

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

BETWEEN:-

JOHN CHRISTOPHER DEPP II

Claimant

-and-

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

Defendants

CLOSING SUBMISSIONS ON BEHALF OF THE DEFENDANTS

*References to the transcript are in the form **day/transcript page/lines**. Bundle references are in the form **bundle number/tab/page**.*

Appended to these submissions are four appendices containing chronologies referencing the key contemporaneous documents for the following incidents: 22 March 2013 'painting' incident; Australia, March 2015; 15 December 2015; and 21 May 2016.

1. The Defendants' submissions on meaning are in the trial skeleton and are not repeated here. It is not contested that the 'serious harm' requirement in s.1 Defamation Act 2013 is met by the Claimant.
2. These submissions address the issue of truth. The requirement is that the Defendants establish "*the main charge, or gist, of the libel*": *Sutherland v Stopes* [1925] A.C. 47, HL. The burden of proof lies on the Defendants to prove truth. The summary of the law as to the standard of proof at paragraphs 71 to 77 of the Claimant's trial skeleton argument is agreed, save that there is no support in the authorities for the proposition in paragraph 76 that the court must find evidence to be "compelling" before finding any matter proved.

3. The main charge of the libel is wife beating. A single incident of violence on the part of the Claimant towards Ms Heard will suffice for the purpose of proving truth. The Defendants have however in this trial proved that the Claimant was violent towards Ms Heard on several occasions.

The Claimant's reliability

4. The Claimant was not a reliable witness. He conceded that he had never read his whole witness statement. When challenged about the head butting on the 15 December 2015, and asked why his new account that he had head butted Ms Heard – albeit “accidentally” – was missing from the statement, the Claimant confirmed that he had not read the entirety of his witness statement before signing it. He said:

“Had I read the entire statement after the lawyers had drafted it, I would have found that missing piece. I did not read all of these things as it was just altogether too much information, and I trusted that my attorneys had taken my statement and put it on the record.” [3/509/8-12]

And then:

*“Q: did you read the witness statement before signing it?
A. I am sure that I read some of it. I do not know that I read it all. I cannot say that I read it all. I am sorry, I trusted my attorneys” [3/509/17-22]*

5. His memory of events was demonstrated to be wrong, or on other occasions incomplete. This was no doubt in part because of the ‘blackouts’ he explained that he had. He accepted, in relation to the Bahamas Island incident in August 2014:

“There were blackouts, for sure, but in any blackout, there are snippets of memory, and in recalling these memories, you see images that you saw and images that you went through, but you do not see the whole picture”. [3/369/23-3/370/3]

6. Similarly, in relation to the Boston flight incident on 24 May 2014 he conceded under cross-examination that he was “incorrect” in his statement that “he had not taken cocaine

and things of that nature"; that he had *"some memories"* of the flight [2/333/4-6] but that *"apparently"* *"parts of the flight are blacked out"*.

7. There were various occasions on which the Claimant denied matters which he was then forced to concede in cross-examination were true:
 - a. In cross-examination he conceded that he had head butted Ms Heard on 15 December 2015, albeit accidentally, something he had until that point always denied. This is dealt with in detail below.
 - b. He claimed not to remember his highly distinctive skull and crossbones "Property of JD" drugs box [2/190/18-24] only to recall it when shown a picture of it [2/202/9-14].
 - c. When confronted with his own text messages he accepted having described Ms Heard as a *"lesbian camp counsellor"*, despite initially claiming *"I have never uttered those words"* [2/245/25-2/248/6].
8. He was also unable to recall events which, for most people, would be memorable. He could not recall an incident in May 2013 when he cut his hand seriously enough that he thought he may require stitches. The incident was recorded in texts the Claimant sent to Mr Deuters [2/218/19 – 2/220/10].
9. Further, he tailored his testimony when confronted with unfavourable evidence. In relation to the 24 May 2014 Boston-LA flight recording, having initially said it may not have been a recording of him at all, in re-examination he claimed to have recalled that in fact it *was* of him but was recorded on an entirely different occasion, many months later in the Bahamas. The new recollection was, however, false: the metadata shows it was indeed recorded on that flight. The matter is dealt with in detail below.

Claimant's use of drugs and alcohol

10. There is no dispute that the Claimant was during the relationship with Ms Heard a very heavy user of controlled and prescription drugs as well as being a heavy drinker, save during certain limited periods of 'sobriety' [1/122/11-16]. The question for the court is whether his use of drugs, or alcohol, prompted him to become abusive and violent on occasions; and whether it affected his ability to recall events that had taken place when under the influence of drugs or alcohol.
11. The Claimant has been a regular user of illegal drugs since his early teenage years [1/39/3-8]. Hunter S Thompson and Keith Richards, both famous for their use of drugs, are idols or role models of his [1/42/19-1/43/16]. The Claimant supplied others with illegal drugs – e.g. Paul Bettany [1/46/46] – and had ready access to drugs, including from members of his staff [1/48/21-1/49/4]. Mr Deuters confirmed he assisted in the supply of illegal drugs to the Claimant [5/746/8-17].
12. The Claimant's doctor, Dr Kipper, noted in May 2014 that the Claimant *"has had a life-long history of self-medicating behaviours involving multiple substances of abuse. These include alcohol, opiates, benzodiazepines and stimulants",* including "cocaine". Dr Kipper also noted that the Claimant had a *"Primary dopamine imbalance, ADHD, bipolar one, depression, secondary to above, insomnia, chronic substance abuse disorder"* [2/286/23-2/286/25]. On 18 August 2014 Dr Kipper reported to the Claimant's sister that the Claimant *"actually romanticizes the entire drug culture, and has no accountability for his behaviours"* [File 4/126/F745]. An example of the effect of such substance abuse on the Claimant was provided by a photo of him from 18 July 2013 which showed the Claimant passed out curled up in a ball [File 6/148/F894.005], seemingly after drinking or taking drugs to excess.
13. The Claimant's highly unorthodox attitude towards the use of illegal drugs was illustrated by the fact that he considers it responsible, when learning of his 13 year old daughter's use of marijuana, to create a suitable environment for the taking of the drug: *"So, you put on family television, you fill the refrigerator with ice cream, and you fill the freezer, and you make a situation where the experience will hopefully be as pleasant as possible"*

because the first thing you do not want is you do not want your 13 year-old going into some sort of paranoid tailspin". [1/164/18-1/165/7].

14. As for alcohol, Mr Deuters confirmed that the Claimant drank quantities of alcohol that might make an average person drunk, especially red wine, but considered that the Claimant's tolerance for alcohol was very high [5/751/17-24]. He described the Claimant's consumption of alcohol as *"quite impressive"* [5/778/2-3]. He also confirmed he had seen the Claimant *"passed out"* [5/774/3-7]. Another example of the Claimant's heavy alcohol use was provided by the email Ms Heard wrote to herself on 11 June 2013 recording that she had the previous day seen the Claimant pass out amongst vomiting three times:

"... All three times Jerry had carry you from the floor, on the plane Nathan mentioned how many times he's had to break into locked doors to wake you up, after passing out on the toilet. You would have embarrassed yourself countless times if someone would be honest enough with you to tell you. To show you. If someone filmed you while you were in this state you would be mortified. it's embarrassing just watching it happen. you can't know because people (friends?) keep smiling to your face and then turning their heads and rolling their eyes at how ridiculous they feel and look picking a grown man up from his own piss and vomit, knowing he'll never be able to realize how bad he looks". [File 8/64/12-3].

The Claimant's capacity for violence, especially when using drugs and alcohol

15. The Claimant accepted that he could *"lose control"*, even when not under the influence of drugs and alcohol, and experience a *"mini explosion that comes and goes quite quickly"*, describing this as *"a human reflex to something that feels stronger than you. It is a frustration and that is what happens"* [1/125/20-1/126/5]; albeit he claimed *"I would rather express my anger by hitting an inanimate object than to ever possibly think of taking it out on the person that I love"* [3/369/12-14].
16. The Claimant admitted to *"trashing"* a New York hotel room when angry, while his girlfriend was in the bedroom asleep, causing \$10,000 worth of damage [1/53/23-25; 1/55/3-5; 1/57/22-1/58/9]. His explanation afterwards in a television interview was *"It*

was a bad day. You know, you have bad days and, you know, some guys go play golf, some guys, you know, smash hotel rooms”¹ [1/61/12-23; 1/62/4-21].

17. The Claimant admitted to assaulting with a piece of wood a photographer who was attempting to take a photo of him and his pregnant partner Vanessa Paradis in a public place [1/85/4-17]. A picture of the Claimant on that occasion can be found in [File 10, Tab 147(b)]. The court was also taken to a number of documents in which others had made accusations of violence about the Claimant. He was alleged in legal proceedings to have lost his temper and assaulted Greg Brooks, a crew member on a film set, an allegation he denies [1/90/23-1/92/3]. Ellen Barkin alleged in a US deposition that the Claimant had thrown a bottle across a hotel room, an incident which the Claimant initially said he did not recall [1/71/14-24] and then said *“That incident never happened”* [1/77/8-9]. Ms Barkin said of the Claimant *“There is always an air of violence around him. He is a yeller. He is verbally abusive”* [1/77/13-19]. The Claimant said that Ms Barkin bore a 20-year grudge against him [1/81/3-16].

18. The Claimant’s capacity for violence was vividly demonstrated by a film clip shown to the court several times [File 5/158/F988]; [media file “F158. Clip entitled ‘Video of JD Speaking to AD JD”]. This was taken by Ms Heard in around February 2016 and showed the Claimant in a violent rage, smashing glass, slamming cupboard doors and very aggressively approaching Ms Heard and grabbing the phone when he realised he was being recorded [1/98/4-1/98/10]. The Claimant explained he was *“upset”* on this occasion [1/98/22-24]. Although the Claimant did not admit to being under the influence of drugs, or drunk, when it was filmed, he was depicted drinking from a large glass of red wine from a bottle which was already partially empty, and when it was suggested that he was drunk he replied *“I may have been. I do not recall. The chances are very good that I was, if I was upset”* [1/101/14-21]. The Claimant accepted it would have been very intimidating for Ms Heard to see him in the state that he was in [1/101/4]. He also accepted that this was not

¹ although the Claimant denied this was said in response to the question quoted in the ‘voice over’ transcript, namely *“No one was laughing when Depp trashed a fancy hotel room after a spat with his then girlfriend model causing \$10,000 worth of damage. What was all that?”*

the behaviour of the "Southern gentleman" he professed in his witness statement to be [1/151/14-25]:

"Q. My question was, looking at that video of you behaving in the way that you did, shouting, being intimidating and smashing glasses, did you think that was consistent with your aspirations to behave like a southern gentleman?"

A. I think that everybody has a moment or two in their life. I think that I maybe had a moment. Do I ----

Q. Relaxed. The standards of the southern gentleman were not adhered to, were they?"

A. A human lapse. A southern gentleman was not in my mind at that particular moment, obviously.

Q. Because you were angry?"

A. Yes, ma'am."

19. Another reference to the Claimant's violent temperament was contained in a note recorded by Nurse Debbie Lloyd on 22 September 2014 [File 4/137/F813]: *"Upon arriving at the home patient was sitting in kitchen with scraped and bloody knuckles on R [right] hand. Patient stated he had punched white board in kitchen after fight."*

20. Perhaps unsurprisingly, given she is employed by the Claimant, the Claimant's housekeeper Ms Vargas was reluctant to answer the question as to whether she had ever seen the Claimant shout – *"I will not make any comment in that regard"* – [6/1061/3-4] only then, when pressed, to deny she had seen him shouting. Similarly she initially wished to make no comment in response to the question whether she had seen him drunk [6/1061/15-16] only then, somewhat unconvincingly, to deny it when pressed.

The 'monster'

21. The Claimant said he considered Ms Heard deployed the term 'monster' as a weapon: *"It was Ms. Heard's belief that I became a monster. She was the only person that has ever brought that up, that notion that I am a monster when I drink, that I am a monster when I took cocaine, that I was a monster when I smoked marijuana. It was more than a concern*

of hers. It was a weapon, and it was used constantly. She grabbed hold of the word and held on, hell bent for leather, that it would stick" [2/267/19-25]. Similarly he said of Ms Heard, "she did not like me using alcohol or drugs, because she had some delusional idea that they turned me into, as you have spoken about, this said monster" [2/225/21-13]. In October 2013 he said in a text to Paul Bettany, referring to cocaine, "She thinks that my Peruvian period has made me a monster, and that I am ruining the relationship" [2/262/24-2/263/10].

22. However, the Claimant's claim that the term was one solely deployed by Ms Heard is contradicted by the fact that he himself used the term 'the monster' even when communicating with individuals who had nothing to do with Ms Heard. He used it in an email he sent to Elton John on 22 March 2012 celebrating 100 days of sobriety, where he said of his time as a substance abuser: "*Hellish personal life, fucked brain, hurt heart and internal savagery against myself. I would have been swallowed up by the monster were it not for you. That is a simple fact*". In evidence the Claimant said of this email, "*the monster here is death*" [1/134/9-24].

23. Similarly he used the term in a message to Mr Judge on 26 April 2015, shortly after arriving in Australia [File 6/119/F697.70] "*Thank you, my dear Jerry!!! Very, very kind, mate!! We have been perfect!!! All i had to do was send the monster away and lock him up!!! We've been happier than EVER!!! Love you, brother*" and to Dr Kipper on 28 June 2015: "*... Amber and I have been absolutely perfect for 3 fuckin' months solid!!!! I have locked my monster child away in a cage deep within and it has fuckin' worked!!!!*" [File 10/147(a)/O149]. See also the text from the Claimant on 4 October 2014:

I am going to, quite gracefully, glide into a massage of my broken back and neck... I shall exit in one hour, a MONSTER!!! Shall we each swallow an E each(or, perhaps it's MDMA) at around 8 pm and go to dinner with A few of my wee team at a wonderful Peruvian spot... ??? Let us enjoy this night, my brother!!! Let us reward ourselves for the hard work and misery of the heat that we push ourselves to conquer every goddam day!!! The Shatter [File 6/119/F697.43].

24. Thus the Claimant's case that he used the term "*in order to placate Ms Heard, not because [he] thought himself a monster*" [3/381/16-19] is not supported by the evidence.

25. What was 'the monster'? The Claimant said in evidence "*The monster can be many things. It could be pain. It could be raising your voice. It could be slamming cabinets and kicking doors*" [1/106/3-7].

26. The reality, as demonstrated by the above messages in which the Claimant himself deployed the term, is that it was a term which both the Claimant and Ms Heard used to describe his 'alter ego' – the Johnny Depp who lost control when he was under the influence of drugs or alcohol, and who struggled to recall afterwards what he had done.

27. As Ms Heard put it in oral evidence:

"I have always had a relationship with two people or at least how I saw it and how Johnny described it: one was with Johnny, and I loved Johnny, and I was not terrified of Johnny as Johnny. I loved him. I was terrified of the monster. The monster was almost a third party in this relationship, one that he identified early on and I came to know as the other half of my relationship, and it is that the monster that I was terrified of" [10/1638/22 – 1639/5].

28. In cross-examination Ms Heard was shown a film of a Thanksgiving dinner in which one of the guests used the terms 'monster' and 'savage'. It was suggested that this demonstrated that the term 'monster' came to be used about the Claimant in a light-hearted way. The film however demonstrated no such thing: it was being used during a play fight at an initially cheerful event involving the Claimant's 10-year-old child [12/1996/10-25]. It had nothing to do with the 'monster' the Claimant was liable to become when drunk or high.

The relationship between the Claimant and Ms Heard

29. The relationship between the Claimant and Ms Heard was complex, and became toxic. Comparisons cannot usefully be drawn with the relationships the Claimant had with other partners. Ms Paradis and Ms Ryder did not attend to give evidence, so the Defendants were deprived of an opportunity to explore with them the Claimant's conduct towards them. But in any event the Claimant confirmed that his relationship with Ms Paradis was not characterized by the same level of drug and alcohol abuse as the relationship with Ms

Heard, save towards the end when the Claimant accepted he drank to excess [1/128/7-16].

30. The Claimant accepted that, despite their difficulties, he and Ms Heard loved one another. Asked to confirm whether he agreed that there was *“a very close connection and very deep love that you had between the two of you?”* the Claimant did not disagree, saying *“At time I felt so, yes, it was a complicated ... relationship”* [3/382/25-3/383/8].

31. Mr Deuters’ observation was apt: *“I think they were two people that were in love with each other that, you know, should not have been together”* [5/856/18-19].

32. However problems were evident very early on in their relationship. Ms Sexton told the court how she witnessed the volatility of the relationship from as early as 2012 - *“verbal abuse, like so, screaming, and really horrible things to each other”* [14/2239/11-15]. The Claimant found Ms Heard’s capacity to ‘stay on a subject’ *“very frustrating at times and unpleasant at times”* [2/273/15-20]. The Claimant said of his relationship with Ms Heard *“there were many times when it was a constant barrage of insults and demeaning footnotes and even accusations of things that never happened. It was a very frustrating situation and it was very complicated”* [3/410/9-14].

33. There was a contest as to who was in control in the relationship. Ms Heard explained that there were many ways in which he sought to control her – she gave an example of the Claimant arranging for her to be driven around while her car was renovated [10/1567/24-1568/3]. The court also heard evidence that the Claimant sought to intervene in her career in unhelpful ways – Ms Sexton explained how she heard the Claimant talking about Ms Heard’s career and was disparaging her choices [14/2250/11-22]. The Claimant was shown a text message from him to Ms Heard on 29 October 2013 which read *“Holy crack whores!!! NO GODDAM MEETINGS!!! NO MOVIES!!! Why??? Why do you deviate from our agreement??? What species of meeting??? Fuck it... Just tell me when you get home...”* but said he did not know the meaning or the context [2/262/11-20].

34. It is unnecessary, and perhaps impossible, for the court to determine who was in control in the relationship. But here can be little debate that the Claimant was by far the more powerful partner, given his age, success and size.
35. There was some exploration in evidence as to who caused the arguments between them (Messrs Bett, King and Murphy claimed that it was Ms Heard who started those arguments, but they were not present for the entirety of the arguments), but this does not matter. Of much more importance in this case is the question of what caused the serious arguments which the couple had. And in particular, what were the triggers for the Claimant's rage.
36. One particular cause of the tension between them was the Claimant's feelings about Ms Heard's attitude towards his alcohol and drugs use. He explained: "*I was resentful of the fact that Ms. Heard was very aggressive and quite insulting about my use of alcohol, or if cocaine came into the picture, she did not like Mr. Bettany, and I am afraid she did not really like me all that much either, and she was constantly harping on things that did not even exist*" [2/225/13-18].
37. A significant cause of arguments was the Claimant's belief that Ms Heard was 'controlling' in relation to his use of substances and alcohol [2/261/23-262/6]. He thought her 'judgmental' on the topic [2/276/12-17], as is evident from his text messages to her on 9 July 2013: "*Leave me fuckin' be, Officer square head... Your display of guilt and matronliness as as lesbian camp counsellor was plenty...*" [File 7/2(b)/H23.2]. This was despite the fact that even the Claimant's daughter considered Ms Heard a good influence on him, and helped with his alcohol problem, as she explained in a text to him in February 2014 [2/283/18-2/284/22]. Moreover, despite having claimed in his witness statement that Ms Heard did not support his sobriety and often encouraged him to take drugs and drink alcohol, the Claimant accepted in cross-examination that Ms Heard was 'adamant' during their relationship that he should stop drinking and using recreational drugs [2/220/4-6].

38. There is no doubt that, whatever efforts Ms Heard made to help him, the difficulties in his relationship with Ms Heard prompted the Claimant to turn to drink and drugs. His reliance on 'medication' increased from the summer of 2012, as Mr Deuters confirmed [5/837/8-13], after his relationship with Ms Heard commenced. The Claimant said that his exchanges with Ms Heard would cause him to "*drink to numb the pain*" [2/273/2-5].
39. Jealousy was also a trigger for the Claimant's rage. Ms Heard confirmed in evidence that it was the Claimant's jealousy that would inspire his drug and alcohol binges [10/1588/12-22]. The Claimant conceded he could be jealous [2/192/4-5]. Ms Heard was obviously anxious about his behavior when jealous, as she noted in an email to Kate James on 10 May 2014 [File 8/73/114] in which Ms Heard asked Ms James to ensure that the Claimant was only provided with her "DOOD" (Day out of Days) film schedule that "*doesn't explain what the scenes are in any way*", since "*I don't want them to see a one line breakdown that mentions anything romantic or anything that could [cause] Johnny to lose it, you know*".
40. Ms Heard noted the Claimant's jealousy, and how it was a trigger for the Claimant, when she spoke to her therapist Dr Cowan, as recorded in his notes [3/366/2-9], [File 9/101(a)/K6] (according to the barely legible handwriting, made on 30 August 2014). "*JD is very threatened by career, particularly any kind of romantic scenes she has to do. Her movie...*" -- *I do not know what the next letter is, JF, and I am going to suggest that is James Franco -- "precipitated a drinking binge that put JD in the hospital. Everyone around J seems to be intimidated by his power and money. No one stands up to him"*.
41. The Claimant's frustration and resentment of Ms Heard was apparent in texts he sent Paul Bettany on 11 June 2013:

"Let's burn Amber!!!" and

"Let's drown her before we burn her!!! I will fuck her burnt corpse afterwards to make sure she's dead..." [File 6/119/F697.8].²

² Ms Heard was not the only woman the Claimant used abusive language towards. He referred to a woman as a "*bitch*", "*fucking ugly, fat whore*", "*idiot cow*", "*worthless hooker*" and said of her "*I will*

42. In time, the relationship collapsed, and the Claimant became profoundly acrimonious towards Ms Heard. He derided Ms Heard's career, referring in a text to his sister to Ms Heard's "actress bullshit and fucking ambition" [2/249/18-23], [File 6/119/F697.10]. In his text to Dr Kipper at [File 7/5(b)/H30.6] he said of Ms Heard "She is SO FUCKIN' AMBITIOUS!!! She's so desperate for success and fame...".

43. After his relationship with Ms Heard ended, he did not merely resent her. He set out to destroy her. In texts to Christian Carino on 15 and 16 August 2016 [File 6/119/F687.194] he said:

It's finally over!!! I never have to see that scumbag gold digging cunt ever again!!! Nor, listen to her cloying know it all voice!!!! Makes me sick that I stayed with her, at all!!! No more fuckin' lies!!! No more needy freak outs if I go to the studio, or whatever... I'm free of her gross yuppiness and her goddam sickening yuppy brown nosers she surrounds herself with!!! And then, of course, there's Mollusk... That cockeyed bastard is in for some heavy shit he ain't ready for!!! HaHa..."

And:

"She's begging for total global humiliation... She's gonna get it. I'm gonna need your texts about San Francisco, brother... I'm even sorry to ask... But, she sucked Mollusk's crooked dick and he gave her some shitty lawyers... I have no mercy, no fear and not an ounce of emotion, or what I once thought was love for this gold digging, low level, dime a dozen, mushy, pointless dangling overused flappy fish market... I'm so fucking happy she wants to go to fight this out!!! She will hit the wall hard!!! And I cannot wait to have this waste of a cum guzzler out of my life!!! I met a fucking sublime little Russian here... Which made me realize the time I blew on that 50 cent stripper... I wouldn't touch her with a goddam glove. I can only hope that karma kicks in and takes the gift of breath from her... Sorry, man... But, NOW, I will stop at

smack the ugly cunt around before I let her in, don't worry" in a text exchange with (the Claimant claimed) – Vanessa Paradis [1/154/4-15; 1/158/4-5], an exchange the Claimant described as a "joke" [1/155/2-5]. The Claimant acknowledged, in response to a question as to whether he called Ms Heard "a whore and an ugly old cunt" that he did not recall using those words "but it does not sound extraordinarily outside of..." [3/480/5-8]. In his text message to Dr Kipper on 8 March 2015 the Claimant referred to Ms Heard as "a malicious, evil and vindictive cunt!!!!!" [File 7/5(b)/H30.6] and in a message to Mr Deuters on 7 August 2014 said: "She [Ms Heard] has accused me of boozing!!! I told her no!!! She's a cunt!!!" [File 6/119/F697.36].

nothing !!! Let's see if mollusk has a pair... Come see me face to face.... I'll show him things he's never seen before... Like, the other side of his dick when I slice it off..."

44. The Claimant recruited several people to achieve the 'total global humiliation' of Ms Heard, as explained below. But perhaps the most important of these was Adam Waldman, who sat in the gallery of court 13 throughout the trial.

Adam Waldman

45. The court was introduced to the activities of Mr Waldman at the PTR in February 2020 when attention was drawn to an email he had sent Mr Charalambous, the Defendants' solicitor, following the recent leaks of recordings to Mail Online of conversations between the Claimant and Ms Heard. The email [File 8/86/148] read:

"It's Adam Waldman writing.

When we met last, you said "amber heard would have to be gone girl" for her abuse allegations to be false. One audio tape alone (plus frankly a mountain of other evidence) has shown her to be so. There are more tapes to come. I assume you were blindsided by these tapes, which Ms Heard has admitted she possesses, because she didn't provide them to you.

If you would like to discuss a way out of the morass for your client, please call me. I'm in Los Angeles on [telephone number]."

46. As was explained to the court at the PTR, and as is apparent from the above email, that leak of tapes (which had not been disclosed in the case) to the press was plainly orchestrated by Mr Waldman in order to put pressure on Ms Heard and the Defendants. It was at the PTR that the Claimant told the court, through the first witness statement of Ms Afia of Schillings [File 2/51(a)/D162.3], that he had never had the Mail Online recordings in his possession, a statement which Ms Afia subsequently conceded in her eighth witness statement [File 2/59(c)(i)/D237.40], was false. Ms Afia's statement also claimed that Mr Waldman had only recently come into possession of the leaked recordings but, since Mr Waldman was not a witness, he could not be challenged as to whether this, too, was false.

47. Mr Waldman's role has not been confined to leaking material to the press. He has also been instrumental in obtaining evidence for this case. Laura Divinere explained in her conversation with Ms Heard in July 2019 the pressure she was put under by Mr Waldman to sign a declaration for the Claimant. She said that Mr Waldman told her that he had her on file and photographed/on camera at the Eastern Columbia building, that she was conspiring with Ms Heard's group and that he would subpoena her for a deposition if she did not speak to him and sign a declaration in support of his client. He said that the deposition process would cost her about fifteen to twenty thousand dollars, and that he would be subpoenaing other people in Ms Heard's group for perjury. She told Ms Heard that as a result she was left shaken for days and had not slept for a number of nights.
48. Ms Divinere confirmed in a text to Ms Heard on 16 July 2019 [File 7/56(a)/H206] that what she had told Ms Heard in the recorded conversation had been true. Ms Divinere said in evidence that she did not know the conversation was being recorded. This makes the recording all the more compelling as evidence, as Ms Divinere would have no reason not to be sincere during the conversation.³
49. In her oral evidence Ms Divinere said that she had been made uncomfortable by Mr Waldman's text to her of 22 June 2019 asking her to assist because he had evidence of her 'constant interactions' with Ms Heard ('*you were with her immediately prior to and immediately after she created this hoax*'). He told her that if she chose the side of what he called the "*hoax*"/"*suppression of truth*" then he would subpoena her to compel attendance at a sworn deposition [File 4/120/F698]. Ms Divinere said that she felt '*pressured*' by Mr Waldman to say things unfavourable to Ms Heard [9/1463/4-11] and that she felt "*pressured with most of the questions*" that Mr Waldman asked [9/1464/19-

³ Ms Heard's evidence in her witness statement is that "*Shortly after Laura Divinere's declaration [File 3/Tab 86] had appeared in the media in July 2019 (see for example the article in The Blast dated 15 July [File 5/Tab 189]), Laura came to visit me because she was really upset and wanted to talk to me about it. I asked her if I could record the conversation and she said yes*" [File 2.1/71.3/E606.39]. Ms Heard was not however asked in cross-examination whether she had recorded the conversation without Ms Divinere's consent. The court is therefore not in a position to conclude who was correct about this.

24]. She explained that she had made plain to Mr Waldman that the last thing she wanted to do was say anything against Ms Heard but had been put under “*enormous pressure*” by Mr Waldman to make the declaration [9/1470/4-18].

50. Ms Divinere said she felt under pressure from Mr Waldman to give evidence adverse to Ms Heard about Ms Heard’s treatment of Kate James, despite believing that, as she said in the recorded conversation, Ms James “*consistently screwed things up all the time*” and was “*a mess*”, such that she had told Ms Heard to “*get rid of [her]*”, and that the only time she had heard Ms Heard raise her voice to Ms James was justified (“*...I said the only time was...when there was a move, Kate screwed it up*”) [9/1467/11-14].

51. Ms Divinere explained that she knew nothing about the alleged altercation between Ms Heard and Tasya Van Ree before she met Mr Waldman. Mr Waldman told her about it, and then included a passage in her declaration for her to sign which said “*I am aware from news articles that Amber was arrested and spent the night in jail for domestically abusing her former wife*”, [9/1467/18 – 1468/2].

52. Ms Divinere explained that, despite her strong reluctance to get involved, “*Mr Waldman wrote the declaration*” she provided in the US proceedings – “*I just, you know, approved and signed it*” [9/1466/7-8].

53. In re-examination Mr Sherborne sought to challenge Ms Divinere’s evidence by referring to an email she had purportedly sent to her lawyer, Mr Sherman, claiming her account in the declaration was true [9/1477/18 – 1478/20]. However (a) this constituted a challenge by Mr Sherborne to the truth of evidence given by his own witness, and is therefore illegitimate; (b) as Mr Sherman made clear [9/1481/3 – 1484/3] the communication was a legally privileged document, and Ms Divinere did not waive that privilege, so no reliance could be placed on it (the suggestion that Ms Divinere had sent it to Mr Murphy and thereby had waived privilege was not put to Ms Divinere); (c) the court can place no reliance on the email since Ms Divinere did not have an opportunity to explain in evidence why it was sent, including as to any role played by Mr Waldman in it [9/1484/18-1485/8].

54. During this trial Mr Waldman continued with his threats to Ms Divinere. On the very day she gave evidence he posted a particularly macabre tweet: *"In memoriam Elon Musk's decorator Laura Divinere"* [10/1511/14-15].
55. Mr Bett explained to the court that Mr Waldman gave him a photograph of the Claimant, supposedly injured, so that Mr Bett could append it to his witness statement for these proceedings and claim that it had been taken by Mr Bett. At Mr Waldman's request Mr Bett then exhibited the photo to his statement and claimed it was a photo that he had himself taken on 21 April 2016 [8/1269/14-22]. This was untrue, as both Mr Bett and Mr Waldman knew.
56. What this demonstrates is that Mr Waldman was instrumental in procuring false evidence from Mr Bett for the benefit of the Claimant. It also shows that Mr Bett's evidence generally cannot be trusted.
57. It is not known what other tactics Mr Waldman deployed to pressurize witnesses.⁴ It is not known whether it was Mr Waldman who drafted the witness statement for the Claimant which the Claimant did not read in full before signing it. What is however clear is that a key operative for the Claimant in these proceedings is an individual prepared to deploy threats and improper tactics to secure the Claimant's objective of *"burning"* Ms Heard and subjecting her to *"total global humiliation"*.
58. The tactics deployed by the Claimant to achieve these objectives have been highly effective. Mr Tillet Wright explained how difficult it rapidly became after May 2016 for anyone who wanted to try and support Ms Heard publicly:

"media articles started appearing that were saying that she was a gold-digger, and that she had only married him for the money. It seemed to me that Mr. Depp's PR machine had kicked in gear and was trying to defensively move to make it sound like something other than what we, behind the scenes, knew to

⁴ Mr King confirmed Mr Waldman had been involved in preparing his statement [7/1078/18-20]. Mr Murphy told the Claimant in texts that he had sent "evidence" to "Adam", which could only be a reference to Adam Waldman, and discussed how Ms Heard's evidence could be discredited [File 10/147(a)/O71], texts 439, 440. Obviously Mr Waldman has been orchestrating the considerable efforts to destroy Ms Heard's reputation.

have happened, had happened and we were quite shocked. And in speaking to the people who had seen and witnessed what had happened, or at least heard what had happened, were close to what had happened, a number of people who worked in the entertainment industry were very afraid that speaking up and saying what they had seen would result in being blacklisted by Mr. Depp's connection in the entertainment industry, which they had tried to do with me." [14/2356/5-21].

Ms Heard

59. Ms Heard is not the Defendant in these proceedings. She did not have to attend court or assist the Defendants in any way. However she chose to attend, and to experience a 3-day cross-examination. She was a composed, impressive and truthful witness.

60. As Ms Kendall confirmed, any person who calls out the misconduct of a powerful and influential figure in Hollywood confronts grave problems. Ms Kendall's own experience of doing this (in respect of Mr Weinstein), and, as she explained, the experience of other women in a similar position, was that they became the subject of personal attacks, were accused of being fantasists, gold diggers and people with their own agendas [9/1491/22-9/1492/11].

61. Ms Heard has had to endure all of this. She explained how she experienced public attacks of being a liar from the time she made the DVRO application. She did not want the matter to be publicly litigated or to involve herself in court proceedings [13/2105/20-2106/10]. She has *"been the subject of death threats, harassment and bullying. There has been a significant and targeted online campaign against me and those associated with me on social media (including towards the film franchise and the brands to which I am attached), including a petition to have me removed from the sequel to Aquaman"* (second witness statement [File 2.1/70/E595]).

62. Ms Heard was honest about her personal shortcomings: that she had a short temper, [10/1591/17-20] and could perhaps be prone to 'compulsive anger' - but both these character traits were prompted by the particular dynamics of her relationship with the Claimant [10/1592/7-12]. It was put to her that she was angry on one occasion which did

not involve the Claimant, but Ms Heard explained that she was (understandably) angry because someone had hacked into her iCloud account and posted naked photos of her online, together with humiliating headlines [10/1596/3-18].

63. As for the proceedings in relation to Tasya Van Ree in respect of alleged violence by Ms Heard, for the reasons set out by the prosecuting attorney (“no signed statement from [Ms Van Ree] indicating that she was offended by [Ms Heard] grabbing her arm [nor] that the contact caused pain ... minimal nature of the assault ... both victim and suspect are resident in California”) [File 5.1/199/F1212], no charges were ever brought, and Ms Heard denied that she had ever assaulted Ms Van Ree [10/1621/23-25]. She described her relationship with Ms Van Ree as ‘peaceful and beautiful’ [12/2018/4-5]. There is no reason to doubt her account of that relationship, particularly in light of the emails and text messages between Ms Heard and Ms Van Ree at File 7, Tab 45(b) and File 8, Tabs 85 and 85(c), together with Ms Van Ree’s statement contained in the article in File 5, Tab 178.

64. Ms Heard denied that she had been violent toward the Claimant other than when she felt her life was threatened and in order to escape him [10/1605/16-1606/8]. She accepted that she had smashed a bottle on the floor during the Australia incident [12/1875/2-6], albeit she said this did not cause the Claimant any injuries. She also accepted “sometimes I lose my cool when I get angry” [12/1885/9]. She admitted throwing a can at the Claimant in the Bahamas as she was running away from him [12/2001/11-19].

65. However the attempt by the Claimant to build a picture of Ms Heard being consistently violent towards the Claimant came to nothing. She explained that her reference in a recorded conversation to throwing pots and pans at the Claimant was not an admission that she had done this, but was, in the context of the discussion, said in an attempt to move the conversation on [10/1609/13 – 1610/6]. She admitted that she had ‘started a fight’, as she said in a recorded conversation, but only because she had had to push him to get him out of the way after he had fallen against a bathroom door [10/1613/22 – 1614/20].

66. With considerable fanfare, a video was produced on the last day of evidence by the Claimant's legal team and put to Ms Henriquez, supposedly to demonstrate that Ms Heard had been violent towards her. But the video proves nothing. It was a short extract from 2006-7 containing what was said to be the "rushes" of a light-hearted exchange from a reality TV show. It shows no injuries to Ms Henriquez. Ms Henriquez explained in evidence that she was not talking on the video about having had a physical fight with Ms Heard, and all that was happening was that a person was inferring and trying to create an interesting story line for the programme [14/2265/18-23]. Moreover Ms Heard was given no opportunity to address the allegation she had attacked Ms Henriquez in 2006-7.

67. Ms Heard was also open about the fact that during the relationship with the Claimant she used illegal drugs (MDMA and mushrooms), albeit rarely [10/1549/25-1550/5], and enjoyed alcohol – *"you know, two, three glasses a night sometimes, sometimes more, occasionally, sometimes less, but never bottles"* [10/1559/6-10]. She has also taken one prescribed drug, Provigil, for narcolepsy, although the Claimant's doctor, Dr Kipper, put Ms Heard *"on all kinds of medications and, frankly, I have lost track of which ones"* [10/1545/22-24], *"to keep me sedated or keep me calm, basically, to keep my body from responding to the world I was living in"*. Ms Heard explained that even in her relationships with Dr Kipper, nurse Erin Boerum and nurse Debbie Lloyd, the Claimant was the ultimate client, and he was the priority [12/2015/8 – 2016/19]. As the Claimant himself explained in his text to nurse Boerum on 16 July 2016:

"... I was the CLIENT, ultimately, if you and Debbie are able to, at least, speak of me, who I really am and what!!! I was the one who asked for you to CALM HER DOWN AND KEEP HER UNDER CONTROL!!! Not because she was kicking DRUGS!!! It was to take her pressure away from me!!! Same reason that I hired her shrink... Who, by the way, only made her worse!!! ..." [File 10/147(a)/O379].

68. But the suggestion that there was some equivalence between Ms Heard's intake of drugs and alcohol and that of the Claimant lacks any evidential basis and is, obviously, absurd. She was never treated for substance abuse [12/2005/17-18] and only used cocaine when a teenager [12/2007/8-10].

Credibility of Ms Heard: importation of dogs into Australia

69. Much time was spent exploring the topic of the importation of the dogs Pistol and Boo into Australia in 2015. It was not a fruitful or worthwhile exercise, not least because Ms Heard pleaded guilty to an offence of producing a document knowing it to be false or misleading [File 5.1/200/F1219] and the magistrate in Australia found that Ms Heard had not deliberately set out to deceive the Australian authorities and that this was not a case of a person believing she is above the law [File 5.1/201(b)/F1303.6].
70. Ms Heard explained that the process regarding compiling the correct paperwork for the dogs had been going on for months and was confusing [12/1889/17-20]. Moreover it was not Ms Heard's decision to bring the dogs: "*I did not call any of the shots. This is Johnny's plane, this is Johnny's staff, Johnny's crew for Johnny's travel*" [12/1891/3-4]; and the Claimant was equally culpable, having filled in the same paperwork incorrectly, but she had to take the charges so that his filming plans were not compromised by a conviction in Australia [12/1891/13-16]. Mr Murphy confirmed the Claimant's involvement in his statement in the Australia proceedings dated 13 October 2015 [File 5.1/201(a)/F1303.1]. The Claimant himself made clear his personal culpability in his interview on television [media file F194a] and joined Ms Heard in a joint televised apology [media file F151a].
71. This court need not revisit the topic of Ms Heard's culpability in relation to the dogs' travel arrangements. An Australian court has already carried out this task. That court's conclusion is supported by the fact that there was never any attempt by Ms Heard to hide the dogs from public view, as Mr King confirmed [7/1105/10-17]. Ms Heard did not try, or need, to find somebody to take the blame since she was pleading guilty to the offence [12/1898/15-18].

Credibility of Ms Heard: The Savannah McMillen statement

72. Another matter explored in detail was how it came to be that Ms Heard signed a letter to Homeland Security claiming that Ms Savannah McMillen was not 'unlawfully working' for her in the US. It was put to Ms Heard that she was dishonest when she signed this letter.

However Ms Heard provided a convincing explanation for the statement: she honestly believed that Ms McMillen was not unlawfully working in the US.

73. Ms Heard explained that Ms McMillen had only worked for her outside the US, where she was employed by production companies [10/1572/7-12]. Whilst in the US Ms McMillen was not working for her, but was instead accompanying her as a *“intern at times and a companion and friend”* since Ms McMillen *“was very young and wanted the life experience”* [10/1576/3-7] and Ms McMillen *‘reminded me of a very, very young me, like a little sister’* [12/2018/25-2019/2].

74. Ms McMillen stayed with Ms Heard in London, and then Ms Heard invited her to come and stay with her in LA to hang out and see what it was like [12/2019/5-23]. Ms Heard already had a full time assistant – Kate James – so did not need Ms McMillen as an assistant – she just helped out with grocery shopping and similar tasks occasionally, as did other friends of Ms Heard, which is what the payments were for [12/21-2022/2]. Other friends also used the ‘assistant’ email address at times [12/2022/17-2023/11]. When Nurse Boerum noted that Ms McMillen was Ms Heard’s assistant, this was because Nurse Boerum had known Ms Heard for two years already and Ms McMillen had indeed been her assistant outside of the United States at times during that period [10/1581/7-25]. The money which Ms Heard paid Ms McMillen was for expenses and a loan [10/1582/12-16]; [12/2021/16-2022/13].

Alleged relationships between Ms Heard and Mr Musk/ Mr Franco

75. A prominent feature of the Claimant’s case, and evidently a preoccupation of the Claimant, was that Ms Heard had what Ms Laws QC described as an *“illicit”* relationship [11/1711/10-12] with Mr Musk while she was still married to the Claimant; and also a relationship with Mr Franco. Ms Heard denied this [11/1711/13-17; 1714/18-23].

76. The court does not need to resolve whether Ms Heard had such relationships with Mr Musk or with Mr Franco since it is irrelevant to the question of whether the Claimant is a wife beater; save to the limited extent that the Claimant’s evident obsession with Mr

Musk and Mr Franco is consistent with Ms Heard's account of the Claimant's jealousy with regard to these individuals, and the problems this caused in the relationship between her and the Claimant.

77. Moreover the evidence adduced by the Claimant that Ms Heard had such relationships was very thin. Mr Romero said that Ms Heard was visited regularly at the Eastern Columbia Building by Mr Musk (statement paragraph 7); however Mr Romero's recollection of dates was extremely faulty – see below. As he said in cross-examination “*I cannot remember exactly the year, because it has been for a couple of years already*” [9/1398/2-3] and “*I get, like you said, the years messed up*” [9/1398/19-20]. On Mr Romero's account, he saw Mr Musk's regular visits start in March 2015, a year before Ms Heard even moved into the building. Mr Baruch confirmed he only saw Mr Musk in the Eastern Columbia Building after 21 May 2016 [9/1384/4-7]. Ms Esparza's evidence on Mr Musk related to the period after the break up. She made a reference to Ms Heard having marks on her after what was said to be a visit from Mr Musk in June/July 2016; but she was now unable to recall where on Ms Heard's body the alleged injuries were [5/891/9-13]. This evidence was gratuitous and plainly adduced by the Claimant in an improper attempt publicly to smear Mr Musk – reflecting his determination to seek vengeance against Mr Musk, another of the Claimant's objectives, as he explained that he had in his text to Mr Carino in August 2016 [File 6/119/F687.194].

The conversations between the Claimant and Ms Heard which were openly recorded

78. Ms Heard was cross-examined at length about the contents of conversations she had with the Claimant which the couple recorded. The court can derive only limited assistance from these conversations. The recordings were created as part of an attempt by the couple to improve, or at least understand, their relationship. They were not ever meant to be a full and frank discussion about the relative culpability of Ms Heard and the Claimant in relation to acts of alleged violence, or other confrontations – that would have rendered the conversations futile. Ms Heard said the objective as far as she was concerned of the conversations was “*to actually talk about the real issues in the relationship, the structural issues.*” [11/1774/5-8].

79. As Ms Heard explained when asked about why she did not accuse the Claimant of violence at certain moments in one of those conversations:

"I knew better than to fight with him about the details of the fight and what he perceived as insult, injuries, or grievances that fallen on him. My job was to just try to say, sorry, and let us move on to the bigger point. Let us keep him on track and talk about the other things. I had to, or else I would have had -- I would not, only would I not have been able to finish the conversation with Johnny, I would have made him more mad, more enraged and he would have gotten even more violent with me." [11/1772/5-14]

80. In any event, the conversations – which are long – contain much that supports the Defendants' case. In one such conversation from September 2015 ("Argument 2") the Claimant made observations showing that he recognized that he had been violent towards Ms Heard:

"I left last night, honestly, I swear to you, because I just couldn't take the idea of more physicality, more physical abuse on each other. Because had we continued, it would have gotten fucking in a bad – ... And baby, I told you this once, and I'm scared to death of it. We are a fucking crime scene waiting to happen if we don't get our shit together" [File 4/154/F940]

"if things get physical we have to separate, we have to be apart from one another, whether it is for a fucking hour or ten hours or a fucking day, we must. There can be no physical violence towards each other" [File 4/154/F946].

"All I am saying is we need to take whatever time we need, you need or I need to kind of let things settle for a minute, so that we don't fucking kill each other or fucking worse, you know, fucking... like really kill each other or fucking break up or whatever" [File 4/154/F947].

Absent witnesses for the Claimant: Dr Kipper and Nurse Boerum

81. In cross-examination of Ms Heard reliance was placed on notes made by third parties who are not witnesses regarding what either Ms Heard or others had said: particularly nurse Erin Boerum and Dr Kipper. Ms Heard explained that in some instances what they had recorded in those notes was incorrect and did not accurately reflect what she (Ms Heard) had told those third parties, or (in some cases) did not reflect what Ms Heard had told

others who in turn told the third parties who made the notes (e.g. Nurse Boerum's notes concerning Ms Heard's medical history were made on the basis of what Dr Kipper had told her: [10/1543/20-24]).

82. The court should be slow to reach factual conclusions based on hearsay evidence contained in those notes, particularly where, as here, the contents are in part double hearsay. The Claimant could have called Dr Kipper and Nurse Boerum to give first-hand evidence of what they had witnessed and been told, but chose not to.

The 'dossier hoax' thesis

83. The Claimant's central thesis in this case is that Ms Heard engaged in a three year long hoax to manufacture evidence of his violence towards her (second witness statement paragraph 19). He said she had been "*building a dossier very early on that appears to be an insurance policy for later*" [2/230/3-7].

84. He is compelled to resort to this 'dossier' hoax theory because of the volume of evidence that Ms Heard has been consistent in her complaints about the Claimant's conduct when drunk or under the influence of drugs, and on occasions his violence towards her, for several years. The court was shown many communications from 2013 onwards in which Ms Heard made contemporaneous complaints of this nature.

85. Examples of early communications of this nature in 2013 and 2014 include:

- a. Ms Heard texted her mother on 22 March 2013 stating of the Claimant "*He's nuts mom. Violent and crazy. I am heartbroken that THIS is who I love*" [File 7/1(b)/H21A.2]. The following day Ms Heard texted her mother enclosing a photo of the bruise to her arm sustained two weeks earlier as a result of the altercation with the Claimant [File 7/1(b)/H21A.7]; [File 6/148/F894.001].
- b. On 11 June 2013 Ms Heard set out in an email she sent herself [2/226/19 – 2/229/15]; [File 8/64/12-3] her concerns about the Claimant's "*Jeckyl and Hyde*"

character, his drugs and alcohol use, her having to deal with *"the monster"*, the *"full on disco bloodbath"* which she had *"come to expect"* and the fact he surrounds himself with people who enable him to act in these ways and don't *"call out"* his *"bullshit"*. Ms Heard said: *"you have hit me repeated. something you should Never have done. what a fucking man you are. And NONE of this would be possible without the booze and drugs. NONE."*

- c. Ms Heard emailed Kate James on 10 May 2014 [2/292/7-2/293/7] about how the Claimant's jealousy causes him to 'lose it', i.e. lose his temper [File 8/73/114].
- d. Shortly after the Boston plane incident, on 24 May 2014, Ms Heard texted Kate James saying, *"I have to leave JD. He's just freaked out on me. He's drinking again. It's bad. Worse than ever. I need out"* [File 7/3/H24]. The following day, Ms Heard texted the Claimant's sister saying, *"Yes, and I do hope he gets better this time. But I can't keep staying and supporting him just to watch him do it all over again. He has done this many times before. Tokyo, the island, London, remember that, many, many times, and I always stay. Always believe he is going to get better, and every three or so months I am in exactly the same position"* [File 6/119/F697.29] and sent a similar message to Mr Deuters [File 6/119/697.31].
- e. On 27 May 2014, Ms Heard texted the Claimant stating: *"I know you have a sickness. I know you are suffering, Johnny, I'll do anything to be able to take that away from you, if only I could. We have such a beautiful...that is killing us. And that is what I am afraid of. Seeing such a beautiful thing as our love slaughtered right in front of my eyes, and not being able to do anything about it. That is what, who I am running from, that demon. Because despite how much I have tried to fight him off, you, he has been winning. I am scared, Johnny, so scared, I watch as this thing steals my life out from under me. He steals my man from me and replaces him with something terrifying and unrecognisable"* [File 6/119/F697.33]. The Claimant acknowledged in evidence that Ms Heard was here referring to 'the monster': [2/328/10-15].

86. Several witnesses also gave evidence that Ms Heard had told them of the violence at the time it is alleged to have occurred – Ms Henriquez (statement paragraphs 17-18, 31, 6, 49, 52-3, 54-56, 65-6, 71, 75, 79); Mr Tillet Wright (statement paragraphs 16-18, 30, 34, 39, 55); Ms Sexton (statement paragraphs 31, 41, 45, 60, 62). Ms Sexton explained that Ms Heard told her of the violence the Claimant had perpetrated on her around the time of the April 2016 birthday party, (i.e. before the DVRO application) [14/2248/13-16], although she suspected the Claimant had been violent towards her before that because of Ms Heard's behaviour and had therefore asked Ms Heard whether she felt safe [4/2249/2-12]. In his text to Ms Heard on 22 May 2016, "Rocketman" said: *"I'm just glad you're ok. You talked about J being violent in the past and still having keys to the apartment, so I thought something might have happened."* Even a number of the Claimant's witnesses accepted that Ms Heard had complained of violence by the Claimant at various points throughout the relationship (for example Samantha McMillen and Kevin Murphy).

87. Thus, to be plausible, the 'dossier' hoax must have involved:

- a. Ms Heard writing messages and emails to herself and to third parties from 2013 onwards describing the Claimant's conduct, including his violence, knowing this all to be false;
- b. Ms Heard falsely telling Nurse Boerum of injuries in December 2015, and showing her fake injuries for Nurse Boerum to record, and giving a similarly false account of the Claimant's behaviour to Dr Connell Cowan;
- c. The recruitment of Ms Pennington, Mr Drew, Ms Sexton, Ms Inglessis, Mr Tillet Wright, Ms Henriquez and Ms Divinere to tell lies in these proceedings as well as in the US proceedings, and the recruitment of Ms Marz and Ms Barkin to tell lies in the US proceedings;

- d. The careful manufacture of false photographic evidence, together with Ms Pennington and/or Mr Drew, often moments after the violence was alleged to have occurred.

88. It remains uncertain what the Claimant contends motivated Ms Heard to carry out this highly sophisticated three year dossier hoax. In so far as the Claimant's thesis is that she was a gold digger who had long planned the hoax in order to extract money from him, Ms Heard confirmed that she did not benefit financially from making allegations of domestic violence [13/2106/24-2107/4].⁵ She also saw no benefit to her career [13/2106/11-20].

89. It is also unclear why others would have agreed to join in this conspiracy. It was put to Mr Drew that he was part of a conspiracy to give a false account of events on 21 May 2016. No motive was suggested in cross-examination as to why he should do this [12/1962/18-22]. It is a fanciful proposition, not least since he was not a witness who was seeking to paint a flattering picture of Ms Heard – he confirmed she had used mushrooms and ecstasy, and said he had heard that she had taken cocaine (but had not witnessed this) [12/1964/14-24].

90. Certain aspects of the Claimant's case regarding the alleged hoax remain unclear. There was a suggestion that, as part of the hoax, Ms Heard had 'played around with the images', i.e. manipulated the photos showing injuries. Ms Heard denied knowing how to do this [12/1914/17-25]. The Claimant advanced no case of manipulation of images until well after the trial had started, so the court did not have expert evidence on this matter. In such circumstances the court is not in a position to find that any such image manipulation occurred.

91. Moreover, had Ms Heard been constructing a hoax, she could have been expected to take various steps which she did not; or not to take various steps which she did take.

⁵ The Claimant served a second statement from the accountant Mr White during the course of the trial dealing with details of the financial settlement reached at the conclusion of the marriage, but Ms Heard was not asked in evidence about this settlement and this court is in no position to assess the fairness or otherwise of the agreement.

- a. For example, if, as the Claimant suggested, calling 911 on 21 May 2016 was “*a choreographed hoax for sure*” [4/559/13-15], why did Ms Heard not tell either of the two sets of police officers who then attended that she had been attacked?
- b. Why refrain from making any allegation that the Claimant had been violent when emailing Mr Tillet Wright, a close friend and confidante, on 11 February 2016? [7/22(a)/H134.1]

Mr. Tillet Wright: “*What the holy fuck happened this time?*”

Ms. Heard: “*He just lost it, literally switching personalities like channels on, on a TV. It was nuts.*”

Mr. Tillet Wright: “*Did he hit you? I thought you guys weren't seeing each other.*”

Ms. Heard: “*No, he didn't touch me.*”

- c. Why send a text message to her mother on 22 March 2013 saying “*It's ok mom. He's not being violent with me?*” [7/1(b)/H21A.2] – (see further below).
- d. Why visit Dr Kipper’s office on 17 December 2015 to seek medical assistance for the injuries sustained during the incident on 15 December only to conceal the true cause of her injuries and instead say to nurse Monroe Tinker that the cause of her headache was that she “*bumped her head while standing up 2 days ago*”?⁶
- e. If the intention was deliberately to attract “*the full glare of media publicity in order to obtain a restraining order*” (as it was put to Mr Tillet Wright) [14/2343/2-4], why not include in the declaration filed in support of the DVRO the details of all the violent incidents?
- f. It was repeatedly put to Ms Heard in cross-examination that she was “*making it up as you go along*”. The basis for this was an accusation that Ms Heard was

⁶ See Ms Heard’s fifth witness statement, paragraph 74 [File 2.1/71.3/E606.37] in which she explained that she was trying to protect the Claimant, and exhibits a copy of a text message sent to Lisa Beane on 30 May 2016 in which Ms Heard explained that at that time she felt unable to tell Monroe how the injuries had been caused.

changing or developing her account. It is unclear how this is intended to fit with the Claimant's apparent case that Ms Heard meticulously pre-planned the 'hoax' over a number of years.

92. In support of the 'hoax' theory, it was also suggested that Ms Heard would have left Mr Depp early on if he had been violent to her. However this is to misunderstand the experience of many victims of domestic violence. Ms Henriquez explained that their father was violent to their mother, but she never left him, and she and Ms Heard were as children therefore "*taught that you stayed*" [14/2281/20-2282/12]. As Ms Heard put it:

"Johnny, when he was clean and sober, could be this wonderful person, generous and loving, he is a remarkable man when he is like that, and I loved him, and I didn't want to lose that, thought he could get better and clean. The other side of him was a monster. But I thought, I always held out hope that he would get clean and sober." [13/2044/18-24]

Observations on the Claimant's witnesses

93. As a general point, most of the Claimant's witnesses had long standing relationships with him and/or continue to depend on him for their livelihoods. This applies to Mr Bett, Mr Murphy, Mr Deuters, Mr Baruch, Ms Vargas, Mr McGivern, Mr Jenkins, Ms Roberts and Mr Connelly; others were paid by him to provide services and, given his status in Hollywood, are unlikely to want to fall out of favour with him: Mr King, Mr White, Ms Esparza, Mr Romero, Mr Harrell. It was the job of many of these individuals to clear up the mess left behind by the Claimant, and not to intervene or reprimand him. This was reflected in what Ellen Barkin said in her deposition dated 22 November 2019 [File 4/107/F570] – that the Claimant's assistants did not intervene when he was violent.

Stephen Deuters

94. Mr Deuters confirmed he had worked for the Claimant for 16 years [5/737/3-7], was a friend of his and indeed '*regarded almost as family*' [5/737/17-18], was financially dependent on the Claimant [5/738/5-6], and was dependent on the Claimant's brand for

his income [5/738/7-8]. Mr Deuters explained his adoration of the Claimant in a text dated 6 March 2015 [File 6/119/F697.58].

95. When asked whether he had ever stood up to the Claimant, Mr Deuters gave one example: when producers wanted the Claimant to come back to Australia a few days early – “nobody else would do that job” [5/857/15-17]. It was a request which the Claimant “respectfully refused” [5/858/5-7]. This was hardly a demonstration of Mr Deuters’ willingness to stand up to his boss – if anything, the anecdote demonstrates the unwillingness of those around the Claimant to ask him even modest requests. It also demonstrates the Claimant’s requirement for unstinting “loyalty” from his employees (in other words, allowing him to do whatever he wanted to do); of this incident, the Claimant said in a text message to Jerry Judge [File 10/147(a)/O74]:

Just don't want to have anything to do with Deuters... No matter what, Stephen should have remembered who pays him ALL YEAR ROUND, even when he's not working, before sticking up for ANYONE else!! I watched his loyalty cease to exist!!! Was he disappointed, the poor dear??? He totally tried to undermine my desire to wait for Amber!!! Why..??? In any case, I'll NEVER forget this... EVER!!!

96. His willingness to do whatever it took to keep the Claimant happy was demonstrated by the fact that Mr Deuters assisted the Claimant in obtaining illegal drugs, as he admitted [5/739/21 – 5/740/9]. He initially denied having assisted in the supply of drugs to the Claimant in Australia; but then conceded that it was “perfectly possible” [5/747/8-21].

97. Also damaging to Mr Deuters’ credibility was his assertion to TMZ, the online magazine, that texts he had sent which cast doubt on the Claimant’s account (see below) were doctored. Mr Deuters said in evidence that the TMZ article [File 5/176/F1130] reporting that he had claimed the texts regarding the flight had been “doctored” was wrong, and that he had never claimed this [5/793/11-16]. The court should reject this explanation, which is contradicted both by the text of the article, which is very specific in its reports of what Mr Deuters said, and the fact that, as confirmed by Mr Deuters, he never approached the publication to correct the article, despite apparently being “distressed” by it [5/794/10-19].

98. Mr Deuters' testimony was unreliable in other respects: he said the Claimant "never" used the word "cunt" regarding women [5/760/21-22]; then resiled from this to say he had "no recollection" of this [5/761/2-3] only to concede later that the Claimant did use this word in a text to him [5/806/9-16]. Further, Mr Deuters also denied having himself used the word "cunt" with reference to women [5/806/17-18], only to have to admit it later when confronted with a text he had sent to Mr Bettany calling Ms Heard a 'talentless cunt' [5/831/12-22].

99. Moreover, Mr Deuters was evidently recruited as one of the Claimant's "attack dogs", to dig up information to damage Ms Heard. He appears to have sought information the Claimant could use to attack Ms Heard regarding her relationship with Tasha Van Ree [5/832/6 – 5/833/16].

Ben King

100. Mr King gave no convincing explanation for having made a second witness statement, signed after the trial started, in which he claimed to recall details omitted from his first statement. When asked about the contacts he had had with the Claimant's solicitors in connection with the statements he was evasive –when asked whether Mr Waldman was "the person that you dealt with more than anybody else?" he initially answered "Not necessarily, no." [7/1078/18-20]; when asked whether he had had any contact with Mr Waldman in the run up to preparing the second statement – just three days earlier – he replied first "No more than I had already had, no"; then "Not that I recall". He claimed not to know when he last spoke to Mr Waldman [7/1079/7-9; 17-23].

101. Mr King also demonstrated he was prepared to provide evidence damaging to Ms Heard without any real foundation: he said that she regularly drank two bottles of wine at night, not having seen her drink this amount, on the basis of the number of bottles she counted in the morning [7/1082/2-10].

102. Mr King claimed not to know what 'E' and 'MDMA' were [7/1084/2-7]. He also claimed that Ms Heard was the "*antagoniser*" in arguments, despite accepting that he did not know what the arguments were about – instead it was just his "*overall impression*". [7/1085/2-24]. This shows how quick he was to seek to damage Ms Heard.
103. Mr King's memory of events was far from perfect: he claimed to have no recollection of seeing a phone ripped off a wall in the Australia house [7/1093/18-22], when the Claimant had admitted this [3/422/4-5]; and said there was no urine on the floors, without giving any adequate explanation as to how he could reach such a conclusion despite all the mess in the house [7/1095/18-25]. He also claimed to know where Mr Depp's injury had occurred, despite not having any relevant expertise [7/1096/15-1097/13].
104. Most significantly, having said in his first statement (at paragraph 9) that there were no injuries to Ms Heard's arm [File 2/46/D119-D120], he subsequently produced a second statement saying (at paragraph 26) that he *did* see injuries on her arm when travelling from Australia [File 2/59(f)/D246]. He acknowledged in evidence that he had learned in this case that Mr Judge had been recorded saying that Ms Heard had scratches on her left arm. It is to be inferred that his new 'recollection' only occurred as a result of this evidence emerging in this case [7/1098/24-7/1099/3].

Kevin Murphy

105. Mr Murphy was an unreliable witness. He deliberately and misleadingly chose to omit from his first statement in these proceedings the fact he had made a statement in the Australian proceedings regarding the importation of the dogs on 13 October 2015 which directly contradicted his statement in these proceedings. In that earlier statement he said that neither Ms Heard nor Mr Depp had deliberately sought to avoid complying with Australian animal importation requirements. He made a second statement in these proceedings disclosing the fact he had made a statement in Australia only once the Defendants had located and disclosed to the Claimant's solicitors the Australian statement. He said he was prepared to lie on oath in Australia because Ms Heard would

have made his life miserable [7/1150/16-21] but this explanation lacked credibility: it would have been extremely easy for him to decline to lie, and explain to Mr Depp that he was not prepared to assist in this way. It was also inconsistent with his account that he had felt able to “refuse” what he claimed was Ms Heard’s request that he procure a false statement from Kate James [7/1202/11-16]. He also confirmed that Ms Heard was not present when he prepared his statement in Australia, but only Mr Singer the lawyer was [7/1154/2-5]. Marty Singer was a lawyer who had regularly acted for the Claimant in 2012 and “for many years after”, as Mr Bett confirmed [8/1296/7-18]. The Claimant confirmed in his deposition in the *Bloom Hergott* litigation that “Jake was involved, Marty Singer was involved. I also went to a couple of friends who had connections in the sort of upper echelon of Australian government and I was -- ultimately that was the -- I was paying the lawyer -- lawyers here, I was paying lawyers in Australia to deal with the case...” [File 3/72(a)/F6.7].

106. Mr Murphy was also one of the Claimant’s attack dogs. He texted the Claimant on 30 May 2019 stating “I’ll always have your back, any time, anywhere. Continued relentless exposure of the fraud and the scammer bandits is key”. He went on to confirm that he had sent “evidence” to “Adam”, which could only be a reference to Adam Waldman, and discussed how Ms Heard’s evidence could be discredited [File 10/147(a)/O71]. The Claimant replied expressing his appreciation of Mr Murphy’s efforts to discredit Ms Heard, saying “bless your heart for being such a warrior for me and for your passion to join me in this battle. I will never forget it. It speaks volumes about who you are and I’ve already known who you are, pal. Thank you. All my love and respect” [File 10/147(a)/O71].

Isaac Baruch

107. Mr Baruch has been a friend of the Claimant’s for nearly 40 years [9/1358/7-9] and has had ‘patronship’ from him for several years worth \$20,000 or sometimes \$25,000 per year – a sum totaling over \$100,000 which has never been repaid to the Claimant [9/1359/3 – 1360/3]. Mr Baruch lived rent free in the Claimant’s property at the Eastern Columbia Building [9/1385/5-8] and then in a property of the Claimant’s at Sweetzer Avenue [9/1362/19-21]. His financial reliance on the Claimant was demonstrated by a

text the Claimant sent him on 28 October 2016 stating *"I gots no cake!!! I should have called business manager earlier, but I was swamped!!! I can probably get you some dough tonight, just not very much... sorry dude. But, we should talk about moving you out of the building, and for the moment bring you to Sweetzer... there's a spot over here where you'll be comfy and able to paint... I hate it, but I gotta lose those fucking Penthouses!!"* [File 10/147(a)/O517], which Mr Baruch confirmed was about the fact that he needed money [9/1380/6-11].

108. Mr Baruch was plainly ill disposed towards Ms Heard. He laughed in court when asked about a message from the Claimant to him on 28 October 2016 in which the Claimant had referred to her as a *"cunt"* [9/1380/18-24].

Alejandro Romero

109. Mr Romero was not a reliable witness. He said in his witness statement [2/47/D123] that he first saw Ms Heard at the Eastern Columbia Building in about July 2015 (paragraph 6); and that he understands that Ms Heard was not resident at the building until March 2016 (paragraph 6). He said in evidence he was comfortable with his recollection of those dates [9/1396/19-23]. However, those dates contradict what he said about having seen Mr Musk's visits to Ms Heard at the Eastern Columbia Building starting in March 2015.

Kate James

110. Ms James was extremely ill disposed towards Ms Heard, as demonstrated by her testimony in general. She had been sacked by Ms Heard. She was happy to help the Claimant to attack Ms Heard, as demonstrated by a text she received from the Claimant on 13 August 2016 stating *"Thank you sweetheart. I'm disgusted that I ever fucking touched that scum. Back on Tuesday and then court. Will hit you when I get back, doll. Come over for a spot of purple and we will fix her flabby arse nice and good. Loveth, J."* [File 6/119/F697.193]; [7/1220/16-19].

111. Ms James confirmed she had had a very public dispute with Ms Heard, and had been sacked by Ms Heard (witness statement paragraph 19, [File 2/56/D192], [7/1222/2-4]. Unprompted by any question in cross-examination she accused Ms Heard of sending her a *"barrage of drunken text messages between the hours of 2 and 4 in the morning...on an almost daily basis"* [7/1223/18-23]. When asked about a message Ms Heard sent her on 24 May 2014 she immediately sought to demean Ms Heard by referring to the fact that Ms Heard had gone to a hotel despite having *"her own apartment that was still being paid for and maintained by Mr Depp"* [7/1225/19-21] and *"basically had a pool party all day ... drinking and swimming and sunbathing and having fun"* [7/1226/2-5]. She also sought to belittle Ms Heard by saying of her *"she was probably the least known person I have ever worked for in Hollywood, to be honest"* [7/1233/16-16].

The pleaded incidents

First incident, early 2013

112. Ms Heard's account is in her first statement at paragraphs 44 to 51. The Claimant hit Ms Heard twice after she laughed at his 'wino' tattoo. In oral evidence Ms Heard confirmed the nature of the attack, the redness caused to her face as a result, and said that it had been *"the first time I had been hit like that since I was a child"*. Ms Heard denied the suggestion that she was *"just making it up as you go along"* and explained that she had *"said this from the very beginning. I told my therapist about it years ago, actually the day after this happened"* [12/1923/3-24]. The Claimant's position was that he *"does not recall"* any conversation or any argument about one of his tattoos, and, simultaneously, that the incident *"did not happen"* [1/177/7-178/14].

22 March 2013 'painting' incident

113. A detailed chronology of this incident which references the relevant documents from 20 March 2013 to 23 March 2013 is appended at appendix 1 to these submissions.

114. Ms Heard's account is at paragraphs 52 to 64 of her first witness statement. Whitney Henriquez deals with the incident at paragraphs 33 to 46 of her statement. Ms Heard discussed the incident at the time with Ms Sexton, albeit she did not at that time describe the Claimant's violence – Ms Sexton's statement paragraphs 43-4.
115. The Claimant, who had taken cocaine and other drugs and alcohol, became enraged about a painting by Tasya Van Ree and set fire to it. He hit Ms Heard, grabbed her, shook her and shoved her into a wall. Ms Henriquez arrived later to find the couple arguing, which she ascertained was an argument about Tasya van Ree. Ms Henriquez saw Ms Heard with a cut lip and noticed that a painting had been taken off the wall. Eventually, after several hours, Ms Henriquez convinced the Claimant to leave to go to the Keith Richards filming session. Ms Heard only told Ms Henriquez that the Claimant had been violent to her on this occasion some time later. Ms Sexton recalled Ms Heard telling her at the time that the Claimant had "*gone nuts*" over a painting by Tasya Van Ree and recalled that Ms Van Ree's art was removed [14/2223/11-24]; [14/2224/4-5].
116. Ms Heard got the date of the incident wrong in her first statement for these proceedings. The incident which was referred to in a text on 12 March 2013 [File 2/60/E44] as a 'disco bloodbath' took place earlier that month, on 8 March 2013. It was during that earlier incident, at the Eastern Columbia Building, that the Claimant had hit Ms Heard with a backhand using a hand with rings on, near a fridge, in a way which caused blood to splatter on the wall [11/1798/4-11]. Ms Henriquez also mistakenly stated in her statement that the incident occurred on 8 March, and could not recall why she put that date in the statement [13/2137/5-7]. She realized she had got the date wrong when recently reviewing texts between her and Nathan Holmes about McDonalds [14/2269/23-2270/12]. She had no knowledge of any disclosure of photos with Mr McLagan [14/2271/2-9].
117. Ms Henriquez explained that the painting she referred to in paragraph 37 of her statement – with the signature scratched out and replaced by 'Tasya Van Pee' – was in fact a different painting to the one which the Claimant had set fire to [13/2113/6-12]. Ms

Henriquez explained that this had been an *"honest mistake"* which arose as *"I simply just merged the two defacements, if you will, in one memory, that is all"* [14/2281/5-6]. It was put to her in cross-examination that she had invented her account of the painting incident, changing the date only when she learned that a photograph had been disclosed taken on 21 March 2013 showing Ms Heard with Keith Richards, Ms Henriquez and the Claimant apparently uninjured [File 9/94(a)/J10.1]. However, Ms Henriquez explained that she had had that Keith Richards photo for a long time, since the Claimant had sent it to her years beforehand and she had stored it on her phone [13/2133/15-2134/8]. It therefore cannot have been the prompt for Ms Henriquez to change her evidence as to the date of the incident.

118. The Claimant accepted that by March 2013 he had fallen off the wagon and was drinking whisky [2/174/20-24]. He acknowledged that he felt disappointed with himself about this [2/175/6-10]. He initially could not recall whether he was also taking cocaine [2/175/2-5] then later conceded that he had taken cocaine at that time [2/202/21-24] and had during the 'painting' incident *"definitely partaken of the cocaine and the whisky"* [2/208/22-24]. The Claimant also accepted that, as Ms Henriquez had recalled in her witness statement at paragraph 36, he had on this occasion *"quite possibly"* referred to a woman called Marie de Villepin, and had called her a slut *"because he meant it"* [2/204/25- 2/205/3].

119. The Claimant's use of cocaine on that occasion is corroborated by the photo at [File 6/148(f)/F894.263a] of lines of white powder taken on 22 March at 1:37pm. The Claimant accepted that the powder was cocaine [2/202/9-24]. An imaginative, but ludicrous, theory was put in cross-examination to Ms Henriquez (though not to Ms Heard) that the image seen on the photo was a 'set up' [13/2146/9-11]. Ms Henriquez denied this and explained that she had used a tampon applicator in the photo to take cocaine, and also showed the Claimant this method of taking the drug [13/2147/10-16]. Ms Henriquez also confirmed, with reference to texts sent from Ms Heard to her at 3:08pm that same afternoon, less than 2 hours after the photo was taken, that she was not present when the photo was taken [14/2272/20-2273/17].

120. It was also put to Ms Henriquez that Ms Heard had told her about a difficulty with her case on the timings arising out of the photo featuring Mr McLagan, which emerged during Ms Heard's evidence [13/2152/3-13]. But Ms Henriquez denied this far-fetched proposition. Ms Henriquez entered the witness box only minutes after Ms Heard completed her evidence.

121. Ms Heard's account is also supported by texts from 22-23 March 2013 (see chronology, appendix 1). The court is invited to read all the texts as set out in the chronology, which demonstrate:

- a. Ms Heard's contemporaneous recounting of the Claimant's mental state and violence: see for example her text to Christi Dembrowski at 17:14 on 22 March despairing at the Claimant's behaviour – *"he's another person when he's like this. He's fueled up on booze and coke"*; and to her mother at 19:02: *"He's nuts mom. Violent and crazy. I am heartbroken that THIS is who I love"*. Ms Heard explained in oral evidence that she told her mother *"It's ok mum, he's not being violent with me"* and, the following day, *"JD didn't hit me or anything last night"*, not because this was true, but because she did not want her mother to tell her father that the Claimant had been violent, [13/2045/5-14] owing to her father's history with alcohol, drug abuse and violence [13/2046/4-8].
- b. Further exchanges between Ms Heard and Paige Heard [File 7/1(b)/H21A.1-H21A.10], and between Ms Heard and Ms Dembrowski [File 7/1(f)/H21A.23-H21A.26] demonstrating the 'nightmares' Ms Heard was having trying to get the Claimant to rouse himself to go to the Keith Richards filming session and to see reason.
- c. Texts between Ms Heard and Nathan Holmes on the afternoon and evening of 22 March [File 7/1(e)/H21A.17A] which show how Ms Heard was trying to wake the Claimant to get him to go to the Keith Richards filming session, and then address the Claimant's ability to go to the filming. Ms Heard explained that between then and 6pm the Claimant was refusing to leave the house, was snorting cocaine and

drinking whiskey and was insisting that Ms Heard admit that she was having affairs [13/2037/10-19].

d. The text from Ms Heard to her mother enclosing a photo of the bruise to her arm sustained two weeks earlier as a result of the altercation with the Claimant [File 6/148/F894.001]; [13/2047/17-2048/7].

122. Ms Heard's account was challenged on the basis of photos of her and the Claimant with Keith Richards which were said to show her without injuries. However the photos with or featuring Keith Richards were taken on the night of 21 March, before the 22 March incident began [11/1793/16-19]: see chronology at appendix 1.

123. A photo [File 9/86(e)/J48.14] of Ms Heard with Mr McLagan was also put to Ms Heard as a basis for a suggestion that she was not injured in the photo. However this photo was initially provided by the Claimant's lawyers along with metadata featuring the date 7 April 2013 [File 9/86(e)/J48.16]. It was subsequently suggested that travel documents of Mr McLagan somehow demonstrate the photo was taken on 23 March, but they do no such thing. The photo could have been taken at any time, including (and indeed most likely) on 7 April – there is no evidence from Mr McLagan, or whoever is said to have taken the photograph, as to when (or where) the photo was taken. Furthermore, regardless of when the photo was taken, that photo did not demonstrate that Ms Heard had no injury on 23 March. There are signs of an injury, albeit covered with makeup, on the photo: Ms Heard and Ms Henriquez both said that in this picture Ms Heard had a swollen lip [11/1818/2] and Ms Henriquez also said *"I see makeup and a split lip"* [13/2153/2-13].

124. It was put to Ms Heard (with reference to the texts at File 7, Tab 2(b)(ii), pages H23.4B-H23.4D) that the defacing of the painting with the words 'Tasya van Pee' occurred in February 2014, not March 2013. However, Ms Heard explained that that text appended a photo of a different painting to that which was defaced and burned in March 2013 [11/1828/10-23]. The photo which the Claimant set fire to was a painting featuring flamingos contained in text messages between Ms Henriquez and "Mr Hop" (the Claimant) which can be found in File 7, Tab 2(b)(i)(A)/H23.4A. This canvas painting was

unframed and was subsequently moved to the garage after the incident [13/2052/14-2053/23]. Ms Henriquez confirmed that Ms Heard had in fact not told her that the painting in question was the painting defaced with 'Tasya Van Pee' [13/2158/3-6]. Ms Henriquez had confused the two paintings [13/2162/23-24] [14/2278/4-14].

125. It is to be noted that nowhere did Ms Heard state in her evidence that the painting in question was the 'Tasya Van Pee' painting: the error was that of Ms Henriquez alone. It is also to be noted that Ms Heard's sixth witness statement, in which she said (at paragraph 9) that *"During the course of reading through these materials, I have now realized I cannot be sure that the painting incident took place on 8 March 2013 ... I cannot say for certain it was on 8 March 2013"* was served on the Claimant's solicitors on 5 July 2020 at 10:48 am. This was before any disclosure by the Claimant of photographs with Keith Richards, or Ian McLagan, or flight records for Mr McLagan. The suggestion that Ms Heard has been *"forced to"* change her evidence as to the date or nature of the painting incident as a result of being confronted by disclosure from the Claimant (as was suggested at [13/2141/8-9]) is unsustainable.

Hicksville, late May/early June 2013

126. Ms Heard's account is in her third witness statement at paragraph 21 and in the confidential annex to that statement. The Claimant attacked her after a drug fuelled rampage in their caravan.

127. Ms Sexton deals with the incident at paragraphs 29 to 34 of her statement. Ms Sexton saw broken glass everywhere in the trailer, and considered it *"trashed"* - the damage went beyond just a broken wall light [14/2229/4-12; 14/2240/7-17].

128. The Claimant accepted he used alcohol and marijuana at Hicksville, but denied using cocaine [2/236/7-14]. He also accepted he *"took exception"* to the physical affection that Kelly Sue was showing Ms Heard [2/238/2-7], and that he removed her hands from Ms Heard, though denied getting angry with her and saying *"do you know how much pressure it would take to break your wrist"* [2/238/20-24].

129. As to the violence, the Claimant admitted that he smashed a glass art deco light fixture in the bathroom of the trailer he and Ms Heard were sharing because he was *“very upset at being yet again treated as the, pardon the expression, the turd in the punch bowl”* [2/242/16-23], although he denied *“trashing”* the trailer, despite having a *“vague memory”* that his group *“had to get out of there”* [2/244/11-12].

130. The Claimant called Malcolm Connolly to give evidence on this incident, but his evidence was of little assistance – all he could recall (and this was not in his witness statement) was as follows: *“I heard the following morning there was a light broken, I think there was a light broken”* [6/907/23-24]. He confirmed he had never gone into the trailer [6/915/5-7].

Boston Plane Incident, 24 May 2014

131. Ms Heard’s account is in her first witness statement at paragraphs 65 to 83. Ms Henriquez deals with it at paragraphs 47 to 51, and Mr Tillet Wright at paragraphs 14 to 27. Ms Sexton deals with it at paragraphs 45 to 46. Mr Drew mentions it at paragraph 12.

132. Ms Heard’s account of the flight was not challenged in cross-examination.

133. Ms Heard explained that the Claimant was at the time particularly jealous of her dealings with actor James Franco. Ms Heard’s account is that a discussion about Mr Franco escalated into a violent attack by the Claimant on her. The Claimant accepted he was jealous of Mr Franco with whom she was working at the time on a film called *The Adderall Diaries* [2/288/21 – 2/289/15]. He even claimed Ms Heard had called Mr Franco a *“rapist”*, before qualifying that by saying she had called him merely *“rapey”* [2/289/16 – 2/290/14].

134. The Claimant denied being violent. However his recollection of the events on the plane was very poor. In a text he sent to Ms Heard at 10:42 on 25 May [File 6/119/F697.29] the Claimant said of the occasion: *‘I really don’t know why, or what happened’* [2/317/14-

15]. This was confirmed by a text Mr Deuters sent to Ms Heard later on 25 May, at 15:45 [6/119/697.29]: *“Hey. He’s up. He’s much better. Clearer. He doesn’t remember much, but we took him thru all that happened”*. Mr Deuters confirmed in oral evidence that the day after the incident the Claimant’s memory of the flight was *“not, you know, solid all the way through”* [5/758/8-12], see also [5/781/3-10].

135. Under cross-examination the Claimant acknowledged with reference to the flight, *“I may have done things that I have no memory of”* [2/334/15-16]. The Claimant also said in cross-examination that he had *“some memories”* of the flight but that *“apparently” “parts of that flight are blacked out”* [2/333/4-13].

136. The Claimant said he did not recall that he had been either drinking or taking cocaine before the flight [2/296/25-2/297/6], however, referring to the period prior to boarding the plane, the Claimant accepted that he did not *“specifically remember this incident”* [2/295/21-25].

137. The Claimant accepted in cross-examination that he had *“made a mistake about the full intake on the plane”* [2/330/2-5]; that he was *“incorrect”* in his statement that *“he had not taken cocaine and things of that nature”*; and that he was *“very drunk”* had *“taken drugs either before or during”* the flight *“or both”* [2/335/11-16]. As he put it at [2/335/23-2/336/7]: *“But I will say, based on this text, that, yes, it is very likely that I was doing pills, alcohol, cocaine, marijuana, and certainly as I had not been detoxed from the Roxicodone, I was on Roxicodone as well. So, yes, and again, I apologise for that.”*

138. The court heard a recording of the Claimant moaning like *“an animal in pain”* (in the Claimant’s words – [2/213/3-8]) on the plane. The media file is [“F148]. Boston Plane Freakout Incident”]. The Claimant’s transcript is at [File 4/148(j)(i)/F894.262] and the Defendants’ transcript is at [File 4/148(j)(ii)/F894.264]. The recording demonstrates his poor mental condition during the flight. In cross-examination the Claimant initially did not accept the recording was of him at all [2/312/13-15]. The Claimant said with reference to the recording *“if it is me, then I was definitely dealing with a problem”* [2/334/3-11]. In re-examination the Claimant said that after cross-examination he had in fact recalled

where the recording was made. He said it was in the Bahamas in August 2014 [4/675/14-12]:

A. ... the tape stayed in my mind after we left court, and I was quite confused about it, and then I realised where that would have been recorded, if that were me making those sort of animal-like sounds of, I do not know, strange -- that was from when I was detoxing from the Roxys in 2014 on the island.

Q. So that would be the Bahamas?

A. In the Bahamas, yes.

139. The fresh recollection of the Claimant as to when the recording was made coincided with the challenge by his legal team to the metadata for the recording, which they sought to make good by placing mocked up metadata in the trial bundle (at [File 4/148(j)(iii)/F894.265-276]) to demonstrate how metadata could be faked [5/769/3-25/770/2-13]. In fact, the metadata provided by the Defendants for this recording – showing an entry of “25/05/2014 03:11” – as shown in the document at [File 4/148(j)(iv)/F894.277] was unimpeachable. No attempt was made to challenge the metadata by way of expert evidence – which was unsurprising as the Claimant’s own expert concluded that it was correct – and the metadata demonstrated that the recording had been made on the Boston flight. The Claimant’s overnight “recollection” was therefore entirely wrong. The invention by the Claimant of a fresh account, opportunistically seeking to take advantage of a perceived (but in fact misconceived) challenge to the metadata, demonstrated the overall unreliability of his evidence.

140. Ms Heard’s account of events during the flight is further corroborated by the text messages sent by Ms Heard, the Claimant and Mr Deuters before and after the flight. They include the following:

- a. A text Ms Heard sent to Kate James on 24 May 2014 [2/302/22-2/202/9] in which she says the Claimant “*just freaked out on me. He is drinking again. It is bad, worse than ever. I need out*”.
- b. Texts sent by Mr Deuters on the day of the flight at 21:13 [File 6/119/F697.28] which show that Mr Deuters believed the Claimant was unwell – “*in some*

pain, *"has been sick"* and *"we are going to get him straight into bed"* – [2/308/5-17]. The Claimant however did not recall in oral evidence being unwell on the day – his recollection of the events was plainly faulty.

- c. After the flight the Claimant sent Ms Heard a text apologizing for his conduct: *"Once again, I find myself in a place of shame and regret. Of course I am sorry. I really don't know why or what happened, but I will never do it again. I want to get better for you and for me. I must. My illness somehow crept up and grabbed me. I cannot do it again. I cannot live like that again and I know you can't either. I must get better and I will for us both"* [File 6/119/F697.29]. The Claimant eventually accepted that *"the illness that crept up and grabbed me is probably that I went to the bottle"* and said *"it sounds like I went straight to excessive drinking"*, but his explanation for this apology – *"I might have verbally insulted her or made some comment"* [2/316/18-23] – was utterly unconvincing.
- d. Mr Deuters' texts to Ms Heard on 25 May, the day after the flight [File 6/119/F697.30]: *"I think he's just texted you. He's incredibly apologetic and knows he has done wrong. He wants to get better now. He's been very explicit about that this morning"*.
- e. Ms Heard's texts to Mr Deuters in response [File 6/119/F697.30]: *"I don't know how to be around him after what he did to me yesterday"*, to which Mr Deuters responded *"He wants to see you so much, he's distraught."* Ms Heard's response to that was: *"He thinks he doesn't deserve this. Obviously he has no idea what he did or to the extent that he did it. If someone was truly honest with him about how bad it really was, he would be appalled. The man Johnny is would be humiliated and definitely wouldn't say to me that he doesn't deserve it. I'm sad he does not have a better way to really know the severity of his actions yesterday. Unfortunately for me, I remember them in full, in full detail, everything that happened."* To which Mr Deuters responded: *"He was*

appalled, when I told him he kicked you, he cried." "It was disgusting. And he knows it".

f. Ms Heard responded to Mr Deuters' 'kicking' text by texting back *"he's done this many times before. Tokyo, the island, London, remember that?, and I always stay. Always believe he's going to get better... And then every 3 or so month, I'm in the exact same position"* [File 6/119/F697.31].

g. The text the Claimant sent to Mr Bettany on 30 May 2014 referring to the plane incident [File 6/119/F697.34]: *"I'm gonna properly stop the booze thing, darling... Drank all night before I picked Amber up to fly to LA, this past Sunday... Ugly, mate... No food for days... Powders... Half a bottle of Whiskey, a thousand red bull and vodkas, pills, 2 bottles of Champers on plane and what do you get...???* An angry, aggro Injun in a fuckin' blackout, screaming obscenities and insulting any fuck who got near... I'm done. I am admittedly too fucked in the head to spray my rage at the one I love... For little reason, as well I'm too old to be that guy... But, pills are fine!!!."

h. The Claimant texted Patti Smith a week after the flight [File 6/119/F697.34] *"When I was in New York, there were brief visits and fucked and charged by horrific fights with Amber. I fucked up and drank and got shitty. Was so disappointed in myself."*

141. Ms Heard emailed herself on 25 May 2014 at 11:11 pm, just after the incident [File 8/71(b)/I12.3] stating *"The man I love and want to marry called me an embarrassment and a whore amongst other things in front of a plane full of people who did NOTHING before kicking me, kicking me in the back and then mocked me for crying about it immediately after"*. It is difficult to see why she would do this if it were not true. See also her draft letter to the Claimant dated 27 May 2014 at 09:27 at [File 8/73(a)/I15-15], *"I love you. You're my Steve. But there is this man, this other part of you, a shadow that exists in that hole in you... that you understandably try desperately to treat/ fill / fix... And that's*

the part, the demon, that is killing us ... I'm scared, Johnny. So scared. As I watch as this thing steal my life out from under me. He steals my man from me and replaces him with something terrifying and unrecognizable."

142. Various feeble explanations were given by the Claimant and Mr Deuters for these text exchanges. The court is invited to reject them all, since the texts speak for themselves:

a. The Claimant claimed that Mr Deuters was attempting to 'placate' Ms Heard [2/324/5-10]; and that "*Ms Heard was very happy with the idea that she was correct about my black-out or violence or screaming or whatever she, her allegations are*" [2/324/15-17].

b. When asked why he did not tell Ms Heard in texts the next day that the Claimant was being 'playful', rather than saying the Claimant had kicked her, Mr Deuters initially said "*I do not have one*" [5/787/16], and then said he was '*seeking to probably sort of deflate the situation*' since he always tries to "*mollify or appease*" [5/787/21-5/788/3]. This is entirely unconvincing: Mr Deuters, an intelligent man, must have known that texts in which he confirmed the Claimant had been violent towards Ms Heard were unlikely to mollify or appease her.

143. Mr Deuters claimed that he saw the Claimant '*very quiet*' [5/754/6-7], and gave evidence that he saw Mr Depp's leg '*was slowly raised*' and was '*aimed towards Ms Heard's back or bottom*' [5/763/24-5/764/5]. However he acknowledged he witnessed from the body language '*an argument of sorts*' [5/761/21-5/762/3]. Despite admitting he heard next to nothing, Mr Deuters '*did not recall*' the Claimant screaming obscenities [5/759/3-4].

144. Mr Deuters' account should be rejected. His testimony is generally not reliable for the reasons set out above. Moreover Mr Deuters explained that he sat some distance from the Claimant and Ms Heard on the flight: he was at the front of the plane, with a set of chairs and a '*bit of a gap*' between him and the Claimant [5/759/7-12]. He confirmed that the plane was noisy – "*so it is loud on those planes, so you cannot hear*" - "*I can see him*

clearly, but I would not be able to hear, if there was, if something was being shouted, I would not be able to hear" [5/759//13-14]. Asked if he heard the Claimant use the words 'go getter slut and whore' he said "if those words were uttered I would not have heard them" [5/759/23-25]. He also said he had headphones on for "the majority of it" [5/789/15-17].

145. Fatal to Mr Deuters' testimony were the texts he sent and received shortly after the flight. In his texts he also disclosed how unwell the Claimant had been immediately after the flight. Seeking to explain his texts referring to the Claimant being unwell, Mr Deuters said "if he went to the bathroom and then fell asleep, potentially he is hungover [5/776/22-24]; and that the reference to the Claimant having been sick could have been a reference to a tummy ache [5/777/4-17]. Mr Deuters however accepted it was "possible" that the Claimant had overdone it with drugs and alcohol.

Bahamas, August 2014

146. Ms Heard's account is at paragraphs 84 to 92 of her first statement. Ms Sexton refers to it at paragraph 47-48; Ms Henriquez at paragraphs 50-51.

147. The Claimant's witness statement was very critical of Ms Heard's behaviour during this visit to the island. At paragraph 43 he said "I was being treated by a Registered Nurse, Ms Debbie Lloyd but Ms Heard often intervened and withheld medicine from me which caused me substantial issues including spasms and other withdrawal symptoms. This was one of the cruellest things that she has ever done and I would not wish the pain that I had gone through upon anyone". It transpired in cross-examination that in fact what the Claimant was describing as "one of the cruellest things" Ms Heard had ever done was simply Ms Heard following the letter of the instructions she had been given as to when to administer the Claimant's medication, rather than doing what he asked for [3/354/2-3/362/24].

148. The Claimant accepted that Ms Heard was trying to help the Claimant with his detoxification process during this trip [3/352/14-16] and would help him with his meds [3/353/2-5]. He sent a text to Ms Heard's mother on 19 August 2014 [File 6/119/ F697.40]

[3/359/2-15] expressing his deep gratitude to Ms Heard for helping him with his drugs detox: *"It was Amber and Amber only who got me through it"*; and wrote to Ms Heard *"Thank you so much for getting me fucking clean, baby"* [3/360/20-22].

149. However, the Claimant's behaviour became violent towards Ms Heard, no doubt in part because he was suffering from the detox process.

150. Ms Heard's account is corroborated by contemporaneous text messages and notes. In particular:

a. A text from Ms Heard on 17 August 2014 to the medical staff saying *"Issue has arisen again. He took the meds about 30 minutes ago, which seemed to be the trend, as I reckon they have not kicked in yet. All of a sudden, he is flipping. He just started screaming. He was so mad he pushed me and I asked him to get out. Don't know what else to do. Sorry to keep at you guys."* [File 6/119/F697.38] Nurse Debbie Lloyd then said, *"Would you like us to come over?" "Yes". "Heading over."* [3/355/6-15].

b. A note from the Debbie Lloyd on 22 September [File 4/137/F813] [3/368/18-25]: *"receives a text from the patient stating he had been in an argument with fiancée, and she had a nasty freak out and he would like RN to come and give him 'some fucking knockout yum yum'. RN instructed patient to take some prn Neurontin 300mg prn and Seroquel 50mg and that RN was on her way over. and that she was on her way over. Upon arrival at the home" -- this is at 330 -- "the patient was sitting in the kitchen... The fight escalated."*

Tokyo, January 2015

151. Ms Heard's account is at paragraphs 94 to 96 of her statement. In oral evidence the Claimant denied using drugs or being violent towards Ms Heard. He accepted that he had referred to himself as the "monster" but said he had done so in order to *"placate"* Ms Heard [3/380/7-3/381/22]. Ms Heard said in oral evidence that this argument *"resulted*

in Johnny kneeling on my back and hitting me in the back of the head” [10/1528/21-25]. She recalled that she attended a film premier two days after the assault and recalled *“being concerned about any visible bruising on my back because my back was exposed”.* Ms Heard stated that she did not have any visible injury on her back; *“I remember checking obsessively as soon as I got off the [red] carpet” [12/1928/18-12/1929/15].*

Australia, February / March 2015

152. Ms Heard’s account is at paragraphs 99 to 130 of her statement. The court is additionally invited to read Ms Heard’s oral account at [11/1836-7]. Ms Henriquez gives evidence about this at paragraphs 54 to 56; MrTillet Wright at paragraphs 29 to 33; Ms Sexton at paragraphs 49 to 55; Mr Drew at paragraph 13; Ms Pennington at paragraphs 10 to 16. A chronology of relevant documents is attached at appendix 2.

153. This incident was preceded by a period in which the Claimant’s health was poor as a result of his misuse of medications. The Claimant accepted that by the autumn of 2014 he was ‘a sick man’, a state which manifested itself in slurring on the televised awards presentation show [3/375/13-19].

Drugs

154. The Claimant said in his second statement (paragraph 54) that he did not use any drugs in early March 2015 in Australia. Even on his own account this was a lie. He said in evidence that he had marijuana waiting for him when he arrived [3/386/13-15].

155. In evidence he said *“I never took possession of cocaine in Australia” [3/389/18].* However it is obvious from the text exchanges with Mr Holmes - the ‘Australia drugs texts’ which Schillings chose not to disclose earlier in the proceedings - that the Claimant did have, and use, cocaine in Australia. Notably:

- a. The Claimant confirmed that in text messages he was asking Mr Holmes to acquire drugs for himself and for Ms Heard [3/398/25];

- b. Mr Holmes texted on 25 February 2015 apologizing for "*borrowing*" some of the Claimant's cocaine. The Claimant had arrived in Australia around 13 February 2015 [4/137/F842] and confirmed that Mr Holmes was also in Australia at the time the texts were sent [5/7832/9-24];
- c. Mr Holmes texted on 2 March 2015 "*there were 2G in that jar*", followed by "*are you out*" – obvious references to grams of cocaine (despite the Claimant lamely claiming in oral evidence that this could be a reference to money) [3/396/20-25];
- d. In the same series of texts Mr Holmes said "*It's because if he's caught with more than two here, it is 20 years in prison*", something which prompted the Claimant to concede, finally, that Mr Holmes was referring to drugs [3/396/8-10];
- e. Immediately after texting Dr Kipper, and explaining he had cut his own finger off, the Claimant texted Nathan Holmes asking for cocaine and ecstasy: "*Need more whitey stuff ASAP, brotherman... And the e business!!! Please... I'm in bad, bad shape... Say NOTHING to NOBODY!!!!*" [3/461/15-18]; [File 10/147(a)/O271]; [File 7/5(b)/H30.6]. The Claimant accepted in oral evidence that 'whitey stuff' is cocaine [3/461/24], and that "*it is entirely possible*" that he was asking for ecstasy and cocaine [3/464/4-5]. It is obvious from the word 'more' that the Claimant had already by that stage consumed cocaine in Australia.

156. As for ecstasy, Mr Holmes' texts show beyond doubt that he was obtaining 'happy pills' for the Claimant. The Claimant maintained that the 'happy pills' the Claimant was asking Mr Holmes for were medicines prescribed to him by Dr Kipper [3/392/12-22], despite the fact that his nurse Debbie Lloyd was on hand to provide medications when needed; and despite the fact that the text referred to 'we' needing happy pills, when there was no suggestion that Mr Holmes required detox medication for himself. Bizarrely (and it is to be inferred untruthfully) the Claimant even claimed in oral evidence he did not know that ecstasy was sometimes referred to as 'happy pills' [3/392/6-10].

157. The Claimant accepted in oral evidence in the light of the Holmes texts that he “*clearly wanted to get hold of some drugs... controlled substances*” [3/397/4-9]. He also accepted that “*the cocaine was for me*” and claimed “*the MDMA was for us*” (i.e. him and Ms Heard) [3/398/21-25]. See also [5/733/4-8].

158. Despite all of this, the Claimant continued to maintain under cross-examination that he did not “*recall taking possession, physically taking possession of any drugs that I was searching for*”. The court should reject this evidence, which flies in the face of the texts, whose meaning is obvious.

159. As for alcohol, the Claimant claimed to have arrived in Australia during a period of sobriety (second statement paragraph 58). However, there plainly was alcohol there when they arrived, and Mr Deuters confirmed in relation to the house in Australia that if there had been alcohol there, it would have been because the Claimant had asked for it [5/817/9-14].

The Claimant's state of mind in Australia

160. Ms Heard's evidence was that the Claimant was in a very bad state of mind in Australia. The Claimant did not deny this. The Claimant accepted that he was “*unhappy with the entire business of making films*” [3/407/21-22]. He explained in a text to Mr Deuters on 6 March 2015 “*I held my ugliness and rage deeper down*” [3/407/25]. He agreed in oral evidence that he was in an “*angry frame of mind*” at the time of the trip [3/410/15-19, 3/411/5-8]. He acknowledged in evidence that his anger was in part caused by Ms Heard's disapproval of him [3/412/3-6].

161. The Claimant also accepted that during the argument with Ms Heard he had what he felt was “*probably some species of a breakdown, a nervous breakdown, or something*” [3/420/12-18]. His disturbed state of mind was evident in the graffiti emblazoned on the bathroom mirror by the Claimant in his own blood, then in paint after the blood, with the words ‘*Starring Billy Bob*’ and “*easy Amber*”. The photo of this is at [File 6/148(b)/F894.050] – a reference to Billy Bob Thornton, of whom the Claimant was

jealous [4/427/22-25]. The Claimant also graffitied a lampshade [3/428/16-23] – the photo of this is at [File 9/87(h)(ii)/J1.4B]. Other damage is shown in the picture at [File 6/148B/ F894.053] (taken, according to the metadata, on 7 March 2015).

162. The damage caused to the property was considerable. Mr Judge's noted this in the recorded conversation at the time – *"the French settee, at least two of them need to be re-covered. I've got a lot of blood off the floor"* [3/446/6-10]; [File 5/156(a)/F978.105]. The Claimant recalled damage to the floors and sofas, and that there was *"quite a lot of blood everywhere"* [6/447/24-25]. Mr Judge noted *"between \$100,000 and \$150,000 worth of damage"* [3/453/9 – 13], a sum the Claimant said *"could be correct, but I am, I do not know"* [3/454/9-12]. Mr Connelly did not see the damage to the Australia house because he remained in the front foyer [6/924/4-7]; but he confirmed that he did hear that the damage to the house amounted to some \$100,000 [6/924/22-25]. Mr Judge also noted that a 'sexy picture' had been defaced with a fake penis: the Claimant acknowledged that he *"could have defaced the painting, I suppose, but I do not remember a painting specifically"* [3/451/21-3/452/3], again highlighting the poor memory the Claimant had of the event.

163. Ms Heard saw very considerable damage to the property when she got up on day 3 [13/2064/2-25, 20663-25]. Ms Heard explained that she had herself caused very little of the damage – she only broke one thing, a bottle [13/2061/2-3], and did not do any of the graffiti [13/2061/19-21].

164. Mr Judge observed, in the same recording, that the Claimant *"had wrecked the place"* [3/436/4-8], and also said of the Claimant *"he drank everything in the last week... and within two hours he had taken ... 10 Ecstasy tablets"* [file 5/156a/F978.88] [3/437/19-3/438/10], the latter observation plainly based on what Ms Heard had told him.

165. Further evidence of the Claimant's mental state is provided by the fact he delayed so long before leaving the house for hospital, despite having a serious injury. He texted Dr Kipper at around 11:00 or 11:30 [3/457/12-13] (see chronology at appendix 2), but according to Dr Kipper's notes was still *"having a hard time leaving the house"* at 13:00

[File 4/tab 137/ p.F844] [3/457/21-23]. The Claimant explained the delay by saying that he went to sleep [3/458/2-4], again suggesting he was in a highly disturbed state of mind.

Injuries to Ms Heard

166. Support for Ms Heard's account that she suffered injuries is provided by:

- a. A photograph of her scarred arm [File 6/148(b)/F894.051]. Ms Heard was challenged on the basis that there was only one photo of the injuries she sustained in Australia, taken years after the event. Ms Heard agreed that this was the only photo. She denied the injuries in that photo were self-inflicted [11/1842/3-5]. The fact she did not take more photos is not, however, a basis for concluding the violence did not occur (and again suggests that this was not a carefully planned "hoax" as the Claimant has suggested).
- b. The recording of the Claimant, played in court at [3/433/9-10], which consisted of 40 seconds between 33:25 – 34:05 of F156. 20150408 225955 Australia media file.⁷
- c. Mr Judge's comment in the recording made at the house that he had said to Ms Heard: *"This house, if we did not step in today either you would be dead or he would be dead"*, demonstrating that he believed that the Claimant had been violent towards her [3/454/19-21].
- d. Mr Judge's recorded comment from the house, plainly referring to Ms Heard, *"She's got a bruise here. She's got a bruise underneath"* [File 5/156(a) F.987.11].

⁷ Ms Heard was cross-examined about how the the recording in the house came to be made. She said that she did not make it – it was the Claimant who switched the recording facility on her phone on, and she was unaware of the recording until some time later when it emerged in legal proceedings [11/1851/4-10]. Ms Heard had previously said this in her first witness statement (paragraph 122): *"At one point he took my phone and pressed record"* [File 2/60/E28].

- e. Ms Sexton's evidence that she saw injuries on Ms Heard when she returned to the US.
- f. Ms Pennington's evidence that she saw injuries on Ms Heard when she returned from Australia (witness statement at [2.1/71.2/E606.3] at paragraph 11) – cuts on both arms and on her feet [14/2292/5-120] albeit, unsurprisingly, she could not recall the precise details of all the injuries [14/2294/23-24].

167. Mr Connelly said he did not see any injury to Ms Heard's arms – he claimed to be 'absolutely sure' about this [6/925/17-20]. However he conceded he had seen her only "from a distance" [6/930/23-24]. Mr Connelly gave evidence about what he saw when he arrived at the house. He was obviously at pains to underplay what he saw of the Claimant. He claimed the Claimant was merely 'untidy' when he saw him in Australia [6/918/11-8]; he did 'not appear that drunk' when he met him at the house in Australia [6/918/2]. Yet when, under cross-examination, he listened to the recording of the Claimant from the house, in which the Claimant is plainly drunk or on drugs, he confirmed that this was "more or less" the condition which the Claimant was in when he saw him [6/928/2-4]. He also confirmed that his view was that which Mr Judge expressed, namely "we need to help him [the Claimant] in every way we possibly can" [6/932/24 – 6/933/4].

168. Mr King said he saw no injuries to Ms Heard at the house, but belatedly accepted that he had seen injuries on her arm later, on the plane out of Australia. Given Mr King's very limited interaction with Ms Heard he could easily have missed injuries to her at the house.

The injury to the Claimant's finger

169. Ms Heard did not witness the Claimant sever his finger, but believed he caused the injury while smashing a phone [13/2069/5-19]. The Defendants' case on the Claimant's fingertip injury – that the Claimant caused it himself – is corroborated by contemporaneous texts as set out in Appendix 2. Notably:

- a. The Claimant's text to Dr Kipper just after the incident, on 7 March 2015, [File 7/5(b)/H30.6] *"I am so very sad. I cut the top of my finger off. What should I do, except of course go to hospital. I'm so embarrassed for jumping into anything with her"*. This admission that the Claimant had cut his own finger off came in a text in which he was referring to Ms Heard in insulting and demeaning language, so had no reason not to accuse her of cutting the finger if that had been true.
- b. The absence of any reference to Ms Heard cutting off his finger in the Claimant's text to his sister after the incident saying he wanted a marriage annulment [3/464/23 - 3/465/9] [File 6/119/F697.60], and shortly afterwards another saying *"fucked up my finger pretty nasty"*, without any suggestion that Ms Heard was responsible [3/466/12-14] [File 6/119/F697.60].
- c. The absence of any reference to Ms Heard cutting off his finger in a text to his friend Mr Bettany (who the Claimant accepted did not like Ms Heard) [vol 6/tab 119/p.64] [3/471/25-3/462/12], even though the text referred to having *"just had"* the tip of his finger *"lopped off"*.
- d. A text the Claimant sent to Dr Kipper [File 9/110/K107-8] [3/473/4-7] *"Thank you for everything. I have chopped off my left middle finger as a reminder that I should never cut my finger off again."*

170. The contemporaneous medical notes also support the Defendants' case on the finger injury:

- a. The note of the doctor who attended the Claimant at the emergency room on 8 March, Dr Grant: *"He sustained an injury to his right middle finger tonight after accidentally cutting it with a kitchen knife. He has an oblique de-tipping injury that commences distal to the DIPJ on the ulnar side and runs obliquely to the midline of the tip of the finger. Xray shows a comminuted # of the tuft and an oblique fracture more proximally suggestive a crushing mechanism."* [File 4/133/F761] [3/469/25-3/470/8].

- b. The notes of the treating doctor the following day, Dr Raja Sawhney, which makes clear the Claimant did not tell that doctor at the Australian A&E that his finger had been cut off by Ms Heard – instead the medical records state “*unclear history of traumatic event and no witnesses*” [3/467/8-11] [File 4/132/F759].
- c. The Claimant said in evidence that the doctor who saw him on 9 March had attributed the injury to an “*injury of velocity*”, but the note made by that doctor - Dr Sawhney – says nothing of the kind [File 4/132/F759-F760].
- d. The absence of any reference in the medical notes of glass splintering to the Claimant’s hand.
- e. References to the Claimant having sustained a “*crush injury*” in the email from Michael Kalamaras dated 4 May 2015 [File 4/136/F764.1] and from David Kulber dated 27 June 2015 [4/136(b)/F764.3].

171. Ms Sexton (but not Ms Heard) was challenged about Ms Heard’s account regarding the injury on the basis that Ms Sexton had said in a US deposition that Ms Heard had told her that the Claimant had cut himself on a broken bottle he had been shaking around. However, Ms Sexton explained that Ms Heard did not give a great deal of detail and “*there was a lot of crying*” when Ms Heard was recounting this [14/2228/3-5]. The court should attach no significance to this: Ms Heard was not given an opportunity to explain what exactly she had said to Ms Sexton; and it is apparent from Ms Sexton’s account that Ms Heard was very upset when she discussed the incident with her.

172. It was put to Ms Heard in cross-examination that she had said to Mr King on the flight back “*Have you ever been so angry with someone that you’ve lost it*”, presumably in support of the Claimant’s case that she had been violent towards the Claimant. Ms Heard agreed she might have said this, but said, convincingly in the circumstances, that she would have been referencing the Claimant being so angry at her that he had lost it [11/1861/24-25].

Did Ms Heard experience a 'hostage situation' in Australia?

173. It was put to Ms Heard that she cannot have experienced a 'hostage situation' since she was able to leave the property. Ms Heard agreed but explained what she meant by the phrase 'hostage situation' – it was not meant literally, instead it was a description of her feelings about how she had felt – *"This was my marriage. I lived in it"* [11/1845/7-10].

174. It was also put to Ms Heard that she cannot have been in fear of her life because she returned to the house, and bedroom, in Australia some weeks later – on 21 April. But as Ms Heard explained, it was not the house that made her fear for her life, it was the husband who lost control when he was drunk or on drugs – the monster [11/1863/2-22]. She would have gone back to him had he carried out his promise to get clean and sober [11/1865/3-7]. She said there were many houses where she was assaulted, and went back to: [13/2074/24-2075/5]. Moreover at the time of the return to Australia the Claimant was not drinking or taking drugs [13/2075/6-9].

175. Ms Heard also confirmed she may have called her sister in the aftermath of the Australia incident, possibly with an iPad, but denied she would have told her everything that had happened [11/1850/2-4].

23 March 2015: staircase incident

176. Ms Heard's account is in her statement at paragraphs 131 to 134 of her first statement. Ms Henriquez addresses this at paragraphs 57 to 64 of her statement.

177. In oral evidence Ms Heard confirmed that the Claimant had hit her with the hand in a cast while grabbing her with his other hand [11/1786/11-13] and had also hit Ms Henriquez with the cast [11/1786/16-18]. Ms Heard had mentioned that the Claimant's hand was in a cast in her declaration filed in the US libel proceedings: [13/2072/6-13/2073/17]. Ms Heard said she had struck the Claimant in the face, in defence of her sister, who she was worried he would push down the stairs [11/1777/5-14]. This was the

first time she had struck him back [11/1777/17-18]. She was challenged about her reference to having Kate Moss in mind, a detail she had not included in her US deposition, but explained that she *"did not have a chance"* to say this on that occasion [11/1781/22-23]. She had been *"interrupted by 14 lawyers"* in the minutes leading up to giving her answer [11/1781/10-12]. It will be apparent from a perusal of the deposition transcripts, and the video recordings of the depositions, that Ms Heard's explanation that she (like other witnesses) was subject to constant interruption when giving evidence during the deposition process is correct.

178. Ms Heard's account is corroborated by:

- a. The photos sent by Ms Henriquez to Mr Murphy on 23 March 2015 of the apartment PH5 ransacked, with clothes strewn on the floor [File 6/148(b)/F894.071 ff]. The Claimant's suggestion that by these photographs *"again she [Ms Heard] was building a wonderful dossier and insurance policy for when we did break up"* [3/479/8-9] was unconvincing. Mr Murphy confirmed that this was the damage and chaos that he saw when he arrived at the Eastern Columbia Building, and that he and another co-worker picked up the racks of clothes and put them back where they were [7/1173/18-21].
- b. Texts sent by Ms Lloyd, who was present at the incident, to Mr Deuters on 23 March saying *"Bad night last night. They got into it and it got violent again. I had to separate them and we are at 80"* and *"Good thing he called or they would have hurt each other. We had to physically restrain the both of them."* [File 6/119/F697.64], [3/484/8-10], demonstrating that violence emanated from both Ms Heard and the Claimant.

179. Ms Henriquez was challenged on the basis that she had omitted any reference in her witness statement to the dinosaur cast on the Claimant's hand. She responded, persuasively, that this was not the most memorable feature of the incident – what was memorable was that this was the first time she had seen the Claimant being violent towards her sister [13/2171/24-2172/10].

180. The Claimant's security guard Mr McGivern gave an account of what he claimed to have seen when he arrived at the apartment. He confirmed in oral evidence that when he was in the apartment "*all hell had broken loose*" [9/1420/2-4]. But he was not a reliable witness, and his description of what he saw Ms Heard and the Claimant do should be rejected. He claimed at paragraph 5 of his statement that he had first seen Ms Heard when he entered the apartment where the argument was taking place. However in his oral evidence he contradicted this, claiming he '*ran into*' Ms Heard downstairs, whereupon he went upstairs. [9/1411/6-13]. He said that while Ms Heard and Ms Lloyd went upstairs together he and the Claimant were already together in the penthouse apartment attempting to leave [9/1412/22 – 9/1413/4] [9/1413/20-25]. His account in oral evidence was that he saw the beginning of the argument between the Claimant and Ms Heard [9/1414/ 2-5]; his account in his witness statement was that when he entered the apartment the argument was already underway (paragraph 5).

181. When challenged about the inconsistencies in his account in cross-examination, Mr McGivern conceded that what he had put in his statement was untrue: "*That is what is in the statement, but that is not true, no.*" [9/1412/16] His evidence does not assist the court and should be rejected.

July 2015: South East Asia train

182. Ms Heard's account is at paragraph 135 of her statement, and is corroborated by her contemporaneous diary entry [File 5.1/196(b)/F1207.5 ff]. Ms Henriquez deals with it at paragraphs 65-66 of her statement. Ms Heard confirmed in oral evidence that she wrote the diary entry on 27 July in Singapore [13/2085/12-19].

183. In a recorded conversation in September 2015 ("Argument 2") the Claimant said, obviously with reference to this incident, "*Since Australia we have been on our honeymoon and we had a great time, other than the fact we had a fight on the train which was physical. But then we had a fight in San Francisco but I thought everything was great.*"

[File 4/154/F929]. The Claimant here acknowledged that he was violent on this occasion; it has never been his case that Ms Heard was the perpetrator of violence on this occasion.

184. It was suggested to Ms Heard that a photograph from the train journey [File 11/168/P80] showed injuries to Mr Depp. This was a curious line of questioning as the Claimant had never suggested in any of his witness statements nor in oral evidence that this was an occasion on which Ms Heard had been violent towards him. It is very unclear from this photo whether he does have injuries; but, even if it did, this does not demonstrate that Ms Heard was violent towards the Claimant, or that the Claimant was not violent towards Ms Heard. Ms Heard said in response that *"I have tons of pictures from this vacation and these days and he is uninjured. He strangled me"* [12/1907/12-13].

185. Mr Connelly was on the train at the time of the incident, but had nothing relevant to say about the incident: he confirmed he heard nothing from his cabin, nor would have done given its distance from the cabin occupied by the Claimant and Ms Heard – he said that had a fight occurred at 3.30 am he would *"never have known about it"* [6/940/25 – 6/941/3].

Thanksgiving dinner November 2015

186. Ms Heard's account is at paragraph 136 of her first statement. Ms Pennington, who was there, deals with it at paragraphs 17-18 of her statement.

187. In cross-examination Ms Heard was shown a murky home movie of the Thanksgiving party, and she explained that the assault on her occurred after the film was shot, when the guests had left or gone to bed [12/1934/17-21]. The first part of the incident, when the Claimant threw a bottle in the bedroom, was *"relatively minor"* and occurred upstairs while the guests were still there [12/1938/20-23, 12/1995/6]. Ms Pennington was unable to recall whether the murky video was shot before or after Ms Heard told her the Claimant had told her the Claimant had thrown a wine bottle at her upstairs [14/2302/13-17]. Ms Pennington explained that after Ms Heard told her this she went upstairs and saw the broken wine bottle and a broken piece of art [14/2305/4-10], although she did not think

she had her phone with her when she went upstairs so did not take photos [14/2308/7-8].

December 2015 incident

188. Ms Heard's account is at paragraphs 137 to 147 of her first statement. A chronology setting out the relevant messages and other documentary evidence is at appendix 3 to these submissions. Ms Pennington deals with this at paragraphs 19 to 23. Ms Henriquez covers it at paragraphs 67 to 71. Mr Tillet Wright deals with it at paragraphs 34 to 46; Mr Drew at paragraphs 14 to 18; Ms Inglessis in oral evidence at [12/1978 to 1988].

189. Ms Heard's account is corroborated by photographs taken on 16 December 2015 of injuries to Ms Heard's face, namely bruising and a cut lip [File 6/148(c)/F894.112]. The Claimant speculated that the cut lip may have been a cold sore [3/503/3-5] and it was put to Ms Heard that she had simply bitten her lip, but Ms Heard firmly rejected these suggestions. There were also photos of clumps of hair and scalp which the metadata shows were taken on that occasion [File 6/148(c)/F894.122A]. Ms Heard denied having sought to photoshop or distort the images [13/2086/9-21]. She also denied having used makeup or other means to make it look like she was injured [13/2086/22-24].

190. Confronted with the photos, the Claimant gave the following explanation for Ms Heard's injuries: *"I turned, covering my head, and she is swinging quite wildly so the only thing I could do in that situation was to either run or try to get my arms around her to stop her from flailing and punching me. So, I did so. When I did so, it seems that there was a collision as when you are in close contact, and she is kicking and moving."* [3/506/7-22].

191. Thus, contrary to what he claims in his statement (that he was *"not violent towards Ms Heard in any way"* – paragraph 78) the Claimant confirmed in oral evidence that he did headbutt Ms Heard, but said it was an accident. The exchange was as follows [3/507/14-15]:

Q: The headbutt took place, the accidental headbutt?

A: Yes. Yes, there was no intentional headbutt.

192. The Claimant also admitted headbutting Ms Heard in a recorded conversation with her on or around 22 July 2016 as follows [File 5/161(o)/F1009.31] [Media file "F161m"]

JOHN C. DEPP, II: I head-butted you in the fuckin'...

AMBER LAURA HEARD: I couldn't believe you did that.

JOHN C. DEPP, II: ...forehead. That doesn't break a nose.

AMBER LAURA HEARD: I don't know if you were aware, I don't think you did. I don't think you broke it.

JOHN C. DEPP, II: Don't think I broke it, I didn't touch it!

AMBER LAURA HEARD: Oh, please, you didn't touch it? You don't know.

When asked about this in cross-examination, the Claimant confirmed he had said this to Ms Heard, but explained "Yes, but it was not an intentional headbutt" [3/513/7-11].

193. The medical notes of 16 December 2015 [File 4/139/F880] show that Ms Heard described to the nurse the argument she had had with the Claimant: "Client states disagreement escalated and states husband, JD, used his forehead to hit her head. Client denies loss of consciousness. States she has a headache and a bruised eye". The Claimant's explanation for what Ms Heard told the nurse – that Ms Heard "can never be wrong" and "is not going to reveal the truth" to the nurse [3/505/10-14] – is no explanation at all. Neither is the Claimant's attribution of what Ms Heard told the nurse to the 'dossier hoax' theory [3/505/15-23].

194. Nurse Boerum wrote a note prepared at 11pm on 16 December [File 4/139/F880] when she visited the house to drop off medications. The note stated:

"RN in contact with ct to notify her that she would be able to deliver medications to her home. RN waited at door for several minutes after knocking. Ct greeted RN at door looking disheveled. Hair appeared unbrushed. Ct appeared weepy and sad. Posture is slouched. Ct told RN about argument with husband ... Ct had visible bright red blood appearing at center of lower lip. When RN made client aware that she actively bleeding on her lip, ct stated it was from the injury sustained in the argument between her and her husband, and that it continues to bleed actively. Ct also states that her head is bruised and that she lost clumps of hair in altercation. RN briefly looked at ct's scalp

but was unable to visualize the hematomas ct had described. RN encouraged ct to be seen by physician Dr. Kipper or go to emergency/Urgent care for thorough assessment. Ct states she will contact Dr. Kipper tomorrow."

Nurse Boerum did not however conduct any medical examination of Ms Heard during that visit: *"she was just dropping off meds and she said she was late"* [13/2089/22-25].

195. Photographs of the kitchen of the couple's apartment taken on the morning of 16 December 2015 [File 6/148(c)/F894.095] showed the slogan *"why be a fraud? All is such bullshit..."* defaced onto the work surface. The Claimant accepted he carried out this defacing but nevertheless claimed not to have been under the influence of alcohol or drugs. Another photograph showed a reading light and other items strewn on the floor of the bedroom, and damage to the bed [File 6/148(c)/F894.097-101A].

196. Contemporaneous documents support Ms Heard's account. The court is invited to read them, as set out at Appendix 3. Notably:

- a. The text Ms Heard sent to Mr Tillet Wright on 16 December 2015 [File 7/17/H104] saying *"I need you, I beat me pretty good, Rock is on the couch with me now, when are you back, I'm hurt, I don't know what to do."*
- b. The text Raquel Pennington sent to Carly Kuhn and Ms Heard on 16 December 2015 [File 7/16/H103] stating *"Hey girl, so sorry Amber had a shit day yesterday and we were doing some emotional damage control. I'll call you later"*, confirming Ms Heard had reported to Ms Pennington that she had had a 'shit day' and as a result in the view of Ms Pennington required 'emotional damage control'.
- c. The text Ms Heard sent her mother on 17 December attaching photographs of injuries to her face [File 7/19/H116-127].
- d. The text Ms Heard's father, David Heard, sent to the Claimant on 21 December [File 6/119/F697.126] stating:
"JD I understand little more about what's going on then I did, I'm not mad I understand, a man has got to be a man and I'm not saying that you were

completely justified but I understand I'm talking to Paige and I think I know what is going on a little better I wish you and I were talking. And I can tell you that I told you before I could fix this if I could sit down with you and Amber at the same time by ourselves and you would understand why I don't want to kill you could beat you up or anything, I would say no more hitting for anybody I think you and Amber Jack and Lily Rose only should go to the island for a few days and let me talk to Amber and tell her what she needs to stop doing to help your situation. I still love you like a brother or father or whatever and I think it could work things out, I think the whole thing about all the friends and everything is getting in the way but the main thing is that amber should never hit you or call you another name and same goes for you and if that were the case you guys could be happy together for the rest of your lives!!!! I mean that and I know that from the bottom of my heart I know that Amber needs help with her temper the same as you need help with your problem with drugs and alcohol mixing together good causes you to lose control, even though it's not onesided she's not blameless and I know that but she's my kid and I love her unconditionally but I think you do too!!!"

- e. The text which the Claimant sent in response to Mr Heard on 30 December, enclosing a draft text that the Claimant said he had composed a week earlier [File 10/147(a)/O124]:

"Hey, brother... I love you, too!! More than you can ever imagine...!!! It's rare in life when one meets a kindred spirit... A couple of madmen with the thirst for 'FURTHER!!!'... Their have only been maybe 3 people in my entire life, of your ilk!!! You're a rare specimen and our friendship means everything!!! Yes, I fucked up and went too far in our fight!!! I cannot and WILL NOT excuse my part inside these dramas!!! But, I can promise you, with all confidence, THEY WILL NEVER HAPPEN AGAIN!!! My most sincere apologies if I've let you down... Love you, brother..."

- f. Messages from Ms Heard to Dr Cowan on 15 and 16 December 2015 [File 7/10(b)/H39] and [File 7/13(a)/H81.1] saying "Emergency can you please call me?" and:

"Johnny did a number on me tonight. I'm safe and with my support tonight but I need some real help. Can I come tomorrow. I called earlier because I thought I had a concussion and didn't know if I should have called police. But I have a nurse close to me – and rocky and her have been here for me. Can I see you tomorrow".

- g. Dr Cowan replied: "So sorry Amber. Come over today at 11a." A few hours later, Ms Heard responded [File 7/13(a)/H81.1]:

“Connell, sorry haven’t called because rocky came over last night. Then dealt with Securty and called nurse for medical help and went down to sleep. Today has been filled with work (I’m shooting a late show appearance today – with 2 black eyes) In short? I need your help. But will have time tomorrow to get it. Can you please please make time for me?? Johnny beat me up pretty good last night. He’s using again”.

- h. Ms Heard met with Dr Cowan on 17 December 2015. His notes record an *“altercation with JD”*. He stated that *“Some spark ignited an argument that escalated and got violent. Shoving and screaming. Amber related that he started the physicality – pushed her down. Amber got back up. Hard for her to de-escalate a fight. Her strategy (despite our conversations) is to try and fight back (not protective of self and very self-defeating”* [File 9/133/K277].
- i. The text Ms Heard sent to Ms Pennington and Mr Tillet Wright on 17 December showing photographs of injuries to her lip [File 7/18/H111-112].
- j. The message Ms Heard sent to Ms Pennington on 20 December stating *“I’m being strong, basically faking it”* and, referring to the Claimant, *“I said you headbutted me, and his response, ‘I just gave you a little knock with my head’. And then he left the room after saying what a fuck-up he was and such. Fucking feeling sorry for himself. Poor him.”* [File 7/20(b)/H129.2].
- k. The email sent by Ms Heard to Jodi Gottlieb on 16 December stating *“I had a bad accident tonight Jodie. I’m really bruised and might have a black eye or two tomorrow, same with my nose. Nurse on the way to make sure I don’t have a concussion. There’s a chance I might not be fit for tomorrow. But won’t know how bad the bruising is until the morning. Giving you a heads up. I’ll call you tomorrow to let you know”* [File 8/78(a)/I28.1]. Ms Heard sent a similar message to Ms Gottlieb in a text message [File 2/60/E76] and a similar email to Jessica Kovacevic Assistant [File 8/78(a)/I28.2].
- l. The text sent by Ms Heard to Nurse Boerum on 17 December stating: *“Hey, I’ve had a headache basically for the last couple of days and I have been taking Advil*

non-stop. My head is still really bruised. I feel a lot of welts on it. I called Kipper's office and Liza and he was away until tomorrow, but that Monroe could look after me" [File 7/19(a)/H127.1].

m. The text sent by Ms Heard to Mr Tillet Wright on 29 December stating: *"...he was in such denial about what he did. Especially the physical aspect... I mean, for gods sake he had been telling himself I was faking that I was hurt because he "didn't really do much"... I mean, you know how delusional he can be. I'm glad I'm getting a chance to reiterate that he really did damage this time so it never happens again" [File 7/20(e)/H129.10].*

197. Ms Inglessis, who explained that she did not voluntarily attend court to give evidence [12/1978/3-7], gave evidence which provided strong corroboration for Ms Heard's account. When she arrived at Ms Heard's apartment on 15 December she saw the damage to the apartment, to find Ms Heard distressed [12/1982/10-12]. Ms Inglessis explained what Ms Heard then said to her about what the Claimant had just done: *"He tried to suffocate her with a pillow. She felt he tried to kill her that night and she said he dragged her by her hair and that is what I remember on that night" [12/1982/20-23].*

198. The following day Ms Inglessis applied makeup to Ms Heard for the James Corden show. She described what she saw of Ms Heard's face: *"She had minimal discoloration under her eyes, on the inner corner of her eyes, by her nose, you know. I recall her left eye being a little more bruised than the right eye. I remember the bridge of her nose being a little red and swollen, and I remember -- I am not sure of the medical term like a cut or a scab on her lip; if I remember correctly, to the right of the lip." [12/1983/20 – 1984/2].*

199. Ms Inglessis then recounted what Ms Heard said to her on 16 December: *"So, it was something about Johnny tried to suffocate her on the bed with a pillow, she feared for her life, she thought she was going to die, and he grabbed her by the hair and dragged her, and therefore she has a missing chunk of hair at the top of the crown"[12/1984/12-16].*

200. When asked how she applied makeup to Ms Heard she said: *“Well, obviously a concealer, I tried to conceal some of the bruises, foundation, you know, a full face of makeup, and one thing I do remember very clearly is although Amber's signature lip is a red lip, so it is not uncommon for her to have a red lip, I remember having a discussion that day that we had no other choice but to do a red lip, a bright red lip”*[12/1985/19-24]. She said that she was able to conceal the bruises with concealer so they were not evident [12/1986/3-8].
201. In the light of the evidence of Ms Inglessis, and the contemporaneous photographs, the court can attach little weight to Ms McMillen’s claim that Ms Heard *“did not appear to be wearing makeup”* when she saw her on 16 December [6/1003/22-23]. Ms Heard explained that she was getting her hair and makeup done before Ms McMillen came upstairs and saw her [12/1917/3-5]. Ms Heard had bright red lipstick on for the James Corden show on 16 December [12/1920/18-22].
202. Moreover, as Ms McMillen confirmed, Ms Heard said to Ms McMillen after the James Corden show on 16 December *“can you believe I did that show with two black eyes”* [6/1017/16-18] which Ms McMillen said did not prompt her to ask her what she was talking about [6/1018/11-15] although she did give her a hug [6/1019/25/7/1020/5]. It is difficult to conceive why Ms Heard would have said this if it were not true. The same goes for Mr Murphy, who says at paragraph 14 of his statement that Ms Heard told him on 16 December she had been assaulted by the Claimant and that he had pulled her hair out.
203. Ms Pennington saw injuries to Ms Heard on 15 December and particularly remembered *“the scalp, that was bloody, where hair had been ripped out”* [14/2308/22-24] and *“she had a very swollen nose at that point that was quite tender, and maybe another scalp or hair laceration or scrape on the front of her scalp as well, and like an injury to her lip.”* [14/2309/6-9]. She also recalled a scrape on her forehead [14/2309/19-22].
204. The Claimant said that it was in fact him that was the victim of an attack on 15 December. Reference was made to photographs of the Claimant from 15 December [File

6/148(c)/F894.092 - 094]. However these do not show injuries to his face. And even if he had been attacked, this does not mean that he did not, in turn, attack Ms Heard.

Bahamas, late December 2015

205. This incident is dealt with by Ms Heard at paragraphs 23 to 29 of her Fifth Witness Statement and in the confidential schedule to Ms Heard's Fifth Witness Statement. It is the incident during which Ms Heard admits she threw a paint can at the Claimant, in order to escape him.

206. Tara Roberts gave evidence about this incident in support of the Claimant. However she accepted that she had not seen the beginning of the argument [6/968/16-18]. She said that the Claimant had a red, swelling gash on the bridge of his nose, and that the Claimant had told her that this had been caused by Ms Heard throwing the can of paint into his face. There are no photographs of this alleged injury; and Ms Roberts confirmed that the Claimants had never suggested that any photographs of it should be taken [6/969/12-21]. Ms Roberts' oral evidence was that Ms Heard on that holiday was free from injury. Photographs of the Ms Heard show the remainder of the injuries sustained on 15 December 2015, including the injury to her lip: [6/148(h)/F894.273].

207. With reference to a video of the inside of the Bahamas property, Ms Heard explained that the Claimant's assault on her (details of which are in the confidential schedule) took place inside the closet and inside the bathroom, and there was a solid door between the bathroom and the rest of the property [13/2091/7-25]. It occurred in an area not shown in the film [13/2092/3-20].

Birthday party, 21 April 2016

208. Ms Heard's account is at paragraphs 148 to 154 of her statement. The incident is also addressed by Ms Henriquez at paragraphs 72 to 76; Mr Tillet Wright at paragraphs 55 – 56; Ms Sexton at paragraphs 56 – 60; Mr Drew at paragraphs 19-20; and Ms Pennington at paragraphs 24 to 30.

209. The Claimant agreed in oral evidence that he was in a bad state when he arrived at the party. He was late. He confirmed that he “*very likely*” smoked marijuana before arriving at the party, and that he was “*very stressed*” by the bad financial news he had just received from his accountant Mr White [4/529/8-15] [4/535/5-6]. The meeting with his accountant Mr White was “*very unpleasant and ugly*” [5/716/2-3]. Ms Heard recalled he was ‘*clearly inebriated. I mean, I can tell he had been drinking*’ [11/1761/8-9]. Mr Drew said that his perception was that the Claimant was ‘*slightly inebriated*’ when he turned up at the party [12/1956/15]. The Claimant agreed in evidence that he drank wine at the party [4/533/25-4/534/4].

210. Ms Sexton confirmed that the Claimant was clearly inebriated at the party, kept interrupting or speaking at inappropriate moments [14/2218/8-12]. Ms Pennington said “*I would not characterize his behavior as sociable or affectionate*” at the event [14/2318/10-11].

211. The Claimant agreed that after the party there was a confrontation, during which Ms Heard was “*angry and aggressive*” [4/533/10]. He said she was “*lighting me up*” [4/534/18-19]. In such circumstances it is all the more likely that he became violent towards Ms Heard.

212. Ms Heard was challenged in cross-examination on the basis that during one of her recorded conversations with the Claimant he had accused her of punching him on 21 April and she had not denied this. However as Ms Heard explained ‘that is not what I was having a conversation about’ [11/1763/21-22]. The general observations about the purposes of the recorded discussions, above, is repeated.

213. Mr Bett claimed he saw the Claimant with injuries on 21 April 2016. However, Mr Bett was an unreliable witness. He admitted to being untruthful in his statement where he described taking a photo of the Claimant’s injuries on 21 April 2016. He explained that he had been sent that photo by Adam Waldman. Mr Waldman asked if Mr Bett recollected the photo. Mr Bett claimed that “*presumably*” he thought the photo was one he had

himself taken on 21 April but could not now find. [8/1270/25-1271/3]. He said he only realised that his statement was false “*a few days ago*”; yet he left it until the day he gave evidence before deciding to correct his statement [8/1272/3-8].

214. Ms Heard confirmed that she informed Rocky Pennington by text, using a euphemism that Ms Pennington understood, and also told her, on the day after the incident, that the Claimant had hit her [11/1764/10-15]. Ms Heard did not tell Mr Bett that the Claimant had been violent towards her, but this is not significant: Mr Bett confirmed that he and Ms Heard did not have the kind of relationship in which he would expect Ms Heard to share such information with him [8/1260/7-12]. Neither was he able to assess who was at fault in the arguments between Ms Heard and the Claimant, since he accepted he was not present during the entirety of those arguments [8/1262/23-1263/9].

215. The following day Ms Heard left for Coachella. It was not an enjoyable event for the group – Ms Heard was unhappy and had a bad trip. Ms Pennington confirmed it was not a fun atmosphere [14/2321/9-11].

216. Much was made by the Claimant’s legal team of Mr Jenkins’ evidence that he saw Ms Heard vomit in a car park. However the basis on which he identified her was her clothing – he did not see her face [8/1331/20-25]. In fact it was Whitney Heard who vomited [13/2179/4]. A photo from Coachella [File 9/91(a)/J5.2] showed them wearing very similar outfits. Ms Pennington remembered Ms heard vomiting “*privately*” [14/2321/3-5] but that was not in the carpark [14/2333/14-16]. Little significance can be attached to this ‘vomit’ issue, since it is not in dispute that Ms Heard had taken MDMA and mushrooms.

Faeces in the bed

217. Faeces were on 22 April 2016 found in the bed Ms Heard slept in. The court is not required to reach a conclusion as to how the faeces reached the bed. Ms Heard’s response to the suggestion she had done it was convincing: she would never have done such a thing since it was “*her bed*”, which only she slept in at that time, she could not imagine what sort of person could think of this as a prank, or as funny (except, possibly, the Claimant)

[11/1768/6-18]. Mr Tillet Wright said of the suggestion that Ms Heard would have done this *"Amber is basically faecal-phobic and that if she were ever to play a prank, it would certainly not be that because it is not even in her DNA"* [14/2352/16-20].

218. Ms Vargas said she had concluded that Ms Heard must have been responsible for the faeces because of its size and the fact she believed the dogs did not go on the bed [6/1053/18-22]. However Ms Heard explained that the Claimant's dog, Boo, had previously lost control of its bowels in bed and she (Ms Heard) had cleaned it up – so there was no reason why Ms Vargas would have known about this [11/1767/10-24]. The Court heard evidence that Ms Heard considered that, as a result of Boo eating some cannabis when she was a puppy, Boo had some sort of brain injury resulting in toilet training problems. The Claimant confirmed that this was something Ms Heard would say [2/259/18-260/13]. Mr Murphy confirmed that Boo had a number of difficulties with toilet training [7/1193/3-6]. Ms Heard had recorded these difficulties in a text to him in October 2014 [File 7/3(b)/H27.2-3].

219. Consistently with Ms Heard's account that the Claimant caused damage and smashed glass during the incident, Ms Vargas confirmed that she found things had been knocked over and there was broken glass on the floor in the apartment the following morning [6/1051/18-21].

21 May 2016

220. Ms Heard's account is at paragraphs 155 to 176 of her first statement. The incident is addressed by Ms Henriquez at paragraphs 77 to 81; Mr Tillet Wright at paragraphs 57 to 70; Ms Sexton at paragraphs 61 to 63; Mr Drew at paragraphs 21 to 32; and Ms Pennington at paragraphs 31 to 48. Ms Divinere gave oral evidence about it [9/1466/12-1467/3].

221. A chronology with relevant documents is at appendix 4.

222. The Claimant accepted he was under a lot of strain on 21 May 2016. His mother had just died, his relationship with Ms Heard was ending, he was in bad financial straits and his business managers and lawyers had conspired to steal money from him [4/547/17-23]. It is apparent from the CCTV footage in the lift from 20:29 [media file "01. Video 63 – AH_TPD_00017252.avi"] that the Claimant was angry when he got into the lift at penthouse level to return back downstairs. He is seen clenching his fists and pacing back and forth in an agitated and aggressive manner. The Claimant confirmed in evidence he was "very upset" [4/566/12-13]. Later that evening he sent Ms Heard an angry text message:

"That was it. The last encounter forever. You were already ready to strike!!! Why did I even come there in the 1st place?? To be yelled at by you!!! I'm an idiot. ph5 is Rocky's studio?? You are shameless... I tried to make it work and you just turned more and more into a spoiled brat. All you wanted was to make me fucking miserable. Well, I'm finally there. I'll never be able to understand how I fell in love with you... You're not her. I loved you more than anything... I did everything that I could. But, you never fuckin' loved me... I was merely convenient for you... I hope our divorce goes as quickly as possible and that it is as painless as possible. So sorry you were as unhappy with me, as you were..., obviously, the purity of whatever was, has been gone for a long time. I will miss the moments of beauty and truth... goodbye, Amber... What the fuck was I thinking?? I wish you all you merit... The Former Him" [File 10/147(a)/O365]

All of this makes it more likely that the Claimant acted in the way described by Ms Heard.

223. Ms Divinere confirmed both in her conversation with Ms Heard in July 2019 and in her oral evidence that on the days following the 21 May incident she had been with Ms Heard and had seen her face "red and puffy" but had "attributed this to crying" [9/1466/18-25].

May 2016 photographs

224. Important corroboration for Ms Heard's account is provided by the photographs of Ms Heard taken between 21 and 28 May 2016. The sequence of these is set out in Appendix 4.

225. The photos show injuries to Ms Heard's face. Even the Claimant accepted that the photos showed a red mark to her cheek [4/561/8-9].
226. The injuries are apparent despite the fact that, as Ms Heard explained, she tried to cover them up with makeup (except on the visit to the courthouse on 27 May), since she found it *"horribly embarrassing to walk around with bruises on your face"* [10/1687/17-1688/19]. She said that, generally, *"whenever I leave the house, because I am photographed often when I leave the house, and recognisable, people take pictures of me. It is my industry. I wear makeup."* [11/1729/24-1730/3]. Ms Sexton confirmed her *"general impressions"* that although Ms Heard wore very little skin makeup, she would wear *"lip or cheek tint"* if it was daytime and saw her wear *"a thick layer of foundation"* on an occasion when she was hiding her face [14/2251/19-25 – 2252/2-14].
227. The photos show that the injuries developed as the days passed after 21 May. By the time the photos are taken on 27 May at the courthouse [6/148(e)/F894.235-F894.247A], when Ms Heard was not wearing makeup, they were obvious.
228. The injuries were less apparent on the 28 May photos, taken when Ms Heard visited her lawyer [File 11/193/P188-189], but she explained she was wearing makeup on that occasion, as she almost always did when she left the Eastern Columbia Building [10/1685/6-9]. As Ms Inglessis explained, it was possible to cover up injuries with foundation.
229. It was put to Ms Heard that she had *"changed the colouration"* on the photos. She denied this [10/1677/14-16]. She explained that she did not know how to do this [12/1914/18-25]. As with the December 2015 photos, the court cannot, in the absence of expert evidence, find the photos to have been manipulated.
230. It was also put to Ms Heard that she put makeup on to make herself look injured in the photos. Ms Heard denied this [10/1673/14-16]. Given when the photos were taken – see the timings, confirmed by uncontested metadata, on the chronology – the court must reject this thesis. Ms Heard had no time to carry out such a sophisticated fakery operation.

The first of the May 2016 photos was taken at 20:23 when the Claimant was still in the building. This was less than 8 minutes after the end of the telephone call with Mr Tillet Wright (which ended at 20:15:22 – see the chronology at appendix 4), while Mr Tillet Wright was on the phone with the New York Police Department, and shortly before the police arrived.

231. Mr Drew said he was present when these photos of the injuries were taken, and may have taken them himself [12/1968/14-18]. Mr Drew confirmed that the image of Ms Heard taken at 20:23 at [File 6/148(e)/F894.155] accorded with his memory of how Ms Heard looked on the night of 21 May [12/1969/12-15]. Unless he too was hoodwinked by Ms Heard, his evidence demonstrates that the “*painted on bruises*” theory is unsustainable.

232. It was not put to either Ms Pennington or Mr Drew that they manipulated the photos taken on 21 May, or saw Ms Heard manipulate them.

The evidence of Mr Tillet Wright, Ms Pennington and Mr Drew

233. Mr Tillet Wright, who was in Brooklyn, New York, made two telephone calls to Ms Heard at 20:11. He heard the row. The Claimant screamed at him on the phone and seemed not in his right mind, so he told Ms Heard to get out of the house [14/2353/21-25]. He then heard Ms Heard say “*he threw the phone at my face*” or “*you tossed the phone at my face*” [14/2354/9-13], and then he heard the Claimant say “*Oh, you think I hit you, you think I hit you, what if I peel your hair back?*” *I am not totally sure if he said “pull” or “peeled”*. Ms Heard then asked him to call 911, which she had never done before [14/2354/19 - 2355/7]. He called 911 at 20:16 (see chronology at appendix 4), because he was concerned, on the basis of what he heard on the call and what Ms Heard had previously told him about the Claimant’s violence, for Ms Heard’s safety [14/2353/7-17].

234. Ms Pennington arrived at the penthouse very shortly after the call with Mr Tillet Wright. She saw the Claimant smashing things [14/2324/19 – 2325/11]. She witnessed him “*very angry, very agitated*” and “*yelling loudly*” [14/2333/21-25]. He knocked her

hands away when she told him to stop [14/2334/11-17]. She saw the police officers when they arrived and saw them review the damage to the apartments [14/2327/10-12]. She also saw the injuries to Ms Heard.

235. Mr Drew then arrived. He saw injuries to Ms Heard. He was emphatic not just that the damage to the apartment was evident when the police officers arrived, but also that he walked the officers through the apartment to show them the damage [12/1972/20 – 1974/6]. Mr Drew's testimony was unimpeachable. Very shortly after the incident of 21 May, he made a note of what he had witnessed that night [File 4/143/F887], at the suggestion of Ms Heard's lawyer [12/1965/24-1966/4], which was consistent with his subsequent deposition in the US and with his account in these proceedings. The same can be said in respect of Ms Pennington, whose contemporaneous account is also at [File 4/143/F887]. Mr Drew rejected the suggestion that he discussed his US deposition with Ms Heard before he made it [12/1957/5-6]. In oral evidence Mr Drew confirmed his account of the damage to the apartment [12/1971/8-24]. He believed he had taken the pictures of the damage [12/1972/5-8].⁸

236. Officer Saenz claimed not to have seen injuries to Ms Heard or damage to the apartment. However, by contrast with Mr Drew, Officer Saenz's recollection of events was poor. She recalled spending 30-60 minutes when the CCTV showed she only spent 15 minutes there [4/661/13-20]. She did not ask or record the names of anyone assisting Ms Heard, took no notes of the incident, prepared no report, and declared the incident 'closed' on the same evening [4/660/ 2-5]. She was not asked about it until two months after it occurred [4/657/19-21]. She had no reason to remember the visit to the apartment: she was unaware that Ms Heard was an actress and was married to Mr Depp, so had no reason to consider the incident significant. This was particularly so given Ms Heard made clear she did not want to take the matter further [4/657/7-10]. The same

⁸ The accounts of Mr Drew and Ms Pennington are corroborated by Ms Elizabeth Marz, who was with Mr Drew and Ms Pennington in the apartment on the evening of 21 May, and witnessed the Claimant enter the apartment, visibly intoxicated and swinging a wine bottle. Ms Marz also saw Ms Heard's injuries that night. She gives her account in her US draft declaration [File 3/ Tab 103], and deposition [File 3/Tab F104]. Ms Marz's account is provided under a hearsay notice dated 19 February 2020.

goes for Officer Hadden. Both officers claimed in their depositions not to have seen any spilled wine on the floor or the walls [File 3/87/F47], [File 3/88/F62] but the metadata show that it was there when they arrived: the photographs of spilled wine in the hallway were taken at 21:04 – at exactly the same time as the officers entered the lift at reception level and travelled up to the penthouse level, exiting the lift at 21:05.

237. Officer Saenz said she did not see any injuries to Ms Heard's face. However she confirmed that Ms Heard was *"red eyed and the way people look when they cry"* [4/652/18-19] and that *"her face appeared red from crying"* [4/653/19-21] and *"flushed and red from crying"*, that she saw some reddening to the face [4/655/11-16]. As she spoke to Ms Heard, Ms Heard's face was *"up and down"* and she was *"upset"* [4/656/23-24].

238. Mr Bett claimed to have seen Ms Heard with no injuries when he arrived in the apartment on the evening of 21 May and that he saw that she was not wearing makeup. However his evidence was unreliable:

a. His evidence as to how long he had spent at the premises – that he had been there *"between 30 and 40 minutes or 20 and 30 minutes"* was wrong, despite Mr Bett being emphatic about the timings – *"No I am not wrong"* [8/1279/2-12]. The CCTV demonstrated he had been there for about an hour and a half, between 19:02 and 20:29 [8/1282/12-14, 20-25].

b. He said he was 20 feet from Ms Heard and *"could not tell"* if she was crying [8/1285/10-14]. He accepted that he *"did not examine"* Ms Heard's face [8/1287/19-20] but in answer to the question as to whether he would even *"accept the possibility that she may have had signs of injury"* he said no [8/1288/4-6]. His refusal even to acknowledge he may have missed something suggests that he was determined to give evidence helpful to the Claimant, regardless of whether that evidence was truthful.

239. Ms Heard made no complaint to the officers of the Claimant's violence. If anything, this disproves the 'dossier hoax' thesis. Moreover Officer Saenz confirmed that it is not

unusual for a victim to refuse to engage with police even in cases where the victim themselves has called for the help of the emergency services [4/647/5-9].

Events on the days following 21 May

240. Later that evening, Ms Heard texted Erin Boerum [File 7/28(a)/H144.5]: *"It's okay. Got – he was completely delusional and crazed. Hit me in the face several times, while on the phone to iO. She called the cops. Restraining order will be filed in the am. Cops just left. (Long after he did of course) Rocky and josh were here too. It was horrible."*

241. In the immediate aftermath Ms Heard also told Ms Inglessis what had happened (*"Johnny came over 'to talk.' His mom just died. Then he went sideways. Convinced of some CRAZY shit. Beat on me ... My face looks stupid and swollen"*) [File 7/32/H150], her parents (*"He was fucked up and delusional. Claiming some ridiculous shit I had no clue of or how to make sense of. Then he started hitting me with the phone and threw me down and hit me in the head"*) [File 7/33/H151-H153], and Savannah McMillen (*"was a little banged up"*) [7/31/H149].

242. Ms de Cadenet texted Ms Heard on 22 May 2016, the day of Ms de Cadenet's birthday party, stating *"Sleeping sounds like the best thing right now. Put some arnica on your face. Make sure you have photos of the injuries, please, and text them to me or Rocky so there is a record. Sweetheart, I have been where you are and it's excruciatingly painful, but pain is the cornerstone of growth and you have an incredible opportunity right now to change your life."* [File 7/ tab 30/H146]. It is difficult to imagine why Ms de Cadenet would have said this if Ms Heard was uninjured, and this demonstrates that Ms Heard had told Ms de Cadenet about how the Claimant had been violent towards her.

243. On 22 May, the Claimant sent Ms Heard several texts in which he appeared to apologise for his behaviour:

"Sorry if was a bit ... Please know that my hurt toward you is over... My apologies are eternal and belong to you!!! Solid. X."

And:

"Just let me know when you have a minute And I'll give you a call... Nothing I have to say to you should elicit anything but, a sense of ease... All my love and profound apologies... J."

The witnesses who claim to have seen Ms Heard without injuries after 21 May 2016

244. The Claimant called a number of witnesses who claimed to have seen Ms Heard without injuries in the days after 21 May. In the light of the photos of Ms Heard from that period, which were not alleged to have been manipulated (or at least, not in any meaningful way), the evidence of those witnesses is of limited assistance.

245. Moreover, as Ms Heard explained, she always wore makeup when she left her home in LA [13/2100/4-13], and wore it specifically in this period to conceal her bruises. Ms Pennington confirmed that Ms Heard would have worn concealing makeup to cover her bruises if she were leaving the penthouse or going downstairs to speak to staff [14/2330/21-25].

246. Mr Baruch said that he believed Ms Heard not to have been wearing makeup when he saw her on 22 May. However he confirmed that whenever he saw Ms Heard on her way to a party she had makeup on [9/1373/14-15].

247. Ms Heard explained that she was wearing makeup when Ms Vargas claimed to have seen her on 24 May [11/1728/9-10]. She also explained that she was wearing makeup when Ms McMillen saw her [11/1729/8-14]. Ms Esparza said that Ms Heard 'very rarely' wore makeup [5/882/10-12] including foundation or powder or concealer [5/882/23-25]. However she then confirmed she had not asked Ms Heard whether she wore foundation [5/884/7-11] – she was therefore in fact in no position to know whether, or when, Ms Heard wore makeup.

248. Ms Vargas said of Ms Heard's face on 24 May "*her face was very clean, very pale*" [6/1057/20-22]. However Ms Heard had not spent the previous night in the house, and confirmed that she wore makeup when she made the trip to the Eastern Columbia Building that day [11/1728/10].

249. Ms Heard confirmed that she was wearing makeup when the security guard Cornelius Harrell saw her on 22 May, as depicted on CCTV [13/2098/4-2200/5]. Mr Harrell said in his witness statement that during this interaction he and Ms Heard had spoken "*for approximately eight minutes in total*". This is not correct: the CCTV footage from the lift [media "05. Video 43 – AH_TPD_00017232"] shows Ms Heard exiting the lift at the reception level at 13:06:55 and re-entering, this time holding a parcel under her right arm, at 13:09:03 – a period of just over 2 minutes. The CCTV footage also shows how little time Mr Harrell spent actually looking at Ms Heard, as opposed to looking down or around, or walking ahead of her to the mail room. Mr Harrell stated at paragraph 9 of his witness statement that, after this interaction, he saw Ms Heard on the security cameras in the elevator "*around an hour later*". The CCTV footage to which Mr Harrell refers has not been provided and, as the chronology shows, by this time Ms Heard was at the bead fair with Ms Pennington.

The 'fake punch'

250. Ms Esparza said she was asked on 27 May 2016 to retrieve security footage which in her witness statement she claimed showed Ms Henriquez throwing a 'fake punch' in the direction of Ms Heard [File 2/43/D98]. The alleged footage was never disclosed in these proceedings, and no explanation proffered for why it was not produced. Ms Heard denied there had been any 'fake punch' [11/1743/5-9], as did Ms Henriquez [13/2186/19-22]. The court is therefore unable to assess what the video showed, and its significance.

Other challenges to Ms Heard's account of the events of 21 May

251. In cross-examination Ms Heard's account was challenged on the basis that she had provided few details of what happened in her declaration in support of the DVRO

application [File 3, Tab 96]; more details in her US deposition [File 3, Tab 99] and declaration [File 3, Tab 101]; and further details in her statement for these proceedings. But the various statements are not contradictory. The fact that later statements are more detailed does not mean that the additional details are untrue – merely that they contain more detailed accounts. Ms Heard explained that she understood from her lawyers that she was limited as to the amount of words that could be used in the declaration in support of the DVRO application, which in any event had explained that the Claimant had been verbally and physically abusive towards her “*during the entirety of our relationship*” (paragraph 4) and that there had been “*several prior incidents of domestic violence*” (paragraph 21); [10/1652/21-23] [12/1991/18-25].

252. Few specific discrepancies between the statements were put to Ms Heard in cross-examination, and they were minor. ‘Stop hitting me’ became ‘don’t hit me again’ and ‘never hit me again’ [10/1653/4-5]. Ms Heard explained, with reference to what was said to be a discrepancy concerning the point at which Ms Pennington entered, that when Ms Pennington entered the apartment she had to go down a hallway, and while she did that the Claimant heard the door and let go of her head [10/1650/3-10].

253. It was suggested to Ms Heard that she would not have met up with the Claimant in San Francisco on 22 July 2016 had she genuinely been afraid of him. However her explanation for the San Francisco meeting was credible: she had been in a relationship with him and married to him only very recently [10/1639/12-14]. Both she and the Claimant wanted to meet in the presence of Mr Carino [13/2103/19-24]. Ms Heard also confirmed that she had sought to communicate with the Claimant on 24 May 2016 by phone to discuss keeping the divorce under wraps for at least a few days “*in the hardest times of my life*”. She said, convincingly, that this in no way meant she was not scared of him [11/1732/10-24, 1733 13-14].

254. It was also suggested in cross-examination that Ms Heard had leaked her application for a DVRO to the press. She denied this, and explained that the application was heard in a courthouse where a press organisation (TMZ) has an office. Moreover the Claimant was on notice of the DVRO application and his divorce lawyer Laura Wasser worked closely

with TMZ as Ms Heard explained [10/1630/23-25]. Ms Heard said her publicist, Jodi Gottlieb, had the police officer's business card which ended up in the press and may have shared it with the press. Ms Heard explained that Ms Gottlieb had asked her for it after a TMZ article had been published which falsely stated that no police officers had attended the apartment [10/1632/5-12].

Conclusion

255. The evidence demonstrates that the Claimant was violent towards Ms Heard on multiple occasions. The words complained of are therefore true.

SASHA WASS QC
6KBW College Hill

ADAM WOLANSKI QC
CLARA HAMER
5RB


27 July 2020

Painting incident: 22 March 2013, Los Angeles
 Defendants' chronology of relevant documentary evidence


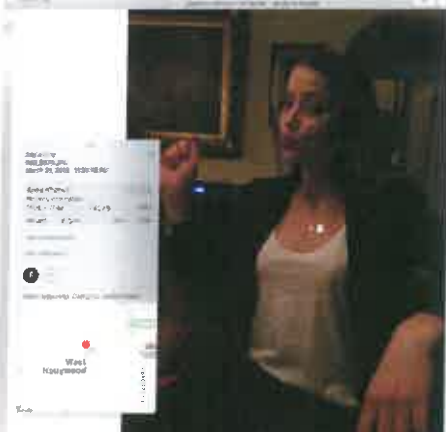

Wednesday 20 March 2013

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
12:48 – 19:13	<p>Emails between JD and Jane Rose (producer of "Happy" documentary) about meeting and setting up for filming the documentary. JD writes to Jane Rose:</p> <p><i>Also, am with my girl, Amber... You will love her!!! Is it alright to bring her around with me? She's not a pain in the ass, like the French ex albatross... No comparison.</i></p> <p><i>Whatever's alright is fine... She's just on my arm and a killer broad... But, would never overstep any boundaries, as it is Maestro's sanctuary...</i></p>	8/63(a)/I1.1 – 1.3	




Thursday 21 March 2013: Day 1 of 3 of filming "Happy" documentary

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
12:30	Crew call for first day of filming "Happy"	11/151/P4	
21:10	"Camera wrap": end of first day of filming "Happy"	11/151/P4	
23:22		9/94(a)/J10.2 (with metadata)	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
23:30		9/94(a)/J10.3 (with metadata)	
23:31		9/ 94(a)/J10.4 (with metadata)	
23:51		9/94(a)/J10.5 (with metadata)	
<i>Time unknown</i>	Additional pictures taken on the evening of 21 March 2013:	9/94(a)/J10.1	

Appendix 1 to Defendants' closing submissions


Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
			
		11/165(b)/P57.3	
		11/165(b)/P57.7	
<p><i>Late in the evening of 21 March 2013 or early hours of 22 March 2013 (exact time unknown)</i></p>	<p>The painting incident started after the meeting with Keith Richards, and after the above photographs were taken.</p> <p>During the course of the incident, the Claimant attempted to set fire to <u>this</u> canvas painting¹:</p>	<p>Image of this painting contained is in text messages between JD and Whitney Henriquez dated 31 May 2013:</p> <p>7/2(b)(i)(A)/</p>	

¹ It is not the Defendants' case that the Claimant attempted to set fire to the glass-framed "Tasya van Pee" painting shown in text messages between JD and Whitney Henriquez dated 11 February 2014 at [7/2(b)(ii)/H23.4B-H23.4D].

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
		H23.4A	

Friday 22 March 2013: Day 2 of 3 of filming "Happy" documentary

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
12:00	Crew call for filming "Happy"	11/152/P12	
12:03	Text from Nathan Holmes to AH: <i>On my way to get him .</i>	7/1(e)/H21A.17a	
12:37	Text from AH to Nathan Holmes: <i>Trying to wake him now</i>	7/1(e)/H21A.17a	
	Text from Nathan Holmes to AH: <i>Hahahaha ok, thank you</i>		
13:37		6/148(f)/F894.263a (with metadata)	
14:11 [?]	Texts from Stephen Deuters to JD: <i>This is incredible here! Tom playing thru Dogwood and now Blind Love. No cameras yet. Just letting Tom get comfy. Going to be amazing. Keith just got here too.</i> <i>Don't want to do it without you having spoken to them both first tho</i> <i>Tom has settled. He's comfortable.</i> <i>Keith is in studio now</i>	7/56(c)/H206.7 (screenshot showing date/time of texts as "Mar 22, 2013, 21:11")	Timestamp on screenshot cannot be accurate as by 21:11 filming had finished (see filming report at [11/152/P12]).

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
	<i>Keith is rehearsing</i> <i>We are not shooting yet but could start any minute</i>		Therefore time zone converted from UTC+0 (London) to UTC-7 (Los Angeles).
14:44	First shot that day of filming "Happy"	11/152/P12	
<i>Time unknown but post-14:44</i>	Text from Stephen Deuters to JD: <i>We've started shooting so you know</i> Text from JD to Stephen Deuters: <i>GO GODDAMIT!!! I am but a fly on the wall!!! Com-mence!!! There is nothing I can add to whatever magic is already there!!! GO!!! You make whatever calls you need to make!!! I'm on my way...</i> Text from Stephen Deuters to JD: <i>Cool. We're getting it. It's amazing.</i>	7/56(c)/H206.8 (second page of screenshot showing date/time of texts as "Mar 22, 2013, 21:11")	Timestamp on screenshot cannot be accurate as by 21:11 filming had finished (see filming report at [11/152/P12]). Therefore time zone converted from UTC+0 (London) to UTC-7 (Los Angeles).
15:08	Texts from AH to Whitney Henriquez: <i>Let me know before you get here</i> <i>Johnny is over still and we're fighting</i> <i>So please done come in yet</i> <i>It's kinda nasty but winding down</i>	7/1(c)/H21A.12	
15:09	Text from AH to Whitney Henriquez: <i>Cool?</i>	7/1(c)/H21A.12	
15:10	Text from AH to Whitney Henriquez: <i>Um? Did u not get that text ?</i>	7/1(c)/H21A.12	
15:23	Text from Whitney Henriquez to AH: <i>Sorry I was driving couldn't read them</i>	7/1(c)/H21A.12	
16:18	Text from AH to Christi Debrowski: <i>I'm so sorry. I don't know what to do.</i>	7/1(f)/H21A.23	
16:48	Text from Christi Debrowski to AH: <i>Don't be sorry! I am not completely sure if what is going on or why but I don't love what I it is</i>	7/1(f)/H21A.23	
16:50	Text from Christi Debrowski to AH:	7/1(f)/H21A.23	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
	<i>It is sad and I am sorry you guys are going thru this. I am here if there is anything I can do!</i>		
16:57 – 17:27	Lunch break during filming of "Happy"	11/152/P12	
17:02	Text from Christi Debrowski to AH: <i>Please let me know if i can do anything!</i>	7/1(f)/H21A.23	
17:14	Text from AH to Christi Debrowski: <i>I don't know what you could do.... He's upset and there's nothing I can do to reason with him. He's another person when he's like this. he's fueled up on booze and coke. And he believes we are fighting. No one is fighting with him. He's just gone. And this is the 4th time this week. the only time we have kind of fight is when that combo is in action. it's been killing me lately. I don't know how to avoid the blow out. I can't reason with him or calm him down, I cant even avoid it. He finds something to jump on and then uses it as an excuse to dose himself up. Which is where he is now. Wasted. I feel terrible and responsible some now for mess. And I only want to see him happy. I just want to help. I just want to have him back- and for some reason I find myself in the middle of his spiral. I feel terrible. I don't know what to do.</i>	7/1(f)/H21A.23	
17:16	Text from AH to Paige Heard: <i>Dealing with Johnny's spiral. It's terrible mom. I don't know what to do</i>	7/1(b)/H21A.1	
17:19	Text from AH to Christi Debrowski: <i>Please know I'm trying (and have been trying) to get him to feel like leaving. To film. He won't</i>	7/1(f)/H21A.23	
17:20	Text from Paige Heard to AH: <i>Get away - go somewhere else. Tell him you love him totally and this is the only way to protect that love. Come home, go to a motel, anywhere that's safe until it passes. You have to remove yourself from that spiral - not his love but please leave. Say I have an emergency if you need to. Please</i>	7/1(b)/H21A.1	
17:21	Text from Christi Debrowski: <i>I think with anyone in that place confrontation unfortunately doesn't help and sometimes conversations can seem like confrontations.</i>	7/1(f)/H21A.23	
17:23	Text from Christi Debrowski to AH:	7/1(f)/H21A.24	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
	<i>Disagreeing, reasoning, nudging all can seem like confrontations. I am not sure of the volume or when some is likely to wear off?</i>		
	Text from Paige Heard to AH: <i>You cannot reach him logically at this juncture (his logic) as it does not exist. What can I do? Can I call with an emergency?</i>	7/1(b)/H21A.1	
17:31	Text from Paige Heard to AH: <i>I am so very sorry but you have to change something or what happened last time is inevitable. I know you hate to lie and take things head-on but not right now. Please keep in touch</i>	7/1(b)/H21A.1	
17:38	Text from Paige Heard to AH: <i>Does he have any "good" friends?</i>	7/1(b)/H21A.1	
17:52	Text from Paige Heard to AH: <i>Go to Maui - marks there for the spring / summer. He won't ask questions</i>	7/1(b)/H21A.1	
17:56	Text from AH to Nathan Holmes: <i>Success ! He's coming down</i>	7/1(e)/H21A.18	
17:57	Text from AH to Nathan Holmes: <i>You guys here?</i>	7/1(e)/H21A.18	
	Text from Nathan Holmes to AH: <i>Back</i>		
17:58	Text from AH to Christi Debrowski: <i>Not sure how much he needs to drink for it to not wear off. I finally managed to get him to calm down. I agreed to come with him - its the only way he'd get up and agree to leave . Hopefully he'll be ok</i>	7/1(f)/H21A.24	
	Text from AH to Nathan Holmes: <i>Coming in 2</i>	7/1(e)/H21A.18	
18:01	Text from Christi Debrowski to AH: <i>Xoxo</i>	7/1(f)/H21A.24	
	Text from Christi Debrowski to AH: <i>I am going to 80 now. So far all is good there. I just want to make sure personally and I will be there and head back to OFC when I know all good</i>	7/1(f)/H21A.24	
	Text from Nathan Holmes to AH: <i>The woman downstairs just blocked us in and went in the apartment</i>	7/1(e)/H21A.18	
	Text from Nathan Holmes to AH: <i>Bugger</i>	7/1(e)/H21A.18	
18:03	Text from Christi Debrowski to AH: <i>No need to rush him</i>	7/1(f)/H21A.24	
18:08	Text from Paige Heard to AH: <i>No judgement here i promise just keep me informed that you are okay. You are my world</i>	7/1(b)/H21A.1	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
18:09	Text from AH to Christi Debrowski: <i>Ok. He's slowly starting to getting</i>	7/1(f)/H21A.24	
18:10	Text from AH to Christi Debrowski: <i>*get moving</i>	7/1(f)/H21A.24 – H21A.25	
	Text from Christi Debrowski to AH: <i>Don't rush. Ya know.</i>		
	Text from Christi Debrowski to AH: <i>Ok. Xoxo</i>		
18:10	First shot of filming after lunch	11/152/P12	
19:01	Text from Christi Debrowski to AH: <i>Ok. All ok?</i>	7/1(f)/H21A.25	
	Text from AH to Christi Debrowski: <i>We're finally on the way.</i>	7/1(f)/H21A.25	
	Text from AH to Christian Carino: <i>Yay. Btw- JD fell off the wagon last night- hardcore. He's on hour 24 of a major binge - sis is here trying to help. Long story Trying to escape here soon though- and will head over to yours. Would it be ok if I brought sis,</i>	7/1(g)/H21A.27	
	Text from AH to Christian Carino: <i>?</i>	7/1(g)/H21A.27	
19:02	Text from AH to Christi Debrowski: <i>Well . Ok enough I guess.</i>	7/1(f)/H21A.25	
	Text from AH to Paige Heard: <i>He's nuts mom. Violent and crazy. I am heartbroken that THIS is who I love .</i>	7/1(b)/H21A.2	
19:03	Texts from Christi Debrowski to AH: <i>Was just hoping all calm for you guys.</i>	7/1(f)/H21A.25	
	<i>I understand.</i>		
19:08	Text from Christian Carino to AH: <i>Of course. If you need me to come there to help you I will in a split second. x</i>	7/1(g)/H21A.27	
~19:15	JD arrives at Sweetzer Avenue: camera screenshot of film recording featuring JD shows time of "19:15:04".	11/152/P18	
19:17	Texts from AH to Christian Carino: <i>Thanks</i>	7/1(g)/H21A.27	
	<i>Ill let you know</i>		
19:56	"Camera wrap": end of second day of filming <i>"Happy"</i>	11/152/P12	
20:05	Text from Raquel Pennington to AH: <i>What you doing tonight?</i>	7/1(d)/H21A.17	
20:14	Text from Paige Heard to AH: <i>You should' tell your dad and be honest. JD will listen best chance</i>	7/1(b)/H21A.2	
	Text from AH to Christian Carino: <i>I'm stuck here for the moment. I'm trying to wrangle myself free. Stay tuned</i>	7/1(g)/H21A.27	
20:21	Text from Christian Carino to AH:	7/1(g)/H21A.27	


Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
	<i>Ok. Selena just got here. xo</i>		
20:32	Text from AH to Christian Carino: <i>On the way</i>	7/1(g)/H21A.28	
20:33	Text from Christian Carino to AH: <i>Great</i>	7/1(g)/H21A.28	
20:37	Text from AH to Paige Heard: <i>I can't tell dad.</i>	7/1(b)/H21A.2	
20:39	Text from AH to Raquel Pennington: <i>Going to Christian Carinos house for a little dinner</i>	7/1(d)/H21A.17	
20:40	Text from AH to Raquel Pennington: <i>JD has been crazy. He's on a major bend and I am so fucking of the drama I can't even tell you. I feel really lonely and freaked out</i>	7/1(d)/H21A.17	
20:42	Text from AH to Paige Heard: <i>It's ok mom. He's not being violent with me. He's just even raging in general. And the crazy mood swings and binges are really difficult for me to handle</i>	7/1(b)/H21A.2	
20:44	Text from Christi Debrowski to AH: <i>You do NOT have to thank me!!!!</i> Text from Christi Debrowski to AH: <i>I am gonna tell him he has a key if he wants to go to your place right? Because you told him you were going?</i> Text from AH to Christi Debrowski: <i>I'm here for him when he needs me . Please make sure he knows that if he's asking / looking . Thanks for listening earlier. I adore you. Have a good night.</i>	7/1(f)/H21A.25	
20:46	Text from Christi Debrowski to AH: <i>We can get back to the good moments!!! Together. Xoxoxoxoxoxoxoxoxo</i> Text from Paige Heard to AH: <i>I'm here for you</i>	7/1(f)/H21A.26 7/1(b)/H21A.2	
20:48	Text from AH to Christi Debrowski: <i>Yeah -I told him I was leaving and going home after I got some dinner. He knows he has a key.</i> Text from AH to Christi Debrowski: <i>You're the best</i> Text from AH to Paige Heard: <i>I feel really lost and lonely</i> Text from AH to Paige Heard: <i>He's a madman.</i>	7/1(f)/H21A.26 7/1(f)/H21A.26 7/1(b)/H21A.2 7/1(b)/H21A.2	
20:49	Text from AH to Paige Heard: <i>I feel like I'm on a very fastening train that's about to explode but I don't want to jump off and leave my love behind . So I stay on the train.even though I know it's about to explode</i>	7/1(b)/H21A.2	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
20:50	Texts from Christi Debrowski to AH: <i>Perfect. Will remind him.</i> <i>Xoxoxoxo.</i>	7/1(f)/H21A.26	
20:56	Text from AH to Christian Carino: <i>Can i bring anything ?</i>	7/1(g)/H21A.28	
20:57	Text from AH to Christi Debrowski: <i>Will you please let me know if and when he's leaving there? Just so I know if he's coming over ? I doubt he'll be able to text me..</i>	7/1(f)/H21A.26	
20:58	Text from Christian Carino to AH: <i>Yourself.</i>	7/1(g)/H21A.28	
	Text from Christi Debrowski to AH: <i>If I am here I will make sure to text you. Either me or Nathan or Stephen will ok?</i>	7/1(f)/H21A.26	
	Text from Paige Heard to AH: <i>Relapse-he will probably go back on the wagon (hopefully soon) are you okay for tonight relatively speaking? Honestly? My heart is with you.</i>	7/1(b)/H21A.3	
21:03	Text from Christi Debrowski to AH: <i>Enjoy your dinner. Xo</i>	7/1(f)/H21A.26	
21:08	Text from AH to Christi Debrowski: <i>Perfect. Thanks</i>	7/1(f)/H21A.26	
21:09	Text from AH to Christian Carino: <i>Almost there</i>	7/1(g)/H21A.28	
	Text from Christian Carino to AH: <i>Cool</i>		
	Text from Christian Carino to AH: <i>What do u want to drink. I'll have it ready</i>		
21:11	Text from AH to Paige Heard: <i>No- my heart is broken. I'm ok physically. JD didn't hit me or anything last night. I told him that would be if he did and it worked last night. But I'm scared by what I see and who I see now. It's Dr Jekyll and mr Hyde -- on a binge .</i>	7/1(b)/H21A.3	
	Text from AH to Christian Carino: <i>Red!</i>	7/1(g)/H21A.28	
	Text from AH to Christian Carino: <i>Please</i>	7/1(g)/H21A.28	
	Text from Christian Carino to AH: <i>Done</i>	7/1(g)/H21A.28	
21:18	Text from Paige Heard to AH: <i>I've been up 20 hours and ill try not to doze off. My phone will be on my pillow. Do not hesitate to call repeatedly in case I doze off. I'm really really scared for you and acutely feel your pain and uncertainty. Please text or call me in the am irregardlessly</i>	7/1(b)/H21A.3	
21:56	Text from AH to Paige Heard:	7/1(b)/H21A.3	

Appendix 1 to Defendants' closing submissions

Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
	<p><i>Why are u staying up? I'm ok</i></p> <p>Text from Nathan Holmes to AH: <i>Do you have your I pador is this it ?</i></p> 	7/1(e)/H21A.19	
22:12	<p>Texts from AH to Nathan Holmes: <i>That's it!</i></p> <p><i>Will you tell me when he's leaving?</i></p>	7/1(e)/H21A.19	
22:17	<p>Text from Nathan Holmes to AH: <i>Perfect.. I think he's going to stay up at 66 tonight , but I really don't know . I will hold on to your I pad and get it back to you tomorrow</i></p>	7/1(e)/H21A.19	
22:23	<p>Text from AH to Nathan Holmes: <i>Is he ? Will you ask him to call me?</i></p>	7/1(e)/H21A.19	
22:24	<p>Texts from Nathan Holmes to AH: <i>I don't know what he's doing .. I will keep you posted .. I think he's texting you now</i></p> <p><i>He's sat talking to ruth</i></p>	7/1(e)/H21A.19 - .20	
22:34	<p>Text from AH to Nathan Holmes: <i>Ok</i></p> <p>Text from AH to Nathan Holmes: <i>Thanks</i></p> <p>Text from AH to Nathan Holmes: <i>See you later</i></p> <p>Text from Nathan Holmes to AH: <i>Yay x</i></p> <p>Text from Christian Carino to AH: <i>I love u</i></p>	7/1(e)/H21A.20	
22:37	<p>Texts from AH to Christian Carino: <i>I love you.</i></p> <p><i>I can't tell you how much I appreciate you jn my life. Please please don't worry about me . You're going to be one of the first to know if I need help. I promise</i></p>	7/1(g)/H21A.29	
22:38	<p>Text from AH to Christian Carino: <i>And thank you for the wine! Ha... I needed that ;)</i></p>	7/1(g)/H21A.29	
22:39	<p>Text from Christian Carino to AH: <i>I will jump in the car to come get you...or both of you. Just text. And I know you are meant to be with him. He can't love anyone else. It's in his eyes. Same with Kara. xo</i></p>	7/1(g)/H21A.29	
23:04	<p>Text from Christian Carino to AH: <i>You ok?</i></p>	7/1(g)/H21A.29	

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Time (local time in Los Angeles)	Event	Trial bundle reference	Comments
23:05	Text from AH to Christian Carino: <i>Yeah. All good. Ill let you know if it changes all the sudden (quite possible)</i>	7/1(g)/H21A.29	
23:06	Text from Christian Carino to AH: <i>K. Be safe...and happy. xo</i>	7/1(g)/H21A.29	
23:36	Text from Raquel Pennington to AH: <i>You do have a really difficult situation on your hands. You don't want to be the parental unit but I know it's hard to see someone spin so far off. Just remember you don't have to be around for it. You can take a dignified bail and see him in the morning when things are more normal hopefully.</i>	7/1(d)/H21A.17	
23:57	Texts from AH to Nathan Holmes: <i>Is he alright?</i> <i>Still upright ?</i>	7/1(e)/H21A.20	
23:58	Text from Nathan Holmes to AH: <i>He's a lot better than he was .. Still upright</i>	7/1(e)/H21A.20	
00:00	Text from AH to Nathan Holmes: <i>Ok. Good. Text me if u need to</i>	7/1(e)/H21A.20	



Saturday 23 March 2013: Day 3 of 3 of filming "Happy" documentary

00:02	Text from Nathan Holmes to AH: <i>Will do lovely .. Are you ok ?</i>	7/1(e)/H21A.21	
	Text from AH to Nathan Holmes: <i>I guess. Sad. But ok. Thanks for asking . Hope you're ok too...? See you tomorrow .</i>	7/1(e)/H21A.21	
00:03	Text from Christian Carino to AH: <i>Everything ok?</i>	7/1(g)/H21A.30	
00:06	Text from Nathan Holmes to AH: <i>It might be good if he stays here tonight, just to give you a peaceful night and also let him sober up .. Hopefully we can get him into work mode tomorrow and you can come up !! Bring a hot single friend with you .. Or your sister !! Hahahaha I just want everyone to be happy .</i>	7/1(e)/H21A.21	
00:10	Text from Nathan Holmes to AH: <i>He won't drink at work because he thinks no one knows he's drinking again</i>	7/1(e)/H21A.21	
00:11	Text from AH to Nathan Holmes: <i>Yeah- I think so too. Is he still hanging out ? Does he seem like he'll stay settled ?</i>	7/1(e)/H21A.21	
00:12	Text from Nathan Holmes to AH: <i>He's sat in 66 with ruth, Calvin and Bruce .. I'm hiding in the kitchen</i>	7/1(e)/H21A.21	
00:13	Texts from AH to Nathan Holmes: <i>Ok . Good. I hope he wants to stay there</i>	7/1(e)/H21A.21	

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	<i>Ill text him I'm falling out soon. Maybe that'll help</i>		
00:14	Text from Nathan Holmes to AH: <i>He should stay , I will make sure he does .. Get a good nights sleep</i>	7/1(e)/H21A.22	
00:53	Text from Paige Heard to AH: <i>For you KK</i>	7/1(b)/H21A.3	
09:40	Text from Paige Heard to AH: <i>Are things better? Did he sleep?</i>	7/1(b)/H21A.4	
09:52	Text from Paige Heard to AH: <i>I'm sorry I overreacted last night. I promise ill do better</i>	7/1(b)/H21A.4	
11:27	Text from AH to Paige Heard: <i>It's ok mom</i>	7/1(b)/H21A.4	
11:30	Text from Paige Heard to AH: <i>Are you ok?</i>	7/1(b)/H21A.4	
11:41	Text from AH to Paige Heard: <i>Not sure. It's been kinda crazy</i>	7/1(b)/H21A.4	
11:42	Text from Paige Heard to AH: <i>This has to be a nightmare for you. Uncontrolled</i>	7/1(b)/H21A.4	
	Text from AH to Paige Heard: <i>He makes dad look like a saint when he falls off the wagon</i>		
	Text from AH to Paige Heard: <i>Goddamn</i>		
11:46	Text from Paige Heard to AH: <i>It probably won't last - when your dad comes out there he will have a talk with him as he is sober (so to speak). Just remember to stay out of his way when he hits that critical hairpin point. I love you so much</i>	7/1(b)/H21A.5	
11:48	Text from Paige Heard to AH: <i>Is he even aware of how bad it's gotten?</i>	7/1(b)/H21A.5	
11:52	Text from Paige Heard to AH: <i>It's the last thing on earth you would have walked into. Where is Steve?</i>	7/1(b)/H21A.5	
12:09	Text from AH to Paige Heard: <i>He told his friend yesterday that he was "really lost" but of course when I try to suggest that's a part of the fighting etc - he claims he's totally not affected what so ever by it!</i>	7/1(b)/H21A.5	
	Text from Paige Heard to AH: <i>Wow that's delusional</i>		
12:12	Text from Paige Heard to AH: <i>Can he attribute it to anything else?</i>	7/1(b)/H21A.5	
12:13	Text from Paige Heard to AH: <i>You are in his house with him and his demon, no?</i>	7/1(b)/H21A.5	
12:14	Texts from AH to Paige Heard: <i>He's been at my House for weeks now</i>	7/1(b)/H21A.5 - .6	
	<i>Every night</i>		
	<i>Last night I locked the deadbolts ("on accident") and fell asleep</i>		

Appendix 1 to Defendants' closing submissions

	<i>So it was my first peaceful night</i>		
12:16	Text from Paige Heard to AH: <i>Good move (dead bolts). This is so bad....</i>	7/1(b)/H21A.6	
12:20	Text from AH to Paige Heard: <i>You have no idea</i>	7/1(b)/H21A.6	
12:26	Text from Paige Heard to AH: <i>Your dad or I would fly out today if it would help. It sounds like you need someone now. I can charge it so you don't need to pay and no one needs to know.</i>	7/1(b)/H21A.6	
12:35	Text from Paige Heard to AH: <i>I am guessing that he "knows" he's fucking up and that's fueling his disgust and he drinks more. And you are trapped in and by that cycle. Amber, honey, I am so very sorry this is happening to you. You brought NONE of this on</i>	7/1(b)/H21A.6	
12:39	Text from Paige Heard to AH: <i>Do you have any idea what snapped him out of this before?</i>	7/1(b)/H21A.6	
13:00	Call time on film set of "Happy" documentary	11/154/P29; 11/153/P20	
13:16	Texts from AH to Paige Heard: <i>No - I don't</i> <i>I don't have an idea what to do</i>	7/1(b)/H21A.6 - .7	
13:18	Text from Paige Heard to AH: <i>Are the kids still in town? Surely he would straighten up before seeing them. Once out of this cycle you'll have a different JD</i>	7/1(b)/H21A.7	
13:22		6/148/F894.001A (with metadata)	
	Text from AH to Paige Heard: <i>From 2 weeks ago today</i> 	7/1(b)/H21A.7	
13:27	Text from Paige Heard to AH: <i>Oh my baby.</i>	7/1(b)/H21A.7	
13:28	Texts from Paige Heard to AH: <i>Has he stayed this way since then!</i>	7/1(b)/H21A.7	

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	?		
13:29	Text from Paige Heard to AH: <i>What are his body guards doing? You need your own</i>	7/1(b)/H21A.8	
13:30	Text from Paige Heard to AH: <i>Can you leave at all?</i>	7/1(b)/H21A.8	
13:45	Text from Paige Heard to AH: <i>Can your dad text JD just to say hi? He doesn't know anything but I could suggest that he text him, since they are such good bros. he'd love to</i>	7/1(b)/H21A.8	
14:02	Text from Paige Heard to AH: <i>He texted him on his own</i>	7/1(b)/H21A.8	
14:04	Text from Paige Heard to AH: <i>I know that this isn't the real JD but I am seriously worried about your safety</i>	7/1(b)/H21A.8	
15:16	First shot that day of filming "Happy"	11/153/P20	
15:19	Text from Paige Heard to AH: <i>He texted JD asking him to check on you. Let me know if there's any reaction. At this point I'm Afraid anything might set him off. Your dad knows nothing or the text would be very different. He was just texting his "bro".</i>	7/1(b)/H21A.8	
15:29	Text from Paige Heard to AH: <i>I'm making a fresh blackberry cobbler - wish you were here</i>	7/1(b)/H21A.8	
15:40	Text from AH to Paige Heard: <i>Why and what did he text him?</i>	7/1(b)/H21A.8	
15:43	Text from Paige Heard to AH: <i>He ran to the store. So I'm not exactly sure. Ill tell you as soon as he gets back. Just Brother to brother bs since they are compadres</i>	7/1(b)/H21A.9	
15:45	Text from Paige Heard to AH: <i>He knows nothing of what's going on.</i>	7/1(b)/H21A.9	
15:51	Text from Paige Heard to AH: <i>He said earlier that you hadn't called him lately.</i> Text from AH to Paige Heard: <i>Why would he ask him to check on me though?</i>	7/1(b)/H21A.9	
15:53	Text from AH to Paige Heard: <i>Dad ?</i> Text from Paige Heard to AH: <i>I think Kate called him and he wanted it to be you</i> Text from Paige Heard to AH: <i>I didn't know he asked him to check on you or why really. Yes your dad wants you to call him</i>	7/1(b)/H21A.9	
15:55	Text from Paige Heard to AH: <i>He probably wants money</i>	7/1(b)/H21A.9	
16:10	Text from AH to Paige Heard: <i>Ill call him</i>	7/1(b)/H21A.9	
16:36	Text from Paige Heard to AH: <i>I'm sure sorry if that caused problems. I can only imagine the volatility of your situation. Will you be safe tonight?</i>	7/1(b)/H21A.10	
17:02	Text from AH to Paige Heard:	7/1(b)/H21A.10	

	<i>Yes! I'm safe mom</i>		
17:04	Text from Paige Heard to AH: KK	7/1(b)/H21A.10	

Other relevant documents:

- Photograph of Amber Heard and Ian McLagan. On 5 July 2020 the Claimant disclosed this to the Defendants with a metadata date/time of “April 7, 2013 11:02PM” [9/86(e)(i)/J48.16] but on 21 July 2020 Ms Laws QC put to Ms Heard in cross-examination that this photograph was in fact taken on 23 March 2020. This assertion was made on the basis of the travel documents of Ian McLagan [11/ Tabs 148 and 149]: see Transcript, Day 11, pages 1810 – 1817.
- Ms Heard’s evidence was that “I do not know when it [this photograph] was taken” but her bottom lip in this photograph looked swollen to her (Day 11, pages 1810, lines 10-17 and pages 1817-18).
- Ms Henriquez’ evidence was that in this photograph “I see makeup and a split lip.” (Day 13, page 2156, lines 19-20).



Australia chronology: 6th – 9th March 2015
 Defendants' chronology of relevant documentary evidence

Date/ Time (local ¹)	Event	Trial Bundle ref	Comments / original timestamps (pre-conversion to local time)
13 February 2015	Claimant arrives in Australia	4/137/F842	
25 February 2015 to 3 March 2015	'Australia drugs texts' between JD and Nathan Holmes	File 10; Tab 147(a), page 0264 to page 0271 Additional texts in: File 7, Tab 5(b), pages H30.2- H30.5: text numbers 80039-80257 and 80436	
Friday 6 March 2015			
13:22	JD texts Stephen Deuters and Christi: Honestly... I will not again be doing anything that involves the discussion of furthering my embarrassment of having whored for all these fucking wasted piece of shit nothing years on characters that I so ignorantly started to think of as my legacy... Every cuntinng fight!!	File 6; Tab 119, F697.58	3/6/2015 3:22:31 AM(UTC+0)

¹ Gold Coast of Australia: UTC+10.

14:22	<p>every fucking time!!! I held my ugliness and rage deeper down and get n check, when there was still room in my head to do such a thing !!!!!!!!</p> <p>Stephen Deuters texts JD and Christi:</p> <p>When I was a kid, I loved my writers, my directors, my musicians... But there was only ONE actor I loved. ONE actor whose films I would go and see every single one of, at the cinema. And I was not alone. Nor am I now. You are a MAVERICK. An ARTIST. A bona-fide FUCKING LEGEND. One of the ALL TIME GREATS...ALL TIME!!! You are LOVED out there in the world and all anybody wants to see on that screen is the Johnny Depp they know and LOVE. That said, you DESERVE some time off - take a break, look after yourself for a while - then we can discuss other stuff. But, just for now, you need to be far less harsh on yourself and remember and salute all that you have accomplished in life. No one has achieved what you have managed to achieve, from critical hero to box office juggernaut, all the while managing to retain the people's touch. A phenomenal, unprecedented, never to be repeated feat!!! You've inspired MULTIPLE generations of young artists, from actors to musicians, to wannabe writers... In fact, similar to Keith in that respect, you've transcended all genres - you're the one who everybody loves, been accepted by every niche. So, as I've told you before, to call it an honor to work for you, doesn't do my feelings on the topic any justice whatsoever. But, safe to say, I wouldn't work for anyone else. You're the reason I'm in this business, and by fuck, does this business need you.</p>	File 6, Tab 119, F697.58	3/6/2015 4:22:24 AM(UTC+0)
14:41	<p>JD texts Stephen Deuters and Christi:</p> <p>You are a kind man... The sweetest and... You break my heart... Thank you for saying what you said and for feeling what you felt...</p> <p>I am nothing more thAn just another nobody who did a whole bunch of nothing... and crawled out to play their games...</p> <p>MY GOAL IS TO NNNNNNNNNN OOOOOOOOOO TTTTTTTTTTTT be remembered!!! I WANT EVERYTHING ABOUT ME DEAD AND GONE... I WISH TO BE FORGOTTEN!!!</p>	File 6, Tab 119, F697.59	3/6/2015 4:41:18 AM(UTC+0)
14:43	<p>JD texts Stephen Deuters and Christi:</p> <p>Truly. Not a blip... Forget... Because it's all shit. I hate I hate I hate</p>	File 6, Tab 119, F697.59	3/6/2015 4:43:43 AM(UTC+0)


15:13	Stephen Deuters texts JD and Christi: Well that breaks my heart, but I am listening, I hear you... And somehow we need to figure this out, because we have to... I love you to bits, as do so many others, both near and far... And so we will figure this out... Everything passes in time X	File 6; Tab 119, F697.59	3/6/2015 5:13:36 AM(UTC+0)
Saturday 7 March 2015			
Time unknown	Medical notes for AH: 3/7/15: Ct notifies RN via text of increasing anxiety. Reports emotional lability. RN encourages client to use distraction and coping skills taught in past. Ct reports self-admin additional Serquel 12.5mg at 0430 due to insomnia. Ct able to sleep again at 0500 until 0930. RN encourages ct to remain in contact to assist in decreasing anxiety and increase emotional stabilizaton.	File 9, Tab 132, page K205	
15:12 [?] [Time/date unclear]	Stephen Deuters texts Christi: Hi C. Not sure how much you are aware of right now, but I am at the house with Kipper and Debbie, who are speaking with JD and Amber respectively, separately. Obviously, things have not calmed over the last day or so - apparently there he has been making calls to LA but I am not aware of the particulars there as well as fighting between the two here - so Kipper is now talking to JD, hoping to get thru to him, and explain to him that 'this period' needs to end now before we get into real trouble. I'll keep you posted on the outcome. The good news thus far is that JD did not cancel this mtg and that he is engaging in conversation. We'll see how that goes and will do whatever ever we need to do. I also heard that Mom was in hospital. Sorry to hear that. I hope she's ok. X	File 6; Tab 119, F697.59	3/7/2015 5:12:52 AM(UTC+0) There was some confusion about the timing of this message. Mr Deuters stated in oral evidence that he sent this message after he was aware of the Claimant having injured his finger, and that he did not know when this message was sent: Day 5, Page 820, line 24 – Page 821, line 12
18:17 [?] [Time/date unclear]	Stephen Deuters texts Christi: well conversations seem to be going well...JD is agreeing to all that Kipper is requesting he do, in order to turn himself around...of course we've heard that before, so we'll see... they are now sat with Amber as well, but look to be wrapping up soon...more shortly	File 6; Tab 119, F697.60	3/7/2015 8:17:04 AM(UTC+0)
21:17	JD texts Nathan Holmes: Also... May I be ecstatic again??? Helps... Color me deceased	File 7, Tab 5(b), page H30.5	See comment in respect of text message directly above Timestamp: 3/7/2015 3:17:32 AM(UTC-8)

21:24	<p>Nathan Holmes texts JD: This is what I have for the HBO thingy , but it doesn't really make sense to me , maybe Amber knows how to set it up ? HBO to go HBOtogokmd kmd2000k@gmail.com hbotogo.com/activate put in device code directv cd@infinitem-nihil.com tontosgiantnuts</p>	File 10; Tab 147(a), page 0271	Timestamp: 3/7/2015 3:24:48 AM(UTC-8)
Sunday 8 March 2015			
02:59	<p>Paige Heard texts JD: Hey my son-out-law, I've been thinking about you way down under. Please know no amount of miles or number of continents will separate you from my love. I am so honored and proud that you are my son. I wake up every single morning and smile. Please keep your lovely bride from those giant insects. She will freak. Even big bugs won't keep her away from you, but she may be on the ceiling- lol</p>	File 7, Tab 5(b), pages H30.5	3/7/2015 4:59:44 PM(UTC+0)
03:03	<p>Paige Heard texts JD: I've never seen her (via text) as happy and in-love. I hope you are too.... Your mean ole MOL (mother-out-law)</p>	File 7, Tab 5(b), pages H30.6	3/7/2015 5:03:20 PM(UTC+0)
03:16	<p>Paige Heard texts JD: You've added a whole new chamber to my heart.</p>	File 7, Tab 5(b), pages H30.6	3/7/2015 5:16:01 PM(UTC+0)
04:54	<p>JD texts David Heard: My dear brother... Worst decision that either one have</p>	File 10; Tab 147(a), page O115	Timestamp: 3/7/2015 10:54:54 AM(UTC-8)
04:55	<p>JD texts David Heard: Made...</p>	File 10; Tab 147(a), page O115	Timestamp: 3/7/2015 10:55:05 AM(UTC-8)

04:55	JD texts David Heard: PLEASE DON'T TELL PAIGE!!!	File 10; Tab 147(a), page O115	Timestamp: 3/7/2015 10:55:24 AM(UTC-8)
04:56	David Heard texts JD: Man what is going on what are you talking about	File 10; Tab 147(a), page O115	Timestamp: 3/7/2015 10:56:00 AM(UTC-8)
04:56	David Heard texts JD: Talk to me Johnny are you and amber fighting are you talking about my sister I don't know	File 10; Tab 147(a), page O115	Timestamp: 3/7/2015 10:56:53 AM(UTC-8)
09:49	Dr Kipper texts JD: Hope your evening was a bit more comfortable. I enjoyed our time yesterday and sorry you are struggling. I know we can make you feel better. I will come by at 3 today for a visit.	File 10; Tab 147(a), page O142	Timestamp: 3/7/2015 3:49:20 PM(UTC-8)
11:00	JD texts Dr Kipper: Hi... Fucked, man... Had another one... I just cannot live like this... She is as full of shit as a Christmas Goose!!! I'm done. NO MORE...!!! The constant insults, the demeaning, belittling, most heartbreaking spew that is only released from a malicious, evil and vindictive cunt!!!! But, you know what... ?? FAR MORE hurtful than her venomous and degrading, endless "educational" ranting...??? Is her hideously and purposely hurtful tirades and her goddam shocking treatment of the man she was meant to love, above all... Here's the real deal, mate... Her obsession with herself..?? Is far more important... She is SO FUCKIN' AMBITIOUS!!! She's so desperate for success and fame... That's probably why I was acquired, mate...!! Although, she has HAMMERED me with what a sad old man, has been I am...	File 7, Tab 5(b), page H30.6	Timestamp: 3/7/2015 5:00:53 PM(UTC-8)

	<p>Cowan has done me the most cruel of favors... I'm so very sad... I cut the top of my middle finger off... What should I do!?? Except, of course, go to a hospital... I'm so embarrassed for jumping into anything with her... FUCK THE WORLD!!! JD</p>		
11:05	<p>JD texts Nathan Holmes: Need more whitey stuff ASAP, brotherman... And the e business!!! Please... I'm in bad, bad shape... Say NOTHING to NOBODY!!!!</p>	File 7, Tab 5(b), page H30.6	Timestamp: 3/7/2015 5:05:43 PM(UTC-8)
11:10	<p>Nathan Holmes texts JD: Okie dokie</p>	File 7, Tab 5(b), page H30.7	Timestamp: 3/7/2015 5:10:09 PM(UTC-8)
11:21	<p>Dr Kipper to JD: Call me</p>	File 7, Tab 5(b), page H30.7	Timestamp: 3/7/2015 5:21:04 PM(UTC-8)
11:30	<p>Dr Kipper notes</p> <p>1130 – MD received a text msg from client that he had been arguing with wife and that he had cut his finger. According to patient his assistant and security were on there way to pick him up.</p> <p>New Med Order</p> <p>Augmentin 875 mg BID x10D</p>	File 4, Tab 137, page F844	Notes recorded as "3/7/15" but likely should be dated 8 th March 2015
11:37	<p>Malcolm Connelly texts JD: Be there in 30 mins JD!</p>	File 7, Tab 5(b), page H30.7	3/8/2015 1:37:32 AM(UTC+0)
11:57	<p>Malcolm Connelly texts JD: I'll be outside.</p>	File 7, Tab 5(b), page H30.7	3/8/2015 1:57:00 AM(UTC+0)

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12:08	Malcolm Connelly texts JD: 20 mins! Stay calm mate!		File 7, Tab 5(b), page H30.7	3/8/2015 2:08:10 AM(UTC+0)
12:10	Malcolm Connelly texts JD: 15 mins		File 7, Tab 5(b), page H30.7	3/8/2015 2:10:56 AM(UTC+0)
12:14	Malcolm Connelly texts JD: 10 mins		File 7, Tab 5(b), page H30.7	3/8/2015 2:14:49 AM(UTC+0)
12:19	Malcolm Connelly texts JD: 4mins		File 7, Tab 5(b), page H30.7	3/8/2015 2:19:11 AM(UTC+0)
12:57			File 9, tab 87(h)(ii), p. J1.4B	
<i>Time unknown</i>			File 5, tabs 156(a) and (b)	
<i>Time unknown</i>			File 5, tab 157	



13:00	<p>Audio file: "F157_20150308 213330 Australia audio file (Exhibit 9 of Amber Heard's Divorce Exhibits)"</p> <p>Dr Kipper notes</p> <p>1300 – Patient was having a hard time leaving the house so security suggested the MD and RN go to house to see patient. Upon arrival to house patient was sitting in car ready to leave. MD assessed patient's finger and will spend more time with patient at the location he is being moved to.</p>	File 4, Tab 137, page F844	Recorded as "3/7/15" but likely should be dated 8 th March 2015
15:30	<p>Dr Kipper notes</p> <p>1530 – MD cleaned and dressed wound to R middle finger. RN, MD, security and assistant will be taking patient to ER to have finger wound properly cleansed and treated. Patient given Toradol 60 mg IM ROUQ and Augmentin 875mg PO.</p>	File 4, Tab 137, page F844	Notes recorded as "3/7/15" but likely should be dated 8 th March 2015
16:20	<p>JD admitted to Emergency Department at Gold Coast University Hospital and seen by Dr Sawhney. Dr Grant's discharge summary records that JD presented on "8 MAR 2015 at 16:20". Notes record that "He will be followed up tomorrow by Dr Sawhney and surgical options discussed."</p>	File 4, Tab 133, page F761	
17:25	<p>Gina Deuters texts Stephen Deuters: Any word from camp Amber?</p>	File 6, Tab 119, page F607.60	3/8/2015 7:25:52 AM(UTC+0)
21:30	<p>According to Dr Kipper's notes (see below), JD returns from the Emergency Room at 21:30</p>		
22:05 [?]	<p>Dr Sawhney emails Dr Kipper medical notes from treating JD</p>	File 4, Tab 132, page F759-760	"Sunday, March 8, 2015 4:05AM" Time zone unclear

22:41	<p>Christi texts Stephen Deuters: Oh wow! Poor thing!!! Much more bandaged than I thought...makes me so sad. It will be good for him to rest tomorrow...I hope that is what tomorrow is for him. Not sure if he is ok to work for a bit. Glad he has a few days but maybe not enough. If he feels ok to then Capt Jack may need an "injury"</p>	File 6, Tab 119, page F607.60	3/8/2015 12:41:14 PM(UTC+0)
22:58	<p>Stephen Deuters to Christi: Bandage makes it look worse - half of it will probably come off tmrw or Tuesday. I'll speak to Joe and Kenny to let them know that we will have to figure something house hand-wise altho we did spk about Cpt Jack having an injury, so it could be something... We'll have a brain storm on it. Hopefully Kipper will put him to sleep tonight and he can just rest for a few days. I really hope amber gets that flight!!</p>	File 6, Tab 119, page F607.60	3/8/2015 12:58:02 PM(UTC+0)
23:03	<p>JD texts Nathan Holmes: Hey... Can you come here???</p>		3/8/2015 1:03:07 PM(UTC+0)
23:07	<p>Nathan Holmes texts JD: Yes, be there very soon.</p>		3/8/2015 1:07:12 PM(UTC+0)
23:30	<p>Dr Kipper notes 1130 – Patient and staff returned from ER at 2130. Patient was seen by ER MD and hand specialists. Wound was cleaned and dressed and patient was given a tetanus shot L deltoid and given IV antibiotics. Discharge instructions were for patient to see hand specialists tomorrow to discuss possible treatment options for finger. Upon arrival back to apartment patient discussed feeling of anger and sadness about relationship. Patient was encouraged to stay away from wife as the relationship is toxic. Patient expressed verbal understanding and why they needed to separate. MD offered patient Valium 10mg IM to help with his anxiety and anger but patient refused. RN and MD suggested that patient take his bedtime meds and go to sleep and patient refused. Patient was talking about wanting to</p>	File 4, Tab 137, page F844 - 845	Notes recorded as "3/7/15" but likely should be dated 8 th March 2015
	<p>drink alcohol but did not obtain any.</p>	File 4, Tab 137, page F845	


<p>Time unknown</p>	<p>Medical notes for AH: 3/8/15: RN received report from Debbie, RN. Client will be returning to Los Angeles on 3/9/15 accompanied by house manager Ben. RN plans to meet client upon arrival. Ct is in touch with RN via text throughout day expressing feelings of moderate to severe anxiety. Ct compliant with medication including Xanax 0.5mg now dose at 2015 (PST) with prompting from RN. Deep breathing and relaxation techniques reviewed with ct. Ct states medication and breathing effective in reducing anxiety.</p>	<p>File 9, Tab 132, page K205</p>	
<p>Time unknown and this may be 9 March</p>	<p>Dr Connell Cowan medical notes for AH: [XXX] [Call?]: 3.8.15 Amber Heard Very difficult maintaining continuity of care with Amber. Her travel schedule has prevented any meaningful communication. Amber is with JD in Australia where he is working. Difficult to match times but not impossible – concerned that she hasn't made more effort to make this happen. Have exchanged a number of texts. They are fighting – relationship volatile and destructive to any sense of growing trust. Her coping skills seem minimal – talks about feeling lost and not knowing what to do. Trying to arrange an actual conversation to evaluate. Big event that turned angry – trying to piece together the specifics. They are both volatile and she doesn't back down when confronted. Understand he badly injured his hand.</p>	<p>File 9, Tab 133, page K255</p>	<p>This note is dated "3.8.15" but Dr Kipper's notes for AH (below) state that AH attended 2 hour psychotherapy session on 9 March 2015</p>
<p>Monday 9 March 2015</p>			
<p>00:15</p>	<p>JD texts Christi: Hi... Cancel the postnuptial!!! Most likely, we should investigate an annulment... Beyond that... I'd really love to speak for 10 minutes....??? Whenever you get a chance... XXX!!!</p>	<p>File 6, Tab 119, page F607.60</p>	<p>3/8/2015 2:15:52 PM(UTC+0)</p>

01:45	<p>Dr Kipper notes</p> <p>3/8/15 --</p> <p>0145 --</p> <p>Patient has been on phone with his security guard that is staying with his wife at their rented house. Patient is discussing wanting to go home to LA tomorrow and refreshing night. Patient's personal security guard came to stay with patient. RN will be next door and instructed security to call during the night if needed.</p>	File 4, Tab 137, page F845	Notes recorded as "3/8/15" but likely should be dated 9 th March 2015
05:02	<p>JD texts Christi:</p> <p>Fucked up my finger pretty nasty... Also, Can you see if we can get hold of a Pvt. Plane for tomorrow ?? I'm gagging to be back!!!!</p>	File 6, Tab 119, page F607.60	3/8/2015 7:02:27 PM(UTC+0)
11:04	<p>Christi texts Stephen Deuters:</p> <p>Just make sure you say you aren't sure how he hurt his hand</p>	File 6, Tab 119, page F607.60	3/9/2015 1:04:00 AM(UTC+0)
22:35	<p>JD texts Christi and Stephen Deuters:</p> <p>Thanks... Per my conversation with Dr. Kipper... I'm definitely going to have to surgery on my finger... I need a pin put in the fucker! Kipper adamantly explained to me just how dangerous it would be if it got infected !!! It's so exposed and raw and flappy and infinitely more susceptible to infections... Which, to me...??? That is immediately a flight to LA... Sorry, but, if I'm here...?? I'd prefer to just let it go and take my chances and refuse surgery... If I gotta get operated on? It will be on LA at Cedars, brutha!! There's nothing in this miserable poisonous world that could make me expose this mangled creepy boneyard finger to whatever brutal virulent bacteria that awaits me !!! Plane????!!! Love... Cannibal Cunt</p>	File 6, Tab 119, page F607.61	3/9/2015 12:35:48 PM(UTC+0)

22:45	<p>JD texts Christi and Stephen Deuters: When are they expecting to decide the fate of what's left of said digit??? Please remind them that in the last schedule, I was off from the 10th to something like the 27th!! Also, please look at the schedule and make sure that I am scheduled off for both my kids birthday!!! It is ALWAYS written into my contract... Thank you, by the way, for cleaning my violent marriage... Fuck... What a shame and sham... Sad... Love you, me darlin' boy... The Goddam Devil</p>	File 6 , Tab 119, page F607.60	3/9/2015 12:45:58 PM(UTC+0)
Time unknown	<p>Medical notes for AH: 3/9/15: RN and ct in touch via text and phone calls after ct arrived at 1500. Ct expressed feeling "sad." Ct attended two hour psychotherapy session. Reports feeling "a little more sorted out" after session. RN met ct and her friends for dinner at 2200. Ct appears in good spirits; laughing, socializing. Appetite normal. Ct states she would like to discuss recent events between her and husband with RN in private tomorrow. Plans are made for RN to visit ct at her home tomorrow. Ct has been compliant with medication throughout day with prompting. RN encouraged ct to notify her of any needs throughout night.</p>	File 9, Tab 132, page K205	
Time unknown	<p>Text from Connell Cowan to Amber: "I know you're discouraged and feeling lost right now. I don't know what's going on but I do know that. You have two choices here: you can isolate or you can reach out. I know how much you [want] to change. You want to do something that moves in the right direction? Call me. Together we can pick our way through whatever is going on. Now is the time to be kind to yourself, not angry. Pick up the phone Amber."</p>	File 9, Tab 133, page K256	
Time unknown	<p>Photographs taken of writing in paint/blood on mirrors</p>	File 6, Tab 148b, F894.049-50	

			
Date unknown			
Time unknown	Photograph of injuries on AH's arm		
File 6, Tab 148b, F894.051			

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See also:


- File 4, Tab 136(a): email from Michael Kalamaras dated 4 May 2015
- File 4, Tab 136(b): email from David Kulber dated 27 June 2015

21 – 22 May 2016
 Defendants' chronology of relevant documentary evidence

Saturday 21 May 2016, Los Angeles ("LA")

Time (LA)	Event	Trial bundle reference	Comments
16:14	Text from AH to JD: <i>let me know if you're still coming. ok</i>	7/28(b)/H14 4.8	
16:40	Text from JD to AH: <i>was going to... unless you'd rather not.</i>	7/47(a)/H18 8.1	
16:43	Text from AH to JD: <i>no, of course I do. Was just checking</i>	7/28(b)/H14 4.8	
17:06	Text from Bruce Witkin to JD: <i>Hey brother. Just got to NY. How you doing? You no answer my text. Just thinking about you. Bwoosie</i>	7/26(a)(i)/H 141.1E	Time zone recalculated
18:18	Text from JD to AH: <i>En mid route...</i>	7/28(b)/H14 4.8	
18:21	Text from JD to Bruce Witkin: <i>Still s big question mark... Am on my way to see her and breakup... I'm all butterflies... I hate myself!!! X.</i>	7/26(a)(i)/H 141.1E	Time zone recalculated
18:48	Text from AH to JD: <i>OK let me know when you're here</i>	7/28(b)/H14 4.8	
18:58	Text from JD to AH: <i>Here</i>	7/28(b)/H14 4.9	
~19:02	JD, Sean Bett and Jerry Judge arrive at the Eastern Columbia Building ("ECB") and travel in lift up to penthouse ("PH") level: 	AH_TPD_0 0017249	There is a discrepancy of c. 6 mins between the time shown by, on the one hand, cameras 4 and 13, and on the other hand camera 2. Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.
		AH_TPD_0 0017250	


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Time (LA)	Event	Trial bundle reference	Comments
		AH_TPD_0017251	
19:46	JD and AH telephone use JD's telephone to call Kevin Murphy. See Kevin Murphy's telephone records.	5.1/191/F1199	
19:48 – 19:57	AH attempts to call Savannah McMillan at 7:48:36, 7:48:38, 7:49:14, 7:49:17, 7:57:16, 7:57:17. None of these calls last more than 7 seconds. See AH's telephone records, item numbers 13200 – 13205.	5.1/192(a)/F1199.1	Time zone recalculated
20:00	Text from Kevin Murphy to Sean Bett: <i>You at Sweetzer?</i>	5.1/192/F1198	
	Text from Sean Bett to Kevin Murphy: <i>J calling u on my phone</i>	5.1/192/F1198	
	According to iO Tillet Wright's contemporaneous email (email from iO Tillet Wright to AH on 22 May 2016 at 7:55am, Subject: "What happened"): <i>"At 8pm PST Amber texted me and asked me to call her."</i>	8/83/I40	
20:02	Text from AH to Kevin Murphy: <i>I am shocked. What have I ever done to you?</i>	7/26(c)/H141.4 - H141.6 (correct time zone); 7/28/H144.1 (incorrect time zone)	Time zone recalculated
20:03	Text from AH to Kevin Murphy: <i>How could you say that?</i>	7/26(c)/H141.4 - H141.6 (correct time zone); 7/28/H144.2 (incorrect time zone)	Time zone recalculated
20:04	Text from AH to Kevin Murphy: <i>I never expected such a thing from you. I never told you I had anything to do with it. I never said anything like that to you. And you know it. I just can't understand what you have against me that would make you lie against me in such a way. I don't understand Kevin. I really don't</i>	7/26(c)/H141.4 - H141.6 (correct time zone); 7/28/H144.3 (incorrect time zone)	Time zone recalculated
	Text from AH to Savannah McMillan: <i>Call me!</i>	7/26(d)/H141.7 – H141.8	Time zone recalculated

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Time (LA)	Event	Trial bundle reference	Comments
20:05	Texts from AH to Savannah McMillen: <i>Call me!!!!!!</i> <i>Please</i>	7/26(d)/H14 1.7 – H141.8	Time zone recalculated
	AH attempted to call Savannah McMillan. Call lasted 3 seconds. See AH's telephone records, item 13206.	5.1/192(a)/F 1199.1	Time zone recalculated
20:06	Text from AH to Raquel Pennington: <i>Can you come over v</i>	7/13/H81	
20:08	Texts from AH to iO Tillet Wright: <i>Call me</i> <i>Plans</i> <i>*pleass</i>	7/26(e)/H14 1.9 (correct time zone); 7/27/H143 (incorrect time zone)	Time zone recalculated
20:10	Text from Raquel Pennington to AH: <i>Now?</i>	7/13/H81	
20:11	Two telephone calls from iO Tillet Wright to AH. First call lasts 0:23 minutes. Second call starts at 20:11:54 and lasts 3:28 minutes so runs until 20:15:22 See: <ul style="list-style-type: none"> • AH's telephone records, item numbers 13207 and 13208. • iO Tillet Wright's telephone records showing two calls to (323) 541-8111 at "05/21/16, 11:11 PM". 	AH's telephone records: 5.1/192(a)/F 1199.1 iO Tillet Wright's telephone records: 5.1/192(b)/F 1199.8	Time zone recalculated
20:15	iO Tillet Wright tries to telephone Raquel Pennington at "05/21/16, 11:15PM". Call lasts c. 1 minute. See iO Tillet Wright's telephone records.	5.1/192(b)/F 1199.8	Time zone recalculated
20:16	Texts from iO Tillet Wright to Raquel Pennington: <i>Are you at eastern??</i> <i>JD attacking amber</i> <i>She told me to call 911</i> <i>I'm doing it</i>	8/58/H420	
	iO Tillet Wright telephones 911 and reaches New York Police Department ("NYPD"). Call lasts c. 7 minutes. See iO Tillet Wright's telephone records at "05/22/16, 3:16AM"	5.1/192(b)/F 1199.8	Time zone recalculated
20:18	Text from iO Tillet Wright to AH: <i>Calling 911</i>	7/27/H142. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
20:20	Text from Kevin Murphy to AH: <i>Look. First of all... I did not even go directly to J about our conversation. He was told by someone else and then he questioned me days later so I had to answer. I had no knowledge of any of</i>	7/26(c)/H14 1.4 - H141.6 (correct time zone);	Time zone recalculated

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Time (LA)	Event	Trial bundle reference	Comments
	<i>your's and J's conversations about the incident so it doesn't even make sense for me to just make something up. Furthermore, at the time, I didn't even think it was a big deal that it was being described as a prank. If I was going to fabricate something it would certainly be better than that?? I merely answered his questions without any malice or intention of hurting you or him for that matter.</i>	7/28/H144.4 (incorrect time zone)	
Time unknown	Text from AH to Kevin Murphy: <i>You literally told johnny, in front of me, that I told you it was a prank!! And now you want to explain?!? How could you?! That was a complete lie – and you know it. You can not look me in the eye and tell me we had that conversation. I can't believe you. What did I ever do to you?</i>	8/60/H681	
20:22	Text from Raquel Pennington to iO Tillet Wright: <i>Call me</i>	8/58/H420	
20:23		6/148(e)/F8 94.155A (with metadata)	
	NYPD creates entry for having received a call from "IO WRIGHT." Report says that iO Tillet Wright states "her friend called her from 849 South Broadway, Los Angeles, CA 90014" and that "she being assaulted by her husband" and "her friend was hit with the phone and them she scream call 911." The report lists iO Tillet Wright's telephone number (646-644-6847) and AH's telephone number as a call-back number (323-541-8111).	5.1/191(a)/F 1197.4	Time zone recalculated
20:24	iO Tillet Wright telephones Raquel Pennington. Call lasts c. 2 minutes. See iO Tillet Wright's telephone records.	5.1/192(b)/F 1199.8	Time zone recalculated
20:25	iO Tillet Wright telephones Lauren Shapiro. Call lasts c. 2 minutes. See iO Tillet Wright's telephone records.	5.1/192(b)/F 1199.8	Time zone recalculated
20:27	Audio recording of woman's voice (Lauren Shapiro) reporting an assault at ECB.	Audio: "F160b LAPD phone recordings - Audio disk 2- Track 1" Transcript: 5/160/F1003 -F1005	
20:28	iO Tillet Wright receives telephone call from blocked number. Call lasts c. 2 minutes. See iO Tillet Wright's telephone records.	5.1/192(b)/F 1199.8	Time zone recalculated


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Time (LA)	Event	Trial bundle reference	Comments
~20:29	JD, Sean Bett and Jerry Judge travel in lift from PH level down to car parking level then leave ECB:	01. Video 63 - AH_TPD_00017252.avi	<p>There is a timing discrepancy between different cameras.</p> <p>Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.</p>
		AH_TPD_00017259	
		AH_TPD_00017260.avi	
		AH_TPD_00017258	




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Time (LA)	Event	Trial bundle reference	Comments
20:30	Los Angeles Police Department ("LAPD") Incident recall report starts: <small>05/21/16 20:30 Incident Initiated By: PC/DELAPEZA, B-399 05/21/16 20:30 PPNTHREURP 1 - PC RECEIVED CALL RE VICT FRIEND "AMBER", ASSAULTED BY 05/21/16 20:30 BOYTHREURP, PC REFUSED TO GIVE FURTHER 05/21/16 20:30 Unit Recommended: 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3 8PD/LAB- W3</small>	5.1/191/F11 97.1	
20:33	Audio call between NYPD and LAPD in which NYPD briefs the LAPD about the incident	Audio: "F160c. LAPD phone recordings - Audio disk 2- Track 2" Transcript: 5/160/F1006 -F1008	
20:36	Text from iO Tillet Wright to Raquel Pennington: <i>Does she have her phone with her?</i> Text from Raquel Pennington to iO Tillet Wright: <i>Yes she's talking to her lawyer</i>	8/58/H420- 421	
20:37	LAPD record the information provided to them by NYPD: <small>05/21/16 20:37 DURAL: LA 05/21/16 20:37 DURAL: CHANE: NYD/PCT JOHNSON CPH. 848 610 3030 CONTACT COMP: N FAS: N PRI: 2 7G PG/02721 SRC: 0 7G PG/02721 05/21/16 20:37 2ND HAND FN NYPD, FEM/DECLINED CALLED AND ADVISED HER FRIEND WAS INVOLVED 7G PG/02721 05/21/16 20:37 IN A DOMESTIC DISPUTE, SUSP JOHNNY HEARD, W/M 53 YRS OLD BRO HAIR BRD 7G PG/02721 05/21/16 20:37 EYES S11 LNK 12 WPHS, VICT AMBER C/B 323 541 8111 7G PG/02721</small>	5.1/191/F11 97.1	
20:38	Text from iO Tillet Wright to Raquel Pennington: <i>Ok. The cops have her number</i>		
20:39	Texts from Raquel Pennington to iO Tillet Wright: <i>Are they indeed coming?</i> <i>Calling when they arrive?</i> Text from iO Tillet Wright to Raquel Pennington: <i>They are on their way they said.</i> Text from Raquel Pennington to iO Tillet Wright: <i>Ok</i> Texts from iO Tillet Wright to Raquel Pennington: <i>Probably not gonna call</i> <i>I told them penthouse 3 so maybe tell the door guy to call you when they are downstairs coming up</i>	8/58/H420- 421	
20:40	Text from Raquel Pennington to iO Tillet Wright: <i>Ok thank you</i>	8/58/H420- 421	
20:41	Text from iO Tillet Wright to Raquel Pennington: <i>Of course. Please keep me posted</i> Text from Bruce Witkin to JD: <i>What do you mean you hate yourself? Don't be crazy. Please call me when you feel that way.</i>	8/58/H420- 421 7/26(a)(i)/H 141.1E	Time zone recalculated
20:46	First set of police officers (Saenz/Hadden) dispatched to ECB:	5.1/191/F11 97.1	





Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
	<p>05/21/16 20:43 I/C ANY 76 PD/12721</p> <p>05/21/16 20:46 Stacked Incident LPD/160521004756 To: PD/1A1-W3 78 PD/14558</p> <p>05/21/16 20:46 Stacked Incident LPD/160521004756 By: PD/1A1-W3</p> <p>05/21/16 20:46 Stat: 05 PD/1A1-W3 Loc: 849 S BROADWAY</p> <p>05/21/16 20:46 Stat: 01 PD/1A1-W3 Loc: 849 S BROADWAY</p> <p>05/21/16 20:46 Primary Unit Changed PD/1A1-W3</p> <p>05/21/16 20:46 Unit CHANGED To: PD/1A1-W3</p> <p>05/21/16 20:57 Stat: AS PD/1A1-W3 Loc: 849 S BROADWAY</p>		
	<p>Josh Drew starts to receive telephone calls from Jerry Judge "as Johnny had left his phone there, and Jerry wanted me to bring it down for him to pick up. I told him not to pull into the complex, and that I would meet him at the front door. We had a verbal confrontation in the process of handing off the phone..."</p> <p>See also Josh Drew's deposition, pages 214-216: he "got a call on [his] cell phone from Jerry Judge saying something like 'The boss left his cell phone. Do you have it?' And I said, 'Yeah. I have it in my hand.'" Josh said that Jerry told him "We're coming back to get it," and that Josh responded "You can come back to get it, but you don't fucking set foot in this building. I will meet you outside." Josh met them "right out front of the Eastern Building on Broadway." He says that at this point, JJ asked him "Is she okay?" and that Josh responded "Are you fucking kidding me? He beat the shit out of her again, and you guys stood by and watched it." Josh says that JJ responded "It's not my business. It's between husband and wife. He barely touched her."</p>	<p>8/82/137</p> <p>2.1/64/E226</p>	
~20:53	<p>Josh Drew leaves ECB:</p> 	AH_TPD_0017262	
20:57	<p>First set of police officers (Saenz/Hadden) arrive at ECB:</p> <p>05/21/16 20:57 Stat: AS PD/1A1-W3 Loc: 849 S BROADWAY</p>	5.1/191/F1197.1	
~21:01	<p>Josh Drew re-enters ECB and travels in lift back upstairs to PH level, exiting onto PH level at 21:02</p>	AH_TPD_0017262	There is a timing discrepancy between




Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
			<p>different cameras.</p> <p>Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.</p>
		AH_TPD_0017263	
		02(b). Video 75 – ALH_TPD_00017264.avi	
21:01	<p>Text from AH to iO Tillet Wright: <i>Please</i></p> <p>Text from iO Tillet Wright to AH: <i>I did already are the cops not there??</i></p>	7/38/H163. Part of same conversation as at 7/26(e)/H141.9.	Time zone recalculated
21:02	<p>Text from AH to iO Tillet Wright: <i>No</i></p> <p>Text from iO Tillet Wright to AH: <i>Fuck man they said they were on their way</i></p>	7/38/H163. Part of same conversation as at	Time zone recalculated







Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
		7/26(e)/H14 1.9.	
21:03	Text from iO Tillet Wright to AH: <i>Have josh call because when I do it they have to patch it through to LA. It'll be faster if it's someone local and they say it's an assault underway.</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
21:04		6/148(e)/F894.187A (with metadata)	
		6/148(e)/F894.185A (with metadata)	
	First set of officers (Saenz/Hadden) enter lift at reception level and are "fobbed up" to PH level by conceierge (Gaylynn Sumerlin). They exit elevator onto PH level at 21:05  	02(a). Video 57 – ALH_TPD_00017246.avi	
	Text from JD to Bruce Witkin: <i>It's done!!!</i>	7/26(a)(i)/H 141.1E	Time zone recalculated
21:16	First set of police officers (Saenz/Hadden) leave business card timed at 9:16pm: <i>"Radio call of Dispute. Refused report. Adv'd can call @ later time if changes mind"</i>	9/145/O2-O3	







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Time (LA)	Event	Trial bundle reference	Comments
21:18	Text from iO Tillet Wright to AH: <i>Anything?</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
~21:19	<p>Josh Drew shows two police officers (Saenz/Hadden) out into the lift at PH level, presses the lift button, then shakes their hands and leaves. The officers go down in the lift and exit the lift at reception level at 21:20:</p> 	02(a). Video 57 – ALH_TPD_00017246.avi	<p>There is a timing discrepancy between different cameras.</p> <p>Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.</p>
		AH_TPD_00017266	
		AH_TPD_00017267	








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Time (LA)	Event	Trial bundle reference	Comments
		AH_TPD_0017268	
	<p>Pictures taken of officers' business card:</p> 	6/148(e)/F8 94.155B (with metadata)	
		6/148(e)/F8 94.155C (with metadata)	
21:22	<p>05/21/16 21:22 MET W/ VICT. CHOKD LOC. VERIFIED HUSBAND LEFT LOC. VICT ADVISED VERBAL 05/21/16 21:22 DISPUTE AND REFUSED TO GIVE ANY FURTHER INFO. ISSUE BUS CARD 05/21/16 21:22 Stat: CL PD/1A1-W3 05/21/16 21:22 Disposition #1 CHANGED To: OCCSN:OPCR COMPLETED CALL SUPV NO 05/21/16 21:22 OCCSN:OPCR COMPLETED CALL SUPV NO 05/21/16 21:22 Incident Closed: 16/05/21 21:22</p>   	<p>5.1/191/119 7.1</p> <p>6/148(e)/F8 94.157A (with metadata)</p> <p>6/148(e)/F8 94.159A (with metadata)</p> <p>6/148(e)/F8 94.161A (with metadata)</p>	








Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
		6/148(e)/F8 94.163A (with metadata)	
21:23	<p>Text from JD to AH, Raquel Pennington and Josh Drew: <i>That was it. The last encounter forever. You were already ready to strike!!! Why did I even come there in the 1st place?? To be yelled at by you!!! I'm an idiot. ph5 is Rocky's studio?? You are shameless... I tried to make it work and you just turned more and more into a spoiled brat. All you wanted was to make me fucking miserable. Well, I'm finally there. I'll never be able to understand how I fell in love with you... You're not her. I loved you more than anything... I did everything that I could. But, you never fuckin' loved me... I was merely convenient for you... I hope our divorce goes as quickly as possible and that it is as painless as possible. So sorry you were as unhappy with me, as you were..., obviously, the purity of whatever was, has been gone for a long time. I will miss the moments of beauty and truth... goodbye, Amber... What the fuck was I thinking?? I wish you all you merit... The Former Him</i></p>	10/147(a)/O 365	
21:24		6/148(e)/F8 94.165A (with metadata)	
		6/148(e)/F8 94.167A (with metadata)	
21:25		6/148(e)/F8 94.169A (with metadata)	
		6/148(e)/F8 94.171A (with metadata)	
		6/148(e)/F8 94.173A (with metadata)	




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Time (LA)	Event	Trial bundle reference	Comments
		6/148(e)/F8 94.175A (with metadata)	
		6/148(e)/F8 94.189A (with metadata)	
		6/148(e)/F8 94.176A (with metadata)	
21:26		6/148(e)/F8 94.176B (with metadata)	
		6/148(e)/F8 94.176C (with metadata)	
		6/148(e)/F8 94.176D (with metadata)	
		6/148(e)/F8 94.176E (with metadata)	





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Time (LA)	Event	Trial bundle reference	Comments
		6/148(e)/F8 94.176F (with metadata)	
21:27		6/148(e)/F8 94.191A (with metadata)	
		6/148(e)/F8 94.183A (with metadata)	
21:28		6/148(e)/F8 94.201	
21:29	Text from Elizabeth Marz to Raquel Pennington: <i>Tell josh to come here quickly if your with him</i>	8/57/H224; 6/119/F697. 164	
21:31		6/148(e)/F8 94.177A (with metadata)	
		6/148(e)/F8 94.179A (with metadata)	
		6/148(e)/F8 94.181A (with metadata)	





Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
		6/148(e)/F8 94.193A (with metadata)	
		6/148(e)/F8 94.195A (with metadata)	
22:05	AH calls iO Tillet Wright. Call lasts 1 minute and 53 seconds. See AH's telephone records, item 13209.	5.1/192(a)/F 1199.1	Time zone recalculated
22:07	Text from Erin Boerum to AH: <i>Hey I'm going to be around your area tomorrow to look at some houses. Let me know if you are up for some company. Have a good night. Xo</i>	7/28(a)/H14 4.6	
22:09	Police records for second set of officers start: <div style="font-size: small;"> <p>Date</p> <p>05/21/16 22:09 Incident Initiated By: PD/QUEREND, A-978</p> <p>05/21/16 22:09 TELETYPE FROM NYFD ICAD #0166052125292, FEMALE STATED SHE WAS ON PHONE WITH HER FRIEND AND SHE BEGAN SCREAMING AT HER HUSBAND, SUBS ^AMBER HEARD^, HUSBAND ^JOHNNY HEARD^ M/W 53 YRS, 511, NFD/DFI</p> <p>05/21/16 22:09 Units Recommended: BPD/1A85-W3 PD/1A85-W3 BPD/1A85-W3 BPD/1A85-W3 BPD/1A85-W3</p> <p>05/21/16 22:09 LOC INFO REVIEWED: 5</p> <p>05/21/16 22:09 IN PEN/HOUSE #3</p> <p>05/21/16 22:09 Apartment Number CHANGED To: 3</p> </div>	5.1/191/F11 97.3	
22:16 - 22:17	<div style="font-size: small;"> <p>05/21/16 22:16 Stacked Incident LPDL PD160521005437 To: PD/1A61-W3</p> <p>05/21/16 22:16 Stacked IncAck'd LPDL PD160521005437 By: PD/1A61-W3</p> <p>05/21/16 22:17 Stat: DS PD/1A61-W3 Loc: 849 S BROADWAY</p> <p>05/21/16 22:17 Stat: E1 PD/1A61-W3 Loc: 849 S BROADWAY</p> <p>05/21/16 22:17 Primary Unit Changed PD/1A61-W3</p> <p>05/21/16 22:17 Unit CHANGED To: PD/1A61-W3</p> </div>	5.1/191/F11 97.3	
22:24	Text from Melanie Inglessis to AH: <i>U ok babe?</i>	2/60/E95 – E96 (correct time zone); 7/32/H150 (incorrect time zone)	Time zone recalculated
	Unit Summary Unit PD/1A61-W3 Dispatch 22:17:02 Enroute 22:17:05 AtScene 22:24:00 Canc		
22:25	Isaac Baruch and unidentified male enter lift at PH level and go downstairs to lobby level 	04(b). Video 83 – AH_TPD_0 0017272	



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Time (LA)	Event	Trial bundle reference	Comments
~22:28	Second set of officers enter the building, go to reception, and are shown to the lift and "fobbed" up to PH level, exiting onto PH level at 22:28	AH_TPD_0017269	There is a timing discrepancy between different cameras. Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.
			
		AH_TPD_0017270	
		AH_TPD_0017271	
		04(a). Video 59 – ALH_TPD_00017248.avi	
22:30	AH calls iO Tillet Wright. Call lasts 5 seconds. See AH's telephone records, item 13210	5.1/192(a)/F1199.1	Time zone recalculated
	Text from Raquel Pennington (using AH's phone) to iO Tillet Wright: <i>It's rock</i>	7/38/H163. Part of same conversation as at 7/26(e)/H141.9.	Time zone recalculated
22:31	Texts from Raquel Pennington (using AH's phone) to iO Tillet Wright: <i>The cops came</i>	7/38/H163. Part of same conversation	Time zone recalculated


Appendix 4 to Defendants' closing submissions

Time (LA)	Event	Trial bundle reference	Comments
	<i>Locks are being changed tomorrow</i>	as at 7/26(e)/H14 1.9.	
~22:34 – 22:36	Second set of officers get into lift at PH level, travel back down to reception, and exit the building. Meanwhile, Isaac Baruch goes up from reception level to PH level.	04(a). Video 59 - AH_TPD_00017248	There is a timing discrepancy between different cameras.
	<p>Officers going down:</p> 		Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.
	<p>Isaac Baruch going up:</p> 	04(a). Video 59 - AH_TPD_00017248	
	<p>Officers leaving:</p> 	AH_TPD_00017274	
		ALH_TPD_000017275	

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Time (LA)	Event	Trial bundle reference	Comments
		AH_TPD_1 7276	
22:43	Text from Kevin Murphy to Sean Bett: <i>Loft front desk said that the cops were up on the PH level 10 min ago.</i>	5.1/192/F11 98	
	Text from Sean Bett to Kevin Murphy: <i>K</i>		
	Text from Kevin Murphy to Sean Bett: <i>Not sure where or for who... Front desk said they went up and came back ... [screenshot is cut off]</i>		
23:02	<small>05/21/16 23:02 Command : UR PG/1A61-W3 Reassigned 05/21/16 23:02 Stacked IncAck'd LPDLPO160531005437 By:PG/1A61-W3</small>	5.1/191/F11 97.3	
23:16	Text from AH to Melanie Inglessis: <i>No. Johnny came over 'to talk.' His mom just died. Then he went sideways. Convinced of some CRAZY shit. Beat on me. Cops were called. They just left. Filing a restraining order. Divorce goes through on Monday. My face looks stupid and swollen Bad night.</i>	7/32/H150. Part of same conversation as at 2/60/E95 – E96	Time zone recalculated
23:26	Texts from Melanie Inglessis to AH: <i>U need us to come over now?! And get you</i>	7/32/H150. Part of same conversation as at 2/60/E95 – E96	Time zone recalculated
23:50	Text from AH to Melanie Inglessis: <i>Cops came back. It's okay. Rock and josh are helping me. All okay. Sorry I couldn't communicate earlier. I'll text you tomorrow if that's okay.</i>	7/32/H150. Part of same conversation as at 2/60/E95 – E96	Time zone recalculated
23:52	Text from AH to Erin Boreum: <i>It's okay. Got – he was completely delusional and crazed. Hit me in the face several times, while on the phone to iO. She called the cops. Restraining order will be filed in the am. Cops just left. (Long after he did of course) Rocky and josh were here too. It was horrible.</i>	7/28(a)/H14 4.6-.7	
23:57		6/148(e)/202 A (with metadata)	

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Time (LA)	Event	Trial bundle reference	Comments
23:58	Text from AH to David Heard and Paige Heard attaching image of AH's face: <i>I think I'm done "being there" for johnny, wouldn't you agree, "mom and dad"?</i> 	7/33/H151-H153	Time zone recalculated
23:59	Text from Paige Heard to AH and David Heard: <i>Absolutely</i>	7/33/H151-H153	Time zone recalculated
00:00	Text from David Heard to AH and Paige Heard: <i>What did the happen</i>	7/33/H151-H153	Time zone recalculated
	Texts from AH to David Heard and Paige Heard: <i>I didn't even raise my voice to him. Let alone a finger. I called 911 Rocky rushed in because she heard me screaming</i>		



Sunday 22 May 2016, LA

Time (Los Angeles)	Event	Trial bundle reference	Comments
00:01	Text from David Heard to AH and Paige Heard: <i>So he came to the penthouse and you were there had you arranged to meet there and then you got in a fight? I just don't understand</i>	7/33/H151-H153	Time zone recalculated
00:03	Text from AH to David Heard and Paige Heard: <i>I called him again and said I was ready to talk. He was fucked up and delusional. Claiming some ridiculous shit I had no clue of or how to make sense of. Then he started hitting me with the phone and threw me down and hit me in the head. That's when rocky and then Josh rushed in. Cops came right after he split. That's all you need to know. If you text him or involve yourselves anymore in his life j will never speak to you guys again. Dad, either you understand that and respect that or you don't. But if you go against my wishes one more time, I will never speak to you again.</i>	7/33/H151-H153	Time zone recalculated
00:04	Text from Melanie Inglessis to AH: <i>I love you</i>	7/32/H150. Part of same conversation as at 2/60/E95 – E96	Time zone recalculated
	Texts from AH to David Heard and Paige Heard: <i>It took 20 mins. He was crazy. I didn't even tell. More or less raise a finger to him. Which shouldn't matter regardless. I am half his size. I have to file a restraining order and then official divorce on Monday.</i>	7/33/H151-H153	Time zone recalculated

Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
	<i>Look at my face</i>		
00:05	Text from Paige Heard to AH and David Heard: <i>I am so sorry that anyone could do that to you</i>	7/33/H151-H153	Time zone recalculated
	Texts from Savannah McMillan to AH: <i>Are you ok?? It was 4 am I was asleep Call me??</i>	7/26(d)/H14 1.8 and 7/31/H148	Time zone recalculated
	Texts from AH to Savannah McMillan: <i>Can't talk About it</i>	7/26(d)/H14 1.8 and 7/31/H148	Time zone recalculated
00:06	Text from AH to Savannah McMillan: <i>Just wait til I call you</i>	7/26(d)/H14 1.8 and 7/31/H148	Time zone recalculated
	Texts from Savannah McMillan to AH: <i>But are you ok? Is everything alright? I'm worried!</i>		
00:07	Text from AH to Paige Heard and David Heard: <i>Cops just left</i>	7/33/H151-H153	Time zone recalculated
00:08	Text from Savannah McMillan to AH: <i>?!</i>	7/26(d)/H14 1.8 and 7/31/H148	Time zone recalculated
00:09	Text from Paige Heard to AH and David Heard: <i>Will you please call me tomorrow or text so I know you are ok? I love you</i>	7/33/H151-H153	Time zone recalculated
00:10	Text from Savannah McMillan to AH: <i>Amber!</i>	7/26(d)/H14 1.8 and 7/31/H148	Time zone recalculated
	Text from AH to Savannah McMillan: <i>Sav! Shit is bad. But I'm okay. Please don't text rocky or anyone. It's okay. I'll explain later .</i>	7/31/H148	
00:11	Texts from AH to David Heard and Paige Heard: <i>I have josh and rocky Thank you And yes – I'll text you Tell dad to stop play best friends with j. Thanks</i>	7/33/H151-H153	Time zone recalculated
	Text from Paige Heard to AH and David Heard <i>You have me too!</i>		
00:12	Text from Savannah McMillan to AH: <i>Call me whenever you can, I'm here. I love you.</i>	7/31/H148	Time zone recalculated
00:13	Text from Savannah McMillan to AH: <i>I won't text anyone.</i>	7/31/H148	Time zone recalculated
00:14	Texts from AH to Savannah McMillan: <i>I love you Shit got bad Cops just left Restraining order and divorce are going to filed Monday</i>	7/31/H148	Time zone recalculated

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Time (Los Angeles)	Event	Trial bundle reference	Comments
00:15	Texts from Savannah McMillan to AH: <i>Shit.</i> <i>You're not hurt are you?</i>	7/31/H148	Time zone recalculated
00:16	Text from Savannah McMillan to AH: <i>I can jump on a plane to LA at any time</i> Texts from AH to Savannah McMillan: <i>It's okay</i> <i>I'm safe now</i> <i>Was a little banged up</i> <i>But fine</i> <i>Now it's over</i>	7/31/H149	Time zone recalculated
00:18	Texts from Savannah McMillan to AH: <i>I'm furious</i> <i>I could fucking kill him</i> <i>I'm so sorry I didn't pick up I put my phone on silent when I sleep</i>	7/31/H149	Time zone recalculated
00:20	Texts from Savannah McMillan to AH: <i>Proud of you for going to the cops. You're so brave. Have you got a fortress around you? Sis, rock?</i> <i>Did he.. know?</i>	7/31/H149	Time zone recalculated
00:36	Texts from AH to Erin Boeurum attaching images of AH's face: 	7/28(a)/H144.7	
00:44	Text from Paige Heard to AH: <i>I'm so sorry about any role I played. I wanted you to know about Betty Sue. Not no unleash that crazy monstor</i>	7/34/H154	Time zone recalculated
00:45	Text from Paige Heard to AH: <i>I love you like crazy he's an sob</i>	7/34/H154	Time zone recalculated
00:49	Text from AH to iO Tillet Wright attaching image of AH's face: 	7/38/H163-165. Part of same conversation as at 7/26(e)/H141.9.	Time zone recalculated
01:15	Text from AH to Tasya van Ree: <i>It's been rough</i>	7/36/H161	Time zone recalculated
01:16	Text from AH to Tasya van Ree: <i>I need help i think</i>	7/36/H161	Time zone recalculated

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Time (Los Angeles)	Event	Trial bundle reference	Comments
03:00 – 03:01	05/22/16 03:00 Stat: OS PD/1A61-W3 Loc: 849 S BROADWAY 05/22/16 03:01 Stat: AS PD/1A61-W3 Loc: 849 S BROADWAY 05/22/16 03:01 RELATED TO PREV INC. VERBAL ARGUMENT ONLY. CHECKED RES. 05/22/16 03:01 Stat: CL PD/1A61-W3 05/22/16 03:01 Incident Closed: 16/05/22 03:01 05/22/16 03:01 Disposition #1 CHANGED To: GOASN:GONE ON ARRIVAL SUPV NO 05/22/16 03:01 GOASN:GONE ON ARRIVAL SUPV NO	5.1/191/F11 97.3	
04:57	Text from Paige Heard to AH: <i>I doubt that you'll want to talk to me today or maybe anytime soon. I want very badly to talk to you. I am hear fully sorry for my role in the Betty Sue fiasco. I will never speak to him again – now that she's dead</i>	7/34/H154	Time zone recalculated
05:05	Text from Paige Heard to AH: <i>I just offered my condolences and told him I'd try to let you know</i>	7/34/H154	Time zone recalculated
05:11	Text from Paige Heard to AH: <i>I'm so sorry that I did. I love you – please love me too</i>	7/34/H154	Time zone recalculated
06:00	Text from iO Tillet Wright to AH: <i>Great.</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
06:26	Text from Tasya van Ree to AH: <i>What do you need?</i>	7/36/H161	Time zone recalculated
06:52	Text from AH to iO Tillet Wright: <i>When do flu come back?</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
06:53	Texts from iO Tillet Wright to AH: <i>Basically Thursday What's happening over there now Are you ok? Did he get arrested? Are you taking out a restraining order?</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
06:57	Text from AH to iO Tillet Wright: <i>Yes restraining order</i>	7/38/H163. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
06:58	Text from AH to iO Tillet Wright: <i>They didn't go arrest him because I didn't make a statement</i>	7/38/H164. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
	Text from iO Tillet Wright to AH: <i>Good!! That's gonna be the only thing that will get him arrested next time</i>		
	Text from AH to iO Tillet Wright: <i>They said if I did, they would be obligated to go arrest him</i>		

Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
	Text from iO Tillet Wright to AH: <i>Why didn't you</i>		
06:59	Texts from AH to Paige Heard: <i>I love you momma So much</i>	7/34/H154	Time zone recalculated
07:01	Text from Paige Heard to AH: <i>Thank you. I feel so badly about what happened. It never should have happened. I honestly didn't think you knew about Betty Sue. He is a crazy man</i>	7/34/H154	Time zone recalculated
07:04	Text from AH to Tasya van Ree: <i>I don't know. Just to know you're there. I might need to Talk</i>	7/36/H161	Time zone recalculated
07:05	Text from AH to Paige Heard: <i>I didn't know</i>	7/34/H154	Time zone recalculated
	Text from Paige Heard to AH: <i>I don't know what David said. Mine were condolences and where to send flowers, and did his dad know. That's all</i>	7/34/H154	
	Text from AH to Paige Heard: <i>He used that to come over and talk about our relationship Then accused me of some CRAZY shit.</i>	7/34/H154	
	Texts from AH to iO Tillet Wright: <i>Because it would have gone straight to TMZ Which will happen on Monday anyway</i>	7/38/H164. Part of same conversation as at 7/26(e)/H14 1.9.	
	Text from iO Tillet Wright to AH: <i>You ok my love? How you feeling?</i>	7/38/H164. Part of same conversation as at 7/26(e)/H14 1.9.	
07:06	Text from AH to Paige Heard: <i>Then started hitting me with the phone</i>	7/34/H155	Time zone recalculated
07:07	Text from Paige Heard to AH: <i>David said last night after you sent the picture that Johnny is crazy. Again I am sorry</i>	7/34/H155	Time zone recalculated
07:14	Text from Paige Heard to AH: <i>You don't deserve that kind of treatment. I'm so glad you were not fighting back. It will go a long way in court</i>	7/34/H155	Time zone recalculated
07:34	Text from Paige Heard to AH: <i>How are you feeling? As bad as your picture?</i>	7/34/H155	Time zone recalculated
07:44	Email from iO Tillet Wright to AH: Subject: <i>What happened</i> <i>At 8pm PST Amber texted me and asked me to call her. When I called her she explained that Johnny was convinced that we had defecated in his bed as some kind of a prank. I started laughing at the absurdity of the situation, which he heard because Amber had put the phone on speaker phone. Johnny then walked away, which she told me, and went upstairs. I asked her why she was in a house</i>	8/83/I40	






Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
	<i>with someone who had previously attacked her. She explained that his mother had died and she was worried about him and he needed some items from the house before going on tour with his band. I then heard Johnny come back downstairs and he picked up the phone and started yelling expletives at me. Still on speakerphone, I told Amber that she should get out of the house because I could tell that he was potentially going to get violent. At that point, I heard the phone be thrown. Shortly thereafter Amber pick the phone back up and explained that he had thrown it directly at her face and hit her with it. At that point I heard Johnny say "oh you think I hit you? What about if I pull your hair back?" The phone then dropped, I heard Amber shriek, and she yelled at me to please call 911. At that point I hung up texted Raquel that she needed to immediately go to penthouse 3 to intervene, and called the police.</i>		
07:55	Text from AH to Paige Heard: <i>Yeah</i>	7/34/H155	Time zone recalculated
07:58	Text from Paige Heard to AH: <i>I'd like to give him a price of my mind, but don't worry I won't. He is crazy. Can I do anything at all?</i>	7/34/H155	Time zone recalculated
	Texts from AH to Josh Drew: <i>Hey Josh, I hope you and Rocky got some sleep last night. I don't want to bother her on her big day but the lawyers asking for brief statements from you guys, as witnesses, so that she can file the appropriate way for a restraining order... Is there anyway that you could just write a brief statement this would happen and email it to her or email it to me and I'll forward it to her. Doesn't have to be fancy or even well-written, nothing like that, just basic brief play-by-play of what you saw.. I don't ask Rocky for it but maybe I will later after the fleamarket stuff is done</i>	7/35/H159 [Time stamps clearer in version at 2.1/64/E344]	Time zone recalculated
08:04	Texts from Josh Drew to AH: <i>No problem sweetheart. We're picking up right now, I'll be back by 10 to be there with you for the locksmith. I'll write something up then, and I'll help her out later this evening How are you doing? Need anything?</i>	7/35/H159 [Time stamps clearer in version at 2.1/64/E344]	Time zone recalculated
08:05	Texts from AH to Josh Drew: <i>thank you so much I'm okay. Just a little shaken up</i>	7/35/H159 [Time stamps clearer in version at 2.1/64/E344]	Time zone recalculated
08:06	Text from Josh Drew to AH: <i>Ok. You think of anything, let me know</i>	7/35/H159 [Time stamps are clearer in version at	Time zone recalculated




Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
		2.1/64/E344]	
08:07	Text from Paige Heard to AH: <i>What the hell kind of phone? One of those 1960 jobs? I love you</i>	7/34/H155	Time zone recalculated
08:11	Text from AH to Paige Heard: <i>Huh?</i>	7/34/H155	Time zone recalculated
08:13	Text from Paige Heard to AH: <i>It looked like he used an old fashioned heavy phone</i>	7/34/H155	Time zone recalculated
08:17	Text from AH to iO Tillet Wright: <i>I'm suffering</i>	7/38/H164. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
08:18	Text from iO Tillet Wright to AH: <i>Fuck. Can I do anything? Is anyone with you?</i>	7/38/H164. Part of same conversation as at 7/26(e)/H14 1.9.	Time zone recalculated
08:25	Text from Paige Heard to AH: <i>And hit you very very hard. He should be ashamed</i>		
08:55	Texts from AH to Paige Heard: <i>No it's an iPhone he just threw it at me like a baseball Hit me square in the Eye</i>		
08:56	Texts from AH to Paige Heard: <i>I'm filing a restraining order tomorrow. Which means it's public as of tomorrow The lawyer said that's only thing I can do</i>		
08:58	Text from Paige Heard to AH: <i>I wish I could be there. Make sure they can enforce the restraining order. I'm very afraid for you</i>	7/34/H155	Time zone recalculated
09:00	Text from Paige Heard to AH: <i>I am so sorry</i>	7/34/H155	Time zone recalculated
10:03	Text from Josh Drew to AH: <i>ON my way back now</i> Text from AH to Josh Drew: <i>Great we're just waiting for the locksmith, FYI no rush</i>	7/35/H160 [Time stamps clearer in version at 2.1/64/E345]	Time zone recalculated
10:07	Texts from Tasya van Ree to AH: <i>I'm here Always babe</i>	7/36/H161	Time zone recalculated
10:08	Text from AH to Tasya van Ree: <i>Shit got bad last night. Cops were called. I filled a straining order... The whole thing</i>	7/36/H161	Time zone recalculated
10:10	Text from Tasya van Ree to AH: <i>Wow!</i>	7/36/H161	Time zone recalculated






Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
10:11	Texts from Tasya van Ree to AH: <i>Are you okay?</i> <i>Physically that is</i>	7/36/H161	Time zone recalculated
11:03	Text from Erin Boerum to AH: <i>Hey how did you sleep? Get the things done this morning?</i>	7/28(a)/H14 4.5. Part of same conversation as at 7/28(a)/H14 4.6-7	Time zone recalculated
11:31			6/148(e)/F8 94.208A (with metadata)
			6/148(e)/F8 94.210A (with metadata)
			6/148(e)/F8 94.212
			6/148(e)/F8 94.214A (with metadata)
			6/148(e)/F8 94.220A (with metadata)






Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
11:33		6/148(e)/F8 94.216A (with metadata)	
		6/148(e)/F8 94.218A (with metadata)	
		6/148(e)/F8 94.222A (with metadata)	
12:34	Text from AH to "Rocketman": <i>For Such a smart man..... I would think you wouldn't need to investigate any further than your last text to me before such radio silence commenced....</i>	7/37/H162	Time zone recalculated
12:57	Text from "Rocketman" to AH: <i>Well, I'm just glad you're ok. You talked about J being violent in the past and still having keys to the apartment, so I thought something might have happened.</i>	7/37/H162	Time zone recalculated
12:59	Text from AH to "Rocketman": <i>It did. But that's irrelevant. I had the locks changed.</i>	7/37/H162	Time zone recalculated
13:00	Text from AH to "Rocketman": <i>Legal divorce filing tomorrow. Restraining order – all that.</i>	7/37/H162	Time zone recalculated
13:04	Text from "Rocketman" to AH: <i>Wtf!? But you're ok, right? Is there anything I can do?</i>	7/37/H162	Time zone recalculated
13:05	Text from "Rocketman" to AH: <i>I'm happy to engage 24/7 security for you, if you'd like. It would be utterly confidential.</i>	7/37/H162	Time zone recalculated
~13:06 – 13:09	AH enters lift at PH level, travels down to reception level, exits the lift at 13:06:55, goes to reception desk where she interacts with Cornelius Harrell, goes to mail room with Cornelius Harrell, returns to the lift (this time holding a package under her right arm) and enters lift at 13:09:03, then travels up to the parking level, exits lift, goes to car, and drives away.	05. Video 43 – AH_TPD_0 0017232	There is a timing discrepancy between different cameras.


Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
			Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.
		05. Video 43 - AH_TPD_0 0017232	
	13:07: text from AH to "Rocketman": <i>All that is irrelevant to why I stopped talking to you</i>	7/37/H162 (time zone recalculated)	
		AH_TPD_0 0017234	
		AH_TPD_0 0017234	
		AH_TPD_0 0017233	





Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
		AH_TPD_0 0017233	
		05. Video 43 - AH_TPD_0 0017232	
		05. Video 43 - AH_TPD_0 0017232	
		05. Video 43 - AH_TPD_0 0017232	
		AH_TPD_0 0017235	




Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
		AH_TPD_0017237	
13:10	Text from "Rocketman" to AH: <i>I know. And the offer would stand even if you never wanted to see me again.</i>	7/37/H162	Time zone recalculated
13:20	Text from "Rocketman" to AH: <i>Anyway, sorry for being an idiot. The radio silence hurt a log. It only matters because I really like you.</i>	7/37/H162	Time zone recalculated
13:23	Text from AH to Erin Boerum: <i>Not really... Was a rough one. By the way, I'm at the pharmacy right now trying to pick up my prescription for Xanax that apparently Dr. Kipper called in but it's not here</i>	7/28(a)/H14 4.5. Part of same conversation as at 7/28(a)/H14 4.6-.7	Time zone recalculated
13:24	Texts from AH to Erin Boerum: <i>Actually- I was looking at the wrong pharmacy! Let me try rite aid</i>	7/28(a)/H14 4.5. Part of same conversation as at 7/28(a)/H14 4.6-.7	Time zone recalculated
	Text from Erin Boerum to AH: <i>Oh geez. Did you tell him the phone number of the pharmacy? Just wondering if he got confused. It happens ;)</i>		
13:25	Text from AH to Erin Boerum: <i>Yeah I'm in ahead there soon but I'm crunched for time today. Do you know what time they close by any chance? I figured you might know the things off the top your head ha ha...</i>	7/28(a)/H14 4.5. Part of same conversation as at 7/28(a)/H14 4.6-.7	Time zone recalculated
13:30	Text from Erin Boerum to AH: <i>I know everything. Duh. I think Rite Aid closes at 6pm today.</i>	7/28(a)/H14 4.5. Part of same conversation as at 7/28(a)/H14 4.6-.7	Time zone recalculated
13:58	Pictures of AH (on the left-hand side of the picture) with Raquel Pennington at Ms Pennington's bead fair:	6/148(e)/F8 94.224A (with metadata)	

Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
			
		<p>6/148(e)/F8 94.226A (with metadata)</p>	
		<p>6/148(e)/F8 94.228A (with metadata)</p>	
		<p>6/148(e)/F8 94.230A (with metadata)</p>	





Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
		6/148(e)/F8 94.232A (with metadata)	
14:11	Text from Raquel Pennington to AH: <i>Can I post the pic of us?</i>	7/13/H81	
14:16	Text from AH to "Rocketman": <i>Yeah, hence why I was so affected by your text the other night</i>	7/37/H162	Time zone recalculated
14:41	Text from AH to "Rocketman": <i>Look, some things are hard to text... I'm here if you wanna ring</i>	7/37/H162	Time zone recalculated
14:46	Text from Paige Heard to AH: <i>Stick it to him tomorrow and let me know. I love you and I am proud</i>	7/34/H155	Time zone recalculated
Time unknown	Picture of AH at Amanda de Cadenet's birthday party. L-R: Amber Heard; Amanda de Cadenet; Amber Valletta 	6/148(e)/F8 94.234	See also document at 8/79/129: this is a text message from AH to iO Tillet Wright relaying what Amanda de Cadenet had said to AH about the birthday party.
15:00	Text from Paige Heard to AH attaching pictures of AH: <i>Not the arm ones yet</i> 	7/34/H156	Time zone recalculated
15:12	Text from "Rocketman" to AH: <i>Will do</i>	7/37/H162	Time zone recalculated
15:31	Text from Melanie Inglessis to AH: <i>Hi....</i>	7/32/H150. Part of same conversation as at	Time zone recalculated

Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
		2/60/E95 – E96	
15:32	Text from Melanie Inglessis to AH: <i>Thinking of you</i>	7/32/H150. Part of same conversation as at 2/60/E95 – E96	Time zone recalculated
16:12	Text from JD to AH: <i>May we please speak for a few seconds today? It's very give you peace. And me. Please. I love you. X. JD</i>	7/47(a)/H18 8.1	
16:13	Text from Josh Drew to AH: <i>Hey lady, checking in to see how you're doing. Also, stop by when you get home, I have all of the keys</i>	7/35/H160 [Time stamps are clearer in version at 2.1/64/E345]	Time zone recalculated
17:00	Text from Paige Heard to AH: <i>Oh Baby, please get safe. The penthouse is not yet</i>	7/34/H156	Time zone recalculated
17:01	Text from JD to AH: <i>Sorry if was a bit ... Please know that my hurt toward you is over... My apologies are eternal and belong to you!!! Solid. X.</i>	7/47(a)/H18 8.1	
17:13	Texts from AH to JD: <i>Thank you. Can we still speak in a min?</i> Text from JD to AH: <i>Of course...</i>	7/28(b)/H14 4.9	
17:50	Text from AH to JD: <i>Sorry I'm just leaving Amanda's birthday now</i>	7/28(b)/H14 4.9	
18:19	Text from JD to AH: <i>Just let me know when you have a minute And I'll give you a call... Nothing I have to say to you should elicit anything but, a sense of ease... All my love and profound apologies... J.</i>	7/28(b)/H14 4.9	
18:22	AH returns to ECB and travels upstairs in lift from parking level to PH level:	AH_TPD_0017239	

Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
			
18:37	<p>Texts from AH to JD: <i>Yes, but I'm scared and sad and want to be alone and in a quiet place to talk. Are you okay if I wait til I get home to call?? I know you're busy so please tell me if that's okay?? I can text you when I'm there</i> <i>Is that okay?</i></p>	7/28(b)/H14 4.10	
~18:41	<p>AH and Josh Drew get into lift at PH level, travel down to reception level, walk through lobby and exit building:</p>   	<p>AH_TPD_0 0017240</p> <p>AH_TPD_0 0017241</p> <p>AH_TPD_0 0017242</p>	<p>There is a timing discrepancy between different cameras.</p> <p>Ds' position is that the time shown on footage from camera 2 (the camera in the lift) is the accurate time.</p>
18:53	<p>Text from JD to AH: <i>whenever you feel like it... i'm sad, i'm scared and i am broken, my sweet Slim...</i></p>	7/28(b)/H14 4.10	

Appendix 4 to Defendants' closing submissions

Time (Los Angeles)	Event	Trial bundle reference	Comments
18:55	Text from JD to AH: <i>i want you happy. i have ZERO harsh feelings... i am clear and i am me. the me that you once loved... we can cure one another of this constant misery born out of love...</i>	7/28(b)/H144.10	
20:42	Texts from Amanda de Cadenet to AH: <i>Hi sweetheart. Thank you for coming today despite what you are dealing with. Babe this is a moment that we dread. But it's here. You can take care of yourself even if you feel scared. This is the time to choose YOU. I would like to understand why you have to do anything legal today. Can you do nothing for tonight. Just make sure you are safe.</i>	7/30/H146	Time zone recalculated
20:52	Texts from AH to Amanda de Cadenet: <i>I love you. Thank you for saying that and for being there for me even on your special day. I am so sorry I hijacked it even for a moment with any of my drama. I love you so much and I hope that you felt as loved prescient it and honored as you are and deserve to be. And as far as my situation goes, Thank you so much for reminding me it's about me and to choose me. It is so hard sometimes to remember that, ... In fact I seem to forget it every second these days.... I love you so much. I'm going to make some decisions tomorrow. I just want to sleep tonight,,, or tru to. Jesus, How much this hurts.</i>	7/30/H146	Time zone recalculated
20:57	Text from Amanda de Cadenet to AH: <i>Sleeping sounds like the best thing right now. Put some arnica on your face. Make sure you have photos of the injuries pls and text them to me or Rocky so there is a record. Sweetheart I have been where you are and it is excruciatingly painful. But pain is the cornerstone of growth and you have an incredible opportunity right now to change your life. Even if you don't believe it, act as if you deserve more, deserve better, deserve love and care and gentleness. Because you DO. I promise you can be free from this...</i>	7/30/H146	Time zone recalculated
20:59	Texts from Amanda de Cadenet to AH: <i>And I don't care how late/ early it is, if anything else happens just call me. Do you feel safe tonight? You are sure all the locks are changed?</i>	7/30/H147	Time zone recalculated
21:43	Email from Josh Drew to AH Subject: <i>Statement from JD & RP</i> Attachments: <i>JD Statement.docx; RP Statement.docx</i> <i>The purpose of this document is to describe, in the best possible manner, my description of events I was directly witness to on the evening of Saturday, May 21 . At 8:06PM, Amber sent a text to Raquel asking her to come over to PH3, where she was engaged in conversation with her husband, Johnny. I was in PH5 with Liz, waiting for them to complete the conversation. Approximately 15 minutes later, we heard Johnny shouting, and saw (through the peephole) both of his security team rush over in the direction of PH3. We heard him continue to shout, as well as what sounded like banging on the walls (which was confirmed with the dents and</i>	8/82/I36 – I39	

Appendix 4 to Defendants' closing submissions

Time (Los Angel es)	Event	Trial bundle reference	Comments
	<p><i>scratches on the doors, as well as the wine spilled all over the hallway). During this, I locked the door to PH5 (we left the doors unlocked to let the girls freely travel from apartment to apartment throughout the day). I heard Johnny come up to the door and shout at his security to "open this fucking door, let me in this fucking place." Which they did without hesitation. He walked in and immediately started screaming at me. I can't remember exactly what he was saying , but it was a reputation something along the lines of: "Get the fuck out of my house," "You motherfuckers fucking sold me out," so on and so forth . The whole time, no more than 6" from my face, spitting in my face the whole time. I didn't respond in any way, rather, calmly made my way to the door. I had forgotten my keys, so I turned around to grab them. He followed me every step of the way throughout, screaming and spitting in my face. I did not see where Liz went to, as I thought she was right behind me. He made a beeline to go right at her, and she ran away. After I had left, I heard him screaming and smashing things inside the apartment as I made my way over to PH3 to check on Raquel & Amber, during which they relayed what had occurred . I moved them over to our apartment PH1 , and dead-bolted the door until we were certain he had left. I kept them inside PH1 , and went down to the garage to confirm their departure. At 8:46PM, I started getting calls from his head of security, Jerry, as Johnny had left his phone there, and Jerry wanted me to bring it down for him to pick up. I told him not to pull into the complex, and that I would meet him at the front door. We had a verbal confrontation in the process of handing off the phone, which I can provide further detail should the need arise. I declare under penalty of perjury that the foregoing is true and correct. Executed on Sunday, May 22</i></p> <p>---</p> <p><i>The purpose of this document is to describe, in the best possible manner, my description of events I was directly witness to on the evening of Saturday, May 21. At approximately 7:15, Amber informed me that her husband Johnny would be coming over shortly to pick up a few of his personal effects & discuss their current situation. At 8:06PM I received a text from Amber asking me to come over to PH3 right away. At 8:09PM I texted back to confirm she needed me immediately. At 8:11 PM I knocked on the door. The door was locked so I went back, grabbed my keys, knocked again, heard Johnny yelling. I immediately unlocked the door and came in to see him standing in the kitchen area. I asked if everything was ok, to which Amber replied "No. Help me." Johnny had a magnum of wine in his hand, and told me to leave. I looked at Amber holding her face & her head, and she then told me that he threw her phone at her and hit her, and to please help her. He proceeded to argue, deny any and all wrongdoing, all while continuing to move closer to Amber. I stepped in front of him to shield her from him and put my hands on his chest, telling</i></p>		

Appendix 4 to Defendants' closing submissions




Time (Los Angel es)	Event	Trial bundle reference	Comments
	<p><i>him to "stay away from her." To this, he replied "get your fucking hands off me." He then proceeded shoved my hands out of the way, which I then put back on his chest. He shouted "Oh you want to be fucking tough now, where's your fucking bearded boyfriend, you've got what you want, you've got her to yourself." He then backed away, saying "the DNA test will prove it, We Will Find Out who did this." He walked over to the kitchen area to grab his bag I then went over to the couch to console Amber, who curled up in my arms, saying "I didn't do anything, I just called lo to confirm the story, I didn't do anything." While holding her on the couch, he starts yelling unintelligibly, ranting obscenities & random accusations specifically at Amber throughout. He grabs his bag & the wine, makes to leave, then turns around and comes back towards us, walks right up in front of us (still on the couch), states "Amber, get up," repeatedly, at least 10 times. All the while, no more than a foot away from us, with me still cradling her. At this point his security, Jerry & Sean came in. As soon as they come in, he retreated away, about 15 feet. Amber got up to head towards the bathroom, telling Jerry that if he "hits me one more time I'm calling the cops." Johnny denied that he had struck her. He said that he had "thrown her phone at her, and that's what she's accusing me of." Amber then repeated what she had said before "I didn't do anything, if he hits me one more time I'm calling the cops." He then went into the kitchen area and started smashing things at random. His security did nothing but stand behind him. No effort was made to restrain him, no acknowledgment was made of the abuse, nor did they make any verbal effort to try and diffuse the situation or get him to walk away. He then stormed out of the apartment, screaming unintelligibly. That was the last I saw of him that evening. I heard him yelling and breaking things for the next 15-30 minutes in the hallway and other apartments. When I went to find Amber's phone and purse in PH3 and PH5, still not knowing if he was on the premises, I discovered broken belongings. This included my art that had been thrown against the wall, Amber's office that had been ransacked, framed photos that had been smashed and glass broken, and art that had been taken from the wall and left on the bed in Amber's room . In the public hallway there were puddles of spilled wine on the floor and splashed on the walls, and dents in the doors. Amber was in my apartment (PH1) when the police arrived. To my knowledge he had already vacated the premises. I declare under penalty of perjury that the foregoing is true and correct. Executed on Sunday, May 22.</i></p>		
<p>22:56 - 22:57</p>	<p>AH in lift with man:</p>	<p>AH_TPD_0 0017244</p>	

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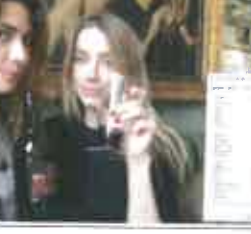
Time (Los Angel es)	Event	Trial bundle reference	Comments
			

See also pictures of Amber Heard taken on 27-28 May 2016 at the following times:

27 May 2016, LA

09:18		6/148(e)/F8 94.235A (with metadata)	
		6/148(e)/F8 94.237A (with metadata)	
		6/148(e)/F8 94.239A (with metadata)	



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			<p>6/148(e)/F8 94.241A (with metadata)</p>	
			<p>6/148(e)/F8 94.243A (with metadata)</p>	
			<p>6/148(e)/F8 94.245A (with metadata)</p>	
			<p>6/148(e)/F8 94.247A (with metadata)</p>	
<p>13:35</p>			<p>6/148(e)/F8 94.249A (with metadata)</p>	

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		<p>6/148(e)/F8 94.251A (with metadata)</p>	
		<p>6/148(e)/F8 94.253A (with metadata)</p>	
		<p>6/148(e)/F8 94.255A (with metadata)</p>	

28 May 2016, LA

<p>01:08</p>			<p>6/148(e)/F8 94.257A (with metadata)</p>	
			<p>6/148(e)/F8 94.259A (with metadata)</p>	




15 - 31 December 2015
 Defendants' chronology of relevant documentary evidence

Time (LA)	Event	Trial Bundle ref	Comments
Tuesday 15 December 2015			
18:26	Text from Amber Heard ("AH") to Connell Cowan: <i>Hey there. Any way you could see me earlier on thurs?</i>	File 9, Tab 114 page K122	Time zone recalculated
20:00	Text from AH to Connell Cowan: <i>emergency can you please call me?</i>	File 9, Tab 114 page K122	Time zone recalculated
22:05	Text from Connell Cowan to AH: <i>I l a Thursday? Or tomorrow same time. Tried to reach you by phone earlier. Hope you're ok.</i>	File 7, Tab 13(a), page H81.1	Time zone recalculated
23:39	Text from Erin Boreum to AH: <i>I love you</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
23:52	Text from AH to Jodi Gottlieb: <i>I had an accident tonight Jodi. I'm really bruised and might have a black eye or two tmrw - same with my nose. Nurse on the way to make sure I don't have a concussion. There's a chance I might not be fit for tomorrow. But won't know how bad the bruising is until the morning. Giving you a heads up. I'll call you tmrw to let you know- k?</i>	File 2, Tab 60, page E76	
23:58	Text from AH to Erin Boreum <i>Thank you. I'm so freaked out</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
Wednesday 16 December 2015			
00:00	Text from Erin Boreum to AH: <i>I'm sure. I don't even know all the details but it sounds very scary. Did Xanax help at all?</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:01	Text from AH to Erin Boreum: <i>I need stronger Xanax for it to help. And j took all I had left so I only half of what I need to talk double of to feel anything . Ambien is the only thing that will put me down I think. But I'm also short on that.</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated



Time (LA)	Event	Trial Bundle ref	Comments
00:03	Text from AH to Connell Cowan: <i>Johnny did a number on me tonight. I'm safe and with my support tonight but need some real help. Can I come tomorrow. I called earlier because I thought I had a concussion and didn't know if I should have called police. But I have a nurse close to me – and rocky and her have been here for me. Can I see you tmrw</i>	File 7, Tab 13(a), page H81.1; File 9, Tab 133, page K278	Time zone recalculated
00:04	Text from Erin Boreum to AH: <i>Shit. Do you have any for tonight? And I can visit and refill tomorrow?</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:04	Text from AH to Erin Boreum: <i>Tmrw is fine I think I'm okay for tonight I took more Advil – is that okay?</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:06	Text from Erin Boreum to AH: <i>Yes to Advil. Applying ice again once more before bed would be ideal if you can tolerate it. I'm really so sorry you are going through this.</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:06	Text from AH to Erin Boreum: <i>just found a bunch of Coke Which explains it</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:08 – 00:09	Text from Erin Boreum to AH: <i>assume you're not referring to soda....</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:10	Text from AH to Erin Boreum: <i>Ha. Goddamn those sugars!</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:10	Text from Erin Boreum to AH: <i>Do you want me to check in on him? I assume he was not the one getting hurt , but just wanted to check what you want. PS don't do the Coke. I heard it's bad for you.</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:25	Text from AH to Erin Boreum: <i>Pls don't check on him I'm fine</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated
00:29	Text from Erin Boreum to AH: <i>I will not</i>	File 2.1, Tab 71.3, page E606.67	Time zone recalculated


Time (L.A)	Event	Trial Bundle ref	Comments
00:30	Text from Erin Boreum to AH: <i>I'm glad you're ok, but I'd feel better if I checked you out at some point. Can I visit tomorrow or are you busy?</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
00:44 – 00:56	Text from AH to iO Tillet Wright: <i>I need you. J beat me up pretty good. Rocks on the couch with me now. When r u back. I'm hurt. Don't know what to do. Need you.</i>	File 7, Tab 14, page H82: screenshots showing time as 12:44am	Time zone recalculated
01:00	Email from AH to Jodi Gottlieb: <i>I had a bad accident tonight Jodi. I'm really bruised and might have a black eye or two tmrw – same with my nose. Nurse on the way to make sure I don't have a concussion. There's a chance I might not be fit for tomorrow. But won't know how bad the bruising is until the morning. Giving you a heads up. I'll call you tmrw to let you know- k?</i>	File 7, Tab 17, page H104: messages showing time as 03:44 – 03:56	
01:21	Text from Jodi Gottlieb to AH: <i>Oh no!!! Are you ok?! That sounds terrible. Sending you love.</i>	File 8, Tab 78(a), page I28.1	
02:49	Email from AH to Jessica Kovaccic Assistant: <i>I had an accident tonight Jessica. I'm really bruised and might have a black eye or two tmrw – same with my nose. Nurse on the way to make sure I don't have a concussion. There's a chance I might not be fit for tomorrow. But won't know how bad the bruising is until the morning. Giving you a heads up. I'll call you tmrw to let you know-k? Can we push to my morning stunt appt to the next morning perhaps ??</i>	File 2, Tab 60, page E76	
04:36 – 05:03	Text from iO Tillet Wright to AH: <i>WHAT Fuck no. I'm back tomorrow for eight hours and Saturday night for a few days. What the fuck happened?! Are you ok?? I'm there as soon as I can be. As soon as you see this tell me how you are and that you're safe. I'm flipping out.</i>	File 7, Tab 78(a), page I28.2	Time zone recalculated
9:12	Text from Connell Cowan to AH: <i>So sorry Amber. Come over today at 11a.</i>	File 7, Tab 17, page H104	Time zone recalculated
10:11	Text from Raquel Pennington to Carly Kuhn and AH: <i>Hey girl, so sorry, amber had a shit day yesterday and we were doing some emotional damage control. I'll cal you later??</i>	File 7, Tab 13(a), page H81.1 File 7, Tab 16, page H103	Time zone recalculated Time zone recalculated

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Time (LA)	Event	Trial Bundle ref	Comments
10:41	 	File 6, Tab 148(c), pages F894.095 (without metadata) and F894.095A (with metadata)	
10:56		File 6, Tab 148(c), page F894.122 (without metadata) and F894.122A (with metadata)	



Appendix 3 to Defendants' closing submissions

Time (LA)	Event	Trial Bundle ref	Comments
10:57		File 6, Tab 148(c), page F894.099 (without metadata) and F894.099A (with metadata)	
10:58		File 6, Tab 148(c), page F894.097 (without metadata) and F894.097A (with metadata)	
11:03 – 11:27	<p>Texts between AH and Kevin Murphy:</p> <p>AH: <i>Hey there, I just wanted to let you know that the maids will be needed down town today, even though Johnny didn't sleep your last night. He left quite a dent on the place before he left</i></p> <p>KM: <i>OK</i></p> <p>KM: <i>Have them there by 1</i></p> <p>AH: <i>Thank you</i></p>	File 7, Tab 15, page H102	Time zone recalculated



Time (LA)	Event	Trial Bundle ref	Comments
11:44		<p>File 6, Tab 148(c), page F894.118 (without metadata) and F894.118A (with metadata)</p> <p>File 6, Tab 148(c), page F894.120 (without metadata) and F894.120A (with metadata)</p>	
12:33	<p>Text from Erin Boreum to AH: <i>Hi. Just checking on you. I'm really glad you got some sleep last night. Do you feel well enough to make your appearance today? Please don't push yourself if you are hurting. Also, please stick with ibuprofen every 4-6 hours today to decrease pain and swelling.</i></p>	<p>File 2.1, Tab 71.3, page E606.68</p>	<p>Time zone recalculated</p>
12:49	<p>Text from iO Tillet Wright to AH: <i>Hey baby. I spoke to Rock. I'm trying to get my fight changed so I can come back tonight and come be with you.</i></p>	<p>File 7, Tab 17, page H104</p>	<p>Time zone recalculated</p>
13:08	<p>Text from Erin Boreum to AH: <i>When can I visit today? I can refill your meds, too. I just called in more Xanax for you.</i></p>	<p>File 2.1, Tab 71.3, page E606.68</p>	<p>Time zone recalculated</p>

Time (LA)	Event	Trial Bundle ref	Comments
13:20	Text from AH to Erin Boreum: <i>can you come over today? Also my anxiety is through the roof</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:41	Text from iO Tillet Wright to AH: <i>I get in at 11. Gonna call you in a second.</i>	File 7, Tab 17, page H104	Time zone recalculated
13:45	Text from Erin Boreum to AH: <i>Yes I was planning on making it by at some point. Do you still have PRN propranolol? If so, take that. Will help decrease your anxiety without snoring you.</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:46	Text from AH to Erin Boreum: <i>I just took propranolol</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:47	Text from AH to Erin Boreum: <i>Getting hair and makeup from 2-4 at the penthouse for the late show appearance</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:49	Text from Erin Boreum to AH: <i>OK, good. Propranolol should start working within 30 minutes. Do you want me to try to get there before 4:00 or come after your appearance?</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:53	Text from Erin Boreum to AH: <i>If you want, I can get on the road in about 20 minutes so I could get downtown around 3</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:56	Text from AH to Erin Boreum: <i>I won't be able to talk in front of hair and makeup so maybe can you come after ?</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:59	Text from Erin Boreum to AH: <i>Around what time do you think you'll be home? I have an overnight shift tonight but can come before</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
13:59	Text from AH to Erin Boreum: <i>I think about 6:30 or so</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
14:13	Text from Kevin Murphy to AH: <i>I'm here</i>	File 7, Tab 15, page H102	Time zone recalculated
14:16	Text from Erin Boreum to AH: <i>Ok want to keep me posted when you're done? Do you have enough meds for this afternoon?</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
14:56	Text from Erin Boreum to AH: <i>Heyh Just a thought Are you still seeing Cowan? If so, can you get in a session with him?</i>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
14:32	Text from iO Tillet Wright to AH: <i>Listen. This is a horror, what you're in right now. I can only Imagine how violated you feel. But you are safe, and you will continue to be safe. we have your back so hard. Your</i>	File 7, Tab 17, page H105	Time zone recalculated



Appendix 3 to Defendants' closing submissions

Time (LA)	Event	Trial Bundle ref	Comments
14:39	<p><i>life is not falling apart, your world is not disintegrating. We are going to get you through this and you're going to come out stronger and healthier on the other side. And I'll be god damned if anyone is ever going to hurt you again. We'll take it one breath at a time, but every breath you've got is a tiny gift to me and your loved ones. Don't you forget that. I love you.</i></p>  	<p>File 6, Tab 148(c), page F894.103 (without metadata) and F894.103A (with metadata)</p>	
		<p>File 6, Tab 148(c), page F894.105 (without metadata) and F894.105A (with metadata)</p>	


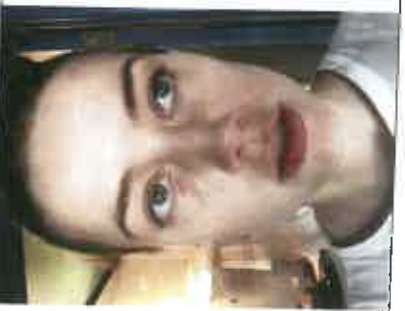
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Time (LA)	Event	Trial Bundle ref	Comments
14:40		<p>File 6, Tab 148(c), page F894.107 (without metadata) and F894.107A (with metadata)</p>	
		<p>File 6, Tab 148(c), page F894.109 (without metadata) and F894.109A (with metadata)</p>	



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Time (LA)	Event	Trial Bundle ref	Comments
		<p>File 6, Tab 148(c), page F894.112 (without metadata) and F894.112A (with metadata)</p>	
		<p>File 6, Tab 148(c), page F894.111 (with metadata)</p>	



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Time (LA)	Event	Trial Bundle ref	Comments
14:41		<p>File 6, Tab 148(c), page F894.114 (without metadata) and F894.114A (with metadata)</p>	
		<p>File 6, Tab 148(c), page F894.116 (without metadata) and F894.116A (with metadata)</p>	


Time (LA)	Event	Trial Bundle ref	Comments
14:59 – 15:00	 <p>AH texts Connell Cowan: <i>Connell, sorry haven't called because rocky came over last night. Then dealt with Security and called nurse for medical help and went down to sleep. Today has been filled with work (I'm shooting a late show appearance today – with 2 black eyes) In short? I need your help. But will have time tomorrow to get it. Can you please please make time for me??</i></p> <p><i>Johnny beat me up pretty good last night</i></p> <p><i>He's using again</i></p> <p>Connell Cowan texts AH: <i>tomorrow I I am?</i></p> <p>AH texts iO Tillet Wright: <i>I love you</i></p> <p>Pictures taken by Kevin Murphy:</p>	<p>File 6, Tab 148(c), page F894.124 (without metadata) and F894.124A (with metadata)</p>	
15:02		<p>File 7, Tab 13(a), page H81.1</p>	<p>Time zone recalculated</p>
15:02		<p>File 9, Tab 133, page K278</p>	
15:02		<p>File 7, Tab 13(a), page H81.1</p>	<p>Time zone recalculated</p>
16:03		<p>File 7, Tab 17, page H105</p>	<p>Time zone recalculated</p>
		<p>File 9, Tab 87(k), page J1.10</p>	

Time (L/A)	Event	Trial Bundle ref	Comments
			
		File 9, Tab 87(l), page JI.11	




Time (LA)	Event	Trial Bundle ref	Comments
		File 9, Tab 87(m), page J1.12	
16:03	<p>AH texts Erin Boreum: Yes</p>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
16:08	<p>Erin Boreum texts AH; Great. Please let me know when you schedule it. Did the propranolol help?</p>	File 2.1, Tab 71.3, page E606.68	Time zone recalculated
16:20	<p>AH texts Connell Cowan: Yes, I'll come then. Maybe a few mins early if possible. I have to leave by 12: latest</p>	File 7, Tab 13(a), page H81.1	Time zone recalculated
16:21	<p>Connell Cowan texts AH: So come at 10:30. Will give us two hours.</p>	File 7, Tab 13(a), page H81.1	Time zone recalculated
17:22	<p>iO Tillet Wright texts AH: You got this boo</p>	File 7, Tab 17, page H105	Time zone recalculated


Time (LA)	Event	Trial Bundle ref	Comments
Time unknown	<p data-bbox="263 1265 311 1870">Filming of <i>The Late Late Show with James Corden</i></p>  	<p data-bbox="303 492 502 795">Video clip is in Multimedia files (Core Bundle), "F150. Amber Heard has a Ballet Claw - Late Late Show CBS.mp4".</p> <p data-bbox="534 526 598 795">Still image: File 9, Tab 87(n), page J1.14</p> <p data-bbox="790 526 853 795">Still image: File 9, Tab 87(n), page J1.13</p>	
Time unknown	Texts between Lily-Rose Depp and AH:	File 4, Tab 121, pages F719 – F720	

Time (LA)	Event	Trial Bundle ref	Comments
20:22	<p>AH: <i>So, here's the thing mini balls... I might not be able to go to the island for Christmas this year with you guys!! I might have to be with my family instead... (Long story I won't bore you with right now) so I'm worried that I won't get to see you and meet your man! Maybe I can see you guys soon? I'm dying to see your face! I miss you so much</i></p> <p>L-RD: <i>oh no!! how come?? Is everything okay??</i> <i>And yes of course!! We can come down tomorrow morning and hang if u want??</i></p> <p>Texts between Lily-Rose Depp and AH:</p> <p>AH: <i>Yeah, don't worry sweet thing. I'd love to see you tmrw though! I'm free in the afternoon... Are you busy then?</i></p> <p>L-RD: <i>I have a dinner at 7! How early are you free??</i></p>	<p>File 4, Tab 121, pages F719 – F720</p>	
21:58 – 22:26	<p>Texts between AH and Erin Boerum</p> <p>EB: <i>You still need meds tonight? I've got a few weeks and PRNs for you. I can drop at Eastern but cannot stay long</i></p> <p>AH: <i>I don't know if I have Xanax I'm so sad</i></p> <p>EB: <i>I know. I'm so sorry. Not a good situation</i></p> <p>AH: <i>If you're working tonight I'll just take ambien tonight</i></p> <p>EB: <i>It's up to you sweetie. I've got meds in my car and I'm more than happy to drop them off. just can't stay and chat like I wish I could but at least you'll have them. And I am available by phone for the next hour, too. Or would you rather me meet you tomorrow? Whatever works best for you. I am on my way because I'd rather you have the meds you need tonight</i></p>	<p>File 7, Tab 19(a), page H127.1</p>	<p>Time zone converted</p>

Time (LA)	Event	Trial Bundle ref	Comments
Time unknown	<p>12/16/15: Ct contacts RN via phone and states she had an argument with husband JD previous night. Ct states husband JD has left home and she is unaware of his location. Client reports getting into verbal disagreement with husband at their home in downtown LA. She states husband JD was inebriated. Ct states the disagreement escalated and states husband JD used his forehead to hit her head. Ct denies loss of consciousness. States she has headache and bruised eye. RN encouraged ct to notify Dr. Kipper and/or go to emergency room if she was injured or felt like she is in danger. Ct declined and stated friend Rocky is with her and that husband JD will not be able to reenter home.</p>	File 4, Tab 139, page F880	
Thursday 17 December 2015			
00:05	Text from AH to Erin Boerum: <i>Thanks for the grub mom. I ♥ you</i>	File 7, Tab 19(a), page H127.1	Time zone recalculated
00:40	AH texts eight photographs of her injuries to iO Tillet Wright and Raquel Pennington	File 7, Tab 18, pages H106 – H115	Time zone recalculated
00:46		File 6, Tab 148(c), page F894.132 (without metadata) and F894.132A (with metadata)	
		File 6, Tab 148(c), page F894.134 (without metadata) and F894.134A (with metadata)	

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Time (LA)	Event	Trial Bundle ref	Comments
		File 6, Tab 148(c), page F894.136 (without metadata) and F894.136A (with metadata)	
09:52	Text from Erin Boreum to AH: <i>Did you sleep?</i>	File 6, Tab 148(c), page F894.139 (without metadata) and F894.139A (with metadata)	
10:19		File 7, Tab 19(a), page H127.1	Time zone recalculated
		File 6, Tab 148(c), page F894.141 (without metadata) and F894.141A (with metadata)	
		File 6, Tab 148(c), page F894.143 (without metadata) and F894.143A (with metadata)	

Time (L.A)	Event	Trial Bundle ref	Comments
10:20		File 6, Tab 148(c), page F894.145 (without metadata) and F894.145A (with metadata)	
Time unknown	Connell Cowan notes of psychotherapy session with AH: "New Issues: altercation with JD. ... Risk Assessment: ... Some spark ignited an argument that escalated and got violent. Shoving and screaming. Amber related that he started the physicality - pushed her down. Amber got back up. Hard for her to de-escalate a fight. Her strategy (despite our conversations) is to try and fight back (not protective of self and very self-defeating)." Texts between AH and Erin Boerum:	File 9, Tab 133, page K277	
10:40 - 10:49	AH: <i>Yes The Indian helped a lot! Thank you so much for coming over last night. I know you were busy so I really appreciate you doing that. It meant a lot to me</i> EB: <i>Those good old Indians. Working their Indian magic on sleep. And...I love you. I'm glad Rocky and io can be there. You've got a really good support system.</i>	File 7, Tab 19(a), page H127.1	Time zone recalculated
12:33	Text from AH to Lily-Rose Depp: <i>I'm free around 4:30!</i>	File 4, Tab 121, page F720	
12:35 - 17:54	Text messages between Paige Heard and AH: PH: <i>I can be there tomorrow</i> AH sends three photographs PH: <i>Yes send the pictures and nothing else I love you so damned much. I will do absolutely anything for you</i>	File 7, tab 19, H116-H118	Time zone recalculated

Time (LA)	Event	Trial Bundle ref	Comments
	<p><i>Your dad sent Steve a scathing text message. I'm sorry – I told him he should have asked you but you know men on men anger. He really reamed him. He compared you to Lily Rose and how JD would feel. Your dad's blood is boiling.</i></p> <p>AH: <i>Did dad see the pictures?</i></p> <p>PH: <i>Yep, he went through my messages to you. His email was very good and I will send it as soon as his phone finishes its update. It is a good reaction and JD immediately texted back "David....."</i></p> <p>PH sends five photographs</p> <p>PH: <i>Amber – David sent NONE of these pictures</i></p> <p>AH: <i>Huh?</i></p> <p>PH: <i>He saw the pics on my phone. Send 2 or 3 that I'll forward from his phone</i></p> <p>AH: <i>What?!</i></p> <p>PH: <i>David saw the pics on my phone and made reference to them on his text.</i></p> <p>AH: <i>Can you please send me Johnny's response?</i></p> <p>PH: <i>It will all be okay, my baby. I promise.</i></p> <p>AH: <i>Did he send that long bullshit text message to dad after before he saw the pictures?</i></p> <p>PH: <i>He (dad) said he's done for the night. But the text was first</i></p> <p>AH: <i>So he sent pics to Johnny though right?</i></p> <p>PH: <i>Right</i></p>		


Time (L.A)	Event	Trial Bundle ref	Comments
13:07	<p>AH: <i>Jesus I just read that long text message... Can't believe how crazy he sounds. Nail polish?! What the fuck is he talking about?! He sounds out of his mind...</i></p> <p>PH: <i>Which one?</i></p> <p>AH: <i>What? Look, please stop engaging with him. He's clearly still using and is ramping up and out of his mind.</i></p> <p>PH: <i>Sure - I'll pass that on to your dad. Let me know when you'd like me to come. I promise I won't bug you.</i></p> <p>AH: <i>I can't believe he's still justifying it to himself I can't believe his so disillusioned to say those things Did he see the pictures!?</i></p> <p>PH: <i>Don't know. He's signed over and out</i></p> <p>AH: <i>What?</i></p> <p>PH: <i>He said "maybe" we'll talk later.</i></p> <p>AH: <i>Who? I'm so confused</i></p> <p>PH: <i>Of course, consider the source. JD texted back but also said talk to you tomorrow.</i></p> <p>AH: <i>I'm confused. J texted back after he saw the photos?</i></p> <p>PH: <i>Honey, too many people texting on too many phones. Let me know when you want me to come. I promise, you will be all right</i></p> <p>Raquel Pennington texts AH:</p>	File 7, tab 13, H55	

Time (LA)	Event	Trial Bundle ref	Comments
13:08	<p>Hey there, papa heard called me. I let it go to voicemail. I assume you told him some of what happened, but I just wanted to check with you before I call him back to make sure I'm supporting what you want to divulge.</p> <p>AH texts Raquel Pennington: I told him a little – Just wanting him xmas might be off I jus don't want him to drive out!</p> <p>Raquel Pennington texts AH: Right! Do you still want them to come out?</p> <p>Raquel Pennington texts AH:</p>	File 7, tab 13, H55-H56	
13:10	<p>OK well I'll call him back and just reassure him that guns are not necessary at the present moment</p> <p>Texts between AH and Erin Boerum:</p> <p>EB: I just finished watching your appearance last night. I had recorded it. You looked and sounded great, and honestly nothing looked wrong at all.</p> <p>AH: that's a miracle</p> <p>AH: Hey I have had a headache basically for the last couple of days and I've bene taking Advil nonstop... my head is still really bruised. I still feel a lot of welts on it. I called Kipper's office and Lisa said he was away until tomorrow but that Monroe could look at me. Do you think I should go and get checked out by him?</p> <p>EB: I think if you are still hurting at this point then it wouldn't hurt to get a full check up/ assessment. Monroe is really good guy and very smart nurse practitioner. Are the headaches picking you up when you're sleeping?</p> <p>AH texts Raquel Pennington: Will you send a pic of my hair/head to my dad right now</p>	File 7, tab 13, H56	
13:30 – 15:26		File 7, Tab 19(a), page H127.1 - .2	Time zone recalculated
16:32		File 7, tab 13, H56	

Time (LA)	Event	Trial Bundle ref	Comments
17:39	Raquel Pennington texts AH: <i>The ones we took this morning? It's on your phone I have the ones from yesterday though I spoke to both of your parents today</i>	File 7, tab 13, H56	
17:40	Raquel Pennington texts AH: <i>Surprisingly, your mom was the more claim of the two</i>	File 7, tab 13, H56	
17:41	Raquel Pennington texts AH: <i>How are you? I'll be home at 9:40</i>	File 7, tab 13, H56	
Time unknown	AH attends Dr Kipper's office and is seen by Monroe Tinker: Phone Consultation: head ache HPI: Ms. Amber Heard is a 29-year-old English speaking Caucasian female with a past medical history of insomnia, anxiety and attention deficit disorder. Today the patient reports a head ache after she bumped her head while standing up 2 days ago. The patient reports no loss of consciousness, no nausea or vomiting. No change in mental status, or vision changes. Last seen in the office on 1/23/2015 the patient has not experienced any cardiovascular events. Symptomatically she denies chest pain or dyspnea, PND, orthopnea and ankle edema she denies palpitations, syncope or pre-syncope.	File 9, Tab 117, page K130	

Time (LA)	Event	Trial Bundle ref	Comments
	<p>The above notes should be read alongside Amber Heard's text message to Lisa Beane on 30 May 2016 (File 7, Tab 45(a), page H178.1) in which Amber Heard states:</p> <p><i>"... Listen, a few months ago remember when you saw my face and so kindly follow me out to the car after I left the office to offer your advice and support? ... Well as you may or may not have seen in the recent media news, now is the time when I could really use some. That time when I came in to the office, it was because of my injuries, but obviously I couldn't say that to Monroe (who saw me because Dr. Kipper was out of the office at that moment). Well, now, I am being called a liar and I'm wondering if there's anyway I could get access to that particular medical evaluation ?? Even though he didn't know what caused it, I need to prove that I had certain injuries etc...."</i></p>		
<p>18:08 – 20:07</p>	<p>Texts between AH and Erin Boerum:</p> <p>EB: <i>Are you ok?? Did you go to the office?</i></p> <p>AH: <i>Yes I did I saw Monroe. And went to therapists and lawyers office today. Just really sad.</i></p> <p>EB: <i>Good. All good things to take care of yourself which is what you should be doing. I know it's not easy, but I'm proud of you for taking care of number one. Have you been able to eat at all?</i></p>	<p>File 7, Tab 19(a), page H127.1 - .2</p>	<p>Time zone recalculated</p>
<p>20:54</p>	<p>Texts between AH and Lily-Rose Depp:</p> <p>L-RD: <i>fuck I just saw your text! Sorry Ladyballs! Are you for sure not coming to the island??</i></p> <p>AH: <i>It's okay! No worries</i></p>	<p>File 4, Tab 121, page F720</p>	

Time (LA)	Event	Trial Bundle ref	Comments
23:00	<p>12/17/15: (23:00) RN in contact with ct to notify her that she would be able to deliver medications to her home. RN waited at door for several minutes after knocking. Ct greeted RN at door looking disheveled. Hair appeared unbrushed. Ct appeared weepy and sad. Posture is slouched. Ct told RN about argument with husband. RN offered emotional support but reminded ct that RN could not stay as was on duty with another client and was only visiting in order to deliver medication. Per ct, she has not had contact with husband since altercation. Ct had visible bright red blood appearing at center of lower lip. When RN made client aware that she actively bleeding on her lip, ct stated it was from the injury sustained in the Client: Amber Heard Depp RN: Erin Boerum</p> <p>argument between her and her husband, and that it continues to bleed actively. Ct also states that her head is bruised and that she lost clumps of hair in altercation. RN briefly looked at ct's scalp but was unable to visualize the hematomas ct had described. RN encouraged ct to be seen by physician Dr. Kipper or go to emergency/urgent care for thorough assessment. Ct states she will contact Dr. Kipper tomorrow. Ct is supported by friends Rocky and iO, who will be staying in ct's home with her. RN reminds ct to hydrate with oral fluids and to limit/abstain from alcohol. Ct was consuming red wine with RN left but assured RN she would consume in moderation. RN left and will follow up with ct tomorrow and will notify Dr. Kipper.</p>	File 4, Tab 139, page F880 – 880.1	
Friday 18 December 2015			

Time (L.A)	Event	Trial Bundle ref	Comments
14:40		File 6, Tab 148(c), page F894.147 (without metadata) and F894.147A (with metadata)	
17:08 – 18:54	<p>Text messages between AH and iO Tillet Wright:</p> <p>iO: <i>Hi</i> <i>How are you today?</i> <i>What did today bring?</i></p> <p>AH: <i>Hi</i> <i>Sad heart man</i> <i>I'm super sad but okay I guess</i></p> <p>iO: <i>What happened today and last night?</i> <i>You don't have to be ok</i></p> <p>AH: <i>Betty sue is in critical condition - Debbie text me to tell me.</i> <i>So I text him today "I heard about Betty sue, I'm so sorry, don't know what else to say but I hope you're okay"</i></p> <p>AH: <i>And he responded this:</i></p> <p>iO: <i>Wow</i> <i>That was very generous</i> <i>How did you feel when you got that?</i></p> <p>AH: <i>I don't know</i> <i>Weirdly relieved that he seemed sober and then disappointed I cared</i></p>	File 7, Tab 19(a), pages H128 – H129	

Time (LA)	Event	Trial Bundle ref	Comments
	<p><i>Also strongly hopeful although I'm not sure why.</i></p> <p>iO: <i>All sounds very natural to me Hopeful in what way</i></p> <p>AH: <i>I don't know Like he's still there Like it's he's not gone</i></p> <p>iO: <i>Ah</i></p> <p>AH: <i>But I'm talking myself out of allowing that feeling ya know?</i></p> <p>iO: <i>Well that also makes sense that you would hope that's the case. Yeah. That's good. Talk yourself out of it until you really understand it You are your only defense</i></p> <p><i>The good him is there. Just in percentage it's 30% good and 70% visitor, who has become a monster</i></p> <p>AH: <i>When r u back ?</i></p> <p>Io: <i>Tomorrow night You wanna have dinner?</i></p> <p>AH: <i>Tmrw?? Yes! My mom flies in tmrw also</i></p> <p>iO: <i>Amazing I'll let you know when we finish filming and I'm headed back</i></p>		
Time unknown	<p>12/18/15: Ct states she went to Dr. Kipper's office and was assessed by NP Monroe T. as Dr. Kipper was out of the office.</p>	File 4, Tab 139, page F880.1	

Time (LA)	Event	Trial Bundle ref	Comments
Saturday 19 December 2015			
00:37	<p>Texts between AH and Lily-Rose Depp:</p> <p>AH: <i>Am I going to see you before you leave?</i></p> <p>L-RD: <i>I hope so!!!! I have to get some last minute Xmas presents tomorrow, would you wanna come with me???</i></p>	File 4, Tab 121, page F720	
12:21 – 13:27	<p>Texts between AH and Lily-Rose Depp:</p> <p>AH: <i>Would love to see you! When do you leave?</i></p> <p>L-RD: <i>I'm not sure. It's been super unclear. I think tomorrow. Are you okay??</i></p> <p>AH: <i>It's been hard. But I'll be okay. I'd really love to see you if possible before you leave, but no pressure!! I can always see you when you get back. Do you know if you'll have any time later tonight?? Also, is Ashe with you?</i></p> <p>L-RD: <i>I don't know if I'll be able to today because Miley invited me to her concert tonight and I think we're gonna go! But will you be around when I come back?? I miss you so much I hope you know I'm here for you – that will never change! Love you Ladybails</i></p> <p>AH: <i>Thanks mini. Back at cha. You and Ashe are going to the Miley concert?! Hahaha. When you come back from the island or concert?</i></p> <p>L-RD: <i>from the island!</i></p> <p>AH: <i>Ah! Yes. Of course. Actually Do you know if you'll be around tmrw during the day?? I leave town soon and won't be back when you guys get back... I'm headed to San Fran. And then Texas and then the uk! I start work in the beginning of the year there</i></p>	File 4, Tab 121, page F721 – F722	

Time (LA)	Event	Trial Bundle ref	Comments
	L-RD: <i>not sure. Trying to find out now... I really wanna see you before you leave!!!</i> AH: <i>Okay, no worries. Let me know and I'll make it work. Otherwise I'm sure I'll see you between trips! Love you</i>		
Time unknown	12/19/15: Ct states she is experiencing increased anxiety and insomnia. RN offers emotional support via text and also encourages ct to utilize relaxation techniques and deep breathing exercises to assist in decreasing anxiety. Ct states that attempts to use Xanax and propranolol have been ineffective in managing anxiety. Ct states that Provigil "is the only thing that has made me feel better" but that she immediately feels depressed and anxious when medication is not longer effective. Dr. Kipper notified, and ordered to increase Xanax to 0.5mg q4-6hr prn. Refill for Xanax and Ambien granted by Dr. Kipper. Ct continues to state that her anxiety is worsened by unknown status of relationship with her husband as he has not returned home or contacted her since their argument several days ago. RN encouraged ct to continue to hydrate, eat small meals, and utilize support of friends and to continue seeing therapist Dr. Cowan. RN reminded ct that RN is out of town until Dec. 29 and to contact Dr. Kipper's office directly for any needs while RN is away. Ct verbalizes understanding.	File 4, Tab 139, page F880.1	
Sunday 20 December 2015			
18:21 – 18:22	Text from Raquel Pennington to AH: <i>Let me know how I can help</i>	File 7, Tab 13, page H57	
18:24 – 18:26	<i>I can occupy your mama or be in the next room, or butt out</i> Texts between AH and Raquel Pennington: AH: <i>I'll let you know. I'm textin with him now about what's best. Talk when he gets here vs. when he's leaving</i> <i>I hate that I wish he wasn't leaving</i> <i>I feel abandoned by someone who should be crawling back to apologize to ME!</i> <i>I feel so ashamed</i>	File 7, tab 13, pages H57-H58	

Time (LA)	Event	Trial Bundle ref	Comments
19:29 – 19:30	<p>RP: <i>You have nothing to be ashamed about. Nothing Love comes from the heart, from the gut. It has nothing to do with the brain</i></p> <p>Texts between AH and Raquel Pennington:</p> <p>RP: <i>By the way, I'm not near the end of ability to support you. Not even close, none of us are. So the second you need something, no matter how dramatic and crazy, I am here. Josh is here. Leola is here. No judgment. Just love.</i></p> <p>AH: <i>Ok</i></p> <p>Thanks</p> <p>We are about to talk</p> <p>RP: <i>Ok</i></p> <p><i>If it even looks like it may get escalated just walk away. That's not defeat. You can pick it up another time.</i></p>	File 7, tab 13, H58-H59	
19:35 – 19:36	<p>Texts from AH to Connell Cowan:</p> <p><i>I don't feel strong enough</i></p> <p><i>I want to be</i></p> <p><i>Just don't feel it</i></p> <p><i>He wants to say bye to me. He came over to grab some things I just don't want him to leave</i></p> <p><i>I don't know what to do</i></p>	File 7, Tab 20(a), page H129.1	Time zone recalculated
19:49	<p>Text from Connell Cowan to AH:</p> <p><i>All I can tell you Amber is that it's important to trust what you know to be safe and healthy for you and to distrust any of those feelings that come from fear and insecurity. Whatever you decide, whatever you do, make sure you try and let it come from strength, not weakness. I know you don't want him to go but staying and using leads to what??</i></p>	File 7, Tab 20(a), page H129.1	Time zone recalculated
20:21	<p>Text from Connell Cowan to AH:</p> <p><i>Let me know what time you have tomorrow to talk</i></p>	File 7, Tab 20(a), page H129.1	Time zone recalculated
21:09 – 23:14	<p>Texts between AH and Raquel Pennington:</p> <p>AH: <i>Okay</i></p>	File 7, Tab 20(b), H129.2 H129.3	Time zone recalculated

Time (LA)	Event	Trial Bundle ref	Comments
	<p>Handling it so far I think</p> <p>RP: Ok</p> <p>Thank you so much for checking in</p> <p>Is there a certain time I should check in with you?</p> <p>AH: I'll text you in a bit</p> <p>RP: OK</p> <p>AH: I'm being strong – basically faking it</p> <p>RP: survival</p> <p>AH: I said "you head butted me" and his response? I just gave you a little knock!"</p> <p>"With my head"</p> <p>And then left the room after saying what a "fuck up" he was and such</p> <p>Fucking feeling sorry for himself</p> <p>poor him</p> <p>RP: Omg</p> <p>AH: Can't take any responsibility</p> <p>RP: Does that make it a little easier?</p> <p>AH: Just like josh said</p> <p>He doesn't know how</p> <p>Are you sure you guys are okay not going to the island??</p> <p>I feel terrible for ruining cams</p> <p>*xmas</p> <p>RP: You didn't ruin it!</p>	<p>Read with additional text messages in File 7, Tab 13, pages H57 – H63</p>	

Time (LA)	Event	Trial Bundle ref	Comments
	<p><i>Christmas is going to happen many more times. And home is where you and our moms are I love you so much. You are the strongest person I know.</i></p> <p>AH: <i>He's crying</i> <i>Now playing the sorry I fucked up and am so fucked up card</i></p> <p>RP: <i>Yes, because he's losing you for real</i> <i>Because he knows you mean it.</i> <i>This means you are communicating clearly. Keep going. Do not let him stay there tonight.</i> <i>Speak from strength, not from desperation. Listen to what your gut says will serve your strength.</i></p> <p>AH: <i>Can I come over? Or are you guys in bed?</i></p> <p>RP: <i>Nope not at all come over</i></p> <p>AH: <i>Okay. I might come over in a min.</i></p> <p>RP: <i>Ok, door is open</i> <i>We are upstairs just watching tv</i> <i>Preserve!</i></p> <p>AH: <i>I am</i> <i>But I'm heart broken</i> <i>My heart feels broken</i></p> <p>RP: <i>I know.</i></p> <p>AH: <i>I am so sad</i></p> <p>RP: <i>It's the saddest thing.</i> <i>It's ok to feel that.</i> <i>It's ok</i></p>		

Time (LA)	Event	Trial Bundle ref	Comments
	<p>AH: <i>I feel so much</i></p> <p>RP: <i>Feel it. This is real. This is your preservation kicking in Do you want to come over? I can wait with your moma</i></p> <p>AH: <i>iis okay He's leaving soon</i></p> <p>RP: <i>[heart] I'm here</i></p> <p>RP: <i>You still ok?</i></p>		
Monday 21 December 2015			
01:31 – 04:52	<p>Texts between AH and Raquel Pennington:</p> <p>AH: <i>I'm ok Just been a hard night. Crying And talking And crying more</i></p> <p>RP: <i>Oh Amber, I wish there was anything I could do to make this load not as heavy Thank you for responding. I was dreaming about you. I was worried. Are you ok? I think Johnny just came in and left a note on my floor</i></p> <p>AH: <i>He's fucked up</i></p> <p>RP: <i>Yes obviously</i></p>	<p>File 7, tab 20(c), pp.H129.6-7</p> <p>Read with additional text messages in File 7, Tab 13, pages H63 -</p>	

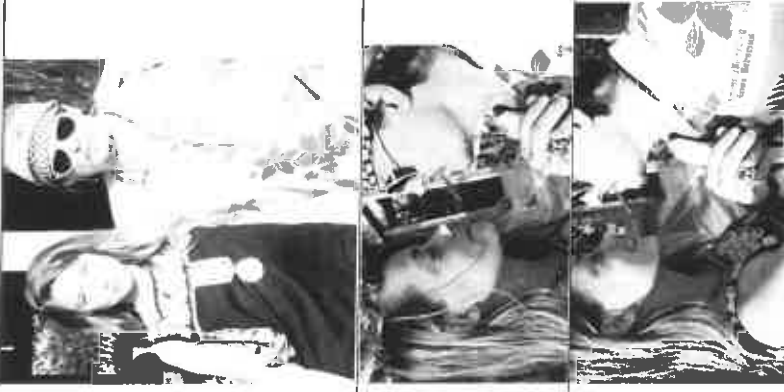
Time (LA)	Event	Trial Bundle ref	Comments
	<p>AH: <i>I asked him to leave ignore it</i> <i>He's gone</i> <i>I'm so sorry</i> <i>He's just feeling like he's fucked up</i></p> <p>RP: <i>No need to apologize it's not your fault</i></p> <p>AH: <i>I asked him to leave twice</i></p> <p>RP: <i>I saw Steven in the hallway, can he help?</i> <i>Can we help?</i></p> <p>AH: <i>I don't know</i> <i>He's not with me</i> <i>He's drink</i> <i>*drunk</i></p> <p>RP: <i>Can you get out of there?</i> <i>Can I come get you and we will go?</i> <i>If he won't leave?</i> <i>Is he gone?</i> <i>Come I come help you?</i> <i>I feel stupid giving you space. I feel like coming to help you, even if it's just standing there</i> <i>as witness</i></p> <p>AH: <i>it's ok</i></p> <p>RP: <i>I'm so worried</i></p> <p>AH: <i>It's okay. He's sleeping here tonight because he started throwing up</i></p> <p>RP: <i>Ok</i></p>		

Time (LA)	Event	Trial Bundle ref	Comments
10:30 – 10:32	<p>AH: <i>I'm so soar</i></p> <p>RP: <i>Can you go be with your mama?</i></p> <p>AH: <i>*sad</i> <i>I have nmben thinking about it</i> <i>*been</i> <i>But it will antagonize</i></p> <p>RP: <i>Just try to get some rest and you can get back to solving problems tomorrow</i> <i>Turn him on his stomach and go let your mom take care of you</i></p> <p>Text from Raquel Pennington to AH: <i>I'm up</i> <i>I just went to check on your mama, she was sound asleep</i> <i>Do you think Kipper should be there when he wakes up?</i></p> <p>Text from David Heard to JD:</p>	File 7, Tab 13, page H68	
12:44	<p>JD <i>I understand little more about what's going on then I did, I'm not mad I understand, a man has got to be a man and I'm not saying that you were completely justified but I understand I'm talking to Paige and I think I know what is going on a little better I wish you and I were talking. And I can tell you that I told you before I could fix this if I could sit down with you and Amber at the same time by ourselves and you would understand why I don't want to kill you could beat you up or anything, I would say no more hitting for anybody I think you and Amber Jack and Lily Rose only should go to the island for a few days and let me talk to Amber and tell her what she needs to stop doing to help your situation. I still love you like a brother or father or whatever and I think it could work things out, I think the whole thing about all the friends and everything is getting in the way but the main thing is that amber should never hit you or call you another name and same goes for you and if that were the case you guys could be happy together for the rest of your lives!!!! I mean that and I know that from the bottom of my heart I know that Amber needs help with her temper the same as you need help with your <input type="checkbox"/> problem with drugs and alcohol mixing together good causes you to lose control, even though it's not one-sided she's not blameless and I know that but she's my kid and I love her unconditionally but I think you do too!!!</i></p>	File 10, Tab 147(a), page O123	




Time (LA)	Event	Trial Bundle ref	Comments
13:36 – 13:37	<p>Text between AH and Raquel Pennington:</p> <p>AH: <i>I just woke up Yeah I'm going to text him</i></p> <p>RP: <i>I think that would be a good idea. When he wakes at least he will be sober, maybe slightly more receptive. He won't like it, but it may help?</i></p>		
20:38	<p>Texts between JD and Raquel Pennington:</p> <p>JD: <i>Dear Rocky... May I call you? Just want to straighten things out... Love you... Johnny</i></p> <p>JD: <i>Time is kinda of the essence... Sorry.</i></p> <p>RP: <i>I'm just not ready</i></p> <p>RP: <i>I'm sad and not ready</i></p> <p>JD: <i>You got it</i></p>	<p>File 10, Tab 147(a), page O103</p>	
Time unknown	<p>12/21/15: RN received phone call from ct and husband JD. RN was confused regarding what client and husband were asking, and client AH told RN they were going to hang up. Client AH later texted RN and stated that she and husband JD had reconciled, but then argued about their argument last week. Ct plans to visit private island in Bahamas with husband JD x 1 week.</p>	<p>File 4, Tab 139, page F880.1</p>	
Tuesday 22 December 2015			
Time unknown	<p>AH texts Cornell Cowan: <i>I am so sorry if I worried you. As you can imagine, the day of travel (20th) he came over to "say goodbye" and there commenced an entire day of hashing it out.... Ultimately ending in his agreement to commit to the couples counselling etc... and my decision to go to the island with him and the kids. It's just us and has been relaxing and incredibly peaceful –</i></p>	<p>File 9, Tab 133, page K281</p>	

Time (LA)	Event	Trial Bundle ref	Comments
	<p>even if it is just avoiding an inevitable larger "discussion / conclusion". Anyway, sorry for the long text. I will text you when I get back to LA. I wish I could tell you I had had the ability to walk away but I just wasn't (although I certainly saw he believed I had) but anyway.... I will text you when I'm back on the 30th. Perhaps I need to rush on in there as soon as you open for the new year ... Thank you for checking in, Connell. That means a lot to me.</p> <p>Connell Cowan records in his notes: <i>This text was in response to a message I sent expressing concern. This is obviously a toxic and destructive relationship. Amber understands how damaged and damaging the relationship is and still refuses to move on.</i></p>		
13:49	<p>AH texts iO Tillet Wright: <i>I wish I stronger, but I wasn't, or aren't. Im giving it another shot. I know Im stupid. Can't seem to be stronger than that though. At least at the moment</i> <i>Lobe you</i> <i>*love you. How's NY? How's dad and Nicole?</i></p>	File 7, Tab 20(d), page H129.10	Time zone recalculated
15:05 – 15:06	<p>iO Tillet Wright texts AH: <i>Damn boo. I am concerned for your well being, mentally and physically. He doesn't deserve your forgiveness but I understand why you feel stuck in it. I wish you weren't there and were with the ones who truly love you for the holiday, but I won't drill it home more than that. I'm here when you need me.</i> <i>Leo and I just got to New York. Headed to pops now for dinner and the fireplace.</i></p>	File 7, Tab 20(d), page H129.10	Time zone recalculated
Wednesday 23 December 2015			

Appendix 3 to Defendants' closing submissions

Time (LA)	Event	Trial Bundle ref	Comments
19:22		File 6, tab 148(h), page F894.269	
		File 6, tab 148(h), page F894.270	
		File 6, tab 148(h), page F894.271	
Saturday 26 December 2015			


Appendix 3 to Defendants' closing submissions


Time (LA)	Event	Trial Bundle ref	Comments
00:40		File 6, tab 148(h), page F894.272	
13:10		File 6, tab 148(h), page F894.267	
		File 6, tab 148(h), page F894.268	

Appendix 3 to Defendants' closing submissions

Time (LA)	Event	Trial Bundle ref	Comments
16:10		File 6, tab 148(h), page F894.265	
16:14		File 6, tab 148(i), page F894.273	
Tuesday 29 December 2015			

Time (LA)	Event	Trial Bundle ref	Comments
09:17	Text from iO Tillet Wright to AH: <i>Hi. Are you alright? When are you home? What's the plan with you guys? How has j been?</i>	File 7, Tab 20(e), page H129.i0	Time zone recalculated
10:19	Text from AH to iO Tillet Wright: <i>He's been great. Having the kids here it being so quiet has been great. I mean, there's always an upswing but we've talked a lot about the fight and over the course of those conversations, I feel he's starting to understand how bad he got and how much it affected me physically and emotionally. And I'm not going to stop holding him accountable. Josh and Rocky made it clear to him by refusing to come to the island - and so did my parents (albeit in a different way), so he's had to really deal with knowing everyone is aware of what's going on.... He was in such denial about what he did. Especially the physical aspect.... I mean, for gods sake he had been telling himself I was faking that I was hurt because he "didn't really do much" I mean, you know how delusional he can be. I'm glad I'm getting a chance to reiterate that he really did damage this time so it never happens again. Sorry for the long tex. We're coming home tmrw or early on the 31st. where are you? Still in nyc?</i>	File 7, Tab 20(e), page H129.10	Time zone recalculated
10:23	Text from iO Tillet Wright to AH: <i>Good. Accountability is really good. I'm so happy you get to be quiet and that it's been peaceful and restful there. Im back in LA finally. I'm going to Joshua tree for NYE but I'll be back the 2nd and leave again the 8th [...]</i>	File 7, Tab 20(e), page H129.10	Time zone recalculated
Wednesday 30 December 2015			
13:57	Text from Raquel Pennington to AH: <i>I hope you understand. I love you, I can't wait to see you. But regarding J, I just don't know what to do. I've been working so hard this week to dig deep and find space inside to understand, but I feel so bound.</i>	File 7, Tab 13, page H73	
18:30	Text from JD to David Heard: <i>[...] Below is a text that I never hit send on from a week, or so again... It was in response to you...</i>	File 10, Tab 147(a), page O124	

Time (LA)	Event	Trial Bundle ref	Comments
20:06	<p>Hey, brother ... I love you, too!! More than you can ever imagine...!!! It's rare in life when one meets a kindred spirit... A couple of madmen with the thirst for 'FURTHER!!!' ... Their have only been maybe 3 people in my entire life, of your ilk!!! You're a rare specimen and our friendship means everything!!! Yes, I fucked up and went too far in our fight!!! I cannot and WILL NOT excuse my part inside these dramas!!!</p> <p>But, I can promise you, with all confidence, THEY WILL NEVER HAPPEN AGAIN!!! My most sincere apologies if I've let you down... Love you, brother...X. JD</p> 	File 6, Tab 148(c), page F894.148A	
Thursday 31 December 2015			
Time unknown	<p>7 short audio recordings:</p> <ul style="list-style-type: none"> • F161d. CTRL00071905 • F161e. CTRL00071906 • F161f. CTRL00071907 • F161g. CTRL00071908 • F161h. CTRL00071910 • F161i. CTRL00071911 • F161j. CTRL00071913 <p>Agreed combined transcripts are at File 5, Tab 161(j)(i), pages F1009.10.1 to F1009.10.3</p>	File 5, Tab 161(j)(i), pages F1009.10.1 to F1009.10.3	[The date of these recordings has not been agreed between the parties]

Time (LA)	Event	Trial Bundle ref	Comments
01:03		File 6, Tab 148(c), page F894.148B	
09:03 – 15:46	<p>Texts between AH and Erin Boerum:</p> <p>AH: <i>ha! I think J was trying to text from my computer last night..... i just read those last ones.. sheesh</i></p> <p>EB: <i>Ha! OK, that makes a little more sense. I didn't understand when I read those this morning.</i></p> <p>AH: <i>yeah, that was J he was fucked up shocker i know</i></p> <p>EB: <i>Uh oh. Went me to tell Debbie or Kipper or do you want to fill him in? Meaning Kipper</i></p> <p>AH: <i>yeah - he was doing shots last night (which is a first in a Very long time.... maybe since australia?) anyways, that plus finding all that coke last week- makes me really understand that is really what the fighting is about. its been so bad lately and I've just been blaming myself so much. but with the use, its unsurprising.... it's no coincidence, i can say that. anyway, we're still on the island. he got really fucked up last night and it was a mess. basically, we were supposed to come home today but I'm not sure anymore. our</i></p>	File 9, Tab 119, page K134	

Time (LA)	Event	Trial Bundle ref	Comments
	<p>plane is here but J is sleeping something off that no one has been able to really wake him up from so we probably won't leave until tmrw. kipper really needs to see him bad... thanks for checking in</p> <p>EB: Oh my. ! Wow. Are you doing ok? I will call Kipper to fill him in. Has it been bad on the island this whole time? Also, if possible can you let me know if/when you do get on the plane so I know? Thanks and love</p> <p>AH I'm en route Yes I'm good Everything is okay</p> <p>EB: Glad to hear it! Safe travels m'lady. Happy new year to you and the family. Xo</p>		

See also:

- **Audio recording made on 4 January 2016:** [Media file "M141. Audio recording with the filename '20160103 183858.m4a', recorded on 4 January 2016 at 23858pm (UTC+0)"]. Agreed transcript is at **File 9, Tab 141, pages M2.1 – M2.30**. It includes the following (pages M2.4 – M2.5):

AH: ... everyone around me, saw all the bruises and the broken blood vessel under my eye, the bruises on my head, the missing chunks of hair, the split lip, the black eye, the swollen nose all that shit because you're stronger. It does not mean, it does not mean because they heard me that I am somehow more responsible, it just means they heard me because I yell in a fight. You do provoke, I yell it doesn't mean I am more responsible or badder however I am exposed via that the distance of between Café Cabrones and the house is significant and I know, I know that does not mean that they got an accurate representation of our fight, if you told them stuff, great, cool thanks for exposing me as I said to you before don't do it again unless you want me to really also tell them my side of things, because trust me

JD: You are welcome to

AH Trust me, you know I have a different side than you and if I show them pictures and stuff. I'm sure they will have even more of a different side. And in fact, if I told them even more stuff, they will have even more of a clear picture of what I think of both sides.

JD Maybe I should show them this and this and this from the mineral spirits

AH You can do what do whatever you want, you can do whatever you want

JD Or the can that you threw at my face

AH By the way, do it I promise you do it. Do whatever you want

JD You don't want me to do that

AH No, you owe it, you do whatever you want

JD They will never speak to you again

- **Audio recording made on or around 22 July 2016:** [Media file "F161m. CTRL00058198"]. Claimant's transcript is at File 5, Tab 161(n). Defendants' transcript at File 5, Tab 161(o). Both transcripts include the following:

JOHN C. DEPP, II: I head-butted you in the fuckin' ...

AMBER LAURA HEARD: I couldn't believe you did that.

JOHN C. DEPP, II: ...forehead. That doesn't break a nose.

AMBER LAURA HEARD: I don't know if you were aware, I don't think you broke it.

JOHN C. DEPP, II: Don't think I broke it, I didn't touch it!

AMBER LAURA HEARD: Oh, please, you didn't touch it? You don't know.

