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Claim No QB-2018-006323
 IN THE HIGH COURT OF JUSTICE
 QUEEN'S BENCH DIVISION
 MEDIA AND COMMUNICATIONS LIST
 Royal Courts of Justice,
 Strand,
 London, WC2A 2LL.
 Wednesday, 15th July, 2020

Before:
 MR. JUSTICE NICOL

BETWEEN:
 JOHN CHRISTOPHER DEPP II
 Claimant
 -and-
 (1) NEWS GROUP NEWSPAPERS LIMITED
 (2) DAN WOOTTON
 Defendants

(Computer-aided transcript of the Stenograph Notes of
 Marten Walsh Cherer Limited, 2nd Floor, Quality House,
 6-9 Quality Court, Chancery Lane, London, WC2A 1HP.
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MR. DAVID SHERBORNE, MS. ELEANOR LAWS QC and MS. KATE WILSON
 (instructed by Schillings) appeared for the Claimant.
 MS. SASHA WASS QC, MR. ADAM WOLANSKI QC and MS. CLARA HAMER
 (instructed by Simons Muirhead & Burton) appeared for
 the Defendants.

P R O C E E D I N G S
 (DAY 7)
 (TRANSCRIPT PREPARED WITHOUT ACCESS TO COURT BUNDLES)

1 KING - SHERBORNE
 2 A. Yes.
 3 Q. If you look to tab 46, I think it is?
 4 A. 46?
 5 Q. Yes, tab 46, thank you. I think the binder may be a little
 6 fragile so do not worry if they come unstuck, just as long as
 7 you tell someone. Do you find there a document entitled
 8 "First witness statement of Ben King"?
 9 A. Not here, I do not. I am on the wrong one, I beg your pardon.
 10 Q. That is fine. It should be tab 46?
 11 A. I have it now.
 12 Q. And does that say "First witness statement of Ben King"?
 13 A. Yes, it does.
 14 Q. You will see in the bottom right-hand corner that it says
 15 D117?
 16 A. Yes.
 17 Q. If you just turn over the pages until you get to D121, it is
 18 slightly obscured because of the photocopying?
 19 A. Yes.
 20 Q. Do you see at the top a signature?
 21 A. Yes.
 22 Q. Mr. King, is that your signature?
 23 A. It is my signature.
 24 Q. And can you confirm that the contents of that witness
 25 statement are true?

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1 KING
 2 MR. JUSTICE NICOL: Yes.
 3 MR. SHERBORNE: May it please your Lordship, can I call our next
 4 witness, please, Ben King.
 5 MR. BEN KING, AFFIRMED
 6 EXAMINED BY MR. SHERBORNE
 7 MR. JUSTICE NICOL: Mr. King, do sit down, if you would be more
 8 comfortable.
 9 THE WITNESS: Thank you.
 10 MR. JUSTICE NICOL: This is a very large courtroom and so I am
 11 going to ask you, please, to keep your voice nice and loud, so
 12 that everybody can hear you.
 13 THE WITNESS: Certainly.
 14 MR. JUSTICE NICOL: Yes. Mr. Sherborne.
 15 MR. SHERBORNE: Mr. King, can you give your full name to the
 16 court, please?
 17 A. Ben King.
 18 Q. Further to what his Lordship said, can I point out that the
 19 microphones in front of you are not to amplify the sound at
 20 all so you do need to keep your voice up. They simply record
 21 for the transcript what you say, but they are not going to
 22 make your voice louder.
 23 A. All right. I will try to do so.
 24 Q. I am grateful. Mr. King, you should find to your right a dark
 25 blue bundle, number 2?

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1 KING - SHERBORNE
 2 A. Yes, I can.
 3 Q. Can I then take you to your second witness statement. Now,
 4 this should be -- I emphasise should be -- behind tab 59F. Do
 5 you have a 59F?
 6 A. Let me see.
 7 Q. I will give you a moment or two to locate it. (Pause) Is
 8 there a 59F?
 9 A. Yes, I have it now.
 10 Q. Does that say "Second witness statement of Ben King"?
 11 A. Yes, it does.
 12 Q. Same exercise, Mr. King, if you would not mind. D241 is the
 13 first page. Can you turn over to D246?
 14 A. Yes.
 15 Q. Do you see a signature there?
 16 A. I do.
 17 Q. Is that your signature?
 18 A. Yes, it is.
 19 Q. Before I ask you to confirm the contents there, there is one
 20 administrative task I would like you to perform for us if
 21 possible. Can you just see whether behind your statement in
 22 that tab there is an exhibit? I think there may not be and
 23 that is why I am asking you to help us out.
 24 A. I do not see an exhibit.
 25 MR. SHERBORNE: My Lord, there is a photograph which should be

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1 KING - SHERBORNE
 2 attached to that, and if you look internally, if you turn to
 3 D245, just so we all understand what I am asking Mr. King to
 4 search for, at D245, paragraph 21, Mr. King refers to a
 5 photograph which is exhibited. Is that photograph ---
 6 MR. JUSTICE NICOL: Just a minute.
 7 MR. SHERBORNE: I am sorry, my Lord, I am taking it too quickly.
 8 MR. JUSTICE NICOL: BKXX.
 9 MR. SHERBORNE: Yes, that is the photograph and we are trying to
 10 locate why that is not -- I understand we are having it
 11 printed. I think it was provided, as I understand it. Ah,
 12 Ms. Wass shakes her head, which means that she has not
 13 received it. I am not sure what has happened administratively
 14 and whether your Lordship will permit me, subject to that
 15 exhibit, to ask Mr. King to confirm. Perhaps your Lordship
 16 would give me a moment so I can find out how long it is likely
 17 to take before we get that photograph?
 18 MR. JUSTICE NICOL: Yes.
 19 MR. SHERBORNE: I am told it should be here within 15 minutes, so
 20 hopefully that will not cause anyone any problems, but
 21 obviously if Ms. Wass wants time to deal with it, we have no
 22 objection at all. I entirely understand.
 23 MR. JUSTICE NICOL: Right. Are you going to ask Mr. King to
 24 confirm that the contents of the statement are true?
 25 MR. SHERBORNE: Yes, if your Lordship permits me to do so. Can I

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1 KING - SHERBORNE
 2 just ask you to confirm, Mr. King, that the contents of this,
 3 your second witness statement, are true?
 4 A. Absolutely, yes.
 5 MR. SHERBORNE: Thank you very much, if you just wait there,
 6 subject to the photograph being provided, Ms. Wass will have
 7 some questions for you.
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1 KING
 2 CROSS-EXAMINED BY MS. WASS
 3 MS. WASS: Mr. King, you worked for Johnny Depp for three periods.
 4 Have I understood that correctly from your witness statement?
 5 A. That is correct.
 6 MR. JUSTICE NICOL: Just a minute. Yes.
 7 MS. WASS: The first was in October 2014 in London.
 8 A. Correct.
 9 Q. The second was in 2015 in Australia?
 10 A. Correct.
 11 Q. And the third was in 2016 in Vancouver?
 12 A. Also correct.
 13 Q. Were you working for him in relation to particular films?
 14 A. Not necessarily, no. I was just contracted to work for
 15 periods, those periods.
 16 Q. In December 2012, that is the first statement you have been
 17 asked about this morning to look at, it is a 12-paragraph
 18 statement, comprising four pages of typed material,
 19 effectively dealing with the trip to Australia or the period
 20 in Australia when you were working for Mr. Depp?
 21 A. Yes.
 22 Q. You do not mention London or Vancouver in that statement?
 23 A. Okay, right.
 24 Q. It is your evidence. If you want to disagree with me, do.
 25 Have you not read your statement recently?

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1 KING - WASS
 2 A. Yes, I did read it last night.
 3 Q. You have not mentioned London and Vancouver? Can you confirm
 4 that?
 5 A. I believe I have mentioned London.
 6 Q. In the first statement?
 7 A. Yes.
 8 Q. I will be corrected if I am wrong, but I cannot find it.
 9 Mr. Sherborne will look and see if he can find it.
 10 MR. SHERBORNE: It is in paragraph 1.
 11 MS. WASS: Paragraph 1. Sorry, I am not suggesting you did not
 12 say that you had not worked for Mr. Depp, but that you do not
 13 mention any of the events of being in London in your first
 14 statement?
 15 A. Paragraph 6 as well.
 16 MR. SHERBORNE: My Lord, I can deal with this in re-examination.
 17 It is easier rather than Ms. Wass inviting him to do it now.
 18 MS. WASS: The point is, you made a second statement on Monday of
 19 this week; agreed.
 20 A. Yes, correct.
 21 Q. 13th July. It is a 25-paragraph statement, a longer statement
 22 than your first statement, in which you make suggestions that
 23 Ms. Heard drank two bottles of wine a night and was taking
 24 medication; yes? You said that?
 25 A. I did not mention the medication. I did mention about the

[2] (Pages 1072 to 1075)

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1 KING - WASS
 2 wine, yes.
 3 MR. JUSTICE NICOL: Just a minute. (Pause) Mr. King, I am sorry
 4 to keep saying this, but you do need to keep your voice loud
 5 so that everybody can hear.
 6 A. I am sorry, yes, I do speak quietly.
 7 MR. JUSTICE NICOL: Yes, Ms. Wass.
 8 MS. WASS: How did it come about, Mr. King, that you came to make
 9 a second statement? Did you go to Mr. Depp's solicitors or
 10 the other way round?
 11 A. I wanted to provide more information as I saw fit.
 12 Q. So, it is entirely you volunteering this rather than the
 13 solicitors asking you for clarification?
 14 A. Probably both, to be honest.
 15 Q. I am asking you what happened. It was only three days ago.
 16 What happened? How did it come about that you came to make a
 17 longer and much more detailed statement on Monday of this
 18 week?
 19 A. I was simply providing a bit more information, as necessary.
 20 Q. Yes, but did you get a contact from the solicitors asking for
 21 further clarification or did you volunteer to go to them?
 22 A. I have just been in contact with them ----
 23 Q. Throughout?
 24 A. ---- to come to do this today.
 25 Q. So you have been in contact throughout the trial; is that

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1 KING - WASS
 2 right?
 3 A. Yes.
 4 Q. And?
 5 MR. JUSTICE NICOL: I am sorry I did not mean -- just a moment.
 6 (Pause) Yes. Mr. King, I am going to repeat my request,
 7 please, for you to speak up.
 8 THE WITNESS: I am sorry, yes.
 9 MR. JUSTICE NICOL: It may be unnatural for you to do so.
 10 THE WITNESS: It is.
 11 MR. JUSTICE NICOL: But could you please try to speak up so that
 12 everybody can hear you. It is not just people in this room,
 13 but there are others also who need to hear your evidence.
 14 THE WITNESS: I understand. Yes, sir.
 15 MR. JUSTICE NICOL: So even if it is unnatural, try and shout.
 16 THE WITNESS: I will try, thank you.
 17 MS. WASS: So you had a point of contact, did you, with Mr. Depp's
 18 legal team?
 19 A. I have had to come to do this, yes.
 20 Q. Have you had that point of contact for a period of months or
 21 years? Would you be able to suggest some sort of timeframe?
 22 A. Since I was employed, even when I was asked if I would be
 23 willing to provide evidence.
 24 Q. So since you were employed in 2016?
 25 A. I do not know.

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1 KING - WASS
 2 Q. That is when you said you were ----
 3 A. I do not know the precise date. I am sorry.
 4 Q. You said you were employed the last time by Mr. Depp in 2016?
 5 A. That is correct.
 6 Q. You just told me that you had been in contact with Mr. Depp's
 7 solicitors about giving evidence since you were employed.
 8 I am simply asking you to confirm that that would be since
 9 2016?
 10 A. I understand, after I had been employed by them, yes.
 11 Q. And was there one particular point of contact that you dealt
 12 with more than anybody else?
 13 A. No. No.
 14 Q. No? A variety of people?
 15 A. There seemed to be a lot of people, yes.
 16 Q. And did you deal with somebody called Adam Waldman?
 17 A. Yes, I did.
 18 Q. And was he the person that you dealt with more than anybody
 19 else?
 20 A. Not necessarily, no.
 21 Q. Well, either yes or no?
 22 A. No.
 23 MR. JUSTICE NICOL: Well, if Mr. King is wanting to give a full
 24 account of his answers to your questions, if the answer is
 25 "not necessarily", that is what he should say.

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1 KING - WASS
 2 MS. WASS: Then I will not press that.
 3 MR. JUSTICE NICOL: Yes.
 4 MS. WASS: Was Mr. Waldman involved in the provision of your
 5 second statement in any way?
 6 A. I do not know.
 7 Q. Did you have any contact with Mr. Waldman in the time leading
 8 up to the provision of your second statement?
 9 A. No more than I had already had, no.
 10 Q. Is the answer, then, "yes"?
 11 A. Can you ask me the question again.
 12 Q. Yes, I will. It should not really be a difficult question to
 13 answer.
 14 A. Okay.
 15 Q. Did you have any contact with Mr. King ----
 16 MR. JUSTICE NICOL: With Mr. Waldman.
 17 MS. WASS: Sorry, forgive me. Let me start again. Did you have
 18 any contact with Mr. Waldman in the run-up to you providing
 19 your second witness statement?
 20 A. Not that I recall.
 21 Q. When did you last speak to Mr. Waldman?
 22 A. I do not know.
 23 Q. Are you trying to be helpful?
 24 A. Of course.
 25 Q. You are. Now, your second statement deals with the alcohol,

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1 KING - WASS
 2 amongst other things, the alcohol consumption that you say
 3 Ms. Heard would involve herself with, does it not?
 4 A. Yes, it does.
 5 Q. You said in your witness statement, your second witness
 6 statement, when you were first interviewed for the job
 7 you were told that Mr. Depp was a teetotal?
 8 A. Correct.
 9 Q. Having been a drinker?
 10 MR. JUSTICE NICOL: Just a moment. (Pause) You agree with that?
 11 THE WITNESS: Yes, I do.
 12 MS. WASS: This would be an interview prior to your starting your
 13 first term with Mr. Depp in October 2014?
 14 A. That is correct.
 15 Q. Do you remember -- and I appreciate this is a long time ago,
 16 not just last Monday -- how far in advance of starting your
 17 job in October 2014 your interview had occurred?
 18 A. Yes, and I do not know exactly, but a few days.
 19 Q. All right. So, also in 2014?
 20 A. A few days prior to the starting, yes.
 21 Q. The information you were given was that Mr. Depp did not
 22 drink, that he had been a drinker; yes?
 23 A. Yes, correct.
 24 Q. And what you say in your second statement is that you remember
 25 when you arrived at the house where Mr. Depp and Amber Heard

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1 KING - WASS
 2 were staying in London, there was a relatively large number of
 3 cases of wine that had been brought to the house?
 4 A. Correct.
 5 Q. You found this strange, given the fact that you had been told
 6 that Mr. Depp was teetotal?
 7 A. Yes, that is what my statement says, yes.
 8 Q. You say in your statement you did not see Mr. Depp drink in
 9 October 2014?
 10 A. Correct.
 11 Q. But you did see Ms. Heard drink?
 12 A. Yes.
 13 Q. Were you with the couple when they had dinner or lunch or had
 14 time together?
 15 A. Not 24/7, but, as I said in the statement, all day, most days
 16 except for weekends.
 17 Q. You would see them most days, except for weekends; would you
 18 spend your evenings with them?
 19 A. No, not necessarily either, unless I had to stay on to help
 20 with the dinner, et cetera.
 21 Q. How often would you help with the dinner?
 22 A. They did not have many dinners there. There was one big
 23 dinner and maybe a couple more, or drinks parties. That was
 24 it.
 25 Q. As far as you are concerned, you reached the conclusion that

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1 KING - WASS
 2 Ms. Heard drank two bottles of wine a night?
 3 A. Not every night. I think it says in my statement that it was
 4 a regular occurrence, but not every night.
 5 Q. And you made that statement, not because you sat there and
 6 watched her drink two bottles of wine, but because you were
 7 counting the bottles of wine, I think you used the word
 8 "mental tally" ----
 9 A. Yes, that was more of a mental tally, you know, just in case
 10 I needed to restock. It was not a, you know, a solid tally.
 11 Q. No, but this was the amount of wine on average that you recall
 12 being consumed or consumed by the household ----
 13 A. Correct.
 14 Q. ---- each night. Now, you said that as far as you were
 15 concerned, Mr. Depp was sober at that time. Did you know
 16 whether he was clean from drugs at that time?
 17 A. I do not know.
 18 MR. JUSTICE NICOL: Which time are we talking about?
 19 MS. WASS: October 2014. (To the witness) Is that something he
 20 would have done in front of you, in any event, given your
 21 relationship?
 22 THE WITNESS: I do not know if he was clean of drugs.
 23 Q. You do not know if he was clean of drugs?
 24 A. It was not any of my business, I was just there to manage the
 25 house.

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1 KING - WASS
 2 Q. Do you know whether he might have had a glass of wine or not?
 3 A. I would have known, because, apart from tallying up the wine,
 4 I could see glasses in the morning, or a glass.
 5 Q. As far as you are concerned, you are sure that Mr. Depp was
 6 not drinking in the period in October?
 7 A. I am quite sure, for the time I was there in the house,
 8 absolutely.
 9 Q. How quite sure are you that he was not taking drugs?
 10 MR. JUSTICE NICOL: I think when you asked previously, Ms. Wass,
 11 Mr. King said that he did not know whether Mr. Depp was clean
 12 of drugs.
 13 MS. WASS: All right. (To the witness) Could you take bundle 6 to
 14 your right, please, the red spined bundle.
 15 A. Yes. Can I put this one back?
 16 Q. That is right.
 17 A. Shall I keep it out?
 18 Q. Yes. The first tab is 119.
 19 A. Yes.
 20 Q. If you go behind that tab, turn the file round and go to
 21 page 43.
 22 A. Yes.
 23 Q. 43. At the bottom of that page, there is a text dated
 24 4th October 2014.
 25 A. Right.

[4] (Pages 1080 to 1083)

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<p>1 KING - WASS</p> <p>2 Q. From Mr. Depp, and it reads as follows: "I am going to quite</p> <p>3 gracefully glide into a massage of my broken back and neck.</p> <p>4 I shall exit in one house a monster, shall we each swallow an</p> <p>5 E each or perhaps it's MDMA" -- you know what that is a</p> <p>6 reference to?</p> <p>7 A. I am afraid I do not, no.</p> <p>8 Q. E, I think there is no dispute, is Ecstasy; and MDMA is</p> <p>9 methylenedioxyamphetamin, but one of the components.</p> <p>10 A. Okay, all right. Thank you.</p> <p>11 Q. So, now you know. "Shall we each swallow an E or perhaps it's</p> <p>12 MDMA at around 8 p.m. and go to dinner with a wee team at a</p> <p>13 wonderful Peruvian spot ...(reads to the words)... to conquer</p> <p>14 every day." Your evidence is that you saw no sign whatsoever</p> <p>15 of Mr. Depp taking controlled drugs?</p> <p>16 A. Not those drugs you have described, no.</p> <p>17 Q. Are there any drugs you saw?</p> <p>18 A. No. I mean, not as you have pointed out there.</p> <p>19 Q. Did you see him take cocaine?</p> <p>20 A. No.</p> <p>21 Q. Cannabis?</p> <p>22 A. Cannabis, probably yes.</p> <p>23 Q. I just asked you did you see him taking any drugs?</p> <p>24 A. I think you were referring to those other drugs.</p> <p>25 Q. All right. Tell us about the cannabis.</p>	<p>1 KING - WASS</p> <p>2 Q. And you did not really know what the arguments were about, did</p> <p>3 you?</p> <p>4 A. Again, I did not get involved in the details of arguments ----</p> <p>5 Q. No one ----</p> <p>6 A. ---- I was going about my duties. Sorry to interrupt you.</p> <p>7 Q. Of course, no one would expect someone who was in your</p> <p>8 position to involve themselves in any domestic arguments</p> <p>9 between the couple that was in the house, or his boss and his</p> <p>10 wife.</p> <p>11 A. Okay.</p> <p>12 Q. Is that fair to say?</p> <p>13 A. I think that is fair.</p> <p>14 Q. So, you really had no idea what the arguments were about, and</p> <p>15 if anyone was at fault?</p> <p>16 A. I did not know the content matter of them.</p> <p>17 Q. In your witness statement you made on Monday of this week, you</p> <p>18 said, "I saw Ms. Heard as the antagonist"?</p> <p>19 A. I did say that, yes.</p> <p>20 Q. Why did you say that, if you did not know what the arguments</p> <p>21 were about?</p> <p>22 A. Right. So, I think that was overall my impression after each,</p> <p>23 especially after Australia. It became apparent that that was</p> <p>24 the case.</p> <p>25 Q. You said: "In hindsight, during the month of London, and</p>
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<p>1 KING - WASS</p> <p>2 A. Mr. Depp seemed to smoke cannabis sometimes around the house.</p> <p>3 Q. A lot?</p> <p>4 A. I do not know what a lot is.</p> <p>5 Q. Every night, every day?</p> <p>6 A. Possibly every day, yes. Again, that was not any of my</p> <p>7 business. I was looking after the principals, as I found</p> <p>8 them.</p> <p>9 Q. When the couple were in London, they had a number of</p> <p>10 arguments, you say in your statement?</p> <p>11 A. Yes.</p> <p>12 Q. And it is also in your statement that it was Mr. Depp who, on</p> <p>13 the night following the arguments, would write notes to</p> <p>14 Ms. Heard, which he would leave downstairs before he went to</p> <p>15 work.</p> <p>16 A. Yes, that was more in Australia, but I think there were may be</p> <p>17 one or two in London, yes.</p> <p>18 Q. You said during their stay in London, at paragraph 11, and</p> <p>19 then you would refer to the notes he would leave, saying</p> <p>20 things like, "Let's not do this again, I love you"?</p> <p>21 A. Correct, yes.</p> <p>22 Q. Peace-making notes, would you agree or not?</p> <p>23 A. I did not really trawl the contents, to be honest. Checking</p> <p>24 to see if they were for me, any notes to do anything</p> <p>25 throughout that day following.</p>	<p>1 KING - WASS</p> <p>2 thereafter during my time in Australia, I saw Ms. Heard as the</p> <p>3 antagonist." So, you were talking about London as well as</p> <p>4 Australia?</p> <p>5 A. Right.</p> <p>6 Q. Are you really able to say, looking back at the period in</p> <p>7 London, who was at fault? I will come to Australia</p> <p>8 separately.</p> <p>9 A. Yes.</p> <p>10 Q. Since you did not know the content of these arguments, how on</p> <p>11 earth can you say that?</p> <p>12 A. That is how I see it.</p> <p>13 Q. It is because you have come here to give evidence to support</p> <p>14 Mr. Depp against Ms. Heard, is it not?</p> <p>15 A. If that is what you think -- I am just telling you ----</p> <p>16 MR. JUSTICE NICOL: Well, it is not what Ms. Wass thinks.</p> <p>17 THE WITNESS: I beg your pardon.</p> <p>18 MR. JUSTICE NICOL: Ms. Wass's job is to put questions to you and</p> <p>19 I will try and take a note of your answers.</p> <p>20 THE WITNESS: I understand. Yes. If you repeat the question.</p> <p>21 MS. WASS: I suggested that your purpose in making the second</p> <p>22 statement was to give evidence adverse to Ms. Heard in support</p> <p>23 of Mr. Depp.</p> <p>24 A. I am supporting Mr. Depp's claim, yes.</p> <p>25 Q. Now, you said in your statement you never saw violence on</p>

[5] (Pages 1084 to 1087)

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1 KING - WASS
 2 either side; agreed, you never saw ---
 3 A. I never saw any physical violence on either side, correct.
 4 Q. But you did see damage -- I am still in London -- to the
 5 bedroom?
 6 A. Yes.
 7 Q. You saw red wine on the floor and smashed glasses, and a
 8 smashed bottle I think?
 9 A. A smashed glass, a smashed bottle.
 10 Q. Right. And you do not know how that smashed bottle got there?
 11 A. I do not know.
 12 Q. Had you ever seen Mr. Depp smash anything?
 13 A. No.
 14 Q. Never?
 15 A. No.
 16 Q. I think you said in your witness statement that he was always
 17 very polite?
 18 A. Yes, he is always polite.
 19 Q. He is always polite?
 20 A. Yes.
 21 Q. I am going to ask you to look at a short clip, please.
 22 (Video clip shown to the court)
 23 Did you ever see Mr. Depp conduct himself like that
 24 during the time you worked for him?
 25 A. No, I did not.

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1 KING - WASS
 2 Q. You went to Australia in your second period of employment with
 3 Mr. Depp, and you were present on the occasion when Mr. Depp
 4 was taken to hospital with a damaged finger?
 5 A. I was there at the time, yes.
 6 Q. You were there at the time, not the time it was damaged, but
 7 you went to the house?
 8 A. I went to the house on that day, yes.
 9 Q. I think it is 8th March. What you said in your first
 10 statement was this. You were talking about -- my Lord, it is
 11 the end of paragraph 10 and paragraph 11 -- you said: "I later
 12 read in the media that it was alleged that Ms. Heard had
 13 thrown a glass vodka bottle at Mr. Depp and when the bottle
 14 slashed on the marble countertop, which I had to subsequently
 15 clear up and have repaired, the impact of the bottle severed
 16 Mr. Depp's fingertip." All right?
 17 A. I said that, yes.
 18 Q. That is what you said.
 19 A. Yes.
 20 Q. You first learned this explanation of the vodka bottle being
 21 thrown at Mr. Depp from the media?
 22 A. Quite probably, yes.
 23 Q. That is what you said in your statement, "I later read in the
 24 media."
 25 A. Right, okay.

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1 KING - WASS
 2 Q. That was not something you learned from anybody else; it is
 3 what was in the media?
 4 A. Okay.
 5 Q. Is that correct?
 6 A. That is what my statement said, yes.
 7 Q. All right.
 8 MR. JUSTICE NICOL: Mr. King, it is in your statement and I can
 9 see that; is that correct?
 10 THE WITNESS: That is correct, yes.
 11 MR. JUSTICE NICOL: Thank you.
 12 MS. WASS: (To the witness) You were not told at the time you were
 13 at the house or at any stage when you were working for
 14 Mr. Depp, you were not given this explanation about the vodka
 15 bottle on the surface of the work top.
 16 A. On that day, do you mean?
 17 Q. Any time you were working, until you had read it in media, you
 18 did not, you were not told this explanation?
 19 A. I do not recall being told that.
 20 Q. It would not be something you would be likely to forget, would
 21 it?
 22 A. I suppose not.
 23 Q. Now, on 8th March 2015, the day you were at the house, you had
 24 no idea what had happened to Mr. Depp's finger?
 25 A. At the time that I arrived, no.

[Page 1091]

1 KING - WASS
 2 Q. The scene was chaos?
 3 A. Yes.
 4 Q. The house was wrecked?
 5 A. Yes. It was not in a good state, yes.
 6 Q. You had the job of trying to find the piece of flesh that had
 7 been removed from Mr. Depp's finger?
 8 A. It was not a job, but it was mentioned that this may be
 9 somewhere, and when I was clearing up I found it, yes.
 10 Q. You describe in your second statement, at paragraph 20, the
 11 damage that was done, and you said: "I was in charge of
 12 arranging the clean-up and replacing things or getting damage
 13 repaired. ...(reads to the words)... once it was agreed
 14 I would fly back with Ms. Heard." Yes?
 15 A. Yes, correct.
 16 Q. "I left knowing I would have to come back and get the house
 17 back in shape. ...(reads to the words)... from the kitchen
 18 area above."
 19 A. Yes.
 20 Q. Then you produce a photograph, which nobody can find at the
 21 moment but I gather is being printed, and that photograph was
 22 what?
 23 MR. SHERBORNE: My Lord, is it helpful now? Ms. Wilson has
 24 copies.
 25 MR. JUSTICE NICOL: Is it sensible to insert this immediately

[Page 1092]

1 KING - WASS
 2 behind your second witness statement?
 3 MS. WASS: I am not in charge of this side of things.
 4 MR. SHERBORNE: I think it probably is, it is numbered
 5 consecutively from the statement, so it probably makes sense
 6 to do that. Mr. King, if you can put it into your file
 7 behind ----
 8 MR. JUSTICE NICOL: We are going to use you for administrative
 9 assistance.
 10 THE WITNESS: That is all right. I am happy to help.
 11 MR. SHERBORNE: 59F.
 12 THE WITNESS: Yes, at the back of that. Okay, done.
 13 MS. WASS: We can see from that photograph a smashed window at the
 14 top of the picture?
 15 A. Yes.
 16 Q. Smashed glasses, debris on the side, bottles of alcohol in the
 17 fridge and out of the fridge?
 18 A. Yes.
 19 Q. And blood spots on the floor; is that right?
 20 A. Yes, that is what I see in the photograph.
 21 Q. This was simply part of a much greater picture of wreckage,
 22 was it not?
 23 A. I would say that was the predominant damage in the house in
 24 that area.
 25 Q. I am talking about the whole house, there was damage to the

[Page 1093]

1 KING - WASS
 2 entire house?
 3 A. Okay.
 4 Q. You produced this to say there was a telephone, is that why
 5 you were asked to produce this?
 6 A. There is a telephone on the side there.
 7 Q. Yes.
 8 A. I was aware that it was mentioned that a telephone had been
 9 smashed in that area, which may have caused the damage to the
 10 finger.
 11 Q. And the telephone had been ripped off the wall. This is not a
 12 wall telephone, is it?
 13 A. Correct.
 14 Q. Did you have any photographs of the wall phone that had been
 15 ripped off the wall?
 16 A. I do not recall a phone coming off the wall, or having to
 17 replace a phone ripped off the wall.
 18 Q. Are you sure about that?
 19 A. Yes.
 20 Q. I am going to ask you, are you answering in that way because
 21 you think it helps Mr. Depp?
 22 A. It is a fact.
 23 Q. Mr. Depp has admitted that he remembers ripping a phone off
 24 the wall.
 25 A. Okay. I do not recall having to clean one up or repair a wall

[Page 1094]

1 KING - WASS
 2 where a phone might have been.
 3 MR. JUSTICE NICOL: Just a minute, please. (Pause)
 4 MS. WASS: You also said in your witness statement there was no
 5 urine on the floors.
 6 THE WITNESS: Yes.
 7 Q. How did it come about that you said what there was not on the
 8 floors, rather than what was on the floors?
 9 A. Again, I understand there was something mentioned about
 10 messages being written in urine on the carpets around the
 11 house.
 12 Q. I think there has been something got lost in translation,
 13 because there is no suggestion that messages were written in
 14 urine. The suggestion was that Mr. Depp had urinated over the
 15 house, inside and outside?
 16 A. I did not see any sign of that anyway.
 17 Q. What I am asking you is, realistically speaking, with the
 18 blood, paint and there was a lot of paint, was there not,
 19 around the place on the walls, graffiti and the like?
 20 A. The paint I was referring to was painted walls, but graffiti
 21 is a different ----
 22 Q. I am talking about the graffiti, do you remember the graffiti,
 23 Billy Bob Thornton Amber (unclear)?
 24 A. I remember graffiti in the bathroom, yes, on both mirrors.
 25 Q. And on the lamp?

[Page 1095]

1 KING - WASS
 2 A. On a lamp? I had to get lamps repaired, yes.
 3 Q. And sofas were damaged with paint?
 4 A. And lights.
 5 MR. JUSTICE NICOL: Just a minute. You recall graffiti in the
 6 bathroom and you had to replace lamps.
 7 THE WITNESS: Yes, two, I believe.
 8 MS. WASS: Amongst all this blood and paint, you say you are sure
 9 that there was no urine?
 10 A. Quite sure.
 11 Q. And how can you be so sure?
 12 A. Because when I came back subsequently to do the bigger
 13 clean-up of the house, get everything sorted, the carpet
 14 company who I brought in, and I chaperoned, did not mention
 15 anything. And I think by that point I would have come back,
 16 having, the house not being touched in that interim, I would
 17 have seen any other stainage apart from blood on the floor.
 18 Q. The fact that the carpeting company did not make a complaint
 19 of urine led you to make the statement that there no urine?
 20 A. No, that is not right. I made the statement because that is
 21 how it was, in the sense of, I always chaperone people around
 22 the house, as I think I said in my statement, houses that
 23 I have worked at, prior to that and since, I always accompany
 24 people just, you know, from a security point of view, as much
 25 as a genuinely interested in their sort of working methods.

[7] (Pages 1092 to 1095)

[Page 1096]

1 KING - WASS
 2 Q. You see, you said in the statement you made on Monday, at
 3 paragraph 23: "As I knew Mr. Depp's finger had been cut
 4 I believe he must have walked from where it happened where was
 5 in the bar area where I found the fingertip."
 6 A. Yes.
 7 Q. This is said with hindsight, is it not?
 8 A. No, I remember thinking it at the time.
 9 Q. Why did that not find its way into your first witness
 10 statement?
 11 A. I do not know.
 12 Q. Because when you made -- well, you heard about the vodka
 13 bottle on the countertop in the media?
 14 A. Correct.
 15 Q. You made a statement on Monday, piecing together that because
 16 the fingertip had been found near the bar area, it must have
 17 been lost near the bar area; yes?
 18 A. It was lost by the bar area, by the bar area.
 19 Q. It was found near the bar area?
 20 A. Correct.
 21 Q. Of course, there was blood everywhere, was there not, upstairs
 22 and downstairs?
 23 A. Yes, several areas where there was blood, yes.
 24 Q. The position is, Mr. Depp, because there is no suggestion this
 25 was anything other than blood loss from Mr. Depp's fingertip,

[Page 1097]

1 KING - WASS
 2 Mr. Depp must have been moving around quite a lot after having
 3 sustained that injury; do you agree?
 4 A. It looked to me like he had walked away from that area to go
 5 to another area, yes.
 6 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 7 MS. WASS: You are really not qualified, Mr. King, to say where
 8 the injury took place or how the injury took place, are you;
 9 you are not a pathologist.
 10 THE WITNESS: I am not a pathologist, no.
 11 Q. You are not qualified to make an assessment of where it took
 12 place or how it took place?
 13 A. Okay.
 14 Q. Do you agree with that, or do you think you do have that
 15 expertise?
 16 A. I know what I saw when I arrived at the house.
 17 Q. I am asking you about your expertise?
 18 A. I am not an expert or a doctor or a pathologist or a
 19 detective. I just know my job.
 20 Q. What is your job description, I should have asked you?
 21 A. House manager.
 22 Q. House manager. In your first witness statement, you said:
 23 "I did not notice any cuts, bruises or injury or redness of
 24 any kind to Ms. Heard at this time."
 25 A. That is correct.

[Page 1098]

1 KING - WASS
 2 Q. Now, you have obviously been following what has been said
 3 during the course of these proceedings; is that right?
 4 A. Not completely, no.
 5 Q. You have been following a bit of the time, have you not?
 6 A. Of course.
 7 Q. Because you heard about the urine , even you got it slightly
 8 ---
 9 A. It is hard not -- it is hard to avoid it, to be honest.
 10 Q. Did it come to your attention that in a transcript that was
 11 read out in court, Jerry Judge, do you remember Jerry Judge?
 12 A. Yes, I do.
 13 Q. Jerry Judge mentioned that Ms. Heard had scratches on her left
 14 arm?
 15 A. I understand that was in the transcript, yes.
 16 Q. For that reason, you have altered your original assertion that
 17 there were no cuts, bruises or injuries, or you did not see
 18 any cuts, bruises or injuries on Ms. Heard, you have changed
 19 ---
 20 A. At that time on that day, amongst it all, I did not see any
 21 cuts to her.
 22 Q. But you appear to have remembered it by Monday of this week,
 23 do you not?
 24 A. I appear to have remembered that on the flight back from
 25 Australia, maybe you will come to that, when we walked through

[Page 1099]

1 KING - WASS
 2 LAX Airport I asked her to put her sleeve down, I noticed cuts
 3 and that is why I said "You should put your sleeve down".
 4 MR. JUSTICE NICOL: Just a minute. You recall on the flight from
 5 Australia, and I think you went back with Ms. Heard to Los
 6 Angeles from Australia.
 7 THE WITNESS: Yes.
 8 Q. You noticed what?
 9 A. Some cuts on one of her arms, I do not remember which arm.
 10 MS. WASS: Fresh cuts?
 11 A. Cuts.
 12 Q. Fresh cuts?
 13 A. I am not an expert.
 14 Q. That is true, but these were not mild scars, it looks as if
 15 they had been made recently, they were red?
 16 A. They looked like cuts. They were enough for me to say, "Maybe
 17 you should put your sleeve down".
 18 Q. Were they red in colour, the cuts?
 19 A. I honestly do not remember the colour.
 20 Q. All right. Was it as a result of hearing what Mr. Judge had
 21 said that was read out in court about Ms. Heard's arms that
 22 this came back to you?
 23 A. It was a recollection of arriving in LAX, and my observation
 24 then, yes.
 25 Q. Was it as a result of hearing Mr. Judge's words that she had

[Page 1100]

1 KING - WASS
 2 cuts to her arms when Mr. Judge was in the house, that you
 3 later were able to recall cuts at the airport?
 4 A. I do not think specifically I recalled them anyway.
 5 Q. So you must have forgotten something when you made your first
 6 witness statement in December of last year, and it came back
 7 to you in July of this year; is that right?
 8 A. I do not know if I forgot or ---
 9 Q. Well, you said, "I did not notice any cuts, bruises or
 10 injuries." That is what you said in December of last year.
 11 A. Right.
 12 Q. You appeared to be quite certain about it then?
 13 A. Yes.
 14 Q. You have changed that account, have you not?
 15 A. I just told the facts and continued to say what I knew.
 16 Q. It is a different account. On statement 1, you say you did
 17 not notice any cuts, bruises or injuries; yes?
 18 A. Correct.
 19 Q. In statement 2, you say, "I did notice on one arm that she had
 20 a couple of marks which looked like cuts, in a fairly uniform
 21 line, a sort of diagonal angle downwards." They are different
 22 statements, are they not?
 23 A. I did say that, but both statements, presumably, make a whole
 24 statement. That is my understanding.
 25 Q. Mr. King, you have said something different in your later

[Page 1101]

1 KING - WASS
 2 statement. Can you not see that?
 3 A. I do not accept that it is different.
 4 MR. JUSTICE NICOL: I think, Ms. Wass, we have taken that as far
 5 as we can.
 6 MS. WASS: Certainly. In any event, you accept now that Ms. Heard
 7 was cut on the arms at LA airport because you noticed the cuts
 8 there.
 9 A. Correct.
 10 Q. And you advised her to roll down her sleeves because somebody
 11 might take a photograph of her?
 12 A. Yes.
 13 Q. With injuries?
 14 A. Right.
 15 Q. Is that right?
 16 A. That is correct, yes.
 17 Q. And Ms. Heard was fully aware of the fact that photographers
 18 might take photographs of her from time to time. I mean, she
 19 was a well-known actress?
 20 A. Right. Okay, yes.
 21 Q. She was in tune with the fact that she had to look the part
 22 when she was arriving at LA airport?
 23 A. Okay, yes.
 24 Q. Is that right?
 25 A. I do not know what she was thinking, but I know what I was

[Page 1102]

1 KING - WASS
 2 thinking, being in charge of that sort of ---
 3 Q. Yes. By the time she had arrived at LA airport, she looked
 4 like a, I was going to say film star, but do you know what I
 5 mean? She was looking her best in so far as she could?
 6 A. Okay. Well, I was just accompanying, you know, a principal
 7 that I was taking back to LA. That is my ---
 8 Q. Do you not recall her, how she looked when she arrived at LA
 9 airport?
 10 A. We had just got off a long flight and it had been a long day
 11 the day before.
 12 Q. But you remember the cuts?
 13 A. Yes.
 14 Q. You remember her being asked by you to roll down her sleeves?
 15 A. Yes.
 16 Q. You do not remember whether she was made up and looking as
 17 much like a film star as she could or not?
 18 A. I do not recall about makeup and hair, to be honest with you.
 19 Q. All right.
 20 A. I just know what I do for people when I accompany them.
 21 Q. Now, you said in your first statement that Ms. Heard made a
 22 remark to you on the flight back to Los Angeles?
 23 A. Yes.
 24 Q. This was the statement where you said you did not notice the
 25 cuts, and in that statement, you say Ms. Heard asked you,

[Page 1103]

1 KING - WASS
 2 "Have you ever been so angry with anyone that you just lost
 3 it"?
 4 A. That is correct.
 5 Q. And you specifically remember that, do you?
 6 A. Yes.
 7 Q. You said it had never happened to you?
 8 A. That is correct.
 9 Q. She did not, I mean, if it was said, nothing was said about
 10 who she was talking about, was it?
 11 A. She was asking me a question.
 12 Q. She was asking you a question?
 13 A. Yes.
 14 Q. You did not enquire as to what she was referring to, did you?
 15 A. I do not recall asking. I just know that she was asking me a
 16 question and I gave her an answer.
 17 Q. I am going to say that it may well be that that was said, but
 18 Ms. Heard will give evidence that she has no recollection at
 19 all of saying that; all right. Do you understand?
 20 A. Right. I know she said it and I know my response.
 21 Q. All right. Now, you went back to LA with Ms. Heard and you
 22 came back to clean the house -- not yourself clean it, but
 23 oversee the cleaning of it?
 24 A. Correct, yes.
 25 Q. And the Depp household returned to Australia on 21st April?

[9] (Pages 1100 to 1103)

[Page 1104]

1 KING - WASS
 2 A. Right.
 3 Q. When the filming of the Pirates of the Caribbean could
 4 continue; do you remember that?
 5 A. Right, I remember, yes, the 21st.
 6 Q. Were you on that flight?
 7 MR. JUSTICE NICOL: Just give me the date again?
 8 MS. WASS: 21st April.
 9 A. On that flight, no, I was still at the house in Australia. I
 10 was awaiting the arrival, yes.
 11 MR. JUSTICE NICOL: Just let me understand the picture.
 12 A. Yes.
 13 Q. You go back with Ms. Heard to Los Angeles?
 14 A. Correct.
 15 Q. I think it was 9th March?
 16 A. Early hours of the 9th, yes.
 17 Q. You later come back to Australia in advance of the claimant
 18 and Ms. Heard?
 19 A. Correct.
 20 Q. Have I understood that correctly?
 21 A. That is absolutely right. Yes, it was about a week later
 22 after the 9th. It was 15th or 16th, I believe, of March.
 23 MS. WASS: Mr. Depp and Ms. Heard travelled together on that
 24 occasion, on 21st April?
 25 A. Yes, I believe so. Yes.

[Page 1105]

1 KING - WASS
 2 Q. And in a private plane?
 3 A. I would think so, yes. That is likely, yes.
 4 Q. And as well as Mr. Depp and Mr. Heard, many members of his
 5 staff were with him?
 6 A. Many, I do not recall. Maybe one, maybe two.
 7 Q. All right. That is perhaps not important, but the two dogs
 8 came with them?
 9 A. They did, yes.
 10 Q. And there was no secret at all that they had their two dogs
 11 with them?
 12 A. What do you mean, "secret"?
 13 Q. They were quite open, they had their dogs with them, and their
 14 dogs were not hidden from public view?
 15 A. They arrived at the house with the dogs, yes.
 16 Q. Exactly.
 17 A. Yes, absolutely.
 18 Q. I think there were photographers at the airport and the dogs
 19 were at the airport with them?
 20 A. That I do not know. I was not at the airport. I was at the
 21 house.
 22 Q. Fair enough. You were certainly never told that the dogs had
 23 been brought into Australia illegally?
 24 A. No.
 25 Q. And no one behaved as if the dogs had been brought in

[Page 1106]

1 KING - WASS
 2 illegally, did they? They did not hide them from public view
 3 in any way?
 4 A. No, I mean -- yes, I was not, that was not part of my need to
 5 know anything about it. It seemed they just brought their
 6 dogs with them.
 7 Q. And indeed, you, I think, took the dogs to a grooming parlour
 8 at one stage?
 9 A. That is right, yes.
 10 Q. You took photographs of the dogs?
 11 A. No.
 12 Q. Somebody took photographs. Was it somebody from the grooming
 13 parlour?
 14 A. I believe the groomers took the photographs if you are
 15 referring to the ones that were the media?
 16 Q. Yes.
 17 A. Yes.
 18 Q. So you did not have any problem with the groomers taking
 19 photographs?
 20 A. I did not any control over that.
 21 Q. And the ownership of the dogs was revealed to the groomers?
 22 A. Okay. Not by me.
 23 MR. JUSTICE NICOL: Just a minute.
 24 MS. WASS: It was only at that stage that it was apparent that
 25 there was a problem with the dogs; do you agree?

[Page 1107]

1 KING - WASS
 2 A. After the photographs were shown in the media, yes.
 3 Q. There is just one final matter. That second period that
 4 Mr. Depp was in Australia, so, after April?
 5 A. Yes.
 6 Q. April 21st, was a very happy period for him and Ms. Heard; do
 7 you agree?
 8 A. I do not know if I can comment on their happiness.
 9 Q. You have commented on their arguing so I think you can comment
 10 on their happiness?
 11 MR. JUSTICE NICOL: Are you able to say one way or the other
 12 whether they were happy on that second visit to Australia?
 13 A. I can tell you that there were arguments still, if that
 14 answers that question.
 15 MS. WASS: It does. Have you got file 6 in front of you? It is
 16 probably underneath the one with your statement. It is the
 17 one with the texts in.
 18 A. All right, yes.
 19 Q. If you could go to the text schedule that I asked you about,
 20 to page 70, five texts from the bottom, can you see the body
 21 of a text that starts "Hi boss"?
 22 A. I can see that, yes.
 23 Q. That is a text from Jerry Judge to his boss, Mr. Depp?
 24 A. Okay.
 25 Q. It is dated 26th April, so five days after they arrived

[Page 1108]

1 KING - WASS
 2 together in Australia with the dogs?
 3 A. Right. Okay.
 4 Q. Mr. Judge says, "Hi boss. Just wanted to say if you and Amber
 5 need anything, just let me know. I will be there in 20
 6 minutes. Johnny, it's lovely to see how you and Amber are so
 7 happy. The other day, watching the two of you sitting on the
 8 bench by the sea was fantastic. The two of you need happiness
 9 and it is really great to see that. Love to you and Amber.
 10 Kiss, hug, kiss, hug, Jerry." That is the X and ----
 11 A. Thank you.
 12 Q. The next text down is from Mr. Depp to Jerry Judge in reply:
 13 "Thank you, my dear Jerry. Very, very kind, mate. We have
 14 been perfect. All I had to do was send the monster away and
 15 lock him up. We have been happier than ever. Love you,
 16 brother."
 17 A. Okay.
 18 Q. Now, does that help you with whether, certainly on 26th April,
 19 this was a happy time for Mr. Depp?
 20 A. It appears so by reading those, yes.
 21 Q. Are you able to say whether there were arguments at this time
 22 or do you think you may be simply confused?
 23 A. I do not think I am confused. I believe there were arguments.
 24 I am not saying on that day. Clearly, that was a happy day.
 25 MS. WASS: Thank you very much indeed, Mr. King, for answering my

[Page 1109]

1 KING - WASS
 2 questions.
 3 THE WITNESS: You are welcome, thank you.
 4 MR. JUSTICE NICOL: Yes, Mr. Sherborne.
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[Page 1110]

1 KING
 2 RE-EXAMINED BY MR. SHERBORNE
 3 MR. SHERBORNE: Mr. King, a few questions, if you just give me a
 4 moment. Thank you. I am just taking them in the order that
 5 you were asked them by Ms. Wass.
 6 A. Yes.
 7 Q. So, the first question you were asked was about your periods
 8 of working for Mr. Depp, and that included Ms. Heard as well.
 9 I think you suggested that you were working for Ms. Heard as
 10 well; is that correct?
 11 A. Correct, yes.
 12 Q. And is that the only contract you have ever had, just for
 13 Mr. Depp and Ms. Heard?
 14 A. No. No. I have been freelance for many years as a
 15 self-employed house manager/butler and I have had many
 16 contracts with many people.
 17 Q. Many high-profile people? I am not asking you to name anyone.
 18 A. Yes.
 19 Q. In paragraph 1, you specifically refer to the fact that you
 20 worked in London and then Australia?
 21 A. Correct.
 22 Q. If you just take your witness statement, to be fair to you,
 23 you were asked this by Ms. Wass about ----
 24 MR. JUSTICE NICOL: Which tab now, please?
 25 MR. SHERBORNE: It is the first witness statement. I am sorry, I

[Page 1111]

1 KING - SHERBORNE
 2 have taken mine out. Perhaps someone behind will help me. It
 3 is page D117, 46. Thank you, Ms. Wass. I am going to make a
 4 note, so that is tab 46. Just while we are at the index,
 5 perhaps Ms. Wilson can tell me where the second witness
 6 statement is. Is it 59F? I think it is. I am going to go
 7 with 59F and we will see if I am wrong.
 8 A. Okay.
 9 Q. You were asked about arguments and when you were talking about
 10 London, Ms. Wass said you do not say that in your statement.
 11 Can I just take you to paragraph 6 of your first statement on
 12 page D119?
 13 A. Yes, I have got it.
 14 Q. You say, "During my employment with Mr. Depp and Ms. Heard,
 15 I frequently witnessed Ms. Heard goading and attempting to
 16 provoke Mr. Depp. I never witnessed Mr. Depp be violent or
 17 unkind towards Ms. Heard or indeed towards anyone else." You
 18 are giving a description of what you witnessed. Does that
 19 description refer only to Australia?
 20 A. No, throughout.
 21 Q. So, it includes London as well as Australia?
 22 A. Yes, absolutely.
 23 Q. You were then asked a series of questions about who you spoke
 24 to for the purposes of providing your second witness
 25 statement. I am not going to repeat the line of questions,

[Page 1112]

1 KING - SHERBORNE
 2 but simply to ask you this. Is the evidence you gave in your
 3 second witness statement -- you give, I should say, it is
 4 present tense -- is the evidence you give in your second
 5 witness statement your evidence or evidence of someone else?
 6 A. It is all my evidence in both statements.
 7 Q. Can I take to the third topic you were asked about. You were
 8 challenged by Ms. Wass when you say in your second witness
 9 statement that you believed that the alcohol consumed was not
 10 by Mr. Depp. When Ms. Wass asked you the question, I think
 11 you said, before she stopped you, that you could tell because
 12 it was a glass. You saw a glass. Can you just explain what
 13 you meant by that?
 14 A. Yes. Well, I know Mr. Depp did not drink and there was only
 15 ever a glass left out on the side in the morning, you know,
 16 amongst all the other dinnertime, you know, clear-up that
 17 I had to do when I came in, and that one incident, you know,
 18 by the bedside, there was one glass and one bottle.
 19 Q. And who did you see drinking?
 20 MR. JUSTICE NICOL: Well, I think perhaps Mr. King can answer, but
 21 I am not sure that he said he saw either of them drink,
 22 actually drink. Did you?
 23 A. I did, actually, yes. Out of Mr. Depp and Ms. Heard,
 24 Ms. Heard drank and Mr. Depp did not drink.
 25 MR. SHERBORNE: It is perhaps my fault for asking you quite a

[Page 1113]

1 KING - SHERBORNE
 2 circuitous question. When you said "a glass", "one glass",
 3 I was going to ask who did the glass belong to?
 4 A. I assumed it was Ms. Heard since they were the only two living
 5 there.
 6 Q. You said you saw her drink between the two of them?
 7 A. Yes, sometimes I would open the wine before I left in the
 8 evening and give Ms. Heard a glass.
 9 Q. Just so we are clear, the alcohol that was there -- you talk
 10 in your witness statement about you were surprised by how many
 11 cases of wine there were -- were other people, not just
 12 Mr. Depp and Ms. Heard, at the house in London?
 13 A. Staying as residents, no.
 14 Q. But were there other people who would arrive from time to time
 15 -- guests, friends?
 16 A. Occasionally, yes. Ms. Heard had a group of friends to stay
 17 over a few days.
 18 Q. Would they drink some of the alcohol?
 19 A. Yes.
 20 Q. I am going to ask you about what you say about what happened
 21 in London first because that was the next topic?
 22 A. All right.
 23 Q. If you just look, Mr. King, at your second witness statement,
 24 which is behind tab 59F, I think?
 25 A. Yes, I think I have got it.

[Page 1114]

1 KING - SHERBORNE
 2 Q. And we look at paragraphs 11 and 12 that you were asked about?
 3 A. Yes.
 4 Q. You say in paragraph 11, "During their stay in London, I also
 5 heard them argue a few times. On one occasion, I could hear
 6 them arguing from upstairs when I was going about my duties
 7 downstairs"; is that correct?
 8 A. That is right, yes.
 9 Q. Then you talk about a number of occasions, mostly in
 10 Australia. Mr. Depp left notes downstairs?
 11 A. Yes.
 12 Q. As you said to Ms. Wass, you had to read them in case they
 13 were instructions?
 14 A. Yes. Very often they were asking me to run an errand or as a
 15 thank you note for doing something the previous day.
 16 Q. But they also included notes that Mr. Depp left for Ms. Heard,
 17 as you understood it?
 18 A. Yes, because he would go to work sometimes early to go to the
 19 studio.
 20 Q. And he would leave her a loving note?
 21 A. Right. Yes.
 22 Q. And then, in paragraph 12, "Of what I heard of their
 23 arguments, they could start from very banal beginnings", and
 24 then you explain an occasion as an example. Is that an
 25 example of one?

[Page 1115]

1 KING - SHERBORNE
 2 A. Yes. It is an example, yes.
 3 Q. "I recall Ms. Heard complained that Mr. Depp had removed his
 4 hand from hers". When you say "his hand from hers", what were
 5 they doing, do you know?
 6 A. Yes, there was a TV snug room in the house that they very
 7 often sat in, you know, of an evening and enjoyed watching TV,
 8 I guess.
 9 Q. He would remove his hand from hers. Presumably, they were
 10 holding hands or his hand was on some part of her body or arm
 11 or whatever?
 12 A. Yes. I suppose, yes, since they were sitting next to each
 13 other.
 14 Q. You heard her complain, you say, along the lines of, "Maybe
 15 you don't love me" because he took his hand away?
 16 A. Yes, it was something like that.
 17 Q. You say the argument then carried on and escalated seriously.
 18 What do you mean by "seriously"?
 19 A. I mean certainly raised voices and shouting.
 20 Q. Shouting?
 21 A. Yes.
 22 Q. And you say the way they argued could make them seem like
 23 schoolchildren?
 24 A. Sorry, yes, but that was how I saw it. Yes.
 25 Q. As you were asked by Ms. Wass, you said that you saw Ms. Heard

[Page 1116]

1 KING - SHERBORNE
 2 as the antagonist and Mr. Depp seemed keen to get away from
 3 arguments?
 4 A. Yes.
 5 Q. You were asked a question by Ms. Wass about that. Do you
 6 stand by your evidence that you saw or you regarded Ms. Heard
 7 as the antagonist; yes or no?
 8 A. Absolutely, yes.
 9 Q. Can you just explain what your view was based on? Was it
 10 content of what you heard, voices, is it a combination of
 11 things, what is it?
 12 A. Probably both of those things, but mainly that I know that
 13 Mr. Depp is a non-confrontational person and he would try to
 14 extract himself from those arguments, the occasions that I was
 15 there, and move to another room, go to another part of the
 16 house, close the door to get away from ----
 17 Q. From the argument?
 18 A. Yes.
 19 Q. And that is what you say there. It appeared that Ms. Heard
 20 would want to continue them and pursue him to do so. Did you
 21 hear her do that?
 22 A. That was my impression, yes; heard and, on one or two
 23 occasions, saw going to ----
 24 Q. So you heard and, on one or two occasions, you saw. What did
 25 you see? I cut across you, I am sorry?

[Page 1117]

1 KING - SHERBORNE
 2 A. Going to the room that Mr. Depp had gone to, to get away from
 3 the situation.
 4 Q. Can I then take you, so to speak, to Australia?
 5 A. Yes.
 6 Q. You were asked some questions about what you saw had happened
 7 at the house. You have said in your second witness statement
 8 that you did not see urine. It is paragraph 22.
 9 A. Yes.
 10 Q. You explain how you chaperoned, as you said, for the reasons
 11 you said, not just to make sure that nothing happened, the
 12 cleaners did not take something as they were going round.
 13 A. Or take photographs or whatever it might be, yes.
 14 Q. But also out of professional curiosity?
 15 A. And to oversee their work, yes.
 16 Q. You said there were blood spots and paint splatters, but there
 17 were no urine stains that needed to be cleaned and you said
 18 that you did not smell it?
 19 A. Correct.
 20 Q. Have you experience of urine in houses?
 21 MR. JUSTICE NICOL: Well, Mr. Sherborne, I am not sure that this
 22 is going to take us further.
 23 MR. SHERBORNE: I will not. (To the witness) It was put to you
 24 that you got it completely wrong, that anyone had suggested
 25 that something had been written in urine. Just to be fair to

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1 KING - SHERBORNE
 2 you, can I read you a sentence of Ms. Heard's first witness
 3 statement.
 4 THE WITNESS: Yes.
 5 Q. It is dated 15th December, and ----
 6 MS. WASS: Sorry, my Lord, but this witness said he had heard that
 7 there had been evidence given about this. What is in
 8 Ms. Heard's witness statement cannot have any effect on the
 9 reporting of this matter that Mr. King spoke of. This is a
 10 complete diversion.
 11 MR. SHERBORNE: It was suggested to ----
 12 MR. JUSTICE NICOL: Just a minute, Mr. Sherborne, do not talk
 13 across.
 14 MS. WASS: The witness indicated that he had heard or seen in the
 15 press a report that Mr. Depp had written something in urine.
 16 That is not evidence that was given in this court, as
 17 I understand it.
 18 MR. JUSTICE NICOL: I am going to allow Mr. Sherborne to ask his
 19 question.
 20 MR. SHERBORNE: Thank you. (To the witness) I do not think you
 21 said you read it in the press, that was Ms. Wass's gloss. But
 22 just this, Ms. Heard says in her first witness statement,
 23 paragraph 125, she is referring to Mr. Depp: "He went out
 24 through the front door, though security tried to stop him. He
 25 took out his penis and they asked him what he was doing

[Page 1119]

1 KING - SHERBORNE
 2 ...(reads to the words)... walls and carpet walking through
 3 the house."
 4 MR. JUSTICE NICOL: What is the question?
 5 MR. SHERBORNE: The question is this: what Ms. Heard is saying
 6 there is Mr. Depp urinated in the house and he tried to write
 7 a message. Were you told before your witness statement that
 8 there was a suggestion that Mr. Depp had done that; yes or no?
 9 THE WITNESS: No. I do not think so.
 10 MR. JUSTICE NICOL: He has made two witness statements. Was your
 11 question about the first, the second or both?
 12 MR. SHERBORNE: The second witness statement.
 13 THE WITNESS: I just know that there was no urine in the house.
 14 I mean, I am sorry, I am not sure what you are.
 15 MR. SHERBORNE: Mr. King, then moving to the next item of damage
 16 that was put to you, you were asked about the blood that you
 17 found.
 18 A. Yes.
 19 Q. You will see that is at paragraph 23.
 20 A. Yes.
 21 Q. It was put to you, you are not an expert in blood. You said
 22 that you saw blood spots in a number of different rooms around
 23 the house and you concluded from that Mr. Depp had walked away
 24 from where it happened?
 25 A. Yes.

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1 KING - SHERBORNE
 2 Q. Was there a place in the house where there was more blood than
 3 any other, or was the blood uniform throughout the house?
 4 A. The bar area, of course, was probably the most, and then there
 5 was a trail of blood spots up the stairs and there was one
 6 bedroom at the end of the long corridor upstairs that perhaps
 7 had more than other bedrooms. But there were a couple of
 8 bedrooms with blood spots in, one bed probably had ----
 9 MR. JUSTICE NICOL: Sorry, there was a trail up the stairs, and
 10 then blood spots in bedrooms.
 11 THE WITNESS: Yes. One bedroom, mainly, but a couple of other
 12 rooms did have spots.
 13 MR. JUSTICE NICOL: Thank you. Yes.
 14 MR. SHERBORNE: (To the witness) You were then asked about the
 15 cuts. You said that you did not see any injuries when you
 16 were at the house?
 17 THE WITNESS: Correct. Certainly not -- yes, I did not.
 18 Q. Then you talked about on the flight. Can I ask you a few
 19 questions about the flight.
 20 A. Yes.
 21 Q. You have told us that in your first witness statement, if you
 22 go back to paragraph 10 of your first witness statement, that
 23 is behind divider 46.
 24 A. Yes.
 25 Q. You say: "On the flight back to Los Angeles, Ms. Heard asked

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1 KING - SHERBORNE
 2 me, 'Have you ever been so angry with someone that you just
 3 lost it?'" And you replied that had never happened to you?
 4 A. Yes.
 5 Q. Then you say: "She seemed incredulous and asked again,
 6 'You've never been so angry with someone that you have just
 7 lost it?'" And again you answered you had not, and she did
 8 not continue. When during the flight did she say this --
 9 beginning or end of the flight?
 10 A. The beginning, I believe, we waiting to take off, you know,
 11 I think it was getting prepped for the flight.
 12 Q. So, on the tarmac?
 13 A. Yes, I think so.
 14 Q. Did Ms. Heard speak much during the flight, or little, or?
 15 A. Neither of us really spoke after that point, because we were
 16 both pretty exhausted. I had been clearing up the house for
 17 whatever, 12 or 13 hours, and she was quite emotional and
 18 probably tired from that, being hysterical for that amount of
 19 time.
 20 Q. During the flight, did she keep herself very much to herself
 21 or did she speak to anyone or phone anyone or read a book?
 22 A. Read a book, I do not believe so. I think we slept for most
 23 of the flight. I was sitting next to her, so I would know if
 24 she was elsewhere. She was in the bathroom for a length of
 25 time before the second flight. I think we had to connect in

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1 KING - SHERBORNE
 2 Sydney, so, she was in the bathroom.
 3 MR. JUSTICE NICOL: Sorry, you connected in Sydney?
 4 A. Yes.
 5 Q. Where was the house? I had wrongly assumed it was in Sydney?
 6 A. No, it was -- the nearest airport was Brisbane.
 7 MR. SHERBORNE: Did she speak to anyone else or phone anyone.
 8 A. She was in the bathroom for a period, which I believe she was
 9 making a phone call.
 10 Q. You believe she was making a phone call?
 11 A. Yes, before we took off, that was.
 12 Q. So she went to the bathroom to make a phone call, as you
 13 understand it?
 14 A. That was my understanding, yes.
 15 Q. You told Ms. Wass, when you were talking about the cuts, it is
 16 in your second witness statement, I am not sure I need to take
 17 you backwards and forwards, do you remember what it was? You
 18 saw it a second ago.
 19 A. Yes.
 20 Q. There were a couple of marks, sort of diagonal downwards,
 21 fairly uniform you describe them?
 22 A. Yes.
 23 Q. I think you said to Ms. Wass you did not know which arm it was
 24 on?
 25 A. I do not recall precisely I am afraid.

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1 KING - SHERBORNE
 2 Q. Then it was put to you that you had created this evidence
 3 because you heard Mr. Judge had said this on the transcript;
 4 is that how this evidence came about?
 5 A. I did not create any evidence. Only from what I saw and what
 6 I know.
 7 Q. I am just going to read you what Mr. Judge said, and what was
 8 on the transcript.
 9 A. Right.
 10 Q. He said, and this is the tape recording that Ms. Heard made by
 11 leaving on -- it is not the recording you saw there, where
 12 Ms. Heard has put her phone, to capture what she sees in the
 13 kitchen -- this was, as we understand it, leaving a phone on.
 14 Mr. Judge is heard saying: "She has scratches on her left
 15 arm. I have seen those scratches before. As far as I am
 16 concerned they are self-inflicted. I am convinced about it,
 17 self-inflicted." Mr. Judge says he saw the scratches on her
 18 left arm. Did you or did you not know which arm it was on?
 19 A. It is entirely possible, probable, if Mr. Judge said that,
 20 I would say that is correct.
 21 Q. But at the time you gave your statement you did not know which
 22 arm it was?
 23 A. I did not recall which arm, to be honest.
 24 Q. I am grateful. Mr. King, last question: it has been suggested
 25 to you that you have come here in order to support Mr. Depp

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1 KING - SHERBORNE
 2 and -- and I am going to say this -- to lie on oath. What do
 3 you have to say about that, Mr. King?
 4 A. Well, first of all, I would not lie on oath at all. I have no
 5 reason to, because everything is true ---
 6 Q. Sorry, I cut across you. I was going to ask, do you depend on
 7 Mr. Depp for your livelihood, Mr. King?
 8 A. Not at all. I never have. I was hired as the sort of hired
 9 help, if you like, for that period, which I did for many other
 10 clients, and I was not dependent on him, no.
 11 MR. SHERBORNE: Thank you very much, Mr. King. I have no further
 12 questions.
 13 MR. JUSTICE NICOL: Good. Mr. King, that brings your evidence to
 14 a conclusion. Thank you very much for coming to give evidence
 15 to this court.
 16 THE WITNESS: Thank you very much.
 17 MR. JUSTICE NICOL: You can now leave the witness box.
 18 (The witness withdrew)
 19 MR. SHERBORNE: My Lord, the next witness is via video link. I do
 20 not know whether the break that we take mid-morning might
 21 coincide rather neatly with calling my next witness.
 22 MR. JUSTICE NICOL: Yes. If I take ten minutes, will that be
 23 sufficient to try and establish the link? Is this Los Angeles
 24 as well?
 25 MR. SHERBORNE: It is, my Lord, I think it is. It should be.

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1 I do not know whether, perhaps a couple more minutes. I have
 2 not checked.
 3 MR. JUSTICE NICOL: I will say ten minutes, but if you need longer
 4 then you can tell me.
 5 MR. SHERBORNE: I am very grateful. Thank you, my Lord.
 6 MR. JUSTICE NICOL: Ten minutes.
 7 (A short break)
 8
 9
 10 MR. JUSTICE NICOL: Yes.
 11 MR. SHERBORNE: My Lord, can I call our next witness, Mr. Murphy.
 12 MR. JUSTICE NICOL: Mr. Murphy, can you hear us?
 13 THE WITNESS: Yes, I can.
 14 MR. JUSTICE NICOL: Thank you very much for coming to give your
 15 evidence and for doing so at what may be an unusual hour for
 16 you. Thank you. The first stage is for you to either affirm
 17 to tell the truth or to swear to tell the truth; which would
 18 you prefer to do?
 19 THE WITNESS: Affirmation.
 20 MR. JUSTICE NICOL: That is fine. Then, I am going to ask the
 21 court usher this end to take you through the affirmation.
 22
 23
 24
 25

[Page 1126]

1 MURPHY
 2 KEVIN MURPHY, AFFIRMED
 3 EXAMINED BY MR. SHERBORNE
 4 MR. JUSTICE NICOL: Yes, Mr. Sherborne.
 5 MR. SHERBORNE: Mr. Murphy, can you give your full name to the
 6 court, please.
 7 THE WITNESS: Kevin Michael Murphy.
 8 Q. Before I take you to your witness statement, just a couple of
 9 things I am going to say about the nature of the process,
 10 given the fact that you are giving evidence by way of video
 11 link in Chicago I think, is it?
 12 A. That is correct.
 13 Q. One of the things we have experienced with witnesses who are
 14 giving evidence by video link in America is, there is quite a
 15 significant time delay between questions being asked and
 16 answers being given.
 17 A. Yes.
 18 Q. Thank you. I think you have just confirmed how long that time
 19 delay is.
 20 A. Yes.
 21 Q. So, on this side, we will try, as far as possible, not to talk
 22 across you, and to wait until you have finished giving an
 23 answer before someone asks you another question.
 24 A. Okay.
 25 Q. In return, State-side, if you could wait until you hear the

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1 MURPHY - SHERBORNE
 2 end of a question before answering it, then that would be very
 3 helpful. Thank you, Mr. Murphy.
 4 A. I will do my best.
 5 Q. The other thing is to do with documents. Now, as I understand
 6 it, you have an electronic bundle as opposed to hard copy
 7 bundles; is that correct?
 8 A. That is correct.
 9 Q. I think I am right in saying that you may not be entirely
 10 averse in dealing with electronic bundles, so it may be the
 11 process is going to have to be a little bit slower; is that
 12 fair to say, Mr. Murphy?
 13 A. That is fair.
 14 Q. So, please do feel free to say if you are having any
 15 difficulties because, as I understand it -- and I have spoken
 16 to Ms. Wass, she is counsel for the defendants, and we have
 17 spoken -- as we understand it, you have an electronic bundle,
 18 it does have what we call bookmarks, but I know at the moment
 19 you feel more comfortable -- and no criticism of you at all
 20 for this -- feel more comfortable scrolling through in what
 21 I might call a more classic way; is that fair?
 22 A. That is fair. However, having said that, I am going to try to
 23 control function P and hopefully that I do not mess it up.
 24 Q. We will all bear with you, and I know there is no one more
 25 than his Lordship who will be forever patient, because we have

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1 MURPHY - SHERBORNE
 2 experienced this in the post COVID era. Please do feel free,
 3 I know Ms. Wass will say this to you as well, if you want to
 4 see a document, if you are asked about a document and you
 5 would prefer to see it, do say you would like to see it and
 6 follow what is being asked. Even if that makes the process a
 7 little longer, I am sure we all want you to feel comfortable.
 8 A. Sure.
 9 Q. With that rather lengthy introduction, can we start the
 10 process of familiarising ourselves with these bundles. You
 11 provided two witnesses statements in this case. The first one
 12 is in what we call file 2 and I can give you a tab number, so
 13 you may want to just put in the control F function. If you
 14 want to put D42, I hope that will bring up the tab which has
 15 your witness statement. You may want to put D81. Maybe it is
 16 easier to put the page number, the first page. Let us have a
 17 go and see where we get to.
 18 A. I am on D42. Do you want me to look at it?
 19 Q. Can you describe what D42 looks like?
 20 A. Is it starts with the sentence "Cinema while out ----"
 21 MR. JUSTICE NICOL: No. That is D42 in my copy as well. I am not
 22 sure that you have got the right reference.
 23 MR. SHERBORNE: That is tab 42. Try D81. I was going by the file
 24 divider number, but you obviously do not have them. We will
 25 just go with page numbers. Try D81.

1 MURPHY - SHERBORNE
 2 Then, can you turn in that statement to the back ----
 3 MR. JUSTICE NICOL: Can you give me the tab number, please?
 4 MR. SHERBORNE: It is 59D, my Lord. Either go back seven pages,
 5 Mr. Murphy, or put in D237.7, whichever you find easier.
 6 A. I see a signature page.
 7 Q. And can you confirm, is that your signature, Mr. Murphy?
 8 A. Yes, it is.
 9 Q. And the same again, Mr. Murphy. Can you confirm that the
 10 facts contained in this, your second witness statement, are
 11 also true?
 12 A. Yes, they are true.
 13 MR. SHERBORNE: Thank you, Mr. Murphy. If you just wait there,
 14 Ms. Wass will have some questions on behalf of the defendants.
 15 MR. JUSTICE NICOL: Yes, Ms. Wass.
 16
 17
 18
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 21
 22
 23
 24
 25

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[Page 1131]

1 MURPHY - SHERBORNE
 2 A. Yes.
 3 Q. Does that say "First witness statement of Kevin Murphy"?
 4 A. It does.
 5 Q. I am grateful. I think I have noticed that not only do we
 6 have a time delay, your speaking is not synced to the lip
 7 movement either; but we will deal with that.
 8 A. It is the same on my side.
 9 Q. Okay. That is the first page of your statement. Can you then
 10 turn to page D89. You should be able to scroll that down, or
 11 control F, whichever you find easier. Do you see a signature
 12 there?
 13 A. I do.
 14 Q. Is that your signature, Mr. Murphy?
 15 A. Yes, it is.
 16 Q. Can you confirm for this court that the facts contained in
 17 your statement, the first statement, are true?
 18 A. Yes, they are true.
 19 Q. We are just going to do the same exercise, if I may, with your
 20 second witness statement. That hopefully will be found if you
 21 put in control F and then the letter D and then 237.1. If you
 22 can tell us what will appear on your screen when you put that
 23 in, that would be very helpful.
 24 A. Second witness statement.
 25 Q. I am very grateful. That is your second witness statement.

1 MURPHY
 2 CROSS-EXAMINED BY MS. WASS
 3 MS. WASS: Mr. Murphy, you were the house manager responsible for
 4 looking after the various properties owned by Mr. Depp; is
 5 that correct?
 6 A. Yes, I am sorry, it is difficult to hear you. Maybe you could
 7 go closer to the mic, possibly?
 8 Q. Can you hear me better now?
 9 A. Yes, much better.
 10 Q. Good, I accidentally turned the mic off. You were the house
 11 manager who looked after the properties owned by Mr. Depp; is
 12 that right?
 13 A. Yes.
 14 Q. And you were ----
 15 A. Estate manager for him.
 16 Q. You were responsible for the maintenance, security, cleaning,
 17 et cetera, et cetera, of those properties?
 18 A. Yes.
 19 Q. You did not live as part of the family, did you?
 20 A. I am sorry, could you repeat that?
 21 Q. Did you eat your meals with Mr. Depp and Ms. Heard when you
 22 were at various properties?
 23 A. I did not.
 24 Q. You had a working relationship with Ms. Heard, do you agree?
 25 A. Yes.

[16] (Pages 1128 to 1131)

[Page 1132]

1 MURPHY - WASS
 2 Q. But your employer, your paymaster, was Mr. Depp?
 3 A. Correct.
 4 Q. You said in your witness statement that Ms. Heard never shared
 5 any experience of her being the victim of domestic violence.
 6 Do you remember saying that in your statement? She never
 7 complained to you that she was being abused by Mr. Depp?
 8 A. Yes, if that is in my statement. There was one time that she
 9 did talk about that, though.
 10 Q. When was that?
 11 A. December 2016.
 12 Q. December -- I understand the episode you are talking about.
 13 You are talking about when she was headbutted by Mr. Depp,
 14 that episode?
 15 A. I do not know. I do not know if there was a headbutt.
 16 Q. Mr. Murphy, I will come back to that in due course. Other
 17 than that, your relationship with Ms. Heard was such that you
 18 would not have expected her to share details of her personal
 19 life with you, would you?
 20 A. I do not know what I would expect of her, if she would share
 21 personal things or not.
 22 Q. You said in your statement that Mr. Depp would complain about
 23 Ms. Heard to you?
 24 A. Yes.
 25 Q. So, in effect, you were given one side of the story; do you

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1 MURPHY - WASS
 2 agree?
 3 A. Well, I do not know if there was a story. I was just told of
 4 instances.
 5 Q. When I say "the story", I meant the account. You were given
 6 one person's description of the account without hearing the
 7 other side?
 8 A. I did not hear anything from Amber.
 9 Q. I think the answer to that is that you agree with that. Now,
 10 you said in your first statement, there is a passage of your
 11 first statement, and I am going to read it to you, Mr. Murphy.
 12 If you think you want to see it as well, we can deal with it
 13 like that, but I am reading it with Mr. Sherborne, who is
 14 Mr. Depp's barrister, sitting two metres away from me, and if
 15 I read anything incorrect, he will correct me; all right?
 16 A. Would you like to give me the number and I can look it up?
 17 Q. It is D82. My Lord, it is paragraph 7.
 18 A. Okay.
 19 Q. Before paragraph 7, there is a heading "Ms. Heard's request
 20 for false statements in Australian proceedings"?
 21 A. Yes, I see that.
 22 Q. That is your description of what happened; do you agree?
 23 A. Yes.
 24 Q. In trying to support that assertion, you refer to an e-mail
 25 chain between yourself, somebody called Marty Singer, and

[Page 1134]

1 MURPHY - WASS
 2 Ms. Heard. That is the foundation for the assertion that
 3 Ms. Heard made a request for false statements; do you agree?
 4 A. I do not see where you are looking.
 5 Q. I am going to try and see if you can get something up on your
 6 screen, which is F884 and 885. My Lord, it is our paragraph
 7 4, tab 140, with the same pagination?
 8 MR. JUSTICE NICOL: Sorry, could you repeat the file?
 9 MS. WASS: File 4, tab 140, sorry, 142, my fault.
 10 THE WITNESS: Which file is this?
 11 MS. WASS: It is file 4 and it is F884.
 12 A. Okay, I can see that there is an e-mail chain.
 13 Q. Good. If you go to F885 at the bottom, that is the beginning
 14 of the e-mail chain, and we will have to read it backwards, as
 15 we have to with e-mails.
 16 A. Uh-huh.
 17 Q. It starts with an e-mail dated October 11th, 2015, at 8.58,
 18 from Ms. Heard to someone called Marty.
 19 A. Yes, I see that.
 20 Q. Marty is a reference to Marty Singer?
 21 A. Yes.
 22 Q. And Marty Singer is Mr. Depp's lawyer?
 23 A. At that time, it was my understanding that he was representing
 24 Amber.
 25 Q. Had you ever come across Marty Singer before this time?

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1 MURPHY - WASS
 2 A. I had heard his name before. I do not know if we had
 3 interaction.
 4 Q. If you had heard his name before, it is because he had
 5 represented Mr. Depp over many, many years. Do you agree?
 6 A. I would not know the answer to that because I was not involved
 7 with whatever you are referring to.
 8 Q. Well, this is important, Mr. Murphy, because you have
 9 suggested that Marty Singer was Ms. Heard's lawyer, but the
 10 true position, I suggest, is that Marty Singer was Mr. Depp's
 11 lawyer and had been before this occasion?
 12 A. Are you asking me a question?
 13 Q. I am asking you whether you can confirm that or whether you
 14 disagree with that?
 15 A. I cannot confirm that. I was not involved in any other legal
 16 proceedings with Marty Singer.
 17 Q. All right. Let us go up that text. Mr. Singer then replies
 18 to Ms. Heard, at the top of F885, "Amber, if you look at my
 19 e-mail below on October 9th, I respond to Carl's e-mail when
 20 he said he thought you could get Kate to sign a statement.
 21 That would be great." Can I just ask you to confirm that Kate
 22 is Kate James, who was Ms. Heard's assistant at the time?
 23 A. Yes, I believe so.
 24 Q. And carrying on with the e-mail, "Therefore, if you could get
 25 Kate to sign a statement, it would be helpful. I don't know

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1 MURPHY - WASS
 2 what your relationship with her is at this time since you
 3 fired her. You have to be careful that she will co-operate
 4 and will not go public if you ask her not to be truthful." Do
 5 you see that?
 6 A. I do.
 7 Q. So the first mention of anything to do with untruthfulness
 8 comes from Marty Singer, not from Ms. Heard; do you agree?
 9 A. No, because I had had conversations with Amber prior to that.
 10 Q. Do you want to look at D83 in your witness statement? Is that
 11 open or can you not open both at the same time?
 12 A. I cannot open both at the same time.
 13 Q. Let us finish the e-mail and go back to it.
 14 A. Okay.
 15 Q. So, the suggestion about untruthfulness comes from Mr. Singer
 16 in this e-mail chain. Then, if you go to F884?
 17 A. Uh-huh.
 18 Q. The next e-mail, this e-mail was sent to somebody called Carl
 19 Austin, from Carl Austin to Marty Singer, and Mr. Austin says,
 20 "Indeed". Do you see that?
 21 A. Yes, I see that.
 22 Q. And then, up at the top of that page, Ms. Heard forwards the
 23 whole e-mail on to you saying, "Kevin, what do you think?
 24 Could you possibly reach out for us? Do you think you could
 25 get her to do it?"

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1 MURPHY - WASS
 2 A. I see that.
 3 Q. And the point is that the lawyer, Marty Singer, was wanting a
 4 statement from Kate James about the dogs and whether they had
 5 been properly vaccinated?
 6 A. That was part of it, yes.
 7 Q. And indeed, it was your duty, or one of your many duties, to
 8 ensure that the certification of the dogs was in order before
 9 going to Australia?
 10 A. That is correct.
 11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 12 MS. WASS: So the position is that the fact that the certification
 13 was not in order was not Ms. Heard's fault; it was your fault,
 14 together with that of Kate James?
 15 A. That is incorrect.
 16 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
 17 MS. WASS: Now, the dogs travelled to Australia on 21st April,
 18 2015. Does that sound right to you?
 19 A. That sounds right, but I do not have it in front of me. If
 20 you are reading it off a document, I suppose that is true.
 21 Q. If I am wrong, I will be corrected. Were you on the plane
 22 with Mr. Depp and Ms. Heard and the dogs when they returned to
 23 Australia on 21st April?
 24 A. I was not.
 25 Q. Sorry?

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1 MURPHY - WASS
 2 A. I was not.
 3 Q. You were not, okay.
 4 A. I was not.
 5 Q. But you accept that Mr. Depp chartered a plane to return to
 6 Australia on that date?
 7 A. I do not know who chartered the plane.
 8 Q. All right. There were two dogs, were there not?
 9 A. Yes.
 10 Q. Pistol was Ms. Heard's dog?
 11 A. Yes.
 12 Q. And Boo was a dog that Mr. Depp had bought for his mother
 13 originally; did you know that?
 14 A. Yes.
 15 Q. And his mother, Mrs. Depp Senior, returned the dog to Mr. Depp
 16 and it was effectively Mr. Depp's dog after that?
 17 A. I think you could say that.
 18 Q. The issue of the dogs' illegal entry into Australia would have
 19 been a problem for Mr. Depp. Do you agree?
 20 A. Could you repeat the question, please?
 21 Q. The issue of the illegal entry of these dogs into Australia
 22 would have been a problem for Mr. Depp.
 23 A. Yes.
 24 Q. Mr. Depp's visa into Australia could have been affected if he
 25 had been charged with an offence arising out of the illegal

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1 MURPHY - WASS
 2 entry into Australia of his dog?
 3 A. I do not know the answer to that.
 4 Q. All right. You can confirm, though, can you not, that
 5 Mr. Depp's filming of one of the Pirates of the Caribbean
 6 sequels had already been interrupted in 2015 by an incident in
 7 which his finger was damaged and he had to return to the
 8 United States?
 9 A. Yes.
 10 Q. And in terms of progress of the film, the last thing Mr. Depp
 11 wanted was any further interruptions to his being able to
 12 fulfil his contract in respect of that film?
 13 A. I cannot speak for what Johnny was feeling or thinking at that
 14 time.
 15 Q. When it became apparent that the dogs were in Australia,
 16 I think somebody posted something on some social media site,
 17 with the dogs and their owners.
 18 A. Yes.
 19 Q. That is how this came to light, is it not?
 20 A. I believe the dogs were taken to a groomer and somebody put it
 21 on social media.
 22 Q. Exactly. When this came to light -- and it may be that you
 23 have answered this, but I am going to give you a chance to see
 24 whether you remember this -- Mr. Depp arranged that his lawyer
 25 in America, Marty Singer, dealt with this?

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1 MURPHY - WASS
 2 A. I do not know the answer to that.
 3 Q. And again, I put to you -- and I think you have said you did
 4 not know the answer -- it was Mr. Depp's lawyer, not
 5 Ms. Heard's lawyer ----
 6 MR. SHERBORNE: He did not say that.
 7 MR. JUSTICE NICOL: I think we have travelled over this ground
 8 already.
 9 MS. WASS: We have travelled over it. We have seen from the
 10 e-mail traffic how it was that you were included in a chain
 11 from Marty Singer; all right?
 12 MR. JUSTICE NICOL: Well, Ms. Wass, we have gone over this.
 13 MS. WASS: Fine. Ms. Heard never asked you to make a false
 14 statement in the Australian proceedings relating to the dogs.
 15 A. That is incorrect.
 16 Q. You said in your statement that she threatened you?
 17 A. That is correct. I took it as a threat, yes.
 18 Q. Threatened you, "I would not want you to have a problem with
 19 your job", is what you say she said?
 20 A. Well, there was more to that.
 21 Q. She never said those words?
 22 A. "I need your help on this".
 23 Q. Let me read what ----
 24 A. No, she said, "I need your help with this".
 25 Q. What you say in your statement -- my Lord, it is paragraph 9.

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1 MURPHY - WASS
 2 MR. SHERBORNE: Can he be shown his statement?
 3 MS. WASS: Do you want to have a look at your statement? I was
 4 going to quote what you said in your statement.
 5 A. Yes.
 6 Q. D83?
 7 A. Which bundle, ma'am? I do not have that coming up.
 8 Q. Bundle 2, D83, paragraph 8, four lines from the top, four
 9 lines down. Sorry, my Lord, paragraph 9.
 10 MR. JUSTICE NICOL: Paragraph 9?
 11 MS. WASS: "I want your help on this", it starts. Mr. Murphy, do
 12 you have your statement at D83? It has paragraphs 8 and 9 on
 13 it.
 14 A. I do not see that.
 15 Q. Let me read out what you say Ms. Heard said and then if I get
 16 it wrong, Mr. Sherborne is more than able to interrupt me.
 17 What you say in your statement is that Ms. Heard said this to
 18 you: "Well, I want your help on this. I wouldn't want you to
 19 have a problem with your job"?
 20 A. That is correct.
 21 Q. And you described that as threatening language, which made you
 22 feel anxious and uneasy?
 23 A. That is correct.
 24 Q. Ms. Heard, I suggest, never said that to you at any stage?
 25 A. Is that a question or a statement?

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1 MURPHY - WASS
 2 Q. I am asking you whether you agree or disagree with that. I am
 3 suggesting you are lying in that witness statement. Do you
 4 agree or disagree?
 5 A. I completely disagree.
 6 Q. Because your evidence on that point is that Ms. Heard wanted
 7 you to commit perjury?
 8 A. That is correct.
 9 Q. Would you commit perjury if somebody asked you?
 10 A. I would not.
 11 Q. What you said in your witness statement was this, and I am
 12 reading out from paragraph 9: "Shortly after Ms. Heard's
 13 request that I obtained a false statement from Miss James,
 14 Ms. Heard demanded verbally that I make a false witness
 15 statement regarding the dogs' illegal entrance into Australia.
 16 I expressed that I was extremely uncomfortable with doing so,
 17 to which Ms. Heard responded with the words", and I have said
 18 the words, and then your sentence carries on, "Ms. Heard's
 19 threatening language made me feel anxious and uneasy. As
 20 stated above, I had instructed Ms. Heard on a number of
 21 occasions by e-mail, telephone and in person that she could
 22 not take the dogs to Australia because the relevant paperwork
 23 and permits were not complete and the required ten-day
 24 quarantine arrangement had not been put in place. I also
 25 informed her that the criminal penalties for knowingly

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1 MURPHY - WASS
 2 smuggling animals into Australia without following the correct
 3 procedures could be severe. I further reminded her that the
 4 requirements were more stringent and more severe in Australia
 5 where", and again you say, "Ms. Heard had previously smuggled
 6 dogs." Now, do you agree that the impression given by that
 7 paragraph is that Ms. Heard had asked you to make a witness
 8 statement, but that you did not or you failed to mention that
 9 you ever made one?
 10 A. Can you ask the question again?
 11 Q. I have just read that paragraph, paragraph 9 of your witness
 12 statement, in which you say that Ms. Heard threatened you and
 13 threatened your job if you did not make a statement.
 14 A. Yes.
 15 Q. What you do not say in that paragraph is whether you did or
 16 you did not make a statement.
 17 A. I do not have the paragraph up. I would like to see the
 18 paragraph.
 19 Q. Can you try and find it, then, because otherwise I can read it
 20 out again, but Mr. Sherborne thinks it is fair ----
 21 MR. SHERBORNE: The witness has asked to see it. It is D83.
 22 I think each file is a separate document, electronic document.
 23 So, Mr. Murphy needs to be searching in the right file.
 24 MR. JUSTICE NICOL: You need to look for volume 2, Mr. Murphy.
 25 THE WITNESS: Okay. File number 2.

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1 MURPHY - WASS
 2 MR. JUSTICE NICOL: File number 2, and then within file number 2,
 3 page D83. Tell us what you have managed to locate that.
 4 A. Yes.
 5 Q. Can you see paragraph 9 at the bottom of page D83?
 6 A. Yes.
 7 MR. JUSTICE NICOL: Just read that again to yourself, and then
 8 Ms. Wass will repeat her question.
 9 THE WITNESS: (Pause for reading) Okay.
 10 MS. WASS: Do you agree that there is no mention in that paragraph
 11 as to whether you did or you did not make a statement in those
 12 proceedings, following Ms. Heard's threats to you?
 13 A. In that paragraph, in section 9 I do not say that.
 14 Q. I am going to suggest you, and I am not going to read the
 15 entire statement out, but nowhere in your first witness
 16 statements do you mention whether you did or did not make a
 17 witness statement in the Australian proceedings.
 18 A. Are you asking me did I give a declaration in those
 19 proceedings?
 20 Q. No. I am asking you to confirm that in your first statement,
 21 there is no mention of the question whether you did or did not
 22 make a statement in the Australian proceedings. Do you agree,
 23 it is not in the statement?
 24 A. In section 9?
 25 Q. It is not in the whole statement.

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1 MURPHY - WASS
 2 A. I have not read the whole statement, but I can assure you
 3 I did give a declaration in that.
 4 Q. You were asked to make a second statement. Do you remember
 5 you were asked to look at that by Mr. Sherborne this morning.
 6 On 23rd June, you made a second statement in these
 7 proceedings.
 8 A. If that is the correct date, yes.
 9 Q. It is about a month ago, very recently, do you agree?
 10 A. I would say recently.
 11 Q. The reason you were asked to make a second statement is
 12 because it came to light that you had made a statement in the
 13 Australian proceedings and you had failed to mention that in
 14 your first witness statement?
 15 A. I do not think anything was intentionally left out.
 16 Q. I am going to suggest it was intentional and it was
 17 deliberately misleading on your part.
 18 A. I would not agree with that.
 19 Q. Could you go to file 5.1 -- my Lord, it is our tab 201A.
 20 MR. JUSTICE NICOL: Just a moment. (Pause) Our tab 20?
 21 MS. WASS: 1A. It should have F1303.1 at the bottom. Mr. Murphy,
 22 have you got F1303.1?
 23 A. Can you repeat that, please?
 24 Q. It is file 5.1.
 25 A. Oh, it is a different file. Okay. One moment.

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1 MURPHY - WASS
 2 MS. WASS: Does my Lord have it?
 3 MR. JUSTICE NICOL: I have that, yes.
 4 MS. WASS: It should say "Statement of Kevin Murphy" at the top.
 5 THE WITNESS: Can you repeat the number and letter?
 6 MS. WASS: It is F for Freddy, 1303.1. (Pause)
 7 THE WITNESS: Is it clip entitled "Video JD speaking"?
 8 MS. WASS: No. My Lord, I can either read it to him, it is not
 9 that ----
 10 MR. JUSTICE NICOL: I think Mr. Murphy ought to be able to locate
 11 this. Mr. Murphy, have you got file 5.1?
 12 THE WITNESS: Now I do. Yes.
 13 Q. Right. Then, within file 5.1, there are dividers, and can you
 14 find the divider with the label 201A.
 15 A. I am on the page with the F1303.1.
 16 Q. I think it is F1303.1. (Pause)
 17 A. Yes. That is what I am showing. F1303.1.
 18 Q. That is the first page of a two-page statement.
 19 A. Does it start, "statement of Kevin Murphy"?
 20 MR. JUSTICE NICOL: That is right. You have found the right
 21 document. I am going to ask Ms. Wass now to ask her question
 22 about that document.
 23 MS. WASS: Now, this was a statement. It turned out, Mr. Murphy,
 24 that you did make a statement to the Australian court, to be
 25 submitted to the Australian court, dated 13th October 2015,

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1 MURPHY - WASS
 2 which you signed, and if you look at the second page we see
 3 your signature.
 4 A. Yes.
 5 Q. That was submitted as part of court proceedings, was it not?
 6 A. Yes.
 7 Q. When you made that statement, you were prepared to give
 8 evidence in accordance with that statement?
 9 A. Are you saying that I was going to go to court?
 10 Q. You were prepared to go to court, to take the oath and give
 11 evidence in accordance with that statement, were you not?
 12 A. Yes.
 13 Q. Yes. Let us look at the contents of the statement. "I Kevin
 14 Murphy state as follows: I am currently and have been an
 15 estate manager and assistant to Johnny Depp for many years";
 16 that is true, is it not?
 17 A. Yes.
 18 Q. "I have personal and firsthand knowledge of the matters set
 19 forth in this statement and, if called as a witness, could and
 20 would testify competently thereto under oath"; that is true,
 21 is it not?
 22 A. Yes.
 23 Q. "Among other household responsibilities, one of my obligations
 24 is to assist Mr. Depp in the preparation of necessary
 25 travel-related paperwork for the household dogs, Pistol and

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1 MURPHY - WASS
 2 Boo"; that is true?
 3 A. Yes.
 4 Q. "This includes submitting the proper applications, making sure
 5 the dogs receive the proper vaccinations and certificates and
 6 obtaining any necessary permits to allow transport of the dogs
 7 into foreign countries"; that is true as well? Do you agree?
 8 A. Yes.
 9 Q. "On other occasions, Mrs. Depp's assistant, Kate James" --
 10 that is Amber Heard's assistant -- "would be responsible for
 11 obtaining the necessary travel-related paperwork for the
 12 dogs"; that is true, is it not?
 13 A. She would assist, she was never personally just be solo
 14 responsible for the paperwork, she would assist me.
 15 Q. Sorry, I talked over you. Did you say you were the person
 16 responsible?
 17 A. Yes.
 18 Q. Thank you. "Over the years I have been involved in obtaining
 19 the necessary travel-related paperwork for the dogs to travel
 20 to the United Kingdom, France, the Commonwealth of Bahamas,
 21 Canada and Brazil"; that is true, is it not?
 22 A. Yes.
 23 Q. "It is a household policy that neither Mr. Depp nor Mrs. Depp
 24 travel with the dogs unless all the proper travel-related
 25 paperwork has been completed and prior approval is obtained

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1 MURPHY - WASS
 2 from the country of destination"; that is true, is it not?
 3 A. It is true, but it was not complied with.
 4 Q. "In connection therewith, it is a household policy to arrange
 5 all the necessary travel-related paperwork for the dogs to
 6 legally travel with Mr. Depp and Mrs. Depp and only inform
 7 Mr. Depp or Mrs. Depp about the arrangements if necessary
 8 travel-related paperwork could not be obtained"; is that
 9 correct?
 10 A. It is not completely correct, because I would never speak to
 11 Johnny about it, because Johnny never wanted the dogs to
 12 travel. It was only Amber that wanted the dogs to travel.
 13 MR. JUSTICE NICOL: Just a minute.
 14 THE WITNESS: So ----
 15 MR. JUSTICE NICOL: Slow down, please, Mr. Murphy. (Pause) Yes.
 16 Thank you.
 17 MS. WASS: I suggest that detail is untrue, and Mr. Depp was as
 18 keen for the dogs to go to Australia as Ms. Heard was?
 19 THE WITNESS: That is incorrect, ma'am.
 20 Q. I am reading on in your statement: "If the necessary
 21 travel-related paperwork could not be obtained, either
 22 Ms. James or I would notify Mr. Depp and Mrs. Depp"; that is
 23 true, is it not?
 24 A. Again, I would not notify Mr. Depp, only Mrs. Depp.
 25 Q. Why are you including Mr. Depp in this statement, when it was

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1 MURPHY - WASS
 2 Amber Heard who was the person who eventually took
 3 responsibility for the dogs in Australia; why are you
 4 including Mr. Depp unless that was true?
 5 A. Because it is not true.
 6 Q. Why did you put something untrue in your witness statement?
 7 A. Because that is what I was asked to agree to, and at the
 8 threat of losing my job or having trouble with my job.
 9 Q. You had worked for Mr. Depp for some considerable time, had
 10 you not, by this stage, several years?
 11 A. Yes.
 12 Q. And he is very loyal to his employees, is he not?
 13 A. Uh-huh. Yes.
 14 Q. And he is an approachable man, is he not?
 15 A. Yes.
 16 Q. Your evidence is that you were being asked, not only to commit
 17 perjury in a witness statement, but committing perjury or
 18 potentially having to commit perjury in a court after having
 19 sworn to tell the truth. That is what you are saying
 20 Ms. Heard asked you to do.
 21 A. That is correct.
 22 Q. And it is a really serious thing, is it not, lying on oath?
 23 A. Yes.
 24 Q. Why on earth did you not go to Mr. Depp to ask him to
 25 intervene, rather than just lying on oath, which you say you

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1 MURPHY - WASS
 2 did?
 3 A. Because Amber wielded a lot of power, and would have made my
 4 life miserable.
 5 Q. Made your life miserable. How? How would she have made your
 6 life miserable?
 7 A. I think there are many ways she could have, by being
 8 subversive, saying negative things to Johnny. You know,
 9 I think that if you imagined yourself and your own employer,
 10 what somebody in power over you could do to you, I think you
 11 would understand.
 12 Q. I suggest that it was open to you to go to Mr. Depp and
 13 explain that you had been asked to say something which you
 14 were not comfortable about, on oath, and that Mr. Depp would
 15 have intervened, if this had been a false statement that you
 16 were being asked to make.
 17 A. I did not feel like that was an option.
 18 Q. Let us carry on reading. We should be at the bottom of the
 19 first page, and it is a sentence that begins "In fact". Do
 20 you see that, Mr. Murphy?
 21 A. Where are you looking exactly?
 22 Q. It is paragraph 4 of your statement. Do you remember, the
 23 statement starts "It is a household policy", I have read all
 24 of that to you already.
 25 A. Yes.

[Page 1152]

1 MURPHY - WASS
 2 Q. Go to the bottom of that page and there is a sentence that
 3 begins "In fact, there have been several instances". Do you
 4 see that?
 5 A. I do.
 6 Q. "In fact, there have been several instances when the dogs did
 7 not travel internationally, because the necessary
 8 travel-related paperwork could not be obtained in time,
 9 including a cancellation of a trip to the United Kingdom in
 10 August 2015."
 11 A. That is correct.
 12 Q. Is that true?
 13 A. Yes.
 14 Q. "Although Mrs. Depp initially instructed me to make
 15 arrangements for the dogs to travel to Australia in April
 16 2015, it was Ms. James, an Australian citizen, who assumed the
 17 primary responsibility for preparing the necessary
 18 travel-related paperwork to permit the dogs to travel with
 19 Mrs. Depp to Australia." Now, given the answer you have made
 20 to an earlier question, that was not true. Do you agree?
 21 A. I would agree.
 22 Q. It was not Ms. James' responsibility; it was your
 23 responsibility?
 24 A. That is correct.
 25 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

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1 MURPHY - WASS
 2 MS. WASS: (To the witness) "However prior to the trip to
 3 Australia, Mrs. Depp terminated Ms. James' employment." Now,
 4 that is correct, is it not?
 5 THE WITNESS: Yes.
 6 Q. Ms. James was sacked, yes, by Ms. Heard?
 7 A. What do you mean by sacked?
 8 Q. Fired. Fired.
 9 A. Terminated, yes.
 10 Q. Terminated, yes. You were not sorry to see her go, were you
 11 -- Ms. James?
 12 A. I would not say that.
 13 Q. You did not have a good relationship with Ms. James, did you?
 14 A. I did.
 15 Q. You think you did. All right. So, we have got to the
 16 business about Mrs. Depp terminating Ms. James' employment.
 17 "Nevertheless" -- you go on to say -- "I was under the
 18 impression that prior to her termination, Ms. James had
 19 arranged all the necessary paperwork for the dogs to travel to
 20 Australia. Ms. James never indicated otherwise." That is the
 21 lie that you are telling in that statement, is it not?
 22 A. Can you tell me where you are looking again?
 23 Q. It is paragraph 5 of that witness statement, and it is the
 24 paragraph that begins "Although Mrs. Depp initially instructed
 25 me to make the arrangements".

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1 MURPHY - WASS
 2 A. Yes.
 3 Q. Then, three lines from the bottom of that paragraph, you say
 4 this: "Nevertheless, I was under the impression that prior to
 5 her termination, Ms. James had arranged all the necessary
 6 travel-related paperwork for the dogs to legally travel to
 7 Australia. Ms. James never indicated otherwise." That was
 8 not true, was it?
 9 A. No, it was not.
 10 Q. Because it was your job to get the paperwork, the paperwork
 11 had not been obtained, and you are blaming that on Ms. James
 12 who was no longer working for Ms. Heard. Do you agree?
 13 A. I think that is the way that it is written for me by Marty
 14 Singer and Amber Heard.
 15 Q. Ms. Heard played absolutely no part in this statement being
 16 drafted.
 17 MR. SHERBORNE: Is that a question?
 18 MS. WASS: Did she?
 19 THE WITNESS: That is incorrect.
 20 Q. Tell us how you say ---
 21 MR. JUSTICE NICOL: Just a minute. (Pause)
 22 MS. WASS: Tell us how you say she was involved. Where was this
 23 statement made?
 24 THE WITNESS: In conversations with me Amber had explained that it
 25 was her idea to place the blame on Kate, and she was no longer

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1 MURPHY - WASS
 2 working there. However, as things progressed, and the charges
 3 in Australia were so severe, that she also needed additional
 4 back-up, and that was me. So, I believed that she targeted
 5 Kate first and then I was second.
 6 Q. My question was, where was this statement made?
 7 MR. JUSTICE NICOL: Now, I am unclear as to which statement you
 8 are talking about.
 9 MS. WASS: My Lord, I stand corrected.
 10 MR. JUSTICE NICOL: Are you talking about the witness statement
 11 itself?
 12 MS. WASS: Yes. I will make that plain.
 13 Mr. Murphy, I have just read your witness statement that
 14 was submitted to the Australian court. Do you understand
 15 which statement I am talking about?
 16 THE WITNESS: Uh-huh.
 17 Q. Do you remember signing that statement?
 18 A. Yes.
 19 Q. Did you read through it before signing it?
 20 A. Yes.
 21 Q. Where did you sign that statement, where were you physically,
 22 not whereabouts on the page, where were you; were you in an
 23 office, were you at home; what were the circumstances?
 24 A. I do not remember, to be honest with you, if it was in an
 25 office or at home or at work.

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1 MURPHY - WASS
 2 Q. Ms. Heard was not present when you either drafted that
 3 statement or if it was drafted for you, or when it was signed,
 4 was she?
 5 A. She was not present in the room, no.
 6 Q. As far as you are aware, did she ever see that statement?
 7 A. I do not recall.
 8 Q. You are now admitting that you committed perjury in Australia
 9 as a result of something your boss's wife asked to you do.
 10 A. That is correct.
 11 Q. How much more easy it would be, I suggest, to commit perjury
 12 as a result of what your boss asked you to do. Do you agree?
 13 MR. JUSTICE NICOL: Sorry, that has become rather a ----
 14 THE WITNESS: No, I do not.
 15 MR. JUSTICE NICOL: Just a moment, please, Mr. Murphy.
 16 THE WITNESS: Sure.
 17 MR. JUSTICE NICOL: The question is now, "Would it be easier to
 18 commit perjury because of what Mr. Depp is asking you to do";
 19 is that the question?
 20 MS. WASS: That is the question. Do you understand what I am
 21 saying ----
 22 MR. JUSTICE NICOL: What you are being asked, Mr. Murphy, is
 23 whether it would be easier to commit perjury because of
 24 something that Mr. Depp has asked you to do. Do you agree or
 25 disagree ?

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1 MURPHY - WASS
 2 THE WITNESS: I would not know, because Johnny has never asked me
 3 to lie.
 4 MS. WASS: I suggest your witness statement -- and I will come to
 5 the passages in due course -- contains a number of lies that
 6 you have made in order to assist Mr. Depp and to discredit
 7 Ms. Heard, and you were more than happy to make those
 8 assertions in the statement which are untrue.
 9 MR. SHERBORNE: Is that a question?
 10 MS. WASS: What do you say to that?
 11 THE WITNESS: I disagree. That is untrue.
 12 Q. Your statement nonetheless attributes joint responsibility to
 13 Mr. Depp and the person you refer to Mrs. Depp?
 14 A. I am sorry, ma'am, when you lean forward I cannot really hear
 15 you.
 16 Q. That is entirely my fault. Mr. Murphy, can you hear me now?
 17 A. Yes, much better.
 18 Q. The witness statement we have just read together attributes
 19 joint responsibility to Mr. and Mrs. Depp, they are treated
 20 equally every time you mention one of them. Do you agree?
 21 A. As it is written, yes; but it was untrue, which I have
 22 admitted to.
 23 Q. They were both equally involved in the dogs being in
 24 Australia, I suggest.
 25 A. No, that is not true. That, Johnny never wanted the dogs to

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1 MURPHY - WASS
 2 travel and that is why Amber's name was on the paperwork.
 3 Q. Mr. Depp referred publicly, did he not, to the dogs and the
 4 incident with the dogs as somebody being jointly responsible.
 5 Do you agree?
 6 A. I do not know what you are talking about.
 7 Q. All right. I am going to ask you to ----
 8 A. Something in the public?
 9 Q. I am going to ask you to have a look at a video clip, please,
 10 or two video clips, but one after the other.
 11 (Video clips shown to the court)
 12 MS. WASS: Mr. Murphy, are you back with us?
 13 THE WITNESS: Yes, now I am.
 14 Q. Mr. Depp took joint responsibility for the dogs because he was
 15 jointly responsible for the entry of the dogs. What do you
 16 say to that?
 17 A. Are you saying that in regards to the video clip I just
 18 watched?
 19 Q. That is one reason I am making the assertion. Shall we have a
 20 look at another clip, please?
 21 (Video clip shown to the court)
 22 MS. WASS: Mr. Murphy, Mr. Depp knew exactly what was going on
 23 with the dogs, and in fact he arranged for the legal
 24 representations --
 25 MR. SHERBORNE: My Lord, sorry, Ms. Wass put something to ----

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1 MURPHY - WASS
 2 MS. WASS: I can do it in two questions rather than argue about
 3 it.
 4 MR. JUSTICE NICOL: Do you agree, Mr. Murphy, that Mr. Depp knew
 5 exactly what was going on with the dogs?
 6 A. I do not agree.
 7 MR. JUSTICE NICOL: Thank you.
 8 MS. WASS: Can you go to file 6, please, and tab 119, page 145 at
 9 the bottom?
 10 MR. JUSTICE NICOL: Just a minute.
 11 MS. WASS: We are just waiting for the -- (Pause)
 12 MR. JUSTICE NICOL: Can you find volume 6, Mr. Murphy? (Pause)
 13 A. Yes.
 14 MS. WASS: Can you go to F697.145?
 15 A. 697 point?
 16 Q. 145.
 17 A. Okay.
 18 Q. That should be a schedule of text messages in landscape
 19 format. Is that what you have?
 20 A. Yes.
 21 Q. Can you see, if you look at the left-hand column, the line
 22 that begins "9346"?
 23 A. Yes.
 24 Q. This is a text message from Mr. Depp to Amber Heard. I am
 25 going to read it to you and then ask you a question. "How

[Page 1160]

1 MURPHY - WASS
 2 many times can" -- sorry, I ought to say it is dated 20th
 3 March 2016. April, sorry, 20th April 2016.
 4 A. Yes.
 5 Q. Can you confirm that the Australian case was concluded on 18th
 6 April 2016? Does that sound about right to you?
 7 A. I do not recall the date, ma'am.
 8 Q. It is a matter of record and we can get it later for the
 9 court. What the text says is: "How many times can I be
 10 apologised for the same fucking thing. What is it with you?
 11 I've been by your side for every drama, illness and ugly
 12 situation. How do you think the goddamn felony charges went
 13 away?" Are you able to say what that refers to other than the
 14 dogs' felony charges?
 15 A. I would not be able to speak for Johnny's text to Amber. I do
 16 not know.
 17 Q. Were there any other felony charges hanging over anybody in
 18 April 2016 other than the Australian dog charges?
 19 A. I do not know.
 20 Q. I think I have made my position plain, Mr. Murphy. You have
 21 represented this entire episode in a highly misleading way in
 22 order to discredit Ms. Heard, suggesting that she was the
 23 orchestrator of a false statement which you made to protect
 24 the fact that you had failed to do your job properly. Do you
 25 agree?

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1 MURPHY - WASS
 2 A. I strongly disagree with that.
 3 Q. All right. I am going to turn now to another subject. You
 4 have said in your statement, your first statement, that you
 5 heard Ms. Heard shout at Mr. Depp, but you did not hear
 6 Mr. Depp shout at Ms. Heard. Is that true?
 7 A. It is true.
 8 Q. I am going to ask you to look at one more clip before we break
 9 off for lunch.
 10 A. Okay.
 11 (Video clip shown to the court)
 12 MS. WASS: Mr. Murphy, do you agree that Mr. Depp had a problem
 13 with alcohol over the time that he worked with you?
 14 A. Yes.
 15 Q. And that on and off, because he tried to control it, he would
 16 drink to excess and behave in the way that we have just seen
 17 in that clip?
 18 A. I would disagree with that.
 19 Q. You have never seen him behave like that?
 20 A. No.
 21 Q. But you ----
 22 A. I mean, even in the clip, he seemed very angry at the cabinets
 23 and then I think he was angry at Amber for trying to film him.
 24 Q. Yes. My question was ----
 25 A. That is what I see. I was not in the room.

[Page 1162]

1 MURPHY - WASS
 2 Q. My question was, have you ever seen him behave in a way like
 3 that, kicking furniture or cabinets, swearing ----
 4 A. No.
 5 Q. ---- and drinking ----
 6 A. No.
 7 Q. ---- vast amounts of alcohol?
 8 A. I have seen him drink before, but never behave in a violent
 9 way, ever.
 10 Q. You have seen him or know that he has taken controlled drugs?
 11 A. Are you talking about prescription medication?
 12 Q. No, I am not. I am talking about controlled drugs?
 13 MR. JUSTICE NICOL: It might be easier if you refer to them as
 14 illegal drugs.
 15 MS. WASS: Illegal drugs.
 16 A. I have never seen him take illegal drugs.
 17 Q. Did you know that he took illegal drugs by other means?
 18 A. What do you mean, "by other means"?
 19 Q. Did you hear from other members of staff, Nathan Holmes, for
 20 example, that he obtained drugs through Nathan Holmes?
 21 A. I do not recall specifically. I do not recall who I heard it
 22 from or whether it was in the media or speculation, I am not
 23 sure.
 24 Q. But what was your understanding, or do you not want to say
 25 because you do not know the source of it?

[Page 1163]

1 MURPHY - WASS
 2 MR. JUSTICE NICOL: Well, you have asked whether he heard from
 3 other members of staff that Mr. Depp had obtained illegal
 4 drugs from Nathan Holmes. What was your answer to that,
 5 Mr. Murphy?
 6 A. My answer was I did not recall hearing that from
 7 Nathan Holmes.
 8 MS. WASS: You see, in your witness statement, you say that
 9 Ms. Heard becomes increasingly volatile when she drinks.
 10 A. Yes.
 11 Q. And when she drinks in combination with amphetamine, and you
 12 name a drug, Provigil?
 13 A. Pro-vigil.
 14 Q. Is it pronounced Pro-vigil?
 15 A. I believe so.
 16 Q. That would probably explain it because it is a drug for
 17 narcolepsy, is it not? Pro-vigil -- it makes more sense
 18 pronounced like that.
 19 A. I do not know.
 20 Q. Ms. Heard had been prescribed that drug by a doctor, Provigil?
 21 A. I do not know that.
 22 Q. It is not an illegal drug, is it?
 23 A. That I do not know.
 24 Q. Where are you getting your information that is in this
 25 statement?

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1 MURPHY - WASS
 2 A. Which information?
 3 Q. Let me repeat what you say in your statement. "She", that is
 4 Ms. Heard, "becomes increasingly volatile when she drinks and
 5 when she drinks in combination with the amphetamine, Provigil,
 6 a drug which I understand she took regularly when I was
 7 employed by Mr. Depp." Who gave you that information?
 8 A. I do not recall who told me exactly, but I could tell when she
 9 was taking it because she would be very speedy.
 10 Q. But do you ---
 11 A. Agitated.
 12 Q. Do you agree that Provigil is a drug that is obtained on
 13 prescription? It is not an illegal drug?
 14 MR. JUSTICE NICOL: I think Mr. Murphy has already answered that
 15 he does not know whether it is legal or illegal.
 16 MS. WASS: All right. Again, we can get this information by other
 17 means. You said you had not -- I see it is one o'clock. It
 18 might be better to deal with this afterwards. I am in the
 19 court's hands.
 20 MR. JUSTICE NICOL: We have got three witnesses lined up this
 21 afternoon.
 22 MS. WASS: Yes.
 23 MR. JUSTICE NICOL: Mr. Murphy, I am going to take a break for
 24 lunch now. I will resume at two o'clock. Could you be
 25 available to continue this questioning at two o'clock, that is

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1 MURPHY - WASS
 2 two o'clock our time, so in one hour's time, whatever your
 3 time currently is?
 4 THE WITNESS: Sure. Yes, so 7.00 a.m. here, so you are talking
 5 about 8.00 a.m?.
 6 MR. JUSTICE NICOL: If it is 7.00 a.m. then, yes, indeed, it would
 7 be 8.00 a.m. Let me say, Mr. Murphy, that I am very grateful
 8 to you for making yourself available at such an uncomfortable
 9 hour.
 10 THE WITNESS: Thank you. You are welcome.
 11 MR. JUSTICE NICOL: All right. So, Mr. Murphy, we will terminate
 12 the link with you now, but if you would be ready, please, to
 13 come back in one hour's time; all right?
 14 THE WITNESS: Sure. I am sorry, judge, but do I use the same
 15 link, because I had a little bit of a problem in the very
 16 beginning getting on, and they had to come and assist me and
 17 use a different link. I just do not want to have a problem
 18 when I get back on. So if I just leave it alone and come back
 19 to it, will it still be the same?
 20 MR. JUSTICE NICOL: I think you can leave it alone and you can
 21 just come back to it. Mr. Murphy, I should have said to you,
 22 as I say to all witnesses, that you must not talk about your
 23 evidence to anybody until it has been concluded. Do you
 24 understand that?
 25 THE WITNESS: Yes, I do.

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1 MURPHY - WASS
 2 MR. SHERBORNE: My Lord, can I raise one thing. I am sorry to
 3 talk over your Lordship. But I am a little nervous about --
 4 (Counsel conferred) All I wanted to say, for Mr. Murphy's
 5 benefit, given that he may well go and have breakfast or do
 6 whatever he does in Chicago at seven in the morning, is that
 7 I am conscious that if he leaves this on, it might be slightly
 8 intrusive because anything he says or does may well be seen by
 9 this court. I do not know if there is a facility to turn the
 10 sound and video off, that is all I was going to say, just for
 11 Mr. Murphy's benefit.
 12 MR. JUSTICE NICOL: Mr. Murphy, I am grand enough that I leave
 13 technical issues to other people. When I have gone out of
 14 court, there can be a discussion about the best technical way
 15 of dealing with your position; all right?
 16 THE WITNESS: Okay, I appreciate it.
 17 MR. JUSTICE NICOL: All right.
 18 MR. SHERBORNE: Can I just raise timings. I do not think there is
 19 a problem with Mr. Murphy hearing this. It is just to work
 20 out how long Ms. Wass has left of cross-examination so we can
 21 plan this afternoon.
 22 MR. JUSTICE NICOL: Well, Mr. Sherborne, I am going to interrupt
 23 because I asked my clerk to let you and Ms. Wass know that
 24 I wanted a schedule for the afternoon with timings for
 25 examination-in-chief, cross-examination, and re-examination.

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1 MURPHY - WASS
 2 I am not asking for that now, but I am expecting that to be on
 3 the desk at 2 o'clock.
 4 MR. SHERBORNE: My Lord, I understand that and I am happy to do
 5 that. But we cannot start that process until we know how much
 6 longer Ms. Wass is going to be.
 7 MR. JUSTICE NICOL: You can talk about that with Ms. Wass.
 8 MR. SHERBORNE: Your Lordship understands why I say that. I
 9 understand the schedule for this afternoon, but the schedule
 10 can only start once we have -- can I ask this. I think we are
 11 all very conscious that we do not want to fall foul of
 12 your Lordship's gentle marker yesterday that we should not sit
 13 beyond 4.30. That is what I wanted just to check.
 14 MR. JUSTICE NICOL: 4.30 will be the limit this afternoon.
 15 MR. SHERBORNE: I am grateful, my Lord.
 16 MR. JUSTICE NICOL: All right. Thank you. I will rise.
 17 (Adjourned for a short time)
 18 MR. SHERBORNE: I was just going to raise the matter of
 19 timetabling. Your Lordship or your Lordship's clerk will have
 20 hopefully received it over the adjournment. Ms. Wass and
 21 I have tried to give as best we can -- and I understand
 22 entirely why this is not as precise an exercise as one might
 23 imagine sometimes -- we have tried to give the best
 24 indication. I think we have been, if I may put it, on the
 25 slightly optimistic side, to be fair to Ms. Wass. So we have

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1 MURPHY - WASS
 2 Mr. Murphy and there is probably another 30 minutes of
 3 cross-examination, Ms. Wass believes, at this stage, to be
 4 fair. Then re-examination is probably 30 minutes. Then there
 5 will be the connection. It is very important that Ms. James
 6 is today. That is why we have gone to Ms. James. Ms. Wass
 7 has said an hour, but again, to be fair to her, she has said
 8 an hour plus.
 9 MS. WASS: No. Sorry, I do not want to contradict because ----
 10 MR. SHERBORNE: Sorry, I have not had a direct conversation.
 11 Ms. Wilson spoke to her. So an hour, then, is what ----
 12 MS. WASS: I said it is difficult. Ms. James is ----
 13 MR. JUSTICE NICOL: Of course it is difficult, Ms. Wass, but you
 14 understand as well that I need to keep control.
 15 MS. WASS: Of course. The reason I interrupted is that an hour is
 16 probably the maximum rather than plus, that is all.
 17 MR. SHERBORNE: I think we have worked out then that with
 18 re-examination of about 20 minutes, depending, that takes us
 19 perilously close to 4.30. Therefore, what we were going to
 20 say is that Ms. James will therefore be the only additional
 21 witness we call this afternoon because otherwise I think it is
 22 too dangerous. So, that is the plan for this afternoon and we
 23 will obviously have to revisit tomorrow and we will do what we
 24 do overnight. I do not want to take up more time than that.
 25 MR. JUSTICE NICOL: Thank you. Yes, Ms. Wass.

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1 MURPHY - WASS
 2 MS. WASS: Mr. Murphy, I want to ask you, please, to look at file
 3 6, tab 148B, and the page number is F894.071.
 4 A. Sorry, I am having some difficulty. I typed in 148B.
 5 Q. 148B, for Bravo?
 6 A. Right.
 7 Q. Apparently, you just need to get the file, which is file 6,
 8 and then get the page number, which is F for Freddy, 894.071.
 9 A. I think I am going to have to scroll for that one. (Pause)
 10 I apologise for going so slow.
 11 Q. It is all right. (Pause)
 12 A. You were saying the page number is 897; correct?
 13 Q. 894.071. Has my Lord got it?
 14 MR. JUSTICE NICOL: I do.
 15 THE WITNESS: Okay, I believe I have it. Is it a picture of the
 16 closet?
 17 MS. WASS: If you look at the top of the page, there is a date,
 18 March 23rd, 2015; do you see that?
 19 A. Yes.
 20 Q. 6.57, and it says, "Good morning, sir. So, umm, Johnny
 21 destroyed Amber's closet and there's some other damage to PH5.
 22 You're the lucky person I should talk to about that; correct?"
 23 Do you remember these photographs being sent to you?
 24 A. I do not recall that they were sent to me or if I saw them
 25 somewhere, but I have seen them.

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1 MURPHY - WASS
 2 Q. That text was sent to you by Whitney Hernandez, who is
 3 Ms. Heard's sister; do you agree?
 4 A. Yes.
 5 Q. You then reply, "I suppose so" that is to say, you are the
 6 lucky person that she should talk to about it. You said,
 7 "I suppose so. I'm up." Then she said, "Insanity, just
 8 fucking insanity"; all right. Those photographs were
 9 photographs of PH5, the bedroom floor, the top floor of PH5;
 10 do you agree?
 11 A. Yes, the closet area of Penthouse 5, yes.
 12 Q. It is the area where Ms. Heard would keep her clothes?
 13 A. Yes, it was a combination of Amber's and Johnny's, but mostly
 14 Amber's.
 15 Q. Ms. Heard kept her clothes in a very orderly way, as a rule;
 16 do you agree?
 17 A. Yes.
 18 Q. And if you look at the second page of that ----
 19 MR. JUSTICE NICOL: Just a minute; the second page?
 20 MS. WASS: The second page, top photograph, you can see at the
 21 back of the picture, there is a row of shoes in an orderly
 22 way; do you agree.
 23 A. I want to make sure that I am on the ----
 24 Q. Yes?
 25 A. I want to make sure I am looking at the same photo, I am

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1 MURPHY - WASS
 2 sorry.
 3 Q. It is the second photo in that series. The first photograph
 4 is on the first page, which shows a clothes rail thrown on its
 5 side?
 6 A. I see a clothes rail, yes.
 7 Q. In fact, the clothes rail is half the way down the stairs; do
 8 you agree?
 9 A. It is on the landing, yes.
 10 Q. On the mezzanine. Would that be a good description, the
 11 mezzanine floor, half-landing?
 12 A. I guess you could call it that.
 13 Q. Then the next photograph down is the actual upper floor of
 14 PH5?
 15 A. Yes.
 16 MR. JUSTICE NICOL: This is now page 72, is it?
 17 MS. WASS: Yes, and it is the top photograph. You can confirm,
 18 can you not, that Ms. Heard would keep her clothing in a very
 19 orderly way.
 20 MR. JUSTICE NICOL: You have asked that.
 21 MS. WASS: Sorry. I think Mr. Murphy could not find the picture
 22 at that stage, but if I am wrong ----
 23 A. No, I see the shoes now. They are orderly, yes.
 24 Q. You see the shoes now. All right, thank you. And her
 25 handbags as well?

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1 MURPHY - WASS
 2 A. Yes, correct.
 3 Q. Something or somebody appears to have caused further shelves
 4 to be knocked on their side; do you agree?
 5 A. Yes.
 6 Q. And over on the following page, 073, we see a clothes rail
 7 having been turned on its side, both in the top and the bottom
 8 photograph? Do you agree?
 9 A. Yes, I see it.
 10 Q. And then, over the page again, at 074, we see clothes strewn
 11 over the floor?
 12 A. Can you describe it a little more, please, to make sure I am
 13 on the right page?
 14 Q. Yes. In the foreground, there is a clothes rail that appears
 15 to have been knocked over with many of the clothes thrown on
 16 the floor, and in the background, there are two further
 17 clothes rails that are upright?
 18 A. I see it, yes.
 19 Q. And then the bottom floor just shows the kitchen, the
 20 downstairs?
 21 A. Yes.
 22 MR. JUSTICE NICOL: The bottom photo.
 23 MS. WASS: The bottom photograph, but underneath that photograph,
 24 it is just to give you an idea, if you scroll right down.
 25 A. I see, yes.

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1 MURPHY - WASS
 2 Q. Yes?
 3 A. I see that.
 4 Q. So, on 23rd March, do you agree that you were called to PH5 to
 5 clear up the mess that we see in those photographs?
 6 A. Well, I do not know that I was called to Penthouse 5. I was
 7 being described something by Whitney. I did go there.
 8 Q. Yes. What Whitney told you was, "Johnny destroyed Amber's
 9 closet, there's some other damage, you're the lucky person
 10 I should talk to", and in fairness to you, you said, "Yes,
 11 I am coming", in effect, did you not?
 12 A. No, I said I suppose so, because getting a phone call at that
 13 time of the morning to me, it sounded like more drama.
 14 Q. "I'm up" meant you were awake; yes?
 15 A. Yes.
 16 Q. Did you eventually go to the flat?
 17 A. Yes, I did.
 18 Q. And to deal with the damage or chaos that we see in those
 19 photographs?
 20 A. Yes. I, along with another co-worker, turned up -- picked up
 21 the racks and put them back where they were.
 22 Q. Later on that year, on 15th December, did you receive an
 23 e-mail from Amber Heard and, again, I am going to ask you to
 24 look at file, if you can shut down the document you are
 25 looking at, and go to file 7.

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1 MURPHY - WASS
 2 A. I do not -- ma'am, I do not have a file 7.
 3 Q. What I am going to do, Mr. Murphy, unless there is any
 4 objection, it is a one-line text. Unless Mr. Sherborne thinks
 5 you need to look at it, I am going to read it out to you.
 6 MR. JUSTICE NICOL: Just give me the reference for it.
 7 MS. WASS: It is file 7, tab 15, it is H101 -- H102, sorry.
 8 MR. JUSTICE NICOL: Yes.
 9 MS. WASS: On 16th December 2015 ----
 10 MR. SHERBORNE: My Lord, sorry to interrupt Ms. Wass, but he does
 11 have it. There is a supplementary bundle I think Mr. Murphy
 12 has.
 13 MR. JUSTICE NICOL: I have more than one supplementary bundle.
 14 MR. SHERBORNE: I understand that, but I think electronically
 15 Mr. Murphy has a core bundle and a supplementary bundle; is
 16 that correct?
 17 THE WITNESS: It is completely possible, but I am not, to be
 18 honest with you I am not sure where that is at.
 19 MR. JUSTICE NICOL: Okay. Mr. Murphy, perhaps we can deal with
 20 this in this way, that Ms. Wass will read to you the document
 21 that she is referring to. Mr. Sherborne, in London here, will
 22 be able to listen as well, and will correct her if there is
 23 anything incorrect in the document. All right?
 24 THE WITNESS: Okay.
 25 MR. JUSTICE NICOL: If you would just listen for a moment while

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1 MURPHY - WASS
 2 she reads it out.
 3 MS. WASS: On 16th December 2015 you received a text from
 4 Ms. Heard saying this: "Hey there, I just wanted to let you
 5 know that the maids will be needed downtown today. Even
 6 though Johnny didn't sleep your last night, he left quite a
 7 dent on the place before he left." All right? Now, you
 8 remember on 16th December going to -- downtown is a reference
 9 I think to the Eastern Columbia Building; is that agreed?
 10 A. I do not recall that, no.
 11 Q. Right. Did you attend ----
 12 A. I mean ----
 13 Q. What did you understand by the phrase, "the maids will be
 14 needed downtown today"?
 15 A. Well, that has been told to me many, many, many times, I took
 16 it to mean that there needed to be cleaning.
 17 Q. You actually attended the Eastern Columbia Building that day,
 18 did you not?
 19 A. I do not recall.
 20 Q. This is the day that you were told by Ms. Heard that she had
 21 been assaulted by Mr. Depp. Do you remember now?
 22 A. Can you say the date again?
 23 Q. 16th December 2015.
 24 A. And can you tell me the -- give me more context to the
 25 situation?

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1 MURPHY - WASS
 2 Q. What I will do, in fairness to you, I will read from your
 3 witness statement about this.
 4 A. Okay. Sure.
 5 Q. I will read it to you, and then if you want to look at it
 6 afterwards, would you just let me know. My Lord, it is
 7 paragraph 13 onwards.
 8 MR. JUSTICE NICOL: This is the first witness statement?
 9 MS. WASS: This is the first witness statement.
 10 MR. JUSTICE NICOL: Yes.
 11 MS. WASS: What it says, it gives the date of 15th December 2015,
 12 but what you say in your witness statement is this: "I have
 13 been told by Mr. Depp's solicitors that it is alleged that on
 14 December 15th, 2015, Mr. Depp beat Ms. Heard so hard in the
 15 face and body that their bed broke. I attended Mr. Depp's
 16 penthouse at 849 South Broadway, Los Angeles, California on
 17 16th December. Shortly after I arrived, Ms. Heard called to
 18 me from upstairs in the master bedroom. When I went upstairs,
 19 I found her sitting on the edge of the bed, crying. Ms. Heard
 20 said that Mr. Depp had hit her in the face several times and
 21 pulled out her hair. I remember standing roughly four feet
 22 away from her and becoming suspicious, as Ms. Heard did not
 23 appear to be wearing any makeup on this occasion, and there
 24 were no marks, bruises, cuts, redness or swelling to
 25 Ms. Heard's face, nor were there any area on the head where

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1 MURPHY - WASS
 2 her hair appeared to have been pulled out. I believe she was
 3 waiting for a stylist and/or makeup artist to arrive." I have
 4 given you the context, do you remember the occasion that I am
 5 referring to?
 6 A. Yes, I do.
 7 Q. This was an occasion, where you attended shortly after you had
 8 received that text from Ms. Heard saying that the maids were
 9 required. Do you agree, that was the sequence?
 10 A. I believe so.
 11 Q. Do you remember seeing graffiti in bold paint sprawled over
 12 the kitchen work surface?
 13 A. Yes, I believe it was marker.
 14 Q. It said: "Why be a fraud? All is such bullshit".
 15 A. Okay, I do not know exactly what it said, but I recall
 16 something being written there.
 17 Q. Do you want to see the photograph?
 18 A. No, because I have seen the photograph before, I think on the
 19 internet or somewhere. But what I would tell you is that the
 20 moment that I walked in the door, Amber called to me, so I did
 21 not really get a look at the downstairs very well. There was
 22 somebody else there that was cleaning while I was upstairs
 23 speaking to Amber.
 24 Q. All right. So, is your evidence that if there was damage, you
 25 did not have an opportunity to see it; is that right?

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1 MURPHY - WASS
 2 A. I would say, yes, I would say that I do not know.
 3 Q. You do not know. All right. But Ms. Heard explained to you
 4 that Mr. Depp had pushed her on to a bed in PH4 so
 5 forcefully ---
 6 MR. JUSTICE NICOL: PH4?
 7 MS. WASS: PH4, yes, the flat next door, so not the flat where she
 8 lived with Mr. Depp, not her wardrobe flat, which was PH5, but
 9 the one in between was PH4. Do you agree with the layout
 10 I have just presented to you?
 11 THE WITNESS: Yes.
 12 Q. Ms. Heard told you that Mr. Depp had pushed her so hard on the
 13 bed and with such force that the bed frame had broken. Is
 14 that what you remember Ms. Heard saying to you?
 15 A. No.
 16 Q. What do you remember her saying?
 17 A. I remember her saying, pointing to a tuft of hair and saying
 18 that this is the hair that Johnny pulled out. I remember her
 19 pointing at the bed and saying that the bed, this is where
 20 Johnny broke the bed.
 21 Q. All right. There may not be very much between us. There was
 22 more than one tuft of hair, was there not, on the floor?
 23 A. No.
 24 Q. Contrary to what you say in your witness statement, Ms. Heard
 25 had the beginning of bruising coming up underneath both eyes?

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1 MURPHY - WASS
 2 A. That is incorrect.
 3 Q. You are aware, are you not, Mr. Murphy, that if someone is hit
 4 on the middle of the nose, either by a punch or, say, a
 5 headbutt, it can cause bilateral bruising?
 6 A. I am not a physician, but I have seen it before.
 7 Q. That answers my question. And that is what Ms. Heard was
 8 showing signs of when you saw her?
 9 A. That is incorrect.
 10 Q. I am going to ask ---
 11 A. There were no marks, no bruising, no redness.
 12 Q. I understand your evidence. I am suggesting that evidence is
 13 deliberately untrue, and deliberately misleading for the
 14 purpose of assisting Mr. Depp. Do you understand?
 15 A. It is incorrect.
 16 Q. What I am ---
 17 A. I am responding -- can I finish my response, please. I am
 18 just answering your question. Your statement is false.
 19 Q. Have you finished?
 20 A. Yes.
 21 Q. I am going ask you to look at a photograph, please, we are
 22 going to put it on the screen and when it is on the screen you
 23 will not be able to hear me, but I want you to look at the
 24 photograph before it comes up and tell me whether you are able
 25 to see any bilateral bruising to Ms. Heard's eyes. (Pause)

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1 MURPHY - WASS
 2 F894.103.
 3 MR. JUSTICE NICOL: We have this where, please?
 4 MS. WASS: Sorry, file 6, tab 148C.
 5 MR. JUSTICE NICOL: Thank you. Yes.
 6 MS. WASS: Did you see that, Mr. Murphy?
 7 THE WITNESS: I did.
 8 MR. JUSTICE NICOL: You saw the photograph, Mr. Murphy?
 9 THE WITNESS: Yes. Yes, sir.
 10 MS. WASS: The photograph metadata reveals that it was created on
 11 16th December 2015, so the day you went to see Ms. Heard. Do
 12 you understand?
 13 A. Uh-huh.
 14 Q. Is that how ---
 15 A. I understand.
 16 Q. Sorry?
 17 MR. JUSTICE NICOL: He just said he understood.
 18 MS. WASS: Is that how Ms. Heard looked to you when you saw her?
 19 THE WITNESS: Well, what I would reiterate is that what I saw her,
 20 I saw no bruising, no redness, no scratches, no signs of any
 21 physical abuse or confrontation.
 22 MR. JUSTICE NICOL: Do I take it, Mr. Murphy, that you say that
 23 Ms. Heard did not, on that occasion, look like she looks in
 24 the photograph?
 25 A. Well, you know, I am not a bruise expert or anything like

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1 MURPHY - WASS
 2 that. What I am saying is when I saw her, with no makeup,
 3 that she had no bruises, no marks, no scratches, no signs of
 4 any physical confrontation that she described was very
 5 violent.
 6 MR. JUSTICE NICOL: Right. Thank you.
 7 MS. WASS: Could you be shown, please, F894.111. I am going to
 8 ask you to look not only at the marks under Ms. Heard's eyes,
 9 but to a mark on her lip, to see whether you can see that.
 10 All right?
 11 A. Uh-huh. I can see the photo.
 12 Q. That is a photograph that was taken on 16th December at
 13 2.40 p.m. on an Apple iPhone. Do you remember what time you
 14 attended the residence of the South Broadway apartments?
 15 A. I believe it was in the morning.
 16 Q. All right. Was that how Ms. Heard, how you remember
 17 Ms. Heard?
 18 A. I remember Ms. Heard as not having any bruises, no marks, no
 19 contusions, none of the things that she described to me while
 20 talking to me.
 21 Q. Mr. Murphy, you said all of that in your statement when you
 22 first made a statement about this. That you went to the
 23 apartment, that Ms. Heard was crying, that she pointed out
 24 various things to you but, as far as you were concerned, there
 25 was no sign of an assault whatsoever on her face and body.

[Page 1182]

1 MURPHY - WASS
 2 A. That is correct.
 3 Q. I think I have made it plain that I am suggesting you are
 4 lying about that, in order to, number 1, discredit her; and
 5 number 2, trying to absolve Mr. Depp from the accusations he
 6 faces. What do you say about that?
 7 A. That is incorrect. That is incorrect, ma'am.
 8 Q. But you do agree that there was a bed that was broken?
 9 A. I saw a bed that was broken, yes.
 10 Q. And you saw tufts of hair on the floor?
 11 A. I saw one tuft of hair.
 12 Q. On 21st April 2015 I think you were aware that Ms. Heard was
 13 having a celebration for her 30th birthday?
 14 A. Yes.
 15 Q. You did not attend the gathering, but there was to be a small
 16 gathering of her close friends. Do you remember that?
 17 A. Yes.
 18 Q. On the following day, you received a contact from the
 19 housekeeper, Hilda Vargas? Do you remember that?
 20 A. Can you tell me what it was?
 21 Q. I will put it in context. Attached to the contact was a
 22 photograph of faeces on a bed.
 23 A. Yes, I recall.
 24 Q. And Ms. Vargas was affronted because she believed them to be
 25 human faeces?

[Page 1183]

1 MURPHY - WASS
 2 A. That is correct.
 3 Q. You were aware that, as far as Mr. Depp's dog Boo was
 4 concerned, Boo had a number of difficulties with toilet
 5 training?
 6 A. It did, but not in the bed.
 7 Q. Let us just take this stage by stage. Do you agree?
 8 A. True.
 9 Q. That Boo had difficulty with being trained to defecate?
 10 A. I do not think that it was a matter of the training, I think
 11 it was a matter of the follow-through.
 12 Q. The follow-through. Let me just ask your help about a series
 13 of texts that actually took place the previous October. Could
 14 you go to file 7, see if you can find it in the supplementary
 15 bundle as Mr. Sherborne suggested.
 16 A. Sorry, ma'am, that is the one I do not have, the supplementary
 17 bundle.
 18 MS. WASS: My Lord, there is a series of texts, I can read them
 19 out if there is no other way of doing it, or alternatively --
 20 can it be put on the screen? It can be put on the screen.
 21 Mr. Murphy, I am going to ask you to look at the screen. It
 22 is file 7, tab 3, page H27.2 and then H27.3. If you read the
 23 first page and then we will wait a few minutes for you to do
 24 that, and then you can see the second page. All right?
 25 A. Sure. (Pause for reading) (Unclear) where I say -- off the

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1 MURPHY - WASS
 2 screen ----
 3 Q. Do you want to go back to the lower half of the page?
 4 A. Well, there was only one little snippet that I could read.
 5 I do not know if you want to go through and read it to me. It
 6 is not legible.
 7 Q. This is a text conversation between yourself and Ms. Heard in
 8 October 2014 but it is about Boo. What you say to her is:
 9 "Hi, got your message, not to worry about being rushed you're
 10 always very sweet to me, always, anything you need", this is
 11 what you are saying to Ms. Heard, that she is always very
 12 sweet to you; is that correct?
 13 A. I would say most times, yes, she was.
 14 Q. Then you go on and say: "Regarding Boo, I would like to put
 15 her with the same guy that is working with Moe and Rum" --
 16 presumably two other dogs -- "he is good and the dogs stay
 17 inside his home with his family, so it's a good training
 18 environment. It would also give Boo the opportunity to get
 19 acquainted with two other dogs who are just doing great. No
 20 aggression issues and they hang in with other teacup terriers,
 21 et cetera. Trainer used to work for Cesar Millan for many
 22 years. I will discuss it with J, have a safe trip."
 23 A. Yes.
 24 Q. Boo was Johnny Depp's dog, was she not?
 25 A. Yes.

[Page 1185]

1 MURPHY - WASS
 2 Q. Then Ms. Heard says: "Okay, sounds good re Boo, but I'm
 3 worried it's not behavioural. I'm worried she's got brain
 4 damage. She can't seem to predict or control where she uses
 5 the bathroom. Last night she shit on Johnny while he was
 6 sleeping, like all over him, not exaggerating and I hate to
 7 keep punishing her when she seems not to be able to remember."
 8 You say at the end: "I get it, at the same time we will have
 9 her seen by at least two specialists to determine if there is
 10 any medical/biological reason for her problems. Sounds okay?"
 11 Ms. Heard said, "Perfect". Now, do you remember that text
 12 exchange?
 13 A. Vaguely I do, but I would say yes.
 14 Q. You remember that Boo was having trouble with defecating in
 15 unsuitable places, including over Mr. Depp, as Ms. Heard said?
 16 A. That particular one I do not recall, but yes, Boo was having
 17 some problem. But like I said, I believed that it was not
 18 biological, we had Boo seen and the vet said that Boo was
 19 fine. I think it was follow-through about leaving the door
 20 open so that the dogs had time to go out.
 21 Q. In any event ----
 22 A. And consequently (unclear due to distortion).
 23 Q. Going back to your text from Ms. Vargas with the photographs
 24 of faeces on the bed, you reported that to Mr. Depp; is that
 25 correct?

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1 MURPHY - WASS
 2 A. I believe at the time Johnny was busy, had a very busy day, or
 3 the day after and I sent the photographs to the security
 4 person that was with him, Sean Bett, and then Sean showed
 5 Johnny.
 6 Q. You said in your witness statement about this: "I remember
 7 him" -- that is Mr. Depp -- "being sullen and disgusted."
 8 A. Yes.
 9 Q. Is that the truth?
 10 A. Yes.
 11 Q. Can you go to volume 6 of the bundles? I think you have that
 12 one.
 13 A. Okay.
 14 Q. And behind divider 119.
 15 A. What is the number, sorry?
 16 Q. F697.152.
 17 A. Okay.
 18 Q. Now, if you go to the bottom -- have you got that page?
 19 A. One second. (Pause) Yes.
 20 Q. If you go to the bottom of page 152, there is a text which
 21 says ----
 22 A. I am sorry, ma'am. I am on F697.2.
 23 Q. No, 152. So, 697.152. (Pause)
 24 A. Okay.
 25 Q. At the bottom, there is a text from Erin to Mr. Depp, saying:

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1 MURPHY - WASS
 2 "Poop, that story made my day".
 3 A. Yes.
 4 Q. Over to 153, please, Mr. Depp says: "Right, it brings a smile
 5 to the face". Then there is another text from Mr. Depp
 6 saying: "I've been through a whole lot of shit with her,
 7 ...(reads to the words)... thanks for stopping by." Do you
 8 see that?
 9 A. I do.
 10 Q. Two texts down from that: "My wife left a whopper poop on my
 11 bed", and then he says "Amber Turd".
 12 MR. JUSTICE NICOL: Sorry, this is ----
 13 MS. WASS: 153.
 14 THE WITNESS: Where are you seeing that?
 15 MS. WASS: 153.
 16 A. I see it.
 17 Q. In fact, it appears from those texts that Mr. Depp found the
 18 subject quite amusing. Do you agree?
 19 A. I believe he was being sarcastic. I would not agree with
 20 that, no.
 21 Q. Did you ever know him to have a slightly lavatorial sense of
 22 humour?
 23 A. Can you define "lavatorial"?
 24 Q. Laughing about subjects like people defecating, laughing about
 25 that subject?

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1 MURPHY - WASS
 2 A. No.
 3 Q. Never knew that, no?
 4 A. No.
 5 Q. Could you go to 155 at the bottom, so, F697.155. It is just a
 6 few pages on from the one we are looking at?
 7 A. Uh-huh. Okay.
 8 Q. These are texts sent on 12th May. Eight texts down, there is
 9 a text from Johnny Depp to Amber, a blank text, but it just
 10 says in brackets "Photo of faeces"?
 11 A. Yes, I see that.
 12 Q. So, the photo is sent to Ms. Heard on 12th May?
 13 A. Uh-huh.
 14 Q. Now, your witness statement suggests that on 12th May, you had
 15 a telephone call from Ms. Heard that she was angry. She
 16 referred to the picture of the faeces and she said it was just
 17 a harmless prank?
 18 A. Yes.
 19 Q. That conversation never took place?
 20 A. I can assure you that it did.
 21 Q. And this detail of the case has been an attempt to make
 22 Ms. Heard appear disgusting and absurd in the public eye.
 23 That is the point?
 24 A. It is just the truth.
 25 Q. On the ----

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1 MURPHY - WASS
 2 MR. SHERBORNE: My Lord, sorry, I do not mean to cut Ms. Wass off,
 3 but we are now coming towards 50 minutes.
 4 MR. JUSTICE NICOL: There was a little time to start the process,
 5 but Ms. Wass, you will finish your cross-examination in two or
 6 three minutes, please.
 7 MS. WASS: All right. (To the witness) you received a text from
 8 Ms. Heard on 21st May making it plain that she denied ever
 9 saying that to you; do you remember that?
 10 A. Yes, after the conversation we had that night, when I was on
 11 speakerphone?
 12 Q. Yes. I will not ask you to look at that now. Finally, can we
 13 have on the screen, please, tab 10, 070?
 14 MR. JUSTICE NICOL: Volume 10 or tab?
 15 MS. WASS: Volume 10. Mr. Murphy, before this is up, I am going
 16 to show you a series of texts which took place in 2019; all
 17 right?
 18 A. Okay.
 19 Q. Between yourself and Mr. Depp. I am going to suggest that
 20 they demonstrate that you have gone out of your way in order
 21 to assist Mr. Depp by giving evidence which is not true in
 22 this case. Do you understand the suggestion that I will be
 23 making?
 24 A. I understand.
 25 Q. Could we go to 070, tab 10, please. It is file 147A, my Lord.

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1 MURPHY - WASS
 2 My Lord, I am going to also ask that 071 is shown, please,
 3 texts 439 and 440. Then, finally, 442. I am going to ask
 4 that the witness is back on the screen. Mr. Murphy, did you
 5 have an opportunity of reading those texts with Mr. Depp?
 6 A. As I said, only about 30% of that was legible to me.
 7 Q. Let me help by reading it to you ----
 8 A. It was scrambled.
 9 Q. Let me help by reading it to you. The first one, at 438,
 10 reads as follows: "I'll always have your back, any time,
 11 anywhere. Continued relentless exposure of the fraud and the
 12 scammer bandits is key", and then you say you hope his gig
 13 goes well. I will read the next one and at the end, you can
 14 help me with what they mean. The second one is 439: "Here's
 15 an example of evidence I sent to Adam." Was that a reference
 16 to Adam Waldman?
 17 A. I do not know. I do not know the -- I do not have the text.
 18 Q. Let me read the context: "Here's an example of evidence I sent
 19 to Adam. Forget about the caption regarding the hair. It's
 20 what I snipped off the internet from her depot. I already
 21 addressed the hair with a different photo with Adam. Her
 22 photo shows an unmade bed, no black duvet. When she was
 23 showing me the hair and the broken bed, I snapped photos. Her
 24 depot photos are different from my dated, time-stamped and
 25 location-stamped photos. It shows that Amber, and whoever was

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1 MURPHY - WASS
 2 helping her stage scenes, lacked continuity skills, i.e. fraud
 3 set-up, further examples of her stories and evidence being
 4 inconsistent with reality/facts."
 5 A. Okay.
 6 Q. Is this a reference to evidence that you have been discussing
 7 with Adam Waldman in relation to this case?
 8 A. It could have been.
 9 Q. It refers to ----
 10 A. It could have been in the US case.
 11 Q. It refers to ----
 12 MR. JUSTICE NICOL: Two minutes, Ms. Wass.
 13 THE WITNESS: Yes, in the United States.
 14 MS. WASS: All right. The next one is this. You say to Mr. Depp,
 15 "Don't worry, I think the hair is more clear-cut. The bed is
 16 confusing. I'm not sure I agree unless you have another
 17 thought that I'm not thinking of. I have two photos which
 18 directly conflict with her submitted depot photos. My photos
 19 of the hair, different than hers, and my photos of the bed,
 20 different than hers, were taken at the same time during the
 21 same Amber-requested tour of the room. One would ask why are
 22 they different? Because they lacked continuity skills and
 23 they are set up of their fraud. Amber would be hard-pressed
 24 to explain how that bed got fitted with a duvet, particularly
 25 when her alleged evidence (hair) was at the foot of the bed

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1 MURPHY - WASS
 2 and the broken piece of wood of the bed is exactly the same
 3 location as my pic. She told me nothing was touched between
 4 the time of my photo and hers. Her alleged photographic
 5 evidence is in the same location as my pics. However,
 6 she/they felt a need to make the bed with the duvet. Don't
 7 think so. Amber never made a bed. Thoughts: but regardless
 8 of Amber not making beds, they are making an error in their
 9 set-up." Finally for you, please, the last one on the page,
 10 442 ----
 11 MR. SHERBORNE: My Lord, was there a question on that text?
 12 MS. WASS: I said I was going to ask a question at the end.
 13 MR. JUSTICE NICOL: Ms. Wass has heard that she has two minutes
 14 more. She is going to put this last text and then put a
 15 question.
 16 MS. WASS: The last text says this: "I love it. You are
 17 absolutely correct, my brother. Adam [that is Adam Waldman]
 18 is in Germany so time differences get weird, but beautifully
 19 done, man, and bless your heart for being such a warrior for
 20 me and for your passion to join me in this battle. I will
 21 never forget it. It speaks volumes about who you are and I've
 22 already known who you are, pal. Thank you. All my love and
 23 respect."
 24 That was about a suggestion that you made in your
 25 witness statement that photographs you took of the broken bed

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1 MURPHY - WASS
 2 and the tufts of hair that were on the floor of PH4 were
 3 different from the ones that Ms. Heard showed you, used in her
 4 case; is that correct?
 5 A. Yes.
 6 Q. You are suggesting that there is some sort of conspiracy, that
 7 different photographs show that this is all a fraud; is that
 8 right?
 9 A. Well, I am not suggesting. I think that it is. I think that
 10 it is a hoax.
 11 Q. And that you and Mr. Waldman and Mr. Depp have, between you,
 12 concocted this story that Amber's evidence of domestic abuse
 13 is nothing more than an elaborate hoax. That is what you have
 14 done all together?
 15 A. No, I disagree with that.
 16 MS. WASS: Thank you very much indeed.
 17 MR. SHERBORNE: My Lord, it is five to three.
 18 MR. JUSTICE NICOL: Yes.
 19 MR. SHERBORNE: On the timings, I may be half an hour with
 20 Mr. Murphy.
 21 MR. JUSTICE NICOL: Yes.
 22 MR. SHERBORNE: My Lord, I will start with my re-examination.
 23 MR. JUSTICE NICOL: Yes.
 24
 25

[Page 1194]

1 MURPHY
 2 RE-EXAMINED BY MR. SHERBORNE
 3 MR. SHERBORNE: Mr. Murphy, just so I do not have to return to
 4 this document again, can I just read you the first message
 5 which was not read to you by Ms. Wass when she was going
 6 through that text exchange.
 7 A. Yes.
 8 Q. It is a message from Mr. Depp to you: "One day you can buy me
 9 a milkshake...(reads to the words)... to continue to hurt all
 10 womenkind and others. " I am just going to pause there for a
 11 second. Did you know what Mr. Depp meant by the phrase "and
 12 your passion to help me rid this fraud of the ability to
 13 continue to hurt all womenkind"?
 14 A. Well, knowing Johnny like I know, he felt that it was not only
 15 a fraud against him, but a fraud against women in general.
 16 Q. Women in general because?
 17 A. Because Johnny would never hurt a woman.
 18 Q. "She has no thoughts of other humans, as you know as well as
 19 me." Then you respond and say, "I'll always have your back."
 20 Then you have been read the other texts so I do not need to
 21 read them. Were you saying anywhere in those texts,
 22 Mr. Murphy, that you were going to give evidence that was
 23 untrue?
 24 A. No.
 25 Q. Did you believe that Ms. Heard is telling the truth when she

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1 MURPHY - SHERBORNE
 2 says that Mr. Depp hit her; yes or no?
 3 A. I am sorry, can you repeat the question? It is very difficult
 4 to hear you because of all the rumbling.
 5 Q. Sorry, I am just going to ask Ms. Wass to stop moving the
 6 files for a second. I am not criticising her; we all have to
 7 put our documents away.
 8 A. I am sorry.
 9 Q. I will ask again. Did you believe Ms. Heard was telling the
 10 truth when she says that Mr. Depp hit her?
 11 A. No, she was not.
 12 Q. I am going to take you back in a moment to when you saw her in
 13 December, which you were asked about, but that I will come to
 14 in a minute. Can I just start, then, where Ms. Wass began,
 15 Mr. Murphy. I will try not to move around too much because
 16 I suspect when I do, you lose the sound. You were asked
 17 questions -- I am going to try and do it without taking you
 18 back to too many documents, but if you do not remember a
 19 document I refer to, can you just say and I will then take you
 20 to it?
 21 A. Sure.
 22 Q. You were asked about the exchange with Mr. Singer. Actually,
 23 I will show you. If you are in file 4, I probably ought to
 24 show you; it is easier. It is file 4, and then it is
 25 page F883.

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1 MURPHY - SHERBORNE
 2 A. Can you repeat the page, please?
 3 Q. Yes, F883/884. Do you have that? These are the texts that
 4 were passing between you and Mr. Singer and Ms. Heard.
 5 A. I do not have it up, but if you just explain it to me,
 6 I suppose I can answer.
 7 Q. You said to Ms. Wass, when she asked you repeatedly, you said
 8 that Mr. Singer, as you understood it, was representing
 9 Ms. Heard when you were dealing with him; correct?
 10 A. That is correct.
 11 Q. You said you had no knowledge of whether he represented
 12 Mr. Depp in previous years?
 13 A. That is correct.
 14 Q. But can I just ask you about one of the other people on the
 15 chain of e-mails. He is called Carl Austin. Did you know
 16 that Mr. Austin was Ms. Heard's entertainment lawyer or not?
 17 A. I did not.
 18 Q. Okay. It was then suggested to you -- if you just permit me a
 19 second to put my file away.
 20 A. Sure.
 21 Q. Sorry, Mr. Murphy, one of the advantages of having electronic
 22 bundles is that you do not have to do that. It was then
 23 suggested to you, Mr. Murphy, that you were lying when you
 24 said that Mr. Depp had nothing to do with the dogs in terms of
 25 travel. You will recall that in your second witness

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1 MURPHY - SHERBORNE
 2 statement, you say, "At no time did I discuss this matter with
 3 Mr. Depp because he never wanted the dogs to travel on any
 4 occasion because he felt they would have better care in Los
 5 Angeles." Do you remember you said that in your statement?
 6 A. That is correct.
 7 Q. You said the same to Ms. Wass when she put to you that that
 8 was untrue. Can I just ask you to look through a few
 9 documents. Can you start with D237 ----
 10 A. Which bundle are you in?
 11 Q. It should be file 2.
 12 A. Can you give the number again?
 13 Q. Yes, D237.14. Have you got that? It is an e-mail from you to
 14 Ms. Heard.
 15 A. D237.14?
 16 Q. Yes. Do have you that?
 17 A. Yes.
 18 Q. Do you see that is an e-mail from you to Ms. Heard?
 19 A. Yes.
 20 Q. And you say: "Hi, just making sure you know the dogs will not
 21 be allowed to fly commercial in the passenger compartment to
 22 Australia. ...(reads to the words)... Delivery to the house
 23 somewhere around May 7th estimated." That is your e-mail to
 24 Ms. Heard, yes, telling her in no uncertain terms what needed
 25 to be done; correct?

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1 MURPHY - SHERBORNE
 2 A. Yes.
 3 Q. And it is just Ms. Heard, as you see at the top; is that
 4 correct?
 5 A. Correct.
 6 Q. Can we turn the page? We have to go up because this is an
 7 e-mail chain, so 237.13?
 8 A. Uh-huh.
 9 Q. Can you see that you have got a series of little texts? There
 10 is one at the bottom that does not really say anything and
 11 then you have your text to Ms. Heard, which says "Morning,
 12 would you allow them to fly cargo?" Do you see that?
 13 A. Yes.
 14 Q. If you go one above that, you have Ms. Heard responding to you
 15 saying, "Shit, okay, hmm, we're out of options then because I
 16 don't know what else to do." Do you see that?
 17 A. Yes.
 18 Q. If you go one page above?
 19 A. Yes.
 20 Q. Do you see that you say to Ms. Heard: "Hi, because of the
 21 paperwork process, combination of vet visits and permit
 22 application ...(reads to the words)... I believe the dogs are
 23 not able to enter Australia until the 27th." Do you see you
 24 say that to Ms. Heard?
 25 A. Yes.

[Page 1199]

1 MURPHY - SHERBORNE
 2 Q. Then if we go to D237.15 ----
 3 MR. JUSTICE NICOL: We are going forward now.
 4 MR. SHERBORNE: Yes, sorry, go forwards. It is just that these
 5 are chains. Have you got 237.15?
 6 A. Yes.
 7 Q. At the bottom, you have a text from Ms. Heard to you again,
 8 "I'm sorry, but as I understood it, they were not able to
 9 travel with Johnny...(reads to the words)... So what process
 10 needs to be continued exactly?" You say: "I will have to
 11 continue the process for the dogs ...(reads to the words)...
 12 There will be some non-refundable charges. Can you advise
 13 please?"
 14 A. Yes.
 15 Q. Then, on 237.16, you have got Ms. Heard at the bottom saying,
 16 "We never concluded the original conversation other than you
 17 saying no to cargo." That was you saying they could not fly
 18 cargo. Sorry, it is you to her saying, "We never concluded
 19 the original conversation other than you saying no to cargo."
 20 So, Ms. Heard had said, no, she was not going to let the dogs
 21 fly cargo; is that right?
 22 A. Yes.
 23 Q. "If that means the dogs will not travel then I will
 24 discontinue the travel paper process." So you are trying to
 25 get an answer from her?

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1 MURPHY - SHERBORNE
 2 A. Yes.
 3 MS. WASS: Can we not have a commentary to this. The texts speak
 4 for themselves and this is supposed to be re-examination.
 5 MR. JUSTICE NICOL: Well ----
 6 MR. SHERBORNE: I am trying to take this quickly.
 7 MR. JUSTICE NICOL: ---- you can put the point, asking the witness
 8 to comment on the e-mail chain.
 9 MR. SHERBORNE: Mr. Murphy, if you just read the one at the top,
 10 who is that text from, at the top of 237?
 11 A. Which one are you referring to?
 12 Q. The top of 237.16. Who is that text from?
 13 A. That is from Amber.
 14 Q. Exactly, and then if you turn to 237.17 ----
 15 MR. JUSTICE NICOL: Mr. Sherborne, commenting "Exactly" is beyond
 16 what you are entitled to do.
 17 MR. SHERBORNE: That is fair. 237.17.
 18 A. Uh-huh.
 19 Q. Do you see a text at the bottom there?
 20 A. Yes.
 21 Q. Who is that from?
 22 A. Amber.
 23 Q. She says, "Yeah, unless there is another way to...(reads to
 24 the words)... It is too dangerous." Actually, if you just go
 25 to 237.19, can you help us with those texts, Mr. Murphy? Were

[Page 1201]

1 MURPHY - SHERBORNE
 2 they texts to you or were they texts to someone else?
 3 A. They were texts to me from Stephen.
 4 Q. Stephen Deuters?
 5 A. Yes.
 6 Q. And he is asking you?
 7 A. He is asking me if Amber knew that the dogs could not travel,
 8 that is the dog situation, and I said yes, but she did know.
 9 Q. Turning over the page to D237.20, can you just identify those
 10 texts for us?
 11 A. The first one on April 20th, 2015 was me to Christi, Johnny's
 12 sister.
 13 Q. I think that is all I am going to ask you. Mr. Murphy, you
 14 were challenged by Ms. Wass that Mr. Depp was involved in the
 15 process of those dogs being taken to Australia without
 16 paperwork. Is that correct or not?
 17 A. He was not involved.
 18 Q. Thank you. Mr. Murphy, you were challenged when you said to
 19 Ms. Wass that Ms. Heard had told you to get Ms. James to lie
 20 about this position. Can you explain? You said you had had a
 21 conversation with Ms. Heard, but you were not asked about that
 22 conversation. Can you explain what Ms. Heard said to you ?
 23 A. She wanted me to ask Kate if she would make a statement that
 24 was untrue, that would support her position.
 25 MR. JUSTICE NICOL: Just a minute.

[Page 1202]

1 MURPHY - SHERBORNE
 2 THE WITNESS: That Kate ----
 3 MR. SHERBORNE: Hold on a second, sorry. The judge is trying to
 4 take a note.
 5 THE WITNESS: I am sorry, I realise that. I am sorry. (Pause)
 6 MR. JUSTICE NICOL: She wanted Ms. James to make a statement, and
 7 then you were adding something else.
 8 THE WITNESS: That was false. She wanted Kate to make a statement
 9 saying that Kate messed up the paperwork, did not give the
 10 right paperwork, something to that effect.
 11 MR. SHERBORNE: Did Ms. James make that statement?
 12 A. No.
 13 Q. What happened?
 14 A. I did not ask her.
 15 Q. Why did you not ask her, Mr. Murphy?
 16 A. I refused.
 17 Q. You came to make a statement, as we know, it is at D237.21.
 18 I do not need to take you to it, I am sure you remember it
 19 because you were taken through it at length.
 20 A. Uh-huh.
 21 Q. You were asked questions about it by Ms. Wass, I am trying to
 22 take this as quickly as possible, and you said its contents
 23 reflected what Ms. Heard wanted you to say. Just a couple of
 24 questions about that. Did you ever speak to Mr. Depp about
 25 this statement?

[Page 1203]

1 MURPHY - SHERBORNE
 2 A. No.
 3 Q. What did Ms. Heard tell you she wanted you to say?
 4 A. She wanted me to say essentially that it was my fault in one
 5 way or another that the paperwork was not completed ----
 6 Q. We know -- (unclear due to overspeaking) sorry, Mr. Murphy.
 7 Complete that.
 8 A. So that I could take the blame for her, essentially.
 9 Q. I am just watching his Lordship, and he is writing a note.
 10 MR. JUSTICE NICOL: Yes.
 11 MR. SHERBORNE: We know that you agreed to do that, as I said.
 12 Now, you explained to Ms. Wass, when she challenged you, that
 13 you were scared of what Ms. Heard would do, because you said
 14 she wielded the power in the relationship.
 15 THE WITNESS: Yes, that is true, she was in a position of power.
 16 Q. You were asked for examples of what she could do and you gave
 17 some examples. She could subvert your relationship with
 18 Johnny, and various other examples, we have them on the
 19 transcript. Did you think she would follow through on what
 20 you said was the threat, or not?
 21 A. Yes, I thought she would follow through.
 22 Q. As I said, you signed this statement. Were you happy signing
 23 this statement?
 24 A. I was not.
 25 Q. What, if anything, did you do about it, very briefly,

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1 MURPHY - SHERBORNE
 2 Mr. Murphy, after you signed it?
 3 A. Well, once, I think it was Amber filed for divorce and I knew
 4 she did not have any power over me, I hired an attorney to
 5 guide me to retract my declaration.
 6 Q. Who paid for that attorney, Mr. Murphy?
 7 A. I did.
 8 MR. SHERBORNE: My Lord, I am very conscious of the time.
 9 Ms. James has to finish today.
 10 Can I then move on to another subject, Mr. Murphy. You
 11 were shown, I am going to ask you just about 16th December
 12 2015. Do you remember, when you went to the penthouse and you
 13 saw Ms. Heard, and you said in your statement that she told
 14 you that she had been hit in the face several times, had her
 15 hair pulled out. I will come to that in a minute. You were
 16 shown some photographs by Ms. Wass of Ms. Heard's face. Do
 17 you know how or in what circumstances those photographs were
 18 taken of herself by Ms. Heard?
 19 THE WITNESS: No, I do not.
 20 Q. Had you seen Ms. Heard looking the way those photographs
 21 appear to suggest, would you have said in your statement ----
 22 A. No.
 23 Q. ---- that there were no marks, bruises, cuts, redness or
 24 swelling to Ms. Heard's face?
 25 A. If I would have seen signs of physical abuse, I would have

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1 MURPHY - SHERBORNE
 2 said so.
 3 Q. It was said to you, Mr. Murphy, and perhaps it was a slip of
 4 the tongue, but it was said to you that Ms. Heard pointed out
 5 injuries. Did Ms. Heard point to any injuries on her face?
 6 A. She just said she was hit about the face several times.
 7 Q. She did point out to you, we know, the tuft of hair and the
 8 bed; is that correct?
 9 A. Yes, that is correct.
 10 Q. And you took a photograph of the tuft?
 11 A. Correct.
 12 Q. And you took a photograph of the splinter of the bed, is that
 13 correct; yes or no?
 14 A. Yes.
 15 Q. I am going to move on then to 21st April, and the reference to
 16 the fact that there was faeces on the bed that Ms. Heard
 17 blamed one of the dogs for. You will recall that Ms. Wass
 18 showed you a text exchange between Mr. Depp and some of his
 19 friends, and she suggested to you that he found it funny, and
 20 you said you thought it was sarcastic what he was saying.
 21 A. Uh-huh.
 22 Q. Was that a one -off sarcasm that you have seen from Mr. Depp
 23 in your experience, or is he sarcastic on more occasions?
 24 A. He is sarcastic on more occasions. To me, he was, because
 25 I saw him when I told him about the faeces, he was very upset,

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1 MURPHY - SHERBORNE
 2 depressed, all in surprised, he was not joking at that moment.
 3 Q. Since you were challenged, Mr. Murphy, did Ms. Heard tell you
 4 it was just a harmless prank or not?
 5 A. She certainly did.
 6 Q. I am going to ask you a last question, I think it is only fair
 7 to give you an opportunity to answer this. It is suggested by
 8 Ms. Wass on a number of occasions that you have lied in your
 9 witness statement. In December 2019, which is the date of
 10 your first witness statement, were you working for Mr. Depp
 11 still or not?
 12 A. What was the year, sorry?
 13 Q. December 2019.
 14 A. I was not.
 15 Q. To be fair to you, I think in your witness statement you say
 16 you stopped, you parted company with Mr. Depp in August 2016;
 17 is that correct or not?
 18 A. That is correct.
 19 Q. In relation to your second witness statement, on 23rd June
 20 2020, were you working for Mr. Depp, or doing anything for
 21 Mr. Depp at that time?
 22 A. I was not.
 23 Q. Mr. Murphy, the final question: did you have to come here to
 24 give evidence for Mr. Depp and be accused of lying on oath by
 25 Ms. Wass?

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1 MURPHY - SHERBORNE
 2 A. I definitely did not have to come here.
 3 MR. SHERBORNE: Thank you. No further questions, my Lord.
 4 MR. JUSTICE NICOL: Yes. Mr. Murphy, Mr. Sherborne said did you
 5 have to come here. I realise that you have given evidence,
 6 I think it is from Chicago, and I am very grateful to you for
 7 having done that and for putting yourself out for doing so at
 8 what may have been an uncomfortable time. Thank you very much
 9 indeed. Your evidence is now concluded, and we will terminate
 10 the link. Thank you for coming to give your evidence.
 11 (The witness withdrew)
 12
 13 MR. JUSTICE NICOL: Now, Mr. Sherborne, shall I rise while you
 14 establish the link for Ms. James?
 15 MR. SHERBORNE: With Australia, my Lord -- Los Angeles, sorry.
 16 MR. JUSTICE NICOL: Is it Los Angeles?
 17 MR. SHERBORNE: It is Los Angeles -- just ignore me, my Lord!
 18 MR. JUSTICE NICOL: I would never do that.
 19 MR. SHERBORNE: I know your Lordship would not -- metaphorically.
 20 Thank you.
 21 MR. JUSTICE NICOL: Then I will rise, so that the link can be
 22 established, wherever it is from.
 23 (A short break)
 24
 25 MR. SHERBORNE: Can I call our next witness, Kate James.

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1
 2 MR. JUSTICE NICOL: Thank you. Ms. James, can you hear me?
 3 THE WITNESS: Yes, I can, my Lord.
 4 MR. JUSTICE NICOL: First of all, thank you for coming to give
 5 your evidence for this trial. I am sorry if it has meant that
 6 you have had to get up at an early hour; but thank you for
 7 doing that.
 8 THE WITNESS: Thank you, my Lord. Thank you.
 9 MR. JUSTICE NICOL: All right. Now the first thing that is going
 10 to happen is that you will either swear or affirm to tell the
 11 truth. Have you a preference as to which of those you do?
 12 THE WITNESS: Well, I was born Anglican, but I do not practise
 13 religion, so I ask to be affirmed.
 14 MR. JUSTICE NICOL: All right. Then listen to the usher as the
 15 usher reads the terms of the affirmation.
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1 JAMES
 2 MS. KATE JAMES, AFFIRMED
 3 EXAMINED BY MR. SHERBORNE
 4 MR. JUSTICE NICOL: Thank you, Ms. James.
 5 THE WITNESS: Thank you, my Lord.
 6 MR. SHERBORNE: Ms. James, can you just give your full name to the
 7 court, please.
 8 A. Kate James.
 9 Q. Thank you. Now, Ms. James, you are giving evidence obviously
 10 by way of video link, and there is one thing I was going to
 11 say to you, which we have noticed, and everyone in this
 12 courtroom will have heard me say this at least once, so
 13 I apologise, but for you this is the first time you have heard
 14 it. When I have finished my question, it looks as if there is
 15 quite a time delay before you hear the end of it and vice
 16 versa, when you answer, it is not always clear that when you
 17 have finished there is enough time we are giving before
 18 somebody asks you another question. So, can I ask that you
 19 speak slowly, first of all, because that is easier for his
 20 Lordship to take a note; and, secondly, that you aware there
 21 may well be a time delay. So, we will try our best not to
 22 talk over you and if you can go your best to wait, to ensure
 23 that the question is fully put to you so you have an
 24 opportunity to answer it. Great.
 25 A. Yes, sir.

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1 JAMES - SHERBORNE
 2 Q. I am glad.
 3 MR. JUSTICE NICOL: Ms. James, can I also say an initial point.
 4 There is a transcript that is being prepared, and your
 5 evidence can only be recorded if you give an answer. So,
 6 nodding your head or shaking your head will not be a
 7 substitute for saying "yes" or "no". Do you understand that?
 8 THE WITNESS: I understand, my Lord, yes.
 9 MR. JUSTICE NICOL: Good. All right. Thank you.
 10 MR. SHERBORNE: Ms. James, you have given two witness statements
 11 in this case. I am going to ask you to go to them and just
 12 confirm their truth. Can we start with your first witness
 13 statement, which should be, I think you should have hard copy
 14 files to your left and there should be one marked number 2.
 15 If you turn to tab 56, file divider 56, I am hoping you should
 16 find a document entitled "Witness statement of Kate James".
 17 THE WITNESS: Correct. Yes.
 18 Q. Can we then ask you to turn to D192, so it is about five pages
 19 into your statement internally, it should say number 5.
 20 A. Yes.
 21 Q. Do you see at the bottom of that page a signature?
 22 A. Yes, sir.
 23 Q. Can I ask you to confirm that is your signature?
 24 A. Yes, sir, that is my signature.
 25 Q. Can you confirm, Ms. James, that the contents of this, your

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1 JAMES - SHERBORNE
 2 first witness statement, are true?
 3 A. Yes. I can confirm it is true.
 4 Q. Then, the same thing with your second witness statement, that
 5 should be in file 2, tab 59E, I will come closer to the
 6 microphone, it might make me a bit louder.
 7 A. Yes, sir, I have found it.
 8 Q. Does that say "Second witness statement of Kate James"?
 9 A. Yes, it does.
 10 Q. Then, if you turn on, I think it is just over the page, you
 11 should find, is there a signature at the bottom of that page?
 12 A. Yes, sir.
 13 Q. Can you confirm, is that your signature?
 14 A. It is, yes, sir.
 15 Q. Can I ask you the same question, Ms. James: are the contents
 16 of your second witness statement true?
 17 A. Yes, the contents are true.
 18 MR. SHERBORNE: If you wait there, Ms. James, Ms. Wass, who is
 19 counsel for the defendants, will have some questions for you.
 20 MR. JUSTICE NICOL: Yes, Ms. Wass.
 21
 22
 23
 24
 25

[Page 1212]

1 JAMES
 2 CROSS-EXAMINED BY MS. WASS
 3 Q. Ms. James, you worked as a personal assistant to Amber Heard
 4 from about March 2012 until February 2015, when I think your
 5 employment was terminated?
 6 A. Correct.
 7 Q. During the time you were working with her, how were you paid,
 8 and by that I mean did the money go directly into your bank
 9 account, or how did things work in that department?
 10 A. Initially I was hired as a part-time assistant, and the
 11 payment method was straight as a cheque. But then once
 12 I transitioned into a full-time employee with, you know, all
 13 my taxes and all of that taken out, it is a different type of
 14 employment, it is considered a W-2 employment, then I was paid
 15 through Paychex, which is a company that generates pay cheques
 16 instigated by the business manager.
 17 Q. Right. I think if I can just process that information for a
 18 moment. Once you became a full-time employee with taxes and
 19 I do not know what other deductions there have to be in the
 20 United States, you said you became a W-2 employee; what is
 21 that?
 22 A. It is different to a 10-99, a 10-99 employee receives a cash
 23 cheque and then you are obliged yourself to pay your own taxes
 24 and to contribute to your own retirement fund. But once it
 25 became established it was more of a full-time job, I proposed

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1 JAMES - WASS
 2 that I move into a salaried position, which is called a W-2,
 3 and that involves withdrawing money not only for retirement,
 4 it is for unemployment, it is for taxes, and other
 5 miscellaneous benefits; but that is the main reason to have a
 6 salary now.
 7 Q. Can I put it like this. A 10-99 person is not an employee;
 8 they would be self-employed; is that right?
 9 A. You can call it self-employed, but I was hired as a part-time
 10 flexible personal assistant initially.
 11 Q. All right.
 12 A. And yes, it is obligatory to tax some money out of any
 13 employee, and so that is why a 10-99 document is signed.
 14 Q. A salaried is a W-2 and that is where all the benefits and
 15 taxes are paid at source; is that right?
 16 A. Correct. Before you get your cheque, all those deductions
 17 have been removed and allocated to where they are supposed to
 18 go.
 19 Q. It is done through a company, Paychex?
 20 A. Paychex, which is instigated through a business management
 21 firm, which is what you might call a CPA. Amber had a CPA
 22 that worked for taking care of her taxes and whatnot and he
 23 instigated that.
 24 Q. It is a much more formal setup; would you agree?
 25 A. Yes, that is correct.

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1 JAMES - WASS
 2 Q. Over the course of the time you were with Ms. Heard, there was
 3 obviously a lot of communication between the two of you.
 4 I would like to ask you, please, about a couple of
 5 communications. Do you see those files on your left?
 6 A. I have -- yes, I have file 2 out at the moment.
 7 Q. Can you take file 8 out, please.
 8 A. Yes.
 9 Q. Go behind divider 73.
 10 A. Yes.
 11 Q. Have you got that, Ms. James?
 12 A. I do, ma'am, yes.
 13 Q. That is an e-mail from Ms. Heard to you, dated 10th May 2014.
 14 A. Uh-huh.
 15 Q. Do you remember -- and if you do not, say so -- that in May
 16 2014 Ms. Heard was working on a film called The Adderall
 17 Diaries?
 18 A. Yes, ma'am, I do remember.
 19 Q. Was that in New York?
 20 A. Yes, it was.
 21 Q. When Ms. Heard was away filming or doing something else, away
 22 from Los Angeles, would you and she be separated?
 23 A. Yes.
 24 Q. So, you were based in LA; correct?
 25 A. Yes.

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1 JAMES - WASS
 2 Q. Then if Ms. Heard was on location or travelling for any other
 3 reason, you would be apart from each other?
 4 A. I would be what, pardon?
 5 Q. You would be apart from each other; you would not be together?
 6 A. Yes, that is right. However, when she was shooting, I would
 7 update her schedule every day. I would liaise with members of
 8 production and I would update her calendar remotely with her
 9 call time, the scene she was doing, this and that. I still
 10 worked doing that every day, as well as managing her home and
 11 her affairs in Los Angeles, collecting the mail, that sort of
 12 thing.
 13 Q. I understand. The point I am trying to establish, you were
 14 not actually in each other's company when she was filming out
 15 of Los Angeles, somewhere other than Los Angeles?
 16 A. No. The part of the reason I accepted the job with Amber is
 17 because I was a single mum of a four year old, and I needed a
 18 part-time flexible position. And I brokered into the deal
 19 when she hired me that I would not travel, because I could not
 20 do that with my son. And I also brokered into the deal that
 21 I would be able to pick my son up from school every day and
 22 that continued, despite moving into a more formal salaried
 23 position, it was still part of the agreement that I could pick
 24 my son up from school.
 25 Q. I understand. Returning to this e-mail I was asking you

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1 JAMES - WASS
 2 about, we looked at the date, 10th May 2014, did you agree
 3 that was a date at which Ms. Heard would have been filming in
 4 New York, this film The Adderall Diaries?
 5 A. Yes.
 6 Q. She was filming with an actor called James Franco?
 7 A. That is correct.
 8 Q. What she said to you is this: "Hey there, can you do me a
 9 favour, can you please be sure you don't send Nathan or
 10 Christi or anyone on Johnny's team the one-liner of my
 11 schedule." Can I go back to identify these people. Nathan is
 12 Nathan Holmes; is that correct?
 13 A. Correct.
 14 Q. Christi is Christi Dembrowski, I hope I have pronounced that
 15 right eventually?
 16 A. That is correct.
 17 Q. That is Mr. Depp's sister?
 18 A. Yes, correct.
 19 Q. "... or anyone on Johnny's team the one-liner of my
 20 schedule." What was the one-liner of her schedule?
 21 A. It describes in one line the scene that is going to be shot.
 22 Q. Right. So, if, for example, it is a love scene, it would say
 23 "Love scene between Amber Heard and James Franco on a beach"
 24 or whatever?
 25 A. Yes.

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1 JAMES - WASS
 2 Q. Okay. Let us read on: "I don't want them to see a one-liner
 3 breakdown that mentions anything romantic or anything that
 4 could Johnny to lose it, you know." Do you see that?
 5 A. Yes.
 6 Q. Obviously, she has missed out a word. Would you agree that it
 7 looks like "or anything that could cause Johnny to lose it"?
 8 A. Yes, she has missed a word, correct.
 9 Q. She has missed a word out, has she not? "Please be careful.
 10 We just send the DOOD that does not explain what the scenes
 11 are in any way." What is the DOOD?
 12 A. It is called a "day out of days" and it is a more broad and
 13 general description of the day's shooting schedule.
 14 Q. So a DOOD would not have details of a romantic scene?
 15 A. No.
 16 Q. Did you understand that Ms. Heard was concerned that Mr. Depp
 17 would become either upset or angry if he was made aware of
 18 romantic scenes between Ms. Heard and the leading man of the
 19 film, or any man in the film?
 20 A. Well, I feel like it was more of an insurance policy because
 21 she had a history with James Franco that was negative, at
 22 least she described it as negative. She described him as
 23 being sexually aggressive towards her in a previous film they
 24 had done together. I seem to recall there was some confusion
 25 as to why she would want to do another movie with someone who

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1 JAMES - WASS
 2 she described as "rapey" and sexually aggressive. So,
 3 I imagine that is why she wrote that letter, because obviously
 4 it is going to cause confusion.
 5 Q. You see, you have used a word, Ms. James, "rapey", which is
 6 exactly the word that Mr. Depp used about Ms. Heard's view of
 7 James ----
 8 A. It could ----
 9 Q. Can I finish the question.
 10 A. Yes.
 11 Q. Have you spoken to Mr. Depp, or anyone acting for Mr. Depp,
 12 about how you would be giving your evidence in this case?
 13 A. I have not spoken to Mr. Depp in many years.
 14 Q. How many years?
 15 A. At least five years.
 16 Q. So, not after 2015; is that right?
 17 A. Not after 2015, no. That is correct.
 18 Q. Can I just ask you to look at a tab 6, please, in your ----
 19 A. The same bundle?
 20 Q. No, this is file 6. Before you open it, does your mobile
 21 number end 605?
 22 A. Correct.
 23 Q. Could you go behind tab 119, please. There is a schedule in
 24 landscape. Do you see that?
 25 A. I am having difficulty finding it.

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1 JAMES - WASS
 2 Q. I think you may be just looking at glimpses of what is on the
 3 screen. It is right at the beginning of file 6. The first
 4 tab should -- have you got file 6?
 5 A. Yes.
 6 Q. And the first tab should say 119.
 7 A. It says 148.
 8 Q. Right. That is wrong then. What I am going to ask you to do
 9 is look at ----
 10 A. Is there a page number?
 11 Q. There is, but it is not going to help you unless you have the
 12 entire -- what I am going to ask you to do, I am going to read
 13 a text which is from Mr. Depp to you, to the 605 number, which
 14 you have confirmed is your mobile number. It is page 193 of
 15 our text schedule, 193 at the bottom, dated 13th August 2016.
 16 A. Sorry, I cannot find the document.
 17 Q. I understand, Ms. James. Ms. James, what I am going to do is
 18 I am going to read it to you and then I am going have to shown
 19 on the screen. The reason why I am doing it in that way is
 20 that once it is shown on the screen, you will not be able to
 21 see us in London or hear us; okay? This is a text from
 22 Mr. Depp to you, dated 13th August 2016. My Lord on our copy,
 23 it is the very bottom. When you see the document, it is at
 24 the bottom of the schedule which you are going to be shown.
 25 "Thank you sweetheart. I'm disgusted that I ever fucking

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1 JAMES - WASS
 2 touched that scum. Back on Tuesday and then court. Will hit
 3 you when I get back, doll. Come over for a spot of purple and
 4 we will fix her flabby arse nice and good. Loveth, J."
 5 I would like you to have a look at that document when it is
 6 put on the screen.
 7 MR. JUSTICE NICOL: Sorry, Ms. Wass, can you help me with the
 8 page number that we have in our bundle?
 9 MS. WASS: 193, and it is the last text. Can that be shown on the
 10 screen? (Pause) Could it be made bigger? (Pause)
 11 MR. JUSTICE NICOL: Can we enlarge the image at all, please?
 12 (Pause)
 13 MS. WASS: Did you have an opportunity to see that text,
 14 Ms. James?
 15 A. Yes, I saw the text.
 16 Q. That was a text signed J. That is Mr. Depp, do you agree?
 17 A. Yes.
 18 Q. To you, Kate, with the mobile number 605?
 19 A. Yes.
 20 Q. It appears from that that Mr. Depp contacted you a few days
 21 before his divorce came through. Do you agree?
 22 A. I had forgotten because I do not save text messages and that
 23 was many phones ago, so please forgive me if I forgot.
 24 Q. I understand, but now you have been reminded of it, do you
 25 remember the text?

[Page 1221]

1 JAMES - WASS
 2 A. Yes.
 3 Q. There is reference ----
 4 A. I do remember the text, yes. Thank you for reminding me.
 5 Q. There is a reference to court coming up soon; do you agree?
 6 A. Yes.
 7 Q. And he is inviting you over for "a spot of purple". What is
 8 that?
 9 A. Yes.
 10 Q. What did you understand ----
 11 A. Red wine, I imagine.
 12 Q. Red wine, and not only to come over for a spot of purple, but
 13 to fix her flabby arse. That was about Ms. Heard, was it not?
 14 A. Yes. Yes.
 15 Q. Now, is there any way -- I mean, how friendly were you with
 16 Mr. Depp during the time you worked for Ms. Heard?
 17 A. That is probably the first text I had received from him since
 18 I worked for Amber. That is why I could not remember exactly
 19 the date.
 20 Q. So, getting the order of things, your contract with Ms. Heard
 21 is terminated in February 2015; yes?
 22 A. I actually did not have a contract, ma'am.
 23 Q. Sorry, your employment was terminated, is that fair? Are you
 24 happy with that phraseology?
 25 A. Yes.

[Page 1222]

1 JAMES - WASS
 2 Q. And then there is a very public dispute between Ms. Heard and
 3 Mr. Depp which starts at the end of May 2016; yes?
 4 A. Yes.
 5 Q. And is it the case that Mr. Depp contacted you out of the
 6 blue?
 7 A. Yes.
 8 Q. And I ask you again, have you been in touch with either him,
 9 or somebody acting for him, to discuss the evidence that you
 10 should give in this case?
 11 A. I am afraid I do not understand your question. It is too
 12 broad.
 13 Q. Let me make a suggestion then. It might be easier for you to
 14 deal with it. I am suggesting that you and either Mr. Depp
 15 directly, or somebody acting for him, have put your heads
 16 together to give false evidence in this case.
 17 A. Well, that is simply not true.
 18 Q. Your witness statement contains a suggestion that Ms. Heard
 19 drank two bottles of wine a night.
 20 A. My witness statement did not state that at all. I said she
 21 drank vast quantities of red wine. I did not stipulate how
 22 many bottles. I was not there at nighttime. I was at home
 23 with my child. I had no interest in going out at nighttime.
 24 MR. SHERBORNE: My Lord, that was Mr. King's evidence.
 25 MS. WASS: That is absolutely right. Ms. James, you said vast

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1 JAMES - WASS
 2 quantities rather than quantifying it. I accept that.
 3 A. Too right, because again, I was not there at nighttime. I was
 4 at home with my four, five and six-year old child over the
 5 three years and I had no interest in going out at nighttime.
 6 My focus was my child, keeping a roof over his head and
 7 feeding him.
 8 MR. JUSTICE NICOL: Ms. James, the time is limited. If you could
 9 just limit yourself, please, to answering the questions that
 10 Ms. Wass and then Mr. Sherborne put to you; all right?
 11 THE WITNESS: Yes, your Honour. I apologise.
 12 MS. WASS: As I understand it, Ms. James, you worked during the
 13 daytime hours because obviously you had childcare obligations;
 14 correct.
 15 A. Correct.
 16 Q. When was it that you say you saw Ms. Heard drinking these vast
 17 quantities of wine?
 18 A. I knew she drank the wine because when I would go in the
 19 morning, I would see the empty bottles, and not only that,
 20 I would receive a barrage of drunken text messages between the
 21 hours of 2 and 4 in the morning on a very regular basis,
 22 incoherent, abusive text messages between 2 a.m. and 4 a.m.,
 23 on average, on an almost daily basis.
 24 Q. I am going to ask you about some texts between yourself and
 25 Ms. Heard. Can you go to file 7, and divider 2D. Would

[Page 1224]

1 JAMES - WASS
 2 your Lordship give me a moment. (Pause)
 3 A. Yes.
 4 Q. Are you at divider 2D?
 5 A. Yes.
 6 Q. Can you see some screenshots of text messages between Kate,
 7 that is you, and Amber H, which is Ms. Heard?
 8 A. Yes, ma'am.
 9 Q. These were texts -- I think I may have the wrong reference,
 10 actually. Would you give me a moment?
 11 A. Yes, ma'am.
 12 Q. (Pause) My Lord, I am sorry. I got distracted because I have
 13 managed to pour water all over my papers. (Pause) It is
 14 tab 3. It is entirely my fault. Tab 3 can you go to, please?
 15 A. Yes.
 16 Q. This is a conversation between you -- that is Kate at the top
 17 -- and Ms. Heard on 24th May 2014. You received these texts
 18 from Ms. Heard, I suggest, after she had been on a plane
 19 journey with Mr. Depp. Do you remember a plane journey?
 20 A. Correct.
 21 Q. Sorry?
 22 A. Correct.
 23 Q. Do you remember contacting Ms. Heard after she had returned on
 24 a plane journey from Boston, having travelled from New York,
 25 where she was filming The Adderall Diaries with James Franco?

[Page 1225]

1 JAMES - WASS
 2 A. I believe she contacted me first, ma'am.
 3 Q. She contacted you. What she says here ----
 4 A. Yes.
 5 Q. ---- in the text, and I will read it, is: "I have to leave
 6 JD. He's just freaked out on me. He is drinking again. It's
 7 bad, worse than ever. I need out. ...(reads to the words)...
 8 Please, Stephen will help arrange". Then, the next text
 9 reads: "Also, can you please see if you can redirect all of
 10 his texts to me to Whitney's phone, or just block him
 11 entirely. I need to make this move". Having seen those
 12 texts, are you reminded about -- (Pause) Are you reminded
 13 about what the subject-matter was?
 14 A. Yes, I remember the day very clearly, trust me.
 15 Q. Ms. Heard went to stay in a hotel?
 16 A. I do not know why because she had an apartment, but yes.
 17 Q. She had an apartment that she was sharing with Mr. Depp in the
 18 Eastern Columbia Building?
 19 A. No, excuse me, ma'am, she had her own apartment that was still
 20 being paid for and maintained by Mr. Depp, which was on Orange
 21 Avenue. You may have heard of that apartment before.
 22 Q. We have heard of that apartment. I suggest ----
 23 A. That apartment was still fully functioning and liveable, so I
 24 do not know why she went to The Chateau.
 25 Q. She did go to The Chateau, as you call it, the hotel?

[Page 1226]

1 JAMES - WASS
 2 A. Yes, she went to The Chateau with four of her friends and they
 3 basically had a pool party all day.
 4 Q. She had friends who were supporting her in a traumatic event?
 5 A. And drinking and swimming and sunbathing and having fun.
 6 Q. Ms. James, do you think, when you consider Ms. Heard, you are
 7 able to be objective and impartial and fair?
 8 A. Uh-huh.
 9 Q. Or do you think you are bitter and twisted and have been
 10 influenced by Mr. Depp and his associates, who have encouraged
 11 you to give this vicious evidence against Ms. Heard?
 12 A. Absolutely not. I am gainfully and happily employed for the
 13 past five years to one of the nicest people I have ever met.
 14 I am extremely happy and content in my life. I am here for my
 15 own reasons and you know what those reasons are by reading my
 16 second witness statement. I am a sexual violence survivor and
 17 it is very, very serious to take that stance if you are not
 18 one, and I am one, and so that is the reason I am here.
 19 Because I take offence ----
 20 MR. JUSTICE NICOL: Ms. James ----
 21 A. ---- at somebody ----
 22 Q. Ms. James, I have understood your answer. Could I ask you
 23 again, please, to confine yourself to answering the questions
 24 that Ms. Wass or Mr. Sherborne put to you.
 25 MS. WASS: My Lord, in the light of the answers I have had, I do

[Page 1227]

1 JAMES - WASS
 2 not propose to ask any more questions of this witness.
 3 MR. JUSTICE NICOL: Yes.
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[40] (Pages 1224 to 1227)

[Page 1228]

1 JAMES
 2 RE-EXAMINED BY MR. SHERBORNE
 3 MR. SHERBORNE: Ms. James, it was put to you by Ms. Wass that you
 4 had been procured, I think is perhaps the best way of
 5 summarising it, procured by Mr. Depp and his associates,
 6 I wrote down, to come here and give false evidence on their
 7 behalf and your answer was, no, you had your own reasons why
 8 you wanted to come and give the evidence, and you referred to
 9 your second witness statement. Can you just very briefly
 10 explain what you meant by that?
 11 MS. WASS: Can I raise a matter with my Lord, because this matter
 12 may well have to be the subject of a private hearing. I did
 13 alert Mr. Sherborne's instructing solicitor before this matter
 14 came to court this afternoon.
 15 MR. SHERBORNE: Before we do that and ask everybody to leave, if
 16 your Lordship looks at the second witness statement of
 17 Ms. James ----
 18 MR. JUSTICE NICOL: This is in ----
 19 MR. SHERBORNE: It is file 2 and it is tab 59D, E, sorry. (Pause)
 20 You will see that Ms. James refers to -- it is D238.
 21 MR. JUSTICE NICOL: Just a minute.
 22 MR. SHERBORNE: You will see there, at paragraph 4, that Ms. James
 23 is referring to Ms. Heard's statement, an open statement made
 24 by Ms. Heard. Sorry, I did not have a chance to look at this
 25 until it was raised just as I came into court, but it is a

[Page 1229]

1 JAMES - SHERBORNE
 2 response to paragraph 43 of Ms. Heard's fifth witness
 3 statement, which is a public witness statement. There is
 4 nothing confidential about it. So, I do not really understand
 5 why Ms. James cannot -- she then goes on at paragraphs --
 6 Ms. James, I do not know if you have this in front of you, do
 7 you?
 8 A. No, sir, I do not. Which tab is it?
 9 Q. It is tab 59E, or is it F? It is E, sorry, I was right. It
 10 is 59E. Do you see at the bottom, at D238, that you are
 11 referring to paragraph 43 of Ms. Heard's fifth witness
 12 statement? Do you see that?
 13 A. Yes.
 14 Q. And then over the page, you explain why it is that you take
 15 exception to that story. Can I just ask you this. Have you
 16 seen Ms. Heard's fifth witness statement?
 17 A. Have I seen her -- which witness statement?
 18 Q. The fifth witness statement you refer to?
 19 A. Yes, I have, sir.
 20 Q. I am just going to ask you a question. Just say yes or no,
 21 please, to the next question. Have you seen any confidential
 22 statements that Ms. Heard has made in these proceedings?
 23 A. No, sir.
 24 MR. SHERBORNE: My Lord, that is why. I do not understand why we
 25 are being asked to go into private. Ms. James, just very

[Page 1230]

1 JAMES - SHERBORNE
 2 briefly, can you explain why you took exception to what
 3 Ms. Heard had said in her fifth witness statement?
 4 A. Because Ms. Heard referred to a conversation we had about me
 5 being violently raped at a certain point in Brazil and she
 6 used that as her own story.
 7 Q. Ms. James, just a bit slower, otherwise the judge cannot take
 8 a note.
 9 A. Sorry. She referred directly to a violent rape that occurred
 10 to me 26 years ago, and she twisted it into her own story and
 11 she used it for her own use.
 12 Q. You say that in paragraph -- sorry, I will wait for his
 13 Lordship to finish that. (Pause)
 14 MR. JUSTICE NICOL: Yes.
 15 MR. SHERBORNE: This is the last question I am going to ask you
 16 about this. In paragraph 7 of your witness statement, just
 17 summarising, you say this: "As I perused the documents, much
 18 to my utter shock and dismay, I discovered that Ms. Heard had
 19 stolen my sexual violence conversation with her and twisted it
 20 into her own story to benefit herself."
 21 A. Correct.
 22 Q. I am just going to ask you a few more questions. You were
 23 asked by Ms. Wass about Mr. -- sorry, I am a very long way
 24 away from the microphone. I think you heard what I said,
 25 probably because I was speaking quite loudly, but I can now

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1 JAMES - SHERBORNE
 2 speak less loudly. You were asked by Ms. Wass about
 3 Mr. Franco and what Ms. Heard has said about Mr. Franco.
 4 A. Yes.
 5 Q. And you used the word "rapey"?
 6 A. Yes.
 7 Q. Is that a word that you heard Ms. Heard use or someone else
 8 use?
 9 A. Ms. Heard. She talked about it to me as well.
 10 Q. I think you were then shown a text. You were asked how long
 11 ago you last spoke to Mr. Depp and you said five years ago,
 12 I think.
 13 A. Yes.
 14 Q. Then you were shown a text which you said was the only time
 15 you heard from him. That was four years ago.
 16 A. Yes.
 17 Q. And then you were shown a text from Ms. Heard in 2014 about
 18 after she had had a flight with Mr. Depp?
 19 A. Yes.
 20 Q. I think you also said -- sorry to ask you three questions in
 21 one and if you want me to break it down, I will -- you also
 22 said that you used to receive texts from Ms. Heard, very often
 23 between two and four o'clock in the morning, when you thought
 24 she was drunk and drunk-texting you?
 25 A. Yes, sir.

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1 JAMES - SHERBORNE
 2 Q. I wonder if you can help us with this, Ms. James. We have
 3 very, very few texts between you and Ms. Heard and I think
 4 I am right in saying -- I will be corrected if I am wrong --
 5 only the ones that Ms. Heard has provided to the defendants
 6 for use. Can you help us at all as to why there are so few
 7 texts?
 8 A. Because I was ----
 9 MR. JUSTICE NICOL: Well, just a minute, please, Ms. James. Just
 10 a minute. I am not sure whether -- all right. You ask the
 11 question.
 12 MR. SHERBORNE: Ms. James, do you know why it is that there are
 13 only a few texts that we have between you and Ms. Heard?
 14 A. Yes, because I was using a phone that was logged into her
 15 iCloud account, so I could update her calendar, and then when
 16 she terminated my employment, she deleted all of the texts out
 17 of the Cloud, any texts that were abusive. Of course, she
 18 saved obviously the ones that were not.
 19 MR. SHERBORNE: If you just give me a moment, Ms. James, I am just
 20 going to check whether there are any other points that
 21 Ms. Wass challenged in your evidence so I can give you an
 22 opportunity to deal with them. I think finally this,
 23 Ms. James. Have you come to this court to lie on Mr. Depp's
 24 behalf?
 25 A. Absolutely not.

[Page 1233]

1 JAMES - SHERBORNE
 2 Q. Have you come to this court to lie at all, Ms. James?
 3 A. Absolutely not.
 4 Q. Did you have to come and give evidence?
 5 A. Well, I was subpoenaed, so yes, I believe that is a legality
 6 of being subpoenaed.
 7 Q. Since you left Ms. Heard's employment, have you been
 8 unemployed?
 9 A. I have had the best job of my life for the past five years
 10 with one of the kindest men in Hollywood, so I am very
 11 grateful and very blessed.
 12 Q. Can I ask you this one question. Before you were employed by
 13 Ms. Heard, was she the first well-known person that you have
 14 ever been employed by in Hollywood?
 15 A. She was probably the least known person I have ever worked for
 16 in Hollywood, to be honest.
 17 MR. SHERBORNE: Thank you very much, Ms. James. I have no further
 18 questions.
 19 THE WITNESS: You are welcome, sir. Thank you, my Lord.
 20 MR. JUSTICE NICOL: Just a minute. Ms. James, may I repeat what
 21 I said to you at the beginning, which is to thank you for
 22 coming to give your evidence and thank you for doing it at
 23 what may have been an uncomfortable time. We are going to
 24 terminate the link now, but thank you again. All right.
 25 THE WITNESS: It is my pleasure, thank you, my Lord.

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1 JAMES - SHERBORNE
 2 MR. JUSTICE NICOL: Thank you.
 3 (The witness withdrew)
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[Page 1235]

1 DISCUSSION
 2 MR. SHERBORNE: My Lord, we have finished somewhat ahead of time.
 3 MR. JUSTICE NICOL: Yes.
 4 MR. SHERBORNE: Which is a novel experience and makes up, perhaps,
 5 for the late hours we have kept the court staff.
 6 MR. JUSTICE NICOL: Right. Tomorrow, let me have a look at the
 7 schedule, what is on tomorrow?
 8 MR. SHERBORNE: Well, my Lord, we have ----
 9 MR. JUSTICE NICOL: Unless it has changed.
 10 MR. SHERBORNE: I have to have a think overnight about
 11 rescheduling, but at the moment we have Mr. Bett and
 12 Ms. Paradis in the morning.
 13 MR. JUSTICE NICOL: Mr. Bett is giving evidence here.
 14 MR. SHERBORNE: In London, yes.
 15 MR. JUSTICE NICOL: Live. Ms. Paradis is giving evidence via a
 16 video link.
 17 MR. SHERBORNE: My Lord, yes.
 18 MR. JUSTICE NICOL: And then we have?
 19 MR. SHERBORNE: Mr. Jenkins by way of video link; Mr. Romero by
 20 way of video link; and Ms. (Unclear) -- sorry, I think she has
 21 been moved to Friday. I did want to check before I gave
 22 your Lordship -- perhaps we can deal with this in the morning.
 23 MR. JUSTICE NICOL: Perhaps we could. All right.
 24 MR. SHERBORNE: Thank you.
 25 MS. WASS: Can I raise one matter if Mr. Sherborne is finished.

[Page 1236]	[Page 1238]
<p>1 DISCUSSION</p> <p>2 My Lord may remember there was an application to strike out</p> <p>3 parts of Ms. James's full statement earlier this year.</p> <p>4 MR. JUSTICE NICOL: Help with this, that was relating to her</p> <p>5 second witness statement, was it not?</p> <p>6 MS. WASS: No, it was her first witness statement which became</p> <p>7 very much shorter.</p> <p>8 MR. JUSTICE NICOL: Remind me, where is her first witness</p> <p>9 statement?</p> <p>10 MS. WASS: I do not think it is in the bundle.</p> <p>11 MR. SHERBORNE: Do you mean the witness statement before the court</p> <p>12 now?</p> <p>13 MR. JUSTICE NICOL: Yes.</p> <p>14 MR. SHERBORNE: That should be in D.</p> <p>15 MR. JUSTICE NICOL: Can you give me the tab number.</p> <p>16 MR. SHERBORNE: 56, my Lord.</p> <p>17 MS. WASS: The document that I am referring to is the one that was</p> <p>18 the subject of the strike-out, which is a much longer</p> <p>19 statement.</p> <p>20 MR. JUSTICE NICOL: Yes. But I want to stay with what we have at</p> <p>21 D56 at the moment.</p> <p>22 MR. SHERBORNE: D56, my Lord.</p> <p>23 MR. JUSTICE NICOL: Volume 2, tab 56.</p> <p>24 MR. SHERBORNE: My Lord, yes.</p> <p>25 MR. JUSTICE NICOL: There was some argument, and I thought that</p>	<p>1 DISCUSSION</p> <p>2 MS. WASS: There was a very lengthy statement prepared by</p> <p>3 Ms. James which was the subject of a strike-out application.</p> <p>4 My Lord gave a very detailed judgment in respect of that</p> <p>5 statement, the hearing was dated 13th May 2020, the date of</p> <p>6 the judgment was 18th May 2020. In paragraph 27(xiv), my Lord</p> <p>7 refers to paragraph 19 which covers the iCloud and abusive</p> <p>8 texts and my Lord's words in the judgment are: "Ms. Heard</p> <p>9 sending abusive texts to Ms. James and being cross when</p> <p>10 Ms. James sent her an SMS message, this is irrelevant or</p> <p>11 disproportionate and may not be adduced by the claimant."</p> <p>12 That is exactly what Mr. Sherborne has put to the witness.</p> <p>13 MR. JUSTICE NICOL: Where do you say the statement that I have at</p> <p>14 tab 256 infringes that decision? What is the part of the</p> <p>15 witness statement that ----</p> <p>16 MS. WASS: It was adduced in re-examination by my learned friend.</p> <p>17 It is not in the statement, because my Lord ordered that it</p> <p>18 should be struck out. Mr. Sherborne has put it in, in</p> <p>19 re-examination, talking about the deleted iCloud account.</p> <p>20 That is paragraph 19 in the unedited statement, that was the</p> <p>21 subject of a ruling of 18th May, after the hearing of</p> <p>22 13th May.</p> <p>23 MR. JUSTICE NICOL: Yes.</p> <p>24 MR. SHERBORNE: Can I deal with this, can I explain?</p> <p>25 MR. JUSTICE NICOL: Yes.</p>
<p>1 DISCUSSION</p> <p>2 there was a direction from me that what should be provided was</p> <p>3 a revised statement. That is what I have at 256, is it?</p> <p>4 MR. SHERBORNE: My Lord, yes, it is.</p> <p>5 MR. JUSTICE NICOL: Yes. Sorry, Ms. Wass, what did you want to</p> <p>6 say?</p> <p>7 MS. WASS: My Lord, I had understood that the question of deleted</p> <p>8 texts from iCloud were in the longer statement at</p> <p>9 paragraph 19, which was the subject of a strike-out. I will</p> <p>10 read it, because it is not in the version that my Lord has.</p> <p>11 Perhaps I should not read it, it refers to: "I discovered</p> <p>12 later she had gone ahead" -- page 6, paragraph 19. (Pause)</p> <p>13 The iCloud account evidence was the subject of a strike-out,</p> <p>14 as I understand it. What I have in my Lord's judgment is</p> <p>15 paragraph 19: "Ms. Heard sending abusive texts to Ms. James</p> <p>16 and being cross-examined as to when she sent her an SMS</p> <p>17 message, this is irrelevant or disproportionate and may not</p> <p>18 adduced by the claimant." It has been put in</p> <p>19 re-examination ----</p> <p>20 MR. JUSTICE NICOL: Do you say that is in, despite my ruling</p> <p>21 somewhere in what I have at 256?</p> <p>22 MR. SHERBORNE: No, my Lord. It is not in the statement.</p> <p>23 MR. JUSTICE NICOL: Let one person talk at a time.</p> <p>24 MS. WASS: Can I take it in stages.</p> <p>25 MR. JUSTICE NICOL: Ms. Wass.</p>	<p>1 DISCUSSION</p> <p>2 MR. SHERBORNE: Your Lordship will see it is not in her witness</p> <p>3 statement, we did not adduce the evidence in her witness</p> <p>4 statement, which is why it is not there. Ms. Wass then took</p> <p>5 her and started asking her about how much she drank. First</p> <p>6 she put to her, Mr. King's evidence, that she drank two</p> <p>7 bottles. Then Ms. Wass realised she had actually just</p> <p>8 confirmed with another witness what was said about drink, so</p> <p>9 she said she drank a lot, and she challenged Ms. James.</p> <p>10 Ms. James came out with the evidence that your Lordship had</p> <p>11 struck out, this is the problem sometimes, you had struck it</p> <p>12 out obviously as evidence-in-chief, but there is nothing to</p> <p>13 stop Ms. James responding to a challenge about how much she</p> <p>14 drank, by saying she would get a barrage of text messages</p> <p>15 between two and four in the morning, which is the bit that</p> <p>16 your Lordship took out. Unfortunately, because of the way she</p> <p>17 was cross-examined, Ms. James answered it and was perfectly</p> <p>18 entitled to.</p> <p>19 MR. JUSTICE NICOL: I have now given so many judgments in this</p> <p>20 case, that I am tending to forget them. I think I said on the</p> <p>21 subject of Ms. James's statement, if matters came out in</p> <p>22 cross-examination, then I was not going to restrict what could</p> <p>23 be put in re-examination.</p> <p>24 MR. SHERBORNE: Yes, and even if your Lordship did not say it</p> <p>25 explicitly, it is inherent in the process. I am sure Ms. Wass</p>

[43] (Pages 1236 to 1239)

1 DISCUSSION
2 realises that.
3 MR. JUSTICE NICOL: All right. Thank you.
4 MR. SHERBORNE: I have nothing further to say.
5 MR. JUSTICE NICOL: Ms. Wass, at the moment, subject to anything
6 further that you want to say, I am inclined to agree with
7 Mr. Sherborne.
8 MS. WASS: My Lord, I have raised the objection. Perhaps the
9 proper way of proceeding would have been to alert the court
10 that Mr. Sherborne was intending now to put matters that were
11 the subject of the strike-out in evidence, rather than going
12 ahead straightaway and then it could have been the subject of
13 some debate.
14 MR. JUSTICE NICOL: All right. There we are. Okay. I do not
15 propose to do anything further about it now. I have heard
16 your points. I am with Mr. Sherborne on this.
17 MR. SHERBORNE: It is still 4.25, my Lord.
18 MR. JUSTICE NICOL: You are keeping a close eye on the clock,
19 Mr. Sherborne! I do not want to dissuade you from doing that.
20 MR. SHERBORNE: Your Lordship gave us what you said was a gentle
21 marker yesterday. I am hoping not to raise the level of the
22 marker.
23 MR. JUSTICE NICOL: Good. 10 o'clock tomorrow.
24 (Adjourned till 10 a.m. tomorrow morning)
25

A	accept 1101:3	adduced	aggression	1187:18,19	alternatively
a.m 1165:4,5,6	1101:6	1237:18	1184:20	1191:16	1183:19
1165:7	1138:5	1238:11,16	aggressive	1213:24	Amber
1223:22,22	1223:2	Adjourned	1217:23	1216:2	1080:25
1240:24	accepted	1167:17	1218:2	1217:6	1094:23
ability 1194:12	1215:16	1240:24	Agitated	1220:16,21	1108:4,6,9
able 1077:21	ACCESS 0:22	adjournment	1164:11	1221:5	1133:8
1087:6	accidentally	1167:20	ago 1076:15	1240:6	1134:24
1100:3	1131:10	administrative	1080:15	agreed 1075:19	1135:18
1107:11	accompany	1071:20	1122:18	1088:2	1136:9
1108:21	1095:23	1092:8	1145:9	1091:13	1148:10
1129:10	1102:20	administrati...	1220:23	1175:9	1149:12
1139:11	accompanying	1072:13	1230:10	1203:11	1150:2
1141:16	1102:6	admitted	1231:11,11	agreement	1151:3
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1174:22	1100:14,16	admitting	1085:22	ahead 1235:2	1160:15
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1219:20	accusations	1196:21	1134:3	1102:3,9	1190:25
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1104:21	1184:19	1101:10	1143:6	1079:25	1204:3
1105:17	acting 1218:11	affairs 1215:11	1144:10,22	1080:2	1212:3
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1193:12	1216:4	afraid 1084:7	1170:3,10,16	allocated	1191:21
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abusive	additional	afternoon	1172:4,8	1148:6	1139:25
1223:22	1155:3	1164:21	1173:4	1198:12	amount
1232:17	1168:20	1166:21,24	1177:9	allowed	1082:11
1237:15	addressed	1167:9,14	1178:9	1197:21	1121:18
1238:7,9	1190:21	1168:21,22	1182:8	altered	amounts
	adduce 1239:3	1228:14	1183:7	1098:16	1162:7

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