

On behalf of: Claimant / Appellant
 Witness: Jennifer Howell
 No: First
 Exhibit JH1
 Date: 13 January 2021

Appeal No. A2/2020/2034
 Claim No. QB-2018-006323

IN THE COURT OF APPEAL (CIVIL DIVISION)
 ON APPEAL FROM THE HIGH COURT OF JUSTICE
 QUEEN'S BENCH DIVISION
 MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

JOHN CHRISTOPHER DEPP II

Claimant

-and-

(1) NEWS GROUP NEWSPAPERS LTD
 (2) DAN WOOTTON

Defendants

WITNESS STATEMENT OF
 JENNIFER HOWELL

I, **JENNIFER HOWELL**, of 3278 Wilshire Boulevard, Los Angeles, CA, 90019 **WILL SAY**
 as follows:

1. I am the Founder of a non-profit organization that I have run for 23 years called The Art of Elysium (the "AoE"). We take in artists and help them to be of service to communities in need. We serve over 30,000 individuals in need each year.

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2. Unless stated otherwise, the facts and matters referred to in this witness statement are within my own knowledge and are true, or they are true to the best of my knowledge, information and belief based on sources stated within this witness statement.
3. I make this witness statement in response to the evidence given under cross examination by Whitney Henriquez during the trial of these proceedings on 23 July 2020. I understand that the Appellant will seek to rely upon it in his appeal.
4. There is now produced and shown to me a paginated bundle of documents marked JH1 to which I refer to below.

My relationship with Whitney Henriquez and Amber Heard

5. Every year the AoE holds the 'HEAVEN' gala in Los Angeles. It is usually a big event in January, held on the night before the Golden Globes. I believe that Amber first came to the gala in 2008 or 2009, which I believe is when I first met her. Johnny Depp also attended the gala a few times and I had met him at them.
6. I met Whitney Henriquez through Amber Heard. I believe I met her at an event she had attended with Amber. The first time she and I had any one on one interaction is when she came to The Art of Elysium's art salons to discuss potentially using the space for a bridal shower for Amber. During this meeting she told me how excited she was that Amber was marrying Johnny and how excited she was to put together a bridal shower for her sister. During this meeting, she told me about her previous work experience doing events, bar management and the like. I told her the plans of expanding the art salons into an artist program for the charity and that I would love to discuss bringing her on board to manage the salons once we had funding to so. Whitney was excited by the opportunity and shortly thereafter began volunteering with the art salons before we were able to officially offer her a job. She began volunteering around 28 August 2014 and was formally employed by the AoE as Art Salon Manager/Director shortly before the 2015 HEAVEN gala.

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7. In January 2015 at this Heaven gala, AoE honored Amber with the Spirit of Elysium Award. She was nominated by one of the AoE staff who coordinated the volunteering and who nominated Amber as she was good with the children, particularly as she was bilingual so she could speak to them both in Spanish and English, and in sign language. I am still grateful for her support of our charity.
8. Around this time, I was invited to an engagement party for Amber and Johnny.
9. I knew nothing about Amber's personal life behind closed doors until later, as I got to know Whitney better, which happened naturally during the course of her employment at the AoE. I still consider Whitney to be my dear friend and she has told me that I am her "chosen sister". I also called her my "chosen sister". She meant this in the context of wishing that she could choose me as her family, instead of the sister she was given by blood.

March 2015 to January 2016

10. During the course of her employment and as a result of working together closely in our offices, Whitney began to disclose information about Amber's behavior. For example, while Amber and Johnny were in Australia, and which I believe must have been early March 2015, Whitney was sitting near the kitchen in our office and suddenly proclaimed loudly: "oh my God, she has done it now. She has cut off his fucking finger." I have since read Amber's testimony during the trial in London and I understand that Amber claims that Johnny accidentally cut part of his own finger off, which is contrary to what I was told by Whitney at the time.
11. At that time, Whitney was living in a penthouse at the Eastern Columbia building, where her sister and Johnny lived. Later that year, she asked to come and stay with me. She ended up living with me in the guest room of my apartment on Wilshire Boulevard, in a queen-sized bed. She stayed with me for a number of months in 2015 and into 2016. I cannot recall exactly when Whitney moved in or when she moved out, as I did not keep records at the time and had no reason to think I needed to. It is also difficult for me to remember when and how long Whitney was staying in my apartment, because she seemed to fall out and make up with Amber

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on a number of occasions and so I do not think she stayed with me for only one uninterrupted period of time, but there was one longer period of time which I believe fell in the second half of 2015 and the early part of 2016. My job also requires me to travel a lot and so I was not at my apartment for the entire period Whitney was staying with me. I no longer have a record of my text conversations with Whitney at the time (which was her main method of communication) as I have since changed my phone service provider. I have found emails from between 11 January and 6 March 2016, which suggest that Whitney was still living with me at the time. A copy of those emails are enclosed at Exhibit JH1 pages 1 to 3. Although I also believe that she and Amber were reconciled in January 2016, as they both came to the AoE Heaven gala.

12. When she arrived, it was one evening, and Whitney was in a mess. She told me she had tried to stop Amber from hitting and attacking Johnny during an argument on the stairs. Whitney said when she tried to stop Amber from hitting and attacking Johnny, Amber nearly pushed her (Whitney) down the stairs. She told me she was worried Amber was going to kill Johnny. She told me she had endured that kind of abuse her entire life, first from her father, and then from Amber, who she said was extremely violent. As she told me this, she was inconsolable. I cannot remember if she had anything with her when she arrived at my apartment that evening, but I think she had to go back to the Eastern Columbia Building at some stage to get some more clothes and her things.
13. At the time, I believed that Whitney was telling me about an event which had just happened. However, I understand from reading about the trial in London, which I did after Whitney referred to me in her evidence, that an incident involving Whitney, Amber and Johnny on the stairs in the penthouses at the Eastern occurred in late March 2015. I do not believe that it was that early in 2015 when Whitney came to stay, but I cannot say for sure. If it was later, I cannot say whether I misunderstood when thinking that the stairs incident had just happened, or if Whitney gave the wrong impression.

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14. She lived with me because she told me that she did not feel she could go back to live at the Eastern Columbia Building. She told me that she had fallen out with her sister badly and no longer wanted to be involved with her at that time. My father recently reminded me that I had told him at the time that "Whitney had moved in with me because she was terrified of her sister."
15. I remember one time, Whitney had returned from New York, where I think she had been for a premiere or the Tribeca Film Festival. She shared with me, and nearly everyone in the office, that during the trip Amber had freaked out, attacked her (Whitney) and had thrown a wine glass full of red wine at her in an elevator. I believe it would have been April 2015, as that is when the Tribeca festival takes place. I think this must have been before Whitney moved in with me for the longer period of time, as I doubt that Whitney would have gone with her sister if it was just after she came to live with me.
16. While Whitney was living with me, she told me Johnny kept checking in to see how she was doing and that he called her "sis" and she called him "brother." I obviously did not see any of her messages. Whitney was always singing his praises and said that Johnny was more of a brother to her, than Amber was a sister. Whitney said to me on multiple occasions that she did not know why he was staying in the relationship nor why he was putting up with Amber's abuse. Whitney shared with me the damage endured by both her and Amber as children from their parents.
17. While living with me Whitney started sharing with me the magnitude of everything which had happened with her and Amber, not only with me but with people in our office. Whitney told me so much about Amber that at times I had to tell her I didn't want to know any more. I knew that at some point Amber would be back in her life and that I would have to see and speak to Amber and I didn't want to have to interact with her knowing all of the awful things Whitney said that she had done.
18. In light of how much she told me and others about Amber and Johnny I have no doubt that if Johnny had ever laid a hand on Amber, we would have been told about it. If she had told me

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that Johnny had hit Amber I would have been down there with the cops and social workers to get her out of there. I am embarrassed and deeply regret not doing the same kindness for Johnny.

19. Whitney's employment at the AoE came to an end shortly after Heaven in January 2016 as a part of wider layoffs at the time, because we no longer had the budget to employ her. At the time a donor had made a pledge, which we had based our entire budget on, but the pledge was not paid.
20. Amber had gotten into legal trouble regarding smuggling her dogs into Australia. She asked me to write her a character reference about her charity work, and I did so. A copy of that reference is enclosed at Exhibit JH1 page 4. We had given her a humanitarian award a year earlier and I still felt grateful for her support of the AoE, even if by then I felt very protective of Whitney and was concerned about Amber's behavior. Whitney also asked me to write the letter on behalf of her sister. I deeply regret writing that letter at this point in time.

Contact with Whitney and Amber in 2019

21. Later, when Amber and Johnny were divorcing that summer, \$7 million of the proceeds from the divorce was supposed to go to charity. I learned that none of it would be directed to the AoE, which Amber had been closely associated with for years. Instead, I understood it would all go to ACLU and LA Children's Hospital. I was disappointed at this news and asked Amber's publicist why, when she and Amber had been so eager to use our name in the press during the divorce, and when the funds would mean so much to a small organization like ours, would Amber direct all the money to these other two huge charities that she had not been associated with. Amber's only volunteering opportunities at CHLA were while she was volunteering as one of the AoE artists for our programs. Amber's publicist told me that they were more prominent charities with a more significant press reach and got international press.
22. On 9 January 2018, a \$250,000 check came into our organization from an anonymous donor, with a note stating it was made "on behalf of Amber Heard." The funds did not come from

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Amber, but from "Fidelity Charitable". A copy of the check received is enclosed at Exhibit JH1 page 5. I was very grateful for the donation.

23. I knew Amber and Whitney's mother, Paige Heard through Whitney. I visited Whitney at her house on 9 February 2019, shortly after she had given birth to her son, Hunter. Paige was there with her. During the visit Paige shared that Elon Musk had gifted Amber a Tesla or multiple Teslas (I'm not sure if it was one or more), but Amber had told her that she had found out that they were "bugged." Paige also made other private disclosures to me about Amber and Elon's relationship. Paige said that she wished Amber and Johnny would reconcile, and that they had broken up because Amber was violent and emotional and loved Johnny so much that she could not control it. She said that the restraining order Amber obtained in 2016 was only due to the attorneys' advice. Whitney told me that Amber and Johnny were each other's true loves or something to that exact sentiment.

24. I was taken aback by this conversation. Whitney was still going through the emotions of having had a baby and all of those ups and downs, and I could not believe that Amber and Johnny's relationship was being discussed while Whitney was the one who needed to be the focal point and needed our support.

25. I last saw Whitney in 2019. I was in contact with Whitney via text message in 2020, but with everything going on with the pandemic we didn't see each other as we had previously done.

July 2020

26. I did not follow the trial in London between Johnny and the Sun. On 24 July 2020 I was called by someone who wishes to remain anonymous, to tell me that Whitney had mentioned me while testifying in court in these proceedings in London and had said something about sleeping on my floor.

27. I was told and have since read Whitney's testimony, during which she recalled a violent incident in March 2015 on the stairs at Johnny Depp's penthouse. She testified that Johnny supposedly hit Amber and Whitney on the stairs at Johnny's downtown penthouse. Whitney

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also said she had to go live with her employer. I am that employer. As stated above, she stayed in my guest room in a queen sized bed, not on the floor or a couch, and the incident on the stairs which she had described to me in 2015 was the opposite of what she told the court.

28. After hearing about this I agonized over whether to come forward with what I knew. I had not come forward before this because I had not appreciated what I knew was relevant. I couldn't believe that Whitney had lied in that way.
29. In the end, I spoke to Christi, Johnny's sister, whom I had met through the AoE chairman years ago. Christi asked me if I would give a statement. I said I would only be comfortable doing so if I had a subpoena. I expressed to her my deepest apologies for not coming forward before Whitney took the stand and had I known what she would say under oath that I would have done something. Later that day I received a subpoena from Johnny's attorney, Adam Waldman (see Exhibit JH1 pages 6 to 8). I said in my US declaration that I received two subpoenas from Adam, but I have since checked my records and have realized that I have two copies of the same subpoena. The following day, on 25th July, I spoke with Adam. I told him my experiences with Whitney, Paige and Amber Heard, including what Whitney had told me in what I believed was the immediate aftermath of the argument on the stairs, which contradicted what Whitney had said in court. He asked me to give a declaration for the case in Virginia which I agreed to do. We worked on it during the course of the next day. A copy of the final version that I signed is enclosed at Exhibit JH1, pages 9 to 12.
30. After speaking to Adam on 25 July, I called Tash Brooks, who is Whitney's best friend and another employee of mine at the AoE. When I told her I was giving evidence in response to what Whitney had said on the stand, she fell apart. She said that Amber had convinced Whitney to lie for her. Tash told me that before travelling to London, Whitney was so worried about the trial that she was physically ill and her hair was falling out.
31. I felt awful for Whitney. Whitney's son was only a year or so old at the time, so I cannot imagine how difficult it was for Whitney, but from all the things she had talked about back in 2015, I assumed that she was again doing her sister's bidding.

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32. At around 3am on 26 July 2020 Whitney texted me. She asked if it was true that I was giving evidence to Johnny's legal team. Clearly it had gotten back to her that I was preparing to explain what she had told me. I responded telling her that she had chosen to mention me up on the stand in court, and that she should know that I would always tell the truth. She wrote back saying that Adam Waldman is trying to destroy her family's lives and that I had been lied to. I did not respond, but instead wrote her a letter, informing her that I had received subpoenas, that I had spoken to Adam and that I had given him my account. In my letter I told Whitney that it had taken the subpoenas to get me to be forthcoming about what I had been told. I told her this at the time, as I did not want her to think I had betrayed her trust by providing my evidence without being compelled to. In fact, I had told Christi that I would provide my testimony but only if I was subpoenaed. I then wrote an email to Whitney on 28 July, to which I attached my letter. I followed up with another email half an hour later, after reading Whitney's statement to the press in which she said my declaration was untrue. The press reported statements (see Exhibit JH1 pages 13 to 17) from Whitney saying that: *"This is complete fiction. Jennifer Howell's statements do not bear any relationship to the truth and I have no idea why she is saying this."* My correspondence with Whitney is enclosed at pages 18 to 33 of Exhibit JH1. Whitney has not responded, and I have not heard from her since.
33. I had hoped that Tash and my other employees at AoE who had heard what Whitney had said back in 2015 about Amber would speak out. Tash has since told me that Amber is paying for her (Tash's) attorney and for some of my other employees and former employees' attorneys and that they are being advised to oppose any subpoenas from Johnny's lawyers. I have spoken with one of the AoE's former employees who has told me that he was contacted by Whitney and Tash and told to avoid telephone calls from certain numbers and if he was contacted by any attorneys, that he should say he does not recall anything and does not know why I am saying these things. They told him that I must be being paid to give a false testimony, which is entirely untrue.
34. On 7 August 2020 Leslie Culp, one of the AoE's employees, received a subpoena from Amber's US attorneys for me and a second one for the AoE. The subpoenas from Amber's

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attorneys seek copies of our entire server, financials, text messages and staff information. Copies of the subpoenas are enclosed in Exhibit JH1 pages 34 to 76. We have opposed this. I believe they are trying to suggest that I have been paid or financially incentivized to lie for Johnny. That is not true. If I were to be motivated in anyway by money, Amber had a \$250,000.00 donation made to us in her honor and that amount is far more than any amount Johnny has ever donated to the charity. My motivation in starting the charity was to have a servant's heart and to be of service to those in need and through art transcend any circumstance an individual is facing. Part of a servant's heart is to do what is right even when it is hard.

35. I wish to make clear that I have only met Johnny a handful of times at our events, once or twice at the Eastern Standard building with Amber and once at a birthday party for Amber. I have no loyalty to Johnny or any reason to lie for him. My loyalty is to Whitney as I can't stand the position she has been put in and am so upset for her that she felt she had to lie in Court for her sister. Coming forward as a witness in the US proceedings prompted the subpoenas being issued against the AoE, which has a legal bill for the non-profit organization of over \$60,000. I have no financial or other reason to lie or support Johnny.
36. I have received no gifts or donations from Johnny, or anyone associated with him and the AoE has received no recent donations from him. Johnny did donate \$25,000 to the AoE in 2015, the same year that Amber was honored at the Heaven gala (see Exhibit JH1 page 151). He also did a benefit concert in January 2016 (see Exhibit JH1, pages 185 to 190). This was an annual event which benefits two or three charities. The AoE was one of the two charities chosen that year. The donations from the event came from a sponsor of the evening, ticket sales and silent auction items. No donations came from Johnny or any of his companies or affiliates directly. Johnny also donated a lot of musical instruments as an in-kind donation while he and Amber were together. The AoE has not received any donations from Johnny since his divorce from Amber.
37. My interest in coming forward to give evidence in these proceedings is justice and ensuring that the truth comes out. If my loyalty is to anyone, it is to Whitney, who I continue to be very

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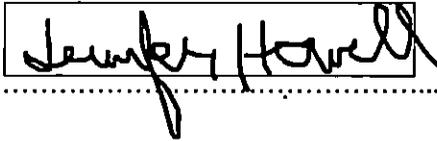
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fond of. I was very concerned to hear that she had lied under oath in London during the trial. While living with me Whitney told me that she had spent her whole life cleaning up her sister's messes and this appears to be another example.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



Jennifer Howell

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Schillings International LLP

12 Arthur Street
Candlewick
London
EC4R 9AB

Tel: 020 7034 9000

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