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CLERK, CIRCUIT COURT
FAIRFAX, VA

Transcript of Jury Trial - Day 25

Date: May 27, 2022
Case: Depp, II -v- Heard

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Jury Trial - Day 25
Conducted on May 27, 2022

1 (7706 to 7709)

<p>7706</p> <p>1 VIRGINIA: 2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY 3 -----x 4 JOHN C. DEPP, II, : 5 Plaintiff and : 6 Counterclaim Defendant, : 7 v. : Civil Action No.: 8 AMBER LAURA HEARD, : CL-2019-0002911 9 Defendant and : 10 Counterclaim Plaintiff. : 11 -----x 12 HEARING 13 BEFORE THE HONORABLE PENNEY AZCARATE 14 Fairfax, Virginia 15 Friday, May 27, 2022 16 9:00 a.m. EDT 17 TRIAL DAY 25 18 19 20 Job No.: 443909 21 Pages: 7706 - 7981 22 Reported by: Judith E. Bellinger, RPR, CRR</p>	<p>7708</p> <p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PLAINTIFF AND COUNTERCLAIM 4 DEFENDANT: 5 BENJAMIN G. CHEW, ESQUIRE 6 ANDREW C. CRAWFORD, ESQUIRE 7 BROWN RUDNICK LLP 8 601 Thirteenth Street NW 9 Suite 600 10 Washington, D.C. 20005 11 202.536.1700 12 13 CAMILLE M. VASQUEZ, ESQUIRE 14 SAMUEL A. MONIZ, ESQUIRE 15 BROWN RUDNICK LLP 16 2211 Michelson Drive 17 7th Floor 18 Irvine, CA 92712 19 949.440.0234 20 21 22</p>
<p>7707</p> <p>1 Held at: 2 3 4 CIRCUIT COURT OF FAIRFAX COUNTY 5 4110 Chain Bridge Road 6 Courtroom 5J 7 Fairfax, Virginia 22030 8 703.691.7320 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>7709</p> <p>1 A P P E A R A N C E S C O N T I N U E D 2 3 JESSICA N. MEYERS, ESQUIRE 4 BROWN RUDNICK LLP 5 7 Times Square 6 New York, NY 7 212.209.4938 8 9 REBECCA MACDOWELL LECAROS, ESQUIRE 10 WAYNE DENNISON, ESQUIRE 11 BROWN RUDNICK LLP 12 One Financial Center 13 Boston, MA 02111 14 617.856.8149 15 16 17 18 19 20 21 22</p>

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2 (7710 to 7713)

7710	7712
<p>1 APPEARANCES CONTINUED</p> <p>2 ON BEHALF OF THE DEFENDANT AND COUNTERCLAIM</p> <p>3 PLAINTIFF:</p> <p>4</p> <p>5 ELAINE CHARLSON BREDEHOFT, ESQUIRE</p> <p>6 ADAM S. NADELHAFT, ESQUIRE</p> <p>7 DAVID E. MURPHY, ESQUIRE</p> <p>8 CHARLSON BREDEHOFT COHEN BROWN &</p> <p>9 NADELHAFT, P.C.</p> <p>10 11260 Roger Bacon Drive</p> <p>11 Suite 201</p> <p>12 Reston, VA 20190</p> <p>13 703.318.6800</p> <p>14</p> <p>15 J. BENJAMIN ROTTENBORN, ESQUIRE</p> <p>16 ELAINE D. McCAFFERTY, ESQUIRE</p> <p>17 WOODS ROGERS PLC</p> <p>18 10 South Jefferson Street</p> <p>19 Suite 1400</p> <p>20 P.O. Box 14125</p> <p>21 Roanoke, VA 24011</p> <p>22 540.983.7540</p>	<p>1 courtroom and the following proceedings took</p> <p>2 place.)</p> <p>3 THE COURT: Thank you. You can be</p> <p>4 seated. Thank you.</p> <p>5 All right. Good morning, ladies and</p> <p>6 gentlemen.</p> <p>7 All right. Ladies and gentlemen of the</p> <p>8 jury, you've now heard the evidence in the case.</p> <p>9 Before the lawyers make their closing arguments,</p> <p>10 the Court will instruct you on the instructions of</p> <p>11 law that you are to apply in deciding this case,</p> <p>12 okay? Since it's been quite a while since I gave</p> <p>13 the preliminary instructions, I want to remind you</p> <p>14 that in closing arguments, the lawyers will refer</p> <p>15 to the testimony and the other evidence that you</p> <p>16 will have heard, but what the lawyers say in their</p> <p>17 closing arguments is not itself evidence. Their</p> <p>18 statements are only their recollection of what the</p> <p>19 evidence in the case was.</p> <p>20 It is your collective recollection, as</p> <p>21 seven jurors, of what the evidence in the case was</p> <p>22 which shall govern your deliberations. In</p>
7711	7713
<p>1 PROCEEDINGS</p> <p>2 THE BAILIFF: All rise. Please be</p> <p>3 seated and come to order.</p> <p>4 THE COURT: Good morning.</p> <p>5 MR. CHEW: Good morning, Your Honor.</p> <p>6 MS. BREDEHOFT: Good morning.</p> <p>7 THE COURT: Do you have any matters</p> <p>8 before the jury comes out?</p> <p>9 MS. BREDEHOFT: No, Your Honor.</p> <p>10 THE COURT: That's what I like to hear.</p> <p>11 Okay. Fantastic. Let me just take a minute to</p> <p>12 get my computer up, please, sir.</p> <p>13 All right. Just also, I did, for the</p> <p>14 ones that are going to go back to the jury, I did</p> <p>15 that off the "Depp" and "Heard" on the title, so</p> <p>16 it just has the numbers on the jury instructions,</p> <p>17 okay?</p> <p>18 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>19 MR. CHEW: Thank you, Your Honor.</p> <p>20 THE COURT: Okay. We're ready for the</p> <p>21 jury.</p> <p>22 (Whereupon, the jury entered the</p>	<p>1 addition, your notes should be used only as an aid</p> <p>2 to your memory. You should not give your notes</p> <p>3 precedence over your independent recollection of</p> <p>4 the evidence. You should rely on your independent</p> <p>5 recollection of what the evidence in the case was,</p> <p>6 and you should not be unduly influenced by the</p> <p>7 notes of other jurors.</p> <p>8 I wanted to make you aware that due to</p> <p>9 the high-profile nature of this case, the Court</p> <p>10 has entered an order to seal the names of the</p> <p>11 jurors for a year, which is different than that</p> <p>12 what I had instructed you in the beginning of the</p> <p>13 case, so I wanted to bring that to your attention,</p> <p>14 okay? All right.</p> <p>15 As to the following jury instructions</p> <p>16 that I'm going to give you, you'll be able to take</p> <p>17 these written jury instructions into the</p> <p>18 deliberation room with you, so you don't need to</p> <p>19 write down exactly what I say right now because</p> <p>20 you'll all have copies of them. But I would ask</p> <p>21 for your attention while I read them to you, okay?</p> <p>22 With respect to the instructions that</p>

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3 (7714 to 7717)

<p style="text-align: right;">7714</p> <p>1 I'm about to give you, you may note that some of 2 them are numbered and some of them are lettered at 3 the top and that the numbers and the letters do 4 not necessarily follow any sequence or any order. 5 Do not concern yourself with that. Some might 6 even be missing, but just consider only the body 7 or text of the instruction, not the headings, 8 okay? All right. 9 Now, some of the instructions may 10 appear to be in conflict. This is because the 11 Court cannot predict your findings of fact; 12 therefore, the Court must instruct you, the jury, 13 on the applicable law under both the plaintiff's 14 and the defendant's theory of the case, okay? All 15 right. 16 You have been chosen and sworn as 17 jurors in this case to try the issues of fact 18 presented. You must consider and decide this case 19 fairly and impartially. You are to perform this 20 duty without bias or prejudice as to any party. 21 All persons stand equal before the law and are 22 entitled to the same treatment under the law. Our</p>	<p style="text-align: right;">7716</p> <p>1 testimony of a witness as you think proper. 2 You are entitled to use your common 3 sense in judging any testimony. From these things 4 and all the other circumstances of the case, you 5 may determine which witnesses are more believable 6 and weigh their testimony accordingly. 7 You must not base your verdict in any 8 way upon sympathy, bias, guesswork, or 9 speculation. Your verdict must be based solely 10 upon the evidence and instructions of the Court. 11 Your verdict must be based on the facts 12 as you find them and on the law contained in all 13 of these instructions. With respect to Plaintiff 14 John C. Depp II's claims against Defendant Amber 15 Laura Heard, the issues in this case are 16 summarized below. 17 Number 1: Whether Ms. Heard made or 18 published any of the following statements: 19 A. "Amber Heard: I spoke up against 20 sexual violence and faced our culture's wrath. 21 That has to change." 22 B. "Then two years ago, I became a</p>
<p style="text-align: right;">7715</p> <p>1 system of law does not permit jurors to be 2 governed by sympathy, prejudice, or public 3 opinion. Both of the parties and the public 4 expect that you will carefully and impartially 5 consider all the evidence in the case, follow the 6 law as stated by the Court, and reach a just 7 verdict regardless of the consequences. 8 You are the judges of the facts, the 9 credibility of the witnesses, and the weight of 10 the evidence. You may consider the appearance and 11 manner of the witnesses on the stand; their 12 intelligence; their opportunity for knowing the 13 truth and for having observed the things about 14 which they testified; their interest in the 15 outcome of the case; their bias; and, if any have 16 been shown, their prior inconsistent statements; 17 or whether they have knowingly testified 18 untruthfully as to any material fact in the case. 19 You may not arbitrarily disregard 20 believable testimony of a witness. However, after 21 you have considered all the evidence in the case, 22 then you may accept or discard all or part of the</p>	<p style="text-align: right;">7717</p> <p>1 public figure representing domestic abuse, and I 2 felt the full force of our culture's wrath for 3 women who speak out." 4 C. "I had the rare vantage point of 5 seeing, in real time, how institutions protect men 6 accused of abuse." 7 Number 2: Do any of Ms. Heard's 8 statements imply or insinuate anything about 9 Mr. Depp? 10 Number 3: Were Ms. Heard's statements 11 seen by anyone other than Mr. Depp? 12 Number 4: Did Ms. Heard's statements 13 convey a defamatory implication to someone who saw 14 them other than Mr. Depp? 15 Number 5: Are the implications or 16 insinuations about Mr. Depp in Ms. Heard's 17 statements false? 18 Number 6: Did Ms. Heard make the 19 statements with actual malice? 20 Number 7: If Mr. Depp is entitled to 21 recover, what is the amount of Mr. Depp's damages? 22 On these issues, Mr. Depp has the</p>

<p>7718</p> <p>1 burden of proof.</p> <p>2 Your decisions on these issues must be</p> <p>3 governed by the instructions that follow.</p> <p>4 With respect to Ms. Heard's claims</p> <p>5 against Mr. Depp, the issues in this case are</p> <p>6 summarized below.</p> <p>7 Number 1: Did Adam Waldman, while</p> <p>8 acting as an agent for Mr. Depp, make the</p> <p>9 following statements:</p> <p>10 A. "Amber Heard and her friends in the</p> <p>11 media use fake sexual violence allegations as both</p> <p>12 a sword and shield, depending on their needs.</p> <p>13 They have selected some of her sexual violence</p> <p>14 hoax 'facts' as a sword, inflicting them on the</p> <p>15 public and Mr. Depp";</p> <p>16 B. "Quite simply this was an ambush, a</p> <p>17 hoax. They set Mr. Depp up by calling the cops,</p> <p>18 but the first attempt didn't do the trick. The</p> <p>19 officers came to the penthouses, thoroughly</p> <p>20 searched and interviewed, and left after seeing no</p> <p>21 damage to face or property. So Amber and her</p> <p>22 friends spilled a little wine and roughed the</p>	<p>7720</p> <p>1 Mr. Depp on his claim of defamation about the</p> <p>2 following statement if he has proved by the</p> <p>3 greater weight of the evidence that:</p> <p>4 Number 1: Ms. Heard made or published</p> <p>5 the following statement: "Amber Heard: I spoke</p> <p>6 up against sexual violence and faced our culture's</p> <p>7 wrath. That has to change"; and</p> <p>8 Number 2: The statement was about</p> <p>9 Mr. Depp; and</p> <p>10 Number 3: The statement is false; and</p> <p>11 Number 4: The statement has a</p> <p>12 defamatory implication about Mr. Depp; and</p> <p>13 Number 5: The defamatory implication</p> <p>14 was designed and intended by Ms. Heard; and</p> <p>15 Number 6: Due to the circumstances</p> <p>16 surrounding the publication of this statement, it</p> <p>17 conveyed a defamatory implication to someone who</p> <p>18 saw it other than Mr. Depp; and</p> <p>19 If Mr. Depp further proved by clear and</p> <p>20 convincing evidence;</p> <p>21 Number 7, that Ms. Heard made the</p> <p>22 statement with actual malice.</p>
<p>7719</p> <p>1 place up, got their stories straight under the</p> <p>2 direction of a lawyer and publicist, and then</p> <p>3 placed a second call to 911"; and</p> <p>4 C. "We have reached the beginning of</p> <p>5 the end of Ms. Heard's abuse hoax against Johnny</p> <p>6 Depp."</p> <p>7 Number 2: Are any of the statements</p> <p>8 about Ms. Heard?</p> <p>9 Number 3: Were any of statements seen</p> <p>10 by someone other than Ms. Heard?</p> <p>11 Number 4: Are any of the statements</p> <p>12 false?</p> <p>13 Number 5: Were any of the statements</p> <p>14 made with actual malice?</p> <p>15 Number 6: If Ms. Heard is entitled to</p> <p>16 recover, what is the amount of Ms. Heard's</p> <p>17 damages?</p> <p>18 On these issues, Ms. Heard has the</p> <p>19 burden of proof.</p> <p>20 Your decisions on these issues must be</p> <p>21 governed by the instructions that follow.</p> <p>22 You shall only return your verdict for</p>	<p>7721</p> <p>1 If Mr. Depp failed to prove any one or</p> <p>2 more of the seven elements above, then you shall</p> <p>3 find your verdict for Ms. Heard with respect to</p> <p>4 the above statement.</p> <p>5 You shall only return your verdict for</p> <p>6 Mr. Depp on his claim for defamation about the</p> <p>7 following statement if he has proved by the</p> <p>8 greater weight of evidence that:</p> <p>9 Number 1: Ms. Heard made or published</p> <p>10 the following statement: "Then two years ago, I</p> <p>11 became a public figure representing domestic</p> <p>12 abuse, and I felt the full force of our culture's</p> <p>13 wrath for women who speak out"; and</p> <p>14 Number 2: The statement was about</p> <p>15 Mr. Depp; and</p> <p>16 Number 3: The statement is false; and</p> <p>17 Number 4: The statement has a</p> <p>18 defamatory implication about Mr. Depp; and</p> <p>19 Number 5: The defamatory implication</p> <p>20 was designed and intended by Ms. Heard; and</p> <p>21 Number 6: Due to the circumstances</p> <p>22 surrounding the publication of this statement, it</p>

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5. (7722 to 7725)

<p style="text-align: right;">7722</p> <p>1 conveyed a defamatory implication to someone who 2 saw it other than Mr. Depp; and 3 If Mr. Depp further proved by clear and 4 convincing evidence, Number 7, that Ms. Heard made 5 the statement with actual malice. 6 If Mr. Depp failed to prove any one or 7 more of the seven elements above, then you shall 8 find your verdict for Ms. Heard with respect to 9 the above statement. 10 You shall only return your verdict for 11 Mr. Depp on his claim for defamation about the 12 following statement if he has proved by the 13 greater weight of the evidence that: 14 Number 1: Ms. Heard made or published 15 the following statement: "I had the rare vantage 16 point of seeing, in real time, how institutions 17 protect men accused of abuse," and 18 Number 2: The statement was about 19 Mr. Depp; and 20 Number 3: The statement is false; and 21 Number 4: The statement has a 22 defamatory implication about Mr. Depp; and</p>	<p style="text-align: right;">7724</p> <p>1 as both a sword and shield, depending on their 2 needs. They have selected some of her sexual 3 violence hoax 'facts' as the sword, inflicting 4 them on the public and Mr. Depp"; and 5 Number 2: The statement is about 6 Ms. Heard; and 7 Number 3: The statement was seen by 8 someone other than Ms. Heard; and 9 Number 4: The statement is false; and 10 If Ms. Heard further proved by clear 11 and convincing evidence that the statement by 12 Mr. Waldman was made with actual malice. 13 If Ms. Heard failed to prove any one or 14 more of the five elements above, then you shall 15 find your verdict for Mr. Depp with respect to the 16 above statement. 17 You shall only return your verdict for 18 Ms. Heard on her claim for defamation about the 19 following statement if she has proved by the 20 greater weight of the evidence that: 21 Number 1: Adam Waldman, while acting 22 as an agent for Mr. Depp, made or published the</p>
<p style="text-align: right;">7723</p> <p>1 Number 5: The defamatory implication 2 was designed and intended by Ms. Heard; and 3 Number 6: Due to the circumstances 4 surrounding the publication of this statement, it 5 conveyed a defamatory implication to someone who 6 saw it other than Mr. Depp; and 7 If Mr. Depp further proved by clear and 8 convincing evidence; 9 Number 7, that Ms. Heard made the 10 statement with actual malice. 11 If Mr. Depp failed to prove any one or 12 more of the seven elements above, then you shall 13 find your verdict for Ms. Heard with respect to 14 the above statement. 15 You shall only return your verdict for 16 Ms. Heard on her claim for defamation about the 17 following statement if she has proved by the 18 greater weight of the evidence that: 19 Number 1: Adam Waldman, while acting 20 as an agent for Mr. Depp, made or published the 21 following statement: "Amber Heard and her friends 22 in the media use fake sexual violence allegations</p>	<p style="text-align: right;">7725</p> <p>1 following statement: "Quite simply this was an 2 ambush, a hoax. They set Mr. Depp up by calling 3 the cops but the first attempt didn't do the 4 trick. The officers came to the penthouses, 5 thoroughly searched and interviewed, and left 6 after seeing no damage to face or property. So 7 Amber and her friends spilled a little wine and 8 roughed the place up, got their stories straight 9 under the direction of a lawyer and a publicist, 10 and then placed a second call to 911"; and 11 Number 2: The statement is about 12 Ms. Heard; and 13 Number 3: The statement was seen by 14 someone other than Ms. Heard; and 15 Number 4: The statement is false; and 16 If Ms. Heard further proved by clear 17 and convincing evidence, Number 5, that the 18 statement by Mr. Waldman was made with actual 19 malice. 20 If Ms. Heard failed to prove any one or 21 more of the five elements above, then you shall 22 find your verdict for Mr. Depp with respect to the</p>

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6 (7726 to 7729)

<p style="text-align: right;">7726</p> <p>1 above statement.</p> <p>2 You shall only return your verdict for</p> <p>3 Ms. Heard on her claim for defamation about the</p> <p>4 following statement if she has proved by the</p> <p>5 greater weight of the evidence that:</p> <p>6 Number 1: Adam Waldman, while acting</p> <p>7 as an agent for Mr. Depp, made or published the</p> <p>8 following statement: "We have reached the</p> <p>9 beginning of the end of Ms. Heard's abuse hoax</p> <p>10 against Johnny Depp"; and</p> <p>11 Number 2: The statement is about</p> <p>12 Ms. Heard; and</p> <p>13 Number 3: The statement was seen by</p> <p>14 someone other than Ms. Heard; and</p> <p>15 Number 4: The statement is false; and</p> <p>16 If Ms. Heard further proved by clear</p> <p>17 and convincing evidence, Number 5, that the</p> <p>18 statement by Mr. Waldman was made with actual</p> <p>19 malice.</p> <p>20 If Ms. Heard failed to prove any one or</p> <p>21 more of the five elements above, then you shall</p> <p>22 find your verdict for Mr. Depp with respect to the</p>	<p style="text-align: right;">7728</p> <p>1 the words used are defamatory and relate to</p> <p>2 Mr. Depp. However, such circumstances cannot</p> <p>3 extend the meaning of the words used in the op-ed</p> <p>4 beyond their ordinary and common meaning. The</p> <p>5 proposed implication must be reasonably drawn from</p> <p>6 the words actually used.</p> <p>7 In determining whether any of the</p> <p>8 statements in the op-ed are false and defamatory</p> <p>9 as to Mr. Depp, you must read the statements in</p> <p>10 the context of the op-ed as a whole. This means</p> <p>11 you may not seize on any one word, phrase, or</p> <p>12 image or consider only one particular statement,</p> <p>13 phrase, or passage in isolation.</p> <p>14 In determining whether any of</p> <p>15 Mr. Waldman's statements are false and defamatory,</p> <p>16 you must read those statements in context as a</p> <p>17 whole. This means you may not seize on any one</p> <p>18 word, phrase, or image or consider only one</p> <p>19 particular statement, phrase, or passage in</p> <p>20 isolation.</p> <p>21 Both parties have the burden of proving</p> <p>22 actual malice by clear and convincing evidence.</p>
<p style="text-align: right;">7727</p> <p>1 above statement.</p> <p>2 When used in these instructions, the</p> <p>3 phrase "the greater weight of the evidence," also</p> <p>4 sometimes called the "preponderance of the</p> <p>5 evidence," means the evidence which you find more</p> <p>6 persuasive when evaluated against all the evidence</p> <p>7 that has been admitted in the case. The testimony</p> <p>8 of one witness whom you believe can be the greater</p> <p>9 weight of the evidence.</p> <p>10 When a party has the burden of proving</p> <p>11 any issue by clear and convincing evidence, he or</p> <p>12 she must produce evidence that creates in your</p> <p>13 minds a firm belief or conviction that he or she</p> <p>14 has proved the issue.</p> <p>15 A statement that is not directly</p> <p>16 defamatory may nonetheless suggest a defamatory</p> <p>17 meaning in an indirect way. That is, by</p> <p>18 implication. In determining whether any of the</p> <p>19 statements have a defamatory implication, you must</p> <p>20 consider the op-ed as a whole and the</p> <p>21 circumstances surrounding its publication. You</p> <p>22 should consider if these circumstances show that</p>	<p style="text-align: right;">7729</p> <p>1 To meet this burden, each party must prove by</p> <p>2 clear and convincing evidence that each statement</p> <p>3 was made or published, Number 1, with knowledge</p> <p>4 that the statement was false; or</p> <p>5 Number 2: So recklessly as to amount</p> <p>6 to a willful disregard for the truth. That is</p> <p>7 with a high degree of awareness that the statement</p> <p>8 was probably false.</p> <p>9 Actual malice is a subjective analysis</p> <p>10 that looks to the state of mind of the person who</p> <p>11 made the statement. If the person who made the</p> <p>12 statement believed it was substantially accurate</p> <p>13 at the time of its publication, then it does not</p> <p>14 give rise to liability for defamation.</p> <p>15 The term "actual malice" should not be</p> <p>16 confused with the more common meaning of the word</p> <p>17 "malice," such as "ill will" or "hatred." Actual</p> <p>18 malice is not established merely because an author</p> <p>19 was motivated by ill will, prejudice, hostility,</p> <p>20 hatred, contempt, or even a desire to injure</p> <p>21 another.</p> <p>22 In order to find that Ms. Heard</p>

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7 (7730 to 7733)

<p style="text-align: right;">7730</p> <p>1 republished the original op-ed including the 2 headline through a tweet on December 19th, 2018, 3 you must find that she retransmitted the 4 defamatory material or redistributed the material 5 with the goal of reaching a new audience. Stated 6 differently, republication occurs when the speaker 7 has affirmatively reiterated the statement. A 8 hyperlink directing readers to a previous article 9 on the same web site does not direct the previous 10 article to a new audience. Merely linking to an 11 article does not amount to republication, but 12 adding content to a linked article may constitute 13 republication. 14 You must determine whether any added 15 content was intended to reach a new audience. If 16 you find any content added to the hyperlink was 17 intended to reach a new audience, it constitutes a 18 republication. Further, if you find a 19 republication occurred on December 19th, 2018, 20 then in order to find for Depp against Ms. Heard, 21 you must also find by clear and convincing 22 evidence that Ms. Heard made this republication</p>	<p style="text-align: right;">7732</p> <p>1 assume the burden of convincing you of the truth 2 of the statements. The burden remains on each 3 party to prove that the statements he or she 4 complains of are false. 5 The rules of evidence ordinarily do not 6 permit witnesses to testify as to their opinions 7 or conclusions. An exception to this rule exists 8 as to those whom we call expert witnesses. 9 Witnesses who, by education and experience, have 10 become expert in some art, science, profession, or 11 calling may state their opinions as to relevant 12 and material matters in which they profess to be 13 expert and may also state their reasons for the 14 opinion. 15 You should consider each expert opinion 16 received in evidence of this case and give it such 17 weight as you may think it deserves. If you 18 should decide that the opinions of an expert 19 witness is not based upon sufficient education and 20 experience or if you should conclude that the 21 reasons given in support of the opinion are not 22 sound or if you feel that it is outweighed by</p>
<p style="text-align: right;">7731</p> <p>1 with actual malice. 2 A principle is a person or a legal 3 entity with power or right to control the means 4 and methods of performance by which another 5 persons performs the principal's work. 6 An agent is a person who is subject to 7 the power or right of a principal to control the 8 means and methods of performing the work. 9 An attorney has the express authority 10 to do everything which the client expressly 11 authorized him to do and the implied authority to 12 do everything necessary or incidental to the 13 purpose of which he was retained. 14 Ms. Heard has the burden of proving by 15 the greater weight of the evidence that 16 Mr. Waldman was an agent of Mr. Depp, and that 17 Mr. Waldman was acting within the scope of his 18 agency when he made the statements. 19 You must remember that there is no 20 burden on either party to prove the truth of any 21 of the statements. Both parties were free to 22 offer proof of truth, but by doing so, they do not</p>	<p style="text-align: right;">7733</p> <p>1 other evidence, you may disregard the opinion 2 entirely. 3 In considering the weight to be given 4 to the testimony of the competitor witnesses whose 5 opinions differ, you may consider the ability and 6 character of the witnesses, their actions upon the 7 witness stand, the weight and process of the 8 reasoning by which they support their opinion, 9 their possible bias in favor of the side for which 10 they testify, their relative opportunities for 11 study or observations of the matters about which 12 they testify, and any other matters which serve to 13 illuminate their statements. 14 In considering the weight to be given 15 testimony of expert witnesses, you should consider 16 the basis for his or her opinion and the manner by 17 which he or she arrived at it and the underlying 18 facts and data upon which he or she relied. 19 An expert witness was asked whether 20 statements contained in published treatises, 21 periodicals, or pamphlets are reliable authority 22 of a type normally relied upon by others in his or</p>

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8 (7734 to 7737)

<p style="text-align: right;">7734</p> <p>1 her field of expertise. This evidence is 2 permitted to test the knowledge, accuracy, and 3 opinions of the expert witness, and if such 4 evidence is established as a reliable authority by 5 expert testimony, it may be considered by you 6 along with the other evidence in the case. 7 In considering the evidence, you are 8 not limited to the bald statements of the 9 witnesses. In other words, you are not limited 10 solely to what you see and hear as the witnesses 11 testify. On the contrary, you are permitted to 12 draw from the facts which you find to have been 13 proven such reasonable inferences as may seem 14 justified in light of your experience. 15 During the trial of this case, certain 16 testimony has been presented to you by way of 17 video depositions. You should give this testimony 18 the same consideration as to its weight and 19 credibility as you give to the testimony of 20 witnesses who testified here in court. You must 21 not discount any testimony merely because it was 22 shown to you by video recording.</p>	<p style="text-align: right;">7736</p> <p>1 is not evidence that what the witness previously 2 said was true. 3 If you believe from the evidence that 4 Ms. Heard or Mr. Depp previously made a statement 5 inconsistent with her or his testimony at this 6 trial, that previous statement may be considered 7 by you as evidence that what Ms. Heard or Mr. Depp 8 previously said was true. 9 In reaching your verdict in this case, 10 you are to consider the testimony and evidence. 11 Sometimes attorneys stated objections during the 12 course of this trial and instructed the witness 13 not to answer a question. Objections and 14 instructions to witnesses are not evidence and you 15 may not consider them in reaching your verdict. 16 Nor are you to draw any inference from the fact 17 that an objection was made. You must not consider 18 any matter that was rejected or stricken by the 19 Court. It is not evidence and should be 20 discarded. 21 Any amount of damages requested by a 22 party is not evidence in this case. You should</p>
<p style="text-align: right;">7735</p> <p>1 When one of the parties testifies 2 unequivocally to the facts within his or her own 3 knowledge, those statements of fact and the 4 necessary inferences from them are binding upon 5 him or her. He or she cannot rely on other 6 evidence in conflict with his or her own testimony 7 to strengthen his or her own case; however, you 8 must consider his or her testimony as a whole. 9 And you must consider a statement made in one part 10 of his or her testimony in the light of any 11 explanation or clarification made elsewhere in his 12 or her testimony. 13 Any fact that may be proved by direct 14 evidence may be proved by circumstantial evidence. 15 That is you may draw all reasonable and legitimate 16 inferences and deductions from the evidence. 17 If you believe from the case that a 18 witness other than Mr. Depp or Ms. Heard 19 previously made a statement inconsistent with his 20 or her testimony at this trial, the only purpose 21 for which that statement may be considered by you 22 is its bearing on the witness's credibility. It</p>	<p style="text-align: right;">7737</p> <p>1 not consider it as evidence in arriving at your 2 verdict. 3 If you find your verdict for Mr. Depp 4 or Ms. Heard, then he or she is entitled to 5 recover compensatory damages without any proof of 6 actual or pecuniary injury. As a result, injury 7 to Mr. Depp or Ms. Heard's personal and business 8 reputation, humiliation and embarrassment is 9 presumed. If you find either party liable for 10 defamation, then in determining the actual 11 amount -- determining the amount of damages to 12 which the opposing party is entitled, you may take 13 into consideration all the circumstances 14 surrounding the defamatory statements, the 15 occasions on which they were made, and the extent 16 of their publication; the nature and character of 17 the insult; the probable effect on those who heard 18 the statements, and their probable and natural 19 effect upon the defamed party's personal feelings 20 and upon his or her standing in the community and 21 in business. Your verdict should be for the 22 amount that will fully and fairly compensate him</p>

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9 (7738 to 7741)

<p>7738</p> <p>1 or her for: Number 1, any loss or injury to his 2 or her business; number 2, any insult to him or 3 her including any pain, embarrassment, humiliation 4 or mental suffering; number 3, any injury to his 5 or her reputation; and number 4, any actual 6 out-of-pocket losses that were caused by the 7 statements. Mr. Depp cannot recover damages for 8 any harm that occurred after November 2nd, 2020. 9 Ms. Heard can recover damages for any harm that 10 occurred after Mr. Waldman's statements were 11 published. 12 The burden is on the party seeking 13 damages to prove by the greater weight of the 14 evidence each item of damages he or she claims and 15 to prove that each item was caused by the 16 defamatory statements at issue. Neither party is 17 required to prove the exact amount of damages, but 18 the party must show sufficient facts and 19 circumstances to permit you to make a reasonable 20 estimate of each item. If either party fails to 21 do so, then he or she cannot recover for that 22 item.</p>	<p>7740</p> <p>1 others from making such statements in the future. 2 You must state separately in your verdict any 3 amount that you allow as compensatory damages, if 4 any, and the amount you allow as punitive damages. 5 All right. Closing arguments. 6 MS. VASQUEZ: Good morning. Good 7 morning. 8 THE COURT: There you go. 9 MS. VASQUEZ: Good morning. 10 THE COURT: No, you had it for a 11 second. 12 MS. VASQUEZ: Good morning. Good 13 morning. Thank you. Try that again. 14 Good morning. On May 27th, 2016, 15 Ms. Heard walked into a courthouse in Los Angeles, 16 California to get a no notice ex parte restraining 17 order against Mr. Depp, and in doing so, ruined 18 his life by falsely telling the world that she was 19 a survivor of domestic abuse at the hands of 20 Mr. Depp. 21 Today, on May 27th, 2022, exactly 22 six years later, we ask you to give Mr. Depp his</p>
<p>7739</p> <p>1 If you have found by clear and 2 convincing evidence that the statements in the 3 op-ed were made with knowledge that they were 4 false or so recklessly as to amount to willful 5 disregard for the truth, that is with a high 6 degree of awareness that the statements were 7 probably false, then you may award punitive 8 damages to punish Ms. Heard for such actions and 9 to serve as an example to prevent others from 10 making such statement in the future. You must 11 state separately in your verdict any amount you 12 allow as compensatory damages, if any, and the 13 amount you allow as punitive damages. 14 If you have found by clear and 15 convincing evidence that Mr. Waldman, while acting 16 as an agent for Mr. Depp, made the statements with 17 knowledge that they were false or so recklessly as 18 to amount to willful disregard for the truth, that 19 is with a high degree of awareness that the 20 statements were probably false, then you may award 21 punitive damages to punish Mr. Depp for his such 22 actions and to serve as an example to prevent</p>	<p>7741</p> <p>1 life back by telling the world that Mr. Depp is 2 not the abuser Ms. Heard said he is, and hold 3 Ms. Heard accountable for her lies. 4 Ladies and gentlemen of the jury, as 5 you probably know by now, my name is Camille 6 Vasquez. On behalf of Mr. Depp and all my 7 colleagues at Brown Rudnick, I want to thank you 8 deeply for your time and your service over these 9 last seven weeks. 10 We understand that it probably has not 11 been convenient for you to be here every day, and 12 we are so grateful for your time and careful 13 consideration of the evidence as you deliberate. 14 After weeks of sitting in this 15 courtroom listening to testimony and looking at 16 evidence, now it's time for you, the jury, to come 17 to a decision. You have been entrusted with a 18 serious task. What is at stake in this trial is a 19 man's good name. Even more than that, what is at 20 stake at this trial is a man's life, the life that 21 he lost when he was accused of a heinous crime, 22 and the life he can live when he is finally</p>

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10 (7742 to
7745)

<p style="text-align: right;">7742</p> <p>1 vindicated. Exactly six years ago today, on 2 May 27th, 2016, Ms. Heard walked into court and 3 filed a false report of domestic abuse against her 4 husband of 15 months, Johnny Depp. 5 The scene was a setup. She tipped off 6 the paparazzi so they would be waiting. They knew 7 exactly where she would pause, which side of her 8 face to photograph, and the photos captured what 9 she wanted them to see. The image of a battered 10 woman. But what the paparazzi did not know is 11 that the dark mark on her face mysteriously 12 appeared six days after last seeing Mr. Depp. It 13 was a lie. She knew it. Mr. Depp knew it. And 14 the multiple witnesses you heard from who saw her 15 that week of May 21st, 2016, also knew it. But 16 the world only saw what she wanted them to see. 17 Two years later, when promoting the 18 biggest role of her career, until this trial, 19 Ms. Heard presented herself to the world as a 20 public figure representing domestic abuse. The 21 headline of the op-ed featured the term "sexual 22 violence," even though she had never before</p>	<p style="text-align: right;">7744</p> <p>1 physical, and emotional abuse by Ms. Heard during 2 their relationship. 3 And when their relationship was over, 4 Ms. Heard inflicted the greatest and cruelest 5 injury of all, she publicly and falsely named 6 Mr. Depp as the abuser. Ms. Heard never thought 7 she would be held accountable. Never thought that 8 she would have to face her abuser. She never 9 thought she would never -- have her supposed 10 mountain of evidence vetted. She never thought 11 that Mr. Depp would tell you, the jury and the 12 world, that he was the real victim of domestic 13 abuse. She said it in her own words. 14 (Whereupon the following audio 15 recording was played.) 16 MS. HEARD: You can tell people it was 17 a fair fight. And see what the judge -- see what 18 the jury and judge think. Tell the world, Johnny. 19 Tell them, Johnny Depp, I, Johnny Depp, a man, I 20 am a victim, too, of domestic violence. 21 MR. DEPP: Yes. 22 MS. HEARD: And I know it's a fair</p>
<p style="text-align: right;">7743</p> <p>1 accused her ex-husband of such a heinous crime. 2 Ms. Heard and her lawyers like to remind you of 3 how the op-ed did not mention Mr. Depp by name, 4 but Ms. Heard made sure that there would be no 5 mistake about who she was referring to. She 6 inserted "two years ago" so the world would 7 remember the photo of a battered woman, the mark 8 on her face standing outside the courthouse. And 9 they would once again see Mr. Depp as the villain, 10 this time, in full swing of the #MeToo movement. 11 But what was happening behind closed doors was 12 quite different from what Ms. Heard presented to 13 the world, the exact opposite, in fact. There is 14 an abuser in this courtroom, but it is not 15 Mr. Depp. And there is a victim of domestic abuse 16 in this courtroom, but it is not Ms. Heard. The 17 evidence presented at this trial has shown that 18 Ms. Heard is, in fact, the abuser, and Mr. Depp 19 the abused. 20 As you heard from Mr. Depp and multiple 21 other witnesses that testified under oath at this 22 trial, Mr. Depp experienced persistent verbal,</p>	<p style="text-align: right;">7745</p> <p>1 fight. And see how these people believe or side 2 with you. 3 (Whereupon, the audio recording ended.) 4 MS. VASQUEZ: At the start of this 5 case, Mr. Chew and I stood before you to give you 6 our opening statements on behalf of Mr. Depp. 7 During that statement, we made promises to you 8 about what the evidence would ultimately show at 9 the end of this trial. We've kept those promises. 10 One of those promises we made was that you would 11 come to understand who Ms. Heard is. That she is 12 a deeply troubled person. Violently afraid of 13 abandonment. Desperate for attention and 14 approval. And in her relationship with Mr. Depp, 15 she was violent, she was abusive, and she was 16 cruel. 17 You heard from Dr. Shannon Curry who 18 explained that Ms. Heard suffers from borderline 19 personality disorder and histrionic personality 20 disorder. These are disorders that are 21 characterized by anger, sometimes uncontrollable 22 and explosive anger, and a powerful, sometimes</p>

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11 (7746 to
7749)

<p style="text-align: right;">7746</p> <p>1 desperate, need for attention, acceptance, and 2 approval. Fear of abandonment is the deepest 3 fear. A person with these disorders will suffer 4 from dramatically fluctuating moods and can 5 sometimes be violent and aggressive. They can 6 also be charming and likeable, but they can be 7 incredibly manipulative and wild. An emotional 8 rollercoaster with wild swings, from idolizing 9 their partner to devaluing him. In fact, you saw 10 that when she completed testing with her own 11 forensic psychology expert, Dr. Dawn Hughes. 12 Ms. Heard self-reported that she felt like she had 13 three or four different personalities and that 14 sometimes her temper would explode and she would 15 completely lose control. 16 You heard from multiple witnesses that 17 Ms. Heard can be very pleasant, even charming, but 18 you also heard from multiple witnesses and in 19 audio recordings of Ms. Heard that she can be 20 incredibly aggressive, violent, and cruel. 21 You heard that even from her former 22 assistant, Kate James. Ms. James testified that</p>	<p style="text-align: right;">7748</p> <p>1 Mr. Depp's greatest crime, in her mind, the fault 2 she confronts him with time and time again is that 3 he splits. He leaves the fight, especially when 4 Ms. Heard gets physical, and she couldn't stand it 5 when he did. You heard from Ms. Heard yourselves 6 and audio recordings how upsetting it was to her 7 when Mr. Depp would split. 8 (Whereupon, the following audio 9 recording was played.) 10 MS. HEARD: Anytime anything goes 11 wrong, you split. I feel like it's the first 12 thing. And it's unnecessary. It's not always 13 you're splitting because there's blows or because 14 there's yelling or anything. You split in many -- 15 most times when I'm still speaking in this volume 16 and nothing has been thrown or hit or anything. 17 (Whereupon, the audio recording ended.) 18 MS. VASQUEZ: You saw the barrage of 19 text messages she would send when he would leave, 20 calling him a monster for doing so. 21 You heard from witnesses like Travis 22 McGivern, Tara Roberts, and Debbie Lloyd, that</p>
<p style="text-align: right;">7747</p> <p>1 Ms. Heard would scream, yell, and send her 2 barrages of text messages. In fact, Ms. Heard 3 testified that -- Ms. James testified that 4 Ms. Heard literally spat in her face. 5 You heard from Ms. Heard's former best 6 friend Rocky Pennington, that Ms. Heard once hit 7 her when Ms. Pennington did not do her best to 8 meet Ms. Heard's needs. 9 You also heard from Beverly Leonard, 10 that she once witnessed Ms. Heard assault her then 11 partner in the Seattle airport in 2009. And you 12 heard from Mr. Depp, that Ms. Heard used her 13 sister, Whitney, as a punching bag, literally and 14 figuratively. 15 You also heard overwhelming evidence 16 from Mr. Depp and the people that were around him 17 and Ms. Heard during the relationship, that 18 Mr. Depp suffered persistent verbal and physical 19 abuse at the hands of Ms. Heard. You heard 20 evidence from Dr. Curry and the fact witnesses at 21 this trial, that Ms. Heard's deepest fear is one 22 of abandonment, being left by Mr. Depp.</p>	<p style="text-align: right;">7749</p> <p>1 Ms. Heard would claw Mr. Depp, block the elevator, 2 throw a punch when Mr. Depp tried to separate 3 himself from the fight. And you heard from 4 Mr. Depp and Ms. Heard's couple therapist, 5 Dr. Anderson, that Ms. Heard reported that when 6 Mr. Depp would leave to deescalate a fight, she 7 would strike him to keep him there. She would 8 rather be in a fight than have him leave. 9 You heard from Mr. Depp about how often 10 Ms. Heard would berate him, insult him and 11 physically attack him, including one of the most 12 serious occasions when Ms. Heard threw a vodka 13 bottle at Mr. Depp severely injuring his finger 14 and then to put a cigarette out on his face. 15 You heard from Mr. Depp that this whole 16 incident in Australia started because Ms. Heard 17 was enraged that Mr. Depp wanted a postnuptial 18 agreement and she wasn't in his will. Just a 19 month after getting married. 20 When her husband was seriously injured 21 and bleeding from a partially amputated finger, 22 what did Ms. Heard do? She pursued him. She kept</p>

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12 (7750 to
7753)

<p style="text-align: right;">7750</p> <p>1 coming after him because that's what she does. 2 She wouldn't stop. 3 (Whereupon, the following audio 4 recording was played.) 5 MR. DEPP: It's not to get you mad. 6 It's just to get -- it's just to get out of a bad 7 situation that is happening before it gets worse. 8 In Australia, when we had the big fight 9 where I lost the tip of my finger, at least five 10 bathrooms and two bedrooms I went to, to, to -- 11 MS. HEARD: To avoid talking to me. To 12 avoid working it out. That's the problem. 13 MR. DEPP: To escape the fight. 14 MS. HEARD: You don't escape the fight. 15 You escape the solution. You escape the solution. 16 You escape figuring it out. We cannot work it out 17 if you run away to the bathroom every time. 18 (Whereupon, the audio recording ended.) 19 MS. VASQUEZ: You heard Mr. Depp 20 testify he went through something like a nervous 21 breakdown that day, and he wrote a lot of things 22 on mirrors and other places. Again, what did</p>	<p style="text-align: right;">7752</p> <p>1 Connolly, another security member, who testified 2 he saw Ms. Heard throw things at Mr. Depp; a 3 cigarette lighter on a plane, a soda can from 4 upstairs at the Eastern Columbia Building. He 5 never saw marks on Ms. Heard. But he saw marks on 6 Mr. Depp, scratches, bruises on his left eye, 7 scratches on his left ear. And he took pictures 8 documenting injuries, like this one. 9 You also heard from Tara Roberts, a 10 manager at Mr. Depp's island who witnessed 11 Ms. Heard tell Mr. Depp that he was washed-up and 12 would die fat and lonely. 13 You also heard from Ms. Roberts that 14 she witnessed Ms. Heard clawing and grabbing at 15 Mr. Depp, grabbing his hair, trying to pull him 16 back to her, and Mr. Depp had a visible injury to 17 his nose on that occasion. 18 Most importantly, you heard from 19 Ms. Heard yourselves, on multiple audio 20 recordings, admitting to being physically violent 21 with Mr. Depp. You heard Ms. Heard admit to 22 hitting Mr. Depp.</p>
<p style="text-align: right;">7751</p> <p>1 Ms. Heard do as her husband was bleeding from 2 serious injury? She wrote snarky messages right 3 back to him. She denied it under oath to you, but 4 the evidence that you saw speaks for itself. 5 You heard from Mr. Depp's security, 6 Sean Bett, who was aware of constant arguing and 7 bickering. He witnessed Ms. Heard calling 8 Mr. Depp names, fat ass, fuck you, Johnny. 9 Mr. Bett testified that he saw and documented 10 injuries on Mr. Depp, a swollen eyelid in March of 11 2015, cuts on his nose, scratch marks on his chin 12 in December of 2015. 13 And you heard from Travis McGivern, who 14 testified that Ms. Heard called Mr. Depp names 15 like washed-up, fucking cunt, and worst of all, a 16 fucking deadbeat dad. Ms. Heard would take the 17 low blows and hit him where it hurts, his 18 children. Mr. McGivern told you that on 19 March 23rd, 2015, Ms. Heard threw things at 20 Mr. Depp, spat at him, and ultimately punched him 21 in the face, leaving him with a shiner. 22 You heard testimony from Malcolm</p>	<p style="text-align: right;">7753</p> <p>1 (Whereupon, the following audio 2 recording was played.) 3 MR. DEPP: And then you fucking clocked 4 me. 5 MS. HEARD: I remember hitting you as a 6 response to the door thing. And I'm really sorry 7 about hitting you with the door or hitting your 8 head. I did not mean to nor -- 9 MR. DEPP: You didn't mean to hit me in 10 the head with the door, but you meant to -- 11 MS. HEARD: I didn't -- 12 MR. DEPP: -- punch me in the jaw? 13 MS. HEARD: I meant to hit you. And I 14 did not do this thing with the door. I do 15 remember I did mean to hit you. 16 MR. DEPP: So that you didn't mean? 17 MS. HEARD: The door? No. God, no. I 18 didn't -- I -- 19 MR. DEPP: But punching me in the jaw 20 you did? 21 MS. HEARD: Okay. I'm sorry I hit you. 22 I did mean to hit you, but it was in response. I</p>

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13 (7754 to
7757)

<p>7754</p> <p>1 just reacted in response to my foot, I just 2 reacted. 3 (Whereupon, the audio recording ended.) 4 MS. VASQUEZ: You heard her admit it 5 again and claim Mr. Depp was a baby for 6 complaining about the abuse. 7 (Whereupon, the following audio 8 recording was played.) 9 MR. DEPP: And I watched you lie. And 10 then I -- 11 MS. HEARD: I didn't punch you. I 12 didn't punch you, by the way. I'm sorry, that I 13 didn't hit you across the face in a proper slap, 14 but I was hitting you. I was not punching you. 15 Babe, you're not punched. 16 MR. DEPP: Don't tell me what it feels 17 like to be punched. 18 MS. HEARD: You know, you've been in a 19 lot of fights. You've been around a long time. I 20 know, yeah. 21 MR. DEPP: No. When you fucking have a 22 closed fist.</p>	<p>7756</p> <p>1 MR. DEPP: Yeah, you did. So I had to 2 get the fuck out of here. 3 MS. HEARD: Yes, you did. So you did 4 the right thing, the big thing. You know what? 5 You are admirable. 6 (Whereupon, the audio recording ended.) 7 MS. VASQUEZ: Take a minute to really 8 think about what you just heard there. "I'm sorry 9 that I didn't hit you across the face in a proper 10 slap, but I was hitting you. I was not punching. 11 Babe, you're not punched." Imagine that was 12 Mr. Depp saying that to Ms. Heard on that 13 recording. 14 Let's play one more. 15 (Whereupon, the following audio 16 recording was played.) 17 MR. DEPP: That fake laugh. That fake 18 laugh is too much to take. 19 MS. HEARD: No. I'm sure she's -- 20 MR. DEPP: That fake laugh. It's so 21 disgusting. 22 MS. HEARD: I'm sure she's great. I'm</p>
<p>7755</p> <p>1 MS. HEARD: You didn't get punched. 2 You got hit. I'm sorry, I hit you like this, but 3 I did not punch you. I did not fucking deck you. 4 I fucking was hitting you. I don't know what the 5 full motion of my actual hand was, but you're 6 fine. I did not hurt you. I did not punch you. 7 I was hitting you. 8 MR. DEPP: How are your toes? 9 MS. HEARD: What am I supposed to do, 10 do this? 11 MR. DEPP: How are your toes? 12 MS. HEARD: I'm not sitting here 13 bitching about it, am I? You are. That's the 14 difference between me and you. You're a fucking 15 baby. 16 MR. DEPP: Because you start -- 17 MS. HEARD: You are such a baby. Grow 18 the fuck up, Johnny. 19 MR. DEPP: Did you start a physical 20 fight? 21 MS. HEARD: I did start a physical 22 fight.</p>	<p>7757</p> <p>1 sure she's great. 2 MR. DEPP: I think this may be some of 3 the best performances of your life. Fucking 4 tragedy. 5 MS. HEARD: No, no, no, no. You're 6 right. I don't. It's all about performing for 7 you. 8 MR. DEPP: Performing for me? Oh, 9 Amber, I don't regret. I don't regret. 10 MS. HEARD: Oh, what else? What else. 11 don't you -- 12 MR. DEPP: I don't regret it. 13 MS. HEARD: Oh, god. Come on. Lay it 14 on me. What else? What else other thing do you 15 want to add? 16 MR. DEPP: I can't talk to you when you 17 sound like Fozzie Bear. 18 MS. HEARD: You fucking lying piece of 19 shit. 20 MR. DEPP: That's a kids' show. 21 MS. HEARD: Oh, no. I want to know. 22 MR. DEPP: Get out.</p>

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14 (7758 to
7761)

<p>7758</p> <p>1 MS. HEARD: I want to know. 2 MR. DEPP: Get out. Your Uber is out 3 there. 4 MS. HEARD: I'm kinda waiting. Then go 5 get it. 6 MR. DEPP: Yeah. 7 MS. HEARD: Wait, is there no other 8 place for you to run in your 15 other houses, to 9 go run? Come on. Go be a real married man and go 10 deal with your shit the way that a man does. Go 11 run to the next house. Every man does. Go on, 12 run away. 13 (Whereupon, the audio recording ended.) 14 MS. VASQUEZ: This is the real 15 Ms. Heard. The one in the audio recording, not 16 the one you saw in this courtroom. 17 What you didn't hear on a single 18 recording you heard in this case, and there were 19 many played by both parties, is Mr. Depp ever 20 admitting to hitting, punching, or kicking 21 Ms. Heard. You didn't hear it. It doesn't exist. 22 It didn't happen. And despite the fact that</p>	<p>7760</p> <p>1 evening. He left with Travis McGivern, and the 2 next morning, he learned that someone had left 3 feces on his bed. Ms. Heard denies responsibility 4 but she admitted to the prank to Starling Jenkins. 5 You heard him testify to that effect. 6 For almost a month after that, they 7 didn't see each other. And you heard from 8 Mr. Depp that when his mother died on May 20th, 9 2016, he was all set to leave Ms. Heard. He was 10 done. 11 And when Ms. Heard learned that 12 Mr. Depp was done, that she was really losing him, 13 she went on the attack. She filed for divorce 14 before Mr. Depp could. Then, as you heard from 15 Mr. Depp's divorce lawyer, Laura Wasser, Ms. Heard 16 sent a letter demanding financial support. And 17 when her demands weren't met, Ms. Heard struck a 18 blow against Mr. Depp that was more damaging than 19 any physical blow she had ever landed. When she 20 walked into court, six years ago today, on 21 May 27th, 2016, to get a domestic violence 22 restraining order against Mr. Depp, she did so in</p>
<p>7759</p> <p>1 Mr. Depp and Ms. Heard are heard discussing many 2 of the alleged incidents you've heard about at 3 this trial, like Australia and the Bahamas, you 4 never heard Ms. Heard accuse Mr. Depp of sexual 5 assault. Unlike Mr. Depp, who you heard admit to 6 and own up to his past mistakes and his struggles, 7 particularly with drugs and alcohol. Ms. Heard 8 will not admit that she has ever done anything 9 wrong. But she cannot deny what you heard on 10 those recordings. As much as Ms. Heard and her 11 lawyers have tried to make this case about 12 Mr. Depp's language, it is Ms. Heard that 13 repeatedly admits to violence. 14 By April and May of 2016, Mr. Depp had 15 reached his limit. His mother was dying. His 16 finances were a mess. And when he showed up late 17 to Ms. Heard's 30th birthday party because a 18 meeting with his new business manager, Edward 19 White, had gone late, Ms. Heard, of course, was 20 not understanding. She was furious. You heard 21 from Mr. Depp, both in this courtroom and on audio 22 recordings, that Ms. Heard punched him that</p>	<p>7761</p> <p>1 front of paparazzi with a mark on her face. The 2 evidence presented at this trial demonstrates that 3 Ms. Heard didn't just want a divorce, she wanted 4 to ruin him. 5 Ms. Heard denied alerting TMZ to the 6 TRO filing in this courtroom, but you heard 7 testimony from Morgan Tremaine, that TMZ knew to 8 go to the courthouse, knew which side of her face 9 the alleged bruise was on, and that Ms. Heard 10 would pause, she would pause for paparazzi who got 11 the photos that ended up splashed across 12 newspapers and magazines. 13 Ms. Heard testified that she did not 14 personally give photographs of her apparent 15 injuries to People magazine, but somehow these 16 pictures that she took and maintained on her 17 devices ended up on the cover of People magazine 18 one month later. 19 In the end, she walked away with 20 \$7 million without any tax liabilities, which she 21 said she was donating to two charities, the ACLU 22 and the Children's Hospital of Los Angeles. The</p>

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15 (7762 to
7765)

<p style="text-align: right;">7762</p> <p>1 ACLU, they got less than a million dollars from 2 her, and the Children's Hospital, they got 3 \$250,000. 4 But that didn't stop Ms. Heard from 5 telling the world that she donated everything 6 because, remember, she wanted nothing. And she 7 had donated everything. The word "donated." 8 And that didn't stop her from 9 testifying, under the penalty of perjury, that she 10 had donated it. Ms. Heard tried to tell you that 11 pledge and donate mean the same thing. She claims 12 she hasn't given the money because she was sued. 13 But you've heard uncontested evidence that she had 14 the money for 13 months prior to this lawsuit 15 being commenced by Mr. Depp. She had all the 16 money and had month after month after month to 17 fulfill her pledge and actually donate the money. 18 But she didn't. 19 She also told you that she never 20 fulfilled the pledge because Mr. Depp sued her for 21 defamation. That's a blatant lie. It was 22 Ms. Heard who fired the first shot after the</p>	<p style="text-align: right;">7764</p> <p>1 Children's Hospital of Los Angeles. 2 MALE SPEAKER: ACLU is a human rights 3 organization. 4 MS. HEARD: Sorry, ACLU is a prominent 5 organization, nonprofit organization, in the 6 United States. 7 MALE SPEAKER: Yeah. Right. 8 MS. HEARD: It's called the American 9 Civil Liberties Union, and they work on behalf of 10 marginalized communities on the ground and in 11 legislative reform, and -- 12 MALE SPEAKER: Well, more power to you 13 because that's something that I've never heard of. 14 MS. HEARD: I wanted nothing. 15 (Whereupon, the video ended.) 16 MS. VASQUEZ: When you catch Ms. Heard 17 in a lie, she tries to cover it up with more lies. 18 So let's talk about the giant lie at the heart of 19 this case, Ms. Heard's claim that Mr. Depp has 20 been an abusive monster and that she is a public 21 figure representing domestic abuse. 22 At the start of this case, Mr. Chew and</p>
<p style="text-align: right;">7763</p> <p>1 divorce was finalized, after she sought to 2 initiate an arbitration against Mr. Depp for 3 defamation, three months before the op-ed was even 4 published, and six months before Mr. Depp filed 5 this lawsuit. 6 Not only does this contradict 7 Ms. Heard's excuse for not making donations, it 8 contradicts her narrative that she just wants to 9 move on with her life. That she just wants 10 Mr. Depp to leave her alone. Lies. That is 11 Ms. Heard's narrative, lies upon lies. 12 (Whereupon, the following video was 13 played.) 14 MALE SPEAKER: There were actually all 15 kinds of accusations flying your way when you said 16 all this, and then there was a divorce settlement, 17 you got \$7 million. People were saying this is 18 all about the money, but then you did something 19 that twisted that whole argument. 20 What did you do with that money? 21 MS. HEARD: \$7 million in total was 22 donated to -- I split it between the ACLU and</p>	<p style="text-align: right;">7765</p> <p>1 I told you that you were going to hear some 2 disturbing and graphic tales of abuse from 3 Ms. Heard and they were designed to shock you and 4 overwhelm you, which you have. We told you that 5 this would be a performance, the role of her 6 lifetime, as a heroic survivor of brutal abuse. 7 When Mr. Depp brought this case for defamation, 8 Ms. Heard went all in. She spun a story of 9 shocking, overwhelming brutal abuse. She came 10 into this courtroom prepared to give the 11 performance of her life, and she gave it. 12 Ms. Heard's acting coach, Kristina 13 Sexton, testified that Ms. Heard has difficulty 14 crying when she is acting. You saw it, Ms. Heard 15 sobbing without tears, while spinning elaborate, 16 exaggerated, fantastical accounts of abuse and 17 everything going on in her mind almost a decade 18 prior while enduring that abuse. It is a 19 performance. 20 She told you what she thinks about -- 21 excuse me -- she told you what she thinks you need 22 to hear to convict this man as a domestic abuser</p>

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16 (7766 to
7769)

<p>7766</p> <p>1 and a rapist. She wants you to believe that she 2 was abused countless times, countless times, over 3 the entire course of their relationship. But as 4 Mr. Chew and I promised you, the evidence just 5 does not bear that out. Ms. Heard has told you 6 that she has mountains of evidence of abuse, but 7 there are no medical records reflecting she 8 sustained any injuries from this abuse she claims. 9 Ms. Heard had medical professionals at her 10 disposal: Dr. Kipper; Debbie Lloyd; her own 11 nurse, Erin Falati, and yet there's nothing. 12 Ms. Heard took pictures all the time: 13 Pictures of Mr. Depp sleeping, pictures of 14 cocaine, pictures of property damage, pictures of 15 herself. And as an actress, she was photographed 16 all the time. Where are the pictures of the 17 horrific injuries Ms. Heard describes? 18 Ms. Heard also took audio recordings 19 and videos frequently. Where are the videos of 20 Mr. Depp attacking her? Where are the audio 21 recording of Mr. Depp admitting to or apologizing 22 for physical abuse? There are none.</p>	<p>7768</p> <p>1 of their relationship, starting at the beginning 2 of 2012. But she has repeatedly testified under 3 oath differently, to having spent a year of bliss 4 with Mr. Depp before he ever laid a hand on her, 5 and now, now, in this courtroom, she has suddenly 6 erased an entire year of magic. She wants you to 7 believe that instead of hitting after a year of 8 magic, Mr. Depp was hitting her immediately. The 9 good times she has testified to about repeatedly 10 in the past apparently never happened. And with 11 the good times erased, Ms. Heard wants you to 12 believe that she gave Mr. Depp a big knife that 13 said, "Hasta la muerte," "until death," to the man 14 who supposedly would get drunk and high and beat 15 her. 16 Ms. Heard admitted to you during this 17 trial that Mr. Depp always wears big, chunky rings 18 on every finger. According to her, he was wearing 19 these rings when he'd slap her, hit her, punch her 20 in the face. But you have not seen a single 21 photograph that reflects the serious injuries 22 Ms. Heard would have sustained if this was true,</p>
<p>7767</p> <p>1 What Ms. Heard has and what you've seen 2 multiple times is video of Mr. Depp banging some 3 cabinets around in a kitchen, a video that based 4 on the testimony you heard from Morgan Tremain, 5 the former TMZ employee, Ms. Heard seems to have 6 sold to TMZ right before she was deposed in 7 connection with her divorce from Mr. Depp. 8 Sure, Ms. Heard can point to text 9 messages where Mr. Depp is apologizing to her, but 10 never for violence. Ms. Heard's counsel showed 11 you Defendant's Exhibit 325, where Mr. Depp says 12 sorry for "my behavior. I'm a fucking savage." 13 But this is not an apology for physical violence. 14 It's an apology for "these heinous slinging 15 insults." Mr. Depp is apologizing for the words 16 he used. Unlike Ms. Heard, who you heard 17 apologizing for physical violence in multiple 18 audio recordings, you have never heard that from 19 Mr. Depp because he never used physical violence 20 against Ms. Heard. 21 Ms. Heard told you that Mr. Depp 22 started abusing her right from the very beginning</p>	<p>7769</p> <p>1 not one. 2 Ms. Heard testified to an incident in 3 March 2013 when Mr. Depp supposedly hit her 4 multiple times in the face while wearing rings. 5 And this is what her face looked like afterwards. 6 (Whereupon, a photograph was shown.) 7 Ms. Heard testified to an incident in 8 Russia where she claims Mr. Depp whacked her in 9 the face and gave her a bloody nose. She didn't 10 take pictures of her bloody nose. But her 11 photograph was taken on that trip, and this is 12 what she looked like. 13 (Whereupon, a photograph was shown.) 14 Ms. Heard told you that there was an 15 incident the night of the Met Gala in May 2014 16 when Mr. Depp supposedly whacked Ms. Heard in the 17 face, leaving her with a red, discolored, and 18 swollen nose that she felt was broken. Ms. Heard 19 didn't show you any photographs of these alleged 20 injuries. But photographs were taken of her the 21 following night, and there were no visible 22 injuries to Ms. Heard's face.</p>

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17 (7770 to
7773)

<p>7770</p> <p>1 (Whereupon, a photograph was shown.) 2 Ms. Heard testified that in 3 January 2015, while she and Mr. Depp were in 4 Tokyo, Mr. Depp knelt on her back so aggressively 5 that she was concerned that bruises would be 6 visible in her backless dress. Here's Ms. Heard 7 in that backless dress. 8 (Whereupon, a photograph was shown.) 9 Ms. Heard testified that after an 10 incident in December of 2015, she had two black 11 eyes, a broken nose, and chunks of hair missing. 12 The assault was allegedly so violent that there 13 was blood left all over the pillows and Mr. Depp 14 had broken the bed frame. Pictures were taken of 15 that bed frame. 16 (Whereupon, a photograph was shown.) 17 And in that picture, there appears to 18 be a pocket knife on the bed. And that picture 19 fails to capture the bloody pillows. 20 And here is what Ms. Heard looked like 21 on the James Corden show the next day. 22 (Whereupon, a photograph was shown.)</p>	<p>7772</p> <p>1 that she had bruises on her face, cuts all over 2 her arms and feet, and was bleeding from her 3 vagina from the sexual assault. 4 And what did Ms. Heard say she did? 5 She went upstairs, took some sleeping pills, and 6 went to sleep. 7 The next morning, she took pictures of 8 the mirrors her husband had written on in paint, 9 using his amputated finger. She took no picture 10 of herself, her alleged injuries, or the property 11 damage she testified to in this courtroom. 12 When Malcolm Connolly, Jerry Judge, 13 Dr. Kipper, and Nurse Debbie Lloyd arrived to 14 extract Mr. Depp and get him medical treatment for 15 his finger injury, you heard from Mr. Connolly, 16 Dr. Kipper, and Ms. Lloyd, all of them testified 17 they did not observe any injuries to Ms. Heard, 18 and no one, including Ms. Heard, testified that 19 she sought medical treatment. 20 You also heard from Ben King, who also 21 saw Ms. Heard right after this alleged incident. 22 He flew home with her to Los Angeles. He</p>
<p>7771</p> <p>1 Indeed, you heard from Ms. Heard's own 2 nurse, Erin Falati, that she saw her a day or two 3 afterwards and could not visualize the injuries 4 Ms. Heard described. 5 Ms. Heard did take picture of herself 6 after this alleged incident, but are the injuries 7 in these photographs consistent? That's the 8 question: Are they consistent with the brutal 9 assault and serious injuries Ms. Heard has 10 testified to? Or are these injuries more 11 consistent with Mr. Depp's testimony, that he and 12 Ms. Heard bumped heads while he was trying to 13 restrain Ms. Heard to keep her from attacking him. 14 (Whereupon, a photograph was shown.) 15 I have Australia, where Mr. Depp 16 sustained the most serious injury from his 17 relationship with Ms. Heard. Ms. Heard's spun 18 story of horror, a three-day ordeal with a 19 drug-fueled Mr. Depp violently assaulting her, 20 cutting his own finger off, dragging her through 21 glass, and then bending her back over a counter 22 and raping her with a whiskey bottle. She claimed</p>	<p>7773</p> <p>1 testified that Ms. Heard didn't want to leave, 2 that she said, "I can't leave. I can't leave. It 3 will be the end if I leave." 4 He also testified that once they did 5 leave for Los Angeles, Ms. Heard asked him if he 6 ever got so mad he just lost it. 7 When Ms. Heard arrived in Los Angeles, 8 she saw Travis McGivern, who also testified he 9 observed no injuries, and her personal nurse, Erin 10 Falati, who documented no requests for medical 11 treatment and no injuries in her nursing notes for 12 Ms. Heard. 13 You heard from Mr. Depp's sister 14 Christi that she also saw Ms. Heard when she 15 arrived back to Los Angeles and observed no 16 injuries on Ms. Heard. Christi testified that 17 when she told Ms. Heard her fighting with Mr. Depp 18 was unsustainable, Ms. Heard responded that 19 Christi should get off her cross, that Mr. Depp 20 liked her feisty. 21 Ms. Heard's testimony about what 22 occurred in Australia just doesn't add up. That's</p>

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18 (7774 to
7777)

<p style="text-align: right;">7774</p> <p>1 because there was a monster in that house in 2 Australia, but it wasn't Mr. Depp; it was 3 Ms. Heard. 4 Other than Ms. Heard's testimony, all 5 the evidence you've seen in this trial shows that 6 it was Ms. Heard who attacked and grievously 7 wounded Mr. Depp when she threw a vodka bottle at 8 him, severing his finger. Mr. Depp told 9 Dr. Kipper that when Dr. Kipper arrived to treat 10 Mr. Depp's finger. You've seen the pictures of 11 the bar area in the Australia with the broken 12 vodka bottles on the ground and trails of blood 13 drops on the floor and the bloody tissue on the 14 floor. You've heard from Ben King that the tip of 15 Mr. Depp's finger was found in the same bar area. 16 And you heard from Dr. Gilbert that the 17 injury to Mr. Depp's finger could have been caused 18 exactly as he described. And interestingly, you 19 heard from Kristina Sexton that Ms. Heard told her 20 that Mr. Depp injured his finger while swinging a 21 bottle around, not smashing a phone, as Ms. Heard 22 surmised in this courtroom, but swinging a bottle</p>	<p style="text-align: right;">7776</p> <p>1 Ms. Heard testified about another 2 incident just two weeks after the events in 3 Australia where Mr. Depp supposedly attacked 4 Ms. Heard and almost pushed her sister, Whitney, 5 down the stairs. Whitney is the only witness that 6 you heard from that backs up Ms. Heard's version 7 of events. She's it. And the only witness other 8 than Ms. Heard who claims to have seen Mr. Depp 9 physically attack Ms. Heard. But just like 10 Ms. Heard's version of the events in Australia, 11 her testimony about the staircase incident and 12 that of her sister, Whitney's, just doesn't square 13 up with the other evidence in this trial. Their 14 testimony is contradicted by testimony of Travis 15 McGivern and Debbie Lloyd, who were there that 16 night. 17 Ms. Heard and Whitney testified that 18 Mr. Depp threw a Red Bull can that hit or almost 19 hit Ms. Lloyd. Ms. Lloyd testified that never 20 happened. 21 Mr. McGivern testified that it was 22 Ms. Heard that threw a can at Mr. Depp.</p>
<p style="text-align: right;">7775</p> <p>1 around. 2 You also heard from Ms. Sexton that 3 Ms. Heard first told her about the bottle rape in 4 Australia while Ms. Sexton was at Ms. Heard's home 5 meeting with her lawyers the day before Ms. Sexton 6 was scheduled to be deposed in this case. 7 The evidence presented at this trial 8 shows that this is not the only time that 9 Ms. Heard disclosed a sexual assault at a 10 convenient time for purposes of litigation that 11 she's involved in. The first time Ms. Heard 12 claimed that Mr. Depp sexually assaulted her in 13 the Bahamas in December 2015 was after Tara 14 Roberts, the manager of Mr. Depp's island, 15 submitted a sworn statement in the U.K. action 16 describing the incident she testified to in this 17 courtroom where Ms. Heard chased Mr. Depp out of 18 the house, was yelling and then pleading with 19 Mr. Depp to stay while clawing at his hair and 20 clothes, and left Mr. Depp with an injury to his 21 face. That's the first time she disclosed it, 22 after there was contrary evidence.</p>	<p style="text-align: right;">7777</p> <p>1 Ms. Heard testified that Whitney was 2 between her and Mr. Depp when she punched him. 3 Mr. McGivern testified that he was the one between 4 Ms. Heard and Mr. Depp when Ms. Heard punched 5 Mr. Depp. 6 Ms. Heard testified that Mr. Depp was 7 able to get his hands in her hair, yank her, and 8 then hit her in the face with the cast he had on. 9 But you heard from Ms. Lloyd and Dr. Kulber, 10 Mr. Depp's medical doctor who treated Mr. Depp's 11 finger injury, that Mr. Depp's finger was in a 12 delicate state. He had a pin in his finger, a 13 skin graft, and soft cast that immobilized 14 Mr. Depp's two middle fingers. And tellingly, the 15 only picture of an injury from this incident is of 16 Mr. Depp with a shiner. 17 And then we have May 21st, 2016. 18 Ms. Heard testified that Mr. Depp threw a phone at 19 her face, causing a visible injury. Ms. Heard is 20 shown in pictures she claims to show this injury. 21 But these photographs are not to be trusted. You 22 heard from Mr. Neumeister, but like many of the</p>

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19 (7778 to
7781)

<p style="text-align: right;">7778</p> <p>1 photographs Ms. Heard has presented in this case, 2 these photos were stored in a photo editing 3 application. And these photos show signs of 4 manipulation. 5 (Whereupon, a photograph was shown.) 6 These two photographs were taken at the 7 exact same time and have the exact same file name, 8 but they are visually different. 9 One shows significantly more redness on 10 Ms. Heard's face than the other, which doesn't 11 show any injury at all. 12 Ms. Heard testified the difference is 13 explained by turning on a light. But there is no 14 way Ms. Heard could have taken a picture, turned 15 on a light, and then taken another picture with 16 every hair in the exact same place within the same 17 second. It's impossible. 18 Moreover, you heard from multiple 19 witnesses -- including Officer Melissa Saenz, 20 Officer Tyler Hadden, and Officer William Gatlin, 21 Isaac Baruch, Alejandro Romero -- who saw 22 Ms. Heard on or after May 21st and saw no injuries</p>	<p style="text-align: right;">7780</p> <p>1 Ms. Heard would make up the horrific tales of 2 abuse that she testified to in this courtroom. 3 But this case doesn't come down to whether you 4 believe Ms. Heard or you believe Mr. Depp. This 5 case comes down to whether you believe Ms. Heard 6 or you believe Mr. Depp, Christi Dembrowski, Sean 7 Bett, Malcolm Connolly, Travis McGivern, Starling 8 Jenkins, Keenan Wyatt, Dr. Kipper, Nurses Debbie 9 Lloyd and Erin Falati, Tara Roberts, Ben King, 10 Kate James, Kate Moss, Dr. Kulber, Morgan Night, 11 Morgan Tremaine, Officer Melissa Saenz, Officer 12 Tyler Hadden, Officer William Gatlin, and Beverly 13 Leonard. 14 What Ms. Heard testified to in this 15 courtroom is a story of far too many women. But 16 the overwhelming evidence, weight of that 17 evidence, shows that it is not her story. It's 18 not Ms. Heard's story. It was an act of profound 19 cruelty, not just to Mr. Depp, but to true 20 survivors of domestic abuse, for Ms. Heard to hold 21 herself out as a public figure representing 22 domestic abuse. It was false, it was defamatory,</p>
<p style="text-align: right;">7779</p> <p>1 to her face before she showed up to that 2 courthouse with a mark on May 27th. And the very 3 next day, after Ms. Heard walked into court with a 4 bruise on her face to obtain a domestic violence 5 restraining order against Mr. Depp, Ms. Heard was 6 photographed laughing with her best friend, 7 fresh-faced, with no bruise on her face. 8 (Whereupon, a photograph was shown.) 9 The mountain of evidence that Mr. Depp 10 abused Ms. Heard is simply not there. What we 11 have is a mountain of unproven allegations that 12 are wild, over the top, and implausible. And you 13 can't pick and choose which of these wild 14 allegations to believe and which ones to 15 disregard; you either believe all of it or none of 16 it. Either Mr. Depp sexually assaulted Ms. Heard 17 with a bottle in Australia, or Ms. Heard got up on 18 that stand, in front of all of you, and made up 19 that horrific tale of abuse. Either she's a 20 victim of truly horrific abuse, or she is a woman 21 who is willing to say absolutely anything. 22 It is disturbing to think that</p>	<p style="text-align: right;">7781</p> <p>1 and it caused irreparable harm. And to tell more 2 about that, I'm going to turn it over to my 3 colleague and my friend, Mr. Chew. 4 MR. CHEW: Thank you, Camille. 5 Logistics are not our strong suit. 6 And thanks to all of you, truly, for 7 taking so much time over these last several weeks 8 to listen to Mr. Depp, to his friends, to his 9 family, and to so many others who have come 10 forward, physically, in this courtroom, some from 11 a very long distance, to tell you the truth and to 12 finally, after so many years, to correct the 13 record. 14 As Ms. Vasquez said, you have now come 15 to know the real Amber Heard. Scary. 16 We also told you at the start of this 17 trial that you were going to come to know the real 18 Johnny Depp, not the many characters you've seen 19 him play so wonderfully in the movies, but the man 20 himself. We kept that promise. You've met the 21 real Johnny Depp. 22 You have heard that Mr. Depp came from</p>

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20 (7782 to
7785)

<p style="text-align: right;">7782</p> <p>1 humble, very difficult beginnings. You have heard 2 from Mr. Depp's big sister, who's here in the 3 courtroom today, Christi Dembrowski, who told you 4 how Mr. Depp grew up in a deeply troubled 5 household with a mother, Betty Sue, who was 6 physically abusive and mentally cruel. As 7 Ms. Dembrowski testified, one of the names that 8 Betty Sue called Mr. Depp when he was a boy was 9 "One Eye" because he had to wear an eye patch for 10 some time.</p> <p>11 His mother used to hit his father and 12 the kids, including young Mr. Depp. And when his 13 mother got violent, Mr. Depp would retreat and 14 find a place to hide. Sometimes, he and his 15 sister Christi would find a place to hide 16 together.</p> <p>17 Mr. Depp never hit back. And like his 18 father, he either stood up and took the violence, 19 or he retreated from it. Those were habits he'd 20 return to later when he found himself in a 21 relationship with another person who returned his 22 love with abuse, with physical abuse.</p>	<p style="text-align: right;">7784</p> <p>1 mention, including, of course, his iconic role as 2 Captain Jack Sparrow in the Pirates of the 3 Caribbean franchise. Fame came with challenges to 4 Mr. Depp and his family. It was a strange 5 experience for a shy young man from Kentucky to be 6 thrust into the limelight, pursued by paparazzi, 7 and to have even his very name become a brand. 8 But he did his best to live a private, quiet life, 9 and despite it all, and over the years built a 10 reputation as a respected artist and as a decent, 11 very well-liked man, which you've heard from many 12 people.</p> <p>13 Mr. Depp dated major figures like 14 Winona Ryder, Kate Moss, and Vanessa Paradis, with 15 whom he spent 14 years together and with whom they 16 had their children.</p> <p>17 Before Amber Heard, ladies and 18 gentlemen, no woman ever, no woman ever before 19 Amber Heard ever claimed that Mr. Depp raised a 20 hand to her in his 58 years.</p> <p>21 And no other woman since Ms. Heard made 22 that false claim back on May 17th -- May 27th,</p>
<p style="text-align: right;">7783</p> <p>1 And despite this long, unhappy history 2 with his mother, Johnny never turned his back on 3 her. In her elder years, Mr. Depp moved his 4 mother to California, and he moved her to 5 Los Angeles right across the street from his house 6 so his two children could get to know her. He 7 hired nurses for his mother. He made sure to take 8 care of her and to make her comfortable. She 9 never went to hospice. She had the nurses make 10 her comfortable until the day she died. And from 11 those humble and difficult beginnings, Mr. Depp 12 grew into one of the greatest actors and movie 13 star in his generation.</p> <p>14 Now, he came to Los Angeles with his 15 first love as a young man, planning to be a 16 musician. Music had been a part of his life ever 17 since he found peace himself in his room as a 18 young boy when he was escaping and he would 19 learn -- he learned to play the guitar and would 20 use it as solace.</p> <p>21 But it was as an actor as his star 22 began its rise as he appeared in films too many to</p>	<p style="text-align: right;">7785</p> <p>1 2016, has -- and repeated it in her December 2018 2 op-ed, has any woman come forward since. This is 3 #MeToo without any #MeToo. To the contrary, 4 ladies and gentlemen, you heard Kate Moss two days 5 ago testify -- this is a woman who has never 6 testified in any proceeding, ever, a very private 7 person -- testified that Mr. Depp never abused her 8 and that Ms. Heard lied to you, and she lied to 9 you twice when she told you --</p> <p>10 MR. ROTTENBORN: Objection, Your Honor. 11 THE COURT: Do you want to approach? 12 MR. ROTTENBORN: Sure. 13 (Sidebar.) 14 MR. ROTTENBORN: Absolutely misstates 15 the evidence. That's way beyond argument. You 16 didn't let him ask that question of Ms. Moss. 17 MR. CHEW: When she said she suggested 18 twice that she -- 19 THE COURT: Stairs. But it was 20 involving the stairs. 21 MR. CHEW: Correct. That's what I'm 22 going to say.</p>

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21 (7786 to
7789)

<p>1 THE COURT: That's what he's going to 2 say? Okay. 3 (Open court.) 4 MR. CHEW: Ladies and gentlemen, as I 5 was saying, Ms. Heard lied to you twice when she 6 suggested to you that Mr. Depp pushed Kate Moss 7 down the stairs. You told her -- you heard her 8 say just two days ago that Mr. Depp never did that 9 and he never hit her and he never kicked her. 10 That was one of -- 11 MR. ROTTENBORN: Objection, Your Honor. 12 That's not what she testified to. 13 MR. CHEW: That's exactly what she 14 testified to. 15 MR. ROTTENBORN: We just discussed 16 that. 17 THE COURT: Overruled. 18 MR. CHEW: Thank you, Your Honor. 19 They're still at it. 20 Ms. Heard and her lawyers have spent 21 much of this trial talking about drugs and 22 alcohol. Mr. Depp is no saint, and he has never</p>	<p>7786 1 her fists ever did. 2 And make no mistake, Ms. Heard has 3 admitted -- unlike Mr. Depp, Ms. Heard has 4 admitted on the audio tapes you've heard at this 5 trial, and Ms. Vasquez just played you a few of 6 them -- she has admitted repeatedly to physically 7 abusing Mr. Depp. And I would just like to take a 8 minute to talk about the harm to Mr. Depp and his 9 family. 10 You have heard from several of the 11 people in Mr. Depp's life about the damage 12 Ms. Heard's lies have done to him. You heard from 13 his sister Christi, who told you how hard it has 14 been on his family and on her little brother 15 personally. 16 You heard from Mr. Depp's friend of 17 four decades, and that speaks volumes about 18 Mr. Depp. He has lifetime friends who appear for 19 him. Mr. Baruch told you how Mr. Depp and his 20 family had been "completely wrecked" by 21 Ms. Heard's lies. You heard Mr. Depp testify that 22 he has lost nothing less than everything because</p>
<p>7787 1 claimed to be one. He has made mistakes in his 2 life, as we all have. Yes, he has struggled with 3 drugs and alcohol, but you never heard him deny 4 that. We told you that in the opening statement. 5 He owns his flaws. He admits to them. He told 6 you all about them. 7 But he is not a violent abuser. He's 8 not an abuser, as Ms. Heard claims, and he did not 9 and does not deserve to have his life, his legacy, 10 destroyed by a vicious lie. And this is, as 11 Ms. Vasquez said, this is the sixth anniversary of 12 that. There is a world of difference between 13 having substance abuse problems and being a 14 physical abuser. 15 Ms. Heard falsely accused Mr. Depp of 16 beating her. That was her first allegation. And 17 you know why, and you know that wasn't true. 18 Then, years, years after the fact, for 19 the first time, she accused him of raping her. 20 The lies have grown and metastasized over time, 21 and they need to be stopped. And those false 22 accusations have caused more harm to Mr. Depp than</p>	<p>7788 1 of Ms. Heard's lies, nothing less than everything. 2 You heard about Mr. Depp's children, 3 Jack and Lily-Rose. His children have had to hear 4 these allegations since 2016. And then when that 5 started to die down, they had to hear them again, 6 this time in December 2018, this time in The 7 Washington Post, which is a national and 8 international publication, and Mr. Depp has had to 9 live with the knowledge that his children will 10 keep hearing those false rumors and statements 11 against him. 12 Mr. Depp has millions of fans, people 13 who grew up watching him on 21 Jump Street, which 14 is something you heard Ms. Heard mock on one of 15 the tapes that was played to you. Or they grew up 16 watching him play the (indiscernible) pirate 17 Captain Jack Sparrow in the Pirates of the 18 Caribbean movies, or Willy Wonka. 19 Mr. Depp means something to those 20 people, and those people mean a lot to Mr. Depp. 21 He's a fond memory from childhood or 22 adolescence or adulthood. And to tarnish him as</p>

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22 (7790 to
7793)

<p>7790</p> <p>1 an abuser is to destroy him in the eyes of many of 2 these people, who will never look at him the same 3 way again.</p> <p>4 And because of what Ms. Heard did, and 5 because of what she said, Mr. Depp will go to his 6 grave knowing no matter what he does, no matter 7 the outcome of this trial, there are people who 8 used to look up to him who now believe that he 9 beat a woman, which is the worst thing that you 10 can say about a man.</p> <p>11 Beyond the personal emotional effects 12 of Ms. Heard's lies, their impact on Mr. Depp and 13 his family, the damage she inflicted on his 14 reputation and career is undeniable. There's an 15 old saying that a good reputation takes a lifetime 16 to build but only a second to destroy.</p> <p>17 Mr. Depp spent, in fact, a lifetime 18 building his reputation as one of the greatest 19 actors and movie stars of his generation, an 20 iconic figure respected and loved throughout 21 Hollywood and recognized and admired.</p> <p>22 You heard evidence from Jack Whigham,</p>	<p>7792</p> <p>1 because it was coming from a first-person account. 2 It was not from a journalist, it was coming from 3 someone observing, it was from someone saying this 4 happened to me."</p> <p>5 You also heard from Richard Marks, an 6 expert in the inner-workings of Hollywood in the 7 entertainment industry, who explained that the 8 impact of Ms. Heard's allegations on Mr. Depp was 9 devastating. "It's devastating. It's the type of 10 claim, the MeToo claim of sexual violence, 11 domestic abuse that has canceled a list of 12 actors."</p> <p>13 And for many, and Mr. Depp will agree 14 with this, rightfully so, MeToo is an important 15 movement. A movement that Mr. Depp supports and 16 believes in. It's for true survivors of abuse, 17 not Ms. Heard. True victims need protection and 18 true, true perpetrators need to face the 19 repercussions.</p> <p>20 But as you heard in this case, Amber 21 Heard is not a true victim. And Mr. Depp 22 certainly is not an abuser. Again, nobody has</p>
<p>7791</p> <p>1 who is here today, Mr. Depp's agent, who explained 2 that Mr. Depp was "very well-regarded and 3 respected by peers in the artistic community." 4 And you've heard further testimony from 5 Mr. Whigham that Mr. Depp had a deal with Disney 6 to play Captain Jack Sparrow in the sixth movie 7 sequel of the Pirates of the Caribbean franchise, 8 for 22.5 million.</p> <p>9 But, as Mr. Whigham explained, all of 10 that changed when Ms. Heard published her op-ed in 11 December of 2018, in The Washington Post. Quoting 12 from the testimony you heard by Mr. Whigham, 13 "After the op-ed, it was impossible to get him a 14 studio film, which is what we normally would have 15 focused on in that time period."</p> <p>16 Another quote, it was on the damage, 17 the impact of this op-ed as opposed to the other 18 stories that you saw, the other publications. 19 Mr. Whigham explained why this one was so 20 damaging. "It was a first-person account, I mean, 21 from the victim. It's extremely impactful, you 22 know, with respect to Johnny, it was catastrophic</p>	<p>7793</p> <p>1 come out of the woodwork to say MeToo. This is 2 the unique and singular MeToo case where there's 3 not a single MeToo. In fact, to the contrary. 4 Kate Moss, who was in a romantic relationship with 5 Mr. Depp for three years, which he broke off, came 6 forward to say, no, he never pushed her down any 7 stairs.</p> <p>8 And you heard Doug Bania, an expert in 9 Internet and social media analytics, testify to 10 the impact that Ms. Heard's allegations had on 11 Mr. Depp's popularity.</p> <p>12 Ms. Heard's lawyers tried to tell you 13 that all of the damage done to Mr. Depp's career 14 was because of his own behavior, because he was 15 sometimes unprofessional or sometimes late to 16 sets.</p> <p>17 But that doesn't hold up. Mr. Depp has 18 been a major figure in Hollywood for decades. 19 Yes, Mr. Depp was late to sets sometimes. But as 20 Mr. -- as Richard Marks testified "when you hire 21 Johnny Depp, you get all of Johnny Depp, which 22 includes being late."</p>

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Conducted on May 27, 2022

23 (7794 to
7797)

<p>7794</p> <p>1 Keenan Wyatt, who has worked for 2 decades as a sound engineer on some of Mr. Depp's 3 films, said much the same thing. And by the way, 4 Mr. Wyatt is not and never has been an employee of 5 Mr. Depp. He's just worked with him on movies. 6 Mr. Depp wasn't canceled by Hollywood 7 because he was sometimes late to set. He was 8 canceled because Ms. Heard falsely accused him of 9 domestic violence and sexual violence on the pages 10 of The Washington Post on December 18, 2018, 11 repeating the prior lies of May 17th [sic], 2016. 12 And as you saw at trial, Ms. Heard 13 published the op-ed on December 18, 2018, 14 two years after her public allegations of domestic 15 abuse. Ms. Heard's publication of the op-ed 16 coincided with the release of her major movie 17 Aquaman that December, and it coincided, as well, 18 with her announcement on Twitter that she was 19 becoming an ACLU ambassador for women's rights. 20 And in that op-ed, Ms. Heard repeated her false 21 allegations against Mr. Depp. 22 Now, she didn't mention his name. She</p>	<p>7796</p> <p>1 things that are important and things that aren't 2 important. She just can't seem to stop. And as 3 Ms. Vasquez said, what she routinely does is she 4 doesn't take ownership or responsibility for 5 anything, and she has an excuse for everything. 6 But in this courtroom, confronted with 7 the evidence, she can't run away from her own 8 words. As my colleague said, words matter, and 9 Ms. Heard is condemned by her own words. 10 So, Tom, let's please take a look at 11 the words she used in her op-ed, which is 12 Plaintiff's Exhibit 1, and which Ms. Heard 13 published in December 2018, two years after she 14 first publicly accused Mr. Depp of being an abuser 15 on May 27th, 2016. 16 The title of the op-ed reads, as you 17 can see, "Amber Heard: I spoke up against sexual 18 violence and faced our culture's wrath. That has 19 to change." 20 Below that, Ms. Heard states "then 21 two years ago, I became a public figure 22 representing domestic abuse, and I felt the full</p>
<p>7795</p> <p>1 didn't have to. Everyone knew exactly who and 2 what Ms. Heard was talking about. Ms. Heard got 3 on the stand and tried to tell you that the op-ed 4 was not about Mr. Depp. She then said, well, it 5 wasn't just about Mr. Depp, but she couldn't deny, 6 and this was yesterday, that this was at least 7 partly about Mr. Depp. The op-ed obviously is 8 about Mr. Depp, and the testimony at trial proves 9 that. You will recall testimony from the ACLU's 10 representative, an attorney, stating that 11 Mr. Depp's name was included in drafts of the 12 op-ed and that they and others understood that the 13 op-ed was about Mr. Depp. Specifically, the ACLU 14 representative testified, among other things, 15 "based on my review of prior drafts of the op-ed, 16 I knew that they were -- that she was referring to 17 Johnny Depp and the marriage." 18 Ms. Heard's claim that the op-ed is not 19 about Mr. Depp is just another one of her many, 20 many lies. In fact, what you have seen time and 21 time again, through the course of this trial, is 22 that Ms. Heard lies. She lies all the time about</p>	<p>7797</p> <p>1 force of our culture's wrath for women who speak 2 out." 3 And below that, Ms. Heard states "I 4 have the rare vantage point of seeing, in real 5 time, how institutions protect men accused of 6 abuse." 7 Each of those statements clearly refers 8 to Ms. Heard's allegations against Mr. Depp. And 9 taken collectively, their message and their 10 implication about Mr. Depp is clear, i.e., that 11 Ms. Heard is a survivor of domestic abuse and that 12 Mr. Depp is a perpetrator. 13 The context in the rest of the op-ed 14 makes that clear as well. Consider, for instance, 15 this line: "Imagine a powerful man as a ship, 16 like the Titanic. That ship is a huge enterprise. 17 When it strikes an iceberg there are a lot of 18 people on board desperate to patch up holes, not 19 because they believe in or even care about the 20 ship, but because their own fates depend upon the 21 enterprise." 22 Everyone in Hollywood knew, and</p>

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24 (7798 to
7801)

<p>7798</p> <p>1 everyone in this courtroom now knows exactly what 2 Ms. Heard intended those words to mean. The ship, 3 the Titanic, is Mr. Depp, and Ms. Heard was the 4 iceberg that sank him. That's precisely what 5 Ms. Heard was saying in the op-ed. And in just 6 the same way, everyone in Hollywood knew -- 7 Hollywood and elsewhere knew exactly what 8 Ms. Heard meant by the words "two years ago, I 9 became a public figure representing domestic 10 abuse." 11 That was a clear reference to the day, 12 two years earlier, on May 27th, 2016, as 13 Ms. Vasquez said, that was six years to the day. 14 That's when his life ended. That was six years 15 ago to this day, when Ms. Heard, on May 27th, 16 2016, walked into court with her public -- with 17 her publicist, Jody Gottlieb, having tipped off 18 TMZ, with an alleged mark on her face to accuse 19 Mr. Depp of abuse. 20 As always, as always, Ms. Heard was 21 quite mindful of her image. She was careful to 22 portray herself as the innocent representative of</p>	<p>7800</p> <p>1 words "I spoke up against sexual violence," 2 prominently featured. Nowhere in this tweet or 3 anywhere else does Ms. Heard disavow the title. 4 To the contrary. She's proclaiming it. At the 5 same time Ms. Heard posted this tweet, she posted 6 another, which you can see right beneath it. 7 "I'm honored to announce my role as an 8 ACLU ambassador on women's rights." 9 Aggrandizing herself at the expense of 10 Mr. Depp. 11 So make no mistake, this was about 12 Mr. Depp. In the wake of the #MeToo movement, 13 with her ACLU ambassadorship and a major movie 14 coming out, Ms. Heard was trading on her 15 accusations of abuse against Mr. Depp. She was 16 reminding everyone of those allegations. She was, 17 once again, taking on the role of her lifetime, 18 the heroic survivor of domestic abuse, or to use 19 her phrase, "a public figure representing abuse." 20 And she was, once again, casting Mr. Depp as the 21 villain in her drama, the supposed perpetrator of 22 that abuse.</p>
<p>7799</p> <p>1 abuse survivors, and by implication, Mr. Depp as 2 the perpetrator of domestic abuse. She was the 3 woman who, in the words of her title, supposedly 4 "spoke up against sexual violence." 5 Now, Ms. Heard has done a lot to try to 6 walk away from the title, in particular. That's 7 true to form. She has testified that she didn't 8 write it, and she will argue later that she 9 shouldn't be held liable because she didn't write 10 it. But as the Court's instructions, which you 11 heard this morning, made clear, Ms. Heard didn't 12 have to personally write any part of the op-ed for 13 her to defame Mr. Depp through implication in The 14 Washington Post. 15 And let's, please, Tom, turn to 16 Plaintiff's Exhibit 3. 17 Ms. Heard, as you all can see on the 18 screen, retweeted the article, including the 19 title, on her Twitter page. Ms. Heard put her 20 name on it, and she proudly declared "Today, I 21 published this op-ed in The Washington Post..." 22 Her tweet included the title with the</p>	<p>7801</p> <p>1 When you meet to deliberate this case, 2 you're going to be tasked with several questions. 3 Those questions appear on a form that you will use 4 to reach your verdict in this case. So I would 5 just like to ask you, please, to spend a few 6 minutes with me going through that. 7 Tom, would you please put up the 8 special verdict form so the jury can see it. 9 It's a little bit hard to read, so, 10 maybe, Tom, might, please, blow it up. Thank you 11 very much. 12 You will see here, the first page of 13 the verdict form relating to Mr. Depp's claim for 14 defamation against Ms. Heard. There are three 15 pages relating to Mr. Depp's claim, one for each 16 of the three defamatory statements in the op-ed 17 that form the basis of Mr. Depp's claim against 18 Ms. Heard. You've heard those three statements 19 many times, but they bear repeating, I promise, 20 just once more, here. 21 One, "I spoke up against sexual 22 violence and faced our culture's wrath. That has</p>

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25 (7802 to
7805)

<p>1 to change." 2 Two, "Then two years ago, I became a 3 public figure representing domestic abuse, and I 4 felt the full force of our culture's wrath for 5 women who speak out." 6 Three, "I had the rare vantage point of 7 seeing, in real time, how institutions protect men 8 accused of abuse." 9 Now, there are seven questions that you 10 will need to, please, answer with respect to each 11 of those statements. So that's 21 questions, I 12 think. That's 7 as to each statement. 13 One, was the statement made or 14 published by Ms. Heard? 15 Two, was the statement about Mr. Depp? 16 Three, was the statement false? 17 Four, did the statement have a 18 defamatory implication about Mr. Depp? 19 Five, was the defamatory implication 20 designed and intended by Ms. Heard? 21 Six, was the defamatory implication 22 conveyed to someone other than Mr. Depp?</p>	<p>7802 7804 1 This case, for Mr. Depp, has never been about 2 money. Nor is it about punishing Ms. Heard. It 3 is about Mr. Depp's reputation. And freeing him 4 from the prison in which he has lived for the last 5 six years, and it's six years to the day. The 6 most important questions for Mr. Depp, the ones 7 truly at the heart of this case are questions two, 8 three, and four on the verdict form. 9 And while Tom is pulling that up, let's 10 take question 2. 11 Were the statements about Mr. Depp? 12 Yes. Two points here. One, when the ACLU pitched 13 the op-ed to The Washington Post, I think you'll 14 remember this, they pitched it as "a piece by 15 Amber Heard, who, as you know, was beaten up 16 during her brief marriage to Johnny Depp." 17 That's how they pitched it. 18 Two, after the op-ed was published, 19 news outlets, including USA TODAY, and you've seen 20 that, that was the exhibit, characterized the 21 op-ed as referring to Ms. Heard's allegations of 22 abuse against Mr. Depp. So the USA TODAY</p>
<p>7803 1 Seven, did Ms. Heard make the statement 2 with actual malice, which as Her Honor explained, 3 means, did Ms. Heard make the statement knowing it 4 was false or with reckless disregard as to the 5 truth. 6 Ladies and gentlemen, the evidence 7 clearly shows that the answers to those seven 8 questions are all yes. And if you answer yes to 9 all of those questions, which you should, we 10 respectfully submit, you will be asked to state 11 the amount of damages to which Mr. Depp is 12 entitled. In the wake of the #MeToo movement, 13 movie producers know better than to cast a movie 14 star who has been accused of domestic and sexual 15 violence. And it is entirely within your 16 discretion, as jurors, to quantify the amount of 17 money that constitutes fair compensation for 18 Mr. Depp's pain and humiliation inflicted by 19 Ms. Heard's defamation. 20 But while Mr. Depp certainly is 21 entitled to monetary compensation, this case, at 22 least for Mr. Depp, has never been about money.</p>	<p>7805 1 interpreted it that way, and so did many other 2 publications. They got exactly the implication 3 that Ms. Heard and the ACLU intended them to have. 4 Tom, if you would, please, pull up 5 Plaintiff's Exhibit 409 and 411, if you could put 6 them side by side. 7 (Whereupon, a photograph was shown.) 8 And this was expected, this is what 9 they wanted. There have been a lot of press, 10 two years prior to the publication of the op-ed, 11 about Ms. Heard's claims of abuse against Mr. Depp 12 when she walked into court with her publicist to 13 obtain the domestic violence -- the no notice ex 14 parte, meaning Mr. Depp's lawyer was not informed 15 and he was already in New York, which he testified 16 Ms. Heard was well aware of. You don't need a 17 domestic violence restraining order when your 18 husband is halfway across the continent and is 19 heading for a European tour. 20 On May 27th, 2016, with a purported 21 mark on her face, everyone knew exactly who and 22 what Ms. Heard was referring to in the op-ed. She</p>

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26 (7806 to
7809)

<p>7806</p> <p>1 was referring to Mr. Depp. 2 Let's take questions two and three 3 next, if we can. 4 Were each of the statements false? And 5 did the statements have a defamatory implication 6 on Mr. Depp? 7 Again, the clear answer is yes. The 8 statements, understood in the context of the op-ed 9 itself, and in the broader context of the press 10 coverage of Ms. Heard walking into the court with 11 a mark on her face to obtain a domestic violence 12 restraining order against Mr. Depp in May of 2016, 13 imply, clearly imply that Mr. Depp physically and 14 sexually abused Ms. Heard. 15 The overwhelming evidence that you all 16 have heard and has come forward in this case shows 17 that those allegations are false, indespically 18 false. Mr. Depp did not physically abuse 19 Ms. Heard. He did not sexually abuse Ms. Heard. 20 You've heard audio after audio where Ms. Heard 21 admits that she was physically abusing him. 22 While Mr. Depp's name will be forever</p>	<p>7808</p> <p>1 Ms. Heard's attempt to paint herself as a heroic 2 survivor, an innocent survivor, and Mr. Depp as a 3 terrifying abuser are utterly false. We ask you 4 to, please, return your verdict for Mr. Depp. We 5 ask you, we implore you to give him his name, his 6 reputation and his career back. Thank you very 7 much, ladies and gentlemen. 8 THE COURT: All right. Ladies and 9 gentlemen, let's go ahead and take a break at this 10 time. Again, this case has not been submitted to 11 you yet. We will continue with closing arguments 12 when we come back, so do not discuss the case with 13 yourselves, don't do any outside research, okay? 14 (Whereupon, the jury exited the 15 courtroom and the following proceedings took 16 place.) 17 THE COURT: All right. Let's come back 18 at 11:05. 19 MS. BREDEHOFT: Your Honor. Two items. 20 THE COURT: Okay. Sure. 21 (Sidebar.) 22 MS. BREDEHOFT: The first of those,</p>
<p>7807</p> <p>1 tarnished by these horrendous and false 2 allegations, this case is about telling you his 3 story and the truth about what really happened, 4 which you've now heard. It is about restoring his 5 lost reputation. It's about showing Mr. Depp's 6 children, Lily-Rose and Jack, that the truth is 7 worth fighting for. It is. And it's about 8 restoring Mr. Depp's name and standing in the 9 community to the fullest extent that he can. And 10 you can do something. And only you, ladies and 11 gentlemen, can do that for him. 12 You heard from Mr. Depp yesterday that 13 he has been carrying these outlandish, outrageous 14 stories on his back pretty stoically, and living 15 with them for six years and waiting to be able to 16 bring the truth back. And he has told you the 17 truth, the unvarnished truth, even truth that 18 could embarrass him. He knew that was going to 19 happen when he brought this case. 20 You've seen the evidence in this case 21 over six long weeks, which we, again, thank you 22 for. That evidence shows overwhelmingly that</p>	<p>7809</p> <p>1 Your Honor -- 2 THE COURT: Wait. 3 MS. BREDEHOFT: Sorry. 4 THE COURT: Okay. Yes, what's your 5 issue. 6 MS. BREDEHOFT: The first of those is 7 we believe that the arguments on the damages and 8 restoring the reputation has opened up the door 9 for the U.K. judgment. 10 THE COURT: No. Definitely not. 11 Evidence is done. 12 MS. BREDEHOFT: Okay. Your Honor, the 13 second thing is, I just saw, while Mr. Chew was 14 arguing, I think we made a mistake in both verdict 15 forms, on the last. I think you'll appreciate it 16 as well. 17 THE COURT: Sorry, Judy. Last day, 18 you're going to take Judy's mic out. 19 MS. BREDEHOFT: She's never going to 20 forgive me. 21 I believe this word should be "any," 22 instead of "all." I think what this does is</p>

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27 (7810 to
7813)

<p>7810</p> <p>1 requires them to find all three. 2 THE COURT: Okay. So you want us to 3 change the last page, if you answered yes to all 4 the questions. 5 MS. BREDEHOFT: To be any -- 6 THE COURT: No, all the questions -- 7 well, all the questions in 1, all the questions in 8 2, and all the questions in 3. 9 MS. BREDEHOFT: Or. 10 MR. ROTTENBORN: 1, 2, 4, 3. 11 THE COURT: You see what I'm saying? I 12 can explain that to them, if you want. 13 MS. BREDEHOFT: I think that would be 14 helpful. 15 THE COURT: At the end, I'll explain 16 that to them. That means you have to answer all 17 the questions. 18 MS. BREDEHOFT: Because I think it 19 works -- 20 THE COURT: You created the form, 21 right? 22 MR. ROTTENBORN: Yes.</p>	<p>7812</p> <p>1 THE COURT: Okay. 2 (Whereupon, the jury entered the 3 courtroom and the following proceedings took 4 place.) 5 THE COURT: All right. Thank you. You 6 may be seated. All right. Closing arguments, 7 Mr. Rottenborn. 8 MR. ROTTENBORN: Thank you, Your Honor. 9 THE COURT: Okay. Thank you. 10 MR. ROTTENBORN: Good morning, 11 everyone. 12 They're trying to convince you that 13 Mr. Depp has carried his burden of proof in 14 proving that he was never abusive to Amber on even 15 one occasion. Think about the message that 16 Mr. Depp and his attorneys are sending to Amber, 17 and by extension, to every victim of domestic 18 abuse everywhere. If you didn't take pictures, it 19 didn't happen. If you did take pictures, they're 20 fake. If you didn't tell your friends, you're 21 lying. And if you did tell your friends, they're 22 part of the hoax. If you didn't seek medical</p>
<p>7811</p> <p>1 THE COURT: So, I'm correct, right? 2 MR. ROTTENBORN: Yes, that's right. 3 The or. 4 THE COURT: I'll explain that to them; 5 make sure we have it right. 6 MS. BREDEHOFT: Thank you, Your Honor. 7 THE COURT: Did you break that too? 8 MS. VASQUEZ: I don't think so. It's 9 still on, so that's a good thing. 10 MR. CHEW: Keep laughing. It's my 11 fault. 12 THE COURT: Let's make it 11:10 now. 13 MS. VASQUEZ: Thank you, Your Honor. 14 THE COURT: We'll come back at 11:10; 15 okay. 11:10. Thank you. 16 THE BAILIFF: All rise. 17 (Recess taken from 10:47 a.m. to 18 11:10 a.m.) 19 THE BAILIFF: All rise. Please be 20 seated. 21 THE COURT: Are we ready for the jury? 22 MS. BREDEHOFT: Yes, Your Honor.</p>	<p>7813</p> <p>1 treatment, you weren't injured. If you did seek 2 medical treatment, you're crazy. 3 If you do everything that you can to 4 help your spouse, the person that you love, rid 5 himself of the crushing drug and alcohol abuse 6 that spins him into an abusive, rage-filled 7 monster, you're a nag. And if you finally decide 8 that enough is enough, you've had enough of the 9 fear, enough of the pain and you have to leave to 10 save yourself, you're a gold digger. 11 This is the message that Mr. Depp is 12 asking you to send. But he doesn't stop there, 13 because in Mr. Depp's world, you don't leave 14 Mr. Depp. And if you do, he will start a campaign 15 of global humiliation against you. A smear 16 campaign that lasts to this very day. He will do 17 everything he can to destroy your life, to destroy 18 your career. That is what they're saying, ladies 19 and gentlemen. 20 And that's what they're trying to get 21 you, the jury, to be an accomplice to. But it's 22 not surprising because Mr. Depp cannot and will</p>

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28 (7814 to
7817)

<p>7814</p> <p>1 not take responsibility for his own actions. It's 2 always someone else's fault. 3 Just as Ms. Vasquez did and Mr. Chew 4 did, I would like to extend my thanks to you on 5 behalf of Amber and our whole legal team for the 6 care and the diligence at which you have served as 7 jurors in this matter. 8 You've paid attention to every witness, 9 every piece of evidence, and I can't even imagine 10 the sacrifice that you've made in terms of time 11 away from your friends, your family, your job, to 12 be here on this jury. It's a very important role 13 you're serving, and we thank you very much. 14 Let's pick up where we started 15 six weeks ago in opening statements. You may 16 remember that I asked you to keep a simple 17 question in mind, which is "why are you here?" 18 And much of what you've heard during 19 the course of this trial, you don't need to make a 20 decision on in order to return a verdict for 21 Ms. Heard on Mr. Depp's claim of defamation. 22 Now, we'll talk about Ms. Heard's claim</p>	<p>7816</p> <p>1 know, here and there over the course of the trial, 2 but the vast majority of this trial has not 3 focused on these words, on this piece. This is 4 obviously the paper edition. There's the online 5 edition as well. Now we get a chance to discuss 6 with you exactly what you have to find about this 7 article. Let's try this again. 8 This is one of the jury instructions 9 that you'll get, and I've been so looking forward 10 to being able to actually explain to you -- as the 11 judge read all the instructions to you this 12 morning, and I know it was a lot -- but we've been 13 looking forward to being able to explain to you 14 what you're here to decide. Because I imagine for 15 some of the case, it's been kind of unclear what 16 are you being asked to decide. 17 These are the things that you have to 18 find, and you have to answer yes. As Mr. Chew 19 said, you have to answer yes to all of them in 20 order to find in favor of Mr. Depp. 21 So you have to find that the statement 22 was about Mr. Depp. And you can decide that in</p>
<p>7815</p> <p>1 of defamation against Mr. Depp, and Elaine will 2 address most of that in a few minutes. 3 But your key question to answer is, 4 does the First Amendment give Ms. Heard the right 5 to write the words that she wrote in this article 6 on December 18th, 2018? That's the question. 7 And you cannot simultaneously protect 8 and uphold the First Amendment and find in favor 9 of Johnny Depp on his claim. You simply cannot. 10 You have to decide, should someone be able to 11 write an article like that in the United States of 12 America without being sued successfully, without 13 having to go through the hell that Ms. Heard has 14 gone through? 15 So let's talk about that. And to do 16 that, we get to explain a bit more about the law 17 that you have to follow. 18 This is the op-ed piece. I'm not going 19 to read it to you again. You heard me read it to 20 you in opening statements. And I would urge you, 21 when you're in the deliberation room, read it. 22 Read it again. And I know we focused on it, you</p>	<p>7817</p> <p>1 the context of the article. And I'll get to the 2 arguments that Mr. Depp raises on that in a 3 minute. 4 You also have to find that the 5 statement is false. And we're going to look at 6 the statements here. And we're going to look at 7 each of the three statements, and in order to win 8 his claim, Mr. Depp has to prove every single 9 element. And there's a concept in the jury 10 instructions that you really didn't hear from 11 Mr. Depp's side this morning, but you've all heard 12 it, I'm sure, outside the courtroom, which is 13 "burden of proof." It is Mr. Depp's burden to 14 prove each and every one of these elements. If he 15 cannot, Ms. Heard wins. If he cannot prove each 16 and every one of these elements, under the burden 17 of proof that's applicable, Ms. Heard wins. 18 And there's two different burdens of 19 proof that we'll get to. For all of them except 20 Number 7, the burden of proof is greater weight of 21 the evidence. So you weigh the evidence, and you 22 decide has Mr. Depp proven to you the first six</p>

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29 (7818 to
7821)

<p>1 elements.</p> <p>2 The seventh one, for actual malice, the</p> <p>3 clear and convincing evidence standard, we'll get</p> <p>4 to in a few minutes.</p> <p>5 But these are -- this is what he has to</p> <p>6 prove, and he cannot do that.</p> <p>7 These are the three statements. And I</p> <p>8 know you may be thinking to yourself, Don't we</p> <p>9 have to decide if Mr. Depp committed abuse? And</p> <p>10 the answer is no, you don't have to. Because</p> <p>11 these three statements, you can decide as a matter</p> <p>12 of law, or as a matter of fact, as you weigh the</p> <p>13 evidence and the fact, that they're true.</p> <p>14 So the first two statements I'm going</p> <p>15 to address together. "Then, two years ago, I</p> <p>16 became a public figure representing domestic</p> <p>17 abuse, and I felt the full force of our culture's</p> <p>18 wrath for women who speak out."</p> <p>19 Number 2, "I have a rare vantage point</p> <p>20 of seeing in real time how institutions protect</p> <p>21 men accused of abuse."</p> <p>22 When you go back to the jury room to</p>	<p>1 temporary restraining order against Mr. Depp,</p> <p>2 after she became a public figure representing</p> <p>3 domestic abuse.</p> <p>4 But the words that she wrote here and</p> <p>5 then chronicling her own experience after that,</p> <p>6 those words are true. Those words are true.</p> <p>7 Similarly, the rare vantage point of seeing, based</p> <p>8 on her own experiences post May 27th, 2016, how</p> <p>9 institutions protect men accused of abuse, those</p> <p>10 words are true, and the First Amendment protects</p> <p>11 Ms. Heard's rights to say them.</p> <p>12 Now, the third statement is absolutely</p> <p>13 true as well, but we're going to take that</p> <p>14 separately because she didn't write it.</p> <p>15 Under the First Amendment, the</p> <p>16 statements have to be false in order for Mr. Depp</p> <p>17 to win. Now, Plaintiff addresses, like I said, an</p> <p>18 argument that we're not making, and as I said,</p> <p>19 we're not running from the fact that when she</p> <p>20 discussed becoming a public figure representing</p> <p>21 domestic abuse, Amber was speaking of her</p> <p>22 experiences reporting domestic abuse against</p>
<p>1 deliberate, you should feel free, like I said, to</p> <p>2 read the article and think of the article's</p> <p>3 purpose. The jury instructions also tell you to</p> <p>4 take these statements in the context of the</p> <p>5 article. Think about the purpose. The purpose of</p> <p>6 the article was to promote legislative measures</p> <p>7 designed to protect victims of domestic abuse,</p> <p>8 designed to protect people who did exactly what</p> <p>9 Ms. Heard did, to speak out. That's apparent on</p> <p>10 the face of the article.</p> <p>11 And to do that, Ms. Heard talked about</p> <p>12 her own life experiences as someone who had</p> <p>13 obtained a TRO against Mr. Depp, someone who had</p> <p>14 accused Mr. Depp of domestic violence. Make no</p> <p>15 mistake, and Mr. Depp's side keeps trying to say</p> <p>16 that we're somehow suggesting that two years</p> <p>17 before she wrote this, that Ms. Heard hadn't had</p> <p>18 anything to do with Mr. Depp. We're not saying</p> <p>19 that. You heard Ms. Heard herself say, "Of</p> <p>20 course, two years before I wrote this article, I</p> <p>21 felt the full force of our culture's wrath for</p> <p>22 women who speak out," after she obtained a</p>	<p>1 Johnny Depp. She admitted to that. But that</p> <p>2 doesn't make the article or the statements about</p> <p>3 Johnny Depp. Think about it. Think about every</p> <p>4 piece of evidence that you've heard over the last</p> <p>5 six weeks about his abuse, about their</p> <p>6 relationship. None of that is in the article.</p> <p>7 None of it.</p> <p>8 We all know that it would be a very</p> <p>9 different article if she had written about what</p> <p>10 she suffered that she'd told you about over the</p> <p>11 last six weeks. Because he knows the words are</p> <p>12 true, Mr. Depp says that the words now have a</p> <p>13 defamatory implication. He says the statements</p> <p>14 are the same as saying, "Johnny Depp abused me."</p> <p>15 But just because he wants to make the</p> <p>16 article about himself doesn't mean it is. He has</p> <p>17 to show you that any defamatory implication was</p> <p>18 designed and intended. Look at Number 4,</p> <p>19 "designed and intended by Ms. Heard to convey the</p> <p>20 defamatory meaning that he suggests." Just</p> <p>21 because people might read the article and remember</p> <p>22 "Oh, yeah. Amber Heard used to be married to</p>

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30 (7822 to
7825)

<p style="text-align: right;">7822</p> <p>1 Johnny Depp, and she accused him of abuse," that 2 doesn't mean that she designed and intended 3 defamatory implications in writing about herself. 4 And think about it. If Mr. Depp is 5 right and virtually any statement that anyone 6 could ever make about their own life that implies 7 anything, implies any involvement with any other 8 person, could be defamatory, and that's clearly 9 not what the First Amendment intends. She didn't 10 design and intend the words to be the equivalent 11 of writing, "Johnny Depp abused me." 12 And you don't have to take her words 13 for it. You can take the words of Terrence 14 Dougherty of the ACLU. He said that the op-ed 15 wasn't even Ms. Heard's idea. The ACLU wrote the 16 first draft, and great care was taken in drafting 17 the article so as not to make it about Mr. Depp or 18 Ms. Heard's relationship with him. 19 That's the only evidence presented 20 about Ms. Heard's motive except her statements 21 that that was exactly what she wanted to do. She 22 wanted to talk about her experiences after Johnny</p>	<p style="text-align: right;">7824</p> <p>1 your common sense at the door. And you can weigh 2 circumstantial evidence. You can weigh facts, but 3 you can't see evidence where no evidence exists. 4 And the undisputed evidence here is that Ms. Heard 5 didn't write the headline. She didn't approve the 6 headline. She had nothing to do with it. She was 7 not given notice of the headline. She testified, 8 you saw her testify, about the sexual assault that 9 she experienced at the hands of Mr. Depp. You saw 10 her testify about that. But they're calling her a 11 liar. You saw her on the stand testify with your 12 own mouth -- with her own mouth exactly, exactly 13 what she went through for the first time in court. 14 Because people who have suffered that, 15 they don't want to broadcast that to the world. 16 They want to penalize Ms. Heard for not speaking 17 about that earlier. That's ridiculous, and it's 18 insulting. And it's just victim blaming at its 19 most disgusting. 20 The only reference to sexual assault in 21 the article, and you can read the op-ed, is sexual 22 assault that she said she's experienced by the</p>
<p style="text-align: right;">7823</p> <p>1 Depp. She wanted to own her story after Johnny 2 Depp, fit those into what other women experience, 3 what other people experience, having accused 4 someone of domestic abuse and the backlash that 5 they suffer and then talk about legislative 6 measures that can help protect people in those 7 positions. That's what she meant, and that's what 8 the article is about. 9 There's no hidden meaning here, ladies 10 and gentlemen. This isn't a hit piece on Johnny 11 Depp. This isn't a hit piece on Johnny Depp. And 12 you can end here. You can end there by saying the 13 statements that she wrote were not false, and the 14 First Amendment protects them. 15 Let's talk about the headline for a 16 minute. The headline that was published in the 17 online version only of the article on 18 December 18th, 2018, said, "I spoke up against 19 sexual violence and faced our culture's wrath." 20 A few points here: This evidence is 21 undisputed. There's no dispute about this, so as 22 you weigh the evidence, you don't have to check</p>	<p style="text-align: right;">7825</p> <p>1 time she was of college age, before Mr. Depp. So 2 there is a reference to sexual violence in that 3 article, but it's not by Mr. Depp. And Mr. Depp 4 can't hold her liable for a headline she didn't 5 write that contains something that had nothing -- 6 that was not about him. 7 And they want you to think that she 8 republished the headline, republished the headline 9 by tweeting out the link to the online version. 10 So let's look at this. This is the tweet that she 11 sent on December 19th. The hyperlink says, 12 "Opinion: Amber Heard: I spoke up against sexual 13 violence." That's the online version of the 14 article. As Ms. Heard said, you can't attach, you 15 can't tweet, a piece of paper. So when she wanted 16 to share that she had written this article, what 17 choice does she have? She has to attach the link. 18 And the jury instructions that you have 19 make clear a hyperlink is not republication. 20 Forwarding a link on does not mean that you've 21 broadcast the statement again, but that's what 22 they want to make you think. The only way, and</p>

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31 (7826 to
7829)

<p style="text-align: right;">7826</p> <p>1 the jury instructions that you have, we don't need 2 to read through them in detail now. But the 3 reproduction instruction says that merely linking 4 to an article does not amount to republication, 5 but adding content to a linked article may 6 constitute republication. You must determine 7 whether any added content was intended to reach a 8 new audience. And if you find any content added 9 to the hyperlink was intended to reach a new 10 audience, it constitutes a republication. 11 There's no content added to the 12 article. She tweeted above the article, simply 13 saying, "Today I published this." That's what she 14 said. She didn't add any content to it. She 15 could have added some of the content that you've 16 heard in this courtroom to it. She could have 17 said, "Not only did two years ago I become a 18 public figure representing domestic abuse, but let 19 me tell you about the domestic abuse that I 20 suffered." That would be adding new content. 21 This is not adding new content. 22 But I guess it's no surprise because</p>	<p style="text-align: right;">7828</p> <p>1 clear. If Amber was abused by Mr. Depp even one 2 time, then she wins. One time. And we're not 3 just talking about physical abuse. We're talking 4 about emotional abuse, psychological abuse, 5 financial abuse, sexual abuse. That's what we're 6 talking about. 7 Let's look at the evidence. You heard 8 Mr. Depp define abuse from his own mouth. He 9 admitted all of that when he talked about his 10 childhood. As they referenced, his mother called 11 him "One Eye" because he had a lazy eye. And he 12 said that that was worse than the beatings that he 13 took, worse than the beatings that he took. Being 14 called "One Eye" by his mother was worse than the 15 beatings that he took. And after the evidence 16 that you've seen, some of which you're going to 17 see, I want you to think to yourself, "Is being 18 called 'One Eye' worse than what he did to 19 Ms Heard?" Absolutely not. 20 You'll remember, his expert, Shannon 21 Curry, agreed with all that, that abuse can take 22 many forms. And you'll remember that Dawn Hughes,</p>
<p style="text-align: right;">7827</p> <p>1 this whole case is about blaming Amber Heard for 2 things she didn't do. That's what Mr. Depp does. 3 It's what he's always done, blame other people, 4 refuse to take accountability. But the problem 5 for him here is that he's running headlong into 6 the United States Constitution which says that you 7 cannot hold Amber Heard liable for words she 8 didn't write or publish. 9 But here we are. Here we are. And you 10 can decide this case without ever wading into any 11 of the allegations, the facts, the evidence that 12 you've heard about the heinous abuse that 13 Ms. Heard suffered at the hands of Mr. Depp. You 14 can decide that by determining that those 15 statements are true and they're protected by the 16 First Amendment. 17 But Mr. Depp brought this case, and 18 he's suggesting that he was never abusive to 19 Ms. Heard. So that's where you want to make your 20 decision. That's where the road ends for 21 Mr. Depp. 22 Ladies and gentlemen, let me be very</p>	<p style="text-align: right;">7829</p> <p>1 Ms. Heard's expert, talked about the reports of 2 intimate partner violence by Ms. Heard 3 characterized by physical violence, psychological 4 aggression, sexual violence, coercive control, and 5 surveillance behaviors. 6 She tested Ms. Heard. She said that 7 the tests show that there was a high degree of 8 serious violence perpetrated by Mr. Depp toward 9 Ms. Heard. She got that opinion and that 10 impression by reviewing the medical records of 11 Ms. Heard. She talked about the role of coercive 12 control that Mr. Depp exercised over Ms. Heard. 13 The effective coercive control, she said, was 14 drastic, and it was composed of things such as 15 possessive jealousy; the imbalance of power, not 16 only in physical stature and physical size, but in 17 where they were in their life, in their career; by 18 intimidation. 19 She said writing obscene messages to 20 your partner can absolutely be intimidating 21 behavior. She said that Mr. Depp, after reviewing 22 the evidence, banging and throwing and hitting</p>

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32 (7830 to
7833)

7830	7832
<p>1 things in the household, that's psychological 2 aggression. Punching a wall, throwing something, 3 screaming, that is abuse. That's abuse, ladies 4 and gentlemen. She said alcohol can just throw 5 lighter fluid off a flame in a situation of 6 domestic violence.</p>	<p>1 evidence. This was one of the first messages 2 shown to Mr. Depp in his cross-examination. This 3 is a message to Paul Bettany, his drug buddy, 4 early on in their relationship when he says, 5 "Let's burn Amber. Let's drown her before we burn 6 her. I will fuck her burnt corpse after she is 7 dead."</p>
<p>7 All of these things constitute the 8 domestic violence that Ms. Heard suffered at the 9 hand of Mr. Depp.</p>	<p>8 Some of the most vile, disgusting 9 language that you could ever imagine. That is 10 what he said to her at the beginning of the 11 relationship.</p>
<p>10 And he's trying to get you, to fool 11 you, to believing that he's carried his burden of 12 proof, that never a single time in their 13 relationship was he in any way, physically or 14 nonphysically, abusive to Ms. Heard. And that's 15 ridiculous. That's ridiculous. So let's look at 16 some of that evidence. And like I said, you can 17 apply your own common sense. You don't need to 18 check that at the door when you go into the 19 deliberation room.</p>	<p>12 So let's look at how the relationship 13 was bookended. You remember Mr. Depp the other 14 day, in response to some texts that we'll see 15 later, saying, "I don't write like that."</p>
<p>20 I'm going to walk you through the 21 evidence, some of the evidence, that's been 22 presented, including evidence from Mr. Depp's own</p>	<p>16 This is a bookend of the relationship. 17 This is after it was over. I asked Mr. Depp to 18 read that top text. You'll remember that was the 19 only thing I asked him to read, and he immediately 20 said, "I didn't write that text," even though, of 21 course, he did, even though he wrote the text 22 underward -- under it that said, "Hopefully, that</p>
7831	7833
<p>1 mouth, his own words or words of the witnesses. 2 Keep in mind the burden of proof. And as we go 3 through this evidence, I'd ask you to keep this in 4 mind as well: It's not about who's the better 5 spouse. It's not about whether you think 6 Ms. Heard may have been abusive to Mr. Depp. It's 7 not. Because remember, if you think that they 8 were both abusive to each other and that's what 9 their witness, Laurel Anderson, testified to, then 10 Amber wins.</p>	<p>1 cunt's rotted corpse is decomposing in the fucking 2 trunk of a Honda Civic." That's how he bookended 3 their relationship. Ladies and gentlemen, these 4 words are a window in the heart and mind of 5 America's favorite pirate. This is the real 6 Johnny Depp.</p>
<p>11 They're trying to trick you into 12 thinking that Amber has to be perfect in order to 13 win, even while they're ignoring J -- Mr. Depp's 14 many flaws, but don't fall for that trick. 15 Amber's not perfect. None of us are. She's never 16 pretended to be, and that's not what you're being 17 asked to decide.</p>	<p>7 This is the real Johnny Depp after 8 Ms. Heard decided that she couldn't take it 9 anymore, decided that she need to leave him. And 10 I'm not going to reread this whole text to you. 11 But this is where she -- he says, "She's begging 12 for global humiliation, and she's going to get 13 it." He says, "I'll stop at nothing, and I can 14 only hope that Karma kicks in and takes the gift 15 of breath from her."</p>
<p>18 One time, ladies and gentlemen, one 19 time. If he abused her one time, Amber wins.</p>	<p>16 It's one of the only promises to Mr. -- 17 Ms. Heard that Mr. Depp has ever kept.</p>
<p>20 Actually, if he fails to prove that he never 21 abused her one time, Amber wins.</p>	<p>18 That's how he ended the relationship, 19 but you saw how he started it.</p>
<p>22 So let's take a look at some of the</p>	<p>20 Now, Ms. Heard did testify on the stand 21 that Mr. Depp abused her countless times. First 22 it started, they were very happy. They started</p>

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33 (7834 to
7837)

<p style="text-align: right;">7834</p> <p>1 dating in 2011, and things were good. And she 2 testified that even during periods of abuse, even 3 during their relationship when there was abuse 4 occurring, that there were periods where they were 5 very happy. It's the cycle of violence. It's the 6 cycle of sobriety. There were periods when 7 everything was good, when the monster was gone, 8 and then the monster would return. 9 You heard about how the first incidence 10 of violence took place in 2012 when Ms. Heard 11 asked Johnny about his tattoo that used to say 12 "Winona forever," and had been changed to say 13 "wino forever," and she laughed. And she said, 14 "And he slapped me across the face." She thought 15 it was a joke, and then he did it two more times, 16 and then he said, "I thought I put the monster 17 away, and I've done it before." That's what he 18 said to her during that first incidence of 19 violence. 20 But you don't just have to take what 21 Mr. Depp said in his texts. We can hear through 22 his own voice what he called Ms. Heard.</p>	<p style="text-align: right;">7836</p> <p>1 2015, during a period of sobriety, a short-lived 2 period of recovery for Mr. Depp, when he told 3 Jerry Judge, his bodyguard, "All I had to do was 4 send the monster away and lock him up." 5 Remember he texted Elton John, or sent 6 an email to Elton John, in 2012 referring to 7 himself as the monster. He tells Dr. Kipper, the 8 doctor to whom he's paid millions and millions and 9 millions of dollars, "Thank you, my darling 10 Kipper." He says, "I've locked my monster child 11 away in a cage deep within." 12 He tells Stephen Deuters. You know 13 Mr. Deuters. He liked to text Mr. Deuters. He 14 tells him, "She thinks my Peruvian period," which 15 is a reference to cocaine, he admitted to that, 16 that that means him using cocaine, "has made me a 17 monster and that I'm ruining the relationship." 18 Imagine that, someone actually thinking 19 that maybe the impact of alcohol and cocaine is 20 ruining your relationship. How dare she? He 21 says, "Need to discuss the news helicopters. The 22 monster -- I want to shoot a motherfucker, but</p>
<p style="text-align: right;">7835</p> <p>1 (Whereupon, the following audio was 2 played.) 3 MS. HEARD: And you go louder. Every 4 single time you get -- 5 MR. DEPP: Because you're a fucking 6 cunt. 7 (Whereupon, the audio recording ended.) 8 MR. ROTTENBORN: We talked about the 9 monster. You heard Mr. Depp get on the stand and 10 say that that was Ms. Heard's term, that she made 11 it up, that was what she used to refer to him when 12 she was nagging him because she didn't want him to 13 have a good time. She didn't want him to have a 14 beer once in a while is what he's implying, but 15 no. This was a term created by Mr. Depp that she 16 heard for the first time in 2012 after he slapped 17 her three times across the face and said, "I 18 thought I put the monster away." 19 And after he sat up here on the stand, 20 under oath, and told you that she made that term 21 up, we looked back at his texts, the writing at 22 the time. The first text is after Australia, in</p>	<p style="text-align: right;">7837</p> <p>1 don't worry; the monster is not involved." 2 Mr. Depp knows that he can turn into a 3 monster. He knows that. He knows that. He got 4 up here on the stand to try to deny that to you. 5 Talk about a lack of accountability. Let's see 6 the monster. Let's see the monster in the flesh. 7 (Whereupon, the following video was 8 played.) 9 MR. DEPP: Motherfucker. Motherfucker. 10 MS. HEARD: What happened? What 11 happened? Nothing happened this morning, you know 12 that? 13 MR. DEPP: Were you in here? 14 MS. HEARD: No. 15 MR. DEPP: So then nothing happened to 16 you this morning. 17 MS. HEARD: Yeah. You're right. I 18 just woke up, and you were so sweet and nice. We 19 were not evening fighting this morning. All I did 20 was say sorry. 21 MR. DEPP: Did something happen to you 22 this morning? I don't think so.</p>

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34 (7838 to
7841)

<p>7838</p> <p>1 MS. HEARD: No. That's the thing.</p> <p>2 MR. DEPP: You want to see crazy? I'll</p> <p>3 give you fucking crazy. That's crazy. All your</p> <p>4 crazy.</p> <p>5 MS. HEARD: Have you drunk this whole</p> <p>6 thing this morning?</p> <p>7 MR. DEPP: Oh, you got this going? You</p> <p>8 got this going?</p> <p>9 MS. HEARD: No, I just started it.</p> <p>10 MR. DEPP: Oh, really, oh, really? You</p> <p>11 sneak that shit on me?</p> <p>12 MS. HEARD: No, I didn't. You were</p> <p>13 smashing shit.</p> <p>14 MR. DEPP: Bye. Ass. (Indiscernible.)</p> <p>15 (Whereupon, the video recording ended.)</p> <p>16 MR. ROTTENBORN: Do you see Ms. Heard</p> <p>17 laughing in that? She's not laughing at that.</p> <p>18 Mr. Depp, in this courtroom, right now is laughing</p> <p>19 and making snide remarks as that video is being</p> <p>20 played. Who does that? Who does that?</p> <p>21 Imagine being in Amber's shoes on</p> <p>22 February 10th, 2016, videotaping him. Because</p>	<p>7840</p> <p>1 she was on an international flight when</p> <p>2 Mr. Tremaine testified that they received it and</p> <p>3 it was validated within something like 15 minutes,</p> <p>4 which could only have happened by the person who</p> <p>5 sent it. Ms. Heard was in the air. She didn't</p> <p>6 send it to TMZ. She never leaked anything to TMZ,</p> <p>7 as you heard from her own mouth. Who would want</p> <p>8 that to become public?</p> <p>9 Again, in order to find for Mr. Depp,</p> <p>10 you would have to find that for his defamation</p> <p>11 claim, every single thing that ever happened</p> <p>12 between them that could constitute abuse, Amber</p> <p>13 was the abuser, every single time. You would have</p> <p>14 to believe the unbelievable. You all are smarter</p> <p>15 than that.</p> <p>16 But Mr. Depp thought he could hide it.</p> <p>17 He thought he could hide the monster. That's why</p> <p>18 he lied in insurance forms that you have to fill</p> <p>19 out in order to be able to act. That's why he</p> <p>20 said he hadn't taken illegal substances, whether</p> <p>21 prescribed by a physician or not. That obviously</p> <p>22 wasn't true, within the past 12 months.</p>
<p>7839</p> <p>1 when he's sober and sweet, you've never loved</p> <p>2 anything more, but when he mixes the drugs and he</p> <p>3 mixes drinks, he turns into this man. You've seen</p> <p>4 it before. You're praying it won't happen again,</p> <p>5 but deep down you know it will. You know that</p> <p>6 that man will come out. You know that monster</p> <p>7 will come out, and you want him to change.</p> <p>8 Imagine watching your husband, the person you</p> <p>9 love, behaving violently that way, like a wild</p> <p>10 animal. That is abuse. That's abuse. You don't</p> <p>11 have to look at that incident in isolation to find</p> <p>12 that it's abuse. You can look at it in the</p> <p>13 context of their whole relationship. This isn't</p> <p>14 about breaking down a series of individual days</p> <p>15 that you've heard evidence about. This is about</p> <p>16 the cumulative effect of Mr. Depp and Ms. Heard's</p> <p>17 relationship and whether that constitutes abuse.</p> <p>18 That is abuse, ladies and gentlemen. That's</p> <p>19 domestic abuse.</p> <p>20 And their response is, she sold it to</p> <p>21 TMZ, which she didn't. There's no evidence of.</p> <p>22 And she was on a plane, the only evidence suggests</p>	<p>7841</p> <p>1 They keep talking about Mr. Depp's role</p> <p>2 as a father. This is what he sent, a text that he</p> <p>3 sent, DX207, "Now Lily-Rose," his daughter, "hates</p> <p>4 me because she thinks I'm drinking, and she's</p> <p>5 right but I can't admit it or I fucking die in her</p> <p>6 eyes. Thanks for that one, Vanessa."</p> <p>7 This is Mr. Depp passed out in a Tokyo</p> <p>8 hotel room during the press tour for the</p> <p>9 Lone Ranger in 2013, when Ms. Heard testified that</p> <p>10 Mr. Depp screamed at me, and all I could think</p> <p>11 were the kids were in an adjoining room, and</p> <p>12 Mr. Depp passed out with his head like this. I</p> <p>13 don't think he was sleeping on the floor because</p> <p>14 he had a bad back. They keep referring to these</p> <p>15 pictures as she took pictures of Mr. Depp while he</p> <p>16 was asleep. He's not asleep in that picture, he's</p> <p>17 passed out, drunk and high, and she's taking</p> <p>18 pictures because she wants him to realize what</p> <p>19 he's done and get help and seek help.</p> <p>20 I don't think that looks like the spice</p> <p>21 cabinet of anyone in this courtroom. That's</p> <p>22 Mr. Depp. This is Mr. Depp.</p>

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35 (7842 to
7845)

<p>1 (Whereupon, a photograph was shown.) 2 This is Mr. Depp. 3 This is Mr. Depp. 4 And all you hear from Mr. Depp, when 5 these pictures are shown, is snickering and 6 defiance. Victim blaming. Blaming Ms. Heard for 7 taking this picture of him. For trying to help. 8 So let's talk about some of these 9 instances of abuse -- oh, forgot one. 10 In March 2013, talked about the wino 11 forever tattoo, in March 2013, there were a couple 12 instances. There was one on March 8th, and we'll 13 get to that in a second, where he was drinking 14 brown liquor and doing a lot of cocaine. Or that 15 might march -- sorry, that was March 22nd. On 16 March 8th, this is when Mr. Depp backhanded her 17 and she felt that her lip went into her teeth and 18 got a little blood on the wall. He grabbed her by 19 the arm and held her on the floor, screaming at 20 her. 21 (Whereupon, a photograph was shown.) 22 We'll come back to this in a minute.</p>	7842	<p>1 opening, almost all of them are witnesses on his 2 payroll. They're all scared to say anything bad 3 about him. And they've seen what happens to 4 people who do. And none were there for the 5 instances of domestic violence. What they're 6 saying is, oh, if he didn't abuse Ms. Heard in 7 front of his four bodyguards, then it must have 8 never happened. That's essentially what they're 9 asking you to believe. That's ridiculous. That's 10 not the way domestic violence works. Take his 11 sister Christi. I know it seems like a year ago, 12 but she was the first witness in this case. You 13 remember her on the stand, when I presented her. 14 these texts that say stop drinking, stop coke and 15 stop pills. You remember her squirming and 16 saying, oh, I don't think I was asking him to stop 17 drinking, stop coke, and stop pills. She couldn't 18 answer that basic question because she wanted to 19 lie for Mr. Depp and say that Ms. Heard was 20 delusional. She couldn't even admit this to you. 21 She's nothing but an enabler. 22 The same with Sean Bett, his head of</p>	7844
<p>1 This, is March 22nd, this is what 2 Mr. Depp said, isn't every hour happy hour? 3 Again, totally abandoning any responsibility for 4 behavior like this. But what happened on 5 March 22nd is he wanted Ms. Heard to remove a 6 painting by her ex-partner; he wanted her to admit 7 to an affair that she wasn't having. She didn't 8 admit to it because it wasn't true, so he decided 9 to have some lines of cocaine and some whiskey for 10 breakfast. And then, on the way to filming the 11 Keith Richards documentary, after a multi-hour 12 argument, he grabbed their dog, their teacup 13 Yorkie and holds the dog, Boo, out of the window 14 of a moving car and he's howling like an animal, 15 Ms. Heard said, while holding the dog out of the 16 car. That is abuse, ladies and gentlemen. That's 17 abuse. 18 Let's go back to this. Because 19 Ms. Vasquez read a parade of witnesses that she 20 believes support Johnny's defense in this case. 21 But as you've seen, over the course of this 22 proceeding, these witnesses, as I previewed in the</p>	7843	<p>1 security, who has been sitting in this courtroom 2 for the past six weeks. He's right there. 3 Mr. Bett was the one who testified to you that 4 when Mr. Depp has a few drinks of alcohol, he 5 said -- I wrote this down, he said it's like the 6 rest of us drinking sparkling water. I don't 7 think that kitchen video that we just saw was like 8 you or I when we drink sparkling water. This is 9 the same Sean Bett who said that on the evening of 10 May 21st, 2016, which Elaine will talk about in a 11 little bit, he said Mr. Depp may have bumped 12 something off a table. You've seen the pictures. 13 You'll see them again. 14 Just like Travis McGivern said that 15 Mr. Depp rearranged Ms. Heard's closet. You've 16 seen the pictures. You'll see them again. 17 Just like Tara Roberts, in the Bahamas, 18 who tried to blame everything on Ms. Heard, and 19 only under cross-examination admitted that 20 Mr. Depp passed out, face down in the sand 21 underneath a hammock and his son, Jack, found him 22 there.</p>	7845

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28654

Transcript of Jury Trial - Day 25
Conducted on May 27, 2022

36 (7846 to
7849)

<p style="text-align: right;">7846</p> <p>1 She took a video of their cabin in the 2 Bahamas to try to suggest to you that this assault 3 that Ms. Heard alleges couldn't have taken place, 4 but conveniently, she didn't take the camera into 5 the closet where Mr. Depp held Ms. Heard, hit her. 6 We'll get to that incident. She didn't take the 7 video camera into the bathroom, where he sexually 8 assaulted Ms. Heard. She didn't do that because 9 she wanted to generate evidence only favorable to 10 Mr. Depp. 11 Think about Sean Bett and Starling 12 Jenkins' conflicting stories about the birthday 13 party on April 21st. Remember, Mr. Depp 14 experienced horrific financial news on the evening 15 of April 21st, 2016. He learned that he was, 16 essentially, out of money and needed to start 17 selling things. We all know what Mr. Depp does 18 when he receives bad news like that. He left the 19 meeting at 9:30 and didn't arrive at Ms. Heard's 20 birthday party until 11:15. Okay, fine, he was 21 late. But we all know what he does when he has 22 that hour and 45 minutes of free time and he's</p>	<p style="text-align: right;">7848</p> <p>1 texts, PX120A and 120B, I won't read them all to 2 you, these are texts that Mr. Depp sent Paige 3 Heard, Amber's mom, after detox on the island in 4 2014. 5 He says there were more than a few 6 times when I thought it would be more simple to 7 take that route, meaning going for a swim and 8 swallow a big drink of ocean. He said it was 9 Amber and Amber alone that got me through this. 10 There's no luckier man on this earth to have the 11 strength that Amber gives me and the full support 12 of each of you. 13 So, as you're weighing the evidence and 14 you're weighing Mr. Depp's credibility, think to 15 yourself, what do I believe, what he has a motive 16 to say on the stand or what he wrote 17 contemporaneously with the events? 18 Take his own words to Amber after the 19 detox. "Just to let you know that I'm fine, my 20 angel. I miss you, of course, but this was the 21 right thing to do to speed up the process. I love 22 you more than life."</p>
<p style="text-align: right;">7847</p> <p>1 stressed out about something. 2 Mr. Bett testified, remember, he said, 3 I took him to his home on Sweetzer Avenue, his 4 other home, to pick up a birthday present for 5 Ms. Heard. That's what he said. That's what he 6 said. Mr. Jenkins, you may remember him, he 7 testified by video link on the stand, and I said, 8 you don't know what he did in that intervening 9 time period. He said, oh, yes, I do. I do. He 10 said Mr. Depp was visiting his sick mother. And I 11 said, who told you that? And he said Mr. Bett. 12 The witnesses that Mr. Depp has paraded 13 up here, who are here in person, they're here in 14 person because they're on his payroll, almost all 15 of them. And they're telling you whatever they 16 think they need to tell you to get you to take 17 Mr. Depp's side. Just as we previewed they would 18 do in our opening. 19 But Mr. Depp would go through periods 20 where he would apologize, where he would be 21 grateful. I have no doubt that there were times 22 when Mr. Depp wanted to get better. These are</p>	<p style="text-align: right;">7849</p> <p>1 (Whereupon, the exhibit was displayed.) 2 But then there were these days, and 3 then there were times like this. This is sent on 4 March 9th, we had a slightly grim morning, is the 5 way Mr. Depp describes it. You'll remember the 6 text from a few days later, referred to as the 7 disco bloodbath text. Where Ms. Heard says, "Is 8 that about last Friday night, by any chance?" 9 Mr. Depp responds, "How can you make me smile 10 about such a hideous moment?" He testified, on 11 the stand, I don't remember what happened that 12 Friday night. But Ms. Heard sure did. 13 And this, this is one of the things 14 that she had to show for it. Now, Ms. Vasquez 15 showed this to you in opening statements and made 16 it seem like, again, remember what I said at the 17 beginning, if you take pictures, they're fake. If 18 you didn't take pictures, it didn't happen. 19 Here's one where she did take a picture, but 20 Ms. Vasquez says, but she doesn't have injuries on 21 her face. Look at the date that this picture was 22 taken, ladies and gentlemen, March 23rd, 2013,</p>

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37 (7850 to
7853)

<p>7850</p> <p>1 15 days after this incident. So even when there 2 are pictures, they're trying to deceive you into 3 thinking, oh, there should have been more. This 4 is a two-week-old bruise, and she texted it -- 5 look who she texts that to, she texts it to her 6 mom. They say she never told anyone. Text to 7 mom, March 23rd, 2013.</p> <p>8 Let's go to Hicksville. You remember 9 Hicksville. Obviously, there's been a little bit 10 of discussion about that in this case. This is 11 where Mr. Depp got jealous that a woman named 12 Kelly Sue was sitting close to Ms. Heard and maybe 13 had her arm around her at a campfire. And 14 everyone was having a good time. There were some 15 mushrooms involved, there was some drinking, and 16 Mr. Depp got jealous of that. Now, he claims that 17 Ms. Heard is the abuser, that she's so much 18 stronger than he is, but then he testified that 19 the evidence shows that in Hicksville, he was the 20 one who said he was just trying to protect Amber. 21 Well, who says -- why would she need protection if 22 she's the abuser? And he went and he took Kelly</p>	<p>7852</p> <p>1 really a surprise? The man's admitted that he 2 smashes things when he gets angry. The man's 3 admitted that he's smashed hotel rooms. You saw 4 the quote that he admitted to the other day, that 5 when he wants to hit something, he's going to hit, 6 and he doesn't care about the repercussions. 7 So, in Hicksville, Hicksville was late 8 May 2013, this is a text, another text to drug 9 buddy Bettany, where he says "I, of course, 10 pounded and displayed ugly colors to Amber on 11 recent journey. I'm an insane person and not so 12 fair-headed after too much of the drink. Weed, 13 pills, fine. Booze, my capacity is too large, and 14 I won't stop. Ugly and sad. Oh, how I love it." 15 THE COURT: It appears to be an Amber 16 Alert, but I think we are okay. People are 17 getting it, I guess, on their phones that hadn't 18 silenced that. 19 MR. ROTTENBORN: Okay, Your Honor. 20 Should I keep going? 21 THE COURT: Yes, sir. 22 MR. ROTTENBORN: Thank you.</p>
<p>7851</p> <p>1 Sue's hand, forcibly removed it from Ms. Heard, 2 embarrassing Ms. Heard, ruining the mood of the 3 whole night, so they went and they got into an 4 argument in the trailer, in which not only did he 5 trash the trailer, but he took her into the 6 bathroom, he slammed her into the side wall of the 7 bedroom by her neck, holds her there -- sorry, 8 that was the next one. In Hicksville, he took her 9 into the bathroom of the trailer and did what he 10 called a cavity search, where he inserted his 11 fingers inside of her and sexually assaulted her, 12 and then trashed the trailer. And you heard this 13 Morgan Night person who testified a few days ago, 14 who said it was \$62 of damage. You also heard 15 evidence the way he got involved in this trial was 16 by reaching out to a -- one of the main Johnny 17 Depp fan influencers on social media, and you saw 18 that text. That's how he injected himself into 19 this trial. There was way more than \$62 of 20 damage. You heard testimony from Rocky 21 Pennington, Whitney Heard, Whitney Henriquez, and 22 Amber about him trashing the trailer. And is that</p>	<p>7853</p> <p>1 So that's after Hicksville. This is 2 what I'm getting to next. This, remember the 3 testimony about Mr. Depp being drunk on his yacht, 4 on the island in the Bahamas, in 2013, when 5 Mr. Depp looked a little scary by the way his body 6 fell into the water, and Lily-Rose, his daughter, 7 started to cry. Ms. Heard comforted Lily-Rose and 8 then Depp accused Amber of making them aware of 9 this, that he was drinking again, making his kids 10 aware of this. And he slammed her up against the 11 side wall of the bedroom, held her up by her neck, 12 held her there for a second, and said, I can 13 fucking kill you and you're an embarrassment. 14 That's what he said. And then do you remember 15 what happened? Lily-Rose and Amber helicoptered 16 away from the island. And while Amber was in the 17 helicopter with Lily-Rose, Mr. Depp sends her this 18 piece of poetry. Calling her a lesbian camp 19 counselor because she cared about his drinking, 20 and just ridiculing her for trying to protect his 21 daughter. Sickening. 22 This text, let's fast-forward a little</p>

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38 (7854 to
7857)

<p style="text-align: right;">7854</p> <p>1 bit to -- actually, before we talk about this, 2 this is the Boston flight. Let's talk about the 3 Moscow flight. The Moscow flight, when Mr. Depp 4 and Amber, she said that was the one time she took 5 ecstasy or MDMA with Mr. Depp and she learned her 6 lesson. When he hit her on the plane, when he 7 threatened to break the flight attendant's wrist. 8 Ms. Vasquez, again, just tried to tell you, oh, he 9 always wore rings. Now, Ms. Heard said almost all 10 the time he did. Maybe sometimes when he didn't. 11 And in the picture that she just showed you, 12 IPX 1248, you can take a look at that when you 13 review the evidence, that's a picture taken in 14 Moscow with no rings, other than a wedding ring, 15 on his finger, or some kind of ring. He's wearing 16 one ring on his finger. And so, in Mr. Depp's 17 world, they're going to try to come at you either 18 way and say well, he was wearing rings, but it 19 didn't leave a mark on your face, and then they 20 show you a picture where he wasn't wearing rings 21 during that trip. 22 So that's what happened in Moscow.</p>	<p style="text-align: right;">7856</p> <p>1 on the plane, his car pulled up. She could guess, 2 by the way he was moving, she knew what was going 3 to board that plane, and it wasn't Mr. Depp, the 4 man. It was Mr. Depp, the monster. She said, I 5 already know he's drunk, I already know he's 6 using. And then when he got on the plane, he 7 straight-up started taunting her. He called her a 8 gold digger and a slut. He started throwing 9 things at her, ice cubes and utensils, and he 10 slapped her face against the window when she was 11 seated. And when she got up to move, how dare 12 she, he kicked her in the back. She said, I feel 13 this boot in my back. And he continued to drink 14 and eventually started howling like an animal, 15 passed out in the bathroom. 16 Let's play 221, please. 17 (Whereupon, the following audio 18 recording was played.) 19 MR. DEPP: (Moaning.) 20 (Whereupon, the audio recording ended.) 21 MR. ROTTENBORN: That's Mr. Depp on the 22 plane. But he expects you to believe him, that he</p>
<p style="text-align: right;">7855</p> <p>1 On September 2013, in London, Mr. Depp 2 was filming with Paul Bettany, he missed a few 3 days of work, going to a multi-day drug binge, and 4 that's when he told Ms. Heard that if she accepted 5 an invitation and went to a concert with a friend, 6 that she was starring in the movie with, that the 7 engagement would be off. Talk about coercive 8 control that Dawn Hughes testified is 'abuse. That 9 is abuse. 10 And there's been a lot mentioned in 11 this case by Mr. Depp about Ms. Heard not wanting 12 him to leave. Ms. Heard not wanting him to leave. 13 Well, this is why she didn't want him to leave, 14 because he goes off with his friends and he twists 15 off, as he calls it and goes off on a multi-day 16 bender. That's why she didn't want him to leave 17 when he got spun up like that and she could see 18 the monster coming. 19 So let's fast-forward to the Boston 20 plane incident. Mr. Depp was jealous that she was 21 filming a movie with James Franco. Ms. Heard 22 testified that when she met him in Boston, she was</p>	<p style="text-align: right;">7857</p> <p>1 didn't have anything to drink on that plane except 2 for, maybe, one thing of champagne. That's what 3 he expects you to believe. He's talking about 4 blackouts. These blackouts where he doesn't 5 remember what happened. He blames them only on 6 opiates, but we know they happened throughout, 7 where he doesn't remember what's happening. 8 As you're weighing the evidence, as 9 you're assessing whether Mr. Depp has borne his 10 burden of proof, think to yourself, do you believe 11 Amber's account of what happened on the plane or 12 do you believe that person's account, that you 13 just heard? But, actually, you can look at this 14 account from a few days later. May 30th, in which 15 he told, again, Paul Bettany, he said, "Drank all 16 night before I picked Amber up to fly to LA. No 17 food for days, powders, half a bottle of whiskey, 18 a thousand Red Bulls and vodkas, pills, two 19 bottles of champagne, and what do you get? An 20 angry agro engine and a fucking blackout, 21 screaming obscenities and insulting any fuck who 22 got near. I'm done. I'm admittedly too fucked in</p>

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39 (7858 to
7861)

<p style="text-align: right;">7858</p> <p>1 the head to spray my rage at the one I love. For 2 little reason as well. I'm too old to be that 3 guy, but pills are fine." 4 And he expects you to believe that he 5 has carried his burden of proof in showing that no 6 abuse happened on that plane. 7 You don't have to look at just that, 8 you can look at this text of Patty Smith, when he 9 says "When I was in NYC, there were brief visits 10 and I fucked and charged by horrific fights with 11 Amber. I fucked up and drank and got shitty. Was 12 so disappointed in myself." 13 You can look at his text to Ms. Heard, 14 the next day, where he says "Once again, I find 15 myself in a place of shame and regret. Of course 16 I'm sorry. I really don't know why or what 17 happened." Well, no wonder. You heard the voice 18 on the plane, of course he doesn't know what 19 happened. "But I will never do it again. My 20 illness somehow crept up and grabbed me. I must 21 get better. I love you and feel so bad for 22 letting you down."</p>	<p style="text-align: right;">7860</p> <p>1 joke, a joke he made on his wedding day. 2 Then we fast-forward to Australia, 3 where Ms. Heard is flying from London, where she 4 is filming the Danish Girl, to see her new husband 5 for the first time since their wedding, and these 6 are excerpts from DX 353. All but the bottom 7 right one are in the days leading up to this, 8 where he's on a drug-fueled bender. He's hanging 9 out with Marilyn Manson, he's getting drugs from 10 his assistants, who are enablers, again. There's 11 a reason you didn't hear them testify in this 12 trial. 13 They're giving him drugs for days and 14 days. And then the one on the bottom right, 15 you'll remember, you've seen a couple times. This 16 is after he chopped his finger off, when he says 17 need more cocaine and ecstasy. 18 So -- and no one, Ms. Heard was in 19 touch with his assistants, but no one told her the 20 hornet's nest that she was walking into. And we 21 all know what happened in Australia. We all know 22 that Mr. Depp, she gets there, he pulls out a bag</p>
<p style="text-align: right;">7859</p> <p>1 And what his response has been, 2 throughout this trial, to things like that is 3 blaming Amber, saying he is just placating her. 4 Is that showing burden of proof and showing that 5 abuse hasn't happened even a single time? 6 This is in the lead-up to Australia, 7 but before we get there, we can talk about 8 January 25th, in Tokyo, at the premiere of 9 Mortdecai, where he did slam her up against the 10 hallway wall, whale on her, and he did hit her on 11 the back in the closet. And what do they say? 12 Look at her backless dress. She doesn't have any 13 bruises. She testified, herself, that she was 14 checking out pictures because she was concerned 15 that there were. So, now, their theory is, if 16 there's no marks, it didn't happen. We all know 17 that's not the case. 18 February 2015, this is when they got 19 married. The day they got married, you heard the 20 testimony from iO Tillett Wright, where Mr. Depp 21 told him, I can now punch her anytime I want and 22 no one can do anything about it. He'll say it's a</p>	<p style="text-align: right;">7861</p> <p>1 of MDMA, and he took a handful. She didn't say he 2 took ten at a time. She did say he took eight to 3 ten over the course of that period. The second 4 day, Mr. Depp, who claims that Ms. Heard refused 5 to do a postnup, calls Amber's domestic relations 6 attorney, Michele Mulrooney, you heard from her, 7 when he was drunk and fired her. And he told 8 Amber, for about the 25th time, she said, the only 9 way out of this is death. I don't want a postnup. 10 And then she said that she remembered him slamming 11 her against the wall. I won't go through, you 12 remember her testimony from Australia. You 13 remember her saying that he had her by the neck, 14 squeezing her neck. You remember her saying that 15 he threw her on the games table, like a ping-pong 16 table. You remember seeing pictures of that 17 broken table. You remember her saying that, at 18 some point, he had a broken bottle up against her 19 face and he told her that he'd carve off her face, 20 that he was throwing bottles at her. He's 21 throwing bottles, one after another, and I could 22 feel glass breaking behind me. And you've seen</p>

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40 (7862 to
7865)

<p style="text-align: right;">7862</p> <p>1 the evidence of that. He was just, over and over 2 again, smashing the phone into the wall, screaming 3 at me, as she watched it break into pieces. 4 Now, she doesn't know how he lost his 5 finger. She said that she saw him smash a phone 6 to pieces, and you heard him get impeached the 7 other day with his testimony from the U.K., which 8 is different from what he testified here, where he 9 said that he did smash the phone, and then they 10 tried to put that picture in front of you with the 11 desk phone and suggest that that was it. It's 12 deception. Trying to deceive you. 13 Then you heard Ms. Heard testify that 14 the next morning, she found meat that he left all 15 over the house, but not before what happened 16 before she went to bed that night. When Ms. Heard 17 testified "And I remember trying to get up and I 18 was slipping on the glass." Wanting to move -- "I 19 felt this pressure, pressure in my pubic bone. I 20 remember just not wanting to move because I didn't 21 know if it was broken. I didn't know if the 22 bottle that he had inside me was broken."</p>	<p style="text-align: right;">7864</p> <p>1 "call Carly Simon." She didn't write that. Who 2 was the lunatic in the house? Who was writing 3 'everywhere? There's no evidence she wrote that. 4 She testified she doesn't know who Carly Simon was 5 until she was told. 6 This is some of the evidence. Mr. Depp 7 told you a couple different stories the other day 8 about the evidence on the right. He claimed that 9 that was the handle of vodka, between those two 10 beer cans there. But then under 11 cross-examination, he admitted it's not, that 12 there's not enough glass on the floor, that 13 there's no handle of vodka on the floor. But what 14 there is in the picture on the right is evidence 15 of when he was throwing bottles past Amber's head 16 and breaking that plate glass window. More 17 writing. More abuse on the right. Imagine having 18 a painting area where you're drawing two canvases, 19 and you and your husband get in a fight, and while 20 you're asleep that night, he takes the bloody 21 stump of his finger and dips it in paint and 22 destroys your paintings.</p>
<p style="text-align: right;">7863</p> <p>1 This is the next morning. This is what 2 he wrote with the bloody stump of his finger. 3 There's been testimony about what happened to cut 4 the finger off. But frankly, it's irrelevant to 5 your deliberations here. Amber could have chopped 6 it off with an axe, and it has nothing to do with 7 whether or not Mr. Depp abused her, but we all 8 know she didn't. We all know that his fingers 9 weren't curled and someone was standing with a 10 half gallon vodka bottle, from about where that 11 canopy is, and threw it and it somehow managed to 12 damage just the bottom of the finger and leave the 13 nail fully intact. We all know that didn't 14 happen. Mr. Depp knows that didn't happen. We'll 15 see some evidence on that. 16 But here, he writes about her ambitions 17 "Starring Billy Bob and easy Amber." We've talked 18 about controlling jealousy. We talked about him 19 not wanting her to act. Dawn Hughes testified how 20 that's a form of intimate partner abuse. 21 Here, he's writing on the mirror again, 22 and they tried to blame her and say that she wrote</p>	<p style="text-align: right;">7865</p> <p>1 Ladies and gentlemen, that's abuse. 2 Good luck and be careful at the top. 3 And this is a good chance to talk about 4 Mr. Depp's controlling and jealous rage and his 5 desire to control Amber's career. 6 He didn't want her to act. As early as 7 2013, he tells his sister, I don't need actress 8 bullshit and her fucking ambition. He tells her 9 in this recording. 10 (Whereupon, the following audio 11 recording was played.) 12 MS. HEARD: Have you looked at the 13 bigger picture at -- 14 MR. DEPP: I become irrational when 15 you're doing movies. I become jealous and fucking 16 crazy and weird, and you know, we fight a lot 17 more. 18 (Whereupon, the audio recording ended.) 19 MR. ROTTENBORN: "I become jealous when 20 you're doing movies. I become irrational and 21 fucking crazy and weird," out of his own mouth. 22 This is some of notes of Dr. Blaustein,</p>

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41 (7866 to
7869)

<p>7866</p> <p>1 his therapist, "Called himself destructive," 2 something about "wait up to fight the devil, 3 jealous," and I know this is hard to read, but you 4 can see "jealous," you can see "paranoia, fear, 5 envy." He wanted to control her. He wanted to 6 own her. He didn't want her to have any career. 7 And then he says things like, "I have 8 other uses for your throat which do not include 9 injury." No one who's -- hasn't previously 10 grabbed someone by the throat would write "which 11 do not include injury," but we all know how 12 Mr. Depp thinks along these lines. Because you 13 saw these two texts the other day that he sat on 14 the stand and denied writing, and I'm not going to 15 read them again. Because they're the most vulgar, 16 vile writing you can imagine. 17 He said, "That's not my style. I 18 wouldn't write like that." Of course he would, 19 and he did. These are texts that he produced, 20 that he gave to Amber and our team in this 21 litigation, from him to his personal assistant 22 Stephen Deuters. This is the way he thinks about</p>	<p>7868</p> <p>1 2015. After just a few weeks in Australia, 2 Mr. Depp has a finger injury, no doubt about that. 3 He comes home. He gets what they call a soft cast 4 on it, which you heard his treating physician and 5 our expert say doesn't have sides on it. But it's 6 a hard plaster cast over the top of his finger 7 that can be wielded like a club. 8 And they got in an argument when 9 Ms. Heard discovered that he was having an affair 10 with a woman named Rochelle that had been going on 11 before the wedding, after the wedding, and she 12 confronts him about that. No surprise there. 13 They got in a huge argument. At some point in the 14 argument, he bolted up the stairs. Now, Travis 15 McGivern claims that she threw a Red Bull can at 16 him. She and Whitney Henriquez say that 17 absolutely didn't happen. 18 But even if you believe Mr. McGivern, 19 at some point, Mr. Depp went up the stairs; he 20 went to the fight. This is the man that claims he 21 always want to run, and this time he had his 22 bodyguard with him. So he could have just walked</p>
<p>7867</p> <p>1 women, this, not what you heard on the stand, 2 that. It's disgusting. 3 He admitted that he cut his finger off. 4 This is evidence of him admitting to it to people 5 other than Amber. "I cut the top of my middle 6 finger off," says that to Dr. Kipper. Says it 7 again to Dr. Kipper. The bottom one, he says to 8 Nurse Falati: "I just chopped my finger off." 9 But he does say it to Amber too, 10 remember? We played this one four times, and 11 Mr. Depp denied that he was actually saying "the 12 day that I chopped my finger off." Let's hear it 13 one more time. 14 (Whereupon, the following audio was 15 played.) 16 MR. DEPP: I'm talking about Australia, 17 the day that I chopped my finger off. 18 MS. HEARD: No, we're talking about 19 Australia? Okay. 20 MR. ROTTENBORN: "The day that I 21 chopped my finger off." 22 So let's fast-forward to March 23rd,</p>	<p>7869</p> <p>1 out the door, but he runs up the stairs. And 2 Ms. Henriquez is standing on the precipice of the 3 stairs. And Amber admitted that when she thought 4 he was about to push her down the stairs, as he's 5 grabbing at her and Amber with his free hand and 6 trying to club them with the casted hand, that he 7 said, "I punched him square in the face." 8 "I punched him square in the face." 9 And they showed you a picture of the 10 shiner that she had -- that Mr. Depp had. 11 Ms. Heard doesn't deny that. They're trying to 12 say she's the abuser for defending herself and her 13 sister from this animal who's running at them, 14 this person that they claim couldn't possibly have 15 done this because he had a hurt finger. Yet he 16 could have done this. This is what Mr. McGivern 17 said was rearranging her closet. 18 I don't know what you-all do when you 19 rearrange your closets, but I hope it doesn't look 20 like this. This is throwing a clothing rack down 21 this stairs. This is knocking this over. This is 22 what he did to rearrange her closet with his hurt</p>

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42 (7870 to
7873)

<p>7870</p> <p>1 finger that he couldn't possibly have hit 2 Ms. Heard with, they claim. That, in and of 3 itself, that destruction of property, even if he 4 hadn't hit her that night, that's abuse. 5 Imagine being married to someone and 6 walking on eggshells so thick that you don't know 7 if you set them off, if that's what's going to 8 happen. That's abuse, and it's disgusting. 9 But sometimes he would apologize. He'd 10 say, "I can't express how sorry I am for having 11 stooped so low and to have spewed such vicious 12 untruths for the sole purpose of hurting you. 13 Grievous error, shameful." 14 So he went in these cycles. He went in 15 these cycles. She thought he could change for 16 good, and when it was good, it was really good. 17 But then sometimes, things like December 15th came 18 around where she remembers him chasing her in the 19 kitchen. She remembers him shoving her two or 20 three times and sending her toppling over a chaise 21 lounge and saying, "Do you really want to go 22 again, tough guy?" And she looked at him, and he</p>	<p>7872</p> <p>1 videotape an incident of abuse?" 2 What? As she's being hit, she's 3 supposed to somehow grab a video camera with one 4 hand while she's defending herself with another 5 hand? You heard her in one of the audio tapes, 6 talking about when she hit him as he was trying to 7 barge at her and she got her feet caught under a 8 door as he's coming after her. And, of course, as 9 Dawn Hughes testified to, victims, of course, of 10 control like this, they do try to appease their 11 abusive partner and apologize for things that 12 aren't their fault. "So as you're coming at me, 13 Johnny, and you push a door into me and I have to 14 hit you to get away to protect myself." Yeah, she 15 did apologize for that because that's the cycle of 16 violence. That's what victims do, yet they 17 continue to blame the victim. 18 There's no evidence she painted on that 19 bloody lip. And again, if we're talking about a 20 hoax. The next day, she went on James Corden, 21 they say, "Well, you can't see any injury there, 22 so it must not have happened." She would have to</p>
<p>7871</p> <p>1 balled up his fist, leaned back, and headbutted 2 her square in the nose and pounded her head with 3 the back of his fist so she couldn't breathe on 4 that bed that we're going to see in a second, 5 where she was suffocating in this pillow top. 6 And she said, "This is when I thought I 7 was going to die. He's going to kill me, and he 8 doesn't even know what he's doing because he's out 9 of his mind." 10 And these are the pictures that they 11 claim -- I don't know what they're claiming. I 12 don't know if they're claiming she painted on the 13 bruise. "Oh, you weren't hurt badly enough; so 14 therefore, you're making it up"? Look under her 15 eye. 16 And, again, their theory is that all of 17 this is a lie, all of this was some grand hoax. 18 If this were a hoax, ladies and gentlemen, she'd 19 have worse injuries than that. She'd really do it 20 up. She took pictures as they existed, when she 21 could at the time of abuse, and yet Ms. Vasquez 22 has the nerve to say, "Well, why didn't you</p>	<p>7873</p> <p>1 be the dumbest person in the world to say, "I'm 2 going to commit an abuse hoax. Let's do it the 3 day before I go on national television. Let's do 4 it the day before." 5 But you heard Melanie Inglessis, her 6 makeup artist, testify in great deal -- and I 7 didn't understand half the terms about makeup that 8 she was using -- but she testified in great detail 9 about exactly what she did to cover up those 10 bruises, the red lipstick that she put to cover up 11 the busted lip. You heard the testimony of that 12 from a neutral party who said exactly what she 13 did. She talked about how she looked at the color 14 wheel to neutralize the bruising. 15 They claim it was just an accidental 16 headbutt. Well, no accidental headbutt rips out 17 hair. They claim, "Oh, Ms. Heard somehow used a 18 pocketknife to cut this portion of the bed out to 19 stage this." Well, I don't know if that's a 20 pocketknife or not, but the only testimony in this 21 trial about a pocket knife is Whitney Henriquez 22 saying Mr. Depp carried a pocketknife in his</p>

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43 (7874 to
7877)

<p style="text-align: right;">7874</p> <p>1 pocket every day. We all know where that -- if it 2 is a pocketknife, where that came from. 3 I think the most telling -- one of the 4 most telling things about this incident is the 5 text he sent to David Heard, Amber's dad, two 6 weeks later, where he says, "I meant to send this 7 to you a week or so ago. I'm sending it to you 8 now," and he says -- I forget if it's a text or an 9 email, but you can look at DX580 -- he says, "Yes. 10 I fucked up and went too far in our fight." 11 Because as a result of that fight and the bruises 12 that all of her family saw, the family refused to 13 go to the Bahamas with him for Christmas. 14 The family refused to go to the Bahamas 15 for Christmas, and on that trip to the island, 16 Mr. Depp kept passing out. And every time he 17 passed out, he would dump a glass of wine on 18 Amber's lap, and she didn't like that and she 19 yelled at him. And because it was in front of his 20 kids, he got up -- this is the one where Tara 21 Robert took the video, but she didn't show you the 22 closet; she didn't show you the bathroom -- and</p>	<p style="text-align: right;">7876</p> <p>1 talk about a honeymoon -- he held her up against 2 the wall while she was trying to get his arms off 3 her neck. And he was squeezing her neck against 4 the railway car. "And at some point, I pull the 5 lapel of his shirt." He rips the shirt off, and 6 she woke up with the shirt around her neck and a 7 giant knot on the back of her head. 8 Let's fast-forward to her birthday 9 party, just very quickly. He experienced terrible 10 financial news that night. He came over. They 11 got into a fight. There's been conflicting 12 testimony about that. But Amber said, "I hit the 13 side of the desk. He chest bumped me. He fell to 14 the floor. I fell to the floor, and when I got 15 back up, he held me down by the shoulders." And 16 that's when he grabbed her by the pubic bone, and 17 pushed her down. 18 And you'll remember Ms. Vasquez showing 19 her her interrogatory answers where she details a 20 lot of things and saying, "Nowhere in there does 21 it say that." 22 And Ms. Heard says, "It actually does</p>
<p style="text-align: right;">7875</p> <p>1 Amber says, "While holding my neck" -- this is in 2 the closet -- "he said, 'I'll fucking kill you if 3 you ever speak to me like that in front of my kids 4 again because you embarrass me.'" 5 And then he took her into the bathroom, 6 and she said that this time, "He grabbed my 7 vagina, shoved his fingers inside me, but through 8 my bathing suit, and held me there and asked me if 9 I was so fucking tough." And then she ran out of 10 the house, and to keep him away from her, that's 11 when he claims, and she admits, she threw 12 something at him; she didn't know what it was. 13 It's been testimony it was a can of mineral 14 spirits, that she claimed -- that hit Mr. Depp. 15 And Mr. Depp is somehow the victim in that 16 encounter? Come on. 17 We talked about the plane -- the train 18 ride the Asia. Well, you saw the pictures taken 19 before they got on the train ride where Mr. Depp 20 has the same shadowing under his eye that he does 21 in the allegedly abusive picture. But in that 22 picture, he held Ms. Heard -- in that train ride,</p>	<p style="text-align: right;">7877</p> <p>1 on page 64," and pointed out to Ms. Vasquez 2 exactly where it says that. That's abuse. It's 3 sexual abuse. 4 But we all know what Mr. Depp does when 5 he experiences terrible financial news -- or 6 terrible news. He experienced terrible news that 7 night on the way to the birthday party, where 8 his -- both of his bodyguards have testified that 9 he was either visiting his sick mom or getting a 10 birthday present for Amber. 11 And then we know what happens the day 12 after his mother passed away on May 21st, 2016. 13 And we're going to skip through a little bit of 14 this now and Elaine will talk about this in the 15 context of the counterclaim, but these are 16 pictures afterwards. These are pictures that now 17 they're claiming that -- "Oh, they must have been 18 faked." There's been no testimony in this case 19 that these pictures were faked. There's been no 20 testimony that the marks you see on Amber's face, 21 including this mark with a straight line from 22 below her eye to the top of her temple that lines</p>

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44 (7878 to
7881)

<p>7878</p> <p>1 up directly with a phone, there's been no 2 testimony that those are faked. 3 Mr. Depp went through the house. He 4 destroyed pictures of her friends. That's abuse. 5 Property destruction like that, in and of itself, 6 it's abuse. He destroyed her office. He 7 destroyed her friend Rocky Pennington's 8 preparation for the bead show that she was having. 9 He spilled wine in the hallway that you'll notice 10 the police denied. "Oh, there was no spilled wine 11 in the hallway." 12 Well, even Isaac Baruch testified that 13 he saw this in the hallway. And they said she 14 never said anything to her medical providers. 15 These are the texts that she sent to her nurse, 16 Erin Falati, the night that it happened. These 17 are pictures of her in the courtroom. 18 We're not going to play this right now, 19 but you can listen to this. This is that terribly 20 disturbing text of him in July 2016 threatening to 21 cut himself and telling her, "You cut me or I 22 will." You all remember playing that. It was</p>	<p>7880</p> <p>1 more. No matter whom you tell, you always have to 2 tell more people. No matter how honest you are 3 about your own imperfections and your own 4 shortcomings in a relationship, you have to be 5 perfect in order for people to believe you. 6 Don't send that message. That's what 7 he wants you to send. 8 So I'm going to quickly get to another 9 point that you have to find in order to prove -- 10 or to rule for Mr. Depp. You would have to find 11 that Ms. Heard made the statements with actual 12 malice. Now, what Mr. Chew didn't tell you is 13 that you have to find this by clear and convincing 14 evidence. So this is much higher than the greater 15 weight of the evidence standard that applies to 16 the other claims, the other elements of the claim. 17 Clear and convincing evidence is evidence that 18 creates in your minds a firm belief or conviction 19 that Mr. Depp has proved this issue. 20 So if you believe that Ms. Heard did 21 not act maliciously in writing her op-ed, then you 22 must return a verdict for Ms. Heard, even if you</p>
<p>7879</p> <p>1 awful. It was awful, and I'm not going to play it 2 again, but it was horrible. That, in and of 3 itself, is abusive. 4 This is the document that Mr. Depp 5 signed, the divorce agreement, where he says -- 6 signed -- in agreement with his signature, 7 "Neither party has made false accusations for 8 financial gain." He said that then. He could 9 have fought this then, but he didn't because he 10 knew that her allegations were true. 11 But then he continued his campaign of 12 humiliation. He says, "I want her replaced on 13 that WB film." Ladies and gentlemen, the facts 14 are absolutely overwhelming of abuse. One time, 15 that's all you have to remember. Mr. Depp simply 16 cannot prove to you that he never once abused 17 Amber, and if you don't know, you have to return a 18 verdict for Ms. Heard. 19 A ruling against Amber here sends a 20 message that no matter what you do as an abuse 21 victim, you always have to do more. No matter 22 what you document, you always have to document</p>	<p>7881</p> <p>1 think that he never abused her. 2 But we can -- I'll quickly go over the 3 evidence of this. The op-ed, you look at the 4 words; it clearly wasn't a hit piece. She visited 5 her attorney, Eric George, who testified by video 6 that his objective was to make sure that there 7 could be no meritorious claim that could be 8 brought about this article relating to defamation. 9 He gave Ms. Heard advice. She affirmatively 10 followed all of it. So you cannot find that 11 Ms. Heard met the clear and convincing evidence 12 standard, given the testimony of Eric George, 13 given the testimony of Terrence Dougherty from the 14 ACLU, when Amber went out of her way to ask her 15 lawyer if it was okay. 16 They will say doesn't matter if she's 17 lying, but even if that isn't -- they will say 18 that that doesn't matter, if she's lying, but even 19 that isn't true. Because, again, keep in mind 20 that if Ms. Heard wanted to be malicious toward 21 Mr. Depp, the article would be very different. 22 And I think it's interesting here -- and we'll</p>

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45 (7882 to
7885)

<p>7882</p> <p>1 talk about Mr. Waldman in a second -- but that 2 Amber utilizing her attorney, Eric George, to make 3 sure that she was following the law. Mr. Depp 4 used his attorney, Adam Waldman, as an attack dog 5 to defame Amber and to fulfill Depp's promise to 6 her of global humiliation.</p> <p>7 The last thing I'll touch on before 8 Elaine talks is Mr. Depp's damages. The man's at 9 least consistent in one respect: He blames other 10 people for his problems, everyone but himself. 11 You heard us reading the stack of articles dating 12 years before he broke up with Amber, before their 13 marriage broke apart, talking about his problems, 14 talking about the fact that his movies were flops, 15 talking about the fact that he was late to the 16 set, that he's unreliable as actor.</p> <p>17 A word of reminder here, ladies and 18 gentlemen, is that the only thing Amber ever did 19 that Mr. Depp is allowed to sue her for is the 20 op-ed. He's trying to say, "I want to sue her for 21 what she said in 2016. I want to sue her for harm 22 that was caused then." You cannot do that. The</p>	<p>7884</p> <p>1 Disney for Pirates 6. His agent, Jack Whigham, 2 couldn't identify a contract. His former agent, 3 Christian Carino, said that there was no contract. 4 He didn't lose anything as a result of this op-ed. 5 Anything he's lost is the result of his own 6 choices.</p> <p>7 You also heard him lie to you. You 8 heard him tell you that this was his first chance 9 to tell his story, but let's break it down because 10 that's not true. He could have fought the TRO 11 that Amber filed. He could have said, "I didn't 12 abuse her." He chose not to do that. He could 13 have fought her in the divorce case, but he chose 14 not to do that. Instead, he signed the statement 15 saying that no one had falsified any statements. 16 He only filed this suit after he met Adam Waldman, 17 the same Adam Waldman who convinced him to file 18 suit against his former business manager, to file 19 suit against his law firm and fire them and blame 20 them for things.</p> <p>21 But by the time that Amber wrote the 22 op-ed, Mr. Depp already had had another</p>
<p>7883</p> <p>1 only thing you're being asked to decide is are the 2 words of the op-ed defamatory, nothing else. Any 3 damage to Mr. Depp's career is self-caused.</p> <p>4 Then think about the testimony that 5 you've heard from his former business manager, 6 Joel Mandel. Said that Depp had issues with drugs 7 and alcohol that damaged his career. Depp sued 8 him. His former agent, Tracey Jacobs, said he was 9 late to the set and that he used an earpiece. 10 Depp fired her. She said Disney never committed 11 to Pirates 6.</p> <p>12 Disney's corporate representative, Tina 13 Newman, said that there was no record in Disney's 14 records of this op-ed. This op-ed had nothing to 15 do with it. In fact, Kathryn Arnold, our damages 16 expert, testified that the paper version of the 17 article that allegedly, they say, came out four 18 days after the op-ed, was published the same day 19 as the op-ed that said that Johnny might not be in 20 Pirates 6. The same day, the paper article came 21 out the same day. So the op-ed didn't cause that. 22 There's no evidence of any contract by</p>	<p>7885</p> <p>1 opportunity to tell his story. He filed a case in 2 the U.K. against The Sun for calling him a wife 3 beater. And in that case, he had many of the same 4 witnesses. He was on the stand for parts of five 5 days, and he got to tell the fact finder in the 6 U.K. whatever he wanted. Now, it's not the same 7 testimony he told here. You heard me impeach him 8 about 13 times with his testimony from the U.K. 9 But he's had his chances.</p> <p>10 Ladies and gentlemen, it is time to 11 tell Mr. Depp this was his last chance, tell him 12 to move on with his life, tell him to let Amber 13 move on with hers, stand up for the freedom of 14 speech, stand up for the First Amendment. This 15 trial is about so much more than Johnny Depp 16 versus Amber Heard. It's about the freedom of 17 speech. Stand up for it, protect it, and reject 18 Mr. Depp's claims against Amber.</p> <p>19 And now you'll hear from Ms. Bredehoft 20 about the counterclaim. Thank you.</p> <p>21 MS. BREDEHOFT: I get -- I get to say 22 "Good afternoon." And I know you've been</p>

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46 (7886 to
7889)

<p style="text-align: right;">7886</p> <p>1 listening to everybody for a long time here, and I 2 echo Ben's very strong "thank you" to all of you 3 for this extreme service and extraordinary 4 service. We really appreciate it. I'm going to 5 go really fast and try to go as quick as I can so 6 that you can get a break from us and go make your 7 decision. I know you're probably itching to do it 8 at this point. But this is very important to us, 9 and we appreciate your listening, and we 10 appreciate your being here. 11 I'm going to stay on this slide for a 12 moment, and there's something that's very 13 important on this slide that hadn't been brought 14 to your attention by Mr. Depp's team. When you 15 see the actual damages, go down to the last 16 paragraph, if you will. It says, "Mr. Depp cannot 17 recover damages for any harm that occurred after 18 November 2, 2020." 19 Do you-all see that? 20 So what Mr. Depp's team got up here and 21 told you through Mr. Chew this morning has nothing 22 to do with this case. He had his chance in the</p>	<p style="text-align: right;">7888</p> <p>1 So we're fighting back, and that's the 2 counterclaim. She finally has said, "Enough. 3 Enough." And we're asking you to finally hold 4 this man responsible. He has never accepted 5 responsibility for anything in his life. You've 6 heard it this whole time. He hasn't admitted to 7 everything. He's blamed everybody in the world, 8 his agent, his manager, his lawyer, Amber, his 9 friends, everybody, but he's never accepted 10 responsibility for a thing he's done in his life. 11 But we're asking you to accept -- to 12 make him accept responsibility, to hold him 13 legally responsible for his actions and to fully 14 and fairly compensate Amber for what he has done 15 by creating this concept of a hoax for the 16 defamation that he has committed that you have 17 heard so much about that just took wildfire and 18 went off into negative media and has made Amber's 19 life pure hell up to this day. We're asking you 20 to do that, to compensate her, to be fair and hold 21 him responsible so he stops. 22 We don't want another lawsuit. We</p>
<p style="text-align: right;">7887</p> <p>1 U.K. The lawsuit was filed June 2018, six months 2 before the op-ed. The trial was July 2020, the 3 process ended, according to Mr. Marks, their 4 expert, on November 2, 2020, and his damages stop 5 then. He can't get reputational damages. He 6 can't get his legacy back for his children. 7 He can't get anything after that day 8 from you. You can't restore his reputation. You 9 can't give him anything. They didn't tell you 10 that. But the Court told you that. And that's a 11 very, very important thing here. He told this 12 story. He had his opportunities. He had his full 13 opportunities to do all of that, and he came in 14 here and lied to you and said he's here to get his 15 reputation back. It's just one of many lies in 16 this case, but it's a really big one because here 17 we are, six weeks of your time, precious time, six 18 weeks of this court's time for what? For nothing. 19 Only to go after Amber. That's psychological 20 abuse. He's going after Amber for nothing because 21 he wants to put her through this again, the third 22 time.</p>	<p style="text-align: right;">7889</p> <p>1 don't want anything else. We want to leave Amber 2 alone and let her get on with her life and raise 3 her child. 4 So let talk about the counterclaim for 5 a moment. These are Adam Waldman's statements. 6 You've heard Mr. Depp say, "well, why aren't you 7 suing Mr. Waldman?" Isn't that typical of 8 Mr. Depp? He doesn't take responsible for 9 anything, so how he's going to blame his lawyer. 10 But the evidence is very clear on all three 11 statements, and we'll show them to you in a 12 minute, that he says, "Adam Waldman, Mr. Depp's 13 attorney, says these things." 14 Now, Mr. Depp says, oh, I didn't even 15 know about those until the counterclaim. Well, we 16 know that's not true because Mr. Waldman's 17 testimony was two months before those statements 18 were made, in February of 2020, Mr. Depp 19 accompanied Mr. Waldman to the Daily Mail, the 20 same place that all three of these statements were 21 published, and he gave them two spliced audiotapes 22 to try to make it look like Amber was the person</p>

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47 (7890 to
7893)

<p style="text-align: right;">7890</p> <p>1 who was committing the abuse. He went with him. 2 He knew that Mr. Waldman was doing this. He knew 3 that Mr. Waldman was launching a campaign against 4 Amber to try to discredit her, and the timing of 5 this, we're talking the statements now, are April 6 and June of 2020. The trial is July of 2020. So 7 they're launching an attack to try to discredit 8 Amber before the trial in the U.K. That's what 9 happened here. And that is Mr. Waldman, but it's 10 Mr. Depp. The judge gave you three different 11 instructions, and you all have them, he's acting 12 as his attorney, he has the authority, so Mr. Depp 13 is standing in the shoes of Mr. Waldman. 14 Mr. Waldman is standing in the shoes of Mr. Depp. 15 Michelle, can you, please, bring up the 16 first statement. 17 It says "Amber and her friends in the 18 media use fake sexual violence allegations as both 19 a sword and shield, depending on their needs. 20 They have selected some of here sex violence hoax 21 facts as the sword, inflicting them on the public 22 and Mr. Depp."</p>	<p style="text-align: right;">7892</p> <p>1 with the cameras, no less. 2 But what else is false about this 3 statement? It's that there was no false 4 statements of sexual violence. Ben went through 5 all four on them, and I will not repeat them all. 6 You heard the testimony, and interestingly enough, 7 you didn't hear any stories that differed from 8 that with Mr. Depp. He didn't get on the stand 9 and say, you know, no, this didn't happen, to at 10 least a couple of them, and he can't in Australia. 11 He can't remember anything, likely. But if you 12 just look at the pictures of the destruction in 13 that house. I mean, imagine painting those 14 canvases and how long that took and how much 15 hatred and rage you have to have for somebody to 16 do something like that. Writing on the walls. 17 Tearing up her nightgown and wrapping pieces of 18 raw steak and putting it all over the house. 19 Remember she also testified that he took her 20 clothes and swiped them through all the paint 21 before she left. You know these things happened. 22 With respect to the malice on this one.</p>
<p style="text-align: right;">7891</p> <p>1 Now, what this statement is meant to 2 imply is that Amber is lying about the sexual 3 assaults and using them with the media to try to 4 discredit Mr. Depp. That's the clear implications 5 of this. 6 Now, the first part of this is, this 7 contradicts Mr. Depp's claims today, that the 8 first time you ever heard about the sexual 9 assaults that happened was in this case. It was 10 in the U.K. case. This is the case that Mr. Depp 11 brought in the U.K. And instead of Amber Heard 12 trying to put this out in the media, she did 13 exactly the opposite. Now, this article's not in 14 your evidence, but at least some of you will 15 remember it being shown, at one point, with the 16 title that said that Amber was successful in being 17 able to treat her allegations of the sexual 18 violence confidential in that proceeding. And it 19 was treated confidential. She did exactly the 20 opposite. She didn't want to tell people this. 21 And you know that. You watched her on this stand. 22 It was heart rendering for her to have to do this</p>	<p style="text-align: right;">7893</p> <p>1 You know he knows that he did these things. You 2 know that he knows he was out of it for 3 three days. And that's all that we need to prove 4 for malice. But there's a couple more facts here. 5 You can find whatever Mr. Waldman's done and you 6 can find whatever Mr. Depp has done, and both of 7 those are the same, for purposes of evaluating the 8 verdict form. They stand in each other's shoes. 9 When you have an agent, and that's what the jury 10 instructions say, you can go with both. What did 11 Mr. Waldman do? There was an article about the 12 sexual violence that he had pulled from the April 13 one that went into the trial. Amber's testimony, 14 she was sitting near him in the trial, Adam 15 Waldman threw that newspaper down in front of her, 16 defiantly. That's actual malice. And she was 17 quite upset and you heard her testimony on the 18 stand about that. He was just inflicting it on 19 her. 20 Remember Bruce Witkin's testimony? 21 This was Johnny Depp's best friend for 40 years, 22 until he testified truthfully four years ago,</p>

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48 (7894 to
7897)

<p style="text-align: right;">7894</p> <p>1 about the drugs and alcohol, and he stopped 2 talking to him. There was a couple of really 3 important things that Bruce Witkin said. One of 4 the things is he said he met Adam Waldman. Once 5 Adam said, do you have any dirt on the Mandels? 6 And he said no, and that was it, then he didn't 7 care. He is an attack dog. All he wants to do is 8 attack and put dirt on people. The second thing 9 that Witkin said, that I think was pretty 10 instructive, was that Johnny Depp has deep-seeded 11 anger issues that have nothing to do with Amber. 12 He remembered, even back when Johnny was married 13 to his sister-in-law, he had extreme jealousy, 14 even back then. And I think that's pretty 15 significant. Remember, Mr. Witkin also just 16 called in a few times to intercede in some of 17 these fights with Johnny and Amber, when Johnny 18 would become so angry. The last thing I thought 19 he said, that was pretty important, was that 20 Kipper and his whole group are a scam. You know, 21 he said how is it that they can be sober doctors, 22 you know, for these years and he's never sober?</p>	<p style="text-align: right;">7896</p> <p>1 positive social media that is putting all the 2 negative out on Amber Heard. And he also ended up 3 getting knocked out of Twitter because he was 4 abusing Amber. 5 So, now, we go to the second 6 counterclaim statement, and that is, "Quite 7 simply, this was an ambush, a hoax. They set 8 Mr. Depp up by calling the cops, but the first 9 attempts didn't do the trick. The officers came 10 to the penthouses, thoroughly searched and 11 interviewed, and left after seeing no damage to 12 face or property. So Amber and her friends 13 spilled a little wine, roughed the place up, got 14 their story straight under the direction of a 15 lawyer and publicist, then placed a second call to 16 911." 17 Now, this is May 21. Now, the clear 18 implication here is that they're saying that Amber 19 got together with her friends, they decided they 20 were going to set Johnny up to be charged for 21 domestic violence, and, so, they called the 22 police, tried to make up this whole story, get him</p>
<p style="text-align: right;">7895</p> <p>1 He's even taking pot all the time. How can you be 2 sober? I thought that was quite instructive. But 3 in any event, going back to -- that's the first 4 statement. 5 The second statement, Michelle, if you 6 can bring that one up. 7 Oh, before I go there, I want to talk 8 about a few more things from Mr. Waldman that you 9 have in your pocket, to be able to find additional 10 malice with him. Remember, he's the one that, 11 after the U.K. trial, went to the LAPD with a 12 notebook full of things and tried to get perjury 13 charges against Amber. The LAPD said, we don't 14 investigate those things. But he, then, went to a 15 German newspaper and said Amber's being 16 investigated by the NYPD -- or the LAPD for 17 perjury. Do you remember that? That's malice. 18 That's showing his intent to do harm to Amber. 19 He also admitted that he speaks to 20 ThatUmbrellaGuy and you'll see that one text in 21 there from the person from TMZ. ThatUmbrellaGuy 22 is the big lead of Johnny Depp's, you know,</p>	<p style="text-align: right;">7897</p> <p>1 arrested, but the police said there's no evidence 2 here and went away. And they said, dam, and so 3 they spilled wine and they, you know, busted up 4 the place, and they called 911. They got advice 5 from a lawyer and a publicist, called 911, and 6 tried, again, to get Johnny charged. That's what 7 this says. Now, we all know that's false, and 8 it's heinously false. Because, you know, after 9 these events happened, and Ben talked about a 10 little bit of it, but I'll talk about the rest of 11 it, and I'm going to try to do it really quickly. 12 But we all know Amber did everything in her power 13 not to tell them who Johnny was, not to press 14 charges, not to have him arrested. The exact 15 opposite of this. But what were the facts of 16 May 21st? He comes over, he's already been 17 drinking, he's already high, and he is on a tear 18 about feces in the bed from a month ago. And 19 remember how Amber talked about when he gets into 20 these drug-induced things, he gets into these 21 paranoid ideas, and he gets some idea in his head, and 22 he just won't let it go. And that was his this</p>

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49 (7898 to
7901)

<p>7898</p> <p>1 time. Somebody put that feces in the bed a month 2 ago. That was his spin. So she gets iO Tillett 3 on the phone, he's in New York at the time. He's 4 going -- they thought this is ridiculous, of 5 course nobody did, and by the way, Boo has this 6 huge problem, of course it was Boo, he's always 7 doing this, but Johnny won't get there. So then 8 they laugh. That makes him mad. Then he throws 9 the phone at Amber, Amber screams out and says, 10 ow, you just threw the cell phone at me. It hurt. 11 IO says, Amber, get out of there. Johnny gets 12 madder, pulls her hair, grabs her and starts 13 hitting her. So iO gets hold of Rocky Pennington, 14 she comes over as quickly as she can. She goes 15 over and gets in between the two of them. She 16 puts her hands up on his chest. He pushes them 17 down. And then she continues to stand in between 18 them, and he's screaming loudly, ten times, Amber, 19 get the fuck up. Amber, get the fuck up. Amber, 20 get the fuck up. Loudly, loudly. Then his 21 bodyguards hear this, they come in, they break it 22 up. That's how that happens.</p>	<p>7900</p> <p>1 bodyguards. But you saw the pictures; he went 2 through and trashed that place again, as he left. 3 Now, the next part of this is the 4 police coming. IO calls the police, he's in New 5 York. He calls the New York Police 911. He's 6 afraid they're not going to get there fast enough. 7 He still remembers December 15 because he came in 8 afterwards and saw all of the injuries on Amber 9 and all the evidence, and he's terrified that 10 Amber's still in there, the police haven't come, 11 and that Johnny's going to kill her. 12 So he calls a friend in LA and says, 13 "Please call 911. We've got to get somebody there 14 fast." So she calls 911. 15 So he have two calls, and you'll see 16 the call summary, and the call summary shows those 17 two calls, really close in proximity here. So 18 it's not them, uh-oh, we didn't get the first 19 police officers, so we'll rough up the place and 20 make a second one. You'll see that they're, like, 21 eight minutes apart up there. But it took two 22 hours to dispatch the two different ones, and</p>
<p>7899</p> <p>1 But the next part of this, remember 2 Josh Drew? And I think Elizabeth Marz was amazing 3 in this one. Remember their testimony? After 4 that, he goes and has to, you know, he always 5 leaves a path of destruction as he's leaving, so 6 he, you know, bashes up things, you saw Ben's 7 pictures here, on the picture frames, knocks 8 things over as he's going. Goes down the hallway, 9 he's splashing the wine. He gets his bodyguards 10 to let him into penthouse 5. That's where Josh 11 and Elizabeth are trying to help with Rocky's 12 beads thing for the next day. And he comes in 13 storming in and he says, "Get your bitch out of 14 here." And he's got the big magnum, and he's mad. 15 And Elizabeth is just terrified. She barely knows 16 Johnny; she's met him four times, and she goes 17 ripping out of there as fast as she can, and Josh 18 gets out of there too. 19 Then what does he do? He rearranges 20 the furniture, or he might have knocked something 21 off, you know, one of the countertops or 22 something, I think is the testimony of his</p>	<p>7901</p> <p>1 Amber and everyone had any idea that the second 2 one was coming. 3 The first ones come and, you know, 4 we've talked about it. We've shown you the 5 pictures. The police officers admitted that those 6 pictures could very much have been what was there 7 that night. Remember Officer Hadden, it was his 8 first week on the job, Officer Saenz was three 9 years on the job at that point. They say -- you 10 know, they tell Josh that if she will press 11 charges, if she'll give a name, we can file a 12 report and make an arrest. She wouldn't do it. 13 You did hear from Detective Sadanaga, 14 that's the domestic violence -- 15 MR. CHEW: Objection. May we approach, 16 Your Honor? 17 (Sidebar.) 18 MR. CHEW: She blatantly misstated the 19 testimony of the police officer. The police 20 officer said there was no sign of injury. There 21 was no arrest. She needs to correct that. 22 MS. BREDEHOFT: Josh Drew testified</p>

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50 (7902 to
7905)

7902	7904
<p>1 that the police officer told him she's got a mark 2 on her face, there's property damage. You know -- 3 THE COURT: Was that in the evidence? 4 MS. BREDEHOFT: Yes, that was. 5 MR. CHEW: No. No, it's not, Your 6 Honor. 7 MS. BREDEHOFT: No, it did make it in 8 evidence. 9 MR. CHEW: The police officer said 10 there was no sign of injury. 11 THE COURT: Well, I know the police 12 officer. She just said Josh Drew. 13 MS. BREDEHOFT: No, no, no. Josh Drew. 14 Josh Drew's came in. It came in. 15 MR. CHEW: I don't believe that's 16 correct, Your Honor. 17 THE COURT: I know what the police 18 officers said. 19 MS. BREDEHOFT: It came in through Josh 20 Drew. 21 THE COURT: Well, I'll allow it. Go 22 ahead.</p>	<p>1 officers, you know, forgot about it two months 2 later when they were first asked about it, whether 3 they just decided she's never going to press 4 charges, and you'll see on the call report they're 5 insisting that to the second set. It doesn't make 6 any difference. The point is, this is still 7 false. This statement is still false because 8 Amber did everything but try to press charges 9 against Johnny Depp. So they go away, and the 10 testimony is that Josh and Amber and Rocky cleaned 11 up because they have dogs, so they cleaned up a 12 lot of the glass and the wine and those types. 13 They had no idea the second police officers were 14 coming by; and they certainly didn't call them and 15 they certainly didn't -- they never talked to a 16 publicist, she did talk to a lawyer, who gave her 17 advice, and that's why she wouldn't tell them, you 18 know, anything. She said, "I'm not going to 19 cooperate at all." 20 So, the second ones come, and you saw 21 that, you've got the video cameras in there. You 22 see there's no effort by them to try to get, now,</p>
7903	7905
<p>1 MR. CHEW: We'll correct that. 2 THE COURT: Okay. 3 (Open court.) 4 MS. BREDEHOFT: You recall Josh Drew 5 saying that the police officer told him, you know, 6 if she'll give a name, we'll make an arrest. He 7 definitely said that. But in any event, she would 8 not; she would not cooperate. She didn't want to. 9 But Detective Sadanaga, their domestic 10 relations -- or domestic violence person said they 11 should have done an incident report no matter 12 what, even if they decided there wasn't a crime 13 because domestic violence has the cycles, they 14 come back, and it's good to have the record for 15 the next time that it might happen. So she said 16 they should have, under the circumstances, even if 17 they didn't. And she also said that when they put 18 verbal dispute only in those calls, it is a code 19 that they use, and you'll see that it's twice on 20 that call report to say that's why we didn't write 21 a report. 22 But at any rate, whether the police</p>	<p>1 these officers to press charges against Johnny 2 Depp. Just the opposite. Josh Drew doesn't want 3 to even let them in the place. They come through 4 quickly. Everything's fine. They wave, 5 everything's fine. 6 Are they trying to press charges 7 against Johnny? No. They're not trying to do 8 anything. They're trying to get them out of 9 there, which makes this statement a hundred 10 percent false. Was it made with malice? 11 Absolutely. There's nobody that thinks that Amber 12 tried to press charges that night. Johnny knew 13 that. 14 But the other thing that's very 15 helpful, and what you should look at, is 16 Defendant's Exhibit 772 and 773. Because, once 17 again, the next day, Johnny apologizes to Amber. 18 He says in two different text messages, that's 772 19 and 773, he says, "My profound apologies," in one 20 of them, and "My apologies are eternal" in the 21 other one. What is he apologizing for the next 22 day, on May 22nd, if he didn't know that he did</p>

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51 (7906 to
7909)

<p>1 all of those things? 2 And, by the way, remember Isaac Baruch 3 even remembers the wine in the hallway. The 4 police -- none of the police officers remembered 5 the wine. And that's because they're busy and 6 they've got a zillion other things going on, and 7 they didn't remember this call two months later 8 when they were asked about it. So that's the next 9 one. 10 So, clearly, that's a hundred percent 11 false. Clearly, they knew it. Clearly, there's 12 malice in making that statement. They're trying 13 to suggest that she's manufacturing evidence with 14 her friends to try to frame Mr. Depp. Nothing 15 could be further from the truth on that one, and 16 she did not want those police officers to press 17 charges. 18 Now, let's go to the third one. Oh, 19 let's talk about the makeup just for a moment 20 while we're going to the third one. 21 This makeup thing. The fresh face, 22 natural. These were Adam Waldman planting these</p>	<p>7906 7908 1 specifically about Adam Waldman. Your Honor will 2 recall that. And they would say, "I don't 3 remember. Yes, I did talk to him." 4 THE COURT: Right. But nobody said he 5 planted these statements. 6 MS. BREDEHOFT: No, I didn't -- and I 7 didn't say they said he planted it. 8 THE COURT: You just said that. 9 MS. BREDEHOFT: I accused him of 10 planting it. 11 THE COURT: If you could clear that up. 12 MS. BREDEHOFT: Okay. Thanks. 13 (Open court.) 14 MS. BREDEHOFT: So, I didn't say that 15 any of the witnesses admitted that Adam Waldman 16 planted that. I'm saying he planted it, that's me 17 arguing the planted. And that's because it's all 18 the same thing. 19 She wasn't wearing any makeup. She was 20 natural. She wasn't wearing a stitch of makeup. 21 Every one of them said the exact same thing. But 22 why did you say that? She's an actor. She's not</p>
<p>7907 1 when he talked to the ECB people. Remember the 2 testimony here. "So did you talk to Mr. Waldman? 3 Did you talk to Mr. Waldman?" Mr. Waldman was 4 trying to plant in all of these people's mind -- 5 MR. CHEW: Objection. Your Honor. 6 MS. BREDEHOFT: -- that somehow she 7 wasn't -- 8 THE COURT: If you could approach. 9 (Sidebar.) 10 MR. CHEW: She's completely misstating 11 the testimony here. 12 MS. BREDEHOFT: I don't agree. 13 MR. CHEW: She just is. 14 MS. BREDEHOFT: I don't agree. 15 MR. CHEW: None of them said that they 16 were planted by Adam Waldman. They all said this 17 is a truthful statement. She's just lying. 18 MS. BREDEHOFT: I'm not lying, Your 19 Honor. There -- 20 MR. CHEW: She is lying. 21 THE COURT: Well -- 22 MS. BREDEHOFT: No. We asked</p>	<p>7909 1 going to go outside her house, you know, without 2 putting makeup on. And if she has bruises, why on 3 earth, when she's been covering them up for four 4 years, why on earth would she not put makeup on so 5 she would cover those up? Why on earth would she 6 not want to cover up those bruises. It makes no 7 sense. 8 But, you know what, guys saw her 9 here -- you guys; sorry. You saw Amber on the 10 stand. There were days where she didn't wear eye 11 makeup. A lot of people think that she's not 12 wearing makeup when she doesn't have mascara and 13 eyeliner on. She has different looks, and some of 14 them are with eye makeup and some of them are 15 without. And people misunderstand, especially 16 people that aren't that good in makeup, a lot of 17 men, frankly, go, oh, then she probably doesn't 18 have makeup. And that's where that mistake 19 happens. 20 But you heard her testimony and you 21 heard her makeup artist's testimony saying she 22 doesn't go out of her room without concealer and</p>

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52 (7910 to
7913)

<p style="text-align: right;">7910</p> <p>1 foundation. She knows how to put these things in. 2 And you saw Defendant's Exhibit 155, and you'll 3 have the actual thing in there, that's the type of 4 palette she used. And she was very adept at 5 telling you what color she puts on for the 6 different days of bruises. 7 This is a woman who, for four years, 8 did everything she could to cover up anybody 9 knowing anything about this abuse. Do you 10 honestly think she's just going to walk around for 11 the week with her bruises exposed? Of course 12 she's not. 13 Now, let's go to the third one, and 14 this is the abuse hoax. He said, "We've reached 15 the beginning of the end of Ms. Heard's abuse hoax 16 against Johnny Depp." 17 Now, obviously, the defamatory meaning 18 of that is that Amber's creating an abuse hoax. 19 But there is no abuse hoax. I don't need to tell 20 you all of the evidence because Ben did a 21 beautiful job of just taking you through all of 22 those different things. But I will point out a</p>	<p style="text-align: right;">7912</p> <p>1 MR. CHEW: She's continuing to lie and 2 misstate the evidence. 3 THE COURT: Which lie do you say there? 4 MR. CHEW: That was not the -- that was 5 not in the testimony. 6 MS. BREDEHOFT: Oh, it was. It 7 absolutely was. 8 MR. CHEW: It was not. 9 THE COURT: Well, what do you believe 10 was the testimony? 11 MS. BREDEHOFT: Dr. Hughes testified 12 that Bonnie Jacobs' notes documented both physical 13 and sexual abuse. 14 She also said she talked to her and 15 confirmed. That was the first day of her 16 testimony. 17 THE COURT: I just don't have the 18 transcript so I'm not sure. 19 MR. CHEW: That's not accurate, Your 20 Honor. She continues to do this. 21 MS. BREDEHOFT: He can argue whatever 22 he wants. But that's absolutely what she said.</p>
<p style="text-align: right;">7911</p> <p>1 couple things for you, and that is, remember 2 Bonnie Jacobs, the therapist. Dr. Hughes and 3 Dr. Spiegel testified about Bonnie Jacobs' notes. 4 And remember I was holding that -- you don't get 5 to see them, but they testified that they went 6 through them. Dr. Hughes testified that she also 7 spoke to Bonnie Jacobs. She kept contemporaneous 8 notes from 2011, when she first started seeing 9 Amber, and the abuse is documented in those notes, 10 is what Dr. Hughes testified, they start in 2012, 11 both physical and sexual abuse. 12 MR. CHEW: Objection, Your Honor. 13 MS. BREDEHOFT: Dr. Hughes testified to 14 that. 15 MR. CHEW: May -- 16 THE COURT: Approach. 17 (Sidebar.) 18 THE COURT: Yes, sir. 19 MR. CHEW: She keeps misstating. She 20 continues to lie to the jury. 21 MS. BREDEHOFT: No, I am not. I am 22 definitely not misstating that one.</p>	<p style="text-align: right;">7913</p> <p>1 MR. CHEW: She can't lie to the jury 2 like that. 3 MS. BREDEHOFT: And then I asked 4 Dr. Curry about them after that. 5 THE COURT: What was in the notes 6 whatever -- I know she reviewed the notes, but 7 what was in the notes, did that come into 8 evidence? 9 MR. CHEW: No, it did not. 10 MS. BREDEHOFT: Yes. Well, her -- 11 THE COURT: I'm not sure the notes -- 12 MS. BREDEHOFT: -- characterization of 13 it. Not, the actual notes did not. 14 THE COURT: Characterization? 15 MS. BREDEHOFT: Characterization. 16 Dr. Hughes said these things were in her note. 17 THE COURT: Her characterization of 18 them. 19 MS. BREDEHOFT: Characterization of 20 them, right. 21 THE COURT: That's not actually in her 22 notes.</p>

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53 (7914 to
7917)

<p style="text-align: right;">7914</p> <p>1 MR. CHEW: Correct.</p> <p>2 MS. BREDEHOFT: No, she said -- no, she</p> <p>3 said that the --</p> <p>4 MR. CHEW: She needs to correct that.</p> <p>5 She continues to lie to the jury.</p> <p>6 MS. BREDEHOFT: She says that the notes</p> <p>7 reflected physical and sexual abuse. She said</p> <p>8 that. That was her testimony. She did.</p> <p>9 MR. CHEW: That is not in evidence,</p> <p>10 Your Honor.</p> <p>11 THE COURT: I don't recall that.</p> <p>12 MS. BREDEHOFT: She absolutely did. I</p> <p>13 mean, she absolutely did.</p> <p>14 THE COURT: You can use she</p> <p>15 characterized it as such. I don't know that you</p> <p>16 can say they were actually in there.</p> <p>17 MR. CHEW: Yeah. She's misstated that</p> <p>18 to the jury.</p> <p>19 MS. BREDEHOFT: No, I have not</p> <p>20 misstated.</p> <p>21 MR. CHEW: Yes, you did.</p> <p>22 MS. BREDEHOFT: I have not submitted my</p>	<p style="text-align: right;">7916</p> <p>1 THE COURT: All right.</p> <p>2 (Sidebar.)</p> <p>3 MR. CHEW: Wackadoodle Spiegel did not</p> <p>4 say that.</p> <p>5 THE COURT: Dr. Spiegel didn't say</p> <p>6 that?</p> <p>7 MR. CHEW: Could she please correct</p> <p>8 that?</p> <p>9 MS. BREDEHOFT: Yes, he did.</p> <p>10 MR. CHEW: No, he didn't.</p> <p>11 THE COURT: He said he reviewed her</p> <p>12 notes, but he didn't say anything. He didn't</p> <p>13 characterize her --</p> <p>14 MS. BREDEHOFT: I just said he</p> <p>15 confirmed.</p> <p>16 THE COURT: But he didn't confirm. He</p> <p>17 just said, "I reviewed her notes," and said</p> <p>18 nothing about that.</p> <p>19 MR. CHEW: Would you please ask her to</p> <p>20 retract that?</p> <p>21 THE COURT: I will.</p> <p>22 (Open court.)</p>
<p style="text-align: right;">7915</p> <p>1 testimony at all. That's very important evidence</p> <p>2 from us because we could get those notes and we</p> <p>3 tried several times.</p> <p>4 MR. CHEW: She's saying it's in</p> <p>5 evidence when it's not.</p> <p>6 THE COURT: Well, but she did</p> <p>7 characterize the evidence. You can say</p> <p>8 characterized the notes.</p> <p>9 MS. BREDEHOFT: Thank you, Your Honor.</p> <p>10 (Open court.)</p> <p>11 MS. BREDEHOFT: So, Dr. Hughes</p> <p>12 specifically characterized Dr. Jacobs' --</p> <p>13 Dr. Bonnie Jacobs' notes as reflecting both</p> <p>14 contemporaneous physical abuse and sexual abuse</p> <p>15 throughout the time period. Dr. Spiegel confirmed</p> <p>16 that later and said the same.</p> <p>17 When I asked Dr. Curry if she had</p> <p>18 reviewed those notes, she said, yes. But she had</p> <p>19 not comment --</p> <p>20 MR. CHEW: Your Honor, objection.</p> <p>21 MS. BREDEHOFT: -- and she did not</p> <p>22 acknowledge that that was in there.</p>	<p style="text-align: right;">7917</p> <p>1 MS. BREDEHOFT: Dr. Spiegel confirmed</p> <p>2 that he had reviewed Bonnie Jacobs' notes as well,</p> <p>3 and when I asked Dr. Curry, she said she had</p> <p>4 reviewed them but she had no comment. But she</p> <p>5 also didn't deny that those were in there. Amber</p> <p>6 Heard testified that she went back, and because of</p> <p>7 Bonnie Jacobs's notes, she realized for the first</p> <p>8 time that the abuse started much earlier than she</p> <p>9 even realized before. She always had thought that</p> <p>10 it had started in 2013. When she went back and</p> <p>11 saw Bonnie Jacobs's notes, she realized that it</p> <p>12 had started much earlier, and she was very</p> <p>13 embarrassed by that.</p> <p>14 Now, significantly, you remember that</p> <p>15 she testified about how she went -- she was first</p> <p>16 called upon to actually detail all of her events</p> <p>17 of abuse in February of this year, and she went</p> <p>18 through and took the notes, took photos, she took</p> <p>19 everything she had, calendars, everything, put it</p> <p>20 all together, and you heard about at least 64</p> <p>21 pages of detail, accountability of that, and</p> <p>22 Mr. Depp's team has been able to not refute any of</p>

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54 (7918 to
7921)

<p style="text-align: right;">7918</p> <p>1 that. Remember they tried to impeach her and say, 2 "Well, you didn't say that?" 3 She said, "Yes, I did, on page 64." 4 Remember that? It was a very, very difficult 5 process for her because there was an awful lot of 6 it, and she put it in great detail. 7 Now, let's talk for a moment about the 8 motive. They have said that she has created this 9 whole hoax, and I think Ben's done a nice job of 10 showing how that can't possibly have been. But 11 what would Amber Heard's motive be for creating a 12 hoax or creating any of this or making any of this 13 up? That's a big question here. 14 They call her a gold digger, right? 15 But she obviously couldn't have done it for the 16 money. Because first of all, remember the 17 testimony of Laura Wasser, the divorce attorney? 18 She said that California's a no-fault state and 19 community property. So Amber doesn't have to have 20 an abuse. She could have divorced him for 21 irreconcilable differences, for abandonment, for 22 adultery, for anything. She doesn't need an</p>	<p style="text-align: right;">7920</p> <p>1 talking.) 2 MR. CHEW: Your Honor, we're going to 3 object again. 4 (Sidebar.) 5 MR. CHEW: She's making legal 6 conclusions. It's quite clear that Judge White 7 had ruled very early in this case we're not 8 litigating the divorce here. She's telling the 9 jury her legal opinions of California divorce law. 10 MS. BREDEHOFT: This is what Laura 11 Wasser testified to. 12 MR. CHEW: No, it's not. 13 MS. BREDEHOFT: Listen, we can make 14 this argument, Your Honor. 15 THE COURT: You can make arguments if 16 they're in evidence. 17 MS. BREDEHOFT: They are. 18 MR. CHEW: No, they're not. 19 MS. BREDEHOFT: Laura Wasser -- yes, 20 they are. Laura Wasser and Michele Mulrooney -- 21 I'm sorry, Your Honor, but is this going against 22 our time? Because we're already in tough time.</p>
<p style="text-align: right;">7919</p> <p>1 excuse, and she gets 50 percent of whatever he 2 earns during the time of the marriage unless they 3 had a prenup or postnup. 4 The testimony from Michele Mulrooney 5 was that Amber completely cooperated with the 6 prenup and the postnup, but it was Johnny Depp, 7 who I know you've already heard from Ben, called 8 her up and fired her. He didn't want a postnup or 9 a prenup. So she's entitled to 50 percent of 10 everything he won -- he earns during that time. 11 Now, we have Plaintiff's Exhibit 936 in 12 evidence, and look at page 69. It says how much 13 he made in 2015. It was 43 million. Remember 14 doc -- Mr. Spindler, Depp's expert, who said that 15 he made 22 million in 2016. So you've got 16 \$65 million. Amber was entitled to 31.5 at least. 17 That doesn't include all take back ends from, for 18 example, Pirates 5. She was entitled to that 19 money, so she didn't need to say anything. She 20 could have said, "I don't like you anymore. I 21 don't like the color of your hair. I'm going to 22 divorce you." (Indiscernible due to cross</p>	<p style="text-align: right;">7921</p> <p>1 MR. CHEW: You're already out of time. 2 MS. BREDEHOFT: I mean, he's already 3 done this three times. Okay. 4 THE COURT: We won't count the 5 sidebars. 6 MS. BREDEHOFT: Thank you. 7 MR. CHEW: Your Honor, it's not in 8 evidence. 9 MS. BREDEHOFT: It is. 10 MR. CHEW: You wouldn't let that into 11 evidence. 12 MS. BREDEHOFT: Oh, I absolutely got 13 that in. 14 MR. CHEW: We did the whole deposition 15 designations. It was ruled very early in this 16 case we're not relitigating the divorce case. 17 MS. BREDEHOFT: I'm a hundred percent 18 certain that -- 19 MR. CHEW: And she's wrong on the 20 lawsuit too. 21 MS. BREDEHOFT: -- it's in Laura 22 Wasser's, and it is in Michele Mulrooney's. Laura</p>

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55 (7922 to
7925)

<p style="text-align: right;">7922</p> <p>1 Wasser has both the no-fault and the community 2 property in there. Michele Mulrooney has the 3 community property in there. 4 THE COURT: I know I heard about 5 community property. 6 MR. CHEW: She's saying she's entitled 7 to 31.25 -- I mean, it's ridiculous. 8 MS. BREDEHOFT: Right. And we put the 9 tax returns in, and Spindler testified to the 10 amounts. So you do the math, it's 31. 11 THE COURT: So, but yeah, you do the 12 math. 13 MS. BREDEHOFT: Right. 14 MR. CHEW: She's making -- 15 MS. BREDEHOFT: But we even asked it in 16 a cross-examination question of one of them, the 17 31.5. I mean, this is -- I'm entitled -- 18 MR. CHEW: She's making -- she's 19 telling the jury -- 20 MS. BREDEHOFT: -- to make these 21 arguments. 22 MR. CHEW: -- a falsity about the</p>	<p style="text-align: right;">7924</p> <p>1 THE COURT: I understand, but if you're 2 going to do calculations, you're going to let them 3 know this is mere inference of the evidence that's 4 in. That's fine. Then we'll go from there, okay? 5 MR. CHEW: Thank you, Your Honor. 6 (Open court.) 7 MS. BREDEHOFT: So if you do the math, 8 Amber's entitled to at least 31.5. What did she a 9 take? 7 million. What did she do with the 10 7 million? She gives it to charity. Or she 11 intends to give it to charity. Now, they make 12 much ado about the pledge versus donation, but 13 both the corporate designees for ACLU and for 14 Children's Hospital said donation and pledge are 15 interchangeable. These are pledges. The ACLU 16 corporate designee said you typically do pledges 17 because of the tax benefits, and that's what she 18 said. She pledged it over a period of time 19 because of the tax implications to it and because 20 she was getting paid over the time. 21 Now, if she started to make these 22 donations, and you'll see that the first one was</p>
<p style="text-align: right;">7923</p> <p>1 application of California law. 2 MS. BREDEHOFT: No. 3 MR. CHEW: That doesn't take into 4 account the -- 5 MS. BREDEHOFT: It was elicited. 6 MR. CHEW: -- debts that are assumed by 7 Mr. Depp. 8 MS. BREDEHOFT: No. Wasser -- 9 MR. CHEW: This is -- Judge White said 10 very early on we're not relitigating the divorce 11 case. 12 MS. BREDEHOFT: No, you don't take into 13 account debt. 14 THE COURT: We're at the end of talking 15 about the divorce. 16 MS. BREDEHOFT: I'm near end, yes. 17 THE COURT: Okay. All right. 18 MS. BREDEHOFT: I'm doing the 19 motivation here. 20 THE COURT: All right. 21 MS. BREDEHOFT: Okay. I'm going to 22 move on, but I'm entitled to that.</p>	<p style="text-align: right;">7925</p> <p>1 on behalf of -- Mr. Depp's business manager, 2 Mr. White, actually sent the letters with the 3 hundred thousand for each of those. That was the 4 initial ones. He was trying to take credit for 5 those, and, in fact, both the ACLU and Children's 6 Hospital got confused and gave the credit to 7 Mr. Depp, not to Amber, for those. 8 Then she made payments to both, and 9 Elon Musk also made payment to both for 500,000 10 each, which she didn't count to her pledge, but 11 they helped those organizations. At the end of 12 the day, she's made a million dollars in pledge -- 13 in payments to them, but then got sued here and 14 hasn't been able to because she spent \$6 million 15 in attorneys' fees. That is unrefuted. 16 She still intends to pay those pledges, 17 honor those pledges, and she's said that 18 throughout. And I elicited from both the ACLU and 19 from Children's Hospital they haven't expired; she 20 can pay them whenever she wants to, and she fully 21 intends to. But she has to get out from under 22 this first.</p>

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56 (7926 to
7929)

<p>7926</p> <p>1 Now, who would blame a woman for giving 2 a million dollars in charitable donations? Who 3 would do that? That sounds like psychological 4 abuse to me.</p> <p>5 Now, Mr. Mandel testified that Johnny 6 Depp is not a charitable person, and he hasn't 7 written any big checks for him. Mr. Depp got on 8 the stand and says he does it unanimously -- 9 anonymously, but Mr. Mandel would have been the 10 one writing the checks and he says that didn't 11 happen.</p> <p>12 Now, let's go to damages because I 13 promised you I was going to go pretty fast here.</p> <p>14 There's a few different types of 15 damages, but one of the things that the Court has 16 talked to you about, she told you that because we 17 have defamation, it's invidious, and therefore 18 it's very difficult to prove these. And so these 19 damages to business reputation, inconvenience, 20 embarrassment, are presumed. You don't have to 21 prove those damages.</p> <p>22 And one great example of that is the</p>	<p>7928</p> <p>1 do that unless they thought Warner Brothers was 2 being unfair to her? And why did she get almost 3 knocked out of it because of the defamatory 4 statements?</p> <p>5 When they came out, they took on a life 6 of their own. Ron Schnell, the Young Sheldon, I 7 call him the Doogie Howser, our expert on IT, took 8 you through and tracked how they tracked the 9 defamatory statements, the language from the 10 defamatory statements, how that went through the 11 social media, in the negative social media.</p> <p>12 And it kept going and kept going. And 13 he tracked, all the way until a few months ago, 14 over 2.36 million negative tweets, negative 15 Instagrams, negative social media comments, about 16 Amber that relate specifically to the information 17 that was in those three defamatory statements. It 18 took on a life of its own. They started to get 19 Amber fired from Aquaman 2. They have continued 20 to this day. They have followed her everywhere.</p> <p>21 Everybody has stopped wanting -- 22 L'Oréal won't use her, even though they've kept</p>
<p>7927</p> <p>1 testimony from Mr. Hamada at Warner Brothers. He 2 didn't want to have to get in the middle of all 3 this with Aquaman 2. They haven't even released 4 it. So he didn't read anything in preparation for 5 his deposition. He didn't talk to anybody before 6 his deposition. He said that -- he tried to do 7 technicals and say, "No, we never terminated her 8 contract, oh, yeah, we did tell her we were 9 probably not going to renew her option. And then 10 we didn't change the script."</p> <p>11 But Amber got the script, and, yes, 12 they did change it. Then he said, you know, "No, 13 we never negotiate salaries, but oh, yeah, we did 14 negotiate -- renegotiate Jason Momoa's and Gal 15 Gadot's." So he just doesn't want to admit to any 16 of these things.</p> <p>17 But what came out in Hamada's 18 deposition -- and I hope you were listening 19 carefully to this -- was the email from James Wan, 20 the director, and Jason Momoa, her costar, who 21 said they guarantee if they are in the film, she 22 is going to be Mera in the film. Why would they</p>	<p>7929</p> <p>1 her on from that time. She lost three different 2 opportunities that were being discussed with her. 3 The most significant part of that, though, is that 4 Aquaman was the biggest blockbuster ever for DC 5 films. It was the biggest. It was over a billion 6 dollars. This was her opportunity for her star. 7 Even the experts for Mr. Depp admitted this was 8 her blockbuster, this was her mega.</p> <p>9 But what happened instead? As she's 10 going through, as it's coming out, and in that 16 11 months they were going, "Well, nothing happened," 12 yeah, a lot's happened. She was -- had three 13 different films she was discussing. She got the 14 L'Oréal contract. She got The Stand. All of 15 those things were happening because of Aquaman.</p> <p>16 And then everything shut down. She 17 wasn't allowed to do publicity for The Stand. She 18 wasn't allowed to -- she, you know, hasn't been 19 allowed to do any L'Oréal. She gets shut down 20 from her charitable organizations. She ended up 21 not getting the Amazon movie, and then they gave 22 her a hard time about Aquaman 2.</p>

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57 (7930 to
7933)

7930	7932
<p>1 And instead of the career trajectory of 2 the other comparators, who all went way up -- and 3 by the way, all the experts admit that that career 4 trajectory went well for all the rest of them, and 5 she's the only one that didn't have it. And the 6 reason is because of the defamatory statements. 7 So you have some very good information to help you 8 on ascertaining those damages. 9 Now, Jessica Kovacevic -- and I don't 10 remember if you remember her, but she was her 11 agent, she said, "Everybody just stoped talking. 12 The producers don't want her. The directors don't 13 want her. Nobody wants her. We just can't get 14 the traction, and we should have been able to get 15 the traction. And they say it's because of those 16 statements." 17 So Kathryn Arnold gave you some good 18 estimates on this, and they gave you a very good 19 basis for it. And she didn't use Jason Momoa's or 20 Gal Gadot's or the others, she used Ambers but 21 used those comparators to show that they got big 22 movies, that they got commercial opportunities,</p>	<p>1 But probably the most compelling 2 testimony that you could ever hear was from Amber 3 yesterday and when she took the stand before. It 4 has destroyed her life. This has consumed her. 5 She's getting death threats. Her daughter -- 6 they're threatening to put her daughter in a 7 microwave, for God's sakes. She can't get away 8 from this. It's everywhere, this media, this 9 social media that has just taken off, has just 10 consumed her life. As she said, "I'm a human 11 being. No human being should be put through 12 this." 13 Now, Johnny Depp sued for a hundred 14 million -- for \$50 million, and we sent the 15 message back saying, "Fine. Then we're going to 16 sue for a hundred million. Because look at what 17 you've done to her." 18 We're not asking you to give a hundred 19 million dollars. We're asking you to just look at 20 the damages in this case and just be fair and 21 reasonable in whatever you determine by following 22 the evidence and the instructions. But we do ask</p>
7931	7933
<p>1 that they got these TV opportunities. But she 2 used the base that Amber had. So she used the 3 4 million from Aquaman that would be 3. She used 4 The Stand's, you know, how much they got paid per 5 movie. 6 And what she estimated on those, and 7 she went through those details, is that if you 8 took that for the last two years and projected 9 into the next three or four, that it's been 47 and 10 \$50 million that she could have had instead of her 11 star being completely extinguished, and that's 12 what happened to her. 13 The emotional distress damages are even 14 more extreme here, and that is -- Dawn Hughes 15 testified extensively about the PTSD and what she 16 goes through, and every time she's called a liar, 17 every time these hoax things come up, everything, 18 it causes her to relive all of it. She talks 19 about the panic attacks, the nervousness, the 20 intrusive thoughts, the nightmares, all of the -- 21 the sweats, the, you know, the anxiety that goes 22 through all of this. It's significant.</p>	<p>1 that you fully and fairly compensate Amber for 2 everything that she's been through, both in terms 3 of reputation and emotional distress. 4 The very last point is punitive 5 damages, and you surely have those in this case. 6 We've asked for 350,000 for the punitive damages, 7 and we would ask that you award that. Thank you 8 very much. 9 THE COURT: All right. Thank you. All 10 right. Ladies and gentlemen, what I'm going to 11 do, we still have rebuttal closing arguments, but 12 I can guarantee you that rebuttal closing 13 arguments will be done, combined, within 45 14 minutes. But what I want to do is go ahead and 15 let you have your lunch, and then after lunch, 16 we'll come back in the courtroom, have the 17 rebuttal closing arguments, and then we'll submit 18 the case to you, okay? All right. So go ahead 19 and have your lunch. Do not discuss the case with 20 each other, and do not do any outside research, 21 okay? 22 (Whereupon, the jury exited the</p>

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58 (7934 to
7937)

<p style="text-align: right;">7934</p> <p>1 courtroom and the following proceedings took 2 place.) 3 THE COURT: All right. So, let's come 4 back at 2:10. 5 MR. CHEW: Thank you, Your Honor. 6 THE COURT: And just for the record, 7 plaintiffs have 39 minutes left for rebuttal; 8 defendants have six minutes. 9 MR. CHEW: Thank you, Your Honor. 10 MS. BREDEHOFT: Your Honor, can we get 11 any of those back from the sidebars? 12 THE COURT: I didn't take any time from 13 the sidebars, zero off from the sidebars. It's 14 all from testimony, okay? 15 MR. ROTTENBORN: Thank you, Your Honor. 16 THE COURT: All right. Thank you. 17 MR. CHEW: Thank you, Your Honor. 18 THE COURT: All right. 19 THE BAILIFF: All rise. 20 (Recess taken from 1:11 p.m. to 21 2:06 p.m.) 22 THE BAILIFF: All rise. Please be</p>	<p style="text-align: right;">7936</p> <p>1 Aquaman 2 from anything said by Adam Waldman or 2 Johnny Depp. 3 And Ms. Heard's costume was delayed 4 because of creative issues. They mischaracterized 5 the testimony of Detective Sadanaga. They 6 mischaracterized the testimony of Ronald Schnell. 7 You've been here. You've listened to the 8 testimony. You know the record. Ms. Heard lied, 9 and she lied again and she kept lying. She lied 10 six years ago on May 27th, 2016, when she walked 11 into court in Los Angeles to publicly accuse 12 Mr. Depp of abuse for the first time. 13 She lied again when she told the world 14 over and over again that she donated all of the 15 \$7 million divorce settlement in to charity. 16 You've heard the evidence about what she donated. 17 And you watched her, you watched her try to save 18 her lie about that broken promise with more lies 19 on the stand in this courtroom. She lied again 20 when she told the world in her op-ed on 21 December 18th, 2018, that she was a public figure 22 representing domestic abuse, painting herself as a</p>
<p style="text-align: right;">7935</p> <p>1 seated and come to order. 2 THE COURT: All right. Are we ready 3 for the jury? 4 MR. CHEW: Yes, Your Honor. 5 MR. ROTTENBORN: Yes, Your Honor. 6 THE COURT: Okay. 7 (Whereupon, the jury entered the 8 courtroom and the following proceedings took 9 place.) 10 THE COURT: All right. Thank you, 11 ladies and gentlemen. You may be seated. 12 All right. Rebuttal arguments. 13 MS. VASQUEZ: Hello? 14 Good afternoon, ladies and gentlemen. 15 Ms. Heard's counsel has mischaracterized the 16 record multiple times, and Ms. Heard lied to you. 17 They've mischaracterized the testimony of Police 18 Officers Saenz and Howell, who explicitly 19 testified that they saw no signs of injury and no 20 property damage. They mischaracterized the 21 testimony of Walter Hamada, who testified clearly 22 that there was no impact on Ms. Heard's career at</p>	<p style="text-align: right;">7937</p> <p>1 representative of abuse survivors everywhere and 2 painting Mr. Depp as a representative of 3 perpetrators. 4 She's come too far. She can't back 5 down. She's lied too many times to too many 6 people. So when Mr. Depp finally decided to 7 fight, to clear his name by filing this lawsuit, 8 Ms. Heard responded by making up more and more 9 stories of more and more extreme abuse. She came 10 up with a new accusation that Mr. Depp raped her 11 with a bottle in Australia. 12 And she keeps making new claims up even 13 now. At this trial, for the very first time, she 14 claimed that she had been sexually assaulted the 15 night of her 30th birthday, even though she had 16 testified repeatedly about her birthday prior and 17 never mentioned it. And at this trial, she also 18 claimed for the very first time that Mr. Depp was 19 hitting her all the time during the first year of 20 their relationship, even though this first year, 21 she had testified previously, was magic and bliss 22 with absolutely no violence.</p>

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59 (7938 to
7941)

<p style="text-align: right;">7938</p> <p>1 Her story is a constantly moving 2 target. It never stays the same. Mr. Depp owns 3 his mistakes. He owns all of them. You saw him 4 do it on the stand in a raw and powerful way. But 5 in this trial, Ms. Heard has been confronted with 6 her lies and the damage she has caused, and she 7 cannot take any responsibility for what she has 8 done. 9 And you've seen the story, her story, 10 it doesn't hold up. You've watched her 11 performance on the stand. You saw her get caught 12 in lie after lie. The time has come for those 13 lies to come to an end. The time has come for 14 you, the jury, to decide the truth. 15 I started this trial giving you an 16 opening statement, and I said to you that words 17 matter. And this case is about Ms. Heard's words, 18 the words she published in an op-ed about 19 Mr. Depp. Ms. Heard and her attorneys have talked 20 a lot about -- in this trial about the First 21 Amendment. They've talked about the importance of 22 free speech, and we agree. I'm a lawyer. Of</p>	<p style="text-align: right;">7940</p> <p>1 When Mr. Depp sued her, Ms. Heard 2 apparently decided she needed to sue him back, and 3 because there were no statements made by Mr. Depp 4 on which she can base a claim, she sued him based 5 on statements made by one of his lawyers, Adam 6 Waldman, calling Ms. Heard's accusation of abuse a 7 hoax. Make no mistake, though, they are a hoax. 8 Ms. Heard made up claims of abuse, and then she 9 gave a performance where she passionately repeated 10 those made-up claims of abuse on the stand in 11 front of each of you. 12 But ask yourselves, who's really the 13 one alleging a hoax here? Who wants you to 14 believe that everyone else is lying, committing 15 perjury? Ms. Heard needs you to believe that all 16 the people who showed up in this courtroom to 17 testify on behalf of Mr. Depp, they're all lying. 18 She needs you to believe that the witnesses you 19 heard from, including security professionals, 20 former cops, medical professionals, and police 21 officers, they're all lying, covering up for 22 Mr. Depp.</p>
<p style="text-align: right;">7939</p> <p>1 course I agree with that. 2 But the First Amendment doesn't protect 3 lies that hurt and defame people. And there's a 4 difference. Ms. Heard has no right to tell the 5 world that Mr. Depp physically or sexually 6 assaulted her when that isn't true. That's not 7 protected speech. Our U.S. Constitution doesn't 8 protect that speech. 9 And it is a core value of American 10 society that you are innocent until proven guilty. 11 There is a presumption of innocence in this 12 country. A person's life cannot and should not be 13 destroyed by a baseless charge and no opportunity 14 to defend yourself. That's why Mr. Depp had to 15 bring this claim. Ms. Heard was never going to 16 stop calling him an abuser. The only way to clear 17 his name was to stand up in this court where both 18 sides are bound by the same rules of American law, 19 a jury will be tasked, you, ladies and gentlemen, 20 will be task with deciding once and for all 21 Ms. Heard's lies could be exposed in a fair and 22 impartial process.</p>	<p style="text-align: right;">7941</p> <p>1 She's asking you to believe that she's 2 the one telling the truth and that the rest of the 3 people in Mr. Depp's life are all part of the 4 conspiracy of silence. 5 This case is not just about whether you 6 believe Mr. Depp or you believe Ms. Heard. This 7 case is about whether you believe Ms. Heard, 8 Mr. Depp, Christi Dembrowski, who, yes, is here 9 supporting her brother, Isaac Baruch, who weeped 10 in front of the world, Keenan Wyatt, who doesn't 11 work for Mr. Depp, Sean Bett, a former LA 12 sheriff's department, Malcolm Connolly, who worked 13 at prisons in the U.K., Starling Jenkins is a 14 former U.S. Marine, Travis McGivern, also another 15 former police officer, Ben King, who worked for 16 the Queen of England, David Kipper, Dr. David 17 Kipper, Ms. Heard's doctor, and, yes, Mr. Depp's 18 doctor, Debbie Lloyd, a nurse, Erin Falati, 19 Ms. Heard's personal nurse, Officer Saenz, an LA 20 police officer with training in domestic violence, 21 Officer Hadden, her understudy, yes, in his first 22 week, studying to pick up on these signs of</p>

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60 (7942 to
7945)

<p style="text-align: right;">7942</p> <p>1 domestic abuse, Officer Gatlin, Brandon Patterson, 2 who worked at Eastern Columbia Building, Kate 3 James, Ms. Heard's former personal assistant, Tara 4 Roberts, Alejandro Romero, he took his deposition 5 from his car because he had to go to work, but 6 that didn't stop him from telling the truth, 7 Edward White, Mr. Depp's business manager, Laura 8 Wasser, one of the most famous divorce lawyers in 9 California, Morgan Night, Beverly Leonard, Morgan 10 Tremaine, and Kate Moss. And all the other 11 witnesses whose stories support Mr. Depp's 12 description of what took place. These people have 13 nothing to gain by coming forward. They have 14 everything to lose. 15 You see Mr. Waldman's statement in 16 evidence in this case. When you look at them you 17 can tell that the key point Mr. Waldman was making 18 in each of these statements were simply that 19 Ms. Heard's accusations against Mr. Depp were 20 lies. That's why he talks of an abuse hoax. 21 Now Ms. Heard has the burden of proof 22 of proving that Mr. Waldman's statements are</p>	<p style="text-align: right;">7944</p> <p>1 that night and, again, saw no injury. There is no 2 evidence in this record, none, that Mr. Waldman 3 acted with actual malice. He believed Mr. Depp. 4 He believed the record. 5 It's also important to understand that 6 because Mr. Waldman's statements were not made by 7 Mr. Depp, Ms. Heard needs to prove that 8 Mr. Waldman was acting as Mr. Depp's agent and 9 within that scope of that agency, within the scope 10 of the agency of the employment, when he made the 11 statement, Mr. Waldman is a lawyer. 12 Ms. Heard has not presented evidence 13 that making those statements is part of 14 Mr. Waldman's responsibilities as Mr. Depp's 15 lawyer. There's nothing in the record. 16 Ms. Heard is also claiming to be 17 suffering from PTSD and claims that should have 18 something to do with Mr. Waldman statements. 19 Ms. Heard wants you to believe that she suffers 20 from PTSD because Mr. Depp purportedly abused her. 21 But as usual, Ms. Heard is not telling the truth. 22 As you heard from Dr. Shannon Curry, Ms. Heard</p>
<p style="text-align: right;">7943</p> <p>1 false. And that means that Ms. Heard has to do 2 more than prove that Mr. Waldman got some details 3 wrong. She has to prove that Mr. Waldman's 4 statements are false in their essential meaning. 5 In other words, she has to prove that her abuse 6 claims are not a hoax. But as you've seen, the 7 evidence is overwhelming that Ms. Heard's claims 8 of abuse are false. 9 We should also spend a bit of time 10 talking about actual malice. It is Ms. Heard's 11 burden to prove that Mr. Waldman's statements were 12 made with actual malice. And actual malice means 13 knowledge that the statements were false or 14 reckless, that's an important word, reckless with 15 regard for the truth. 16 But here, there's clear evidence that 17 Mr. Waldman genuinely believed that Ms. Heard had 18 committed a hoax. You watched him give the 19 testimony by definition in this case. He 20 testified about the evidence he found persuasive, 21 the numerous witnesses and the sworn depositions 22 of the police officers who went to the penthouses</p>	<p style="text-align: right;">7945</p> <p>1 does not have PTSD and she does not act like a 2 person with PTSD. 3 Ms. Heard is an actress in a major 4 film, involved in some IA training. She just had 5 a baby. Dr. Curry also found that Ms. Heard 6 attempted to grossly exaggerate her symptoms 7 during testing, which is a sign of malingering, or 8 said differently, of Ms. Heard lying. 9 Ms. Heard hired Dr. Dawn Hughes to help 10 her with this narrative. Dr. Hughes did not catch 11 Ms. Heard's exaggeration during testing because 12 Dr. Hughes used an improper malingering screening 13 test. She wasn't going to find it. One that is 14 meant to identify an examinee's intent to fake a 15 severe mental illness or psychosis, not PTSD. 16 Dr. Hughes diagnosed Ms. Heard with 17 PTSD without administering the gold standard 18 diagnostic test used for PTSD. She diagnosed her, 19 think about that, she diagnosed her with PTSD 20 administering the test she admitted was the gold 21 standard, two years after diagnosing Ms. Heard 22 with PTSD and shortly, curiously shortly after</p>

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61 (7946 to
7949)

<p style="text-align: right;">7946</p> <p>1 Dr. Curry administered the gold standard 2 diagnostic test in her evaluation of Ms. Heard, 3 but before this is disclosed, Dr. Hughes decided 4 to administer the gold standard. 5 Finally, nevertheless, even after 6 Dr. Hughes used the proper test, there were a 7 number of deficiencies in her administration of 8 that test. You saw them. Including her failure 9 to even follow the instructions that render her 10 diagnoses unreliable. 11 Ms. Heard's claim for monetary damages 12 related to Mr. Waldman's statements, frankly, it's 13 a fantasy. Ms. Heard speculates wildly that she 14 has somehow been damaged by Mr. Waldman's 15 statements. But in reality, Ms. Heard has not 16 shown any damage at all that was because of or by 17 Mr. Waldman's statements. 18 There's evidence of a mountain of 19 negative press coverage about Ms. Heard, including 20 past reports about the defecating in Mr. Depp's 21 bed, cutting off his finger, and putting out a 22 cigarette on his face. But none of that has</p>	<p style="text-align: right;">7948</p> <p>1 acting since she was 13 years old on the Disney 2 Channel, and she's in every single Spiderman 3 movie. 4 Further, the Q scores of these actors 5 are not at all comparable with Ms. Heard's 6 Q scores. As Mr. Bania testified, Ms. Heard's 7 rating was less compared to these actors and all 8 of Ms. Heard's Q score ratings were less favorable 9 than the average of all performers. 10 As you heard from Michael Spindler, 11 because Ms. Arnold relies on the salaries of these 12 comparable actors to calculate Ms. Heard's 13 damages, Ms. Heard's claim for damages makes no 14 sense. There's no connection. 15 Further, and more fatally for Ms. 16 Heard's damages claim, is that there's no 17 connection to the Waldman statement, to 18 Mr. Waldman's statement. Even if you find damage 19 to her career, you have to connect it to the 20 defamatory statements. There is no connection. 21 Mr. Bania testified that all the 22 negative tweets that Ms. Heard has entered into</p>
<p style="text-align: right;">7947</p> <p>1 anything to do with Mr. Waldman's statements. 2 And Ms. Heard presented no evidence, 3 none, of any film or other project that she has 4 lost, lost, because of those statements. In fact, 5 you heard from Warner Brothers' president, Walter 6 Hamada, who explained that Ms. Heard suffered no 7 loss, none, no loss of compensation or other 8 adverse effect on her major film Aquaman 2. You 9 heard it straight from him. 10 Ms. Heard's expert, Kathryn Arnold, 11 testified but for the statements from Mr. Waldman, 12 Ms. Heard would be much more successful in her 13 career. To form this opinion, Ms. Arnold compares 14 Ms. Heard to actors such as Jason Momoa, the 15 actual Aquaman, Chris Pine, Gal Gadot, and 16 Zendaya. But as Richard Marks, who does deals 17 every day, that's his job, not testifying here for 18 a paycheck, does deals in Hollywood and Doug 19 Bania, both testified that these actors are simply 20 not comparable to Ms. Heard. After all, Jason 21 Momoa, he was Aquaman, Chris Pine, he was Captain 22 Kirk, Gal Gadot, Wonder Woman, Zendaya, she's been</p>	<p style="text-align: right;">7949</p> <p>1 evidence has no causal connection to the 2 statements underlying Ms. Heard's counterclaim. 3 Specifically, Ms. Heard's expert, Mr. Ron Schnell, 4 presented a full methodology that included picking 5 out hashtags at random, including 6 #justiceforjohnnydepp. What does that have to do 7 with the Waldman statements? And counting 8 accompanying tweets even though it had nothing to 9 do with Mr. Waldman. 10 Ms. Heard's counterclaim is based on 11 statements by Mr. Waldman, not Mr. Depp. 12 Ms. Heard knows perfectly well that she hasn't 13 suffered any damages from those statements buried 14 at the bottom of articles in a mere tabloid, the 15 Daily Mail. And the statements are substantially 16 true since they all -- since all they do, really, 17 is point out that Ms. Heard's abuse allegations 18 are false. 19 Ms. Heard's counsel argued that 20 Ms. Heard did not write the title of the online 21 version of the op-ed, which stated "I spoke out 22 against sexual violence and faced our culture's</p>

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62 (7950 to
7953)

<p style="text-align: right;">7950</p> <p>1 wrath. That has to change." Does not matter 2 whether or not Ms. Heard wrote the title. 3 You will recall from the Court's 4 instructions this morning that what matters is 5 whether Ms. Heard republished the defamatory 6 language. That instruction states, in part, that 7 you should find Ms. Heard republished this article 8 if she "retransmitted the defamatory material with 9 the goal of achieving a new audience." Stated 10 differently, republication occurs when the speaker 11 has affirmatively, that's important, affirmatively 12 reiterated the statement. 13 Ms. Heard affirmatively reiterated the 14 statement. She posted it on her Twitter. 15 If we could please pull up Plaintiff's 16 Exhibit 3. This is the tweet Ms. Heard sent. She 17 retweeted the Washington Post tweet to a new 18 audience, her own Twitter followers. And she 19 affirmatively reiterated the statement by proudly 20 declaring "Today I published this op-ed in The 21 Washington Post." She didn't quibble with the 22 title. She said, proudly, "Today I published this</p>	<p style="text-align: right;">7952</p> <p>1 you know, because you have seen and listened to 2 Ms. Heard in action, that Ms. Heard is a woman 3 who's documenting things throughout their 4 relationship. And it is instructive that the 5 things she chose to document had nothing to do 6 with violence. She documented Mr. Depp sleeping. 7 She documented lines of cocaine featuring 8 prominently Mr. Depp's loan-out company -- or 9 production company, Infinitum Nihil. Staged 10 photographs, that's what she documented. 11 Mr. Rottenborn's entire argument 12 assumes that Mr. Depp, a man, should be 13 disbelieved because -- despite the fact that 14 Ms. Heard can't support her accusations with 15 actual evidence. What we have put to you, the 16 jury, is not because Ms. Heard didn't take enough 17 pictures or tell people about abuse, that it 18 didn't happen. 19 What we offer to you is that given how 20 brutal and constant the abuse Ms. Heard claims, 21 she would have had serious injuries. That's a 22 fact. She would have had serious injuries. That</p>
<p style="text-align: right;">7951</p> <p>1 op-ed in The Washington Post." 2 The title of the op-ed was prominently 3 displayed in the tweet. That is enough for you, 4 members of the jury, to find that Ms. Heard 5 republished the title of the op-ed and adopted the 6 statement as her own. She can and should be held 7 liable and responsible for that statement. 8 Ms. Heard tries to make something out 9 of the fact that Mr. Waldman reported her to law 10 enforcement in Los Angeles for perjury after her 11 allegations of abuse were made against Mr. Depp. 12 But I'll submit to you that all this proves is 13 that Mr. Waldman believes Ms. Heard has committed 14 perjury. 15 Mr. Rottenborn argued that the lack of 16 supporting evidence from Ms. Heard's allegations 17 of horrendous constant abuse is somehow not 18 something to be considered. But it is shameful 19 for you to consider the fact that she didn't 20 document all the terrible injuries that she claims 21 to have suffered. 22 That was a twisted argument. First,</p>	<p style="text-align: right;">7953</p> <p>1 would have been observable in the pictures we 2 looked at and by the witnesses we heard from and 3 would have required medical attention. That's it. 4 Ms. Heard testifies to injuries that multiple 5 people didn't see. What you have in the end is 6 Ms. Heard's word. Do you trust it? 7 We are not here because Ms. Heard told 8 the world Mr. Depp is verbally abusive. This is 9 not about the words used by Mr. Depp. We are here 10 because Ms. Heard told the world that Mr. Depp was 11 physically and sexually abusive. That's what 12 Ms. Heard was saying in the op-ed. 13 On May 27th, exactly six years ago 14 today, 2016, Ms. Heard walked into court with a 15 mark on her face to tell the world that her 16 husband was abusive. She renewed that falsehood 17 in her op-ed, describing herself as a public 18 figure representing domestic abuse. And she 19 published the op-ed, including the title, claiming 20 that she spoke up against sexual violence. 21 Everyone, everyone knew who she was talking about 22 when she used those words. She was alleging</p>

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63 (7954 to
7957)

<p style="text-align: right;">7954</p> <p>1 physical and sexual abuse. She was not alleging 2 emotional or psychological abuse. She was 3 alleging physical and sexual abuse. 4 Ms. Heard cannot run away from her own 5 allegations now. You have all of the evidence of 6 what she alleged against Mr. Depp in 2016, and you 7 have all heard her incredibly dramatic, 8 over-the-top story of physical and sexual abuse. 9 That story was a defamatory lie. 10 Ms. Heard tried to argue that you only 11 need to find that Mr. Depp might have touched 12 Ms. Heard once in order to find in her favor 13 because that makes her a victim of abuse. But 14 common sense should tell you that you can't pick 15 and choose Ms. Heard's allegations. You saw her 16 on the stand. We all did. She gave the 17 performance of her life, telling story after story 18 of abuse. And not just any abuse, but 19 extravagant, over-the-top allegations of abuse 20 that would be truly brutal, horrific, if true. 21 You either believe all of it or you believe none 22 of it. Either she's telling the truth, including</p>	<p style="text-align: right;">7956</p> <p>1 uses words I don't use, and you probably don't use 2 either. But as you also heard during this trial, 3 Mr. Depp writes in that way, in part, because he 4 modeled his writings on literary giants like 5 Hunter S. Thompson, and he's got a dark sense of 6 humor. It's not everyone's cup of tea, but it's 7 who he is. 8 In Mr. Depp's own text messages he 9 acknowledges that he said those things. And he 10 said things that he shouldn't have. But using bad 11 language and colorful humor does not mean that you 12 are a violent abuser and, ironically, as much as 13 Ms. Heard is trying to use Mr. Depp's words 14 against him, it is Ms. Heard who repeatedly 15 admitted to violence in her own words. You've 16 heard the tapes. You've heard her admit to 17 violence. Ms. Heard can try to distract you with 18 text messages showing that Mr. Depp uses bad 19 language and has a dark sense of humor. But none 20 of that, I submit to you ladies and gentlemen, 21 none of that is evidence of abuse. Hitting your 22 husband is evidence of abuse.</p>
<p style="text-align: right;">7955</p> <p>1 in her most extreme allegations, or she's lying. 2 Either she was raped by a bottle or she's the sort 3 of person who would get on the stand in this 4 courtroom and lie to you and the world about being 5 raped. And if she would lie about that, what 6 wouldn't she lie about? 7 You can't find that Mr. Depp hit her 8 once. Either he hit her countless times or you 9 can't believe a single word that comes out of her 10 mouth. 11 And what is the actual meaning of 12 Ms. Heard's op-ed? That's an important question. 13 It's not that Mr. Depp said a nasty word to her 14 once. It's not that Mr. Depp might have hit her 15 once. It's that she is a representative of 16 domestic abuse and by extension Mr. Depp is a 17 representative of abuse perpetrators. Words 18 matter. 19 Ms. Heard has shown you a lot of text 20 messages from Mr. Depp with some very vivid 21 language. As I told you at the start of this 22 trial, Mr. Depp has a unique style of writing. He</p>	<p style="text-align: right;">7957</p> <p>1 Mr. Rottenborn talked about the burden 2 of proof. Let's talk about that for a minute. 3 Mr. Depp only has to show that it is more likely 4 than not, more likely than not, that the 5 statements in the op-ed are false. That it is 6 more likely than not that they have a defamatory 7 implication; that it is more likely than not, that 8 Ms. Heard designed and intended the statements to 9 refer to Mr. Depp. And the evidence on these 10 points is clear, Ms. Heard made these allegations 11 six years ago today, May 27th, 2016. She went out 12 of her way to make them public, tipping off TMZ. 13 When she published the op-ed she was reminding 14 everyone in Hollywood and the world of her abuse 15 claims, and those claims are a lie. Consider that 16 the true purpose of the article. Mr. Rottenborn 17 said it was to promote legislative reforms. 18 But what was it actually? The evidence 19 shows it was to promote Ms. Heard. It was timed 20 to be released at the same time as Aquaman on 21 December 21st, 2018. And it was timed to coincide 22 with her announcement of her ambassadorship at the</p>

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64 (7958 to
7961)

<p>7958</p> <p>1 ACLU for women's right. That's not a coincidence. 2 It is designed that way. That is not a statement 3 about legislative reforms. This was about 4 furnishing Ms. Heard's reputation at the expense 5 of Mr. Depp's. It was about Ms. Heard continuing 6 to portray herself as a heroic survivor of abuse. 7 And on the question of actual malice, 8 that just means whether or not Ms. Heard knew the 9 allegations were false. Ms. Heard knows perfectly 10 well that she wasn't abused. She has direct 11 knowledge of that. She was in that relationship. 12 So actual malice is easily established. 13 You may have noticed that no one showed 14 up for Ms. Heard in this courtroom other than her 15 sister. Other than a witness who traveled to 16 Virginia for her as a paid expert. This is a 17 woman who burns bridges. Her close friends don't 18 show up for her. 19 Mr. Rottenborn tried to discredit 20 Mr. Depp's witnesses by suggesting they're all on 21 Mr. Depp's payroll so he double downed the hoax 22 theory, that everyone's just lying.</p>	<p>7960</p> <p>1 ground. What sort of person does that? 2 Definitely not someone that's afraid of him. 3 And Ms. Heard's attorney told the story 4 of May 21 that was completely, utterly 5 inconsistent with the testimonies of Officer Saenz 6 and Hadden, who testified, clearly, that they saw 7 no signs of injury, no sign of property damage. 8 And she told a story about how Officer Sadanaga, 9 I'll get that right, Sadanaga's testimony was also 10 wrong. She testified that the report was only 11 required in case of a crime. 12 Ms. Heard's attorneys tried to tell you 13 that Mr. Depp apologized on May 22nd because he 14 had hit Ms. Heard. Mr. Depp didn't apologize to 15 Ms. Heard on May 22nd for hitting her. He 16 apologized because he was leaving Ms. Heard. And 17 this was a woman, that in spite of all her 18 violence and all her rage, Mr. Depp, he loved her. 19 He had been with her for years. Of course he 20 apologized when he finally broke it off. 21 Ms. Bredehoft also tried to tell you 22 that Ms. Heard did everything in her power to keep</p>
<p>7959</p> <p>1 First of all, that's not even true. 2 Keenan Wyatt isn't on his payroll, Ben King isn't 3 on his payroll, Officer Melissa Saenz isn't on his 4 payroll, Morgan Tremaine isn't on his payroll, 5 Officer Tyler Hadden, he's not on his payroll, 6 Beverly Leonard, Alejandro Romero, Brandon 7 Patterson, Morgan Night. None of those people are 8 on his payroll. And Kate Moss, Kate Moss is most 9 definitely not on Mr. Depp's payroll. 10 Ms. Heard wants you to believe that all 11 these people were lying. 12 Let's talk about the Boston plane. 13 Ms. Heard wants you to believe that the recording 14 you heard is from the Boston plane flight. But 15 that's quite telling. What did Ms. Heard capture 16 of this supposed rampage? Mr. Depp moaning in 17 distress? That's what she chose to record. What 18 sort of person records something like that. What 19 sort of person takes pictures of their husband or 20 boyfriend or fiancé, who is struggling with 21 sobriety, nodding off with ice cream dipping down 22 his leg, his hand in his pocket. Or asleep on the</p>	<p>7961</p> <p>1 the authorities away and to not get Mr. Depp in 2 trouble on May 21st, 2016. 3 Take a minute and think back to what 4 Ms. Heard did six days later, six years ago today. 5 She walked into court with a visible mark on her 6 face, not wearing makeup that day, she tipped off 7 TMZ, she made it public and she showed up on the 8 cover of People magazine with a mark on her face. 9 Is that protecting Mr. Depp or was she trying to 10 destroy him? 11 Mr. Rottenborn asked you to consider 12 why you're here. So why are you here? You're 13 here because of a lie. And that was the lie that 14 Ms. Heard repeated in the op-ed. 15 At the start of this trial, we told you 16 that this trial was about the evidence. The 17 evidence overwhelmingly shows that Ms. Heard is an 18 abuser and that she is a liar. She lied about 19 Mr. Depp and took on the role of a lifetime as a 20 public figure representing domestic abuse. 21 What is her best evidence of that 22 abuse? A video of Mr. Depp flinging cabinets</p>

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65 (7962 to
7965)

<p style="text-align: right;">7962</p> <p>1 around and text messages of Mr. Depp using bad 2 words and dark, ugly humor. But never once 3 admitting to abuse. Pictures of Mr. Depp 4 sleeping. That's her best evidence. 5 Ms. Heard, herself, Ms. Heard held 6 herself out to the world as a representative of 7 abused survivors everywhere. The face of the 8 #MeToo movement. This is not a Me Too situation. 9 There are no Me Toos. Just not Mes. 10 Ms. Heard does not deserve to be known 11 as a representative of survivors of abuse. And 12 Mr. Depp does not deserve to be known as a 13 representative of perpetrators of abuse. That is 14 what this case is about. It's not about money. 15 It's about giving Mr. Depp his life back, six 16 years ago when she took it away. 17 While you deliberate, ask yourselves 18 why Mr. Depp would put himself through this, 19 expose every embarrassing detail of his life on 20 national television, if he was guilty of anything, 21 anything, that Ms. Heard accuses him of. 22 We ask you, we implore you to render a</p>	<p style="text-align: right;">7964</p> <p>1 No one showed up for her, but then they say that 2 these people aren't friends anymore. If they're 3 not friends anymore, then why would they be doing 4 what they would suggest or lying for her? Why 5 would they be corroborating everything that she 6 says? 7 It's this simple: If you believe that 8 Depp was abusive to Amber one time ever, in any of 9 the various forms of abuse, not only physical, 10 verbal, emotional, psychological, sexual, any of 11 the ways of abuse, then your job is very easy. 12 And you cannot only deny Mr. Depp's claim, but you 13 can find for Amber on her counterclaim. 14 And it's interesting that Ms. Vasquez 15 just changed their theory, after six weeks, she 16 said, oh, well, domestic abuse just means physical 17 abuse. That's not what Mr. Depp said. That's not 18 what Dr. Curry said. That's not what Dr. Hughes 19 said. It's not what you know to be true. You 20 know that the evidence that you've seen 21 constitutes all sorts of abuse. And there's a 22 reason that they're running as fast as they can</p>
<p style="text-align: right;">7963</p> <p>1 verdict for Mr. Depp. We ask you to set the 2 record straight, that he is not the abuser she 3 described and that she is not the heroic survivor 4 she portrayed. And we ask you to tell Ms. Heard 5 that what she did was wrong. 6 Thank you very much, ladies and 7 gentlemen. 8 THE COURT: All right. Thank you, 9 ma'am. Rebuttal closing. 10 MR. ROTTENBORN: Yes, Your Honor. 11 Ladies and gentlemen, it's interesting 12 that in both their opening and their rebuttal 13 closing that you heard Mr. Depp's attorneys 14 address none of Ms. Heard's witnesses. None of 15 Ms. Heard's witnesses. They listed their own, who 16 didn't see -- who are on his payroll, weren't 17 there behind closed doors with them. But they 18 didn't address any of the witnesses, for example, 19 Josh Drew, Rocky Pennington, Liz Marz, who were 20 all there on May 21st, Melanie Inglessis, who 21 covered Ms. Heard's bruises. 22 They say that no one showed up for her.</p>	<p style="text-align: right;">7965</p> <p>1 from those sorts of abuse, because they know that 2 he did it. 3 Now, the suggestion that Amber's abuse 4 allegations are a hoax is vicious and vile. 5 Mr. Depp can say whatever he wants now, but he 6 can't change the evidence that you've seen at the 7 trial. And the evidence shows that Ms. Heard did 8 not commit abuse hoaxes; not about sexual 9 violence, not about May 21st, 2016, and certainly 10 not about Mr. Depp or Mr. Waldman's catchall 11 all-purpose statement that Ms. Heard's "abuse 12 hoax" would suggest that every one of her 13 allegations are false. But that's coming to an 14 end. 15 The evidence shows she did not commit 16 any of those "hoaxes." The evidence shows that 17 she was abused exactly how, not only she, but her 18 witnesses supporting her claims say that she was, 19 and their witness, even, who claim that Mr. Depp 20 abused her. 21 Ms. Vasquez talked about actual malice. 22 She said because Mr. Waldman was acting as</p>

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66 (7966 to
7969)

<p>7966</p> <p>1 Mr. Depp's agent, you have to look at Mr. Waldman. 2 They're standing in the shoes of one another. And 3 as Mr. Depp's agent, Mr. Depp's malice is 4 Mr. Waldman's malice. Mr. Depp's malice is 5 Mr. Waldman's malice. He acted with actual malice 6 when he made these statements. 7 Now, after years and years of Mr. Depp 8 controlling the roles that Ms. Heard took, 9 Ms. Heard had the biggest hit of her career three 10 months before she was sued. She had withstood 11 Mr. Depp's attempt to have her fired from Aquaman, 12 and his own jealousy as his career went down the 13 drain before the op-ed, for reasons that had 14 nothing to do with Ms. Heard. But once the 15 lawsuit against Ms. Heard was filed, his campaign 16 that he promised to destroy her entered a new 17 phase. And then it reached a crescendo when 18 Mr. Depp and Mr. Waldman decided to meet with the 19 Daily Mail together and decided to plant 20 statements that were defamatory of Ms. Heard in 21 the spring of 2020, leading up to the U.K. trial. 22 You've heard Amber and her agent,</p>	<p>7968</p> <p>1 suffer in silence. Stand up for the freedom of 2 speech, the freedom to speak about your life that 3 the First Amendment protects. 4 Give Amber Heard her voice back. Give 5 Amber Heard her life back. 6 Thank you so much for your service on 7 this jury. 8 THE COURT: Thank you, Mr. Rottenborn. 9 Members of the jury, this is an 10 important case to both the plaintiff and the 11 defendant. In order to reach a verdict, each of 12 you must agree on that verdict. In other words, 13 your verdict must be unanimous. 14 The first thing you should do when you 15 go back to the jury room is to select a presiding 16 juror. The role of the presiding juror is to see 17 to it that the deliberations are conducted in an 18 orderly and businesslike manner; that they are 19 conducted only in the jury room, when all the 20 members of the jury are present, and that each 21 juror has the opportunity to fully and fairly 22 express his or her views.</p>
<p>7967</p> <p>1 Jessica Kovacevic, talk about the impact to 2 Amber's career. She can't get hired because of 3 the negative treatment she gets. Studios like 4 her, co-stars like her, she tests well, but she 5 can't get opportunities because of the negativity 6 associated with Mr. Depp and Mr. Waldman. 7 You heard Amber Heard on the stand 8 yesterday telling you exactly what she has 9 experienced as a result of Mr. Depp's promise to 10 bring her global humiliation. That promise, to 11 paraphrase Kathryn Arnold, Ms. Heard's damages 12 expert, that promise was a spark. And that 13 promise he kept because he had told her again and 14 again the only way out of this is death. And when 15 she chose a different path out of it, he decided 16 to make that promise. He decided to throw that 17 spark. And when Mr. Waldman became involved, that 18 spark became a forest fire. That forest fire has 19 continued to this day. 20 We ask, ladies and gentlemen, that you 21 hold Mr. Depp accountable for his actions. Stand 22 up for victims of domestic abuse everywhere who</p>	<p>7969</p> <p>1 It is rarely helpful for jurors, upon 2 first entering the jury room, to take a straw vote 3 or for any juror to make an emphatic expression of 4 his or her opinion in the case, or to announce a 5 determination to stand for a certain verdict. To 6 do so before all jurors have had an opportunity to 7 consult with one another and exchange views and 8 opinions might allow your sense of pride to 9 prevent you from retreating from an announced 10 position, even when shown that such position is 11 unsound. 12 You have a duty to consult with one 13 another and to deliberate with the objective of 14 reaching an agreement, if it can be done without 15 offending your individual judgment. 16 Each of you must decide this case for 17 yourself, but only after an impartial 18 consideration of the evidence with your fellow 19 jurors. 20 In the course of deliberations, a juror 21 should not hesitate to reexamine his or her views 22 and change his or her opinion if convinced it is</p>

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67 (7970 to
7973)

<p style="text-align: right;">7970</p> <p>1 an error. However, none of you should surrender 2 your honest conviction as to the weight, or effect 3 of the evidence solely because of the opinion of 4 your fellow jurors, or for the mere purpose of 5 returning a verdict. 6 In the jury room, you will have the 7 exhibits that were entered into evidence, you will 8 also have the instructions of law that I just read 9 to you, and you will have the verdict forms. You 10 will have a laptop, and that laptop will have just 11 two files on it, and Deputy Halusa will set it up 12 for you in the jury room. One is the plaintiff's 13 files for audio and video files, and one is the 14 defendant's files for audio and video files. And 15 you'll be able to hear and watch those as well, 16 the ones that were submitted into evidence. 17 During your deliberations, you are not 18 to communicate or provide any information to 19 anyone who is not a member of this jury by any 20 means about this case. 21 You may not use any electronic device 22 or media to conduct any independent research about</p>	<p style="text-align: right;">7972</p> <p>1 for every question for a statement, then that's 2 when you go to the last page of the verdict form, 3 which is for damages. So, for example, if you 4 find yes for all of statement 1, then you could go 5 to 4 and 5 for damages. 6 If you find yes for all of statement 1 7 and statement 2, you still go to 4 and 5 for 8 damages. 9 If you say yes for statement 1, 10 statement 2, and statement 3, you obviously go to 11 4 and 5 for damage. 12 If you answer no on any of the pages 13 for any of the statements, you don't go to 4 and 14 5, okay? So that will be for all of them. 15 And when you do come to a verdict, make 16 sure the foreperson signs it and dates it, and 17 then just let the deputy know about that, okay? 18 Now, for the tough part. You may 19 remember at the beginning of this case I told you 20 we would randomly select four people to be the 21 alternates, okay? We still have two alternates 22 left, and the numbers were placed in an envelope</p>
<p style="text-align: right;">7971</p> <p>1 this case, any of the factual issues in the case, 2 and the individuals or attorneys involved in the 3 case. You are not permitted to consult 4 dictionaries or reference material, search the 5 Internet, visit websites or blogs, or use any 6 other tools to obtain information about this case, 7 or to help you decide the case. 8 Do not try to find out information from 9 any source outside of the testimony and the 10 exhibits received as evidence during the trial. 11 You will also have -- I know the 12 attorneys discussed briefly about the verdict 13 forms. You'll have two sets of verdict forms, one 14 for Mr. Depp's case and one for Ms. Heard's case, 15 okay? 16 Now, when you have these verdict forms, 17 the first three pages of both verdict forms have 18 each of the statements separately, okay? 19 So when you're going through it, you're 20 going to look at each statement separately and 21 answer the questions that are on the page, okay? 22 Now if you come to -- if you decide yes</p>	<p style="text-align: right;">7973</p> <p>1 in the very beginning of the case. 2 So let me just say, before I release 3 the alternates, that I know that this trial has 4 been a huge sacrifice for all of you, and I have 5 taken -- and you've taken away from your life for 6 weeks on end here. And I know I speak for all of 7 us associated with the case, and I want to thank 8 you for your service in this matter. I know how 9 hard it is to come this far and then not get a 10 chance to deliberate. But that does not lessen 11 the respect and admiration that we have for you. 12 As an alternate you do deliberate, but 13 you are still under order of this court not to do 14 any outside research in this case or to talk to 15 anyone about this case at this time, and you're 16 still under your oath as a juror. That is because 17 if something happens to a juror during 18 deliberations, I will call you back for service, 19 and you will join the deliberations and they'll 20 start again, and you'll be part of the jury. So 21 you are under these restrictions and your oath 22 until a verdict is reached. We will contact you</p>

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68 (7974 to
7977)

<p style="text-align: right;">7974</p> <p>1 once this has occurred and then you will be free 2 from your obligations, okay? But, again, thank 3 you for your service, all right? 4 So in this matter, the alternate jurors 5 are Juror Number 3 and 14. All right? 6 So, at this time, those jurors are 7 excused. And, also, the remaining jurors can 8 retire now to the jury room to begin their 9 deliberations, okay? So thank you all, okay? 10 (Whereupon, the jury exited the 11 courtroom and the following proceedings took 12 place.) 13 THE COURT: All right. It is out of my 14 hands. 15 I have a few notes first, okay? 16 Please make sure Jamie knows where you 17 want to be contacted for any jury questions we 18 have or when there's a verdict. 19 When there is a verdict, I'll give you 20 at least an hour lead time. It will always be at 21 the top of the hour. So, for example, if I get 22 the verdict at 10:20 in the morning, it wouldn't</p>	<p style="text-align: right;">7976</p> <p>1 MS. BREDEHOFT: Your staff and your 2 deputies have been absolutely phenomenal all the 3 way through, just outstanding with everything. We 4 really appreciate them and we appreciate Your 5 Honor as well. 6 THE COURT: All right. 7 MR. CHEW: That is one thing on which 8 Ms. Bredehoft and we respectfully dis -- agree, 9 completely. Completely agree. 10 THE COURT: Okay. I'm glad on the last 11 day we finally have an agreement. 12 MR. CHEW: Thank you, Your Honor. 13 We're very grateful. Thank you. 14 MS. BREDEHOFT: One matter, if we can 15 approach. 16 THE COURT: You want to approach? 17 Sure. Just for old times' sake. 18 (Sidebar.) 19 MS. BREDEHOFT: I might have misheard 20 it, but I thought at the end of your 21 explanation -- of Your Honor's explanation of the 22 verdict form, that I thought Your Honor said that</p>
<p style="text-align: right;">7975</p> <p>1 be read until noon. So it is always going to be 2 the top of the hour, at least 60 minutes later, if 3 that makes sense. That gives you time. 4 I would ask that at least one attorney 5 is close enough, within a ten-minute range, for 6 any questions. I'd appreciate that, okay? 7 And I know some of the attorneys are 8 going to be leaving, so I just wanted to thank all 9 of you for your professionalism and your hard work 10 during this case. It's much easier being a judge 11 when you have excellent trial attorneys in front 12 of you. It does make it easier. And I just want 13 to thank the attorneys and litigants for the 14 kindness and the great demeanor you've shown to my 15 staff and to the courthouse staff and to the 16 deputies and the sheriff department. I really 17 appreciate it. It means a great deal to me, okay? 18 And I also appreciate Judy, because 19 she's a rock star. 20 Yes. 21 (Standing ovation.) 22 THE COURT: Well, that's a first, okay.</p>	<p style="text-align: right;">7977</p> <p>1 if they find -- 2 THE COURT: No. 3 MS. BREDEHOFT: -- no on any of the -- 4 THE COURT: Any of the pages. If you 5 put a no on a page, you don't get to damages on 6 that particular page. 7 MS. BREDEHOFT: As long as Your 8 Honor -- it just was still confusing to me, but 9 the important thing is if Your Honor's on it. 10 THE COURT: We're on it. We're good. 11 MR. CHEW: Thank you very much. 12 MS. BREDEHOFT: Really, thank you. 13 Yes, really, really thank you. We do really, 14 really thank you. 15 THE COURT: All right. If we hear 16 anything, we'll let you know, okay? All right, 17 thank you. 18 THE BAILIFF: All rise. 19 (Recess taken from 2:59 p.m. to 20 5:30 p.m.) 21 THE BAILIFF: All rise. 22 THE COURT: Since a long weekend let's</p>

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69 (7978 to
7981)

<p>7978</p> <p>1 bring them in to send them home, okay? 2 (Whereupon, the jury entered the 3 courtroom and the following proceedings took 4 place.) 5 THE COURT: Thank you, ladies and 6 gentlemen. Since a long weekend -- you can sit 7 down, please. 8 Since it's a long weekend for three 9 days, I just want to come back in here and remind 10 you of your responsibilities, which are extremely 11 important, especially now that you are in the 12 deliberation phase, okay? 13 So just to remind you, that you are not 14 to read anything about this case; you are not to 15 watch anything about this case; you are not to 16 listen to anything about this case; this applies 17 to television, newspapers, magazines, Internet, 18 and any online sites. 19 In addition, you are not to read, watch 20 or listen to anything about the case on social 21 media and the sites, any blogs or similar sites. 22 In addition, you must not communicate</p>	<p>7980</p> <p>1 5:41 p.m. to reconvene at 9:00 a.m., Tuesday, May 2 31, 2022.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p>7979</p> <p>1 with anyone about the case, whether in person or 2 over the phone, by email, text, or instant 3 messaging, or by any other electronic or 4 nonelectronic means, this concludes your friends, 5 families, co-workers, acquaintances and strangers. 6 I also instruct you, you cannot do any 7 research or make any inquiry about this case, 8 whether online or by any other means. 9 All right. So have a good weekend and 10 peaceful weekend for three days. And we'll come 11 back at 9:00; is that correct? 12 All right. We'll see you at 9:00 a.m. 13 at that time. You can go straight into 14 deliberations at that time. I won't bring you 15 back in here for that time, okay? Thank you. 16 (Whereupon, the jury exited the 17 courtroom and the following proceedings took 18 place.) 19 THE COURT: Enjoy your weekend. And 20 just be close by at 9:00 on Tuesday. 21 THE BAILIFF: All rise. 22 (Whereupon, the trial was recessed at</p>	<p>7981</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 I, JUDITH E. BELLINGER, RPR, CRR, the 3 court reporter before whom the foregoing hearing 4 was taken, do hereby certify that the foregoing 5 excerpt transcript is a true and correct record of 6 the proceedings; that said proceedings were taken 7 by me stenographically and thereafter reduced to 8 typewriting under my direction; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to this case and have no 11 interest, financial or otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set 13 my hand and affixed my notarial seal this 29th day 14 of May, 2022. 15 My Commission Expires: September 30, 2024 16 17 <i>Judith E. Bellinger</i> 18 19 NOTARY PUBLIC IN AND FOR 20 THE COMMONWEALTH OF VIRGINIA 21 22</p>

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