of others; (5) is often envious of others or believes that others are envious of him or her; and shows arrogant, haughty behaviors and attitudes. Dr. Spiegel will testify that narcissists have a fragile self-esteem that is vulnerable to the slightest criticism.

Dr. Spiegel is expected to testify that in his review of the record evidence, Mr. Depp has engaged in behavior and conduct indicative of and consistent with all these symptoms of Narcissistic Personality Disorder which is another risk factor for IPV. These behaviors and characteristics are documented by Mr. Depp's own treating physician, Dr. Kipper, as well as reflected by other record evidence.

Studies have shown that narcissistic men are more likely to commit domestic violence. For example, the findings of Kent State University researchers (2010) suggest that "the anger, hostility, and short fuse that accompany a man's narcissism tend to be directed toward ... women," and that "narcissistic men can become enraged when they are denied gratification...

including when people reject them.” In fact, some of the more common traits that overlap both narcissists and abusers include lack of empathy, controlling behavior, self-absorption, displays of physical violence when told “no,” and displays of anger when they perceive rejection from their partner. Dr. Spiegel is also expected to testify when there is an association of substance abuse disorder with Narcissistic Personality Disorder, there is a significantly increased likelihood of more hostility and aggression from the perpetrator.

E. Attitudes Accepting or Justifying IPV is a Risk Factor of IPV

Attitudes toward IPV are known predictors of IPV victimization and perpetration. Dr. Spiegel is expected to testify that there is record evidence demonstrating that Mr. Depp would “joke” about IPV, even in public articles. This includes, but is not limited to, a GQ article in which Mr. Depp admitted telling Hunter S. Thompson about Kate Moss, “she gets a severe beating.” Mr. Depp was also involved in a particularly striking text exchange with actor Paul Bettany, with whom Mr. Depp has admitted to using “cocaine, alcohol, and pills.” In a text to Mr. Bettany dated June 11, 2013, Mr. Depp wrote “Let’s burn Amber!!!” and “Let’s drown her before we burn her!!! I will fuck her burnt corpse afterwards to make sure she’s dead.” Dr. Spiegel is expected to testify that such cavalier attitudes toward IPV are a significant risk factor of IPV actually occurring in intimate relationships.

F. Being a Previous Victim of Physical or Psychological Abusive is a Risk Factor of IPV

Studies have also demonstrated that previously being a victim of physical or psychological abuse and witnessing IPV between parents as a child can also be a risk factor that leads to a person being an IPV perpetrator in his intimate relationships.²⁶ Dr. Spiegel is expected

²⁶ See e.g., Storvestre GB, Jensen A, Bjerke E, Tesli N, Rosaeg C, Friestad C, Andreassen OA, Melle I, Haukvik UK. Childhood Trauma in Persons With Schizophrenia and a History of

to testify that his review of the evidence demonstrates that Mr. Depp was a previous victim of physical violence from his mother, and saw his parents engage in IPV. This includes Mr. Depp's testimony that his "[b]rains [were] beaten out by my mom" as far back as he could remember, through the age of 17. Mr. Depp also testified that his mother would punch his father, knocking teeth out of his father's mouth, and that his father, in response, punched holes in the wall. This witnessing of violence at a young age is a high-risk factor of IPV.

G. Warning Signs of IPV

In addition to risk factors of IPV, Dr. Spiegel is expected to testify based on studies and his work with perpetrators and victims of IPV, that there are certain warning signs to help recognize if someone is an IPV perpetrator. These warning signs include:

- **Use of physical aggression.** They often slap, hit, shove, or push their partner. Dr. Spiegel is expected to testify that based on the record evidence, including but not limited to, audio recordings, pictures of Ms. Heard's injuries, text messages, video recordings, and deposition and trial testimony, the record reflects that Mr. Depp has slapped, hit, shoved Ms. Heard on a regular basis, and has also head-butted her, grabbed her hair and punched her, dragged her across the room, kicked her, thrown objects at her, strangled her, and suffocated her.

Interpersonal Violence, Front Psychiatry. 2020 May 5;11:383. doi: 10.3389/fpsy.2020.00383. PMID: 32431632; PMCID: PMC7214725; Ernst AA, Weiss SJ, Hall J, Clark R, Coffman B, Goldstein L, Hobley K, Dettmer T, Lehrman C, Merhege M, Corum B, Rihani T, Valdez M, Adult intimate partner violence perpetrators are significantly more likely to have witnessed intimate partner violence as a child than nonperpetrators. Am J Emerg Med. 2009 Jul;27(6):641-50; Flynn A, Graham K. "Why did it happen?" A review and conceptual framework for research on perpetrators' and victims' explanations for intimate partner violence. Aggress Violent Behav. 2010;15(3):239-251. doi:10.1016/j.avb.2010.01.002; <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html>.

- || **They are unpredictable. Their moods tend to change rapidly and radically.**

Dr. Spiegel is expected to testify to the record evidence, including but not limited to deposition and trial testimony, emails, texts, video, audio, and journal entries, that demonstrate Mr. Depp's change from a loving husband to what even Mr. Depp called "the Monster."

- **They are often jealous, suspicious, and/or angry – even if they have no reason**

to be. Dr. Spiegel is expected to testify about the record evidence, which reflects Mr. Depp's jealousy of virtually any man (and woman) who worked with Ms. Heard, and his fear that she was having affairs with multiple partners.

- || **They control their partner's time. They monitor and control their partner's**

activities, including whether they go to work or school, and how much they see their family and friends. Dr. Spiegel is expected to testify that Mr. Depp reflected this conduct as well. Based on the record evidence, including deposition and trial testimony, he would call directors and male costars to check on her, insist she use his vehicles and security detail, not have passwords on her devices so he could easily access them, interfere with filming and roles, and regulate and manipulate who she could see and spend time with.

- **They control their partner's money. They make important financial decisions**

with shared money by themselves, or they take their partner's money without permission. Dr. Spiegel is expected to testify to the record evidence that reflects that Mr. Depp exerted his financial control over Ms. Heard and attempted to exert even more control.

- || **They use verbal threats. They are not afraid to name-call, swear, and yell at their partner.** Dr. Spiegel is expected to testify to the degrading comments Mr. Depp made toward Ms. Heard (whore, cunt, bitch, ugly, fat).
- **They isolate their partner. They may limit their partner's use of the phone or other sources of communication, or may force their partner to stay at home.** Dr. Spiegel is expected to testify that the evidence of Mr. Depp controlling where Ms. Heard stayed, regulating who she can see and when, and requiring that she not have any passwords on devices so he had unfettered access to her devices and communications is a warning sign of IPV.
- || **They blame. They often try to blame their partner or others for their problems.** Dr. Spiegel is expected to testify that the record evidence reflects Mr. Depp constantly blaming Ms. Heard for the problems in their relationship, and that Mr. Depp largely does not accept responsibility for any of his conduct, and routinely blames others.
- **They threaten to hurt themselves, their partner, or their partner's loved ones if their partner tries to leave.** Dr. Spiegel is expected to testify as to the warning signs of IPV, where Mr. Depp regularly told Ms. Heard during or after an altercation that he was thinking of suicide or threats of (and actual) self-harm if she did not do as he pleased, and audio recordings relating to using a knife to cut himself and inflicting a cigarette burn on himself.
- **They apologize and make promises.** Dr. Spiegel is expected to testify that perpetrators very commonly apologize after an instance of IPV and make promises not to repeat their behavior. The apologies may be sincere, at the time,

but also may be motivated by wanting to remain in the relationship, where they view themselves as being dominant.

Dr. Spiegel is expected to testify that in his review of the record materials and in speaking with Ms. Heard, Mr. Depp exhibited all these warning signs in his relationship with Ms. Heard.

All of Dr. Spiegel's opinions are within a reasonable degree of psychiatry and behavioral sciences and professional probability and/or certainty. Dr. Spiegel may also testify in response to the testimony and opinions of the Mr. Depp's expert witnesses, if any, and reserves the right to consider any further discovery and documentation or facts which become available to him.

Julian Ackert
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Expertise and Qualifications

Mr. Ackert's C.V. is attached as **Att. 8**, which details Mr. Ackert's professional experience and all articles and testimony he has completed over the last ten years. Mr. Ackert is a Managing Director at iDiscovery Solutions, Inc. ("iDS"), an expert services and consulting firm that provides independent digital forensics analysis, electronic discovery services, expert testimony, original authoritative studies, and strategic consulting services to the business and legal community. Mr. Ackert has a Bachelor of Science degree in Computer Science from the University of Virginia and has over 20 years of experience in consulting and litigation technologies that focus on electronic discovery and digital forensics. Specifically, Mr. Ackert has extensive experience creating and implementing preservation, collection, and production

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strategies and performing digital forensics and metadata analysis on electronically stored information ("ESI"), and has performed preservation, collection, analysis, and production of ESI in hundreds of matters.

Summary of Engagement

Mr. Ackert has been retained by the Defendant and Counter-claimant Amber Heard ("Ms. Heard") through her counsel in this matter to provide digital forensic preservation and analysis services and electronic discovery consulting, search, and production services. Specifically, Mr. Ackert has preserved, analyzed, and/or produced digital evidence in the possession, custody, and control of Ms. Heard and has analyzed digital evidence and the very limited metadata that has been produced by Mr. Depp.

Sources Consulted

In conjunction with the rendering of his opinions in this litigation, Mr. Ackert has reviewed certain case pleadings and motions, certain deposition testimony transcripts, the digital evidence and metadata, both metadata included in accompanying production load files as well as metadata embedded within the digital evidence, produced in discovery by Ms. Heard, and digital evidence and the very limited metadata, both metadata included in accompanying production load files as well as metadata embedded within the digital evidence, produced by Mr. Depp, including but not limited to the documents referenced by BATES number in this disclosure.

Summary of Mr. Ackert's Opinions

Mr. Ackert is expected to testify on the authenticity of the digital evidence produced in discovery by Ms. Heard, including but not limited to pictures, videos, recordings, emails, and text/chat messages. Specifically, Mr. Ackert will opine on the metadata for the digital evidence produced by Ms. Heard, that the digital evidence produced by Ms. Heard has not been altered in

any manner prior to production, and that there is no evidence suggesting manipulation of digital evidence using anti-forensic software that could obfuscate detection of altering digital evidence prior to production. Because discovery is not complete and Mr. Depp's forensic discovery expert Mr. Neumeister has not produced any opinions regarding the authenticity of the digital evidence produced by Ms. Heard as of the date of this disclosure, the scope of Mr. Ackert's testimony will include the totality of digital evidence produced by Ms. Heard and opinions in response to any currently undisclosed opinions of Mr. Neumeister, not just what has been produced as of this expert disclosure date. Mr. Ackert will supplement within a reasonable period of time after Mr. Neumeister concludes his review and provides his opinions and bases for his opinions under the Rules.

Mr. Ackert is also expected to testify on the production of Mr. Depp's digital evidence, including but not limited to audio files and pictures. Specifically, for certain pictures produced by Mr. Depp, including but not limited to DEPP00007303, DEPP00009916, DEPP00009934, DEPP00009943, DEPP00009944, DEPP00009945, and DEPP00034908. Mr. Ackert has identified instances where the embedded date metadata, such as creation and modification date metadata, is either missing or is dated significantly after the alleged date of the incident depicted in the picture. Mr. Ackert will testify that missing creation dates and/or modification dates that post-date the facts can be a sign of digital evidence manipulation. For certain audio files produced, including but not limited to, DEPP00009046 and DEPP00009047, Mr. Ackert has identified embedded date modified metadata that post-dates embedded date creation metadata, indicating that the content of the audio file produced was somehow modified after it was created and before it was produced to Ms. Heard in discovery.

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The specific metadata issues for the BATES numbers referenced above are as follows:

- DEPP00007303, DEPP00009916, DEPP00009934, DEPP00009943, DEPP00009944, and DEPP00009945: There is no embedded date metadata for these photographs, and the accompanying production load file did not provide any metadata that could authenticate these photographs. The lack of metadata indicates that the photographs may have been altered after they were taken.
- DEPP00034908: The embedded date metadata for this photograph indicates a date of July 2017, which is significantly after the date of the alleged incident. The accompanying production load file did not provide any metadata that could authenticate this photograph. This lack of authenticating metadata indicates that the photograph may have been altered after it was taken.
- DEPP00009046 and DEPP00009047: The embedded date modification dates of these recordings is June 2016, indicating that there was some modification to this evidence between the time they were created in September 2015 and the modification date of June 2016.

Mr. Ackert has identified issues with the metadata included in the accompanying production load files for the evidence produced by Mr. Depp in the chart below and is currently working on an analysis of the available embedded metadata of this produced evidence. Mr. Ackert will supplement within a reasonable period of time his opinions related to this evidence produced by Mr. Depp.

All of these opinions are provided to within a reasonable degree of probability or certainty in this field of digital forensics analysis and electronic discovery services.

Evidence with metadata issues in production load files

DEPP00008254	DEPP00008300	DEPP00008439	DEPP00009160	DEPP00009923	DEPP00010346	DEPP00018187
DEPP00008255	DEPP00008301	DEPP00008440	DEPP00009161	DEPP00009924	DEPP00010514	DEPP00018188
DEPP00008256	DEPP00008302	DEPP00008441	DEPP00009162	DEPP00009925	DEPP00010588	DEPP00018189
DEPP00008257	DEPP00008303	DEPP00008442	DEPP00009163	DEPP00009926	DEPP00010777	DEPP00018190
DEPP00008258	DEPP00008304	DEPP00008443	DEPP00009164	DEPP00009927	DEPP00010921	DEPP00018191
DEPP00008261	DEPP00008305	DEPP00008444	DEPP00009165	DEPP00009928	DEPP00010948	DEPP00018192
DEPP00008262	DEPP00008306	DEPP00008454	DEPP00009166	DEPP00009929	DEPP00012977	DEPP00018193
DEPP00008263	DEPP00008307	DEPP00009043	DEPP00009808	DEPP00009930	DEPP00012978	DEPP00018194
DEPP00008264	DEPP00008308	DEPP00009044	DEPP00009809	DEPP00009931	DEPP00012979	DEPP00018195
DEPP00008265	DEPP00008309	DEPP00009045	DEPP00009810	DEPP00009932	DEPP00012980	DEPP00018196
DEPP00008266	DEPP00008310	DEPP00009049	DEPP00009811	DEPP00009933	DEPP00012981	DEPP00018210
DEPP00008267	DEPP00008355	DEPP00009050	DEPP00009812	DEPP00009935	DEPP00012982	DEPP00018224
DEPP00008268	DEPP00008382	DEPP00009051	DEPP00009823	DEPP00009936	DEPP00012983	DEPP00018225
DEPP00008269	DEPP00008383	DEPP00009052	DEPP00009824	DEPP00009937	DEPP00014146	DEPP00018226
DEPP00008270	DEPP00008428	DEPP00009053	DEPP00009911	DEPP00009938	DEPP00014147	DEPP00018227
DEPP00008271	DEPP00008429	DEPP00009054	DEPP00009912	DEPP00009939	DEPP00014148	DEPP00018228
DEPP00008272	DEPP00008430	DEPP00009055	DEPP00009913	DEPP00009940	DEPP00014149	DEPP00018229
DEPP00008273	DEPP00008431	DEPP00009056	DEPP00009914	DEPP00009941	DEPP00017813	DEPP00018230
DEPP00008274	DEPP00008432	DEPP00009057	DEPP00009915	DEPP00009942	DEPP00017814	DEPP00018231
DEPP00008275	DEPP00008433	DEPP00009058	DEPP00009917	DEPP00009946	DEPP00018181	DEPP00018300
DEPP00008276	DEPP00008434	DEPP00009059	DEPP00009918	DEPP00010149	DEPP00018182	DEPP00018301
DEPP00008277	DEPP00008435	DEPP00009060	DEPP00009919	DEPP00010150	DEPP00018183	DEPP00007520
DEPP00008278	DEPP00008436	DEPP00009064	DEPP00009920	DEPP00010151	DEPP00018184	
DEPP00008296	DEPP00008437	DEPP00009143	DEPP00009921	DEPP00010344	DEPP00018185	
DEPP00008299	DEPP00008438	DEPP00009145	DEPP00009922	DEPP00010345	DEPP00018186	

**Michelle A. Jorden, M.D.,
Forensic Pathologist,
850 Thornton Way
San Jose, CA 95128**

Dr. Jorden is a forensic pathologist who is both: (1) Chief Medical Examiner and Neuropathologist, Office of the Medical Examiner-Coroner, Santa Clara County, San Jose, California, and (2) Clinical Associate Professor (Affiliated) of Stanford School of Medicine, Department of Pathology at Stanford University. She also serves in the following positions and committees: (a) Domestic Violence Review Team of Santa Clara County Member; (b) Chair, Child Death Review Team; (c) Child Abuse Prevention Council Member; (d) Trauma Executive Committee Member, Santa Clara County; (e) National Association of Medical Examiners EPP- Forensic Fellow In-Service Exam Committee Member, American Society of Clinical Pathology; (f) National Association of Medical Examiners Ad Hoc Organ and Tissue

Procurement Committee Member; (g) Delegate for National Association of Medical Examiners, American Medical Association; (g) National Association of Medical Examiners Ad Hoc-Improving Opioid Data Participant; (h) Committee Chairs Meeting for the National Association of Medical Examiners Ad Hoc Strategic Planning Committee Participant; (i) National Association of Medical Examiners 2022 Executive Committee; (j) Member of Medicolegal Death Investigation subcommittee within the Organization of Scientific Area Committees of Forensic Science; and (k) Consulting Forensic Pathologist/Neuropathologist for neighboring counties.

Dr. Jorden earned her B.S., *summa cum laude*, from DePaul University (1993), and she earned her M.D. from Northwestern University Medical School (2000). She completed an anatomic pathology residency at Stanford University Medical Center (2000-2004), a neuropathology fellowship (2004-2005), a surgical pathology fellowship (2004-2005), and a forensic pathology fellowship (2005-2006). Dr. Jorden is certified by the American Board of Pathology in the following areas: Anatomic Pathology, Neuropathology, and Forensic Pathology and is also Board certified by the American Board of Medicolegal Death Investigators. None of her compensation is contingent on the opinions she renders or the outcome of this litigation. Dr. Jorden's *curriculum vitae* is attached hereto as Att. 9.

Subject Matter of Dr. Jorden's Opinion

Dr. Jorden will testify concerning: (1) Amber Heard's injuries, including the etiology, proximate cause, mechanism, nature, and extent thereof; (2) the correlation of Amber's injuries to the numerous descriptions of physical violence at issue in this case; and (3) Mr. Depp's finger injury from March 8, 2015. Pursuant to Virginia Code Section 8.01-401.3(A), Dr. Jorden also will assist the trier of fact to understand the evidence and/or determine a fact in

issue. Pursuant to Virginia Code Section 8.01-401.1, Dr. Jorden reserves the right to describe and explain her opinions to the trier of fact by reference to published treatises, periodicals or pamphlets established as reliable authority.

Substance of Dr. Jorden's Opinion

Dr. Jorden will testify regarding the pathology of Amber's multiple injuries and Mr. Depp's finger injury. Specifically, Dr. Jorden will testify that (1) the injuries depicted in the photographs reviewed are consistent with Amber's description of the incidents of physical violence; (2) Amber's description of her injuries is consistent with the type of injuries that would result from the recounted incidents of physical violence; and (3) the injury to Mr. Depp's finger is unlikely to have been caused by Mr. Depp's description of the causal events.

Dr. Jorden reserves the right to comment upon any medical or other literature designated by Plaintiff, and to rebut the opinions of Plaintiff's expert witnesses, including but not limited to opinions of Kimberly Ann Collins, M.D. Dr. Jorden may relate her opinions to currently accepted and scientifically reliable medical knowledge as reflected in the medical, pathology or other literature.

Summary of Grounds for Dr. Jorden's Opinion

Dr. Jorden will base her opinions on her review of Amber Heard's and Mr. Depp's medical records, discovery responses, photographs, video recordings, texts messages, audio records, imaging studies, party and witness depositions, video depositions, prior trial testimony, and her knowledge, training, education, experience, expertise, and familiarity with the medical literature. Dr. Jorden will review additional photographs, depositions, testimony, medical records and other materials if they become available. Each of Dr. Jorden's opinions is stated and will be given to a reasonable degree of medical probability.

a. Definitions:

i. Blunt force trauma: physical trauma or impactful force to a body part resulting from an impact with a dull, firm surface or object. It is different from penetrating trauma, where an object pierces the skin.

ii. Contusion: a region of injured tissue or skin in which blood capillaries have been ruptured. A contusion is a bruise.

iii. Abrasion: rubbing or scraping of the surface layer of cells or tissues from the skin or from a mucous membrane.

b. Ms. Heard's Injuries:

Dr. Jorden will provide an opinion on Amber's injuries and correlate those injuries with the described incidents of domestic violence. To the extent not all of Amber's injuries are captured in photographs over time, Dr. Jorden will provide an opinion on the types of injuries she would expect to result based on the described domestic violence. In addition, Dr. Jorden will provide an opinion on the below incidents:

March 8, 2013:

On this occasion, Amber recounts that Mr. Depp struck her face with his hand, drawing blood from Amber's lip. Amber also testifies to Mr. Depp grabbing her, shaking her, and shoving her into a wall. Mr. Depp subsequently sent Amber a text message (DEPP00011259) referring to the event as a "disco bloodbath" and a "hideous moment."

(a) Photographs. Though there are not photographs of Amber at the time of injuries on March 8, 2013, there is a photograph dated March 23, 2013 (ALH_0007101) showing a non-patterned contusion to Amber's lateral upper arm.

(b) Analysis. Dr. Jorden will opine to a reasonable degree of medical probability

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that the contusion to Amber's lateral upper arm resulted from blunt force trauma. While the timing, coloration, emergence, and duration of contusions vary by person, the appearance of Amber's contusion in the March 23, 2013 photograph is consistent with blunt force trauma that could have occurred approximately two weeks prior, which is further supported by the text message exchanges between Amber and her mother [DEPP00012636- DEPP00012642]. In addition, a strike or slap to the face may cause a lip abrasion, without resulting in facial bruising or scarring. A slap, being interpreted as the flattened palmer surface of the hand striking a body part, may not necessarily leave a mark or may leave an area of skin erythema (redness). A more forceful strike or punch may result in a laceration or more significant injury. Where a strike causes a laceration on or near the lip, most such lacerations would be expected to heal within a couple weeks. The March 23, 2013 photo was taken about fifteen (15) days after the described injury. There are no photos of Ms. Heard's face at the time of the March 8, 2013 incident.

August 2014 in the Bahamas:

Amber indicates that she and Mr. Depp were in the Bahamas around August 17, 2014 to try to help Mr. Depp reduce his dependency on prescription pain killers and other drugs. During the trip, Amber remembers Mr. Depp having several manic episodes and becoming angry; Mr. Depp kicking, pushing, and slapping Amber; and Mr. Depp grabbing Amber by the hair.

(a) Photographs. Dr. Jorden reviewed photographs including the following: ALH_00000012, ALH_00000013, ALH_00000014, ALH_00000015, ALH_00000016, ALH_00000017, ALH_00000018, ALH_00000019; ALH_00000020; ALH_00000021; ALH_00000022.

(b) Analysis. The photographs show a linear mark on Ms. Heard's right cheek. Given the black and white quality of the photographs, this injury cannot be further defined (abrasion versus bruise, for example).

December 15, 2015:

On this occasion, descriptions of violence include Mr. Depp knocking Amber to the floor; head-butting Amber in her face; pulling Amber's hair; dragging Amber into the upstairs office; slapping Amber's face; pushing Amber face down into the mattress; and hitting the back of Amber's head, while Mr. Depp's knee was on Amber's back.

(a) Photographs. Dr. Jorden considered the following photographs taken on December 16-17, 2015: AHA_00000002_B, AHA_00000004_B, AHA_00000005_B, ALH_00000028_B, ALH_00000511_B, ALH_00000515_B, AHA_00000010_B, AHA_00000013_B, AHA_00000014_B, AHA_00000015_B, AHA_00000016_B.

(b) Analysis. Dr. Jorden identified: (1) a contusion under Amber's right eye, with very distinct purple and red discoloration; (2) injury to the lower right lip; and (3) an apparent streak of dry blood on the chin. Dr. Jorden will opine that Amber's injuries from this event were caused by blunt force trauma to the head. Dr. Jorden further identified a red abrasion, scraping of the skin, in Amber's temple area hairline. Not all abrasions result in swelling nor do they result in infection and the appearance of pus. The hairline abrasion appears to have been caused by an acute injury, which is consistent with Amber's description of events. The photographs do not demonstrate evidence of traumatic alopecia; rather, the photographs show pink/red abraded areas in the scalp, and the hair follicles are intact.

May 21, 2016:

On this occasion, descriptions of violence include that Mr. Depp grabbed Amber's cell phone and threw it at Amber, striking her cheek and eye; Mr. Depp forcibly grabbed Amber's face and pulled back her hair; and Mr. Depp violently shook Ms. Heard.

(a) Photographs. Dr. Jorden considered the following photographs taken on May 21-22, 2016: ALH_00007077, ALH_00007078, ALH_00007079, ALH_00007080, ALH_00007081, ALH_00007082, ALH_00007083, ALH_00007084.

(b) Analysis. Dr. Jorden identified red discoloration and a contusion on the lateral portion of the right eyebrow. The red discoloration and contusion, to a reasonable degree of medical probability, resulted from blunt force trauma to the head. Photograph ALH_00007068, taken May 22, 2016 at 11:31am, further displays the evolution of the injuries seen on the May 21, 2016 photos, including the bruise to the right eye and lateral right eyebrow.

March 2015, Australia:

On this occasion, descriptions of violence include that Mr. Depp (while drunk and high on drugs) grabbed Amber by the neck; shoved Amber against the fridge; held Amber by the hair; slapped Amber's face; threw bottles through window panels of a glass door; and slammed a telephone against a wall until it smashed. The following morning, Amber saw that Mr. Depp had severely injured his finger. Mr. Depp currently alleges that the finger injury resulted from a vodka bottle projectile hitting his finger while his hand was resting palmar-side down on the bar edge. According to Mr. Depp's deposition testimony, however, at the time of injury, Mr. Depp did not feel the impact or know his finger had been hurt.

(a) Photographs. Though there are no available pictures of Amber from the March 2015 Australia incident, Dr. Jorden reviewed photographs of Ms. Heard taken at the gala from the Tribeca Film Festival on April 18, 2015, labeled as ALH_0017517, ALH_0017518, ALH_0017519, ALH_0017520.

(b) Analysis. These photographs depict linear abrasions or healed sharp force injuries involving the left outer forearm (ulnar area). The location of these injuries is not consistent with suicidal cutting behavior and is more consistent with exposure to sharp shards of glass. The location also is more consistent with defensive type injuries. In addition, photographs of the damage to the Australian home (DEPP00013595 and ALH_00007042) consisting of property damage and graffiti written in blood, paint and lipstick provide further support for the violent and destructive events in March 2015.

(c) Mr. Depp's March 2015 Finger Injury.

(i) Photographs. Dr. Jorden considered the following photographs taken on or about March 18, 2015: ALH_00017563, ALH_00017565, ALH_00017567, ALH_00017568. Dr. Jorden also reviewed pertinent medical records, including x-rays.

(ii) Analysis. Dr. Jorden identified a "mallet finger injury" involving the distal finger, which to a reasonable degree of medical probability resulted from crushing trauma to the fingertip. The finger injury is a crush injury with acute amputation of skin and soft tissue, not a laceration-type injury. The fingernail appears relatively intact on the dorsal side, and the amputated skin is angular from the palmar side of the hand. This indicates to a reasonable degree of medical probability that the direction of force causing the injury originated more on the palmar side, not the dorsal side. The palmar-side orientation of the injury is unlikely to have occurred as Mr. Depp described. Specifically, it is not likely that a vodka bottle acting as a

projectile struck Mr. Depp's hand and caused the injury, while Mr. Depp's hand rested palmar-side down on the bar's edge. In addition, it is highly unlikely Mr. Depp or Ms. Heard would not have immediately noticed the injury in this scenario, as the injury was severe and would have bled diffusely. Photos of the scene and vodka bottle are not available for further interpretation. However, given the photos and X-rays of the injury, along with text messages and testimony, Mr. Depp's injury is more consistent with a crushing force to the finger, predominantly affecting the palmar side, which pinched or pulled the tissue away. Dr. Jorden opines that the injury more plausibly reflects a crushing injury, such as a finger being violently caught in a door or having sustained repeated blunt and crushing force to the hand, specifically the tip of the finger, during the violent and destructive acts.

If raised, Dr. Jorden is also expected to testify to the types of injuries Amber would likely sustain based on Amber's descriptions of other acts of domestic violence by Plaintiff and whether these are consistent with Amber's descriptions.

Richard Sulter Moore, Jr., M.D., FAOA
Hand Surgeon
EmergeOrtho
2716 Ashton Drive
Wilmington, North Carolina 28412

Expertise and Qualifications

Dr. Moore is board-certified by the American Board of Orthopaedic Surgery ("ABOS") with a Certificate of Added Qualification ("CAQ") in Surgery of the Hand. Dr. Moore is a physician licensed to practice medicine and surgery in the State of North Carolina. He maintains an active clinical practice in surgery and hand-surgery in Wilmington, North Carolina.

Dr. Moore completed his medical degree, with honors, at the University of North Carolina School of Medicine in Chapel Hill, North Carolina, in 1991. He completed his orthopaedic surgery

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Internship and Residency at the Hospital of the University of Pennsylvania in Philadelphia, Pennsylvania, in 1996. He completed a Fellowship in Hand, Upper Extremity and Microvascular Surgery at Duke University Medical Center in Durham, North Carolina in 1997.

From 1997 to 2000, Dr. Moore served as an Assistant Professor of Surgery and Director of the Orthopaedic Trauma Service at Duke University Medical Center. He also has served as an Adjunct Assistant Consulting Professor in the Department of Orthopedic Surgery for the University of North Carolina School of Medicine. Dr. Moore is the former President of the North Carolina Society for Surgery of the Hand. A copy of Dr. Moore's *curriculum vitae* is attached hereto as **Att. 10** and incorporated herein by reference.

Subject Matter of Dr. Moore's Expected Testimony

In accordance with Rule 4:1(b)(1)(A)(i), the subject matter on which Dr. Moore is expected to testify is the likely etiology, proximate causation, mechanism, nature and extent of Plaintiff's March 8, 2015, finger injury. Pursuant to Virginia Code Section 8.01-401.3(A), Dr. Moore will also and further assist the trier of fact to understand the evidence and/or determine a fact in issue—including, among other things, the likely mechanism of Plaintiff's finger injury sustained on or about March 8, 2015.²⁷

As further described herein, Dr. Moore has concluded and will opine to a reasonable degree of medical probability that Plaintiff's most recent description of the alleged events surrounding that finger injury, as well as the alleged mechanism of that injury, are inconsistent with and unsupported by the available evidence. Dr. Moore has concluded and will opine to a reasonable

²⁷ Pursuant to Virginia Code Section 8.01-401.1, Dr. Moore reserves the right to describe and explain his opinions to the trier of fact by reference to published treatises, periodicals or pamphlets established as reliable authority.

degree of medical probability that Amber Heard's description of the events surrounding Plaintiff's finger injury are consistent and supported by the available evidence as further described herein.

Dr. Moore has concluded and will opine to a reasonable degree of medical probability that Plaintiff's finger injury was a crush injury not associated with or proximately caused by an impact from an allegedly thrown vodka bottle. Dr. Moore has further concluded and will opine Ms. Heard's description of the circumstances of the injury are consistent with the medical and other evidence.

Ms. Heard reserves the right to add to, delete and/or otherwise amend Dr. Moore's designation as circumstances may dictate and in accordance with Rule 4:1(e) of the Rules of the Supreme Court of Virginia. This is a summary of Dr. Moore's opinions and those matters he will or may address. The wording herein that of counsel, not necessarily that of Dr. Moore.

Summary of the Grounds for Dr. Moore's Opinions

A summary of the subject matter on which Dr. Moore will testify, to include the substance of the facts and opinions to which he will testify, as well as a summary of the grounds for each opinion, is set forth herein. Dr. Moore's opinions are based upon his review of Plaintiff's medical records, discovery responses, photographs, video recordings, texts messages, audio records, imaging studies, party and witness depositions, video depositions, prior trial testimony, and his knowledge, training, education, familiarity with the medical literature, experience and expertise. Dr. Moore will explain that he has performed hundreds, perhaps thousands, of examinations and surgeries to treat finger/digit injuries that are the same or substantially the same as Plaintiff's March 8, 2015, finger injury. As listed below, Dr. Moore has reviewed extensive of Plaintiff's medical records, imaging studies, deposition testimony, videotaped deposition testimony, prior trial testimony and other materials from the following healthcare providers, sources, witnesses and

other entities, the contents of which, along with his knowledge, training, education, familiarity with the medical literature, experience and expertise, discovery responses, form the grounds and bases of his expert opinions:

- (a) Photographs of Plaintiff's finger produced in discovery;
- (b) Photographs of Plaintiff's hand produced in discovery;
- (c) Plaintiff's medical records from Gold Coast University Hospital in Queensland, Australia;
- (d) Notes of Dr. Raja Sawhney;
- (e) Plaintiff's medical records from the office of David A. Kipper, M.D.;
- (f) Transcript of David Kipper, M.D.'s February 22, 2021, deposition testimony;
- (g) Notes of David Kipper, M.D.;
- (h) Text messages between Plaintiff and David Kipper, M.D.;
- (i) Text messages between Plaintiff and Ms. Heard;
- (j) Plaintiff's trial testimony in the matter of *John Christopher Depp, II v. News Group Newspapers Limited, et al.*;
- (k) Plaintiff's deposition testimony;
- (l) Ms. Heard's deposition testimony;
- (m) Plaintiff's February 16, 2021, Designation/Identification of Expert Witnesses;
- (n) Plan of House/Floorplan of Plaintiff's Australia home;
- (o) Plaintiff's discovery responses;
- (p) Photographs of Mr. Depp's finger injury including: the following photographs taken on or about March 18, 2015: ALH_00017563, ALH_00017565, ALH_00017567, ALH_00017568.

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Dr. Moore will review additional photographs, depositions, other testimony, medical records and other materials if they become available. He reserves the right to comment upon any medical or other literature designated by Plaintiff, and to rebut the opinions of Plaintiff's expert witnesses, including but not limited to Kimberly Ann Collins, M.D. Dr. Moore may relate his opinions to currently accepted and scientifically reliable medical and surgical knowledge as reflected in the medical, surgical or other literature. Each of Dr. Moore's opinions is stated and will be given to a reasonable degree of medical probability.

Substance of the Facts and Opinions to Which Dr. Moore is Expected to Testify

After review of the photographs, medical records, case materials, deposition and other testimony in this case, Dr. Moore has concluded and will testify to a reasonable degree of medical probability that Plaintiff's March 8, 2015, finger injury was a crush injury not associated with or proximately caused by any alleged impact from a thrown glass vodka bottle or any other projectile. Dr. Moore has further concluded and will opine Ms. Heard's description of the circumstances of Plaintiff's finger injury are consistent with the medical and other evidence.

Dr. Moore will testify the photographs of Plaintiff's March 8, 2015, finger injury demonstrate an injury with distinctively palmar side involvement rather than dorsal side involvement. Relatedly, he will further opine the appearance of these photographs demonstrates and confirms to a reasonable degree of medical probability that the direction of injury—and the direction from which force was applied to cause the crush injury—was palmar, as opposed to dorsal. Dr. Moore will testify this is inconsistent with Plaintiff's description of injury allegedly caused by a glass vodka bottle/projectile, and also inconsistent with the alleged direction of force causing injury, as reflected in Plaintiff's recorded testimony in this case. Therein, Dr. Moore will testify, Plaintiff suggests his finger injury occurred as a result of an alleged thrown, glass bottle,

which allegedly impacted the dorsal side of Plaintiff's finger, a scenario inconsistent with the photographic, medical and testimonial evidence in this case. Dr. Moore will also explain that Plaintiff's description of an injury occurring with his hand allegedly resting on the edge of a bar, with fingers partially off of the bar, is inconsistent with a scenario that would permit sufficient focused force to cause the crush injury depicted in the photographs and medical and radiological evidence in this case.

Dr. Moore will testify Plaintiff had an intact nail on the injured finger, with palmar-oriented skin loss. Dr. Moore will testify that in the immediate aftermath of Plaintiff's finger injury, the fingernail on Plaintiff's injured finger was intact, which is further evidence of lack of dorsal direction of injury and inconsistent with application of force to the dorsal side of the finger. The intact nature of Plaintiff's fingernail, the photographs depicting the pattern of injury, and the speed with which Plaintiff's fingernail healed and the appearance of such healing, all confirm to a reasonable degree of medical probability that a force from the palmar as opposed to the dorsal side caused the injury. Such is inconsistent with Plaintiff's description and demonstration of injury.

Dr. Moore will opine that the lack of adjacent glass injuries, including lack of adjacent contusions and lacerations, is to a reasonable degree of medical probability inconsistent with Plaintiff's description of the mechanism of injury. Dr. Moore will testify that a vodka bottle thrown from distance and landing with an impact of force theoretically sufficient to cause Plaintiff's finger injury—a mechanism of injury Dr. Moore believes is incredibly unlikely in any real-life scenario, and certainly unsupported by the evidence in this case—would to a reasonable degree of medical probability be associated with extensive, collateral and adjacent sharp lacerations to adjacent fingers and other locations on the hand as a result of the alleged explosion of glass that would have been associated with the incident alleged by Plaintiff. Here, Dr. Moore

will opine there is no such evidence, and no report of glass on Plaintiff's clothing by healthcare providers who treated Plaintiff. Significantly, Dr. Moore will also testify there was no report of glass or retrieval of glass within or near the site of injury on Plaintiff's finger, and no report of glass or retrieval of glass from any portion of Plaintiff's hand or fingers. Dr. Moore will testify there were only reports of dirt and paint from the site of injury.

Dr. Moore will testify Plaintiff's finger injury was a crush injury, and that the injury to the finger is an avulsion injury with amputation, not a laceration-type injury. He will explain that the tissue at the end of Plaintiff's finger was pinched/pulled away, as opposed to lacerated. Dr. Moore will explain the mechanism of injury was a crush injury, as confirmed by Dr. Moore's evaluation of the x-ray imaging in this case. Dr. Moore will opine Plaintiff sustained a comminuted fracture, with multiple pieces of bone breaking off the site of injury. Based on the available photographs, imaging, medical records and witness descriptions, Dr. Moore will testify to a reasonable degree of medical probability that Plaintiff's injury is consistent with a crush injury not associated with a projectile, particularly an alleged glass projectile that allegedly shattered. Dr. Moore will opine to a reasonable degree of medical probability that Plaintiff's crush injury resulting in avulsion with amputation is consistent both with an injury resulting from Plaintiff's slamming his hand against a hard wall while gripping a solid object.

Dr. Moore will further testify the photographic evidence in this case also demonstrates abrasion and bruising on the ulnar side of the same hand as Plaintiff's injured finger. Dr. Moore will opine ulnar abrasion and bruising are consistent with forceful impact of the ulnar side of the hand against a solid object or surface, and particularly consistent with forceful impact of the ulnar side of the hand against a solid surface while holding/gripping an object within the palm of the hand. Dr. Moore will explain that to a reasonable degree of medical probability, an object

held/gripped within the palm of Plaintiff's hand while Plaintiff's hand impacted a solid surface with force would likely explain both the palmar orientation of Plaintiff's avulsion injury with amputation, as well as the ulnar abrasion and bruising found in the photographic evidence. Dr. Moore will opine based upon the available evidence that Plaintiff's (current) description of alleged mechanism of injury—a description that has changed and evolved over time—does not fit the photographic, medical, radiographic or testimonial evidence.

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Expertise and Qualifications

Mr. Bercovici's C.V. is attached as **Att. 11**. Mr. Bercovici spent 30 years with the Los Angeles Police Department ("LAPD"), retiring in 2012 at the rank of lieutenant. Mr. Bercovici is a law enforcement veteran with over two decades of police supervisory and management experience. He has extensive experience as a field supervisor, uniformed watch commander, both as a Sergeant II and Lieutenant I, along with his multiple assignments as an Officer-in-Charge, Lieutenant II, of specialized detective units.

Since his retirement in 2012, Mr. Bercovici has been a consultant and police and security best practices expert. His prior areas of retained expertise have included patrol and investigation best practices, criminal investigation reviews and matters relating to law enforcement/LAPD policies, procedures, best practices, and the legal and constitutional requirements of law enforcement officers. Mr. Bercovici has been retained over fifty times and has provided deposition and court testimony in both civil and criminal cases.

During his tenure with the LAPD, domestic violence service calls were, by far, one of the most common calls for service—at times accounting for as much as 90% of the calls for service under his command. Mr. Bercovici has decades of experience with domestic violence calls for service, including managing and supervising patrol officers' investigations of domestic violence calls for service, and is intimately familiar with LAPD policies, procedures, best practices and legal obligations of law enforcement related to domestic violence calls for service. He is trained and experienced with issues surrounding domestic violence, including: the cycle of violence; patterns of manipulation, intimidation, and control by abusers; patterns of fear, denial and false hope on the part of victims; the propensity of victims to intentionally or unwittingly protect their abuser from law enforcement action based on love, fear, trauma or hope; the propensity of family and friends to unwittingly enable the cycle of violence to support the victim's actual or perceived desire to protect the abuser from arrest and the criminal justice system, a desire to protect the victim from reliving the trauma through a law enforcement investigation, or a concern that law enforcement intervention will later escalate the frequency or severity of abuse; and the typical reluctance of victims to engage with law enforcement, particularly when officers are summonsed to the scene by persons other than the victim and/or shortly after a traumatic experience.

Subject Matter of Mr. Bercovici's Rebuttal Opinion

Mr. Bercovici will provide a rebuttal opinion to Plaintiff's Expert Rachael Frost and her contention that two sets of LAPD officers followed policy, procedure and best practices based on California state law regarding their dispatch and arrival to 849 S. Broadway, Los Angeles, CA on May 21, 2016. The materials Mr. Bercovici reviewed is attached as **Att. 12**.

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Summary of Mr. Bercovici's Rebuttal Opinion

Mr. Bercovici is expected to rebut Ms. Frost's opinion by drawing on his experience and expertise as a Los Angeles Police Department supervisor and manager, supervising police officers, sergeants and detectives handling domestic violence calls for service, and by drawing on his experience and expertise with related issues, including the cycle of violence, and the propensity and tendency of victims and their respective friends and family to be less-than-forthcoming during domestic violence call for services—particularly when the call for service originates from a source other than the victim.

Domestic violence calls for service are, by far, one of the most common service calls received by the LAPD. Thus, LAPD officers are expected to be well-versed with behavioral patterns surrounding domestic violence and anticipate (even expect) that victims and their respective family and friends may be less-than-forthcoming. This is the reason the LAPD has policies and procedures specifically directed to domestic violence calls for service, and stresses the importance of a thorough, complete, and comprehensive field investigation—despite any reluctance by victims to seek medical attention or file a report, and despite any reluctance by victims or witnesses to volunteer information or otherwise cooperate. Pursuant to LAPD policy, every time officers respond to a domestic violence call, officers have the obligation to document whether a crime has occurred or whether it is an incident without probable cause to conclude a crime occurred. In either case, a report must be completed. *See also* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 24:14-22.

Mr. Bercovici will rebut Ms. Frost's opinion to show that, in fact, Officer Saenz and Hadden did not follow policies, procedures or best practices and were derelict in their duties to conduct a thorough, complete, and comprehensive field investigation at their assigned call at 849

S. Broadway, Los Angeles, CA on May 21, 2016. He will offer his opinion, based on photos and evidence in the record, that the first set of officers had probable cause to conclude that a domestic violence crime had been perpetrated upon Ms. Heard on May 21, 2016, and a thorough, complete and comprehensive investigation and a report was required, but not performed.

Mr. Bercovici will rebut Ms. Frost's opinion that Officers Diener and Gatlin followed policies, procedures or best practices regarding their dispatch and arrival to 849 South Broadway, Los Angeles, CA on May 21, 2016, and opine that they too were derelict in their duties when they failed to conduct a thorough, complete, and comprehensive field investigation and a report that was required, but not performed.

Officer Saenz and Hadden's Initial Response Prior to Arrival on Scene Evidences

Substandard Performance: Ms. Frost's opinion begins with her overview of the officer's initial response to the call for service at 849 South Broadway. Her overview of the officers' initial response is an early introduction into her lack of familiarity with LAPD protocol and procedure, including when entering a multi-story building. While running the location for contacts is important, letting the RTO (dispatcher) know that they are Code-6 (at scene) and will be in fact in a penthouse location is also an important officer-safety detail that was not completed. These types of minor but important tasks would have been the responsibility of Officer Saenz on the initial call because she was the senior, P-3 training officer for Officer Hadden, who was a P-1 probationer, that just started and only had one to three weeks' experience in the field. Hadden 3/11/21 Dep. at 12:13-19; 54:6-9, 13-15; 58:5-11. In fact, Officer Hadden testified that he was only "begin[ning] to understand [LAPD policies and procedures] and comprehend them." Hadden 3/11/21 Dep. at 62:1-18. This type of omission by Officer Saenz is an early indication of her substandard performance.

Lack of Contact Information for Reporting Party does not Justify Officers Saenz's and Hadden's Abdication of Responsibility: Ms. Frost states that Officers Saenz and Hadden did not have an identifiable contact. In a city as large and as complex as Los Angeles this is common, and in patrol work is often the norm. Ms. Frost's experience as field officer is less than five years in a much smaller agency and she is apparently unfamiliar with the expectations of an LAPD Area Command. The fact that there is an anonymous contact or that the call is from a second party is not a reason for Los Angeles police officer to abdicate their responsibility to handle each call thoroughly and competently for service they are assigned, yet they failed to do so.

Officers Saenz and Hadden Failed to Properly Handle the Call and Failed to Conduct a Thorough, Complete, and Documented Field Investigation and Report Once They Arrived on Scene: Ms. Frost opines that the officers properly handled the call. They did not. The officers first contacted Joshua Drew. According to Mr. Drew's testimony, he greeted both of the officers upon arrival. Drew Dep. 65:2-8. Mr. Drew then:

walked them through PH 3 to show them the damage, show them the broken glass. [The officers] had already walked through the hallway, over the gigantic wine stain throughout the entire hallway.... [He] [s]howed them the dent in the door shaped like the bottom of a wine bottle in PH 1. [He] [t]ook [Officers Saenz and Hadden] into PH 5 to see broken picture frames, smashed glass, Raquel's jewelry and things like that strewn about the apartment.

Drew Dep. 65:7-20; *see also* Drew Dep. at 115:25-116:25. Mr. Drew testified that Officers Saenz's and Hadden's "communication to [him] throughout ... [involved Mr. Drew] just pointing things out to them and them responding in the affirmative or speaking to each other and say, 'Yes, there's broken glass. That looks like something that's been shoved. It looks like something has transpired here.'" Drew Dep. at 221:1-6. Officer Hadden then stated to Mr. Drew: "You've walked us around.

There's damage in the apartments. She has marks on her face. If she wants to file a report, we will go pick him up." Drew Dep. at 222:7-12.

Although the first set of officers were only on the scene for fifteen minutes, they were nonetheless presented with sufficient evidence during their abbreviated visit to conclude that a crime had, in fact, occurred, but failed to properly investigate, document their investigation or prepare a crime (or even incident) report so that a detective could follow up and appropriately pursue the matter further. They likewise failed to provide Ms. Heard with the Domestic Violence/Victim Identification Notification Everyday Pamphlet. *See* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 94:2-9, 17-19, 95:18-96:14.

The LAPD's document production in this case includes guidance on domestic violence case preparation. F1332.1-F1332.4. Appropriate case preparation required the officers to, among other things:

- Note the complainant's emotional and physical condition.
- Ensure all evidence is gathered and preserved, e.g., bloodied clothing, damaged phones/property.
- Ensure photographs are taken of injuries or lack of injury to complainant and accused, both the day of and a day or two after the incident.
- Ensure photographs are taken of scene and damaged property, e.g. broken furniture, holes in walls, damaged phones, phone cords pulled from the wall, evidence of alcohol consumption, general disarray.
- Canvass location and interview all witnesses, including children, "fresh complaint" witnesses, neighbors, and local law enforcement. Parental consent to interview a minor is not required for a criminal investigation within the City.
- Gather and review all documents related to the incident, including but not limited to DFARs, Fls, sergeant's logs, arrest reports, dispatch records and any audio/video recordings.

F1332.1-F1332.2. *See also* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 28:1-20.

Officers Saenz and Hadden failed to appropriately complete these tasks. They did not seek or obtain building security footage, they did not gather and preserve evidence, they did not take photographs of injuries (or any purported lack of injuries to complainant) either the day of or a day or two after. They did not take photographs of the scene, damaged property or general disarray. They did not interview all witnesses, and failed, as Ms. Frost recognizes, to separately interview Raquel Pennington. They did not appropriately document and report the complainant's physical and emotional condition. And, they did not complete the required report. *See also* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 24:14-22, 28:1-20.

Instead, Mr. Drew, Ms. Pennington and Ms. Heard were left to contemporaneously document matters that should have been documented by Officers Saenz and Hadden and included in a crime report. Mr. Drew, Ms. Pennington and Ms. Heard have all presented contemporaneous evidence of Ms. Heard's injuries to her face, property damage and general disarray. Drew Dep. Ex. 13-15. And both Ms. Pennington and Mr. Drew prepared contemporaneous reports of what transpired. Drew Dep. Ex. 16.

Ms. Frost cites Ms. Heard's indication that she did not want to give a statement on the advice of counsel and notes the absence of a detailed witness statement by Mr. Drew, noting that Ms. Pennington was not even separately interviewed for a statement, to improperly excuse the officers from fulfilling their duties. Ms. Frost even shapes her "Step-by-[Step] Procedure" to accommodate and excuse the officers' performance deficiencies. Ms. Frost, for example, expressly requires "witness statements," for steps "xxv-xxvii" of her "Procedure to Respond to a Call for Domestic Violence." According to Ms. Frost, officers should not even "Consider writing an Incident report to document the call for service" *unless* there is a witness statement, despite non-testimonial evidence of a crime or the fact that the officers are responding to a domestic

violence call for service. Ms. Frost is plainly mistaken and misapprehends the duty and obligations of LAPD officers responding to a domestic violence calls for service under both LAPD policy and California State Law. Hadden Dep. at 174:5-12 (recognizing that if he perceives injuries, he has an obligation to prepare a report); Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 35:10-13, 36:12-18, 85:13-86:16 (recognizing domestic violence incident reports are required by state law for every domestic violence incident the LAPD responds to, even if no crime is committed and no crime report prepared). Manual Section 03.01.00J-12 states: *"Officers who are responsible for the investigation for a domestic violence incident [even] where the corpus delicti of a specific crime is not present shall complete an Investigative Report."* These reports are then submitted to the watch commander. It is important to understand that in the policy language of the LAPD the term *shall* is a directive, essentially a direct order to implement a task in this case, to take a report. Yet in Ms. Frost item twenty-six the term *consider* is in line with the term *may*, which allows for discretion on the part of the officer, and is contrary to LAPD policy and procedure and California state law.

Ms. Frost further cites that Ms. Heard declined medical treatment in an effort to ignore Officers Saenz's and Hadden's failure to conduct a thorough, complete, and documented field investigation. When Officer Saenz first encountered Ms. Heard, she was "crying, red-eyed and was not making eye contact" with Officer Saenz. Saenz Dep. 146:10-13. Officer Hadden likewise noted that Ms. Heard "has marks on her face." Drew Dep. at 222:7-12; Hadden Dep. at 197:18-198:1 (recognizing he witnessed "redness," but claiming, despite contemporaneous photographs of injury, that it was consistent with crying). Officer Hadden testified that the "little time he dealt with [Ms. Heard]," she was "unresponsive and crying," Hadden Dep. at 299:9-12, and she "was uncooperative because she was emotional, she was crying, she wasn't sure whether she wanted to

file a report or not, and ... then she said she did not want to." Hadden Dep. at 231:18-22, 232:5-6. Ms. Heard's appearance, emotional state, and reported behaviors are consistent with typical behavioral patterns exhibited by domestic violence victims, and in no way excuse Officers Saenz's and Hadden's failure to conduct a thorough, complete, and documented field investigation and report. *See also* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 15:2-6, 11-21.

As noted above, Officers Saenz and Hadden were on scene for fifteen minutes or less, and conducted a haphazard and cursory investigation, failed to document available evidence or prepare a report. It is my opinion that Officer Saenz's and Hadden's deficient conduct in responding their assigned radio call at 849 S. Broadway, Los Angeles, CA on May 21, 2016 was a violation of established policy, including Manual Section 03.01.00J, and California Penal Code 13700.

Within the LAPD there is an accepted standard of performance, and the agency provides training and policy to reinforce those standards. Whether these are applied at calls for service is the responsibility of each officer, but there is expectation that the senior officer at scene has the greater responsibility. Officer Saenz, either by willful omission or incompetence, rushed through the call for service and failed to follow established policy.

Officers Saenz And Hadden Had Probable Cause to Conclude That A Domestic Violence Crime Had Been Perpetrated Upon Ms. Heard On May 21, 2016. Officers Saenz and Hadden ignored evidence and failed to reasonably determine (or document their reasonable determination) that there was probable cause to conclude that a domestic violence crime had been perpetrated upon Ms. Heard on May 21, 2016 and that a further investigation was required and appropriate. Contemporaneous evidence, including photographs of Ms. Heard's injury to her face, property damage and general disarray, and even explicit statements by Officer Hadden to Mr.

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Drew demonstrate that there was probable cause to conclude that a crime was committed. As Mr.

Drew testified:

[When he] was outside the door with the male officer [Hadden]... [Mr. Drew] was asking what, if anything, could be done.... And [Officer Hadden's] comment to [Mr. Drew] specifically was there's damage in these apartments. Her face is red. If she wants to file a report, we have enough here to go pick [Ms. Heard's husband] up.

Drew Dep. 65:7-20; Drew Dep. at 222:7-12; *See also* Detective Marie Sadanaga, LAPD Domestic Violence Coordinator, Dep. at 97:3-8, 98:2-15, 98:21-22, Ex. 26 (recognizing that Ms. Heard's contemporaneous photo evidenced an injury to her right cheek and a further investigation should have been conducted).

Contrary to Ms. Frost's opinion, the evidence supports a conclusion that Officers Saenz and Hadden, in fact, had probable cause to conclude that a domestic violence crime had been perpetrated upon Ms. Heard on May 21, 2016. It is clear from the depositions of Ms. Heard, Ms. Pennington, Mr. Drew, and the supporting metadata from the photographs that were taken shortly after the first set of officers left, that a domestic violence crime had be perpetrated upon Ms. Heard and the evidence was present when the first set of officers were on the scene.

Even if the officers could not appreciate that probable cause to conclude a crime occurred was present (and it was), they were mandated to make a domestic violence incident report. Manual Section 03.01-00J-12. They failed to do so and violated not only the department policy but California Penal Code Section 13700. *"A report must be completed on all incidents which meet the criteria of domestic violence as defined in Penal Code Section 13700 whether a specific crime has been identified. The unwillingness of the victim of domestic violence to sign a report does not exempt officers from the requirement to complete a report of the incident."*

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Officers Diener and Gatlin Failed to Properly Handle their Call and Likewise Failed to Conduct a Thorough, Complete, and Documented Field Investigation and Report Once They Arrived on Scene: In her report, Ms. Frost incorrectly concludes that Officers Diener and Gatlin did not have an independent responsibility to fully investigate upon their arrival on the scene. They did. Pursuant to LAPD policy and practice, each call needs to be handled, investigated, and closed out as its own separate call. This is especially true in the case of domestic violence calls where victim and witness cooperation can be fluid. Officers Diener and Gatlin were even less detailed in their approach to the call than Officers Saenz and Hadden, and that is well documented in their BWV. They merely ask Ms. Heard if she is okay, but did not take the time to inspect thoroughly Ms. Heard, even though they both admit later that the lighting was dim. Further, they were even unclear as to which person was Ms. Heard. This is clearly a failure on the part of this second set of officers to independently conduct a thorough, complete, and documented field investigation and report. Moreover, it is apparent that one or both of these officers are not properly trained on domestic violence and related behavioral patterns and tendencies. Indeed, years later in his deposition, Officer Diener could not articulate what the cycle of violence is and how it applies to the handling of a domestic violence call.

In Mr. Bercovici's opinion Officers Saenz, Hadden, Diener and Gatlin all failed to follow LAPD policies and procedures and California state law, and their conduct in responding to the domestic violence radio calls at 849 S. Broadway, Los Angeles, CA on May 21, 2016 constitutes neglect of duty by failing to take the minimum steps to ensure that the calls were properly responded to, investigated and reported. Further, Ms. Frost's opinion is fundamentally flawed because she lacks the experience of an LAPD supervisor charged with supervising and managing

officers in their daily work to ensure their adherence to established department policy and applicable law.

All of these opinions are provided to within a reasonable degree of probability or certainty in this field of police and security best practices.

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Expertise and Qualifications

Dr. Jacobs C.V. is attached as **Att. 13**, which details Dr. Jacobs' professional experience and all articles and testimony completed over the last ten years. Dr. Jacobs is an expert in the fields of economics, finance, econometrics, and statistics. Dr. Jacobs is employed as a Managing Director for Berkeley Research Group in Dallas, Texas. Dr. Jacobs has also employed such analysis in government, teaching, strategy consulting, and investment analysis. Dr. Jacobs has taught on the faculty of M.I.T., Harvard, and the University of Texas at Austin, and given advanced seminars at over a dozen additional universities. Dr. Jacobs's opinions are offered to a reasonable degree of economics, finance, econometrics, and statistics probability and/or certainty.

Summary of Engagement

In particular as it relates to this case, Dr. Jacobs analyzed Mr. Depp's Q scores and the opinions of Mr. Bania as disclosed in Plaintiff's Supplemental Designation/Identification of Expert Witnesses. Dr. Jacobs has been asked to respond to Mr. Bania's opinions. In addition,

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Dr. Jacobs reviewed the designation of Mr. Spindler, and specifically his testimony respecting the earnings by Mr. Depp and the significance of these earnings to the Op-Ed.

Summary of Opinions

I. Mr. Depp's Q Scores

According to Plaintiff's Supplemental Designation/Identification of Expert Witnesses, Mr.

Bania's opinions include the following:

Mr. Depp's Q Scores indicate the public's perspective of Mr. Depp was damaged after the date of Ms. Heard's allegations of abuse and even more so after the date these allegations were re-published in the Op-Ed. Based on Mr. Bania's analysis, Mr. Bania will opine that Mr. Depp's reputation was negatively impacted after the date of Ms. Heard's allegations of abuse, including when they were re-published in the Op-Ed.

and

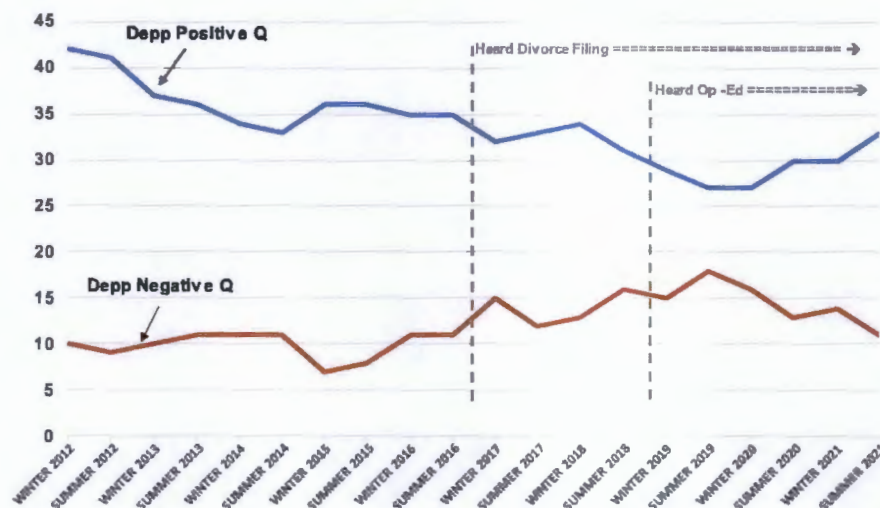
Summary of the Grounds for Mr. Bania's Opinion: Mr. Bania will base his opinions on his research-based analysis which will include a Google search and trend analysis of Mr. Depp and a review of Mr. Depp's Q Scores, which measures consumer appeal of celebrity or public figures.

With regard to Mr. Depp's Q scores, the plaintiff's expert contends the following conclusions based upon Q score data:

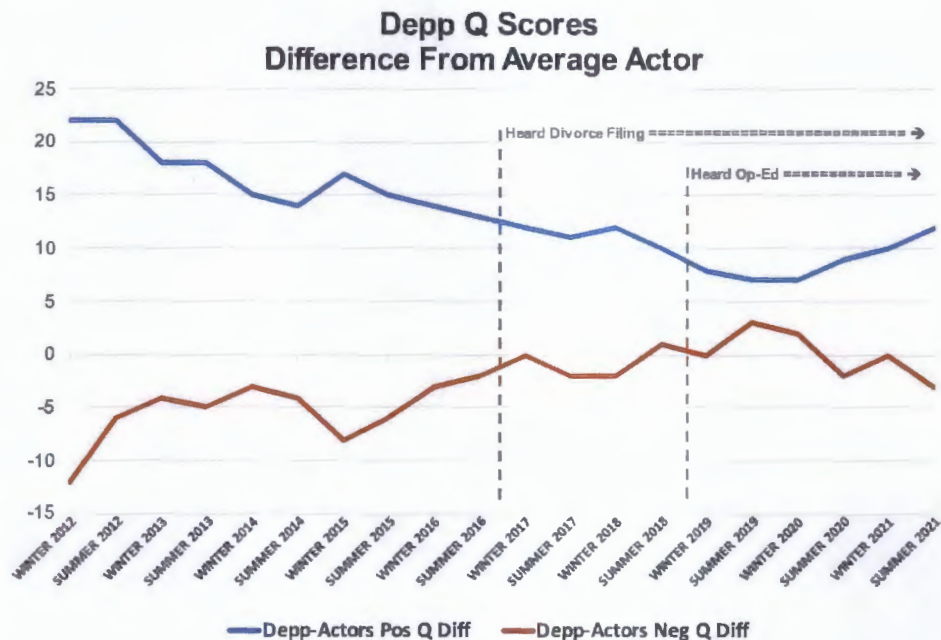
- 1) Ms. Heard's court filed statements in May 2016 had the effect of lowering Mr. Depp's positive Q score and raising Mr. Depp's negative Q score.
- 2) Ms. Heard's Op-Ed in December 2018 had an additional effect of further lowering Mr. Depp's positive Q score and further raising Mr. Depp's negative Q score.

The Q scores for Mr. Depp and the dates of events are indicated in the following graph:

Depp Q Scores



Q scores fluctuate for a number of reasons. Factors that are not specific to an individual celebrity include variations in the survey sample, modifications in the survey techniques, and general changes in perception that would affect statements about all celebrities. A measure of individual Q score movement that abstracts from these general movements is the difference between the individual celebrity Q score and the average celebrity Q score. This shows the unique movement of that celebrity's Q score relative to other celebrities. Average Q scores for each six months for all movie actors ("All Non-TV Actors") are compiled by The Q Scores Company (Marketing Evaluations, Inc.). The difference of Mr. Depp's Q scores from the average of all movie actors ("All Non-TV Actors") is shown in the following graph:



Relative to other actors, Mr. Depp's positive Q scores had a downward trend before May 2016 and December 2018, and Mr. Depp's negative Q scores had an upward trend before May 2016 and December 2018. This is an indication that there are other factors driving changes in the Depp Q scores other than these two information event dates- the Heard Divorce Filing and the Heard Op-Ed.

Dr. Jacobs performed statistical tests to explicitly estimate whether Mr. Depp's Q scores were higher or lower as a result of the event in May 2016 and whether they were higher or lower as a result of the event in December 2018.

The regression technique analyzes the variability of the Q score and the variability of the independent variables that would explain the movement in the Q score. The coefficient of the

D1 variable is the estimation from the data of how much higher or lower the Q score is due to the May 2016 event and the statistics indicate the degree of statistical significance or confidence in the estimate based on the data – such as whether there is any reason to infer from the data that the coefficient is different from zero. The coefficient of the D2 variable is the estimation from the data of how much higher or lower the Q score is due to the December 2018 event and the statistics indicate the degree of statistical significance or confidence in the estimate based on the data.

The results of the statistical tests on the effect of a May 2016 event on Mr. Depp's Q scores are as follows:

<u>Estimate of Difference in Depp Positive Q - Post 5/2016</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
1	D1	-2.67733	1.48047	-1.80843	0.09206
3	D1	-1.57679	1.34399	-1.17322	0.25900
<u>Estimate of Difference in Depp Negative Q - Post 5/2016</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
2	D1	3.57833	1.45623	2.45726	0.02765
4	D1	3.44497	1.40884	2.44526	0.02729
<u>Estimate of Difference in Depp Positive Q - Post 5/2016</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
1-A	D1	-1.35406	1.19352	-1.13450	0.27439
<u>Estimate of Difference in Depp Negative Q - Post 5/2016</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
2-A	D1	3.81651	1.13389	3.36585	0.00393
2-B	D1	3.03164	1.44812	2.09350	0.05371
2-C	D1	3.62222	1.08440	3.34031	0.00388

The results of the statistical tests on the effect of the December 2018 event on Depp Q scores are as follows:

<u>Estimate of Difference in Depp Positive Q - Post 12/2018</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
1	D2	-0.25168	1.51038	-0.16663	0.87004
3	D2	-0.19288	1.22938	-0.15690	0.87742
<u>Estimate of Difference in Depp Negative Q - Post 12/2018</u>					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
2	D2	0.69271	1.49825	0.46234	0.65094
4	D2	0.74744	1.26570	0.59053	0.56362

Dr. Jacobs' conclusions from these tests and analysis are as follows:

- The data does not show Mr. Depp's Positive Q score being any lower following the May 2016 event. There appears to be a weak correlation and of the expected direction, but it is statistically insignificant.
- The data is consistent with Mr. Depp's Negative Q Score being 3.0-3.8 points higher following the May 2016 event.
- Although not statistically meaningful and not statistically different from zero, the magnitude of the actual estimate of a change in Mr. Depp's positive Q score following the May 2016 event is a small negative effect on Mr. Depp's positive Q score of 1.4 to 2.7 points. If there were an effect of this magnitude, it appears economically small relative to the overall variability in Mr. Depp's positive Q scores.
- The data is consistent with Mr. Depp's Negative Q Score being 3.0-3.8 points higher following the May 2016 event. The two regression estimates show statistics that indicate that the coefficient estimates are significantly different from zero.

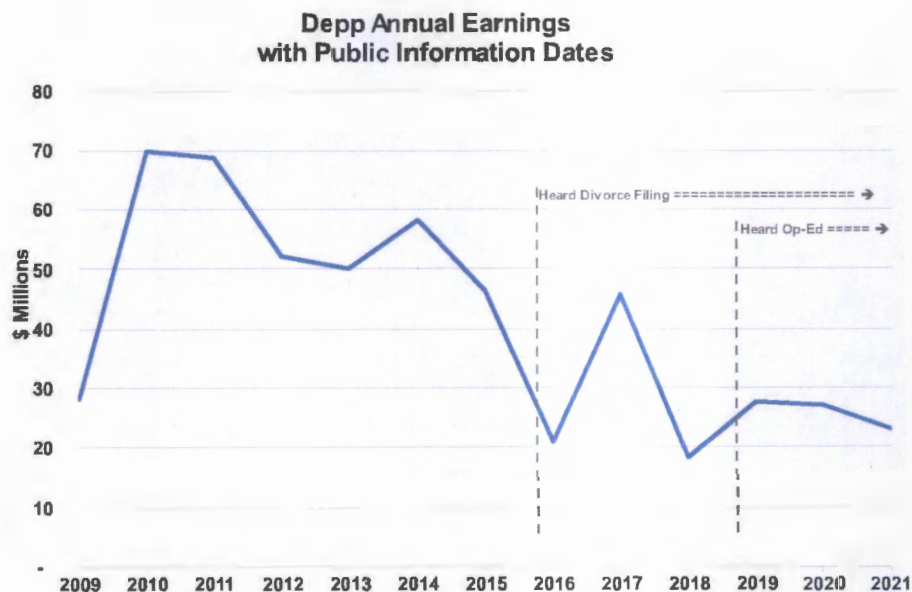
- There is no evidence in the data that Mr. Depp's positive Q score is lower as a result of the December 2018 event.
- Even if the estimates of the effect of the December 2018 Op-Ed event on Mr. Depp's positive Q scores were statistically significant, the actual coefficient estimates of the effect is negligible: an estimated lower positive Q score by only 0.2 to 0.3 points.
- There is no evidence in the data that Mr. Depp's negative Q score is higher as a result of the December 2018 event.
- Even if the estimates of the effect of the December 2018 event on Mr. Depp's negative Q scores were statistically significant, the actual coefficient estimates of the effect is negligible: an estimated higher negative Q score of only 0.7 points.
- There is no evidence in the data for any effect on Mr. Depp's Q scores of the December 2018 event.
- There are significant changes in Mr. Depp's Q scores unrelated to the May 2016 information event or the December 2018 information event. There are other information events, factors, or general randomness that are driving the variation and changes in Mr. Depp's Q scores, not the May 2016 event or the December 2018 event.

II. Depp Annual Earnings (including Designation of Michael Spindler)

Plaintiff's Experts assert that the Mr. Depp's lower annual earnings were the result of public statements by Amber Heard in a divorce filing in May 2016 and further lowered following an Op-Ed article in December 2018. Plaintiff's theory of causation appears to be two-fold: i) Each of these statements was an event which had a harm to Depp's reputation which worsened his Q scores (lowering positive Q and raising negative Q) and this lowered the level of Mr. Depp's earnings and ii) Each of these statements was an event which had various direct harms

leading to a lowering of Mr. Depp's earnings. These contentions can be tested with the available data in the case to see what effect Q scores have upon Mr. Depp's earnings and what effect the information events have upon Mr. Depp's earnings.

Annual earnings for Mr. Depp have been made available in the record of this case. Mr. Depp's annual earnings and the dates of information events that are alleged to have affected Mr. Depp earnings are displayed in the following graph:



There is substantial variability in Mr. Depp's earnings. Mr. Depp's earnings had a downward trend before either May 2016 or December 2018. This shows there are likely significant other factors driving changes in the Mr. Depp's earnings other than these two information event dates.

Dr. Jacobs performed statistical tests to explicitly estimate the relationship, if any, between Mr. Depp's Q scores and Mr. Depp's earnings. The regression technique analyzes the

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variability of Mr. Depp's earnings and the variability of the independent variables that would explain the movement in the level of Mr. Depp's earnings. The coefficient of the D1 variable is the estimation from the data of how much higher or lower are earnings due to the May 2016 event and the statistics indicate the degree of statistical significance or confidence in the estimate based on the data – such as whether there is any reason to infer from the data that the coefficient is different from zero. The coefficient of the D2 variable is the estimation from the data of how much higher or lower earnings are due to the December 2018 event, and the statistics indicate the degree of statistical significance or confidence in the estimate based on the data.

The data reflects the effect of Q scores on Mr. Depp's Earnings as summarized as follows:

Estimate of Q Score Effect on Depp Earnings - Positive Q					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
9	Pos Q	1,674,967	2,197,258	0.76230	0.48835
10	Pos Q	-321,500	2,144,490	-0.14992	0.88669
11	Pos Q	1,216,852	3,440,696	0.35366	0.74144
12	Pos Q	211,042	2,644,749	0.07980	0.93949

Estimate of Q Score Effect on Depp Earnings - Negative Q					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
9	Neg Q	1,560,358	2,924,127	0.53362	0.62188
10	Neg Q	1,570,234	3,404,396	0.46124	0.66400
11	Neg Q	-1,103,852	4,564,737	-0.24182	0.82081
12	Neg Q	-960,641	4,214,006	-0.22796	0.82870

The data presented in the case show no discernable effect of Mr. Depp's Q scores on Mr. Depp's earnings: All estimates of the effect are statistically no different than zero. In three of the eight tests, the data even shows a wrong sign on effect, i.e., a negative effect of positive Q scores on earnings and a negative effect of negative Q on earnings.

Dr. Jacobs also performed statistical tests to explicitly estimate whether Mr. Depp's earnings were higher or lower as a direct result of an event in May 2016 and whether they were higher or lower as a result of the event in December 2018.

The results of the statistical tests on the effect of a May 2016 event on Mr. Depp earnings are as follows:

Estimate of Difference in Depp Earnings - Post 5/2016					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
5	D1-A	-38,087,205	11,171,022	-3.40946	0.00923
6	D1-B	-24,862,895	14,787,275	-1.68137	0.13120
7	D1-A	-24,798,099	11,116,264	-2.23079	0.04978
8	D1-B	-17,390,563	12,558,439	-1.38477	0.19624
9	D1-A	-43,419,201	16,856,639	-2.57579	0.06160
10	D1-A	-30,126,196	17,289,072	-1.74250	0.14189
11	D1-B	-13,746,740	23,745,595	-0.57892	0.59368
12	D1-B	-8,844,361	20,196,140	-0.43792	0.67971

Most of the estimates of the effect of the May 2016 event on Depp earnings are not statistically significant. Only one of the eight estimates is highly significant (from regression 5); another is borderline statistically significant (from regression 7); and another is near to being statistically significant, but is not statistically significant (from regression 9). These three estimates are from the test where the statistical effect of the May 2016 event falls half on the earnings of 2016 versus beginning its effect on 2017 earnings. All eight estimates are negative which is the expected sign. Thus, the data is weakly consistent with the probability that there is a small negative effect on Mr. Depp's earnings from the May 2016 information event.

The results of the statistical tests on the effect of a December 2018 event on Mr. Depp's earnings are as follows:

Estimate of Difference in Depp Earnings - Post 12/2018					
<u>Regression</u>	<u>Variable</u>	<u>Coeff Estimate</u>	<u>Std. Error</u>	<u>t Stat</u>	<u>P-value</u>
5	D2	-4,943,521	10,595,226	-0.46658	0.65324
6	D2	-7,960,173	14,646,638	-0.54348	0.60161
7	D2	-1,299,915	12,510,942	-0.10390	0.91930
8	D2	-5,986,039	14,501,236	-0.41280	0.68847
9	D2	-5,591,097	10,945,294	-0.51082	0.63638
10	D2	-3,673,196	12,672,382	-0.28986	0.78356
11	D2	-5,446,364	17,393,373	-0.31313	0.76983
12	D2	-4,837,418	16,049,916	-0.30140	0.77524

No estimate of the effect of the December 2018 Op-Ed is statistically significant, nor shows any estimate even close to being statistically significant.

Dr. Jacobs conclusions from these tests on Mr. Depp's earnings are as follows:

- The data is partially consistent with Mr. Depp's earnings being statistically significantly lower following a May 2016 event, i.e., being partially significantly different from zero effect.
- There is no evidence in the data that Mr. Depp's earnings were lower as a direct result of the December 2018 Op-Ed event. The coefficient estimate is statistically indistinguishable from showing zero effect. Even the actual coefficient estimates are small relative to the variability of Mr. Depp earnings or to the estimates of the effect of the May 2016 event.
- There are significant changes in Mr. Depp's earnings unrelated to the May 2016 information event or the December 2018 information event. There are other information events, other factors, or general randomness which are driving the changes and variation in Mr. Depp's earnings rather than the May 2016 event or the December 2018 event.

Data For Analysis of Mr. Depp's Q Scores

	Depp Positive Q	Depp Negative Q	All Actors Positive Q	All Actors Negative Q	Depp-Actors Difference Positive Q	Depp-Actors Difference Negative Q	After 5/2016 D1	After 12/2018 D1
WINTER 2012	42	10	20	22	22	-12	0	0
SUMMER 2012	41	9	19	15	22	-6	0	0
WINTER 2013	37	10	19	14	18	-4	0	0
SUMMER 2013	36	11	18	16	18	-5	0	0
WINTER 2014	34	11	19	14	15	-3	0	0
SUMMER 2014	33	11	19	15	14	-4	0	0
WINTER 2015	36	7	19	15	17	-8	0	0
SUMMER 2015	36	8	21	14	15	-6	0	0
WINTER 2016	35	11	21	14	14	-3	0	0
SUMMER 2016	35	11	22	13	13	-2	1	0
WINTER 2017	32	15	20	15	12	0	1	0
SUMMER 2017	33	12	22	14	11	-2	1	0
WINTER 2018	34	13	22	15	12	-2	1	0
SUMMER 2018	31	16	21	15	10	1	1	0
WINTER 2019	29	15	21	15	8	0	1	1
SUMMER 2019	27	18	20	15	7	3	1	1
WINTER 2020	27	16	20	14	7	2	1	1
SUMMER 2020	30	13	21	15	9	-2	1	1
WINTER 2021	30	14	20	14	10	0	1	1
SUMMER 2021	33	11	21	14	12	-3	1	1
Avg	33.6	12.1	20.3	14.9	13.3	-2.8		
Std Dev	3.9	2.8	1.1	1.8	4.3	3.4		

Data For Analysis of Mr. Depp's Earnings

Year	Earnings	D1-A	D1-B	D2	Pos Q	Neg Q
2009	28,400,001	0	0	0		
2010	69,856,633	0	0	0		
2011	68,710,593	0	0	0		
2012	52,144,565	0	0	0	41.5	9.5
2013	50,197,637	0	0	0	36.5	10.5
2014	58,379,902	0	0	0	33.5	11.0
2015	46,416,594	0	0	0	36.0	7.5
2016	20,961,267	0.5	0	0	35.0	11.0
2017	45,632,426	1	1	0	32.5	13.5
2018	18,353,247	1	1	0	32.5	14.5
2019	27,792,839	1	1	1	28.0	16.5
2020	27,079,496	1	1	1	28.5	14.5
2021	23,148,057	1	1	1	31.5	12.5
Average	41,313,327					
Std. Dev.	17,367,191					
Earnings (EWC000047)						

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Regression 1

Regression 1							
SUMMARY OUTPUT		Dep Var: Depp Positive Q					
Regression Statistics							
Multiple R	0.899867921						
R Square	0.809762275						
Adjusted R Square	0.755408639						
Standard Error	1.75934548						
Observations	19						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	4	184.4553224	46.1138306	14.89803	6.01304E-05		
Residual	14	43.33415125	3.09529652				
Total	18	227.7894737					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
	Intercept	0.8318	12.8133	0.0649	0.9492	-26.6501	28.3137
Q Lag	X Variable 1	0.5770	0.1881	3.0681	0.0083	0.1737	0.9804
Q Actors	X Variable 2	0.7169	0.5022	1.4274	0.1754	-0.3603	1.7941
D1	X Variable 3	-2.6773	1.4805	-1.8084	0.0921	-5.8526	0.4980
D2	X Variable 4	-0.2517	1.5104	-0.1666	0.8700	-3.4911	2.9878

Regression 1 Variant A

Regression 1							
SUMMARY OUTPUT		Dep Var: Depp Positive Q					
Regression Statistics							
Multiple R	0.899867921						
R Square	0.809762275						
Adjusted R Square	0.755408639						
Standard Error	1.75934548						
Observations	19						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	4	184.4553224	46.1138306	14.89803	6.01304E-05		
Residual	14	43.33415125	3.09529652				
Total	18	227.7894737					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
	Intercept	0.8318	12.8133	0.0649	0.9492	-26.6501	28.3137
Q Lag	X Variable 1	0.5770	0.1881	3.0681	0.0083	0.1737	0.9804
Q Actors	X Variable 2	0.7169	0.5022	1.4274	0.1754	-0.3603	1.7941
D1	X Variable 3	-2.6773	1.4805	-1.8084	0.0921	-5.8526	0.4980
D2	X Variable 4	-0.2517	1.5104	-0.1666	0.8700	-3.4911	2.9878

Regression 2

Regression 2						
SUMMARY OUTPUT		Dep Var: Depp Negative Q				

Regression 2 Variant A

Regression 2 Variant A							
SUMMARY OUTPUT		Dep Var: Depp Negative Q					
Regression Statistics							
Multiple R	0.77473847						
R Square	0.6002197						
Adjusted R Square	0.5252609						
Standard Error	1.97303336						
Observations	20						
ANOVA							
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>		
Regression	3	93.51422994	31.17141	8.0073275	0.00174815		
Residual	16	62.28577006	3.89286063				
Total	19	155.8					
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	
Intercept	6.90474	4.09212	1.68733	0.11094	-1.77017	15.57965	
Actors Neg Q X Variable 1	0.18602	0.26151	0.71134	0.48712	-0.36836	0.74041	
D1 X Variable 2	3.81651	1.13389	3.36585	0.00393	1.41277	6.22026	
D2 X Variable 3	1.08140	1.19502	0.90492	0.37893	-1.45193	3.61472	

Regression 2 Variant B

Regression 2 Variant B		Dep Var: Depp Negative Q					
SUMMARY OUTPUT							
Regression Statistics							
Multiple R	0.76759985						
R Square	0.58920953						
Adjusted R Square	0.50705143						
Standard Error	2.03460435						
Observations	19						
ANOVA							
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>		
Regression	3	89.0636719	29.6878906	7.17165526	0.003273036		
Residual	15	62.09422283	4.13961486				
Total	18	151.1578947					
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>	
Intercept	7.60523	3.09199	2.45965	0.02653	1.01481	14.19565	
Lag Neg Q	X Variable 1	0.22283	0.31243	0.71322	0.48666	-0.44310	0.88876
D1	X Variable 2	3.03164	1.44812	2.09350	0.05371	-0.05496	6.11824
D2	X Variable 3	0.44635	1.53550	0.29069	0.77527	-2.82649	3.71920

Regression 2 Variant C

Regression 2 - Variant C						
SUMMARY OUTPUT		Dep Var: Depp Negative Q				
		</				

Regression 3

Regression 3		Dependent Variable: Depp-Actors Diff Positive Q					
SUMMARY OUTPUT							
Regression Statistics							
Multiple R	0.928126513						
R Square	0.861418824						
Adjusted R Square	0.833702589						
Standard Error	1.64956162						
Observations	19						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	3	253.7105127	84.5701709	31.07994	1.10976E-06		
Residual	15	40.81580308	2.72105354				
Total	18	294.5263158					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
Intercept	4.99348	3.29099	1.51732	0.14998	-2.02109	12.00806	
Lag Pos Q Diff X Variable 1	0.65994	0.18377	3.59119	0.00267	0.26825	1.05164	
D1 X Variable 2	-1.57679	1.34399	-1.17322	0.25900	-4.44143	1.28785	
D2 X Variable 3	-0.19288	1.22938	-0.15690	0.87742	-2.81324	2.42747	

Regression 4

Regression 4		Dependent Variable: Depp-Actors Diff Negative Q				
SUMMARY OUTPUT						
Regression Statistics						
Multiple R	0.79687961					
R Square	0.63501711					
Adjusted R Square	0.56202053					
Standard Error	1.89834818					
Observations	19					
ANOVA						
	df	SS	MS	F	Significance F	
Regression	3	94.04937579	31.3497919	8.69927221	0.001390786	
Residual	15	54.05588737	3.60372582			
Total	18	148.1052632				
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%
Intercept	-4.26067	1.45289	-2.93255	0.01029	-7.35742	-1.16391
Lag Neg Q Diff X Variable 1	0.10239	0.21476	0.47676	0.64041	-0.35537	0.56014
D1 X Variable 2	3.44497	1.40884	2.44526	0.02729	0.44210	6.44783
D2 X Variable 3	0.74744	1.26570	0.59053	0.56362	-1.95034	3.44522

Regression 5

Regression 5							
SUMMARY OUTPUT							
Regression Statistics		Dependent Variable: Depp Earnings					
Multiple R	0.84467603						
R Square	0.713477596						
Adjusted R Square	0.606031695						
Standard Error	11574264.09						
Observations	12						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	3	2.66869E+15	8.896E+14	6.6403426	0.0145548		
Residual	8	1.07171E+15	1.34E+14				
Total	11	3.7404E+15					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
Intercept	79,580,346	16,900,447	4.70877	0.00152	40,607,846	118,552,845	
L Inc	X Variable 1	-0.43193	0.29660	-1.45627	0.18341	-1.11590	0.25203
D1-A	X Variable 2	-38,087,205	11,171,022	-3.40946	0.00923	-63,847,629	-12,326,782
D2	X Variable 3	-4,943,521	10,595,226	-0.46658	0.65324	-29,376,156	19,489,114

Regression 6

Regression 6							
SUMMARY OUTPUT		Dependent Variable: Depp Earnings					
		<i>Regression Statistics</i>					
	Multiple R	0.693300079					
	R Square	0.480665					
	Adjusted R Squ	0.285914374					
	Standard Error	15582527.1					
	Observations	12					
		<i>ANOVA</i>					
		<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>	
	Regression	3	1.79788E+15	5.993E+14	2.468105	0.136525986	
	Residual	8	1.94252E+15	2.428E+14			
	Total	11	3.7404E+15				
		<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>
	Intercept	64,251,105	21,793,809	2.94814	0.01848	13,994,491	114,507,719
L Earn	X Variable 1	-0.22210	0.39262	-0.56570	0.58711	-1.12748	0.68327
D1-B	X Variable 2	-24,862,895	14,787,275	-1.68137	0.13120	-58,962,413	9,236,623
D2	X Variable 3	-7,960,173	14,646,638	-0.54348	0.60161	-41,735,380	25,815,034

Regression 7

Regression 7		Dependent Variable: Depp Earnings					
SUMMARY OUTPUT							
Regression Statistics							
Multiple R	0.698486762						
R Square	0.487883756						
Adjusted R Square	0.385460508						
Standard Error	14170511.77						
Observations	13						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	2	1.91302E+15	9.565E+14	4.7634083	0.035224331		
Residual	10	2.00803E+15	2.008E+14				
Total	12	3.92105E+15					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
Intercept	52,104,811	5,272,907	9.88161	0.00000	40,356,042	63,853,580	
D1-A X Variable 1	-24,798,099	11,116,264	-2.23079	0.04978	-49,566,678	-29,519	
D2 X Variable 2	-1,299,915	12,510,942	-0.10390	0.91930	-29,176,032	26,576,202	

Regression 8

Regression 8						
SUMMARY OUTPUT		Dependent Variable: Depp Earnings				

Regression 9

Regression 9							
SUMMARY OUTPUT		Dependent Variable: Depp Earnings					
Regression Statistics							
Multiple R	0.878807349						
R Square	0.772302357						
Adjusted R Squa	0.487680304						
Standard Error	10680214.49						
Observations	10						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	5	1.54756E+15	3.0951E+14	2.713431194	0.177456438		
Residual	4	4.56268E+14	1.1407E+14				
Total	9	2.00383E+15					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
Intercept	25,688,152	84,768,048	0.30304	0.77697	-209,665,679	261,041,983	
L Earn	X Variable 1	-0.91888	0.55137	-1.66654	0.17093	-2.44974	0.61197
Pos Q	X Variable 2	1,674,967	2,197,258	0.76230	0.48835	-4,425,599	7,775,533
Neg Q	X Variable 3	1,560,358	2,924,127	0.53362	0.62188	-6,558,320	9,679,036
D1-A	X Variable 4	-43,419,201	16,856,639	-2.57579	0.06160	-90,220,734	3,382,333
D2	X Variable 5	-5,591,097	10,945,294	-0.51082	0.63638	-35,980,106	24,797,912

Regression 10

Regression 10

SUMMARY OUTPUT

Dependent Variable: Depp Earnings

Regression Statistics	
Multiple R	0.78371144
R Square	0.614203622
Adjusted R Square	0.305566519
Standard Error	12434398.29
Observations	10

ANOVA					
	df	SS	MS	F	Significance F
Regression	4	1.23076E+15	3.0769E+14	1.990051152	0.234401578
Residual	5	7.73071E+14	1.5461E+14		
Total	9	2.00383E+15			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%
Intercept	46,468,454	97,617,314	0.47603	0.65413	-204,464,840	297,401,747
Pos Q	X Variable 1	-321,500	2,144,490	-0.14992	-5,834,087	5,191,087
Neg Q	X Variable 2	1,570,234	3,404,396	0.46124	-7,181,045	10,321,514
D1-A	X Variable 3	-30,126,196	17,289,072	-1.74250	-74,569,172	14,316,779
D2	X Variable 4	-3,673,196	12,672,382	-0.28986	-36,248,591	28,902,200

Regression 11

Regression 11

SUMMARY OUTPUT

Dependent Variable: Depp Earnings

Regression Statistics							
Multiple R	0.664399342						
R Square	0.441426485						
Adjusted R Squa	-0.256790408						
Standard Error	16727878.96						
Observations	10						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	5	8.84545E+14	1.7691E+14	0.632219715	0.689750277		
Residual	4	1.11929E+15	2.7982E+14				
Total	9	2.00383E+15					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
L Earn	Intercept	36,126,931	133,527,797	0.27056	0.80012	-334,605,667	406,859,529
Pos Q	X Variable 1	-0.43491	0.82724	-0.52574	0.62687	-2.73170	1.86188
Neg Q	X Variable 2	1,216,852	3,440,696	0.35366	0.74144	-8,336,050	10,769,754
D1-B	X Variable 3	-1,103,852	4,564,737	-0.24182	0.82081	-13,777,594	11,569,891
D2	X Variable 4	-13,746,740	23,745,595	-0.57892	0.59368	-79,675,081	52,181,601
	X Variable 5	-5,446,364	17,393,373	-0.31313	0.76983	-53,738,109	42,845,381

Regression 12

Regression 12		Dependent Variable: Depp Earnings					
SUMMARY OUTPUT							
Regression Statistics							
Multiple R	0.634688369						
R Square	0.402829326						
Adjusted R Squa	-0.074907213						
Standard Error	15470164.69						
Observations	10						
ANOVA							
	df	SS	MS	F	Significance F		
Regression	4	8.07202E+14	2.018E+14	0.843203928	0.553107334		
Residual	5	1.19663E+15	2.3933E+14				
Total	9	2.00383E+15					
	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	
Intercept	47,427,295	121,877,845	0.38914	0.71319	-265,869,679	360,724,269	
Pos Q X Variable 1	211,042	2,644,749	0.07980	0.93949	-6,587,500	7,009,585	
Neg Q X Variable 2	-960,641	4,214,006	-0.22796	0.82870	-11,793,089	9,871,807	
D1-B X Variable 3	-8,844,361	20,196,140	-0.43792	0.67971	-60,760,192	43,071,470	
D2 X Variable 4	-4,837,418	16,049,916	-0.30140	0.77524	-46,095,041	36,420,205	

Designation of Plaintiff's and/or Defendant's Treating Healthcare Providers

Ms. Heard also reserves the right to call as witnesses Plaintiff's and/or Ms. Heard's treating healthcare providers. To the extent Plaintiff's and/or Ms. Heard's treating healthcare providers are considered expert witnesses under the law of the Commonwealth of Virginia, Ms. Heard reserves the right to call any of those healthcare providers identified in the medical records in this case. Ms. Heard states that Plaintiff's and/or her own treating healthcare providers, if called, are hereby designated to testify to the fullest extent permitted by law, to include the provisions of Virginia Code Section 8.01-399, and that they will testify consistent with their documentation in the medical records and consistent with the diagnoses, signs and symptoms, observations, evaluations, histories or treatment plans, obtained or formulated as contemporaneously documented during the course of their treatment, together with the facts communicated to, or otherwise learned by, such treating healthcare provider in connection with such attendance, examination or treatment.

Concluding Statement and Reservation

As discovery is ongoing, Ms. Heard reserves the right to supplement this Expert Witness Designation to include (1) additional or different areas of expected testimony for the designated witnesses; (2) additional or different grounds for the expected testimony; (3) additional or different expert witnesses; and (4) additional or revised conclusions based upon the identification and opinions of Plaintiff's experts (including rebuttal experts), expert depositions, and trial testimony. Ms. Heard further reserves the right to rely upon and to offer testimony from expert witnesses identified by Plaintiff, and any of Plaintiff's treating physicians and/or other treating healthcare providers.

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February 10, 2022

Seal B

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Plaintiff Amber Laura Heard*

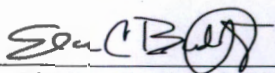
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 10th day of February, 2022, by email, by agreement of the parties, addressed as follows:

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Defendant John C. Depp, II*


Elaine Carlson Bredehoft (VSB No. 23766)

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Attachment 1

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Curriculum Vitae
DAWN M. HUGHES, PH.D. ABPP
2021

PROFESSIONAL ADDRESS

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EDUCATION

- 1996 Doctor of Philosophy in Clinical Psychology
Nova Southeastern University, Fort Lauderdale, FL
- 1992 Master of Science in Clinical Psychology
Nova Southeastern University, Fort Lauderdale, FL
- 1988 Bachelor of Arts in Psychology
Hamilton College, Clinton, NY

PROFESSIONAL TRAINING

- 9/96 - 9/97 *Postdoctoral Fellow - Research Associate in Psychiatry*
Weill Cornell Medical College - New York Presbyterian Hospital
Anxiety and Traumatic Stress Program - Payne Whitney Clinic
New York, NY
- 6/94 - 6/95 *Predoctoral Intern*
Yale University School of Medicine - Department of Psychiatry
Substance Abuse Treatment Unit and West Haven Mental Health Clinic New
Haven, CT

CURRENT POSITIONS

- 1998 - Present *Independent Practice in Clinical and Forensic Psychology*
Specialization in Traumatic Stress, Interpersonal Violence and
Anxiety Disorders
- 2010 - Present *Clinical Assistant Professor of Psychology in Psychiatry*
Weill Cornell Medical College - New York Presbyterian Hospital
New York, NY

LICENSURE & BOARD CERTIFICATION

- 1997 New York Licensed Psychologist
2005 Board Certification in Forensic Psychology - American Board of Professional Psychology
2015 Connecticut Licensed Psychologist
2015 North Carolina Licensed Psychologist

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PROFESSIONAL AFFILIATIONS

American Psychological Association (APA)
American Psychology and Law Society
Division of Trauma Psychology
Psychologists in Independent Practice
Society for the Psychology of Women
New York State Psychological Association (NYSPA)
American Board of Professional Psychology (ABPP)
Fellow – American Academy of Forensic Psychology (AAFP)
International Society for Traumatic Stress Studies (ISTSS)
Anxiety Disorders Association of America (ADAA)
Women's Mental Health Consortium (WMHC)
International Society for the Study of Trauma and Dissociation (ISSTD)

PROFESSIONAL ACTIVITIES

American Psychological Association (APA)

Council of Representatives – Division of Trauma Psychology – 2018-2020
Member-at-Large – Division of Trauma Psychology – 2013-2014
Leadership Institute for Women in Psychology – 2011-2012
Awards Chair - Division of Trauma Psychology – 2010-2012
Convention Program Co-Chair – Division of Trauma Psychology 2008-2010

Women's Mental Health Consortium

President 2009-2017
Membership Chair 2007-2009

International Society for Traumatic Stress Studies (ISTSS)

Program Committee 2001

CLINICAL EXPERIENCE

1/97 - 9/97	<i>Clinical Diagnostic Interviewer</i> Rockefeller University-Laboratory of Human Neurogenetics, NY, NY
9/92 - 8/93	<i>Psychology Extern</i> Veterans' Administration Outpatient Clinic, Oakland Park, FL
9/91 - 8/92	<i>Psychology Extern</i> Family Violence Program, Nova University, Fort Lauderdale, FL
9/90 - 6/91	<i>Psychology Trainee</i> Nova University Community Mental Health Center, Lauderhill, FL
5/91 - 11/91	<i>Crisis Clinician</i> Nova University Crisis Services, Fort Lauderdale, FL
5/89 - 7/90	<i>Legal Services Assistant</i> The Legal Aid Society - Federal Defenders Services Unit, New York, NY

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5/88 - 5/89 *Substance Abuse Counselor*
Narco Freedom, Bronx, NY

10/87 - 5/88 *Field Study Intern*
Central New York Psychiatric Center, Marcy, NY

TEACHING EXPERIENCE

2002 - 2010 *Clinical Instructor of Psychology in Psychiatry*
Weill Cornell Medical College, New York, NY
New York Presbyterian Hospital - Payne Whitney Clinic

1998 - 2000 *Consultant: Professional Development, Education and Training*
Victim Services, New York, NY

9/92 - 12/92 *Teaching Assistant*
9/93 - 12/93 Nova Southeastern University, Fort Lauderdale, FL
Courses: Advanced Research Design and Intermediate Statistics

RESEARCH EXPERIENCE

5/92 - 5/94 *Research Coordinator*
Sexual Abuse Survivors Program
Nova University Community Mental Health Center, Fort Lauderdale, FL

9/91 - 5/94 *Research and Statistical Consultant*
Nova University - Fort Lauderdale, FL

PUBLICATIONS

Tardiff K. and Hughes, D.M. (2011). Structured and clinical assessment of risk of violence. In Drogin et al. (Eds.) *Handbook of Forensic Assessment: Psychiatric and Psychological Perspectives*, John Wiley & Sons, Inc., New Jersey

Hughes, D.M. & Cloitre, M. (1999). Rape and sexual assault among adult women. In K. Tardiff (Ed.). *Medical Management of the Violent Patient*, Marcel Dekker, Inc., New York

Gold, S.N., Hughes, D.M. & Swingle, J. (1999). Degrees of memory of childhood sexual abuse among women survivors in therapy. *Journal of Family Violence*, 14, 35-46.

Gold, S.N., Elhai, J., Lucenko, B.A., Swingle, J.M., & Hughes, D.M. (1998). Abuse characteristics among childhood sexual abuse survivors in therapy: A gender comparison. *Child Abuse and Neglect*, 22, 1005-1012.

Hughes, D.M. (1996). Memory for childhood sexual abuse: Prevalence and relationship to abuse characteristics and psychological effects. Doctoral dissertation.

Gold, S.N., Hughes, D.M. & Swingle, J. (1996). Characteristics of childhood sexual abuse among female survivors in therapy. *Child Abuse and Neglect*, 20, 323-335.

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Gold, S.N., Hughes, D.M. & Hohnacker, L. (1994). Degrees of repression of sexual abuse memories. *American Psychologist*, 49, 441-442.

PROFESSIONAL PRESENTATIONS

Hughes, D.M. and Rocchio, L.M. (August 2014). *Essentials of Forensic Assessment of Trauma in Criminal and Civil Matters*. Presentation at the 122nd Annual Convention of the American Psychological Association, Washington, D.C.

Hughes, D.M. (November 2013). *It Matters: The Developmental Lifespan of the Trauma Therapist*. Symposium presentation at the 30th Annual Meeting of the International Society for the Study of Trauma and Dissociation, Baltimore, MD

Hughes, D.M. (November 2011). *Conceptualization of Complex Trauma and PTSD in Forensic Matters*. Panel presentation at the 27th Annual Meeting of the International Society of Traumatic Stress Studies, Baltimore, MD

Hughes, D.M. (August 2011). *Assessment of Complex Trauma in a Forensic Setting*. Presentation at the 119th Annual Convention of the American Psychological Association, Washington, D.C.

Hughes, D.M. (June 2011). *What Every Psychologist Needs to Know About Trauma*. Workshop presentation at the New York State Psychological Association Annual Conference, New York, NY

Hughes, D.M. (March 2011). *Vicarious Traumatization in Forensic Practice: Why Does It Matter?* Presentation at the American Psychology and Law Annual Conference, Miami, FL

Hughes, D.M. and Rocchio, L.M. (November 2010). *Forensic Assessment of Psychological Trauma and PTSD*. Workshop presented at the 26th Annual Meeting of the International Society of Traumatic Stress Studies, Montreal, Canada

Hughes, D.M. (August 2010). *Ethical Dilemmas and Professional Considerations for Working with the Adult Survivor of Sexual Abuse: Forensic Psychology*. Presentation at the 118th Annual Convention of the American Psychological Association, San Diego, CA

Hughes, D.M., Courtois, C., Walker, L.E., and Vasquez, M. (August 2009). *Trauma treatment in independent practice: Principles and resources*. Workshop presented at the 117th Annual Convention of the American Psychological Association, Toronto, Canada

Hughes, D.M. (August 2008). *Difficulties and dilemmas when dissociation is present in forensic cases*. Presentation at the 116th Annual Convention of the American Psychological Association, Boston, MA

Hughes, D.M. (November 2007). *Forensic issues in the assessment of trauma*. International Society for Trauma and Dissociation 24th Annual Conference, Philadelphia, PA

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Hughes, D.M. (November 2000). Multi-method approach to assessment in forensic evaluations. In A. Pratt (Chair) *Forensic assessment and testimony: Psychological trauma*. A workshop presentation at the 16th Annual Meeting of the International Society for Traumatic Stress Studies, San Antonio, TX.

Hughes, D.M. (August 1999). *Training in interpersonal violence: The next generation*. Presentation at the American Psychological Association Annual Convention, Boston, MA.

Gold, S.N., Hughes, D.M. & Swingle, J. (November 2000). *Memory for childhood sexual abuse: A matter of semantics*. Panel presentation at the 16th Annual Meeting of the International Society for Traumatic Stress Studies, San Antonio, TX.

Hughes, D.M. & Gold, S.N. (November 1997). *Memory for childhood sexual abuse and adult symptomatology*. Poster session presented at the 13th Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Hughes, D.M., Cloitre, M., Hand, R., Klein, C., Herwitz, J., Bleiberg, K. & Pessier, J. (November 1997). Role functioning impairment in CSA-related PTSD. In D.M. Hughes (Chair), *Role functioning impairment among women with childhood sexual abuse related PTSD*. Symposium presentation at the 13th Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Cloitre, M., Hughes, D.M. & Hand, R. (November 1997). A two-phase treatment for CSA-related PTSD: Rationale and preliminary results. In D.M. Hughes (Chair), *Role functioning impairment among women with childhood sexual abuse related PTSD*. Symposium presentation at the 13th Annual Meeting of the International Society for Traumatic Stress Studies, Montreal, Canada.

Klein, C., Hughes, D.M. & Cloitre, M. *Ethnocultural considerations in the assessment of PTSD in survivors of sexual assault*. (November 1997). Poster presentation at the Annual Meeting of the Association for the Advancement of Behavioral Therapy, Miami, FL.

Gold, S.N., Hughes, D.M. & Swingle, J. (July 1995). *Degrees of memory of childhood sexual abuse among female survivors in therapy*. Paper presented at the 4th International Family Violence Research Conference, Durham, NH.

Stear, C.A., Gold, S.N., & Hughes, D.M. (November 1994). *Family of origin atmosphere of sexual abuse survivors, distressed, and non-clinical families*. Paper presented at the Illinois Psychological Association Annual Convention, Chicago, IL.

Gold, S.N., Williamson, C. & Hughes, D.M. (March 1994). *Male sexual abuse survivors: Integrating empirical and clinical findings*. Paper presented at the Mid-Winter Convention of APA Divisions 29, 42, & 43.

Hughes, D.M., Bramson, J., Galper, L., Gelpi, H., Rubenstein, F & Dutton, M.A. (June 1992). *Training in the context of relationships: A model for the family violence clinician*. Paper presented at the First World Congress of the International Society for Traumatic Stress Studies, Amsterdam, The Netherlands.

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INVITED ADDRESSES

Hughes, D.M. (October 29, 2020). *Intimate Partner Violence: Understanding Women's Use of Force*. In CLE program, 2020 Judicial Symposium on Domestic Violence – Keynote Webinar Series. New York States Courts Office of Policy and Planning. New York, NY

Hughes, D.M. (September 17, 2019). *Mental Health Issues and the Workplace*. In CLE program, The Interplay of Mental Health Disabilities and Workplace Accommodations. New York City Bar Association, New York, NY

Hughes, D.M. (April 3, 2019). *Psychological Issues in the Workplace 2019*. Practicing Law Institute, New York, NY

Hughes D.M. (June 8, 2018). *Trauma and the Courtroom*. Alumni College Speaker. Hamilton College, Clinton, NY

Hughes, D.M. (February 2, 2018). *Domestic Violence 2018: Survivors as Defendants, Respondents, and Parole or Clemency Applicants*. Practicing Law Institute, New York, NY

Hughes, D.M., & Rocchio, L.M. (August 6, 2016). *Forensic work with trauma populations*. APA Division 56 – Trauma Psychology suite presentation at the American Psychological Association Annual Convention. Denver, CO

Hughes, D.M., Courtois, C., & Brown, L. (August 5, 2016). *Establishing a clinical practice in trauma psychology*. APA Division 56 – Trauma Psychology suite presentation at the American Psychological Association Annual Convention. Denver, CO

Hughes, D.M. (September 16, 2015 and October 7, 2015). *Interpersonal Violence, Trauma, and the Courtroom in Understanding the Ties that Bind: Judicial Responses to Domestic and Sexual Violence*. Judicial Training -New York Unified Court System - Domestic Violence Task Force. White Plains and Rochester, New York.

Dutton, M.A. and Hughes, D.M. (April 13, 2015). *Expert Witness Testimony in Cases Involving Domestic Violence*. Webinar conducted for the National Clearinghouse for the Defense of Battered Women.

Hughes, D.M. (September 2012). *The Relationship Matters: Maximizing Success*. Presentation to attorneys at Outten and Golden, LLP. New York, NY

Hughes, D.M. (June and August 2012). *Promoting Healthy Relationships: Living Without Violence and Abuse*. Professional training presented to the United States Army National Guard. Fort Hamilton, NY

Hughes, D.M. (July 2011). *Remaining Civil with the Uncivil*. College of Labor and Employment Lawyers. EEOC. New York, NY

Hughes, D.M. (March 2011). *The Victim of Interpersonal Violence and the Courtroom*. Judicial Commission on Women in the Courts invited Continuing Legal Education seminar. Brooklyn, NY

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Hughes, D.M. (November 2010). *The Use of Psychological Experts in Cases of Domestic Violence*. Invited Continuing Legal Education seminar presented at the Kings County Criminal Bar Association, Brooklyn, NY

Hughes, D.M. (July 2010). *Ethics and Risk Management in the Practice of Psychotherapy*. Invited presentation at the Women's Mental Health Consortium Quarterly Meeting, New York, NY

Hughes, D.M. (January 21 and 22, 2010). *Understanding Domestic Violence*. Professional training in Advocating for Children in Cases of Domestic Violence by the New York Appellate Divisions and the New York State Office of Court Administration. New York City and White Plains.

Hughes, D.M. (2009). *The victim of interpersonal violence and the courtroom: Strategies for understanding*. Manhattan Integrated Domestic Violence Courts Continuing Legal Education Seminar (February 2009); Appellate Division Fundamental Training Series (May 2009 and January 2010); Queens County Family Court Continuing Legal Education Seminar (June 2009).

Hughes, D.M. (March 2008). *Collision course of children's wishes, best interests, and domestic violence*. Invited presentation at the Twelfth Annual Conference on Domestic Violence. Fordham Law School, New York, NY

Hughes, D.M. (March 2007). *The inconvenient truths of domestic violence*. Invited address at the Eleventh Annual Conference on Domestic Violence. Fordham Law School, New York, NY

Hughes, D.M. (June 2006). *Issues and dilemmas in interpersonal violence*. Invited presentation at STEPS to End Family Violence. New York, NY.

Hughes, D.M. (December 2001). *Relevance of domestic violence in the courtroom: Expert testimony in a duress case*. Chairperson of a mock trial continuing education seminar at the 17th Annual Meeting of the International Society of Traumatic Stress Studies, New Orleans, LA.

Hughes, D.M. (September 2001). *Psychological assessment in the aftermath of the World Trade Center disaster*. Emergency meeting of the New York Chapter of the International Society of Traumatic Stress Studies. New York, NY.

Hughes, D.M. (April 2001). *Moving beyond domestic violence 101: Challenges and solutions*. Invited presentation in J. Pearl and S. Herman (Chairs), *Violence and the Family: Current legal and mental health perspectives*. Association of the Bar of the City of New York, New York, NY.

Hughes, D.M. (June 2000). *Psychological testing in forensic evaluations*. Invited presentation in symposium, M. Dowd (Chair) *Psychological evidence in plea negotiations and sentencing*. Association of the Bar of the City of New York, New York, NY.

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Attachment 2

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Materials Reviewed by Dr. Dawn Hughes
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Testimony and Depositions

Amber Heard - UK testimony
John C. Depp – UK testimony
John C. Depp – Deposition – November 10, 11, and 12 2020
John C. Depp – Deposition – December 14, 2021
Amber Heard – Divorce Deposition – August 13, 2016
Amber Heard – Deposition – January 12, 13, and 14 2022

iO Tillet Wright – UK testimony
Whitney Henriquez – UK testimony
Melanie Inglessis – UK testimony
Josh Drew – UK testimony
Raquel Pennington – UK testimony
Laura Divenere – UK testimony

Raquel Pennington – Deposition – June 16, 2016
Josh Drew – Deposition – November 19, 2019
Isaac Baruch – Deposition – November 20, 2019
Ellen Barkin – Deposition – November 22, 2019
Liz Marz – Deposition – November 26, 2019
Lisa Beane – Deposition – December 13, 2019
Kristina Sexton – Deposition – December 18, 2019
Cornelius Harrell – Deposition – January 13, 2021
Laura Divenere – Deposition – January 15, 2021
Melanie Inglessis – Deposition – February 2, 2021
David Kipper – Deposition – February 22, 2021
Tyler Hadden – Deposition – March 11, 2021
Melissa Saenz – Deposition – March 31, 2021
Christopher Diener – Deposition - November 23, 2021
William Gatlin – Deposition – November 23, 2021
Connell Cowan – Deposition – December 8, 2021
Joel Mandel – Deposition – January 26, 2022
Whitney Henriquez -- Deposition – February 3, 2022
Amy Banks – Deposition – February 7, 2022

Legal Documents

Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019
Declaration of John C. Depp (with exhibits) – May 2019
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020
Complaint – Depp v Heard – March 1, 2019
Answer and Grounds of Defense – Depp v Heard – August 10, 2020

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Counterclaim (with exhibits) -- Depp v Heard – August 10, 2020
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021
Plaintiff's Supplemental Designation/Identification of Expert Witnesses

Medical Records

Medical Records Amber Heard

Dr. David Kipper (including nurse's notes)
Dr. Connell Cowan
Dr. Laurel Anderson – Treatment Summary
Dr. Amy Banks

Medical Records Johnny Depp

Dr. David Kipper (including nurse's notes)
Australia Medical Records
Dr. Alan Blaustein
Forensic Psychological Evaluation by Dr. Shannon J. Curry

Audio

Boston Plane Incident – May 24, 2014
Knife – July 22, 2016 - CTRL00058195
Australia damage - March 2015
Headbutting - 20160722 144803

Video

JD in Kitchen Slamming Cabinets - Feb 10 2016
Columbia Building Surveillance Cameras

Photos

Contained in Exhibits to AH and JD Declarations
Property Damage - May 21, 2016
Various pictures of Amber Heard cuts and bruises

Text Messages

Contained in Exhibits to AH and JD Declarations
AH Texts with Paige Heard 3-22-13

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Paul Bettany - Texts with JD
Australia Texts – JD asking for illicit substances

Documents

Diary entry – Amber Heard – July 27, 2015
Draft Emails - Amber to Herself - May 25, 2014
GQ – *Johnny Depp Will Not Get Burned* – November 2018
Rolling Stone - *Inside Trials of Johnny Depp*
DEPP00008254
DEPP00008255
DEPP00008257-8278
DEPP00008296-8310
DEPP00008355
DEPP00009043-9047
DEPP00009052
DEPP00009811-9812
DEPP00010149-10151
DEPP00010345-10346
DEPP00010514
DEPP00010588
DEPP00010777
DEPP00010921
DEPP00012977-12983
DEPP00014146-14149
DEPP00017813-17814
DEPP00018224
DEPP 18922-20092

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Attachment 3

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Ron Schnell
BERKELEY RESEARCH GROUP, LLC
1111 Brickell Ave, Suite 2050, Miami, FL 33131

Direct: 786.338.9143
rschnell@thinkbrg.com

SUMMARY

Ron Schnell is an accomplished executive with a history of running large technology organizations, from early stage startups to large divisions of S&P 500 corporations. He recently specialized in auditing and enforcing Microsoft's compliance with the consent decree in United States v. Microsoft Corporation.

Mr. Schnell ran the day-to-day operations of the Technical Committee, a private corporation ordered to be formed by the US courts for the sole purpose of monitoring Microsoft for its compliance with the antitrust final judgments of 2002. The organization and its success were publicly praised by the US Attorney General, attorneys general for several states, and the federal court judge presiding over the largest antitrust case in US history.

Mr. Schnell has also served as a testifying and consulting expert witness on high-profile cases in the areas of intellectual property, software licensing, cyber security, and other highly technical matters. He has knowledge of over forty computer languages. He is an adjunct professor at Nova Southeastern University.

SKILL HIGHLIGHTS

- Highly successful manager of technical people, with a proven track record of increasing output and quality
- 40+ years of experience in technology
- 20+ years of executive experience
- Highly skilled in reverse engineering and source code analysis
- Knowledge and coding experience of most computer languages including most assembly languages
- Lectures regularly at several Universities as well as Fortune 50 companies on a variety of technology topics
- 25+ years of management experience
- Founder of 3 startups, one with buyout by public company
- Early architect of UNIX Operating Systems and matters of data and system security and privacy
- Thought leader in artificial intelligence and quality of computer source code

EDUCATION

M.S. Computer Science Syracuse University, 2008

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PRESENT ACADEMIC POSITIONS

Adjunct Professor of Computer Science, Nova Southeastern University, 2014–present

HIGHLIGHTS OF PREVIOUS POSITIONS

Technical Committee (Monitorship of US v. Microsoft and NY et al v. Microsoft)
General Manager/Chief Executive
2005-2011

Equifax Corp.
Vice President
2002-2005

Driver Aces, Inc.
Founder and president
1994-2003

Sun Microsystems
Consultant – Solaris Kernel
1992-1995

IBM Corp.
Consultant – Development manager and kernel programmer
1988-1990

Bell Laboratories
Consultant – UNIX Kernel
1987-1988

Massachusetts Institute of Technology – Artificial Intelligence Lab
Staff Programmer/Architect
1982-1984

Community/Civic Activities

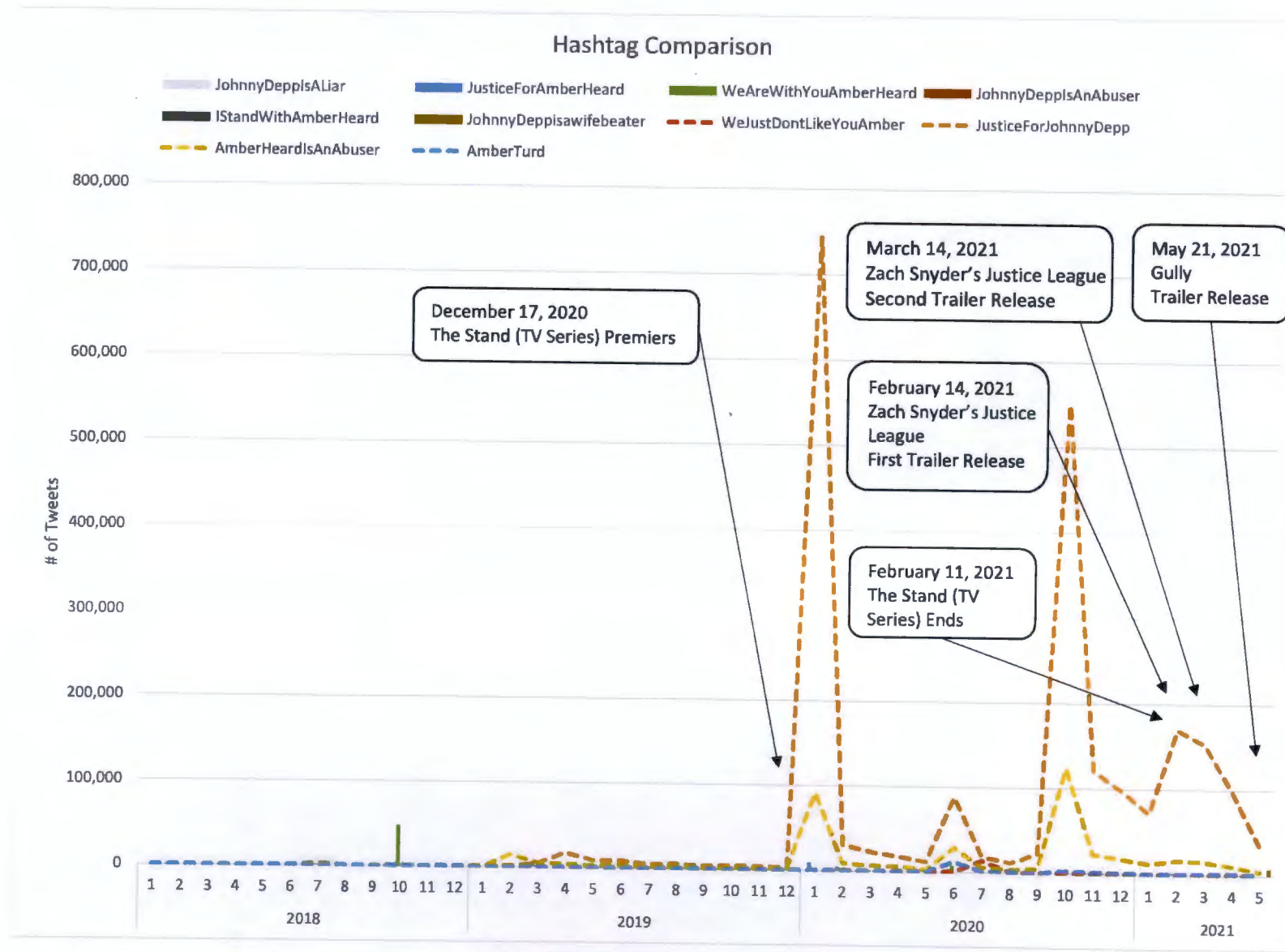
Better Business Bureau
Arbitrator

Angel Flight Southeast
Volunteer pilot

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Years	Date	JohnnyDep	JusticeForA	WeAreWith	WeJustDor	JohnnyDep	StandWith	JohnnyDep	JusticeForJ	AmberHea	AmberTurd
2018	1	0	0	27	0	0	3	0	23	0	0
	2	0	0	0	0	0	0	0	24	0	0
	3	0	0	0	0	0	0	0	52	0	0
	4	0	0	0	0	0	0	0	16	0	1
	5	0	0	1	0	0	0	0	68	0	1
	6	0	0	0	0	0	0	0	60	0	0
	7	0	0	17	0	0	1	0	34	0	0
	8	1	2	1137	0	0	5	0	2937	24	41
	9	0	0	18	0	0	1	0	451	23	0
	10	0	0	50	0	0	0	0	432	48	4
	11	7	0	47098	0	0	368	0	291	86	0
2019	12	0	1	36	0	0	2	0	299	83	0
	1	0	0	34	0	0	0	0	1003	63	0
	2	0	0	5	0	0	0	0	743	9	1
	3	0	0	326	0	0	20	1	1252	14408	2
	4	35	6834	1470	0	56	0	1	4774	5375	6
	5	47	571	49	0	4	0	0	17290	3878	0
	6	36	125	34	0	37	2	0	8418	2493	0
	7	84	297	67	0	97	0	7	8364	3842	0
	8	6	12	9	0	28	0	0	4531	1476	2
	9	18	195	166	0	13	0	1	5124	1903	0
	10	7	131	64	0	0	3	0	3679	958	0
2020	11	0	419	2098	0	6	11	0	4319	1593	1
	12	0	135	24	0	0	0	0	3511	1528	0
	1	0	14	2	0	0	0	0	2972	1654	0
	2	16	8806	310	0	229	1	0	743778	91388	42
	3	14	4221	2774	0	446	1	0	30516	8770	20
	4	20	1443	993	0	25	13	0	22436	6183	39
	5	6	560	310	0	5	20	0	17342	5634	14
	6	1	344	110	0	15	6	0	11469	2468	5
	7	18	3522	7375	0	298	60	0	87991	28398	11994
	8	1	1087	812	13878	332	18	1	18703	5868	1568
	9	2	263	212	299	10	6	0	11491	3512	784
2021	10	11	944	306	191	21	350	0	22194	5038	460
	11	32	4864	1231	910	1061	305	0	550737	123652	3142
	12	4	958	457	96	567	38	0	120750	22717	1678
	1	3	560	195	226	457	70	0	97492	17870	1423
	2	3	543	387	73	431	169	0	71171	12333	635
	3	3	2288	1256	220	956	957	0	1229	169617	725
	4	4	1934	1192	635	756	514	0	1094	152388	1237
	5	17	1952	553	69	318	556	0	97329	10251	1110
	6	11	406	199	26	194	130	0	7373	33337	457

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PLAINTIFF'S TRIAL EXHIBIT 0889_0165

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Date	Johnny Depp is A User	Justice for Amber Heard	We are with you Amber Heard	Stand With Amber Heard	Johnny Depp is a Wife Beater	Justice for Johnny Depp	Amber Heard is an Abuser	Amber Turn We Just Don't Like You Amber	Johnny Depp is an Abuser
1/1/2018	0	0	0	0	0	0	0	0	0
1/2/2018	0	0	0	0	0	0	0	0	0
1/3/2018	0	0	0	0	0	0	0	0	0
1/4/2018	0	0	0	0	0	0	1	0	0
1/5/2018	0	0	0	0	0	0	0	0	0
1/6/2018	0	0	0	0	0	0	4	0	0
1/7/2018	0	0	0	0	0	0	4	0	0
1/8/2018	0	0	0	0	0	0	0	0	0
1/9/2018	0	0	11	0	0	0	0	0	0
1/10/2018	0	0	2	0	0	0	0	0	0
1/11/2018	0	0	0	0	0	0	1	0	0
1/12/2018	0	0	0	2	0	0	5	0	0
1/13/2018	0	0	1	0	0	0	0	0	0
1/14/2018	0	0	0	0	0	0	0	0	0
1/15/2018	0	0	0	0	0	0	0	0	0
1/16/2018	0	0	0	0	0	0	0	0	0
1/17/2018	0	0	0	0	0	0	0	0	0
1/18/2018	0	0	0	0	0	0	0	0	0
1/19/2018	0	0	0	0	0	0	0	0	0
1/20/2018	0	0	0	0	0	0	0	0	0
1/21/2018	0	0	0	0	0	0	0	0	0
1/22/2018	0	0	0	0	0	0	0	0	0
1/23/2018	0	0	0	0	0	0	0	0	0
1/24/2018	0	0	0	0	0	0	0	0	0
1/25/2018	0	0	0	0	0	0	0	0	0
1/26/2018	0	0	0	0	0	0	4	0	0
1/27/2018	0	0	0	0	0	0	2	0	0
1/28/2018	0	0	0	0	0	0	0	0	0
1/29/2018	0	0	11	0	0	0	0	0	0
1/30/2018	0	0	2	0	0	0	0	0	0
1/31/2018	0	0	0	1	0	0	2	0	0
2/1/2018	0	0	0	0	0	0	0	0	0
2/2/2018	0	0	0	0	0	0	0	0	0
2/3/2018	0	0	0	0	0	0	0	0	0
2/4/2018	0	0	0	0	0	0	0	0	0
2/5/2018	0	0	0	0	0	0	10	0	0
2/6/2018	0	0	0	0	0	0	3	0	0
2/7/2018	0	0	0	0	0	0	0	0	0
2/8/2018	0	0	0	0	0	0	0	0	0
2/9/2018	0	0	0	0	0	0	0	0	0
2/10/2018	0	0	0	0	0	0	0	0	0
2/11/2018	0	0	0	0	0	0	0	0	0
2/12/2018	0	0	0	0	0	0	0	0	0
2/13/2018	0	0	0	0	0	0	0	0	0
2/14/2018	0	0	0	0	0	0	0	0	0
2/15/2018	0	0	0	0	0	0	0	0	0
2/16/2018	0	0	0	0	0	0	0	0	0
2/17/2018	0	0	0	0	0	0	0	0	0
2/18/2018	0	0	0	0	0	0	0	0	0
2/19/2018	0	0	0	0	0	0	0	0	0
2/20/2018	0	0	0	0	0	0	0	0	0
2/21/2018	0	0	0	0	0	0	0	0	0
2/22/2018	0	0	0	0	0	0	0	0	0
2/23/2018	0	0	0	0	0	0	0	0	0
2/24/2018	0	0	0	0	0	0	11	0	0
2/25/2018	0	0	0	0	0	0	0	0	0
2/26/2018	0	0	0	0	0	0	0	0	0
2/27/2018	0	0	0	0	0	0	0	0	0
2/28/2018	0	0	0	0	0	0	0	0	0
3/1/2018	0	0	0	0	0	0	0	0	0
3/2/2018	0	0	0	0	0	0	0	0	0
3/3/2018	0	0	0	0	0	0	0	0	0
3/4/2018	0	0	0	0	0	0	0	0	0
3/5/2018	0	0	0	0	0	0	0	0	0
3/6/2018	0	0	0	0	0	0	3	0	0
3/7/2018	0	0	0	0	0	0	7	0	0
3/8/2018	0	0	0	0	0	0	2	0	0
3/9/2018	0	0	0	0	0	0	0	0	0
3/10/2018	0	0	0	0	0	0	0	0	0
3/11/2018	0	0	0	0	0	0	0	0	0
3/12/2018	0	0	0	0	0	0	0	0	0
3/13/2018	0	0	0	0	0	0	0	0	0
3/14/2018	0	0	0	0	0	0	12	0	0
3/15/2018	0	0	0	0	0	0	3	0	0
3/16/2018	0	0	0	0	0	0	7	0	0
3/17/2018	0	0	0	0	0	0	1	0	0
3/18/2018	0	0	0	0	0	0	11	0	0
3/19/2018	0	0	0	0	0	0	0	0	0
3/20/2018	0	0	0	0	0	0	0	0	0
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3/22/2018	0	0	0	0	0	0	0	0	0
3/23/2018	0	0	0	0	0	0	0	0	0
3/24/2018	0	0	0	0	0	0	0	0	0
3/25/2018	0	0	0	0	0	0	0	0	0
3/26/2018	0	0	0	0	0	0	0	0	0
3/27/2018	0	0	0	0	0	0	0	0	0
3/28/2018	0	0	0	0	0	0	0	0	0
3/29/2018	0	0	0	0	0	0	6	0	0
3/30/2018	0	0	0	0	0	0	0	0	0
3/31/2018	0	0	0	0	0	0	0	0	0
4/1/2018	0	0	0	0	0	0	0	0	0
4/2/2018	0	0	0	0	0	0	0	0	0
4/3/2018	0	0	0	0	0	0	0	0	0
4/4/2018	0	0	0	0	0	0	0	0	0
4/5/2018	0	0	0	0	0	0	0	0	0
4/6/2018	0	0	0	0	0	0	0	0	0
4/7/2018	0	0	0	0	0	0	0	0	0
4/8/2018	0	0	0	0	0	0	0	0	0
4/9/2018	0	0	0	0	0	0	1	0	0
4/10/2018	0	0	0	0	0	0	2	0	0
4/11/2018	0	0	0	0	0	0	0	1	0
4/12/2018	0	0	0	0	0	0	1	0	0
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4/14/2018	0	0	0	0	0	0	0	0	0
4/15/2018	0	0	0	0	0	0	6	0	0
4/16/2018	0	0	0	0	0	0	4	0	0
4/17/2018	0	0	0	0	0	0	2	0	0
4/18/2018	0	0	0	0	0	0	0	0	0
4/19/2018	0	0	0	0	0	0	0	0	0
4/20/2018	0	0	0	0	0	0	0	0	0
4/21/2018	0	0	0	0	0	0	0	0	0
4/22/2018	0	0	0	0	0	0	0	0	0
4/23/2018	0	0	0	0	0	0	0	0	0
4/24/2018	0	0	0	0	0	0	0	0	0
4/25/2018	0	0	0	0	0	0	0	0	0

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4/9/2019	0	0	2	0	0	30	134	0	0	0
4/10/2019	0	0	3	0	0	22	80	0	0	0
4/11/2019	0	200	19	0	0	94	106	1	0	4
4/12/2019	0	2207	533	0	1	297	918	1	0	6
4/13/2019	0	1602	195	0	0	94	455	0	0	1
4/14/2019	0	664	111	0	0	65	412	0	0	1
4/15/2019	0	120	19	0	0	123	279	0	0	5
4/16/2019	0	173	124	0	0	63	215	0	0	1
4/17/2019	0	332	98	0	0	1277	851	0	0	0
4/18/2019	4	467	63	0	0	751	240	0	0	5
4/19/2019	8	648	48	0	0	231	220	0	0	8
4/20/2019	4	114	25	0	0	191	178	0	0	6
4/21/2019	0	44	15	0	0	125	151	0	0	0
4/22/2019	0	85	50	0	0	146	157	0	0	0
4/23/2019	1	20	45	0	0	144	175	0	0	1
4/24/2019	8	40	17	0	0	218	161	0	0	8
4/25/2019	3	63	16	0	0	202	180	0	0	3
4/26/2019	0	4	0	0	0	178	122	0	0	0
4/27/2019	0	10	0	0	0	142	50	0	0	0
4/28/2019	6	13	6	0	0	97	41	0	0	6
4/29/2019	1	22	1	0	0	125	68	0	0	1
4/30/2019	0	17	8	0	0	59	38	0	0	0
5/1/2019	0	54	0	0	0	21	46	0	0	0
5/2/2019	0	5	0	0	0	32	52	0	0	0
5/3/2019	0	15	0	0	0	56	33	0	0	0
5/4/2019	0	5	0	0	0	45	45	0	0	0
5/5/2019	1	11	3	0	0	49	65	0	0	1
5/6/2019	0	0	10	0	0	54	82	0	0	0
5/7/2019	0	18	4	0	0	41	62	0	0	0
5/8/2019	0	118	21	0	0	177	149	0	0	0
5/9/2019	0	14	1	0	0	120	94	0	0	0
5/10/2019	0	9	1	0	0	74	46	0	0	0
5/11/2019	0	9	2	0	0	52	18	0	0	0
5/12/2019	0	10	0	0	0	123	19	0	0	0
5/13/2019	0	6	1	0	0	45	23	0	0	0
5/14/2019	0	20	0	0	0	56	34	0	0	0
5/15/2019	0	1	0	0	0	102	15	0	0	0
5/16/2019	0	16	0	0	0	60	33	0	0	0
5/17/2019	0	11	1	0	0	38	36	0	0	0
5/18/2019	0	18	0	0	0	35	22	0	0	0
5/19/2019	0	0	3	0	0	65	65	0	0	0
5/20/2019	0	3	0	0	0	69	97	0	0	0
5/21/2019	2	30	0	0	0	232	523	0	0	0
5/22/2019	0	7	1	0	0	153	257	0	0	0
5/23/2019	25	13	0	0	0	4174	638	0	0	0
5/24/2019	5	13	0	0	0	3236	307	0	0	1
5/25/2019	5	4	1	0	0	2473	486	0	0	0
5/26/2019	3	6	2	0	0	1832	231	0	0	0
5/27/2019	0	2	0	0	0	1166	142	0	0	0
5/28/2019	0	4	1	0	0	967	98	0	0	0
5/29/2019	0	59	2	0	0	630	78	0	0	0
5/30/2019	5	56	4	0	0	568	60	0	0	1
5/31/2019	1	68	4	0	0	524	33	0	0	1
6/1/2019	0	6	0	0	0	766	46	0	0	2
6/2/2019	12	82	2	0	0	560	140	0	0	14
6/3/2019	6	5	0	0	0	499	160	0	0	3
6/4/2019	3	3	2	0	0	329	137	0	0	3
6/5/2019	3	4	1	0	0	254	120	0	0	3
6/6/2019	2	8	1	0	0	327	144	0	0	2
6/7/2019	1	8	0	0	0	527	164	0	0	1
6/8/2019	4	24	0	0	0	297	40	0	0	4
6/9/2019	0	5	0	0	0	258	40	0	0	0
6/10/2019	0	2	0	0	0	245	57	0	0	0
6/11/2019	0	0	0	0	0	825	59	0	0	0
6/12/2019	0	1	0	0	0	498	41	0	0	0
6/13/2019	2	5	7	1	0	233	35	0	0	2
6/14/2019	0	2	17	0	0	365	84	0	0	0
6/15/2019	1	0	1	0	0	107	21	0	0	1
6/16/2019	0	0	0	0	0	112	14	0	0	0
6/17/2019	0	11	0	0	0	97	28	0	0	0
6/18/2019	0	0	0	0	0	50	10	0	0	0
6/19/2019	0	1	0	0	0	145	57	0	0	0
6/20/2019	0	0	0	0	0	189	32	0	0	0
6/21/2019	0	2	1	0	0	148	24	0	0	0
6/22/2019	0	1	0	0	0	88	51	0	0	0
6/23/2019	0	1	0	0	0	205	201	0	0	8
6/24/2019	0	0	0	0	0	294	240	0	0	0
6/25/2019	0	0	0	0	0	161	116	0	0	0
6/26/2019	1	2	2	0	0	117	81	0	0	1
6/27/2019	0	0	0	0	0	301	119	0	0	0
6/28/2019	0	7	0	0	0	297	111	0	0	0
6/29/2019	0	0	0	0	0	288	75	0	0	0
6/30/2019	1	1	1	0	0	336	22	0	0	1
7/1/2019	3	2	0	0	0	272	110	0	0	3
7/2/2019	0	4	0	0	0	422	125	0	0	0
7/3/2019	0	0	0	0	0	321	66	0	0	0
7/4/2019	0	7	0	0	0	164	111	0	0	0
7/5/2019	0	2	0	0	0	211	203	0	0	0
7/6/2019	0	80	1	0	0	248	163	0	0	1
7/7/2019	0	6	0	0	0	219	68	0	0	3
7/8/2019	5	1	2	0	0	264	37	0	0	5
7/9/2019	0	0	0	0	0	141	28	0	0	0
7/10/2019	0	0	0	0	0	132	91	0	0	0
7/11/2019	0	0	0	0	0	263	47	0	0	0
7/12/2019	1	1	1	0	0	228	59	0	0	1
7/13/2019	0	0	0	0	0	162	32	0	0	0
7/14/2019	0	2	0	0	0	161	94	0	0	0
7/15/2019	0	0	0	0	0	182	81	0	0	0
7/16/2019	0	0	0	0	0	661	234	0	0	0
7/17/2019	0	0	0	0	0	202	138	0	0	0
7/18/2019	2	1	1	0	0	139	45	0	0	2
7/19/2019	1	1	0	0	0	107	55	0	0	1
7/20/2019	0	0	0	0	0	110	32	0	0	0
7/21/2019	0	2	2	0	0	111	59	0	0	1
7/22/2019	0	1	0	0	0	114	42	0	0	0
7/23/2019	0	0	0	0	0	92	36	0	0	0
7/24/2019	0	0	0	0	0	121	54	0	0	0
7/25/2019	6	2	6	0	0	259	125	0	0	0
7/26/2019	6	10	7	0	0	599	422	0	0	6
7/27/2019	13	28	17	0	1	793	339	0	0	14
7/28/2019	6	104	2	0	1	466	248	0	0	12
7/29/2019	23	22	13	0	3	481	895	0	0	36
7/30/2019	20	19	13	0	0	446	378	0	0	11
7/31/2019	4	2	2	0	1	223	78	0	0	1
8/1/2019	1	1	0	0	1	143	72	0	0	0
8/2/2019	1	1	0	0	0	105	159	0	0	1

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8/3/2019	0	0	0	0	0	108	121	0	0	0
8/4/2019	1	1	1	0	0	83	47	0	0	1
8/5/2019	0	0	1	0	0	96	31	0	0	0
8/6/2019	0	0	0	0	0	58	25	0	0	9
8/7/2019	0	1	0	0	0	121	30	0	0	11
8/8/2019	0	0	0	0	0	83	25	0	0	1
8/9/2019	0	0	0	0	0	195	38	0	0	0
8/10/2019	0	0	0	0	0	218	53	0	0	1
8/11/2019	0	0	0	0	0	251	34	0	0	0
8/12/2019	0	0	0	0	0	100	24	0	0	0
8/13/2019	0	0	0	0	0	88	29	0	0	2
8/14/2019	0	0	0	0	0	212	62	0	0	0
8/15/2019	0	0	0	0	0	370	77	0	0	0
8/16/2019	2	2	1	0	0	114	30	0	0	0
8/17/2019	0	0	0	0	0	140	47	0	0	0
8/18/2019	0	0	0	0	0	154	25	0	0	0
8/19/2019	0	0	0	0	0	160	29	0	0	0
8/20/2019	0	0	0	0	0	100	32	0	0	0
8/21/2019	0	0	0	0	0	146	26	0	0	0
8/22/2019	0	0	0	0	0	129	29	0	0	0
8/23/2019	0	0	0	0	0	154	29	0	0	0
8/24/2019	0	1	0	0	0	110	56	0	0	0
8/25/2019	1	4	1	0	0	213	67	0	0	1
8/26/2019	0	1	0	0	0	161	57	0	0	0
8/27/2019	0	0	0	0	0	134	58	0	0	0
8/28/2019	0	0	0	0	0	88	53	0	0	0
8/29/2019	0	0	1	0	0	85	15	2	0	0
8/30/2019	0	0	0	0	0	160	22	0	0	0
8/31/2019	0	0	0	0	0	252	34	0	0	0
9/1/2019	0	0	0	0	0	172	8	0	0	0
9/2/2019	0	0	0	0	0	92	11	0	0	0
9/3/2019	0	0	0	0	0	88	27	0	0	0
9/4/2019	2	1	0	0	0	167	47	0	0	2
9/5/2019	1	2	2	0	0	155	79	0	0	1
9/6/2019	6	14	14	0	0	213	126	0	0	6
9/7/2019	1	20	12	1	1	160	83	0	0	0
9/8/2019	0	0	0	0	0	161	15	0	0	0
9/9/2019	0	0	0	0	0	107	18	0	0	0
9/10/2019	0	0	0	0	0	305	25	0	0	0
9/11/2019	0	0	0	0	0	123	38	0	0	0
9/12/2019	0	18	16	0	0	179	76	0	0	0
9/13/2019	6	37	29	0	0	330	84	0	0	2
9/14/2019	1	41	8	0	0	205	38	0	0	0
9/15/2019	0	7	0	0	0	144	71	0	0	0
9/16/2019	0	24	19	0	0	260	174	0	0	0
9/17/2019	0	5	4	0	0	265	193	0	0	0
9/18/2019	0	5	2	0	0	129	85	0	0	0
9/19/2019	0	0	0	0	0	108	85	0	0	0
9/20/2019	0	1	0	0	0	319	114	0	0	0
9/21/2019	0	17	33	0	0	257	70	0	0	0
9/22/2019	0	2	6	0	0	127	94	0	0	0
9/23/2019	0	1	3	0	0	117	70	0	0	0
9/24/2019	0	0	0	0	0	202	50	0	0	0
9/25/2019	1	0	0	0	0	135	23	0	0	0
9/26/2019	0	0	0	0	0	109	39	0	0	1
9/27/2019	0	0	11	0	0	223	83	0	0	0
9/28/2019	0	0	6	0	0	140	55	0	0	0
9/29/2019	0	0	3	0	0	73	82	0	0	1
9/30/2019	0	0	6	0	0	59	29	0	0	0
10/1/2019	0	0	0	0	0	109	35	0	0	0
10/2/2019	0	0	0	0	0	140	30	0	0	0
10/3/2019	0	4	4	0	0	63	18	0	0	0
10/4/2019	0	2	0	0	0	72	28	0	0	0
10/5/2019	0	9	2	0	0	144	30	0	0	0
10/6/2019	0	1	0	0	0	50	16	0	0	0
10/7/2019	0	7	0	0	0	54	39	0	0	0
10/8/2019	0	5	5	0	0	165	15	0	0	0
10/9/2019	0	1	1	0	0	215	8	0	0	0
10/10/2019	0	2	2	0	0	112	39	0	0	0
10/11/2019	0	0	0	0	0	85	45	0	0	0
10/12/2019	0	0	0	0	0	90	42	0	0	0
10/13/2019	0	0	0	0	0	68	21	0	0	0
10/14/2019	0	0	0	0	0	47	30	0	0	0
10/15/2019	0	0	0	0	0	134	13	0	0	0
10/16/2019	0	0	0	0	0	153	21	0	0	0
10/17/2019	0	0	0	0	0	169	8	0	0	0
10/18/2019	0	4	4	0	0	111	29	0	0	0
10/19/2019	0	17	13	0	0	130	48	0	0	0
10/20/2019	0	0	0	0	0	64	19	0	0	0
10/21/2019	0	6	3	1	0	56	14	0	0	0
10/22/2019	0	2	1	0	0	89	60	0	0	0
10/23/2019	0	39	0	0	0	235	130	0	0	0
10/24/2019	0	2	1	0	0	104	47	0	0	0
10/25/2019	0	0	0	0	0	108	26	0	0	0
10/26/2019	0	2	0	0	0	175	21	0	0	0
10/27/2019	0	5	5	0	0	52	14	0	0	0
10/28/2019	0	6	4	0	0	174	42	0	0	0
10/29/2019	0	3	2	0	0	144	46	0	0	0
10/30/2019	0	14	13	0	0	181	27	0	0	0
10/31/2019	0	0	0	0	0	197	4	0	0	0
11/1/2019	0	1	0	0	0	112	22	0	0	0
11/2/2019	0	1	0	0	0	15	10	0	0	0
11/3/2019	0	0	0	0	0	300	5	0	0	0
11/4/2019	0	4	2	0	0	113	36	0	0	0
11/5/2019	0	0	0	0	0	166	35	0	0	0
11/6/2019	0	0	0	0	0	73	34	0	0	0
11/7/2019	0	0	0	0	0	203	156	0	0	0
11/8/2019	0	7	7	0	0	212	73	0	0	0
11/9/2019	0	7	6	0	0	213	54	1	0	0
11/10/2019	0	1	1	0	0	180	31	0	0	0
11/11/2019	0	12	1457	0	0	191	79	0	0	0
11/12/2019	1	4	166	0	0	191	82	0	0	1
11/13/2019	0	0	24	0	0	221	83	0	0	0
11/14/2019	0	23	27	0	0	187	35	0	0	0
11/15/2019	0	5	8	0	0	260	117	0	0	0
11/16/2019	3	24	31	0	0	216	225	0	0	3
11/17/2019	1	4	64	0	0	105	81	0	0	1
11/18/2019	0	1	18	0	0	84	48	0	0	0
11/19/2019	0	0	11	0	0	61	11	0	0	0
11/20/2019	0	0	1	0	0	132	39	0	0	0
11/21/2019	0	0	0	0	0	86	19	0	0	0
11/22/2019	0	0	0	0	0	75	25	0	0	0
11/23/2019	0	0	0	0	0	77	34	0	0	0
11/24/2019	0	0	1	0	0	124	50	0	0	0
11/25/2019	0	4	31	0	0	87	28	0	0	0
11/26/2019	0	10	0	0	0	196	35	0	0	0

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7/16/2020	0	78	51	1	0	2746	1365	632	0	2
7/17/2020	0	117	125	0	0	2078	875	353	0	0
7/18/2020	1	88	88	1	0	1139	434	131	0	1
7/19/2020	0	23	24	0	0	1006	287	133	0	0
7/20/2020	0	14	14	0	0	1006	287	133	0	0
7/21/2020	0	74	132	1	0	2145	523	364	0	7
7/22/2020	1	103	170	0	0	7980	6690	317	0	6
7/23/2020	1	185	248	1	0	6284	4177	308	0	4
7/24/2020	0	175	100	0	0	2616	1296	180	0	19
7/25/2020	1	69	32	0	0	1712	633	195	0	39
7/26/2020	0	37	39	0	0	1565	465	190	0	11
7/27/2020	0	13	13	0	0	1565	465	190	0	11
7/28/2020	2	226	183	6	0	14345	3384	879	0	13
7/29/2020	0	363	252	1	0	5523	1561	548	0	149
7/30/2020	0	38	27	0	0	2389	613	195	0	8
7/31/2020	0	12	9	0	0	1129	339	118	0	5
8/1/2020	0	7	10	0	0	1127	395	78	0	0
8/2/2020	0	15	7	0	0	1365	240	90	0	0
8/3/2020	0	15	13	0	0	844	128	26	0	0
8/4/2020	0	4	3	0	0	844	128	26	0	0
8/5/2020	0	4	5	0	0	545	123	36	0	0
8/6/2020	0	5	9	0	0	541	86	33	0	0
8/7/2020	0	17	18	0	0	858	215	95	0	0
8/8/2020	0	5	16	0	0	843	98	31	0	1
8/9/2020	0	11	2	0	0	362	111	31	0	3
8/10/2020	0	11	11	0	0	362	111	31	0	3
8/11/2020	0	7	8	0	0	336	138	30	0	0
8/12/2020	0	2	3	1	0	252	75	77	0	1
8/13/2020	0	1	1	1	0	230	62	17	0	1
8/14/2020	0	202	95	2	0	1401	541	80	0	184
8/15/2020	0	99	30	0	0	712	201	44	0	70
8/16/2020	0	14	14	2	0	256	112	44	0	39
8/17/2020	0	34	31	1	0	256	112	44	0	39
8/18/2020	0	34	31	1	0	815	451	332	0	8
8/19/2020	0	21	17	4	0	1057	282	84	0	5
8/20/2020	0	15	15	0	0	776	383	56	0	1
8/21/2020	0	221	218	0	0	679	247	84	0	2
8/22/2020	0	144	240	0	0	518	128	45	0	1
8/23/2020	0	13	13	0	0	352	118	38	0	0
8/24/2020	0	30	22	0	0	436	198	24	0	0
8/25/2020	0	7	3	0	0	945	508	22	0	0
8/26/2020	0	20	14	0	1	413	188	29	0	7
8/27/2020	0	9	13	0	0	296	129	38	0	0
8/28/2020	0	1	1	0	0	315	185	39	0	1
8/29/2020	0	7	11	2	0	382	201	131	0	0
8/30/2020	0	23	30	0	0	603	221	44	0	0
8/31/2020	0	10	13	0	0	435	137	35	0	0
9/1/2020	0	6	6	0	0	548	132	31	0	0
9/2/2020	0	6	7	0	0	756	143	27	0	0
9/3/2020	0	3	1	0	0	547	115	27	0	0
9/4/2020	0	3	7	0	0	314	146	8	0	0
9/5/2020	0	0	0	0	0	280	108	28	0	2
9/6/2020	0	2	0	0	0	539	258	33	0	0
9/7/2020	0	12	12	0	0	399	101	18	0	0
9/8/2020	0	4	3	0	0	475	41	41	0	0
9/9/2020	0	52	17	0	0	477	114	43	0	0
9/10/2020	0	6	6	0	0	393	53	30	0	0
9/11/2020	0	6	6	1	0	519	351	50	0	0
9/12/2020	0	5	10	0	0	270	153	31	0	1
9/13/2020	0	1	1	0	0	324	148	14	0	0
9/14/2020	0	8	8	0	0	277	133	27	0	0
9/15/2020	0	5	5	0	0	268	108	18	0	0
9/16/2020	0	1	4	0	0	232	110	13	0	2
9/17/2020	0	12	10	0	0	365	67	12	0	0
9/18/2020	0	7	7	0	0	240	57	20	0	0
9/19/2020	0	4	10	0	0	243	56	14	0	0
9/20/2020	0	8	8	0	0	282	59	21	0	0
9/21/2020	0	16	13	0	0	282	59	21	0	0
9/22/2020	0	3	6	0	0	125	50	18	0	0
9/23/2020	0	5	3	0	0	306	75	18	0	0
9/24/2020	0	4	13	0	0	543	79	43	0	0
9/25/2020	0	7	5	0	0	405	155	31	0	0
9/26/2020	0	22	18	0	0	167	64	6	0	0
9/27/2020	0	1	2	1	0	313	44	12	0	0
9/28/2020	0	0	6	0	0	303	127	4	0	0
9/29/2020	0	2	4	0	0	276	141	8	0	0
9/30/2020	0	3	4	0	0	174	81	8	0	0
10/1/2020	0	1	1	0	0	304	187	17	0	0
10/2/2020	0	33	18	0	0	316	168	12	0	0
10/3/2020	1	117	5	0	0	478	269	4	0	6
10/4/2020	0	32	11	0	0	261	108	10	0	1
10/5/2020	0	11	11	0	0	333	88	10	0	0
10/6/2020	0	4	4	0	0	329	152	13	0	0
10/7/2020	0	3	4	0	0	7718	474	43	0	0
10/8/2020	0	48	48	5	0	1891	348	24	0	0
10/9/2020	0	355	26	3	0	893	254	3	0	1
10/10/2020	0	27	11	0	0	827	162	6	0	2
10/11/2020	0	3	3	0	0	945	122	12	0	0
10/12/2020	0	2	8	1	0	457	147	16	0	0
10/13/2020	0	55	2	6	0	425	10	10	0	0
10/14/2020	0	56	14	3	0	680	141	17	0	0
10/15/2020	3	58	50	2	0	485	186	16	0	4
10/16/2020	0	2	2	1	0	1070	230	14	0	0
10/17/2020	0	5	5	0	0	1070	230	14	0	0
10/18/2020	0	25	4	2	0	152	155	32	0	0
10/19/2020	0	14	0	0	0	337	85	16	0	1
10/20/2020	0	30	12	0	0	420	113	14	0	0
10/21/2020	0	9	1	0	0	450	85	8	0	0
10/22/2020	0	1	1	0	0	1413	144	5	0	0
10/23/2020	0	582	489	33	264	72649	6433	178	18	237
10/24/2020	5	405	137	10	78	12380	2517	84	35	85
10/25/2020	9	75	17	10	52	3212	3212	32	3	47
10/26/2020	3	190	35	86	86	8212	3020	39	8	109
10/27/2020	0	157	76	36	160	88843	8345	226	15	63
10/28/2020	0	108	96	14	127	121722	11303	139	166	52
10/29/2020	6	46	46	18	87	33863	7855	89	106	

11/9/2020	6	88	21	17	48	26271	6869	78	64	36
11/10/2020	0	76	16	29	30	20336	15857	381	10	14
11/11/2020	0	67	12	94	45	23240	19149	238	10	4
11/12/2020	0	185	59	12	126	17879	13145	201	57	45
11/13/2020	0	170	46	38	93	11838	4643	103	59	45
11/14/2020	0	124	34	8	69	7631	2995	175	24	46
11/15/2020	1	86	32	1	40	5848	2477	166	38	26
11/16/2020	3	50	7	18	42	7251	1843	116	67	27
11/17/2020	0	25	8	3	30	8122	2321	129	49	9
11/18/2020	0	28	10	0	23	5952	1501	174	30	19
11/19/2020	0	26	2	1	37	6606	1343	58	6	24
11/20/2020	1	795	19	0	689	4679	1140	57	22	18
11/21/2020	0	34	3	0	71	5489	1065	43	15	7
11/22/2020	2	35	24	0	38	9715	1853	73	48	18
11/23/2020	0	16	12	0	18	4200	905	80	28	20
11/24/2020	1	21	8	0	20	3870	1376	32	32	8
11/25/2020	0	67	20	1	50	4344	1582	48	26	10
11/26/2020	0	51	7	5	39	7853	1308	18	4	15
11/27/2020	0	44	1	0	26	4521	949	24	5	18
11/28/2020	0	40	9	1	18	4837	1001	31	6	13
11/29/2020	1	62	14	0	6	3726	1020	19	30	7
11/30/2020	0	48	32	1	20	3358	277	20	12	7
12/1/2020	0	19	19	2	13	2994	611	168	7	7
12/2/2020	0	43	17	0	20	2053	567	96	1	13
12/3/2020	0	8	4	1	15	3678	624	85	1	7
12/4/2020	0	13	3	0	25	2500	530	67	2	19
12/5/2020	0	11	1	0	8	7652	495	39	0	7
12/6/2020	0	3	0	0	5	7354	670	66	3	2
12/7/2020	0	2	0	0	14	2161	452	22	0	14
12/8/2020	0	115	12	0	123	2764	526	73	3	29
12/9/2020	2	199	28	3	108	7214	1711	99	5	71
12/10/2020	1	188	29	8	199	10946	2017	77	4	61
12/11/2020	0	18	3	0	38	3780	763	41	2	22
12/12/2020	0	16	6	0	45	3382	762	34	3	10
12/13/2020	1	37	19	1	11	3031	648	33	0	9
12/14/2020	0	16	8	2	20	2941	921	36	3	16
12/15/2020	0	18	14	0	14	2661	763	44	0	20
12/16/2020	0	3	4	0	13	3271	1039	78	11	9
12/17/2020	0	47	26	3	66	12064	1404	17	7	16
12/18/2020	0	16	96	3	12	3625	986	74	17	2
12/19/2020	0	5	8	2	4	3757	799	41	2	7
12/20/2020	0	26	31	1	5	2903	677	32	8	10
12/21/2020	0	3	2	3	0	2950	989	43	5	1
12/22/2020	0	3	0	3	16	2250	739	37	0	3
12/23/2020	0	14	6	1	11	3100	850	32	1	17
12/24/2020	0	26	0	4	8	3998	675	42	0	133
12/25/2020	0	24	33	0	12	2470	224	26	0	18
12/26/2020	0	8	10	0	14	2491	517	44	3	7
12/27/2020	0	28	24	0	4	2207	412	31	8	14
12/28/2020	0	22	19	0	4	5562	436	32	2	6
12/29/2020	0	7	8	1	3	2773	844	41	0	9
12/30/2020	0	13	15	0	5	6621	312	60	6	1
12/31/2020	0	4	7	0	6	3637	238	78	2	7
1/1/2021	0	17	7	0	1	2642	597	51	0	42
1/2/2021	0	8	7	1	7	3056	715	63	2	26
1/3/2021	0	9	2	0	7	10856	436	58	8	7
1/4/2021	0	22	2	1	7	3474	605	49	37	84
1/5/2021	0	17	15	0	28	2403	386	43	38	14
1/6/2021	0	49	15	18	7	2128	300	37	0	35
1/7/2021	2	6	1	5	6	8606	1133	63	2	13
1/8/2021	0	34	11	42	2	10689	1915	248	19	10
1/9/2021	0	15	11	1	7	4321	960	87	1	8
1/10/2021	0	0	0	0	1	3182	889	57	0	2
1/11/2021	0	11	6	4	5	2161	388	51	0	8
1/12/2021	0	52	4	1	13	2320	655	48	0	13
1/13/2021	0	28	11	1	5	2363	476	44	1	19
1/14/2021	0	33	13	6	16	2731	656	54	3	5
1/15/2021	0	8	3	8	17	2201	466	30	2	2
1/16/2021	0	11	6	0	26	2790	680	69	0	14
1/17/2021	0	21	5	1	22	2667	789	71	1	14
1/18/2021	0	2	2	6	9	3208	408	29	2	2
1/19/2021	0	1	1	1	1	3658	505	21	0	1
1/20/2021	0	11	2	0	2	3860	574	35	1	11
1/21/2021	0	10	9	0	6	2706	648	17	0	3
1/22/2021	0	26	5	0	9	1574	479	18	0	7
1/23/2021	0	22	1	1	20	1509	428	10	0	8
1/24/2021	0	65	2	1	17	1375	237	25	0	43
1/25/2021	0	6	7	0	4	1943	351	21	0	1
1/26/2021	0	10	6	0	0	1776	515	24	0	2
1/27/2021	0	37	21	2	7	1640	553	14	38	24
1/28/2021	0	23	0	0	3	1228	252	22	37	2
1/29/2021	1	11	0	2	31	1374	290	20	14	22
1/30/2021	0	4	2	14	10	1792	305	24	17	8
1/31/2021	0	8	7	2	2	1316	269	19	2	2
2/1/2021	0	14	337	2	21	2077	367	9	0	47
2/2/2021	0	112	110	52	130	2753	546	61	0	98
2/3/2021	0	19	5	10	5	2070	586	35	0	50
2/4/2021	1	13	22	6	13	8228	1720	77	5	20
2/5/2021	0	40	1	0	8	2142	836	54	3	5
2/6/2021	1	8	0	0	9	1787	522	28	1	4
2/7/2021	0	2	13	0	2	1576	378	11	0	4
2/8/2021	0	45	18	12	58	2053	354	13	0	50
2/9/2021	0	5	5	3	31	2059	555	19	3	24
2/10/2021	0	0	1	2	6	2574	337	46	11	6
2/11/2021	0	4	5	3	20	8037	579	35	1	27
2/12/2021	0	1	3	1	17	3474	568	23	1	12
2/13/2021	0	0	0	1	19	2052	388	12	0	2
2/14/2021	0	8	7	0	2	1757	188	18	1	2
2/15/2021	0	4	2	3	7	1498	244	23	10	0
2/16/2021	0	5	5	1	1	1466	342	6	0	0
2/17/2021	0	3	5	0	2	994	130	7	0	8
2/18/2021	0	0	0	0	0	1208	178	8	0	0
2/19/2021	0	1	2	0	1	1109	156	6	0	3
2/20/2021	0	2	1	2	4	1043	186	23	0	1
2/21/2021	0	7	4	6	25	1088	192	11	0	4
2/22/2021	0	7	5	4	7	1178	197	25	12	7
2/23/2021	0	44	6	33	33	1333	295	13	16	3
2/24/2021	0	45	1	1	2	1584	206	6	1	4
2/25/2021	0	8	1	1	13	1498	219	11	1	2
2/26/2021	0	48	5	0	4	1826	254	13	1	7
2/27/2021	0	24	4	2	6	1933	516	14	5	17
2/28/2021	0	75	19	37	33	15774	1117	28	1	26
3/1/2021	0	189	55	56	39	3488	707	19	1	19
3/2/2021	0	7	3	4	3	2577	333	11	1	3
3/3/2021	0	7	5	4	6	1466	256	8	0	3
3/4/2021	1	6	7	3	2	1495	470	8	0	2

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PLAINTIFF'S TRIAL EXHIBIT 0889_0176

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3/6/2021	5	0	0	6	6	3	1781	326	8	1
3/6/2021	0	0	0	0	2564	0	2564	290	10	0
3/7/2021	0	0	0	2	2	2	2282	295	3	1
3/8/2021	0	0	0	6	8	8	1158	257	5	1
3/9/2021	0	8	23	12	22	8	1115	379	8	0
3/10/2021	0	3	4	4	4	2	1204	180	10	2
3/11/2021	0	12	1	3	3	3	1151	185	5	5
3/12/2021	0	2	0	0	4	4	1279	283	3	0
3/13/2021	0	0	0	2	2	11	1520	293	7	0
3/14/2021	0	3	0	0	1	2	1451	181	3	1
3/15/2021	0	0	0	1	3	9	1436	252	9	1
3/16/2021	0	5	5	5	3	2	1342	275	2	7
3/17/2021	0	32	3	1	1	2	1640	247	8	0
3/18/2021	0	15	0	2	2	32	1635	409	67	0
3/19/2021	0	15	7	0	2	32	1633	428	39	0
3/20/2021	0	2	0	2	11	33	2288	340	38	2
3/21/2021	0	52	0	30	47	10	2865	295	15	0
3/22/2021	0	0	0	3	10	10	2057	489	30	0
3/23/2021	0	34	21	21	3	25	2508	377	22	0
3/24/2021	0	47	24	4	38	38	3205	324	12	0
3/25/2021	0	68	24	24	48	48	3205	324	12	0
3/26/2021	1	441	214	214	107	107	14508	1196	79	3
3/27/2021	0	262	233	233	84	84	5498	1058	43	0
3/28/2021	0	58	30	34	32	32	3774	798	52	0
3/29/2021	0	69	30	34	32	34	3561	728	55	4
3/30/2021	0	130	31	31	31	31	8090	675	62	2
3/31/2021	0	37	37	37	37	37	7489	605	96	3
4/1/2021	0	40	2	1	1	1	3426	564	92	1
4/2/2021	2	40	2	1	14	14	3294	815	53	3
4/3/2021	0	8	7	1	1	2170	471	31	31	1
4/4/2021	0	7	15	14	25	25	1894	254	20	16
4/5/2021	0	67	2	14	25	25	2393	380	19	47
4/6/2021	0	72	15	15	17	17	2148	379	19	3
4/7/2021	0	179	30	30	18	18	2203	441	41	3
4/8/2021	0	328	30	30	17	17	1821	254	13	3
4/9/2021	0	333	35	35	14	14	1867	108	8	1
4/10/2021	0	49	0	37	5	16	7178	683	61	0
4/11/2021	0	74	23	23	94	94	5342	90	14	7
4/12/2021	0	62	14	14	16	16	1840	136	12	0
4/13/2021	0	34	30	35	35	35	2148	103	10	10
4/14/2021	0	74	34	34	34	34	161	14	14	14
4/15/2021	0	68	28	28	40	40	1821	107	25	1
4/16/2021	1	387	37	37	271	271	8246	734	263	0
4/17/2021	0	145	68	68	32	32	11166	347	76	4
4/18/2021	0	96	22	22	156	156	7209	399	33	1
4/19/2021	0	108	7	25	13	25	5311	508	19	2
4/20/2021	0	82	21	21	25	25	7827	596	34	1

Attachment 5

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Kathryn Arnold

Entertainment Consultant and Expert Witness

Professional Experience

Kathryn Arnold has over 20 years of hands on experience in the film development, production, finance and distribution arenas. Having produced and/or directed over 6 feature films, Live streaming television, dozens of commercials, corporate videos and events, as well as working in both the studio and independent film environment in film and television, Ms. Arnold understands the inner workings of the entertainment industry, its hiring practices, business development, financing/distribution and the economic complexities and nuances involved in a world that very few understand. Working closely with each client, she brings the full benefit of this valuable experience to bear on the client's unique case.

Legal Experience & Services

Ms. Arnold has been retained as an expert witness and consultant on over 6 dozen cases, with plaintiffs and defendants, such as producers, production companies, studios, media companies, banking institutions, financing entities, investors, actors, writers, directors, on-air personalities, spokespersons, production crew, and other entertainment related personnel.

She has provided expert testimony, reporting, consultation, financial forecasting and referrals for clients on cases regarding economic damage and lost wages from copyright infringement, breach of contract, film and television financing, sales and distribution, reputational harm, disfigurement, personal injury, wrongful death, and economic downturn. Ms. Arnold has prepared expert reports and provided deposition and trial testimony in matters before state and federal courts and in arbitration. Clients include Gibson, Dunn & Crutcher; Jackson Walker; Jenner & Block, Haynes & Boone; Shook, Hardy & Bacon, Dummit, Buchholz & Trapp; Hosp, Gilbert, Bergsten & Hough among others.

BIO

Kathryn Arnold's career has straddled the Studio system and Independent Film worlds, as well as Corporate Sponsorship Programs. Starting out as an assistant at ICM Talent Partners and then as a script reader for the William Morris Agency, Arnold learned the inner workings of the talent agency system and the processes of managing and packaging talent and scripted material for motion pictures and television. She then became an executive at The Maltese Companies, where she developed and produced television and feature projects financed by Wall Street ad agencies. She oversaw the production of "Pound Puppies", an animated feature produced with Kushner Locke, and was an Associate Producer on "Manhunt Live", a reality-based crime show for ABC.

At The Guber-Peters Entertainment Co. Ms. Arnold was involved in the development of feature films and television shows, with the company that produced "Rain Man" and "Batman". She was the Assoc. Producer on "Pizza Man", written and directed by Jonathan Lawton of "Pretty Woman" fame, and procured the financing and co-produced "The Webers' Fifteen Minutes" with Jennifer Tilly and David Arquette.

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Kathryn Arnold

Entertainment Consultant and Expert Witness

Arnold then began her partnership with Louis Venosta. Venosta wrote and co-produced the Mel Gibson romantic comedy, "Bird on a Wire", as well as the Tri-Star release, "The Last Dragon". Their company Secondary Modern Motion Pictures was based at Universal studios where they developed projects for Venosta to write and produce. Arnold was directly involved in the writing of both studio and independent feature scripts with Venosta. They launched Venosta's directing career, with the highly acclaimed featurette "The Coriolis Effect" which won the 1994 Venice Film Festival in its category.

Arnold went on to produce "Nevada", starring Amy Brenneman, Gabrielle Anwar, Kirstie Alley and Angus Macfadyen, and as head of Production at Cineville Films, Inc, was the Executive Producer on "Façade", starring Eric Roberts and Angus Macfadyen, and "The Velocity of Gary" with Vincent D'Onofrio, Salma Hayek, Thomas Jane, and Ethan Hawke among many others.

She was instrumental in launching Cineville International's foreign sales division in Cannes of 1997, and handled financing, foreign and domestic sales, and acquisitions, in addition to packaging, development and production responsibilities for Cineville's slate of pictures. Her relationships with the banks included Union Bank, Imperial, Lou Horwitz Organization, Banque Paribas, Co-America among others.

Arnold then produced "Cowboys and Angels", starring Adam Trese, Mia Kirshner and Radha Mitchell, which won the Crystal Heart Award. The highlight of 2000 was writing and directing "Shining Stars": "The Official Story of Earth", "Wind & Fire", a documentary film based on the electric and legendary band, released on DVD and Television Internationally in 2001. Arnold went on to be a consultant and then Head of Production at Monte Cristo Entertainment, an international sales and production company, which has a library of over 50 films. At Monte Cristo, Arnold oversaw script development, talent packaging, co-production/financing agreements, and US and international distribution deals in conjunction with the Directors of the Company.

Interwoven throughout her film production career, Arnold has a history in corporate relations and licensing. Starting with the Corporate Relations Department with the Los Angeles Olympic Organizing Committee, Arnold and her department were responsible for the licensing and usage of the LAOOC logo on product, advertising and promotional materials. Their team worked with major sponsors such as Adidas, Coco Cola, and Southland Corporation among others overseeing image usage, product approval, product placement and promotional campaigns. Their department oversaw the licensing of over 300 products during her two-year tenure.

Arnold worked with Internet Studios, an online film sales company, and raised close to US \$500,000 in a 6-week period for the Sundance Online Film Festival. She then went on to work with Infinnity, Inc, producing infomercials, corporate videos and marketing events for National Corporations. And woven in through that period, Arnold produced and production managed commercials for well-known brands such as Certs.

Arnold produced the live streaming show Secrets of the Red Carpet: Style From the Inside Out, on www.empowerme.tv/secrets, which reached the top of the iTunes charts and nominated for 2 Streamy Awards in its first season and maintained its top 5 status in Fashion and Arts during its tenure.

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Kathryn Arnold
Entertainment Consultant and Expert Witness

Currently Arnold consults with several investment/production companies on international sales, financing and packaging film and television projects. She has written a series of entertainment industry-related articles and have served as an entertainment media consultant to Bloomberg News, MSNBC, CCTV, NPR, and Associated Press International, NPR, The Market on the topics of entertainment standard and practices and business development.

Arnold graduated from UCLA with a BA in Economics, speaks French, and has lived in France, Italy and Mexico.

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Attachment 6

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DATE COMPLETED: July 5, 2018

S.S.#: XXX-XX-0781

CURRICULUM VITAE

EASTERN VIRGINIA MEDICAL SCHOOL

NAME:	<u>David R. Spiegel, MD</u>	SPOUSE'S NAME:	<u>Lisa</u>
OFFICE ADDRESS:	<u>825 Fairfax Avenue</u> <u>Norfolk, VA 23507</u>	HOME ADDRESS:	<u>4048 Tree Chop Circle</u> <u>Virginia Beach, VA 23455</u>
PHONE:	<u>757-446-5888</u>	PHONE:	<u>757-227-3257</u>
FAX:	<u>757-446-5918</u>		
E-MAIL ADDRESS:	<u>spiegedr@evms.edu</u>		<u>davidshrink@aol.com</u>

PREFERRED MAILING ADDRESS: (Check One) ☒ **OFFICE:**

HOME:

DATE & PLACE OF BIRTH BIRTH: March 2, 1963: Mineola, NY

CURRENT CITIZENSHIP (country) USA

MILITARY SERVICE None

MILITARY RESERVES	ACTIVE:	<u>No</u>	RETIRED	<u>No</u>
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Curriculum Vitae
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ETHNIC/RACIAL SELF-IDENTIFICATION:

Hispanic Origin:

Not of Hispanic Origin

Cuban

Mexican, Mexican
American,

Puerto Rican

Other

☒ Decline to Respond

Race: (Indicate all
applicable race
categories):

American Indian or
Alaska Native:

American Indian or Alaska Native

Enrolled or Principal Tribe

Asian:

Asian Indian Chinese

Filipino

Japanese

Pakistani

Vietnamese

Other Asian

Black or African
American:

Black

Native Hawaiian or
other Pacific
Islander:

Guamanian or
Chamorro

Native Hawaiian

Samoa

Other Pacific Islander

White:

☒ White

Other:

Other:

Decline to
Respond

		DATES OF		
	SCHOOL OR HOSPITAL	ATTENDANCE	DEGREE	FIELD
UNDERGRADUATE DEGREE:	Duke University	1981 TO 1985	B.S.	Psychology
GRADUATE DEGREE:	SUNY-Downstate-Brooklyn	1985 TO 1989	M.D.	Medical
INTERNSHIP:	Dartmouth Hitchcock Med.	1989 TO 1990	PGY-I	Medical/Psych
RESIDENCY:	Dartmouth Hitchcock Med.	1990 TO 1991	PGY-II	Psychiatry
	Hershey-Penn State COM	1991 TO 1993	PGY-III/4	Psychiatry

HOSPITAL STAFF MEMBERSHIPS: Norfolk General/Leigh Memorial Hospitals

LICENSURE (No., STATE & YEAR): 0101049313, Virginia, 4/93

COMPLETED REQUIREMENTS FOR BOARD CERTIF.: SPECIALTY:	Psychiatry	YEAR	1993
BOARD CERTIFICATION: SPECIALTY: Psychiatry/Re-Certification		YEAR	2000/2010
SUBSPECIALTY: Psychosomatic Medicine/Re-certification		YEAR	2008/2018

ACADEMIC POSITIONS: (MOST CURRENT FIRST)

<u>RANK</u>	<u>INSTITUTION</u>	<u>YEARS</u>
Professor of Psychiatry	Eastern Virginia Medical School	July 2013 to Present
Associate Professor of Clin. Psychiatry	Eastern Virginia Medical School	July, 2007 to July 2013
Assistant Professor of Psychiatry	Eastern Virginia Medical School	June 2001 to July 2007

PROFESSIONAL & HOSPITAL POSITIONS: (MOST CURRENT FIRST)

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<u>RANK</u>	<u>INSTITUTION</u>	<u>YEARS</u>
Vice Chairman: Department of Psychiatry and Behavioral Sciences	Eastern Virginia Medical School/	2018
Director-Consultation-Liaison Service	Eastern Virginia Medical School/Norfolk General Hospital	2004 to Present
Medical Director: Older Adult Behavioral Health Services	Chesapeake General Hospital	1996 to 2000
Attending Psychiatrist	Chesapeake General Hospital	1993 to 2001

TEACHING EXPERIENCE (Describe in detail: courses taught, professional level of students and periods of time involved in such teaching):

Drs. David R. Spiegel and Stephen I. Deutsch were co-Directors and taught a Seminar at the 2011 Annual Meeting of the American Psychiatric Association in Hawaii entitled "Practical Guide to the Performance of the Mental Status Examination."

Co-Director/Lecturer: Behavioral Sciences II: Psychopathology/Brain, Mind, Behavior Module; 2nd Year Medical Students (2012-present)

MEMBERSHIP ON E.V.M.S. COMMITTEES: (re: Department of Psychiatry and Behavioral Sciences)

- | Member of EVMS Medical School Interviewing/Voting Committee (2013-present)
- | Member of Residency Training Committee (2002 to Present)
- | Member of Residency Curriculum Committee (2001 to Present)
- | Member-EVMS/SNGH Inpatient Behavioral Health Committee (2004 to Present)
- | Member-EVMS Faculty Senate (2007 to Present)

HONORS AND AWARDS:

- | The Sir William Osler Award for Outstanding Physician (2018)
- | Crystal Apple Award presented by the EVMS Student Government Association (2018)
- | IMPACT Award-selected by the EVMS MD Class of 2018 (2018)
- | Coastal Virginia Magazine, Top Doc (2014-2018)
- | Member: AOA Medical Honor Society (2014-present)

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Curriculum Vitae
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- | Instructor of the Year: EVMS Psychiatry Residents (2004, 2009, 2013, 2017)
- | Resident's Choice Award: EVMS Psychiatry Residents (2007, 2018)

COMMUNITY SERVICES:

- ☐ Member of Physician's Advisory Committee-Beth Shalom Home of Eastern Virginia (2001-2006)
- ☐ Member: Quality Assurance Committee- Beth Shalom Home of Eastern Virginia (2001-2006)

MEMBERSHIP ON LOCAL AND NATIONAL COMMITTEES AND BOARDS: (Indicate offices held)

- | President- Tidewater Academy of Psychiatry (2014-present)
- ☐ Member Executive Committee of Psychiatric Society of Virginia (2014-present)

MEMBERSHIP IN PROFESSIONAL SOCIETIES: (e.g. Medical Society of Va., AMA)

- | Member-American Psychiatric Association (2001-present)
- | Fellow-American Psychiatric Association (2017-present)
- | Member-Academy of Consultation-Liaison Psychiatry (2008-present)
- ☐ Member- Psychiatric Society of Virginia (2001-present)
- | Member - Medical Society of Virginia (2001-present)

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Present Funded Research and Training Grants and Contracts:

Principal Investigator	Title	Period of Grant (yrs.)	Total Amount of Award	Source of Funding
		1 year		
Ohkravi H. (Spiegel DR)	"Evaluation of EEG-based Neurometrics and Visual Paired Comparison Task Measure for the Evaluation of Cognitive Decline in Patient's at Risk for Alzheimer's Disease Task Measures"		\$25,000	Norfolk Community Foundation
		1 year	\$9,000	Neurotrack, Inc.

Previous Funded Research and Training Grants and Contracts:

Principal Investigator	Title	Period of Grant (yrs.)	Total Amount of Award	Source of Funding
Archer R. (Handel R, Spiegel D.)	Mental Health Functioning of Adolescents in Juvenile Detention Facilities: Linking Mental Health Services to Evaluation Results for Adolescents in the Juvenile Justice System	1 Year	\$23,800	Norfolk Foundation
Urbano, M. (Spiegel, D.)	Treatment of Social Anxiety Disorder: Head to Head Trial of gabapentin and tiagabine	1 Year	\$17, 000	Norfolk Foundation
Archer R. (Handel R. Spiegel D.)	Psychometric Properties of the Minnesota Multiphasic Personality Inventory Adolescent (MMPI-A) in a Mental Health Treatment Center.	1 Year	\$23, 500	Norfolk Foundation



SIGNED

Date: 7/5/2018

Revised 8/18/20

Attachment 7

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Documents Reviewed by David R. Spiegel, MD

Depositions

John C. Depp – November 10, 11, and 12 2020 and December 14, 2021
Amber Heard – August 13, 2016
Raquel Pennington – June 16, 2016
Josh Drew – November 19, 2019
Isaac Baruch – November 20, 2019
Ellen Barkin – November 22, 2019
Liz Marz – November 26, 2019
Lisa Beane – December 13, 2019
Kristina Sexton – December 18, 2019
Cornelius Harrell – January 13, 2021
Laura Divenere – January 15, 2021
Tracey Jacobs – January 28, 2021
Melanie Inglessis – February 2, 2021
David Kipper, M.D. – February 22, 2021
Amber Heard – January 12-14, 2022
Alan Blaustein – January 21, 2022
Joel Mandel – January 26, 2022
Tracey Jacobs (Depp, et al. v. The Mandel Company, et al.) – May 30, 2018
Tracey Jacobs (Depp, et al. v. Bloom Hergott Diemer Rosenthal Laviolette
Feldman Schenkman & Goodman, LLP, et al.) – May 13, 2019

UK Trial Testimony

All UK Trial Transcripts
Amber Heard
John C. Depp
iO Tillet Wright
Whitney Henriquez
Melanie Inglessis
Josh Drew
Raquel Pennington
Laura Divenere

Medical Records

Medical Records Johnny Depp
Dr. David Kipper (including nurse's notes)
Dr. Alan Blaustein
Australia Medical Records
List of Medications – January 12, 2015

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List of Medications – October 26, 2016
List of Drug Citations in Depp UK Testimony
Lloyd Records Summary
Insurance Records

Medical Records Amber Heard
Dr. David Kipper (including nurse's notes)
Dr. Connell Cowan
Dr. Laurel Anderson – Treatment Summary

Audio

Boston Plane Incident – May 24, 2014
Knife – July 22, 2016 - CTRL00058195
Australia damage - March 2015
Headbutting - 20160722 144803

Video

JD in Kitchen Slamming Cabinets - Feb 10 2016
Columbia Building Surveillance Cameras

Photos

Contained in Exhibits to AH and JD Declarations
Property Damage -May 21, 2016
Various pictures of Amber Heard cuts and bruises
Various pictures of John C. Depp drug use and behavior

Legal Documents

Complaint – Depp v Heard – March 1, 2019
Answer and Grounds of Defense – Depp v Heard – August 10, 2020
Counterclaim (with exhibits) - Depp v Heard – August 10, 2020
Answer and Grounds of Defense to Counterclaim – Depp v Heard – January 22, 2021
Declaration of Amber Laura Heard (with exhibits) – Depp v Heard - April 10, 2019
Declaration of John C. Depp (with exhibits) – May 2019
Judgment and Decision - John Christopher Depp II Claimant v. News Group Newspapers Ltd. and Dan Wootton – November 11, 2020
Complaint – Arreola, et al. v. Depp, et al. – May 1, 2018
Complaint – Brooks v. Depp, et al. – July 6, 2018
Plaintiff's Supplemental Designation of Expert Witnesses – January 18, 2022

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Defendant's Objections & Responses to Plaintiff's 4th Set of Interrogatories – February 9, 2022

Text Messages

Contained in Exhibits to AH and JD Declarations
AH Texts with Paige Heard 3-22-13
Paul Bettany - Texts with JD
Australia Texts – JD asking for illicit substances
Texts between Amber Heard and Debbie Lloyd

Documents

Diary entry – Amber Heard – July 27, 2015
Draft Emails - Amber to Herself - May 25, 2014
GQ – *Johnny Depp Will Not Get Burned* – November 2018
Rolling Stone - *Inside Trials of Johnny Depp*
Independent – *'It was an unpleasant feeling': Paul Bettany on having texts to Johnny Depp about Amber Heard made public*
Blumenthal Nordrehaug Bhowmik De Blouw LLP – *Former Bodyguards Receive Settlement After Suing Depp For Employment Violations* – February 8, 2019
Variety – *Johnny Depp Trial Over Location Manager's Assault Suit Delayed to May* – October 16, 2019

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Attachment 8

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JULIAN ACKERT

Managing Director



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Mr. Julian Ackert, a Managing Director at iDiscovery Solutions (IDS) in Washington DC, has over 20 years of consulting and project management experience in the technology and litigation industries.

He has extensive experience with forensic data collection, computer forensic analysis, creating and implementing preservation and collection strategies, managing electronic data processing and review endeavors, analyzing complex transactional data systems, and working with large multi-national corporations to establish and develop methodologies and best practices for litigation preparedness. Mr. Ackert has written expert reports and provided testimony on the forensic preservation, acquisition, and analysis of electronic information. Additionally, he has worked on several international projects involving complex data privacy, collection, and review challenges.

Mr. Ackert is a member of The Sedona Conference, Working Group 11 (Data Security and Privacy Library) and Working Group 12 (Trade Secrets). Prior to joining IDS, he was a Principal and New York regional lead at LECG and a Manager at FTI Consulting. Mr. Ackert began his career designing, developing, and implementing Knowledge Management / Content Management applications, government middleware solutions, and E-business applications for Federal Government services at Accenture.



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SELECT CONSULTING EXPERIENCE

- Directed a team of consultants on the identification, preservation, collection and production of structured data for an antitrust MDL. Implemented custom preservation and collection protocols and extracted approximately 10 terabytes of structured data from proprietary client data-base systems for analysis and review. Developed a structured data ESI protocol that governed the parameters of structured data productions.
- Managed a team of consultants on the analysis of 100s of millions of database records for a complex litigation in the commercial real estate industry. Analyzed trends and patterns in the data-base records that assisted counsel with identifying potentially relevant employees, partner relationships, and timeframes of interest.
- Managed a team of UK and US consultants on a data preservation and email data analysis endeavor. Established an on-site review room in the UK and worked with UK outside counsel to ensure that electronic discovery processes upheld EU data privacy laws.
- Directed a team of computer forensic consultants and contractors on forensic data preservation, backup tape recovery, email, and electronic file culling and search for approximately 100 custodians. Established an onsite triage center at an offshore facility to handle nearly 5 terabytes of data. Authored expert report on the methods, processes, types, and volumes of data pre-served, processed, and delivered for attorney review.
- Led a data analysis engagement consisting of metadata examination on Lotus Notes database documents. Acted as the client's Subject Matter Expert on Lotus Notes databases and authored expert testimony on the electronic discovery methods implemented during the project and subsequent project findings.
- Managed investigative team of computer forensic and complex data analysis consultants through the preservation, acquisition, and analysis of over 5 billion rows of NYSE trade data. Analysis period covered over 5 years of transactional data focusing on the alleged fraudulent trading activity. Additional responsibilities included administration of a SQL database containing key transactional trade data.
- Managed a data acquisition, e-file processing, and document review project in response to an SEC inquiry of over 45 custodians. Engagement required leading a multi-city team of computer forensic professionals through the forensic acquisition, electronic data processing, and document review phase of a project with a condensed project timeline of three weeks.
- Led multi-national electronic discovery preservation and analysis team on an internal audit committee investigation of a global metallurgy company. Engagement required managing computer forensic technicians through data preservation, forensic analysis, and automated culling of both Finnish and English enterprise email, financial data, and business documents related to the investigation.



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EDUCATION

- University of Virginia, Charlottesville, VA
- School of Engineering and Applied Sciences
- B.S. Computer Science, January 1998

SELECT PUBLICATIONS

- "GDPR and Data Maps: "X" Marks the Spot to Delete", Today's General Counsel, July 2018
- "5 Tips to Help Mitigate Insider Theft", Metropolitan Corporate Counsel, March 2017
- "A Practical Approach to Data Preservation and Collection", Metropolitan Corporate Counsel, May 2015
- "Big Data: The Elephant in The E-Discovery Room", Metropolitan Corporate Counsel, June 2013

TESTIFYING EXPERIENCE

1. Declaration on computer forensic analysis activities, Gilead Tenofovir Cases, JCCP No. 5043, December 2021
2. Declaration on computer forensic analysis activities, Michael David Testa, Individually and as Trustee of The M. David Testa Revocable Living Trust, Dated October 25, 2017 v. Town of Jupiter Island, December 2021
3. Expert report on forensic data analysis activities, Megan Enger and Sarah Infante. v. Thomas L. Cardella & Associates, November 2021
4. Declaration on collection and production of social media, In Re: Zantac (Ranitidine) Products Liability Litigation, November 2021
5. Declaration on computer forensic analysis activities, Chi Nguyen v. City of Philadelphia, October 2021
6. Declaration on computer forensic analysis activities, John C. Depp, II, v. Amber Laura Heard, October 2021
7. Declaration on computer forensic analysis activities, Marley R. Dominguez v. Iconiq Capital Management, LLC, October 2021
8. Declaration on computer forensic analysis activities, Sunlight Financial LLC, and Sunlight Financial Holdings, Inc. v. Duncan Hinkle, and Sunstone Credit, Inc., August 2021
9. Declaration on ESI search and production, Gilead Tenofovir Cases, JCCP No. 5043, July 2021
10. Deposition on forensic data analysis activities, Lainhart et. al. and Doyle et. al. v. Louisville/Jefferson County Metro Government, July 2021
11. Expert report on forensic data analysis activities, Lainhart et. al. and Doyle et. al. v. Louisville/Jefferson County Metro Government, June 2021
12. Deposition on computer forensic analysis activities, Havana Docs Corporation v. Carnival Corporation d/b/a Carnival Cruise Line, June 2021
13. Declaration on computer forensic analysis activities, eHealthInsurance Services, Inc. v. Healthpiolt Technologies LLC., May 2021
14. Declaration on computer forensic analysis activities and spoliation issues, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., April 2021
15. Declaration on computer forensic analysis activities, Havana Docs Corporation v. Carnival Corporation d/b/a Carnival Cruise Line, March 2021
16. Court Testimony on computer forensic analysis activities, State of Maryland v. Darrian McAfee
17. Expert report on forensic data analysis activities, Kaelin et. al. v. Louisville/Jefferson County Metro Government, January 2021
18. Declaration on computer forensic analysis activities, Sequoia Benefits & Insurance Services DBA Sequoia Consulting Group v. Sageview Advisory Group et. al., January 2021
19. Declaration on computer forensic analysis activities, Doneyda Perez v. DirectTV Group Holdings LLC, et al., December 2020
20. Declaration on ESI search and production protocols, Trust-ED Solutions, LLC v. Gilbert, LLP, November 2020



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21. Declaration on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, November 2020
22. Declaration on ESI review and production effort, Gilead Tenofovir Cases, JCCP No. 5043, August 2020
23. Declaration on collection and production of social media, Adrian Holley, et al. v. Gilead Sciences, Inc., August 2020
24. Declaration on collection and production of social media, Gilead Tenofovir Cases, JCCP No. 5043, July 2020
25. Declaration on computer forensic analysis activities, Doneyda Perez v. DirectTV Group Holdings LLC, et al., July 2020
26. Expert report on forensic data analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, June 2020
27. Declaration on ESI review and production effort, Adrian Holley, et al. v. Gilead Sciences, Inc., May 2020
28. Declaration on ESI production protocols, Adrian Holley, et al. v. Gilead Sciences, Inc., April 2020
29. Declaration on computer forensic analysis activities, Krista Brill v. Draeger, Inc. and Miguel Angel Armendariz, April 2020
30. Deposition on computer forensic analysis activities, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., April 2020
31. Trial Testimony on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, March 2020
32. Declaration on computer forensic analysis activities, Jesus Jimenez v. CRC Property Management West, Inc., March 2020
33. Declaration on computer forensic analysis activities, Denver Cooley v. Solar Turbines Incorporated, February 2020
34. Supplemental expert report on forensic data analysis activities, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., February 2020
35. Declaration on ESI data types, Anthony Robles, Individually and on Behalf of Other Persons Similarly Situated v. The Coca-Cola Company, Coca-Cola Refreshments USA, Inc., and Does 1-10, February 2020
36. Declaration on computer forensic analysis activities, Smithfield Packaged Meats Sales Corp. v. Dietz & Watson, Inc. and Chris Conrad, January 2020
37. Expert report on forensic data analysis activities, Medidata Solutions, Inc. and MDSOL Europe Limited v. Veeva Systems, Inc., January 2020
38. Declaration on ESI collection and production effort, Kristopher Lawson, Vincent McCleery, and Sean McMurrin, Individually and on Behalf of Other Persons Similarly Situated v. Love's Travel Stops & Country Stores, Inc., December 2019
39. Declaration on ESI review and production effort, Sandra Wolford et. al. v. Bayer Corp. et. al., December 2019
40. Declaration on ESI systems and data recovery options, In the Matter of Certain Lithium Batteries, Battery Cells, Battery Modules, Battery Packs, Components Thereof, and Processes Thereof, October 2019
41. Trial Testimony on computer forensic analysis activities, Futrend Technology Inc. v. Microhealth LLC, et. al., October 2019
42. Supplemental expert report on forensic data analysis activities, Futrend Technology Inc. v. Microhealth LLC, et. al., October 2019
43. Declaration on collection, search, and disposition process, Strategic Delivery Solutions, LLC v. Stallion Express, LLC, September 2019
44. Expert report on forensic data analysis activities, Futrend Technology Inc. v. Microhealth LLC, et. al., July 2019
45. Declaration on social media e-Discovery, Helen McLaughlin v. Bayer Essure Inc, et. al., May 2019
46. Declaration on ESI collection and search scoping, Sandra Wolford et. al. v. Bayer Corp. et. al., May 2019
47. Declaration on computer forensic analysis activities, Employee Benefit Services of Maryland, Inc. v. Nicholas Mafale, May 2019
48. Declaration on collection activities, IQVIA Inc. et. al. v. Veeva Systems, Inc., May 2019



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49. Declaration on ESI collection and search scoping, Sandra Wolford et. al. v. Bayer Corp. et. al., April 2019
50. Declaration on production activities, Synchronisys, Inc. v. DataSync, Inc. et. al., February 2019
51. Declaration on collection and production activities, Catalus Capital USVI, LLC et. al. v. The Service-master Company, LLC, et. al., January 2019
52. Declaration on collection and search protocols, Strategic Delivery Solutions, LLC v. Stallion Ex-press, LLC, December 2018
53. Expert Report on computer forensic analysis activities, Quandra Speights v. The Boeing Company, December 2018
54. Affidavit on computer forensic analysis activities, Futrend Technology Inc. v. Microhealth LLC et. al., October 2018
55. Affidavit on preservation, collection and search protocols, Sarah Lankford Sprecher v. Leroy E. Myers, Jr., September 2018
56. Declaration on computer forensic analysis activities, Yifat Oren et. al. v. Stefanie Cove, et. al., August 2018
57. Trial Testimony on metadata and computer forensic analysis activities, Broadcast Sports International, LLC v. Gil Pascal, et. al., June 2018
58. Declaration on computer forensic analysis activities, Airgas, Inc. v. The Carlyle Group, Carlyle Investment Management, LLC, and Leslie Graff, June 2018
59. Supplemental Declaration on e-Discovery deduplication and production protocols, Helen McLaughlin v. Bayer Essure Inc, et. al., May 2018
60. Declaration on computer forensic analysis activities, Charlotte Pinckney and Kyle Pinckney v. The Pep Boys Manny Moe & Jack O/D/B/A Pep Boys, May 2018
61. Declaration on e-Discovery deduplication and production protocols, Helen McLaughlin v. Bayer Essure Inc, et. al., March 2018
62. Declaration on e-Discovery deduplication and production protocols, Hannah Dorman et. al. v. Bayer, Corp, et. al., February 2018
63. Court Testimony on computer forensic analysis activities, MRP UO Partners, LLC, et. al. v. Raymond Rahbar, Jr. et. al., October 2017 – November 2017
64. Deposition on computer forensic analysis activities, MRP UO Partners, LLC, et. al. v. Raymond Rahbar, Jr. et. al., September 2017
65. Declaration on computer forensic analysis activities, MRP UO Partners, LLC, et. al. v. Raymond Rahbar, Jr. et. al., August 2017
66. Deposition on computer forensic analysis activities, Broadcast Sports International, LLC v. Gil Pascal, et. al., July 2017
67. Declaration on computer forensic analysis activities, Meridian Imaging Solutions, Inc. et. al. v. Omni Business Solutions LLC, et. al., July 2017
68. Declaration on computer forensic analysis activities, Yadkin Bank v. George Mason Mortgage, Inc. et. al, June 2017
69. Declaration on computer forensic analysis activities, Nichole Baibos v. ConnectYourCare LLC, May 2017
70. Expert report on forensic data analysis activities, Broadcast Sports International, LLC v. Gil Pascal, et. al., April 2017
71. Declaration on preservation and collection protocols, MD Helicopters, Inc. v. Aerometals, Inc., April 2017
72. Affidavit on computer forensic analysis activities, Yadkin Bank v. George Mason Mortgage, Inc. et. al, March, 2017
73. Court Testimony on metadata and computer forensic analysis activities, George Mason Mortgage, Inc. v. Caliber Home Loans, Inc., February 2017
74. Deposition on computer forensic analysis and deletion activities, Medidata Solutions, Inc. v. Michael Petrarca and Bioclinica, Inc., November 2016



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75. Expert Rebuttal Report on data breach analysis, Employment Background Investigations, Inc. v. Federal Insurance Company, October 2016
76. Expert Report on data breach analysis, Employment Background Investigations, Inc. v. Federal Insurance Company, July 2016
77. Affidavit on computer forensic analysis activities, Compass Systems, Inc. v. Frank D. Deaton, July 2016
78. Affidavit on computer forensic analysis activities, Broadcast Sports International, LLC v. Gil Pascal, et. al, June 2016
79. Affidavit on forensic analysis and data recovery, Felicia M. Barlow Clar et. al, v. Kyle C. Muehlhauser, et. al, May 2016
80. Affidavit on preservation and collection protocols, IN RE: Blue Cross Blue Shield Antitrust Litigation, December 2015
81. Affidavit and Court Testimony on computer forensic analysis activities, Stradtman v. Republic Services, Inc., May 2015
82. Expert report and Deposition on metadata and forensic data analysis activities, Headfirst Baseball LLC, et. al, v. Robert Elwood, et al, May 2015
83. Expert report and Deposition on metadata and forensic data analysis activities, Integrated Direct Marketing, LLC v. Drew May and Merkle, Inc., April 2015
84. Expert report on metadata and forensic data analysis activities, George Mason Mortgage, Inc. v. Caliber Home Loans, Inc. et al, April 2015
85. Court Testimony on metadata and computer forensic analysis activities, JK Moving & Storage, Inc. v. Daniel Pesta, et al, August 2014
86. Declaration on forensic examination of document metadata, US District Court (New Jersey) Grand Jury investigation of a drug wholesale company, February 2014
87. Declaration on collection and analysis of document metadata, Everett v. Everett, February 2014
88. Affidavit and Expert Report on forensic data analysis activities, Symphony Health Solutions v. David Gascoigne, January 2014
89. Court Testimony on computer forensic analysis activities, Taylor v. Republic Services Inc, et al, January 2013
90. Affidavit on preservation and collection protocols, King Industries, Inc. v. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the US and Canada, December 2012
91. Deposition on issues associated with alleged metadata spoliation, Dyncorp International v. Jane T. Flowers, et al, July 2012
92. Trial Testimony on metadata, forensic analysis, and e-Discovery best practices, City Pharmacy of Elkton v. Northside Pharmacy, April 2012
93. Declaration on forensic collection of social media content, Peters v. Veez Grille, January 2012
94. Affidavit and Expert Report on metadata, forensic data analysis, and e-Discovery best practices, City Pharmacy of Elkton v. Northside Pharmacy, May 2011

SELECT SPEAKING ENGAGEMENTS AND CONFERENCES

1. Sedona Conference Working Group 11 – "Artificial Intelligence (AI) model transparency: Core principles in promoting transparency of AI and algorithms", October 2019
2. Sedona Conference Working Group 11 – "Data Security and Privacy Legal issues in Artificial Intelligence", March 2018
3. Webinar, Metropolitan Corporate Counsel – "Data Breach Response: Orchestrating Legal & Technical Resources to Contain & Mitigate", March 2017
4. Sedona Conference Working Group 11 – "Privacy by Design", St. Petersburg, January 2017
5. CLE, ZwillGen, Cloud Computing and Mobile Devices, November 2016
6. Sedona Conference Working Group 11 – "Privacy by Design", Seattle, August 2016



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7. The Exchange (Today's General Counsel Institute) – "Strategic Use of Objections and Responses Under New Rule 34", Chicago, June 2016
8. CLE Panel, "Engaging and Managing the Presentation and Preparation of Expert Witnesses in Bankruptcy and Federal Court", May 2016
9. CLE Webinar, The Knowledge Group – "Mobile Data and BYOD: Mitigating eDiscovery and Data Breach Risks", April 2016
10. CLE Webinar, The Knowledge Group – "Mobile Privacy and Security Issues in 2015: Practical Guidance to Mitigate Data Breaches", August 2015
11. The Exchange (Today's General Counsel Institute) – "The Importance of Project and Process Management", Chicago, June 2015
12. Masters Conference – "Cloud Computing and Mobile Devices – How to Be Prepared for Litigation", Philadelphia, July 2014
13. The Exchange (Today's General Counsel Institute) – "The 'eWorkplace' and its Impact on eDiscovery", New York, July 2014
14. Masters Conference – "Discussion and Debate Over Potential Changes to the Federal Rules of Civil Procedure", Chicago, May 2014
15. Masters Conference, "Predictive Analytics and Its Effect on Big Data", Chicago, May 2014
16. Chicago Association of Litigation Support Managers (CALSM-posium), "Forensic Collection Trends Now and into the Near Future", October 2013
17. CLE, Tydings & Rosenberg LLP, "E-Discovery Primer", October 2013
18. Masters Conference, "Cloud Computing and Mobile Device Usage: Challenges They Bring to Your Litigation", July 2013
19. CLE, Williams & Connolly LLP, "Mobile Forensics for Lawyers", January 2013
20. Chicago Association of Litigation Support Managers (CALSM-posium), "How to Prepare for E-Discovery Supplementation Obligations", October 2012
21. Paraben Forensic Innovations Conference, "Analyzing Structured Data", November 2010

PROFESSIONAL AFFILIATIONS

- The Sedona Conference, Working Group 11 (Data Security and Privacy)
- The Sedona Conference, Working Group 12 (Trade Secrets)



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Attachment 9

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CURRICULUM VITAE

MICHELLE A. JORDEN, M.D.

850 Thornton Way

San Jose, CA 95128

Michelle.Jorden@mec.sccgov.org

CURRENT POSITIONS/ COMMITTEES

Chief Medical Examiner and Neuropathologist,
Office of the Medical Examiner-Coroner, Santa Clara
County, San Jose, CA (March 3, 2017- present)

Clinical Associate Professor (Affiliated), Stanford School
Of Medicine, Department of Pathology, Stanford
University

Chair, Child Death Review Team, Santa Clara County,
current

Member, Child Abuse Prevention Council (CAPC),
December 2015 – present Appointed by the Board of
Supervisors, Santa Clara County

Member, Domestic Violence Death Review Team, Santa
Clara County

Member, Trauma Executive Committee, Santa Clara County

Current (since 2008) – National Association of Medical
Examiners EPP- Forensic Fellow In-Service Exam (create test
questions for the resident and fellow in-service board
examination) Committee, American Society of Clinical
Pathology (ASCP)

Current (since 2014) – National Association of Medical
Examiners (NAME) Ad Hoc Organ and Tissue Procurement
Committee

Board of Directors, National Association of Medical
Examiners (NAME) (January 2019)

Delegate for National Association of Medical Examiners
(NAME), American Medical Association (January 2019)

National Association of Medical Examiners
(NAME) Ad hoc-Improving Opioid Data, current
Participant

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NAME Committee Chairs Meeting for the National Association of Medical Examiners (NAME) Ad Hoc Strategic Planning Committee, current participant

National Association of Medical Examiners (NAME) 2022 Executive Committee, October 2021

Member of the Medicolegal Death Investigation subcommittee within the Organization of Scientific Area Committees (OSAC) for Forensic Science, September 2021

Consulting Forensic Pathologist/Neuropathologist for neighboring Counties

PRIOR POSITIONS:

Interim Chief Medical Examiner and Neuropathologist, Office of the Medical Examiner-Coroner, Santa Clara County, San Jose, CA (Oct. 17, 2016 - Mar. 3, 2017)

Assistant Medical Examiner and Neuropathologist, Office of the Medical Examiner-Coroner, Santa Clara County, San Jose, CA (Nov. 2008 - Oct. 14, 2016)

National Association of Medical Examiners (NAME) Ad Hoc Deaths in Custody Committee, 2016

Assistant Medical Examiner, Office of the Medical Examiner, Cook County, Chicago, IL. (July 2006-November 2008)

Adjunct Assistant Professor, Feinberg School of Medicine, Northwestern University, Chicago, IL. (August 2006-November 2008)

Neuropathology consultant, Office of the Medical Examiner, Cook County, IL.

Neuropathology consultant, Lake County Coroner

Locums Forensic pathologist, DuPage County, Illinois (2007, 2008)

California Maternal Quality Care Collaborative (CMQCC), Pregnancy-Related and Pregnancy-Associated Mortality Review Advisory Committee, current

Board of Directors, Donor Network West
Member, Mid-Coastal California Perinatal Programs of California Quality Improvement Council (Nov 2013-2018)

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POSTGRADUATE TRAINING/RESIDENCY/FELLOWSHIP(S):

- **Forensic Pathology fellowship:** 2005-2006 Forensic Pathology Fellowship Program, Cook County Medical Examiner's Office, Chicago, IL
- **Surgical Pathology fellowship,** Stanford University Medical Center, Stanford, CA: July 2004-2005
- **Neuropathology fellowship,** Stanford University Medical Center, Stanford, CA: July 2001-2003
- **Anatomic pathology residency,** Stanford University Medical Center, Stanford, CA (July 2000-June 2001 and July 2003-June 2004)

BOARD CERTIFICATION/ OTHER CERTIFICATION:

American Board of Pathology – Anatomic Pathology (September 2005)
 American Board of Pathology – Neuropathology (September 2005)
 American Board of Pathology – Forensic Pathology (September 2008)
 American Board of Pathology – Successfully passed Maintenance of Certification (MOC) Part III written examination in Forensic Pathology (September 3, 2015)
 American Board of Medicolegal Death Investigators – Diplomate (#2709) (Feb 2017)
 American Board of Medicolegal Death Investigators – Fellow, Board certified (#BC2709), Jan 2018

EDUCATION:

M.D., Northwestern University Medical School, Chicago, IL.
 (1995-2000) (1996-1997 – part time status; worked full time)

B.S., DePaul University, Chicago, IL. (June 1989-December 1993)
 Graduated with the highest honor (*Summa cum laude*)
 Major in biological sciences and minor in Chemistry

PROFESSIONAL AWARDS/ACADEMIC HONORS:

Recipient of the 2021 Susan P. Baker Public Health Impact Award, National Association of Medical Examiners (NAME) Annual Meeting West Palm Beach, Florida, October 19, 2021

Recipient of the 2016 Association of Organ Procurement Organizations Leadership Award, National Association of Medical Examiners (NAME) 50th Anniversary Meeting Minneapolis, Minnesota, September 13, 2016

Co-winner of the 2015 AATB (American Association of Tissue Banks) Communication & Education Award in the category of Outstanding Professional Education: Outstanding Professional Education for Death Investigation Professionals, July 2015

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Postgraduate:

- Chief Resident, Departments of Anatomic and Clinical Pathology, Stanford University Medical Center, July 2004-June 2005

Graduate:

- Clinical Honors: Psychiatry, (1998)
- Honors in Pathology, (1999)
- Honors in Forensic Pathology, (1999)
- Honors in Diagnostic Radiology, (1999)
- Honors in Child Abuse and Neglect clerkship, (1999)
- Honors in sub-internship, Medicine, (2000)

Undergraduate:

- Dean's list every quarter (Winter 1989-Fall 1993)
- Alpha Lambda Delta Honor Society (1990)
- Golden Key National Honor Society
- Phi Kappa Phi Honor Society (1994)

LICENSURE:

California Medical license: Active status, October 24, 2001, #A76862
 Illinois Medical license: Active status, June 2005, 036-113905

PROFESSIONAL SOCIETIES:

National Association of Medical Examiners (NAME), fellow status
 American Academy of Forensic Science (AAFS), fellow status
 American Association of Neuropathologists, member
 American Society of Clinical Pathologists, member
 American Medical Association, member and Delegate

MAINTENANCE OF BOARD CERTIFICATION(S) (COMMITMENT TO LIFE-LONG LEARNING): 2010-PRESENT

College of American Pathologists, annual participation
 Autopsy modules
 Forensic Pathology modules
 Neuropathology modules

Certlink (Maintenance of Board Certification), American Board of Pathology

PUBLICATIONS:

In review – Michelle A. Jorden MD, Elsa Villarino MD MPH, Sarah L. Rudman MD MPH, Brandon J. Bonin DrPH, MS, PHM, and Christine Y. Chen MD MPH
 The Medical Examiner-Coroner and Public Health: An Innovative and Collaborative Approach to the COVID-19 Pandemic – The Experience of Santa Clara County, CA.

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National Association of Medical Examiners Position Paper: Recommendations for the Definition, Investigation, Postmortem Examination, and Reporting of Deaths in Custody". Roger A. Mitchell Jr. MD, Francisco Diaz, MD, Gary A. Goldfogel MD, Mark Fajardo MD, Stephany E. Fiore MD, Tanisha V. Henson MFS, Michelle A. Jorden MD, Sean Kelly MD, Scott Luzi MD, Megan Quinn MD, Dwayne A. Wolf MD PhD.

Retrospective review of homeless deaths, 2011-2016, released August 2017.

Zamanian et al. Features and Outcomes of Methamphetamine Associated Pulmonary Arterial Hypertension. *American Journal of Respiratory and Critical Care Medicine* submitted May 15, 2017.

Butler B, Fries C, Panock J, Jorden M and Melinek J. Images in Forensic Pathology - Catching A Bullet: Gunshot Wound Trajectory Analysis Used to Establish Body Position. *Academic Forensic Pathology* (accepted with minor revisions August 2016).

Child Death Review Team annual report, 2010-2012 (published 2013)

Child Death Review Team annual report, 2013-2015 (published 2016)

Child Death Review Team annual report, 2016-2017 (published 2018)

Child Death Review Team annual report, 2018 (published 2020)

Retrospective Review of Homeless Deaths in Santa Clara County, 2011-2016.

Jorden, M. Chapter 1. Autopsy and Forensic Medicine: Cellular Injury and repair. USLME Road Map to Pathology review book. McGraw Hill. 2009.

Berry, GJ and Jorden, M. REVIEW: Pathology of radiation and anthracycline cardiotoxicity. *Pediatric Blood Cancer* 2005;44:630-637.

Goldstein, RA, Jorden, MA, and Harsh IV, G.R., Meningiomas: Natural history, diagnosis and imaging. Chapter 19 in Cancer of the Nervous System, 2nd ed. Lippincott, Williams and Wilkins. 2005

Morgan et al. Pulmonary glial heterotopia in a monoamniotic twin. *Pediatric Pulmonology*. 2003;36 (2). 162-166.

Herrmann, M. et al., Sudden Death in an 8-week-old Infant with Beckwith-Wiedemann Syndrome. *American Journal of Forensic Medicine and Pathology*. Sep. 2000. 21(3): 276-80.

Silliker et al., Evaluation of the efficiency of sexual reproduction in restoring *Podospira anserina* mitochondrial DNA to wild type. *Current Genetics*. 1997 Issue 32, 281-286.

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COLLABORATIONS:

The Rising Trend of Ecstasy and Mimic Drugs among Teenagers in Santa Clara County, CA, 2012 Department of Drug and Alcohol Services (DADS), Santa Clara County Public Health Department and the Santa Clara County Office of the Medical Examiner-Coroner

Unsafe Sleep Campaign, Santa Clara County, 2011-current, First 5 of Santa Clara County, Santa Clara County Public Health Department and the Santa Clara County Office of the Medical Examiner-Coroner

Epi-Aid Study Undetermined risk factors for suicide among youth, ages 10-24 – Santa Clara County, CA, 2016, Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Service Administration (SAMHSA), California Department of Public Health, Santa Clara County Public Health Department (SCCPHD), and Santa Clara County Office of the Medical Examiner-Coroner

LEGISLATION:

AB 2119 – Enables medical examiners, forensic pathologists and coroners to access mental health records for the determination of cause and manner of death
Signed by Governor Brown September 27, 2016.

AB 2083 – This bill authorizes the voluntary disclosure of specified information, including mental health records, criminal history information, and child abuse reports, by an individual or agency to an interagency child death review team. Signed by Governor Brown September 12, 2016, Chapter 297 of the Statutes of 2016.

PROFESSIONAL TEACHING:

- **November 2008-present:** Stanford Pathology residents and Valley Medical Center (county hospital) resident teaching; investigator training sessions; mentor to medical school students and resident physicians
- **July 2005-November 2008:** Teaching sessions with medical students and residents from Rush Medical Center, Northwestern Medical School, Loyola Medical Center, University of Illinois and overseas medical schools

PRESENTATIONS/LECTURES – MAJOR TOPICS:

FORENSICS (MISC):

- Mitochondrial DNA analysis within the realm of forensic science, Current Concepts, Stanford University Medical Center, Department of Pathology, September 2000
- Decomposition and the role of immunohistochemistry, Current Concepts, Stanford University Medical Center, Department of Pathology, March 2001
- Invited guest speaker, Stanford University Medical Center, California; three (3) day lecture series on forensic pathology with microscopic teaching session on interesting forensic pathology cases, April 2007

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- Platform presentation - Sickle cell disease and sudden death, American Academy of Forensic Sciences (AAFS) 60th Annual Meeting, February 2008
- Platform presentation - Unusual methods of suicide in Chicago, IL, County of Cook, American Academy of Forensic Sciences (AAFS) 61st Annual Meeting, February 2009
- First Reported Case of Bromo-Dragon FLY Fatality in the United States, San Jose, CA, County of Santa Clara, Platform presentation, American Academy of Forensic Sciences 63rd Annual Meeting, Chicago, IL. February 2011
- Guest lecturer, Death scene analysis, Crime Lab, Santa Clara County 2011
- Guest lecturer, Crime scene analysis, Crime Lab, Santa Clara County, November 2013
- Platform presentation (award recipient) – Sustaining and Saving Life – Understanding Organ and Tissue Recovery, National Association of Medical Examiners Annual meeting, Portland, OR, October 2014
- Faculty speaker, Homicide Symposium XX, California District Attorneys Association, Fatal Wounds segment, Santa Barbara, CA May 5, 2015
- Forensic lecture for pathology residents, Fatal Wounds, Stanford University Medical Center Department of Pathology, June 16, 2015
- Faculty speaker, Fatal Wounds segment, District Attorney's Office, Santa Clara, CA September 24, 2015
- Speaker, Santa Clara County Opioid Overdose Prevention Project Community Kickoff Event, May 12, 2016, Masonic Center, San Jose, CA
- Presenter, Plenary Session titled, "Changes in Potential Donor Population" 2017 Directors Workshop, January 11-12, 2017 in Napa, CA
- Presenter, A primer on opioid use, abuse and potential for death, Reentry Resource Center, Friday 2/10/17 at 3:00 pm
- Co-chair and presenter, NAME Interim Meeting, Deaths in Custody – A comprehensive Conversation, February 14, 2017, Hyatt Regency, New Orleans, LA
- Presenter, A primer on opioid use, abuse and potential for death, Probation Department, August 30, 2017
- Karin Wells and Michelle A. Jorden, MD, Retrospective Study of Homeless Deaths in the County of Santa Clara, California. American Academy of Forensic Sciences (AAFS) meeting, Seattle, WA February 2018
- Chang, J.S., Ronquillo, T., Gabbe, C.J., Jorden, M. (2018). Impact of community policies on health-mapping homeless deaths in the Bay Area. American Public Health Association Annual Meeting, San Diego, California, November 2018.
- Death Investigation course for law enforcement, May 20, 2018, Maple Street Correctional Facility, Redwood City, CA, May 22, 2018
- Guest lecturer, Crime scene analysis, Crime Lab, Santa Clara County, July 2018
- Crime Lab lecture, Critical Incidents: Interagency Cooperation; Mass Fatality and the Medical Examiner Response, SCC Sheriff's Auditorium, 55 W. Younger Ave., San Jose, CA, September 11, 2018
- Presenter, OPIOIDS: Use, Misuse and Potential for Death, Adult Probation, Charcot/1st Street, November 19, 2018.
- Co-presenter, The Medical Examiner-Coroner and Public Health: An Innovative and Collaborative Approach to the COVID-19 Pandemic – The Experience of Santa Clara County, CA., October 2021, National Association of Medical Examiners

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Annual Meeting, West Palm Beach, Florida.

INFANT/CHILD MORTALITY:

- Segovia, A et al. Suicide among 10 to 20-year-olds in Cook County, Illinois – a retrospective review. Abstract National Association of Medical Examiners (N.A.M.E.) meeting October 2005
- Platform presentation - Stillborn infants and placental abruption associated with methamphetamine abuse: report of 12 cases in San Jose, CA, County of Santa Clara, National Association of Medical Examiners annual meeting, San Francisco, CA September 2009
- The Rising Trend of Ecstasy and Mimic Drugs among Teenagers in Santa Clara County, CA, platform presentation, American Academy of Forensic Sciences 63rd Annual Meeting, February 2011, Chicago, IL.
Lectured and trained 1,825 county personnel through workshops and lectures to include: The Masonic Center; Santa Clara County Juvenile Hall; Santa Clara County Police Chief Association; Emergency Nurses Association; District Attorney Crime Lab; Drug Free Community Committee and Los Gatos Police Department; Santa Clara County Pediatric Grand Rounds; and Santa Clara County Emergency Medical Services Agency Annual Conference
- Platform presentation - Sudden Unexpected Infant Deaths in the County of Santa Clara, California with an Emphasis on Unsafe Sleeping Environments, National Association of Medical Examiners (NAME) Annual meeting, Date: August 8, 2011, Location: Alaska
- 29th Child Abuse Council Symposium, program on unexpected infant deaths, Marriott Hotel, Santa Clara, CA, April 2011
- 30th Child Abuse Council Symposium, Marriott Hotel, Santa Clara, CA program on Ecstasy and mimic drugs, 2012
- 31st Child Abuse Council Symposium, Marriott Hotel, Santa Clara, CA, invited guest speaker as Chair for the Child Death Review Team – introduction to the Child Death Review Team in Santa Clara County, 2013
- 32nd Child Abuse Council Symposium, Marriott Hotel, Santa Clara, CA, session on analyzing a child death in Santa Clara County, CA, 2014
- 33rd Child Abuse Council Symposium, Villa Regusa, Campbell, CA, Workshop B1: Analyzing teenage suicide in Santa Clara, Co., April 17, 2015
- Guest lecturer, death investigation of sudden unexpected infant deaths, District Attorney's Office, Santa Clara County 2012
- Sudden unexpected infant deaths in Santa Clara County with emphasis on unsafe sleep environments, provided three (3) training sessions, Department of Children and Family Services, July 2012
- Faculty speaker, Mid-Coastal California Perinatal Outreach Program, Sudden unexpected infant deaths in Santa Clara County with emphasis on unsafe sleep environments Spring Lecture, June 25, 2013 Sunnyvale, CA
- Faculty speaker, Mid-Coastal California Perinatal Outreach Program, Sudden unexpected infant deaths in Santa Clara County with emphasis on unsafe sleep environments Fall Lecture, October 2013 Santa Cruz, CA
- Guest lecturer, Unexpected infant deaths in Santa Clara County with emphasis on unsafe sleep environment, Breast Feeding Task Force, Santa Clara County,

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November 2014

- Faculty speaker, Mid-Coastal California Perinatal Outreach Program, 35th Annual meeting "Perinatal Potpourri: Reaching Out and Looking Forward" January 23, 2015 Monterey, CA
- Faculty speaker, Continuing Education Consortium - Perinatal Hot Topics Nursing Conference, October 22, 2015, Sacramento, CA
- Speaker, Child Abuse Protocol and infant death investigation, District Attorney's Office, February 24, 2016
- Faculty speaker, Annual California Section Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN) – It's Not SIDS: Sudden Unexpected Infant Death, San Diego, CA, February 27, 2016
- Speaker, Valley Medical Center, Outreach Education on the importance of safe sleep for infants: It's Not SIDS: Sudden Unexpected Infant Death, San Jose, CA, March 5, 2016
- Instructor, The California District Attorneys Association, Advanced Child Abuse Prosecution Seminar, Medical Investigation of fatal child abuse: The Medical Examiner's Perspective, Sacramento, CA August 9-10, 2016
- Lead Instructor, Safe sleep for infants, Santa Clara County Social Services Department, September 12, 2017 1:30-4:30 pm, September 13, 2017 1:30-4:30 pm and October 11, 2017 8:30-11:30 am
- Stanford Pediatric Grand Rounds, Lucile Packard Children's Hospital, Sudden Unexpected Infant Death (SUID) with an emphasis on the sleep environment, January 19, 2018 8-9 am.
- Zuckerberg San Francisco General Hospital Grand Rounds, Sudden Unexpected Infant Death (SUID) with an emphasis on the sleep environment, April 10, 2018 8-9 am, San Francisco, CA
- Refresher course on Infant death investigation by the Medical Examiner-Coroner's Office in Santa Clara County, Investigations unit and Assistant Medical Examiners, August 1, 2018, SCC Medical Examiner-Coroner's Office
- SUID – Is it really SIDS: Sudden Unexpected Infant Deaths in Santa Clara County with Emphasis on Unsafe Sleeping Environments, October 10, 2018, 10 am-12 noon and 1-3 pm, Conference Room AB, Department of Public Health, 976 Lenzen Ave., San Jose, CA

BRAIN INJURY/DOMESTIC VIOLENCE:

- Guest speaker, The Domestic Violence Council Medical Committee, Valley Medical Center, San Jose, CA – The spectrum of traumatic brain injury in domestic violence victims, March 17, 2015
- Faculty lecturer, Stanford Medical Center Family Abuse Prevention Council, The Spectrum of traumatic brain injury in domestic violence victims, July 8, 2015
- Faculty, 25th Annual Trauma Symposium Stanford University and Valley Medical Center, The spectrum of traumatic brain injury in domestic violence victims, August 14, 2015
- Keynote speaker/Plenary session, 22nd Annual Domestic Violence Conference,

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Marriott Conference Center, Santa Clara, CA – The spectrum of traumatic brain injury in victims of intimate partner violence, October 23, 2015

- Breakout session P1, moderator and creator, 22nd Annual Domestic Violence Conference, Marriott Conference Center, Santa Clara, CA – Recognizing Traumatic Brain Injury – Scenarios and Information Guides, October 23, 2015
- Faculty speaker, 16th Annual Neuroscience of Brain Injury Conference, Research Informing Medical Treatment and Legal Practice, Brain Injury Association of California, Santa Rosa, CA, The spectrum of traumatic brain injury in victims of intimate partner violence, November 6-7, 2015
- Guest speaker, Northern California Domestic Violence Roundtable, Santa Clara County Probation Department, San Jose, CA, The spectrum of traumatic brain injury in victims of intimate partner violence, November 19, 2015
- Assessing Traumatic Brain Injury Section, Domestic Violence Protocol for Law Enforcement, Police Chiefs' Association, March 2016
- Presenter, The Dangers and Consequences of Strangulation, Kaiser Permanente San Jose, Wednesday, April 5, 2017, 12:30-1:30pm
- Domestic Violence Update for Law Enforcement, Sheriff's Auditorium, 55 W. Younger Ave., San Jose, CA June 28, 2017
- Co-presenter, Traumatic brain injury: The frequently forgotten consequence of domestic violence. National Conference on Health and Domestic Violence, Futures without Violence, Wednesday, September 27, 2017, 10:15 AM in room: Salon 12-13 at the San Francisco Marriott Marquis
- Domestic Violence Update for Law Enforcement, Sheriff's Auditorium, 55 W. Younger Ave., San Jose, CA July 10, 2018

NEUROPATHOLOGY:

- Peripheral Nerve Sheath tumors. Two lecture series. Stanford University Medical Center, Department of Pathology. September 2001
- Pineal lesions. Stanford University Medical Center, Department of Pathology. April 2002
- POSTER: Jorden, MA. and Horoupian, D. Congenital sensory motor neuropathy and arthrogryposis congenita. 43rd annual meeting of American Association of Neuropathologists. Denver, Colorado. June 2002.
- Neurosurgery Grand Rounds, Jorden, MA. Evolution in understanding brain tumors, including molecular diagnostics. Stanford University Medical Center, September 2002
- POSTER P06-067: Jorden, MA et al. The interpretation of persistently elevated creatine kinase levels following discontinuation of statin drugs. 55th annual meeting American Academy of Neurology, Hawaii. February 2003.
- POSTER 85: Jorden, MA et al. Dentato-olivary dysplasia, uncrossed corticospinal tracts, and 4th ventriculomegaly associated with mid-face cleft defects. A report of two cases. 44th annual meeting of American Association of Neuropathologists. June 2003.
- ALS – Summary and pathologic diagnosis. Stanford University Medical Center, Department of Pathology. September 2003.

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- POSTER: Jorden, MA et al. Gene expression profiling of distinct regions in normal autopsy brain: a study of three cases. USCAP Meeting, Vancouver, British Columbia March 2004.
- Spongiform encephalopathy, Cook County Medical Examiner Office, January 2006
- Neuropathology, an overview, Cook County Medical Examiner Office, June 2006
- Scuba Diving and Forensic Pathology, Cook County Medical Examiner Office, November 2006
- Platform presentation - Pituitary macroadenoma presenting as hypothermia, American Academy of Forensic Sciences (AAFS) 59th Annual Meeting, February 2007
- Platform presentation – co-author, Neurocysticercosis and sudden death, American Academy of Forensic Sciences (AAFS) 59th Annual Meeting, February 2007
- Diffuse Axonal Injury observed in Structures of the Brain not Commonly Described. Michelle A. Jorden, MD and Robert Forrester, 66th Annual American Academy of Forensic Sciences annual meeting, Seattle, WA February 2014
- Platform presentation – best resident paper candidate, Lauren Edelmann, MD and Michelle A. Jorden, MD, Uncommon Complications of Dental Surgery Seen in Forensic Pathology, National Association of Medical Examiners Annual meeting, Portland, OR, October 2014
- Poster – best resident paper candidate, Susan Parson, MD and Michelle A. Jorden, MD, Hemoglobinopathy Masquerading as Cerebral Infarct and Hemorrhage – An Important Addition to the Differential Diagnosis, National Association of Medical Examiners Annual meeting, Charlotte, North Carolina, October 2015

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Attachment 10

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**CURRICULUM VITAE
RICHARD SULTER MOORE, JR, M.D., FAOA**

Current Position:
July 1, 2000 - present

EmergeOrtho

Address: 2716 Ashton Drive
Wilmington, NC 28412
Phone: (910) 763-7344
Fax: (910) 251-0421

Academic Appointment: Adjunct Assistant Consulting Professor
UNC School of Medicine
Department of Orthopedic Suregry

Past Position:

July 1997 – 2000 Assistant Professor of Surgery
Director Orthopaedic Trauma Service
Duke University Medical Center
Durham, North Carolina

Post Graduate Training:

July – Oct. 1997 AO Traveling Preceptorship – Pelvic & Acetabular Trauma
Hospital of the Good Samaritan, Los Angeles, California

July 1996 – 1997 Fellow – Hand, Upper Extremity, & Microvascular Surgery
Duke University Medical Center, Durham, North Carolina

June 1992 – 1996 Intern & Resident – Department of Orthopaedic Surgery
Hospital of the University of Pennsylvania, Philadelphia, Pennsylvania

Medical Education:

May 1991 Doctor of Medicine with Honors
University of North Carolina School of Medicine
Chapel Hill, North Carolina

Undergraduate Education:

May 1987 Bachelor of Science in Biology
University of North Carolina
Chapel Hill, North Carolina

High School Education:

Academic Diploma
Jacksonville Senior High School, Jacksonville, North Carolina

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RICHARD SULTER MOORE, JR, M.D., FAOA

Professional Leadership Positions:

10/1997 –6/2000	Director of Orthopaedic Trauma Service – Duke University Medical Center
2009 - 2010	President North Carolina Society for Surgery of the Hand
2008 – 2009	Treasurer North Carolina Society for Surgery of the Hand
2007 – 2010	President Duke Hand Club
2009 – 2012	Executive Board Piedmont Orthopaedic Society
2009 – Present	Physician Advisor National Board for the Certification of Orthopaedic Physician Assistants
2009 – 2012	President and Managing Partner Wilmington Orthopaedic Group

Academic Honors and Awards:

June 2000	Frank H. Bassett Faculty Teaching Award - Division of Orthopaedic Surgery. Duke University Medical Center.
February 2000	OREF Grant - Duke University Medical Center. "Study of metastatic potential in chondrosarcoma cells by expression of Tenascin – C"
June 1996	DeForest Willard Award - For outstanding performance by a senior resident. Department of Orthopaedic Surgery, Hospital of the University of Pennsylvania, Philadelphia, Pennsylvania
February 1996	Charles S. Neer Award – Co-author Periprosthetic Humeral Fractures - Mechanisms of Fracture and Treatment Options.
June 1995	Elected Chief Resident – Department of Orthopaedic Surgery, Hospital of the University of Pennsylvania, Philadelphia, Pennsylvania
May 1991	Doctor of Medicine with Honors University of North Carolina School of Medicine, Chapel Hill, North Carolina
January 1991	Alpha Omega Alpha Honor Medical Society University of North Carolina School of Medicine, Chapel Hill, North Carolina

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RICHARD SULTER MOORE, JR, M.D., FAOA

May 1998	NIH Grant for Student Research University of North Carolina School of Medicine, Chapel Hill, North Carolina
1983 – 1987	Thomas J. Watson Scholar Merit Scholarship awarded by IBM

Additional Experience:

1994	Microsurgery Training Course University of Pennsylvania, Philadelphia, Pennsylvania
1992 – 1993	Research Fellow: In Vivo analyses of the inflammatory response to particulate debris. The McKay Laboratory of Orthopaedic Research, University of Pennsylvania, Philadelphia, Pennsylvania

Personal:

Marital Status:	Married August 15, 1992 Elizabeth Cunningham Moore
Children:	Richard S. Moore, III "Trey" Walker McMurtry Moore Elizabeth Cunningham Moore "Libby"
Licensure:	State of North Carolina Board Certified ABOS / CAQ Hand Surgery (Recertified 2019)

PUBLICATIONS :

REFERRED JOURNALS:

1. Hancock, RL, Tylavsky, FA, Moore, R, Anderson JJB. Hereditary and Environmental Influences on Blood Pressure Values of Perimenopausal Women and Their College-Age Daughters, Journal American College of Nutrition 10: 376-382, 1991.
2. Moore, RS, Beredjiklian, P, Rhoad, R, Theiss, S, Cuckler, J, Duchyene, P, and Baker, DG. A Comparison of the Inflammatory Potential of Particulates Derived from Two Composite Materials. Journal of Biomedical Materials Research 34 (2): 137-147, February 1997.
3. Moore, RS, Stover, MD, Matta, JM Late Posterior Instability of the Pelvis after Resection of The Symphysis Pubis for the Treatment of Osteitis Pubis. A Report of Two Cases. Journal of Bone and Joint Surgery 7 (4): 406-413, July-August 1998.
4. Campbell, JT, Moore, RS, Iannotti, JP, Norris, TR and Williams , GR. Periprosthetic Humeral Fractures: Mechanism of Fracture and Treatment Options. Journal of Shoulder and Elbow Surgery 7 (4): 406-413, July-August 1998.

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5. Levin, LS and Moore, RS. Vascular Disorders of the Hand: Surgeons' Perspective. *Journal of Hand Therapy* 12 (2): 152-159, April-June 1999.
6. Moore, RS. Tan, V, Dormans, JP, and Bozentka, DJ. Major Pediatric Hand Trauma Associated with Fireworks. *Journal of Orthopaedic Trauma* 14 (6): 426-428, August 2000.
7. Tan, V, Moore, RS Jr, Omarini, L, Kneeland, JB, Williams, GR Jr, Iannotti, JP. Magnetic Resonance Imaging Analysis of Coracoid Morphology and its Relation to Rotator Cuff Tears. *Am J Orthop.* 31(6):329-33, June 2002.

NON-REFERRED JOURNALS

1. Moore, RS and Urbaniak, JR: The Role of Total Elbow Allografts in Revision Arthroplasty Seminars in Arthroplasty, Vol. 9, No. 1, 88-95, January 1998.
2. Katz, MA and Moore, RS. Flexor Tendon Rupture and Reconstruction of the Rheumatoid Hand. Seminars in Arthroplasty, Vol. 11, No. 2, 89-97, April 2000

CHAPTERS IN BOOKS

1. Levin, LS, Moore, RS, Aponte, R: Acute and Chronic Vascular Injuries of the Wrist and Hand. *Orthopaedic Surgery with Clinical and Basic Science Overview.* Thieme Publishing NY, 1999.
2. Moore, RS and Urbaniak, JR: Soft Tissue Injuries of the Hand. *Textbook - Principles and Practice of Sports Medicine.* Pennsylvania, Lippincott Williams and Wilkins, 2000
3. Miller Orthopaedic Review. Trauma Section – Upper Extremity Trauma. *Miller Orthopaedic Review Book.* 3rd Edition W.B. Saunders.

INSTRUCTIONAL COURSES /PRESENTATIONS/LECTURES:

1. Achilles Tendon Allograft Reconstruction of Chronic Distal Biceps tendon Rupture. Presented at 60th Annual Meeting Piedmont Orthopaedic Society, Key Largo, Florida, May 9-13, 2012.
2. Achilles Tendon Allograft Reconstruction of Chronic Distal Biceps tendon Rupture. Presented at 25th Annual Meeting Southeastern Hand Club, Keswick, Virginia, April 26-29, 2012.
3. International Guest Lecturer - Current Concepts in Carpal Instability. 2011 Annual Meeting Taiwan Society for Surgery of the Hand, Chang Gung Memorial Hospital, Taipei, Taiwan, June 11, 2011.
4. Visiting Professor - Scaphoid Fractures: Current Concepts and Controversies. National Taiwan University College of Medicine Orthopaedic Grand Rounds. Taipei, Taiwan, June 10, 2011.
5. Pelvic and Acetabular Surgery for the Community Surgeon. Presented at 59th Annual Meeting Piedmont Orthopaedic Society, Sea Island, Georgia,

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May 11-15, 2011.

6. Revolution in Egypt – Two Surgeons' Personal Experience. Presented at 59th Annual Meeting Piedmont Orthopaedic Society, Sea Island, Georgia, May 11-15, 2011.
7. The Role of Reverse Total Shoulder Arthroplasty in Post-Traumatic Reconstruction. Presented at 34th Annual Meeting Southeastern Hand Club, Isle of Palms, South Carolina, April 14-16, 2011.
8. The Role of Reverse Total Shoulder Arthroplasty in Post-Traumatic Reconstruction. Presented at 2010 Meeting of the Duke Hand Club, Kauai, Hawaii, November 5-10, 2010.
9. Free-Vascularized Fibular Graft Reconstruction of the Upper Extremity. Presented at 2010 Meeting of the Duke Hand Club, Kauai, Hawaii, November 5-10, 2010.
10. Faculty - Sixth Annual Teton Hand and Upper Extremity Conference, Elbow/Wrist/Forearm Anatomy – Cadaveric Dissections; Surface Anatomy of the Hand – The Art of Anatomy, Jackson Hole, Wyoming, January 6-10, 2009.
11. Reverse Total Shoulder Arthroplasty. Presented at 2009 North Carolina Society for Surgery of the Hand Meeting, Pine Hurst, North Carolina, September 25, 2009.
12. Reverse Total Shoulder Arthroplasty as a Salvage for Non-Arthritic Shoulder Conditions. Presented at 57th Annual Meeting Piedmont Orthopaedic Society, Sea Island, Georgia, May 6-10, 2009.
13. International Faculty - Reverse Total Shoulder Arthroplasty: Biomechanics and Clinical Applications. Fifteenth Combined Congress of the Hellenic Society of Reconstructive Microsurgery and the Hellenic Society of Surgery of the Hand and Upper Extremity, August 21-28, 2009.
14. Faculty - Fifth Annual Teton Hand and Upper Extremity Conference, Clinical Anatomy of the Wrist and Elbow – A Cadaveric Prosection; Surgical Management of the Thumb CMC Joint; Anatomy of the Thumb – A Cadaveric Prosection, Jackson Hole, Wyoming, January 9-12, 2008.
15. Clinical Pearls - Lessons Learned from Challenging Cases. Presented at 2008 North Carolina Society for Surgery of the Hand Meeting, Asheville, North Carolina, October 11, 2008.
16. CMC Arthroplasty Utilizing the Artelon Spacer. Presented at 2007 Meeting of the Duke Hand Club, Palm Cove, Australia, March 2007.
17. CMC Arthroplasty with an Interpositional Spacer. Presented at 55th Annual Meeting Piedmont Orthopaedic Society, Sea Island, Georgia, May 9-13, 2007.
18. Free-Vascularized Fibular Graft Reconstruction of the Upper Extremity. Presented at 29th Annual Meeting of the Southeastern Hand Club, White Sulfur Springs, West Virginia, May 18-21, 2006.
19. Presented with Judy Colditz, OT/L, CHT, FAOTA: How to Prevent Simple Problems from Becoming Complex Disasters; Annual Meeting of the American Society of Hand Therapists, San Antonio, TX, September 2005.

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20. Anatomy and Biomechanics of the Intrinsic Muscles of the Hand. Presented at the 6th Triennial Congress of the International Federation of Societies for Hand Therapy, Edinburgh, Scotland, June 2004.
21. Presented with Judy Colditz, OT/L, CHT, FAOTA: Our Ugly Patient: Thumb CMC Arthroplasty with Complications, Annual Meeting of the American Society of Hand Therapists, Charlotte, NC, October 2004.
22. Intrinsic Muscles of the Hand: Do you know what you think you know, or do you know what you don't know? with Judy Colditz, OT/L, CHT, FAOTA, American Society of Hand Therapists Annual Meeting, Ottawa, Canada, September 2002.
23. Intrinsic Muscles of the Hand: Do you know what you think you know, or do you know what you don't know? with Judy Colditz, OT/L, CHT, FAOTA, American Society of Hand Therapists Annual Meeting, Nashville, TN, October 2001
24. The Role of Free Vascularize Fibular Grafts in the Management of Avascular Necrosis. Presented at the Western Orthopaedic Association. Los Angeles, California, September 1997.
25. Carpal Tunnel Syndrome. Guest Lecturer. Pearson County Memorial Hospital, Roxboro, North Carolina, January, 1999.
26. Orthopaedic Management of the Polytraumatized Patient. EBI Guest Lecturer. Presented at Advanced Trauma Forum, Parsippany, New Jersey, April, 1999.
27. Orthopaedic Management of the Polytraumatized Patient. Presented at Duke Annual Trauma Conference, Durham, North Carolina, March, 1998.
28. The Role of Arthroscopy in the Management of Periarticular Tibia Fractures. Presented at Carolina Orthopaedic Trauma Symposium, Raleigh, North Carolina, April, 1999.
29. Miller's Colorado Orthopaedic Review Course on Orthopaedic Trauma, Course Faculty, Colorado Springs, Colorado, May, 1999 - 2005
30. Evaluation of the Hand and Wrist. Presented at Musculoskeletal Assessment for Primary Care Providers, Pinehurst, North Carolina, June 26, 1999.
31. Soft Tissue Coverage of the Hand. Presented at EBI Medical Systems Hand Forum, New York, NY, January 14, 2000.
32. Traumatic Elbow Instability. Presented at EBI Medical Systems Hand Forum, New York, NY, January 14, 2000.
33. Microvascular Free Tissue Transfer for Coverage in Grade III Open Calcaneal Fractures Associated with Achilles Tendon Rupture. Presented at the American Academy of Orthopaedic Surgeons, Atlanta, Georgia, February 1996. Orthopaedic Transactions, p. 238, 1996.
34. Hand Trauma Secondary to Firecracker Injuries in the Pediatric Population. Presented at the Fall Meeting of the Pennsylvania Orthopaedic Society, Pittsburgh, Pennsylvania, November 1994.
35. The Effects of Physical Activity on the Rate of Bone Loss in Exercising Women: A Longitudinal Study. Presented at the Annual Meeting of the John B. Graham Student Research Society, Chapel Hill, North Carolina, January 1990.

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PRESENTATIONS CO-AUTHOR:

1. The Effects of Exercise on Bone Mineral Content in Perimenopausal Women. Trans ORS 38th Annual Meeting, Washington, DC, February 1992.
2. Prolonged Inflammatory Response to Polyethylene Particles in the Rat Subcutaneous Air Pouch Model Suggest an Important Role for Polyethylene in Joint Implant Loosening. Presented at the Annual Meeting of the American College of Rheumatology, San Antonio, Texas, October 1993. Arth Rheum 35: B161, 1993. Abstract.
3. Thermal Necrosis of the Tibia Secondary to Intramedullary Reaming During Placement of Tibial Nails. Presented at the American Academy of Orthopaedic Surgery, Atlanta, Georgia, February 1996. Orthopaedic Transactions, p. 229, 1996.
4. Periprosthetic Humeral Fractures – Mechanisms of Fracture and Treatment Options. Presented at the American Academy of Orthopaedic Surgery and Shoulder and Elbow Specialty Day, Atlanta, Georgia, February 1996. Orthopaedic Transactions, p 59, 1996
5. Peri-Prosthetic Humeral Fractures. Presented at the 15th Annual Meeting of the Arthroscopic Association of North America, Washington, DC, April 1996.
6. Major Pediatric Hand Trauma. Presented at the American Academy of Orthopaedic Surgery. Anaheim, California, February 1998.
7. Major Pediatric Hand Trauma. Presented at the Orthopaedic Trauma Association 14th Annual Meeting. Vancouver, BC. October 1998.

EDUCATIONAL PUBLICATIONS:

1. **Judy Colditz OT/L, CHT, FAOTA and Richard Moore, MD: *Under the Skin: Relating Tendon Anatomy of the Hand to Clinical Questions***, a 3-hour video on DVD with accompanying CD with 100 self-study questions and 9 review articles. Provides 6 hours continuing education credit, June 2007

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ADAM BERCOVICI

Results-Centric, Solutions-Focused Police Practices and Security Expert

Bend, OR 97702 | (661) 607-4324 | adam@titanncg.com

Nationally Recognized Police Policy Expert who offers 39+ combined years of proven law enforcement, security, investigative, and consultative experience, and who serves as a subject matter expert across all facets of police initiatives in high-risk, high-demand environments. **Highly Accomplished Leader** who exhibits advanced knowledge of law enforcement trends, best practices, and protocols, and who contributes talent in working with national and international and / or public- and private-sector clients with utmost confidentiality and professionalism. **Engaging, Influential Communicator** who is regularly sought after by major media outlets for expertise, and who leads industry peers by example and with ethics and integrity while establishing unwavering credibility and reliability within law enforcement and security communities.

Professional Experience

- Leveraged industry knowledge toward leading many of America's most elite police investigative units, including serving on the FBI Violent Crime Task Force, Criminal Investigation Section, Joint Terrorism Task Force, Special Investigation Section, Homicide Special Section, and Robbery Homicide Division.
- Recognized as a California and Oregon State-licensed private investigator and served as the former CEO of Critical Solutions Protective Services Group – a licensed security company that provided both security guard and off-duty police officers to two of the most high-profile retail centers in California.
- Spearheaded the research, development, and publication of comprehensive, solutions-focused policy papers on officer-involved shootings and developed systems to respond to active shooter scenarios.
- Demonstrated experience as an expert witness on police use of force as it applies to advanced tactical operations, excessive force violations, shooting policy, surveillance, and policy internal investigations, as well as use of deadly force and accountability and post-incident investigations.
- Delivered excellence in advisory services on security guard recruitment, hiring, training, and best practices, as well as the implementation of premise liability and special undercover tactics as required.
- Built and sustained a lucrative client base with *Fortune* 500 and entertainment industry companies and / or individuals, including developing productive partnerships with insurance carriers and attorneys.
- Regularly performed as an on-camera expert and executive producer for The Discovery Channel network, including most recently for the limited series, *American Cartel*.

Expert Cases

Examples of Reports (Declarations & Rule 26) Provided Upon Request

- Bassi, Edlin, Hui & Blum LLP-*Lassarte v. American Cylinder* (Expert – Criminal Conspiracy)
- Munger Toles and Olsen- *Vanessa Bryant v. County of Los Angeles* (Police and IA Best Practices)
- Charlson, Bredehoft, Cohen & Brown *Heard v. Depp* (Retained Confidential Case)
- Stream Kim Wicks Wrage and *Alfaro Chavez v. City of Vernon* (Police Internal Affairs)
- Cheong, Denove & Rowell – *Fear v. Exeter Trial Plaintiff Verdict* (July 2021) (K9 Best Practices)
- Law Offices of Keith Knowlton-Upson v. *City of Phoenix* (K9 Best Practices))
- Heisel and Montoya- *Seymour v. Tillamook* (Pursuit Policy)
- Glasser Weil Gross v. *Gross* (Expert – Private Investigations Best Practices)
- Howard & Howard (*Use of Deadly Force*)
- Johnson v. *Caesars Palace* (Premise Liability)
- Kramer, DeBoer & Keane (*Security Guard Operations*)
- Law Offices of Michael Mills *Hunnicutt v. MARTA* (Crime Foreseeability)
- Law Offices of Patrick Buelna McCoy v. *Vallejo* (Shooting Policy – Use of Deadly Force)
- Law Offices of Will Macke *Hartt v. City of Keizer* (K9 Best Practices)
- Littler Mendelson P.C. *Henry v. Anchorage* (Expert – Brady-Police Internal Affairs / Misconduct)
- Richard A. Criummo & Associates (*Police Tactics – Officer Involved Shootings – Pursuit Policy*)
- Richards Watson Gershon Contreras v. *City of Compton* (Police Investigation Best Practices)
- Selman Breitman LLP *Gittler v. Midjt Market* (Premise Liability)
- Law Officers of Mary Schultz Thurman v. *Spokane* (Police Internal Affairs)
- Tyson Mendes LLP (Expert – Use of Force)

Professional Synopsis

TITAN NATIONAL CONSULTING, LLC

2012 – PRESENT

Police Consulting, Expert & Investigative Company

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Adam Bercovici | (661) 607-4324

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Professional Synopsis (continued)

CRITICAL SOLUTIONS PROTECTIVE SERVICES GROUP
Los-Angeles-Based Security Company

2010 – 2017

CEO

LOS ANGELES POLICE DEPARTMENT

1982 – 2012

Rapidly Advanced to Roles of Greater Accountability & Responsibility Due to Performance Excellence; Recipient of 50 Bureau / Major Commendations and 300+ Area Commendations; Recipient of the Police "Medal for Bravery" (1993) and Police "Meritorious Unit Citation" (1994) by the Los Angeles Police Department (LAPD).

Robbery – Homicide Division, Homicide Special Section

Lieutenant II | Officer-in-Charge (2011 – 2012)

Robbery – Homicide Division, Special Investigation Section

Lieutenant II | Officer-in-Charge (2003 – 2011)

Major Crimes Division, Criminal Investigation Section

Joint Terrorism Task Force – Surveillance Special Section

Lieutenant II | Officer-in-Charge (2002 – 2003)

Burglary – Auto Theft Division, Field Enforcement Section

Federal Theft Task Force

Lieutenant II (2000 – 2001)

North Hollywood Area

Lieutenant I | Watch Commander | Mobile Field Force Leader (1999 – 2000)

Internal Affairs Division, Advocate Section

Sergeant II (1998 – 1999)

Van Nuys Area

Sergeant II | Watch Commander | Assistant Watch Commander (1996 – 1998)

Operations West Bureau CRASH

Sergeant (1994 – 1995)

77th Street Area

Sergeant I (1993 – 1994)

Metropolitan Division

Police Officer III | K9 Handler (1989 – 1993)

Metropolitan Division

Police Officer III (1987 – 1989)

Wilshire Area

Police Officer III | Field Training Officer (1985 – 1987)

Operations West Bureau CRASH

Police Officer II | Gang Suppression Officer (1985)

Wilshire Area

Police Officer II (1984 – 1985)

Foothills Area

Police Officer I (1982 – 1983)

Education & Professional Development

CLAREMONT MCKENNA COLLEGE

Bachelor of Arts in English Literature

CALIFORNIA POST (PEACE OFFICER STANDARDS & TRAINING)

Certifications – Basic | Intermediate | Advanced | Supervisor | Management

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Excellent Professional References Provided Upon Request

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Materials Reviewed by Adam Bercovici

Testimony and Depositions

Raquel Rose Pennington – Deposition – January 20-21, 2022
Amber Heard – Depositions – January 12-14, 2022
Officer Christopher Diener – Deposition – November 23, 2021
Officer William Gatlin – Deposition – November 23, 2021
Officer Melissa Saenz – Deposition – March 31, 2021
Detective Marie Sadanaga, LAPD Designated Representative – Deposition – March 12, 2021
Officer Tyler Hadden – Deposition – March 11, 2021
Sergeant Armand Lemoyne, LAPD Designated Representative – Deposition – March 9, 2021
Roberto Lopez – LAPD Designated Representative – Deposition – March 8, 2021
Joshua Drew – UK Testimony – July 22, 2020
Officer Melissa Saenz – UK Testimony – July 10, 2020
Elizabeth Rae Marz – Deposition – November 26, 2019
Joshua Drew – Deposition – November 19, 2019
Officer Tyler Hadden – Deposition – July 18, 2016
Officer Melissa Saenz – Deposition – July 18, 2016

Policies, Procedures and Criminal Code

California Penal Code 13700, *et seq.*
LAPD Production 1-445
LAPD Production 10-29-2021

Audio

Call 01 – May 21, 2016
Call 02 Redacted – May 21, 2016

Video

AXON_Body_Video_2016-05-21_2226
AXON_Body_Video_2016-05-21_2226-2
AXON_Body_Video_2016-05-18_0739
AXON_Body_Video_2016-05-24_1926
AXON_Body_Video_2016-05-25_0626
AXON_Body_Video_2016-05-26_2202
AXON_Body_Video_2016-05-27_1947
AXON_Body_Video_2016-05-27_1957
DEPP00003621_ECL SF Item 56
DEPP00003638_ECL SF Item 73
DEPP00003641_ECL SF Item 76
DEPP00003642_ECL SF Item 77

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Photos

Property Damage – May 21, 2016
Various pictures of Amber Heard cuts and bruises

Legal Documents

Plaintiff's Supplemental Designation/Identification of Expert Witnesses
Subpoena Duces Tecum – LAPD – January 5, 2021

Additional Documents

LAPD ICAD Reports
Hearing Transcript – December 13, 2019

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E. Allen Jacobs, Ph.D.

E. Allen Jacobs, Ph.D.
Managing Director
Berkeley Research Group, LLC.
2525 McKinnon Street, Suite 400
Dallas, TX 75201

Direct Dial: 214-233-3085
Cell: 214-695-6545

AJacobs@thinkbrg.com

Education

- 1981. M.I.T. Ph.D. in Economics, National Science Foundation Fellow (Scholarship). Concentration: Industrial Organization and Econometrics.
- 1976. Duke University. B.A. Magna Cum Laude. Bache Award (Senior Prize) in Economics. Honors Program. Angier Biddle Duke Scholar. Graduated in three years.
- 1974. Oxford University. Angier Biddle Duke Scholar Program (semester abroad).

Professional History

- 2012-present. Berkeley Research Group, LLC. Dallas, TX. Economic and financial consulting. Director
- 2008-2012. Navigant Consulting, Inc. Dallas, Texas. Economic and financial consulting. Director.
- 2003-2008. Charles Rivers Associates. Dallas, Texas. Economic and financial consulting. Vice President.
- 2002-2003. CPI Advisors, Inc. Dallas, Texas. Subsidiary and trade name: Economics, Inc. Financial and economic consulting. President.
- 2000-2002. WhatWorks, Inc. Dallas, Texas. Business development, financial and technology incubator. President.
- 1990-1999. Corporate Performance, Inc. (CPI). Dallas, Texas. Strategy & financial consulting firm. President.

Professional History continued at end of CV

Dr. Jacobs is a Managing Director Berkeley Research Group, LLC.

Dr. Jacobs has testified as an expert on economic and financial issues in Federal Courts, State Courts, and before federal regulatory boards. He has been certified as an expert by federal courts in Antitrust, Economics, Economic Damages, and Finance. Dr. Jacobs' testifying assignments have included the estimation of damages, antitrust analyses, corporate valuations, evaluations of financial structures, valuation of financial instruments, evaluation of class certification for securities litigation.

In addition to Dr. Jacobs' testifying experience, he has consulted with over 100 companies in business, financial, and market strategy. He has evaluated prospective acquisition targets, led due diligence teams on acquisition evaluations, and has advised numerous companies on acquisition, divestiture, and restructuring plans. Dr. Jacobs has been involved in a variety of financing and restructuring transactions. Dr. Jacobs has experience serving on boards of private companies and has been president of an incubator investment corporation that evaluated over 1,000 potential investments.

Dr. Jacobs has taught on the faculty at Harvard, M.I.T., and the University of Texas at Austin and has conducted seminars at eleven other universities. He has taught courses in corporate finance, econometrics, financial markets, industrial organization, microeconomics, and money and banking. He has given advanced topic seminars at a dozen different universities. He has also taught over 15 different continuing legal education courses pertaining to economic and financial issues in litigation with certifications in 14 different states.

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Professional Experience

Antitrust

- » Testifying expert and antitrust economic analysis in major case involving bidding for oil and gas resources in Gulf of Mexico
- » Testifying plaintiff expert and antitrust analysis of predatory pricing in the cable television expansion in Florida leading to treble requested economic damages
- » Testifying plaintiff expert and antitrust economic analysis of telecommunications/internet backbone and network products
- » Testifying expert and antitrust economic analysis in aviation turbine engine aftermarket parts industry
- » Testifying expert and antitrust economic analysis in aviation services industry
- » Testifying expert and antitrust pricing and competition analysis for Canadian refined products industry
- » Testifying expert and antitrust analysis of pricing and competition in taxicab industry
- » Testifying expert and antitrust analysis of pricing and market competition in insurance industry
- » Led competition analysis of computer industry research consortium proposal
- » Led competition analysis of refined petroleum products on West coast of U.S.
- » Led competition analysis of refined petroleum product futures markets and cash spot markets
- » Prepared analysis for several Hart-Scott Rodino filings
- » Taught industrial organization and antitrust economic analysis at university graduate level
- » Taught competition issues in bidding and auction models at university graduate level
- » Academic economic research on natural gas pipelines
- » Academic economic research on the intellectual property – antitrust conflict
- » Taught C.L.E. course on Microsoft case
- » Taught C.L.E. course on Antitrust Economics in Technology and IP Intensive Industries

Acquisition Analysis

- » Led the due diligence and/or investigation of over 100 potential acquisition investigations
- » Led post acquisition strategic analysis and business planning for approximately ten companies
- » Led dozens of projects which investigated and advised companies and investment groups upon acquisition strategies and evaluation of acquisition targets
- » Expert testimony and analysis on acquisition process, due diligence, and valuation in various litigations over acquisitions or failed acquisitions

Minority Shareholder Valuations

- » Expert testimony and analysis regarding minority discounts, liquidity discounts, control premiums/discounts, and valuation due to various stock restrictions or type of transaction
- » Academic research at M.I.T. on control discount/premiums
- » Expert testimony and analysis concerning squeeze out of minority shareholder in a variety of cases and situations including shares in a private firm, shares in a public firm, buy back options, and disputes over options in a public company

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- » Expert testimony and analysis in disputes involving venture capital financing structure terms

Intellectual Property

- » Expert testimony and analysis of economic damages related to possible violation of software copyright
- » Expert testimony and analysis of economic damages related to possible infringement of software patents
- » Expert testimony and analysis on economic damages in a contract and trademark dispute involving a television show franchise
- » Expert testimony and analysis of economic damages related to trademark infringement dispute between hospitals
- » Expert testimony and analysis on trade secret issues, value of non compete, and value of confidentiality agreements
- » Expert testimony and analysis on economic damages in copyright and design infringement for toy products
- » Consulting expert on damages and alternative damage theories in a case involving trade secrets and intellectual property for a major industrial conglomerate
- » Owned, sold, and licensed software patents and copyrighted software
- » Invested in various patents and copyrighted software
- » Participated in negotiations that obtained a variety of brand, character, and TV show licenses for toy and children's products
- » Valued various patents in digital security
- » Taught intellectual property economics as part of law and economics course
- » Taught C.L.E. course on lost profit and reasonable royalty damages
- » Taught C.L.E. course on antitrust counterclaims in patent cases
- » Taught C.L.E. course on lost profits and unjust enrichment in trademark infringement
- » Academic economic research on the intellectual property – antitrust conflict

Class Action Securities

- » Consulting expert on class action securities case for large Texas Energy provider on economic and financial analysis of possible economic damages to class of investors and analysis of structured financial transactions
- » Expert Testimony and analysis defeating class certification for an SEC 10b case with Dr. Jacobs testimony quoted in the judicial ruling
- » Testifying expert and analysis on class action securities case on causation and possible economic damages

Business Valuation

- » Published article on values of alternative values of different financial structures for holding oil and gas assets
- » Taught financial economics an analysis at two universities and presented seminars on financial economics issue at over a dozen universities
- » Academic research and analysis on value of energy company assets vs. market value of securities
- » Taught various C.L.E. courses covering valuation issues
- » Testifying expert and economic analysis including value of Gravel and aggregate production facility and value of resources in various land parcels

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- » Testifying expert and economic analysis including value of natural gas distribution company
- » Testifying expert and economic analysis including value of small regional cable TV company and assets
- » Testifying expert and economic analysis including value of a chain of radio and TV stations
- » Testifying expert and economic analysis including differing values of various equity share holdings in private company, each of which had different covenants, rights, and restrictions
- » Testifying expert and economic analysis including value of an acquired company and various manufacturing subsidiaries and other assets
- » Testifying expert and economic analysis including value of a paper manufacturing plant
- » Testifying expert and economic analysis including value of railroad facilities and related land ownership
- » Testifying expert and economic analysis including value of partnership shares of a real estate development company
- » Testifying expert and economic analysis including value of branch office of employment and staffing firm
- » Testifying expert and economic analysis including value of non-compete and value of proprietary business information
- » Testifying expert and economic analysis including value of commodity hedges
- » Testifying expert and economic analysis including value of structured financial transaction by major energy company
- » Testifying expert and economic analysis including value of refineries
- » Testifying expert and economic analysis including value of major truck stop service chain
- » Testifying expert and economic analysis including value of a new large petrochemical complex in the Netherlands
- » Testifying expert and economic analysis including value of a doll license
- » Testifying expert and economic analysis including value of a developer and producer of clean burning technology and additives for diesel engines and electric power plants
- » Testifying expert and economic analysis including value of meat packing company, meat packing plant assets, and meat packing company brands
- » Testifying expert and economic analysis including value of options held by departing executive in software game company
- » Testifying expert and economic analysis including value of wealth management company sold to major money center bank
- » Testifying expert and economic analysis including value of a large hydroelectric facility in the Philippines
- » Testifying expert and economic analysis including value of telephone calling card company
- » Testifying expert and economic analysis including value of an tooth whitening product company
- » Testifying expert and economic analysis including value of a telecommunications company
- » Testifying expert and economic analysis including value of a chain of gas stations in the Dallas-Fort Worth area

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- » Research and analysis of valuation of oil and gas assets using real option pricing
- » Research and analysis on valuation of utilities
- » Research and analysis on valuation of natural gas pipelines and valuation of shipment contracts
- » Research and analysis on valuation of oil shale facilities
- » Research and analysis on value of refineries
- » Research and analysis on valuation of water rights in Texas
- » Research and analysis on valuation of oil and gas assets in OPEC and locations without U.S. reporting standards
- » Research and analysis on valuation of petroleum refined contracts vs. spot vs. futures contracts
- » Consulting and advisory analysis of value of three major copper companies for major investor
- » Consulting and advisory analysis of value of eight major steel manufacturing companies for major investor
- » Consulting and advisory analysis of value of natural gas vehicle fuel distribution and retail business for major investor
- » Consulting and advisory analysis of value of proposed garbage recycling plant
- » Consulting and advisory analysis of value of retail grocery chain for prospective LBO by major investment group
- » Consulting and advisory analysis of value of window coverings company for prospective strategic decisions by investor-owners
- » Consulting and advisory analysis of value of blind and window covering company for strategic purposes by parent company
- » Consulting and advisory analysis of value of big box retailer of home furnishings for strategic purposes
- » Consulting and advisory analysis of value of big box retailer of office supplies for prospective investment group
- » Consulting and advisory analysis of value of network hardware company for prospective acquisition and strategic purposes post-acquisition
- » Consulting and advisory analysis of value of electrical fire alarm and related systems company
- » Consulting and advisory analysis of value of electrical products company for owner-investors
- » Consulting and advisory analysis of value of surface raceway business for prospective acquisition
- » Consulting and advisory analysis of value of ATM network business for parent company
- » Consulting and advisory analysis of value of insurance company for strategic purposes
- » Consulting and advisory analysis of value of specialty office paper business for strategic purposes of parent company
- » Consulting and advisory analysis of value of paper manufacturing business
- » Consulting and advisory analysis of value of water systems management company for strategic purposes of parent company
- » Consulting and advisory analysis of value of water utility business for board of directors
- » Consulting and advisory analysis of value of municipal water management contracts

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- » Consulting and advisory analysis of value of bathroom products company for prospective investors
- » Consulting and advisory analysis of value of shortline railroad company for prospective investors
- » Consulting and advisory analysis of value of public software and service company in medical testing
- » Consulting and advisory analysis of value of aviation fixed base operations company for prospective investors
- » Consulting and advisory analysis of value of retail car wash chain for prospective investors
- » Consulting and advisory analysis of value of shoe company for prospective financial restructuring
- » Consulting and advisory analysis of value of fuel cell and other aviation products company for strategic decisions by board
- » Consulting and advisory analysis of value of various chemical companies for prospective acquisition
- » Consulting and advisory analysis of value of large west coast construction company for board strategic purposes
- » Consulting and advisory analysis of value of candy company for strategic decisions by board
- » Consulting and advisory analysis of value of national donut chain franchise company and real estate assets for strategic decisions by board and possible financial restructuring
- » Consulting and advisory analysis of value of retail department store chain for possible financial restructuring
- » Consulting and advisory analysis of value of international temporary staffing firm for strategic and financial restructuring
- » Consulting and advisory analysis of value of training program company for strategic and financial changes
- » Consulting and advisory analysis of value of waste and metals recycling company
- » Consulting and advisory analysis of value of major distributor to convenience stores for strategic considerations
- » Consulting and advisory analysis including informal valuation related to prospective acquisition or investment in hundreds of companies and businesses for prospective investors or acquirers

Minority Shareholder Valuations

- » Expert testimony and analysis regarding minority discounts, liquidity discounts, control premiums/discounts, and valuation due to various stock restrictions or type of transaction
- » Academic research at M.I.T. on control discount/premiums
- » Expert testimony and analysis concerning squeeze out of minority shareholder in a variety of cases and situations including shares in a private firm, shares in a public firm, buy back options, and disputes over options in a public company
- » Expert testimony and analysis in disputes involving venture capital financing structure terms

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Solvency Analysis

- » Expert testimony and analysis on various aspects of deepening insolvency claims in several cases
- » Expert testimony and solvency analysis in two legal disputes involving a large prepaid phone card provider
- » Expert testimony and analysis on the ability of a major international manufacturer of DRAM to post a supercedeas bond
- » Expert testimony and analysis on the ability of a Texas manufacturer to post a supercedeas bond
- » Expert testimony and analysis of solvency for an insurance company
- » Expert testimony and analysis involving valuation, damages analysis, and solvency analysis involving a major paper manufacturer
- » Taught C.L.E. on insolvency and deepening insolvency issues

Insurance

- » Expert Testimony and assessment of damages involving insurance company liquidation in Ohio, including deepening insolvency and other issues
- » Expert Testimony and analysis including damages, solvency, and business analysis pertaining to a dispute over third party administration of an insurance pool
- » Strategic consulting to promotional marketing insurance company
- » Acquisition evaluation of several insurance companies

Derivatives, Options, Futures, Structured Transactions, Hedging and Other Complex Investing

- » Advised in the formulation and analysis of a variety of structured investments, and unique financial and credit instruments including positions used for hedging or investment, and the use of options pricing in evaluation of contracts and asset valuation
- » Advised hedge fund on analysis of financial instruments including options, futures, derivatives, and other complex investments
- » Research and advice for large active investor on commodity-futures-equity pricing in copper and related markets
- » Research and advice for large active investor involving commodity-futures-forward contracts and equities in petroleum markets
- » Academic research on development of futures markets
- » Taught continuing legal education for attorneys on financial issues including derivatives, structured transactions, and options
- » Delivered seminars and teaching at major universities on relationship of futures, commodity, and option markets, valuation, and real options
- » Academic research on relationship of cash markets and futures trading
- » Consulting advice and research for Secretary of Energy on energy futures markets, OTC forward trading, spot markets, and contract markets
- » Expert testimony and analysis of pricing in refined petroleum product markets
- » Expert testimony and analysis in criminal litigation of commodity trading and hedging strategy
- » Expert testimony and analysis in structured transactions in securities class action case
- » Expert testimony and analysis in futures and options trading for class certification issue in Ponzi scheme litigation

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Econometrics and Statistics

- » Taught Econometrics/statistics at graduate level
- » Ph.D. at M.I.T. concentration in Econometrics
- » Reviewer of submitted academic articles utilizing econometric analysis
- » Expert testimony and analysis including event studies and critique of event studies in securities class action cases
- » Expert testimony and analysis involving complete credit card transactions for ten years involving pricing and margins at hundreds of truck stops
- » Expert testimony and analysis utilizing monte carlo simulation for valuation of investment firm
- » Academic studies utilizing econometric analysis

Business Planning

- » Evaluated, advised on the formulation of, and wrote over 1,000 business plans for companies, start-ups, divisions, subsidiaries, and acquisition targets
- » Led over three dozen off-site strategic planning meetings as part of a larger strategic analysis projects

Management and Business Strategy Consulting Projects

- » Dr. Jacobs has led over 300 corporate strategy projects in a number of industries
- » He has advised on projects, taught associates and new consultants at, or devised strategy consulting programs for a number of consulting firms
 - Bain & Co.
 - Booz Allen Hamilton
 - CSC/Index
 - The MAC Group/Gemini
 - Mercer Management
 - McKinsey & Co.
 - RAND
 - Senn-Delany

Active Investing

- » Dr. Jacobs has participated as an active investor and/or cofounder in eight non-consulting ventures covering a variety of technology, software and other activities and has served on the board of several of these companies

Courses Taught at M.I.T., Harvard and/or The University of Texas

- » Industrial Organization & Regulation (Graduate level)
- » Energy Economics and Industries (Graduate level, Executive MBA)
- » Industrial Organizations & Regulation – Research Topics (Graduate level)
- » Corporate Finance (Graduate level, Executive MBA)
- » Investments (MBA)
- » Microeconomics (Graduate level, Undergraduate level)
- » Money, Banking, and Finance (Undergraduate level)
- » Statistics (Undergraduate level)
- » Econometrics (Graduate level, Undergraduate level)

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Peer Reviewed Journals (Served as Referee)

- » *Rand Journal of Economics*
- » *Quarterly Journal of Economics*
- » *Journal of Financial Economics*
- » *American Economic Review*
- » *The Energy Journal*

Seminars

- » Dr. Jacobs has given seminars for faculty and students in economics and finance at the following universities: Duke University, Harvard University, M.I.T., Stanford University, Texas A&M University, University of California – Berkeley, University of Chicago, University of Rochester, University of Texas – Austin, and Yale University

CLE Presentations

- » Various lectures on Law, Economics and Economic Damages
- » Approximately 300 person hours – University of Texas Law School CLE program
- » Approximately 840 person hours – CRA International Dinner Seminars
- » Approximately 600 person hours – Other associations

Active Committees

- » Texas Damages Institute – University of Texas School of Law (group of attorneys, academics, state and federal judges working on economic damages in Texas state courts and on Daubert procedures in federal courts)

Professional History (continued)

- » 1989-1990. Craig & Jacobs, Inc. Dallas, Texas. Partner
- » 1987-1989. Bain & Company. Boston, Massachusetts. Bain Consulting and Bain Holdings Strategy Consultant
- » 1985-1987. M.I.T. Assistant Professor of Economics and Finance, Sloan School of Management and Research Fellow, M.I.T. Energy Laboratory
- » 1984. Harvard University. Cambridge, Massachusetts. Visiting Assistant Professor of Economics, Kennedy School of Government
- » 1981-1985. University of Texas at Austin. Assistant Professor of Finance and Economics
- » 1980-1981. M.I.T. Cambridge, Massachusetts. Teaching Assistant (three classes of Economics)
- » 1978-1979. Consultant from M.I.T. to U.S. Secretary of Energy (Office of Market Analysis and Iranian Task Force)
- » 1976. M.I.T. Cambridge, Massachusetts. Energy Laboratory. Research Assistant

Previous Positions on Boards of Directors

- » Always at Market
- » Beyond Conception, Inc.
- » Corporate Performance, Inc. (CPI)
- » CPI Advisors, Inc. ("Economics Inc.")
- » Eagle Lumber
- » New Media Gateway

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E. Allen Jacobs, Ph.D.



- » Privacy Infrastructure, Inc. (controlled board seat)
- » LoSig, Inc.
- » University Park United Methodist Church
- » St. Alcuin Montessori School

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